

The Japan Approach to Cross-Border Cooperation and IPR Enforcement

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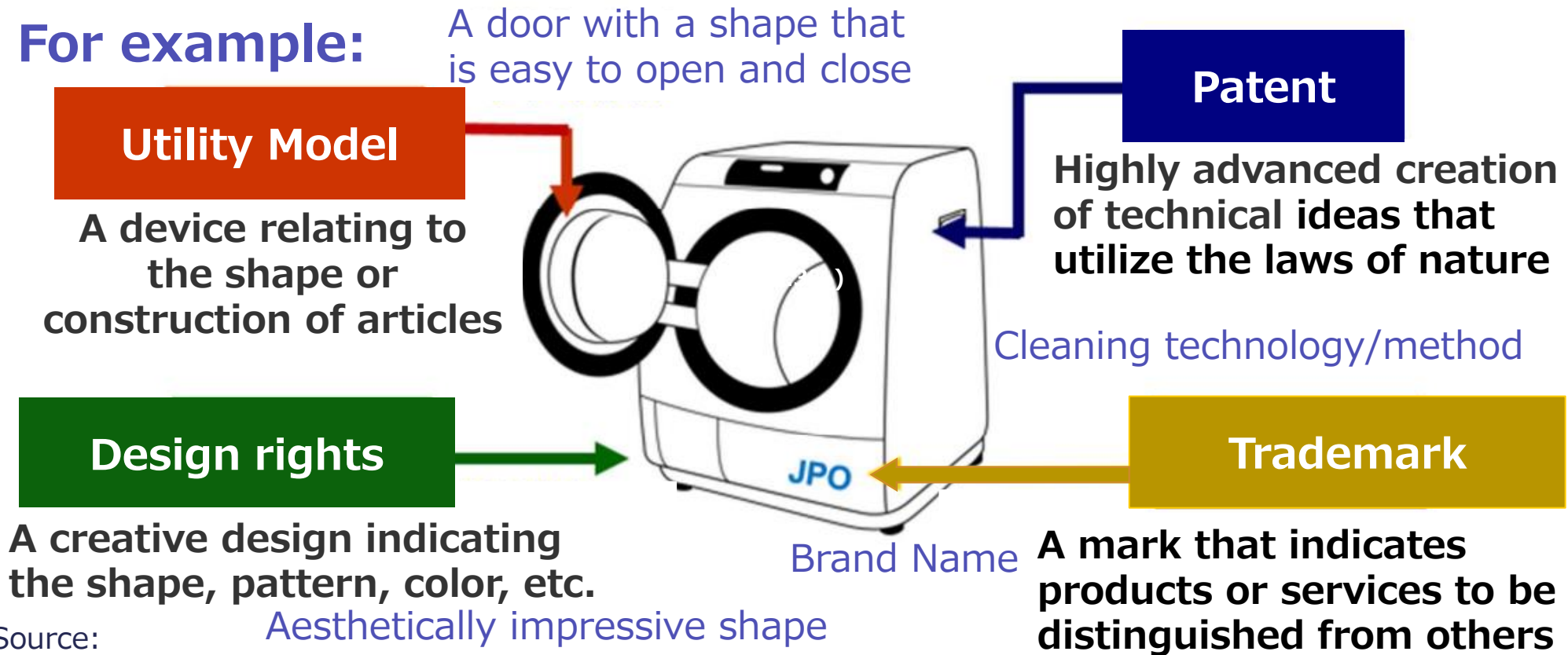
**IP Attaché of Japan Patent Office (JPO) for Southeast Asia,
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What is IP? How does it affect us and our lives?

What is Intellectual Property (IP)?

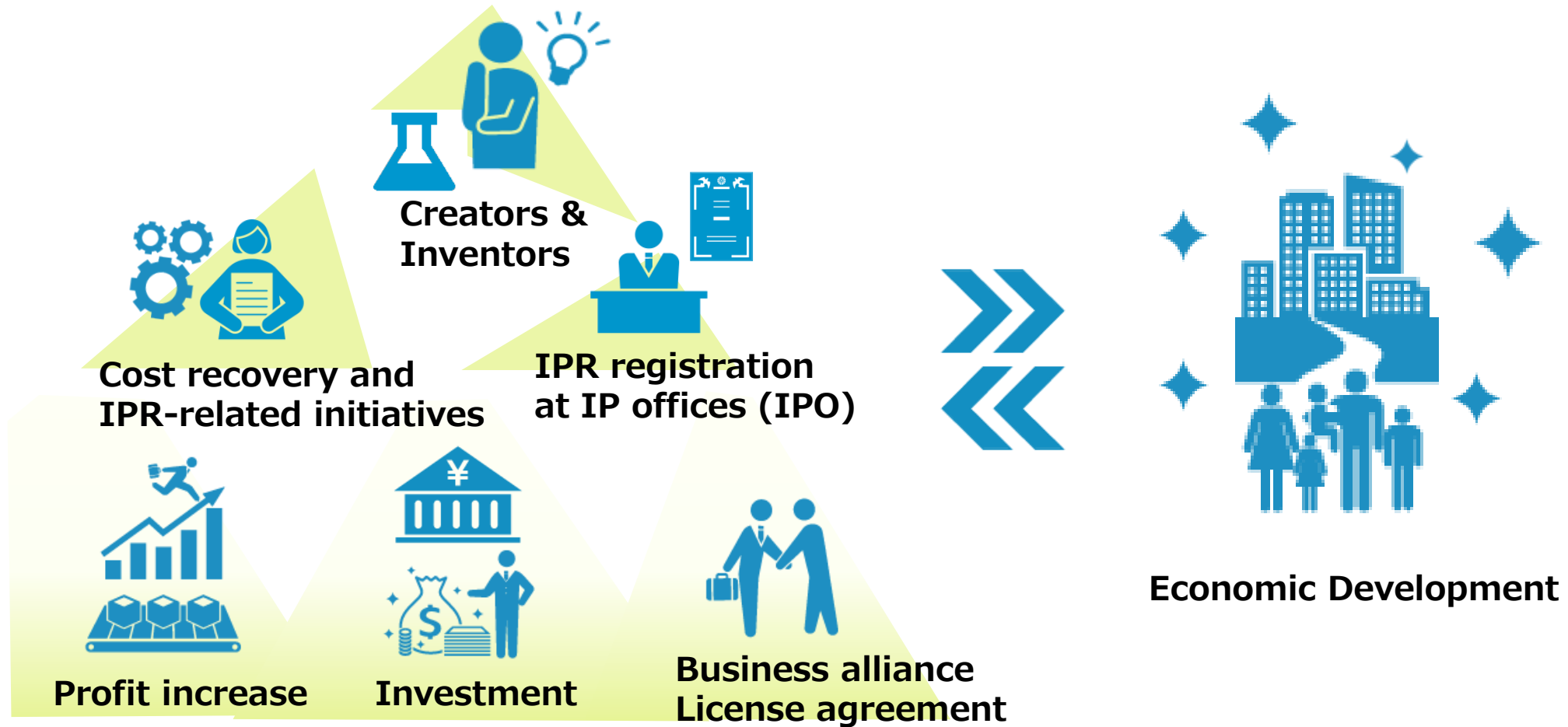
- IP does not have any substance. In other words, **it is an intangible object**. In parallel, this characteristic results in the fact that IP can be utilized at the same time and in the same form by more than one person.
- Therefore, it is necessary to **receive appropriate protection** by granting rights. These are called **intellectual property rights (IPRs)**.

