Research, Training and Awareness in the Field of Intellectual Property –
Benefiting from the Experience of Japan

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List of Abbreviations

AIPPI-Japan: International Association for the Protection of Intellectual Property of Japan
CR: Collaborative Research
INPIT: National Centre for Industrial Property Information and Training
IIP: Institute of Intellectual Property
IIPPF: International Intellectual Property Protection Forum
IP: Intellectual Property
IPDL: Industrial Property Digital Library
IPRs: Intellectual Property Rights
IPTI: Intellectual Property Training Institute
IPO: Intellectual Property Office
JETRO: Japan External Trade Organization
JIII: Japan Institute of Invention and Innovation
JIPA: Japan Intellectual Property Association
JPAA: Japan Patent Attorneys Association
JPO: Japan Patent Office
METI: Ministry of Economy, Trade and Industry, Government of Japan
MEXT: Ministry of Education, Culture, Sports, Science and Technology, Government of Japan
NIIPM: National Institute of Intellectual Property Management
SMEs: Small and Medium Enterprises
SR: Sponsored Research
Tokyo Tech: Tokyo Institute of Technology
TLO: Technology Licensing Organisation
WIPO: World Intellectual Property Organization
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CHAPTER - 1

Introduction

1.1 Background

In the era of economic globalization the importance of Intellectual Property (IP) in wealth creation and economic development has been well understood and recognized. Intellectual property assets are valuable commercial products which need to be carefully protected for exploiting their full economic potential. It is acknowledged that the protection and economic utilization of intellectual property rights (IPRs) is one of the key factors in bringing economic success for the developed world. However developing countries have not adequately exploited this potential as yet.

Therefore, there is a strong need to promote the creation, protection and commercialization of IPRs in developing economies. However, the success of such efforts would depend on several factors which include the level of awareness on IPR, the availability of adequate number of professionals to offer services on IPRs, training and research on IPR and the perceived commercial importance of IPRs ¹.

During the past decade Indian IPR regime has undergone a complete changeover. All the Indian laws relating to intellectual property have been either amended or replaced with new legislation to meet the international obligations. A world class Intellectual Property Rights infrastructure has been established by modernizing the Indian Intellectual Property Offices (IPOs). Attention has also been paid to development of human resources. An Intellectual Property Training Institute has been established to give training to Patent and Trademark

Examiners. However, these efforts have to be continued in a much larger scale in the years to come. Towards this, another phase of modernization of IP offices in India has been started. India is thus set to put in place a robust IP regime fully tuned to international requirement to pave the way for a sustained growth of the economy.

However, what has been observed that despite all these efforts to strengthen its IP regime, India is still lagging behind in providing education, research and training facilities in the field of Intellectual property. Intellectual Property Training Institute (IPTI) which was established in Nagpur in the year 1980, is conducting training programmes and also providing training to the examiners of patents, designs and trademarks and other technical officers working in IP offices, but it has limited role to play. Although a step towards this direction has been taken up by setting up a National Institute of Intellectual Property Management (NIIPM), at Nagpur to cater as a nodal centre for training, education and research, besides being a think tank of the government on important IP policy matters, there is much more needs to be done.

Due to modernization initiatives, IP activity got tremendous boost which is evident from the increased number of IPR application filing. Patent applications filing has gone up from a level of 4824 in 1999-2000 to 28,940 in 2006-07, an increase of almost six times. However, there is considerable backlog of pending applications at the intellectual property offices (IPOs). While additional posts of examiners are being created and more and more patent examiners are being recruited to address the issue, the training of new examiners remains a challenge.

Awareness creation for Intellectual Property Rights as well as awareness for their protection and enforcement is another area where sustained efforts are required to be made for economic development. In India, Small and Medium enterprises (SMEs) sector plays a vital role in the economy. It contributes nearly 39% of the

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industrial production and 33% of the export. It holds great potential for future expansion and growth. However, there is a widespread lack of awareness among SMEs about IPRs. They are not coming forward to adopt IPR as a business strategy. It is, therefore, imperative to enhance awareness about IPR to enable the SME sector to take informed decisions about strategies to protect ideas, make use of IPR tools to develop, protect and leverage innovative and technological potential and get access to technical facilities & expertise for value addition to business.

1.2 Objectives of the Study:

In the background explained in para 1.1, the objective of this study is to understand the following:

(i) Training system of examiners of Japan Patent Office (JPO);
(ii) Various measures implemented in Japan for creation of IPR awareness and enforcement of IPRs;
(iii) Efforts made by Japan in the area of IP education, training and research; and
(iv) University Industry Collaboration in Japan.

1.3 Adopted Methodology:

The following methodology was adopted to achieve the objectives of my research:

(i) Analytical study of various organizations in Japan involved in education, training, and awareness in the field of IP;
(ii) Study of various Acts, document and reports related to University-Industry technology transfer in Japan;

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3 Building Awareness on IPR for MSME in India, WIPO-KIPO-KIPA Asian Regional Meet on IPR December 13-14, 2007, Jeju Island, Republic of Korea available at www.wipo.int/edocs/mdocs/sme/en/wipo_smes_cju_07/wipo_smes_cju_07_topic10_2.ppt
(iii) Study and review of documents, brochures etc. published by various organization in Japan active in the filed of IP; and

(iv) Collection of relevant information through dispatch of questionnaires to JPO, Japanese Industries and by conducting interview with Office of Industry Liaison, Tokyo Institute of Technology;

In addition to above, information on the important issues like training system of JPO examiners was collected by attending the training programs conducted in Asia Pacific Industrial Property Centre for foreign participants during the course of my study. Lecture Notes of such training programs conducted in recent past were also consulted for getting useful information on the issues relevant to my study.

*****
2.1 Introduction of Japan Patent Office (JPO):

Japan Patent Office (JPO) is one of the three external agencies of Ministry of Economy, Trade and Industry (METI). The other two agencies are Agency for Natural Resources and Energy and Small and Medium Enterprise Agency. It consists of seven Departments, namely, the General Affairs Department, the Trademark, Design and Administrative Affairs Department, First Patent Examination Department, Second Patent Examination Department, Third Patent Examination Department, Fourth Patent Examination Department and the Appeals Department. JPO is headed by the Commissioner while all the abovementioned seven Departments are headed by a Director-General.

JPO deals with the protection of Industrial property rights as represented by patent, utility model, design and trademark; and also provide related information while responding to general inquiries. The main functions of the JPO include:

- Granting adequate rights for patents and other industrial property rights
- Planning and drafting plans for Industrial Property policies
- International exchange and cooperation activities
- Review of the Industrial Policy system, and
- Upgrading and dissemination of information on Industrial Policy.

The above functions of the JPO provide for the positive advancement of industrial development in Japan.

2.1.1 Organization Structure of the JPO:

The following flow chart illustrates the organization structure of the JPO (as of June 2007):

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(Source: JPO Annual Report 2007)
2.12 Staff Strength of JPO:

JPO had total staff strength of 2,901 in Fiscal Year 2008 which included 1,680 Patent/Utility Model Examiners, 52 Design Examiners, 150 Trademark Examiners, 386 Appeal Examiners and 633 Clerical staff. Out of 1,680 Patent/Utility Model Examiners, 490 examiners were under limited-time contracts.

2.1.3 Budget of JPO:

For Fiscal Year 2008, JPO had an annual expenditure budget of 122.8 Billion Yen out of which 25% was for computerization, 25% was for personal expenses, 19% was for examination/appeal decision and 31% was earmarked for other purposes, which included the budget for training of JPO staff including examiners, appeal examiners etc.

2.2 Trend in Patent Applications and Examination Request:

The number of patent applications received annually by JPO has consistently remained over 400,000 since 1998. In fact, JPO received largest number of patent applications in the world till 2005 and in the year 2006 it was replaced by the USA. While there was just around 0.4% increase in the number of application filed, the request for examination increased from around 50% in 1998 to around 95% in 2006 as shown by the following graph:\(^5\):

(Date Source: JPO Annual Report 2007)

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\(^5\) Data sourced from the JPO Annual Report, 2007.
The other areas of Intellectual property rights such as trademark, designs and utility model have also attracted a large number of applications in Japan. To handle such a larger number of applications, apart from an efficient and effective examinations system, a well trained manpower is required. Due to a well developed training system, the examination efficiency of JPO examiners has achieved a higher degree in recent years. The following graph shows the performance level of JPO examiners in the number of patent examination process which is highest among the trilateral patent offices, viz, United States Patents and Trademarks Office (USPTO), European Patent Office (EPO) and JPO.\(^6\)

![Number of Applications Examined per Examiner](source: JPO Annual Report 2007)

Note: Number of applications examined is equal to the number of first actions plus the number of international search reports.

### 2.3 National Centre for Industrial Property Information and Training (INPIT)

The training of JPO examiners is carried out by National Centre for Industrial Property Information and Training (INPIT) which is an Independent Administrative Institution, established on April 1, 2001 under the umbrella of JPO.

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\(^6\) JPO Annual Report, 2007 (calculated from the Trilateral Statistical Report and the respective offices’ annual reports. Data for USPTO and EPO are based on the calendar year 2005 data. Data for JPO are based on the fiscal year 2005 data.)
Although it is an independent organization, the budget of INPIT is included in the Annual budget of JPO as annual subsidy.

The center provides comprehensive information on industrial property. These include gathering and reading official gazettes on industrial property; providing consultations on industrial property; gathering and reading the Japan Patent Office’s industrial property reference materials; and utilizing licensable patents. In October 2004, the National Center for Industrial Property Information changed its name to the National Center for Industrial Property Information and Training and started providing “information dissemination services” and “human resource development services.”

2.3.1 Organisation Structure of INPIT:

The following flow chart illustrates the organization structure of INPIT. 

(Source: JPO Annual Report 2007)

7 JPO Annual Report, 2007
The organization is headed by a Chairman whose background is generally of university professor. Currently Dr. Isamu Shimizu, who earlier worked as Professor in Tokyo Institute of Technology is the Chairman of INPIT. It consists of the 7 main Departments. The major activities undertaken by these Departments including their staff strength are as under:

(i) **General Affairs Department (Staff Strength-19):** This Department is responsible for overall coordination of the affairs administered by the INPIT.

(ii) **Information Provision Department (Staff Strength-22):** This Department is responsible for maintenance and improvement of access to official gazettes and official information disclosure system, supply of various types of information on industrial property rights to promote their utilization and promotion and diffusion of information for filing of electronic applications.

(iii) **Licensing Promotion Department (Staff Strength-10):** This Department is responsible for patent licensing promotion activities to help small and venture companies to create new businesses and develop new products by facilitating the smooth transfer of licensable patents between corporations as well as between corporations and universities/public research institutions.

(iv) **Information Management Department (Staff Strength-20):** This Department is responsible for collection and organization of reference materials on examination/trial proceedings and information on patent administration, exchange of information on industrial property rights with foreign countries and utilization of such information and management of master data relating to industrial property rights.

(v) **Consultation Department (Staff Strength-9):** This Department is responsible for providing general guidance/instructions and consultations on industrial property rights such as procedures on filing applications for
patents, new utility models, designs, and trademarks and also responds to inquiries sent in by post, telephone, e-mail, and other means.

(vi) **Training Department (Staff Strength-9):** This Department is responsible for training of JPO staff.

(vii) **Human Resource Development Department (Staff Strength-12):** This Department is responsible for development of human resources in the area of intellectual property by organizing training programs for personnel other than JPO staff.

### 2.4 Training of JPO Staff:

The Patent Examination Department of JPO has Training Committee for formulating strategy for training of JPO staff. The Training Committee consists of a Senior Director (In chair) and one Director from each of the four Patent Examination Departments (members) for deliberation on matters concerning examiner training. The administrative Affairs Division of the First Patent examination Department serves as its secretariat.

Members’ duties include identifying needs for training by the Patent Examination Departments, selecting teaching materials concerning the practice of patent examination and grading examination papers.

The Training Committee works towards the adequate implementation of examiner training at INPIT through the submission of requests and recommendations to the Training Planning Officer Meeting which carries out training planning for the entire patent office.  

#### 2.4.1 Training of Examiners by INPIT:

INPIT is responsible for preparation of an annual plan and implementation guidelines for training of JPO officials including examiners, appeal examiners and

8 JPO’s response to the questionnaire.
9 Role and Activities of Training Department, lecture notes of Mr. Takao Kondo, Acting Director General for Coordination, Training Department, INPIT, JICA-Malaysia Training Program, June 12, 2008.
administrative officials, in accordance with the basic policy for development of human resources and the annual training plan drafted by the JPO. After determination of training course, selection of instructors is made among legal specialists, professors, lawyers, patent attorneys, and corporate officials in charge of intellectual property in their companies, according to the specialty in each training course. Continuous efforts are made to improve the quality of lecture contents through constant review of instructors by receiving feedback from trainees and instructors by way of questionnaires.

Textbooks for the training are prepared on the basis of literature available on examination practices etc. and manuscripts provided by instructors. After completion of textbooks, these are distributed to trainees before the commencement of each course so that the trainees may make necessary preparations in advance.

Training Department of INPIT is responsible for organizing training courses for JPO officials in charge of examination, appeal, trail etc. The basic purpose of the training is to develop enlightened and skilled examiners and appeal examiners through the cultivation of basic knowledge of professional skills required for examination of applications etc. related to industrial property rights including new utility model assessment documents and international investigation and preliminary examination.

The following trainings are designated for examiners and appeal examiner:

2.4.1.2 Assistant Examiner Course Training:

After entering into office, the newly appointed examiners called Assistant Examiners have to undergo assistant examiner course training in accordance with the “Outline of assistant examiner course training implementation” which aims towards learning of fundamental knowledge of examination specifically background legal knowledge and fundamental professional knowledge of laws and regulations, treaties and examination practices relating to industrial property rights. Training period is 3 months from April to June and the total training hours
are 130. The lecturers for various subjects are generally Professors from Universities, Patent Attorneys and officials of JPO. The major training subjects taught during the course and the corresponding numbers of hours for training (given in bracket) are as under:

- Introduction to Japanese laws (4)
- Outline of intellectual property (2)
- Outline of Civil Code (6)
- Processes from receipt of an application to registration (4)
- Outline of industrial property related treaties (4)
- Outline of Patent Cooperation Treaty (6)
- Outline of patent examination (6)
- Applications and specifications (6)
- Applications and specification with case exercises (6)
- Amendment (4)
- Notifications of reasons of refusal, decision of refusal, and decision to grant a patent (14)
- Reason for refusal with case exercises in preparation of notification of reasons of refusal by citing examples (20)

2.4.1.3 Training for Becoming Examiner:
To become and examiner, an Assistant Examiner has to undergo following two statutory trainings in the 2\(^{nd}\) year and 4\(^{th}\) year of service:

(i) 1\(^{st}\) Half Examiner Course Training:

This training conducted in the 2\(^{nd}\) year of service aims to learn fundamental professional knowledge of laws and regulations, treaties and examination practices relating to industrial property rights and to acquire practical knowledge and dispute settlement abilities of examiners up to this level. The training period is two months from September to October and the total training hours are 90.
The instructors for this training are University Professors and the official of JPO. The main subjects for the training course with corresponding number of hours (given in brackets) are as under:

- Patent Law/Utility Model law (18)
- Treaties related to industrial property (12)
- Examination practice (33)

(ii) 2nd Half Examiner Course Training:

This training conducted in the 4th year of service, aims to acquire a broader perspective and insights required of examiners with a main focus on the learning of peripheral laws on industrial property rights. The training period is also two months from January to February and the total training hours are 40. The lectures are again University Professors and Official of JPO. The main subjects for the training course with corresponding number of hours (given in brackets) are as under:

- Examination practice with case exercises (4)
- Discussion (2)
- Outline of Copyright Law (2)
- Administrative Appeal Law (2)
- Outline of Administration Law (2)
- Outline of Unfair Competition Prevention Law (2)

2.4.1.4 Completion Criteria for Examiner Training Course:

The completion criterion for Examiner Training Course is broadly based on the following with certain exemptions:

(i) A trainee must have attended more than two-thirds of the total training session of each subject
(ii) The subjects which require submission of a report, scores in each of the subject must of over 40 out of 100 and average score of all the subject must of over 60 out of 100.

