

International Trend and Issues on Intellectual Property system

Part 5

Chapter 1**International Trend and Issues on Industrial Property System****1. International Trend and Issues on the Patent System****(1) International Trend toward development of the World System**

As globalization of economy proceeds, the needs for acquisition of patents overseas are increasing, and there is a rapid increase in applications for the same patent in many countries. Under these circumstances, several issues have emerged, including 1) complicated procedures due to differences in the procedures and the patent requirements in different countries, 2) increase of the work load for the patent offices due to duplicate prior art searches and examinations, and 3) increase of the cost by paying the fees for all countries.

It is necessary to proceed with international harmonization in the patent systems of different countries to achieve timely and high quality granting of rights at all countries concerned in order to solve those problems. As part of such efforts at the WIPO discussions are being made on the draft provisions of the Substantive Patent Law Treaty (SPLT) to aim for the harmonization of the substantive aspect of the patent system. Since it is likely to take time before establishment of the Treaty, it is necessary to simultaneously proceed with the mutual exploitation of the results of prior art searches and examinations under the current patent systems. To enable more effective exploitation of the existing framework, the PCT system, it is also necessary to continue to reform the PCT system to meet the needs of the applicants (See Part 2, Chapter 1, 1., (2), iii), concerning the mutual exploitation project). It is also important to promote effective use of the existing framework of PCT system and is necessary to reform the system in response to applicant's requirements.

(i) Substantive harmonization of patent systems

The discussion on international harmonization of the substantive aspect of patent laws at the World Intellectual Property Organization (WIPO) had been suspended since January 1994 due to the insistence of first-to-invent system of the United States. But at the opportunity of adoption of the Patent Law Treaty (PLT) to conform the formality requirements of the patent laws in July 2000, it was agreed to resume the discussions on the substantive harmonization of the patent laws at the 4th Session of the Standing Committee on the Law (SCP) of the WIPO in November 2000. The SCP has been debating the substantive harmonization of the patent systems since that time, and Japan is actively involved in the debate.

Furthermore, at the Trilateral Conference in 2003, an agreement was made to form a working group and deliberation in the working group made a progress. The working group has determined that 4 items, (i) definition of prior art, (ii) grace period, (iii) novelty and (iv) non-obvious/inventive step were the important items to be debated as being given with priority, and the representatives of the Trilateral Offices agreed to debate them. In May 2004, the trilateral proposal was submitted to the 10th session of the SCP meeting. The proposal received the support of a good number of advanced countries, but the developing countries insisted that genetic resources should be added to the list of priority items.

(ii) Modified Substantive Examination¹⁴

It is another effective method to utilize the modified substantive examination (MSE) to reduce the load of the applicants while maintaining the legal system of each country. For developing countries, since most of the patent applications come from developed countries, and in the Asian countries, in particular, most of applications for patents are based on applications first filed in Japan, it is important that the examination results for patent applications in Japan are appropriately provided to the patent offices in the Asian countries and accelerate the granting of rights at those patent offices through effective utilization of such examination results as an effective means to reduce the work load of the examiners that is causing the problem of delays in examinations.

¹⁴A modified substantive examination is the system in which when an application for a corresponding patent is filed at the patent office of the subject nation and a patent office in the nation designated by the subject nation in advance, and when the applicant submits the information concerning the result of the examination for the subject corresponding patent in the specified patent office in accordance with a prescribed procedure, the patent office of the subject nation accepts the examination results of the designated patent office as a basic rule and grants a patent in the subject nation.

The JPO has been designated as the specified patent office in the countries with the modified substantive examination system (Singapore and Malaysia) and submitted the results of examinations for patent applications in Japan to the patent office of the above countries with the modified substantive examination system in order to enable acquisition of patents in the subject countries without examinations as a general rule. As a result, for Singapore, establishment of the JPO as the specified patent office was included in the Japan Singapore Economic Partnership Agreement (JSEPA). The Singaporean Patent Law Execution Rules were amended accordingly, and the JPO was designated as the specified patent office as of August 15, 2002. For Malaysia, the JPO was designated as the specified patent office in July 2002 (for Croatia, the JPO had already been designated as the specified patent office in June 2001).

