

NACHRUF / OBITUARY

DR. SHŌEN ONO (1932–2018)



With the death of Dr. Shōen Ono, Japan loses its foremost scholar in the field of trademark and unfair competition law, an outstanding personality, and a man whose generosity helped generations of foreign students to study in Japan.

It is rare that an academic, let alone an attorney, is presented with three Festschriften written in his honour: Dr. Ono received the first when he turned 60 (*Hanrei fusei kyōsō boshi-hō*, 1992, a compilation of leading cases in the field of unfair competition), the second when he turned 70 (*Chiteki zaisan-hō*

no keifu 2002, a historical overview over the various fields of IP), and the third when he turned 77 (*Ono Shōen kujikinen*, 2009, a compilation and commentary on 200 leading IP cases since 1950).

The three Festschriften correspond to three outstanding achievements of Dr. Ono.

First, his continuous development of trademark and unfair competition law over more than 60 years: Working not only as an attorney in private practice (he was called to the bar at the young age of 23), in the evening hours he was as an academic, authoring books on unfair competition prevention law (*Fusei kyōsō boshi-hō*, 1961) and trademark law (*Shōhyō-hō*, 1965) as well as his doctoral thesis on trade secrets (*Eigyō himitsu no hogo*, 1968), this at a time when hardly any law professor obtained such a degree. He later edited what immediately became the standard commentaries on trademark and unfair competition law (*Chūkai shōhyō-hō*, 1st edition 1994, *Chūkai fusei kyōsō boshi-hō*, 1st edition 1990).

Second, his scholarly approach to the whole field of intellectual property law. After his first visit to the Munich Max Planck Institute in the early 1970s, he asked whether he could adopt the Institute's classification system, according to which he then systematically compiled and catalogued all Japanese IP publications between 1945 and 2003 (*Mutai zaisan-kenhō*

bunken mokuroku, 1st volume 1982, 2nd volume 1985, 3rd volume 1992, and 4th volume 2003). As the books (unsurprisingly) did not sell, he bought the whole edition from the publisher and stocked the books in his garage.

Third, his outstanding merit in fostering the exchange of academics and practitioners in the Kansai area and in promoting international cooperation: Generations of foreign students and scholars lived in one of his houses and were given generous support. Encompassing students from Western countries in the 1970s and 1980s, and later students from Asia (China, Korea, Indonesia and Malaysia), he did not mind what they studied: Japanese law, intellectual property, Islamic scholarship. What mattered was that they had come to learn. In 1972 John Haley became the first of these students. For six months he worked in the Ono Law Office at a desk next to Dr. Ono's. Haley recalls spending more time and benefiting far more from Dr. Ono's insightful descriptions of the legal profession and various aspects of the legal system than any contribution he may have made in return. As he noted in his dedication to Dr. Ono in his award winning book *Authority without Power: Law and the Japanese Paradox* (Oxford University Press, 1991), subsequently translated under the auspices of the Supreme Court and distributed to judges throughout Japan: "Few Japanese lawyers have been as generous in friendship and support of foreign students in Japan."

Between 1990 and 1992, Insan Budi Maulana and Christopher Heath had the privilege of living in his new house, which Dr. Ono had built in Rokko for foreign students who studied in the Kansai area or worked in his office. Over lunch, Dr. Ono could relate more about trademark law than one could ever learn at university ("Do you know what the difference is between *kaiten sushi* and *mawari sushi* and why one of these terms is registered as a trademark?").

Dr. Ono was universally respected and widely revered amongst the IP community in Japan. Some found his sharp wit and stringent logic intimidating, but these traits of character were always tempered by his magnanimity and a good sense of humour.

Dr. Ono is survived by his wife, three children, and four grandchildren.

John O. Haley

Christopher Heath

Insan Budi Maulana