



TOPIC

1. Number of Patent Applications Worldwide
世界の特許出願件数
2. Design and Trademark Examination/Appeal Documents to be Made Available via J-PlatPat
意匠・商標の審査・審判書類がJ-PlatPatで照会可能となる
3. Baby Girls Born from Embryos Modified with Genome Editing Technology
ゲノム編集技術による改変受精卵からの女児誕生
4. Changes to Official Fees for International Applications
国際出願関係手数料の改定
5. Humanoid Robot 'Pepper' Registered as 3D Trademark
ヒト型ロボット「ペッパー」立体商標登録される
6. Punitive Damages System to be Introduced in Korea
韓国、懲罰的損害賠償制度の導入



Number of Patent Applications Worldwide 世界の特許出願件数

On December 3, 2018, the World Intellectual Property Organization (WIPO) published its report on the number of patent applications made worldwide in 2017.

According to the report, around 3.17 million patent applications were made in 2017, the highest annual figure on record. 2017 is the eight consecutive year that the number of patent applications has been the highest on record. Broken down by country, China filed by far the highest number of applications (approx. 1.38 million),

making it the nation with the highest number of applications for the seventh year running. The USA follows in second position with approx. 610,000 applications. Japan is in third position with approx. 320,000 applications, Korea in fourth position with approx. 200,000 applications, and the European Patent Office in fifth position with 170,000 applications.

Not only does China have the highest number of patent applications, it also has the highest growth rate in the number of applications (14.2% over the previous year). This figure is far above those for other nations, with the USA seeing a 0.2% increase, Japan a 0.03% increase, Korea a 1.9% decrease and the EPO a 4.5% increase for the same period. For several years, the number of patent applications made in China has continued to increase with surprising speed, and the rate of growth shows no signs of abating. However, there are meanwhile many issues regarding the protection of intellectual property in China, such as problems with the quality of application content, imitations and the leaking of technology etc.

China is a country with a large population and as such it is a very attractive market. In order to successfully do business in China, a thorough strategy for the adequate protection and use of IP should be developed. For example, taking into account the large number of patent applications currently being filed in China, balancing one's own applications alongside applications for technologies by other companies should be considered. There is room for considering such strategies as filing a larger than normal number of patent applications, or developing systems of effectively accessing useful applications only from a mix of valuable and less valuable applications (patents).

2018年12月3日付けで、世界知的所有権機関(WIPO)より、2017年の世界の知的所有権の出願件数等に関する報告書が公表された。

この報告によると、2017年の特許出願件数は約317万件と過去最高を更新し、8年連続で増加した。国別でみると、約138万件の中国が圧倒的な首位であり、7年連続の首位となった。以下、2位米国(約61万件)、3位日本(約32万件)、4位韓国(約20万件)、5位欧州特許庁(17万件)と続いた。

中国は、全体の特許出願件数のみならず、その伸び率(前年比14.2%増)においても他の国を圧倒する結果となった(米国(前年比0.2%増)、日本(同0.03%増)、韓国(同1.9%減)、欧州特許庁(同4.5%増))。ここ数年、中国の特許出願件数は、目覚ましいスピードで増加し続けており、その勢いは一向に衰える気配がない。しかし、一方で、出願内容の質の問題や、模倣、技術漏えい等、知的財産の保護に関する課題も多い。

多くの人口を抱える中国は、極めて魅力的な市場であると言え、中国でのビジネスの成功のために、適切な知財保護／活用のための戦略を十分に練る必要がある。例えば、中国での現状の特許出願数の多さに鑑み、他社技術の出願とのバランスを考慮して、一定数以上の出願をしておくことや、玉石混交の特許出願(特許)の中から、有用な特許出願(特許)のみに効率的にアクセスする手法の構築等について、検討の余地がある。

Design and Trademark Examination/Appeal Documents to be Made Available via J-PlatPat

意匠・商標の審査・審判書類がJ-PlatPatで照会可能となる

As part of an upgrade to the patent information platform J-PlatPat, it has become possible to refer to the content of documents at the examination and appeal stages of design and trademark applications.

The main documents that will be available for referral will be application filing documents, appeal requests, arguments, amendments, written statements etc. Also, documents issued by the JPO (decisions to grant, decisions to refuse, notifications of reasons for refusal, appeal decisions etc.) will be available along with interview records and response records etc.

Documents that the JPO receives on or after January 1, 2019 will be made available, as will documents and records prepared by the JPO on or after this date.

When the history of each case becomes available via J-PlatPat, it will become easier for users to grasp the developments in a given case.

