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### TOPIC

Chile and Cabo Verde accede to Madrid Protocol

チリとカーボヴェルデ共和国はマドリッド協定 議定書に加盟



International Organization Established to Fight Piracy Copyright protection organizations and others from 13 nations join 海賊版対策で国際組織設立 13か国の著作権保護団体などが加盟

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文化庁、新「著作権契約書作成支援システム」公開へ

DESIGN & TRADEMARK

### Newsletter

### MAY 2022 JAPAN

**Chile and Cabo Verde accede to Madrid Protocol** チリとカーボヴェルデ共和国はマドリッド協定議定書に加盟

The Government of Chile, officially the Republic of Chile, and the Government of Cabo Verde, officially the Republic of Cabo Verde, deposited their instruments of accession to the Madrid Protocol with the World Intellectual Property Organization (WIPO) on April 4, 2022 and April 6, 2022, respectively. The Protocol will enter into force on the following dates for the respective countries, and after the date of entry into force, it will be possible to file an application under the Madrid Protocol designating Chile or Cabo Verde.

Chile: July 4, 2022

Cabo Verde: July 6, 2022

The accession of the two countries will bring the total number of members of the Madrid Protocol to 112.

Individual fees and other details are expected to be announced as soon as they are known.

[Websites for reference](\*English only)

The Republic of Chile Joins the Madrid System

https://www.wipo.int/madrid/en/news/2022/news\_0012.html

Cabo Verde Joins the Madrid System

https://www.wipo.int/madrid/en/news/2022/news\_0016.html

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チリ政府は2022年4月4日に、カーボウェルデ共和国政府は2022年4月6日に、 それぞれマドリッド議定書への加盟文書を世界知的所有権機関(WIPO)に 寄託した。議定書は国ごとにそれぞれ以下の日程で発効され、発効日以降はチ リ又はカーボヴェルデ共和国を指定としたマドプロ出願が可能になる。

- ・チリ:2022年7月4日
- ・カーボウェルデ共和国:2022年7月6日

当該2か国の加盟により、マドリッド議定書の加盟メンバー数は112となる。 個別費用等については、詳細が分かり次第、通知される見込みだ。

#### [参照HP] (※英語のみ)

- \*The Republic of Chile Joins the Madrid System
- →https://www.wipo.int/madrid/en/news/2022/news\_0012.html
- \*Cabo Verde Joins the Madrid System
- $\rightarrow \! \underline{\text{https://www.wipo.int/madrid/en/news/2022/news\_0016.html}}$

### International Organization Established to Fight Piracy Copyright protection organizations and others from 13 nations join

海賊版対策で国際組織設立 13か国の著作権保護団体などが加盟

According to the NEWS WEB, news website of Japanese broadcaster NHK, damage caused by websites practicing piracy of animation, manga, etc., has become increasingly serious worldwide in recent years, and an international body, the International Anti-Piracy Organization (IAPO), has been established to prevent such damage.

The first meeting is scheduled to be held on April 26, 2022. Copyright protection organizations and governmental institutions from 13 nations, including Japan, the United States, South Korea, and the Philippines will participate in the organization.

According to a Japanese aggregate corporation of publishing industry, ABJ, estimated financial damage resulting from "comic book piracy" amounted to at least 1 trillion and 1.9 billion yen last year, which far exceeds the legitimate manga market, which was approximately 600 billion yen.

In order to avoid crackdown, piracy websites are usually established in countries different from countries where copyright holders are based. Therefore, it is necessary for investigative agencies in various countries to cooperate in order to detect piracy websites. The IAPO will investigate information on illegal websites, and provide it to investigative agencies in relevant countries to facilitate investigations. For the time being, the organization will be operated by the

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Japan's Content Overseas Distribution Association (CODA), which is made up of Japanese publishers and animation production companies. Groups in China and Europe are also expected to join the organization.

Mr. Goto, representative director of the CODA, said, "There are differences in anti-piracy measures among countries, and there are some countries that do not have its own copyright laws in operation. We would like to strengthen international enforcement in cooperation with other countries."

NHKのニュースサイトNEWS WEBによると、近年、アニメーションや漫画等の海賊版サイトによる被害が国際的に深刻化しており、これらの被害を防止するために、国際的な組織「国際海賊版対策機構」が設立されたようだ。2022年4月26日に初めての会合が行われる予定で、日本をはじめ、米国、韓国、フィリピンなど13か国の著作権保護団体や政府機関が参加する。

出版社などで作る一般社団法人「ABJ」(エービージェイ)の試算によると、昨年の「タダ読み」の被害額は少なくとも1兆19億円にのぼる。これは正規の漫画市場のおよそ6000億円をはるかに上回る額だ。

海賊版サイトの拠点は、摘発を避けるために、著作権を持つ会社等とは別の国に設置されることが多く、海賊版サイトを摘発するためには、各国の捜査機関の連携が必要である。国際海賊版対策機構は、違法サイトの情報を調査し、各国の捜査機関に情報を提供し捜査を促す。当面、日本の出版社やアニメ制作会社などで作るCODA(コンテンツ海外流通促進機構)が運営し、中国やヨーロッパの団体も参加する見込みだ。

CODAの代表理事である後藤氏は「海賊版対策は国によって差があり、著作権法という法律があっても運用されていない国もある。各国と連携して国際執行の強化を図りたい」と話している。