2. International Trends and Issues on the Trademark System

(1) Protocol Relating to the Madrid Agreement Concerning the International Registration of Marks

(i) General

"Protocol Relating to the Madrid Agreement concerning the International Registration of Marks" (hereinafter referred to as the "Protocol") is an international agreement to request protection of marks by applying the international registration¹⁵ of the marks in the Contracting Parties designated for request of registration (hereinafter referred to as the "Designated Parties") among the Contracting Parties under the Protocol (hereinafter referred to as the "Contracting Parties").

The Protocol was adopted in June 1989 with the objective of establishing a system in which more Contracting Parties, including those conducting examinations, would be able to participate than those in the Madrid Agreement concerning the International Registration of Marks, an international treaty for the international registration of marks enacted in April 1891. The Protocol became effective in December 1995 and the system operations started in April 1996. Japan deposited the instrument of accession to the Director General of the WIPO in December 1999, which became effective on March 14, 2000.

As of October 2004, there are 66 member states and IGO (the United States, EU, China, Korea, etc.).

(ii) International Trademark Application Trends

a. Applications for international registration (filed from Japan to overseas)

With the accession of Korea, the United States and other nations, a dramatic increase in registration became apparent. The increase in registration has continued in 2004, with China, the United States, Korea being the countries most designated.

[Number of Applications for International Registration per Month]

Number of applications per month	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	Total
Number of applications in 2004	38	45	62										145
Number of designated contracting parties	268	384	619										1,271
Number of applications in 2003	16	33	28	38	38	48	25	24	57	23	31	41	402
Number of designated contracting parties	147	362	316	347	469	283	292	301	427	228	316	361	3,849
Number of applications in 2002	14	17	17	15	18	32	18	20	24	14	19	29	237
Number of designated contracting parties	122	268	198	90	172	207	174	194	195	87	304	366	2,377
Number of applications in 2001	15	24	23	16	27	25	35	30	14	21	22	28	280
Number of designated contracting parties	175	348	359	200	253	239	295	382	207	360	279	162	3,259
Number of applications in 2000	-	-	12	14	14	27	19	16	19	21	23	22	187
Number of designated contracting parties	-	-	122	95	73	277	118	177	217	206	176	373	1,834

¹⁵ Registering in the international registry maintained by the International Secretariat of the WIPO (headquartered in Geneva, Switzerland).

b. Applications for international trademark registration (filed with Japan from overseas)

The number of registrations remained steady until 2003 and showed a slight increase in 2004. The principal countries of origin up until 2004 had been Germany, France, Italy, Switzerland and others, but in 2004, the number of registrations originating the United States has increased.

[Applications for International Trademark Registration per Month]

Number of applications per month	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	Total
2004	469	589	444										1,502
2003	367	421	454	428	476	341	616	452	383	518	439	439	5,334
2002	421	439	431	393	487	402	410	442	419	540	442	443	5,269
2001	287	458	597	465	469	352	547	696	388	375	568	506	5,708
2000	-	-	0	62	127	280	210	364	357	363	384	428	2,575

(2) Activities towards the Simplification and Harmonization of Procedures in the Trademark System

The WIPO Standing Committee on the Law of Trademarks, Industrial Designs and Geographical Indications (SCT) places major importance on the revision of the Trademark Law Treaty (TLT) which took effect in 1996. The TLT aims at the simplification and harmonization of the procedures in the trademark system among Contracting Parties. Japan became a member state in 1997. In response to the rapid development of technology such as the spread of electronic filing and the adoption of the Patent Law Treaty (PLT) in 2000, the SCT is proceeding with discussions to revise the TLT to further simplify and harmonize procedures. The main revisions are the establishment of an assembly, electronic filing, the relief in respect of time limits, and trademark licenses.

At the annual meeting in October 2004, the WIPO General Assembly approved the convening of a Diplomatic Conference for the Adoption of a Revised Trademark Law Treaty in March 2006.

The JPO has actively participated in the work of the SCT over the past year.

3. Trilateral Cooperation

(1) Trilateral Patent Cooperation

The Trilateral Patent Offices among Japan, European Union and the United States that occupy over 80% of the PCT application receipts conduct cooperative activities to solve the common issues. These activities started in 1983, and the year 2004 celebrated the 22nd anniversary.

