

# Public Awareness of Patent System in Japan

## A patent attorney's perspective

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# What I want to say today

- History and current situation in Japan
- It is important to have a sound **patent attorney system**
  - Patent attorney qualification supports the patent system
  - Helpful for the development of **local** industries and research
- Look at reality!
  - Patents are important for startups and SMEs
  - It is important to help SMEs realize the importance of IP

# Beginning, more than 130 years ago

- **First substantive** patent act in 1885
  - By **Mr. Korekiyo Takahashi**
  - 425 patent applications in 1885
  - First trademark act in 1884 also by **Mr. Takahashi**
- **Mr. Takahashi** traveled to the U.S. and Europe to study patent systems for one year
  - November 1885 through November 1886
  - He was impressed by a US patent attorney
- First “**patent attorneys**” in Japan appeared in 1890
  - *Tokkyo Daigen Sha* (literally “Patent Attorney Co.”) opened two offices in Tokyo
  - Former examiners at the suggestion of **Mr. Takahashi**

So Mr. **Takahashi**, around 1985-90, -

- Created patent system and trademark system in Japan
- Created copyright system
- Created the Patent Office for examination
- Built a building for the Patent Office
- and
- **Created patent attorney profession**
- Sowed seed for special patent account for JPO fees
  
- He moved on to become Finance Minister three times, Prime Minister, and then FM for fourth-sixth times
- He was assassinated by soldiers in 1936

# First Patent Attorney System (1899)

- First **regulations** on the registration of patent attorneys appeared in **1899**
  - Took effect on July 1, 1899
- **Patent Act in 1909** stipulates that **only** patent attorneys have power of representation before the Patent Office
- “Japan Patent Attorneys **Association**” (JPAA) was established in 1915 – 103 years ago
- First Patent Attorney **Act** was promulgated in 1921
  - The number of registered patent attorneys reached 1,350 in 1921
  - 39,064 patent and utility model applications, and 36,809 trade mark applications filed in 1921.

# JPAA

- JPAA was established in **1915** in Tokyo
  - 9 branch offices including one in Tokyo
- **All** patent attorneys **have to** belong to JPAA
  - Compulsory membership
  - Monthly fee is JPY15,000 or about US\$140
- The budget is about US\$ 20 million
- JPAA has staff of 90 including 27 part timers

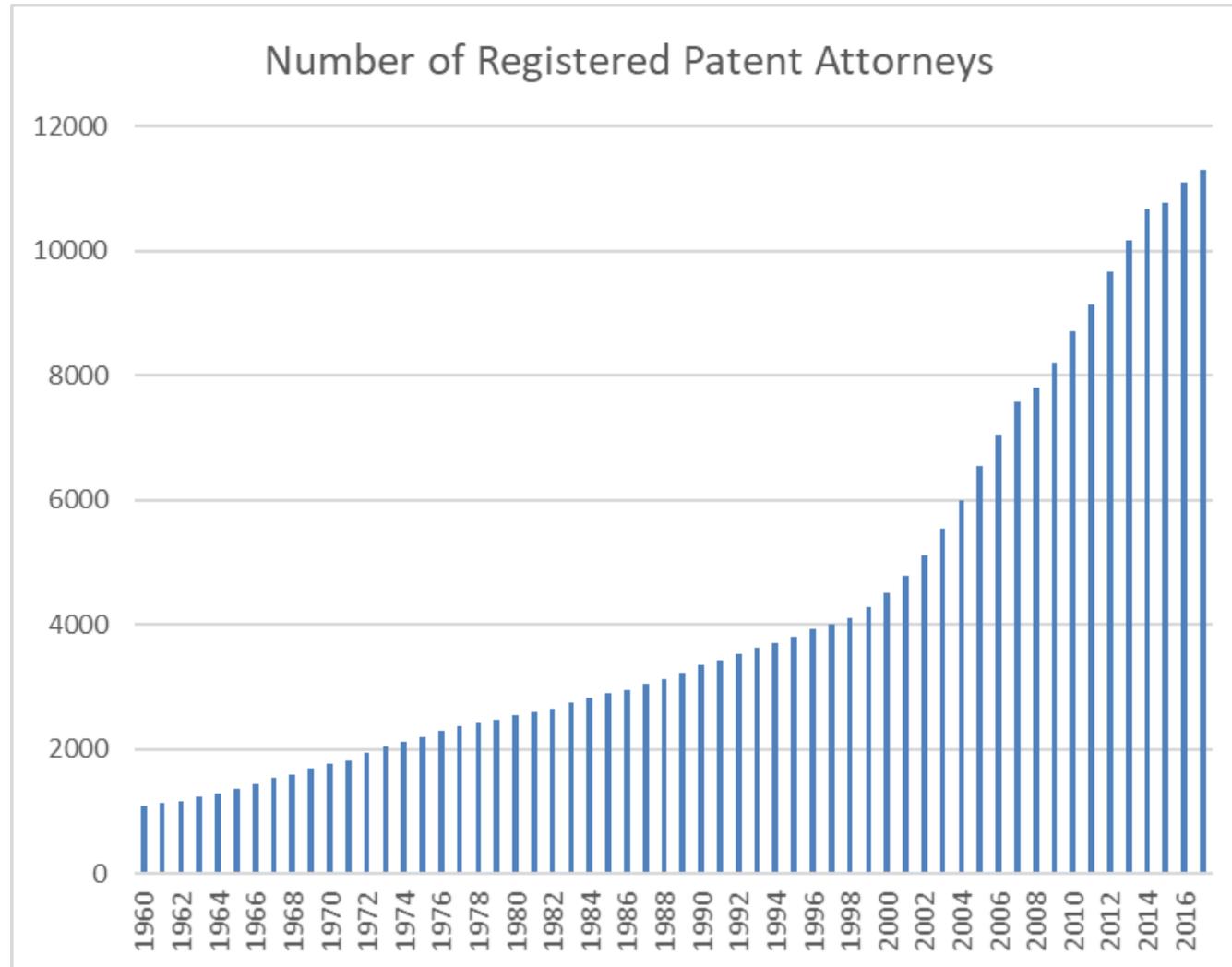
# What Patent Attorneys Can Do?

