



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

Videoconference, 19 January 2023

The third meeting of the Committee on Intellectual Property under the Agreement between the European Union (“the EU”) and Japan for an Economic Partnership Agreement (“the EPA”) took place on 19 January 2023 by videoconference.

Japanese participants from Ministry of Foreign Affairs, Ministry of Finance, National Tax Agency, Ministry of Agriculture, Forestry and Fisheries, Ministry of Economy, Trade and Industry, Japan Patent Office, Agency for Cultural Affairs and the Mission of Japan to the EU and the EU participants from the European Commission Directorates-General for Trade, Agriculture and Rural Development and the EU Delegation to Japan had a fruitful exchange of views on matters related to Chapter 14 of the EPA on Intellectual Property.

As opening remarks, Japan stated that this meeting would be the best opportunity to confirm joint commitment to implementing Chapter 14 of the EPA and to further strengthen cooperation between Japan and the EU. The EU also noted the importance of working with Japan in the field of intellectual property as likeminded partners. The EU also underlined the necessity for continued discussions on Article 14.12 (Use of phonograms) and Article 14.15 (Artist's resale right in works of art) of the EPA.

The meeting agenda was adopted.

Under the agenda item “General legislative and policy developments”, both sides exchanged information on developments in the area of intellectual property since the last Committee meeting, held on 13 December 2021. Japan presented the recent revision of the Customs Act, which came into effect on 1 October 2022, focusing on border control measures for counterfeit products. The EU welcomed this revision and Japan and the EU affirmed their mutual interest to continue exchanging information on the implementation of this measure. Japan also shared recent developments in law and practice with regard to Standards Essential Patents (SEP), and the Copyright Act including the outline of the amendment and provisions on presumption of authorization for simultaneous streaming.

The EU provided Japan with updates on several key elements of the Action Plan on Intellectual Property of 2020, which guides the EU's reform agenda structured around the main challenges in this area, from tackling the remaining fragmentation of the legal framework to fight counterfeiting and piracy. The EU side also outlined the objectives of the upcoming reform on SEPs, the proposed revision of the EU legislation on designs and the entry into force of the Unitary Patent system, as well as highlighted the main findings of the EU report on the intellectual property enforcement, which includes both results at the EU border and in the EU internal market in 2021.

Both sides exchanged information on recent changes and improvements in their current rules and procedures on Geographical Indication (GI) system, which aims to further strengthen the protection of GI products and encourage an increase in the number of registered products.

With regards to the translation/transliteration into Japanese of EU's GIs: "Pálinka / Pálincă", which EU side is considering adding to Annex 14-B of the EPA, both sides confirmed that the GI "Pálinka" is described as "パーリンカ" and "Pálincă" is described as "パリンカ". The EU noted that it would take appropriate action including informing EU operators to prevent misuse of the translation/transliteration of these GIs after these GIs are to be listed in Annex 14-B of the EPA, in light of the fact that competent authorities on both sides would need to take appropriate measures according to the relevant provisions of the EPA to protect these GIs.

As for the third amendment to Annex 14-B of the EPA, to ensure that all Japanese GIs which Japan has requested to be listed for that amendment can be included in Japan's list, the EU proposed conducting the amendments of 2023 in two occasions, one would be for 1 July for the both the EU's and Japan's GIs, and the other for an appropriate timing in 2023 for only Japanese agricultural GIs that would not have been registered domestically in Japan by the date that both sides would confirm later. The EU proposed the plan to a further amendment in 2025, which would include a similar number of GIs on both sides as in previous amendments. Japan took note of the EU's proposal, emphasizing the importance of adding GIs to Annex 14-B of the EPA in a manner satisfactory to both sides.

The EU and Japan Co-Chairs expressed appreciation for the productive meeting and reaffirmed the willingness to continue to build better understanding and cooperation in the area of intellectual property.
