JPO 縁 ENISHI

September 2012
No. 1

IP Friends Connections

This Magazine is published as part of the Intellectual Property Cooperation in Human Resource Development Program of the Japan Patent Office. The aim of this Magazine is to follow up on training programs through the dissemination of information to IP Friends, those who have completed training courses of the above program.
We very much hope that the information in this publication related to intellectual property, and the comments from either IP Friends or lectures, will prove beneficial to you in your work.

JAPAN PATENT OFFICE

【The meaning of 縁 (Enishi)】
"Enishi" refers to the bond created between people when encountering someone they were destined to meet. We have chosen this term as the title for our publication because we are all members of the Intellectual Property community, and the bonds created between us extend beyond national borders. We hope that you will use this informative publication to deepen the "Enishi" you have created with your IP Friends.

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Message from Regional Policy Office, International Affairs Division, JPO

Dear "IP Friends",

We are pleased to send a greeting from the JPO to all of you, hoping that each one of you has been very well and happy while taking a central role in IP activities as one of the experts working on international IP issues under the global IP system.

In recent years, various problems such as the environment, population, economic disparities, conflicts and infectious diseases have been recognized as issues that our globalized society needs to deal with. These are important issues in terms of achieving sustainable development of our entire international society.

The IPR system is an important factor in solving problems relating to economic growth and global-scale challenges. Protecting intellectual property promotes the creation of new technologies and gives people the incentive to develop even more innovations. Furthermore, demands are being made for the creation of an intellectual property system that makes it possible for everyone to optimally utilize existing technologies while smoothly transitioning to using new technologies.

In order to ensure sustainable economic growth in developing countries, in addition, support is needed in terms of establishing a socioeconomic infrastructure as well as planning policies, improving systems and developing human resources. In particular, human resources development is extremely important, since it forms the basis of economic development in developing countries.

The JPO has been actively supporting developing countries in terms of human resources development that improves their IPR systems. This support has been provided to those countries based on the idea that improving the infrastructure for trade and investment in these countries contributes to their economic growth by protecting and strengthening IPRs and increasing direct investments. This support is also provided based on our own experience with the IP Creation Cycle, namely the recurring cycle of creation, protection and utilization of intellectual properties, in order to strengthen global competitiveness.

The history of JPO's support of human resources started in 1979, and from the middle of the 1990s, support was mainly focused on developing IPR systems in the Asia-Pacific region, working toward the implementation of the TRIPS Agreement. In particular, at the APEC 1995 Summit in Osaka, the scheme of training 1,000 people was launched, which became the basis for providing greater support to enhance human resources in developing countries, mainly in the Asia-Pacific region. In the 2000s, the focus of the support shifted to improving the administrative and operational aspects so as to guarantee that the TRIPS Agreement would be implemented. Furthermore, in 2008, in addition to the support that had been given so far to only the Asia-Pacific Region, the JPO started to support development of human re-

sources in Africa and the least developed countries also.

The JPO feels a close bond to all of you who have completed the training courses in Japan, referring to you as "IP Friends." Moreover, we consider all of you "IP Friends" as competent IP experts with promising futures in your countries. We at the JPO wish to continually give all of you the best support we can, considering that you came to Japan, participated in the training courses, and met and exchanged opinions with participants from other countries and the JPO. After that, you returned to your countries to make full use of that experience, working to develop and improve the IPR system in your countries. Please remember that we are always behind you. We are proud of being connected to the sustainable growth of the world economy through your remarkable efforts.

We intend to continue cooperation in the field of human resources development in the future. This means that the circle of "IP Friends" will keep on growing. We would be delighted if you make use of the circle of "IP Friends" not only in terms of work but also in terms of your personal life as well, developing strong friendships.

We hope that "Enishi" will become a valuable and content-rich magazine that will become a bond in uniting the JPO and all the "IP Friends" together.

FY 2012 Training Courses List

FY 2012 Short Training Courses

	Course title	Length	Term
1	(JICA) Biological-patent related technology	1 week	June 14-20
2	(JPO) IP Trainers	3 weeks	June 25-July 13
3	(JPO) Advanced IP Protection Practitioners	3 weeks	July 7-27
4	(JPO) ASPEC Patent Examination Practices	2 weeks	July 23-Augast 3
5	(JPO) Patent Experts	4 weeks	Augast 27-September 14
6	(JPO) Advanced IP Protectionfor Lawyers	3 weeks	September 24-October 12
7	(WIPO) Examination Practice of Industrial Property (Intermediate/Advanced Program)	2 weeks	October 22-November 2
8	(WIPO) Enforcement of Intellectual Property Rights	2 weeks	November 5-16
9	(JICA) Patent Examination Practice for APEC Economies	4 weeks	November 21-December 12
10	(WIPO) Use of Information Technology in Industrial Property Administration	2 weeks	December 3-14
11	(WIPO) Examination Practice of Industrial Property (Basic Program)	3 weeks	January 21-Febrary 1
12	(WIPO) Industrial Property Administration	1 week	Febrary 4-8
13	(WIPO) Patent Examiners in the Field ①	2 weeks	Febrary 13-20
14	(WIPO) Patent Examiners in the Field ②	2 weeks	Febrary 21-28

FY 2012 Middle Training Courses

	Patent Practical and Training Program Tailored	11 weeks	Augast 27-November 9

Report of JPO/IPR Training Course for IP Trainers from APIC

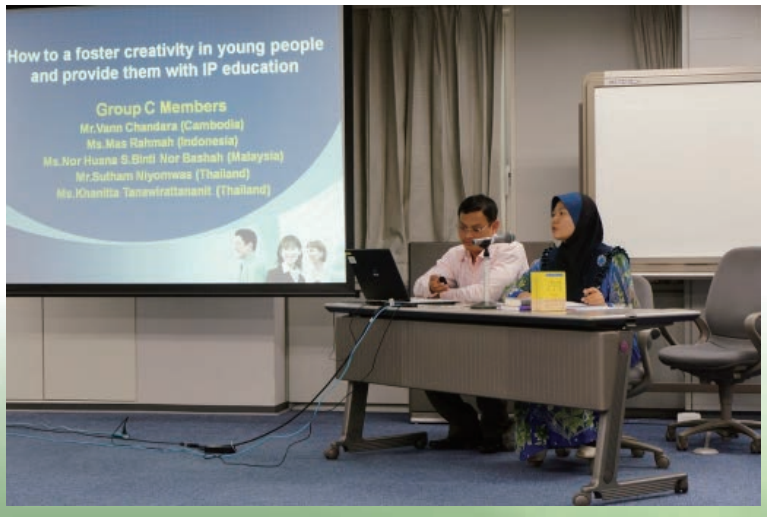
The JPO-IPR Training Course for IP Trainers was held over the three-week period from June 25 to July 13. The training course aimed to enhance the trainees' understanding of the knowledge and methods necessary to disseminate and promote intellectual property rights, as well as provide them with the opportunity to learn to efficiently and effectively promote and pass on intellectual property rights knowledge through exchanges of views among themselves.

The training course is held every year for those who are involved in intellectual property rights education, and/or dissemination and promotion of intellectual property rights systems at universities, research institutions, companies and other organizations in countries and regions of the Asia Pacific who want to acquire further knowledge within this field. This year, 19 participants attended the course from Brazil, Cambodia, China, Indonesia, Malaysia, Mexico, Myanmar, Thailand and Vietnam.

The lectures mainly provided an outline of intellectual property rights-related laws, and dealt with intellectual property rights education and management. The trainees participated enthusiastically, actively asking many questions of lecturers. This year, part of the course was conducted separately in two groups ("general" and "university management"). The former group, which consisted mainly of specialists who disseminate information on intellectual property and provide education to small- and medium-sized businesses and the general public, were taught how to provide guidance according to the needs of the targeted groups. Meanwhile, the latter group was comprised mostly of university staff in technology licensing organizations, who received instruction on how to manage intellectual property at universities.

During the course, ample time was allowed for discussion in addition to lectures, thereby ensuring that participants would be able to fully exchange opinions with one another. Moreover, some lecturers allowed for discussion time in their lectures, with the trainees divided into several groups.

On July 2, the trainees visited the University of Tokyo to attend a lecture about the roles of the Division of University Corporate Relations and TODAI TLO, Ltd. and also tour the the campus. They were highly interested in intellectual property-related activities at the university, asking many questions on the establishment of TODAI TLO and the cooperation with relevant organizations.



Group Discussion & Presentation

On July 5, they visited the Tokyo Metropolitan Chihaya High School, which has an extracurricular program called CBP (Chihaya Business Project) and provides intellectual property education as part of the program. On the day of the visit, a lesson was being conducted regarding copyrights of TV programs, and an English video was screened covering topics related to copyrights. The trainees observed the activities carried out at the school

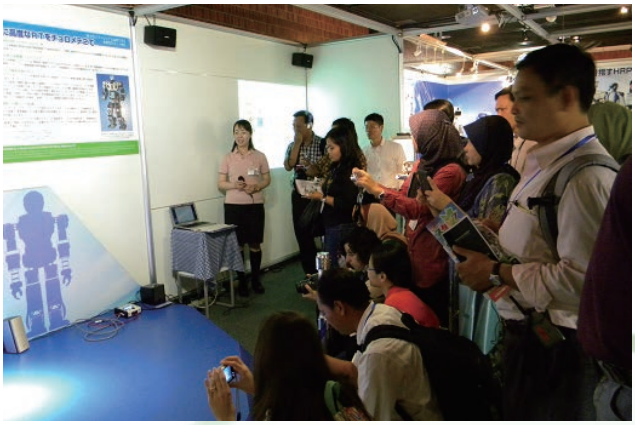
with great interest.

On July 6, they visited the National Institute of Advanced Industrial Science and Technology (AIST) and the Tsukuba Space Center of the Japan Aerospace Exploration Agency. At AIST, an outline of its activities and intellectual property management was introduced. At the Geological Museum of AIST, they received an explanation of why Japan has many active volcanoes and experiences frequent earthquakes, while looking at a chart of hypocenter distribution and recorded images of earthquakes in Japan. At the Science Square of AIST, they enjoyed viewing and interacting with two-legged robots and other exhibits that were produced using Japan's cutting-edge technologies.

At the evaluation meeting held on the last day of the training course, we received many opinions and suggestions from the trainees. Among them was the opinion that it was very beneficial to conduct the program separately in two groups, as well as the opinion that it would have been preferable to be able to attend both lectures. Furthermore, we received some requests for lectures on how to prepare teaching materials and design training plans for intellectual property education, as well as for company visits.

After experiencing deeper exchanges among themselves during the training course over the three weeks, the trainees promised to continue to keep in touch, saying that they would miss each other after the training had ended. We expect that they will continue to take steps to expand their networks in the future.

A Tour of the Tsukuba Space Center of the Japan Aerospace Exploration Agency



A Tour of the Science Square

Training Completion Ceremony

Report of JPO/IPR Training Course for IP Trainers from the participants

Ms. MARICARMEN RUIZ CASTAÑO
Head of the Documentation Reserve
Promotion and Technological Information Services Division
Mexican Institute of Industrial Property (IMPI)


Ms. MARICARMEN RUIZ CASTAÑO

My experience at the "JPO/IPR Training Course for IP Trainers" which took place in Tokyo from June the 25th thru July 13th of this year, was to say the least very rewarding, since it completely fulfilled my expectations about it, not only in the professional level but also at a personal one. This happened by meeting people that share similar responsibilities as myself at their National IP Offices or Institutions like universities or research centers from all over the World. That alone was extremely useful, and provided me with a broader view of things. For example, about the different ways to approach or handle a task, each with their advantages and disadvantages of course, but providing a great form to find the best practices, and that was even before getting to know the Japanese way of doing things and their IP System.

