

Part 4

International Trends and Efforts



Chapter 1

International Trends and Efforts Relating to Patents

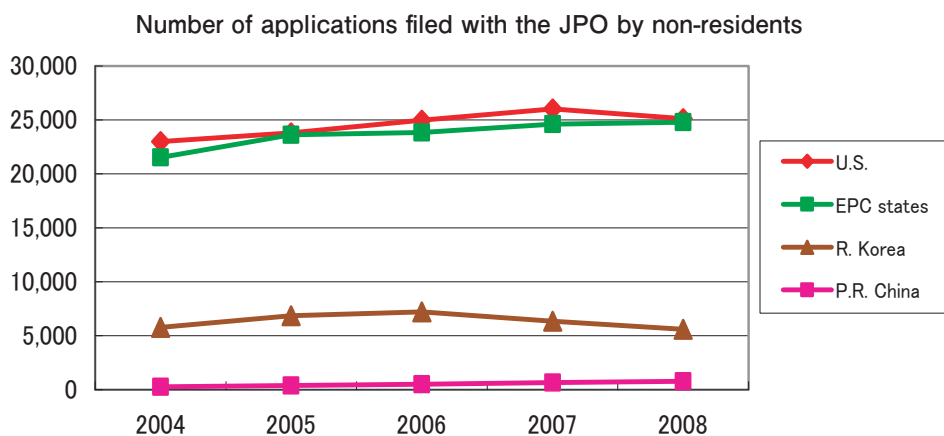
1. International Trends of Patent Applications

(1) Applications Filed with the JPO by Foreign Applicants

The number of patent applications filed with the JPO by foreign applicants came to 60,892 in 2008, down about 3% from 62,793 in 2007.

Applications filed by U.S. and European applicants accounted for about 82% of the total. The number of applications filed by applicants in the Republic of Korea has been decreasing since 2006, accounting for about 9% of the total in 2008.

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 300% to 772 in 2008, up from 255 in 2004.



	2004	2005	2006	2007	2008	Percentage to total (2008)
U.S.	22,995	23,811	24,961	26,026	25,112	41.2%
EPC states	21,522	23,616	23,836	24,611	24,787	40.7%
R. Korea	5,781	6,845	7,220	6,347	5,599	9.2%
P.R. China	255	397	505	666	772	1.3%
Others	4,112	4,449	5,092	5,143	4,622	7.6%
Total	54,665	59,118	61,614	62,793	60,892	100.0%

Notes: - Europe stands for applicants from EPC member countries at the end of each FY
 - The numbers in the table include the number of direct applications and PCT national phase applications

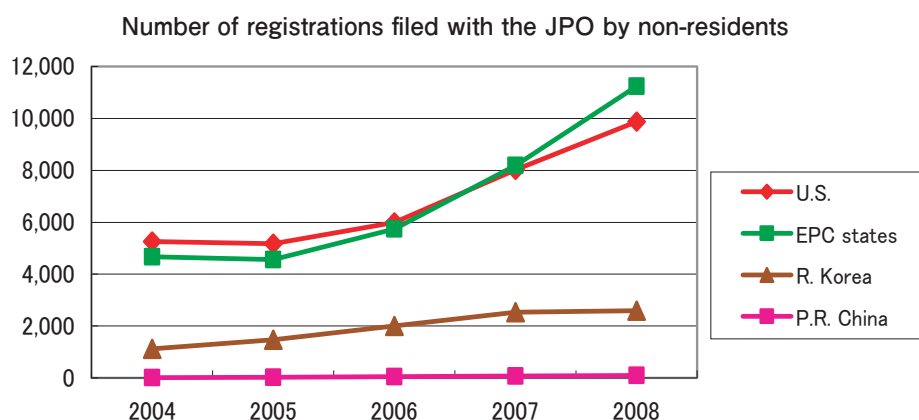
(2) Patent Registration by Foreign Applicants in Japan

The number of patent registrations by foreign applicants in Japan was 25,185 in 2008, up about 27% from 19,914 in 2007.

Registrations from U.S. and European applicants have been on the rise since 2004, and the total of applications from two regions accounts for 84% of the total in 2008. Registrations from the Republic of Korea have slightly been increasing since 2004, and the number of registrations was 2,596 in 2008, accounting for about 10% of the total.

On the other hand, the number of registrations filed by Chinese applicants fell far short of the figures for the United States, Europe, and the Republic of Korea, although it increased by 500% to 91 in 2008, up from 18 in 2004.

Although registrations from China increased to 91, up 500% from 18 in 2004, it only accounts for less than 1% of the total. The number of applications filed by Chinese applicants fell far short of the figures for the United States, Europe, and the Republic of Korea.



	2004	2005	2006	2007	2008	Percentage to total (2008)
U.S.	5,256	5,168	5,993	8,023	9,873	39.2%
EPC states	4,673	4,554	5,744	8,189	11,244	44.6%
R. Korea	1,122	1,470	2,002	2,538	2,596	10.3%
P.R. China	18	19	47	67	91	0.4%
Others	596	645	809	1,097	1,381	5.5%
Total	11,665	11,856	14,595	19,914	25,185	100.0%

Notes: - Europe stands for applicants from EPC member countries at the end of each FY
 - The numbers in the table include the number of direct applications and PCT national phase applications

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 EPO hosted the 26th Trilateral Conference in November 2008. The Trilateral Offices advance discussions at working groups held throughout the year, with a focus on the following 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 JPO will host the 27th Trilateral Conference in November 2009.

2) Outline of Each Project

The contents and future plans for each project discussed at the Trilateral Conference in November 2008 are as follows.

a. Cooperation in Examination through Mutual Exploitation

Patent Prosecution Highway (PPH)

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 (September 2008). The JPO and the EPO decided to consider the possibility of a pilot program similar to the PPH.

In addition, the Trilateral Offices confirmed that working-level discussions will be held continuously for the purpose of standardizing procedures and requirements among the PPH member countries using the Plurilateral Patent Prosecution Highway framework.

SHARE (Strategic Handling of Applications for Rapid Examination)

This framework allows mutual exploitation of the results of searches and first actions and the Office (Office of First Filing) at which the application was filed first releases the results of the search and examination first and the Office of Second Filing can utilize the results of the Office of First Filing when it starts examinations. The Trilateral Offices started this framework in certain technical fields on a trial basis in September 2008. The JPO started this framework as “JP-FIRST (JP-Fast Information Release Strategy)” in all technical fields from April 2008.

New Route

A new framework which will deal with applications filed through the Paris Route. Under the New Route, a patent application filed with the Office of First Filing (OFF) will be regarded as

being filed on the same date as the filing date in the Office of Second Filing (OSF). The search/examination results obtained in the OFF will be transmitted to the OSF within a certain period of time. At the same time, the New Route gives an applicant sufficient time to think over whether or not his/her application should undergo an examination in the OSF based on the search/results issued by the OFF. The JPO and the USPTO has started a pilot program since January 2008 and accepted trial applications until January 2009. Evaluations on the trial results will be made in the future.

