

縁

E N I S H I

IP Friends Connections

No.24 March 2020

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

【The meaning of 縁 (Enishi)】

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

Table of Contents

1. **Message from International Cooperation Division, JPO**
2. **FY2019 Training Courses Completed (Yearbook)**
3. **Report of FY2019 Follow-up Seminar from APIC (Brazil)**
4. **FY2019 Follow-up Seminar Completed (Yearbook)**
5. **Questionnaire Results IPR training course in Japan and appreciation for your cooperation**
6. **Introduction of FY2019 Long Term Fellowship Researchers**
 - 1) ¡Hola amigos! Mr. Alejandro Cafiero (Argentina)
 - 2) Sawasdee Krub Mr. Thinet Saktrakun (Thailand)
 - 3) Sawasdee ka :) Ms. Chayaknit Kanchanakaroon (Thailand)
7. **Training course experience in Japan**
 - 1) My Enigmatic Visit to Tokyo Ms. Sofia Miñano Suarez (Peru)
 - 2) One Time is Never Enough for Japan
Mr. Photchara Photcharawepas (Thailand)
8. **Articles from the former trainees**
 - 1) The Issue of Partial Design in Brazil
Ms. Ana Luiza Alecrim De Lacerda (Brazil)
 - 2) The Rhythm of Industrial Design and the Shape of Music
Mr. Freddy Alexander Saavedra Siabatto (Colombia)
 - 3) Section 3(i) of Indian Patent Act: Touching on Non-Patentability,
Exceptions and Grey Area Mr. Ankush Mehta (India)
9. **Column: Sakura**
10. **Introduction of Japan: Hagoita ichi (battledore marketplace)**
11. **Introduction of Japanese Annual Event (Four-Frame Cartoon)**
12. **Editor's Note**

Message from International Cooperation Division, JPO

Dear IP Friends,

We think “IP Friends” are playing an active part in each country and each organization in the field of Intellectual Property (IP). In fact, IP Friends can be seen participating in international conferences held by the World Intellectual Property Organization (WIPO), and numerous other IP related events held worldwide. IP Friends are also very visible on the Internet, voicing their opinions and promoting IP. And this is NOT surprising. After all, there are now over 6,600 IP Friends around the world.

For over 20 years the Japan Patent Office (JPO) has undertaken activities aimed at supporting the human resource development of other countries. And with the change in the trends of the times, the “behavior” of the trainees have also changed. Before the spread of the cell phone and the Internet, trainees would use public pay phones to contact their home country. The priority was on finding inexpensive international call services and making short calls, saying only what was important. Now, however, we have reached the age in which nearly all trainees travel with their smartphone and use various applications to stay in touch with their family and friends, and communicate just as if they were still in their home country. It’s also possible to search for information on an authentic “Ramen Shop” even before arriving in Japan. Technology has greatly changed our lifestyles, and nobody knows what further changes we can expect in the future.

In this new era, it is necessary for the JPO to constantly revise and update the contents of its training materials and lectures. The JPO offers a great number of materials and lectures with topics related to IP, as well as the JPO’s experience in practical operation and effective management. However, we have received more and more requests for other types of lectures such as “hands on lectures rather than basic lectures,” and “discussion and exchange of information among trainees on the latest practical operation of AI and IoT.”

From the perspective of planning and operating these kinds of training programs, we are honestly troubled... There is a feeling that the term “AI” is walking alone as a buzzword, therefore what a person in Country X imagines AI to be may be completely different from what a person in Country Y imagines. We have invited trainees from over 70 countries and various organizations, all with varying and unique national characters, cultures, laws, languages, and IP systems, and it is really difficult to provide course contents which satisfies every trainee fully. The key may be to include as much as possible in the contents to satisfy as many trainees as possible, and then continuously revise, update and improve the contents to meet the needs of more and more trainees.

With technological development, the format of training programs will greatly change. Rather than

coming to Japan, it may be “technologically” possible to provide on demand training programs to trainees through their PCs or smartphones. However, as we are responsible for the training programs, we feel it is essential to provide the same “atmosphere” for discussions as face-to-face lectures conducted in a classroom. Technology is certainly convenient and can resolve many issues. On the other hand, seeing each other’s smiling faces on a screen and hearing each other’s voices through a speaker is not the same as being in the same room with someone.

IT is a wonderful tool, yet we don’t think it can quite compare to direct communication. In the near future, new inventions may be born that go beyond face-to-face communication, but it seems that we still have a little way to go yet. Therefore, at least for the time being, we will continue to welcome you and your colleagues to Tokyo!



2

Training Courses Completed (Yearbook)



IP Trainers



Trademark Examination Under the Madrid System



Intellectual Property Asset Management for African Countries
in cooperation with WIPO



Promoting Public Awareness of IP



Academia-Industry Collaboration and Technology Transfer



Substantive Examination of Design



Patent Examination Management



Establishing Patent Examination Guidelines



Practitioners Specializing in Patents



Information Technology



IP Protection Lawyers



Substantive Examination of Trademarks



General Management of IP Office



Patent Examination Practices for Viet Nam



Design Examinations Under the Hague System



Patent Examination in Specific Technical Fields
for Latin American Countries



Trial and Appeal System for ASEAN



Anti-Counterfeiting Measures for Practitioners



Practitioners Specializing in Trademarks

Report of FY2019 Follow-up Seminar (Brazil)

For the two days of November 28 and 29, 2019, a seminar was held in Rio de Janeiro, Brazil, hosted by the Japan Patent Office, supported by the National Institute of Industrial Property (INPI) of Brazil, and organized by the Japan Institute for Promoting Invention and Innovation. Since a number of examiners and other staff from INPI had participated in a training course in Japan, the seminar was mainly a follow-up of the training course for those INPI personnel.

At the request of INPI, the seminar focused on the use of AI in operations at IP offices, as well as the latest technical trends in the pharmaceutical industry.

In the opening ceremony, INPI President Mr. Claudio Furtado expressed his gratitude to the Japanese staff for holding the first seminar in Latin America and mentioned measures taken by the IP office for AI and other new technologies, and improvements in the system of the IP office. Mr. Tetsuya OTSURU, Consul-General, Consulate General of Japan in Rio de Janeiro, expressed his wish for further cooperation between Japan and Brazil.

In lectures on the part of Japan, explanations were given on the progress of considering the introduction of AI in operations at the Japan Patent Office, cases of examination guidelines for patents on inventions involving AI, and the latest technical trends in the pharmaceutical industry. On the part of Brazil, lectures described possible uses of AI in operations at the IP office, the current situation of examinations on inventions involving AI, and future challenges. Brazil also introduced various measures to be taken by



Lecture by a Brazilian lecturer
(Mr. Vagner Latsch, Coordinator of Patents, INPI)

the IP office in the future, indicating that the office is going to actively use AI for categorization and search automation to optimize and speed up examinations, as well as actively establish systems and environments, and train personnel to this end.

In addition, a signing ceremony on the implementation of the Patent Prosecution Highway (PPH) between the Japan Patent Office and INPI was held during the seminar. An announcement of the latest news included that while a 2-year limited trial program was launched in 2017, the Japan Patent Office and INPI have made revisions and are now going to implement a new 2-year PPH trial program from December 1, 2019 that will be available for all technical fields.

Lastly, the seminar raised attendees' awareness of the cooperation between the IP offices of Japan and Brazil. It is hoped that the trainees will make use of the contacts they made through the seminar in their future work.



Seminar in progress

FY2019 Follow-up Seminar Completed (Yearbook)



Follow up Seminar in Viet Nam



Follow up Seminar in Brazil



Follow up Seminar in Lao PDR



Follow up Seminar in Malaysia

Questionnaire Results IPR training course in Japan and appreciation for your cooperation

As you know, we requested that everyone who completed our seminar from April 2016 to September 2019 fill out our questionnaire in order for us to evaluate the effectiveness of the seminars.

In order to continue advancing JPO's "Cooperation in Human Resource Development," we would also like to ask for your active participation as IP Friends in various projects for our course alumni.

Thank you again for your cooperation with our survey.
The tallied results for each question are as follows:

Details of the Survey

1) Survey period: November 7, 2019 - December 16, 2019

2) Area of survey:

1. Trainees that completed JICA training courses from FY 2016 - FY 2019
2. Trainees that completed JPO short term training courses and JPO long term research programs from FY 2016 - FY 2019

excluding those whose contact information (email) is unknown.

Government employees: 871 trainees, private sector employees: 310 trainees (total: 1,181 trainees)

3) You may respond either by completing this online questionnaire

■ Number of replies

	Valid responses (Number of people)	Number of questionnaires sent	Response rate (%)
Government sector	419	871	48%
Private sector	191	310	62%
Total	610	1181	52%

■ Breakdown of respondents (classification by field)

		Number of valid responses (Number of people)	Number of questionnaires sent (Number of people)	Response rate① (%)	Response rate② (%)
Government sector	Intellectual Property Office	395	817	48%	65%
	Court	3	5	60%	0%
	Prosecutor's Office	2	3	0%	0%
	Police Office	0	1	0%	0%
	Customs Office	11	24	46%	2%
	Other	8	21	38%	1%
Private sector	Research Institute	13	23	57%	2%
	University or Educational Institution	60	94	64%	10%
	Government-related Organization	3	8	38%	0%
	Employee of a private company	28	47	60%	5%
	Employee of a legal or consulting firm	87	138	63%	14%
	Total	610	1181	52%	100%

※ Response rate① indicates the ratio of valid responses to questionnaires sent within each field.

※ Response rate② indicates the ratio of valid responses of each field to the total number of valid responses.

