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IP Friends Connections

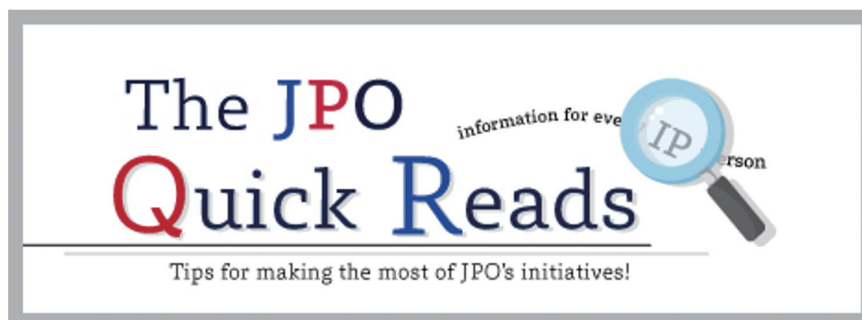
This Magazine is published as part of the Intellectual Property Cooperation in Human Resource Development Program of the Japan Patent Office.

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.

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In “the JPO Quick Reads”, the JPO introduces its initiatives and relevant information mainly in relation to patent examinations. Its weekly updates would help users to understand various JPO measures and to take advantage of using them. We also hope users feel welcome to the JPO service. We have received some good feedback from our users, through Twitter and LinkedIn, 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:

Updates posted on the JPO English website, including topics of “the JPO Quick Reads” will also be posted on the following social media.

[JPO Official Twitter]: https://twitter.com/JPO_JPN

[JPO Official LinkedIn]: <https://jp.linkedin.com/company/japan-patent-office>

[Popular topics]

- Latest Report of the Subcommittee on Examination Quality Management (6 March 2023)
The JPO receives advice from external experts for the improvement of the examination quality management!

As briefly introduced here previously (posted on 6 October 2020), the JPO refers the evaluation on the implementation system and its status regarding the quality management of our examination to a deliberative body composed of external experts, called the Subcommittee on Examination Quality Management. The English translation of the latest report was uploaded on our website last month.

According to the report, our efforts received a favorable review as in the previous edition, inter alia, in terms of clarity of procedures and publicity of the key principles.

It would also deserve mention that the developments in the proportion of satisfactory response to our User Satisfaction Surveys over the past seven to ten years in relation to various quality-concerned measures were presented to the subcommittee. The body expressed its expectation that further analysis in this regard will lead to our future endeavors to provide quality service to users.

➤ JPO's Official LinkedIn Account (27 February 2023)

A new communication channel with the JPO created!

This January, the JPO started posting on its official LinkedIn account besides on Twitter.

With the use of LinkedIn, which is one of the most frequently used platforms for business communication, we will reinforce our efforts to offer information on JPO's policies and initiatives to our stakeholders worldwide.

➤ The JPO Key Features -latest version- (20 February 2023)

The updated "JPO Key Features" has been posted on our website with elevated viewability!

As posted here twice until now (in February 2022 and June 2021), this digital resource is a concise guide with graphic illustrations to various benefits, measures and policies available at the JPO. The current version with improved visibility has incorporated four new contents, including "GXTI (Green Transformation Technologies Inventory)" and "Opinion Exchange Meeting" with our users.

➤ Latest JPO Report on AI-related Patent Applications (16 January 2023)

JPO has released the newest version of the report on recent trends in AI-related inventions!

As previously introduced here (posted on 24 November 2020), the JPO has been publicizing a report concerning AI-related patent applications. It has been updated on a yearly basis and its latest version, which is based on statistics up until the year 2020, is now available on our website.

The number of patent filings in Japan for AI-related inventions has demonstrated an upward trend since 2014 in the wake of the third AI boom. In 2020, it went up by around 14% from the previous year. Likewise, another set of survey result obtained by using WIPO PATENTSCOPE elucidates that patent applications associated with AI technologies are on the increase in major economies, although the profiles are not altogether identical.

➤ "INVEST JAPAN" PROJECT (13 February 2023)

The JPO has surveyed successful cases of business deployment by foreign companies with the aid of patents.

A team of JPO patent examiners wishing to deliver the attractiveness of the Japanese market set up "INVEST JAPAN Working Group (WG)". They had interviews with overseas enterprises about their businesses in Japan, including their strategic utilization of IPs.

Last month, a dedicated page was created on our website to showcase good practices. We hope it helps your business development in our country and your collaboration with Japanese firms.

FY2023 JPO/IPR Training Course List

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

From Brazil to Japan: Crossing Borders via Intellectual Property

Ms. Santos Araujo, Stephany Nicole (Brazil)

Partner, Attorney at Law, Trademarks
Montaury Pimenta, Machado & Vieira de Mello



*JPO/IPR Training Course for Practitioners Specializing in Trademarks
(September 8 – October 12, 2022)*



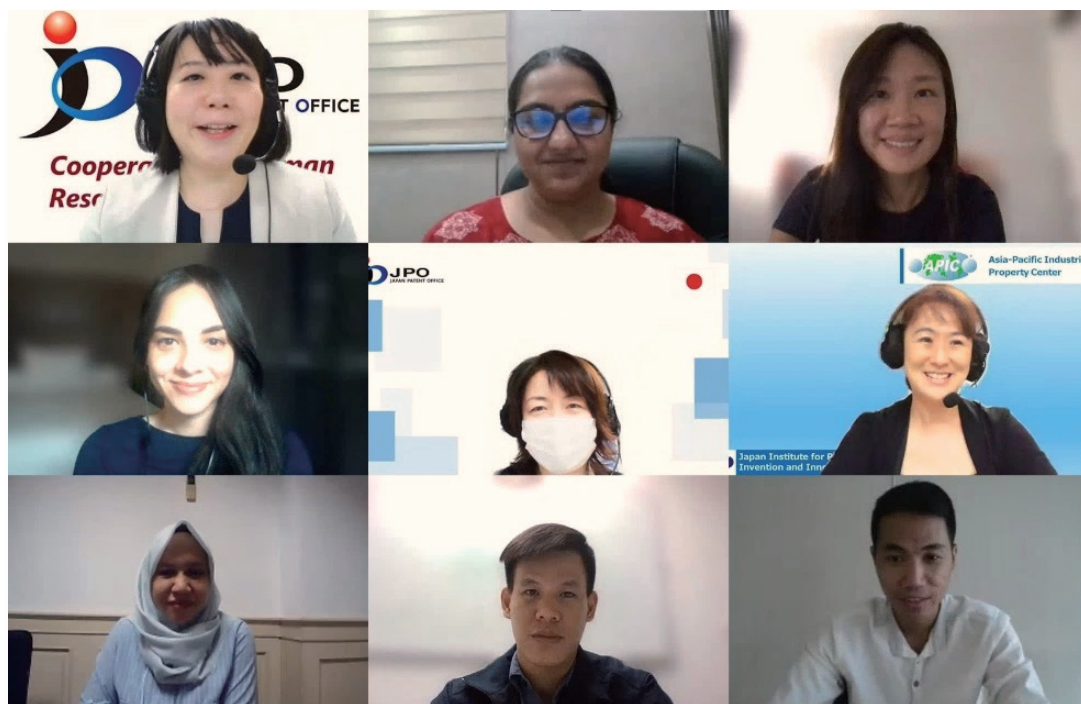
My name is Stephany Araújo, and I am a 27-year-old trademark attorney from Brazil. I am a partner at the traditional law firm Montaury Pimenta, Machado & Vieira de Mello, based in the city of Rio de Janeiro. Yes, this is the city of Christ the Redeemer and Copacabana Beach, Rio's famous attractions, and—although I might be biased—if you ask me, they are beautiful, indeed.

This essay will cover not only my journey at the 2022 JPO/IPR Training Course for Practitioners Specializing in Trademarks (IPTP), but also the shared experiences and connections, as well as the meeting of different cultures and languages that were united by the common interest in learning more about Intellectual Property.

In mid-2022, encouraged by my senior colleagues, I submitted my application to attend the JPO Trademark Course. A while after, the good news of acceptance arrived, and it was then time for me to prepare to embark on this experience. The 2022 Trademark Course was divided into two segments: online, and in person in Tokyo. I must say that after a couple of years of strict COVID 19-related restrictions, the possibility of being able to fly to another country—especially Japan—seemed quite special.

The preparation to participate in the course was much easier than I could have ever expected, since after all, Brazil is so far away from Japan. For anyone who is interested in participating in future programs, however, I can assure you that the JPO team will put in a great effort to help you step by step, providing all of the information that you will or might need, from visa details to printed maps that guide you to your accommodation in Tokyo and help you navigate the city (especially the somewhat confusing subway lines!).

During the online part of the program, given the 12-hour difference of time zones, the JPO team was understanding enough to let me choose to attend the classes live or watch them recorded, providing me the necessary assistance through e-mail if I had any doubts or comments about the material. Despite the time zone difference, I am glad that I was able to watch a couple of live classes, as it was a great opportunity to begin creating connections with other attendees. So, if you see yourself in a similar situation, I would recommend trying to attend the live classes whenever possible.



