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# *IP Friends Connections*



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

**[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.

## **Table of Contents**

### **1. List of FY 2014 Training Courses**

### **2. Introduction to FY 2014 Long Term Fellowship Researchers**

Ms. Chhouk Roth (Cambodia)

Ms. Latdaphone SIRISOMBATH (Lao P.D.R.)

### **3. Training course report**

Ms. Nguyen Thi Phuong (Vietnam)

### **4. Articles by former trainees**

#### **1) “Demystifying Intellectual Property”**

Mr. Raahul Dutta (India)

#### **2) “Ennichisai Blok M 2014: Japanese Traditional Festival in Little Tokyo Blok M Jakarta”**

Mr. Kusno Hadi Kuncoro (Indonesia)

#### **3) “Trademark Infringement in Malaysia”**

Mr. Ravindran Naransamy (Malaysia)

### **5. Column: “Individuals vs. Organizations”**

Mr. Takao Ogiya, Director General of APIC

### **6. Selection from “Top 100 Japanese Innovations”**

### **7. Happenings in Japan**

### **8. Introduction to our website**

### **9. Editor’s Note**

## List of FY 2014 Training Courses

### FY 2014 Training course schedule (short)

	Course	Length	Term
1	(JICA) Indonesian Officials	1 week	Jun. 16-20
2	(JPO) IP Trainers	2 weeks	Jun. 23-Jul. 4
3	(JPO) Advanced IP Protection Practitioners	3 weeks	Jun. 30-Jul. 17
4	(JPO) IP Management	2 weeks	Jul. 7-18
5	(JPO) IP Administration for LDCs	2 weeks	Jul. 22-29
6	(JPO) Patent Examination Practice for ASEAN Countries	3 weeks	Aug. 19-Sep. 2
7	(JPO) Trademark Experts	2 weeks	Aug. 25-Sep. 5
8	(JICA) Vietnamese Officials	2 weeks	Sep. 3-12
9	(JPO) Patent Experts	3 weeks	Sep. 16-Oct. 3
10	(JPO) IP Protection Lawyers	3 weeks	Oct. 6-24
11	(WIPO) The Use of Information Technology in Industrial Property Administration	2 weeks	Oct. 27-Nov. 7
12	(WIPO) The Examination Practice of Industrial Property (Intermediate/Advanced Program)	2 weeks	Nov. 10-21
13	(JPO) Trademark for Myanmar	2 weeks	Nov. 25-Dec. 5
14	(WIPO) The Enforcement of Intellectual Property Rights	2 weeks	Dec. 1-12
15	(WIPO) The Examination Practice of Industrial Property (Basic Program)	2 weeks	Jan. 19-30
16	(WIPO) The IP Management and the Formulation and Implementation of Results-Based IP Office Plans	2 weeks	Feb. 5-13
17	(JPO) Practices for Madrid Protocol Trademark Filings for Asean Countries 1	1 week	Feb. 3-9
18	(JPO) Practices for Madrid Protocol Trademark Filings for Asean Countries 2	1 week	Feb. 12-18
19	(WIPO) Patent Examiners on Specified Technology(Field TBA)	2 weeks	Feb. 19-26

## Introduction to FY 2014 Long Term Fellowship Researchers

Ms. Chhouk Roth  
(Cambodia)

My name is Chhouk Roth. I work as a trademark examiner in the Department of Intellectual Property Rights (DIPR), located in the Ministry of Commerce in Cambodia. My responsibilities are as follows: to examine applied marks for registration via laws and regulations; conduct pre-application marks searches; prepare communication letters for IP agents and marks applicants; send notices to applicants regarding acceptance, as well as preliminary and final rejections of mark registration; research and study IP agreements and conventions related to intellectual property rights; prepare monthly reports for the Bureau Chief; and assist my supervisor with the examination process.

The Kingdom of Cambodia is a country in Southeast Asia. In order to become a member of the ASEAN Economic Community by December 2015, the DIPR must prepare for acceding to the Madrid Protocol System. As the topic of my research is "Study on the Madrid Protocol system in Japan for Cambodia," I am learning about the Japanese experience of registering trademarks through the Madrid Protocol system. During the Long-term Research Fellowship Program under WIPO JAPAN Funds-in-Trust, which I am attending from April to September 2014, I am looking forward to learning about lots of Japanese experiences.

I hope that my research will be useful for Cambodia, and that the DIPR will receive more trademark applications in the future.





## INTRODUCTION

**Ms. Latdaphone SIRISOMBATH**  
(Lao P.D.R.)

My name is Latdaphone Sirisombath. I am from Lao PDR, and I have worked at the Department of Intellectual Property (DIP) of the Ministry of Science and Technology for almost eight years. Between 2005 and 2008 I was an Assistant Trademark Examiner, and from the end of 2008 until 2012, I was Assistant Patent and Design Examiner in the Patent Division. Since 2012, I have been working as an Assistant Design Examiner.

Lao PDR has been facing several challenges in acceding to the Hague Agreement. As a member of the Asean Economic Community (AEC) we are obliged to modernize our Design Laws and Design systems. This research is conducted basically to do a comparative study between the Japanese Design system and Laos Design system; its findings are expected to provide good input for the DIP of Laos in making a feasibility study about the Substantive/Non-Substantive Examination System in Design Registration system. This feasibility study will also help our office meet the challenges of and become prepared to join the Hague Agreement Concerning the International Registration of Industrial Designs by 2015. This research will focus on the Substantive Examination of Design Registration System in Japan and carry out a comparison between the Japan system and those of countries with a Non-Substantive Examination System in Design Registration. It is highly expected that this comparative study will help Laos arrive at the best ways to accede to the Hague Agreement.

