

# Regional Development and IP

## A patent attorney's perspective














































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In Manila



# Brands

- Steve Jobs once wrote: “To me, marketing is about values. This is a very complicated world, it’s a very noisy world. And we’re not going to get the chance to get people to remember much about us. No company is. So we have to be really clear on what we want them to know about us.”

01  <b>+16%</b> 214,480 \$m	02  <b>+10%</b> 155,506 \$m	03 TOP GROWING  <b>+56%</b> 100,764 \$m	04  <b>+16%</b> 92,715 \$m	05  <b>-5%</b> 66,341 \$m	06  <b>+6%</b> 59,890 \$m	07  <b>+6%</b> 53,404 \$m	08  <b>+2%</b> 48,601 \$m
09  <b>-6%</b> 45,168 \$m	10  <b>+5%</b> 43,417 \$m	11  <b>+10%</b> 43,293 \$m	12  <b>-8%</b> 42,972 \$m	13  <b>-1%</b> 41,006 \$m	14  <b>-2%</b> 39,874 \$m	15  <b>+8%</b> 34,575 \$m	16  <b>-26%</b> 32,757 \$m
17  <b>+11%</b> 30,120 \$m	18 TOP GROWING LOUIS VUITTON <b>+23%</b> 28,152 \$m	19  <b>-5%</b> 26,133 \$m	20  <b>+4%</b> 23,682 \$m	21  <b>+1%</b> 22,885 \$m	22  <b>+2%</b> 20,798 \$m	23  <b>NEW</b> 20,005 \$m	24  <b>+8%</b> 19,139 \$m
25  <b>-5%</b> 17,712 \$m	26 J.P.Morgan <b>+12%</b> 17,567 \$m	27  <b>-5%</b> 17,458 \$m	28  <b>-7%</b> 16,864 \$m	29  <b>+3%</b> 16,849 \$m	30  <b>-18%</b> 16,826 \$m	31  <b>+1%</b> 16,617 \$m	32  <b>+15%</b> 16,372 \$m
33  <b>+2%</b> 15,627 \$m	34  <b>+14%</b> 14,214 \$m	35  <b>+3%</b> 13,995 \$m	36  <b>+3%</b> 13,535 \$m	37  <b>+3%</b> 13,053 \$m	38  <b>-2%</b> 13,017 \$m	39 TOP GROWING GUCCI <b>+30%</b> 12,942 \$m	40  <b>+6%</b> 12,213 \$m
41  <b>+1%</b> 12,112 \$m	42  <b>+1%</b> 12,012 \$m	43  <b>+1%</b> 11,912 \$m	44  <b>+1%</b> 11,812 \$m	45  <b>+1%</b> 11,712 \$m	46  <b>+1%</b> 11,612 \$m	47  <b>+1%</b> 11,512 \$m	48  <b>+1%</b> 11,412 \$m

