

C1 -222

Japanese Patents: Availability
of Technical Data from Files
of Japanese Patent Office

222 Information Papers:
① Japanese Patents
② Trade-Marks
③ Copyrights

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C1-222RESTRICTEDC1-22218 April 1947FAR EASTERN COMMISSIONCOMMITTEE NO. 1: REPARATIONS

JAPANESE PATENTS: AVAILABILITY OF TECHNICAL DATA FROM
FILES OF JAPANESE PATENT OFFICE
(Reference: C1-011)

Note by the Secretary General

The enclosure, a statement by the United States member of Committee No. 1 on the availability of technical data from the files of the Japanese Patent Office, is circulated herewith for the consideration of COMMITTEE NO. 1: REPARATIONS.

NELSON T. JOHNSON
Secretary General

C1-222

RESTRICTEDE N C L O S U R EAVAILABILITY OF TECHNICAL DATA FROM FILES OF JAPANESE PATENT OFFICE

The United States Government has obtained and transmitted to the Office of Technical Services, Department of Commerce, as complete a file as can be obtained of the patent specifications published by the Japanese Patent Office from 1921 to April 1945, the latter date being the time at which publication of these specifications was apparently suspended. The specifications are printed in Japanese in booklets, each of which contains several patent descriptions in serial order as issued. These booklets are in turn bound into larger volumes. Each specification gives a description of the construction or use of the patented object or process together with drawings.

The patent specifications from 1921 to April 1941 have been transferred to the library of the United States Patent Office where they are available to the public and may be photocopied at cost.

The patent specifications from April 1941 to April 1945 are in custody of the Office of Technical Services. This Office is now in process of translating and listing the titles of these specifications, together with the name and nationality of the inventor, beginning with April 1941 and progressing serially. The lists of these titles will be published week by week in the "Bibliography of Scientific and Industrial Reports" which is issued by the Office of Technical Services and available from the United States Government Printing Office. The first of these lists will appear in the "Bibliography" about a month hence. Upon publication of these translated titles, the volumes of specifications to which they refer will be transferred to the Patent Office Library. ||

Jose In addition to the publication of the translated titles, the Office of Technical Services hopes to conclude arrangements soon with "Chemical Abstracts" and "Biological Abstracts", services maintained by private engineering and scientific societies, to prepare and publish abstracts of those patents issued since 1942 in the fields of chemistry, biology, pharmacology and the like. Patents issued in Japan on inventions made in foreign countries will not be included since it is assumed that the specifications are obtainable in the language of the country of first patenting.

There has also been obtained a set of abstracts in Japanese of all chemical patents issued in Japan from 1885 to 1942 which was prepared and published by a Japanese scientific society. These volumes are available in the library of the Department of Agriculture.

The Office of Technical Services also has files of the Japanese Utility Model Gazette for 1941 and 1942 and the Japanese Patent Gazette for certain of the war years. This latter gazette contains brief descriptions of the inventions and patent claims contained in applications for patents which are published at the time of application.

All of the documents mentioned here are available for photocopying on microfilm, usually at the rate of about \$6.00 per thousand pages. All enquiries about such copying should be addressed to the Director of the Office of Technical Services, Department of Commerce. It should be noted that until the titles are translated, it will be impossible to identify the patent specifications except by serial number and that the entire file contains an undetermined proportion of valueless patents and patents duplicated by prior patents in foreign countries.

STANDARD FORM NO. 64

Office Memorandum • UNITED STATES GOVERNMENT

TO : OE - Mr. Rufus B. Smith

DATE: January 28, 1948

FROM : DRF - Charles C. Stelle *CS*SUBJECT: Information Note No. 136, Information Relating to the Japanese Patent Law and Its Enforcement Regulations

Attached is ~~DRF Information Note No. 136,~~ Information Relating to the Japanese Patent Law and Its Enforcement Regulations, which has been prepared in response to the request of Mr. Homer Baker. This note consists of (1) a historical survey of the Japanese patent system, which was adapted from A Survey of the Principal National Patent Systems by Jan Vojacek, and (2) translations of Japanese Laws No. 3, 4, and 5 of 1938, which amend the Japanese laws relating to patents, trade-marks, designs and utility models. Enclosed also is Komatsu, Sozo's The Japanese Laws and Regulations Relating to Patents, Trade Marks, Designs and Utility Models as Amended to in 1929 (Tokyo, 1931) and Report on Investigation of Japanese Patents, Copyrights and Trademarks by Major Oswald H. Milmore, dated January 7, 1946, which was prepared in connection with the establishment of a patent office for Korea.

