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IP Friends Connections

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

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

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



JAPAN PATENT OFFICE

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Message from the JPO International Affairs Division



Dear all IP Friends (program alumni),



It is indeed a great pleasure for the Japan Patent Office (JPO) to extend a greeting to all of our IP Friends. We hope this finds you well, and that you all have been playing an active role as IP professionals, both in your respective countries and organizations.

For more than 25 years, the JPO has conducted human resource development cooperation programs for developing countries. Unfortunately, almost two years have already passed since we were unable to meet you all in person. Due to the COVID-19 pandemic, the trainings were forced to go fully online on short notice. We would like to thank all IP Friends who have completed the training during the COVID-19 pandemic. Over the past two years, JPO and APIC have worked together through trial and error to ensure that the training courses have been as effective as possible for everyone. Thanks to the active participation of all trainees, the positive aspects of the online training have been gradually increasing.

The JPO is now preparing to resume accepting participants gradually, as Japan eases its entry restriction measures this fiscal year. On-demand and online meeting tools will continue to be available for some of the training courses to provide training programs, and once we are ready to accept everyone, we will conduct some training courses (mainly those with on-the-job training) in an in-person format, as well as some training courses in an online/in-person hybrid style.

We look forward to meeting you and your colleagues in Tokyo, either face to face or via online screens.

We are also pleased to announce some wonderful news for all IP Friends! This year, we have launched a new “IP Friends on Facebook” group as a place for mutual exchange, so that participants can easily communicate with each other even after the completion of the training courses.

As part of the incentive to encourage all of you to interact, we plan to continue publishing the achievements of each training course, along with your articles from the “Enishi” magazine, in this Facebook group. We hope that this will provide an opportunity for participants and alumni to interact together—especially those who did not have enough time to do so during the online training program.

Please come and visit “IP Friends on Facebook”, and enjoy the interaction with IP Friends while making good use of the information!

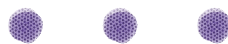
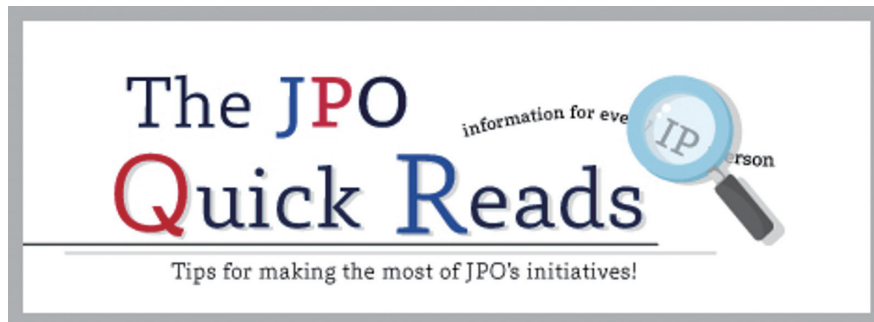


Ms. Fukushima, Ms. Ono and Ms. Kobayashi (from left)

Sayaka Ono, Haruna Fukushima, Suzu Kobayashi
JPO Cooperation in Human Resource Development Team

Developing Country Cooperation Section, Regional Cooperation Office,
International Cooperation Division, Policy Planning and Coordination Department, JPO

* We took this photo wearing a traditional Japanese “happi” coat, which is usually worn only to Japanese festivals, on this special occasion to greet ENISHI readers!



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

[Popular topics]

➤ Cooperation in Human Resources Development (24 May 2022)

The JPO supports human capacity building for developing countries in the field of industrial property.

Along with the international cooperation financed by Funds-in-Trust contributions for WIPO (posted on 18 May 2021) and in-depth training courses on the practical aspects of patent examination by our International Training Instructors (posted on 19 January 2021), the JPO also works proactively to provide human capacity building in the industrial property area through programs tailored to subject- or regionally specific needs of the participants.

Those activities are intended to assist growing nations to improve IP systems, thereby facilitating their business operations and economic development. For 25 years starting from 1996, more than 7,000 individuals from public and private sectors have completed our IP training programs.

➤ Dialogue with Business Enterprises abroad (17 May 2022)

The JPO encourages closer relations with overseas users.

With reference to the previous communication (posted on 11 January 2022), we would like to inform that over the past six months, we held 25 business tables at the working-level with overseas stakeholders from 12 economies. In most cases, our IP attachés joined the meetings online according to their locations.

Overall feedback from the users was affirmative, among others, in terms of the appropriateness of our examination. Also, some commented that they take advantage of the speed and quality of our examination to obtain patents in other nations.

At the same time, while JPO's stringent examination received a positive assessment as a basis for stable rights, those present at some tables indicated the importance of providing reasonable examination results to the extent that predictability across different jurisdictions is secured. In this connection, we will continue our efforts to review the role of our services or make our practices more comprehensible to users abroad, for instance, by enriching relevant information on our site in English.

➤ Overseas representatives in Sao Paulo (26 April 2022)

Our IP attaché in Sao Paulo works to build a stronger bridge between Latin American and Caribbean states and Japan.

It was in 2016 when our first expatriate staff in southern America began its duties. Our IP attaché is based at the overseas office of the Japan External Trade Organization (JETRO) in Sao Paulo, Brazil, a major economic hub of South America halfway around the globe, covering all the countries in Latin America and Caribbean Region. The representative is dedicated to, among others, IP-related supports for local businesses which recognize the advantage of higher standards of IP protection or enforcement as well as dialogues with respective governments in the region which aspire to enhanced IP environment.

➤ Overseas Representatives in Dubai (19 April 2022)

Our IP attachés in Dubai functions as a bridge with the Middle East and Africa region.

We have been posting our IP attachés in the Middle East since 2016. The representative is based at the overseas office of the Japan External Trade Organization (JETRO) in Dubai, the business center of the United Arab of Emirates. JETRO Dubai serves as the central office for the Middle East and Africa, especially its northern region. Leveraging the diversified network with local government agencies and experts, IP attachés have been proactively disseminating useful information, operating the Middle East IP Group (ME-IPG) and providing various IP consultation services. Those activities aim to assist the stakeholders in the Middle East, Africa and Japan to connect with each other for their business expansion.

➤ JPO Status Report 2022 (12 April 2022)

The JPO's new Status Report has been released!

As introduced here a year ago (posted on 13 April 2021), the JPO publishes its Status Report every March. We uploaded the most recent version on our website on 30th of March this year. Except for the updated statistics, this year's highlights of our measures or policies include:

- digitized operations or proceedings at the JPO in the with/post-COVID-19 era (e.g. "Digitalization of JPO", page 6)

- enhanced public relations with stakeholders abroad (e.g. “Dissemination of Information on JPO’s Measures to Overseas Users”, page 128)

➤ Enhanced PPH Program between the JPO and the USPTO (5 April 2022)

The JPO works with the USPTO to further improve the predictability of the examination timing on the Patent Prosecution Highway (PPH).

The two Offices have been fully implementing the Japan-US PPH since January 4, 2008, based on the experience of one and a half years’ pilot program. With a view to making it easier for users to predict the timing of examination for the acquisition of a patent across the border, the pair has agreed to establish a target deadline for issuing office actions (OAs) for PPH applications. The foregoing target applies to subsequent as well as first OAs from the Office of later examination. The improvement has been effective as of January 1 this year.

FY2022 JPO/IPR Training Course List



	Course Title
1	Trademark Examination Under the Madrid System
2	Academia-Industry Collaboration and Technology Transfer
3	Patent Examination (Basic Program)
4	Patent Examination Management for Managers
5	Practitioners Specializing in Trademarks
6	Patent Examination for Middle Eastern and African Countries
7	Information Technology
8	General IP Office Management
9	Anti-Counterfeiting Measures for Practitioners
10	Practitioners Specializing in Patents
11	Operational Patent Examination Training Program (OPET)
12	Design Policy for India
13	IP Trainers
14	Trial and Appeal Systems
15	Substantive Examination of Trademarks
16	Design Substantive Examination and Accession to the Hague Agreement
17	Patent Examination in Specific Technical Fields for Latin American Countries

* For more information, please contact the IP Office in your country.

Training Course Experience in Japan



My Experiences and Impressions of the JPO Online Training Course on Information Technology

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Senior Assistant Information Communication Technology Officer
Information and Communication Technology
Kenya Industrial Property Institute (KIPI)



JPO/IPR Training Course on Information Technology
(November 9 – December 1, 2021)



When COVID-19 was declared a global pandemic by the World Health Organization (WHO) in March 2020, many people did not expect the kind of disruption that the pandemic would bring to all countries across the world. It disrupted the way many people used to work and conduct business, forcing people to adapt to technology in order to remain afloat. One such area that was largely impacted was training.

In today's world, online courses have come to be widely used by both academic and non-academic institutions to offer training. In such cases, institutions have been providing easy access to course materials, classroom discussions, and feedback to instructors. The course materials and activities may be accessed from any computer or mobile devices, such as phones or tablets, whether it is from the office, school or from the comfort of one's own home.

One such training was conducted by the Japan Patent Office (JPO). The JPO had previously been conducting in-person trainings for many people from IP offices. The emergence of the pandemic did not spare the JPO in terms of organizing for such trainings. I work at the Kenya Industrial Property Institute (KIPI) in the Information Technology department. I was privileged to participate in the online JPO/IPR Training Course on Information Technology that took place between November 9, 2021 and December 1, 2021.

Online learning brought about new experiences, both positive and negative. Below, I enumerate some of the positive experiences I encountered while undertaking the online training:

The fact that I was able to communicate with the instructors and other participants taking the course

made me be a more active participant during the classes. Consequently, I found it easy to communicate with the trainers and ask for clarification whenever I needed to. All of the instructors and the participants taking the classes were very helpful to me. In addition, the online tool used by the JPO for the course – ManaBeat– offered a discussion board where participants would download lectures as well as ask questions. Reading other participants’ country reports offered a chance to critique each other’s work and respond to the comments of other participants. I learned that by discussing each other’s ideas, we are in turn challenging each other to examine our own thoughts and feelings. This made the course more interesting as we got a chance to share personal experiences in the discussion.

The online course offered flexibility in the sense that before the instructor-led training started, materials would already be posted on the learning management system where participants were able to access and read as well as watch the videos at their own pace. Thus, online courses would be recommended to people who have a busy schedule, such as those having a full time job or family responsibilities. Having materials online meant that one was able to learn well by doing the required tasks on your own, without depending solely on interaction with other participants as a means of learning. In essence, I got to learn that online courses are not only convenient but they teach you how to become a more disciplined learner.

Furthermore, the flexibility of the online classes allowed me to revisit topics at my own pace. The online course allowed me to continue carrying out both my usual office tasks as well as to be able to stay at home with my family for the duration of the training, while also being able to fully acquire knowledge offered by the course. It is clear that taking online courses brings about many advantages including saving money, saving time, and most of all convenience.

The use of recorded sessions and videos made for interesting learning, as this meant that the course did not become monotonous by reading a lot of lecture notes.

Below are the limitations I discovered about the online learning:

Generally, as the course had initially been planned for face-to-face situations, it was bound to pose challenges to both the organizers and participants. Due to the situation of inequalities among would-be course participants, some participants may not be able to experience studying online.

Given that the participants learn on their own at times, as well having a couple of instructor-led sessions, it poses some challenges. For instance, unlike in-person learning, online learning lacks the mechanism to monitor whether participants are paying attention to the lecture or not. Some of the participants may choose to play computer games or do something else during lecture time. In addition, it is highly probable that participants are more likely to be distracted when learning online. Distraction may be due to an instructor’s lengthy lecture or students’ physical or psychological state or other issues. I realized that, whereas in an in-person learning environment, when one encounters distractions, instructors and other hard-working participants might pose a pressure to get me back on track, this is not the case for online courses. Here, for the online learning environment, as I was studying alone, no one would be there to tell me to concentrate on the course. It is much easier to get distracted during the online lectures.

Whereas in physical classroom learning where it is much easier to obtain help from instructors and other participants, with online learning, when we encountered problems, it at times proved a little difficult for some participants to turn to instructors or participants, especially when one was studying the available online material on their own.

The fact that I was undertaking the online course while also expected to carry out my normal duties at the office somewhat meant that my concentration was affected. It becomes difficult to fully focus when you are in the office and something is required from you. Thus, I realized that when a person has to work full time, it is hard for that person to successfully juggle their job responsibilities along with online study. However, to mitigate against this, my employer gave me time off to undertake sessions whenever it was

practicable.

