

## TOPIC

1. Japanese Government Formally Decided "Intellectual Property Strategic Program 2007"  
日本政府「知財推進計画2007」を正式決定
2. China and South Korea will Join Japan, the United States, and Europe in Efforts to Create Integrated Patent System  
特許制度の共通化、日米欧に中韓も協力
3. Japan and India Signed Memorandum of Understanding on Cooperation in Field of Intellectual Property Rights  
日本インド間の知的財産分野協力に関する覚書締結



### Japanese Government Formally Decided "Intellectual Property Strategic Program 2007" 日本政府「知財推進計画2007」を正式決定

The Intellectual Property Strategy Headquarters of the Japanese government has formally decided "Intellectual Property Strategic Program 2007". The Program includes plans for realization of prompt patent examination, strengthening of measures against counterfeit and pirated copies, and the like.

The ultimate goal of the activity for realization of prompt patent examination is to eliminate waiting time for patent examination. For a start, the program aims at achieving the medium-term goal to keep the waiting time for the patent examination within 29 months in 2008 and then to shorten the waiting time to 11 months by 2013.

In order to achieve the goal, the program includes, for example, a plan to strengthen employment of technical specialists such as postdoctors, OB researchers, and OB examiners, as expert assistants who assist the examiners and a plan to increase the number of examiners and fixed-term examiners.

The program also includes a plan to promote infrastructure of intellectual property laws. This aims at strengthening law enforcement against download of copyright products that are illegally distributed on the Internet and reproduction from pirated CDs/DVDs, so that more strict measures are taken against counterfeit products. At present, such download and reproduction are considered to be private reproductions in a permissible range under the Copyright Law. However, the program will examine exclusion of such reproductions from the permissible range. Moreover, as to distribution of pirated products on the Internet Auction, an action to exhibit a pirated product on the Internet auction will be examined in the program so as to be regarded as violation of the intellectual property right. At present, although advertisement of fake brand-name products is illegitimate under Trademark Law, such advertisement has not been illegitimate under Copyright Law.

---

日本政府の知的財産戦略本部 (Intellectual Property Strategy Headquarters) は、「知的財産推進計画2007」を正式決定した。特許審査の迅速化や、模倣品の取締りを強化等の計画が盛り込まれている。

特許審査の迅速化に関する取り組みとして、特許審査の順番待ち期間をゼロとすることを最終目標とする。まずは、2008年の審査順番待ち期間を29ヶ月にとどめつつ、2013年には11ヶ月に短縮するという中期目標の確実な達成を目指す。

この目標の達成のため、例えば、審査官を補助するための専門補助員としてのポストドクター、研究者OB、審査官OB等の技術的専門性を備えた人材の採用の強化や、審査官、任期付審査官の増員を行なうこととしている。

また、模倣品の取締りのために、インターネット上で違法送信されている著作物のダウンロード行為や、海賊版CD/DVDからの複製行為の取締りを強化するよう法整備を進める。これらの複製行為については、現在著作権法において私的複製の許容範囲とされている。しかし、この計画では、これらの行為を許容範囲から除外するよう検討を進めるとされている。

さらに、インターネットオークションへの海賊版出品に対しては、海賊品の出品行為自体を権利侵害とすることを検討する。現在、商標法などでは、偽ブランド品の広告行為も違反とされているが、著作権法では広告行為を権利侵害とはしていなかった。

China and South Korea will Join Japan, the United States, and Europe in Efforts to Create Integrated Patent System  
特許制度の共通化、日米欧に中韓も協力

On May 11 and 12 (May 12 and 13 according to Japan Time), Commissioners of the patent offices of Japan, the United States, Europe, China and South Korea have held a meeting in Honolulu/Hawaii, the U.S.A. and agreed to cooperate to realize, for example, prompt patent examination. Although a group of Japan, the United States, and Europe and a group of Japan, China, and South Korea had separately held three-patent-office-commissioner meetings before, this was a first joint meeting among the patent offices of the five countries. In the meeting, the heads of the five patent offices discussed common issues that the five patent offices faced and solution to the issues.

Currently, applicants of the five countries account for approximately 84% of the global application filings. Moreover, application filings in these five countries account for approximately 70% of the 1.6 million global application filings in total. Furthermore, 30% of the applications filed in these five countries overlap within the five countries. Under this circumstance, the five offices discussed issues concerning (i) mutual utilization of examination results, (ii) simplification of procedures, (iii) improvement of examination quality, and (iv) efficiency promotion of patent procedures by introduction of information technology, as inevitable issues in order to deal with the increasing number of future international application filings. The five offices agreed to cooperate to deal with these issues.

The Japanese Patent Office says the agreement towards cooperation among the five offices delivers a strong message to promote worldwide cooperation.

China's active commitment to the international cooperation for the patent system may improve the intellectual property system and intellectual property right enforcement in China in the future.

