

Activities and History of the JFBA Committee on Intellectual Property Rights

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JFBA Committee on Intellectual Property Rights¹

1. Introduction

As a special task force of the Japan Federation of Bar Associations ("JFBA")², the "JFBA Committee on Intellectual Property Rights" ("Center of Intellectual Property Rights (CIP)") has a mission to develop and advocate Intellectual property rights.^{3,4}

As described below, the CIP's former organization, the Committee on Intellectual Property Rights System, has a long organizational history, dating from almost the same period as the JFBA was established. Separately, another organization, the Central Board on Promotion of Intellectual Property Rights Policies, was established within the JFBA task force with JFBA President as chairperson in concert with the Koizumi Cabinet's decision to set up a Prime Minister-presided task force, the Intellectual Property Strategy Headquarters⁵ in the e Intellectual Property Strategy Council meeting on February 25, 2002. On June 1, 2009, the Committee on Intellectual Property Rights System and the Central Board on Promotion of Intellectual Property Rights Policies were consolidated in the direction of enhancing their capacities and the CIP was created. The CIP, therefore, effectively steers the JFBA's intellectual property policies.

Its organizational outline and history are described below.

2. Organizational Outline of the CIP

(1) Mission

¹ The document was prepared by Kozo Yabe, CIP Chairperson, and Takamitsu Tomishige, CIP Chief Secretary.

² The Japan Federation of Bar Associations (JFBA) is a legal entity comprised of 52 Japanese local bar associations (local bar associations in principle exist one per prefecture. In Tokyo three associations exist, including Tokyo Bar Association, Daiichi (meaning First) Tokyo Bar Association and Daini (meaning Second) Tokyo Bar Association. In Hokkaido four associations exist, including Asahikawa, Kushiro, Sapporo and Hakodate Bar Associations. Note that the local associations are known as member association ("Tan-i kai"). Local bar associations are organizations whose members are attorneys and legal professional corporations operating in Japan. They are required to be registered with one of the local associations and the JFBA. The federation was founded on September 1, 1949 according to the Attorney Act, which was enacted as part of the postwar judicial system reform program to implement the newly promulgated legal platform, the Constitution of Japan. It had 44,961 members as of April 1, 2023.

³ The JFBA has some statutory committees including Qualifications Screening Board and Disciplinary Actions Committee, and permanent committees including Human Rights Protection Committee and Judicial System Research Board. It also has many special committees to address different legal issues. The CIP is among those task forces. Note that those task forces are given different organizational designations; "Center", "Central Board", "Board", "Joint Meeting," and "Working Group."

⁴ Its organizational legitimacy resides on the Rules for Establishing the JFBA Committee on Intellectual Property Rights," which were approved by the JFBA Board of Governors on February 19, 2009.

⁵ The background of the Intellectual Property Strategy Headquarters is provided at <http://www.kantei.go.jp/ip/singi/titeki2/enkaku.html>

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As described in Article 2 of the Rules for Establishing the JFBA Committee on Intellectual Property Rights, the CIP was set up to fulfill the missions;

“To develop and advocate intellectual property rights and raise public awareness of the rights, to enhance the intellectual property protection system through relevant policy advocacy activities on judicial dispute arbitration procedures and other legal topics, and to develop initiatives allowing JFBA members to join IP related services”. (Article 2 of the Rules for Establishing the JFBA Committee on Intellectual Property Rights)

(2) Activities

To fulfil the mission, the Rules for Establishing the JFBA Committee on Intellectual Property Rights (Article 3) requires the CIP;

- (i) To conduct research and studies and make recommendations on issues related to intellectual property rights;
- (ii) To make proposals and recommendations on intellectual property legislation and systems;
- (iii) To discuss with the governmental agencies and consultative bodies and other stakeholders on intellectual property legislation and systems;
- (iv) To train legal professionals and JFBA members on intellectual property rights;
- (v) To increase opportunities for JFBA members to engage in legal practices in IP area.
- (vi) To carry out any other activities for sustaining and developing intellectual property protection in Japan.

