

# Introducing Office for Intellectual Property Right Protection

**Office for Intellectual Property Right Protection  
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1. Outline
2. Role of the Office for Intellectual Property Right Protection
3. Activities of the Office for Intellectual Property Right Protection
  - 3-1. Cooperation with Foreign Government
  - 3-2. Internet
  - 3-3. Enlightenment Activity
  - 3-4. Report, etc.

## 1. Outline

2. Role of the Office for Intellectual  
Property Right Protection

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3-1. Cooperation with Foreign Government

3-2. Internet

3-3. Enlightenment Activity

3-4. Report, etc.

## Overview of IP System in Japan

### IP Law System of Japan

#### Protection of Industrial Creations

Patent Act: Invention  
Utility Model Act: Utility Model  
Design Act: Design

#### Maintenance of Market Order

Trademark Act: Trademark  
Unfair Competition Prevention Act: Unfair Competition

#### Protection of Cultural Creations

Copyright Act: Work

# 1. Outline

## Overview of IP Problems in Japan

Rights holders have acquired the trademarks regarding their brand names and logos. However, goods imitating the brand are on the market.



### Counterfeits problems

- Infringement of trademark, use of famous company name without permission, etc.
- Infringement of design right (imitating design)
- As technology improves, increase in patent infringements is also a concern.

Many music CDs and games are copied and distributed



### Pirated Products problems

- Infringement of copyright such as pirated CDs and DVDs
- Illegal uploading and sharing of files are generally called “Infringement of copyright” on the Internet.

Before registering the brand name as a trademark, a third party registers the trademark.



### Malicious Applications Problems

- Illegal applications of famous trademarks or copyrights by third parties
- Illegal applications of Japanese place names or local brands by third parties

# 1. Outline

## Damage to IP (Japanese Companies)

### Counterfeits

#### Infringement of trademarks



- It is said that 80% of counterfeit damage is trademark infringement. Since the goods made in Japan have global brand power and are popular, use of their trademarks without permission is widespread.
- In China, bicycles with the HONDA logo and shoes with the Panasonic logo are sold.

### Counterfeits

#### Infringement of design rights

<TOYOTA Yaris>



<Car similar to Yaris>



- In China counterfeit cars are sold with stolen HONDA designed front and TOYOTA designed rear.

### Pirated Products

#### Infringement of copyrights



- In China, complete box sets of Studio Ghibli DVDs are sold at about 3000 yen.

# 1. Outline

## Examples of Counterfeits

Many Japanese products are imitated all over the world

Hitachi Koki  
(electric tools)



ZEBRA  
(pens)



Sumitomo Chemical  
(pesticides)



KIRIN  
(Japanese teas)



YKK  
(zippers)



MIZUNO  
(golf clubs)



HONDA  
(motorcycles)



NSK  
(bearings)



Mitsubishi Electric  
(batteries)



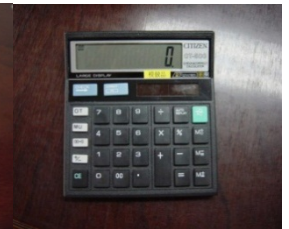
NISSAN  
(oil filters)



SHISEIDO  
(cosmetics)



CITIZEN  
(calculators)



TOSHIBA  
(TVs)



OLYMPUS  
(cameras)



SONY  
(headsets)



Panasonic  
(DVD players)



SANRIO  
(shoes)



CANON  
(ink cartridges)





# 1. Outline

## Malicious Trademark Application in China

Japanese company  
trademarks

Malicious trademark  
applications



(Source) Website of Trademark Office of SAIC in China

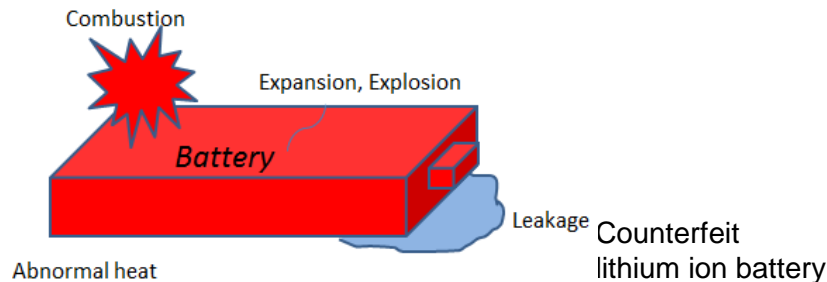


# 1. Outline

## Necessity of Anti-Counterfeiting and Anti-Piracy

It is said that the amount of damage caused globally by illegal counterfeiting and piracy is 500 billion euro (The number was from the “Global Congress Combating Counterfeiting and Piracy” in 2004).

