

ENISHI

No. 2

IP Friends Connections



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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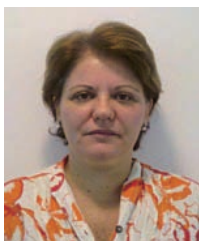
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Report of Patent Practical and Tailored Training from APIC

Looking Back at the Patent Practical and Tailored Training Program for Fiscal 2012 held from August 27 to November 9, 2012



(i) Ms. Carolina Soares



(ii) Ms. Julia Rolao



(iii) Mr. Rockefeller Maciel Pecanha



(iv) Ms. Chetashri Parate



(v) Mr. Udhaya Shanker Sigamani

The fourth Patent Practical and Tailored Training Program (PPTT) was held over a period of 11 weeks this year, and two patent examiners from India and three patent examiners from Brazil participated in the just-ended Program. The patent examiners from Brazil represented the National Institute of Industrial Property (INPI) of Brazil and this was the first time the Program has included Brazilian participants.

The trainees representing the INPI were: (i) Ms. Carolina Soares B. Hashimoto who is responsible for examination in the field of medicine; (ii) Ms. Julia Rolao Araripe who is responsible for examination in the field of biological chemistry; and (iii) Mr. Rockefeller Maciel Pecanha who is responsible for examination in the field of metallurgy and materials.

In India, The Office of the Controller General of Patents, Designs & Trade Marks (CGP-DTM) has four regional offices which have jurisdiction over the eastern, western, southern and northern portions of the country, respectively. The trainees in this Program representing the CGPD TM were: (iv) Ms. Chetashri Parate who is responsible for examination in the field of electronic engineering at the New Delhi Office; and (v) Mr. Udhaya Shanker Sigamani who is responsible for examination in the field of mechanical engineering at the Chennai Office.

The First Step (From August 27 to September 26)

On August 27, the opening day, an orientation session was held in the morning. At first, the trainees formed into two national groups. However, all of them had sociable as well as serious personalities, and they soon came out of their shells with the staff from the JPO and APIC. At the same time, they soon became friendly with each other, and almost invariably acted in concert.

On August 28, presentation of country reports took place. The presentations gave a good picture of the current status and issues of patent examination practice in two countries. Some trainees expressed their eagerness to gain a better understanding of the examination procedures that are in place in each other's countries.

On August 29, the trainees of the PPTT visited the JPO together with the trainees of the JPO/IRP specialized patent training course. They viewed the examiner's terminals at the National Center for Industrial Property Information and Training (INPIT), and paid a courtesy call on Mr. Masaki Koito, Manager of General Affairs Dept. of INPIT.

After this, the full-scale training program started at APIC. The plenary training program



Lecture session by Mr. Matsuda at a training room at APIC



With Mr. Numasawa, a lecturer, after his session

was performed in three steps:

Firstly, a pre-training report presentation took place in which each of the trainees reported on their own job, the issues that faced them in their daily work and their expectations of the training program, which was followed by a group discussion. As the introductory part, the trainees were given a fundamental understanding of Japan's intellectual property system involved in patent examinations, including the Intellectual Property Basic Act, Japan's national strategy of intellectual property, the Patent Act, the Utility Model Act, etc.

In a session titled "Outline of the Patent Act and the Utility Model Act," the trainees learned about Japan's Utility Model Act. As there is no Brazilian or Indian equivalent of Japan's Utility Model Act, the trainees asked many questions about the new and old Utility Model Act during and after the session.

Next, the trainees learned about theoretical underpinnings of Japan's examination standards, including requirements for patentability such as industrial applicability, novelty, inventive step, same invention, etc. Some trainees expressed their eagerness to use knowledge learned from this session for improving the quality of examinations and for achieving optimum results. They also learned about examination standards with respect to the technical fields of computer software, biomedical engineering and medicine. They made an effort to gain a basic understanding of examination standards even outside their own realms of expertise.

With respect to corporate intellectual property management, lecture sessions were provided which proceeded from generalities into industrial particulars in an integrated manner. In these sessions, lecturers from the intellectual property departments of Suntory Holdings Ltd., Astellas Pharma Inc., Mitsubishi Chemical Techno-Research Corp., Mitsubishi Electric Corp., Fujifilm Corp., Nissan Motor Co., Ltd. and Ebara Corp. explained various aspects of intellectual property ranging from product development to the working of intellectual property rights and to their management and use, the trainees found these sessions both useful and informative.

In addition, the trainees visited Fujitsu Ltd. and learned about the technology owned by the company and its way of managing intellectual property.

On September 21, the trainees visited the National Institute of Advanced Industrial Science and Technology (AIST), a leading Japanese research institute in Tsukuba City to learn about its activities relating to intellectual property. They visited Science Square Tsukuba and the Geological Museum as well as the Space Dome of the Japan Aerospace Exploration Agency, seeing the progress of science and technology in Japan before their eyes. Given the opportu-



Trainees taking a photo in Rocket Square

nity to escape the urban environment, the trainees fully enjoyed the leading-edge technology and charms of nature in the leafy environment of Tsukuba.

The Second Step (From September 27 to October 26)

About one month after the start of the Program, the second step began. The curriculum of the second step of the Program included exercises using examples in which the Japan's patent examinations standards learned in the

first step were actually applied with a series of field trips to the Intellectual Property High Court, Soken Chemical & Engineering Co., Ltd. and Thomson Reuters. At the request of the participants in last year's PPTT, a series of visit to small and medium-sized enterprises and middle-ranking companies has been included in the curriculum as of this year. At the Intellectual Property High Court, the trainees sat in on a trial, and thereafter they listened to a lecture by the president of the Court, followed by a question-and-answer session. They also observed the courtroom and offices at the Court, really getting the feeling of what the trial venue in Japan is like.

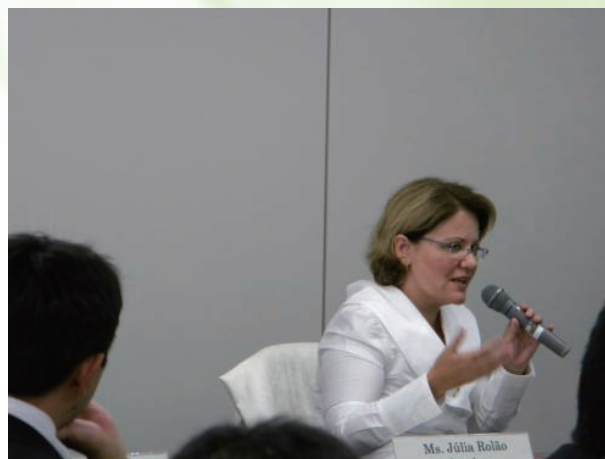
The curriculum of the second step of the Program also included a large number of sessions in which search exercises took place in the computer room at APIC with the use of databases such as IPDL and AIPN and the classification work system for F-terms. It deserves special mention that Professor Hiroshi Kato of Nihon University took charge of conducting a comprehensive exercise during the search training. He gave the trainees an assignment that he had written himself and gave a thorough and detailed explanation not only of the subject matter of his session but also on various systems in place in Japan, which the trainees found very useful and informative and valued highly.

The Third Step (From October 29 to November 9)

About two months into the Program, the third step began. On Monday, October 29, a meeting to exchange views was held with the participation of eleven intellectual property specialists from member companies of the Japan Intellectual Property Association (JIPA) and members of the JIPA secretariat. Following a self-introduction session, the trainees asked questions about Japanese companies, and the specialists from the JIPA member companies answered the questions. Thereafter, the trainees from the Brazil Patent Office and India Patent Office gave a presentation in which they answered questions which they had been informed of in advance. By the same token, the specialists from the JIPA member companies made inquiries and suggestions about the emerging examination standards and the "Green Patent" project under way in Brazil as well as the compulsory license system and the trial system in place in India. On this occasion, reference was made to their opinions about filing patent applications in these countries and the procedural differences they experienced from filing with the JPO. In this way, the meeting to exchange views provided the trainees with a very precious opportunity to really understand what Japanese companies think of the patent systems of Brazil and India.



Meeting to exchange views with JIPA



Ms. Julia Rolao Araripe answering a question asked by JIPA

In addition, the curriculum of the third step focused on more practical aspects by including sessions full of substance such as a case study in which the trainees were taught by an examiner in active service at the JPO together with trainees from the “Advanced Examiner Course” of the WIPO/JF Training Program and on-the-job training which took place by the side of real examiners conducting business at the JPO. An opportunity was provided to visit Honda Motor Co., Ltd. to observe an ASIMO demonstration, together with trainees from the “Advanced Examiner Course” of the WIPO/JF Training Program. These sessions exposed the trainees to the thoughts and know-how of Japanese examiners. Joint sessions of the PPTT and the WIPO/JF Training Program served to deepen the trainees’ bonds with trainee examiners from other countries through the exchange of views which occurred there.

The final part of the curriculum consisted of sessions covering the Hantei system, objection against examiner’s decision and trial for invalidation.

On the final day, Friday, November 9, the final debriefing session took place in which each of the trainees gave a presentation to convey his/her learning results and how they would utilize the knowledge learned in the Program.

They summarized what they had learned in the Program and expressed their desire to make the most use of these lessons in their respective offices. Some trainees referred to the multiple advantages of IPDL and/or AIPN databases over those they have used in examination work, which prompts the proper use of these databases according to circumstances. Others referred to real problems with the databases which included the necessity of further im-



Mr. Rockefeller Maciel Pecanha (on the right) taking part in an exchange of views



PPTT trainees from Brazil and trainees from the Advanced Examiner Training Program with ASIMO



PPTT trainees from India and trainees from the Advanced Examiner Training Program with ASIMO



Ms. Chetashri Parate as giving a presentation in the final debriefing session

provement of the quality of output from machine translation and of use of FI and F-term with text search. Japanese officials found what the trainees had to say to be very useful and informative and clearly proved that the Program had yielded beneficial results for them.

Following the debriefing session, an evaluation session took place in which views were exchanged between the JPO/APIC representatives and the trainees as to how this 11-week small-group training program could be further improved.

Most trainees regarded very highly the stepped approach employed in the Program.

At the same time, some trainees remarked that more time should preferably be allocated to on-the-job training. Others said that the case study and exercise should preferably be tailored to their own particular field of specialization as studying in the context of an area outside their field may prevent full understanding, suggesting the necessity of taking action in this regard at the time prospective trainees are nominated. Each company visit was highly valued by the trainees. Although, formerly, the visits were concentrated on large companies, small and medium-sized enterprises and middle-ranking companies have come to be selected as a destination to visit, reflecting the opinions of the participants in last year's PPTT. This gave an understanding of how intellectual property was utilized at these companies. The evaluation session provided an opportunity to get useful suggestions for making further improvements to the Program.

In the closing ceremony, which took place immediately following the evaluation session, Mr. Shinpei Yamamoto, Manager of the Regional Policy Division of the JPO awarded a certificate to each of the trainees. On behalf of the trainees, Mr. Udhaya Shanker Sigamani delivered a speech as a token of appreciation. With this, the Program that had extended for two and a half months came to a close.

The Program is a small-group training program extending for a relatively long period of time. Almost all the lecturers are active or former examiners at the JPO, with deep technical knowledge, and taught carefully and thoroughly. Driven by the multiple questions asked by the trainee, most sessions turned into interactive lectures. The lecturers who taught in the Program were all impressed with the trainees' willingness to learn.

This year's Program provided a number of opportunities for the trainees to give presentations on the occasion of company visits, etc. They made good use of their time to make preparations by dividing work among themselves. In making a presentation, they worked in a team setting to complement each other.

During after-training hours on weekdays and over the weekend, they set out to various places in Japan and had a very productive time. As the Program extended for a relatively



Ms. Carolina Soares B. Hashimoto being awarded a certificate



Mr. Udhaya Shanker Sigamani as delivering a speech of thanks on behalf of the trainees

long period of time, they could also interact with trainees from other training programs.

As the Program ended without any mishaps, they went back to their own countries with a smile. We expect great things of them in future.



Trainees all together upon completion of the closing ceremony

FY2012 Follow-up Seminars List

JPO and APIC are continuing to hold follow-up seminars in 2012 in cooperation with related parties in four countries: The Philippines, India, Indonesia and China.

We plan to hold the alumni meetings in each country on the day following the seminars in order to determine the effectiveness of IPR training courses in Japan. We would appreciate it if you would accept our invitation to participate.

For further details, please visit the following website, or contact your country's designated contact person. Please also visit our website for details regarding past seminars. We hope to see you there!

Website: <http://www.training-jpo.go.jp/en/>

The Philippines (Seminar already completed)

Date & Venue:	(Seminar) November 8-9 (Meeting) Morning of the 10 th Dusit Thani Hotel, Makati City
Seminar Title:	"PATHWAYS TO PROGRESS: ADVANCING IPRs IN SMALL AND MEDIUM ENTERPRISES (SMEs)" (English)
Report:	Please find the report written by the president of IPAA, Inc. elsewhere in this magazine.

India

Date & Venue:	(Seminar) December 22 nd (Meeting) Morning of the 21 st Indian Society of International Law (ISIL), New Delhi
Seminar Title:	"ROLE OF IP & ECONOMIC DEVELOPMENT" (English)
Contact Person:	Ms. Brinda Mohan Indian IP Alumni Association (INIPAA) c/o Mohan Associates E-mail: brinda@iprightsindia.com Tel: +91-44-2433-9983 / Fax: +91-44-2433-9982

Indonesia

Date & Venue:	(Seminar) February 6 th , 2013 (Meeting) February 7 th , 2013 Grand Sahid Jaya, Jakarta
Seminar Title:	"IP ENFORCEMENT" (Indonesian)
Contact Person:	Messrs. Nurhasanah, Erika and Mutia, Secretariat, Indonesia Intellectual Property Alumni Association (IIPAA) c/o Maulana and Partners Email: ib_maulana@maulanalawfirm.com ; nana@maulanalawfirm.com ; erika_a@maulanalawfirm.com ; mutia@maulanalawfirm.com Tel: +62-21-521-1931 / Fax: +62-21-521-1930

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

“Experiences during the training course for IP Protection Lawyers”



Ms. Dionne Ecap Pulma (The Philippines)

Ms. Dionne Ecap Pulma (The Philippines)
Associate Lawyer, Platon Martinez Flores San Pedro & Leano Law Offices

Let me begin by recounting how it all began. Last year, I submitted an application for the Training Course of IP Protection Lawyers. Unfortunately, since I had less than three years experience in IP practice, I was not qualified yet to be invited. But that did not stop me from submitting an application again this year – and I qualified this time. I will never forget the day I received an email from Adachi-san of HIDA welcoming me to the training course.

