

No. **30**  
March 2022



E N I S H I

## IP Friends Connections

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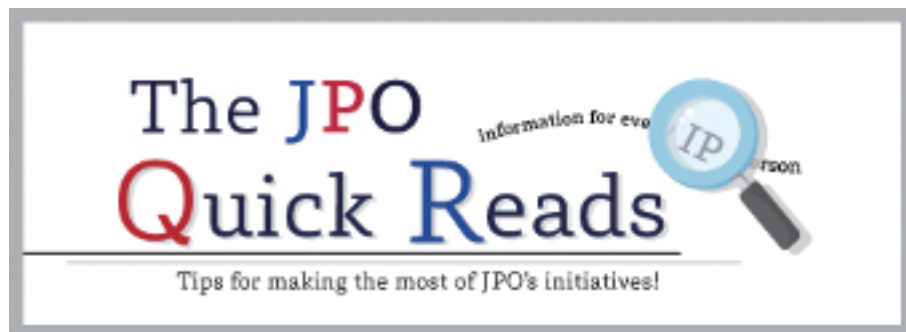
This Magazine is published as part of the Intellectual Property Cooperation  
in Human Resource Development Program of the Japan Patent Office.

The aim of this Magazine is to follow up on training programs  
through the dissemination of information to IP Friends,  
those who have completed training courses of the above program.

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

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In “the JPO Quick Reads”, the JPO introduces its initiatives and relevant information mainly in relation to patent examinations. Its weekly updates would help users to understand various JPO measures and to take advantage of using them. We also hope users feel welcome to the JPO service. We have received some good feedback from our users, through Twitter, saying that the JPO Quick Reads are informative and enlightening with frequent updates. The URL and some popular topics are as follows:

[The JPO Quick Reads]

<https://www.jpo.go.jp/e/news/quickreads/index.html>

Reference: [JPO Official Twitter]

The JPO provides information posted on the JPO English website, including topics of “the JPO Quick Reads”.

[https://twitter.com/JPO\\_JPN](https://twitter.com/JPO_JPN)

[Popular topics]

➤ Super Accelerated Examination (19 October 2021)

*Do you know JPO's super-fast-tracked examination?*

In addition to the ordinary “accelerated examination” previously introduced on this page (posted on 29 September 2020), the JPO offers the “super accelerated examination,” which allows for more swift prosecution.

Stated differently, applicants have three tracks to choose: regular, fast and super fast.

Applications from overseas are also eligible for the fastest track if they meet two requirements: First, they are filed with both at least one foreign IP Office and the JPO. Second, they are “working-related,” which means that the inventions pertaining to the applications have already been commercialized or are

planned to be commercialized within two years.

No additional fees are required. Under this super-fast track, the average FA pendency for FY2020 is 0.9 months, and the total pendency is 2.8 months.

➤ Overseas representatives in Bangkok (2 November 2021)

*Our IP attaches have been stationed in ASEAN for a quarter-century.*

Given the strong economic ties between ASEAN and our country, we currently locate plural hubs with our representative(s) in the region: one in Bangkok, and another in Singapore. Since the Bangkok office of the Japan External Trade Organization (JETRO) has been one of the biggest among the organization's overseas offices and served as a coordination center in Asia, we started stationing our IP attache in the capital of Thailand in 1996. Now we have two expatriate staff there. Their advantage is that they work as a complementary pair of a patent and a trademark expert, respectively. They basically take care of the continental ASEAN, in concrete terms, Thailand, Vietnam, Cambodia, Laos and Myanmar. Their main activities include strengthening cooperation with IP-related government bodies through training or seminars and publishing ASEAN-wide research papers on IP.

➤ Overseas representatives in Singapore (9 November 2021)

*Singapore has become another regional base in ASEAN for our IP attache.*

Our IP attache in Singapore started its duties at the local office of the Japan External Trade Organization (JETRO) in 2016. Until then, the Bangkok representative had covered the entire ASEAN. Currently, our expatriate staff there is in charge of Singapore and its neighboring economy, Malaysia, plus the marine region of ASEAN, namely, the Philippines, Brunei and Indonesia. Besides ASEAN, he also takes care of Oceanian region including Australia and New Zealand. He is helping the residents or legal entities in his territory to expand their business by investing in Japan or to collaborate with Japanese companies, utilizing sophisticated IP system in Japan.

➤ Judicial Symposium on Intellectual Property (16 November 2021)

*The JPO co-hosted Judicial Symposium on Intellectual Property/TOKYO 2021 online late October with other organizations in judicial field.*

The Symposium has been held annually since 2017. The theme of the three-day event this year was “IP Dispute Resolution in Asia.”

Day three, JPO part of the program, was commenced by remarks by Commissioner MORI, followed by a keynote lecture by Mr. KATSURA, Director-General of the Trial and Appeal Department (TAD). As for this part, focus was placed on the determination of inventive step on AI and IoT related inventions. Administrative judges from five Asian countries gave presentations in that connection. They also participated in a panel discussion using a hypothetical case along with a panelist from Japan.

➤ Patent Examination Guidelines in Manga (30 November 2021)

*The JPO has released the world's first Manga explaining AI/IoT examination guidelines.*



Patent examination guidelines are so technical that they are often incomprehensible to non-expert especially when applied to emerging technologies like AI/IoT. It is in this context that we wished to revise such prejudice and provide "Examination Guidelines in Manga: AI/IoT Edition," aiming at bringing our examination practice closer to the people. This Manga version is designed to facilitate everybody including non-specialist to learn the basics with interest simply by following the stories.

➤ Region-wide Training Program for the ASEAN Member States (7 December 2021)

*The JPO provided an inaugural patent training program for the ASEAN IP Academy (ASEAN IPA).*

Late October, the Global Patent Academy (GPA) of the JPO offered a kickoff training course online under the “Train the Trainers Program for Patent Managers and Trainers” designed by the ASEAN IPA. This IPA was launched in September as a virtual platform to provide customized IP training for the ASEAN Member States.

The kickoff program gathered 23 patent managers and trainers from the ASEAN IP Offices. The topics discussed included Operations Management, Quality Management and Human Resource Development.

## Patent Examination Guidelines in Manga



Mr. YAMAMOTO Shunsuke

Deputy Director, Examination Policy Planning Office, JPO



Have you ever struggled to understand very long and complex Patent Examination Guidelines? On the other hand, it's easy and fun to read Manga<sup>1</sup> that contains many pictures. I am sure that many of you love Japanese Manga.

Here is good news for such IP professionals around the world!

In October 2021, the JPO released the world's first Manga explaining AI/IoT Patent Examination Guidelines. You can easily learn about the basic concepts of patent examination in the technical fields of AI and IoT while reading the Manga.

[https://www.jpo.go.jp/e/system/laws/rule/guideline/patent/comic\\_ai\\_iot\\_e.html](https://www.jpo.go.jp/e/system/laws/rule/guideline/patent/comic_ai_iot_e.html)

### 1. Background

Patent Examination Guidelines are so technical that they are difficult to non-experts especially when applied to emerging technologies like AI/IoT. We wished to revise such prejudice and provided this Manga aiming at bringing our examination practice closer to the people. This Manga version is designed to facilitate everybody including non-experts to learn the basics with interest simply by following the stories.

The special team of the JPO patent examiners created this Manga using the commercial Manga creation software “ComiPo!”<sup>2</sup>

1 Manga are comics or graphic novels originating from Japan.

2 <https://www.comipo.com/en/index.html>



## 2. Contents of the Manga

- Prologue (12 pages)

We highly recommend everyone to read this chapter as soon as possible in order to get the point of the AI/IoT inventions, because it's very short and not complicated.

- Chapter 1: Patent Examination for Beginner (13 pages)

You can learn about the basics of patent examination, which is common in all technical fields, not limited to AI/IoT. This chapter is recommended to non-experts, following the Prologue.

- Chapter 2: Patent Eligibility (37 pages)

Patent Eligibility is one of the most important requirements in the examination of AI/IoT inventions. This chapter explains Patent Eligibility in detail using many case examples and quizzes.

- Chapter 3: Novelty (22 pages)

You can learn about novelty, especially “sub-combination invention”, which is a little bit technical topic for experts.

- Chapter 4: Inventive Step (26 pages)

How to assess the Inventive Step of computer-implemented inventions, including AI/IoT, is a common interest in all countries. Is that different from the case for general inventions, or not? This chapter will answer that question.

- Chapter 5: Description Requirements (14 pages)

Patent examiners have to determine whether the presented AI-related inventions work properly based on the patent application documents. This chapter provides you the key points to determine this matter.

- Epilogue (7 pages)

In the Epilogue, you will find URLs that will be useful for future study.

### **3. Afterword**

We hope that this Manga will help you to better understand the Examination Guidelines. If you want to learn more, please also visit the JPO's E-learning page<sup>3</sup>, which provides rich training materials, videos and quizzes.

Lastly, we have some more good news for you. The JPO is planning to release Vietnamese and Thai versions and a video version of this Manga in 2022. Please look forward to them!

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3 <https://www.jpo.go.jp/e/news/kokusai/developing/training/e-learning/index.html>



## Implementation of FY2021 Training Courses

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Due to the ongoing impact of the novel coronavirus (COVID-19), it was decided to implement trainings this fiscal year on an entirely online basis. We had hoped for the resolution of the COVID-19 crisis at the beginning of the year, and had accordingly planned to hold some trainings entirely online, and some in hybrid form (combining online and in-person lectures). Regrettably, however, this was not possible.

The FY2021 training courses aimed to foster appropriate knowledge among trainees in accordance with their needs, and were implemented smoothly and successfully. Specifically, we took advantage of being online to expand the number of participating countries, and we also implemented various effective training methods using a number of different tools and methods.

There were a total of 17 short-term and one medium-term training course, whose lectures the trainees attended from their own home countries.

Two types of tools are used for online courses, depending on the particular type of lecture. Those that focus on the acquisition of knowledge are streamed pre-recorded, while those that require interaction—such as discussions and case studies—are streamed live. Starting this year, we arranged for more lectures to be streamed live; and for two-way interaction through a special online bulletin board system in order to increase interaction among trainees for certain courses.

Descriptions of the two lecture styles are as follows:

### (1) Pre-recorded lectures

Trainees can attend lectures on-demand and manage their attendance status on their own learning screens.

### (2) Live lectures

This lecture style enables interactive communication between the lecturer and trainees, thereby enhancing effectiveness.

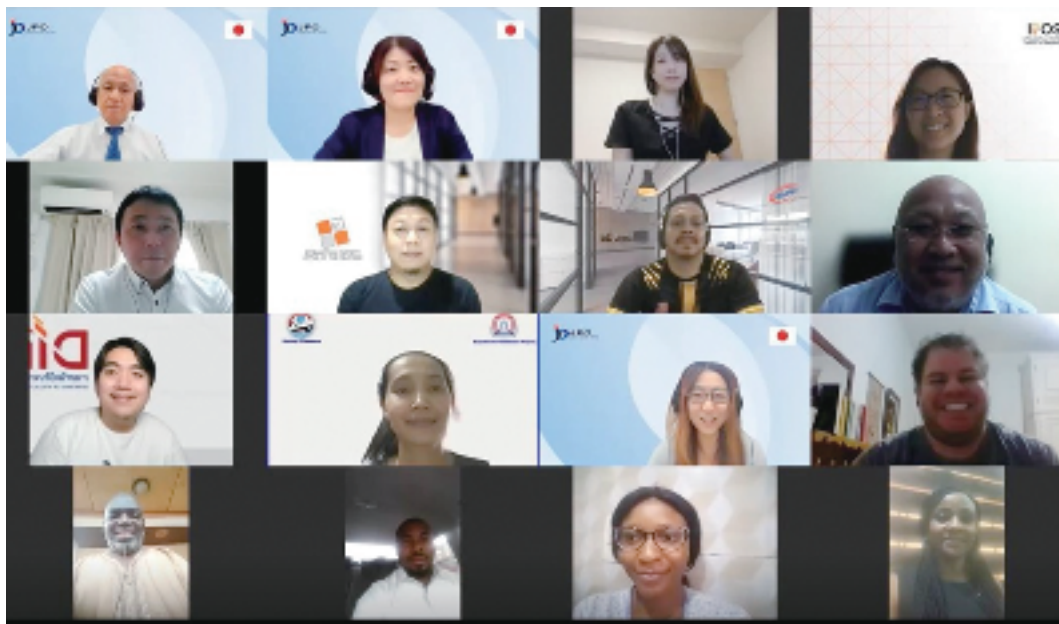
Depending on the training, we worked to make the lectures as close to an in-person experience, and as conducive to collective study, as possible. We used tools to divide trainees into groups, creating environments to facilitate verbal participation and discussion. In consideration of those trainees who

were unable to view the lectures in real time due to time differences or connectivity-related issues, we have taken measures to provide a wide range of options to experience the training, including making the lectures available in recorded format beginning on the day after each lecture.

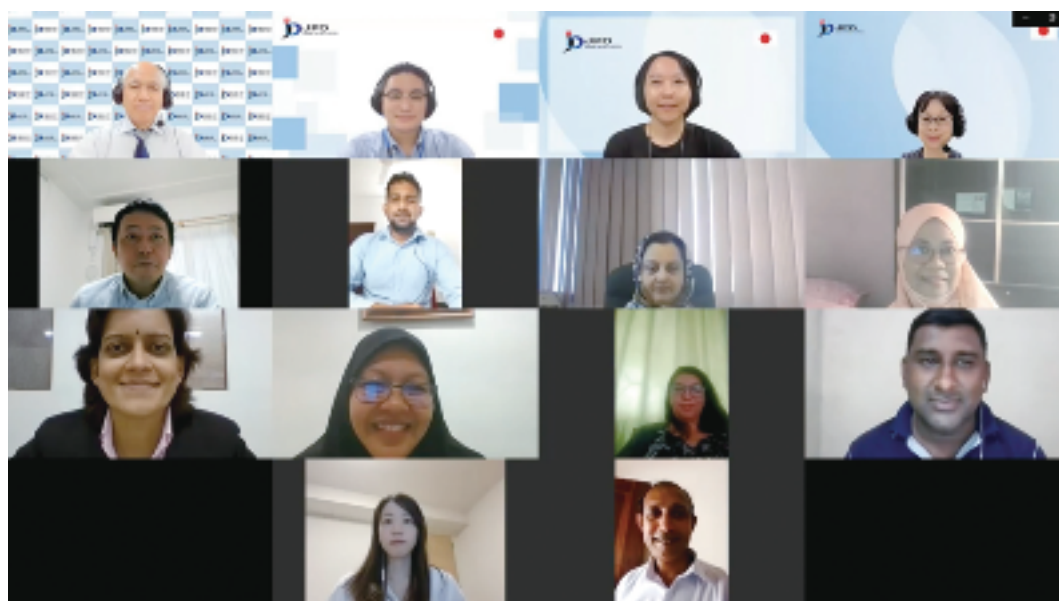
# chapter 4

## FY2021 Training Courses Completed (Yearbook)

\* The photos shown here are posted only with the permission of the individuals shown.



