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IP Friends Connections

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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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1. FY2018 Follow-up Seminars

The JPO are continuing to hold follow-up seminars in FY2018 as follows:

No.	Country	Term of Course	Theme
1	Thailand	October 30-31	Intellectual Property Rights Management for Start-up Business under Thailand 4.0
2	The Philippines	November 13-14	Information and Communication Technology (ICT), Computer-related Technology and Intellectual Property Rights
3	Cambodia	December 5	The Role of Intellectual Property Systems for Investment Promotion
4	India	January 19, 2019	Promoting Public Awareness of IP, IP Education and Fostering Creativity Among Youth

We will report details of the upcoming follow-up seminars in the next issue.

2. Message from IPPAT's President (Thailand)

IPPAT's Activities in 2017

Mr. Chayatawatch Atibaedya

LL.B, Barrister-at-law, MIBA
President of IPPAT



In 2017, the government of Thailand granted an initial fund for an infrastructure action plan costing US \$25.2 billion and including 36 projects, covering rail, roads, air transport and ports around the country. The government infrastructure plan was to cope with the national major policy of Thailand 4.0 developed based on an announcement by our former King Bhumibol Adulyadej in the year 1974 (B.E. 2517) at Kasetsart University. The king's announcement recommended the country to firstly, stabilize its local economy (being Strength from Within) then raised the nation's interest on global competitiveness as well as connectivity (being connected) to the World. To this respect, from early 2017, intellectual property and innovation management were seriously introduced as an initiation measure in order to leverage local economic stability as well as national competitiveness. Owing to cleverness on dealing with the digital technology environment, young Thai entrepreneurs, through the "Startup Thailand" platform, could be able to utilize information technology including hardware and software to help boost their businesses successfully for the past few years. The government in mid-2018, therefore, granted several promotions as well as tax exemptions to both angle investors and local "Startup" businesses initially under 10 innovative industries including the (1) agricultural industry, (2) Energy saving, selective, & clean energy industry, (3) Bio-technology industry, (4) Medical and health care industry, (5) Tourist, service, economic creativity industry, (6) Material industry, (7) Garment, cloth, & jewelry industry, (8) Vehicle & parts industry, (9) Electronic, computer hardware & software, & information technology industry, and (10) Research & Development, Innovation and new technology industry. As the result, intellectual property shall always be a main interest to the country to achieve global competitiveness and connectivity in the near future.

The Intellectual Property Promotion Association of Thailand (IPPAT) is one of the strongest private associations responsible for exploiting Intellectual Property Rights (IPRs) management knowledge. In 2017, our association set as its goal two (2) major activities, IPR promotion and academic activity. According to IPR promotion, our association appointed our representatives to join the Intellectual Property Committee at Mae Fah Luang University, Chiang-rai Province as well as the sub-committee on R&D commercialization at the Agricultural Research and Development Agency (Public Organization). Our representatives helped the committee to verify potential research and development and guided the related persons to commercialize such innovation as well as preparing any related drafted contract between the authorities and users of such technologies. Further, the association was invited to join the award-granting committee of the two authorities starting with tailor-making details of rules and regulations as well as judging and then verifying the awarded teams. In mid 2017, our association promoted our two representatives responsible for such tasks for the (i) IP Champion Award arranged by the Department of Intellectual Property of Thailand and (ii) In-

novation Award by the Thailand Post Office Co., Ltd., a company wholly-owned by the government. Consequently, for academic proposal on exploiting knowledge on IPR management to local stakeholders, our association periodically giving lectures to universities, schools, government authorities, and private businesses. The presented IPR knowledge includes intellectual property acquisitions, intellectual property protection, intellectual property exploitation, intellectual property enforcement, drafting legal contracts and contract negotiation related to intellectual property, management of innovation and valuation of Intellectual property, technology and innovation moving forward towards Thailand 4.0, etc. In addition, our representative that coordinates with Sukhothai Thamathirath Open University has been producing an intellectual property text book for graduate students on an agricultural entrepreneur program with our wish to form a strong foundation to the local agricultural Startup to achieve the national Thailand 4.0 goal with IPR management.



Our association would keep as our goal the promotion of IPR since, at this stage, the whole country realizes how important IPR is. However, since one of the most difficult aspects of IPR management is IP protection, especially patent registration, we wish to further to expand our achievements to the specific IP profession initially for Thai patent attorneys. In general, there is no recognition of such a professional occupation in Thailand. In this regard, in the year 2018, our association shall work closely with Thai patent attorney representatives to upgrade their knowledge of law and management of IPRs. We expected that Thai patent attorneys could be able to gain more respect and wealth serving our local Startup moving forward to Thailand 4.0.



3. Contributions from the former long-term fellowship researchers Experience in Japan

Mr. Diego Musskopf (Brazil)
Patent Examiner
National Institute of Industrial Property



(Long-Term Fellowship October 2011 – March 2012)

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

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

So, let’s start from the very beginning.

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

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

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

While things were being solved, my concerns were lessening. Moreover, I exchanged several e-mails with

one of my coordinators (a very nice lady named Yukiko-san), which clued me into the first Japanese characteristic: ORGANIZATION. They sent me everything in advance and very well explained. It made my trip very easy.

I was very nervous when I arrived in Japan. So nervous that I bought the wrong train ticket to go to the dormitory! This was the best way to find out the main characteristic of Japanese People: KINDNESS. I had travelled to several countries in Europe and America (North and South), but I had never had such an experience. I was not sure about how to use the fare machine in the station, and asked a passenger inside the train about it. He couldn't explain to me how to do it because he didn't speak English. On the other hand, he got off the train, walked with me to the turnstile, checked what was wrong with my ticket, made the fare adjustment, gave me the ticket and went back to the train to continue his trip - UNBELIEVABLE.

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

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

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

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

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

I visited the JPO and other third-party companies that render services to the JPO during different training

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

Through my research, I learned the importance of work-sharing among patent offices to reduce backlogs. I also saw that whether or not PTOs provide ample and quality services is crucial to companies in spurring R&D. I learned the industry need for accelerated examination and the best practices therein, mainly related to the PPH.

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



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

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

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

My stay in Japan was - indeed - PERFECT.



Uniform Faith and Eternal Development



Mr. Zhou Zheng (People's Republic of China)
Director of No.5 Examination Division

(October 2011 - March 2012)

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

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

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

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

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

At the end of March 2012, I returned from Japan to China. I continued my work on the study of Chinese laws and policies and the implementation of National Trademark & Brand Strategy. The year of 2018 marks the 36th anniversary of China's trademark law. The establishment of a trademark protection system has introduced into China the respect of its business reputation, set up the principles of fair competition, encouraged sound business operation, and guaranteed the belief of long term and sustainable development. Trademark law is the mother of successful business and it protects the soul of any enterprise in its existence and development. With over 30 years of development, China is making miracles. The number of trademark applications filed in 2017 was 5.748 million. The total number of valid trademark registrations was 14.92 million. China is the most vigorous market in the world and there are more than 100 million registered business entities at home in China's market. They are confidently operating their business under the legal protection of trademark law. As a professional international organization, the World Intellectual Property Organization released its Reports on the World Intellectual Property Index 2017 and revealed that China contributed 80% of the increase of trademark applications around the world.



As a part of the international market, China should further perfect its legal regime on trademark protection and guide the industries to make good utilization of it. Apart from the entry into international treaties and agreements on trademarks, such as the Paris Convention, the Madrid Agreement and its Protocol, the Agreement on the Trade Related Intellectual Properties and some related working rules, China should pay more attention to adapting its national conditions to the practical needs of further development. The National Trademark & Brand Strategy is aimed at helping industries improve their capability of registration, utilization, protection and administration of trademarks. It is a fundamental way for China to build an innovative country. We need to maintain a good market order and create a fair, transparent and predictable environment for competition. Through the effective implementation of policies we can raise the reputation of “Made in China” and the power of Chinese brands and contribute more to prosperity of international community.

In 2017, State council of China accorded May 10th each year as “China Brand Day”. Unprecedented importance has been attached to fostering national brands. China has showed its confidence and determination to meet the requirements for a sound order in the market and to build a good environment for business development. Trademark protection and brand building is a great undertaking that needs cooperation across national borders. All practitioners and researchers in this field should learn a lot from each other and push forward the dream of global prosperity and eternal development with peace.

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



IP HUB — The Effective Trend for Development of Technology Commercialization in Vietnam



Ms. Trinh Thu Hai (Vietnam)

(May 2015 - September 2015)

It is more than 3 years since I finished the Six-Month Study-cum-Research Fellowship Program under the WIPO Funds-in-Trust/Japan (May - October, 2015). Dealing with the research theme “The Role of the National Intellectual Property Office in establishment and capacity enhancement of IP Divisions in university and research institutes”, I learnt much from Japan with its experience in efficiently using IP and innovation as the driving force for economy vitalization and development. Such knowledge has been effectively contributing to my daily work since then.

My research was conducted to explore Japan’s history and development of IP management and TLO systems of universities and public institutes. Using Japan’s experiences as a case study, my research proposed recommendations for Vietnam at the beginning stage of the process. In-depth interviews were designed for three main target groups: policy makers; supporting agencies; TLOs; and the IP divisions of major universities. Analysis results of these interviews were used to propose implications for Vietnam.

For policy making aspects, the research stressed the important role of government initiative and leadership in establishing the system; the improvement of national policies and legislation to create favorable conditions to develop the system in various manners, such as strengthening the role of universities or promoting IP creation, protection, and utilization; the improvement of organizations for supporting development of the system.

For the supporting activities, the research defined the importance of diversifying support activities not only regarding technology transfer but also collaborative research, spin offs/outs, start-ups and venture capital, not only financial funding but also human resource development.

For practical activities, the research pointed out the lessons for universities and TLOs that they need to be self-motivated both in finance and in human resources, need to choose the relevant model for themselves, and need to create a connecting network for development of the whole system.

Like many other countries, Vietnam more and more recognizes that one prerequisite for realizing a knowledge economy is that higher education, research and innovation systems need to be more tightly linked to economic and social development. Together with other policies and activities for pushing up innovation and technology transfer as a driving force for national economic development, Vietnam has been encouraging the development of TLO systems in universities and public research institutes. Among various implemented methodologies, “IP Hub structure” - one initiative of WIPO - is considered to be the most effective trend for that purpose.

1. IP Hub structure

It is surely agreed that creating economic value from invention requires certain key elements, such as: Inventors with resources, Technology development partners, Commercialization implementers, Professional service providers, Effective IP tools and IP infrastructure, Innovators and Entrepreneurs, Investors, Markets and customers etc. In addition, it needs the linkage between the essential elements, effective and proactive communication, facilitation of transactions and people with skills, vision, and the right attitude.

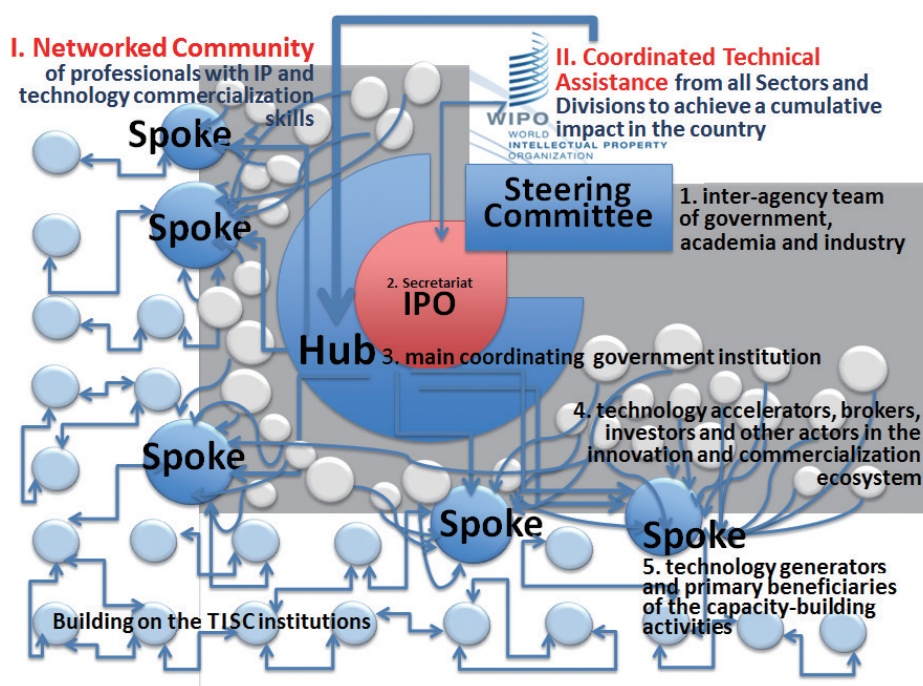
The IP Hub structure provides a platform that satisfies the above mentioned issues, namely:

- Connects the essential elements
- Provides an IP infrastructure
- Enables linkages between partners
- Facilitates transactions
- Enhances the critical human component of the process with knowledge and skill.

Its final goal is the conversion of innovation into real economic development.

An IP-HUB has its Hub and Spokes operating mechanism in which the National Intellectual Property Office plays the central role as a hub and universities and research institutes play the role as spokes. Spokes are primary technology generators and beneficiaries of capacity-building activities. The hub plays the primary coordinating role and has a management responsibility to ensure effective project knowledge transfer and application in the spokes. With its inter-connection mechanism, the IP-HUB structure creates a network community of professionals with intellectual property and technology commercialization skills and coordinates technical assistance from all sectors and divisions to achieve a cumulative impact in the country.

The IP-HUB motivates innovation and accelerates patent registration and commercialization, hence it promotes socio-economic development. This structure has been being applied in various countries and shown remarkable results.



2. Progress of Vietnam

A project on enabling an intellectual property environment (called the IP Hub project) funded by the WIPO has been implemented in Vietnam from 2018 to 2022 with the aim to develop intellectual assets and technological advances in the country.

Within the framework of the project, some advanced training courses on technology transfer and conferences on interviews with universities and research institutes were organized. The training courses provide participants with knowledge and skills on negotiating and drafting technology transfer contracts, assessing prices of intellectual assets, and making policies related to technology transfer. During these events, WIPO officials introduced the IP Hub Structure and officially selected units to participate in the project.

At present, the National Office of Intellectual Property of Vietnam - acting as a Hub - is connecting a network of 36 Technology and Innovation Support Centres (TISC) at universities and research institutes, of which 20 units have registered to join the project aided by WIPO.



The Ministry of Science and Technology is coordinating with relevant ministries and agencies in building a national intellectual property strategy in order to improve the country's IP system that facilitates creativity, attracts investment and boosts technology transfer and popularization.

Meanwhile, Vietnam has been conducting the National Program on Supporting the Development of Intellectual Property Assets. In this program, universities and public research institutes are supported to establish IP departments. These IP departments and National Office of Intellectual Property of Vietnam have regular interconnection with each other during their operation. Up to now, there are 7 universities and research institutes are supported by the program with encouraging results.

Hopefully with these efforts, Vietnam will increase the capacity of country for technology development, management and successful commercialization through establishment of a sustainable innovation system and creation of a strong network of all stakeholders. In such a system, universities and research institutes play the crucial role, linking with each other through the National Office of Intellectual Property of Vietnam.



the IP Day event in 2018

Article for Enishi:



Ms. Indra Rathakrisnan (Malaysia)

(December 2015 - March 2016)

Salam sejahtera! I am Indra Rathakrisnan from the Intellectual Property Corporation of Malaysia (MyIPO). I was one of the participants of the JPO Six-Month Study-cum Research Fellowship Program for FY 2015, along with Mr. Ramil Reyes Llantos, patent examiner from the Philippines. I was given the opportunity to participate in the research program where I spent a period of four months [December 2015 - March 2016] researching "Issues in the Trademark Opposition Proceedings in Malaysia and the Suggestions from the Japanese Experience".

Dr. Yurimasa Suwa, the Senior Researcher of International Training Team of APIC-JIPPI was my supervisor. He played a key role throughout my research period by supervising, consulting and arranging all the necessary meetings, interviews, reading material, etc. for the completion of my study. Even though my research theme was not in his area of expertise (as Suwa-san is from a pure science background), he never ceased to amaze me on the effort he put to understand the whole concept and assist that I successfully complete my research study. He never hesitated to point out my mistakes, and at the same time remain open minded in listening to my views.

Suwa-san also had arranged for me to work with advisors that were related to my research field, namely, Dr. Tetsuya Imamura, Associate Professor of Meiji University, and Ms. Reiko Toyosaki, patent attorney and a trademark expert from Messrs. Toyosaki & Associates. Both of them can be considered as my mentors. They are experienced and trusted advisors and assisted me by providing insightful information, suggestions and related materials that were essential for my study. Ms. Toyosaki went even further by inviting the members of the ASEAN-INDIA sub-Committee on Intellectual Property Association of Japan (IPAJ) that is comprised of patent and trademark attorneys, for the purpose of exchanging views and information on IP related matters. IPAJ is an academic association for intellectual property in Japan. During the meeting we exchanged views and discussed things related to my study, as well as information related to our IP offices. They tossed ideas around and shared some guidelines that were helpful in the progress of my study. Apart from my supervisor and advisors, the APIC-JIPPI staff were nice to me. I will not forget the kind effort made by Ms. Michiko Hiyama who took the initiatives in introducing her trademark attorney friends and arranging lunch/ dinner meetings so that I could discuss and gain more information in relation to my research study. I do really owe all of them a great deal for the success of my study. I appreciate the kindness that was shown by Mr. Takao Ogiya, supervisors and the APIC-JIPPI staff for making me feel at home during my 4-month period of stay in Japan.