I am very happy to be back here for my 4th trip to Japan, but this is my first time to participate long-term in this Six-Month Study-cum-Research Fellowship Program. I would like to thank everyone at the JPO, WIPO, APIC-JIPII and DIP of Laos for making my researcher life and daily life feel very useful and enjoyable. I am very grateful to the people I have met and spent time with throughout this fellowship who have made my stay in Japan all worth the while.



## Training course report

### My training course on IP management in Tokyo, July 2014

Ms. Nguyen Thi Phuong

Deputy Director, National Institute of Patent and Technology Exploitation (NIPTEX), Vietnam

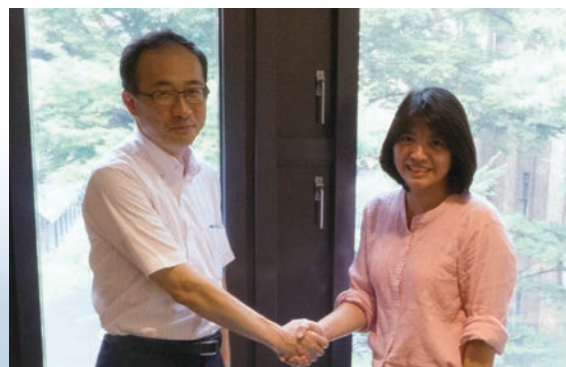
At the invitation of JIPII and HIDA, Japan, I was very pleased to participate in the course on Intellectual Property Management (IPM) at APIC in Tokyo from July 7 to July 18, 2014.

Following this course with many useful and interesting topics, presented by different experimental experts in the field of IPR Japan, I know that it was a real good chance for me. I enhanced my knowledge and understanding of this issue in a systematic manner. The content of the training program covered all issues related to IP policies and IP management in universities and in business in Japan; from the way to search prior art patents, searching and brushing-up invention, patent application, protection, evaluation and licensing of IP assets... I found that Japan has built an extremely advanced system for promoting the creation and exploitation of Intellectual Property.

Through the course I had also occasion to contact and discuss with different experts in the field of IP management and exploitation of patent. I'm looking forward to building a similar training program in Vietnam with the participation of Japanese experts. I have a strong desire to help our staff's members in NIPTEX and MOST to enhance their knowledge in IP management and transfer of technology related to this issue.

In fact, IP management and exploitation of patent is an area where Vietnam has very little experience. I, myself, have been working in this field, so learning the experiences of different countries, especially of Japan is my real desire. Japan has good experience in developing and implementing policies/measures for creation, protection and exploitation of innovative ideas, and the IP system of Japan has become one of the strongest in the world.

We admire and respect the development of the country of Japan, the Japanese people, as well as their willpower. Japan today has really grown and has an important role, as well as having a positive impact on the world. We expect to receive assistance and support from Japan by sharing experiences, technical support, and the training of human resource in this area in the future.



## Desire to develop cooperation with Japan in the field of IP management

At the invitation of JIPII and HIDA, Japan, I was very pleased to enjoy the course on Intellectual Property Management (IPM) at APIC in Tokyo from July 7 to July 18, 2014.

I participated in the course which contained many useful and interesting topics, presented by different experimental experts in the field of IPR Japan, and I know that it was a real good chance for me. Through this course I enhanced my knowledge and understanding of this issue in a systematic manner. The content of the training program covered all issues related to IP policies and IP management in universities and in business in Japan; from the way to search prior art patents, searching and brushing-up invention, patent application, protection, evaluation and licensing of IP assets... In my view, Japan has built an extremely advanced system for promoting the creation and exploitation of Intellectual property. Japan has good experiences in developing and implementing policies/measures for creation, protection and exploitation of innovative ideas. The IP system of Japan has become one of the strongest in the world. This system helped create the prosperity of Japan today.

Before this course, I also had occasion to do research on the “Japanese experience on patent exploitation” with the assistance of some experts from JPO, IIP and the University of Tokyo. In fact, I’m now working for the National Institute of Patent and technology exploitation (NIP-TEX). It is an administrative and scientific organization under the Ministry of Science and Technology (MOST), which functions in promoting IP exploitation and supporting industries in Vietnam. As NIPTEX is a newly formed unit, the MOST is eager to promote IP management and the exploitation of inventions, as well as technology transfer. Therefore, NIPTEX must learn about the experiences of different countries, and the experiences of Japan is the first we have chosen to learn about, even though Japan and Vietnam have different backgrounds. But we have to take into account historical factors; Japan has made remarkable strides by introducing the American experience from the pro-patent policy and the Bayh-Dole Act.

One year ago we were lucky enough to invite Prof. Toshiya Watanabe from the University of Tokyo to NIPTEX to make a presentation on the “Japan experience on patent exploitation” in the framework of an international workshop held by NIPTEX. We received the presentation of a successful example of Japan: the case of TODAI-TLO, shared by Mr. Takafumi Yamamoto-CEO of Todai TLO. The Vietnamese side is very interested and appreciated the professionalism and experience of Japan. We look forward to building and developing a TLO system in Vietnam with the experience and support of Japan. The first cooperation we received was the Memorandum of Cooperation signed between the PARI-University of Tokyo, Todai TLO and NIPTEX in July 2014. They have agreed to help us establish a pilot TLO for NIPTEX and training human resources for TLO-NIPTEX in the future.

Vietnam is now on the way to industrialization and modernization of the country. This major goal launched by the Vietnamese Government should be reached by 2020, a time at which Vietnam will basically become industrialized. To accomplish this goal, Vietnam has built a science and technology development strategy from now to 2020, the innovation of science and technology programs. But I personally think that, to be successful, in addition to building strategy, Vietnam should learn about the experience of other countries, then adapt to condi-



tions in Vietnam.