Promoting Public Awareness of IP



Trademark Examination Under the Madrid System

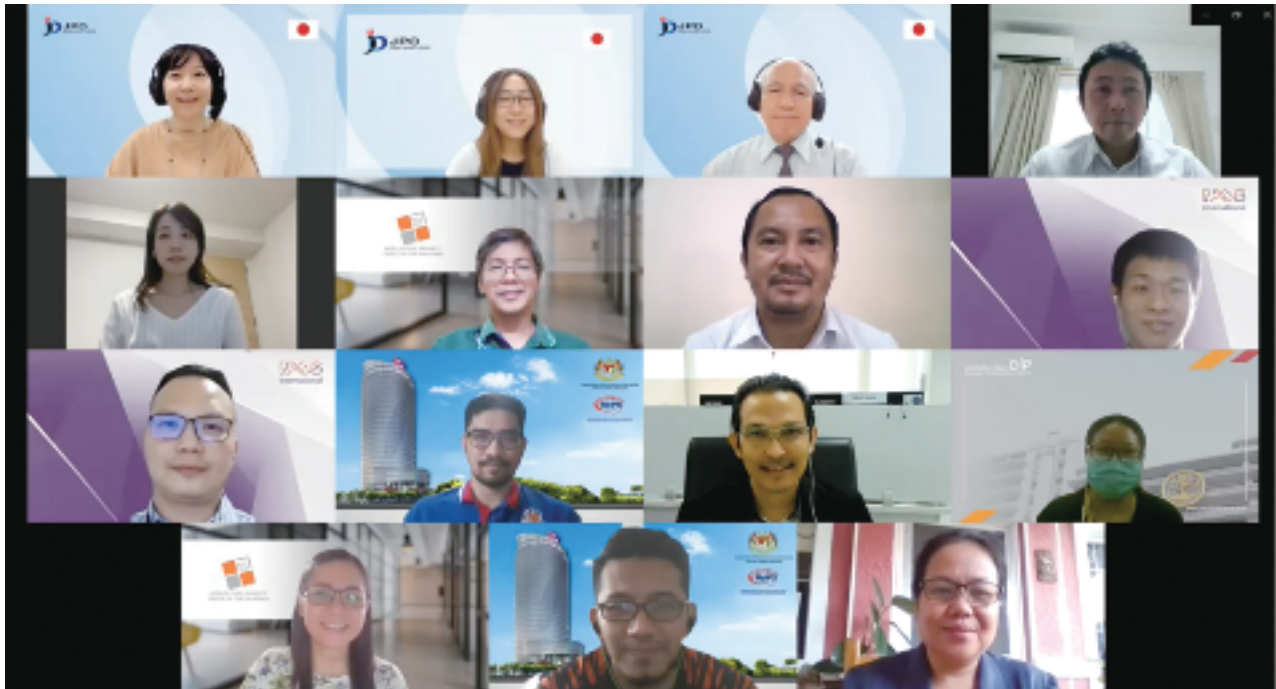


Academia-Industry Collaboration and Technology Transfer

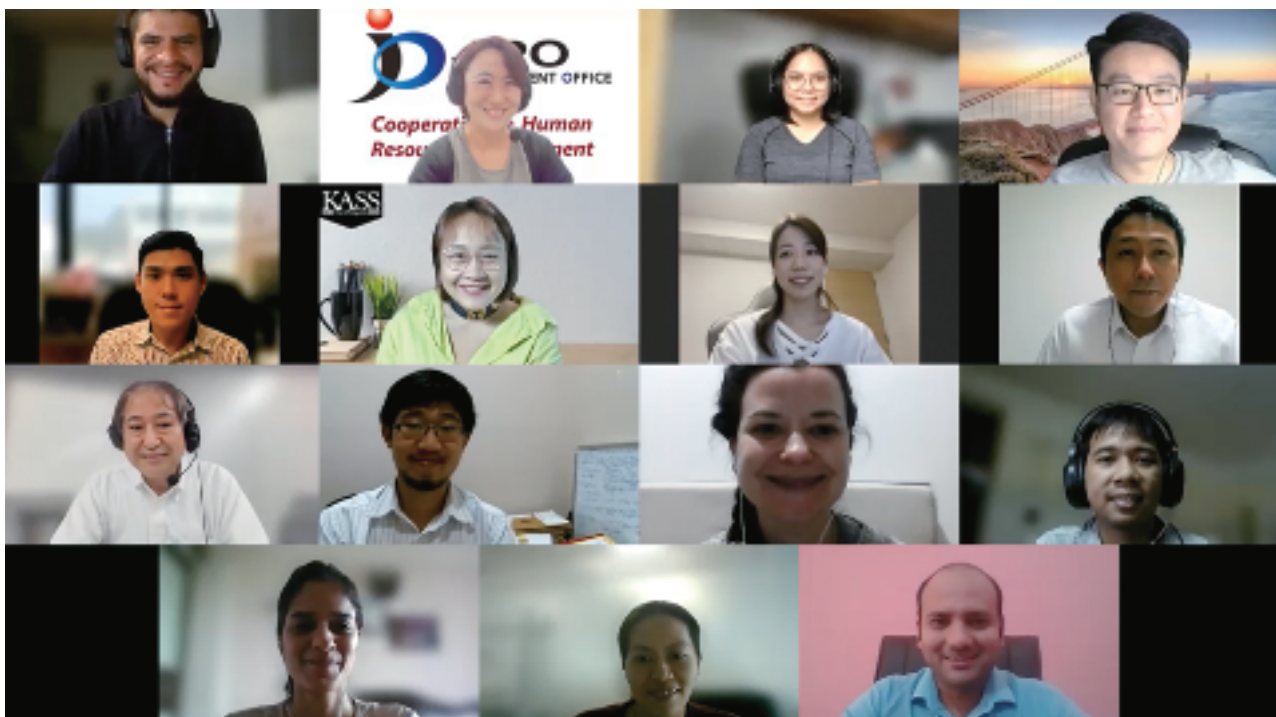


Patent Examination (Basic Program)





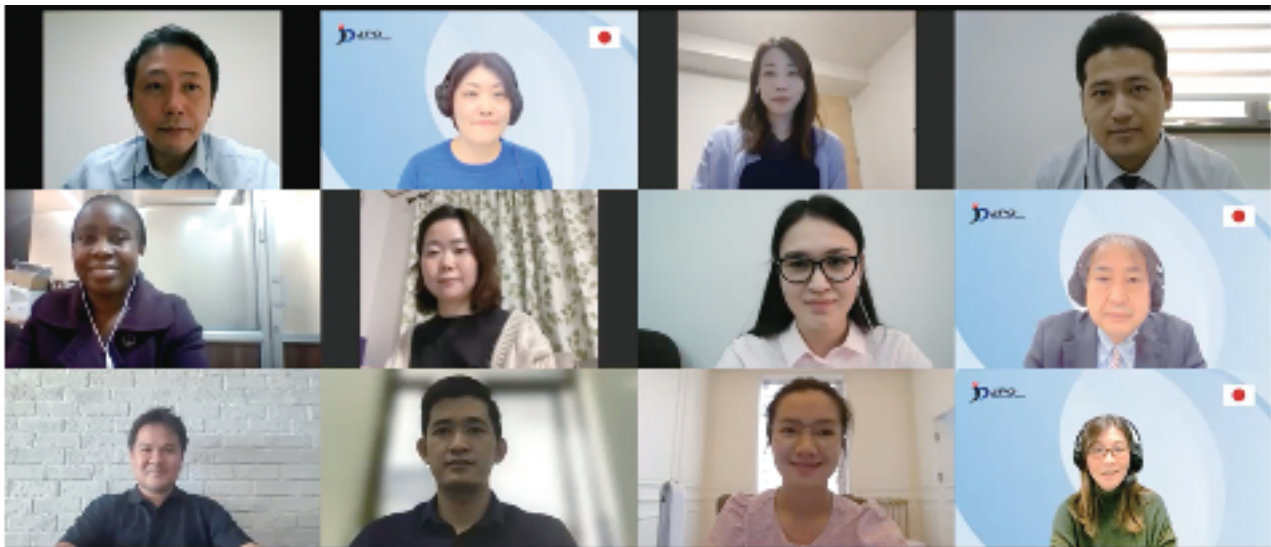
Patent Examination Management for Managers



Practitioners Specializing in Trademarks



Patent Examination for Middle Eastern and African Countries

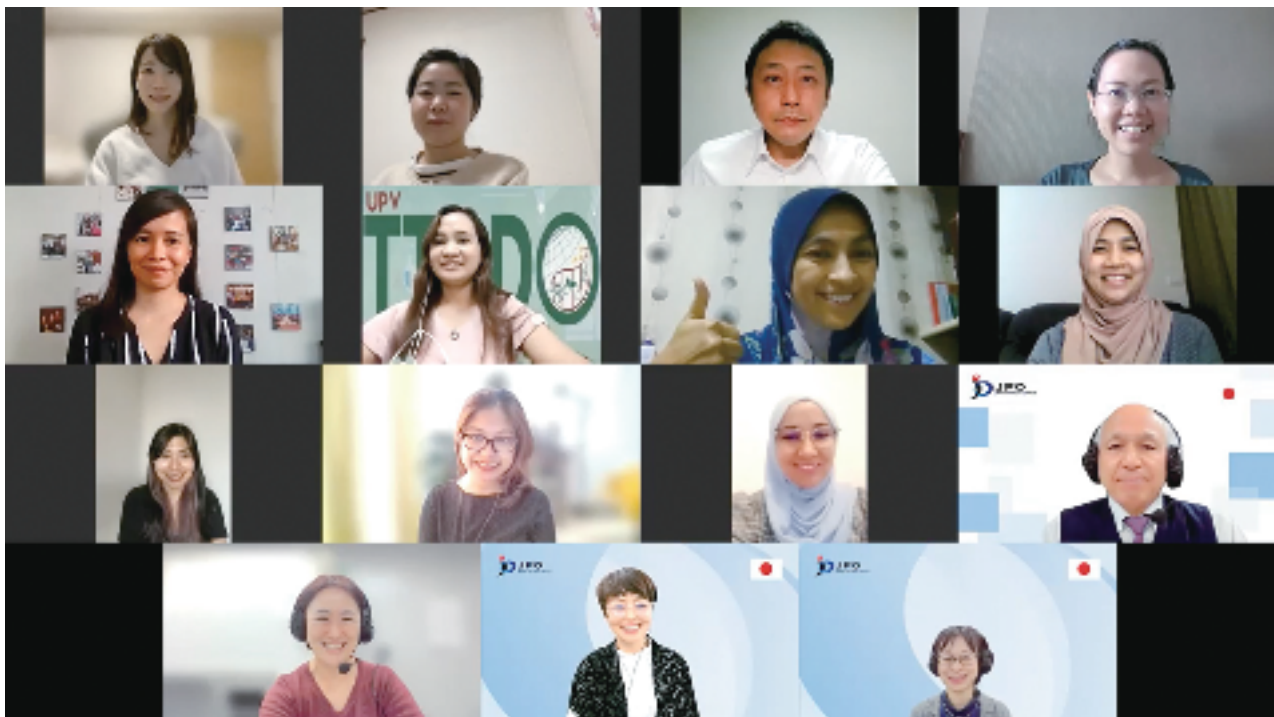


General Management of IP Office





Anti-Counterfeiting Measures for Practitioners



IP Trainers



Trial and Appeal System



Practitioners Specializing in Patents





Operational Patent Examination Training Program (OPET)



Information Technology



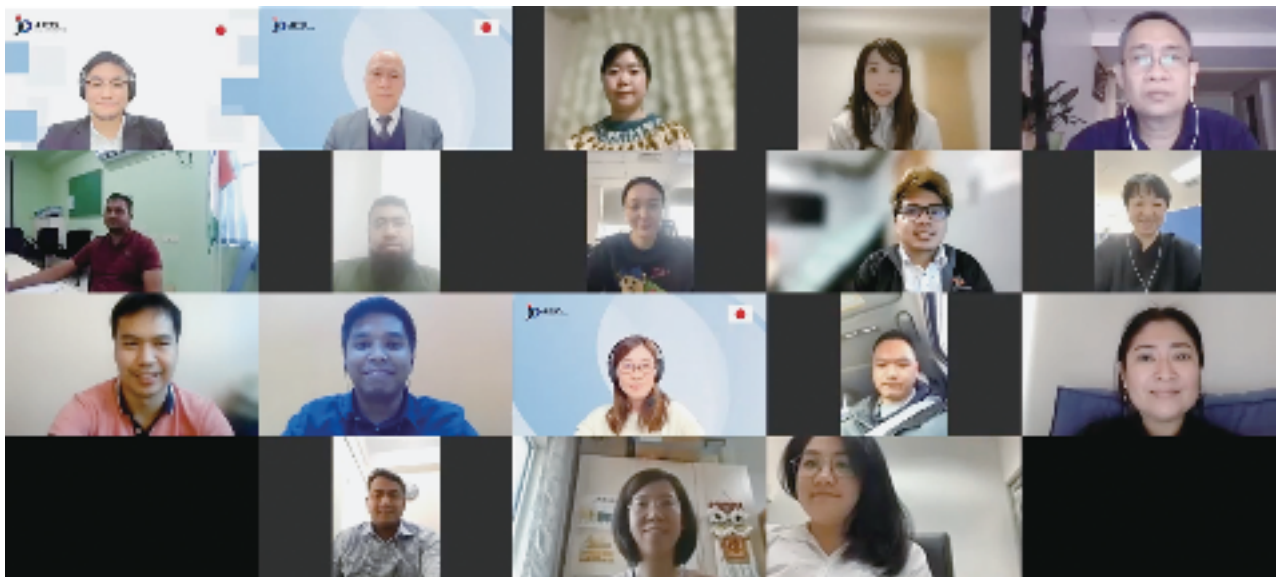
Design Policy for India  
(\* This course was held via Zoom webinar, so only the presenters are shown.)



Substantive Examination of Trademarks



Patent Examination in Specific Technical Fields for Latin American Countries



Design Substantive Examination and Accession to the Hague Agreement



## Follow-up Seminar for the Philippines

The Follow-up Seminar for the Philippines was held online on January 31, 2022. The seminar was hosted by the Japan Patent Office (JPO), supported by the Intellectual Property Office of the Philippines (IPOP HL) in cooperation with the Intellectual Property Alumni Association, Inc. (IPAA), and conducted by the Japan Institute for Promoting Invention and Innovation.

There are over 600 training alumni in the Philippines in total. These include officials at IPOP HL and related organizations, IP practitioners in the private sector, and those responsible for IP at universities and research institutions. This seminar, the 14th of its kind, was held in order to follow up on the training programs. It was attended by about 160 people including the aforementioned training alumni, as well as other people involved in intellectual property.

In response to a request from the Philippine side, the theme of the seminar was "Human Resource Development in the Intellectual Property Field". Lectures were given by officials from IP Offices in both the Philippines and Japan, as well as IP experts from universities and companies.

Atty. Troy A. Luna, an alumnus and IPAA Vice President, gave a speech at the opening of the seminar. This was followed by remarks from Mr. Tomisawa, Director of the International Cooperation Division of the JPO, who expressed his gratitude to the speakers, IPOP HL and IPAA for their cooperation in organizing this seminar. Atty. Rowel S. Barbra, Director General of IPOP HL, then shared the WIPO Director General's comment that intellectual property is a key factor for economic growth. Atty. Barbra also shared his own observations that IP human resources play an important role in the Philippines' pandemic recovery, and that the IPOP HL is strengthening its human resource development. An IP Academy was established within IPOP HL in 2019, and other systems for human resource development related to intellectual property are also being developed.

During the lectures, the Philippine side highlighted various matters including training programs conducted at the IP Academy; the IP Office's first online training management system for users in Southeast Asia; training programs for diverse human resources such as university researchers, students, and personnel in charge of technology transfer and commercialization divisions; and IP protection initiatives within the e-commerce industry, which has been growing during the COVID pandemic.

The lectures from the Japanese side highlighted the JPO's recent activities, including training for JPO examiners provided by the National Center for Industrial Property Information and Training (INPIT), the IP ePlat educational platform provided for various target audiences, methods of IP education for university researchers, raising awareness to find inventions, and IP human resource development in companies, including step-by-step goal-setting and training methods combining OJT and Off-JT.

The question and answer session covered a variety of topics not limited to human resource development, such as the relationship with existing patent rights when obtaining and implementing rights for new inventions that add new technology to existing patent rights, the greater use of online training for human resource development during the COVID pandemic, the challenges of securing and



fostering human resources in university technology transfer organizations, and criteria for deciding whether to apply for a patent or trade secret.

It is hoped that this seminar provided useful information to alumni of the training program in the Philippines and others involved in intellectual property, and that it will help them in their future activities.

[Speakers, lecturers, etc.]



From top left:  
**Atty. Rowel S. Barba**, Director General, Intellectual Property Office of the Philippines; **Atty. Gladys C. Vilchez**, IPAA Trustee (MC); **Atty. Troy A. Luna**, Vice President, Intellectual Property Alumni Association, Inc.; **Mr. TOMISAWA Takeshi**, Director, International Cooperation Division, JPO



From top left:

**Prof. SATA Yoichiro**, Senior Presidential Advisor, Specially Designated Professor, Intellectual Property Strategy, Yamaguchi University; **Atty. Hosanna T. Ayson**, IPAA Trustee (moderator); **Dr. Frederick P. Romero**, Director III, Bureau of Copyright and Related Rights, Intellectual Property Office of the Philippines; **Mr. NITTA Ryo**, Deputy Director, International Cooperation Division, JPO; **Mr. OMORI Shinichi**, Dean & Senior Managing Director for Human Resources Development and Utilization, National Center for Industrial Property Information and Training (INPIT)



From top left:

**Mr. Jason Brasileño**, Head of Enterprise and Security Risk, Lazada E-Services Philippines, Inc.; **Atty. Elizabeth Pulumarit**, IPAA Trustee (moderator); **Prof. Dr. Lourdes Marie S. Tejero**, University of the Philippines Manila; **Mr. ISEGAWA Hiroyuki**, General Manager, Motorcycle and Life Creation Intellectual Property Division, Honda Motor Co., Ltd.

## Training Course Experiences in Japan

### Overall Impressions of the JPO/IPR Course Online



Mr. Muhd Nicholas Bin Muhd Jamil Abas (Brunei)

Associate, Conveyancing & Litigation  
Abrahams, Davidson & Co.

*JPO/IPR Training Course for Practitioners Specializing in Trademarks  
(September 3 – October 11, 2021)*



#### **Introduction**

My name is Muhd Nicholas Bin Muhd Jamil Abas, and I am an associate from Abrahams, Davidson & Co, a law firm located in Brunei Darussalam. I would like to give my overall impressions on the JPO/IPR online training course titled “**PRACTITIONERS SPECIALISING IN TRADEMARKS ONLINE**”.

I was invited by the Japan Patent Office (“JPO”) to attend their specialized course online via Zoom from September to October 2021. While traditionally a course held face-to-face, inviting participants from all around the world to attend the course in Japan, it was sadly not fortuitous that the COVID-19 global pandemic prevented participants from having a face-to-face experience. Regardless, I was extremely thankful that the JPO had pushed on with the course via Zoom.

When I was first offered a chance to apply for the training course, I was hesitant, since I was not someone versed in any form of trademark law. I was worried that my lack of knowledge would hinder me from keeping up with the course, since I understood the course to be meant for advanced practitioners with at least three years of experience. But which aspiring practitioner, may I ask, would turn down an opportunity such as this? I applied for it, and was thankfully given a spot.

The conducting of the course was remarkable, given the difficulty posed by coordinating between the different time zones amongst eleven participating countries, and the fact that the courses were conducted in tandem with participants working. I can say that the coordinating staff of JPO did a resounding job. It

was easy for me to organize my time and participate without my work schedule being affected much, if at all, since participants were informed well beforehand regarding the course time schedules and expectations on attendance. Whenever I had any queries or clarifications regarding the course prior to its commencement, the staff were extremely helpful. Their quick and professional responses in guiding me through the process made the experience that much more pleasant.

With respect to the course material, to my surprise all of the lecturers made it a point to provide basic explanations on the respective areas of trademark law that they were presenting on. I cannot stress enough how easy it was, therefore, to follow each lecture. I found myself learning both the basic and advanced concepts of trademark law, and how these are practised in Japan. As a novice on the subject, I don't think I am able to pinpoint precisely which lecture I attended that had the most influence on me, since each lecture was an invaluable experience. Imagine: How often does one get the chance to hear a live lecture from the Hello Kitty company legal department's general manager! As an example, I would like to share my experience with respect to the lectures of Mr. Hayakawa Fumihiro on the topic of trademark trial systems.