### 1. Impact of consumer's health or damage of consumer's security



Experiment with a counterfeit air bag

### 2. Decline of innovation and desire to create

### 3. Decrease of revenue and profits of companies

### 4. Deterioration of company brand and image /

### 5. Financial sources for criminal syndicates and terrorists

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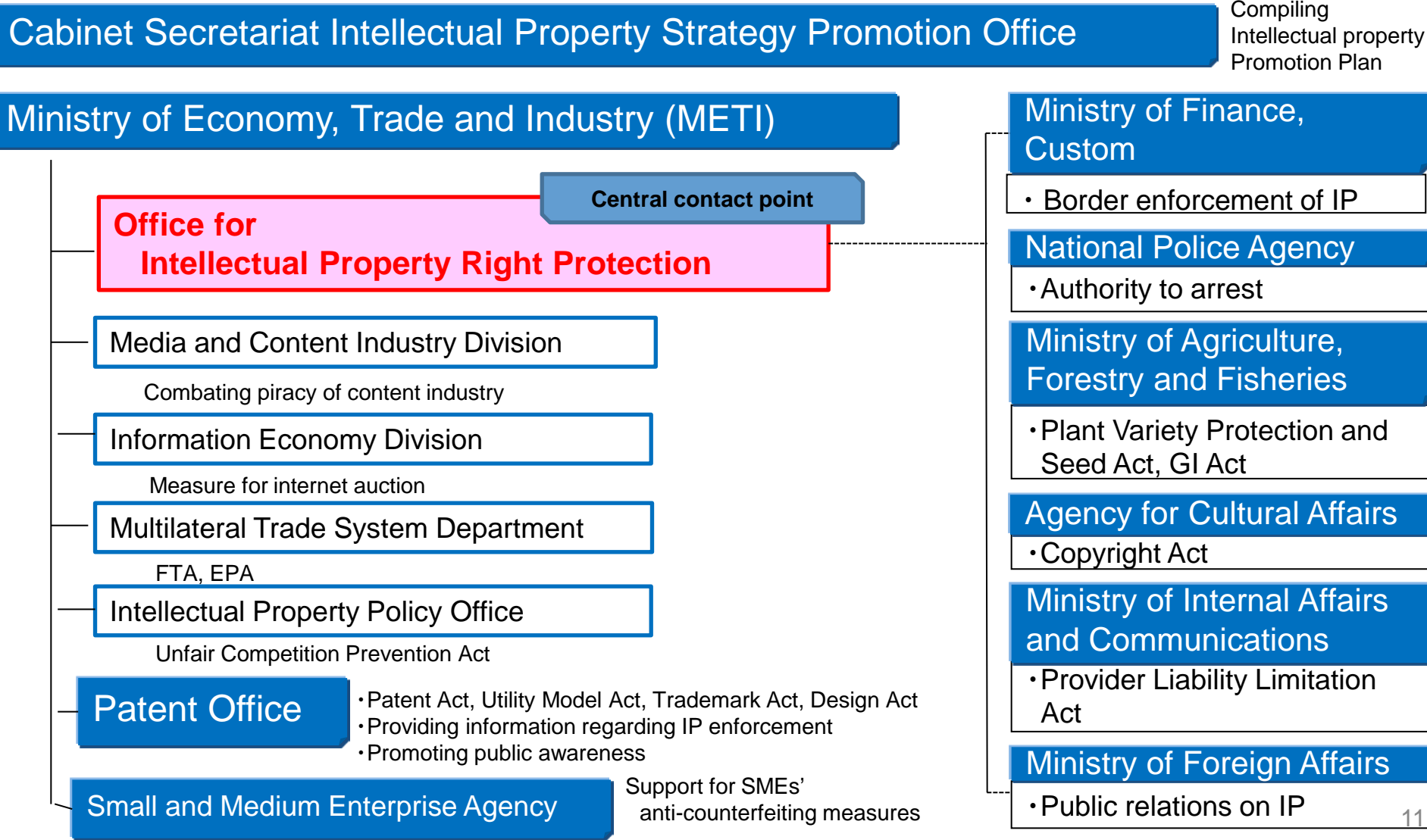
3-1. Cooperation with Foreign Government

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# Government System regarding IP of Japan



## **Role**

- 1. Government's central contact point concerning counterfeit and pirated products**
- 2. Cooperating with foreign government agencies**
- 3. Collaborating with and supporting private companies**

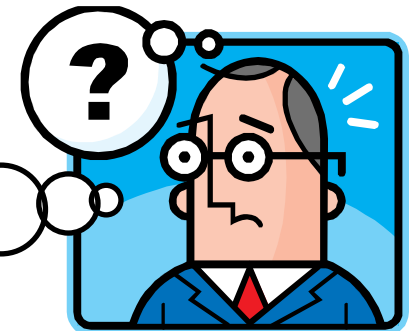


### Background to establishment

What agency should I consult with?



and others ...



