

TOPIC

- Hikone City in Favor of Mutual Settlement in 'Hikonyan' Lawsuit ひこにゃん訴訟、彦根市が和解の意向
- 2. With Trademark Case Settled, New Model of iPad Goes on Sale in China 中国で新型iPad発売、商標権裁判の和解で
- Priority Registration of Japanese Prefectural Domain Names Begins 「都道府県型JPドメイン名」の優先登録申請受付をスタート
- 4. Millionth Invention Patent Registered in China 中国、発明特許の登録件数が100万件に



5. Acceptance Period for Public Comments Ends for JPO's "Draft Ordnance for Partial Revision of Law Enforcement Regulations Regarding Patent Law and of International Applications etc. Based on PCT" パブリックコメント受付終了一特許庁「特許協力条約に基づく国際出願等に関する法律施行規則及び特許法施行規則の一部を改正する省令案」

Hikone City in Favor of Mutual Settlement in 'Hikonyan' Lawsuit ひこにゃん訴訟、 彦根市が和解の意向

Hikone City is currently seeking damages from parties including the original creator of its mascot 'Hikonyan,' claiming that the sale and production of goods featuring a similar character violates its copyright and trademark rights. On July 27, 2012, the mayor of Hikone, Koyo Shishiyama, announced at a regularly-scheduled news meeting that Hikone City was considering pursuing a mutual settlement in the case.

The city filed a lawsuit at the Osaka district court seeking 28.7 million yen in damages from the original creator of 'Hikonyan' and four companies producing or selling goods featuring a similar character. On July 19, as part of preparatory proceedings, the court raised the suggestion of a mutual settlement.

彦根市のキャラクター「ひこにゃん」に類似したグッズの製造・販売は商標権と著作権を侵害するとして、彦根市が原作者らに損害賠償などを求めている訴訟で、獅山向洋彦根市長は2012年7月27日の定例記者会見において、「和解の方向で進めてみようかと思う」と表明した。

市は「ひこにゃん」原作者と類似グッズの製造・販売業者4社に2870万円の損害賠償を求めて大阪地裁に提訴しており、7月19日の弁論準備手続きで地裁から和解を打診されていた。



With Trademark Case Settled, New Model of iPad Goes on Sale in China 中国で新型iPad発売、商標権裁判の和解で

On July 20, 2012, Apple (U.S.) began selling the latest model of its iPad tablet computer in mainland China.

The newest iPad has been on sale elsewhere including America, Japan and Hong Kong since March 2012, but due to a court case in China brought against Apple by Proview Technology over the iPad trademark, Apple had been unable to sell the iPad in China. As the case entered July, Apple paid Proview 60 million dollars to reach a settlement, and after a delay of approximately four months was able to commence sales of the iPad in China.

China accounts for 20% of Apple's global sales, and is its second largest market after the United States.

米国アップル社は2012年7月20日、中国本土でもタブレット型端末「iPad(アイパッド)」の最新機種の販売を始めた。 新型アイパッドは、米国や日本、香港などでは3月から販売されているが、中国では商標権をめぐり、現地企業の唯冠 科技との裁判が続いていたため、発売できない状態が続いていた。同裁判は2012年7月に入り、アップルが唯冠科技に 6000万ドルを支払うことで和解し、中国本土では約4か月遅れての発売となった。

中国でのアップルの売り上げは全世界の約2割を占めており、米国に次ぐ巨大市場となっている。

Priority Registration of Japanese Prefectural Domain Names Begins 「都道府県型JPドメイン名」の優先登録申請受付をスタート

On July 16, 2012, Japan Registry Services Co., Ltd. (JPRS) began accepting applications for priority registration of the new Japanese prefectural domain names. This process took place prior to standard registration, and covers domain names that correspond to registered trademarks.

Japanese prefectural domain names exist for each prefecture in Japan, and are in the format "***.osaka.jp," allowing registrants to include a prefecture in their web address.

The priority registration took place between July 16 and August 19, 2012 and was aimed at rights holders of registered trademarks. Registrations were accepted for domains that matched registered trademarks. One application for a single string of characters was accepted for each trademark, and where several trademarks claimed the same string of characters, the successful applicant will be selected by lottery.



rom Santambar 17 to Ootobor 21, 2012, 'simultaneous registration' will take place. Any indiv

From September 17 to October 21, 2012, 'simultaneous registration' will take place. Any individuals or organizations legally resident in Japan will be able to apply to register a domain, and during this period any applications will be regarded as having been made simultaneously. Therefore any applications for the same string of characters made during this period will have the successful applicant selected by lottery.