One of the online sessions

I believe that this was a great differentiator of the hybrid course. When we got together in Tokyo, we already knew one another, and had shared thoughts and experiences beforehand, so meeting everyone in person was like meeting acquaintances rather than strangers.

The list of participants included other fellow Brazilians, as well as professionals from various countries such as Brunei, Cambodia, India, Indonesia, Laos PDR, Malaysia, Mexico and Thailand. This was an excellent mix of people who together were able to share their own perspectives on certain subjects, and instigate lively discussions on many IP topics.

The training course covered various topics, including the following: (i) Trademark Application Practices; (ii) Application Practices of the Madrid Protocol; (iii) Trademark Examination Standards (Including Non-traditional Trademarks); (iv) Trademark Information Search Practices (Databases for Japanese Classifications and Searches); (v) How to use WIPO Online Tools for Trademarks; (vi) Demonstration of Trademark Examination; (v) Trademark Trial System in Japan; (vi) Trademark Strategies for Companies; (vii) Border Measures Against Counterfeit Goods; and (viii) Case Studies of Trademark Infringement.

A few of those classes were quieter, and did not require much of an interaction simply by nature of the subject covered. Other classes, however—mainly those held in person—required a lot of participation, and the mentors were always very encouraging of the exchange of ideas and knowledge. These ones were everyone's favorites by far, and the long hours of study went by much faster.

For instance, the discussions about trademark examinations, strategies for protecting trademarks, border measures against counterfeit goods, and case studies were especially engaging, and enabled us to have a more practical view of the IP matters that we were studying.

In addition, I cannot fail to mention all practical studies involving the company and trademark Kewpie—Japan’s most famous and delicious mayonnaise by far. In a fortunate partnership with the JPO, they were especially kind to let us visit Kewpie’s headquarters, which was very informative not only for understanding the IP measures taken by the company and the many infringements that they face, but also to feed us fun facts about the manufacturing of the famous mayo, which is always interesting for a curious person like me. Not to mention that the building itself was also quite captivating and entertaining.

The fieldwork was also helpful for us to complete the final assignment, which consisted of a presentation to Kewpie’s representatives showcasing various measures that could be taken to protect the company’s trademark portfolio in each of our countries. This was a great opportunity for everyone to put into practice the lessons learned throughout the course, and to understand the best trademark practices in many jurisdictions.

Aside from professional growth, the course was also a gateway for us to enjoy a little bit of Japan during our free time. Personally, I was always very interested in Japanese culture, so being able to sightsee in Tokyo and nearby cities during the second part of the program was a dream come true.



Visit to: Asakusa temple, Tokyo Skytree, City of Kamakura, Shibuya

The JPO/IPR Training Course for Practitioners Specializing in Trademarks (IPTP) was definitely an intense experience, but a very enjoyable one. Long hours of classes, with rich discussions, kind people and a pleasant environment. Late night talks and tours.

I am quite grateful for the opportunity and for everyone involved. I must say that we were all well taken care of, and I could feel how attentive the JPO team was towards us in every aspect, making sure that the schedules were followed, the goals were met, and we were having a good time with them. All of these details did not go unnoticed, and they are very much appreciated.

My Experiences of JPO/IPR's Training Program

Mr. Yego, Nathan Kiplagat Mibey (Kenya)

Patent Examiner, Patent Division
Kenya Industrial Property Institute (KIPI)



*JPO/IPR Operational Patent Examination Training Program
(October 20 – December 15, 2022)*



Friends Group Photo (JPO/IPR Operational Patent Examination Training Program)

Back Left to Right: Mr. Olivares Herrera, Javier (Mexico) and Ms. Laguda, Roniz Andrea (Philippines)

Seated Left to Right: Myself and Mr. Terryandana, Antario (Indonesia) and Ms. Ryhan, Nourhan Ismail Sabry (Egypt) and Ms. Arafa, Marwa Talaat Mohammed Mahmoud (Egypt)

“Habari yenu”

That is loosely translated as “Hello everyone” in Swahili, one of the national languages spoken in Kenya and across several African countries.

I am Nathan, or as dubbed by the Japanese, Nathan-san. I work as a Patent Examiner in Mechanical Engineering at Kenya Industrial Property Institute (KIPI). I was blessed to have had the opportunity to participate in the Operational Patent Examination Training Program (OPET) in FY 2022. This program was offered in a hybrid format, i.e., part online and part in-person, and I cannot wait to tell you all about my experiences.

Upon receiving the invite through our office in early 2022, I instantly knew that this was a wonderful opportunity for me to learn more about patent examination practices, specifically in the field of machinery. I was therefore extremely happy to receive an email on 22nd September 2022 informing me that I had been accepted to take part in the OPET program. I must admit that the thought of getting an opportunity to go to Japan was the icing on the cake. I had finally gotten a chance to visit the land of the rising sun. This was like a dream come true, as I have always wanted to visit Japan since they co-hosted the World Cup in 2002, which was won by my favourite team at the time, Brazil. It would also be full circle, as the World Cup would be played during part of the program. With this excitement fuelling me, I immediately accepted the terms and conditions and started preparing for the training program by completing pre-requisite tasks such as preparing the country report, and stating my expectations of the program.

Manabeat. This was the online platform that was used to deliver the online portion of the program. The live sessions would be attended via Microsoft Teams, and the recordings stored and uploaded on Manabeat for those who would, for one reason or another, not be able to attend the live sessions. I found this to be very helpful, as the class had participants from all over the world, and thus from different time zones. Moreover, for the times that my mind strayed during the live sessions, I would wait for the recording to be put up so that I could listen again to fill in the missing pieces of the information puzzle that would bother my conscience until I found out what I had missed out on. Suffice it to say, the classes were very insightful, and I vividly remember always eagerly waiting for the next session.

The Manabeat platform allowed us to ask questions regarding the session’s content. This was a helpful tool, as it gave us freedom to ask as many questions as possible, which assisted us to understand the course content a bit better. Manabeat allowed us to give feedback on each lesson, which was a good feature as it allowed the organisers to implement the feedback and make subsequent sessions better.

The online and eventual in-person sessions were enriched with guidance sessions by the mentors. These sessions were very interactive, as we would present our assignments. These were good, as they would allow us to apply whatever we were learning. On top of that, we were able to get direct feedback from the lecturers. This helped to cement the lessons taught, as it was *learning by doing*. The first guidance session in Japan, which was held on the second day of in-person classes, was also a good icebreaker for us to get to know each other. This is because we were placed in groups, and the interactions there became the foundation of friendships that have continued beyond our time in Japan.

In-person classes happened when Japan was experiencing winter. Coming from a country that is within the tropics, I must admit that winter in itself was a different experience altogether. The low temperatures had me wearing several layers of clothing just so that I feel a sense of warmth. Since the sun always rises at around 6 am and sets at 6 pm in Kenya, I always found it strange that there was total darkness at 5 pm.



At a Christmas street

The coldness of the winter was swiftly replaced by the warmth of the Japanese. Specifically, the staff at AOTS and APIC went over and above their day-to-day duties to ensure that we had a comfortable stay. This happened right from the reception at the airport, to literally showing us the way from where we were staying to where the sessions would be, and giving us helpful instructions on what to do in the sessions so that we could make the best out of them. They were even willing to give us recommendations for tourist sites to visit after classes, and over the weekend that we were there. This gave us a very good impression of Japanese culture, something we would all like to emulate. We were eternally grateful to have gotten to meet them. Special appreciation to Minori Miyazaki-san, Mineko Miura-san, Satoshi Shibuya-san and Chiho Omori-san.

The in-person classes, believe it or not, turned out to be a much better experience than the online sessions. I suspect that this was because we were able to see and interact with the interpreters, who bridged the language barrier for everyone. Questions were asked in real time, and were not affected by a lag in internet connectivity. As we had machinery and chemistry patent examiners, it was a good experience to have joint sessions once in a while. We each shared patent examination practices in our respective IP offices as part of the program, which allowed us to learn from



At the Shibuya crossing

each other. Admittedly having learned the Japanese way, together with the lessons from fellow participants coming from other countries, has greatly improved my examination practices.

A company visit to Canon was also organised, which was also a very nice touch by the organisers, as it allowed me to learn more about how a Japanese company has structured its corporate intellectual property strategy. It was a wonderful experience getting to see Canon products all displayed, and the best part was that we could fiddle with them and get to appreciate the tremendous progress that Canon has made in developing its products.

As they say, all good things must come to an end. Sadly, this was the case on December 15th, 2022. This started with a wonderful discussion with Mr Ogiya-san. He was like a wonderful mentor who



At a Turkish restaurant

explained to us his career journey right from when he completed his university education. Lest I forget, he also gave us Japanese confectionery to feast on, and took time to explain some Japanese culture which we found quite odd, such as being silent on the subway. Then came the evaluation session by JPO. This was also a good session, as we were able to freely discuss the good parts of the program, as well as areas to improve on for future participants. The cherry on top was the closing ceremony. It felt nice to have my name called out to receive my certificate of completion. This was a validation of the work that began for me on 22nd September 2022. Hooray, I had conquered the FY 2022 OPET program.

