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IP Friends Connections

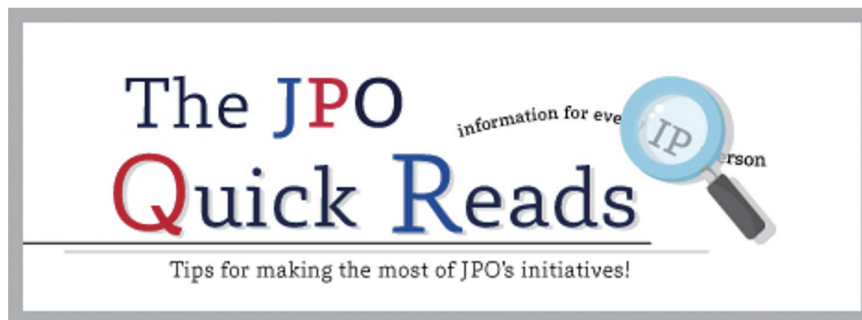
This Magazine is published as part of the Intellectual Property Cooperation in Human Resource Development Program of the Japan Patent Office.

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

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

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

[The JPO Quick Reads]

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

Reference:

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

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

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

[Popular topics]

➤ Trilateral Heads of Office Meeting 2023 (20 November 2023)

The Trilateral Heads of Office Meeting was held again this year!

Last month, the Trilateral Offices – the Japan Patent Office (JPO), the United States Patent and Trademark Office (USPTO), and the European Patent Office (EPO) – met in Munich, Germany, for their 41st annual Trilateral Conference and a meeting with Trilateral Industry. In these meetings, discussions were held on the topics of technology transfer and youth-oriented initiatives under the theme of the United Nations’ Sustainable Development Goal (SDG) 4 “High Quality Education”. The JPO shared its initiatives including the Project for Dispatching IP Strategy Designers to Universities and Junior Innovation Fest as relevant to these topics, and explored how the Trilateral Offices can work together in achieving SDG 4.

- Comparative table of examination practices on AI-related inventions (16 October 2023)

The five IP offices (IP5) released a comparative table of examination practices of respective offices on AI-related inventions!

As previously posted here (on 28 June 2022), launch of the JPO-proposed project “Collection of existing materials on the examination practices of the IP5 Offices on AI-related inventions” was agreed at the IP5 Heads of Office Meeting held in June 2022 by the IP5, which consists of the Patent Offices in Japan, Europe, Korea, China and the U.S.

And finally, at the IP5 Heads of Office meeting in June 2023, a comparative table compiling relevant legal texts, examination guidelines, examination case studies regarding AI-related inventions of the five IP offices was endorsed and published on the IP5 website.

Each material in the table is listed in the form of a hyperlink to a webpage so that users can access the most up-to-date information by clicking the links.

- The Judicial Symposium on Intellectual Property (JSIP) 2023 (27 November 2023)

The JPO co-hosted the Judicial Symposium on Intellectual Property (JSIP) in collaboration with Supreme Court, IP High Court, Ministry of Justice, Japan Federation Bar Association, and IPL net Japan!

This year’s theme of the symposium was “IP Dispute Resolution in Asia”.

In the “JPO Part” on the third day, after opening remarks by Commissioner HAMANO and a lecture by YASUDA Futoshi, Director-General of the Trial and Appeal Department, experts from six countries, including TAMURA Kiyoko, Executive Chief Administrative Judge of the JPO, conducted two panel discussions on “Trial and Appeal practice in general in each country” and “Trial and Appeal practice in the field of advanced technology in each country”.

- Examination Practice Training Program for Indonesia (11 December 2023)

This time, we provided a training program to Indonesia!

In November 2023, the JPO provided a face-to-face Examination Practice Training Program to patent examiners of the Directorate General of Intellectual Property (DGIP) in Indonesia, covering three technical fields of mechatronics, chemistry and IoT.

In this program, three JPO International Training Instructors of the Global Patent Academy (GPA) served as instructors, and eight DGIP examiners participated as trainees.

Some trainees said, “We were able to deepen our technical understanding as the explanations were given using an actual motor.”

➤ JPO-KIPO Examiner Exchange Program (4 December 2023)

Examiners of the KIPO visited Japan for a JPO-KIPO Examiner Exchange Program!

The JPO and the KIPO have had ongoing Examiner Exchange Programs for many years. This year, the JPO invited KIPO examiners for an in-person program.

In the program, three patent examiners from the JPO and two from the KIPO participated. Discussing cross-filed patent applications in the field of applied optics and electronic components which involve semiconductor technology, they deepened understanding of each Office's examination practices by exchanging information on prior art search methods and systems and operation of examination standards.

In addition to the case studies, the information on each Office's quality management on patent examination was exchanged.

FY2023 Training Courses Completed (Yearbook)

Training was conducted in two ways – either in person or in hybrid courses incorporating both in-person and online training – and the number of trainees who completed each course is shown below.

Participant Numbers

◆ In-person Courses

Course Title	*Number of participants who completed the course
Trademark Examination Under the Madrid System	16
Patent Examination (Basic Program)	21
Patent Examination Management for Managers	17
Promoting Public Awareness of IP	21
Patent Examination for Middle Eastern and African Countries	21
Information Technology	18
Anti-Counterfeiting Measures for Practitioners	23
Academia-Industry Collaboration and Technology Transfer	22
Trial and Appeal Systems	14
Design Substantive Examination and Accession to the Hague Agreement	21
Substantive Examination of Trademarks	21
Patent Examination in Specific Technical Fields for Latin American Countries	9

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Group Photos

* Photos are posted with the permission of the individuals shown.



Trademark Examination Under the Madrid System



Patent Examination (Basic Program)



Patent Examination Management for Managers



Practitioners Specializing in Trademarks



Promoting Public Awareness of IP



Practitioners Specializing in Patents



IP Trainers



Patent Examination for Middle Eastern and African Countries



Operational Patent Examination Training Program (OPET)



Information Technology



Anti-Counterfeiting Measures for Practitioners



Academia-Industry Collaboration and Technology Transfer



Trial and Appeal Systems



Design Substantive Examination and Accession to the Hague Agreement



Substantive Examination of Trademarks



Patent Examination in Specific Technical Fields for Latin American Countries

FY2023 Follow-up Seminars

Follow-up seminar held in Mexico and Lao PDR

We held a follow-up seminar and Alumni Group Interview (AGI) in Mexico and Lao PDR in FY2023.

1. Mexico

We are pleased to share that follow-up events were held in Mexico for the first time. They were organized by JPO in cooperation with the Mexican Institute of Industrial Property (IMPI).

On October 17th, an AGI was held at the IMPI Auditorium. 9 alumni, including participants from IMPI and various law firms, joined the interview, alongside Mr. Abel Abarca Ayala, Deputy Director General of IMPI.

On October 18th, we held a follow-up seminar at the same venue, where about 65 officials from IMPI participated. The seminar's theme was “Non-traditional Trademarks”, which was requested by IMPI, and included speakers from both Mexico and Japan. Since industrial property laws were amended in recent years, Non-traditional Trademarks have been newly introduced to Mexico.



AGI in progress



Group photo
at AGI



Group photo
of seminar speakers



Seminar in progress

2. Lao PDR

We were pleased to be able to hold our fourth follow-up events in Lao PDR for the first time since FY2019. It was organized by JPO in cooperation with the Department of Intellectual Property (DIP).

On November 6th, an Alumni Group Interview (AGI) was held in a meeting room at the Vientiane Plaza Hotel, and 10 alumni from DIP and law firms joined the interview.

On the next day, we held a follow-up seminar in the Grand Ball Room of the same hotel. The 40 participants were made up of those from the public sector (including members of DIP), alongside those from the private sector. The seminar's theme was "Quality Management of Trademark Examination", requested by DIP in order to learn about it in more detail, with speakers from both Laos and Japan.



AGI in progress



Group photo
at AGI



Group photo
of seminar speakers



Seminar in progress

During the AGIs in both countries, we were able to hear many valuable comments and opinions. For example, applying the examination approach learned through training course to their own work practices, or improving the services such as advising Japanese clients, positively collaborating with universities concerning IP education to young people. We are happy to hear such comments. And the local speakers at the seminars were all alumni of the JPO/IPR training program, so we were also happy to see our alumni in action. In addition, we believe the seminars were useful for the participants, because there was lots of active participation from them during the Q&A sessions.

The follow-up seminars and AGIs in both countries were completed successfully thanks to members of the secretariats at IMPI and DIP. Thank you very much for your participation!

Training Course Experience in Japan

Trainee in Tokyo Experiences of the JPO/IPR training program

Mr. Chowdhury, Faez Mahbub (Bangladesh)

Assistant Director, Industrial Designs Unit,
Department of Patents, Designs and Trademarks (DPDT)



*JPO/IPR Training Course on Design Substantive Examination and Accession to the Hague Agreement
(January 26 - February 2, 2023)*



Journeys always come with a new breeze of knowledge, knowing the unknown, seeing the unseen, and absorbing new passions. Journeying to another country across the sea is also interesting. All journeys come with experiences that make us more knowledgeable.

A journey always begins with preparation for the journey. My journey to Japan began with the weather forecast. What will the weather be like in Japan during that time of year, which was winter and colder than ours? There was also a feeling of uncertainty because it was after the pandemic flight restrictions had been lifted. The whole journey was uncertain and full of nervous excitement. There were many steps to take before the journey, including medical checks due to COVID-19, and other formalities. After completing all the procedures, I received my ticket. Here, I wish to mention Ms. Chiho Omori from the Asia-Pacific Industrial Property Center (APIC) of the Japan Institute for Promoting Invention and Innovation (JIPII), who provided me with all necessary details regarding my trip to Japan via e-mail, and her detailed information helped me a lot.

When I decided to write about my experiences and impressions of the JPO/IPR training program in 1000-2000 words for the Enishi magazine, I was a bit unsure. How could I write about my vast experiences within this word limit? Then I decided to divide my writing into two parts: my experiences associated with the training and experiences I had outside of the training.

Experiences associated with the training:

The JPO/IPR training course titled “Design Substantive Examination and Accession to the Hague

Agreement” was conducted by APIC-JIPPI and the Tokyo Kenshu Center (TKC) of The Association for Overseas Technical Cooperation and Sustainable Partnerships (AOTS). The program was held from January 26 to February 2, 2023 and sponsored by the Japan Patent Office.

