Part 4

International Trends and Efforts
International Trends and Efforts Relating to Patents

1. International Trends of Patent Applications

(1) Applications Filed with the JPO by Foreign Applicants

The number of patent applications filed with the JPO by foreign applicants came to 62,793 in 2007, up about 1.9% from 61,614 in 2006.

Applications filed by U.S. and European applicants accounted for about 80% of the total. The number of applications filed by applicants in the Republic of Korea rapidly increased to 7,220 in 2006, up about 64% from 4,403 in 2003, but fell slightly in 2007.

On the other hand, the number of applications filed by Chinese applicants fell far short of the figures for the United States, Europe, and the Republic of Korea, although it increased by about 227% to 666 in 2007, up from 204 in 2003.

<table>
<thead>
<tr>
<th></th>
<th>2003</th>
<th>2004</th>
<th>2005</th>
<th>2006</th>
<th>2007</th>
<th>Percentage to total (2007)</th>
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<tbody>
<tr>
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<td>21,682</td>
<td>22,995</td>
<td>23,811</td>
<td>24,961</td>
<td>26,026</td>
<td>41.4%</td>
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<tr>
<td>EPC states</td>
<td>15,284</td>
<td>21,522</td>
<td>23,616</td>
<td>23,836</td>
<td>24,811</td>
<td>39.2%</td>
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<tr>
<td>Republic of Korea</td>
<td>4,403</td>
<td>5,781</td>
<td>6,845</td>
<td>7,220</td>
<td>6,347</td>
<td>10.1%</td>
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<tr>
<td>China</td>
<td>204</td>
<td>235</td>
<td>397</td>
<td>505</td>
<td>666</td>
<td>1.1%</td>
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<tr>
<td>Others</td>
<td>11,508</td>
<td>4,112</td>
<td>4,449</td>
<td>5,092</td>
<td>5,143</td>
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<tr>
<td>Total</td>
<td>53,081</td>
<td>54,665</td>
<td>59,118</td>
<td>61,614</td>
<td>62,793</td>
<td>100.0%</td>
</tr>
</tbody>
</table>

2. Small Group Forums on Patent Field

(1) Trilateral Conference of the JPO, the EPO and the USPTO

1) Background

Since the first Trilateral Conference in 1983, the Trilateral Offices (JPO-EPO-USPTO) have continuously
held Trilateral meetings. The Trilateral Offices take turns holding a Trilateral Conference in autumn. The USPTO hosted the 25th Trilateral Conference in November 2007. The Trilateral Offices advance discussions at working groups held throughout the year, with a focus on the following four issues: "cooperation in examination through mutual exploitation," "efforts to reduce the procedural burden on applicants," "efforts to harmonize systems and operations," and "efforts on the development of information systems." The Trilateral Offices recently have also been working on a broad range of cooperation projects on the dissemination of patent information and the development of PCT international application systems.

The EPO will host the 26th Trilateral Conference in November 2008.

2) Outline of Each Project

The contents and future plans for each project discussed at the Trilateral Conference in November 2007 are as follows.

Cooperation in Examination through Mutual Exploitation

- **Enhanced Work-Sharing**

  This is a project for comprehensively handling projects concerning mutual exploitation to enhance and develop mutual exploitation of the search and examination results from other offices to the maximum extent practicable.

  As a result of discussion concerning how to proceed with projects on work-sharing in the future, with regard to SHARE\(^1\), which focuses on the timing of the first action (notification of reasons for refusal, search report etc.) the Trilateral Offices decided to select the technical fields for trial by mid-April in 2008, and thereafter, the details of implementation would be decided. The Trilateral Offices confirmed that the FOCUS approach\(^2\)/Comprehensive approach\(^3\) aims at eliminating/overcoming impediments affecting the utilization of other Offices’ work results through necessary cooperation with respect to comparative studies, formulating search guidelines and standardizing search tools in each technical field. Technical fields for the FOCUS approach/Comprehensive approach are included in technical fields for the implementation of Trilateral Examiner Exchange and conducted through the Trilateral Examiner Exchange.

- **Trilateral Examiner Exchange**

  This is a project for discussing and evaluating the utility of search and examination results of other offices on an examiner basis from the viewpoint of examination practices in respective technical fields.

  The Trilateral Offices confirmed the significance of the Trilateral Examiner Exchange as a means for promoting work sharing, and selected technical fields for examiners at the next exchange which will be held at the EPO in June 2008. In addition, the Trilateral Offices decided to compile reports for prior Examiner Exchanges and release those reports on the Trilateral web site.

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\(^1\) Strategic Handling of Applications for Rapid Examination (SHARE)
A mutual exploitation framework, where an application of first filing is processed on a preferential basis to be in time prior to the first action (Notification of Reasons for Refusal, Search Report etc.) of second filing to the extent practicable. The USPTO proposed SHARE at the Trilateral Strategic Working Group held in March 2007. The JPO has implemented JP-FIRST since April 2008 and realized the concept of this framework.

\(^2\) FOCUS: An EPO proposed approach to identify fields where there is a high degree of cross filing between the Trilateral Offices and to consider/solve matters and issues concerning the usage of search and examination results from other offices according to technical fields.

\(^3\) Comprehensive approach: A USPTO proposed approach on projects such as harmonization of practices, building of mutual trust, search templates, and examiner exchanges, which aims to collectively advance necessary projects in specific technical fields.
◊ **Patent Prosecution Highway**

The JPO and the USPTO have conducted a pilot program since July 2006 and shifted to full implementation in January 2008. In addition, the EPO and the USPTO decided to consider the launch of a pilot program similar to the patent prosecution highway within 2008.

◊ **New Route**

The JPO and the USPTO launched a New Route Analogous Pilot Project using PCT applications satisfying certain conditions in January 2008. This Analogous Pilot Project ends either when a total of 50 applications has been processed in both Offices or one year passes after the launch, whichever comes earlier.

◊ **Triway**

The Triway is a project proposed by the USPTO in 2005, under which the Trilateral Offices mutually provide their search results during a certain period so as to improve the quality of their search and examination. They decided to launch a pilot project using up to 100 applications of diverse technologies filed at the USPTO as the first office within 2008.

◊ **Dossier Access System**

This is a project for evaluating the utility of the Dossier Access System from the viewpoint of examiners in order to improve the usability of the Dossier Access System.

The Trilateral Offices decided to continue to periodically exchange reports on the availability of the Dossier Access System as an important indicator for promoting the mutual exploitation of search and examination results in respective offices. In addition, the Trilateral Offices decided that the JPO would propose to develop a one-portal Dossier, which allows for access to file wrapper information of all family documents, and the Trilateral Offices would start a review toward its development.

◊ **Biotechnology**

This is a project for reviewing the results of a trend survey, standardization of data format, data exchanges, search tools and mutual exploitation of search results so as to enable appropriate examinations and data processing in biotechnology and related fields.

The Trilateral Offices decided to continue to exchange and review information such as search environments and search strategies with the aim of sharing search results among the Trilateral Offices.

◊ **Harmonization of Classification**

The Trilateral Offices have been considering the harmonization of each patent office’s classification (ECLA, USPC, and FI), and discussing how to harmonize their views so that the Trilateral Offices will lead in the management of the IPC.

