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## IP Friends Connections

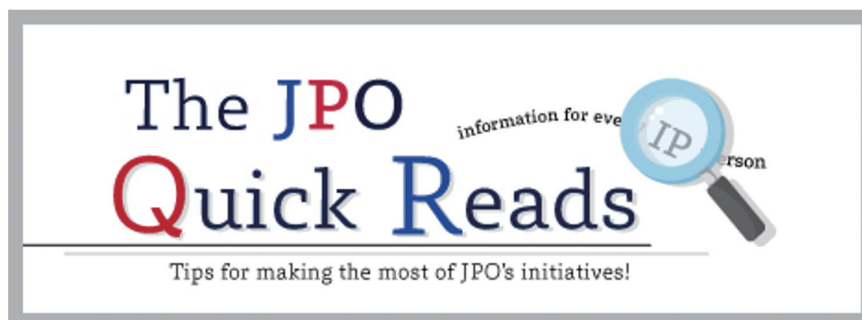
This Magazine is published as part of the Intellectual Property Cooperation in Human Resource Development Program of the Japan Patent Office.

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.

## Table of Contents

<b>1. The JPO Quick Reads</b> .....	3
<b>2. Introduction of FY2023 Long Term Fellowship Researchers</b> .....	6
<b>3. Training Course Experience in Japan</b>	
• MUCH MORE THAN PATENT EXAMINATIONS: Impressions of the JPO/IPR training program	Dr. GISELE LARA DE ALMEIDA (Brazil) ... 8
• Training for IP Trainers	Mr. Mohd Azri Bin Johan (Malaysia) ... 11
<b>4. Articles from Former Trainees</b>	
• Counterfeit Goods: Ill Effects and Remedies	Prof. Rajat Agrawal (India) ... 15
• Measures taken by the Government of Pakistan to Curb Counterfeits	Ms. Tafseer Fatima (Pakistan) ... 20
• Combating Counterfeit Goods in Sri Lanka	Ms. Sepala Dahanayaka, Thidasi Maldima (Sri Lanka) Ms. Wickramasinghe, Navodi Tharanga (Sri Lanka) ... 26
• University Innovation Hubs Stimulate Industry Collaboration and Technology Transfer	Dr. Emmanuel Temiotan OGBOMIDA (Zambia) ... 30
<b>5. Get to Know Your IP Friends</b> .....	35
<b>6. Message from Lecturer</b>	
Anti-counterfeiting measures (watching) in Japan and my thoughts on this training program	Mr. TSUTSUMI Takayuki ... 38 Secretary General, Executive Director Union des Fabricants (Tokyo)
<b>7. From the Director's Desk</b>	
Wagashi (Japanese sweets)	Mr. OGIYA Takao, Director General of APIC ... 40
<b>8. Introducing places in Tokyo to wander around free of charge</b>	
Hibiya Park .....	46
<b>9. Editor's Note</b> .....	51



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](https://twitter.com/JPO_JPN)

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

**[Popular topics]**

➤ **Brief Report from our overseas associate in Silicon Valley (29 May 2023)**

From now on, this page will occasionally highlight recent activities of JPO’s experts residing abroad, letting them talk with their own words about the missions or experiences in their countries/regions. Our colleague based in Silicon Valley, USA acts as a lead-off reporter.

*Hi from NEDO Representative Office in Silicon Valley (NEDO Silicon Valley)!*

NEDO Silicon Valley is one of the six overseas representative offices of New Energy and Industrial Technology Development Organization (NEDO) which is a government-related research and development agency in Japan. NEDO Silicon Valley serves as the “Tech-Hub” in Silicon Valley, promoting collaboration among stakeholders in the US and Japan.

One of our roles here is to foster mutual understandings and deepen relationship among IP professionals in the US and Japan. As businesses expand, IP protection and utilization must be considered on a worldwide basis. IP experts from the JPO have been dispatched to NEDO Silicon Valley since 2016. We have hosted more than 45 CHIZAI (IP) seminars throughout the years to offer opportuni-

ties to learn about and share information on IP-related topics in the US and Japan. We believe it is an important mission for us to provide opportunities for discussions on how IP can protect emerging technologies and promote innovation.

*If you are interested in IP seminars, the Japanese IP system, or collaboration with NEDO Silicon Valley, please contact us!*

➤ Patent information analysis based on GXTI (19 June 2023)

*The JPO released the results of a first extensive survey utilizing the Green Transformation Technologies Inventory (GXTI)!*

Following the interim report on green technologies using GXTI, which was picked up here previously (on 13 March 2023), the JPO made public its final version late last month.

The final report presents the findings of compiled patent information analysis based on GXTI, with a focus on patent filing trends and top applicants over the last decade with regard to about fifty different categories as defined in the Inventory.

➤ Brief Report from our overseas associate in Indonesia (5 June 2023)

Following the immediately preceding posting, here is a second round of on-site report by our colleague abroad. This week, our IP expert residing in Jakarta, Indonesia tells a story.

*Today I would like to share with you my mission in Indonesia!*

Under the framework of the Japan International Cooperation Agency (JICA) Technical Cooperation, JPO staff are sent to the Director General of Intellectual Property (DGIP) to support in the development of Indonesia's intellectual property system, to cooperate in human resource education, and conduct public awareness activities.

The DGIP and JPO have been developing a deeply cooperative relationship for nearly 30 years since JPO staff were first sent to DGIP as JICA experts in 1994. In April 2023, I became the 12th member of staff to be dispatched to Indonesia and I am now engaged in cooperative activities to expedite higher quality patent grants in the country. Through conducting my duty to better the IP system and its operation I would like to promote the development and improvement of the business and investment environment in Indonesia.

Both Indonesia and Japan, DGIP and JPO, have built a good relationship over the years. As a JICA expert dispatched to Indonesia, I would like to continue deepening our relationship of trust by gathering in-depth information that will enable me to provide needs-based support and conduct cooperative activities which will bring advantages for both countries.



➤ Interview with an up-and-coming creator (8 May 2023)

*We have released a videotaped interview with Marina Fujiwara targeted for youths around the globe!*

Marina Fujiwara is a notable Japanese creator whose main activity is to make up unnecessary things that come to her mind. She describes her work as “Muda-Zukuri” (Wasted Creation) and publishes her works on YouTube and other social media platforms in an energetic manner.

Contests where Ms. Fujiwara was placed on honorees list include “YouTube NextUp Tokyo 2016” sponsored by Google Inc, and Forbes JAPAN’s “30 UNDER 30 JAPAN 2020,” highlighting influencers below the age of 30 changing the world. Her first solo exhibition abroad in 2018 achieved a great success, attracting over 25,000 visitors.

The JPO produced this video with English subtitles to present her unique inspiration and creativity to people overseas. We wish this content will help disseminate the fun and potential of creating things and also the infinite possibilities for invention to young people across borders.

➤ Feedback on MFR approach (22 May 2023)

*We are sustaining our efforts to bring MFR closer to overseas stakeholders.*

As previously posted here (on 22 March 2022), we refer to our approach to determining inventive step of a claimed invention as “Multi-Factor Reasoning (MFR).” The JPO is working to get our method across to as many interested people overseas as possible. In this context, our International Training Instructors expounded on MFR in the patent examination training programs for emerging countries last fiscal year.

Here are some positive or encouraging responses to the participant questionnaire:

- “Since the instructor gave clear and detailed explanations, I understood it well.”
- “We adhere to almost the same approach regarding inventiveness.”
- “What we learned is easy to apply in our daily examination work. It helps to reduce processing time.”

## Introduction of FY2023 Long Term Fellowship Researchers

### Reflections on my experience as a long-term JPO programme researcher

#### Mr. Sambath LACH, MBA (Cambodia)

Bureau of Education and Public Awareness  
Department of Intellectual Property,  
Ministry of Commerce, Cambodia



First of all, I would like to express my sincere thanks and my most profound gratitude to the Royal Government of Cambodia, Ministry of Commerce, Department of Intellectual Property, and the Japan Patent Office (JPO), for providing me with the opportunity to participate in the JPO Study-Cum-Research Fellowship Program in 2023.

Being a researcher can be an incredibly rewarding and fulfilling experience. At the same time, it can also be challenging, frustrating, and at times, isolating. Here, I will share some of my personal experiences and reflections on what it feels like to be a researcher.

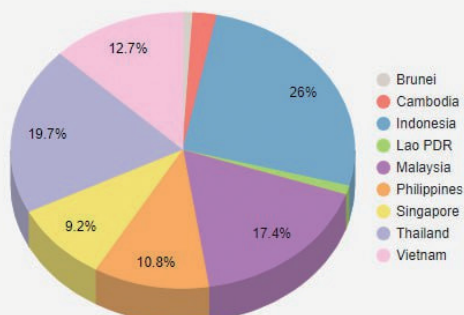
While research can be a solitary activity, it can also provide an opportunity for collaboration as it often involves working with other researchers, students, and community partners. Collaborative research can be incredibly rewarding, as it encourages learning from others, sharing ideas and resources, and produces work that is more impactful and meaningful.

According to the data regarding trademark applications filed in Cambodia, there have been 129,352 applications, which is lower than neighboring countries such as Thailand, with 1,138,789, and Vietnam, with 734,243. In my personal view, the first reason for this is dissemination, capacity building, public awareness and stakeholders are still limited. So, this makes them hesitate to register their trademarks.

Second, most entrepreneurs do not have a clear understanding of leveraging intellectual property tools to build concepts, strategy, or value in the area of branding. And a third reason is the efficiency of implementing and enforcing intellectual property law. Because these laws are not enforced effectively in some complicated infringement cases, trademark owners are less willing to register their trademarks.

## TRADEMARK FILING BY COUNTRY

Click on country maps or names to see Trademark applications filed at each country.



Flag	Country	Applications	Publication coverage
	Brunei	55412	1957.09.30 - 2023.07.31
	Cambodia	129352	2014.01.31 - 2023.07.14
	Indonesia	1501381	2013.01.09 - 2023.05.24
	Lao PDR	60090	2004.06.18 - 2023.08.11
	Malaysia	1003842	1905.03.16 - 2023.08.10
	Philippines	623008	1982.08.23 - 2023.06.23
	Singapore	530873	1939.12.08 - 2023.04.21
	Thailand	1138789	1931.10.01 - 2023.06.19
	Vietnam	734243	1980.01.01 - 2023.07.25

Source: [https://asean-ipregister.wipo.net/wopublish-search/public/trademarks?1&query=\\*>\\*](https://asean-ipregister.wipo.net/wopublish-search/public/trademarks?1&query=*>*)

After introducing my research theme, “Branding Strategy for Leveraging IP for SMEs”, and the problems mentioned above in my Country Report presentation on September 21, 2023, the participants and observers were interested and actively asked questions and gave me comments, advice, guidance and support for my research project.

I strongly believe that, after doing research for four months in the Study-Cum Research Fellowship Program, a new perspective and experience gained in Japan can benefit the status of “branding” in Cambodia. The results of this research can be a great lesson to share with all stakeholders, especially SMEs, through seminars, workshops or training programs, to drive the growth of trademark registration in Cambodia.



Country Report Presentation



At the 2023  
Patent Information  
Fair and Conference

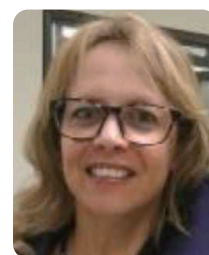
## Training Course Experience in Japan

### MUCH MORE THAN PATENT EXAMINATIONS: Impressions of the JPO/IPR training program

**Dr. GISELE LARA DE ALMEIDA (Brazil)**

Patent Examiner

National Institute of Industrial Property (INPI)



*JPO/IPR Training Course on Patent Examination (Basic Program)  
(August 10 – August 30, 2022)*



Collaboration programs between countries are tools that contribute to the interactions between different actors, dissemination of knowledge, mutual learning, and in particular, support for the technological and socioeconomic advances of developing countries through the transfer of technology via education, capacity-building and/or training of human resources.

In a contemporary scenario of developmental policies, the cooperation and support from countries with a significant scientific and technological position, such as Japan, are of fundamental importance for promoting and improving the performance of innovation systems in developing countries such as Brazil.