“Where’s Terry?” My JPO/IPR training experience is not complete without mentioning the friends that I made from different continents, namely, South America, Africa and Asia. Whenever we would hang out as a group, my good friend Terry who was often our guide would occasionally wander off to take a picture or do a random errand such as buying golf shoes. We would therefore start asking ourselves, “Where’s Terry?” This happened frequently, and it is forever going to be etched in my mind. The tea corner at AOTS served as a space where we would hang out past curfew hours, play games and ultimately share our lives.



At graduation



Articles from Former Trainees

Protecting Innovation: How Kenya is Fighting Back Against Counterfeits

Mr. Baituru, Benson Mwongela (Kenya)

Patent Examiner/ Patent Division
Kenya Industrial Property Institute (KIPI)



*JPO/IPR Training Course on Patent Examination (Basic Program)
(August 10 – September 7, 2022)*



Counterfeiting is a global problem that affects many sectors and countries. It undermines innovation, economic growth, consumer safety and public health. According to the Organization for Economic Cooperation and Development (OECD), the value of international and domestic trade of counterfeit and pirated goods represented 2.5 % of world trade, or US\$338 billion, in 2013 and was expected to grow to US\$1.90 trillion by the year 2022, representing 7% of world trade.

Kenya is one of the countries that suffer from the negative impacts of counterfeiting. The Anti-Counterfeit Authority (ACA) estimates that about 1 in 5 products sold in major towns in Kenya are counterfeit. The trade in counterfeits affects various industries such as food and beverages, tobacco products, LPG and petroleum products, computer components and software, designer clothes and shoes, mobile phones and radio sets, motor vehicle parts, shoe polish, cosmetics and medicines, dry cells, soaps and detergents, and bulbs. The Kenya Association of Manufacturers (KAM) estimates that counterfeit and substandard products cost the East African region over US\$500 million in lost government tax revenue annually. Moreover, counterfeiting poses serious risks to the health and safety of consumers, especially in the case of fake medicines, food products and electrical appliances.

In order to protect innovation and manufacturing in Kenya, the government has taken various measures to combat counterfeiting and enforce intellectual property rights (IPR). One of the key initiatives is the establishment of the ACA in 2008 as a state corporation under the Ministry of Investments, Trade and

Industry. The mandate of the ACA is to enlighten and inform the public on matters relating to counterfeiting and to combat counterfeiting, trade and other dealings in counterfeit goods. The ACA also works closely with other agencies, such as the Kenya Revenue Authority (KRA), the Kenya Bureau of Standards (KEBS), the Directorate of Criminal Investigations (DCI), the National Police Service (NPS), the Pharmacy and Poisons Board (PPB), the Communications Authority of Kenya (CA) and the Kenya Industrial Property Institute (KIPI), to coordinate anti-counterfeiting operations and investigations. This multi-agency approach enhances its capacity and effectiveness in fighting counterfeits.

The organization is actively engaged in a range of activities as part of its mandate to combat counterfeiting. These activities encompass public education and participation in trade fairs, the seizure and destruction of counterfeit goods, as well as investigation, arrest, and prosecution of offenders. Recent initiatives undertaken by the organization include the launch of its 3rd Strategic Plan for 2023-2026, which provides a comprehensive framework for addressing counterfeiting through its defined vision, mission, objectives, and strategies. Additionally, a significant milestone was achieved through the signing of a Memorandum of Understanding (MOU) with Uganda's Anti-Counterfeit Network, fostering collaboration and knowledge sharing in the fight against counterfeits across borders. Furthermore, the organization hosted the first International Conference on Intellectual Property Protection and Enforcement (ICIPPE-1) in Nairobi, in collaboration with US Customs and Border Protection. With over 300 delegates representing 40 countries, the conference facilitated global discussions on challenges and solutions for intellectual property rights enforcement. Another noteworthy development has been the commencement of recordation of IPR with the KRA, streamlining the identification and seizure of counterfeit goods at ports of entry. In order to ensure harmonization in this process, the organization has participated in a workshop on IPR recordation with other enforcement agencies, including the KIPI, KEBS, PPB and CA, aiming to align procedures and standards for effective IPR protection. The organization has also prioritized the training of anti-counterfeit inspectors by the DCI, ensuring they are equipped with essential investigative skills and techniques. Recognizing the significance of public awareness, the organization underwent a re-branding exercise, enhancing its corporate image and uniform to augment visibility and increase public awareness. Additionally, to ensure consistent quality service delivery, the organization successfully obtained re-certification of its ISO 9001:2015 Quality Management Systems.

Another one of the ways that the ACA promotes and protects IPR in Kenya is by joining and partnering with various local, regional and international organizations that share its vision and mission. For instance, the ACA is a member of the Kenya Private Sector Alliance (KEPSA), an umbrella body that represents over 1,000 private sector organizations in Kenya. Through this platform, the ACA engages with other members to advocate for policies and regulations that support IPR protection and innovation. Another example is Business Action to Stop Counterfeiting and Piracy (BASCAP), an initiative of the International Chamber of Commerce (ICC) that unites businesses across sectors and regions to fight counterfeiting and piracy. Through this network, the ACA benefits from global expertise, resources and advocacy on IPR issues.

The ACA also works closely with the World Intellectual Property Organization (WIPO), a specialized agency of the United Nations that promotes innovation and creativity through a balanced and effective international IP system. Through this partnership, the ACA accesses technical assistance, capacity building and knowledge sharing on IP matters. Additionally, the ACA has collaborated with other regional and international organizations such as the African Regional Intellectual Property Organization

(ARIPO), an intergovernmental organization that administers IP matters for its member states; the World Customs Organization (WCO), an independent intergovernmental body that enhances cooperation among customs administrations; and Interpol, an international organization that facilitates police cooperation among its member countries.

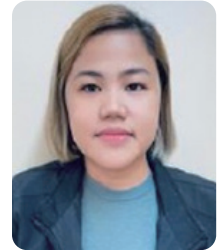
These partnerships have enabled the ACA to leverage collective efforts, experiences and best practices in combating counterfeits at national, regional and global levels.

In conclusion, protecting innovation is vital for Kenya's economic development, social welfare and global competitiveness. Counterfeiting is a serious threat that undermines innovation by eroding market share, profits, reputation and incentives for innovators. Therefore, Kenya has adopted a multi-agency approach that involves various stakeholders from both public and private sectors to fight back against counterfeits. This approach has yielded positive results in terms of creating awareness, enforcement actions, policy formulation, capacity building and international cooperation. However, more needs to be done to address the root causes and drivers of counterfeiting such as weak laws, corruption, lack of consumer education, high demand for cheap products and inadequate resources. Therefore, all stakeholders need to work together to create a conducive environment for innovation to thrive in Kenya.

Cheap Thrills: Inside the Counterfeit Trade

Ms. Alcaparas, Mariela (Philippines)

Program Development Officer
Ateneo Intellectual Property Office
Ateneo de Manila University



*JPO/IPR Training Course for Practitioners Specializing in Patents
(October 19 – November 30, 2022)*



Have you ever stumbled upon a too-good-to-be-true steal on a luxury handbag or the latest tech gadget? Well, chances are you may have encountered a counterfeit product. Counterfeit goods have become a global phenomenon, affecting various industries and leaving consumers scratching their heads.

Counterfeit goods, also known as rip-offs, knock-offs, or replicas, are products that are made to look like genuine items but are actually imitation or unauthorized copies. These products hold a certain allure that's hard to resist. After all, who wouldn't want to rock a designer handbag at a fraction of the price or flaunt the latest gadgets without breaking the bank? The counterfeit market capitalizes on our desire for luxury and cutting-edge technology, offering tempting deals that seem too good to pass up.

While counterfeit goods may appear harmless at first glance, they come with a host of risks and downsides. Firstly, the quality of counterfeit products is often subpar, with shabby materials and craftsmanship. You might end up with a handbag that falls apart after a few uses or an electronic device that malfunctions within days.

Beyond the disappointment of low quality, counterfeit goods can pose serious safety hazards. Knockoff electronics may lack proper safety standards, leading to potential electrical malfunctions or even fire hazards. Counterfeit cosmetics and personal care products may contain harmful ingredients that can irritate the skin or cause allergic reactions.

The Global Battle Against Counterfeit Goods

According to the Global Brand Counterfeiting Report of 2018, the global counterfeit market was projected to surpass a staggering USD 1.82 trillion. This rampant counterfeiting not only drains government resources and tax revenues but also disrupts employment opportunities, affecting retailers, suppliers,

and the entire supply chain. The adverse consequences of counterfeiting extend far beyond monetary losses, posing significant challenges to various sectors and economies worldwide.

It is estimated that American shoppers account for a significant portion, purchasing around 60% to 80% of all counterfeit goods sold (Goldstein, 2022). This not only translates into financial losses for businesses but also poses a threat to consumer safety and trust. The burden falls heavily on retailers and luxury brands, especially those operating in global marketplaces, as they bear the brunt of the harm caused by counterfeit products flooding the market.

Counterfeiting is a complex and truly transnational problem that spans across borders, making it a challenging issue to combat effectively. The World Customs Organization's findings in 2008 revealed that counterfeit products destined for 140 countries were intercepted, highlighting the global nature of this illicit trade. Unfortunately, in many countries, the lack of strict legislation and measures creates an environment conducive to counterfeiters, as they face lower chance of getting caught and facing legal consequences compared to other criminal activities.