- Patent Attorney Act stipulates what we can do:
  - Articles 4 through 6bis:
    - Representation before the Japan Patent Office for fees (exclusive)
    - Opinions, customs procedures, ADR
    - Representation before the IP High Court for appeals from decisions of Appeal Department of JPO
    - Assistant to lawyers in infringement litigation
    - Representation **with a lawyer** before **infringement courts** for specific types of litigation with **additional qualification**

# Trends surrounding JP patent attorneys

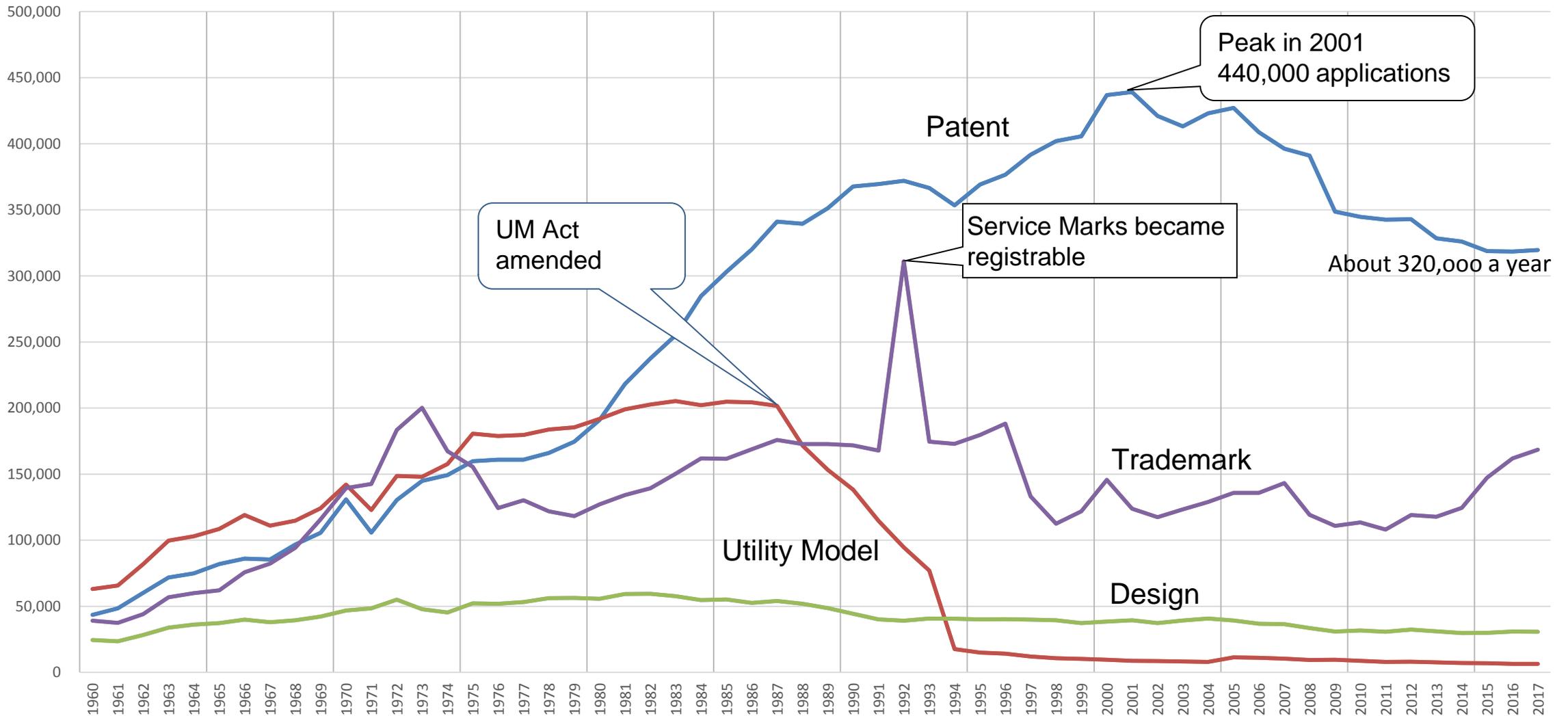
- Increasing number of patent attorneys
  - More than 11,000 patent attorneys in Japan
- Dwindling domestic filings
- Increasing foreign filings by Japanese companies

