

# Activities of Japan Patent Attorneys Association (JPAA)

Topic 4  
October 27, 2014

*Takao Matsui*

Patent Attorney,  
Okabe International Patent Office , (Tokyo Japan)

Japan Patent Attorneys Association (JPAA)

# Overview

1. Japanese Patent Attorney System
2. Patent Attorney Contributions
3. Credibility Maintenance System

# 1. Japanese Patent Attorney System

# 1. Japanese Patent Attorney System *History*

1885 Monopoly Rule(Patent Rule)

1886 Japan Patent Office

1921 Japanese Patent Law  
Patent Attorney Law

1922 Patent Attorney Association

1899 Patent Attorney registration system  
(138 attorneys registered)



# 1. Japanese Patent Attorney System *History*



# 1. Japanese Patent Attorney System *History*

2005 IP High Court

Amendments of Patent Law  
Patent Attorney Law



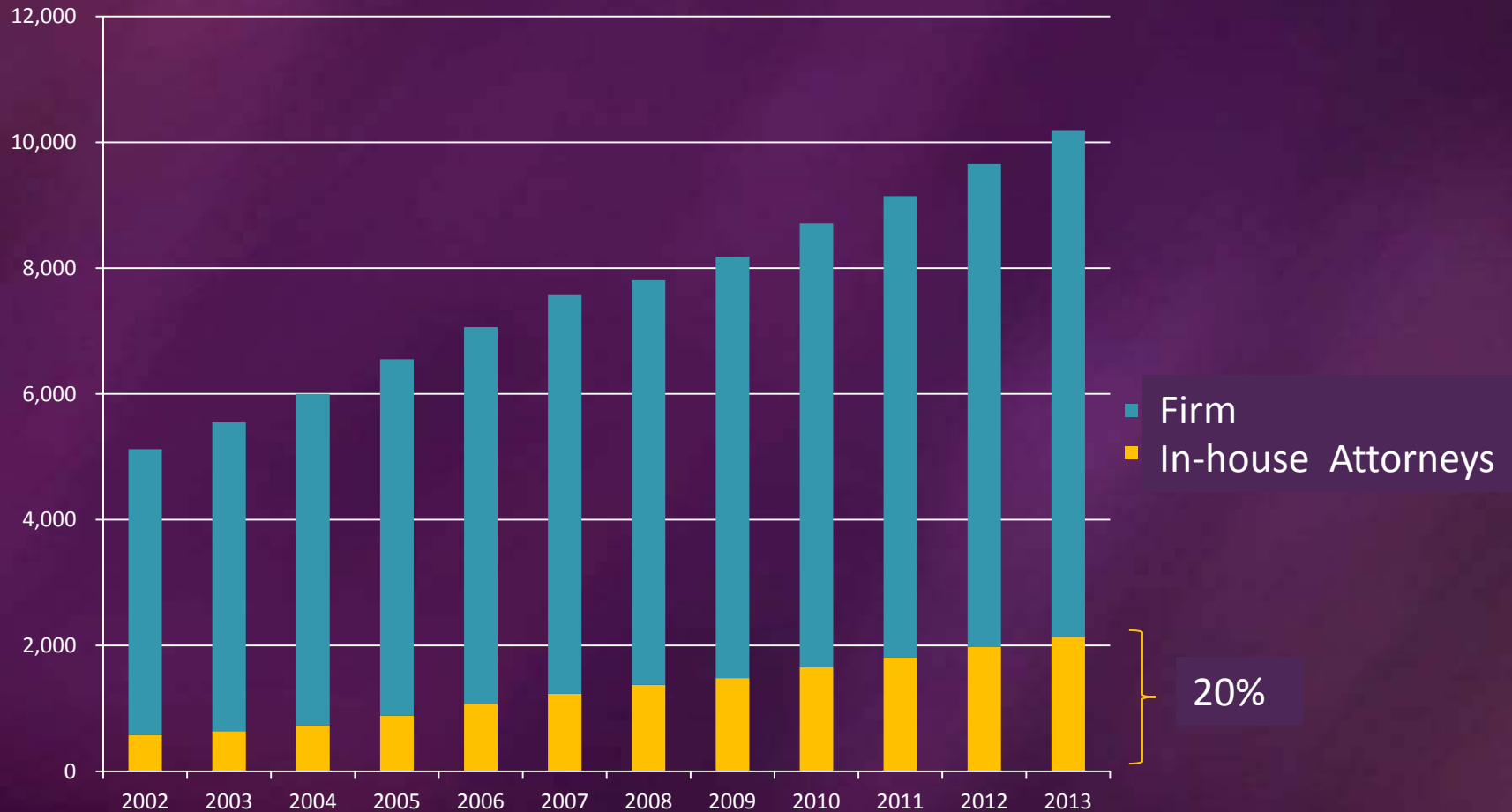
Expansion of Authorized Scope of Services

