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IP Friends Connections

July 2013

No. 4



This Magazine is published as part of the Intellectual Property Cooperation in Human Resource Development Program of the Japan Patent Office. The aim of this Magazine is to follow up on training programs through the dissemination of information to IP Friends, those who have completed training courses of the above program.

We very much hope that the information in this publication related to intellectual property, and the comments from either IP Friends or lectures, will prove beneficial to you in your work.

【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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FY 2013 Training Courses List

FY 2013 Training course schedule (short)

	Course	Length	Term
1	(JPO) IP Trainers	3 weeks	6/24-7/12
2	(JPO) Advanced IP Protection Practitioners	3 weeks	7/8-7/26
3	(JPO) Patent Examination Practice for ASEAN Countries	2 weeks	7/22-8/2
4	(JPO) IP Administration for LDCs	1 week	8/26-8/30
5	(JPO) The practice for Madrid Protocol trademark filings for ASEAN Countries	1 week	9/2-9/6
6	(JICA) Indonesian Officials	1 week	9/9-9/13
7	(JPO) Patent Experts	3 weeks	9/17-10/4
8	(JPO) IP Protection Lawyers	3 weeks	10/7-10/25
9	(WIPO) The Use of Information Technology in Industrial Property Administration	2 weeks	10/28-11/8
10	(WIPO) The Examination Practice of Industrial Property (Intermediate/Advanced Program)	2 weeks	11/11-11-22
11	(WIPO) The Enforcement of Intellectual Property Rights	2 weeks	12/2-12/13
12	(JPO) Patent Examination Practice for Singapore	1 week	12/4-12/11
13	(WIPO) The Examination Practice of Industrial Property (Basic Program)	2 weeks	1/20-1/31
14	(WIPO) The IP Management and the Formulation and Implementation of Results-Based IP Office Plans	1 week	1/29-2/5
15	(WIPO) Patent Examiners (Field TBA) 1	2 weeks	2/12-2/19
16	(WIPO) Patent Examiners (Field TBA) 2	2 weeks	2/20-2/27

【Training course schedule (middle)】

Patent Practical and Tailored Training Program	11 weeks	9/17-11/28
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Introduction of FY 2013 Long Term Fellowship Researchers

Research Subject:
Non-Substantive Examination System in Utility Model



Mr. Mohd Radhi Ahmad
(Malaysia)

Mr. Mohd Radhi Ahmad

My name is Mohd Radhi Ahmad. I work in Intellectual Property Corporation of Malaysia (MyIPO) since 2003 as patent examiner. My field of patent examination is related to automotive and mechanical engineering in general. Currently I am at the Japan Institute for Promoting Invention and Innovation (JIPII) for 6 months under WIPO-JPO Research Fellowship Program. MyIPO has requested me to conduct a research about the utility model without substantive examination system that is currently used in Japan. Besides focusing on Japan utility model system, comparative study on the system employed by other countries such as China, German and Korea will also be taken under consideration. The result of this research is expected to assist Malaysia to amend and establish a new utility model system. This could help to increase domestic and also foreign utility model applications in the future. I would like to express my gratitude to WIPO, JPO and JIPII for the opportunity to be here in Japan for the research. I hope my stay here will be beneficial for all of us.



**Research Subject:
Patent Examination Practices involving known
Pharmaceutical Substances**

Mr. Joseph Rhei O. Lamasan
(the Philippines)



Mr. Joseph Rhei O. Lamasan

I am Joseph Rhei O. Lamasan from the Philippines, working as an Intellectual Property Rights Specialist (Patent Examiner) for the Bureau of Patents of the Intellectual Property Office of the Philippines (IPPHL). As an examiner in Chemistry Examination Division, the job entails studying and examining assigned patent applications in the area of organic chemistry, particularly in the subject of pharmaceuticals.

Under the Japan Patent Office-WIPO Fellowship Program, the research paper will focus on “Patent Examination Practices Involving Known Pharmaceutical Substances between the Philippines and Japan”, which concerns the differences in patent examination practices related to the current amendments in certain substantive provisions of the Intellectual Property Code of the Philippines vis-à-vis the patent examination practices of the Japan Patent Office.



Report of FY 2012 PPTT Program training course

My experience of PPTT training course

Ms. Carolina Soares Bemvindo Hashimoto (Brazil)
Industrial Property Researcher - Patent Examiner,
National Institute of Industrial Property (INPI)



Ms. Carolina Soares B. Hashimoto

First of all, I would like to thank everyone for this opportunity to write for this magazine and share my experience as an APIC trainee.

During the eleven weeks that I was in Tokyo as a Patent Practical Tailored Training (PPTT) course trainee, most of my conversations began with the following: *"Hello Ms. Hashimoto, nice to meet you! Welcome to Japan! But... you don't look Japanese?"* Such conversations reveal not only the cordiality with which I was treated during my entire stay in Japan—but also the confusion caused by my name. After all, despite my Japanese surname —Hashimoto— I am as Brazilian as I can be. The fact is that I am married to a Nikkei sansei (third-generation Japanese descendant). My husband was born in Brazil, but his grandparents are Japanese. Because of that, in one way or another, I am used to the Japanese culture, and I always wanted to visit Japan and get to know more about it. I jumped at the chance to apply when my office needed candidates for a training course in Japan, and I was so happy when I was selected.

The PPTT was held in Tokyo from August 27 - November 9, 2012, with the participation of trainees from Brazil and India: Mr. Rockefeller Peçanha, Ms. Julia Araripe and myself from Brazil; and Ms. Chetashri Parate and Mr. Udhaya Shanker from India. It was the first time for Brazil to participate in this program, and we were all very pleased to have the opportunity to participate.

When I received the course schedule, I was happy to realize that it was going to be a very broadly encompassing program that would include lectures regarding every important issue related to IP. I was particularly interested in the procedures and guidelines for JPO patent examinations, but I was also looking forward to study innovation and also to visit companies. The on-the-job training, however, was what I looked forward to the most. Although all subjects were very interesting, I will highlight some issues that were of the greatest importance for me:

Guidelines and Practices of Examinations

The first step of the program included a good number of lectures and exercises regarding examination guidelines in Japan. This was a great opportunity to discuss important issues such as inventive step, novelty and amendments. In addition, I was also able to identify some differences between Brazil and Japan with respect to my technical field of medical inventions. For example, the limitation of use for a pharmaceutical composition is allowed in Japan, while in Brazil it is not.

Corporate IPR Management

Lectures from the IP departments of Japanese companies gave us a better understanding on how they deal with industrial property, from the stage of product development to that of anti-counterfeiting activities. It was also a great surprise to learn that many companies are interested and investing in the Brazilian market.

Company Visit

We had the opportunity to visit several Japanese companies during the program, including Fujitsu, Soken Chemical & Engineering and Honda. We also visited the IP High Court, where we watched a dispute about a counterfeit product. In the beautiful Tsukuba City, we went to the National Institute of Advanced Industrial Science and Technology (AIST). The visits to Honda and AIST allowed us to see two examples of advanced robotics technology in Japan: the ASIMO and PARO robots. In my opinion, the visits were a very important part of the program, as it permits us to have a more practical understanding regarding the importance of IP in Japan.

Opinion Exchange with JIPA

In preparation for an opinion exchange with the members of the Japan Intellectual Property Association (JIPA), we prepared some questions to the members and a presentation about the IP system in Brazil. I also took this opportunity to ask questions about the pharmaceutical field, and to understand a little more about innovation trends in Japan. The members of JIPA were very interested in the Green Patent Pilot Program that is taking place in Brazil, where applicants can ask for accelerated exams in the case of patent applications related to environmental issues. The members also expressed the difficulties that Japanese companies are facing when filing applications in Brazil and India.

Search with FI and F-Term

We also had a chance to understand more about the use of IPDL (Industrial Property Digital Library), which I am sure will be of great value in my day-by-day work, since it provides machine translation of Japanese applications. I was very impressed with the classification system for the F-terms. The system, with its multiple points of view, is a very powerful instrument to provide a narrow and efficient search of documents. The lectures, conducted by Professor Kato, were given in a didactic and participative way, allowing us a deep and yet basic understanding of the subject.

OJT

The on-the-job training gave me the chance to see the day-by-day routine of JPO examiners. I was kindly accompanied by Ms. Asako Kobori for two days, during a presentation of the STN search database and an overview of search methods for the medical division. What I found to be most productive, however, were discussions about subjects like Markush and polymorphism inventions. This helped me to have a better understanding regarding Japan's

approach to such difficult issues.

Overall Impressions

The PPTT was a very useful and complete training course, and the knowledge gained is now part of my day-by-day work as an examiner. The opportunity to discuss issues such as inventive step and unity of invention with examiners from India, Japan and other countries improved my experience as an examiner.

As this was a three-month course, we had the opportunity to attend different short-term training courses, such as those for Patent Experts and IP Protection Lawyers. From each course, we were able to interact and learn with many interesting people from different countries.

With only five people in the classroom, the classes were very participative. We felt comfortable to ask many questions and interact with the lecturers, which made the classes even more enjoyable. The interaction between the participants and APIC staff was another positive point of this course. APIC people were always friendly, cheerful and helpful, making us feel very welcome. They were also great companions to restaurants, sightseeing and karaoke parties.

The Japan Experience

When we arrived in Tokyo in late August, the weather was very much like Rio de Janeiro: very hot. As time went by, the weather got a little colder, and the trees started to turn red and yellow. It was a great time to visit a lot of beautiful places. I went to most of the gardens in the city, since the ponds were my favorite landscape in Tokyo. After the classes in APIC, a walk in the nearby Hibiya Park was always a good way to end the day. I also visited Asakusa every time I had a chance, to visit the temple and of course buy some souvenirs.

I also visited some places outside Tokyo. I spent three days in Kyoto, and tried to visit as many places as I could. Kinkaku-ji Temple and Shimogamo Shrine (which I visited at night) were my favorite. In Hakone, I went to an onsen, which I found a little strange at first, but by the end I was very relaxed and loving it. I also went to see Mt. Fuji, Nikko and Kamakura.