(iii) A trainee must pass an oral test on subject relating to the industrial property rights.

2.4.4.5 Training after Appointment as Examiner:

Assistant examiners, who have successfully passed the statutory training required for becoming an examiner, are appointed as an examiner in the 5th year of service and they are provided training on application skills in examination.

In the 6th year of service, an examiner has to undergo Training I on application skills in examination, which is designated for those having more than one year of experience as an examiner. The training aims to acquire broader perspective and insights required of examiners as well as to obtain a higher level of knowledge of examination practices with a main focus on the handling of international affairs. This training is conducted for 2-3 days for 18 hours.

Similarly, in the 8th year of service, an examiner has to undergo Training II on application skills in examination, which is designated for those having more than three years of experience as an examiner. The training aims to acquire broader perspective and insights required of examiners as well as to obtain a higher level of practical knowledge through case studies on examination practices, in order to achieve a fair, speedy and accurate examination. The training period is 2 days with 12 training hours.

2.4.4.6 Appeal Examiner Course Training:

This is a statutory training designed for Examiners having 5 year or more experience to become an Appeal examiner and is conducted in the 10th year of service. This training aims to acquire competence and insight required of appeal examiners with a main focus on the cultivation of professional knowledge of appeal and trial of industrial property right cases. The training period is three
months from July to September and the total training hours are 90. The lecturers are mainly University Professors, Lawyers; Judges form the IP High Court and officials of JPO. The main training subjects with the corresponding numbers of hours (given in brackets) are as under:

- Code of Civil Procedure (18)
- Outline of legal proceedings (6)
- Practical training on appeal, trial, and judgment (18)
- Intellectual Property Rights and Antimonopoly Law (4)
- Civil Code (4)
- Oral trial/appeal and examination of witness (4)
- Unfair Competition Prevention Law (4)

2.4.4.7 Completion Criteria for Appeal Examiner Training Course:

The completion criterion for Appeal Examiner Training Course is same as that of Examiner Training Course.

2.4.4.8 Training for Managers:

Training of Managers (Assistant Director and Director class) is conducted with the aim to enhance management skills required of directors so that all the officials in the Patent Examination Department make use of their abilities to the fullest thereby facilitating smooth operation of the entire organization. The training for Assistant Director class is conducted for 12 hours and for director class, training is conducted for 6 hours.

2.4.4.9 Language Training:

Compulsory English language training is provided to the examiners in the 2nd year as well as to administrative officials in their 1st year with the aim to learn and enhance their reading, writing, and speaking abilities in order to deal with international affairs and examination of International trademark applications filed via Madrid Protocol. This training is for one year and is conducted for 2 hours per
In addition to English language, training in other foreign languages such as Chinese, Korean, German and French is also provided to those examiners who posses intermediate level of language ability.

2.4.4.10 Specialized Training:

Some specialized trainings are also provided by INPIT with the aim to develop professional skills and knowledge of the officials required in the course of their duty. These trainings are designated for all officials and participation is voluntary. The following trainings are prescribed for this purpose:

- Training on developments in state-of-the-art technologies, particularly in Biotechnology
- Training at external organizations such as academic conferences, universities, system seminars and relevant ministries and agencies.
- Discussion style training on examination practices on certain themes
- Life planning training
- Client service skills
- PC training etc, regarding software application

2.4.2 Trainings Provided by JPO:

In addition to trainings provided by INPIT, JPO also provides training to its examiners by dispatching them to private sector corporations and universities in Japan and also to overseas universities and academic conferences to enable them to acquire knowledge on state-of-the-art technologies required for their better performance. The details of these trainings are as under:

(i) Domestic Training:

JPO dispatches its Patent, Design and Trademarks Examiners to private corporations for practical training on specialist skills. Approximately 50 examiners are dispatched for this training and the training period varies from two to three weeks. JPO also dispatches its Patent Examiners to Universities in Japan for
training on state of the art technologies. Currently 3 Patent Examiners have been dispatched for such training for a period of one year.

(ii) **Overseas Training:**

The following overseas trainings are provided by JPO to its examiners:

- Training on state-of-the-art technologies at universities and research institutions. (Fourteen examiners of Patent/Utility Model and Design and one examiner of Trademark are dispatched for the training and the training period is one year).

- Training by dispatching to academic conferences etc. (Seven examiners are dispatched for a period of one week).

- Training on intellectual property system – case studies related to patents. (Four Patent examiners are dispatched for a period of two years).

- Training on enforcement with case studies. (One clerical worker is dispatched for a period of one year).

- Training provided by Euro Japanese Exchange Foundation (EJEF). (Six examiners are dispatched for a period of 8 months).

Every year the same number of staff, as mentioned above, is dispatched by JPO for domestic and overseas training.

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CHAPTER - 3

Japanese Government’s Initiatives for Promoting IP Education/Awareness

3.1 Overview of IP Strategy of Japan:

Japan, after facing the economic slowdown of early 1990s, realized the need of increasing the role of innovation towards achieving economic growth. This was especially important for Japan keeping in view the technical advancement of developing countries and the decline of workforce in Japan due to ageing population and low birth rate. It was then realized by the policy makers in the Government that the key to the future economic growth will lie in increase in productivity fueled by innovation and creativity and effective use of IP system to protect them.

The major breakthrough towards this came from the following policy statement of the then Prime Minister of Japan Mr. Junichiro Koizumi in the Parliament (Diet) in February, 2002 towards making Japan a Nation built on Intellectual Property:

“Japan already possesses some of the best patents and other intellectual properties in the world. I will set as one of our national goals that the results of research activities and creative endeavors are translated into intellectual properties that are strategically protected and utilized so that we can enhance the international competitiveness of Japanese industries. With that in mind, I will establish the Strategic Council on Intellectual Properties, and powerfully advance the relevant necessary policies.”

Following the statement of the Prime Minister, the Government of Japan established the Intellectual Property Strategy Council in March 2002 which formulated the Intellectual Property Policy Outlines. The IP Policy Outlines providing a brief analysis of economic and social environment surrounding Japan

at that time and called for taking a comprehensive approach for creation, protection and exploitation of intellectual property as well as development of human resources to support the intellectual property cycle to realize the goal of making Japan an IP based nation.

To implement the measures contained in the Intellectual Property Policy Outline, Basic Law of Intellectual Property (Law No.122 of 2002)\(^{12}\) was enacted in November, 2002 which provided for establishment of the Intellectual Property Strategy Headquarters for promoting measures for the creation, protection and exploitation of intellectual property in a focused and planned manner. The Headquarter was established in the Cabinet Secretariat in July, 2003 with Prime Minister of Japan as its Chairman and its members drawn from the Government, Academia and Industry.

### 3.1.1 Development of IP Strategy by Intellectual Property Strategy Headquarters:

The IP Strategy Headquarters adopted the first strategy Program called “Intellectual Property Strategic Program” for creation, protection and exploitation of Intellectual Property in July 2003. Since then the program has been reviewed and renewed on a yearly basis and the last such program for the year 2007\(^{13}\) was issued on May 31, 2007.

The three years period from 2003 to 2005 was designated as Phase I of the development. During this period the Government improved systems and frameworks. In the following three year period from 2006 to 2008, the Government with the aim of achieving the most advances IP based nation in the world, is addressing new tasks while producing material results from the reforms developed in the first phase\(^{14}\).


\(^{13}\) [Intellectual Property Strategy Program 2007](http://www.kantei.go.jp/jp/singi/titeki2/keikaku2007_e.pdf)

\(^{14}\) JPO Annual Report 2007
During the Phase I of the development, four Task Forces was also established by the IP Strategy Headquarters to further study and deliberate on important IP issues. These were (i) Task Force on strengthening of the Foundation for Right Protection (ii) Task Force on the State of Patent Protection Relevant to the Medical Acts, (iii) Task Force on Content, and (iv) Task Force on Intellectual Creation Cycle.

3.1.2 Major Achievement of IP Strategic Programs:

The various issues discussed and reviewed by the Task Forces were reflected for implementation in the Annual Intellectual property Strategic Programs. The major achievements of the Strategic Programs during Phase I of the development were as under:\footnote{www.kantei.go.jp/jp/singi/titeki2/keikaku2007_e.pdf, page 3}:

(i) Establishment of the Intellectual Property High Court;

(ii) Inauguration of university intellectual property headquarters;

(iii) Strengthening of border control of counterfeits and pirated copies;
(iv) Establishment of the Headquarters for Expeditious and Efficient Patent Examination;

(v) Promotion of measures to develop the content industry; and

(vi) Enactment of 30 intellectual property-related Acts by the end of 2006

Policy for Phase – II:

Based on the achievements in intellectual property reforms during Phase I, the Intellectual Property Strategy Headquarters further set the following seven priority areas for Phase II with the aim to become the most advanced intellectual property based nation in the world which has been reflected for action in the Annual Strategic Programs issued in the years 2006 to 2008:

(i) Implement intellectual property policy on a global scale;

(ii) Extend intellectual property policy to local areas and support SMEs and venture companies;

(iii) Encourage the creation of intellectual property at universities and public research institutes and promote industry-academia cooperation;

(iv) Reform the structure of the patent application system and ensure expeditious patent examination;

(v) Develop the content industry;

(vi) Promote the Japan Brand; and

(vii) Develop human resources relating to intellectual property

3.1.3 Intellectual Property Strategic Program 2007:

As in the case of earlier strategic programmes, the measures included in the Strategic Program for the year 2007 are to be implemented by the various Ministries / agencies to which these measures are assigned. The major action points in the program are in the following areas:

16 www.kantei.go.jp/jp/singi/titeki2/keikaku2007_e.pdf, page 4
(i) Creation of Intellectual Property
(ii) Realization of the Global Patent System and expeditious Patent Examination
(iii) Strengthening measures against counterfeits and pirated copies
(iv) Reinforcement of international standardization activities
(v) Supporting SMEs, venture companies and regional areas
(vi) Becoming a nation with a creative culture
(vii) Promoting the attractiveness of Japan around the world
(viii) Development of Human Resources related to Intellectual Property

The important tasks included in the above cited action points are elaborated as under 17:

(I) Creation of Intellectual Property:

• To formulate and establish IP strategies in science and technology fields including the four priority fields designated in the 3rd Science and Technology Basic Plan, namely, Life Sciences, Information and Telecommunications, Environmental Sciences and Nanotechnology/material.

• To provide priority support to Universities and TLOs in addressing IP issues strategically.

• To provide detailed support to the researchers in the Universities and Public Research Institutions which include:
  ➢ Clarification of the rules in Industry-Academia cooperation such as the position of the students in the joint research, attribution of the IPRs etc.
  ➢ Promotion of strategic implementation of R&D through the effective use of patent information.

(II) Realization of the Global Patent System and Expeditious Patent Examination:

• To speed up the patent acquisition in foreign countries through the route of Patent Prosecution Highway (PPH)\(^{18}\) and to promote utilization of search and examination results among the patent offices to streamline patent examination.

• To promote Patent Harmonization by standardizing patent application format among the Trilateral Patent Offices and to push forward the negotiations of the Substantive Patent Law Treaty (SPLT) including the adoption of first-to-file system.

• To expedite patent examination by striving to achieve first action pendency to 11 months by 2013 with the ultimate aim at reducing it to zero as well as to maintain and improve the quality of patent examination and trial for which Quality Management Office has been established in JPO in April 2007.

(III) Strengthening Measures against Counterfeits and Pirated Copies:

• To push forward the realization of “Anti Counterfeit Trade Agreement (tentative name)” to prevent manufacturing, distribution and consumption of the counterfeit and pirated copies.

• To properly operate the “Act on the Prevention of Illegal Recording of Movies” to prevent illegal distribution of movies recorded without permissions at theater during showing (bootlegged movies).

• To strengthen the border regulations by the Customs.

(IV) Reinforcement of International Standardization Activities:

• To implement international standardization comprehensive strategy decided by the Task Force on Intellectual Creation Cycle with the aim to-

\(^{18}\) Under a PPH between the multiple patent offices, applications for patents that have been granted at the first office will be eligible, upon request of the applicant, for accelerated examination of patent applications through simple procedures, at the second office.
Encourage industry to formulate and implement their own action plans.

Strategically distribute research funds in those technical fields where the Japanese industry is expected to grow with the acquisition of international standards.

Foster human resources capable of developing as leaders of international standardization.

Establish and implement “Asia-Pacific Standardization Initiative”, for strengthening cooperation for standardization activities in Asia Pacific Region.

(V) Supporting SMEs, Venture Companies and Regional Areas:

- To protect intellectual property of SMEs and venture companies, strengthen consultation functions of the “IP Rescue Organizations” (approximately 2,500 Organizations) and chambers of commerce and industry, and to develop guidelines for individual industries to indicate examples cases of violation of laws as well as undesirable trade practices.

- To exploit the unused patents of large enterprises, encourage them to disclose unused patents on their company’s website or to register them in the Patent Licensing Database accessible through INPIT’s Website.

(VI) Becoming a Nation with a Creative Culture:

- To become a major power in media content business, develop legal systems to promote the distribution of digital content, make contract rules to promote online distribution and global expansion of the business, and clear the copyright issues related to the web search services.

- To promote “Japan Brand” by promoting Japanese food and foodstuff worldwide, promoting use of the regional collective trademark system
to protect regional brand and to enhance the “Japan Fashion week in Tokyo”.

(VII) Promoting the Attractiveness of Japan around the World:

- To hold the “Japan International Contents Festival” featuring all types of Japanese content, such as animations, comics, films etc.
- To further promote collaborative initiatives with other content related industries such as food, culture, fashion, and tourism through the festival.

(VIII) Development of Human Resources related to Intellectual Property:

- To continue implementation of Comprehensive Strategy for the Development of Human Resources related to IP formulated in January 2006 by
  - Increasing number of IP experts such as Patent Attorneys as well as to improve their skills.
  - Promoting IP education for all levels of Japanese society.
  - Reforming awareness among researchers and business managers.
- To build internal and external network of organizations involved in the human resource development in the field of IP.

3.2 Strategy for Development of Human Resources:

The comprehensive strategy for development of human resources related to intellectual property was formulated on January 30, 2006 by the Task Force on the Intellectual Creation Cycles in the Intellectual Property Strategy Headquarters in order to strengthen the human foundation to accelerate the strategic program on IP. The strategy set forth the following three objectives:

1. To double the number and improve the quality of IP experts;
2. To bring up IP creating and IP managing human resources and improve their quality; and

3. To raise IP awareness of the ordinary people.

For achieving the objective set forth in the strategy, IP human resource have been divided into three categories and strategy involved making concrete plans for each category. The first category included IP experts including members of IP department of private companies, patent attorneys, staff of IP related businesses, and researchers of IP etc. The second category comprised of human resource that are creating and managing IP which included researchers of private companies, universities and public organizations and management of companies. In the third category, ordinary people including adults in general, students and teachers are placed. The Intellectual Property Strategy Programe, 2007 accordingly considered the development of human resources that create, protect and exploit intellectual property as the most important element in making Japan an intellectual property based nation

3.3 JPO's Role in IP Education and Awareness:

JPO has taken several initiative and support measures for creating awareness and promotion of intellectual property for general public, educational institutions ranging from elementary schools to universities, adults in general and for SMEs and venture companies. Some of these measures are described below:

3.3.1 Supply of IP Text Books

For raising public awareness and respect for intellectual property, JPO provides supplementary textbooks on industrial property education according to age group of students in elementary schools, junior high schools and high schools. These textbooks are provided free of cost to schools that wish to receive them. Further JPO also provides Industrial Property Rights Standard Textbooks free of cost to high schools conducting specialized courses, college of technology and
universities to teach correct knowledge and basic practical skills of intellectual property.\textsuperscript{19}

In FY 2006, 114,000 copies of supplementary textbooks were distributed to 1400 elementary schools, 131,000 copies to 1,000 junior high schools and 42,000 copies to 240 high schools. Similarly in FY 2006, 66,000 copies of standard textbooks of IP were distributed among 1001 industrial, commercial and agricultural high schools as per their requirement and 149,000 copies of such books were supplied to 28,00 faculties and departments of universities and colleges of technology.