And so on a fine Sunday evening on 23 September 2012, I landed in Narita Airport and was welcomed by a man. After greeting us and showing us a map, he rushed me and the other two Filipino participants from the airport straight to the train station in less than 10 minutes. From the Keisei Sekiya station, I discovered that a 10-minute walk for the Japanese to the TKC is a 20-30 minute walk for me. Tired from the travel, I and my fellow Filipinos decided to stop for dinner first before heading to TKC. The first restaurant we tried had a menu written all in Japanese without photos. Despite the language barrier, the staff really tried to understand what we had in mind and, in the end, were kind enough to go out of their way to look for and give us the direction to a local fastfood where the menus had photos and where I had my first taste of Japan. The dish was simple but really amazing – I mean no Japanese restaurant in Manila can serve something quite like it. After filling ourselves with warm, delicious Japanese food, we headed to the TKC in the crisp, autumn air. An old man was kind enough to give us the proper directions to the TKC and made sure we arrived there before he turned around a corner. People at TKC warmly greeted us and showed us around before we headed to our respective rooms. My first night in Japan turned out to be an introduction of sorts to the fastpaced lifestyle in Japan, its friendly, kind people and its great food.

On our first day of class, we were warmly welcomed by Isao-san, Mitti-san and Ken-san. I thought I was on time, but I did not know that one is supposed to show up at least five minutes before the appointed time. Again, it was a lesson on the Japanese lifestyle. There were fifteen participants from seven countries – three from the Philippines and two each from Brazil, India, Indonesia, Malaysia, Thailand and Vietnam. Except for the inventor and patent owner from Vietnam, everyone was a lawyer. Some were employed as in-house counsels for a private company, two were with the judiciary (one was a judge), and the rest worked for law firms.

I learned a lot from the lecturers and my classmates who shared knowledge and insights into the IPR systems of their respective countries. Although there were some similarities among the participating countries in their IPR systems, there were also a lot of differences – some of which were good practices, while the others were issues or concerns that were com-

mon problems the countries. In any case, each of the participating countries can learn from both of these good practices and these issues to come up with the best practices and the solutions to the common problems of the countries.

I also learned a lot from my classmates. It is interesting to know that, based on my notes, it only takes one hour of trial in Thailand for the issuance of a warrant. In particular to my case study report on Supreme Court cases involving trademarks of pharmaceutical products vis-à-vis the high costs of medicines in the Philippines, it is useful to know that India strongly protects generic drugs and has issued a compulsory license against a multinational pharmaceutical company. India also has a separate manual tailored specifically for substantive examinations of pharmaceutical trademarks. Being the country with the second highest prices in medicines in Asia, the Philippines can learn a lot from India which, in contrast, has one of the lowest prices in medicines.

From the lectures on the Japan IPR system, I learned that to protect one's invention and/or design, one may register the different components thereof aside from the whole subject. Such practice may be applied for a car or even a ballpen. No wonder that there are hundreds of thousands of applications for registration of patents and designs in Japan every year. Aside from being scientists, inventors and innovators, the Japanese have brilliant legal minds. The case proceedings and procedures are faithful to the efficient and highly competent way of the Japanese of getting things done. The strong protection system of IPR in Japan apparently stems from such a deep respect for intellectual property creations and the need to protect them not just to give what is due to their owners but also to use them for human welfare and national development.

I also value our visits to the JPO, IP High Court, the Yuasa & Hara Law Offices and the Fuji Xerox offices in Yokohama City. From the theory of the law, I actually saw with my own eyes the offices where the law is implemented or practiced and met the people who actually implement and practice the law. It is always nice to put a face and a name to the law.

I will never forget my experience during the training course in Japan - the lessons not only inside the classroom but also outside of it. I am applying what I learned not only for my professional work but also in my personal life. My experience still brings a smile to my face everyday.



Report of WIPO/JF Training Course on the Examination Practices of Industrial Property from the participants

My Experiences During the Training on 'Examination Practice of Industrial Property'

Dr. Shyam Kumar Barik

Examiner of Patents & Designs, The Patent Office, office of Controller
General of Patents, Designs and Trade Marks (CGPDTM)
India



Dr. Shyam Kumar Barik

Disclaimer: As a trainee from Indian Patent Office, my deliberations below are naturally with regard to an Indian perspective. So, other trainee participants or readers from other countries may find it out of context. I regret for the inconvenience.

1.0 Overview of the Training Program

The Japan Patent Office (JPO), in cooperation with World Intellectual property Organization (WIPO) under Japan Funds-in-trust (FIT) arrangement organized a two weeks training programme on "Examination Practices of Industrial Property" at Tokyo, from October 22 to November 2, 2012. The objective of the training course was to provide participants with a basic knowledge of the laws and procedures in the field of examination of industrial property rights. There was a particular emphasis on dialogue with JPO examiners on relevant issues through interactive sessions, and participants are exposed to on-the-job training by JPO examiners to enhance their professional skills. The course also provided the participants with an opportunity to exchange views on topical issues in the intellectual property field. Apart from me two trainees from China and one each from Indonesia, Vietnam and Thailand (total six trainees) attended the training program. The training schedule was very compact and every effort was given to cover most of the aspect of design examination procedures. Apart from class room lectures, the trainees were imparted with thorough on-job training, had study visit to industry and also visited an attorney house in Tokyo. During the training we had got exposure to design law, examination procedures, design classifications, design data retrieval system etc., with special regard to Japan. WIPO has provided the air ticket and daily subsistence allowance for accommodation, meals etc. and a medical insurance wherein the accommodation was provided by HIDA at AOTS-Tokyo Kenshu Center (TKC), Tokyo. The brief course program was as follows.

Date	Subject	(AM Session: 10.00 to 13.00	PM Session: 14.00 to 17.00)
22-10-2012	AM	Orientation	
	PM	Courtesy call on Executive Official of the JPO	
		Overview of the JPO's Organisation & Function	
		Observation Tour of JPO	
23-10-2012 to	Group Training Course		
01-11-2012	<i>All topics are related to Japanese Design Examination Practice</i>		
02-11-2012	AM	Industry Visit	
	PM	Evaluation Meeting	
		Closing Ceremony	

There were 11 lecturers (Examiners, Directors) from JPO, 3 lecturers from attorney houses and 2 lecturers from Industries.

2.0 Discussion on Each Topic Covered During the Training

2.1. *Overview of Technical Assistance & Capacity Building Provided by JPO*

In this lecture we were explained about various assistance programs and useful tools provided by JPO in view of expanding economic globalisation, increase in global applications and need for improvement of environment of trade & investment. The main objectives of this program are creating IP awareness for economic & technological development, strengthening the IP system (e.g. digitising IP information, computerisation) and support for HRD through organisation of seminars/workshops/training courses, sending experts, bilateral cooperation for enhancement of IP capability via JICA and by providing IP reference materials through internet. These activities are mainly funded by WIPO Japan FIT, JICA and JPO's own budget. Within this main target regions are Asia & Pacific and Africa.

2.2. *Current Status & Future Direction of Japan Industrial Property Administration*

In this session we were apprised about the hierarchy of Japan's IP administration particularly in respect of JPO. We got to know about some history of Japan's IP policy and IP laws and how Japan is trying hard to build a nation on IP. We came to know that work sharing among 5 major patent offices in the world viz., JPO, EPO, USPTO, KIPO and SIPO has been started with focus on examination result exchange scheme and development of electronic system, etc. JPO encourages electronic filing and now they have achieved almost 98% e-filing with regard to patents and utility models which helps in error free digitisation. Internet publication of Design Gazette through IPDL launched on 2007. Japan established about 50 IP Comprehensive Assistance Counters to assist SMEs in their IP activities.

2.3. *Outline of Paperless System*

In JPO computer introduced in 1964 and e-filing started in 1990. JPO achieved 92% e-filing in Industrial Design and 99% e-filing in Appeal cases in the year 2011 which is the highest in the world. We were briefed about workflow in JPO.

2.4. *Appeal, Trial & Opposition System in Japan*

In JPO the 34th Section of Boards of Appeals deals with appeals related to Design for review of Examiner's decisions of refusal. Also the appeals division has a role in invalidation cases (like Cancellation provision of India) and trials (IPR dispute like Infringement Suit) for early settlement of dispute over the validity of industrial property rights. In case of IPR disputes the JPO can make a judgement on possibility of design right infringement in respect of third party's registered design through Advisory Opinion System. In JPO approximately 28000 appeals filed in 2011 against refusals. The appeal boards consist of 3-5 appeal examiner presided by chief appeal examiner and the decision of majority vote prevails.

2.5. *Outline of the Japanese Design Registration System*

In Japan the requirements for design registration are Novelty, Industrial Applicability and Creative Difficulty. There is no concept of originality in Japan. For example an article in the shape of Taj Mahal or Tokyo Sky Tree may be registered in India, but it can't be registered in Japan. Japan introduced Partial Design system since 1999 for protection of distinctive part

of an article. The Related Design system was also in force since 1999 in Japan for protection of designs similar to related to principal design applied by same applicant. The related design application must be filed before the publication of the main application in gazette and the term of the related design is coterminous with principal design. There is also component/part design by which it is possible to protect component design. It basically aims at protection for repair parts. The concepts of partial design and related design are also in India. However, there are no specific terms or nomenclatures used for those types of applications. In India, we allow partial design through pin-pointing of novel features in the statement of novelty and we allow multiple embodiments of similar designs by same applicant in separate applications.

There is one system termed Secret Design in Japan which is quite new for India. By this provision, an applicant can keep the design secret for maximum 3 years from the date of registration. The main intention of the provision is to keep the design secret till actual mass scale manufacturing (e.g. vehicle design). In Japan there is no time limit for taking a final decision on an application unlike India where examiner has to make a final decision within 6 months from the filing date. Another, important point of contrast with regard to Japan system is the term of right which is 20 years from the date of registration in Japan, whereas it is 10 years (extendable by another 5 years) from date of filing (first filing in convention application) in India. There is requirement of payment of yearly renewal fees in Japan unlike India.

The Design Group of JPO has 3 main divisions viz., 1) Industrial Equipment 2) Consumer Equipment and 3) Household Equipment under the supervision of 3 directors. There are searchers in charge of preliminary search and classification. The most important striking feature to me was the Batch Examination mode of design applications by Japanese Examiners.

2.6. Application for Design Registration: Application and Drawing

The mode of application in terms of application form is more or less similar in Japan & India. However, with regard to drawings unlike India Japan allows sectional views, reference view, elevational view, closed and opened view in same application, enlarged view of a part, shadows, broken lines, dots in a drawing. Japan also allows set of articles but it is restricted to only 56 specified articles. The most uncommon aspect in comparison to Indian provision is allowance of graphic image, screen designs (e.g., menu screen, keyboard screen, music screen, numerical entry screen) by Japan.

2.7. Examination Standards for Design (Guidelines)

Like India (Manual of Design Practice & Procedure) the examination guidelines followed in JPO are internal regulations and don't have legal binding effect as a statute. An article should be identified with its purpose, function and its original form (e.g., shape, pattern or colours or combination). For example a handkerchief folded in the form of a flower may not be registered as handkerchief. However, in the name of table ornament they may be allowable. Though 'part of article' is allowed in Japan, to be registered it should be traded as an independent product under normal trade conditions. However, in India an extra parameter i.e. 'capable of being made separately' is included.

For judgment on novelty on the basis of similarity, relationship between the articles and their shape/form/ configuration or pattern is considered. For judgment on creative difficulty, parameters like design by replacement, design by aggregation, design by layout change, design by changing number of consecutive units, design based on publicly known shape or patterns or natural items (unlike India) are considered. Apart from novelty and creative difficulty

the other requirements for design registration in Japan are industrial applicability and first to file.

In IPO the examination procedure or standard is more or less similar to JPO. However, IPO doesn't have an exhaustive or clear cut guideline for interpreting the act and rules. I found these lectures as most useful. Especially I was impressed with the fact that all the aspects were explained with adequate examples and cases.

2.8. Case Study

In this class we dealt mainly with unregistrable designs and evaluation of common elements and different elements along with their impact for similarity judgement. The JPO examiners generally adopt the following overall evaluation for similarity judgment between 2 designs.

If, Total common appearances > Total differences the 2 designs are similar -----Rejection

If, Total common appearances < Total differences the 2 designs are dissimilar ---Registration

2.9. Design Examination Materials, Japanese Design Classification, Outline of the Design Data Retrieval System, Introduction of IPDL

During substantive examination the JPO examiners searches in 3 main databases namely, Application database, Publicly Known Documents database (comprising internet, magazine, catalogue, brochures, books, foreign gazettes and bulletins etc.) and Patent Documents database. As on October 2012, JPO has 8062000 documents in its design search databases.

Unlike Indian Patent Office (IPO) which uses Locarno Classification System JPO adopts its unique classification system to classify articles. The Japanese Design Classification (JDC) seems to be more precise when compared to Locarno system. The Locarno considers only usage wherein the JDC considers usage along with appearance (D-Term) for classification. As a result Locarno has 219 class-subclasses (approx... 7024 goods) whereas JDC has 3193 minor classes (approx... 8829 goods along with 1843 D-terms). So, naturally the JDC helps in narrowing down a particular search.