# We have 11,000 patent attorneys in Japan



# Filings in Japan – Pat, UM, Design, TM

Annual filings in Japan - Patent, UM, Design + TM



# Education is JPAA's top priority!!

- “Educational Institute” of JPAA
  - 110 attorney members (volunteers) + administrative staff of 10 or so
  - More than 400 classes per year
  - About 250 e-learning programs
- Branch offices (9) are active providers as well
- Education budget - Expenditure - **4 million US dollars in total**
  - E-learning and many lectures are free of charge to members
  - A bit less than US\$380 per attorney
  - Fees may be required for a number of courses
    - Fee income is about 1.0 million US dollars

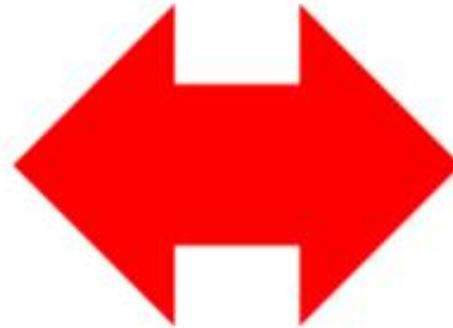
# Look at reality!

- Patents are important for SMEs and startups
  - Patents protect SMEs from competition
  - Patents and business are directly connected
- Large corporations filed patents for a variety of reasons
  - Cross licensing
  - Standardization
  - Protecting investments
  - Global business environment
  - Competition and protection for business

