



Part 3

Efforts Made by Japan through International Frameworks





1. Efforts on Multilateral Meetings

This section presents initiatives that the JPO has undertaken in the area of multilateral meetings such as the IP5 Meetings whose member offices handle nearly 80% of all patent applications filed worldwide; the Trilateral Conference among the JPO, the EPO, and the USPTO; the TM5 Meetings whose second meeting was held in December 2013; the ASEAN-JAPAN Heads of Intellectual Property Offices Meetings, which will gain even greater importance in the future; and the Trilateral Policy Dialogue Meeting among the JPO, the SIPO and the KIPO whose recent meeting was held in Sapporo in November 2013.

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

1) Background

Approximately 1.88 million patent applications, which account for nearly 80% of the 2.35 million patent applications filed in 2012 worldwide, 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., when they held 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 the maintenance and improvement of quality of examinations, in order to respond to the increase in patent applications being filed and the associated increase in workload. Also, in order to advance projects aimed at standardizing application formats, enabling easy access to examination results of the Offices, and making other important initiatives possible, vigorous discussions have been held on the working level in three working groups (WG1: Classification, WG2: Information Technology, and WG3: Examination).

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 the area of classification. In addition, the members discussed the issues and future roadmaps of services under the Global

Dossier Initiatives, which would like to have as soon as possible, agreeing to continue cooperation to promote the Global Dossier.

2) Outline of Each Project

a. WG1: Classification Harmonization¹

This is a project for segmentalizing the International Patent Classification (IPC) by making use of the detailed internal classification systems currently in use at each office. The IPC has already been issued for fourteen project fields among a total of eighteen projects that the IP5 Offices agreed to start, with discussions continuing on issuing the IPC for the remaining project fields. WG1 held its first meeting after an agreement had been reached to initiate activities on the GCI in November 2013, and decided to start new projects to revise the classification of sixteen technical 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. Policies and definitions of common documentation have been agreed, with discussions still ongoing as to each office’s analysis of a search database and the exchange of media-less data.

Global Dossier²

The Global Dossier aims to connect the IP5 Offices’ systems, including their databases of information related to applications and examination (dossier information), in order to develop a virtual common system that will enable examiners, applicants, and the general public to easily access necessary data. The IP5 Offices released in July 2013 the one portal dossier (OPD) that enables the one-stop display of dossier information on related applications at each office. Currently, efforts are underway based on the Global Dossier Initiative to use the OPD as a core system for collaborating with WIPO-CASE, which WIPO has developed for small and medium-sizes offices so as to enable them to

¹ See Part 2, Chapter 1, 4.(3), 1)

² See Part 2, Chapter 5, 2, (2)

share dossier information among WIPO-CASE participants. This is aimed at expanding networks so that they can share dossier information and make such information available to general users. In addition, a mid- to long-term study is being conducted on a service that will simplify procedures and enable applicants to file applications to multiple countries more easily and quickly.

Common Application Format

This is a project that enables applicants to submit description, claims, abstract, and drawings of patent applications to every office based on a common application format. In 2012, the IP5 Offices finally agreed the Common Application Format (CAF) Definition, with the JPO playing a leading role in preparing it. The IP5 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 IP5 Offices.

c. WG3: Examination Practice-related Projects Common Training Policy

This is a project to enable all the IP5 Offices to share information with the other offices about examiner training. The IP5 Offices are discussing what specific actions should be taken in the future, such as having their respective examiners participate in seminars conducted by the other offices.

Common Examination Practice Rules and Quality Management

This is the project for finally standardizing the examination practices rules and the quality management system by sharing information and analysis about them among the IP5 Offices. In 2013, the IP5 Offices discussed developing guidelines on search practices and holding meetings on quality management. As a result, the IP5 Offices agreed to develop such guidelines after they have selected the technical fields to be covered. In addition, they agreed to hold an IP5 Quality Management Meeting at the time when

the next meeting of WG3 is convened.

Common Statistical Parameter System for Examination

This is a project for clarifying statistical parameters (indexes) that have different definitions among the IP5 Offices, and for creating common examination statistical parameters comparable at each office so as to enable the statistical information on examination processes to be exchanged based on using the comparable statistical parameters. The IP5 Offices have decided to study how they should correct such common statistical parameters and how they should drive work sharing based on statistical information exchanged under such common parameters.

Patent Prosecution Highway among IP5 Offices¹

This is an initiative for launching a Patent Prosecution Highway (PPH) pilot program among just the IP5 Offices, under the objective of further improving the PPH. The IP5 Offices started the pilot program in January 2014. This means that now there are PPH programs being implemented between the EPO and SIPO, as well as between the EPO and KIPO. PPH programs were not being implemented between these office-pairs before. In addition, all PPH programs, i.e., the regular, the MOTTAINAI, and the PCT, are now being implemented. The IP5 Offices will further discuss how to improve quality management systems through the PPH arrangements among the IP5 Offices.