Source:  
InterBrand

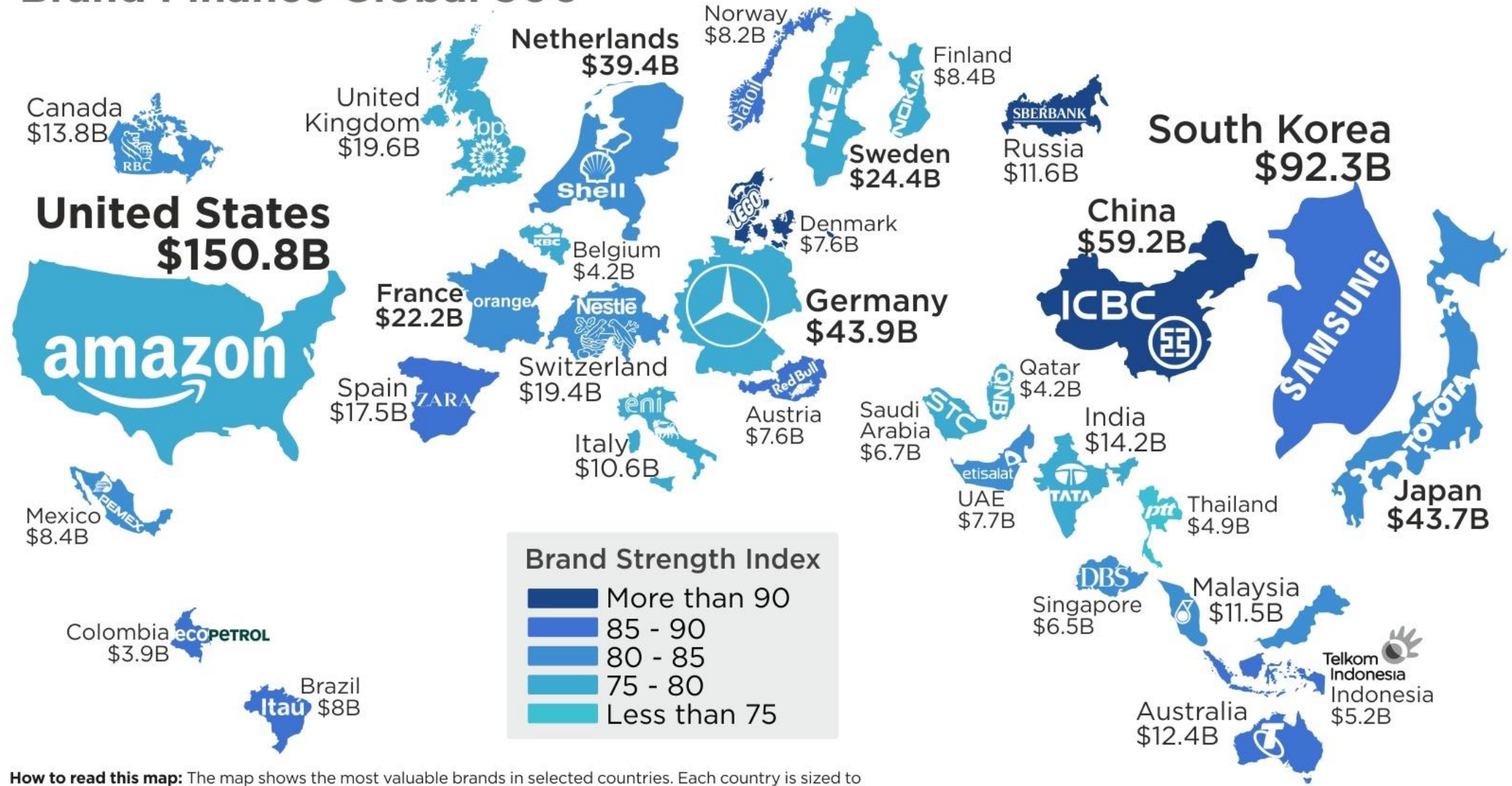
# Known Brands in the Philippines



Source: Trusted Brands

# The World's Most Valuable Brands 2018 by Country

## Brand Finance Global 500



**How to read this map:** The map shows the most valuable brands in selected countries. Each country is sized to reflect the value of its most valuable brand (the more valuable a brand, the bigger the size of the image). The colours represent brand strength, out of a maximum of 100.

### Article & Sources:

<https://howmuch.net>

The data has been sourced from the Brand Finance Global 500 annual study on the world's most valuable and strongest brands. <https://brandfinance.com>

Brand Finance®



howmuch.net



# What is Branding

- Product
  - Broadly, a product is anything that can be offered to a market to satisfy a want or need, including physical goods, services, experiences, events, persons, places, properties, organizations, information, and ideas
    - Everything salable – smart phones, watches, clothing, hotel stays, entertainment, sightseeing tours, restaurants and Internet pages
- Brand
  - “Brand” is **trust** accumulated among consumers in your products through its use
    - A brand may be a name, term, design, symbol, sound or any other feature that **identifies** one seller’s good or service as **distinct** from those of other sellers

# What does this mean?

- Consider or create trademarks that are **distinct and useful in accumulating trust** through use
  - “Tasty Cheese” can never be a brand
- **Position yourself**
- **Use** the brand or trademark in such a way to generate **trust** among consumers
  - Quality control is most important, and price worthiness is important
    - Control suppliers or licensees for quality
    - Control quality of local or regional products
  - Make brand or trademark as much visible as possible to consumers
    - Packages, commercials, sound or color marks
  - Technology trademarks are also useful
    - Watson, Skyactive, Propilot, Xeon