Within this context, the Japan Patent Office (JPO), as part of technical cooperation under Article 67 of the TRIPS Agreement, has been supporting the development of human resources in the field of intellectual property in developing countries, mainly in the Asia Pacific region, since fiscal 1996. In the 25 years up to fiscal 2021, a total of 7,377 trainees completed IP training programs organized by the JPO.<sup>1</sup>

Inside this collaborative, reciprocal and mutual learning environment resides the JPO/IPR Training Courses, a Japan Patent Office (JPO) initiative conducted in cooperation with the World Intellectual Property Organization (WIPO) and the International Cooperation Agency of Japan (JICA). The courses

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- 1 ALEGRIA, Eugenio. **Conditions for the study and implementation of a search system based on Similarity Group Codes at INPI Brazil**. Four-month study-cum-research Fellowship Program (FY 2022) – Japan Patent Office, Sept.-dec., 2022. <[https://www.jpo.go.jp/e/news/kokusai/developing/training/thesis/document/index/2022\\_01.pdf](https://www.jpo.go.jp/e/news/kokusai/developing/training/thesis/document/index/2022_01.pdf)> Access: 27/05/2023, 12:30.
  - 2 Japan Patent Office (JPO). **Assistance to Developing Countries**. <<https://www.jpo.go.jp/e/news/kokusai/developing/index.html>> Access: 27/05/2023, 16:00.

focus on the development of human resources that work in the IP systems of developing countries, thereby contributing toward their advancement<sup>2</sup> either directly—through the transfer of technical knowledge—or indirectly, by helping to improve the framework of their protection guidelines.

Not only does the JPO/IPR Training Course thereby serve as a training and qualification program aimed toward those playing a central role in the intellectual property infrastructure of developing countries; but is also thought of as a strategic action aimed toward these countries' sustainable economic development, along with the protection of intellectual property rights among the Japanese companies operating there.<sup>2</sup>

In addition, the JPO/IPR Training Courses' scope of action mainly involve technicians and examiners from patent offices in the regions of the Asia-Pacific, Latin America and Africa. It favors the construction of knowledge networks which cooperate in the uniformity of understanding within the scope of Intellectual Property rights in terms of establishing and improving the policies that guide these rights, while also enhancing the practices related to the attributions of each Patent Examiner in their own country.

This focus of action is of fundamental importance. According to Hannah Arendt<sup>3</sup>, the difference between men creates a curious condition of alterity. Such alterity is associated with the ability to mediate these differences, which make the man capable of carrying out politics.<sup>4</sup>

In contemporary economies, developmental policies are correlated to the intensity and effectiveness of interactions between the different actors involved in the generation and dissemination of new knowledge and technologies. Such interactions translate into an institutionalized form of mutual learning, which contributes to the creation of economically useful knowledge that can be applied within socioeconomic development programs.

Consequently, the support and collaboration policies of developed countries are the key for the promotion of regional and/or global equality, reducing the socioeconomic distances between different modern economies.

Aware of this context and the importance of this program, I could not contain my satisfaction when I received confirmation that I could participate in the FY2022 JPO/IPR Training Course on Patent Examination (Basic Program) [Online]. I was very happy and excited. Consequently, I am eager to share with colleagues my personal impressions of the FY2022 JPO/IPR Training Course on Patent Examination (Basic Program) [Online].

At the beginning, we are surprised by the good manners, kindness and courtesy typical of the Japanese people. The welcome videos are a balm for concerns about the language barrier, putting the participant in close contact with the Japan Patent Office institution, thereby also creating a sense of belonging and satisfaction in being there.

This sense of *omotenashi* on the part of the Japanese people permeates the entire course, for the duration of which participants are involved not only with the topics at hand, but also with other colleagues' practices in their own countries, as well as the JPO's own practices.

In videos presenting the JPO's history, structures, team and practices, the organization achieves the feat of leaving the participant at ease to present their Country Report—thereby exposing their own country

3 ARENDT, Hannah. **A Condição Humana**. Rio de Janeiro, Brasil. Editora Forense Universitária. 2003.

4 CHIARELLI, João Rodrigues. **Agência de Cooperação Internacional do Japão (JICA) como ferramenta política: Mecanismos de integração regional**. Trabalho de conclusão de curso (Graduação em Ciências Sociais) – Instituto de Filosofia e Ciências Humanas. Universidade Federal do Rio Grande do Sul, Porto Alegre, Brasil, 2009.  
<<https://lume.ufrgs.br/bitstream/handle/10183/18433/000728828.pdf>> Access: 27/05/2023, 16:00.



and its Intellectual Property system to the group—while also being receptive to the curiosities of the other colleagues, and to the exchange of knowledge and experiences.

As the Country Reports are constructed in detail and are clearly exposed by each member of the course, the JPO provides an exchange of information on the current Intellectual Property (IP) system of participating developing countries and opens a communication channel between them.

The participant is then taken to the *Manabeat* platform, through which the course is conducted. This platform reflects the excellence, organization and care in ensuring the dissemination of knowledge by the JPO. When diving into the *Manabeat* platform, the JPO/IPR Training Course participants are faced with a structure that allows easy, dynamic, fast and consistent learning of the entire course program and the Country Reports of other countries.

Using the tools of both the Country Reports and the *Manabeat* platform, the JPO brings together researchers and IP offices that are distant physically, economically and socially—thereby creating a learning network from which is derived a seed for the advancement of different IP systems of the countries represented in that group and in that class.

The course then continues with video classes, whose instructors consist mostly of patent examiners who are perfectly aligned with the interests, questions and needs of the participants with respect to patent examination practices. The classes thereby transpose the technological field, and deal with the most diverse aspects of patent application examinations.

As a means of communication with the instructor, the participant can count on fields for doubts and questions, which are available on the *Manabeat* platform at the end of each video class. Also at the end of each video lesson is an evaluation process, which is materialized through multiple-choice questionnaires in order to verify participants' learning results.

As for the continuous improvement process, the JPO also offers fields for propositions and comments on the *Manabeat* platform and at the end of each video class.

The course ends with the delivery of the certificates in both electronic and physical format. The latter are so exquisite and elegant, and are sent to each participant carefully and personally.

In general, my impressions of the FY2022 JPO/IPR Training Course on Patent Examination (Basic Program) [Online] are that the JPO provides participants with its best and most authentic effort to achieve the objectives assumed in the TRIPS Agreement.

I believe that by conducting trainings like this one, the JPO achieves the following objectives: 1) building a network between examiners from developing countries and Japan, and 2) exchanging information on the status of Intellectual Property (IP) systems in each participant's country—thereby providing an opportunity to further improve and develop their human resources, which underpin important issues such as the implementation of obligations under the WTO TRIPS Agreement.

Personally, with regard to my performance as a Patent Examiner in Brazil, I believe that my participation in the JPO/IPR Training Course on Patent Examination (Basic Program) will certainly contribute to the improvement of my daily exercise of examining patent applications in order to perform a faster, more accurate and assertive exam.

I take with me my deepest *ongaeshi* to the Japan Patent Office, and say goodbye with my best wishes and thanks to the entire team involved with the JPO/IPR Training Course on Patent Examination (Basic Program).

Finally, I ask permission to address the National Institute of Industrial Property of Brazil – (INPI) in expressing my thanks for the opportunity to participate in this training course.



## Training for IP Trainers

### Mr. Mohd Azri Bin Johan (Malaysia)

General Manager  
Centre for Degree and Foundation Studies, SPACE,  
University of Technology Malaysia



*JPO/IPR Training Course for IP Trainers  
(November 8 - November 22, 2022)*



Starting on November 8, 2022, I was selected to represent Malaysia's Intellectual Property Office (MyIPO) at the Training for IP Trainers in Japan. This training was organised by the Japan Patent Office (JPO) and the Asia-Pacific Industrial Property Centre (APIC) of the Japan Institute for Promoting Invention and Innovation. 17 trainees from 14 different countries participated in this training. All trainees were placed at the Tokyo Kensyu Centre at the Association for Overseas Technical Cooperation and Sustainable Partnership (AOTS).

My experience began very interestingly when I was informed that I would have to commute daily from AOTS to APIC. Although I had experience studying in Japan before (at Yamaguchi University), it was very different because I had not been exposed to a big city like Tokyo. My 2-week experience commuting from AOTS with APIC using "Densha" was a memorable experience for me as it gave me real-life experience in the Tokyo Metropolis.

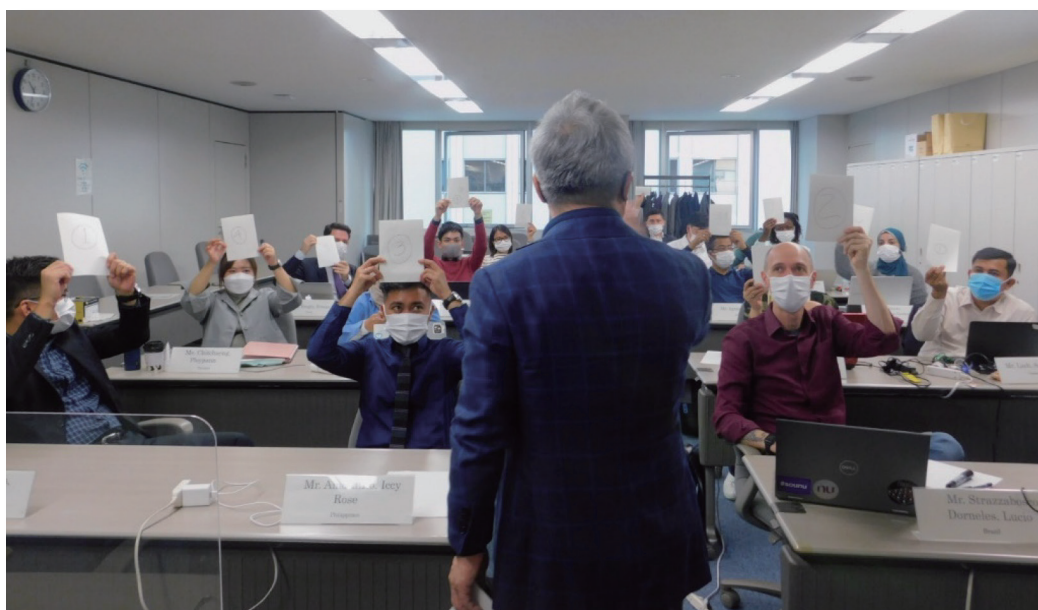
On the first day, my friends and I were taken on a tour of the JPO building. We were all introduced to a brief history of the JPO and famous figures who have patents and trademarks. Indeed, intellectual property has been one of the main drivers of Japan's success over the years. Exposure to the use of J-Plat Pat at the National Center for Industrial Property Information and Training (INPIT) was also given to all trainees, and we were also allowed the exclusive experience of being in the IP JPO High Court, which is only available to certain groups.



My experience continued with the first learning module delivered by Mr. Kawakita Kijuro. His module was about how to develop creativity. With extensive experience, the president of Kawakita & Associates demonstrated various methods for thinking creatively, whether it be a simple or complex model. He also showed various products of his creation that are available on the market.

I was also assigned to a group to prepare awareness-raising materials for anti-counterfeit measures. Along with training participants from Brazil, Egypt, Saudi Arabia, and Vietnam, I was given a week to complete this task. All the members of my group gave good feedback on this assignment, with each of them giving thoughtful input based on experience from their countries. On the last day of training, our presentation results were evaluated by Mr. Sugiyama Takuya, Director of the Anti-Counterfeit Office, and several panels from the JPO, and we received positive reviews and good feedback.

Effective teaching methods were given to all trainees by Mr. Teraura Seiji from Manabi Co., Ltd. It turns out, the best way to understand something is to learn it, use it, and teach it to others. The module given by the President and CEO of Manabi Co., Ltd. was very interactive and interesting to use in conveying knowledge from one party to another.



The last day of our first week ended with a visit to Tokai University Takanawadai Senior High School to see how intellectual property education is implemented in Japan. Interestingly, the students were given a real task related to intellectual property to solve; in this case, they were assigned to increase the commercial value of an area that is experiencing significant migration in the southern part of Japan (Kanoa-shi, Kagoshima-ken). Tokai University has a comprehensive model to provide exposure to various age groups, starting from the kindergarten level to the university level. Very impressive.