JWS
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DRF:JWL/dman(WPickard)dw

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MI-117/2

14 July 1947

FAR EASTERN COMMISSION

MEMORANDUM FOR INFORMATION NO. 117/2

ANNOUNCEMENT BY THE SECRETARIAT REGARDING INFORMATIONAL
PUBLICATIONS AVAILABLE THROUGH THE
OFFICE OF TECHNICAL SERVICES

Note by the Secretary General

1. A list of Japanese patents available to interested Far Eastern Commission Delegations through the Office of Technical Services, United States Department of Commerce, has been received by the Secretariat.

2. Although the list of Japanese patents will not be circulated to the Far Eastern Commission at the present time, interested delegates are invited to inspect the list and make further inquiries through the Research and Analysis Secretary, Room 101, Commission Headquarters (REpublic 5600, Extension 3853).

NELSON T. JOHNSON
Secretary General

MI-117/2

UNCLASSIFIED

July 6, 1948

MEMORANDUM

TO: IR - Mr. Donald D. Kennedy

FROM: DRF - Charles C. Stelle

SUBJECT: DRF Information Note #175, Amendments to the Law for the Prevention of Unfair Competition in Japan

Attached is DRF Information Note #175, Amendments to the Law for the Prevention of Unfair Competition in Japan, which has been prepared in response to the telephone request of Mr. Roger Dixon.

DRF:JWLydman(WPickard):lm

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~~DEF Information Note #175-~~
~~July 6, 1948~~

AMENDMENTS TO THE LAW FOR THE PREVENTION
OF UNFAIR COMPETITION IN JAPAN

Law No. 17 of March 27, 1934, "Law for the Prevention of Unfair Competition," was amended by Law No. 2 of March 8, 1938. The amendments to this law were of minor importance and do not materially change the law as written in 1934. Only Articles one, two, and six are affected.

It is suggested that copies in your possession of the translation of Law No. 17 of March 27, 1934, prepared by the Division of Language Services in April 1948, be changed in the following manner to include the amendments passed by the Japanese Imperial Diet on March 8, 1938.

Article 1. A colon be substituted for a period at the end of the introductory statement so that it reads "...shall be condemned to the payment of damages;"

Paragraph 1. Add "for the purposes of trade" at the end of this paragraph.

New Paragraph 2. Insert a new paragraph 2 of Article 1 (which changes the numbers of existing paragraphs Nos. 2 and 3. to Nos. 3 and 4).

The new paragraph 2 should read: "The using of the same or similar family name, firm (or trade) name, trade-mark, or any other designations indicating the trade of other persons recognized within the territories where this law is in effect and thereby causing confusion with trade facilities or activities of other persons."

Article 2. Add "and also in cases where titles or other designations are usually used by similar trading enterprises" at the end of this Article.

Article 6. The present translation for the first part of Article 6, which reads "The provisions of Art. 1,

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Par. 1, Clauses 1 and 2, ..."should be changed to read "The provisions of Art. 1, Par. 1, Clauses 1 through 3," This change is occasioned by the insertion of the new paragraph 2 (see above).

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GOVERNMENT PRINTING BUREAU

ENGLISH EDITION

昭和二十一年十一月三十日第三號郵便物認可

No. 433

MONDAY, SEPTEMBER 8, 1947

Price 7.50 yen

LAW

I hereby promulgate the Law concerning the partial amendments to be made to the Patent Law and others.