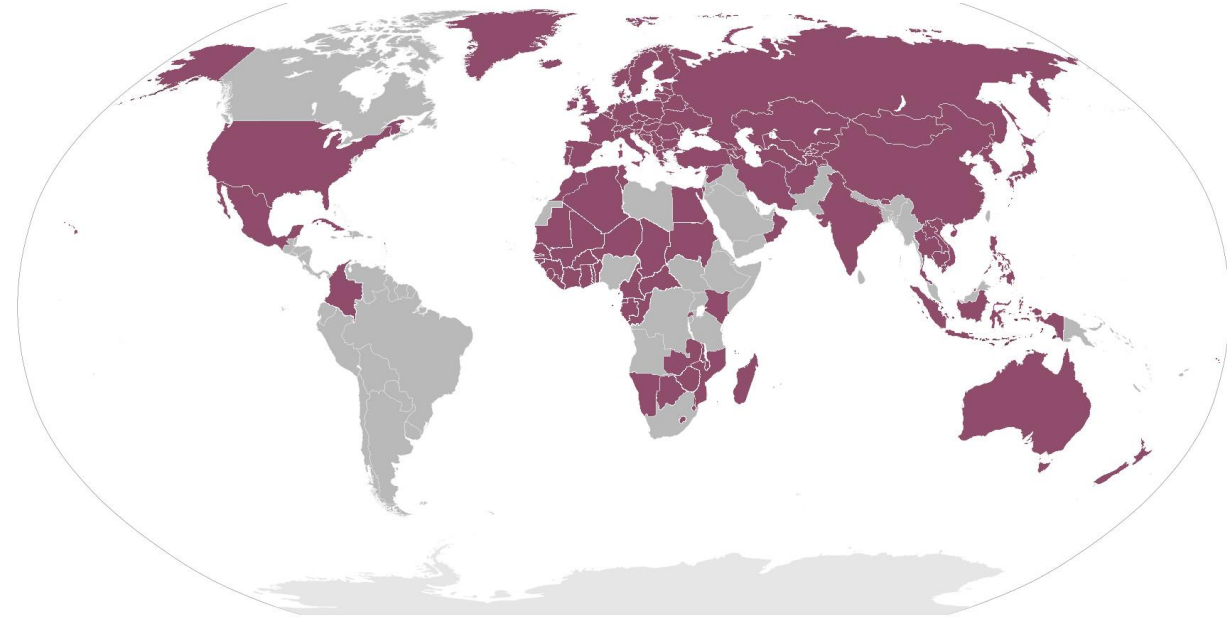
Trademark  
registration is  
**essential**, but it is  
only a **start**





# Trademarks

- National Filings
  - Myanmar will start
- Madrid Protocol
  - Coming to ASEAN
    - Brunei, Cambodia, Indonesia, Laos, Singapore, Philippines, Thailand, Viet Nam
    - India
  - May not be good for attorneys, but good for international branding



# Geographical Indication



- GI protection is important
  - But beware, it is **government** driven
  - Enforcement is carried out by the government, not by the registrant
  - Requires strong lobbying groups
- Without effective **lobbying**, it is no better than TM
  - Form lobbying groups?
- Voluntary and autonomous **quality control** is essential
  - It has to be strong and effective