The Trilateral Meeting was held in the United States from May 18 to 20 and the following issues were discussed.

a. Promotion of the project for mutual exploitation of the search results

i) Bilateral pilot projects

The analysis report on the bilateral pilot projects aiming at the mutual exploitation of search results was announced. It was understood that the various problems for advancing the mutual exploitation of search results should be discussed in the future, and it was agreed that "Working Group on Strategic Issues and Work Sharing" would be held this September under the auspices of the JPO. (See Part 2, Chapter 1, 1., (2), iii) "Promotion of international cooperation in patent examination).

ii) Examiner exchange

The USPTO hosted the first Trilateral Examiner exchange in April 2004 and the Trilateral Offices evaluated it as being effective for promoting mutual understanding between the examiners in various technical fields. The Trilateral Offices agreed that the examiner exchange should be continued. The EPO will host an examiner exchange in October 2004, and the JPO will host an examiner exchange in April 2005. Continuation of the examiner exchange between EPO and JPO was also assured.

iii) Biotechnology

The JPO reported that the DNA search results obtained from the Trilateral Offices were compared with each other and found to be identical in most cases. The Trilateral Offices decided to carry out further discussions on the periodical exchanges of search results, and agreed to collaborate on the completion of trilateral search strategy file on

genetic engineering (materials including data and know-how on the searches owned by examiners prepared in order to accurately carry out prior art search). Further discussions will be performed at the Biotechnology working group to be held in October under the auspices of the EPO.

b. Dossier Access System (mutual access system for electronic packages held by each Office) and mechanical translation

i) Functions and contents of the System

The USPTO indicated that the list of references, the references and the examiner's office actions are needed to be available as functions and contents of the dossier access system of the JPO and the EPO to reduce the burden of the IDS (Information Disclosure Statement of United States). Moreover the USPTO explained that it would import those documents as documents for use in examination in its own office.

ii) Specification of the system interface

The JPO expressed its plan to release their Web based interface in October 2004 as scheduled. The Office also declared that it would consider the development of the dossier access system using the same SOAP (Simple Object Access Protocol) interface as that of the USPTO and the EPO under the next year's budget in order to reduce the burden on applicants (IDS procedure and alternatives for transmit of a priority document) and maximize the efficiency of examinations at the respective Offices, and the statement of which received welcoming support.

iii) Machine translation

The JPO gave a report on the trilateral machine translation system, which was released in March 2004. The USPTO and the EPO greatly appreciated the usefulness of the system from the viewpoint that it facilitates the examiners' utilization of Japanese documents and hence reduces their workload. The two Offices underlined their hope for further development of the system and expressed their cooperation in improving the dictionary function utilizing the feedback function of the machine translation system.

iv) Exchange of priority documents

The USPTO explained its plan to exchange priority documents by using the dossier access system.

c. Harmonization of patent system

The Trilateral Offices confirmed that they would continue debating on how to cooperate in harmonizing the patent system. The three Offices agreed that a limited package presented to the Standing Committee on Patent Law (SCP) of the WIPO would be submitted at the general assembly of the WIPO in September.

d. Others

i) Comparative studies in new technologies

In order to discuss the definition of nano-technology, determination of its related scientific fields, and forward planning of trilateral research collaboration, the establishment of a working group on nano-technology was proposed by the USPTO. Preliminary discussions will be made prior to the Trilateral Conference.

ii) Harmonization of classification

It was confirmed that harmonization of classification was essential to success of IPC reform and that the trilateral projects were necessary to be promoted. The EPO asserted that further examiner exchanges would be beneficial in carrying out effective classification and harmonization.

iii) Information dissemination policies

The JPO gave a presentation on the final report on the comparison between the patent information dissemination policies of the Trilateral Offices, to which the Trilateral Offices gave approval. While paying attention to the clear distinction between the roles of the civil establishments and the Patent Offices, the Trilateral Offices decided to continue to exchange information and carry out revisions of results on a necessary basis.

(2) Trilateral Trademark Cooperation

Aiming for improvement of system and practice on the trademark registration system, Trilateral Offices (JPO, USPTO and OHIM) have exchanged opinions and information. The first Trademark Trilateral Cooperation Meeting was held in May 2001 in Arlington, USA, and the Meeting has been held on an annual basis since then.

In the fourth Meeting held in May 2004 in Alexandria, USA, the offices exchanged opinions and information concerning the new developments, electronic processing and the Madrid Protocol in each office. In addition, the following results were made as a result of the discussion on the projects which the offices have addressed since the second meeting. Regarding the Trilateral Identification Manual Project, the OHIM and the USPTO have agreed to accept a list of about 7,000 identifications of goods and services (English, all classes), which the Trilateral Offices could accept. The JPO indicated that it would provide its acceptance of the provisional trilateral list and the JPO finished confirmation of the list after the meeting. With respect to IT issues, the offices agreed that further discussions on the Trademark Trilateral Website were to be conducted in preparation for the next meeting and exchanged information on the standard for the data exchange of trademark information.