The lectures throughout the program were very well rounded; including specific actions taken by the Japan Patent Office (JPO) in order to strengthen the Japanese IP System, and the practices used by the Office to reach and to raise public awareness on IP matters. The program also included the point of view of some of the stakeholders which included education institutions, enterprises and the Japan Patent Attorneys Association.

On this matter, one of the JPO's strategies has been to disseminate the advantages of the IP System, especially for the Small and Medium Enterprises (SMEs), which number as many as 4 million plus in Japan.

In my personal opinion this has been a great approach, since large enterprises already know and enjoy the benefits of a good IP rights protecting policy, and where SMEs do not even when a good IP policy provides a way to protect their investments, which may consist of different types of IP rights, and it also helps in the development of pride about their products or services within the enterprises.

On the other hand, the clients find it a whole lot easier to bond with products and services when there are IP rights involved and to take actions against third parties when an infringement occurs.

But in order to achieve this, as we saw during the training, it was necessary a take few measures like the following examples:

- Human resource training, through explanatory meetings (beginners' strategies), specialized seminars, symposiums and electronic magazines.
- Providing specialized IP consultation.
- Incentives for the research and development of new products or services and their use in commerce.
- Providing advice for the development of marketing strategies for IP rights.
- Guidance to the users in order for them to obtain information and take advantage of information in the state of the art and its possible application.

During the training we got the opportunity to meet the General Manager of the IP Search System Department from Hitachi Techno-Information Services, who gave us the enterprise's point of view. One of the main aspects that he mentioned during his presentation was that having the appropriate technological information is key for a business in order to determine research and development policies within an organization. He also mentioned the importance of giving employees the necessary tools, including the technological infrastructure, to make the most of every single piece of information available as state of the art, and at the same time, if it is the case, the means to protect the enterprise's IP rights.

As for the Higher Education Institutions, the development of new technologies should always have in mind the needs or objectives of the enterprises, which will be the end users of those developments and enterprises, on their part, and will have to take into consideration the needs of the market at a particular time.

As proof of what was mentioned above, there is a basic fact that no one can forget: "In order for any development to be successful, at one point it needs to reach the market."

So with that in mind, the number of patents is not so important anymore for the development of a nation. Inventions will only acquire value if they get commercialized and contribute to the benefit of society. How do they accomplish this? Well, for the most part the IP Authority, but also the enterprises and the education institutions should come together and share their knowledge and information among themselves.

Another important element has been the Japan Patent Attorneys Association; one of the members gave us a presentation on how the associates, as IP professionals, contribute in the dissemination of the system throughout Japan by proving training at different levels, even when their main purpose is to represent the general public on IP matters.

Nowadays protection and respect for IP rights can be seen all over Japan, and the roll of

Closing Ceremony "JPO/IPR Training Course for IP Trainers"
13th July 2012

those involved in the IP System as mentioned above is evident. Of course, this has not been an easy task and has taken many years to accomplish, but the stakes and rewards are much higher.

I truly believe that those accomplishments are fruits of well defined strategies in the education system from very early stages in life, so that by the time students grow up it is natural for them to understand and respect IP rights. This has proven to be very effective in creating public awareness.

This is something that I really want to highlight, and in the appropriate time, I will do wherever is in my power to implement those policies in my home country where respect for IP rights is for many reasons far from ideal and has a long way to go before reaching the desirable levels.

Taking the right steps in implementing a model like the one used in Japan, Mexico would in time help to change the way people think about other people's IP rights. And who knows, maybe in the near future, in one way or another, help them to enjoy the benefits of IP themselves.

Now, I would like to thank all those involved in the training course for their lectures and for the ideas and knowledge they shared. You can be sure that I will apply them in my everyday work and hopefully somehow that knowledge will improve my country's IP system.

Finally I would like to say thank you to my colleagues, the coordinators of the course, and the personnel of the JPO, APIC and HIDA for their kindness and hospitality in making me feel at home while away from home, and for letting me be part of such an important program.

Introduction of FY 2012 Long Term Fellowship Reserchers

Research subject: PREPARATION FOR ONLINE SYSTEM OF DEPARTMENT OF INTELLECTUAL PROPERTY RIGHTS, KINGDOM OF CAMBODIA BENEFITED FROM THE PRACTICE AND EXPERIENCE IN JAPAN

Mr. Ly Sonabend

Mr. Ly Sonabend (Cambodia)

Self Introduction: My name is Ly Sonabend, I am currently working at Bureau of Litigation (B/LIT), Department of Intellectual Property Rights (DIPRs), Ministry of Commerce (MoC), Kingdom of Cambodia. My job title is a deputy chief of Bureau of Litigation which is deal with the invalidation and infringement of trademark rights in Cambodia and I also involve with the Information System (IS) at the office, IS task is to cooperate with the WIPO IT experts and other organization related to IT to improve and modernize the automation system in the office. In the year 2007, I started working at the office as legal affair officer at the Bureau of Cooperation and Legal Affairs of DIPRs, within that bureau I had learned and translated some law, regulation, treaty from English to Khmer language. Before joint the DIPRS, I was employed by Cambodia Beverage Company Limited (Coca Cola Company) as an Information System office, I was in charge of monitoring the satellite connectivity and help desk support as well. In addition, it is my great honor that I have an excellent opportunity to attend this long-term study and research fellowship program, I truly appreciated the efforts and supports from WIPO, JPO, JIPII and DIPRs, I really enjoy life and research here so much.

Self-introduction of Ms.Pattarawan Charumilin
Research Subject: Measures to Promote Intellectual Property Commercialization: Japan Experiences and Implication for Thailand

Ms. Pattarawan Charumilin

Ms. Pattarawan Charumilin (Thailand)

My name is Pattarawan Charumilin. I work as a senior policy researcher for National Science Technology and Innovation Policy Office (STI) of Thailand. My education background is in Laws however I have been working as a policy researcher in STI area for the past 6 years. My current focus is to develop Intellectual Property Policy as a part of National Science Technology and Innovation Policy to increase Intellectual Property Commercialization.

This is my third time to join WIPO training program. But it's my first time to join the program under Japan Patent Office (JPO) in cooperation with WIPO as a long-term researcher. I am highly appreciated for the opportunity to conduct my research related to IP commercialization here in Japan. The program design is exceptionally useful for my research and my future career development. I would like to thank you WIPO, JPO, JIPII and APIC that makes my researcher life and my daily life very useful and very enjoyable.

Messages from IPAAs' Presidents

From Indonesia

Mr. Insan Budi Maulana

Mr. Insan Budi Maulana
Coordinator
Indonesia Intellectual Property Alumni Association

We would like to congratulate you on the 1st issuance of Enishi –IP Friends Connection- Magazine. Hopefully this magazine can broaden our knowledge about IPR and be the connector among members of IP Friends around the world where we can share information with each other.

IIPAA is an association of Indonesian alumni of the Intellectual Property Training Program organized by the Japan Patent Office (JPO), Asia-Pacific Industrial property Center (APIC), Japan Institute of invention and Innovation (JIII), Japan International Cooperation Agency (JICA), Association for Overseas Technical Scholarship (AOTS), World Intellectual Property Organization (WIPO) and Interchange Association. Since its establishment, IIPAA has organized seminars to deepen and develop IPR, as well as disseminate IPR information to its members.

This year the Indonesia Intellectual Property Alumni Association (IIPAA) in corporation with the Directorate General of Intellectual Property Right of Republic Indonesia (DGIPR), Japan Patent Office (JPO), Japan Institute of Invention and Innovation (JIII) and Laboratory of Civil Law of Law Faculty University of Surabaya organized an IP Seminar on January 28, 2012, at Novotel Surabaya as a follow-up seminar implementing the awareness of intellectual property rights, not only among the government but also to the public. The theme of the seminar was "The Impact of The Economic Crisis on IP Protection." The seminar was attended by government officers, lecturers, entrepreneurs, JPO training program alumni in Indonesia, and also scholar students. The speakers of this seminar were from DGIPR Office, professors from universities, JPO and Japan entrepreneurs. The seminar was divided into two sessions, the first session with the topic "IP Policy in the Government Sectors," and second session with the topic "IP Management for Economic Development and Activities." The seminar was successfully held with such confidence that the participants felt satisfied with the exposure of the seminar.

Besides organizing the above seminar, IIPAA also organized the Alumni Meeting which was held at Hotel Sahid Jakarta on January 27, 2012. This meeting was attended by IP Friends in Indonesia from the government sector and private sector, JPO and APIC/JIII. The meeting focused on (1) the reflection and results of the knowledge that was gained in the training course for each person's work, and (2) improvement for future programs of IPR Training Courses.

In addition, we would like to inform you of the updated Directorate General of IPR structure as of June 22, 2012 as follows:

Director General of IPR:	Prof. Dr. Ahmad Ramli, S.H., FCBArb.
Director of Mark:	Mr. Fathlurahman (05 JICA-ID)
Director of Copy Right, Industrial Design, Lay Out Design of Integrated Circuit And Trade Secret:	Mrs. Yuslisar Ningsih (02 WIPO-Enf)
Director of Patent:	Mrs. Corrie Nurhayati (05 JICA-CP, 99-5 AOTS/JIII)
Director of Cooperation and Promotion:	Mr. Timbul Sinaga (07 WIPO-ExB)
Director of Information Technology:	Mr. Razilu (07 WIPO-Com, 04 JICA-ID, 00 WIPO-PCT)
Director of Investigation:	Mr. Mohammad Adri (05 WIPO-Inf, 98 JICA-CP)

From Thailand

Mr. Chayatawatch Atibaedya
President
Intellectual Property Promotion Association of Thailand

Mr. Chayatawatch Atibaedya

The Intellectual Property Promotion Association of Thailand (IPPAT) formerly known as the Intellectual Property Alumni Association (IPAA) was established in 1998 by a group of Thai intellectual property scholars who were educated by Japan via JIII and JPO sponsorship. According to the objectives, our association has been leveraging awareness and knowledge of management of intellectual property rights among authors, inventors, technocrats, investors, students and laymen all over Thailand chronologically. Our association foresees the importance and the urgency of IP development in the country as it is the most effective tools for

the country's competitiveness in anticipation of the ASEAN Economic Community, or AEC, coming in the year 2018.

In terms of awareness of intellectual property rights and protection of them, we saw numerous changes in the country. People started to realize their own rights related to what came from their intellectual property, though, and how they could gain benefits from it. For the past eleven years, the association has arranged and attended hundreds of intellectual property seminars and workshops for the young, as well as intellectual property recruits. Lecturers from our association were frequently invited to explore their intellectual property knowledge, learnt from their classes in Japan, to the interest of others. Today a number of Thai students and layman inventors are able to enjoy benefits from their inventions or copyrighted works.

In order to manage the intellectual property rights productively, Thai intellectual property stakeholders and our association have successfully encouraged know-how among the management of intellectual property of both private and government sectors to boost our industry and economy. As a result, in 2007 lawmakers promulgated the first Thai Constitution accepted and leveraged intellectual property promotion and protection to all Thailand. The progress of intellectual property development in Thailand is evidenced by the more relaxed governmental policy on industry and SMEs who obtain innovation wisely. Besides the progress in the private sectors on intellectual property performance, Thai educational sectors and research granting institutes have been able to raise their own fund from their innovative research via proper management of intellectual property. Moreover, the keen investors were able to easily access the local intellectual property information and elaborately verify the possibility of their innovation investment. Lately, Thai SMEs cleverly utilize their intangible property together with fund raising from keen investors to stabilize and make their business sustainable.

In anticipation of the ASEAN Economic Community (AEC) with the population of almost 600 million people, Thailand shall be one of the most interesting destinations for foreign direct investment. We trust that, by coordination of intellectual property technocrats in Thailand, Thais shall be able to gain an advantage from our abundant natural and human resources in intellectual property.