# Protection of local brands in Japan

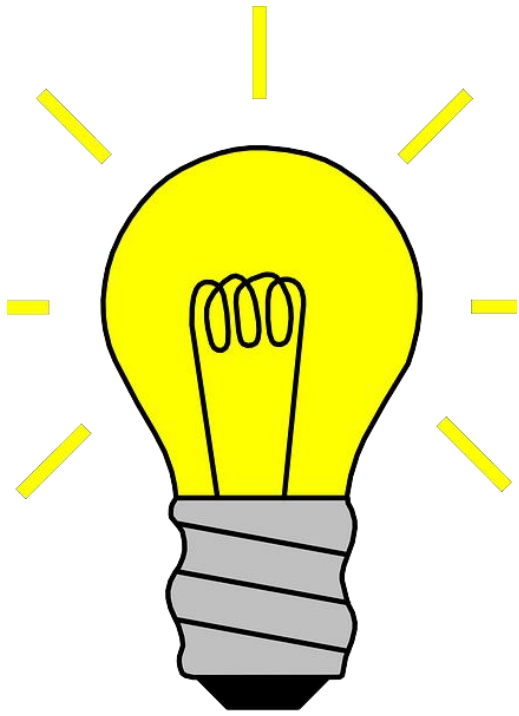
- Regional Collective Trademarks since 2006
  - A kind of certification marks
  - Name of a locality + product name **only**
  - 664 registrations as of Jan 2019
- Geographical Indications since 2015
  - 73 registrations as of Dec 2018
  - Incompatible with TM protection
  - Enforcement is done by the Government
  - Coordination with EU (Japan-EU EPA in Feb 2019)



# Patents

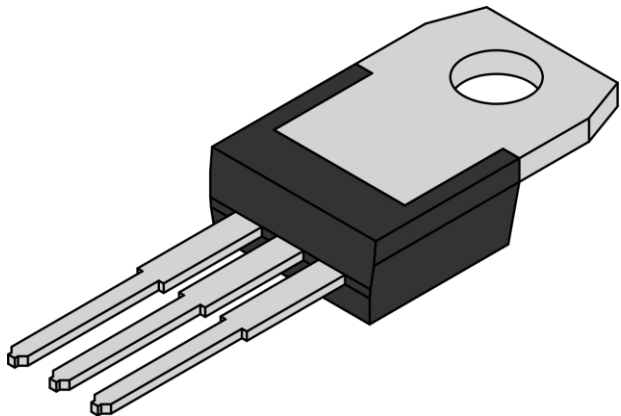
- Abraham Lincoln noted: “The patent system adds the fuel of interest to the fires of genius.”
  - inscribed on the side of the Commerce Department facing the White House





# Patent wars of Japan

- Great light bulb war (1929-1935)
  - Japanese manufacturers (~200) exported light bulbs to the US and Europe vs. GE, Philips and other European makers
- Sewing machine war
  - Anti-trust issues as well
- RCA as an NPE, Westinghouse, and EMI
  - Electric bulb and transistor technology patents
  - Japanese companies had to pay JPY 18 billion (~US\$ 50 million) in 1969
- Mr. Jerome Lemelson



# Great electric bulb war

- Japanese manufacturers (~200) exported light bulbs to the US and Europe vs. GE, Philips and other European makers
- Several took license
- A consortium of Japanese companies lost a lawsuit in the US
- Had to stop exportation
- Behind the scene, US and European companies formed cartel against Japan





# Sewing machine war

- The Singer Company (US sewing machine maker) formed a cartel of Canadian, Swiss, Italian and German companies
- Singer sued The Brother International (Japanese) for patent infringement in 1958 and Brother filed a countersuit of anti-trust before the US Department of Justice
- DOJ sided with Brother, but the District Court found infringement
- The case went to the US Supreme Court and Brother prevailed in 1963



# TVs and Radios after WWII

- Capital and investment relationships formed again
  - Mitsubishi Electric w. Westinghouse
  - Fuji Electric w. Siemens
  - Toshiba w. GE
- RCA as an NPE + Westinghouse and EMI
  - Electric bulb and transistor technology patents
  - 2% to RCA, 0.7 % to Westinghouse, 2% to EMI
- Japanese companies had to pay JPY 18 billion (~US\$ million) in 1969



