



TOKYO WTC HARAKENZO  
50th Anniversary in 2026

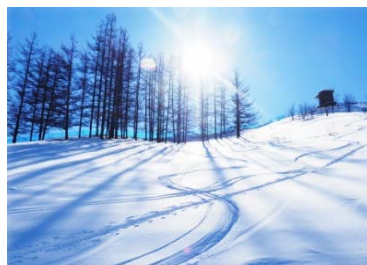
特許業務法人  
**HARAKENZO**  
WORLD PATENT & TRADEMARK  
INTELLECTUAL PROPERTY LAW FIRM

# Newsletter

December 2020  
JAPAN

## TOPICS

Tokyo Head Office will be relocated to new "World Trade Center Building South Tower" in spring of 2021  
東京本部は、2021年春に、新館「世界貿易センタービル南館」へ移転予定



Number of AI-related Patent Applications in China in 2019  
2019年における中国のAI関連特許出願の件数

Discussions on Revision of the Plant Variety Protection and Seed Act  
種苗法改正を巡る議論

Designs of newly added protection subjects registered  
新たな保護対象についての意匠登録例

Trend toward new lending method using intangible assets as collateral  
無形資産を担保とする新たな融資手法の動きについて

Strengthening crackdown on counterfeit sales by cross-border E-Commerce - Considering revisions of Trademark Act  
越境ECによる模倣品販売の取り締まり強化へ—商標法改正の検討—



Tokyo Head Office will be relocated to new "World Trade Center Building South Tower" in spring of 2021  
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### Notice of Relocation of Tokyo Head Office to new WTC Building South Tower

In 2021, our Tokyo Head Office will be relocated from the World Trade Center Building to the new **World Trade Center Building South Tower** (hereinafter, "**WTC South Tower**") which is now under construction. We plan to move during the period from April to June of 2021.

The current World Trade Center (WTC) Building, once the tallest skyscraper in Asia, is located in Minato-ku, Tokyo, with convenient access to JR Hamamatsucho Station. Now that 50 years have passed since the WTC's completion, two new buildings are being erected to replace it; the new **WTC South Tower** will be completed in spring of 2021, and the new WTC Main Tower will be completed in 2025.

The **WTC South Tower** is located in one of Tokyo's leading business districts which surrounds Hamamatsucho station. This central location,

along with redevelopment projects in the area, ensures that the tower will serve as a "gateway" to the international metropolis Tokyo. The **WTC South Tower** will have convenient direct access to the following major terminal stations:

(i) Tokyo Monorail Hamamatsucho Station, which is a terminal station for access to and from Haneda International Airport

(ii) JR Hamamatsucho Station, which is within 10 minutes via the JR Yamanote Line from (a) JR Tokaido Shinkansen Shinagawa Station, (b) JR Tokyo Station, and (c) JR Linear Motor Shinkansen Shinagawa Station (scheduled to open in 2027)

(iii) Daimon Station of Toei Subway's Asakusa Line and Oedo Line

(vi) Hamamatsucho Bus Terminal in WTC serving as a terminal for buses arriving from or going to various areas of Japan

Offering such superb access to numerous major stations, the **WTC South Tower** is a pivotal nexus suitable to serve as **the "gateway" to the international metropolis Tokyo.**

Furthermore, around the WTC, reconstruction and redevelopment is underway at Hamamatsucho Station and the surrounding areas to provide new places for international exchange, including international conference halls, culture and arts halls, restaurants, shopping centers, and facilities offering childcare and medical services with full

multilingual support.



(Image retrieved from press release of WORLD TRADE CENTER BUILDING, INC.)

Note: The bus terminal in WTC has stopped its operation since September 30, 2020 due to construction of the new WTC buildings, but will be reopened. You will be able to use the new bus terminal as before for traveling to or from major cities in Japan. For example, buses departing from stations in major cities across Japan will bring you directly to the **WTC South Tower.**

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### 新館「世界貿易センタービル南館」へ移転のお知らせ

当所東京本部は、新年2021年4月乃至6月に、現在建設中の新館「世界貿易センタービルディング南館」"World Trade Center Building South Tower" (以下、「WTC南館」)へ移転する予定です。

東京都港区のJR浜松町駅に隣接し当時東洋一の超高層を誇った現在の「世界貿易センタービルディング(WTC)」は、竣工後50年を経過したことから

建替え工事が進められており、2021年春には**新館「WTC南館」**が完成し、さらに2025年には**新館「WTC本館」**が竣工する予定です。

東京の一等地ビジネス地区に所在する**新館「WTC南館」**は、浜松町駅周辺地区の再開発により、**国際都市「東京」の『玄関口』**として生まれ変わり、下記のターミナルと直結しています。