(This project conducted by JPO since FY 1998 has since been transferred to INPIT in January, 2007)

\textbf{3.3.2 Seminars for Researchers at Universities and Public Research Institutions:}

Regular seminars are being held by JPO targeting researchers in Universities and Public research Institutions. The purpose of these seminars is to study the possibility of enabling academic researchers to secure IPR on their work so that they can strategically control and utilize the said rights. The content of these seminars include the strategic application for, and the acquisition and utilization of, patents from the results of research and the utilization of patent information in research and development.\textsuperscript{20}

\textbf{3.3.3 Explanatory Meetings}:\textsuperscript{21}

JPO holds explanatory meeting (briefing sessions) for raising public awareness about IPRs. These briefing sessions are targeted at different level of audiences every year, from beginners to IPR practitioners, depending on their level of comprehension of IPR. “Briefing Sessions for Beginners” are held to disseminate general knowledge centered on the general description of various systems such

\textsuperscript{19} JPO Annual Report, 2007
\textsuperscript{20} JPO’s response to questionnaire.
\textsuperscript{21} Information provided by JPO.
as the patent, utility model, design, and trademark rights, concentrating on people at the beginner’s level who are newly assigned to the IPR sections of private and other corporations or those who want to study about or who are interested in the subject of IPRs. “Briefing Sessions for Practitioners” are held from time to time to give practical knowledge on various systems that are indispensable for practical work including the examination standards and operation of the patent, utility model, design, and trademark rights; the revised patent law; and revised examination standards; operation of patent appeal and trial systems, the general description and practical operation of the PCT System.

“Briefing Session on Revisions to the Law” is also held by JPO to give briefings on the description of the revised law whenever the patent law or other related laws are revised.

The total number of participants who attended these briefing sessions exceeded 20,000 in FY2007. The popularity of these briefing sessions is evident from the fact that more than 90% of participants desired continuous holding of the sessions.

3.3.4 Holding of Invention Day for Promotion of IPR System:

In order to share recognition that Japan holds IPRs in high esteem, JPO has marked April 18th of each year as “Invention Day” to strive to enlighten citizens, and promulgate the recognition that the protection and utilization of IPRs emphatically contribute to economic growth. Each Regional Bureau of Economy, Trade and Industry also hold “Invention Day Fair” targeting students in elementary school and junior high schools and their families to promote intellectual property right systems 22.

3.4 IPR Awareness Activities by Patent Offices of Regional Bureau of Economy, Trade and Industry:

JPO has established Patent Offices in each Regional Bureau of Economy, Trade and Industry. At these Patent Offices, professional staff offer consulting and

reference services in IPR matters in response to inquiries concerning various subjects including basic matters and practical application procedure ranging from application filing to registration. The various types of services provided are listed below:

- To provide guidance and consultation over the whole range of industrial property right related processes, from application to registration.
- To browse industrial property right related books and documents.
- To issue the certified copies of patent registers.
- Interview/examination of patent application through video-conferencing.
- To introduce the patent support system ranging from application to registration.
- To hold seminars and briefing sessions pertaining to various types of IPRs.

The activities of each Patent Office in the regional bureaus are executed independently. However, from time to time JPO cooperates with any of the offices upon request for selection of the instructors or the provisions of IPR activities.  

3.4.1 Holding of Nation-Wide Support Seminars:
The Patent Offices of each Regional Bureaus of Economy, Trade and Industry hold nationwide seminars targeting students from elementary schools to universities and their teachers using the standard textbooks and supplementary textbooks with the aim of raising IP awareness, developing IP conscious mind and disseminating IP education among them.

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23 Information provided by JPO in response to questionnaire.
3.5 Support Measures for Small and Medium Enterprises and Venture Companies for IPR Awareness:

JPO has established “Regional IPR Strategy Headquarters” under the regional Bureaus of Economy, Trade and Industry keeping in view the importance of putting IPRs to use for revitalizing the economy as well as small and medium enterprises. These are composed of members of interested parties in the public and private sectors of each region. They hold free consultation sessions related to IPR for the benefit of regional small and medium enterprises.

In addition, JPO appointed “Specialists for Industry Property Rights” to provide comprehensive IPR-related support to small and medium enterprises from April 2005 to promote the dissemination and enlightenment activities pertaining to the IPR system and various other supportive measures in these regions and to medium and small enterprises\(^{24}\).

3.6 Enforcement of IPRs and Measures against Counterfeiting and Piracy:

In Japan, Customs Offices under the Japan Customs are responsible for border enforcement of IPRs while Police Departments are in charge of criminal control including the infringement of IPRs. There is no special agency assigned to the duty to enforce the IPRs \(^{25}\). JPO cooperates with the domestic enforcements agencies and provides them various kinds of supports to deal with IPR infringements cases and to counter the problem of counterfeiting and piracy. JPO has taken several measures to combat counterfeiting and piracy of good infringing the intellectual property rights by cooperating with Japanese regulatory authorities and also to raise public awareness of IPR protection and eradication of counterfeit goods. Some of the key efforts made in this direction are described below:

- It responds to inquiries from Customs and Police Departments to help

\(^{24}\) JPO’s response to the questionnaire
\(^{25}\) JPO’s response to the questionnaire
then in determining whether or not the goods in question fall under the counterfeit goods.

- It provides Industrial Property Digital Library (IPDL) service to Customs and Police Departments to assist them in checking the registration of IP rights.

- JPO dispatches its officials who have worked as examiners to courts as judicial research officials to deal with IPR infringement cases. The judicial research officials system has been available to support the judges involved in IP cases since before the establishment of the IP High Court. JPO has dispatched examiners and appeals examiners as judicial research officials to the IP High Court, Tokyo District Court, Osaka High Court, and Osaka District Court in the form of resigning from the respective offices 26. The judicial research officials support the judges by conducting research on technical matters necessary for the trials and other judicial proceedings of the suits against appeal/trial decisions made by JPO.

- JPO dispatches its employees as lecturers to seminars for custom officials on how to determine similarity of trademarks and designs for exercising necessary border control.

### 3.6.1 Anti-Counterfeit Measures:

JPO had established a counseling section named as “Counterfeit 110” in the year 1998 within its International Affairs Division which provides information for dealing with counterfeits and infringement of IP rights cases. It provides individual consultations to private corporations and individuals regarding counterfeit goods related issues including provision of information and advice related to the IP systems concerning enforcement (execution of rights) in other countries (with the exception of legal services such as legal consultations), and introduction of various organizations involved in countermeasures against

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26 Information extracted from JPO’s response to the questionnaire
counterfeit goods such as regulatory agencies like custom offices and police departments, and the overseas offices of Japan External Trade Organization (JETRO) and Interchange Association, Japan 27.

In order to prevent counterfeits from coming into Japan from abroad, JPO prepares manual pertaining to countermeasures against counterfeits and distributes them to private enterprises through internets or in hard copies. JPO also educates people regarding menace of counterfeit and piracy by preparing and distributing booklets and leaflets. In the past it has prepared and distributed booklet on counterfeits titled “Fabricateur” for general consumers and booklet titled “No Fakes” for distributors of goods. These booklets are also supplied to customs, police stations, travel agencies and educational institutions. JPO has also established inquiry counters through the cooperation of JETRO which provides information on countermeasure against counterfeits to private corporations.

3.6.2 Public Awareness Campaigns:

Further, in order to raise consumer awareness on the importance of intellectual property protection and eradication of counterfeits goods, JPO has been organizing “Anti-Counterfeiting Campaigns” since FY 2003 28. In such campaigns JPO, through commercial messages and posters, advocates educational activities for general consumers to encourage them to not to purchase counterfeits and pirated goods.

3.6.3 Efforts to Combat Foreign Counterfeit and Pirated Products:

JPO has been dispatching its delegates when public/private missions are sent to main countries where pirated goods are manufactured and/or distributed, to work on the governments involved in the improvement of their systems and operational situations. It also provides educational support through training of the officers and staff of IPR-related agencies and institutions as well as regulatory

27 JPO’s response to the questionnaire.
agencies of other countries. Further, JPO has requested the improvement of systems for IPR protection, and the enhancement of countermeasures against counterfeit goods at meetings at patent office commissioner level 29.

3.6.4 International Intellectual Property Protection Forum (IIPPF):

The International Intellectual Property Protection Forum (IIPPF) was established in April 2002, with the objective of promote cross-industry cooperation to reinforce anti-counterfeiting measures in collaboration with the Japanese Government. The following initiatives have been taken by the IIPPF in this direction 30:

- Human resource development cooperation projects for developing countries having rampant infringement of IPRs.
- Anti-counterfeiting recommendations form Industry to Japanese Government.
- Submission of requests to Governments of foreign countries having serious IPR infringement, to reinforce anti-counterfeiting measures by dispatching Government-Private joint missions.

3.7 Border Enforcement of IPRs 31:

Japan customs in the Customs and Tariff Bureau, which is an internal bureau of Japan's Ministry of Finance, is responsible for enforcement of IPRs at the border. It has taken several measures to strengthen IPR enforcement by introducing effective enforcement procedures, improving enforcement techniques and fostering IPR experts. As per Japanese Custom Law, goods infringing IPRs are treated at the same level as Narcotic drugs 32. The key features of border enforcement procedures and practices followed by Japan Customs are as under:

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29 Information is based on JPO’s response to the questionnaire
32 Article 69-11, Paragraph 1 of Customs Law as mentioned in the textbook for JPO/IPR Training Course for Lawyers, Border Enforcement of IPRs, July 18, 2008.
1. **Extensive and Strong Authority at Border Enforcement:**

   (i) **Scope of Border Enforcement:**

   Japan customs has the authority to suspend import as well as export of goods infringing IPRs which covers not only trademarks and copyrights but also other IPRs such as patents, industrial designs and plant breeder’s rights. The scope of protection has also been extended to cover goods in transit.

   (ii) **Enforcement Procedures:**

   In order to ensure a fair and transparent judgment, elaborative enforcement procedures have been prescribed by Japan Customs to ensure a fair and transparent judgment of goods infringing IPRs. On receiving an application from the right holders for suspension of goods infringing IPRs, it reviews not only the validity of rights but also evidence of infringement. Potential importers/exporters are also given opportunities to make out their cases on the applications and if they oppose the acceptance of the applications, an advisory board of experts consisting of lawyers, patent attorneys and academic scholars of IP laws hears their opinions. Japan Customs also has the authority to act on its own (Ex-Officio Control) to suspend suspected goods if there is a, *prima facie*, evidence of infringement, to protect public interest.

   (iii) **Identification Procedures:**

   Japan Customs is empowered to judge infringement of IPR in the Identification Procedures without court rulings. The identification procedure is based on the following steps:

   - Suspension of suspicious goods.
   - Inspection by importer and rights holders.
   - Evidence and opinions by importer and right holders.
   - Determination within on month.

   (iv) **Advisory Mechanism:**

   Taking into account the technical nature of IPR enforcement, Japan Customs
consults with an advisory board consisting of lawyers, patent attorneys and academic scholars of IP laws as necessary. This advisory mechanism is utilized both on the occasion of examination procedures of applications and identification procedures.

(v) Penalty:

As per Japanese Customs Law, Importation or exportation of goods infringing IPRs is punishable by imprisonment of a period not exceeding 7 years, or fine up to 7 million Yen or both. Same penalties are applied for attempting to import or export goods infringing IPRs.

2. Cooperation with Right Holders:

Japan Customs works in close cooperation with the right holders for getting information such as how to distinguish genuine goods from the counterfeit products and hold training seminars for the frontline staff to enable them to acquire knowledge and techniques from the right holders to distinguish products from counterfeit goods. In 2006, more than 130 such training seminars were held in cooperation with various right holders.

3. Specialized IPR Enforcement Team:

Japan Customs allocates 22 IPR supervisory investigators to all local branches and some important sub-branches to ensure appropriate IPR enforcement. In addition, it consolidates knowledge and skills regarding IPR enforcement to the IPR division of Tokyo Customs. The division has a central role for coordination on IPR issues for all Customs branches in Japan. The IPR Center consists of 25 staff members with 6 supervisory IPR investigators. If local branches face difficult cases, they can consult with the Center.

4. Utilization of Information Technologies:

Japan Customs puts emphasis on information analysis to suspend counterfeits and pirated goods more effectively recognizing the fact that the enhancement of information shared by customs offices is essential. For effective analysis and
sharing of the information, Japan Customs uses two different types of information systems.

(I) **Customs Intelligent Database System:**

Firstly, Japan Customs has developed the Customs Intelligent Database System (CIS) in 1991 to analyze various types of information related to customs operations including import and export of goods infringing IPR. When a front-line staff member finds some suspicious cargo which may include counterfeits or pirated goods, he or she can access the CIS to confirm the risk level of the cargo using the accumulated information of the CIS.

(II) **Intranet Bulletin Board System:**

Secondly, a new Intranet bulletin board system, which was specially designed and recently introduced for IPR enforcement, is playing a key role for information sharing. While the CIS is based on both the past records and advance information, the new Intranet bulletin board system places an emphasis on improving the precaution and awareness levels of frontline staff as it provides all the Customs staff who are in charge of examination of import/export declarations and cargos with up-to-date and useful information such as:

- List of applications for suspension;
- Explanation of each application for suspension with a brief description of distinguishing features of genuine goods to identify them from infringing goods;
- Reports of recent methods or deceptive practices; and
- Explanations of enforcement procedures on IPR.

Since IPR border enforcement is very complex and requires staff to gather all necessary information on a timely basis, this bulletin board system is effective in supporting frontline staff to implement effective and appropriate IPR enforcement.

### 3.7.1 Countermeasures against Disguised Personal Use Items:

In order to prevent import of counterfeit and pirated goods taking place in small-
lot shipments marked as personal use, Japan customs has also initiated enforcement exercise regardless of the number of items involved in the shipment resulting in the suspension of the considerable amount of counterfeits at the overseas mail sub-branches.

3.7.2 Training of Custom Officials:

Customs Training Institute (CTI) of Japan Customs provides training to its officials for effective enforcement of IPRs. It has designed intensive training course consisting of both theoretical (including legal studies) and practical training, for custom officials for enforcement of IPRs. Lecturers for these courses are invited from government authorities, law firms and university professors to provide training on all IPR laws. Practical training is conducted by experienced Customs IPR specialists and right-holders. Training is followed by case studies to help participants to absorb the knowledge in an optimal way.

3.7.3 International Cooperation:

Japan Customs is actively promoting international cooperation with other Customs authorities at regional and global levels to prevent the proliferation of counterfeits and pirated goods. At the G8 Summit meeting in Gleneagles in 2005, Japan proposed the necessity of an international legal framework. Its discussions are still under way among related countries. At the G8 Summit in Heilingendamm, Germany, June 2007, “Guidelines for Customs and Border Enforcement Cooperation” was endorsed to enhance the international cooperation.

At regional level, the Customs heads of Japan, China and Korea held the first Tripartite Meeting in April 2007 highlighting IPR enforcement among various customs issues. They agreed to set up a working group on IPR enforcement. The first IPR working group was held in October 2007. They discussed an “Action Plan” for the cooperative enforcement actions among three customs and based on the Action Plan, three customs have initiated to exchange the information on infringers since January 2008.

Japan hosted the 7th ASEM (Asia Europe Meeting) Customs Directors Generals-
Commissioners Meeting in November 2007 at Yokohama wherein the ASEM members agreed to continue collective cooperation to ensure fair and safe trade, as well as protection of IPR, and adopted the “Yokohama Declaration” at the meeting.

3.7.4 Public Awareness Creation:

For raising public awareness of the importance of IPR protection, Japan Customs is undertaking flowing activities:

- Posting of posters at railway stations, airports and government offices. So far more than 20,000 posters have been posted.
- Display of most frequently copied and traded goods at Customs’ Exhibition rooms.
- Holding of public awareness campaigns annually during port festivals in major port areas.