1-1. What kind of activities did you conduct after completing the training? (Multiple answers allowed)

Number of valid responses by government employees			Number of valid responses by employees in the private sector		
	(Number)	(%)		(Number)	(%)
1) Reporting [Submitted a written report (details/results of the training) to the office]	346	83%	1) Reporting [Submitted a written report (details/results of the training) to the office]	73	38%
1) Reporting [Reported verbally the details/results of the training to the office]	196	47%	1) Reporting [Reported verbally the details/results of the training to the office]	153	80%
2) Self-improvement [Utilized the training text as a reference book or as a useful reference tool for my work]	265	63%	2) Self-improvement [Utilized the training text as a reference book or as a useful reference tool for my work]	139	73%
2) Self-improvement [Reviewed what I had learned in Japan after returning to my home country]	289	69%	2) Self-improvement [Reviewed what I had learned in Japan after returning to my home country]	136	71%
2) Self-improvement [Became increasingly aware of Intellectual Property and have started studies on my own after returning to my home country]	203	48%	2) Self-improvement [Became increasingly aware of Intellectual Property and have started studies on my own after returning to my home country]	113	59%
3) Spreading knowledge to others [Held a study group or seminar]	189	45%	3) Spreading knowledge to others [Held a study group or seminar]	101	53%
3) Spreading knowledge to others [Submitted articles to a research journal or magazine]	36	9%	3) Spreading knowledge to others [Submitted articles to a research journal or magazine]	23	12%
3) Spreading knowledge to others [Exchanged information with other trainees from a different country that attended the same course]	206	49%	3) Spreading knowledge to others [Created materials or documents regarding IP]	81	42%
4) Other [Did not engage in any specific activities]	81	19%	3) Spreading knowledge to others [Exchanged information with other trainees from a different country that attended the same course]	100	52%
4) Other	29	7%	4) Other [Did not engage in any specific activities]	14	7%
Total	1840	439%	4) Other	12	6%
			Total	945	495%

1-2. What did you find useful in the training- (Multiple answers allowed)

Number of valid responses by government employees			Number of valid responses by employees in the private sector		
	(Number)	(%)		(Number)	(%)
1) Awareness of IP [It increased my awareness of IP trends in Japan, and the IP policies of the JPO]	356	85%	1) Awareness of IP [It increased my awareness of IP trends in Japan, and the IP policies of the JPO]	162	85%
1) Awareness of IP [I strongly felt the need to improve the IP landscape of my home country in order to fully make use of what I had learned in the training]	255	61%	1) Awareness of IP [I strongly felt the need to improve the IP landscape of my home country in order to fully make use of what I had learned in the training]	137	72%
1) Awareness of IP [It increased my opportunities to utilize AIPN and J-PlatPat (IPDL)]	151	36%	1) Awareness of IP [It increased my opportunities to utilize AIPN and J-PlatPat (IPDL)]	49	26%
2) Improvement of skills [It allowed me to see IP from a broader range of perspectives]	311	74%	2) Improvement of skills [It allowed me to see IP from a broader range of perspectives]	163	85%
2) Improvement of skills [It increased my knowledge that can be used at work]	379	90%	2) Improvement of skills [It increased my knowledge that can be used at work]	166	87%
2) Improvement of skills [I was able to use the training text as a reference book]	227	54%	2) Improvement of skills [I was able to use the training text as a reference book]	119	62%
2) Improvement of skills [I was able to take on a leadership role in my daily work through the knowledge I gained in the training]	138	33%	2) Improvement of skills [I was able to take on a leadership role in my daily work through the knowledge I gained in the training]	94	49%
2) Improvement of skills [It enabled me to respond to consultations with my co-workers]	246	59%	2) Improvement of skills [It enabled me to respond to consultations with my co-workers]	119	62%
2) Improvement of skills [It led to the resolution of work-related issues]	174	42%	2) Improvement of skills [It led to the resolution of work-related issues]	73	38%
2) Improvement of skills [It helped clarify the judgment criteria used in assessments]	193	46%	2) Improvement of skills [I improved at drafting documents (specifications, etc.)]	64	34%
2) Improvement of skills [As a trainee that completed the training course in Japan, I have an increased awareness and more confidence in my work]	302	72%	2) Improvement of skills [As a trainee that completed the JPO training course in Japan, I have an increased awareness and more confidence in my work]	144	75%

3) Professional relationships [Someone I got to know during the training became a person I could discuss questions and issues]	201	48%	3) Professional relationships [Someone I got to know during the training became a person I could discuss questions and issues]	117	61%
3) Professional relationships [It allowed me to establish a human network with relevant people in Japan, which is beneficial for my work]	186	44%	3) Professional relationships [It allowed me to establish a human network with relevant people in Japan, which is beneficial for my work]	94	49%
3) Professional relationships [It allowed me to establish a human network with trainees from other countries that attended the training, which is beneficial for my work]	274	65%	3) Professional relationships [It allowed me to establish a network with trainees from other countries that attended the training, which is beneficial for my work]	162	85%
4) It was not useful. [It increased my knowledge of IP. However, this did not benefit me after I returned to my home country]	43	10%	4) It was not useful. [It increased my knowledge of IP. However, this did not benefit me after I returned to my home country]	12	6%
4) It was not useful. [I was unable to experience the kind of lectures that I had expected prior to going to Japan, so it was not particularly useful]	21	5%	4) It was not useful. [I was unable to experience the kind of lectures that I had expected prior to going to Japan, so it was not particularly useful]	2	1%
5) Other	23	5%	5) Other	6	3%
Total	3480	831%	Total	1683	881%

1-3. Is the training you received in Japan proving useful in your work?

Number of valid responses by government employees			Number of valid responses by employees in the private sector		
	(Number)	(%)		(Number)	(%)
The content of the lectures was directly relevant to my work. Therefore, the lectures were very useful.	230	55%	The content of the lectures was directly relevant to my work. Therefore, the lectures were very useful.	86	45%
There were some lectures that have proved to be useful in my work. Therefore, the lectures were useful to a certain degree.	114	27%	There were some lectures that have proved to be useful in my work. Therefore, the lectures were useful to a certain degree.	71	37%
There was a change in my work after attending the training, after which I was able to make better use of the knowledge I had gained in the training.	52	12%	There was a change in my work after attending the training, after which I was able to make better use of the knowledge I had gained in the training.	19	10%
The knowledge related to IP has been beneficial in itself. However, this knowledge has not been relevant to my work.	8	2%	The knowledge related to IP has been beneficial in itself. However, this knowledge has not been relevant to my work.	10	5%
There was a change in my work after attending the training. Therefore, I was unable to make use of the knowledge I had gained in the training.	14	3%	There was a change in my work after attending the training. Therefore, I was unable to make use of the knowledge I had gained in the training.	4	2%
Other	1	0%	Other	1	1%
Total	419	100%	Total	191	100%

2-1. Based on your experiences during the training, what do you feel would be necessary to make the JPO training better? (Multiple answers allowed)

Number of valid responses by government employees			Number of valid responses by employees in the private sector		
	(Number)	(%)		(Number)	(%)
1) Establishing new courses [Establishing courses with new themes]	297	71%	1) Establishing new courses [Establishing courses with new themes]	120	63%
1) Establishing new courses [Implementing higher level courses]	282	67%	1) Establishing new courses [Implementing higher level courses]	137	72%
2) Introduction of new methodology for training [Improving interactive methods]	325	78%	2) Introduction of new methodology for training [Improving interactive methods]	142	74%
2) Introduction of new methodology for training [Setting pre-assignments]	119	28%	2) Introduction of new methodology for training [Setting pre-assignments]	57	30%
2) Introduction of new methodology for training [Implementing achievement tests]	106	25%	2) Introduction of new methodology for training [Implementing achievement tests]	50	26%
3) Provision of tools [Conducting courses in English that do not require an interpreter]	193	46%	3) Provision of tools [Conducting courses in English that do not require an interpreter]	100	52%
3) Provision of tools [Conducting courses in the native language of the trainees attending the training]	127	30%	3) Provision of tools [Conducting courses in the native language of the trainees attending the training]	22	12%
3) Provision of tools [Providing tools that enable participants to take courses online]	180	43%	3) Provision of tools [Providing tools that enable participants to take courses online]	88	46%
3) Provision of tools [Providing study materials for review and further studies]	250	60%	3) Provision of tools [Providing study materials for review and further studies]	134	70%
4) Enhancement of support systems [Establishing a system in which one can consult with the JPO officials or experts in Japan after completing the training]	311	74%	4) Enhancement of support systems [Establishing a system in which one can consult with the JPO officials or experts in Japan after completing the training]	136	71%
4) Enhancement of support systems [Providing a place where former trainees can communicate with each other after completing the training]	258	62%	4) Enhancement of support systems [Providing a place where former trainees can communicate with each other after completing the training]	121	63%
4) Enhancement of support systems [Other]	9	2%	4) Enhancement of support systems [Other]	3	2%
Total	2457	586%	Total	1110	581%

3-1. What do you feel as a problem in your current work- (Multiple answers allowed)

Number of valid responses by government employees			Number of valid responses by employees in the private sector		
	(Number)	(%)		(Number)	(%)
Lack of knowledge/understanding	96	23%	Lack of knowledge/understanding	47	25%
Lack of experience]	104	25%	Lack of experience	52	27%
Lack of relationship with other departments/institutions]	103	25%	Lack of relationship with government institutions	43	23%
Delay in introduction of information technology (IT)]	147	35%	Low work efficiency	26	14%
Lack of human resources]	224	53%	Low public awareness of IP	127	66%
Low work efficiency]	74	18%	Lack of structures that enable consultation with professionals about daily issues	68	36%
Slow implementation of business processes in your IP Office]	81	19%	Lack of motivation to improve the IP system	63	33%
A large number of backlogs]	163	39%	Other	9	5%
Low public awareness of IP]	235	56%	Total	435	228%
Lack of structures that enable consultation with professionals about daily issues]	130	31%			
Lack of motivation to improve the IP system]	121	29%			
Other]	11	3%			
Total	1489	355%			

3-2. What do you feel would be necessary to solve the above issues? (Multiple answers allowed)