(3) CIP Membership

The CIP is supposed to have no more than 85 members. Some local bar associations, including Tokyo, Osaka and Aichi ones, are represented by several members because those bar associations have many members practicing in larger cities. In addition, to ensure that other local associations effectively participate in the CIP activities, at least two members are supposed to be appointed in each Regional Federation of Bar Associations (one Regional Federations of Bar Associations exists in each High Court jurisdiction; e.g., Hokkaido Federation of Bar Associations). The regional federations and local associations nominate CIP member candidates and the JFBA Board of Governors examines the nominations and appoints members. Their tenure is set at two years, and they may be reappointed⁶. In fiscal 2022⁷, 84 members including the Chairperson were

⁶ CIP and other JFBA special committees are subject to JFBA Special Committees Regulations (Regulation No. 22 of July 20, 1968 [Latest Revision: November 20, 2001])

⁷ The JFBA fiscal years start at June 1 and end May 31 of the following year.

appointed from local associations nationwide. Many of the CIP members also work for the Intellectual Property Strategy Headquarters at the Prime Minister's Office, the Industrial Structure Council of the Ministry of Economy, Trade and Industry, working groups of the Japan Patent Office and the Council for Cultural Affairs of the Ministry of Education, Culture, Sports, Science and Technology. Some of the IP members are former well-experienced judges who worked Intellectual Property Division of the Tokyo High Court, Intellectual Property High Court and intellectual property divisions of other courts. They have extensive operating experiences in the area. And other members worked as officials with fixed terms for the Ministry of Foreign Affairs and the Ministry of Economy, Trade and Industry. The CIP is the center of excellence mobilizing many highly qualified and extensively experienced members.

(4) Managerial posts

The managerial posts at the CIP include one Chairperson⁸ and several Vice Chairpersons, and they are chosen by the CIP members. They hold office for a term of one year and their term of office may be renewed.

Note that all the successive chairpersons are provided below from FY 2009 (CIP was found in June 2009) to the current fiscal year.

2009: Hidesato Iida (Tokyo⁹)

2010: Eiji Katayama (Daiichi)

2011: Wataru Sueyoshi (Daini)

2012: Tsukasa Matsumoto (Osaka)

2013: Izumi Hayashi (Tokyo)

2014: Tomoki Ihara (Kyoto)

2015: Yumiko Waseda (Daini)

2016: Koichi Tsujii (Daini)

2017: Yasufumi Shiroyama (Daiichi)

2018: Shin'ichi Murata (Daini)

2019: Mitsuko Miyagawa (Daiichi)

2020: Shigetoshi Hirano (Osaka)

2021: Makoto Hattori (Daiichi)

2022: Kozo Yabe (Daiichi)

⁸ "Chairperson" is the official designation. It is sometimes known as "Director of the Center."

⁹ Names of the former and current chairpersons followed by the designations of the bar associations with which they were affiliated. "Daiichi" and "Daini" mean Daiichi Tokyo Bar Association and Daini Tokyo Bar Association, respectively.

(5) Secretariat

The CIP also has a secretariat comprising attorneys and its Chief Secretary and deputy secretary are designated from member attorneys.

(6) Coordinators

Besides its members, the CIP has several coordinators¹⁰. They are supposed to "prepare and copyedit agendas for the Committee, collect documentary materials and conduct studies, researches and others upon request of the President or Chairperson" according to Article 10-4 of JFBA Special Committee Regulations.

Rather, the coordinators, who have extensive legal expertise and experiences, are expected to provide timely and appropriate advice on the CIP's operations and opinion formation processes¹¹. They are not expected to undertake paperwork activities, including to carry out administrative work such as agenda preparation and collection and filing of the documentation. The chairperson, deputy chairperson and secretariat personnel work for those tasks.

