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## **Japan enacts IP reforms**

Japan has adopted a new intellectual property law that it hopes will speed up patent registration in the country and offer improved protection against piracy.

Coming into force in early 2003, the Basic Intellectual Property Law was enacted by the Japanese parliament on November 27 to bring the country's IP system in line with other countries' patent systems.

The law also urges the government to speed up procedures for obtaining and enforcing IP rights and to make an action plan to promote the creation, protection and exploitation of IP rights.

The law will cover all areas of IP, including patents, utility models, new varieties of plants, designs, copyrights, trade marks, trade names and trade secrets.

The government hopes the law will promote research and invention in Japan by encouraging private companies and universities to reward researchers for their work in the IP field.

The move follows a growing concern in Japan over the decline in industrial competitiveness, according to John Kakinuki, IP partner at Baker & McKenzie's Tokyo office.

"The goal of the government is to make Japan an IP nation," said Kim Knudsen, at Japanese IP firm Ryuka.

But how effective the law will be in improving the IP rights of Japan's patent holders is still unclear. Said Kakinuki: "The work is still ahead of us and is intended to take up to three years."

The government's first move will be to set up an IP policy headquarters and study groups that will, over the next three years, develop a strategy on how to improve Japan's IP legislation.

The main action points will be the promotion of IP exploitation and creation, the strengthening of IP protection, the public's education about IP rights and the development of human resources in the IP sector.

According to Kakinuki, who will from January 1 2003 take over as vice-president of the American Chamber of Commerce in Japan, it is hoped the law will improve discovery in IP infringement litigation, increase the legal damages for wilful and copyright infringement and step up the fight against piracy.

"The new law will act as a guideline to pave the way for future legislation on IP-related projects," said Yukuzo Yamasaki, partner at Tokyo-based IP firm Yamasaki Law & Patent Office.

Meanwhile, China, Japan and Korea met on November 29 in Seoul to discuss plans to create a joint computer network that would join the networks of the three countries' patent offices in a move to create a speedier and more efficient patent examination process.

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