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## ***IP Friends Connections***

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

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

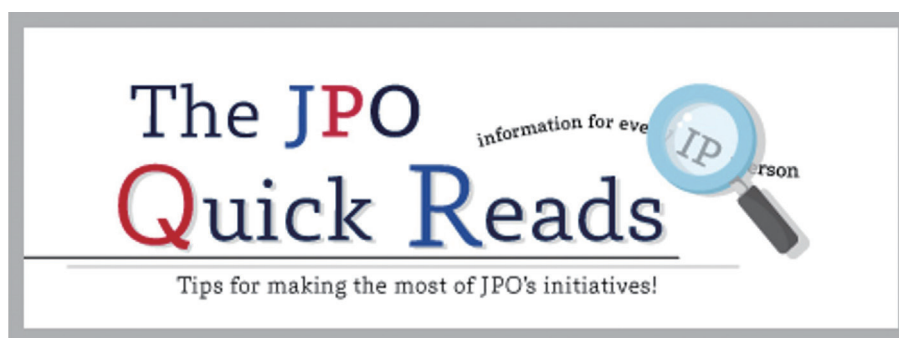
*We very much hope that the information in this publication related to intellectual property,  
and the comments from either IP Friends or lectures, will prove beneficial to you in your work.*



**JAPAN PATENT OFFICE**

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

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

**[Popular topics]**

➤ **IP Week 2024 (30 September 2024)**

*Commissioner of the JPO attended “IP week” and delivered a speech on up-to-date topics!*

On 27 August, during the event “IP Week” hosted by the Intellectual Property Office of Singapore (IPOS), JPO Commissioner ONO delivered a keynote speech.

Commissioner ONO talked of Japanese stakeholders’ thoughts on the influence of AI in IP system and introduced the JPO’s initiatives on AI and other emerging technologies as well as the JPO’s international collaborations on such matters. He also urged the audience to think about the relationship between AI and IP systems, emphasizing that IP Offices should not just trail technical innovations but should also facilitate them.

➤ **Children’s Day for Visiting Kasumigaseki (2 September 2024)**

*The JPO organized a special event for children again this year!*

In August 2024, the JPO held the “Junior Innovation Festival: Ancient Invention and Adventure” in Tokyo and Nagoya as a hands-on learning event for children. In Tokyo, the event took place in the entrance hall of the JPO building in Kasumigaseki.

There were three workshops, which offered hands-on experience getting in touch with the essence of creativity, as well as a booth where young visitors could interact with JPO patent examiners.

- More detailed comparison on AI-related inventions in IP5 (29 July 2024)  
*IP5 have published a more detailed comparison table!*

A detailed comparison table for IP5 Offices’ examination practices on AI-related inventions was approved as a JPO-led project outcome in the IP5 Heads of Office held on 20 June 2024, and it is now available on the IP5 website.

This is a newly compiled table with a more detailed classification of the examination cases for AI-related inventions, which is derived from the comparison table with laws and examination criteria approved by IP5 last year. By listing materials in the form of hyperlinks to webpages, the information in the table will not become outdated, and users can always access the most up-to-date materials by clicking on the links.

- WIPO Assemblies 2024 (22 July 2024)  
*Commissioner and Deputy Commissioner of the JPO attended the WIPO Assemblies 2024!*

At this year’s Meetings of the Assemblies of the Member States of WIPO, which took place from 9 to 17 July, various reports, budgets, and activities of the respective committees were discussed.

On the first day, the JPO Commissioner ONO delivered a General Statement expressing the commitment to supports for developing countries, continuous efforts to achieve the SDGs, including WIPO GREEN, and active participation in the Diplomatic Conference on the Design Law Treaty (DLT). Mr. ONO also stated that the JPO plans to cooperate with WIPO for the Expo 2025 Osaka, Kansai, Japan.

- Promoting Diversity and Inclusion (10 June 2024)  
*The JPO is promoting diversity and inclusion (D&I)!*

To promote innovation, it is important to leverage the diversity of human resources including women and youth. Based on this idea, there has been a growing trend in recent years to promote diversity and inclusion (D&I) in the field of IP.

At the JPO, “Diversity and Inclusion Team” comprised of cross-organizational members was first launched in 2023. The team has helped the development of positive career visions through interviewing IP specialists and compiling a collection of messages. In addition, the JPO has engaged in international collaborations with USPTO, WIPO and other IP Offices to help establish a global network in the field of D&I.



## Introduction of FY2024 Long Term Fellowship Researchers

### Exploring Japan's Utility Model System: Lessons to Adapt in Bangladesh

**Mr. Islam, Amin Mohammad Tajul (Bangladesh)**

Deputy Director (Patent)  
Department of Patent, Industrial Design and Trademarks

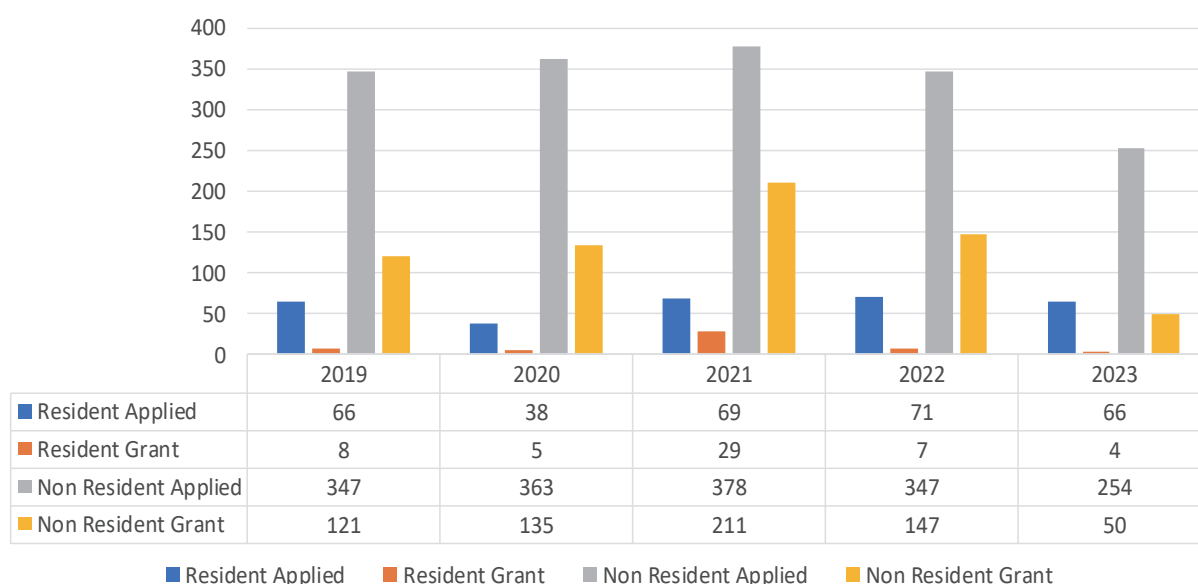


I am Amin Mohammad Tajul Islam from Bangladesh. I completed my master's degree in Biochemistry and Molecular Biology at the University of Dhaka. I joined the Department of Patent, Industrial Design and Trademarks (DPDT) as a Patent Examiner (Biochemistry) in 2014. During that time, I examined patent applications related to the fields of biochemistry and microbiology. After serving for more than seven years, I was promoted to Assistant Registrar (Patent). Now, I am working as Deputy Director (Patent) in the same department. I supervise the examination of patent applications related to biochemistry, pharmacy and agriculture. I also supervise the determination of IPC of each patent application, followed by file distribution among the Assistant Directors (Patent), and patent publication as well. I also have an additional charge in the Geographical Indication (GI) Unit as Deputy Director. There, I supervise the examination of GI applications as well as GI Journal publication.

In Japan, my long-term research is on Utility Model Patents (UMP); it's role in fostering innovation especially for small and medium enterprises (SMEs) and young innovators. Gathering some knowledge on this topic from Japan, I would like to recommend our policy makers to take necessary steps to establish an effective UMP system and adapt suitable provisions while formulating forthcoming IP Policy.

We have enacted our new Bangladesh Patent Act, 2023 where a Utility Model system has been newly adopted. Fortunately, I was a member of this new patent act drafting committee. I tried to introduce necessary sections for UMP, and it was effective. I will also try to keep suitable provisions for UMP while formulating new rules under this act.

Bangladesh's economy, as a Least Developed Country (LDC) member, depends on labor-based ready-made garments (RMG) sectors to earn foreign currency, and pharmaceutical sectors as well where we export a significant amount after meeting domestic needs. As an LDC, we enjoy exemptions from complying with various obligations regarding intellectual property and international trade in many cases. The government is working towards moving up from LDC to developing country status in 2026. When this happens, many types of waivers will be lifted, meaning we will have to face many obligations, which will be challenging. Considering this goal, the government is trying to move our economy from labor-based industries to technology-based industries where intellectual property, especially patents, will play a key role. The statistics below shows the patent filing and granting status in Bangladesh. Approximately 90% of filings are foreign patent applications, where a significant number of these applications are granted. On the other hand, approximately 60-80 domestic applications are received and only a few of them are granted.



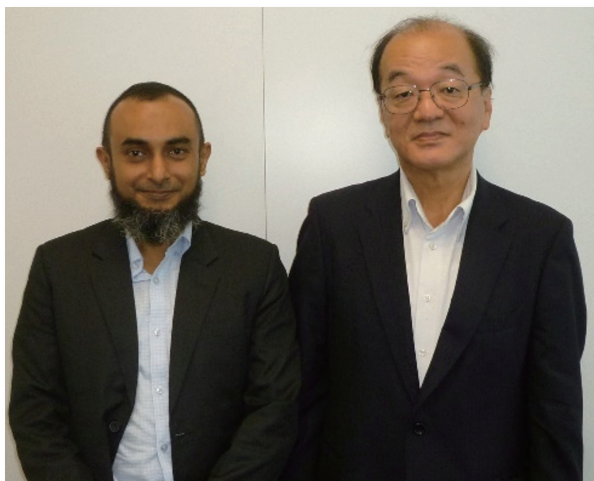
Statistics for the Filing and Granting of Patents over the last 5 years at DPDT  
(Source: <https://dpdt.gov.bd/site/page/cda6b625-2ebd-4354-bc48-46e40c14656d>)

Bangladesh has an ordinary innovation portfolio, positioned at 106 among 133 countries<sup>1</sup> in the Global Innovation Index-2024 (GII-2024), which is published by the World Intellectual Property Organization (WIPO) each year. As we do not have a UMP system, our SMEs and researchers rarely approach the patent office to protect their small creations. Japan, positioned 13 in the GI-2024, is a perfect place to acquire knowledge on establishing an innovation ecosystem.

