

縁

ENISHI

No. **39**

March 2025

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.

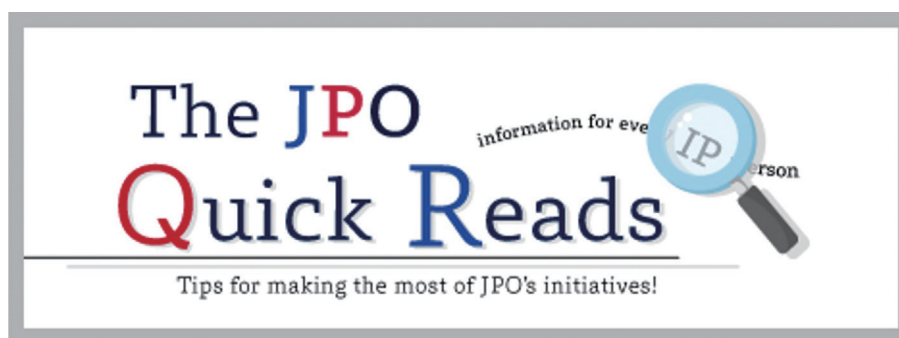
We very much hope that the information in this publication related to intellectual property, and the comments from either IP Friends or lectures, will prove beneficial to you in your work.



JAPAN PATENT OFFICE

Table of Contents

1.	The JPO Quick Reads	3
2.	FY2024 Training Courses Completed (Yearbook)	6
3.	FY2024 Follow-up Seminars	15
4.	Training Course Experience in Japan <ul style="list-style-type: none">Unlocking the Future: Insights from My Japan Experience During the Training on Technology Transfer Ms. Harini Yaniar (Indonesia) 19My Experience at the JPO/IPR Training Program for Patent Examiners in Middle Eastern and African Countries Mr. Emmanuel Diribo Haro (Kenya) 23	
5.	Articles from Former Trainees <ul style="list-style-type: none">Assessment of Inventive Step: A Comparison Between the Procedures Conducted by the Japan Patent Office and the Brazilian National Institute of Industrial Property Mr. Andre Luiz da Silva Moura (Brazil) 28Promoting Academia-Industry Collaboration in Vietnam: Mechanisms, Policies and Support Initiatives Ms. Trinh Thu Hai (Vietnam) 33	
6.	Get to Know Your IP Friends	39
7.	Message from Lecturer <p>Interactive Discussions! It was exciting to learn takeaways in Japanese Trademark Act and Practices. Mr. NAKAMURA Tomohiro ... 40 Managing Partner, Patent Attorney Konishi & Nakamura Patent Office</p>	
8.	From the Director's Desk <i>Tatami</i> Mr. OGIYA Takao, Director General of APIC ... 44	
9.	Editor's Note	49



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/

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

[Popular topics]

➤ Guidebook for Overseas Users on Design System in Japan (2 December 2024)

The JPO publishes a guidebook in English and Chinese for overseas users who are thinking of obtaining a design right in Japan!

Overseas users may have felt difficulty in understanding the differences between the design systems in their country and Japan.

The guidebook “Your Key to Success: for Obtaining a Design Right in Japan” is intended for our overseas users who are acquainted with the design systems in their own country but not so familiar with that in Japan.

It focuses on mistakes which overseas users are likely to make regarding the Japanese design system including recent revisions of laws and regulations, as well as tips on filing a design application in Japan, using actual and hypothetical case examples.

Following the English version published in January 2024, a Chinese version of the guidebook was released in November 2024.

➤ Judicial Symposium on Intellectual Property 2024 (JSIP 2024) Held (18 November 2024)

The JPO co-hosted a symposium aiming to deepen understanding of trial and appeal system and IP judicial system in Japan, Europe and the United States!

Judicial Symposium on Intellectual Property 2024 (JSIP2024) was held on October 24 and 25, 2024. It was co-hosted by the Japan Patent Office (JPO), the Supreme Court, the Intellectual Property High Court, the Ministry of Justice, the Japan Federation of Bar Associations, and the Intellectual Property Lawyers Network Japan.

For the program of October 25, hosted by the JPO, experienced chief administrative judges from the European Patent Office (EPO) and the United States Patent and Trademark Office (USPTO) were invited as speakers. The program began with presentations given by speakers from each office on the latest trends in IP judicial cases and systems in Japan, Europe and the United States. Following that, the JPO conducted mock oral proceedings of a trial for invalidation. Finally, based on the mock oral proceedings, a panel discussion was held among chief administrative judges from each office regarding methods of oral proceedings and determination on novelty and inventive step. In particular, there was an advanced discussion by experienced panelists on issues that many practitioners are currently facing in the era of digitalization, such as the validity of information published on the internet or its archives as evidence in the determination of inventive step.

➤ Vietnam DMS Director General Linh's visit to Japan (11 November 2024)

The JPO and the Vietnam DMS are strengthening the cooperation in the field of anti-counterfeiting!


Mr. Tran Huu LINH, Director General of the Vietnam Directorate of Market Surveillance (DMS), visited the Japan Patent Office (JPO) on October 24, 2024, for a meeting with Mr. TAKIZAWA Go, Director General of the Policy Planning and Coordination Department of the JPO. The DMS has the authority to seize counterfeit products in Vietnam. The DMS is also an important administrative organization that leads the local market surveillance agencies. Mr. LINH and Mr. TAKIZAWA exchanged information on the latest IP policies, confirmed the progress of cooperative projects based on the Memorandum of Cooperation (MoC) signed between the two offices in 2021, and confirmed that they will continue to promote mutual understanding and strengthen cooperation.

Through the meeting, the JPO and the DMS came to a strong realization that allowing counterfeit products will have a negative effect not only on brand owners, but also on consumers and society. They also agreed to strengthen cooperation with brand owners more than ever before.

➤ The 42nd Trilateral Heads of Office meeting (28 October 2024)

The JPO held the 42nd Trilateral Heads of Office meeting with the USPTO and the EPO!

The cooperation of Trilateral Offices is an important framework consisting of three experienced patent offices: the Japan Patent Office (JPO), the European Patent Office (EPO), the United States



Patent and Trademark Office (USPTO). Under the mature relationships fostered since 1983, the Trilateral Offices Meeting is deemed a forum for policy discussions, whereas the IP5 Offices Meeting is a forum for practical discussions.

On October 14, 2024, the 42nd Trilateral Heads of Office meeting was held in Tokyo, with the participation of the World Intellectual Property Organization (WIPO) as an observer. Prior to the meeting, a Trilateral Heads of Office with Trilateral Industry meeting was also held on the same day with the Trilateral User Groups (IT3: Industry Trilateral) from Japan, the United States and Europe. These meetings included discussions on how IP offices can support the strategic integration of IP and management under the theme of SDG9 “Industry, Innovation, and Infrastructure”.

At the meeting with industrial sector, the Trilateral Offices with IT3 have confirmed that all businesses can benefit from the earliest-stage incorporation of an IP management strategy into their business plans. In addition, the Trilateral Offices held discussions to deepen mutual understanding of what high-quality patents are and what role government offices should play in granting such high-quality patents.

➤ Japan-ASEAN Heads of IP Offices Meeting (7 October 2024)

The JPO and the ASEAN IP offices adopted the Japan-ASEAN Joint Statement for IP 2024 at the 14th Japan-ASEAN Heads of IP Offices Meeting!

The JPO and the ASEAN IP offices adopted the Japan-ASEAN Joint Statement for IP 2024 at the 14th Japan-ASEAN Heads of IP Offices Meeting!

The ASEAN member states have been advancing efforts to improve the IP environment in the ASEAN region in accordance with the ASEAN IP Rights Action Plan 2016-2025, which was formulated by the ASEAN Working Group on Intellectual Property Cooperation (AWGIPC). To support the efforts of the ASEAN member states, the JPO has been cooperating with them in various ways over the years.

Aiming to further enrich the cooperation, the JPO and the ASEAN member states held the 14th Japan-ASEAN Heads of IP Offices Meeting in Brunei Darussalam on September 3, 2024.

In the meeting, the JPO and ASEAN IP offices adopted the Japan-ASEAN Joint Statement for IP 2024. In the statement, the partner countries agreed at a high-level to recognize the discussion outcomes from the Japan-ASEAN Patent Experts Meetings since 2020, including the importance of enhancing the transparency and predictability of patent examination practices in emerging technologies such as AI & IoT and the significance of developing a system to correct mistranslations of filed applications. It was the first adoption of a joint statement in five years since convening the Ninth Japan-ASEAN Heads of IP Offices Meeting.

FY2024 Training Courses Completed (Yearbook)

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

Participant Numbers

● In-person Courses

Course Title	Number of participants who completed the course
Patent Examination (Basic Program)	21
Design Substantive Examination and Accession to the Hague Agreement	20
Patent Examination Management for Managers	21
Patent Examination Practices for South Africa	10
Patent Examination for Middle Eastern and African Countries	17
Information Technology	21
Support for Small and Medium Enterprises	23
Anti-Counterfeiting Measures for Practitioners	23
Academia-Industry Collaboration and Technology Transfer	22
Trial and Appeal Systems	18
Patent Examination in Specific Technical Fields	18
Substantive Examination of Trademarks	19

● Hybrid Courses

Practitioners Specializing in Trademarks	18
IP Trainers	16
Practitioners Specializing in Patents	17
Operational Patent Examination Training Program (OPET)	20

Group Photos

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



Patent Examination (Basic Program)



Design Substantive Examination and Accession to the Hague Agreement



Patent Examination Management for Managers



Practitioners Specializing in Trademarks



Patent Examination Practices for South Africa



IP Trainers



Patent Examination for Middle Eastern and African Countries



Practitioners Specializing in Patents



Information Technology



Support for Small and Medium Enterprises



Operational Patent Examination Training Program (OPET)



Anti-Counterfeiting Measures for Practitioners



Academia-Industry Collaboration and Technology Transfer



Trial and Appeal Systems



Patent Examination in Specific Technical Fields



Substantive Examination of Trademarks

FY2024 Follow-up Seminars

Follow-up seminars held in Malaysia and Viet Nam

A follow-up seminar and an Alumni Group Interview (AGI) were held in both Malaysia and Viet Nam in FY2024.