Moreover, it cannot be denied that interpreters play a significant role in any foreign related research study. They are the ones who can send the messages across in its equivalent context without any form of distortion. As for me, I was lucky to have Ms. Yoko Okazaki as an interpreter. She assisted us in getting the views

and information to be successfully conveyed for both sides. Apart from the professional assistance, Ms. Okazaki was also a wonderful host to both Ramil-san and me. Understanding the awkwardness and unfamiliarity of mine upon my arrival in Tokyo, she frequently extended invitations for us to familiarize and to get comfortable with the surrounding area. I love the way she explained and described the places, food, festivals and anything that we come across. As both of us enjoy foods, she always introduced me to a variety of dishes and desserts that I really miss now.

One of the points that I had the opportunity to learn from the Japanese trademark examination is the use of Examination Guidelines for Similar Goods and Services through Similar Group Code in assessing the similarity of goods. Under this Code, goods and/or services are grouped based on similarity, and description and code numbers are assigned to each similar group. The grouping of goods and/or services are based on commonality in terms of the production sector, the sales sector, raw materials, qualities, etc.; or services that have the commonality in terms of how they are being offered, the purposes for which they are being offered, the places they are being offered, etc. Due to the clarity and preciseness of the Code, it helped the Japan Patent Office (JPO) examiners to regulate and determine the specification of goods in the earlier stages of the examination itself. This ensures the decision of administrative judges are consistent with the trademark examiners, and at the same time promotes the standardization in the examination. As I learnt that the Similar Group Code is not an alternative to the NICE Classification, (that main guideline used by the MyIPO trademark examiners) it can harmoniously co-exist in order to provide for more effective examination.

Upon returning to Malaysia, relevant steps were taken to share my experiences and knowledge with my fellow trademark examiners. First of all, a brief presentation was made to the higher management where I explained the information that I gained from the study, along with my suggestions to enhance the effectiveness of the examination, especially for the trademark hearing matters. Subsequently, another presentation was conducted among the trademark examiners. The examiners are excited to come to know that there is a tool for them to use in determining the similarity of the goods/services.

Currently, I am working as an inter-parte officer under Opposition unit in the Trade Mark & Geographical Indications Division. It should be noted here that the objective of opposition in MyIPO is different from the JPO. In the JPO the opposition proceeding provides an opportunity to review decisions on examination, thereby introducing the possibility of internal checks and balances. Whereas, in MyIPO the opposition proceedings are considered as a platform to resolve the conflict between the parties¹ in order to determine the proprietorship of a trademark. Having said that, I am glad that the knowledge I have gained from the JPO, such as the Similar Group Code, can be put to use in the daily practice of our examination. For instance, one of the issues that is commonly raised during the hearing proceedings is the similarity of trademark and goods. In order to determine whether an application of trademark can cause confusion and deception to the public, one of the elements that will be considered is the similarity of good/services. Examiners sometimes face some difficulty in determining the similarity of goods/services when it deals with technical and/or scientific related matters. In such situations, the examiners in their own initiative make use of the Code by accessing the Japan Platform for Patent Information (J-PlatPat)² website. The Code comes in handy and gives an easier way for the examiners to determine the similarity of goods. It saves time as well.

I am glad that what I have learnt from the JPO can be put to use. Again, my sincere appreciation to the Japan Patent Office, APIC-JPIII and MyIPO for providing me with this opportunity. Arigatou gozaimashita!

1 In Malaysia, the opposition proceedings were initiated by the Opponent (3rd party/ any interested party) during the Gazette period.

2 <https://www2.j-platpat.inpit.go.jp>

Greetings from Mexico



Ms. Antonia Rojo Sandoval (Mexico)

(June 2016 - October 2016)

It is a pleasure for me to describe my impressions and experiences during my stay in Japan during 2016, since taking part in the research fellow study cum program has had a great impact on both my personal and professional life.

The period of my stay was from the beginning of summer (mid-June) until the beginning of autumn (mid-October), so the first thing I should say is that the summers in Japan are very hot, but at the same time, it is also a very beautiful time period. This is when the bon odori dance, festivals and fireworks happen, which are simply magnificent. I learned a lot about Japan, its aesthetics, symbolism and cultural richness. Living in Tokyo, where modernity and traditions coexist in balance, visiting the temples, streets, parks and of course the subway allows you to admire everywhere this balance. Of course, this experience was even better thanks to its people, who never ceased to amaze me with their kindness, warmth and order.

The topic on which I did research was related to intellectual property and the Trans-Pacific Partnership (TPP). At that time, this was a relevant issue for all contractors — particularly for Mexico, since TPP would have been the first time that country had a commercial agreement of such importance with Japan covering intellectual property. Being a new topic, the investigation had many points of interest, although the little concrete information available on the subject complicated the investigation development, which made it difficult to decide the direction to follow, and also delimited the relevant information. Fortunately, the research advanced little by little with the support and guidance of my advisers Prof. Junji Nakagawa and Assoc. Prof. Yeyoung Chang, and of course my supervisor Dr. Yorimasa Suwa, who were all always attentive to my progress and helped me with their observations and advice. I must also mention my deep gratitude to the staff of The Association for Overseas Technical Cooperation and Sustainable Partnerships, who all the time offered me their help during my stay by providing the necessary materials for my research, as well as coordinating the various activities and meetings that were required. Finally, none of this would have been possible without the support and effort of the Japan Patent Office, which promotes this program while always seeking to cooperate and exchange knowledge among different countries on matters relating to intellectual property. In the end, I managed to carry out an investigation of which I am proud, which resulted in a document titled “The Trans-Pacific Partnership and the process of harmonization”.

Unfortunately, shortly after my return to Mexico City, negotiations related to the TPP came to be complicated by political issues with the USA. I must admit that I was well aware during that entire time regarding the restrictions of that treaty, and how it would affect the contracting nations at various levels; so it was my

great desire that my research would not have been in vain, and that it would be useful in the future. Fortunately, and to my surprise, the TPP continued now as the TPP-11, or the Comprehensive and Progressive Agreement for Trans-Pacific Partnership CPTPP. This year, Mexico was the first country to ratify it; so this has meant significant changes to the Mexican Intellectual Property Law, and the processes within the Mexican Institute of Industrial Property. That is to say: after so much uncertainty, everything has gone well. Without a doubt, there is a long way to go — especially with regard to pharmaceutical matters — but I'm sure that it is only a matter of time before the expected results are seen.

I am still working at Mexican Institute of the Industrial Property (IMPI) as a substantive examiner, specializing in matters related to computer systems, programs and digital communications. At the same time, I am studying for a second university degree in law with specialization in intellectual property. Thanks to my experience in Japan, I realized that the best way to contribute to my professional development was to learn about all aspects related to IP. Although we can say that technical aspects form its core, the legal foundations are its structure. Therefore, it is important to study these conscientiously in order to have a better knowledge of the intellectual property world.

Finally, I am convinced that I still have a long way to go, since there are always new things to learn about IP. I think I am going in the right direction, however, since it is my sincere desire to actively contribute to the development of my country in terms of Intellectual Property through hard work. My experience in Japan was definitely the first step to achieve my goals, and I will always be grateful for that opportunity.



Eki stampu, "life is a journey"



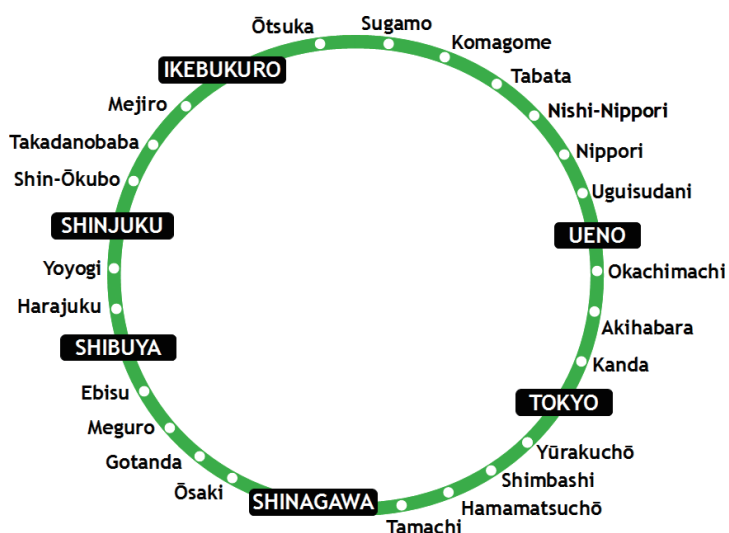
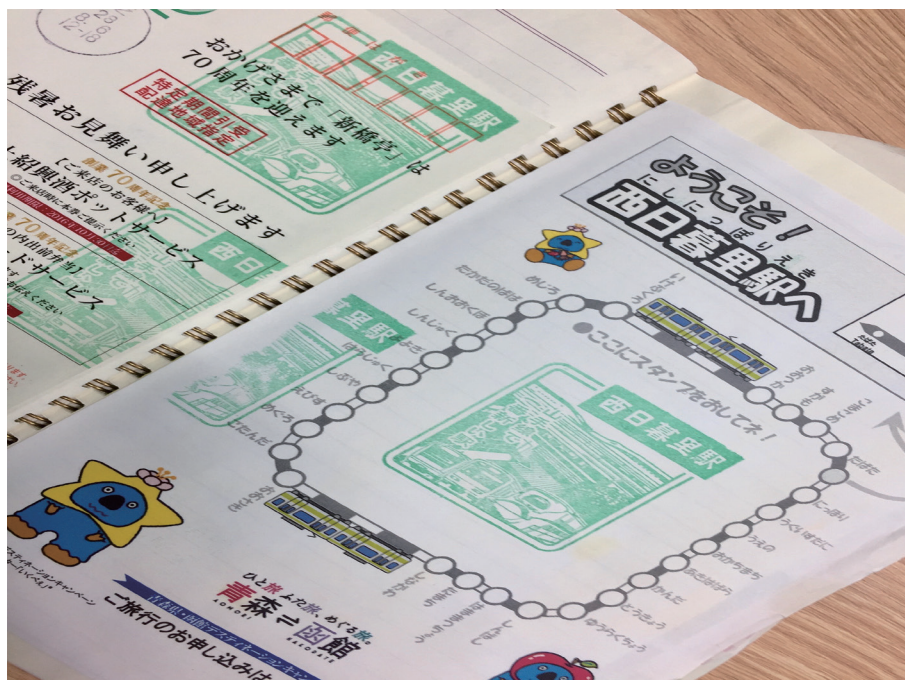
Ms. Trang Nguyen (Vietnam)

(June 2016 - October 2016)

In 2015 when I first went to Japan for a very short business trip, I fell in love with this country, and its "stamp art". I have been travelling a lot, but nothing reminds me so much of a journey than stamps, which can be any kind of postage stamps, passport stamps, seal (emblem) and so on. In Japan, I discovered a completely new thing called "eki stampu (station stamp)".

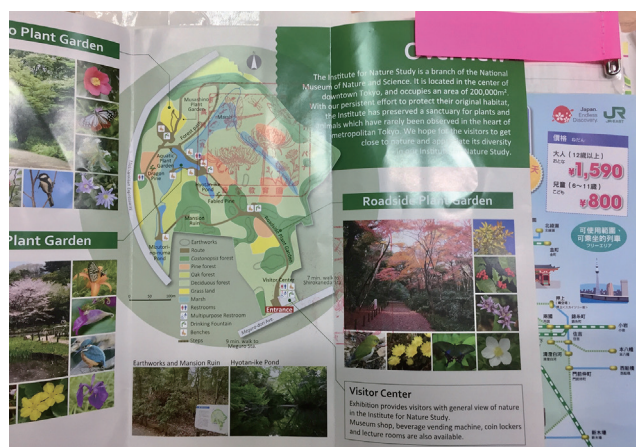


I officially built up my collection of "eki stampu" there in 2016 over a four-month period that I was doing a research sponsored by the Japan Patent Office. After work, JR stations were quite destinations for my little adventures in Tokyo. I was living in a small apartment near Shimbashi Station which is a major interchange point serving three JR Lines, Tokyo Metro Ginza Line, Toei Asakusa Line, and the Yurikamome Line. I will never stop being grateful for staying there, so that I had wonderful weekends in places around the Yamanote line.

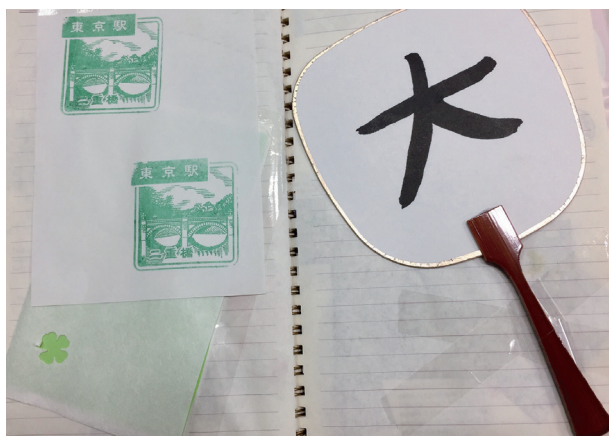
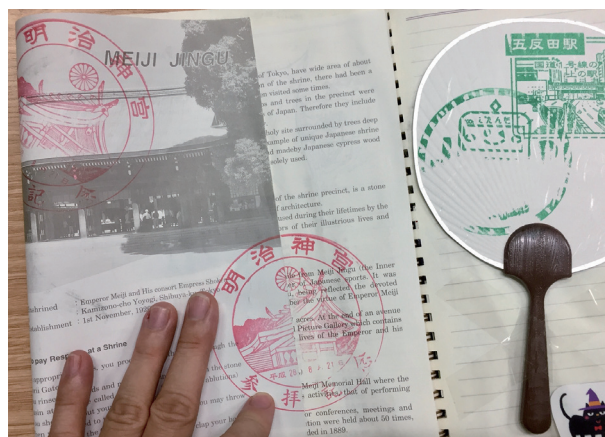


Yamanote line

Photo source:
<https://trip101.com/article/where-to-eat-ramen-in-tokyo-along-south-side-of-yamanote-line>



Once having my first “eki stampu”, I could not prevent myself from seeking more in many trips not only around the Yamanote line, but also in museums, shrines, etc., and beyond Tokyo. I miss a full day trip to Mount Takao where I got “eki stampu” at Takaosanguchi Station, and other stamps in temples and centers on the way up to top of Mount Takao. Or a peaceful afternoon visiting the Institute for Nature Study, where they had a stamp drawing insects and flowers which had rarely been observed in the heart of metropolitan Tokyo.





I think the stamps are a part of everyday life in Japan where science and technology seem to go so far, but traditional characteristics have been well maintained. The stamps reflect both personal and communal values, which have a long history. “Seals are first thought to have been used in Mesopotamia in the fifth millennium BCE. Their application in Japan is much more recent, with the country’s oldest known hanko being a gold-cast stamp bestowed on a Japanese envoy to China by the ruler of the Han dynasty in 57 CE. In Japan, governments and influential groups like temples have relied on seals since ancient times, but it wasn’t until a law passed early in the Meiji era (1868 - 1912) establishing a national system for registration and certification that personal stamps became broadly used throughout society.”¹

Back to the story of “eki stampu”. I just picked a station on the Yamanote Line without too much thinking. Then I would search information about either things to do or where to go near the stations where I collected my “eki stampu”, as well as nice memories in brief journeys. For instance, it was back to the past when I visited the street market of Sugamo that is called “Harajuku for old people”. Although I had not reached my 30s yet ☺, I had so much fun there. At the entrance of Jizo-dori, a giant duck butt, literally, would welcome you. Later, I found out it was Sugamon, a lovely mascot of this area (Sugamo means duck’s nest). The street market offered the coolest things that I had ever seen, such as red underwear ;), “shio daifuku” (which is a pounded rice cake filled with sweet bean paste), “senbei” (which is a crunchy snack), colorful umbrellas, etc.



1 “Hanko” and “Inkan” (Japanese stamps and personal seals)
<https://www.nippon.com/en/features/jg00077/>



I got back to my home country with a lot of “eki stampu” and invaluable gifts reminding me “life is a journey, not a destination”. I went to Turkey in 2017 for my Master of Law in Intellectual Property program. And I will not stop travelling to discover the world and people, thanks to inspiring adventures and stamps that I have got so far. Of course, I will return Japan, soon:xxx

Greetings from the Department of Intellectual Property (DIP), the Ministry of Commerce of the Kingdom of Cambodia!



Mr. Eung Chhayhong (Cambodia)

(June 2017 - October 2017)

My name is Eung Chhayhong, currently I am the Deputy Chief of Litigation Division of DIP and my Division is in charge of trademark opposition, cancellation, invalidation, infringement and other assigned tasks related to enforcement of trademark rights.

The IP system in Cambodia has been gradually developing from day to day. Many IP Laws and Regulations have been enacted and many IP treaties have been acceded to recently, such as the Geneva Act of the Lisbon Agreement on Appellations of Origin and Geographical Indications (2018), Hague Agreement (2017), Paten Cooperation Treaty (2016) and Madrid Protocol (2015). Especially since the accession to the Madrid Protocol, the trademark applications rapidly increase from time to time, and so do the oppositions, cancellations, invalidations and infringements.

I am also a former long-term researcher of the JPO Research Fellowship Program for FY 2017 with the research theme of “The Study of the Appeal Board System of Japan for the Future Development of Appeal Board System of Cambodia”. This long-term research program is really beneficial and it is recommended that you all to apply for this program, if possible. This four months program is not so long yet rich in gaining knowledge, experiences and culture. During this four-month period, I learnt from and met many IP experts and stakeholders ranking from IP trainers from different countries, IP practitioners, IP professors to IP Appeal Board Members of the Japan Patent Office (JPO). A lot of information, experiences, knowledge and practices have been shared and learnt. Such activities were really vital input in achieving my proposed theme research.