In this session we were introduced to Japanese version of IPDL in JPO website. There are various options for search methods viz., publicly known design data search, search by JDC, search by design bulletin data etc. However, IPDL database has fewer documents than the design data retrieval system used by JPO examiner, as in IPDL documents authorised by corresponding author is published and Japanese application data is also not included in IPDL.

2.10. On-Job-Training [1-5]

The 5 sessions of OJT spanning almost 3 days was the most satisfying and thrilling part of the program. Here, we have worked on about 15 real cases and searched in IPDL as well as JPO's in-house data retrieval system using various combinations of search options. During this period we could get ample time to interact with JPO Examiners and share our opinions.

2.11. Corporate Design Strategy

In this session (by speaker from Hitachi Ltd.) we were given an overview about how a successful design strategy helps in an organisation's growth in terms of brand image and sales performance. We learned how design concepts are developed keeping in view the factors like user-friendliness, harmony and beauty and how technology and design are blended to produce an excellent design. Now a day's it is necessary for organisations to launch new products around core products to remain competitive.

2.12. Design Infringement Case Study

This session mainly dealt with some landmark cases of Japan courts. Here we got an idea about court's method of judgement of similarity with regard to recognition of article, recognition of shape, recognition of commonality and difference, evaluation of commonality and difference and final evaluation leading to judgment.

2.13. Practical Application Management

This session was held at Seiwa Patent & Law firm in Tokyo. During this session we got to know about eligibility criteria to work as Patent Attorney in Japan, their responsibility and role. There are about 9000 patent attorney in Japan now. Regular trainings are being held for attorneys to keep them up-to-date with Act & Rules. Most importantly the name of an attorney would be removed from the list if he/she fails to attend the designated training courses.

2.14. Design Act & Related Acts

In this session we were briefed about various legal frameworks for protecting industrial property in Japan. Specifically various benefits of acquiring a design right viz., countermeasure against counterfeits, building brand, endorsing non-infringement, restraining effect on competitors and effective means of appealing a product were discussed. However, I am not sure whether Japan has a specific Geographical Indication Law in place or not?

2.15. IP Management

For this session we visited Tokyo corporate office of Honda Motors where we were given an overview of asset (IP) generation and IP portfolio management. We also got an idea how IP is used advantageously in enterprises. It was quite surprising to learn that Honda Motors which is primarily an automobile giant has ventured into sectors like agriculture produces by releasing of a new rice variety 'Honda Rice' to diversify their avenues as well as to remain competitive and increase their IP assets. Also we came to know about how Honda Motors is further diversifying and expanding its IP horizon by venturing into avionics sector by unveiling of 'Honda Jet' which would probably be launched sometime next year. At Honda Motors we also witnessed and mesmerised by the live performance of the 'Asimo' robot. All these symbolises how Japan has made tremendous progress technologically and how IP can contribute in growth of an enterprise directly and Nation as a whole. Honda Motors truly exemplified how IP can take an organisation from strength to strength.

3.0 My Opinions or Views on the Training Program

Before expressing my views I must admit here that the training imparted to us was really unmatched both in terms of curriculum and faculty. The views given below are my own views and those should not be considered as views of other fellow trainees. In no way the views are meant to put down the efforts of JPO-APIC or intellectual ability of faculty or trainers.

- 3.1 Almost all the trainee participants felt that the training program would be more effective if it is extended by another week or two. The main reasons being the large volume of course material provided to us and the thoroughly exhaustive nature of the lectures. I felt that we could not get enough time to recapitulate the whole study material in the context of lectures during such short span of time.

- 3.2 In our schedule we had 4 consecutive sessions of lectures on Examination Standards (Novelty, Creativity, etc.) followed by 5 consecutive sessions of OJT. I am of the opinion that the lectures and the OJT could have been reoriented such that in the morning session we had discussion on the theoretical aspect followed by OJT on the corresponding subject in the afternoon session. For example, we could have the lecture session on novelty (examination standard) in pre-lunch session and corresponding OJT on postlunch session. In that way I believe the trainees would assimilate more and the whole purpose of the training would be more fruitful and more effective.
- 3.3 I would like to have one OJT session on JDC. As JDC is not practised by most countries an OJT on JDC would be of immense benefit and value to trainee examiners just for the fact that a precise classification leads to a good search and thereby examination.
- 3.4 In the OJT we were given cases to search with pre-determined parameters or their combinations (e.g. JDC, period, publicly known designs) and prepare the report. This has no-doubt given us the requisite exposure. But, I feel one or two OJTs (preferably towards the end of the training) where trainees were asked to search without provision of any predetermined parameters would really help the faculty to know how much the trainees have gained from the training and they also can suggest specific remedies to participants, if required. This definitely would boost the level of professional confidence among the trainees.
- 3.5 One session on presentation by trainees on practices in their respective countries would add value to the training program and also it would give scope to understand the advantage or limitations of their practices.
- 3.6 Lastly, I believe, inclusion of one lecture from a University faculty to apprise about current trends of research in IP in Japan would bring some sort of completeness to the otherwise marvellous training schedule.

4.0 Suggestion with regard to Indian Perspective

Before making any suggestion I would like to mention here that the following suggestions are my own personal opinions and by no way these should be construed to demean the stature of IPO or its practices.

- 4.1 India should take full advantage of the JPO schemes under Technical Assistance & Capacity Building program for upgrading its human resource, digitisation facility, etc.
- 4.2 Though it is a policy issue, I would like to mention that error free digitisation has been one of the deep rooted problems in IPO. So, some sort of mandatory e-filing route for other than natural person should be initiated by IPO. As, India's socio-economic situation is quite different to that of Japan, the natural persons may be allowed to file through normal paper application for some period.
- 4.3 To encourage e-filing JPO has a very interesting provision in that, if an application is not filed through e-filing route applicant has to pay extra fees (1200 Yen + 700 Yen/page)

towards digitisation. May be IPO can introduce some kind of similar provision for increment of e-filing. Even in JPO the paper applications are destroyed after 1 year to save storage space.

- 4.4 In JPO annual design filing is approximately 30,000 and the monthly load of an examiner varies between 60-80 new applications whereas in India an Examiner examines around 200-250 new applications per month. Considering the less number of examiners involved in design examination, high work load and less time for deciding an application, implementation of batch examination can be thought of, which can reduce time considerably. But, before that compatible infrastructure (like big dual screens/monitors) and trained human resource (by long term training at JPO to have firsthand knowledge on batch examination) should be in place.
- 4.5 JPO is continuously building and expanding its own publicly known design database from sources like internet, magazines and catalogues. May be IPO should initiate something like this to enhance its search capabilities. However, before this adequate measures should be taken to tackle or address the copyright issues.
- 4.6 Indian Design examiner should and can implement many aspects adopted by JPO examiners during examination. However, for that to happen IPO needs to upgrade the present Design Manual and make it more exhaustive (particularly the examination guidelines and standards) in line of JPO.
- 4.7 IPO should take lead in collaborating with JPO for launching of an English version of IPDL which would of immense benefit to examiners at IPO and other patent offices of the world.

5.0 Conclusion

This training program has enhanced my understanding of design examination procedure beyond doubt. The level of my professional skill has definitely been upgraded. I can only appreciate the JPO for their untiring effort to make us understand every aspect with great detail and adequate examples. I am really overwhelmed by the warmth of JPO and APIC personnel to make us feel at home all the time. It was a fulfilling experience for my professional life.

6.0 Miscellaneous

This portion should be considered as *off the record*. During my short stay at Tokyo, I could visit some places of cultural, technological, natural importance. I could only appreciate the nature's bounty like a kid at Hakone—*The Black Egg Spot*. Tokyo Sky Tree is a modern architectural marvel and is symbol of Japan's engineering might. Then in Asakusa one could see the amalgamation of modern and ancient culture at its best. The atmosphere and crowd at Asakusa resembles an Indian holy shrine. During our stay at TKC an Indian Dance & Food Festival was organised by HIDA. It was heartening, appreciating and spell-bound to see Japanese artists perform effortlessly to the tunes of Indian Kathak Dance form and Bollywood numbers. Most importantly I had an indelible impression about civic sense of Japanese civi-

sation. In a nutshell I thoroughly enjoyed my stay at Japan and the experience would be for life.

7.0 Acknowledgements

I express my deep sense of gratitude to Shri Chaitanya Prasad, Honourable Controller General of Patents, Designs & Trademarks, India for nominating my name to WIPO and JPO for this training. My sincere thanks are due to Shri D.K. Rahut, Deputy Controller of Patents & Designs for recommending my name for the training and also for his guidance and valuable suggestions always. I am grateful to Officials at Ministry of Commerce & Industry, Govt. of India for their approval, necessary permission and timely arrangement for the successful tour to JPO. I am grateful to WIPO for the financial support. I am also thankful to officials of UNDP-India for their timely help for logistic arrangements. My special thanks are due to officials of JPO, APIC-JIPII and HIDA for their warm hospitality and necessary arrangements during the training course. Lastly, I also express my thankfulness to my beloved family and colleagues for their support in innumerable ways.



Twice the Learning, Twice the Joy in Tokyo, Japan

Mr. Roderick T. Ugto
Intellectual Property Rights Specialist II
IPO Philippines — Bureau of Patents
The Philippines



Mr. Roderick T. Ugto

[WIPO Training Course on Examination Practice of Industrial Property October 22-November 2, 2012 (Intermediate/Advanced Program)]

I had received the nomination for the training course on the late afternoon of the last day (deadline) of submission of application. It was a busy afternoon for me for I have to prepare all the necessary documents and requirements needed for the application. I did manage to submit the application and requirements before my time off from work, although a little bit exhausted due to the deadline submission the exhaustion was eclipsed by the elation that I have again the opportunity to experience and comprehend the Japan Patent Office examination practices and enjoy the rich Japanese culture. It further put to notion on strengthening and broadening my knowledge in intellectual property as an examiner.

When an acceptance notice from JPO/WIPO with training course outline was received via email a few days after the deadline, emotional mind-set turned up a notch as eagerness settled in, and made me ponder to make full use of the time allotted to learning examination practices of JPO examiners and maximize excess time to further explore Japan cultures and traditions.

What essential difference will this training course provide from my previous one? This question came to mind upon reviewing the training course outline, it was very appealing and was looking forward to the latter parts of the course since a more in-depth substantive examination topic were to be tackled at that time. These notions appear to be merely imaginary as one cannot clearly provide the outcome of the course until all was set and done. So I had to leave all expectations at the back of my head and just enjoy the journey of the training program as it flows.

Upon arriving at the Narita airport, the reminiscence of my previous stay here immediately came into mind, especially the familiarity in utilizing the guide maps of interconnecting trains from the airport to the AOTS (TKC) and from AOTS (TKC) to APIC-JIPII, but precautions was still regarded and asking for assistance from local Japanese was still the best option in getting around Tokyo.

As the first day commenced, noticing fellow participant waiting in the lounge area that morning was overwhelming for it appears to be more than compared to my previous course participants, just as planned, our coordinator Yukiko-san with other staff members met with us at the lounge and guided us on our way to APIC, it was a brought back to me pleasant memories of my previous daily routine during the last attended course.

Coordinators was quite beneficial as they provided us with a complete course outline, forms to be accomplished in a flash drive (which I find very convenient), guide book, maps of Japan tourist destination, etc. with these, we were able to manage our time for lecture and time for leisure and further anticipate upcoming lectures and plan after lecture site-seeing destinations.

The lecturers were moderately good enough in presenting their designated topics and have

different styles of approach to each designated topic so as not to be dragging and help participants get involved during the course proper and increase interest on the subject matter at hand. It is quite effective that on certain topic of interest for example: novelty, inventive step, etc. the lecturer asks all the participants to give reason based on the home countries regulations. More than often, the results were mostly similar (although not all) but what differs most is the approach on how to confront certain elements in patentability. It provided us a good view of IP Law in Japan and its implementation. Topics relating the novelty, inventive step, infringement cases, case studies and On-the-job training, etc. were of outmost interest for providing a window view of IP related cases and how examiners and judges handled the subject cases which for me is very helpful in my further career as an examiner. But what shined to me the most is the FI and F-term and AIPN courses, the FI system is a very useful tool in using prior art search since it mostly differentiates and segregates the technology involved relating to the given IPC (further subdivides the IPC). While the F-term is projected on the areas (themes) on the related subject matter of interest providing multiple view points on the search strategy. When I learned about it through the program and eventually tried this system during the on-the-job, boom! Search was easily done, you can detail your search thoroughly or adjust it to provide a much broader scope of search, although not all have F-term yet and some F-terms have no descriptions yet, it is still a very useful tool and can be regarded as one of my choices in searching prior art in the IPDL.

The lecture on infringement cases also discussed about certain cases relevant to patentability and invalidation of patent which led to a court decision that eventually led to a revision of the Rules and regulations practice of JPO, such can be taken into consideration that Japan's IP system is moulded and revised to foresee future related cases and lessen the burden of cases filed in the IP high court. Furthermore, one can see that the Japan legislation does not take IP lightly and helps protect Japan companies from infringement cases.

Indeed the on-the-job training at JPO was a worthwhile experience; the Director of the division together with his assigned examiners took turns in giving lectures and helped me to use the system. Although the most of the characters on the system were in Japanese character, they exhibited its flexibility in which amazed me and hoped we had a similar system as that. Getting acquainted with the examiners where a cherished opportunity for all of them where very hospitable and very diligent with their work and can't help but be great full that the examiners themselves researched about my home countries maps and IPO Philippines office background and further asked about popular destinations on my home town, to my admiration some even tried to learn "tagalog" which lifted more of my respect to them.