While starting my research journey, I was very much inspired by a speech from the highly experienced Mr. IWAI Yoshiyuki, who was once Commissioner of the JPO, and now acting as Chairman of JIPPI. I was also motivated after having a courtesy meeting with Ms. YOSHINO Sachiyo, Director of the International Cooperation Division at the JPO. Her cordiality will help me to make this research project a success. On 31 October, I had the opportunity to meet my research advisor, Prof. ASAMI Setsuko,

<sup>1</sup> <https://www.wipo.int/gii-ranking/en/rank>

Visiting Professor at the Graduate School of Juris Doctor Course (Law School), Meiji University. Her thoughtful briefing will be very beneficial to complete my research. Hopefully, my research work will be a small initiative to promote our SMEs to protect their intellectual efforts.



With Mr. IWAI Yoshiyuki (right) on Oct. 17



With Ms. YOSHINO Sachiyo (left) on Oct. 18



With Ms. ASAMI Setsuko (right) on Oct. 31

## Four months exploring Japan's lessons on SMEs and IP branding support

**Ms. Kertmamy KEOBOUNPHANH (Lao PDR)**

Deputy Director, IP Policy Division  
Department of Intellectual Property, Ministry of Industry and Commerce



First and foremost, I would like to express my sincere gratitude to the Department of Intellectual Property, Ministry of Industry and Commerce of Lao PDR and the Japan Patent Office (JPO) for providing me with this tremendous opportunity to participate in the Study-Cum-Research Fellowship Program 2024 here in Japan.

I would also like to extend my sincere appreciation to the Asia-Pacific Industrial Property Center (APIC), Japan Institute for Promoting Invention and Innovation (JIPII) for their assistance in arranging and welcoming me upon my arrival in Japan. I would especially like to thank Mr. OGIYA Takao, the Director General of APIC, JIPII, for your welcoming remarks, and to Ms. OBINATA Yuki, the Deputy Director of the International Cooperation Division, JPO, for your greetings at APIC in my research space.



With Ms. OBINATA Yuki (left)

I have participated in a JPO/IPR training course before, but this is my first time being in Japan for a four-month period as a researcher. I am delighted to see some of my old IP friends here. However, this challenging task of fulfilling the objective of my research also gives me a new feeling of both excitement and nervousness.

Before coming to Japan, I thought about my research theme and decided on “SMEs and IP Measures for Effective Branding in Laos PDR by Learning from Japan’s Experience”, which will focus on support for Small and Medium-sized Enterprises (SMEs) in conducting their business, particularly to develop their branding strategy by leveraging IP. The reason why I was drawn to this topic is that our office in Lao PDR is focusing on promoting IP while simultaneously supporting SMEs to create and utilize IP while conducting their business.



IP is not only about protecting the rights of IP owners, but also includes utilization of IP, which is a factor becoming more and more important for the branding strategy of many SMEs. In Lao PDR, the number of total enterprises is 133,997 (as of 2020) and the number of Micro Small & Medium Enterprises (MSMEs) is 133,721, almost 99.8 percent of total enterprises<sup>1</sup>. However, the number of IP filings is relatively low. The number of trademark applications of Lao residents is 4,792 with a total of 2,752 registered trademarks<sup>2</sup>. This shows that SMEs in Lao PDR lack recognition and do not use IP to maximize their brand value and competitiveness.

Since my arrival in Japan, I have started collecting information and data to support my research. I also had my first meeting with my advisors, Ms. TOYOSAKI Reiko, Patent attorney, TOYOSAKI & ASSOCIATES, on Sep. 13, 2024, and Mr. AKIYAMA Koichiro, Senior Design Director, Proximo Co., Ltd., on Sep. 26, 2024, accompanied by my Supervisor, Dr. SUWA Yorimasa, Senior Researcher of APIC, JIPPII. The insightful discussions we had on SMEs and IP gave me direction and valuable ideas for my research. Also, the discussion on branding helped me to better understand the significance of creating and developing branding strategies and its challenges.



With Ms. TOYOSAKI Reiko (right) on Sep. 13



With Mr. AKIYAMA Koichiro (left) on Sep. 26

I strongly believe that this research into Japan's best practices and experiences will allow me to provide concrete and suitable measures on branding to support SMEs and leverage their IP potential to enhance brand value and the growth of businesses.

1 Asian Development Bank (ADB) Asia SME Monitor 2023 LAO PDR

2 Lao IP Search, as of September 11, 2024



## Training Course Experience in Japan

### My experience of JPO/IPR's training program

**Ms. Bella de Carvalho Faria, Camila (Brazil)**

Deputy Chief of Educational Technology Service (Serviço de Tecnologias Educacionais) SETED  
National Institute of Industrial Property (INPI)



*JPO/IPR Training Course for IP Trainers  
(August 25–September 26, 2023)*



Firstly, I would like to highlight that this course was very important for increasing knowledge of IP, exchanging information between participants, better understanding the subjects from different perspectives, and improving skills in my area of expertise.

The first modules, which took place online, covered very interesting topics. They demonstrated the impact of purchasing counterfeit products, including how bad this is for the production chain and economic development—and especially for consumers who purchase low-quality products.

The relevance of intangible assets and their growth over the years was contextualized, including historical factors that drove innovation, and potential reasons that impact a society based on creative education. Also demonstrated were the steps to implement a knowledge-oriented education beginning in elementary school, with a well-defined and organized structure for creative thinking. Within this context, creative education stood out with its aims to bring children and adolescents into this reality, which is extremely important for the growth of a 5.0 society.

The instructors demonstrated many ideas, with products and inventions that were explained and exercised to improve them. I liked the activity to think about products to combine them in order to invent a new product, especially by analyzing and improving the situations we encounter on a daily basis through combinations that reduce the amount of materials and add product value. This step proved that it is essential to optimize materials to produce products with better quality and durability. Furthermore, protecting your assets becomes of paramount importance. In this way, innovation can bring greater advantages to everyone who uses the IP system, and who benefits from it to generate gains and protection for both their companies and society.

We began group activities with discussions among all participants about combatting counterfeit products. This was very important work, addressing several aspects of the topic in question. Within the topic of counterfeiting for high school students, we addressed points that draw students' attention to the importance of IP, as well as its challenges and impacts.

After these contents were presented, the online part of the course ended; and the in-person part began shortly thereafter. The first presentation was about the professionals who work at the JPO, including a visit to its facilities. An important point of the visit was to learn about the history and role of the JPO in the event of conflicts between applicants regarding IP assets. We also learned about the activities carried out by young people in schools. It was very important to understand and learn how to introduce and incorporate students into creativity. The instructors showed us cases about Japan, and the activities carried out by young people in schools.



Continuing to understand the content, I found the methodology used to interact with students very interesting. The activities presented to interact with students in their reality were excellent, illustrating very well the materials used in this session. This demonstrated that students need to be successful in the proposed work in order to enjoy inventing new products in the future and being creative.

In the next session, we had country presentations on IP. This was a great experience, because a lot of information was presented about the countries, their specificities, and what each one does in relation to IP. The reality of the countries was very enriching to help us understand the subject matter, and to have a more global view of the IP Institutes and universities that apply knowledge in this area.

The following session included content that I considered very relevant: active learning. The instructor demonstrated the importance of presenting this type of learning, along with tools that help teachers with their students. Here, one's posture, tone of voice, patience and tolerance are very relevant. The information provided was very enriching, and aimed to improve and encourage IP teaching with teachers and students. In the afternoon, we had the practical part with many interesting dynamics. The instructor demonstrated the importance of doing work that catches the students' attention, showing that this is a great way to understand active learning. This type of work is relaxing, and everyone can respond. In addition, the instructor presented the topics to teach in the future.



We visited Tokai University, where students joined us in its auditorium. There was a theatrical presentation, and soon afterward the students engaged in an activity where they drew possible inventions. I talked to the students and saw their drawings, and it was a pleasant morning, full of learning and interesting experiences.

In the afternoon we had a group meeting to talk about the activities and finish the presentation for the last day of the course. The exchange of information with the group was great, with a lot of information and excellent content for the presentation.

On the final day, we watched a presentation by Tokai University students about their inventions. The groups had great ideas, and the results presented were excellent. For me it was great to see the creativity of each group, and the development of their products. In fact, I was quite impacted by the results which students had presented.

The last day was very important in order to put into practice the content and knowledge acquired during the course. We had a presentation of works that were extremely interesting, as we had different points of view on the same topic. I think that all the presentations were very good, and I really enjoyed and learned a lot from our exchange among the course participants.

With all this knowledge acquired, we developed a course in Brazil for the year 2024 titled “Introduction to Intellectual Property for Basic Education Teachers”. This course is in its first edition, and started in April with the aim of presenting the principles of Intellectual Property for Basic Education teachers to apply to their students—especially Trademarks, Geographical Indications, Patents, Industrial Designs, Technological Information, Copyright and Traditional Knowledge.





## USO E APLICAÇÃO DA PROPRIEDADE INTELECTUAL POR PROFESSORES

### **Público-Alvo**

Professores da Educação Básica e do Ensino Superior  
Integrantes do Programa PI nas Escolas

### **Modalidade**

Online

### **Carga Horária**

Online

### **Benefícios**

Gratuito  
Emissão de Certificado

### **Datas Importantes**

Inscrições: 27/03 a 10/04/2024  
Curso: 11/04 a 10/05/2024  
Atividade Sincrona: 25/04 e 06/05/2024



**ACAD**

Academia de Propriedade Intelectual,  
Inovação e Desenvolvimento

**INPI** INSTITUTO  
NACIONAL DA  
PROPRIEDADE  
INDUSTRIAL

<https://www.gov.br/inpi/pt-br/servicos/a-academia/projetos/programa-pi-nas-escolas>

Source: INPI. Virtual Academy, © 2020–2024. Introduction to Intellectual Property for Basic Education Teachers.  
Available in: <https://academiavirtual.inpi.gov.br> (Accessed on: April 29, 2024.)