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4 See Part 2, Chapter 2, 5.(1) 1)

5 The New Route is a plan to establish a timeframe, under which 1) an application filed with the first office through a New Route application is deemed to have been filed with the second office, 2) the applicant is given a moratorium (of up to 30 months from the priority date) to consider, based on the search and examination results from the first office, whether they should enter into the examination procedure at the second office, and 3) the second office exploits the search and examination results carried out by the first office.

6 The Dossier Access System, which allows for access to examination-related information (e.g., documents submitted by applicants and notices of reason for refusal) of other offices, is used by examiners when referring to the search and examination results carried out by other offices. (See Part 2, Chapter 2, 5.(2) 4).
The Trilateral Offices formulated the five-year roadmap of the Trilateral Working Group on Classification.

- **Standardized Search (New Project)**

  This is a project for reviewing the provision of homogenous search results while reducing the search workload of duplicated applications among the Trilateral Offices.

  As a result of the JPO’s indication of the importance of standardizing search tools (database), the Trilateral Offices decided to compile and review a list of databases currently being exploited for examination at each office.

- **Efforts to Reduce Procedural Burden on Applicants**

- **Common Application Format**

  This is a project for reviewing application formats which can be filed with all three offices (Common Application Format).

  The Trilateral Offices agreed that the three offices would propose amending PCT administrative instruction rules in accordance with the Common Application Format on which they reached final agreement in November 2007 and the amendment content thereof. They decided to confirm implementation status of each office and publish that status on the Trilateral web site and each office’s web site.

- **Standardization of list of cited documents to be attached to notices of reason for refusal (New Project)**

  This is a project for reviewing the standardization of the list of cited documents to be attached to notices of reason for refusal by each office from the viewpoint of applicant’s usability as well as the exploitation of examination results of other offices.

  At the Trilateral meeting in November 2007, the Trilateral Offices decided to review the standardization of the list of cited documents to be attached to notices of reason for refusal, which the Trilateral Offices users mentioned, based on results of the Trilateral Users’ Meeting to be held in May 2008.

- **Developing the PCT**

  The Trilateral Offices, through establishment of working groups for developing the PCT, have been comprehensively reviewing PCT related matters with an aim to improve efficiency and streamline PCT procedures. The JPO proposed the paragraph replacement as well as digitalicity PCT application at the Receiving offices.

- **Comparative Study on the Examination Practices**

  This is a project for compiling comparative tables on laws and guidelines concerning description requirements and inventive step/non-obviousness, and comparatively studying examination practices at the Trilateral Offices by using case examples to notify results to applicants and their representatives with the aim of offering support on compilation of high quality application documents in accordance with examination practices.

  The Trilateral Offices decided to finish coordinating a report on a comparative study concerning description requirements by the end of May 2008 and publish it on the Trilateral website. In addition, with regard to the comparative study on inventive step/non-obviousness, the Trilateral Offices decided to revise comparative tables for systems and operations at each office by the end of June 2008 and then publish those tables. Furthermore, the Trilateral Offices decided to conduct further analysis such as extracting issues which have effects on work-sharing.
and quality, based on results of those comparative studies.

◇ Quality Issue on Trilateral Cooperation (New Project)

This is a project for reviewing quality-related matters, from the viewpoint of quality being important to all of the offices.

The Trilateral Offices decided for quality management officials to exchange information including quality management systems across all technical fields.

Efforts Concerning Information System Development

◇ Promotion of Computerization

This is a project for conducting all administrative processes on computerized systems from application filing to gazette publication.

The Trilateral Offices and the WIPO decided to conduct research using sample data in order to comparatively study the process of text data creation (ex. OCR) at each office in cooperating to promote computerization.

◇ Digital Access Service (DAS)\(^7\) for electronic exchange of Priority Documents

The Trilateral Offices and the WIPO reviewed administrative flows at each patent office in registering for the use of DAS. In addition, it was decided to modify specifications of TRINet8 for service implementing DAS.

◇ Working Group on Technology and Standard

This is a project for reviewing computerized systems of inter-office operations.

The Trilateral Offices agreed to the proposal of modification on documentation provisions which are used after introduction of Common Application Format are standardized, and they confirmed their joint promotion of this proposal.

Efforts concerning promotion of patent information

◇ Patent Information

This is a project for discussion of desirable IT-driven patent information dissemination and future Trilateral Information dissemination policy.

The Trilateral Offices formulated activity policies of the working group on patent information and decided to coordinate the activity plans of 2008. In addition, based on the common understanding of the necessity of having a forum to communicate with patent information users, including patent information service providers, they decided to grasp user needs at patent information fairs held on an annual basis in Japan, the United States and Europe and to draft future road maps.

◇ Linguistic Tools

This is a project for establishing and improving machine translation systems.

The Trilateral Offices decided to cooperate to improve Japanese to English machine translation of file wrapper information for the purpose of promoting usage of search and examination results and to continue to cooperate by

\(^7\) A service which enables priority documents to be exchanged between patent offices throughout the world through WIPO by means of a network for electronically exchanging priority documents between each patent office in the world and the World Intellectual Property Organization (WIPO)

\(^8\) A network for exchanging documents on examination progress from other offices, mainly among the Trilateral Offices
providing feedback on the JPO’s machine translation system.

**Other Efforts**

◇ **Cooperation with Developing Countries**

The Trilateral Offices decided to exchange information on each office’s cooperative activities in developing countries and review desirable future collaboration activities.

◇ **Trilateral Statistical Report**

This is a project for discussing improvement on the Trilateral Statistical reports reported annually at the Trilateral Meeting in autumn, as well as exchanging statistics such as application estimates.

While formulating activity policies of the Working Group on Trilateral Statistics, the Trilateral Offices decided to consider conditions for the KIPO and the SIPO to join the Working Group on Trilateral Statistics as full members and propose those conditions to the KIPO and the SIPO.

**(2) The Meeting of Heads of Patent Offices**

1) **Background**

The JPO, the EPO, the USPTO, the Korean Intellectual Property Office (KIPO) and the State Intellectual Property Office of the People’s Republic of China (SIPO) held a first Commissioners Meeting in Hawaii in May 2007.

Although small group meetings among major patent offices, such as the Trilateral Meeting (JPO-EPO-USPTO) (see Part 4, Chapter 1, 2.) and the Trilateral Policy Dialogue Meeting among the JPO, KIPO and SIPO have been held, this was the first attempt for the five patent offices to hold a joint meeting. A Deputy Commissioner level meeting was held in Alexandria in the United States in May 2008 at which work-sharing and related information technologies were discussed.

These five patent offices receive about 1.28 million patent applications, about 77% of the global filings of about 1.66 million, and account for the top five in the world. Furthermore, patent filing activities by applicants from Japan, the United States, China, the Republic of Korea, and the EPC member states account for 88.1% of patent filing activities worldwide. (The total GDP of these countries accounts for 75.6% of world GDP as of 2006.)

The enhanced collaborative efforts of such large-scale offices as these five to address the issues that patent systems worldwide are facing is a strong global message for intellectual property protection, and the SIPO’s active participation in the international cooperation framework for grant of patent right is expected to improve intellectual property systems and practices, thus benefiting applicants seeking intellectual property protection in China.

In terms of the relations among the five offices, their interdependence has been growing, as seen in the current situation in which about 30% of patent applications filed with the five offices are those filed by applicants from the other 4 countries/regions. This shows that filing a patent application for the same invention with two or more patent offices is accelerating, reflecting the global expansion of business. Cooperation by the five patent offices to reduce the procedural burden of such duplicate filing of applications will greatly benefit applicants seeking global-scale protection.