# SMEs account for 12% of dom. applications



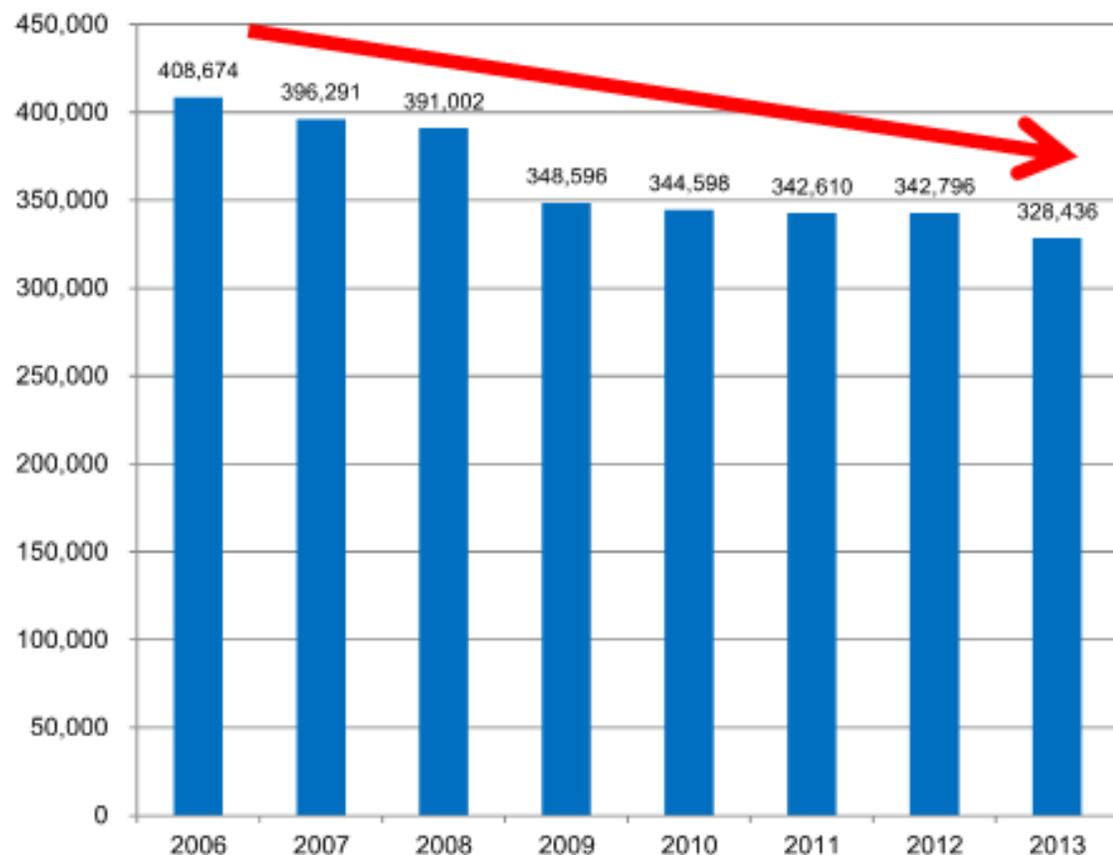
3.9 million Companies in Total



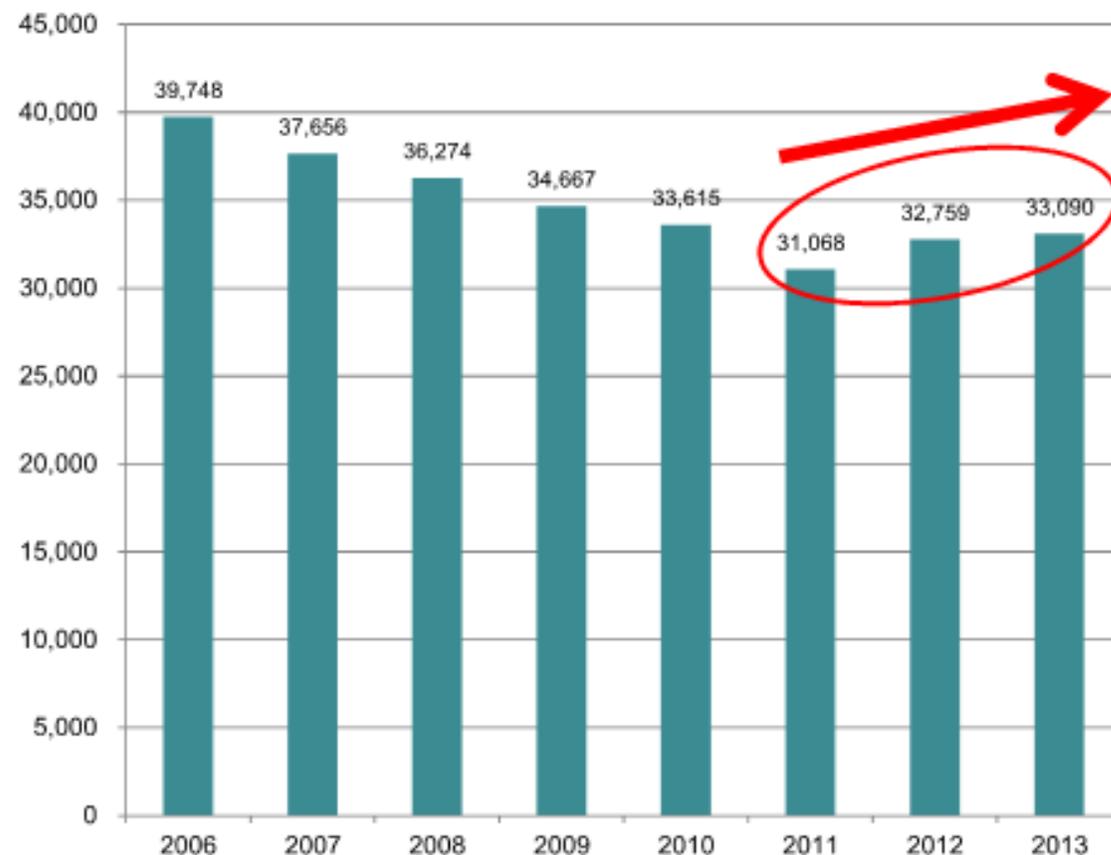
Filings of domestic applicants in  
Total: 0.27 million a year