Mr. Hayakawa's first lecture focused on the Japanese system of trademark registration, providing a detailed overview along with the challenges one may face as an applicant. Like in most jurisdictions, there may either be a refusal from the trademark examiner, or an opposition from a third party. By and large, the procedure to overcome such hurdles are, to my understanding, the same as is in Brunei. What I found both different and interesting, however, was the fact that Japan has in place an ex-parte system of examination, wherein there exists a panel of administrative judges who would review the validity of the examiner's decision before an applicant may challenge a decision on their own. I believe that this extra level of stringency highlights one of the many reasons why decisions of examiners in Japan are rarely overturned.

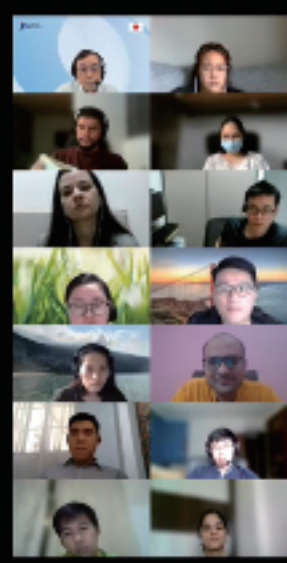
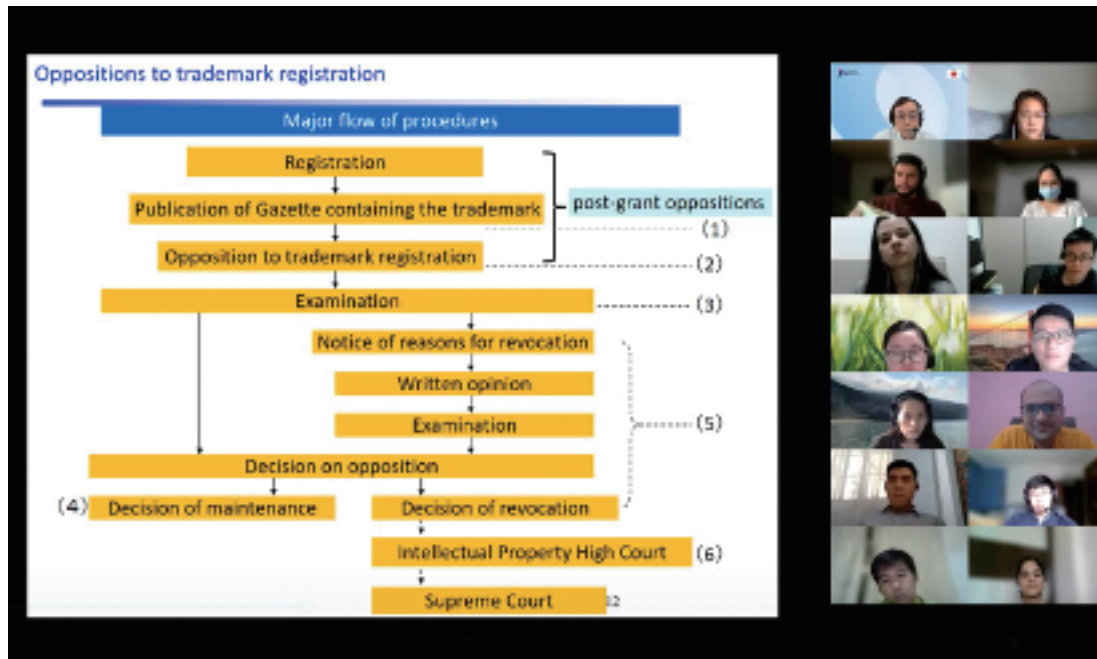
Mr. Hayakawa's second lecture focused on case examples of trademarks that either lacked distinctiveness, or were too similar. What I enjoyed about this presentation was that he invited participants to give their opinions on each case discussion. This gave me a good idea regarding how different jurisdictions around the world may view the contentious trademarks in question, since there were differing views in some instances regarding how their respective countries' IP offices would have decided on the issues. For example, while some participants opined that the trademark in question failed in distinctiveness, others would have allowed it to be registered since it was sufficiently distinct in their jurisdiction's eyes.

At the end of each lesson, I also appreciated the fact that the JPO made it a point to inquire with the participants how each lesson went and how we would rate the lessons provided, with our feedback comprising a final touch on how they could have done it better. Of course, it then comes as no surprise to me as to the quality of the overall course, given that the JPO emphasizes so much the improvement of their courses provided.

All in all, I would like to give my thanks to the team at the JPO, to APIC staff, and to all lecturers who gave their invaluable time to teach us so much about the Japanese trademark world. I have definitely picked up a number of things, and now have more confidence when dealing with clients and preparing applications. Certainly, trademark terms that were once Greek to me are now able to roll easier from the



corners of my mind. Should I ever be granted another opportunity to join a course by the JPO, I would join in a heartbeat. Thank you!



Mr. HAYAKAWA Fumihiko's Lecture



# JPO/IPR Online Training Course on Trial and Appeal Systems: New Knowledge and Impressions



**Mr. Samson, Robert Nereo (Philippines)**  
Attorney V, Office of Director General/Legal  
Intellectual Property Office of the Philippines (IPOP HL)

*JPO/IPR Training Course on Trial and Appeal System  
(October 25 – November 17, 2021)*



“I am not qualified.”

I made this statement when my colleague in the Intellectual Property Office of the Philippines (IPOP HL) mentioned that our Director General wanted me to attend the JPO/IPR Online Training Course on Trial and Appeal Systems. I said those words because I am not anymore young in age, and I do not now have the interest in attending such trainings and workshops since I would rather have the younger generation experience these things. But since we are only two lawyers in the Legal and Appeals Division of the IPOP HL, and my younger colleague has already attended this training, I guess there was no choice but to submit my application and just let the JPO decide on the matter.

Fast forwarding now, and looking back, I am thankful that I was given the chance to attend the training. As the adage says: There are always new things to learn, and we should not stop learning; and the more you learn, the more you realize that you still have a lot to learn.

## **The Program**

The JPO/IPR Online Training Course on Trial and Appeal Systems seeks to further the understanding of the trial and appeal system for intellectual property rights cases, as well as assist in creating a feasibility study for participants from countries which currently have no trial and appeal system. Participants included representatives from the ASEAN countries, namely: Brunei, Cambodia, Laos, Malaysia, Singapore, Thailand, Philippines, and Vietnam. The program offers a two-track approach where participants have to choose either the patent or trademark track to be certified as successfully completing the program. As my work in the IPOP HL involves the adjudication of cases, several of which pertain to trademark disputes appealed to the Office of the Director General, I chose the trademark track.

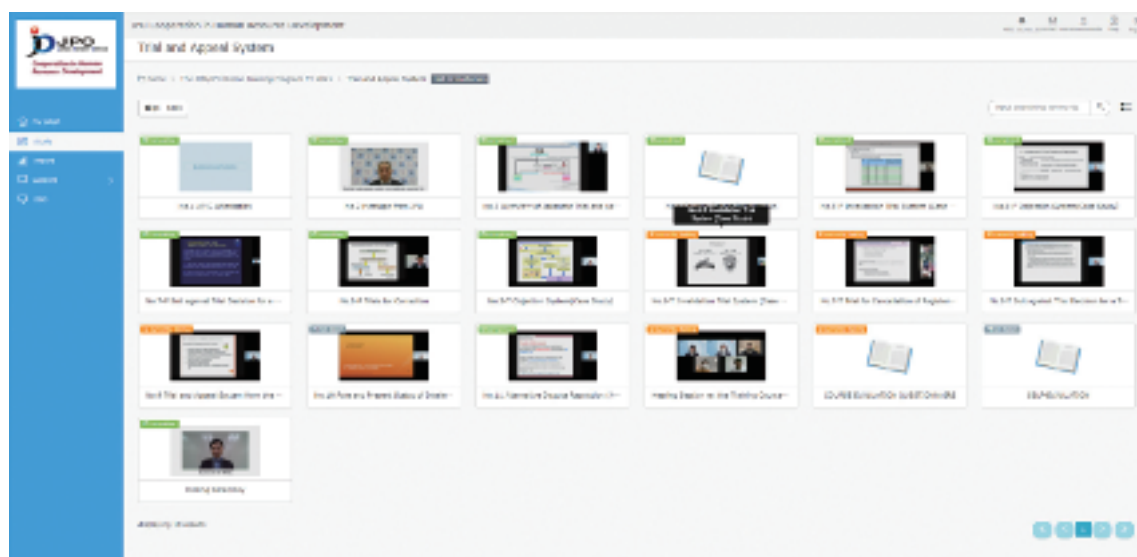
## Impressions

### *Resilience*

The program shows the character of Japan, wherein notwithstanding the pandemic that continues to hover across the global community, the JPO—in coordination with the Asia-Pacific Industrial Property Center (APIC) of the Japan Institute for Promoting Invention and Innovation (JIPII)—strives to ensure that capacity-building programs will continue for participants from developing countries like those of the ASEAN region. Such resilience is very admirable, even if Japan itself was not spared from the effects of this pandemic.

### *Flexible online platform learning system*

The mode of learning adopted for this program combined live-streaming and/or listening to recorded lectures, presentations, and discussions. This mode of learning gave me great flexibility to use either or both types: the live streaming sessions, and the recorded discussions through the “Manabeat” platform (learning system). The Manabeat platform enables participants to view the recorded discussions so that those who failed to participate in the live sessions may still be able to watch and listen to them. This allowed me to catch up with the sessions especially when there were simultaneous meetings scheduled at the IPOPHL. Moreover, this online platform learning system gives the opportunity for questions and answers, even after the live sessions and after listening to recorded presentations. Such a mechanism is very useful, as participants are still given the chance to clarify matters even after the live sessions and recorded presentations. Moreover, the Secretariat of the program is also given time to consolidate all of the questions, gather the responses from resource persons, and subsequently distribute the summary of questions and answers to all participants.



\*This screenshot is from the on-demand learning management system “Manabeat” created by SATT, Inc.

*The trial and appeal system, substantive laws and discussions*

I would say that Japan and the Philippines have similar substantive laws when it comes to opposition proceedings in the registration of trademarks. I am fortunate to have listened to distinguished experts with decades of experience, like our distinguished lecturers in the objection and invalidation system in Japan for the registration of trademarks. As our trademark group was comprised of only around five or six participants in the livestream discussions, it was inevitable that all of us had to answer questions from our distinguished lecturers.

The case studies discussions reminded me of my law school, where our professors would “terrorize” us during class recitations of cases. But unlike my professors, our lecturers were very amiable and kind. For instance, to create a light mood before the unexpected class recitations, the lecturer in our course on the objection system in Japan first shared his experiences of getting to visit ASEAN countries like the Philippines. Such sharing by the lecturers elated me, even if such visits took place quite a long time ago.

Then came the case studies, where we were asked to give our answers on whether to sustain the objection to the registration of the trademark. If ever my answer (also of those of my co-participants) were different from the JPO rulings, the lecturer was quick to point out that such difference from the findings of the JPO Examiners or Administrative Panel assigned to the appealed case could have been the result of cultural factors like language differences, especially if word marks were an issue for consideration. Moreover, even if the participants’ answers were different from the JPO rulings, the lecturer would also point out that in the Intellectual Property High Court in Japan, where the case was raised on appeal, our answers were similar to the IP High Court Ruling.

These discussions and insights reminded me that when adjudicating appealed cases, we must broaden our perspective in approaching the subject matter. It behooves me to reflect upon why there would be different interpretations or applications of the same standards or similar laws on a subject matter. Perhaps, as pointed out by our lecturer, the environment or the culture may have an impact on the decision, not to mention the policy approaches by an Examiner, Administrative Panel, adjudication or court officers.

While there are differences in the level of protection given by each country for IPR, this is expected, as the intellectual property system has to consider the existing economic, technological, social and cultural environment. Be that as it may, it cannot be denied that a trial and appeal system is an important parcel with which to complete the mechanisms of protection and enforcement through intellectual property rights. The JPO/IPR Online Training Course on Trial and Appeal Systems manifests the significance of this matter wherein even during the current pandemic, the flexibility given by the program enables participant to take a look once more and reflect on their current systems. Much can be learned by reflecting on both the procedural and substantive laws for the trial and appeals system to protect intellectual property rights. For now, I will cherish these new insights and knowledge as I continue my work to contribute toward enhancing the intellectual property rights system to enable intellectual creations to be a tool to promote the common good of all.

Mabuhay (Long Live)!

## Articles from Trainees

### The New Federal Law for the Protection of Industrial Property



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(June 21 – October 1, 2016)*



On July 1, 2020, the new Federal Law for the Protection of Industrial Property (LFPPI) was published, entering into force on November 5, 2020, and abrogates the Industrial Property Law published on June 27, 1991.

The LFPPI contains important modifications to the Mexican IP system, seeking to adapt Mexican legislation to the obligations contracted in the T-MEC. In this way, higher standards of intellectual property were imposed by establishing a legal framework that encourages innovation and investment, through increasing the protection of various figures and the use of new tools for effective enforcement against infringers.

The most significant modifications as well as their corresponding legal basis in the new legislation are described below:

#### **In General**

- The new law strengthens the competence of the Mexican Institute of Industrial Property (IMPI), by expanding its powers as a fiscal authority. The IMPI can now determine the amount of fines that it imposes, require payment, collect the resulting tax credit and demand its payment through the administrative enforcement procedure; determine the amount of damages caused by administrative infraction; and prevent both movement, entry and exit of merchandise in customs matters (*Article 5 sections VI, VII, VIII and IX; Article 344 section VI; Article 389; Article 390; Article 393*).



- A regulation was established in the submission of applications through electronic means and an electronic signature for the completion of procedures. The promotions and documents presented by these means produce the same legal effects as if they were autographically signed and having the same probative value (*Article 5 section XVII; Article 10*).

## **In Particular**

### **• Patents:**

Expansion of the Catalog of Non-Patentable Figures: It is specified that inventions that are contrary to public order or contravene legal provisions include cloning of human beings, modification of the germinal genetic identity of the human being, use of human embryos for industrial or commercial purposes and, finally, the modification of the genetic identity of animals that pose suffering (*Article 49*).

Prohibition of Double Patenting: The new law emphasizes the non-protection of inventions already patented, ensuring the public domain (*Article 50*).

Similarly, provisions have been established that specifically regulate the presentation of divisional applications (*Article 100 - 102*).

Issuance of Complementary Certificates: If there is a substantial delay in the process of registering a patent for a cause attributable to the IMPI, the holder of the application may request a complementary certificate to adjust the validity of the patent for up to 5 years (*Article 5 section I; Article 126; Article 127*).

Bolar Provision: An exception has been set for a third party to make use of the information of a patent before its expiration, exclusively to generate tests, information and experimental production necessary to obtain a sanitary registry, thus facilitating its later introduction to the market of generic drugs immediately after the expiration of the patent (*Article 57 Section II*).

Coordination Agreements with Foreign IP Authorities: The Institute may enter into inter-institutional agreements on patents to facilitate the exchange and use of work related to the search process and substantive examination or its equivalent, including technical assistance, as well as making available the search and examination results (*Article 118*).

Nullity and Expiration of Patents: when the invention is not disclosed clearly and sufficiently for a technician to reproduce it, as well as when its claims exceed the disclosure contained in the application (*Article 154*).

Partial Invalidation of Patents, Utility Models and Industrial Designs: The partial nullity of patents is also admitted and grounds for nullity are established for utility models, industrial designs, circuit diagrams and complementary certificates (*Article 155; Article 156; Article 157; Article 158*).

- **Utility Models:**

Validity of Utility Models: A longer period of protection of 10 to 15 years, has been established for utility models.

- **Industrial Designs:**

New Additions:

- I. Craftsman-made products are incorporated into industrial designs (*Article 66 section II*).
- II. Registration of an animated sequence or animated graphical interfaces are now allowed (*Article 70 section II*).

- **Trademarks:**

Validity period: The 10-year protection period of a trademark will be counted from the date on which the registration is granted and not from the filing date. This provision will be applicable only in relation to trademarks granted after November 5, 2020 (*Article 178*).

Definition of Bad Faith for Trademark Applications: When requesting or renewing a trademark registration, the owner must declare that his presentation or use of the trademark is free from deception and bad faith. Bad faith will be understood, among other cases, to mean requesting the registration of a sign with the purpose of obtaining undue benefit or advantage to the detriment of its legitimate owner (*Article 173 section XXII; Article 178*).

Non-registrable Elements for Trademark Applications: A definition of non-registrable elements of a trademark has been established, that is, those that appear in the design or logo of a trademark but are not going to be protected with it. These elements are defined as those that lack distinctive power when referring to general aspects, such as descriptive or indicative elements of the species, quality, quantity, composition, destination, value, place of origin of the products, time or date of production or common characteristics of the products or services covered by the trademark (*Article 216*).

Possibility to Break the Link Between Trademarks for Assignment Purposes: The new Law establishes that the link between brands for assignment purposes can be dissolved if a letter of consent between the transferor and the assignee is presented (*Article 254*).

Opposition and Administrative Declarations of Invalidation and Cancellation of Trademark Registrations: The opposition procedure is detailed in a better way. In addition, a Request for Administrative Declaration of Nullity will not be admitted by IMPI if an opposition has been previously filed against the same trademark registration, when the same arguments are asserted and the same evidence on which there is a pronouncement from IMPI is exhibited (*Article 221; Article 228 section II; Article 259*).

The deadline to present arguments in an opposition has changed from two to five days (*Article 223*).

Implementation of Expiration and Partial Nullity in Matters of Trademark Registrations: This allows elimination that is more efficient or overcoming of objections whose implementation, necessarily, implies a better and more complete application of the specialty principle (*Article 258 sections II, IV and VI*).