¹ See Part 2, Chapter 1, 4, (2)



The sixth Meeting of the IP5 Heads of Office in June 2013 in Silicon Valley, the U.S.
(Photo, from left to right) KIPO Commissioner Kim, SIPO Commissioner Tian (now retired), USPTO Acting Director Rea (now retired), EPO President Battistelli, JPO Commissioner Fukano (now retired), and WIPO Director General Gurry

3) Patent Harmonization

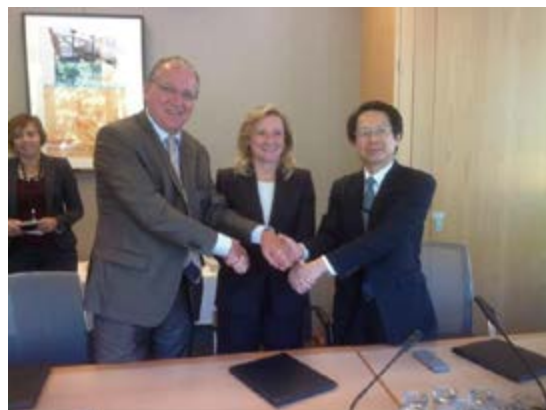
At the fifth Meeting of the IP5 Heads of Office held in June 2012, it was agreed to establish a Patent Harmonization Experts Panel to discuss system harmonization among the IP5 Offices. At the second meeting of the Patent Harmonization Experts Panel held in November 2013, experts from the IP5 Offices, after having shared the latest information on the results of patent system surveys, discussed which topics should be studied in the future to achieve harmonization, and how to proceed with the studies

(2) Trilateral Conferences among the JPO, the EPO and the USPTO

The Trilateral Offices, namely the JPO, the EPO and the USPTO, established a Trilateral Conference in the early 1980s to solve issues caused by a rapid increase in the number of patent applications being filed. The JPO, the USPTO and the EPO held their first Trilateral Conference in 1983. The Trilateral Conferences have been held to discuss a wide range of subjects such as Information Technology (IT), work sharing, and the PCT. The Trilateral Cooperation celebrated an historic event, its 30th year, in November 2012.

At the 31st Trilateral Conference in September 2013, the Trilateral Offices decided to discuss mutual interests between the Trilateral Offices and Industry at future Trilateral Conferences. The Trilateral Offices also decided

to undertake joint projects and to hold ad hoc meetings as appropriate.



31st Trilateral Conference held in September 2013 in Geneva, Switzerland

(Photo) EPO President Battistelli, USPTO Acting Director Rea (now retired), JPO Commissioner Hato (now retired)

(3) TM5 Annual Meeting

1) Background

The “TM5” is a framework¹ established in December 2011 under which the Japan Patent Office (JPO), the United States Patent and Trademark Office (USPTO), the Office for Harmonization in the Internal Market (OHIM), the Korean Intellectual Property Office (KIPO) and the State Administration for Industry and Commerce (SAIC) cooperate to ensure that trademarks and designs of companies in their countries are securely protected and properly used all over the world. The first TM5 annual meeting was held in Barcelona, Spain in October 2012.

The second TM5 annual meeting was held in December 2013, in Seoul, Korea. During the Meeting, the TM5 offices discussed joint projects and held a user session with representatives from user organizations participating in and exchanging their views on joint projects, as well as on the systems and operations in their respective countries.

2) Outline of Projects on Trademarks*

*Offices in the parentheses are the lead offices

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.

a. Project against Bad Faith Trademark Filing (JPO)

The registering of trademarks by third parties, who are in no way related to the owners of the trademarks such as famous regions or brand names, with overseas offices without the owners' consent is a serious issue. Trademark registrations of this type are called "bad faith trademark filings." As part of this project, the JPO held a seminar in October 2013, which was called the "Seminar on Bad-faith Trademark Filings". This seminar was highly recognized at the second TM5 annual meeting, as a forum to provide users with information about the systems of various countries. The JPO agreed to hold a second Seminar on Bad-faith Trademark Filings in tandem with the 136th Annual Meeting of the International Trademark Association (INTA) held in Hong Kong in May 2014.

b. Project for Image Search of Figurative Trademarks (JPO)

This is a project for jointly studying the feasibility and issues of using an image search system for trademark examinations, in order to reduce the work involved with searching figurative trademarks. Currently, searches are being conducted based on the Vienna Classification. At the second TM5 annual meeting, the JPO presented an interim report, showing the results of its study conducted to solve issues with image search systems. The TM5 offices agreed to hold a working-level meeting to discuss the subjects in more detail.

c. Project to Improve Convenience of Applicants of the Madrid Protocol by Enriching Information Provision (JPO)

The number of applicants who use the Madrid Protocol has been increasing year after year, because the protocol allows applicants to file one application to register their rights with multiple offices. However, legal systems and procedures to acquire trademark rights differ from country to country, such as deadlines given to applicants to respond to office actions, so applicants have difficulty in accessing information they need. There is also the issue of language barriers as well. In order to solve this issue, the JPO proposed a new project to provide

information that users need in a more user-friendly manner, based on cooperation among the TM5 offices. Based on views submitted by the partner offices to the JPO, it is scheduled to present its detailed proposal at the next TM5 interim meeting scheduled for May 2014.

d. Project for User-friendly Access to Trademark Information (OHIM)

The TM5 offices are considering whether to participate in "TM view", a tool to enable users to search and check applications and registered trademarks of national trademark offices in detail, all at one time. This is information stored by the OHIM.

e. Project for Taxonomy and TMclass (OHIM)

"TMclass" is a tool developed by OHIM that enables users to search and check the identifications of goods and services at one time.