The criminal networks involved in counterfeiting operate on an international scale, engaging in various illicit activities such as manufacturing, exporting, importing, and distributing counterfeit goods. Law enforcement faces a tough task when it comes to dealing with counterfeit trade because it's massive and the counterfeiters are clever at imitating products and evading detection. To make matters worse, many criminal organizations involved in counterfeiting also engage in other serious crimes like drug trafficking, arms smuggling, and human trafficking, making the situation even more complicated and serious.

Addressing the multifaceted problem of counterfeiting requires a coordinated international effort. Strengthening legislation, enhancing border controls, and improving regulatory frameworks are crucial steps in disrupting the operations of counterfeiters. Collaboration between law enforcement agencies, governments, and industry stakeholders is vital to combat the global networks involved in counterfeiting and the broader criminal activities associated with it. By taking action against the trade of counterfeit goods, we can reduce the big economic, social, and security risks it brings. This helps create a safer and more reliable global marketplace for everyone involved.

Consumer Awareness and Education

As consumers, we play a pivotal role in combating the counterfeit market. Awareness and education are key in distinguishing genuine products from counterfeits. By staying informed, researching trusted sellers, and scrutinizing product details, we can reduce the demand for counterfeit goods and support legitimate brands.

Next time you come across a jaw-dropping deal on a luxury item or a heavily discounted gadget, remember the risks and implications that come with counterfeit goods. As we navigate the world of consumerism, let's make informed choices and support authentic brands. Together, we can curb the spread of counterfeit goods and preserve the integrity of industries while ensuring our own safety and satisfaction.

Reference:

Goldstein, K. 2022. The Global Impact Of Counterfeiting And Solutions To Stop It. Forbes. Retrieved from <https://www.forbes.com/sites/forbesbusinesscouncil/2022/08/02/>

OECD. (1998). The Economic Impact of Counterfeiting Copyright. Retrieved from <https://www.unodc.org/toc/en/crimes/counterfeit-goods.html>

EVALUATION OF COUNTERFEIT AND IMITATION PRODUCTS FROM TÜRKİYE'S PERSPECTIVE

Mr. Ahmet Sevki DAGKIRAN (Turkey)

Head of Law Department
Turkish Patent and Trademark Office (TURKPATENT)



Mr. Hilmi Arda AYDIN (Turkey)

Attorney
Turkish Patent and Trademark Office (TURKPATENT)



*JPO/IPR Training Course on Anti-Counterfeiting Measures for Practitioners
(October 18 – October 25, 2022)*



INTRODUCTION

Türkiye has become a country that has to deal with the major issue of counterfeit and imitation products. This appears as a trade problem wherein original products are imitated, and counterfeits are put on the market. In addition to damaging the reputation of trademarks, this situation also poses serious risks to the health and safety of consumers.

Türkiye's geographical location and economic structure is such that counterfeit and imitation products are widely produced and distributed. Clothing, electronics, cosmetics and luxury trademark sectors are areas in which counterfeit products are most concentrated. Counterfeit products in these sectors are of great interest, as they are offered at low prices to meet consumer demand.

Facing this situation, Türkiye is taking various measures to combat counterfeit and imitation products. The solution to this problem requires a series of effective measures to protect the reputation of trademarks, ensure the health and safety of consumers, prevent tax losses and ensure fair trade conditions.

This article will examine the prevalence of counterfeit and imitation products in Türkiye, the resulting effects and problems, and the measures that trademarks owners and consumers can take to deal with this problem. In addition, this article will emphasize the steps to be taken such as preventing counterfeit and imitation products, strengthening legal regulations, activating control mechanisms and raising consumer awareness—while also noting the importance for all stakeholders to work in cooperation and adopt a common solution strategy within this struggle.

THE GENERAL CONCEPT OF COUNTERFEIT AND IMITATION PRODUCTS

Counterfeit and imitation products are those that attempt to imitate or create a likeness of the design, logo, trademark, or other identifying features of an original product. Such items are usually produced at a lower cost, and aim to take advantage of the original product's market share.

In addition, counterfeit products try to mislead consumers into thinking that they will buy the original product by imitating its visual or non-visual elements, which include design, shape, color, packaging or trademark name. For example, a counterfeit handbag can grab consumers' attention by imitating the original trademark's logo, material selection and design.^{1,2}

Imitation products, on the other hand, have a similar design to the original product, but generally do not use the original trademark's name or logo. Instead, they try to associate consumers with the original product by using a name or logo that is similar.

Counterfeit and imitation products are intended to mislead, deceive consumers, or exploit the value of the original product.

REASONS FOR THE EXISTENCE OF COUNTERFEIT AND IMITATION PRODUCTS

There are many reasons for the existence of counterfeit and imitation products, which are on the rise along with the increase in technology. The most basic reasons are economic, such as producing fake and imitation products at low cost—especially in places where unemployment and poverty are high—and aiming to make a profit by using the popularity and demand of original products. Another reason for the existence of counterfeit and imitation products is consumer demand and price sensitivity. In order to follow fashion and trends, consumers may turn to fake or imitation products to avoid the high prices of original products. A final reason is that the use of counterfeit and imitation products is high in places where intellectual property rights are weakly protected and customs inspections are also weak. In order to solve this problem, it is necessary to have effective legal regulations while also raising the consciousness and education level of the consumer, exercising strong control mechanisms, and implementing basic regulations for the protection of intellectual property rights.

1 <https://support.google.com/adspolicy/answer/176017?hl=tr#:~:text=Taklit%20ürünlerde%2C%20başka%20birine%20ait,ürünün%20marka%20özelliklerini%20taklit%20eder.>

2 ÖZKOÇ, Hatice Hicret; GÜN EROĞLU, Şeyma; Kazancı, Ebru; Taklit Ürün ve Tüketici Etiği: Üniversite Öğrencilerinin Açık Parfüm Kullanma Eğilimleri Üzerine Bir Araştırma, <https://dergipark.org.tr/tr/download/article-file/473711>

EFFECTS OF COUNTERFEIT AND IMITATION PRODUCTS

The presence of counterfeit and imitation products causes many negative effects, which include the following:

a. Damage to the Reputation of Original Trademarks:

Counterfeit and imitation products can negatively affect the reputation of original trademarks, since encountering counterfeit products can cause consumers to lose confidence in the original trademark. The low quality and performance of counterfeit products thereby reduces consumer satisfaction, while also damaging the trademark's reputation.

b. Economic Losses:

Counterfeit and imitation products cause economic losses for original trademarks. With the introduction of counterfeit products, the sales of original trademarks decrease, along with their revenues. In addition, the production and sale of counterfeit products negatively affects the investments and market share of the original trademarks, which may limit their growth potential.

c. Impairment of Consumer Health and Safety:

Counterfeit and imitation products pose serious risks to consumer health and safety. These products are often made with low quality materials, and do not meet health and safety standards. For example, counterfeit medicines may be ineffective or harmful, counterfeit cosmetics may cause skin problems, and counterfeit electronic products may pose dangers. Consumer health and safety is therefore compromised by the presence of counterfeit and imitation products.



Pic. 1: Example of counterfeit products

d. Tax Loss and Irregularity in the Economy:

The manufacture and sale of counterfeit and imitation products is often illegal, and leads to tax evasion. This causes a decrease in the tax revenues of the state, while the presence of these products on the market also contributes to economic disorder and distorts the environment of fair competition.

COUNTERFEIT AND IMITATION PRODUCTS IN TÜRKİYE

Counterfeit and imitation products are a serious problem in Türkiye. This situation has important effects economically, and also in terms of public health and safety. Counterfeit and imitation products damage the reputation of original trademarks, while also undermining the trust of consumers and causing economic losses.

Türkiye is an important country that has to deal with counterfeit and imitation products due to its geographical position. Türkiye is located at a strategic crossing point between Europe, the Middle East and Asia, and therefore serves as a site for commercial and economic activities that are carried out with intensity among different countries and regions. Türkiye plays an important role as a transit point for both counterfeit and imitation products from other countries, whose presence is also exacerbated by Türkiye's abundance of popular touristic regions. This situation requires Türkiye to remain watchful, while implementing effective measures in the fight against counterfeit and imitation products.

Although counterfeit and imitation products are a serious problem in Türkiye, our country also plays an active role in the fight against them by adopting various strategies such as legal measures, customs inspections, and raising consumer awareness. Legal measures are an important tool in tackling this problem, and Türkiye is strengthening the legal regulations that protect the rights of trademarks. Various legal arrangements have been made in order to protect intellectual property rights, and relevant legislation has also been updated. In this way, trademarks can fight with legal means related to the production, distribution and sale of counterfeit and imitation products. The achievements made in this regard include the following: Customs Law No. 4458³, Industrial Property Law No. 6769⁴, Law of Intellectual Property Rights Law No: 5846⁵, Anti-Smuggling Law No: 5607⁶, Turkish Criminal Law No: 5237⁷, and Law of Criminal Prosedure No: 5271⁸.