Registered Assessment: It is noted that when there is a tax registered with the Institute, the beneficiary may present the renewal of the registration of a trademark to preserve the object of the guarantee (*Article 251*).

Definition of a Famous Trademark: It will be understood that a trademark is famous in Mexico when a certain sector of the public or of the commercial circles of the country knows the trademark because of commercial activities carried out in Mexico or abroad as a result of its promotion or advertising. In order to obtain the declaration, it is required, in addition to the date of first use, to indicate the time of continuous use and effective advertising in Mexico and, where appropriate, abroad (*Article 190; Article 192*).

- **Trade Secrets:**

Definition of a Trade Secret: This is defined as all information of industrial or commercial application that the person who exercises legal control keeps confidential. Meaning obtaining or maintaining a competitive or economic advantage against third parties in the performance of economic activities, in respect of which it has adopted the means or systems sufficient to preserve its confidentiality and restricted access to it. In addition to its protection, its transmission and confidentiality are regulated (*Article 163 section I, Article 165*).

Infringement of Trade Secrets: Appropriation of industrial secrets, without the consent of its owner, to obtain a competitive advantage or incur acts of unfair competition (*Article 163 section II*).

Trade Secrets Criminal Offenses: Disclosing a trade secret to a third party, seizing, acquiring, using or improperly disclosing a trade secret through any means in order to obtain an economic benefit, or to cause harm to the authorized user (*Article 402 section III, IV, V and VI*).

- **Appellations of Origin and Geographical Indications**

National Assets: Appellations of Origin and Geographical Indications are national assets and they can only be used through authorization issued by the IMPI (*Article 268*).

Processing of the Declaration of Protection: With the declaration of a geographical indication, the legal entity in charge of verifying compliance with the rules of use will be certified. This will help to control the products that are distinguished from the moment the authorization of said indication is published (*Article 275 section VI; Article 277; Article 290; Article 292*).

- **Litigation and Enforcement**

Nullities and Partial Expiration: The new Law contemplates the nullity and partial cancellation of trademarks and patents (*Article 154; Article 155; Article 156; Article 157; Article 158; Article 235; Article 258 sections II, IV and VI; Article 260 section II*).

Domain Names: The use of domain names that invade registered trademark rights has been added as infringing conduct (*Article 386 section XVIII, XX*).

Condemn and Quantify the Payment of Damages: Damages caused by the commission of infringing conduct against an industrial property right can be analyzed by the IMPI in parallel to the administrative



declaration of infringement. With this, it is necessary to prove the direct relationship between the commission of the offending conduct and the damages invoked (*Article 343*).

Increase in Infringement Sanctions: In a matter of contentious defense procedures, the new law reinforces the authority of IMPI. IMPI may determine the amount of fines of up to approximately USD 1 million, including in the sanctions the possibility of carrying out the temporary closure and/or definitively establishing that an infraction has been carried out (*Article 388 sections I, II, III and IV*).

Settlement as an Alternative Means of Dispute Resolution: This procedure must be promoted at all times by IMPI. This helps users resolve conflicts in a more expeditious, user-friendly manner, and at a much lower cost (*Chapter IV Settlement*).

# Opportunities in Alternative Dispute Resolution for Intellectual Property Rights



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(December 1 – 16, 2020)*



Enforcement of intellectual property (IP) is integral to the enjoyment of IP rights. It is for this reason that it is important that the mechanisms available for the resolution of IP disputes be flexible, expeditious, confidential and less costly, and that they enable the maintenance of business relationships. The mechanisms available for this purpose include court litigation and Alternative Dispute Resolution (ADR).

ADR encompasses procedures or techniques for resolving disputes without resorting to litigation. This may be accomplished through arbitration, mediation, negotiation, expert opinion, mini-trials, ombudsman procedures, and traditional dispute resolution mechanisms, among others. Some of these procedures are considered important in the resolution of disputes involving IP.

With increased global cross-border commerce and the opening up of novel channels for doing business with most commerce being conducted on the internet, there are disputes that occur and need to be expeditiously concluded. Litigation may not provide the solution to some of these disputes because of its various shortcomings, which may therefore be properly addressed through ADR.

Some scholars are of the opinion that ADR is not suitable for resolving all disputes relating to IP rights. Various reasons have been advanced for this proposition. In arbitration procedures, disputes raising matters relating to public policy may be considered differently within various jurisdictions. In some instances, the subject matter is considered inarbitrable. Those disputes that involve some elements of criminal behavior, where courts need to make decisions regarding punishment, are not suitable for ADR. In some occasions, IP rights owners may want to send a message of deterrence to the infringers through litigation. The option of applying ADR for such scenarios may not work, as ADR is more interest-driven as opposed to rights-driven. In terms of the laws of various jurisdictions, there may be express provisions that outline the channels of dispute resolution that consider court litigation, thereby eliminating the option of ADR. It is my opinion that such express provisions of the law should not act as a finality in terms of jurisdictional issues. The parties can, once they appear before a judge, request the judge to engage in arbitration, mediation, negotiation or any other ADR method that is expeditious and

less costly to help them resolve the dispute. This is, however, subject to the national laws on the issue of referring matters to ADR. ADR may also not offer some orders, such as permanent injunctions, which are available through the court litigation system.

Although litigation is important in the determination of some cases relating to IP, it may take a much longer period to resolve a dispute than the length of time that the product is protected. IP rights are limited in terms of the duration for protection. This, in essence, means that if the litigation takes longer than the period of protection of the IP, it may render the IP useless, and therefore result in a great loss to the owner of that IP. For example, if a utility model is protected for a period of 10 years and the litigation takes longer than this period, it will make little or no sense for the owner of the utility model rights to follow up on the litigation. In addition, this may be very costly in terms of time, as well as the attorney and court fees that may be applied. In terms of expertise and court litigation, the judges who are required to make decisions on IP disputes may not have the relevant expertise in making decisions regarding certain types of IP. They may not have the scientific expertise, for example, to make a determination on a patent case which is in respect to technologies. It is important for the judge to understand the technical nature and the various concepts about the underlying technologies.

Another limiting factor is the territorial nature of IP rights. Protection of IP rights is territorial, and IP rights can therefore only be enforced in the territory where they are protected. The upshot of this is that if there is a trade-mark or patent infringement in a certain territory, the IP owner has to hire a local attorney to litigate the matter in that territory. If there are several territories, attorneys from those regions are hired to litigate the matters on behalf of the IP owner. The resulting effect is a huge cost implication from the litigations in those countries, and the risk of obtaining conflicting judgements from the various territories. The disputes are most times resolved in open court, and there is consequently no confidentiality in the resolution process. At the end of the day, this means that relationships between the parties are broken.

With the various shortcomings of litigation as indicated above, ADR therefore presents a practical solution for resolving certain IP disputes expeditiously and at a much lower cost. ADR reduces the cost of settling disputes, provides for their quick resolution, and ensures that parties have full control of the dispute resolution processes (party autonomy). It also makes sure that decisions are determined by experts, confidentiality is maintained, long-term relationships are preserved, and that a single procedure may cover several jurisdictions, among other advantages.

The New York Convention on the Recognition and Enforcement of Foreign Arbitral Awards (1958), commonly known as the New York Convention, is very significant for the recognition and enforcement of foreign arbitral awards. This means that in cases of arbitration, awards can be recognized as binding and enforced across borders (UN, New York Arbitration Convention, n.d.).

As relates to mediation, the United Nations Convention on International Settlement Agreements Resulting from Mediation (2019), known as the Singapore Convention, applies to an agreement resulting from mediation that is concluded in writing by parties to resolve an international commercial dispute. The Convention considers mediation settlement agreements, which is a positive move towards ensuring that the settlement agreements are acceptable in states with different legal, social and economic systems (UN, n.d.).



The World Intellectual Property Organization (WIPO) Arbitration and Mediation Center offers time and cost-efficient options for the resolution of IP disputes including mediation, arbitration, expedited arbitration and expert determination. This enables parties to resolve international commercial disputes with a specialty in information technology and IP disputes. The Center also provides a platform for the resolution of domain name disputes (WIPO, 2022), and offers a pool of arbitration and mediation experts who assist in the resolution of IP disputes—thereby enhancing good business relationships among parties.

It is recommended, therefore, that parties to IP disputes consider the use of ADR methods or mechanisms that will assist in the expeditious disposal of cases, and ensure the building and maintenance of good business relationships.

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# When “WHL” Goes Worldwide: Confirming Legitimacy During Parallel Importation of Genuine Goods in Thailand



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 (September 3 – October 11, 2021)*



The long battle with COVID-19 does not seem to be ending soon, even if we all already have vaccines. Millions around the world are currently unemployed, having lost their jobs since the pandemic started. Online sales have naturally become the top choice for people to make money after becoming unemployed. Many turned themselves into “online sellers” by importing interesting products from overseas, and then reselling them in their countries. Even if those products are genuine, the frequently asked question is: “*Can we legally resell them?*” This is particularly the case when those products are protected under Intellectual Property (IP) laws, but are resold without the permission of the IP owners.

Importing non-counterfeit goods into another country and reselling them without the consent of the IP owners, which is known as “**parallel importation**”, normally happens when the product price is lower in one country and higher in another. This may be a great opportunity for those who profit from the price gap, but the IP owners of those products would not be happy because their rights are literally “exhausted”. This concept is therefore called the “exhaustion doctrine” or the “first-sale doctrine”, which is adopted by some countries, but not others.

## **Does this doctrine apply in Thailand?**

An interesting case that occurred in 2000, the “**WAHL case**”, could answer this question.

### **CASE FACTS**

**P.C.L. Co., Ltd** (the defendant) was sued in the Central Intellectual Property and International Trade Court (IP&IT Court) by **Wahl Clipper Corporation** (1<sup>st</sup> plaintiff) with an accusation that the defendant had infringed the plaintiffs’ rights by importing hair clipper products under the registered trademark “**WAHL**”, which had been ordered from the 1<sup>st</sup> plaintiff’s distributor in Singapore for reselling in Thailand.

In this case, the defendant did not just import and resell the 1<sup>st</sup> plaintiff’s products in Thailand; but also added another layer of product packaging with the statement that “*genuine products must have a one-year limited warranty card*”, along with an attached “*one-year limited warranty card*” stating its name

and address as the service center. The 1<sup>st</sup> plaintiff's trademark "WAHL" was also printed on that wrapper by the defendant without the consent of the 1<sup>st</sup> plaintiff.

That act directly affected the circulation rate of the 1<sup>st</sup> plaintiff's products sold in Thailand by the 2<sup>nd</sup> plaintiff, **the authorized importer**. Both plaintiffs therefore filed a complaint before IP&IT Court, and asked for damages from the defendant.

This case was pursued until the Supreme Court. However, before telling you the Supreme Court's judgement, we would like to first draw your attention to the legal situation in Thailand relating to parallel importation.

## **LEGAL SITUATION**

Although the Thai Patent Act and the Thai Copyright Act contain some provisions relating to the concept of the "exhaustion of IP rights", it remains unclear as to whether they should be applied as exhaustion on the national, regional or international level. Within the context of trademark laws, the Thai Trademark Act does not include any provision relating to parallel importation, or the exhaustion doctrine. Section 44 of the Thai Trademark Act simply mentions that "*a person who is registered as the owner of a trademark shall have the exclusive right to use it for the goods for which it is registered.*" So, the two major questions that are often discussed in court would be the following: ***(i) Do parallel imports constitute any infringement to the trademark owners? and (ii) Does the Thai Court recognize the doctrine of international exhaustion of rights?***

## **THAILAND SUPREME COURT JUDGEMENTS**

Previously, the Supreme Court established a benchmark in many court judgements which could be compared and applied as follows: "*The owner of a registered trademark is the only person who could sell the goods bearing such trademark. Ordering products embodying that trademark to be sold in the country without any consent from the trademark owner, even if they are non-counterfeit products, is still an infringement of the trademark owner.* (Supreme Court Judgements No. 657/2499, No. 1271-1273/2508, No. 1669-1672/2523 and No. 4603/2533)"

However, the mentioned benchmark was reversed by the latest Supreme Court judgement No. 2817/2543 (2000) ("WAHL case") as follows: "***Once the relevant goods are put on sale for the first time by the registered trademark owner, the buyer has legal rights to resell such goods without constituting any trademark infringement.... So, the importation of the 1st plaintiff's products by the defendant into Thailand does not constitute an infringement of the 1st plaintiff's trademark and the 2<sup>nd</sup> plaintiff's rights in any way.***"

The Supreme Court gave the supportive reasoning in the WAHL case that even if the 1<sup>st</sup> plaintiff is the true owner of the registered trademark "WAHL", who has the exclusive right of using their trademark or selling the goods bearing such trademark in Thailand according to Section 44 of the Thai Trademark Act, the original sales of the products by the 1<sup>st</sup> plaintiff means that the 1<sup>st</sup> plaintiff had already exercised their rights and enjoyed the benefits from the products' prices. Therefore, the 1<sup>st</sup> plaintiff could not object to subsequent circulation of the products.

The Supreme Court also stated in the judgement that the purpose of using a trademark is to distinguish the trademark owner's goods from those of others, and to indicate that the goods are really owned by their respective owners. It normally happens in trade practices that the buyers might resell the products that they bought for the sake of making profits. Once the relevant goods are put on sale for the first time by the registered trademark owner, this means that the registered trademark owner already obtained and enjoyed the benefit of their rights. Therefore, they have no legal rights to stop buyers from importing genuine products embodying their trademark from Singapore for reselling in Thailand.

For the issue of the defendant attaching a one-year limited warranty card with the products and presenting itself as the service center for the products under the 1<sup>st</sup> plaintiff's trademark, the Supreme Court did not find such action of the defendant as an obstacle to the applicability of the exhaustion of right because all of the defendant's actions still represent the fact that *the products that it sells genuinely belong to the 1<sup>st</sup> plaintiff*. The Supreme Court viewed that the defendant did not act as the true owner of the 1<sup>st</sup> plaintiff's trademark nor the authorized person. Rather, what it did was simply to **“provide an after-sales service”** to its customers.

The Supreme Court also viewed that the 2<sup>nd</sup> plaintiff is simply the authorized importer of the 1<sup>st</sup> plaintiff's products from the United States to sell in Thailand, and not the exclusive distributor in Thailand. It therefore does not constitute an infringement of the 2<sup>nd</sup> plaintiff's rights, since there is no damage caused to the 2<sup>nd</sup> plaintiff.

## **OUR ANALYSIS**

From the Supreme Court judgement in the WAHL case, we would see that the Supreme Court clearly changed the approach towards this matter to rely on the doctrine of the **“international exhaustion of rights”**. They also confirmed that parallel importation is something that could be done legally in Thailand.

It should be noted, however, that since Thailand is a civil law country, the judicial precedent is not binding for the next case, nor the lower courts. Even if the Supreme Court in this case allows parallel importation of non-counterfeit goods, it is still uncertain whether the court would still follow this discretion in subsequent cases, or whether it would change its approach. Therefore, the next important question is: *“Would the parallel importation of genuine products bearing the registered trademark be allowed in every circumstance in Thailand?”*

To be honest, we do not have the answer to this question now due to unclear laws relating to parallel importation in Thailand. However, please rest assured that we will promptly update you on the next parallel importation case, especially for worldwide brands!



# Strengthening MSMEs Toward the Realization of AtmaNirbhar Bharat (Self-Reliant India)



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*JPO/IPR Training Course for Patent Experts  
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## **Abstract**

The Indian economy can reach the magic figure of a five-trillion-dollar economy by the year 2024, which will require accelerating the productive capacity and easing the business ecosystem in order to make India a production hub for world markets. We must attract foreign investments to fund the bottleneck issues of infrastructure, the lack of advanced technology, and project funding to scale up for global markets. It was a major stroke for India's prime minister to announce a Self-Reliant India to achieve self-sufficiency in homegrown products, and to create global market opportunities for local industries. This paper highlights the measures taken to make India self-reliant, and the role of MSMEs for this second phase of the Industrial Revolution.

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<sup>1</sup> The Confederation of Indian Industry (CII) established the Intellectual Property Facilitation Centre (IPFC) in association with the Ministry of Micro, Small and Medium Enterprises (MoMSME), Govt. of India. (Source: <https://www.cii.in/>)

## Introduction

AtmaNirbhar Bharat means self-sustaining and self-generating, which implies creating an ecosystem for every citizen of the country to achieve self-sufficiency in homegrown production, and reducing dependence on foreign products. This does not mean self-containment, however, or becoming isolationist or separated from the outside world. A policy is envisioned that promotes efficiency, equity, and resilience. This can motivate the country to utilise its capacity to achieve self-sufficiency, and fulfill both domestic demand and requirements outside the country.

By looking at the overall situation of the MSME sector in India, we see that MSMEs can play a crucial role in achieving a 'self-reliant India', which is a vision of the Hon'ble Prime Minister of India.

Honorable Prime Minister Shri Narendra Modi has stressed making India a five-trillion-dollar economy, which will be achieved by 2024<sup>1</sup>. To achieve this target, the MSMEs sector needs to contribute enormously, which requires creating a road map for AtmaNirbhar Bharat. This can also be understood by looking at the continental shift in the world's biggest economies. We can analyse through Table 1 that India would become the third largest economy in terms of GDP by 2024, preceded by China and the US. Therefore, there is an urgent need to focus on the areas where we can create opportunities for domestic players to access global markets, and to reduce dependence on other economies by moving toward a self-reliant India. PM Narendra Modi's vision to make India a five-trillion-dollar economy is a realistic approach that can be achieved with 11.5% to 12% of annual GDP growth each year by 2024. Because of the global pandemic, however, this growth may require an additional two years in order to compensate for economic losses.