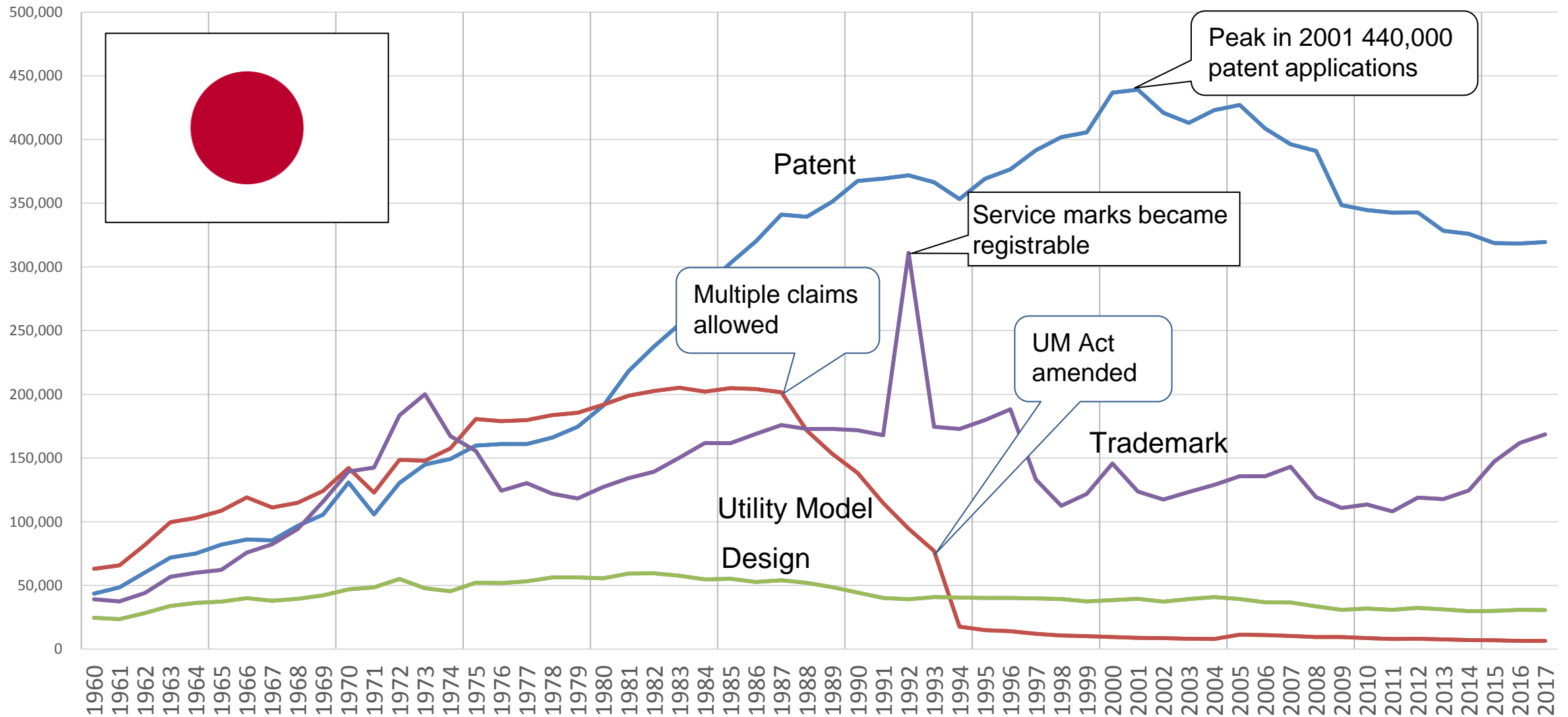
# Mr. Lemelson

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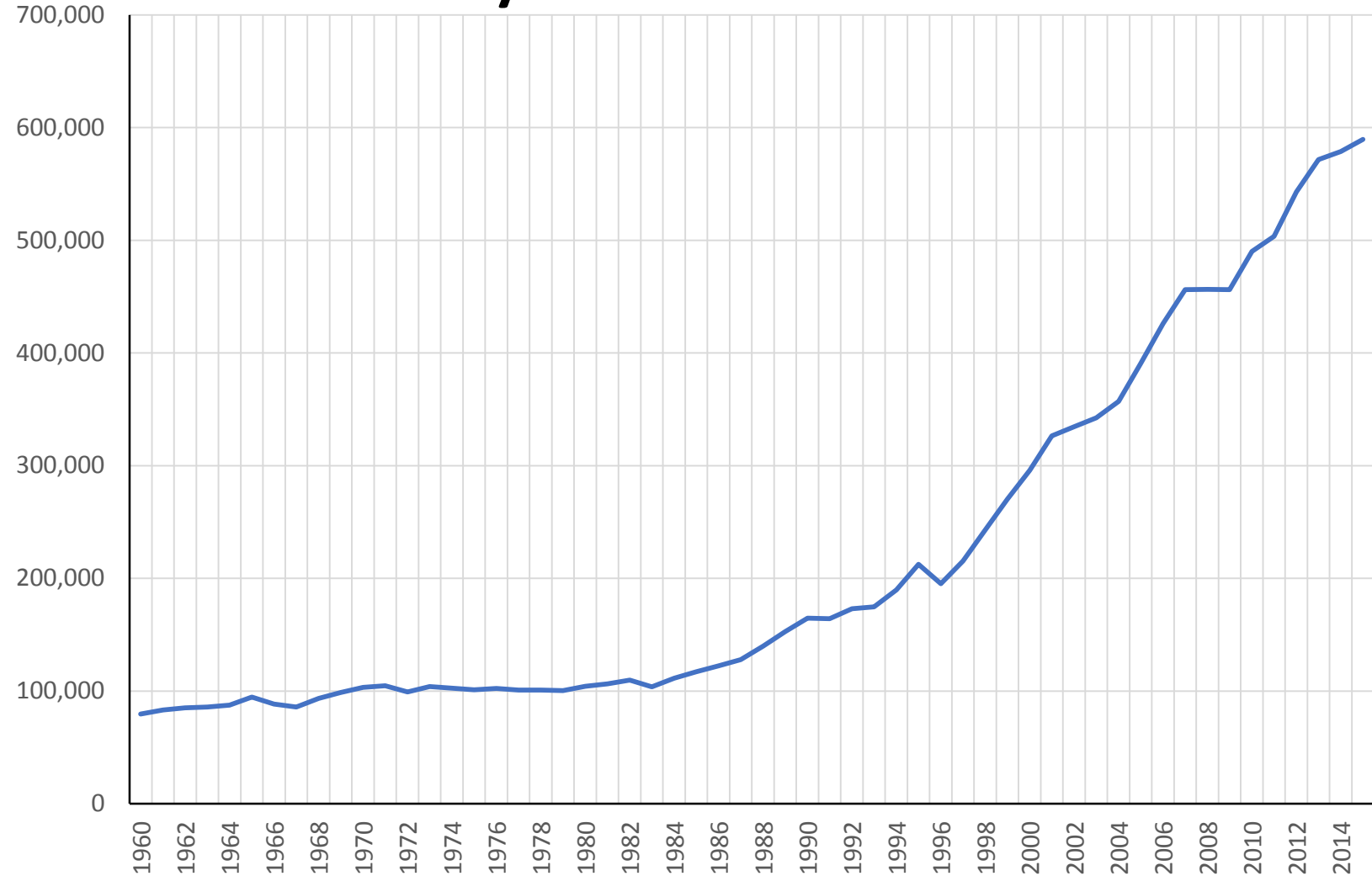
- If you go to the National Museum of American History in Washington D.C., you will find the LEMELSON CENTER for the Study of Invention and Innovation
- Mr. Lemelson studied US patents and filed a very large number of patent applications (he had 600 US patents) to fill gaps he found without his own “real” research
  - Intermittent auto wiper, automated warehouses, industrial robots, cordless telephones, fax machines, videocassette recorders, camcorders, and the magnetic tape drive used in Sony's Walkman tape players
- He asserted his patents against US and Japanese companies
- At one point in time, JP companies collectively paid US\$600 million a year in licensing fees from Japanese and US\$1.6 billion in total
- He was well known for his contributions to schools, etc.



# Filings in Japan – Pat, UM, Design, TM



# Number of utility patent applications filed annually in the US



# To have a head start - summary

- Innovations, inventions and branding are intangible assets that transcend **country borders**
- Policies to encourage **local patent filing** and **local branding** are important
  - Incentives as a means for educating on IP
  - Make people aware of power of IP for **profits and growth**
- Innovations for growth
  - Protection is just a backup for businesses, but it is important when your business is successful



# Thank you

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# Thank you