Triway

The Triway is a framework under which the search results of the Office of First Filing are used at the Offices of Second and Third Filing to eliminate overlapped works of each office and provide the applicant with the search and examination results of the Trilateral Offices almost at the same time. They started to accept the applications for participation since July 2008, and this pilot program is planned to continue one year.

PCT Reforms

In order to further promote work-sharing, it was decided that the Trilateral Offices consider the PCT system reforms (short term and long term) with the aim of suggesting to the WIPO.

Harmonization of Classification

In addition to the Trilateral Offices, the KIPO and SIPO have become members of the Working Group for Classification since February 2009. They agreed to continue to strengthen the relationships with the KIPO and SIPO and to progress discussions on the harmonization of classification.

Trilateral Examiner Exchange

In order to progress work-sharing efficiently, it is necessary to understand search strategies, search methods and the examination practice of each Office fully, and to build up trust among examiners based on such understanding. The Trilateral Offices confirmed that the Trilateral Examiner Exchange would continue to be held.

b. Efforts to Reduce Procedural Burden on Applications

Common Application Format

The Trilateral Offices confirmed that the Offices would accept applications in accordance with the common application format (the JPO has started to accept the common application format since January 2009).

c. Efforts to Harmonize Systems and Operations

Comparative Study on the Examination Practices

The final results of a comparative study concerning description requirements and inventive step will be publicized in November 2008 (already publicized). In 2009, the Trilateral Offices

agreed that they would conduct a comparative study on novelty (including purpose invention as a target¹).

d. Efforts on the Development of Information Systems

Electronic Priority Document² Exchange

In the past, priority documents were obtained from the Office of First Filing directly. However, in this meeting, JPO-EPO and JPO-USPTO signed on the agreement so that priority documents can be obtained from the Office of Second Filing with which the Office of First Filing provided documents (e.g. Priority document based on the application filed in German is obtained through the EPO). In addition, the Trilateral Offices confirmed that electronic priority document exchange services would be expanded to worldwide patent offices by realizing electronic priority document exchange services via the WIPO by around April 2009 in addition to electronic priority documents exchange which is currently available between the Trilateral Offices and Korea directly.

Digitalization of Application Formats (XML format³)

The JPO introduced a tool (trial version) that creates XML-based (international standard) documents in a simplified manner. Other offices including the WIPO IB gave positive comments on the direction of the change to the XML format and on the contribution of the JPO, which has implemented in that area. In addition, in the users meeting, there was a comment that all PCT procedures should be done online and in the XML format.

e. Other Efforts

Information Dissemination Activities

The EPO, the USPTO and the JPO held an exhibition for the purpose of raising awareness of users in the Information Dissemination Fair held in Tokyo in November 2008. The Trilateral Offices have agreed that they would continue to support the information dissemination fair.

Cooperation of the Five Offices

The Trilateral Offices have agreed that the cooperation between five offices (the JPO, the EPO, the USPTO, the KIPO, and the SIPO) would be supported mainly by the three offices. In addition, in order to promote the project to which work-sharing is based, the Trilateral Offices have agreed to hold a working-level meeting. A period for the Commissioner meeting will be considered taking into account the progress of working-level and Deputy Commissioner level meetings.

¹ In a comparative study on novelty, inventions whose claims include expressions that identify objects with purposes are also studied.

² Documents which prove that the date on which an application was filed to office of first filing is a reference date of judgment for examinations in other offices to which the application is filed later.

³ XML (eXtensible Markup Language) is a mark-up language suitable to describe the meaning and structure of documents and data. A mark-up language is a language that embeds specific texts called "tags" to indicate the meaning and structure of data into text documents. The XML format has high expandability that a user can define own tag. Documents described in the XML format make automatic processing such as format check easy and enhancement of text search is realized, so that it is highly usable.

(2) The Meeting of Intellectual Property five 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 IP5 Heads Meeting in Hawaii, the United States, in May 2007.

Although small group meetings among major patent offices, such as the Trilateral Meeting (JPO-EPO-USPTO) 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.

The IP5 Deputy Heads Meeting was held in Alexandria in the United States in May 2008 at which work-sharing and related information technologies were discussed.

In October 2008, the second IP5 Heads Meeting was held in the Jeju Island, the Republic of Korea, at which specific efforts for cooperation were discussed based on the information sharing and discussions in the past.

2) Overview of the Second IP5 Heads Meeting in October 2008

In this meeting, five offices shared a concern that innovation would be inhibited due to the increase in the number of patent applications in five Patent Offices and the prolongation of examination pendency. Five offices also shared the recognition that it is important to minimize overlapped works among five Offices as much as possible. In addition, five Offices agreed that they progress efforts for work sharing in a cooperated manner. As a specific effort, they agreed that each office would progress the 10 foundation projects below as a platform to promote work-sharing. Each Office leads 2 foundation projects, and five offices will exchange detailed suggestions on each project by the end of 2008 as the first phase (the parenthesis stand for the Office in charge of each project).

- Common Application Format (JPO)

A project that allows applicants to submit patent application documents to patent offices in a common format to five offices.

- Common Access to Search and Examination Results(JPO)

A project for realizing “one portal dossier” which gives access to all examination information on related applications at each office and exchanging priority documents between two offices or by the priority document digital access service serviced by the WIPO.

- Common Approach toward Sharing and Documenting of Search Strategies (USPTO)

A project for sharing each office's search strategies and search histories with other offices by recording and documenting them.

- Common Search and Examinations Support Tools (USPTO)

A project for developing a common examination/search tool environment where examiners

in each office can achieve the same search results on the same applications.

- Common Documentation Database (EPO)

A project for providing smooth access to the databases owned by the Offices and creating an “Authority file” which specifies the range of documents to be searched.

- Common Approach to Hybrid Classification (EPO)

A project for developing IPC using detailed internal classifications of each office.

- Common Rules for Examination Practices and Quality Control (SIPO)

A project for standardizing the rules for examination practices and the quality control system.

- Common Statistic Parameter system for Examination (SIPO)

A project which allows examination information to be exchanged with standardized parameters by constructing common statistic parameters for examination among offices.

- Common Training Policy (KIPO)

A project for holding examiners' workshops and exchanging training curriculums.

- Mutual Machine Translation (KIPO)

A project for promoting work-sharing by lowering the language barrier using machine translation for other projects.

Chapter 2

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 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 OHIM. In Design Examiners' Meetings, they exchange views on the trends of their design systems and operations of design examination.