We admire and respect the development of the country of Japan, the Japanese people, as the well as their willpower. Japan today has really grown and has an important role, as the well as a positive impact on the world. Vietnam expects to receive the assistance and support from Japan by sharing experiences, technical support and training human resource in the field of IP management in the future.





## Articles by former trainees

### Demystifying Intellectual Property

© Mr. Raahul Dutta,  
Patent & IP Attorney,  
Intellectual Property Lab,  
INDIA



Mr. Raahul Dutta

*(FY 2013 JPO/IPR IP Protection Lawyers)*

### INTRODUCTION

Do you buy the worst product? Do you buy the cheapest product? Do you buy the ugliest product? Do you buy a product for which technology has become obsolete? Probably your answers to all the questions would be a big NO. Not at all!

As an entrepreneur, you make sure that your product is not named 'worst', 'cheapest', 'ugliest' or 'obsolete'. Therefore to make your product sellable you take care to make your product competitive in the class of the same or similar kinds of products. The 'efforts' in making your product catch the attention of the prospective buyers need research, development and substantive investment. Once your product starts catching eyes, it starts selling and gradually building its own brand. A branded product always fetches a premium price and thus becomes the subject of envy for its competitors! The competitors start 'copying' your product inside and out, innocent customers get deceived and gradually sales take a downturn as customers begin to suspect the originality of the product, and thus the brand vanishes in no time. It may be that this has happened to you.

Did you try to find the answer to this catch 22 situation wherein not making your product competitive is suicidal, and making it competitive finally results in losing the value of the brand? Well, the investment into making the product competitive was the right step because it attracted the attention of the buyers, earned revenue and gradually enjoyed the status of a branded product. But, the competitors' envy destroyed the well planned and executed product.

The competitors could manage to copy the product because the intellectual property (IP) created and utilized in catching the eye was not protected through the legal tools available under the intellectual property regime.

### THE IP TOOLKIT

The product from the day it is conceived in the mind of an entrepreneur is as good as a child conceived by a would-be mother. The expecting mother needs regular counselling, and the treatment and care of a gynecologist; similarly a business idea conceived to be developed as a product in the mind of an entrepreneur needs the professional care of an IP Attorney. It is under his expert advice that the concept is developed as a product with the help of sharing the information with other professionals and colleagues through the legal instrument of Non-Disclosure Agreement (NDA), securing copyright for all original expressions of thought into

tangible medium, protecting the functional aspect of the product through the means of patent(s), protecting the look or appearance or design of the product through the means of Industrial Design, and protecting the packaging, color scheme, domain name and the name of the product by the means of securing the trademark(s). Further, the distribution of the product in the market through the distributors and retailers creates a complex web of IP licensing agreements ensuring the availability of only IP protected products available for sale.

## BEYOND TANGIBLE MEANS

One sharp entrepreneur may ponder why go through such a costly exercise to generate IP rights. Surely it is better to fetch the premium price until the time the brand becomes diluted by copying and becomes unproductive for the owner entrepreneur, and then develop another product and so on. Yes, it may be an option; but not a good option, indeed because the efforts for conceiving to earning brand value are tremendous and it is left without exploiting its maximum value from the market. Do you find any mother hiding or killing or selling her son because there are a few other look-alike boys with the same name in the vicinity? Then why self-destroy or have destroyed by competitors a product you conceived at a point in time? This question is important because we know that the 'copying' virus has a vaccine that checks the spread of copying and maintains the presence of the original product in the market place.

For SMEs there are plenty of limitations in reaching the market with innovative products, such as reaching all territories within and outside the country, fulfilling the market demand, or waiting for the time when a new product secures the brand value. With the IP rights monopoly, most such shortcomings can be taken care of. The enterprise can talk with the interested third parties to license the IP rights to make, offer for sale, or sell the product. The out-of-reach markets can be tapped with the help of the IP licenses. Like a visa is required to travel to a foreign country, IP licenses enable a technology to transfer out of the national territories without any hitch of 'getting copied' by the prospective business partners. In fact, no good third party would show interest in establishing any business relationship without establishing the IP protection for the product.

The IP rights secure acceptance in the market, raise the level of competition, and instigate competitors to raise the bar of future products by innovating their product to sustain and survive in the market. A brand has multifarious dimensions ensuring advantages for both the owner and the buyer of the branded product. A brand ensures reputation due to its quality and reliability thus helping the buyer decide to pay a little extra over the price of the competing products. For the brand owner, a brand ensures a competitive edge over the competitors, justifying investment into research, development, and securing IP rights.

An entrepreneur should realize that it is only the market that sustains, the rest varies over it. The investment into new product development is inevitable because no product remains in the market forever. With the pace of technological development, the life of technology driven products is getting shorter with time. However, the 'flat world' of WTO Member countries provides a bigger platform to showcase your products subject to fulfilling the new game rules of securing IP rights. We have witnessed the surge of Nokia followed by BlackBerry. Today the mobile market is a battleground between Apple and Samsung for the monopoly. Both companies are deeply involved in R&D in order to come to the market with better and more innovative 'smart' products, and both are involved in legal battles in different countries claiming each-other's IP. The US Court decision directing Samsung to pay \$1.2 billion to Apple is

still fresh in the minds of people around the world. This legal battle was just for the appearance of their respective devices, involving design patent infringement. Think of innovating a new product without ever securing any IP rights. It may be that you land in someone's IP right, resulting in either paying a huge amount in royalties to the IP owner or having to withdraw the 'innovative' product. The IP makes a product more acceptable in the market plus a product may become obsolete with time but the IP portfolio may help you to launch a further innovative product. You will find that the non-productive portion of your IP portfolio is also giving rich dividends in the shape of royalties for permitting others to develop and use their innovative products in the same technology domain. Cross-licensing helps IP portfolio owner MNCs to take a cut in royalties to enable a bunch of competitors to sustain in the market with their respective innovative products. There are limitless opportunities with an IP portfolio to increase the revenue even without actually utilizing a portion of the same.