These four months seemed a bit tough as I had to do research, read documents, meet IP experts, consult with my supervisor and advisors, write the report, and other activities as well as but, everything went well and smoothly due to all of the kind cooperation, assistance and support from the APIC staff, supervisor, advisors and colleagues from the JPO. Without these kind support from them, my research would not have been successful.

In Japan, IP dispute resolution uses a two-track system, with the Board of Appeals of the Japan Patent Office (JPO) dealing with the appeals, opposition, trial for invalidation and cancellation, and the special IP court system dealing with infringements and appeal against the JPO decisions.

In dealing with conflict over the IP rights and the validity of IP rights, JPO vests its power to deal with these issues to its special department, the so called the Trial and Appeal Department. This department acts as the upper level authority to oversee and review the decisions of the examination in case there are any appeals demanded by any party, and plays a vital role in redetermining the validity of any IP rights. The JPO Appeal Board is an administrative authority that has a special characteristic as a quasi-judicial. Its decision is

equal to the decision of the First Instance Court; any appeal against its decision will go directly to IP High Court. In the Trial and Appeal Department there are 38 trial and appeal boards which are categorized according to the specialization in patent, industrial design and trademark. Among these 38 boards, there are 33 boards for patent, one board for industrial design and 4 boards for trademark.

Every trial or appeal case will be handled by a collegial body consisting of 3 or 5 administrative judges (Grand panel). In general, the case will be handled by the panel of 3 administrative judges. The grand panel is established only for the important cases that will probably lead to a new interpretation of the law or a change in its operation, such as cases that are appealed to the Supreme Court but returned to the JPO. The collegial body will be presided over by one chief administrative judge designated from among the administrative judges. Trial or appeal will be conducted by documentary or oral proceedings. Basically, an inter parte trial is conducted orally, while ex-parte trial is conducted by documents. In practice, trial examinations are mostly conducted by documentary proceedings.

One of the most interesting techniques to continuously improve and enhance trials and appeals examination of the JPO is conducting the trial and appeal practitioner study group meeting every year. The study group was established in 2006, which is comprised of industrial practitioners, patent attorneys, lawyers and trial examiners. In addition, there is also the participation of the judges of the IP High Court and the Tokyo District Court as observers. The studies were made on the judgements of the JPO and IP High Court based on the cases of trial/appeal decisions and court decisions, and divided into specific groups such as patents, industrial designs and trademarks. Each study group will look into detail and review the assigned cases of the previous JPO and court decisions. The outcome and analysis of the study group will be widely disseminated and it contributes a lot and plays a very crucial role in providing feedback from various perspectives for the future improvement and enhancement of the trial and appeal examination of the JPO, as well as shares the understanding of the examination practices with the users of the trial and appeal systems.

In Cambodia, the trial and appeal system has not yet been established, but DIP is willing and in the process of establishing this kind of system to further review and make determination of trial and appeal cases more accurate and reliable. In this initial stage, there are many things we need to learn, research and take into consideration in order to establish an appropriate and workable system for Cambodia as IP resources in this field are still limited. Therefore, the study of this system in Japan, among other countries, is the best input for future output.

My experience of long term research fellowship in Japan



Ms. Rumbidzayi Rosemary Mlambo (Republic of Zimbabwe)

(June 2017 - October 2017)

The excitement of travelling to Japan was overwhelming for me when I first received the email informing me that I had been selected as a Research fellow. First of all, this was the first time a participant from Africa has taken part in the programme, the first from ARIPO. I had travelled to Japan in the previous year for a short training course, but I did not get time to explore and experience the full Japanese culture.

My first fear upon arriving was the language and having to juggle my way through the airport and trains to get to my destination alone. Fortunately for me, I discovered that it was very simple. The signs were in both Japanese and English if you were patient enough to read carefully, and above all the people were friendly and helpful. I felt welcome and at home with no fear whatsoever of getting lost. I found the ever so helpful APIC staff waiting for me at my destination and they helped me carry my language to our residence.

I was pleasantly surprised by the apartments we were residing in and the area in which they were located. The apartments were very comfortable with all amenities included and located in Shimbashi, which is a very hip and lively neighborhood with lots of restaurants and entertainment. The large train station was just a 7-minute walk from the apartment and had connections to most destinations, so it was very convenient indeed. Areas such as Ginza and Roppongi are also located close to Shimbashi with easy and affordable transport access. The apartments were also just a 20-minute walk to the JPO office and APIC as well. The greatest aspect of this location is that I got to experience the full Japanese culture and meet a lot of Japanese and other international colleagues. I learnt that the Japanese love to eat out and drink, and during this time you can fully enjoy good conversation with lots of laughter.

Initially I was concerned that the language would be a challenge with regards to the research work and interactions with the programme coordinators and other staff at JPO and APIC, but I am happy to say that there was no problem at all and I did get to learn a bit of the language. The APIC and JPO staff were very helpful with cultural and work-related activities. The supervisor from APIC, Dr. Suwa, ensured that we understood the expectations and carried out all our milestones and activities within the prescribed period of time. He also assisted in the identification and communication with research participants utilising his vast networks which made the research project more interesting. I do remember that initially it was a bit tough since most companies in Japan have a focus on the local and regional market in Asia as well as the developed countries, so their experience with Africa was very low or only through third parties. Thankfully, through Dr. Suwa we managed to secure some multinational companies who gave my research a lot of substance. Two Advisors for my study also made my work more meaningful with lots of advice and support.

during the research. I must say I did enjoy the constant travelling to their offices and to those of the research participants because I got to see more of Japan. We travelled as far as Osaka on the Shinkansen, which was an amazing experience.

Professionally the support provided by APIC through its staff and the JPO was just amazing. We got to travel, have dinners, go sightseeing, and explore the different types of foods. I enjoyed the seminars and the training programmes which brought in participants from all over the ASEAN and African region, so we got to network and build contacts during our stay. I also met colleagues from Africa and I attended church, and this made me feel more at home.

I did travel a lot in Japan going to the beach, visiting historical sites, and fortunately shopping as well. I fell in love with the people in Japan who are very intelligent, respectful, non-violent, humble and always willing to assist. I never got homesick and, in fact, I do miss Japan. I grew professionally and the experience has had an impact on my career as I gained knowledge and a work culture and ethic that is different from others here. I am now working as a Patent and IP specialist at Muvingi and Mugadza law firm and conducting awareness and training in IP. I learnt a lot from the growth in the IP system in Japan and this has inspired me to do more outside my ordinary work. People I meet always ask about my experience in Japan and how they too can connect with the people there. I have now been appointed to several national committees on IP in the Office of the President and cabinet, as well as other committees in institutions such as the National Biotechnology Authority, The Research Council of Zimbabwe and local universities. I am running several IP awareness programmes and offering assistance to local innovators with IP protection and supporting development of legislation and policy in IP matters.

The research fellowship taught me a lot of lessons about self-confidence, communication, networking and building a stock of knowledge. The training programmes that were conducted during my stay gave me in-depth knowledge in the subject of Intellectual property that has made me more confident in my work, and it has given the people I work with confidence in my work as well. I have now realised some of the training needs or knowledge gaps that hinder the development of IP in developing countries like my own and I am taking steps to constantly read and improve my knowledge in this area.





My deep appreciation goes to all the institutions, individuals and partners that I worked with in Japan, I do hope the programme grows and more participants are exposed to it as we try to develop the global IP system for socio economic development.

4. Training course experience in Japan

Articles from the former trainees (Design) My Training Course Experience in Tokyo



Ms. Cassia De Souza Mota (Brazil)

(FY2017 JPO/IPR Training Course on Substantive Examination of Design,
8 November - 21 November, 2017)

Overall impressions on the quality of the training

Firstly, I would like to introduce myself. My name is Cassia Mota and I work at The National Institute of Industrial Property (INPI) in Brazil as an Appeal Examiner on Industrial Designs. My most recent experience is within set design and graphic design. My educational background is architecture. I am now writing my PhD thesis about The Possible Future of Design Related IP Rights.

In November 2017 I was honored with the invitation to participate in the JPO/IPR Training Course on Substantive Examinations of Designs. Along with my Brazilian colleague Ana and several other participants from different nationalities – China, India, Indonesia, Lao PDR, Malaysia, Thailand and Vietnam. I had the opportunity to travel to Japan to assist in lectures and to join in some important visits about field developments on Design Examination.

The course program was divided in three major blocks of content:

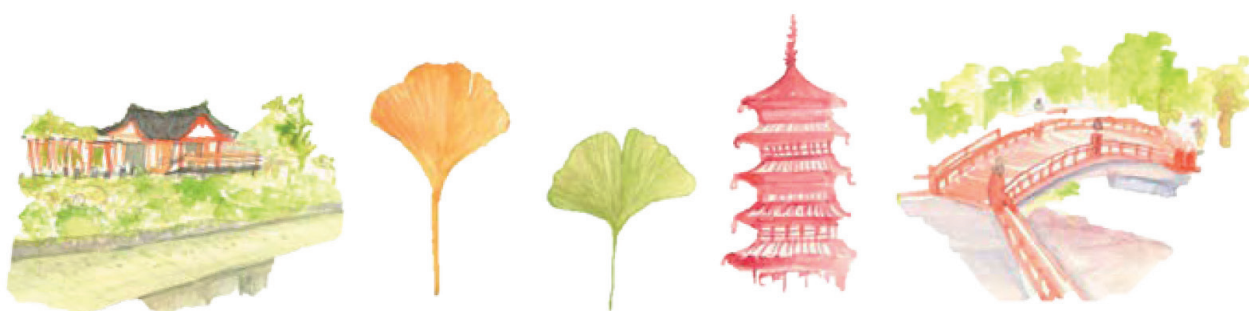
1. Ceremonial activities such as opening and closing sessions, orientations, group discussions, and introductions.
2. Instructive lectures about Japanese IP Laws and International Agreements. Presentations about Design Examination Practices.
3. Technical Visits to places such as the Demo Space of Design Examination Office at JPO, the Seiwa Patent & Law Office and the Sony Headquarters.

Mostly all activities were very well organized. The course curriculum had a great choice of subject matters, a very welcoming and easy approach even to difficult subjects. I felt all lecturers were very well prepared and the majority of the personnel made a great effort to be informative and welcoming. The APIC Coordinators, the AOTS team and the Interpreters were also irreproachable- An amazing, caring, prepared and organized team, ready to help whenever needed. A special acknowledgment should be made to the brilliant work of Ms. Oriyama, Ms. Ohta, Ms. Sugiyama, Ms. Ando and Ms. Okazaki.

Overall impressions on the city and surroundings

Tokyo is an amazing city to host a Training Program such as the one we had. For design lovers, the city itself is an attraction to the course. Even with an overloaded agenda, we found the time to explore its neighborhoods, the temples and shrines, the parks and the touristic spots.

Sometimes we used both the morning and evening hours before and after the start of the course to visit around Tokyo. My favorite memories come from our visit to the Nezu Shrine area, the Imperial Gardens, the Yoyogi Park and the ginkgo trees all around the city and their falling leaves. Those were places we could go to unwind and restore the mind after a great number of new learning contents. Of course Ginza, Shibuya and Harajuku at night are a thrill to remember as well.



Some watercolors I did during my stay

During the weekends, when we didn't have classes, we usually escaped Tokyo. Using the advice we picked up from the Training Program staff, we visited Nikko and Kyoto. Absolutely amazing spots to understand a bit more of Japanese History and Culture.

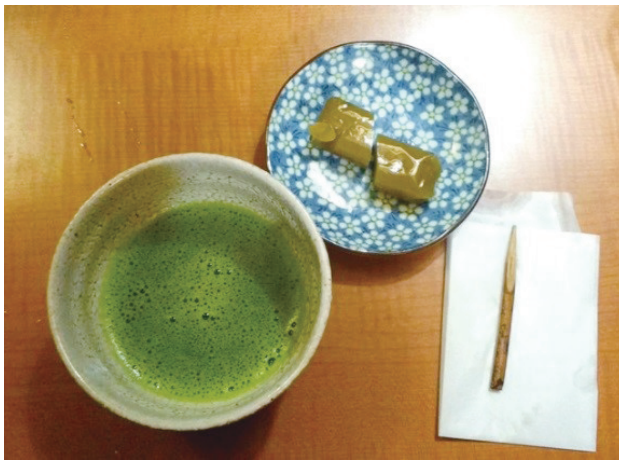
Overall impressions on Japanese culture and fine people

Since I am a declared foodie myself, as I enjoy tasting even the sometimes considered by others awkward flavors, I felt in love with Japanese Gastronomy. I was absolutely impressed by the variety of vegetables, seaweeds and mushrooms. The sushi is way better and more delicate than the ones we eat abroad. Also, I was delighted with Japanese desserts and green tea.

My overall impressions, during the very few days I spent there, were that Japanese crowds are very silent and organized and that people make their best effort to be kind and supportive to foreigners. We used help more than once to get around the city, and at all times we received smiles accompanied with very accurate instructions.

Experience after the training course: achievements when in Brazil

After the JPO/IPR Training Course, we came back to Brazil very motivated to share all the information we received with our colleagues at INPI. Once we could gather both the Appeal Examiners and the Substantive Examiners for Design Registration, we made a presentation about our experience in Japan. We used this opportunity to compare both legislations and exam criteria. We also presented some practical



Visit to Nikko, Matcha, Yokan & Sushi

cases that face similar issues in both countries.

Then I showed this presentation to some colleagues from the INPI IP Academy. Along with a professor of the Academy on Industrial Designs, Miss Patricia Peralta, we wrote an article that was recently approved to be presented in the most important Brazilian Congress on Research and Development on Design – the 13^o P&D, to be held in November 2018.

Subjects that were in the course that still entice my curiosity

Among the subjects that were targeted in the training course, some are still studied in my daily life. I often write analysis on the novelty and originality of app developer's designs. Also, as I said before, one of my goals in the PhD Thesis is to explore future scenarios in design intellectual property protection.

The moments when we debated the above-mentioned subject were very important. The discussions about the changing status of protection on Graphic User Interface (GUI) and Icons, and about the future of the Design field itself were very prolific.

From the visit we made to Sony Headquarters, I was mesmerized not only by their products but also by their understanding of design as a whole process, including user experience design. It was also interesting to know that there are study groups in the Japanese Government targeting the update to design rights.

I believe that the same discussions should be held in Brazil. The Japanese methodology of putting together Government, Patent Attorneys, Designers and the Industry to collectively figure out how industry changes should be protected is definitely also a good example. New Technologies and devices, GUI's, Digital Fabrication and Augmented Reality are about to change the scenario of design production. It is important to keep an eye on how this will impact Intellectual Property Rights in the future.

VALUABLE EXPERIENCE AT JPO TRAINING COURSE FOR IP TRAINERS: NECESSITY FOR CURRENT IP SITUATION IN CAMBODIA

Mr. NY Vichet (Cambodia)

Lecturer of IP Law
IP Attorney



(FY2018 JPO/IPR Training for IP Trainers, 19 June - 03 July 2018)

The “Training for IP Trainers” program is a short-term training course that was organized for a period of 16 days by JPO, JPII, APIC, JIII and AOTS. Being a part of the training for IP trainers, this program offered an opportunity to gain new knowledge in connection with the methodology of IP teaching and material preparation presented by various IP professors in order to raise IP awareness among students. The different methodologies for teaching and preparing materials for IP teaching were used in various ways by each professor for the purpose of encouraging creativity. During the training session, each professor explained not only the theory, but also how to apply it in real practice. For instance, each professor presented the result of each methodology by providing examples from various schools in Japan. In addition, a visit to Chihaya High School was an exceptional example of how the methodology should be applied within the educational system at the high school level.

The training course was well-prepared at every step. Firstly, prior to participants’ arrival in Japan, the organizer suggested that participants from the different countries prepare presentations of their IP legal systems and IP-related educational systems on a voluntary basis in order to assist with general comprehension of various IP systems. Secondly, upon general comprehension of the IP systems from each country, the professors provided a common methodology that could possibly apply and adapt to all systems leading to effective teaching for the purpose of raising IP awareness and encouraging creativity among students. Thirdly, participants were divided into small groups to work on implementing the theories obtained during the course, and present them to the class on the last day of training.

In addition, to new knowledge of IP teaching methodologies, the training course also provided participants with friendship, culture and knowledge about Japanese life and society.

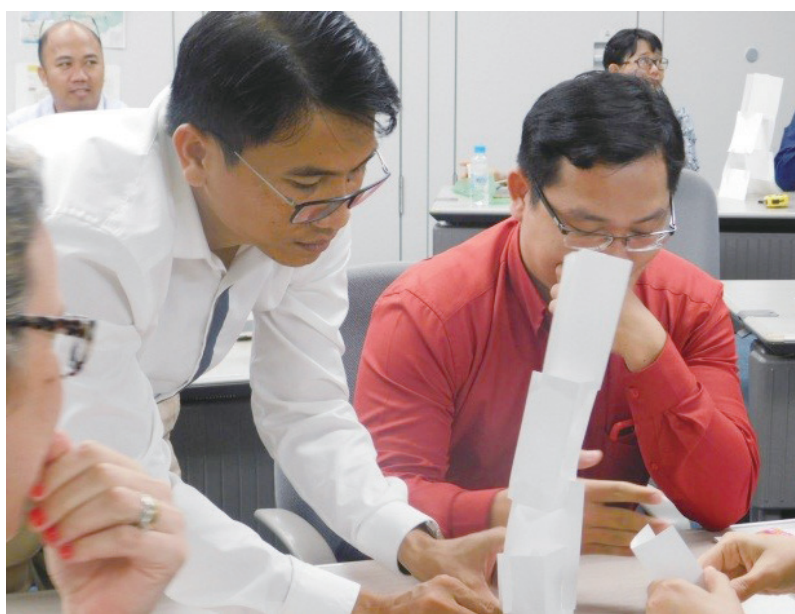
I. VARIOUS IP EDUCATION SYSTEMS AND POLICIES FROM ALL PARTICIPANTS

The program was well-started via presentations prepared by participants from each country by way of pre-selection on a voluntary basis. The presentations focused on the IP education system and policy in each country. From these presentations, all participants in this program were able to understand each country’s IP legal system and IP-related educational systems and policies, as well as their development. The countries included Brazil, Cambodia, India, Malaysia, Mexico, Myanmar, Philippines and Vietnam. Each country has its own IP education policy, and future perspectives in connection with the IP educational system to adapt to current economic development and requirements.