We are receiving a lot of positive feedback from our students with this pilot project, and it will certainly bring many good results for IP education in Brazil.

Therefore, putting the content learned into practice was very important for the development of the work being carried out in IP by primary-level education teachers in our country.

Furthermore, I highlight that it was very relevant to learn from each content taught in this course, as well as to further understand the importance of IP for society. It was really very motivating and interesting, and has certainly been very important for carrying out my activities.

# My Trip to Japan: A Journey of Discovery and Inspiration

**Mr. Hicrettin Durna (Türkiye)**  
Industrial Property Expert, Patent Department  
Turkish Patent and Trademark Office (TURKPATENT)



*JPO/IPR Training Course on Patent Examination Management for Managers  
(July 18–July 24, 2023)*



My recent trip to Japan was a transformative experience that left an indelible mark on my life. Amidst the backdrop of the Covid-19 pandemic and the aftermath of the Olympics, I embarked on an adventure into this enigmatic and sophisticated society, eager to unravel its rich cultural tapestry.

From the moment I stepped onto the plane, I was enveloped by a sense of awe and anticipation. Japan, a land where modernity and tradition intertwine seamlessly, welcomed me with open arms. Every step I took revealed a fusion of technology and aesthetics, a testament to Japan's unique cultural identity.

The towering skyscrapers, the subterranean stations, the intricate ticket machines, and the ubiquitous vending machines standing side-by-side, all embodied the Japanese penchant for practicality. Yet, this technological symphony was harmoniously balanced by the tranquility and serenity of nature's embrace. The meticulously manicured gardens and the bonsai trees adorning every corner whispered of the Japanese people's profound reverence for nature.

My time in Tokyo was a testament to the Japanese culture's emphasis on discipline and order. The orderly queues, the unspoken respect for personal space, and the pervasive air of tranquility were a stark contrast to the hustle and bustle of my home city. The mutual respect and collaborative spirit that permeated every interaction underscored the Japanese society's deep-rooted sense of harmony and solidarity.

I was particularly struck by the cleanliness and efficiency of the city. The absence of cigarette butts, the lack of litter, and the quiet flow of traffic spoke volumes about the Japanese





people's civic pride and commitment to maintaining a pristine environment. The swift and silent completion of the road and sewer works in front of our AOTS accommodation, leaving no trace of disruption the following day, further exemplified their dedication to efficiency and minimal disruption.

The morning orientations of our colleagues, in particular, provided me with insights into the nuances of Japanese work culture and work discipline. The traditional Japanese hospitality and tolerance brought me even closer to the warmth of this society.

To prepare for the unique atmosphere of Japan, I took precautions such as staying hydrated, eating healthy, and getting enough sleep to cope with the high humidity. I was filled with the excitement of making new discoveries every moment in the mysterious streets of Japan. This journey was only a week long, so we were perhaps racing against time, but the desire to explore Japan's captivating fabric was driving us forward step by step.

In essence, I found something to learn not only at the course center but in every detail of the living city of Tokyo.

The opportunity to participate in a management training program on patent research management in Tokyo provided invaluable insights into the Japan Patent Office's (JPO) intellectual property management, patent research management, and quality control mechanisms.

The week-long training program highlighted the following key aspects of the JPO's quality management:

- **Process Standardization:** Standardizing patent application processes and other services ensures consistency and efficiency.
- **Customer Focus:** Enhancing customer satisfaction and addressing customer needs leads to improved service quality and responsiveness to feedback.
- **Training and Development:** Continuous training and development of staff are crucial for maintaining and improving quality. In the complex world of patent processing, adequate training for staff is paramount.
- **Technological Infrastructure:** Leveraging modern technology enhances process efficiency and improves service quality. Automation and digitalization streamline workflows and reduce errors.
- **Performance Monitoring and Improvement:** Continuously monitoring performance and identifying opportunities for improvement is the cornerstone of quality management. Feedback mechanisms and internal audits are essential components of this process.



Presenting my country report

## Outsourcing Mechanism

Beyond these core principles, the topic of “the importance of outsourcing in patent searches” particularly resonated with me. This discussion provided valuable insights into how to address the patent search backlog and the workload of patent examiners in our national office.

The importance of outsourcing in patent research is increasing. This not only reduces the workload but also creates a more effective and efficient process by allowing employees to focus on their areas of expertise.

Patent procedures and research are becoming increasingly complex. In these processes that require in-depth expertise in each field, the use of external resources allows for faster and more accurate results by sharing expertise. In addition, the use of outsourcing is also an important tool for balancing seasonal or project-based workloads.

The advantages of using outsourcing in patent research in particular include access to expertise from various disciplines, the ability to work to international standards, and the ability to receive quick feedback. In this way, the workload of a national office can be managed more evenly and the processing of patent applications can be expedited.

However, it is also important that outsourcing is effectively managed and coordinated. The selection of organizations to collaborate with, the openness of communication channels, the determination of quality standards, and the clear definition of processes form the basis of a successful outsourcing strategy.

In conclusion, the importance of outsourcing in patent research and similar processes is increasing, and this presents an important opportunity to increase the efficiency and service quality of national offices. The correct implementation of this strategic approach can contribute to the creation of a more effective and competitive environment in the field of intellectual property management.

During the training, important information was shared about the JPO’s patent research strategy: JPO patent examiners perform an average of 150 ‘first actions’ per year, varying depending on their field and the unit they work in. This shows that the first evaluation of patent applications is carried out quickly and effectively.

When I returned to Türkiye, a step was taken to reduce the patent research backlog of our national office and to speed up patent processes. In this context, a protocol was signed between our national office and a company specialized in industrial property valuation, which is again its own organization. The main objective of this protocol is to accelerate patent examination processes by effectively using outsourcing in the evaluation process of patent applications. **A team of 20** was trained on preparing patent prior search reports. The evaluation of the reports prepared by them is being carried out by national office experts. It has been decided that a detailed evaluation will be made using a quality checklist similar to the system described by the JPO staff during the course.

According to the protocol, initially, **approximately 15%** of the reports prepared in the patent department will be carried out using external resources during the preliminary research process. The aim of this step is to ensure that patent applications are examined more quickly and effectively, and to enable patent holders to obtain their patents more quickly.

This protocol will contribute to the sustainable provision of quality services by our national office and the optimization of its business processes. In addition, with the proper management of outsourcing, it is aimed to reduce the patent research backlog and increase the efficiency of the national office.

## Trip to 'Canon'

One of the most memorable aspects of the Tokyo training program was our visit to the Canon head office. During this visit, discussions with Canon's intellectual property department and observations within the office underscored the robust intellectual property presence of a technology giant. Canon's extensive global patent portfolio and investments in this area clearly demonstrated the pivotal role of intellectual property in driving not only a company's success but also a nation's competitiveness.

These experiences were a great source of inspiration when I returned to Türkiye. When we look at the potential contributions of these experiences to our country, the importance of organizing similar technical tours for technology companies becomes inevitable. The sheer number of patents held by Canon shows that intellectual property is critical not only for a single company but for the entire sector. Observing the operations and intellectual property strategies of leading companies like Canon through similar technical tours can contribute to the increase of local innovation and competitiveness of technology companies in Türkiye.

In this context, company visits to be carried out with the participation of personnel from more than 600 institutions in our country, together with participants from different sectors and cities, are of great importance. These visits can increase the awareness of intellectual property of companies in Türkiye and support the growth of the local technology ecosystem and the increase of international competitiveness. Therefore, such activities that we carry out by taking inspiration from the Canon trip experiences can make a significant contribution to Türkiye's progress in the field of technology and innovation.

## IP Network

During the course, I learned detailed information about the quality programs and organizational structures of many IP offices thanks to the presentations of participants from other countries. Thanks to this course, in which a total of 17 participants from different countries participated, our IP network also developed, and it became easier to transfer knowledge and experience to the future with the introduction of a new platform that will strengthen communication between us.

The announcements and reminders made regarding copyright throughout the course were quite necessary and timely. When I returned to my country, I added the items of making copyright announcements in events held inside and outside the institution and obtaining the necessary permissions from the participants to the agenda of the board meeting.

Despite the limited time of one week, this adventure proved to be an invaluable learning experience. I am deeply grateful to the organizers for providing this unique opportunity, which has empowered me to contribute to the advancement of the IP field in my country.



## Articles from Former Trainees

### Protecting Trademarks Across Borders in Cambodia

**Ms. Chhim Leakena (Cambodia)**

Partner and Head of IP  
SokSiphana&associates



*JPO/IPR Training Course for Practitioners Specializing in Patents  
(August 23–October 5, 2023)*



Trademarks serve as valuable assets for businesses, distinguishing their products or services from competitors. However, with cross-border trade, protecting trademarks poses significant challenges. In the midst of economic expansion, Cambodia encounters difficulties protecting its trademarks from risks such as parallel importation and counterfeits. Understanding the differences between these two issues, along with the relevant legal framework, infringement consequences, available remedies, and enforcement actions under Cambodian law, is essential in effectively tackling trademark violations. The discussion of these aspects provides a comprehensive understanding of trademark protection across borders in the Cambodian context.

#### Distinguishing Parallel Importation and Counterfeits

Parallel importation and counterfeits are two separate but interrelated issues in trademark protection. The primary distinctions between them are the nature of the goods and their origins. Parallel importation refers to the import and sale of genuine products authorized for sale in one country into another country without the consent of the trademark owner. These products are often sourced from countries where they are sold at a lesser price before being imported into another market for resale. Parallel imports may disrupt the distribution strategies of trademark owners, but they do not involve the manufacturing or sale of counterfeit goods.

Counterfeit trademark goods, on the other hand, means any goods, including packaging, that bear an



identical or substantially similar trademark to one validly registered in respect of such goods.<sup>1</sup> Counterfeit goods are made to trick consumers into thinking they are purchasing genuine products, which violates the intellectual property rights of the trademark owner.