All good things must come to an end, indeed this visit on Tokyo was more of an icing on the cake, it provided the participants (me, personally) a more inner view of the examination practice of JPO examiners and of other countries examination practices and make use of the gained knowledge in our daily and future work as an examiner, and share such fruitful information to my colleagues. This training course did not only provide useful IP information but provided great Japanese culture and tradition and very meaningful friends.

May future programs of APIC and JPO be more prosperous.

Youkoso! Japan



Introduction of FY 2012 the second Long Term Fellowship Researchers

Self introduction of Ms. Tatiana Carestiato da Silva
Research subject: Training Program for Patent Examiners



Ms. Tatiana Carestiato da Silva

Ms. Tatiana Carestiato da Silva (Brazil)

My name is Tatiana Carestiato da Silva, I am Chemical Engineer and PhD in Organic Process and I have worked as Patent Examiner in INPI/Brazil since August, 2006. In addition to being a Patent Examiner in Pharmaceutical area (Division of Pharmacy I), I also working as a tutor for new examiners and tutor in Brazilian and Latin America dissemination courses of Industrial Property since July 2008. Since 2011, I also work as Tutor in WIPO course (DL101P BR). Considering the worldwide backlog and the ever-increasing number of patent applications, one of the ways to decrease the waiting time for a response from IP offices is the hiring of new examiners to compose its staff. This work aims to studying important points in training the new examiners, acceleration and quality of examination, allowing reduction of the patent backlog and guarantee legal security of the decisions. Moreover, it is my great honor to attend this six month research fellowship program. I highly appreciate the efforts of WIPO, JPO, JIPII and all parties in assisting my research in Japan. I have really appreciated my staying here in Japan. I wish our research could help other countries, especially in development countries, in future and further strengthen the ties of friendship between JPO/Japan and INPI/Brazil.

Self- introduction of Ms. Zhang Wei
Research Theme: Study on Patent Management and Strategy for Qualifying Patents of Enterprises and How Government Patent department should guide by Policy



Ms. Zhang Wei

Ms. Zhang Wei (China)

My name is ZHANG Wei, I work in State Intellectual Property Office of the People's Republic of China (SIPO). I am a patent examiner in Optics and Electronics Examination Department. The field I am responsible for is medical apparatus. I have been a patent examiner for 10 years. In recent years, both JPO and SIPO have large application numbers every year and face the tough task to prompt examination. On the other hand, there are a lot of patents that are never utilized by the patentees. If government could analyze the reasons of unutilized patents and guide enterprises to reduce the application of unutilized patents, it will be very helpful to improve the efficiency of examination as well as technology development.

Moreover, it's my honor to participate in the 6 months Research Fellowship Program On the Intellectual Property under Japan Patent Office. I would like to express my deep gratitude to JPO and APIC/JIPII. I arrived at Tokyo in beautiful autumn, and I'm fully enjoying my life in Japan. I hope my research and work could contribute to communication and collaboration between JPO and SIPO.

Message from Lecturer

Actively asking questions to make lectures more enjoyable

Mr. Tetsuo Tsukanaka
Deputy President, Patent Attorney
Sugimura International Patent & Trademark Attorneys



Mr. Tetsuo Tsukanaka

I have been serving as a lecturer at APIC since 2010. I am in charge of commenting on Japanese Examination Guidelines for Patents at APIC, wherein I make full use of my 33 years' experience in carrying out examinations, appeals and trials, and drawing up examination guidelines at the Japan Patent Office.

At first, I lectured to my class using the examination guidelines published by the JPO as a textbook in my sessions. Unfortunately, however, students looked uninterested, and as the lecturer, I myself did not enjoy speaking.

Recently, I make it a rule to encourage students to ask as many questions as possible in my lectures. When I answer one of your questions, another question may come to you. This makes me realize that I have not fully explained the matter.

I will now take the liberty to give three examples wherein a student asking a question proved to be helpful in deepening overall understanding.

(1) Example involving a well-known art

On one occasion, I delivered a lecture on identity of inventions illustrating the inventions of electric fan. Although I focused on how to judge whether invention X (An electric fan without a timer) and invention Y (An electric fan with a timer) was the same invention or not, my explanation apparently did not get across to students. A student asked an unexpected question, "Why does the incorporation of a timer represent a well-known art?"

According to the student, his/her home country has a hot climate year round, and people always have their electric fans on. It is unnecessary, therefore, to include a timer. Here, we may see that well-known art differs from country to country.

(2) Example involving novelty

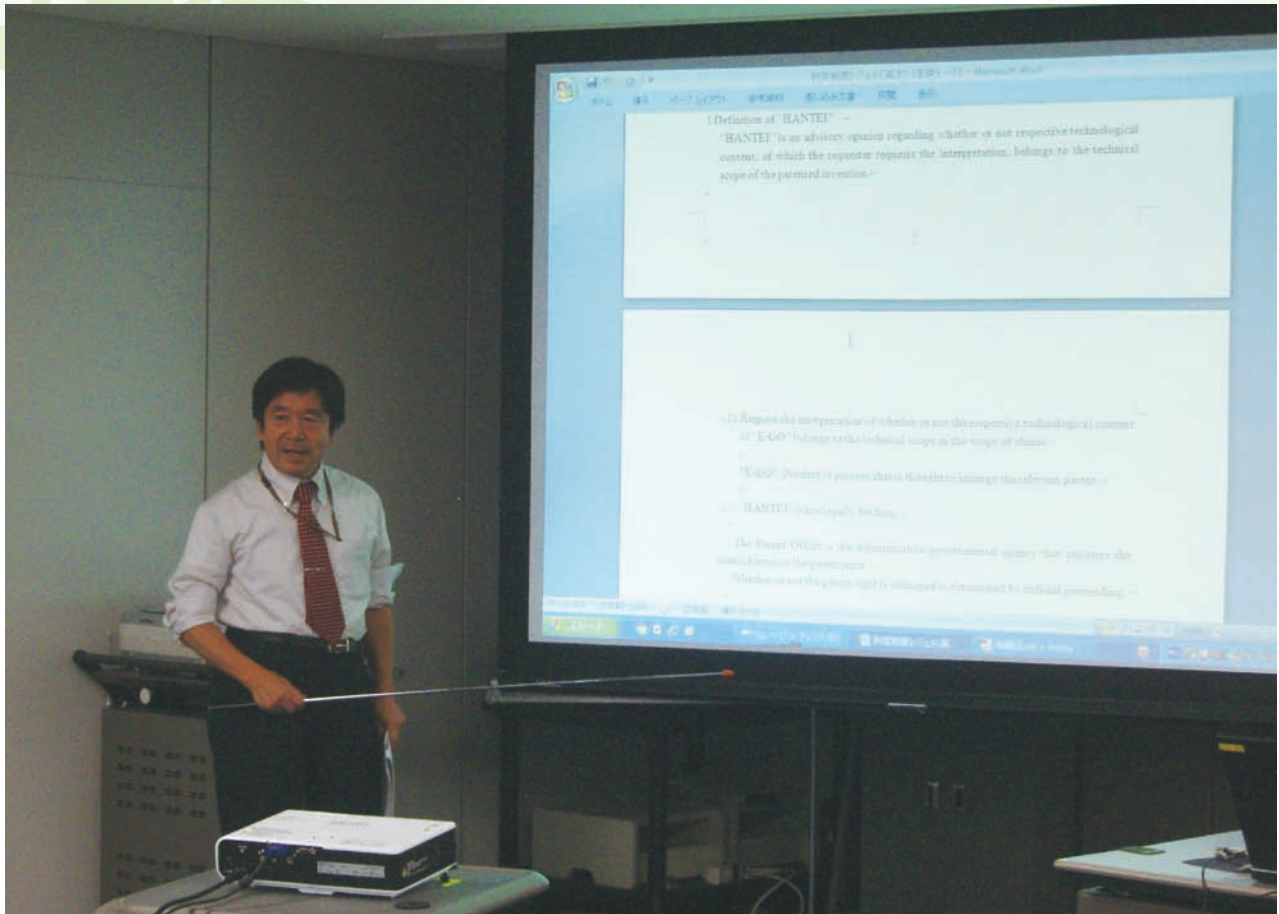
In Japan, "secret prior art" is treated as an matter of an expanded status of a prior application (under Article 29-2 of the Patent Act), and is not subject to a test for novelty.

A student asked a particular question, prompting me to realize for the first time that we had been discussing the issue based on different understandings of what constituted novelty.

(3) Example involving "Hantei"

When I explained "Hantei," which is an advisory opinion of the JPO regarding infringement, a student raised a question asking the fundamental reason for the necessity of such a system. According to the student, lawsuits are a daily event in his/her home country, and people have no hesitation about filing a suit. So, the opinion of their home patent office which is not supposed to be legally binding, is useless. I felt his/her comment clearly illustrated a difference in national character.

As these examples show, asking questions is helpful in deepening your understanding. And if this is true, neither you nor I will become sleepy in my lectures! Not only that, but you and I will also no doubt both have a more enjoyable time.



Messages from IPAAAs (Thailand and the Philippines)

2011-2012 Tasks

Mr. Chayatawatch Atibaedya
President

Intellectual Property Promotion Association of Thailand (IPPAT)



Mr. Chayatawatch Atibaedya

For the past several years, Thailand has raised awareness regarding intellectual property rights (IPRs), commercialized local creations, transformed its minor technology to moderate inventions, and constructed proper measures on the protection and enforcement of IPRs both locally and internationally. The nation foresees the necessity to further develop its intellectual property management in order to leverage its sustainability growth and competitiveness. As a result, the government proposes a chronological increase to the nation's research and development budgets, to reach 1.0% of GDP by 2016. This monetary source shall be utilized in various ways, mainly to boost Thailand's competitive advantage among nations with regard to inventions.

According to a recent study by the National Science Technology and Innovation Policy Office (NSTIPO), Thailand's innovation is based on its diversity of agriculture, which accounts for 41% of the nation's entire land area. 20% of agricultural exports represent 8-9% of the total GDP, with rubber, rice, and cassava serving as key agricultural exports. In the past, we mainly considered the quantity of exported products in terms of the added-value of those goods. In order to avoid world market stagnation on basic consumption, especially with regard to goods imported from other countries, Thailand has had to transform its raw material products into demand. For example, Thai rice could be adapted from a basic dish into a pharmaceutical health product, a type of cosmetic or even bio-energy. Toward this end, therefore, the country has eagerly invested in research and development in order to achieve a competitive advantage within invention-related agriculture. Recently, our technology licensing offices (TLOs) have also attempted to expand their missions both internally and within society as a whole.



During 2011-2012, IPPAT has also engaged in consultation with several of Thailand's TLOs. Among those, Mae Fah Luang University in Chiang Rai province promoted one of our directors as a counselor to its newly formed Intellectual Property Committee. Our delegate helps to draft necessary regulations, and carries out other vital tasks related to internal IP promotion and commercialization. Recently, the university also provided part

of its budget to form a northern region science museum in the university managed by the committee. The museum shall not only provide academic knowledge to local people and nearby visitors, but also serve both TLO and incubator functions with regard to local inventors. Moreover, one of our delegates is a member of the Sub-committee on Revision of Commercial Projects of the Agriculture Research and Development Agency (ARDA) in Bangkok, and is tasked with verifying and giving recommendations to the committee for introducing potential R&D to the market. According to ARDA's relaxed regulations, interesting R&D shall not only be funded, but also dramatically pushed for commercialization. Our delegate to ARDA is now responsible for academic training of ARDA's IP and Legal department staff regarding i) basic knowledge of contract drafting, ii) preparation and drafting of IP licensing agreements, and iii) contractual management of IP.

Finally, IPPAT is collaborating with a private university in Bangkok to adopt a 240-hour curriculum for an "Intellectual Property Manager Certificate". We are hoping for the participation of TLO representatives, R&D fund-granting officers, IP agents, lawyers, business persons, and young people who are interested in expanding their knowledge in this field. The main objective of study is to create experts in IP management, who are capable of assuming management positions in any office related to IP. The course is scheduled to open in mid-2013.

As you may have noticed, IPPAT has been working extremely hard for the past ten years together with support from our members and committee to strengthen our nation's most important IP-related resource: "human capital." We maintain our strong intention to support our society with proper management of IP in order to encourage strength and wealth. As a result of these efforts, our country will be able to embrace future generations with prosperity, dignity, and sustainability.

(IPR Training Course for APEC Economies based on AOTS/JIII for Operational Staff 1, Nov. 1996)

"IP FOLLOW-UP SEMINAR IN MANILA: IP, SMEs, and Progress"

Atty. Augusto "Tito" R. Bundang
President, Intellectual Property Alumni Association, Inc.
The Philippines



Atty. Augusto "Tito" R. Bundang

The sun was up early and the weather was unmistakably bright. The venue was sleek and perfect, and the number of confirmed participants was more than expected. The enthusiasm of the attendees could not be overlooked. It was a good time to hold a seminar. And indeed it was.

Last November 8-9, 2012, the two-day IP follow-up seminar spearheaded by the Japan Patent Office (JPO) and the Asia-Pacific Industrial Property Center, Japan Institute for Promoting Invention and Innovation (APIC-JIPII), in coordination with the Intellectual Property Office of the Philippines (IPOPHL) and the Intellectual Property Alumni Association, Inc. (IPAA), took place at the Dusit Thani Hotel in Makati City, Philippines after much anticipation and detailed preparation. The focus of this year's seminar was on small and medium enterprises, and how an understanding of intellectual property can better improve their situation. Hence, the main theme: "Pathways to Progress: Advancing IPRs in Small and Medium Enterprises (SMEs)".

Since the last seminar organized by the JPO and APIC-JIPII in Manila was held in January 2010 and no seminar materialized in 2011, the two-day seminar was a much eagerly awaited event—most especially for IPAA members, who were the seminar's main beneficiaries. Interestingly, this year's delegation from Japan comprised seven persons, while representatives from member-companies of the Japanese Chamber of Commerce and Industry of the Philippines, Inc. also took part in the seminar upon invitation by the JPO and APIC-JIPII. More than 40 IPAA members from the IPOPHL also participated, in what was a sign of the IPOPHL's unwavering support of this major activity.