- Comparable figure in US: 25%

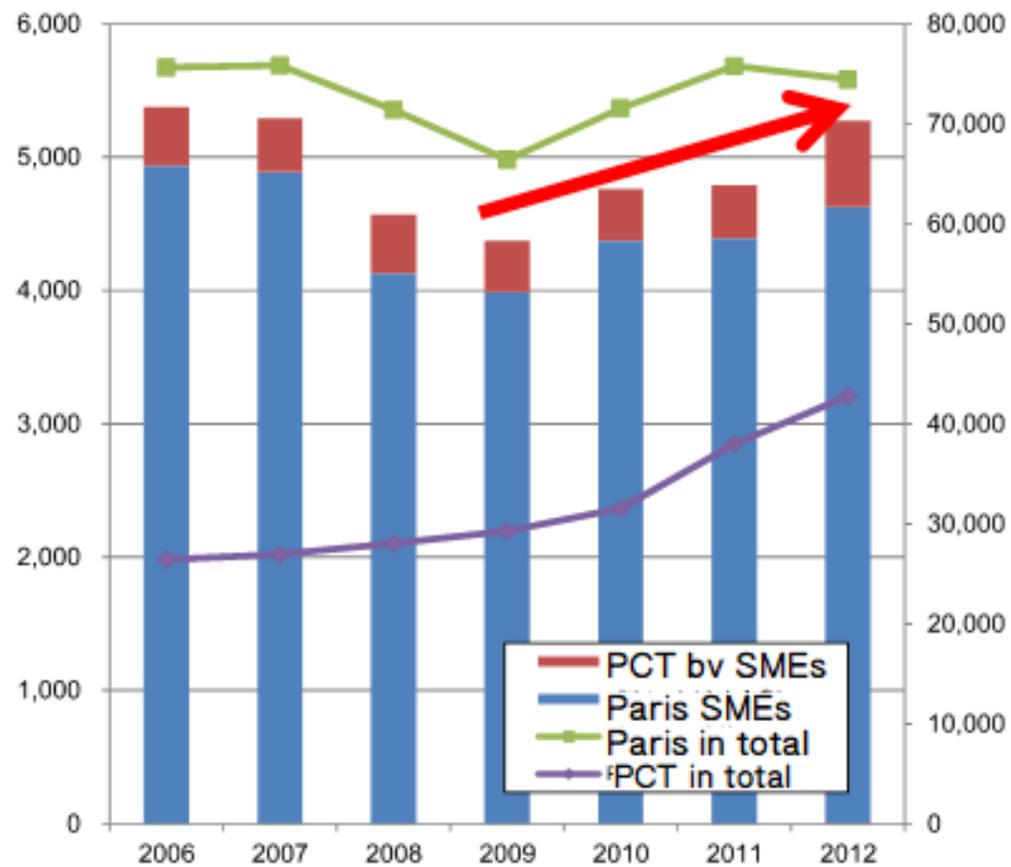
### Total of patent application each year



