

Internet Number Case
IP High Court
Case H20 (Ne) 10085, Judgment on March 24, 2010 (H22)

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FACTS

An appellant of the case is a holder of JP Patent Registration No. 3762882 “ACCESS MANAGEMENT AND MONITOR SYSTEM FOR INTERNET SERVER”. The appellant claimed that services relating to internet services in Japanese, provided by the appellee, are infringing the present patent right, and requested an injunction against the subjected services. However, the appellee asserted that since part of the requirements of the present patent invention is implemented by a client, the subject of the act would be a user, and therefore the appellee who provides services via the server would not be the subject of infringement for the present patent right. The requirements of the issue are as follows.

Requirement B: Step of providing an identifier that corresponds to a single target URL to the client.

Requirement F: Step of returning a page identified by the URL to the client.

ISSUE

The issue here is whether or not an entity providing services via a server would be a subject of infringement when the subject of the requirement with regard to the method patent includes both server and client.

HOLDING

Firstly, the judgment as for the satisfiability of the requirements is that the method of providing access by the appellee (hereinafter called “appellee’s method”) belongs to the technical scope of the present invention, without considering the subject of the respective requirements.

As for the subject of infringement, considering that the name of the present invention being “ACCESS MANAGEMENT AND MONITOR SYSTEM FOR INTERNET SERVER”, and from the description in the patent claims, it is obvious that “access” of the present invention is performed by “the client via computer network

comprised of internet” to the “information page of the server system”. Thus the steps according to the requirements B and/or F are understood as steps to determine “access” steps provided by the present invention, and hence the subject implementing the present invention is understood to be the appellee who is implementing the “method of providing access”.

The present invention is not an invention of “access”, but an invention of a “method of providing access”, and it cannot be said that the patent right pertaining to the present invention cannot be infringed without an access by the client. Further, as long as a “method of providing access” according to the present invention is provided, the client can access a target information page only within the range of an access method provided by the appellee, and whether individual accesses by the client belongs to the technical scope of the present invention or not does not depend on the subjective act of the client. Therefore, it should not be understood that an act of implementing the present invention of a “method of providing access” is complete only with the individual act of the client. So long as the appellee’s method belongs to the technical scope of the present invention, an act of provision pertaining to the appellee’s method should be determined as an act of implementing the present invention.

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Original document (Japanese):

http://www.courts.go.jp/app/files/hanrei_jp/020/080020_hanrei.pdf

English translation:

N/A

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