

GENERAL AGREEMENT ON TARIFFS AND TRADE

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ACCESSION OF JAPAN

Statements submitted by the Japanese Observers to the Seventh Session

Measures for Safeguarding Foreign Industrial Property

Since the resumption of trade between Japan and foreign countries after the war, Japanese exporters were occasionally accused of their actual or suspected infringement of foreign industrial property rights, such as patents, designs, trade mark, etc. In this connection, it will be observed that complaints from foreign countries of infringement of industrial property rights - specially design rights - were mostly due to the following circumstances. Until about the end of 1949, Japanese traders had no chance of travelling abroad. They, therefore, were unacquainted with the current situation of foreign markets. They could only make their goods in compliance with the samples presented by foreign buyers without realizing that their goods violated the design right duly protected in foreign countries. As Japan recovered her autonomy in the field of international trade, the Japanese Government has made every effort to prevent such unfair practices in order to keep up international reputation of Japan. General outline of the legal and administrative measures which were taken or may be taken by the Japanese Government are mentioned in "An Aspect of Post-War Development of Foreign Trade and Industry in Japan" (p.31 and following). However, the Japanese Government would like to emphasise again its earnest desire to obtain the co-operation and understanding on the part of foreign Governments in order to assist the endeavours of the Japanese Government to prevent infringement of industrial property rights. The Japanese government sincerely hopes that foreign governments will report every complaint whenever the case arises. As far as the Japanese Government is concerned, the Government, as in the past, will instruct our diplomatic and consular agencies abroad to report such unfair competitions.

Steps taken against several concrete examples of actual or alleged infringement of foreign property rights will be pointed out below.

1. Design Right.

- (1) The Italian Mission in Japan in December 1951 protested that the Sanshin Sewing Machine Company's machine infringed the Trade Mark and Design Right of the "Necchi B.U. type" sewing machine. When it was shown that the machine did not infringe the Trade Mark but the Design Right, the Japanese Government prohibited its export in accordance with the provisions of the "Export Trade Control Order".

(2) Cup and Saucer:

In March 1950, Endo Company accepted orders to make cups and saucers, and their samples were presented by the George Letton Company in Chicago. The Japanese Government stopped the manufacture of the above on receipt of the protest of the United Kingdom Mission in Japan in February 1951. Furthermore, the Japanese Government has actually prohibited the export of such kinds of goods in accordance with provisions of Export Trade Control Order.

- (3) There are other similar cases to the above, such as "Montana", "Patter Place", "Peter Rabbit", etc. Also in such cases, the Japanese Government has taken the same steps as mentioned above.

2. Trade Mark.

Several examples of actual or alleged infringements of Foreign Trade Marks are as follows:

- (1) "Golden Gate" cotton textile of Kurashiki Spinning Company was the object of the protest of the United Kingdom Mission in Japan in September 1950. However, it was made clear after investigation that the Kurashiki Company registered "Golden Gate" as their trade mark on 1 December, 1918, while the United Kingdom Company only registered in Ceylon and Burma on 13 May 1920. Kurashiki Company, however, promised in writing to the United Kingdom Mission to insert "Kurashiki Japan" after "Golden Gate" in order to make clear their goods are Japanese.
- (2) The other case is one that several firms in Japan used "Raleigh", "Hercules", etc., in their price lists as the name of bicycles and component parts. The Japanese Government took the necessary steps to prohibit the export of bicycles bearing such false indications. Furthermore, the Japanese Government prohibited the use of the name of "Dawson type" on the protest of the United Kingdom Mission in October 1951 with respect to the "Dawson type" printing machine of the "Osaka Printing Ink Company".

3. Patent Right.

Ronson Lighter.-

The Japanese Government received the protest of the United Kingdom Mission in January 1951 with respect to the infringement of patent and design rights of Ronson Lighter. Japanese lighters infringing the Ronson patent and design rights were made during the period of 8 December 1941, to 8 December 1950, when the Ronson patent right was suspended in Japan. Ronson type lighters and table lighters having designs similar to "Crown", etc., are no longer produced and in addition the Government has prohibited the export of such kinds of lighters.