Number of valid responses by government employees			Number of valid responses by employees in the private sector		
	(Number)	(%)		(Number)	(%)
Accession to a treaty	59	14%	Accession to a treaty	15	8%
Revision of laws, rules and guidelines	187	45%	Revision of laws, rules and guidelines	61	32%
Establishment of new policies	178	42%	Establishment of new policies	68	36%
Increase in budget	225	54%	Increase in budget	74	39%
Securing human resources	205	49%	Securing human resources	74	39%
Development of IT infrastructure	226	54%	Establishment/improvement of work manuals	66	35%
Establishment/improvement of work manuals	160	38%	Promotion of education on IP	154	81%
Promotion of education on IP	279	67%	Outreach activities	71	37%
Outreach activities	107	26%	Support from WIPO	85	45%
Support from WIPO	196	47%	Support from other IP Offices	83	43%
Support from other IP Offices	208	50%	not sure	2	1%
not sure	8	2%	Other	2	1%
Other	8	2%	Total	755	395%
Total	2046	488%			

3-3. What kind of support would you desire from the JPO to help address the above problems? (Multiple answers allowed)

Number of valid responses by government employees			Number of valid responses by employees in the private sector		
	(Number)	(%)		(Number)	(%)
Conducting training in Japan	343	82%	Conducting training in Japan	132	69%
Conducting training in my country	248	59%	Conducting training in my country	105	55%
Sending experts to my IP Office	203	48%	Sending experts to my IP Office	56	29%
Holding seminars that last for one to several days	190	45%	Holding seminars that last for one to several days	92	48%
Conducting distance learning by using IT systems	187	45%	Conducting distance learning by using IT systems	112	59%
Sending information on a regular basis through email, newsletters, etc.	142	34%	Sending information on a regular basis through email, newsletters, etc.	84	44%
Other	4	1%	Other	4	2%
Total	1317	314%	Total	585	306%

Introduction of FY 2019 Long Term Fellowship Researchers



Mr. Alejandro Cafiero (Argentina)

My name is Alejandro Cafiero and I'm from the land of asado, tango, mate, Maradona and Lionel Messi.

When I was little, inventions attracted my attention. My sisters always complained that I tore apart their toys to find out how they worked (and unfortunately, I never put everything back together again; sorry dear sisters!)

Later in life, I continued to be captivated by inventions and innovation. Today I'm part of the Intellectual Property Office of the National University of La Plata (UNLP). As a member of the IP Office, and also as member of the Technology and Innovation Support Centers (TISC) of Argentina, my tasks include patent information searching and reporting, and providing training for the university community on patent databases.

As I have a Communications background, I also manage the IP Office website. From there I attempt to share with the community the activities of our Office, showcase the Intellectual Property of the University (we have patents, software, magazines and books) and provide useful information to everyone who's interested in IP matters, inventions, innovation and technology.

This "awareness" role brought me to Japan for the research stay. You see, Argentina (at the time of this writing) is not yet part of the Patent Cooperation Treaty (PCT), a system for harmonizing patent filings internationally. With the accession of Samoa in 2020, the PCT system will have 153 contracting states.

Japan was one of the main supporters of the PCT from the very beginning (along with the US), and the country acceded to the Treaty in 1978. In 2019, Japan is the 3rd patent filer via the PCT system worldwide.

As I was interested in the PCT, my research theme in Tokyo included learning from the extensive Japanese experience in the utilization of the PCT for fostering innovation and development among domestic applicants.

During my stay I interviewed the persons in charge of university-Industry collaboration, technology licensing and Intellectual Property in the universities and companies in order to know more about how

they utilized the PCT system and to see if the PCT was useful to them. I also had the luxury to interview PCT experts from JPO and WIPO, and they provided more context and details on the subject.

The objective is that my research will contribute to the public debate about the need for Argentina to join the PCT. In order to accomplish that, we need to make sure the PCT is correctly understood, and that new policies for fostering domestic innovation are implemented. Accession to the PCT by Argentina will mean that domestic applicants will have simpler and affordable patent filing procedures abroad.

While working on these matters, I also attempted to grasp an authentic Tokyo experience. I tried to visit interesting places, museums, exhibitions, festivals and historic landmarks.

During my stay, many events took place:

Innovation Japan 2019 (in Odaiba). I had the pleasure to experience this important technology transfer event, where Universities, companies and organizations get together for business matchmaking and networking. It was incredible and very useful to my research.

With my Long-Term Research colleagues, we visited the Chuo University Senior High-School in order to share our experiences with high school students. It was a very meaningful meeting for both parties.

At the end of summer, we attended the Tamagawa Fireworks Festival, which was amazing. I've never seen such a colorful display of fireworks.

We also witnessed firsthand two important typhoons (Faxai in September and Hagibis in October) and we were a little worried. However, as our friends from APIC always reminded us, there's nothing to worry about provided you take appropriate measures.

Also, during my stay, two major historical events happened:

The Enthronement Ceremony of Emperor Naruhito, the new Emperor of Japan, took place in October, and marked the beginning of the Reiwa Era. Thousands of people joined the parade to celebrate the heart-felt occasion.

And last but not least, Japan hosted the Rugby World Cup, and the country went farther in the Cup than anyone had predicted. I also met many Argentinians that came to Tokyo to see "Los Pumas", our national team.

As my friends, previous Long-Term Research Fellows in APIC, have mentioned, I also would like to express my sincere gratitude to JPO for giving me the opportunity to conduct research in such a prestigious place. It has been a truly amazing experience, not only on the academic side, but also from a historical and cultural viewpoint.



Final Presentation





Welcome Party at Izakaya



At the top of Mt. Takao

My supervisor, my advisors, APIC staff and the JPO International Cooperation Division had been most supportive and kind, not only for my research study activities but also for adapting to Tokyo life. They were always ready to help, and although we were away from home, they made us feel very comfortable.

And since this magazine is about “IP Friends Connections”, I would also like to take the opportunity to send my regards to my Long Term Research colleagues: Anthea Kristine Paculan (“Kuri chan”, from the Philippines), Duong Thanh Long (“Long san”, from Viet Nam), Thinet Saktrakun (“Gee san”, from Thailand), and Chayaknit Kanchanakaroon (“Kool san”, from Thailand) for all the good times and hard work we went through together during our stay in Tokyo.

Sawasdee Krub



Mr. Thinet Saktrakun (Thailand)

I am Thinet Saktrakun, Trademark Examiner from the Department of Intellectual Property (DIP), Ministry of Commerce, Thailand. I have worked as a trademark examiner for seven years. The missions of our department to provide protection and infringement prevention for intellectual property rights, and to support the creativity, management and application of intellectual property for business. Our department is in charge of all kinds of intellectual property rights, such as copyrights, patents, industrial designs and trademarks.

At DIP, I do formality checks and substantive examinations for all kind of classes of trademark applications, as well as classification and identification of goods and services. I am also a member of the goods and services amendment committee, which is in charge of amending the list of goods and services in Thailand, and keeping it up to date with the NCL. Besides examinations, I am also in charge of IT system management, wherein I contact the IT section in terms of the development, maintenance and improvement of the IT system.

This time is my fourth coming to Japan and APIC. Three times ago, I came to Japan as a trainee for the Trademark Course, but this time, I am coming as a long-term researcher. This time is much more difficult than previous times, but it also challenges me because if I can finish this, I will be able to obtain and gather much useful information for adaptation to Thailand's Trademark Registration System. My theme of research is "Quality Management of Trademark Examination in Japan".

Japan is a very wonderful place for me, even as I come here for the fourth time. I have been many places during these two months, and although I have been to most of them before, it is still interesting.



Country Report Presentation

Transportation by train is another thing that I like, because I feel more comfortable to travel around Tokyo and ease with managing the time and schedule.

I am familiar with the Japanese culture, and also like some Japanese anime, including tokusatsu series like Kamen rider, Super sentai and Garo, and also Japanese mangas such as Katekyo Hitman Reborn!, OnePiece, Naruto, GINTAMA, Shokugeki no Soma, Kimetsu no yaiba, etc. I can speak Japanese a little bit such as konnichiwa, oyasumi, watashi, itadakimasu, henshin, ore, oretachi, ichi, ni, san, yon, go, roku, nana, hachi, kyu, ju, ect. I learned these kinds of words from Japanese anime and the tokusatsu series. But I cannot read Japanese characters.

I think that two months are not much, but I have had many precious memories and experiences during this time. I really appreciate the kindness of APIC and JPO staff, and Ms. Hirayama, my research advisor. I am grateful to be here for two months. In addition, I wish to come here again if there is a chance.



Final Report Presentation



Christmas Illumination in Roppongi

Sawasdee ka :)



Ms. Chayaknit Kanchanakaroon (Thailand)

My name is Chayaknit Kanchanakaroon. I am a Trademark Registrar in charge of trademark substantive examinations related to the Madrid Protocol at the Department of Intellectual Property (DIP), Ministry of Commerce in Thailand. I have worked in this organization for three years.

The DIP has many offices related to intellectual property registration procedures, including patents, designs, copyrights and trademarks. In addition, we have authorities to encourage and disseminate intellectual property-related information to the public.

Regarding the Trademark Office, our responsibilities include the following: services relating to primary trademark searches before applicants file trademark applications, application submissions, preliminary and substantive examinations, consideration of laws and regulations regarding trademark registration, the actual registration process, and changing applicant information after trademark registration and renewal.

I would like to express my gratitude to the Japan Patent Office (JPO) and the Asia-Pacific Industrial Property Center (APIC) for giving me the opportunity to attend the two-month study-cum-research fellowship program—especially for the knowledge and support related to my research. This program gives me the opportunity to find some topics related to enhancing trademark procedures by learning with experts, and analyzing the information and evaluation methods that can be used and/or adapted in my country in the future. My research focuses on the Similar Group Code, which is a method whose concept is to indicate the goods, services or goods and services which are considered to be similar or related to each other not only in the same class, but also in different classes. In contrast, Similar Group Codes sepa-



Visit at Chuo High School

rate the list of goods and services that are not related. In addition, this tool assists JPO trademark examiners to narrow down the list of goods and/or services, which is an important procedure for trademark substantive examination. In case of obtaining information related to my research, I attended two training courses arranged by the JPO and APIC. In addition, I interviewed users related to trademark registration procedures, including members of the Japan Intellectual Property Association (JIPA) and Japan Patent Attorney Association (JPAA). Moreover, I obtained lots of knowledge and recommendations related to goods and services in Japan from my advisor, Ms. Hiroko Hirayama, Asamura Patent Office. All of these activities are useful for my study.

