

March 30, 2006

A JOINT DOC-METI INITIATIVE
FOR ENHANCED U.S.-JAPAN COOPERATION
ON IPR PROTECTION AND ENFORCEMENT
AND OTHER GLOBAL ISSUES

The U.S. Department of Commerce (DOC) and Japan's Ministry of Economy, Trade and Industry (METI) are committed to promoting and protecting the interests of their business communities at home and abroad. To achieve these goals, the DOC and METI will take steps to enhance bilateral cooperation on global issues of concern to both countries including IPR protection and enforcement, export controls, clean development and climate issues, standards and conformity assessment, and information security, recognizing the existing constructive dialogue under the U.S.-Japan Economic Partnership for Growth.

I. IPR Protection and Enforcement

A. Enhancing Cooperation to Combat IPR Piracy and Counterfeiting

IPR infringements undermine the competitiveness of innovative companies, damage the livelihoods of creative inventors and artists, and threaten the welfare of consumers and workers not only in the United States and Japan, but also in other countries throughout the world. To contribute more effectively to global efforts to combat the growing problem of IPR piracy and counterfeiting in international trade, the DOC and METI will enhance cooperation in the following areas:

1. The DOC and METI will exchange information and views on best practices related to their respective work to assist companies whose IPR has been infringed in third countries. This exchange could involve discussing the work of IPR specialists posted in third countries and exploring ways for them to cooperate when appropriate.
2. The DOC and METI will exchange information on ways to protect and enforce IPR at national and international trade fairs.
3. Taking into consideration the IPR protection efforts by third countries, the DOC and METI will endeavor to share information on a regular basis concerning the agendas and outcomes of IPR-related visits by delegations to third countries.
4. The DOC and METI will explore possibilities for cooperating with companies and industry associations in both countries, and also the European Union when appropriate, to arrange joint conferences or seminars to discuss IPR protection strategies.

B. Conducting Outreach and Providing Support for IPR Protection

The DOC and METI will exchange information on their respective work to conduct outreach on IPR issues to private industry and support the IPR protection efforts of companies, especially SMEs. When appropriate, the DOC and METI could jointly host outreach events and send representatives, as observers or active participants, to attend outreach activities hosted by the other.

C. Streamlining Patent Procedures

The DOC and METI will work together toward harmonization of patent procedures, with a view to reducing workloads and redundancies and to streamlining acquisition of patent rights globally by:

1. Establishing mechanisms that allow a patent applicant to obtain a foreign patent expeditiously by providing the foreign patent office with the search and examination results of the domestic patent office (the “Patent Prosecution Highway”);
2. Working toward establishing a new legal framework that allows a patent applicant to obtain a foreign patent at a low cost by providing the foreign patent office with the search and examination results of the domestic patent office;
3. Establishing information infrastructures and systems to promote expedited examination of patent applications and higher patent quality (e.g., through work on electronic filing systems, interfaces to allow viewing of corresponding application files and transmission of documents, and improvement of machine translation technology);
4. Conducting cooperative exchanges of examining staff through the 2006 Trilateral Examiner Exchange Program; and
5. Cooperating in the Trilateral on convergence of examination practices and patent application filing formats.

D. Patent Harmonization

The DOC and METI will strengthen their comprehensive and cooperative relationship in order to promote the global harmonization of IP protection. In particular, the DOC and METI are maintaining close cooperation to advance substantive patent law harmonization.

E. Strengthening Technical Assistance

The DOC and METI will discuss effective methods for providing IPR-related technical assistance to third countries and explore ways to cooperate on and possibly commit additional resources to this work.

II. Standards and Conformity Assessment

The DOC and METI will further strengthen their cooperation in standards and conformity assessment-related issues, especially through the annual standards and conformity assessment dialog between the National Institute of Standards and Technology (NIST) and METI, fostering cooperation in emerging and strategic fields like nanotechnology-related standards development and supporting such activities in the Asia Pacific region.

III. Export Controls

Secure trade remains one of the most critical issues confronting the world economy, and the U.S. and Japanese Governments are continuing to cooperate closely to address this challenge. The DOC and METI will work with their interagency partners to strengthen export controls.

IV. Clean Development and Climate Issues

The United States and Japan have been enhancing cooperation through the Asia-Pacific Partnership on Clean Development and Climate to address the serious and long-term challenges of energy and environmental issues. Collaborating with the private sector, the DOC and METI will contribute to the aims of promoting the development, diffusion, deployment, and transfer of cleaner, more efficient technologies and meeting national pollution reduction, energy security, and climate change concerns.

V. Information Technology Security

The DOC and METI will cooperate as appropriate in exchanging information on information technology (IT) security and evaluation methods between their relevant agencies in order to better secure information infrastructure.