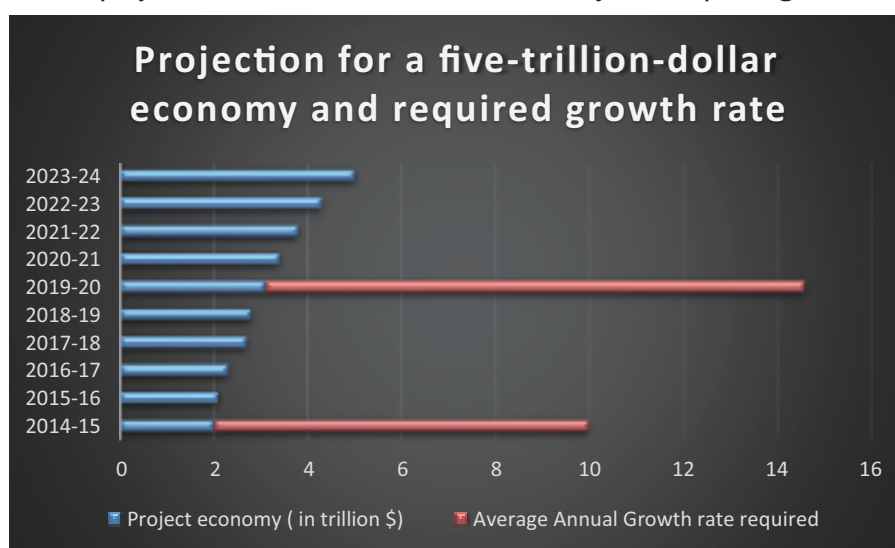
Table 1: Paradigm Shift in the World's Largest Economies from 1992-2024

Ranking	1992	2008	2024
1	US	US	China
2	Japan	China	US
3	Germany	Japan	India
4	Russia	India	Japan
5	China	Russia	Indonesia
6	Italy	Germany	Russia
7	France	Brazil	Germany
8	India	France	Brazil
9	Brazil	UK	UK
10	UK	Italy	France

Source- <sup>2</sup><https://www.statista.com/chart/22256/biggest-economies-in-the-world-timeline>

Table 1 above shows the top ten economies worldwide in terms of their GDP and continental shift. This indicates that India, which was in the 8<sup>th</sup> position in 1992, gained the 4<sup>th</sup> position in 2008, and is predicted to be in the 3<sup>rd</sup> position by 2024. However, this does not indicate the size of the GDP. There is a considerable gap comparing China and the U.S. with India. The size of the Indian economy is presently around 2.9 trillion dollars, whereas countries like the U.S. and China occupy the top two positions with a size of 21 trillion dollars and 14 trillion dollars, respectively.

Fig. 1. Analysis of the projection for a five-trillion-dollar economy and required growth rate



Source- <sup>3</sup><https://www.businesstoday.in/current/economy-politics/why-india-usd-5-trillion-economy-no-brainer-we-should-aim-higher-instead/story/364064.html>

It requires strategic growth planning to achieve the earmarked target of a five-trillion-dollar economy by 2024 (Fig. 1). This requires a massive acceleration in the country's productive capacity, and MSMEs also cannot be ignored when considering the contribution to this growth.

### Performance of the MSME Sector

Micro, small and medium enterprises are all an integral part of the country's industrial growth. MSMEs comprise a broader domain across various economic sectors, and fulfill domestic and global market demand by producing varied products and services (more than 6000). In India, MSMEs are defined (Table 2) based on the enterprise's investment in plant and machinery, as well as annual turnover<sup>4</sup>.

Table: 2. MSMEs based on enterprise investment and annual turnover

Enterprises	Micro	Small	Medium
Investment in plant/machinery/equipment	01 Cr	10 Cr	50 Cr
Annual Turnover	05 Cr	50 Cr	250 Cr

The MSME sector in India has occupied a strategic position by making a 90% contribution in total industrial output and 45% in manufacturing output, and contributes about 30% to the GDP. It significantly contributes to the country's production, employment, exports, and overall industrial growth, thereby comprising a significant contribution to the Indian economy<sup>5</sup>. The MSMEs sector offers the most prominent employment opportunities after the agriculture sector in India<sup>6</sup>. Despite such a considerable benefaction, some of the challenges faced by the MSME sector are as follows:

- Inadequate funding

- Competition with products from large companies and Chinese dumped goods
- Access to market, technology, etc.
- Lack of conducive infrastructure

Despite the many challenges within the MSME sector, it has always contributed to the country's industrial growth. Various schemes and programs initiated by the Govt of India target credit, technology, markets, etc. for MSMEs in order to further strengthen them. Many initiatives were taken by the Government of India in this regard in order to strengthen the MSMEs sector, including the following:<sup>7,8,9,10</sup>

- Prime Minister Employment Generation Programme (PMSMEGP)
  - This provides access to institutional credit for small enterprises covering projects up to Rs. 25 lakhs for manufacturing and Rs. 10 lakhs for the services sector, and up to Rs. 01 crore for further scaling-up.
- Credit Guarantee Trust Fund for Micro & Small Enterprises (CGTMSE)
  - This provides guarantee-free credit for up to Rs 2 crore projects.
- Procurement & Market Support
  - This gives subsidies for participating in national and international exhibitions.
- Scheme of Funds for Regeneration of Traditional Industries (SFURTI)
  - This provides infrastructure/cluster support to traditional and artist-based industries.
- Credit Linked Capital Subsidy for Technology Gradation Schemes
  - This improves the standards and quality of the sector by implementing lean and zero effect/zero-defect programs (ZeD), design support, and incubation support for nurturing ideas, intellectual property rights and digital empowerment of MSMEs.
- Scheme for Promoting Innovation, Rural Industry & Entrepreneurship (ASPIRE)
  - This promotes innovation in rural industries.
- Credit Linked Capital Subsidy Scheme (CLCS)
  - This covers a maximum of Rs. 15.00 lakhs in subsidies for one crore of institutional credit for gradations of technology in enterprises.
- Entrepreneurship and Skill Development Programme (ESDP)
  - This caters to the skill needs of industries in terms of employability of the country's youth.
- Cluster development programme
  - This provides infrastructure support and sets up common facilities for the industrial sector.

Apart from several schemes and strategies to promote the MSMEs sector in the country, different initiatives were planned by the Government as mentioned in table 3.



**Table 3: Different Go Initiatives launched for strengthening MSMEs<sup>11</sup>**

Scheme/Strategy	Details
MSME Credit Health Index	This was launched on November 2, 2020 to provide concrete measures, and set the benchmark to lift and strengthen the MSME sector.
MSME-Champions	Champions is an IT-based single window system launched in June 2020 to help MSMEs by providing handholding support for easy access to finance, raw materials, labour, permissions, etc., and to make MSME Enterprises National & International Champions.
Established five ministerial task forces	Five ministerial task forces have been set up by the Ministry of MSME to prepare a road map for strengthening MSMEs. The focus area of the task force is on Industry 4.0, export promotion and import reduction, cluster-focused growth, integration of technology centers and manufacturing competitiveness.
Udyam Registration:(URN)	A Udyam registration platform was launched to provide easy access for MSME registration based on self-declaration by enterprises, whereby no documents are required as proof of entrepreneurship.
MSME DataBank	To help MSMEs submit their information through a data bank without visiting any administration office.
My MSME	MY MSME is an online portal to check initiatives and plans of the ministry within a single platform. This made it easy for MSMEs to check the status of their application, and gives easy access to the different endeavors of the ministry all in one place.
MSME Sampark	The MSME Sampark portal was launched in 2018 as a match-making platform wherein job seekers and scouts can enroll themselves for common advantageous associations.
Digital Payment	As a component of the Digital India drive, the Ministry of MSME has taken various initiatives to empower the whole MSME system carefully. As a result, all MSME workplaces have been carefully enabled, and endeavors have been taken to spread mindfulness on the advantages of advanced installments such as BHIM, UPI, and Bharat QR Code.

### **MSMEs during the Covid Pandemic**

The current pandemic situation has significantly affected MSMEs. The several months-long nationwide lockdown has affected this sector, along with the large pool of laborers who mainly depend on small enterprises for their employment opportunities. This created a shortage of liquidity in the economy and imbalances in the demand-supply chain, placing small industries in an extremely vulnerable position. MSMEs were short of liquidity, and they were not obtaining revenues from any source. Their fixed costs for production remained static, so they were also not able to repay their loans/EMIs.

It is also pertinent to say that the pandemic is not over. The impact of the pandemic will continue to be sustained, so there is a need to review the situation and plan for a long-term strategy. This will determine the fate of the MSME sector, and bring these companies out of the present situation. It was an excellent initiative to announce some special packages to boost the flow of liquidity for MSMEs. This will address the supply side linkages and increase liquidity in the economy, but was also required in order to consider the demand-side factors. In the present scenario, business confidence must be boosted to revive MSME's business, and develop a sustained solution by looking at the opportunities.

To boost opportunities amidst the ongoing COVID-19 pandemic, the Govt. of India has also initiated various steps to fight back and stabilise the economy. The Hon'ble Prime Minister of India has voiced local production with the slogan "**VOCAL FOR LOCAL**" to make India a new industrial hub for the global economy. This appeal received a positive response from the industrial sector, which has tried to fight back against the pandemic and explore opportunities to make India self-sustainable. While most of the world has a protectionist approach wherein countries are only looking out for their own survival, India has emerged as a leader to further strengthen and show the world how to tackle this situation by

achieving self-sufficiency.

Below are some packages that were announced by the Govt. of India during the pandemic<sup>7,8,9,10</sup> with regard to AtmaNirbhar.

### **Redefining MSMEs**

As announced by the 'Hon'ble FM under the AtmaNirbhar Bharat speech, the foremost step was to simplify the definition of MSMEs. In the new definition, MSMEs are defined based on an investment in plants and machinery, and their annual turnover during any fiscal year. This will be linked to the GSTN system, IT department, and the information available from the Govt. The enterprises are not required to upload any documents for MSME registration; rather, certificates can be obtained by filing an online application based on a self-declaration statement. Further, the old classification of manufacturing & service sector MSMEs, and the ceiling for activity registration, have been eliminated in the new definition. This step encourages MSMEs to register, and creates ease of registration for various benefits available to MSMEs under Govt support programs.

### **Emergency Credit Line Guarantee Scheme**

This scheme was introduced as an emergency guarantee free credit for businesses/MSMEs looking for funding opportunities in order to meet built-up operational liabilities, buy essential raw materials, and restart/re-operate business. The Govt. of India has approved funding support in the amount of Rs. 3.00 lakh crores, which will provide guarantee-free and collateral-free loans to 45 lakh small enterprises.

With this emergency credit support from the Govt. of India, those small-sized enterprises whose turnover is not exceeding Rs. 250 crores can avail themselves of the benefits under this scheme.

### **Distressed Assets Fund - Subordinate Debt Scheme for MSMEs**

The Ministry of Micro Small & Medium Enterprises has introduced a distressed assets funds-subordinate debt scheme to help small industries that have either become or are on the brink of becoming non-performing Assets (NPA), and have sustained and revived their business. This will bring MSMEs out of the NPA situation, but also helps the banks to perform better.

### **Equity Infusion for MSMEs through Funds of Funds**

The Govt of India has introduced funds to be operated through mother and daughter funds to encourage private sector investments in the MSME sector, facilitating equity financing of Rs.50,000 crores for MSME enterprises. This will be another mechanism for MSMEs to raise funds despite their traditional sources, and to attract investors for MSMEs from various financial institutions, corporate investors, banks, other government funds, and HNW individuals.

### **Disallowed Global Tenders in Govt Procurements**

Under AtmaNirbhar packages to MSMEs, global tenders of up to Rs 200 crores will be disallowed in government procurement. This will create opportunities for MSMEs to get orders and improve their demand-side imbalances, which were earlier stuck due to the pandemic.

## **Payments to MSMEs in 45 Days**

As per the ministry of MSME procurement policy, there is already a provision of 25% shares for MSMEs, out of the total procurement by central govt. ministries/departments/CPSUs. The 'Hon'ble FM is now addressing delayed payment to MSMEs in its announcement under AtmaNirbhar Bharat packages. With this, each such public sector enterprise needs to make payments to MSMEs within 45 days. This will improve MSMEs' operational competencies, and provide them the liquidity for day-to-day operations.

## **Introducing a Conducive Manufacturing Ecosystem for MSMEs**

It has been evident that MSMEs can contribute to the AtmaNirbhar Bharat Initiative by utilizing their productive capacities. To provide a faster pace and make the MSME sector more competitive, many initiatives were introduced by the Govt of India to support the competitiveness of small enterprises within global markets, such as stand-up India as discussed below.

### ***MSMEs in 'Make in India'***

The 'Make in India' initiative has marked its manufacturing capability in the world market. This is a great initiative to boost the manufacturing culture in India in order to make the country a global manufacturing destination.

Make in India has identified the four pillars to accelerate entrepreneurship culture in India. Firstly, it recognises the ease of doing business as an essential factor to promote entrepreneurship. Secondly, it ensures the availability of modern infrastructure. Thirdly, it identifies new potential sectors. And finally, it recognises the government as a facilitator and not a regulator<sup>12</sup>.

#### **• *Startup India***

Startup India was launched for driving India's sustainable growth, creating large-scale employment opportunities, harnessing the nation's potential, and contributing toward a self-reliant India. The aim of this policy is to innovate, develop and make India for the world. This startup movement can fuel innovative solutions for global markets, and become a key driver for AtmaNirbhar Bharat<sup>13</sup>.

#### **• *Invest India***

Invest India was launched to facilitate national investment promotion, and as a facilitation agency that targets sector-specific investors to enable sustainable investments in India. It has helped the country attract significant investment in FDI, and will surely expand our capacities to achieve the target of a five-trillion-dollar economy by 2024<sup>14</sup>.

#### **• *Skill India***

The Skill India campaign was launched to train over 40 crore Indian youth in different skills by 2022. This has been a large-scale capacity-building program to cater to the nation's skill requirement, and make these youth employable within the industrial sector<sup>15</sup>.

#### **• *Digital India***

The digital India program was initiated with a vision to transform India into a digitally-empowered

society and knowledge economy. This aims to introduce a digital platform within the industrial sector, and expand the use of ICT tools within the industrial sector in order to become globally competitive<sup>16</sup>.

- ***Vocal for Local***

The prime minister's address to the nation on May 12th, 2020 emphasised production and development for local supply chains. This comprised the first step toward achieving a self-reliant India aligned with other initiatives, such as making India incentivise local manufacturing rather than importing this from other countries.

## **Conclusion**

MSMEs have been a priority of the Govt. and have been strengthened while considering the self-reliant movement of India. This movement has motivated the industrial sector by preparing them for creating India as a global manufacturing hub. This self-reliant movement has not only restricted the promotion of the 'make in India' brand to domestic buyers, but has also made India a significant player in terms of contributing toward the global production supply chain. MSMEs have the capacity to make a greater contribution toward a self-reliant India. This will make India autonomous in terms of its production capabilities, and create egalitarian growth by creating opportunities for employment.

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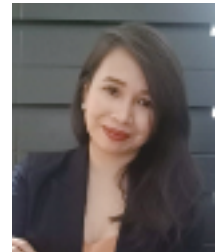
# IP Learning in the Philippines: How the IP Academy of the IPOPHL is Training Different Sectors, and How the JPO's Training Course is Helping this Cause

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*JPO/IPR Training Course for IP Trainers*

*(October 22 – November 29, 2021)*



In the Philippines, intellectual property (IP) is not a widely known concept yet. Outside certain sectors of the society, there is limited IP knowledge. There is limited inclusion of IP subjects in college courses, as well as in the high school curriculum. But, given the importance of IP in terms of its contribution to the socio-economic development of a country, a reversal of this situation is necessary. The Intellectual Property Office of the Philippines (IPOPHL), the government organization responsible for the “administration and implementation of State policies on intellectual property, with the goal of strengthening IP rights protection in the country” (Intellectual Property Office of the Philippines, n.d.), mandated the creation of the IP Academy. The IP Academy, the national center for IP learning and research in the Philippines, is responsible for ensuring the spread of IP knowledge and education as a step to securing an IP-inclusive society. This is in accordance with the BRIGHT agenda of IPOPHL’s current Director General, Atty Rowel S. Barba, one of which is integration and raising of IP awareness.

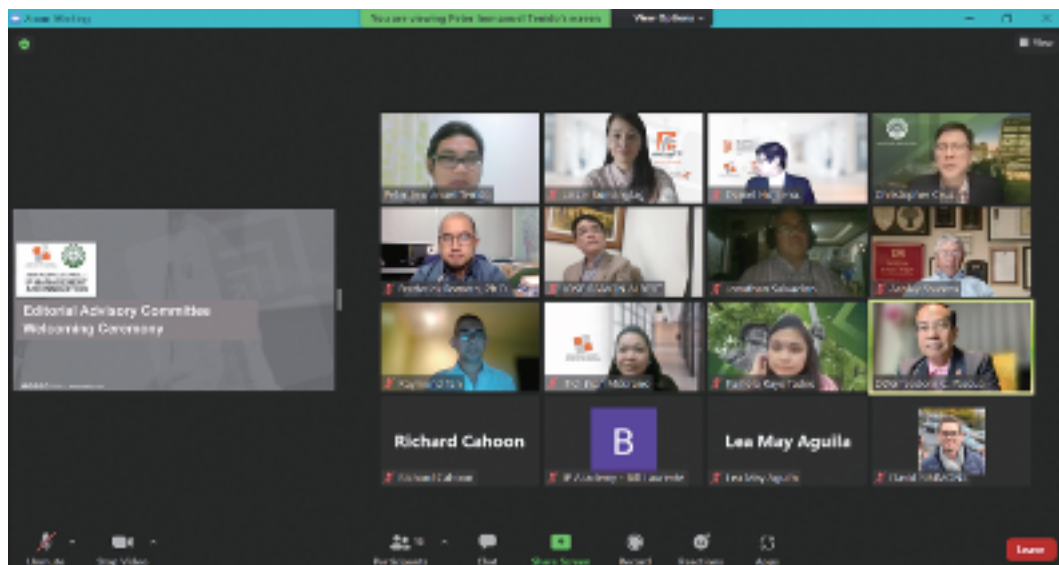
To do this, the IP Academy is relying on its three pillars: research, education, and training. I am currently the Senior Consultant for Education, Training, Research, and Publication of the IP Academy, and I will share with you how the IP Academy is spreading IP knowledge and awareness throughout the country.