Before closing it is important to realize the importance of name. Recently Sachin Tendulkar played his last Test match and hung up his boots. He may no longer play professional Cricket, but for the time being his followers and fans cherish his game, and his name is commercially valuable. Similarly, it may be you want to discontinue an enterprise or a product. With IP protection you may reap financial dividends by licensing or assigning out your trademark to an interested third party and thus enable a third party to use your enterprise or product goodwill as a springboard to launch their business. In the first decade of this new millennium, the well-known trademark DALDA was 'sold out' for over Rupees Sixty Crore. Does the value of all the physical assets of the owner of DALDA used in manufacturing the vegetable oil equal or exceed Sixty Crore?

IP is the game rule of this flat global market. With IP rights you're in the competition, otherwise there is no place in the cutthroat competitive market. It is just an illusion that an entrepreneur is concentrating only on the domestic market, because with the presence of international competitors your domestic market is a part of the flat international market.



## Ennichisai Blok M 2014: Japanese Traditional Festival in Little Tokyo Blok M Jakarta



Mr. Kusno Hadi Kuncoro

**Mr. Kusno Hadi Kuncoro**  
Partner at Batavia Patent Agent (BPA), Indonesia

*(FY 2013 JPO/IPR Patent Expert)*

My office, where we invest our time day-to-day for IP work, is located in the heart of the southern part of Jakarta city called Blok M, a commercial square surrounded by Japanese shops and restaurants of various sizes. For decades, this area has also been named “Little Tokyo”. Japanese expatriates and communities living in the Jakarta Great Area should be familiar with “Papaya” store, a Japanese grocer positioned at the first corner of Melawai street. It sells fresh foods, fish, bakery and household items, the majority of which are imported from Japan. It also provides various salads and cooked foods, all served and packed in a hygienic manner as typically seen in Tokyo. At night, from Tuesday until the weekend, this area resembles a part of Tokyo where Japanese expats or workers mingle or gather at restaurants and bars for leisure.



Three JPO IPR Training Alumni working at our firm: Ms. Seiza Mekanya R. Garini (2013), Mr. Kusno Hadi Kuncoro (2013) & Mr. Iwan Darusuryatmodjo (1998)

Living and working in this area did not necessarily mean that I knew or understood Japanese culture well. I was less concerned and paid fairly little attention to Japanese culture, art, food or other related issues. This was before I took the JPO's IP Patent Expert Training in Tokyo, September 2013. Most of my views and perspectives changed when I was awarded a 3-week training in Japan, during which time (although quite short) I had more opportunity to explore Japan in many aspects: the country, its nature, cities, and people, their traditions, characteristics, and behaviour, and much more, including small things or phenomena we have observed in the Japanese people. Since this time, I have been increasingly interested in learning everything about Japan. When I returned to Jakarta after completing the Tokyo training, I desired to find out about and observe occasions involving Japanese communities or directed

to Japanese cultural themes. I just realized that it was very close to me, because there was a great annual Japanese cultural festival nearby in 2014, just half a minute's walk away behind our workplace, called "Ennichisai Blok M Jakarta". I would like to casually share information regarding this festival with IP Friends all over the world.

Little Tokyo Ennichisai Blok M Jakarta has been an attractive annual Japanese (traditional and modern) culture, art and culinary festival for people living in Jakarta and neighboring cities since 2010. The event has reportedly been attended by about 200,000 visitors each year. In addition, it has also been regarded as a tourism agenda of Jakarta city's anniversary. Ennichisai was sponsored by Japan corporations and supported by both Indonesian and Japanese government organizations (such as the Japanese embassy, as well as other governmental agencies of Japan). Japanese companies operating in Indonesia, local companies, exporters as well as local entrepreneurs from the SME sectors and higher education, were among the majority of the exhibitors.

The two-day festival (always held during Saturday-Sunday) reflects cultural friendship and acceptance between Jakarta (representing Indonesia) and Tokyo (representing Japan). Therefore, we will find that the selected themes or mottos change variably each year, depending on the emotional situations faced by either or both cities, for instance:

2010 - Twin City Jakarta-Tokyo

2011 - Pray For Japan

2012 - Arigato Kokoronotomo

2013 - *Maju Bersama* (Move Forward Together)

2014 - *Hiyaku* - It's time to Jump!

Choosing the last theme, *Hiyaku*, people in both countries were expected to be aware of the critical role of Indonesia and Japan to promptly speed up the development of every aspect in Asia (currently as the leading economic region of the world). I thought that this was the spirit of the festival.

For Japanese expats and their families living in Indonesia, the festival has been a great event to cure their homesickness. We saw many Japanese women with their children and families wearing traditional kimonos and wooden slippers. They were also happily involved in some attractions as if they were in Roppongi or Shibuya, their hometown.

Local communities which have affiliations with Japanese organizations also utilize this event cheerfully. Thousands of students from universities, high schools, Japanese language centers, etcetera were actively participating in many occasions and performances. Some of them tried to practice their Japanese language skills, and this event is really a proper chance for them to meet with native speakers. For most of the students, this was the opportunity to trigger their interest for their future study plans in Japan. Since their early youth, they need to know about Japanese culture, food and characteristics, as well as how traditional and modern aspects can be managed in harmony. Interestingly, many groups of students came to the festival wearing traditional Japanese clothing and accessories. We also saw teachers and educators looking enthusiastic as performance of Japanese culture took place among the crowd of visitors and tourists.