However, the “Japan experience” was more than the places visited. It was great to get to know a little more about the Japanese people, to experience the food (sometimes I didn’t even know what I was eating!), and to try to communicate with my hands (since words were not always efficient). It was great to experience the day-by-day of the most organized and fascinating city I have ever visited.

Back to Brazil

In November, I returned to my family and work routine Brazil. My colleagues in INPI were all very interested to know about the course, and they asked me a lot of questions about Japan exam procedures. With that in mind, Tatiana-san (from the long-term fellowship program) and I decided to organize a lecture about our experience in Japan. The lecture was in May, and was open to INPI examiners. With the help of Rock-san and Julia-san, I talked about the PPTT course and some important issues that we learned while there. During the presentation, we answered the examiners’ questions about outsourcing searches, guidelines, and other subjects. They also found very interesting the IP strategy and the measures to foster innovation in Japan. The objective of this presentation was to share with the INPI body the experi-

ence that we had in Japan, as well as to inform about the procedures, guidelines and policies of the JPO. This provided us with a chance to better understand our own system and see what can be improved, so I believe that our objective was fulfilled.

Above all, I would like to express my gratitude to JIPII-APIC, JPO and HIDA for providing me this experience of a lifetime! I will always remember the knowledge acquired, the warm hospitality, the kindness of the people and the beauty of the country. All this made me feel at home, all the way on the other side of the world.



(at Kiyomizu-temple in Kyoto)



(in EBISU Garden Places)



(with the lecturer, Dr. KATO)



(Closing Ceremony)

Contributions from FY 2012 Long Term Fellowship Researchers

Experience in Japan



Ms. Tatiana Carestiato da Silva

Ms. Tatiana Carestiato da Silva (Brazil)
Industrial Property Researcher - Patent Examiner,
National Institute of Industrial Property (INPI)

My name is Tatiana Carestiato and I currently work as a patent examiner in the National Institute of Industrial Property (INPI-Brazil) in Brazil. In addition to being a Patent Examiner in the Pharmaceutical area, I have been acting also as a tutor for new patent examiners since July 2010, lecturer in IP dissemination courses in Brazil and South America (since July 2008), and tutor in WIPO e-learning course DL101P BR (since 2011).

In July 2012, I received the great news that I was selected to participate as a researcher in the six-month Study-cum-Research Fellowship Program in the Japan Patent Office (JPO), entrusted to the Asia Pacific Industrial Property (APIC). I received the good news with happiness and expectation, as it was my first time away from home for that long, and Japan is the farthest country from Brazil in the world.

During my stay in Tokyo, Japan, I was impressed with the organization, beauty and infrastructure of the country, and the kindness of the ordinary people that were always ready to help me.

I worked in the APIC office, where I received not only all information, facilities and support for my research work, but also the friendship, attention and important information for living in Japan for 6 months, given to me specially by my kind and competent coordinators, Ms. Satoko-san and Ms. Yukiko-san.

In order to develop my research work I had the pleasure of working with Professor Dr. Hiroshi Kato from Nihon University, who was my adviser. Once a week I visited him in Nihon University, where he advised me on the research directions, we exchanged information in the IP field, and discussed the courses of training and education for patent examiners in Japan. I can clearly remember his friendship and hospitality, beyond all his teachings about Japanese culture, including Samurai philosophy and the beauty of the tea ceremony. In this way, I developed a desire to learn and experience more deeply the traditions of Japan in my free time.

During my research I had the opportunity of having a six-week internship in a big Patent Attorney Firm, TMI Associates. It is located in Roppongi Hills, one of the most beautiful and sophisticated buildings in Tokyo. I remember the first time I visited TMI. Ms. Satoko-san came with me but the building was so big and it had so many entrances that we got lost. However, as the TMI managers and staff were so gentle, on some days I felt very comfortable being there. In TMI Mr. Yoshiyuki Inaba and Mr. Kazuhiko Naito very kindly explained to me about the procedures of the patent system in Japan and allowed me to know in detail some patent examinations and I was invited to give a lecture about "Brazil, INPI and the Brazilian patent system". I also had the opportunity of giving lectures about "Brazil, INPI and the Brazilian patent system" in some others Patent Attorney Firms in Tokyo.

During my research I had the rich opportunity to interview and exchange ideas with patent experts in Japan about the training and education courses for patent examiners. I also

attended many other lectures in APIC and I could broaden my knowledge in Intellectual Property and make many IP friends from many parts of the globe. This opportunity to get to know very closely people in the IP field was unique, and I could learn a lot about patent procedures, enforcement, litigation around the world and exchange many ideas with them. Furthermore, I enjoyed a lot having dinner with the group of IP friends and Ms. Yoko-san after the end of the classes.

I was excited about the experience of participating in many IP trips to Honda, where I could meet the Humanoid Robot ASIMO; to Panasonic, where I attended a lecture on IP strategies and I could visit the testing rooms for the high-tech lights and the digital 3D simulator of the buildings; to Asahi Beverages, where I could visit the sector of beer production in the factory; to Tokyo Customs, where I could learn about enforcement in Japan; and to PAPC, where I could understand the digitalization of patents for JPO.

Besides my rich and intense professional experience, I have many good memories about my personal life in Japan in my free time. When I arrived in Japan, there were friends from INPI Brazil participating in a course at APIC. I remember they first came with me to Odaiba on my first day in Tokyo where I could cross the Rainbow Bridge, and I realized how huge and modern things were in Tokyo!!! At that time it was warm and autumn was just beginning. During my weekends I always walked around and visited many great parks. Suddenly, the leaves turned red, orange and yellow and the combination was gorgeous. My colleague Wei-san and I had a trip to Kyoto, called by me “the blessed city”, full of fantastic temples and good vibes. Kyoto and the changing of leaves colors perfectly match! I will never forget such beautiful sights.

During the winter I could see the snow in Tokyo, I felt excited from such a different experience for me, one who lives in Rio de Janeiro, Brazil! At that time I could wear the Kimono and participate with Mariko-san in a Tea Ceremony, a day that will be forever in my memories. In the winter I visited Yokohama and its China Town; Kamakura and its fantastic temples, including the big Buda; Mount Fuji and its natural beauty; Miyajima Island and its magic temple inside the sea; Iwakuni and its Samurai stories and the different bridges; and Hiroshima, the world capital of peace, where I learned about Japanese overcoming difficulties and their compassion. I could also visit Nikko and eat a lot of strawberries with Ms. Yukiko-san and Ms. Sara-san in a fun-filled trip.

During the spring I had the luck of seeing the amazing cherry blossoms, walking under the cherry trees on the street and visiting Ueno Park to see the cherry trees. At the end of the program Satoko-san, Yukiko-san, Wei-san, Sara-san and I went to the historical Shirakawa-go and Takayama.

This program changed my life, both in terms of professional and personal knowledge. Now I returned to my work in INPI-Brazil and I am participating in the Training and Education Committee in the Patent Division. Last week Ms. Carol-san and I had the opportunity to give a two-hour presentation in INPI-Brazil about our experience in Japan, JPO procedures and an outline of the thesis developed in APIC/JPO.

Finally, I would like to say thank you to my colleagues, the coordinators of my course, Professor Dr. Hiroshi Kato, JPO and APIC for their kindness and friendship. My stay in Japan was fruitful and unforgettable. I left many very good friends in Tokyo that I will never forget, and I hope to be able to return to Japan very soon!!! Thank you, thank you very much!



(at the tea ceremony room)



(with Mt. FUJI in the background)



(with Trainees who are Patent examiners in the field of lighting)

More Friendship, More Development

Ms. Zhang Wei (China)

Deputy Division Chief and Patent Examiner,
State Intellectual Property Office of P. R. China



Ms. Zhang Wei

In June 2012, I was informed that I had an opportunity to join the long-term research program under the JPO. At once I recalled my first study experience in APIC in 2009, three years ago. There were so many new things for me but time was limited. This time I would have the chance to live and study in Japan for six months, I believe I am the luckiest person in my office.

During the preparation stage I was too busy working to search more information about Japan and my research. Fortunately, Ms. Satoko and Ms. Yukiko helped me kindly and everything went well. The good news was that Ms. Yukiko was also in charge of the course I joined last time in APIC, and we would meet again!

Finally, I left Beijing on October 1st, the National day of China. Although it was my second time to Tokyo, it still took me some time to find the right train to TKC. It seemed that I should get familiar with the complicated subway system in Tokyo as soon as possible.

On the second day I met Satoko san, Mr. Ogiya and everybody in APIC, and then my study in Japan began. Satoko san and Yukiko san prepared a detailed schedule about my research and all kinds of materials for me, and their earnest work kept up during the whole period of my stay in Japan.

As a long-term researcher, I could join any course in APIC in which I was interested. These courses contain all respects of intellectual property, and teachers from the JPO, law firms and universities all have rich experience in IP knowledge. By joining the training courses, I studied procedures and standards of patent examination, classification and searching systems, and data processing flow in the JPO, as well as litigation and court systems, and enforcement in Japan. Moreover, I had chances to visit many large world famous companies in Japan and learnt about IP management and strategy in these companies.

My supervisor, professor Tanaka, provided me the opportunity to join seminars in Japanese university. Here, not only could I listen to the presentations by my classmates about their research, which made me realize that I had never thought how broad the concept of IP is, but also I got useful advice and friendly help from them. Professor Tanaka is a good director and a kind gentleman, and he provided valuable research materials to me and always suggested that I enjoy my life in Japan. He also emphasizes research methods and international communication, which benefit my research and future work a lot.

Particularly, the first time, a six weeks internship in a law firm is arranged in this program. I had never thought that my first internship in a law firm would be in Japan! I deeply appreciated that Mr. Sato, the president of Soei law firm, accepted my request for internship and arranged a detailed and helpful schedule for the six weeks. My teachers here, Mr. Homma, Mr. Kagaya, Ms. Shirakata, Ms. Numagata were so kind to me and I really enjoyed the communications with them. The biggest surprise in Soei was that I met two Chinese—Mr. Gong Jie and Ms Xu Jingwei. I thank them heartily for always translating for me and helping me a lot, especially when I spent a happy birthday in Yokohama with them.

