

Outline of the Partial Revision of the Patent Act, etc.

1. Background

In June 2013, the Japanese Cabinet approved the “Japan Revitalization Strategy” and the “Basic Principles Concerning IP Policy,” aiming at becoming the most advanced IP-based nation in the next decade. In order to ensure the successful implementation of these policies, we need to promptly reform various systems as well as improve human resource capabilities, which will further promote the creation, protection and strategic use of IP.

2. Outline of the Act

In light of the global momentum to harmonize international IP systems, the Government of Japan is systematically developing the foundations of its IP system through revising its laws such as its Patent Act, Design Act, Trademark Act, and Patent Attorney Act. Based on the revised Patent Act, relief measures will be enhanced; and a new system that will enable applicants to submit oppositions to granted patents will be created. Under the revised Design Act, applicants will be able to file single applications to register their designs in multiple countries. Under the revised Trademark Act, legal protection will be expanded so that non-traditional trademarks will be given protection; and more entities will become eligible to register the regional collective trademarks. And the revised Patent Attorney Act more precisely clarify the roles and responsibilities of patent attorneys and also increase the scope of the services they are able to provide.

3. Outline of Measures

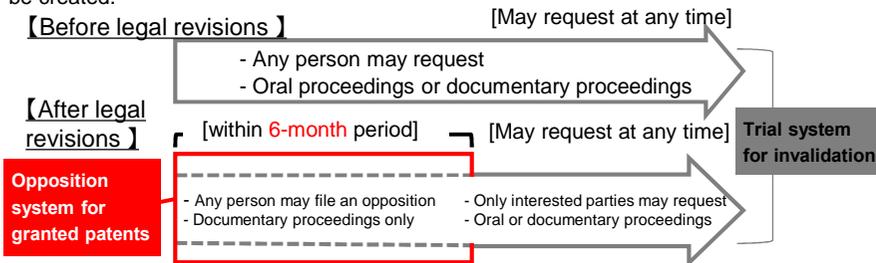
A. Revision of the Patent Act

(1) Enhance Relief Measures

In line with overseas legal systems, the Patent Act is to be revised to take relief measures so that **applicants are entitled to extend certain periods required for filing, examination, and other procedures due to exceptional unavoidable circumstances such as disasters**. These measures will also be applied to the same cases covered by the Utility Model Act, Design Act, Trademark Act, and Act on International Applications under the Patent Cooperation Treaty.

(2) Create New Opposition System for Patent Rights

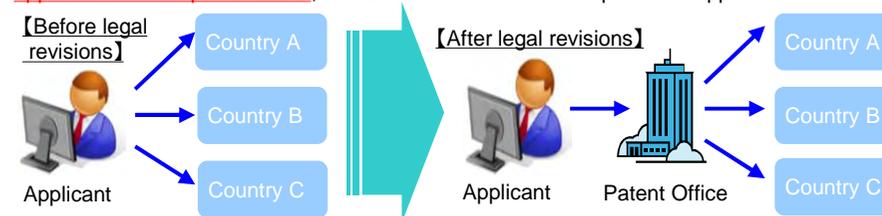
In order to **stabilize patent rights earlier**, a new opposition system for granted patents is to be created.



B. Revision of the Design Act

○Stipulate Provisions for Simultaneously Filing a Design Application in Multiple Countries

Based on the Geneva Act of the Hague Agreement Concerning the International Registration of Industrial Designs to which Japan is now preparing for acceding, Japan's Design Act is to be revised to stipulate provisions for **simultaneously filing a design application in multiple countries**, in order to reduce the cost imposed on applicants.



C. Revision of the Trademark Act

(1) Expand the Scope of Protection

Add non-traditional trademarks such as **“color” and “sound”** that are already being protected in some foreign countries.

(2) Expand the Scope of Eligible Entities to Register the Regional Collective Trademarks

Add **associations of commerce and industry, chambers of commerce and industry, and specified non-profit corporations** as entities entitled to register the regional collective trademarks in order to popularize and develop regional brands.

【Examples of registered trademarks filed by Japanese companies in foreign countries】

Color Trademark
Tombow MONO Plastic Eraser
(Registered in Europe)



Sound trademark
Hisamitsu Pharmaceutical
(Registered in Europe)



【Examples of popularized regional brands】

Olive oils made in Shodo-shima Island in Kagawa Prefecture
(Olive Oil Association of Shodo-shima)



D. Revision of the Patent Attorney Act

○Clarify Patent Attorneys' Missions and Expand the Scope of their Business

Clarify **patent attorneys' missions** as “IP experts” and stipulate consulting services in a process of developing ideas before filing applications as their business.

Other Revisions

○Simplify Payment Procedures for Fees [Revision of the Act on International Applications under the Patent Cooperation Treaty (PCT)]

Enable applicants to pay fees for their international applications filed at the JPO in the same way as domestic fees, when filing such international applications at the JPO under the PCT systems.