

**S**HUSAKU YAMAMOTO is pleased to present its eighteenth issue of *I.P. JAPAN®*. We begin with an important Message from Founder-Owner, Shusaku Yamamoto, Esq. We explain the Patent Prosecution Highway and how U.S. applicants can expedite, not replace, examination of eligible Japanese patent applications using USPTO patentability documents. Next, we discuss several critical 2007 Intellectual Property High Court of Japan (IPHCJ) & Osaka High Court trademark and unfair competition decisions regarding distinctiveness, 3D trademark registrability, dissimilarity, OTC drug trade dress protection and a recap of anti-counterfeiting developments. We conclude with an important discussion on a landmark Intellectual Property High Court decision where a Japanese innovator drug company used its crystal form patent against generic drug maker even though its compound patent expired 5 years earlier. As always, we hope that the topics explored in the current issue of *I.P. JAPAN®* will be of interest to all our cherished clients and associates. Enjoy reading!

## ISSUE HIGHLIGHTS

### Patent Prosecution Highway

★★ *Expedite, Not Replace, Examination*

### Recent High Court Trademark & Unfair Competition Highlights

- ★★ *IPHCJ Refuses to Register Multi-Million Dollar Beer Mark*
- ★★ *IPHCJ Flexible in Dissimilarity Examination of Marks*
- ★★ *IPHCJ Outlines 3D TM Requirements*
- ★★ *Record Year of Counterfeit Seizures*
- ★★ *OTC Drug Trade Dress Denied Protection by Osaka High Court*

### Pharmaceutical Crystal Form Patent Litigation

- ★★ *IPHCJ Delivers Crystal Form Patent Victory to Japanese Innovator Drugmaker over Generic manufacturer*

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*I.P. JAPAN®* is only intended to highlight general issues and not a substitute for legal advice. Should you have any specific questions on Japanese IP matters, please get in touch with us at:

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