



EU-JAPAN CENTRE FOR INDUSTRIAL COOPERATION

日欧産業協力センター

Seminar Report

“Internet of Things (IoT), 3D Printing in IP: a European/Japanese comparative analysis”

March 1, 2018 Tokyo

The EU-Japan Centre for Industrial Cooperation and the EU-Japan Technology Transfer Helpdesk co-organized a seminar on how cutting edge technologies as Internet of Things (IoT) and 3D printing are being positioned in the current intellectual property systems, together with Sonoda & Kobayashi Intellectual Property Law and Murgitroyd Munich Office on March 1, 2018 in Tokyo. The seminar attracted approximately 90 audiences.

Mr. Gabriele Le Monaco, First Secretary of the Delegation of the European Union to Japan indicated in his opening remarks that “Additive Manufacturing”, otherwise known as 3D printing for example, is regarded as crucial for the industrial renewal of Europe as part of the key enabling technologies (KETs). The European Commission works on various initiatives to trigger the manufacturing of KETs-based products and to prevent distortions of the market for the related industries by examining trade policy and modernizing state aid rules.

As first speaker, Mr. Yoshitaka Togashi of Sonoda & Kobayashi Intellectual Property Law gave a brief introduction of IoT and 3D printing in terms of definition, essential technologies concerned and present status of patent applications in Japan.

Dr. Robert Börner and Dr. Benjamin Grau from Murgitroyd Munich office then followed by explaining the present situation in Europe. Dr. Börner introduced a forecast that the market value of IoT in the EU28 would reach €1.2 trillion by 2020. Dr. Börner also indicated that more than 35% of patent filings at the European Patent Office (EPO) nowadays are computer-implemented inventions. Furthermore, due partly to rather strict requirements of the EPO, it is often viewed that if the invention meets EPO’s requirements, it is likely to be granted patent in Japan, China and the U.S., too. Dr. Grau explained that 3D printing-related patent applications at the EPO are increasing and that more than 50% of the applications came from European countries in the 2011-2015 period.

Mr. Kazuyuki Semba of Sonoda & Kobayashi spoke about the recent topics in IoT and

the standard essential patents (SEPs) in Japan. He also referred to various cases of patents in IoT and examples of SEPs-related lawsuits.

Dr. Robert Börner gave presentation on the new IP challenges of IoT in Europe. He gave advice for IoT companies to be aware of SEPs and fair, reasonable and not discriminatory (“FRAND”) issues in terms of licensing, and closely follow developments in Europe. He also explained the “two-hurdle approach” of the EPO, consisting of the “exclusions of patentability” and the novelty/inventiveness.

Dr. Akira Fujii of Sonoda & Kobayashi then discussed the issue of 3D printing and patent rights in Japan. He introduced the concept of infringement by referring to several cases. He emphasized the importance of striking a balance between the usefulness of apparatus and the protection of right holder.

Dr. Benjamin Grau made presentation on challenges of 3D printing in Europe. He indicated that the 3D printing offers a new approach for production and re-production of almost any physical product using almost any material. However, only limited parts of 3D printing process are covered by existing IP rights, and potential damages for IP holders are incalculable. Although different approaches for protecting IP such as imposing general license fees on 3D printers are possible, their effects are limited. Therefore, action by legislator and/or courts is required by changing the current laws or establishing case law.

Mr. Luca Escoffier, Project Manager of the EU-Japan Technology Transfer Helpdesk coordinated the questions and answers session and the panel discussion. He addressed questions to the presenters to bring out clarification on important points. Panelists were unanimous in pointing out the necessity of collecting vital information as the development of the SEPs or the international/regional standardization process. Small and medium-sized enterprises (SMEs) which often have only limited resources are advised to seek official financial support and assistance from business associations in order to secure access to the necessary information.