



Amendments to the Unfair Competition Prevention Act in Japan

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Background

- ❖ Digitalization and International Harmonization
- ❖ Needs for Supporting Start-ups and SMEs



- 1) Enhance the protection of brands, designs, etc. in light of the diversification of business activities accompanying digitalization.
- 2) Develop new procedures to address digitalization.
- 3) Establish systems for international business development.

Outline of Amendments

1) Enhance the protection of brands, designs, etc.

i. Expansion of Registrable Trademarks

- Introduction of Consent System for Trademark (New Art. 4(4) of Trademark Act and Art. 19 of UCP Act)
- Trademark containing applicant's name (Art. 4(1)(viii) of Trademark Act)



Outline of Amendments

1) Enhance the protection of brands, designs, etc.

ii. Relaxation of Requirements for Design Registration Procedures (Art. 4 of Design Act)

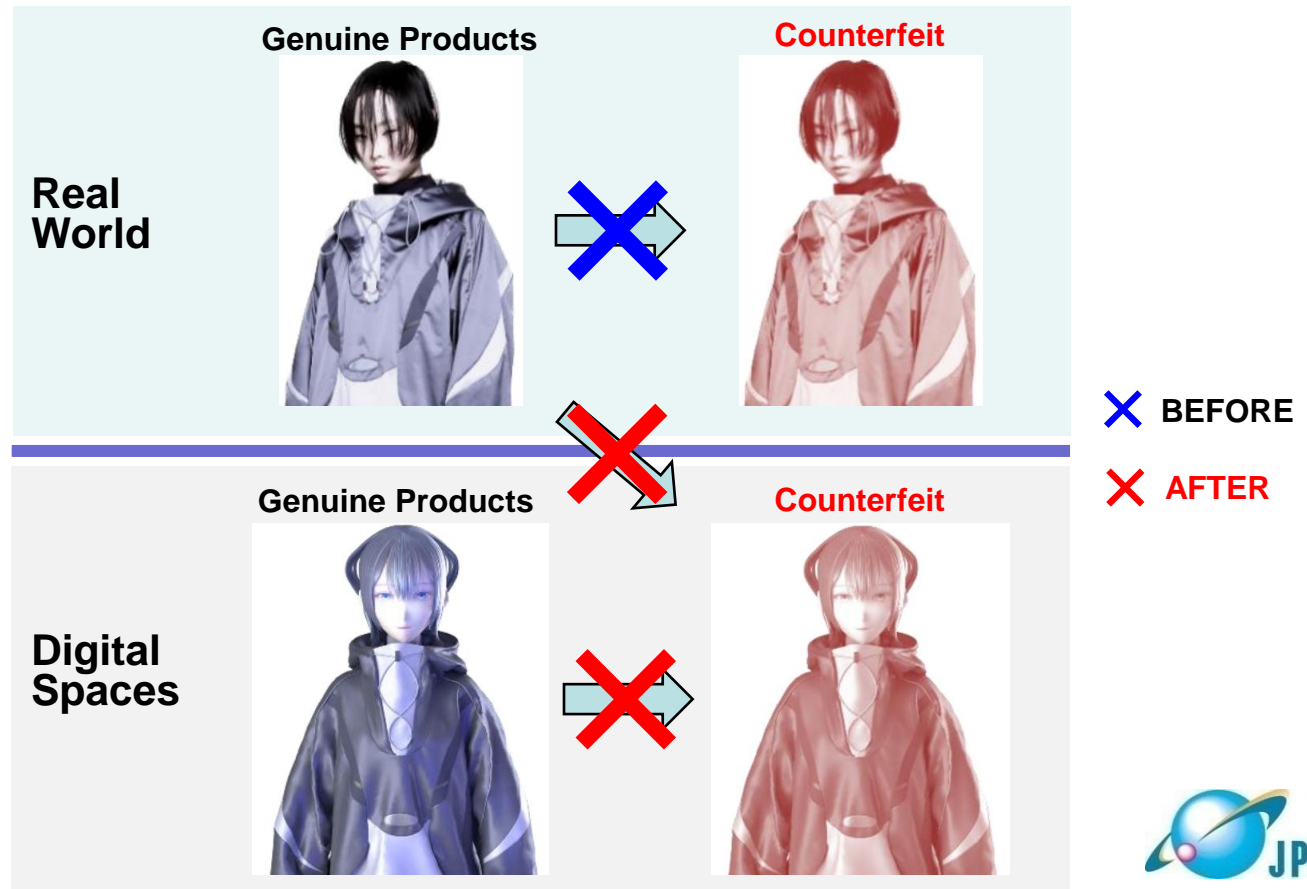
When a creator makes the design publicly available multiple times...