The most special friends to me in Japan are the people in APIC. We were in the same office

during my stay in APIC. Mr. Ogiya, thank you for your delicious sweets and interesting IP information. Mr. Shibuya, thank you for being our guide when we went to see the gorgeous red leaves and inviting us taste snacks around your home. Mr. Oike, thank you for providing me that useful IP news and information. Friendship with ladies in APIC is one of the most beautiful memories for me. Every one of them was so kind to me, and I enjoyed every pleasant moment with them. The lady's lunch time, tea ceremony, trip to shirakawa-go, shopping in Tokyo, all the happy time made me feel not alone in Japan.

I was very lucky to meet an excellent partner in Japan, Ms. Tatiana from Brazil. She was always optimistic and I spent a lot of happy times with her. In six months we became good friends, and I sincerely hope we will meet again in the future.

After coming back to China, I often asked myself what I gained in Japan. In addition to IP knowledge, friendships with so many Japanese friends is important to me. As friends, we know each other more and built the bridge of understanding. With friends, we could communicate the latest news about IP and broaden our thinking. More friendships, more development!



Articles from the former trainees

2012 Annual Report on China's Trademark Situation

Ms. Duan Xiao-mei (China)
Director of Formality Examination Division,
Trademark Review and Adjudication Board (TRAB),
State Administration for Industry and Commerce (SAIC)



Ms. Duan Xiao-mei



According to Chinese Trademark Law, CTMO (China Trademark Office) is responsible for the registration and administration of trademarks throughout the country. TRAB (Trademark Review and Adjudication Board) is responsible for handling matters of trademark disputes. TRAB is a quasi-judicial body, somewhat equivalent to JPO's Appeals Department. Both TRAB and CTMO are subordinate to SAIC (State Administration for Industry and Commerce).

1. Information about Trademark Application and Registration in 2012

In 2012, CTMO accepted 1,648,316 trademark applications, a year-on-year increase of 16.3%, ranking the first in the world for consecutive eleven years. Among them, the electronic applications through internet reached 893,000, 60.2% of the total applications, a year-on-year in-

crease of 3.4%.

In terms of the goods and services designated for trademark application, Classes 25, 35, 9, 30 and 29 as defined in the International Classification of Goods and Services for the Purpose of the Registration of Trademarks were among the top ones with the largest number of applications, which were 173,833, 109,501, 88,551, 83,713 and 62,408 respectively.

The top ten countries or regions with the largest number of foreign trademark applications (including Madrid trademark applications for territorial extension) were the USA, Japan, Republic of Korea, the United Kingdom, Germany, France, British Virgin Islands, Italy, Australia and Singapore, with 24,751, 21,572, 6,114, 5,680, 4,395, 3,599, 2,758, 2,609, 2,130 and 1,836 applications respectively. Trademark applications from the above ten countries or regions accounted for 77.6% of the total foreign applications in China.

In 2012, CTMO accepted 106,983 applications filed for renewal, an increase of 14.3%, 36,311 for opposition, a decrease of 5.8%, 152,192 for modification of registered items, an increase of 14.2%, 105,597 for trademark assignments, an increase of 5.8%, 16,668 for cancellation, an increase of 23.4%, 30,765 for recordal of trademark license contracts, an increase of 11.1%, and 48,586 for Madrid trademark applications for territorial extension.

In 2012, CTMO examined 1,227,000 trademarks. The examining period was kept in 10 months. 73,137 opposition cases were closed in this year, an increase of 28.7%. The opposition cases in pending decreased to 40,646, and the examining period for trademark opposition was shortened from 23 months to 18 months.

In 2012, CTMO approved 1,004,897 applications for registration, preliminarily approved 817,933, rejected 228,715 and partially rejected 180,501 applications. CTMO processed 150,575 applications for modifications, 101,937 assignments, an increase of 5%, 100,547 renewals, an increase of 0.9%, and 112,851 cancellations, an increase of 20.7%, processed 26,945 filings of trademark license contracts, 410 special marks and 1 official mark; examined 41,736 Madrid territory extension applications and processed 19,508 applications for international registrations' change, renewal, assignment, cancellation and modification.

In 2012, the number of registered geographical indications rose on a large margin in China. CTMO approved and preliminarily examined 373 geographical indication applications, an increase of 9.4%. By the end of 2012, it had totally approved and preliminarily examined 1,754 geographical indications (including 42 foreign geographical indications) and approved 1,281,500 trademarks of agricultural products.

By 2012, China still kept ranking No.1 in 3 fields in the world. They were trademark applications of 11, 360,000 in total, trademark registrations of 7,656,000 in total, and valid registered trademarks of 6,400,000.

2. Information about Trademark Review and Adjudication in 2012

In 2012, TRAB received 88,400 new review cases, which is 19% higher than in 2011 (74,500). Among all, the number of applications for review of oppositions (27,300) increased by 79% compared to 2011.

In 2012, TRAB adjudicated 52,500 cases, 50% more than in 2011 (35,000). As to the administrative proceedings, TRAB kept a comparatively low respondent rate and a comparatively high rate of winning. By the end of 2012, 2,525 cases of first instance administrative proceedings were filed against TRAB, accounting for 4.8% of the total number of cases concluded, and the respondent rate was lower than in 2011. Among all the administrative proceeding cases, 2,143 verdicts of first instance were received with 82.4% prevailing; 903 verdicts of second

instance with 73.2% prevailing; 903 verdicts of retrial with 88.5% prevailing.

In 2012, nearly 3,000 trademark dispute cases concerning bad-faith registration were adjudicated by TRAB, and the acts of bad-faith trademark registration were cracked down.

In the review and adjudication of cases, TRAB seriously followed the relevant international agreements, adhered to the principle of equal treatments to foreign enterprises and domestic enterprises. They equally protected the trademark rights of foreign parties. Meanwhile, TRAB actively coordinated and communicated with relevant foreign government departments, emphasized on strengthening the extension of protection for foreign well-known trademarks according to the laws, which not only powerfully cracked down on bad-faith applications and the acts taking advantage of famous foreign brands, but also greatly enhanced the confidence of foreign-invested enterprises to invest in China. Many enterprises from the United Kingdom, Iceland, the United States, Japan, South Korea and other countries had expressed their appreciations.

3. Cooperation with Japan

In 2012, Director General of CTMO twice summoned Mr. Takeo Donoue, Minister for commerce, Embassy of Japan, making representations on the improper speeches of Minister of METI, Japan.

Two examiners of the JPO visited SAIC for regular examination exchange. China Association of Patent of JETRO visited SAIC, exchanged views on Trademark Law revision, bad faith registration etc. Canon Incorporation visited SAIC, sharing information on how to effectively prevent counterfeits on the market or on the online market.

SAIC sent representatives to attend the 2nd China-Japan Intellectual Property Working Group Meeting, sent officials to the JPO exchanging views on trademark examination, appeals, Trademark Law revision, policy analysis and personnel training. SAIC also sent trainees to training programs organized by the JPO, such as IPR Protection Senior Practitioner Program, China-Japan Scholarship program and Intellectual Property Enforcement program.

(WIPO/Japan Fund Long term Reseacher fellowship, FY 2010)

Ms. Jaya Bhatnagar (India)
Founder and Chairperson,
Sieben IP Intellect into Assets



Ms. Jaya Bhatnagar

April 1st, 2013, figured as a landmark date in the history of the Indian Patent System. The Supreme Court verdict on *Novartis AG v. Union of India (UOI) and Ors.; NatcoPharma Ltd. v. UOI&Ors.; M/S Cancer Patients Aid Association v. UOI&Ors.* made headlines not only in Indian newspapers, but also in US publications. This, of course, marks what appears to be the beginning of a new era for the pharmaceutical sector not only within the Indian jurisdiction, but also beyond. As further evidence of the rapid and quantum way that the patent scenario in India is increasing in complexity with respect to the pharma sector, we need only look at the following cases :

- *Merck v/s Glenmark*
- *1st ever Compulsory License (CL) issued to NatcoPharma on 9th March 2012*
- *2nd CL application filed by BD.*

While we correlate the Supreme Court judgment in *Novartis AG v Union of India* and others as a historic event, it does somehow seem different from other cases in history, since this case features a powerful giant losing the battle.

While big pharma companies necessarily try to penetrate markets with huge demand, it is difficult for such markets to accept high price medicines when these markets are also characterized by low affordability power. (We must remember that the pricing of the medicines is calculated according to the economic realities of developed countries).

Life-saving drugs are a matter of social interest, meaning that governments have a keen interest in them. Moreover, when the country in question is India—where the indexes for per capita income and the population living below the poverty line are truly alarming. Such conditions provide fertile ground for IPR phenomena to take place, such as compulsory licensing and tough regulations on “evergreening”.

Of course, it would be ideal if Indians could afford to pay for these life-saving drugs. With that being impossible, however, we are in a position to consider the benefits of the strategies that certain pharma companies are now being advised to follow:

*Fighting against governments with respect to their social concerns for safeguarding the lives of their impoverished populations is not regarded in a positive manner by many.

*By being exposed and criticized as greedy, the public image of the pharma companies themselves become damaged—thereby hurting positive future interactions with these same markets.

*On top of everything, pharma companies have been spending enormous funds trying to protect commercial possibilities that cannot, and will not, be protected in countries like India. Their losing the battle leaves them with meager shares and a devastating experience.

Asian wisdom speaks of the futility of fighting, and the value of adapting to realities. This we can appreciate even in the principle behind martial arts. Business strategy is no different—and therein lies important advice that was left unattended by the pharma giants. Given the crude social reality in India and other poor countries, wouldn't it be better for these com-

panies to adapt a course of action and to do the best “possible”, instead of losing the best “impossible”?