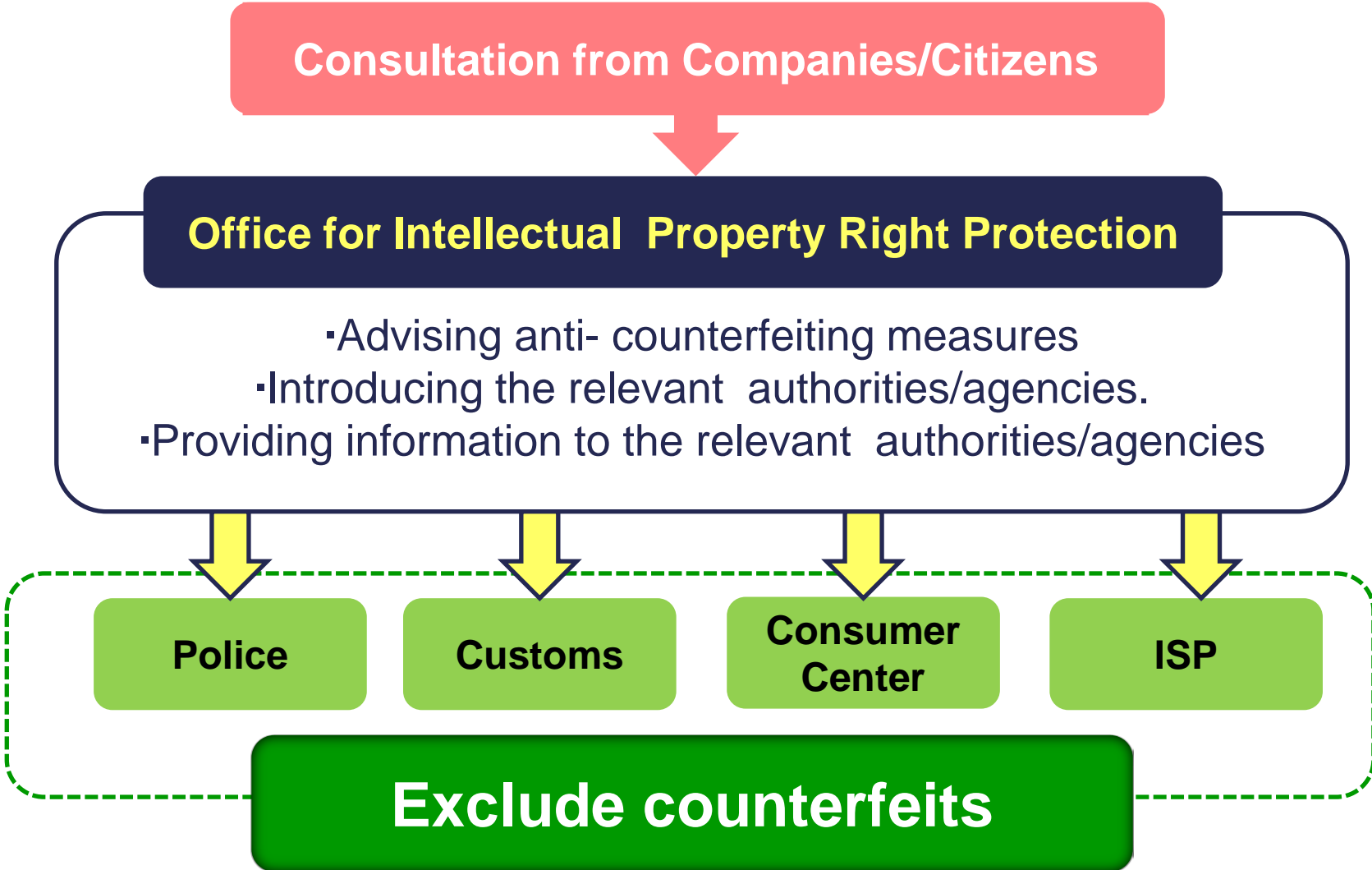
Corporations, Citizens

A more integrated approach  
among the multiple relevant government agencies is needed ...

In 2004

# Office for Intellectual Property Right Protection

Cases within Japan

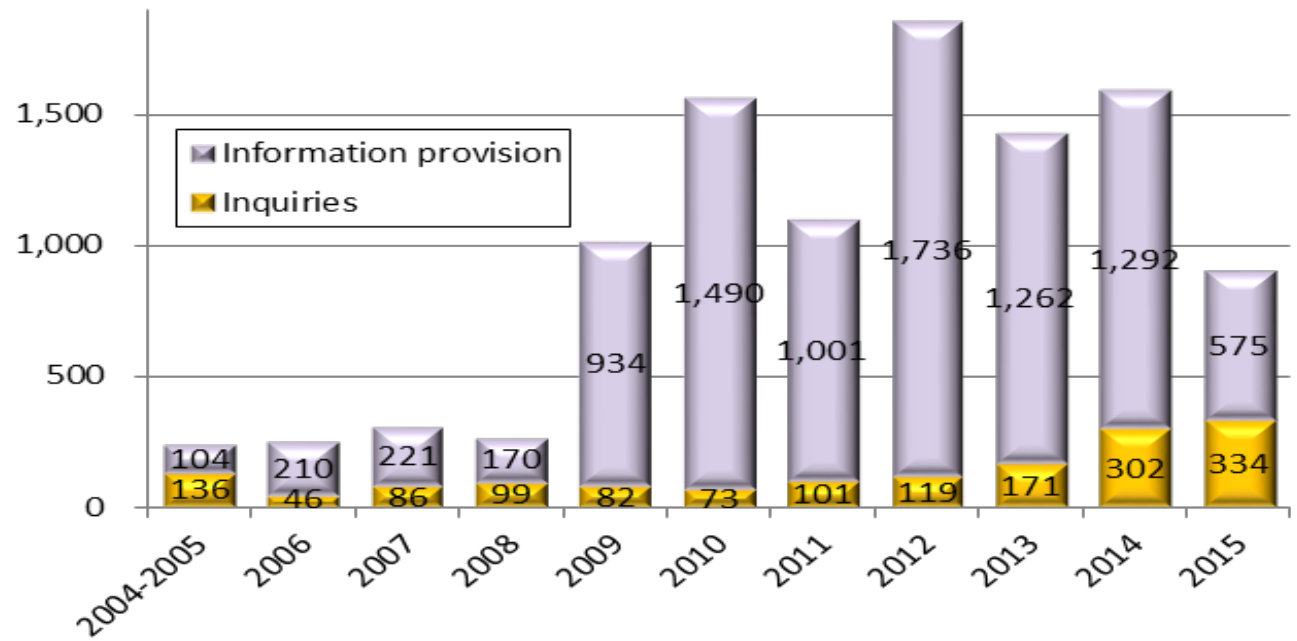




Government’s central contact point  
concerning counterfeit and pirated products

(1) Number of inquiries received and information provided

In 2015, the Office of Intellectual Property Protection received 909 inquiries and cases of information provision. The number of inquiries 334 is the highest since the government’s establishment of the Office in 2004.

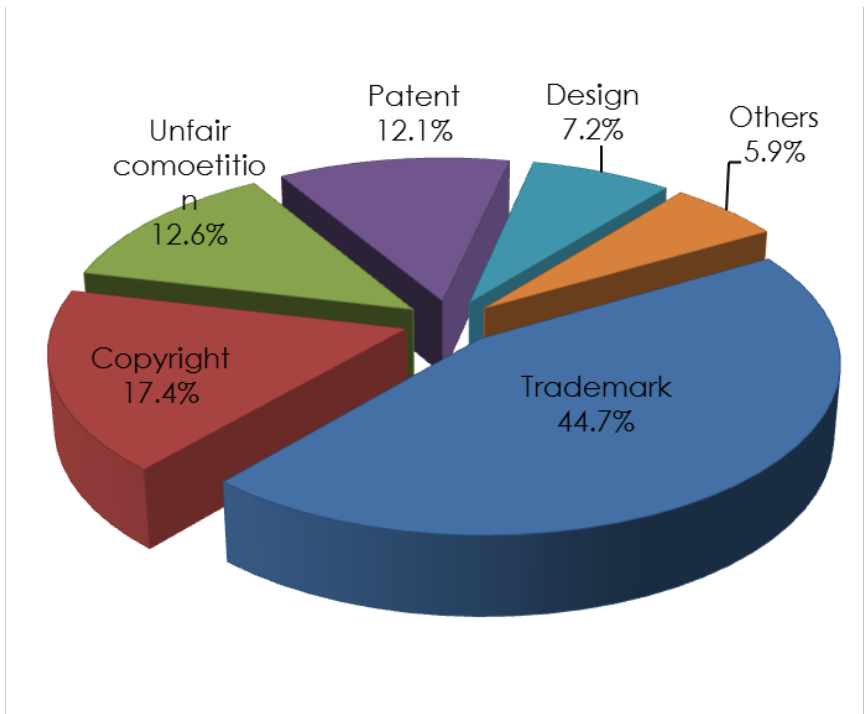


Source: Annual Report on the Consultation Service Concerning Counterfeit and Pirated Goods (July 2016)

**Government’s central contact point concerning counterfeit and pirated products**

**(2) Percentages of consultation cases by intellectual property category**

“Trademark” accounted for the largest percentage, followed by “copyright” and “unfair competition”, which have been increasing in recent..