"Taxonomy" is an attempt to introduce a hierarchical structure into the identifications of goods and services stored in TMclass and display such identifications. Officers in charge of classification at the TM5 offices gathered in the U.S. in October 2013 to hold a TM5 Classification Experts Meeting. They agreed to continue discussions on the hierarchical structure and group titles.

f. Project for Common Statistical Indicators (OHIM)

This is a project to regularly exchange data about each of the TM5 offices based on agreed common statistical indicators, and to verify such common statistical indicators. The TM5 offices have agreed to exchange their statistical data once a year, and post that data on the TM5 website.

g. ID Project (USPTO)

This is a project to create a list of indications of goods and services (the TM5 ID List), which will be regarded as acceptable indications that can be designated in trademark applications, and which will be acceptable to all the TM5 offices. Currently, the List contains about 15,000 indications of goods and services. In addition to the TM5 offices, five offices (Canada, Mexico, the Philippines, Russia and Singapore)



signed a Memorandum of Cooperation and are currently participating in this project. The TM5 offices have agreed to urge ASEAN member countries to participate in this project and requested WIPO to consider integrating the indications that are on the TM5 ID List into WIPO's MGS in the future.

h. Project for Common Status Descriptors (USPTO)

The TM5 offices are discussing the idea of creating a uniform set of status descriptors that each TM5 office would use to give users clear information about the status of any particular trademark applications or registrations. For example, the status descriptors will show that a right has elapsed, is current, or is being appealed.

i. Project for TM5 Website (KIPO)

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

j. Project for Comparative Analysis of Examination Results (KIPO)

This is a project to analyze the examination results of applications whose applicants designated the TM5 offices through the Madrid Protocol, in order to deepen each office's understanding of examination guidelines and practices at the other offices. KIPO proposed this project at the second TM5 annual meeting, with the TM5 offices agreeing to it.

3) Outline of Projects in the Field of Designs

Releasing a Comparative Report on Drawing Requirements for Designs

In order to enhance convenience to companies that file applications to register designs with multiple offices, the TM5 offices have agreed to decide by the next TM5 interim meeting, whether to release a report comparing view and drawing requirements at each TM5 office, such as the number and types of drawings, because the requirements differ from one TM5 office to another.

(4) 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 in terms of promoting 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 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 the ASEAN Region 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.

〈Specific Provisions of the Memorandum for Cooperation〉

- Improvement of industrial property protection systems including exchange of experiences and knowledge on industrial property policy and improvement of laws (statutes and case laws), regulations, guidelines or manuals, consistent with international standards
- Establishment of transparent and

streamlined examination procedures and practices including worksharing at the international level, exchange of experiences and knowledge on quality control and examiners' training and sharing statistical data, where appropriate, in a manner consistent with the respective national laws

- Industrial property administration including exchange of experience on general management and information technology (IT) infrastructure/systems
- Development of industrial property exploitation by the private sector including small-and-medium-sized enterprises
- Exchange of information and cooperation on appropriate initiatives to promote awareness of industrial property
- Cooperation in human resource development to advance the capabilities of the ASEAN IPOs

In April 2013, the third meeting of ASEAN-JAPAN Heads of Intellectual Property Offices was held in Kyoto. At the meeting, an action plan was adopted to be implemented in FY2013. Based on this action plan, new cooperative activities were promoted, 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.

In July 2014, the fourth meeting of ASEAN-JAPAN Heads of Intellectual Property Offices was held in Ho Chi Minh City. At the meeting, a new action plan was adopted to be implemented in FY2014. Based on this action plan, new cooperative activities are being promoted, including building human resource development schemes; supporting capacity-building of examination practices in the fields of designs and trademarks; holding seminars being hosted jointly by governments and private sectors; helping strengthen IT system infrastructure at each of the IP Offices to enhance efficiency in examinations and other work operations by means including utilization

of the WIPO-CASE system..