2003 Authorized to act as counsel  
in intellectual property right  
infringement lawsuits (Civil lawsuits)

1999 Centenary of Patent Attorney System

# 1. Japanese Patent Attorney System

## *Statistic*



# 1. Japanese Patent Attorney System

## *Scope of Authorized Professional Service*

### *<Prosecutions>*

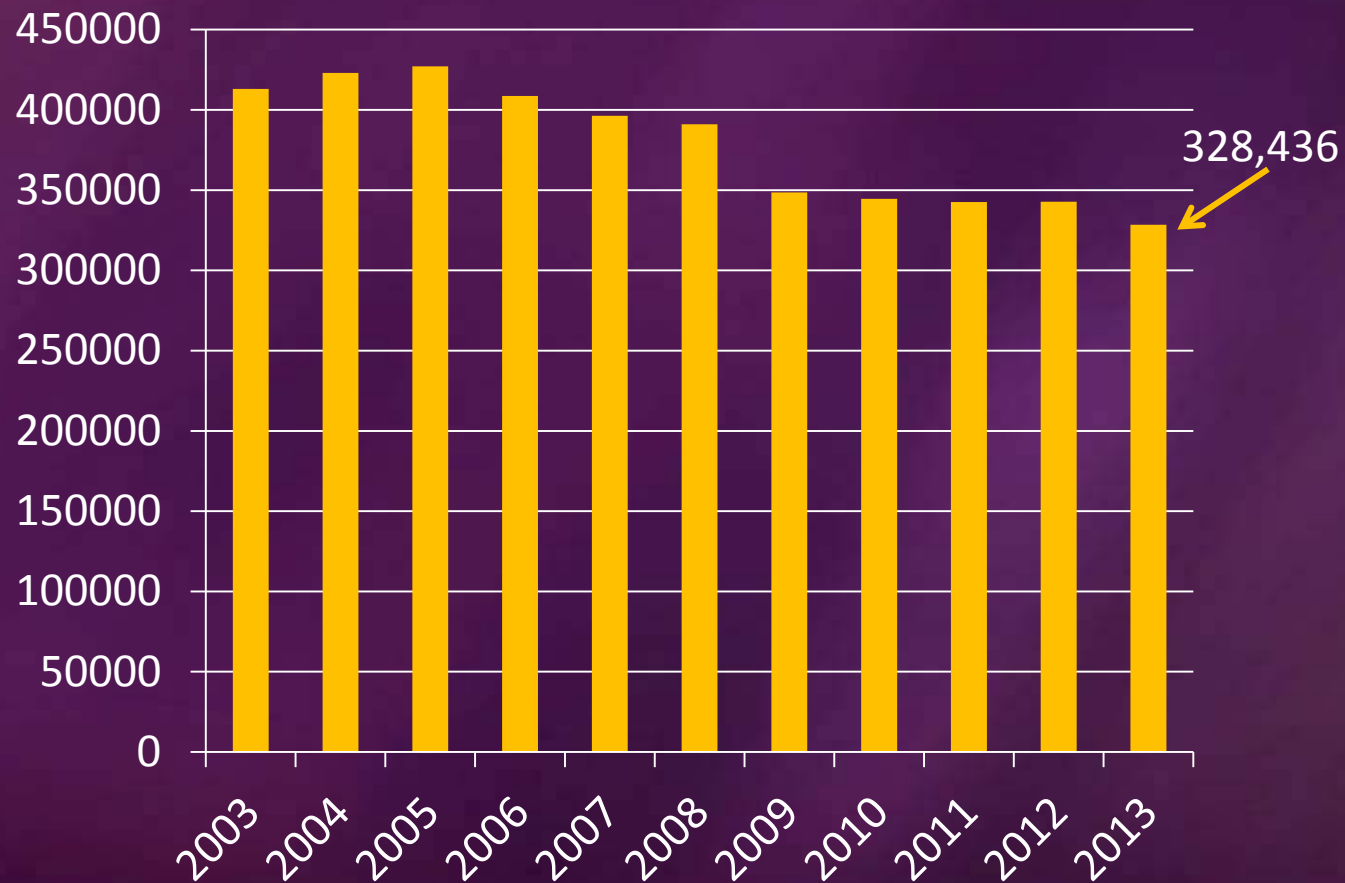
- 1. All actions for JPO, regarding patents, utility models, industrial designs, and Trademarks
  - Filing Applications (Domestic, International)
  - Actions for Appeal Trials for Decision of Rejection, Invalidation Trials, Oppositions in JPO



# 1. Japanese Patent Attorney System

## *Scope of Authorized Professional Service*

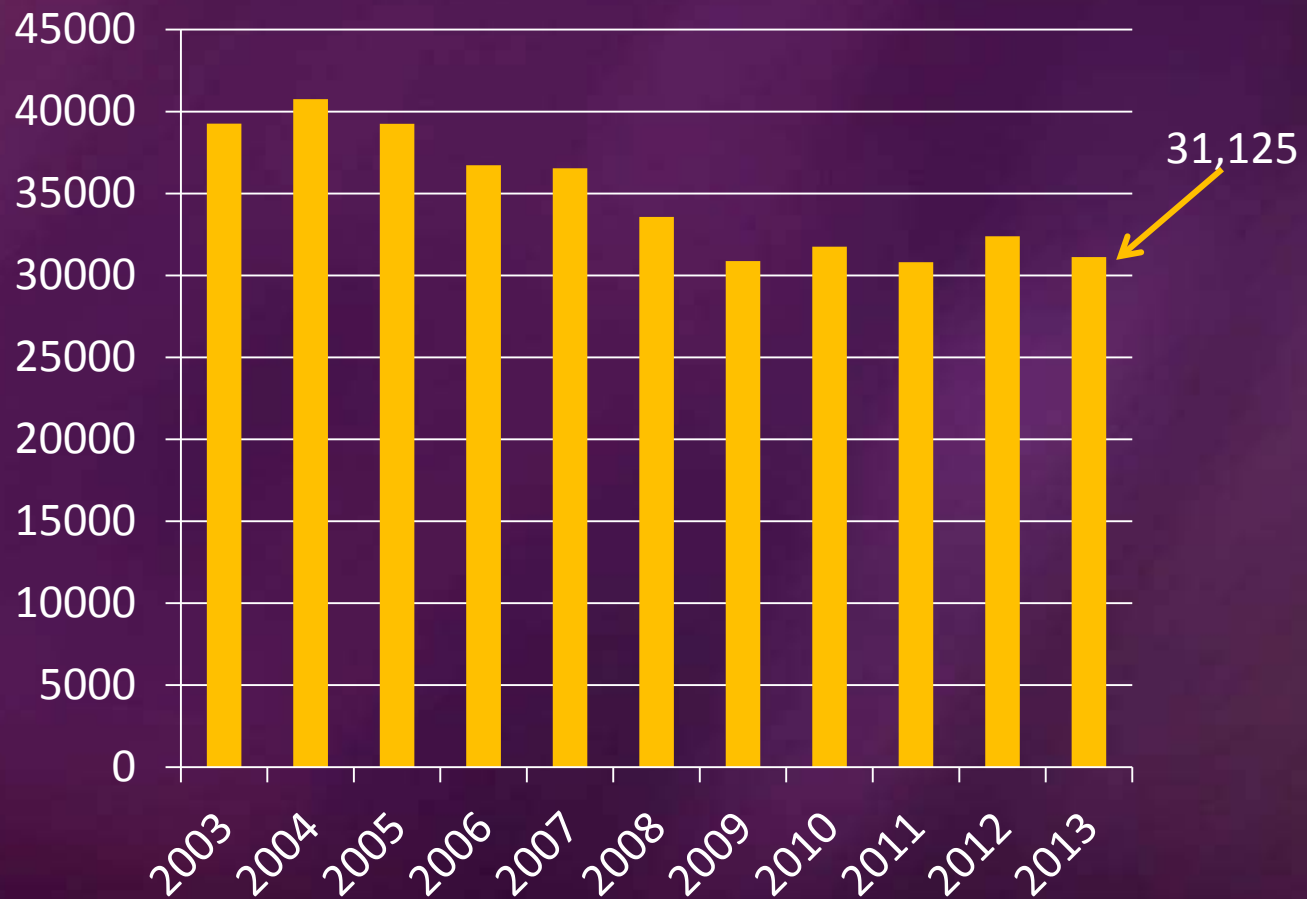
<Application Numbers of Invention Patent>