As technology comes with its challenges, it can be prone to issues, such as computer virus attacks, which could be disastrous. For instance, there was a day I had prepared my presentation and report and saved them on my computer. The following morning, a few hours before the presentation, I realized I had lost most of my documents. Luckily, I had a copy saved in my email, which I was able to retrieve and use.

Having previously attended a course physically in Tokyo several years ago, I felt that the online course was limiting in some aspects. I missed visiting places in Tokyo such as Akihabara that is well known for its many electronics shops. I also missed sampling Japanese food such as Sushi. In addition, even though the online course provided the relevant information, there was a limitation in terms of experiencing the warmth of the Japanese culture as well as interaction with various participants from different countries. Furthermore, by the course being online, it limited our ability to undertake visits to companies or even government offices in Japan to have a feel of the advanced technology in use.

Conclusion

From taking part in this online course, I learned that to successfully participate in online training, you have to be self-disciplined and able to work well on your own. Since you won't be physically attending lessons, you can take part in the course from the comfort of your own home or office. You must be self-disciplined because the instructor won't constantly be there to remind you of tasks required of you or of project deadlines. As other obligations, such as office duties, may mean that you are not able to do the work as regularly as if you were physically attending class, it will be up to you to make sure that you are keeping up with all the work for the course. Perhaps, depending on the way the pandemic will unfold, it will be interesting for the organizers to try the hybrid approach that is comprised of both online (where participants could be provided with online content beforehand for study) and face-to face components, to different ratios for the delivery of contents.



Country Report Presentation

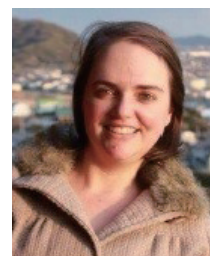
Articles from Former Trainees



Observatory of Technologies Related to COVID-19 (ObTec) of the Brazilian PTO (INPI-Brazil)

Ms. Tatiana Carestiato (Brazil)

Patent Examiner
National Institute of Industrial Property (INPI)
Member of ObTec



JPO/IPR Training Course on Patent Examination in
Specific Technical Fields for Latin American Countries
(January 18 - February 17, 2022)



Introduction

COVID-19 is an infectious respiratory disease caused by SARS-CoV-2, a novel beta coronavirus. Being primarily a respiratory disease, it is highly transmissible by direct and indirect contact, and exhibits a variety of symptoms in different individuals—mainly a severe acute respiratory syndrome. Since the initial reports in December 2019 regarding a cohort of pneumonia cases of unidentified origin in Wuhan, China, the novel coronavirus has spread around the world, causing the COVID-19 pandemic.

In the last two-and-a-half years, a surprising range of information has been generated by researchers around the world, covering different areas about the supposed origin of SARS-CoV-2 and the development of drugs, vaccines and devices (such as masks, respirators, ventilators, cleaning machines, among others) that have become tools to break the increase in mortality—and the hope of a solution to the pandemic—in a markedly shorter time than usual.

Observatory of Technologies Related to COVID-19 (ObTec)

The Observatory of Technologies Related to covid-19 (ObTec) of the Brazilian Patent and Trademark

Office (INPI -Brazil) was created in March 2020 in order to identify and spread information about such technologies that could be useful for global and local actions and help solve this problem, so that the players of the Brazilian Innovation System had tools to fulfill their role with excellence.

From March 2020 to August 2021, ObTec published a daily summary on INPI's website (in Portuguese) regarding the most relevant information related to COVID-19. This information was selected from scientific articles, newsletters and newspapers. Additionally, in addition to responding to the demand of public policy makers and society in general, ObTec also published 12 articles related to COVID technologies.

One-and-a-half years after the COVID-19 pandemic, INPI's ObTec started to display a new format, giving greater focus to patent documents that are being published by INPI-Brazil. Since September 2021, ObTec has been publishing a new weekly edition that includes different summaries of patent documents, and which can be viewed and downloaded from the website¹. Previous abstracts are archived according to different themes.

ObTec studies on diagnostic methods and lung ventilators related to COVID-19

In order to contain the spread of the pandemic in Brazil, access to reliable tests to identify contaminated individuals became necessary. In this regard, on April 6 2020, ObTec published its first study, which analyzed patent documents filled in INPI-Brazil in order to describe diagnostic methods for coronavirus and other respiratory viruses². A total of 141 patent documents were identified, with peak application dates occurring between the years 2004-2012, during the previous SARS and MERS epidemics, which were similarly caused by coronaviruses. These documents were categorized based on the International Patent Classification (IPC) into six categories: 89 Nucleic acids (PCR/RT-PCR), 79 Biochemical analyses, 69 Viral particles, 47 Immunoassays (IgA, IgM, IgG), 6 Photometric reactions and 1 Bioinformatics. Figure 1 shows the status at INPI of the 141 selected patent documents: 49% discontinued, 31% pending and 20% decided (either granted or refused).

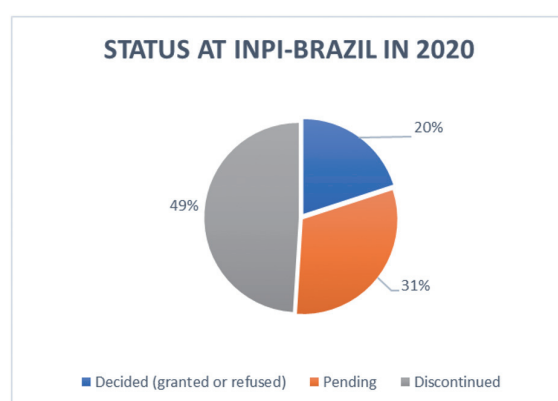


Figure 1: Status in April 2020 of the patent documents of diagnostic and kits filled in INPI-Brazil.

The pandemic created an urgent need for new lung ventilators worldwide. Given the shortage of this equipment and the difficulty to import it, INPI's ObTec released its second study on April 13, 2020 about

1 <https://www.gov.br/inpi/pt-br/servicos/patentes/tecnologias-para-covid-19/>

2 https://www.gov.br/inpi/pt-br/servicos/patentes/tecnologias-para-covid-19/Arquivos%20Textos/patentes_diagnostico_coronavirus_outras-virose-respiratorias_042020.pdf

patents for lung ventilators in Brazil, which gave an overview and presented identifications of technical areas and status³.

ObTec studies on drugs for the treatment of COVID-19

Considering the repurposing of drugs for the treatment of COVID-19, ObTec's team published four studies between May and August, 2020 that were related to patents on drugs for the treatment of COVID-19. These articles were about the mechanism of action, clinical trials, and patent documents filled in INPI-Brazil for the following drugs: 1) Remdesivir⁴; 2) Ritonavir, Lopinavir and Interferon⁵; 3) Favipiravir⁶; and 4) Tocilizumab and Sarilumab⁷. At the end of October, the FDA approved the drug Remdesivir for antiviral therapy, making it the first drug to obtain formal authorization for the treatment of COVID-19.

The ObTec study retrieved six patent applications filled in INPI-Brazil regarding Remdesivir: **BRPI0910455** (priorities US61/047,263 and US61/139,449), **BRPI0911410** (priorities US61/047,263 and US61/139,449), **BR112013001553** (priority: US61/366,609), **BR102015027413** (priorities: US62/072,331 and US62/105,619), **BR112017007636** (priorities: US62/072,331 and US62/105,619), and **BR112018005048** (priorities: US62/219,302 and US62/239,696).

The study regarding Ritonavir (RTN), Lopinavir (LPN) and Interferon (IFN) retrieved 118 specific⁸ patent documents applied in INPI-Brazil. On April 2020, 51% had already been decided by the INPI (granted or refused), 7% were granted, and 42% were under examination (pending), as shown in Figure 2. Among the specific documents, six of them are current patents: **BRPI9809126** (priority: GB9709945.1); **BRPI0014428** (priorities: JP2000/46749 and JP11/282088); **BRPI0401742** (priority: BRPI0401742);

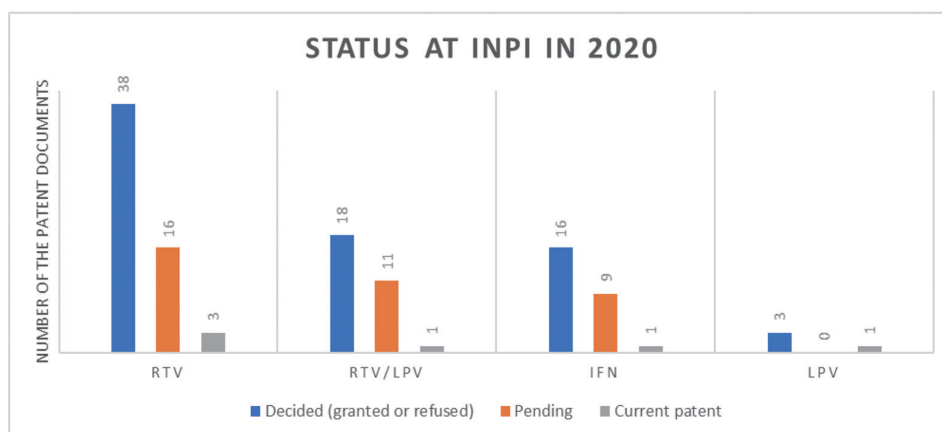


Figure 2: Status in April 2020 of the patent documents of Ritonavir (RTN), Lopinavir (LPN) and Interferon (IFN) filed with INPI-Brazil

3 https://www.gov.br/inpi/pt-br/servicos/patentes/tecnologias-para-covid-19/Arquivos%20Textos/Estudo_2_ventiladores_pulmonares.pdf

4 https://www.gov.br/inpi/pt-br/servicos/patentes/tecnologias-para-covid-19/Arquivos%20Textos/Estudo3_Remdesivir.pdf

5 <https://www.gov.br/inpi/pt-br/servicos/patentes/tecnologias-para-covid-19/Arquivos%20Textos/Estudo4RTVLPVIFN.pdf>

6 https://www.gov.br/inpi/pt-br/servicos/patentes/tecnologias-para-covid-19/Arquivos%20Textos/Estudo5_Favipiravir.pdf

7 https://www.gov.br/inpi/pt-br/servicos/patentes/tecnologias-para-covid-19/Arquivos%20Textos/Estudo6MAbsrevisado_20072020.pdf

8 In ObTec studies that consider a specific patent document, this refers to a document that is relevant in the analysis of the risk of patent infringement in the case of projects and plans for purchase and commercialization in Brazil.

BRPI0314984 (priority: DE10247037.5); **BRPI0520498**; and **BRPI0408767** (priority: US60/457,130). We observed that one of the current patents is from the Japanese company Tobira Therapeutics.

Regarding Favipiravir, the ObTec study retrieved 28 patent documents filled in INPI-Brazil, among which five were considered specific and were applied by the Japanese companies Toyama Chemical or Fujifilm Toyama. The specific current patents (filled in Brazil) for Favipiravir are as follows: **BRPI9913097-1** (priorities: JP11/145922 and JP10/250441); **BRPI0807597-2** (priority: JP2007-035975); **BRPI0817305-2** (priority: JP2007-251191); **BRPI1013187-6** (priority: JP2009-061837); and **BR112013011418-5** (priorities: JP2011-025760, JP2010-256510 and JP2010-253414).

The ObTec article related to patent documents of Tocilizumab and Sarilumab (IL-6 inhibitor antibodies) retrieved 130 patent documents of Tocilizumab filled in INPI-Brazil, where 31 are from the Japanese company Chugai Seiyaku (an antibody developer). The study retrieved 21 patent documents of Sarilumab filled in INPI-Brazil, among which 11 are from the American company Regeneron Pharmaceuticals (an antibody developer). Figure 3 depicts the distribution of Tocilizumab and Sarilumab patent documents according to their status at INPI on July 13, 2020. We observed that 94 applications are not yet decided, while five were granted (one of which is already an extinct patent), six were rejected, and 25 were discontinued definitely. Sarilumab-related patent applications are more recent than Tocilizumab applications, and only one has already been decided (a patent was granted).