This is my first time to visit Japan, and I have had the opportunity to attend many activities related to the culture and way of life of Japanese people, such as “sado” or traditional Japanese tea ceremony, “kado” or the Japanese art of flower arrangement, and learning how Japanese people work in their places of employment. In addition, I had the chance to make some presentations about Thailand and talk to Chuo University Senior High-School students. This was a great experience for me to share many topics related to my occupation and lifestyle, and give some suggestions that the students can adapt to their life in the future. Other than the experiences mentioned above, I have also explored Japan by traveling, such as to Fuji-san, the National Museum of Nature and Science in Tokyo, and the Tokyo National Museum. I will be missing all of the good memories here when I go back to my country. However, I’m looking forward to see you again my beloved country, Japan.



Country Report Presentation



Training course experience in Japan



My Enigmatic Visit to Tokyo



Ms. Sofia Miñano Suarez (Peru)
Patent Examiner, INDECOPI

FY2018 JPO/IPR Training Course on Patent Examination in Specific Technical Fields
(Electrical and Electronic Engineering, Chemistry) for Latin American Countries
(5 July - 13 July, 2018)

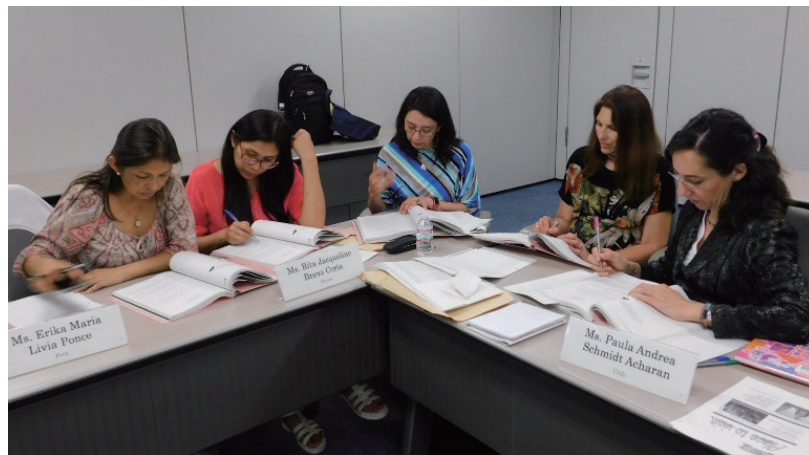


When I knew that I would travel to Japan for the first time with my colleagues from my office in Peru, I knew it would be a different and unforgettable experience in my life. Besides knowing that I was going to learn a lot about Japanese patents, I had a lot of expectations of Japan being a distant, exotic and mysterious country. Arriving in Tokyo at the beginning of July 2018, after many hours of travel from Peru, our first impression was of a very modern country with very respectful people. What surprised us the most was the network of trains for public transport, as well as the respect towards others as a fundamental aspect of their peoples' lifestyle, without neglecting the order and cleanliness of the city. For example, the way in which the escalators are used, and the always cordial greeting of its people. In fact, our arrival coincided with the Tanabata festival, where people have the habit of writing wishes on strips of colored paper that are then tied to bamboo branches. So we also left our best wishes from Peru at the headquarters of the AOTS training center.

After receiving a welcome from the organizers of the JPO and APIC, the first days in Tokyo as part of the training course on Patent Examination for Latin American Countries were very rewarding. We were able to meet people from other countries, and learn about the different realities in their respective patent offices. Then came the different teachers from the Japan Patent Office who taught us a lot of didactic and patience about different topics related to the substantive examination practices, such as novelty, inventive step and classification—especially this last one, because it was always a complicated subject to understand without an explanation as detailed as that given to us by the experts in f-term. Regarding the novelty, I really liked the comparative analysis between the essential characteristics of the invention versus the closest document of the state of the art.

As the days passed, our experiences in Tokyo became more interesting, something different from what we experienced in other trips. This was not only because of the methodical organization for all the activities and the details prepared by the organizers to make each day different, but also because of the endless walks that we took after classes exploring the city, where the modernity of its transport system and its large buildings mixed with the traditional, such as the temples in some parts of the city. The weekend was amazing, and we spent a good part of the day in the neighborhood of Asakusa, admiring the beauty of the ancestral Sensō ji temple with its wide surrounding parks. We were also impressed with the beauty of the typical costumes that some wore, not to mention the traditional craft shops.

Continuing with the program, we had the opportunity to visit the Japanese Patent Office, where we were greatly surprised by the way that patent examiners work, all in an impressive silence, in order to achieve the necessary concentration in the evaluation of the patent applications, as well as the way in which confidential physical requests are handled in such a secure manner. It was also gratifying to discover that in our patent office we also carry out some of the practices of one of the most important offices in the world, such as inter-examiner feedback meetings and personalized attention with our patent



applicants. I do not want to mention the correct methodology used to teach classes, where the practical part helped us a lot to understand the concepts learned, especially in searches of the state of the art, as well as the analysis of novelty and inventive step.

And so we continued with our stay in Tokyo, studying a lot during the day and getting to know the city at night with our Latin American IP friends, surprised by how safe the city was, as well as the calm that existed in the neighborhoods far from the center of the city. We were also impressed by the way that the inhabitants took advantage of available space, for example the disposition of the garages in the houses, and the endless vending machines that we found to quench our thirst after so much walking, which we were very grateful for on hot days. Another thing that surprised us a lot was the train stations, from the kindness of the employees, to their size—which even housed large shopping malls inside—to artists who wrote your name with the typical Japanese script, and who of course wrote mine. And how could we forget our magic pens, whose ink could be erased with a special eraser. We bought all the colors, so there is no doubt that Japanese technology always surprises us.

We got to know the Akihabara neighborhood, which is famous for its manga, anime and videogame stores, not to mention the electronic stores. We also explored the Ginza neighborhood with its huge clock in one of its main streets, as well as Tokyo Tower, Tokyo Skytree, and Ueno Park with its zoo and surrounding bamboo forests. But what impressed me the most was our visit to Odaiba, an artificial island of Tokyo, for its breathtaking night view with the replica of the Statue of Liberty in front of the romantic and spectacular Rainbow Bridge, accompanied by the incredible train tracks that connect the island with Tokyo. And how could we forget the meeting that the organizers prepared, where we could share a little more in confidence with our hosts, tasting the typical Japanese food and drinks, which helped us to know a little more about Japanese culture.

Finally, the day of our farewell arrived. We were satisfied with all of the teachings received and the personalized attention from the organizers, with mixed feelings of leaving friends from Japan and Latin America, and longing to return someday to this land so enigmatic and orderly, hoping to see the splendor of the cherry blossoms (sakura) and Mount Fuji.



One time is never enough for Japan

Mr. Photchara Photcharawepas (Thailand)
Patent examiner and PIT working group, Patent Office
Department of Intellectual Property



JPO/IPR Training Course on Information Technology (17-20 December 2018)



I was once told: “One time is never enough for Japan”, and I wondered why. When I looked around me, I noticed that people had visited Japan almost every year. I never understood them at all until I got an opportunity to visit Japan the second time by joining JPO/IPR Training Course on Information Technology” from 17-20 December 2018 representing Thailand’s Department of Intellectual Property.

Back in 2017, which was the first time in my life that I went to Japan with my Thai colleagues, we went to many touristic places, including well-known shops and several must-visit areas. Everything seemed fine, and I thought I had seen enough of Japan—especially Tokyo. Why would I come back to the same city just to see the same old things again? I kept asking myself many questions along the way from Bangkok to Tokyo, practicing presentation scripts while reading Japanese cartoons, enjoying characters that I like such as Doraemon. But one of the most important things was that the training would start in less than 24 hours, and I was on my own—no more Thai colleagues. Would I be able to get to the classroom in time on Monday morning?

I made it, thanks to unexpected help during the trip from the Keisei-Sekiya train station to the Tokyo Keshu Center (TKC). While I was concentrating on the map, a few Japanese men noticed my obvious sweat and gave me help by patiently showing me how to get to the training center, even though their English was not fluent. To be honest, I did not expect any help since I knew that everyone was busy pushing themselves getting on the train. But without them, I might have embarrassed myself by missing the chance to be one of luckiest people who had a chance to represent his IP office.

The Overseas Human Resources and Industry Development Association (HIDA) and Japan Institute for Promoting Invention and Innovation (JIPII) had invited representatives from 18 countries to join the “JPO/IPR Training Course on Information Technology”. A total of 23 persons from 18 countries with many years of working experiences were brought together to share not only their thoughts and experiences based on their homelands, but also to learn and study from one of the strongest Information IP systems in the world. Everybody looked excited getting to know each other, even though some seemed restless due to the long journey from the other side of the world.

In the classroom

In 2018, I was involved with many IT projects of my organization by working as a central coordinator connecting many different types of people—from end users to programmers. Unsurprisingly, contacting different people with different backgrounds was not an easy task, since each person had different require-



ments and expectations and thus there was no mutual understanding. While the differences benefitted us and drove the project forward, it was also sometimes an obstacle in terms of project control. Some questions occurred while the project was ongoing, and other questions were raised after projects had already been completed. Therefore, when I opened the invitation email, two objectives for the training were set in my mind. The first one was the issue of how JPO enhances the IT system knowledge related to the examination process, and the other was how to enhance IT project management processes in order to adapt it to my work.

To help us understand the IP system, the instructors gave us an overview of JPO's processes throughout the pipeline, from the application division to the appeal court. This was followed by so-called "country report" presentations, and then a series of technical lessons, including an overview of formality examinations, trademark examinations, patent examinations and the drafting system as a part of both efficiency and quality improvement. The drafting system generates a draft template of office action and related laws by selecting data from database for the examiner. The system offered useful guideline for trainees to improve their own countries' systems. For example, in the near future, integrating the system with new technology such as artificial intelligence algorithms will play a crucial role in increasing the efficiency of the examination processes.