# 1. Japanese Patent Attorney System

## *Scope of Authorized Professional Service*

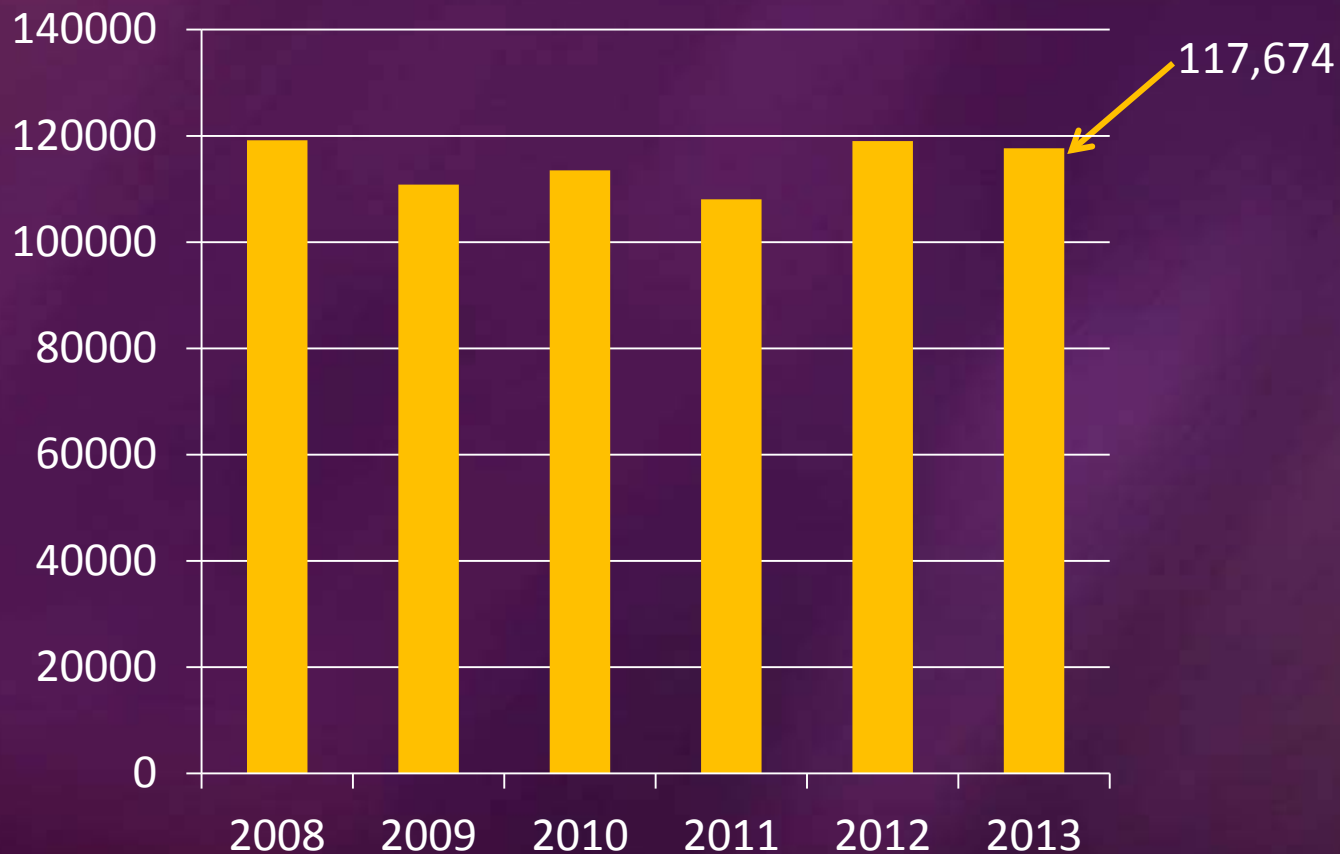
<Application Numbers of Industrial Designs>