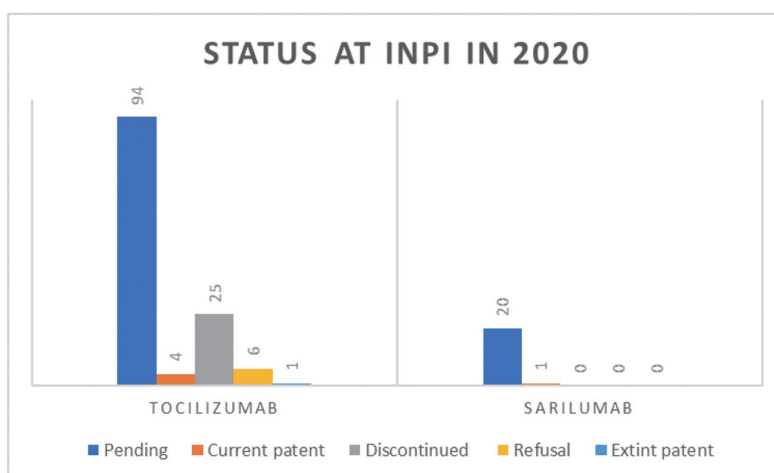


Figure 3: Status of Tocilizumab and Sarilumab patent documents filed with INPI-Brazil (July 2020)

ObTec studies on vaccines for the prevention of COVID-19

In November 2020, the pharmaceutical companies Pfizer and BioNTech announced a provisional efficacy of more than 90% for their mRNA-based vaccine candidate, BNT162b2. This was followed by Moderna's announcement, which stated a 94.5% efficacy for its vaccine candidate: mRNA-1273. In addition, AstraZeneca's provisional results for its vaccine ChAdOx1, with a viral vector, showed a general efficacy of 70.4% in two cohorts. Therefore, Pfizer's and Moderna's vaccines received an emergency use authorization in the USA. Subsequently, Pfizer/BioNtech's, Moderna's, and AstraZeneca's vaccines received an emergency use authorization in the United Kingdom.

From November 2020 to June 2021, ObTec published five additional studies on technologies related to treatments for COVID-19, beginning a series of studies on vaccines in more advanced clinical trials. The

publication of these studies coincided with the approval of the first vaccine against COVID-19 granted by the United Kingdom, which was the mRNA-based vaccine developed by Pfizer/BioNtech. These studies of ObTec were about the mechanisms of action, clinical trials, and patent documents for the following vaccines: DNA-based vaccines⁹; RNA-based vaccines¹⁰; protein subunit¹¹; inactivated virus¹²; and viral vectors¹³. ObTec studies¹⁴ on vaccines retrieved the principal patent documents of all vaccines in the clinical trial phase, and explained the technology behind them.

The amount of information from these vaccine studies for the prevention of COVID-19 is immense. In the present article, I selected two important vaccines (during the more advanced clinical trial phase) for each vaccine platform, and presented a very small example of the study information shown in Table 1. The studies retrieved the clinical trials number, and the most relevant patent documents for each vaccine platform.

Table 1: Example of the information that can be obtained from ObTec studies on COVID-19 vaccines

Vaccine Platform	Vaccine name	Company	Clinical Trials ¹⁵	Most relevant patent documents
DNA-based vaccine	INO-4800	Inovio Pharmaceuticals	NCT04336410; NCT04447781 NCT04642638 ISRCTN15779782-Phase 3	WO2015/081155 WO2009065032
DNA-based vaccine	ZYCOV-D (nCOV)	Zydus Cadila	CTRI/2020/07/026352 Phase 3	BRPI0707078 BRPI0909547 BRPI1007584
RNA-based vaccine	mRNA-1273	Moderna + National Inst. of Allergy and Infectious Diseases	NCT04283461; NCT04677660 NCT04405076; NCT04649151 NCT04470427; NCT04760132-Phase 4	US10702600 US20200030432 WO2017070624 WO2018151816 US10273269
RNA-based vaccine	BNT162b2 Comirnaty	Pfizer/BioNTech + Fosun Pharma	NCT04523571 2020-001038-36 NCT04649021; NCT04754594 NCT04368728 NCT04760132 - Phase 4	WO2019137999 WO2018010815 WO2015176737 WO2019053003
Protein subunit	SARS-CoV-2 rS/ Matrix M1-Adjuvant NVX-CoV2373	Novavax	NCT04368988; NCT04533399 NCT05236491 NCT04611802 - Phase 3	BRPI200408587 BR112018004242 BRPI0922867

9 <https://www.gov.br/inpi/pt-br/servicos/patentes/tecnologias-para-covid-19/Arquivos%20Textos/Estudo8Vacinas.pdf>

10 <https://www.gov.br/inpi/pt-br/servicos/patentes/tecnologias-para-covid-19/Arquivos%20Textos/Estudo9vacinasRNAdez2020.pdf>

11 https://www.gov.br/inpi/pt-br/servicos/patentes/tecnologias-para-covid-19/Arquivos%20Textos/estudo10-de-vacinas-suunidade_03052021.pdf

12 https://www.gov.br/inpi/pt-br/servicos/patentes/tecnologias-para-covid-19/Arquivos%20Textos/estudo-11-de-vacina-inativada_obtec_25062021.pdf

13 <https://www.gov.br/inpi/pt-br/servicos/patentes/tecnologias-para-covid-19/Arquivos%20Textos/VacinasVetoresViraisFORMAT OOBTEC.pdf>

14 Some of these studies have been translated into English on the ObTec site.

15 <https://www.who.int/publications/m/item/draft-landscape-of-covid-19-candidate-vaccines> – Accessed on 06/06/2022

Vaccine Platform	Vaccine name	Company	Clinical Trials ¹⁵	Most relevant patent documents
Protein subunit	VAT00008: SARS-CoV-2 S protein with adjuvant	Sanofi Pasteur + GSK	NCT04537208 NCT04762680 PACTR202011523101903 Phase 3	EP3307761 EP810876 EP1778283 EP2162148 US4327182
Inactivated virus	CoronaVac; Inactivated SARS-CoV-2 vaccine (vero cell)	Sinovac Research and Development Co., Ltd	NCT04383574 NCT04800133 NCT04456595 NCT04756830 - Phase 4	CN103602639 CN103614346 CN103992936 CN106857498 CN107751186 CN105420201 CN100420756
Inactivated virus	Inactivated SARS-CoV-2 vaccine (Vero cell), BBIBP-CorV	Sinopharm	ChiCTR2000032459 NCT04998240 NCT04560881 NCT04863638 - Phase 4	CN111662881 CN111575249 CN111812313 CN112684060 CN103784953 CN104043119
Viral vectors	ChAdOx1-S - (AZD1222)	AstraZeneca + University of Oxford	PACTR202005681895696 PACTR202006922165132 NCT04686773 NCT04400838 ISRCTN89951424 NCT04760132 - Phase 4	WO2018215766 WO2009044165 WO2015082922 BR200014138 BRPI0810163 BR112013030222
Viral vectors	Ad26.COV2.S	Janssen Pharmaceutical	NCT04509947 NCT04436276 EUCTR2020-002584-63-DE NCT04505722 EUCTR2021-002327-38-NL Phase 4	WO2007104792 WO2000070071 EP1816204 BR112012019023 BR112018011122 BR112016005761

Summaries of all patent documents related to COVID-19 technologies filed with INPI-Brazil

Since September 2021, ObTec has published a new edition weekly that includes different summaries of patent documents, which can be viewed and downloaded via the website¹⁶. The page is divided into two segments. The top portion includes links to information produced by INPI, which prominently displays a link to the technological monitoring studies (in dark blue) regarding the scope of COVID-19 (Figure 4). Information on monitored patent documents is organized by topics, and is available on the page.

¹⁶ <https://www.gov.br/inpi/pt-br/servicos/patentes/tecnologias-para-covid-19/>

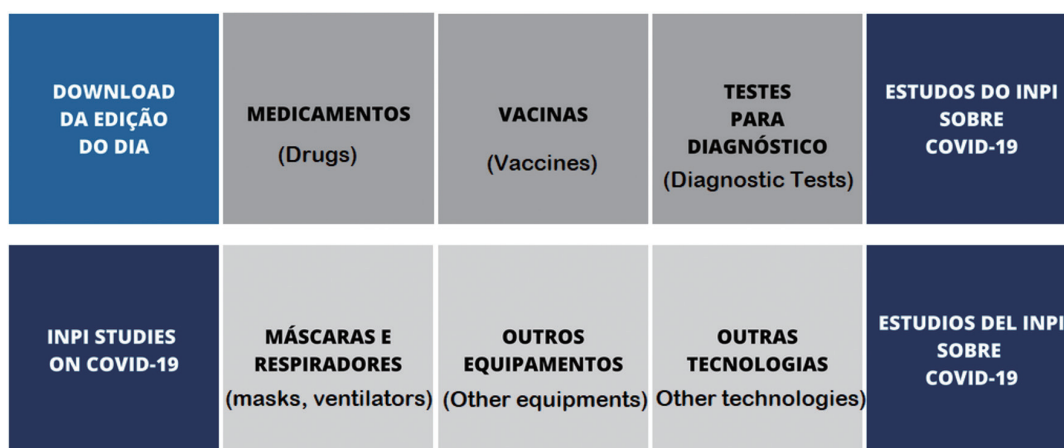


Figure 4: Links available on the ObTec COVID-19 website

On the bottom portion of the page, information on patent applications related to COVID-19 filed with INPI-Brazil after January 2020 is presented in a dashboard format (Figure 5) that is updated weekly. Additionally, it presents a summary of some of these patent documents. All summaries are categorized by topic, and included on the top portion of the page.

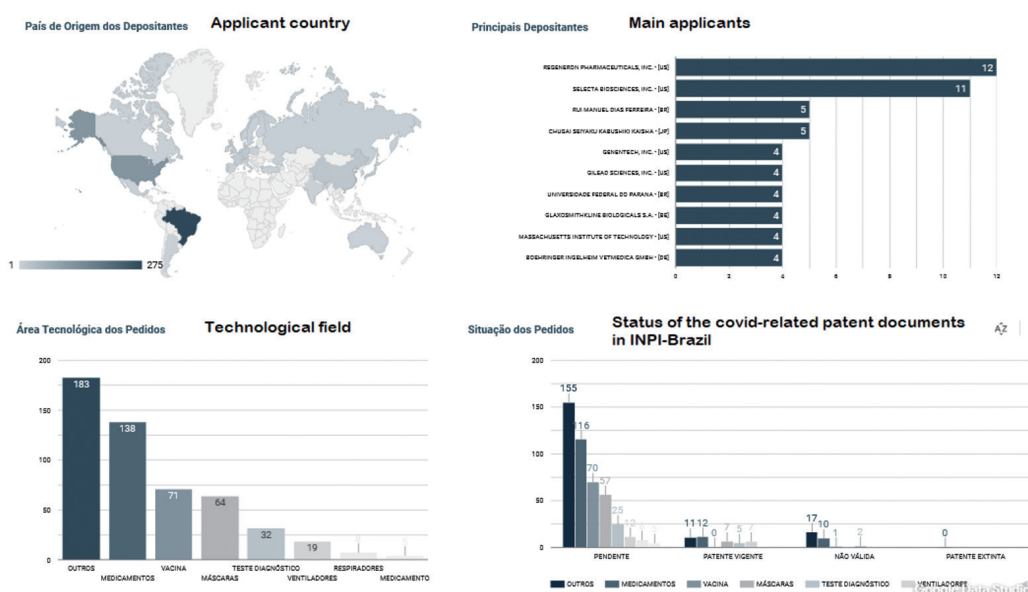


Figure 5: Dashboard available on the ObTec COVID-19 website (updated weekly).

Final Considerations

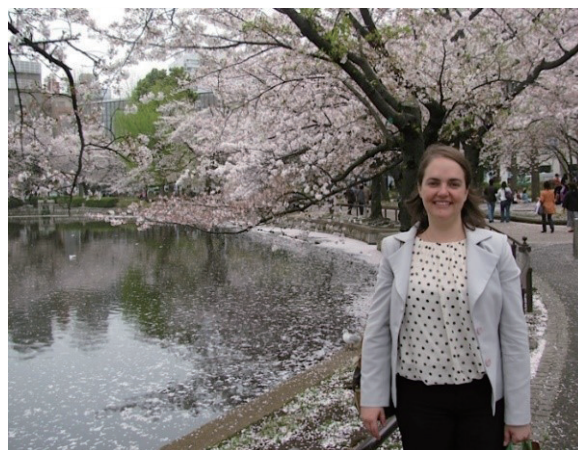
Knowing the state of the art is essential for the development of new products and/or processes. In addition, in order to produce, use, offer for sale or import a patent product or process, it is extremely important to know the status of the patent application in the country of interest, so that there is no infringement of rights holders.