The program had two distinct objectives. The training course was intended to enhance the skills of design examiners, mainly in design substantive examination, and also to enlighten the participants about the Hague Agreement.

The program had fifteen sessions covering various topics including Outline of the Design System and Design Examination Practices in Japan, Sharing the Japanese Experience on the Hague Agreement Affiliation, Design Examination Standards, Design Infringement Litigation, Outline of the Hague System / Role of the International Bureau, The Role of the Applicant’s Contracting Party (Indirect Filing) and the Designated Contracting Party, Design Examination Practices: Procedures for Examination under the Hague Agreement (Case Studies), and Advantages of the Hague System for Attorneys.

Based on the fundamental principal of JPO, the training program was organized to enhance the quality of design substantive examination by using the experience the JPO has gained over the years. Another purpose was to enlighten us about the process of acceding to the Hague Agreement along with advantages and challenges they faced during and after accession. The sessions consisted of both lectures and interactive sessions. During the sessions, there was a lot of discussion among participants, mostly regarding the process, advantages and challenges during and after accession, and practical experiences were also shared. I learned a lot regarding design management and utilization in different educational institutions and the contribution of the patent office. This also included Intellectual Property (IP) policy and systems practices in Japan, latest developments on design management and utilization, detailed design examination systems of participant countries, ways of strengthening IP management and promoting IP utilization from the Japanese experience, overall outline of the examination system of applications received from the Hague system, guidelines for contracting applicants, guidelines on publication, litigation of design infringement, and steps of accession to the Hague Agreement.

As part of the program, I had the opportunity to gain a lot of new experiences. At the JPO, I visited the Design and Patent Division, the Trial and Appeal Policy Planning Office, the Trial and Appeal Department, the reference library and the application consultation section. I also experienced their design examination process in their office. Moreover, I participated in the active learning process in APIC’s classroom and shared views and experiences about the program with my fellow trainees.



Experiences outside of the training:

As I mentioned earlier, I gained a lot of experience outside of the training, which started soon after I applied for the program. I had to do a lot of preparation which was completely new to me. But with the kind cooperation of my IP friends from Japan, I was able to complete these procedures easily. Then the day of the journey came. I started my journey at Hazrat Shahjalal International Airport in Bangladesh and travelled to Narita International Airport via Changi Airport in Singapore. At the airport, again I heard that Japan was facing an extreme cold wave that year. Though I am living in the warmer part of the world, I was particularly excited to see snow for the first time. When my colleagues and I reached Narita International Airport, we bought the Pasma card, which is a metro pass. I cannot fail to mention the metro system in Tokyo. The metro was a completely new experience for me, and it was quite enjoyable and comfortable. The time management of Tokyo's metro was astonishing. The train lines were like a big spider web so one could get lost with one wrong turn. However, I found the police and local people extremely helpful. Although there was a language barrier between us, there was no shortage of sincerity and thus we were able to overcome this barrier. After our journey, my two colleagues and I reached the dormitories, but it was night by then. The next day, we reached the JPO. Back in my country, I had watched some videos on the JPO to familiarize myself with the place.

During the training period, we had two days off. I was very keen to visit Akihabara and Shibuya and I found so many things that can remind me of Japan. Akihabara brought back memories of my youth with lots of video games from the past. I can't say enough about Shibuya. The Shibuya crossing surprised me quite a bit. The big shopping malls and showrooms in Shibuya also impressed me. In this area, I saw another side of Japan that is completely different from Akihabara, Asakusa and other parts of Chiyoda. My coordinator of the program suggested to visit Asakusa, specifically the Sensoji temple, and to experience the streets, foods, shows and crafts around the temple. Right now, I cannot express in words what I felt at that time. It was surreal. I was amazed by the architecture and ambience of the temple. I also visited Sumida River, and I was attracted to its calmness.



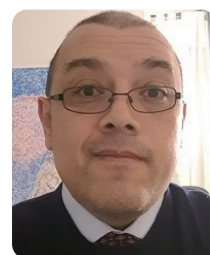
Before going to Japan, I thought I would have to face difficulties eating Japanese food since Bangladeshi food differs greatly from Japanese food. This includes taste buds, spices and ways of cooking. But interestingly, after having Japanese food at the AOTS dining area, the JPO cafeteria and in the streets of Asakusa, my assumption was proven wrong. I started liking the food. However, there is one regret I still have, which is that I was not able to experience sushi or ramen in traditional Japanese restaurants. Apart from this, my food experience in Japan was excellent.

Although I was only in Tokyo for eight days and it was my first trip to Japan, in those eight days, I had a different experience in almost every area including food, travel, art, culture, lifestyle and weather. My experience in Japan will always be remembered as a memorable journey with learning and understanding of a country.

Far in the Distance but Close to My Heart: My Experience with the Unique JPO-IPR Online Training

Mr. Andrade Meneses, Ociel Esau (Mexico)

Substantive Examination Coordinator for Chemical Inventions,
Deputy General Direction, Patents Division
Mexican Institute of Industrial Property (IMPI)



*JPO/IPR Training Course on Patent Examination in Specific Technical Fields
(January 17 - February 8, 2023)*



When my former manager proposed for me to apply for a spot in a training course at the Japan Patent Office named “Training Course on Patent Examination in Specific Technical Fields”, from the very beginning, I was curious and interested. Not only did I like the idea of getting to know one of the most prestigious patent offices in the world, but I was also eager to learn about the examination practice from a country that shares a fraternal bond with mine and is the third largest source of single filing applications in Mexico and which we have cooperation at different levels, including a PPH. Because of these reasons, I immediately said yes.

But before moving on to what this amazing experience meant to me, allow me to properly introduce myself. My name is Esaú Andrade and at the time I attended the training course, I was head of substantive examination for the chemical area in the Mexican Patent Office (IMPI).

As I mentioned, my manager invited me to apply, and I started my application immediately along with a fellow colleague from a different examination field (electronics). A few days after submitting the application, we received a notice informing us about the change of format from in-person to online training due to concerns about the rise of Covid-19 cases around the world.

I had mixed feelings about this. On one hand, I cannot deny I felt a bit relieved to avoid all the inconveniences at the airport, to which I am particularly ill-equipped, from being sleepless during flights to having seemingly restless feet. But, on the other hand, I was a bit sad because I was curious about the chance to experience the JPO from within, learn about its dynamics and examination practice and why not, making new friends among the attending colleagues, speakers, and staff.

So, with these thoughts in mind, we carried on with the process, and it was when preparing a country presentation for our colleagues that my enthusiasm skyrocketed because I fully realized the extent of Japanese patent applications in Mexico. Please let me be clear, I had a very good idea of it based on the applications received in the chemical area, particularly in the field of metallurgy from world-class companies like JFE STEEL CORP. or NIPPON STEEL CORP. However, other fields in which Japanese priority

applications are most significant include consumer goods, pharmaceutical and electronics.

If you ever felt cautious about online training because it seems difficult to keep attention focused on a screen for long periods with little interaction among participants, let me tell you this course is completely different. The whole course is designed in a friendly way to allow the participants to learn at their own pace while maintaining an organized structure. Live sessions provide opportunities for participants to share their experiences and ask questions in a supportive and pleasant environment.

But first things first, I ought to comment on the welcome given by the introductory videos, which made me feel as if I was visiting the JPO for real, as they were interesting, fun, and made me even more curious about visiting Japan and its patent office one day.

Now, back to the course. Everything was perfectly organized in all aspects, and participants were grouped based on time zone similarities. Being based in Mexico City, I had the pleasure and opportunity to join sessions hosted by Brazil, wherein colleagues from Latin America, Morocco, Sudan, and many others were participating.

The learning dynamics was straightforward and practical. Most of the course was delivered through the Manabeat platform, which allows access to recorded lectures which can be consulted as many times as necessary before moving to the next topic. The platform and information were always accessible, allowing participants to go back for a second or third look, if needed. I found this provided a sense of safety and flexibility to self-paced study which was most useful for us participants engaged at the same time with other professional activities.

These sessions included practical exercises with a most thorough explanation, leaving no doubt even to those colleagues that were less familiar with substantive examination. My favorite part was the examples directed to show search strategies using WIPO tools, as well as inventive step evaluation methodologies. In the first case, search may be challenging even for seasoned examiners, and I was happy and amazed to learn that by following what seemed to be a standardized searching process, most of us participants reached the envisaged goals. In the second one, even when we Mexicans used a slightly different method (problem solution approach) we arrived at the same conclusions.

Even though the sessions and exercises were recorded, solutions and tips were offered at the end of each video so that all participants have a chance to compare results. Additionally, as the course progressed, there were assignments that had to be submitted for review, providing us with a great opportunity to receive feedback. This feedback was most valuable for me to share with my team in Mexico, particularly the assessment related to a composition for electroless plating, which I found equally fun and interesting.

I was amazed to know the level of detail that Japanese Examination Guidelines can reach and very much motivated to keep working so as to have something similar in my country one day. Also, I was happy to realize that despite the initial impression one may have, examination practices, standards, goals, and challenges were somewhat common to all participants. In this regard, another remarkable aspect of the course was the lecture regarding backlog reduction, which is a topic of interest for most developing countries' patent offices.

Finally, the live session concerning the overall discussion was also one of my favorites, with all colleagues now having time to familiarize themselves with the course and being willing to share experiences from the actual practice. Topics ranged from examination standards to the use and tracking of cutting-edge technologies such as AI. Though there were challenges brought about by the COVID-19 pandemic, the session was far from being rigid, with the host being friendly and moderating the discussion in a casual way that left me, and surely all other participants, wishing for more time.

I don't wish to enter into too much detail about the course because I firmly believe I would not be able to accurately convey the whole experience, however, I want to share an overall impression of my amazing experience with an online course with a unique approach, which I was honored and thankful to have the opportunity to participate in.

Should the Japanese Patent Office invite me again, I would be glad to attend either through the marvel of digital communication or in person, to share knowledge, friendship, and a good laugh.

My best wishes to you all.

Nos vemos a la próxima/See you in the next one.



Front view of the Mexican Patent and Trademark Office
(Operations Building).