1. Malaysia

We are pleased to share that follow-up events were held in Malaysia for the first time since FY2019. The events were organized by the JPO in cooperation with the Intellectual Property Corporation of Malaysia (MyIPO).

On November 5th, an AGI was held at Aloft KL Sentral. 9 alumni joined the interview.

On November 6th, a follow-up seminar was held at the same hotel. It was attended by approximately 100 participants including members of MyIPO, law firms, universities and companies. The theme of the seminar was “Patent Opposition Systems”, as requested by MyIPO, and lectures were given on the overview and advantages of the Patent Opposition System in both Malaysia and Japan.



AGI in progress



Group photo at the AGI



Seminar in progress



Group photo of seminar speakers

2. Viet Nam

We were also pleased to have been able to hold follow-up events in Viet Nam for the first time since FY2019. They were organized by the JPO in cooperation with the Intellectual Property Office of Vietnam (IP Viet Nam).

On November 21st, an AGI was held at Fortuna Hanoi, and 9 alumni joined the interview.

On the next day, we held a follow-up seminar at the same hotel. It was attended by approximately 150 participants including members of IP Viet Nam, law firms, universities and companies. The theme of the seminar was “Protection and Enforcement of Trademark Rights on E-commerce Platforms”, as requested by IP Viet Nam, and lectures were given on protection, infringement and enforcement of trademark rights on E-commerce platforms, which have been developing significantly in Vietnam in recent years.



AGI in progress



Group photo at the AGI



Seminar in progress



Group photo of seminar speakers and participants

During the AGI in both countries, we were able to hear many valuable comments and opinions. We were also pleased to find that knowledge gained in the training programs are being utilized at participants' workplaces. Examples include applying the knowledge and information gained through the long-term research fellowship program to revise Patent Examination Guidelines, using the experience from the training courses to mentor new employees, and writing a paper on the need for an IP court.

Since many of the local speakers at the seminars were alumni of the JPO/IPR training program, it was a great opportunity to see them in action. There was a lot of active participation during the Q&A sessions, indicating a high level of interest, and we believe the seminars were useful for the participants.

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

Training Course Experience in Japan

Unlocking the Future: Insights from My Japan Experience During the Training on Technology Transfer

Ms. Harini Yaniar (Indonesia)

Science and Technology Utilization Analyst
Directorate of Intellectual Property Management
Indonesia National Research and Innovation Agency



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



Japan is a beautiful country, one that continually invites exploration with its rich culture, stunning landscapes, and timeless charm. It's a destination that calls you back, time and time again, revealing new wonders with each visit. Even when it's not for a vacation, I always feel a thrill of excitement when returning to Japan.

I had an invitation to participate in the **Training Course on Academia-Industry Collaboration and Technology Transfer** on November 7th – November 16th, 2023, which was my second time visiting Japan. It all started with a letter from the Directorate General of Intellectual Property, Indonesia Patent Office, sharing information about the Japan Patent Office (JPO) training in the area of technology transfer. I never thought I would be chosen as a representative participant from Indonesia, especially since the number of participants is limited from each country. I was interested in participating in this training because I work as a science and technology utilization analyst at The National Research and Innovation Agency (BRIN) in the Directorate of Intellectual Property Management. My work involves conducting studies and implementing policies in the areas of intellectual property management, intellectual property valuation, patentability analysis, and drafting patent specification documents. I believed that this training would be highly relevant to my work and beneficial both for me and my institution.

Prior to our departure, we were provided with comprehensive details regarding ticket arrangements, accommodation, the training venue, maps, public transportation, travel information, food options, and the training schedule. I found the organization of the training to be exemplary. When I arrived at Haneda Airport in the evening, I was greeted by an organizer who showed me how to use the train to get to the

AOTS Tokyo Kenshu Center (TKC), where all the participants were staying. It was winter, and I immediately felt the cold air. Walking from Kita-Senju Station to TKC was an incredible experience, as I admired the neat and clean city.

The training was conducted at the Asia-Pacific Industrial Property Center (APIC) – JIPII. Every day, I, along with the other participants, travelled from AOTS – TKC using the Chiyoda Line subway from Kita-Senju Station, passing through around ten stations to reach Kasumigaseki Station, which was followed by a short walk to APIC-JIPII. The first day of the training began with welcome addresses from the International Cooperation Division, JPO, APIC, and JIPII. I met trainees from many different countries, some from as far away as Brazil and Cameroon, but mostly from around Asia. Among the 25 total participants were two from Indonesia: me, representing BRIN; and Mr. Ikhsan Prasetyo from the Bandung Institute of Technology.



Visiting the Japan Patent Office



Our visit to the Japan Patent Office (JPO) was truly memorable. There I saw outstanding inventors, whose discoveries contribute to scientific advancement and benefit society. All participants were given the opportunity to see the JPO courtroom, with some participants even acting as judges and other court officials. We are able to envision and experience the working environment at the JPO. I learned a great deal from this training. It provided valuable lessons on the importance of industry-academia collaboration, IP management, and technology transfer. The lecturers were also all experts in their fields. In the IP Management session, we were given insights into searching and improving inventions, as well as the formulation of IP policies and the establishment of systems.

I found it very interesting to learn about IP management at universities, where the rules and systems for licensing research outcomes are established by the institutions themselves. The government plays a role in providing funding, while research activities are conducted at universities. If an invention has potential benefits for society, it will be able to be registered. Universities develop evaluation systems, and assess ways to manage intellectual property that is difficult to commercialize. The several types of industry-academia collaboration in Japan include joint studies between companies and universities, student internships at companies, and joint development of educational programs and activities conducted by Technology Licensing Organizations (TLOs). These practices provide knowledge that could potentially be applied in Indonesia.

Another key insight I gained is that Japan will not register intellectual property protection for an inven-

tion unless it has clear benefits and an industry ready to produce it, thereby indicating a potential market. Consequently, registered intellectual property is generally expected to be commercializable. Industries invest in inventions with demonstrated societal benefits, allowing for predictable market potential. Meanwhile, Technology Licensing Organizations (TLOs) and Technology Transfer Offices (TTOs) work tirelessly to identify and pitch promising ideas. This model offers specific recommendations for BRIN, as the largest government research institution in Indonesia, to continuously enhance the quality of research outcomes so that they can be better utilized by society.



At the Seminar Room

During this training, I met participants who are experts in patent examination, research, teaching, and technology transfer management. I was very pleased to get to know all of the participants, and learn about how intellectual property management and technology transfer are handled in various countries. It was fun when we were given a group case study to complete, wherein we discussed and tried to brainstorm ideas on designing an innovation, protecting its intellectual property, and planning its business model and utilization. Being in a class with participants who were consistently engaged and asking questions, and with lecturers who addressed every query, was a highly positive experience. Even though some used a translator, the translator had a thorough understanding of the subject matter, ensuring that the content was conveyed effectively to all participants.



At the Tokyo Institute of Technology

The training course program also included an opportunity to visit the Tokyo Institute of Technology. What left a particularly strong impression on me was seeing Tsubame, a series of supercomputers that operates at the GSIC Center of the Tokyo Institute of Technology in Japan. Tsubame provides computational and storage resources for research at Tokyo Tech, and the facility is available not only to its students and professors, but also to industry users and foreign researchers through collaborative research schemes or partnership programs.

We agreed that the most engaging lesson was when we learned about intellectual property valuation. There are two concepts of valuation: qualitative, which indicates the extent of patent protection for a particular technology; and quantitative, which determines the price, royalty rates, and investment value. As is well known, there are three different approaches to valuing technology: cost, market, and income-based approaches. In addition to learning theory, we were also given case studies during this session in order to calculate valuations using the income approach. What made this particularly memorable was that the lecturer patiently and meticulously guided each participant in order to ensure that everyone could complete the case study correctly. I think that this level of attention is quite rare.

Each day after our studies, I explored Tokyo together with fellow participants Ms. Norazlina Binti Mohd Yasin (Malaysia), Ms. Hassanin, Nahla Elaraby Abdelazeem (Egypt), and Ms. Bilgin, Fatma Sena (Türkiye). We visited various notable sites on the weekend, including Tokyo Tower, the Imperial Palace, Shibuya, Ueno Park, Asakusa, Tokyo Station, and other places. Although we got a bit lost a few times, it was a journey we will never forget. Everything was worth it when we saw the beautiful and awe-inspiring places.

Towards the end of the training, we all went out to enjoy sushi together. A special thanks to Haruka and Hina (participants from JPO)—it truly wouldn't have been complete without experiencing sushi while in Japan. Finally, I would like to express my gratitude to JPO and APIC – JIPII for the opportunity to participate in this training. I also extend my thanks to all the lecturers, translators, and staff for organizing the training so excellently, and for their warm hospitality. It was an extraordinary and enjoyable experience to be part of IP Friends. I hope our networking continues in the future.



With fellow participants at Ueno Park

My Experience at the JPO/IPR Training Program for Patent Examiners in Middle Eastern and African Countries

Mr. Emmanuel Diribo Haro (Kenya)

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



*JPO/IPR Training Course on Patent Examination for Middle Eastern and African Countries
(September 7–September 14, 2023)*



My participation in the Japan Patent Office/Intellectual Property Rights (JPO/IPR) training program marked a significant milestone in my professional career as a patent examiner specializing in mechanical engineering. This program, designed for patent examiners from Middle Eastern and African countries, was held in Tokyo, Japan, in July 2023. Organized through a collaboration between the JPO and the Japan Institute for Promoting Invention and Innovation (JIPII), it provided an enriching platform for cross-cultural exchange and professional development. This article recounts my experiences and insights gained during the program, highlighting the cultural, professional, and personal growth I experienced.

