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## 2014 Revisions to Patent Law, etc. to be Enacted on April 1, 2015 2014年改正特許法等 2015年4月1日施行

A cabinet decision has been made to issue a government ordinance enacting the 2014 revisions to the patent law, etc. The Ministry of Economy, Trade and Industry announced that the revisions will come into effect on April 1, 2015. The enactment incorporates provisions for the costs of filing an opposition to a patent and the new forms of trademark registrations such as sounds, etc. Further, parts of the law related to the Geneva Act of the Hague Agreement Concerning the International Deposit of Industrial Designs will be enacted on the date that said Act comes into effect in Japan.

2014年改正特許法等の施行のための政令が閣議決定され、2015年4月1日より施行されることが経済産業省により公表された。特許異議申し立ての手数料、音などの新しい商標の登録に関する規定などを整備することが盛り込まれている。なお、ジュネーブ改正協定に関連する部分については同協定の日本における発行日が施行日となる。

## China Tops World Rankings for Number of Patent Applications in 2013 2013年度の世界特許出願件数で中国が1位に

According to the 2014 edition of World Intellectual Property Indicators, published by the World Intellectual Property Organization (WIPO), in 2013 around 2,570,000 patent applications were filed worldwide – an increase of 9% over the previous year. China was the country where the most applications were filed, with Chinese application accounting for 32.1% of the total. The United States was ranked second, accounting for 22.3% of the total, meaning that together China and the United States filed more than half of the total applications in 2013. Japan was ranked third, with 12.8% of the total, and South Korea fourth, with 8%. As a result, the three Asian nations of China, Japan and Korea together accounted for more than half of the application filed.

In addition, when considering the increase in the number of applications each nation filed, China saw an increase of 26.4% over the previous year, and South Korea saw an increase of 8.3%. The increase in applications by these two countries contributed considerably to the overall rise in applications worldwide. Conversely, the number of applications filed by Japan and European countries was diminished compared to the previous year, a possible reflection of the economic situations of each country.

Further, when separated by technical field, computer technology had the most applications (7.6% of the total), followed by electrical machinery (7.2%), measurement (4.7%), digital communication (4.5%) and medical technology (4.3%).

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世界知的所有権機関（World Intellectual Property Organization：WIPO）が発表した「世界知的所有権統計2014」によると、2013年の世界の特許出願件数は、前年比9%増の約257万件であった。このうち、1位の中国（出願占有率32.1%）と2位の米国（同22.3%）の出願件数が、全体の過半数を占め、3位が日本（同12.8%）、4位が韓国（同8.0%）と日中韓のアジア3ヶ国だけでも全体の過半数を占める結果となっている。

また、国別の前年度増加率でみると、中国が26.4%、韓国が8.3%と上位2ヶ国を占めており、両国が世界の特許出願件数の増大に大きく貢献している。これに対し、日本や欧州諸国の出願件数は、前年に比べ減少しており、各国の経済情勢を反映しているともいえる。

なお、特許出願件数を分野別にみると、1位がコンピュータ技術（7.6%）であり、以下、電気機械（7.2%）、測量（4.7%）、デジタル通信（4.5%）、医療技術（4.3%）の順となっている。

“Funabashi Pears” Registered as Regional Collective Trademark  
「船橋のなし」が地域団体商標登録

“Funabashi Pears” (船橋のなし) has been successfully registered as a regional collection trademark (registration no. 5717347). The head of Funabashi City Fruit Farmers’ Union and participants in agricultural cooperative visited Funabashi City Hall to report the news to the mayor.

In Funabashi City around 130 households are farms producing pears. Since 1955, farming has been the main focus of the city, and steps have been taken to actively improve the quality of farming, such as the establishment of a fruit tree study group. Further, the city and the agricultural cooperative have actively promoted awareness of the Funabashi’s produce, holding sampling parties in Tokyo and Sapporo, and using the popular unofficial mascot of the city, “Funasshi,” in PR activities.

Although the applicant for this regional collective trademark is the agricultural cooperative, on August 1, 2014, a revised law was enacted that expanded membership of regional collective trademark registration. Now, while registrations previously applied to business cooperatives, cooperatives established under special laws and their corresponding foreign entities, they now also apply to associations of commerce and industry, chambers of commerce and industry, NPOs etc.