<https://m.facebook.com/impi.mexico/posts/3484556514925147/>



I am not the most photogenic person, but these photos capture my mood
in the Mexican Patent Office.

Articles from Former Trainees

Counterfeiting in Brazil

Mr. Eugenio Alegria de Almeida Baptista (Brazil)

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Instituto Nacional da Propriedade Industrial (INPI)



*JPO Study-cum-research Fellowship Program
(September 7 – December 23, 2022)*



Introduction

Counterfeiting has been the subject of different normative texts in Brazil since at least the year 1830, during the First Brazilian Reign. The longevity with which it appears in laws, and consequently in legal doctrine, would not be enough to harmonize and solidify its concept, however. Apparently, the multiplication of counterfeiting modalities, and the accelerated intensification of such practices, would also result in the multiplication of conceptualizations and interpretations by different laws and norms, which helped bring about divergences rather than the maturation and unity of the concept.

Competing concepts such as “piracy” or “plagiarism” are often taken as identical; or when they are understood as distinct, the concepts end up transiting between each of these three types of violations depending on who interprets them. The popularization of the theme within a society such as Brazil, which coexists closely with advertising, reporting and the practice of this illegality, is also a factor that distorts the concept of counterfeiting. In this context, careless approaches to issues related to intellectual and industrial property by the Brazilian press would end up superimposing “piracy” on any and all practices involving “illicit products”—sometimes even being confused with the smuggling of goods. Such trivialization of the concept of piracy by specialists and authorities of the judiciary and legislative powers, and by the repression and inspection bodies within discussion forums and judicial processes; as well as the interchangeability between concepts that involve violations of intellectual property; result in spreading conceptual confusion.

We can highlight six laws in Brazil as the main ones dealing with the topic of “counterfeiting”. These are as follows: the Copyright Law (LDA), Law 9.610, and the Software Law (LS), Law 9.609, both from 1998; the Industrial Property Law (LPI), Law 9.279, of 1996; Decree No. 1.355 of 1994; the Brazilian Civil Code (CCB), from 2002; and the Brazilian Penal Code (CPB) from 1940. These laws essentially include concepts related to intellectual property and industrial property, the objects and conditions of protection, civil and criminal responsibilities, and applicable penalties.

The Copyright Law objectively and laconically conceptualizes counterfeiting as “unauthorized reproduction”, thereby restricting the object to the intellectual works listed therein, including software. For the purposes of the Software Law, software is understood as “the expression of an organized set of instructions in natural or codified language”, being given protection analogous to literary works under the terms of the Copyright Law. The LDA also extends to the stipulation of civil penalties against copyright infringement. Among the predictions, there is joint liability for the crime of counterfeiting by those who commercialize, promote, store, distribute or purchase the counterfeit product, in addition to the seizure and destruction not only of counterfeit goods, but also the equipment and input that produced them.

The Software Law goes further, stipulating criminal sanctions itself. According to Article 12, the violation of software copyright implies imprisonment from six months to two years, or a fine. In case of whole or partial unauthorized reproduction of software for commercial purposes, the penalty will increase to one to four years in prison, and a fine.

Although the Industrial Property Law does not explicitly define “counterfeiting”, it suggests analogies with “reproduction”, “imitation” or “forgery” with regard to the violation of products, patents, trademarks, industrial designs and geographical indications. Like the Software Law, it also provides for penalties in response to violations. The non-authorized manufacture of products which are subject to patents, industrial designs, trademarks or geographical indication rights will result in the counterfeiter being imprisoned for three months to one year, or a fine. Whoever commercializes, promotes, stores or receives these products will deserve from one to three months in prison, or a fine. Penalties related to trademarks may increase by 1/3 or 50% if the violated trademark is a famous, notorious certification or collective trademark.

The LPI also suggests the association of counterfeiting with the crime of unfair competition, which is a reason for controversy within the Brazilian legal environment. According to article 195, it is a crime of unfair competition with regard to the practice of an individual who, for example:

VIII - sells or exposes or offers for sale, in a container or wrapping of another, an adulterated or counterfeit product, or uses it to negotiate a product of the same type, although not adulterated or counterfeit, if the fact does not constitute a more serious crime;

In the view of some jurists, the association of counterfeiting with the crime of unfair competition would qualify it as having less offensive potential, which would result in milder sanctions than desirable, and is provided for in other rules.

The penalties referred to in copyright and industrial property laws are provided for in the Brazilian Penal Code, which brings together and regulates certain infractions and crimes. Crimes against trademarks and patents, as well as those involving unfair competition, would be removed from the CPB due to its integration into the LPI in 1996. Thus, only penalties related to copyright infringement would remain in the CPB, which are not found in the LDA. This restriction ends up limiting the crime of counterfeiting in the CPB to intellectual works, excluding industrial property violations. In article 184, the Penal Code

defines a penalty of three months to one year, or a fine, for anyone who violates a copyright, with the penalty increasing to two to four years if the violation aims at direct or indirect profit. Both those who reproduce the intellectual work and those who commercialize, promote, distribute, store, acquire, rent or transmit it without authorization will deserve this penalty. In the opinion of some jurists, the penalties provided for in the Software Law for software infringement, and in the CPB for copyright infringement, raise divergence. Although the two norms deal with copyright, the Software Law provides for imprisonment of two to four years indiscriminately, whether there is a profit objective or not.

The Brazilian Civil Code regulates people's rights and duties, and their interactions with goods and property, within the private sphere. Although it does not define counterfeiting, and delegates to the LPI the civil sanctions applicable to crimes against industrial property, the CCB suggests in Article 201 that counterfeiting extends to industrial property, insofar as it associates it with crimes against the patent:

Art. 201. In the search and seizure procedure, in a crime against a patent that has as its object the invention of a process, the court official will be accompanied by an expert, who will preliminarily verify the existence of the offense, and the judge may order the seizure of products obtained by the counterfeiter using the patented process.

Among the main legislations, the term “piracy” appears only in Decree nº 1.355, which fully incorporates the TRIPS Agreement. Its text will distinguish between “piracy” and “counterfeiting”, and will present definitions that serve to delimit the scope of each concept:

For the purposes of this Agreement, it is understood that:

(a) "counterfeit branded goods" means any goods, including the packaging, which bears without authorization a mark which is identical to the registered mark relating to such goods, or which cannot be distinguished in essential respects from that mark and which, therefore infringes the rights of the holder of the trademark in question under the legislation of the country of importation;

(b) "pirated goods" means any goods that constitute copies made without the permission of the right holder or a person duly authorized by him in the country where it was produced and which are directly or indirectly elaborated from an Article in which the elaboration of that copy would have constituted an infringement of a copyright or related right under the law of the country of importation.

Decree No. 9.875 of 2019 (replacement of Decree No. 5.244 of 2004), which creates the National Council to Combat Piracy and Crimes Against Intellectual Property, provides another indication of what should be effectively understood by piracy. The council consists of “an advisory body that is part of the Ministry of Justice, and is designed to establish guidelines for the formulation and proposal of a national plan to combat piracy, smuggling, tax evasion resulting therefrom, and crimes against intellectual property”. The sole paragraph of Article 2 states:

For the purposes of this Decree, piracy is considered to be the violation of copyrights dealt with in Law No. 9609 of February 19, 1998, and Law No. 9610 of February 19, 1998.

It should be noted that the Supreme Court of Brazil reinforced the association of piracy to copyright in a 2013 summary, as follows:

Given the materiality and authorship, it seems typical, in relation to the crime provided for in art. 184,

§ 2, of the CP, the conduct of exposing "pirate" CDs and DVDs for sale.

The summary even further suggests that the principle of insignificance does not apply to piracy; in short, that it should not be considered tolerable due to its supposedly low offensiveness or dangerousness; and nor does the principle of social adequacy apply, according to which a crime that is considered socially adequate or accepted does not deserve punishment.

The comparative interpretation of the laws allows us to conclude that piracy would be restricted to copyright, while the concept of counterfeiting would extend to all intellectual property, including industrial property. Contrary to what has been consolidated in common sense, counterfeiting would be a broader concept legally than that of piracy. Counterfeiting, under Brazilian law, would then be defined as unauthorized reproduction or imitation; in other words, the falsification of any and all intellectual property. The counterfeiter, and person(s) jointly and severally liable for the violation of intellectual property, will be liable for prison sentences and/or fines, payment of indemnities, and the seizure of counterfeit items, along with their means of production and promotion.

When seizing counterfeit products and brands, these must first have the brands and labels destroyed. What remains of the product may then be destroyed, auctioned or donated. On most occasions the products must be destroyed, due to the potential risk of use; or mischaracterized, with their leftovers re-used by public authorities, grantees or bidders.

Counterfeit numbers in Brazil

The National Forum Against Piracy and Illegality (FNCP) assessed in 2021 that 15 productive sectors (clothing, fuel, personal hygiene, perfumery and cosmetics, alcoholic beverages, agricultural pesticides, pay TV, cigarettes, sports material, glasses, desktop computers, software, cell phones, audiovisual, imported perfumes and toys) registered R\$ 205,8 billion (about US\$ 41,5 billion) in losses due to counterfeiting in Brazil. Adding what the Brazilian government failed to collect with tax payments, the loss would reach R\$ 300 billion (about US\$ 60,5 billion).

In 2022, the total computed loss was R\$ 345 billion (about US\$ 69,6 billion). The largest loss identified was in the fuel sector, estimated at R\$ 29 billion (about US\$ 5,8 billion), followed by beverages at R\$ 28 billion (about US\$ 5,65 billion), agricultural defensives at R\$ 20,8 billion (about US\$ 4,2 billion), apparel at R\$ 18 billion (about US\$ 3,6 billion), perfumery at R\$ 16 billion (about US\$ 3,2 billion), hygiene and cleaning at R\$ 13,5 billion (about US\$ 2,7 billion), and auto parts and Pay TV, both at R\$ 12 billion (about US\$ 2,4 billion).

According to the FNCP, counterfeit products are mainly produced in China. To avoid inspection, these products are often sent to Paraguay, Bolivia, Guiana, French Guiana or Suriname, and from there to Brazil. Particularly noteworthy among counterfeit products manufactured in Brazil are clothing and footwear.

