



Part 4 — International Status



Quo and Efforts Made by Japan —

Chapter 1

Efforts Made by Japan through International Frameworks

For global business operations of companies, the stable protection of intellectual property rights in foreign countries is essential. In addition, the smooth and predictable acquisition of intellectual property rights is also desirable in the end. To support the global business operations of companies, demand is being made not only for the further harmonization of intellectual property systems worldwide but also for the development of the intellectual property infrastructure in emerging countries. The Japan Patent Office (JPO) aims to create global intellectual property systems by endeavoring to strengthen its collaboration with emerging Asian countries such as the rapidly developing ASEAN countries, while leading discussions on system harmonization and patent classification through meetings of the five IP offices (JPO, EPO, KIPO, SIPO, and USPTO), the “IP5 Meetings” and the meetings among JPO, KIPO, and SIPO.

1. Efforts on Multilateral Meetings

This section presents efforts made by the JPO in the area of multilateral meetings such as the IP5 Meetings whose member offices handle more than 80% of all patent applications filed worldwide; the Trilateral Conference among the JPO, the EPO, and the USPTO, which celebrated its thirty-year anniversary; and the ASEAN-JAPAN Heads of Intellectual Property Offices Meetings which will gain greater importance in the future; and the new TM5 Meetings.

(1) Meeting of the Five IP Offices (JPO, EPO, KIPO, SIPO, and USPTO)

1) Background

Approximately 1.69 million patent applications, accounting for nearly 80% of the 2.14 million patent applications filed in the world, were filed with the five IP offices the “IP5 Offices”. In order to lead the global

efforts in the intellectual property field, the heads of the IP5 Offices met for the first time in Hawaii, U.S.A. at the first Meeting of the IP5 Heads of Office. The IP5 Offices discuss issues such as the mutual sharing of examination results, simplification of procedures, and maintenance and improvement of quality of examinations in order to respond to the increase in patent applications and associated workload. Also, in order to advance projects for common application format, easy access to examination results of the Offices, and other important subjects, vigorous discussions have been held on the working level in three working groups (WG1: Classification, WG2: Information Technology, and WG3: Examination).

At the fifth Meeting of the IP5 Heads of Office, the IP5 Offices welcomed the draft report of the matrix study prepared under the leadership of the JPO, which in terms of patent system harmonization, compared the systems and processes of the IP5 Offices as well as analyzed the effects and difficulty of harmonization. They also agreed to establish a “Patent Harmonization Expert Panel” to continue discussions on system harmonization based on the matrix study’s results, in order to keep up the momentum of the IP5 Offices. Furthermore, they agreed to work toward successfully implementing the Global Dossier Initiative¹, and to establish a taskforce composed of the IP5 Offices, WIPO, and users to collect needs from a wide range of users. At the occasion of this Meeting of the Heads of Office, a session of the IP5 Heads and IP5 users was held. Active discussions between the IP5 Offices and the users were held, and common understanding of the importance of exchanging views via such sessions was reached among them. It was agreed to hold

¹ A future vision to construct the common system infrastructure to provide various services to diverse users uniformly by virtually integrating the IP5 Offices’ information related to applications and examinations (dossier information). Please refer to “the Global Dossier” in Column 9 in Chapter 6 of Part 3.

sessions with users thereafter during future Meetings of the IP5 Heads of Office.

At the sixth Meeting of the IP5 Heads of Office held in June 2013, the participants agreed to initiate activities on the Global Classification Initiative (GCI), in place of the previously used CHC, as the framework for further cooperation among the IP5 Offices. In addition, with regard to the Global Dossier, the members discussed the issues and future roadmaps of services that users would like to have as soon as possible, and agreed to continue cooperation to promote the Global Dossier.

2) Outline of Each Project

a. WG1: Classification

Classification Harmonization

This is a project for segmentalizing the International Patent Classification (IPC) by using the detailed internal classification of each office: The IPC has already been issued for six project fields among the total of eighteen projects the Five Offices agreed to start, with discussions continuing on issuing the IPC for the remaining project fields.

b. WG2: IT-supported Business Processes

Common Documentation

This is a project that enables examiners to search databases at each office in order to access the same document scopes. After policies and definitions of common documentation have been agreed, discussions are still on going as to each office's analysis of a search database and media-less data exchange.

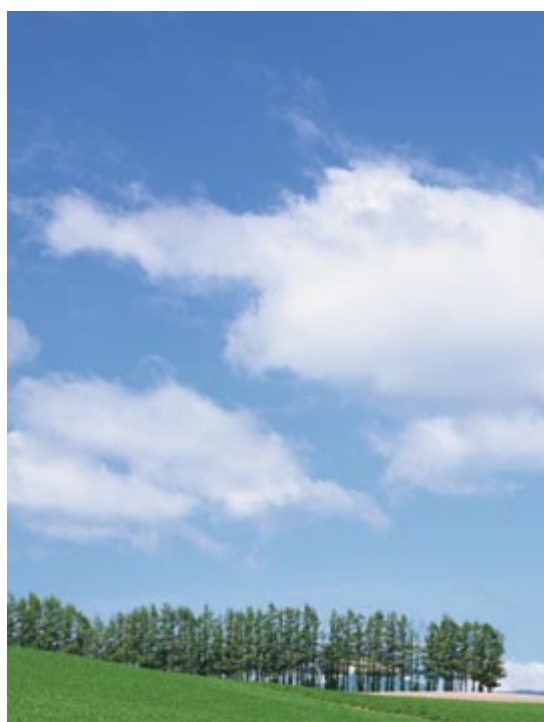
Common Application Format

This is a project that enables applicants to submit patent application descriptions to each office in a common application format. In 2012, the Five Offices finally agreed the Common Application Format (CAF) Definition, with the JPO playing a leading role to prepare it. The Five Offices aim to have it adopted by a wide range of IP offices, based on the CAF document agreed to by the Trilateral

Offices. Also, the State Intellectual Property Office of the People's Republic of China (SIPO) started to accept applications based on the CAF in August 2012, and so filing applications based on the CAF is now possible at all the Five Offices.

One Portal Dossier, Global Dossier

This is a project for achieving the "one portal dossier (OPD)" so as to enable the one-stop display of dossier examination information on related applications at each office. This project also is working to have the Global Dossier (GD) positioned as the common system to be used among IP offices, and which virtually integrates dossier information and uniformly provides various services. The development of the OPD is under way, with services for examiners expected to begin in 2013. With regard to the GD, the first meeting of the GD Taskforce was held in The Hague of the Netherlands in January 2013, where the taskforce actively discussed services that should be provided earlier, and subjects that need to be improved. The taskforce is currently working in detail on classifying issues and roadmaps to make the GD a reality.



c. WG3: Examination Practice-related Projects

Common Training Policy

This is a project for holding examiner workshops and mutually participate in each other's seminars. The offices decided to continue to hold examiner workshops and mutually participate in seminars at the Five Offices.

Common Examination Practice Rules and Quality Management

This is a project for standardizing the rules used in examination practices and the quality management system. Based on the results of comparative studies conducted by the Five Offices on search and procedure rules, discussions on the common rules for examination practices are under way. In the future, sharing best practices on searches in specific technical fields will be studied.

Common Statistical Parameter System for Examination

This is a project for clarifying statistical parameters (indexes) that have different definitions in each office and for creating comparable examination statistical parameters at each office so as to enable the statistical information on examination processes to be exchanged based on using the comparable statistical parameters. A report was prepared on the pilot project in which eight common statistical parameters

were used. Also, in December 2012, the SIPO proposed to further improve the common statistical parameters used in the pilot project, with the Five Offices discussing the proposal.

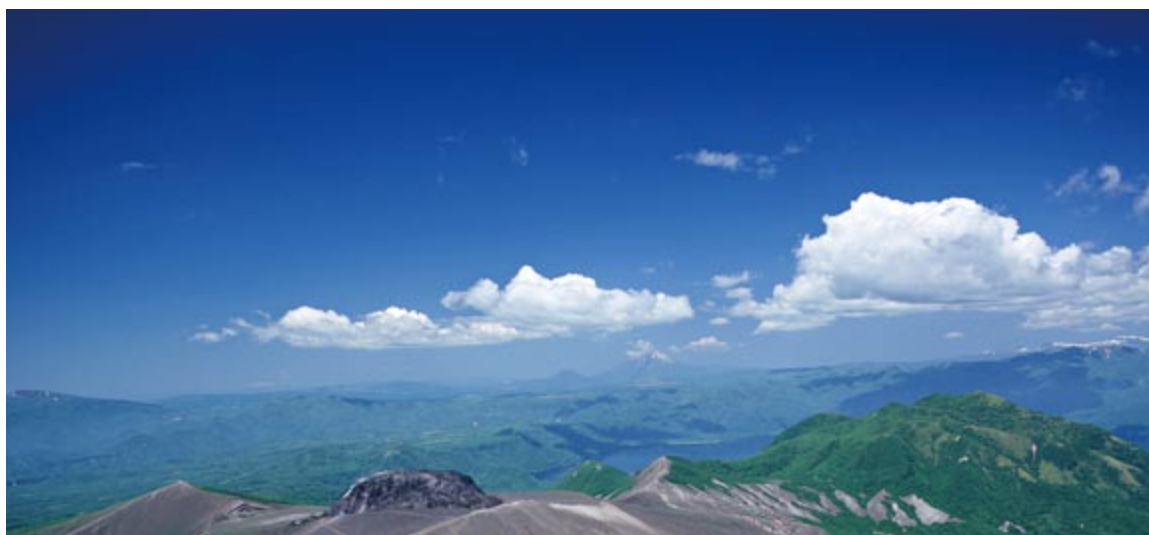
3) System Harmonization

At the Five Offices' WG3 meeting held in December 2012, an IP5 matrix study report was adopted at the working level. The first meeting of the Patent Harmonization Expert Panel was held following the WG3 meeting, at which up-to-date information on the patent system survey was shared among experts from the Five Offices and future work items were discussed.