The purpose of the surveys, studies and summaries that have been published by ObTec since March 2020 is to provide an overview of COVID-19 technologies around the world, as well as patent filings with the INPI in the areas of diagnosis, masks, equipment, drugs and vaccines for respiratory viruses and/or coronaviruses.

The ObTec studies can be used as a source of technical information both by researchers and decision-makers in the public and private spheres. Thus, it is expected that these studies can be used as aids in the evaluation of commercialization, production, purchase decisions and prioritization of patent application examinations and/or patent licensing.

With special thanks to the additional ObTec team members:

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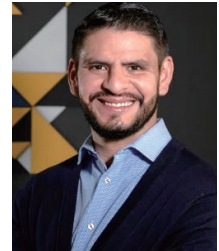


Sakura in Spring (2012)

Declaration of Trademark Use: Special Mention re. the Current Legal Situation in Mexico

Mr. Angel Alfonso Ojeda German (Mexico)

Associate, Trademark Dept.
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JPO/IPR Training Course for Practitioners Specializing in Trademarks
(September 3 - October 11, 2021)



Trademarks have been defined through various regulations, both national and international, as distinctive signs whose main inherent notions are as follows: (i) the ability to be perceived by the human senses (sight, hearing, smell, taste and touch); (ii) susceptibility of representation to be perceived by the aforementioned senses; and (iii) having the quality to distinguish goods and services in the market.

In this sense, and in order to reinforce the above-mentioned idea, we can observe the definition provided by the World Intellectual Property Organization (hereinafter referred to as “WIPO”) as follows:

*“A trademark is a sign that identifies and distinguishes on the marketplace the products of one enterprise for those of other enterprises”.*¹

Although the previously mentioned definition may seem brief, its scope manages to frame the aspects indicated within the definition in the initial paragraph.

Now, we must point out which are the worldwide accepted functions that should be attributed to a trademark. For this, I would like to share what the author Luis Alonso García Muñoz-Nájjar mentioned in the document titled “The Use of Trademarks and other Distinctive Signs as a Tool for Business Development”:

*“The functions mainly attributed to trademarks are to distinguish goods or services offered in commerce so that consumers can identify it and differentiate it from different goods or services offered by a third party; to indicate to the consumers the business origin or commercial endorsement of the good or service linked to the trademark; and to create and maintain a link between the good or service and the consumer in order to produce and fix a demand or clientele for that good or service”.*²

Therefore, we can conclude that trademarks have two main functions: (i) the distinctive function of goods or services in commerce; and (ii) the indication of the business origin that allows consumers to determine the source of the good or service. The latter function is understood as that which allows consumers to be certain about the quality and nature of the goods or services that are marketed by a

1 Making a Mark - An Introduction to Trademarks for Small and Medium-sized Enterprises (World Intellectual Property Organization), 2019.

2 The Use of Trademarks and other Distinctive Signs as a Tool for Business Development (WIPO/OI/STI/0 3/1), March 18, 2003.

commercial party, whether an individual or a company, in a given market.

While we have briefly developed the notion of what we should understand as a trademark, we have not addressed a subject that, to date, is still under analysis: the obligation of use with respect to the trademark.

To begin to develop this idea, it is important to mention what is stated within Article 5 C (1) of the Paris Convention for the Protection of Industrial Property (hereinafter referred to as “The Paris Convention”):

“Article 5 – C. Marks: Failure to Use; Different Forms; Use by Co-proprietors:

*(1) If, in any country, use of the registered mark is compulsory, the registration may be cancelled only after a reasonable period, and then only if the person concerned does not justify his inaction.”*³

The aforementioned stipulation would give us the first idea or approach to a compulsory use of trademarks. In this sense, and in order to complement the referred stipulation, it is valuable to share what is mentioned within the document prepared by the International Bureau of WIPO titled “*The International Protection of Trademarks: Treaties administered by the World Intellectual Property Organization (WIPO). Its regulation in the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS Agreement)*”:

*“Article 5 C (1) refers to the mandatory use of registered trademarks. Most countries that provide for the registration of trademarks also require that the trademark, once registered, be used for a certain period of time. If this use is not complied with, the mark may be removed from the register. For this purpose, use is understood as the sale or offering for sale of goods bearing the mark, although national legislation may regulate this issue more broadly. The said article indicates that when compulsory use is required, the registration of the mark may be cancelled for non-use of the mark only after a reasonable period has elapsed, and this only if the holder does not justify the non-use”*⁴.

The Article of the Paris Convention, in reference, provides an idea of the compulsory nature of use of a trademark. A registered trademark is understood as a sign that complies with the legal requirements of a corresponding law, and could enter to the legal protection system within a respective jurisdiction.

Nevertheless, and from the interpretation that must be made of the Article in reference, it is determined that it is left to the legislator of a given jurisdiction to establish whether or not the use should be mandatory.

Practically all legislation all over the world, if not all, have established the mandatory use of legally-protected trademarks in such country or region. Nonetheless, there is an important difference in the obligation of trademark holders to demonstrate use. In this sense, in some legislations the use must be demonstrated in an active manner by the trademark owner at some moment during the term of protection; while in other jurisdictions, the obligation to demonstrate use is only required when a third party challenges the validity of such protection based on the alleged lack of use (i.e., a passive approach).

Almost all legislation regulates the second mentioned assumption. However, not all countries require the obligatory nature of use based on the first referred idea, which is related to the direct action of a trademark holder to prove the use of a trademark during the corresponding term of protection.

Hence, and before proceeding to develop the current legislative scope of the obligatory nature of trademark use in Mexico, I would like to explain why proving the use of a trademark is of absolute importance

3 Paris Convention for the Protection of Industrial Property

4 Third Regional Seminar on Intellectual Property for Judges and Prosecutors of Latin America. The International Protection of Trademarks: Treaties Administered by the World Intellectual Property Organization (WIPO). Its Regulation in the Agreement on Trade-Related Aspects of Intellectual Property Rights (WIPO/PI/JU/LAC/04/15), October 18, 2004.

for the development of a given country or region.

In this sense, a globally-accepted idea is the prohibition of monopolies in the commercial activity of a given territory, since such activity violates the free competition in economic matters that must be followed in a respective market. However, could Intellectual Property rights, such as the exclusive use of a trademark, be compared to or resemble a monopoly?

In the author's opinion, although Intellectual Property could be similar to the aforementioned figure, the discipline of Intellectual Property must nevertheless not be classified as a monopolistic figure per se. It must rather take into account that the source of protection of Intellectual Property rights does not have as its beginning any conduct of an illicit or incorrect nature by the holders of such rights, as it is the case of monopolies. Furthermore, such discipline seeks the protection of the creations and innovations of human talent, which are directly related to the economic and social development of countries and regions—development that would not be achieved in the case of monopolistic conduct, which threatens free economic competition.

Having said this, however, and returning to the subject of this article, the former Industrial Property Law of Mexico was subject to a number of reforms in 2018, one of the most important being the amendment made to Article 128 of the law in reference, as related to the obligation to demonstrate use of a trademark by owners:

“Article 128.- *The trademark shall be used in the national territory, as it was registered or with modifications that do not alter its distinctive character.*

The owner of a trademark must declare before the Institute, together with the payment of the corresponding fee, the real and effective use of the trademark.

Such declaration must be filed during the following three months, counted from the third year after the registration has been granted.”

Such reform represented a transcendental change on the maintenance of the protection duly granted of a trademark in Mexico, since, and until the date of the reform, the obligatory nature of use only had to be demonstrated under the second assumption indicated in the paragraph that explained the active or passive actions of trademark holders to demonstrate the use of its rights of exclusivity. In other words, until the date of the aforementioned reform, the owner was only obliged to prove use of its trademark when a third party challenged the validity of the trademark based on the lack of use.

Moreover, the aforementioned stipulation was also incorporated in the Federal Law for the Protection of Industrial Property, currently valid legislation that similarly entered into force in our legislation on November 5th, 2021. In this sense, Article 233 of the law in reference states the following:

“Article 233.- *The trademark shall be used in the national territory, as it was registered or with modifications that do not alter its distinctive character.*

The owner of a trademark must declare its real and effective use, indicating the specific products or services to which it is applied, accompanied by the payment of the corresponding fee.

The declaration shall be filed with the Institute during the following three months, counted from the third year after the registration has been granted.”

As should have been already concluded by the reader, the previously mentioned Article was an almost exact copy of Article 128 of the former Industrial Property law. Nevertheless, the notable notion of the indication of the goods or services, commercialized or rendered, that must be made at the moment of filing the corresponding declaration of use was included. In this way, it will be possible to determine both the use of the trademark and the scope of its use.

To exemplify Article 233 of our current legislation, if an applicant secures registration of its trademark on the date of the present article, June 4th, 2022, the corresponding holder must file the Declaration of Use

of the trademark between June 4th, 2025 and September 4th, 2025.

Furthermore, it is important to mention that Article 237 of the Mexican Industrial Property Law establishes that the holder of a trademark registration must equally declare the use of the trademark upon submitting its renewal.

For the time being, the obligatory nature of use in Mexico remains under the figure of a mandatory declaration, similar to an affidavit, which must be made as follows: (i) during the third year after the registration was granted, and (ii) upon submitting the renewal. In other words, it is not mandatory to exhibit proof of use or specimens to support the declaration of use that must be submitted. Nonetheless, this stipulation represents an important legal advance in Mexico.

In conclusion, the obligation to demonstrate the use of a trademark is a tool that is in line with the relationship existing between Intellectual Property rights and economic development. In this sense, by demonstrating that an exclusive right is being used, we would be able to avoid the commercial backwardness that societies must prevent in order to achieve adequate economic development. Such economic development must allow the accomplishment of social rights directly related to the quality of life, which citizens require for the correct development of their inherent rights as human beings.

Instituto Mexicano de la Propiedad Industrial
Mexican Institute of Industrial Property

Declaración de Uso Real y Efectivo de Signos Distintivos
Declaration of Real and Effective Use of Distinctive Signs

Homoclave del formato IMPI-00-014		Folio	
*Fecha de publicación del formato en el DOF 18 / 11 / 20		Fecha de solicitud del trámite DD / MM / AAAA	

Datos de la declaración de uso real y efectivo		
<p>Marque con una X sólo una opción</p> <div> <input type="radio"/> Registro de Marca <input type="radio"/> Registro de Aviso Comercial <input type="radio"/> Registro de Marca de Certificación </div> <div> <input type="radio"/> Registro de Marca Colectiva <input type="radio"/> Publicación de Nombre Comercial Número de registro: _____ </div>		
Clase: Class:	El titular declara que usa dentro del territorio nacional el signo distintivo en los productos o servicios que se precisan a continuación: The holder declares that use within the national territory the distinctive sign for the goods or services below mentioned:	
<input type="radio"/> Continúa en anexo		

Datos generales del(de los) titular(es) del registro o publicación			
Personas físicas Physical Person		Personas morales Moral Person	
CURP:		RFC:	
Nombre(s):		Denominación o razón social:	
Primer apellido:			
Segundo apellido:			
Nacionalidad:		Nacionalidad:	
Teléfono (número, extensión):		Teléfono (número, extensión):	
<input type="radio"/> Continúa en anexo		<input type="radio"/> Continúa en anexo	

Domicilio para oír y recibir notificaciones	
Código postal:	
Calle:	
<small>(Por ejemplo: Avenida Insurgentes Sur, Boulevard Ávila Camacho, Calzada, Corredor, etc.)</small>	
Número exterior:	Número interior:
Colonia:	
<small>(Por ejemplo: Ampliación Juárez, Residencial Hidalgo, Fraccionamiento, Sección, etc.)</small>	
Municipio o demarcación territorial:	
Entidad federativa:	
Correo electrónico:	

Todos los requerimientos, resoluciones y demás actos relacionados con el presente trámite, hasta su conclusión, se notificarán a través de la Gaceta de la Propiedad Industrial.

Manifiesto, bajo protesta de decir verdad, que los datos asentados en esta solicitud son ciertos y que, en caso de actuar como mandatario, cuento con facultades suficientes para llevar a cabo el presente trámite.
Asimismo, me doy por enterado del tratamiento que se les dará a los datos personales contenidos en la presente solicitud.

Nombre y firma del titular o su mandatario

*De conformidad con los artículos 5, fracción II del Reglamento de la Ley de la Propiedad Industrial y 4 de la Ley Federal de Procedimiento Administrativo, las formas oficiales del Instituto Mexicano de la Propiedad Industrial deberán publicarse en el Diario Oficial de la Federación (DOF).