The research and publication arm aims to add on to the body of knowledge of IP and innovation, especially in the Philippine setting, to serve as the basis for current and future programs and endeavors of the IPOPHL. Under this arm, the IP Academy has the following programs: the IP and Innovation Research Conference, the ASIA Pacific Journal of IP Management and Innovation, and IP REACH, an internal capacity-building research program for IPOPHL employees who are interested in research. Under IP REACH is an internal publication of IP studies, the IP Chronicles, made by the IP Academy

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<sup>1</sup> Intellectual Property Office of the Philippines. (n.d). Mandate and Function. Retrieved from: <https://www.ipophil.gov.ph/mandate-function/>

and other employees of the IPOPHL who want to write IP-related articles. In the long term, the research conference and journal aim to include professionals not only from the Philippines but also from other parts of Asia and, eventually, the world.



Welcoming ceremony for the editors of the ASIA Pacific Journal of IP Management and Innovation. The editorial committee is composed of local and international research experts in the field of IP and innovation. For more information, you may refer to the following website: <https://www.dlsu.edu.ph/research/publishing-house/journals/apjipmi/>

The education arm aims to build partnerships with different academic institutions in the country to incorporate courses or tracks related to IP, such as a Master of Laws degree in IP and Diploma and Master's programs for IP in two premier universities in the Philippines, the Ateneo School of Law and De La Salle University. Partnerships with governing bodies responsible for different educational levels and systems in the country are also being forged to integrate IP in the educational system of the country, regardless of the course and level. This way, even children and non-technology or law students can understand what IP is.

The training arm aims to provide short courses targeted towards the IP and IP awareness needs of the society and of different sectors, equipping them with the necessary IP knowledge they can utilize to contribute to their individual and collective socio-economic development and growth. This can be divided into different categories by length of time of the course, certification provided, and sector targeted.

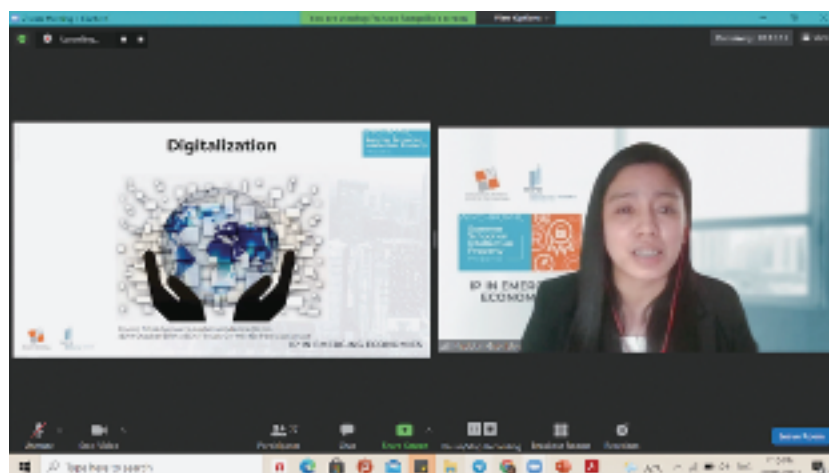
### Training Programs of the IP Academy

#### Long Courses for Professionals

By operational definition in the IP Academy, long courses involve a minimum of one week or five working days. For professionals, the IP Academy has the following long courses: the Mandatory Continuing Legal Education (MCLE) course for lawyers, the Beyond IP Mastercourse (BeIP) legal and

management tracks, and the World Intellectual Property Organization – IPOPHL Summer School on IP (WIPO-IPOPHL SS).

- The MCLE is the continuing professional education requirement for lawyers, which grant them units that are mandatory for the renewal of their license to practice law in the country. The IP Academy provides this by giving lectures on law-related aspects of IP such as mediation and arbitration, and IP regulation. This course is open as well to non-legal professionals who deem that lectures on IP laws can benefit their practice.
- The BeIP is an advanced course for professionals of different sectors about the IP system, and national and international IP issues and trends, including its enforcement and commercialization. It has two tracks that participants can choose from: the legal and management tracks; the legal track focusing on law-related IP issues and trends, and the management track focusing on IP issues and trends related to managing businesses and economies, and health and education systems. There are core courses for both tracks, and specialized courses for each of the two tracks.
- The WIPO-IPOPHL SS is a program by WIPO which they partnered with IPOPHL as the implementor of the SS in the Philippines. The SS happens in different countries, with some countries providing themes for their courses. In the Philippines, the theme of the SS in 2021 was IP in Emerging Economies, where lectures tackled the role and importance of IP in different aspects of development of emerging economies, such as the Philippines and other South East Asian nations.



Explaining the 2021 WIPO-IPOPHL SS culminating activity which involves a problem-solution approach to specific issues related to IP and development.

A participant reporting their output for the culminating activity.

### Short Courses for Professionals

Short courses, on the other hand, take place from one to two half or full days. To train different sectors of the society, the IP Academy has the following short courses for professionals: IP Forward and Building Understanding and Intellect of Learning Developers of IP (Build IP).

- *IP Forward* is a targeted one or two-day IP training program for specific sectors of the society. The aim of this program is to provide these various sectors with intermediate to advanced IP and related knowledge that they can use for the advancement and progress of their professions. In previous offerings, IP Forward has been given for health care professionals, musicians, university and school administrators, entrepreneurs, social media content creators, and public servants, among others.
- *Build IP* is the Train the Trainers program of the IP Academy, offered to partner institutions who would like to incorporate Intellectual Property in their program offerings. Here, experts of IP training will be equipping trainers of different institutions with the knowledge and skills they would need to teach basic IP in their respective courses and programs.

### Long Courses for Students

IP training should be done as early as possible to ensure that respect and appreciation for IP will be developed in people. This is the goal for providing courses to students of different levels and through various approaches, targeting both the cognitive and affective domains of learning. For the long courses, the IP Academy offers the IPOPHL Student Internship and Practicum (ISIP) Program, and IP Boost Camp.

- *The ISIP Program* is the internship program of the IP Academy, where students will rotate in different bureaus of the IPOPHL and experience first-hand the work done in the IPOPHL. This aims to train them for a future career in the IP profession and in the government. The length of time depends on the internship requirement of the school.
- *IP Boost Camp* is a summer camp for undergraduate and graduate students about all things IP, with a variety of learning activities to make the program more exciting, relatable, and easier to digest for students. This is open to all courses and all institutions. IP Boost Camp also opens the *IP CIRCLE League*, or Create, Interact, Refine, Compete, Learn, Experience IP, which is the Philippines' first series of interschool competitions on everything related to IP. Each institution represented in the IP Boost Camp will be invited to participate in the events of the IP Circle League.

### Short Courses for Students

Short events for students are also necessary to spark their interest in IP and related fields, hoping to elicit inquiry from them which would translate into attendance to the longer courses on IP for students. The IP Academy has IP Homecoming and IP Roadshow for this category.

- *IP Homecoming* is a career talk given by professionals in the field of IP who have graduated from the institution being visited, aiming to introduce the IP profession and career opportunities in the field, to inspire students to pursue a career in IP.
- *IP Roadshow* is a program which, for now, virtually visits academic institutions to give basic IP training to students, faculty members, and administrative personnel. This ranges from academic



institutions catering to professionals, vocational studies, college students, and even high school students.

The programs of IP Academy are ladderized in such a way that some programs are contributory to the prerequisite knowledge required for the other programs. We are currently developing a system which places all our programs in an organized spectrum, in a curriculum much like those used in academic institutions. Recently, the IP Academy did a soft launch of the first ever online learning management system for IP in the South East Asian region, the *IPOPHL Learning Activities Workspace (ILAW)*, which aims to provide training courses for every person to be able to do in their own time and location. Learners can also create their profiles here to track their progress in terms of IP learning with the IPOPHL. For more information, you may visit the ILAW website and check out the beta version of the Introduction to IP course at the following website: <https://ilaw.ipophil.gov.ph/>.

It is the aim of the IP Academy that every Filipino, and eventually Asians and other citizens of the world, are IP competent and IP confident, and these learning programs are the measures we are taking to ensure this, with the help of other institutions and stakeholders.

#### The JPO / IPR Training Course for IP Trainers

The main backbone of the IP Academy is its manpower roster who all have experience in research and teaching. They are composed of licensed professionals in different professions such as law, business and finance, health care, education, communications, and visual arts. To be able to further provide the necessary training to different stakeholders, the IP Academy manpower also undergo training for IP trainers, such as the one provided by the Japan Patent Office Intellectual Property Rights Office. This course, named JPO / IPR Training Course for IP Trainers, is being offered to professionals from different backgrounds who are involved with IP training. The IP Academy has two personnel who have undergone this training, and both have used knowledge gained from the training to be able to better introduce IP to high school, college, and professional audiences.

In the training program, principles of IP are taught to the participants, but broken down into basic principles as they would best be absorbed by the target population. Principles of teaching and learning were incorporated in the techniques and manner of presentation by the lecturers, which made it easier for





the participants to envision how this can be carried out in their respective fields. Materials gathered from the course were very useful as well as they gave the participants an idea on how to create their own materials which will entice the participants about IP. They are encouraging the participants to use these materials for their lectures, and to derive their own materials for the lectures from these materials.

In one of the IP Roadshow offerings last November to a high school in the Philippines, some materials from the training course were used by one of the participants from the IP Academy.

The training course has been contributory to the improvement of the programs of the IP Academy of the IPOPHL in small ways that have big impacts to the target sectors of society. We hope to provide to our learners the same level of knowledge and confidence that this training course has shared with us.

# Copyrights and Academic Librarians: Navigating Challenges



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(February 22 – March 2, 2021)*



## 1.0 Introduction

The matter of copyright law is of special concern to educators and librarians, who deal with the matter of copyrighted works on a daily basis. It is therefore necessary for them to comprehend the values of copyright law, especially within this digital environment, and to meet the challenges of digital librarianship.

Machlin-Mastromatteo (2009) described academic librarians as professionals with a good working knowledge of copyright law, and explained that librarians with copyright (law-related) knowledge have opportunities to protect Intellectual Property Rights (IPR) holders and interpret copyright laws in libraries. It has become inevitable for librarians to acquire and maintain their copyright laws. Academic and research community members are concerned with how copyright affects their academic life, because teaching and research works are protected under copyrights.

Section 21. (1) of sub-section (2) in the 1994 Copyright Law of Zambia is vital for libraries and their users. This section deals with fair use and various copying by libraries, although not all libraries qualify to take advantage of its exemptions. Some of the following acts shall not constitute copyright infringement:

- (a) fair dealing with a work for private study, or for the purposes of research done by an individual for personal purposes, other than for profit;
- (b) fair dealing with a work for the purposes of criticism or review, whether for that work or any other work, provided there is sufficient acknowledgement.

## 2.0 Librarians and copyrights

The purpose of copyrights and libraries are the same: to “promote the progress of science and useful arts.” This mission requires balance between the interests of copyright holders, and of academic researchers and students. Otherwise, unbalanced copyrights could threaten academic freedom, because it would require authors to obtain permission to use copyrighted text and images in academic publications, which can place a burden on academic authors when the copyright holder is hard to find; or when the required permission payments are too costly.

However, academic libraries help restore balance by insisting on rights for all library users; stopping unreasonable locks on vital resources; collecting and preserving works; ensuring the completeness and integrity of the scholarly record; and maintaining legal privileges.

### Librarians in the digital age

The excess of new technologies at local libraries also means that in order to keep up, librarians must constantly go through training beyond what is taught in library science college programs. “There is a need for constant re-training because the information world continues to evolve, and the technology itself continues to change,” noted Barbara Stripling, President of the American Library Association based in Chicago. “If we’re going to help members of the public use e-readers, we have to first [be able to buy] it and then learn to use them.” Technology has shifted public libraries’ entire model from the “just-in-case” model, which was predicated on accumulating all this stuff—books, magazines, newspapers, scholarly publications—into a warehouse of information.

### How can we avoid infringing copyrighted works?

In Zambia, a copyright does not have to be registered unless you wish to bring legal action when someone else infringes upon your work; or if you wish to give others the right to use it. For example, a music copyright would exist for songwriters’ lyrics. When songwriters allow artists to record their words, there would be an agreement outlining how the right to record is granted—thereby avoiding copyright infringement.

If another artist decided to record the same song without permission, the songwriter would be able to bring legal action against the artist for copyright infringement. Some examples of avoiding copyrighted works include the following:

- Downloading movies and music with proper payment for use

- Recording movies in a theater with permission from the artists and author (producers)

The rules for use or terms are often included in the form of a license, and it is important to review and read the licensing terms in order to avoid running into problems.

### What is the knowledge level of copyright law?

The present study was guided by the following research questions:



- RQ1. Are librarians and professors acquainted with Zambian copyright law?  
RQ2. What are the training programs to learn about copyright law?  
RQ3. What is the knowledge level of copyright law among librarians working in selected universities and colleges in Zambia in terms of enforcing copyright law?  
RQ4. What challenges do librarians working in universities and college libraries face in Zambia?

### **Research hypotheses**

Two research hypotheses exist in this regard:

- H1. Librarians and professors have knowledge of Zambian copyright law.  
H2. Librarians and professors do not have knowledge of Zambian copyright law.

### **Statement of the problem**

There is a great need for copyright law among librarians, academic researchers and students in colleges and universities in order to stay relevant in the new digital age; and academic researchers have been expressing concern about the way that intellectual property rights are being used and shared. What is it that library users, particularly academic researchers and students, understand about copyrights? Librarians require adequate copyright knowledge and expertise to work in the digital age. Thus, there is a need to find out whether librarians have copyright knowledge in order to make sure that services rendered, such as sourcing, processes and management of reading materials in libraries, protect the economic and moral rights of authors. Most of the librarians in the university libraries of Zambia have not yet shown much interest in protecting copyrighted works, for which major causes could be the lack of infrastructure in libraries, as well as a lack of financial constraints.

It is also important to explore copyright knowledge among librarians and professors in order to address the challenges of copyright law—and this study attempts to fill this gap.

## **3.0 LITERATURE REVIEW**

This section reviews literature from different authors on the topic under study. Various authors from abroad have written about academic libraries and copyrights, and studies at various levels have also been conducted on copyrights and university academic librarians. Not much has been documented, however, about the studies that have taken place in Zambia concerning academic librarians and copyrights.

An academic library is a collection of services and information sources that makes a library a source of information available for users (Leiner, 1998). The role of academic libraries has been changed from a storehouse of resources to a place of learning, education, research and innovations; and academic libraries must adopt this new culture in order to remain alive in the world of digital information. Libraries must develop IT infrastructure, digital library development projects, and digital collections in order to help users find digital information (Vinitha et al., 2006).

To meet these changing needs, academic libraries are now offering individual consultations; as well as services in the areas of online reference, chats, and e-mail.

Copyright laws in Zambia are not effectively administered, which is the reason that violations of copyright laws still persist. This manifests in terms of plagiarism, photocopying and piracy.

### **Zambia Copyright Law: A Summary**

The Copyright law of Zambia is firmly established by the Copyright and Performance Rights Act, Chapter 406 of the Laws of Zambia. The Act tries to encourage the creation of art and culture by rewarding authors and artists with a set of exclusive rights.

These exclusive rights are subject to a time limit, and generally expire 50 years after the author's death. Zambian copyright law is governed by the Copyright Act of 1994.

The Copyright law of Zambia is firmly established by the Copyright and Performance Rights Act, Chapter 406 of the Laws of Zambia. The Act tries to encourage the creation of art and culture by rewarding authors and artists with a set of exclusive rights in Section 24 (1) of Zambian copyright law. The economic and social rationale of copyrights is the promotion of social incentives in the form of property.

These exclusive rights are subject to a time limit, and generally expire 50 years after the author's death. Zambian copyright law is governed by the Copyright Act of 1994.

## **4.0 RESEARCH METHODOLOGY**

This chapter sets out various stages and phases that were followed in completing the study. The methodology is the overall approach underpinning the research process (Blaxter et al 2006).

### Research area

This study was conducted in Central and Lusaka Province in Zambia. The area was chosen because of the high number of universities there.

### Sampling and Sample Size

In this study, 120 questionnaire were collected out of a total of 130. The questionnaire was pre-tested on 10 respondents before sending it to the whole population. The pre-test was conducted by sending questionnaires as a sample to lecturers, library staff, and other academic staff of the School of Business at Mulungushi University. The population of the study included university librarians and professors. A purposive sample of 10 universities was selected through simple random sampling. The collected data were then analyzed by using SPSS software version 20. SPSS software was used to analyze the data, and descriptions were applied to achieve results.

## **DATA ANALYSIS**

This chapter presents an analysis of the study as set out in the research objectives and methodology. The data from the questionnaires was subjected to computer programs such as Statistical Package for the Social Scientists (SPSS) and Excel in order to produce frequency tables, pie charts and bar charts. The discussion of the results is based on the research questions, and descriptive statistics were used to analyse the demographic characteristics of respondents. The study revealed that librarian professionals

working in universities and colleges were not familiar with copyright law.

## **RESULTS**

We expound below upon the results obtained, following the order in which the items were presented on the questionnaire.

### **Respondents by gender**

The majority of the respondents were female (a total of 90, or 75%). There were also 30 male respondents, totaling 25%.

### **Respondent designations**

Of the 120 respondents, the majority were assistant librarians (48) at 40%, followed by Senior Library Assistants (36) at 30%. The third group were librarians (18) at 15%. Furthermore, there were 6 Deputy Librarians, 6 senior librarians and 6 library clerks.