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^3 Based on the figures for 2005. Source: WIPO Statistics
^10 Source: IMF website
2) Outline of Efforts in 2007

As regards common issues facing the large-scale patent offices and solutions thereto, the five heads held policy dialogues with a free exchange of views. As a result, the offices confirmed the importance of their roles in the world and the necessity of cooperation by the five offices to respond to the increasing number of patent applications.

The offices also exchanged information concerning each office's proposals and efforts for the themes below.

1) Countermeasures for rapidly increasing the number of patent applications throughout the world (quality production and productivity examination)
2) Reducing the procedural burden of the duplicate filing of applications (mutual exploitation of search and examination results; standardization of application format)
3) Comparative study on patent examination practices
4) Sharing basic rules by five offices concerning patent information dissemination measures among JPO-EPO-USPTO
5) Promoting efficiency in patent procedures by introducing information technology
6) Securing transparency in patent administration through statistical information exchange

3) Outline of Deputy Commissioner level Meeting in May 2008

At this meeting, the Offices intended to share information on each Office's efforts to address the increasing number of applications and to respond to the requests for patent systems from applicants for increased global IP protection. In addition, the Offices shared an understanding of the importance for promoting cooperative efforts of work-sharing, which contributes to patent quality and higher efficiency in examination.

The Trilateral Offices decided that each Office would advance cooperative efforts on work-sharing and strengthen the cooperative relationships among the five offices, based on the results of this meeting.
International Trends and Efforts Relating to Designs

Amid an increasing number of serious counterfeiting cases, mainly in Asian countries, along with the economic background for recent globalization of businesses activities and rapid industrial development in Asian countries such as China, the importance of international protection of designs has been growing in consideration of the characteristic of designs that are easily counterfeited.

However, each country determines the registrability of designs based on its own design system, that varies from country to country, which poses a great burden for Japanese companies. Under such circumstances, with the objectives of harmonization with other countries to support acquisition of design rights abroad, the JPO holds Design Examiners’ Meetings with the SIPO, the KIPO and the OHIM that are attracting applicants worldwide. In Design Examiners’ Meetings, they exchange views on the trends of their design systems and determination of similarity.

The Standing Committee on the Law of Trademarks, Industrial Designs and Geographical Indications (SCT) of the WIPO, has started a discussion with the aim of harmonizing design systems, and is promoting simplification of design registration procedures.

1. International Trends of Applications for Design Registration

(1) Applications Filed with the JPO by Foreign Applicants

The number of applications for design registration filed with the JPO by U.S. applicants decreased by 4.4% from 1,304 in 2006 to 1,247 in 2007.

On the other hand, the number of applications for design registration filed by applicants from the EU member states substantially increased from 1,091 in 2006 to 1,600 in 2007. Meanwhile, although the numbers of applications for design registration filed with the JPO by applicants in Republic of Korea and China have been on a rise, the numbers are still far below those by U.S. applicants and applicants from the EU member states.

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1 Determination whether or not the design is similar to the prior designs, based on the requirement of novelty
At the 11th Commissioners’ Meeting between the JPO and the SIPO in November 2004, the commissioners agreed to start holding meetings between the Examination Department and the Appeals Department of the JPO and the Patent Reexamination Board of SIPO (corresponds to the Appeals Department of the JPO) from the design field in order to strengthen interaction between examiners at the JPO and the SIPO and enhance the effectiveness thereof. In response to this, the first JPO-SIPO Meeting on Appeals and Trials (Design) was held in Japan in August 2005.

In July 2006, the second JPO-SIPO Meeting on Appeals and Trials (Design) was held in Beijing, China, in which the two offices shared information on each country’s design examination and appeals/trials practices and exchanged views on the revisions made to their design systems.

China is making revisions to the Patent Law (equivalent to the Patent Act, the Utility Model Act and the Design Act of Japan). These revisions are expected to come into effect within 2008. At the next meeting, the two offices will

### Table: Number of Applications for Design Registration Filed with the JPO by Non-residents

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<tr>
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<th>2004</th>
<th>2005</th>
<th>2006</th>
<th>2007</th>
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<tbody>
<tr>
<td>United States</td>
<td>932</td>
<td>1,076</td>
<td>1,062</td>
<td>1,304</td>
<td>1,247</td>
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<tr>
<td>EU</td>
<td>918</td>
<td>1,213</td>
<td>1,211</td>
<td>1,091</td>
<td>1,600</td>
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<td>Republic of Korea</td>
<td>184</td>
<td>216</td>
<td>254</td>
<td>327</td>
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<tr>
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<tr>
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<td>623</td>
<td>633</td>
<td>919</td>
<td>839</td>
<td>906</td>
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<tr>
<td><strong>Total</strong></td>
<td>2,693</td>
<td>3,191</td>
<td>3,508</td>
<td>3,630</td>
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</tbody>
</table>

**Notes:**
The figures for EU are the total number of applications filed with the JPO by applicants from EU member states. In and after 2004, the figures include the number of applications filed by applicants from 10 Central and East European countries that became EU member states in May 2004.

### 2. Examiners’ Meetings in Cooperation with Foreign Intellectual Property Offices

#### (1) JPO-SIPO Meeting on Appeals and Trials (Design)

At the 11th Commissioners’ Meeting between the JPO and the SIPO in November 2004, the commissioners agreed to start holding meetings between the Examination Department and the Appeals Department of the JPO and the Patent Reexamination Board of SIPO (corresponds to the Appeals Department of the JPO) from the design field in order to strengthen interaction between examiners at the JPO and the SIPO and enhance the effectiveness thereof. In response to this, the first JPO-SIPO Meeting on Appeals and Trials (Design) was held in Japan in August 2005.

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exchange views in light of those revisions.

(2) JPO-KIPO Industrial Design Examiners’ Meeting

With the aim of achieving a mutual understanding of the design registration systems in Japan and Republic of Korea and exchanging information regarding examination methods, etc., the JPO-KIPO Industrial Design Examiners' Meeting has been held once every year since its first meeting in 2001.

In November 2007, the 7th JPO-KIPO Industrial Design Examiners' Meeting was held in Tokyo, and participants exchanged information on the current state of design registration systems and the state of application concerning screen designs, and the content of revised design protection law in Republic of Korea, and their views on thereof, as well as a case study conducted on examination practices, including the determination of similarity in design examination.

The JPO and the KIPO will continue to strengthen cooperation with each other through opportunities like the above.

(3) JPO-OHIM Design Examiners’ Meeting

On April 1, 2003, the office for Harmonization in the Internal Market (OHIM) started design registration operations based on the Council Regulation on Community designs. The JPO and the OHIM have been holding JPO-OHIM Design Examiners’ Meetings to exchange information. The third JPO-OHIM Design Examiners’ Meeting was held in Tokyo in June 2007 to exchange information on design examination operations. The forth JPO-OHIM Design Examiners’ Meetings will be held in Alicante, Spain in July 2008.
Amid intensifying international competition among businesses in line with the globalization of the economy, it has become increasingly important to establish high-value international brands and protect them in an active and expeditious manner using the trademark systems. However, as trademark systems differ one country to another, applicants need to perform filing procedures for each country, in principle, which poses a great burden for them.