Arranged for Saturday (11.00 am to 22.00 pm) and Sunday (10.00 am to 20.00 pm) on May 24-25, 2014, there were 150 or more booths exhibiting and selling various Japanese culinary and cultural knick knacks. Several days before the occasion, the whole area of Blok M was covered with *chochin* (Japanese lanterns), creating a "matsuri" atmosphere in this commercial block. During the festival, at some points of the area (such as several pedestrian paths), one could sense a very different atmosphere.



You could find almost all your needs for unique Japanese clothing and accessories there: from hair equipment to slippers, and from personal to household products. Traditional weapons like knives and samurai swords could also be found in one booth (though I was not sure whether it provided original or high quality swords).

For Japanese food lovers, it is recommended that you prepare sufficiently by leaving a large void inside your guts and stomach to store tasty food and cuisine. Personally, I have a more extreme suggestion: do a fasting overnight before you go to the festival the next morning. Otherwise, you will have to bring a large shopping bag to carry various kinds of foods to store in your refrigerator at home. All food and drinks provided at the booths were tagged at very affordable prices. Some manufacturers delivered free samples to the visitors. Some booths offered quite delicious rice-derived snacks (again, this reminded me of such products I bought at a small but rather complete store in the Asakusa area). One okonomiyaki booth had a very long queue, showing its popularity among local consumers. Sushi is always served everywhere. I saw Takoyaki and Taiyaki as well. At one corner, ramen lovers crowded as the organizer also launched a “Ramen Fast Eating Competition”.

I passed by an eye-catching Yakisoba booth. Yakisoba is a Japanese fried noodle. I tried to make small conversation with the booth keeper. It was quite surprising to me that the “chef” was not actually skilled in cooking. He learned to cook yakisoba just two days before the festival. He told me that in his daily life, he was a manager at a Japan-owned factory near Jakarta. So, for him, this was also an exciting experience to be able to perform as a “skilled chef”. I proposed to him the honorary title “CBA”, standing for “Chef By Accident”. He laughed at his new given title. Once he finished cooking, I tried the yakisoba: It was really tasty. But again, the “originality” of the Yakisoba recipe prepared by the “CBA” was still debatable. Probably, just to make sure, I have to do a small comparative study and double check it whenever I have another chance to visit Japan, later (hopefully October next year in Okinawa).



The Writer awaiting Yakisoba (Japanese fried noodles) prepared by the “Chef By Accident”



What also made the festival impressive was the creativity of the organizer to put many aspects in balance. One example is the availability of sport: The Friendship Relay Race (Jakarta Kizuna Ekiden). This was added to Ennichisai for the first time in 2014 and aimed at building friendship between the two nations through connecting the heart and spirit made by one another, sharing multiple experiences, cross-cultural understanding, communication and cooperation: Unity in Diversity! Around 800 participants, mostly from Japanese and local companies, were divided into groups of 4 persons. The prizes for winners was comprised of souvenirs, gadgets and a plane ticket to Japan donated by ANA.

Some traditional performances and dances were performed at Ennichisai, like Nihon Buyou, Okinawa Eisa, Awaodori, Yosakoi Soran and Mikoshi & Dashi. Mikoshi is a movable miniature Shinto shrine. Differing from its original procession in Japan, where it is taken out of the temple then paraded around the town, here, it just paraded around Blok M. Hundreds of children paraded around the mikoshi while beating the drum and moving a big fan. Meanwhile, several men would draw a Dashi, a big train with children playing traditional drum inside.

A group of students from Bandung city performed the traditional Yosakoi smoothly, accompanied by its traditional musical instruments which sounded very unique. The taiko (Japanese drum) was also important to note. Once this instrument coupled with the Yosakoi and the audience was invited to join, the performance became interesting.

Ennichisai successfully presented traditional and modern art to the same audience. It was markedly noted that the visitors were enjoying all the programs: both traditional and modern ones. The event also facilitated young people and teenagers to get closer to their idols, as the organizer also invited popular dance and band performances like JPOP Mini Concert, MEA, Can I Rock, O-MaTo!, THE, AndreGgae, HENOHENOMOHEJI, Tokyolite, and SASVRITA. Amour MiCo and SAGA (a multi-country music unit with 3 members from Japan, China and Korea with a fresh electro pop vibe) also enlivened the Ennichisai. Apart from music and dance, cartoon and creative animation communities pronounced their role in a Cosplay competition. Wearing various distinctive make-up and costumes of their favorite anime or manga characters, the participants of competition attracted many visitors who wanted to take photographs. The appointed cosplayer would represent Indonesia in the upcoming World Cosplay Summit.

For Jakarta citizens, the presence of Ennichisai was a blessing, particularly for students and young people, since they had access to very cheap and educative entertainment. All performances in Ennichisai could be enjoyed free of charge, with no ticketing necessary. Despite the large number of visitors at peak hours (which made it hard to walk easily and likely to bump into others – but it was not the case, I have a similar experience in Tokyo), I agree with the majority of visitors that Ennichisai proved to be a great event for establishing cultural bridging between nations, now and for the future.

I would like to close this short article with something small (and one might also think that it was a bit “strange”) but I believe it was an important lesson I learned during Ennichisai 2014. In the midst of the bustle and excitement of the festival, I saw a unique phenomenon. Two Japanese women wearing traditional clothes and footwear were walking quickly, circling the festival site. Their eyes kept looking down while walking. Whenever they found strewn garbage, they stopped and picked it up with their hands, put it in a plastic bag, and then moved on to the next place. Knowing about it, immediately my imagination went back to such similar things in Tokyo during my term as a trainee. It was “consistent” with what I had seen on a street near a traffic light near Kitasenju station (if we were walking from TKC), or with what we all had seen on a Kasumigaseki sidewalk before reaching our classroom at HIDA/

APIC building, where a couple of seniors were scrutinizing the path to see if there was any garbage or rubbish to be removed. Again, I learned a small but noble characteristic, in Tokyo last year and in Little Tokyo in Jakarta now. I trust that such a small characteristic will become a fundamental block necessary for establishing any bigger culture. Congratulations to all stakeholders of Ennichisai 2014!