Signed: HIROHITO, Seal of the Emperor

This eighth day of the ninth month of the twenty-second year of Showa (September 8, 1947)

Prime Minister
KATAYAMA Tetsu

Law No. 105

Article 1. Following amendments shall be made to part of the Patent Law:

Article 65, Paragraph 1, Item 1 to Item 5 inclusive shall be amended as follows:

1. From the 1st year to the 3rd year
each year ¥ 30.00
2. From the 4th year to the 6th year
each year ¥ 50.00
3. From the 7th year to the 9th year
each year ¥100.00
4. From the 10th year to the 12th year
each year ¥200.00
5. From the 13th year to the 15th year
each year ¥400.00

“¥100.00” “¥150.00” “¥200.00” in Paragraph 2 of the said Article, shall read respectively “¥1,000.00” “¥1,500.00” “¥2,000.00” and in Paragraph 3 of the said Article, “¥30.00” “¥60.00” shall read respectively “¥100.00” “¥600.00.”

In Article 129 “¥5,000.00” shall read “¥50,000.00,” in Article 130, “¥3,000.00” shall read “¥20,000.00” and in Article 133, “¥1,000.00” shall read “¥5,000.00.”

Article 2. Following amendments shall be made to the Utility Model Law:

In Article 20, “¥7.00, ¥15.00 and ¥25.00” shall read respectively “¥20.00, ¥40.00 and ¥80.00.”

In Article 27, “¥3,000.00” shall read “¥30,000.00,” in Article 28, “¥1,000.00” shall read “¥10,000.00” and in Article 31, “¥1,000.00” shall read “¥5,000.00.”

Article 3. The following amendments shall be made to the Design Law:

In Article 20, Paragraph 1, “¥3.00” and “¥5.00” shall read respectively “¥20.00” and “¥40.00” and in Paragraph 2 of the said Article, “¥3.00” shall read “¥20.00.”

In Article 26, “¥3,000.00” shall read “¥30,000.00,” in Article 27, “¥1,000.00” shall read “¥10,000.00” and in Article 30, “¥1,000.00” shall read “¥5,000.00.”

Article 4. The following amendments shall be made to the Trade Mark Law:

In Article 20, “¥30.00” shall read “¥300.00,” and “¥50.00” in the said Article, shall read “¥500.00.”

In Article 32, “¥100.00” and “¥150.00” shall read respectively “¥1,000.00” and “¥1,500.00.”

In Article 34, “¥5,000.00” shall read “¥50,000.00” and in Article 35, “¥3,000.00” shall read “¥20,000.00.”

Supplementary Provisions:

The present Law shall come into force as from the day of its promulgation.

The provisions of the old Law shall apply to a patent fee or registration fee paid or that expired the period of payment prior to the enforcement of the present Law.

Minister of Justice

SUZUKI Yoshio

Minister of Commerce and Industry

MIZUTANI Chozaburo

Prime Minister

KATAYAMA Tetsu

CABINET ORDERS

I hereby promulgate the Cabinet Order concerning the partial amendment to be made to the Regulations governing the Organization of the Ministry of Justice.

Signed: HIROHITO, Seal of the Emperor

This eighth day of the ninth month of the twenty-second year of Showa (September 8, 1947)

Prime Minister
KATAYAMA Tetsu

Cabinet Order No. 191

The following amendment shall be made to a part of the Regulations governing the Organization of the Ministry of Justice:

In Article 7, “4 persons (full time service) and 36 persons (full time service)” shall read “5 persons (full time service) and 53 persons (full time service)” respectively.

Supplementary Provision:

The present Cabinet Order shall come into force as from the day of its promulgation.