From the Philippines

Mr. Augusto "Tito" R. Bundang

Mr. Augusto "Tito" R. Bundang
President
Intellectual Property Alumni Association, Inc.

We in the Intellectual Property Alumni Association, Inc. (IPAA) of the Philippines, have nothing but best wishes upon hearing about the publication and launch of the APIC-JIPII's new magazine, "Enishi-IP Friends Connection". We congratulate Ms. Ayako Sakuma and Ms. Michiko Hiyama for taking part in spearheading the publication as its able editors.

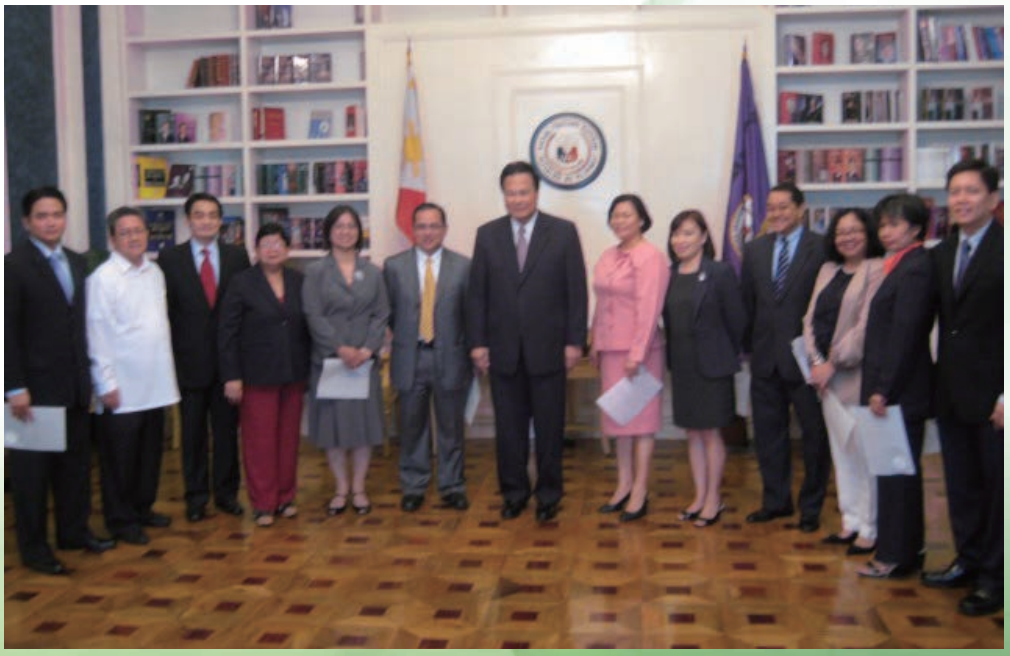
It has been more than a decade since I took the two-week Intellectual Property (IP) management training program in Japan, and yet the time I spent there remains one of the most memorable and interesting events of my life. Not only has the training enriched my understanding of IP and its relevance to the economic development of my country, but it has also given me the opportunity to see and experience once more the fascinating culture of Japan and engage with its most innovative and friendly people.

We feel grateful that the JPO and your organization have continued to extend full support to our IPAA through (a) the holding of the annual JPO/IPR training program (from where we source and gather our members) and (b) the regular staging of the follow-up seminars in Manila alongside the sending of Japanese IP experts who have been most generous in sharing their knowledge and experience. Suffice it to say that your constant communications and updates have convinced us no less of your sincere intention and readiness to be part of our endeavors to promote IP and foster a culture of innovation and invention in the Philippines. Nothing beats the "personal touch" approach. With your unwavering support, we are most certain that the IPAA will go a long, long way in contributing to the genuine growth and prosperity of our nation.

Your new magazine will be of great assistance to your readers and to the IP community at

large, and will surely provide a medium for those who would like to learn more about the developments of IP in Japan and elsewhere, as well as for those who would like to contribute and inform others of important undertakings in IP that may be of significance to society and the rest of the world. Moreover, we view your new magazine as a material source of information for many years to come, as well as a potent tool for anyone who would like to reach out to others about IP and establish networks and linkages in the process.

On behalf of the IPAA, please accept our warmest greetings. We wish you every success in the days and years ahead.



From Malaysia

Mr. Goh Nge Seung
President
Intellectual Property Alumni Association of Malaysia

Mr. Goh Nge Seung

The IPAAM was registered in Malaysia on 28th November 2000, with the support of the Japan Patent Office (JPO) and the Asia-Pacific Industrial Property Centre (APIC) –Japan Institute of Invention and Innovation (JIII) .

The original intent was to provide a forum where both information and knowledge regarding Intellectual Property (IP) and other related areas could be exchanged amongst members and disseminated to the public—particularly information concerning IP training courses in Japan.

Later, the general aims of the IPAAM expanded to include support and guidance with the development and commercialization of inventions, as well as seminars and forums for members to deepen their general knowledge of IP with regard to local, regional and international developments.

At present, IPAAM intends to hold more awareness-related talks and seminars, such as an IP rights and awareness road show in East Malaysia, as well as events regarding the commercialization and licensing of IP rights and experience in invention filing among small- and medium- industries (SMIs) and small- and medium- entrepreneurs (SMEs). In doing so, we will act as a bridge, as well as encourage appreciation regarding the protection and importance of IP rights on the part of SMIs and SMEs.

As almost all inventions in Malaysia come from research institutions or universities, the matter of how inventions are connected to commercialization has been a topic of considerable interest. In order to encourage SMIs & SMEs in the Kuala Lumpur and Petaling Jaya areas who require certain basic information and Intellectual Property Rights (IPR) protection to become more involved and create wealth, however, we have primarily organized and emphasized regularly-held small group discussions.

Furthermore, we held a follow-up seminar on 22-23 February, 2011 at the Renaissance Hotel Kuala Lumpur whose theme was “Better IPs, Better Economies”. The objectives of the seminar were to update managers and practitioners regarding the latest trends in the international IP world; to explain the relevance of IPs in improving ASEAN economies; and to discuss improvement and innovation in the three IP laws (relating to patents, trademarks and industrial design), as well as recent amendments in patent and trademark regulations primarily aimed at providing services to IP owners in Malaysia. IP is a major vehicle within the Malaysian economic model, wherein the powers of IP are to transform ideas into wealth creation, and thereby enable Malaysia to export IPs in the near future. The theme emphasized the importance of IPs in economic development, with Japan’s experiences in this area serving as a valuable example for Malaysia. Additionally, the seminar introduced experiences in Malaysia and Japan, such as examples of business successes, and also outlined the future goal of increasing the promotion of industry-government cooperation and commercialization.

We hope that cooperation between IPAAM and JPO/APIC-JIPII will continue to strengthen, and that relationships will continue to be built with the other four IPAAs. We are also looking forward to our alumni’s participation in various events, as well as in delivering lectures at future upcoming seminars.

From India

Mr. A.A. Mohan
President
Indian IP Alumni Association


Mr. A.A. Mohan

This is my first letter to you all in this publication and I wholeheartedly welcome you all to another refreshing year of INIPAA's chapter. The Indian IP Alumni Association (INIPAA) has been in existence since 2006, and has conducted a range of seminars with support from JIII and JPO across India including Delhi, Hyderabad, Coimbatore and Chennai. The first inaugural function was conducted on the 6th September 2006 in Chennai. INIPAA consists of IP centric individuals from India who have attended workshops, seminars and conferences with JIII and JPO in Japan. These individuals united by their love for IP and the Japanese culture came together spontaneously to create this association, which is adding younger and more diverse members to its fold every year.

INIPAA has been splendidly supported by the JIII and JPO in its endeavour to spread IP awareness across the business and social spectrums in India. INIPAA's annual conferences have to date been attended by academics, businesses and research organizations cutting across innumerable sectors. INIPAA's conferences, besides offering tremendous networking opportunities, also offer to its participants the unique opportunity to interact directly with Japanese practitioners and officials to grasp a truly international and progressive understanding of IP.

INIPAA has also been instrumental in organizing seminars and workshops for an unconventional audience. An instance I distinctly recollect is the attendance by over 50 top ranking police officials of the Tamil Nadu Police Force in each of the INIPAA's seminars annually. I am very pleasantly surprised at the feedback received and their active interaction in the ses-

sions. To date, in my interactions with police officers across the state, the seminar is often cited as their first brush with IP laws.

INIPAA also offers a forum for interaction between the members of the IP administration, industry, academics and students. This interest in IP is hugely aided by a common love for Japanese culture and language, which has created many a lasting bond amongst our members.

As an aside, the interest of the technical and engineering industries in these seminars has been remarkable. This appears to stem from a recognition of Japan as a leader in evolving technology. Indian businesses having interests in or keen to enter Japan have been a regular presence in these seminars, and have greatly enlivened proceedings with their practical experiences. The seminars also witness the participation of leading IP counsels from across India, who provide decisive insights into emerging issues and procedural matters. Such a congregation of counsels, outside of organizations such as INTA, along with an hands-on participation by industry and academia, is truly unique and an opportunity I relish every year.

This year INIPAA is looking to increase its participation by wider segment of public and professionals and is planning to coordinate with academic and professional institutes for good participation by more members. This would also help IP consciousness amongst professionals and businesses which, despite having huge creative potential, have failed to capitalise on the same due to lack of awareness.

I look forward to seeing you this year at one of INIPAA's exciting events. I thank the JIII and JPO for their immense support, and I continue to cherish our strong personal and professional association. India is an exciting place to be, and IP is the 'mantra' of every emerging business. INIPAA is doing a great many things to get the ball rolling, and I would love to hear from you on how we can do more!

Contributions from FY 2011 Long Term Fellowship Researchers

1) Experience in Japan

Mr. Diego Boschetti Musskopf

Mr. Diego Boschetti Musskopf (Brazil)
Industrial Property Researcher-Patent Examinar,
National Institute of Industrial Property (INPI)

"Kampeki". If there is one single word to define my six-month experience in Japan, it would be the simple and meaningful Japanese term "kampeki". If you are not a Japanese speaker (as I am not), please don't worry: I am sure you will understand the meaning of it before you finish this reading.

My name is Diego Boschetti Musskopf. I am a Brazilian patent examiner at INPI (an acronym for the National Institute of Industrial Property) in Brazil. I was asked by APIC to write down and share my 6-month-experience in Japan attending the research-cum-study program. I admit the first time I thought about it I got a little nervous, as I was afraid that I had nothing to say. But now, as I am putting the facts on paper, I realise that I had so many great experiences during this period that is hard to choose what to write about. So, let's start from the very beginning.

"Do you want to go to Japan?" asked the SMS I received from Vivianne (the head of my division) while I was on vacation. "Of course!" was my reply. One week later, when I returned to work and checked my e-mails, I realized that I had only five hours until the subscription deadline. "Oh my gosh!" One minute later I was preparing everything at the same time in a rush (including the research theme, research proposal, and curriculum...). I submitted it a few minutes before the deadline. I was really disappointed that I hadn't anticipated it earlier.

When I received an email notifying me that I had been accepted, I was happy, excited and above all honored. This feeling lasted for only ten minutes, however, as I soon realized that I had a thousand things to prepare. It would be my first international work experience, and this was now about taking a simple trip. Rather, I would be living for half a year in the farthest country from Brazil, with a very different culture, food, language and habits. Moreover, I would have to develop deep research in the IP field (and I only had two years background). And last, I was afraid my English command was not good enough.

I didn't waste a single minute until my trip. I immediately began preparing my personal and professional life at the same time, studying IP, Japanese culture and English language as hard as I could.

