

MEMORANDUM OF UNDERSTANDING ON CO-OPERATION
between
Ministry of Commerce and Industry of the Republic of India
and
Ministry of Economy, Trade and Industry, Japan

On December 15, 2006, in their Joint Statement towards Japan-India Strategic and Global Partnership, His Excellency Dr. Manmohan Singh, Prime Minister of the Republic of India, and H.E. Mr. Shinzo Abe, Prime Minister of Japan, confirmed that their Governments will continue to co-operate in capacity building activities in intellectual property, including in developing human resources, recognizing the importance of intellectual property for economic growth.

In light of the above, both Ministers agreed to enhance their bilateral co-operation in the field of intellectual property, mainly in terms of capacity building, human resource development and public awareness programmes.

To achieve this objective, both Ministers agreed that the basic framework and concrete measures of co-operation in this area shall be developed and implemented by their respective agencies in charge, i.e. the Office of the Controller General of Patents, Designs and Trade Marks and the Japan Patent Office.

Accordingly, the Office of the Controller General of Patents, Designs and Trade Marks, Department of Industrial Policy and Promotion (DIPP), Ministry of Commerce and Industry of the Republic of India, on the one hand, and the Japan Patent Office (JPO), Ministry of Economy, Trade and Industry, Japan, on the other hand,

Hereinafter called the Parties,

Have arrived at the following understanding:

Article 1

Objective

The objective of this Memorandum of Understanding is to further co-operation between the Parties in the field of intellectual property, in accordance with the responsibilities of the two institutions in this area.

The Parties shall endeavour to achieve common targets, which *inter- alia* include:

- (a) improvement of their intellectual property protection system;
- (b) establishment of transparent and streamlined procedures concerning intellectual property;
- (c) promotion of public awareness of protection of intellectual property.

Article 2

Areas of Cooperation

The Parties agree to co-operate in the strengthening of the Intellectual Property Offices, both in India and in Japan, for the benefit of their respective industry and citizens.

To this end the Parties agree to develop a relationship on the basis of mutual trust, respect and common values, in the areas of capacity building, human resource development and public awareness programmes in intellectual property.

Article 3

Capacity Building

The Parties shall work together in capacity building in intellectual property including automation and modernisation of Intellectual Property Offices, development of databases, and procedural rationalization and simplification of processing of intellectual property applications, *inter alia*, through the exchange of information on patent data, best practices in patent examination procedures, etc.

Article 4
Human Resource Development

The Parties shall co-operate in the training of personnel and human resource development in the area of intellectual property with a view to strengthening the working of the intellectual property systems in the two countries, including in patent examination training.

Article 5
Public Awareness Programmes

The Parties shall work together in the organisation of public awareness and sensitisation programmes in the area of intellectual property. This could include the joint organisation of seminars, symposia, and workshops for stakeholders, including, inventors, scientists, professionals, Intellectual Property managers.

Article 6
Information Exchange and Experience Share

The Parties shall enhance to exchange information and to share experience on intellectual property and on intellectual property events, activities, and initiatives organised in each party.

Information exchange and experience share may be implemented through an embassy and other institutions, i.e., apex industry associations of India such as Federation of Indian Chambers of Commerce and Industry, Confederation of Indian Industry, Associated Chambers of Commerce and Industry of India and JETRO (Japan External Trade Organization).

Article 7

Annual Action Plan

The Parties would jointly draw up and agree on an Annual Action Plan that will set out the specific co-operation activities to be carried out each year.

The Annual Action Plan, *inter alia*, would include,

- a. Experience share between Japan and India in training of intellectual property office functionaries, intellectual property managers, intellectual property professionals and intellectual property policy makers.
- b. Exchange of information and best practices in the automation of intellectual property offices, developing intellectual property databases and examination procedures of patents, trademarks, designs, etc.
- c. Exchange of best practices in spreading awareness about intellectual property among students, industrialists and the civil society.
- d. Exchange of information about institutional mechanisms for addressing potential concerns between right holders and consumers.
- e. Joint activities on specific intellectual property issues.
- f. Experience share on database of prior art.

Each Annual Action Plan will include the detailed planning for carrying out of the co-operation activities including the scope of the action, administration and assignment of resources, time schedule and any other information deemed necessary.

Each Annual Action Plan need not necessarily include co-operation activities in all the fields specified in this Memorandum of Understanding.

Article 8

Monitoring Mechanism

A Joint Consultative Mechanism (JCM) will be established for drawing up the Annual Action Plans, for overseeing their implementation and for facilitating the exchange of views on any point of interest for the two Parties.

The JCM will meet at least once a year alternately in India and Japan, to discuss the Annual Action Plan, and monitor and evaluate the co-operation activities carried out.

It shall meet also at the formal written request of either of the Parties, subject to the agreement of the other party.

**Article 9
Funding**

The implementation of each activity shall be subject to the availability of the required funds in the annual budgets of the respective Parties.

**Article 10
Entry into Force**

This Memorandum of Understanding will enter into force on the day following the date of its signature.

**Article 11
Termination**

This Memorandum of Understanding is concluded for duration of two years, with the aim of being renewed, subject to the Parties' mutual agreement.

Either Party may terminate this Memorandum of Understanding at any time by issuing/giving at least 90 calendar days' written notice to the other Party.

The early termination of this Memorandum of Understanding will not affect the completion of any co-operation measures that were agreed under the annual work programmes whilst it was in force.

Signed in Tokyo on.... in two originals in the English language.

Akira Amari
Minister of Economy,
Trade and Industry
Japan

Kamal Nath
Minister of Commerce
and Industry
The Republic of India