While the panorama is not actually dark for these companies, the business model to penetrate all markets of course cannot be the same. From that point of view, my proposition is far from magic, but is actually nothing other than plain common sense. For big pharma companies selling expensive lifesaving drugs, the only way to effectively penetrate the Indian market might be through entering into licensing agreements with domestic players. In addition to being effective, this would also help avoid the risks and expenses of advertising-distribution. Through strategic negotiations, their profits can be significant, allowing them to simultaneously enjoy the appreciation of the government and the public—thereby saving considerable damages to their own public image. In fact, through proper PR management, their public image and revenues could even be boosted, therefore also serving as a catalyst for subsequent prosperous business opportunities.

Licensing agreements should definitely be the strategy for pharma giants at the time of entering economically afflicted markets such as India with their expensive lifesaving drugs.

It is also important that intellectual property law firms rendering advisory services to multinational pharma companies consider not only the legal aspect of a case, but also offer their clients a more holistic analysis of the situation, including the business aspect of their clients’ scenario, as well as the actual probability of success in following certain courses of action. Some legal battles are lost since the beginning. The problem when a giant like Novartis loses is that this is not only a loss for a big MNC, but also for the people working for them, as well as the patients waiting to have proper access to the best medicines. In effect, the whole system loses. When strategies are not chosen wisely, time is lost for everyone forever.

Who might win from following this kind of legal strategy? I think the answer in this respect is all too clear.

(JPO/IPR Training Course for Advanced IP Practitioners, July – August, 2006)

A Journey to Demystify Patents by Franchising Patent Information

Mr. Andrew Michael Siao Ong (the Philippines)
IP Lawyer and Development Consultant, Former Deputy
Director General of Intellectual Property Office of the Philippines.



Mr. Andrew Michael Ong

There is a new optimism these days that the Philippines will finally shed its image as the “sick man of Asia” because its economy is growing faster than most countries in the world¹, and it has just been given its first-ever investment grade rating which is expected to cause an upward trend of foreign investments to the country considering the slow and unstable recovery of advanced economies.² Analysts agree that the growth momentum is firmly supported by a robust domestic consumption and significant improvements in the manufacturing and services sectors, which are driven by Pres. Aquino’s governance reforms and anti-corruption measures. Thus, it may well be the golden opportunity for the country to play catch-up, narrowing the gap with its high-income neighbors and, perhaps, emerge eventually as a tiger economy. However, for this to happen, longer-lasting growth drivers need to be in place, together with sound macroeconomic fundamentals. More importantly, government must start investing in infrastructures, especially those required for innovation and technology development, so that the country can compete in an increasingly knowledge-based economy. To become competitive, Philippine businesses cannot remain technology consumers. As recognized by many development scholars, economic catch-up always requires technological catch-up. Without the latter, the economic lifeline of a country will be vulnerable.³ Hence, the Philippines must try to leapfrog its technology R&D capabilities, and the way to do this is by leveraging on global science, technology and engineering knowhow and to work on producing differentiated products and services in the market.

At its present development stage, what the Philippines needs is a pro-innovation development-orientated patent system. The mere existence of a patent registry will not contribute much to national development, and the act of passively granting patents and bestowing the 20-year exclusive rights will not empower industries to be competitive.⁴ The versatile and multiple facets of patents must be tapped to foster technological development and stimulate technology diffusion.⁵ While patents provide a legal framework to grant exclusive rights to inventors to incentivize investments in R&D, patents are also a rich source of disclosed technological information accumulated through time from all over the world, which is useful for

1 National Statistics Coordination Board (NSCB) announced that the Philippine’s GDP grew by 6.6% in 2012. It is one of the fastest growing economy in the world according to the World Bank and United Nations Economic and Social Survey of Asia and the Pacific (UNESCAP). In 2010, the Philippines achieved a 7.7% growth but it dropped to 4.8% in 2011. At present, Philippines outpaces the economic growth of countries in Asia and is second only to China. The growth forecast for 2013 & 2014 is 7 to 9%.

2 Fitch Ratings and Standard & Poor’s raised Philippines’ rating on long-term foreign-currency-denominated debt to BBB- in the first quarter of 2013. An investment grade given by two of three international credit rating firms is a seal of good housekeeping for global funds to start investing in the country.

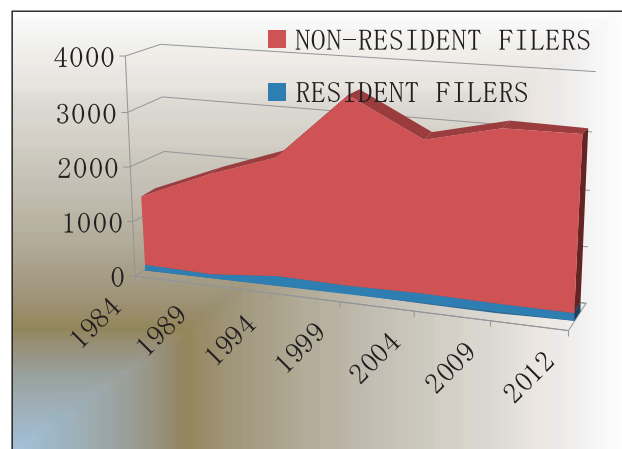
3 Intellectual Property Rights, Development, and Catch-Up. Ed. Hiroyuki Odagiri, Akira Goto, Atsushi Sunami, and Richard Nelson. Oxford University Press 2010)

4 Nuno Pires de Carvalho, The TRIPS Regime of Patent Rights. (Kluwer Law International 2005) 52

other researchers. And, because patents have made useful knowledge a tradable property rights, technology transactions to facilitate collaborations and all kinds of agreements to do joint researches or exploitation of technology can be carried out with more ease and less risks of misappropriation.⁶ By way of patents and technology licensing, private and public partnerships in the Philippines should be able to collaborate with external sources and leading knowledge and technology centers outside the country to access, learn and absorb global technology for use in industries. Korea, Taiwan and Israel have done it in the past. There is no reason that the Philippines can't do the same because it has a functioning patent system. As G.S. Altshuller, a Soviet engineer and inventor, once said *"if you want to know how chess is played well, study the games played by the grandmasters. If you want to know how to solve problems creatively, study the patent database."* Hence, the national patent system should include mechanisms to access technological information and transfer technology for it to contribute to national development.

Unfortunately, Philippine businesses have yet to appreciate the value of patents in raising their competitiveness and transforming the industry from low-cost differentiators to market innovators. There are also very few Filipino inventions registered in the patent system. Statistics show a consistent low resident filing of invention patents since the enactment of the patent laws. Resident filings only account for 3-5% of the total patent filings each year since 1984 (see table). Sadly, even technology professionals and top business executives across sectors have the faintest idea on what are contained in patent documents. Patents are still widely regarded as cryptic and esoteric instruments that no one understands and uses.⁷ Consequently, the patent system has never been part of the national consciousness nor has it been considered in crafting national development policies and economic goals.⁸ If at all discussed in a public forum, patents are seen more as a menace to business and an obstruction to public good. During the public debate prior to passing the Cheaper Medicines Law (Republic Act No. 9502),⁹ the ill effects and abuses of patent rights were constantly in the headlines.

In the 2012 Global Innovation Index, the Philippines ranked 12th among 141 economies in terms of R&D financed by business



5 The objective of protecting and enforcing IP as declared in Article 7 of the Agreement on Trade Related Aspects of Intellectual Property Rights (TRIPS) is to "contribute to the promotion of technological innovation and to the transfer and dissemination of technology."

6 Report on the International Patent System submitted by the Secretariat of the Standing Committee on the Law of Patents, World Intellectual Property Organization (WIPO). April 15, 2008. SCP/12/3

7 In a study conducted by the International Intellectual Property Institute (IIPi), it was found that the Philippines lacks the infrastructure and expertise to turn science and technology research into patented, commercialized inventions through more effective technology transfer mechanisms. <http://iipi.org/2010/08/innovation-opportunities-philippines-2/>

8 Preliminary Report on the National IP Strategy in 2006 prepared by the Intellectual Property Office of the Philippines (IPOPHL) notes that the National Economic Development Authority (NEDA) and the National Statistics Office (NSO) were unfamiliar with intellectual property and has not included it in any aspect of their work.

entities and 26th in terms of R&D actually performed by the businesses. It is the second highest in South East Asia. There is also a significant number of foreign patents filed in the Philippines. It ranked 43rd in inbound PCT filings of foreign technology.¹⁰ Clearly, there is a huge potential for patents to be utilized by the industry to boost their R&D and create a climate for innovation in the country. Thus, when the Intellectual Property Office of the Philippines (IPOP HL) rearticulated its vision in 2010, the overwhelming need to demystify, democratize and development-orient IP, now known as the “3D-IP,” came out as the foremost priority of the office.¹¹ This is consistent with IPOP HL’s mission as the government entity that “works towards economic, technological and socio-cultural development (of the Philippines) by communicating, enabling and ensuring the effective use of the IP system in all levels of society for the creation, protection, utilization and enforcement of IP.” Immediately, the new vision captured the imagination of everyone involved in IP work, but it also sparked new interests in IP from those who never thought IP would be relevant, much less desirable and useful, in their line of business, work and careers. The challenge was to rouse their interest with appropriate IP competencies that they can use to add value to their business, work and career. On the patent front, the knowledge and skill to search and use patent information was an ideal place to start.

It used to be that patent information was difficult to find because of the territorial nature of patent laws and the fragmentation of patent databases administered by different patent offices. It is much like finding the proverbial needle in the haystack. It was costly, time-consuming and impractical. However, with the increasing inter-operability of IT platforms and

	PHILIPPINES	VIETNAM	THAILAND	MALAYSIA	INDONESIA
R&D performed by business entities	26	70	37	1	81
R&D financed by business entities	12	64	24	1	69
University-Industry Collaborations	80	79	37	20	38
PCT Inbound	43	01	84	62	48
PCT outbound	92	84	65	34	108

9 Republic Act No. 9502 amended the Intellectual Property Code to exclude from patentable subject matter “the mere discovery of a new form or new property of a known substance which does not result in the enhancement of the known efficacy of that substance, or the mere discovery of any new property or new use for a known substance, or the mere use of a known process unless such known process results in a new product that employs at least one new reactant.”