In addition, 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 such as simplification of design registration procedures. The JPO has been actively participating in the discussion.

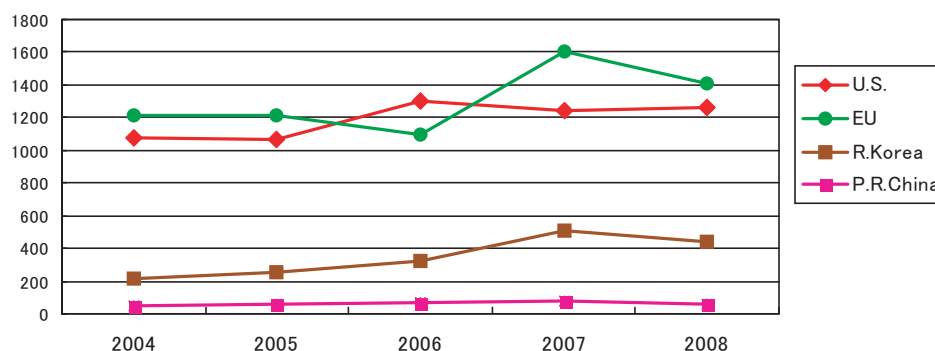
1. International Trends of Applications for Design Registration

(1) Applications Filed with the JPO by Foreign Applicants

The number of applications for design registration filed with the JPO by U.S. applicants did not change significantly from 1,247 in 2007 to 1,258 in 2008.

On the other hand, the number of applications for design registration filed by applicants from the EU member states decreased from 1,600 in 2007 to 1,412 in 2008. Meanwhile, although the number of applications for design registration filed with the JPO by applicants in the Republic of Korea and China has been on a rise until 2007, the numbers turned to decrease in 2008.

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



	2004	2005	2006	2007	2008
U.S.	1,076	1,062	1,304	1,247	1,258
EU	1,213	1,211	1,091	1,600	1,412
P.R.China	53	62	69	81	57
R.Korea	216	254	327	508	443
Others	633	919	839	906	778
Total	3,191	3,508	3,630	4,342	3,948

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. Bilateral Efforts

(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.

In November 2008, the fourth 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 collected information on design examination practices after the enactment of the third revision of Chinese Patent Law (planned on October 1, 2009).

The fifth JPO-SIPO Meeting on Appeals and Trials (design) will be held in Tokyo in FY2009.

(2) JPO-KIPO Industrial Design Examiners' Meeting

With the aim of achieving a mutual understanding of the design registration systems in Japan and the 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 October 2008, the 8th JPO-KIPO Industrial Design Examiners' Meeting was held in Daejeon,

the Republic of Korea, and its participants exchanged information on the current status of design registration systems and examination operations concerning identification of designs, as well as a case study conducted on the identification of designs.

In FY2009, the 9th JPO-KIPO Industrial Design Examiners' Meeting will be held in Tokyo.

(3) JPO-OHIM Design Examiners' Meeting

On April 1, 2003, the Office of 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. The fourth JPO-OHIM Design Examiners' Meetings was held in Alicante, Spain, in July 2008 to exchange information on design examination operations. The fifth JPO-OHIM Design Examiners' Meetings will be held in Tokyo, Japan, in FY2009.

Chapter 3

International Trends and Efforts Relating to Trademarks



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.

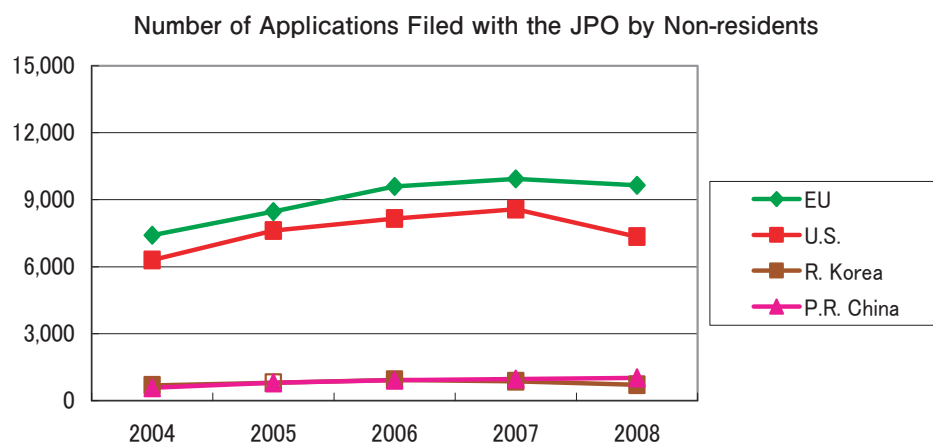
In order to support companies' international expansion under such circumstances, it is necessary to create an environment that allows for acquisition of stable trademark rights worldwide and appropriate protection of those trademark rights. Therefore, the JPO, while utilizing opportunities to cooperate with the WIPO and the other Trilateral Offices (the JPO, the OHIM and the USPTO) and the bilateral efforts with countries such as China, promotes harmonization of the trademark systems of other countries and simplification of procedures.

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 2008 came to 18,719, a decrease of 7.9% compared to 20,332 in 2007.

The number of trademark applications filed with the JPO by applicants from China has been increasing since 2004, although the number is small.



	2004	2005	2006	2007	2008
EU	7,410 (4,888)	8,472 (5,679)	9,598 (6,366)	9,934 (6,324)	9,649 (7,662)
U. S.	6,294 (650)	7,623 (1,538)	8,160 (1,891)	8,570 (2,093)	7,347 (1,991)
R. Korea	675 (50)	798 (54)	933 (126)	862 (162)	703 (135)
P. R. China	573 (360)	792 (544)	916 (631)	966 (688)	1,020 (712)

Notes: The figures for EU are the total number of applications filed with the JPO by applicants from EU member states in Chapter 4, 2(1) and Chapter 3, 15 (the member states are as of March 2009).
Figures in parentheses are the numbers of international applications for trademarks registration out of the total