The adventure began with my first-ever international flight. Departing from Jomo Kenyatta International Airport in Nairobi, Kenya, and arriving at Narita Airport in Tokyo, Japan, on the 6th of September, 2024, was a thrilling experience. The thought of exploring a new country and learning from one of the leading patent offices in the world filled me with both excitement and apprehension. Despite my initial fears about the long flight and the unknown, the anticipation of new experiences and opportunities kept my spirits high.

Upon arrival at Narita Airport, we were warmly welcomed by a representative from the organizers. They assisted us in procuring a Pasmo card for seamless travel around Japan using the train system. This initial gesture of hospitality set the tone for our stay, making us feel welcomed and cared for right from the start. We then boarded a local train heading to Keisei Sekiya Station, from where we walked a short distance to Tokyo Kenshu Center (TKC), our accommodation for the duration of the program.

The following morning, after a hearty breakfast, we had a briefing session with the host organizers. We received our daily subsistence allowance to cater to our needs throughout the program. This thoughtful provision ensured we could focus entirely on the training without worrying about our day-to-day expenses. We were directed to the Kitasenju Railway Station, where we boarded a train to Kasumigaseki Station. The efficiency and organization of the Japanese transport system immediately impressed me. The sight of commuters queuing patiently at the railway station was a stark contrast to the more chaotic scenes back home in Kenya.

Upon arriving at Kasumigaseki Station, we walked a few minutes to the Asia-Pacific Industrial Property Center (APIC), located adjacent to the JPO. After a brief welcoming ceremony by the organizers, we introduced ourselves as participants from various countries, including Angola, the Democratic Republic of Congo, Egypt, Ethiopia, Libya, Morocco, Saudi Arabia, South Africa, and Turkey. This diverse group provided a rich cultural tapestry that enhanced the learning experience, offering various perspectives on intellectual property rights and challenges faced by different nations.

Our first day included a comprehensive tour of the JPO. The silence and focus within the office were palpable, despite the large number of examiners present. We observed that examiners were seated according to their respective fields, such as mechanical engineering, electrical engineering, ICT, pharmaceuticals, and biotechnology. This organizational structure allowed for specialized and efficient handling of patent examinations, ensuring that experts in each field could collaborate and share insights effectively.

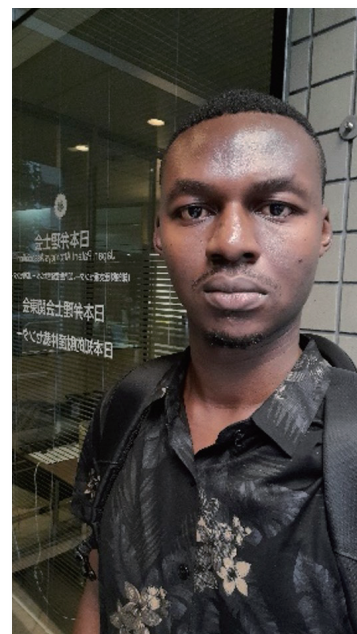
From the top of the JPO building, we caught a glimpse of the Prime Minister's office, although we were not permitted to take photographs due to security reasons. The day continued with a detailed history of the JPO, highlighting notable figures like Mr. Korekiyo Takahashi, the first Director General appointed in 1885. Learning about the historical evolution of the JPO provided a deeper understanding of its foundational principles and enduring commitment to innovation.


We also visited the Intellectual Property (IP) court, where patent disputes are adjudicated by a panel of experienced judges. This exposure to the judicial aspect of IP rights provided a holistic view of the patent system in Japan, emphasizing the importance of fair and efficient dispute resolution in maintaining a robust IP framework.

Our daily routine included tea breaks and lunch breaks, where we savored various Japanese dishes. These breaks not only provided a delightful culinary experience but also opportunities to network and discuss with fellow participants and organizers. The hospitality extended during these sessions was exemplary, with the host organizers offering snacks and beverages that showcased the diversity of Japanese culinary traditions.

However, our plans for the second day were disrupted by a severe weather forecast predicting strong winds and rain. Despite being equipped with umbrellas, the ferocity of the wind rendered them nearly useless. Nonetheless, we braved the elements and proceeded to APIC for a briefing. This resilience mirrored the dedication we saw in our hosts, who ensured the program continued smoothly despite the weather challenges. Their commitment to our learning experience was evident and deeply appreciated.

One of the highlights of the program was the visit to the Kanto Robot Center. This visit was a testament to the transformative power of patents in driving business innovation. The cutting-edge robotic





technologies on display were awe-inspiring, demonstrating how intellectual property rights can fuel technological advancements and economic growth. This visit served as a practical case study on the impact of effective patent systems on industrial progress, highlighting the importance of robust IP frameworks in fostering innovation.

The Kanto Robot Center showcased a range of robotic innovations, from industrial robots designed to enhance manufacturing efficiency to service robots aimed at improving daily life. Seeing these technologies in action underscored the vital role that patents play in protecting and encouraging inventive efforts. It was clear that the advancements at the Kanto Robot Center were not just technological marvels but also represented significant economic and social benefits facilitated by a strong IP system.

The robots demonstrated at the center included highly advanced models capable of performing complex tasks with precision and efficiency. For instance, we saw industrial robots used in automotive manufacturing, capable of assembling parts with incredible speed and accuracy. These robots are pivotal in reducing production costs and improving the quality of manufactured goods. Additionally, service robots designed for healthcare and domestic use highlighted the potential of robotics to improve the quality of life by assisting with tasks ranging from surgery to elderly care.

The weekend provided a much-needed break and an opportunity to explore Tokyo. We visited Shinjuku and Shibuya, iconic districts known for their shopping and entertainment options. Shopping from world-renowned brands like Adidas added a touch of personal pleasure to our otherwise professionally intense trip. This exploration not only provided a respite but also a deeper appreciation of Japanese culture and lifestyle.

Shinjuku, with its bustling streets and towering skyscrapers, offered a vibrant urban experience. The juxtaposition of modern architecture with traditional elements, such as serene gardens and temples, highlighted the harmonious blend of past and present in Japanese society. Meanwhile, Shibuya, famous for its busy crossing and trendy shops, gave us a glimpse into the contemporary fashion and youth culture of Japan. This weekend exploration allowed us to unwind and connect with the local culture, making the overall experience even more enriching.

During our exploration, we also had the chance to visit some historical sites and cultural landmarks. The Meiji Shrine, located in Shibuya, was a serene escape from the bustling city, offering a glimpse into Japan's rich cultural heritage. The peaceful environment of the shrine, surrounded by lush greenery, provided a stark contrast to the urban landscape and a moment of reflection.

We also experienced Japanese hospitality first-hand in local restaurants and shops. The politeness and attentiveness of the staff, coupled with the high standards of service, were remarkable. Trying out traditional Japanese dishes, such as sushi, tempura, and ramen, was a culinary adventure that further deepened our appreciation of the local culture. The meticulous presentation and the emphasis on fresh ingredients in Japanese cuisine left a lasting impression on me.

The training program resumed on Monday, the 11th of September, 2023, at APIC. This phase of the program was marked by country reports presented by participants on the status of intellectual property rights in their respective nations. These presentations provided valuable insights into the diverse IP landscapes and challenges faced by different countries, fostering a deeper understanding of the global IP environment.

The lecture sessions that followed were comprehensive and informative. We were introduced to the Japan FI classification system used in patent examination procedures. Lectures covered critical topics such as requirements for description and claims, information amendments, patent information retrieval, and the assessment of novelty and inventive step. These sessions were conducted by experts from the

JPO and experienced patent attorneys. It was particularly enlightening to learn how the JPO collaborates with patent attorneys to ensure efficient and thorough examination processes. Notably, many Japanese patent attorneys were former examiners, highlighting a seamless integration of expertise between the two professions.



The in-depth lectures provided a robust understanding of the intricacies involved in patent examination. For instance, the discussion on the requirements for description and claims emphasized the importance of clear and precise language in patent applications. This session underscored the need for examiners to meticulously review applications to ensure they meet the stringent standards required for patentability.

The lectures on information amendments and patent information retrieval further highlighted the complexities involved in maintaining and accessing patent databases. The ability to efficiently retrieve and analyze patent information is crucial for examiners, and the training provided practical insights into utilizing advanced search tools and databases effectively.

The assessment of novelty and inventive step was another critical area covered in the lectures. Through various examples, we learned how to evaluate the uniqueness of an invention and its potential contribution to the field. The expertise shared by the lecturers, many of whom had extensive experience in patent examination and IP law, was invaluable in enhancing our understanding of these complex concepts.

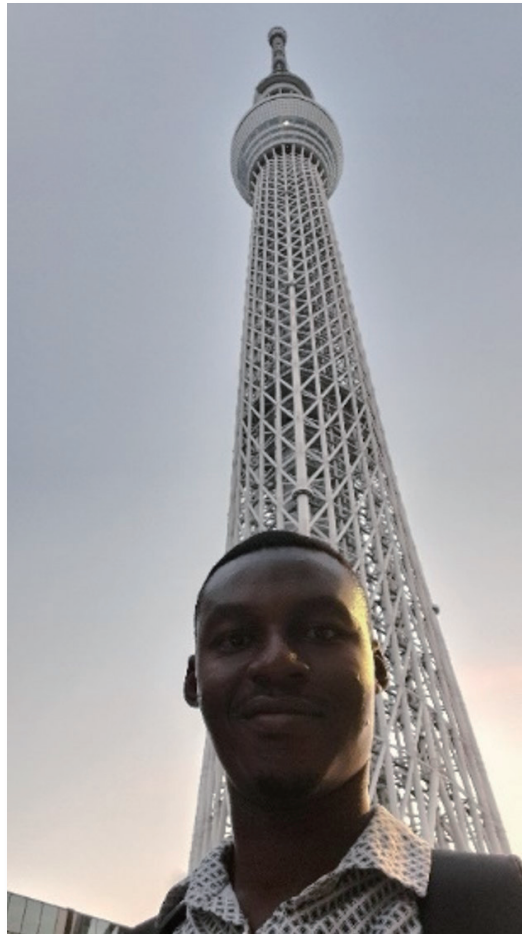
The training program also included practical exercises and case studies, which allowed us to apply the knowledge gained from the lectures. These sessions were designed to simulate real-world scenarios, providing hands-on experience in patent examination. We worked in groups to analyze patent applications, by comparing the proposed claims with those of the prior art documents, and giving opinions in regards to novelty and inventive step.

