

5 KEY TAKEAWAYS

Recent Changes to Patent Law in Asia

[Kilpatrick Townsend](#) attorneys [Hitoshi Akiba](#), [Charles Gray](#), and [Kris Reed](#) recently presented to clients on the topic of “Recent Changes to Patent Law in Asia” at the annual Kilpatrick Townsend Intellectual Property Seminar (KTIPS). KTIPS is an intensive, two-day patent strategy and protection seminar for firm clients.

Key takeaways from the presentation include:

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China is becoming the world’s largest battlefield for patent disputes:

- Improved enforceability
- Higher damages
- Permanent injunctions
- More Non-Practicing Entities (NPE)
- Specialized IP trial and appeals courts

Compulsory license:

- Chinese government can impose if:
 - › Patentee did not practice three years from grant or four years from filing; or
 - › Deemed to be a legal monopoly

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Six month limited public disclosure grace period:

- International expo organized and/or recognized by Chinese government
- Academic or technology conference (specified by the government)
- Unauthorized disclosure by others

The Japan Patent Office (JPO) recently focused on protection of design:

- Japanese design patent law was revised last year and the revisions become effective next year
- The new design patent law includes various revisions for expanding design protection including the protection of architectural/graphical design

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The JPO also launched initiatives to encourage intellectual property activities of start-up companies:

- This includes various fee reductions schemes available even for foreign small companies

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