For example:



Source:

<https://www.jpo.go.jp/e/news/kokusai/developing/training/textbook/>
https://www.jpo.go.jp/news/shinchaku/event/seminer/text/document/2022_nyumon/1_1.pdf



* **The IP ecosystem** refers to the so-called ecology of IP, which also includes the concept of an IP cycle, i.e., a positive cycle of development to create, protect, and make strategic use of IP. Specifically, this indicates a system wherein IP is created under the IP cycle, based upon which people have a positive impact upon each other and upon society in order to autonomously establish new ideas and values. <https://www.jpo.go.jp/e/introduction/tokkyo_mv.html>

- Examples of the infringement of IPRs include counterfeiting, piracy, and unauthorized use of Geographical Indications (GI).



■ Counterfeiting

Ex. *"There are products on the market that use our company's brand name and products' shapes illegally."*



■ Piracy

Ex. *"Our company's music CDs and game software are illegally copied and sold cheaply in large quantities. They are also uploaded without permission."*



■ Unauthorized use of GI

Ex. *"It is sold as 'Kobe Beef' in spite of it is not imported from Japan."*



**Medicines
(trademark right)**



**Carburetors for motorcycles
(trademark right)**



**Baby sling
(trademark right)**



**Batteries for cordless vacuum cleaners
(design right)**



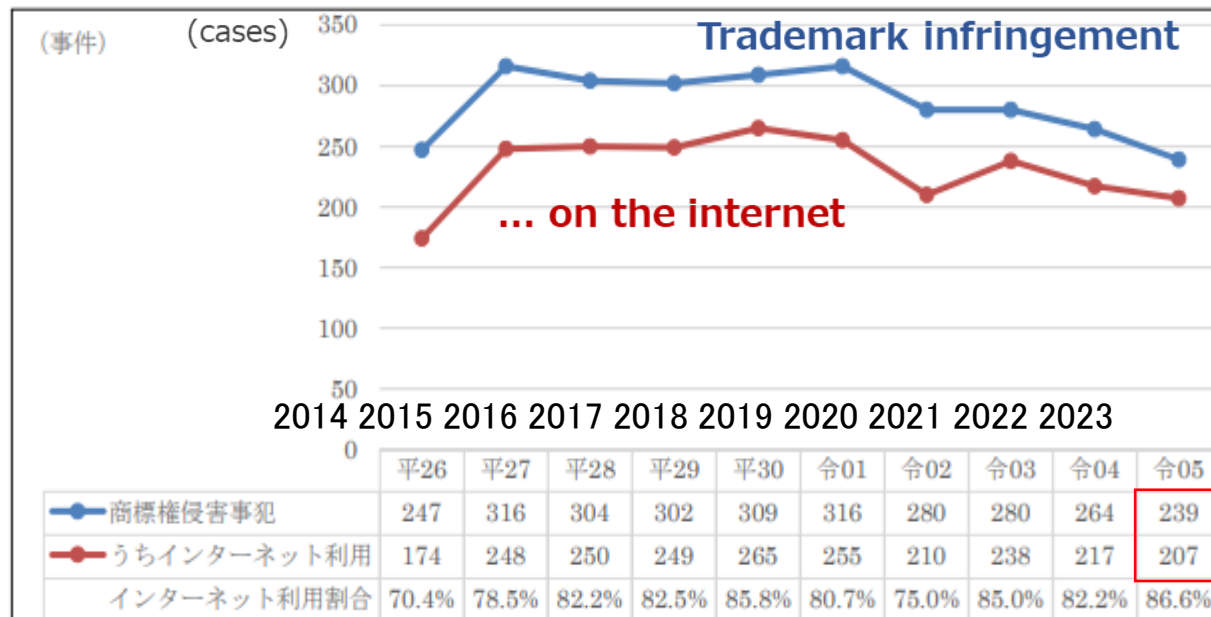
- The problem of counterfeit products is becoming more serious due to increasingly devious tricks and skillfully concealed infringements. It is also necessary to take measures against small-lot shipments of counterfeit products.
- Although there used to be conventional closed distribution channels between traders and wholesalers, this situation has been changing. Nowadays, anyone can easily purchase directly from foreign manufacturers and individual sellers.

Types of distribution channels for counterfeit products

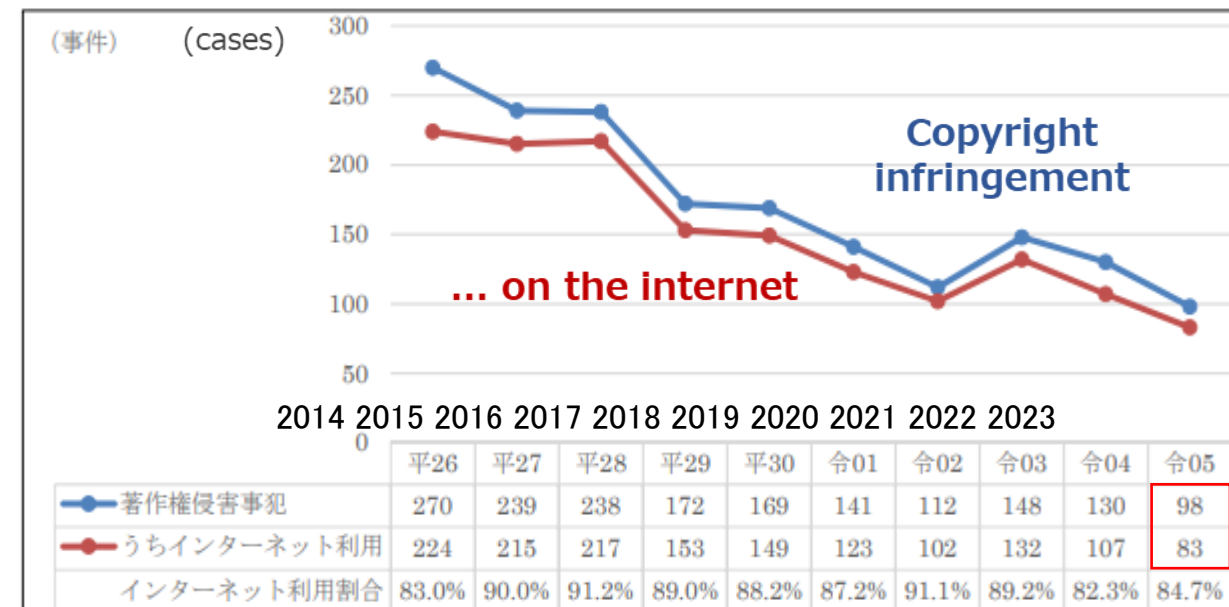
EC platforms (B2C)	<ul style="list-style-type: none">■ Counterfeiters create new seller accounts in succession via EC platforms.■ Main platforms take measures, but cannot eliminate this practice completely.
EC platforms (C2C)	<ul style="list-style-type: none">■ Counterfeit products are sold. Some sellers are criminal organizations pretending to be individuals.■ Main platforms take measures, but cannot eliminate this practice completely.
Fake websites	<ul style="list-style-type: none">■ Fake websites pretend to be official, and sell counterfeit products. They can be fraudulent sites, and they sometimes do not send any products at all.
Using Social media	<ul style="list-style-type: none">■ Counterfeiters sometimes use social media. They try to sell counterfeit products through their social media pages or fake websites.