MÉXICO
PRESIDENCIA DE LA REPÚBLICA



CONAMER



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 Arenal # 550, Pueblo Santa María Tepepan, Xochimilco, 16020, Ciudad de México.
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A Welcome Development: Greater Protection for Geographical Indications in the Philippines

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



These past few years, the Philippines has grappled with intellectual property issues such as piracy, cultural appropriation, and the sale of counterfeit goods. For instance, *Tribu Nation*, a domestic company that sells footwear, drew flak in 2020 for naming some of their products after indigenous groups in the Philippines without the consent of the concerned communities. One of the tribes angrily protested that companies are using their terms, properties, and practices only to gain fame and money. Similarly, local weavers in the northern part of the country protested the influx of weaves from China early last year that were falsely posing as the famous Cordillera weaves. The incident garnered the attention of the media, and sparked a series of legislative hearings that were meant to appease the Cordillera weavers.

Just a few months later, popular vlogger *Nas* of *Nas Daily* drew criticism for selling masterclasses that claimed to have knowledge of Kalinga tattooing techniques, particularly those of the legendary artist Whang-Od. Relatives of Apo¹ Whang-Od called out the vlogger, who was forced to apologize and take down the online workshop. Collectively, these events revealed the lack of protection given to local products and services. Even more alarming, they showed the vulnerability of the country's indigenous communities in the face of abuse and unfair practices.

I. EXISTING LEGAL FRAMEWORK

The country's existing legal framework provides IP protection for local products. For one, the Intellectual Property Code of 1998 (IP Code) allows the registration of collective marks – a mechanism that gives associations, local government units, tribes and other groups the right to apply for marks for their products. Registrants may use a collective mark to distinguish their products from others of different origin or quality.² In fact, the Intellectual Property Office of the Philippines (IPOPHL) has used this mechanism at least twice in the past five years to protect local products – once for the world-famous

¹ A term of respect in the Philippines used toward an older person.

² Section 121.2, Republic Act no. 8293.

Guimaras mangoes of the province of Guimaras, and another time for the T’nalak Tau Sebu weaves of the T’nalak Tribe of South Cotabato.

In addition, the IP Code also lists Geographical Indications (GIs) as a part of intellectual property rights. This is consistent with the requirement of the TRIPS Agreement (a multilateral agreement to which the country is a signatory). Through the Bureau of Trademarks, the code gives IPOPHL the power to examine applications for the registration of GIs. Nevertheless, outside of a broad mention of such power, the code does not prescribe the process to apply for GIs. Neither does it elaborate on the rights and limitations that accompany GI registration. However, this is about to change. Just recently, the IPOPHL submitted to Congress a set of proposed amendments to the IP Code that intends to specify the scope of protection provided by GI registration.³ Moreover, just last May, IPOPHL released a draft of rules and regulations for the registration of GIs.

II. DEVELOPMENTS:

A. PROPOSED AMENDMENTS TO THE IP CODE

Considering that the country has just concluded its national elections, it is unlikely that a new IP Code will be passed into law anytime soon. Nevertheless, the new administration should continue aiming for reforms. Specifically, the incoming legislators should build upon IPOPHL’s efforts. Although the IPOPHL’s proposal still lacks specifications on the scope of protection given for registered GIs, and although it does not outline the process to apply for such registration, it still introduces two key changes that are vital in order to pave the way for the institutionalization of GIs in the Philippine IP system.

To begin with, the proposed amendment to Section 9 of the old code calls for the establishment and maintenance of a database not only for trademarks, but also for geographical indications.⁴ This solves a long-standing IP problem that has plagued the country, particularly product owners. In one of the legislative hearings held by the Committee of Creative Industries and Performing Arts of the House of Representatives to address the proliferation of fake Cordillera weaves, an issue that arose was the lack of a centralized database for the country’s indigenous weaves. Although the IPOPHL does have a database of trademarks that is accessible to the public, it must be noted that outside of the collective mark issued in favour of indigenous weaves from South Cotabato, there does not appear to be any other indigenous weave that has existing trademark registration.

As a result, officers from the Bureau of Customs who are tasked with flagging the entry of fake products into Philippine territory have no way of knowing that certain products have copied the designs of the country’s indigenous weaves. This problem does not only apply to weaves, but to other indigenous products as well. To address this, the first step is to encourage the country’s indigenous communities to apply for registration of geographical indications in order to protect their products. Second, the Philippine government should go beyond maintaining a database for such geographic indications; it must also ensure that such database is communicated with other vital agencies who perform a role in preventing the infringement of goods.

3 An Act Prescribing the Intellectual Property Code and Establishing the Intellectual Property Office, Providing for its Power and Functions and for other Purposes.

4 Section 8 of the above Act.

Another key item in the proposal is the inclusion of Certification Marks in the enumeration of marks that are registrable by the IPOPHL. As it stands, the IP Code only allows for the protection of collective marks. However, the proposal explicitly states that collective or certification marks which cover geographical indications are registrable even when they do not comply with the usual standard for distinctiveness of marks. This change will provide a clear recognition that collective and certification marks by themselves may be used as geographical indications that must be given protection by the IP Code. In fact, the proposal devotes an entire section that outlines the application process for certification marks. This includes the submission of a set of standards prescribed by a certifying entity, in order to prove that the creation of a product went through a standardized process. By integrating this process into the IP Code, the IPOPHL will be able to provide an incentive to industries who exert efforts to ensure the good quality of their products.

This reward system is particularly vital for manufacturers and sellers of native food products. It bears noting that in 2021, the Department of Trade and Industry announced that they are in the process of standardizing the cooking techniques for popular local cuisines such as sinigang, sisig and adobo in order to help preserve the country's culture. With the proposed amendment to the IP Code, the government could go a step further and apply for certification marks for Filipino delicacies that have attained world-class recognition. Ensuring the top-notch quality of these products could go a long way toward preserving and promoting the country's heritage.

Despite these welcome developments, it bears emphasizing that the proposal does not include any particulars for registering GIs. The lack of proposed amendments in this area may be due to the fact that the 1997 IP Code already provides for the protection of GIs. Nevertheless, in another new development, the IPOPHL aims to supplement the code by implementing a set of rules and regulations (IRR) for the use of GIs.

B. RULES AND REGULATIONS ON GEOGRAPHICAL INDICATIONS

Just last April, IPOPHL released the first draft of the IRR for the use of GIs, which includes plenty of notable provisions.⁵ For one, it specifies the rights available to successful registrants of GIs. Among the noteworthy ones would be the right to prevent third parties from misleading the public as to the geographical origins of goods, such as by falsely suggesting that such goods in question originate in a geographical area other than their true place of origin.⁶ The IRR also doubles down on the IPOPHL's proposal to create a database for GIs, referring to a "Register of Protected Geographical Indications" that shall contain the particulars of registered GIs.⁷ This database shall be open for inspection by the public, and will be maintained by a designated "Registrar".⁸

Most importantly, the IRR provides a step-by-step process for the registration of GIs. This includes an enumeration of who may apply for such registration;⁹ the particulars and documents that must accompany each application,¹⁰ including the availability of disclaimers for genetic, customary, or common terms;¹¹

⁵ Draft Rules and Regulations on Geographical Indications

⁶ Rule 4(a), Draft Rules and Regulations on Geographical Indications

⁷ Rule 6, Draft Rules and Regulations on Geographical Indications

⁸ *Ibid.*

⁹ Rule 7, Draft Rules and Regulations on Geographical Indications

¹⁰ Rule 10, Draft Rules and Regulations on Geographical Indications

¹¹ Rule 14, Draft Rules and Regulations on Geographical Indications

the reckoning date for the filing of an application,¹² as well as the formalities that follow allowance;¹³ the grounds for refusal of applications,¹⁴ along with the appeal process for rejected applications;¹⁵ and finally, the grounds for the revocation of registrations.¹⁶ The IRR also provides for an additional process to be followed by foreign applicants who seek the registration of their GIs in the Philippine jurisdiction. This includes the appointment of a local resident,¹⁷ and the submission of proof issued by a qualified entity to show that the application is a registered or protected geographical indication.¹⁸

III. CONCLUSION

The developments on the use of GIs are far from perfect. Certainly, the government can do more to protect these vital IP assets. Nonetheless, incoming legislators can take advantage of the momentum garnered by the previous administration. For instance, they can start by going beyond the IRR, and inserting the registration process for GIs as part of the amendments to the IP Code. The legislators can also fine-tune the proposed provisions for GIs. For example, with respect to Collective Marks and Certification Marks that cover GIs, they must set clear guidelines for determining the true owner of marks. It must be noted that for some products, especially those with indigenous origins, more than one group claims ownerships over the products' designs. Many indigenous groups lay claim to marks as a collective—not as individuals—thereby making it difficult to appropriate indigenous designs in the first place. This is especially true for designs that have been passed on from one generation to another. As for the IRR, the drafting committee must take note of recent pressing issues for the international system of protecting GIs, particularly the conflicting interpretations on the scope of protection given to GIs by major powers such as the United States and European countries. The former has been quite resistant in protecting GIs from Europe, arguing among others that doing so would stifle competition and will be counter-productive to the economy. Now that the government is formally introducing GI protection in the country, it has to decide how aggressive it will be in protecting GIs.

In any case, both the amendments and the IRR have a huge potential to increase the protection of the intellectual property rights of stakeholders in the Philippines, and of those abroad. Certainly, these are giant leaps in the right direction. It is now up to the incoming legislators to build upon the efforts of the previous administration, and finally bring about an IP system that gives proper protection to GIs.

12 Rule 12, Draft Rules and Regulations on Geographical Indications

13 Rules 19-21, Draft Rules and Regulations on Geographical Indications

14 Rule 17, Draft Rules and Regulations on Geographical Indications

15 Rule 24, Draft Rules and Regulations on Geographical Indications

16 Rule 22, Draft Rules and Regulations on Geographical Indications

17 Rule 8, Draft Rules and Regulations on Geographical Indications

18 Rule 11, Draft Rules and Regulations on Geographical Indications

The East African Community Needs the Knowledge of IP Valuation for Its Economic Development and Partnerships

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JPO/IPR Training Course on Academia-Industry Collaboration and Technology Transfer
(July 29 - September 2, 2021)



Introduction

The East African Community (EAC), which comprises Burundi, Congo, Kenya, Rwanda, South Sudan, Tanzania and Uganda, aims at widening and deepening cooperation amongst its members, as well as with other regional economic communities. The recent entrance of the Democratic Republic of Congo to the bloc on March 29th, 2022, brought in a market population of more than 90 million to this regional trading bloc community of over 300 million citizens—hence making the EAC an attractive bloc when considering the sales of protected products and services.

Despite this cooperation, the poverty index has been increasing. This is due to various reasons—the latest being the Covid-19 pandemic and the war in Ukraine. This situation has pushed many to extreme poverty levels, where they are living below 1.90 USD per day. In order for the Sustainable Development Goals to be realistic, payment systems should therefore be looked at afresh when engaging with the East African Community.

Ironically, Africa is considered poor even though it is endowed with resources that have in fact attracted many people here. You can find frankincense trees planted along the fences of some homes; and yet, the people cannot afford to buy food.

It is from these challenges that the African Union has created such programs as Education, Science, Technology and Innovation (ESTI) for human resource development, education, science, technology, and the promotion of a youth development agenda. One such role is encouraging youth to participate in the integration of the continent. This means that the member states have come to the realization that in order for Africa to develop, they must come together and define their own problem in their own language, and develop a united solution.

This is not the first time for such cooperation, as history tells us that most communities in Africa traded certain goods for others that they themselves did not produce, through the practice of barter trade. In pre-colonial times, this involved one community exchanging their product with other goods from another community without the use of money. This trade happened even with the problem of language barriers;

and some have in fact argued that it was the language barriers themselves which actually led to this type of trade. This method had its challenges, however, in terms of how goods were valued against the items being traded, and the need to trade with the colonialists in their own monetary system. These communities were therefore compelled to use the colonial currency.

The EAC needs IPRs and IP valuers for economic development and partnerships

During the African Ministerial Conference held in 2015, Francis Gurry said that *“the intellectual component of production is far greater than in the past, and IP is an indispensable mechanism for translating that know-how into a tradeable commercial asset and capturing the competitive advantage that it represents”*. It was clear from this meeting that IP could best support the scientific and technological transformation of African economies, and deepen understanding of the strategic importance of IP, *as a driver of economic and social development and poverty reduction across the continent*. Therefore, in order for the EAC to grow, it will need to use protected products and join the world in the fight against IPR infringement. However, poverty has become a back door for the sales of stolen IPR, which—instead of bringing hope—has further stolen the little financial resources that the EAC had.