## Legal Framework for Trademark Protection against Infringement in Cambodia

In Cambodia, trademark protection is governed by the Law on Marks, Trade Names and Acts of Unfair Competition (“Trademark Law”). This law provides the basis for trademark registration, protection, and enforcement. Cambodia also adheres to international agreements such as the Agreement on Trade-Related Aspects of Intellectual Property Rights (“TRIPS”), reinforcing its commitment to intellectual property protection. A trademark is defined as a distinctive sign used to distinguish goods or services of one enterprise from those of others.<sup>2</sup> Upon registration, the trademark owners are granted the exclusive right to prevent others from any use without the trademark owners’ consent.<sup>3</sup>

Trademark infringement arises when a third party uses a mark that is identical or similar to a registered trademark in connection with identical or similar goods or services without the trademark owner’s authorization, or when they use it to mislead the public or confuse consumers about the origin of goods or services. The Trademark Law specifies three acts that are deemed infringement:

- **Infringement of a Registered Mark:** an unauthorized use of a registered mark or a sign that is confusingly similar to or identical with a registered mark, in connection with any goods or services for which it has been registered.<sup>4</sup>
- **Infringement of a Registered Well-known Mark:** use of a sign that is confusingly similar to or identical with a well-known mark without the owner’s authorization of the registered well-known mark, and such use must be in connection with goods or services identical with the goods or services for which the well-known mark has been registered or in relation to goods or service which are not identical to those in respect of which the well-known mark has been registered, and such use related to those goods or services would indicate a connection and the interests of the owner are likely to be damaged by such use.<sup>5</sup>
- **Infringement of an Unregistered Well-known Mark:** use of a sign that is identical to an unregistered well-known mark without the owner’s authorization provided that the sign is used in connection with goods or services identical to goods or services for which the mark is well-known.<sup>6</sup>

As mentioned above, legitimate goods that are sold in one nation and then exported to another without the trademark owner’s permission are known as parallel imports. In Cambodia, protection against parallel imports is available through trademark registration<sup>7</sup> as Cambodia abides by a national exhaustion doctrine. Thus, unauthorized uses including any imports, distribution, and sales of the registered trademark through parallel imports in Cambodia is an infringement of the exclusive right of the trademark owner.

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1 Article 61 of the Law on Marks, Trade Names and Acts of Unfair Competition

2 Article 2 (a) of the Law on Marks, Trade Names and Acts of Unfair Competition

3 Article 11 (a) of the Law on Marks, Trade Names and Acts of Unfair Competition

4 Article 24 of the Law on Marks, Trade Names and Acts of Unfair Competition

5 Article 25 of the Law on Marks, Trade Names and Acts of Unfair Competition

6 Article 26 of the Law on Marks, Trade Names and Acts of Unfair Competition

7 Article 11 (c) of the Law on Marks, Trade Names and Acts of Unfair Competition



In accordance with Prakas No. 0117 on the Procedures to Record Exclusive Distributorship of the Use of a Mark, the trademark owner or local distributor who wishes to take legal action against parallel imports must record an exclusive right letter with the Department of Intellectual Property Rights (DIPR) of the Ministry of Commerce. An unrecorded exclusive right letter is not enforceable against third parties, meaning that without recordation of an exclusive right letter, authorities will normally not enforce a trademark owner's rights against parallel imports. For eligibility to record the exclusive right letter of a mark, it must be a registered mark,<sup>8</sup> a brand-new good,<sup>9</sup> and the applicant must be a legal entity,<sup>10</sup> while products including medical products for humans and animals, agricultural fertilizer and pesticides, and goods that are restricted under the applicable laws and regulations cannot be subject to such recordation.<sup>11</sup> Once the exclusive right letter is recorded, the letter is valid for up to two years, depending on the validity of the mark and the term of the agreement.<sup>12</sup> Such letter shall be published in a local newspaper and on social media platforms to inform the public and other traders on the market.<sup>13</sup> The recordal of an exclusive right letter takes effect after ninety days, when the trademark owner or local distributor is able to start enforcing against parallel imports.<sup>14</sup> With this, only the appointed distributor may import any goods bearing the registered trademark that fall under the recorded exclusive distributorship.

## Enforcement Actions and Remedies

To prevent parallel imports or counterfeits in Cambodia, trademark owners have several legal remedies available to them in the form of Border Measures, Civil Remedies and Criminal Action as well as Administrative Proceedings.

### 1. Border Measure

Since Cambodia has no customs recordal system in place, in order to prevent counterfeit goods and parallel importation from entering the country and the market, the local authorized distributor may request to be an exclusive distributor by registering and recording an exclusive distributorship as above-mentioned. Once successfully proceeded, it may be forwarded to Customs who will be on notice to intercept any imports that is not imported by the registered exclusive distributors. This measure can effectively protect the trademark owner and the recorded exclusive distributor against parallel importing by third parties. This measure directly refrains the flow of counterfeiting products to the country and protects the trademark owner's interest and status effectively since Customs officers only need to verify that the importer is the registered exclusive distributor or not; they do not need to ascertain whether the goods are authentic or counterfeit. They will simply suspend customs clearance for the shipment and notify the trademark owner for further actions if the importer is not listed as the registered exclusive distributor.

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8 Article 8 (1) of the Prakas No. 0117 on the Procedures to Record the Exclusive Distributorship on the Use of the Mark

9 Article 4 of the Prakas No. 0117 on the Procedures to Record the Exclusive Distributorship on the Use of the Mark

10 Article 9 (1) (a) of the Prakas No. 0117 on the Procedures to Record the Exclusive Distributorship on the Use of the Mark

11 Article 4 of the Prakas No. 0117 on the Procedures to Record the Exclusive Distributorship on the Use of the Mark

12 Article 11 (1) of the Prakas No. 0117 on the Procedures to Record the Exclusive Distributorship on the Use of the Mark

13 Article 11 (2) of the Prakas No. 0117 on the Procedures to Record the Exclusive Distributorship on the Use of the Mark

14 Article 11 (3) of the Prakas No. 0117 on the Procedures to Record the Exclusive Distributorship on the Use of the Mark

## 2. Civil Remedies and Criminal Action

To elaborate, civil remedies may include injunctions to stop infringing activities, damages or compensation for losses suffered, and court orders to destroy counterfeit goods.<sup>15</sup> The court will issue an injunction to prevent infringement, imminent infringement, or other unlawful acts, to award damages.

In case criminal proceeding takes place, criminal sanctions, such as fines and imprisonment for offenders engaged in counterfeiting activities, serve as safeguards against trademark infringements. The criminal penalties are as follows:

- counterfeiting a registered mark or importing, offering for sale, selling or having inventory for sale of any goods bearing a counterfeit mark is subject to fines of 1 million Riels to 20 million Riels (approximately USD 250 to USD 5,000), imprisonment for 1 to 5 years or both.<sup>16</sup>
- committing an act of unfair competition by imitating a registered trademark in order to mislead the public is subject to fines of 5 million Riels to 10 million Riels (approximately USD 1,250 to USD 2,500), imprisonment for 1 month to 1 year or both.<sup>17</sup>
- infringers who repeat the same offense are subject to double these fines and prison terms.<sup>18</sup>

## 3. Administrative Proceedings

As court proceedings are costly and time-consuming, the trademark owner typically prefers administrative actions, such as mediation with the Department of Intellectual Property Rights.

The Department of Intellectual Property Rights (“DIPR”), under the Ministry of Commerce, plays the role of an enforcer of the Trademark Law and mediator to settle disputes on trademark matters between the trademark owner and the infringer(s). The DIPR is not a true alternative to litigation but is rather a practical settlement device as it helps the trademark owner and the infringer(s) to clarify the understanding of underlying interests and concerns. In case the mediation techniques fail, the mediator will give the parties an evaluation of the likely outcome of the dispute if it were tried in court.

## 4. Competent Authorities

The Counter Counterfeit Committee of Cambodia (“CCCC”) is a national-level cross ministerial body on trademark enforcement, with the role to investigate the sources of counterfeit products, as well as their importation, production, storage and distribution. CCCC also has the role to take measures to suppress all counterfeit products circulating in the markets of the Kingdom of Cambodia by means of detaining and preparing cases to be filed to the court for adjudication in accordance with the law.<sup>19</sup>

The Economic Police, under the Ministry of Interior, is in charge of criminal investigations in case of alleged infringements of economic legislation under the supervision of the prosecutor, including the intellectual property laws and the Law on the Management of Quality and Safety of Products and Services.<sup>20</sup>

The Consumer Protection Competition and Fraud Repression (CCF), known as CAMCONTROL, under the Ministry of Commerce, handles the enforcement on trademark infringement in cooperation with the customs and economic police at the borders as well as in the domestic market. The vision of

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15 Article 69 of the Law on Marks, Trade Names and Acts of Unfair Competition

16 Article 64 of the Law on Marks, Trade Names and Acts of Unfair Competition

17 Article 65 of the Law on Marks, Trade Names and Acts of Unfair Competition

18 Article 67 of the Law on Marks, Trade Names and Acts of Unfair Competition

19 CCCC’s Five-Year Strategic Plan 2026-2020

20 DIPR’s website on IP Litigation

CCF is that consumers' rights are protected, the fair competition of the business environment is promoted, and fraudulent activities are minimized.

The registered trademark owner may submit an application to the competent authorities or court to suspend clearance of goods suspected of being counterfeit. Proof that he is the owner of the registered trademark should be presented in writing and be accompanied by the following documents or evidence<sup>21</sup>:

- an extract from the register of marks;
- a statement of the grounds for the application, and in particular the prima facie evidence showing that such trademark goods are counterfeit;
- a complete description of the goods on or in connection with which the trademark is used, together, where appropriate (or requested), with a sample of the bona fide product;
- the name and address of the applicant and of his representative (alternatively, full details of the applicant, as prescribed);
- an authorization from the owner of the registered trademark, where the application is filed by an authorized representative, and
- the prescribed fee in accordance with the determination of the Ministry of Economy and Finance.

To recap, protecting trademarks across borders in Cambodia requires a sophisticated comprehension of the legal framework, enforcement mechanisms, and the distinction between parallel importation and counterfeits. While parallel imports may pose challenges to trademark owners' distribution strategies, counterfeits represent a more significant threat to the welfare of consumers and the integrity of brands. Trademark owners can take proactive measures to protect their intellectual property rights and brand integrity by utilizing the applicable legal remedies and working with enforcement authorities to effectively combat trademark infringement in the Cambodian market.

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21 Articles 35 and 36 of the Law on Marks, Trade Names and Acts of Unfair Competition

# INVENTION CANVAS

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*JPO/IPR Training Course on Academia-Industry Collaboration and Technology Transfer  
(November 7–November 16, 2023)*



Over the last four years, I have dealt with patent specifications almost every day, either as a reviewer or a patent drafter that must write patent specifications from the beginning. Many inventors, academics, and businesses I meet still find it difficult to identify their inventions or to prepare and write patent specifications. Even for those who have an understanding of how to write these specifications, they disclose all information at times, including information categorized as know-how or confidential.