The amounts seized in illegal goods by the Federal Revenue of Brazil have been increasing. These totaled R\$ 2,48 billion (about US\$ 500 million) in 2018, R\$ 2,62 billion (about US\$ 528,4 million) in 2019, and R\$ 2,67 billion (about US\$ 538,5 million) in 2020. According to Alan Towersey, who heads the Division for Surveillance and Repression of Smuggling and Embezzlement in São Paulo, 1,5 million counterfeit shoes that would be sold through e-commerce were seized in 2021 on one day of operations at the Federal Revenue in São Paulo, which is the main market for counterfeit products in Brazil.

According to Towersey, one of the main challenges for the increase in apprehensions is the limited number of Federal Revenue employees in border inspection. By way of comparison, Brazilian Customs

would have 2.650 employees to cover a territory of 8,6 million km², while Germany would have 36.878 for a territory of 3 million km².

Specialists point out that the constant growth of counterfeit products in countries around the world (including Brazil), accompanied by the growth of apprehensions, indicate the need for the country to continue investing in three fronts: repression, awareness and education of the population, and reduction of the costs for original products that are counterfeited.

Deepening the discussion on combating counterfeiting from other perspectives

The wisdom of the ancients, which is perhaps a truth of the human collective unconscious expressed by geniuses like Balzac and Freud, tells us that once the causes of a particular phenomenon are extinguished, its effects will also cease. It is therefore necessary to find the causes of counterfeiting in order to combat its growth; but for the time being, such causes are perhaps hidden in a deeper place than we are willing to go.

The consumption of counterfeit products is not only due to error on the part of those who consume them. In developing countries, there is more or less a consensus among public and private agents that counterfeiting and its consumption are, to some extent, derived from poverty and inequality. In countries like Brazil, where around 30% of the population lives on up to US\$ 100 a month, and where there are states in which around 60% of the population are poor (according to Fundação Getúlio Vargas), not paying cheaply is not an option. In a survey by the Fecomércio Institute of Research and Analysis (Ifec RJ) published in December 2021, 75,9% of the population of Rio de Janeiro stated that low prices were the main reason for buying counterfeit products.

In a country that already stood out among the 6th and 8th largest economies in the world, the Instituto Brasileiro de Geografia e Estatística (IBGE) points out that the average income in 2022 for the 1% of the population that earns the most (a monthly per capita household income of around US\$ 3.518) was 32,5 times higher than the average income of the bottom 50% (US\$ 108). In 2021, the proportion was 38,4 times. According to Forbes magazine, the ten richest Brazilians have fortunes between US\$ 4,2 billion and US\$ 16 billion. A total of 53 Brazilians are in the 2023 ranking of the richest people, and their combined fortunes total approximately US\$ 152 billion.

This amount does not, however, reach the fortune of the richest person in the world, which is estimated at around US\$ 180 billion. A handbag from the luxury brand that he manages is sold in Brazil for up to US\$ 7.000; and its counterfeit version is sold in Brazil for up to US\$ 40. In the country with the fifth most powerful advertising market in the world, and the fourth largest TV broadcaster, being convinced that a product deserves to be bought does not cost the consumer anything; but buying the product can be very expensive. It would then be tempting to limit the problem of counterfeiting to poverty and inequality. However, neither the poor nor the rich person is obliged to buy a luxury product or its counterfeit version. According to Ifec RJ, 93,6% of respondents in its survey know that piracy is a crime, and 65,5% understand that the purchase of pirated products harms the economy of the state of Rio de Janeiro. For 47,6% of those surveyed, the consumption of counterfeit products favors an increase in violence and crime. However, 20,5% of the state's adult population claim to have purchased counterfeit products in 2021.

The question is, then: Why do conscious people in both developed and developing countries produce and buy counterfeit products? According to Professor Marcel Goyanes, the countries of Canada and Belgium—both of which have a high human development index—are among the largest producers of

counterfeit luxury goods. The United States, the world's biggest content producer, is the largest consumer of piracy, with Brazil in fifth place, according to cybersecurity company Akamai.

Zygmunt Bauman coined the concept of “liquid modernity” to designate the post-World War II era, in which social, economic, and productive relations are fluid and malleable, much like liquids. By contrast, the era of “solid modernity” that preceded it would have been based on solid and durable relationships and morals. As industrial capitalism matured from the Industrial Revolution onward, the logic of morals and values gave way to that of consumption, while economic relations took precedence over social and human ones. Affection, attention and pleasure were then transformed into merchandise, and into demands that were immediate and cumulative, although fleeting.

Politician and law professor Ciro Gomes, the former Minister of Economy of Brazil, defends a similar thesis. He points out that until the beginning of the 1980s, generations of young people in Brazil sought satisfaction and fullness in values and ideals through such pursuits as politics, spirituality and art. Along with the end of the dictatorship in Brazil, the demise of the bipolar world, the acceleration of globalization, the expansion of western and anthropocentric ideals, and the increase in individualism, the spread of the “self-made man” and liberalism throughout the planet resulted in consumerist ideals gaining strength. Unbridled consumerism and the accumulation of goods—that which can be called “felicitating consumption”—thereby replaced the old values in the search for plenitude. In unequal societies such as the Brazilian one, as well as any other, the impossibility of buying all of the “best” things on offer would lead to frustration—and eventually the pursuit of the ideal of consumption and immediate satisfaction through crime.

The seed of this conception antedates contemporary thinkers, remitting to Hegel and those who soon followed him. Such intellectuals developed concepts such as “alienation” (the detachment of the individual from their essence, nature and the society in which they are inserted, which can cause a feeling of helplessness and impotence), “fetishism” (the aura of mystery and enchantment that the merchandise gains in capitalist society, despite being the result of the work of those who consume it), and “reification” (the transformation of concepts and subjects into objects) that seek, among other things, to design the relationship between individual, commodity and society. These are reflections that can help us to go deeper into the causes and paths of counterfeiting.

In my closet I have a dozen DVDs and blu-rays by the master of Japanese cinema Akira Kurosawa. I would like the entire world population, especially the poorest, to have access to treasures like *Rashomon*, *Shichinin no samurai*, *Yume*, *Dersu Uzala* or *Ame agaru*. We would all then be invited by their characters to ask ourselves: What is my role in the world? Where do I want to walk?

Laws to Control the Import and Export of Counterfeit Goods: India and Japan

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



India and Japan both are signatory to various WTO¹ agreements, including TRIPS (Treaty on the Trade-Related aspects of Intellectual Property Rights). TRIPS plays a pivotal role in developing a legal framework for member countries to control counterfeits, and TRIPS members are required to take measures to protect against the cross-border movement of IP- infringing goods.

TRIPS requires its members to adopt procedures for enabling a right holder who has valid grounds for suspecting the possible importation of counterfeit trademarks or pirated copyright goods to lodge an application in writing with competent administrative or judicial authorities—thereby enabling customs authorities to suspend the release of such goods into free circulation. Members may also provide for corresponding procedures by customs authorities concerning the suspension of release with regard to the infringing goods destined for exportation from their territories.²

Punishment for importing / exporting counterfeit goods in / from Japan and India

The exportation, importation, and transit of goods infringing Intellectual Property Rights (IPRs) are prohibited in Japan under the Customs Act, 1954.³ The customs law specifically states that export and import of any goods which violate the trademark rights of any party is prohibited.⁴

Any person who has transported or attempted to transport such goods into/from Japan shall be punished under the Customs Act,⁵ and customs authorities are also entitled to seize IP-infringing products.⁶

1 World Trade Organization

2 Article 51 TRIPS Agreement https://www.wto.org/english/tratop_e/trips_e/ta_docs_e/1_tripsandconventions_e.pdf

3 Articles 69-2, 69-11, 30, or 65-3 Customs Act, 1954

4 Article 69-2 (iii) and 69-11 (ix) Customs Act, 1954

5 Article 109, Customs Act, 1954

6 Article 108-4 (4), 109-2(3), Customs Act, 1954

Any person who exports or intends to export, or imports or intends to import, goods that infringe Intellectual Property Rights (IPR) shall be sentenced to imprisonment for not more than 10 years, or a fine of not more than ten million yen (approx. USD 71,263), or both.⁷

The Indian Customs Act, 1962 also prohibits the import or export of goods that infringe the IPRs of any person or entity.⁸ The Act also empowers customs authorities to confiscate improperly imported and exported goods, including counterfeits.⁹ The maximum imprisonment in India for dealing in counterfeit goods is not as high as Japan. The Indian Trademark Act¹⁰ prescribes imprisonment of six months to three years, and a fine from Rs 50,000 to 200,000 (USD 605 to 2,420) for offences relating to counterfeit goods and trademark infringement.¹¹

Can customs authorities seize counterfeit goods being imported in Japan and India?

The answer is yes both in Japan and India. As stated above, customs authorities can seize suspected infringing goods and inform the IP owners/rights holders. The IP owners can then participate in proceedings upon receiving such notification.

The importation and exportation of counterfeit goods is punishable in Japan under the said law, with an imprisonment for not more than 10 years or a fine of not more than 10 million yen (approx.USD 71,263), or both.

The Indian Customs Act, 1962 empowers the central government to prohibit the import or export of goods for the protection of trademarks.¹² Further, in order to comply with the TRIPs obligations and pursuant to the representations received from trade regarding the border protection measures, India issued notification No 49/2007-Customs, which specifically prohibits inter alia the import of counterfeit goods.¹³

Notification No. 51/2010 - Customs (N. T.), dated 30 June 2010, prohibits the import of goods intended for sale or use in India that are in violation of trademark rights.¹⁴ Under the 1962 Act, customs authorities have the power, on their own initiative, to seize goods or suspend the clearance for imported goods at the border if they suspect that the goods are counterfeit. While Customs Authorities in India may act suo moto, they intervene in most cases only at the request or complaint of the IP rights holders. The Customs notification of the year 2010 prohibits the import of counterfeit goods intended for sale or use in India.¹⁵

7 Article 108-4 Customs Act, https://www.kanzei.or.jp/kanzei_law/329AC0000000061.en.html#c10a108_4
https://www.customs.go.jp/mizugiwa/chiteki/pages/d_007.htm

8 Section 11 of the Indian Customs Act, 1962 empowers the Central Government to prohibit import or export of goods infringing IPR by issuing a notification.