特許情報プラットフォーム(J-PlatPat)の機能改善の一つとして、意匠・商標の審査段階・審判段階の書類内容が照会可能となる。

照会可能となる主な申請書類は願書、審判請求書、意見書、手続補正書、上申書等である。また、特許庁が発送する書類(登録査定、拒絶査定、拒絶理由通知書、審決等)や面接記録、応対記録等も照会可能となる。

2019年1月1日以降に特許庁で受け付けた申請書類ならびに2019年1月1日以降に作成された特許庁が発送する書類及び面接記録・応対記録が対象である。

各案件の経過がJ-PlatPat上で照会可能となることで、ユーザーにとって、案件の経緯を容易に把握できることが期待される。

Baby Girls Born from Embryos Modified with Genome Editing Technology

ゲノム編集技術による改変受精卵からの女児誕生

On November 28, 2018, Chinese associate professor Jiankui He announced at an international conference on genome editing held in Hong Kong that twin girls had been born from embryos he had modified using genome editing technology. Up to this point, doctors had refrained from returning any human embryo modified using genome editing technology to a mother's womb, due to ethical concerns. This announcement has caused a huge controversy not only in the scientific community but also on a political and social level.

Genome editing technology including CRISPR/Cas9 allows scientists to freely rewrite parts of organisms' genetic information, and is expected to be widely put to use in future in an array of fields such as medical treatment and improved foodstuffs. For example, sea bream with more muscle, rice plants with greater yields and tomatoes that remain fresh longer are being created using genome editing technology.

According to associate professor He, he used CRISPR/Cas9 to edit the genome of embryos from a man with HIV infection and a woman without HIV infection in order to give the twin girls born from said embryos resistant to HIV.

Since genome editing technology is a hugely applicable technology, while there are high hopes for its future development, it is thought by many that unregulated use of the technology could pose a threat to the dignity of life. Therefore, it is deemed necessary for there to be some form of regulation when using the technology. Too much regulation however could damage the development of genome editing.

Accordingly, from now on the desire is to swiftly deepen the discussion of the ethical issues that surround genome editing, while creating policies that take into account a balance between regulation and use, so as to allow for healthy development of the technology.

2018年11月28日、中国の賀建奎教授は、香港で開催されたゲノム編集の国際会議で、ゲノム編集技術を用いて改変した受精卵から双子の女児が産まれたことを発表した。これまで、ゲノム編集技術により改変したヒトの受精卵を母胎に戻すことは、倫理的な観点から規制されていた。このような状況下で行われた今回の発表は、科学界のみならず、国家／社会レベルで大きな波紋を呼んでいる。

CRISPR/Cas9を含むゲノム編集技術は、生物の遺伝情報を自在に書き換えられる技術として、病気の治療や食物の品種改良等の種々の分野への応用が期待されている。例えば、これまでに、筋肉量の多いタイや収穫量の多いコメ、腐らないトマト等がゲノム編集技術により生み出されている。

今回、賀准教授によると、エイズウイルス(HIV)に感染した男性と感染していない女性との受精卵に、CRISPR/Cas9を用いてゲノム編集を行い、HIVに対する免疫を持った双子の女児を誕生させることに成功した。

ゲノム編集技術は、極めて有用な技術であるため、その発展が望まれる一方で、無秩序に際限なく利用することは、生命の尊厳を脅かすことにもつながる。そこで、技術の利用に際して一定の規制が必要となるが、過剰な規制は、逆にゲノム編集技術の発展を阻害する結果ともなる。

したがって、今後は、ゲノム編集技術に関する倫理的な問題についての議論を早急に深めるとともに、規制と利用のバランスを図り、適切なゲノム編集技術の発展を促す方策が求められる。

Changes to Official Fees for International Applications 国際出願関係手数料の改定

On January 1, 2019, some fees for international applications will be revised. An outline of the main changes is as follows:

- Slight increase to International Filing Fee (first 30 pages)
- Slight increase to Handling Fee
- Increase to search fees for international searches conducted by international searching authorities other than the Japan Patent Office (EP, SG)

1. International Filing Fees

	December 31, 2018 and before	January 1, 2019 and after
International filing fee (first 30 pages)	153,800 JPY	154,000 JPY
Fee for each page after 30th	1,700 JPY	1,700 JPY (no change)
Fee reduction for filing online	34,700 JPY	34,700 JPY (no change)

2. Handling fee

	December 31, 2018 and before	January 1, 2019 and after
Handling fee	23,100 JPY	23,200 JPY

3. Search fees for international searches conducted by international searching authorities other than the Japan Patent Office

	December 31, 2018 and before	January 1, 2019 and after
Search fee (EP)	227,600 JPY	234,000 JPY
Search fee (SG)	185,300 JPY	186,100 JPY

2019年1月1日から、国際出願関係手数料の一部が改定されている。主な改訂の概要は、以下の通りである。

- ・「国際出願手数料(最初の30枚まで)」:微増
- ・「取扱手数料」:微増
- ・「日本国特許庁以外の国際調査機関(EP,SG)が国際調査を行う場合の調査手数料」:増加

1. 国際出願手数料

	2018年12月31日以前	2019年1月1日以降
国際出願手数料(最初の30枚まで)	153,800円	154,000円
30枚を超える用紙1枚につき	1,700円	1,700円(変更なし)
オンライン出願した場合における減額	34,700円	34,700円(変更なし)

2. 取扱手数料

	2018年12月31日以前	2019年1月1日以降
取扱手数料	23,100円	23,200円

3. 日本国特許庁以外の国際調査機関が国際調査を行う場合の調査手数料

	2018年12月31日以前	2019年1月1日以降
調査手数料(EP)	227,600円	234,000円
調査手数料(SG)	185,300円	186,100円

Humanoid Robot 'Pepper' Registered as 3D Trademark ヒト型ロボット「ペッパー」立体商標登録される

The shape of the humanoid robot 'Pepper' that is produced by a subsidiary of SoftBank Group has been registered as a 3D trademark.