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

1) Trilateral Policy Dialogue Meeting

The JPO, the KIPO and the SIPO 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 13th Trilateral Policy Dialogue Meeting hosted by the JPO and held in Sapporo, Japan in November 2013, 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

The three offices released a report, compiled at The Joint Expert Group for Patent Examination (JEGPE), on a comparative study conducted on laws and examination guidelines involving "description requirements". In addition, they agreed to cooperate by exchanging information on their respective examination activities, in order to improve the quality of their patent examination practices.

b. Cooperation in the Field of Design

The three offices confirmed the fruitful results of the Japan-China-Korea Design Forum held in Wuxi, China in May 2013, where they exchanged views with users on subjects such as partial designs. In addition, they agreed to send their design experts to the Japan-China-Korea Design Forum to be held in Korea in May 2014, in order to actively cooperate on the forum.

c. Cooperation in the Field of Computerization

The three offices adopted and publicized their Ten Year Development Report summarizing their cooperative activities in the field of automation. In addition, the three offices confirmed that their website called TRIPO would be launched for the generic public during the 2013 Trilateral Policy Dialogue Meeting. TRIPO contains reports on comparative studies, statistics, and information on laws and

regulations in each of the countries. They agreed to cooperate further by better publicizing their website.

d. Cooperation in the Field of Human Resource Development

At the Human Resource Development Organization Heads Meeting of the CIPTC, IIPTI and INPIT, the three offices took note of the progress being made in the area of e-learning and other areas of their cooperative activities, agreeing to collaborate more going forward.

e. Cooperation in the Field of Trials and Appeals

The three offices took note of the importance of a Joint Expert Group for Trials and Appeals (JEGTA), whose first meeting was held in August 2013. They agreed to hold JEGTA meetings regularly to exchange information on their trial and appeal systems, and statistical data, as well as compare and study the differences in their trial and appeal procedures.

f. Trade Secret Protection

The JPO proposed and the three offices agreed that they would collect and exchange information on their initiatives designed to protect trade secrets, and conduct a study with experts in order to promote their cooperation for effective protection of trade secret.



The 13th Trilateral Policy Dialogue Meeting

2) Outline of Projects

The projects discussed at the 13th 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. The JEGPE released reports on comparative studies and comparative case studies on inventive step and novelty. They also released a report on a comparative study of utility models. The JEGPE discussed laws, regulations, and examination guidelines on “description requirements” at its 5th meeting held in 2013. After that, the 13th Trilateral Policy Dialogue Meeting adopted and released the JEGPE’s comparative study report on this subject¹.

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. The 4th forum was held in Wuxi, China in May 2013. The forum focused on protection of partial designs and GUIs. In addition to presentations made by representatives of the three countries on their respective systems and examples of applications filed by users, observers from the USPTO and WIPO made presentations on the U.S. system and the Hague Agreement, respectively.

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

• For the Comparative Study on Examination Practices among JPO, KIPO and SIPO: 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)

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

At the 11th JEGA held in Beijing, China in July 2013, the three offices exchanged views on how to proceed with discussions on the Global Dossier, as well on data quality management, data exchange, machine translation, and other subjects. In addition, at the Trilateral Policy Dialogue Meeting held in 2013, the three offices agreed to launch a website for the general public to show the three offices' activities in this regard. Furthermore, the three offices agreed to release a Ten Year Development Report summarizing the JEGA's activities over the last 10 years and it's already on their website.¹

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 three offices agreed to hold a meeting of organizational heads to discuss areas of mutual cooperation such as training conducted at IP human resource development organizations in each country. This meeting has been held every year since 2010. In September 2013, the fourth meeting was held in Seoul, Korea, with participants exchanging information on training and support given for intellectual property education at each organization. Also, with regard to their future cooperation, they agreed that all the three organizations would try to develop e-learning contents in English which they could share, and that they would cooperate to launch an official website. On the sidelines of the meeting, the second Korea-China-Japan Joint Seminar was held focusing on the current situation and future trends in patent infringement lawsuits, and typical trials and judgments in the three countries.

2. Initiatives for Developing Intellectual Property Systems in Developing Countries

The intellectual property system is an effective and necessary framework to develop business in developing countries also. Efforts to establish 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 an intellectual property system will lead to improving the landscape for trade and investment, leading to the further growth of these developing countries as a result of the increase in direct investment in them. From this standpoint, the JPO has been providing vigorous means of assistance for human resources development and informatization to reinforce the protection of intellectual property rights in developing countries.

This section outlines the JPO's efforts on developing intellectual property systems in developing countries, mainly focusing on those utilizing Official Development Assistance (ODA) programs.

(1) Fundamental Ideas about Assistance to Developing Countries

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 in some countries. Offering assistance to developing countries that are focusing on further improving their legal systems and operations is vital. Especially, since the deadline for LDCs to join the TRIPS Agreement was extended again, until July 1, 2021, by the Council for TRIPS in June 2013 based on the further requests from developing countries, 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

¹ <http://www.tripo.org/>



individually and the fields to be targeted, in order to meet the needs in each country.

(2) Initiatives based on ODA Programs

1) Funds-in-Trust/Japan (WIPO)

Since 1987, the Japanese government has been voluntarily contributing to the WIPO in its WIPO Funds-in-Trust/Japan. This Trust was established with these voluntary funds and is used to finance various projects designed for developing countries that participate in WIPO and the Economic and Social Commission for Asia and the Pacific (ESCAP). These funds are used to hold workshops, welcome trainees and long-term research students, send experts, and computerize IP offices. In addition to this, in 2008, the JPO has expanded its contributions, establishing a new fund for Africa and Least Developed Countries under the WIPO Funds-in-Trust/Japan, in order to promote sustainable economic development by improving intellectual property system in those countries.