Whereas I was fascinated by the search systems for patent and utility models and trademarks, whose complexity and usefulness resulted in more accurate results, I found that project management was the most interesting topic for this training. The instructors had shared their experiences and provided deep technical knowledge focusing on intellectual property information systems through operation optimization, the planning process, progress management, and operation support, whose factors are the core concepts increasing the possibility for completely succeeding in the project.

Getting around

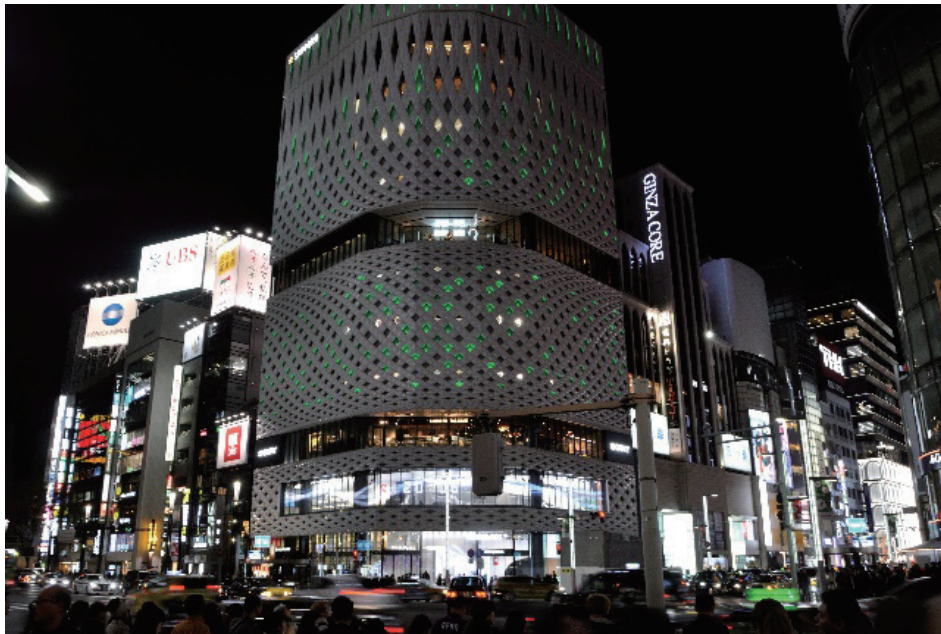
This trip would not be complete without the class outside the classroom, where Tokyo itself was my lecturer. Every day after class, I decided that I would visit different places that I had never experienced before, to capture every moment before sleep. I first selected Roppongi Hills, which was not too far from the training center. Besides the fancy buildings, the complex featured office buildings, an art museum, and an impressive winter illumination themed “Snow & Blue” that was decorated along a 400-meter street that could attract many travelers. I fortunately visited the Mori Tower, which was a great place to see Tokyo through different angles, along with the breathtaking wonderful scenery of Tokyo at night.

One thing that few people know about me is that I love stationery, so I wondered what Tokyo could offer me when it comes to that sort of thing. I was hoping for something beyond Muji, as we already have this brand in our homeland. I noticed “Ginza Itoya” when I searched on Google, and I felt that I would regret if I did not visit this place. “Ginza Itoya” is a well-known stationary store that is more than 100 years old. Fountain pens on the third floor and fine paper on the seventh floor are heaven for pen and paper lovers, as there are plenty of beautiful and exquisitely-designed fountain pens, and more than 1,000 sorts of fine paper. I found myself spending several hours here, and ended up with many souvenirs not only for my friends—but also for myself, reminding me how nice this place truly is.



Walking not too far from Ginza Itoya, directly toward the central Ginza intersection, there was another architectural Tokyo landmark called “Ginza Place” whose modern color metal façade was inspired by a type of open latticework found in conventional Japanese crafts. Unfortunately, I did not have a chance to go inside—but it captured my attention from the outside, and I enjoyed watching it so much.

Suddenly, however, I was interrupted by a call from my classmate inviting me to a small farewell party. And this was how I spent my last night of this trip: sharing the experiences of each person and listening to different cultures, different IT systems, and different experiences of Tokyo. It seemed that each of us had seen Tokyo from different points of view and through different lenses—but all of us were impressed by this fascinating leading city of Asia.



Articles from the former trainees



The Issue of Partial Design in Brazil

Ms. Ana Luiza Alecrim De Lacerda (Brazil)
Design Examiner
National Institute of Industrial Property - INPI



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

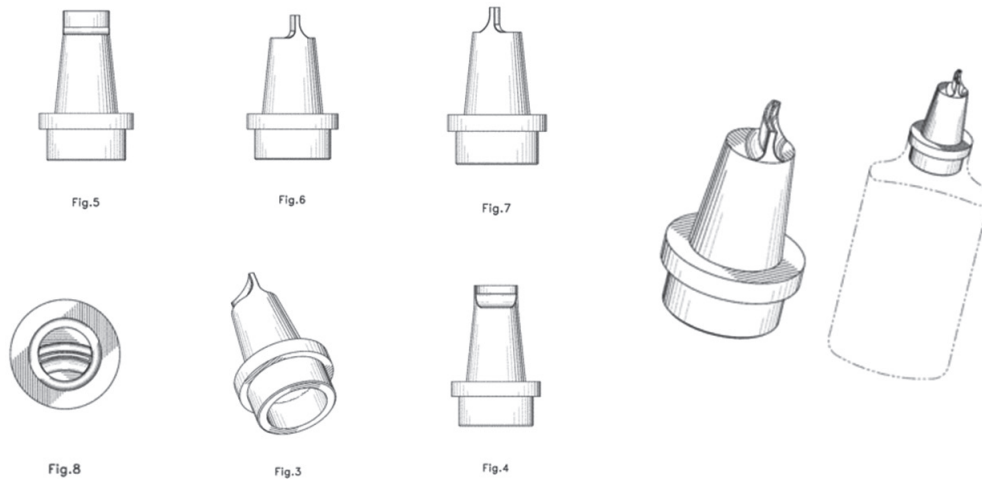


The concept behind partial design, which is accepted in Japan, the U.S. and many other countries, resides in the understanding that novelty may lie even in a portion of the article, which should be eligible for protection on its own. However, as far as the Brazilian IP legislation is concerned, only the whole form of an article may be protected as industrial design. According to Article 95 of the Brazilian IP law, Industrial Design is defined as “any ornamental plastic form of an object or any ornamental arrangement of lines and colours that may be applied to a product, that provides a new and original visual result in its external configuration, and that may serve as a type for industrial manufacture.”

The lack of legal grounds for partial design protection in Brazil has been a constant theme of debate between IP agents and design examiners. So as the first edition of our design registration guidelines was being developed, the discussion revolved a great deal around the issue of how to approach such applications. If on one hand a legal reform was not on the horizon, on the other the exchange of information with other IP offices provided our team of design specialists with the tools to improve and expand the understanding surrounding forms of representation. On that account, even though partial design *per se* is not yet possible due to a limited legal definition of industrial design, the new procedures now allow the presence of disclaimed elements in some cases. Those changes in the traditional way to look at designs aims to shorten the gap between Brazil and the rest of the world concerning the way of approaching design rights.

As the first major change brought by the new guidelines, reference images are now allowed for context purposes as a complement to ordinary drawings. The Japanese exam practice has been our most important benchmark for the new procedure regarding this topic. Human figures or body parts, as well as other objects that may be assembled to the article for which the protection is sought, may now be included in the pictures to complement the understanding of a given article. As a condition for those pictures to be

accepted, the article to which the application refers must be sufficiently illustrated in its isolated form on all necessary views. Moreover, should the applicant chose to include reference images on its design application, a written claim and a descriptive report will be mandatory documents, as a form of reinforcing the limits of the scope of protection.



(D0840814 | Ornamental Design for Bottle Tip)

When it comes to surface pattern designs, as the definition of “an ornamental arrangement of lines and colors” allows for a more flexible understanding, a range of representation possibilities is now available. Keeping in mind that a pattern may be applied either to flat surfaces, such as fabric design, or three-dimensional objects, which may alter its global perception, both forms of representation are now possible. Specifically, in the case of design patterns applied to three-dimensional articles that are not included in the scope of protection, those must be adequately disclaimed in dashed lines.



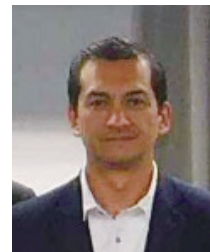
(DI7102778 | Surface Pattern Applied to Cup)

Last but not least, as far as user interfaces go, the understanding built for other two-dimensional designs remains unaltered. In order to establish a context, the interface design may be depicted on a given device, which should be disclaimed in dashed lines. Also, if the applicant desires, the elements for which protection is sought may now be depicted combined with disclaimed elements such as trademarks, text and even human figures, as long as they are properly indicated as reference images that are not included in the scope of protection.

In all cases regarding surface patterns, as well as user interface designs, a written claim and a descriptive report are mandatory documents and should be in accordance with the indicated standards, including statements regarding the scope of protection.

As we plan our next steps and continue to work toward the future, we hope to soon be given the opportunity to reform our IP law in order to update it and seek other necessary improvements. But as we look back and note how far we have come within the last two years with the launch of the design guidelines, we may rest assured that we are on the right path.

The Rhythm of Industrial Design and the Shape of Music



Mr. Freddy Alexander Saavedra Siabatto (Colombia)

FY 2016 JPO/IPR Training Course on Substantive Examinations of Designs
(November 8 - November 21, 2016)



Music and design have something in common: they are both a universal language. The first creates chords, tones and melodies using seven notes and a staff, which gives the world countless compositions following the organizational strength of a rhythm. For that reason, industrial design creates shapes that become products for an increasingly globalized market through the use of geometric figures, paper or a computer combined with various materials and processes.