Prior to Amendments	After Amendments
File a request for exception to lack of novelty for each disclosure	File a request for exception to lack of novelty only for the first disclosure

Outline of Amendments

1) Enhance the protection of brands, designs, etc.

iii. Prevention of Counterfeiting in Digital Spaces (Art. 2(1)(iii) of UCP Act)



Outline of Amendments

1) Enhance the protection of brands, designs, etc.

iv. Strengthening Protection of Trade Secrets and Data (Art. 2(7) and 5 of UCP Act)

		Before	After
Data Kept Secret	Publicly Unavailable	Trade Secret	Trade Secret
	Partially Published	?	Shared data with Limited Access
Data Not Kept Secret	Publicly Unavailable	Shared data with Limited Access	
	Publicly Available		

Big Data

Outline of Amendments

2) Develop New Procedures to Address Digitalization

i. Review of Delivery System (Art. 191 of Patent Act)

- When it is unable to reach out to an overseas resident, delivery of a notice or an action from the JPO will be deemed completed by publication.
- The JPO will develop an internet-based delivery system.

Outline of Amendments

2) Develop New Procedures to Address Digitalization

- ii. Digitalization of Document Procedures (Art. 43 of Patent Act and Art. 68-2 of Trademark Act)**
- iii. Revision of Fee Reduction System (Art. 195-2 of Patent Act)**
 - Set a limit on the number of cases for fee reductions or exemptions related to patents for some SMEs.

Outline of Amendments

3) Establish Systems for International Business Development

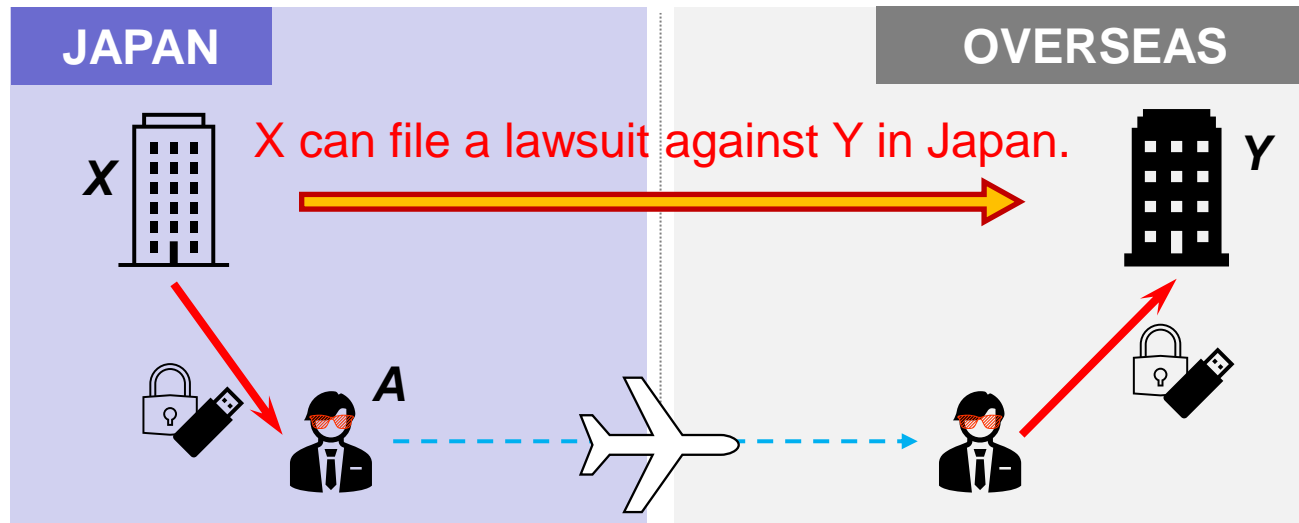
Protection of trade secrets across the border of Japan (Art. 19-2 and 19-3 of UCP Act).

- JP courts will have jurisdiction over lawsuits against wrongful acquisition, use, and/or disclosure of trade secrets stored in Japan by a party outside Japan
- Japanese UCP Act shall govern the lawsuits.

Outline of Amendments

3) Establish Systems for International Business Development

- [E.g.]
- **A** is a former employee of Japanese Company **X**.
 - **A** wrongfully acquires **X**'s trade secrets.
 - After resignation from **X**, **A** joined foreign company **Y**.
 - **A** revealed **X**'s trade secrets to **Y**, and **Y** wrongfully uses it.





Thank you for your attention!!



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