The above is the first approach for all participants to get to know various aspects of IP education systems and policies in different countries. Such information was useful for all participants during the training course to take IP-related examples in order to implement teaching methodologies by adjusting to each country.

II. EFFECTIVE METHODOLOGY OF IP KNOWLEDGE TRANSFER FOR ENCOURAGEMENT OF CREATIVITY

The professors provided the participants with necessary methodologies regarding “active learning” in class with students in order to influence and encourage the students on creativity and raise awareness regarding the importance of creative ideas in business, as well as providing solutions to the technical difficulty of daily life activities. Creative ideas could be a tool to settle technical problems within everyday activities.



The methodology of teaching IP and raising the idea of creativity was used by each professor to illustrate the effectiveness of practicing theory in class. All participants were divided into groups of four people to practice how to implement the theory. We enjoyed this exercise from professors, which was a good approach to be aware of students' feeling in class while they encounter technical problems, and when they succeed in creating a subject. I was so impressed by how the professors showed all participants effective ways to encourage students to immaterialize their new ideas in the real world for the purpose of solving problems they may encounter in either their everyday personal or professional lives. I really was joyful to work not only by myself, but as a team as well.

The best practice for raising the issues of IP awareness and the necessity of IP in daily life and business was illustrated during our onsite visit to Chihaya High School, where we knew that the idea or dream of each student would be possibly materialized. This very much encouraged students to work on the idea of their dream becoming true.



The unexpected result was that during our working time as a team, the methodology and theory learnt from the professors were used by my team for the presentation on the last day of training, and we were surprisingly evaluated by the professor Jinzo FUJINO and participants as having the number one teaching methodology for "Raising IP Awareness for High School".





From my personal experience of research and study so far, my view is that one of the most important factors that could push innovation and encourage creative ideas is the methodology of machines that speed up how we think, and that optimize how we work and how we utilize inventions from creative ideas.

For an LDC like Cambodia, such a teaching methodology is undeniably necessary to promote creativity and enhance students' capacity for practicing and materializing their dreams to become true. In my personal opinion, another aspect of knowledge obtained from this training is that the development of creative activities and R&D in the educational system is necessary not only for high school students, but also for senior students at universities in our country.

III. CULTURE OF "RESPECT" AND FRIENDSHIP

The course is short, but we learn a lot more from all participants about the diversity of culture in each country. There were various aspects in term of cultural exchange among us, but from my observation of Japan and Japanese peoples' behavior, I found that the most valuable thing in this society is the idea of "respect". We respect each other, we respect the value of work, and we respect our IP rights.



I was not quite sure whether or not I was right about my understanding about the word “RESPECT” in Japanese society, but I was so impressed and surprisingly happy to know that I was right about my view when I visited Chihaya High School (where IP education is well provided to students), and listened to their song titled “RESPECT”.

Furthermore, the training course provided me with a good opportunity to meet new IP friends from other countries, from whom I can exchange experiences and have fun times together. Apart from working hard, both alone and in a group, I did enjoy the trip to Kamakura, where the history of samurai was very interesting. In this trip, we made many friends and respectively enjoyed the culture of Japan.

To conclude, I really enjoyed the course, and it is my great pleasure to join the priceless training program to enhance my capacity building and work on IP awareness transfer in my career, which will focus upon becoming either an IP law lecturer at a law university, or an IP attorney. Last but not least, the knowledge and experience obtained from this training program will be helpful for the students in term of IP awareness and the development of creativity.

Finally, I would like to express my sincere gratitude to JPO, APIC, AOTS, JIPII, JIII and the Ministry of Commerce of Cambodia for this invitation allowing me to participate in this valuable and interesting program in Japan.

My Experience in Tokyo + Intellectual Property in Japan: Perpetual Lessons



Mr. Karlin Noe Ortega Estacio (Peru)

(FY2017 JPO/IPR Training Course on Patent Examination in Specific Technical Fields for Latin American Countries, 24 November - 7 December, 2017)

After a long journey, I arrived at Haneda airport along with my colleagues in order to participate in the FY2017 JPO/IPR Training Course on Patent Examination in Specific Technical Fields for Latin American Countries, which was held from 24 November to 7 December, 2017.

There, one of the employees of JIPII received and assisted us with the money exchange and purchase of the railcard. After that, he directed us to arrive at Tokyo Kenshu Center (TKC), the place where the greatest experience started.

I. My life experience in Tokyo

During that lovely stay, TKC represented my home; I learnt about Japanese culture regarding service, assistance, kindness, punctuality, but especially human warmth and willingness at any time.

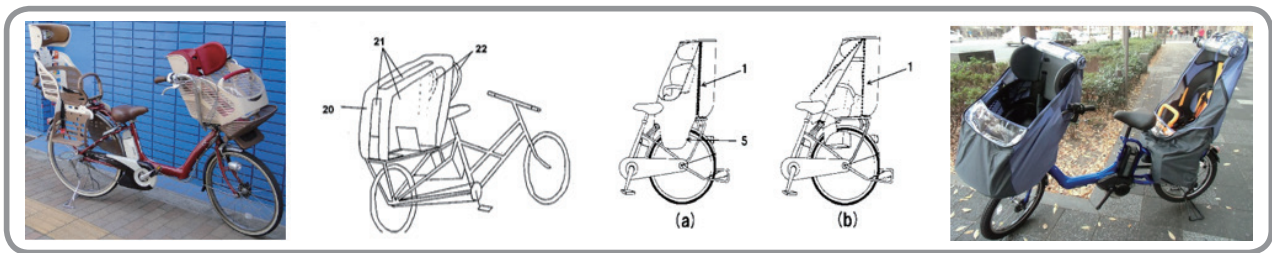
My stay at TKC was amazing. This place has a kind of buffet where you can have breakfast, lunch and dinner, a culinary concept that balances each proper nutrient with a diversity of Asian food.

Innate discipline is one of the attributes that God has given to Japanese people from one generation to another, but also their human love. In the dining room, “rules are rules”, that means it is open from 19:00



until 20:30. In this respect, after a long night of shopping in Ueno, I remembered the dining room closing time, so I ran and ran from Kita-senju station to TKC and fortunately I could arrive on time (20:30). I thought to myself: What a joy! However, I noticed the dining room was closed ☹. I talked to the kitchen supervisor, a kind woman, who immediately understood and allowed me to have dinner. Glory to God!... yummy yummy ☺☺☺; and more joy because the food at TKC is very delicious.

In the mornings, I learnt another lesson in the street of Tokyo when I saw mothers carrying their children on bicycles to school—one child on the front seat, and the other on the back—both with rain protection. A characteristic model of utility and industrial property that isn't common in Perú or Argentina.



Examples of Mamachari bike

The architecture in the streets, like the public roads, houses and designs, represents the characteristic Japanese order and the reason why everything is in its place, just as it is depicted in books or animated films. What's more, while there I noticed that there were not any noises from the cars, or any invasion of street vendors. Undoubtedly, Tokyo is an art center, filled with culture, tradition and modernity. Everything is in order, even the way that pedestrians move (walking on the right side and leaving the left side for bystanders).



Tokyo Imperial Palace, 2017



Odaiba, Tokyo 2017



Streets of Tokyo, panoramic view



Streets of Tokyo, business area

Visit to Kamakura / Invitation of AOTS and JIPII

It was a great experience to visit this ancestral and yet modern place, where people enjoy their traditions and customs wearing kimonos combined with modern accessories and modern, warm clothing.

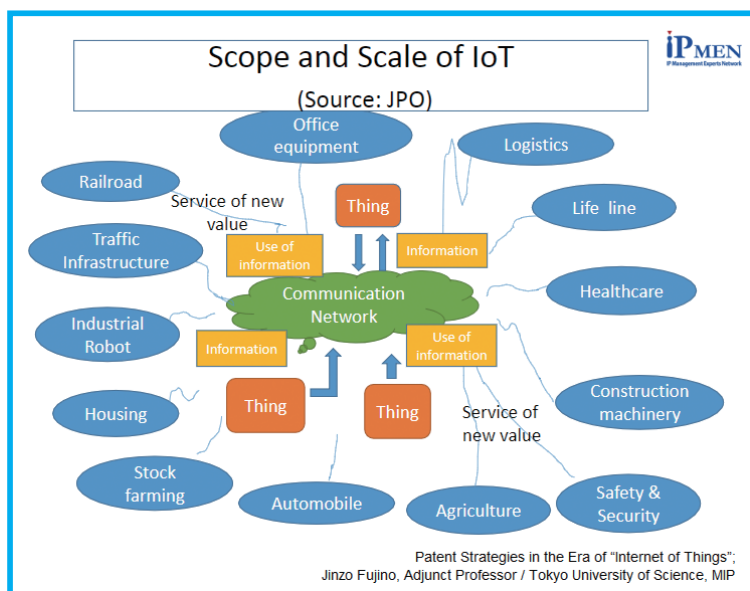


II. Experience of intellectual property acquired in Japan for application to the Peruvian patent office

Before traveling, the executives of the Peruvian office commissioned us to evaluate and obtain various guidelines, both those from Japan and from the participating countries, on the evaluation of patentability regarding patent applications with software elements.

For this reason, one of the striking introductory sessions was with Mr. Fujino, where I understood the scope of the internet of things (IoT) regarding patent context; and mainly I was able to understand the vision of the Japanese Patent Office (JPO) when evaluating patent applications with scope of this type of claim(s); vision that is based on the legislation and guidelines.

In this sense, when comparing with the situation in Peru, I observed that although both laws are different (differences based on the flexibilities granted by the TRIPS agreement, for the member countries), Peru does not have any context of guidelines that can give greater support or security to users when they wish to present their patent application; guidelines that would also make the Peruvian patent office more solid, when evaluating these patent applications.



Another teaching that has been transmitted to my colleagues in the Peruvian office, and that is now being applied, is the “Patent Search Matrix = Tool for creating a search query” tool, through which we have obtained greater effectiveness during the search process for previous art (background).

Patent Search Matrix = Tool for creating a search query				Example of Patent Search Matrix			
	Background Technology	Purpose of Invention	Technical Feature		Background Technology	Purpose of Invention	Technical Feature
Key Elements				Key Elements	Manhole (or manhole cover)	Antislip	Pattern (concavity and convexity)
Keywords Synonyms	1	2	3	Keywords Synonyms	1 Manhole, man hole, utility hole, maintenance hatch, utility entrance	2 Antiskid, Antislip, non-slip, non-skid, repellent, repellency, water-shedding	3 Pattern, concave, convex, concavity, convexity, asperity, convexo-concave, irregularity
IPC	4	5	6	IPC	4 E02D29/14	5 NONE	6 NONE
CPC	7	8	9	CPC	7 E02D29/14 - E02D29/149	8 NONE	9 NONE

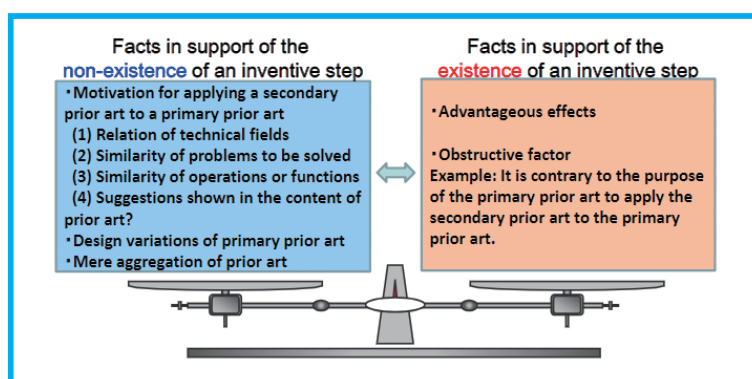
Basics of Developing Search Query, by NGB Corporation

Business experience of IP application by a Japanese company

The visit to the IKEGAMI company matched with the training. One of the main products of this company is a broadcast system. Ever since its beginnings, the company's value has been linked with its intellectual property strategy, as well as the importance of protecting its different inventions in this field of industry. Its well-known culture of constant quality review for each accessory and product—the elaborate, detailed quality it provides each piece—characterizes the philosophy of the company and the reason why it has large clients. It is also gradually implementing a vision of growth in South America, especially in Peru.

Patentability Assessment Workshop

Finally, a specialized intensive workshop on patentability evaluation was held at the JPO. This was great because I learned about new ways to evaluate the inventive level based on factors that support the existence or nonexistence of the inventive step—a lesson that is being applied at my workplace in the patent office.



JPO Examination Guidelines re. inventive step
(JPO Examination Guidelines, Part III, Chapter 2, Section 2, 2&3)

III. Good news about the patent systems in Peru

With the new executive presidency in office, the Peruvian office is developing a new tool to promote intellectual property even more throughout the whole Peruvian territory by means of joint work between a public and private association, Indecopi, as the governing entity along with other executive offices of the State.

source: <https://www.indecopi.gob.pe/noticias>



2018/05/11

The Indecopi presented the strategy for the elaboration of the National Policy of Intellectual Property

2018/05/11 "Working day was directed by the President ... See detail

Additionally, independent inventors from the countries of the Asia-Pacific Economic Cooperation (APEC)—which includes Peru and Japan as members—will have the opportunity to improve management, transfer and commercialization of their patented technologies thanks to the approval of a project titled

“Good Practices in the Marketing of Patented Inventions for Independent Inventors”.

This is a project proposed by Indecopi (Peru’s patent office) before the Budget and Administration Committee (BMC) of the said forum, which will also provide the authorities of the APEC economies with a set of policy recommendations to improve the favorable conditions of independent inventors. The aim is to increase these inventors’ contribution to economic and business development in the entire APEC region.

(Source: https://www.indecopi.gob.pe/inicio/-/asset_publisher/ZxXrtRdgbvIr/content/el-foro-apec-financiara-proyecto-presentado-por-el-indecopi-para-beneficiar-a-los-inventores-independientes?inheritRedirect=false)

The justification and objectives in this regard are as follows:

- 1) To build, improve and strengthen APEC independent inventors’ capacity to manage/transfer or commercialize patented technologies based on lessons learned from APEC independent inventors’ successful experiences related to patent market exploitation.
- 2) To provide APEC economies with a set of policy recommendations that can be put into action to enhance independent inventors’ enabling environment and conditions in order to increase their contribution to economic and business development in the APEC region.
- 3) To foster regional collaboration and create value within the sector of APEC independent inventors by exchanging and transferring information, knowledge and experiences not only from advanced-to-developing economies, but also from developing-to-developing economies.

In synthesis, the project pursues knowledge transfer for the creation and increase of APEC independent inventors’ capacity to deal with commercialization goals around patented inventions. This will mostly be achieved by systematizing and sharing experiences and lessons learned in key specific areas from successful independent inventors within the region, both from developed and developing economies that will contribute especially toward strengthening the technical capacities of the developing economies within the region.

(Source: <https://aimp2.apec.org/sites/PDB/Lists/Proposals/DispForm.aspx?ID=21111>)



Without a doubt, what I experienced in Tokyo—the landscapes in and around the city, as well as the streets, culture, work life at APIC and JPO offices, tourist places visited, etc.—remain not only in my mind, but also in my heart.

Thank you JIPII and AOTS!

(Reviewed by: Sadith Cárdenas Romero)

IMPRESSIONS OF JAPAN

Through a short-term IP training from June 19 to July 3, 2018



Mr. Le Van Khanh (Vietnam)

(FY 2018 JPO/IPR Training Course for IP Trainers, 19 June - 3 July, 2018)

At the age of 20, I read an article about the miracles of the Asian dragon that is Japan. Ever since, I dreamed of visiting the land of the rising sun. The dream came true 20 years later as I was invited to Japan for the JPO/IPR Training course for IP trainers by JIPI and AOTS. Apart from the IP/IPR knowledge that I have gained from the course, I also enjoyed hands-on travel experience which I am going to reveal in the following paragraphs.

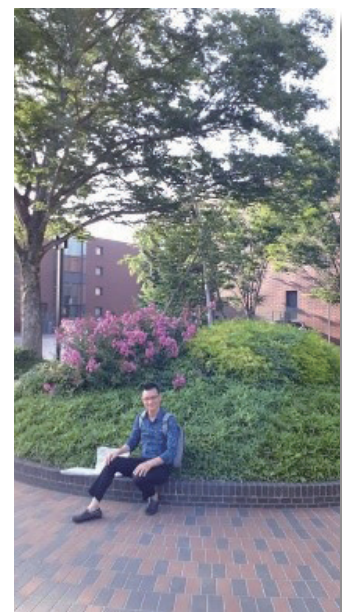
Travel experience to Tokyo, Japan

First of all, I was impressed by the organization for the trainees by JIPI/AOTS/APIC and TKC. I was met at Narita airport, Tokyo and then led to the express train to Keisei station near the TKS where I was arranged to stay for the whole period of training. Prior to the trip, the TKC emailed me a map which helped find the right train to it and the map was simple to use. A map is a must and this is a good idea for any foreigners when visiting a new country. Even if I got lost or found it confusing to reach the right station to get back to the hotel, I could look at the map and work it out. Sometime I asked Japanese passers-by and they were so helpful. They could stop to show me the right way. Some local people even walked with me to the right track, and then they continued on their own routes.