3. Activities of the CIP

(1) General Meeting

A monthly meeting is held between 1:00 p.m. and 3:30 p.m. at the JFBA building, known as "*Bengoshi-kaikan*," located in Japanese political center, Kasumigaseki, Tokyo. All the CIP members attend the general meeting, and remote CIP members are provided with the convenience of online participation through Zoom meeting feature. The Chief Secretary presides over the meeting and the members address and discuss many different agendas and reports; project team activities, advocacy activities including responses to public consultations (the CIP drafts official opinions on the behalf of the JFBA for submission), professional IP training and other educational and public relations activities (planning, preparation and implementation), activities related to legal services, external communication and coordinating activities including discussion with IP-related state organizations including courts and the Japan Patent Office, and IP-related industry organizations and any other topics.

(2) Project Team (PT) activities

¹⁰ The position is in place pursuant to Article 10 of the JFBA Special Committee Regulations. Committee members may be appointed as a coordinator from among the (Paragraph 2 of the Article). Otherwise, any persons outside the committee may be appointed as the position with the approval of the JFBA President (Paragraph 3 of the Article). The CIP has coordinators according to the latter provision.

¹¹ In the context of Article 10-4 of the Special Committee Regulations, which provides the duties of coordinators, the expected tasks from CIP coordinators are legitimated by the word "others" in the phrase "prepare and copyedit agendas for the Committee, collect documentary materials and conduct studies, researches and others."

The CIP has as many as approximately 80 members and its membership is too large to discuss all the agendas in depth. In order to compensate the shortcomings, it has several project teams (PTs) in place. Like subcommittees, the thematic PTs have membership consistent with members' expertise. In FY 2022 the CIP has five PTs; Patent PT (Chair: Yuriko Sagara), Design, Trademark and Unfair Competition PT (Chair: Mitsuko Miyagawa), Copyright PT (Chair: Naoya Ichimura), International affairs PT (Chair: Shigetoshi Hirano), and Training and Service Promotion PT (Chair: Ichiro Sugiyama).

Each CIP member is supposed to choose at least one PT and work for its agenda. PTs often hold their separate meetings between 3:30 p.m. and 5:00 p.m. on the same day as general meeting to discuss the terms of reference (research and preparatory tasks assigned by the Chairperson or in the General Meeting). They, however, hold meeting and continuously and actively discuss via PT-specific mailing list.¹² They bring the preparatory works to the general meeting for further discussion and the CIP makes its official decisions on specific issues.

Separately from the PTs, cross-disciplinary working groups are occasionally set up to work on specific themes. In FY 2013, the IP Court System Working Group (first Chair: Izumi Hayashi)¹³ was set up. In FY 2014 Japan Contents Research Team¹⁴ (first Chair: Mieko Mitsuo)¹⁴, and in FY 2017, Legal Agriculture and Fishery Support Team¹⁵ (first Chair: Yuji Yamaguchi) was set up to work in their specific themes.

(3) Meeting of Chairperson, Vice Chairperson and Secretariat

Chairperson, Vice Chairperson and Secretariat hold a preparatory meeting between 12:00 a.m. to 1:00 p.m. of the same day as the general meeting to prepare for the general meeting. The preparatory meeting exclusively focuses on technical issues related with the general meeting; the proceeding and timeline of the general meeting and the availability of the planned presenters. The effective discussion is left to the general meeting.

4. Activities in the CIP

(1) Preparing Opinion on the JFBA's behalf¹⁶

The JFBA publishes opinions and President's statements in response to the Governmental moves to develop new laws, regulations or guidelines or revise existing ones, as proposed by the Cabinet

¹² CIP members join in more than one PT. They work for one of the PTs and may voluntarily join other PTs by getting registered in other PT mailing lists.

