

Newsletter

July 2016

JAPAN

HARAKENZO
WORLD PATENT & TRADEMARK
INTELLECTUAL PROPERTY LAW FIRM





TOPIC

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 五大特許庁(IP5)長官会合



Establishment of Foreign IP Litigation Cost Insurance System for Small and Medium-sized Enterprises 中小企業向け、海外知財訴訟費用保険制度の創設

The JPO has established an insurance system providing support for foreign IP litigation costs, as a safety net for small and medium-sized Japanese enterprises that become caught up in IP infringement disputes overseas.

In doing so, the JPO, in association with the Japan Chamber of Commerce and Industry, the Central Federation of Societies of Commerce and Industry, the National Federation of Small Business Associations, Sompo Japan Nipponkoa Insurance Inc., Tokyo Marine & Nichido Fire Insurance Co., Ltd. and Mitsui Sumitomo Insurance Company, Ltd., has established Japan's first foreign IP litigation cost insurance system, and will cover 50% of the premiums paid by small and medium-sized enterprises when signing up for foreign IP litigation cost insurance.

Through this system, small and medium-sized enterprises can look forward to a reduced risk of being forced to withdraw from business or having their survival endangered due to a lack of ability to amass the necessary funds in the event they are caught up in IP litigation abroad.





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特許庁は、中小企業が海外において知財侵害の係争に巻き込まれた場合のセーフティーネットとして、海外での知的財産訴訟費用を賄う保険制度を創設した。

特許庁は、日本商工会議所、全国商工会連合会、全国中小企業団体中央会、損害保険ジャパン日本興亜(株)、 東京海上日動火災保険(株)、三井住友海上火災保険(株)の協力のもと、我が国において初めてとなる海外知財 訴訟費用保険制度を創設し、中小企業が海外知財訴訟費用保険に加入する際の掛金の2分の1を補助する。

この制度により、中小企業は、海外での知的財産侵害を理由とする係争に巻き込まれた場合に、係争の対応に要する多額の費用を用意することができず、事業撤退や会社の存続の危機に追い込まれる等のリスクを軽減できることが期待される。

Status of Patent Opposition Filings 特許異議の申立ての状況

The JPO has updated the information available on the current status of patent opposition filings.

As of June 3, 2016, 861 patent oppositions have been filed. When broken down by International Patent Classification, the oppositions are as follows:

Section A (HUMAN NECESSITIES): 180 cases

Section B (PERFORMING OPERATIONS; TRANSPORTING): 150 cases

Section C (CHEMISTRY; METALLURGY): 250 cases

Section D (TEXTILES; PAPER): 27 cases

Section E (FIXED CONSTRUCTIONS): 21 cases

Section F (MECHANICAL ENGINEERING; LIGHTING; HEATING; WEAPONS; BLASTING): 39 cases

Section G (PHYSICS): 85 cases

Section H (ELECTRICITY): 109 cases

Since the patent oppositions system was first reinstated, Section C (CHEMISTRY; METALLURGY) has had the highest number of cases, followed by Section A (HUMAN NECESSITIES) and Section B (PERFORMING OPERATIONS; TRANSPORTING).

From the point of view of the benefit to the public, the patent oppositions system was established with the aim of correcting patent flaws and quickly stabilizing patents. It appears that the system's cost and efficiency have influenced the high number of cases.



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特許庁は、特許異議の申立ての状況について、最新の情報を更新した。

2016年6月3日までに申立てがあった特許異議の件数は計861件であり、IPC別の内訳は以下の通りである。

Aセクション(生活必需品)180件

Bセクション(処理操作;運輸)150件

Cセクション (化学; 冶金) 250件

Dセクション (繊維;紙) 27件

Eセクション(固定構造物)21件

Fセクション (機械工学;照明;加熱;武器;爆破)39件

Gセクション (物理学) 85件

Hセクション (電気) 109件

特許異議の申立て制度の復活当初より、Cセクション(化学;冶金)の件数が最も多く、Aセクション(生活必需品)、Bセクション(処理操作;運輸)がそれに続く形となっている。

特許異議の申立て制度は、公益性の観点から瑕疵ある特許の是正を図り、特許の早期安定化を図ることを目的として創設されたものであり、コスト面や効率面も影響して利用件数が高いことがうかがえる。

Efforts to Broaden Use of Patent Information 特許情報の活用拡大に向けての取り組み

The JPO has announced efforts to broaden the use of patent information, which forms the basis of IP activity. A report has been published on the current spread of patent information use, entitled 'Towards Further Use of Patent Information.'

In Japan, there is a system of coordination between the government and private sectors that spreads patent information, corresponding to the various needs of large, small and medium-sized enterprises, universities, individuals and foreign users. The JPO has been putting in place infrastructure aimed at establishing the world's fastest and highest-quality examinations and reporting of examination results, as well as infrastructure for the checking of information on applications and rights holders. Going forward, the JPO will be developing a foundation in order to maintain this highest standard. The JPO is also interested in increasing awareness of the importance of patent information and broadening understanding of patent information use amongst small and medium-sized enterprises (excluding the many large enterprises and the few small and medium-sized enterprises that already fully utilize this information). By doing so, the JPO wants to increase the overall number of users of patent information as well as set up a more advanced patent information service, and thus promote innovation.





