

Review Survey on Consistency with TRIPS Agreement of Intellectual Property Related Laws and Regulations in Respective Countries Fiscal 2020

This report summarizes the matters examined by the "International Intellectual Property System Study Group" in fiscal 2020.

The study group discussed the situation surrounding intellectual property in international frameworks, bilateral and regional economic partnership agreements, and the situation surrounding intellectual property systems in various countries.

Chapter 1: The situation surrounding intellectual property in the international framework

In Section I, "Status of Recent Discussions on Medicines," we discussed the systems and trends surrounding COVID-19 and the status of recent discussions on medicines.

In Section II, "Domestic and International Trends in Enforcement Systems for Combating Counterfeit and Pirated Products on the Internet," we analyzed recent trends in the overview of legal systems and the efforts of governments and related organizations in Japan and other countries (Europe (EU, France, UK, Germany), the US, China, South Korea, and India). In addition, also we analyzed discussions in the relevant international forums.

In Section III, "Domestic and International Trends in Genetic Resources," we analyzed trends in discussions on genetic resources in several international forums and countries (Japan, the United States, the European Union (EU), China, South Korea, India, South Africa, Indonesia, and Brazil), including efforts toward the Convention on Biological Diversity (CBD).

In Section IV, "Trends of Discussions in the WTO/TRIPS Council and WIPO," we discussed the current situation, issues, and actions to be taken by Japan regarding the proposal by India and South Africa to exempt some obligations under the TRIPS Agreement.

Chapter 2 Status of Intellectual Property in Bilateral and Regional Economic Partnership Agreements

In Section I, "Comparison of IP Chapters in Recent RTAs," we compared and analyzed each of the four RTAs concluded in recent years among the United States, Europe, China, MERCOSUR, etc., focusing on IP enforcement, industrial property rights, unfair competition, etc.

Chapter 3: The State of Intellectual Property Systems in Each Country

In Section I, "International Agreements in the Process of Establishing the 'E.U.' IPR System: The Role of the Court of Justice", we introduced the contents of the amendment to the Basic Treaty by the Lisbon Treaty to address the issues in the field of IPR and we studied the opinions of the Court of Justice of the European Union and the prior opinions of the Court of Justice of the European Union are discussed. It also examined the adjustment and direction of EU-related IPR laws and systems based on the opinions of the Court of Justice of the European Union and its interpretation in the referral process.

In Section II, "European Integration and Trends of IP Systems in the EU and Other Countries," we analyzed the trends of IP systems surrounding the UK's withdrawal from the EU, as well as recent notable IP-related judgments and IP system revisions in Europe.

In Section III, "Current Status and Issues of IP Protection in International Technology Transfer," we analyzed discussions on international technology transfer and issues of IP protection in the systems and operations of technology transfer in other countries.

In Section IV, "Trends and Recent Noteworthy Decisions on Standard-Essential Patents in Various Countries and Regions," we collected, organized, and analyzed information on trends and recent noteworthy decisions by public organizations, etc. In order to analyze, also we collected/organized to send law firms in the U.S., Germany, and China a questionnaire concerning standard-essential patents in the US, Europe, Germany, the UK, and China.