### Agency for Cultural Affairs Releases New "Copyright Contract Preparation Support System" 文化庁、新「著作権契約書作成支援システム」公開へ

The Agency for Cultural Affairs has released a new version of "Copyright Contract Preparation Support System" on its website (URL: <a href="https://pf.bunka.go.jp/chosaku/chosakuken/c-template/">https://pf.bunka.go.jp/chosaku/chosakuken/c-template/</a>) on April 1. The former version was created in 2006. Since then, there has been an increase in secondary use of copyrighted works on the Internet platforms including SNS and YouTube, which was not supposed at the creation of the former version, such as changes of the content, expression, and subject of copyrighted works (e.g. uploaded videos) and their enlargement, reduction, and/or color modification. In order to address such changes of the times, a new version has been released.

The purpose of this system is to make it easy for those who are not engaged in the creation or use of copyrighted works to make contracts regarding the licensing of use of the copyrighted works.

A user selects the basic options for creating a contract, such as the type of copyrighted work (article, illustration, music, animation, photograph, play, etc.) and the type of use, which enables the user to select an appropriate contract model. The contract can then be automatically created by answering questions about more specific type of use, copyright ownership, purpose of use, whether or not moral rights are exercised, and compensation.

"Manual for Easy Creation of Copyright Contract" on the website of the Agency for Cultural Affairs provides knowledge common to all usage scenarios and

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explanations tailored to specific individual usage scenarios, thus providing information necessary to further adjust the contract automatically created by this system between the parties.

If you have a chance, we recommend that you visit this site to obtain the necessary knowledge and the contract for concluding a copyright agreement.

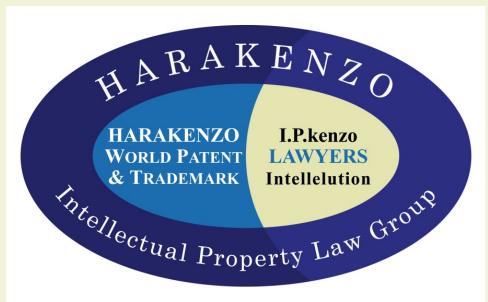
文化庁は、新「著作権契約書作成支援システム」を4月1日より文化庁ウェブサイト(URL: <a href="https://pf.bunka.go.jp/chosaku/chosakuken/c-template/">https://pf.bunka.go.jp/chosaku/chosakuken/c-template/</a>)に公開した。前身の旧「著作権契約書作成支援システム」は平成18年に作成されたが、当初想定されていなかったSNSをはじめとしたインターネットプラットフォーム上の著作物や、実際にアップされた著作物(YouTube等の動画)の内容・表現又は題材の変更や拡大・縮小・色調の修正等の二次利用がふえているためそれら時代の変化にあわせた新システムがリリースされた。

当システムは、著作物の創作又は利用を職業としていない人でも著作物の利用許諾等に関する契約を簡単に行えることを目的としている。

契約書作成のための基本的な選択肢、例えば、論文・イラスト・楽曲・動画・写真・演劇などの著作物の種類、および利用形態等を選択すると該当の契約書ひな形が選択できる。さらに具体的な利用形態、著作権の帰属、利用目的、著作者人格権の行使有無、対価などの質問に回答していくことで契約書が自動的に作成できるというものだ。

同サイトの「誰でもできる著作権契約マニュアル」ですべての利用場面に共 通する知識と具体的な個々の利用場面に即した解説があり当システムで自動作 成された契約書をさらに当事者間で調整するために必要な情報が提供されてい る。 著作権契約を結ぶための契約書と必要な知識を入手できるサイトとして、機会があれば一度訪れてみることをお薦めしたい。

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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.

Below are links to further IP information.

**BIO IP Information** 

バイオ知財情報

Food & Medical Business Support Station

食品×医療支援室

**DX**, IT IP Information

DX,IT知財情報

Major & Emerging Economic Powers

諸外国知財情報

IoT × AI Support Station

IoT×AI支援室

**TPP IP Chapter** 

TPP知財情報

Please visit our facebook pages and our twitter account below.

### Official Facebook Page 公式フェイスブックページ

We have an official Facebook page where we post helpful information gathered from our offices in Osaka, Tokyo, Hiroshima, and Nagoya.

On this page, we publish a variety of information, such as the latest developments in IP law and practice in various countries around the world, exciting IP-related news, and what's going on with us and around us. Please find us on Facebook!

大阪・東京・広島・名古屋に拠点を持つ国際特許事務所のFacebookページです。 知財制度等の最新情勢や、知財ニュース、また、所内の雰囲気や、複数拠点近辺の近況 などを発信していきます!ぜひご高覧ください。



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### **Our Twitter Account**

弊所公式Twitter

To help you become familiar with our activities and projects, we post a variety of information in addition to IP-related news on Twitter. If you have a Twitter account, please follow us! Your "likes" and "re-tweets" are also appreciated!

弊所の活動や取組みをより身近に感じて頂けるよう、知財情報に限らず様々な情報を発信しております。Twitterアカウントを持ちの方は、お気軽にフォローください。 いいねやRTも大歓迎です。



@HarakenzoT #HARAKENZO



### Newsletter

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