

Panel Discussion at the MyIPO-JIPII Joint Seminar in March 6, 2018

Moderator gives the greetings and thanks all participants who still remain. It is decided they will receive questions from the floor to the speakers.

He mentions that education and awareness is an ongoing process, it cannot be done as a fixed idea, therefore the ideas discussed today are very important.

Moderator wants to hear from the speakers that when you talk about awareness, every program leads to a result. He would like to know what kind of expression is needed when you develop an IP awareness program.

Japan:

What is the most important thing is to continue. It is important to change the mindset of the public and it is not easy. Also, society is changing. I was discussing with Mr. Carapeto about internet, about the links that allows access to content for free. With that, authors of comics won't be able to survive and there will be no more creation of contents that you can enjoy. One thing is the mass of people and making them aware that there are IP rights, and this is a huge effort and in Japan we still do it after 100+ years. Also, we have to focus on the current issues in order to make people aware that there are problems within the development of new technologies.

Malaysia (MyIPO):

What I would like to add on is that in order to know if awareness is a success in each country you look at the date. In Malaysia the foreign app is over domestic app, but the more you do. But if you look at statistics, you see that domestic applications are again over the foreign application. Another thing it never ends. It is so difficult to do it because IP is not compulsory, so you need to create a conscious that it is important and you should reach them.

Thailand:

One way of seeing it is if there is a reduction in counterfeit goods. That is a show of success. But another question that you have to think is how to make them think. You need to make people realize that they need to invent and respect other inventors at the same time. Some years ago I have joined a training course in Japan and he made a paper tower training, and you would have to think how to create the highest paper tower - and it is interesting to forte innovative thoughts. That helps to create that to

create something you need to think this.

MODERATOR: From the discussion, we need to results from such promotion of IP awareness. From what Okuyama said, the change of the public mindset - this is a result.

QUESTION:

I am a lecturer from a local public university and we strongly encourage to educate on how to commercialize our research. So many of us who succeed in filing and granting, but few of us commercialize. Currently, a colleague of mine that has a patent granted and it is not commercializing, said that his patent is being infringed. The company reached the technology from publication, because the patent is published after 6 months. What was the action to be done?

Malaysia (MyIPO):

When it comes to infringement, you are the IPO. When someone infringes it, you can go to the courts to stop the infringement to stop the third party. You can negotiate to a license of use.

Malaysia (Lawyer):

There is a commercial remedy. I would think that there is a legal way that costs a lot of money. And if there is no money. But you can alert him that upon grant he will have to pay a lot of money. From a practical point, the university would not put money.

Brazil:

In other countries, this kind of happening also occurs. Using the example of Brazil, in many times the researcher would do an effort to start a litigation in order to improve the bargaining power in negotiation. In this way, he can have a better stance in negotiating licensing fees etc. Actually, in some cases, the company that is infringing would even buy the patent/technology all together.

MODERATOR: The point here is the cost management. This is basically the same every time.

QUESTION:

Is MyIPO able to support anyway?

MODERATOR: No, it is important to know that acquiring IP rights is one kind of struggle. However, enforcement is another one completely different and although we can provide general information, it is difficult for MyIPO to be proactively involved in such kind of situations.

QUESTION:

I am from PETRONAS, what drive the economic development of Southeast Asian countries, but I think this is still ongoing. What are the issues in the next step of this framework.

MODERATOR: In other words, how to make IP help economy in your countries?

Indonesia:

We know the benefits of filing IP, but what are the risks? We are very optimistic about IP. Especially in Indonesia, it is interesting that consumers do like well known trademarks, but they avoid to use TM that have been through litigation. Even though it is a known mark, some consumers will try to use "safer" marks. Being in the courts is a good thing but sometimes you lose consumers. That is why in the new law in TM, GI and C, the non litigation procedures are being encouraged before going to the courts. We have a lot of patents in Indonesia, but only 10% is Indonesian and only 5% can be commercialized. There is a big risk to encourage academics of Indonesia to register. There are some inventors that also uses technology for social services, even though they are not profitable. We need to think how to help patents to have value, even if it is not commercial value.

Another thing, our colleague from Vietnam, to create a system of IP Awareness, we need to know if it's effective or not. Even children like to imitate rather than creating something. We can see that in Asian countries we like to imitate, to respect our seniors and parents. Not finding ourselves. Our challenge is inside ourselves as Asian countries. Not to imitate but creating something new.

MODERATOR: To conclude, our institution needs a better understanding of IP, so we need a larger exposure to IP knowledge. Our universities need more money, so we need to exposure us to greater amounts of knowledge of commercialization.

I thank all the speakers and panelists.