The sixth Meeting of the IP5 Heads of Office in June 2013 in Silicon Valley, the U.S.

(Photo, from left to right) WIPO Director General Gurry, JPO Commissioner Fukano, SIPO Commissioner Tian, KIPO Commissioner Kim, USPTO Acting Director Rea, and EPO President Battistelli



Column

PCT Kaizen: PCT System Improvement through “Total Optimization”

1. Background

Since the U.S., the UK, and also the EPO submitted proposals to improve the PCT system in 2012, the movement to further improve the PCT system has been gaining momentum recently. The Japan Patent Office (JPO) presented a proposal called “PCT Kaizen” at a WIPO meeting in February 2013, outlining one concept for the next step in improving the PCT.

2. What is “PCT Kaizen” ?

“PCT Kaizen” is a proposal aimed at optimizing the overall PCT system. The name implies “continuous improvement (kaizen in Japanese)” so as to continually make the system better and resolve issues with the PCT system.

(1) From Partial Optimization to Total Optimization: “You can see the forest for the trees”

a. Current Efforts

Current efforts aim to strengthen individual elements and functions of the PCT system (partial optimization).

b. Issues with the Current PCT System

However, issues such as duplicate

work for both applicants and IP offices, as well as lack of patent predictability, remain unsolved. Our reasoning is that the biggest causes for these issues are the lack of “total optimization” and the lack of a complete overhaul of the entire PCT system.

c. Proposed “PCT Kaizen”

Thus, what we are proposing in “PCT Kaizen” is to add the view of totally revamping the entire PCT system (total system optimization), in addition to only doing partial optimization, which is the current view.

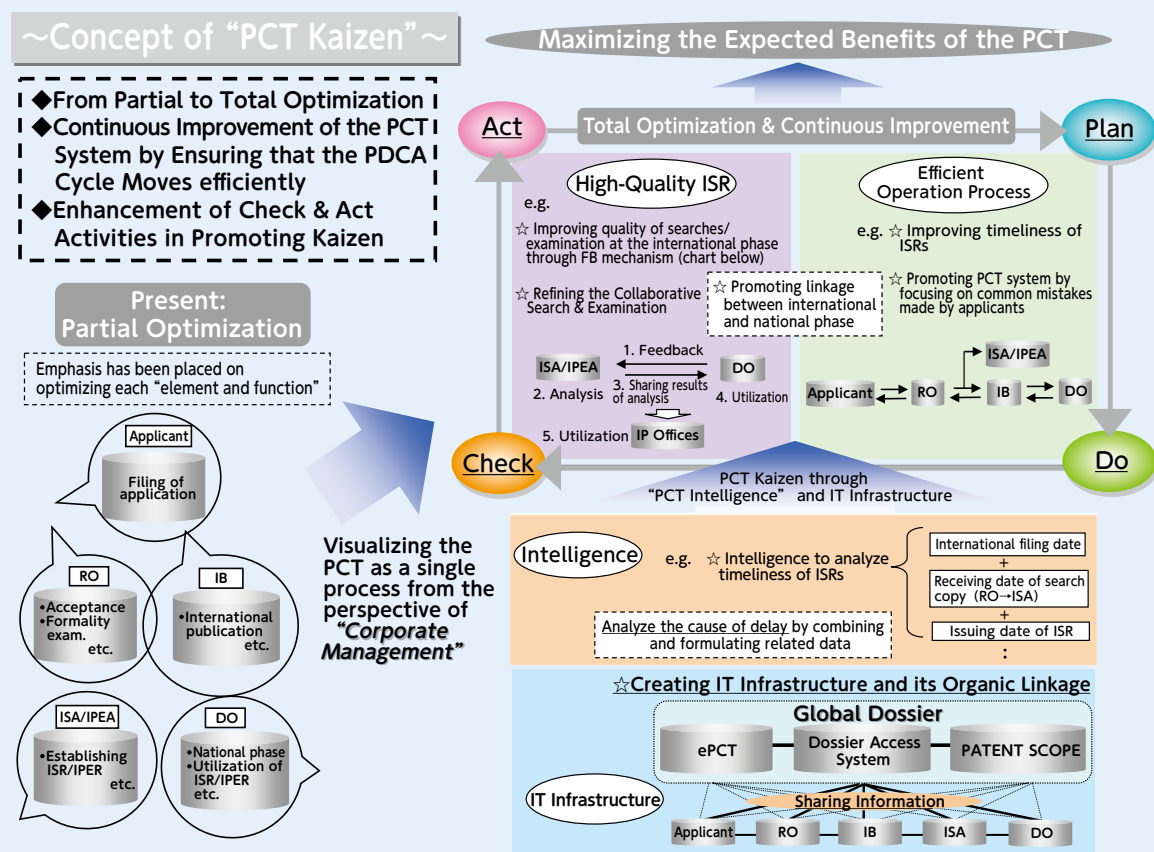
(2) Continuous Improvement and Creating an Associated PDCA Cycle

Pursuing both “partial optimization” and “total optimization” is actually a “corporate management” idea (principle) that is taken for granted at companies. The WIPO International Bureau (IB), International Search Authorities (ISAs) and national offices should be fully aware of the need for actually “managing” the PCT system as a business in order to maximize its benefits. In “PCT Kaizen,” the “continuous improvement” of the system and its operations, and the creation of a “PDCA cycle” are proposed as the basis for managing and advancing the PCT system. For the PDCA cycle, “Check (evaluation)” and “Act (improvement)” through analyzing and sharing opinion from users and feedback based on actual examination practices will be addressed.

[Figure4-1-1]

[Issues with the PCT System]	
<ul style="list-style-type: none"> · Duplicate work of applicants and IP offices · Lack of predictability of acquiring patent rights, etc. 	
Current measures	<p><u>Improving individual elements and functions that make up the PCT system (partial optimization)</u></p> <ul style="list-style-type: none"> · Measures to improve the quality of international searches (prior art searches) of an individual ISA · Improving electronic processing of applications, etc.
Proposed “PCT Kaizen”	<p>[Basic concept]</p> <p><u>Looking at the entire PCT system as a whole, and encouraging coordination among a series of processes and procedures, from applications up to examinations in each country (total optimization)</u></p> <p>[Specific proposals]</p> <ul style="list-style-type: none"> · Improving quality of search and examination results at the international phase · Promoting linkage between the international phase and the national phase · Refining international search collaboration (collaborative search) · Creating intelligence for analyzing and improving PCT processes · Creating IT infrastructure which is conducive to PCT Kaizen (full use of the Global Dossier)

[Figure4-1-2]



3. Conclusion

The Japan Patent Office will continue to make efforts to further improve the "PCT

Kaizen" proposal and work to have it become a reality.

(2) TM5 Annual Meeting

1) Background

Amid intensifying international competition among businesses in line with economic globalization, it has become increasingly important to establish highly recognized international brands and protect them in an active and expeditious manner using the trademark system. In order to support companies that are expanding their business operations overseas, it is necessary to create an environment that allows the expeditious acquisitions of stable trademark rights worldwide and the appropriate protection of those rights.

To respond to such demand, in the field of trademarks, cooperation among the three offices of the Japan Patent Office

(JPO), the United States Patent and Trademark Office (USPTO), and the Office for Harmonization in the Internal Market (OHIM), which are collectively called the Trademark Trilateral, has been advancing since 2001. A decision was made in December 2011 to let the Korean Intellectual Property Office (KIPO) and the State Administration for Industry and Commerce (SAIC) join the Trademark Trilateral as new members, and to create a new cooperative framework called the TM5: the first TM5 annual meeting was held in Barcelona, Spain in October 2012.

The TM5 is currently cooperating on on-going projects succeeded from the Trademark Trilateral, and also on new projects launched by the TM5, which

involves nine projects in total. Also, the cooperation among the Trademark Trilateral was expanded to include the field of designs in 2008, and the four offices of Japan, the U.S.A., Europe and Korea hold expert meetings in parallel with a TM5 meeting.¹

2) Outline of Each Project in the Field of Trademarks (Offices in the parentheses are the offices in charge of leading discussions on the respective projects.)

a. ID Project (USPTO)

The ID list is a project aimed at creating a list of harmonized identifications (IDs) of goods and services that are mutually acceptable to the participating offices in the trademark examinations. The list is made available to users in order to be used when designating identifications of goods and services in trademark applications.

b. Common Statistical Indicators (OHIM)

This is a project to regularly update and exchange data on each of the TM5 offices based on common statistical indicators, and to verify the statistical indicators.

c. Common Status Descriptors (USPTO)

This is a project aimed at providing the participating offices with a uniform set of status descriptors that would give members of the public clear information regarding the status of any particular trademark application or registration, such as “application pending”, “registration”, and “final decision”.

d. Project against Bad Faith Trademark Filing (JPO)

This is a project which is to share information on laws and regulations as well as their examination practices and issues regarding bad faith filings in each partner offices. Then, TM5 offices will discuss in

order to take effective measures against bad-faith trademark filings in each partner office and to improve knowledge about them.

e. Image Search of Figurative Trademarks (JPO)

This is a project for studying the feasibility and issues of using an image search system for trademark examinations, in order to reduce the burden of figurative trademark searches, which are currently conducted based on the Vienna Classification. A research study is underway to identify issues with the image search system.

f. Taxonomy and TMclass (OHIM)

This is a project based on TMclass², which is a tool provided by OHIM to conduct classification searches for goods and services. The project aimed to design a tool that would enable will users to intuitively search goods and services by implementing Taxonomy³ (a hierarchical structure) into TMclass. The Japanese language could be used in TMclass starting in October 2012. A study is under way on searches using Taxonomy.

g. User-friendly Access to Trademark Information (OHIM)

This is a project for studying the possibilities of improving web-based services, with the aim of improving access to trademark related information. TMview, proposed as one study subject, is a search tool of OHIM and enables one-stop searches for and inquiries of trademarks in the EU, offering detailed information.