¹³ Renamed "IP Judiciary System Working Group" Chair for FY 2022: Shin'ichi Murata

¹⁴ In 2018, the Working Group was renamed "Japan Contents Team". Its FY 2022 Chair is Shinichi Matsui.

¹⁵ FT 2022 Chair: Wataru Sueyoshi

¹⁶ For more information on JFBA opinions (available only in Japanese), visit the JFBA website at: <http://www.nichibenren.or.jp/activity/document/opinion/category/intellectual.html>.

or Government. The CIP draft opinions and JFBA president statements in the area of intellectual property regulations, subject to review and approval of the JFB board.

(2) Dialogues with the Intellectual Property High Court and Intellectual Property Department of Tokyo District Court

The CIP annually holds discussion meetings on intellectual property lawsuits with the IP High Court and the Intellectual Property Departments¹⁷ of the Tokyo District Court since 1999, The discussions made in 2000 and 2013 were reported in a well-known Japanese case law report journal “*Hanrei Taimuzu*” (Vols. 1051, 1095, 1124, 1160, 1177, 1179, 1207, 1240, 1271, 1301, 1324, 1348, 1374 and 1390) and in an IP journal “*Law & Technology*” Vol. 65). Note that the discussions made after 2014 were reported in supplementary volumes titled "The front line of intellectual property disputes (in Japanese)" to the journal “*Law & Technology*” (supplementary volumes to “*Law & Technology*,” titled "The front line of intellectual property disputes" Vols. 1 through 8 *Law & Technology*). These materials are widely recognized as a valuable information source on the court practice.

(3) International Contributions

(i) Supporting international conferences and statement and publishing opinions,

The Annual Conference of the International Bar Association (IBA)¹⁸ 2014 was held in Japan. The CIP organized a visit to the Intellectual Property High Court of Japan and panel discussion there in cooperation with its counterpart from the IBA.

Since 2017, the CIP has been hosting “Judicial Symposium on Intellectual Property / TOKYO (JSIP),” co-hosted by the Supreme Court, the Intellectual Property High Court, the Ministry of Justice, the Japan Patent Office, and the IP Lawyers Network Japan in order to provide opportunities to increase and disseminate the knowledge about differences in international legal systems and practices and challenges.

(ii) Supporting Japanese small and medium enterprises (SMEs) seeking to advance overseas

Japanese small or medium enterprises that seek to expand business overseas or develop

¹⁷ Civil Division 29th, 40th, 46th and 47th of the Tokyo District Court are dedicated to IP disputes. The Osaka District Court has two divisions specialized in intellectual property; Civil Division 21st and 26th. The Osaka High Court handles IP cases at civil division 8th in a centralized manner. Apart from the CIP programs, Osaka Bar Association IP committee hold consultations with the high and district court divisions at its own initiative. Many of the Osaka Bar Association members who attended the consultations were CIP members. The consultations were also reported in in *Law & Technology* journal.

¹⁸ The world's largest association of legal professionals, with approximately 30,000 legal professionals from around the world and more than 195 legal associations.

international trade sometimes face many different adverse circumstances that pose difficulties to access to legal experts despite their urgent needs to obtain knowledge about the local legal systems and practices, which are the prerequisites for overseas business activities. The CIP continues to make efforts to provide them with more access to legal services in IP sector in order to contribute to their penetration to overseas markets.

(iii) Discussion forum with overseas IP attorneys

In order to evaluate the recent move to implement IT in the Japanese courts in comparison with overseas advanced experiences in IT implementation in the court system, the CIP holds discussion forum with overseas knowledgeable lawyers¹⁹.

(4) View Exchanges with various organizations

The CIP holds view exchange meetings with external organizations in IP sector as necessary and recommend nominees for governmental or official positions or lecturers for official education programs to contribute to public interests as representative of the JFBA. The activities provide additional opportunities to share information and deepen discussions.