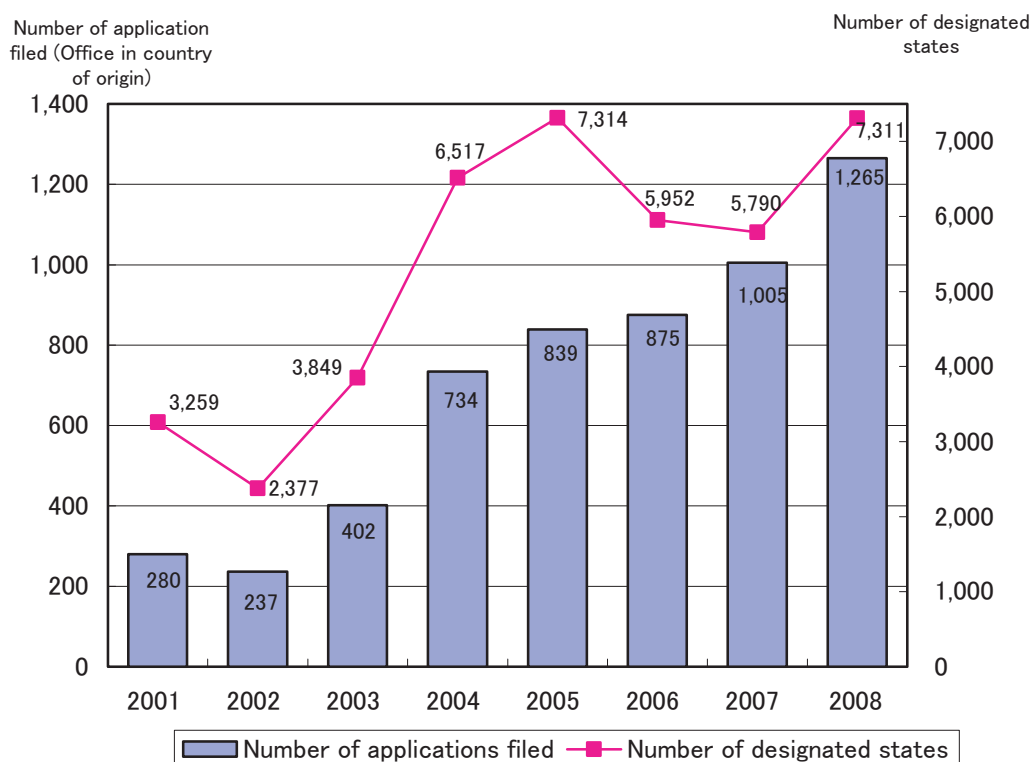
(2) Trends of International Trademark Applications⁴ under the Madrid Protocol

a. Application for International Registration⁵ (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.

In 2008, the number of applications increased 25.8% compared to 2007. This is attributable to the fact that the number of applications designating China, Republic of Korea and the United States increased.

International Applications for Trademark Registration (filed with the JPO by foreign applicants)



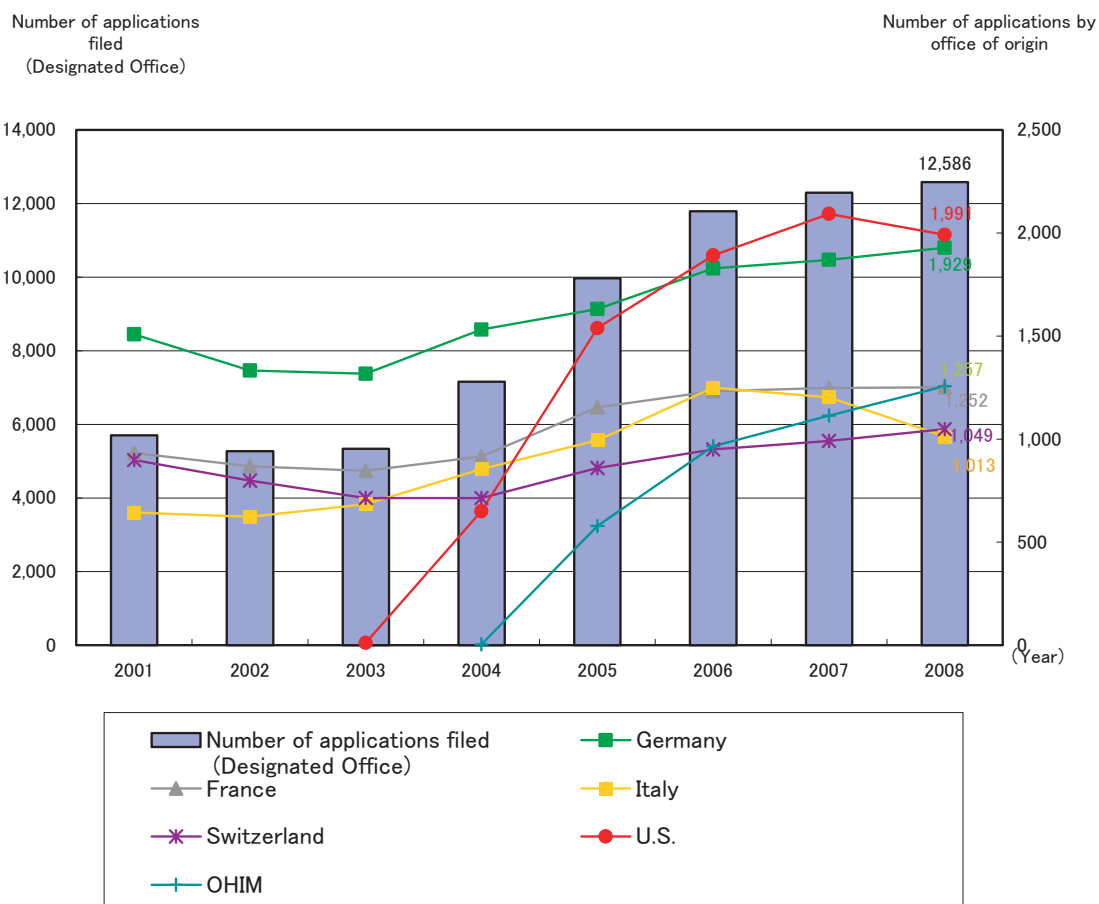
⁴ Outline of the system: On the basis of a trademark filed or registered in the office of the Contracting Party (Office of Origin), an applicant files an international registration with an application which designates the office of the Contracting Party (Office of the Designated Country) seeking for 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.

⁵ International applications abroad filed with the JPO as the Office of origin. See Article 68-2 of the Trademark Act.

b. International Application for Trademark Registration⁶ (filed with the JPO by foreign applicants)

The number of applications has been on the increase since 2004, and came to 12,586 in 2008, up about 2% from the 2007 level. Major countries of origin that chose Japan as a designated state were the United States, Germany, the OHIM, France, Switzerland and Italy in the descending order. The United States led the rankings, followed by 2006.

International Applications for Trademark Registration (Filed with the JPO by foreign applicants)



Notes: The United States and the EU joined the Madrid Protocol in November 2003 and in October 2004, respectively.

2. Bilateral Efforts

(1) JPO-CTMO Trademark Commissioners Meeting

The 7th JPO-CTMO Trademark Commissioners' Meeting was held in Beijing, China in January 2009.

The first JPO-CTMO Trademark Commissioners' Meeting was held in Beijing in December 1996 in order to deepen understanding the each other's trademark systems and promote exchange between two countries. The Meeting has been held in Japan and China alternately.

