



模倣品対策と知的財産権行使

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企業が知的財産権を取得する主要な目的として、模倣品対策と権利行使があります。ビジネスのグローバル化、技術のオープン化により、あらゆる市場において模倣品のリスクが高まっていることは言うまでもありません。

そこで本号では、知的財産権の存在意義の原点に立ち返り、「模倣品対策と知的財産権の権利行使」という視点を定め、世界中の知財専門家の皆様の様々な立場からの論考を募集いたしました。

ご寄稿いただいた論考の具体的なテーマは、模倣品対策関連では「各国・地域における模倣品対策の法制度と運用実態」「オンライン販売での模倣品流通実態と取り締まり」「税関での水際取締状況」「デジタル製品の無形化による課題と対策」などが、また、権利行使関連では、「各国・地域での権利行使事例と判例分析」「SEP(標準必須特許)をめぐる国際動向と紛争」「AIなどの新技術分野での権利行使の課題」「損害賠償金算定をめぐる最新動向」など多岐にわたり、興味深い様々なテーマが、それぞれ広く深く論じられております。

模倣品や権利行使は複雑化が進む一方で、企業には知的財産権を適切に保護し活用することが強く求められています。この分野の最新情報や実務上の示唆に富んだ内容のご寄稿により、本号が、知的財産分野の実務家、研究者の皆様のお役に立つようであれば幸いです。

Anti-Counterfeiting and Enforcement of Intellectual Property Rights

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One of the primary purposes for companies to acquire intellectual property rights is to combat counterfeit products and enforce their rights. Needless to say, the globalization of business and the opening of technology have increased the risk of counterfeit products in all markets.

Therefore, in this issue, we have decided to go back to the starting point of the *raison d'être* of intellectual property rights and set our sights on “anti-counterfeiting and enforcement of intellectual property rights,” and invited intellectual property experts from around the world to contribute essays from various perspectives.

The specific themes of the essays were : “Legal systems and actual operation of anti-counterfeiting measures in each country and region,” “Actual distribution of counterfeit products in online sales and crackdowns,” “Customs border control,” and “Challenges and measures due to the intangible nature of digital products” in relation to anti-counterfeiting measures ; and “Examples of enforcement of rights in each country and region and analysis of precedents” in relation to enforcement of rights. In the area of patent enforcement, the topics include “Examples of patent enforcement in various countries and regions and analysis of precedents,” “International trends and disputes over SEPs (Standard Essential Patents),” “Issues of patent enforcement in new technology fields such as AI,” and “Recent Trends in Calculation of Damages,” etc. The topics are discussed widely and in depth.

While counterfeit products and enforcement of rights are becoming increasingly complex, there is a strong need for companies to properly protect and utilize their intellectual property rights. We hope that this issue will be useful to practitioners and researchers in the field of intellectual property through the contributions of the latest information and practical suggestions in this area.