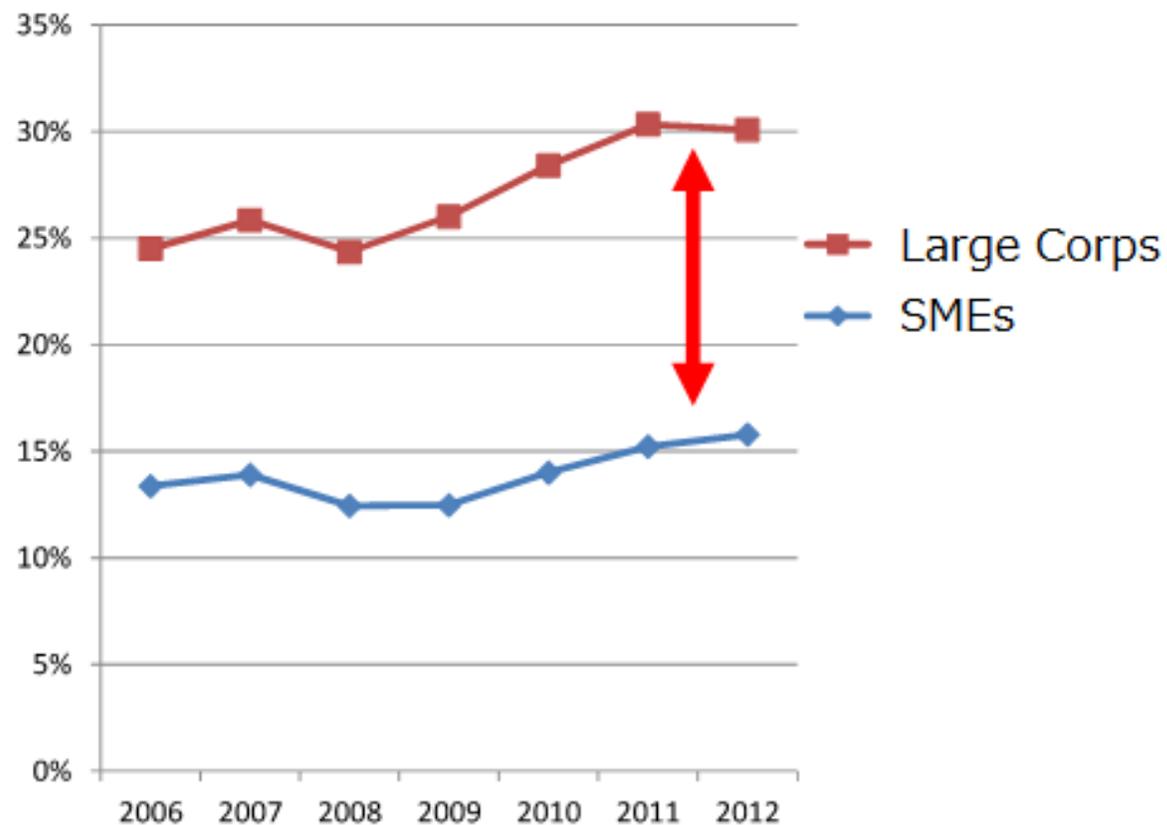
### Number filed by SMES - increasing



Foreign filings by SMEs - increasing



But much lower % compared to LCs



# What do we do?

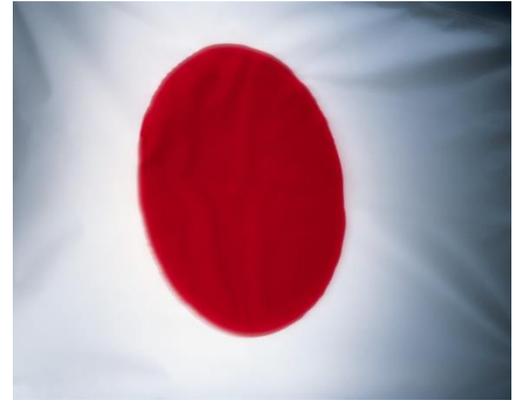
- JPAA
  - More public seminars in variety of forms
    - **No simple seminars**
      - corroboration with local governments
      - Tie-ups with universities and tech high schools
  - Consultation
    - **At the cost of JPAA**, attorneys visit SMEs for general consultation
- JPO
  - Will cut official fees in half for **ALL SMEs w/o any qualification**
  - **One-stop service** for consultation of all IP and business issues
- Local governments
  - Subsidizes **a half of foreign filing** costs

# Today's messages

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  - Patent attorney qualification supports the patent system
  - Helpful for the development of **local** industries and research
- Look at reality!
  - Patents are important for startups and SMEs
  - It is important to help SMEs realize the importance of IP

Thank you

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**Thank you**