In this Meeting, two Offices agreed to strengthen the cooperation relationship at various

⁶ International applications filed by foreign applicants designating the JPO. See Article 68-9 of the Trademark Act.

levels such as symposia concerning trademark application procedures and seminars for counterfeit products. In addition, regarding a problem that regional names and regional brands in Japan are applied for trademarks and registered by third parties in China, the JPO requested the fair and appropriate examinations. The CTMO answered that applications for regional names and regional brands in Japan would be judged strictly based on the law and they will respond strictly to malicious applications taking into account the fact that Japan and China are neighboring countries sharing similar cultures.

(2) Comprehensive Support for Trademark Application Problems of Regional Names in Japan by Third Parties in China and Taiwan

There are many cases that regional names and regional brands in Japan are applied for registration by third parties in China and Taiwan. This has caused risks for Japanese companies exploring businesses in China and Taiwan.

In order to respond to such situation, the JPO created a manual related to the trademark search/legal actions based on “the comprehensive countermeasures against the trademark application problems of regional names in Japan by third parties in China and Taiwan” publicized in June 2008. The JPO provides information widely by distributing the manual to prefectures, government-designated cities, agricultural-related organizations, etc., and holding explanatory meetings and seminars for concerned parties such as local governments. In addition, the JPO has established the “Special consultation counters for offending trademark problems” to respond to consultations from concerned parties such as local governments.

Furthermore, the JPO is discussing with the Chinese government so that regional names and regionally based collective trademarks in Japan would be protected appropriately in China.


3. International Trends and Multilateral Efforts

(1) Trilateral Cooperation in the Trademark Field

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. The CTMO has participated as an observer since the meeting in Tokyo in October 2007.

At the seventh meeting held in Alexandria, U.S. in December 2008, discussions were made on policy matters such as “the relationship between the Trilateral Meeting and other IP offices,” and “Trilateral ID/Classification Manual Project” (project for creating the lists of goods and services that can be mutually accepted by the Trilateral Offices when filing an application for trademark). In addition, each office including the CTMO reported about 1) progress in the past year, 2) progress concerning IT issues, 3) quality of examination, 4) improvement of trademark works, and 5) improvement of efficiency of appeal/trial works, and exchanged opinions.

In the discussion on “the relationship of the Trilateral Meeting and other IP offices,” the Trilateral Offices decided to create a list of specific matters of cooperation to consider a



possibility of further cooperation between the Trilateral Offices and other IP offices and international organizations from a viewpoint of promoting the expansion of cooperation among the Trilateral Offices to other countries and international harmonization.

In addition, a matter that a symposium on trademark would be held in China, as suggested by the JPO in the last meeting as a matter of cooperation for China by the Trilateral Offices was confirmed. The JPO suggested a specific plan for the symposium and it was confirmed that the Trilateral Offices would cooperate to hold it.

In the discussion on the “Trilateral ID/Classification Manual Project,” the Trilateral Offices agreed to specify the conditions for the participation of a fourth office other than the Trilateral Offices in the project and to invite the WIPO to discussions on classification of goods and services and this project. Furthermore, in the Trademark Trilateral Follow-up Meeting held in Brussels, Belgium, in March 2009, projects to be discussed taking into account the cooperation with IP offices other than the Trilateral Offices were picked up.

Chapter 4

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 an intellectual creation cycle in the countries lead to sustainable development in the Asian 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.

The JPO has made efforts with countries other than those in the Asian region. In FY2008, the WIPO Japan Trust Fund was expanded to establish a new fund for African and developing countries in order to develop intellectual property human resources in Africa. In addition, at the first Brazil Trading Investment Promotion Joint Committee held in February 2009, the cooperation relationship between the JPO and the Brazilian Institute of Industrial Property Right has been deepened and was included in the joint chairman's statement.

It is necessary to actively promote strengthening of the cooperation with intellectual property offices in other countries including Asian countries, because it contributes to the improvement of presence of Japan in the multilateral frameworks and frameworks among other countries.

(1) Promotion of Conclusion of Economic Partnership Agreement (EPA) and Free Trade Agreement (FTA)

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 SurfiP, 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-the 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) Japan-Vietnam EPA

Based on an agreement reached at the Japan-Vietnam Summit Meeting in October 2006, Japan started negotiations with Vietnam for the conclusion of the Japan-Vietnam EPA (Agreement between Japan and the Socialist Republic of Vietnam for an Economic Partnership) in January 2007. The leaders of the two countries signed the Japan-Vietnam EPA in December 2008, and this EPA will become effective as soon as the ratification procedures for the countries are completed. In this Agreement, protection of the intellectual property is strengthened by the stipulations such as the introduction of the patent priority examination system. In addition, with regard to the infringement lawsuits, the Agreement specifies that the court has an authority for accrediting the significant amount of damage in a case where it is highly difficult to prove the actual economical damage due to properties of a case.

11) Others

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

(2) Efforts by the Intellectual Property Rights Experts Group (IPEG) within the Framework of the Asia-Pacific Economic Cooperation (APEC)

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. Then, at the 27th IPEG Meeting held in October 2008, the confirmation of study slips and the commencement of studies were confirmed, and at the 28th IPEG Meeting held in February 2009, the study results were presented and Japan proposed the realization of harmonization concerning how to utilize patent examination results of other offices among the APEC economy.

(3) Cooperation in Building Intellectual Property System in China

1) Bilateral Efforts with China and Multilateral Efforts for Intellectual Property System

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 mutual exploitation of search and examination results, system harmonization and computerization have been discussed, mainly within frameworks of Japan-China and Japan and multilateral countries including China; 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 October 2008. The Commissioners' Meeting between the JPO and the SIPO was held in December 2008. The Trademark Commissioners' Meeting between Japan and China was held in January 2009. The Commissioners' Meeting among the JPO, the KIPO and the SIPO was held in

March 2009.

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

The third amended Patent Law (equivalent to the Patent Act, the Utility Model Act and the Design Act of Japan) was enacted in December 2008, and will become effective on October 1, 2009. This Law includes some of the matters that Japan had requested, 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-obviousness of creativity on the registration of Design Patent.

The JPO has requested for this amendment of the Patent Law by receiving the Study Team from China, holding an opinion exchange and symposium. Japan dispatched joint missions consisting of the public and private sectors. In response to requests from the SIPO, the State Council of the People's Republic of China and the National People's Congress, the JPO submitted comments to actively cooperate with the legal amendment.

In addition, 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 requests for the Japanese government's comments. At the Heads Meeting between the JPO and the CTMO held in October 2007 and January 2009, 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 addition, 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 human resources development 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 extended 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 to Assistance in Developing Countries

It is necessary for Japan to actively promote the support for developing countries taking into account the following points based on the proposal (government proposal 4) that “the intellectual creation cycle should be promoted to encourage self-organized economic development of developing countries by encouraging development of the intellectual property systems and sharing successful cases utilizing intellectual property with developing countries in providing support for them” in the report of “the Study Group on Innovation and IP Policies” entitled “New IP Policies for Innovation Promotion (August 2008).”

