

On the Establishment of a World IP Systems User's Platform*

Project Team on World IP Systems User's Platform

(Abstract)

This article explains the conception and purpose of the World IP Systems User's Platform proposed by the Japan Intellectual Property Association and outlines past activities concerning the Platform, and further introduces the preparations for the Trilateral Industry Meeting of Japanese/American/European IP users scheduled in February 2004 concurrently with the "3rd JIPA IP Symposium".

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1. Introduction

The business activities of enterprises are more and more globalized, but the differences among the IP systems of each nation and the ways they are operated have become major obstacles for such activities. For these enterprises, reduction of IP related expenses has become a pressing need.

In view of these circumstances, Japan Intellectual Property Association (JIPA) has long been making various proposals concerning the harmonization of IP systems and their operation to the Japan Patent Office (JPO), international institutions such as WIPO, and the Patent Offices as well as other governmental authorities of each country. It has been desired that JIPA should form ties with IP related organizations (user groups) of other countries having the same or similar policies or problems, so that we all together may discuss common problems and make joint proposals.

JIPA decided to start up a project for the establishment of a world IP systems user's platform in FY2001 (the president of JIPA was Mr. Sawai at that time). First, it was decided to ex-

change opinions and information for establishment of ties with IP related organizations in the US and Europe and discuss future steps to be taken.

Around the same time, in Japan the movement to strengthen the nation's industrial competitiveness based on a foundation of intellectual properties gained momentum. The Intellectual Property Strategy Council chaired by the Prime Minister Junichiro Koizumi was established, the "Outline for Intellectual Property Strategy" was compiled in July 2002, the Intellectual Property Basic Law was established in November 2002, and the government announced the Intellectual Property Strategy Promotion Plan in July 2003. In response, the relevant governmental authorities are pursuing various investigations for the realization of the goals. In the US, the United States Patent and Trademark Office announced its "Strategic Plan for the 21st Century".

2. Purpose

The principal purpose of the "establishment of a world IP systems user's platform" proposed by JIPA is for IP user groups, mainly consisting of enterprises in each country, to exchange their opinions and information concerning their common problems and policies, discuss those matters, and make joint proposals and requests to the relevant authorities, thereby establishing a better IP system from the standpoint of users and improving these systems' operation.

JIPA's ultimate goal is to establish a

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global uniform patent system, but more practically as the first step our goal is to cooperate with the IP related user groups in other countries to make it possible for users to obtain patents for an invention at the same time through examinations with the same content in each Patent Office worldwide.

The “world IP systems user’s platform” is not a single organization; rather, the organizations from each country, such as JIPA, would continue their independent activities as they form ties and cooperate positively with each other to attain goals on which they can agree. Although we will aim at forming ties among all countries in the future, currently we will concentrate on a trilateral framework among Japan, the US and Europe to exchange opinions and information and hold discussions so that we may achieve concrete results through joint proposals and requests to the relevant authorities.

3. Past Activities

As the first step toward the establishment of a world IP systems user’s platform, a delegation to the US and Europe led by the president of JIPA at the time, Mr. Sawai, was planned in October 2001, but unfortunately, this delegation was canceled because of the terrorist attack on the World Trade Center of New York on September 11, 2001.

In November 2002, a delegation to Europe led by the president of JIPA at the time, Mr. Ezaki, visited the Union of Industrial and Employer’s Confederations of Europe (UNICE), and explained our proposal of the establishment of a world user’s platform, starting with the establishment of trilateral user’s platform, to Mr. Thierry Sueur, the vice president of UNICE’s Working Group on Patents, and other members, and asked for their cooperation. We were dismayed that they did not express much interest in the topic at that time, but shortly after that we were relieved to hear the presentation made by Mr. Sueur at the 20th anniversary symposium for the cooperation of Trilateral Patent Offices held in Vienna, in which he stressed the importance of cooperation among the trilateral users and demonstrated the willingness of UNICE to take positive measures to accomplish this, stating “the trilateral Patent Offices have been coop-

erating among each other in the improvement of IP systems, but now on, we would like the trilateral user groups in Japan, the US and Europe to cooperate in making studies and proposals on the proper operation and improvement of IP systems.”