For example, the CIP holds annual consultations with the Japan Intellectual Property Association. The meetings provide fulfilling opportunities for us, as IP legal professionals, to know and address the requests and questions from the business community. In 2022, the CIP held a conference with the University Network for Innovation and Technology Transfer (UNITT) with focus on the legal issues related to data transactions between industrial sector and academic community.

Former CIP presidents continue to take office of director in the International Association for the Protection of Intellectual Property of Japan (AIPPI JAPAN) to represent the JFBA in its Board of Directors. As a part of the efforts to contribute to its activities, the CIP recommends lecturers for its case law seminars.

(5) Education and training program on Intellectual property law

Since 2003, the CIP has led the JFBA's competence development and training programs for attorneys in IP sector. It plans training curriculums, including selection of lecturers and themes, and undertakes technical and operational tasks every year.²⁰

¹⁹ As of March 2023, meetings are being held to exchange opinions with IP attorneys from South Korea, China, the United States, and Germany.

²⁰ The JFBA has a continued education organization for attorneys, Comprehensive Center for Continuing Legal Education. The CIP implement the training program on IP in coordination with the Center.

The training programs cover a wide range of themes; they sometimes topical themes in conjunction with the moves to revise laws and sometimes overview specific industries important for legal IP issues with experts other than lawyers.

(6) Co-hosting promotional events with ministries and agencies

The CIP cohosts public relations events with governmental organizations to meet ad hoc needs. Recently, it organized an event with focus on IPs in agriculture and fishery in March 2022 and an event on IP issues in fishery sector in September 2022 to disseminate the information on current IP developments in the sector and to share good practices in rural legal services of intellectual property issues related to agriculture and fishery.

5. Historical Background of the CIP

(1) Former Organization; the Committee for Revising Legal System on Industrial Property

(i) The Committee for Revising Legal System on Industrial Property

On February 19, 1963, the JFBA Board of Governors deliberated an agenda about foundation of Committee for Revising Legal System on Industrial Property and resolved its foundation (the first chairperson was Alexander Nagai (Daini) in the General Meeting.²¹

Earlier, ad hoc working committees had been set up in conjunction with the proposed significant revision of legal system on industrial properties²². The committee, however, was the first

²¹ Apart from the Chairperson, the first Committee had the following membership; Vice Chairpersons were Shigetoshi Matsumoto (Tokyo) and Susumu Uzawa (Daiichi), members were Shozo Kawaguchi (Tokyo), Susumu Anamichi (Tokyo), Munetsugu Wakui (Tokyo), Daijiro Nagata (Daiichi), Masahiro Matsukata (Daiichi), Moribumi Uchida (Daini), Junpei Ishiguro (Osaka), Masaaki i Noma (Kyoto), Ryoza Saji (Nagoya), Michiya Mihara (Fukuoka). The chairperson Alexander Nagai (his name registered at the Bar Association was "Arekizan." Probably because his mother was a German, it is said that Alexander talked with his family in German. He had experiences as a diplomat and was a prominent attorney with an international perspective. He was the first son of a great pharmacologist, Dr. Nagayoshi Nagai, who discovered and extracted ephedrine, ingredient of medicines for asthma and common cold). He was qualified as the founder of modern pharmacology in Japan.

²² To react the move of the Japan Patent Office to deliberate the revision of the existing industrial property rights legislation (on July 31, 1950 the Council for Research on the Revision of Industrial Property Rights Legislation was established within the Ministry of International Trade and Industry as a consultative body to the Minister. The Commissioner of the Japan Patent Office forwarded a consultative letter dated December 20, 1950, to the JFBA. The letter titled "Submission of Opinions Concerning the Revision of the Industrial Property Rights Legislation" requested the organization to submit its opinions on the proposed revision by the end of March, 1951. More specifically, the JFBA moved to respond to the request), the JFBA's board of governors resolved to set up Working Committee on the Revision of Legal System for Industrial Property Rights on December 23, 1950, and set up the committee on March 5, 1951. It consisted of 10 members and its first Chairperson was Junnosuke Nakamatsu (Daini). The committee prepared and forwarded an opinion on patent appeals and litigation issues to the President of the JFBA. In 1957, the committee gave its last opinion in response to an inquiry from the President of the Tokyo High Court concerning the "revision of the