Kenya introduced a mobile money transfer system in the early 2000s that has helped many to make transactions or do banking directly from their cellphones (Piper, 2020). This has seen the increase of paperless payment systems, thereby removing the need for cash. This system works by the seller giving value to the goods or services being transacted, and the buyer agreeing to pay with mobile money. We have seen the Kenya Revenue Authority accept payment of VAT via the same system. Why? Because the value is known, and both parties are in agreement.

From this type of mobile money transfer, we can realize that there were three partners who worked to make this innovation a success: the two users, as well as a third party in the form of a service provider. It is from this concept that modern barter trade is making a comeback. A good example, as is common in Kenya, is where one buys a phone using talk points earned when buying the airtime. Here, the seller and the buyer exchange products without the use of money, since they are both satisfied. Barter trade may involve companies or communities with limited cash flow, or countries that have an unstable currency but have access to goods and services they can supply (Ancer & Forbes, 2016). Again, as highlighted by Ancer et al., a bartering transaction can also involve payment by other means such as payment vouchers, or cryptocurrency like Bitcoin.

As modern bartering transactions are gaining traction in Africa and around the world, it will be important for IP valuers to play a major role in the East African Community by ensuring that the items being traded are given the right value. However, EAC members such as Kenya lack the capacity to value their IP assets (Ndonji, 2022), and the governing laws in the member countries remain silent on the issue of valuing intangible assets. This is likely to become a major barrier to this type of trade, due to disagreements on the value of tradable products and services. With the determination to fight poverty, a solution will have to be found in order to ensure that these member countries survive. This means that countries such as Japan, as well as other partners, should start considering engaging this region through modern barter trade for the necessary protected technologies in exchange for its rich resources, or entering into product collaboration between companies in order to develop IPRs to be traded in other countries.

From 1985 to 1991, JICA collaborated with the Kenya Agricultural Research Institute (KARI) to launch a project for promoting the development of macadamia nut production in Kenya. This project was a success, because Japan brought in professional experts to help in the research and development of the best varieties of macadamia nuts grown in Kenya, and also donated machines for processing these nuts—

thereby enabling Kenya to become a major exporter to Japan and the USA as the main markets. What would have happened if Japan had also entered into an agreement saying that they would manufacture the machines for processing these nuts, with Kenya using the processed nuts to pay for the machines? In this case, both countries could jointly sell intangible products such as patents, trademarks, GI and industrial designs, among others, that arose during development—thereby expanding the market. This would have been possible if the government of Japan had brought in a technical team to train Kenyans on how to carry out IP valuation in preparation for such joint R&D.

Conclusion and recommendation

The adoption of these means of technology transfer would help in the expansion of boundaries for protecting intangible assets—thereby closing doors to patent and trademark infringers within the EAC, and enabling them to sell their valuable resources in a protected manner. In order for this to be achieved, the EAC needs many IP valuers who are also skilled in IP rights contract negotiations. The step taken by the Japan Patent Office in training Asian and African countries via the “JPO/IPR Training Course on Academia-Industry Collaboration and Technology Transfer” is a great move, and should therefore be open to all institutions and industries within the EAC.

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Challenges for Intellectual Property Administration In Nigeria

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JPO/IPR Training Course on Promoting Public Awareness of IP
(July 9 – August 2, 2021)



1.0 INTRODUCTION

Intellectual Property (IP) refers to creations of the intellect which can be owned by either an individual or a corporate entity. IP law is a body of laws that ensure that these creations of the mind are afforded protective rights because of their importance to the technological and economic growth of any country. These protective rights are referred to as IP rights, and cover two main branches: copyright, and industrial property rights such as patents, trademarks, industrial designs, geographical indications, trade secrets, plant varieties, integrated circuits, etc. While such rights are conferred on IP owners exclusively for a specified period of time, these exclusive rights can only be effectively protected from infringement through the existence of a strong and efficient IP system in any jurisdiction. Unfortunately, this is not the case in Nigeria, whose IP administration is fraught with many challenges which have hindered the effective protection of IP rights, growth in the IP field, and the technological and industrial progress of the country. This article aims to examine IP administration in Nigeria, and discuss some of the challenges that it faces. Here, I also aim to suggest ways by which these challenges can be addressed so that the country's IP system can align with contemporary international best practices.

2.0 INTELLECTUAL PROPERTY ADMINISTRATION IN NIGERIA

There are five types of Intellectual Property rights in Nigeria, which are governed and regulated by various national statutes. Nigeria is also a member of certain international IP treaties, such as the Patent Cooperation Treaty, Patent Law Treaty, Berne Convention, Paris Convention, Rome Convention, TRIPS Agreement, etc¹. An examination of these IP rights and their respective operational laws are as follows:

- **Copyright:** This is an IP right granted to authors of original artistic, literary or musical works, cine-

¹ laws.lawnigeria.com/2018/02/23/center-for-treaties-of-Nigeria-2/

matographic films, sound recordings and broadcasts which have been expressed in a fixed medium. It is governed by the Copyright Act Cap C28, Laws of the Federation of Nigeria, 2004. The Nigerian Copyright Commission (NCC) is the government agency established by the Act, and is responsible for the administration of all copyright-related matters.

- **Patents:** This is an exclusive right granted to an inventor for an invention for its exploitation during a specific period of time, and usually in exchange for full public disclosure of all valuable information regarding the invention. The granting of patents in Nigeria is governed by the Patents & Designs Act Cap P2, Laws of the Federation of Nigeria, 2004, and regulated by the Patents & Designs Registry of the Federal Ministry of Industry, Trade & Investment.
- **Trademarks:** This IP right is granted exclusively to owners of names, words, signs, symbols, etc. or a combination thereof which are distinctive enough to identify and distinguish the goods or services of an enterprise. Trademark in Nigeria is governed by the Trademark Act, Cap T13 Laws of the Federation of Nigeria, 2004, and regulated by the Trademark Registry of the Federal Ministry of Industry, Trade and Investment.
- **Industrial Designs:** This right protects the appealing features of a product which must be capable of application for mass or industrial production, and is not purely utilitarian. Industrial designs are governed by the Patents & Designs Act, Cap P2 Laws of the Federation of Nigeria 2004, and also regulated by the Patents & Designs Registry of the Federal Ministry of Industry, Trade and Investment.
- **Plant breeders' rights:** These rights are also known as plant variety rights, and refer to the right to commercially use a new variety of a plant which is novel and distinct. In Nigeria, the law that governs this IP right is the Plant Variety Protection Act, 2021, which was signed into law on August 27, 2021. This right is regulated by the Plant Variety Registry which is to be housed within the National Agriculture Seed Council (NASC).

Despite the enactment of these IP laws—as well as the establishment of institutions which regulate all aspects of these IP rights, and the number of international IP treaties of which Nigeria has membership status—her Intellectual Property administration is still saddled with many challenges which have led to the violation of the proprietary rights of IP owners. This has worked to impede the growth of innovation, which has in turn had negative effects upon the economy. Some of these challenges will be discussed below.

3.0 CHALLENGES

Obsolete Laws:

Most of the laws governing IP in Nigeria were enacted decades ago, and are unsuitable for modern commercial and technological developments. For example, the Trademark Act and the Patents & Designs Act were enacted in 1965 and 1971 respectively, with no reviews or amendments till date. Thus they do not provide means for protecting contemporary developments and innovations in the realm of IP. These obsolete IP laws and the absence of a systematic reform mechanism have gravely weakened IP administration in Nigeria.

Inadequate Protection of IP rights:

Apparently the IP laws are enacted to protect the interests of IP rights owners by conferring on them exclusive rights over their intellectual creations but these rights are continually infringed upon through piracy, counterfeiting and imitation. For instance, the Nigerian film industry loses an estimated **N4.2M**

annually due to illegal digital duplication, online piracy and unauthorized rentals of video works within the country.² This is due to the inability of law enforcement agencies such as Police and Customs to apprehend and prosecute perpetrators of these illegal acts. This weak enforcement can be ascribed to inadequate government funding, outdated equipment, lack of skill and proper training for enforcement officials, etc. Consequently, the non-enforcement of IP rights protection laws has led to loss of revenue, undeveloped potential, and low international competitiveness—all of which ultimately affect the growth of the country.

Inadequate awareness of IP:

Public awareness and understanding of IP and IP rights protection laws remain low in Nigeria due to poor sensitization and awareness creation with regard to Intellectual Property. Most creators and inventors have little or no knowledge of the statutory protection of IP rights that can be derived from the registration of their intellectual creations. In addition, Small and Medium Enterprises (SMEs) are mostly not aware of IP, nor its importance to the growth of their businesses through the protection afforded by trademark registration. The few inventors and SMEs who may be aware of this have no idea, however, regarding the necessary steps to protect their intellectual creations and enforce the IP rights granted. The dearth of financial resources required to organize awareness and sensitization programs has constituted a great challenge to the relevant IP agencies that are responsible for this exercise.

Non-domestication of international IP treaties:

In Nigeria, ratification of an international treaty is not enough to make it enforceable in the country. This is because of a constitutional requirement where every ratified international treaty must be domesticated before it can be enforced in Nigeria.³ Thus, despite the numerous international IP agreements to which Nigeria is a signatory, many have not been domesticated and cannot be enforced in the country. This has created a hindrance to the enforcement of these treaties, since judges are usually reluctant to deliver judgments based on their provisions as they have not been domesticated, so as not to contravene the provisions of the constitution. Consequently, this challenge has rendered Nigeria non-compliant with international IP standards in many cases, and has also affected the advancement of her IP administration, since the provisions of many of these IP treaties which can be relied upon to deal with situations not adequately provided for by her national IP laws are unable to be enforced.

Inadequate Judicial Institutions and Unskilled Practitioners:

Most legal practitioners in Nigeria are not conversant with intellectual property law, perhaps because this subject was not included in the curriculum of either secondary or tertiary-level schools until recently. Therefore, many lawyers and judges cannot effectively apply IP laws in the adjudication of IP cases, which causes parties to mostly settle out of court. Moreover, the few cases that are adjudicated often witness court decisions giving sanctions that are not commensurate to the crime committed, and do not serve as a deterrent to future offenders. Also, the court in Nigeria with the exclusive jurisdiction to hear matters related to IP is the Federal High Court, as provided for by the Nigerian Constitution⁴ and the relevant provisions of the respective IP laws.⁵ However, the Federal High Court is not a specialized court, as

2 Waziri.K. (2011). Intellectual Property Piracy and Counterfeiting in Nigeria: The Impending Economics and Social Conundrum, *Journal of Politics and Law*, 4(2), 198.105539/jpl. Vn2p196

3 Section 12 Constitution of the Federal Republic of Nigeria 1999 (as amended)

4 Section 251(F) Constitution of the Federal Republic of Nigeria, 1999 (as amended)

5 Section 46 of the Copyright Act, Section 67 of the Trademark Act and Section 32 of the Patents & Designs Act

it also has jurisdiction to hear other matters—leading consequently to delays in the adjudication of IP cases, and ineffective protection of IP rights.

4.0 RECOMMENDATIONS

The following are recommended to address these challenges in order to improve the IP system in Nigeria:

1. The entire framework of IPR administration must be restructured so that Nigerian intellectual property offices can be organized in accord with modern standards. For example, the Nigerian Trademarks, Patents and Designs Registry, which is a department in the Federal Ministry of Industry, Trade and Investment, should be made operationally independent. There should be a collaboration among IP regulatory agencies, automation of the registration systems, and a harmonization of platforms in order to create a central IP database.
2. IP legislation should be reviewed and amended to provide for an efficient enforcement and deterrent mechanism for the protection of IP rights, by granting the relevant law enforcement agencies—particularly the Police and Nigerian Customs Service—the necessary powers to carry out their policing and prosecution functions. Also, the law enforcement agencies should be made financially independent to ensure adequate training in the latest technologies, both within and outside the country.
3. Nigeria must develop a national policy on IP, which will clearly state the overall IP goal of the nation by defining what she intends to achieve with her collective national talents, traditional knowledge and technologies. This national IP policy will enable the international community to know the direction of her creative industries, and the kind of international treaties that Nigeria may ratify.⁶
4. The National Orientation Agency, in collaboration with the Ministry Of Education and the National University Commission, should ensure that there is an inculcation of both the national IP policy and IP as a course in the academic curriculum of schools in order to create the needed awareness among students, regardless of academic discipline. The relevant IP regulatory agencies should also be adequately funded to enhance their capacity to raise awareness through sensitization campaigns and programs aimed at educating the general public on IP, its importance, IPR infringement, the economic effects thereof, and respective sanctions.
5. There should be a systematic reform of Nigeria's domestic legislation on IP so that outdated laws can be reviewed and amended, and new laws enacted, in order to update the country's legal framework on IP in line with global standards. Also there is a need to provide for severe penalties for infringers that would effectively deter future occurrences of such illegal activities. These reforms should be carried out periodically to eliminate outdated provisions of the laws, and ensure that they are in tune with modern realities.
6. Finally, the 1999 Constitution of the Federal Republic of Nigeria (as amended) should be further amended in order to establish specialized IP courts to handle IP-related matters. Judicial officers who will preside over these IP courts and IP lawyers should then be properly trained in the field in order to handle IP-related matters effectively and efficiently. There should also be a speedy trial process of IP cases, with court orders granted in a timely manner, so that aggrieved parties will be

6 <https://www.mondaq.com/nigeria/trademark/788714/strengthening-intellectual-property-rights-and-protection-in-nigeria#>

encouraged to seek judicial protection of their IPR instead of settling out of court. Also, the constitutional provision on domestication should be amended to allow for automatic enforcement of all international treaties upon ratification by the country.

