

TOPIC

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Patent Grant Rate Was Published

On September 15, 2006, JPO published "patent grant rate" of top 200 companies whose number of patent applications is large. "Patent grant rate" indicates the rate of the number of patent grants to the number of requests for examination of patent applications. Currently, there is a problem of delay in patent examination due to a rapid increase in the number of requests for examination of patent applications. Besides, average patent grant rate is about 50%, which is low. JPO published the "patent grant rate" so as to urge the companies to limit the number of patent applications.

The data published by JPO includes the number of patent applications, patent grant rate, and foreign patent application rate of the top 200 companies. The data lists the top 200 companies in the order of the number of their patent applications, and is reported on The Japan Patent Office Annual Report 2006 published on September 15.

According to the Report, the number of requests for examination per year, which was maintained at more or less 250,000 on and before 2003, showed a sharp increase in 2004 with about 330,000, which represents an increase of 35% over the previous year, and in 2005 with about 400,000, which represents an increase of 21% over the previous year. The waiting period for patent examination is now 26 months. On the other hand, average patent grant rate is 49.1% in 2005, which drops from 55.9% in 2001.

JPO states that "it is out of date to compete in the number of patent applications while it is unclear whether the patent applications are to be granted patents or not. Please refer to patent grant rate of other companies and limit patent applications to those worthy of receiving patent rights".

Organization Related to Copyright Requested Extension of Term of Copyright Protection

On September 22, 2006, "Conference of Creator's Organizations for Copyright Issue" announced a joint statement for requesting that the term of copyright protection should be extended from 50 years after the author's death to 70 years. The joint statement was submitted to Agency for Cultural Affairs as a request. The Conference is constituted of 16 organizations related to copyright, such as The Japan Writer's Association.

According to the international convention related to copyright (the Berne Convention), copyright is protected during the author's life and 50 years after the author's death (the Convention permits the country having ratified the Convention to set a longer term of copyright protection). In accordance with the Convention, the term of copyright protection in Japan is 50 years after the author's death except that the term for movies and animations was extended by the revision in 2004 to 70 years after their publication. However, U.S.A. and European countries such as Britain, Germany, and France extended in 1990s the term for copyright protection to 70 years after the author's death. The joint statement states that Japan should extend the term to 70 years in accordance with the extension made in such countries.

On the other hand, some people are afraid that extension of the term may slow down release of products into public domains. In this regard, the Conference states that, by establishing an organization that coordinates between copyright holders and users and making a database of copyright holders, it is possible to smoothly respond to requests for usage of products.

The issue of extension of the term will be discussed by the Legislative Committee of the Subdivision on Copyright of the Council for Cultural Affairs in Agency for Cultural Affairs. If admitted by the Subdivision on Copyright, a revision of the Copyright Law will be made. However, many people object to the extension in terms of using public domains, and therefore it is expected that the discussion may face difficulties.

Prime Minister Koizumi Paid a Visit to JPO

On September 14, 2006, Prime Minister Koizumi paid a visit to JPO. Photographs at that time appear on the web site of JPO.

Prime Minister Koizumi referred to the importance of intellectual property, the first of all Japanese Prime Ministers, in his policy speech at the Diet session held on February 4, 2002. Thereafter, rapid progress has been made in various measures related to intellectual property, such as enactment of The Basic Law on Intellectual Property (2002), establishment of The Intellectual Property Strategy Headquarters (2003), and making of The Intellectual Property Strategic Programs. PM Koizumi paid this visit to inspect the results of the intellectual-property related measures of the Koizumi reform program.

In the patent examination room, PM Koizumi played a trumpet and a violin, both equipped with a sound reducing device to allow a musician to play at home. In the design examination room, PM Koizumi heard great efforts automakers has made in creating car designs. Thereafter, he compared genuine products of motorcycles, pens, PET bottles, and etc. with their counterfeits, and realized again the importance of protecting intellectual property.

Please Contact us if You have any Comments or Require any Information.

Please acknowledge that the purpose of our column is to provide general information on the field of intellectual property, and that the description here does not represent our legal opinion on a specific theme.

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