permanent one. The JFBA's decision to set up the permanent committee was triggered by the Council for the Revision of Industrial Property Rights System, which was established within the Ministry of International Trade and Industry (current Ministry of Economy, Trade and Industry) on December 12, 1962.²³ On December 19, 1962, the Minister of International Trade and Industry, Hajime Fukuda, consulted the Chairperson of the Council about the revision of basic matters of the industrial property rights system.²⁴ To articulate its official ideas about the proposed revision of the existing legal system governing industrial property rights, the JFBA also decided to set up a specialized committee consisting of a limited number of members (10 to 15 members) with extensive knowledge in that field and to ask them to develop their opinions. The opinions were expected to guide the JFBA's official opinions and be reflected by the Council.

(ii) Committee on Intangible Property Rights System

On February 19, 1972 the JFBA Board of Governors (the President was Shiro Mitsuishi (Daini)) renamed the Committee for Revising Legal System on Industrial Property as Committee on Intangible Property Rights System. The decision was intended to reinforce the capability to deal with copyrights, which had been traditionally more or less neglected. No more than five copyright experts were added to the renamed committee. Since the copyright law is not academically a part of industrial property rights law, the Committee was renamed replacing industrial property rights with a broader term, intangible property rights, which was deemed more appropriate.

(iii) Committee on Intellectual Property Rights

On February 17, 1989, the JFBA Board of Governors renamed the Committee on Intangible Property Rights System as Committee on Intellectual Property Rights (the then Chairman was

requirements for handling the documents defined in Article 128-4-(2) of the Patent Act (the records of decisions of rejection and appeals against decisions of rejections).” It was supposed to have completed its mission and dissolved.

²³ The purpose of the consultation to the Council was described below; "as liberalization advances, the long-term development of Japanese industries has been increasingly dependent on development of epoch-making technologies. In particular, recent progress in technologies and sciences have been driven and accelerated by vast investments in research activities. The need to effectively obtain patents on the inventions, which are the achievements of the research activities, under the industrial property rights system and to promptly disclose the patents has been urgent not only for individual companies but also for the overall national economy. Given the recent developments, arguably we have to learn from the experiences in other countries and fundamentally and realistically revise the existing industrial property rights system in order to adapt the system to the new era and accomplish its intended purposes. To this end, we take this occasion to consult the Council for the Revision of Industrial Property Rights System about the principles for the industrial property rights system." Enough interestingly, the statement about the industrial property rights remains valid today, not to mention in 1962.

²⁴ In the consultation letter the minister stated "In order to fully achieve the objectives of the industrial property rights system in the context of the recent domestic and international developments and to effectively address the challenges that the Japanese economy faces, we consult the Council about the fundamental directions for revising the existing system.

Takashi Honma (Tokyo)) in order to reflect the fact that at those days the term "intellectual property rights" was more commonly used than the term "intangible property rights" in mass media. The renaming coincided with establishment of the JFBA Special Committee Establishment Rules. Earlier, the Committee had based its organization legitimacy on the resolution made by the JFBA Board of Governors. In conjunction with the renaming, the committee obtained a new legitimacy from the JFBA Special Committee Establishment Rules.