CONCLUSION

It is evident that an advanced IP system closely correlates with a country's technological and industrial performance, and the economic benefits thereof are undeniable. Nigeria is a big market with enormous potential for growth; but the prevalence of these challenges facing her IP administration has stifled development in the field of IP, and limited her from achieving her maximum potential. Therefore, it is critical for Nigeria to effect a solid mechanism for IPR protection and enforcement in order to enhance productivity, increase employment capacities, and encourage innovation and overall competitiveness. It is hoped that urgent attention be given to the above, so that there can be an advancement in the country's IP administration overall.



Get to know your IP Friends



We have conducted another survey among all contributors to the Enishi magazine, just as we did last year. The responses will be published in three parts.

The first question is about the changes that have occurred to our lives during the pandemic. COVID-19 has changed our lives significantly over the last two years, and we asked how all of you are doing in your respective parts of the world.



Q: How has the pandemic affected your life?

- I see it in a good way that many things can be done online. Faster and more efficient. *(Malaysia)*
- Not directly but I am forced to support everyone in my family since there are less job opportunities and the economy is not doing well. *(Kenya)*
- The pandemic affected my daily life enormously. I have a child and she could not go to school (because schools were closed) and I had to work from home, including doing all my patent examinations there... it was a hard time. At work, one group of five patent examiners (including me) created the INPI's COVID Observatory. *(Brazil)*



- As a country, we had strict regulations. We were directed to work from home and not attend large social gatherings. We were also required to wear face masks and carry disinfectant whenever we had to leave our homes. *(Nigeria)*
- It has affected my life in many ways. Opportunities to learn about IP have become restricted, similar to opportunities to share knowledge in physical meetings. *(Sri Lanka)*

- In terms of work, I learned how to adapt to the changes by immersing myself in new technologies and online working platforms. This enabled me to work better and communicate to more people, both local and internationally. With my personal life, I learned the value of time by spending more time with family and friends. *(Philippines)*
- A lot of things happened to me during the pandemic, but I would like to point out a positive thought. The pandemic has made me more aware about enjoying the moment and demonstrating my feelings to the people I love. *(Mexico)*
- The pandemic has helped to improve my intellectual property skills and knowledge through the series of IP lectures and certifications that I acquired within this time and the webinars on IP awareness creation that I have spent my time on. *(Nigeria)*
- Honestly, the restrictions weren't good for relationships; family, business or all human endeavors. *(Nigeria)*
- It has curtailed the free movement we used to have. Travel has been restricted. *(Kenya)*
- Advantage: I am now familiar with distance-working with not only my team, but also with my clients all over the world.
Disadvantage: It was quite difficult for me to organize the firm at the beginning of the year as we changed from office work to distance work. *(Viet Nam)*
- It allowed me to better establish my daily routines, such as my office work, personal exercise and rest schedules. Furthermore, it made me appreciate being alive and healthy even more. *(Mexico)*
- It led to many changes, the biggest of which would probably be with the way I work. I have become more reliant on technology in my dealings with clients and colleagues. *(Philippines)*



- At the beginning the pandemic affected my sleep and also my ability to concentrate. *(Brazil)*
- I have been blessed to survive the pandemic here in India without getting infected yet. However, the only thing I regret is that the pandemic has disrupted my yearly overseas travel plans over the last couple of years. *(India)*
- Basically, it did not affect much of my daily routine. However, it has reduced my social activities with friends and family. *(Malaysia)*

Message from Lecturer



Unchanged Friendship Through OPET, Despite the Novel Coronavirus Pandemic

Dr. KIMURA Shinya

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I left the Japan Patent Office in 2011 after working as a patent examiner in the chemical field, and am currently working at a patent law firm as a patent attorney.

I feel extremely thankful that even after becoming a patent attorney, I have been given opportunities to give lectures on topics including prior art document searches and examination standards for training courses, which are attended primarily by individuals working in patent-related fields at corporations, universities and patent firms in Japan.

I was also invited in 2017 to serve as a lecturer for patent examination training courses given mainly for examiners working at overseas patent offices (the Operational Patent Examination Training Program, or OPET). At first, I felt some unease at speaking in front of people whose occupations and nationalities differed from those of the previous trainings where I had lectured. My uneasy feeling, however, was easily exceeded by the level of the stimulation I experienced from the questions and commentary on the part of the participants who had been selected for the training courses by their respective countries' patent offices. In particular, the manner in which other nations viewed Japanese examination standards, as well as the discussions in this regard, were very interesting and thought-provoking for me.

In addition to the lectures themselves, I also enjoyed seeing the trainees appreciating the taste of Japanese sweets during their break time. Standard favorites such as *matcha* (green tea)-flavored Kit Kats

and *kabukiage* rice crackers were of course quite popular, but the *rakugan* confectionery associated with the traditional tea ceremony was also being enjoyed. In this way, I realized that the significance of OPET did not merely involve instructing trainees regarding examination standards and operations in Japan. Rather, I saw that it was clearly also important to have them directly experience and cultivate understanding with respect to Japanese patent administration and culture. In that sense, I feel very happy about being able to keep in touch with some trainees by sharing information through social media, even after the end of their training program.

Just as I was getting ready for more enjoyable and interesting training courses, the novel Coronavirus global pandemic struck—thereby restricting most person-to-person interactions. As with other countries, Japan implemented strict border entry controls that rendered in-person OPET trainings impossible, making it necessary to switch to online courses.

The online OPET training courses basically involve live lectures and Q&A sessions for multiple trainees and lecturers, which are conducted using tools for web-based meetings. In cases where the time difference makes attending live sessions impossible, a video-based exchange occurs wherein instructors view pre-recorded presentations from participants and record their comments, which are in turn then viewed by the trainees.

This process must have been difficult on top of an already busy work schedule. Since the participants were well-prepared in advance, however, the training course exceeded my expectations both in its live and its recorded versions. Meanwhile, since the informal interactions that had occurred outside of the lectures were no longer possible for the online format, I must admit that my experience as a lecturer felt slightly isolating.

Nevertheless, I still felt extremely fortunate to have been able to interact with others through OPET even at a time when the Coronavirus pandemic made person-to-person contact extremely difficult. This was possible because of the advanced web-based meeting tools, as well as the ongoing deep relationships of friendship that had already been created between Japan and the participating countries.

Now, I am waiting until the day when we can finally meet again in person, and build these connections even stronger than before. When face-to-face training courses become possible, I very much look forward to sharing the joy of our friendships through OPET that were created despite the pandemic.

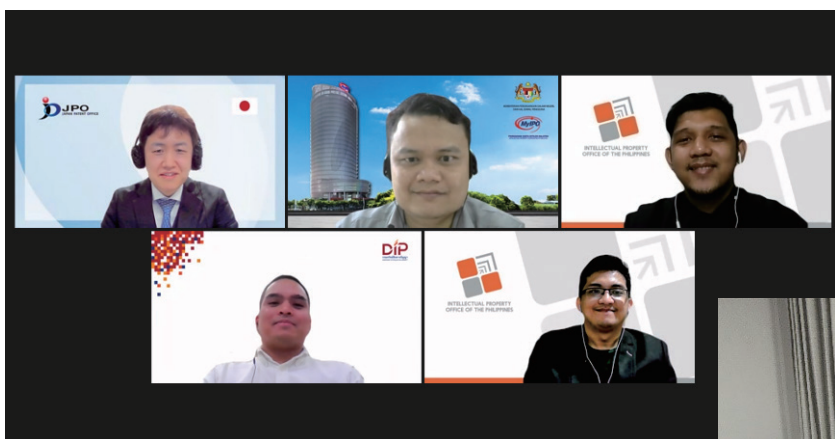
In closing, I would also like to express my great thanks to the Japan Patent Office staff who have made the OPET courses possible even despite the difficult situation we have found ourselves in.



Trainees attending 2017
OPET Course in person



Trainees attending 2017 OPET Course in person
(lecturer is fifth from left)



Trainees attending 2021
OPET Course online



Lecturer for 2021
OPET Course online



In Season

Mr. OGIYA Takao
Director General of APIC



In 2013, washoku (the traditional cuisine of Japan) was designated as an Intangible Cultural Heritage by the United Nations Educational, Scientific and Cultural Organization (UNESCO). This designation includes items registered for the purpose of preserving and passing down the intangible cultural heritage of a particular region, which includes ethnic cultures, oral traditions, social customs, traditional craft techniques, ritual, etc.

The Japanese culture of washoku was registered in its entirety as “a social custom on the part of the Japanese people which relates to food and expresses a spirit of respect toward nature.” Washoku displays this sense of respect toward a multitude of fresh ingredients, along with their respective flavors. It comprises a healthful diet that considers nutritional balance, while also expressing the beauty of nature and the transitioning of the seasons.

Japan has four distinct seasons which washoku takes care to invoke through the use of seasonal ingredients, along with additional touches such as leaves and flowers, and other seasonal details like the dishes in which the food is served.

In order to conjure the seasons through food, particular ingredients are utilized at the specific time of year wherein they are most abundant, and when their flavors and nutritional value are at peak levels. Such optimal times of the year we refer to as *shun* (being “in season”).

In fact, the period of being “in season” may be further divided into three different categorizations. The time when ingredients begin to appear at market is known as *hashiri* (literally, “to run”). This is followed by the period when flavors and nutritional value become enhanced and reach peak market circulation, which is known as *shun* in the more narrowly precise sense of the word. Finally, the time when an ingredient’s peak has passed, and it is nearing the end of its market run, is known as *nagori* (“vestiges”, or “remnants”). For the rest of this article, we will use the word *shun* (“in season”) in its broader sense.

Rice farming became a common practice in Japan after it was brought over from China during the Yayoi period (which began in the 5th century B.C.). The major food staples at this time included rice, wheat, millet and legumes, with widespread vegetable cultivation also practiced through dry-field farming. Around this time, diets additionally began to become supplemented with items including fish and shellfish, wild animal meat, mushrooms, mountain vegetables, and other sorts of greens (see photo 1).



Photo 1: Image of a meal during the Yayoi period

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<https://www.yoshinogari.jp/ym/episode04/foods01.html>

Around 675 AD, however, Emperor Temmu issued an edict forbidding the consumption of meat, which resulted in a drastic decrease in opportunities to eat beef, horse and chicken, among other types of meat. As a result, people began consuming animal proteins through fish, and plant-based proteins via rice and soybeans. The ban on meat consumption was officially lifted in 1871, meaning that meat had effectively disappeared from the Japanese diet for a total of around 1,200 years.

The Heian era (which began around the early 9th century) saw the establishment of an aristocratic culture, including the beginning of a custom to display *omotenashi* (hospitality toward visitors) through food. At the time, this meant placing numerous small plates of different types of food atop a large table, including sliced fish and dried foods, along with seasonings such as vinegar and salt—thereby allowing people to flavor their meals to their own taste. In this way, the feeling of lack from not being able to consume meat was eased through the use of various condiments (see photo 2).



Photo 2: Meal displaying *omotenashi* (hospitality) among the Heian-era aristocracy

Copyright Plenus “kome” Academy
https://kome-academy.com/teishoku_library/history.html

Such food-related customs later developed into *shōjin-ryōri* (the vegetarian cuisine of Buddhist monks) during the Kamakura period (which began around the turn of the 13th century), and later the *honzen-ryōri* (formal meals served atop low-legged tables) that was enjoyed by the warriors of the Muromachi period beginning in the mid-14th century.