Chapter 2

Cooperation with Developing Countries and Measures Against Counterfeits

1. Cooperation with Asian Countries

As the economy of China and other Asian countries grow and the business activities are increasingly internationalized, the mutual dependency between Japan and the Asian countries is ever more deepening. Under the situation where the dependency of the Japanese enterprises on overseas markets, as a whole, has grown, the ratios of the Asian region have especially expanded. It is apparent that the Asia is an important region that will bring significant business opportunities for the Japanese enterprises as the production bases and sales markets.

The level of protection of intellectual property in Asian countries, however, is not sufficient compared to the practice in the developed countries. While the obligation for execution of the TRIPS Agreement arose in January 2000 in developed countries and the minimum legal system has been established in the Asian countries, its operation system remains fragile and delay in examinations and flood of counterfeit products are every day scene in reality. It is anticipated that as the industrial technology develops in China, Korea, etc., the patent infringement cases against the Japanese enterprises will increase. It is essential to improve the level of protection of intellectual property in the Asian countries and reduce the cost incurred in the acquisition and licensing of the rights in order to maintain the economic growth in the Asian region and to thoroughly utilize the commercial opportunities of the Japanese enterprises in Asia.

Therefore, the JPO is promoting vigorous cooperative activities with the intellectual property agencies in the Asian countries. The JPO endeavors to effectively exploit multilateral, bilateral and other various frameworks to request introduction and reinforcement of execution of the system that will improve the level of the protection of intellectual property in the Asian countries, and provides support for education of human resources and development of information technology to assist the establishment of the system required to realize the goal. It is necessary to continue vigorous promotion for reinforcement of cooperation with the intellectual agencies in the Asian countries since it will contribute to strengthening of the Japanese presence in the multilateral, bilateral and other frameworks.

Japan has been vigorously promoting the economic partnership agreement (EPA) and free trade agreement (FTA) with many Asian countries with the aim to realize economic union in Asia. When these movements progress, it will become necessary not only to improve the level of protection at Asian countries in the field of intellectual property but to conduct cooperative activities to harmonize the system in each country, and the JPO should be the driving force for such activities based on the experience in the Trilateral Cooperation among Japan, Europe and the United States.

(1) The Economic Partnership Agreement (EPA), Free Trade Agreement (FTA)

The agreement between Japan and the Republic of Singapore for a New-Age Economic Partnership (JSEPA), the first FTA for Japan, came into force on November 30, 2002. This agreement contains a chapter on intellectual property, which provides: 1) applicants who have applied for a patent on the same invention to Japan and Singapore may acquire a patent in Singapore through a simple procedure, and at a reasonable fee, if they submit the information on the patent on the patent examination results in Japan, and their English translation to the Intellectual Property Office of Singapore (effective as from August 2002), and 2) the SurfIP, and intellectual property information search portal of the Intellectual Property Office of Singapore and the database of the Intellectual Property Digital Library (IPDL) of the JPO, will be linked.

Japan is currently negotiating to sign an agreement with Mexico, and holding bilateral discussions for an agreement with Korea, Thailand, the Philippines and Malaysia, after Singapore. Japan is also vigorously studying the feasibility of introducing rules that are above the level of the TRIPS Agreement.

(2) Asia-Pacific Economic Cooperation (APEC) and Intellectual Property Rights Experts Group (IPEG) [APEC and IPEG]

APEC, which consists of 21 member economies (countries and areas) in the Asia-Pacific region, is a regional forum aiming for liberalization and facilitation of trade and investment as well as economic and technical cooperation. At the APEC Economic Leaders' Meeting in Osaka in 1995, intellectual property was adopted as one of the 15 priority areas concerning liberalization and facilitation of trade and investment, and IPEG was established as an expert forum specializing in this area.

IPEG has continued activities in accordance with the new Collective Action Plan (CAP) formulated to reflect the full implementation of the TRIPS Agreement in 2001 in order to promote liberalization and facilitation of trades and investment.

IPEG holds seminars and symposiums sponsored jointly by governments and private sectors in addition to two periodical meetings every year as concrete activities. In the 18th IPEG Meeting held in April 2004, JPO made presentation on its recent approaches to intellectual property and public awareness raising activities against counterfeits. Japan presented the follow-up report of Comprehensive Strategy on IPR in APEC and the promotion for establishment of IPR Service Centers in each country.

