



Joint Minutes of the First Meeting of the Committee on Intellectual Property under the Agreement between the European Union and Japan for an Economic Partnership

Tokyo, 28 November 2019

The first meeting of the Committee on Intellectual Property under the Agreement between the European Union (“EU”) and Japan for an Economic Partnership (“EPA”) took place on 28 November 2019 in Tokyo.

Japanese participants from MOFA, MAFF, MOF, METI, JPO, NTA, ACA and CAA and EU participants from the Directorates-General TRADE and AGRI and the EU Delegation to Japan had a fruitful exchange of views on matters related to Chapter 14 of the EPA on Intellectual Property.

The Committee confirmed that it will work in accordance with the rules of procedure of the Joint Committee adopted on 10 April 2019, which will apply *mutatis mutandis*.

The meeting agenda was adopted.

The Parties exchanged information and had discussions on the latest legislative developments and issues related to copyright and related rights, in particular copyright system related to the digital environment, including measures tackling piracy on the internet, terms of protection, use of phonograms, and resale rights. The Parties confirmed the importance of the exchange of information, discussion and cooperation on those matters and especially reaffirmed the importance of enhancing measures tackling piracy on the internet.

The Parties exchanged information on the reform of the EU designs protection rules, in particular, the protection of spare parts. Japan emphasised the importance of protection of spare parts, and encouraged the EU to enhance protection of industrial design for spare parts.

The EU gave updates on its unitary patent protection system. Japan requested that the EU consider extension of the scope and term of the grace period for patents and expressed its anticipation of the early entry into force of the Unified Patent

Court. The Parties exchanged information on Standard Essential Patents, including state of play of the guide to licencing negotiations and review of the Essentiality check guidelines. The Parties also exchanged information on the 2019 revision of the Patent Act and other relevant legislations in Japan and supplementary protection certificates in the EU.

The Parties exchanged information on trade secrets, including the latest legislative developments, namely the revision of the Unfair Competition Prevention Act in Japan and the Directive 2016/943 in the EU, and the state of play of the transposition of the Directive. Japan stressed the importance of criminal remedies as well as civil remedies to enhance the effective protection of trade secrets.

The Parties exchanged information on developments related to intellectual property enforcement, including border enforcement and their countermeasures regarding the sale of counterfeit goods on the internet, in particular through e-commerce platforms. The EU stressed the importance of addressing the importation of intellectual property right (“IPR”) infringing goods for personal use. The Parties shared the need to enhance sharing of information regarding the common challenges they face in the field of IPR enforcement.

The Parties exchanged updates on legislative and policy developments on geographical indications (“GI”s) on each side, including on the deposition by the EU of its accession instruments to the Geneva Act.

Japan raised cases of possible infringement in some EU Member States concerning the protection of KOBE BEEF GI. Japan requested that all appropriate measures are taken in the EU to solve these cases and to swiftly provide feedback. The EU confirmed that it will take these issues in a serious manner and act without delay so the issue are solved. The EU proposed to exchange contact lists of enforcement authorities in Japan and the Member States for further distribution to stakeholders in case such cases arise.

The Parties discussed modalities to amend Annex 14-B (List of GIs) and will continue discussions in the coming months aiming to reach an agreement related to the addition of new GIs at the next Joint Committee meeting.
