

# JAPAN INTELLECTUAL PROPERTY ASSOCIATION

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Dr. W. M. Dhumane and Dr. Usha Rao  
Office of The Controller General of Patents,  
Designs & Trade Marks  
Boudhik Sampada Bhavan  
S. M. Road, Antop Hill  
Mumbai-400 037 (India)

Dear Dr. W. M. Dhumane and Dr. Usha Rao,

**Re: JIPA Comments on the issues related to Working of patents under the Patents Act, 1970.**

We, the Japan Intellectual Property Association "JIPA", are a private user organization established in Japan in 1938 for the purpose of promoting intellectual property protection, with about 940 major Japanese companies as members. When appropriate opportunities arise, we offer our opinions on the intellectual property system of other countries and make recommendations for more effective implementation of the systems.

(<http://www.jipa.or.jp/english/index.html>)

Having learned the Circular on your website which request stakeholders to submit their comments on the issues related to Working of patents under the Patents Act, 1970, we would like to offer our opinions as follows.

Your consideration on our opinions would be greatly appreciated.

Sincerely yours,

(Osamu IKEMURA)

Managing Director

Japan Intellectual Property Association

**JIPA Comments on the issues related to Working of patents under the Patents Act, 1970.**

It is an excessive burden to patentees who own many patents or licensees to investigate the condition of working of patents to prepare information necessary for the submission of a statement on the working thereof, and to pay the fees for entrusting the submission to agents every year. It may cause them to refrain from filing applications in India. If foreign companies, in particular, who intend to protect results of their technical development in India by patents, are forced to bear an excessive burden to maintain the patents, they may refrain not only from filing applications in India but also from investing in India, such as establishing research and development bases.

The CGPDTM of India discloses, on its website, the PDF files of statements on the working of patents submitted by applicants under Section 146(3) of the Patents Act. Most of the descriptions in the statement are companies' trade secrets, such as sales quantity, price and license information. For patentees and licensees, disclosure of such information to their competitors may cause loss of their competitiveness in their future businesses.

Therefore, we would like to abolish the system of submitting statements on the working of patents.

If it is impossible, we would like to request that descriptions including trade secrets, in particular sales quantity, price and license information (License granted (Yes/No), and Licensee name), should be removed from statements on the working of patents.

If both requests are not accepted, we would like to request these descriptions are kept undisclosed in the statements, or to allow the descriptions to be undisclosed upon appeal as with the license registration system.