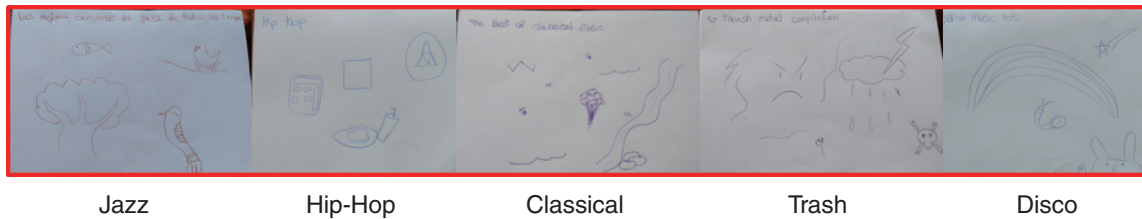
Through such globalization, by the kind invitation of the Japanese government, 18 industrial designers and industrial design examiners from nine countries (China, Chile, Colombia, India, Indonesia, Laos, Mexico, Thailand and Vietnam) gathered in Tokyo in November 2016. Together with the host country, we shared what we do in each of our offices. Through this experience, I concluded that we all interpret, compare and protect “notes, sounds and compositions” of new products that enrich the recital of objects for increasingly knowledgeable and informed consumers—and also for emotional beings.

In this way, both the design and the music provoke in people different reactions, mostly unconscious ones such as pleasure, emotion, indifference, joy and melancholy. All of the above are emotional responses to the sonorous or geometric composition—but there is much more behind all musical creation or design. I would like to describe this phenomenon using seven notes.

D0 (C): From the material to the material

Every musical genre is composed of a raw material, the seven musical notes, which by themselves are designed as shapes such as a point, line, triangle, curve or circle. They need the creative intervention of a human being to become something interpretable and coherent. As with sketches, the first chords are the material with which a shape is created. The same can be expressed as a beat in music, which is finally the material on which to compose and interpret by means of percussion, strings or winds. That is to say, for industrial design this can be wood, glass, metal or plastic.

Different listening shapes from five musical genres (the emotion generated by some of those were expressed on drawings). A 12-years-old girl's drawings (María José Saavedra Salazar)



RE (D): From the natural to the synthetic

The materials in design are as diverse as the chords in music. These can come from nature (mineral, vegetable or animal), and they can also be used in their pure or in processed form, as well as be created (leather synthetic, nylon, plastic). It is undeniable that the contribution made to design in terms of researching and developing materials, given their properties, has allowed diversification in the shape, application and size of the products. Something similar happens with music, when harmony can be obtained through the natural sound of the voice or any shape taken as an instrument (a bottle). The tuning can be corrected artificially (autotune), or by emulating musical instruments using synthesizers.

Such is the relationship between design and music, wherein metal works for both practices (one as a genre, and the other as material).



"Maracatan" leather rattle
(animal fibers) - seeds
Artesanías de Colombia

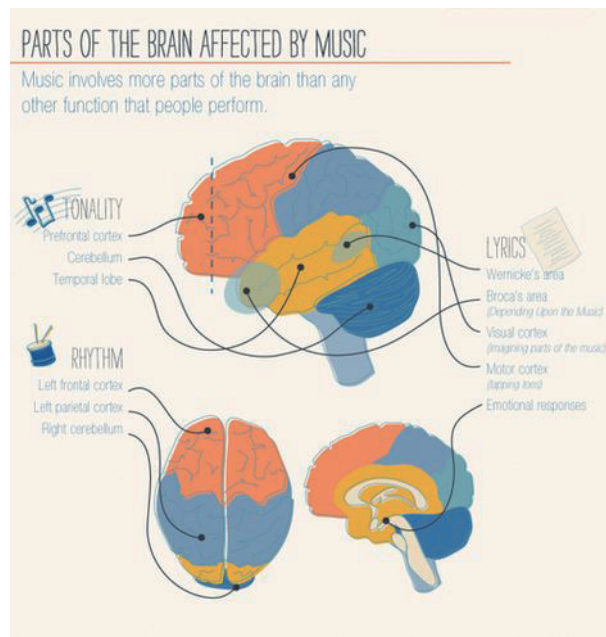


Faceted flower vase (Tsujimura Shirō)
stoneware with natural ash glaze
Japanese design (Patricia J. Graham)

MI (E): From the imaginable to the sensible

Our world is an interpretation, an emulation of the brain, with input as the senses and output as emotions. Consequently, all stimuli, sounds and visuals are processed by the brain with a special interest in the changes and contrasts, which for the ear are frequencies (music), and for the eye is luminosity (design). Therefore, a constant sound ends by not being heard, and absolute luminosity is not interesting for the brain (FJ Rubia, 2009). Through abstract qualities such as harmony, texture, balance, line and color, therefore, music and design create compositions through changes and contrasts that are perceived

through the senses and translated into the brain, and whose responses are emotions. The investigations in this regard have discovered which part of the brain reacts to music. One is the Psychology of Music from the University of Florida (image).



Psychology of music, University of Florida

Therefore, the whole process arises with an idea, imagination, a few notes or a sketch that becomes a melody or a product. When being perceived, these will always generate an emotional response from whoever hears or sees the creation.

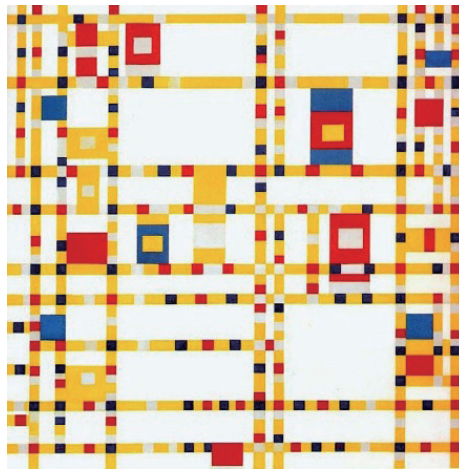
Although the perception of shapes in a design is processed by the visual cortex in the back of the brain, there is a common place for music and shapes: the amygdala, which is responsible for controlling and integrating emotions with response patterns (for example, the physiological reaction produced by a song or a design product).



Emotion - Detecting Car
Mobile Marketing Magazine

FA (F): From shape to shape

While creativity is born from the imagination, it also needs inspiration. Every musical composition is inspired by something or someone. All design creation requires this, as that is where the form is born. One of the most representative artists of the movement “De Stijl” and the founder of neoplasticism, Piet Mondrian, created his works while listening to music, specifically jazz, in a synesthesia that allowed him to perceive the rhythm, harmony, and color of music and then translate these elements into a painting.



Broadway Boogie-Woogie, 1942 (www.Piet-Mondrian.org)

Similarly, there are musical compositions that have been inspired by an object or product, such as vehicles in the case of songs including “Camaro” by Kings of Leon, “Little Red Corvette” by Prince, “Pink Cadillac” by Bruce Springsteen, and “Mercedes Benz” by Janis Joplin, among others, where a form is expressed in music and lyrics. Finally, emotions are expressed and generated through the act of composing or creating. As stated previously, this depends on the “Amygdala”—a word that comes from Greek and means “almond”, which defines not only a concept, but also a shape.

SOL (G): From the real to the virtual

Shapes, like music, are not “pretty” or “ugly”, as this depends on the emotions aroused in those who perceive them. You could say that these creations are real elements, since they can be perceived by the senses and generate different reactions. “Reality is an oneiric state, modulated by the senses” (R. Llinás, 1994). At this point, a different reality appears that is not necessarily tangible. This is why both music and design have evolved from the “real” and purist to the virtual, as the sound of percussion on a dry and tense skin, the notes from a wind instrument, or the voice of a tenor; to electronic sound, music encoded in digital files, or instruments emulated by an artifact.

In terms of design, shapes, colors, shadows, textures and volumes that can be played, they now mutate to parallel worlds like video games. Here, there are very realistic simulations, colors are expressed in pixels and shapes, volumes can be as interactive as a hologram, a prosthesis can be printed three-dimensionally, or a weapon or “power” can be commercialized virtually—thus becoming a GUI (Graphical User Interface).



"It Girl" Hatsune Miku. Business Insider



3D printed prosthesis. Agencia EFE

LA (A): From the created to the protected

"Real" or tangible products that occupy a place in space, as well as "virtual" products, are both perceptible via the sense of sight (two-dimensional). Both also feature a process of elaboration that is first intellectual, and second follows a series of planned and controlled steps that allow the expected final result. This process, both industrial and musical, is to give coherence to the materialization of the shape. The process can be simulated, including the models, realistic drawing, prototypes (design), the "humming" of the composition, a whistle or the interpretation through an instrument (music)—thereby allowing us to anticipate the final result.

Consequently, the concept of a shape or a musical composition involves a devised, careful and elaborated intellectual and material process. This is why all creations of the human intellect, "real" or virtual (GUI), music and shapes are all susceptible to protection, as far as music is concerned. Regardless of their rhythm, style or genre, they are protected by means of copyright and shapes through Industrial Design. The previous information impacts on the economy, justice and, competition, but also in the brain of those who create the products (musical or design). In effect, protection through registries is related to concepts such as rights, safety, efforts and causes in the composer or designer, as well as the sense of recognition of their work, and motivating the creation of new musical or design products.

Institutions that are in charge of intellectual property protection policies and committed to their harmony



JPO building. www.jpo.go.jp



Superintendence of Industry and Commerce. Colombia.
www.sic.gov.co



Andean Community of Nations
(Spanish: Comunidad Andina de Naciones, CAN)
Jorge Hernando Pedraza (General Secretary)

SI (B): From emotion to consumption

Consider this: Shapes and colors are inventions of the brain (design). In addition to sounds, these are vibrations of the air that lead us to an element in common. I said the brain for that same reason: the music and design products have more common aspects that are an elaboration of this organ: **rhythm** (sequence, movement, balance, intervals, patterns), **symmetry** (organization, order, precision, proportion), and **intensity** (structure, contrast, color, light, tension, statism or dynamism).

The above considerations directly impact perception, and in turn, emotions. Both the design and sounds of music evoke feelings in the consumer, and as a result, we are able to talk about a concert in a design product or a musical composition in terms of body, shape and volume.

Emotions are also nourished by memories (previous experiences), knowledge (learning), or a specific situation. That is to say, it is not the same for all people. We like to listen to different musical genres, or we want certain design products depending on all these factors. However, when the creator of shapes or sounds manages to excite us, the state of the person will change from a perceiver to a consumer.