Site map of Festival (issued by the Organizer: Blok M Estate Management and Ennichisai Blok M Team)

## Trademark Infringement in Malaysia

Mr. Ravindran Naransamy  
Senior Trade Mark Executive,  
Intellect Worldwide Sdn Bhd,  
Malaysia & Singapore



Mr. Ravindran Naransamy  
(Malaysia)

*(FY 2013 JPO/IPR Advanced IP Protection Practitioners)*

### A Brief Profile of the Writer

*I attended the JPO/IPR Training Course for Advanced IP Protection Practitioners under the JPO/IPR Training Program from 8-26 July 2013. The company that I am working at provides services related to Trade Mark, Copyright, Patent, Industrial Design, Franchising and Licensing. Not only do we provide registration of IP services, we also provide opposition and prosecution works in Malaysia and other countries. We encourage and assist our clients in commercialising their IP via franchising as a way of business expansion as well.*

*As Japan is one of the most developed nations in regard to IPR (and many other areas), it was a great opportunity for me to be able to participate as a trainee in Japan. The experience gained and knowledge learnt about IPR during the training in Japan are invaluable.*

## Trademark Infringement in Malaysia

Section 14 (Prohibition on Registration) of the Trade Marks Act 1976

In Malaysia registration of trade marks can only be made under the Trade Marks Act 1976. Section 14(1)(a) of the Act provides that a mark or part of a mark shall not be registered as a trademark if the use of which is likely to deceive or cause confusion to the public or would be contrary to law. The wording of the provisions show that the prohibition for registration under section 14(1)(a) may fall under any of the three elements namely:

- (a) the use of it is likely to deceive; or
- (b) the use of it is likely to cause confusion to the public; or
- (c) the use of it would be contrary to law.

Below is one of the many cases in which we have assisted our client in the infringement of their trademark.

### Thien Cheong Sdn Bhd vs Thien Poh Food Industries Sdn Bhd Penang High Court, Malaysia

Thien Cheong Sdn Bhd serves as the Plaintiff

Thien Poh Food Industries Sdn Bhd serves as the Defendant

Intellect in assisting the Plaintiff

The Plaintiff is the Registered proprietor of the trademark device of a baby and the word baby and Get-Up comprising the colours of red and white. The Defendant had manufactured, distributed, exported and/or sold food products bearing the trade mark device of a baby and the word baby and Get-Up comprising red and white colours which are similar to the Plain-



tiff's registered trade mark in Malaysia. The Plaintiff filed a suit against the Defendant at the Penang High Court.

Chronology of the case is as below:-

1. In year 2009, the Plaintiff filed a suit against the Defendant in Penang High Court of Malaysia.
2. The Court fixed a full trial in year 2012 and mediation by both parties was carried out prior to the full trial.
3. Pursuant to the mediation, both parties reached a settlement and subsequently a Consent Judgement was recorded. The Defendant agreed in principle not to use a confusingly similar trademark and/or Get-Up as that of the Plaintiff's on their goods and/or packaging.

Amongst the Orders entered in the Consent Judgement are that the Defendant shall refrain from:-

1. infringing and/or attempting to infringe the Plaintiff's trademarks.
2. passing-off and/or attempting to pass-off its business, goods and products as/for the business, goods and products of the Plaintiff.
3. using the Defendant's infringing trade marks in future.
4. aiding, abetting, procuring and/or causing others to do any act which is prohibited by an Order of Court.
5. a declaration that the trade mark consisting of a device of a baby and the word baby and Get-Up comprising the colours of red and white when used with the device of a baby on and upon food products and the goodwill and reputation of the business associated with the said trademark and Get-Up is exclusively and wholly owned and belongs to the Plaintiff.

In summary, the above Consent Judgement has to a certain extent assisted our client in protecting their IPR as the Defendant has to comply with the terms of the Consent Judgement; otherwise they may open themselves to contempt proceedings. The registration of the Plaintiff's trademark has facilitated this case in reaching a settlement.

### **My Comments on IPR in general:-**

It is essential to have IPR knowledge nowadays, regardless of whether one is dealing with a newly established or an existing company. They might need to use their IPR to protect their trademark while expanding their business elsewhere. Business owners often fail to notice the importance of IPR, until they are dragged into a nasty lawsuit.

Lastly, the collaboration that exists between Malaysia and Japan in relation to IPR is of great value to our country as we are able to share and exchange knowledge, skills and experiences. The JPO training is certainly a great avenue for us trainees to do all of the aforementioned.

## Column: “Individuals vs. Organizations”

### Individuals vs. Organizations

**Mr. Takao Ogiya**  
Director General of APIC



Mr. Takao Ogiya

The 2014 FIFA World Cup Brazil has gained much global attention. It is believed that people in all of the 230 countries/regions worldwide are closely following the event, and its economic effects are estimated to reach approximately 7 trillion yen in Brazil alone.

As of this writing, the group stage is over. Unfortunately, Japan was unable to proceed to the round of 16, but the final tournament is expected to feature even more exciting, heated matches.

Concerning football, we often hear comments about two types of power: individual and organizational. For instance, many support the view that while the Japanese football team excels in organizational power, the power of individual players needs to be enhanced. Some commentators attribute the lack of the latter type of power to the national character of the Japanese people.

In relation to this, I would like to introduce a parable that illustrates the national characters of various peoples. It goes like this: Imagine that a luxury cruise ship is sinking. Many people have boarded a lifeboat, which is now excessively overloaded. To persuade some men to dive into the sea, the most effective words are as follows:

To an American: You want to be a hero, don't you?