The seminar had a unique start, featuring a performance of the Philippine National Anthem on flute by grade school students of the Food for Hungry Minds School, Inc. (FHMS), which is a beneficiary of the IPAA. As the outgoing IPAA President, I welcomed the seminar guests and participants, and sincerely thanked the JPO and APIC-JIPII representatives for their

genuine assistance to IPAA with its initiative to bring about a "culture of production and innovation" in Philippine society.

Deputy-Director of the JPO's International Affairs Division, Mr. Isao Honzawa, formally opened the seminar with an inspiring remark on the value of intellectual property to business organizations. The IPOPHL Director General (DG), Atty. Ricardo Blancaflor, then gave an engaging opening address, encouraging the IPAA to continue with its in-



volvement in IP promotion, indicating that the IPOPHL stood entirely behind these efforts. DG Blancaflor also highlighted the genuine initiatives of the IPOPHL to increase the number of local patent filings and spur the growth of the Philippine economy.

The seminar proper was divided into five sub-themes, with the first three being tackled on the first day, and the last two on the second day. At the end of the discussions on each sub-theme, the assigned moderator presented a summary of the topics that were explained by the speakers, and a question-answer forum would ensue. At the close of the seminar, an overall discussion and question-answer forum was included after all sub-themes had been covered.

Under the first sub-theme, “Value of IPRs in Growth and Progress of SMEs”, APIC-JIPII Director-General Takao Ogiya and IPAA Trustee Atty. Dina Lucenario discussed topics entitled, respectively, “The Significance of IPRs to SMEs” and “IPRs for Prosperity: Current Challenges to Philippine SMEs.” Both speakers recognized the immense contribution of SMEs to a country’s economic development, and the resulting need for SMEs to recognize, manage and protect their own IPRs, which provide value to their own businesses.

For the second sub-theme, “Institutionalizing Protection of Industrial Property in SMEs”, Director Bernie S. Justimbaste, the representative of Undersecretary Fortunato Dela Pena of the Department of Science and Technology (DOST), reported on “The Role of Public Sector in IPR & SME development while Mr. Honzawa spoke about “Instilling Awareness and Promoting Importance of Patents to SMEs”. Mr. Honzawa confirmed the role of the public sector in providing an IP-friendly environment to SMEs through direct assistance and intervention by IP specialists in the form of lectures, meetings, and sessions with SMEs (among other methods).

The third sub-theme, “Enhancing Business Competitiveness through Patenting and Innovation,” covered the topic “Embracing IPRs in Commerce: The Philippine Example”, which was explained by IPAA Trustee Atty. Anthony Peralta, as well as the topic “Adopting Best IPRs Practices for SMEs”, which was discussed by Mr. Chikashi Tamura, Patent Attorney of the Sugimura, Tamura and Partners, and Vice President of the Japan Patent Attorneys Association. Mr. Tamura remarked that SMEs should recognize at all times current technological development, in order to look for ways to differentiate themselves and utilize the assistance of IP experts.

To set the tone for the second day of the seminar, a video was shown featuring the training course conducted by APIC-JIPII in Japan, much to the participants’ delight. The fourth sub-theme, entitled “Trademark as Instrument for Prosperity among SMEs,” opened with the topic, “Trademark: “Visible” Sign of Success”, which was ably explained by Ms. Reiko Toyosaki, a trademark attorney of Toyosaki & Associates. Ms. Toyosaki mentioned that a trademark attorney should know the business of her/his client, as well as the life cycle of its products, to better anticipate how the client’s mark should be used in order to attain both present and future benefit. The second topic, “Challenges to Philippine SMEs: Maximizing the Functions of a Mark”, was handled by IPAA trustee Atty. John Paul Gaba, who discussed the legal and regulatory environment of Philippine SMEs, which actually include micro, small, and medium enterprises. The third topic, “Trademark Valuation in the Philippines: Theory and Practice”, was taken up by IPAA trustee Atty. Editha Hechanova. Atty. Hechanova enumerated the basic valuation approaches, namely, the cost approach, which considers the historical cost of marks; the market approach, which looks at the supply and demand principle; and the income approach, which takes into account the mark’s anticipated income and possible income stream.

The fifth theme dwelt on “Understanding the Madrid System”, including the topics “Pro-

protecting Trademarks Under the Madrid System” and “Dealing with the Madrid System: Issues and Answers”, which were discussed respectively by former IPAA trustee Atty. Eduardo Escano, and Mr. Nobuyuki Monna, Deputy Director, International Application Division, Trademark Design, and Administrative Affairs Department of the JPO. The discussions focused mainly on the advantages of the Madrid system in facilitating trademark applications internationally.

To put a unique closure to the highly successful staging of the seminar, several token prizes were raffled off by the IPAA to a few lucky participants to show the organization’s appreciation to everyone who took time to be part of the seminar.

To make the event a more memorable one, an alumni meeting was also held briefly on November 10 at the same venue, the Dusit Thani Hotel, in order to allow a few representative members of the IPAA from the private and public sectors to meet with, dialogue, and openly air their views to the representatives of the JPO and the APIC-JIPII regarding the seminar and the trainings in Japan. Recommendations and comments were freely discussed to provide for possible improvements and changes in future IP seminars and trainings, as well as foster better and stronger ties between the Philippines and Japan in the area of IP.

The almost yearly IP seminar sponsored by the JPO and APIC-JIPII has provided a worthy venue for Filipinos to learn more about the value of IP in both nation-building and international trade relations. By and large, the IP seminars have not only been a vital source of knowledge on IP, but also an important means to continue the linkages and relationships that have developed through the years between and among those involved in IP in Japan, the Philippines, and perhaps later, in the other countries included in the IP program of the JPO and APIC-JIPII.

It is to everyone’s interest that the IP seminar program proceeds and expands even further, thereby ensuring that IP is respected and promoted, and that sustainable development will remain in the hearts and minds of all adherents of IP. To JPO and APIC-JIPII, my sincere thanks and more power. See you next year!

*(IPR Training Course for APEC Economies based on AOTS/JIII for Management 2,
Feb. 1997)*

Contributions from FY 2012 the first Long Term Fellowship Researchers

Mr. Ly Sonabend (Cambodia)

Deputy Chief of Litigation Bureau and IPAS Administra
Department of Intellectual Property Rights, Ministry of Commerce



Mr. Ly Sonabend

①Six months experience in Japan

Japan is a country that I visited the first time at the end of year 2008, to attend the training course on “The Use of Information Technology in Industrial Property Administration”. That was my first official trip abroad since I had been recruited to work at the Department of Intellectual Property Rights, Ministry of Commerce, Kingdom of Cambodia. At that time, I spent 2 weeks in Japan and met with other participants from other countries.

In April 2012 I was selected again to participate in another program called “Six Month Study-Cum-Research”, *“The long term trainees are provided an environment in which they are able to conduct independent studies such as receiving guidance from professors, visits to related institutions necessary for the studies, etc.”* which is sponsored by WIPO in collaboration with JPO. That mission was the first long-term stay abroad I ever took. I arrived in Tokyo, Japan on 9 April 2012 at around 5 pm, and the next morning I needed to wake up early (since Japan time is 2 hours ahead of Cambodia time) to meet my two coordinators (Ms. Satoko Miyazaki and Ms. Yukiko Koyanagi), whom I communicated with via email before my arrival in Japan. I also met my new friend, Ms. Pattarawan Charumilin from Thailand, who also attended the six month study-cum-research program. After having a very short introduction we all went to apply for the issuance of a “Certificate of Alien Registration”. After that, we have had our first lunch together at “OIOI Department Store” located near “Kita-Senju station”. After finishing the delicious lunch, we went to APIC where I needed to come every workday. As I mentioned earlier, APIC is the place that I attended the training course in year 2008, but the only APIC staff member that I could remember very well was Ms. Ayako Sakuma. Maybe last time I just went to the training room, not to the APIC office and that is why I only remember her. Ayako-san was the course coordinator at that time. A few weeks later I met with the professor of my research, Mr. Hatori Kenichi from KEIO University. My professor was one of the lecturers of the course that I attended in the year 2008, and the good thing is that we still remembered each other, so it made our relationship closer.

During my study and research, I learned many things which are related to Intellectual Property, as well as Information Technology in the field of IP. The intellectual property System in Japan showed me the big differences between our two countries. It seems like my office needs a lot more time to catch up with the current IP situation in Japan. IT for IP in Japan has been advancing from more than 20 years ago. It has a unique section for each field and is very well organized, so it makes the process from receiving the application through granting the certificate and the protection of the right “EXCELLENT!” Moreover, besides the study and research relating to my topic, I also joined in interviews with my friend from Thailand to some research institutes in Japan in order to understand more about IP policy and commer-

cialization.

Aside from my studies and research, I visited many prefectures outside of Tokyo, such as CHICHIBU where I saw SHIBA ZAKURA, KARUIZAWA where I could see the big camping place for Japanese people during their summer vacations. KYOTO is a very beautiful place, and the most natural that I have ever visited. There were also many places in KYOTO, and activities that I did at those places are really “UNFORGETTABLE” to me and I will always remember them. OSAKA is a very nice prefecture, and I thank Satoko-san and Yukiko-san so much for accompanying us to OSAKA where we learned many new things together. For one thing, the first two cars of the train in OSAKA are “Women Only” all day, and this is different from Tokyo. Besides seeing many new places around Japan, I also met some Japanese people that are so kind, honest and helpful, and the Japanese culture was so nice as well.

I can say that my stay in Japan was indeed a “MARVELOUS TIME” in my life!



②Three main types of Trademark disputes

Few things disturb a business owner quite as much as a dispute over the exclusive right to use the business's chosen name to identify its goods or services. A business's mark is normally intimately linked with the recognition and goodwill the business enjoys in the marketplace. So, a dispute over that mark sets off alarm bells. The world of trademark disputes can be boiled down to three main types of disagreements:

- I. Infringement
- II. Dilution, and
- III. Cybersquatting.

I. Infringement may occur when one party, the "infringer", uses a trademark which is identical or confusingly similar to a trademark owned by another party, in relation to products or services which are identical or similar to the products or services which the registration covers. An owner of a trademark may commence legal proceedings against a party which infringes its registration. Infringement disputes arise when the simultaneous use of the same or similar marks by two different businesses is likely to confuse customers.

- + Two main issues underlie an infringement dispute:
 - Who first used the mark?
 - Are customers of the first trademark user likely to be confused by the second user's use of a similar trademark on similar goods or services?
- + Eight specific elements to measure likelihood of confusion:
 1. Strength of the mark
 2. Proximity of the goods
 3. Similarity of the marks
 4. Evidence of actual confusion
 5. Marketing channels used
 6. Type of goods and the degree of care likely to be exercised by the purchaser
 7. Defendant's intent in selecting the mark
 8. Likelihood of expansion of the product lines

II. Dilution is a basis of trademark infringement that only applies to famous marks. With non-famous marks, the owner of the mark must show that the allegedly infringing use creates a likelihood of confusion as to the source of the product or service being identified by the allegedly infringing use. With non-famous marks, it is highly unlikely a likelihood of confusion will be found if the products or services are in unrelated markets. However, with famous marks, any use by another person of the mark has the potential for confusion, since a famous mark is so well known among the consuming public that people will assume affiliation with the owner of the mark regardless of the product or service being sold under the infringing use. Dilution involves the wrongful use of a famous mark, either by weakening the famous mark or tarnishing its reputation. The primary inquiry in a dilution dispute is whether the mark is famous. If the mark is found to be famous, the owner of the mark has the power to stop certain uses of the mark that dilute the strength of the mark or that harm the mark's reputation for quality.

III. Traditionally, infringement and dilution were the only two types of dispute. Recently, however, a new type of dispute has arisen: cybersquatting. Cybersquatting involves holding a domain name hostage. It is the registering and owning of a domain name that mirrors a valuable trademark for the sole purpose of selling the domain name to the owner of the mark. Cybersquatting was made illegal in the United States by the passage of the Anti-cybersquat-

ting Consumer Protection Act by Congress in 1999, and cybersquatting also has been found to violate the rules of the Internet Corporation for Assigned Names and Numbers, the international committee that regulates the Internet. The term is derived from “squatting”, which is the act of occupying an abandoned or unoccupied space or building that the squatter does not own, rent, or otherwise have permission to use. Cybersquatting, however, is a bit different in that the domain names that are being “squatted” are (sometimes but not always) being paid for through the registration process by the cybersquatters. Cybersquatters usually ask for prices far greater than that at which they purchased it. Some cybersquatters put up derogatory remarks about the person or company the domain is meant to represent in an effort to encourage the subject to buy the domain from them. Others post paid links via Google, Yahoo!, Ask.com and other paid advertising networks to the actual site that the user likely wanted, thus monetizing their squatting.

Your particular trademark dispute could involve one or more of these main types of conflicts. For example, you could find that someone has registered your trademark as a domain name, and at that address has set up a website selling goods that are similar to yours under the same name. You contact the scoundrel, and he says that if you want him to stop, you can just buy the domain name from him. This person is infringing your trademark by using the mark in a manner likely to confuse your customers. He also may be cybersquatting, because he is holding the domain name of your trademark hostage. Thus, it is important to keep in mind that your dispute could involve a number of types of wrongful activity. The first two sections of this chapter deal with infringement, including the main issues underlying infringement and the common types of disputes. The third section covers dilution, and the last section describes cybersquatting and arbitration of cybersquatting disputes. Opportunities for cybersquatters are rapidly diminishing because most businesses now know that registering and protecting their domain names is essential. Keep in mind that, in some instances, a conflict over the use of a domain name is due to an honest mistake and may not involve the degree of bad faith to prove cybersquatting. When we talk about cybersquatters, we are referring to those who deliberately stake out domain names with the intent of profiting from use of someone else’s trademark. A common variation on cybersquatting is typo-squatting, in which misspellings of a domain name are used to mistakenly attract or mislead consumers. The typo-squatter’s URL will usually be one of four kinds, all similar to the victim site address: (In the following, the intended website is “example.com”)

- A common misspelling, or foreign language spelling, of the intended site: `exemple.com`
- A misspelling based on typing errors: `xample.com` or `examlpe.com`
- A differently phrased domain name: `examples.com`
- A different top-level domain: `example.org`

Once in the typo-squatter’s site, the user may also be tricked into thinking that they are in fact in the real site; through the use of copied or similar logos, website layouts or content.