Our training concluded on Thursday, September 14, 2023. The closing ceremony was marked by the awarding of certificates of completion, presented by Mr. Masakazu Shiozawa. This moment was a proud culmination of our hard work and learning over the past week.

As we prepared to depart, I reflected on the beautiful memories and enriching experiences from the

training program. The hospitality of the Japanese people, the moments shared with fellow participants, and the insights gained from the JPO left a lasting impression. The visit to Tokyo Tower was particularly memorable, offering a breathtaking view of the city and a perfect ending to our journey.

The JPO/IPR training program was an incredibly enriching and transformative experience, one that I would highly recommend to other patent examiners and professionals in the field of IP. The comprehensive curriculum, expert-led sessions, and practical exercises provided invaluable insights and skills that are directly applicable to our work. Moreover, the opportunity to engage with peers from different countries, learn about diverse IP systems, and experience Japanese culture firsthand was truly unique. Participating in this program not only enhances one's professional capabilities but also broadens perspectives and fosters a deeper appreciation of global IP practices. For anyone seeking to advance their career, gain international exposure, and build a network of like-minded professionals, this program is an exceptional opportunity that should not be missed.



Articles from Former Trainees

Assessment of Inventive Step: A Comparison Between the Procedures Conducted by the Japan Patent Office and the Brazilian National Institute of Industrial Property

Mr. Andre Luiz da Silva Moura (Brazil)

Researcher (Patent Examiner),
Patent Coordination (DIRPA)/CGPATI/DIPAT III (Pharmacy Division II),
National Institute of Industrial Property (INPI)



*JPO/IPR Operational Patent Examination Training Program (OPET)
(October 16–November 17, 2023)*



Introduction

In the realm of intellectual property, the inventive step, or non-obviousness, is a crucial criterion for patentability. This criterion ensures that patents are granted only for inventions that are sufficiently innovative and not merely incremental improvements. The procedures for assessing the inventive step vary between countries, reflecting different legal traditions and policy goals. This article compares the procedures for assessing the inventive step as conducted by the Japan Patent Office (JPO) and the Brazilian National Institute of Industrial Property (INPI-BR).

The JPO

Legal Framework and Guidelines

The JPO operates under the Patent Act of Japan, which mandates that an invention must involve an inventive step to be patentable. According to Article 29(2) of the Japanese Patent Act, an invention lacks an inventive step if it could have been easily made by a person skilled in the art based on prior art.

Examination Procedure

The JPO examination procedure includes the following key steps:

1. Specifying of claimed invention.
2. Specifying of prior art.
3. Comparison with prior art.
4. Determination of the existence of novelty and inventive step.

Decision Criteria for Assessment of Inventive Step

The JPO uses “**Multi-Factor Reasoning (MFR)**” as a framework for assessing inventive step. This approach involves:

Reasoning:

- I) Facts in support of the **non-existence** of an inventive step:
 - a. Motivation for applying other prior art to primary prior art.
 - b. Design variation of primary prior art.
 - c. Mere aggregation of prior art.
- II) Facts in support of the **existence** of an inventive step:
 - a. Advantageous effects.
 - b. Obstructive factors.

INPI-BR

Legal Framework and Guidelines

In Brazil, the assessment of inventive step is governed by the Industrial Property Law (Law No. 9,279/1996 - LPI). According to Article 13, an invention shall be taken to involve inventive step when, for a person skilled in the art, it does not derive in an evident or obvious manner from the state of the art.

Examination Procedure

The examination procedure at INPI-BR includes these steps:

1. Determine the closest prior art.
2. Determine the distinctive features of the invention and/or the actual technical problem solved by the invention.
3. Determine whether, in view of the technical problem considered, and based on the state of the closest art, the invention is or is not obvious to a person skilled in the art.
4. Determination of the existence of novelty and inventive step.

Decision Criteria for Assessment of Inventive Step

INPI-BR, according to the EXAMINATION GUIDELINES FOR PATENT APPLICATIONS part 2 (Resolution n° 169/2016, 15/07/2016), follows a similar approach to the JPO:

- I) For the evaluation of the inventive step, the examiner must consider not only the technical solution itself, but also the technical field to which the invention belongs, the technical problem solved, and the technical effects produced by the invention.
- II) The claimed invention shall be considered as a whole, taking into account the elements contained in the preamble and in the characterizing part. In determining the differences between the claims and the prior art, the question is not whether the differences would be obvious individually, but whether the claimed invention would be obvious as a whole. Therefore, as a general

rule, in the case of claims that combine several characteristics, it is not correct to consider the claimed matter as obvious on the grounds that the said different technical characteristics, each one taken separately, are known or obvious in relation to the state of the art. However, when the claim is merely an “aggregation” or “juxtaposition” of known characteristics, that is, a combination that results in an effect that is the simple sum of the individual effects of the characteristics, this claim does not present an inventive step.

- III) In general, if an independent claim shows an inventive step, it is not necessary to examine the inventive step of its dependent claims, since these incorporate all limitations present in the claims on which they depend.
- IV) On the contrary, if an independent claim does not show an inventive step, your dependent claims should be scrutinized as they may contain element specifics that make that material inventive.

Comparative Analysis

Analyzing both methodologies, MFR applied by the JPO and the methodology conducted by INPI-BR, we can understand similarities such as:

Facts in support of the non-existence of an inventive step are:

- JPO:

- a. Motivation for applying other prior arts to primary prior art due to:
 - relation of technical fields;
 - similarity of problems to be solved;
 - similarity of operations or functions; and
 - suggestions shown in the content of prior art.
- b. Design variation of primary prior art as:
 - selecting optimum materials;
 - replacing with equivalents;
 - optimizing numerical ranges;
 - design variation for applying specific techniques.
- c. Mere aggregation of prior art as functions or operations of claimed elements are unrelated. This is considered ordinary creativity of a person skilled in the art.

- INPI-BR:

- a. When determining whether the combination of two or, exceptionally, three distinct disclosures (two or three documents of prior art) is to be considered obvious or not, the examiner must evaluate the following criteria: (i) whether the content of the documents is such that a person skilled in the art would be able to combine them given the problem solved by the invention; (ii) whether the documents come from similar, close technical fields, or whether the documents are pertinent to a particular problem with which the invention is related; (iii) whether the combination of two or more parts of the same document would be obvious and whether there is a reasonable basis for a person skilled in the art to associate these parts together.
- b. If the invention consists merely of choosing from a number of known possibilities, or merely of choosing from a number of equally possible alternatives, and the selected solution does not produce any unexpected technical effect, the invention does not involve an inventive step.

- c. When the claimed matter is merely an “aggregation” or “juxtaposition” of known characteristics, that is, a combination that results in an effect that is the simple sum of the individual effects of the characteristics, this claim does not present an inventive step.

At both the **JPO** and **INPI-BR**, facts in support of the existence of an inventive step are:

- a. Advantageous effects are considered when effects of the claimed subject matter satisfy the following conditions and exceed what is predictable based on the state of the art:
 - different from that of prior art; or
 - same nature but significantly superior.
- b. Obstructive factors are taken as contrary knowledge to the purpose of the primary prior art to apply other prior art to that.

To summarize the main factors considered by both Patent Offices when the inventive step is assessed, some key points are listed below:

1. Technical Problem Analysis

- **JPO**: Focuses on whether the invention provides a solution that is not obvious to a skilled person.
- **INPI-BR**: Examines the technical problem addressed and whether the solution flows naturally from prior art.

2. Prior Art Analysis

- Both offices consider the scope, content, and relevance of prior art documents.
- **Multi-Factor Focus**:
 - Number of prior art references combined.
 - Motivation for combining references.
 - Whether the references teach away from the claimed invention.

3. Technical Effects

- Both the JPO and INPI-BR evaluate whether the invention delivers unexpected or superior technical results compared to known technologies.
- Considerations:
 - Technical advantages.
 - Overcoming long-standing problems.
 - Efficiency or performance improvements.

4. Overcoming Technical Prejudice

- Inventions that contradict widely accepted beliefs or practices in the field are less likely to be considered obvious.

5. Level of Ordinary Skill in the Art

- Assesses the expertise of the hypothetical skilled person:
 - **JPO**: Tends to focus on practical application and feasibility.
 - **INPI-BR**: May take into account regional differences in technical knowledge or industrial standards.

6. Market or Commercial Success (Secondary Considerations)

- Both offices may look at indirect evidence, such as:
 - Commercial success.
 - Industry recognition.
 - Failure of others to solve the problem.

Conclusion

The procedures for assessing inventive step by the JPO and INPI-BR share a common foundation. Analyzing the methodologies applied by the JPO and INPI-BR for assessing inventive step, it reveals several notable similarities in their approaches.

At the JPO, the evaluation of the non-existence of an inventive step hinges on several factors, including:

- **Motivation for Combining Prior Art:** This considers the relationship of technical fields, the similarity of problems to be solved, the similarity of operations or functions, and suggestions found within the content of prior art.
- **Design Variation:** This involves selecting optimum materials, replacing components with equivalents, optimizing numerical ranges, and applying specific techniques.
- **Aggregation of Prior Art:** This considers whether the claimed elements' functions or operations are unrelated and viewed as ordinary creativity by a person skilled in the art.

Similarly, INPI-BR evaluates the obviousness of combining disclosures from two or, exceptionally, three prior art based on:

- **Combination Feasibility:** This evaluates if a person skilled in the art could combine the documents to solve the problem addressed by the invention, and if the documents are from similar technical fields or pertinent to a particular problem related to the invention.
- **Choosing Known Possibilities:** This considers if the invention merely involves selecting from known alternatives without producing any unexpected technical effect.
- **Aggregation of Characteristics:** This evaluates if the claimed matter is simply a combination that results in an effect that is merely the sum of individual effects, indicating no inventive step.