Also, from the first training session, we were given a travel book with careful instructions and notes to prevent newcomers from losing their way. According to the instructions given out by APIC, I downloaded two apps: Travel Japan Wi-Fi and a Tokyo subway app which helped me navigate Tokyo without any difficulties. Furthermore, before visiting each historical site or spot of beauty, I asked the coordinators for some brief information about these places, noted some words on my mobile phone and then set out. In this respect, I could understand those places more rapidly than ever, even though many signposts are written in Japanese.

The training lasted from 10 a.m till 5 p.m every weekday, therefore, after the class and on the weekends, I could hang out around Tokyo to enjoy my stay in Japan. For example, I visited the areas of Shibuya, Ikebukuro, Shinjuku, Akihabara and Ueno, where I could find a huge number of shops of all kinds such as fashion, cuisine of different cultures, clubs, and entertainment facilities. I also took in some sightseeing and took a lot of photos in Tokyo Tower, Sky Tree, the Imperial Palace and a number of pagodas and temples in

many districts of Tokyo. One stood out, Kamakura where I could enjoy magnificent views and ancient temples, and I heard about the inspiring and sacred history of Japanese heroes and generals in the past. In Tokyo, I could see high-rise buildings almost everywhere in business areas or near big stations. I was amazed by the Metropolitan Government building which is one of the highest buildings in Tokyo (243 m) and the public can go up to the 45th floor to observe the whole city from North and South observation decks for free. There are so many things to come and see for a person who loves discovering like me. There is a long list of places you can visit, and once you are here, you will be impressed by a wide range of attractions that are magnificent, exciting, recreational, and romantic. Tokyo is an ideal destination for all people.



Other lessons learned from the lectures and activities of the training

A few people might wonder if I was in Tokyo as a trainer or a traveler; I would say that I was there for both. After the visit, even after long walks every day, every hour, I got back to TKC, washed up, enjoyed a late dinner and went through the materials or lectures again. I myself was active in the class and got involved in many class activities. I do believe APIC captured these moments through the photos they took and the final presentation on teaching materials that I made with my group.





Needless to say, I was less experienced in IP/IPR than the others. Hence, I will not go deeper in such matters but instead I will highlight other aspects that I earned from the lectures and activities of the training, apart from IP/IPR knowledge.

First, IP is a Japanese asset which is sustainably developed through its quality products and heavy industry. The Japanese government wishes to raise public awareness of IP/IPR at all levels ranging from kindergarten to tertiary education. Japanese teachers have a variety of ways of delivering their learners, through methods such as story-telling, discovering things around us, or IP law, etc. Therefore, Japanese schools focus on start-ups and entrepreneurship which aim at teaching children how to study by looking for changes in the smallest daily items—like clothes hangers—to complex products.

Second, Japanese schools teach students through group projects, case studies or other feasible projects and pursue their needs till the end. Furthermore, active learning methods are applied effectively in high schools. The techniques are interesting and useful to help learners form and develop their short-term and long-term memories. The lecturers delivered and drew learners' attention to every single detail of the problems. Finally, Japanese school pupils are trained to exploit and then form their own psychology. They are taught to understand and respect people's work and the values of such work which help them be successful in their employment.

Final thoughts

In short, the people from JPII, JPO, APIC, AOTS, TKS and the participants from the eleven countries and Japanese people who are knowledgeable, enthusiastic and modest treated me so well. Your hospitality conquered my heart. You deserve to be well-respected for every single thing you do, especially to foreigners. The moments I spent in Japan will be a good memory forever in my life and I will tell people in my country that It's YOU who MADE JAPAN FOR ME.

5. Articles from the former trainees (Design)

The originality requirement of Industrial Design, according to Brazilian Law No. 9,279 of May 14, 1996



Ms. Claudia Lopes Tolentino (Brazil)

(FY2015 WIPO/JF Training Course on the Examination Practice of Industrial Property Intermediate/Advanced Program, 09 - 20 November, 2015)

INTRODUCTION

This study deals with originality as a requirement for industrial design, arts. 95 and 97, of Law 9,279 of May 14, 1996.

The article 95 set out the requisite for obtaining the industrial design registration: ornamentality, novelty, originality and serving as an industrial manufacturing type.

It is considered an industrial design the ornamental plastic form of an object or the ornamental set of lines and colors that can be applied to a product, providing a new and original visual result in its external configuration and that can serve as an industrial manufacturing type. (BRAZIL, 1996).

Article 97 states that “the industrial design is considered original when it results in a distinctive visual configuration, in relation to other previous objects” (BRAZIL, 1996) and in those articles of the Law are the bases of the requirement analyzed.

The present text is divided into four parts: the first talks about human creativity; the second, of originality in Industrial design; the third studies the concept of originality in Brazilian law; the fourth part concludes by summarizing the main points observed.

1. About Human Creations.

Man has always sought to improve his interaction with the world, developing solutions to relate to nature and society around him. Adaptations of a utilitarian nature were not enough. The creations needed to have something more, they needed to communicate, attract, adorn etc. Thus, man has sought to associate form, function and ornamentation, creating unique objects, pleasing to the senses, and from this need came the applied or utilitarian or decorative arts.

In the 18th century, the objects produced by the nascent industrialization were rudimentary. The artists, welcomed by the industries, sought to visually improve the products. Then in 1806, France began to protect the designs and models of industries (SILVEIRA, 2012).

2. The originality of Industrial Designs.

Ornamentality is essential for obtaining protection, a determining factor in the choice of certain objects, a strategic quality to the products of competitive industries.

In some markets, cost advantages or even quality are secondary elements in determining competitiveness. Often, products, to be chosen by consumers, must first of all be attractive and build an identity, connecting with their target audience. There are circumstances where, in order to obtain certain intangible characteristics, a significant proportion of consumers are willing to pay a little more and conform to a lower level of comfort [...] The goal is to design a winning product, that is, a product that, alongside the alternatives available in the market, is chosen by the consumer. (TEIXEIRA JÚNIOR, 2012)

However, ornamentality alone is not enough; the ornamental creation must be original.

3. The originality in Brazilian legislation.

In 1945, Law Decree N° 7.903 addressed the question: “[...] industrial models and designs are also susceptible to legal protection, although they do not appear to be entirely new, and make original combinations of known elements [...]”, determined that: “[...] vulgar designs or models would not be privileged”. (BRAZIL, 1945).

Law Decree N° 254, of 1967, returned to the theme: “[...] designs which, although not entirely new, may carry out original combinations of known elements or provisions different from elements already used that give their respective objects, a new characteristic general aspect”. (BRAZIL, 1967)

In 1969, the Law Decree N° 1,005 maintained this understanding: “Industrial models or designs are still privileged as those which, although not presented as entirely new, make original combinations of known elements or different dispositions of known elements and give their respective objects a characteristic new general appearance” (BRAZIL, 1969)

Law N° 5,772 of 1971 refers to the protection of original combinations: “For the purposes of this Code, it is still considered an industrial design or model that, even made up of known elements, makes original combinations, giving the respective objects a general appearance with their own characteristics” (BRAZIL, 1971)

Currently, Law No. 9.279 of 1996 defines originality: “Industrial design is considered original when it results in a distinctive visual configuration, in relation to other previous objects” (BRAZIL, 1996).

3.1 Examining originality, according to Law No. 9,279, of May 14, 1996.

Firstly, it should be noted that industrial design protects the appearance of industrial products and that

the external face of the product must be reproducible industrially. “[...] the industrial design is conceived as a type of formal innovation related to the appearance characteristics of the product itself or its ornamentation” (OTERO LASTRES, 2008) and the appearance of the new product must be added to the patrimony of the forms applied to the industry and contribute to cultural progress with something beyond the reach of the community (BARBOSA, 2009).

The article 111 of the Law establishes that, once granted registration, only the holder can request the Exam of Merit, the examination of novelty and originality. But how much does the object need to differentiate itself to be considered original?

Among the definitions of the original word (DICIO, 2017) we find: “not copied, not imitated; which has its own character; which has a new and personal character; which does not follow model; being singular”. A new industrial design is an unknown creation, only, on the appearance of the product, dependent on the product, without autonomous existence. (SILVEIRA, 2012)

The originality must be evaluated after confirmation of the novelty. Moro (2009) considers that originality is linked to novelty, stating that it would be better to replace the expression “distinctive visual configuration” with “new visual configuration”.

Article 97 shows that the original creation must be distinguished from everything that is accessible to the public, offering a qualified difference in its totality (BARBOSA, 2009, p. 18). It needs to be visually different from all available forms. It is important to note that not all creation reaches a minimum degree of contribution to cultural progress. Not all creation can be more than a small and unimportant effort. Originality requires intrinsic difference, fruit of the work of the creator. Creation must have an “individual character”, a “singular character”, a “special ornament”, a “general aspect with its own characteristics” (BARBOSA, 2009, p. 16 and 36), aim not to be confused with other known objects of the public.

Denis Barbosa (2010) adds that originality “is built on the notion of a minimal constitutional contribution”, since it is not possible to give an exclusive right to an insignificant creation, to a reproduction of the known creation or to very similar creation. This position resembles that of Otero Lastres (1977) when he states that the requirement of originality guarantees an “exclusive and exclusionary right” in the name of the owner for the “enrichment of the patrimony of the configurations applied to industry”.

Often, the term aesthetic inventiveness is associated with originality in industrial design. However, the use of the word esthetic¹, a philosophical concept used to study the beautiful, causes confusion in the evaluation of originality. The original creation is not necessarily beautiful.

Aesthetic theories are themes of philosophy. In philosophy, we think about what things are, in this case, what are the original intellectual works or, by using technical terminology, what art is. However, in the field of law, there is no motive to think about what art is. To the law, the important thing is the decision on the originality of the intellectual creation [...]. (Grau-Kuntz, 2012)

1 Devesa (2014, p.278) quotes Otero Lastre when he presents words that properly replace the use of the term aesthetics, such as appearance, aspect and exterior visibility.

The Law allows original combinations of known elements: “Art. 97, sole paragraph - The original visual result may be due to a combination of known elements” (BRAZIL, 1996). It is believed that the application of known elements in new products leads to a lower level of creativity (SARTI apud BARBOSA, 2009), generating relatively new forms. Complex objects - made up of independent, replaceable and sold separately - prove that their independent parts, later deposited, are not original.

The creativity necessary for the configuration of originality has always fostered discussions. In 1809, the law used to grant patents with variable deadlines, possibly considering relevance of the invention (BARBOSA, 2009). The article 25, TRIPS, states: “the drawings shall not be new or original if they do not differ significantly from known designs or combinations of characteristics of known designs.”

The British law defines originality as “the product of the work of a creator”; the Portuguese law as “singular character” (BARBOSA, 2009). The expression “singular character” is approved by art. 5 of Directive 98/71 / EC.

A design or a model shall be considered to be unique if the overall impression which it arouses in the informed user differs from the overall impression given to that user by any design or model disclosed to the public prior to the date of application or, if a priority is claimed, before the date of priority. (BARBOSA, 2009)

However, the assessment of sufficiency must consider limitations from the type of object, requirements of use and production, following the criteria of an average professional (BARBOSA, 2009), skilled in the art since they interfere in the creation of the object.

Section II of Article 100 defines what is not registrable as industrial design: essentially technical or functional forms and the necessary, vulgar or common forms and this understanding relates to the ornamental originality of these products. These forms have insufficient or irrelevant accessory elements, i.e., they have insignificant ornamentality.

In essentially technical or functional products, as the term itself indicates, the form is principally, over all, basically, mainly, substantially technical or functional. This subsection determines the frontier between the ornamental, the technical and the functional, establishing the distinction between industrial design, patents and utility model (OTERO LASTRES, 1975). Therefore, it is concluded that in products that are essentially technical or functional, the ornamental originality has little or no relevance.

The necessary, common or vulgar forms are not registrable as industrial design in view of the counterpoint of these qualifiers with the meaning of original: “what is outside normal or common patterns.” Necessarily, common or vulgar forms are not original.

To close this analysis, it is necessary to mention objects or parts installed in systems, that are invisible when they are in operation. They are not regarded as industrial designs by the Law because they are determined by the position and the function they perform. Therefore, the appearance is irrelevant to the user: No one chooses an object or part of a system by appearance, but probably because this object is the only option that fits into this system and because of the function it performs in this system.

CONCLUSION

The originality, a requirement for obtaining an industrial design registration, is quoted directly in articles 95 and 97 and, indirectly, in section II of article 100 of the Law, which defines what is not considered registrable as an industrial design.

Considered as the creative step inserted in the appearance of the industrial product, ornamental originality is the counterpart of industrial design protection and its analysis is not limited to market, time or location. Its function is to offer different options of shapes for the consumer of industrial products and should not to be confused with technological innovation, objects of practical use, artistic creations and aesthetic standards.

BIBLIOGRAPHY

Agreement on trade-related aspects of intellectual property rights. Disponível em: https://www.wto.org/english/docs_e/legal_e/27-trips.pdf. Acesso em: 20/11/2017.

BARBOSA, Denis Borges. Do Requisito de Originalidade nos Desenhos Industriais. Revista da ABPI, v. 106, p. 3-28, 2010. Disponível em: http://www.denisbarbosa.addr.com/arquivos/novidades/do_requisito_originalidade.pdf. Acesso em: 15/10/2014.

BRASIL. Decreto-Lei n. 1.005, de 21 de outubro de 1969. Código da Propriedade Industrial. Casa Civil. Disponível em: http://www.planalto.gov.br/ccivil_03/decreto-lei/1965-1988/Del1005.htm. Acessado em: 14/11/2017.

BRASIL. Decreto-Lei n. 254, de 28 de fevereiro de 1967. Código da Propriedade Industrial. Legislação. Câmara dos Deputados. Disponível em: <http://www2.camara.leg.br/legin/fed/declei/1960-1969/decreto-lei-254-28-fevereiro-1967-374675-publicacaooriginal-1-pe.html>. Acessado em: 14/11/2017.

BRASIL. DECRETO-LEI Nº 7.903 DE 27 DE AGOSTO DE 1945. Código da Propriedade Industrial. Casa Civil. Disponível em: http://www.planalto.gov.br/ccivil_03/decreto-lei/1937-1946/Del7903.htm. Acessado em: 14/11/2017.

BRASIL. Lei 5.772, de 21 de dezembro de 1971. Código da Propriedade Industrial. Casa Civil. Disponível em: http://www.planalto.gov.br/ccivil_03/leis/L5772.htm. Acesso em: 14/11/2017.

BRASIL. Lei Nº 9.279, de 14 de maio de 1996. Regula direitos e obrigações relativos à propriedade industrial. Casa Civil. Disponível em: http://www.planalto.gov.br/ccivil_03/leis/L9279.htm. Acesso em: 02/10/2017.

DEVESA, Carlos Lema. El diseño dictado por la función técnica y el diseño de interconexiones. Anuario Andino de Derechos Intelectuales. Año X - N.º 10. Lima, 2014.

GRAU-KUNTZ, Karin. Domínio público e Direito de Autor: Do requisito da originalidade como contribuição reflexivo-transformadora. Revista Eletrônica do IBPI – Nr. 6. 2012.

LASTRES, Jose Manoel Otero. Modelo industrial y creaciones que cumplen una función técnica. Actas de derecho industrial y derecho de autor, ISSN 1139-3289, Tomo 2, 1975, págs. 437-446.

_____. Modelo industrial. Coleção de direito mercantil. Madrid: Montecorvo, 1977.

_____. Reflexiones sobre el diseño industrial. Anuario Facultad de Derecho (Universidad de Alcalá), 2008, nº1, p. 217-235.

MORO, Maitê Cecília Fabbri. Marcas tridimensionais: sua proteção e os aparentes conflitos com a proteção outorgada por outros institutos da propriedade industrial. São Paulo: Saraiva, 2009.

ORIGINAL. Dicio, dicionário online de português. Disponível em: <https://www.dicio.com.br/original/>.

Acesso em: 14/11/2017.

SILVEIRA, Newton. A propriedade intelectual: propriedade industrial, direito de autor, software, cultivares, nome empresarial. São Paulo: Manole, 2012.

TEIXEIRA JUNIOR, J. R.; Montano, P. F.; Faleiros, J. P. M.; Bastos, H.B. Design estratégico: inovação, diferenciação, agregação de valor e competitividade. BNDES. Março 2012. Disponível em <http://www.bndes.gov.br/bibliotecadigital>. Acesso em: 01/12/2017.

Contours of the IP-Design System in India: A Brief Study



Mr. Vinay Shankar Rai (INDIA)

(FY2017 Schedule for JPO/IPR Training Course on Substantive Examination of Design,
8 November - 21 November, 2017)

Introduction

I am very much delighted and honoured to get an invitation to write an article for the APIC magazine known as “ENISHI-IP Friends Connection” published by the Japan Patent Office (JPO). I am working as an examiner of design in the Indian Patent Office (Design Wing) Kolkata under the office of controller general of patents, designs & trademarks, Mumbai, India and participated in the program “JPO/IPR Training Course on Substantive Examination of Designs (I7TIPSD)” from 8th of November 2017 to 21st November 2017 in Tokyo, Japan a group of twenty participants (including myself) from eight different nations. I’m remembering those days of my training in Tokyo and I must say precisely that the training days were beautiful days of my life. It was a very good learning experience. It was my first visit to Japan so I was very much excited. Further, I found myself fortunate to visit Japan in November when the tree leaves change colour and make the whole environment vibrant and colourful. It was a golden opportunity for me to be one of the trainees of a course on Substantive Examination of Design, which was jointly held by JPO, JIPPI and APIC for 15 days in Tokyo. This course contributed a lot in enhancing capacity, competency and expertise in substantive design examination for me. I would like to praise the whole team for their teaching facility and unparalleled hospitality. Our coordinators were very helpful, caring and supportive. I would like to express my sincere thanks and gratitude to them.

