

“Anti-Counterfeiting Measures”

Chapter 2. Anti-Counterfeiting Measures in Japan

Civil action

(Narrator)

In civil procedures, if both parties intend to negotiate, the right holder first sends a warning letter.

(Narrator)

If the right holder plans to take the case to court, they can institute a civil action to request an injunction or claim damages. The measures to be taken should be decided after considering how Japanese laws apply to the holder's IP rights and to the kind of damage.

(Sakura)

Now let's look at the kind of Japanese laws related to anti-counterfeit measures.

(Narrator)

In Japan, IP rights are not protected by a single law. Instead, a number of laws, including the Patent Act, the Utility Model Act, the Design Act, the Trademark Act and the Copyright Act, contain provisions regarding infringement. In addition, the Unfair Competition Prevention Act applies; for litigation there is the Civil Code and the Code of Civil Procedure; and the Penal Code is applicable where criminal penalties are involved. There are also provisions for protecting IP rights in the Customs Act and the Provider Liability Limitation Act. Which of these many laws is applicable depends on factors such as the kind of counterfeit, the rights held, and what measures are to be taken.