2) Technical Cooperation Projects (JICA)¹

Currently, two projects are in progress in cooperation with JICA, one each in Indonesia and Vietnam. The Project for Strengthening Intellectual Property Rights Protection (April 2011 - April 2015) is being conducted in Indonesia, and the Project for Strengthening the Enforcement of Intellectual Property Rights (June 2012 - June 2015) is being conducted in Vietnam. In conducting these projects with JICA, the JPO sends experts on long-term assignments and welcomes trainees from these countries, depending on the situation, in order to assist the development of intellectual property systems, cooperate in developing human resources, and build awareness on IP. The expected achievements include: for Indonesia, enhanced functions of enforcement agencies designed to protect IP, 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 enforcement agencies assigned to protect IP.

(3) Specific Cooperation in the Development of Human Resources

1) Sending Experts

The JPO sends JPO officials to developing countries through the Official Development Assistance (ODA) programs described in Section 3 (2). The experts who are sent mainly give on-site instructions on examination practices, computerization, and so forth.

2) Welcoming 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 welcomed a total of 4,257 government and civilian trainees from 67 countries and four regions (mainly from the Asia-Pacific region) from April 1996 to March 2014. 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 FY2013.

3) Welcoming 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 FY2013, the JPO welcomed a total of four long-term trainees, one each from the Philippines, Malaysia, Indonesia and Myanmar.

¹ Technical cooperation projects are implemented over specific periods of time based on several methods such as cooperation tools, sending experts, welcoming trainees, or providing equipment).

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 FY2013, follow-up seminars were held in Vietnam and Thailand.



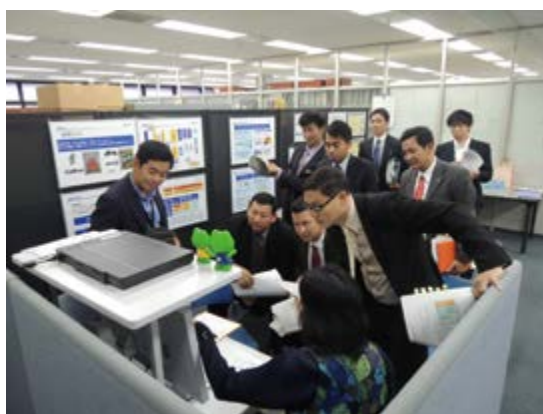
September 25, 2013, Follow-up Seminar in Vietnam (Hanoi)

5) Welcoming Other Countries' Officials to Japan in Developing Their Intellectual Property Strategies and Policies

As part of the WIPO Funds-in-Trust/Japan projects, the JPO invited senior officials from intellectual property offices in developing countries to Japan so that they could deepen their knowledge of Japan's intellectual property systems as well as its strategies and policies. This is aimed at developing intellectual property systems and intellectual property strategies in other countries. The JPO welcomed six officials from Myanmar and six from Cambodia. To exchange views, the officials visited Japanese government organizations related to intellectual property including the Secretariat of the Intellectual Property Strategy Headquarters in the Cabinet Secretariat and the JPO.



Myanmar Research Group in Japan from May 27 to 30, 2013 (at JPO)



Cambodia Research Group in Japan from October 29 to November 1, 2013 (at JPO)

6) Holding Forums, Workshops, etc.

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

a. PCT Regional Seminar for ARIPO Member States

A seminar was held in June 2013 in Namibia to enhance the participants' understanding on the PCT system and practices, and how to make more effective use of it. About 40 people including officials working for intellectual property offices in the ARIPO¹ region participated in the seminar, where they discussed

¹ ARIPO is the acronym of the African Regional Intellectual Property Organization. Its member states are Botswana, Gambia, Ghana, Kenya, Lesotho, Malawi, Mozambique, Namibia, São Tomé e Príncipe, Sierra Leone, Somalia, Sudan, Swaziland, Tanzania, Uganda, Zambia, Zimbabwe, Liberia and Rwanda.



processes for PCT international applications and intellectual property organizations.

b. Regional Training Workshop on IPAS¹ for the African Member States

A workshop was held in October 2013 in Zimbabwe to help participants acquire skills to use IPAS, understand the IPAS system, and share information on the latest trends in computerizing intellectual property offices. About 30 people including officials working for intellectual property offices in the ARIPO region participated in the workshop, where they discussed how national intellectual offices were using IPAS, how work changed after IPAS had been introduced, etc.

c. ASEAN IT Roadmap Workshop

A workshop was held in the Philippines in November 2013 to share information about the current status of computerization at the intellectual property offices of the 10 ASEAN member states that participated in the workshop. In addition, the participants discussed IT related initiatives among the IP5 Offices, the Vancouver Group (Australia, Canada, the UK) and the WIPO. About 35 people including officials working for the intellectual property offices in the ASEAN member status participated in the workshop, where they discussed the progress of computerization at the intellectual property offices in the ASEAN member states and how they should cooperate on computerization in the ASEAN region.

d. Regional Seminar on Effective Utilization of the Patent Cooperation Treaty (PCT) and International Work Sharing Initiatives

A workshop was held in Japan in November 2013 to deepen participating countries' understanding on how to utilize International Search Reports (ISRs) and International Preliminary Examination Reports (IPERs). Participants also discussed how they can share information about work sharing in order to

issue search reports, and discussed examination practices in national phases and the PPH. About 30 people including patent examination officials of intellectual property offices in Asian and African countries participated in the seminar. The participants discussed the current status of and issues with examination methods in their countries' national phases.