² TMclass is an analysis tool provided by OHIM to identify goods and services for trademark registration. Classification data provided by the participating office are to be integrated into TMclass to facilitate processes to classify goods and services. Its name was changed from previous “Euroclass” to “TMclass” in March 2013.

³ Taxonomy is a new hierarchical structure of goods and services based on the Nice Classification, where broader concepts are located at the upper level and specific indications are located at the lower level.

¹ Since designs are not under SAIC’s jurisdiction, the four offices of Japan, U.S.A, Europe and Korea hold an expert meeting in the field of designs.

h. Website (KIPO)

This is a project for developing a TM5 website, with the aim of providing sufficient information to users about TM5 activities:

i. Session with Users (Country hosting TM5 Annual Meeting)

This is a project for reviewing and determining areas of improvement for the benefit of users, through exchanging opinions with users:

3) Outline of Project in the Field of Designs Preparation of a Comparative Catalogue for View and Drawing Requirements for Designs (OHIM)

This is a project to prepare a catalogue comparing the view and drawing requirements of the respective offices. Collected information will help users in each country to see design views and drawings of each country, and compare the requirements for these in each office. It was agreed to create a working group of experts in the field of designs in order to prepare such a catalogue by the next meeting.

**(3) ASEAN-JAPAN Heads of Intellectual Property Offices Meeting**

The ASEAN countries have achieved outstanding economic development in recent years. It is predicted that the demand for high-quality and high-value added products and services will increase, and the demand for good technologies, designs and brands will increase as the number of people in the high and middle income classes increases in the ASEAN countries. Also, the ASEAN region intends to create a unified community by 2015, aiming to liberalize economic activities in the ASEAN region. It is anticipated that the ASEAN region will become a large economic area more important to Japan than ever. Due to such circumstances, improving the ASEAN industrial property right systems has become an urgent issue to promote trade and investment activities.

The JPO has strengthened cooperation on intellectual property with the ASEAN to support Japanese companies' global business activities, and held the first ASEAN-JAPAN Heads of Intellectual Property Offices Meeting in February 2012. In this meeting, it was confirmed that ASEAN needed to strengthen the protection of intellectual property, under the leadership of Japan, to enable economic growth in integrating the economies of ASEAN in 2015. The "Tokyo Intellectual Property Statement" was adopted affirming Japan's cooperation to that end.

In July 2012, the second ASEAN-JAPAN Heads of Intellectual Property Offices Meeting was held in Singapore, and a memorandum of cooperation was concluded between the JPO and the Intellectual Property Offices of the ASEAN countries.

The memorandum of cooperation is expected to enhance capabilities in ASEAN and Japan in the areas of industrial property protection systems, transparent and streamlined examination procedures and practices, industrial property administration, industrial property exploitation by the private sector, and awareness of industrial property.

At this meeting, the JPO and the ASEAN IP offices adopted the ASEAN-JAPAN IPR Action Plan 2012-2013 based on the memorandum, which specifies the details of cooperation, including the conduct of a study on successful cases of Japanese SMEs in IP commercialization in the creative industry applicable to ASEAN, a workshop on the establishment of IT infrastructure to share dossier information on patent examination, and various support for accession to International Treaties for AMSs.



The Third ASEAN-Japan Heads of Intellectual Property Offices Meeting

Front row; (From left) Deputy Director Sim (Cambodia), Director General Pajchima (Thailand), Commissioner Fukano, Attorney General Hayati (Brunei), Chief Executive Tan (Singapore), Director Timbul (Indonesia)
Back row; (From left) Director General Blancaflor (Philippines), Division Head Thitapha (ASEAN Secretariat), Director General Minh (Viet Nam), Director General Moe (Myanmar), Director General Sitha (Laos), Head Shahrinah (Brunei), Director Eaisah (Malaysia)

In April 2013, the third ASEAN-JAPAN Heads of Intellectual Property Offices Meeting was held in Kyoto. At the meeting, a new action plan was adopted to be implemented in FY2013, and it was agreed to advance new cooperative activities, including strengthening the support for introducing IT such as initiating the development of a Dossier access function for ASEAN users; strengthening cooperation with international organizations such as the Economic Research Institute for ASEAN and East Asia (ERIA) and WIPO; and providing enhanced support for examination practices such as classification and PPH.

(4) Trilateral Meetings among the JPO, the EPO and the USPTO

1) Background

The Trilateral Offices, namely the JPO,

the USPTO and the EPO held their first Trilateral Conference in 1983. The Trilateral Offices have continuously held trilateral meetings since the first Trilateral Conference. Each year, one of the Trilateral Offices takes its turn holding a Trilateral Conference in autumn. In November 2012, the Trilateral Cooperation celebrated an historic event, its 30th year, when the 30th Trilateral Conference was held in Japan. On the occasion of the 30th Trilateral Conference, a symposium was held to celebrate the 30th year, with a brochure commemorating the 30 years of the cooperation being issued.



30th Trilateral Conference held in November 2012, in Kyoto, Japan

(Photo) EPO President Battistelli, JPO Commissioner Fukano, and USPTO Director Kappos (now retired)

The trilateral conference was initially established in the early 1980s to solve issues caused by a rapid increase in the number of patent applications being filed. Since then, the scope of the discussions among the Trilateral Offices has expanded. Discussions were initially on the issues of patent document digitization, then on the issues concerning patent application procedures and the electronic exchange of patent information, and then on the issues of workload. In recent years, the Trilateral Offices are focusing on projects to address “technical information,” “work sharing” and “the PCT.” In the autumn of 2013, the 31st Trilateral Conference will be hosted by the USPTO.

2) Outline of Each Project

The contents and future plans for each project discussed at the 30th Trilateral Conference held in November 2012 in Kyoto are as follows.

a. Efforts on Information Technology

One Portal Dossier

Addressing the workload issue resulted in the idea of accessing search and examination results of other Trilateral Offices. One of the solutions is the Dossier Access System, which is a system enabling each office to access examination information (dossier information) on related applications at the other Offices. Furthermore, the Dossier Access System is evolving into the “One Portal Dossier” which makes one-stop access to examination information possible under the framework of the IP5 Offices. The Trilateral Offices affirmed that they would cooperate on preparing the connectivity test among them in order to release services for examiners in July 2013.

Activities for Patent Information

Aiming to create a common patent policy among the IP5 Offices, the Trilateral Offices agreed to work on this in cooperation with each other.

b. Efforts on Work Sharing

With regard to the Patent Prosecution Highway (PPH), it was agreed among the Trilateral Offices that the JPO would collect comments from the respective patent offices on the “common guideline” proposal and the “PPH policy” proposal, and that a 2013 Plurilateral PPH Working Level Meeting would be hosted by the JPO.

They also agreed to continue discussions on the “PPH metrics”, which will serve as indices with the aim of improving quality and increasing efficiency, including how to collect data.

c. Efforts on the PCT

Collaborative International Search

A report was made on the pilot trial of collaborative international searches which

the EPO, the USPTO and the KIPO were conducting. The Trilateral Offices shared the view that the workload at each patent office and the fees that applicants must pay should be carefully considered when the collaborative international searches were to be incorporated into the PCT system.

Improvement of the PCT

The Trilateral Offices discussed the JPO proposal to improve the PCT, in addition to other proposals already submitted by the EPO and USPTO to WIPO to improve the PCT. The Trilateral Offices agreed that further verification in terms of legal and IT aspects, and further discussions based on user needs, were necessary to consider the respective proposals.

PCT Metrics Framework

The EPO proposed that the IP5 Offices and WIPO should cooperate to make long-term improvements of the metrics (statistical indices) that WIPO currently prepares annually. These metrics serve as a means to observe the PCT system as a whole. The Trilateral Offices reached an agreement on the proposal. They decided to study and create new metrics based on the definition and level of effectiveness of each new metric.

d. Efforts on Examination Practices and Quality Issue

The Trilateral Offices all understand the importance of quality metrics in evaluating the quality of international search reports and national/regional examination processes. They also expect that quality metrics will lead to improving the usability of international search reports during the national phase.

Column

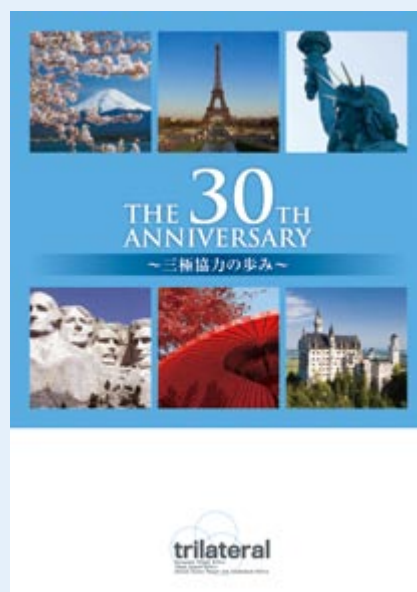
The 30th Anniversary of the Trilateral Cooperation among the JPO, the EPO and the USPTO

The Trilateral Offices, namely the JPO, the USPTO and the EPO held the first Trilateral Conference in 1983. The Trilateral Offices have continuously held annual meetings since the first Trilateral Conference. Then, in 2012, the Trilateral Cooperation saw the historical epoch of its 30th year, when the Trilateral Conference was held in Kyoto, Japan.