To an Englishman: You are a true gentleman, aren't you?

To a German: It's a rule that you should dive in.

And to a Japanese: You are left behind. Everyone else has already dived into the sea.

This story indicates that the most effective way to urge Japanese people to do something is to say, “Everyone else has done, or is doing something.”

To understand this national mentality, we need to review the historical background. During the Edo period (1603–1868), farmers—who, at the time, comprised over 80% of Japan's population—belonged to a *mura*, or local community, which governed both their farming operations and daily lives. The local community decided, among other things, procedures for agricultural operations and the allocation of agricultural water to respective paddy fields. It even decided holidays and dates of village festivals, and also selected village representatives. While the community was run autonomously by the villagers, it also served to restrict their activities and daily lives.

Another influential system that has helped determine the Japanese mentality is that of the *ie*, or the patriarchal family system. No matter which social class people belonged to within the feudalistic four-class system—which was comprised of warriors, farmers, craftsmen and merchants—people in the Edo period led their lives within the framework of their own respective families. This system placed utmost priority on sustaining and developing a family business—and it was considered absolutely wrong for a family member to endanger this business in order to fulfill his or her own personal ambitions.

Over the 265 years of the Edo period, it was ensured that people could lead stable lives as long as they observed the rules of the local community and the family system. It is understandable that Japanese people, who remained under these systems for centuries, did not foster an individualistic mentality. More specifically, Japanese people have developed a tendency to avoid isolation from other members of organizations to which they belong, as well as to worry about other people's criticism, and behave modestly without expressing or developing their own opinions.

Such tendencies have positive elements as well as negative ones, however. First, Japanese people tend to be extremely sensitive toward—and pay meticulous consideration to—the feelings of other people. This attitude derives from the values that prioritize the needs of organizations rather than those of individuals. This also explains the low incidence of violent crimes in Japan, and why only a few riots and other crimes occur even during great disasters and other emergency occasions.

In the context of advanced globalization, however, this mentality often inhibits Japanese people from responding adequately to people who have grown up in more individualistic cultures.

To win football matches at the FIFA World Cup, Japan's team needs to develop the power of individual players in addition to sustaining its excellent organizational power. To nurture players' abilities, the Japan's football community is eager to transfer them to overseas teams. I believe that this approach is valid, even though it did not lead to the results hoped for at the 2014 FIFA World Cup in Brazil.

Meanwhile, Japan's women's football team, known as "Nadeshiko Japan", has won the world championship—an achievement that is yet to be attained by the men's team. During the Edo period, men were subject to the aforementioned bondage of the local community and family systems more closely than women, who were comparatively free from both. Remaining outside the organizational systems, women were able to observe conflicts between individuals and organizations more objectively than men, and developed a good sense of balance between the two. Needless to say, Nadeshiko Japan's victory was certainly the result of team members' efforts and grueling physical training. At the same time, I also believe that one element of their power is their excellent sense of balance between the power of individuals and that of the organization.

In conclusion, I believe that we must seek an optimal balance today between the demands of individuals and those of the organizations to which we belong. On one hand, we must forge self-identities as independent individuals. Additionally, we must develop our own opinions and



express them clearly in our own words. And above all, we must work to fulfill our own mission.

At the same time, however, we must also be aware of organizational needs. We must pay meticulous attention to the needs of other people, wherever they may be, while respecting their views—and must also, when necessary, sacrifice ourselves for the sake of the organizations we belong to. This, I believe, is essential for contemporary Japanese people living in this global age.

It may sound quite challenging to achieve this vision. Let us believe in our own capacity, however, and boldly step forward toward this goal.



## Selection from “Top 100 Japanese Innovations”

Instant noodles refers to noodle products that are made mostly from wheat flour or buckwheat flour, come with seasonings or are flavored with seasonings, and are prepared with a simple cooking method. Nowadays, instant noodles are one of the most popular convenience foods, and in 2013 approximately 105.5 billion servings were consumed worldwide. Many of the markets where instant noodles are consumed in large quantities are located in Asia. The largest market is China/Hong Kong, where 44.03 billion servings were consumed, and the second largest market is Indonesia where 14.10 billion servings were consumed. The Japanese market is ranked third with approximately 5.41 billion servings.\*

Although instant noodles have currently grown into a huge market and are eaten by many people around the world, their history dates back to the 1950s, and the development and commercialization process was full of hardships. Among the many kinds of instant noodles, the development and commercialization of “Chikin (Chicken) Ramen” is introduced here. Chikin Ramen was a pioneering product that developed the new market of instant noodles and was invented by the founder of Nissin Foods, Momofuku Ando, with untiring passion and an adventurous spirit. Chikin Ramen was produced based on the new technology of rapidly drying noodles through flash-frying in oil. This technology, which has become the basis for all current instant noodle production, was developed by Ando through trial and error in a humble research shed behind his home.

As seen above, instant noodles that were developed and commercialized in Japan are nowadays accepted by consumers throughout the world and have contributed to the development of our dietary life. Moreover, instant noodles have been adopted as a space food due to their high preservation quality and ease of cooking, and can be considered a revolutionary product that supported the development of culture and technology in the twentieth century. When Ando, the key player in developing the new market of instant noodles, died at the age of 93 in 2007, the New York Times carried an obituary titled “Mr. Noodle” in tribute to his memory. It can therefore be said that instant noodles were one of the most important innovations in post-war Japan, taking into consideration their innovativeness, effect on society and culture, and international appreciation of the innovator.

