

Triggered by the spread of the COVID-19 pandemic, ideal approaches to economic activities have dramatically changed as seen in digitalization, remote work and contact-less services. To address these changes, the Japan Patent Office (JPO) decided to revise the Patent Act and other Acts,\* placing emphasis on the following: **(1) developing new procedures (e.g., digitalization of procedures) to address the spread of the COVID-19 pandemic, (2) reviewing the protection of rights to address changes in corporate activities that accompany the advancement of digitalization and other technologies and (3) enhancing the foundation of the intellectual property systems, including reviews of procedures for litigation or fee structures.**

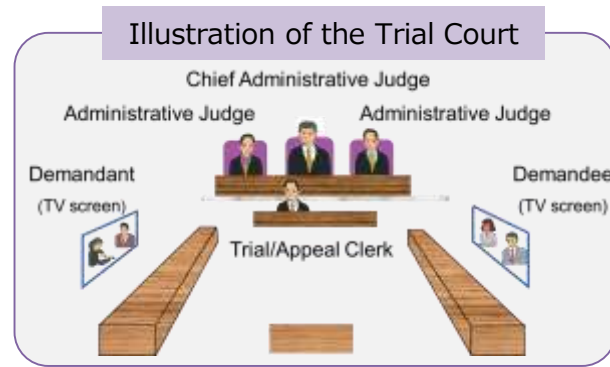
\* Patent Act (Patent), Utility Model Act (Utility), Design Act (Design), Trademark Act (Trademark), Act on Special Provisions of Procedures, etc. Concerning Industrial Property Rights (Industrial), Act on International Applications under the Patent Cooperation Treaty (International), Patent Attorney Act (Attorney)

## (1) Developing new procedures (e.g., digitalization of procedures) to address the spread of the COVID-19 pandemic

### ① Oral proceedings for trials or appeals by video conferencing

[Patent·Utility·Design·Trademark]

- ✓ In trials for invalidation of patents, etc., oral proceedings have been conducted by appearing in person in the Trial Court. This will become possible via **a video conference system** at the decision of the chief administrative judge.



### ② Abolition of the depositing of patent revenue stamps and the introduction of alternative means of fee payment

[Property]

- ✓ Allowing users to pay patent and other fees **in advance using bank transfers and other transfer methods (abolishment of advance payment by revenue stamps)** or using credit card and other means of payment at specific service counters

### ③ Digitization of international design and trademark applications

[Design·Trademark]

- ✓ Simplifying the procedures for informing applicants of the decisions on registration of their designs or trademarks filed as international applications (e.g., **allowing the JPO to electronically send** such notifications via the International Bureau instead of sending them by postal mail which may stop in response to the spread of the COVID-19 pandemic)

### ④ Exemption from surcharges due to processing periods expiring as a result of a disaster, etc.

[Patent·Utility·Design·Trademark]

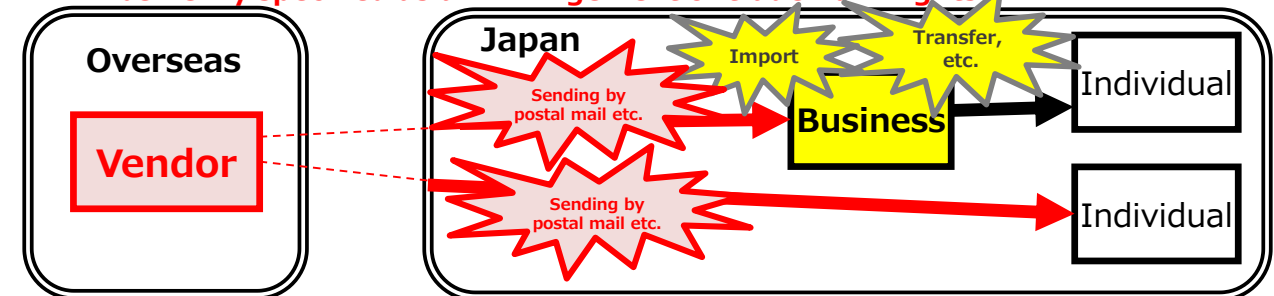
- ✓ If the payment for patent fees is overdue due to the spread of infectious diseases or a disaster, **additional surcharges will be exempted for the relevant period of time.**