The second week of our training continued with teaching methods and development of educational materials related to intellectual property, starting from the high school level to the university level, in more detail. First, Mr. Jinnai Hideki gave a lecture on Intellectual Property Education, Development of Education Materials and Teaching Methods in High School.



Also at the high school level, a lecturer from the National Institute of Technology, Numazu College introduced additional IP education methods. At the university level, Ms. Watanabe Tomoko and Mr. Kimura Tomohisa also shared their experiences and the models they practise.

In the middle of the second week, my experience continued with a topic that revolved around anti-counterfeiting. It started with an initial briefing from the Anti-Counterfeit Office of the International Cooperation Division of the JPO, which provided an initial explanation of the anti-counterfeiting landscape in Japan. Next, we had the opportunity to meet with industry practitioners who focused on anti-counterfeiting cases and methods from Panasonic Corporation and Yonex Co., Ltd. An explanation of how important it is to control and overcome the problem of forgery from Ms. Aoki Hisae (Panasonic Corporation) and Mr. Okubo Jun (Yonex Co., Ltd.) opened my eyes and those of other trainees. This is because both companies face challenges and problems related to counterfeiting at the global level. Even more surprising, the cases of counterfeit goods shared by both panels came from the countries of the trainees present.



The continuation of our training for the second week ended with a visit to Tokyo Customs Headquarters to see the current situation and the preventive measures used to overcome problems related to anti-counterfeiting. The explanation from Tokyo customs officials during our visit was very clear, complete, and they answered questions from the trainees present. I also had the opportunity to meet a Tokyo customs officer who was able to speak Malay. His name was Mr. Negishi Naoya I was very surprised to learn that he could speak Malay.

The last week of our training was completed with presentations from each group related to the assignments that had been given in the first week. All trainee groups implemented various methods to prepare materials to raise awareness of the importance of anti-counterfeiting at the secondary school level. We were also allowed to be the audience for the presentation of an innovation project by a group of students from Toyo-Keihoku High School. All of them presented a variety of new products that have high potential to succeed in the market despite still being high school students.

In the last session, two trainee representatives gave a speech of appreciation to the organisers, namely the JPO and APIC. The male trainee was represented by Professor Rajat Agrawal from India, while the female trainee was represented by Ms. Caroline Wanjiru Munchiri from Kenya. We were also celebrated in the certificate presentation ceremony delivered by Mr. Tomisawa Takeshi, Director of the International Cooperation Division of the JPO, symbolic of having completed the training.

Overall, I can conclude that attending the Training for IP Trainers course was a very valuable experience for me. As an academician, all the information and experience I gained while attending this training can be used directly or indirectly in Malaysia or in other trainee countries. This training provides an almost complete guide for trainees to use in preparing themselves as qualified and competent IP trainers. I hope to be able to continue using knowledge gained from the training in the coming years so that we can produce more IP trainers as a result of the guidance of the JPO and APIC. I am even excited to join other trainings held by the JPO and APIC in the future.

Hontoni Arigatou Gozaimasu. Much love from Malaysia. Until we meet again in the future!



## Articles from Former Trainees

### Counterfeit Goods: Ill Effects and Remedies

#### Prof. Rajat Agrawal (India)

Professor, Department of Management Studies  
DPIIT IPR Chair  
Indian Institute of Technology Roorkee



*JPO/IPR Training Course for IP Trainers  
(November 8 - November 22, 2022)*



Counterfeit goods have become one of the biggest problems the world over.<sup>1</sup> The severity of the problem has increased manifold with the convenience of the internet for trade, making it very easy for counterfeiters to reach the global market. Counterfeit goods not only imitate the appearance and branding of genuine products, but even the functionality also. However, since testing, quality checks, and research and development are not involved, counterfeit goods pose severe health and safety risks to consumers. They are readily available in street markets, online platforms, and retailers. Another route for selling counterfeit goods is through smuggling.<sup>2</sup> These goods are high in demand because of much lower prices than genuine products.

Counterfeit goods violate various intellectual property (IP) rights of the original owner. Experts have categorised counterfeit goods into two categories: deceptive counterfeit goods and non-deceptive counterfeit goods. Deceptive goods are designed, produced, and sold with the intention to imitate the original popular brand to deceive customers, with the aim of earning profits. Counterfeit goods use unauthorised trademarks, logos, and packaging that resemble well-known products. This can be seen in almost all categories, whether pharmaceuticals, currencies, designer clothing, electronics, automobile parts, handbags,

1 Organisation for Economic Co-operation and Development

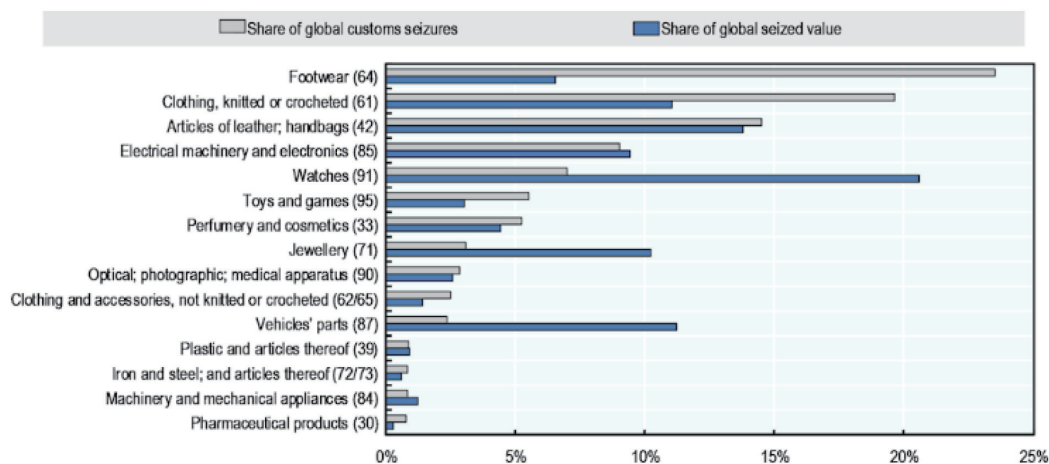
<https://www.oecd.org/corruption-integrity/reports/trends-in-trade-in-counterfeit-and-pirated-goods-g2g9f533-en.html>

2 The Illicit Trafficking of Counterfeit Goods and Transnational Organized Crime Published by United Nations Office on Drugs and Crime

[https://www.unodc.org/documents/counterfeit/FocusSheet/Counterfeit\\_focussheet\\_EN\\_HIRES.pdf](https://www.unodc.org/documents/counterfeit/FocusSheet/Counterfeit_focussheet_EN_HIRES.pdf)

toys, shoes or other accessories. Most of the time, these products are manufactured, distributed, and sold without the consent and authorization of the IP rights (IPR) holder. One of the simplest definitions of counterfeit goods is a product that “deceives consumers by making them believe that they are buying genuine and authentic products at a cheaper price”. The main objective for counterfeiters is to earn maximum profit from the tremendous reputation and extraordinary popularity of the genuine products, while undercutting the legitimate market. The common rationale of customers who buy counterfeit goods is that “it doesn’t hurt anyone, it is giving employment to people, and customers who cannot afford genuine brands can enjoy the satisfaction of wearing similar products at almost half the price.”

Purchasing and using counterfeit goods have various negative consequences. This includes financial losses; compromised quality, which leads to malfunction, causing loss of human life and damage to property; health risks; and a significant portion of the earnings from counterfeit goods being used to support illegal activities. An important aspect which needs a comprehensive discussion is that counterfeit goods infringe on the IPR of the original brand owner. The most common infringement by counterfeit goods is on trademarks, followed by copyrights, patents, designs and drawings. There is no concrete information available on the quantity of illicit goods being produced worldwide however, the Organization for Economic Cooperation and Development (OECD) has used seizure data for estimating the quantity of counterfeit goods being produced. According to a report by the OECD, 60% of global seizures of dangerous products, which were sent to various countries of the European Union, came from online sales. If compared with seized value, this quantity represented only a small amount. The biggest categories of counterfeit products ordered online were cosmetics, clothes, toys, and spare automotive parts. The report cites that 75% of counterfeit goods were shipped from China.



Source: OECD Library

Based on the statistics from the OECD website, the top five countries in 2016 whose brands or patents were infringed on (products seized) were the United States (24 %), France (17%), Italy (15%), Switzerland (11%) and Germany (9%). The seized goods also indicated that business in China, Brazil, and Hong Kong have also become targets for counterfeiters.

Counterfeit goods have significant economic, social, and political impact on economies of the world. One way in which counterfeit goods affect these countries is that revenue which the original brand would have earned is diverted by counterfeit goods. As such, the revenue which a country can get as taxes goes in the hands of counterfeiters. Reduced profits in legitimate industries forces them to reduce expenses,



which leads to cuts in jobs and research and development. Industries most affected by counterfeiting include luxury goods, pharmaceuticals, electronics, fast-moving consumer goods (FMCG), apparel, and software. Countries in Asia, such as China, India, and Vietnam, face substantial economic losses due to increased counterfeiting in these industries.

The major source of income for a government of any country is tax, which is collected under various heads. Counterfeit goods are often sold in underground markets or through illicit trade networks, allowing criminals to evade taxes and customs duties. As a result, governments lose substantial tax revenue, which could have been used for public services and infrastructure development. This loss of revenue hinders the government's ability to capitalize on important sectors which could lead to development of the nation, such as education, healthcare, defence, and space research.

A Federation of Indian Chambers of Commerce and Industry (FICCI)<sup>3</sup> study on the impact of counterfeit goods in India suggests that the size of the counterfeit market in five major industries (FMCG goods including personal and household items and packaged foods, tobacco products, and alcoholic beverages) was estimated to be **INR 2,600.94 billion** in 2019, which was more than 1 percent of India's GDP that year. According to the same report, an estimated legitimate employment loss of 1.5 million, with the FMCG industry accounting for about 68 percent of job losses, occurred in India due to counterfeit goods. The report estimates that the loss due to illicit trade is INR 585 billion. An overall tax loss of 49% has been estimated for tobacco products and the alcoholic beverages industry in India due to counterfeit goods.

### Grey Market Impact

(Calculations are for the year 2012)

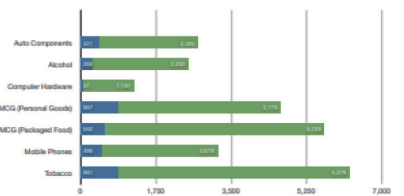
Sectors studied

- Auto Components
- Alcohol
- Computer Hardware
- Fast Moving Consumer Goods (Personal Goods)
- Fast Moving Goods (Packaged Foods)
- Mobiles Phones
- Tobacco



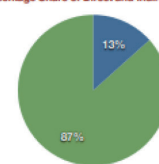
### Study Highlights

#### Estimated Tax Loss\* in Direct and Indirect Taxes to the Government



#### Percentage Share of Direct and Indirect Tax Loss

- Direct Tax Loss
- Indirect Tax Loss



#### Estimated Annual Tax\* Loss to Government



Source: Socio-Economic Impact of Counterfeiting, Smuggling and Tax Evasion in Seven Key Indian Industry Sectors FICCI Executive Summary (2012)

3 Socio-Economic Impact of Counterfeiting, Smuggling and Tax Evasion in Seven Key Indian Industry Sectors. Published by FICCI (2012)  
<https://ficci.in/api/pdf/view?fileID=20190&fileName=Executive-Summary-invisible-enemy-aug-8-2013.pdf>

According to the official website of the International Criminal Police Organization (INTERPOL<sup>4</sup>) conducted Operation Pangea XIV, which focused on seizing counterfeit medical goods. The operation was carried out in 92 countries for one week (May 18-25, 2021). As a result of the operation, 113,020 web links and websites, which were sources for selling and distributing counterfeit products, were blocked; 9 million counterfeit medical goods were seized, which included approximately 4.5 million unauthorised COVID-19 testing kits; and 227 people who were involved in activities related to counterfeit goods were arrested. Counterfeit medicines with an estimated value of USD 23 million were also seized during the operation.