Rhythm. Basketry roll of Guacamayas. Artesanías de Colombia



Symmetry. Kuroi Hana Japanese Knife Collection. www.designinspiration.net



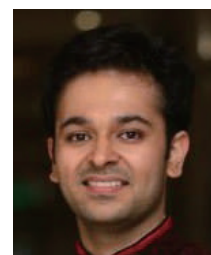
Intensity. Ceremonial Mask. Colombia's Handcraft. www.semana.com

Design, like music, also sounds, moves and transports. It took me to Japan, where I was inspired by the knowledge acquired during the course, the lights of Tokyo at night, its colors and flavors, the shape and size of Tokyo Tower and Skytree, the solemnity and majesty of the Shinto and Buddhist temples, the compass of the subway cars as they pass by, the rhythm and coordination of the passers-by during a traffic light change at the Shibuya junction, and the melodious and intense sound of water falling in the middle of autumn.

Finally, let's think about this: Music was expressed long ago by itself in shapes or through simple geometric configurations (the Geometric Music app). However, if real three-dimensional volumes could be interpreted in notes or expressed in musical tones; if these creations were related to the emotions, and if the mixture thereof composed a melody; industrial design would become an entire sound piece that could change rhythm depending on the materials, size, color and proportions so that the consumer would have a greater emotional experience within a whole concert of products. If so, every person could see, listen, feel and move to the rhythm of the forms of an industrial design product.

Section 3(i) of Indian Patent Act: Touching on Non-Patentability, Exceptions and Grey Areas

Mr. Ankush Mehta (India)
Principal Attorney
Mehta & Mehta Associates (Mehta IP)



FY2018 JPO/IPR Training Course for IP Protection Lawyers
(26 November - 12 December, 2018)



Patentability of methods for treatment has been objected under multiple jurisdictions. Similarly, the provision of section 3(i) of the Indian Patent Act, 1970 prohibits the granting of patents to any invention relating to *“any process for the medicinal, surgical, curative, prophylactic, diagnostic, therapeutic or other treatment of human beings, or any process for a similar treatment of animals to render them free of disease or to increase their economic value or that of their products.”*

Breaking down the above provision, one would note that the present section renders the following non-patentable:

- a) **Medicinal methods:** For example, a process of administering medicines orally, through injection, topically, or through a dermal patch;
- b) **Surgical methods:** For example, a stitch-free incision for cataract removal;
- c) **Curative methods:** For example, a method of cleaning plaque from teeth;
- d) **Prophylactic methods:** For example, a method of vaccination;
- e) **Diagnostic methods:** Diagnosis is the identification of the nature of a medical illness, usually by investigating its history and symptoms and by applying tests. Determination of the general physical state of an individual (e.g. a fitness test) is considered to be diagnostic;
- f) **Therapeutic methods:** The term “therapy” includes prevention as well as treatment or cure of disease. Therefore, the process relating to therapy may be considered as a method of treatment, and as such is not patentable;
- g) **Any method of treating an animal** to render them free of disease, or to increase their economic value or that of their products. For example, a method of treating sheep for increasing wool yield, or a method of artificially inducing the body mass of poultry.

The present provision has been limited only to the process/method of treatment. Therefore, claims related to the method/process of treatment by medicinal, surgical, curative, prophylactic, diagnostic, or

therapeutic methods are statutorily non-patentable. Further, treatment to free an individual (*including human beings and animals*) from disease, or treatment of animals for increasing their economic value, is also non-patentable. Thus, if an invention claims a method which directly or indirectly makes a reference to a medical condition, it generally falls under the ambit of the mentioned section, and becomes statutorily non-patentable.

However, the following exceptions have been made to section 3(i) by way of guidelines issued by IPO, and precedents set by previous decisions:

1. The application of substances to the body for purely cosmetic purposes is not considered therapy.
2. Patents may, however, be obtained for surgical, therapeutic or diagnostic instruments or apparatuses. The manufacture of prostheses or artificial limbs, and taking measurements thereof on the human body, are also patentable.

Cosmetics: an exception to section 3(i)

As per the first exception, any process or method of treatment for cosmetic purposes (i.e., something that improves the physical appearance of an individual and does not cure any *disease* per se) is patentable.

But, are all cosmetic treatments patentable?

When any application is made for any medicinal product, the defense of the method being for “purely cosmetic purpose” is generally taken.

In one case, a patent application was filed for a method of modifying eye color by forming an annular channel in the human eye via a surgical blade or laser technique (slitting the cornea of the eye). Wherein, it was claimed that the procedure was not surgical, as it was only to improve the physical appearance of a person, and it did not cure any disease. Reference was then drawn to decision of the Board of Appeal of European Patent Office, wherein it was stated that “*The claims are directed to a “cosmetic method” in order to emphasize that the purpose of the claimed method is to improve the aesthetic appearance of the person treated rather than to cure the underlying malady*”. However, upon a detailed review, the application was refused on the ground that “*the claimed method needs a lot of precision and can only be carried out by a surgeon who has expertise to carry out such a complex method*”.

Thus, for deciding whether a process is merely cosmetic or not, it is important to understand what has been described in specification. A process that requires the skill and knowledge of a surgeon, and includes cosmetic treatment, may still be refused.

Surgical, therapeutic or diagnostic instrument or apparatus

Furthermore, the second exception allows the products involved in treatment to be patented. This could be pharmaceutical or medical devices such as scalpels, staplers, surgical sutures, stents, reagents, diagnostic kits, etc. It could also include medico-physical devices for use in therapy and surgery, as well as pharmaceuticals and diagnostic kits. When such devices are novel (*and independently meet other requirements of patentability*), their patentability is generally not affected by the prohibition on patenting method

of treatment. The pharmaceutical or medical devices may normally be claimed as such, using a standard product claim format.

For example, in an application for a patent claiming *a device for detection of antibodies to HIV in human serum*”, it was held that the application related to a device as only the physical constructional feature had been claimed, and the method of using the device was not under the scope of the claim.

But do instruments and apparatuses enjoy blanket cover?

Re-wording of claims to claim a kit should go hand in hand with what specification describes. For example, in one case, the claims were objected under section 3(i). Subsequently, they were reworded to ‘*a kit comprising an orthodontic fastening part, a protector, and an applicator*’. It was held that the description referred only to the method for the correct application of the device. The application was therefore refused, and the exception of it being an instrument or apparatus was not accepted.

Treatment of Diseases – but what is a disease?

Another aspect of Section 3(i) is that it makes any treatment that frees an individual of a disease non-patentable. However, what would be constituted as a disease is still not defined under a patent act. In a patent application, the invention claimed treatment of prophylaxis of obesity, which was projected as a lifestyle disorder and not a disease. After a detailed review of specification, it was held that this method is nothing but diagnosis, and is therefore non-patentable.

A strong defense was taken up in another patent application wherein the application claimed a *repressing, delaying or otherwise reducing the expression* of a target gene in a vertebrate cell by introducing one or more dispersed nucleic acid molecules which fell within the ambit of Section 3(i) of the Act. However, it was claimed that the entire procedure is conducted Ex-Vivo i.e., outside the body of human being or animal. What the applicants do with the processed cell is not part of the claimed invention. Therefore, the application was accepted.

At present, an exhaustive list or guidelines to what can be construed as a disease has not been defined. The answer to questions regarding whether hair loss, skin pigmentation, etc. should be considered as a mere lifestyle disorder or a disease is ambiguous, and may vary from case to case and prevalent circumstances in society. The skills required for performing such method, requirement of medical supervision and/or medical necessity to perform such method and steps described in the specification may act as guiding attributes to decide if the method performed is to cure a disease or a lifestyle disorder.

About the Author

Ankush Mehta is a Registered Indian Patent and Design Attorney and Agent, and Trademark Attorney. He is Principal Attorney at Mehta & Mehta Associates (MehtaIP). He completed his engineering studies in the domain of electronics and communication. He is also a member of the Standing Committee of AIPPI at the IP Office Practice and Procedures Committee. He handles and supervises both contentious and non-contentious patents (in various fields of science and engineering), as well as trademarks and design matters. In particular, he has assisted multinational businesses, including Fortune 500 companies and UN Organizations, in the field of CRIs, telecommunications, pharmaceuticals, biotechnology, auto-

mobiles, electronic devices, aerospace, petrochemicals, metallurgy and medical devices.

Disclaimer: The views and opinions expressed in the present article are solely that of the author, and are for explanatory purposes only. They cannot be quoted in any legal proceedings, and will have no legal purpose. They may also vary with changes in the law and precedents by the judiciary. For any clarification or further information, you may contact the author at anm@mehtaip.com.

Column: Sakura



Mr. Takao OGIYA
Director General of APIC



The fiscal year in Japan starts on April 1 and ends on March 31. This is the season when school entrance ceremonies and welcome ceremonies for new employees are usually held (at the beginning of April), and also when graduation ceremonies take place (from mid-March until the end of the month). The time period between mid-March and around the end of April is also when cherry blossoms bloom throughout Japan, falling off the tree almost in the blink of an eye.

Cherry blossoms hold a special significance for Japanese people. The word *sakura* (cherry tree) is formed of two characters: *sa* and *kura*. *Sa* indicates the god of rice fields, while *kura* refers to a place where a god sits down. Therefore, *sakura* means “a tree where the god of the rice fields sits down.”

People in ancient times believed that the god of rice fields lived in the mountains, but descended with the arrival of spring in order to dwell in the cherry trees—thereby causing the cherry blossoms to bloom. The people of those times thought that the beautiful flowering of the cherry blossoms indicated that the god had descended from the mountain, which served as a message that it was time to begin planting rice.



Rice Planting

People therefore began planting rice when the cherry blossoms started to open. Rice planting is hard work, and requires many people to make a united effort. Rice planting is also the reason for the formation of hamlets known as *mura*. When this cooperative hard work finished, people made offerings to the cherry blossoms in full bloom, prayed for the year's good harvest, and ate and drank to give thanks to the god of the rice fields. It is said that this is the origin of cherry blossom viewing, or having picnics under the cherry trees in bloom.