### **Qualifications of respondents**

The majority of respondents had a Diploma in Library Studies (72) at 60%. This was followed by a first degree in Library and Information Service (30) at 25%. The third qualification was a Masters in Library Studies (18) at 15%.

In closing this section, academic librarians demonstrate very limited knowledge about the most basic matters surrounding copyrights, with the exception of questions regarding what copyrights are, and the concept of using copyrighted works for educational purposes,

## **5.0 CONCLUSION AND RECOMMENDATIONS**

### **Conclusion**

It is concluded that training librarians and lecturers through workshops, library associations and in-house training programs on copyright law is highly useful for university and college librarians in order to increase their copyright knowledge.

The findings of the study revealed that librarians in some universities possess only a basic level of copyright knowledge in order to protect copyright holders. Likely reasons for this could include insufficient IT infrastructure, funds and training opportunities; along with limited interest among university librarians in participating in training workshops and learning copyright knowledge.

Results also showed that university librarians in Zambia do not possess equal levels of copyright knowledge with the view of providing user services effectively and efficiently. However, variation exists among their copyright knowledge depending upon the type of university.

Notably, the future of academic libraries promises a wealth of opportunities, as well as multiple challenges.

### **Recommendations**

Based on the findings in this study, the following are some of the recommendations that can help librarians with their daily work:

University and college librarians should be familiar with their country's Intellectual Property laws, including copyright laws, for the benefit of advancing copyright knowledge.

In this context, it is crucial for librarians and professors to have some minimal knowledge that will allow them to adequately deal with problems or questions that arise as they use or create intellectual works.

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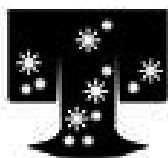
This is the final installment of the results of a questionnaire for trainees who contributed to the Enishi Magazine this year. All the trainings were conducted online this year, so the trainees did not have the opportunity to come to Japan.

We hope that someday you will have the chance to come to Japan and experience the food and culture as you wrote down in your answers.



**Q1: Please tell us which aspects of Japanese culture you are interested in.**

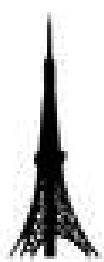
- Tanabata, cuisine, religion and celebrations (*Kenya*)
- The Japanese language, food and beverages (*Thailand*)
- I want to learn the Japanese language and I like their sport Sumo. (*Botswana*)
- Respect, diligence (*Turkey*)
- Japan has a very rich culture. However, the aspect of Japanese culture that interests me most is the mix between traditional architecture and high-tech robots. (*Brazil*)
- I am very interested to know how Japan managed to preserve its traditions dating back many years ago and be in the modern age where it is today. With the technological advancements that Japan has evolved into, you can still see how they are connected with their past. (*Philippines*)
- IP Culture: How Japan is able to build that innovative and IP culture starting from the youth (*Philippines*)
- The social conventions, the people and the food (*Peru*)
- Religion, security, discipline, order, and organization. (*Mexico*)
  - I appreciate the Japanese culture a lot, mainly the traditions and clothing, including the values of respect, honesty, loyalty (among others). (*Brazil*)
  - I am interested in their traditions and customs related to their values, order and discipline. Also, I am interested in staying in touch with their technological advances. (*Peru*)
  - Work ethic and management of public resources (*Kenya*)



- Food, art like origami, lifestyle and history (*Ghana*)
- Japanese gardens; manga and anime; Shintoism and Onmyodo<sup>1</sup>; Innovation and technology; clothes; food. (*Tunisia*)
- Polite, detailed, diligent and friendly people (*Cambodia*)
- The Japanese language, nature, history, and food (*Indonesia*)
- The culture of respect, hard work, punctuality, creative ideas (*Cambodia*)
- Sumo (*Senegal*)
- Religion and belief in Japan (*Thailand*)
- Delicious, authentic Japanese food, learning about the lifestyle, work ethic and discipline of Japanese people, and experiencing Japan's cities and provinces personally. (*Philippines*)
- Food; Japanese lifestyle, work ethics and discipline, etc.; Cities and provinces, and its history. (*Philippines*)
- Customs, festivals, traditional architecture and food (*Mexico*)
- Sado/chado<sup>2</sup>, Zen<sup>3</sup>, wabi sabi, Nihon-teien<sup>4</sup>, ikebana<sup>5</sup> (*Thailand*)
- Honest, hard-working, supportative and people-loving (*India*)
- Anime and manga culture. (*Brunei*)
- Japanese cultural festivals, food & dress (*Kenya*)
- Religion in Japan (*Philippines*)



## Q2: What would you especially like to do when you are able to come to Japan?



- Visit the Skytree and Tokyo Tower, Shibuya Crossing, Senso-ji (*Kenya*)
- Go hiking, try authentic food, visit tea places (*Thailand*)
- Learn more about the history of Japan particularly on how Japan managed to be where it is today with regards to intellectual property. I will come back and implement lessons learned in Botswana. (*Botswana*)
- Meet people, see small houses and temples (*Turkey*)
- I would like to go to a Japanese garden, mainly to observe a flowering Japanese sakura. (*Brazil*)
- If I will be given the opportunity to come to Japan, I would like to explore the streets of Kyoto and see the oldest streets, wooden houses, traditional temples/shrines and watch a Geisha show in Gion. (*Philippines*)
- Check innovation centers, start-ups and their process (*Philippines*)
- I would like to visit the Japanese gardens, the onsens and the temples. (*Peru*)
- Meet the people, visit each place that is important to them, learn as much as possible about their history, culture, beliefs, and customs. (*Mexico*)
- I would like to visit places related to Japanese culture, i.e. Japanese gardens, Buddhist Temples, the tea ceremony; and also try Japanese cuisine. (*Brazil*)
- Visit museums, temples and eat traditional foods. (*Indonesia*)
- I would like to visit ancient and modern places and stay in touch with



1 A system of natural science, astronomy, almanac, divination and magic that developed independently in Japan based on the Chinese philosophies of yin and yang and wuxing.  
 2 tea ceremony  
 3 Zen (Buddhism)  
 4 Japanese gardens  
 5 flower arrangement



technological advances. (*Peru*)

- Field visits to universities, industries, communities and government agencies to learn more about innovations which have benefited from collaboration between academic institutions and industries. (*Kenya*)
- To understand how things are done in the Japan office to facilitate IP in their Academic Institution and Japan. I would love to wear Japanese traditional dress to feel like a Geisha. (*Ghana*)
- Wear a kimono and wander in an onsen town; visit the digital art museum; make a scenic rail journey; visit beautiful Japanese gardens, temples, manga and anime museums. (*Tunisia*)
- I would like to visit cultural, historical places in Japan to know and learn more about the country (*Cambodia*)
- Learn about culture, share knowledge, go on study trips, make new friendships (*Cambodia*)
- Japanese culture and tradition and pretty buildings (*Senegal*)
- Have a good chance to say "Hi" to Fuji-san (Mount Fuji) whom I missed visiting in 2018 (*Thailand*)
- I'd like to try authentic Japanese cuisine, experience daily life in both urban and rural cities and try advanced household gadgets, cars and robots. I'd also like to be able to make Japanese friends and learn from them. (*Philippines*)



- Go to a traditional ramen ten (ramen restaurant) and try miso or tonkotsu ramen. (*Brunei*)
- Attend their museums and cultural activities (*Mexico*)
- 1) To enjoy Japanese food, especially fresh sashimi and sushi, green tea and nice desserts. 2) To explore Japanese gardens and cherry blossoms. 3) Shopping (*Thailand*)
- Interact with policy makers, industrialists and social reformers (*India*)
- Visit famous temples and other various tourist sites, enjoy Japanese food (*Kenya*)
- Visit the JPO and tourist spots in Japan (*Philippines*)



## Message from Lecturer

### Thoughts on International Interactions Within the Intellectual Property Field



Mr. HAYAKAWA Fumihiro  
Patent Attorney  
Dai-ichi International Patent Office



My name is Fumihiro Hayakawa, and I am a patent attorney at the Dai-ichi International Patent Office. I was the lecturer during the Trademark Trial System (JPO/IPR Training Course on Practitioners Specializing in Trademarks) in fiscal year 2021.

I was in charge of trademark examinations and trials for many years at JPO until January 2020. During my JPO tenure, I also served as an instructor at several training sessions for overseas trainees.

In addition, as a trademark examiner and staff member of JPO, I was dispatched to various Intellectual Property Offices in Asian countries: the Philippines in 1996, China in 1997, Laos in 1997 and 2001, and Vietnam in 2006. In each country, I collaborated with trademark examinations and trademark examination (information) systems, where I gave lectures and conducted research on local information systems.

Naturally, these trainings and collaborations took place face-to-face. This involved not only lectures and investigations, but also interactions during receptions, breaks and lunchtime. This was a pleasure for everyone involved: the participating trainees, Intellectual Property Office staff, and lecturers.

In particular, the collaboration with foreign Intellectual Property Offices has been a very good memory for me, because I was able to directly experience the culture, scenery, and food of each country through my interaction with the Intellectual Property Office staff.

Normally, we would have also invited the overseas participants to Japan for the JPO/IPR Training Course on Practitioners Specializing in Trademarks in fiscal 2021. In this case, we could have interacted together, and participants could also have directly experienced Japanese culture, scenery, and food. However, it was very unfortunate that we were not able to invite the trainees to Japan due to the ongoing COVID-19 pandemic.

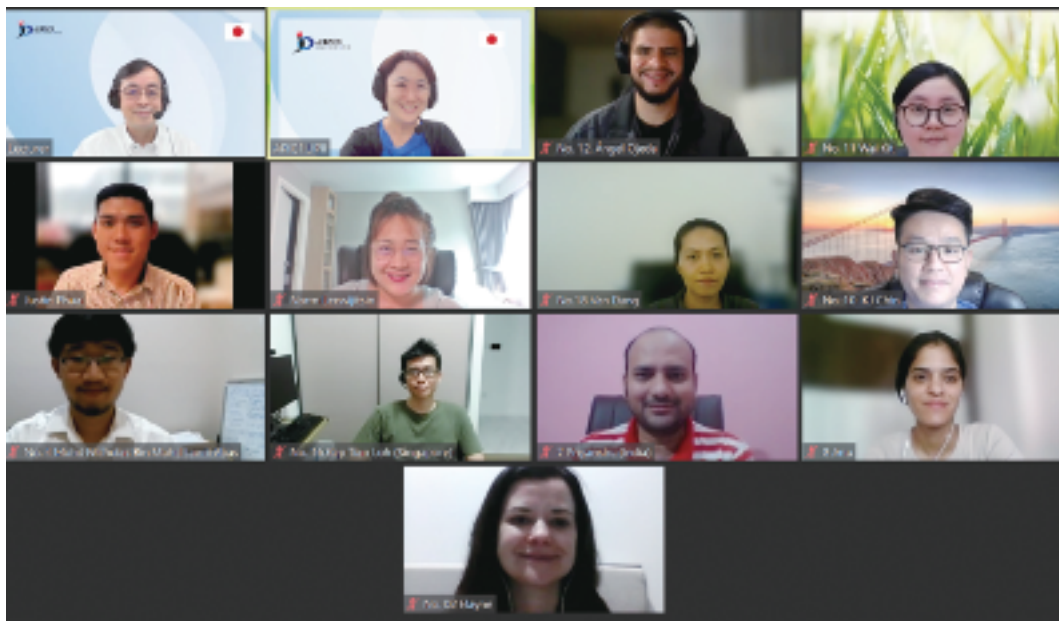


More than 10 trainees participated online in this year's Trademark Trial System (JPO/IPR Training Course on Practitioners Specializing in Trademarks). The trainees, who were not only from Japan's neighboring countries, but also from Brazil and Mexico (which are almost on the other side of the world!), participated enthusiastically in the online sessions even though it was late at night for some of them.

In particular, I was strongly impressed by the very fruitful discussion regarding trademark examination cases, wherein all trainees actively expressed their opinions. The particular language and customs of the country where a trademark application is filed are reflected in the trademark examinations, which allowed me to understand the similarities and differences between the examination results in those countries and in Japan. This was also a good learning experience for me.

I hope that many trainees from overseas will come to Japan in 2022, and that mutual understanding will be deepened between people in Japan and overseas not only through the trainings, but also through interpersonal interactions. We are looking forward to meeting with practitioners related to overseas intellectual property, and those working in Intellectual Property Offices around the world.

Lastly, I would like to express my gratitude to the people in charge at the Asia Pacific Training Center of the Japan Institute for the Promotion of Invention and Innovation, who made various preparations for this training course, and worked hard to ensure that it proceeded smoothly.





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## Tokyo



Mr. OGIYA Takao  
Director General of APIC



I was born and raised in Osaka Prefecture, but it has been over 40 years since I moved to Tokyo for work. When I first arrived in the country's metropolitan capital, I was shocked by the cultural differences between the two prefectures. Now that I have lived here longer than Osaka, I thought I was completely familiar with Tokyo—until I decided to write a column about Tokyo, and was surprised to discover new curiosities about the city.

Before the Meiji Restoration (1868), Tokyo was called Edo. It was feudal lord Ieyasu Tokugawa who transformed Edo from a rural castle town into one of the largest cities in the world. In 1590, he moved to Edo after the then ruler Hideyoshi Toyotomi appointed him watchman of the Kanto region and northward. At that time, Edo was a deserted land with many thickets and wetlands, and not many people lived there. In 1603, when Ieyasu became Shogun (the ruler of Japan's feudal-era military government), he made Edo the location of the shogunate and the center of Japan's politics. He then ordered his *daimyo* (feudal lords) to dig up mountains, fill the inlet with soil, and expand the city area. He encircled his castle with a spiral-shaped moat, and formed a transportation infrastructure by developing waterways to the north, south, east, and west that led to the sea. He also constructed a system to supply water from the Tama River to the entire city of Edo. He let the retainers and families of the *daimyo* live inside and outside the borders of the moat, and gathered craftsmen and merchants for the samurai—thereby developing Edo as a base for business (Fig. 1). In 1635, when the Sankin-kotai (a system involving alternating residences for the *daimyo*) was implemented, many samurai residences were built for their retainers and families. By the beginning of the 18th century, Edo had become one of the largest cities in the world, with a population of over one million. Edo eventually became a multi-cultural city that



Fig. 1 : Map around the Edo-castle from the Edo era

encompassed numerous towns and an expanding number of residents.

Even after the politics, administration and name of the city were changed by the Meiji Restoration, when the metropolis became known as Tokyo rather than Edo, the characteristics of the city that developed during the Edo period did not change. As modernization progressed, the population of Japan was concentrated in Tokyo; and recognition of the city as the country's center of politics, economy and culture became more prominent.

Currently concentrated in the Kasumigaseki area of Tokyo (Fig. 2) are the National Parliament, which is the legislature; the Supreme



Fig. 2 : Parliament Building, Prime Minister's official residence, Supreme Court and governmental ministries



Court, which stands at the top of the judiciary system; the official residence of the Prime Minister, who is the head of the government; and central government ministries, which are involved in exercising national administrative authority. In addition, the head offices of private Japanese companies that are listed on the stock market are normally located in Tokyo. In terms of culture, there are more than a thousand theaters where famous artists perform. Moreover, the number of restaurants with stars listed in the Michelin Guide is the largest in the world.

Mass media such as newspapers, television, radio, movies, and magazines in Japan tend to be Tokyo-oriented. For example, the mechanism of television is such that private stations headquartered in Tokyo are key stations, while local stations in other regions are incorporated into the key stations' network, and broadcast television programs whose content has been created by the key stations. As a result, many young people are motivated to go to university or find a job in Tokyo, with which they have become familiarized through television.



Fig. 3 : Co-existence and harmony in Tokyo between skyscrapers and shrines/temples

Tokyo is a unique city where skyscraper-intelligent buildings that are fully equipped with cutting-edge technology co-exist with long-established shrines, temples and gardens; and these elements blend together in harmony (Fig. 3). New office buildings, shopping centers, hotels, and the like are being built everywhere, ensuring that the city continues to change dynamically. Such harmony can also be seen in the culture. Traditional crafts with superior quality and delicate sensibility in every detail (Fig. 4) have been nurtured over many years, and passed down

through generations. Additionally, new value is being created through animé, which is unrivaled globally in terms of both story and portrayal, as well as through uniquely developed pop culture and world-renowned characters in the content-related industry (Fig. 5). In addition, while cherishing traditional performing arts such as Kabuki and Sumo, as well as long-beloved traditions such as fireworks, Japan is also accepting of foreign cultures while contributing to the unique evolution of foreign cuisines.



Fig. 4 : Traditional crafts made in Tokyo





Pop Culture



Characters (Content industry)



Anime

Fig. 5 : New Cultures

In this intensively concentrated metropolitan city, there is a perfect fusion between cutting-edge technology and long-established structures; as well as between foreign and Japanese cultures. Under such conditions, new culture and art that are unique to Japan have blossomed, achieved their own development, and continue to expand globally. This uniqueness truly is rare worldwide.

Tokyo also has some characteristics that may be surprising, such as the strictly scheduled operation of its public transportation network of trains and buses, which is one-of-a-kind worldwide. Occasionally, you can hear an in-car announcement apologizing for a delay of three minutes caused by a safety check, which I doubt would occur elsewhere.

With only few exceptions, the city is also extremely clean. When there is a garbage on the street, it is noticeable. This is thanks to the large number of employees who clean roads using special vehicles, wipe down public areas such as escalator rails and door handles, and polish floors inside buildings using machines. Whenever I use public washrooms, I notice the sanitary conditions that are a result of this human-powered cleaning. (Fig. 6).