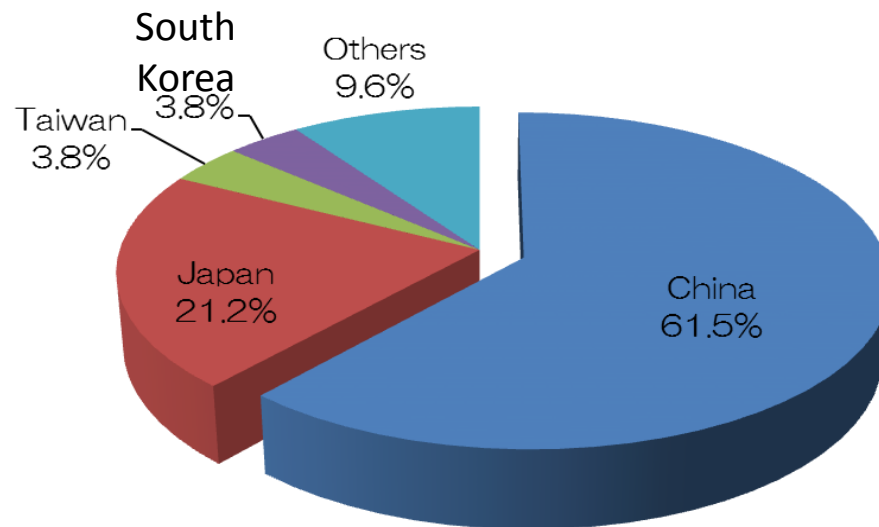


Source: Annual Report on the Consultation Service Concerning Counterfeit and Pirated Goods (July 2016)

### Government's central contact point concerning counterfeit and pirated products

#### (3) Percentages of inquiries in which countries where counterfeits are manufactured are identified

“Of inquiries identifying countries of manufacture and origin of counterfeit or pirated goods, more than the half of the inquiries were related to China (including Hong Kong).



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## Main Actors

### METI: Ministry of Economy, Trade and Industry

- The Office for Intellectual Property Right Protection



### JETRO: Japan External Trade Organization

- Government-related organization that works to promote mutual trade and investment between Japan and the rest of the world
- Worldwide Offices



### IIPPF: International Intellectual Property Protection Forum

- Cross-industrial platform where companies and associations tackle counterfeit and pirated products

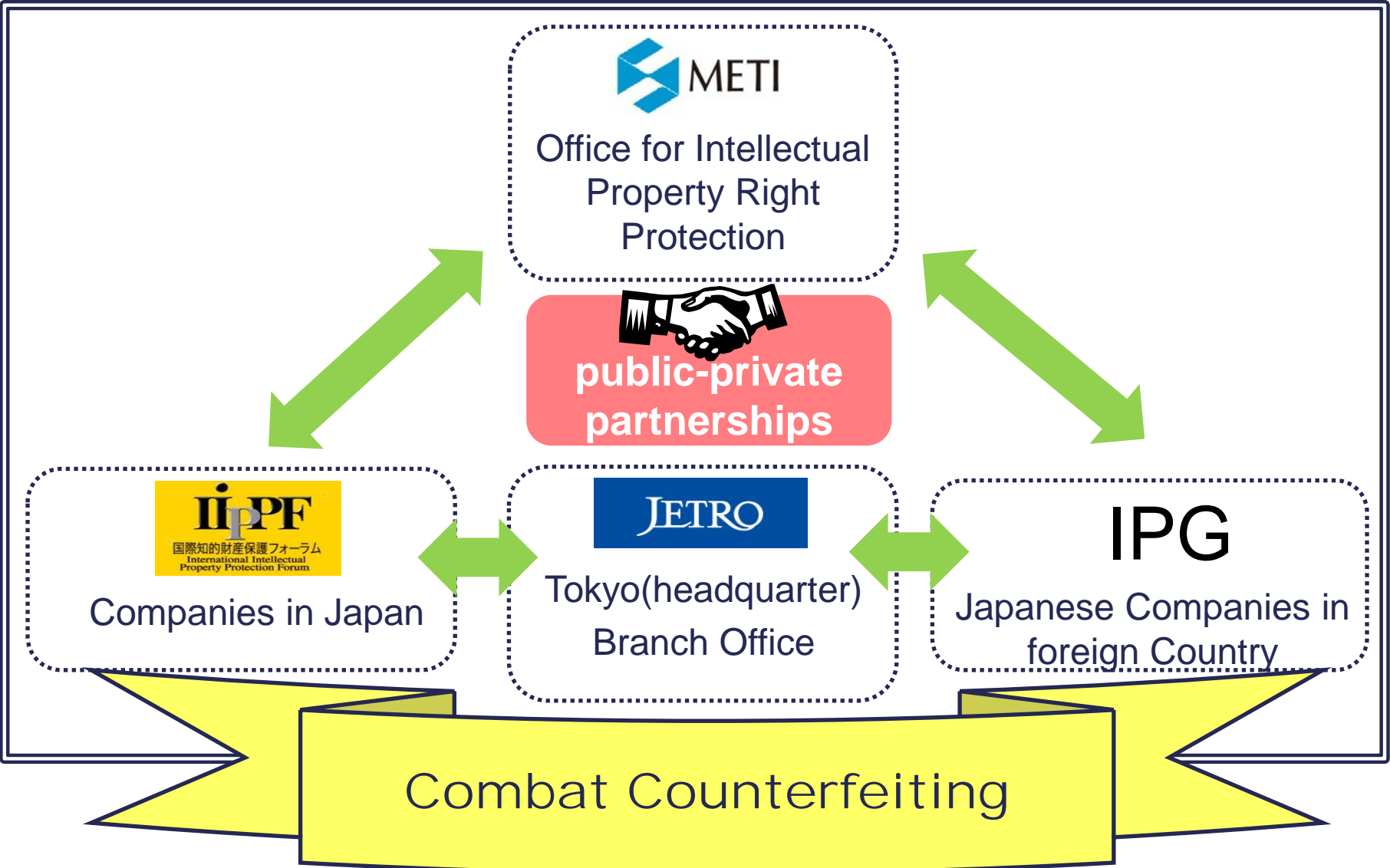


### IPG: Intellectual Property Group

- organized by local Japanese companies which are interested in IP protection. China, Korea, ASEAN, Middle East, EU, USA