While things were being solved, my concerns were reducing. Moreover, I exchanged several e-mail with one of my coordinators (a very nice lady called Yukiko-san), which clued me into the first Japanese characteristic: ORGANIZATION. They sent me everything in advance and very well explained. It made my trip very easy.

I was very nervous when I arrived in Japan. So nervous that I bought the wrong train ticket to go to the dormitory! This was the best way to find out the main characteristic of Japanese People: KINDNESS. I had travelled to several countries in Europe and America (North and South), but I had never had such an experience. I was not sure about how to use the fare machine in the station, and asked a passenger inside the train about it. He couldn't

explain to me how to do it because he didn't speak English. On the other hand, he got off the train, walked with me to the turnstile, checked what was wrong with my ticket, made the fare adjustment, gave me the ticket and went back to the train to continue his trip - UNBELIEVABLE.

After 36 hours of travelling, I finally reached AOTS. The place surpassed my best expectations. The facilities and accommodations were new, good, clean and comfortable (and the room was much bigger than I thought it would be). The staff was also very friendly and helpful.

One day later, I met Yukiko-san there. She introduced herself and helped me with the foreign registration and personal affairs. Then she brought me to APIC and introduced me to the building, a lot of nice people (including my second coordinator Satoko-san) and my daily routine. Everything was very organized and people were very FRIENDLY. Looking at the schedules, I prepared for a very tough and intensive training. A few days later, my comrade Mr. Zhou Zheng arrived from China, and we were introduced to our adviser, Tanaka-san sensei.

Mr. Zhou Zheng and I stayed in Japan for six months, researching IP matters that were important to our countries. We had classes at Tanaka-san's lab every Friday, and we joined several short-term courses related to Intellectual Property. We were allowed to choose the classes we wanted to attend (personally, I tried to attend as many courses as possible). We made inquires to several Japanese companies and patent law firms through a questionnaire survey, and met several C.E.O's we considered important to our research theme. (By the way, the task of preparing the questionnaire in Japanese, putting the results in a chart and arranging the meeting was always very well done by our coordinators. Thank you, ladies!).

During these six months, I realized how much IP is known and important in Japan. I learned and experienced many things related to the field: strategies and policies concerning IP creation, protection and exploitation; the importance of IP in economic development; outlines of the Japanese IP laws and policies; the Japanese IP education system (from kindergarten through universities). The Japanese professors and lecturers were very qualified and experienced, and the training courses were great.

The research presentations in Tanaka san's laboratory were lively. Since several participants came from various backgrounds, we had diverse points of view when we considered the same topic. There were lawyers, architects, engineers, patent examiners and trademark examiners, and most students had some theoretical and practical (business) knowledge. The various aspects of IP practice, represented by each participant, led to different viewpoints on IP, which made the discussions very interesting. Tanaka-san also always added new and important points of view, raising the discussion to a higher level.

I visited JPO and other third-party companies that render services to it during different training courses. It took many days to look up several departments, and I had the feeling I had seen only a small part, but I could understand well the application process. For example, the National Center for Industrial Property Information and Training (INPIT) provides comprehensive information on industrial property including legal status, cited and citing documents, English claims and specifications, file-wrapper information and patent families. The Advanced Industrial Property Network (AIPN) promotes COOPERATION among PTOs through mutual utilization of search and examination results of patent applications filed at the JPO, andt allows searches in a variety of databases (including INPIT). This helps to reduce the backlog and the time to grant the patents. In addition, I also had the opportunity to understand how Japanese private companies strategically and effectively protected and manage IP at the corporate level.

Through my research, I learned the importance of work-sharing among patent offices to reduce backlogs. I also saw how crucial it is for companies whether PTOs provide ample and quality services to spur R&D. I learned the industry need for accelerated examination and the best practices therein, mainly related to the PPH.

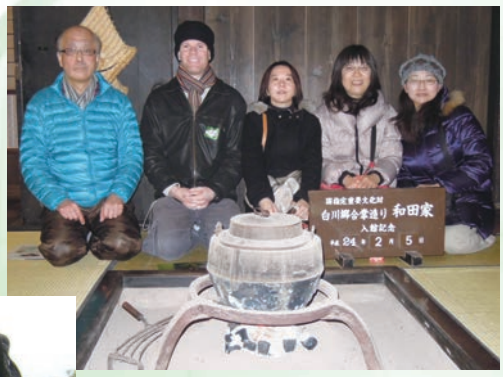
But of course, it was not only work! I took some time to visit Tokyo and other cities and go to parties, and I made several good Japanese friends. Moreover, I had the pleasure to make a trip with the some APIC members to Hida-Takayama. I came back to Brazil with many stories and memories I will never forget. Beautiful places, tasty food, nice (and very HARD WORKING) people, hot onsen and unique culture are just the beginning. Kyoto, Osaka, Kobe, Nara, Miyajima, Nikko, Shirakawa-go, Mt. Koya and Mt. Fuji are unforgettable spots. If I try to name every good friend I met and every nice place I visited, the list would be endless.

When I returned to Brazil, I could understand just how meaningful this program was for me. I realized that IP is very important for companies, that PTOs can contribute much to the nation's wealth, and that work-sharing is crucial to reduce the PTO backlog. I am sure all this knowledge, practice, and experience I acquired will be extremely important for my office and country. I had the opportunity to learn and understand different IP systems, as well as create strong networks and connections with people around the world. This was a unique opportunity, and I am proud to share with my colleagues the knowledge and skills I gained during this period.

It was a great honor to attend this long-term research fellowship program. I do appreciate the efforts of WIPO, the Japanese government, JPO, JIII, and APIC, including their officials, staff, professors and lecturers in organizing, inviting, assisting and supporting my research in Japan—and during such a difficult time, , moreover, when the country was dealing with post-tsunami and post-economic crisis problems. I saw it did not stop them from enjoying life, being kind and cooperative. It showed me how much Japanese people are determined, persistent and BRAVE.

The Japanese people, culture and knowledge deeply touched me and changed my memories and skills forever. Surely, the total result of this period in my life is not related only to IP, but also with friendship, cooperation and perseverance.

My stay in Japan was - indeed - PERFECT.



2) Uniform Faith and Global Prosperity

Mr. Zhou Zheng

Mr. Zhou Zheng (China)
Deputy Diretor, Trademark office,
State Administration for Industry and commerce (SAIC)

I am very much honored to be invited by my friends, Ms. Michiko and Ms. Ayako from the Asian Pacific Intellectual Property Center to write an article about my life during the long term research in Tokyo and my work at hand. I really want to recollect those memorable events and I am trying to do it here.

I was chosen as the candidate of the long term study program in 2011. It was a rare experience to study abroad for half a year in my career, so I cherished this opportunity very much and tried to make the most of this program. During my stay in Japan, I conducted my research work with the theme of "Study on the Roles of Government in the Implementation of National Intellectual Property Strategy." With the growth of knowledge based economy and the development of international trade and investment, intellectual property has increasingly become the theme of global competition. The national policies on competition and economic development, which are aiming at the creation, utilization and protection of intellectual properties, are becoming common practice. The intervention of government in IP issues have strengthened. Needless to say, government has the ability and necessity to manage the economy. The government is incumbent not only to economic growth, but also to the well being of the whole society. The world today is becoming much more complicated than before, and what is going on today is far beyond the imagination of any of the founders of the classic governance theory: let the market go its own way and everything will reach optimal results, and the government works just as a night keeper without any disturbance to the market.

Sustainable economic growth is a crucial topic for all governments. How to stimulate economic growth draws almost overwhelmingly the concerns of global authorities. Innovation is emerging as an effective tool to solve this problem more or less, and the intellectual property system seems to be the most possible way to ensure that innovation. In such a context, IPR issues increasingly come to the central stage of policymaking. How can the current IP system be better used to facilitate innovation? Should government reshape the whole institution and framework of IPRs? What should they do in the modern trade framework under the WTO? What is the changing face of IPR in the context of globalization? The thriving practice of national IP strategy established the basis for the study of the relationship between IP and economic growth, but in the meantime, the urgency for a better solution has arisen. In response to this trend and demand, my study was aimed at researching the governmental behavior related to the administration of IP, and review the general operation from the introduction and implementation of IPR laws to the effective utilization of the IPR system, with the hope of reestablishing the fundamental roles of government in the current situation.

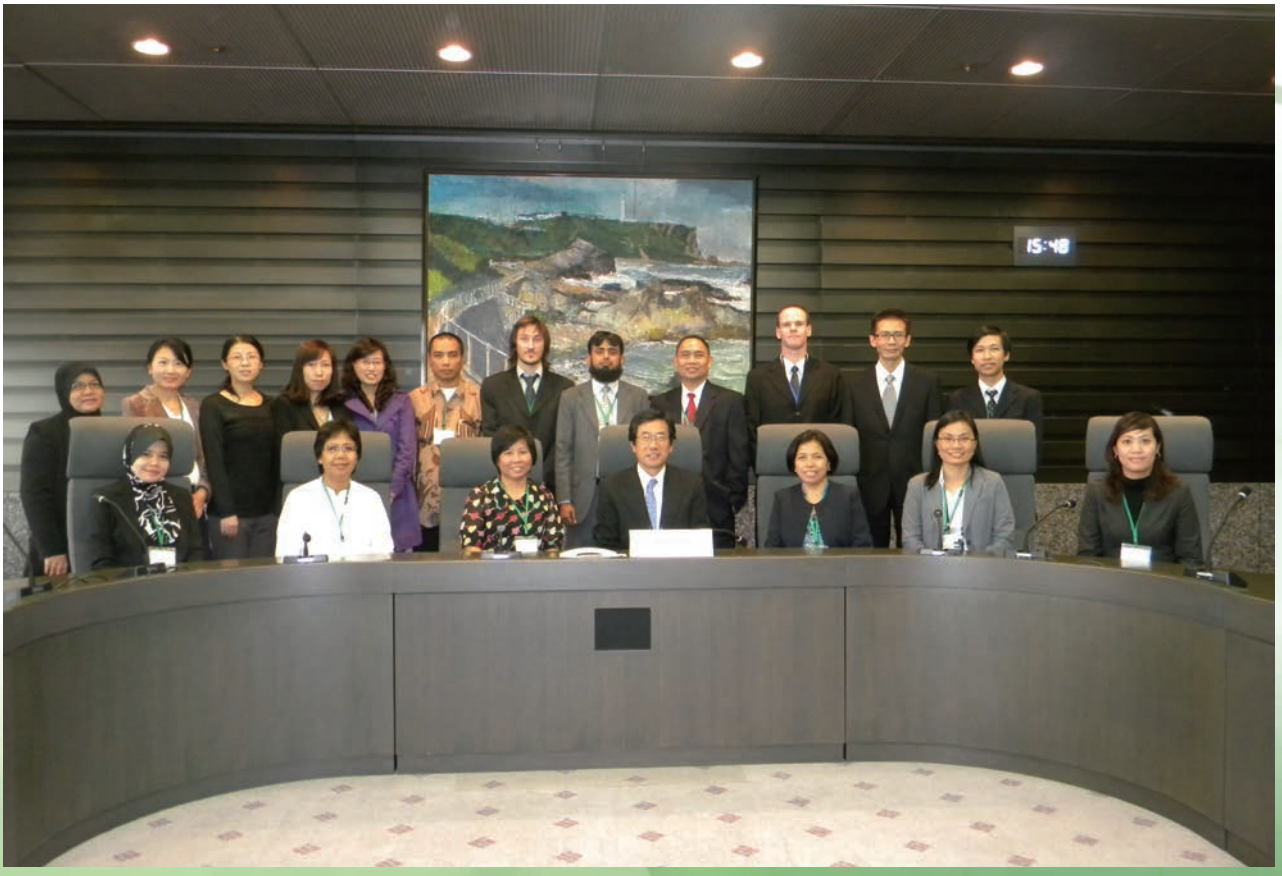
Japan is an ideal place to study national intellectual property strategy because the Japanese government established the framework of national intellectual property strategy in 2003. In addition, Japanese industries have a good tradition and long history of intellectual property management. With help from Prof. Tanaka and staff members of APIC and JPO, I successfully conducted an investigation into Japanese industries and made a fruitful analysis on the effect of the national intellectual property strategy. I think the research results were useful

to those who care for the development of intellectual property.