2. Developing Nation Cooperation

(1) Cooperation with Developing Countries

Improvement of trade and investment environment in developing countries through reinforcement of protection of intellectual property will not only reduce the business cost for the Japanese enterprises engaged in business in those countries but contribute to continuous growth of the world economy through development of developing countries themselves by increase of direct investment as well. Therefore, the JPO has provided vigorous support for education of human resources and information technology to reinforce protection of intellectual property in developing countries mostly in Asia.

Since the obligation for execution of the TRIPS Agreement became effective for developing countries in January 2000 and the legal system in the developing countries seems to have been nearly established, it is important to provide support mainly on the enforcement of the operation system in the future. As the level of protection of intellectual property and the conditions of trade and investment by Japan are significantly different for each developing country, it is essential to thoroughly review the priority level for the target countries, fields, etc. with due consideration to the needs of the Japanese industry and draw detailed plans that meet the conditions of each country.

(i) Cooperation in Development of Human Resources

a. Dispatch of experts

The JPO is dispatching the experts and seminar instructors specialized in various areas of IPRs to developing countries through WIPO Funds-in-Trust/Japan¹⁶ and Japan International Cooperation Agency (JICA). The dispatched experts mainly provide on-site instruction regarding examination practices, computerization, and so forth.

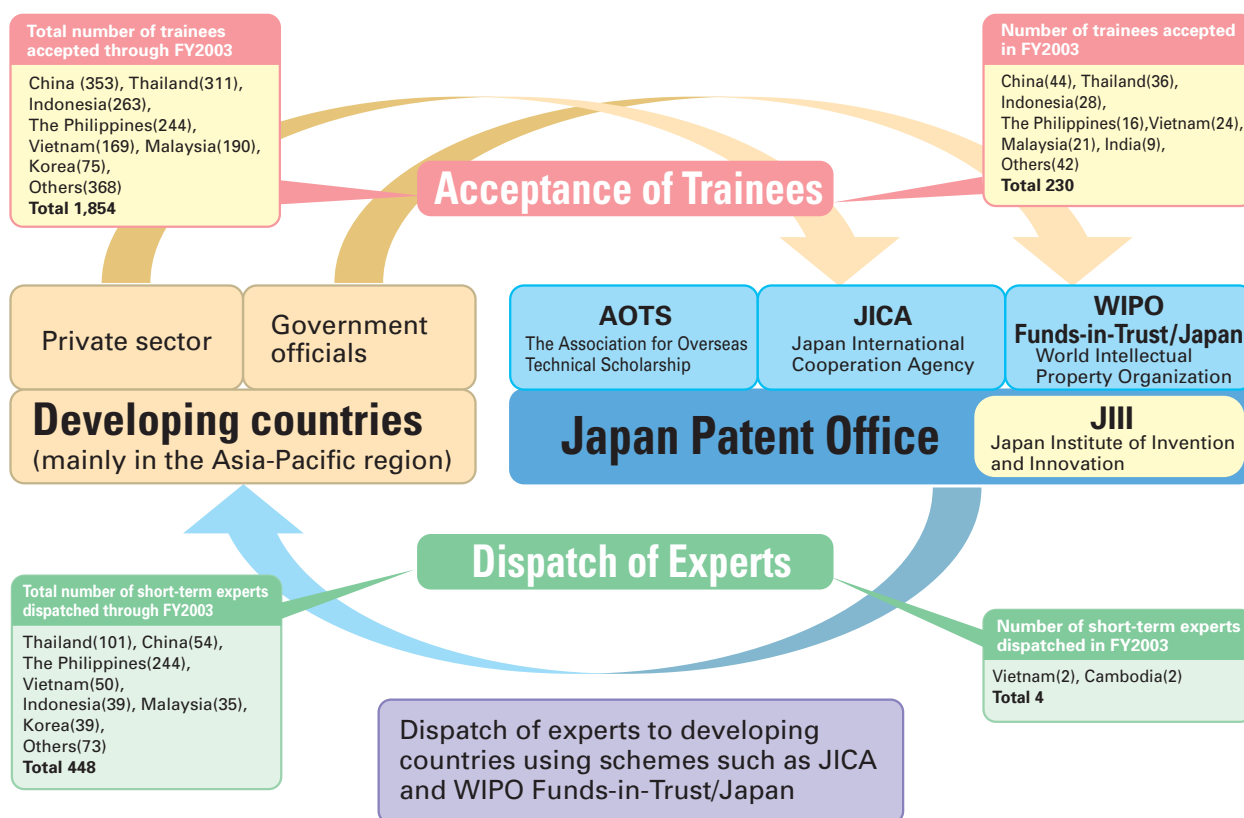
b. Acceptance of trainees

The JPO received a total of 1,854 government and civilian trainees from 42 countries and 1 area in the Asia-Pacific Region during the period from April 1996 to March 2004. The JPO is also focusing on management of the alumni associations of the trainees, which significantly contribute to structuring of human network between Japan and developing countries.

