

SPECIAL REGULATION No. 11

(Industrial property rights and copyrights)

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Concerning industrial property rights and copyrights

ARTICLE 1 – Purpose

The purpose of this Special Regulation is, in accordance with Articles 32, 33, and 34 of the General Regulations of the 2005 World Exposition, Aichi, Japan (hereinafter referred to as “the General Regulations”, and the 2005 World Exposition, Aichi, Japan, as “the Exhibition”), to provide basic information on the measures and the necessary requirements for the protection of industrial property rights and copyrights of participants concerning items exhibited at the Exhibition and other objects used for the Exhibition.

ARTICLE 2 – General rules

1. The participants shall comply with the General Regulations, the Special Regulations, the relevant laws and ordinances of Japan, and the supplementary instructions and directives issued by the Organiser that are in accordance with the General Regulations and the Special Regulations.
2. Concerning the protection of industrial property rights and copyrights, Japan is a contracting party to the following principal conventions and treaties:
 - (1) Berne Convention for the Protection of Literary and Artistic Works of September 9, 1886, completed at Paris on May 4, 1896, revised at Berlin on November 13, 1908, completed at Berne on March 20, 1914, and revised at Rome on June 2, 1928, at Brussels on June 26, 1948, at Stockholm on July 14, 1967, and at Paris on July 24, 1971;
 - (2) Universal Copyright Convention as revised at Paris on July 24, 1971;
 - (3) Paris Convention for the Protection of Industrial Property of March 20, 1883, as revised at Brussels on December 14, 1900, at Washington on June 2, 1911, at The Hague on November 6, 1925, at London on June 2, 1934, at Lisbon on October 31, 1958, and at Stockholm on July 14, 1967;
 - (4) Agreement on Trade-Related Aspects of Intellectual Property Rights;
 - (5) International Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organisations as done at Rome on October 26, 1961;
 - (6) WIPO Copyright Treaty as adopted at Geneva on December 20, 1996;

- (7) WIPO Performances and Phonograms Treaty as adopted at Geneva on December 20, 1996.

ARTICLE 3 – Responsibility of participants

1. The participants shall, if they violate the laws and ordinances of Japan governing measures for the protection of industrial property rights and copyrights, be held fully responsible for the said violation.
2. The Organiser shall, under no circumstances, be held responsible for the infringements of industrial property rights and copyrights committed by the participants or the violation of the concerned laws and ordinances of Japan committed by the participants.

ARTICLE 4 – Protection of industrial property rights

1. The inventions, devices, designs, and trademarks of participants' items exhibited at the Exhibition shall be protected in accordance with the provisions of the Patent Law, Utility Model Law, Design Law, and the Trademark Law of Japan (hereinafter referred to as "the Patent Law, etc.").
2. The Patent Law, etc. provide to the effect that an alien who is domiciled or a resident (or, in the case of a legal entity, established) in Japan may enjoy industrial property rights in Japan.
3. The Patent Law, etc. provide to the effect that an alien who is neither domiciled nor a resident (nor, in the case of a legal entity, established) in Japan shall enjoy industrial property rights in Japan in any one of the following cases:
 - (1) where his/her country allows Japanese nationals to enjoy patent rights, utility model rights, design rights, trademark rights (hereinafter referred to as "Patent Rights, etc."), or other rights relating to patents, utility model registration, design registration, and trademark registration (hereinafter referred to as "Patents, etc.") under the same conditions as its own nationals;
 - (2) where his/her country allows Japanese nationals to enjoy Patent Rights, etc. or other rights relating to Patents, etc. under the same conditions as its own nationals provided that Japan allows his/her country's nationals to enjoy such rights;
 - (3) where there are specific provisions in a treaty.

ARTICLE 5 – Inventions and devices

1. The Patent Law and Utility Model Law provide to the effect that an invention or device that has fallen under any of the following items by reason of the fact that the person having the right to

obtain the patent or utility model registration has exhibited the invention or device at the Exhibition shall be deemed not to have fallen under any of the following items provided such person files an application for patent or utility model registration thereof within 6 months from the date on which the invention or device first fell under any of the said items:

- (1) inventions or devices that were publicly known in Japan or in a foreign country prior to the filing of the patent or utility model application;
 - (2) inventions or devices that were publicly worked in Japan or in a foreign country prior to the filing of the patent or utility model application;
 - (3) inventions or devices that were described in a distributed publication or made available to the public through electric telecommunications lines in Japan or in a foreign country prior to the filing of the patent or utility model application.
2. Any person who desires to obtain the benefit of having the provisions of the preceding paragraph applied to an invention or device for which an application will be made for patent or utility model registration respectively shall submit a written statement to that effect to the Commissioner of the Patent Office simultaneously with the patent application and also submit to the Commissioner of the Patent Office a document proving that the invention or device that has fallen under the preceding paragraph due to being exhibited at the Exhibition is the invention or device for which the provisions of the preceding paragraph may be applicable, within 30 days of the filing of the patent application.
3. The Organiser shall, when a person who desires to avail himself of the provisions of the preceding paragraph notifies the Organiser in writing, prior to the date of exhibiting, to the effect that he/she is prepared to file an application for an invention or device in respect to an article to be exhibited, and requests certification of the fact that the said invention or device is in respect to the article that is exhibited at the Exhibition, issue such certification.