# 1. Japanese Patent Attorney System

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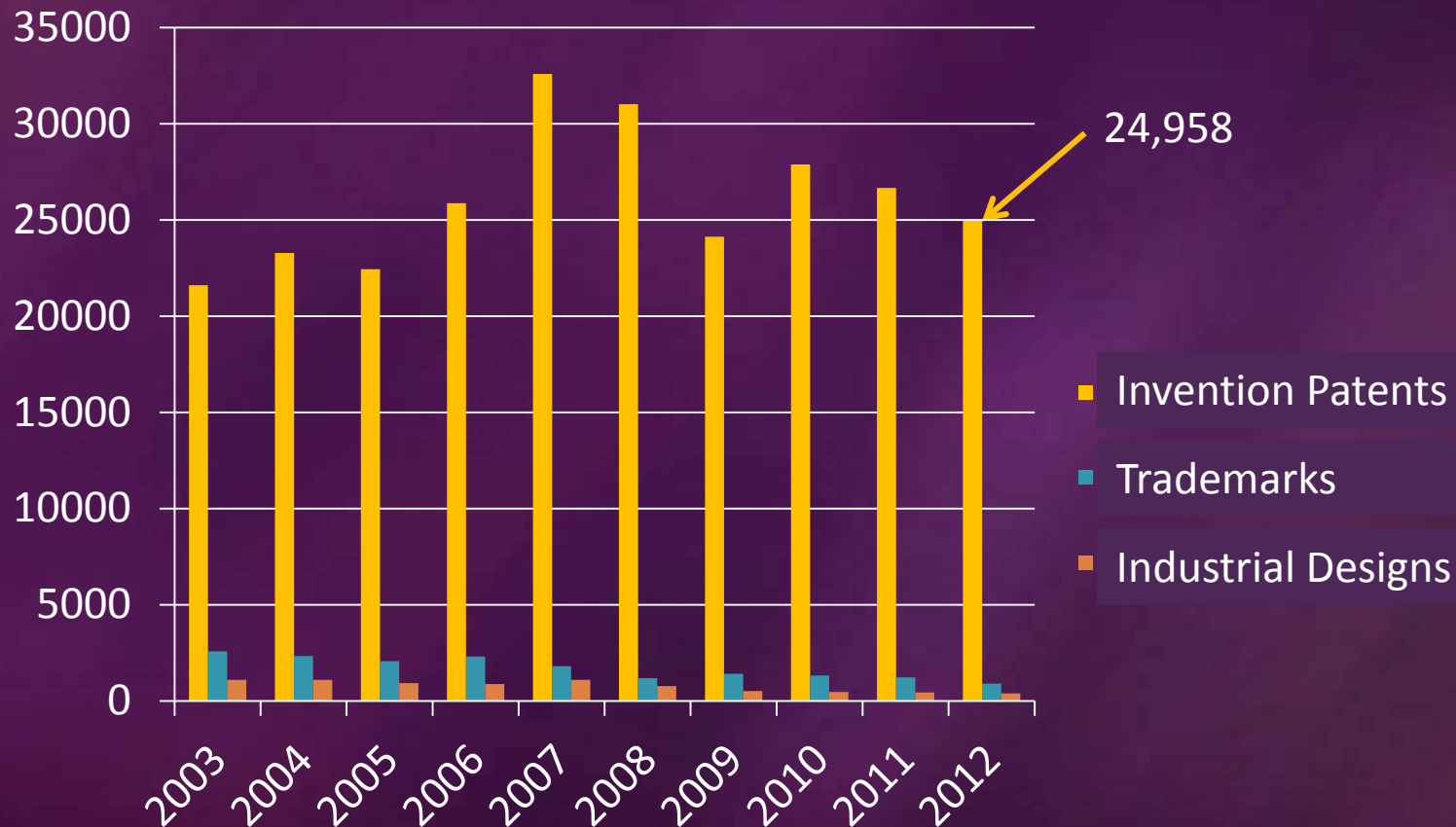
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# 1. Japanese Patent Attorney System

## *Scope of Authorized Service*

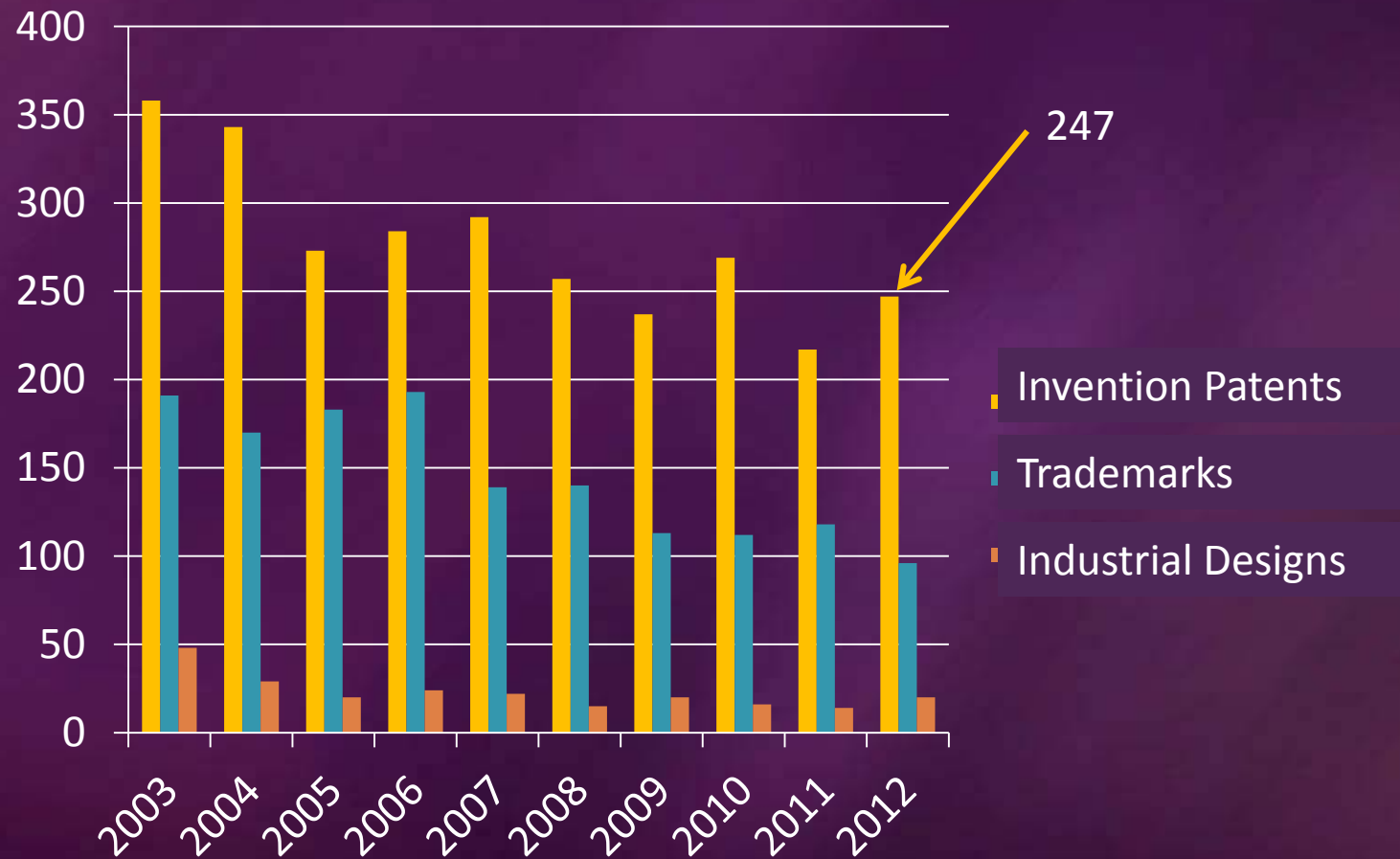
<Requested Numbers of Appeal Trials  
for Decision of Rejection in JPO>