Skyscrapers, shrines, temples, luxury boutiques, bars: wherever you may go, it is sure to be clean. Ever since garbage bins were removed from the city due to terrorism risks, many people have had no choice but to carry their garbage with them until they arrive home.. And as the strict on-schedule operation of public transit has become the norm, being punctual at work and home is also becoming the norm. For example, many workplaces offer an hour-long lunch break. If the food is served later than you expect, some people complain about the slow service.

This strong mindset of cleanliness and punctuality is gradually dominating people's minds. In



World's Cleanest Airport: Tokyo Haneda Airport



Cleaning the escalator



Clean lavatories



Cityscape without any pollution

Fig. 6 : Cleanliness

everyday life, the consciousness that you must always be tidy, punctual and not inconvenience others eventually constrains people's behavior. It feels as if it is making people anxious, tense and nervous.

When I thought about it, I realized that the roots of Tokyo's uniqueness lie in the townscape of Edo, which was originally built to efficiently realize the rule of the Tokugawa shogunate. This resulted in the concentration of politics, economy and industry, as well as the fusion of various cultures and the realization of governance by cleanliness and punctuality.

It has been about 400 years since the Edo shogunate was built; in other words, since Edo/Tokyo became the center of Japan. Urban redevelopment projects are presently underway in the city, which have served to make transportation networks more convenient, increase the number of skyscrapers, beautify the surrounding environment, and further increase the level of cleanliness. The punctuality in the city is also expected to further escalate through these projects. It concerns me that a greater level of cleanliness and punctuality will add more tension and nervousness, and that people will never be able to relax. Creating a peaceful space between skyscrapers is under discussion, but I wonder how much this will ease the pressure that Tokyo puts on people in terms of anxiety, tension, and the feeling of being controlled?

I sincerely hope that Tokyo will become a beautiful, clean, and unified city that will give people peace of mind and relaxation.



Kay  
 New APIC Staff Member



### ◀ Jose Rizal Memorial State University ▶

A 15-minute walk from where Enishi's editorial office is located, you'll be welcomed by the tranquil and expansive Hibiya Park. Here, you'll feel as if you've never been surrounded by the crowded gray mass of central Tokyo's office buildings and commercial facilities.



Fig1: Bronze Statue of **Dr. Jose Rizal**  
 (1861-1896)

In one corner of the park, you'll find the Hibiya Mitsuke remains from the Edo period, and the Shinji Pond, which was originally used as a moat. Ducks, herons, and other birds can be seen along the shore, making it a true urban oasis.

At the end of the pathway, there is a bronze statue. If you approach it and look closely at the inscription, you will see that it reads as follows:

The man in the bronze statue is in fact a national hero of the Philippines. For those who don't know about Jose Rizal (Fig. 1), he is a Filipino radical thinker and a "Heroe Nacional" for his work in the Philippine independence movement. In addition to being a revolutionary, he was also a doctor, author, painter, and scholar, and his literary works have become part



of the national cultural heritage. It seems that he was an intellectual in a very wide range of fields.

But now the question arises: Why is this statue of a Filipino hero here in Tokyo? And why in Hibiya Park? This column could have been titled something like, "Let's get to the bottom of this unknown mystery!"



DR. JOSE RIZAL  
 NATIONAL HERO OF THE PHILIPPINES  
 STAYED IN 1888 AT A TOKYO HOTEL  
 LOCATED AT THIS SITE  
 UNVEILED JUNE 19, 1961

Fig2: Text on the epitaph

The answer was written firmly on the epitaph. Apparently, the statue was erected by volunteers after they stayed at a hotel near the current Hibiya intersection.

In fact, since my essay goes beyond just a story of "I went to a nearby park", I'd like to take this opportunity to share my own personal story about Jose Rizal.

I stayed in the Philippines for about a half-year of agricultural training, and by chance, I was admitted to the Faculty of Agriculture at a university in Dapitan called Jose Rizal Memorial State University.

According to what I heard, many universities in the Philippines are affiliated with Catholicism, and have chapels and many religious events throughout the year. I remember, however, that Jose Rizal Memorial State University was relatively neutral in terms of religion.

Jose Rizal was a man who was skeptical about the Spanish invasion of the Philippines and the faith that came along with politics (although this was not necessarily a criticism of the teachings themselves). Rizal, who had mastered many languages, traveled around the country writing, publishing, and fighting the battle of words. The university is named after Rizal, who, as I mentioned earlier, became a national hero because of his efforts in the Philippine independence movement. This may be the reason why the university was tolerant of people of non-religious backgrounds, or of other religious backgrounds besides Catholicism, like me.



The time I spent at Jose Rizal Memorial State University was less than two months, but all of the instructors and students were friendly, and the time flew by. I still don't know why I was able to enter the university without having graduated from high school, but I remember that I enjoyed the campus life very much.

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On a certain day in 2022, I was looking at the bronze statue of a foreign hero standing in the middle of Tokyo, thinking back to the happy memories I had several years ago, and feeling nostalgic.



**[Access to the Bronze Statue of Jose Rizal]**

Address: 1, Hibiya Kouen, Chiyoda-ku, Tokyo, JAPAN

To get there: 1 minute walk from Tokyo Metro Hibiya Station (A10 Exit/A14 Exit)

# chapter 12

## Antenna Shops in Tokyo: A Cultural Journey

Hello alumni! This is the “Enishi-IP Friends Connections” editorial team. Following the previous article on the topic of antenna shops, this time we would like to introduce you to the popular sightseeing region of Hokkaido, along with its general antenna shop.

### Hokkaido



Fig. 1: Biei

Hokkaido is located in the north of Japan, and is the country’s largest prefecture. It is a very popular tourist destination for Japanese people and others. Before the pandemic, many foreign tourists visited Biei (Fig. 1) and Furano for nature and skiing in winter.

Hokkaido is a very attractive place, with delicious vegetables such as corn, potatoes, and asparagus grown on its vast land, as well as abundant seafood.

### Ainu\* People

*\*Traditional Cultural Expressions*

Ainu refers to the indigenous people of the northern periphery of the Japanese archipelago, particularly Hokkaido. The Ainu people have developed their own unique culture, including the Ainu language, which has a different system from the Japanese language, and a religious belief that all things in nature have a soul (Fig. 2).

There are several facilities in Hokkaido where you can learn about this, including the following:



Fig. 2: Ainu Culture Exchange Center

Traditional Cultural Expressions : <https://www.wipo.int/tk/en/folklore/>  
Sapporo Ainu Culture Promotion Center: <https://www.city.sapporo.jp/shimin/pirka-kotan/en/>  
Upopoy: A Symbolic Space for Ethnic Harmony: <https://nam.go.jp/en/>

## Sapporo Snow Festival

The Sapporo Snow Festival (Fig. 3) started in 1950, when local junior and senior high school students set up six snow sculptures in Odori Park. Today, it has become a major event that attracts tourists not only from all over Japan, but also from all over the world.

Just before the pandemic struck, the number of visitors during the 2020 event was 2.02 million.

(Due to the spread of the new coronavirus, the 72th Sapporo Snow Festival for 2022 was held in an online format.)



Fig. 3: 58<sup>th</sup> Sapporo Snow Festival

Official website "Sapporo Snow Festival: <https://www.snowfes.com/english/>

## Jewelry Ice in Toyokoro Town

Skiing is not the only winter activity in Hokkaido in. If you can visit during the winter, you can take a ship and see the phenomenon of drift ice.

Drift ice is a mass of ice drifting on the surface of the sea, and it is a typical feature of Hokkaido during the cold season. It is said that drift ice is usually observed from mid-January to mid-March, but due to the recent effects of global warming, the timing of drift ice observation now varies.

There is also a tour called "Garinko-go" (Fig. 4), which breaks the ice floes as the ship goes along. In some places, you can also see a phenomenon similar to drift ice that is known as Jewelry Ice (Fig. 5). This is a mysterious spectacle in which the ice covering the Tokachi River, located in eastern Hokkaido, flows out into the Pacific Ocean; and the clear ice that washes up on the shore at the mouth of the river shines in the sunlight.



Hokkaido Toyokoro Town: <https://www.toyokoro-kankoh.com/> (Japanese only)



Fig. 4: Garinko-go



Fig. 5: Jewelry Ice

### Antenna Shop: Hokkaido Dosanko Plaza Yurakucho Store

The best part about visiting Hokkaido is breathing in the clean, fresh air, and enjoying the local food. Even if you can't make it to Hokkaido, however, you can still visit the antenna shop known as the Hokkaido Dosanko Plaza Yurakucho Store (Fig. 6) to enjoy food from Hokkaido. There is also an eat-in corner in the store, and the soft serve and croquettes sold there are very popular. Imo-mochi (Fig. 7) made from potatoes, which features the taste of home cooking from Hokkaido, is also available here.

Dairy products are highly recommended in this shop, and there are many of these on display (Fig. 8). Potato snacks, chocolates and cookies are also very popular as souvenirs.

Ruibe is a dish that originated with the Ainu people where fresh salmon is frozen and eaten. "Ruibe" comes from the Ainu word for "melt" ("Ru") and "to eat" ("ibe"). The Ainu people used to freeze fresh salmon as a precious preserved food during the harsh winter months, and then melt it and eat it little by little. Ruibe can be eaten frozen or as Ruibe-Tsuke (frozen salmon and salmon roe pickled in sweet and



Fig. 6: Hokkaido Dosanko Plaza Yurakucho Store



Fig. 7: Imo-mochi





Fig. 8: Dairy Products



Fig. 9: Ruibe-Tsuke

spicy soy sauce) (Fig. 9). It's a great accompaniment to rice or drinks. The Hokkaido Dosanko Plaza Yurakucho Store also offers an extensive selection of ruibe for sale.

### Murakara-Machikara-Kan

The Murakara-Machikara-Kan<sup>1</sup> (Fig. 10) is an antenna shop that sells local specialties every season through the Societies of Commerce and Industry throughout Japan. When you come here, you can buy



Fig. 10: View of the entrance to the Murakara-Machikara-kan

1 These words mean "From the village, From the town"

specialties from all over Japan, so you can often hear visitors around you happily exclaiming things like, "Hey, they have this!", "Wow! I've been missing this!", or "I can't believe you can get this here!"

The shop mainly deals with food products, and the shelves are packed with items. You can easily purchase many products, and the seasonal vegetables sent from all over Japan that are displayed at the entrance of the shop are particularly popular.

## Soy Sauce

Speaking of Japanese dishes that are also popular overseas, soy sauce is used to season dishes such as sukiyaki, beef on rice, tempura, sashimi, and udon noodles, making soy sauce an essential item for Japanese kitchen tables. The main ingredients in Japanese soy sauce are soybeans, wheat, and salt, and there are several different types depending on the process.

Eighty percent of soy sauce is a type known as "dark soy sauce". This type of soy sauce is used in many Japanese dishes because it is versatile and has sweet, sour and umami flavors along with saltiness. There are also several other types of soy sauce, such as light soy sauce when you want to bring out the color of the ingredients, and tamari soy sauce for sashimi and teriyaki.

The characteristics of soy sauce also differ depending on the climate and food culture of the particular region. In the southern islands of Kyushu, where Kumamoto is located, soy sauce with a strong sweetness is especially favored.

Murakara-Machikara-Kan sells many kinds of soy sauce from all over Japan. (Fig.11)



Fig. 11: Soy sauce sales corner



## Japanese Sake

Nowadays, sake is also called Japanese rice wine or Japanese sake, and has become popular overseas along with healthy Japanese cuisine. The shop offers about 200 kinds of sake brought in from all over Japan (Fig.12), with each bottle accompanied by a description and chart so that you can choose according to your preference (Fig.13). Before the pandemic, it was a common sight to see many customers from overseas coming here to buy sake.



Fig. 12: Sake sales corner

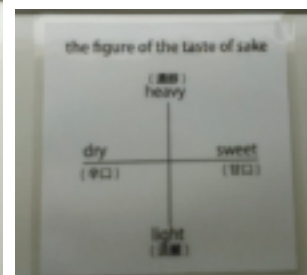
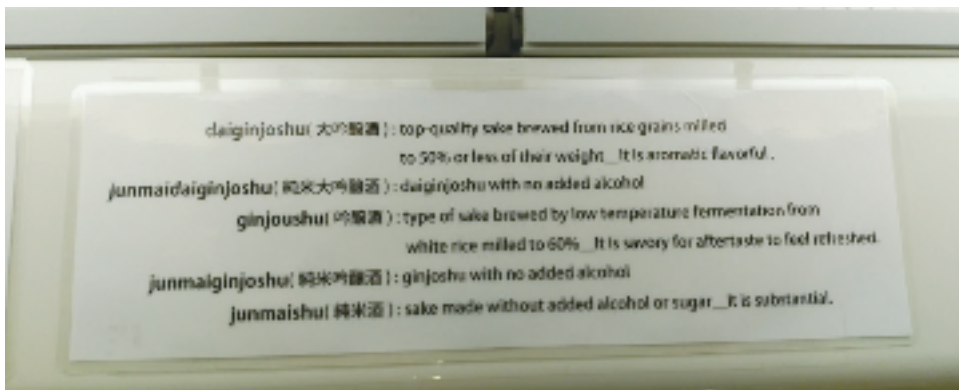


Fig. 13: Sake descriptions and chart

## Other Flavors of Japan

Miso soup and natto (fermented soybeans) are unique Japanese foods, but have you ever eaten them? Both are representative of Japanese home cooking.

Miso is made by adding salt and koji mold to mashed soybeans, and then allowing the mixture to ferment. It is said that different flavors, such as sweet and dry, are created depending on the type of koji that is used (rice, barley or soybean), the koji ratio, and the salt content. In addition, because the miso's fermentation and maturation depends on the action of microorganisms, the taste varies depending on various conditions such as the climate, environment, and local water quality, which results in miso that is unique to each region. It seems that a sweeter taste is preferred in western Japan, with the deeper, more pungent red version favored in eastern areas.

Meanwhile, natto is a fermented food made from well-steamed soybeans that have been fermented by natto bacteria. It is a low-calorie, high-protein food that is eaten in many Japanese households. There are several types of natto, depending on how and where it is made. Miso and natto collected from various

regions are also sold in this shop (Fig.14).

Even though I was in Tokyo, I was able to get my hands on tastes and specialties from many different regions, and even though I am Japanese, there were many new and discoveries that I had not known previously.

In addition, it has become difficult to travel domestically within Japan due to the coronavirus pandemic. As a result, some customers come here to get a taste of their hometown, and rekindle their nostalgic feelings.

I hope that when you visit Japan, you will come here and enjoy the flavors that change with the seasons.

Hokkaido Dosanko Plaza and Murakara-Machikara-Kan are both located in the Tokyo Kotsu Kaikan building. In addition, there are antenna shops for Toyama, Wakayama, Osaka, and other regions. If you have a chance, please visit them as well!



Fig. 14: Miso and natto sales

Murakara-Machikara-Kan: <http://murakara.shokokai.or.jp/en/>



## Travel to Hokkaido



## Map of Antenna Shops (Yurakucho Kotsu-kaikan)



### [Access to the Tokyo Kotsu Kaikan]

Address: 2-10-1, Yurakucho, Chiyoda-ku, Tokyo, JAPAN

To get there: 1 minute walk from JR Yurakucho Station (Kyobashi

Exit/Chuo exit)

## Editor's Note

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Hello. This is Mitty.

I can't believe that another fiscal year has passed. It goes by so fast.

Our life has changed recently, but I feel like my way of thinking has changed as well. I wondered how I would spend my days with the restrictions on time and activities, and what I would focus on since time is limited. There were periods when I neglected myself, but I really feel that I can't do anything unless my mind and body are healthy first. Yes, I have come to take care of myself. I used to have very low self-esteem, but after I started to evaluate myself, I have become more confident and I am able to enjoy my days. Having this time to reevaluate myself made me feel that I had been in a hurry to live, and I am able to think about the future, which is something I never thought I would be able to do in the past. In the new fiscal year, I would like to enjoy my life while taking a hard look at what I want to do and what I can do. Thank you very much for contributing articles and reading this year.



Hello! This is Kay.

The definition of the "centre" of a city may differ depending on the background of the people discussing it. But few would disagree that Tokyo is a major political, economic and cultural "ground zero" in Japan.

Having lived outside of Tokyo for most of my life, I often feel that Tokyo is a city that looks very different depending on the time and place. This may be due to the characteristics that exude from each area of Tokyo, or it may be due to the main streets that change their shapes and colors depending on the time of day. Perhaps it is the crucible of a diverse range of "Tokyoites", some of whom have lived in the city for a long time, others who have come to the city with an admiration for the "glittering Tokyo" created by the media, and others who have made Tokyo their main political and economic battleground. In any case, it is no exaggeration to say that this chaotic city, where people, places and time intersect seamlessly, is the heart of Japan (for better or worse).

On the other hand, with the increasing use of telework and the emphasis on life-work balance, the opportunities to be "tied to a place" in everyday life are gradually diminishing. As a result, the absoluteness of "Tokyo" in various aspects of life seems to be diminishing compared to the past.

How will Tokyo's identity change in this current climate? It will be interesting to see how this shifts in the future.



Hi. This is Minori Miyazaki. In Japan, there is an annual event called Hinamatsuri (Doll Festival) held on March 3rd to pray for the health and happiness of girls. Hinamatsuri is said to have originated from the ancient Chinese custom of purifying the body on the waterside to ward off evil spirits. Even today, the custom of throwing dolls made of paper and string into the river still remains in some regions in Japan.

When a girl is born in a family, she is given a pair of Hina dolls, which are displayed and celebrated every year during this period of March. Although the concept of "a girl's happiness equals marriage" is an antiquated one, the beautiful Hina dolls and their decorations still delight our eyes and hearts as a traditional springtime event in Japan. As with any traditional culture, there may be some things that are no longer in line with modern ideas and lifestyles, but the fact that an event in which parents wish for the happiness of their children has been handed down for over a thousand years is proof that people's thoughts and feelings remain unchanged.

#### 【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.

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

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