The present article is a brief study of the contours of the intellectual property design system in India. Contour points for the present paper are design understanding as per law, design-related statutory and official documents, agreement and treaties, infringement, enforcement, recent steps towards awareness. Here matters are briefly presented due to the limitation of words. Still, there is enough scope in my study to explore each contour point and related area. I hope APIC will invite me again for their long-term research program in design related topics as said above.

Designs in the context of Indian Law

The essential purpose of design law of any country is to promote design innovation activity especially in the field of industry to protect rights related to design. Better protection of rights related to design significantly contributes to the economy of the country and industrial and societal development. Further design

contributes to improving quality of product and services. As per the Indian design act, “design” means only “the features of shape, configuration, pattern, ornament or composition of lines or colours applied to any article whether in two dimensional or three dimensional or in both forms, by any industrial process or means, whether manual, mechanical or chemical, separate or combined, which in the finished article appeal to and are judged solely by the eye; but does include any mode or principle of construction or anything which is in substance a mere mechanical device, and does not include any trademark”. It is worth noting that definition of design does not include the size of the article.

Design protection is available by way of filing a design application with the intellectual property office in India, which is situated in Delhi, Kolkata, Mumbai and Chennai. Design applications are processed at the Kolkata patent office only but the applicant can file design application at any IPO office. An exclusive right for design to the applicant is given only after registration of the alleged design; however, the date of filing/priority is considered the start of the design copyright.

The duration of the right for registered design in India is initially ten years from the date of registration, but in cases where claims to priority have been allowed then the duration is ten years from the priority date. This duration of ten years can be extended for five additional years after paying a prescribed fee within the stipulated time.

The registration of a design may be cancelled at any time after the registration of the design on a petition for cancellation in Form 8, along with the prescribed fee. The petition for cancellation of registration of a design may be filed on the grounds that the design has been previously registered in India or that the design has been published in India or in any other country prior to the date of registration or that the design is not new or original and that the design is not registrable under this designs act or design is in prior use.

Design related statutory and official documents

At present, the intellectual property-design system in India is carried out on the basis of the design act, the design rule, the manual of design practice and procedure and national design policy. India has a long and rich design legislation history. The present design act was passed by the parliament in the year 2000 and came into force on 25th May 2000. This act is fully TRIPS-compliant. The following year, 2001, the designs rules 2001 has been published by the department of industrial policy and promotion. The manual of designs practice & procedure was published by the office of the controller general of patents, designs and trademark and its main objective is to provide detailed information for processing of design applications and related procedures to all on the practice and procedure followed by the designs wing of The Indian Patent Office. A National design policy was adopted on 8th February 2007. India is one the few countries to have formulated and adopted a National Design Policy. The main feature of National design policy is to promote Indian design and set up specialized design centres or the “innovation hub”. National Design Policy says design Promotion shall be carried out through a well-defined and managed regulatory, promotional and institutional framework and upgrading and expansion of existing design institutes in India is on par with international standards.

On 2nd March 2009, the Government of India constituted the Indian Design Council in pursuance of the National Design Policy. This council is the national strategic body for multi-disciplinary design and promotion of design. Members of the council have an initial tenure of three years. Its mission is to promote Indian design awareness and effectiveness. In 2008, “the Designs (amendments) rules” were published, amendments to the design rules..

International agreements/treaties for design and India

There are international agreements/treaties pertaining to design to create a framework for international integration of exclusive design rights with a common understanding. These agreements/treaties are dealing with protection of design rights for common general standards of protection to be provided by the contracting countries. Following are the international agreements/treaties exclusively for the design ecosystem.

1. **The Paris Convention** (1883) was the first international convention related to the concept of industrial property (which includes design) and its protection. The general standard of protection for designs has been outlined and shall be provided by the contracting countries. Under the Paris Convention, any individual from a signatory state can apply for a patent or a trademark in any other signatory state and will have the same rights and privileges as a national of that country. India is also one of the contracting countries to the convention. Article 5 describes that industrial design shall be protected in all member states without defining the scope of protection.
2. **The Hague Agreement** is related to the international registration of industrial design. Any of the member states may apply for industrial design under the Hague Agreement instead of applying separately to each and every nation of the convention. India is still not a member state of the Hague Agreement.
3. **The Locarno Agreement** is for creating a classification for industrial design, which came into force in 1971. The article has been classified into classes and subclasses. India is not a signatory nation of the Locarno Agreement; however, its classification is based on it.
4. At present Indian laws are in full compliance with the **TRIPS Agreement**. Subsequent to the signing of the agreement as India has made a number of amendments to make the IPR laws in India TRIPS compliant. India became a party to the TRIPS Agreement in April 1994, which came into effect on January 1, 1995.

Infringement

Unauthorised copying of a registered design is known as infringement or piracy of registered design. A registered design makes the owner entitled to prevent third parties from exploiting the design in the country without his consent. Exploitation means the manufacture, sale or import of goods incorporating the design. Under section 22 of "The Design Act, 2000", the following would be considered infringement:

- "(a) for the purpose of sale to apply or cause to be applied to any article in any class of articles in which the design is registered, the design or any fraudulent or obvious imitation thereof, except with the license or written consent of the registered proprietor; or to do anything with a view to enable the design to be so applied; or
- (b) to import for the purposes of sale, without the consent of the registered proprietor, any article belonging to the class in which the design has been registered, and having applied to it the design or any fraudulent or obvious imitation thereof; or
- (c) Knowing that the design or any fraudulent or obvious imitation thereof has been applied to any article in any class of articles in which the design is registered without the consent of the registered proprietor; to publish or expose or cause to be published or exposed for sale that article."

Under the aforesaid circumstances, the owner can institute a suit for injunction as well as recovery of damages against a person who was involved in the unauthorised copying of the registered design though

the law does not provide penal provisions to prevent infringement. Such legal proceeding can be instituted from date of registration in India and till the expiry of copyright for design. Indian court can grant an interim injunction while a case is pending and a permanent injection after full trial. If any person commits piracy of a registered design, as defined in Section 22 of “The Design Act 2000”, he shall be liable to pay a payment of a sum not exceeding Rs.25,000/- recoverable as contract debt. However, the total sum recoverable in respect of any one design shall not exceed Rs. 50,000/-.

Enforcement and recent measures

Intellectual property can be protected efficiently with the help of law enforcement authorities. In India, various steps have recently been taken to strengthen IP enforcement: anti-counterfeiting and anti-piracy activities have been carried out vigorously by various law enforcement agencies, including the central and state police forces across the country.

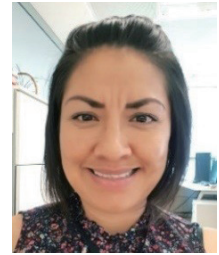
The role of central and state police in IP rights enforcement is most important. They must be trained enough to understand the importance of IPRs. To train them, the Ministry of Commerce and Industry organized a series of workshops to strengthen the enforcement mechanism of intellectual property rights especially in the last couple of years. The Cell for Intellectual Property Right Promotion and Management (CIPAM) under the aegis of the ministry, has organised workshops in collaboration with state police. These workshops are designed in a manner to ensure that the police officials understand and realise the importance of their role in the effective enforcement of IPRs. CIPAM has also prepared an IPR enforcement toolkit for the police officials in conjunction with the Federation of Indian chambers of Commerce and Industry (FICCI). This toolkit is a ready reckoner for police officials across the country in dealing with IP crimes. IP rights are inherently changing in nature and their effective enforcement requires the authorities to constantly upgrade techniques and methods while dealing with issues. Recently the authorities have taken many initiatives in this regard, and rights holders are developing confidence in the authorities in terms of effective and expeditious protection and enforcement.

Recent steps towards Awareness

On 16th of May 2018, India got a mascot for combating IP crimes. The government of India launched an Intellectual property mascot called IP-Nani. IP-Nani is a tech-savvy, smart, intelligent grandmother who helps Indian government and enforcement agencies in combating IP crimes. “Nani” is the Hindi equivalent word for “maternal grandmother” in English. The IP mascot will spread awareness about the importance of intellectual property rights among people, especially children, in an interesting manner

The IPR protection system of any states contributes to filing the application of grants/registrations of such kinds of properties. It may be a good clue to measuring the strength of IPR protection in the country in numeric value. Further, it also contributes to building confidence among stakeholders. Along those same lines, we can say that India trying to develop an all-around system of IPR protection and further trying to make a stronger and stronger comprehensive protection system. I firmly believe that such measures and initiatives will help the nation to increase the intellectual property ecosystem and confidence among stakeholders.

THE IMPORTANCE OF INDUSTRIAL DESIGNS IN OUR DAILY LIVES



Ms. Liliana Selene Hernández Herrera (Mexico)

(FY2015 WIPO/JF Training Course on the Examination Practice of Industrial Property Intermediate/Advanced Program, 9 - 20 September, 2015)

Design is one of the most powerful forces in our lives. Why? Because design is an activity that must resolve the end user's need, requirement or desire in the most natural way, but when a routine is present, we are unable to realize this and unfortunately we lose consciousness and think that they are just objects that are to be used.

For example, when we wake up, what is the first thing that we see or we do?

That's a difficult question and perhaps our answer reveals a lot about our daily routine. If we pay attention to the things around us we will realize that ergonomics exist in most of the things we see, the mobile phone, the alarm clock or our slippers, the height of the chairs, the height of the desks at which we work, the keyboard, etc., Therefore, it is important to design objects or improve those that already exist to improve people's lives. One of the branches of Industrial Design that can be seen in everyday life is ergonomics, which is a discipline in which we try to understand the interaction of human beings with the elements that exist in the system; such as design of workplaces, tools, and tasks that match the anatomical, psychological and physiological characteristics of the people that use them. Have you ever thought about this?

We don't consider the process of creating a product; we only think about using it. Due to our day-to-day routine, we don't pay attention to what is involved in making a product.

What is the role of designers? They spend a lot of time developing their ideas to achieve their final product, but they also need to consider necessities, ergonomics, standards, and decisions of people.

But, what happens nowadays?

Together, tendencies and technology continuously change and constantly generate new designs. Nevertheless, that change causes a depreciation of the value from the designs that have been developed before. That's why the challenge for designers is great when incorporating a new design for a company since it implies a new way of thinking, with creativity, functionality and differentiation between the new and old.

What would happen if we stopped our routine and dedicated a little time to studying every object that surrounds us?

Let's take a look at a product that we interact with regularly in our everyday lives. How can we transform different aspects of our interaction with it?

When you buy a car, what details do you concentrate on? What are the things that catch your attention?

Maybe the shape or the space of the car? The trunk, color or accessories? These things made it unique for you, because of your age, standards, necessities, and everything unique that belongs to you only.



US00D788643S

(12) **United States Design Patent** (10) **Patent No.:** **US D788,643 S**
Bucher et al. (45) **Date of Patent:** **** Jun. 6, 2017**

(54) **VEHICLE EXTERIOR**

(71) Applicant: **Ford Global Technologies, LLC**,
Dearborn, MI (US)

(72) Inventors: **George Bucher**, Dearborn, MI (US);
Dean Carbis, Bloomfield Hills, MI (US);
Jesse R. Diephuis, West Bloomfield, MI (US)

(73) Assignee: **Ford Global Technologies, LLC**,
Dearborn, MI (US)

(**) Term: **15 Years**

(21) Appl. No.: **29/543,646**

(22) Filed: **Oct. 27, 2015**

(51) **LOC (10) CL** **12-08**

(52) **U.S. CL** **D12/91**

(58) **Field of Classification Search**
USPC D12/86, 90-92, 88; D21/421, 433, 434;
296/181.1, 181.5
CPC B62D 35/00; B62D 25/00; B62D 25/06;
B62D 33/00
See application file for complete search history.

(56) **References Cited**
U.S. PATENT DOCUMENTS
D731,923 S * 6/2015 Tanaka D12/91
D736,119 S * 8/2015 Kasai D12/91
D741,224 S * 10/2015 Roper D12/91
D741,752 S * 10/2015 Menale D12/91
D776,007 S * 1/2017 An D12/91


OTHER PUBLICATIONS
Bob Nagy: <http://www.kbb.com/car-news/all-the-latest/2017-Ford-escape-spyed/2000012056> 2017 Ford Escape spyed, dated May 15, 2015.
Mark McNabb: <http://www.topspeed.com/trucks/truck-reviews/Ford-2017-Ford-escape-sr169435.html> 2017 Ford Escape dated May 18, 2015.
Alexander Stoklosa: <http://www.caranddriver/news/2017-Ford-escape-spy-photos-news> 2017 Ford Escape Spy Photos dated May 2015.
Unknown: <http://www.autoblog.com/2015/06/25/2017-Ford-escape-spy-shots> New Ford Escape spyed inside and out dated Jun. 25, 2015.

* cited by examiner
Primary Examiner—Melody N Brown
(74) Attorney, Agent, or Firm—Damian Porcari

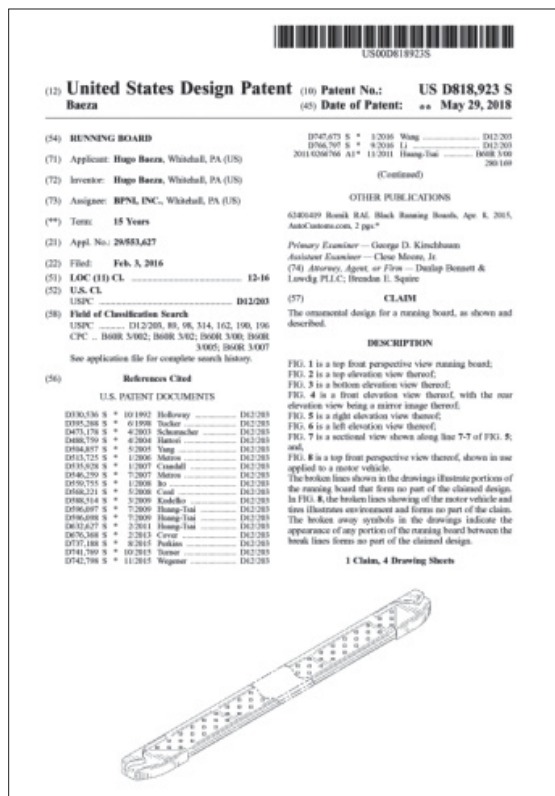
(57) **CLAIM**
The ornamental design for a vehicle exterior, as shown and described.

DESCRIPTION
FIG. 1 is a top, front and left side perspective view of a vehicle exterior, showing our new design;
FIG. 2 is a top, rear and left side perspective view thereof;
FIG. 3 is a front elevational view thereof;
FIG. 4 is a rear elevational view thereof;
FIG. 5 is a left side elevational view thereof;
FIG. 6 is a right side elevational view thereof; and,
FIG. 7 is a top plan view thereof.