Apart from loss in revenue and tax losses, another severe impact of counterfeit goods can be seen in the reputation of the original brand, as counterfeit goods cause irreparable damage to the image of the original brand. This is not limited to a particular brand or industry, as counterfeit goods cause severe damage to the reputation of countries associated with counterfeiting. Consumers and investors lose faith in the country as a whole, thereby deterring foreign investment. In recent times, counterfeit goods have also become a significant reason behind harm to international trade relations between several countries. Counterfeit goods are the biggest reason for posing severe health risks to consumers. Various Asian countries which are known for their pharmaceutical industries are facing challenges in tackling the production and distribution of counterfeit pharmaceuticals, putting the health of their populations at risk.

Another severe impact associated with the sale and distribution of counterfeit goods is that it is leading to an irreversible situation of discouraging innovation and creativity. Various countries, both developing as well as developed, are home to significant research and development activities. IPR, including patents, copyrights, trademarks, and design rights, provide recognition and appreciation to the efforts of inventors. Protection from IPR is compulsory to develop a culture of innovation and creativity, but the presence of counterfeit goods wears away the incentives of companies as well as of an individual, damaging the spirit of innovation and creativity.

Most consumers of counterfeit goods consider it as a victimless crime as they are unaware of the fact that revenue earned by sales and distribution of counterfeit goods are used in running syndicates of organised crime the world over. Counterfeit goods are linked to various illicit activities, such as money laundering, drug smuggling, kidnapping, and child labour. The present situation regarding counterfeiting goods is alarming and counterfeiters are regularly and continuously working with new technologies to imitate genuine products, as well as sell and distribute them.

Dedicated measures can mitigate the evil effects of counterfeiting. The prime measure is to create awareness about the counterfeit products. This can be achieved by launching regular awareness campaigns, and a massive drive at all levels should be run by all countries. The outcome of the drive should be that a layman should be able to identify a deceptive product. Identifying counterfeit goods is challenging and requires some basic knowledge about the modus operandi of the counterfeiters. Consumers should evaluate the physical attributes, functionality, and performance of a product and identify any noticeable differences or deviations from the expected standards. This may involve comparing product features, inspecting the address provided on supporting leaflets, calling the helpline number provided, and inspecting safety certifications. Counterfeit goods may have flaws, such as misspelled words, poor print quality or inconsistent logos, as they are replicas. The quality of packaging, labels, and accompanying documentation can also be of substandard quality. In addition, most of the time, retailers are reluctant to provide a receipt for counterfeit goods.

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4 INTERPOL

<https://www.interpol.int/en/News-and-Events/News/2021/Thousands-of-fake-online-pharmacies-shut-down-in-INTERPOL-operation>

Governments should develop a mechanism wherein all reporting of counterfeit goods should be dealt with immediately and effectively. Governments could form a team of experts to respond to all calls from customers within a city in case a customer wishes to check the authenticity of a product before or after the purchase. Manufacturers of famous brands could adopt the newest anti-counterfeiting technologies which involve 3D holograms, barcodes, RFID tags, unique serial numbers, and tamper-evident labels. These technologies are difficult to replicate and can provide consumers and authorities with tools to verify the authenticity of products.

Audits and inspections throughout the supply chain can help identify potential sources of counterfeit goods. This involves verifying the authenticity of suppliers, monitoring manufacturing processes, and ensuring compliance with IPR and quality control standards. Close collaboration with suppliers, distributors, and authorized retailers can also help in detecting and preventing counterfeits. Famous brands which receive information regarding counterfeit goods should establish dedicated teams that liaise with various law enforcement agencies. These teams should focus on identifying the network and location from where counterfeit goods are pumped into the supply chain. More use of blockchain technology can turn the tables significantly as it can provide a tamper-proof record of a product's journey. Any deviation from the dedicated path will suggest intrusion of counterfeit goods.

Mechanisms for using forensic analysis techniques, including spectroscopy, microscopy, and chemical analysis can also be initiated at all levels. An example is micro tagging, which involves adding microscopic markers or particles to products, packaging, or labels that are difficult to replicate. Nanotechnology-based solutions, such as nano-inks or nano-markers, offer similar benefits by incorporating unique patterns or properties into products. Algorithms can be deployed to analyse a large amount of information on products and detect patterns that indicate counterfeit activity.

As far as cross-border situations are concerned, collaborations, sharing information, best practices and intelligence can make a difference.

# Measures taken by the Government of Pakistan to Curb Counterfeits

**Ms. Tafseer Fatima (Pakistan)**

Senior Examiner  
Intellectual Property Organization of Pakistan



*JPO/IPR Training Course on Patent Examination in Specific Technical Fields  
(January 17 - February 8, 2022)*



Counterfeit goods have become a global menace. Counterfeits are manufactured and marketed with several objectives in mind: to cut costs by ignoring quality and safety, while cheating consumers and making unlawful profits. Counterfeit products have become a widespread issue in Pakistan, causing significant economic losses not only to consumers and businesses, but also to the country itself. Accordingly, Pakistani authorities have implemented various measures to detect and punish those involved in the production, distribution, and sales of counterfeit products.

## What is Counterfeiting?

Counterfeit goods are non-genuine goods “that copy or otherwise purport to be those of the trademark owner whose mark has been unlawfully used”<sup>1</sup> As long as a person creates or sells a non-genuine good in an attempt to “usurp the brand or trademark of another,” that person is guilty of counterfeiting.<sup>2</sup>

Technically, the term “counterfeiting” only refers to specific cases of trademark infringement. However, in practice, the term is allowed to encompass any making of a product which so closely imitates the appearance of the product of another as to mislead a consumer that it is in fact this other product. Hence, it may also include the unauthorized production and distribution of a product that is protected by other intellectual property rights, such as copyright and neighboring rights.<sup>3</sup>

In fact, different types of IPR infringements often overlap. Music piracy, for example, mostly infringes copyrights, as well as trademark protection. Fake toys are often sold under a different name, but infringe upon design protection. Even where there is no trademark infringement, the evolving factual problems

1 Mallor, Jane P., et al. Business Law: The Ethical, Global, and E-Commerce Environment. New York: The McGraw-Hill Companies, 2007.

2 Hopkins, David M., et al. Counterfeiting Exposed: Protecting Your Brand and Customers. Hoboken: John Wiley & Sons, 2003.

3 Clark Andrew (1997), Enforcement of Intellectual Property Rights, University of Warwick, United Kingdom.

and subsequent legal issues often bear a close resemblance to cases of counterfeiting.<sup>4</sup>

### Types of Counterfeit Products:

Counterfeit products can be of various types, such as medicines, electronic gadgets, software, music recordings, motion pictures, toys, spare parts, car accessories, luxury goods, or fashion products such as fake cosmetics, bags, perfumes, clothes, etc.



A packet of authentic pills (left) sits alongside its' counterfeit copy (right),  
Photo source: Bloomberg.com

### Consequences of Counterfeiting

Counterfeit goods harm not only individual consumers and businesses, but are also detrimental to a country's national economy through the evasion of sales taxes and excise duties.

#### Impact on Consumers:

- Unsafe fake goods can lead to injuries, health and safety dangers, and even death. For example, counterfeit drugs, automotive parts, smartphones, etc. can cause serious personal injury. Even in cases where fake goods cause no physical harm, consumers are harmed financially when they are hoodwinked into spending their hard-earned cash on a sub-standard counterfeit product.
- Consumers are also forced to pay higher prices for brand-name products, since companies must raise their prices to recoup their losses from counterfeiting.<sup>5</sup>

#### Impact on Businesses:

- Counterfeiting a company's product makes the counterfeiter a competitor of the company. As a result, that company loses sales and market shares.
- Counterfeit goods have a severe negative impact on a brand's reputation, since consumers may be unaware that they are buying a fake product.<sup>5</sup>
- The prevalence of counterfeiting has forced businesses to divert R&D resources away from creating new technologies and toward deterring counterfeiters.<sup>5</sup>

#### Impact on Country:

Since Pakistan has massive international boundaries with four neighboring countries, it is therefore vulnerable to counterfeited products. Counterfeiting impedes technological progress, discourages economic growth, and hinders improvement. It also dampens foreign investment and tax revenues, holds back research and development (R&D), stifles job creation, and discourages technology transfer.

4 Vithlani, Hema (1997), The Economic Impact of Counterfeiting, OECD.

5 Lewis, Kevin (2009) "The Fake and the Fatal: The Consequences of Counterfeits," The Park Place Economist: Vol. 17. Available at: <https://digitalcommons.iwu.edu/parkplace/vol17/iss1/14>

## Measures taken by the Government of Pakistan to Curb Counterfeits

The Pakistani government has implemented various measures to combat counterfeiting, including legislation and enforcement-related efforts. Civil and administrative procedures, border measures and criminal procedures in Pakistan are available to provide enforcement against counterfeit goods. Under civil proceedings, remedies such as injunction, delivery of counterfeit goods, and damages are available to the plaintiff. In addition, sanctions can also be issued against the counterfeiters while under criminal procedures. The penalties against counterfeit products in Pakistan fall under the ambit of several laws.

### The Pakistan Penal Code (PPC):

The use of false and counterfeit trademarks are offences under the Pakistan Penal Code 1860 sections 482, 483, 486 and 489. Criminal proceedings may be initiated through police raids, followed by court procedures.

Under criminal proceedings, section 482 of the Pakistan Penal Code 1860 states that the use of false trademarks shall be punished with imprisonment up to one year, or a fine, or both. As per section 483, the punishment for counterfeiting any trademark is two years with a fine, or imprisonment up to two years, or both. As per section 486, the selling of goods with a counterfeit trademark is punishable by imprisonment for up to one year, or a fine, or both. Section 489 says that whoever removes, destroys, defaces or adds to any property mark with intention to cause injury to any person shall be punished with one year's imprisonment, or a fine, or both.

### The Trade Marks Ordinance, 2001:

This provides for both civil and criminal remedies.

Civil litigation: Civil procedures of trademark infringement may be brought by an aggrieved party before the Intellectual Property Tribunal established under the Intellectual Property Organization of Pakistan. All such proceedings are dealt with in accordance with the prescribed provisions of the Code of Civil Procedure 1908 and the Trade Marks Ordinance 2001. An appeal against the same may be filed before the High Court. Under civil proceedings, remedies such as injunction, delivery of counterfeit goods, and damages are available to the plaintiff.

Criminal litigation: A criminal action can be initiated by filing a written complaint in the police station or before the judicial magistrate. After the proceedings have been initiated, the court may pass search and seizure warrants, under which the premises of the infringer can be raided, and the infringing goods seized. Should an infringer be found guilty of violating the rights holder's trademark, he may be liable for imprisonment or fine or both. A counterfeiter can be imprisoned for a maximum of three years with a maximum fine of PKR 50,000 under the Trade Marks Ordinance, 2001. In addition, the court has the authority to order the seizure, forfeiture, and destruction of infringing goods.<sup>6</sup>

### The Copyright Ordinance, 1962:

This Act empowers the police to seize all infringed copies of any copyrighted work. Section 66 of the Ordinance provides for imprisonment up to three years, or a fine which may extend to 100,000 rupees, or both.

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6 IPR Toolkit-Pakistan Available at: [https://pk.usembassy.gov/wp-content/uploads/sites/76/2016/03/trademarks\\_geographical\\_indications.pdf](https://pk.usembassy.gov/wp-content/uploads/sites/76/2016/03/trademarks_geographical_indications.pdf)



### **The Customs Act, 1969:**

The Customs Act empowers Customs authorities to detain and seize counterfeit goods that have been imported into Pakistan. Chapter IV of the Customs Act, 1969 deals with the following matters: prohibition and restriction of importing and exporting counterfeit products; goods having applied thereto a counterfeit trade mark within the meaning of the Pakistan Penal Code, 1860; or a false trade description within the meaning of the Copyright Ordinance, 1962, the Registered Layout-Designs of Integrated Circuits Ordinance, 2000, the Registered Designs Ordinance, 2000, the Patents Ordinance, 2000, and the Trade Marks Ordinance, 2001.

The Directorate General of IPR Enforcement (Pakistan Customs) has established an IPR Gallery aiming to showcase samples of goods forfeited/seized under the IPR regime, which has shown to be an effective initiative.