9 Section 111 and 113 of the Indian Customs Act, 1962

10 Section 103 to 108 Trade Marks Act, 1999

11 Under this Act, police officers not below the rank of Deputy Superintendent of Police (DSP) have the power suo moto to take cognizance of offence involving counterfeit goods, and to search and seize without warrant the goods, die, block, machine, plate and other instruments or things, provided that they are required to first obtain the opinion of the Registrar on facts involved in the offence relating to the trademark. The said opinion is mandatorily required to be followed by the DSP. Section 115 of the Trade Marks Act, 1999

12 Section 11 of the Customs Act, 1962 https://www.indiacode.nic.in/bitstream/123456789/15359/1/the_customs_act%2C_1962.pdf

13 <http://www.ieport.com/customs/2007/non-tariff/not49.htm>

14 http://www.ieport.com/2010/customs_not_nt/not-51.htm

15 Notification No.51/2010-Customs (N.T.) dated 30.6.2010

Can customs authorities seize IP-infringing goods for export to other countries?

The definition of use under the Japanese Trademark Act, 1959 includes both the export and import of goods.¹⁶ Thus, the export of counterfeit goods is punishable in Japan, as detailed above.

While policy lobbying, many rights holders argue that laws in India do not provide for the suspension or seizure of counterfeit goods for export. The Customs Act in India, however, clearly prohibits the export of counterfeit products. Although customs authorities may not have passed detailed notifications regarding the export of counterfeit goods from India, rights holders can apply to customs authorities to suspend the export of counterfeit goods.¹⁷

It is also pertinent to state that the definition of trademark infringement under the Trade Marks Act, 1999 is such that the “use” of a registered trademark includes both import and export, like in Japan.¹⁸ Thus, counterfeit goods being exported from India are included under the definition of counterfeits.

Do rights holders or customs authorities require a court decision in order to prevent counterfeiters from importing fakes?

India and Japanese Customs¹⁹ Authorities do not need a court order to prevent the import or export of counterfeit products, and they can act on their own motion. They inform the rights holders about the seizure of the products that are suspected to be counterfeit.

Japanese Customs Authorities notify the IP rights holders and the addressee about the suspected counterfeit items. If the addressee does not respond within the specified time limit, the goods are deemed to be forfeited, and may be destroyed by Japanese Customs.²⁰

In India, on the other hand, if the rights holder does not take part in the proceedings despite receiving notice, customs authorities generally release the suspected counterfeit products.

Is the registration of trademarks at the Trade Marks office mandatory in both countries before recording the Trade Marks at the customs office?

The trademark must be registered with the Japan Patent Office first, and an application made with the customs authorities thereafter.²¹

The procedure in India is the same. In addition to registering trademark rights with the Indian Intellectual Property Office, the rights holders must also register them with the customs office. The Indian Customs IPR Recordation Portal (IPR ICeR) facilitates the process of registering trademarks for IP right holders. In addition, Intellectual Property Rights (Imported Goods) Enforcement Rules, 2007 provide for registration procedures regarding notice with the customs authorities by rights holders, the conditions for such registration, etc.²²

16 Article 2 (3) of the Japanese Trade Marks Act, 1959

17 Also see <https://pib.gov.in/newsite/PrintRelease.aspx?relid=148266>

18 Section 29 of the Indian Trade Marks Act, 1999

19 <http://www.ariga.co.jp/en/files/html/html-110/index.html?2147483647>

20 <http://www.ariga.co.jp/en/files/html/html-110/index.html?2147483647>

21 https://www.customs.go.jp/mizugiwa/chiteki/pages/b_002_e.htm

22 The said rules are included in the 47/2007-Customs (NT) dated 8 May, 2007.

Is the import of counterfeit goods for personal use punishable under Indian and Japanese laws?

Counterfeit products cannot be imported into Japan even if they are for personal use only. Any such infringing products are liable to be confiscated by customs authorities. By contrast, Indian law states that no action can be taken against goods of a non-commercial nature contained in personal baggage or sent in small consignments if they are intended for the personal use of the importer.²³

Tactics of Bad Actors

Multiple inventive and deceptive techniques are used by counterfeiters to circumvent customs inspections and smuggle counterfeit goods. Customs officials face the ongoing challenge of staying vigilant, and implementing robust inspection methods to detect and seize such illicit products.

Despite various laws and measures taken by the Indian and Japanese governments in their territories, the counterfeiters have found new means and ways to import and export counterfeit goods. Some of the tactics used by bad actors to evade detection by Customs Authorities when attempting to smuggle counterfeit goods are as follows:

- **Covering markings:** Counterfeiters may conceal the fake trademark or logo on the product by using stickers or hidden cases. This masking technique aims to prevent customs from identifying the infringing goods.
- **Hidden goods:** Counterfeiters may fill cases or packages with unrelated items, such as clothes, to hide the actual counterfeit goods that infringe upon a trademark right. By disguising the illicit goods within a legitimate-looking package, they aim to bypass customs inspections.
- **Concealment within packaging:** Counterfeiters may conceal drugs or pharmaceutical items within the outer packaging of another unrelated article. This tactic is employed to deceive customs officers and avoid detection of the illegal substances.
- **Reversing or hiding marks:** Counterfeiters may go as far as turning the outer material of a product, such as trousers, inside out to hide trademarks or other marks that indicate the counterfeit nature of the goods. This tactic aims to make it difficult for Customs Authorities to detect the infringement.²⁴

The author would like to sum up by stating that India and Japan have strong laws to prevent and punish counterfeiting. Despite the strong legal framework in India against counterfeiting, however, the quantum of counterfeit goods being exported or imported from/to India is enormous. In the author's opinion, India needs innovative solutions to address the said menace.

Better implementation of existing laws, coordinating actions by customs and police officials, stopping the counterfeit goods at the source, controlling the supply chain, a zero-tolerance policy against counterfeiting, simplifying the legal procedures to counter the ever-increasing impact of counterfeiting, and new technological solutions can help India decrease this evil.²⁵

23 Customs Circular No-41/2007-CUS. Dated 29.10.2007 <http://www.ieport.com/customs/2007/circulars/cir41.htm>

24 https://www.mof.go.jp/policy/customs_tariff/trade/safe_society/chiteki/cy2022/ka20230303.pdf; https://www.mof.go.jp/policy/customs_tariff/trade/safe_society/chiteki/cy2020/ka20210305.pdf

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FIGHTING COUNTERFEIT PRODUCTS IN E-COMMERCE

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*JPO/IPR Training Course on Patent Examination in Specific Technical Fields
(January 17 - February 8, 2023)*



The internet and digital technologies are transforming our lives rapidly and radically. Digital transformation has also reshaped business practices and the shopping experience of customers. E-commerce, where commercial transactions are carried out electronically on the internet, has given rise to many opportunities for businesses, consumers, and society. It is a cost-effective and time-efficient way of selling and purchasing where enhanced connectivity and accessibility exist between buyer and seller. It is an increasingly popular business strategy to complement traditional trade all over the world. There is a large number of businesses that offer their products exclusively online. In 2021, retail e-commerce sales worldwide amounted to approximately 5.2 trillion U.S. dollars. This figure is forecast to grow by 56 percent over the next few years, reaching about 8.1 trillion dollars by 2026¹.

These promising new opportunities are indeed remarkable from a business and customer convenience perspective. However, from a legal point of view, online business activities have given rise to multiple challenges related to the enforcement of intellectual property rights. The internet has given unparalleled access to counterfeiters, and unauthorized copies of the brands that used to be available in flea markets and grey markets are now finding their way to mainstream e-business platforms. Amazon, an e-commerce giant, has reported in the Brand Protection Report 2023 that it disposed of 6 million counterfeit items last year². While it is difficult to provide a definitive figure, a joint EUIPO-OECD study found that between 2017 and 2019, over 50% of counterfeit goods seized on entry to the EU were related to online transactions³.

According to the International Counterfeiting Coalition, “A counterfeit is an item that uses someone

1 Stephanie Chevalier (2022, September), Global retail e-commerce sales 2014–2026, <https://www.statista.com/statistics/379046/worldwide-retail-e-commerce-sales/>

2 Amazon 2023, Brand Protection Report, accessed June 2, 2023 https://storage.pardot.com/326621/1680574783Y5dqjaG2/Amazon_BPR_English_2023.pdf

3 EUIPO and OECD, 2021, Misuse-e-commerce-trade-in-counterfeits, accessed May 24, 2023 <https://euipo.europa.eu/ohimportal/en/web/observatory/misuse-e-commerce-trade-in-counterfeits>

*else's trademark without their permission*⁴. Counterfeiting is not just limited to luxury watches and handbags; it spreads across a broad range of products such as automobile parts, consumer electronics, pharmaceuticals, sports-related merchandise, semiconductor devices, furniture, and hoverboards. The makers and sellers of counterfeit products seek to profit unfairly from the brand owner's reputation and good will.

Counterfeit products have become an increasingly pervasive problem, and it is far more challenging to monitor, trace, and control this menace in an online business environment. The difficulty of intercepting counterfeits on digital platforms is due to several unique features of this medium as compared to traditional channels of commerce, some of which are discussed below:

- Online businesses, notably e-commerce platforms, have a global reach and can easily connect counterfeiters with potential buyers all over the world. Traditional distribution channels, such as physical stores or markets, have limited geographic access and may necessitate more effort on the part of counterfeiters to spread their products widely.
- Anonymity is a critical feature of e-commerce. Online counterfeiters can use false identities, such as fake names, addresses, and contact information, making it difficult to track them down. On the other hand, traditional transactions often involve face-to-face interaction, making it more difficult for counterfeiters to conceal their identities.
- Online businesses know no borders, and they operate in multiple jurisdictions. Users can connect to the Internet from almost any location on the planet. Digitised content can also travel across different countries and jurisdictions, each with its own legal system. Hence, it is difficult to consistently enforce laws and regulations when intellectual property (IP) infringement is detected. In contrast, offline retailers are typically bound by specific local or national regulations, making it easier to address counterfeiting issues within a specific jurisdiction.
- Traditional channels allow consumers to physically inspect products before purchasing them, making it easier to identify counterfeit goods based on quality, packaging, or other indicators. Consumers rely heavily on product descriptions, images, and customer reviews in online channels, which can be manipulated by counterfeiters to deceive buyers.
- E-commerce platforms allow counterfeiters to quickly and easily list and sell a large quantity of counterfeit products. They usually operate by creating multiple accounts and listings, which allow them to reach a large number of potential customers at the same time. In brick-and-mortar business channels, physical space and resources may limit counterfeiters.

