



JUNE 2018



NEWS ABOUT Sonoda & Kobayashi

20th anniversary of Sonoda & Kobayashi at Park Hyatt - What a party! - June 1, 2018

We are pleased to announce that Sonoda & Kobayashi is celebrating its 20th anniversary this year! Our team would like to take this opportunity to thank you sincerely for your continuous support over these last two decades. We remain dedicated to providing you with the best expertise in protecting your IP rights in Japan, and we look forward to reinforcing our ties with all of you.



On this occasion, we organized a competition among our members to create the 20th anniversary logo. We hope you like it.



Webinar – Patents: opposition proceedings and nullity actions – a comparison between Europe and Japan – April 27, 2018

At the end of April, we had the chance to present a Webinar together with Dr. Robert Börner from the German office of the European firm Murgitroyd. Thanks to our collaboration with the EU-Japan Transfer Desk, our viewers learnt practical tips on the opposition and nullity action systems in Europe, Germany and Japan.

<https://www.youtube.com/watch?v=Edh2rlrF2Ug>

Webinar – Patents: Utility Models – Overview of Requirements, Procedures and Tactical Use in Europe, and Japan – June 29, 2018

We are excited to co-host another Webinar with Dr. Robert Börner from the German office of the European firm Murgitroyd, and with the cooperation of the EU-Japan Transfer Desk. This time, the Utility Model and its importance in a company's IP strategy will be discussed. Please register by June 28, 2018: [here](#).

We look forward to your presence online on Friday, 29 June, 2018.

Global Business Support 2018 – Tokyo. – July 18 to 20, 2018

Sonoda & Kobayashi is happy to announce its participation at the 2018 Tokyo Global Business Week Exhibition. This is a great opportunity for Japanese companies to expand overseas business. Such an expansion requires legal advice and we are ready to help any company in its growth by providing the best expertise in the IP domain.

<http://expo.nikkeibp.co.jp/gbw/gbs2018/en/>

General Data Protection Rules – May 25, 2018

It is essential for us to respect the European Regulations concerning our European clients' database. The GDPR came into force on May 25, 2018 and our firm is committed to following it scrupulously.

https://ec.europa.eu/commission/priorities/justice-and-fundamental-rights/data-protection/2018-reform-eu-data-protection-rules_en

For more details, please contact us.

LATEST IP NEWS IN JAPAN

Extension of Grace Period in Japan for Patent and Design Applications – May 30, 2018

The grace period for filing a Utility Model, Patent or Design Application following a pre-filing disclosure was extended as of June 9, 2018 from 6 months to 1 year. As of June 9, 2018, any utility model, patent or design invention is deemed to be novel if an application is filed within 12 months from publication occurring on or after December 9, 2017.

http://www.jpo.go.jp/shiryoku/kijun/kijun2/ishou_reigai_encho.htm

Strengthening of the Requirements for Filing a Divisional Trademark Application in Japan – May 30, 2018

According to the current Trademark Law, when an applicant files a divisional application, the date of the new (child) application is deemed to be the date of the parent application.

It is clear this retroactive date should not apply to applicants who have failed to pay annuities or other required fees for the parent application.

Pursuant to the new reform, only applicants who have paid all required fees for a parent application will enjoy the benefit of the retroactive application of the parent application date when filing a divisional application.

This reform will be applied to divisional trademark applications filed on or after June 9, 2018.

http://www.jpo.go.jp/seido/s_shouhyou/bunkatu_kyouka.htm

JPO releases the “Guide to Licensing Negotiations involving Standard Essential Patents” - June 5, 2018

The JPO has released a final version of its “Guide to Licensing Negotiations Involving Standard Essential Patents”. The Guide is aimed to be voluntary, but to have international credibility. It will continue to be reviewed as appropriate.

http://www.jpo.go.jp/torikumi_e/kokusai_e/seps-tebiki_e.html
<http://japanip.blogspot.com/2018/05/>

Japanese patent applications in Israel - May 6, 2018

“Only Japan among non-European countries has a higher patent applications per million of population rate at the EPO than Israel”. But you have to square with the political and social situation...

<http://www.iam-media.com/Blog/Detail.aspx?g=9bd4f88b-dc38-4353-8d44-74900eda1348>

Broadcom hits Toyota with US patent suit, signaling auto licensing ambitions - May 8, 2018

This case shows how a company could let another one infringe its patent for years before going against the alleged infringer and forcing a license agreement.

<http://www.iam-media.com/Blog/Detail.aspx?g=a7f2fe14-362e-42d0-aa7b-0bbcf75563eb>

What about 3D Trademarks registration in Japan? - April, 2018

Read about the Kikkoman Company’s case, to understand how previous and current use of your 3D trademark is important to acquire distinctiveness in order to protect it.

<https://trademarklawyermagazine.com/trademark-registration-for-kikkomans-soy-sauce-3d-bottle/>

The interesting JPO's point of view about renowned trademarks in Adidas vs Xiat - March 30, 2018

To prevent confusion in consumers’ minds, examiners and judges normally condemn companies that register trademarks that look like very renowned trademarks, even if the latter is only protected in limited categories of good and services. But in this case, the JPO took has a completely different point of view. Indeed, The JPO considered that, because of the famousness of the trademark, consumers will not be confused even if the two figurative trademarks are very similar.

Opposition case no. 2017-900038, Gazette issued on March 30, 2018.

<http://shohyo.shinketsu.jp/originaltext/tm/1337218.html>

The Tokyo District Court made an interesting decision wherein the court ordered damage compensation to the plaintiff of a patent infringement lawsuit: Sprew vs Advanex - April, 2018

This decision includes two rare holdings: denial of inventorship and finding of tort in filing a patent infringement lawsuit. This seems to be the second case after Obayashi Seiko v Apple TDC H24 (wa) 10567 wherein the court held that a patent was invalid for the reason that the inventorship was fraudulent. Tort by an attempt to enforce right had been judged by the

Supreme Court of Japan in S60 (o) No. 12 and H7 (o) No. 160. SEL v ChiMei was somewhat related.

<https://innoventier.com/archives/2018/03/5346>

IP Stars rankings - April, 2018

Sonoda & Kobayashi is part of the IP Stars rankings of Japanese Intellectual Property Law Firms.

<https://www.ipstars.com/firms/sonoda-and-kobayashi-intellectual-property-law-firm/f-2869>



Find one of our Patent Attorneys in the Global IP Experts List - May, 2018

Dr. Toshiyasu Ishioka, Partner and head of the Chemistry, Biotechnology and Pharmaceuticals department, is listed by Global IP experts. He has extensive experience in pharmaceuticals, biotechnology, and chemistry for leading global companies. He is also an expert in patent term extension, double patenting, and due diligence.

<http://www.globallawexperts.com/AdminProfilePreview.aspx?PID=5548>



Our Firm

SONODA & KOBAYASHI, an intellectual property law firm, offers dependable legal services for intellectual property in Japan. Our multinational team of 80 experts in technology, law, languages and international communication has served companies from around the world and has gained a reputation for thoroughness and reliability. Our high standards, expertise and team work have defined us since the founding of our firm in 1998.

Visit Us

Sonoda & Kobayashi is located in Shinjuku, one of the main business districts in Tokyo. We welcome visitors and look forward to seeing you at [our office](#).



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If you have any questions regarding this News Bulletin, please contact Nicole Bigler and Yoshiko Ito at newsletter@patents.ip.

In respect of the GDPR, if you would like to unsubscribe from our regular newsletter, please click [here](#).

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