
ACTIVITIES of JIPA

Summary Report of the Trilateral IP Systems Users' Conference

On February 25, 2004, the Trilateral (Japan, USA and Europe) IP Systems Users' Conference was held in a conference room of JIPA in Tokyo.

Trilateral IP Systems Users' Conference was held for the purposes of "aiming at establishing a better intellectual property system for users and improving management thereof by exchanging views about common problems and policies of intellectual property systems users' organizations in the world". This Conference took place because of JIPA's appeal to each of AIPLA (American Intellectual Property Law Association), IPO (Intellectual Property Owners Association) and UNICE (Union of Industrial and Employers' Confederation of Europe), patent organizations representing Western countries.

Total of 32 people from JIPA (18), AIPLA (4), IPO (5) and UNICE (5) participated in this second session of the conference, and were able to have a lively discussion over high-level matters as follows.

1. Unifying patent application forms (Same format)

JIPA proposed a draft of unified form based on the PCT application form, aiming at unifying different patent application forms currently adopted by respective countries in order to achieve the ultimate goal of establishment of the world-unified patent system through patent harmonization (one application, one prior art search, one patentability examination, one patent).

2. Proposed EU Directive on the Patentability on the Computer-Implemented Inventions

EU Committee issued a proposal of the EU Directive on the Patentability on the Computer-Implemented Inventions to the effect that "computer-implemented inventions should be excluded from patent protection (except for those relating to production of products)", and UNICE gave an explanation of the past process and future development. Trilateral side confirmed its position to oppose such proposed directive because the current scope of patent protection should be maintained, however, it was decided that UNICE would continue to keep watch on the situation and report on changes, if any.

3. Substantive Patent Law Treaty: SPLT

As opposed to the Patent Law Treaty discussed by WIPO, the present situation of patent harmonization was explained by AIPLA/IPO. Currently, patent harmonization is at a deadlock because it has a lot of problems such as a scope of patent protection, handling of prior art (including



unpublished applications), first-to-file system/first-to-invent system, and it seems difficult to iron out different opinions of respective countries. It was confirmed that the trilateral side should grope for a scope in which different opinions can be ironed out (minimum package) before a WIPO meeting so that the trilateral side can advance and that a definition of prior art and handling of unpublished applications should be discussed as a first priority.

4. Employee's invention system

Recently, Japanese courts have made a lot of judgements that order payment of a large amount of money as consideration for an employee's invention in employee's invention-related lawsuit (assurance of consideration for assignment of inventions). Details of such judgements and problems of the Japanese patent system (Article 35 of the Patent Law) were introduced, and the circumstances of respective countries' compensation system and the ideal state of the employee's invention system were discussed. UNICE expressed its opinion, "although they say that the Japanese patent system followed the German system, payment of such a large amount of money is never ordered even in Germany", and AIPLA expressed its opinion "proposed amendment of the Japanese Patent Law will never prevent lawsuit".

List of participants

AIPLA

Mr. Rick Nydegger, President of AIPLA
 Mr. Alan Kasper, Member of AIPLA Board of Directors
 Mr. John Johnson, Co-Chair of AIPLA IP Practice in Japan Committee
 Mr. Mike Kirk, AIPLA Executive Director

IPO

Mr. J. Jeffrey Hawley, President of IPO (Eastman Kodak)
 Mr. William J. Coughlin, Ford Motor Co.
 Mr. John M. Vasuta, Bridgestone Americas Holding, Inc.
 Mr. Larry T. Welch, Eli Lilly & Co.
 Mr. Herbert C. Wamsley, IPO Executive Director

UNICE

Mr. Thierry Sueur, Air Liquide
 Mr. Jean-Yves Monod, Michelin
 Mr. Tony Rollins, AMERSHAM, UK
 Mr. Bertram Huber, Bosch
 Mr. Jerome P. Chauvin, UNICE Secretary

JIPA

Mr. Yasuo Sakuta, President of JIPA
 Mr. Kazumasa Abe, Vice-President of JIPA
 Mr. Takashi Nakayama, Vice-President of JIPA
 Mr. Kazuo Kamisugi, Vice-President of JIPA (Chairperson)
 Mr. Naoto Kuji, Vice-President of JIPA
 Mr. Yasuhiro Tabata, Managing Director
 Mr. Koji Hasegawa, Managing Director
 Mr. Isamu Sojyo, Executive Managing Director
 Mr. Masahiro Ezaki, Leader of Policy & Strategic PJ
 Mr. Takashi Sawai, Leader of Policy & Strategic PJ
 Mr. Kiyonori Mitsunusi, Planning Staff
 Mr. Hiroshi Kuranaga, Planning Staff
 Mr. Yuji Toda, Chairman of The Second Patent Committee
 Mr. Nobuhiko Nishio, Chairman of The First Patent Committee
 Mr. Hirohiko Usui, Chairman of The Second International Affairs Committee
 Mr. Makoto Tamari, Chairman of Software Committee
 Mr. Hideo Doi, Director of Policy & Strategic Division (Secretary)
 Mr. Toshiaki Ishihara, Staff of Policy & Strategic Division