Pic. 2: Example of counterfeit products

3 <https://www.mevzuat.gov.tr/mevzuat?MevzuatNo=4458&MevzuatTur=1&MevzuatTertip=5>

4 <https://www.mevzuat.gov.tr/mevzuat?MevzuatNo=6769&MevzuatTur=1&MevzuatTertip=5>

5 <https://www.mevzuat.gov.tr/mevzuat?MevzuatNo=5846&MevzuatTur=1&MevzuatTertip=3>

6 <https://www.mevzuat.gov.tr/mevzuat?MevzuatNo=5607&MevzuatTur=1&MevzuatTertip=5>

7 <https://www.mevzuat.gov.tr/mevzuat?MevzuatNo=5237&MevzuatTur=1&MevzuatTertip=5>

8 <https://www.mevzuat.gov.tr/mevzuat?MevzuatNo=5271&MevzuatTur=1&MevzuatTertip=5>

Apart from legal measures, a critical role in Türkiye's fight against counterfeit and imitation products is also played by customs inspections, and cooperation with other national and international public institutions (*Turkish Police, TÜRKPATENT, World Custom Organization, Interpol, and other intellectual property offices*). As emphasized above in detail, Türkiye's strategic geographical location makes it a transit point between many countries. This shows that meticulous inspections at customs are an important factor in preventing the entry of counterfeit and imitation products to Türkiye, while also preventing smuggling. Customs authorities in Türkiye additionally carry out effective studies on the detection and seizure of counterfeit and imitation products.



Pic.3: Türkiye Customs Information Sheet

Another important strategy in Türkiye's fight against counterfeit and imitation products is to raise awareness of this issue among consumers. This will serve to encourage them to avoid purchasing these products, while also helping to protect trademarks. Various campaigns and information activities are organized in Türkiye in order to raise consumer awareness through public and private institutions and organizations. Through such activities, consumers are informed about the risks of counterfeit and imitation products, and are guided on how to distinguish genuine products. There are also call centers and platforms where consumers can report suspicious situations.⁹

As a result, Türkiye acts effectively in the fight against counterfeit and imitation products by combining various strategies such as legal measures, customs inspections and raising consumer awareness. The combined implementation of these strategies reduces the prevalence of counterfeit and imitation

products, protects the rights of trademarks, and minimizes economic losses by ensuring consumer safety.

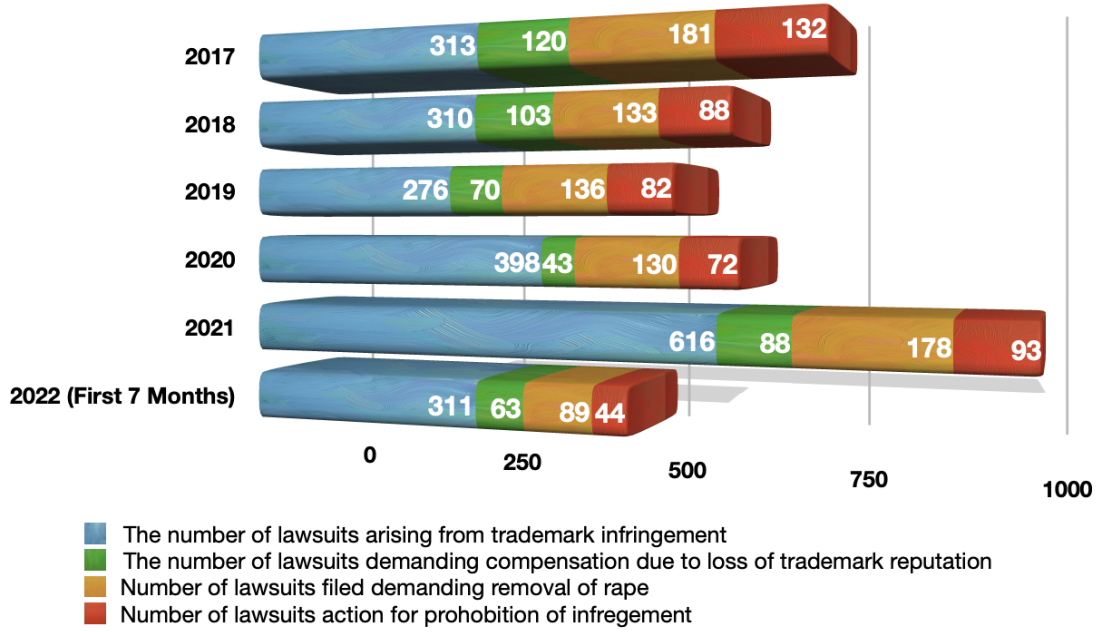
However, it is of great importance for all stakeholders to work in cooperation and adopt a strategy for reaching common solution in this struggle. Fighting against imitation products is a process that requires the active participation of all national and international stakeholders. It is therefore vital that governments, customs authorities and consumers work cooperatively to create a common solution strategy in terms of reducing the use of counterfeit and imitation products, and moving trade to a healthier ground.

STATISTICAL DATA IN TÜRKİYE

It is known that there has been an increased observation of legal processes related to counterfeit products globally, including in Türkiye. This situation has increased the importance of taking legal action against counterfeit products, thanks to the increasing awareness of brands and authorities, as well as increased awareness among consumers. The figures given below show the numbers filed and concluded within Civil Courts in Türkiye:

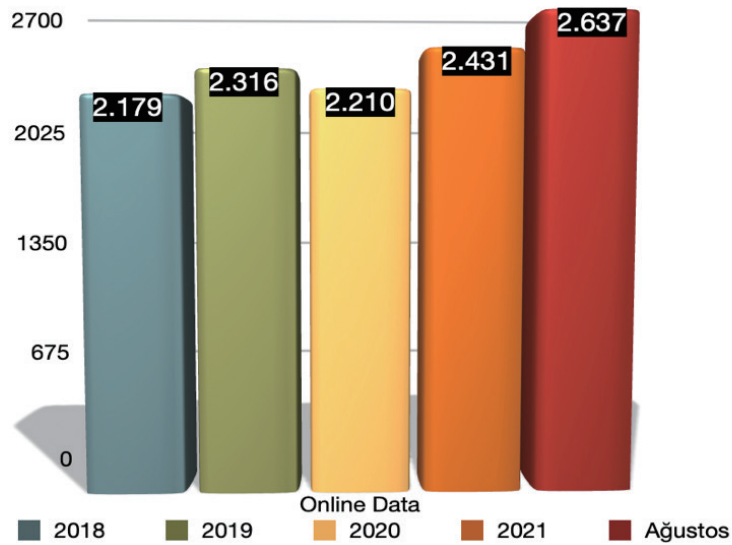
9 ÇAKIR, Musa; Marka Boyutuyla Taklit ve Sahtecilik Faaliyetlerine Karşı Alınması Gereken Önlemler: Pazarlama ve Finans Perspektifinde Marka Değerinin Küresel Ekonomi Üzerindeki Etkileri, 2022
<https://dergipark.org.tr/en/download/article-file/2091733>

Number of Lawsuits Regarding Trademark in Civil Courts



In addition, there is an application in Türkiye called *intellectual and IP rights*, through which right holders and their representatives apply online to speed up the electronic application process for the protection of intellectual and IP rights within customs administration.¹⁰

The number of data finalized online within the scope of this application is as follows:



¹⁰ Ticaret Bakanlığı 2022 Yılı Faaliyet Raporu, https://strateji.ticaret.gov.tr/data/5daf068713b87654702d58c4/TİCARET%20BAKANLIĞI%202022%20YILI%20FAALİYET%20RAPORU_.pdf

CONCLUSION

The issue of combatting counterfeit and imitation products has gained importance in Türkiye in recent years. This study discusses Türkiye's struggle with this problem, along with the measures that are being taken to address it.

Türkiye's geographical location and economic structure affect its presence in a region where counterfeit and imitation products are produced and distributed. Clothing, electronics, cosmetics and luxury trademark sectors are the specific areas where counterfeit products are most common.

Türkiye must continue taking various measures to combat counterfeit and imitation products. These include further strengthening effective legal regulations, increasing inspection mechanisms, tightening customs inspections, and raising consumer awareness. It is also important to cooperate between customs authorities, legal institutions and consumers to prevent the production and distribution of counterfeit products.

The most important factor in combating counterfeit and imitation products in Türkiye, however, is that of raising awareness among consumers, and educating them about counterfeit products. Consumers should learn to recognize the features of original products, shop from reliable vendors, and support the fight against counterfeit products.

The fight against counterfeit and imitation products is still an important issue worldwide—including Türkiye—for the health and safety of consumers, as well as for the reputation of trademarks.



Get to Know your IP Friends



This is the first round of questionnaire results from trainees who contributed to the Enishi Magazine. Before, we asked IP Friends about their trying Japanese food and which ones were their favorites. This time, we asked what their favorite food or recommended dishes are from different parts of the world.

Q: What is your favourite food or recommended dishes from your country?