- During crackdowns by police in Japan, over 80% of IPR infringement cases were found on the internet.

The number of **trademark** infringement cases found during crackdowns by police in Japan



The number of **copyright** infringement cases found during crackdowns by police in Japan



- China is the country of origin from which the largest number of goods are seized every year.

CHINA →

		2019	2020	2021	2022	2023
		令01	令02	令03	令04	令05
国外	押収量	114,409	74,010	83,347	76,570	67,795
	国内製造	13,949	3,163	18,256	1,194	1,610
	韓国	1,062	2,527	789	5,858	467
	中国	72,239	35,501	60,077	54,076	57,309
	香港	2,028	9,599	10	0	4
	台湾	0	567	7	142	0
	タイ	1,731	4,019	9	4,799	0
	フィリピン	54	74	0	532	0
	その他	1,449	6,399	253	863	2,142
	不明	21,897	12,161	3,946	9,106	6,263

Countries and areas of origin of seized items from trademark infringement in the past 5 years (unit: items)

(Source: Japanese only)

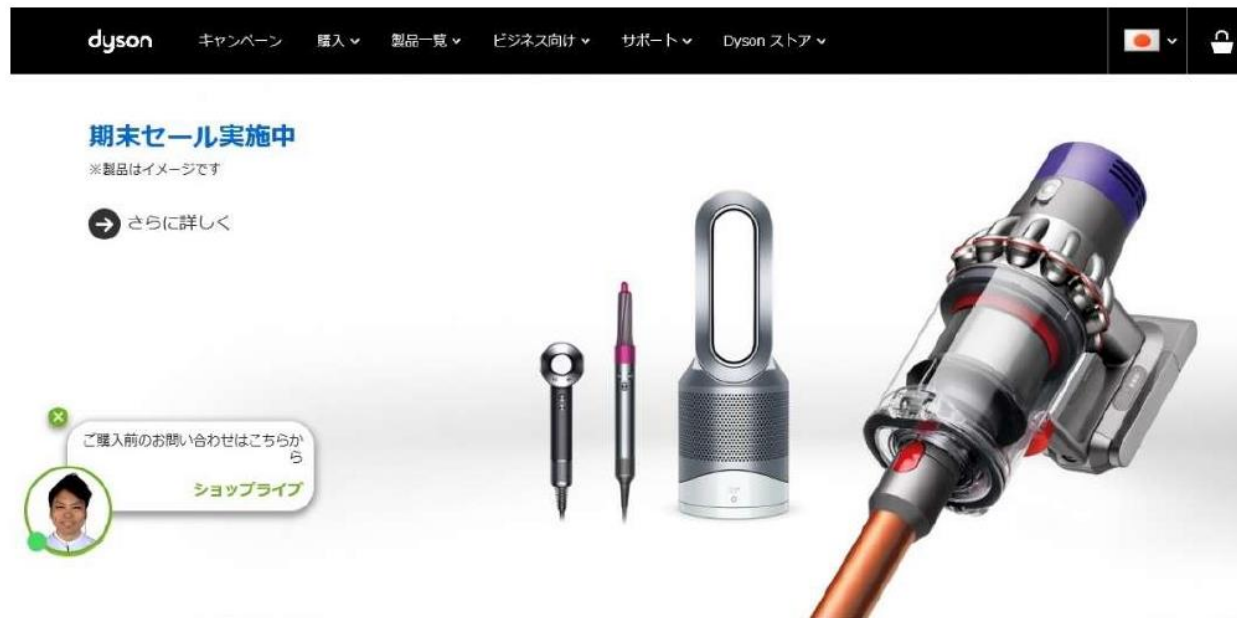
Police White Paper, "Status of Arrests for Economic Crime in 2023 (April 2024)"

https://www.npa.go.jp/publications/statistics/safetylife/seikeikan/R05_nenpou.pdf

Counterfeits online / Fake websites

- Some counterfeit products are sold on fake websites that copy the official websites.

[Top page of official website]



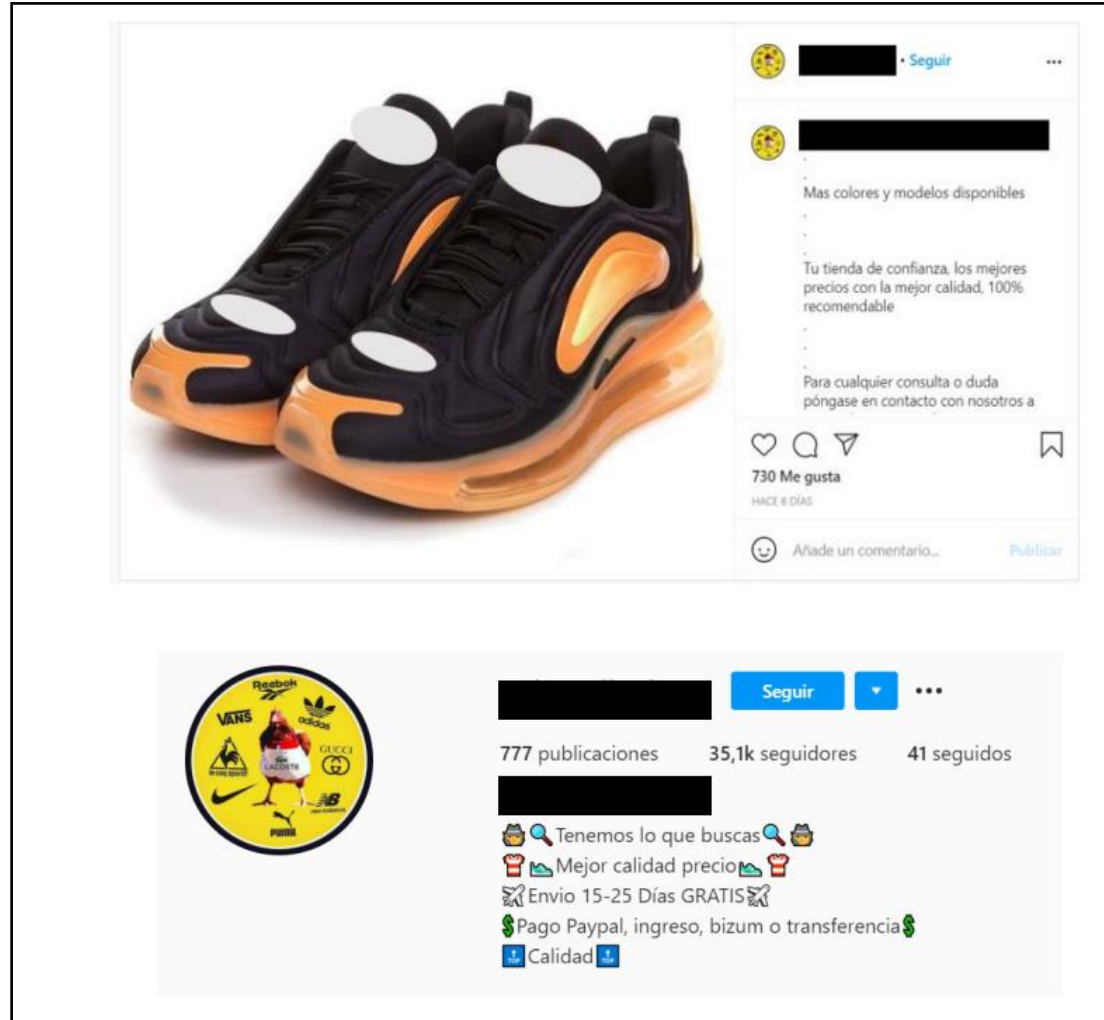
[Top page of fake website]



Fake websites are created by using images and website layouts stolen from official websites. It is difficult to tell the difference between a true and fake website at first glance!!