In order to support companies’ international expansion under such circumstances, it is necessary to create an environment that allows for acquisition of stable trademark rights worldwide and appropriate protection of those trademark rights. Therefore, the JPO, while utilizing opportunities to cooperate with the WIPO and the other Trilateral Offices, promotes review of the Madrid Protocol, expansion of the number of member countries, harmonization of the trademark systems of the member countries, and reduction of procedural burden of applicants.

1. International Trends of Trademark Applications

(1) Applications filed with the JPO by Foreign Applicants

The number of trademark applications filed with the JPO by applicants from the EU member states, the United States, Republic of Korea, and China in 2007 came to 20,332, an increase of 3.3% compared to 19,690 in 2006.

The number of trademark applications filed with the JPO by applicants from the above states/countries are on a rise overall. In particular, regarding those filed by Chinese applicants, although the number is small, the number of trademark applications filed in 2007 increased about three times from 356 in 2003 to 966.

Note: Figures in parentheses are the numbers of international applications for trademark registration out of the total.
(2) Trends of International Trademark Applications\textsuperscript{1} under the Madrid Protocol

a. Application for International Registration\textsuperscript{2} (filed with foreign offices by Japanese applicants)

Since the rapid increase in 2004 due to the accession of Republic of Korea, the United States and the EU to the Madrid Protocol, the number of applications has been on a rise year after year since 2002.

On the other hand, the number of designated states took a downward turn in 2006. This is attributable to that fact that while the number of applications designating the EU showed an increase, the number of applications designating each European country decreased.

The major designated states are China, the United States and Republic of Korea according to annual findings.

b. International Application for Trademark Registration\textsuperscript{3} (filed with the JPO by foreign applicants)

The number of applications has been on the increase since 2004, and came to 12,295 in 2007, up about 4\% from the 2006 level. Major countries of origin that chose Japan as a designated state were the United States, Germany, France, Italy, the EU and Switzerland in the descending order. The United States led the rankings, followed by 2006.

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\textsuperscript{1} Outline of the system: On the basis of a trademark filed or registered in the office of the Contracting Party (Office of Origin), an applicant files an international registration with an application which designates the office of the Contracting Party (Office of the Designated Country) seeking for protection, at the Office of Origin who passes the application to the International Bureau of the World Intellectual Property Office (WIPO). This international registration is internationally registered in the International Register which is administered by the WIPO. Based on the designation notification delivered from the International Bureau of the WIPO, if the Office of the Designated Country does not inform the reason for determination within 12 months, or possibly 18 months, according to each country’s declaration (18 months in Japan), the applicant may receive protection in the designated country.

\textsuperscript{2} International applications abroad filed with the JPO as the Office of origin. See article 68-2 of the Trademark Act.

\textsuperscript{3} International applications filed by foreign applicants designating the JPO. See Article 68-10 of the Trademark Act.
The First Trademark Trilateral Cooperation Meeting was held in Arlington in the United States, in May 2001, with the aim of improving trademark registration systems and the operations thereof through exchange of information and opinions on related matters between the Trilateral Offices (JPO, USPTO and OHIM). The meeting has been held once every year since then.

At the sixth meeting held in Tokyo, in October 2007, based on the three offices’ agreement at the fifth meeting on providing China with information considered beneficial to China, out of information on the projects and activities conducted by the Trademark Trilateral Cooperation Meeting, in consideration of the situation that China has seen significant growth in the number of trademark applications, Chinese Trademark Office joined an examination operations-related session as a guest for the first time and discussed “Cooperation with the Chinese Trademark Office in Future” and “Trilateral ID/Classification Manual Project”. In the discussion on the Cooperation with the Chinese Trademark Office in Future, they decided to continuously consider the possibility of cooperation between the Trilateral Offices and the Chinese Trademark Office, including exchanging information concerning IT issues and efficient operation as well as protection of well-known marks and holding workshops co-sponsored by the three offices within China in turns. The Chinese Trademark Office will join the next Trademark Trilateral Cooperation Meeting as a guest for exchanging information on operational issues.

In addition, in the discussion on the Trilateral ID/Classification Manual Project (a project for creating the list of goods and services mutually acceptable for all the three offices at the time of trademark application), the Trilateral Offices affirmed promotion of accepting participation in this project by countries other than the three countries and expansion of the list of this project in consideration of administrative processes at each office.

Furthermore, the Trilateral Offices exchanged their views on future development of the Madrid System currently being discussed at the WIPO, and exchanged information on the trademark retrieval system.
International Efforts to Protect Intellectual Property

1. Cooperation with Asian Countries

With the economic growth and globalization of corporate activities in China, India and other Asian countries, economic interdependence between Japan and the Asian countries has become increasingly strong. In these circumstances in which Japanese companies have become more dependent on overseas markets on the whole, Asia has become especially important. Asian countries make up an important region, which brings significant business opportunities to Japanese companies in the form of production bases and sales markets.

The level of protection of intellectual property rights in Asian countries, however, is not considered to be high enough compared to developed countries such as European countries and the United States, even though developing countries have been bound by the obligation to execute of the TRIPS Agreement since January 2000, and floods of counterfeit products are seen on a daily basis. When there is a country where intellectual properties protection is not executed sufficiently, technology is stolen by using that country as a loophole, which may result in global circulation of counterfeit products and pirated products. On the other hand, in some regional patent infringement cases involving Japanese companies have been increasing as a result of the significant development of industrial technologies in countries such as China and the Republic of Korea.

The intellectual property system is an effective tool and necessary infrastructure for economic development in Asian countries as well, and efforts to establish a intellectual creation cycle in the countries lead to sustainable development in the Asia region. It is essential to improve the level of protection of intellectual property rights in Asian countries and reduce the costs incurred in the acquisition and enforcement of rights in order to enable Japanese companies to take full advantage of business opportunities in Asia.

Based on this standpoint, the JPO has been promoting vigorous cooperative activities with intellectual property offices in Asian countries. The JPO endeavors to effectively exploit multilateral (such as APEC), bilateral (such as EPA) and other various frameworks to request the introduction of new systems and the reinforcement of operations of existing systems with the aim of improving the level of the protection of intellectual property rights in the Asian countries. In addition, the JPO also provides support for human resources development and computerization in order to assist in the establishment of the systems required to achieve these goals. It is necessary to continue to actively promote the strengthening of cooperation with the intellectual property offices in Asian countries as it is to also contribute to enhancing Japan's presence in multilateral frameworks and other frameworks of several countries.
In recent years, Japan has been actively promoting the conclusion of Economic Partnership Agreements (EPAs) and Free Trade Agreements (FTAs), mainly with Asian countries, in anticipation of realizing economic integration in Asia. As part of such a movement, Japan has been conducting negotiations while including the field of intellectual property in the scope of EPAs. In the field of intellectual property, Japan aims for: 1) adequate, effective and non-discriminatory protection of intellectual property, 2) efficient and transparent administration of intellectual property protection system, and 3) adequate and effective enforcement of intellectual property rights, taking into consideration trade relations and the scale of intellectual property related problems.

1) Japan-Singapore EPA

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

2) Japan-Mexico EPA

The Japan-Mexico EPA (Agreement between Japan and the United Mexican States for the Strengthening of the Economic Partnership), which became effective in April 2005, provides in a chapter on "trade in goods" that the countries shall mutually protect geographical indications for spirits as referred to in the TRIPS Agreement. In the Joint Statement on the occasion of the signing of the said Agreement, the leaders confirmed that the governments of both countries would take necessary actions to eradicate counterfeit and pirated products infringing intellectual property rights and that the Protocol Relating to the Madrid Agreement Concerning the International Registration of Marks contributed to effective and global protection of trademarks. In addition, the Mexican government reaffirmed its willingness to undertake every effort to ratify the Protocol.