Aside from the intense study, I visited the beautiful scenery of Honshu Island. With the company of my friends, we went to many famous places around Tokyo. I also enjoyed the friendship of many Japanese friends, such as Mr. Ogiya, the head of APIC, Mr. Shibuya, the head of the International Cooperation Division, Mr. Diego, my fellow researcher from Brazil, and the other staff members of APIC. I really miss them now.

At the end of March 2012, I returned from Japan to China. I continued my work on the study of Chinese laws and policies and the implementation of national trademark strategy. This year marks the 30th anniversary of China's trademark law. The establishment of a trademark protection system has introduced into China the respect of its business reputation, set up the principles of fair competition, encouraged sound business operation, and guaranteed the belief of long term and sustainable development. Trademark law is the mother of successful business and it protects the soul of any enterprise in its existence and development. Within the 30 years of development, China is making miracles. On March 29th, the trademark applications in total reached 10 million since 1982. The trademark application number in 2011 was 1.42 million. The total number of valid trademark registrations is 5.72 million. China is the most vigorous market in the world and there are 50.62 million registered business entities at home and from abroad in China's market. They are confidently operating their business under the legal protection of trademark law. As a professional international organization, the World Intellectual Property Organization released its Reports on the World Intellectual Property Index 2011 and revealed that China contributed 60% of the increase of trademark applications across the world.

As a part of the international market, China should further perfect its legal regime on trademark protection and guide the industries to make good utilization of it. Apart from the entry into international treaties and agreements on trademarks, such as the Paris Convention, the



Madrid Agreement and its Protocol, the Agreement on the Trade Related Intellectual Properties and some relating working rules, China should pay more attention to adapt its national conditions to practical needs of further development. The national trademark strategy is aimed at helping the industries improve their capability of registration, utilization, protection and administration of trademarks. It is a fundamental way for China to build an innovative country. We need to maintain good market order and create fair, transparent and predictable environment for competition. Through the effective implementation of policies, we can raise the reputation of "Made in China" and the power of Chinese brands, and contribute more to the international community.

In 2008 China hosted the 28th Olympic Games and declared its faith of "One World, One Dream." Trademark protection and brand building is a great undertaking that needs cooperation across national borders. All the practioners and researchers in this field should learn a lot from each other, and push forward the dream of global prosperity and eternal development with peace.

I sincerely hope our dream of global prosperity will come true.

Articles from the former trainees

1) "New Copyright Law" of India

Mr. Samrat Nihikumar Mehta
Solicitor, Trademark Attorney,
IP Lawyer and MEHTA LEGAL Solicitor & Advocates, India

Mr. Samrat Nihilkumar Mehta

Undoubtedly, a very limited number of rights are available to people throughout the world that are—even while considered equivalent to fundamental rights—do not fall within this category, such as the right to live, the right to food, freedom of expression, etc. Many times, it has been observed that people who are not aware of fundamental rights are nevertheless aware of one particular right, whether in regard to her/himself or others: that of "copyrights". From the developed to the undeveloped world, from rich persons to poor, from eminent scholars to illiterate persons, it is a very small number who do not know the word "copyright". A young student may explain this word as "the right to copy", and in other cases, a lawyer or scholar will offer a long explanation. At the end of the debate, however, only "copy" and "right" remain.

The copyright is a legal concept that encourages creativity and also protects the creator. A person crafting or developing a creative work that may include writing, painting, drawing, music, videos, etc. always has a concern for the protection of her/his creation. For this reason, the concept of the copyright was developed. Through the time and growth of mankind, new things are created, while that which has already been made is improved upon. Therefore, after some period of time, such laws are required to be updated in order to be compatible with and empower people to deal with present scenarios.

After the independence of India, a new law known as The Copyright Act, 1957 was passed. This Act deals with all major issues relating to copyrights, including ownership, registration, transfer of rights, piracy and remedies, but it was known as a weak law due to a lack of necessary mechanisms and organised systems. Many times, some provisions of the Copyright Act have been more beneficial to pirates and/or subsequent owners than the creators of various works. Therefore, there was long a demand from society to amend the law in order to resolve basic disputes between copyright stakeholders, match the latest effective technologies and innovations, consider disable people, deal with international treaties and piracy in the digital era, etc.

In May 2012, both House of Parliaments in India passed a new Copyright Law and amended the old Act of 1957. Generally, debates in parliament between the Government and Opposition are like a war of words, and most of the time, it is impossible to accept either side's views. However, it must be noted that when bills have moved in both houses of parliament, all sides have stood together for a better copyright law. These have been rare but proud moments for our country and society. Most legislators are concerned for the present status of creators, their livelihood from royalties and disabled people.

The New Copyright Law amended the old Act in seven sections as explained by legislators while amending the law, as follows:

1. The enhancement of authors' and music composers' rights: The real creators of intel-

lectual properties
2. The rights of the visually impaired
3. Extending the compulsory licence regime
4. Statutory licensing for broadcasters
5. WIPO Copyright Treaty / Performances and Phonograms Treaty
6. Exceptions and limitations on copyright infringement
7. Action against copyright infringers through new technologies

It would be more convenient to understand new provisions of the Copyright Law through the above perspectives rather than legal language. The Copyright Law is such a statue that will directly impact peoples' everyday lives, while the more touching issue is that of entertainment (movies, music, videos albums).

A. Generally, it has been seen as a routine formality to execute assignments of creative work. The real creator of the work (lyricists, story writers, music composers or choreographers) assigns all of her/his rights to one person (producer), and thereafter, an assignee can exploit such rights beyond any limitations and the role of assignor comes to an end. Moreover, the payment for such assignments is one time. In addition, and because of the technology revolution, it has become exceedingly easy to exploit and market works at different platforms, resulting in producers having started to market acquired rights (movies/music, etc.) not only to cinema halls, but through different means such as online music, caller tunes on cell phones, short clips, digital versions such as MP3s, Music Channels, etc., and by such means receive more income/growth, while the real creator who has assigned his/her creation receives nothing other than a one-time payment. No economic growth or future protection provision was available through the old copyright Law, which gives respect, dignity and protection to creative persons and artists. It is evident that many great artists live in poor conditions although their work has great market value and income, with all income going exclusively to producers and owners.

Therefore, a need has existed for statutory protections within the artistic world for providing more social respect and dignity for their creations through sustainable economical growth. Hence, new provisions have been inserted in the new copyright law regarding royalty payments to the creators of works in addition to onetime assignment fees, as follows:

In the Assignment of Copyright provision (Sec 17), the following was inserted:

"Provided further that no such assignment shall be applied to any medium or mode of exploitation of the work which did not exist or was not in commercial use at the time when the assignment was made, unless the assignment specifically referred to such medium or mode of exploitation of the work:

Provided also that the author of the literary or musical work included in a cinematograph film shall not assign or waive the right to receive royalties to be shared on an equal basis with the assignee of copyright for the utilization of such work in any form other than for the communication to the public of the work along with the cinematograph film in a cinema hall, except to the legal heirs of the authors or to a copy right society for collection and distribution and any agreement to contrary shall be void:

Provided also that the author of the literary or musical work included in the sound recording but not forming part of any cinematograph film shall not assign or waive the right to receive royalties to be shared on an equal basis with the assignee of copyright for any utilization of

such work except to the legal heirs of the authors or to a collecting society for collection and distribution and any assignment to the contrary shall be void."

In provision for Mode of Assignment (Sec 19), the following sections have been inserted:

"(8) .....

(9) No assignment of copyright in any work to make a cinematograph film shall affect the right of the author of the work to claim an equal share of royalties and consideration payable in case of utilization of the work in any form other than for the communication to the public of the work, along with the cinematograph film in a cinema hall.

(10) No assignment of the copyright in any work to make a sound recording which does not form part of any cinematograph film shall affect the right of the author of the work to claim an equal share of royalties and consideration payable for any utilization of such work in any form."

This above amendment has been greatly welcomed by the members of the entertainment industry, with the exception of some stakeholders who are not willing to share their income with artists on a regular or recurring basis. Some groups of people are eyeing these developments with doubt, with no mechanisms/guidelines having been announced by the government as yet. Now, the important issue is that statutory protection become available to the creators of works.

B. Another important amendment to the Copyright Law is a special provision for visually impaired or disabled persons in relation to the use of copyright protected works. Because of the digital era and great innovations, it is now possible for visually impaired or disabled persons to access and use many things that were not possible in earlier days. To access and use such materials, the transfer to suitable formats or platforms other than the original format are required, resulting in this conversion being considered as infringement or copyright piracy. Therefore, new provisions have been inserted to enable visually impaired or disabled person to use such protected works by converting or transforming them into necessary formats. This amendment is also like a blessing for educational institutions and organisations working on issues affecting disabled people, since the conversion or transfer to suitable formats or platforms other than the original format for visually impaired or disabled persons are therefore now not considered as infringement of copyrights. The amended provision is as follows:

In the provision for "Certain acts not to be infringement of copyright" [Sec 52 (1)], the following importing sections have been inserted:

"(zb) the adaptation, reproduction, issue of copies or communication to the public of any work in any accessible format, by—

(i) any person to facilitate persons with disability to access to works including sharing with any person with disability of such accessible format for private or personal use, educational purpose or research; or

(ii) any organisation working for the benefit of the persons with disabilities in case the normal format prevents the enjoyment of such works by such persons:

Provided that the copies of the works in such accessible format are made available to the

persons with disabilities on a non-profit basis but to recover only the cost of production:

Provided further that the organization shall ensure that the copies of works in such accessible format are used only by persons with disabilities and takes reasonable steps to prevent its entry into ordinary channels of business."

C. Other amendments which are covered by the new copyright law are compulsory licensing, use of song/music cover versions, replacement of the word "hire" with "commercial rental," and provisions giving effects to the WIPO Copyright Treaty and the WIPO Performances and Phonograms Treaty. The objective of compulsory licensing is always seen for benefit of the public at large, and the same idea has been applied within the new amendment. The above discussion regarding visually impaired or disabled persons is also very much connected with the present issue. A new provision and procedure has also been developed to acquire a compulsory work license through the Copyright Board for visually impaired or disabled people. Further, as per the new provisions, it is now specified that it is mandatory for radio and TV broadcasters to pay a royalty to copyright owners each time a work of art is broadcast. By replacing the word "Commercial Rental", Indian Copyright Law has been brought into compatibility with the WIPO Copyright Treaty (WCT) and the WIPO Performances and Phonograms Treaty (WPPT), and has been given legal permissibility to non-profit public physical libraries, as well as somewhat to virtual libraries in addition.

Some amendments will undoubtedly create a certain level of confusion by being interpreted in different ways, but for an exact interpretation, it is necessary to wait for court rulings/judicial interpretations for internet services such as search engines, as well as providing links, ISP and VPN providers, etc. One issue that may negatively affect the entertainment industry is the use of cover versions. This amendment specifies that a cover version of any literary, dramatic or musical work can only be allowed after five years from the first recording of the original creation with certain conditions such as payment in advance, cover versions not being allowed to "contain the name or depict in any way any performer of an earlier sound recording of the same work or any cinematograph film in which such sound recording was incorporated", the requirement to state that they are cover versions, the prohibition of alterations except "technically necessary for the adaptation of the work", etc.