## (2) Reviewing the protection of rights to address changes in corporate activities in line with the advancement of digitalization and other technologies

### ① Tightening regulations on the influx of counterfeit goods from overseas

[Design·Trademark]

- ✓ In response to increases in the importing of counterfeit goods for private use, **overseas vendors bringing counterfeit goods into Japan commercially via postal mail, etc. will be newly specified as an infringement of trademark rights.**



Acts that will be newly specified as an infringement on trademarks or design rights

Acts that are specified on trademarks and design rights under current law

### ② Review of requirements for consent of non-exclusive licensees in trials for correction, etc.

[Patent·Utility·Design]

- ✓ Responding to the increasing complexity of patent-right licensing forms along with advancement of digital technologies, etc., **removing the requirement for licensors to gain consent from non-exclusive licensees (licensed persons) in correcting patent rights, etc.**

### ③ Relaxation of requirements for reinstatement of rights such as patent Rights

[Patent·Utility·Design·Trademark]

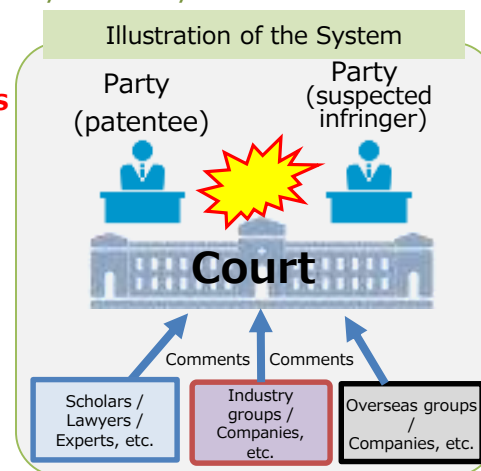
- ✓ **Relaxing the requirements for reinstatement of rights** which are lost due to the failure to comply with prescribed time limits

## (3) Enhancing the foundation of the intellectual property systems

### ① Introduction of a system for calling for third-party comments in patent infringement litigation, etc.

[Patent·Utility·Attorney]

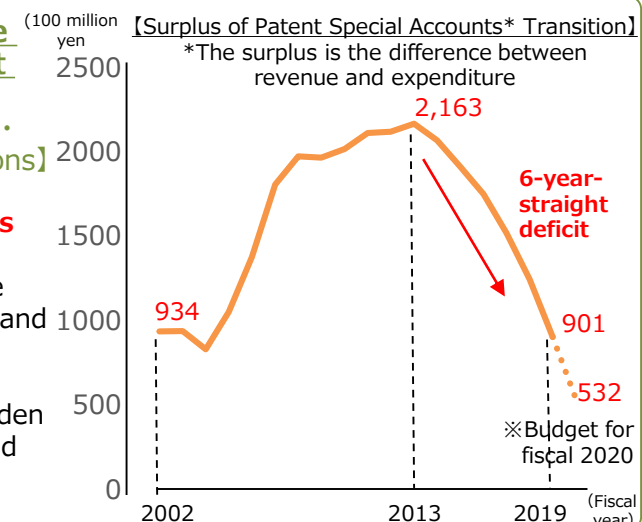
- ✓ **Introduction of a system that allows courts to call for comments from a wide range of third parties** in patent infringement litigation, etc.
- ✓ Supplements of the collection of evidence by parties so that courts can make judgements based on a wide range of comments in cases which significantly impact society.
- ✓ Allows patent attorneys to respond to consultations under the system for calling for third-party comments.



### ② Review of the fee structure for patent fees, etc.

[Patent·Utility·Design·Trademark·Applications]

- ✓ **Revision of fee structures such as for patent fees** in order to secure the balance of income and expenditure in response to the increase in the burden of examinations and the digitization of procedures.



### ③ Review of the patent attorney system

[Attorney]

- ✓ Addition of **the business of agriculture, forestry and fishery intellectual property** as those which can be conducted by patent attorneys
- ✓ **Change of the Japanese name of Patent Attorneys Offices to "Benrishi Hojin"**
- ✓ **Introduction of single person professional corporation system**