3) Japan-Malaysia EPA

Based on an agreement reached at the Japan-Malaysia Summit Meeting in December 2003, Japan started negotiations with Malaysia for the conclusion of the Japan-Malaysia EPA (Agreement between the Government of Japan and the Government of Malaysia for an Economic Partnership) in January 2004. The prime ministers of the two countries signed the Japan-Malaysia EPA in December 2005, and the Agreement became effective in July 2006. This Agreement sets out that patent applications be published 18 months after the filing date in Malaysia, where patent applications had not been disclosed until their registrations. The Agreement also stipulates that both Parties shall establish a preferential examination/accelerated examination systems to expedite the patent examination process. In terms of industrial designs, the Agreement contains a provision that industrial designs made available to the public via the Internet before the filing date are not new. In regards to trademarks, it contains a provision to protect trademarks well-known in other countries. Moreover, the Agreement provides that, where the release of goods infringing intellectual property rights are suspended at the border, the right holder shall be informed of the
names and addresses of the importer and the consignor of the infringing goods, which is adoptive under the TRIPS Agreement.

Moreover, the first meeting of the Subcommittee on Intellectual Property was held in Kuala Lumpur in January 2008. At this meeting, novelty of industrial designs, enforcement, and improvement of administration of Modified Substantive Examination (MSE) were mainly reviewed.

4) Japan-Philippines EPA

Based on an agreement reached at the Japan-Philippines Summit Meeting in December 2003, Japan started negotiations with the Philippines for the conclusion of the Japan-Philippines EPA (Agreement between Japan and the Republic of the Philippines for an Economic Partnership) in February 2004. The leaders of the two countries signed the Japan-Philippines EPA in September 2006. The Agreement will become effective as soon as the ratification procedures for the both countries are completed. For the purpose of providing efficient administration of intellectual property protection system, the Agreement sets out simplified procedures, such as prohibition in principle to request for the authentication of signatures of self-identification on documents to be submitted to the competent authorities. The Agreement also includes a provision to allow patent applicant to file a request to the competent authority that his application be promptly examined. Furthermore, the Agreement sets out expansion of the scope of intellectual property rights subject to the border measures and criminal remedies beyond the level of the TRIPS Agreement, so as to enhance enforcement of intellectual property rights.

5) Japan-Thailand EPA

Based on an agreement reached at the Japan-Thailand Summit Meeting in December 2003, Japan started negotiations with Thailand for the conclusion of the Japan-Thailand EPA (Agreement between Japan and the Kingdom of Thailand for an Economic Partnership) in February 2004. The prime ministers of the two countries signed the Japan-Thailand EPA in April 2007, and the Agreement became effective in November 2007. The Agreement expands the reasons constituting a bar to novelty by stipulating that inventions and industrial designs publicly known outside Thailand and inventions made available to the public via the Internet before the filing date shall not be new. The Agreement also includes a provision to protect a trademark well-known in other countries. Also, the Agreement expanded the scope of infringing goods subject to prohibition of re-exportation, to include goods infringing copyrights and related rights, although the scope only includes goods infringing trademark rights under the TRIPS Agreement. The Agreement also stipulates that the customs authorities may initiate border measures ex officio against infringing goods. Moreover, the Agreement provides that competent authorities may initiate criminal proceedings ex officio against the infringement without formal complaint by the right holder. The scope of rights subject to criminal procedures and penalties are also extended.

6) Japan-Chile EPA

Based on an agreement reached at the Japan-Chile Summit Meeting in November 2005, Japan started negotiations with Chile for the conclusion of the Japan-Chile EPA (Agreement between Japan and the Republic of Chile for a Strategic Economic Partnership) in February 2006. The foreign ministers of the two countries signed the Japan-Chile EPA in March 2007, and this EPA became effective in September 2007. The Agreement makes it obligatory to ensure an opportunity for interested parties to oppose an application or a registration of a trademark, which is adoptive under the TRIPS Agreement. Furthermore, with the aim of enhancing enforcement, the Agreement extends the scope of border measures beyond the level of TRIPS Agreement, to include goods infringing patent
rights, utility model rights and industrial design rights which are destined for importation. Suspension at the border is also made applicable to infringing goods destined for exportation.

7) Japan-Brunei EPA

Based on an agreement reached at the Japan-Brunei Foreign Ministers Meeting in May 2006, Japan started negotiations with Brunei Darussalam for the conclusion of the Japan-Brunei EPA (Agreement between Japan and Brunei Darussalam for an Economic Partnership) in June 2006. The leaders of the two countries signed the Japan-Brunei EPA in June 2007, and this EPA became effective in July 2008. The Agreement addresses the protection of intellectual property as an element of the improvement of business environment, and a Subcommittee on Improvement of Business Environment is set up as a consultation mechanism for the two countries.

8) Japan-Indonesia EPA

Based on an agreement reached at the Japan-Indonesia Summit Meeting in June 2005, Japan started negotiations with Indonesia for the conclusion of the Japan-Indonesia EPA (Agreement between Japan and Republic of Indonesia for an Economic Partnership) in July 2005. The leaders of the two countries signed the Japan-Indonesia EPA in August 2007, and this EPA became effective in July 2008. With the aim of enhancing protection of intellectual property, the Agreement sets out that both Parties shall accelerate examination based on the provision of results of patent examination and appeals and trials, protect similar designs and partial designs, and introduce protection of trademarks well-known in other countries. Furthermore, with respect to the border measures, the Agreement extends the scope of infringing goods subject to suspension by its customs authority, to include infringing goods destined for exportation. It also expands the scope of infringing goods subject to prohibition of re-exportation to include goods infringing copyrights. With regard to the criminal remedies, the Agreement extends the scope of rights subject to criminal procedures and penalties to include patent rights, utility model rights, industrial design rights, semiconductor circuit layout right, and new plant varieties.

9) Japan-ASEAN Comprehensive Economic Partnership (AJCEP)

Based on an agreement reached at the Japan-ASEAN Summit Meeting in October 2003, Japan started negotiations with ASEAN for the conclusion of the ASEAN-Japan Comprehensive Economic Partnership (Agreement between Japan and Association of Southeast Asian Nations for a Comprehensive Economic Partnership) in April 2005. The signing was completed by both sides in April 2008. The Agreement will become effective as soon as the ratification procedures for the countries are completed. This Agreement addresses intellectual property as one of the fields of economic cooperation, and stipulates that both Parties shall explore and undertake economic cooperation activities. The Agreement, in the Intellectual Property Part of its Annex, sets up a target shared by both Parties for intellectual property cooperation. Furthermore, a Special Sub-Committee on Intellectual Property is established for the effective implementation and operation of the Intellectual Property Part of the Annex.

10) Others

Furthermore, Japan is now conducting negotiations for an EPA with Republic of Korea, Vietnam, India, Australia and Switzerland.