Inspired by a canvas used in business development, I tried summarizing some crucial information needed, not only for writing patent specifications but also for identifying an invention. A summary of these steps is shown in Figure 1. The process begins by identifying the problem, then writing a solution,

1. Problem	2. Solution	4. Claim of Novelty	6. Value	8. Know-how related invention
	3. Drawing		7. Parties Involved	
5. Prior art				

Figure 1. Invention Canvas

providing drawings (if any), clarifying the claim of novelty, providing an explanation of prior art, outlining the value of the invention, writing down parties involved, and deciding know-how and confidential information related to the invention.

## 1. Problem

The first point that needs to be understood about an invention is that it started from a problem, which was then solved by a new inventive solution.

*“An invention is a new and inventive solution to a technical problem.”*

– WIPO –

Therefore, on the invention canvas, you need to indicate the problems or issues faced by the inventors. These problems or issues can be written briefly in point form or explained in a paragraph. For example:


- New and renewable energy has become one of the important issues getting attention around the world.
- Generally, biomass conversion requires a lot of time.
- Existing biomass machines or apparatuses are quite complicated and difficult to implement on a small scale.

## 2. Solution

Generally, every inventor wants their invention to be protected, even when the inventor decides to release their invention to the public domain for any reason. To ensure their intellectual property (IP) is protected, usually under a patent or utility model, it is crucial to know that mistakes in determining subject matter can lead to rejection of a patent application. Thus, determination of subject matter is the first step to ensure that an invention is clearly defined, leading to the granting of a patent. In addition, we need to understand that every region or country has their own regulations related to the subject matter of a patent and/or a utility model (in Indonesia, a utility model is known as ‘Paten Sederhana’). Therefore, you should always check whether your subject matter matches in the countries where you want to apply for a patent first. For example, subject matter of a patent and a utility model (Paten Sederhana) in Indonesia includes:

- Patent
  - Products, including tools/equipment; composition of materials (usually chemicals or medicine); and systems;
  - Process or method; or
  - Product and process/method.
- Utility model (Paten Sederhana)
  - Simple product;
  - Simple process; or
  - Simple method.





A solution written on the invention canvas should be a concrete solution that can be realized in a subject matter, such as a product, a process/method, or a product and a process/method, that can be used for dealing with problems that have been mentioned in the previous section.

You can fill in this section in a similar way to the examples below:

- Machine for processing biomass
- Method for processing biomass
- Machine and method for processing biomass

### 3. Drawing/Design

In order to allow for the essence of the invention to be clearly and easily understood, it is advisable to provide drawings related to the invention. This is intended to facilitate the process of analyzing novelty of the invention in comparison with existing inventions. Drawings should focus on the core or special aspect of the invention that makes it different from existing ones. In this section, you can provide a 3D sketch design, created using 3D CAD design software, or provide a hand-drawn image. Drawings that can be prepared include:

- a 3D sketch drawing (black and white) for product-related inventions such as tools, machines, apparatus, systems, etc.
- a block diagram of a system-related invention.
- a flow chart for an invention that is a process or method.

### 4. Claim of Novelty

What makes your invention different from existing inventions?

Novelty of your invention should be expressed clearly so that it can be truly analyzed.

So, how can this be expressed clearly?

The way to analyze this is related to the subject matter of an invention/patent. For example:

#### a. Product-related invention:

- For equipment, machines, apparatus, or systems, we can outline the component or subsystem, including specifications, that makes the product different from existing products or systems.
- For composite materials (e.g. drugs, composites, or other products), we can outline the materials or composition, including the percentage of each material in a composite, and what makes the product different from existing products.

#### b. Process/method-related invention:

- In this form of invention, we can explain the steps that makes the process or method different, including specific conditions in the steps.

On the invention canvas, points that you consider contribute to novelty of your invention should be written down, so that the core of your invention is described. For instance:

- There are some additional components that modifies the centrifuge vessel and micro controller on the biomass production machine.
- There is an additional step related to the centrifugation process carried out for 30 minutes, accompanied by a catalyst added 15 minutes after the centrifugation process has started, with a 1:3 ratio of the catalyst and main materials.

## 5. Prior art

For an invention to be protected by a patent, it must meet the patentability criteria – novelty, inventive step, and industrial applicability. Consequently, the inventor must be able to demonstrate that their invention can meet the patentability criteria. This section aims to deal with these criteria by providing some existing inventions from sources, including patents, unpatented technology, research results from articles or journals, etc. So, how should this section be completed? The answer is by doing a prior art search.

A prior art search is a process exploring existing information related to an invention through any channels that you can reach, including online and offline channels.

When the prior art search is complete and you get prior art documents, it can be used to compare your invention with existing inventions. This can be used to prove that your invention is novel and nonobvious. Prior art is at the bottommost section of the invention canvas, intended to indicate whether the invention is related to other inventions or not.

Although information found in the prior art search can be written in any format in this section, it is advisable to use the following format:

- the number and title of the patent or article;
- the core of the invention or technology in the existing invention; and
- weakness/lack of prior art.

The following is an example of prior art written on an invention canvas:

- Patent Number: US00000000
- Patent Number: IDP111111111
- Journal with title XYZ by Mr. A in 2036
- Machine for processing biomass, source: HHH newspaper and WWW website
- Method of producing biomass from cassava, source: YouTube

The following is an example of an explanation written out fully:

- Patent number US000000000: this invention is related to a machine for producing biomass, equipped with a temperature and humidity monitoring device. This invention has a weakness, which is that the device can only be used to monitor the condition of biomass as it does not perform any additional functions. Thus, the process using this machine takes longer.

## 6. Value

In this section, you have to propose how your invention has value that makes it better than existing inventions, especially those that are specified in the prior art section. A value proposition can be a summary of how the performance of the invention solves the specified problem or others. In addition, if you have research results, you can add the results in this section too.

Examples of this can be seen below:

- has a faster process;
- machine has a simple construction;
- machine is easier to maintain;

Alternatively, an explanation of the quality of the product can be included here.

## 7. Parties involved

In the process of creating an invention, several people or parties are usually involved. Thus, you need to be aware of the parties involved in your invention and their roles. It is important to consider related ownership or rights issues that can arise in the future so they can be anticipated in advance.

In order to complete this section, you should include the parties who were involved in the process of creating the invention, including their roles. For example:

- Company x: funders and employer
- Fulan A: team expert
- Fulan B: team expert

## 8. Know-How related invention

In technology, sometimes, there is a lot of confidential information that cannot be shared with others, especially with competitors. For example, an explicit algorithm to run programs in the technology, any critical component specification, a specific bill of material (BOM) in that technology, or other know-how related to its technology. Thus, the information and know-how should not be disclosed.

Therefore, the inventors must analyze which matter can be published in the patent specification or other publications, including when pitching to investors or potential partners.

In this section you can outline the confidential information or know-how in your technology that must be kept confidential.

An example of a completed invention canvas can be seen in figure 2 follow:


<b>1. Problem</b> <ul style="list-style-type: none"> <li>• New and renewable energy has become one of the important issues getting attention around the world.</li> <li>• Generally, biomass conversion requires a lot of time.</li> <li>• Existing biomass machines or apparatuses are quite complicated and difficult to implement on a small scale.</li> </ul>	<b>2. Solution</b> <ul style="list-style-type: none"> <li>• Machine and method for processing biomass</li> </ul>	<b>4. Claim of Novelty</b> <ul style="list-style-type: none"> <li>• There are some additional components that modifies the centrifuge vessel and micro controller on the biomass production machine.</li> <li>• There is an additional step related to the centrifugation process carried out for 30 minutes, accompanied by a catalyst added that must be done 15 minutes after the centrifugation process has started, with a 1:3 ratio of the catalyst and main materials.</li> </ul>	<b>6. Value</b> <ul style="list-style-type: none"> <li>• Has a faster process;</li> <li>• Machine has a simple construction;</li> <li>• Machine is easier to maintain;</li> </ul>	<b>8. Know-how related invention</b> <ul style="list-style-type: none"> <li>• Algorithm to run program in the technology,</li> <li>• Critical component specification or specific bill of material (BOM)</li> <li>• etc..</li> </ul>
<b>3. Drawing</b> 		<b>5. Prior art</b> <ul style="list-style-type: none"> <li>• Patent number US000000000: this invention is related to a machine for producing biomass, equipped with a temperature and humidity monitoring device. This invention has a weakness, which is that the device can only be used to monitor not to adjust the temperature and humidity inside the chamber. Thus, the process using this machine takes longer.</li> <li>• etc</li> </ul>	<b>7. Parties Involved</b> <ul style="list-style-type: none"> <li>• Company x: funders and employer</li> <li>• Fulan A: team expert</li> <li>• Fulan B: team expert</li> <li>• Etc.</li> </ul>	

Figure 2. Example of a completed invention canvas including existing inventions

The identification of an invention is a very important aspect in ensuring that your invention is truly novel and does not violate rights owned by other parties. In certain cases, you can protect your invention by another form of IPR (not only a patent or utility model), such as a trade secret, depending on your IP strategy. Summarizing inventions through the invention canvas can be the blueprint of an invention that can be saved by the inventor or owner and used when developing an IP strategy.



# The Intersection Between IP Law and AI Expressions

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ASSOCIATE  
AROCHI & LINDNER MEXICO



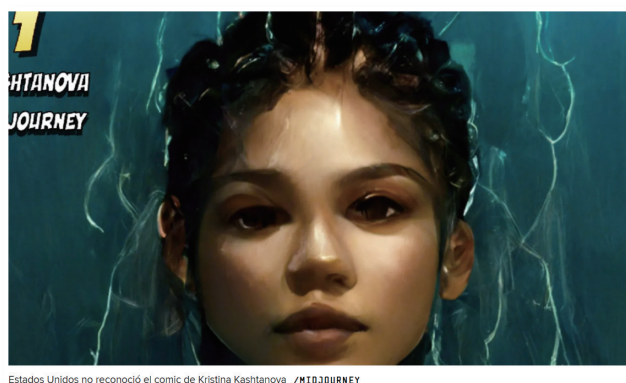
*JPO/IPR Training Course on Design Examinations under the Hague System  
(January 10 – January 17, 2019)*

*JPO/IPR Training Course on Substantive Examination of Design (Basic Program)  
(July 23 – August 5, 2015)*



## Intellectual property rights: a path with diluted borders for the expressions of artificial intelligence

Much is said about the expressive work of Artificial Intelligence (AI) and its practice began to be seen as an important bridge for innovation, accelerating human and non-human creativity in many aspects.