Besides above initiatives, Japan Customs is also planning dissemination of information about counterfeit products targeting school teachers by holding lecture and presentations and through educational news letters containing advertisement and promotion articles so that they can teach students about the menace of counterfeiting.  

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33 Border Enforcement of IPRs, Seiji KNEKO, General Manager, Customs IP Information Centre, Japan Tariff Association, JPO/IPR Training Course for Lawyers, July 18, 2008.
CHAPTER - 4

Role and Functions of Various Organizations in Japan Involved in IP Training, Research and Awareness

4.1 Introduction:

There are many organizations in Japan engaged in training, awareness and research in the field of intellectual property with an overall aim of achieving the national goal of helping Japan to become a nation built on intellectual property. The Japan Intellectual Property Association (JIPA), an association of around 1200 companies provides training for the benefit of their employees. The Japan Institute of Invention and Innovation (JIII), which is mainly responsible for enhancing creativity, encouraging inventiveness and enlighten the practical use of inventions also conducts training and awareness programs on IPR. The Asia Pacific Industrial Property Center (APIC) which operates under the direction of Japan Institute of Invention and Innovation (JIII) mainly provides the IP training for foreign participants. The Japanese Group of International Association for the Protection of Intellectual Property of Japan (AIPPI Japan) conducts research on IP system of foreign countries and holds IP seminars for its members. The Institute of Intellectual Property (IIP) mainly focuses on research into various problems related to IP with a view to improve the overall IP system. The Japan Patent Attorney Association (JPAA) plays a vital role in IP training by fulfilling the training requirements of Patent Attorneys and also conducts research on issues concerning intellectual property and those relevant to patent attorneys. This chapter provides an overview of activities of above mentioned organizations in these areas.

4.2 Japan Intellectual Property Association (JIPA):

Japan Intellectual Property Association (JIPA) is a non-profit, non-governmental and largest intellectual property rights users’ organization in the world. It was initially founded as “Choyo-kai” in 1938 with 10 electronics companies of Japan as its members. Now it has a total member base of 1178 (as of May 08, 2008)
out of which 909 are Japanese companies as Regular Member representing almost all the industries in Japan and 269 are Associate Member which comes from Universities, Patent Law Firms etc. The major activities of JIPA include:

- **Policy and Strategy Project Activities**
  - Conducting strategic study and research on offer of IP policy.

- **Committee Activities**
  - Conducting of professional studies and research and providing feedback to JIPA members.
  - Offering JIPA’s opinions and suggestions to outside communities to improve their IP systems and its utilization.

- **Training Activities**
  - Providing IP education and training to employees of member companies.

- **Publication Activities**
  - Publication of monthly bulletin and investigation and study reports on IP matters.

- **Other Activities**
  - Communication / coordination with various IP related institutions and organization.

JIPA has structured committees on issues in patents, designs, trademarks, IP administration, international problems, software, patent information, licensing, training and other important issues which conduct investigations relating to industrial property rights specifically from user perspective. All member companies are divided into three regions (Kanto, Tokai, and Kansai) and industry groups. Each regional and industrial group conducts investigations and research on issues focusing on its own needs.

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34 JPO/IPR Training Course for Advanced IP Practitioners, visit to JIPA on August 4, 2008.
4.2.1 IP Training Programs of JIPA ³⁶:

JIPA conducts training programs consisting of various courses ranging from basic to practical/research courses in all the three regions. These courses are intended for the people of intellectual property department of member companies as well for those engaged in research and development, design, manufacturing, legal affairs, and other operations of the company and provides them the opportunity to acquire adequate knowledge of intellectual property.

The Training programs are planned and operated by the Training Planning Committee of JIPA which is responsible of training as well as planning and reorganizing training courses. The training programs aim at Member’s employees to meet Member companies’ need. The major training courses covering various intellectual property fields conducted by the Training Planning Committee are as under:

- Basic courses
- Specialized courses
- Comprehensive course
- Overseas courses
- Extra-ordinary training course

4.2.1.1 Basic Courses:

Basic courses comprise of three types of courses, namely, introductory course, primary course and secondary course. Introductory course targets the newly appointed staff to intellectual property departments, engineers and scientist in R&D departments to acquire basic knowledge in intellectual property. The course covers the fundamental aspects of IP, namely, copyrights, related rights, patents, trademarks etc. The duration of the course is 36 hours which is covered in six days and is held 26 times a year. Primary course is offered to those who have

³⁶ Brochure published by JIPA
finished the introductory course to develop their practical skills. This is a compulsory course for newly appointed staff and other staff in the intellectual property department of the member companies and aims to acquire practical IP business skill for those who have finished introductory course. The duration of the course is 42 hours. Secondary course provides the additional knowledge and skills to enhance the capability of officers in intellectual property departments who have certain amount of experience in IP related activities and covers international treaties, patent system, civil law and civil procedure code as well as industry property related laws. This course is for nine days per session (total 27 hours) and is held between two to thirteen times per year depending on the subject matter and demand by the members.

4.2.1.2 Specialized Courses:
Specialized course are of two types: advanced course and research course. Advanced course is meant for the officers who have finished the secondary course or those with comparable proficiency to advance their abilities. The course offers primo-lecture on IP lawsuits, International Contracts, and Judicial Precedents. This course is for nine days per session (total 27 hours) and is held between one to ten times per year depending on the subject matter and demand by the members.

Research course mainly consists of exercises and debate sessions on case studies for IP lawsuits and how to write ideal specifications. This course is targeted for those who have finished advanced course or those with equivalent abilities. It aims at perfecting professional capability for those in the field of intellectual property as specialists. This course is for nine days per session (total 27 hours) and is held between one to seven times per year depending on the subject matter and demand by the members.

4.2.1.3 Comprehensive Course:
Comprehensive courses are geared to provide outlines in patent management, IP strategy, license strategy and recent global trends with as many information and examples as possible. It also discusses the IP situation in Asia and the
company strategies to be adopted there, in order to make intellectual property as
a working tool for effective business operations. This course is for four days per
session and is held between seven to thirteen times per year.

4.2.1.4 Overseas Courses:
JIPA has two kinds of overseas courses. The first category is the “study tours of
IP situations in some leading Western countries”. The objectives of these study
tours are to familiarize the participants with the practices of patent offices, law
and patent firms and organizations in the Western countries. The second
category is the “study tours of U.S. patent law / regulations and judicial
precedents”. In this type, the seminars are held for certain duration of time in one
overseas location, where a number of local and foreign experts deliver lectures
on the “U.S. patent law”. From 1999, JIPA has started an overseas study tour to
familiarize IP specialists in member corporations with the rapidly changing IP
environment in Asian countries.

JIPA also caters to the specific needs of the member companies by offering tailor
made training programs. The subject matters in the regular courses are selected
for these tailor made courses. The course is for two days and is held at least four
times a year depending on the demand.

4.2.1.5 IP Changing Leader Development Training:
The Training Committee also conducts a special training course “Intellectual
Property Changing Leader Development Training” since November 2004. The
course aim to develop human resources that are capable of making active
recommendations on intellectual property affairs while taking into account
political and economic trends at home and abroad, serve the management of
their companies in various phases with an international perspective. The training
works on essential IP issues and changing the organization for realizing the
business success.

The training course is implemented in three rounds over a period of seven
months. The major feature of this training is that each trainee submits a reform
plan to be newly implemented at his/her own company at the end of the first round, tries out the plan in the second round and summarizes her/his own experience in the third and last round. Furthermore, this training is also characterized by emphasis on the enlightenment of course participants or mutual enlightenment.

4.3 Japan Institute of Invention and Innovation (JIII):

The JIII was originally established under the name of "Association for the Protection of Industrial Property" on May 5, 1904, with the basic aim of developing and safeguarding industrial property. In 1906, the Association was reorganized as a Corporate Juridical Person in order to solidify its foundation and expand its activity for promoting inventiveness, and in 1910, it was renamed "Imperial Institute of Invention and Innovation." In 1936, this institute was reorganized by unifying invention-encouraging organizations and since then, the institute has been promoting activities for inventiveness by utilizing a nation-wide system as its largest organization for the encouragement of inventiveness. In 1947, the institute was renamed as Japan Institute of Invention and Innovation.

The objectives of the JIII are to encourage invention, enhance original ideas, promote the practical use of them, and diffuse and develop the industrial property system, thus advancing science and technology and contributing to the development of economy of Japan. Principal activities undertaken by JIII through its branch offices in 47 prefectures in Japan are described by the following figure\(^{37}\).

\(^{37}\) http://www.jiii.or.jp/english/jiiiprofile-e.htm
4.3.1 IP Training Activities of JIII

As a part of its human resource development activities, JIII conducts various training programs at its Industrial Property Training Centre on a wide range of subject concerning industrial property mainly for the people from private enterprises. The training programs cover not only patent, design registration and

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38 Lecture Notes of Mr. Tetsuo Niwa Director, Intellectual Property Human Resources Development Group, JIII, JICA Malaysia Training Program, June 13, 2008.
The training programs conducted by JIII are characterized by its high quality lecture content for which it invites lecturers from university professors, judges from IP High Court, patent attorneys, former JPO officials and from IP Departments of major corporations. Training is provided to a wide array of people ranging from corporate employees to university and research institute staff members.

The training programs conducted by JIII are mainly of two types:

(i) Independent Programs

(ii) Consigned / Contracted Programs

As a part of its independent training programs, JIII provides the following three types of training courses:

(i) Principal Training

(ii) Extensions Courses

(iii) Professional Training for IP Specialists

Principal training is conducted on full time basis from 9.30 am to 4.30 pm for a total period of 54 days. It consists of three courses: Course I on “IP law and treaties” (for 21 days), Course II on “IP management and licensing” (for 17 days) and Course III on “patent litigation / infringement litigation” (for 16 days).

Extension courses are offered as short terms courses for 1 to 2 days duration. They cover a wide range of topics as a part of “introductory courses” to courses on “IP strategies and business management” and “prosecution and defense strategies in infringement dispute”. Approximately 40 such courses are offered on a yearly basis.

Professional training for IP specialists is designed to place highest priority on the development of human resources supporting small/medium corporations. This
consists of the following three types trainings with each training session lasting for 9 days:

(i) **Training for IP Advisors:** This training is offered on IP knowledge in general, IP management, IP business etc. with the aim to develop specialists who can provide consultation services to small and medium corporations on IP issues arising during the course of their business.

(ii) **Training for IP License Coordinators:** This training is provided to give knowledge about license agreement, method of technology transfer, drafting of business plan etc. with the aim to develop specialists assisting in commercialization of patent technology through licensing (technology transfer).

(iii) **Training for IP Management Consultants:** This training is offered on IP management in corporations, building of IP strategies, and business management consultation on IP aspect etc. with the aim to develop specialists who can provide guidance and consultation to small/medium corporations in management and utilization of IP.

4.3.2 **Activities for IP Education, Awareness and Research**: Apart from its activities on providing training in IP, the following activities of JIII, *inter-alia* contribute towards advancement of the IP system through dissemination of IP information, research and awareness generation for general public and the users:

(i) It encourages inventions through National and Local commendation activities by honoring inventors for their excellent inventions full of originality thereby contributing to the promotion of excellent technology.

(ii) It has established Invention clubs for school children throughout Japan for nurturing and developing their creativity as well as to help them understand the importance of IPRs through the activities carried out in such clubs.

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(iii) It conducts investigation and research in IPR System and technological trends in cooperation with other research organizations and enterprises as well as independent research and research based on commission.

(iv) It has been assigned by the JPO to hold seminars for venture business and small and medium enterprise management consultants for activating industries by the use of industrial property system.

(v) It offers consultation and guidance services on IP rights such as patents application procedures, practice on inventions and other matters and utilization of foreign IP system for private enterprises.

(vi) It offers documents concerning open patents available from companies and act as intermediary between prospective licensors and licensees.

4.4 Asia-Pacific Industrial Property Centre (APIC) 40:

The Asia-Pacific Industrial Property Centre (APIC) was established within the JIII in 1996 with the aim of supporting the growth of human resources in intellectual property fields within developing countries in the Asia-Pacific region. Its activities are commissioned by JPO and gets cooperation and support form the World Intellectual Property Organisation (WIPO), the Association for Overseas Technical Scholarship (AOTS), the Japan International Cooperative Agency (JICA) and other related organization.

The APIC conducts training programs on intellectual property targeting the nations receiving governmental overseas development assistance (ODA) to Japan from the Asia-Pacific region. The training courses designed by APIC are targeted for managers and operational staff involved in the establishment, application and diffusion of intellectual property system such as government officials, corporate and law firms’ employees, research institutions scholars and other professionals.

The training seminars and lectures are arranged by inviting top professionals

40 Information in this section is based on the APIC Pamphlet commissioned by JPO and APIC website.
from various fields including academia, legal circles and business from overseas and Japan. The training courses offered by APIC on intellectual property system are based in the global perspective and directly linked to practical activities. In trainings sessions problem solving techniques and methods are frequently used in the classroom. Separate training is also conducted for highly technical and specialized courses.

The examples of training curriculum offered by APIC, involving lecture and discussions are given below

- Present situation and future direction of industrial property rights administration;
- PCT and other treaties concerning industrial property rights;
- WTO-TRIPS Agreement and industrial property rights;
- Comparison of international industrial property rights systems and various national systems;
- Technology transfer and licensing;
- Industry-university cooperation and intellectual property;
- The role of patent attorneys; and
- Other topics such as problem of counterfeit products, protection of inventions related to computer software, business model patents, industrial design protection, recent trends in copyrights, etc.

Beside lectures in the classroom, the trainees are also provided on-site training on electronic application systems in JPO, industrial property rights information service in INPIT, judicial proceedings in intellectual property, administration of intellectual property in industry etc.

As a part of its training activity, APIC has developed a variety of texts in various specialized fields of intellectual property rights. These texts are available in English as well as in Chinese, Vietnamese, Thai and Indonesian languages. The text in English is accessible through the internet from the website of APIC. These texts are used for dissemination of IP information as well as in the training courses and other activities. Besides these, APIC has also created English
language DVDs to provide information on intellectual property system from the basics to specialized fields in an easy-to-understand way.

APIC also arranges overseas IPR Seminars as follow up for its training course alumni in their own countries. These seminars are sponsored by the JPO and organized by respective local governmental organizations related to intellectual property. In FY 2007, such IPR Seminars were held in Vietnam, Philippines, Thailand, China, India, Indonesia and Malaysia.

4.5 International Association for the Protection of Intellectual Property of Japan (AIPPI-Japan)\(^{41}\):

The Japanese Group of International Association for the Protection of Industrial Property (AIPPI) was established on April 27, 1956 based on the strong recommendations of the then Commissioner of the JPO, who highly appreciated the activities of AIPPI for internationalization of industrial property rights. In the same year the Japanese Group was formally admitted into AIPPI at its Congress held in Washington. In 1991, the Japanese Group of AIPPI was incorporated as the International Association for the Protection of Industrial Property of Japan. In its Congress held in June 2001 its name was changed to International Association for the Protection of Intellectual Property of Japan (AIPPI Japan) with the approval of the Minister of Economy, Trade and Industry. Since then it has developed to become the world’s largest national group with more than 1,111 members (as of March 2007) and is involved in a wide range of activities to improve the intellectual property system in Japan by working closely with national groups, intellectual property offices and intellectual property-related organizations of major countries.

The major activities carried out by AIPPI Japan are as under\(^{42}\):

1. Participation in the AIPPI Congress:
AIPPI Japan participates in the AIPPI Congress and the Executive Committee Meeting held every two years. In these meetings AIPPI member countries

\(^{41}\) http://www.aippi.or.jp/english/info_e_200.htm
\(^{42}\) http://www.aippi.or.jp/english/info_e_300.htm
discuss important questions relating to intellectual property and presents views of the public on various policies established by IP related international organizations such as WIPO.

2. **Participation in the Research Activities Concerning IP Related Treaties and Conventions, and Overseas Laws and Regulations:**

It participates in the activities of the Committees organized by AIPPI Headquarter to discuss and conduct research on IP related Treaties and Conventions and overseas Laws and Regulations. The various issues on which discussions and research has been made, *inter-alia*, include Limitations of the Trademark Protection, Impact of Co-Ownership of Intellectual Property Rights on their Exploitation, GATT/WTO (Doha Declaration), Patent Cooperation Treaty (PCT), Substantive Patent Law Treaty, Scope of Patent Protection etc. The details of the discussions are published in the AIPPI Journal as and when the need arises.