日本、米国、欧州、中国、韓国の特許当局は5月11、12日(日本時間12、13日)、米ハワイ・ホノルルで長官会合を開き、特許の迅速な審査などに向けて協力することで合意した。

日米欧、日中韓のそれぞれ三極長官会合は開催されていたが、これらを繋ぐ5カ国の特許庁間での開催は初めて。5カ国の特許庁が直面する共通の課題や解決方法について、各庁長官間で対話が行なわれた。

現在、この5カ国の出願人による特許出願件数は世界全体の84%を占めている。また、この5カ国に出願される特許出願件数は、世界の出願総数160万件のうち約7割を占めている。さらに、このうちの3割は、この5カ国間で互いに重複出願されている。このような状況において、今後さらに増加する国際出願に対応するためには、審査結果の相互活用、手続きの簡素化、審査の質の向上、特許手続への情報技術の導入による効率化が不可欠な課題であるとして、5カ国の長官はこれらの課題への取り組みに合意した。

日本国特許庁は、五庁間の協力に向けた合意は、世界的な協力を促進するための強いメッセージでもあると述べている。

また、中国が国際的な協力の枠組みに積極的に参加することで、今後の中国における知的財産制度・運用の改善も期待できる。

## Japan and India Signed Memorandum of Understanding on Cooperation in Field of Intellectual Property Rights 日本インド間の知的財産分野協力に関する覚書締結

On May 24, 2007, Mr. Akira Amari, the Minister of Economy, Trade and Industry of Japan, met with Mr. Kamal Nath, the Minister of Commerce and Industry of the Republic of India. At the meeting, they signed the Memorandum of Understanding (MOU) on Cooperation in the Field of Intellectual Property between Japan and India.

The MOU sets forth the direction of Japan-India cooperation in the field of intellectual property (e.g. human resources development, automation and modernization of Intellectual Property Offices, and public awareness programs). Also described in this MOU is the agreement that the patent offices of Japan and India will formulate an action plan between them every year for the purpose of implementing cooperation programs.

While Japan has been actively extending cooperation to developing nations towards adequate IP protection, this MOU is the first ministerial-level memorandum of understanding on IP cooperation for Japan to conclude with a developing country. This MOU between Japan and India will also support, in terms of intellectual property, investment and business development of Japanese industries in India that is now attractive as an emerging market.



# HARAKENZO

## WORLD PATENT & TRADEMARK PATENT LAW FIRM

JAPAN

[Summary of the MOU]

1. To establish common objectives: a) improvement of IP protection system; b) establishment of transparent and streamlined procedures concerning IP; and c) promotion of public awareness of IP protection
2. To set the orientation of IP cooperation: a) human resources development; b) automation and modernization of Intellectual Property Offices; and c) public awareness programs
3. To establish a meeting between the patent offices of Japan and India to formulate an Annual Action Plan every year

2007年5月24日(木)、甘利経済産業大臣とカマル・ナート・インド商工大臣は会談を持ち、日印間における知的財産分野での協力に関する覚書に署名した。

覚書では、日印両国の知財協力の方向性(人材育成、情報化及び普及啓発)に加え、今後両国特許庁の間に年間行動計画を策定し協力の実施を図ること等が定められている。

これまでも日本政府は途上国での知財保護に向けて協力してきたが、途上国との知財協力に係る閣僚レベルの覚書締結は初めて。この日印間の覚書の締結は、新興市場として注目されるインドへの、日本産業界からの投資・ビジネス展開を知的財産の側面から支援するものでもある。

覚書概要の概要は以下の通り。

1. 両国の共通目標((a)知的財産保護制度の改善、(b)透明で合理的な知的財産関連手続の確立、(c)知的財産保護に関する公衆啓発の促進)を定めること。
2. 知財協力の方向性(人材育成、情報化及び普及啓発)を定めること。
3. 両国特許庁の間に、協議の場を設け、年間行動計画(アクションプラン)を毎年策定していくこと。



# HARAKENZO

## WORLD PATENT & TRADEMARK PATENT LAW FIRM

JAPAN

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.

## HARAKENZO World Patent & Trademark Osaka Head Office

ADDRESS: DAIWA MINAMIMORIMACHI BLDG.  
2-6, 2-CHOME-KITA, TENJINBASHI,  
KITA-KU, OSAKA 530-0041, JAPAN

CABLE: KENZOPAT OSAKA

E-MAIL: kenzopat@mars.dti.ne.jp

WEBSITE: <http://www.harakenzo.com>

TELEPHONE: +81-6-6351-4384 (Key Number)  
+81-6-6351-4397 / +81-6-6351-4374  
+81-6-6351-4630 / +81-6-6351-4670

FACSIMILE: (GII, GIII)  
+81-6-6351-5664 (Key Number)  
+81-6-6351-2682 / +81-6-6351-5611  
(GIV)  
+81-6-6355-0986



## HARAKENZO World Patent & Trademark Tokyo Office

ADDRESS: WORLD TRADE CENTER BLDG. 12F  
2-4-1, HAMAMATSU-CHO, MINATO-KU,  
TOKYO 105-6112, JAPAN

E-MAIL: hara-tyk@muse.dti.ne.jp

WEBSITE: <http://www.harakenzo.com>

TELEPHONE: +81-3-3433-5810 (Key Number)  
+81-3-3433-5811  
+81-3-3433-5812

FACSIMILE: +81-3-3433-5281



For extension of business, we are moving our Tokyo Office from the 12th floor to the 21st floor of the World Trade Center Building on August 1, 2007. There are no changes in the phone number, the facsimile number, and the like.

弊所東京事務所は、業務拡張のため2007年8月1日に、同ビル内の12階から21階に移転します。  
なお、電話番号、FAX番号等に変更はありません。