10 The Global Innovation Index 2012 is a collaboration between INSEAD and WIPO. It ranks 97% of the countries all over the world based on 84 indicators to capture the various dimensions of innovation. <http://www.globalinnovationindex.org/gii/index.html>

11 A **demystified IP system** implies that everyone knows how to use the IP system in their work, business and careers, characterized by being a) pragmatic, logical and predictable; b) people have a know how and “showhow” that can find application in everyday life and c) people without fear nor awe of the IP system. A **democratized IP system** requires that IP becomes a concern of everyone, becomes multi-disciplinary and not the exclusive domain of lawyers and employees of the IP Office. The tenets of open policy and transparency, public and private partnership, stakeholders’ involvement, continuing dialogues and being borderless best describe this system. A **development-oriented system** implies that IP is used as a tool for development—beyond registration work. This approach is regarded as having policy-driven actions, balanced treatment between patent information and protection, client oriented or user friendly, custom-tailored to target specific sectors.

the ease of uploading and transmitting digitized information through the Internet, the barriers to the flow of information are breaking down. Similarly, patent information is becoming more accessible through the Internet with search engines that integrate and connect different patent databases. As a result, the use of the patent information is becoming more popular among researchers, R&D professionals and innovators in the developed countries. Information from patents is now used to inform and educate beyond national borders and across organizations. Although, those espousing open innovation and crowd sourcing are in the forefront, private companies have also used it for intelligence gathering and market analysis.¹² This is because technology landscapes and maps can be drawn from patent information to show the relative density of research in specific technology spaces. Patent information is undoubtedly a knowledge stockroom of the world's science and technology information which Philippine industries can tap into for its learning needs.

The year 2010 was an opportune time to launch the patent information service sector in the country because the 3D-IP vision of IPOPHL was the perfect trajectory to draw in the needed resources and attract institutional partners that would be willing to carry huge endeavors in this initiative. The World Intellectual Property Organization (WIPO) has just introduced its Technology & Innovation Support Services to Asia, and immediately the Philippines requested to avail of said services to help it conceptualize and design the framework for the initiative.¹³ At the same time, the International Intellectual Property Institute (IIPI) agreed to conduct a study to ascertain the patentability of university research in the Philippines and recommend solutions on how to extract value there from by using the patent system. This not only served as a baseline study for the initiative, but it provided further justification and evidence on the importance of patents and patent information. The study also brought in experts from the US Patent and Trademark Office (USPTO) and Public Interest Intellectual Property Advisors (PIIPA) who helped assessed the situation in different universities. Additionally, experts commissioned by the European Patent Office (EPO) provided specialized assistance in capacity building. On the demand side, the initiative was timely because the Philippine version of the US Bayh Dole Act—The Philippine Technology Transfer Act (Republic Act No. 10055), was taking effect. And its implementation was paving the way for research institutions to take a renewed interest in patents. The law called on “all research and development institutes and/or institutions (RDIs) that perform government-funded research and development (R&D) to take on technology transfer as their strategic

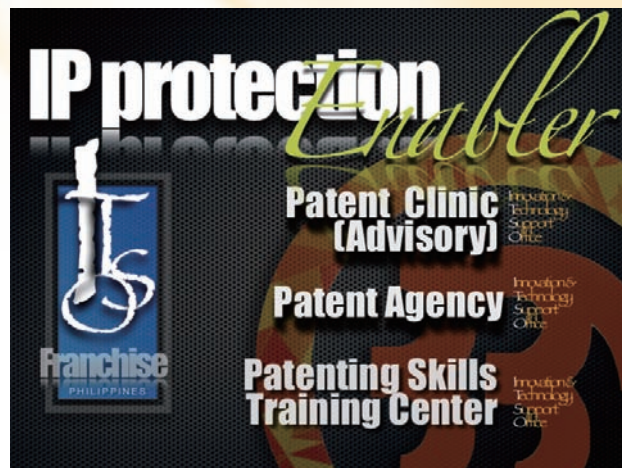


12 “In the context of global knowledge management, executive managers realized the role of patent information and the knowledge included therein in enabling internal innovators to obtain inputs from external rich sources of knowledge, as the world became interconnected.” Yo Takagi and Andrew Czajkowski. World Patent Information—Building patent information infrastructure and capacity in LDCs and developing countries. SciVerse Science Direct. www.elsevier.com/locate/worpatin

13 “Technology and Innovation Support Centers (TISCs) provide innovators in developing countries with access to locally based, high quality technology information and related services, helping them to exploit their innovative potential and to create, protect, and manage their intellectual property rights.” <http://www.wipo.int/tisc/en/>

mission and to effectively translate results of government-funded R&D into useful products.”¹⁴ As a result, the Department of Science and Technology, together with all its regional offices, which are charged with the mandate of implementing the law, were keenly interested in promoting patents and patent information. Hence, the Innovation & Technology Support Offices (ITSO) Project, which was also known as the “Patent Libraries” Initiative, was born amidst the heightened awareness on patents and patent information.

The concept of ITSO was to establish a network of patent information service centers inside universities all over the country to push scientific and technology information found in patent databases to local industries and to assist faculty and student researchers use patent information in their researches to support IP creation. Each ITSO will be equipped to render affordable patent information services upon demand of the local business community, and it shall serve as a gateway for other university-industry collaborations that promote technological innovation. The ITSO may also offer short courses on IP for the faculty and help design course materials for teaching IP in the university. For colleges and universities without a technology transfer office (TTO), the ITSO may also extend their functions using their competence in patent drafting, patent prosecution and technology commercialization. When functioning at its full capacity, ITSO should be able to support IP creation, enable IP protection and facilitate IP commercialization. The design of ITSO was partly inspired by the network of “Patlibs” in Europe and the Patent Trademark Depository Libraries (PTDL) of the United States where were instrumental in collectively propagating the use of patent information in areas beyond the reach of the patent office, hence the name, “Patent Libraries” was used interchangeably with ITSO. Since universities and colleges are



14 Republic Act No. 10055 entitled “An Act Providing the Framework and Support System for the Ownership, Management, Use and Commercialization of the Intellectual Property Generated from Research and Development Funded by Government and for Other Purposes” aims to promote and facilitate the transfer, dissemination and effective use, management and commercialization of technology and knowledge resulting from R&D funded by government.

scattered all over the country and have an abundance of knowledge professionals, they were the logical choice to host ITSO. The challenge, however, was how to get their long-term commitment to fund and support their ITSO. Recruiting faculty members who are willing to be trained and work for the ITSO also proved to be difficult. Unlike the practice in other countries, researchers in the Philippine generally do not use patent literature. Lacking the skill required to conduct meaningful searches through millions of patent documents coupled by the difficulty of reading and understanding patentese, researchers in the country normally exclude patents in their review of literature. And, with a “publish or perish” mentality, researchers more often than not rush to publish their works without exploring the option of securing patent protection for their inventions. Consequently, like their counterparts in industry, the academic community is also oblivious to patents and their impact on their research work. Thus, setting up the ITSO inside the universities and colleges posed the bigger challenge of changing the “publish or perish” culture in the academe.

After almost a year of road shows presenting the ITSO Project to the academic community and meeting different university presidents and their boards, an initial batch of 29 institutions signed an initial 2-year agreement to set up an ITSO in their respective campuses. The agreement set forth the obligation of the host institutions to provide an office space with equipment and fixtures, employ two technical staff and a manager, and finance the operations of ITSO. At the end of the two-year agreement, universities commit to sign a franchise contract with IPOPHL in order to operate a standardized system across all ITSO in the country. The franchise framework was resorted to because it was not possible for government to continually fund the operations of ITSO. It was recognized early on that in order to be sustainable, the ITSO must eventually earn revenues for the services they provide to the industry. As such, it was better to allow the host institutions to own and manage their own ITSO right from the start while operating under a system that ensures quality of service and procedures, while at the same time benefiting from aggregating resources and support coming from a central entity. Acting like a franchisor, IPOPHL has already set up the franchise model, manualised the desired operations, crafted the regulations and provided all kinds of technical assistance, including the aggregation of subscriptions to proprietary patent databases. Even before the franchise kicks in, IPOPHL has already facilitated the subscription of Thomson Innovation and Total Patents to the ITSOs. This unique social experiment was with the support of EC under the Trade Related Technical Assistance Project-2 (TRTA-2), a development cooperation initiative by and between the Republic of the Philippines and the EC, which commissioned Ms. Audrey Yap¹⁵ to come up with the franchise stipulations through a participative process with the first batch of ITSOs.

After the structure and system was in place, the ITSO was finally inaugurated in the “Access to Technology for Innovation”



¹⁵ Incidentally, Ms. Audrey Yap served as the regional consultant of WIPO in 2004 and prepared a study on utilizing IP as an economic tool for ASEAN. In said study, Ms. Yap included in one of her observations that the region needs IP-support institutions outside the IP offices that can help bring IP to the academe and industries.

Forum, which gathered all the protagonists of the project, including the presidents of universities and their boards. Industry associations, business chambers and technology professionals were also invited to take part in a series of conversations on technology innovation and patent information. No less than the Director General of WIPO, Francis Gurry, and President Aquino's cabinet secretary from the Department of Trade and Industry, Mr. Gregory Domingo, graced the occasion. In the words of Mr. Gurry, it was the best time to show to everyone that "the patent system, in many ways, is the memory of humanity's technology because it is responsible for having put together the most comprehensive, the most systematic and most accessible record of humanity's technology." It was also a great opportunity to announce the country's first patent incentive package for universities, which complements the work of the ITSO. The incentive entitled universities to file invention patents without the usual government fees, including annuities up to the 15th.¹⁶ After the forum, more than 50 ITSOs opened their doors nationwide to the business and academic community, while more universities apply to join the Patent Libraries network up to this day. A year has passed since then, and it might still be too early to gauge how successful the franchise will be, but one thing for sure has happened. A counter-culture in the academic community towards using patents has begun. Researches in universities now include patent information review at various stages, and every call to invent has patent protection as an end in sight. Hopefully, the evolution will reach and benefit the industries one day.