In support of the existence of an inventive step, both the JPO and INPI-BR consider:

- **Advantageous Effects:** These are taken into account if the effects of the claimed subject matter are different from or significantly superior to what is predictable based on the state of the art.
- **Obstructive Factors:** These are regarded as contrary knowledge to the purpose of applying other prior art to the primary prior art.

Overall, both the JPO and INPI-BR employ detailed and methodical approaches to assess inventive step, emphasizing the importance of a thorough analysis of prior art, technical fields, and the effects of the claimed invention. Although INPI-BR does not specifically name the methodology to assess Inventive Step, it is quite obvious the huge similarity between both methodologies conducted by those Patent Offices. The methodology adopted by INPI-BR to assess the Inventive Step could be easily associated with Multi-Factor Reasoning methodology. This alignment in methodologies underscores the shared commitment to ensuring that only genuinely innovative inventions are granted patent protection.

Promoting Academia-Industry Collaboration in Vietnam: Mechanisms, Policies and Support Initiatives

Ms. Trinh Thu Hai (Viet Nam)

Deputy Director
Intellectual Property Training and Consultation Center (IPTC)
IP Viet Nam



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



1. Current Academia-Industry Collaboration in Vietnam

Collaboration between academia and industry constitutes a vital component in fostering innovation and national economic development in every country. It signifies interactions, while creating connections among different elements of the academic system and industry for the effective exploitation of research results.

In an increasingly globalized and competitive world, the role of intellectual property in fostering collaboration between academia and industry is more crucial than ever. Clearly aware of this connection, Vietnam has been making its best efforts to promulgate and implement suitable mechanisms, policies and supporting activities to promote effective cooperation among these sectors—particularly in the realm of technology transfer. The resulting collaborations among universities, research institutes and businesses in Vietnam during recent years have shown promising signs, while also reflecting growing awareness regarding the importance of linking academic research with industrial applications. There has been a growing number of successful collaboration models among research institutes, universities and businesses in applying and utilizing research outcomes to meet the needs of production, business and technological innovation. This demonstrates the potential of such partnerships to drive innovation, create new technologies and support the country's socio-economic development.

In terms of legislation, Vietnam clearly aligns with the perspective that universities must serve as centers for scientific and technological research, as well as for the transfer and application of technology to production and daily life. Businesses are seen as the central drivers of innovation, application and technology transfer, and as the most important source of demand in the science and technology market.

Currently, Vietnam has numerous legal documents that stipulate the facilitation and support for fostering collaboration among research institutes, universities and businesses, as well as for promoting technology transfer. The following are some key relevant legal documents in this regard:

- Law on Science and Technology 2013, amended and supplemented in 2019 (Article 40 and 42)
- Law on Technology Transfer 2017 (Article 6 and 11)
- Law on Higher Education 2012, amended and supplemented in 2018 (Article 12 and 40)
- Decree No. 13/2019/ND-CP on Science and Technology Enterprises
- Decision No. 1068/QĐ-TTg 2019 on Viet Nam's Intellectual Property Strategy until 2030
- Decision No. 569/QĐ-TTg 2022 on the Science, Technology and Innovation Development Strategy until 2030

These legal documents play a crucial role in promoting cooperation among educational institutions, research institutes and enterprises, as well as in fostering a research environment and facilitating technology transfer in Vietnam.

In term of the organizational structure of the State's management and supporting agencies, numerous organizations and entities in Vietnam have functions and duties related to promoting collaboration among institutes, universities and enterprises, as well as supporting the development of the science and technology market and the exploitation of inventions and scientific research results. These include the following:

- Ministry of Science and Technology (MOST, National Office of Intellectual Property of Viet Nam (IPVIETNAM) and State Agency for Technology Innovation (SATI) under MOST
- National Agency for Technology Entrepreneurship and Commercialization Development (NATEC)
- National Innovation Center (NIC) under the Ministry of Planning and Investment (MPI)
- Vietnam Academy of Science and Technology (VAST)
- Professional Associations (such as the Vietnam Association of Small and Medium Enterprises, and the Innovation and Intellectual Property Associations)

These agencies and organizations play important roles in promoting collaboration within Vietnam's science and technology ecosystem by fostering the commercialization of research and the practical application of inventions. MOST has introduced various programs to encourage joint research, such as the National Technology Innovation Program and the Vietnam Science and Technology Development Fund. IPVietnam has also been instrumental in providing guidance on patenting and IP protection, which are crucial for safeguarding innovations and ensuring fair returns on investments for both academic institutions and businesses.

In term of the supporting network, Vietnam has established and is maintaining operations of the Network of Technology and Innovation Support Centers (TISC) in Research Institutes, Universities and Enterprises (an initiative launched by WIPO) to ensure close interconnection among these entities with respect to the management, utilization exploitation and development of intellectual property assets. As of October 2024, the TISC network has gathered 53 members, including research institutes, universities and major enterprises in Vietnam. The network operates actively and dynamically, making many valuable contributions to the national intellectual property system.





Some notable examples

Here are a few examples of successful and effective collaborations between research institutes, universities and businesses in Vietnam:

- *Collaboration between Ho Chi Minh City University of Technology (HCMUT) and Intel Products Vietnam:* HCMUT has established a strong partnership with Intel Products Vietnam through the Intel Inside program, through which Intel collaborates with the university to develop human resources, provide training in electronics and computer science, and sponsor research projects. This partnership has contributed toward advancing technological skills for students, and fostering research in microchip production and electronics. This collaboration has resulted in improved training programs, internships for students, and increased engagement of Vietnam's technology workforce in the semiconductor industry.
- *Vietnam Academy of Science and Technology (VAST) and Viettel Group:* Viettel, a leading telecom company in Vietnam, has partnered with VAST to develop and commercialize new technologies, especially in telecommunications and defense. Viettel has benefited from VAST's research expertise, while the academy has gained access to large-scale practical applications for its innovations. This collaboration has led to the development of high-tech products such as satellite communication technologies and defense-related innovations, contributing significantly to the growth of Vietnam's telecommunications sector.
- *Hanoi University of Science and Technology (HUST) and VinFast (Vingroup):* VinFast, a subsidiary of Vingroup and Vietnam's first major automotive manufacturer, partnered with HUST to carry out research and development in electric vehicle (EV) technology. This partnership supports the training of high-quality engineers, and fosters R&D initiatives in the field of automotive manufacturing and renewable energy. The collaboration has accelerated Vietnam's progress in developing domestic EV production and technology, while creating opportunities for students and researchers to participate in groundbreaking projects in the automotive industry.
- *Collaboration between Can Tho University and Loc Troi Group:* Can Tho University, known for its expertise in agriculture, has partnered with Loc Troi Group, a leading agricultural enterprise in Vietnam, to conduct research on improving rice varieties and sustainable farming practices. The university provides scientific knowledge and research capabilities, while Loc Troi contributes with funding and commercial expertise. This partnership has resulted in the development of high-quality

rice varieties suited to the Mekong Delta region, thereby helping to improve productivity, reduce environmental impact and enhance food security.

- *Vietnam National University, Ho Chi Minh City (VNU-HCM) and FPT Corporation:* VNU-HCM collaborates with the FPT Corporation, one of Vietnam's largest technology companies, in the fields of software development, artificial intelligence (AI) and big data. This collaboration includes joint research projects, student internships and technology transfer programs. The partnership has facilitated the training of thousands of students, and contributed to the growth of Vietnam's IT sector, by fostering innovation and creating job opportunities for tech graduates.

These examples highlight the mutually beneficial relationships among research institutes, universities and businesses in Vietnam through the fostering of innovation, technology transfer and workforce development across various sectors.

Despite these successes, however, challenges remain in building stronger and more sustainable partnerships. One of the main barriers is the lack of alignment between the goals of academia and the needs of businesses. While academic institutions often focus on fundamental research, companies prioritize short-term, market-driven results. Moreover, many enterprises—especially small and medium-sized ones—face difficulties in accessing scientific knowledge and expertise from universities due to limited financial resources and weak intellectual property management systems.

2. International Experiences: Lessons from Japan and Beyond

Many countries around the world have established successful models of academia-industry collaboration that Vietnam can learn from. Japan, in particular, offers valuable lessons in fostering effective partnerships between universities and enterprises.

In Japan, the government has actively promoted the commercialization of academic research through various policies and mechanisms. One of the key initiatives is the establishment of Technology Licensing Offices (TLOs) within universities. These offices serve as intermediaries that facilitate the transfer of academic research to industry by providing support in patenting, licensing and negotiating contracts with businesses. As a result, Japan has seen a significant increase in the number of patents filed by universities, along with the commercialization of research outcomes.

Moreover, Japan's collaborations between academia and industry are characterized by strong government support and clear legal frameworks that encourage innovation. For instance, the Basic Act on Science and Technology and the Intellectual Property Basic Act provide guidelines for research institutions and businesses to collaborate effectively, with a focus on protecting intellectual property rights.