'Pepper' is a robot fitted with artificial intelligence that can be engaged in conversation. Its distinctive features are the tablet attached to its chest and its rounded lower body with a three-wheeled "foot". It can carry out conversations with people using cameras and sensors to detect emotions. It is used as a receptionist or assistant in enterprises and stores throughout Japan.

3D trademarks are difficult to register, with high examination requirements. To be registered, a 3D trademark must be very well-known. The successful registration of 'Pepper' as a 3D trademark means that the JPO acknowledges that the product can be determined by looking at its shape alone.

Robots similar to 'Pepper' have appeared in other countries such as China. It appears that this trademark registration was sought in order to be able to prevent the sale of such goods if they are brought to Japan.



Image source: Asahi Shimbun website

ソフトバンクグループの子会社のヒト型ロボット「ペッパー」が、商品の形に商標権を与える「立体商標」に登録された。「ペッパー」はAI(人工知能)を搭載した対話型ロボットで、胸部に付けたタブレットや丸みを帯びた下半身、3つの車輪からなる「足」が特徴だ。カメラやセンサーによって人の感情を認識して人と会話をすることができる。全国の企業・店舗等で受付や接客などで活躍中だ。

「立体商標」の審査はハードルが高く、登録されるためにはかなりの周知性が必要だ。今回「ペッパー」が「立体商標」登録されたことによって、形を見ただけで商品进行特定できると、特許庁に認められたことになる。

中国など海外でペッパーに類似したロボットが出回っているのが確認されたため、国内に入ってきた場合に、販売の差し止めなどを求められるように商標権を取得したもようだ。



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[詳細はこちらへ](#)

Punitive Damages System to be Introduced in Korea 韓国、懲罰的損害賠償制度の導入

Revisions to the Korea Patent Law, the Law in connection with Unfair Competition and Protection of Industrial Secrets are due to be brought into force in 2019.

As part of these revisions, a punitive damages system will be introduced. Under this system, various circumstances will be considered such as the mode of infringement and the assets of the infringing party etc., and if it is deemed that patent rights, rights of exclusive license to work a patent or industrial secrets were ‘deliberately’ infringed, punitive damages may be awarded provided that they do not exceed three times the acknowledged value of damages suffered. It seems likely that the question of whether or not there was intent to infringe will be a greater point of contention in cases going forward.

韓国特許法、不正競争防止法及び営業秘密保護に関する法律が改正され、2019年には施行される見込みとなった。改正事項の一つとして懲罰的損害賠償制度が導入される。これは、侵害態様や侵害者の財産状況等の諸事情を考慮して、「故意」に特許権もしくは専用実施権または営業秘密を侵害すると認められる場合、損害として認定された額の3倍を超えない範囲で、賠償額が認められるというものである。今後は、「故意」の有無が争点になる事件も増えてくるであろう。



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.

Please visit our facebook pages below.

Our Legal Department on Facebook
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Our legal departments based in Osaka and Tokyo provide information on trademark applications, design applications, combating counterfeit goods etc. via Facebook. Please view our Facebook page for more details.

大阪・東京に拠点を置く法務部のFacebookにて、商標出願・模倣品対策・意匠出願などの知財に関する情報を発信しております。ぜひご覧下さい。

[More information](#) [詳細はこちらへ](#)

HARAKENZO WORLD PATENT & TRADEMARK
 特許業務法人HARAKENZO WORLD PATENT & TRADEMARK

Our Hiroshima Office on Facebook
広島事務所Facebook

Our Hiroshima Office's Facebook page provides useful services for Hiroshima prefecture and the rest of the Chugoku and Shikoku regions, with constant IP information updates. Please find us on Facebook.

広島事務所のFacebookにて、広島県を含む、中四国地域の皆様に有用と思われる知財情報を随時発信しております。ぜひご覧下さい。

[More information](#) [詳細はこちらへ](#)

HARAKENZO WORLD PATENT & TRADEMARK HIROSHIMA OFFICE
 特許業務法人HARAKENZO WORLD PATENT & TRADEMARK 広島事務所

Below are links to further IP information.

BIO IP Information

バイオ知財情報

IT IP Information

IT知財情報

IoT × AI Support Station

IoT×AI支援室

Food & Medical Business Support Station

食品×医療支援室

Major & Emerging Economic Powers

諸外国知財情報

TPP I.P. Chapter

TPP知財情報

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OSAKA 2nd OFFICE

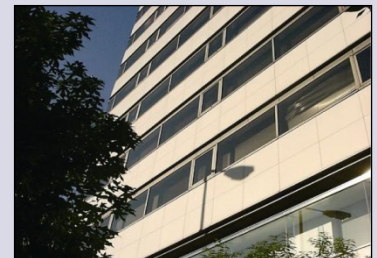
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