

## Program

Designed especially to fulfill the practical needs of intellectual property practitioners and creators, over the course of two days this seminar will provide attendees with a working overview of the Japanese system and environment. Each session will provide specific tools and information that applicants, small and large, and their agents can use to smooth prosecution, increase the value of their intellectual property, and reduce overall costs.

Monday's sessions will be designed for general interest, while on Tuesday participants will be able to select between two tracks, *Patents and Designs* or *Trademarks and Unfair Competition Law*. To increase the applicability to real-world problems, a number of Tuesday's sessions will return to the real example of how one small Japanese company effectively used IP rights to protect the "stretching board" it developed.

Coffee breaks, meals, and the complimentary Welcoming Reception will provide participants with opportunities to informally network with session presenters and fellow participants.

### Monday, March 19

#### *All Participants*

**08:30-09:00** Welcoming Remarks

**09:00-09:45** Session M-1  
*Japan's Intellectual Property Policy Today*  
**Mr. TASAKA Kazuaki**

In 2002 the Government of Japan began a program of actively supporting the creation and use of intellectual property rights. The session will outline some of the ongoing efforts, including the activities of the Japan Patent Attorneys Association (JPAA), and explain how overseas applicants can take advantage of this work.

**09:45-10:30** Session M-2  
*Recent Developments in Japanese Law*  
**Mr. NODA Masaichi & Mr. NAKA Koichi**

Many revisions to Japanese laws related to intellectual property were passed in 2006, with some changes only taking effect this year. The session will highlight the major changes, especially those that will affect overseas applicants.

**10:30-10:50** Coffee Break

**10:50-11:35** Session M-3  
*A Checklist for Foreign Patent Applicants*  
**Mr. HASHIMOTO Yoichi**

The JPO requires certain specific information and documents from applicants outside of Japan. This session will outline these requirements so that applicants can save time and money at the time of filing a new application.

**11:35-12:20** Session M-4

*Searching Japanese Patent and Trademark Databases*

**Mr. KOSHIKAWA Takao & Ms. SAITO Junko**

Pre-filing searches can save prosecution costs and help in the drafting of new applications. This session will explain how to use free resources, such as the IPDL database, to search for Japanese patent and trademark publications.

**12:20-13:35 Lunch**

**13:35-14:20 Session M-5**

*Invalidation Trials and Appealing to the IP High Court*

**Mr. MATSUI Takao**

Defendants in patent infringement suits will commonly look towards invalidating the issued patent. In Japan, any party may request invalidation of any issued patent at any time. This session will outline the JPO Invalidation Trial system and appeals to the IP High Court.

**14:20-15:05 Session M-6**

*Infringement Litigation and Alternative Dispute Resolution*

**Ms. SUGIMURA Junko**

The presenter, drawing on her experience as a Judicial Technical Official for Tokyo District Court, will outline recent infringement litigation systems and procedures in Japan, explain how to reduce litigation costs, and introduce alternatives to costly litigation.

**15:05-15:25 Coffee Break**

**15:25-16:55 Sessions M-7 and M-8**

*Recent Case Law*

**Mr. ASAI Kenji**

This session will use recently-decided cases involving patent law to highlight key points of concern to applicants, such as how a court is likely to determine infringement, literally or through the Doctrine of Equivalents.

**18:00 Complimentary Welcoming Reception**

## **Tuesday, March 20**

*Patents and Designs Track*

**08:30-10:00 Sessions P-1 and P-2**

*Patent Application Procedures*

**Mr. NISIO Tutomu**

An overview of Japanese patent application procedures in Japan will be presented, with comparison to the laws of Vietnam. The history of a real Japanese company with only 10 employees that used intellectual property rights to establish a profitable monopoly on “stretching boards” will provide an example of effective use of patent rights.

**10:00-10:20 Coffee Break**

**10:20-11:50 Sessions P-3 and P-4**

*Drafting Practical Patent Claims*

**Mr. MORITA Kenichi**

The scope of protection of any issued patent is determined by the claims. This session will provide a few techniques for strengthening the value of claims, and avoiding common pitfalls.

**11:50-13:05      Lunch**

**13:05-14:35      Sessions P-5 and P-6**

***Effectively Responding to Rejections***

**Mr. FUJII Shunsuke**

Very few patent applications are allowed without the issuance of at least one Notice of Rejection. This session will provide tools for effectively responding to JPO rejections, at low cost and without compromising on the scope of the resulting patent.

**14:35-14:55      Coffee Break**

**14:55-16:25      Sessions P-7 and P-8**

***Design Application Procedures***

**Mr. NAKAJIMA Takanori**

This session will provide a simple introduction of Japanese design law, and outline major revisions made in 2006. With reference to Vietnamese design law, the session will deal with topics such as subject matter protectable by Japanese design law, registration requirements, application and examination procedures, and effective use of design rights.

**16:25-16:55      Closing Ceremony**

***Trademarks and Unfair Competition Law Track***

**08:30-09:15      Session T-1**

***Practical Tips for Quick, Low-cost Registration***

**Ms. TOYOSAKI Reiko**

This session will outline strategies for applying for trademark protection in Japan and provide tips, such as how to specify designations to conform with Japanese practice, that will assist in obtaining registration smoothly, without costly rejections.

**09:15-10:00      Session T-2**

***Standards for Determining Similarity of Trademarks in Japan***

**Ms. SAKUMA Yoko**

This session will summarize Japanese examination guidelines and highlight recent decisions to illuminate current trends in similarity judgment, including judgments based on the Unfair Competition Prevention Law.

**10:00-10:20      Coffee Break**

**10:20-11:05      Session T-3**

***An Overview of Distinctiveness***

**Ms. SAKUMA Yoko**

This session will present examples of trademarks which acquired distinctiveness through use, and overview the Japanese practice concerning three-dimensional marks and judgment of their distinctiveness.

**11:05-11:50      Session T-4**

***Recent Significant Judicial Precedents***

**Mr. TANAKA Hideki**

The session will overview some important precedent-setting judicial decisions under the Trademark Law or the Unfair Competition Law.

**11:50-13:05      Lunch**

**13:05-14:05      Session T-5**

***Practical Effects of the Madrid Protocol: Tips for the Practitioner***

**Ms. TAKAHARA Chizuko**

The Madrid Protocol became effective in Japan on March 14, 2000. This session will present tips for effectively using the Madrid Protocol to obtain protection in Japan, while avoiding mistakes commonly made by overseas applicants.

**14:05-14:25      Coffee Break**

**14:25-15:25      Session T-6**

***Protecting Product Shapes***

**Ms. SAITO Junko**

Many companies expend a great deal of energy to design and sell products with novel shapes. This session will explain how to use the Design Law, the Trademark Law, and the Unfair Competition Prevention Law to protect product shapes in Japan.

**15:25-16:25      Session T-7**

***Using Opposition and Invalidation Procedures to Your Benefit***

**Mr. HASHIMOTO Yoichi**

This session will explain how to use Japan's Opposition and Invalidation Procedures to remove barriers to doing business in Japan, with a special emphasis on tools useful for overseas practitioners.

**16:25-16:55      Closing Ceremony**