- i 羽田国際空港への発着ターミナル駅となる「東京モノレール浜松町駅」に直結しています。
- ii 東海道新幹線「品川駅」で山手線に乗り継いでから10分以内の「JR浜松町駅」に直結しています。
- iii 「JR東京駅」で山手線に乗り継いでから10分以内の「JR浜松町駅」に直結しています。
- iv 2027年に開業予定のリニア新幹線「品川駅」で山手線に乗り継いでから10分以内の「JR浜松町駅」に直結しています。
- v 地下鉄都営浅草線・同都営大江戸線の「大門駅」に直結しています。
- vi WTC内の全国発着「浜松町バスターミナル」に直結しています。

以上のとおり、**新館「WTC南館」**には、上記のターミナル駅が集結しており、まさに**国際都市東京の「玄関口」**に相応しい交通路の要所となっています。

また、WTC及びその周辺では、浜松町駅周辺工事及び駅改築工事が行わ

れ、国際交流の場として、国際会議ホール、文化芸術ホール、レストラン街、ショッピング街、多言語に対応した保育医療サービス機能、等々が整備される予定です。



(出典: 榊世界貿易センタービルディングのプレスリリースより画像を引用)

[注] 全国発着バスターミナルは、建替え工事のため2020年9月30日で一旦営業終了しましたが、全国発着の起点ターミナルとして復活する予定です。復活後はこれまでと同様に全国発着の起点となる出発又は終着のバスターミナルとしてご利用ください。例えば、全国主要都市の出発ターミナルで乗車すれば、そのまま**「WTC南館」**に到着できます。

## Number of AI-related Patent Applications in China in 2019

2019年における中国のAI関連特許出願の件数

According to "Report on New-Generation Artificial Intelligence Development in China 2020", China's artificial intelligence (AI)-related patent applications in 2019 exceeded 30,000, up 52.4% from 2018.

The report also says that in 2019, China's AI-related paper publications in 2019 reached 28,700, up 12.4% from 2018. Besides, China produced 21 papers among the top 100 highly cited AI-related papers in the past five years, ranking second in the world.

In China, the region where AI-related papers were most actively published in 2019 includes, for example, Beijing, Jiangsu province, Guangdong province, and Hubei province. The region where many patent applications were filed includes Guangdong province, Beijing, Hubei province, and Shanghai. The region where transfer of AI-related patents was actively conducted includes Guangdong province, Jiangsu province, Beijing, and Zhejiang province.

As for academic research environment in China, in 2019, 180 universities were approved to offer undergraduate AI-related programs and open AI-related graduate schools, etc., and 11 universities, including Peking University, have established AI colleges or research institutes.

These facts underscore China's recent activities and growing influence in the field of AI and also show the possibility of continuation of China's

great influence on the AI-related technology.

「中国次世代人工知能発展報告2020」によれば、2019年における中国のAI(人工知能)関連の特許出願の件数は3万件を超え、2018年より52.4%増加したとのことである。

また、2019年に中国が発表したAI関連の論文は2.87万部に達し、2018年より12.4%増加したとのことである。しかも、ここ5年間のAI関連の論文で、被引用回数が100位までの論文のうち、21本が中国の論文であり、世界で2位となっている。

中国国内で、2019年のAI関連の論文発表が最も活発な地域としては、北京市、江蘇省、広東省、湖北省などが挙げられている。また、特許出願件数が多い地域としては、広東省、北京市、江蘇省、上海市が挙げられている。さらに、AI関連の特許転移が活発な地域として、広東省、江蘇省、北京市、浙江省が挙げられている。

研究環境について、中国では、180校の大学が2019年にAI関連の学科、大学院などの開設を認可され、北京大学など11校の大学が、AI学院または研究院を新設した。

AI分野における昨今の中国の活躍と影響力の増大とを裏付ける結果となっており、また、今後も中国がAI関連技術において大きな影響力をふるうことを予感させる結果となっている。

## Discussions on Revision of the Plant Variety Protection and Seed Act

### 種苗法改正を巡る議論

A bill for revision of the Plant Variety Protection and Seed Act is expected to pass the National Diet soon. The bill failed to pass the National Diet in June this year (year 2020), and was carried over to the next Diet session. Now, a heated discussion is going on about the bill.