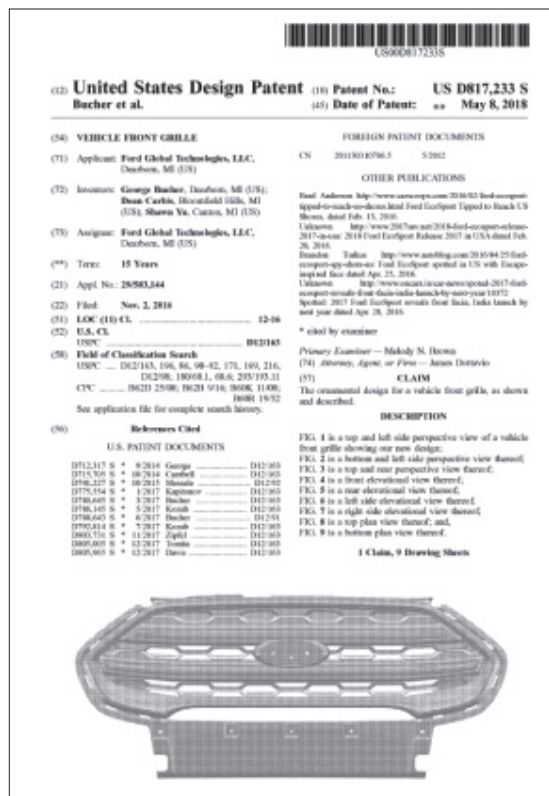
1 Claim, 7 Drawing Sheets



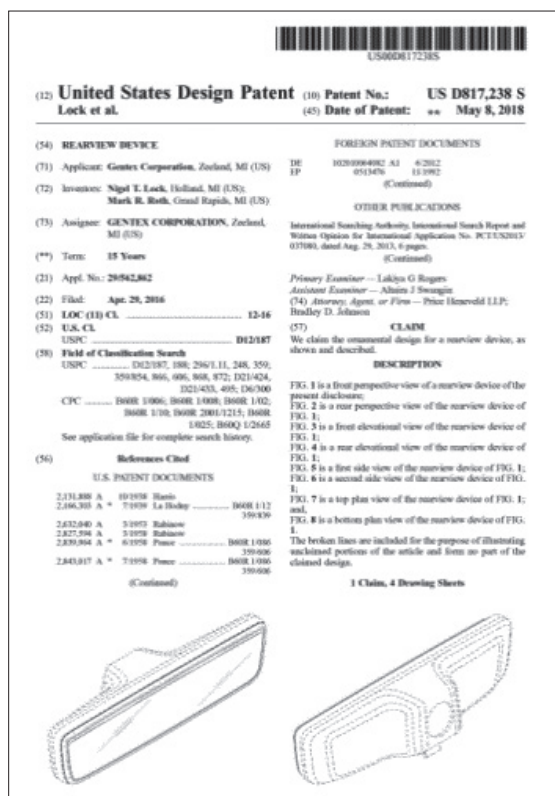
Did you know that every detail of every product is protected by an industrial design?
Here are some examples:



Running board



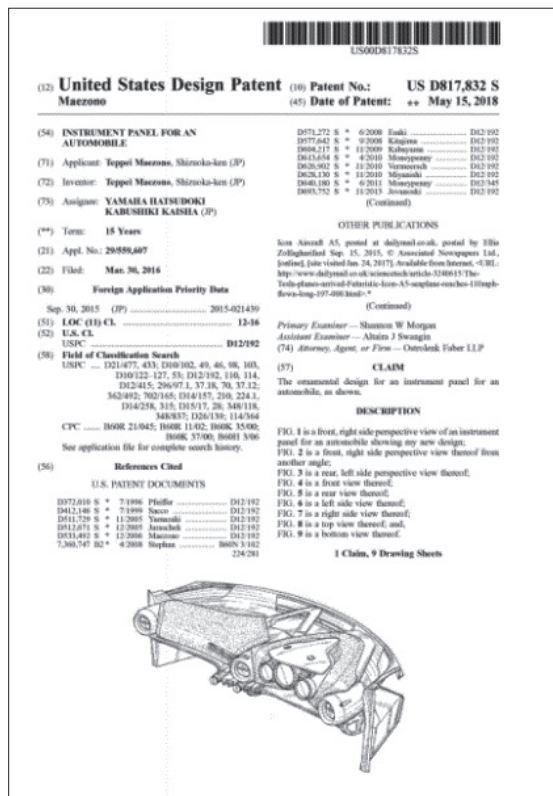
Front grille for automobile



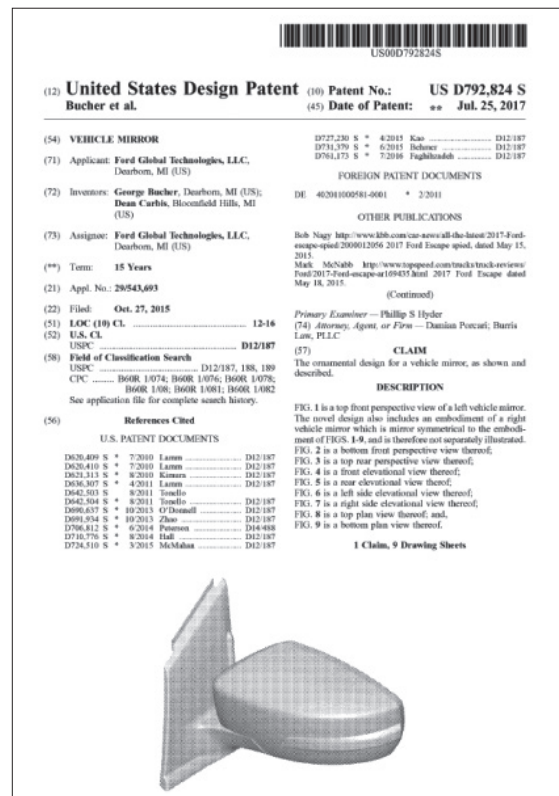
Rearview device



Wheel or rim



Instrument panel for an automobile



Vehicle side mirrors

We most likely do not stop to see these details, so we need to think about the creative effort of designers, as well as the process that leads up to the final product.

Each design creates a positive experience for users. The design influences what we think, as well as how we decide to choose a product. A good design is particularly important for hearing aids, since at the end of the day, the benefit of using a good design is an exceptional experience.

Every detail of every design has a purpose to develop a specific task!

We must remember: good design doesn't happen by accident. We see, feel and choose a holistic experience, so we need to stop and value every detail of a product. And behind all of these things there is a process and a great designer!

Design is one of the most powerful forces in our lives, so don't ignore it.

References

1. - <https://es.ford.com/suvs-crossovers/escape/>
2. - <http://patft.uspto.gov/netahtml/PTO/search-adv.htm>

6. Message from Mentor for long-term fellowship research Training Period with Young Super Leaders of Southeast Asia

Ms. Reiko Toyosaki
President
Toyosaki & Associates



The Japan Institute for Promoting Invention and Innovation is cooperating with JPO's Human Resource Development project in the field of industrial property rights. I feel that this initiative produces significant results not only for the trainees from developing countries who take part in it, but also for the host agencies.

I had an opportunity to serve as a research advisor when Ms. Indra Rathakrisnan from the Intellectual Property Corporation of Malaysia (MyIPO) and Mr. Eung Chhayhong from the Department of Intellectual Property (DIP), Ministry of Commerce of Cambodia, came to Japan as trainees for long-term research in 2015 and 2017, respectively. Through the experience of having twice served in this capacity, I feel that the role of a research advisor is to provide trainees with information unique to Japan that they didn't expect, and with facts that only IP practitioners would know.

The mission of trainees for long-term research is to conduct interviews and look for literature to collect the necessary information while staying in a country where they cannot communicate easily, as well as to bring home significant results after several months of training. They assume a heavy responsibility. The two trainees in my care were fully aware of their mission, and spent their days researching with great enthusiasm and curiosity.

Ms. Indra chose the opposition system as her research topic when she came to Japan. She chose this topic because she belonged to the opposition department in her office, dealt with opposition matters every day, and said she was weary of their number. As the number of oppositions in Japan is comparatively low, she wondered if applying the Japanese system in Malaysia would solve the issue. She therefore attempted to conduct research focusing on the opposition system in Japan.

I introduced the Japanese opposition system to Ms. Indra as her research advisor. We talked about the difference in the systems of the two countries, and then naturally moved on to brainstorm about where we could find the root of the problem. The root causes of why there are so many oppositions in Malaysia — and why it takes so much time to deal with opposition cases — may not originate solely in the system itself, but may also be related to the examination method, non-disclosure of examination standards, etc. As a result of further research, she proposed making the opposition system more efficient by adopting a similar group code to the one that is used in Japan. From my position as a research advisor, I was impressed by her persistent efforts to grasp the true nature of the issue.

Mr. Chhayhong came to Japan with an organizational reform mission involving the establishment of an appeals department that did not exist in the Department of Intellectual Property (DIP) in Cambodia at that time. Taking the number of patent applications and examinations into consideration, the Japan Patent Office (JPO) is large in scale and has a long history. He wanted to use JPO as a reference as much as possible, and

JPO was far beyond his expectations.

Mr. Chhayhong needed to perform several tasks in Cambodia concurrently, such as conducting application examinations and dealing with infringement inquiries. Therefore, he must have been unable to imagine that the roles of JPO staff are separate; and the extent of questions that each responsible staff member can deal with is limited. During the training, there were times when staff members at entities that trainees visited were flustered by the trainees' many questions on a variety of topics. Mr. Chhayhong conducted research with an overwhelmingly earnest attitude. While he was mainly conducting research on organizations and systems, he also collected all the information he could get, such as the examination practice of trademarks and related procedures, so that he could use such information in his operations after returning to his country. I was really impressed with his diligence. While advancing his research, he carried out simulations concerning what kind of appeals department should be established in his country, and how budget and personnel should be allocated, by adjusting the information that he acquired through his stay in Japan to fit the size of his country, rather than just bringing back raw data. His attitude seemed to show his will and determination to contribute to his country as a next-generation leader.

As we discuss with trainees about the topic they select, both trainees and hosts notice something new and surprising. I think that providing such an experience is the most important role of this human resource development project. If we simply depend on the accumulation of trust that has been built during the long history of this program, I feel that Japan will be surpassed by other countries over the course of time. I had such a feeling of impatience during the period I spent as a research advisor.

It is easy to imagine that both Ms. Indra and Mr. Chhayhong will become next-generation leaders at IP offices in their own countries. I feel proud of having had an opportunity to study hard with them, and will continue to build upon this experience. Furthermore, I strongly hope that this human resource development project will become a bridge between Japan and other countries in the field of intellectual property.

Hosting Long-Term Researchers and Supporting their Research

Mr. Tetsuya Imamura

Associate Professor
School of Information and Communication
MEIJI University



1. Introduction

Based on a request from the Japan Institute for Promoting Invention and Innovation (APIC), I took the opportunity to host long-term researchers and support their research as part of the “Industrial Property Rights Human Resource Development Program,” by serving as adviser to long-term researchers. Specifically, I assisted Ms. Indra Rathakrisnan, Intellectual Property Officer, Malaysian Intellectual Property Corporation of Malaysia (MyIPO) in 2015 and Mr. Alizar, First Patent Examiner Directorate General of Intellectual Property Rights (DGIPR), Ministry of Law and Human Rights of Indonesia in 2016.

In principle, as supervisors, the APIC staff were responsible for supervising papers. I, as an academic at the university, was expected to advise the researchers on various matters including how to write papers, as the program included writing up papers based on research findings. In other words, my role as an academic was to ensure the quality of papers from an academic perspective, considering that not all researchers have experience in writing papers, since the outcome of this project was to be published externally. In addition, Ms. Indra wished to be accepted as a researcher at a university so that she could have access to literature such as academic journals. I therefore took the necessary steps to register her as guest researcher at Meiji University.

2. Arrival in Japan and Country Report presentations

I met with each researcher soon after their arrival in Japan, and we had further discussions on their research topics.

Ms. Indra’s research topic before arrival was “The Requirement of Use in Trade Marks,” but she subsequently made substantial changes to this. At the first meeting after her arrival, I registered her as a guest researcher at Meiji University and gave her general advice on how to proceed with the research.

Mr. Alizar’s research topic before arrival was “Intellectual Property Rights for Medicinal Plants.” At the first meeting, I offered him some basic literature for the research and gave him general advice on how to proceed with it.

Both researchers explained the state of affairs related to intellectual property in their home countries and their research proposals at the Country Report presentations shortly after arriving in Japan.

3. Subsequent meetings and Final Report presentations

After meeting with the APIC staff and advisor, Ms. Indra substantially changed her research topic to “Issues in the Trademark Opposition Proceedings in Malaysia and the Suggestions from Japanese

Experiences.” At the second meeting, I gave her advice on methods to compare Japanese and Malaysian appeal systems. At the third meeting, I advised her on how to write up the Final Report. The focus of the last meeting was how to summarize the results of interviews with officials from the Trademark Division of the Japan Patent Office.

While there was no major shift in Mr. Alizar’s research topic, after his arrival in Japan, he substantially changed his area of specific focus with regard to issues of intellectual property protection for medicinal plants. My advice at the second and third meetings, respectively, was on how to write papers and the Final Report, as well as the presentation of the Report.

At each meeting, I offered advice not only on the contents but also on methodology of the research. In addition to interviews and data analysis, both researchers adopted a comparison of legal systems as their research method. I therefore introduced to them papers on methodology of the comparison of laws and literature on how to write reports in law.

Each researcher reported their findings at the Final Report presentations. After the presentations, they made necessary amendments to their works, which are now on the website of the Japan Patent Office.

4. Conclusion

In addition to meetings for research, I had the pleasure of inviting Ms. Indra and Mr. Ramil R. Llantos from the Intellectual Property Office of the Philippines to spend time with my family at home. I am sure Mr. Alizar enjoyed his stay in Japan as well.

Both Ms. Indra and Mr. Alizar conducted original research and were eager to make the most out of the field research opportunity in Japan. The Research Reports, detailing the final outcome of the research, contain findings that could not have been obtained without coming to Japan, such as the results of interviews with officials from the Japan Patent Office and hearings at Japanese companies. I believe that they are well worth reading and sophisticated enough for those who share a common awareness of the issues in their home countries.

This program was a valuable experience not only for the researchers but for me as well.

7. Interview with Committee Member

— What We Want to Hear: Intellectual Property Rights Are Global Passports: Protecting Both Technology and Brand by Design Right —

Mr. Kazushi Takemoto, Senior General Manager, Intellectual Property Department,
MONOZUKURI Division, Suntory Holdings Limited



Suntory has been transmitting information about the “Yatte Minahare” spirit (spirit of challenge) to society through designs since its foundation in 1899. We interviewed Mr. Kazushi Takemoto, who is the Senior General Manager of the Intellectual Property Department, MONOZUKURI Division, Suntory Holdings Limited, and also served as the President of the Japan Intellectual Property Association, with a focus on “designs.”

Interviewer: Tell me about your company, Suntory.

Takemoto: Suntory was originally Torii Shoten, which was founded by Shinjiro Torii in Osaka-shi in 1899. The spirit of challenge, “Yatte Minahare” spirit, and coexistence with society, “giving back to society,” which are the founding spirits of Suntory, have been handed down to the current Suntory and have firmly taken root as the corporate culture. The “Yatte Minahare” spirit is the spirit of challenge of the founder who developed the Japanese liquor culture, including whiskey, and “giving back to society” indicates the founder’s aim for coexistence with society, that is, wishing to make use of profits from business not only for “services for valued customers” and “reinvestment in business,” but also “contribution to society.”



Original product development
(Fig. 1: History of Suntory’s Product Development)

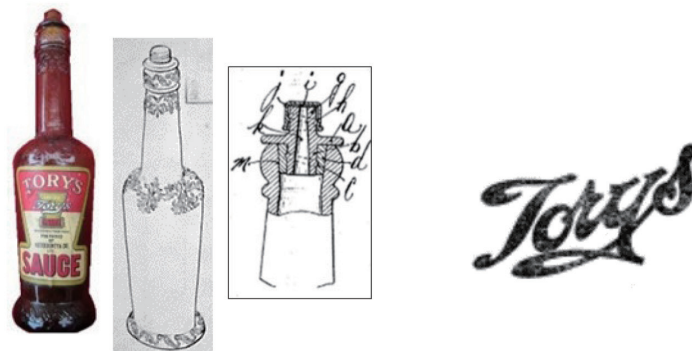
Based on these founding spirits, Suntory devised the Japanese liquor culture, including whiskey, and developed various business fields, such as beer, soft drinks, and healthy food, as a comprehensive alcoholic beverage and food company. Suntory launched “Akadama Port Wine” (now sold as Akadama Sweet Wine) in 1907, and also launched whiskey “Kakubin” in 1937, beer “Jun-nama” in 1967, “Suntory Oolong Tea” in 1981, flower “Surfinia” in 1989, healthy food “Sesamin” in 1993, beer “The Premium Malt’s” in 2003, Japanese green tea “Iyemon” in 2004, ready-to-drink, canned chu-hi “-196°C” in 2005, and non-alcoholic beer-like beverage “All-Free” in 2010. Suntory has a history of market creation through its original products.

Interviewer: When did Suntory start to put emphasis on intellectual property activities?

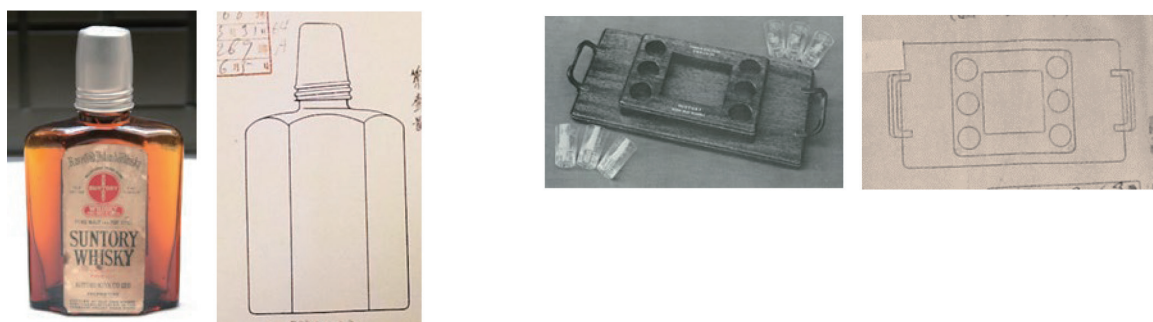
Takemoto: Suntory’s intellectual property activities have a long history and date back to the Meiji Era.

To cite a case, the founder, Shinjiro Torii, filed a design application for the shape of the bottle of rich sauce “Torys Sauce” before launching it in 1928. It should be noted here that he filed a utility model application for the specially-shaped mouth of the bottle and a trademark application for trademark “TORYS,” in addition to the design application. He realized multifaceted protection by intellectual property rights, that is, what is now called a mixture of intellectual property rights, at the time.

Suntory launched the first authentic domestic whiskey, “Suntory Whiskey Shirofuda,” in 1929, and filed a design application for the pocket-sized bottle of “Suntory Whiskey Shirofuda Pocket,” which is a type of “Suntory Whiskey Shirofuda” put in a pocket-sized bottle, the next year, in 1930, before launching it. Furthermore, Suntory developed a service tray on which a whiskey glass can be set and filed a design application therefor in 1932. In this manner, Suntory has employed a value chain-conscious strategy since then by filing design applications for marketing tools, as well as package designs.



(Fig. 2: Actual Product and Design/Utility Model/Trademark Drawings of Torys Sauce)



(Fig. 3: Actual Products and Design Drawings of Shirofuda Pocket and Service Tray)

From a business perspective, it is a company's important responsibility to stably provide consumers with secure and safe goods and services, and the intellectual property system protects such the business of such companies.