Japan has been highly successful in promoting collaborations among research institutes, universities and businesses to foster innovation, develop intellectual property and commercialize research outcomes, which has contributed toward Japan's position as a global leader in technology and industrial growth. The following is a detailed analysis of Japan's experiences and achievements in this regard:

- **Government-Led Initiatives and Policies:** Japan's success in fostering collaborations among academia, research institutions and industry is rooted within strong government support and a clear legal framework. Some key policies include:
 - *The Basic Act on Science and Technology (1995) and the Third Science and Technology Basic Plan (2006):* These national policies set the direction for promoting science and technology development, with a focus on linking universities and businesses to enhance technology transfer and

- commercialization.
- *The Japanese University-Industry Collaboration Policy*: This policy has established legal frameworks that incentivize universities to engage in commercialization and cooperate with enterprises. It has also helped to reform the mindset of academia toward a more business-oriented approach.
 - *Role of Ministry of Economy, Trade, and Industry (METI)*: The Japanese government, particularly METI, plays a crucial role in funding, guiding and supporting collaborations, thereby ensuring that academic research and industrial needs are aligned.
- **Formation of Technology Licensing Offices (TLOs)**: In the late 1990s, Japan established TLOs across universities which serve as intermediaries. These offices connect academic research with potential business partners by managing IP, promoting technology transfer, and facilitating commercialization. Some key outcomes of this development have included the following:
- *Professionalization of Technology Transfer*: TLOs help to bridge the gap between researchers and businesses by offering IP management services, market analysis and negotiation expertise.
 - *Increased Patent Applications*: Japanese universities have seen significant growth in patent applications and IP commercialization through the TLO system.
- **Collaborative R&D Projects and Funding Programs**: The Japanese government encourages public-private R&D collaboration through various funding programs. One prominent initiative is the following:
- *National Project for University-Industry Collaboration (UNICO)*: This project supports collaborative research and development between universities and businesses in key sectors such as robotics, pharmaceuticals and energy. Through shared infrastructure and government funding, it helps to de-risk early-stage projects.
 - *Grant Programs*: The government provides grants and tax incentives for companies that partner with universities and research institutes, making R&D collaboration financially attractive.
- **Science Parks and Innovation Clusters**: Japan has established several science parks and innovation hubs for co-location and collaboration among universities, research institutes and corporations. Examples to date have included Tsukuba Science City and Kansai Science City.

Owing to such policies and efforts, the results achieved in Japan have been remarkable. Japan consistently ranks among the top countries for patent applications, with a large share coming from university-business collaborations. Many successful startups and spin-off companies have emerged from university research, and collaborations between academia and businesses have contributed toward Japan's global leadership in key industries such as robotics, pharmaceuticals and electronics. In addition, the commercial application of research has helped Japanese firms become global leaders in cutting-edge technology. Japan's policies have not only fostered technology transfer, but have also created a skilled workforce. Additionally, universities produce graduates trained in the practical application of their research, thereby benefitting industry directly.

Other countries, such as South Korea and Germany, have also implemented successful models of academia-industry collaboration. In South Korea, the government has established innovation clusters that bring together universities, research institutes and companies in specific industries such as electronics and biotechnology. These clusters facilitate knowledge-sharing and joint research, leading to the rapid development of new technologies. In Germany, the Fraunhofer Institutes play a pivotal role in applied research and technology transfer, working closely with industry to solve practical problems and drive innovation.

3. Recommendations for Enhancing Academia-Industry Collaboration in Vietnam

Several key recommendations can be made to further enhance collaboration among universities, research institutes, and businesses in Vietnam. They are as follows:

- **Strengthening Policy Support:** The government should continue to improve the legal framework for academia-industry collaboration, with a focus on aligning academic research with the needs of industry. This includes providing financial incentives for joint research projects, as well as establishing clear guidelines for intellectual property management and commercialization.
- **Building Institutional Capacity:** Universities and research institutes should establish dedicated offices for technology transfer and IP management, similar to the TLOs in Japan. These offices would facilitate the process of patenting and licensing academic research, making it easier for businesses to access new technologies and innovations.
- **Enhancing Human Resources:** One of the key factors in successful academia-industry collaboration is the availability of highly skilled professionals who can bridge the gap between research and industry. To address this, universities should focus on providing students with practical, industry-relevant skills through internships, industry-led courses and collaborative research projects.
- **Promoting Industry Engagement:** Businesses, especially small and medium-sized enterprises, should be encouraged to engage more actively with universities and research institutes. This can be achieved through government-sponsored matchmaking events, industry-academia forums, and public-private partnership initiatives.
- **Fostering Innovation Ecosystems:** Establishing innovation hubs and clusters where universities, research institutes and businesses can collaborate on joint projects would help to create a dynamic ecosystem for innovation. These hubs could focus on specific industries or technologies such as IT, agriculture or renewable energy, providing a platform for knowledge exchange and co-development of new products.

In conclusion, while Vietnam has made progress in fostering collaboration between academia and industry, there is still much room for improvement. By learning from international experiences and implementing targeted policies and initiatives, Vietnam can further enhance the effectiveness of these partnerships—thereby driving innovation and economic growth in the years to come.



Get to Know your IP Friends



This edition of “Get to Know your IP Friends” is a shortened version. The following question was asked to alumni in various countries, and we would like to share a selection of their heartwarming responses.

Q: Tell us about someone who has had a significant impact on you.

- My brother because when we were children, he was afraid of heights, so much so that he could not use pedestrian bridges or sit by the window in an airplane. He decided that this was reducing his quality of life by limiting his life experiences, and decided to overcome his fears and became an alpinist. Nowadays, he says that being at the top of a mountain provides his life with perspective and gives him a big reward after very hard work. Therefore, he leads his life like he is climbing a mountain: he analyzes the way, he follows his plans, he takes it step by step, and he enjoys the view at the end. Then, he goes back home and shares his learnings and memories.
- My adopted kid because he teaches and surprises me every single day with knowledge that isn't in books, and with new feelings in my heart, I really don't know who is the oasis for who, but perhaps it is reciprocal. The curious thing is that he never notices all the magic that is around him. He has taught me the real meaning of “communion”.
- Many people have impacted my life including my parents and spouse. The company I surround myself with can also have an impact on my attitude. One person who has impacted me by shaping my morals, beliefs, and forced me to believe in my work is my boss. She is not only my boss but also my second mother because I do well in my job and daily life under her guidance. She is very inspirational as she encourages me to fulfil my potential and gives me excellent motivation to achieve my goal by pushing me to the next level in both my academic life and career. She is always in a positive mood, which encourages me to have a positive attitude, and provides me with really great lessons, lessons that will help me be a better leader to those I lead.
- My son. I used to say that ever since I became a parent, the task of raising a child is one of the most rewarding, challenging and indulgent things that enhances and develops us into better human beings. A child teaches us in many ways to become a better person, parent and friend.
- My dad has impacted my growth as a young man to become hungry for learning new knowledge everyday.

Message from Lecturer

Interactive Discussions!
It was exciting to learn takeaways in Japanese Trademark Act and Practices.

Mr. NAKAMURA Tomohiro

Managing Partner, Patent Attorney
 Konishi & Nakamura Patent Office



1. Mottos and Subjects

I, Tom Nakamura, was dedicated in 2024 to speak at APIC lectures on several subjects e.g. titled **“Applicants/Counsels, What their Concerns in Exam. Proceedings”** and **“Anti-Counterfeiting Strategies at Customs, How Counsels Collaborate with IP Owners.”** The lectures’ motto was to encourage every participant to discuss interactively with me and others in the classroom to enhance capacity building and bridge the gaps between attendees. The lectures also weighed on the items below with three keywords: “Share”, “Discuss” and “Bridge and Bring”:

- Share: Different laws and practices in 19 jurisdictions, plus Japan
- Discuss: What practices meet applicants’/counsels’ concerns
- Bridge & Bring: Good points you learn should be bridged and brought to your jurisdictions

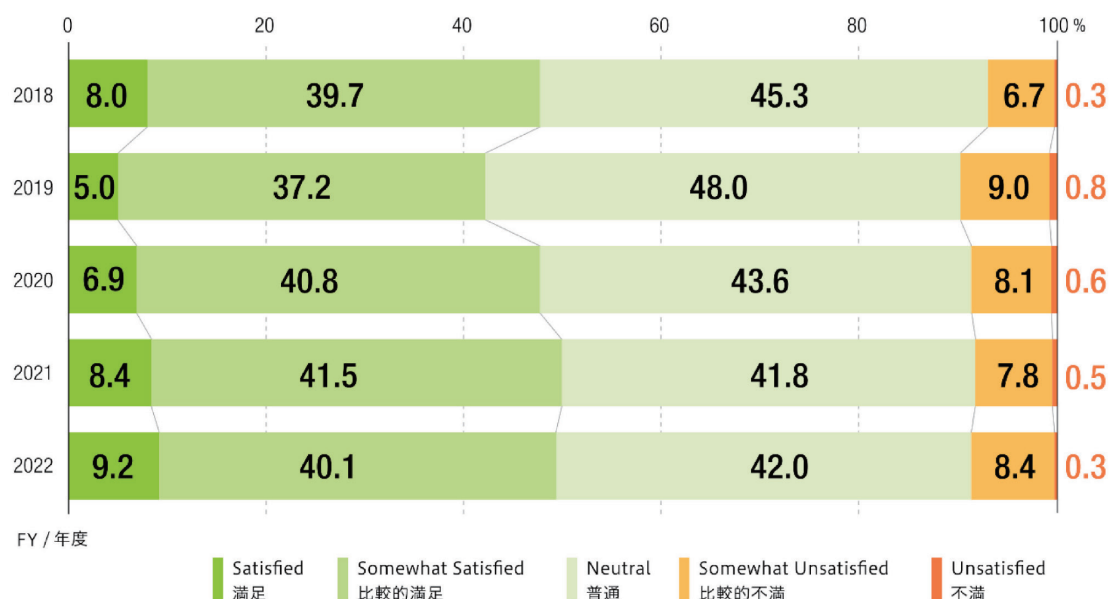
I am going to briefly introduce the gist of my lectures subject by subject, following the ideas and impressions that I had.

2. Subject Overview:

“Applicants/Counsels, What their Concerns in Exam. Proceedings”

This lecture was aimed at discussing what a user of a trademark registry expected in proceedings of trademark examination and results of examination. My lecture began by presenting the survey results of

trademark examination at the Japan Patent Office as cited below. It looked like the participants really admired the results.