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For the purpose of developing the patent information service in this way, greater penetration amongst small and medium-sized enterprises is essential. However, currently the level of penetration is insufficient. According to the report, small and medium-sized enterprises based Japan account for only 13% of Japanese patent applications. The same group accounts for 34% of design applications and 50% of trademark applications, but these figures are also low considering the number of small and medium-sized enterprises. This suggests that amongst small and medium-sized enterprises in general, awareness of the importance of patent IP is still low, indicating for example that patent information, which can be used to solve problems related to product development, is not being fully utilized. Thus, it is necessary advance effective use of patent information by introducing support measures that to deepen interest in and promote usage methods of patent information.

On the other hand, it is also necessary for the patent information service to consider legal aspects in order to deal with new problems that have only now arisen due to advancements in IT. Namely, problems regarding the privacy of applicants, rights holders and inventors whose information is recorded in publications. Previously, this information was used in many regards such as checking the location of rights holders, producing patent maps etc. However, as publications are now provided over the internet and the JPO provides information to private enterprises, it is now easy to acquire this information, which raises the need to make adjustments for the sake of privacy protection.

知的財産活動の基盤である特許情報の活用拡大に向けての取り組みが特許庁より公表され、特許情報の普及活用のあり方についての報告書「特許情報のさらなる活用に向けて」がまとめられた。

日本では、大企業から中小企業、大学、個人、海外利用者に至るまで、それぞれのニーズに合わせた態様で特許情報を普及させるために官民連携体制がとられている。特許庁は、これまでに世界最速・最高品質の審査結果の発信や審査実現のためのインフラ整備、出願/権利者情報確認のためのインフラ整備を行ってきており、今後も最高水準を維持してくための基盤整備を行う。また、特許情報を十分利用している多くの大企業や一部の中小企業を除く中小企業に対して、その重要性について認識を高め、活用についての理解を広めることにより、特許情報の利用者全体を増加させるとともに特許情報サービスの高度化へ関心を向け、より高度な特許情報サービスを構築し、もってイノベーションの促進を図る。

このように特許情報サービスの発展のためには中小企業へ浸透を深める必要があるが、現状ではまだ十分とはいえない。報告書によれば、内国人に占める中小企業の特許出願は出願全体のわずか13%である。意匠が34%、商標が50%であるが企業数からみれば高いとはいえない。これは中小企業全体としての知財の重要性に対する認識がまだ低く、例えば商品開発に係る課題解決に利用できる特許情報が十分に活用されていないことを示唆している。そこで、特許情報への関心を深め、活用方法を促進するための支援策を通じて特許情報の有効活用を進めていく必要がある。





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他方で、特許情報サービスもITの進展によりこれまでに顕在化していなかった問題に対処するため法的側面からの検討も必要だ。それが公報に記載されている出願人/権利者や発明者のプライバシーである。これらの情報は、権利者の所在確認や特許マップ作成等の様々な場面で用いられている。しかし、公報がインターネットを通じて提供されていることや特許庁が情報を民間事業者に提供していることに起因して情報取得が容易となっており、プライバシー保護との調整が課題となっている。

Meeting of Directors of the Five Largest Patent Offices (IP5) 五大特許庁(IP5)長官会合

On June 2, 2016, the JPO hosted a meeting of the directors of the five largest patent offices: the JPO (Japan), USPTO (United States), EPO (Europe), SIPO (China) and KIPO (Korea).

At the meeting, topics related to cooperation between the five offices were discussed, and it was agreed that going forward, such cooperation should aim for (i) strengthening relations with users; (ii) providing high-quality and trustworthy examination results; and (iii) handling of developing new technologies as intellectual property offices. These three aims have been collected in the 2016 Joint Declaration (Tokyo Declaration).

With these aims in mind, the director of the JPO announced the following approaches. The JPO aims to support the global development of Japanese enterprises, by constructing an environment in which it is easy for them to acquire and utilize intellectual property abroad.

- 1. Dispatching internationally and promoting the use of the results of Japan's patent examination results, the highest-quality and fastest in the world.
 - Realizing the world's fastest and highest-quality patent examinations, and dispatching the results of these examinations internationally and promoting their use.
- 2. Leading the way in improving the world's IP protection environment.
 - Spearheading harmonization of systems and management, supporting increased examination know-how and supporting development of IP systems.
- 3. Enriching the framework supporting overseas development by Japanese enterprises
 - Becoming a one-stop provider of foreign patent information and strengthening support for countering overseas infringement of IP rights.



40th Anniversary in 2016

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特許庁は、2016年6月2日、日米欧中韓の五大特許庁長官会合を開催した。

本会合では、五庁協力に関する議題が話し合われ、今後の五庁協力の目指すべき方向性として、1.「ユー ザーとの関係強化」、2. 「高品質で信頼性の高い審査結果の提供」、3. 「発展する新技術への知財庁として の対応」、の三つの取り組みを掲げた「五庁共同声明2016(東京声明)」に合意した。

これを受けて、特許庁長官は以下に示す取り組みを行っていくことを発表し、日本企業が海外でも知的財産 権を取得し活用しやすい環境を構築することにより、日本企業のグローバルな事業展開を支援していくとして いる。

- 1. 日本の世界最速・最高品質の特許審査結果の国際発信・利用促進
- ・世界最速・最高品質の特許審査の実現、日本の特許審査結果の国際発信と利用促進
- 2. 世界の知的財産保護環境の向上の主導
- ・制度・運用調和の主導、審査能力の向上の支援、知財制度整備支援
- 3. 日本企業の海外展開を支援する体制の充実
- ・海外の知財情報の提供のワンストップ化、海外における知財侵害対策の支援強化

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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



40th Anniversary in 2016

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特許業務法人 WORLD PATENT & TRADEMARK

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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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