3. **Conducting Research on IP System of Foreign Countries:**

It conducts investigative research on IP system of foreign countries to ascertain the current situation and trends of the world, as well as to establish policies for future directions. The research is conducted at the behest of JPO. In Fiscal Year 2007 it undertook a project “country-by-country comparative study and research on IP system” and made studies and research on the following subjects:

- Actual Status of Design Protection through Utilization of Rights in Asian Countries.
- Ideal Methods for the Development of Intellectual Property-Related Human Resources in Developing Countries.
- Intellectual Property Protection System and Operations Thereof in India.
4. **Dissemination of Information on Research Results on IP related Treaties and Conventions and Overseas Laws and Regulation:**

It has collected and translated foreign IP laws and regulations of 59 countries, regions and organizations, and has also uploaded the textual data of 53 countries, regions and organizations, after getting necessary approval from them, on the JPO's website under a project entitled "The Program for Cooperation in Establishment of Information on Foreign Industrial Property Systems" commissioned by the JPO.

5. **Holding Judicial Decision Study Meetings:**

It has been holding monthly study meetings since the year 2000 under the Chairmanship of a former division chief of Tokyo High Court to closely examine IP related judicial decisions from Japan and abroad.

6. **Publications of Magazines, Books and Reference Materials:**

It publishes a monthly magazine in Japanese which contains expert analysis of IP related issues and information on legal revisions and practices of laws and regulations of various countries. It also publishes a Bi-monthly Journal in English containing analysis of IP, court decisions, laws and regulations in Japan and other countries. In addition to this, it also publishes various books and reference materials concerning overseas intellectual property-related laws and regulations and court decisions, for its members.

7. **Other Activities:**

It holds seminars on IP for its members inviting leading professionals, lawyers, patent attorneys and scholars from Japan and abroad as lecturers, provides scholarship to student from abroad for study of IP in Japan and keeps IP related material collected from various international organizations for inspection by visitors.
4.6 Institute of Intellectual Property (IIP) 43:
The Institute of Intellectual Property was established in June 1989 with an intention to make comprehensive research and studies of all problems related to intellectual property for the purpose of assuring sound socio-economic development in the 21st century. Since its establishment it has made steady progress by focusing on conducting research into various problems related to IP, systematic collection and distribution of information on IP and by promoting international exchanges between related organizations thereby contributing towards the better and enhanced protection and international harmonization of intellectual property.

4.6.1 Research Activities of IIP in the field of Intellectual Property:
IIP carries out around 20 research projects every year. These research projects are entrusted to IIP mainly by METI or JPO. Among the research projects carried out by the Institute, there have been those that led to the revision of pre-existing law systems such as the Patent Law, the Utility Model Law, the Trademark Law, and the Unfair Competition Prevention Law. Some of the research topics on which IIP conducted research in FY 2006 are as under:

(i) Future Challenges Concerning the JPO Trial System.
(iii) Methodology for Promotion of the Development of Human Resources Related to Intellectual Property.
(iv) Appropriate Use of Intellectual Property.
(v) Facilitation of the Use of Patented Inventions.
(vi) Comparative Studies on Patent Systems for Protecting High Technologies in the Advanced Medical Field.
(vii) Current Status and Problems Concerning Typeface Protection in Foreign Countries.

43 IIP website at http://www.iip.or.jp/e/index.html
IIP also invites Scholars and professionals from developed and developed countries to research on relevant issues of intellectual properties at the Institute and offers research results to the public through its reports and seminars. Following are some important topics on which research was conducted by IIP in FY 2006 by inviting foreign scholars:

(i) Accessing Genetic Resources by Japanese Private Industry under the Convention on Biological Diversity Regime with Particular Reference to Australia.
(ii) Effective Protection of DNA Sequences and Gene Innovations.
(iii) Well-Known Trademark Protection: A Comparative Study between Japan and China.
(iv) A Model of Intellectual Property Rights Enforcement for Developing Countries.
(v) Bounded Rationality and Related Concepts Fundamental to Intellectual Property Analysis.
(vi) The Scope of Rights and the Functions of Trademarks Under the European Trademark System.
(vii) Free Movement Rules and Competition Law: Regulating the Restriction on Parallel Importation of Trade Marked Goods.

4.6.2 Other Activities:
Some other important activities carried out by IIP are as under:

IIP makes a database of information on legal systems, judicial precedents papers, patent statistics etc. and open it to public through internet. It also provides information on the research carried out by the Institute to public by organizing meeting. Further, the research results are also published in a quarterly magazine named "Chizaiken Forum" and "IIP Bulletin".
The Institute hosts international symposiums and seminars on intellectual property by inviting notable scholars from Japan and overseas to exchange views and opinions on the problems of intellectual property.

The Institute promotes exchange of research scholars with both the domestic and overseas organizations and associations to improve the efficiency and accuracy of its research activities on IP.

Japanese research scholars are sent to foreign universities and institutes by the Institute to research on IP. Their research results are disclosed to the public through its reports.

**4.7 Japan Patent Attorneys Association (JPAA)**

The Japan Patent Attorneys Association (JPAA) is a governing organization of Patent attorneys in Japan. It was originally established in 1915 and was made an official organization by promulgating the Patent Attorney Law in 1921. By partially amending the Patent Attorney Law in 1938, it was made mandatory for all practicing patent attorneys to become a member of the Patent Attorneys Association.

JPAA has its main office in Tokyo and nine regional branch offices. The main responsibilities of JPAA are to maintain high standards of conduct and professionalism of patent attorneys and contribute to the general growth of the profession. These responsibilities are met through the exercise of guidance to members by promoting communication among them. It supervises a large number of committees specializing in IP issues of practical interest. Through its varied activities, it contributes to the development of IP system by particularly laying emphasis on the improvement IP laws and related legal regulation and practices involved. It works in close cooperation with METI and JPO by making positive proposals to the advancement of IP system and provides related information and comments to the inquiries.

44 [http://www.jpaa.or.jp/english/aboutus/history.html](http://www.jpaa.or.jp/english/aboutus/history.html)
4.7.1 Training of Attorneys:
JPAA has established an Educational Institute in fiscal 1978 as its first affiliated organization to develop complete in-service training and to enhance the effectiveness and operation of such in-service training. The Institute provides a variety of training programs to qualified patent attorneys and trial attorneys under the Rules of the JPAA, and other trainings deemed appropriate to upgrade their existing skills. The Institute performs its training activities in a proactive manner, in collaboration with other professional associations, such as the Daini Tokyo Bar Association and the Tokyo Regional Office of the Japanese Institute of Certified Public Accountants45.

The following trainings are provided by the Training Institute to the members of JPAA46:

- Comprehensive training sessions on practical business mainly for patent attorneys who have recently passed the patent attorney’s examination.
- Training sessions for members held for specific purposes, such as for the practical business of foreign patent applications, patent litigation movements, and issues in practical business associated with the implementation of a new patent system.
- Continuous training sessions for members which include exercises led by high court justices as lecturers.

4.7.2 Research Activities:
JPAA has another affiliated organization, namely, Central Research Institute of Intellectual Property which was established in 1996 to undertake research on issues concerning intellectual property and patent attorneys and to provide information thereon with the objective to contribute to the sound development of the intellectual property system and the patent attorney system. The institute not

45  http://www.jpaa.or.jp/english/aboutus/affiliated.html
only conducts research into domestic and foreign issues concerning intellectual property and patent attorney activities from a long-term and international perspective but also by performs services in connection therewith.\footnote{http://www.jpaa.or.jp/english/aboutus/affiliated.html}
University Industry Collaboration in Japan

5.1 Introduction:
Public organizations like universities and research institutions are the main source of innovation drivers in the world. These types of organizations are both governmental and non-governmental. Although the definition of a university is a degree granting higher educational institution, universities are generally dedicated not just to teaching, but also to research and public service. The academics research of the universities has played a very important role in promoting technological progress and economic growth of the developed countries. The use of the intellectual property system has become the main instruments for technology transfer from university to industry and for this the protection and licensing of intellectual property rights has been identified as one possible mechanism for the transfer of technology that has increasingly been the focus of attention of policymakers for development of the economy. The transfer of academic research of the universities which has the potential of developing new technologies to industry normally takes place through licensing and formation of venture companies. This chapter seeks to study the efforts made by the Government of Japan for promoting Industry-Academia collaboration and process of technology transfer from universities to industries.

5.2 Need for University-Industry Collaboration in Japan:
During post World War II, after an initial phase of restoration, Japan’s economy grew rapidly mainly due to overwhelming success in the process of industrialization. However, in the 1990s Japan’s economy went into a prolonged recession due to collapse of the so called bubble economy created by rising stock and real state markets. During this period the Japanese firms lost heavily

48 “Technology Transfer, Intellectual Property and Effective University-Industry Partnership”, WIPO Publication No.928
in competitiveness to the United States in such key sectors as information technology and biotechnology. The countries like Korea, and then China that were industrializing at accelerating speeds, were posing new threats to Japanese industry\textsuperscript{49}. To overcome the post bubble stagnation of the 1990s, there was a search in the government and policy communities for measures to increase economic performance. Universities were then seen as a key resource for innovation and a possible solution to the economic stagnation\textsuperscript{50}.

The success of US economy to overcome its sluggish period of the 1980s also drew the attention of policy makers in Japan. Although, the driving force for the revitalization of US industry was the effort of industry itself, the universities also played equally important role in this transformation through the creation of new technologies and the transfer of those technologies to the private sector\textsuperscript{51}. For this purpose, the United States specifically arranged two Acts so as to industrialize research results obtained by public research organizations and universities. These are the Bayh-Dole Act, which became effective in 1980, and the Federal Technology Transfer Act which became effective in 1986. First of all, the Bayh-Dole Act made research and development results achieved through governmental funding accessible to universities, non-profit organizations and medium and small-sized companies, thereby giving an incentive to those conducting the research. Secondly, the Act established rules to place priority on domestic companies in implementation. The Federal Technology Transfer Act provided that researchers at governmental research organizations are responsible for the technology transfers, and the Act promoted technology

\textsuperscript{49} “Technology Transfer, Intellectual Property and Effective University-Industry Partnership”, WIPO publication No. 928


\textsuperscript{51} Experience of Japan, Contribution by the Patent System to Industrial Development of Japan, 2001, Published by Institute of Intellectual Property. pp 68
transfers by encouraging research organizations to conclude joint research agreements with private companies.\textsuperscript{52}

Since the passage of the Bayh-Dole Act, universities in USA actively established new technology licensing organizations and strengthened the existing ones. Patent rights ownership has enabled universities to enter into their own licensing contracts with corporations and to collect license fees. Universities were motivated to strengthen their technology licensing structures not only because it has become easier for inventors to cooperate with product development, but also because greater patent revenues supply more funds for university research.\textsuperscript{53}

The impact of these Acts was that the US patents granted to American universities rose from 300 in 1980 to 2,000 in 1995, with universities being granted around 5,396 licenses between 1991 and 1995. More than 250 new companies were formed directly through university licenses in 1996 and a total of 1,900 companies since the inception of the Bayh-Dole Act in 1980.\textsuperscript{54}

Thus the success of the US made the Japanese government to initiate a number of policy measures to increase the contribution of universities to economic growth. One of the most important IP policies for economic growth in Japan was the law promoting technology transfer from universities to Industries in 1998. This law’s objective was to create a cycle of intellectual creations by enabling universities to acquire patent rights for their research results, transfer technologies to the public sector based on those rights, and apply resulting profits to further research activities. Based on this law, Technology Licensing Organisations (TLOs) were established in every region of Japan. Government of Japan also provided annual

\textsuperscript{54} Prabuddha Ganguli, “Stepping Ahead with Intellectual Property Rights”, UGC Golden Jubilee Lecture Series available at www.ugc.ac.in/pub/#lectures
financial support upto 30 million yen to theses TLOs to meet their administrative cost to enable them to serve the purpose of uniting universities and industry\textsuperscript{55}.

### 5.3 Legal framework of Technology Transfer:

The Basic Plan for Science and Technology, adopted by the Cabinet in 1996 stressed the importance of promoting collaboration between universities and business. However, the legal framework of industry academia and governmental collaboration was established with the 1998 Law Promoting Technology Transfer from Universities to Industry which was followed by the Law on Special Measures for Industrial Revitalization made in 1999. These laws made intellectual properties obtained through research and development supported by government funding, belong to researchers, thus promoting technology transfers based on TLOs. The Law on Special Measures for Industrial Revitalization is called the Japanese version of the Bayh-Dole Act \textsuperscript{56}

### 5.4 Further Boost to University-Industry Collaboration in National IP Policy:

As mentioned elsewhere in the report the strategic council of intellectual property convened in the year 2002 under the then Prime Minister of Japan Mr. Junichiro Koizumi issued outlines for further development of IP policy in order to make Japan a nation built on intellectual property. The IP policy outline regarded technology transfer as an important vehicle to drive the revitalization of Japanese economy and set forth specific arrangements for efficient and smooth university-industry collaboration. The Basic Law of Intellectual Property enacted to implement the intellectual property policy outline, \textit{inter-alia}, stipulated the social contribution of the universities through disseminating research results in Article 7 (1) which states “universities, etc. shall in light of the fact that their activities are contributing to the creation of intellectual property throughout society, endeavor


voluntarily and positively to develop human resources, and disseminate research and the research results." \(^{57}\)

### 5.5 Establishment of TLOs in Japan:

As mentioned earlier, TLOs were set up rapidly in Japan since the TLOs Law was passed in 1998 thereby establishing technology transfer system using universities and other public research institutions. Since the TLO Law in Japan was established jointly by METI and Ministry of Education, Culture, Sports, Science and Technology (MEXT), the proposals of the universities for establishment of TLOs are jointly reviewed and approved by METI and MEXT. METI provided financial support for an initial period of five years for their establishment and for some of them, this support has been finished and they are in independent operation. The TLOs in Japan can be broadly divided into three categories depending on their nature:

1. **Internal TLO:** These TLOs are established within universities and are part of a University without any legal status;

2. **External TLO:** These TLOs are established outside the universities. They function separately from the University and have independent legal status. They deal with only one particular university; and

3. **Area TLO:** They are established outside of universities, but they deal broadly with two or more universities.

By the year 2005, 43 TLOs were established in Japan since the TLO law was passed in 1998. These TLO’s are representing nearly all research universities. The growth of TLO’s from 1998 to 2005 can be described by the following graph.\(^{58}\)

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The Number of TLOs has since reached to 46 after operation plan of the 46th TLO has been approved jointly by MEXT and METI on 31st March, 2008.59

When the first TLOs appeared, the national universities were not independent entities. As such profit-making TLOs were not allowed to reside in the campuses of national universities. However, it was possible at that time for the TLOs to reside in the private university campuses. Therefore, many TLOs were established outside of universities as independent entities. For example, the Waseda University, which is a leading private university in Japan, established its Intellectual Property Center which was jointly approved by METI and MEXT in April 1999. Based on the Law for Promoting University-Industry Technology Transfers, the intellectual property center was designated as TLO and

incorporated into the university. The typical work activities of the TLO of Waseda university are as under:\(^{60}\):

(i) Patent Acquisition:

- Offering consultation to inventors;
- Invention discovering, prior art search, market survey and technical evaluation; and
- Patent application, maintenance and management.

(ii) Technology Transfer:

- Promoting industry-academy cooperation;
- Total support for business agreement negotiations through conclusion.
- Documentation supporting terms of contract documentation, verification and Management; and
- Supervision over royalty payments.

(iii) Industrial-Academic Collaboration:

- Organization of Technology Transfer Meetings;
- Secretarial support for government grant applications, progress management and audit preparations;
- Representing other universities lacking TLO in technology transfer transactions.