株式会社日本レジストリサービス(JPRS)は、新設した「都道府県型JPドメイン名」の優先登録申請受付を2012年7月16日より開始した。通常の登録申請の受付に先立ち、登録商標と同一の文字列を対象に受け付ける。

都道府県型JPドメイン名とは、例えば「○○○.osaka.jp」などドメインに都道府県名を含めることができるようになるサービス。

今回スタートした「優先登録申請」は、期間が同年7月16日から8月19日までで、登録商標の権利者向けに、登録商標と同一の文字列による都道府県型JPドメイン名を受け付ける。1つの商標につき1つの文字列の申請となっており、同一文字列に対して複数の申請が競合した場合は抽選で登録者を決定する。

来る9月17日から10月21日までは「同時登録申請」の受付期間となる。日本国内に住所を持つ個人・組織であれば誰でも登録申請が可能で、この期間中に受理した申請は同時に受け付けたものとみなし、同一文字列に複数の申請が競合した場合は抽選で登録者を決定する。

Millionth Invention Patent Registered in China 中国、発明特許の登録件数が100万件に

On July 16, 2012, the Chinese State Intellectual Property Office (SIPO) issued its millionth certificate for a patented invention in China. The millionth patent is an invention that uses 3-D technology to help agricultural researchers analyze and assist crop growth.

By the end of June, 2012, the total number of patent applications received by the SIPO stood at 3,114,000, and the total number of registered invention patents had reached 1,000,000. The first invention patent was registered in China in 1985, and it has taken only 27 years for China to reach one million registered patents, making it the fastest country in the world to reach this figure.

国家知識産権局は2012年7月16日、中国で100万件目となる発明特許の証書を発行した。100万件目となった特許の 名称は「トウモロコシ葉の仮想モデルの制御面要素区分法」。

2012年6月末の時点で、同局が受理した発明特許出願件数は累計311万4千件。発明特許登録件数は累計100万件に上った。1985年に初の発明特許が登録されて以来、世界最短のわずか27年間で発明特許登録数100万件を達成した。



Acceptance Period for Public Comments Ends for JPO's "Draft Ordnance for Partial Revision of Law Enforcement Regulations Regarding Patent Law and of International Applications etc. Based on PCT" パブリックコメント受付終了 - 特許庁「特許協力条約に基づく国際出願等に関する 法律施行規則及び特許法施行規則の一部を改正する省令案」

The acceptance period for public comments regarding the "Draft Ordnance for Partial Revision of Law Enforcement Regulations Regarding Patent Law and of International Applications etc. Based on PCT" ended on August 21, 2012.

This draft ordnance is first of all aimed at making Japanese law conform with parts of PCT regulations that are currently not applied in Japan, based on the interim measure (PCT regulation 20.8(a)(b)). Secondly, it aims to bring the format of application documents for international applications in line with what is stipulated in the PCT operational regulations.

- 1. Outline of Revisions to Law Enforcement Regulations Regarding International Applications etc. Based on PCT
- ① Conformity of supplemental references in specifications, etc. (PCT regulations 20.3 (a)(ii), (b)(ii), 20.6) Regulations regarding: JPO instructions to supplement references of specification or scope of claims; applicants' reference and supplement rights, etc.; acknowledgement and notification of international application date.
- ② Conformity of supplements to lacking sections (PCT regulations 20.5 (a)(ii), (d), 20.6)
 Regulations regarding: JPO instructions to supplement references of lacking sections (part of specification or scope of claims; part or whole of drawings); obligation of explanation etc. when applicant supplements references; acknowledgement or correction of international application date and notification thereof.
- 3 Revision of requirements regarding application format for international applications, according to changes made to items recorded in "Box No. VI Priority Claim."
- 2. Outline of Revisions to Law Enforcement Regulations Regarding Patent Law Revision of requirements regarding the right of applicants to request omission of supplements to lacking sections, etc. in international applications in order to prevent postponement of the international application date, via acknowledgement by designated authorities.

