

# Preface

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This book is the result of collaborations between European and Asian scholars who participated in a ten-year project co-sponsored by the Research Center for the Legal System of Intellectual Property (RCLIP) ([http://www.21coe-win-cls.org/rclip/e\\_index.html](http://www.21coe-win-cls.org/rclip/e_index.html)) at Waseda Law School in Tokyo, Japan and the Center for Advanced Study and Research on Intellectual Property (CASRIP) (<http://www.law.washington.edu/Casrip/>) at the University of Washington, School of Law (UWLS) in Seattle, Washington, U.S.A. I had the pleasure of working with Professor Ryu Takabayashi, Director of RCLIP, and his colleagues when I taught comparative IP classes at Waseda Law School as a visiting professor from 2004 to 2011. RCLIP received funding from the Japanese government to develop a database on IP cases from major jurisdictions in Asia and Europe ([http://www.globalcoe-waseda-law-commerce.org/rclip/db/search\\_form.php](http://www.globalcoe-waseda-law-commerce.org/rclip/db/search_form.php)). By making the database publicly accessible free of charge and by sponsoring a number of conferences, RCLIP promoted a comparative law study of IP among not only Japanese scholars but also IP professionals and scholars in other Asian countries and Europe.

CASRIP co-sponsored many such conferences with RCLIP in both Tokyo and Seattle and contributed articles and book chapters for publication based on these conferences. It also translated more than 1500 cases from France, Germany, Italy and Spain and collected approximately 400 cases from India and the U.K. by working with scholars from these countries. These cases have been incorporated into the RCLIP IP case law database. Through discussions with scholars from various countries, I identified many aspects of IP systems that are deeply influenced by common law and civil law traditions. Thus, this book discusses these aspects and examines whether such aspects should remain diverged despite increasing efforts in world harmonization, or whether they should find a common ground for further harmonization.

Many of the contributors in this book are RCLIP database contributors who collected cases from the country of their expertise and/or are speakers for the conferences co-sponsored by CASRIP and RCLIP. Throughout the years, while working on the development of the database, I have formed friendships with the contributors and learned from them about

their IP systems. The database project and the CASRIP-RCLIP collaboration will celebrate its tenth anniversary in April 2013. As a memento of the celebration, I asked my friends and colleagues to write an essay on the issues I identified as being influenced by common law and civil law traditions. I am very pleased and proud to share our experiences and research results with the readers of this book.

Before concluding this preface, I would like to thank my colleague, Professor Ryu Takabayashi, for giving me the opportunity to participate in the database project. With his leadership and guidance, the database started as a collection of cases from Asian countries and then expanded to collect cases from Europe. Now, CASRIP is planning to collect cases from Russia, Brazil and South Africa and looks forward to working with scholars in these jurisdictions for the next decade. Moreover, I would like to thank all the contributors and my research assistants, UWLS JD students who edited book chapters, particularly, Mr. Hiroshi Okazawa, Mr. Koji Tauchi and Mr. Yoshinari Oyama, UW IP Law & Policy LL.M. graduates and CASRIP visiting scholars, who oversaw the entire editing process. Finally, I would like to thank my husband, Hisato, for his forbearance and continuous support for my work.

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