- Rice with Hilsha Fish. Not only Hilsha fish, but any fish cooked in a traditional way. (*Bangladesh*)
- The most traditional meal in Brazil is Feijoda: a dish comprised of rice, beans, some kind of meat, salad, and “farofa” – a side dish made with toasted yuca flour/cassava flour. This meal is the nation’s favorite, and also mine. (*Brazil*)
- There is no way to talk about Brazilian cuisine without mentioning the traditional feijoada. As an authentic Brazilian, feijoada is my favorite Brazilian dish. Feijoada is not very healthy, but it is very delicious, and the black beans are rich in iron which helps to balance cholesterol. I recommend a good feijoada accompanied by a caipirinha for starters. (*Brazil*)
- Feijoada, made with black beans and pork meat. (*Brazil*)
- Shahi Paneer literally translates to Paneer (Indian Cheese) for the Royalty. The gravy of the dish has a creamy texture and is made with rich ingredients such as yogurt, cream, nuts, and seeds. The dish has been passed on from the Mughlai traditions of India and is enjoyed in both Northern as well as Southern parts of India. (*India*)
- There are so many foods that I love. My absolute favourite is chapati - a sort of fried flat bread that goes well with stews or vegetables. I also love Nyama choma.



Feijoda



Chapati

This is usually served at most restaurant outlets. It is loosely translated as “roast meat”. The chef specially roasts the meat over a fire. I prefer it when the meat has been marinated with a variety of spices. Nyama choma is served with boiled vegetables, ugali (local food made out of maize meal), and kachumbari. Mukimo is another recommendation. This is a traditional meal, originally from the Kikuyu tribe. This is a staple for most occasions in Kenya like weddings. You are likely to find it in any buffet served in the country. It is made out of potatoes, vegetables, and maize. These are cooked well and then mashed together. (*Kenya*)



Mukimo

- I also love chicken stew, simply because it is so delicious. There are many ways to cook this stew - some add vegetables and some don't. It all comes down to preference. Finally, I recommend Pilau, which is a kind of rice that can be cooked mixed with chicken, beef, or goat meat, and has several spices such as cloves, cumin, black pepper, ginger, cardamom, cinnamon, and turmeric. It is as delicious as it is aromatic. (*Kenya*)
- I would like to recommend Durian fruit, also known as the King of Fruit. It has a super strong smell and unique taste. Malaysia's Durian is the best durian in the world. (*Malaysia*)
- Roasted beef tacos (tacos de carne asada), Lamb beef cooked in a kiln (barbacoa de Borrego), Red snapper fried rind (chicharron de pargo), Oaxaca style mole sauce (Mole Oaxaqueño) (*Mexico*)
- My favourite dish is pounded yam with Egusi or vegetable soup. (*Nigeria*)
- “Biryani” - the name is enough to make me hungry. Even the faint scent of it attracts me like no other food; it is my absolute favorite. Biryani is an intricate rice dish made with layers of curried meat (chicken, beef, goat, lamb, prawn, and fish) and rice. It has several prominent varieties such as Sindhi, Karachi-style, Hyderabadi, and Bombay Biryani. Besides the main ingredients (i.e. rice & meat, onion, tomato, potato, and yogurt), spices such as green chili, garlic, ginger, cloves, cumin, cardamom, turmeric, anise, red chili powder, cinnamon, nutmeg etc. are commonly used when making biryani. I can cook all varieties of Biryani. (*Pakistan*)



Biryani

- As you may know, my country Pakistan is blessed with world-renowned “Basmati Rice”. My home town “Sheikhupura” is a part of the Rice belt and my forefathers have been growing these unique, aromatic grains for years. Basmati rice is also renowned as the first “Geographical Indication” of Pakistan. I love eating basmati rice in any form, but my personal favorite is “Daal Chawal”. “Daal Chawal” is a rice dish cooked with cumin spice and is served with red & yellow lentil. The lentils are further seasoned with “Tarka”: an onion infused scented oil. (*Pakistan*)
- Kiribath with Lunumiris (Milk rice with spicy chopped onions): Kiribath is a traditional Sri Lankan dish that holds a special place in the country's culinary culture. The name “kiribath” translates to “milk rice” in English, which accurately describes the main ingredients used in its preparation. It is consid-



Daal Chawal

ered a celebratory dish and is often prepared and enjoyed during important occasions such as religious festivals, weddings, and New Year festivities. Kiribath is often enjoyed as a standalone dish, but it can also be accompanied by various curries, sambols (spicy condiments), and other side dishes. Lunumiris is a popular accompaniment for Kiribath. The combination of the creamy rice and spicy condiment creates a delightful contrast of flavors. It is often associated with auspicious beginnings, prosperity, and blessings. It is believed that consuming Kiribath on special occasions brings good luck and success in endeavors. (*Sri Lanka*)

- Kotthu Roti (in Sinhala language), originating from Sri Lanka, is a dish that captures the essence of Sri Lanka's vibrant and diverse culinary heritage. Essentially, Kotthu Roti consists of shredded pieces of roti bread stir-fried with an assortment of vegetables, meats, or even seafood, depending on preferences. To prepare it, there is a rhythmic chopping method for the ingredients. In Sri Lanka, Kotthu Roti is not just a dish but a cultural experience. It is enjoyed as beloved street food by many people. (*Sri Lanka*)
- Our country has a wide variety of popular food. Our most popular dishes are Turkish Kebab, Mantı, Baklava, Lahmacun, Zeytinyağlı Sarma, Döner, İskender, and Turkish Delight. (*Turkey*)
- Our country's geographical location plays a key role in our food diversity. Since our country connects Europe and Asia, our country has been very famous for its delicious food since the past. Turkey is a country with a rich and diverse culinary culture. We have so many important dishes, such as kebab, lahmacun, baklava, pide, dolma, çiğ köfte, içli köfte, mantı, Turkish breakfast, Turkish delight aşure, hamsi vb. (*Turkey*)

Kottu Roti¹

Turkish Kebab

¹ Photo by Janice9999999999 - A Picture of Kottu Roti. A food made in Sri Lanka (2021) / CC BY-SA 4.0
<https://commons.wikimedia.org/wiki/File:Kottu.jpg>

Message from Lecturer

Japan's Border Control System for Goods Infringing on Intellectual Property Rights and the JPO/IPR Training Course on Anti- Counterfeiting Measures for Practitioners

Mr. MATSUMOTO Takashi

Secretary General
Customs Intellectual Property Information Center
Japan Tariff Association



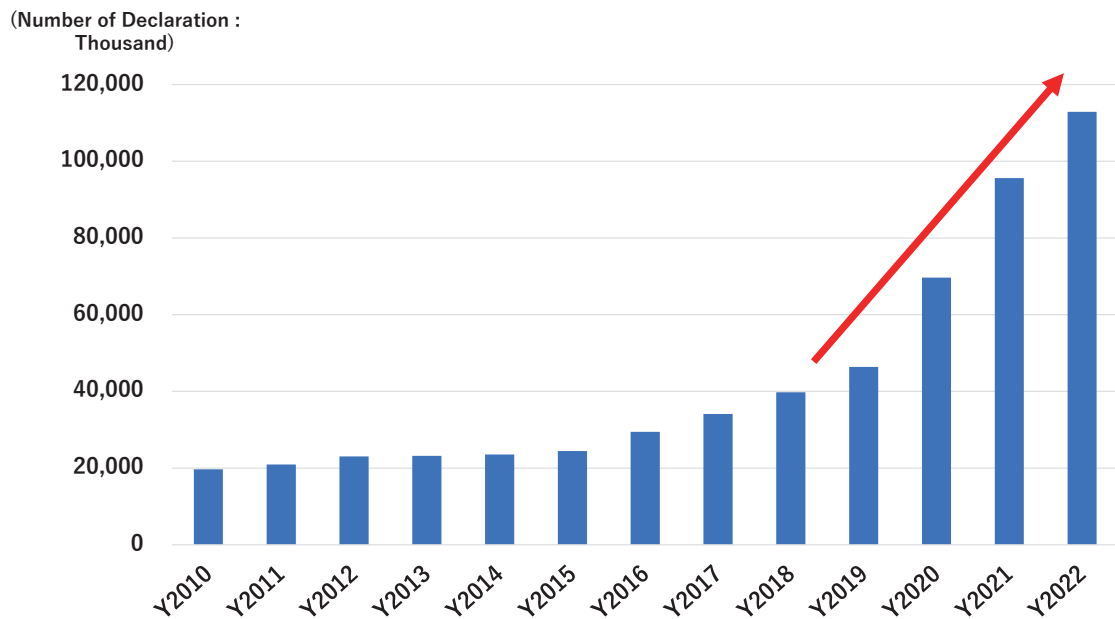
The Customs Intellectual Property Information Center (CIPIC) works to strengthen cooperation between customs and rights holders in order to support effective border control of goods infringing on intellectual property (IP) by Customs.

Suspending goods that infringe on IP rights, such as trademarks, copyrights and patents at the border, plays an important role in promoting innovation and creativity by companies, protecting the public from defective products and goods that are hazardous to health, among others. Preventing the inflow of IP-infringing goods into the domestic market is one of the most important roles held by Customs.

The history of Japan Customs' border control of IP-infringing goods dates back to 1899, approximately 120 years ago, when goods that infringed on IP right such as trademark rights and patent rights, were designated as prohibited goods for import. Subsequently, with the establishment of the World Trade Organization in 1995, major institutional changes were made to fulfill the obligations stipulated in the agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS), including the introduction of an "Application for Import Suspension System" for use by IP right holders. Since then, various institutional changes have been made to strengthen border control of IP-infringing goods by Japan Customs.