Participants of Seminar Held in Japan (JPO) on November 26 to 28, 2013

e. Seminar on Development and Effective Use of Intellectual Property (IP) Statistics

A seminar was held in the Philippines in December to deepen the participants' understanding on the importance of statistics on intellectual property and the benefits of keeping statistical information on intellectual property. The aim of the seminar was to assist countries in gathering and managing intellectual property statistics. About 30 people including officials in charge of statistics at intellectual property offices in Asian countries participated in the seminar where they shared information on the current status of their respective countries' intellectual property statistics and databases, discussing issues their countries are facing. They discussed future directions to be taken to effectively use statistical information.

f. Regional Seminar on Effective Utilization of Patent Classification Systems

A seminar was held in Japan in December 2013 to enhance the participants' understanding on how to assign International Patent Classification terms and FI/F-terms, and how to effectively use these terms to conduct prior art searches and examination procedures. A total of

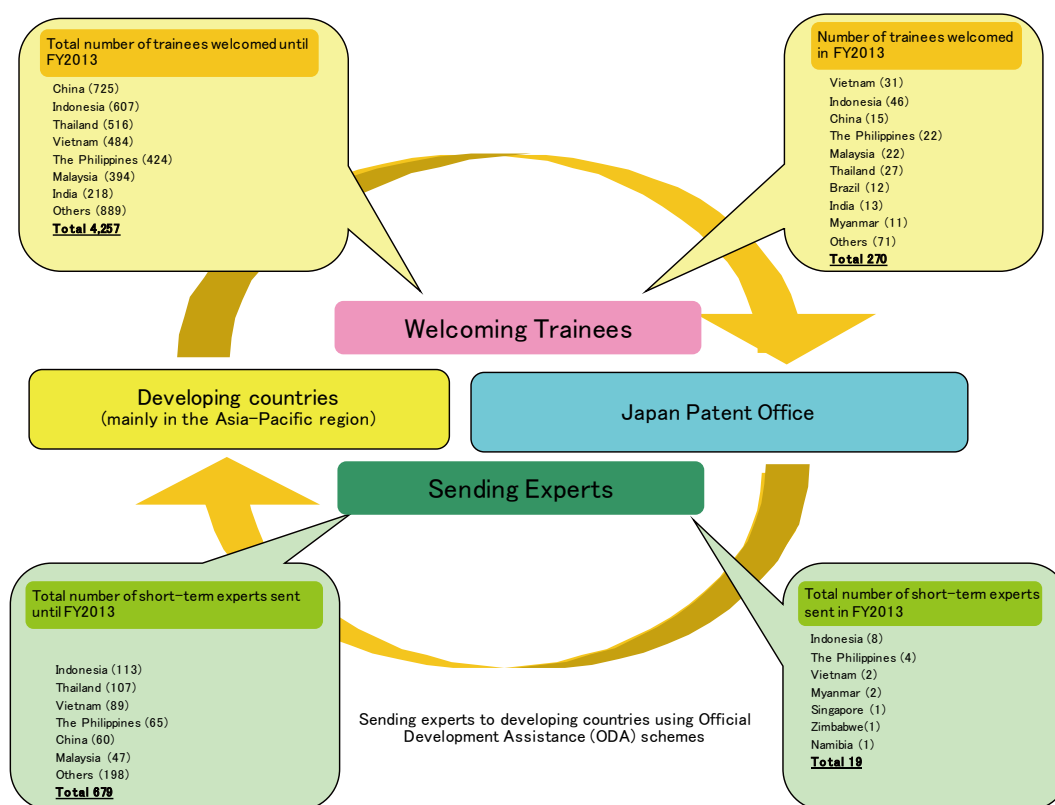
¹ The term stands for the Industrial Property Automation System which is the software WIPO provides as an integrated IP administration system that can automate the processing of trademarks, patents and industrial design.

20 people including patent examination officials of intellectual property offices in Asian countries participated in the seminar where they discussed issues and the future direction needed in order to effectively utilize patent classification.



Participants of Seminar Held in Japan (JPO) on December 11 to 12, 2013

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



(4) Cooperation on Information Technology

With the increase in the number of patent applications being filed worldwide, work sharing on examination processes is being advanced among intellectual property offices. Furthermore, the importance of work sharing in terms of enhancing both the efficiency and quality of examination has been growing in the ASEAN countries, which have been experiencing burgeoning economic growth in recent years.