(2) Efforts by the Intellectual Property Rights Experts Group (IPEG) within the
APEC, consisting of 21 countries and regions in the Asia-Pacific region, is a regional forum aiming for the liberation and facilitation of trade and investment as well as economic and technical cooperation. At the APEC Economic Leaders’ Meeting in Osaka held in 1995, intellectual property rights were adopted as one of the 15 priority areas concerning the liberation and facilitation of trade and investment, and the IPEG was established as a forum of experts specializing in the area. The IPEG carries out activities in accordance with the new Collective Action Plan (CAP) formulated in 2001 in response to the full implementation of the TRIPS Agreement, in order to promote the liberation and facilitation of trade and investment.

For specific activities, the IPEG holds seminars and symposia sponsored jointly by the public and private sectors, in addition to periodic meetings that are usually held twice every year. In January 2007, Japan proposed the APEC Cooperative Initiative on Patent Acquisition Procedure, which includes efforts to be made: for simplified patent procedures, examination cooperation, and improvement of patent examination capability in the APEC region, so as to allow applicants to acquire high quality patent rights in more simplified and expeditious manner. This initiative was approved at the APEC ministerial meeting held in September 2007. At the 26th IPEG Meeting held in February 2008, with the aim of promoting efforts by this initiative, Japan proposed studies on practices of examination cooperation (Patent Prosecution Highway, Modified Substantive Examination) which is currently executed among APEC economies to deepen understandings among economies concerning usage of examination results of other patent offices within the APEC region, and this proposal was approved.

(3) Cooperation in Building Intellectual Property System in China

1) Multilateral Efforts for Intellectual Property System Including China

The number of patent applications, trademark applications and applications filed in China by foreign applicants are rapidly increasing in these years. With the aim of building examination infrastructures in China and harmonizing examination qualities among countries including Japan, system harmonization and computerization have been discussed, mainly within frameworks of Japan-China and Japan-China-Korea; The Meeting of Heads of Patent Offices among the Japan Patent Office (JPO), the United States Patent and Trademark Office (USPTO), the European Patent Office (EPO), the Korean Intellectual Property Office (KIPO), and the State Intellectual Property Office of the People’s Republic of China (SIPO) was held in May 2007. The Trademark Trilateral Cooperation Meeting among the JPO, the USPTO and the Office for Harmonization in the Internal Market (OHIM) was held in October 2007. (The China Trade Mark Office (CTMO) participated as a guest.) The Commissioners’ Meeting between the JPO and the SIPO was held in November 2007. The Commissioners’ Meeting among the JPO, the KIPO, and the SIPO was held in December 2007.

2) Efforts against counterfeit products issue

Given the reality of serious damages caused by counterfeit products in China, Japan has been requesting legal amendment and operational improvement by dispatching joint missions of the public and private sectors, and supporting Chinese government by holding seminars for Chinese custom officials, and inviting them to Japan for training.

3) Cooperation for Legal Amendment

China is currently preparing for the third amendment to its Patent Law (equivalent to the Patent Act, the Utility Model Act and the Design Act of Japan). In July 2006, draft amendments by the SIPO were published.
draft includes some of the matters that Japan had requested be introduced, such as adoption of the rule that public knowledge/use anywhere in the world denies the novelty; and introduction of the new requirement of non-ease of creativity on the registration of Design Patent. Thereafter, the SIPO submitted the draft amendments to Chinese State Council at the end of 2006.

The JPO has requested for this amendment of the Patent Law by receiving the Study Team from China in September 2006, holding an opinion exchange and symposium. Japan dispatched joint missions consisting of the public and private sectors in April and September in 2007. In response to the two-time request from the State Council for comments on the revised draft amendments, the JPO submitted comments in March 2007 and March 2008.

Regarding the Trademark Law of China, which is also currently under amendment, the JPO submitted its comments in July 2006 and November 2007 on the draft amendments under consideration at the CTMO in response to the two-time request for the Japanese government’s comments. At the Heads Meeting between the JPO and the CTMO held in October 2007, the JPO expressed its concerns on the abolition of examination of relative reason for refusal/rejection, and called on the necessity of protection enhancement concerning trademarks well-known in other countries.

2. Active Cooperation in Developing Countries

The intellectual property system is an effective tool and necessary infrastructure for business development not only in industrialized countries but also in developing countries. Supporting efforts to establish intellectual creation cycle and navigating to build the intellectual property system in developing countries contribute to the development of developing countries, which is necessary for the continuous growth of the world economy. In particular, the establishment of the intellectual property system leads to improvement of the trade and investment environment, which will not only reduce business costs for Japanese enterprises engaged in businesses in those countries but also leads to the development of those developing countries in light of the increase of direct investment in those countries. From this standpoint, the JPO has thus provided vigorous support for the development of human resources and information technology to reinforce protection of intellectual property right in developing countries mostly in Asia.

With the obligation to execute the TRIPS Agreement having taken effect for developing countries as of January 2000, a minimum of improvements seems to have been made to the legal systems in the developing countries. However, it is important to extend assistance to developing countries focusing on further improvements to their legal systems as well as operation systems which remain fragile. As suggested by the fact that the expiration for the TRIPS Agreement execution for least developed countries was postponed to the end of June 2013, their executive systems and preparation of legal systems are insufficient and still need assistance. Because the levels of protection of intellectual property rights and the conditions of trade and investment are significantly different for each developing country, it is essential to sufficiently examine the priorities of countries and fields to be targeted based on the needs of Japan’s industries and to draw detailed plans that meet the conditions of each country.

(1) Fundamental Attitude for Assistance in Developing Countries

With regard to assistance in developing countries, it is important to raise their awareness toward intellectual property in developing countries and to provide assistance for their enthusiastic efforts by themselves to build intellectual property systems in order to promote their economic development themselves.
With the aim of promoting their self-organized economic development in the developing countries, it is known that Japan provides assistance on activities for discovering specialty products having unique character in their local communities which are deeply-entrenched in their communities and for developing those products so as to be competitive on the assumption that each country hauls itself up by its own bootstrap (one village one product campaign). In order to continuously develop industries arisen in those local communities, it is important to provide assistance so as to promote innovations originated in the local communities and their own unique brands by developing and exploiting intellectual property.

Japan has an experience that it had heightened its international competitiveness by building intellectual property systems and promoting intellectual creation cycle, which consists of creation, protection and exploitation of intellectual property. Therefore, with regard to assistance in the developing countries, it is considered effective to promote building intellectual property system and to share successful case studies which exploited intellectual property with the developing countries in order to promote intellectual creation cycle and self-organized economic development in those countries.

From this standpoint, Japan considers it important to further deepen relationships with the developing countries, mainly in Asia region as well as to address assistance in Africa.

(2) Cooperation in the Development of Human Resources

1) Dispatch of experts

The JPO dispatches mainly the JPO officials to developing countries through WIPO Funds-in-Trust/Japan and the Japan International Cooperation Agency (JICA). The dispatched experts mainly provide on-site instructions regarding examination practices, computerization, and so forth.

2) Acceptance of trainees

The JPO has accepted a total of 2,830 government and civilian trainees from 52 countries and one region mainly in the Asia-Pacific Region during the period from April 1996 to March 2008. The JPO is also supporting activities of the alumni associations of the trainees, which significantly contribute to the building of human networks between Japan and developing countries.

In FY2007, for the purpose of improving industry property right administration, the JPO implemented "Training Course for Administration" specially intended for trainees from least developed countries (LDC) including Africa region.

3) Acceptance of long-term trainees

The JPO invites those who are taking or who will be taking leadership in the field of intellectual property in the developing countries to Japan for six months as part of the WIPO Funds-in-Trust/Japan operations to offer an opportunity for self-initiated studies on intellectual property.