In conclusion, amendments to the Copyright Law of India were long due, but are now welcome developments for society and creators. In the area of the law, we cannot say that there is a good for everyone. However, it is sure that there are many benefits in the new Copyright Law for the creators of works. It takes time to understand the amendments, to develop mechanisms, and to ensure encouragement and economic protection for artist. It is definitely sure, however, that these things will come. As a result, fearless and enthused creators will produce better works for our society.

(JPO/IPR Training Course for IP Protection Lawyers, Sep.-Oct. 2011)

2) Quality of Patent Specification Translations in the Case of Reach-Through Claims

Ms. Anindita Kusumaedhi Machribi

Ms. Anindita Kusumaedhi Machribi
Patent Substantive Officer,
Biro Oktroi Roosseno, Indonesia

Patent specification is considered to be the most important tool for inventors to achieve protection when disclosing their inventions. In fact, intellectual property rights professionals are aware that poorly drafted specifications can be disastrous. In cases of infringement, such poorly drafted specifications will not be able to serve as proof to defend the inventor, while competitors will meanwhile be reaping benefits.

As stipulated in patent application regulations, patent specifications (descriptions and claims) must be written in Indonesian. Therefore, patent specifications written in other languages must be first translated into Indonesian upon application. The regulation further requires that the Indonesian language be clear and concise. Thus, in addition to being well-drafted, a high quality of translation is essential for ease of understanding the invention—particularly for Indonesian patent examiners. Mistakes could happen during the translation process. A patent examiner will return the specifications to the patent agent for further amendment if he/she is aware of the mistakes, but if such mistakes go unnoticed, the application will be granted along with the mistake. There will then be no way to amend it, since amendments after grants are not regulated by Indonesian law.

Problems in translation arise when patent specifications include "reach-through claims". While no official surveys exist, erroneous translations occurred frequently in patent specification including "reach-through claims". Further investigations may be needed, but one of the reasons is probably because such specifications are quite thick (over 100 pages).

What is a "reach-through claim"? This term refers to claims for products or product uses, when experimental data is provided for screening methods or tools for identifying such products. In contrast to traditional claim categories, reach-through claims aim to protect the as-of-yet undiscovered results of future research. Reach-through claims are usually found in inventions related to biotechnology and/or pharmaceuticals. For generalized characteristics of specifications using "search-through claims" in pharmaceutical inventions, for example, the claims list numerous compounds—more than one hundred—that are sometimes accompanied by their chemical structures and wider scope of invention. In this way, the inventor would want to restrict the freedom of competitors to arrive at these same compounds.

Apart from the patentability issue surrounding reach-through claims, specifications including such claims are usually thick in volume (over 100 pages). Even when the volume of specifications is thin, there are problems in the translation process—especially if the invention is advanced. Sometimes, even the English specification itself is not easy to comprehend. This is the case if the patent specification is translated into English within non-English speaking countries. These problems are then magnified when the volume of specifications is thick. Mistranslations can easily occur, which are then missed during the editing process. If this mistake is recognized by a competitor, for example, they can figure out how to outwit the competition by claiming the actual compound, process, methods, etc. Mistakes can be as simple as translating verbs in the passive or active form, or missing double bonds within chemical structures. In the case of infringement, if mistakes occur within claims, patent holders can not

sufficiently defend the infringed claim. Moreover, the original specification cannot be used as a reference (in case there is a mistake in the Indonesian specification), and the court will only use the specification that has been translated into Indonesian.

Solutions for overcoming this problem naturally involve narrowing down the scope of invention, with narrower scopes of invention resulting in less elaborate descriptions and claims. This will help patent drafters and translators to do their job more accurately, as they will have more time to comprehend the new invention, and therefore to draft or translate the patent specifications in such a way that the specifications are easy for readers to comprehend, especially patent examiners. Of course this solution may not sound appealing, especially for the inventors, as they will naturally wish to get as much as protection as they can, including discoveries before they become full inventions. It is very much understood that competition is fierce between companies, but in view of development, reach-through claims may prevent other researchers or inventors from exploring possibilities since their source of exploration has already been claimed.

There are also additional points to consider before deciding to utilize search-through claims. In view of the law, reach-through claims may not meet criteria as stipulated in some countries such as Europe, the United States and Japan—thereby risking rejection. This is the case, for example, with several requirements of the European Patent Convention governing patentability, particularly the following:

1) Novelty and inventive step

   If the claim encompasses a group of as-of-yet unidentified biological or chemical entities, there is a risk that this group will turn out to already be known (lack of novelty). Further, inventive step is determined by considering the problem to be solved by the claimed invention. If an inventive process is used to discover new drugs, a patent application should discuss the problems to be solved by the potential drugs—not simply the problems solved by the screening process.

2) Industrial application

   The rule states that the way through which the invention is capable of being exploited in industry must be explicitly indicated when it is not obvious from the description or nature of the invention. In the case of a reach-through claim, industrial application of an unspecified drug to be discovered later by making use of that process may not be obvious. Patent examiners may argue that a chemical entity that has not been disclosed in the patent application is incapable of industrial application.

3) Sufficient disclosure

   Reach-through claims to a group of chemical entities may lack sufficient disclosure if examples of such entities are insufficient, or if it is not clear how to make and use such entities in an industrially applicable way.

4) Support by description

   The claims of the European patents must be supported by descriptions in the patent application. Applicants are allowed to cover all modifications, equivalents and uses of the inventions that they have described. However, claims cannot be extended beyond the inventions that have actually been made in order to cover further inventions which might be made in the future using the technology described in the patent application (but which have not yet been made).

Since Indonesian patent conventions refer to those of Europe and Japan, reach-through

claims filed in Indonesia will likely face the same treatment as those in these countries. Patent examiners may expect narrower scopes of invention and sufficient experimental data to support the claimed chemical entities.

Actually, shorter claims could have some benefit. Since an infringing invention needs to have all the elements of a claim to be considered an infringement, the shorter the claim and the fewer features claimed, the broader the coverage. Thus, writing claims as short and concise as possible, while citing the fewest features, could also be novel over prior art.

(JPO/IPR Training Course for Patent Experts, Aug.-Sep. 2011)

3) Persuading IP Owners and Practitioners in the Philippines to Consider Arbitration: When Will They Say "Yes"?

Ms. Marlita Vallestero Dagsa
Attorney/ Hearing Officer,
Bureau of Legal Affairs,
Intellectual Property Office of the Philippines,
The Philippines


Ms. Marlita Vallestero Dagsa

I. INTRODUCTION

"Never be afraid to try something new. Remember that a lone amateur built the Ark. A large group of professionals built the Titanic." **Dave Barry**[1]

Most of us fear venturing into something unknown and unfamiliar. Everyone mostly prefers to be in their comfort zone and is afraid of doing something new. Scepticism often gets in the way in convincing someone to try something that he or she has not done before lest he or she does not like what will come about in the end. This sceptic attitude seems to be predominant with intellectual property owners and practitioners here in the Philippines in terms of utilizing arbitration as a way to resolve IP disputes. While arbitration in cases of various commercial disputes has been utilized to resolve them, intellectual property arbitration is still in its infancy in so far as the Philippines is concerned. IP owners and practitioners have been so accustomed to litigating IP disputes that they seem to have an aversion towards arbitration as a means to resolve disputes in intellectual property. IP Arbitration has been launched in the Philippines through the Intellectual Property in 2011, but up until now one has yet to try it. Perhaps IP owners and practitioners have to be wooed some more so that they will finally say "YES" to ARBITRATION. This article will present the desirability of ARBITRATION from its rival called LITIGATION.

II. INTELLECTUAL PROPERTY ARBITRATION

Alternative dispute resolution (ADR) is an umbrella term that captures a wide range of processes, techniques, methods and practices that rely upon something other than adjudication by courts.[2] The different ADR methods share the common goals of attempting to soften general adversarial attitudes and encourage openness and better communication among disputing parties.[3] ADR covers various mechanisms to resolve discords or controversies outside of judicial or administrative bodies. The most common ADR mechanisms are negotiation, mediation, and arbitration. With negotiation, parties to a dispute aspire to reach an agreement amongst themselves, whereas mediation involves a neutral third party who works to help parties resolve their differences. The crucial aspects of mediation are that it is a consensual process, a non-binding process, and commonly, a voluntary process as well. Mediators rely upon their persuasive power, and their communication and facilitation skills to assist par-

1 See http://www.goodreads.com/author/quotes/6245.Dave_Barry

2 Alex Wellington, *"Exquisite Examples" of Creative Judicial Dispute Resolution: The Potential of Alternative Dispute Resolution for Intellectual Property Cases,* 23 I.P.J. 289, 290

3 Jesse S. Bennett, *Saving Time and Money By Using Alternative Dispute Resolution For Intellectual Property Disputes— WIPO To The Rescue,* 79 Rev. Jur. U.P.R. 389.

ties to reach a mutually agreeable outcome. Arbitration is the most like adjudication; in it binding decisions are made by a person or body other than a court.[4]

ARBITRATION in general is the reference or submission of a particular dispute to an impartial third person chosen by the parties to a dispute who agree, beforehand, to recognize the arbitrator's award issued after a hearing at which both parties have an opportunity to be heard.[5] Of all the forms of ADR, despite being private and less formal, arbitration resembles litigation. In arbitration, the parties present each case to a neutral third party (called the arbitrator/s) that listens to the evidence presented and makes a decision that is legally binding and enforceable in most jurisdictions.[6] In choosing arbitration, the parties go for a private dispute resolution procedure instead of going to court or administrative tribunal.

INTELLECTUAL PROPERTY ARBITRATION is an arbitral procedure in which at least one intellectual property right is in issue. Intellectual property disputes usually arise in a contractual context. Many contractual relationships, such as the construction of a plant or the sale of machinery, involve some intellectual property aspects.[7] But not all IP arbitration arises from prior contractual relations. There can be IP arbitration even between parties who do not have previous contractual relations, as when parties to an IP infringement suit, agree to resolve their dispute through arbitration, by signing an Arbitration Agreement.[8]

So whether parties have previous contractual relations or not, IP arbitration may be resorted to as long as there is an IP dispute involved. What then is an IP Dispute? It is a dispute between two parties over an intellectual property right recognized by law. An exercise or a contest of the intellectual property right, or a question on the existence or the validity of an intellectual property right, make the dispute an intellectual property dispute irrespective of whether contractual relations existed between the parties or not.[9] It may sound simple but there are various types of IP disputes where its complexity varies from one another. Patent law disputes may take the form of a patent infringement suit or validity disputes, patent license and distribution disputes, and even those over patent research and development (R&D) agreements. Intellectual property dispute may also relate to copyright or dispute over royalty in a copyright or trademark infringement, trademark coexistence agreements, trademark licensing, domain names and even employment issues in an IP context.[10]

III. ARBITRABILITY OF IP DISPUTES

Arbitration has been a widely used dispute resolution mechanism, whether in domestic or international commerce, for a long time because it satisfies the parties' demand for an amicable, inexpensive, expeditious way to settle disputes, providing an impartial forum, a competent tribunal who is an expert in the subject-matter and chosen by the parties, and a procedure that preserves privacy and confidentiality. However, there seems to be a reluctance to resort to such mechanism when it comes to IP disputes and this fact is shown by the com-

4 Wellington, supra note 1.

5 General Motors Corporation v. Pamela Equities Corporation *146 F. 3d 242.* Available at: http://law.justia.com/cases/federal/appellate-courts/F3/146/242/513969

6 Bennett, supra note 3, at 394.

7 Patrick Nutzi, *Intellectual Property Arbitration*, E.I.P.R. 1997, 19(4), 192

8 *Id.*

9 *Id.*

10 Bennett, supra note 3, at 391.

paratively lesser number of IP disputes being arbitrated than the other subject matter of arbitration. One of the main reasons for this reluctance is the question on arbitrability of IP disputes. Arbitrability means the capability of being properly subject to arbitration.[11]

