



SONODA & KOBAYASHI
INTELLECTUAL PROPERTY LAW



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- News about Sonoda & Kobayashi -

1. Sonoda & Kobayashi to join the SUPER IP EXPO 2022

Sonoda & Kobayashi IP Group will attend [SUPER IP EXPO 2022 online](#) and are happy to meet with anyone interested in our firm. The event will take place on the 6th and 7th of October from 10.00 to 18.00 Japan time. We are looking forward to speaking to a wide variety of IP experts and enthusiasts.

- JPO and CNIPA News -

1. JPO to accept copies of signed power of attorney documents, and well as printouts of electronic signatures of power of attorney documents

On September 26, 2022, the JPO announced that it decided to accept copies of signatures as well as printouts of electronic signatures in addition to the original as valid with respect to documentation evidencing power of attorney^[1].

This change has become effective upon the passage of the relevant ministerial ordinance^[2], which entered into force on September 26, 2022.

Specific information on this topic can be found [here](#). (Japanese)

^[1] Patent Law Enforcement Regulation Article 4 ter

^[2] METI Ordinance No. 75

2. Trademark and Design Law revision tightens regulations on counterfeit products from overseas

The revision of both the Trademark law and the Design Law in May 2021 clarified that the act of bringing counterfeit goods into Japan by mail, etc. by an overseas business operator constitutes an infringement of rights. Based on this, the Customs Law was amended in March 2022, and counterfeit goods brought into Japan by overseas businesses by mail, etc. will be subject to additional customs control as "goods that must not be imported."

As a result of these changes, goods sent from overseas businesses, such as those purchased on overseas mail-order sites, may be defined as counterfeit goods (those that infringe on trademark or design rights) and may be subject to confiscation by customs even if imported for personal use by individuals.

These revisions will come into effect on October 1, 2022.

Specific information on this topic can be found [here](#). (Japanese)

3. CNIPA Concluded the First Batch of Administrative Adjudication Cases of Major Patent Infringement Disputes

The amended version of China's Patent Law came into effect on June 1, 2021. The newly-added Article 70.1 provides that the China National Intellectual Property Administration (CNIPA) may handle major patent disputes of national significance upon the request of patentees or stakeholders.

Recently, CNIPA concluded its maiden trial, handing out decisions on two cases, both involving infringement of Patent No. ZL201510299950.3, owned by the Germany-based Boehringer-Ingelheim.

With regard to the first batch of the cases, the focus of the dispute is on whether the cases were admissible as major patent disputes; whether the pharmaceuticals in question listed on the internet in multiple provinces (autonomous regions and/or municipalities) fell into an offer for sale or exceptions to infringement prescribed in the patent law; and some other central issues.

Finally, CNIPA made a ruling within the required time limit, specifically, within four months (not inclusive of staying time).

It shows that CNIPA is more than capable of handling technical cases.

Moreover, the written ruling can also be found through the below weblink for your reference.

Specific information on this topic can be found [here](#).

- Latest IP News in Japan -

1. Toyota, Honda and Nissan will pay patent fees to telecom companies for wireless tech

Nikkei Asia, September 21, 2022

On the 21st of September, Nikkei Asia reported on Japanese carmakers Toyota Motor, Honda Motor and Nissan Motor paying fees to use the patents of telecom companies such as Finland's Nokia.

Earlier, in February 2022, Nokia and many other telecom companies had demanded that the carmakers pay them to use their patents that enable the connected-car technology. With the payments now being made, it is the first time for any Japanese car maker to agree to pay these type of licensing fees.

In general, Japanese car makers have let their parts suppliers take care of the patent fees, thereby protecting themselves against any obligations for payments. This has been possible as Toyota, Honda and Nissan stand at the top of a large industrial network of parts-suppliers.

However in these case of these technologies, held by telecom companies and used in telecom components, the car makers have decided to shoulder the costs themselves.

They will sign a contract with Avanci from that US, which negotiated the patent fees for the LTE (4G) communication standard. It is reported that they will pay between 15 and 20 USD per car for the use of 2G, 3G and 4G cellular network technologies. Earlier in June of 2021, US and European carmakers had negotiated similar deals putting pressure on their Japanese counterparts to do so to connected cars.

More information on this topic can be found [here](#).

2. Gucci loses a trademark battle in Japan

Quartz, August 23, 2022

On the 23rd of August, business magazine Quartz reported on a dispute involving global fashion brand GUCCI and a company from Japan.

Earlier last year, the Japanese Patent Office (JPO) had granted a patent to Nobuaki Kurokawa from Japan for the brand name of CUGGL, to be used on apparel items. GUCCI had filed an opposition to this granted trademark, claiming that that customers would confuse this mark with their own. The reason was that CUGGL's brand name had appeared on clothing while only half visible, obscuring parts of the letters and thereby allegedly appearing similar to GUCCI.

The JPO has now concluded that the trademarks were sufficiently distinct, rejecting the plaintiff's claims.

While it is likely that GUCCI will appeal this result, the present ruling by the JPO is nevertheless cited as a surprising win. Quartz notes that it would be a victory for intellectual property progressives who argue that big companies have been distorting the law to block harmless parodies of their brands.

More information on this topic can be found [here](#).

- Latest IP News in China -

1. China's Dangsheng is sued for 15 million dollars over alleged patent infringement

SINA Finance, August 26, 2022

On August 19, 2022, Umicore sued Beijing Dangsheng Materials Technology of China over two of its Chinese patents, ZL201110242474.3 and ZL201110242474.3. It claims that Dangsheng has at least committed the act of manufacturing, selling, and promising to sell, the infringing products without its permission.

Umicore is an international group, headquartered in Belgium, mainly engaged in the production, comprehensive recycling, and sales of non-ferrous metals and related products.

Dangsheng Materials Technology is an enterprise engaged in the R&D and production of new energy materials, mainly engaged in the R&D, production and sales of lithium cathode materials for small lithium batteries and power lithium batteries. Its customers are located in China, Japan, Korea, the United States, Europe, and other countries and regions.

Umicore is claiming the following from the defendant Dangsheng:

- (1) The defendant is to immediately stop infringing the two patents, including but not limited to: stopping manufacturing, selling, and promising to sell, the accused infringing products;
- (2) The defendant is to pay compensation to the plaintiff for its infringement (RMB 53.89 million for each patent);
- (3) The defendant is to bear the reasonable expenses paid by the plaintiff to stop the infringement (RMB 1.5 million for each patent);

(4) The defendant is to bear all the litigation costs of the case. The total amount was RMB 110.78 million, or just over 15 million USD.

From the side of Dangsheng, it made an official announcement of this lawsuit and stressed that up to know it has submitted more than 400 patent applications in China and abroad, of which 200 had been granted. Moreover, the company has been participating in the formulation of many national standards.

Infringement lawsuits involving hundreds of millions of dollars generally have a profound impact on the industry in which they are filed. As China's awareness of strengthening intellectual property protection increases, the subject matter of litigation damages is gradually hitting new highs.

Further information can be found [here](#). (Chinese)

About

SONODA & KOBAYASHI is a law firm offering dependable legal services for intellectual property. Our multinational team of about 100 experts in technology, law, languages and international communication has served companies worldwide and gained a reputation for thoroughness and reliability.

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