Relationship

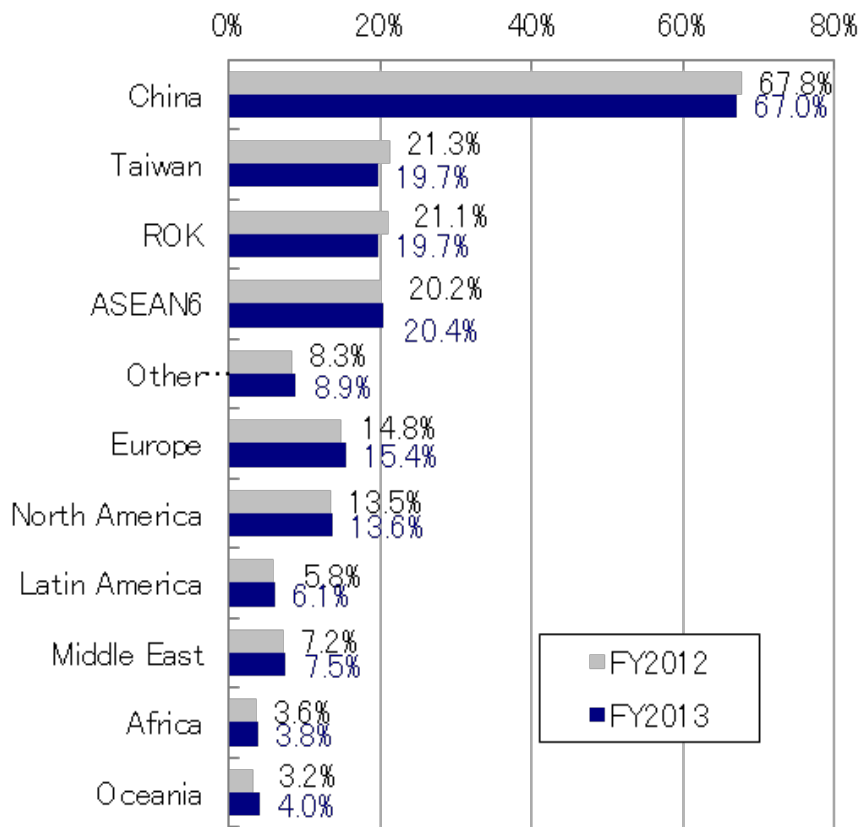




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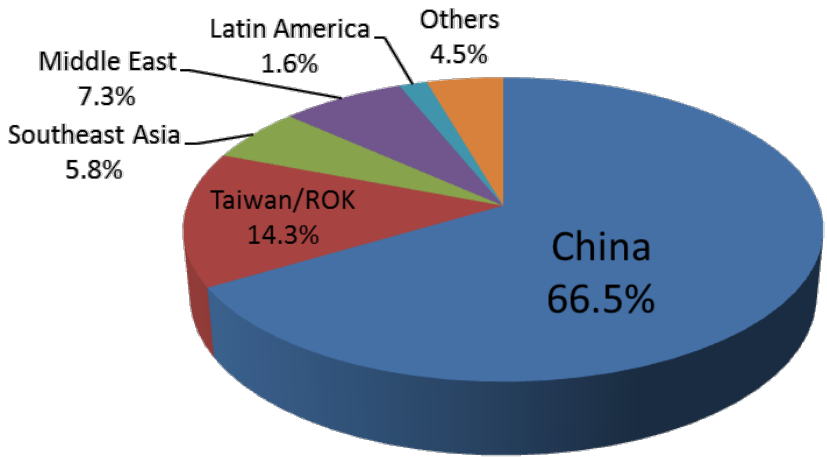
## Statistics

Counterfeiting damage by country/region



(Source) Japan Patent Office, "FY2014 Counterfeit Damage Survey Report"

Current situation of counterfeits damaging Japan by country/region



(Source) Japan Patent Office, "FY2014 Counterfeit Damage Survey Report"

Export Destination of Counterfeits Suspended by China Customs

	Country /Region	Lot		Country /Region	No /goods		Country /Region	Price
1	Brazil	3,653	1	Iran	10,038,133	1	Hong Kong	27,722,705
2	Spain	2,881	2	Saudi Arabia	9,636,395	2	USA	14,725,435
3	Russia	2,168	3	Singapore	9,584,677	3	Iraq	13,238,796
4	UK	1,643	4	UAE	7,535,785	4	Iran	13,114,642
5	USA	1,533	5	Egypt	7,009,680	5	UAE	12,386,507
6	Italy	1,031	6	Colombia	5,290,541	6	Egypt	10,697,316
7	Korea	949	7	Pakistan	3,979,249	7	Philippine	10,461,019

Spread of Counterfeits

(Source)2014 年中国海关知识产权保护状况 (2014)