IPR Gallery, Photo source: Dawn.com

### **The Competition Act, 2010:**

Section 10 of the Competition Act 2010 deals with deceptive marketing practices or fraudulent use of someone else's trademark, labelling or packing. Remedies available under the Competition Act 2010 are that the Commission may require the other party to take action to restore the previous market conditions, or to confiscate, forfeit or destroy any goods; and may also impose a penalty.

### **Imports and Exports (Control) Act, 1950:**

In exercise of the powers confined by the Imports and Exports (Control) Act, 1950, the Import Policy Order, 2022 via S.RO. 545 (I)DO22, prohibits the import of counterfeit goods. The Customs Act sets out penalties for non-compliance with import regulations.



Food Authority seizes over 4,000 liters of fake beverages in Peshawar, Photo source: dailytimes.com.pk

### **Counterfeit Drugs in Pakistan:**

Counterfeit drugs have become a major concern in Pakistan, with fake medicines flooding the markets and putting public health at risk. The Pakistani government has taken a number of steps to address this issue, enacting a number of laws including the Drugs Act, 1976 and the Pakistan Penal Code, which make it a criminal offense to produce, sell or distribute counterfeit drugs. Furthermore, if the Customs Collector suspects that a drug does not comply with the various types of drug regulatory legislation, a sample of the drug may be taken and sent for testing in a government laboratory—meanwhile confiscating the drugs until results are returned from the laboratory. Moreover, the government has also established a specialized force to combat the production and sale of these goods, which consists of the Drug Regulatory Authority and the Federal Investigation Agency. This force is responsible for conducting surprise raids on



A stash of unregistered counterfeit medicines recovered in 2019 from an illegal warehouse in Islamabad, Photo source: Dawn.com

locations where counterfeit goods are suspected of being sold, and then seizing the products. It also works to increase public awareness about the dangers of these products so that people can avoid buying them. Despite the fact that there exist standard drug manufacturing and distribution procedures and laws drafted by the government, the existence of counterfeit drugs has still not been curbed.

## Notable Court Cases on Counterfeiting in Pakistan

### 1. Messrs Neucon Pakistan Ltd 2019 CLD 37

The complainant, being the registrant of “BIOFREEZE”, was registered in Pakistan with the Trade Marks Registry in respect of the same, and also with the Drug Regulatory. The Complainant claimed that the respondent was fraudulently using a similar deceptive mark ‘BYQFREEZ’ in relation to similar pharmaceutical goods. An enquiry was held, and the report concluded that the respondents’ dishonest adoption of a deceptively similar trademark appears to be fraudulent use of a trademark, and was tantamount to deceptive marketing practices, thereby contravening Section 10 of the Competition Act 2010.<sup>7</sup>

### 2. In another case, which involved infringement of the trademark MAAZA that was owned by a UAE company (but not used in Pakistan) that conducted business in various parts of the world under the said trademark, the Sindh High Court handed down a judgment titled Maza International Company LLC v. Popular Food Industries Ltd. (reported as 2004 CLD 171), wherein it recognized the rights granted by registration, the existence of international reputation and goodwill. The court disapproved of unauthorized adoption of someone else’s trademark by Popular Food Industries Ltd., despite the unavailability in Pakistan of the trademark owner’s goods.<sup>8</sup>

### 3. Hamdard Dawakhana, which sells 'RoohAfza', alleged in a case that Sharbat 'Rooh-e-Samar' was infringing on its trademark by using a similar sounding name and packaging. In its judgment, the Sindh High Court restrained the manufacture and sale of “Rooh e Samar”.<sup>9</sup>



Appellant’s Product	Respondent’s Product
	

Photo source: <http://43.245.130.98:8056/caselaw/view-file/MTAzODc0Y2Ztcy1kYzgZ>

7 Bharucha, M. F., & R. N. (2020). Snapshot: The essentials of pharmaceutical trademarks in Pakistan. <https://www.lexology.com/library/detail.aspx?g=e7afac27-0c29-4a1f-a6f1-7210ff87ebbd>

8 Irfan, H. K. (2005). Recent developments in legislation and enforcement of intellectual property laws. Available at: [http://www.buildingipvalue.com/05\\_ap/331\\_334.htm](http://www.buildingipvalue.com/05_ap/331_334.htm)

9 H.C.A. No. 269 of 2014: <http://43.245.130.98:8056/caselaw/view-file/MTAzODc0Y2Ztcy1kYzgZ>

## Conclusion

In conclusion, counterfeiting is a serious problem that affects countries around the world. Pakistani authorities are thereby implementing strict measures to detect, seize and punish those involved in the production and sale of counterfeit products. These measures aim to protect consumers and businesses, and to preserve the integrity of Pakistan's economy. Coordinated efforts are required, however, and punitive measures should be further strengthened in order to tackle the issue effectively. Such strict punitive measures, together with training of enforcement officials and conducting awareness campaigns, can discourage the production, sales and distribution of counterfeit products, while promoting the use of genuine products with beneficial economic, environmental and social impacts.

It is also important for businesses to take steps to protect their intellectual property rights and prevent counterfeiting. This includes implementing secure supply chain management systems, using anti-counterfeiting technologies such as holograms and serial numbers, and monitoring online marketplaces for counterfeit products. Additionally, consumers can play a role in the fight against counterfeiting by being vigilant and purchasing from legitimate sources. Overall, the issue of counterfeiting requires a multifaceted approach, with efforts from government, businesses, and consumers. By working together, we can combat counterfeiting, and protect the economy and society from the harmful effects of counterfeit goods.

## Combating Counterfeit Goods in Sri Lanka

**Ms. Sepala Dahanayaka, Thidasi Maldima (Sri Lanka)**

Senior Innovation Officer  
National Innovation Agency (NIA)



**Ms. Wickramasinghe, Navodi Tharanga (Sri Lanka)**

Senior Innovation Officer  
National Innovation Agency (NIA)



*JPO/IPR Training Course on Academia-Industry Collaboration and Technology Transfer  
(August 3. - August 30, 2022)*



**Counterfeiting refers to the production, distribution or sale of imitation or unauthorized replicas of genuine products or goods, often with the intention of deceiving consumers into believing that they are purchasing the original or legitimate item. Counterfeit products are typically created without the consent or authorization of the intellectual property rights holder, which can include trademarks, copyrights, and patents.**

Counterfeit or pirated goods have been an increasingly prevalent problem in today's world, and the production and distribution of such goods is common in industries such as fashion, electronics, pharmaceuticals and luxury goods. Especially in developing countries in Asia, Eastern Europe, and Latin America, counterfeit products or pirated copies/products are seen more frequently in the markets due to high costs, poor manufacturing capabilities, and weak economic status. This kind of counterfeit/ pirated goods poses numerous challenges and risks, and badly affects both consumers and businesses.

Further, these goods are made with inferior quality, and the average consumer may be misled to believe that they are in fact branded products—resulting in those brands receiving a bad reputation and losing their financial gains. Original companies invest substantially in resources, research and development, manufacturing, distribution and marketing of their products in order to secure their reputation in the

market; but counterfeiters benefit from their intellectual property without making such investments. Countries have therefore implemented legal frameworks and international agreements in order to combat counterfeiting and protect intellectual property rights.

Even Sri Lanka has taken several legal actions to combat counterfeits based on the Intellectual Property Act of Sri Lanka (Act No 36 of 2003). As a member of the WTO, Sri Lanka is bound by the provisions of the Trade-related Aspects of Intellectual Property Rights (TRIPS) Agreement. This Act incorporates various provisions and regulations that align with the requirements of the TRIPS Agreement.

The TRIPs Agreement defines counterfeiting and piracy as follows:

For the purpose of this Agreement:

- a) *“Counterfeit trademark goods” shall mean any goods, including packaging, bearing without authorization a trademark which is identical to the trademark validly registered in respect of such goods, or which cannot be distinguished in its essential aspects from such a trademark, and which thereby infringes the rights of the owner of the trademark in question under the law of the country of importation*
- b) *“pirated copyright goods” shall mean any goods which are copies made without the consent of the right holder or person duly authorized by the right holder in the country of production and which are made directly or indirectly from an article where the making of that copy would have constituted an infringement of a copyright or a related right under the law of the country of importation.*

## **Actions against counterfeits in Sri Lanka**

The Sri Lankan Intellectual Property Act (Act No. 36 of 2003) grants powers to the Director General of Customs-Sri Lanka to combat counterfeiting at the borders. Section 207 of the Intellectual Property Act introduced new sections to the Customs Ordinance of Sri Lanka, namely 125A and 125B. These additions are specifically designed to address infringements of intellectual property rights at the country's borders.

The newly added sections of the Customs Ordinance empower customs authorities to exercise control over the importation and exportation of counterfeit or pirated goods, and other goods that are listed as prohibited. This includes those that infringe on intellectual property rights. The amendments provide legal provisions to regulate the entry and exit of such goods at the borders. Additionally, the act establishes procedures for the disposal of these prohibited goods outside regular channels of commerce. If such disposal would potentially harm the interests of the rights holder, the act also allows for the destruction of such goods.

To enhance the enforcement of provisions related to the importation and exportation of goods under the Intellectual Property Act, the Consumer Protection Unit (CPU) has established the Intellectual Property Rights Enforcement Unit (IPREU). The main objective of IPREU is to strengthen the enforcement activities of Sri Lanka Customs in combating counterfeiting and piracy. By focusing on intellectual property rights, IPREU aims to ensure a safer society by protecting against the negative impacts of coun-

terfeit and pirated goods. This unit works in collaboration with the CPU to enhance customs' efforts in enforcing the Intellectual Property Act, and safeguarding the rights of intellectual property owners.

The Intellectual Property Rights Enforcement Unit (IPREU) within the Consumer Protection Unit (CPU) is responsible for maintaining records regarding the details of intellectual property rights (IPR) holders and their representatives in Sri Lanka. This information is disseminated to customs officers at the border, equipping them with the necessary knowledge to effectively enforce IPR laws. In order to ensure efficient coordination and enforcement, right holders and their authorized representatives are required to register themselves with the CPU and provide the relevant documents. It is imperative that all other units of Sri Lanka Customs collaborate and coordinate with the CPU whenever they identify a case of IPR violation. This type of coordinated approach facilitates streamlined enforcement efforts, and strengthens the protection of intellectual property rights in Sri Lanka.

## **Suggestions for Counterfeit Control in Sri Lanka**

Considering the IPR enforcement system in several jurisdictions, the following suggestions were made in order to strengthen prevention of counterfeit goods in Sri Lanka, and protect the rights of intellectual property owners while creating a safer and more secure marketplace for consumers.

**Strengthen Legislative Framework:** Continuously review and update existing intellectual property laws to ensure that they are robust and aligned with international standards. Implement stricter penalties for counterfeiting offenses to act as a deterrent.

**Enhance Customs Cooperation:** Foster closer collaboration between Sri Lanka Customs and intellectual property rights holders to facilitate information sharing, intelligence gathering, and enforcement actions at the borders.

**Training and Capacity Building:** Provide specialized training programs for customs officers and law enforcement agencies on counterfeit detection, identification, and investigation techniques. Enhance their capacity to effectively recognize and combat counterfeits.

**Intellectual Property Rights Awareness:** Conduct targeted awareness campaigns to educate the public, businesses, and consumers about the negative impacts of counterfeits, and the importance of respecting intellectual property rights.

**Strengthen Cross-Agency Collaboration:** Foster stronger collaboration between law enforcement agencies, customs authorities, and relevant government departments to exchange information, intelligence, and resources for comprehensive counterfeit enforcement.

**Improve Information Sharing:** Establish a centralized database or platform to share information and intelligence on counterfeiting activities among stakeholders, including rights holders, law enforcement agencies and customs authorities.



**Technology Adoption:** Embrace advanced technologies such as blockchain, track-and-trace systems, and authentication technologies to enhance supply chain visibility, and enable effective identification and tracking of counterfeit goods.

**International Cooperation:** Strengthen collaborations with international organizations, such as INTERPOL and the World Customs Organization, to access global databases, share best practices, and receive training and support in combating counterfeiting.