Lawrence Boo in his article "Arbitrability of Intellectual Property Dispute" wrote:

> "The main obstacle to using arbitration to resolve Intellectual Property disputes is the issue of its subject-matter 'arbitrability'. Intellectual Property Rights are territorial, and are primarily derived from the legal protection granted by the local sovereign power, which affords the grantee certain exclusive rights to use and exploit the right. It is argued that disputes in relation to its grant, validity, and extent of the rights granted should be determined only by the authority which granted the right or, in certain situations, by the courts of that country. This had the effect that rights and entitlements to Intellectual Property, and the legal issues which flowed from those rights, could not usefully be referred to or considered by an arbitration tribunal."[12]

This issue of subject matter "arbitrability" is also one of the conditions for arbitration under the Convention on the Recognition and Enforcement of Foreign Arbitral Awards[13]. Article II states:

> Each Contracting State shall recognize an agreement in writing under which the parties undertake to submit to arbitration all or any differences which have arisen or which may arise between them in respect of a defined legal relationship, whether contractual or not, concerning a *subject matter capable of settlement by arbitration*. Xxx [Italics provided]

Where a subject matter is not considered to be capable of arbitration, the agreement to arbitrate may be considered invalid and a party to such arbitration may resist enforcement on the ground that the "agreement is not valid under the law to which the parties have subjected it or, failing any indication thereon, under the law of the country where the award was made."[14]

Public policy consideration is another reason for questioning the arbitrability of IP disputes. This means that if IP dispute is not arbitrable for reasons of public policy, an award made on such issues would be contrary to public policy which could be a ground to refuse enforcement of the award. Examples of issues in the intellectual property field that touch on public policy are decisions relating to patent validity, which would require a particular government agency like the Intellectual Property Office to take an action either to cancel the registration of a patent or to remove it from the patent register, or the issuance of a patent license which would require a party to take an action which violates national laws. Further, certain "genres" of litigation, such as those involving generics in the pharmaceutical field, do not easily lend themselves to any settlements short of holdings of patent validity/invalidity.[15] However, it has

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11 Nutzi, supra note 7, at 195.

12 Lawrence Boo, *Arbitrability of Intellectual Property Disputes*, available at https://www.aippi.org/download/reports/forum/forum07/12/ForumSession12_Presentation_Lawrence_Boo.pdf

13 Also known as the "Convention of New York of 1958". The Convention came into force on 7 June 1959. The text of the Convention can be accessed at http://www.uncitral.org/uncitral/uncitral_texts/arbitration/NYConvention.html

14 *Id.* Article V (a).

been said that there is really no general answer to the question of whether intellectual property disputes touch on public policy.

Patrick Nutzi in his article "Intellectual Property Arbitration" wrote:

> "It has been argued that the question of arbitrability may depend on the nature of the claim. Actions alleging the infringement of an intellectual property right are clearly arbitrable, because they raise pure questions of law (the scope of protection conferred by the exclusive right). Questions as to the title of an intellectual property right open tensions between the awards, which is only binding *inter partes*, and the intellectual property right itself, which goes *ad rem*. Yet it has hardly been doubted that, for example, disputes related to the title of a real estate are arbitrable. Moreover, an award has no value as a precedent. Therefore, the objection of public policy is not cogent and should not prevail.
>
> There is controversy over whether the arbitral tribunal has the power to challenge the validity of an intellectual property right. The validity issue primarily challenges the arbitrability of registered rights, such as patents and trademarks. In the course of registration, the law often provides a special administrative procedure under which third parties may oppose. Generally, such procedures cannot be replaced by arbitration. Within some national application procedures, the state checks the conditions for registration thoroughly in order to ensure that all granted rights fulfil the legal criteria. Therefore, these jurisdictions may also decide to reserve to themselves the right to adjudicate any disputes challenging the validity of the granted rights. However, as Francis Gurry has rightly pointed out, there is an inconsistency when the same states, which are common practice, allow the settlement of invalidity claims in a pre-trial stage by an agreement between the parties which restricts the ambit of the contested right or by licensing the contestor."[16]

IV. MOTIVATING IP OWNERS AND IP PRACTITIONERS TO ARBITRATE

> *"It bids us remember ... to settle a dispute by negotiation and not by force; to prefer arbitration to litigation -- for an arbitrator goes by the equity of a case, a judge by the strict law, and arbitration was invented with the express purpose of securing full power for equity."* Aristotle[17]

We often rely on the old ways of doing things, not necessarily because they work but because we have become so accustomed to them. Inventors, trademark owners, creators and others involved in intellectual property are not an exception. The majority of them rely on traditional resolution systems like the courts to settle their disputes, as opposed to exploring alternative dispute resolution (ADR) mechanisms like arbitration. For many IP practitioners and their clients, business people especially, they still find the courts as the most appropriate forum for resolution of IP disputes. They are more at ease with litigation, "...the devil they

15 Kevin Nachtrab, *To Arbitrate or to Litigate: That is the Question*, 42 les Nouvelles 295, 301 (March 2007)

16 E.I.P.R. 1997, 19 (4), 192, 195

17 Aristotle Rhetorics, Translated by W. Rhys Roberts, Available at: www.bocc.ubi.pt/pag/Aristotle-rhetoric.pdf

know, rather than trying out arbitration as the devil they do not know."[18] "It is said that the main reasons enunciated by most lawyers for disliking arbitration appear to be based on the perceptions that one will get something less than a fair hearing and that arbitration lacks many of the court system's fundamental structures that help assure fairness."[19]

IP arbitration has already been institutionalized in the Intellectual Property Office of the Philippines; but it has yet to see its first arbitration case. Perhaps a lot more coaxing and persuasion is necessary to convince IP practitioners and IP owners that arbitration is the "IN THING" now by laying down the benefits that they can get from this ADR mechanism.

Arbitration of intellectual property disputes has numerous benefits and advantages. First, intellectual property disputes often involve highly technical subject matter that is more suitable for resolution by an arbitrator personally chosen by the parties for his or her specialized competence rather than by a judge with little or no prior knowledge or experience in the field. In the Philippines, the reality is that there are few judges who are familiar with intellectual property. While commercial court judges are continuously being trained in intellectual property, they are not considered experts in the field. On the other hand, the arbitrator's specialized competence in intellectual property may enhance not only the quality of the decision-making but also the efficiency with which the proceedings are conducted. Second, arbitration offers a more expeditious way of resolving IP disputes. Intellectual property rights relating to patents and technology can become obsolete or the market becomes saturated with infringing goods if parties have to wait for a considerable time to resolve the dispute. Court dockets are clogged with all kinds of cases that it would take many years before a judge can resolve an IP case. In arbitration, there is a specific time where arbitrators are expected to come up with its decision and it allows appeal of decisions of arbitrator under specific and limited grounds. Third, in arbitration there is inherent privacy and confidentiality on which parties to an IP dispute can rely, especially when dealing with trade secrets or confidential information. Fourth, there is a single neutral forum where IP disputes, involving parties coming from different countries, can be resolved whereas if the parties go to litigation, they may have to file several suits in different countries. Fifth, arbitrators may be better able than judges to fashion private remedies for intellectual property disputes involving issues at the cutting edge of the law where legal principles have yet to be fully developed. The last and the most significant feature of arbitration is the enforcement of arbitral award. Arbitral awards are readily enforceable worldwide under the New York Convention of 1958 whereas the enforceability of court judgments are not similarly enhanced by any international treaties of comparable scope.[20]

It cannot be denied that there are certainly IP controversies which are best suited for court litigation and the parties have to consider other factors when choosing between litigation and arbitration. It was observed that arbitration also shares some of the weaknesses of litigation. Ciraco noted that: "Arbitration has been criticized because parties have frequently treated arbitration as a means for attaining individual goals, rather than as a forum for resolving disputes without confrontation. The result of this misuse of the arbitration process has also taken on all the trappings of litigation: lawyers, transcripts, formal rules of evidence and procedure, and their associated costs.[21] There is also the apprehension of lack of interim mea-

18 Danny Ciraco, *Forget the Mechanics and Bring In the Gardeners*, 9 U. Balt. Intell. Prop. L.J. 47

19 Nachtrab, supra note 14, at 297.

20 Robert H. Smit, *General Commentary on the WIPO Arbitration Rules, Recommended Clauses, General Provisions and The WIPO Expedited Arbitration Rules*, 9 Am. Rev. Int'l Arb. 3 (1998)

sures in arbitration when compared to litigation in courts and administrative bodies.

Nonetheless, with all the benefits and advantages that parties to an IP dispute may obtain by resorting to arbitration and the concurrent disadvantage that the mechanism may have, what is really important is for the IP owners and the practitioners to at least keep an open mind about IP arbitration and try to exploit this kind of ADR mechanism.

V. CONCLUSION

When parties to an intellectual property disputes decide on whether to avail arbitration or litigation to resolve their disputes, their decision should be based on the facts and circumstances of their case. They should not make an uninformed decision that is largely driven by ignorance or fear of the unknown. Arbitration may offer the contracting parties an option to secure the best opportunity to assure a fair hearing under well-established and set rules and procedures which are conducted by persons who are specifically experienced with the technology and subject matter in dispute and capable of issuing judgments that are readily enforceable in many jurisdictions, unlike judgments of the courts.[22]

Fear of the unknown arises from an ignorance of the rules and procedures of arbitration. Fear that they may be confronted with unknowledgeable and unreasonable or biased arbiter (s). Fear that they may not get as complete and as fair a hearing as they would get in a court or administrative tribunal. Fear that they may receive a judgment that is unenforceable or too easy to enforce.[23] If IP practitioners just avoid arbitration because of the reasons stated, they are doing a disservice to their clients. IP owners and practitioners will never learn to appreciate the benefits of arbitration if they continue to ignore it or be afraid of utilizing it. As Logan Pearsall Smith said, "What is more mortifying than to feel you've missed the Plum for want of courage to shake the Tree?"

(IPR Training Course based on JICA for APEC Economies, Sep.-Oct. 2008)

21 Ciraco, supra note 16, at 56.

22 Nachtrab, supra note 14, at 296.

23 *Id.*

Column: It's always all right—"Daijoubu"

Mr. Takao Ogiya
Director General of APIC

Mr. Takao Ogiya

Since the Great East Japan Earthquake, "Go for it Japan!" has been a catch phrase for the Japanese people. However, many people now feel uncomfortable with these words.

If we are told to "go for it" when we are in a painful or difficult situation, we feel more discouraged because we do not know what else we should do. Although these words mean that we will work together to do our best, it still depresses us because it is derived from negative thinking about the actual situation.

Rikuzentakata City in Iwate prefecture suffered severe damage from the earthquake and subsequent tsunami, as have other affected areas. Although the beautiful pine forest comprising as many as 70,000 pine trees was washed away by the tsunami, just one pine tree miraculously survived. This pine tree has become symbolic of the hope for restoration, inspiring courage in many victims.

Seeing the miracle pine tree, many people interpreted the message as, "Here I am. It's all right," which offered them peace, hope and courage to start on the path to restoration. In this way, the term "It's all right" sounds positive, allowing people to view their actual situation from a positive perspective.

It is often said that experiences help us grow into better people. However, I wonder if that is true. Even if we have discouraging experiences that are similar to others, our future may vary from theirs depending on what attitude we adopt toward these experiences. Some people may take a negative view, blaming themselves or others, and remain discouraged. Obsessed with such negative feelings, they may live unhappy lives.

On the other hand, some people may see similar experiences positively, considering that the experience should mean something to their lives. They may develop from their own experiences and cultivate their character. Such people are almost always tolerant of others, filling those around them with warmth, hope and energy. It is as if they were radiating a golden aura.