(Source) Consumer Affairs Agency, Government of Japan "News Release" 2020 October
https://www.caa.go.jp/notice/assets/consumer_policy_cms103_201021_1.pdf

Social media is also being used to trade in counterfeit goods.



(Source) EUIPO "Monitoring and analysing social media in relation to IP infringement"

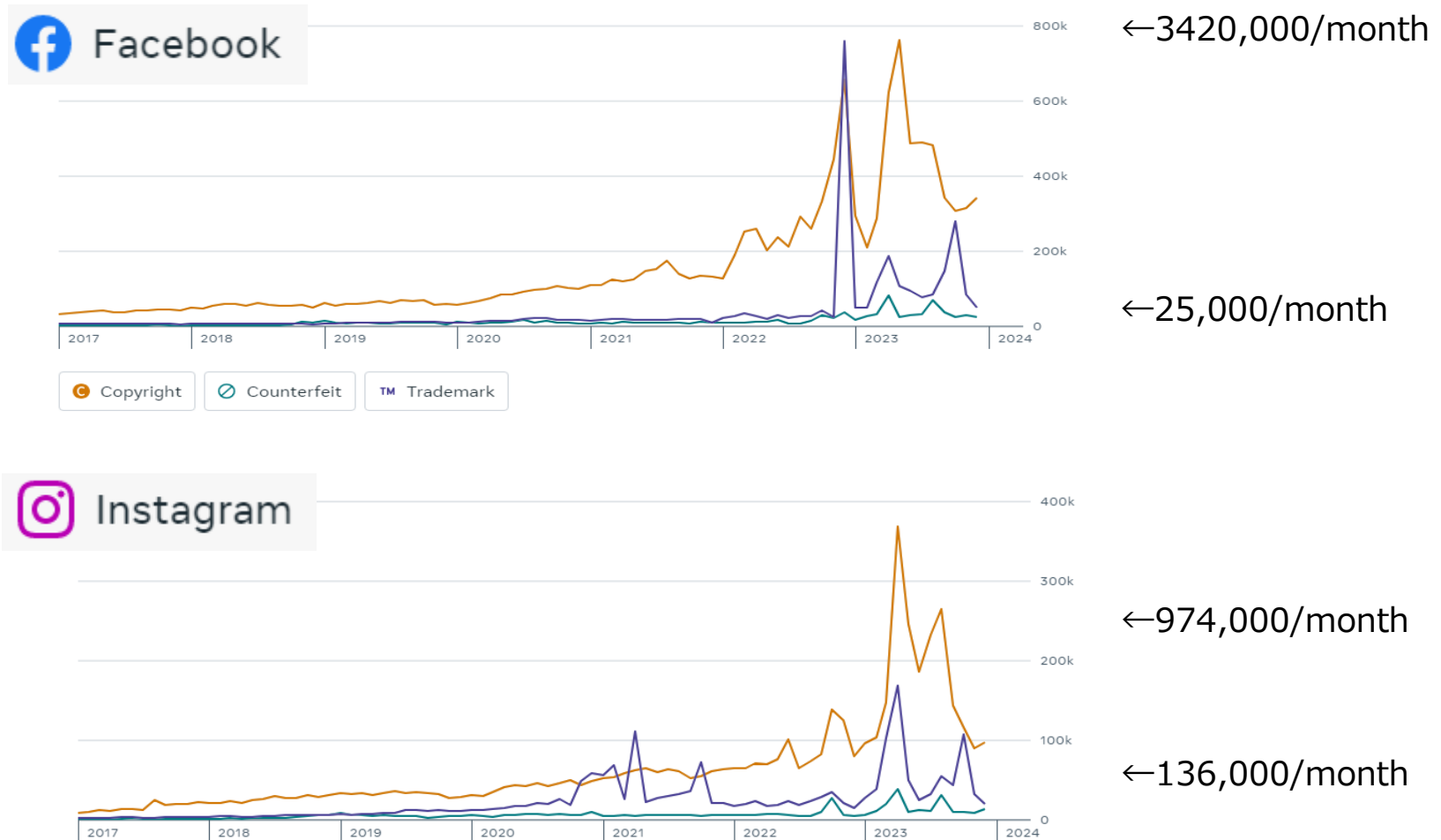
<https://euipo.europa.eu/tunnel->

web/secure/webdav/guest/document_library/observatory/documents/reports/2021_Monitoring_and_analysing_social_media_in_relation_to_IPR_Infringement_Report/2021_Monitoring_and_analysing_social_media_in_relation_to_IPR_Infringement_Report_FullR_en.pdf

- Meta reports the number of IP violation cases it received, and how much content it took down as a result.
- Numerous content was removed from Facebook and Instagram relating to counterfeit products.

Amount of
reported content
removed by Meta

(Source)
Meta "H2 2023
report"
[https://transparency
.meta.com/reports/i
ntellectual-property/](https://transparency.meta.com/reports/intellectual-property/)



- As a measure against IPR infringement on the internet, requests for takedown are often made in practice. By registering in the IP protection program of each EC platform, you can deal with the increasing number of counterfeit products being sold on the internet.
- Identifying the location of malicious sellers and manufacturing bases is the best practice in order to eliminate counterfeit products.