Online IP infringement is a cross-border crime involving various actors across multiple jurisdictions; therefore, solutions cannot be designed in isolation. There is no single solution to deal with this global malaise. An inclusive, collaborative and multipronged strategy based on active involvement of IP owners, online service providers, customers, national government and international organizations is needed to take the bull by the horns.

First of all, the strategy to combat online counterfeits should be built on strong legal pillars. Governments need to upgrade their IP laws, which were once drafted for analogous environments, in order to provide a fair and predictable enforcement mechanism for online marketplaces. The inadequacy of the legal framework has increasingly been emphasized in academic and judicial forums. In a lawsuit between Milo and Amazon, Judge Martinez rightly expressed that *“there is no doubt that we now live in*

4 International Anti counterfeiting Coalition, What is counterfeiting? accessed on Jan 26, 2024 <https://www.iacc.org/resources/about/what-is-counterfeiting>

*a time where the law lags behind technology*⁵. National governments are designing legal and policy instruments to deal with IP infringement in the online medium. In 2021, Japan amended its Trademark and Design Act and subsequently its Customs Act, to include the bringing of counterfeit products into Japan via postal mail and other means by overseas businesses as infringing the trademark and design rights⁶. Moreover, court cases in the US have played a critical role in the interpretation and harmonization of the concepts of “secondary liability” and “safe harbor” provisions vis-à-vis online counterfeits.

In addition, the role of intermediaries like Internet Service Providers (ISP) and online marketplaces is critical in the fight against online counterfeits. Interestingly, they are part of the problem as well as the solution. The ISPs and e-commerce platforms Amazon, Alibaba, eBay, Rakuten, Etsy, Shopify, and Ali Express, among others, do not directly cause infringement but provide inseparable support in the completion of counterfeit product transactions; hence, they invoke secondary or contributory liability where ISPs or internet sale platforms are held responsible for their users’ online activities. The famous e-commerce sites are facing multiple lawsuits from brand owners in various jurisdictions. eBay was fined nearly 40million euros in damages to Louis Vuitton by the French court for sale of counterfeits through its site⁷.

These intermediaries should put in place stringent policies and procedures to verify sellers’ identities and ensure the authenticity of listed products. Collaboration between brands and platforms can aid in the implementation of effective brand protection programs, reporting mechanisms, and the removal of infringing listings as quickly as possible. According to the “Annual Report (2022) on Intellectual Property Protection”, the Alibaba Anti-Counterfeiting Alliance (AACA) includes more than 220 members from countries, representing over 1,100 brands to work together to find lasting solutions to IP issues⁸. Similarly, Project Zero of Amazon had the total number of brands enrolled increase to over 22,000 in 2022. This project claims to use sophisticated technology and insight from the IP owner to detect and pull-down counterfeit products from Amazon listings⁹.

Moreover, counterfeiting in e-commerce often involves international networks, which warrants cross-border collaboration. Governments, law enforcement agencies, and customs authorities should collaborate to exchange information, conduct joint investigations, and take actions to disrupt counterfeit supply chains.

Any anti-counterfeiting campaign cannot be effective without the active contribution of IP owners. The companies should properly register their trademarks, logos, and innovative designs before starting online sales. Most e-commerce platforms (Etsy, Instagram, Amazon, etc.) typically do not respond favorably to takedown requests in the absence of registered IP rights (copyright and trademark registrations and issued patents). Likewise, they should register their protected IP rights with Customs and Border Control Authorities to seek enforcement of their IP rights at borders. IP owners need to perform structured internet searches to actively monitor the counterfeiting activities and actively pursue the procedures given by e-commerce and social media marketplaces to delist counterfeit products. Furthermore, technology can be extremely useful in combating online counterfeits. Brand owners can use anti-counterfeiting technologies such as unique serialisation, QR codes, holograms, or NFC tags to verify product authenticity.

5 Jacob.D 2015, Judge ‘troubled’ by his own ruling in Amazon counterfeit goods case, says it’s an issue for Congress to address, accessed May 23, 2023, <https://www.geekwire.com/2015/judge-troubled-by-his-own-ruling-in-amazon-counterfeit-goods-case-says-its-an-issue-for-congress-to-address/>

6 Strengthening Border control Measures for Counterfeit products https://www.customs.go.jp/mizugiwa/chiteki/pages/d_010/index_e.html

7 eBay fined for selling fake goods, <https://articles.bplans.com/ebay-fined-for-selling-fake-goods/>

8 Ali baba Group 2022, Annual Report on Intellectual Property protection https://ipp.alibabagroup.com/index.htm?language=en_US

9 Amazon Project Zero <https://brandservices.amazon.com/projectzero>

Furthermore, advanced data analytics and machine learning algorithms can aid in the identification of patterns and the detection of fraudulent activities.

The consumer is an essential component of the anti-counterfeiting strategy puzzle. It is critical to raise the consumer's awareness about the dangers of counterfeit products. Brands, governments, and consumer protection agencies should educate the public about genuine products and the consequences of purchasing counterfeits through campaigns, social media, and other channels. For instance, Europol has launched an awareness campaign on online counterfeiting to assist consumers in identifying genuine products and detecting fraudulent websites selling fake products¹⁰. There are numerous apps and browser extensions that assist consumers in detecting fake reviews and unauthorized third-party sellers. One such browser extension is "Fakespot," which scans e-commerce websites including Amazon, eBay, Walmart, Best Buy, and many more in real time as you browse and assigns a letter grade to each product and its reviews¹¹.

Finally, it goes without saying that online presence has become a necessity, not a choice, for companies to remain competitive in the increasingly digitised world. Therefore, investing in and protecting the digital identity of products should be the priority of businesses. However, traditional ways of protecting intellectual property rights through long litigation processes for online merchandise are not enough. An integrated, proactive, mutual, and technology-driven approach is needed to outsmart the online counterfeiters.

¹⁰ Awareness campaign on online counterfeiting <https://www.europol.europa.eu/operations-services-and-innovation/public-awareness-and-prevention-guides/awareness-campaign-online-counterfeiting>

¹¹ <https://www.fakespot.com/>



Get to Know your IP Friends



It is our sincere hope that you will deepen your relationships with other JPO training course participants whom you met in Japan. With this in mind, we asked each writer to introduce a tourist attraction in their country in order to help everyone plan a fabulous vacation whenever you go to visit your new IP Friends! We are unfortunately not able to publish all questionnaire responses due to space limitations, however, so we ask for your kind understanding in this regard.

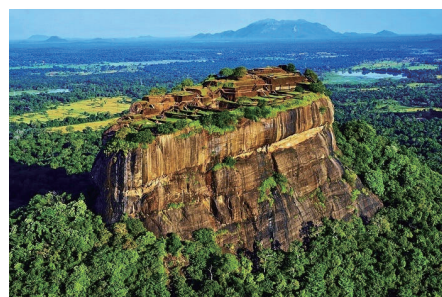
Q: Please introduce a tourist attraction in your country

- Three world-famous mountain ranges, Karakorum, Hindukush and Himalaya, meet here and ancient trade passes like the “Karakorum Pass” are located here. More specifically, I would recommend visiting Gigit-Baltistan which has mountains, valleys, lakes, ancient forts, remains of a Buddhist monastery from the 6th century and Buddha rock carvings. Moreover, traditional foods and local festivals fascinate visitors during the usual tourist season from April to October. (*Pakistan*)



A scene you will not find anywhere else¹

- Sigiriya- A UNESCO World Heritage site
Sigiriya (referred to as the "Lion Rock") is a 200-meter ancient rock fortress, holding within its walls a rich tapestry of history, culture, and natural splendor. Ascending Sigiriya requires determination and a sense of adventure. When way up the steep staircase, flanked by the iconic lion paws, a feeling of anticipation courses through your veins. Exploring the ruins of Sigiriya, you discover the remnants of an elaborate palace complex, once adorned with vibrant frescoes that told stories of a vibrant past. Sigiriya not only captivates with its historical significance but also enthralls with its natural wonders. (*Sri Lanka*)



Sigiriya Rock:
The Ancient Rock Fortress²

1 Photo by User:Banker khadim hussain - Astore town in spring (2006) / CC BY-SA 4.0
https://commons.wikimedia.org/wiki/File:Astore_City_in_Spring.jpg

2 Photo by Binuka poojan - The Beautiful Sigiriya.picture from drone cam. (2020) / CC BY-SA 4.0
https://commons.wikimedia.org/wiki/File:Beauty_of_Sigiriya_by_Binuka.jpg

- I will introduce you to Alter do Chão, the Amazonian Caribbean. Located in the middle of the Amazon in the state of Pará, Alter do Chão was voted the most beautiful beach in Brazil by the British newspaper, “The Guardian”. The waters on Love Island are clear and the sunset is beautiful and golden. It is usually visited between August and February when the rivers are low. In Alter do Chão, it is possible to take boat trips. (*Brazil*)



A picturesque beach in Alter do Chão³

- National parks and reserves, such as the Maasai Mara, Amboseli and Tsavo, top most tourists lists because of the abundant wildlife and safaris that Kenya is known for. Tourists can be sure to see some of the big 5 while on safari there. (*Kenya*)



Gnus and zebras enjoy an open African savanna side by side⁴

- Merdeka 118 Tower (the world’s second-tallest building) and Kuala Lumpur City Centre (KLCC) tower (the world’s tallest twin towers) are the two most popular attractions in Kuala Lumpur, Malaysia. (*Malaysia*)



Merdeka 118 Tower as seen from Kuala Lumpur Tower⁵

- Pamukkale: Located in the province of Denizli, Pamukkale is famous for its travertine terraces and the ancient city of Hierapolis. The white travertines, consisting of hot water springs, create a magnificent view for tourists. (*Turkey*)



A panoramic view of the travertine terraces at Pamukkale⁶

3 Photo by idobi - Ilho do Amor, Alter do Chão (2011) / CC BY-SA 3.0

https://commons.wikimedia.org/wiki/File:Alter_do_Ch%C3%A3o_486a.jpg

4 Photo by Key4 5 - Gnus and zebras in the Maasai Mara park reserve in Kenya. Wildebeest and zebra migration in Masai Mara. (2003) / CC BY 2.0 <https://commons.wikimedia.org/wiki/File:GnusAndZebrasInMaraMasai.jpg>

5 Photo by Pangalau - Views from Kuala Lumpur Tower in 2023. (2023) / CC BY-SA 4.0

https://commons.wikimedia.org/wiki/File:Views_from_Kuala_Lumpur_Tower_2023_06.jpg

6 Photo by Casal Partiu - Panoramic view of Pamukkale (2013) / CC BY-SA 2.0

<https://commons.wikimedia.org/wiki/File:PamukkaleView.jpg>

Message from Lecturer

Valuation of intellectual property represented by technology – the path to consensus and peace

Mr. ISHII Yasuyuki

President
IP Economic Research Institute



I am in charge of the lecture about “Assessment of IP Asset Values” in the JPO/IPR training program.