Finally, I would like to address my high appreciation and express my sincere thanks to my colleagues, the coordinators of my course, and JPO, APIC, JIPII for their kindness and hospitality in making my six-month stay in Japan fruitful and unforgettable.



My experience as long-term researcher in Japan: 6 month of unforgettable experience

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Senior Policy Researcher

National Science Technology and Innovation Policy Office



Ms. Pattarawan Charumilin

During December 2011, I received good news that I was awarded a 6 months study-cum-research fellowship program, which I would be in Japan during April-September 2012. This program is supported by the cooperation between WIPO and Japan Patent Office (JPO). This program allowed me to have once in a lifetime experience to live in Tokyo for 6 months as long-term researcher.

I am currently working as senior policy researcher at National Science Technology and Innovation Policy Office (STI) in Thailand, which is committed to formulate national STI plan for the country. Therefore, I chose to conduct my research on a topic of Measures to Promote Intellectual Property Commercialization: Japan Experiences and Implication for Thailand that is currently one of the challenges that can help improve competitiveness for Thailand.

It was my third time in Japan but it was my first time to really experience Japan. I arrived Japan in early April, my heart was filled with excitement, anticipation and also some worries, as it was my first time away from home that long. But as I arrived Japan, my worries started to fade as the excitement of my life in the next 6-month took over. I was lucky enough to see Sakura or cherry blossom in Ueno Park while it was blooming on the first day I arrived Japan.

This six-month study program has 2 participants, I and another participant from Cambodia, Mr. Ly Sonabend. The program gave me opportunity to conduct a study on the IP related topic that I am interested. It provides full support for my accommodation including allowance to live in Japan and my research budget. The first day I went to my office in Asia Pacific Industrial Property (APIC), I was very impressed how the program provides me with full support to carry out my research work. APIC-JIPII provided me with complete research facilities, where I have my desk, computer and I can access to research library. The program also provided me with 2 exceptional coordinators, Satoko-san and Yukiko-san who helped me with my research work and my everyday life in Japan. The program also selected the best advisor from one of the best university in Japan for my research by introducing me to Prof. Koichi Sumikura from National Graduate Institute for Policy Studies (GRIPS)

During my research, I received opportunity to interview high-ranking government officials and several Independent administrative agencies such as Japan Science and Technology Agency (JST), New Energy and Industrial Technology Development Organization (NEDO), AIST and company to discuss about policy and mechanism, which support the IP commercialization in Japan. Thanks to the arrangement by my coordinators, I acquired useful primary data that support my research paper about IP policy and the implementation from the experience people. Besides, useful information, we also exchanged our opinion and experience about the different of Thailand and Japan IP policy.

The program also allows me to participate in other training courses that gave me opportunity to seek a great deal of knowledge but most of all to meet other participants from all over the world. I had joined several courses, and there I met other participants from Thailand, Vietnam, Brazil, Brunei, Mexico, Indonesia, Malaysia and many more. The opportunity to make an IP friends/networking with people from other countries who works in the same field

is an essential part of this program. In the training course, we also had a field trips to related organizations such as university of Tokyo TLO, Japanese high-tech companies such as Hitachi, Toshiba, Fujitsu, Denso etc. to learn about IP strategy of the company, how they protect and utilize the company IP. We also experience how Japan educates young children about IP at Chihaya high school.

One of the interesting trip for me was when we went to Tsukuba in Ibaraki prefecture; Tsukuba area is considered a science city, which consists of university and research centers. We visited Japan Aerospace Exploration Agency (JAXA) museum and National Institute of Advanced Industrial Science and Technology (AIST) science square to explore many new high-technology which is a result of Japanese research lab and successfully commercialize. One of my favourite is "Paro" the cutest therapeutic robot that looks like a baby seal, which I would recommend for other participants to go and experience how the cute robot can heal your emotion.

Besides life in classroom and research life, I would like to share my experience and impression about life, people, and place in Japan. One of the most impressive trip for me is when I went to Kyoto with my wonderful coordinators and my colleague Bend at the end of my course. We went to Kyoto by night bus leave from Tokyo around midnight and arrive Kyoto in the morning. We went to see beautiful Golden temple, Silver temple, Kiyomizu dera. Kyoto really gave me a true sense of Japan beauty, simply yet beautiful and gracious just like Japanese people which is very much humble but wise. I also have opportunity to visit other part of Japan besides Tokyo such as Yokohama, Kamakura, Osaka and Nikko in my free times.

An everyday life in Japan was also very much interested for me such as a crowded train during rush hours when I commuted from my accommodation to my office. The hottest summer in Japan also brought the picture of salary man carrying fan in his hand while walking on the street. And when I got lost I always received a Japanese kindness that try to help me despite language barrier.

About people, I am really thankful that I got to meet a kind, thoughtful and helpful people from APIC. In 6-month of my stay, I received a warm hospitality from many people at APIC. They try to accommodate me for my research work and teach me about Japanese culture. I experienced a true Japan such as tea ceremony, summer firework events, bon odori dance, and of course karaoke party! Life beyond classroom and research work in Japan will always be an unforgettable memory for me.

This program provide a valuable experience for me, in terms of academic knowledge, I received many useful knowledge and wisdom from competent people from JPO and academia. My research work also gave me a capacity building that would be helpful for my career advancement. I would like to take this opportunity to express my sincere gratitude once again to JPO and WIPO for setting up such a useful and fruitful program. And to APIC-JIPII for assisting me through my research terms and to all APIC staffs who are my colleague and my family away from home who makes my life in Japan the most enjoyable time. Arigatou Gozaimasu!



Articles from the former trainees

A Brief Analysis of Infringement by Equivalence in Brazil

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Mr. Marc Hargen Ehlers

Dear IP Friends,

Firstly, it is a pleasure to submit this article as a contribution to those who attended the intellectual property training courses sponsored by the JPO and APIC.

The subject matter of this short article is related to the fact that during the patent specialists course I was able to acquire a better overview on how infringement by equivalence is applied in other countries, mainly, in Japan.

As it is known by professionals in the patent field, infringement by equivalence may, in theory, be argued by the patentee whenever a third party reproduces an object that has some differences from the claimed subject matter from a literal standpoint, but still reproduces the concept of the patented invention. In this case, a complex analysis must be conducted in order to determine whether these differences fall within the concept of the invention, and, consequently, determine if non literal infringement exists.

Infringement by equivalence may be determined by different criteria, as for example, the tripartite test that is mostly used in the United States, or even the obvious equivalent from the German practice. Even in countries which legislation does not expressly provide for infringement by equivalence, e.g. Japan, this type of non literal infringement may be applied, as in the famous decision of the Supreme Court of Japan in the ball spline case (Feb. 24, 1998) (Hensei 6(o) 1083, of 1994) (*Page 17, Casebook of Intellectual Property Rights (2); Japan Patent Office*).

In Brazil, on the other hand, infringement by equivalence is expressly provided in the Industrial Property Law—Law nr. 9279, as follows:

“Article 186-The crimes of this Chapter are committed even if the violation does not affect all the claims of the patent or if it is restricted to the use of means equivalent to the subject matter of the patent.”

Accordingly, in order to demonstrate non literal infringement in Brazil, it is necessary to evidence that the means or process used by the alleged infringer is equivalent to the patented subject matter. Based on the contents of article 186, in principle it would not be necessary to compare each particular element or step defined in the claim with the respective element or step in the infringing device or method, but only the whole invention with the infringing product or process. In other words, even if a specific feature defined in a claim is totally omitted from an infringing product, but this product can still be regarded as an overall equivalent to the patented product, the equivalence might be argued. Nevertheless, in our opinion equivalence should be preferably established on an element-by-element basis rather than by an overall comparison.

In view of this “broad” definition for equivalence in the Brazilian IP law, Brazilian Courts have been applying this concept in a broad way and rarely indicates the term “equivalent” in

the rationales of their decisions. However, there are a few decisions where the Courts have applied the doctrine of equivalents and expressly indicated the criteria used to conclude in favor of non literal infringement. As indicated below, the Court of Appeals of the state of São Paulo has applied the “tripartite test”, in order to evidence the patent infringement by equivalence in appeal no. AC 994.09.338262-3:

“the product of the plaintiff infringes the characteristic point 1 of independent claim 1 of patent nr. PI9914639-8 of the defendant SEB S/A by equivalence, since the rounded edges of the tightening and/or support surfaces (blades) perform “substantially the same function, substantially in the same way and produce substantially the same result of the element defined in the claim”¹.

Moreover, it is important to draw attention to the fact that, in general, Brazilian Courts have been adopting a pro-patentee position when there are “insubstantial differences” between the claimed invention and the infringing device or process. In these cases, the Courts have been considering that there is patent infringement. A possible restriction to the application of the concept of infringement by equivalence relies in consideration of the prosecution history of the case.

Regarding prosecution history “estoppel”, it is interesting to notice that despite of the use of this concept by the Courts, the Industrial Property Law does not contain specific provisions related to this restriction in claim construction. In fact, the Courts have been applying a general legal concept called *Venire Contra Factum Proprium*, which, in a nutshell, provides that parties cannot take contradictory courses during prosecutions either in the PTO or the Courts. Therefore, patentees could not at one side bring arguments to have his patent granted, and, thereafter, enforce his rights with arguments in the opposite direction of his previous arguments to affirm that the scope of protection of the patent must be interpreted in a broader way. In this regard, the Courts have issued an opinion, as indicated below (corresponding number unavailable):

“limitation to the doctrine of the equivalents that prevents the patentee from arguing that an element of the product or process accused of infringement is equivalent to an element of the claims when, during the administrative proceeding of the patent application, the applicant limited his claim in order to override a cited prior art that covered the essential element of the accused product or process”²

Hence, before starting a patent litigation, it is very important to review the prosecution history of the patents involved and to carefully analyze the potential infringing product in order to check for possible inconsistency issues that might jeopardize the case.

The same procedure should be taken before launching new products or using new processes in Brazil.

1 Original version in Portuguese of appeal no. AC 994.09.338262-3: *“o produto da autora-reconvinda infringe o ponto característico 1 da reivindicação independente 1 da patente n. PI 9914639-8 de titularidade da co-Ré-reconvinte SEB S/A, por equivalência, uma vez que as bordas arredondadas das superfícies de aperto e/ou apoio (lâminas) realizam” substancialmente a mesma função, substancialmente da mesma forma produzem substancialmente o mesmo resultado que o elemento expresso na reivindicação”.*

2 Original version in Portuguese of (corresponding number unavailable): *“limitação à doutrina dos equivalentes, que previne o titular da patente contra alegar que um elemento do produto ou processo acusado de infração é “equivalente” a um elemento das reivindicações quando, durante o processamento administrativo de obtenção da patente ele restringiu sua reivindicação para evitar uma técnica anterior citada que cobria o elemento crucial do produto ou processo acusados”.*

In view of the above, it is concluded that infringement by equivalence is applicable in Brazil, as expressly provided by the Brazilian IP law and also based on case law, although there is still insufficient jurisprudence available with respect to the acceptable criteria for determining equivalence.

(JPO/IPR Training Course for Patent Experts, Aug.-Sep. 2012)

Geographical Indication Protection in China

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Mr. Liu Guodong

There are generally three modes of geographical indication (GI) protection in the world; protection through unfair competition law, protection through special law, and protection through trademark law. China mainly adopts the trademark law mode, but at the same time also leaves room for the special law mode. This parallel mode has given rise to many controversies. However, the purpose of this article is not to discuss which mode is better or to find a solution, but to generally introduce the GI protection under the trademark law in China.

The GI protection in China can be traced back to the middle 1980s when China joined the *Paris Convention for the Protection of Industrial Property* and began to assume the obligation of protecting appellations of origin (AO). In the late 1980s the Chinese Commerce and Industry Administration authorities carried out several protective actions towards foreign AOs, such as *Danish Cookies* and *Champagne*. In 1994 the State Administration for Industry and Commerce (SAIC) promulgated the *Procedures of Registration and Administration of Collective and Certification Marks* (the *Procedures*), for which the Trademark Office, under SAIC, began to accept GI Certification mark applications the following year. In 2001 GI protection was first incorporated into the trademark legal system when the *Trademark Law* was amended for the third time. In 2002 the *Implementation Regulations of Trademark Law* was amended and provided that GIs may be registered in the form of collective marks or certification marks. Several months later, SAIC amended the *Procedures* accordingly. In 2005 the Trademark Office and Trademark Review and Adjudication Board jointly promulgated the *Trademark Examination and Trial Standards* (the *Standards*), which provides specific requirements on GI examination in one of its chapters. Since then China has formed a relatively complete GI registration and protection system.

The current Chinese *Trademark Law* defines GI in Section 2 of Article 16 as *a mark that identify a good as originating in a locality, where a given quality, reputation or other characteristic of the good is essentially attributable to the natural or human factors of its geographical origin*. The definition is clearly inspired by Article 22 of the TRIPs Agreement¹. According to this definition, a GI shall meet the following requirements. First, the mark itself is capable of indicating the geographical origin of the good on which it is used. It can be the name of the geographical area, or any other visible sign that is capable of indicating the geographical origin of the good, including but not limited to a map of the area or a famous landmark architecture within that area. Second, the good on which the mark is used shall contain a given quality, reputation or other characteristic that is essentially attributable to the natural or human factors of its geographical origin.