**Public-Private Partnerships:** Foster partnerships between government agencies, rights holders, industry associations, and consumer groups to jointly address counterfeiting issues through information sharing, joint operations, and public awareness campaigns.

**Strict Enforcement and Prosecution:** Ensure swift and effective enforcement actions against counterfeiters through means including thorough investigations, seizure of counterfeit goods, and prosecution of offenders in order to deter counterfeiting activities.



Photo credit: Source: SL- Customs  
<https://www.customs.gov.lk/the-seizures-action-ipr-1-asia-pacific/>

# University Innovation Hubs Stimulate Industry Collaboration and Technology Transfer

**Dr. Emmanuel Temiotan OGBOMIDA (Zambia)**

Director  
Research, Innovation, and Consultancy  
The Copperbelt University, Zambia  
  
Associate Professor  
Ecotoxicology and Environmental Forensics  
Hokkaido University, Japan



*JPO/IPR Training Course on Academia-Industry Collaboration and Technology Transfer  
(August 3 – August 30, 2022)*



## 1. Introduction.

Universities worldwide are recognized as primary sources of knowledge creation, innovation, and technological advancement within society. Paradoxically, the environment in which African universities operate in order to cultivate and nourish their intelligentsia has been fraught with high levels of uncertainty and complexity. African universities are severely underdeveloped due to chronic deep-seated financial crises resulting in underfunding, as well as inadequate research facilities for research and development (R&D). Consequently, African universities have not had to think like businesses to create a robust R&D ecosystem.

During the last few decades, African universities have been forced to rethink how they can operate as businesses, align degree programs with the regional market, lean into the relevant opportunities for research and innovation, collaborate with external partners across disciplines, and position themselves as valuable resources in an economy that is now more enabled by technology than ever before. Recognizing these facts, the Copperbelt University Directorate of Research (CBU-DoR) purposely leveraged key faculty members' experience in the areas of research and training in order to establish an Innovation Hub (IH) that aligns with the university's mission of providing flexible, innovative, entrepreneurial and inclusive programs for the purposes of teaching, learning, research, and service toward enhanced global visibility.

The Copperbelt University (CBU) Innovation Hub presents a compelling platform to harness capability and stimulate entrepreneurial thinking among scientists. The Hub provides a vital environment for knowledge exchange and technology transfer, which serves to both catalyze creativity and accelerate innovation. It also offers a natural fit for research partnerships with local businesses and industry to develop commercial solutions. The hub provides a broad base of experts to uncover innovations, and to

provide an effective vehicle for shaping the dynamics of go-to-market solutions. This enthralling feature of the innovation hub promotes the exchange of ideas, co-creation, and start-up development by providing a learning environment that bridges the gap between academic and industrial research practices. In addition, it enables people to meet in-person for shared idea creation between university and industry experts. While research and industry collaboration are critical, this must be supported by an entire innovation ecosystem that includes research and research output, business incubation and acceleration capacity, an angel and venture capital environment, and a framework for the setup and development of start-up, spin-off and aligned businesses.

## **2. Innovation Hubs: The African Perspective**

In recent times, innovation has become fundamental for the economic growth of developed countries. Innovation serves as an epicenter of activity for job creation, and has also increased competitiveness, supported sustainable development, and improved the standard of living for citizens. Numerous revolutionary innovations today began their journey in the research laboratories of universities or research organizations. Globally, university-led innovation hubs have become the norm—but not in Africa. Geographical proximity and collaboration between innovation hubs and universities in Africa are not common. Many so-called innovation hubs in African universities are in fact Entrepreneurship Centres, which are established to teach students the basic aspects and skills of entrepreneurship. These centres, however, hardly involve the teaching of innovation processes or the development of “new ideas.” They also do not have significant collaborations with universities to develop ideas and process product designs; and nor do they engage in in-house trainings. Many hubs and incubators for start-ups and entrepreneurs are also set up away from universities in commercial cities.

As a result, African universities have been urged to become more accountable to the wider public, and to contribute directly to local, regional, and national economic development by taking on a range of “third mission” activities such as the incubation of start-up firms, knowledge commercialization, development of knowledge transfer partnerships, and provision of entrepreneurship courses. Innovation hubs have become increasingly prominent tools for promoting entrepreneurship, and are emerging as the best solution to help universities, entrepreneurs, researchers, and students transform their creative ideas into viable commercial ventures. It is estimated that there are about 643 Innovation Hubs scattered all over Africa's major cities, which play a pivotal role in business. However, a very limited number of these hubs are located within universities.. Therefore, African universities have witnessed a paradigm shift from teaching to a pre-focused approach toward economic growth in terms of research, innovation, and entrepreneurship. Startups seek proximity to academics and research in order to access their energy, ideas, connections, mentorship, shared equipment, administrative support, access to capital resources, and meeting spaces.

## **3. The Path to an Entrepreneurial University**

Academic entrepreneurship, university spin-offs and student entrepreneurship are important channels for innovation. While incubators and accelerators are quintessential in Western academic contexts, universities in Africa lag in the preparation of future-ready business leaders. African universities have realized, however, that innovation hubs are launchpads for stimulating entrepreneurial thinking, and for the diffusion of knowledge assets among faculty and students. Hubs also serve to drive continual

upskilling and reskilling efforts for innovation and entrepreneurial creativity. The Fourth Industrial Revolution (4IR) demands a fresh, skills-based approach to talent pipelines in order to create new opportunities for entrepreneurship.

One of the most discernible initiatives of the DoR to fast-track CBU to become an entrepreneurial university was the establishment of the Innovation Hub motivated by challenge-driven R&D activities, entrepreneurial infrastructure, patentable inventions, and the ability to connect to industries. Copperbelt University has the mandate to commercialize its academic research, and to help its spinoffs grow into successful businesses. The Innovation Hub creates this pathway for university spinoffs and entrepreneurship, and provides “living labs” for faculty academics, as well as entrepreneurial exposure and opportunities for students. Commercialization of CBU innovation would generate employment and economic value, demonstrating the impact of teaching and research. The emerging perspectives of CBU as an entrepreneurial university within the knowledge economy have been considered an instrument for innovation and development that acts as an elixir for the co-creation approach, which integrates research with an innovation paradigm in order to offer student entrepreneurs the best startup hubs.

#### **4. Innovation Hub and Industry Collaborations**

There has been a serious disconnect in Zambia between the private sector and academia, wherein universities are unable to fulfill their limitless potential as a result of poor collaboration. Therefore, developing new vehicles to facilitate university-industry partnerships is a critical requirement within the present knowledge economy. The collaborative process between universities and industry is more than simply working together. Rather, it means the ability to think together and act on complex projects. Universities have remained a perfect breeding ground for connections and networking, serving as innovation drivers by transferring technology to local industry while also stimulating the development of new businesses.

In order to have a solid and efficient university-industry collaboration (UIC), matters of intellectual property (IP) ownership are of special importance. These are regarded as among the most powerful instruments available when developing UIC. Intellectual property policy is the cornerstone of innovation and creativity for universities and public research institutions, since it provides structure, predictability and a framework for collaboration. Allowing universities the rights to their IP derived from publicly-financed research—along with opportunities to commercialize the results—would accelerate the transformation of inventions into industrial processes and products, while also serving to strengthen collaborative ties among industries.

Innovation hubs help innovators connect more easily with researchers, thereby shortening the time to develop prototype to market. They also create an opportunity for faculty to connect with business leaders, giving them insights into the employees and skills that businesses need in today’s workforce. The physical spaces that bring multiple partners into collaboration create an environment that fosters creative thinking, and also encourages interdisciplinary approaches to solving problems. Universities can thereby understand changes in industry trends and emergent needs; innovators can connect with researchers in a variety of disciplines; and industry leaders can tap into the skillsets of students and graduates—identifying talent and valuable products that can bring revenues back to a university.

The DoR is now uniquely reshaping how Copperbelt University is fostering innovation growth in a way that leverages faculties in research commercialization. As a campus-wide liaison, the DoR is creating partnerships with public universities and industries in order to improve the university's ability to move

inventions out of the laboratory and into the market. The DoR imbues faculties with fresh thinking on how to build businesses, as well as how to access networks of founder and funder talent entrepreneurs in order to turn research into startups.

## **5. CBU-UNDP Accelerator Lab Partnership**

The partnership between the DoR and the UNDP (United Nations Development Programme) Accelerator Lab is rooted in the University's four main pillars of academia, research, industry/entrepreneurship, and community service. This collaboration provides highly valuable opportunities for researchers—as well as professionals working in microbusinesses and small and medium enterprises—to support youth-led tech start-ups in order to develop working prototypes through sense-making, exploration, and experimentation of solutions for sustainable development.

The Accelerator Lab partnership was established to assist students with their startup ideas, providing them with technical support to develop their prototypes. The partnership gave birth to the establishment of the University Pod (UniPod) under the UNDP Timbuktoo initiative, which is to grow and nurture Africa's innovative youth startups that are being promoted by the UNDP Regional Bureau for Africa and the UNDP African Influencers for Development (AI4D). Since applied skills, entrepreneurship, creativity, and innovation are in high demand, and many youths need opportunities for exposure and practice, the UNDP secured resources to create a UniPod at CBU. The UniPod is a physical space wherein would-be innovators among the university's students and faculty populations across all disciplines, as well as community members outside Copperbelt University, can collaborate and work together to explore their innate talent in order to find solutions to problems, irrespective of their academic backgrounds. The UniPod project is thereby intended to enhance innovation and accelerate learning for students and talented youth at Copperbelt University to be able to address community challenges through practice.

The UNDP Accelerator Lab has already mobilized over \$900,000 USD in funding, as CBU is expected to leverage its existing strategic partnership with the Government of India to mobilize an additional one million U.S. dollars for the incubation and launching of innovations during the coming years. Additionally, this innovation pathway will facilitate the direct access of young women innovators to the annual National Innovation Initiative (NII) in order to access funding of about one million Zambian Kwacha per year.

## **Innovation Hub and Technology Transfer**

Technology transfer is the process through which basic scientific discoveries and inventions are developed and transformed into practical and commercially relevant innovations that reach the market and benefit society. Technology transfer bridges the gap between research and innovation, known as the technological 'valley of death', where early-stage inventions often fail. The DoR, in collaboration with the Patents and Companies Registration Agency (PACRA), established a Technology and Innovation Support Center (TISC) under the Technology Management Office (TMO) to help facilitate the effective use of patent information and scientific and technical literature, as well as to provide search tools and databases to boost IP capacity. The TISC provides a diverse range of technology and innovation support services including access to patent and non-patent databases, networking, exchange of experiences, support for patent filing and drafting, and increasing IP awareness in order to generate economic and social benefits based on university research results.

The Innovation Hub is effective in the area of technology transfer, allowing scientific findings, knowl-



edge, and intellectual property to flow from a broad array of research and innovation fields toward public and private users. It takes a proactive role in the innovation process to promote commercialization and the utilization of technologies, as well as to convert discoveries from inventions, research and scientific outcomes into new products and services.

## **6. Conclusion**

Copperbelt University is experiencing an increased demand for R&D collaborations from both the private and public sectors, and its Innovation Hub has remained a veritable substrate for galvanizing industry collaboration and technology transfer. Various critical success factors are at play, including those of new knowledge and skills, development, exploitation of new technologies, and understanding with regard to how technology and society interact.

The partnership between the UNDP Accelerator Lab and the DoR has served to catalyze the establishment of the innovation Hub at CBU, with university-industry interactions serving as a vitally important factor in order to develop new ideas, models, methods and prototypes.