In the background of the bill for revision, there is a current situation in which an outflow of seedlings or fertilized eggs of a high quality variety (e.g., varieties of common beans, strawberries, and grapes, and Wagyu (Japanese beef cattle)) overseas continuously occurs and the high quality variety is bred abroad without permission.

In order to prevent such a situation, if the bill is enacted, countries and domestic areas into which a variety can be exported or taken can be designated when the variety is registered. Then, taking the variety out of those designated countries or domestic areas will constitute an infringement of a breeder's right. This makes it possible to request a penalty and/or an indemnity for the infringement.

The heated discussion about the bill for revision is particularly on the point that if the bill is enacted, farmers will be required to obtain the consent of the holder of a breeder's right for "reproduction by farmers on their own land" of a registered variety.

Conventionally, farmers in Japan have been stabilizing the quality and

the amount of supply of farm crops produced on the field of the farmers, by "reproduction by farmers on their own land". For such reproduction, the farmers take seeds from particularly well-grown crops after cultivation and shipping, and select, from the seeds, seeds suitable for their own field. Growing agricultural crops is affected largely by environmental factors, such as soil characteristics, as well as seeds and seedlings.

According to the bill for revision, in order for farmers to reproduce a registered variety by themselves on their own land as they always have been doing, the consent of the holder of a breeder's right will be necessary. Further, a royalty will be decided by the holder of the breeder's right. Accordingly, if the bill is enacted, payment of the royalty to the holder of the breeder's right will be additionally needed for production of crops. Then, cost necessary for production of the crops will increase. Some point out that in such circumstances, farmers who cannot continue producing crops may appear one after another.

Meanwhile, it is not possible to disregard the issue that the holder of a breeder's right spent a lot of cost to develop a registered variety and the holder of the breeder's right may not be able to recover the development cost if many producers reproduce, by themselves on their own land, the registered variety developed by the holder of the breeder's right.

Regarding the overview of the bill for revision of the Plant Variety Protection and Seed Act, Tetsuya Okawa, who is a lawyer and serving as

the Vice President of Japanese Federation of Bar Associations, says, "the consent is required for only registered varieties which are newly developed and discovered, but not for common varieties. Further, registered varieties can be freely used for seed production by crossbreeding for the purpose of development of a variety. Therefore, much of the concern is based on misunderstanding".

On the other hand, Masahiko Yamada, who is a former Minister of Agriculture, Forestry and Fisheries and a lawyer, says in a warning manner, "Media do not report much about what the issues of the bill of revision are and how producers will be affected after the bill is enacted. Hasty enactment of the bill may lead to irrecoverable problems in Japanese agriculture in the future."

Careful attention should be paid to the development of the discussion, particularly as to whether the discussion of "fair payment to creators" for, for example, patents and copyrights, will be directly applied to breeder's rights.

今年6月に継続審議となって国会成立が見送られたものの、近々には成立すると予想されている種苗法改定案について、議論が白熱している。

改正案の背景には、いんげん豆やいちご、ブドウの苗、和牛の受精卵などの優良品種が海外に流出し、無断で栽培されるといった事態が続発している現状がある。

こうした事態を防ぐため、改正案では、品種登録の際に、輸出可能な国や国内地域が指定され、指定外の国・地域への持ち出しは育成者権の侵害となり、刑事罰や損害賠償の請求が可能になる。

改正案で特に議論が白熱しているのは、農家が登録品種を「自家増殖」するために、育成権者の許諾を必要とする点だ。

従来、日本の農家は、栽培、出荷後に、特に優良に育ったものから種をとって、自分の田畑に適した種を選別して、「自家増殖」を行うことによって、自分の田畑で生産する農作物の品質や供給量を安定させてきたという。農作物の育成には、種子や苗だけでなく、土壌の特性等の環境要因も大きく影響するからである。

改定案では、登録品種について農家がこれまで通り自家増殖するには、育成権者の許諾が必要になり、許諾料は育成権者が決定する。そのため、改定案が成立した場合、農作物を生産するためには新たに育成権者への許諾料の支払いが必要となり、農作物の生産に要する経費が上昇し、生産が立ち行かなくなる農家が续出する可能性が指摘されている。

もともと、育成権者が多額の経費をかけて開発した登録品種が、多くの生産者に自家増殖されてしまうと、育成権者は開発費が回収できなくなるという問題も無視するわけにはいかない。

