



SONODA & KOBAYASHI
INTELLECTUAL PROPERTY LAW



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Webinar - 'Patents: employee inventions - overview of legal systems and recent trends'

Sonoda & Kobayashi presents our latest webinar, titled 'Patents: Overview of Legal Systems and Recent Trends' in collaboration with the EU-Japan Technology Transfer Helpdesk and Murgitroyd's Munich office. This webinar was held on December 17th, 2018 and is now available to watch on [our YouTube channel](#).

In this webinar, we cover the following areas:

- The basics of the different legal systems on employee inventions and remuneration in Japan and several European jurisdictions;
- Who owns the right to an invention and how a company can take possession of an invention;

- What defines adequate remuneration for inventors; and
- The potential pitfalls for companies performing R&D.

[Watch the full webinar on YouTube.](#)

Welcoming our newest patent attorney!

Sonoda & Kobayashi is pleased to welcome our newest patent attorney, Ms. Rie Takahashi!

Ms. Takahashi has extensive experience in intellectual property. She started her career in IP in 2000, and worked at two IP law firms and was also an in-house patent attorney at Philips. At the IP law firms, she handled patent applications and office actions for many clients, especially overseas clients, and also engaged in writing professional opinions regarding patent validity and infringement. During her eight-year career at Philips, she served in various roles not only for patent creation activities, but also for those related to licensing and patent pools. She joined Sonoda & Kobayashi in 2019.

[Read Ms. Takahashi's full profile here.](#)

- Latest IP News in Japan -

1. Revision of fee for request for patent examination (effective April 1, 2019)

January 2019, Japan Patent Office (JPO)

The JPO has stated that, in accordance with the enactment of the Act of Partial Revision of the Unfair Competition Prevention Act, etc. (see below), the fee for request for patent examination will be increased, effective April 1st 2019.

Requests for examination for regular patent applications will rise from JPY 118,000 to JPY 138,000 + number of claims x JPY 4,000.

[See the full list of revised fees here.](#)

2. Cabinet decision on the relevant Cabinet orders for the partial enforcement of the Act of Partial Revision of the Unfair Competition Prevention Act, etc.

28 December 2019, Ministry for Economy, Trade and Industry (METI)

Effective April 1st, 2019, all SMEs will be able to benefit from reduced patent fees.

The National Diet of Japan established the "Act of Partial Revision of the Unfair Competition Prevention Act, etc.", under which the coverage for alleviating patent fees, fees for requesting examinations and fees for filing international applications will be expanded to apply to **all SMEs**, beyond those covered under the current measures. It will be possible for fees to be reduced by up to 75%.

To compensate for the loss in revenue of the Patent Special Account, the basic fees for application examinations will increase (see article above).

For more information on whether your company can benefit from reduced patent fees, please contact us at mailbox@patents.jp.

[Read the METI full press release here.](#) (English)

[Read the JPO release here.](#) (Japanese)

3. Draft revision of examination guidelines for extension of patent term

18 February 2019, Japan Patent Office (JPO)

The JPO released a statement announcing the preparation of a draft revision of the Examination Guidelines and inviting the public to comment on the amendments.

Under the revision, requests for patent term extensions will be allowed for applicants from all technical fields, not just pharmaceutical patents, if the patent is registered either five years after the initial patent application filing date or three years after the date of filing a request for examination, whichever is later. An extension may be requested as compensation for time lost by the applicants.

[Read the public comments invitation here.](#)

4. Expansion of the Patent Prosecution Highway between Japan and Brazil

16 January 2019, Japan Patent Office (JPO)

A METI press release has confirmed that the Patent Prosecution Highway between the national patent offices of Japan and Brazil will be expanded to cover additional technical fields, effective April 1st, 2019.

The PPH between Japan and Brazil was introduced on a pilot basis in April 2019, and has allowed companies with Japanese patents to obtain Brazilian patents in a shorter time frame. PPH requests usually receive final examination results from the national Institute of Industrial Property in Brazil (INPI) within one year after filing, whereas for non-PPH requests, the INPI spends over 10 years on average between receiving an application to issuing a notice of the first examination results.

The technical fields for PPH requests were previously limited to IT technologies and mechanical engineering. From April 1st, 2019, the INPI will accept requests for applications in the following, additional fields: Macromolecular chemistry, polymers; Metallurgy and materials; Agrochemicals, and Microorganisms or enzymes, amongst others. For the full list of INPI eligible technical fields, [click here](#).

The JPO will accept PPH requests for applications in all technical fields.

[Read the full METI press release here.](#)

5. Potential revision of Japan's dispute resolution system

2 February 2019, Nikkei Shinbun

According to an article published by Nikkei Shinbun, the Japan Patent Office (JPO) is planning to amend Japan's current dispute resolution system. The draft amendments would introduce discovery procedures, aligning Japan to the international standard followed by other large patent office such as those in the USA, Germany and the UK. The revisions will also affect the way that damages are calculated.

[Read the full article here \(Japanese only\).](#)

6. 7th Meeting of the Japan-China Joint IP Working Group and 2nd Japan-China Joint IP Seminar Held

24 January 2019, Ministry for Economics, Trade and Industry (METI)

METI held the 7th Meeting of the Japan-China Joint Working Group in Tokyo on January 22nd, 2019, and the 2nd Japan-China Joint IP Seminar the following day. Participants included a range of governmental agencies from both sides and areas of discussion included: trends of IP-related legislation; trends concerning both countries' Unfair Competition Prevention Acts; cooperation concerning geographical indicators; and regulations in China over licensing of technologies. Furthermore, China briefed participants on its crackdown on counterfeit and pirated products, an issue which the two sides committed to cooperate further. The next IP Working Group will be held in China in 2019.

[Read the full METI press release here.](#)

7. Cheaper goods in store as Japan-EU free trade pact enters into force

1 February 2019, The Japan Times

The European Union and Japan have entered into an Economic Partnership Agreement, creating a free trade area which covers approximately one third of the world's economy, according to the Japan Times. The pact eliminates tariffs and many other non-tariff measures to encourage business investment and effective trade, while also ensuring cooperation and intellectual property rights are protected. Furthermore, geographical indications such as Kobe beef or Japanese sake will be recognized and protected under the new agreement.

[Read the full article here.](#)

8. Japan to allow factory raids in patent litigation

25 January 2019, Nikkei Asian Review

According to the Nikkei Asian Review, the JPO plans to create a framework allowing court-ordered inspections of facilities accused of patent infringement. The planned system would render Japan's IP legal system somewhat friendlier towards patent holders, whereas under the current system the burden of proof weighs heavily on the claimant. This is yet another measure intended to counter the disadvantage of small business during opposition proceedings.

[Read the full article here.](#)

9. WIPO Technology Trends - Artificial Intelligence

World Intellectual Property Organization (WIPO)

The World Intellectual Property Organization released a study on Technology Trends and Artificial Intelligence, analyzing data from patent applications and scientific publications as its basis. After the US and China, Japan is the third most popular office for filing AI patents, however Japan overtakes its two competitors in the categories of fuzzy logic, computer vision and speech processing. In addition, 12 of the top 20 companies filing AI-related patents are Japanese and 40% of AI patent applications that are first filed in Japan are then subsequently filed in other jurisdictions.

[Read the full article here.](#)

About

SONODA & KOBAYASHI is a law firm offering dependable legal services for intellectual property. Our multinational team of about 90 experts in technology, law, languages and international communication has served companies worldwide and gained a reputation for thoroughness and reliability.

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