Because animal proteins were forbidden within the traditional *shōjin-ryōri* Buddhist cuisine, an effort was made to re-create similar flavors by pairing vegetable proteins such as soybeans and wheat together with seasonings that had a strong impact, including plant-based oils and miso (see photo 3).

Meanwhile, the *honzen-ryōri* cuisine of the warrior class was characterized by the serving of *saké* (rice wine), which was then followed by food dishes. Such meals were enjoyed over a long period of time, and were accentuated by *umami*-rich ingredients such as *konbu* (kelp) and *katsuobushi* (bonito flakes).

During the Azuchi-Momoyama period that began toward the end of the 16th century, the tea ceremony style founded by tea master Sen no rikyū gave rise to the multi-course *kaiseki* cuisine. This style was known for its spirit of *ichi-go-ichi-e*, which prioritizes each individual moment as occurring only once in a lifetime. This concept of treasuring each encounter then carried over into the idea of *shun* (seasonality), wherein we focus upon experiencing the here and now (see photo 4).



Photo 3: *Shōjin-ryōri*
(vegetarian cuisine of Buddhist monks)



Photo 4: Multi-course *kaiseki* cuisine

It was during the Edo period (which began during the late 17th century), an era of peace, that the unique concept of *shun* took root within the mentality of Japanese people as part of the culture wherein hospitality is offered through food.

Throughout the world, this practice of offering hospitality toward visitors through food is normally thought of in terms of providing large quantities until the stomach feels full. In Japan, by contrast, the focus is upon quality rather than quantity. In other words, the amount of food offered may be small; but the assortment of fresh ingredients, and their respective flavors, allow the person eating them to enjoy the beauty of nature and the transformation of the seasons. This prioritizes the feeling of fullness not in the stomach, but within the heart and spirit—a characteristic feature of the unique Japanese seasonal concept of *shun*.

In addition, while the idea of *shun* was originally developed in relation to food, it went on to be utilized within other contexts. This included the ideal timing to carry out a particular task, for example; as well as other topics presently experiencing popularity.

In addition, there is an idea similar to *shun* that is used with respect to individuals. *Shun* may be seen physically, for example, within the idea that top athletes should retire after they have passed their peak ability. For most figure skaters, this occurs by around age 30; while in the world of professional baseball or football (soccer), it is rare to see active players past the age of 40. We most certainly lose our physical abilities as we age, and—just as with food ingredients—we must accept the fact that our human bodies are also subject to the seasonal laws of *shun*.

What about our mental capacities, however? As human beings age, our mentality becomes more mature. Even if we experience hardships, this can create resilience if we are able to view such experiences in a positive light, and as being meaningful in some way. Such resilience then builds a well-rounded sense of character inside of us, which in turn creates hope. And such hope does not allow for despair. Such was the lesson which was taken away by many people in Japan following the Great East Japan Earthquake of 2011.

Professor Satoshi Ōmura (see photo 5) contributed greatly to the development of the anti-parasitic drug Ivermectin, which has saved the lives of 200 million people yearly, and for which he won the Nobel Prize in Physiology or Medicine in 2015. He once commented, “If you continue moving forward tirelessly, your period of *shun* will continue no matter how old you may become.”

I myself am 67 years old—and I too am presently in my own peak season of *shun*.



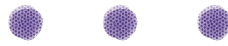
Photo 5: Professor Satoshi Omura and children in Africa



Let's Explore Japanese Culture!!



In this section, the editorial department has been independently selecting and featuring tourist spots in Japan. Of course, all of these places are open to the general public. There are many fascinating places in Japan, and we hope that you will find this information useful in deciding which places to visit when touring Japan!



Kawasaki City Fujiko · F · Fujio Museum (Kawasaki City, Kanagawa)

In recent years, Japanese anime has become very popular around the world, and we have heard from many trainees that they love anime and that they learned Japanese by watching Japanese anime.

Against this backdrop, the Kawasaki City Fujiko F. Fujio Museum opened in September 2011 in Tama Ward, Kawasaki City, as an art museum exhibiting valuable original drawings by Fujiko F. Fujio who created Doraemon. Because Mr. Fujiko had long lived in Tama Ward, the museum was built together with the Kawasaki city government.

The museum is home to about 50,000 original drawings, including those from Doraemon, and the exhibits are changed regularly so as to introduce original works. In order to preserve the precious original drawings for future generations, the temperature and humidity among other factors are strictly controlled in storage.



Doraemon

Doraemon

So, have you heard of Doraemon? Doraemon is a very famous anime character—so much so that he is known by practically everyone in Japan.

For those not familiar with *Doraemon*, here is a brief introduction. Started in 1970 as a serialized

manga comic, *Doraemon* is a story about a cat-like robot named “Doraemon,” who comes from the future (year 2112) and solves the troubles and difficulties encountered by a boy named Nobita Nobi—all by using the “Secret Gadgets” in his pocket. After manga serialization, an animated series began airing on television, and Doraemon also began appearing in movies.

¹*Doraemon* has become popular mainly in Asia, and to date, the manga has been published in 12 languages and 17 countries. It has also been broadcast in 55 countries.

In addition to *Doraemon*, Mr. Fujiko also created many other masterpieces, including the *Paman* (“*Perman*”) and *Kiteretsu Daihyakka* (“*Kiteretsu Encyclopedia*”) manga series.

And so we went to the Kawasaki City Fujiko · F · Fujio Museum!

This is the museum where you can encounter Mr. Fujiko’s “dreams”, “wonders”, and “playful spirit.”



The Fujiko F. Fujio Museum

The exterior of the building has a calm, museum-like atmosphere, but it has been designed with many unique touches. The building is full of ideas: part of the exterior wall is made of bricks in the motif of Doraemon’s eyes, the bench in front of the museum is shaped like a pencil, and the tiles at the entrance are designed to resemble manuscript paper.



Exhibition Room I

An original *Doraemon* comic (1972)



1 The Public Relations Office of the Government of Japan
https://www.gov-online.go.jp/eng/publicity/book/hlj/html/201902/201902_07_en.html

In addition to the main exhibition of original drawings, news related to the characters is also introduced, and one of the most surprising was the news that a fossil of discovered dinosaur footprints was named “Eubrontes nobitai.” The fossil was discovered in China. The discoverer (Associate Professor Xing), who had been a fan of *Doraemon* since childhood, remembered that Nobita named a new species of dinosaur after himself in the movie *Doraemon the Movie: Nobita’s New Dinosaur*, so, when he discovered the fossil, he simply had to give it this name!

Unfortunately, this happened after Mr. Fujiko had passed away; but for Xing, a great dinosaur lover, and for people around the world who grew up watching *Doraemon*, this news might have been a moment that brought the world together.

In addition to areas for viewing such exhibits, there is a model of Nobita’s house, where Doraemon actually lives, and a space for reading manga. Also, the “Fujiko·F·Fujio Theater” plays a special short movie that can only be seen at this museum, and after viewing it, we were amazed at the unexpected surprise ending!



Fossil (replica) bearing the name
“Eubrontes nobitai”



Mr. Fujiko’s workspace

Mr. Fujiko’s actual study is also on display. His desk, where he produced many works, is stacked with many encyclopedias and technical books. Mr. Fujiko once commented that he always checked encyclopedias and other materials while drawing pictures, as he did not want to convey anything incorrectly.

Other exhibits included family photos showing Mr. Fujiko’s life and personal items such as stationery and bags that he used. Despite his busy schedule, Mr. Fujiko was devoted to his family, and we can see glimpses of how he spent his private life as a good father.

Mr. Fujiko’s thoughtful works were created with the reader’s feelings in mind. It can be thought that this was because he was a gentle person with gentle feelings such that his work relayed hopes and dreams to children and have remained in people’s hearts for a long time.

Secret Gadgets

For some people, including ourselves writing this, they might remember watching *Doraemon* and being glued to the TV, because all the secret gadgets that came out of Doraemon’s pocket were things that many wished really existed. Even as adults, fans can recall many of these gadgets, such as the “Anywhere Door,” the “Hopter,” “Memory Bread,” and the “Translation Gummy,” and if these kinds of items existed, many people would definitely want to have them, even now.



“Anywhere Door”
at the entrance to Exhibition Room II



Dedicated direct bus with *Doraemon* graphics

Bonus Features

The “departure melody” used at the Odakyu Line’s Noborito Station, near where the museum is located, also plays anime songs taken from Mr. Fujiko’s works. The station’s name signs and walls are also filled with Doraemon characters to welcome people.

The dedicated direct buses from Noborito Station to the Fujiko F. Fujio Museum were also rendered with graphics showing characters from *Doraemon* and *Perman*, among others.

The staff at the museum have relayed that there are actually four mice hidden around the museum. (This is based on the storyline that Doraemon is very afraid of mice.) It would be a challenge to find them all in this museum.

However, on the occasion of our visit, we were able to find one of the four mice. If you have a chance to visit this museum, please take on the challenge of trying to find them all!



■ **Kawasaki City Fujiko · F · Fujio Museum** <http://fujiko-museum.com/english/>

* A reservation is required to visit the museum. You can purchase tickets at **Lawson** (convenience stores)

More details: <https://cdn.l-tike.com/fujiko-m/english.pdf>

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Happenings in Japan



©Hakama

* Hay fever refers to a type of pollen from flowers or plants that causes allergic inflammation with symptoms such as sneezing and a runny nose. Besides Japan, this condition is found in other numerous countries including England, the United States and Australia, although the hay fever-causing plants and flowers differ in each country.

Editor's Note



Hello. This is Mitty, and I'll be in charge of the ENISHI magazine again this year. I'm looking forward to meeting with you!

There is a phrase which says, "The night is long that never finds the day," and I think it's true. We are now in the process of getting back our daily lives little by little. In other words, we are now finding the sunrise.

Communication is very important. We are now finding that chatting with others is not meaningless; but rather, that it is essential. Thanks to such opportunities, I have also found that my self-esteem has grown, and I have begun to like myself more.

In Japan, there is another phrase which says, "It's a good day when you have an idea." You never know when something will happen, and so I have recently been challenging myself to do what I want to do whenever I can. I was surprised to find that others around me were supportive, and that my vision was beginning to change a lot as I moved forward.

This issue of the magazine is rich with content, and we would very much appreciate your feedback on what you would like to continue seeing here. Please do feel free to send us your comments and suggestions!



Hello! My name is Kenjiro (Ken), and I am newly in charge of this publication. Very nice to meet you! I worked at APIC until two years ago, and then moved to another department. However, I am now back in the APIC office.

Compared to two years ago, things are very different now with regard to APIC trainings, as well as Japan's situation in general. During the interim two-year period, Tokyo hosted the Summer Olympics. This was supposed to be a large-scale event on par with the FIFA Club World Cup, but due to the rules that restricted spectators, the Olympic Games ended in what I felt to be a very anti-climactic manner.

The Coronavirus pandemic is bringing many negative elements to light. I also feel that there are many things which actually improved during this period, however, as well as things which we may have never before had the chance to realize. Although I am still formulating my thoughts, this is the type of content I would like to go about searching for in putting together the ENISHI publication.

Your opportunities to engage with Japan have greatly diminished during this period. Once the border restrictions have been lifted, we are waiting for you all to come back!



Hello! This is Minori. As many of you who have been to Japan may already know, Japanese people often use umbrellas in their daily lives. It's true that many people use umbrellas even when it's raining just a little. In Japanese convenience stores, inexpensive vinyl umbrellas are sold so that you don't have to worry about sudden rain.

Many women also use parasols. Parasols are sold with a light-blocking function to shield the body from sunlight and a UV-cut function to protect against ultraviolet rays.

Of course, there are also 'sun and rain' umbrellas. As we are surrounded by asphalt, the daytime temperatures in Tokyo can be quite high, but using a parasol can make you feel somewhat cooler. I once used an umbrella with a fan inside the parasol, but this parasol was too heavy to carry around, and I ended up not continuing to use it.

There are many different types of umbrellas sold in Japan, including those of different colors, shapes and sizes, and even those with patents! If you have a chance to visit Japan, it might be fun to keep an eye out for Japanese umbrellas.

[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 by the Japan Patent Office to the Japan Institute for Promoting Invention and Innovation.

[Consigner]



Japan Patent Office(JPO)

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