ARTICLE 6 – Designs

1. The Design Law provides to the effect that a design which has fallen under any of the following items due to an act on the part of a person having the right to obtain a design registration shall be deemed not to have fallen under any of the following items provided such person files an application for design registration thereof within 6 months from the date on which the design first fell under any of the said items:
- (1) designs that were publicly known in Japan or in a foreign country prior to the filing of the design application;
 - (2) designs that were described in a distributed publication or made available to the public

through electric telecommunications lines in Japan or in a foreign country prior to the filing of the design application;

- (3) designs that are similar to those referred to in Items (1) and (2) of this paragraph.
2. Any person who desires to obtain the benefit of having the provisions of the preceding paragraph applied to a design for which application will be made for design registration shall submit a written statement to that effect to the Commissioner of the Patent Office simultaneously with the application for design registration and also submit to the Commissioner of the Patent Office a document proving that the design under application for design registration is a design that falls under the provisions of any of the items in the preceding paragraph due to being exhibited at the Exhibition, within 14 days from the date on which the application for design registration is filed.
3. The Organiser shall, when a person who desires to avail himself of the provisions of the preceding paragraph notifies the Organiser in writing, prior to the date of making public an article at the Exhibition, to the effect that he/she is prepared to file an application for a design registration relating to the said article to be put to use at the Exhibition, and requests certification of the fact that the said design is the one relating to the article to be put to use at the Exhibition, issue such certification.

ARTICLE 7 – Trademarks

1. The Trademark Law provides to the effect that, in the case of a trademark used in respect of goods exhibited or services offered at the Exhibition, if the person who exhibited the said goods or offered the said services has applied for a trademark registration designating such goods or services within 6 months from the date when such goods or services were exhibited or offered, the trademark application shall be deemed to have been filed at the time when the goods were exhibited or the services were offered.
2. Any person who desires to obtain the benefit of having the provisions of the preceding paragraph applied to a trademark for which an application will be made with respect to a trademark shall submit a written statement to that effect to the Commissioner of the Patent Office simultaneously with the trademark application. Within 30 days from the filing of the trademark application, he/she shall also submit to the Commissioner of the Patent Office a document proving that the trademark and the goods or services in the trademark application are a trademark and goods or services falling under the preceding paragraph due to being exhibited at the Exhibition.
3. The Organiser shall, when a person who desires to avail himself/herself of the provisions of the preceding paragraph and notifies the Organiser in writing, prior to the date of making the goods or services on which the said trademark is used public at the Exhibition, to the effect that he/she is prepared to file an application with respect to the trademark relating to the goods or services to be

exhibited, and requests certification of the fact that the said trademark is the one used on goods or services to be exhibited at the Exhibition, issue such certification.

ARTICLE 8 – Protection of copyright

1. In Japan, protection of works under copyright is automatic, without recourse to any formality or procedure, in accordance with the laws and regulations concerning copyrights.
2. The laws and regulations concerning copyrights in Japan provide to the effect that, with respect to works of an alien, copyrights shall be protected to the extent that Japan has an obligation to protect the same under the conventions and treaties indicated in Article 2.2 as well as under other conventions and treaties and that the copyrights shall be protected when works are published in Japan for the first time only.

ARTICLE 9 – Use of copyrighted music

1. The Organiser and the participants shall, when using within the Exhibition site copyrighted music that is under the control of Japanese Society for Rights of Authors, Composers and Publishers (JASRAC) or other copyright management bodies, obtain from the concerned body consent to the use thereof and shall pay royalty, in accordance with the laws and regulations concerning copyrights in Japan.

ARTICLE 10 – Provision of contents, etc.

The Organiser may provide information regarding the names, images, logos, marks, mascots, and contents, etc. of the Exhibition to the public through boards, signs, printed publications, photos, drawings, electronic images, the Internet, and other forms of media as separately stipulated by the Organiser.

ARTICLE 11 – Recording of special events, etc.

The Organiser may, for the purposes of the provision of contents, etc. stipulated in the preceding article, publicity, advertising, record keeping and for other purposes as deemed necessary, make sound and video recordings of and broadcasts of the participants' special events and goods exhibited at the Exhibition as separately stipulated in the Participation Contract. In such cases, the Organiser is under no obligation to the participants to make any financial payment as royalty or for any other reason.