Today, with the development of cross-border e-commerce, the number of import declarations to Japan Customs is increasing rapidly every year, reaching approximately 112.9 million in 2022.

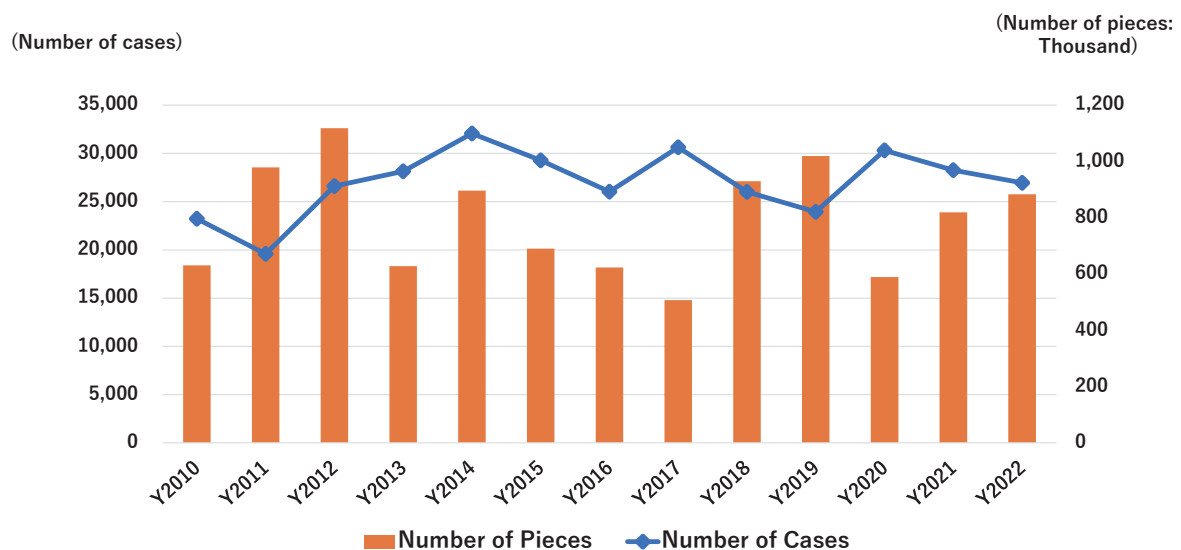
Number of Import Declaration in Japan



In order to effectively suspend IP-infringing goods from among this enormous volume of imported goods, it is important for IP rights holders to provide information to Customs through the Application for Import Suspension System. When Customs detects suspected goods of infringing on IP rights, “Verification Procedures” are initiated. Customs notifies both importers and IP rights holder to submit their opinions and evidence to Customs within 10 working days. Customs makes a decision as to whether the suspected goods are infringing IP rights or not based on the submitted opinions and evidence.

Thus, cooperation between customs and rights holders is very important for effective border control of IP-infringing goods by Customs. In cooperation with rights holders, Japan Customs has suspended approximately 27,000 cases of counterfeit goods, totaling approximately 882,600 items with an estimated total value of 18.6 billion yen in 2022.

Suspension of Goods Infringing IPR by Japan Customs



A report published by the Organisation for Economic Co-operation and Development (OECD) in 2021 estimates that approximately USD464 billion of IP-infringing goods were traded as of 2019, demonstrating that this issue is a global challenge. Therefore, it is becoming increasingly important to strengthen cooperation between national customs offices and IP-related ministries, as well as among customs administrations, in order to facilitate the broad exchange of information. From this viewpoint, we believe that this training course, inviting overseas Customs officials and IP agency officials, is very meaningful in helping participants understand the importance of the system to control IP-infringing goods. This is achieved through the explanation of various systems related to IP in Japan, visits to the JPO and Japan Customs, and exchanges of opinions with IP rights holders.

CIPIC will continue to actively cooperate with Japanese rights holders and overseas customs and IP agency officials to strengthen relations.



A lecture and roundtable discussion on
“Cooperation of Right Holders in IP Enforcement” on October 20, 2022
(FY2022 JPO/IPR Training Course on Anti-Counterfeiting Measures for Practitioners)



Servant Leaders

Mr. OGIYA Takao

Director General of APIC



Looking back throughout world history, we see that powerful world leaders have rewritten the maps of the globe while engaging in great undertakings.

For example, the Egyptian Pharaoh Khufu built enormous 150 meter-tall pyramids during the 25th to 26th centuries B.C.; and King Hammurabi unified the Babylonian Empire in 18th Century B.C., establishing the infamous Hammurabi's Code which stipulates "an eye for an eye and a tooth for a tooth."



The Pyramid of Khufu¹

In the 4th Century B.C., Alexander the Great conquered nearly every urban center in the world, extending from Greece to areas including Mesopotamia, Egypt, Persia and India. Later, during the 13th Century A.D., Genghis Khan overtook numerous regions including China, Central Asia, Iran and Eastern Europe, thereby creating the Mongolian Empire—the largest-scale empire ever to exist in the history of world civilization.

¹ Photo by Radosław Botev - Great Pyramid of Giza, Egypt (2012) / CC BY 3.0 pl
[https://commons.wikimedia.org/wiki/File:Great_Pyramid_Giza_\(2\).jpg](https://commons.wikimedia.org/wiki/File:Great_Pyramid_Giza_(2).jpg)



King Hammurabi (left)
※To the right is the Sun
God Shamash.



Alexander the Great (*Battle of Issus Mosaic*)

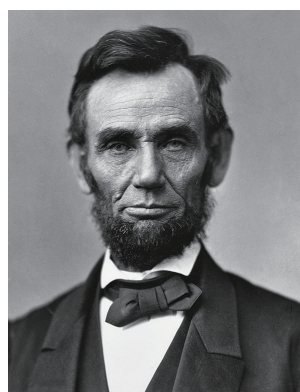


Genghis Khan

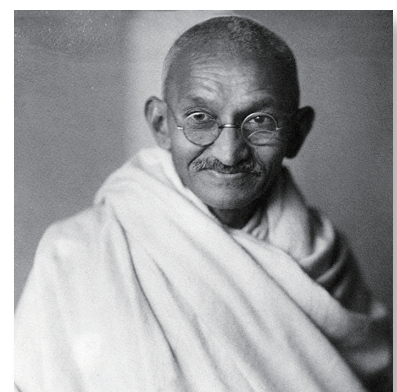
There are numerous additional historical world leaders we can mention here. These include Napoleon Bonaparte, who launched the French Revolution during the early 19th century, becoming the country's first emperor; Abraham Lincoln, who was elected President of the United States during the late 19th Century, and is known for abolishing slavery while overcoming the threat of secession during the country's Civil War; and Mahatma Gandhi, who achieved India's independence from England during the late 20th century while calling for nonviolent disobedience.



Napoleon Bonaparte
(*Napoleon Crossing the Alps*)



Abraham Lincoln



Mahatma Gandhi

Well-known female leaders include Cleopatra, the last Pharaoh of Egypt's Ptolemaic Dynasty; Joan of Arc, the French heroine of the people who fought actively in the Hundred Years' War against England during the 15th Century; and Elizabeth I, who led England during its transition from a small country to a global empire in the late 15th through the early 16th centuries.



Cleopatra



Joan of Arc (*Joan of Arc at the Coronation of Charles VII*)



Elizabeth I (*Armada Portrait*)

In my view, such leaders all have similar traits, which may be described as the following:

- ① Intelligence (a high level of knowledge and abilities including academic prowess, powers of judgment, creativity, etc.)
- ② Action: Ability to act appropriately and see various situations through until the end, using such skills as reasoning, cooperation, sociability, adaptability, etc.
- ③ Dependability: Ability to build relations with others who have a sense of confidence and responsibility

When the objectives and direction of a country, company or other such collective entity are clear, and are shared by the leader and members alike, the members know that success will be assured if they follow a leader who possesses the characteristics described above. Consequently, they are willing to follow the leader's directives.

Such leaders, however, end up believing that their own style of thought and perception are correct; and that increasing their own power is the best for the organization as a whole—which they also believe is expected of them by others. This results in the tendency to bring down their rivals, while also demanding obedience from their subordinates.

In such instances, subordinates learn to understand that defying the leader puts one's own safety in danger, and that their survival is therefore ensured by following the leader's directives. At the same time, subordinates also believe that they themselves will one day have the opportunity to amass power, and begin searching for opportunities to make this happen.

An alternative scenario which has recently been observed, however, is one wherein subordinates who do not wish to become this type of leader stop cooperating altogether. We may understand, then, that the thoughts of leaders and subordinates do not always align; and that domineering leaders will find themselves gradually isolated and betrayed by their subordinates, before eventually being eliminated altogether.

A look at modern social tendencies reveals that peoples' values have become diversified—and consumer needs transformed and complexified—by factors such as economic globalization, technological

developments such as IoT and AI, and the responses to social problems such as the SDG initiatives. In addition, we have been confronted by sudden and unexpected matters such as climate change resulting from global warming, as well as the global pandemic of the heretofore unknown novel Coronavirus.