(iv) Committee on Intellectual Property Rights System

On September 20, 2003, the JFBA Board of Governors renamed the Committee on Intellectual Property Rights as Committee on Intellectual Property Rights System (the then chairperson was Yoichiro Komatsu (Osaka)) in order to follow the Governmental policy on the Japanese translation term for intellectual property. On July 8, 2003 the governmental Intellectual Property Strategy Headquarters set up the "Strategic Program on the Creation, Protection and Exploitation of Intellectual Property." The program set out the policy of uniformly replacing the word "*chitekishoyu-ken*," which was used in existing national laws and translations of treaties to mean intellectual property, with another word "*chitekizaisan-ken*," which also means intellectual property, wherever possible. Although the two words had the same meaning, intellectual property rights, "*chitekishoyu-ken*" connotes ownership more strongly while "*chitekizaisan-ken*" connotes the aspect of assets more strongly. Note that the purposes and missions of the Committee on Intellectual Property Rights System were defined as follows; "1) research and study on intellectual property rights; 2) advocacy related to intellectual property rights legislation and systems; and 3) representation of the JFBA in governmental councils and other agencies to integrate the JFBA's opinions on intellectual property rights into the governmental decision-making processes" (Article 2 of the Establishment Rules for Committee on Intellectual Property Rights System). Up to 35 members were allowed for the Committee.

(2) History of the Central Board on Promotion of Intellectual Property Rights Policies

As stated above, on February 25, 2002 the Koizumi Cabinet set up a Prime Minister-presided council, Intellectual Property Strategy Council, within the Prime Minister's Office in order to promptly set out and implement the national intellectual property strategies. On July 3 of the same year, the Council unveiled the National Intellectual Property Strategy.

To quickly react the Governmental move, to such movements, the JFBA also established the Central Board on Promotion of Intellectual Property Rights Policies with the JFBA President as its Chairperson at the meeting of the Board of Governors on June 22, 2002. The organization had missions to interact with the government and related organizations on judicial aspects of the

national intellectual property strategy (e.g., IP dispute resolution procedures, IP capacity building programs for legal professionals, and continuing education for attorneys) and to advocate related policies. It also had a mission to proactively work on the issues that the JFBA should address at its own initiative, including capacity IP-related legal professionals (Article 2, Rules for Establishing the Central Board on Promotion of Intellectual Property Rights Policies. The then Chairperson was Tohru Motobayashi, President of JFBA).

Up to 50 attorneys were allowed to join the organization. Attorneys who were knowledgeable about intellectual property litigation practices were appointed by the JFBA President as members, taking their regional distribution into consideration.

(3) Consolidation and development of the Committee on Intellectual Property Rights System and Central Board on Promotion of Intellectual Property Rights Policies

As described above, the Committee on Intellectual Property Rights System was set up in 1963 (its history dates back to 1951 if its former ad hoc committees are included). It mainly worked on the theoretical aspects of industrial property right and copyright legislation. The Central Board on Promotion of Intellectual Property Rights Policies was tasked with advocacy activities in the IP sector. They had separate origins and different missions. However, their missions, theoretical reviews and policy advocacy in intellectual property, were not unrelated but rather they were two sides of the same coin and overlapped each other. Organizational deliberations reached a conclusion that the two organizations should reasonably be consolidated and jointly work. In 2009 the JFBA decided to reorganize them into a single and enhanced organization and a special committee dedicated to IP was created. It was allowed to have up to 85 members and its size was fairly large in comparison to other JFBA committees. The consolidated organization was named JFBA Center of Intellectual Property Rights.

6. Creation of the Intellectual Property Lawyers Network Japan

An organization was created out of the activities of the JFBA Central Board on Promotion of Intellectual Property Rights Policies; IP Lawyers Network Japan.²⁵

As a nationwide lawyer network, the IP Lawyers Network Japan (“IPLNET”) was set up on April 8, 2005, in step with the foundation of the IP High Court. The network was aimed at enhancing and extending community-based IP legal services, developing IP experts and building bases for IP legal services (the first Secretary General was Kunio Aitani (Daini), a former Deputy Secretary

²⁵ For details of the IPLNET, see the Website (available only in Japanese): <http://www.iplaw-net.com/index.html>. Although Minjiho Kenkyukai Co., Ltd., which supported the purpose of IPLNET, shoulders its administrative operations, including website management, the IPLNET is itself a non-profit organization, and it financially depends on the annual membership fees contributed by its members.