5.6 JPO’s Support for Intellectual Property Activities of Universities:\(^{61}\):

Keeping in view the underlying spirit of Article 7(1) of the Intellectual Property Basic Act, JPO has developed comprehensive support measures for universities covering from the invention stage to the technology licensing stage as illustrated by the following diagram:

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\(^{60}\) Waseda university’s TLO activities at http://tlo.wul.waseda.ac.jp/APPLICATION/WRCPC_english.pdf

\(^{61}\) JPO Annual Report, 2007, pp 69-71
(Source: JPO Annual Report 2007)

The various support measure indicated above are explained below:

1) **Support at Invention (Creation) Stage:**

(i) Dispatch of University Intellectual Property Advisors: Starting form the FY 2007, JPO implemented the project of dispatching advisors to Universities to support establishment of an intellectual property management structure within the university to facilitate universities to start IP activity. The project has since been transferred to INPIT in January 2007. So far 50 universities have received the IP advisors.

(ii) Development of an integrated search system for patent and literature information through the collaborative efforts of Intellectual Property Strategy Headquarter in the Cabinet Secretariat, MEXT, JPO, the Japan Science and Technology Agency and the INPIT, to acquire information about science and Technology literature and Patents for their effective
utilization in the research activities in the universities. The service was launched in March, 2007.

(iii) Holding of seminars for university researchers to provide information about strategic filing of applications, acquisition of rights and utilization of rights by making use of search results and also to use patents information in R&D activities. In FY 2007, 150 such seminars were held in Japan with a total participation of 4,700 people.

(2) Support at Protection (Grant of Patent) Stage

(i) Accelerated examination of patent applications filed by universities / TLOs by JPO on submission of a written request elaborating such need to facilitate early commercialization of the research results of the universities through early acquisition of rights.

(ii) Reduction/exemption of payment of examination request fee and patent annual fee by JPO based on the provisions made in the Law for Promotion of University-Industry Technology Transfer (TLO Law), Law on Special Measures for Industrial Revitalization and the Law for Enhancing Industrial Technology.

(iii) Exemption from the lack of novelty in patent applications filed by universities designated as academic groups by Commissioner of JPO: Based on Article 30 of the Patents Act, JPO grants exemption from the lack of novelty in an invention, if the inventor having right to obtain a patent has made presentation in writing at a study meeting held by the university which has been designated as academic group by the Commissioner of JPO. As on March 31, 2007, 168 universities have been designed as academic groups by the Commissioner of JPO.

(3) Support at Technology Transfer Stage through Licensing:

(i) Dispatching of patent Licensing Advisors: The technology patented by universities is transferred to the industry for its commercial exploitation

through licensing. For this INPIT dispatches patent licensing advisers who are expert in intellectual property rights and technology transfer through licensing, to university TLOs upon request. They provide a wide range of support covering the whole process of technology transfer from discovering licensable technologies of universities and grasping technological needs of the industry to concluding licensing contracts without any cost.

(ii) Free Access to Patent Licensing Database: INPIT provides free access to the database of licensable patents owned by universities and other research institutes via the internet. This database built by INPIT contains about 58,600 licensable patents which includes about 24,000 licensable patents of universities and public research institutions. The unique feature of this database is that it also provides a virtual database function which allows universities to display their licensable patents stored in the database on their website thus dispensing away the need of universities to built their own database.

5.7 IP Strategy of Universities: Tokyo Institute of Technology as an Example:

5.7.1 Profile of Tokyo Institute of Technology (Tokyo Tech):
Tokyo Institute of Technology was founded by the Japanese Government, Department of Education, as the Tokyo Vocational School in 1881. Later it was elevated to the status of National University in 1929. It is one of the world’s leading research universities in the pursuit of advanced science and technology. With six graduate schools, three undergraduate schools, four research laboratories, and many research/service centers encompassing a broad range of studies. It has strength of 5000 graduate school students with 1200 faculty members. It has been rated 90th in the overall university ranking and 22nd in technology section in the THES-QS World University Rankings 2007\(^{63}\).

\(^{63}\) http://www.timeshighereducation.co.uk/hybrid.asp?typeCode=144
5.7.2 IP Management and Technology Transfer at Tokyo Tech:

Tokyo Tech has mainly two types of research Programs. One is Collaborative Research (CR) Program and the other is Sponsored Research (SR) Program. Under collaborative Research, the company researchers and the Tokyo Tech Faculty member(s) conduct research on an equal level. The research area, the period and other details of the joint research are discussed with the faculty member, though the research budget comes from the companies. In some cases (<5%), the budget is given by the government and CR is between Tokyo Tech and a company. Sponsored Research programs are usually by the government, not by companies.

Before 1999, Tokyo Tech has not established any TLO. The licensing contracts were handled by Office Section for contract conclusion which was a part of the university. If an invention was made by a faculty member, who was generally a professor, under collaborative research or sponsored research funded by the Government, the Government owned the IP right and the application for registration was filed by the Government. However, if the invention was made independently, i.e., solo-invention, the faculty member owned the IP right and he has the following three options:

(i) He/She can transfer IP right to the Government
(ii) He/She can transfer the IP right to a company
(iii) He himself/herself can file the application for grant of IP right

Tokyo Tech started TLO operation in August 1999, when the Circle for the Promotion of Science and Engineering was approved as specific university TLO known as “RIKOSHIN”. However, the TLO operated from outside the university as it was not possible for the national universities to establish profit making TLO.

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64 Based on an interview with Prof. Mitsuaki Hosono and Dr. Yuko Hayashi, Liaison Coordinator, Office of Industry Liaison, Tokyo Institute of Technology.
inside the university. It opened another route for the invention made by a faculty member, i.e., professor, who can now transfer IP rights to the TLO who apply for the IP rights and license the right to the company. A part of the licensed fee paid back to the inventor resulting in better remuneration for the faculty members.

However, before 2004, IPRs for inventions made by the faculty members of the national universities belonged to individual faculty members who made the invention with the exception that an invention made in national project brought by the government was granted to the university. The position changed after April, 2004 when the national universities were corporatized in Japan. The faculty members no longer remained Government servants and became the employee of the university. Now if an invention made by a professor is created as a part of his occupation, the universities owned such rights. As such Tokyo Tech now owned the IP rights of the inventions created by the faculty members as a part of their occupation. It is for the Invention Assessment Board of the university to evaluate the invention and decide whether to file the application for registration of IP right or not. In less than 5% cases, the professor owned the IP rights as the invention are created independently by him/her (during his/her side job in many cases), not as a part of his/her occupation in Tokyo Tech, and he/she can either transfer the right to a company or himself/herself apply for the IP right.

5.7.3 Establishment of Office of Industry Liaison in Tokyo Tech:
In October 2003 Tokyo Tech established the Office of Industry Liaison (OIL) to provide a one-stop service for its industry liaison activities. However, its primary objective was to manage the IPRs resulting from the research conducted in the university. The functions of the TLO of Tokyo Tech have also been integrated with the OIL with effect from April 2007. As a result OIL now provides a one-stop service covering all activities of industry liaison including management of intellectual properties. It is actively promoting collaboration among academia, industry and the government.

The OIL is headed by the vice-president for research. It comprises of four sections: Planning & International Collaboration (PIC), Intellectual Property
Managing (IPM), Technology Transfer (TT), and Contract & Management (CM). The PIC section facilitates collaborations, both domestic and international, and establishes new collaborative schemes. The IPM section identifies, protects, and administers IRRs. Coordination of research alliances and IPRs licensing activities is conducted by the TT section, and conclusions of contracts and their implementations by the CM section.

Office of Industry Liaison was established by Tokyo Tech with the financial support from MEXT which encourages universities to establish IP centers to manage their intellectual property and also provide financial support to them for a period of 5 years. Every year the activities of the IP centers were evaluated by MEXT for deciding the annual budget. Office of Industry Liaison, Tokyo Tech received an average financial budget of 120 million Yen from the MEXT. This support program which was for 43 universities has since come to an end in fiscal year 2007.

5.7.4 Timing of License and Transfer of IP Rights at Tokyo Tech:
Tokyo Tech started licensing activities 8 years ago in 1999 when the Circle of Promotion of Science and Engineering was approved as Specific University TLO. The fields in which technologies are licensed to companies are mainly Mechanics and Equipment, Software and IT. In these areas of technology, the invention generally gives the product itself which can be manufactured and marked by the company without further development. Once the invention is made, application for grant of IP right is filed and the request for examination is made usually after three years from the date of filing. The IP right for the inventions is normally issued in the sixth year from the date of filing. The negotiations for licensing the invention start from the date of filing and continue till the IP right is issued. During the licensing negotiations, company decides to produce the product, if it is satisfied about its commercial success. 50% of the licensing revenue goes to the university while 20% is shared by the laboratory in which research is made and 30% by the inventor.
In the technology fields related to Chemistry and Materials, and Electronics (Hardware), a solo invention made by the inventor further needs collaborative research with the company to make marketable product. Pre-discussions are held with the company for collaborative research and necessity of the IPR during the initial three years during which application for grant of IP right is also made by the university and request for examination is filed. Once the request for examination is filed, the invention is evaluated for its practical use by the company and the evaluation process takes around two years. After evaluating the invention, once the decision is taken by the company to continue the collaborative research, it generally takes three to four years to develop the product by conducting applied research based on the basic invention and to decide to produce the product. IP right for the basic invention is obtained by the university between 5 to 6 years from the date of filing the application and rights are either licensed or transferred to the company before the company decides to produce the product based on the applied research. Thus the whole process of licensing of basic invention and the development and production of the final product by the company by conducting collaborative research takes around eight to nine years form the date of filing of application for the basic invention.

5.7.5 Licensing Negotiations by the Liaison Coordinator\textsuperscript{65}: 
For transfer of technology arising out of the research conducted in the university, the university has to deal with un-registered patents as it usually takes 5 to 6 years for the university to get the patent rights for the invention. However, the basic concern which industry has while licensing un-registered patents is that the patent should be trustable. The trust often comes from the fact that inventor is usually a faculty member of the university which has good reputation in the society and among industry circles. However, trust generation often makes the

\textsuperscript{65} Based on the interview with Mr. Masayuki Takasu, Licensing Coordinator, Office of Industry Liaison, Tokyo Institute of Technology
Liaison Coordinator’s job more difficult and university have to negotiate with the industry for licensing the un-registered patent.

Keeping in view the fact that the university professors have close connection with the industry and enjoy good reputation, the Liaison Coordinator meets the faculty members who is the inventor, and takes his opinion about the kind of industry which has the potential of licensing his invention. 80% of potential licensee is found by the inventor’s opinion. Rest 20% cases are based on the Liaison Coordinator’s knowledge and expertise. The licensing agreements or contracts are, however, not concluded on the inventor’s opinion but on OIL’s opinion although the inventor’s opinion or wish is consulted. Help for TLO is also provided by the Government or some academic societies in the form of technology transfer fund available for this purpose for ten years from 1999, when TLO for Tokyo Tech was established.

Tokyo Tech has 15 coordinators working in the OIL who are employees of the university. Their missions are licensing, making collaborative researches, filing inventions and so on. They are usually retired persons who have a vast experience in working with the industries. Thus the responsibility to select the companies for licensing the technology lies with the Liaison Coordinator with some suggestions from the inventor. Sometimes Liaison Coordinator also makes a search for the suitable company using the internet. In some cases companies also contact the OIL based on the information available on the website of the university which displays the technologies available for licensing.

After Liaison Coordinator decides for a particular company, he personally visits that company. It is considered desirable that a face-to-face communication is done with that company, not by telephone or other means of communications. If the company is interested in the technology, officials from the IP Department of the company meet the Liaison Coordinator and ask further details as well as their intention to meet the inventor. After the detailed explanation of the invention by the inventor, internal discussions are held in the company for its licensing. If company decides to license the technology, the terms and conditions of licensing
are negotiated by the Liaison Coordinator and finally the technology is licensed to the company by signing an agreement.

4.7.6 IPR (Patents) Portfolio of Tokyo Tech

The following table shows the number of IPRs (Patents) filed, registered and licensed by the Tokyo Tech in case of solo-inventions and co-inventions made with the industry at the time of writing of the report:

<table>
<thead>
<tr>
<th></th>
<th>Domestic</th>
<th>International</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Solo Invention</td>
<td>Co-Invention</td>
</tr>
<tr>
<td></td>
<td>with Industry</td>
<td>Total</td>
</tr>
<tr>
<td>Filed IPR</td>
<td>795</td>
<td>706</td>
</tr>
<tr>
<td>Registered IPR</td>
<td>176</td>
<td>36</td>
</tr>
<tr>
<td>Licensed IPR</td>
<td>115</td>
<td>79</td>
</tr>
<tr>
<td>Registered IPR licensed</td>
<td>24</td>
<td>22</td>
</tr>
</tbody>
</table>

(Source: Office of Industry Liaison, Tokyo Institute of Technology)

4.7.7 Record of Achievement by Tokyo Tech in Industry Liaison:

The number of collaborative research and sponsored research of Tokyo Tech with the industry is growing steadily. Since April, 2004 when Tokyo Tech was re-established as a National University Corporation, the number of inventions reported has recorded a high level of achievement and the number of patent applications is also showing an upward trend. The achievement made by Tokyo Tech in collaborative research and sponsored research as well as in management and utilization of IP since the Fiscal year 2000 is as under:

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Data made available by Office of Industry Liaison, Tokyo Institute of Technology.
(A) Achievement of Tokyo Tech in Sponsored and Collaborative Research:

<table>
<thead>
<tr>
<th>FY</th>
<th>No. of Collaborative Research Activities</th>
<th>No. of Sponsored Research Activities</th>
<th>Fund of Collaborative Research (in billion yen)</th>
<th>Fund of Sponsored Research (in billion yen)</th>
</tr>
</thead>
<tbody>
<tr>
<td>FY 2000</td>
<td>114</td>
<td>214</td>
<td>0.48</td>
<td>2.63</td>
</tr>
<tr>
<td>FY 2001</td>
<td>149</td>
<td>175</td>
<td>0.55</td>
<td>1.41</td>
</tr>
<tr>
<td>FY 2002</td>
<td>207</td>
<td>204</td>
<td>0.88</td>
<td>1.28</td>
</tr>
<tr>
<td>FY 2003</td>
<td>264</td>
<td>242</td>
<td>0.86</td>
<td>2.51</td>
</tr>
<tr>
<td>FY 2004</td>
<td>344</td>
<td>244</td>
<td>1.18</td>
<td>2.99</td>
</tr>
<tr>
<td>FY 2005</td>
<td>381</td>
<td>260</td>
<td>1.31</td>
<td>3.84</td>
</tr>
<tr>
<td>FY 2006</td>
<td>368</td>
<td>294</td>
<td>1.51</td>
<td>4.74</td>
</tr>
<tr>
<td>FY 2007</td>
<td>422</td>
<td>294</td>
<td>1.69</td>
<td>5.27</td>
</tr>
</tbody>
</table>

(Source: Brochure published by Office of Industry Liaison, Tokyo Tech)
(B) Achievement of Tokyo Tech in Management and Utilization of IP:

<table>
<thead>
<tr>
<th>Description</th>
<th>No. of Inventions Reported</th>
<th>No. of Domestic Patents Applied (University + TLO)</th>
<th>No. of License Assigned with Payment (University + TLO)</th>
<th>Amount of License Assigned with Payment (University + TLO) (in million yen)</th>
</tr>
</thead>
<tbody>
<tr>
<td>FY 2000</td>
<td>286</td>
<td>117</td>
<td>17</td>
<td>21.7</td>
</tr>
<tr>
<td>FY 2001</td>
<td>249</td>
<td>115</td>
<td>15</td>
<td>60.3</td>
</tr>
<tr>
<td>FY 2002</td>
<td>274</td>
<td>164</td>
<td>16</td>
<td>50.0</td>
</tr>
<tr>
<td>FY 2003</td>
<td>465</td>
<td>200</td>
<td>39</td>
<td>30.0</td>
</tr>
<tr>
<td>FY 2004</td>
<td>481</td>
<td>294</td>
<td>22</td>
<td>37.4</td>
</tr>
<tr>
<td>FY 2005</td>
<td>464</td>
<td>338</td>
<td>57</td>
<td>44.1</td>
</tr>
<tr>
<td>FY 2006</td>
<td>437</td>
<td>293</td>
<td>62</td>
<td>48.1</td>
</tr>
<tr>
<td>FY 2007</td>
<td>312</td>
<td>217</td>
<td>26</td>
<td>61.6</td>
</tr>
</tbody>
</table>

(Source: Brochure published by Office of Industry Liaison, Tokyo Tech)
CHAPTER – 6

Questionnaire, Summary and Recommendations

6.1 Questionnaire to Japanese Industries:

A questionnaire (Annex-I) was sent to 100 Japanese Industries to assess the level of their IPR awareness, IP Training and awareness activities and activities regarding licensing of IPRs from Universities. Out of these, 23 companies having their capital ranging from 0.01 Billion Yen to 23.7 Billion Yen responded to the questionnaire. A questionnaire on similar lines was also sent to Industries in India through two industry associations so that a comparative study could be made between the industries in India and Japan regarding their activities in the areas of IP training, awareness and licensing of IPRs. Unfortunately no response has been received from Indian industries till the time of writing of the Report. However, the response of the Japanese industries to each of the questions has been analyzed below:

(I) Questions for the IP Department

(1) In response to the question as to whether they have a separate Department for handling the IP related matters of the company, 52% companies responded positively while 48% companies responded by saying that that they have no separate IP Department.
(2) When asked whether IP policy is an integral part of the overall policy of the company, 70% companies responded affirmatively while 30% replies in negative.