Cherry blossoms in full bloom

In the eighth century, during the Nara Period, nobles in Japan loved *ume* (apricot) flowers from China. As a culture peculiar to Japan developed in the ninth century during the Heian Period, however, people came to love cherry blossoms even more because they are native vegetation. Nobles began composing *waka* (31-syllable Japanese poems) in praise of cherry blossoms, and samurai mastered *bushido* (the samurai moral code), for which the cherry blossoms are an idealized symbol. Ordinary people also began enjoying cherry blossom viewing around this time, and the word “*hana*” (flower) eventually came to mean “cherry blossoms.”

Japanese people love cherry blossoms for their beauty and grace. First, let me talk about their beauty. Cherry blossoms are a shade of pink that is nearly white. When they come into bloom, there are no leaves on the tree, and the light pink flowers bloom brilliantly all over the branches. Cherry blossoms in full bloom are a symbol of Japanese beauty. Furthermore, cherry blossoms are often compared to women. Japanese men imagine that beautiful women have the grace and elegance of cherry blossoms, which makes the heart flutter.

The period when cherry blossoms are in full bloom does not last long, and they fall all too soon. Such fleeting beauty charms the heart of the Japanese people. It is a Japanese sensibility to find great beauty in things that are transient.

The gracefulness of cherry blossoms also strongly attracts the hearts of the Japanese people. It can be said that *bushido*, the moral code which the samurai were required and instructed to observe, shows the spiritual nature of Japanese people. The basic idea of *bushido* is based on the question: “Have I lived a life about which I feel no shame, and have I lived life to the fullest every day?” Blooming brilliantly and falling gracefully when the time is right without having regrets: According to the teachings of *bushido*, this is the best way of living and dying as samurai and as a Japanese person.



Falling cherry blossoms

Cherry blossoms perfectly embody the ideal way of life and death for Japanese people. That is why the Japanese are fascinated with the gracefulness of the flower. Looking at cherry blossoms, we strongly hope that we will live like them.

The time when cherry blossoms bloom is the time of a new start to life in Japan each year, and is a time when many people go through events that mark particular stages of their lives. Naturally, they look back on the path that they have walked until now, and think about how to live in the future. They think of new social activities that they will begin, new human relationships that they will have, and the new future that they will see. Around this time, they receive messages from the cherry blossoms around them, which seem to say, “Like me, live the greatest life,” which empowers them to move forward bravely with fresh determination. Cherry blossoms perfectly represent the minds of Japanese people.

I truly hope that many people will visit Japan during the period of the cherry blossoms. You may be able to meet Japanese people who feel slightly more elated than usual at this special time.

Introduction of Japan: Hagoita ichi (battledore marketplace)



Hello from your Enishi IP Friends Connections editor! Beginning this year, we will introduce special spots in Japan so that overseas trainees may enjoy the country to the fullest extent possible during their stay.

Edition number two features the *hagoita ichi*, which translates into English as “battledore marketplace.” Now, we’d like to introduce this market, as well as others around the Tokyo metropolitan area.

***Hagoita ichi* (battledore marketplace)**

The 18th day of every month is considered to be *en-nichi*, which literally means “day of destiny” and involves a special connection with the gods and Buddhism, so many worshippers visit Japanese shrines and temples on this day. The term *ichi* refers to the numerous open markets featuring daily living wares, which many worshippers visit.

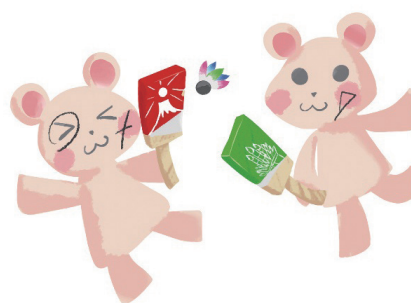
Hagoita ichi is called *Toshi-no-ichi*, which means that it is the last *en-nichi* market of the year on December 18th. Here are sold new year’s necessities and toys for children (i.e., *hagoita* paddles, *koma* (spinning tops), *karuta* (a Japanese card game), and so on. One of these, *oshi-e hagoita* features paddles that have been decorated with cotton-padded cloth that has been decorated with images of popular Kabuki actors by *ukiyo-e* artists. These were very popular items among worshippers, as they somewhat served the same function as photographs during the pre-camera era. They helped draw many worshippers



on December 18th, thereby leading to the name *hagoita ichi*.

What is a *hagoita* ?

A *hagoita* is a racket made from wood whose shape calls to mind times of celebration. The game of *hane-tsuki*, similar to badminton, uses a shuttle made from feathers with seeds from the soapberry tree, whose name is written in Japanese using Chinese characters that refer to “children who do not get sick.” The *hagoita* serve the function of a good luck charm, then, that wards off evil spirits so that children will grow up healthy. It is used as a New Year decoration to offer protection, particularly after the birth of a daughter.



Hagoita ichi
(<http://www.senso-ji.jp/english/>)

Daruma-ichi (usually held in January)

Daruma dolls represent the sitting figure of Bodhidharma, a historically well-known Buddhist monk. The *daruma* always returns to an upright position when tipped over, which reminds of the vicissitudes and the ups and downs of life, whereby we always rise after a fall or repeated failures.

So, if we have a strong spirit and take whatever small steps we can, this doll gives us fortune. The *daruma* dolls were formerly only in red, due to the wish to eliminate sickness, but they have recently become available in several different colors, and foreign customers have begun buying them as a Japanese souvenir. The daruma-ichi (*daruma* market) sells many daruma dolls, which we decorate with our wishes for the coming year.



TAKASAKI DARUMA
(<http://takasakidaruma.net/multilingual/english/>)

***Asagao-ichi* (morning glory market, held in early July)**

The seeds of morning glory were originally herbal medicinal laxatives that were brought to Japan via Tang China. Due to the flower's beautiful appearance, it was widely used for decorative purposes and was also used for selective breeding by gardeners in the Edo era along with chrysanthemums. It appeared in competitive exhibitions held in temples, and was very popular among worshippers. As a result, the *Asagao-ichi* (morning glory market) is a Japanese traditional event that draws many tourists every year.



Asagao-ichi (<https://www.gotokyo.org/en/spot/ev054/index.html>)

***Hozuki-ichi* (ground cherry market, held in early July)**

There are certain special days on the annual calendar that are said to bring 100 or 1000 days' worth of merit, and one of the most special among these is July 10th, which is a special day that brings 46,000 days' worth of merit (about 126 years, or more than one lifetime). Medicinal ground cherry is sold there, and worshippers bought it as a popular souvenir at this popular annual *hozuki-ichi* market, held at the Sensoji Temple in Asakusa, Tokyo.



Hozuki-ichi (<https://www.gotokyo.org/en/spot/ev055/index.html>)

***Tori no-ichi* (bird market, held on the days of the bird in November)**

The *tori no-ichi* is an annual event held at shrine or temples that have been named after birds. Farmers who lived in such areas during the Edo era held harvest festivals in autumn, featuring the harvest bounty and practical farming tools on display. Rakes and hoes with lucky charms were sold at these events (i.e., *okame*, or plain-looking women), *daruma*, and so on. These became decorative rakes, which resemble the nails of eagles aiming at their prey, and symbolize the ability to rake in one's fortune. These are good luck charms that are used to give thanks for a safe year, and to wish for good luck and business during the next year. In order to ensure growing fortunes, some people buy increasingly larger decorative rakes every year.



Tori no-ichi (<https://otorisama.or.jp/english.html>)

Many wishes may be found in these *ichi* (markets) around Tokyo. We would be most happy if you would consider experiencing them if you have the chance to come to Japan via En-nichi—your own “day of destiny”.

Introduction of Japanese Annual Event (Four-Frame Cartoon)



Editor's Note



Hello! This is Mitty.

Cherry blossoms and chrysanthemums are national flowers of Japan. The cherry blossoms (known in Japanese as “sakura”) bloom in the spring, and chrysanthemums bloom in the autumn. The “ENISHI” magazine is published in the spring season, when events related to cherry blossoms are held all over Japan. The cherry blossoms bloom from April to March, which is exactly the time when we transition into a new fiscal year. Students graduate at the end of March and enter their new schools in the April, just when the flowers are blooming, so cherry blossoms are a very memorable flower for us. We also have metaphorical phrases inspired by the cherry blossoms: If someone says “the sakura are blooming”, for example, this can mean that they passed their exams, or that their wish is fulfilled. On the other hand, the phrase “the sakura have scattered” can mean “I failed my exam” or “my wish has not been fulfilled.” These are simple and beautiful expressions. I wish you many cherry blossoms inside yourself too!

Japanese bush warbler



Hello, it's Hiroko.

One of the most popular spring birds in Japan is the *uguisu*, or Japanese bush warbler. It is a small olive-brown bird, typically 15 cm in length. Its distinctive call can be heard throughout much of Japan from the middle of February to the end of April. This coincides almost exactly with the period in which plums blossom, which is why one often hears the two combined in Japanese poetry and painting. When I hear the song of the Japanese bush warbler, I'm reminded that spring is coming.

I would like to thank you for your kind support and cooperation over the past year, and look forward to seeing you again somewhere.

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

[Consigner]



Japan Patent Office(JPO)

Address: 4-3, Kasumigaseki 3-chome, Chiyoda-ku, Tokyo 100-8915, Japan
Telephone/Facsimile: 81-3-3503-4698 / 81-3-3581-0762 (International Cooperation Division)
Web site: <https://www.jpo.go.jp/e/news/kokusai/developing/training/index.html>

[Publisher]



Asia-Pacific Industrial Property Center(APIC),

Japan Institute for Promoting Invention and Innovation (JIPII)
Address : 4-2, Kasumigaseki 3-chome, Chiyoda-ku, Tokyo 100-0013, Japan
Telephone/Facsimile: 81-3-3503-3026 / 81-3-3503-3239
Email: apic-jiii@apic.jiii.or.jp



JAPAN PATENT OFFICE