c. Acceptance of long-term trainees (intellectual property fellowship)

The JPO invites those who are taking or who will be taking leadership in intellectual property in the developing countries to Japan for six months as part of the WIPO Japan Trust Fund operations to offer opportunity for self-initiated studies on intellectual property. The JPO received one long-term trainee from Indonesia and another from the Bangladesh in FY2003. The JPO also receives long-term trainees for six months independently and received one trainee from China (SIPO) in FY2003.

¹⁶Since 1987, the Japanese Government has been providing voluntary contributions to the WIPO "WIPO Funds-in-Trust/Japan" was established with these voluntary funds and it is used to finance various projects every year for WIPO member countries in the Economic and Social Commission for Asia and Pacific (ESCAP), such as the holding of Intellectual Property (IP) office conferences or symposiums, acceptance of trainees and Intellectual Property Rights (IPR) research students, dispatch of JPO officers and support for automation and modernization of IP Offices.



d. Holding forums, symposiums, etc.

The achievements in holding major meetings managed by the WIPO Funds-in-Trust/Japan are as follows.

- WIPO Asia and the Pacific Regional Workshop

The JPO is conducting dialogs on policies between the chiefs of intellectual property offices in the Asia-Pacific Region. The workshop in March 2004 was held in Bangkok (Thailand) to discuss the theme of "The Economic Benefit of Protection of Trademarks, including Brand Names, and the Role of International Protection Systems" attended by 22 countries.

- WIPO Asia and the Pacific Regional Training Course

Of the countries of Asia Pacific Region, professionals who would serve as lecturers in the IP field in their own countries were invited to the seminar for training.

The "WIPO Asia and the Pacific Regional Training Course" convened in Korea in FY2003 was attended by professionals of 22 countries.

(2) Cooperation in Information Technology

The JPO dispatched officials as long-term experts in order to engage in the JICA technical cooperation project from June 1995 to June 2000 (5 years) to the Department of Intellectual Property, Ministry of Commerce of Thailand. This project aimed to structure the patent document search system through human resources development.

The JPO dispatched long-term experts through the same scheme to the Intellectual Property Office of the Philippines from May 1999 to May 2003 (4 years). This project aimed to structure the administrative procedures through human resources development.

The JPO has conducted cooperation for structuring the administrative processing system in the same scheme from April 2000 to June 2004 to the National Office of Intellectual Property Office of the Viet Nam.

(3) Cooperation in Examination

(i) Offering results of design examinations

The JPO is cooperating by offering the results of examinations of design registration applications (registered applications only) in Japan filed both to the JPO and the Offices of the cooperation partner countries to support the promotion of substantive design examination processing in developing countries to the patent office of the subject country (to the Department of Intellectual Property Ministry of Commerce the Thailand: from January 2002, and to the National Office of Intellectual Property Office of the Viet Nam from September 2002).

(ii) Structuring Asia Industrial Property Network (AIPN)

The AIPN is a system to offer the information related to examinations in Japan to the intellectual property offices in the developing countries in the Asian Region. It offers the results of examinations in Japan concerning the relevant patent applications to the intellectual property offices in the developing countries in the Asian Region that do not have the modified substantive examination system (mentioned earlier) as well, and aims to accelerate granting of rights at those intellectual property offices through effective exploitation of such examination results.

Specifically, the JPO has structured the information offering system from which the examiners in the intellectual property offices in the developing countries in the Asia-Pacific Region can access to the application process information, cited document information, information related to examinations of claims after granting a patent, patent family information, etc. of Japan in English through the network.