![IP Policy is an integral part of the overall policy](image)

(3) Regarding the staff strength of their IP Department, 83% companies said that they have less than 5 people working in their IP Department while 17% companies said that they have staff ranging from 5 to 10.

![Staff strength of IP department](image)

(4) With regard to the activities undertaken by the IP Department, the companies mentioned filing of patent applications, licensing of IP rights, settlement of legal disputes, patent information analysis and services, prior art
search, management of annual fee for IPRs, operation concerning contracts and response to rejection, appeal and trials.

**Comments:** Japan economy is mainly based on SMEs there are around 4.69 million SMEs in Japan representing 99.7% of the total industries. The response of Japanese Industries indicates that they are well versed with the importance of IP and consider it important to include IP in their business strategy. Further, establishment of separate IP Departments by many of them shows that Japanese industries are taking more focused approach towards their IP activities and management of IPRs.

(II) **Questions for IP Training activities of the companies**

(1) Regarding IP training to the employees, 87% of the companies said that they provide IP training to its employees while 13% companies said they do not provide any kind of training to their employees.

![IP training for employees](image)

(2) When asked whether they have, any in-house training programs for the employees, 26% responded affirmatively, 70% said no and 4% (one company) did not respond.

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(3) In response to the question that whether they are members of Japan Intellectual Property Association (JIPA), an association of Japanese corporations, 26% of the companies responded affirmatively. The remaining 74% companies said that they are not the member of JIPA.

(4) When asked, whether their employees receive training in the training programs organized by JIPA, all the 26% companies who said that they are the members of JIPA, responded positively. Remaining 74% companies did not reply.
Comments: JIPA is playing an important role by taking care of IP training needs of the employees of its member companies as reflected from the responses of the companies who are members of JIPA. However, since majority of the surveyed companies are not having the membership of JIPA, they do not get the benefits of their training programs. Since the membership fee of JIPA is quite high (250,000 Yen annually)\(^{68}\), it is perhaps not possible by the small companies to afford such a high membership fee. However, majority of the surveyed companies have taken own initiatives to provide IP training to their employees and few of them also have developed in-house training programs for their employees.

(III) Questions for IP Awareness Activities of the Companies
(1) To check the level of IP awareness of the companies, it was asked whether they have ever heard about intellectual property. In reply thereto, all the companies responded affirmatively.

\(^{68}\) Information furnished by JIPA during JPO/IPR Training course for Advanced IP Practitioners, August 4, 2004.
(2) When asked what they recognize as intellectual property, all of the respondent indicated Patent followed by Trademark, Utility Model, Design, Copyrights and Trade Secrets.

(3) In response to the question as to whether they hold any seminar by inviting outside experts to provide knowledge of Intellectual property rights to the employees of their companies, 57% responded affirmatively while 43% said that they do not hold such seminars.

(4) Regarding the issue of dispatching their employees to attend seminars/symposiums organized by JPO or other agencies for gaining
knowledge of strategic utilization of IP rights, 83% companies agreed of sending their employees to attend such seminars, 13% companies denied while one company did not respond.

(5) Regarding receiving any special support from the Japanese Government to create awareness of IP rights for their employees, only 4% (one company) agreed while the remaining 96% (22 companies) replied that they do not receive any special support from the Japanese Government.

(6) Regarding special initiatives taken for increasing the awareness of IP
rights among the employees, the companies mentioned the following kind of initiatives taken by them:

- Holding of IP seminars for engineers focusing on looking at gazettes, patent search, etc.
- Regular briefing on the patent system.
- Use of e-learning.
- Having an idea recognition scheme (selected at a committee) and policies.
- Recognition of inventions, publication of IP news.
- Explanation of the outline of IP, reading of description, etc for new recruits and lectures of the IP Test Class2 level for existing employees.
- New recruit patent training (lectures and practice) and patent education for senior staff (lectures) only for those in the technology development division.
- System of patent incentives.
- Monthly internal electronic bulletin board notifying the name of the inventor of inventions for which patents are sought and payment of incentive to inventors of registered patent. Award system for the highest number of applications in the year and a performance compensation scheme.
- Compensation system for employee’s invention.
- Explanation of the service invention system, consultation on application, interviews.
- Seminars of external experts, developing and distributing “Hint for getting ideas” to the entire staff.
- Learning of IP system for new recruits.
- Everyday appeal activities concerning IP.
- Lectures on the outline of IP right, Copyright and unfair Competition Prevention Law.

Comments: The survey shows that IP awareness level of Japanese companies is quite high and they recognize all important forms of IPRs. Although they do not
receive adequate support from the Japanese Governments for creating IP awareness among their employees, most of them are providing knowledge of IPRs and their strategic utilization in the business, to their employees by organizing seminars and also dispatching their employees to attend outside seminar organized by Japanese Government. These initiatives show that Japanese companies consider IPRs important for the growth of their business.

(IV) Questions for IPR licensing activities of the companies

(1) In response to the question regarding knowledge about licensing of IP rights, 83% of the companies said that they have such knowledge while 17% said that they have no knowledge about licensing of IP rights.

(2) On the issue of importance of the use of IP rights through licensing for the growth of the company, 61% of the companies said that use of IP rights through licensing is important for the growth of their company, 26% did not agree while 13% did not answer the question.
(3) When asked about the kind of IP right they consider most important to license for the growth of their company, 61% of the companies favoured Patent, 13% preferred Trademark, 8% said Design and 8% went with Utility Model.

(4) Regarding licensing of any IP right from the universities, 17% of the companies responded affirmatively while 83% said that they have not licensed any IP right from the universities.
(5) Regarding the number of IP rights licensed from the universities, the 17% companies who responded saying that they have licensed IP rights from the universities, replied that the number of licensed rights are less than five while remaining 83% companied furnished nil information.

(6) Regarding the area of licensed IP rights from the universities, the 17% companies who have licensed IP rights from the universities, said that the majority of licensed IP rights are Patents.
(7) When asked whether the licensed IP rights from universities have contributed significantly to the annual profit of the company, the 17% respondent companies replied negatively.

(8) Regarding the knowledge of the source of IP rights available for licensing from the universities, 18% companies mentioned university websites, 4% mentioned licensing adviser, 4% said from the result of the research conducted by researcher sent by the company, 4% said through presentations at academic meetings, 4% cited TLO while 66% did not reply.
With regard to the question as to whether they ever received patent licensing advisors from the Japanese Government to provide advice on licensing patents rights from universities, 13% (3 companies) replied affirmatively while 87% said that they did not receive their advice.

Advice on licensing of patent rights from universities by patent licensing advisors

- Yes: 13%
- No: 87%
(10) When asked as to whether they benefited from the consultation and advice of patent licensing advisors, 7% (2 companies) said they have benefited from their advice, 4% (1 company) said no while remaining 89% did not reply.

![Pie chart showing benefited from consultation and advice of patent licensing advisors](image)

(11) Regarding successful commercialized of any licensed IP rights from universities, 17% companies who have licensed IP rights from universities, replied negatively.

![Pie chart showing successful commercialization of licensed IP rights from universities](image)

(12) & (13) With regard to the questions seeking information on the number of IP rights licensed from the universities which have been successfully
commercialized and their percentage against the total number of IP rights licensed from university, all respondent furnished nil information.

No. of successfully commercialized IP rights licensed from universities and their % against the total number of such licensed rights

(14) Regarding the issue of promoting IPR technology transfer from universities, 70% companies said that technology transfer from universities should be promoted more in future, 9% said that they do not think so while 21% did not respond.
Comments: The survey shows that majority of Japanese companies are aware of IPR licensing and its importance for the growth of their business. However, licensing-in of IPRs from the universities is very low and the licensed IPRs are not being successfully commercialized thereby making not much contribution to their annual profits. Nonetheless, Japanese companies consider universities as potential IPR suppliers as majority of them are in favour of promoting technology transfer from universities. However, the real benefit will accrue only when universities will conduct research based on industry needs. Japanese government’s efforts to spread patent licensing activities by providing services of patent licensing advisors also seems insufficient as few companies received their advice and still few of them benefited from their advice. One reason may be that there are only 106 patent licensing advisors in Japan whose services are provided by INPIT and their numbers seems to be miniscule keeping in view the large number of industries in Japan.

(V) General Questions

(1) In response to the question as to whether intellectual property has played an important role in the technological advancement and economic growth of the company, 96% companies replied affirmatively while only 4% did not agree.

![Pie chart showing 96% Yes and 4% No for the importance of IP in technological advancement and economic growth of the company]
(2) In response to the question that whether intellectual property has played an important role in the technological advancement and economic development of Japan, all the companies responded positively.

![Chart showing 100% positive response to the role of IP in technological advancement and economic development of Japan.]

(3) With regard to the question as to whether measures taken by the Government for protection of IP rights have benefited to protect their IP rights, 91% of the companies responded positively while 9% companies said that they do not feel so.

![Chart showing 91% positive and 9% negative response to the benefit of Government's efforts for IP protection.]

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**Comments:** The Japanese Government’s efforts to become a nation built on IP seems to be on the path of success as all the surveyed companies agreed that IP has played an important role in the technological advancement and economic development of Japan and almost all of them agreed to the importance of IP for their economic growth.

### 6.2 Summary:

With the advancement of technology and emergence of new horizons, the subjects in the filed of IP are becoming wide and complex. This requires considerable expertise in both subject matters as well as training techniques while designing effective training programmes. In so far as training of JPO examiners is concerned, a separate organization, namely, National Center for Industrial Property Information and Training (INPIT) has been established to take the responsibility. Both INPIT and JPO work in close cooperation in planning and execution of the training programmes for the examiners. The notable feature of the training programs conducted for examiners is the linkage between job responsibilities and required knowledge and skills to carry out those responsibilities. Further, the training has been made compulsory not only to the examiners who have been just recruited in service but also to those who have completed certain years of service. Thus the training is not only limited to newly appointed examiners, but it is a continuous process throughout their career.

The examiners in JPO are not only required to conduct examination with the respective necessary knowledge, including that of laws, treaties, they are also expected to shoulder the IP administration which is one of the principal pillars of the national strategy of Japan. Since the knowledge required of examiners is complicated and sophisticated, it can not be learned in a short span of time and is to be cultivated through various training programs.

The Basic training policy for training of patent examiners framed by JPO in October, 2004 required that the examiners are trained in basic knowledge essential for patent examination as well as advanced knowledge essential for
effective patent examination which requires information gathering and analysis skills, ability for making plans and proposal in examination and information transmission skills. Besides these, they are also required to acquire knowledge of IP system of various countries, essential language skills and also a cosmopolitan way of thinking.

An examiner is selected by JPO based on a personal interview of a successful candidate of national public officer examination. The newly recruited examiner is trained to execute examination as an assistant examiner for four years basically under the guidance of the instructors in INPIT. During this time the assistant examiner must attend at least three training courses and pass the examination for each course. The total hours for the three training programs are around 260 hours.

The training programs for examiners include both On the Job Training and Off the Job Training. In On the Job Training, examiners are, inter alia, provided training in the international regulations, together with related rules including the Patent Cooperation Treaty (PCT), the contents of PCT International Search and Preliminary Guidelines and internship with international search and preliminary examination. Off the Job Training Programs include studying in domestic universities, attending various academic conferences, internship programs at private enterprises to learn technology actually used in the industry, participation in various technical sessions and field trips to observe production lines and products on-site at enterprises and R&D facilities. As a part of Off the Job Training program, examiners are also send to overseas universities, colleges, research institutions and academic conferences / symposiums to acquire and improve their knowledge on state-of-art technologies and to obtain updated information on foreign legal system related to IPRs.

One important aspect of training program of examiners is that before the training, trainees are provided with sufficient background reading material as textbooks prepared by the experts. This is important as such reading material before the commencement of training helps in easy understanding of the subject while
attending lectures and also if some of the important points are missed out they can be supplemented easily later on. These textbooks are reviewed and updated from time to time on the basis of the feedback received from the trainees and the instructors by way of questionnaires.

Government of Japan has always given greater importance to IP education and research in the intellectual Property strategic programmes formulated every year since the first such programme was drawn in 2003. For this, continuous support is being provided to educational institutions with a view to increase and develop IP professionals for providing specialized services to the companies who are increasingly adopting IP in their business management strategy. It is also being expected from researchers in the Japanese universities to play an important role in the formulation of new IP policies. Development of human resources that create, protect and exploit intellectual property is one of the important parts of IP strategy of Japan. JPO has made a great contribution and taken a lead role in development of the human resources relating to IP. The numerous support activities of JPO which contributes toward human resource development by disseminating IP education and awareness may be summarized as below:

- Distribution of textbooks on IPRs for educating young minds in elementary schools, junior high schools and high schools. The Textbooks are also supplied to universities and technical colleges.
- Organizing seminars / patent contest for student.
- Organizing IP seminars for university researchers and public research institutions in science and technology.
- Seminars for SMEs and venture companies to help them in utilizing IP as a business tool.
- Briefing meetings for dissemination and raising awareness of IP for beginners to IPR user in the industries.
- Seminars/trainings for developing IP Experts such as venture capitalists, management technology consultants etc.
Inviting overseas researchers to Japan and sending Japanese researchers abroad.

Preparation of electronic video/audio materials on DVD-ROM for “e-learning” and distance learning.

In addition to JPO various other organizations in Japan have been established which play an important role is supporting the IP system. Among other activities, these organizations are involved in providing training and education relating to practices in the IP system, conducting research in the topical areas of IP and promoting awareness of the IP system among users and the general public. It is important that IP system is widely recognized not only by experts, but also by inventors at private sector research institutions, university researchers etc. as well as the users such as the public at large. In view of this, the training programs, seminars, workshops and IP promotion activities conducted by these organizations has helped to establish and promote a cycle of IP creation by exploiting the technology resulting for the innovative activities. Thus, the different organizations having their own target groups are organizing training programs and conducting IP promotion activities accordingly.

JIPA is actively promoting IP education among its members companies as one of its main objectives is to help Japanese industries for their sound development by utilizing the intellectual property system for technological progress. Its member companies are consistently increasing thereby showing a strong interest in utilizing IP as a business tool for their growth and economy development of the nation. Out of the 23 companies, 26% companies who responded the questionnaire survey by saying that they are members of JIPA, agreed that their employees receive training in the training programs organized by JIPA. However, the support from the Japanese Government in helping the industries for creating IP awareness among their employees seems to be still low as only 4% companies agreed of receiving such support. JIPA is also helping the Japanese Government in improving the IP system by conducting strategic study and researches on IP policy.
JPAA, a governing organization of Patent Attorneys in Japan has set up its own Educational Institute for imparting training to its members. It is also providing consultation services to general users for raising their awareness and popularization of the IP system. By conducting research, not only on important national and international issues concerning IP, it is also submitting proposal and disseminating advice to the government on various issues for the sound development of IP system.