Estados Unidos no reconoció el comic de Kristina Kashanova /MIDJOURNEY

The comic “Zarya of the Dawn” was conceived by a writer but illustrated by AI.  
<https://es.wired.com/articulos/inteligencia-artificial-comic-sienta-precedente-sobre-derchos-de-autor>

The work of AI has begun to be understood as an independent subject with its own appearance and heart, however, when it reaches the field of Intellectual Property (IP), in terms of its scope of protection, it is taking it to its limits. Currently, IP legislation does not yet cover all its generative expressions and, curiously, for both AI and IP, the motivations are the same: technology, creativity and innovation.

There is no doubt that with every change there is resistance, as when we went from a portrait painted by an artist by hand, to a portrait taken by a photographer with a photographic camera. The performer is no longer called a painter as the brush disappears and a camera, a non-human instrument (or “AI”), enters the scene. In the beginning, this was rejected as an expression of artistic work, since the camera did the job of representing, in a physical medium, an image that was extracted from a fragment of real life. Whether it is called landscape, portrait or natural life, it is a different representation to how a painter had been doing his work for a long time.

It was not until later that a “photograph” was recognized as “artistic work”, with the same artistic weight as “pictorial work”, giving the photographer the value of an artist. The camera became a binding medium between the human and the objective, leaving “the brush” without its protagonism. The artifact (i.e. the camera) and its “AI” mechanism were used to reach the desired result, along with the artist who seeks the shot, the light, the angle, the technique, and the perfect lens. This led to the camera and the human being becoming the creators of IP, which opened the way to a disruptive innovation capable of ending an already established model.

At some point, will we come to live with AI in a fluid way, and will we come to understand it as an ally and not as a competitor? I mention this because in academia and in the professional field, the outlook seems turbulent. Artists, designers and engineers, among other creators, look at AI as treacherous competition they coexist with, but do not accept as an individual entity that can create on par with them. They perceive the pre-existing information AI uses as being an undue advantage, because it is not the same just to introduce a prompt as it is to create from scratch. It is at that point where intellectual work becomes complex. Either it is a human IP development, or it is a generated expression of AI. But for now, they cannot be valued equally.

Perhaps at some point we will understand AI as an integral part of IP, without so much resistance to the “expression” generated by it, without so much stress as to the scope of its protection by IP laws, and without so much emphasis on evaluating the amount of human intervention it takes to reach its final product; just as it took “photography” some time to reach its current status.

What is certain is that at this moment, it is no longer possible to standardize the scope of protection of IP in AI. What is needed is an exclusive regulation that delimits up to what point a prompt, a command, or an algorithm carries a human intellectual work and up to what point an AI expression deserve its own type of distinction.

At its core, AI is understood as an innovative creation, so it seems it would be easily understood within the IP field. However, the legal frameworks applicable to the matter do not cover all the expressions created by AI because its scope and limitations were not understood at the beginning of these frameworks.

The regulation of intellectual creation with AI can fall under a variety of laws, depending on the jurisdiction and the specific type of IP in question. Some of the laws and legal frameworks include copyright laws, patent laws, trade secret laws, and data protection laws. But, in short, the regulation of an intellectual creation with AI is likely to require an interdisciplinary approach combining aspects of IP, data protection, ethics and technology.

In some countries, there is already advanced work on the regulation of AI creations. For example, in China, there are a number of AI-related regulations and guidelines that have been implemented, with a focus on national security, data protection, and ethical governance. The country is also developing technical standards for AI and has established regulatory pillars at the local and national levels. The European Union (EU) has been working on specific regulations on AI as part of its AI Strategy; in April 2021, the European Commission proposed an AI regulation, which seeks to regulate the development and use of AI in the EU. This regulation addresses issues such as oversight of high-risk AI systems, transparency, and

accountability. On the other hand, in the United States, there have been proposals and discussions in Congress on the regulation of AI in areas such as privacy, ethics, and security; in addition, some states, such as California, have enacted laws related to transparency in the use of algorithms in government and business decisions. In Canada, there has been interest in regulating AI in an ethical and responsible manner; in 2019, the Government of Canada published an AI governance framework, which sets out ethical principles and guidelines for the development and use of AI in the public sector. For its part, Japan presented an international regulatory framework for generative AI, adding to global governance efforts on a rapidly evolving technology. In Mexico, there is already a law initiative to regulate AI, which aims to regulate the use of these technologies through rules and oversight bodies.

In general, the intersection between IP law and AI expressions is a complex terrain that requires a balance between encouraging innovation and providing fair protection for the rights of creators, designers, and artists.



Con tecnología de DALL·E 3

Image created with technology DALL·E 3

<https://forbes.co/2023/11/22/ia/inteligencia-artificial-y-propiedad-intelectual-quien-es-el-dueno-de-tus-ideas>

The competition between inventors, creators, designers, craftsmen, or authors versus AI is complex, but may have different perspectives depending on the context and individual values. Some issues to consider in the midst of these two major concepts are the following:

- **Innovation and creativity:** Competition with AI could be seen as a stimulus for human innovation and creativity. AI can generate new opportunities and challenges that force humans to excel and find more innovative ways to create and design.
- **Complementarity:** In many cases, AI is used as a tool to enhance human capabilities rather than replace them entirely. Inventors, creators, and designers can use AI as a tool to improve their work, increasing their efficiency and enabling them to tackle more complex challenges.
- **Diversity and distinctiveness:** Competition with AI can also highlight the importance of diversity and distinctiveness in human creativity. While AI can produce amazing results, these often lack the emotional depth and cultural context that humans can bring to their work.
- **Equity and ethics:** It is also important to consider the ethical and equity aspects of competing with AI. For example, if there is unequal access to the technology, this could create inequities in competition with human creators, or factors such as turnaround times or immediacy in delivering results.
- **Recognition:** Another consideration is how the contributions of humans are recognized and rewarded compared to those generated by AI. It is important to ensure that human creators receive proper credit and compensation for their work, especially if AI is used as a tool in the creative process.

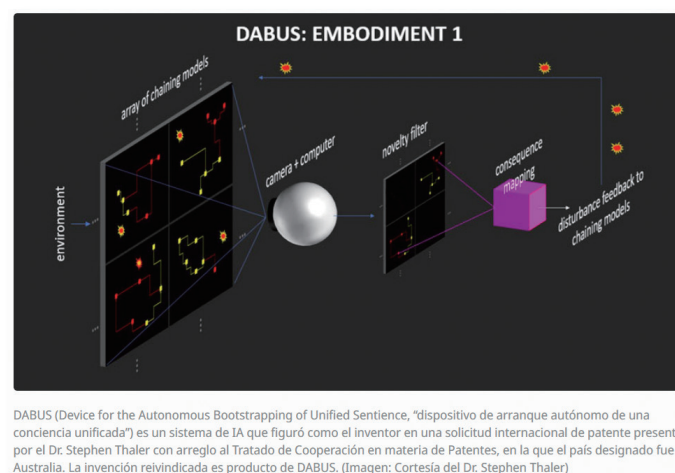
The crossover between humans and AI in the exercise of creativity and innovation poses a number of challenges and opportunities that must be addressed from a variety of ethical, legal, and social perspectives.

The views of inventors, creators, designers, craftspeople, and authors about generated expressions by AI can vary considerably depending on their individual experiences, personal values and perceptions of the role of technology in the creative process. On the one hand, there may be curiosity and fascination with the capabilities of AI to generate creative works, and it may be seen as an innovative tool that can inspire new ideas or push the boundaries of what is possible in their field. On the other hand, some creators may see AI as competition and a challenge to their own creativity. They may feel the need to demonstrate that human creativity is still unique and valuable in comparison to what AI can produce. They may find it to be an unfair advantage that in less time, a prompt lacking experiential background creates a work capable of deserving a first place prize,



AI-generated artwork wins first place in fine arts competition, sparks controversy.  
<https://actualidad.rt.com/actualidad/440320-obra-generada-ia-gana-concurso-pintura-polemica-eeuu>

or the ownership of a patent.



[https://www.wipo.int/wipo\\_magazine/es/2021/03/article\\_0006.html](https://www.wipo.int/wipo_magazine/es/2021/03/article_0006.html)



Collaboration and complementarity could be the main guiding principles between AI and human intellectual work. One can adopt this more collaborative perspective, seeing AI as a tool that can complement and improve one's own work, and be open to working together with AI to achieve results that they could not achieve on their own.

There may also be ethical and liability concerns around the use of AI in the creative process. Creators may be concerned about the irresponsible use of AI, including transparency in its operation, respect for copyright, and protection of data privacy. They question whether the generated expressions by AI are truly creative or whether they simply reflect pre-existing patterns and data that, even if the human being is the one who inputs the information into a program, the expression is produced by AI itself, where it is beyond human reach.

In short, the opinion of inventors, engineers, designers, artists, or craftsmen about what is created by AI, can be diverse and multifaceted, reflecting a wide variety of attitudes towards technology, creativity, and innovation.

## Conclusions

Today, AI has become just another paintbrush in the artist's kit and should be seen as a tool that amplifies human expression without replacing it, not as competition with an unfair advantage.

For now, ideas remain the property of humans, and we must keep an eye on how the responsibility of the creator of AI content and its expression will develop in future legislation.

In summary, the creation of patents or industrial designs by AI raises a number of legal, ethical, and practical challenges that require careful attention by legislators, patent examiners, and intellectual property practitioners.

## Sources of information.

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<https://www.wipo.int/wipolex/en/text/581481>

<https://www.wired.com/story/the-us-copyright-office-loosens-up-a-little-on-ai/>

Interviews with students enrolled in the Master's program in Industrial Design at the Universidad Nacional Autonomy de México (inventors, creators, engineers, designers, artisans and authors).



## Get to Know your IP Friends



We asked some of this year's ENISHI contributors what surprised them about Japan. We were able to learn how people from other countries felt and gain new perspectives that are difficult to understand when living in Japan. What are your thoughts on this topic?