3. Measures Against Counterfeits

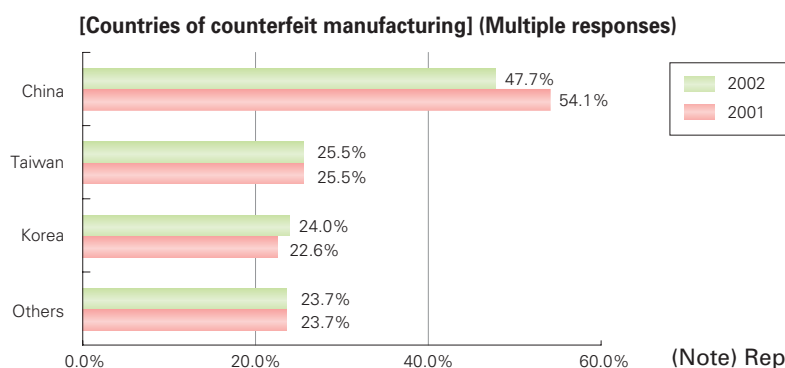
(1) Present Situation of Counterfeit Damage and Countermeasure in Industry

In recent years, damage due to counterfeits of products manufactured by Japanese companies has been increasing. Along with the development of industrial technology in the Asian region including China, Taiwan and the Republic of Korea, infringement of patent, trademark, and design rights is also increasing. Furthermore, in the midst of economic globalization, counterfeits manufactured mainly in those East Asia countries enter markets in the entire Asian region including Japan, resulting in further increase in counterfeit damage.

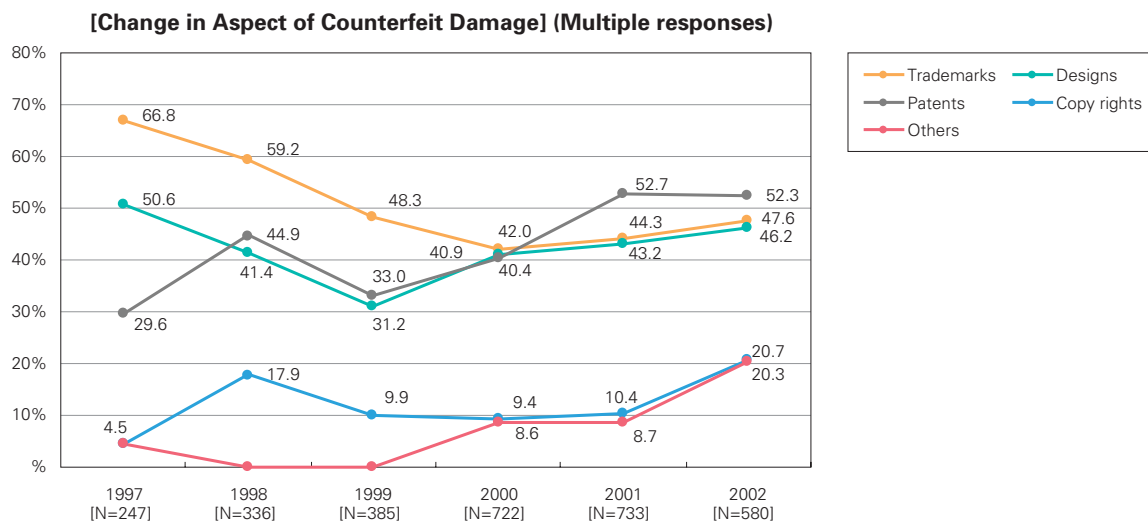
The flood of counterfeits has a negative impact on the activities of Japanese companies, such as loss of potential profits in foreign markets, deterioration of brand image among consumers who have purchased poor-quality counterfeits, and an increase in problems concerning product liability. To deal with this, it is necessary for Japanese companies to actively take countermeasures against counterfeits when undertaking business abroad.

Recently, more companies and industries have been earnestly taking counterfeit measures, e.g. requesting local regulatory authorities to crack down on counterfeits by identifying the manufacturers and distribution channels of counterfeits through vigorous investigation activities. However, such measures require persistent effort, and limitations on human and financial resources sometimes hamper full implementation. It also cannot be denied that there is a limit to the negotiation ability of individual companies and associations with local governments and enforcement authorities.

Under these circumstances, the International Intellectual Property Protection Forum (IIPPF) was established in April 2002 with the aim of promoting cross-industry cooperation for Japanese companies to reinforce counterfeit measures in concert with the Japanese government. For the time being, the IIPPF (The IIPPF was established on April 16, 2002. As of October 2004, the number of forum member is 168.) has been carrying out projects to formulate recommendations from industrial circles regarding counterfeit problems, request governments of infringing countries to reinforce counterfeit measures, carry out information exchange, research and study, and cooperate in human resource development for governments of infringing countries.