JIII has been established to encourage the use of the patent system by Japanese people in association with the series of movements towards modernization and to encourage development of Japanese technology. It has also taken active interest in development of human resources by conducting various training programs for the private sector. It has been also encouraging innovation and invention activities for Japanese nationals in cooperation with the government and diffusion and development of the IP system. It is also contributing for the smooth functioning of IP system by conducting research and surveys on the use of IP system by small corporations. APIC established under JIII has been involved in development of human resources at international level by providing training to the nationals of Asia-Pacific region.

Similarly IIP and AIPPI Japan are conducting research on common issues and basic problems of IPRs as well as various important national and international IP related issues.

The problem of counterfeiting and piracy of goods which are infringing the IP rights of the holders has always remained a great risk to the society specially in the areas of pharmaceutical, machinery, automobile parts, electrical equipments etc. which concern health and safety of the people. This also creates an adverse impact of the economy of the country as well as on international trade relations. Government of Japan has taken several measures, both domestically and overseas, to curb the problem. It is cooperating with domestic enforcement agencies, i.e., police and customs, by responding to the infringement queries and by providing the data base of IPRs for checking registration of IP rights. Further,
seminars are organized by JPO for Custom officials in charge of intellectual property at customs for exercising necessary border control. By operating a counseling section (Counterfeits 110) within the JPO, Government of Japan has also enhanced measures by responding to inquiries from Japanese corporations.

To curb overseas counterfeiting, Japan is urging the infringing countries and regions to enhance regulations through bilateral and multilateral consultations as well as supporting them in the development of human resources by providing training and conducting seminars. Through IIPPF established in the year 2002 to promote cross sectional collaboration among industrial sector, government of Japan is making joint efforts with industries by sending public-private mission to the countries to impress upon them to reinforce anti-counterfeiting measure.

One of the most effective and efficient way to combat infringement of IPRs and counterfeiting is through border control by the custom authorities. Government of Japan has improved and enhanced border control measures and the scope of protection not only covers import and export of goods by also covers goods in transit.

Law enforcing agencies need not only focus on conducts of raids and seizures and border control measures, but should also disseminate information and education to the users and public as a part of their anti-counterfeit initiatives. Government of Japan through JPO is educating people and making them aware of the disadvantages of patronizing fake products by organizing anti-counterfeiting campaigns and distributing educational material in the form of Booklets on counterfeiting. Japan Customs is also emphasizing the importance of IPR protection by raising public awareness by organizing poster campaign and by exhibiting most frequently copied and traded goods. It has also taken initiatives to educate teachers and school children about the hazards of counterfeit and pirated goods through lectures and educational news letters.

Government of Japan has timely recognized the potential of universities for innovative activities and took active interest in developing industry-academia collaboration for the economic development of the nation. During the period from
1998 to 2006, Government of Japan enacted various legislations to promote Industry-academia collaboration and transfer of technology from universities and research institution to industries. The TLO law of 1998 facilitated establishment of TLOs by the universities for smooth transfer of university developed technologies to industries. The Law on Special Measures for Industrial Revitalization enacted in 1999 based on the Bayh-Dole Act of USA enabled universities to own IP Rights resulting from R&D funded by the Government. Since it was difficult for National universities to own IP rights resulting from Government funding, the status of all the national universities was changed as "national university corporation" since April 2004 by enacting “the National University Corporation Law”. This enabled national universities to function as independent administrative institutions. However, the responsibility remained with Government to support national universities in terms of promoting academic research and producing professionals with the highest capabilities.

Since the passage of TLO law, many universities have set up their own technology licensing offices as per their need. Government has supported the establishment and development of TLOs by providing adequate initial financial support. The TLO system enhanced industry-academia collaboration and technology transfer which is evident from the increasing patent and licensing activities in so far as the example of Tokyo Tech shows.

The JPO has also been supporting the efforts of the government to enhance industry-academia collaboration and technology transfer through TLOs. The fee for request for examination of patent applications and annual patent fee has been reduced or exempted for the universities. Further, universities and approved TLOs have been made eligible for accelerated examination for their patent applications. Help of IP advisors is also provided to the universities to help them in establishing proper IP management structure. Above all, regular seminars are held for researchers in the universities for imparting knowledge on strategic application filing, acquisition and utilization of IP rights.
All of the Japanese industries surveyed by way of a questionnaire are well aware of the intellectual property and its importance in technological and economic development of the nation. Almost all (96%) also consider it equally important for their growth. In their opinion, Patent is the most important form of intellectual property followed by Trademarks, Utility Model and Design. They are increasingly adopting IP as an integral part of their overall policy and most of them (52%) have established separate IP Department for handling IP related matters. In so far as IP training for their employees is concerned, most of them (83%) provide IP training to their employees. However, only 26% companies have developed In-House IP training facilities. For further creating awareness and knowledge of IPRs among the employees, many of them (53%) hold seminars by inviting experts from outside. However, larger number of companies (83%) preferred to dispatch their employees to attend outside seminar organized by JPO or other agencies to learn strategic utilization of IPRs for the growth of their business.

In so far as licensing-in of IP rights by the Japanese industries is concerned, it has been observed from the survey that while 83% companies have knowledge about licensing of IPRs and 61% companies consider it important for their growth, licensing-in of IPRs from the universities seems to be still low among the industries as only 4% respondent agreed that they have licensed IPRs from the universities and the number of licensed IPRs is less than five. Patent is the most important IPR for the companies to license for their growth as 61% companies are in favour of licensing of patent rights. The licensed IPRs from universities have also not yet made any significant contribution to the annual profits of the companies as has been noticed from the responses of the surveyed companies. However, a majority (70%) of the companies are in favour of promoting transfer of technology from universities in future as they consider universities as centers of innovative activities.

6.3 Recommendations:

Based on the study conducted in IP training, awareness of IPRs and their enforcement, and industry-academia collaboration in Japan, the following
suggestions/recommendations may be made for consideration of the government:

**Developing Examiners:**

1. A training committee should be constituted within the IP office to look into various training related need of the examiners to improve their efficiency and quality of examination work by designing suitable training programs required at each stage of their career.

2. Further, training should not be an occasional activity but it should be a continuous process in the carrier of the examiners to acquire necessary skills and to learn latest developments in the field of IP.

3. The training course conducted by NIIPM for examiners of the IP offices which lays emphasis on patent system, aim to improve their legal and technical knowledge and to enhance their examination skills. Inclusion of topics in training curriculum such as IP management in universities and private enterprises, technology transfer, TLO functions etc could be considered with the aim to improve their skills to support SMEs and universities in their IP activities.

4. Technology is evolving at a faster pace due to advancement of science and technology and increasing number of applications are being filed in the newer areas of technologies. As such, examiners of the IP offices should be kept abreast of the new technological developments taking place and should be given opportunities to learn most advanced technology that is used in R&D by imparting training at private enterprises.

5. Training by dispatching to domestic and overseas institutions is an important feature of training of examiners of JPO. While examiners of IP office are being sent overseas for training under the bilateral agreements, they should have the flexibility of getting training at domestic research institution, universities, private enterprises etc.
Dissemination of IP education/awareness:

1. JPO has taken several initiatives for spreading IP education/awareness and developed comprehensive support measure of SMEs, universities, researchers in R&D institutions apart from its basic role of administrator of IP rights. The Indian IP offices should also extend its role from IPR administrator to facilitator of IPRs by conducting suitable IP human resource development programmes for IP creators in SMEs, universities, research institution, entrepreneur etc. and potential users of IPR system.

2. JPO has introduced IP Textbooks and Supplementary Textbooks for each age groups ranging from elementary schools to universities and technical colleges to teach basic knowledge and practical skills of IP. These textbooks may be considered by the government as a reference material for introducing IP education in schools, colleges and universities in India.

3. For developing creative minds and to promote awareness of IP among school children, invention/innovation fairs, prize shows should be organized to encourage a culture of innovation and respect of IP from the young age.

4. To increase and propagate public awareness of IP, electronic and print media should be utilized as an effective tool. Live discussions on various IP rights and their importance for economic development should be organized with the participation of reputed personalities in the respective fields.

5. Since counterfeiting and piracy is a continuing problem, it is important to inculcate young minds so that they can develop a sense of respect for originality from a young age. For this small workshop, lectures, presentations should be held at schools and college with the help of industry associations to educate them to value originality and to avoid counterfeit products.

6. Border Control by Customs is an effective tool to combat counterfeiting and infringement of IPRs. Proper support and help in terms of checking of registration of IP rights, distinguishing counterfeiting goods from the genuine
one and other supports which may be necessary for effective border control should be provided to custom authorities by the IP Office.

7. Workshops/ Seminars should be organized for SME sector with the proper support of IP offices to encourage them to adopt IPRs as a part of their business strategy to face the challenge of globalization and enhance their competitiveness

**Developing Industry-Academia collaboration:**

1. India has one of the largest higher education systems in the world with around more than 350 institutions of higher learning including universities, central universities, deemed universities and Institutions of national importance. The universities should be used as a big supplier of IPRs especially patents by utilizing them as centers for innovative activities. Further universities should be encouraged to focus their research based on the need of the industries.

2. Japanese Bayh-Dole Act promulgated by Japan on the lines of Bayh-Dole Act of USA has facilitated Japanese universities to own inventions resulting from the government funding and enabled inventor to get suitably compensated for his/her innovation. In India, most government agencies own the IP rights generated through research funded to the universities extra-murally leaving little incentive to the inventor in terms of royalty sharing. Therefore, India should promulgate legislation similar to Bay-Dole Act to encourage university researcher for innovative activities which will allow them to own IP rights generated from government funding and the resulting incentive in terms of royalty sharing.

3. There is no systematic process or any institutional mechanism like Technology Licensing Offices/Organisations in India for transfer of Technology that could help university researchers protect and exploit new innovations. Such Offices should be set up through the University Grants Commission (UGC), as one administrative unit under the control of
university or as a separate center with proper legal entity, with adequate financial support.

4. Barring some premier institutions like IITs, CSIR labs, and some prominent universities, there is a lack of awareness on IPRs and its benefits among the universities. Ministry of Human Resource Development and Technology Information, Forecasting & Assessment Council (TIFAC), an autonomous organization under the Department of Science and Technology are providing support for IPR awareness workshops in various universities. The awareness programmes should be enhanced by the active participation of Intellectual Property offices.

5. IP Offices should hold seminars for university researchers to help them in understanding use of patent information in R&D while designing the research theme and strategic application filing, acquisition and utilization of rights.

6. Government should consider decreasing or even exempting the state fee for patent application for university generated inventions and subsequent annual patent fee on grant of patent for the patent applications filed by the universities to encourage IP activities at universities.

7. A database of licensable patents owned by universities and public research institutions should be developed to enable industries to get easy access to their patents available for licensing. This database may also include licensable patents of the companies. This database may be made available to the public through the website of IP Office.

To end the report, it may be worthwhile to reiterate here that Japan has made IP as its national priority and is committed to become a nation built on IP. The initiatives in this regard were taken by formulating IP Policy Outlines in 2002 which called for enactment of Basic Law on IP and establishment of IP Strategy Headquarters in the Cabinet Secretariat. The first IP Strategic Programme was adopted by IP Strategy Headquarters in the year 2003 and since then Japan has
come a long way in establishing a cycle of creation, protection and utilization of IP by revising and issuing renewed programs every year to achieve its goal of becoming an IP based nation. India has also taken several initiatives to strengthen its IP regime. Further plans are afoot to address the need of development of human resources, training, research and awareness relating to IP. However as quoted by Mr. Hisamitsu Arai, former Commissioner of JPO, small differences in IP strategy sometimes make a big difference in the competitiveness of a State. Thus a proper IP strategy which is to be reviewed and renewed form time to time, is required to be followed to remain competitive in the global economy.

ANNEX-I

WIPO Six Monthly Study-Cum-Research Fellowship
(April to September, 2008)

(Questionnaire for Industries)

BY:

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Respondent's Profile
Name in full:
Position on the Company:
Department:

Company's Profile:
Name of the Company:
Industrial Field:
Annual Turnover:
No. of Employees:

IP Department of the company

1. Did your company have a separate Department for handling the IP related matters of the company?

☐ Yes ☐ No

2. Is IP policy is an integral part of the overall policy of the company?

☐ Yes ☐ No

3. What is the number of staff in IP Department of your company?

☐ less than 5 ☐ less than 10

☐ If more than 10 please specify ________________________________

4. What are the activities of the IP Department of your company?
● Filing of patent applications for grant of rights.
● Licensing of IP rights
● Settlement of legal disputes in IPR
● Patent information analysis and services
● Others (Please specify)

___________________________________________________________________
___________________________________________________________________
___________________________________________________________________
___________________________

IP Training activities of the company

1. Did your company provide any kind of IP training to its employees?

  ○ Yes    ○ No

2. If yes, whether your company has any in-house training programs for the employees of your company?

  ○ Yes    ○ No

3. Is your company a member of Japan Intellectual Property Association (JIPA)?

  ○ Yes    ○ No

4. If yes, whether your company employees receive training in the training programs organized by JIPA?

  ○ Yes    ○ No

IP awareness activities of the company

1. Did your company have ever heard about intellectual property?

  ○ Yes    ○ No

2. If yes, what your company recognize as intellectual property?

  ○ Patent    ○ Design
3. Did your company hold any seminar by inviting outside experts to provide knowledge of Intellectual property rights to the employees of your company?

☐ Yes ☐ No

4. Did your company dispatch its employees to attend seminars/symposiums organized by JPO or other agencies for gaining knowledge of strategic utilization of IP rights?

☐ Yes ☐ No

5. Did your company receive any special support from the Japanese Government to create awareness of IP rights for the employees of your company?

☐ Yes ☐ No

6. What are the special initiatives that your company takes for increasing the awareness of IP rights among the employees? Please specify.

______________________________________________________________________
______________________________________________________________________
______________________________________________________________________

IPR licensing activities of the company

1. Do you have any knowledge about licensing of IP rights?

☐ Yes ☐ No

2. If yes, do you feel that the use of IP rights through licensing is very important for the growth of your company?

☐ Yes ☐ No

3. If yes, what kind of IP rights your company consider the most important to license for its growth?
4. Did your company ever license any IP right from the Universities?

☐ Yes        ☐ No

5. If yes, how many IP rights have been licensed from the universities by your company?

☐ less than 5        ☐ less than 10

☐ any other number (please specify)

6. The majority of IP rights licensed by your company from the Universities are in which area?

☐ Patent        ☐ Design

☐ Trademark        ☐ Utility Model

☐ Any other (Please specify)

7. Whether the licensed IP rights from universities have contributed significantly to the annual profit of the company?

☐ Yes        ☐ No

8. From which source, your company came to know about the IP rights available for licensing from the Universities?
9. Whether your company ever received patent licensing advisors from the Japanese Government to provide advice on licensing patents rights from Universities?

☐ Yes ☐ No

10. If yes, whether your company benefited from the consultation and advice of patent licensing advisors?

☐ Yes ☐ No

11. Whether your company has successfully commercialized any licensed IP rights from Universities?

☐ Yes ☐ No

12. If yes, how may IP rights licensed from the Universities have been successfully commercialized by your company?

☐ less than 5 ☐ less than 10

☐ any other number (please specify)

13. What is the percentage of successfully commercialized IP rights licensed from the Universities against the total number of IP rights licensed from university by your company?

☐ Please specify. ___________________________ %

14. Do you think that by IPR technology transfer from universities should be promoted
more in future?

☐ Yes       ☐ No

**General Questions**

1. Do you feel that intellectual property has played an important role in the technological advancement and economic growth of your company?

☐ Yes       ☐ No

2. Do you feel that intellectual property has played an important role in the technological advancement and economic development of your country?

☐ Yes       ☐ No

3. Do you feel that measures taken by the Government for protection of IP rights have benefited to protect IP rights of your company?

☐ Yes       ☐ No

**Thank you for your kind support and cooperation.**
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