Activities and History of the JFBA Committee on Intellectual Property Rights

General of the JBA). Because of its federative nature, the JFBA has organizational difficulty in directly entering into IP consultation and legal service contracts with external organizations. In order to build a separate expert team that compensates for the shortcoming, a group of attorneys with extensive expertise and experiences on intellectual property legislation led the initiative of setting up the IP specialized network. The IPLNET has eight separate blocks nationwide (Hokkaido, Tohoku, Kanto-Koshinetsu, Chubu, Kinki, Shikoku, Chugoku and Kyushu-Okinawa Regional Groups) in order to more swiftly provide IP legal services across wider geographical areas and to address specific, i.e., local and characteristic needs in the regions. Many CIP members have simultaneously served as IPLNET Governors, and the two organizations maintain their activities without conflicts. In FY 2021, the IPLNET significantly changed its website and featured several series of articles, e.g., “Intellectual Property Q&A”, “Trade Secret Mail Magazine”, “Intellectual Property Side Stories” to popularize and raise awareness about intellectual property legislation. In FY 2022, the IPLNET entered into a contract with the Agency for Cultural Affairs to set up and operate an advisory service in culture and arts sectors and started an ad hoc secretariat for the service. In addition to the initiatives in specific industrial sectors, such as the Legal Agriculture and Fishery Support Team and the Japan Contents Team, Regional Groups organize promotional events. For example, in FY 2022, Tohoku Regional Group held a symposium titled "Symposium: How to Create Products with High Added Value in Food Production and Manufacturing Industry – With Focus on Iburigakko, a Product with GI label in Akita."

7. Activities of the Intellectual Property Arbitration Center

The Japan Patent Attorneys Association and the JFBA established an alternative dispute resolution (ADR) body known as Industrial Property Rights Arbitration Center (IPRAC) in March 1998 to settle disputes over industrial property rights (it started operations on April 1, 1998). The IPRAC subsequently expanded its coverage to include intellectual property rights in general, and later it was renamed as Japan Intellectual Property Arbitration Center in April 2001.

The JFBA has a special committee in charge of operating and supporting the IPRAC (the number of members is 40 or less); the IPRAC Committee. Many of its members also serve as members of the CIP. In addition to Tokyo Headquarters, the IPRAC has Kansai and Nagoya Branches and five sub-branches; Hokkaido, Sendai, Hiroshima, Takamatsu and Fukuoka. Some members of the IPLNET Regional Groups were involved in setting up sub-branches and play a core part in operating them.

8. Conclusion

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Industrial competition has been increasingly intensified under globalization. Intellectual property legislation cannot be free from direct impact of advanced technology development, including AI, IoT, and regenerative medicine such as iPS cells. In addition, the intellectual property rights, which are supposed to be protected by the intellectual property legislation, are also characterized by its vulnerability to infringement because of their intangible nature. Indeed, unauthorized reproduction and distribution of pirated copies of copyrighted works and unauthorized use of registered trademarks are rapidly expanding in the Internet environment, which has raised alarming concern. For this reason, IP legislation is often brought to being discussed from a one-sided interest in protecting intellectual property rights and exclusive rights in order to maintain and increase the competitiveness of Japanese industries and individuals. On the other hand, copyrighted works are consumed by the public, and people often face IP-related issues in their daily activities, including possible conflict between protection of trade secrets and freedom of professional choice, or disputes over ownership and compensation of employee inventions between employers and employees. Always keeping conscious about the attorneys' mission of protecting fundamental human rights and achieving social justice (Article 1 of the Attorneys Act), the CIP will continue to make every effort to ensure that a well-balanced intellectual property legal system is built and operated within the entire legal order as practicing lawyers, as legal professionals who provide legal services and play a part in the judicial system.