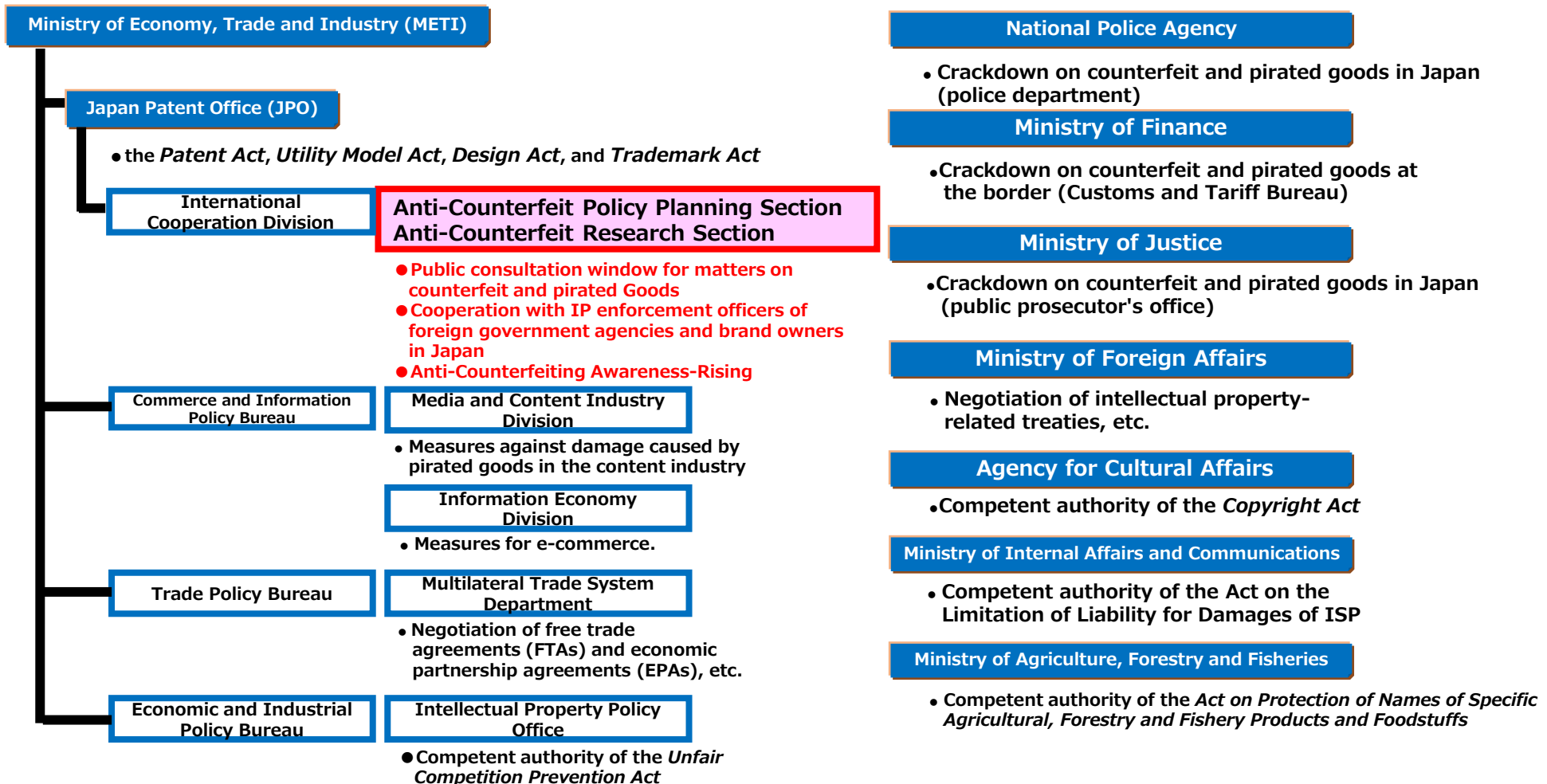
Types of measures against IPR infringement on the internet

EC platforms (B2C)	<ul style="list-style-type: none">■ Sending a takedown request to the EC platform operators. Enrollment in an IP protection program may allow smooth and expedited removal.
EC platforms (C2C)	<ul style="list-style-type: none">■ Identify the location of malicious sellers to conduct a raid with the cooperation of police. Civil claims or criminal complaints can be also filed.
Fake websites	<ul style="list-style-type: none">■ After the investigation of the domain and domain name registrars used by the fake site, IPR holders request the management company to delete the site.■ It is also important to increase awareness among consumers so that they can avoid being deceived.
Using Social media	<ul style="list-style-type: none">■ Applying to the social media platforms to remove the advertisement of counterfeiters. Some platforms have their own application e-forms to report IPR infringement.■ Sending a request to domain name registrars to delete the fake sites.

Role of the JPO in Anti-Counterfeiting

What is the role of the JPO in Anti-Counterfeiting?

- Unlike the police and customs offices, the JPO does not have any direct law enforcement authority over counterfeit products in Japan.



Anti-Counterfeit Policy Planning Section Anti-Counterfeit Research Section

- Public consultation window for matters on counterfeit and pirated Goods
- Cooperation with IP enforcement officers of foreign government agencies and brand owners in Japan
- Anti-Counterfeiting Awareness-Raising



<https://youtu.be/hzOX99Mq-Rk>



- The International Intellectual Property Protection Forum (IIPPF) is a group of companies and organizations that are motivated to resolve the problem of overseas infringement of intellectual property rights through counterfeiting and piracy. (Total members: 249 (72 organizations, 177 companies))
- The JPO covers common clerical expenses as operational costs under "Intellectual property right working group and other anti-infringement enforcement project" (commission fees to JETRO). JETRO serves as the secretariat.

<Reference: Seminar for enforcement agencies>



- Gathered officials of executive agencies, such as the Directorate of Market Surveillance, Customs, etc., and provided know-how contributing to the detection of suspected infringing products, crackdown on counterfeit products, etc. (e.g.: How to identify suspected products by appearance, logistics of legitimate products, etc.)
- Japanese rights holder companies give direct explanations to executive agencies at the seminar.

At Hanoi, on Feb. 28, 2024

In February 2024, as one of the IIPPF projects, IIPPF visited Vietnam's government-affiliated agencies with 15 persons from 6 Japanese companies and held a seminar for enforcement agencies in Vietnam.

- **MOU with an EC platform**
- In Oct. 2021, the IIPPF Internet Project Team and Amazon concluded a MOU for safe development of Internet transactions.
- Since then, the Amazon Working Group in the Internet Project Team has provided seminars and opinion exchange meetings regularly for Japanese companies.
- They were held in July 2024 in this fiscal year.



Seminar in FY2023



Opinion exchanges in FY2023

- Each IIPPF project team held seminars and exchanged opinions with overseas EC platforms.
- In Sep. 2023: [China Project Team] Held Weixin seminar and exchanged opinions.
- In Sep. 2023: [China Project Team] Visited Alibaba and exchanged opinions.
- In Oct. 2023: [Internet Project Team] Held TikTok Shop seminar and exchanged opinions



