

Review Survey on Consistency with TRIPS Agreement of Intellectual Property Related Laws and Regulations in Respective Countries (Summary)

The report summarizes the issues considered in “Study Group on International Intellectual Property System” in the fiscal year 2018 (Heisei 30).

In study group of the fiscal year, firstly, there were considered, regarding the situation over intellectual property in the international framework, the latest situation regarding intellectual property protection of pharmaceuticals and its effectiveness including the invocation of compulsory license in the respective countries, discussions based on international dispute settlement procedures and the actual cases over intellectual property, as well as, the situations of international discussions on the dispute over the standard essential patents and transfer pricing taxation.

Secondary, there were considered, regarding the situations over the intellectual property in the bilateral and regional economic partnership agreements, among Economic Partnership Agreement (EPA) / Free Trade Agreement (FTA) which Japan has signed, especially the effectiveness and issues in line with the actual situations of the disciplines of the Intellectual Property Chapters with ASEAN region. In addition, there were considered the latest situations surrounding the negotiations on the Economic Partnership Agreement with our country and European intellectual property system, from the viewpoints of the trends of regional legislations and international aspects, including the upcoming withdrawal of the United Kingdom from the European Union (BREXIT) which is still greatly uncertain, although the deadline thereof was approaching at the time of drafting the report (March, 2019).

Thirdly, regarding the situation over the intellectual property system in respective countries, there were organized and considered, information on not only laws but also actual situation and the practical issues on trade secret protection legal system and border measure system, among ASEAN region, focused on two countries, Singapore and Malaysia, in the fiscal year, as well as there were considered the latest situation and issues related to international intellectual property protection in the digital contents field, and trade actions concerning intellectual property system.

Fourthly, there were considered, regarding the situation of discussions in the WIPO (World Intellectual Property Organization) and the Council for TRIPS of WTO

(World Trade Organization), the trend of discussions in the TRIPS Council and the disputed cases related to the TRIPS Agreement, and there were considered, organized and analyzed the trend of discussions in the WIPO, especially regarding the two committees of WIPO (Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore [IGC] and Standing Committee for Copyright and Related Rights [SCCR]).

By the way, although the report was prepared based on the discussions in the study group, the part where the author is named is described by the author.