\* World Instant Noodles Association (<http://instantnoodles.org/report/index.html>)



Source: NISSIN FOODS HOLDINGS CO., LTD



## Happenings in Japan





## Introduction to our website

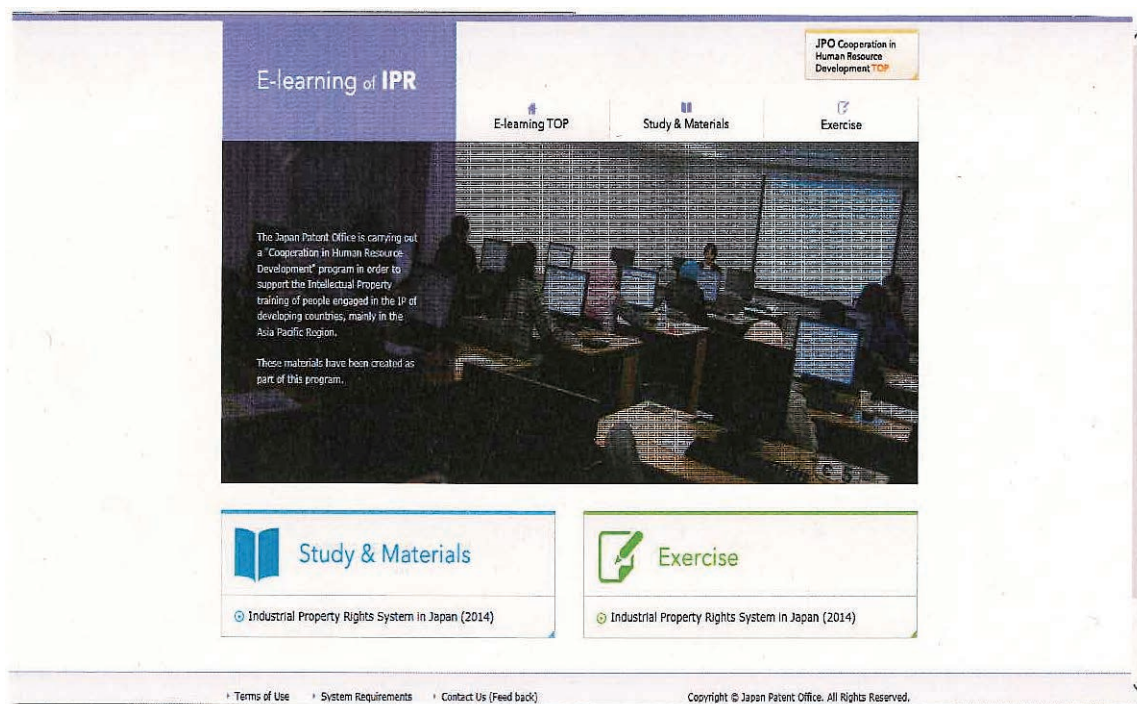
### E-learning

These e-learning materials have been created as part of the JPO's Cooperation in Human Resource Development Program. Through these, users can access videos via web-streaming as well as complete multiple-choice quizzes to check their learning outcomes.

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

This set of learning materials mainly introduces Japan's industrial property rights system. Users may access the topics they are specifically interested in by selecting the appropriate chapter.

We invite you to access this program, which is scheduled to become available online in March 2014.



## Editor's Note



Good afternoon, this is Mitti.

Again, I am in charge of the Information Magazine this fiscal year. Ms. Atsuko Ishizuka will be editing it with me as well. And as there are now two of us, we will endeavor to provide everyone with the best and latest news and information available.

The seasons in Japan are changing and the summer season has begun. We have received numerous inquiries from trainees regarding climbing Mt. Fuji, as this summer will be their only opportunity. Mt. Fuji is not the tallest mountain in Japan. The shape of Mt. Fuji is also different depending on where it is viewed from, and the landscape changes depending on the season. And what Mt. Fuji depicts or says to a person depends solely on the interpretation by each individual. I therefore feel that Mt. Fuji is one of the most beautiful and inspiring mountains in Japan.

In this issue the column by the General Director is titled "Individuals vs Organizations." Japanese often use the expression, "Since everyone does it..." but expression and sensitivity are different for everyone. One does not have to be afraid to be different from others. However, when dealing with other people, we must also be considerate of their beliefs and their understanding of the phrase "The same as everyone."

This Information Magazine was compiled through the cooperation of all those that contributed to it. I believe that with all of us working together, over time we can build an "Intellectual Property" society; one that cannot necessarily be seen with the naked eye, but one that is built on the assets of the international community as a whole.



Godzilla was born in 1954, and turned 60 this year. In films, this ancient giant monster has thrown tantrums, knocking down modern architecture, trains, electric transmitters and other infrastructures - the blood and sweat of Japan's post-war recovery efforts. Godzilla arguably symbolizes fear and the primitive desire for destruction lurking in the collective subconscious of the post-war Japanese people.

Since 1954, Japan has seen enormous scientific and technological developments, which have brought comforts and convenience to our contemporary life. One such example is Japan's washrooms. Foreign visitors are said to be amazed at their multiple high-tech functions such as automatic toilet lids and flushing systems, heated seats for cold days, automatic deodorization, bidet, and noise-cancelling water sound. A cluster of IPR-protected cutting-edge inventions are placed in very sophisticated and chic interiors to meet all the imaginable needs and desires of toilet users, and successfully conceal the primitive and ugly reality of the toilet.

In the meantime, one thing has hardly changed at all and remains inhumanly unpleasant even 60 years later: the cramped commuter trains in big cities. Commuting by public transport is absolutely exhausting. Summertime is particularly unbearable when you find yourself pressed up against other passengers, and feel the damp sweaty shirt of someone of the opposite sex on your back. Japanese workers have been quietly subjugating themselves to these commuting and work conditions. I hope that effective incentive measures are introduced in order to innovate Japan's commuting system in the same way as the IPR system did for Japan's washrooms.

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

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