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/Japan⁷ 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 short-term trainees

The JPO has accepted a total of 3,037 government and civilian trainees from 54 countries and one region mainly in the Asia-Pacific Region during the period from April 1996 to March 2009. 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 FY2008, for the purpose of improving examination capacity of patent examiners in developing countries, the JPO implemented training courses based on human resources development for strengthening protection of the intellectual property rights.

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 and Pakistan respectively in FY2008.

The JPO also accepted long-term fellow for six months independently and accepted one fellow from China and Afghanistan respectively in FY2008.

4) Forums, Symposia, etc.

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

WIPO Asia-Pacific Regional Workshop on Effective Enforcement of Intellectual Property Rights (IPRs): Strengthening Border Measures – September 2008, Thailand

This workshop was held with the aim of supporting efforts of each country for effective enforcement, raising awareness in particular on violating acts and illegal acts crossing the border, and implementing measures required for strengthening the border control. About 50 people participated from 20 countries in the Asia-Pacific region including the host country, Thailand, including governmental officials such as customs officers, personnel of intellectual property supervisory authorities, police, and lectures of private businesses and business organizations.

⁷ 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 officials. Since FY2008, the JPO has increased contributions to the WIPO to establish a new fund targeting African and least developed countries.

“WIPO” Study Program in Japan on Effective Development and Utilization of IP Assets-October 2008, Japan

This workshop was held with the aim of supporting promotion of utilization of the intellectual property systems by SMEs in developing countries by introducing IP strategies of companies and examples of utilizations through the patent solution fair (an exhibition concerning utilization of patents) and visits to SMEs. In this workshop, 1) the support mechanism for SMEs and venture businesses in Japan, 2) technology transfer through effective utilization of patent licensing inside and outside Japan, and 3) efforts of the governments and local governments to establish the support for disseminating intellectual property information, were introduced. About 20 people participated from 9 countries in the Asia-Pacific region “including” related organizations, the WIPO and lectures from the JPO.

WIPO Regional Forum for University Intellectual Property (IP) Coordinators - October 2008 Vietnam

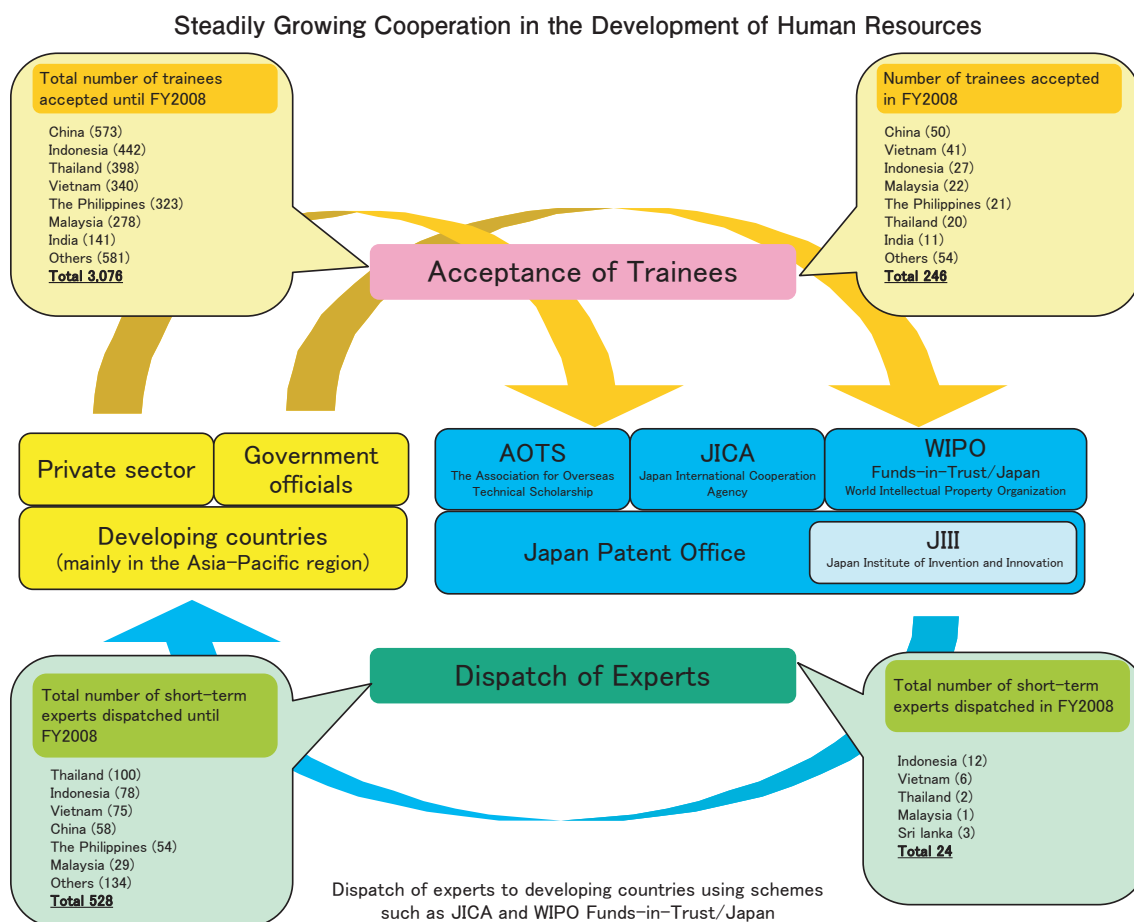
This Forum was held with the aim of providing specialized knowledge regarding IP and technical management and opportunities for discussion to IP coordinators in the Asia-Pacific region in order to develop capabilities of IP management and technical management of universities and public research institutions and support universities making efforts for establishing the internal IP infrastructure. About 50 people from universities and public research institutions from 17 countries in the Asia-Pacific region participated.

WIPO Regional Colloquium on Intellectual Property Education, Training and Research – November 2008, Sri Lanka

University professors who engage in intellectual property education and training in the South Asia region and the South Pacific 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 regions. About 50 people mainly from intellectual property education officials (intellectual property offices, universities and research organizations) in the South Asia region and the South Pacific countries in the Asia-Pacific region and officials of universities, educational research organizations and the intellectual property office of the host country, Sri Lanka, participated in the colloquium.

WIPO Regional Workshop on the Role of IT in Effective Management – February 2009, Indonesia

This workshop offered an opportunity to learn how to utilize various information technologies related to the process of computerization and management of IP offices, and to discuss how to select the IT tools in IP offices different in size and utilize them. In this workshop, the best practice (successful case) of utilization of the IT tools in the operation of each IP office was shared. About 100 people who engage in IP information technologies from 17 countries in the Asia-Pacific region participated in the workshop.