1 Section 1 Article 22 of TRIPS Agreement: *Geographical indications are, for the purposes of this Agreement, indications which identify a good as originating in the territory of a Member, or a region or locality in that territory, where a given quality, reputation or other characteristic of the good is essentially attributable to its geographical origin.*

Besides these two requirements, a GI application shall also meet the following. First, the applicant shall be able to supervise, or hire an institute capable of supervising, the quality of the GI product. Second, the applicant shall define the range of the geographical origin of the product by providing the latitude and longitude data of the area, a map or a description of the scope of the area. Third, the applicant shall submit GI use and management rules specifying important issues such as the purpose and procedure of using the GI, rights and obligations of users, and quality inspection of the product. Fourth, the applicant shall be a group, association, or other collective organization in the case of applying GI in the form of collective mark, and members of the applicant shall come from the geographical area indicated by the mark. In addition, approval and support of the local government which has jurisdiction over the geographical area indicated by the mark are indispensable in applying for GI in China under the Chinese context. However, a foreign applicant is instead required to prove that the GI under application is also protected as a GI in his home country under his own name.

Being a large agricultural country with diversified geographic and climatic conditions, China has developed numerous agricultural and handicraft products with local characteristics in the evolution of its civilization. With this advantage, China has seen vigorous development in its GI registration and protection ever since the introduction of the GI system to its territory. By the end of 2011, the aggregated number of registered and preliminarily accepted GIs in China has reached 1,381. Among them, 1,342 are domestic GIs, and 39 are foreign ones². The main GI products range from fruits, vegetables, tea, grain, edible oil, poultry and livestock, aquatic products, herbal medicine, flowers, to pottery, porcelain sculpture, and other folk works of art.

There have been a series of successful cases in which GIs are used to drive regional economic development. *Anxi* County in *Fujian*, a southeast coastal province in China, was a well-known poverty stricken area just a decade ago. The county has a long history of tea cultivation, and is famous for its high quality *Tieguanyin*, a variety of Chinese tea. However, this tea had not helped raise the livelihood of the local people very much until *Anxi Tieguanyin* was registered as a GI in 2000. Because of the credit and reputation of GI, *Anxi Tieguanyin* quietly but quickly expanded its market share. Under the guidance of the local government, *Anxi* has developed a dynamic county economy where the characteristic *Anxi Tieguanyin* tea industry is the engine which drives the development of the local tea-related industrial clusters, including tea machinery manufacturing and tea tourism. According to news report³, currently there are approximately 0.8 million people out of the whole 1.1 million local population involving in tea or tea related jobs, and about 55 percent of the income of the local peasants are from tea or the tea-related industry. There are nearly 1,500 counties in China, and *Anxi* has now entered the list of China's top hundred economically strongest counties. Besides economic contributions, GIs also function in promoting environmental protection and non-material cultural heritage inheritance.

There are also shortages and problems in GI protection in China. The GI legal system is far from perfect in many aspects. The public awareness of GI protection is growing, however, there is still a huge lack of professionals who are familiar with the GI system. The Chinese GI

2 See *Annual Development Report on China's Trademark Strategy 2011*.

3 Su Shuiliang, 2010, *Anxi Tea Modes is Worth to Draw Lessons From*, Fujian Tea News, <http://www.fjteanews.com/newsshow.asp?id=4215>

products still have a long way to go in winning the international market, despite their domestic fame and competitiveness. And local governments need to better position themselves in guiding and supporting GI protection within their jurisdiction.

*(WIPO Training Course on the Examination Practice of Industrial Property
(Intermediate/Advanced Program), Oct.-Nov. 2008)*

Growth of GEOGRAPHICAL INDICATIONS of Goods in INDIA

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Mr. Panneer Selvam Sanjai Gandhi

Geographical indications refer to indications that identify a good as originating in a particular territory, or a region or locality within a territory, where a given quality, reputation or other characteristic of the good is essentially attributable to its geographical origin. It may also be defined as a sign used on goods that have a specific geographical origin, and possess qualities or a reputation that is due to that place of origin. Most commonly, a geographical indication consists of the name of the place of origin of the goods. For instance, 'Champagne,' 'Cognac,' and 'Tuscany' are geographical indications designating the specific geographical area from which they originate.

Under Articles 1 (2) and 10 of the Paris Convention for the Protection of Industrial Property, geographical indications are covered as an element of IPRs. They are also covered under Articles 22 to 24 of the Trade Related Aspects of Intellectual Property Rights (TRIPS) Agreement, which was part of the agreements concluding the Uruguay Round of GATT negotiations.

As per the TRIPS agreement, India enacted the Geographical Indications of Goods (Registration & Protection) Act, 1999. This act came into force beginning on 15th September 2003.

According to this act, barring unauthorised people or associations from exploiting the geographical indications would serve to protect consumers from being cheated, while contributing to the economic success of the goods' producers and also promoting goods with Indian geographical indications in the export market. Under the TRIPS Agreement, countries are under no obligation to extend protection to a particular geographical indication unless that geographical indication is protected in the country of its origin. Therefore, prior to 2003, India did not protect geographical indications of Indian origin.

Since coming into effect, 178 products have been registered under the Geographical Indications Act of India to date (as of October 2012), including not less than six foreign products that include Peruvian Pisco from Peru, Champagne and Cognac from France, Napa Valley wine from the USA, Scotch whiskey from the UK, Prosciutto di Parma from Italy, and Porto and Douro from Portugal.

Several other products in several different categories have come under the purview of this act. The various categories under which they are currently divided are those of foodstuffs, handicrafts, agriculture and manufactured goods.

The trade-related aspects of intellectual property rights (TRIPS) agreement, to which India is a signatory, warrant that members may enact legislation for protection of GIs. As per these guidelines, the government of India announced additional protection for wines and spirits under the Geographical Indications of Goods (Registration and Protection) Act, 1999. Since then, 150 applications have been filed under the act by various member countries seeking registration for wines and spirits.

As a result of the efforts of Mr. Sanjai Gandhi, President, IPR Attorney Association, Chennai, India, ten items from Tamil Nadu, India have been registered under the Geographical Indication Act. These products are Kancheepuram silk sarees, Bhavani Jamukkalam (bed-

sheet), Madurai Sungudi sarees, Salem white silk, Kovai Kora cotton, Arni silk, Thanjavur paintings, Thanjavur dancing dolls, Ethomozhi tall coconut of the Kanyakumari district and Tangalia shawls of Gujarat.

One of the registered GI products is Kancheepuram silk sarees. They derive their name from the Kancheepuram region situated in Tamil Nadu, and are bright coloured heavy weight sarees featuring solid gold zari borders for the pallu. Their specialty lies in their durability. The tradition of Kancheepuram silk sarees dates back to the third century. They are supplied to the international market as a registered GI product from Tamil Nadu, India.

Another registered GI product are Thanjavur paintings, which involve laborious human skills with limited use of painting brushes. Their uniqueness lies in the fact that no two paintings are similar, and the use of precious stones and golden flakes gives them a three-dimensional effect.

The third registered GI product is Bhavani Jamakkalam, which are fine cotton carpets/spreads woven in pit looms in and around Bhavani Taluk in the Erode district. They are known for their multi-coloured crossbar effect on both sides.

Madurai sungudi sarees are handwoven cotton sarees with excellent colour patterns made by the 'tie and dye' process. This process involves tying the sarees with ropes or threads and untying the knots after having dipped the saris into the dye. This produces patches with and without colour, giving these sarees a unique look.

The KovaiKora traditional cotton saris are made of cotton with a good measure of silk woven into them. Therein lies the aesthetic beauty and uniqueness of these sarees.

The uniqueness of the Arani silk sarees lies in their different varieties. Dobby varieties, double side borders, intricate designs, twisted yarn, specialized weaving in border designs and extensive zari work are the distinctive features of Arani silk sarees.

Made from natural fibres such as wool, silk and cotton, Tangaliya fabrics used in making Tangaliya shawls are woven using raised dots/danas that have a bead-like effect. They consist of geometric designs with vibrant hues of pink, red, blue, green, maroon, purple and orange. Traditionally, white is used along with other colours against a black background.

Registration of these products under the GI Act has brought about tremendous improvements in the lives of the artisans. There has been a marked improvement in their standard of living. It has also led to the growth of awareness amongst them about maintaining the standard of their products in the international market.

A total of 178 products have been registered in India to date. Of these, 44 are agricultural products, 116 are handicrafted items, 14 are manufactured products and 4 are food stuff items. Countries including Spain (wines), Finland (spirits), Sweden (spirits), France (wines), and Czech Republic (beer) have filed applications for registration of their products in India.

Any member country of the TRIPS agreement can also avail itself of the Indian GI Act and file for the protection of their products. At the same time, following recent awareness campaigns on Intellectual Property Rights, there has been a growing awareness regarding the registration of Indian as well as foreign products under the GI Act.

(JPO/IPR Training Course for Lawyers, Nov.-Dec. 2007)

Winning the Uphill Battle

Ms. Nor Husna Shafini Binti Nor Bashah

Senior Lecturer, Secretariat for Patent, Collaboration & Research Grant,
Politeknik Sultan Abdul Halim Muadzam Shah (POLIMAS)
Malaysia



Ms. Nor Husna Shafini Binti Nor Bashah

When I first accepted the offer to participate in the JPO-IPR Training Course for IP Trainers sponsored by the Japan Patent Office in July 2012, IP awareness was very low in my office. In fact, we only just recently had our first IP awareness campaign, which was co-organized with MyIPO (the Malaysian Intellectual Property Office). My stated aim for the training course was “to disseminate IP knowledge which will be taught to me throughout the course back to my office”. I did wonder what type of challenges I would face once I completed the training. Would it be an easy or difficult challenge, I asked myself, to propagate the knowledge of what IP is all about to a group of people who have no inkling of what it is in the first place? A brief search brought me to a certain figure: the number of IP applications filed so far was 17—a number that is so small compared to the 43-year life-span of polytechnics. A little bit paradoxical, don't you think?

The polytechnic education system in Malaysia was kickstarted with the founding of Politeknik Ungku Omar, Ipoh in 1969. Since then, polytechnic education has been enhanced with the establishment of many committees that were specially set up to improve its system from time to time. In the beginning, polytechnic education was intended to provide aid for building the capacity of human capital for the country's development and growth. As such, the setting up of polytechnics was meant to help spur the country's economy growth by generating semi-skilled workers for the employment market in the areas of engineering, commerce and hospitality. High school leavers enter polytechnics, and are groomed for three years to ready them for the job market. Inventions, innovation projects and technologies are their toys and playgrounds throughout these grooming periods. As of today, there are 30 polytechnics offering diverse courses throughout Malaysia continuing this good cause and honorable inspiration, which is that of encouraging students to aim higher in order to become leaders in technical and vocational education (TVET). Sadly enough, however, although the Malaysian polytechnic education system has been set up for nearly 43 years, awareness is still green where the importance of intellectual property (IP) protection is concerned.

Meanwhile, the polytechnic field had been running its own invention and innovation exhibitions and contests itself, until invention and innovation platforms outside of the polytechnic system finally started to appeal to its specialists several years ago. For the past two years, almost all of the 30 total polytechnics have been participating in nearly every nation-wide innovation and invention exhibition, as well as other country-wide contests to commemorate the “innovation year” gazette theme as announced by the government. In addition, polytechnics also ventured outside the country and began participating in a number of international innovation exhibitions and competitions. Many have won numerous medals and recognitions through these innovation platforms, which brings proud to polytechnic headquarters i.e. the Department of Polytechnic Education. In this hot pursuit of winning the innovation exhibitions and competitions, however, proper protection of inventions has been overlooked. Each individual polytechnic comes up with unique inventions and chooses as many invention projects as it can in order to try to win the biggest prize; and yet many fail to remember to pro-

protect their IP. Post-disclosure protection is not an easy task to handle, with most investors being reluctant to cooperate due to the time consuming factor of IP grace period issues. In the end, the non-protected inventions have been left unattended as a white elephant.

Providing proper IP protection to inventions should have become a top priority among polytechnics, as it serves the true means of polytechnics' existence: that of helping to spur the country's economy growth. Not giving proper IP protection to created inventions is a huge loss to the country, and a great tragedy which might increase to the point of becoming a pandemic that will disrupt the entire existence of polytechnics itself if it is not addressed. As such, what needs to be done immediately is to increase the IP awareness level among the polytechnic community. Much work needs to be done to correct this situation. Thus far, the top management of polytechnic institutions has been made aware of the importance of IP protection. This was the first agenda which I executed immediately after I completed the IP training course in Tokyo. With the help of MyIPO, a one day seminar was held at MyIPO's training centre in August this year, involving the directors and the Heads of Research and Innovation units from all 30 polytechnics. Dato' Azizan Mohamad Sidin, the Director General of MyIPO himself, officiated the seminar while the Deputy Director General of the Polytechnic Education Department, YBhg. Datuk Hj Mohlis Bin Jaafar, gave a speech at this momentous and influential seminar. With the presence of top management officers from both the polytechnics and MyIPO, IP awareness was propagated and the crucial nature of top management commitment was made understood.

The next step is to spread IP awareness within the polytechnic community at large. To date, a small group of polytechnic staff has been sent to IP awareness courses held with the help of MyIPO. The number of attendees is very small, however, as compared to the whole polytechnic community at large. To attend to this matter, I already started a series of IP awareness talks for staff members of Politeknik Sultan Abdul Halim Mu'adzam Shah (POLIMAS) last October to 30. This is the beginning of this initiative, and it looks promising. Until now, created inventions have been sent to competitions and exhibitions at innovation platforms without any protection whatsoever. It was noticed that some of the inventions created at one polytechnic somehow emerged to have been invented elsewhere (at another polytechnic) within the several months that followed. Through the talk held, the staff members have now become aware that when you disclose your inventions without first giving proper protection, you cannot claim exclusive rights. They are also now aware that copyrights are automatic, while other IP categories require systematic arrangements. Furthermore, many seek my advice regarding how to go about protecting their inventions. As such, it is my intention to start a roadmap for each individual polytechnic, and to give IP awareness talks so that each polytechnic staff member is aware of IP protection issues and its importance.