Intelle Utton) HARAKENZO



WORLD PATENT & TRADEMARK

JAPAN

INTELLECTUAL PROPERTY LAW FIRM

「特許協力条約に基づく国際出願等に関する法律施行規則及び特許法施行規則の一部を改正する省令案」につい てのパブリックコメントの受付が2012年8月21日に終了した。

今回の省令案は、第一に経過措置(PCT規則20.8(a)(b))に基づいて日本が適用していないPCT規則に日本法令を適 合させ、第二にPCT実施細則に定める国際出願の願書の様式に適合させるものである。

- 1. 特許協力条約に基づく国際出願等に関する法律施行規則の改正概要
- ①明細書等の引用補充の適合化(PCT規則20.3(a)(ii), (b)(ii), 20.6) 特許庁による明細書又は請求の範囲の引用補充命令、出願人の引用補充権等、国際出願日の認定及びその通 知に関する規定である。
- ②欠落部分の補充の適合化(PCT規則20.5(a)(ii), (d), 20.6) 特許庁による欠落部分(明細書若しくは請求の範囲の一部、又は図面の全部若しくは一部)の引用補充命令、出願 人が引用補充する場合の説明義務等、国際出願日の認定又は訂正及びこれらの通知に関する規定である。
- ③「Box No. VI Priority Claim欄」の記載事項の変更に伴う国際出願の願書の様式について所要の改正を行う。
- 2. 特許法施行規則の改正概要

指定官庁による認定の結果によって国際出願日が繰り下がることを防止するために、欠落部分の補充を国際出願 に含まれないとする旨の出願人の請求権等、所要の改正を行う。

Introduction to Our Firm's Service

当所のサービス紹介

Design Patent Support Station

We offer high-quality service, combining know-how cultivated in a long years of experience and analyzes competence unique to international patent firms.

Click here for details

長年の経験で培ったノウハウと、国際特許事務所ならではの能力を組み合わせた 質の高いサービスを提供致します。

詳細はこちらへ



HARAKENZO WORLD PATENT & TRADEMARK

JAPAN

INTELLECTUAL PROPERTY LAW FIRM



Please contact us if you have any comments or require any information.

Please acknowledge that the purpose of our column is to provide general information on the field of intellectual property, and that the description here does not represent our legal opinion on a specific theme.

OSAKA HEAD OFFICE

ADDRESS:

DAIWA MINAMIMORIMACHI BLDG., 2-6, 2-CHOME-KITA, TENJINBASHI, KITA-KU, OSAKA 530-0041, JAPAN

E-MAIL:

iplaw-osk@harakenzo.com

WEBSITE:

http://www.harakenzo.com http://www.intellelution.com http://ip-kenzo.com

TELEPHONE:

+81-6-6351-4384 (Main Number)

FACSIMILE:

+81-6-6351-5664 (Main Number)

OSAKA 2nd OFFICE

ADDRESS:

MITSUI SUMITOMO BANK MINAMIMORIMACHI BLDG., 1-29, 2-CHOME, MINAMIMORIMACHI, KITA-KU, OSAKA 530-0054, JAPAN

E-MAIL:

iplaw-osk@harakenzo.com

WEBSITE:

http://www.harakenzo.com http://www.intellelution.com http://ip-kenzo.com

TELEPHONE:

+81-6-6351-4384 (Main Number)

FACSIMILE:

+81-6-6351-5664 (Main Number)



TOKYO HEAD OFFICE

ADDRESS:

WORLD TRADE CENTER BLDG. 21F 2-4-1, HAMAMATSU-CHO, MINATO-KU, TOKYO 105-6121, JAPAN

E-MAIL:

iplaw-tky@harakenzo.com

WEBSITE:

http://www.harakenzo.com http://www.intellelution.com http://ip-kenzo.com

TELEPHONE:

+81-3-3433-5810 (Main Number)

FACSIMILE:

+81-3-3433-5281 (Main Number)



HIROSHIMA OFFICE

ADDRESS:

NOMURA REAL ESTATE HIROSHIMA BLDG. 4F 2-23, TATEMACHI, NAKA-KU, HIROSHIMA 730-0032, JAPAN

E-MAIL:

iplaw-hsm@harakenzo.com

(**updated on June 2012)

WEBSITE:

http://www.harakenzo.com http://www.intellelution.com http://ip-kenzo.com

TELEPHONE:

+81-82-545-3680 (Main Number)

FACSIMILE:

+81-82-243-4130 (Main Number)