また、種苗法改正案の概要について、日弁連副会長の大川哲也弁護士は、「許諾が必要となるのは、新たに開発され、見出された登録品種のみであって、一般品種は対象にならない。また、品種開発目的の交配による種子生産は、登録品種でも自由にできることから、この懸念は誤解にもとづくところが大きい」と主張する。

ただし、元農林水産大臣で弁護士の山田正彦氏は「同法案の何が問題なのか。法案が成立すると生産者にどのような影響ができるのか。メディアはほとんど報じていない。拙速な法案成立は日本の農業に取り返しつかない禍根を残す可能性がある」と警鐘を鳴らす。

特許権や著作権のような「創作者への、適正な対価の支払い」という議論がそのまま、育成権にも適用されることになるのか、議論の推移を見守ってきたい。

## Designs of newly added protection subjects registered

新たな保護対象についての意匠登録例

With the revised Design Act which came into effect in April 2020, the coverage of protection has expanded to include the designs of interior, buildings, and graphic images. For each of these newly added subjects of protection, the first design registration was recently published.

Many companies based in Europe and the United States have adopted "design engineering and management", a concept which aims to increase the competitiveness of their brands by wise use of designs. Such companies use designs that are consistent not only among products and advertisements but also across all points of connection with the customers, such as shops and websites.

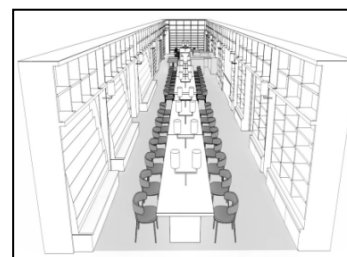
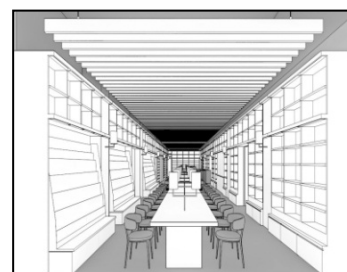
In order to practice "design engineering and management" which is now also promoted by the Japan Patent Office, companies will need to ensure that their designs among the newly added subjects of protection are well-protected by design right or other means. The filings of design applications for the new subjects are expected to increase, and we will report on trends of such applications in our new letters in the future.

- Interior design registration (TSUTAYA BOOKS Co., Ltd.) -

[Article of design] Interior design of a bookstore

[Holder of design right] Culture Convenience Club Co., Ltd.

Drawings of application



Actual store



(Cited from the website of Nikkei Xtech)

### Introduction to Our Firm's Service

### 当所のサービス紹介

## Brand strategy support station ブランド戦略推進室

We provide services of the highest standard by combining expert knowledge  
—cultivated through decades of experience— with unique analytical  
capabilities that only a large-scale international IP firm can offer.

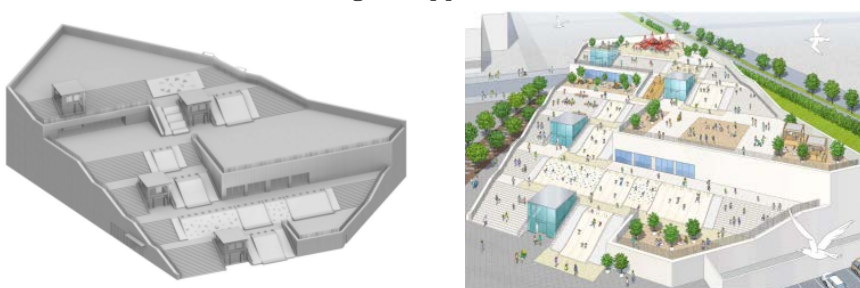
[Click here for details](#)

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](#)

- Building design registration (UNIQLO PARK Yokohama Bayside store) -  
[Article of design] Commercial building  
[Holder of design right] FAST RETAILING CO., LTD.

Drawings of application



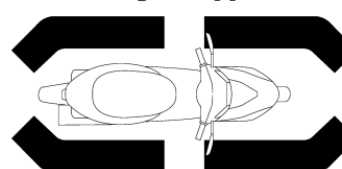
Actual store



(Cited from the website of NIKKAN KOGYO SHIMBUN)

- Graphic image design registration (Area marker) -  
[Article of design] Image for displaying vehicle information  
[Holder of design right] KOITO MANUFACTURING CO., LTD

Drawings of application



Actual product



(Cited from the website of the Ministry of Economy,  
Trade and Industry, Japan)