On the occasion of the 30th memorial Conference, the JPO made a brochure¹ describing the progress and results achieved since the start of the Trilateral Cooperation. It also held a “30th Anniversary Symposium of the Trilateral Cooperation” in tandem with the Trilateral Conference, with many participants coming from various industries, universities and other related areas. At the Symposium, Mr. Keiji Yamada, Governor of Kyoto Prefecture, welcomed the participants with his opening remarks, and then Dr. Masao Horiba, Supreme Counsel of Horiba, Ltd., presented a special lecture. In the lecture, Dr. Horiba pointed out that expectations for intellectual property were high, even with the current economic stagnation, and that the Trilateral Offices bore a heavy responsibility to meet such expectations. Also, Mr. Hiroyuki Fukano, Commissioner of the JPO; Ms. Teresa Stanek Rea, Deputy Director of the USPTO; and Mr. Raimund Lutz, Vice President for Legal and International Affairs of the EPO made speeches on the current status of patents in Japan, the U.S. and Europe, respectively. Following these speeches, a panel discussion, which focused on the future of the Trilateral Cooperation and reflected on the achievements made so far, was held with participants representing the industrial sectors in Japan, the U.S. and Europe. In this

discussion, the representatives from the industrial sector praised the role that the Trilateral Offices had played, and expressed their expectations for further cooperation among the Trilateral Offices in the areas of work sharing, harmonization of patent systems and operations, and other issues.

Furthermore, at the Trilateral Conference, the Trilateral Offices reflected on the long history of their Trilateral Cooperation that started in 1983 and confirmed to further continue the Trilateral Cooperation as provided in the “Declaration on the 30th Anniversary of the Trilateral Cooperation.” At the same time, the Trilateral Offices, as the Offices handling almost 50 % of world’s patent applications, expressed their determination to play a leading role in building a global patent system utilizing the experiences accumulated so far.



Cover page of The 30th Anniversary of the Trilateral Cooperation among the JPO, the EPO and the USPTO

¹ http://www.jpo.go.jp/torikumi/kokusai/kokusai3/pdf/nitibeiou_meeting_30/pamphlet_kariyaku.pdf

(5) Cooperation among the JPO, the SIPO and the KIPO

1) Trilateral Policy Dialogue Meeting

The JPO, the SIPO and the KIPO have taken turns holding the Trilateral Policy Dialogue Meeting every year since 2001, at which opinions on the initiatives taking place among the three offices are shared. The meetings are also designed to find solutions to common issues faced by them.

At the 12th Trilateral Policy Dialogue Meeting held in Wuxi, China in November 2012, the three offices discussed cooperation in the fields of patents, designs, information technologies, and IP human resource development, as described below.

a. Cooperation in the Field of Patents

Following the report on the comparative case study that was conducted on the inventive step and publicized in 2011, they approved the comparative study report on novelty, as applied under laws and examination guidelines. In addition, a report comparing novelty, as well as a report on the comparative table on utility model systems were prepared. They agreed to publicize them on their websites. Also, they agreed to conduct a comparative study on description requirements as the next theme. Furthermore, the PPH between the SIPO and the KIPO was started in March 2012. In addition, a PPH was established between the JPO and the KIPO and between the JPO and the SIPO (based on a pilot program initiated in 2011). As a result of establishing PPH programs among the three offices, the offices agreed to start discussions about holding seminars for users and standardizing application requirements.



b. Cooperation in the Field of Design

They agreed to actively cooperate on the Japan-China-Korea Design Forum to be held in Tokyo in November 2012. This included sending experts in the field of design to the forum (refer to 2) b. for the result).

c. Cooperation in the Field of Computerization

The JPO, the SIPO, and the KIPO agreed to create a “TRIPO” website for the three offices to provide information to a wide range of users. This includes information about the activities and results of the cooperation among the JPO, the SIPO, and the KIPO.

d. Cooperation in the Field of Human Resource Development

They discussed the idea of holding seminars designed for personnel working for IP human resource development, as well as exchanging teaching materials provided by human resource development institutions in their respective countries, agreeing to further deepen cooperation among the human resource development institutions.

e. Cooperation in the Field of Trial and Appeal

They exchanged views on the necessity to mutually understand each other's trial and appeal systems, and agreed to have working level discussions among officials who work in trial and appeal sections.

f. Collaboration with Users

The JPO, considering the achievements that have been made based on the cooperation among the JPO, the SIPO, and the KIPO, proposed holding a Japan-China-Korea user meeting in parallel with the Trilateral Policy Dialogue Meeting to be held next year. They reached an agreement on the proposal.



The 12th Trilateral Policy Dialogue Meeting

2) Outline of Projects

The projects discussed at the 12th Trilateral Policy Dialogue Meeting are described below.

a. Joint Expert Group for Patent Examination (JEGPE) of Japan, China, and the Republic of Korea

At the Trilateral Policy Dialogue Meeting among the JPO, the KIPO, and the SIPO in March 2009, the three offices agreed to establish the Joint Expert Group for Patent Examination (JEGPE) of Japan, China, and the Republic of Korea, and conduct comparative studies on patent laws and examination standards. The first meeting was held in 2009. With regard to results achieved so far, they first discussed making a “Comparative Study Report on the Inventive Step” at the second meeting in 2010, and then at the third meeting, in 2011, they discussed creating a report on a “Comparative Case Study on the Inventive Step” These reports were publicized later.¹ Furthermore, a “Comparative Study Report on Novelty,” a report on “Comparative Case Study on Novelty” , and a “Japan-China-Korea Comparative Table on Utility Model

Systems” were discussed at the fourth meeting held in Beijing, China in September 2012. These were publicized after being adopted at the 12th Trilateral Policy Dialogue Meeting held later. The three offices plan to discuss “description requirements” as their next theme.

b. Japan-China-Korea Design Forum

Based on an agreement reached at the Trilateral Policy Dialogue Meeting, the Japan-China-Korea Design Forum has been held every year since 2010. Design experts from the three offices participate in it for the purpose of exchanging information on the design systems of the three countries and promoting mutual understanding. Following the first forum held in 2010 in Beijing, China; and the second forum held in 2011 in Seoul, the Republic of Korea, the third forum was held in Tokyo, Japan, in November 2012.

At the third forum, the JPO presented recent statistics and reported on the progress of the design system review. The KIPO presented the Republic of Korea’s design protection system, recent statistics, and an overview of a draft amendment for the design protection law, for which an advance notice of legislation was issued. The SIPO presented recent statistics, giving examples of design evaluation reports and similar designs, and reporting on recent major topics on the Chinese design system. Furthermore, WIPO presented the Hague Agreement, to which Japan is considering to be a party, and Japanese specialists made speeches on the importance of design-led innovation, design effects (showing specific examples), and the direction of design after the Earthquake. Finally, speakers from the four offices together with the specialists from the private sector conducted a panel discussion about what is needed for design protection systems in the future.

The fourth forum was held in China in May 2013.

¹ The JPO website publicizes the original reports and their Japanese translations.

• For the Comparative Study Report on Inventive Step and the Comparative Case Study on Inventive Step: http://www.jpo.go.jp/torikumi_e/kokusai_e/comparative_study.htm
• For the Japan-China-Korea Comparative Table on Utility Model Systems: http://www.jpo.go.jp/torikumi_e/kokusai_e/comparative_utility.htm

c. Joint Expert Group for Automation (JEGA)

Japan, China, and the Republic of Korea agreed to establish the Joint Expert Meeting for Automation (JEGA) at the second Trilateral Policy Dialogue Meeting held among the JPO, KIPO, and SIPO to exchange information on IT and encourage cooperation among the three offices. This meeting has been held every year since 2003.

At the tenth JEGA held in Beijing, China in October 2012, the three offices exchanged information on a future course of action for the three offices with regard to issues such as the Global Dossier and machine translation, on which the Five Offices (JPO, EPO, KIPO, SIPO, and USPTO) are working. Also, they agreed on the “basic policy for the three offices’ website” which describes the operational policies for the three office’s website, which is designed to provide information to the public about initiatives that the three offices are working on. Furthermore, the JPO proposed that a “Ten Year Repot” be prepared, which will summarize the JEGA’s past activities as well as outline the future direction of the cooperation among the three offices. The three offices agreed to jointly work on the report.

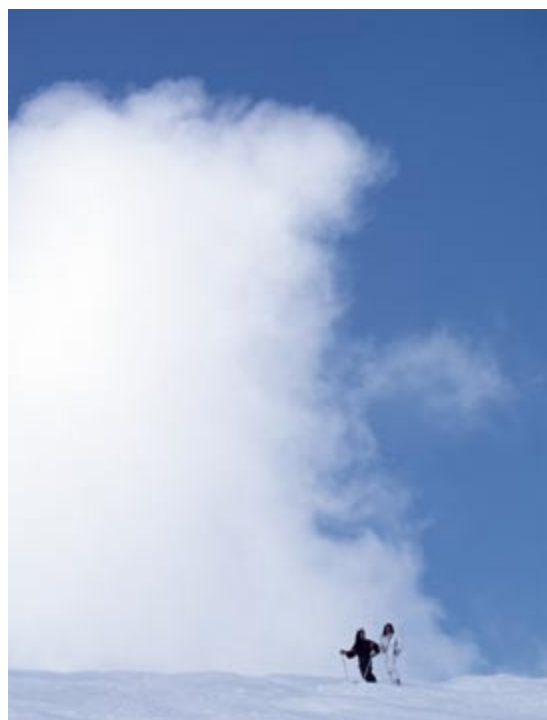
d. Human Resource Development Organization Heads Meeting of the CIPTC, IIPTI and INPIT

At the 9th Trilateral Policy Dialogue Meeting among the JPO, KIPO, and SIPO in December 2009, the JPO, the SIPO, and the KIPO agreed to hold a meeting of organizational heads to discuss areas of mutual cooperation such as training at IP human resource development organizations in each country. This meeting has been held every year since 2010. In September 2012, the third meeting was held in Beijing, China, with participants exchanging information on training and support given for intellectual property education at each organization. Also, they agreed to hold a seminar targeting the host country’s IP officials.

Based on the agreement, the first seminar was held in Beijing, China in September 2012, whose theme was e-learning at the Three Offices.

2. Efforts on International Forums

From the past, international discussions on intellectual property have been actively held in the framework of the World Intellectual Property Organization (WIPO) which is a specialized agency of the UN working for the protection of intellectual property; and the TRIPS Agreement (Agreement on the Trade-Related Aspects of Intellectual Property Rights), which deals with the rules of trade under the auspices of the World Trade Organization (WTO). In addition, in recent years, intellectual property has been discussed as an important issue at forums such as the Asia-Pacific Economic Cooperation (APEC), a framework for regional-level economic cooperation; the World Health Organization (WHO); the United Nations Framework Convention on Climate Change (UNFCCC); and the Convention on Biological Diversity (CBD), all working on ways to deal with global issues such as public health and climate change..