To respond to this situation, there is an urgent need to build the IT infrastructure in

these countries, in order to enhance the efficiency and quality of their examination processes. Therefore, the JPO, in cooperation with WIPO, will cooperate with the ASEAN countries in building their IT infrastructure.

(5) Cooperation in the Area of Examination: Advanced Industrial Property Network (AIPN)¹

The AIPN is a system that provides information about examination in Japan to

¹ See Part 2, Chapter 5, 2, (1), 2)



intellectual property offices in other countries. The purpose of the AIPN is to reduce duplicate work at intellectual property offices. This can be achieved when the other offices make effective use of examination results of corresponding patent applications in Japan. This also expedites 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. As of March 2014, the AIPN was available to 64 countries/organizations.

3. 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 for Japanese companies. This section outlines the initiatives that the Japanese government, including the JPO, has made to combat counterfeit products.

(1) Current Status of Issues Involving Counterfeit Products

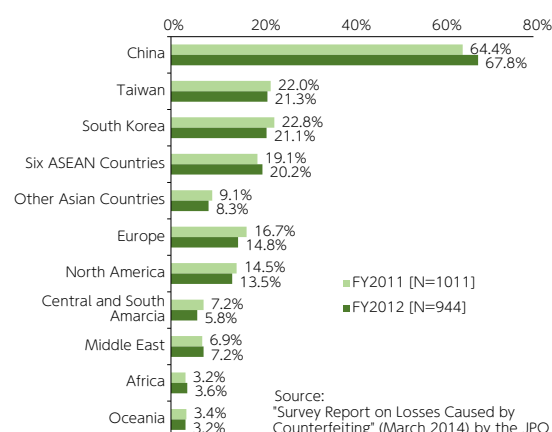
People all over the world are experiencing problems caused by counterfeit and pirated products in recent years, with the damage becoming more diverse and complicated. In line with the globalization and economic growth of the Asian region, the number of trademark, copyright, and other intellectual property rights infringements in the region is increasing, 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. In 2012, Japan Customs seized the greatest number of counterfeit goods so far.

This flooding of counterfeit and pirated products has harmful consequences, among them is 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.

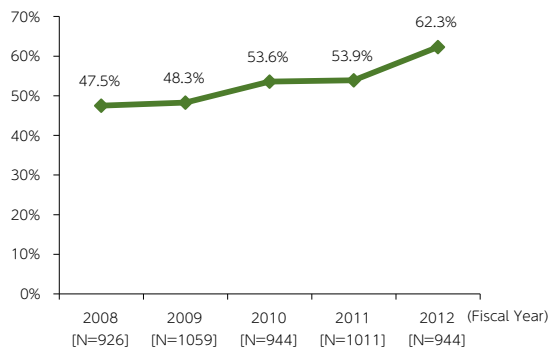
According to the JPO's survey on damage caused by counterfeiting, 67.8% of Japanese companies, which had suffered damage due to counterfeiting in FY2012, reported damage from counterfeiting operations based in China, 21.3% reported damage from counterfeiting operations based in Taiwan, 21.1% reported damage from counterfeiting operations based in Korea, and 20.2% reported damage from counterfeiting operations based in six ASEAN countries. Damage caused by counterfeiting operations based in the Asian region has become especially serious.¹ Furthermore, damage caused by online sales of counterfeit products has been increasing, as well as the number of cases of repeat infringements. In addition, perpetrators of counterfeit and pirated goods are becoming more sophisticated in line with advances taking place in technology, as they seek more ways to escape from law enforcement and crackdowns. In order to respond to the diverse and complex damage caused by counterfeiting, it has become necessary to approach various entities and to devise various methods to act against counterfeiting.

Figure 3-2 Losses Caused by Counterfeiting Based Overseas (% of Companies Damaged, Multiple Responses)



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

Figure 3-3 Trend in Damage Caused from Online Sales



(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 have been under way based on these memoranda, and counterfeit product issues have been discussed at the annual meeting of the Japan-China Intellectual Property Rights Working Group. In addition, as part of its efforts in assisting with the enhancement of regulations in developing countries, the JPO invites customs officials, police officers, and members of the courts from Asian countries to Japan each year for training. In addition, the JPO holds seminars in developing countries also. As a result, the JPO is helping developing countries develop their own human resources in the area of law enforcement.

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, eight countries¹ including Japan signed the agreement at a signing ceremony held

in Tokyo, Japan, in October 2011.² In October 2012, Japan deposited the instrument of acceptance, becoming the first Party to the ACTA. The ACTA is to enter into force thirty days after the date on which the sixth instrument of ratification is deposited.

In order to improve the effectiveness of measures designed to combat counterfeit and pirated products, the ACTA enhances the WTO/TRIPS Agreement's framework for ensuring legal enforcement. Specifically, the ACTA increases exports subject to customs control, makes counterfeit labels illegal, and makes the trading of devices that circumvent functions restricting audio-visual output illegal.