Then, as the next step, a delegation to visit the U.S. visited the American Intellectual Property Law Association (AIPLA) and the Intellectual Property Owners Association (IPO) in February 2003, to explain the establishment of the trilateral user’s platform, and request their cooperation. Since the UNICE had approved this idea, the two US groups readily agreed to realize the idea as soon as possible.

As a result of these approaches, the 1st Trilateral Industry Meeting was held, hosted by UNICE and AIPLA, on the day before the PCT Reform Forum (April 7, 2003) sponsored by AIPLA and FICPI (International Federation of Intellectual Property Attorneys). For JIPA this was the realization of a long-held dream, and a delegation of three led by the then-president Mr. Sakuda was prepared. However, due to the outbreak of the Iraqi War, JIPA was forced to cancel sending its delegation to the meeting, and cause inconvenience to many people concerned in the US and Europe. In the end, JIPA participated in the meeting through exchange of documents, and sent proposals on (1) reinforcement of IP strategy in Japan (including the judicial system reform) and (2) use of PCT (namely, the promotion of the use of electronic applications and machine translation system), and further sent opinions and reports concerning the agenda proposed by the delegations from the US and Europe in advance.

JIPA proposed that the next meeting (to be held in Autumn 2003 or early in 2004) should be held in Tokyo, and this proposal was welcomed by the people concerned in the US and Europe, with the details (such as the time and place) to be determined later.

As a result of this formation of ties and information exchange among the trilateral user groups, positive expression of opinions from the viewpoint of users was made, such as the opinion of AIPLA concerning the amendment of Article 35 of the Japanese Patent Law in relation to the employee’s invention, opinion of JIPA on the U.S. Strategic Plan for the 21st Century, the trilateral exchange of opinions concerning the

SPLT and PCT Reform drafted by WIPO, as well as the proposal of JIPA at the meeting Trilateral Offices and industry held by the Institute of Intellectual Property of Japan. Gradually these opinions and requests are having influence in various circles.

4. Future Activities

Taking the opportunity of the 3rd JIPA IP Symposium to be held on February 24, 2004 at the Tokyo Big Site, JIPA made a proposal to host the 2nd Trilateral Industry Meeting, following the 1st meeting in Nice, in Tokyo on February 25, 2004. This proposal was approved by the counterpart groups from the US and Europe. UNICE members from Europe and the IPO members and the AIPLA members from the US are scheduled to attend the meeting, and we are thinking of discussing the problems common to the trilateral regions, and making joint proposals and requests on those problems on which the three agree, to the relevant authorities (for example, WIPO or each Patent Office of Japan, the US and Europe). Further, our plan is to invite the attendees of the meeting to the above JIPA symposium as panelists to present their opinions and proposals from the user's point of view. The specific themes for discussions at the Tokyo meeting will be determined later among the trilateral members, but we are considering WIPO related themes like the PCT Reform and SPLT, Trilateral Patent Offices themes like the common use of the prior art search results and conclusions, and Asian Patent Offices themes such as the strengthening of enforcement procedures regulating counterfeit products.

For the future proceedings, JIPA plans to propose a system of rotating the host nation among the trilateral groups, in which the host will substantially operate the business office for the trilateral IP users until the next meeting. We are planning that the meeting should be held

once a year at the minimum and that extraordinary meetings should be held as necessary for discussing important issues. We will also make efforts to have exchange of opinions and information via e-mail as necessary regardless of the timing of the meetings, and we are determined that the JIPA delegation visiting the US or Europe will visit these user groups without fail to exchange opinions and information. At any rate, these cooperative activities will bear fruit only if we continue them actively. Therefore, JIPA will be committed to the strengthening of the system for facilitating the cooperation among user groups in the US and Europe by, for example, strengthening the arrangements for contact with the other groups.

5. Conclusion

Since JIPA formally made proposal of the establishment of a world IP systems user's platform in FY2001, we have formed a project team and made explanations and requests to counterpart user groups in the US and Europe, aiming at cooperation among the trilateral IP user groups on the ground of the examination made by the counterpart committees and discussions made in the regular board meetings. This project is getting on track at last. This project has attracted the attention of people concerned at the Trilateral Patent Offices, and in the future we must generate more specific results and continue our efforts.

JIPA, realizing that it is the world's largest IP user group, will be committed to the promotion of more positive activities for the benefit of its member enterprises, with the initial goal of establishing a trilateral user's platform as a step toward a global user's platform, and finally for the realization of our ultimate goal, a global uniform patent system.

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