「船橋のなし」が地域団体商標登録を受けた（登録第5717347号）ことを受け、船橋市果樹園芸組合の組合長や農協関係者らが船橋市役所を訪れ、市長に報告した。

船橋市では、約130軒の農家がなしを生産しており、昭和30年代（1955年以降）から農家が中心となって、果樹研究会を設立するなど、品質向上に努めてきた。また、市や農協は東京都内や札幌市で試食会を開いたり、人気の市非公認キャラクター「ふなっしー」もPR活動に参加するなど周知性拡大にも積極的に務めてきた。

本件の出願人は、農業協同組合であったものの、2014年8月1日より地域団体商標登録の主体について、従来の事業協同組合その他の特別の法律により設立された組合またはこれに相当する外国法人に加え、商工会、商工会議所、NPO法人等にも拡充する改正法が施行されたところであった。

JPO Coordinates with National Police Agency and Ministry of Economy,  
Trade and Industry on Protection of Business Secrets  
特許庁が営業秘密の保護体制について、警察庁、経済産業省と連携

The JPO, the National Police Agency (NPA) and the Ministry of Economy, Trade and Industry (METI) have begun coordinating to develop an infrastructure for protection of enterprises' business secrets. In concrete terms, the JPO is coordinating with the Information-Technology Promotion Agency (IPA), an independent body under the jurisdiction of NPA and METI that deals with computer countermeasures, to establish 57 consultation desks across Japan. From February, lawyers and alumni of enterprises well-versed in intellectual property will provide free consultations at these facilities.

Industrial spying activities involving former employees are not going away, and it is becoming clear that it is not only large enterprises that are at risk, but small and medium-sized enterprises as well. Further, there has been a succession of incidents of cyber-terrorism targeting Japanese enterprises. Between April and November 2014, nearly 100 cases of suspected cyber-attacks were reported to the IPA.

In response to this state of affairs, Japan is developing a more effective infrastructure for the protection of intellectual property, and is looking to strengthen measures against the leaking of information on technologies.

特許庁が、警察庁、経済産業省と連携して企業の営業秘密を保護する体制の整備に着手する。具体的には、特許庁が、警察庁や経済産業省所管でサイバー対策の調査などを手掛ける独立行政法人「情報処理推進機構（IPA）」と連携し、各都道府県に計57の窓口を設置し、2月から知的財産に詳しい企業のOBや弁護士が無料相談に応じる。

元社員が関与した産業スパイ行為は後を絶たず、大企業のみならず中小企業においても同様のリスクは顕在化してきている。また、日本企業を標的にしたサイバーテロも相次いでおり、2014年4月から11月にかけてIPAに報告があったサイバー攻撃と疑われるものの件数は100件近くに上るといふ。

このような状況に対し、国が実効性のある知財保護の体制づくりを進めていくことで、技術流出対策をより強固なものとしたいという考えである。

Toyota Provides Free Access to its Patents on Fuel Cells  
トヨタ自動車が、燃料電池関連の特許を無償提供

On January 6, 2015, Toyota announced that it would provide free rights to use its collection of solely-owned patents related to fuel cells (including pending cases), of which it has approximately 5,680 worldwide.

This decision is based on the reasoning that at the beginning stages of the introduction of Fuel Cell Vehicles (FCVs), the spread of such vehicles should be prioritized. To this end, strong cooperation is required between car makers developing and selling FCVs and energy companies establishing hydrogen fueling stations.

The freely-provided patents include those for the following technologies:

- (1) Fuel cell stacks (approx. 1,970 patents)
- (2) High-pressure hydrogen tanks (approx. 290 patents)
- (3) Fuel cell system regulation (around 3,350 patents)

These patents are connected with the fuel cell system that forms the basis for the development and production of FCVs. If these patents are used to facilitate the production and sale of FCVs, then they may be used freely until the end of 2020, when FCVs are expected to enter the market. On the other hand, patents related to the supply and production of hydrogen in hydrogen stations (approx. 70 patents) are currently intended to be available for use indefinitely for the establishment and operation of hydrogen stations. This is to enable the quick spreading of hydrogen fueling stations.

Utilizing these patents requires procedures to be carried out in the same way as when receiving a right to work a patent. Concrete terms of use etc. will be established following individual consultation with Toyota.

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2015年1月6日、トヨタ自動車は、同社が単独で保有する世界で約5680件の燃料電池関連の特許（審査係属中のものを含む）に対する実施権を無償で提供することを発表した。

これは、燃料電池自動車（FCV）の導入初期段階においては、まずその普及を優先し、そのためには開発・市場導入を進める自動車メーカーおよび水素ステーション整備を進めるエネルギー会社等と強調した取り組みが重要であるとの考えに基づくものという。

無償提供される特許のうち、①燃料電池スタック（約1970件）、②高圧水素タンク（約290件）、③燃料電池システム制御（約3350件）といった、FCVの開発・生産の根幹となる燃料電池システム関連の特許については、これらの特許を実施してFCVの製造・販売を行う場合、市場導入の初期と想定する2020年末まで無償で特許を実施することができる。他方、水素供給・製造といった水素ステーション関連の特許（約70件）については、水素ステーションの早期普及のため、水素ステーションの設置と運営を行う場合、現状無期限とされている。

これらの特許の実施については、実施権の提供を受ける場合と同様の手続きが必要で、具体的な実施条件等については、トヨタと個別協議の上決定される。

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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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