(3) Cooperation in Information Technology

In Indonesia, the JPO supported the establishment of Industrial Property Digital Library (IPDL) system carried out from June 2005 to March 2007 at the Directorate General of Intellectual Property Rights (DGIPR) through dispatching five short-term experts. The IPDL service was launched in February 2007⁸.

In the Philippines, the JPO established the Patent Administration Computerized System (PACSYS) at the Intellectual Property office of the Philippines (under the JICA scheme from May 1999 to May 2003 (four years)). Furthermore, the JPO carried out the follow-up cooperation project from November 2004 to the end of March 2007, for which the JPO dispatched four short-term experts during this period.

In Vietnam, the JPO was engaged in the assistance of structuring of the Intellectual Property Administration System (IPAS) from April 2000 to June 2004 (4 years and 3 months) for the National office of Intellectual Property of Vietnam under the JICA scheme. Based on the results, the JPO cooperated in building search systems, electronic filing systems and the IPDL⁹ from January 2005 to March 2009, for which the JPO dispatched 1 long-term expert for the development of human resources. In March 2009, a seminar was held in Vietnam to promote the utilization of each system which was a result of the project.

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

⁸ URL: <http://ipdl.dgip.go.id>

⁹ URL: <http://iplib.noip.gov.vn>

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 documents for examination procedures, 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 2009, the AIPN was available to 34 countries/organizations.

2) Cooperation for formulating the Examination Standards

In order to enhance the quality and transparency of examinations in developing countries, the JPO dispatched short-term specialists utilizing the JICA's dispatch scheme and they gave instruction on formulation of the examination standards (DGIRP: short-term specialist for designs in June 2008 and short-term specialist for trademark in August 2008).

3) Provision of Results of Design Examinations

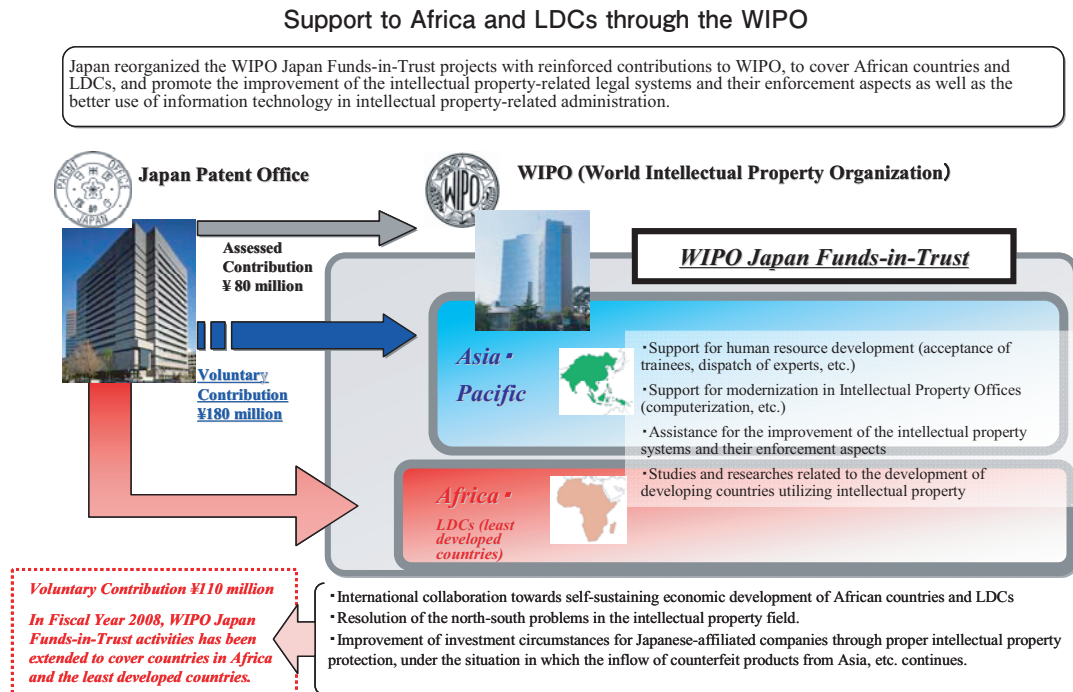
In order to support the acceleration of the substantive examination process for applications for industrial design registration in developing countries, the JPO has been providing the results of examinations of applications for design registration (only for registered applications) filed both in Japan 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 resources, development and technical cooperation accumulated through these activities for developing intellectual property experts in Africa, the JPO has expanded the WIPO Funds-in-Trust/Japan for support in Africa since FY 2008, in addition to providing contributions for the Asia-

Pacific region.

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.