# 1. Japanese Patent Attorney System

## *Scope of Authorized Service*

<Requested Numbers of Invalidation Trials in JPO>



# 1. Japanese Patent Attorney System

## *Scope of Authorized Service*

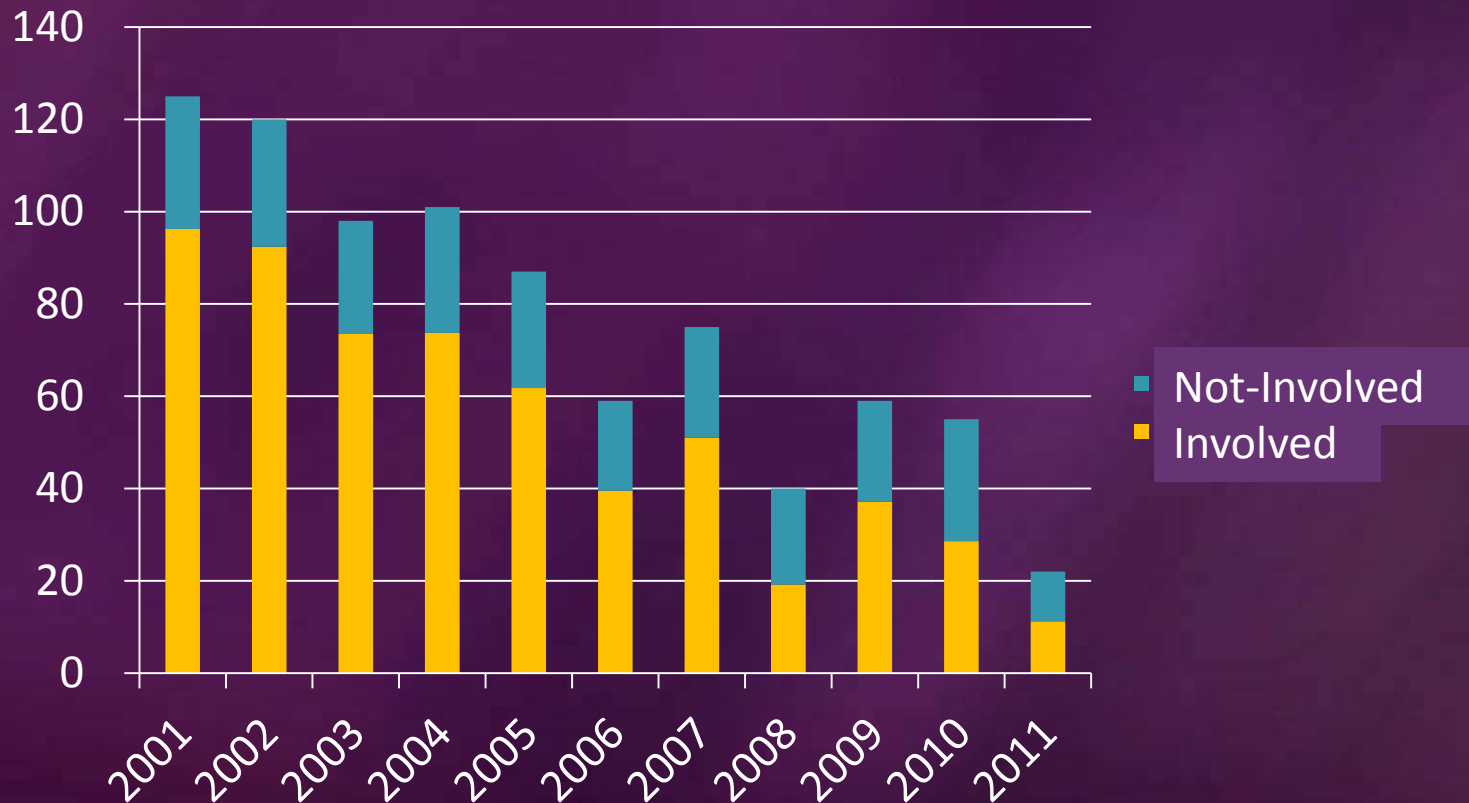
### *<Court Proceedings>*

- 2(a) Action as assisting counsel in court in IP related infringement lawsuits,
- 2(b) Action as counsel, in court in industrial property lawsuits, for cases regarding appeals against JPO decisions.
- 2(c) Action as counsel in court in IP related infringement lawsuits, for cases of specific infringement lawsuits in which an attorney-at-law has been entrusted by one and the same client.

# 1. Japanese Patent Attorney System

## *Scope of Authorized Service*

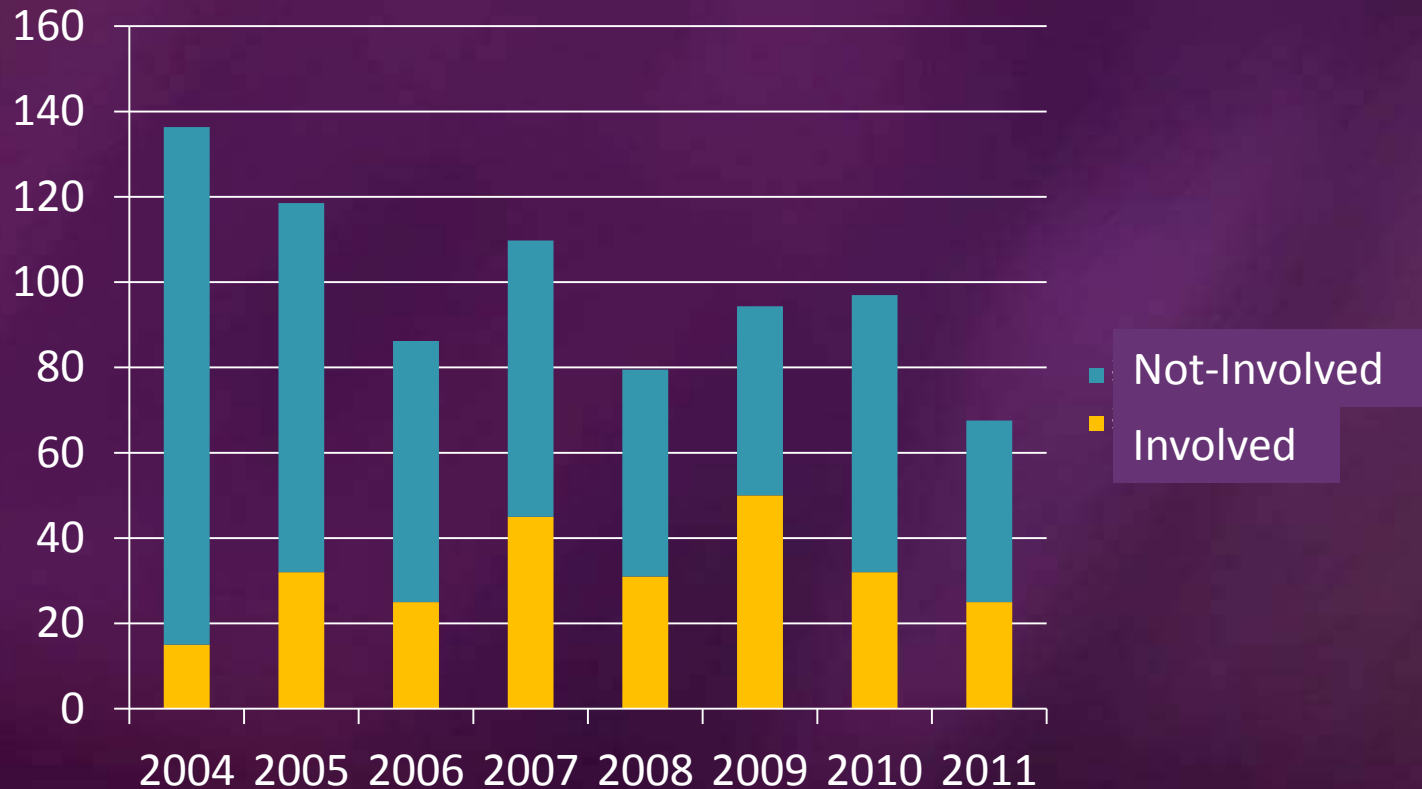
<Case Numbers Patent Attorney Involved as assisting counsel  
Regarding Patents, Utility Models and Industrial Designs >