TikTok seminar: Opinion exchange

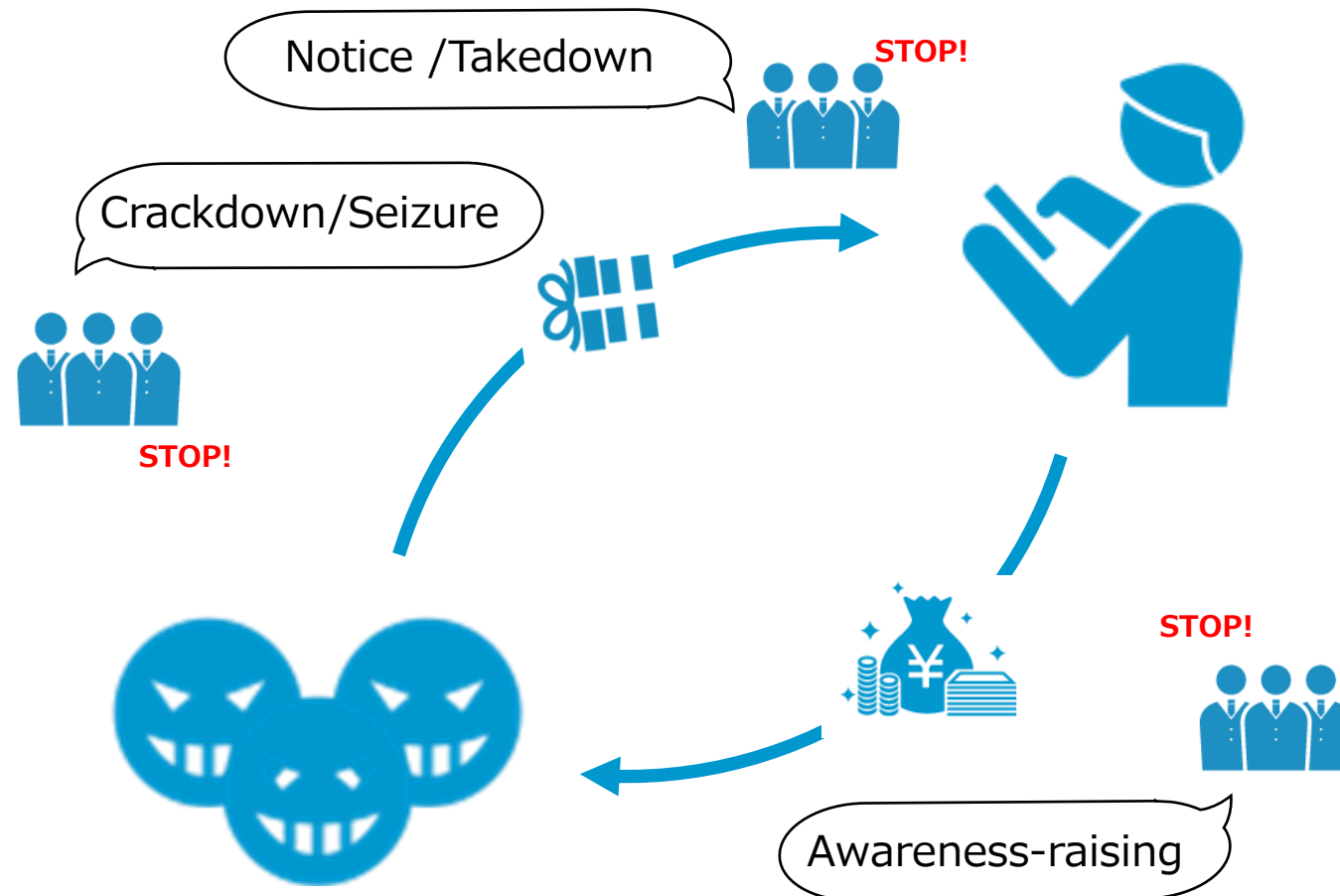
- **Prepared investigation and analysis reports on EC websites.**
- In a project entrusted to IIPPF, the world (excluding Japan) is divided into 5 areas, including the Asia-Pacific region, North America, Central and South America, Europe, and the Middle East and Africa; 40 major countries are extracted after covering regional characteristics; and a basic information investigation report on countermeasures against counterfeit products is published on EC websites that compile basic information from the 50 major EC websites that are often used in the 40 countries and information on intellectual property protection programs (Japanese only).

https://www.jpo.go.jp/resources/report/mohohin/document/shogaikoku/2023_01_ec.pdf

Awareness-raising activities in the JPO

Importance of awareness-raising activities

- If consumers never buy counterfeit products, counterfeiters have no incentive to produce them. Consumers are therefore powerful decision-makers.
- Awareness-raising activities are important to encourage and increase consumers' reluctance to buy counterfeit products.



How the JPO delivers messages:

Dedicated Website

➤ The JPO posts information on a website regarding practical methods to avoid being deceived by counterfeit products, such as how to identify suspicious sites.



<https://www.jpo.go.jp/news/kokusai/mohohin/campaign/kawanzo/>

Social Media

➤ The JPO has also created manga-style videos, distributed banner ads through the Internet, and advertised campaign videos via YouTube, x, and LinkedIn.

You must never ever buy fakes!!!



...from Kawanzo the otter manga-style video



Official Kawanzo Movie

vol.1

<https://youtu.be/luKIqucYR6I?si=eCPEr9qnwiQJeSBa>

vol.2

https://youtu.be/ZjYQYJ9T7_c?si=Gof2YFlzrokZYuFJ

- The JPO has informed consumers about the importance of eradicating counterfeit goods and protecting IP rights. In implementing the campaign, private companies and organizations cooperated in disseminating information.



↑ 2013

Tie-up with the movie,
Harlock: Space Pirate



↑ 2017 Event in Shibuya



↑ 2020 create a website

Learning Guidelines

Learning guidelines for teachers were created and publicized in order for students to learn about the problems caused by counterfeit products.

Model Lessons



https://youtu.be/0ukVxu8clmo?si=5U_U76cOT1JAUCs7



<https://youtu.be/u714ubRqwPY?si=SYuKXFk6D79FheTS>

Public awareness campaign in foreign counties through Japanese public-private partnership initiatives

- Public awareness video competitions were held in Indonesia, Thailand and India with the support of Japanese public-private partnerships.
- A public awareness campaign was held in China with the support of a Japanese public-private partnership.



<https://www.jica.go.jp/indonesia/english/office/topics/200228.html>



<https://www.youtube.com/watch?v=DRjc6KVgVpk>



https://twitter.com/CIPAM_India/status/1631181848754675712?context=HHwWgICzsfjPj6MtAAAA



<https://th.usembassy.gov/go-for-real-campaign/>
<https://www.facebook.com/goforrealthailand/>



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JETRO 日本贸易振兴机构上海代表处 🇯🇵
1-11 14:49 来自 微博视频号 已编辑

马上就要过年啦[2023]，首先感谢各位2022年一年以来对我们JETRO微博的关注🙏
在这里祝大家新的一年里前兔似锦、快乐成兔~! 🐰
JETRO近期推出了保护企业知识产权、提高消费者辨别真伪意识的春节特别版动画视频，让我们一同看看，是否有过似曾相识的遭遇呢？#jetro上海# 🇯🇵 日本贸易振兴机构上海代表处的微博视频



https://m.weibo.cn/status/4856721804099590?wm=333_2001&from=10D0093010&sourcetype=weixin



https://youtu.be/41His8N92z0?s=i=Xt29VL_1sOCvSsc0



...made by IIPPF* which is one of the Japanese public-private partnership initiatives

(*) The International Intellectual Property Protection Forum (IIPPF)

The IIPPF was established in April 2002 as a cross-industrial platform involving companies and organizations that are strongly motivated to resolve the problem of overseas intellectual property right infringement through counterfeiting and piracy, with the aim of collecting opinions from industry while helping to promote the protection of intellectual property through cooperation among companies, organizations and domestic and foreign government bodies.

Anti-counterfeiting for SDGs

- SDGs is an abbreviation for "Sustainable Development Goals", which are international development goals adopted by the United Nations in September 2015, to be achieved by 2030.
- Counterfeiting and IPR infringement are crimes, and have a significant negative impact on society. The elimination of counterfeit products means cleaning up such crimes from the world, and it is a theme that anyone can cooperate with.
- Enhancing Anti-Counterfeiting is a part of the "SDGs Action Plan 2022", which will be addressed through various efforts of the Japanese government.