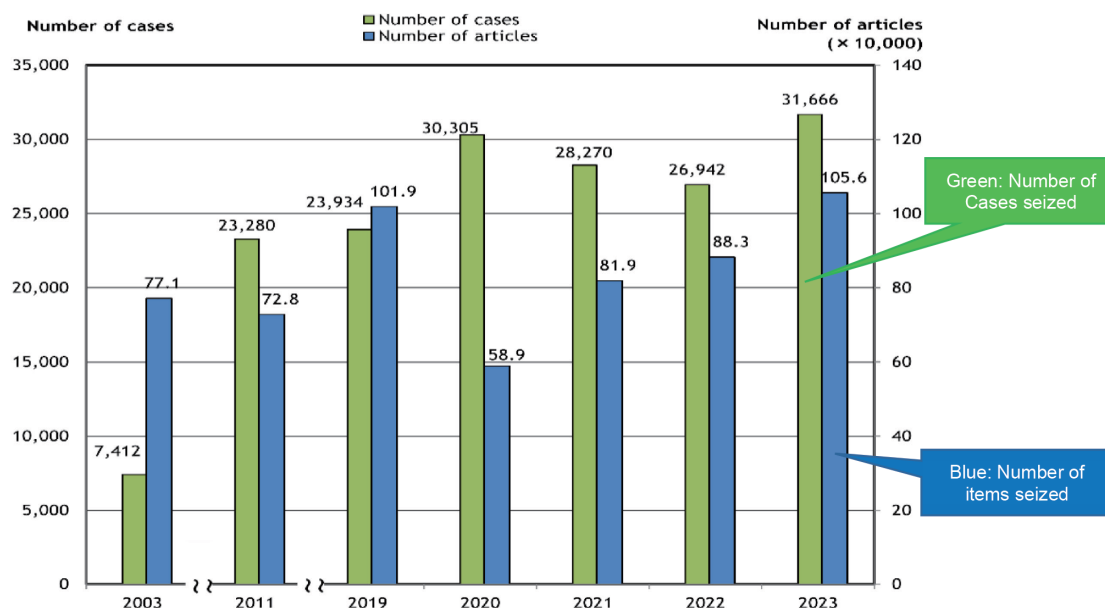
JPO Status Report 2023, p.71, "Figure 2-1-16 Results of User Satisfaction Survey on Trademark Examination Quality".
<https://www.jpo.go.jp/e/resources/report/statusreport/2023/document/index/all.pdf>

I opened the floor to ask attendees to point out three subject matters that concern applicants and counsels in Examination. As a lecturer, I presented, as examples, four subject matters in Operations and three subject matters as Legal Issues. In Operations, most participants pointed out three concerns, namely pendency in examination, acceleration to examination and availability of an interview with an examiner. Among the three concerns, I shared the fact that there is a disparate design in jurisdictions regarding the acceptability of an interview with an examiner. While the Japan Patent Office accepts a request for an interview with an examiner, a majority of jurisdictions of the participants do not officially allow an applicant of a trademark to have an interview with an examiner. The main reason for the unacceptance is that an interview between an examiner and applicant could suggest a bias-driven discussion. An applicant of a trademark can request to accelerate an examination if an applied trademark meets a certain requirement denoted by the Japan Patent Office. The participants presented great concern about a request for an accelerated examination. Many jurisdictions from which the participants came do not accept a request for an accelerated examination. As a legal issue, the participants considered consistency in a decision rendered by an examiner.

As a lecturer, I received from the participants a strong willingness to learn the updated practices in proceedings of trademark examination at the Japan Patent Office.

3. Subject Overview: "Anti-Counterfeiting Strategies at Customs, How Counsels Collaborate with IP Owners."

This lecture was designed to share laws and practices at Customs, particularly on how Customs is entitled to suspend and confiscate products infringing on IPR. The lecture began with the presentation of statistics showing the number of suspension cases at Customs.



2023 Seizure Statistics of IPR Border Enforcement Japan Customs, p.1, "Import 1 Number of Import Seizures".
<https://www.customs.go.jp/mizuguiwa/chiteki/pages/statistics/statistics2023.pdf>

After the introduction of the statistics, the lecture entered into the main body of discussions. A topic of discussion included a brief presentation of the Tariff Act and practices at Japan Customs. Topics of discussion extended to the items below:

- Can Customs seize IP infringing goods to import in your country?
- What are your thoughts on Customs working effectively and practically against IP infringements?
- What kind of IP is necessary to prevent the importing of fakes at Customs?
- Do you need a court decision to prevent the importing of fakes at Customs?
- Does importation of counterfeit goods constitute an infringement of trademark or design rights even if goods have been purchased for personal use?
- What is the procedure at Customs when an item is suspended?
- Does parallel-imported goods infringe on a trademark right? How about a design right?

In discussions, the Tariff Act or relevant laws in every jurisdiction from which the participants came entitled Customs to suspend products infringing on IPR. The type of IP enforcement, however, depends on the jurisdiction. It has been learned that the Japan Tariff Act allows Customs enforcement based on not only trademark rights and copyrights but also patent rights, design rights and unfair competition, breeders' rights and circuit layout rights as basis for enforcement. A majority of jurisdictions from which the participants came allowed the reliance on at least trademark rights and copyrights. Some jurisdictions require a court decision if you want to enforce your right at Customs. An inclusion of patent and design rights as a basis of enforcement at Customs invited from attendees a curiosity in terms of how an officer at Customs assesses and considers an infringement even though officers at Customs do not have a sufficient technical background to determine an infringement. I explained that an Expert Panel for Discussion is organized if there is a discussion of patent infringement required. Customs considers an opinion by the Panel as valuable and accepts its opinion, which results in the stopping and confiscation of the alleged products.

Discussions in my classes were very meaningful and provided many learnings because there are disparate requirements in proceedings of recording IP at Customs depending on jurisdictions. I found that the Tariff Act and relevant laws aiming to suspend and confiscate the alleged products infringing on IPR have not been harmonized regarding requirements of enforcement at borders.

I felt that the disparate requirements resulted in a large concern from the participants to learn about discrepancy in various jurisdictions. I believe and am confident that the lessons and discussions by multinational participants were meaningful and valued when learning about enforcement by Customs.



A lecture on "Overall Discussion (Presentation of Issue)" on August 29, 2024
(FY2024 JPO/IPR Training Course for Practitioners Specializing in Trademarks)



A lecture on "Border Measures against Counterfeit Goods (Role of Patent Attorneys, etc.)" on November 22, 2024
(FY2024 JPO/IPR Training Course on Anti-Counterfeiting Measures for Practitioners)



Tatami

Mr. OGIYA Takao
Director General of APIC



I live in an apartment, and one of the rooms is a *washitsu* (Japanese-style room) (Figure 1). A *washitsu* refers to a room where the floor is not wooden or tiled but covered with *tatami*.

Tatami is a traditional Japanese flooring material, mainly composed of *tatami-omote* (surface layer) and *tatami-doko* (core material), sewn together with a cover called *tatami-beri* (edge cloth) that protects the sides (Figure 2).



Figure 1: An example of a Japanese apartment (*Washitsu* at the back left)

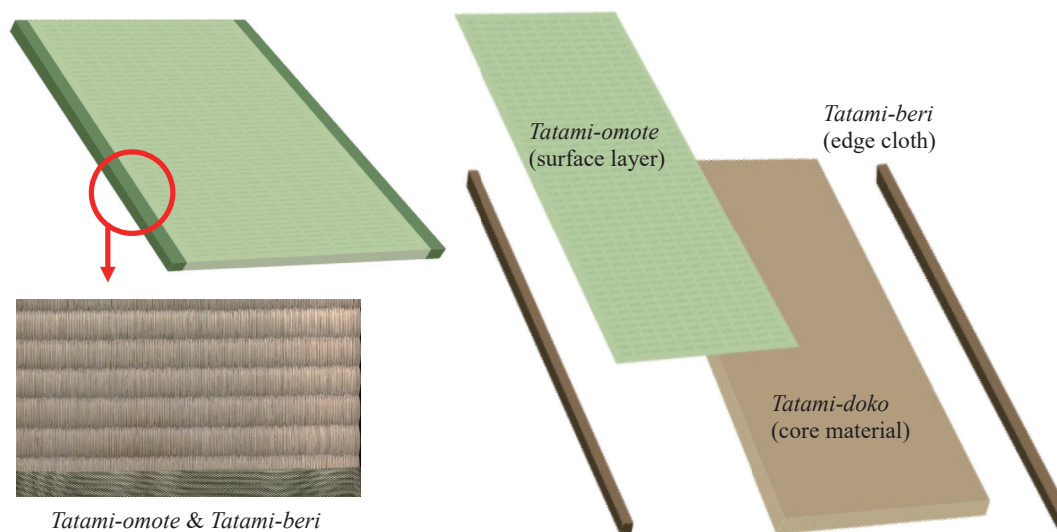


Figure 2: *Tatami* structure

Originally, *tatami-doko* was made from rice straw left over after the rice harvest. The process involved stacking large amounts of rice straw in multiple layers—up to about 40 cm high—by alternating lengthwise and widthwise. The straw was then compressed to about 5 cm thick and sewn together. Rice straw has a hollow center, which provides excellent humidity control, soundproofing, fire resistance, heat insulation, durability, and resilience. This makes *tatami* extremely comfortable, offering moderate cushioning for the feet compared to other types of flooring. On the other hand, there is also the drawback of being extremely heavy. When I was a child, I had to carry the *tatami* out to the garden to dry in the sun during house cleaning. I remember being overwhelmed by their weight. Recently, in order to reduce weight and because rice straw is difficult to obtain, lightweight fabric *tatami-doko* made from a Styrofoam sheet sandwiched between compressed wood chip boards have become popular (Figure 3).

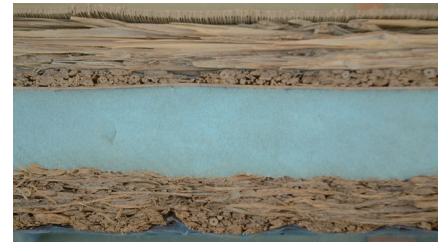


Figure 3: *Tatami-doko* with a Styrofoam sandwich structure¹

Tatami-omote is made by weaving rush grass with thread. The value of *tatami* is said to be determined by the quality of its *tatami-omote*, that is, the quality of the rush grass.

