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MEMORANDUM OF COOPERATION

on Industrial Property

between

**the Department of Industrial Policy and Promotion, Ministry of
Commerce and Industry of the Republic of India**

and

**the Japan Patent Office, Ministry of Economy, Trade and
Industry, Japan**

The Department of Industrial Policy and Promotion, Ministry of Commerce and Industry of the Republic of India and the Japan Patent Office, Ministry of Economy, Trade and Industry of Japan (hereinafter referred to as "the Ministries"),

Desiring to enable the industrial property (IP) system to promote innovation and thus socio-economic development, by accelerating the "intellectual creation cycle" that consists of the creation, protection, and exploitation of IP;

Reaffirming the importance, to that end, of processing and disposal of IP applications in a timely manner in view of various needs of applicants as well as the other users of the system, while ensuring the quality of industrial property rights (IPRs) granted in the sense that protected subject matter fulfills patentability / registerability requirements; and

Recognizing that cooperation between the Office of the Controller General of Patents, Designs and Trade Marks (CGPDTM), Department of Industrial Policy and Promotion (DIPP), Ministry of Commerce and Industry of the Republic of India, and the Japan Patent Office (JPO), Ministry of Economy, Trade and Industry, Japan (hereinafter referred to as "the Offices") will contribute to enhancing the capabilities of the Offices and thereby to satisfying the above challenges have reached the following decision:

**Title 1
Objective**

The objective of the present Memorandum of Cooperation (MOC) is to seek further cooperation between the Offices in the IP field, in accordance with their respective national laws and regulations and based on the respective responsibilities of the Ministries with emphasis on cooperative activities in capacity building and human resource development; in particular, activities with a view to enhancing examination capabilities.

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Title 2
Specific Areas of Cooperation

The Offices will implement biennial Action Plan comprising cooperation projects and activities principally, but not exclusively in the following areas:

(a) Information Sharing on IP Protection Systems and Practices

The Offices will maintain open channels of communication to enable the mutual exchange of relevant information concerning IP protection systems and practices according to their respective laws (statutes and case laws), regulations, guidelines, manuals, examination practices and examination status.

(b) Cooperation in the Area of Examination

The JPO will support the CGPDTM in the area of human resources development, focusing on enhancement of examination capabilities. This would be carried out through interactive sessions between JPO officials and the officials of the CGPDTM, either in Japan or in India.

The Offices will consider further possible areas of cooperation in examination, including the utilization of the examiner-exchange program.

(c) Cooperation in the Scheme of the Patent Cooperation Treaty (PCT)

The JPO will provide, where applicable, technical assistance to the CGPDTM in order for the Indian Patent Office (IPO) to function adequately as an International Searching Authority (ISA)/ International Preliminary Examining Authority (IPEA).

(d) Assistance in Development of IT Infrastructure

Where applicable, the JPO will share with the CGPDTM the details of IT infrastructure and provide technical assistance to the CGPDTM in order for the CGPDTM to enhance its IT infrastructure to optimize administrative work. Where applicable, The CGPDTM will also provide technical assistance to the JPO on matters related to IT for better dissemination of IP Information.

(e) Capacity Building in the Use of the IT Infrastructure

The Offices will consider further promoting the utilization of the patent examination-information including Advanced Industrial Property Network (AIPN) in the CGPDTM and where applicable, the training on the use of patent examination-information in accordance with the respective laws. The Offices may explore the possibility of exchanging information on IPRs, e.g. data on Official Gazettes and statistics etc. under conditions upon which the Offices mutually decide.

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(f) Information Provision and Awareness Building for the General Public

(i) The Offices, for the purpose of improving their IP information services, may share their experiences in providing IP information to the general public through means including the internet.

(ii) The Offices may work together to organize public awareness programs in the IP field. This could include jointly organizing seminars as well as sending speakers and lecturers, as appropriate, wherever requested by either country to seminars, symposia, and workshops conducted for various stakeholders including inventors, scientists, researchers, lawyers, agents, corporate IP managers, and other IP professionals both in Japan and India.

**Title 3
Joint Committee**

The Offices will set up a Joint Committee to monitor the co-operation activities resulting from the MOC and to facilitate an exchange of views on any point of interest for the Offices. The Joint Committee will approve the Action Plan, monitor and evaluate the cooperation activities carried out.

**Title 4
Action Plan**

The Offices will decide on the Action Plan every two years that will identify and develop specific cooperative activities to be carried out for the mutual benefit of both Offices.

**Title 5
Funding**

The implementation of each activity will be subject to the availability of the required funds for cooperative activities in the annual budgets of the respective Ministries.

**Title 6
Final Matters**

a. The cooperation under this Memorandum of Cooperation will commence on the day following the date on which the representatives of the respective Ministries place their signatures on this Memorandum of Cooperation.

b. This Memorandum of Cooperation may be modified by mutual consent, formalized by the exchange of notices specifying the dates when any modified items of cooperation are to commence under this Memorandum of Cooperation.

c. Any dispute which may arise in connection with the interpretation or enforcement of this MOC will be settled by mutual consultation and negotiation between the Offices. Both Offices will solve any issues arising from the co-operation activities based on this MOC through discussions.

d. The cooperation under this Memorandum of Cooperation will continue for the duration of four years. After the said initial period, the MOC will be automatically extended for further periods of four years each, unless one of the Ministries notifies the other Ministry of its intention to terminate this MOC, by sending a notice in writing at least 90 calendar days before the end of the then-current four-year period.

e. Either Ministry may terminate the cooperation under this Memorandum of Cooperation at any time by issuing written notice to the other Ministry at least 90 calendar days in advance.

f. The early termination of the cooperation under this Memorandum of Cooperation will not affect the completion of any cooperative measures that were decided under the Action Plan whilst the cooperation was ongoing.

Signed in Tokyo on 29th June, 2015, in two originals in the English language.



(Amitabh Kant)
Secretary to the Govt. of India
Department of Industrial Policy &
Promotion
Ministry of Commerce & Industry
The Republic of India
Date: 26 June, 2015
Place of Signature: New Delhi



(Hitoshi Ito)
Commissioner
Japan Patent Office
Ministry of Economy,
Trade and Industry,
Japan
Date: 29 June, 2015
Place of Signature: Tokyo