3. Countermeasures against Counterfeiting Products

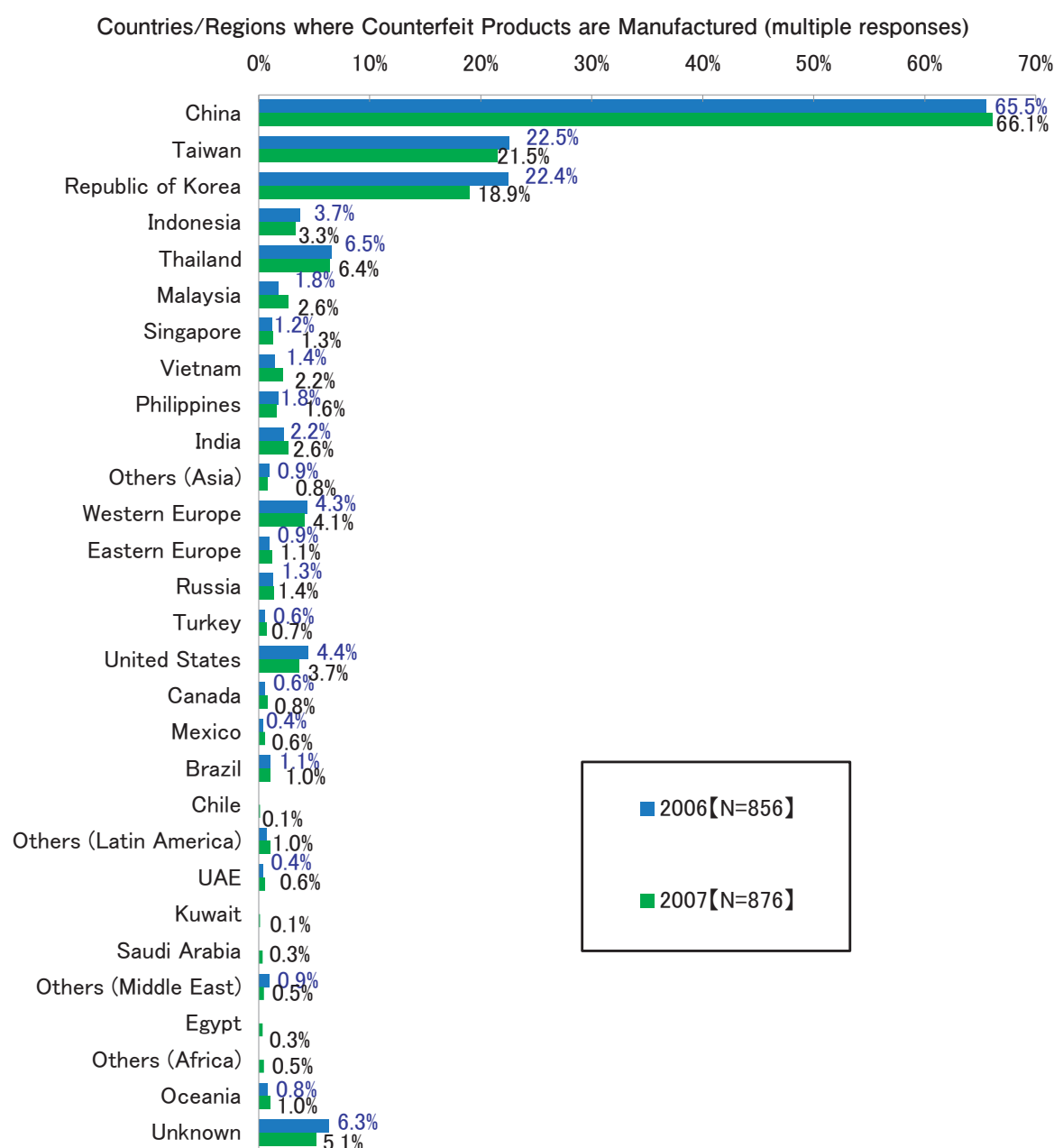
(1) Countermeasures against Counterfeiting Products

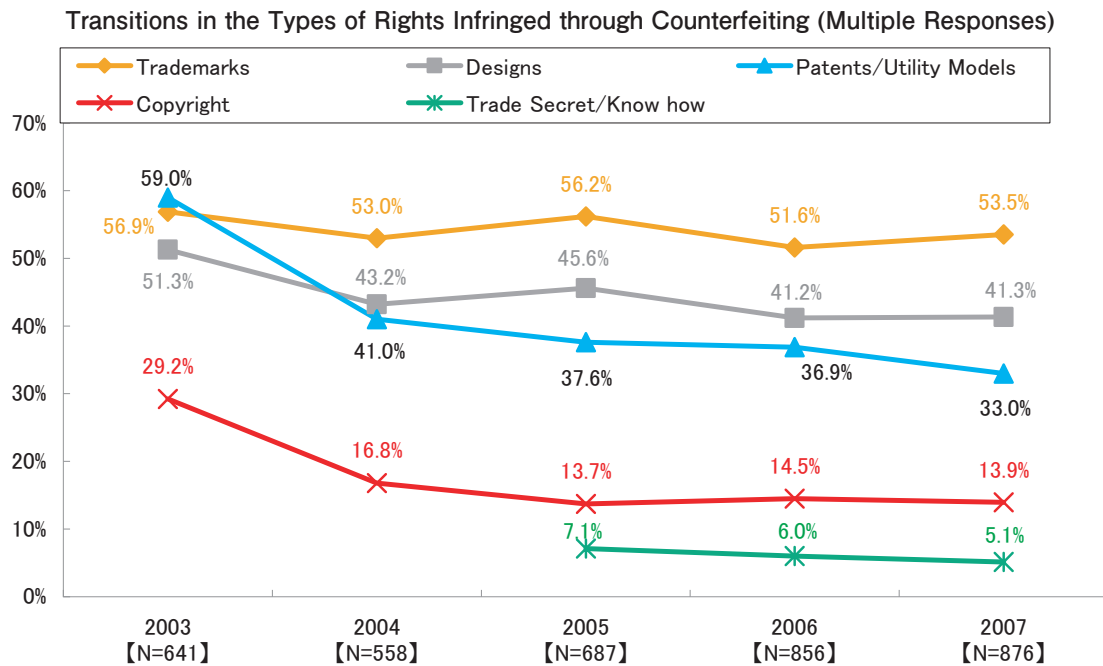
In the midst of economic globalization in recent years, products imitating those produced by Japanese companies have been manufactured in the developing countries due to insufficient protection of intellectual property rights, although industrial technologies are developing there, and the damage caused 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 applications 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 drastically 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.





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, FY2008 Survey Report on Losses Caused by Counterfeiting

(2) JPO's 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 recent 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 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 counterfeiters. 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 Forum¹⁰ (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 Cooperation for 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 mission being dispatched, six 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.

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) 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

¹⁰ The IIPPF was inaugurated in April 2002 (Chairman: Kunio Nakamura, president and CEO of Matsushita Electronic Industrial Co.) 180 companies and organizations (86 organizations and 94 companies) are involved in this forum as of March 2009.

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 Boarder

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 bout 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 TV commercials, and posters.

During the FY2008 campaign, in cooperation with related ministries and agencies, the JPO gave a clear warning through TV commercials, poster ads and newspaper ads to consumers who purchase counterfeit goods and pirated products just for fun that they may become involved in unexpected troubles taking examples of the purchase of them on the Internet shopping, and raised the awareness that “That’s why I won’t buy!”



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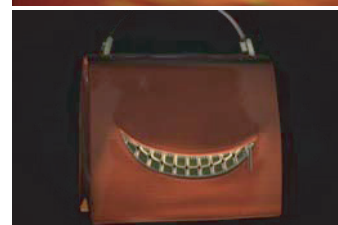
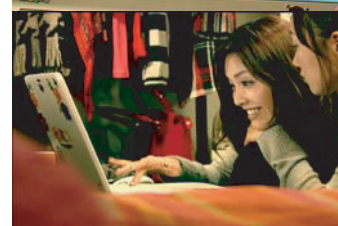
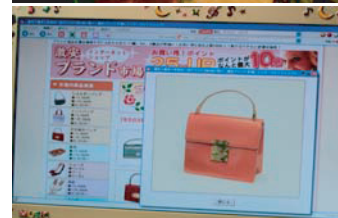
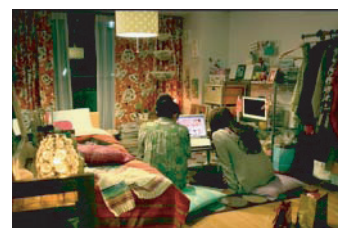
Posters



Newspaper ads



Website



TV commercial