(Note) Report of Counterfeit Damages Survey, 2003



(Note) N=Total number of companies suffered damage

- 580 companies suffered damage, in which 54.1% responded the counterfeits were manufactured in China (includes multiple responses). Taiwan, 25.5% and Korea, 22.6%, followed.
- There are more cases for counterfeit of "Patent" than those for "Trademarks" and "Designs". The quality of counterfeit products is improving.

(2) JPO Anti-Counterfeiting Efforts

Considering the increasing seriousness of overseas counterfeits, the JPO has been taking various countermeasures.

(i) Collection of Information on Counterfeit Damage

In order to clarify damage suffered by Japanese companies abroad, the JPO carries out an annual Survey of Counterfeit Damages using questionnaires. Through offices of related associations located in Beijing, Shanghai, Hong Kong, Seoul, Bangkok and other cities, the JPO also investigates enforcement and operation aspects of local legal systems. The results of these surveys and investigations are available on the JPO website.

(ii) Provision of Information and Consultation to Japanese Companies

In 1998, the Counterfeiting Hotline was established within the JPO to give advice to Japanese corporations. The JPO also develops manuals addressing individual countries in which counterfeit damages are caused and holds seminars for Japanese companies in these countries in order to provide necessary anti-counterfeiting know-how. Furthermore, the JPO strengthen support for measures taken by Japanese industry, in cooperation with the IIPPF.

(iii) Approaches toward Infringing Countries

As approaches toward countries and regions including China, the Republic of Korea and Taiwan, where counterfeit damage is serious, the JPO requests the governments of these infringing countries and regions to reinforce their crack down of counterfeits through bilateral negotiations such as meetings of the heads of patent offices and high-level economic conferences. Also, within multi-regional meeting such as the WTO Council for TRIPS, the WIPO Advisory Committee on Enforcement of IPR, the IPR Expert Meetings of APEC, the JPO requests that the governments of infringing countries reinforce anti-counterfeit measures, emphasizing the importance of such measures. In particular, in May 2004, the IIPPF and the Japanese Government jointly dispatched a mission to the central and local governments in China to request reinforce their crack down of counterfeits, the year before last is followed. The mission to China was led by International Intellectual Property Protection Forum Chairman Mr. Yoshihide Munekuni (Chairman and Representative Director, Honda Motor Co., Ltd.), and a total 86 persons representatives of private enterprises and organization as well as the government concerned.

(iv) Support for Infringing Countries

In order to improve the enforcement ability of countries and regions where counterfeit damage is serious, the JPO provides support for developing human resources in the local authorities concerned, such as customs and police officers and court officials. The JPO also accepts trainees from Asian countries every year. In fiscal 2003, the JPO held seminars in Zhejiang Province, China.

(v) Cooperation with National Regulatory Authorities

With the aim of preventing the production and distribution of counterfeits in Japan, the JPO makes efforts to cooperate with Japanese enforcement authorities such as customs and police by responding to inquiries on infringements from such authorities. The Customs Tariff Law has been revised since April 2003 to allow holders of patents, utility models, designs, to file a claim with the customs to suspend imports of possible counterfeit goods. Under the revised law, a system to give JPO Commissioner's technical advice was established. In addition, in the April 2004 Customs Tariff Law revision, for the purpose of accelerating and increasing accuracy of certification process of the legality of imported products, and the start of the process to require reporting of the names and addresses of the importers and the owners. With more counterfeits coming into Japan from the Asian region, it will be necessary to continue to reinforce such cooperation in the future.

(vi) Reinforcement of Protection against Design Copy

In Intellectual Property Strategic Program 2004, as a counter copy product measure, when a copy product of the design in examination surfaces, the process is to being immediately in accordance with the accelerated examination program, and when the application is not faulty in any respect, the first notice of examination result will be mailed within 1 month in an effort to strengthen the counter copy product measure.

(vii) Awareness Raising among Consumers

In order to prevent innocent consumers from suffering harm due to counterfeits, the JPO provides information on counterfeit distribution with booklets and internet contents. The JPO also stresses the importance of the protection of intellectual property with the aim of preventing consumers from intentionally buying counterfeits. JPO also mounts "Anti-Counterfeits Campaign" and through posters and television appeals to aggressively publicizes the importance of counter copy product measures.