The JPO accepted one long-term fellow from India, China (SIPO), Mongolia, and Laos respectively in FY 2007. The JPO also accepts long-term fellow for six months independently and accepted one trainee from India and Vietnam respectively in FY 2007.

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1 Since 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 for WIPO member countries in the Economic and Social Commission for Asia and the Pacific (ESCAP), such as the holding of conferences or symposia, acceptance of trainees and Intellectual Property Rights (IPR) research students, dispatch of experts and computerization of IP offices.
4) Forums, Symposia, etc.

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

○ WIPO National Workshop (Malaysia, June 2007)
Theme: "PCT seminar intended for Malaysia Intellectual Property office (MyIPO) officials"
This seminar aimed to provide overall information on systems and procedure practices concerning PCT. The JPO officials introduced Japan's experience, Japan's unique PCT practices and procedures. About 70 Malaysia government officials, mainly MyIPO patent examiners, participated in the seminar.

○ WIPO Asia Sub-Regional Workshop (Pakistan, June 2007)
Theme: "The use of Intellectual Property by SME support institutions for the promotion of competitiveness of SMEs in the food processing sector"
At this workshop, opinions were exchanged with the aim of sharing best practices which exploits intellectual property, and raising awareness of importance and benefits of the effective usage of intellectual property for improving competitiveness of SMEs in food processing business. About 30 officials from intellectual property offices and SME support agencies from 18 countries in the Asia-Pacific region, and intellectual property officials in Pakistan participated in the workshop.

○ WIPO Asia and the Pacific Sub-Regional Workshop (China, December 2007)
Theme: "Effective Enforcement of Intellectual Property Rights"
At this workshop, opinions were exchanged with the aim of promoting understanding on intellectual property among officials in Intellectual Property office, which is an enforcement related agency, Custom office and enforcement offices and with the aim of strengthening partnership and cooperation between organizations. About 60 Chinese government agency officials (Custom office, Police and the courts) participated in the workshop.

○ WIPO Sub-Regional Colloquium (Vietnam, January 2008)
Theme: "Intellectual Property Education, Training, and Research"
University professors who engage in intellectual property education and training in the Asia-Pacific region and countries met together to propose appropriate activities for introduction of intellectual property education in universities and exchanged opinions concerning launch of intellectual property instructor development program in the region. About 60 people mainly from intellectual property education officials (intellectual property offices, universities, and research organizations) in the ASEAN countries and Vietnam officials participated in the colloquium.

○ WIPO Asia and the Pacific Regional Training Workshop (Laos, January 2008)
Theme: "International Classifications and Search Tools"
Intended for patent, design and trademark examiners in small-sized intellectual property offices, this workshop aimed to promote the usage of effective examination exploiting international classification such as Vienna, Nice and Locarno as well as to provide assistance effective searches using them. About 20 intellectual property officials, mainly examiners from Bhutan, Cambodia, Iran, Mongolia, Nepal, Pakistan, Papua New Guinea, Sri Lanka, and Tonga participated in the workshop. Officials from the WIPO, Intellectual Property office of Australia (IP Australia), Directorate General of Intellectual Property Rights (DGIPR) in Indonesia and the JPO participated as instructors.
(3) Cooperation in Information Technology

In Indonesia, the JPO supported the establishment of Industrial Property Digital Library (IPDL) system carried out from June 2005 at the Directorate General of Intellectual Property Rights (DGIPR) through dispatching five short-term experts. The IPDL service (http://ipdl.dgip.go.id) was launched in February 2007.

In the Philippines, the JPO established a patent administration system at the Intellectual Property office of the Philippines (IP Phil) under the JICA scheme from May 1999 to May 2003 (four years). The JPO dispatched long-term experts for the follow-up cooperation project which was carried out from November 2004 to the end of March 2007 and the JPO dispatched four short-term experts during this period.

In Vietnam, the JPO was engaged in the assistance of structuring of the administrative processing system from April 2000 to June 2004 (4 years and 3 months) for the National office of Intellectual Property of Vietnam (NOIP) under the JICA scheme. Based on the results, the JPO has been cooperating in building search systems, electronic filing systems and information systems since January 2005, for which the JPO dispatched 2 long-term experts for the development of human resources. The Industrial Property Digital Library (IPDL) (http://iplib.noip.gov.vn), for which the JPO had been providing support as a part of activities to help establish information provision systems, was launched in February 2007.

In Thailand, the JPO supported the Department of Intellectual Property of Thailand (DIP) to establish a search system (IPDL) from 1995 to 1999 under the JICA scheme. The JPO established an administrative processing system for patents, utility models and industrial designs under the WIPO scheme from April 2001 to March 2005. Starting from 2006, the DIP expanded the stored data and started operating the administrative processing system and the search system to which new functions were added.
(4) Cooperation in the Examination Process

1) Establishment of an Advanced Industrial Property Network (AIPN)

AIPN (Advanced Industrial Property Network) refers to a system for providing examination-related information in Japan to the intellectual property offices overseas. It aims to reduce the duplication of workload at intellectual property offices overseas through effective utilization of the results of examinations of corresponding patent applications in Japan and to expedite the acquisition of rights at these offices. The JPO has been making efforts to disseminate the AIPN in order to cooperate in patent examination with developing countries.

Specifically, the JPO established a system that enables examiners at intellectual property offices overseas to obtain information on legal status of patent applications and cited documents, information relating to the examination of post-grant claims, and patent family information in English relating to corresponding Japanese patents through the Internet. As of April 2008, the AIPN was available to 31 countries/organizations.

2) Provision of Results of Design Examinations

In order to support the acceleration of the substantive examination process for applications for industrial design registration in developing countries, the JPO has been providing the results of examinations of applications for design registration (only for registered applications) filed both in Japan and the corresponding country (Department of Intellectual Property of Thailand: started in January 2002; National office of Intellectual Property of Vietnam: started in September 2002).

(5) Expansion of Support for African countries

The JPO has been actively promoting the development of human resources and computerization in the field of intellectual property in developing countries, mainly in the Asia-Pacific region, and providing technical support for intellectual property field in the region through the WIPO Funds-in-Trust/Japan projects. With the aim of exploiting such know-how of human resource development and technical cooperation accumulated through these activities for developing intellectual property experts in Africa, the JPO expands the WIPO Funds-in-Trust/Japan currently providing contributions for the Asia-Pacific region and will establish a fund for support in Africa as of FY2008. This fund aims to develop human resources intended for administrative officers, business people and legal professions in local communities with the aim of promoting self-organized economic development exploiting intellectual property in Africa.
In the midst of economic globalization in recent years, products imitating those produced by Japanese companies have been manufactured in the developing countries due to insufficient protection of intellectual property rights, although industrial technologies are developing there, and the damage caused by the counterfeiting in foreign markets has become increasingly severe.

The counterfeiting problem has had a negative impact on companies, not only causing a loss of foreign markets, deterioration of brand image to consumers, and increase in the number of problems concerning product liability, but also endangering consumers’ lives and health by inferior counterfeiting parts and bogus pharmaceuticals, where immediate countermeasures are expected to be taken.

The JPO has, with the aim of supporting business activities of Japanese companies overseas, provided information concerning countermeasures against counterfeiting products to the countries subject to those damages, and approached and assisted in improving system and operations to the governments of countries where the damages occur through bilateral meetings.