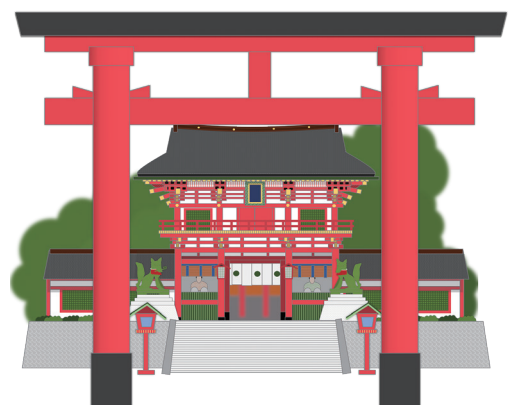
## Get to Know your IP Friends



Based on the articles from our writers, many trainees visit Asakusa, Shibuya and Akihabara while in Japan. Some of the trainees this year even climbed Mt. Fuji. Another option I recommend is to go on a tour, as they can offer unique and memorable experiences. With this in mind, we asked the writers the following question:

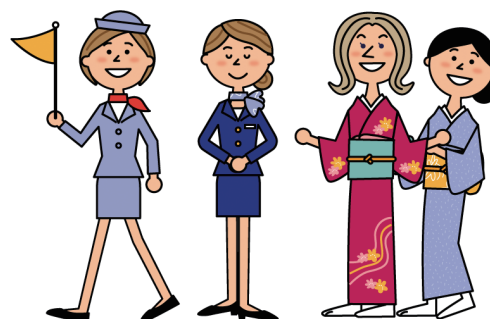
**Q: What Japanese culture-based sightseeing/experience tour would you be interested in?**

- I would like to visit historical places, like castles and shrines, in Japan. Historical places give me goosebumps. I also like “Bonsai” and Japanese cuisine. (*Bangladesh*)
- Traditional ceremonies, like tea ceremonies; visiting temples and shrines; walking and trekking shrines through parks; visiting museums and cultural centers, also those related to Japanese martial arts; visiting stores selling Japanese pop culture items, like anime, manga, tokusatsu and videogames; and visiting stores selling traditional Japanese craft-work. (*Brazil*)
- First of all, I would like to visit Japan in spring, to see the cherry blossoms. Then, I believe it would be nice to visit the Hiroshima Peace Memorial on the 6th of August, to feel the atmosphere that surrounds that place. Another awe-inspiring experience must be walking through the 4-kilometer tunnel of 10,000 portals of the iconic Fushimi Inari Taisha Shrine, taking the time to learn about the history, revolu-



tions and disputes that the torii have witnessed over the centuries. Finally, I think it would be great to be able to relax in an onsen. *(Brazil)*

- I would like to visit more temples, see Mt. Fuji, and go to the countryside, which usually has a beautiful landscape. *(Brazil)*
- Zen Meditation: Meditation is a highly revered skill. When visiting Japan, it would be great if more opportunities at Zen meditation centers are accessible to tourists. *(India)*
- I would choose to participate in Zen meditation or take a Taiko class. *(Kenya)*
- I would love to try to make Japanese confectionery. This is based on videos I have seen on the internet of the Nakatanidou Mochi shop. *(Kenya)*
- I would like to experience harvesting premium fruits such as Ruby Roman Grapes, Fuji Apples or peaches. *(Malaysia)*
- Tours that are unusual, for example hiking Mt. Fuji, walking through the Bamboo Forest or visiting an Ainu village. *(Mexico)*
- I love bathing in an onsen. It was a great experience as a first timer to visit an onsen where I saw tradition and modern culture mix to create an unforgettable experience for tourists. This wonderful experience where tradition is infused into modern culture can only be found in Japan. *(Nigeria)*
- A Kabuki performance seems very interesting to me. In addition to the play, I would like to see the backstage area to learn more about the makeup and costumes. Similarly, Nihon Buyo seems very attractive; I wish to experience these vibrant dresses and maybe perform dance movements with the artists, though I am a terrible dancer! Moreover, I would like to learn about the historical background of these Japanese cultural performances. Nowadays, Sushi is getting very popular outside Japan. I wish I could learn the true, authentic way of preparing Sushi. *(Pakistan)*
- I would love to enjoy: Sado (tea ceremony), kado (flower arrangement), a Nihon buyo experience, and a Japanese calligraphy experience *(Pakistan)*



- I have been to Japan and one of the most enjoyable culture-based sightseeing/experience tours I have joined is the “tea-making ceremony”. This immersive activity allowed me to learn about the art of tea preparation and the deep cultural significance it holds in Japan. I was able to enjoy the tea-making process and savor the flavors of finely crafted matcha tea while being guided by a knowledgeable tea master. I would also like to experience more of the tours in Japan’s old villages, where I will be able to see the traditional houses and learn more about the traditional practices of old Japanese communities.

(Philippines)

- \* Japanese tea ceremony
- \* Geisha performance (Sri Lanka)
- \* Staying in a traditional ryokan
- \* Sado Tea Ceremony
- \* Shukubo temple experience (Sri Lanka)

- Since we were in Japan for education, we could not visit many beautiful and important touristic and historical places of your country, except Tokyo. For this reason, I would love to see the beautiful and historical places in Kyoto, Hiroshima, Osaka and Nara, together with the tours given in the trainings. (Turkey)

- Japan has truly fascinated me with its beauty and culture. Being able to see only Tokyo in Japan arouses my great curiosity in terms of other beautiful and important places in your country. In your country, even in Tokyo, I was not able to see many places so, I would like to see places such as Kyoto, Osaka, Hiroshima, Nikko, Okinawa and Hakone. (Turkey)



## Message from Lecturer

### Anti-counterfeiting measures (watching) in Japan and my thoughts on this training program

**Mr. TSUTSUMI Takayuki**

Secretary General, Executive Director  
Union des Fabricants (Tokyo)



The Union des Fabricants (Tokyo) is a Japanese rights holders' organization based on the French organization of the same name. Our main activities are cooperating with the police and customs authorities to eliminate counterfeit products, as well as to engage in lobbying. We are also working with Japanese platformers to clean up the Internet market.

In 2023, for example, the Union provided support for 159 criminal cases, and also contacted C-to-C sites such as flea market apps asking for counterfeit goods to be removed in a total of 719,883 cases, following requests to this effect from rights holders.

We believe that Japan's anti-counterfeiting measures should be recognized as a systematically functioning, coordinated effort by the relevant agencies.

Police in Japan handle around 200 cases each year, while Customs officials stop around 800,000 to one million counterfeit goods at the border, and Internet platformers remove 600,000 to 900,000 listings. It should be noted that in most of these cases, a system has been established wherein all involved parties work together—thereby reducing the amount of time and effort required.

For example, when customs officials find counterfeit goods and decide to take action, they notify the importer and the rights holder. If the importer does not issue any opinion (objection), the goods are confiscated as is, and the action is terminated. If the importer does issue an opinion, however, the rights holder must in turn prepare an opinion (from an expert, for example). And since they are able to send a photo of the counterfeit product by email, there is little or no need to go to the customs office even in such cases. Requests for removal from Internet platforms are of course also made electronically, and in



the quickest cases, removal is carried out within about 10 minutes from the time of notification.

Of course, while Japan is still inferior or behind in some things compared to other countries, those in Japan can be proud of the fact that they have created a system which allows each of the involved parties to work hard while cooperating together. The reason for Japan's success is not because it is a country composed almost entirely of a single ethnic group, or other such reasons. Rather, it is my understanding that this has occurred precisely because all involved parties share the recognition that counterfeit products are a social evil.

I have no intention of saying that the Japanese system is better, and I believe that there are countries where the system adopted in Japan would not fit their local situation. However, I also believe that any society can come together under the slogan “counterfeit products are a social evil,” and that the construction of suitable systems can be further advanced in each country in order to eliminate counterfeit products.

While being involved in this training, I have felt participants' enthusiasm to improve the current situation. We would be grateful if you would also share in our understanding of the slogan “counterfeit products are a social evil” in order to further advance these efforts.

Unfortunately, counterfeit products will not disappear from the face of the earth. Rather, as the world becomes smaller along with the development of the Internet, the influx of counterfeit products manufactured and sold in other countries is being facilitated more easily. The efficient and rapid elimination of counterfeit products is now required, along with more international cooperation than ever. We therefore hope to continue working together in order to eliminate counterfeit products to the greatest extent possible.



A lecture on “Anti-Counterfeit Measures (“Watching”)” on October 24, 2022  
(FY2022 JPO/IPR Training Course on Anti-Counterfeiting Measures for Practitioners)



## Wagashi (Japanese sweets)

**Mr. OGIYA Takao**

Director General of APIC



APIC has sweets day once a month, where all of the staff members eat cake and ice cream together. But when the seasons change, I have an irresistible craving for *wagashi*.

*Wagashi* are attractive because of their light, gentle sweetness. They are also lower in calories and richer in dietary fiber than western sweets, with little to no animal fat used. Adzuki beans, which are often used in *wagashi*, contain many ingredients that help inhibit carcinogenesis and prevent aging. In other words, *wagashi* is also an excellent health food.

That is not the only reason why I prefer *wagashi*, however. *Wagashi* also seems to express the spirit of the Japanese people, which has been nurtured over many years by Japan's climate, weather, and history. Therefore, when we eat *wagashi*, we also taste the beloved traditions and unique culture of Japan, which creates a sense of satisfaction deep inside of us.

Ancient Japanese people did not have enough food, so when they felt hungry, they foraged and ate nuts such as chestnuts, and fruits such as persimmons. At that time, the sweet taste of fruits and other foods would have been considered a special blessing from heaven. Eventually, they began to dry or grind these foods into powder for preservation, and processing them through methods such as rinsing them in water to remove the foam, heating them, etc.

Steaming techniques became widespread along with the cultivation of rice, which was processed to make *mochi* (rice cakes) that were prepared for the gods in hopes of a bountiful harvest. Eventually, *mochi* also began to be eaten on special occasions and at seasonal festivals.

Tea was introduced from the Chinese mainland during the Heian period (9th century A.D.), and the custom of tea drinking spread during the Kamakura period (late 12th century). This led to the establishment of a cultural model called *chanoyu* (Japanese tea ceremony) in the Muromachi period, where light meals were eaten that in turn led to the development of *wagashi*.

In the Edo period, when war ended and peace prevailed, feudal lords began to enjoy the tea ceremony

even more. Sugar imports from abroad also increased, and domestic sugar production encouraged, thereby leading to the spread of sugar. These circumstances led to the emergence of various types of sweet confections, and *wagashi* became more and more characterized as a sweet-tasting delicacy. In addition, Kyoto confectioners were invited to Edo, which was a major consumption center, and the shogunate and local feudal lords who were enthusiastic about the tea ceremony began to taste Kyoto's *wagashi*. Some of the feudal lords brought confectioners from Kyoto back to their territories, where they encouraged the creation of local specialties such as Japanese confectionery for the purpose of local development. These specialties were brought as offerings to the shogunate during the feudal lords' alternating period of residence in Edo, and the reputation of *wagashi* spread accordingly. In this way, *wagashi* became popular among the common people, and continued developing rapidly.

*Wagashi* has thereby developed with ingenuity in various parts of the country, incorporating a wide variety of ingredients and developing manufacturing and processing methods to produce high-quality, beautifully shaped sweets.

The ingredients used include beans such as adzuki and kidney; grains such as rice, wheat, and buckwheat; potatoes such as sweet potatoes; fruits such as persimmons, chestnuts, mandarins, and plums; nuts such as walnuts and horse chestnuts; agar made by freezing and drying the cooking juice of seaweed such as gelidiaceae; seeds such as sesame and poppy; roots such as ginger and burdock; *sake koji* (*Aspergillus oryzae*), and so on.

Although there are a wide variety of production methods, making it difficult to clearly classify them, here are some examples showing the broad classifications of ingredients and methods, along with the common *wagashi* types that are created by using them:

- (1) Made using mochi: *kashiwa mochi*, *dango*, *ohagi*, *daifuku*, etc.



*Kashiwa mochi*  
(rice cakes wrapped in oak leaves)



*Dango*  
(rice cake dumplings)

- (2) Made by steaming: *kuri mushi yokan*, *Manju*, etc.



*Kuri mushi yokan*  
(sweet bean jelly with chestnuts)



*Manju*  
(Steamed buns)



- (3) Made by baking: *dorayaki*, *castella cake*, *kuri manju*, *sakura mochi*, etc.



*Dorayaki*

(two slices of castella cake with red bean jam in between)



*Castella cake*

- (4) Made by pouring a liquid substance into a mold: *yokan*, *mizuyokan*, etc.

- (5) Made by hardening powder in a mold: *rakugan*, etc.



*Yokan*

(sweet bean jelly)



*Rakugan*

(a hard, dainty sweet made of soybean and rice flour mixed with sugar)

- (6) Made by shaping red bean paste: *nerikiri*, etc.