It is not experience itself, but attitudes toward experiences, that help us grow into better people. I believe that what is necessary for today's Japanese, as well as for people all over the world, in going through various life experiences is the key term "It' s all right."

Since we are given the gift of life, our existence must have meaning. If we find meaning in everything we experience, and believe that all experiences will be beneficial to us, so indeed they will be. Therefore, it is important to always say, "It's all right," no matter what happens.

Certain Japanese terms have become common throughout the world. A recent famous term is "*Mottainai*", which was introduced by Ms. Wangari Maathai, who was a Kenyan environmentalist. She won the Nobel Peace Prize for her work in the area of the environment, which was the first time the prize was given for work in this field. At this time, the term "*Mottainai*" became widespread around the world. Similarly, "tsunami" is also used across the

world.

It is my great hope that "It's all right"—"*Daijoubu*" in Japanese—will become a common term that is utilized around the globe as we all work to make our world a better place.

Japanese Culture: Tokyo Skytree

Tokyo Skytree is Tokyo's newest and hottest sightseeing spot, which officially opened on May 22, 2012. Following is a brief Q&A-style introduction of its highlights.

(Q: Mitti A: Ayako)

When did construction work on Tokyo Skytree start?

Planning began in December 2003, and the actual construction started on July 14, 2008.

Skytree is the highest radio tower in the world. What is the significance of its height (634 m)?

The tower affords sweeping views of Musashi, a province in the Tokyo area that existed from the Asuka to the Nara eras (592-784). Since 6, 3 and 4 can be pronounced "mu," "sa" and "shi" respectively in Japanese, the height of the tower was set at 634 m. The tower is almost twice as high as Tokyo Tower (333 m).

The tower has a very slender appearance. What is its total weight?

The weight of the iron frames that make up its body above ground is about 32,000 t.

How many people can it accommodate?

The first observation deck can accommodate up to 2,000 people, while the second deck can accommodate 900, for a total overall capacity of 2,900 people. The number of visitors reached 400,000 in the first month, and 1 million on the 72nd day of its opening.

While the tower is very popular, does it have purposes other than sightseeing?

Skytree was established as an additional radio tower to Tokyo Tower, in order to reduce radio interference by high-rise buildings.

Many essences of Japanese traditional culture, as well as various cutting-edge technologies, have been integrated into Skytree's design. Can you provide a bit more explanation in this regard?

Certainly. The triangle horizontal section at the tower's foot gradually becomes circular, turning into a complete circle at the point of about 300 m above ground. Looking at the tower from the side, every line rising up from each vertex of the triangle describes a slight concave arc until it reaches 300 m above ground. This shape of this line is called sori in Japanese.

At the same time, every line rising up from the center of each side of the triangle makes a convex arc. This shape is called *mukuri*. Both shapes are motifs of Japanese traditional design, which may be found within the structures of Japanese temples, shrines, tea houses and swords.

Due to these two types of lines, the appearance of the tree varies depending on which angle it is viewed from. From a certain direction, both side lines of the silhouette appear to be either *sori or mukuri*, while from another direction, the right line appears as *sori*, and the left as *mukuri* (or vice versa).

In addition, a new structural system is employed that connects to Japanese traditional architecture of the five-story pagoda (such as the Nikko Toshogu shrine, for example, to control shaking of the buildings). Similarly, this system protects the Skytree from strong quakes (for example, the Great East Japan Earthquake, which occurred with a seismic intensity of 5 while the tower was under construction).

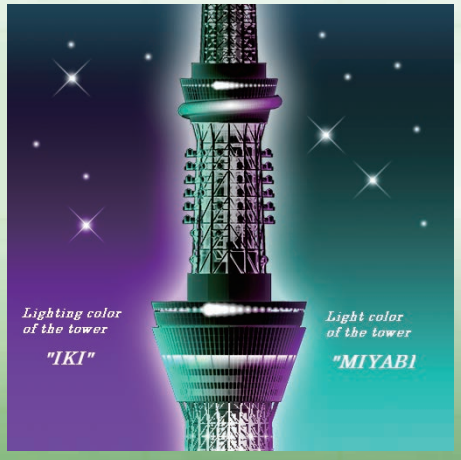
Is there any special significance to the color of the tower?

Yes. The color called "Skytree White" was created based on "aijiro" color, the palest indigo blue among all traditional Japanese colors.

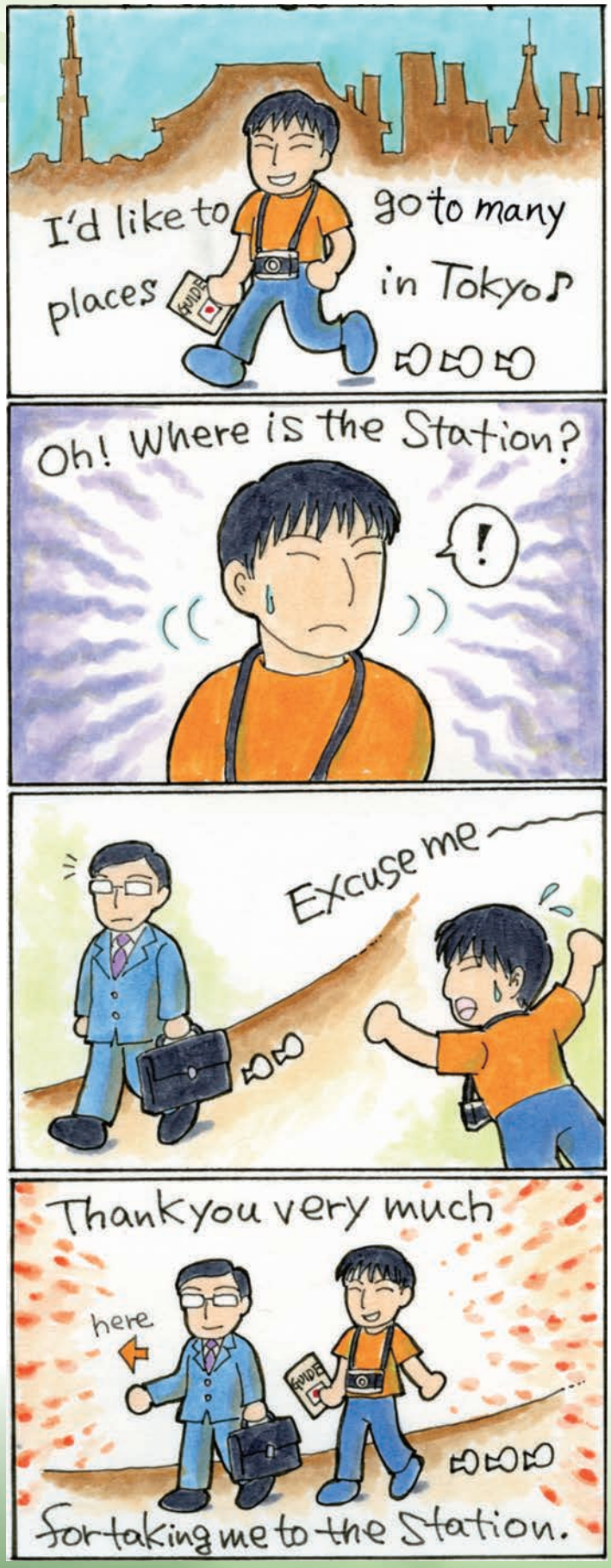
Do the colors used in the illuminations also have meaning?

Two different illuminations express the spirit of *iki that* was appreciated by Japanese people during the Edo period (1603-1867), as well as the Japanese aesthetic sense of *miyabi*. The lights alternate on a daily basis. In the *iki* illumination, the core pillar of the tower is lit up with a pale blue light symbolizing the water of the Sumida River. The *miyabi* illumination is based upon *edomurasaki*, a Japanese traditional purple, with glittering lights like gold leaves that are arranged in accordance with an aesthetically pleasing balance.

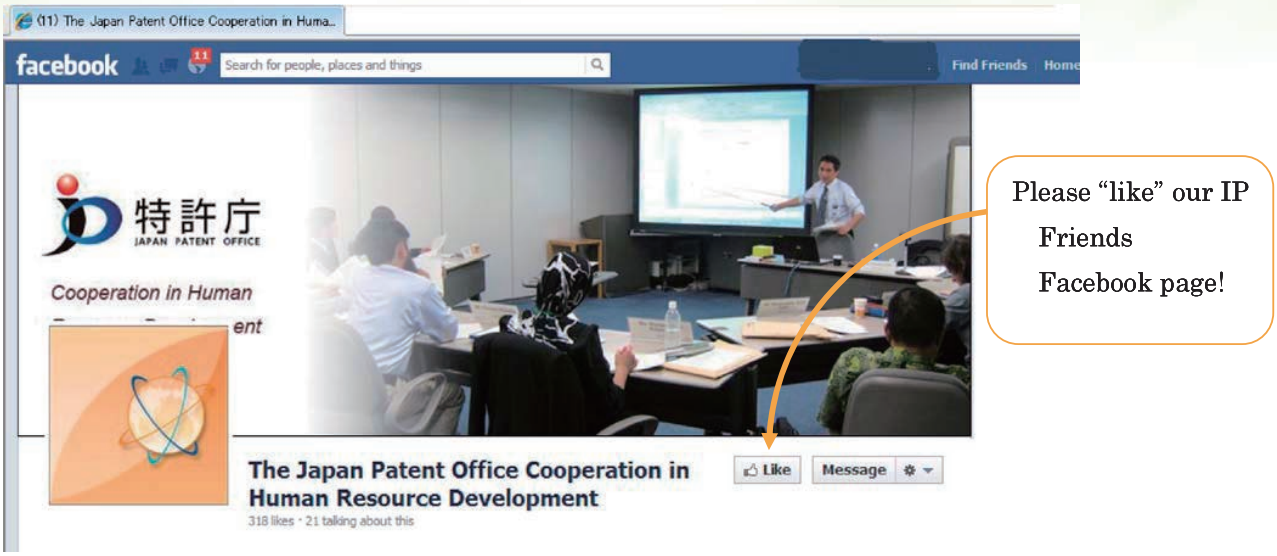
On your next visit to Japan, be sure to visit the Tokyo Skytree tower in order to experience the cutting-edge technologies and integration of traditional Japanese culture for yourself!



Happenings in Japan



Introduction about our facebook page



We are pleased to announce the creation of the new Cooperation in Human Resource Development Facebook page as a communication tool for connecting IP Friends.

More than 300 people have already "liked" our page, but if you are not among them, we invite you to please do so! This is a great opportunity to widen your circle of IP Friends.

We are waiting eagerly for your submissions regarding your country's latest IP news, amendments to IP systems, and so on.

We sincerely hope you will all take this "once in a lifetime opportunity" to continue creating connections with other IP Friends!

Editor's Note

We are very happy to bring you the first issue of our publication "縁－Enishi－(No. 1)" on our website. We really hope the content provided in this magazine helps in strengthening the relationships among all our IP Friends, and hopefully helps in creating new friendships as well. We also greatly appreciate any comments (ex. interesting experiences you had in Japan) or feedback you may have, and look forward to hearing from you. Please enjoy this and future issues of our magazine, and share it with all your IP Friends! (Mitti)

I have had the opportunity to consider the meaning of the word "Enishi" every day through my work. While editing "縁－Enishi－", I found myself hoping that this new magazine itself would be able to cultivate many "Enishi"–connections–between IP Friends living across the world.

Your opinions and comments regarding our publication are always welcome, and will comprise still further levels of "Enishi" within our community. In this spirit, I would like thank you for your continued support of this initiative. (Ayako)

Publication of this Newsletter is consigned to the Japan Institute for Promoting Invention and Innovation by the Japan Patent Office.

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