

Japan's intervention at 57th WIPO Assemblies (Oct 2<sup>rd</sup>-11<sup>th</sup>, 2017)

Agenda item 13: Report on the Standing Committee on Copyright and Related Rights (SCCR)
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Thank you, Mr. Chair, speaking in is national capacity.

Japan would like to express our appreciation for the meaningful discussion in the SCCR since the last General Assembly.

As for the protection of broadcasting organizations, we recognize that some progress has been made by the fruitful discussion based on the consolidated text. We hope that the further discussion will deepen the mutual understanding among the member states and will lead to the convening of a Diplomatic Conference at the earliest opportunity. Japan is willing to contribute further substantial progress for achieve the common goal.

Regarding the issue of exceptions and limitations, it is essential that we achieve the appropriate balance between the interest of rights holders and the accessibility to works. The member states have established the balanced and suitable exceptions and limitations based on the respective social and cultural backgrounds in each country. So, under this circumstance, we hope that the discussion on this issue will focus on the sharing of national experiences and practices.

Finally, please allow me to mention the Asia-Pacific Regional Meeting for Heads of Copyright Offices. From October 23rd, it is great honor that WIPO will host this meeting with the celebration of 25th anniversary of the Japanese Funds-in-Trust for copyright and related rights.

We hope that many high-level participants from Asia-Pacific region will attend this meeting and we expect that this meeting will promote deep understanding about the current copyright issues and bear fruitful outcome.

Thank you, Mr. Chair.

Agenda item 14: Report on Standing Committee on the Law of Patents (SCP)

Thank you, Mr. Chair.

I am speaking in my national capacity.

First of all, we welcome the fact that we shared a lot of information on various issues through the discussions at the 25th and 26th sessions of the SCP and that the Committee was able to reach an agreement on its future work at the last session. We highly appreciate the Secretariat's efforts and Member States' flexibility in this regard.

The most important issues for us are the quality of patents and the confidentiality of communications between clients and their patent advisors

We believe that it is important to consider the quality of patents from a practical perspective. This means taking into consideration various factors involved with patent-granting procedures. This includes patent examination practices and opposition procedures. In other words, factors that determine the quality of patents. Also, we feel that many countries share a common understanding that work sharing activities contribute to improving the quality of patents.

In that sense, we look forward to the sharing session on examples and cases relating to assessment of inventive step and also to the information exchange session on cooperation between patent offices in search and examination, which will be held at the coming session.

When it comes to the confidentiality of communications between clients and their patent advisors, we feel that allowing patent advisors to claim confidentiality may enhance the reliability and stability of the intellectual property system, whether in developed countries or in developing countries. This would contribute to protecting the interests of all the relevant parties.

This delegation hopes that this issue will be continued to be discussed at the SCP so that the importance of protecting communications between clients and their patent advisors will be shared among Member States. In that context, we look forward to the sharing session on the experience of Member States in

implementing the confidentiality of communication between clients and their patent advisors through national legislation, which will be held at the coming session.

This delegation strongly believes that the SCP should keep on discussing global patent issues. In addition, this delegation is committed to continue contributing positively to discussions on important patent issues, as it has been doing.

I thank you, Mr. Chair.

Agenda item 17: Report on the CDIP and Review of the Implementation of the Development Agenda Recommendations

Thank you, Mr. Chair.

I am speaking in my national capacity.

We greatly appreciate that WIPO has been steadily working toward implementing the Development Agenda recommendations. Japan attaches great importance to development activities, including technical assistance and capacity building.

We have been providing various types of assistance through the WIPO/Japan Funds-in-Trust. One of these funds is for Member States in Africa and LDCs, and another is for Member States in the Asia Pacific region.

Our Funds-in-Trust activities include organizing regional, sub-regional and national seminars, workshops, training courses, expert advisory missions, and long-term fellowship programs; and translating selected WIPO materials.