Therefore, companies try to protect their goods and services by using every industrial property right, including patent rights, design rights, and trademark rights. From such a perspective, a mix of intellectual property rights have been used as a beneficial method.

As patent rights, design rights, and trademark rights have different characteristics, a mix of intellectual property rights is considered to further increase the power of individual rights through their combination.

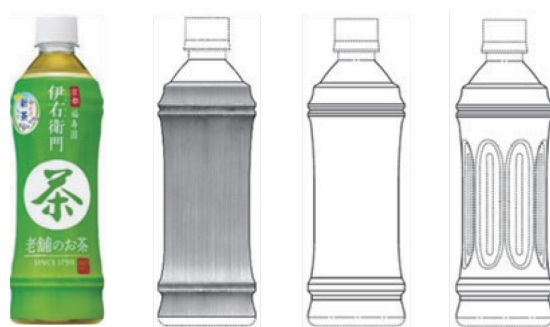
Interviewer: Suntory is highly valued, particularly for its efforts for designs. Tell me about the way of thinking about designs.

Suntory has transmitted information to society through designs since its founding in 1899. Whiskey has a long history. In the whiskey business, designs themselves, including the shapes of bottles, serve as the brands of individual goods. Shapes are very important, and we think that they are our company's assets. We are also actively utilizing design applications as well as patent applications. We believe that we are highly conscious of the value of designs.

When filing a design application, we make a determination based on the following three policies: first, protection of a brand, next, protection from technical and functional aspects, and lastly, marketing support.

The tea named Iyemon launched in 2004 is put in a bamboo cylinder-shaped package. Its product concept is a water flask in the Edo Era, and bamboo joints are marked on the plastic bottle.

The commercial message for Iyemon is also associated with the Edo Era. We made the product itself by the shape. What consumers see first is a package. When seeing a package, consumers have an image of delicious tea, and open the bottle and drink the tea. After that, competition is for taste. Therefore, technology is important.



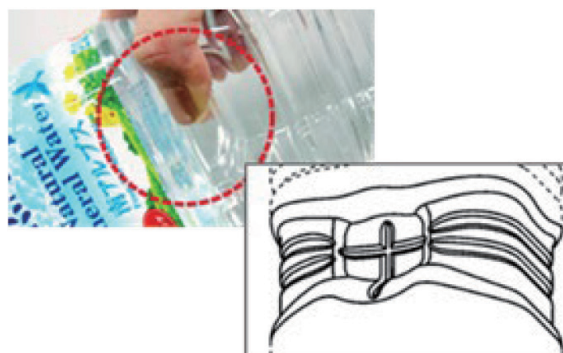
(Fig. 4: Photograph and Design Drawings of Iyemon)

A company's intellectual property includes technology and brands. Technology is protected by patents and brands by trademarks, but designs can protect both technology and brands. That is, designs can provide technical support and also serve as trademark-like brand messages. Therefore, designs can be considered as important assets for strong management strategy. Designs seem to be the simplest management assets. Even if other companies imitate a design with a strong brand message, it is nothing more than imitations in the end. In addition, for European automobiles, a cycle of model change is very long. Seeing such example,

designs are also considered as assets to be fostered.

In general, design rights are recognized as protecting those whose life cycle is short, that is, those whose design is always changing. However, from the perspective of brands, it is also an important way of utilizing design rights to hold a design for a long period of time and increase commercial value.

Next, it is possible to protect a functional part of an original package that can be a brand asset by a design right. For example, a two-liter plastic bottle has grip parts called finger spots and an easy-to-grip shape can be protected by patent right and design right.



(Fig. 5: Photograph and Design Drawing of a PET Bottle with Finger Spots)

We also file design applications for the ideas of marketing tools for the purpose of protecting the value chain of business.



(Fig. 6: Photograph and Design Drawing of a Jug)

Interviewer: A design right has two big roles, specifically, the role as a brand and the role of protecting a technical aspect, that is, a functional aspect. In the present example, the design right makes a stronger intellectual property portfolio in collaboration with a patent right in the technical aspect. When new technology emerges, companies perhaps have eyes only for obtainment of a patent right and do not come up with obtainment of a design right in many cases.

Takemoto: I think that the important thing is a consumer's perspective. Elements based on which consumers make a choice include design, as well as technology and brand. Let's take air-conditioning equipment as an example. Dozens of models of air-conditioning equipment are lined up at a mass retailer. If those models are not much different in energy-saving effect and their prices are similar, the decisive factor is probably design. I think that one of the important elements based on which consumers make a choice is design. In that sense, it is important to determine whether to file a patent application and a design application not

from the company's perspective but from the consumer's perspective.

Interviewer: What is Suntory's obsession with design?

Takemoto: The first is Japanese spirit combined with Western learning.

Whiskey is liquor. However, based on the strong desire of our founder who intended to make whiskey in Japan, "Expressing Japanese touch not only in the content but also in the bottle," a turtle shell pattern was adopted for the bottle of "Kakubin", and the bottles of "Old" and "Royal" that were launched thereafter also have designs that are in motif of ancient Japanese things. We did not pursue Western elements of Scotch, but incorporated good parts of Japanese style. Now "Hibiki" and "Yamazaki" have come to gain world recognition as Japanese whiskey, and Japanese spirit combined with Western learning have also become a new genre. Such "ambiguousness" that does not place a disproportionate emphasis on either Western style or Japanese style is one of the characteristics of Suntory's designs.



(Fig.7: History of Suntory's Whiskey)

Next, we are conscious of relationship and range.

The genre of whiskey has a deep relationship with consumers but its width (range) of consumers is narrow. On the other hand, soft drinks have a shallow relationship with consumers but their range is wide. "canned Kaku Highball" turned a product that has a deep relationship with consumers, "Kakubin," into a product with a wide range by providing "Kakubin" in a can as a simple and convenient way of drinking, that is, diluting it with soda water. On the other hand, "Iyemon" has deepened relationship in the context of "Kyoto" and "long-established store" in a genre of green tea with a wide range. "Diversity" that realizes a broad approach without being bound by a genre is also one of the characteristics of Suntory's designs.



(Fig. 8: canned Kaku Highball and Iyemon)

Then, we are conscious of dots and lines.

Suntory has an in-house design division. It is confirmed that Suntory had a design division in an advertising department in 1921, and the design division will soon mark its 100th anniversary. A design of an individual product is one dot, but the in-house design division can make a line by connecting the dots of designs of a huge number of products, including dots of failed designs, and make an infinite number of combinations by using lines of product genres as warp threads and lines of colors, logos, product shapes as weft threads,

thereby producing new creations. We believe that this can be achieved only owing to the “in-house design division.”

Suntory is aiming at further evolution.

Many companies probably have rules and manuals on designs. Suntory does not have many such rules and manuals. The “Yatte Minahare” spirit, “ambiguousness,” and “diversity” serve as a basis for design creation. Amid progress of globalization, we would also like to sustain such characteristics.

Interviewer: You have been a member of the JPO Cooperation in Human Resource Development. What bothers you in filing an application in a developing country? What are the problems? In addition, what do you ask of examiners?

Takemoto: The following are pointed out as problems: (1) the examination period is long, (2) Japanese cannot determine whether a translation is truly correct, and (3) it is difficult to obtain gazettes.

I have the impression that many examiners who participate in the training are earnest and making efforts. I think that it is better for each country’s intellectual property office to recruit examiners more actively in the future. I believe that examiners can conduct further high-quality examinations if they have an opportunity to understand technology as well as the legal system.

Interviewer: Lastly, please give a message to trainees and fellow alumni.

Takemoto: In the past, Japan has had to beat out the competition with technology because it is a country that lacks resources and is disadvantageous in geopolitical terms. It goes without saying that Japan could achieve economic development owing to the intellectual property system. In this day and age after globalization, intellectual property rights have become indispensable in the case of developing overseas businesses as “global passports.”

You, who have been invited here, are probably in the position of building the foundation of the intellectual property system in your countries. Society and life change according to the operation of intellectual property. For example, industry in your countries develops, and investment from overseas increases through development of the intellectual property system and utilization of intellectual property rights. The JPO Cooperation in Human Resource Development which Japan develops, has provided cooperation for the development of the intellectual property system in each country and has been making efforts to create an intellectual property world where each country and Japan can coordinate with each other.

The final point I would say is that although the intellectual property system and intellectual property are important infrastructures and assets, “construction of climate where intellectual property is created” is indispensable as the basis therefor.

It is not possible to conduct business with intellectual property right itself. The value of intellectual property forms the basis of business, and it enriches society and makes life pleasurable and joy.

I hope that, with this in mind, you will improve your skills by using training and follow-up under this project and work hard as leaders who lead the operation of the intellectual property system so that your countries will create intellectual property and that value of intellectual property will lead to the happiness of the people.

Please make good use of “global passports.”

8. Column: Autumn is the Best Season to Enjoy the Arts



Mr. Takao OGIYA
Director General of APIC

Among the four seasons we enjoy in Japan, I like autumn the most. This may be partly due to the fact that I was born in October:

A research company in Japan conducted a survey that asked the question: “What do you think autumn is the best season for?” The most common answer was “enjoying autumn’s seasonal foods.” This was followed by “reading books,” “doing sports,” and “enjoying the arts.” These results show that many people feel that autumn as a season is crisp, provides many delicious foods, and makes them feel motivated.

In this essay, I would like to focus on autumn as the best season to enjoy the arts. Autumn is a comfortable season, which means that our creative enthusiasm increases and our minds work actively. The natural environment changes significantly, as if encouraging our creative activities. The leaves on deciduous trees in fields and mountains change color to red, orange and yellow, providing striking contrast against the bright blue sky and the green of evergreens (Figure 1). Also, the natural sounds of insects like crickets are pleasing to the ears. Fragrant olives, roses and herbs give off a refreshing scent, and a comfortable wind brushes our cheeks gently. We can also enjoy eating a variety of specialties in autumn, so all five senses greatly stimulate our imagination and creativity. In this way, we become highly-motivated during the autumn season toward creative activities, and we develop an interest in paintings and other artworks, along with music and plays.



Many Japanese people tend to go to art museums, concerts, or theaters in autumn, even if they are not very familiar with or do not usually experience the arts. They do this because we have a saying in Japan that autumn is the best season for enjoying the arts.

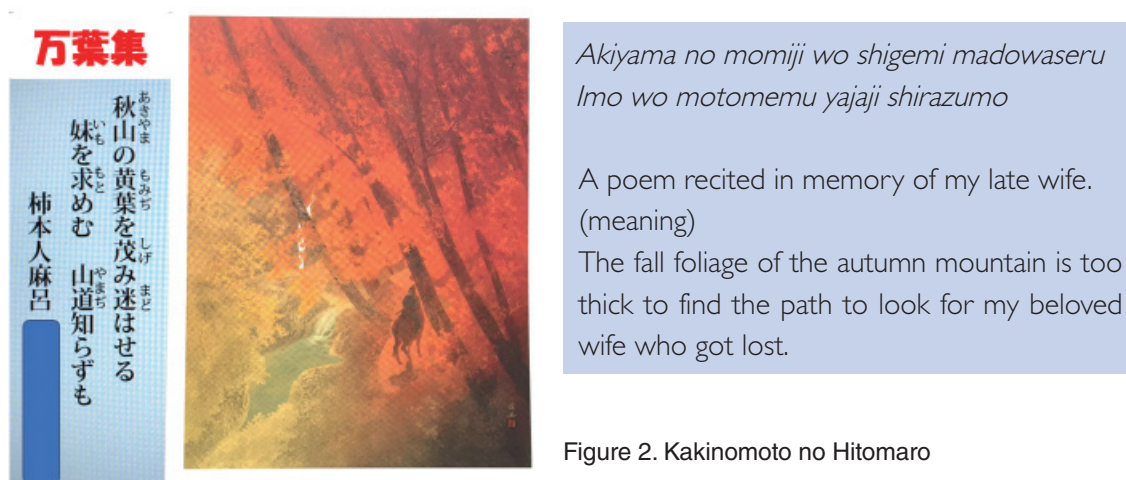
Looking at this psychology, many Japanese people feel that they are not familiar with the arts. They firmly believe that the arts are not a part of their daily lives, but that such pursuits should rather be enjoyed by people who are rich and have a great deal of leisure time. On the other hand, they have a strong desire to enjoy great paintings, sculptures, music, plays and the like. Such people go to enjoy the arts while thinking, "It's okay for me to do so sometimes, isn't it?", concocting an excuse wherein they reason that such activities are not completely necessary—all because they heard that "autumn is the best season to enjoy the arts."

You may think that the next step is to actually try to engage in artistic activities oneself, but in fact, things normally do not go so smoothly. Many Japanese people learn the piano or violin when they are children, and some may attend a painting class. However, once they stop taking lessons as they grow up, it is not easy to start again.

Therefore, I'd like to suggest a way of enjoying the arts in Japan during autumn.

That is to take photographs of the autumn colors. Go to a mountain, a forest or a valley with a digital camera, or even a smartphone, and take photos of scenes that you find beautiful. Then, add a simple comment, a poem, or story to the photographs, and store them on your device, print and file them, or post them on SNS, such as Instagram. Next, show the photos to your family members and friends and share comments about them. This can be easily enjoyed by just about anyone, and satisfies our creative desire because we can make our own original works.

In Japan, people have enjoyed the beauty of autumn colors since long ago. Tanka is Japan's oldest known form of poetry, and its oldest anthology is Manyo-shu, compiled during the Nara Era (the 8th century A.D.). It includes works that were composed on the theme of autumn colors by Kakinomoto no Hitomaro, and other superb poets of the time (Figure 2).



*Akiyama no momiji wo shigemi madowaseru
Imo wo motomemu yajaji shirazumo*

A poem recited in memory of my late wife.
(meaning)

The fall foliage of the autumn mountain is too
thick to find the path to look for my beloved
wife who got lost.

Figure 2. Kakinomoto no Hitomaro

During the Edo Period (the 17th century A.D.), enjoying autumn leaves became a common outdoor amusement for the common people. Utagawa (Ando) Hiroshige, a famous Edo era artist of ukiyoe (wood-block prints and paintings), produced landscapes on the theme of autumn colors (Figure 3).

安藤広重



Figure 3. Utagawa (Ando) Hiroshige

Leaves contain chlorophyll, which is a green pigment that performs photosynthesis, and a yellow pigment called carotenoid. Since the amount of chlorophyll is overwhelmingly higher than that of carotenoid, leaves appear green. However, as sunlight hours shorten and the weather grows cold in autumn, chlorophyll degrades and is absorbed into the branches. The carotenoid remains inside the leaves, turning them yellow.

On the other hand, for trees like maples, a suberose abscission layer found at the base of the leaves blocks the movement of substances. The sun shining on the leaves produces a red pigment called anthocyanin, and the leaves turn red. The production of anthocyanin changes in subtle ways depending on the amount of sunlight and the difference in temperature between daytime and nighttime, which causes differences in the leaves' colors.

Autumn colors are, so to speak, the aging phenomenon of leaves, then. In the case of people, various characters are formed depending on how they have lived their lives. Those who have faced challenges and encountered difficulties when they were young may age gracefully. I think that people are enchanted by the beauty of autumn leaves because they project their own lives onto the delicate colors of the leaves.

Many people probably think that the best time to travel to Japan is during cherry blossom season. However, it is also possible to see wonderful nature during the season when leaves turn red and yellow.

“Autumn is the best season to enjoy the arts” is an expression unique to Japan. However, autumn can be enjoyed by everyone. To do that, it is better to come to Japan during the season when the leaves change color. I hope you will have the opportunity to enjoy the beautiful sight of nature in Japan, take photographs, project your own history onto them, and create your own works of art in the process.

9. Happenings in Japan (Four-Frame Cartoon)



10. Editor's note



Hello! Mitty here. In Japan, the season is now changing from autumn to winter.

This issue has focused on the topic of designs. Personally speaking, I have never created designs myself, but when I go about choosing a product, I normally prioritize its design. With so many technologies and items out there, it would not be an exaggeration to say that consumers now base their choices upon the factor of design.

The Japan Patent Office has begun premising its management upon design, which makes it clear that we are no longer living in an era characterized simply by “things”; but rather, one focusing upon “how to design.”

Thinking about the matter of designing our own lives, it occurred to me that humans are constituted to emphasize our own distinct qualities rather than to focus upon what others around us think. I believe that each one of us is, in essence, a unique work out of art that has been designed to feature a face and physique possessed by no one else in the entire world.

How each of us goes about continuing to design ourselves is up to us alone. Everyone has different ways to enjoy themselves, and we should spend our time doing things that we love.

“If one lives to see old age, I wonder if one can look back on the hard times with the soft edge of nostalgia, just as I reminisce about past trials and tribulations today.” (Ogura Hyakunin Isshu No. 84: Fujiwara no Kiyosuke Ason)



Hello, it's Hiroko. The No.20 issue features “Design”. Speaking of design, I would like to tell you a little about the design of Japanese traditional clothing, kimono. Kimono can be a form of art. The art of kimono is all about the combination of the pattern and the color. The character of the textile design is basically taken from beauty of nature: flowers, birds, waves, wind and the moon. There are four distinct seasons in Japan and we appreciate each season. The textile design of a kimono depicts the beauty of four seasons. Therefore, the pattern of the kimono you wear has to match the season at the time. As an example of floral patterns, we wear a kimono with the pattern of cherry blossoms in spring, hydrangea in summer, red or yellow leaves in autumn, and chrysanthemum in winter. When you buy a kimono in Japan (or you have bought one before), please take a look at what kind of design pattern it is to know when to wear it. Enjoy!

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