

Policy Package to Accelerate Measures against Counterfeiting and Piracy

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Intellectual Property Headquarters
Government of Japan

Counterfeiting and Piracy is one of the most important problems for which Japan must urgently find solutions, as the country is aiming to become an “IP-based nation.” Therefore, Intellectual Property Strategy Headquarters, chaired by Prime Minister Koizumi, established the “Intellectual Property Strategic Program 2004” on May 27, 2004, which included a comprehensive package of measures against counterfeiting and piracy. Efforts against counterfeiting and piracy, both internationally and domestically, have become increasingly important.

In the international arena, the protection of intellectual property has been discussed at the high-level meetings in fora such as the G8-Summit (June 2004), the ASEM meeting (October 2004), the APEC meeting (November 2004), and the ASEAN+3 meeting (November 2004). Both the US and Europe, at the Ministerial level, decided upon policy initiatives against counterfeiting and piracy in October and November of 2004, respectively.

On the other hand, counterfeiting and piracy are still continuing to grow worse, especially in the Asian region. At the same time, Japanese companies have been exercising IPR aggressively. As a result, industries are strongly calling for more effective measures against counterfeiting and piracy.

Given the domestic and international situation and the urgency of the problem, the Government of Japan should accelerate the implementation of measures against counterfeiting and piracy. Japan further needs to convey a clear message against counterfeiting and piracy prior to the conclusion of the creation of the IP Strategic Program in FY2005.

Since the issue of IPR infringement has drawn so much attention in the international community, it is important for Japan to strengthen its

efforts to tackle counterfeiting and piracy in foreign countries. In this regard, the Government of Japan has decided to take the following action to accelerate the measures against counterfeiting and piracy.

1. 1. Establishing a system to investigate unfair IP practices and problems overseas

The GOJ will establish a system, under which right holders in Japan who own foreign IPR can file a complaint about IPR-related practices/problems attributable to foreign countries. Acceptance of the complaint initiates investigative action by the GOJ. Bilateral negotiation or other dispute settlement procedures follow, as required. The ministries and agencies concerned will complete the establishment of this system by March 2005. The investigative system will go into effect from April 2005. (Ministry of Foreign Affairs, Ministry of Economy, Trade and Industry, and other ministries and agencies concerned)

2. The GOJ's efforts regarding overseas markets

(1) Strengthening the function of embassies

- a) The GOJ will distribute the manual to deal with intellectual property infringements to all Japanese embassies and appoint the officials in charge of IP in all Japanese embassies by the end of FY2004. Ambassadors and consul generals will take initiative to deal with IP infringement, and all embassy members will deal with the issue of counterfeiting and piracy promptly. In addition, embassies will make it easier for Japanese companies to obtain embassy support. (Ministry of Foreign Affairs)
- b) The GOJ will encourage the use of the one-stop consultation service about counterfeiting and piracy, which started in August 2004. JETRO's function for providing consultation should be enhanced, and the alliance between embassies and JETRO needs to be strengthened. (Ministry of Economy, Trade and Industry, and other ministries and agencies concerned)

(2) Supporting capacity building in countries and regions where infringements have been prevailing

- a) The GOJ will conclude its strategic planning of capacity building activities in countries and regions where infringement has been prevailing by the end of March 2005, aiming to encourage these

countries and regions to resolve counterfeiting and piracy issues in cooperation with the GOJ. (Ministry of Education, Culture, Sports, Science and Technology, Ministry of Economy, Trade and Industry, and other ministries and agencies concerned)

- b) The GOJ will add, if necessary, IPR clauses in concluding or revising ODA policies, such as aid plans designed for individual nations, taking into account the development needs of the receiving nations. (Ministry of Foreign Affairs)
- c) The GOJ will promote “enlightenment” activities, which raise the awareness of the public and the firms of Asia, about intellectual property. (Ministry of Education, Culture, Sports, Science and Technology, Ministry of Economy, Trade and Industry, and other ministries and agencies concerned)

(3) Strengthening cooperation between government authorities

- a) The GOJ will accelerate the conclusion of the customs assistance agreement with China and expedite discussion on the agreement with the EU. (Ministry of Finance)
- b) The GOJ will enhance the cooperation (ex. information exchange) among the police authorities of China, Korea and Japan regarding the cases of IP infringement in FY 2004. (National Police Agency)
- c) The GOJ will strengthen cooperation between the MECST and the Copyright Department of China and the Department for Culture and Sightseeing of Korea, with an aim to strengthen the efforts against piracy in Asia. (Ministry of Education, Culture, Sports, Science and Technology)
- d) Following the agreement in the China-Korea-Japan summit meeting (November 2004), the GOJ will promote cooperation among the patent offices of China, Korea and Japan. (Ministry of Economy, Trade and Industry)

3. Cooperation with Europe and the US

(1) Strengthening the cooperation between Europe and Japan

The GOJ will strengthen cooperation between Japan and Europe based on the “EU-Japan Joint Initiative for the Enforcement of Intellectual Property in Asia” (June, 2004). (Ministry of Foreign Affairs and other ministries and agencies concerned)

(2) Strengthening cooperation between United States and Japan

The GOJ will strengthen cooperation between Japan and the US through such activities as the meeting to address Asia IPR problems (November 2004), and the “US-Japan Regulatory Reform and Competition Policy Initiative IT Working Group.” (Ministry of Foreign Affairs, Ministry of Education, Culture, Sports, Science and Technology, Ministry of Economy, Trade and Industry, and other ministries and agencies concerned)

4. Multilateral frameworks

(1) Preventing the proliferation of counterfeits and pirated copies

Taking it into consideration that counterfeits and pirated copies proliferate throughout the world, the GOJ will accelerate the examination of concrete measures for the prevention of proliferation through international discussion. Examples of these measures include proposals for treaties and ministerial declarations. (Ministry of Foreign Affairs, Ministry of Economy, Trade and Industry, and other ministries and agencies concerned)

(2) Promoting discussions at the highest level

The GOJ will encourage and prepare to take up the issue of counterfeiting and piracy in the highest level meetings in APEC, ASEM, the G8 Summit, WTO, WIPO, and other international organizations and fora dealing with trade issues and intellectual property issues. (Ministry of Foreign Affairs, Ministry of Education, Culture, Sports, Science and Technology, Ministry of Economy, Trade and Industry, and other ministries and agencies concerned)

(3) APEC

Based on the summit declaration and the ministerial joint statement at the APEC meeting (November 2004), the GOJ will implement such activities as the APEC Comprehensive Strategy on IPR Protection, the promotion to establish IPR Service Centers, and the mapping of the development made on IPR policies. (Ministry of Foreign Affairs, Ministry of Economy, Trade and Industry, and other ministries and agencies concerned)

5. Promotion of the bills related to the measures against counterfeiting and piracy

Aiming to submit the related bills to the ordinary session of the Diet in 2005, the GOJ will proceed with the review of the Customs Tariff Law, Unfair Competition Prevention Law, and other laws related to the measures against counterfeiting and piracy.