

Analytical study on the international intellectual property system

Report Summary

1. The situation surrounding intellectual property in the international framework

Firstly, in the section on “Recent Developments in the Field of Medicines”, the secretariat reported primarily on developments regarding the Pandemic Agreement at the WHO, and Committee Member Mr. Sho Nomura, Director of Intellectual Property of Japan Pharmaceutical Manufacturers Association, gave a presentation on discussions regarding access and benefit-sharing (ABS) of digital sequence information (DSI) under CBD, as well as the industry’s response to the Pandemic Agreement.

At the Committee, participants exchanged views on the potential impacts and concerns for the pharmaceutical and other industries regarding ABS for DSI and negotiations on draft PABS Annex text of the Pandemic Agreement.

Secondly, in the section on “the status of discussions in specialized intellectual property forums such as WIPO and the WTO/TRIPS Council”, the JPO reported primarily on an overview of the recent TRIPS Council meeting, initiatives of WIPO and JPO to promote women’s participation, and discussions on AI at WIPO, while the secretariat reported on the organization and analysis of WTO disputes related to the TRIPS Agreement and Committee Chair Mr. Masabumi Suzuki, Professor of WASEDA university, presented an analysis of “China - Enforcement of Intellectual Property Rights” (DS611) in WTO disputes related to the TRIPS Agreement.

At the Committee, there was a discussion about the situation in various countries regarding the issue of Anti-Suit Injunction (ASI) and future prospects for a resolution.

2. The situation surrounding intellectual property in bilateral and regional economic partnership agreements

Firstly, the secretariat reported on the trademark provisions in the intellectual property chapters of EPAs and FTAs involving GCC countries and others, based on a literature review, a questionnaire survey of domestic companies, and interviews with domestic companies and law firms. In addition, Mr. Hitoshi Nakamura, Patent Attorney from Ohno & Partners, gave a presentation on the challenges and requests regarding foreign trademark systems from the perspective of Japanese companies.

At the Committee, discussions were held on the relationship between GCC trademark law and the domestic systems of individual GCC countries; the issue of high costs; the problem of countries not party to the Madrid Agreement; the status of the introduction of the “Multi-Class Applications system”; the issue of Legalization; the status of trademark applications in bad faith and protection for well-known trademarks; and Border enforcement on transit goods.

Furthermore, regarding challenges and requests concerning foreign trademark systems more broadly - not limited to GCC countries - discussions were held on Harmonization of goods and services descriptions, as well as the establishment of rules governing e-commerce platforms to counterfeit goods and trademark infringement.

3. The situation surrounding the intellectual property system in each country

Regarding the United States, Mr. Atsushi Hiruta, Director of the Intellectual Property Department at the JETRO New York Office, gave a presentation on the latest trends in intellectual property policy, while the secretariat reported on recent notable intellectual property-related court

rulings and trends in intellectual property system reforms.

At the Committee, discussions covered the current state of discussions surrounding patent eligibility and AI - including copyright issues - as well as the growing use of Litigation Funding and the associated challenges. Additionally, participants discussed recent developments at the USPTO, such as the increase in the number of cases dismissed by the PTAB and the issue of inconsistencies among examiners.

Additionally, regarding Turkey, Mr. Taisuke Goto, Director of the Intellectual Property Department at the JETRO Dubai Office, gave a presentation on the current status and challenges of counterfeit goods measures, and the Secretariat reported on recent notable IP court rulings, and trends in IP policies and IP system reforms.

At the Committee, discussions covered the grace period and the obligation to practice patented inventions, the background behind the abolition of criminal penalties for patent infringement, issues surrounding the enforcement of rights and data protection in the pharmaceutical sector, border measures against counterfeit goods, and the current situation regarding civil and criminal courts.