(IPR Training Course for APEC Economies based on AOTS/JIII for Lawyers, Feb – Mar, 2002)

16 Inventions coming out of research from or in collaboration with universities and those involving patent search and prosecution services rendered by ITSO will be entitled to the incentive package under IPOPHL Office Order No. 73 issued on March 22, 2012.

A Snapshot of the Protection of Geographical Indications in Thailand

Ms. Duanghathai Pentrakoon (Thailand)
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Lecturer, Faculty of Science,
Materials Science Department



Ms. Duanghathai Pentrakoon

Currently, every country in ASEAN is becoming conscious of the protection of names or signs identifying geographical origins of goods and have developed a protection scheme. Some countries protect geographical indications under the umbrella of their consumer protection legislation, whilst selected countries protect them under competition law. Some jurisdictions have enacted sui generis legislation for the protection of geographical indications.

At the outset, Thailand has set and pursued a policy directing the protection of geographical indications with a vision to promote the development of qualities of local goods, and also prevent the public from being misled or confused as to geographical origins of the goods. The protection would arise through the registration of geographical indications for the goods originating in particular geographical origins and prohibition of the use of a geographical indication in a manner misleading or confusing the public as to the true geographical origin of the goods to which the registration relates. All these perceptions are in line with the international obligations embodied in Articles 22-24 of the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPs) attached to the Marrakesh Agreement Establishing the World Trade Organization (WTO)¹.

A committee was appointed to consider whether the existing legislation provides adequate protection to geographical indications and whether there existed any need for drafting a new law for geographical indications protection. After much consideration, all existing legislation, i.e. section 271 of the Penal Code, section 22 of the Consumer Protection Act B.E. 2522 (A.D. 1979) as amended by the Consumer Protection Act (No. 2) B.E. 2541 (A.D. 1998), and the Trademarks Act B.E. 2534 (A.D. 1991) as amended by the Trademarks Act (No. 2) B.E. 2543 (A.D. 2000), has failed to accommodate the geographical indications protection policy of Thailand. This inadequacy prompted a compelling need for the enactment of sui generis legislation—the Protection of Geographical Indications Act B.E. 2546 (A.D. 2003), promulgated and having entered into force as of 28th April 2004.



According to the Thai Act on GI Protection, the protection of GIs in Thailand is defined as “a name, symbol or any other thing used for calling or representing a geographical origin and capable of identifying that the goods originating in that geographical origin are the goods, the particular quality, reputation or characteristic of which is attributable to such geographical origin”. This is typically associated with some long-maintained know-how in a given locality and also with some natural factor or geographical environment discovered in that particular region. Such local know-how and geographical environment foster distinct qualities or characteristics of the goods and trigger public recognition per se. The rights subsisting in GIs are recognized as community rights or collective rights under the administration by the Department of Intellectual Property.

To date, 93 GI applications (79 by Thai applicants and 14 by foreign applicants) have been

¹ Department of Intellectual Property (2013), Annual Report 2012

applied for with the Department of Intellectual Property. 50 GI-protected products have been registered. Forty-two of which are Thai products e.g. Celadon Ceramics from the northern province of Chiangmai (i.e. ceramics made of dark clay and coated with a transparent emerald green material); Pomelos of Nakornchaisri (embracing pomelos of the Thongdee variation and the White Honey (i.e. named “Khao Namphueng”) variation, which are grown in Nakornchaisri district and have a distinct sweet-and-sour taste without any bitter taste); Oysters from the southern province of Surat Thani; Silk from the northern province of Lampoon (known as Lampoon Yok Dok), which are the elaborate silk brocade produced in the Northern Lampoon district and is an exquisite textile inspired by the Thai royal silk tradition and used by Thai high society; etc. Eight of which are foreign products, namely PISCO from Peru, CHAMPANGE from France, COGNAC from France, BRUNELL DE MONTALCINO from Italy, PROSCIUTTO DI PARMA Ham from Italy, SCOTCH WHISKY from Scotland, NAPA VALLEY Wine from the United States of America, and TEQUILA spirits from Mexico.

Efficient protection of geographical indications indeed facilitates the production of agricultural products as well as the local products to achieve added values, consequential contribution to the promotion of fundamental economy. Furthermore, the protection of geographical indications is a wise effort to preserve local heritage, cultures, customs and wisdom. It also promotes the preservation of local jobs and products which may otherwise be lost as witnessed in the case of some varieties of locally grown rice and fruits.



On 6th March 2013, the President of the European Commission presented an EU certificate of registration of a geographical indication (GI) for a particular strain of fragrant Thai jasmine rice from Thung Kula Ronghai Plain of Thailand. This jasmine rice, known as “*Khao Hom Mali Thung Kula Ronghai*”, is indeed the first product from Southeast Asia to be registered under the European Union’s Protected Geographical Indication (PGI)² recognition from the European Union. Thai Department of Intellectual Property (DIP) believes the securing of the PGI will enhance the international profile of *Khao Hom Mali Thung Kula Ronghai* and bring significant economic advantages to Thai rice farmers and exporters.

It appears to be the third non-EU product in the world, after Indian tea and Colombian coffee, to receive this form of geographical indication protection. Thung Kula Ronghai is a major plateau for the cultivation of fragrant jasmine rice covering five northeastern provinces-Roi-Et, Maha Sarakham, Surin, Si Sa Ket, and Yasothon. The jasmine rice cultivated in this area yields a special glutinous consistency and sweet-scented aroma. To avoid any grain combination, packaging of this jasmine rice product is entirely accomplished within this defined region.

Following almost a five-year battle to win the PGI recognition for *Khao Hom Mali Thung Kula Ronghai*, two more Thai products, Doi Chang and Doi Tung coffee varieties, are seeking PGI certification from the European Union. They are grown in the northern province of Chiang Rai. If there are no objections, these two products are likely to be registered on the PGI list within this year. Additionally, the Department of Intellectual Property (DIP) also has plans to apply with the European Union for geographical indication protection for Sangyod rice from the southern province of Phattalung.

(JPO/IPR Training Course for Advanced IP Practitioners, July, FY 2012)

2 PGI covers agricultural products and foodstuffs closely linked to the geographical area where at least one of the stages of production, processing, or preparation has to take place in the area.

Information of IPAA's

"IPAA in the Philippines Elects New President"

Ms. Divina Gracia E. Pedron (the Philippines)
President, Intellectual Property Alumni Association, Inc.
Partner, Cruz Marcelo & Tenefrancia



Ms. Divina Gracia E. Pedron

It has been almost 10 years since I last went to Japan to attend a three-week seminar workshop for intellectual property rights specialists as sponsored by the AOTS/JIII at the time. It was, I should say one of my most memorable travels so far—Japan captivated me with its modernity and preserved culture all in one place, one look, one photograph. I recall feeling like a young student all excited to go to school. The walk to the train, the morning rush, observing the Japanese way of living, learning from Japanese instructors and traveling to Kyoto from Tokyo – these are my fond memories of my training in Japan.

That is why it feels like going full circle that I end up being the President of the Intellectual Property Alumni Association in the Philippines. From being a simple scholar in 2003, I become the President of the IPAA and now have the main responsibility of steering the direction of the association for the next two years. With me as trustees and/or officers are esteemed members of the Philippine legal and academic profession who also share the same vision of propagating intellectual property rights and protection toward national development.

There are a few major projects that we are looking to do during our term as trustees of the IPAA. The biggest project that we would like to do in 2013 is to hold a metro-wide art competition where young elementary students from ages 9 to 13 from government-run schools shall be invited to participate in. The theme of the competition is how IP can help push national development. The winners will get cash prizes which are intended to help them sustain their education, and at the same time provide for awareness among school children on the importance of IP.

Apart from the art competition, the IPAA is looking forward to hosting a few Kapihan (coffee-dialogues) where important IP issues will be discussed and give an opportunity for attendees to engage the speakers in an open forum or consultation. In our experience, the Kapihan is always a good opportunity to reach out to different members of the society- we have had attendees from the fields of science, business, marketing, advertising, the academe, the legal profession, the arts coming together to discuss what seems to be the most burning IP issue of the day.

The IPAA trustees also feel that there is a need to reconnect with JPO and APIC-JIII by meeting with the most recent Philippine scholars that attended the trainings for a feedback system. We intend to seek an audience with the scholars who will attend this year's training programs in Japan and inquire about their experience this year. We may also request that we be given a report on what subjects were taught and who the speakers are, and file these information so that we would have a pool of resource persons that we could reach in the future. If it may even be possible for us trustees to have a visit to the JPO's or APIC's office in Tokyo, that would be a truly fun thing to do!

At the end of each year, we normally hold a 2-day seminar workshop where both Japanese and Filipino speakers provide lectures on IP. This workshop is normally attended by AOTS scholars and is the culminating activity of the IPAA. This is also an opportunity for us to meet with the officers of the government agencies that are involved in the collaborative work between Japan and the Philippines.

There are other things that we hope to accomplish during our term. They are still being studied but we are hopeful that whatever we do will contribute to the members' enrichment. Just like what I learned from one of my instructors in Japan, we can achieve our goals by taking sure definite steps, one step at a time. Hopefully, we at the IPAA will be guided by the examples set by our counterparts in other countries.

Message from a member of a Cooperation in Human Resource Development Commission

Asia and the Intellectual Property System

Mr. Kazushi TAKEMOTO
General Manager,
Intellectual Property Department,
SUNTORY Holdings Limited



Mr. Kazushi TAKEMOTO

This year is the second year since I joined the Human Resource Development Cooperation Committee. As the name indicates, the committee discusses and reviews projects that involve cooperation for developing IP human resources in the countries concerned. The committee has so far accepted about 4000 trainees from the countries concerned since the program began in 1996. Our continuing operation over the years owes much to not only ardent efforts made by the head office, but also to the accomplishments and support from former trainees who have returned to their homelands. I would like to take this opportunity to express my deepest gratitude for their efforts.