- (7) A combination of these techniques: *monaka*, etc.



*Nerikiri*

(kneaded dumplings)



*Monaka*

(wafer biscuit filled with bean jam)

*Wagashi* are characterized by their sense of seasonality; a good example of this is *kudzu manju*. Summers in Japan are extremely hot, and it is during this season that *wagashi* are made with *kudzu*, which is a legume that becomes like a transparent rice cake when the starch from its roots is dissolved in water and kneaded. When the *koshi-an* (adzuki bean paste) is folded inside, its translucent texture is reminiscent of water—thereby making it seem cool to the eye. The coolness of the air is felt from its appearance and atmosphere, which is an example of the type of spiritual tastes that Japanese people have cherished since ancient times.



*Kudzu manju*

*Nerikiri* is another type of Japanese confectionery that expresses the seasons. It is made by adding sugar, *gyuuhi* (a type of sweet made from rice flour), and yams to white bean paste, kneading well, and then adding food coloring. The mixture is then pressed into wooden molds carved with various shapes, or formed using either one's fingertips or a spatula. Even when the same materials are used, then, the beauty of each of the individual four seasons can be expressed through the use of varying shapes and colors.



*Nerikiri* representing the four seasons

Recently, some people have begun to enjoy taking on the challenge of making *nerikiri*. Each of these has its own special name, called *kamei*. Many are named after *tanka* or *haiku* poetry, as well as flowers, birds, wind, and local history or places of interest. By eating *wagashi*, you can imagine such scenes while feeling the old culture and traditions. This is also a good indication of the spirituality of the Japanese people.





*Kochi*

The following was taken from a poem by Sugawara no Michizane when he was exiled to Dazaifu:

“When the east wind blows, let it send me your fragrance. Oh, plum blossoms, although your master is gone, do not forget the spring.”



*Tobiume*

The name comes from Sugawara no Michizane. It was derived from an anecdote about a plum blossom tree in a Kyoto mansion that flew to Dazaifu and bloomed.



*Tatsuta*

A nerikiri in the shape of a maple leaf. The name was taken from The Tatsuta River in the northwestern part of Nara Prefecture, which is famous for its autumn foliage, as the river is mentioned in many poems.



*Hatsuchigiri*

A nerikiri shaped like a persimmon. The name was derived from a poem by mid-Edo period haiku poet, Kaga no Chiyo-jo. It is loosely translated as, “Are they bitter? I do not know, but - well, the first take of a persimmon (*Hatsu-Chigiri*).”

As I mentioned in my previous article on Japanese food, Japan has four distinct seasons, and the Japanese people place great importance on a sense of seasonality as they take care to let people experience the four seasons through their food. There are many *wagashi* stores in Japan, and I am fascinated by the variety and sensitivity of this traditional Japanese confectionery, which are constantly changing in order to express the colors and beauty of the shifting seasons.

I am writing this article in mid-September. The summer heat wave is finally coming to an end, and the time at which the sun sets is clearly getting earlier. Crickets and bell crickets can be heard in the evenings, and the cool breeze is pleasant at night. From now on, nature will gradually change toward autumn, and beautiful Japan will be revealed.

Oh, delicious *wagashi*! I can feel the cravings beginning.

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Source 3: Ministry of Agriculture, Forestry and Fisheries Web site

[https://www.maff.go.jp/j/pr/aff/2002/spe2\\_01.html](https://www.maff.go.jp/j/pr/aff/2002/spe2_01.html)

[https://www.maff.go.jp/j/pr/aff/2002/spe2\\_02.html](https://www.maff.go.jp/j/pr/aff/2002/spe2_02.html)

Source 4: Japan Wagashi Association Web site

<https://www.wagashi.or.jp/monogatari/ajiwai/kisetsu/>

## 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.

### Hibiya Park (Chiyoda Ward, Tokyo)

In this issue, we would like to introduce Hibiya Park, which is a short walk from Kasumigaseki where the JPO is located.



We visited Hibiya Park on a weekday in late July, which was mid-summer when the temperature reaches 30 degrees Celsius even in the morning. Fortunately, it only takes about 10 minutes to reach the park on foot, passing between buildings in the government office district of Kasumigaseki. Alternatively, you can get off at Hibiya Station, one stop from Kasumigaseki Station on the Tokyo Metro Chiyoda Line, which brings you right next to the park.



The area where Hibiya Park is located was home to a feudal lord's mansion around 200 years ago and was used as an army training camp around 150 years ago. Later, during city planning, a modern park befitting the capital city of Tokyo was strongly desired, and Japan's first "Western-style" park was created in 1903. While boldly incorporating Western culture, the park also skillfully weaves in Japanese elements.

Today, it is an oasis of rest and relaxation for nearby office workers during lunchtime on weekdays. Occasionally, major events are held here, attracting many visitors. There is also an outdoor music hall, a library, and tennis courts. It is a lush and spacious haven in the middle of a busy city.

Here are some of the main highlights:

### Seagull Field

Walking from Kasumigaseki to the park, you will reach Seagull Field first. This plaza is equipped with a fountain incorporating in its design the Black-headed Gull, the bird of the Tokyo Metropolitan Government. Flower beds are spread out around the fountain. In spring, it is surrounded by cherry blossoms.



### Hibiya Public Hall



Opened in 1923, the Public Hall seats approximately 2,000 people. The building has been out of use since April 2016 to begin major renovation work required due to aging and for shoring up earthquake resistance.

Hibiya Public Hall has been the center of Tokyo's arts and culture, hosting numerous performances and events by renowned performers from Japan and abroad.

## Second Flower Garden

Various flowers bloom in this garden each season. On this day, roses and rose of Sharon were in bloom. Sometimes large-scale events are held here. Once upon a time, it was used as a playground and as a stage for sports and various national events. Tokyo Midtown Hibiya, the Imperial Hotel, and other buildings can be seen beyond the flowerbeds.



## Large Fountain

This is the symbol of Hibiya Park. It operates from 8:00 a.m. to 9:00 p.m. daily (except for on scheduled cleaning days and special days). You can enjoy 24 spray patterns in a 28-minute cycle. The main fountain jets water up to 12 meters high and is illuminated at night. Unfortunately, as the day of our visit was a cleaning day, we were unable to see the fountain in action.

## Kubikake Ginkgo Tree



This impressive tree is estimated to be around 400-500 years old and has a trunk circumference of 7 meters. Originally located near the Hibiya intersection, it was to be cut down as part of road expansion plans before Dr. Seiroku Honda, the main designer of the park, said he would risk his career to save it. He successfully persuaded the authorities to transplant it, thus giving it the name “Kubikake” (meaning “to put your neck on the line”). It took 25 days to move the tree approximately 450 meters in 1902. On the day of our visit, it was a beautiful lush green, but it turns a brilliant yellow in the fall. The building behind the tree is the famous Western-style restaurant Matsumoto, which has been in business since the park was established in 1903.



## Old Hibiya Park Office

This German bungalow-style building was completed in 1910 as the park's administrative office. The interior was remodeled and has been used as a park museum since 1976. It was designated as a Tangible Cultural Property by the Tokyo Metropolitan Government in 1990.



## Pelican Fountain and First Flower Garden



This Western-style flowerbed still retains the appearance it had when the park was first opened. Although no longer rare today, the planted Western flowers, such as tulips, pansies, and roses, were welcomed with amazement by the people of the time.

## Hibiya Mitsuke Remains and Shinji-ike Pond



These remains are part of Hibiya Mitsuke, one of the gates (*mitsuke*) used to guard Edo Castle. This stone wall was built in the early Edo period (around 1600). Shinji-ike Pond makes up part of the moat. The design skillfully utilizes the remaining stone walls and moat to create the unique charm of Hibiya Park.

You can climb up the stone wall and look down on the pond. On this day, a heron flew in front of us (although we couldn't capture it in the photo).

There are many other attractions as well. With many flower beds, visitors can enjoy a variety of flowers and trees each season.

Why not take a short walk from Kasumigaseki, where the JPO is located, to the spacious and green Hibiya Park to refresh, before heading towards Ginza or the Imperial Palace Park nearby? It was a hot summer day when we visited, but there were many trees providing shade where we could cool off and rest.



"We are the haniwa of Hibiya Park. Haniwa are unglazed earthenware unique to Japan during the Kofun period (mid-3rd century to 7th century). We were donated by our sister park."

"Memorial objects like us can be found in various locations throughout the park. Please come find us in the park."



### ■ Hibiya Park

**Address:** 1-6 Hibiya Koen, Chiyoda-ku, Tokyo (Location of office)

<https://www.tokyo-park.or.jp/park/format/index037.html>

(Tokyo Metropolitan Park Association Website)

**Admission:** Free of charge (Some facilities charge a fee.)

**Access:**

- 2-minute walk from Kasumigaseki Station, Tokyo Metro Marunouchi Subway Line and Chiyoda Subway Line (Exit B2)
- 2-minute walk from Hibiya Station, Tokyo Metro Hibiya Subway Line, Chiyoda Subway Line and Mita Subway Line (Exit A10 and A14)
- 5-minute walk from Sakuradamon Station, Tokyo Metro Yurakucho Subway Line (Exit 5)
- 8-minute walk from Yurakucho Station, JR Yamanote Line

### ■ Map (English)

[https://www.tokyo-park.or.jp/map/hibiya\\_eng.pdf](https://www.tokyo-park.or.jp/map/hibiya_eng.pdf)

## Editor's Note



Hi, this is KEN. There are many vending machines in Japan, but what you may not know is that we also have many unmanned vending stands. When I was a child, there was an unmanned vegetable stand near my house. The system was that the harvested vegetables were placed in bags, and those who wanted them could take them freely and put their money in the box next to it. There were not many pedestrians, and of course no surveillance cameras, so even as a child I wondered if it was safe. It operated for many years, however, and there didn't seem to be problems. What would people have done if the items purchased there had been damaged, however? I assume that this was not an issue, since the prices were so low that it would not have mattered.

During the COVID-19 pandemic, I heard that the number of unmanned sales offices increased in order to avoid face-to-face contact—but that this also led to an increasing number of problems, such as people taking items without paying for them. Looking back on the unmanned vegetable stand of my childhood, then, I felt a touch of nostalgic sadness.



Hi, I'm Ayako. Following a hiatus after issuing the third edition of Enishi, I'm back to being in charge of the magazine. This time, the editorial team visited Hibiya Park for the article in this issue. I had visited Hibiya Park many times before, but when I took my time to explore the park, it was interesting to make new discoveries I hadn't paid attention to in the past. The day we visited was a very hot day in the middle of summer as shown in the photos in the article. However, you may see a different scene when you visit because the flowers and trees in the park change according to the season.



More and more tourists are coming to Japan to experience the local culture and less so for tourist attractions.

Have you ever seen plastic food models? They are exact replicas of the dishes on a restaurant menu and are decorated for the purpose of enticing diners into restaurants in Japan. The exquisite detail stimulates our appetite and lead us into restaurants. For example, sushi restaurants have models of nigiri sushi and kappa maki in their store window displays, and soba/udon noodle restaurants put models of their noodle dishes, topped with battered and deep-fried tempura, in their storefronts. Japan is the only place that has this unique custom, which shows strength in elaborate craftsmanship.

You can experience how to make these food replicas in Tokyo and, with the guidance of instructors, even beginners can give it a try. You can take the finished pieces home with you, making it a one-of-a-kind souvenir you can't get anywhere else. I highly recommend this hands-on experience to you.

### **[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)**

Address: 4-3, Kasumigaseki 3-chome, Chiyoda-ku, Tokyo 100-8915, Japan

Email: PA0870@jpo.go.jp

Web site: <https://www.jpo.go.jp/e/news/kokusai/developing/training/index.html>

[Publisher]



**Asia-Pacific Industrial Property Center(APIC),**

Japan Institute for Promoting Invention and Innovation (JIPI)

Address : 4-2, Kasumigaseki 3-chome, Chiyoda-ku, Tokyo 100-0013, Japan

Telephone/Facsimile: 81-3-3503-3026 / 81-3-3503-3239

Email: [apic2@apic.jipi.or.jp](mailto:apic2@apic.jipi.or.jp)





