

Countermeasures against IPR counterfeiting and piracy

1. Criminal enforcement

Japanese police, under the national strategy to realize an “Intellectual Property-Based Nation,” are strengthening controls over IPR (Intellectual Property Rights) counterfeiting and piracy. In 2006, the police cleared 493 IPR-related cases, which marked another record high, and rounded up 783 suspects including 143 foreigners.

Most of the counterfeits (fake brand-name goods) seized in 2006 were from Korea (61.0%) and China (38.7%) by either small-lot international mails or marine cargos of various sizes. Form of sales varied from street sales, to traditional store sales, to internet auction and of these, street sales was largely conducted by visiting foreigners, especially Israelis (41.7%). As to pirated goods, internet auction was the most preferred method of their sales, followed by street peddling. Engagement of Boryokudan (traditional Japanese criminal organization) members in IPR-related crime was uncovered in 43 cases (8.7%).

Japanese police are endeavoring to detect and crackdown the trafficking of counterfeits and pirated copies in cooperation with the customs and overseas law enforcement authorities as well as enforce strict domestic control over such products.

Year	2002	2003	2004	2005	2006
Cases cleared	246	245	359	492	493
Suspects	435	431	644	807	783
Corporations	39	26	30	40	42

2. Penalties

Infringement of copyright such as unauthorized duplication of copyrighted work and import, sale, or possession for sale of pirated copy would carry a maximum sentence of 5-year imprisonment and/or fine of 5 million Yen (On and after July 1, 2007, 10-year imprisonment and/or fine of 10 million Yen, Copyright Law).

Infringement of trademark right such as import, export, sale, or possession for sale of fake brand-name goods would be subject to maximum sentence of 10-year imprisonment and/or fine of 10 million Yen (Trademark Law). The same applies to the infringement of patent, design right, or utility model right (Patent Law, Design Law, Utility Model Law).

3. Case example

(1) Street sales of fake brand-name goods by Israelis

Israelis, allegedly visiting Japan on private and working under the direction of Israeli criminal organization(s) to earn travel expenses, have been repeatedly arrested in many areas of Japan for street sales of fake brand-name bags and accessories provided by the organization(s).



(2) Nationwide distribution of counterfeit/pirated goods imported from China

From September to December 2006, the police arrested a president of trading company, toy wholesalers, and managers of game arcades in several parts of Japan for sale or transfer of counterfeit/pirated prize items such as portable game machines and toy dolls sent from China-based another trading company run by the president.



4. Public awareness activities

Japanese police are working together with relevant authorities and businesses to raise public awareness of IPR protection, and among others, have been active in supporting the activities of the Anti Counterfeiting Association, which consists of IPR-related organizations and companies concerned, since its establishment in 1986, providing data and materials, running joint campaigns, sending seminar lecturers, and so forth.