Evaluating something, not just intellectual property, is an act that humans do based on their own subjectivity. However, by showing that the valuation method, premises, and assumptions set for valuation are supported by widely publicized factual information and data, subjective judgments can be made more convincing.

Valuation can be described as an activity to obtain a sense of understanding and consensus regarding an outcome. When a sense of understanding and consensus is achieved, a sense of mutual trust is created. Human relationships based on trust build a “peaceful” world.

The goal of the lectures I teach is for the trainees to be able to implement this. In this lecture, I cover financial and accounting terminology such as “balance sheet”, “cash flow”, “discount rate”, “return rate on investment”, and “weighted average cost of capital”, as well as “infinite geometric progressions”. There are many terms in this lecture that are unfamiliar and not usually encountered in daily life.

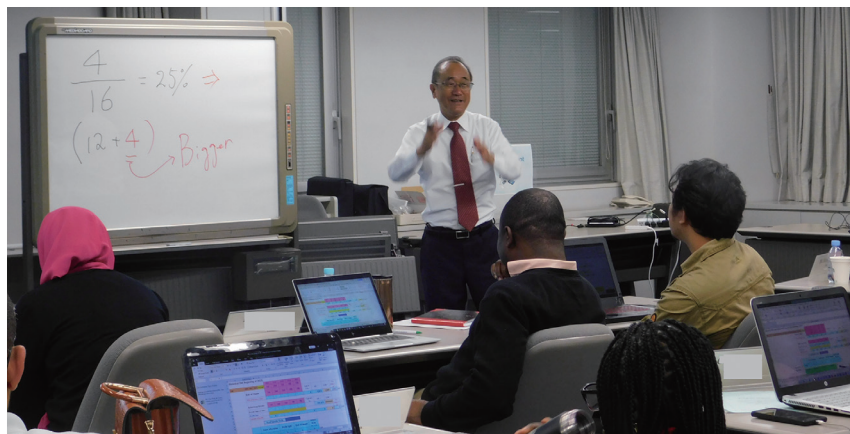
When we hear many of these terms that we’ve never heard before, we get nervous when we try to memorize them, we may struggle to remember them, and end up just feeling confused.

This is why at the beginning of the training, I say, “Don’t try to memorize the terminology that I explain. Instead, listen with one ear and let it out through the other.” This is my advice to trainees. By doing this, trainees can get a feel for these concepts without getting overwhelmed by these unfamiliar terms.

Although the content of the training is not easy, by participating in a more relaxed manner, they will be better able to grasp the concept and meaning of “valuation of intellectual property”.

Some of the trainees who participated in the lecture invite me to their home countries, to share the content of the lectures with their superiors and colleagues in their own countries.

When invited, I can have the opportunity to build further international relations between Japan and their countries through my lecture on intellectual property valuation, in hopes of building peace together.



In-person lecture on November 10, 2023
(FY2023 JPO/IPR Training Course on Academia-Industry Collaboration and Technology Transfer)



**Valuation
of Intellectual Property**
—Focusing on technological IP—

Sep. 1st, 2023

Yasuyuki ISHII
IP Economic Research Institute
<https://www.ipecono-ri.com/english/>

Online lecture on September 1, 2023
(FY2023 JPO/IPR Training Course for Practitioners Specializing in Patents)



Desire for Approval

Mr. OGIYA Takao

Director General of APIC



We all have the desire to be recognized by someone.

The American psychologist Abraham Maslow theorized a five-level hierarchy of human needs, assuming that people are constantly growing and striving toward self-actualization. According to the “five levels of Maslow’s hierarchy of needs” (Figure 1), the desire for approval is positioned second from the top.

This need for approval is the desire to be recognized and highly valued for one’s existence and abilities by the group to which one belongs, and this need is further classified into low and high levels of need for approval. This lower level is the desire to be noticed and admired by others, while the higher is the ability to evaluate oneself on one’s own; not on how one is seen by others.



Figure 1. Five levels of Maslow's hierarchy of needs

Previously, one had to do the following in order to satisfy the need for approval: discover their role and what they wanted to do in the group to which they belonged; work hard at what they needed and wanted to do; and strive to have their abilities and value recognized and appreciated.

In the past, social status in Japan was determined solely by pursuits such as graduating from a prestigious university, securing employment at a top-tier company or government office, ascending to a high managerial position with an impressive title, or acquiring a high societal position by becoming a doctor, a lawyer, or an academic, with the end goal of earning a high income. Because many people could not obtain such a social status, however, they had no choice but to fulfill their own small needs for approval that suited their stature.

Today, by contrast, there are numerous criteria in this regard that are not necessarily limited to titles, social status, or income; but may include, for example, having in-depth knowledge or high ability with respect to a particular matter (or both); good communication skills; or abundant personal connections.

With the recent spread of the Internet, user-generated media such as Facebook, YouTube, Instagram, LINE, and X (formerly Twitter) have emerged as well. Through such social networking services (Figure 2), people are now able to connect with others who share common interests and ideas—thereby being recognized for who they are. In other words, the group to which one belongs—which was at one time clearly limited to a specific sphere such as a company, government agency, or association of fellow professionals—has transformed into what is now an ambiguous, loose, and constantly evolving collective that is connected through social media. There can be any number of such groups, and you can increase or decrease them yourself. Moreover, each individual is connected to an unspecified number of people, so the total number remains unknown. Within such groups, you can find a place for yourself.

Furthermore, amidst a family environment of declining birthrates, nuclear families, and dual employment, those who were not praised enough in their childhood did not gain enough experience in doing what they wanted to do while gaining the approval of those around them, and this unsatisfied need for approval resulted in a strong need for approval in adulthood.

As a result, many people have become increasingly drawn to social media to satisfy this need. For example, there seem to be individuals who use social media to satisfy their need for approval by posting Instagram-worthy photos, showing off their hobbies and skills in videos, or featuring videos of their dogs and cats in order to have others approve of and appreciate them.

When people try to satisfy their need for approval through social media, however, which is vague, gradual, constantly changing, and cannot be grasped in its entirety; there is a danger that they will become dependent on their smartphones while constantly worrying about the number of followers, accesses, “likes,” etc., or that their goal will be to increase these numbers, and they will therefore be constantly on their smartphones and unable to let go of them, since they are constantly thinking about social media at all hours of the day.



Figure 2. Icons related to social networking services (SNS)

Among such persons, there seem to be quite a few who have a strong desire for self-exposure. In other words, they want to be noticed and praised by those around them by making themselves stand out. This desire for self-exposure is something we all have, but when it emerges in such a strong way, it can have a negative impact on those around us.

People who have a strong desire to show off often have low self-esteem. While people with high self-esteem recognize themselves as important regardless of what others around them may think, those with low self-esteem cannot see themselves as being significant; and therefore often want to be recognized through self-exposure. It can basically be said that a person's desire for self-exposure becomes stronger when they sense a gap between their ideal image and how they are thought of by the people around them.

People who have a strong desire for self-exposure exhibit several characteristics:

- (1) They often talk about themselves, actively bragging about their own personal stories while side-stepping those of others. Instead of listening to what other people have to say or asking any questions, they immediately try to talk about themselves, saying, "I..." or "In my case..."
- (2) Their conversations often begin with a denial. Because they want to show that they are better than others and have good opinions and ideas, they tend to dismiss the opinions of others. They also do not praise the other person.
- (3) They have a tendency to care too much about what others think of them. Therefore, at meetings and other occasions where many people are present, they make statements that make themselves look good, rather than expressing their true opinions.
- (4) They have a tendency to lie about their own words, actions, and behavior. Due to the desire to be seen well by others, they may exaggerate their own abilities and achievements, or they may act differently than they really mean to in order to be seen well by others.
- (5) They are not cooperative. They are reluctant to do anything that does not make them stand out and be appreciated, are not good at doing something involving more than one person, and are quick to act on their own.

What should be done for those who have too strong a desire for approval or self-exposure? According to the five levels of Maslow's hierarchy of needs, people are constantly growing and striving toward self-actualization, so they grow from a low-level need for approval to a higher one, before reaching self-actualization. In other words, they should work to step up toward self-affirmation and self-actualization.

Maslow defines self-actualization as "achieving and becoming the person one is supposed to be by making the most of one's abilities and potential". People who are self-affirming and achieve self-fulfillment possess the following characteristics:

- (1) They live life while being honest about how they feel.
- (2) They are open-minded and creative.
- (3) They play to their own strengths.
- (4) They take initiative and make concerted efforts.
- (5) They possess autonomy.

I personally believe that the secret to becoming such a person is to accept and love oneself just as one is.

Accepting yourself as you are means to say "I am OK" with who you are right now. There is a theory that the origin of the word "OK" is an acronym from "0 (zero) + Killed", which was supposedly used by regiments during the American Civil War to indicate that they didn't suffer any casualties in battle. In other words, if the worst-case scenario does not occur, then it is OK.

In my work, I often give lectures in front of many people, both Japanese and foreign, and there is one question that I ask at the end of each lecture: “Are you happy with yourself?” Almost 100% of people from overseas answer “yes”. Among them, there are those who ask me why I would ask such an obvious question. However, when I ask the same question to Japanese people, only about 10% say “yes”. After waiting for a while, some people begin to look around. Many people are concerned with what others think.