Through these channels, Japan has supported a number of WIPO-administered projects and activities, and shared its experience in the use of intellectual property to create wealth, enhance competitiveness, and develop the economy.

We strongly believe that improving IP systems will drive the self-sustained economic development of developing countries as well as contribute to developing the global economy.

I thank you, Mr. Chair.

Agenda item 18: Report on the Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore

Thank you, Mr. Chair.

I am speaking in my national capacity.

At the outset, Japan would like to express sincere appreciation to Mr. Ian Goss, the Chair of IGC, vice chairs and facilitators, for their tireless efforts.

Although we have been making definite progress based on the outstanding efforts of all Member States, it is true that no consensus has been reached on fundamental issues such as objectives, definitions, and the disclosure requirement. At the same time, there are still huge differences among the Member States on the main Articles of the texts.

To fill in those gaps, this delegation believes that the Committee should not focus only on the text, but place more emphasis on Member States' sharing their respective national experiences and practices, and conducting factual studies.

Given the current circumstances, this delegation firmly believes that it is not appropriate to convene a diplomatic conference, until such time that all Member States have concluded exhaustive discussions about major provisions and reached an agreement. In other words, it is not appropriate to first set a deadline for the negotiations before the texts are completed. Japan is of the view that we should continue discussions without prejudging their outcome, in order to ensure that we thoroughly discuss all technical issues.

In order to deepen substantive discussion, Japan is of the view that we should rather focus on the quality of every single meeting by conducting intensive discussions, and should not unnecessarily extend or increase the meetings. In addition, this delegation would like to reiterate that the three texts should be dealt with on an equal footing.

On the mandate of the IGC for the 2018/2019 biennium, Japan, together with the United States, has submitted the joint proposal, contained in the document WO/GA/49/19.

In this regard, the delegation of Japan would like to thank the EU in trying to craft landing zone in normative approach which could overcome current impasse having been existed in the past IGC sessions.

Nevertheless, this delegation firmly believes that the proposal made by the United States and Japan should be reflected in the IGC mandate for the next biennium. Also, with respect to disclosure requirement, the delegation is not in the position to support such requirement, regardless of whether it is formality or not, as we have expressed the reasons in many occasions in the past.

This delegation remains committed to contributing constructively on this agenda item.

I thank you, Mr. Chair.

Agenda item 21: PCT System
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Thank you, Mr. Chair.

I am speaking in my national capacity.

As one of Offices that assessed the eligibility of the Intellectual Property Office of the Philippines (IPOP HL) to be appointed as an ISA/IPEA, we fully support its appointment.

The close cooperation in the field of intellectual property between the Japan Patent Office (JPO) and the IPOP HL goes back a long time and involves a wide range of activities, such as human resource development and office automation. The JPO has used not only the WIPO Japan Funds-in-Trust but also made separate, bilateral arrangements.

The JPO's assessment of the IPOP HL's possible appointment was conducted based on the IPOP HL's request and a bilateral Memorandum of Cooperation (MOC) signed between our Offices, as part of the cooperation in the field of the PCT.

We conducted our very thorough assessment in a very objective manner on various aspects, including whether the IPOP HL meets the minimum requirements in line with the PCT Rules 36.1 and 63.1. The results of the assessment were compiled as working document PCT/CTC/30/2 Rev., Appendix 3.

Our report concludes that the IPOP HL meets the minimum requirements under the relevant PCT Rules, on the assumption that it will have examiners with sufficient capability to conduct searches and will have access to some non-patent document databases by the time the General Assemblies are held in October 2017. The IPOP HL advised us that these requirements have already been met. We would like to congratulate the IPOP HL on its efforts to strengthen its capabilities as an ISA/IPEA.

It is our sincere wish that with the appointment of the IPOPHL as ISA/IPEA, the PCT system will develop even further. Our Office will continue to be committed in assisting the IPOPHL in operating as a competent ISA/IPEA.

I thank you, Mr. Chair.