The history of *tatami* dates back to the Nara period (the 8th century). The Shosoin Repository at Todaiji Temple, a national treasure and registered World Heritage Site, houses many art and craft objects from the Nara period, including items related to Emperor Shōmu, among which are fragments of Japan's oldest *tatami*. This *tatami* was made by layering several sheets of woven straw mats, known as *mushiro*, and then covering them with a surface of rush grass. It was used as bedding and placed on top of a platform similar in shape to a modern bed called *gosho*. The *tatami*, whose fragments remain, is believed to have been used by Emperor Shōmu, who was the emperor at the time (Figure 4).



Portrait of Emperor Shōmu
(artist unknown, 13th century)



Shosoin Repository²



Gosho (Dimensions: L 237.0 W 119.0 H 38.5)³

Figure 4: The oldest traces of *tatami* in Japan

1 Photo by Suguri_F, *Tatami sectional view*, 2005. CC BY-SA 3.0
https://commons.wikimedia.org/wiki/File:Tatami_sectional_view.jpg

2 The Shosoin Shoso, courtesy of the Imperial Household Agency.

3 The Shosoin Treasures, courtesy of the Imperial Household Agency.

During the Heian period (the 9th to 12th centuries), it began to be used as a cushion laid on a wooden floor. In those days, the thickness of *tatami* and patterns of *tatami-beri* were determined by one's noble rank, symbolizing power. Figure 5 is a part of an illustrated scroll created in the late Heian period, based on *The Tale of Genji*, a work written by a woman named Murasaki Shikibu in the mid-Heian period. *Tatami* can be seen in the circled area on the left. As shown, *tatami* at that time were only used for seating by members of the noble aristocracy.



The Tale of Genji Scroll (artist unknown, 12th century)

Figure 5: *Tatami* during the Heian period

During the Kamakura and Muromachi periods (the 13th to 16th centuries), as the aristocratic society of the Heian period gave way to a samurai society, the architectural style of buildings was simplified. Interiors were divided into smaller areas, and the purpose of each room was defined. In response to this, *tatami* gradually began to be laid out over the entirety of a room, and they came to be used as part of the flooring of buildings.

During the Edo period (the 17th to 19th centuries), *tatami* began to be used in the homes of ordinary people. By the Meiji period (the 19th century to the first half of the 20th century), restrictions on *tatami-beri* were lifted, and their use quickly became popular.

However, during the period of rapid economic growth (the second half of the 20th century), lifestyles became more Westernized, which saw a shift from sitting on the floor to using chairs. As apartments became more common, wooden flooring became more popular because it was cheaper and easier to maintain than *tatami*, and the number of rooms with *tatami* decreased. The apartment I currently live in also has only one *tatami* room.

Still, *tatami* rooms are appreciated, in large part due to the unique scent that *tatami* gives off. The scent of *tatami* comes from the rush grass that makes up the *tatami-omote*.

Rush grass is a perennial plant that grows in wetlands and shallow waters and is found in Japan and other parts of East Asia. It looks like a bundle of thin, pointed stems (Figure 6). In Japan, rush grass has been used as a floor covering material since ancient times, and as mentioned above, it is also used in the oldest *tatami* in Japan. Currently, most of the rush grass grown in Japan is cultivated in Kumamoto

Prefecture, and rush grass and *tatami-omote* from Kumamoto were registered as a Geographical Indication (GI) in 2016.

The main components of the fragrance of rush grass include phytoncide, dihydroactinidiolide, α -cyperone, and vanillin.

Phytoncide is an aromatic compound with sterilizing properties emitted by trees, the source of the forest's fragrance. It has (1) refreshing effects, (2) deodorizing properties, and (3) insect-repelling and antibacterial properties. It is also used as a natural ingredient in deodorizing sprays and air purifiers. Smelling this scent while taking a forest bath can reportedly have effects such as reducing stress hormones and activating NK cells that prevent cancer.

Dihydroactinidiolide is an aromatic compound found in black and green tea, characterized by having no scent of its own but enhancing the fragrances of other components.

α -cyperone is a compound that has a sedative effect that helps with relaxation and is effective against insomnia. Vanillin, as its name literally suggests, is the compound that gives the scent of vanilla and is an aromatic compound that has a strong relaxing effect.

It is this perfect blend of aromatic ingredients that gives *tatami* that unique scent. It is a scent that calms the mind and has a soothing effect, making it very pleasing to many Japanese people.

In addition, the cross-section of the rush grass consists of a hard epidermis and a soft pith, with this pith having a hollow network structure and a large surface area (Figure 7). Due to this structure, rush grass has a humidity regulating effect, releasing moisture when the air is dry and absorbing moisture when the air is damp; an air purifying effect, absorbing formaldehyde and other substances that cause sick building syndrome, atopy, and asthma; and a deodorizing effect, breaking down and reducing everyday odors from sources such as cigarette smoke and sweat.

I, too, love the unique scent, and in order to enjoy it and also to feel the right amount of cushioning, I have bought lightweight rush grass floor covering, rush grass carpets (Figure 8), and rush grass cushions, which I lay on the floor.



Figure 6: Rush grass⁴

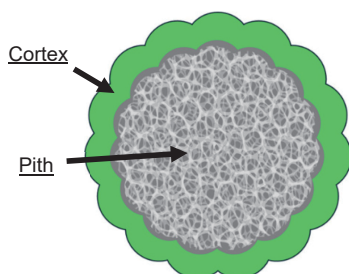


Figure 7: Cross-sectional view of rush grass

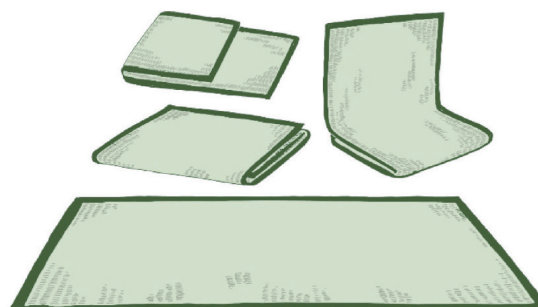


Figure 8: Rush grass carpet

4 Photo by Christian Fischer, *Flowering Common or Soft Rush (Juncus effusus)* at the banks of a pond., 2007. CC BY-SA 3.0 <https://commons.wikimedia.org/wiki/File:JuncusEffusus.jpg>

This is the same way they were used in the Nara and Heian periods.

Last year, NHK aired a historical drama TV series with Murasaki Shikibu, the author of *The Tale of Genji*, as the main character, and I looked forward to watching it every week.

In the series, there is a winter scene where, even though it was snowing heavily, it depicts people living in a room that seems to be separated from the outside by just a single curtain. I watched the series thinking how cold it must have been, and how I would not have been able to bear it. While writing this article, it occurred to me that the *tatami-omote* laid on top of the wooden floor may have helped to alleviate the coldness under their feet, at least to some extent. I also wondered if the scent of the rush grass had helped to ease, even just a little, the stress that came from serving at the court and the struggle for power.

Recent advances in neuroscience have led to greater understanding of brain functions, and it has become clear that only the sense of smell can send signals directly to the hippocampus, the part of the brain responsible for memory. I have also had the experience of memories coming back to me the moment I smelled a certain scent.

Perhaps the scent of a new rush grass carpet or rush grass cushions might have triggered the memories of Heian nobles who used them in a similar way, reviving these memories across time and space as if they were my own. It may be wild imagination but perhaps enjoying it that way is not a bad idea.

The rush grass carpet I recently bought still gives off a nice scent.

Editor's Note



Hi, this is KEN. Recently, information security issues have become a major concern in many countries due to the widespread usage of the Internet and mobile devices and the development of AI technology. The first issue that comes to mind is the problem of receiving unwanted e-mails. Such e-mails have been sent for a long time, but they were generally sent from overseas, and perhaps the Japanese language was somewhat of a hurdle as the sentences were so strange to a Japanese person that they could easily be filtered out. However, in recent years, possibly due to the use of AI, unsolicited e-mails are sent with contents that are comparable to those of Japanese e-mails, and people are tempted to click on the URLs in the body of the message.

In addition, there are still many cases where companies are infected with ransomware and their PC data is used to demand a ransom, resulting in the leakage of personal information. There is a business model called “Ransomware as a Service (RaaS)” in which ransomware developers provide a set of tools to affiliates, who then pay a part of the ransom earned from ransomware attacks to the developers. In a society where ransomware can be easily operated without skills or knowledge, it is even more important to raise awareness of morality and information security throughout the world.



Hi, I'm Ayako. When you are busy at work, how do you reduce fatigue? I now find healing through watching videos of sea otters. In Japan, sea otters can now be seen in the wild in eastern Hokkaido, but they were only found in aquariums and zoos in the past. At its peak, there were around 120 otters, but due to import restrictions and changes in the breeding environment, there are now only two in the Toba Aquarium. Although they are the same age as grandmothers in human terms, they are great entertainers and charm visitors and audiences with their cute gestures and delightful interactions with their keepers. Watching live footage of the tank where they live is now part of my daily routine. I hope they continue to live a happy and healthy life together.



Hello, everyone, I am Kayoko. We asked our article contributors to introduce someone who has had a meaningful influence on their lives. For me, that person is Rachmaninoff, since his work has made me reflect on the legacy I could leave for future generations.

I listen to classical music often, and I'm especially drawn to the works of Sergei Rachmaninoff, a renowned Russian composer whose music resonates with me deeply. Through his compositions, he has left behind a lasting legacy that will continue to inspire future generations.

Humans are finite beings, and some people believe that our purpose is to pass on our life through descendants—almost like handing off a baton. Others, like Rachmaninoff, leave a different kind of legacy: one that can inspire and influence the world long after they're gone.

[The meaning of 縁 (Enishi)]

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

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

[Consigner]



Japan Patent Office(JPO)

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

Email: PA0870@jpo.go.jp

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

[Publisher]



Asia-Pacific Industrial Property Center(APIC),

Japan Institute for Promoting Invention and Innovation (JIPI)

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

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

Email: apic2@apic.jiii.or.jp