# 1. Japanese Patent Attorney System

## *Scope of Authorized Service*

*<Case Numbers Patent Attorney Involved as as counsel Regarding Patents, Utility Models and Industrial Designs >*





# 1. Japanese Patent Attorney System

*Scope of Authorized Professional Service*

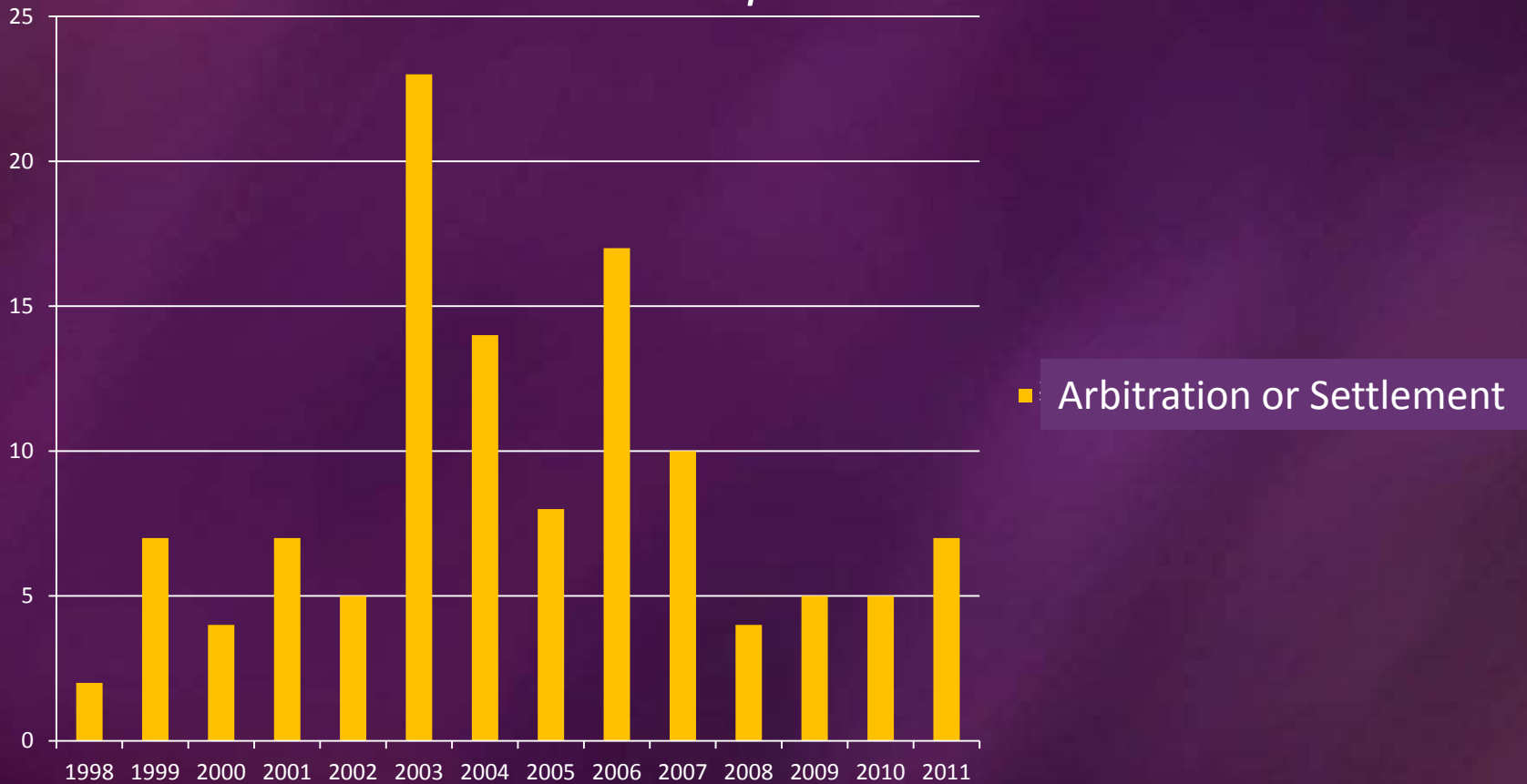
## *<Other Services>*

- 3. Arbitration or Settlement regarding IP issues in the Japan Arbitration Center
- 4. Border seizure in Customs Office
- 5. Contract