### Q: What surprised you when you visited Japan?

- The order and cleanliness, its transportation system, food (ramen and matcha), the tranquility, and stillness that is experienced even in a city as large and busy as Tokyo. (*Mexico*)
- The level of infrastructure, hospitality and development. The country has a well-established rail system and public transport system that is smoothly run by many people. The city has many beautiful places. (*Kenya*)
- The level of order and organization of the people despite there being many of them. Very organized and good time management. (*Kenya*)
- The fact that the Japanese use beans in desserts. In Latin America, we use beans as a complement to our meals in savory recipes due to their high protein content. So, I was very surprised when I tried red bean Mochi and Taiyaki. I must confess, I never expected it to be so delicious! I brought several desserts back home and my family and friends could not believe that they were made of red beans and were so delicious. (*Mexico*)



Matcha<sup>1</sup>



Taiyaki<sup>2</sup>

1 Photo by rumpleteaser from Nagoya, Japan, *The real deal. Not to be confused with green tea in a tea bag. This is made from finely ground dry tea leaves and is very strong and bitter. It is foamed up with a bamboo whisk and presented in a bowl. It is customary to take a moment to admire the bowl before tasting.*, 2005. CC BY 2.0  
[https://commons.wikimedia.org/wiki/File:Matcha\\_\(5026245674\).jpg](https://commons.wikimedia.org/wiki/File:Matcha_(5026245674).jpg)

2 Photo by Ocdp, 新宿区四ツ谷にある、たいやきわかばの所謂天然もののたい焼き, 2014. CC0  
[https://commons.wikimedia.org/wiki/File:Taiyaki\\_001.jpg](https://commons.wikimedia.org/wiki/File:Taiyaki_001.jpg)

- Cleanliness, orderliness, and a safe environment to walk alone at night. (*Thailand*)
- What surprised me the most in Japan was the education and kindness of its people, as well as the technology and orderliness of the city. Taking the course and getting to know Tokyo was one of the best experiences of my life. (*Peru*)
- The highly organized schedules when you travel on public transportation, cleanliness, safety, respectfulness of kids to their elders, spiritual beliefs open to participation by tourists, the spiritual mysticism of Buddha statues, the magic of the legend of Daruma dolls, and the peculiar style of buildings, temples, and houses, all well thought out in terms of aesthetics, function and protection. Innovation and technology are on the highest level. The people look serious, but they are gentle and attentive. The constant interest in knowledge and learning, and concern about nutrition, health, education and spirituality. The amalgamation of all of this makes a special country. (*Mexico*)
- I was surprised by the kindness of Japanese people and the feeling of safety everywhere. (*Brazil*)
- Wow... there were so many things! Firstly, the hospitality and attention that all the people involved with the course showed me. It was really impressive how the entire team cared and was always ready to help. Other points that I loved were the efficient transport system, wonderful food, tourist attractions with the necessary information for tourists, beautiful places to visit with a lot of history, many vending machines along the streets, and everything was very clean. (*Brazil*)
- The weather (extremely hot and humid). The crowdedness, the system, the structure and organization of the city. (*Türkiye*)
- The weather, maybe because in my country we only have 2 seasons. (*Indonesia*)
- Japan was one of my dream countries to visit. 2015 was my first time to visit Japan through a JPO/IPR training program. Before I went there, I had heard how polite and helpful everyone is. I was amazed that everyone was so nice and kind to me, and Tokyo has such a great view at night. (*Cambodia*)



Daruma doll



Night view of Tokyo Big Sight in Ariake<sup>3</sup>

3 Photo by Masato Ohta from Tokyo, Japan., *Tokyo Big Sight (Night Scene)*. *Night of Tokyo Big Sight*, 2007. CC BY 2.0 [https://commons.wikimedia.org/wiki/File:Tokyo\\_Big\\_Sight\\_at\\_Night.jpg](https://commons.wikimedia.org/wiki/File:Tokyo_Big_Sight_at_Night.jpg)

## Message from Lecturer

### Intellectual Property Creation Education for Young People

**Mr. OGIYA Takao**

Director General

Asia-Pacific Industrial Property Center (APIC)  
Japan Institute for Promoting Invention and Innovation (JIPII)



#### 1. Changes in the environment around intellectual property

Intellectual property (IP), including patents, is one of the most important elements in the fields of research and development and business. However, the environment around this IP is undergoing significant changes due to various trends, which are greatly impacting the nature and value of IP. The following is a brief explanation of each factor.

##### (1) Expansion of Intangible Assets in Market Value (Figure 1)

Intangible assets refer to ideas, brands, know-how and other “invisible” assets. Intellectual property rights, including patent rights, are also considered intangible assets. Looking at the proportion of intangible assets relative to market value every 10 years, the share of intangible assets was about 18% in 1975, and it has increased year by year, reaching approximately 87% in 2015, 40 years later. It has to be said that intangible assets now dominate the economy. In this context, the value of IP (one of the intangible assets) is also increasing, and the importance of creating superior IP is steadily rising.

##### (2) Progress of economic globalization (Figure 2)

Due to the integration of the world market following the fall of the Berlin Wall in 1989, the growth of the internet, and the proliferation of mobile phones and smartphones leading to the IT revolution, the globalization of the economy rapidly progressed in the 1990s. The volume of global trade has been steadily increasing, except for a temporary decline following the Lehman Brothers shock. This means that while the market is expanding, the number of customers is increasing, and sales will likely improve,



competition is also becoming more intense, and business is becoming high-risk, high-return. Naturally, the importance of utilizing intellectual property rights to protect products is also increasing.



Figure 1: Expansion of intangible assets in market value<sup>1</sup>

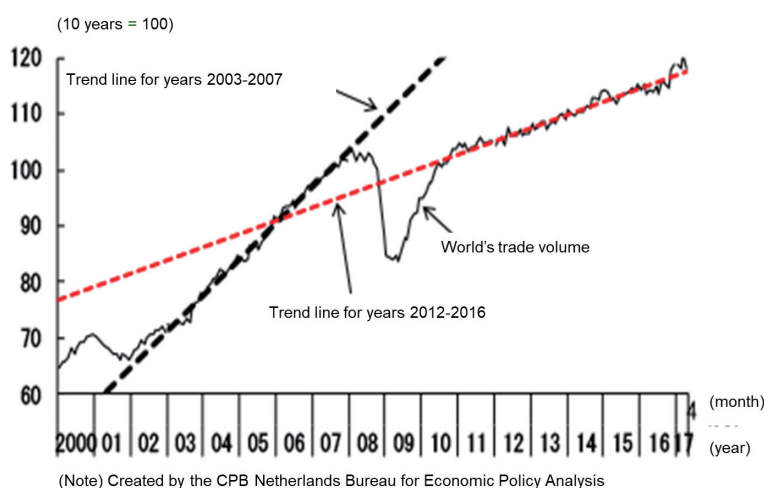


Figure 2: Economic globalization<sup>2</sup>

### (3) Shift from pro-patent to innovation (Figure 3)

The concept of a pro-patent policy, which the United States adopted from the 1980s to the 1990s to enhance the value of IP, spread globally with the wave of globalization. However, since the global financial crisis that began to manifest in 2007, the prevailing view has been that those who create new business models, change the rules of business, and bring about innovation are the winners. In these circumstances, the strategic thinking of promoting the acquisition and utilization of IP in an integrated manner with research and development strategies and business development has become the mainstream.

<sup>1</sup> "Intellectual Property Strategic Program 2021" (Prime Minister's Office of Japan Website), Prepared by adapting figure on page 8.

[https://www.kantei.go.jp/jp/singi/titeki2/kettei/chizaikeikaku20210713\\_e.pdf](https://www.kantei.go.jp/jp/singi/titeki2/kettei/chizaikeikaku20210713_e.pdf) (accessed on October 4, 2024)

<sup>2</sup> Cabinet Office Website, Prepared by translating figure into English.

[https://www5.cao.go.jp/j-j/sekai\\_chouryuu/sh17-01/s1\\_17\\_1\\_1.html](https://www5.cao.go.jp/j-j/sekai_chouryuu/sh17-01/s1_17_1_1.html) (accessed on October 4, 2024)

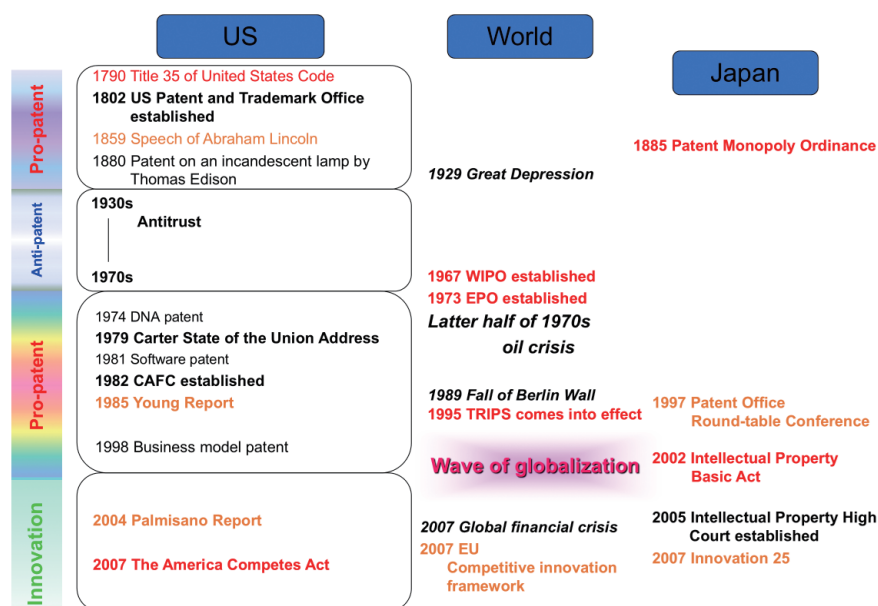


Figure 3: Main trends of IP / Science & Technology policies

#### (4) Society 5.0 (Figure 4)

In 2016, Japan proposed Society 5.0 as a vision of a future society we should aim for. Society 5.0 is a society in which everyone and everything is connected through the Internet of Things (IoT), and where artificial intelligence (AI) provides the necessary information when it is needed. Through innovation, various challenges are overcome with technologies such as robots and self-driving cars, and each individual can live comfortably and play an active role. In this Society 5.0, it is expected that IP will be created one after another, transcending technological fields, industries, and nationalities, necessitating changes in the way it is protected.