(1) Intellectual Property Rights Experts Group (IPEG) Meeting at the Asia-Pacific Economic Cooperation (APEC)

APEC, consisting of 21 countries and regions in the Asia-Pacific region (each called an economy) is a regional forum aiming to liberate and facilitate trade, investment, and economic and technical cooperation. At the APEC Economic Leaders' Meeting held in 1995 in Osaka, intellectual property rights were adopted as one of the 15 priority areas concerning the liberation and facilitation of trade and investment. The IPEG was established as an expert-level forum specializing in the area. The IPEG carries activities in accordance with the new Collective Action Plan (CAP) formulated in 2001 in response to the implementation of the TRIPS Agreement, in order to promote the liberation and facilitation of trade and investment.

For specific activities, the IPEG holds public and private seminars and symposia on intellectual property, in addition to holding periodic meetings usually twice every year. In January 2007, Japan proposed the APEC Cooperative Initiative on Patent Acquisition Procedures, which includes work to simplify patent procedures, to cooperate in patent examination in the APEC region, and to improve patent examination capability, so as to enable applicants to acquire high quality patent rights in a more simplified and expeditious manner. Under this initiative, Japan conducted studies on practices involving examination cooperation such as the Patent Prosecution Highway (PPH), Modified Substantive Examination, etc. A website¹, which allows users to view application formats to start the application process and see examination results of other offices, went online in March 2011.

Furthermore, in July 2009, Japan proposed building global IP infrastructures that promote innovation, as a concept to cover the diversifying initiatives involving intellectual property in the APEC as well as

set the future course of action. In line with this, Japan proposed an initiative, the iPAC initiative, to encourage cooperation among training organizations in fostering human resources in intellectual property. Based on this proposal, the JPO opened a website² to enable IP training organizations to share information on training programs, in March 2011.

In addition, at the 33rd IPEG in September 2011, Japan made the following two proposals: 1) a "Relief Measure Survey" to systematically collect information on relieve measures that each economy has, and which can be shared among all the APEC economies; and 2) a "Quality Management Survey" to share information on specific quality management methods currently implemented by each economy and to provide reference information for future improvement and implementation of them. The results of these surveys were reported at the 36th IPEG held in January 2013.

3. Efforts on Developing Intellectual Property Systems in Developing Countries

The intellectual property system is an effective and necessary framework to develop business also in developing countries. Efforts to assist the establishment of the intellectual creation cycle and build the intellectual property system in developing countries contribute their autonomous economic development. This results in sustainable, global economic growth. In addition, establishing the intellectual property system will lead to improving the landscape for trade and investment, leading to the growth of these developing countries as a result of the increase in direct investment in them.

From this standpoint, the JPO has thus been providing vigorous means of assistance for human resources development and informatization to

¹ <http://patent.apec.org>

² <http://ipac.apec.org/>

reinforce the protection of intellectual property rights in developing countries, mainly in the Asia-Pacific region.

More than 10 years have passed since the developing countries agreed to execute the TRIPS Agreement, and it seems that they have developed their legal systems to some degree in this regard. However, the operational aspects of the legal systems are still developing stage in some countries. It is important to offer assistance to developing countries that are focusing on further improving their legal systems and operations. As suggested by the fact that the expiration date for LDCs to join the TRIPS Agreement was extended, by eight more years, until 1 July 2021, it seems that their administrative systems and legal systems still have room for improvement and are in need of further assistance.

Since the degree of intellectual property rights protection and the conditions for conducting trade and investments significantly differ among developing countries, it is essential to consider the priorities of each country and the fields to be targeted to meet the conditions in each country.

(1) Fundamental Ideas in Assistance in Developing Countries

The report by the Study Group on Innovation and IP Policies entitled “New IP Policies for Innovation Promotion (August 2008)” proposed that “the Intellectual Creation Cycle should encourage autonomous, economic development of developing countries not only by encouraging the creation of intellectual property systems but also by sharing successful cases involving intellectual property, with developing countries in providing assistance to them.”

In terms of assistance to developing countries, it is important to raise their awareness on intellectual property and encourage them to take action on their own to build intellectual property systems, in order to promote their autonomous economic development.

Japan, under the aim of promoting autonomous, economic development in developing countries, provides assistance to activities devoted to discovering specialty products with unique characteristics and which are deeply-entrenched in local communities. Japan works to develop those products under the concept that each country is capable of raising itself up based on its own efforts alone, such as on the “one village/one product campaign.” In order to continuously develop industries in those local communities, it is important to provide assistance so that innovations and unique brands developed in those local communities can be promoted and developed through the use of intellectual property.

Japan has gone through many experiences that in the end have improved its international competitiveness by building its intellectual property system that promotes the Intellectual Creation Cycle consisting of creation, protection and utilization of intellectual property. Therefore, with regard to assistance in developing countries, it is considered effective to promote the building of an intellectual property system in those countries and to share successful case studies in which intellectual property has been used so as to promote the intellectual creation cycle and autonomous, economic development in those countries.

Since Japanese companies’ needs for acquiring high-quality rights for markets in emerging Asian countries’ are increasing due to economic globalization, it is becoming more and more important to help improve patent examination capabilities in emerging Asian countries and to promote the utilization of the JPO’s examination results. Therefore, it is necessary for Japan to continually make concrete efforts to strengthen cooperation with emerging Asian countries. Japan considers it important to further deepen relationships with developing countries, mainly in the Asia region, and to assist Africa.

(2) Expansion of Assistance to African Countries

The JPO has strongly supported the training of IP experts, along with giving assistance for computerization, in developing countries mainly in the Asia-Pacific region. It has provided technical assistance in the field of intellectual property in the region through the WIPO Funds-in-Trust/Japan¹. In order to develop IP human resources in Africa using the expertise on human resources development and technical cooperation obtained through those activities so far, since FY2008, the JPO has expanded the assistance to establish a fund for Africa under the name of the WIPO Funds-in-Trust/Japan. This fund aims to assist human resources development targeting administrative officers, business owners and legal specialists in Africa to promote autonomous, economic development utilizing intellectual property in Africa.

(3) Cooperation in the Development of Human Resources

1) Sending Experts

The JPO sends JPO officials to developing countries through the Official Development Assistance (ODA) scheme such as the WIPO Funds-in-Trust/Japan. The experts sent mainly give on-site instructions on examination practices, computerization, and so forth.

2) Acceptance of Short-term and Mid-term Trainees to Japan²

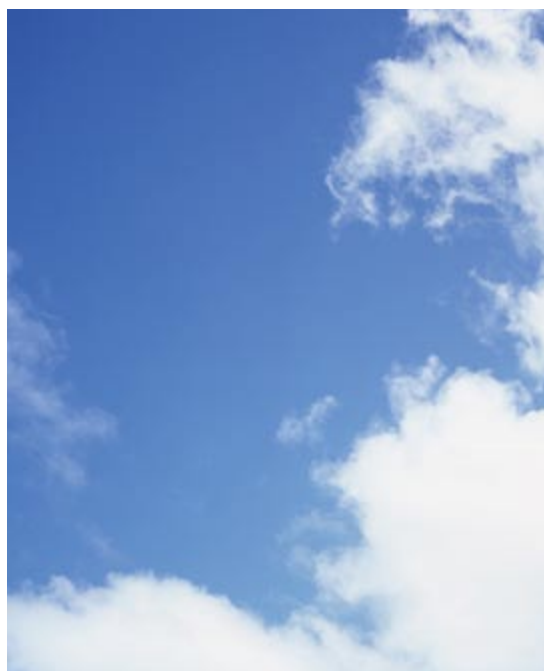
The JPO provides training, focusing on training programs mainly to patent examiners and administrative officers in

developing countries, in order to develop human resources for strengthening the protection of intellectual property rights. The JPO has accepted a total of 3,931 government and civilian trainees from 63 countries and four regions (mainly from the Asia-Pacific region) from April 1996 to March 2012.

From FY2009, the JPO has been providing a mid-term training program (three months) focusing on search and patent examination practices. It invited three patent examiners from Brazil and two from India in FY2012.

3) Acceptance of Long-term Trainees²

The JPO invites to Japan individuals who are taking, or who will be taking, leadership roles in the field of intellectual property rights in developing countries. The program lasts six months and offers an opportunity for the trainees to conduct self-initiated studies on intellectual property rights. In FY2012, the JPO accepted a total of four long-term trainees, one each from Cambodia, Thailand, Brazil and China.



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 developing countries which join both WIPO and the Economic and Social Commission for Asia and the Pacific (ESCAP), such as the holding of symposia, acceptance of trainees and Intellectual Property Rights (IPR) research students, sending of experts, and computerization of IP offices.

² Website of Cooperation Project for IP Human Resource Development (http://www.training-jpo.go.jp/en/modules/pico2/index.php?content_id=2)

4) Holding Follow-up Seminars

The graduates of the training programs have created voluntary organizations called “alumni associations,” in their countries. Together with the alumni associations and the local IP offices, the JPO conducts follow-up seminars every year. The objective of the follow-up seminars is to assist maintaining and following-up the achievements of the training in Japan, strengthening collaboration among trainees and developing awareness on intellectual property systems in their home countries. In FY2012, follow-up seminars were held in the Philippines, India, Indonesia and China.



February 27, 2013, Follow-up Seminar in Indonesia (Jakarta)

5) Implementing Technical Cooperation Projects¹

Making use of the ODA program, the JPO sends experts to developing countries for long periods of time to assist the development of intellectual property systems and human resources, and build awareness on IP in those countries.