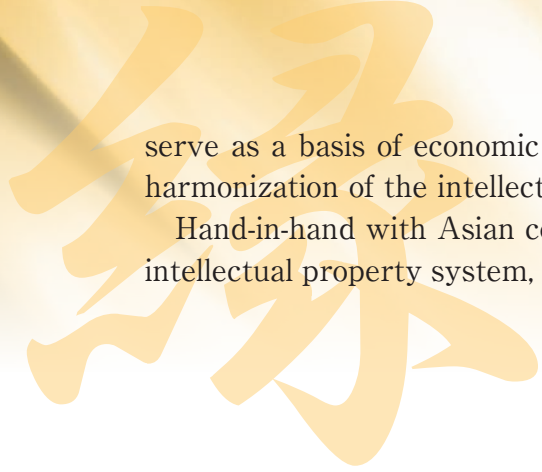
In 2011 and 2012, I had opportunities to travel, partly for work, to Vietnam, Indonesia, the Philippines, and Thailand.

Vietnam has a coastline of 3260 km; Indonesia consists of islands spreading across 5100 km; the Philippines is located in a section of the sea that serves as a passage from Southeast Asia to the Far East; and Thailand is located at the center of Indochina. These four countries all occupy geopolitically important positions, and have therefore suffered through many wars unlike Japan, which is located further to the north. These countries are known for being very friendly toward Japan. The fact that Japan has gained the trust of those faraway countries that have undergone such hardship is a source of national pride. In all four countries, people are kind, streets are full of life, and history and culture are respected in these multi-religious and multi-ethnic societies. As Japan (both the government and companies alike) aims to evolve into a global, diversified society, it is necessary beyond question to strengthen ties with these countries and establish stronger partnerships. It is also important to make a full commitment to maintain the trust for and close connections that these countries have with Japan.

Currently, there are active discussions on global economic collaboration also involving ASEAN members. This is a critical period for setting the future direction of the intellectual property system.

In an interview with Dr. Surin Pitsuwan, Secretary-General of ASEAN that was posted in *Nikkei Business* on November 5, 2012, Dr. Pitsuwan pointed out the particular strengths of Japan as being “Japan’s approach to create technologies, the processes through which industrialization is achieved, and the mechanism through which wealth is distributed”.

The three points highlighted by Dr. Pitsuwan might be achieved by making better use of the intellectual property system. Technology can be introduced and developed by encouraging invention and strengthening the importance of intellectual properties, where profit is distributed in a fair manner, leading to the creation of more inventions. I believe this cycle will bring happiness to our society. I hear that in ASEAN economic talks, there are notable differences in opinion among members that include countries of different races, languages, cultures, religions, and levels of economic development. The intellectual property system can

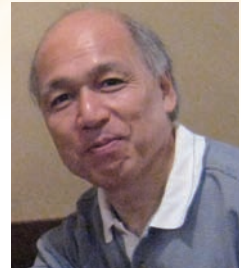


serve as a basis of economic collaboration, especially, when the system works globally. The harmonization of the intellectual property system will remain a critical issue in the future.

Hand-in-hand with Asian countries, the committee hopes to further develop and utilize the intellectual property system, and to develop human resources that contribute to its operation.

Column: “Celebrating the 30th Year Anniversary of Tokyo Disneyland®”

Mr. Takao Ogiya
Director General of APIC



Mr. Takao Ogiya

On April 15th, Tokyo Disneyland® celebrated the 30th anniversary of its establishment. About 570 million peoples have visited Tokyo Disneyland® since this time, including Tokyo Disney Sea®, which opened in 2001. The number of visitors continues to increase unabated, especially during this year, when a record of about 30 million visitors are expected. What is most surprising, however, is that 98% of this figure represents repeat visitors.

What are the secrets behind the astonishing popularity of Tokyo Disneyland®? According to an analysis based on marketing theory, these include a) Highly developed service, b) Efforts toward greater customer satisfaction, c) Location near the Tokyo metropolis, and d) High-quality staff. I will now explain each of these in detail.

a) Highly developed service

Tokyo Disneyland® is built on the “Kingdom of Dream and Magic” Concept. Tokyo Disneyland® forms an extraordinary space that is separated from the outside world. Cargo lanes and staff-only passages are located underground. The park is always kept clean and free of garbage by sanitation workers known as “custodians”, one of the most important types of staff at Tokyo Disneyland®.

b) Efforts toward greater customer satisfaction

Tokyo Disneyland® develops new attractions almost every year, and organizes various events every few months. Most of these attractions and events are themed on Disney’s movies. Cuisine and products that visitors enjoy in Tokyo Disneyland® are also decorated with familiar Disney characters. That is, Tokyo Disneyland® itself is a type of “show” and “entertainment”. In Tokyo Disneyland®, the staff is called a “cast”, and the visitors are called “guests”.

c) Location near the Tokyo metropolis

It takes about 20 minutes by train from Tokyo station to train station nearest to Tokyo Disneyland®. It also takes about one hour by non-stop bus from Shinjuku or Yokohama. About 30 million people live within 50 km from Tokyo Disneyland®. That is, Tokyo Disneyland® is adjacent to a mega-market, which is a unique situation worldwide.

d) High-quality staff

Every service in Tokyo Disneyland® is based on treating guests as VIPs. Tokyo Disney-

land® puts the finest focus on the quality of its staff (cast members) since they are the one who actually come into contact with guests. As I stated previously, the whole of Tokyo Disneyland® is a “show”, and employees therefore first undergo education programs so that they may go to work with the understanding that “every day is opening day”. That is, the cast are put through intense training in order to master the comprehensive content of pre-provided manuals.

There are other secrets, however, which do not fall under any sort of marketing theory analysis. In this regard, the following is a true story.

A couple visited Disneyland® one day and ordered the kid’s lunch for themselves at a restaurant. The menu says that the kid’s lunch is only for children aged nine and under. Instead of denying them outright, however, the staff member attending them first asked, “Would you really like to have the kid’s lunch?”

“Yes,” said the wife. “We want to get this dish to remind us of our deceased daughter.”

“We were not blessed with a child,” she continued. “We tried and tried, and finally gave birth to a baby girl. But she was born frail, and went in peace before her first birthday. We grieved deeply for the past year, but my husband and I agreed we couldn’t continue to weep. Today is first anniversary of our girl’s death, so we visit Disneyland®, where we always wanted to go with her. The pamphlet we received at the gate says the kids’ lunch is sold in the restaurant. So we decided to eat the kid’s lunch for our daughter.” They lowered their eyes.

“I understand,” the cast member immediately answered. “Could you come this way?” He led customers to a larger table, and brought a kid’s chair as a replacement for one adult-sized chair. After a while, three of the children’s lunches were served. “I hope your family will enjoy it,” said the cast member, with a big smile, and left.

It was an undeniable violation of the rules. Rather than being criticized, however, the cast member was praised for this response.

In Tokyo Disneyland®, the manuals serve only as a guideline, since even more important than this is the act of making guests happy.

The husband and wife were deeply moved and wrote a letter after they returned. “We couldn’t stop crying while having the kid’s lunch. We enjoyed a family get-together as if she were still alive. We will take our daughter and revisit Disneyland®.”

This just might be the reason why so many guests visit Tokyo Disneyland® again and again: because the experience penetrates deep inside their hearts.

There is a word in Japanese known as “omotenashi,” which means something like “hospitality, offering, service and treatment.” When one is treated very well, s/he is very impressed and moved. Service that merely complies with manuals in a mechanical manner can never impress or move guests. When staff looks at situations from the customer’s viewpoint at all times, however, and offers more than what the customer has expected, s/he can make customers feel both happy and moved.

Mr. Walt Disney, founder of Disneyland®, left behind several famous quotes. I would like to introduce some of them here.

“If you can dream it, you can do it. I only hope that we don’t lose sight of one thing: that it was all started by a mouse.”

“Somehow, I can’t believe that there are any heights that can’t be scaled by a man who knows the secret of making his dreams come true. This special secret, it seems to me, can be summarized in four C’s: curiosity, confidence, courage, and constancy. The greatest of these is confidence.”

“When we go into a new project, we believe in it all the way. We have confidence in our ability to do it right. And we work hard to do the best possible job.”

“They will be the people who give, who like to bring delight to other people—and who therefore also gain pleasure and satisfaction for themselves.”

Tokyo Disneyland® puts these quotes into action at every moment of every day. Mr. Disney’s faith is succeeded by the spirit of “omotenashi” in the cast of Tokyo Disneyland®. From this standpoint, we might say that Walt Disney is alive with his beloved character Mickey Mouse®.

We would like to look from the guest’s viewpoint in our daily life and offer more than what guests expect—thereby making them feel happy and moved.



Introducing New Technology from “Cool Japan!” *MONOZUKURI Japan!* ~ “Top Gun™” ~

First-ever air pitching machine born in Japan

What kind of image comes to mind when you hear the word “pitching machine”? The world’s first air pitching machine has recently been developed—and its smart design has revolutionized the common concept of pitching machines.

Conventionally, the two most general pitching machines are arm action machines, which replicate human pitching motions using a spring; and circular wheel machines, which shoot out balls by pinching and rotating them using one to three wheels (rotors). Until now, however, there has been no pitching machine powered by “air”, even through the use of springs or wheels (rotors).

Mr. Kanji Tanaka, CEO of Kyowa Giken Co., Ltd., was once a sales engineer with a valve manufacturer. Through the course of serving his clients’ various needs, he naturally picked up knowledge and experience regarding air devices. He established an independent company in 1983 that specialized in air value maintenance service, and also established services for industrial machines using air. Although his business had no special correlation with baseball, a simple question asked by a co-worker in July, 2000—“Is it possible to throw a ball by air?”—provided a spark that led to his developing the pitching machine. Even though he had no specific purpose in mind for the project, he and his employees completed a prototype in a mere two months along the sidelines of their main business.