# 1. Japanese Patent Attorney System

## *Scope of Authorized Professional Service*

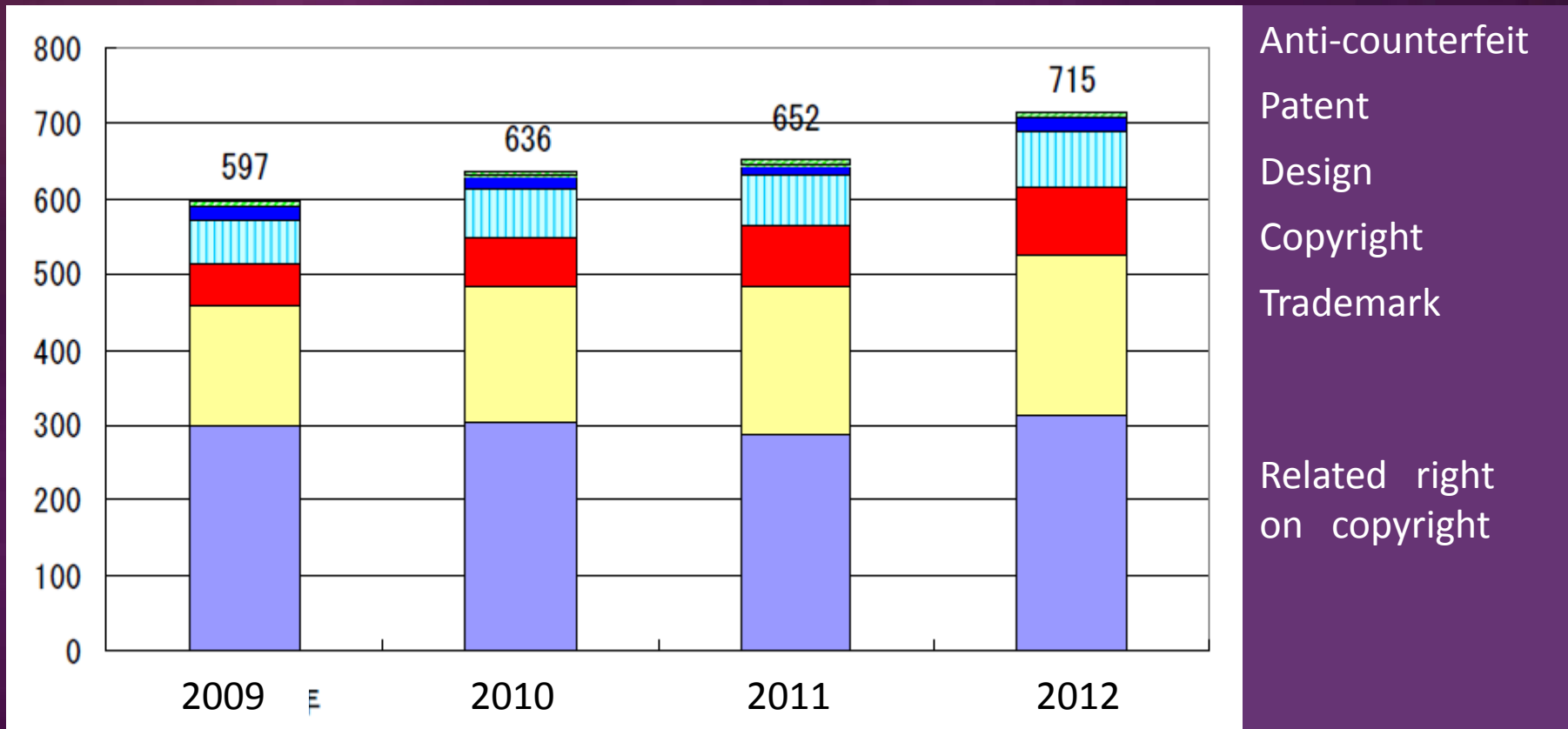
<Arbitration Case Numbers in Japanese IP Arbitration Center>



From JPO website: February 2016, Industrial Structure Council Document

# 1. Japanese Patent Attorney System

## *Scope of Authorized Service*



# 1. Japanese Patent Attorney System

## *Scope of Authorized Service*

### *<IP attorney>*

- “Patent” is used in translation of Japanese-language term of “Japanese Patent Attorney”, but the scope of the authorized service includes:
  - All IP Area: Industrial design, Trademark, Copyright
  - prosecutions, court actions in litigations,

“Japanese Patent Attorney” is  
not so much “patent attorney” as “IP attorney”

## 2. Patent Attorney Contributions

## 2. Patent Attorney Contributions

*<Contribution by Patent Attorney>*

- Contribution by Individual Attorney
- Contribution by JPAA

## 2. Patent Attorney Contributions

### *Contribution by individual attorney*

- Not Only Providing Authorized Professional Services
  - But Also Providing Services of:
    - IP management
    - Search for prior arts
    - Consulting
    - Evaluation of IP
    - Management Advice
- = Expected to support for not only Large Scale Companies but also Smaller Business Enterprises

## 2. Patent Attorney Contributions

### *Contribution by JPAA*

- 10,173 members (February 28, 2014)
- Organization
  - Board (1 President, 8 vice-presidents and 11 Executive Director)
  - 6 Affiliated Organizations (e.g. International Activities Center)
  - Committees more than 40
  - Branch Offices in prefectures



## 2. Patent Attorney Contributions

### *Contribution by JPAA*

- Assisting Administrative Offices by sending JPAA members as professional attorneys
- Assisting inventors in Consultancy Office of Administrative Corporations by sending JPAA members as professional attorneys

## 2. Patent Attorney Contributions

### *Contribution by JPAA*

- Providing Free Consultation Service related to IP in JPAA building
- Sending a consultation group to held IP seminars in a local area in Japan
- Sending members to a local area in Japan to assists small business enterprise regarding IP issues

## 2. Patent Attorney Contributions

### *Contribution by JPAA*

- Sending lecturers to Elementary and Junior High schools to teach:
  - Creative activity
  - Benefit for creating invention
- *Hosting or Joint-Hosting IP Events*
  - Design patent contest
  - Invention patent contest
  - Anti-counterfeit

## 2. Patent Attorney Contributions

### *Contributions by JPAA*

#### *<International Activity>*

- *Exchanging activity with Foreign Administrative Organization and Foreign Attorneys Associations of*
  - US, Europe, China and Korea etc.
- Assisting development countries with JPO by sending JPAA members as professional attorneys
- Providing opinions or public comment for domestic or international IP related issues