The reason why we cannot say we are happy with ourselves is because we compare ourselves with others. People aren’t happy with themselves “because they can’t do this compared to this person,” or “because they lack this or are inferior compared to everyone else.”

Or, some people compare themselves with an idealized image, and criticize themselves for not being good enough. They don’t give themselves an OK, but instead tell themselves, “I should be like this, but I’m nowhere close to being this way.”

Parents and schoolteachers send negative messages to their children beginning in childhood, telling them that they must work harder. Such messages are imprinted deep in their hearts, making them believe that they are failures, and that they are not worthy of being loved.

Tell yourself gently that you are fine just the way you are now, and stop comparing yourself to others. It’s okay to make the most of each day, and even if things don’t go as planned. It’s fine—just pat yourself on the back for a job well done today, and go to bed with the expectation that tomorrow will be an even better day. And toward others: listen, be accepting, and show kindness.

Doing so will enable them to accept themselves, fulfill their need for higher-level approval, and strive for self-actualization.

We are now living in an era of unpredictable changes in the natural environment, such as global warming and sudden pandemics involving diseases such as the novel coronavirus infection (COVID-19). Social systems and values have changed and diversified so much that it has now become difficult to see what the right answer is. Amidst such circumstances, loving oneself is the only way to live your true self to the fullest without being swayed by those around you.

Let’s say to ourselves now: “I am OK” as we strive for self-actualization.

Introducing places in Tokyo to wander around free of charge



Intellectual property infringement, including copyright violations and pirated goods, occurs around the globe—including in Japan. For this reason, we decided to include an article in “ENISHI” on the theme of counterfeit goods. While preparing the March issue, we learned more about counterfeit goods during a visit to Tokyo Customs Headquarters in Koto City, which is located around 40 minutes by train from the JPO building in Kasumigaseki.

The following is a brief description of the Tokyo Customs Exhibition Room, located on the second floor of the Tokyo Port Common Government Building (“Tokyo Kowan Godo Chosha”).

Tokyo Customs Exhibition Room (Koto City, Tokyo)

The arrival of Commodore Matthew Perry at the end of the Edo era triggered the opening of Japan’s doors to the outside world, and represented a new step in the country’s foreign trade and diplomatic relations. In 1859 (Ansei 6), Unjosho (the precursor to the present-day customs) was established at the ports of Nagasaki, Kanagawa, and Hakodate following the 1858 signing of the Ansei Five-Power Treaties (which included the Treaty of Amity and Commerce between the United States and Japan). Unjosho was renamed in 1872 along with the official establishment of Japan Customs, which celebrated its 150th anniversary in 2022.

Control of products that infringe intellectual property

There have been many problems stemming from IPR-infringing goods. For example, copyright violations and pirated goods obstruct economic development; pharmaceuticals threaten people’s health; and electronic devices run the risk of ignition. This is how serious the problem is all over the world.

Customs plays a key role in border enforcement against items related to intellectual property infringement. Recently, Japan Customs is doing significant work to deter goods that infringe intellectual property rights, such as pirated copyright goods and counterfeit products. As the following chart indicates, the number of intellectual property infringement items has amounted to over 20,000 for four consecutive years. Due to revisions of the Trademark Law and Design Law in May 2021, and then to the Customs Law in March 2022, the importation of counterfeit products (those infringing trademark or design rights)

into Japan from overseas businesses via postal mail, etc. were prohibited as of October 2022. In addition, controls have continued to be tightened still further since that time.

The number of suspensions by type of Intellectual Property (Import)

(the upper: cases, the lower: items)

Type \ Year	2019	2020	2021	2022	Growth over prev. year	Composition ratio
Patent rights	83	116	174	280	160.9%	1.0%
	19,211	40,523	27,429	34,631	126.3%	3.9%
Design rights	289	323	302	354	117.2%	1.3%
	85,684	58,867	73,953	136,148	184.1%	15.4%
Trademark rights	23,182	29,483	27,424	25,705	93.7%	94.6%
	867,804	416,599	621,684	548,972	88.3%	62.2%
Copyrights	505	576	674	841	124.8%	3.1%
	46,113	73,230	96,345	162,896	169.1%	18.5%
Unfair competition prevention goods	3	0	0	0	—	—
	68	0	0	0	—	—
Total	23,934	30,305	28,270	26,942	95.3%	100.0%
	1,018,880	589,219	819,411	882,647	107.7%	100.0%

The number of cases is the number of import declarations and postal items which contains IPR infringing goods suspended by Customs.

The number of items is the number of IPR infringing goods suspended by Customs.

(e.g. The number of items is 20, when 20 IPR infringing goods are contained in one import declaration or postal item.)

Source: Japan Customs Report 2023 – Chapter 1 Ensuring Peoples' Security and Safety (page 017)

https://www.customs.go.jp/zeikan/pamphlet/report/pdf/report_002e.pdf (accessed on January 11, 2024)

Visit to the Tokyo Customs Exhibition Room

The Exhibition Room consists of three areas, whose names and content are as follows: 1) Find Out about Customs (history, role and function of the Customs Office, along with exhibits of endangered wild-life species), 2) Keeping Society Safe (introduction to the smuggling methods of narcotics, methamphetamines, handguns, and other socially harmful goods), and 3) Valuable Facts (useful information about taxes and duty-free allowances, along with a quiz and shopping game).



Welcome to the Tokyo Customs Exhibition Room!



Endangered Wildlife Species “Washington Convention”

The wallets and apparel of prestigious brands, including the commodities of Japanese anime, are displayed next to each other inside the exhibition room—thereby allowing visitors to compare counterfeit goods against real products. Since counterfeit goods are very well-made, it is very difficult for an amateur to distinguish the real from the fake.

“Experience of Customs Officers”, the monitor, located in the center of the room, offers two experience-based pieces of content: a fun game to learn whether or not goods can be imported; and a camera that takes commemorative photos together with a uniformed customs official when you stand in front of it.

View Around Tokyo Customs Exhibition Room

This facility is connected to central Tokyo via a self-driving transportation system called “Yurikamome”, which is a fully-automated transit system with no drivers on board, that is controlled entirely by computers.

After the facility tour, we walked from Telecom Center Station, which is the closest station to Tokyo Customs Headquarters, and onward to Daiba Station. The days get shorter in winter, by the time we arrived at Daiba Station it was dark, but the nighttime view of the city lights was extravagant.

There are many tourist attractions around this area, including a few shopping centers, as well as a place to enjoy a fine view of the sea. While this area is lively with visitors during the day, it offers the opportunity for a peaceful and serene visit at night. Taking a walk in this area is great, because it is spacious and airy.

After visiting Tokyo Customs Exhibition Room and obtaining useful information, why not spend some time shopping, strolling around, and enjoying a gorgeous night view?



View from the observation deck near Daiba Station, a short walk from Tokyo Customs Exhibition Room

■ Tokyo Customs Exhibition Room

Open: 9:00-17:00, Mon-Fri **Closed:** Weekends, public holidays

Address: Tokyo Customs Headquarters 2F, Tokyo Kowan Godo Chosha 2-7-11 Aomi,
Koto-ku, Tokyo, Japan

Tel: 03-3599-6264

Access: 3 minutes' walk from Telecom Center Station on the Yurikamome Line
19 minutes' walk from Daiba Station on the Yurikamome Line

Admission: Free of charge

■ Map (English)

https://www.customs.go.jp/english/common/map_e/tokyo/tokyo.htm

Editor's Note



Hi, this is KEN. I believe that ramen is one of the most typical Japanese meals loved by people overseas. Japanese ramen styles include *shoyu*, which utilizes a light, traditional soy-based sauce; and *tonkotsu*, a creamy version of ramen featuring a *dashi* (soup stock) broth made from simmered pork bones. Depending on the combination of *dashi* and sauce, there are countless more varieties. Individual areas of Japan also feature their own unique styles of local ramen that are representative of their regions, and have taken root as part of Japan's national food culture.

Japanese ramen is already well-known overseas, and many people come to Japan specifically to enjoy it. Many Japanese people also eat a wide variety of ramen from restaurants around the country, and upload their pictures and impressions of the taste to social networking sites and Youtube. I like ramen too, and have eaten it many times. I tend to leave some of the soup behind, though, because of its high salt content. I think that if someone comes up with a revolutionary-style ramen that retains its flavor while still having a low enough salt content to enable all of the soup to be slurped down, this should be awarded as a historical invention.



In the Odaiba area, where the Tokyo Customs Office featured in this issue is located, there is a fireworks display every Saturday in December. Fireworks used to be a summer tradition in Japan, but in recent years, some places are holding them in winter. This is probably because the air is cooler and drier in winter, which prevents light from being refracted and allows people to see clearly into the distance. Japanese fireworks are characterized by their spherical shape and the color of the gunpowder that changes midair during the display.

Your training in Japan may just happen to coincide with a fireworks period in summer or even in the winter season. If you find any of these fireworks events while in Japan, it is a must-see!



In this issue's survey, we asked about preferred tourist attractions in the home countries of our alumni. So, what are noteworthy destinations in Japan? Many participants from our course often explore Akihabara, Shibuya, and Asakusa, while some also venture to Kyoto on weekends.

Beyond these popular spots, Japan boasts numerous other captivating attractions. I highly recommend a visit to Kawagoe in Saitama Prefecture, easily accessible within an hour from Kita-Senju Station. Kawagoe, also known as "Ko-Edo" (Little Edo), offers a seamless journey back to the Edo Period.

Kawagoe is brimming with charming spots, including the matchmaking-god shrine, "Hikawa-Jinja", the nostalgic Japanese sweet shops of Kashiya-Yokocho, and the opportunity to rent a kimono and stroll through a historical area lined with buildings in the Kurazukuri (warehouse) style. Notably, Kawagoe has gained popularity among foreign tourists for its unique allure.

Consider adding Kawagoe to your list of must-visit places for a delightful and culturally rich experience.

[The meaning of 縁 (Enishi)]

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

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

[Consigner]



Japan Patent Office(JPO)

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Email: PA0870@jpo.go.jp

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

[Publisher]



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