“The ball flew really fast, and we simply found that to be fun,” commented Mr. Tanaka. Wanting to let people know how entertaining the ball launcher was, he decided to launch the device onto the market as a product of his own company. He also thought about various other applications, but finally concluded that the pitching machine was the best because it had originally been created as a ball launcher. He found through his own investigation that previous machines in the market didn’t use compressed air, and so he filed a patent application in 2003. The project did not go as well as expected, as it was not easy to launch the ball at high speed, or to apply spin to the ball like pitchers do. The lack of spin causes a ball to become a so-called “knuckleball”, which results when a baseball pitch changes direction erratically and unpredictably in mid-flight due to air resistance.

When assisting with batter’s practice, the pitching machine must pitch a baseball at different speed and styles, like a real pitcher. The team tried to simulate air turbulence so that the machine would be able to give spin to its balls, but that didn’t work well because too many air valves were necessary. They next tried a new development tactic whereby they installed a “spin pad” (a sponge with a leather attachment) to create friction and act as a rotating device. The team mounted the spin pad on an outlet of a guide tube, and a good spin was applied



Mr. Kanji Tanaka and Mr. Shin-ichiro Tanaka
(KYOWA Giken Co., Ltd.)

to the ball. Finally, one of the device's biggest problems had been solved. Since then, the team has continued making improvements to additional elements including its figure, materials used, etc.



Several Spin Pads for Top Gun™

The company has attracted great attention from the media, including TV broadcasts, who have greatly praised its accomplishment as a small factory in developing the world's first product and taking out a patent. The media exposure brought in many new offers, and since the company is now in possession of intellectual property, it is also in a position to decide how to utilize such resources within its forthcoming management and business ventures. This also represents a great advantage in terms of building relationships of trust. It is important to constantly strive to develop new and novel products, and to this end, intellectual property can result from the power of motivation and accumulated know-how. Since significant benefits result from intellectual property, we should continuously advance the drive for technical development in order to enhance our strength. Similarly, we hope that other small companies will be able to experience similar breakthroughs.



Special Characteristics:

1. Accuracy (superior control)

None of the wild pitching that occurred before the development of the machine

2. Safety

None of the rapid movements that were associated with earlier machines

3. Usefulness

Speed of balls may be adjusted between 70km/h to 170km/h by the touch of a button.

(While speeds may in fact reach up to 300km/h, the maximum has been set at 170km/h for reasons of safety assurance.)

4. Various types of balls

The spin pad is able to slide in all directions, enabling various types of balls to be pitched (straight, curve, screwball, etc.)

5. Durability (reduced cost)

Lack of vibration and metal fatigue results in maintenance being almost entirely unnecessary.

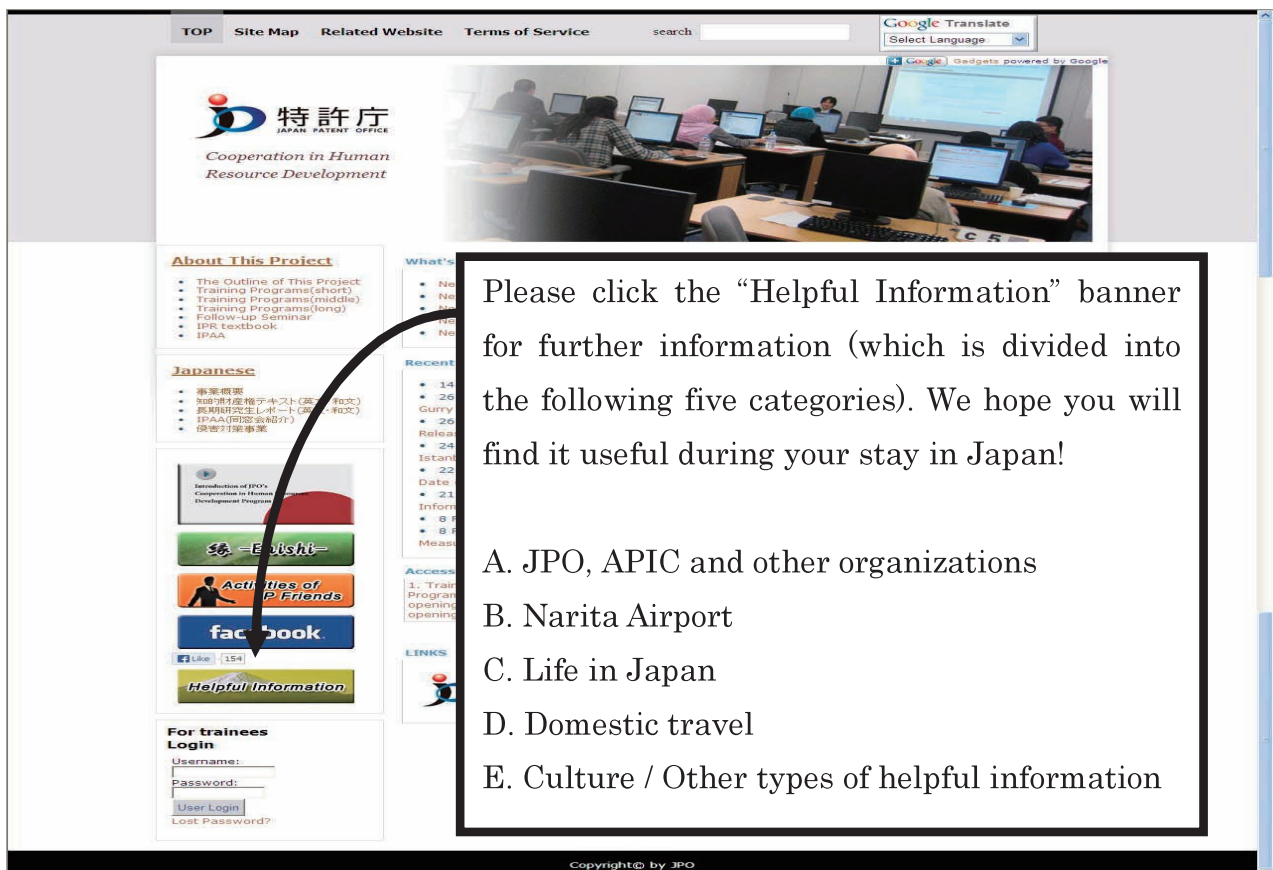
Happenings in Japan



Introduction about our website page

Introduction of Website Feature: Helpful Information

Our “Helpful Information” page includes a guidebook for training course participants. Please check this page to learn about various aspects of life in Japan!

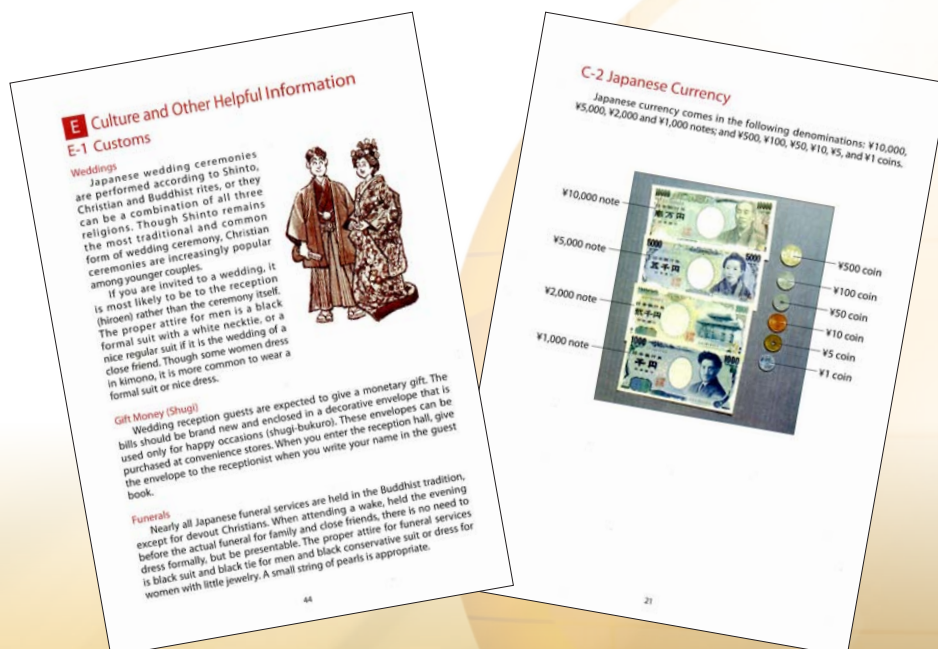


The screenshot shows the JPO website interface. At the top, there are navigation links: TOP, Site Map, Related Website, Terms of Service, and a search bar. A Google Translate widget is also present. The main header features the JPO logo and the text 'Cooperation in Human Resource Development'. Below this, there's a large banner image showing people in a computer lab. A callout box with a black border and a white background points to a 'Helpful Information' banner on the left sidebar. The callout box contains the following text:

Please click the “Helpful Information” banner for further information (which is divided into the following five categories). We hope you will find it useful during your stay in Japan!

- A. JPO, APIC and other organizations
- B. Narita Airport
- C. Life in Japan
- D. Domestic travel
- E. Culture / Other types of helpful information

The website sidebar also includes sections for 'About This Project', 'Japanese' (with links to various documents), 'What's New', 'Recent', 'Access', and 'LINKS'. At the bottom, there's a 'For trainees Login' section with fields for Username and Password, and a 'Lost Password?' link.



Editor's Note



We are pleased to publish our fourth issue of ENISHI magazine this fiscal year. In July it is summertime in Japan, and many fireworks and festivals are held during this season. It is said that the history of fireworks festivals in Japan dates back to the late 18th century, as a way to hold collective funerals for the numerous victims who died from the plague. Around the same time, the Obon festival is also held to honor and appreciate the spirits of our ancestors. Their spirits are believed to come back during this period, and we also remember them by displaying beautiful fireworks.

I wonder what meaning fireworks have in your various countries?

One of the articles in this issue, "Air-Type Pitching Machine," introduces the first technology of its type throughout the world. We are looking forward to continue introducing you to many additional examples of Japan-born innovations in the future.

Thank you very much for your cooperation. We are looking forward to continuing to improve this magazine, so your opinions and ideas in this regard will be greatly appreciated!



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

[Consigner]



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