## 2. Patent Attorney Contributions

### *Contributions by JPAA*

#### *<International Cooperation Activity>*

##### ● *Asia Seminar*

- Training Seminar for Patent and Trademark Practitioner
- Held for practitioner education purpose in ASEAN countries, in Spring every two years since 2005
  - 2015 Spring, Jakarta in Indonesia
  - 2013 Spring, Bangkok in Thailand
  - 2011 Spring, Manila in Philippine
  - 2009 Spring, Kuala Lumpur in Malaysia
  - 2007 Spring, Hoch mine city in Vietnam
  - 2005 Spring, Singapore

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## 3.Credibility Maintenance System

# 3.Credibility Maintenance System

Regulated under Patent Attorney Law



Compulsory Registration System

&

Admission as JPAA member



Authorization  
as Patent Attorney

Obligations  
as Patent Attorney



# 3.Credibility Maintenance System

## <Compulsory Registration System>

- Qualification examination
- Practical Training (pre-registration training) Course
- Admission Review for Registration by JPAA

# 3.Credibility Maintenance System

## <Obligation as Patent Attorney>

- Compliance Obligation for Patent Attorney Law and its related rules
- Compliance Obligation for JPAA rule and regulations
- Obligation to pay JPAA membership fee

For Maintaining the integrity as Patent Attorney

# 3.Credibility Maintenance System

- To maintain the integrity as Patent Attorney
  - do our best for brushing up practical skills at any time  
→ Training System
  - Keep our ethical mind at high level  
→ Punishment System

# 3.Credibility Maintenance System

## <Training System>

- Mandatory Periodical Trainings ruled under Patent Attorney Law
  - 70 hr-trainings for 5 yrs including:
    - i) 10 hr-trainings for ethics as attorney;
    - ii) compulsory trainings for latest amendments of IP laws; and
    - iii) practical trainings
  - continues as long as registered
- Supplemental Trainings (Voluntary)
- Mandatory Practical Training (pre-registration training)

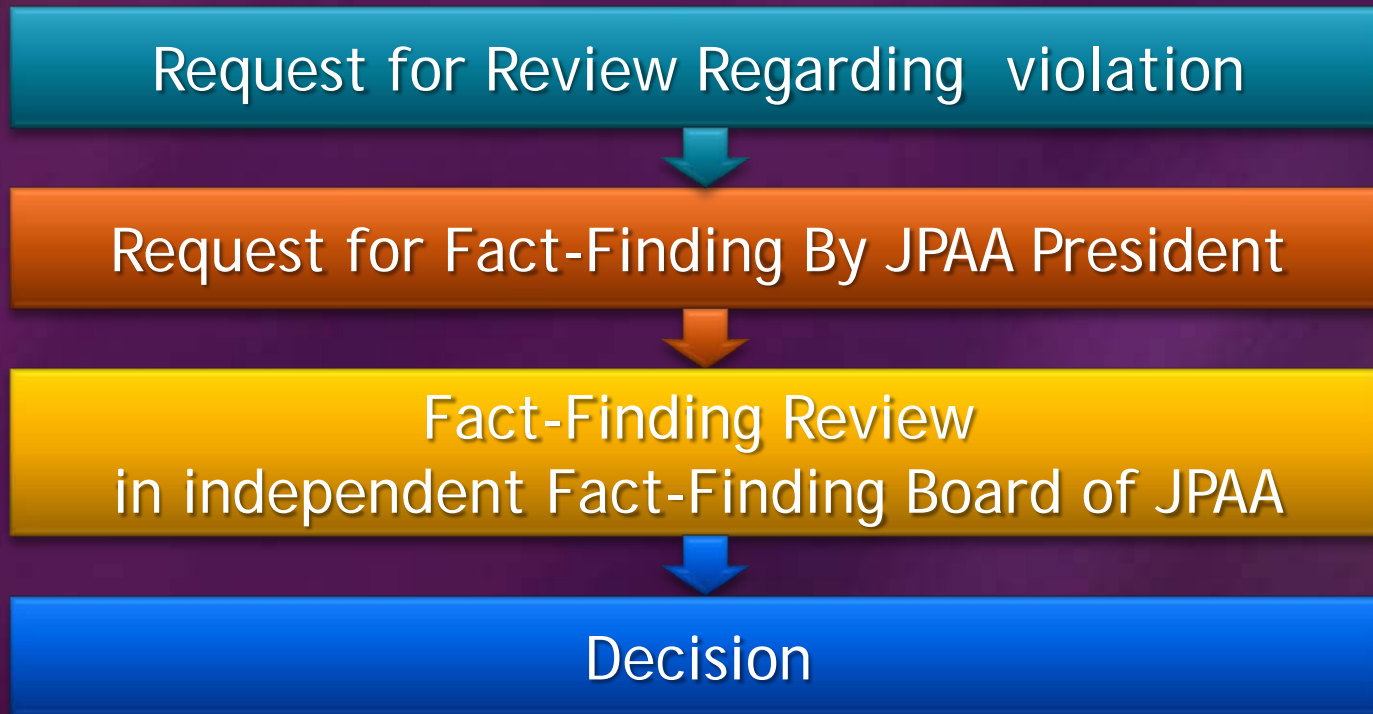
# 3.Credibility Maintenance System

## <Punishment System>

- In Patent Attorney Law, a Japanese patent attorney is ruled to:
  - Keep basic ethical and professional duty
  - Be Prohibited to engage in acts that would harm reputation in the dignity of attorney
  - Keep the secrets for the provided services without justifiable reasons
  - Be prohibited to provide professional services for other clients conflicting with our present client

# 3.Credibility Maintenance System

## <Punishment System>



# 3.Credibility Maintenance System

## <Punishment System>

- For Absence of Mandatory Trainings, less than 70hrs for 5yrs
- For Violations of the obligation ruled in patent attorney law
  - (1) Reprimand(Official warning)
  - (2) Suspension of professional service up to 2yrs
  - (3) Prohibition of professional service
    - = Disqualification of JPAA membership
- For Violation of obligation of secrecy
  - criminal punishment

# 3.Credibility Maintenance System

## <Punishment System>

- Credibility for Patent Attorney in Japan is supported by:
  - Patent Attorney System under patent attorney Law
  - Control System by JPAA as Private Autonomy
  - High Moral Fiber kept in individual attorney



*Thank you for your attention.*

matsui@okabeintl.gr.jp