

TOPIC

1. Agency for Cultural Affairs to Establish Digital Publishing Rights
文化庁 電子出版権創設へ
2. Iwate Prefecture Lodges Opposition to Chinese 'Iwate' Trademark
岩手県 中国商標「岩手」に異議申立
3. International Patent Litigation by Korean Enterprises rises to 131% of Previous Year
韓国企業の国際特許訴訟が131%増
4. Toyo Tires Files Request for Import Suspension with ITC
東洋ゴム 米ITCに輸入差止申請を提出



Agency for Cultural Affairs to Establish Digital Publishing Rights 文化庁 電子出版権創設へ

On July 29, 2013, the publishing subcommittee set up by the Agency for Cultural Affairs, which is deliberating issues such as promoting the spread of e-books and countermeasures against piracy, held a meeting at which it consolidated a policy for establishing digital publishing rights.

Under the current law, even if pirate copies of works are distributed via the internet, publishers do not have the right to take legal action; rather, the author or copyright holder must personally file a lawsuit. However, if the aforementioned digital publishing rights are established, if a pirate copy of an e-book appears, the publisher would be able to request a court injunction in place of the author.

The publishing subcommittee will now proceed with further consideration of the issue, while collecting opinions from the general public. A draft amendment to the copyright law is expected to be brought before an ordinary session of the Diet next year at the earliest.

2013年7月29日、電子書籍の普及促進や海賊版対策などの問題を審議する出版関連小委員会(文化庁により設置)の会合が開催され、「電子出版権」を創設する方針を固めた。

現行法では、インターネット上で海賊版が流通しても出版社には訴訟を起こす権利がなく、作家など著作権者自らが訴訟を起こす必要があった。しかし、「電子出版権」の制定が認められれば、電子書籍の海賊版が出回った場合、作家に代わって出版社が裁判で差し止めを求めることができる。

小委員会は今後、一般からの意見も求めながら、さらに検討を進め、早ければ来年の通常国会に著作権法改正案を提出する。

Iwate Prefecture Lodges Opposition to Chinese 'Iwate' Trademark 岩手県 中国商標「岩手」に異議申立

On July 30, 2013, Iwate Prefecture (in northeast Japan) announced that it had filed with the Chinese Trademark Office of the State Administration an opposition against the trademark application 'Iwate,' which has been filed by a private enterprise in Shanghai.

The trademark in question covers many types of services, including lodgings, cafes and retirement homes. If registered, enterprises etc. based in Iwate Prefecture might be adversely affected when moving into the Chinese market.

The trademark 'Iwate' was previously applied for by an individual of Hong Kong, in the category of marine products. However due to opposition filed by Iwate Prefecture, the Chinese Trademark Office of the State Administration dismissed the application as 'Iwate' was already known as the name of a local government.

2013年7月30日、岩手県は、上海の民間企業が出願した商標「岩手」に対し、商標登録を認めないよう中国商標局に異議申立を行ったことを発表した。

問題となっている商標は、民宿提供や喫茶店、老人ホームなど、多岐にわたるサービスを指定して出願されたもので、登録されれば、県内の企業などが中国進出する際に影響が出る可能性がある。

商標「岩手」については、これまで香港の個人により水産物の分野で出願されたことがあるが、県の申立てを受けた商標局が、地方自治体名として知られていることを理由に登録を認めなかった経緯がある。

International Patent Litigation by Korean Enterprises rises to 131% of Previous Year

韓国企業の国際特許訴訟が131%増

According to the Korean Intellectual Property Office and the Korea Intellectual Property Protection Association, etc., in the first half of 2013 (January to June), there were 210 patent litigation cases between Korean and foreign enterprises. This figure is 131% of that of the same period in 2012.

Broken down by technical field, most litigation cases were in the field of telecommunications (91 cases; 43.3% of total). This is followed by electrical machinery and electronics (73 cases; 34.8% of total). As such, telecommunications and electrical machinery and electronics account for around 78% of international patent litigation cases. Further, broken down by country, most litigation was conducted against U.S. enterprises.

韓国特許庁、韓国知識財産保護協会などによると、韓国企業と外国企業間の国際特許訴訟件数が今年上半期(1～6月の間)で210件に達し、前年同期比約131%増加した。

技術分野毎の内訳では、情報通信分野の紛争件数が91件で全体の43.3%を占めた。次いで電機・電子が73件(34.8%)となった。情報通信分野、電気・電子分野における紛争件数は全体の約78%を占める。なお、国別では米国企業との紛争が最も多かった。

Toyo Tires Files Request for Import Suspension with ITC
東洋ゴム 米ITCに輸入差止申請を提出

On August 14, 2013, it was announced that the U.S. company Toyo Tire Holdings of America, part of Toyo Tire and Rubber Co., Ltd., had filed a request with the United States International Trade Commission (ITC) seeking to ban manufacture, import and sale of imitation Toyo Tire products by 22 companies.

The products in question are replacement tires that infringe upon the design patents for tire treads and side shoulders held by Toyo Tires. According to a statement by Toyo Tire and Rubber Co., Ltd., eight of its intellectual property rights have been infringed. The imitation products are thought to have been produced in China and Thailand.

2013年8月14日、東洋ゴム工業の米国法人、トーヨータイヤホールディングオブアメリカは、同社のタイヤの模倣品を製造/輸入/販売する22社を対象にITC(米国国際貿易委員会)へ申し立てを行ったことを発表した。

問題となっている製品は、東洋ゴムのタイヤのトレッドとサイドショルダー部分のデザイン意匠特許を侵害する交換用タイヤで、東洋ゴム工業の主張によれば、同社が所有する8件の権利を侵害するという。模倣品の製造国は、中国やタイとみられている。

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

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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](#)



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.

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