4月に施行した改正意匠法により、新たに意匠の保護対象となった「内装」「建築物」「画像」について、それぞれ、登録第1号の意匠が公開された。

欧米の企業では、デザインを活用してブランド競争力を高める「デザイン経営」が普及し、製品や広告だけでなく、店舗やウェブサイトなど全ての顧客接点において一貫したデザインを施している。

特許庁は、「デザイン経営」を奨励しているが、「デザイン経営」には、新たな保護対象についての意匠権等による保護が必要である。今後も新たな保護対象についての意匠出願が増えると思われるので、適宜出願状況を報告していく。

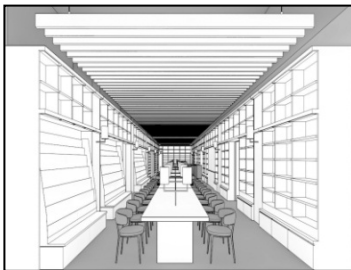


\*\*\*\*\*「内装の意匠」: 蔦屋書店\*\*\*\*\*

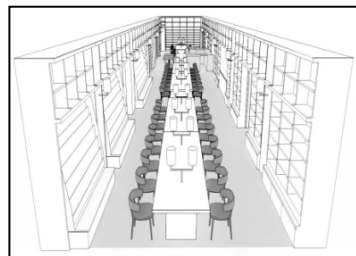
【意匠に係る物品】書店の内装

【意匠権者】カルチュア・コンビニエンス・クラブ株式会社

出願図面



実際の店舗



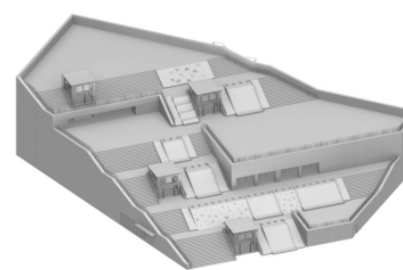
日経クロステックHPより

\*\*\*\*\*「建築物の意匠」: ユニクロPARK横浜ベイサイド店\*\*\*\*\*

【意匠に係る物品】商業用建築物

【意匠権者】株式会社ファーストリテイリング

出願図面



実際の店舗



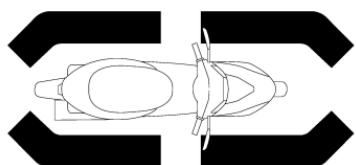
日刊工業新聞HPより

\*\*\*\*\*「画像の意匠」:エアーマーカー\*\*\*\*\*

【意匠に係る物品】車両情報表示用画像

【意匠権者】株式会社小糸製作所

出願図面



実際の製品



経済産業省HPより

## Trend toward new lending method using intangible assets as collateral

### 無形資産を担保とする新たな融資手法の動きについて

On November 4, 2020, the Financial Services Agency announced that they aim at establishment of a system as a reform of lending practices carried out by banks. The system allows companies' intangible assets (e.g. techniques and customer bases) to be collectively used as collateral.

Lending has been carried out so far mainly on real estate security or on management guarantee. Specific common examples of mortgages include a mortgage provided for in the Civil Code and arranged for real estate such as land, and a factory mortgage (under Article 2 of the Factory Mortgage Act) and a factory foundation mortgage (under Article 8 of the Factory Mortgage Act). These Articles of the Factory Mortgage Act provide that business equipment is to be comprehensively used as collateral in a certain scope. According to the existing laws, companies' techniques, customer bases, etc. are not assumed to be used as collateral. Under such conventional lending practices, it has been impossible for the banks to carry out lending with respect to a company due to absence of collateral even if the company is a promising company.

Under the circumstances, the Financial Services Agency is considering establishing a system that allows a value of business as a whole including companies' intangible assets (e.g. techniques, know-how, and customer bases) to be comprehensively mortgaged. According to the Financial Services Agency, they are specifically scheduled to consult

with the Ministry of Justice and begin a discussion at the Legislative Council in 2021 in consideration of the legal revision.

In a case where such a legal adjustment advances, medium-sized and smaller companies that do not possess any real estate but have strong patent rights, know-how, etc. are expected to easily expand their business.