### Cooperation with foreign government agencies

1. Invite relevant foreign government agencies to Japan

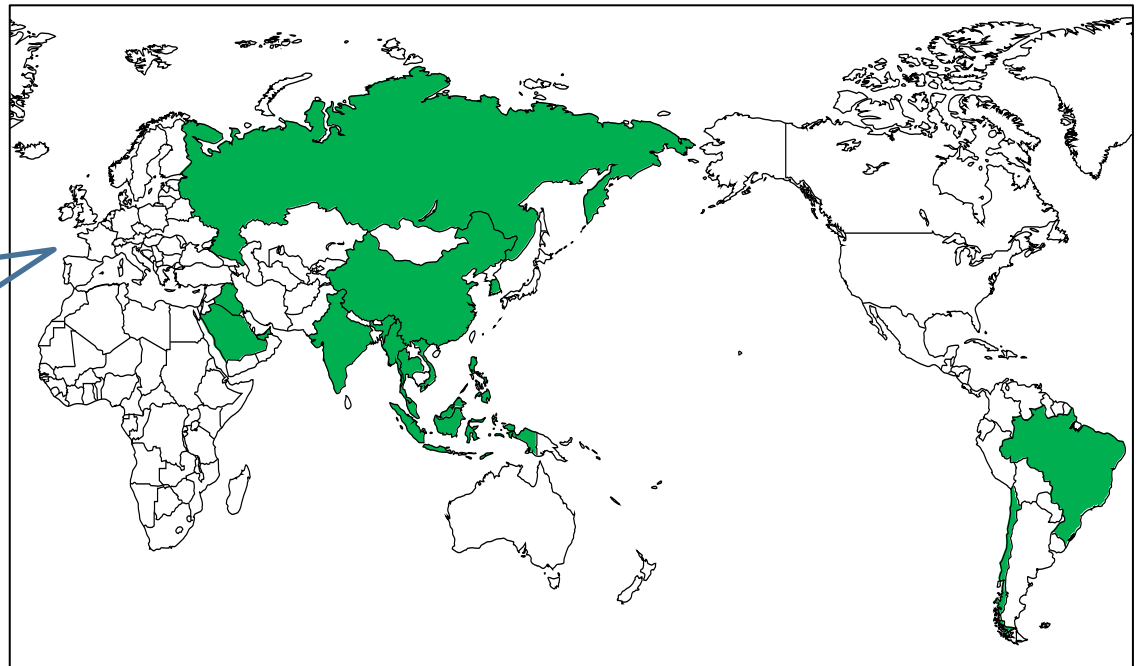


2. Dispatch public-private joint missions



3. Hold IP protection seminars overseas

Past seminar venues  
(as of March 2016)

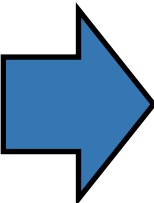
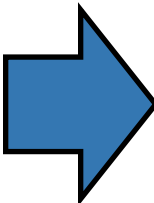


## Relationship with China

The government of China has strengthened intellectual property protection since joining the WTO in 2001; formulation of “IP protection action plan”, proclamation of “IP Protection Strategy Principle”, amendment of IP law (Patent Law, Trademark Law etc.), exposure of IP crime

National Strategy and legal system have been improving. However, there are still issues regarding actual execution and enforcement

Problems for internet IP Infringement are serious

Request	Cooperation
<ul style="list-style-type: none"><li>• Amend IP Law in China</li><li>• Improve enforcement of local government organization</li></ul> <div><ul style="list-style-type: none"><li>✓ high-level economic talks between Japan and China</li><li>✓ dispatch of public and private missions</li><li>✓ Meeting of Japan-China Joint IP Working Group</li></ul></div>	<ul style="list-style-type: none"><li>• Provide experience regarding IP law</li><li>• Interact with government officers in China</li></ul> <div><ul style="list-style-type: none"><li>✓ Invite government office to Japan</li><li>✓ seminars for foreign customs aimed at facilitating the distinction between genuine and counterfeits</li></ul></div>

### Dispatch of the public-private joint mission to China concerning intellectual property protection

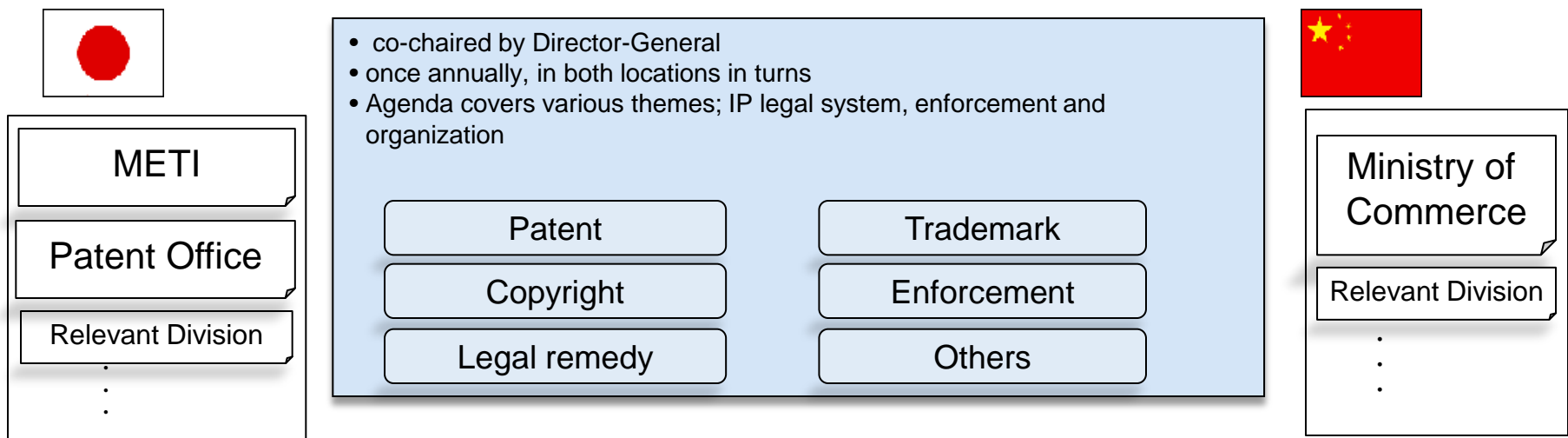
The Government of Japan and Japanese industries (International Intellectual Property Protection Forum: IIPPF) have been sending joint missions to China to request and encourage the Chinese government to improve legal systems and practices, etc., through two pillars of approach, namely, “cooperation and request.”





## Japan-China Joint IP Working Group

- Minister of Economy, Trade and Industry of Japan and the Minister of Commerce of China signed “Memorandum of Understanding on Exchanges and Cooperation for the Protection of IP Rights” and establishment of Japan-China Joint IP on June 7<sup>th</sup>, 2009.



Both governments invite the relevant divisions to the meeting in accordance with the agenda. Based on the agreement, experts and private sector advisors can be invited.