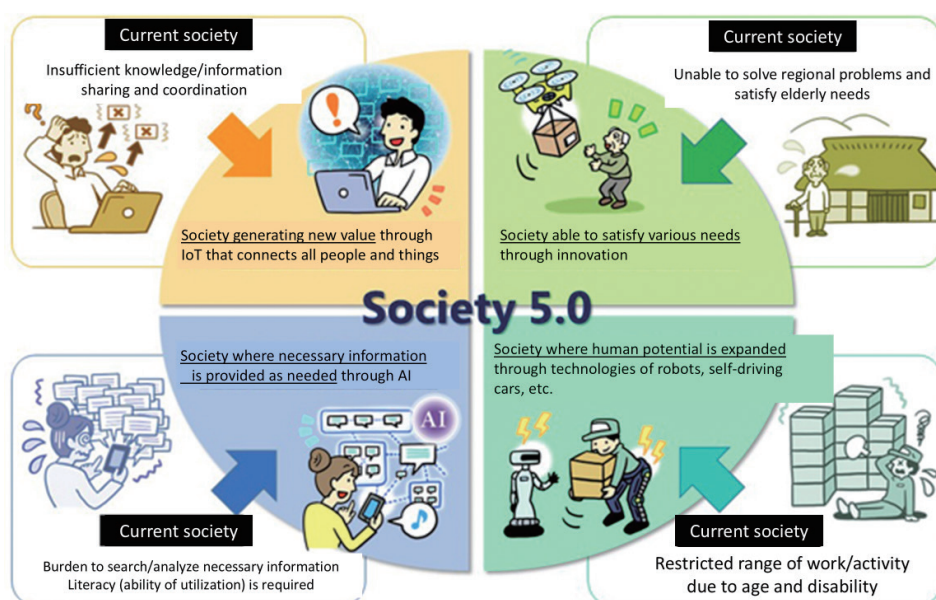


Figure 4: Society 5.0<sup>3</sup>

3 CEATEC 2020 ONLINE Presentation Material “科学技術・イノベーション基本計画～Society5.0の実現に向けて～” (Cabinet Office Website), Prepared by translating figure on page 8 into English.  
[https://www8.cao.go.jp/cstp/kihonkeikaku/caravan\\_koensiryō.pdf](https://www8.cao.go.jp/cstp/kihonkeikaku/caravan_koensiryō.pdf) (accessed on October 4, 2024)

## **(5) SDGs**

At the United Nations Summit in 2015, international goals aimed at achieving a sustainable and better world by 2030 (SDGs: Sustainable Development Goals) were adopted unanimously by member countries. The SDGs pledge to “leave no one behind” on this planet. It is expected that the results of research and development for achieving the SDGs will be used as a shared global asset in the future. In this situation, it is also expected that the patent rights (which are the results of research and development) will change their form so that they can be used widely, rather than being used in their original exclusive and monopolistic way.

## **2. IP creation education for young people**

In a society where values become more complex and diverse due to such major trends, it is essential to leverage uniquely human abilities to create and provide valuable new products and services, or in other words, IP. In order to survive and sustain growth in such a society, it is essential to have capable individuals driving this progress. In order to foster such human resources, it is important to cultivate creativity and to have a proper understanding of the importance of IP. We must foster a respect for IP and the people who create it from a young age.

In promoting IP creation education for young people, it is necessary to provide age-appropriate, step-by-step education. More specifically, it is appropriate to focus primarily on cultivating creativity in elementary school students. In addition to cultivating creativity, it is appropriate for junior high school students to learn about the connection between IP and society. Once they reach high school or beyond, it is important to focus on making them deeply understand the IP system and enhance their knowledge of its creation, protection, and utilization.

## **3. Key points of IP creation education: 7 steps**

In order to effectively and efficiently advance IP creation education, it is effective to proceed with the following seven steps:

### **(1) Identify the persona**

The first thing to do is to clearly identify the target audience for the education. For example, even when targeting high school students, each individual has different strong subjects, different hobbies and future dreams. They also have different levels of knowledge and interest in IP. For example, there are high school students who are good at science, enjoy coming up with inventions and ideas, and dream of becoming engineers in the future and have some knowledge about patents. At the same time, there are also students who love music, play in a band with friends, dream of becoming musicians in the future, and have never even heard of IP and know nothing about it. First of all, it is essential to clarify what kind of group you are teaching.

### **(2) Clarification of objective**

Once the persona has been identified, the educational objective for that persona should be clarified. For example, objectives of IP creation education include developing creative thinking skills, cultivating creativity, cultivating respect for inventors, creators, and their creations, and acquiring knowledge about IP. It is necessary to clarify which of these objectives is most appropriate for the identified persona. It is acceptable to have multiple objectives. However, without a clear objective, it will be difficult to move

forward with the next steps.

### **(3) Creating a syllabus and examining teaching methods**

A syllabus is a document that clearly outlines the educational purpose, target objectives, educational content and methods, specific teaching plans, and assessment methods. The overall approach to lessons can be planned to improve learning effectiveness, and adjustments can be made as necessary. Sharing it with students also helps to make the class run smoothly. Furthermore, even if the instructor changes partway through, it will still be possible to provide continuous instruction. Based on this syllabus, the specific content, methods, and time allocation for each class will be decided. Some ideas for specific guidance include using familiar examples, combining theory and practice, incorporating exercises, and facilitating the interactive exchange of opinions. How you use these ideas will be the key to making your lessons a success.

### **(4) Creation of teaching materials**

Teaching materials provide the necessary knowledge to effectively conduct classes, exercises for solving practical problems, and assignments for discussion. They are shared by both the instructor and the students. Since it is used to ensure that classes progress smoothly, it is preferable to have visual information such as diagrams, tables, photos, and videos rather than just text. The materials can be on paper such as books or pamphlets, or they can be provided through electronic media such as video or audio. It is also better if it can be written on as necessary for exercises or discussions.

### **(5) Creating teaching notes**

A teaching note is a manual in which an instructor outlines how to conduct a class. It details the allocation of class time, specifies content to discuss at various points, suggests examples to engage student interest, provides questions, includes additional information, outlines how to summarize, and lists other necessary actions and considerations for effectively delivering a lesson. For example, a teaching note should, if followed, allow even a first-time instructor to deliver a class comparable to that of a veteran teacher. For that reason, it is extremely important how a teacher creates this teaching note.

### **(6) Giving a demonstration class**

Once the syllabus is completed, the teaching methods are decided on, and the teaching materials and notes are ready, the actual class will be held. Rather than just a one-way lecture, it is preferable to actively promote two-way communication by incorporating exercises and quizzes, asking students to answer questions, and having them participate in group discussions and presentations of the results. Also, it is effective to actually create a work and guide everyone to consolidate their opinions and come to a single conclusion. Through this kind of two-way communication, students can take the initiative and achieve deeper learning beyond mere acquisition of knowledge. This so-called active learning is considered extremely effective in IP creation education.

### **(7) Refine based on the class results**

The end of the class does not indicate the end of the process. It is necessary to reflect the results of this class into subsequent education. For example, by conducting the same survey both before and after a class and observing how the responses change, it is possible to evaluate the effect of the class. Possible questions include awareness of IP, evaluation of the class, and evaluation of the teaching materials. Based on the survey results, it is important to improve the syllabus, teaching materials, teaching notes, and



actual teaching methods, and to repeatedly review and refine the content of the class and evaluations.

#### 4. Impressions and expectations

In Japan, the Patent Office has been focusing on the importance of nurturing IP talent for about 20 years. In particular, with regard to IP creation education for young people, various support measures have been implemented, such as the creation of standard textbooks, financial and personnel support for high schools, and awards for outstanding creative activities through patent contests. The IP Trainers Course for developing countries is also part of this, and there are already some examples of graduates of this course putting into practice what they have learned for students in their own countries.

I am confident that if activities like these spread to many countries, the world as a whole will be able to develop sustainably. I hope that many people will become even more actively involved in this IP creation education for young people.



A lecture on “Country Report Presentations on IP Education” on September 27, 2024  
(FY2024 JPO/IPR Training Course for IP Trainers)



A lecture on “Preparation of instructional plans and supplementary materials utilizing resources including WIPO materials” on October 2, 2024  
(FY2024 JPO/IPR Training Course for IP Trainers)

## Editor's Note



Hi, this is KEN. In this edition's "Get to know your IP Friends", I was a little surprised to see someone mention "Daruma dolls", which I personally thought was not very well known overseas. Daruma dolls are based on Daruma Daishi, who brought Buddhism to China from India. As a doll that rights itself when pushed over, Daruma dolls are widely popular good-luck talismans in Japan that can grant any wish. In recent years, these dolls created with both eyes white have become the mainstream. When making a wish, one eye is filled in, while the other eye is filled in when the wish comes true, a scene familiar from Japanese election campaigns.

Daruma dolls, as we know them today, were first created in the Edo period (1603-1868), and their strong, historical expressions are powerful, making it seem that they ward off any misfortune that may befall you. When you visit Japan, why not buy a Daruma and keep a symbol of Japanese culture with you?



Hi, I'm Ayako. What do you look forward to when visiting a foreign country? I always look forward to tasting the local food of that country together with local people.

Last year, I visited Laos as one of secretariats as part of my mission. I ate many delicious foods there, but I especially liked the black sticky rice eaten at lunch. It comes in a woven bamboo basket, and is eaten by rolling it up in the palm of your hand. When I chewed it, it was delicious with a hint of sweetness.

The mission was held successfully thanks to the strong cooperation from the secretariats in each country. Of course, I was looking forward to seeing them and the alumni very much. But eating the local foods together was also one of my most pleasurable experiences!



Hello, everyone, I am Kayoko. We asked writers who came to Japan what surprised them about the country, and I took down their answers. Now, I'll write about something that surprised me when I visited Vietnam. I visited Hoi An, Vietnam with one of my best friends this past August, and was surprised to see four people riding on one motorcycle together. I presumed they were a family.

Another surprise was that there did not seem to be old people there. Japan is exactly the opposite. I see old people everywhere, or rather, there are not many children here. I was surprised that there were many families made up of parents and two or three children. I guess that Vietnam is a young country.

### **[The meaning of 縁 (Enishi)]**

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

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

[Consigner]



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