SUSTAINABLE
DEVELOPMENT GOALS



https://www.meti.go.jp/policy/trade_policy/sdgs/index.html

<https://www.jpo.go.jp/support/ipr/document/index/sdgs.pdf>



One of the reasons why counterfeit products have lower prices than genuine products may be that counterfeiters reduce the cost by **unlawful methods such as using raw materials containing dangerous chemicals and heavy metals, ignoring product safety standards, and forcing laborers to work in harsh working conditions.**





Counterfeit products not only cause harm to health, but also **impede economic growth and contribute to the collapse of social activities by threatening the human rights of workers or aggravating economic disparities.**



In addition, the proceeds from counterfeit products can become **a source of funds for criminal and terrorist organizations.**



8 DECENT WORK AND
ECONOMIC GROWTH



9 INDUSTRY, INNOVATION
AND INFRASTRUCTURE



Genuine manufacturers make their products with sincerity and creativity.
By purchasing genuine products, we can support their creativity and innovative minds, and **defend the circumstance for future creators and inventors to create even better products.**



Avoiding counterfeits and choosing genuine products can be referred to as “ethical consumption,” and simply buying products from your preferred companies will contribute to the achievement of the SDGs. Only genuine products can **offer uniform quality and appropriate after-sales service.**



Recently, counterfeiters sell more counterfeit products as if they are genuine items by using devious tricks. **If you don't know where you can easily buy genuine products, you may be tricked into buying counterfeits.**