IP awareness talks alone, however, will not be sufficient to overcome the existing problem. Polytechnics need to have their own unique and strong IP policy, which will help guide them toward handling their inventions the proper way. Policy development is now underway, since as an officer in charge of patents and IP collaboration, I have initiated the work to incorporate and procreate an IP policy for POLIMAS. With help from a few colleagues, we studied the IP policy of several renowned universities, as well as the national IP policy which has been put under the purview of the Ministry of Science, Technology and Innovation (MOSTI). In fact, news of the policy development has helped incite IP protection actions at my office, with a number of inventors calling in to request protection for their inventions.

It is imperative to observe that apart from making staff members aware of IP issues and their importance, holding a unique IP policy alone still does not solve the IP concerns of poly-



technics. There is an indispensable need for a systematic IP management committee to run and control the whole IP entity. With the consent of the POLIMAS Director, my office has set in motion a committee to evaluate created inventions, work on IP application matters, and negotiate commercialization affairs. At the moment, we are in the process of filing IP applications for several exceptional inventions. We are also looking for commercialization opportunities of our “white elephants”. The same must be deployed at other polytechnics, as the performance of this committee will confer support to polytechnics in shaping their focus to become the leader of TVET, while simultaneously facilitating the country’s economic growth via capacity-building of human capital and generating semi-skilled workers for the employment market in the areas of engineering, commerce and hospitality.

In short, it can be said that Malaysian polytechnics have a great deal of work to get done where IP is concerned, including an IP awareness campaign, incorporation of IP Policy, and creation of an IP management committee. Polytechnic IP issues can then be unraveled, thus providing proper protection for IP and helping polytechnics to soar high. Having said all that, it is quite safe to say that the action plan that I outlined during the IP training course is now set in motion, with my target for the coming year being to concentrate on the IP awareness roadmap.

Wrapping up, I would say that with a sturdy and robust commitment from top management, polytechnics’ uphill battle of IP can be won—and I am ready with a stratagem to help this happen.

(JPO/IPR Training Course for IP Trainers, Jun.-July. 2012)



Column: "Words that Leverage People"

Mr. Takao Ogiya
Director General of APIC



Mr. Takao Ogiya

My day begins with my wife saying to me, "Wake up, it's six already!"

Between my home and the local bus stop, I pass by a police station. Whenever I see a police officer standing guard, I say "good morning" to him. The officer returns the greeting with a smile. Such pleasant exchanges in the morning start the day on a good note, as if to promise that a good day is in store.

It is often said that words serve three functions. One is the communication of information, another is the communication of emotion or intent, and the third is moving people's hearts. In most cases, however, words are uttered not for just one of these functions, but in an intricate combination of the three.



Let me cite an example. On an autumn afternoon at around three o'clock, an inpatient in a wheelchair goes out in a hospital courtyard accompanied by a nurse. The patient asks, "I wonder what the time is." If the nurse replies, "exactly three, I would say," the communication between the two is in no way successful. Silence will ensue, at least for a while. What the patient really wants to convey, though not uttered directly, is the sentiment that "it feels slightly chilly." An experienced nurse may have understood what was implied and responded by saying something like, "shall we return to the ward, or would you like to use a blanket?" Such a remark would move the patient's heart, convincing him/her that "the nurse cares about me," fostering a relationship of trust between the two.

The traditional Japanese expression *kotodama* (lit., "word spirit") refers to the belief that uttered words have ramifications for real-life occurrences. In other words, pleasant words will lead to good events, and unpleasant words to bad ones.

Chapter 1 verse 1 of the Gospel According to John in the New Testament opens with the following remark: "In the beginning was the Word, and the Word was with God, and the Word was God." Verse 4 of the same chapter continues, "In Him was Life."

The awareness of the gravity of words apparently runs across all humankind, regardless of ethnicity, geographic region or history. Now, perhaps more than ever, we need to pay more attention to our words.

Here in Japan, verbal bullying is escalating. Expressions that hurt others emotionally or demean their dignity are more common, and seemingly said with a certain nonchalance. The originator may deny any intention of harm, but to the recipient, the act is nothing but verbal



violence. *Hamono kotoba* (lit., “knife words”) is an expression that refers to such speech. “Knife words” can even drive people into taking their own lives.

By contrast, there are cases wherein someone’s life is profoundly affected by a simple compliment. Such words are referred to as *inochi kotoba* (lit., “life words”).

The world-renowned Hungarian composer and pianist Franz Liszt met Ludwig van Beethoven just once, when the former was a boy. The encounter took place in 1823, when Liszt was 12 years old and Beethoven was 53. Liszt was studying piano in Vienna, and gave a performance in front of Beethoven. Upon listening to Liszt’s piano, Beethoven, whose hearing was already suffering at the time, reputedly hugged Liszt and said, “Your music has a living soul.” These words greatly inspired the young pianist, who went on to create numerous piano masterpieces. His ambitious oeuvre even includes transcriptions of Beethoven symphonies for solo piano, a formidable challenge even for two pianos. The compliments by Beethoven most likely expanded Liszt’s outlook enormously, giving him both courage and energy. This is a prime example of “life words.”

I invite you to use “life words,” and suggest that we begin by exchanging morning greetings. My hope is that we will discard “knife words” and use “life words” as much as possible. If all of us could use “life words” that care for the feelings of others and maximize their potential, we could forgive, encourage and love each other— thereby developing richer human relationships and filling the entire world with peace.



Introducing new technology from “Cool Japan! *MONOZUKURI* Japan!” ~ “Neji-Saurus®” ~



Mr. Mitsuhiro Takasaki

President and CEO of Engineer Inc.

“Neji-Saurus” has been selling exceptionally well in the field of household tools, under the catch phrase of “one in every household, one in every department, and one in every section.”

You may well have had the experience that a screw is just too tight and cannot be removed, or that the head of a screw breaks off just at the moment you turned the handle of the screwdriver. “Neji-Saurus” is like a magic key that can remove all those hard-to-remove screws. Here, I will summarize its technology.

In order to remove a difficult screw, you need to undertake two actions simultaneously: tightly gripping the screw while also turning it. This may seem simple, but no previous tool could perform these two actions at the same time before “Neji-Saurus” appeared. General pliers are slippery since their jaws have only horizontal grooves, so developers of the “Neji-Saurus” tried cutting vertical grooves. However, they found that pliers with vertical grooves alone had already been released by a competitor, and that such pliers are still slippery in many cases.

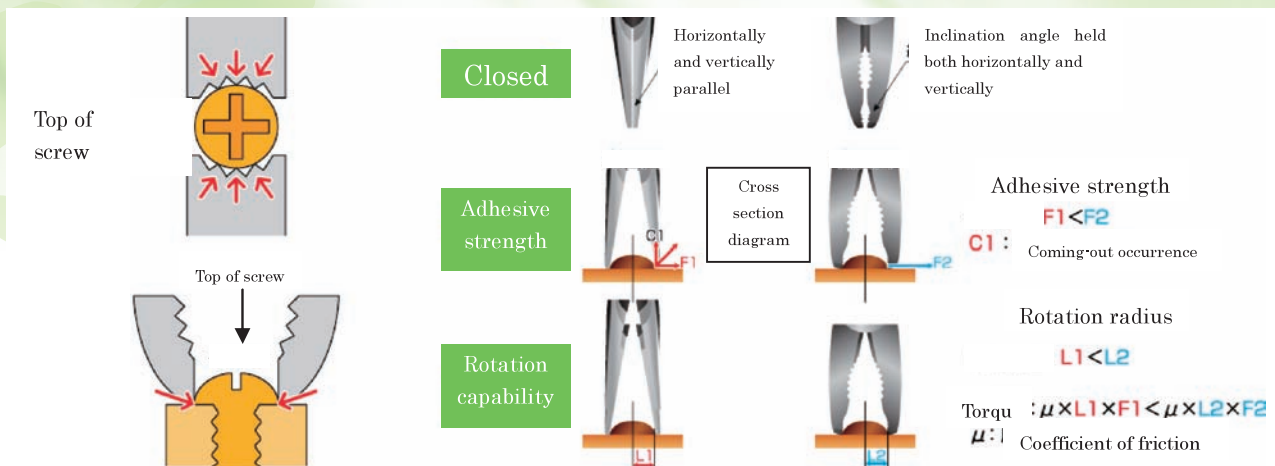
Next, they added an angle to the top jaws of “Neji-Saurus” so that they could get a firm grip upon the screw’s outermost perimeter horizontally. This produced the maximum torque, and allowed the pliers to turn the screw smoothly (see drawing below).

Mr. Mitsuhiro Takasaki, the president and CEO of Engineer Inc., proposed a new concept: that of seeking the “*MONOZUKURI*” of products made in Japan, which feature cool and innovative functions and design, blended together with a spirit of playfulness.

Takasaki reached the conclusion that the four factors of “MPDP” (M: Marketing, P: Patent, D: Design, P: Promotion) were essential for the full realization of this concept, as follows:

1. Marketing: When researching the opinions and needs of users, real needs are not always identified through the opinions of the majority. Also necessary is the capability of identifying actual user needs, as well as judging whether or not an existing product meets these needs, or whether a new invention can be created.

2. Patent: It is necessary to begin with a prior art search in order to judge whether or not the invention is novel. Patent acquisition is important in order to protect your own creation,



and once a patent is granted, rights may be exercised in order to build a brand.

3. Design: A product with an unattractive appearance is not appealing to users, even though it may have excellent functionality. Design is an essential factor to ensure the wider dissemination of an excellent product.

4. Promotion: Active sales promotion is necessary in order to advertise to the public that this really is excellent superior product.

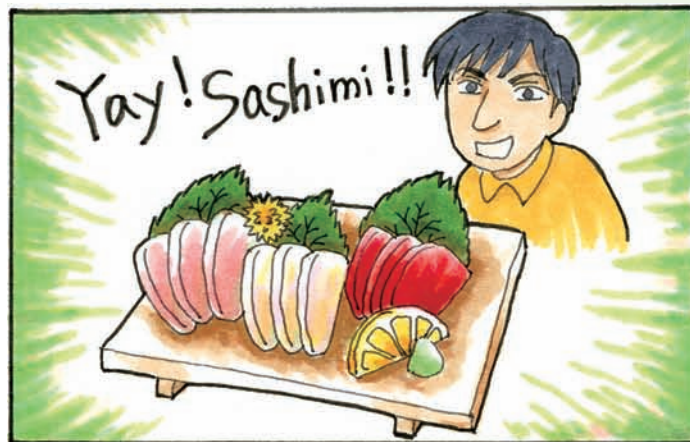
We are looking forward to the further growth of the company, which has boosted the *MONOZUKURI* of Japan based on the MPDP principle.

*Reference: Engineer Inc. website (English version)

http://www.engineer.jp/index_e.html



Happenings in Japan



The movie of "Introduction of JPO's Cooperation in Human Resources Development Program"

The video clip titled "Introduction of JPO's Cooperation in Human Resources Development Program" has been posted on our website. The video clip is a total of around 12 minutes in length. The video will be available through our website at the following link beginning on November 1st.

→ <http://www.training-jpo.go.jp/en/>

The video contents includes a message from a former trainee, an outline of our program, highlights from our lectures and study tours, comments from trainees, images regarding the training environment, an overview of alumni association activities, and more. We would appreciate it if you would see this video.

The screenshot shows the JPO website interface. At the top, there is a navigation bar with links: TOP, Helpful Information, Site Map, Terms of Service, and a search box. A Google Translate widget is also present. The main header features the JPO logo and the text '特許庁 JAPAN PATENT OFFICE' and 'Cooperation in Human Resource Development'. Below this is a large image of a seminar. A callout box with an arrow points to a button labeled 'Introduction of JPO's Cooperation in Human Resources Development Program' in the 'What's new?' section. The callout box contains the text: 'Let's try to click "Introduction of JPO's Cooperation in Human Resources Development Program" button. You'll watch this movie.' Other sections visible include 'Recent Headlines', 'Access Ranking', 'LINKS', 'Japanese', 'Activities of trainees', and 'For trainees Login'.

Editor's Note



The winter season has begun in Japan. It is cold every day, with temperatures under 10°C. Japanese food is also changing with the season. Especially popular Japanese foods in winter are those cooked in a pot (for example, *sukiyaki* and *shabu shabu*). Of course, the *sashimi* (raw fish) that is introduced in the four-frame cartoon may be eaten year-round. Were you able to experience eating different seasonal foods during your stay in Japan?

We are also pleased to introduce the Japanese technology known as “Neji-Saurus,” which I found to be very impressive from the perspective of technology, as well as the corporate vision of “MPDP (M: Marketing, P: Patent, D: Design, P: Promotion). What are your impressions?

I am looking forward to continuing to improve this magazine, so your opinions and ideas in this regard will be greatly appreciated!



This magazine, “Enishi”, was well-received by a committee comprised of lecturers and other influential individuals, which was convened for evaluating and discussing JPO cooperation in human resource development. The committee members viewed “Enishi” as a good resource for exchanging opinions and information between Japan and overseas.

In this second edition, many IP Friends wrote articles. It's now the season of cold winter in Japan, but we can warm up by reading this issue of “Enishi”, which we owe to everyone's kind cooperation. Arigato gozaimasu!

As introduced in this edition, a short movie regarding our initiatives has been made available to the public on our website. Please look forward to seeing numerous familiar faces from JPO or APIC-JIPII in this movie!

Don't miss the third edition, which will be issued after the warmth of spring has arrived. We are very much looking forward to receiving your contributions and messages! ☺

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

[Consigner]



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