Promote exchange and cooperation between Japan and China



Develop IP protection environment in Japan and China

## Middle East

### History

2009. 1	Public-private joint mission in cooperation with IIPPF to UAE and Saudi Arabia
2010. 1	IP protection seminar in UAE by Japanese Companies
2012.2	Inviting Dubai Customs to Japan
2013.12	Visiting related government officials in UAE (Abu Dhabi, Dubai, Sharjah) and Saudi Arabia
2015. 2	Inviting the Dubai Police and Customs to Japan
2015.11	Lecture in the 5th Regional IP Crime Conference in MENA (Dubai)
2016.3	IP Work-shop with KRG in Iraq



### ASEAN

#### History

2015. 2	Inviting Myanmar Customs to Japan
2015. 6	Genuine/fake determination seminar in Thailand
2015.10	Inviting Malaysia related government officials to Japan
2015.11	Genuine/fake determination seminar in Vietnam
2015.11	JICA Training in Singapore
2016. 2	Inviting Indonesia related government officials to Japan
2016. 7	Joint-Project with Vietnam Government



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### Provider Liability Limitation Act

#### Background

- Even if a party tries to solve an issue concerning online information between the parties concerned, the other party may not respond to a request to delete information, or it may not be possible to identify the other party (sender).
- Even if a right holder requests the ISP, etc. to delete information or disclose information about the sender, the liability to respond to such a request is unclear.

#### Contents

##### 1. Clarification of the scope of liability for damages borned by ISPs

→ If (i) or (ii) below applies, the ISP is not held liable for deletion of information:

- (i) where there was a reasonable ground to believe that the rights of others were infringed; or
- (ii) where the sender is informed that a person alleging that his/her right was infringed filed a petition to delete the infringing information, but the sender does not disagree with this within seven days.

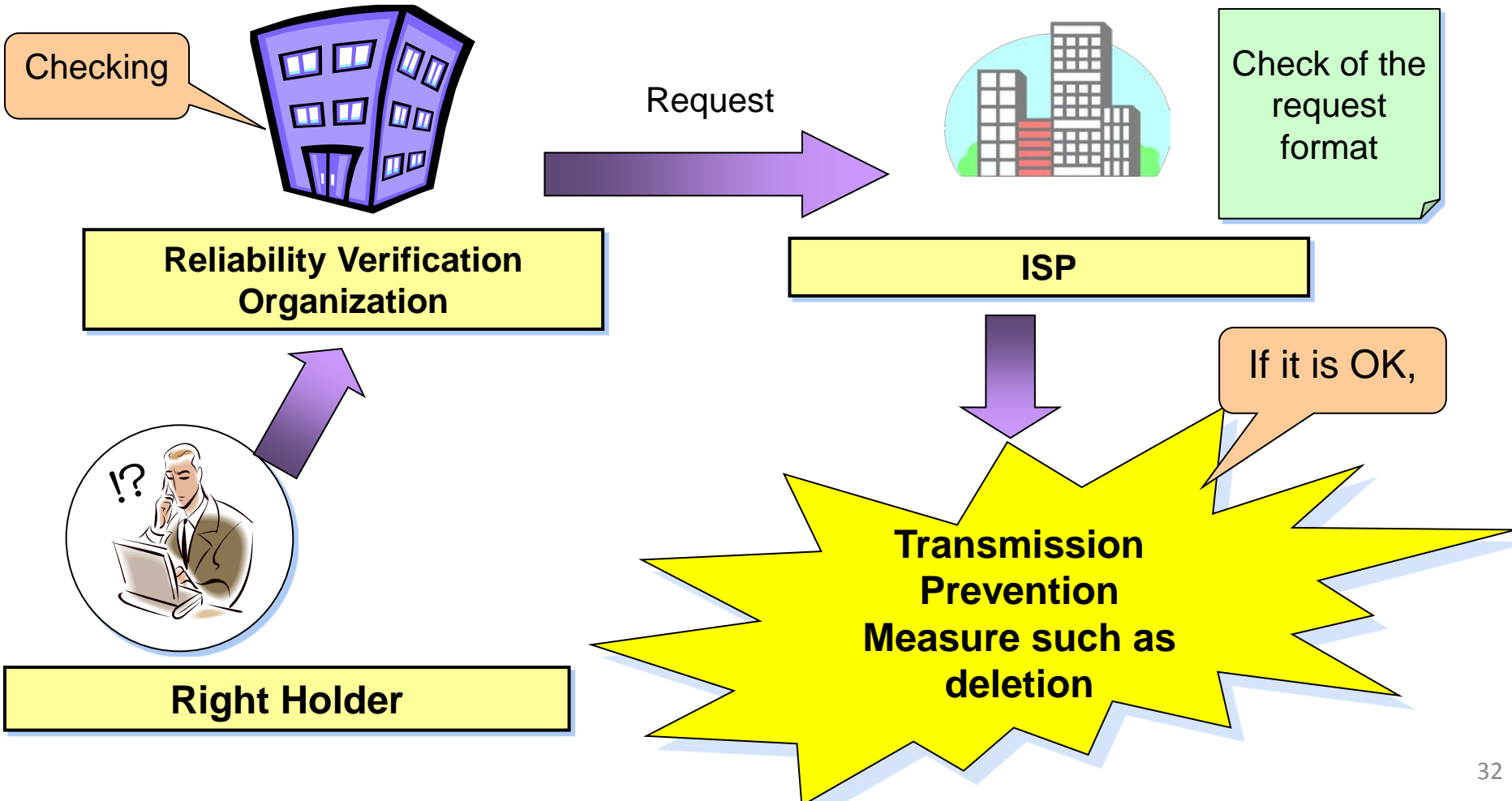
→ Unless (i) or (ii) below applies, the ISP is not held liable for non-deletion of information:

- (i) where the ISP knew that the infringement of the rights of others was caused; or
- (ii) where the ISP knows the presence of the illegal information, and where there is a reasonable ground to find that the ISP could know that infringement of the rights of others was caused.

##### 2. Requirements for disclosure of information about the sender of information

# Provider Liability Limitation Act

In a case where a document confirming appropriate checking is attached to a request format that went through a credibility checking organization, the Provider, etc. may take Transmission Prevention Measures such as deletion, etc. by just checking the formats of such documents.