Currently, the “Project for the Strengthening Intellectual Property Rights Protection (April 2011 - April 2015)” and the “Project for Strengthening the Enforcement of Intellectual Property Rights (June 2012 - June 2015)” are being implemented in

Indonesia and Vietnam, respectively. The JPO provides technical assistance and advice through sending experts and accepting trainees. The expected achievements include: for Indonesia, enhanced functions of IP-related enforcement institutions, improvement of examination capacities of the Directorate General of Intellectual Property Rights (DGIPR), and utilization of intellectual property rights at higher educational institutions such as universities; and for Vietnam, enhanced functions of the National Office of Intellectual Property (NOIP) and IP-related enforcement institutions.

6) Holding Forums, Workshops, etc.

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

a. WIPO Sub-regional Workshop on Effective Use of the PCT System: The Experience of Asian Countries

This workshop was held in Thailand in May 2012 for official of IP officers and users in developing countries in the Asia-Pacific region with the aim of deepening participants’ understanding of the PCT system and providing help to promote the use of the PCT system, through sharing information on recent trends and effective ways to use the PCT system. About 30 persons from Asian countries, WIPO, the JPO, etc. participated in the workshop, and actively exchanged views on promotional activities for the PCT system and the necessity of various support for industrial and technological development.

b. WIPO Regional Forum on Intellectual Property (IP) and Environmentally Sound Technologies (ESTs)

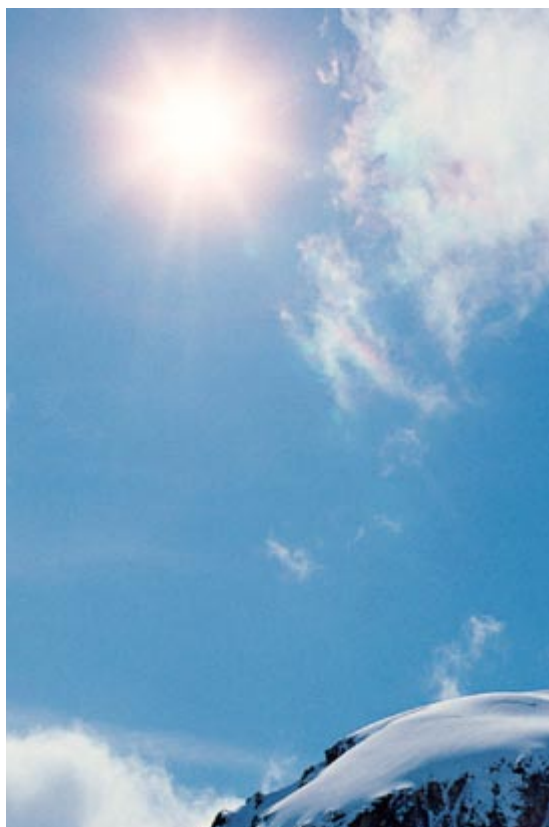
This workshop was held in Sri Lanka in May 2012 to deepen participants’ understanding of the usefulness of intellectual property in advancing environmentally friendly technologies; and of the international support available for promoting sustainable development through

¹ A technical cooperation project is a form of project implemented during a certain period as one project consisting of three cooperation methods (cooperation tools), sending experts, acceptance of trainees and provision of equipment.

the transfer of environmentally friendly technologies and for enhancing access to environmentally friendly technologies. About 50 senior officials and private sector representatives working in intellectual property and environmental protection in Asian countries participated in the workshop. They shared information on the importance of intellectual property in advancing environmental engineering as well as on efforts to improve the environment in their respective countries.

c. Training Program on Classification Standards for Trademark Examiners

This training program was held in Kenya in July 2012 with the aim of providing opportunities for trademark examiners to be trained on the international classification system, so that they can contribute to modernizing their countries' administrative operations. About 40 persons from fourteen African countries, OAPI, WIPO and the JPO participated in the training program.



d. WIPO Regional Seminar on The Legislative, Economic and Policy Aspects of the Utility Models Protection System

This workshop was held in Malaysia in September 2012 with the aim of sharing information on the legal approaches and applications of respective countries' utility model systems and deepening participants' understanding of the utility systems' usefulness. About 60 senior officials from IP offices in Asian countries and other persons participated in the workshop, and shared information on the usefulness and legal aspects of the utility systems through actively exchanging opinions among each other.



September 3 and 4, 2012, Malaysia (Kuala Lumpur)

e. WIPO ASEAN Sub-regional Workshop on the Establishment of an Information Technology (IT) Infrastructure for the Effective Utilization of Patent Examination Results of Other Intellectual Property Offices (IPOs)

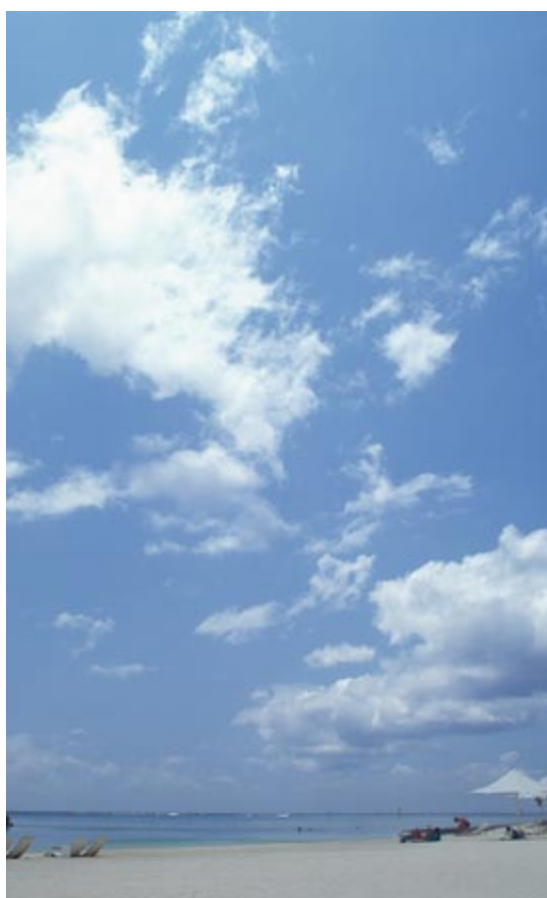
This workshop was held in Japan in September 2012 with the aim of deepening participants' understanding on establishing an IT infrastructure that will make it possible to share patent examination results with other intellectual property offices, as well as share information on the current status and issues on how IT can be applied at the respective intellectual property offices. About 25 persons, including IT officials from ten ASEAN countries, participated in the workshop, and actively discussed and exchanged views. They attained the common understanding on the infrastructure for global work sharing, and shared

information on issues and future IT plans at the respective intellectual property offices.

f. Training Program on Successful Technology Licensing (STL) for the African Network Drug (ANDI)

This training program, which was held at the WIPO headquarters in Switzerland in October and November 2012, was mainly for officials at research institutions belonging to ANDI¹. Its purpose was to provide participants opportunities to cooperate with developed countries in the area of drug development and to gain a deeper understanding on technology licensing.

About 20 persons from eleven African countries, ANDI, WIPO and the JPO participated in the training program.



¹ the African Network for Drugs and Diagnostics Innovation (ANDI) established in 2008 to create a sustainable platform for R&D innovation in Africa so as to meet local needs for health

g. WIPO ASEAN Sub-regional Seminar on Accession to the Geneva Act of the Hague Agreement

This seminar was held in the Philippines in December 2012 for ASEAN countries with the aim of deepening participants' understanding of the requirements for acceding to the Hague Agreement in terms of the actual procedures, operations, and merits of acceding to the agreement. Its purpose was to enable members to share information on issues concerning accession. About 30 persons, including representatives from intellectual property offices of ASEAN countries, participated in the seminar. They actively exchanged views on promoting accession to the Hague Agreement.

h. WIPO Regional Workshop on Building Respect for Intellectual Property

This workshop was held in the Maldives in February 2013, with the aim of sharing information on how to differentiate counterfeit products from authentic products, what measures should be taken to combat counterfeit products, and what should be the future plans of the respective participating countries. Japan, the UK and other developed countries explained their experience and knowledge to the participating countries. About 30 persons, including senior officials as well as those in charge of making promotional policies, participated in the workshop, sharing their specialized knowledge on the intellectual creation cycle and the importance of enhancing enforcement, creating policies for supporting anti-counterfeiting measures, cooperation with other governments, etc.



February 13 and 14, 2013, Maldives (Male)

i. WIPO Workshop on Effective Utilization of Search Results and Communications Derived from the Patent Cooperation Treaty (PCT) System in the National Stage

This workshop was held in Japan in February 2013 with the aim of deepening participants' understanding of how to utilize PCT international search reports (ISR) and international preliminary examination reports (IPER) for national examinations. It was also designed so members could share information on the preparation of search reports and the examination practices in the national phase. About 30 persons, including patent examiners at intellectual property offices from Asian and African countries participated in the workshop. They discussed the status and issues of examination methods in the national phases at their respective countries.