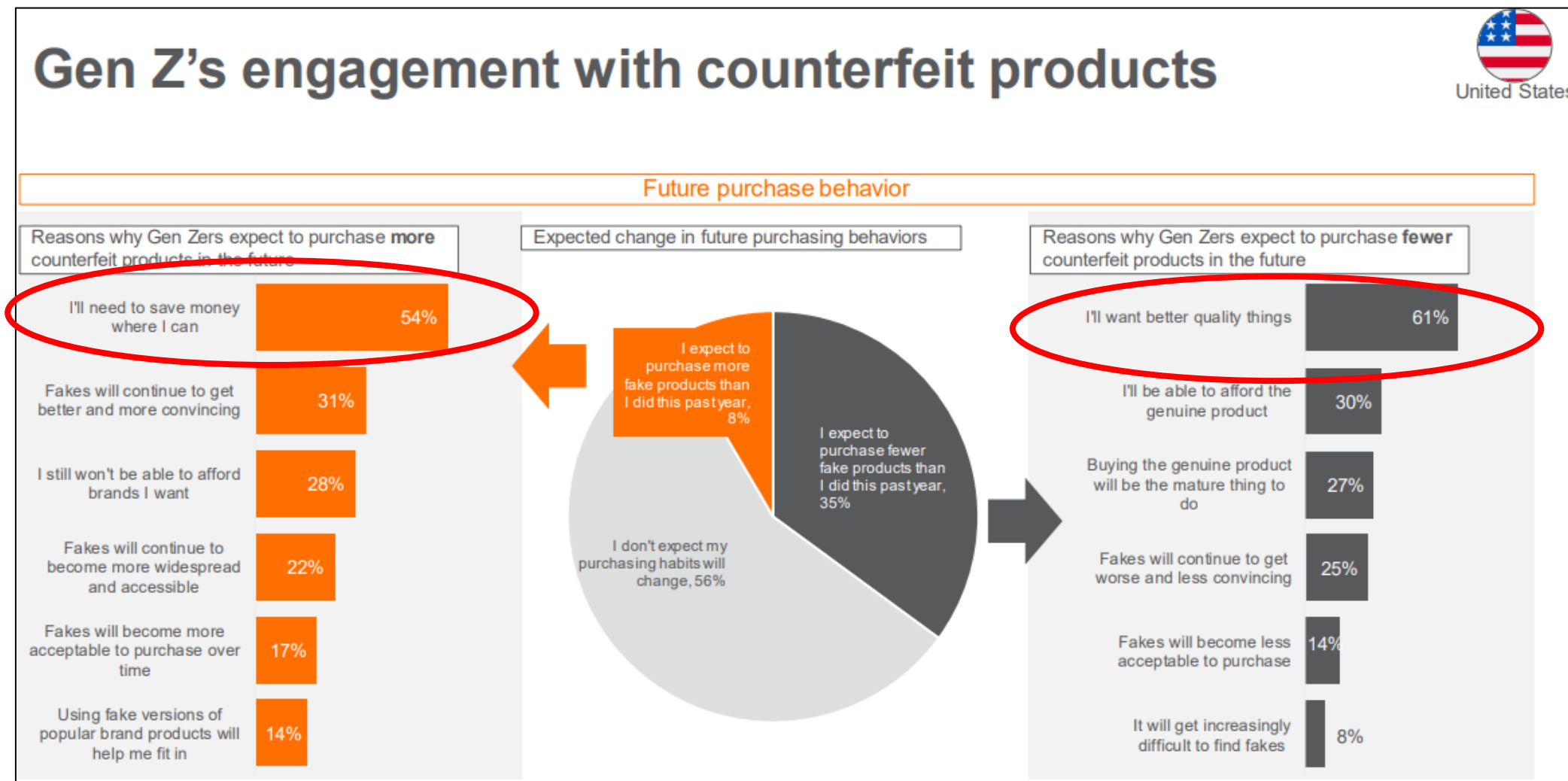


JPO Awareness-rising video

https://www.youtube.com/watch?v=0gCZUF_KgfI

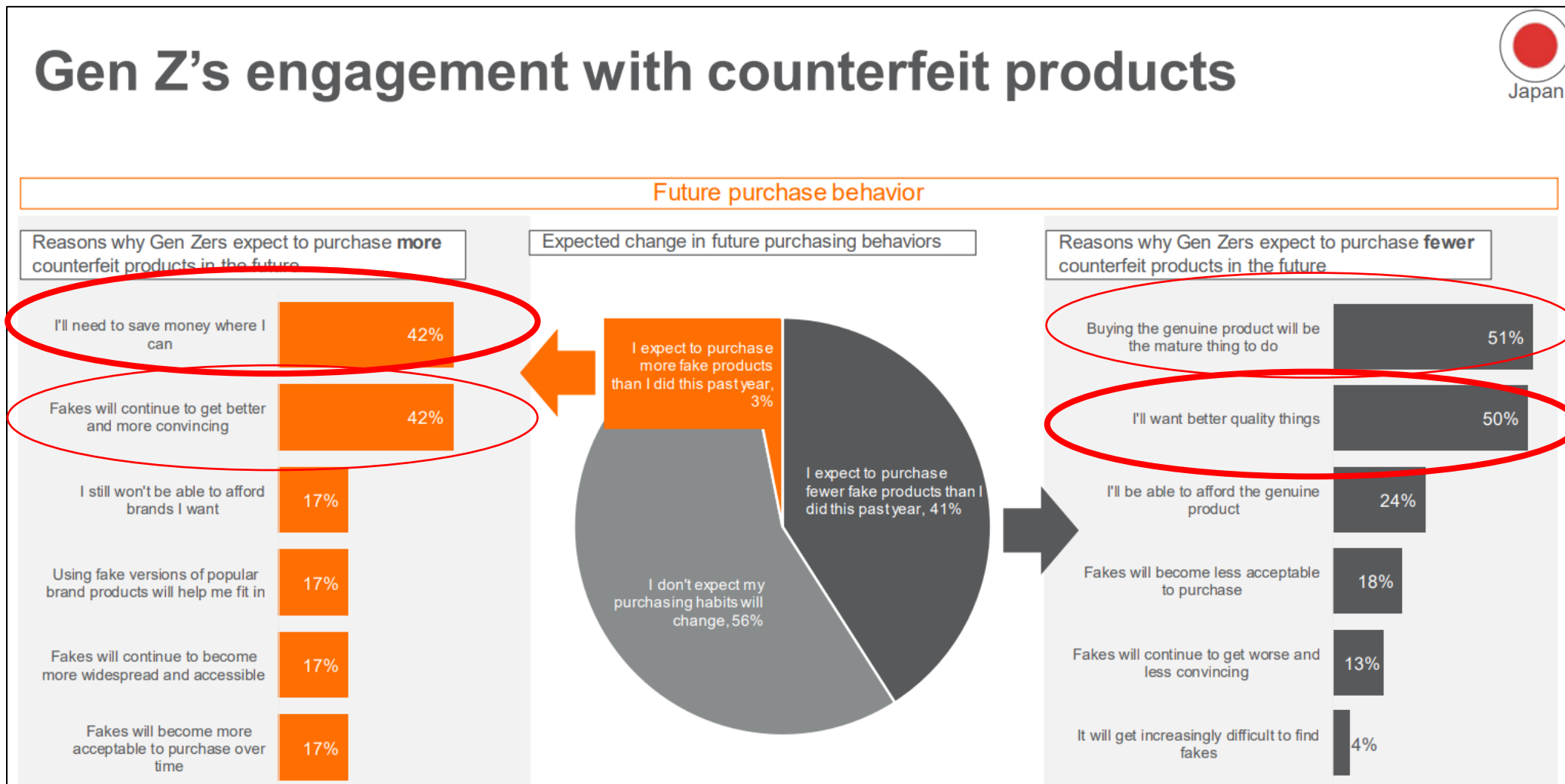
Reported Data by International Trademark Association

Save money or Better quality



(Source) International Trademark Association, "Gen Z Insights: Brands and Counterfeit Products – United States Report" Published: May 16, 2019
<https://www.inta.org/perspectives/inta-research/gen-z-insights-brands-and-counterfeit-products/>

Save money / Convincing or Mature thing / Better quality

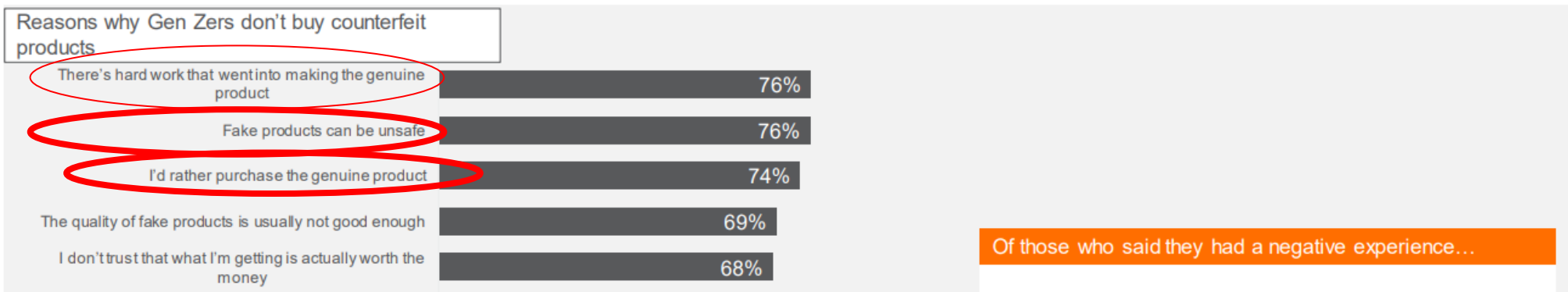


(Source) International Trademark Association, "Gen Z Insights: Brands and Counterfeit Products - Japan Report" Published: May 16, 2019
<https://www.inta.org/perspectives/inta-research/gen-z-insights-brands-and-counterfeit-products/>



Gen Z's reasons against purchasing counterfeit products

Reasons against purchase



Reasons for purchase

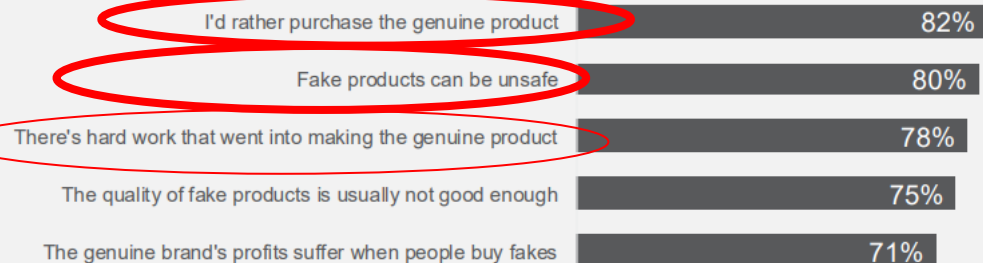




Gen Z's reasons against purchasing counterfeit products

Reasons against purchase

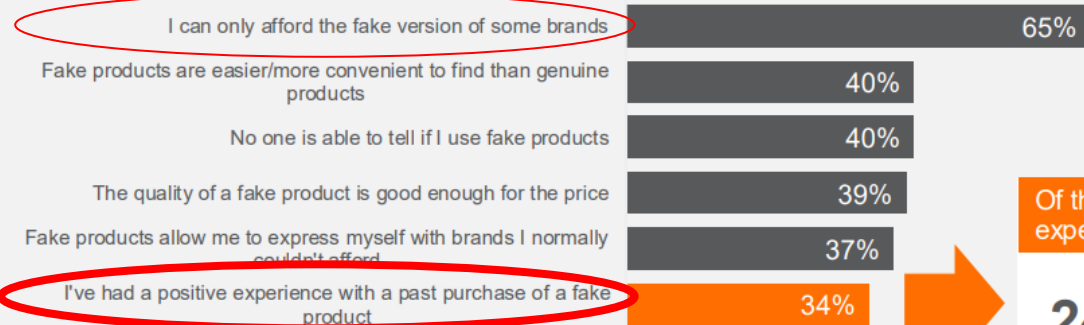
Reasons why Gen Zers don't buy counterfeit products



Of those who said they had a negative experience...

Reasons for purchase

Reasons why Gen Zers buy counterfeit products



Of those who said they had a positive experience...

24% It made me **more likely** to buy counterfeit products

Occasions for which Gen Zers buy counterfeit products

For private use at home	54%
For when I'm running errands	24%
To use when I'm at work or in school	19%
To use when I'm travelling	15%
To use in social situations or out with friends	13%

Thank you for your kind attention!