Situation

1. Situation of Removal by Auction Operators

Trademark		Copyright	
Removal Requests from Right Holders	Voluntary Removals	Removal Requests from Right Holders	Voluntary Removals
30,458	90,680	116	24,685

2. Current status of IP infringement on the Internet

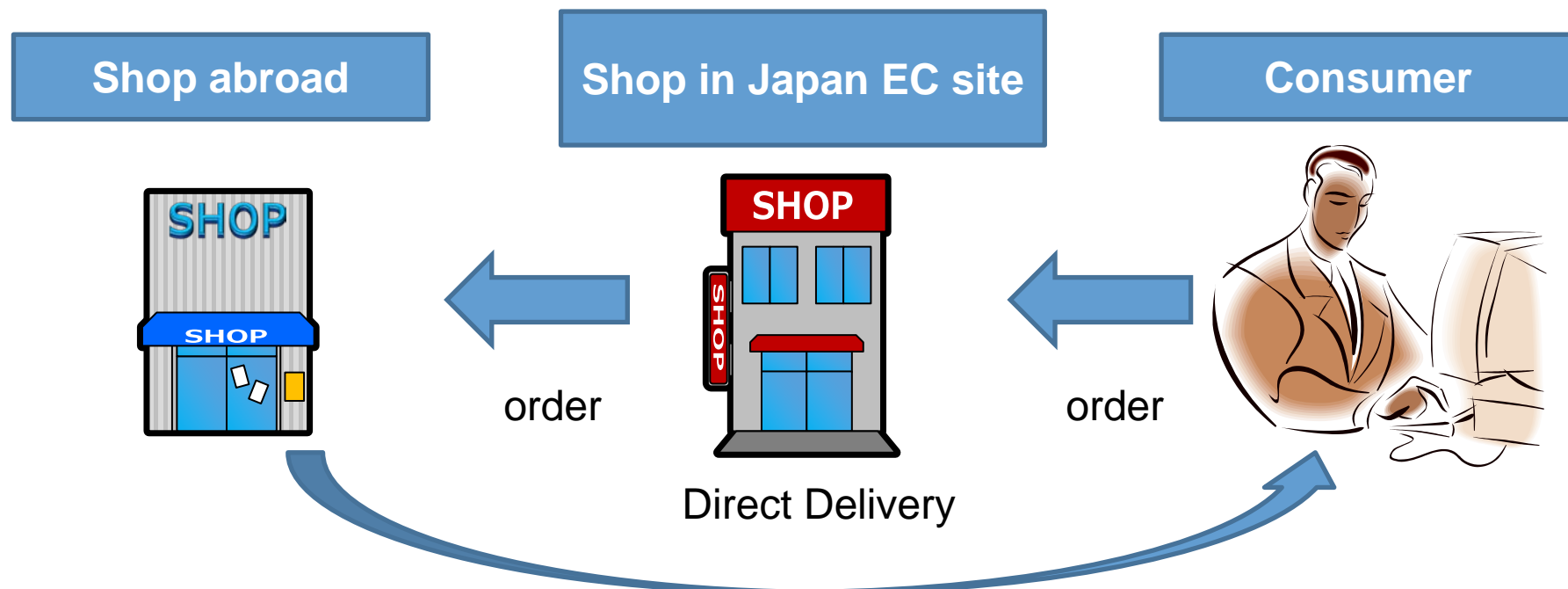
	Trademark		Copyright	
	# of verified items	% of infringement	# of verified items	% of infringement
IP Infringing Goods	5,364	0.17%	9,044	0.02%

The occurrence rate of IP infringing goods is limited in Japan partly due to the volunteer efforts by ISP

- Some problems remain. (introduced in the following slides)
- Some companies move their policy focus from domestic cases to foreign cases (China, ASEAN).

## Example – Direct Delivery

- A Consumer buys a good from an auction exhibitor or online shop in JPN EC Web
- Then, a shop owner orders a counterfeit from a shop abroad
- Such Counterfeit is delivered directly from a shop abroad to the consumer directly.
  - It is difficult to identify from where the counterfeit is shipped.
  - It is difficult to stop the importation of counterfeits by individuals.
  - Such shop in Japan EC site doesn't take any risk of out of stock.





### Combat online counterfeiting

Necessary to create an environment where right holders can speedily and securely implement measures against diverse forms of infringement

What the Office for Intellectual Property Right Protection considers to be essential



**Office for  
Intellectual  
Property  
Right  
Protection**

**Building  
Cooperative relations**

Platform operators,  
such as E-commerce


Search engine providers,  
such as Google

Card companies and banks

Consumer Affairs Agency,  
Financial Services Agency,  
Police, etc....

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### 1. Manga-Anime Guardians Project (MAGP)

- By  METI
- Promotion for watching and reading legitimate contents
- Large scale and efficient removal of pirated copies
- For five months from August 1, 2014



## 2. Anti counterfeits and Pirates Promotion Campaign

- By  (Japan Patent Office)
- Establish Website and Create Motion Capture
- Spread in SNS
- Every year from 2003



(Source) Anti counterfeits and Pirates Promotion Campaign by JPO in 2015

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### **Issuance of annual reports**

#### **Issuing annual reports and widely providing information concerning measures against counterfeit and pirated products to the public**

- ***Issue *Annual Report on the Office for Intellectual Property Protection Right* on an annual basis***
- **Report on the activities of the Office of Intellectual Property Protection, introduce systems concerning anti-counterfeit measures and provide statistical information through the annual reports**
- **Make the annual reports available for public on the office's website (in PDF format)**

### JETRO / Patent Office Manual on IP enforcement

<http://www.jetro.go.jp/world/asia/cn/ip/>

- “Manual on Anti-Counterfeiting Measures” (obtaining rights, remedy procedures, etc.)  
Provide useful information regarding measures in over 20 countries and regions which are seriously damaged by counterfeits.
- “Manual on Malicious Trademark Application Measures”  
Provide know-how regarding measures to address illegal registration of trademarks.
- “Case Examples of IP infringement”  
China, Korea, Indonesia, Thailand, The Philippines, Vietnam, Hong Kong, Malaysia, etc.

“Handbook regarding measures on copyright infringement” by Agency for Cultural Affairs

→ China, Taiwan, Korea, Thailand, Europe

# Thank you for your attention.

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URL: <http://www.meti.go.jp/policy/ipr/eng/index.html>