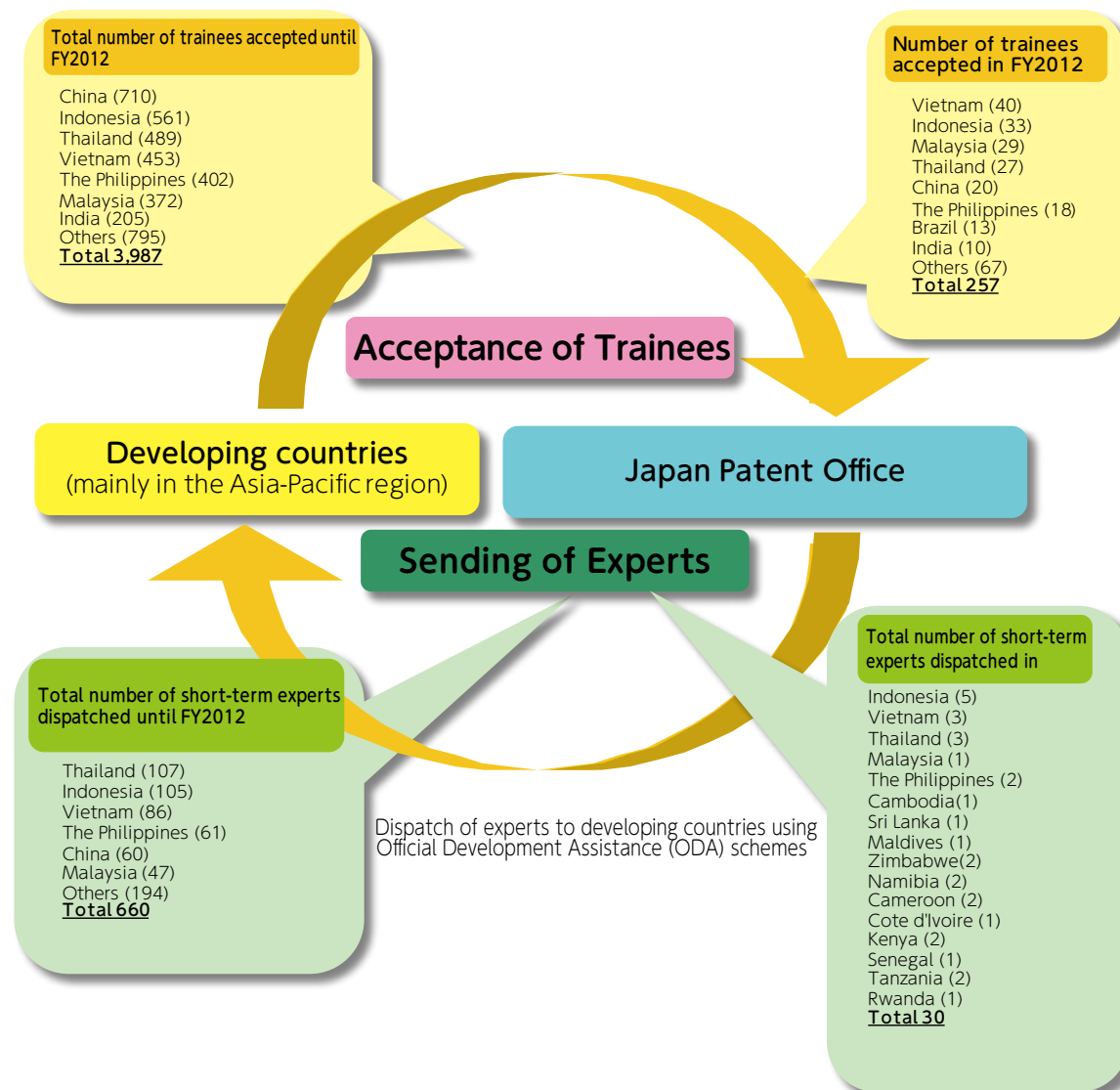
February 27 to March 1, 2013 in Japan (JPO)

j. African Conference on the Strategic Importance of Intellectual Property (IP) Policies to Foster Innovation, Value Creation and Competitiveness

This conference was held in Tanzania in March 2013 for policy makers, researchers, and corporate representatives, with the aim of deepening participants' understanding on the importance of intellectual property in terms of business development and economic growth, and enhancing their awareness of the importance of establishing intellectual property policies on the national and local governmental levels. About 200 persons participated in the conference, including the President of Tanzania, and the ministers and IP office heads of African countries, as well as officials of ARIPO, OAPI, the African Union (AU), the United Nations Development Programme (UNDP), WIPO and the JPO.



[Figure 4-1-3 Results of Human Resource Development Cooperation with Developing Countries]



(4) Cooperation on Information Technology

Responding to requests from Indonesia, Thailand, the Philippines, Vietnam and Malaysia, the JPO sent experts to these countries from 1995 to 2009 under ODA programs, and cooperated on establishing the IT systems needed by these countries, such as administrative processing systems, intra-office search systems, information provision systems (industrial property digital libraries (IPDL), etc.) and electronic filing systems. This was in addition to working on developing human resources. Currently, the JPO cooperates with Southeast Asian

countries, providing guidance and advice by sending experts to these countries.

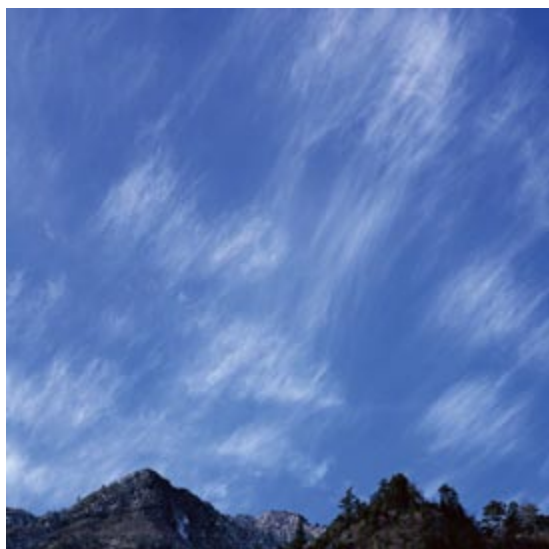
On the other hand, with the increase in the number of patent applications, work sharing of examination process has been advanced among the Offices. Furthermore, the importance of work sharing contributing to further improving efficiency and quality of examination has been increased in the ASEAN countries which have become a region of burgeoning economic growth in recent years.

In response to this, it is the urgent need to build IT infrastructure that will help

the ASEAN countries enhance the efficiency and quality of examination processes. Therefore, the JPO will promote cooperation on the ASEAN countries towards the realization of building IT infrastructure, in cooperation with WIPO.

(5) Cooperation in the Area of Examination: the Advanced Industrial Property Network (AIPN)

The AIPN is a system that provides examination information in Japan to intellectual property offices in other countries. The purpose is to reduce the duplication of work at intellectual property offices by effectively using examination results of corresponding patent applications in Japan so as to expedite the acquisition of rights by applicants at these other offices. The AIPN enables examiners at intellectual property offices outside Japan to obtain online information in English on documents used for examination procedures, information on the legal status of patent applications, cited documents on examinations of post-grant claims, and patent families. In addition, since March 2013 the AIPN makes use of the Google machine-translation function, so now users can use languages other than English to access to the AIPN. As of April 2013, the AIPN was available to 61 countries/organizations.



4. Measures to Combat Counterfeit Products

Even nowadays, the production and circulation around the world of counterfeit and pirated products in countries and regions that do not have effective systems to protect intellectual property rights is causing significant damage worldwide, becoming a serious problem to Japanese companies. This section outlines the efforts that the Japanese government, including the JPO, has made to combat counterfeit products.

(1) Current Status of Issues Involving Counterfeit Products

People all over the world are experiencing problems caused by counterfeit and pirated products in recent years, with the damage becoming more diverse and complicated. In line with the economic globalization and the economic growth of the Asian region, the number of trademark, copyright and other intellectual property rights infringements is increasing in the Asian region, with many counterfeit products produced in the Asian region being distributed around the world. The volume of counterfeit goods being prevented from entering Japan at its borders is increasing year by year.

Also in regard to the growing amount of damage being caused by counterfeiting, we have seen the volume of damage caused by counterfeit and pirated products that are sold over the Internet increase due to the growth of the Internet and e-commerce worldwide. In addition, perpetrators of counterfeit and pirated goods are becoming more sophisticated in line with advances in technology and the intent, as they seek ways to escape from law enforcement and crackdowns. In many cases, convictions in earlier infringements are being repeated over and over. Furthermore, the issue of usurped applications is becoming more serious. This is when third parties, who have no rights to file applications for trademarks or designs, file applications anyway.

This flooding of counterfeit and

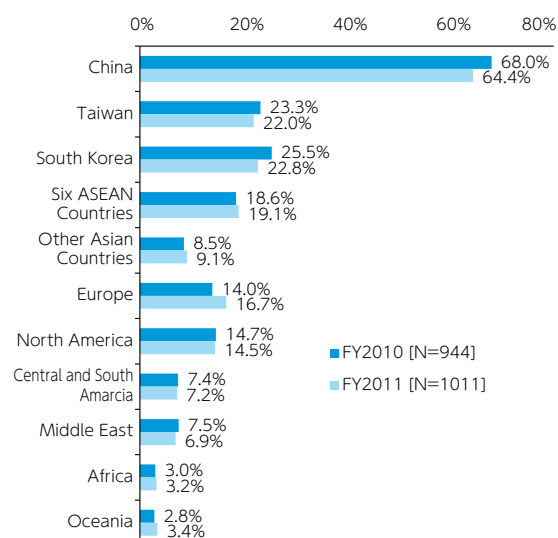
pirated products can have harmful consequences, which include damage to health caused by counterfeit drugs, product safety issues, funding for criminal syndicates, potential loss of sales opportunities, and tarnished brand images in the minds of consumers.

With regard to Japanese companies damaged by counterfeiting, 64.4 % of companies reported that they have been damaged by counterfeiting in China, and 22.8% of the companies reported that they had been damaged by counterfeiting in South Korea. The damage caused by counterfeiting in these countries is still very serious. Following these countries, 19.1% of the companies reported that they had been damaged in six ASEAN countries¹.

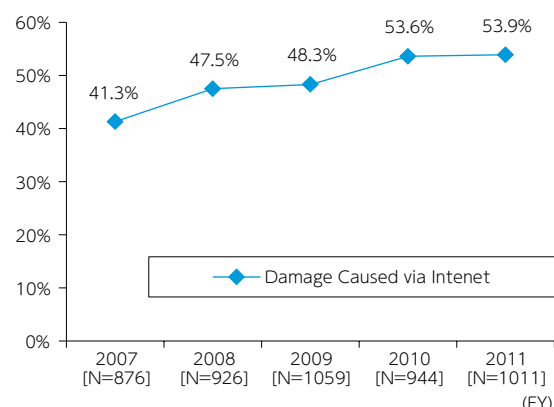


¹ The countries are Indonesia, Thailand, Malaysia, Singapore, Vietnam and the Philippines.