2020年11月4日、金融庁は、銀行による融資慣行の改革として、企業の技術や顧客基盤などの無形資産を一括で担保にできる制度づくりを目指すと発表した。

これまでの融資は、不動産担保融資や経営者保証融資が中心であった。具体的には、担保権といえば、民法が規定する土地などの不動産に設定される担保権、または、工場抵当法が規定する、企業設備を一定の範囲で包括的に担保の対象とする工場抵当(2条)および工場財団抵当(8条)が一般的であり、現行法上、企業の技術や顧客基盤などを担保とすることは想定されていない。そして、このような従来型の融資慣行の下では、銀行は、将来有望な企業であっても、担保がないため融資を実行することができなかった。

そこで、金融庁は、企業の技術やノウハウ、顧客基盤などの無形資産を含む事業全体の価値に包括的に担保権を設定できる仕組みの構築を検討している。具体的なスケジュール感として、金融庁は、法務省とも協議し、法改正を視野に来年にも法制審議会での議論に入る予定とのことである。

このような法整備が進めば、不動産は保有していないが、強力な特許権、ノウハウ等を保有する中小企業が、事業を展開するのが容易になると期待される。

## Strengthening crackdown on counterfeit sales by cross-border E-Commerce - Considering revisions of Trademark Act

越境ECによる模倣品販売の取り締まり強化へ—商標法改正の検討—

The JP government has decided to strengthen a crackdown on counterfeit goods such as fake brands coming from overseas. According to the policy under consideration, if the trademark rights are infringed, articles in question would be confiscated even if the articles are imported for personal use. The relevant ministries and agencies will compile relevant legislations (mainly Customs Act and Trademark Act), and are aiming to submit them to the ordinary Diet next year.

"Import" in which individuals in Japan carry on direct trade with foreign business operators is considered as being carried out by "individuals in Japan" and, under the current Trademark Act, such "import" does not fall under the "use" of trademarks and thus does not questioned in terms of infringement of trademark rights. Therefore, in the customs certification procedure (under Article 69(12) of the Customs Act) which is a prerequisite for confiscation, etc., it is often difficult to disprove a claim that it is "for personal use" from a person who is trying to import counterfeit goods, and it is accordingly difficult to prevent the inflow of such counterfeit goods.

The JPO announced its policy at the 6th Subcommittee on Trademark Systems of the Intellectual Property Subcommittee of the Industrial Structure Council on November 6, 2020 and, the JPO as a committee will approve, in January or February next year, a report that includes other system reform proposals and will submit a revised bill to the Diet.

We will pay attention to future progress.

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政府は、海外から流入する偽ブランド品などの模倣品の取り締まりを強化する方針を固めた。商標権を侵害している場合、個人使用目的で輸入した物品であっても没収対象にする方針で検討していくとのこと。関係省庁が関連する法律案(主に関税法、商標法)をまとめ、来年の通常国会提出を目指すとのことだ。

海外事業者と日本国内の個人との直接取引がなされる「輸入」は「日本国内の個人」によるものであって、現行商標法では商標の「使用」に該当せず商標権侵害とはならない。その為、没収等の前提となる税関の認定手続き(関税法第69条の12)において、模倣品を輸入しようとしている者から「個人使用目的である」と主張されると反証困難な場合も多く、模倣品の流入を阻止することが困難になっているという。

特許庁は11月6日の産業構造審議会知的財産分科会の第6回商標制度小委員会にて方針を示し、来年1、2月に他の制度改革案なども盛り込んだ報告書を委員会として承認し、改正法案を国会に提出するとのことだ。

今後の進捗に注目したい。



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.

## Below are links to further IP information.

|  |  |  |
|--|--|--|
| <b>BIO IP Information</b><br>バイオ知財情報                           | <b>IT IP Information</b><br>IT知財情報                     | <b>IoT × AI Support Station</b><br>IoT×AI支援室 |
| <b>Food &amp; Medical Business Support Station</b><br>食品×医療支援室 | <b>Major &amp; Emerging Economic Powers</b><br>諸外国知財情報 | <b>TPP I.P. Chapter</b><br>TPP知財情報           |

Please visit our facebook pages below.

### Our Legal Strategy Department on Facebook 法務戦略部Facebook

Our Legal Strategy 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戦略部の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。ぜひ高覧ください。

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### 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。ぜひ高覧ください。

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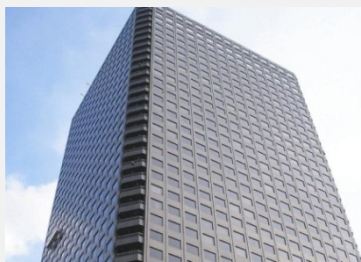
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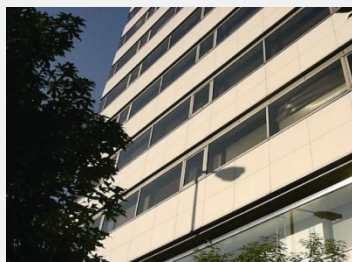
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