In the midst of globalization of business activities and rapidly increasing number of application in developing countries including China, in order to build environment where intellectual property is properly protected, it is important to promote developing countries’ voluntary efforts for intellectual property protection in addition to current efforts for enhancing enforcement, and to enhance assistance toward building of intellectual property system and improvement of examination capability in developing countries so that appropriate rights are given at examination in the developing countries. Because of this, it becomes important to extend the traditional trilateral cooperation of Japan, the United States and Europe for examination and cooperation for harmonized systems.

In the midst of drastic changing environment concerning global intellectual property based on the recent economic globalization and highly-developed and highly-complicated technologies, efforts for both grant of high-quality intellectual property in expeditious manner and enhancement of enforcement need to be addressed in order
to establish intellectual property system supporting international business activities.

### Countries/Regions where Counterfeit Products are Manufactured (Multiple Responses)

<table>
<thead>
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<th>Country</th>
<th>0%</th>
<th>10%</th>
<th>20%</th>
<th>30%</th>
<th>40%</th>
<th>50%</th>
<th>60%</th>
<th>70%</th>
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<tr>
<td>China</td>
<td>61.5%</td>
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<td>Taiwan</td>
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<tr>
<td>Others (Middle East)</td>
<td>0.4%</td>
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<td>Africa</td>
<td>1.2%</td>
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<tr>
<td>Oceania</td>
<td>6.3%</td>
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### Transitions in the Types of Rights infringed through Counterfeiting (Multiple Responses)

- **Trademarks**
- **Designs**
- **Patents/Utility Models**
- **Copyright**
- **Trade Secret/Know-how**

Notes: Figures in [N] are the total number of companies that replied "suffered from counterfeiting damages" in the survey conducted in each year.

Source: JPO, FY2007 Survey Report on Losses Caused by Counterfeiting
(2) JPO Efforts to Stop Counterfeiting

1) Approaches and Support for governments in developing countries

In the midst of globalized business activities, the number of applications filed is rapidly increasing in developing countries including China. With the protection of intellectual property being addressed as critical infrastructure for its economic development in China, they formulated “Action plan concerning protection of intellectual property rights” and began working legal amendments of its Patent Law and Trademarks. China vigorously addresses enhancement of protection of intellectual property such as enhancement examination systems and human resource development by rapidly increasing the number of examiners in China’s Patent office (SIPO) in order to address the increasing number of applications filed in these years.

The JPO, with the aim of assisting and cooperating with these efforts, holds meetings between Japan and China or between Japan, China and Korea, and meetings between the heads of five patent offices including Japan, the United States, Europe, China and Korea. In the countries and regions in the Asia where damage caused by counterfeiting is serious, the JPO has been requesting to reinforce measures to counterparties against counterfeits through bilateral meetings. In addition, the JPO emphasizes the importance of reinforcing protection of intellectual property rights through multilateral meetings such as the WTO, APEC, OECD, G8 and WIPO, as well as through cooperative efforts with the United States and advanced countries in Europe. Furthermore, as a part of efforts assisting enhancement of regulation in developing countries, the JPO invites the officials in local authorities concerned, including customs, police and the courts in Asian countries as trainees and conducts training concerning intellectual property systems on an annual basis in Japan and holds seminars in the countries of these officials as well.

2) Collaboration with Industry

Some Japanese companies and industry groups have been taking active anti-counterfeiting measures. For example, some organizations, after independently conducting vigorous investigative activities to identify the manufacturers and distribution channels of counterfeits, have been requesting local regulatory authorities to crack down on counterfeitors. However, such measures require persistent efforts, and in many cases, sufficient measures cannot be taken due to personnel and financial constraints. It is also undeniable that there is a limit to the ability of individual companies and industrial groups to negotiate with local governments and regulatory authorities.

Under these circumstances, the International Intellectual Property Protection Forum (IIPPF) was established in April 2002 to promote cross-industry cooperation to reinforce anti-counterfeiting measures in collaboration with the Japanese government. The following projects have been undertaken by the IIPPF: Submission of requests to governments of countries where IPR infringement has been serious to reinforce anti-counterfeiting measures; Information exchange and survey research; and Human resource development in countries where IPR infringement has been serious.

The JPO assists the IIPPF’s efforts. Especially for China, the collaborative efforts of the IIPPF and the government have resulted in public-private joint missions being dispatched, five times thus far. The JPO has been requesting to develop legal systems and improve their operations to China, and conducted real/false recognition seminars and technical seminars intended for regulatory agency officials, and offered cooperation toward further effective and efficient counterfeiting products regulation.

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2 The IIPPF was inaugurated in April 2002 (Chairman: Kunio Nakamura, president and CEO of Matsushita Electric Industrial Co.) 194 companies and organization (87 organizations and 107 companies) are involved in this forum as of March 2008
3) Collection and Provision of Information for anti-counterfeiting measures

In order to understand the situation surrounding the damages overseas suffered by Japanese companies, the JPO conducts an annual survey and publishes the results in the "Survey Report on Losses Caused by Counterfeiting.

In addition, with the aim of assisting Japanese companies’ business activities overseas, the JPO dispatches resident officers to overseas offices such as JETRO (Beijing, Bangkok, Seoul and Taipei in Asia) for providing consultation services in local communities, and also compiles and provides "Manuals on Measures against Counterfeits," which contain useful information regarding anti-counterfeiting measures in the countries and regions where counterfeiting frequently occurs, and "Collections of Case Examples/Court Precedents of Intellectual Property Right Infringements," which contains actual cases, court precedents relating to IPR infringement, and informative comments. Furthermore, the JPO holds seminars inside and outside of Japan for Japanese companies in order to provide them with the information necessary to take measures against counterfeits.

4) Consultation Services

In closely collaborating with the "APEC IPR Service Center" (Ministry of Economy, Trade and Industry) and related ministries and agencies, the JPO offers consultation services regarding specific measures to take against counterfeiting (infringement of industrial property) and strives to provide the information necessary to take such measures. In addition, the JPO supports activities of consulting services concerning foreign industrial property right system and countermeasures of industrial property infringement at Japan Institute of Invention and Innovation (JIII) intended for Japanese companies.

5) Cooperation with National Regulatory Authorities / Countermeasures at the Border

With the aim of efficiently cracking down on counterfeiting and piracy within Japan, the JPO aims to strengthen cooperation with Japanese law enforcement authorities by (1) addressing respective inquiries about infringement cases of industrial property rights from police and customs and (2) dispatching instructors for training on intellectual property to Japanese customs officials, etc..

6) Raising Consumer Awareness ("Anti-Counterfeiting Campaigns")

The JPO organizes "Anti-Counterfeiting Campaigns," every fiscal year with the objective of further raising public awareness on the importance of intellectual property rights and informing the public that counterfeiting and piracy have adverse effects by utilizing TV commercials, posters, newspapers, magazines, and banner advertising.
Column: Anti-Counterfeiting Campaigns

In order to raise consumer awareness on the importance of intellectual property protection and eradication of counterfeit goods, the JPO has been implementing "Anti-Counterfeiting Campaigns" since FY2003 by utilizing posters, magazine advertising.

During the FY2007 campaign, in cooperation with related ministries and agencies, the JPO emphasized a message through TV commercials, poster ads, and newspaper ads that many vicious counterfeit goods in the disguise of genuine products are circulated within Japan, and requested to reconsider real values and purchase products from reliable counterparts in December 2007.