[Figure 4-1-4 Losses Caused by Counterfeiting in Overseas Countries/Regions (% of Companies Damaged, Multiple Responses)]



[Figure 4-1-5 Trend in Damage Caused via Internet]



(2) JPO's Efforts to Stop Counterfeiting

1) Approaches and Support to Other Governments

Four memoranda on the protection of intellectual property were concluded between the governments of Japan and China in 2009 to enhance cooperation and dialogue on the protection of intellectual property. Specific cooperative efforts are under way based on these memoranda, and counterfeit product issues are discussed at the annual meeting of the Japan-China Intellectual Property Right Working Group. Also, the JPO is highlighting the importance

of protecting intellectual property, at multilateral meetings such as that of WIPO's Advisory Committee on Enforcement. Furthermore, the WIPO Japan Office held the "HONMONO" (genuine goods) Manga Competition in 2010, and conducted outreach activities to make people aware, through the use of a cartoon, of the damage caused by counterfeit products. The cartoon was translated into multiple languages to raise people's awareness of the importance of protecting intellectual property. In addition, as part of its efforts in assisting with the enhancement of regulations in developing countries, the JPO invites customs officials, police, and members of the courts from the local authorities in Asian countries as trainees to Japan each year; and holds seminars in developing countries also. Through these efforts, the JPO helps developing countries develop human resources in the area of enforcement officers.

2) Anti-Counterfeiting Trade Agreement (ACTA)

Japan proposed an "Anti-Counterfeiting Trade Agreement (ACTA)" at the G8 Summit in 2005, which is a new international legal framework to enhance the enforcement of intellectual property rights. Following negotiations among countries¹, eight countries including Japan signed the agreement at a signing ceremony held in Tokyo, Japan, in October 2011². In October 2012, Japan deposited the instrument of acceptance, and became the first Party of the ACTA. The ACTA will enter into force thirty days after the date of deposit of the sixth instrument of ratification, acceptance or approval.

¹ Countries that participated in the negotiations: Japan, the U.S., the EU, Switzerland, Canada, South Korea, Mexico, Singapore, Australia, New Zealand and Morocco (ten countries and one region)

² Parties of ACTA (as of February 2013)

- Japan, the U.S., Canada, South Korea, Singapore, Australia, New Zealand, Morocco (October 2011)
- The EU and 22 EU member states out of 27 all member states (January 2012)
- Mexico (July 2012)

In order to improve the effectiveness of measures designed to combat counterfeit and pirated products, the ACTA enhances the framework for enforcement under the WTO/TRIPS Agreement. Specifically, the ACTA has provisions to bring exports under customs control, make counterfeit labels illegal, and make the trading of devices illegal, which are designed to circumvent various functions that restrict audio-visual output and other uses.

The ACTA Parties are expected to deepen other countries' understanding of the agreement, taking advantage of various opportunities such as bilateral and multilateral meetings; and to urge other countries in Asia and other regions to be Parties to the agreement.

3) Collaboration with the Industrial World

The "International Intellectual Property Protection Forum (IIPPF)" was established in April 2002, as a forum in which companies and associations that have a strong incentive to solve the problem of intellectual property infringements overseas caused by counterfeit and pirated products can gather together. At the Forum, members from various industrial sector express their opinions and take concerted actions directed towards domestic and foreign government agencies. The Forum also works to reinforce cooperation with the Japanese government, functioning as a center to promote joint cooperation between the Japanese government and the private sector on issues that individual companies and associations cannot deal with individually, thereby contributing to the protection of intellectual property. The IIPPF saw its tenth year in 2012. With the IIPPF functioning as the center to promote joint cooperation between the Japanese government and the private sector, the Japanese government can completely understand the current circumstances of the Japanese industrial world, and reflect its understanding in policies; while the private sector can flexibly deal with requests from foreign governments with which the Japanese industrial world

alone cannot respond to on its own. Therefore, the Japanese government and private sectors can complement each other, and collectively take effective measures against issues on intellectual property. With regard to the Chinese government, in particular, when the Japanese government was not able hold meetings with the Chinese government to discuss intellectual property, the IIPPF served as facilitator in promoting joint cooperation between the Japanese government and private sector, and make it possible for a meetings to be held again between the Chinese government and Japan. Furthermore, in recent years after meetings between the Japanese and Chinese governments on intellectual property were established, the IIPPF participates in such meetings as an observer for its future activities, while at the same time the Japanese government and the IIPPF closely cooperate with each other to promote the protection of intellectual property, for example, by taking the IIPPF's activities into account for discussions between the Japanese and Chinese governments.

The JPO supports the efforts of the International Intellectual Property Protection Forum. Concerning China, in particular, high-level missions jointly involving the public and private sectors were sent eight times so far in collaboration with the IIPPF and the government. The JPO collected opinions and requests from Japanese companies on willful trademark applications, improved access to judgments concerning intellectual property, and abuses of utility model rights. It also requested the Chinese governmental organizations for assistance in developing legal systems and improving operations. In addition, the IIPPF holds seminars for officials of enforcement agencies of ASEAN countries and others on how to distinguish authentic products from counterfeit products. It also supports Intellectual Property Group (IPG), local groups in foreign countries, which promote both the exchange of information and cooperation with the foreign governments on issues concerning

intellectual property such as counterfeit and pirated products.

4) Collecting and Providing Information on Anti-counterfeiting Measures

In order to understand the damage that Japanese companies suffer overseas, the JPO each fiscal year conducts a survey and publishes the results in its survey entitled "Survey Report on Losses Caused by Counterfeiting." In addition, with the aim of assisting Japanese companies' business activities overseas, the JPO sends researchers to overseas offices (North America, Europe, China, South Korea, Taiwan, Southeast Asia, and India) to conduct research activities and offer consultation there. It 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 the "Collection of Case Examples/Court Precedents of Intellectual Property/Right Infringements" . The Collection contains actual cases, court precedents relating to IPR infringements, 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.



5) Response to Consultations Concerning Countermeasures against Counterfeit Products

The JPO responds to individual consultations concerning counterfeit products (industrial property rights infringements) from rights holders, providing them necessary information by closely cooperating with the APEC IPR Service Center (Counterfeit Product Measure/Commercial Office, Manufacturing Industries Bureau, Ministry of Economy, Trade and Industry) and other related ministries and agencies. In addition, the JPO provides consulting services on foreign industrial property right systems and on countermeasures against industrial property infringements targeting Japanese companies. The JPO also provides information; for example, it provides information on foreign countries' countermeasures against counterfeits (a mini guide on measures against infringements), and "Q&As Collected from Consultation Cases," which explains countermeasures in the form of questions and answers based on consultation cases on countermeasures against counterfeit.

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

With the aim of efficiently cracking down on counterfeiting within Japan, the JPO responds to inquiries from police and customs about infringements of industrial property rights. The number of inquiries from the police and other was 840 in 2012. Also, in order to enhance the enforcement of intellectual property rights, the JPO aims to strengthen cooperation with Japanese law enforcement authorities; for example, the JPO sends instructors to give training on intellectual property to Japanese customs officials.

7) Activities to Raise Consumer Awareness

Considering the high percentage of consumers who think that buying counterfeit products is not a problem, the JPO is

working to raise consumer awareness in this area. Specifically, the JPO organizes Anti-Counterfeiting Campaigns every fiscal year with the objective of further raising domestic customer awareness on the importance of intellectual property rights and informing domestic customers that counterfeiting and piracy have adverse effects.

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

Japan has actively concluded Economic Partnership Agreements (EPAs) mainly with Asian countries that have deep economic and cultural ties with Japan. Under these circumstances, the intellectual property field is one of the fields of EPA negotiations and is part of the Japan's efforts to prepare the environment that will contribute to expanding trade and investment. In the field of intellectual property, Japan aims to ensure: i) adequate, effective and non-discriminatory protection of intellectual property, ii) efficient and transparent administration over the intellectual property protection system, and iii) adequate and effective enforcement of intellectual property rights, taking into consideration trade relations and the scale of intellectual property problems, etc.

(EPAs already came into force)

- 1) Japan-Singapore EPA (came into force in November 2002)
- 2) Japan-Mexico EPA (came into force in April 2005)
- 3) Japan-Malaysia EPA (came into force in July 2006)
- 4) Japan-the Philippines EPA (came into force in December 2008)
- 5) Japan-Chile EPA (came into force in September 2007)
- 6) Japan-Thailand EPA (came into force in November 2007)
- 7) Japan-Brunei EPA (came into force in July 2008)

- 8) Japan-Indonesia EPA (came into force in July 2008)
- 9) Japan-ASEAN Comprehensive EPA (came into force in December 2008)
- 10) Japan-Vietnam EPA (came into force in October 2009)
- 11) Japan-Switzerland EPA (came into force in September 2009)
- 12) Japan-India EPA (came into force in August 2011)
- 13) Japan-Peru EPA (came into force in March 2012)

These EPAs include measures such as more simplified and transparent procedures and strengthened protection of intellectual property rights and the enhanced enforcement thereof. They provide for strengthening the protection of intellectual property rights beyond the level of protection stipulated in the TRIPS Agreement.

(EPAs under negotiation)

In addition to the above, Japan is negotiating with Australia, Mongolia, Canada, and other countries to conclude EPAs. Furthermore, Japan has started negotiations for a Japan-EU EPA with the EU, Regional Comprehensive Economic Partnership (RCEP), and a Japan-China-Korea FTA, aiming for large economic partnership covering wide areas.

Also, negotiations with Asia/Pacific countries are currently underway on the Trans-Pacific Partnership (TPP), which is a regional initiative to create the Free Trade Area of the Asia-Pacific (FTAAP), and on the RCEP, etc. At a ministerial meeting held in April 2013, eleven countries participating in the TPP negotiations issued a joint statement, welcoming Japan as a new participant in the negotiations.