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 Sector

The International Intellectual Property Protection Forum (IIPPF) was established in April 2002, as a forum where 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 sectors voice 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 pillar in promoting joint cooperation between the Japanese government and the private sector on issues that individual companies and associations cannot deal with individually. As a result, the IIPPF's actions contribute to protecting intellectual property. The IIPPF saw its twelfth year in 2014. With the IIPPF functioning as the center pillar promoting joint cooperation between the Japanese

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)



government and the private sector, the Japanese government can gain a full understanding of the current circumstances of the Japanese industrial world, and reflect its understanding in policies. On the other hand, the private sector can more 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 sector can complement each other, and collectively take effective measures against issues on intellectual property. At a time when the Japanese government was not able hold meetings with the Chinese government to discuss intellectual property, the IIPPF helped achieve joint cooperation between the Japanese government and private sector, making it possible for them to once again hold meetings. Furthermore, in recent years, the IIPPF participates in these meetings between the Japanese and Chinese governments on intellectual property, serving as an observer to gain information for its future activities. 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 including the IIPPF's activities in discussions between the Japanese and Chinese governments.

The JPO supports the efforts of the International Intellectual Property Protection Forum. Especially in regards to China, high-level missions jointly involving the public and private sectors were sent eight times to China, in collaboration with the IIPPF and the government. The JPO listened to opinions and requests from Japanese companies, and then requested the Chinese government for its support to counter bad-faith trademark application filings, improve access to judgments on intellectual property, and deal with abuses of utility model rights. It also requested the Chinese governmental for support in developing legal systems and improving operations. In addition, the IIPPF holds seminars for officials of law enforcement agencies from ASEAN countries and others, giving information on how to distinguish authentic products from counterfeit 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 on counterfeiting and publishes the results in its *Survey Report on Losses Caused by Counterfeiting*. In addition, with the aim of assisting Japanese companies' business activities overseas, the JPO sends researchers to other 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 publications. One is called the *Manual on Measures against Counterfeits*, which contains useful information on anti-counterfeiting measures in the countries and regions where counterfeiting frequently occurs. Another is the *Collection of Case Examples & Court Precedents on Intellectual Property Right Infringements*. The *Collection* contains actual case studies, court precedents on 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 Inquiries about Combating Counterfeit Products

The JPO responds to individual inquiries from rights holders who ask about ways to combat counterfeit products and industrial property rights infringements. The JPO provides them necessary information by closely cooperating with the APEC IPR Service Center (Office for Intellectual Property Right Infringement, Manufacturing Industries Bureau, Ministry of Economy, Trade and Industry) and other ministries and agencies. In addition, the JPO offers consultations on foreign industrial property right systems and on countermeasures to combat industrial property infringements targeting Japanese companies. The JPO also provides other information such as information on the measures foreign countries take to combat counterfeits, in its mini guide on measures against infringements. It also compiled case studies and examples in its *Q&As Collected from Anti-counterfeit Consulting*, which explains in

Q&A format ways to fight against counterfeiting.

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

With the aim of efficiently cracking down on counterfeiting within Japan, the JPO responds to inquiries from police and customs about industrial property right infringements. The number of inquiries from the police and others was 1,132 in 2013. Also, in order to enhance the enforcement of intellectual property rights, the JPO is strengthening its cooperative activities with Japanese law enforcement authorities; for example, by sending instructors to give training on intellectual property to Japanese customs officials.

7) Activities to Raise Consumer Awareness

Taking into consideration the high percentage of consumers who still think that buying counterfeit products is not a problem, the JPO is working to raise consumer awareness on the problem. Specifically, the JPO organizes anti-counterfeiting campaigns every fiscal year with the objective of further raising customer awareness in Japan on the importance of intellectual property rights and informing end-users that counterfeiting and piracy have adverse effects.

4. Promotion of Conclusion of Economic Partnership Agreements (EPAs) and Free Trade Agreements (FTAs)

Japan has actively worked to conclude various economic partnership agreements (EPAs), mainly with Asian countries that have deep economic and cultural ties with Japan. The intellectual property field is one of the fields of EPA negotiations and is part of Japan's initiatives to create a landscape 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.

Japan has concluded EPAs with 12 countries and one region. (Please refer to the "Information" section below for a list of the concrete countries and the region.) These EPAs include measures such as more streamlined and transparent procedures, enhanced protection of intellectual property, and enhanced enforcement of intellectual property rights. They provide for enhancing 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 currently negotiating with Mongolia, Canada, and other countries to conclude EPAs. Furthermore, as broader regional and large economic partnerships, Japan started negotiations with the EU for the Japan-EU EPA, the Regional Comprehensive Economic Partnership (RCEP), and the Japan-China-Korea FTA.

Also, together with such as the RCEP, Japan has been participating in negotiations with Asia/Pacific countries for the Trans-Pacific Partnership (TPP) since July 2013, which is a regional initiative to create a Free Trade Area of the Asia-Pacific (FTAAP).

〈Information: EPAs already concluded〉

- 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)