This difficulty to foresee what may happen in the future means that we may term this the era of VUCA (Volatility, Uncertainty, Complexity and Ambiguity). Originally a military term, this expression seems to fit our present-day reality perfectly. Another characteristic of the VUCA era is the pressing need for talented human resources, as well as highly-skilled leaders. Within this scenario, one notable type of individual being sought out are those who display what is known as “servant leadership”.

The concept of servant leadership is based in leadership philosophy, and was coined by U.S. businessperson and thinker Robert K. Greenleaf, who stated that “leaders serve first—and then lead.” This style of leadership involves understanding and respecting the unique characteristics and qualities of each individual member of the group, while drawing out their abilities and supporting them in being able to address problems independently. The result of such an approach is an environment wherein it is easy to work and build relationships of trust, and where each individual member of the organization can engage in proactive action and growth.

Servant leaders have several qualities that are not possessed by domineering leaders, including matters relating to communication. I would like to discuss this further here.

The first quality of a servant leader is that of attentiveness. This means not only listening to what others say; but listening intently and with heart. It is important, in other words, to listen not merely with one’s ears, but also with one’s eyes in order to see the other person’s gestures and demeanor; and also using one’s mouth to give appropriately-timed verbal feedback. This might involve saying something like “Is this what you meant to say?”—thereby indicating the effort to deeply understand the feelings which lay behind the other’s words.

When someone comes to us for advice, it is natural to want to automatically issue directives or interject our own personal opinion. The servant leader philosophy, however, encourages us to instead hold our tongue and first listen closely. In other words, to aim to understand rather than teach. Simply through the act of being heard, the other person will then open up their own heart, and be encouraged to continue sharing more of themselves as a relationship of trust is built.

The next quality is that of empathy. This refers to the act of positively embracing another person’s emotions, feelings and way of thinking, while putting oneself in that person’s position. Insofar as two separate individuals are involved, it is natural that you will have different value systems. It may therefore be quite difficult to accept the other person’s emotions, feelings and way of thinking; but doing so is key. If the person feels understood and accepted, they will begin to be able to look at their own self objectively—and therefore also become able to see their own problematic aspects.

The third and final quality is that of being comforting. This means helping to bring a sense of solace and ease to another person who may be experiencing emotional exhaustion, worries or troubles, which will bring them a sense of relief and relaxation. In today’s world, everyone experiences some degree of pain, fatigue, worries, troubles and stress; and accepting another’s feelings unconditionally will allow them to relax and feel drawn toward you. They will then begin to trust you, and feel like following your lead.

This approach of attentiveness, empathy and bringing comfort is also seen within the world of counseling. Of course, being a leader requires the qualities of intelligence, taking action and dependability, which are crucial as I mentioned at the beginning of this essay. I believe, however, that what we need today is the type of leader who also brings to the table the complementary communication-related skills of the servant leader.

Introducing places in Tokyo to wander around free of charge



In this section, the editorial department has been featuring interesting spots in Tokyo for tourists to wander around free of charge. We hope that you will find this information useful in deciding which places to visit when touring Japan.

Tokyo Metropolitan Government Building Observation Decks (Shinjuku City, Tokyo)

On a weekday at the end of May, I visited the Tokyo Metropolitan Government Building. As it is only a ten-minute walk to the building from the west exit of JR Shinjuku Station in downtown Tokyo, it is very easy to access. Tokyo has a lot of huge buildings, and when I arrived at the Tokyo Metropolitan Government Building, I found it sandwiched between some of these high-rises.

Many foreign and Japanese visitors to the area alike may also enjoy the Tokyo Government Building's observation deck, which is on the 45th floor.

From the public square right outside, you can see that the building's whole motif was inspired by designs seen along the Seine in Paris. Isn't that cool? The exterior can be seen on the right:

I was so impressed by the magnificent structure that I kept looking up until my neck started to hurt. Why don't we go and enjoy the superb view from the 45th floor?



Going up to the observation deck on the 45th floor!

From the observation deck, large windows provide a stunning panoramic view of Tokyo. You can really feel Tokyo's metropolitan power from there. Weather permitting, you can also enjoy a spectacular view of Mt. Fuji, extending all the way from the foot of the mountain to the snow-capped peak.



← West Direction

From this direction, you can see Mt. Fuji on a clear day.

Unfortunately, I couldn't see it on my visit as it was a little cloudy.

South-east Direction →

From this direction, you can see Tokyo Tower.

↓ South-west Direction

From this direction, you can see Shinjuku Park Tower and Tokyo Opera City Tower



As this building is a twin building, you can usually experience a different view from the south and the north sides. However, the North Observatory is currently closed as it is being used as a venue for COVID-19 vaccinations.

Café and stores inside the observatories!

The observation deck has an adjoining café which is spacious and barrier-free. Since it is situated in the center of the floor, there is a sense of openness. You can relax on chairs in the café, which serves meals, along with cake, coffee, tea, and juice. Beer, wine and snacks are also served at the café.

The observations deck is a popular spot to view the city at night as entry is allowed until 21:30. You can also look around the souvenir shop located on this bustling deck. There, you can buy delicious Senbei (traditional Japanese rice crackers), magnets showing Japan's natural splendor, Japanese tea and folding fans with beautiful Japanese patterns printed on them.

Piano inside of the observatories!

The observation area, which boasts amazing views of the capital, is a sacred place for a street piano indeed. One with an eye-catching pattern darts into your field of vision as you look down. It is a donated grand piano called "Omoide piano" that was decorated by the world-famous Yayoi Kusama, the avant-garde artist known for her polka dot artworks. The piano is set up in a great location, where it catches the sun's rays reflecting off huge windows. Anyone can play this special piano. Even though I was there for only 30 minutes, I enjoyed an array of musical performances by an elderly Japanese man, a little boy visiting from another country, and a female Japanese student.



The Tokyo Metropolitan Government Building has two tourist information centers on the first floor. One manages the tourist information for all of Tokyo, and the other is a booth providing national information. Both information centers have a wide selection of brochures featuring tourist attractions.

The Tokyo Government Building's observation area is one of the most popular tourist attractions in Tokyo: You can enjoy the panoramic view, buy Tokyo souvenirs there, and choose

travel destinations around the country. In Tokyo, most places open at 11:00. Since the all facilities I have introduced in this article open at 9:30 am, why not take in the glorious view of the metropolitan area from the Tokyo Government Building's observation decks before going sightseeing for the day?

■ **Metropolitan Government Building Twin tower with two free observation decks**

Address: 2-8-1, Nishishinjuku, Shinjuku-ku, Tokyo 163-8001 Japan

Hours: 9:30 to 22:00 (entry until 21:30)

IMPORTANT NOTICE: The North Observation Deck is currently closed until further notice. The South Observation Deck is open to the public.

<https://www.yokoso.metro.tokyo.lg.jp/en/tenbou/pdf/tenboukaishitsu.pdf>

Admission: Free of charge

Getting there: Tocho-mae Station on the Oedo Subway Line is located in the basement of the Tokyo Metropolitan Government Building. Alternatively, the building is a ten-minute walk from the west exit of JR Shinjuku Station.

Tokyo Metropolitan Government Building Observatories

<https://www.yokoso.metro.tokyo.lg.jp/en/tenbou/index.html>

TOKYO SKY GUIDE (TOKYO SKY GUIDE is a special viewing guide created by TMG for its observatories)

<https://qrtranslator.com/0000002371/000001>

Editor's Note



Hi, it's Ken! It's been awhile since our last issue. I would like to let you all know that Mitty, who edited ENISHI for quite a long time until last year, has been transferred to a different position. So while it has been quite a learning curve for us to put together this issue without her, we are thankful for the ongoing contributions from our program alumni. This year's essay theme is that of counterfeit goods, and in fact, this the first time that we have ever asked for contributions to ENISHI on one specific theme. The problem of counterfeits is a pressing one that is being faced by countries around the world along with the globalization of intellectual property, and since overseas cases can be helpful for helping to find solutions in one's own country, we hope that you will find something useful while looking through this issue.

On another note, I recently went for the first time to the observation deck at the Tokyo Metropolitan Government office, which also offers helpful information for travelers at its first-floor tourist information desk. The next time that you come to Japan, I strongly recommend that you pay this place a visit!



Hello! I'm Kayoko. I've been working for APIC since April, and I've been newly assigned to APIC's Enishi editorial team. I previously worked at a university for over a decade, and for this issue I'd like to talk about "Gen Z" university students in Japan.

When I worked in the student affairs section of the university, the male university students were too shy to talk to us directly, while the females were rather outgoing and proactive. The boys were very kind, however. Once, when the professor of a class asked me to take part in a game and I didn't know the rules, the boys taught me.

Some people are difficult to forget, like Japan's Roki Sasaki, when he brought bags filled with Japanese snacks as an apology for hitting the Czech Republic outfielder, Escala, at the pitch before he left Japan. Most WBC players from Japan are Generation Z, and since people of this generation are a new breed in our country, they are seeking new types of leaders such as baseball manager Mr. Hideki Kuriyama. I wish, really wish, for you to come to Japan and make friends with the people from this new generation too!

[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]



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[Publisher]



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