Minister of Justice

SUZUKI Yoshio

Prime Minister

KATAYAMA Tetsu

MINISTERIAL ORDINANCE

Ministry of Welfare Ordinance No. 25

September 8, 1947

A part of Enforcement Detailed Regulation of Vital Investigation Order of population shall be amended as follows:

Minister of Welfare

HITOTSUMATSU Sadayoshi

"Prime Minister" shall read "Minister of Welfare," "Director of Statistic Bureau, Prime Minister's Office" shall read "Minister of Welfare, Secretary of Prime Minister's Office" shall read "Welfare Secretary," "Statistic Bureau, Prime Minister's Office" shall read "Welfare Ministry," "Branch Office of Urban & Local Prefecture Government" shall read "Branch Office of Metropolitan, Hokkaido and Urban and Local Prefectural Government," and "Prime Minister's Office Ordinance" shall read "Ministerial Ordinance."

In Par. 1, Art. 20, "Branch Office of Urban and Local Prefectural Government shall include Branch Office of Tokyo Metropolis and Hokkaido" shall be cancelled. In Par. 2, "Par. 1" shall be cancelled.

Supplementary Provision:

This Ministerial Ordinance was applied as from September 1, 1947.

INSTRUCTIONS

Ministry of Education Instructions No. 9

September 8, 1947

To: All the Institutions under the Direct Control of the Ministry

The Regulations regarding Establishment-Census under the Jurisdiction of the Ministry of Education shall be provided as follows:

Minister of Education

MORITO Tatsuo

Regulations regarding Establishment-Census under the Jurisdiction of the Ministry of Education

Article 1. The census of the establishments under the jurisdiction of the Ministry of Education prescribed by Article 27 of the Regulations regarding Establishment-Census shall be taken in accordance with the present regulations.

Article 2. In the present regulations, Establishments shall be defined as those schools, libraries, museums, research institutes, etc. (hereinafter to be called simply the schools, etc.) under the direct control of the Minister of Education as well as the facilities attached thereto, which carry on business with the settled equipments.

In the present regulations, Managers shall be defined as persons who actually take charge of the establishments mentioned above.

Article 3. In taking the Census of the schools, etc. and the facilities attached thereto, any institution at different locality or any institution of different interests shall be counted as one establishment.

Article 4. This Census shall be taken annually as at midnight, September 30, October 1.

The title of the census of each year shall be crowned with the name of the era in which it is taken.

Article 5. This Census shall be taken with regard to the following matters:

1. Name of establishment;
2. Head or Branch establishment;
3. Location of establishment;
4. Activity of business;
5. Organization of business;
6. Number of workers;
7. Total wage and salary payments for the month of September;
8. Description of business activity;
9. Kind of business.

Article 6. The Managers shall make necessary entries in the Schedule-Paper regarding the matter mentioned in each item of the foregoing Article and submit it to the authorities.

The Schedule-Paper shall be submitted according to the following classification:

1. The heads of the schools, etc., who manage one establishment alone, shall submit it directly to the Minister of Education by October 20;
2. Managers other than the above shall send their Schedule-Papers to the head of the organization to which their establishments belong, and the said head shall, in his turn, submit them together to the Minister of Education by October 31, after examining them.

Article 7. The Schedule-Paper shall be prepared in the form prescribed by the Prime Minister and shall be delivered to each establishment by the Ministry of Education.

NOTIFICATIONS

Imperial Household Office Notification No. 9

September 6, 1947

T.M. the Emperor and the Empress have signified Their intention that Their Majesties will return to the Imperial Palace from Nasu, Tochigi Prefecture on the 10th inst.

Grand Steward of Imperial Household
MATSUDAIRA Yoshitami

Ministry for Home Affairs Notification No. 288

September 8, 1947

In accordance with the provisions of Article 1 of the City Planning Law, Tendo-cho, Kitamurayama-gun, Yamagata-ken shall be designed.

Minister for Home Affairs
KIMURA Kozaemon

Ministry for Home Affairs Notification No. 289

September 8, 1947

In accordance with the provisions of Article 2, Paragraph 1 of the City Planning Law, the area of Tateoka-cho, Kitamurayama-gun, Yamagata-ken shall be fixed as the City Planning Area of Tateoka.

Minister for Home Affairs
KIMURA Kozaemon

Ministry for Home Affairs Notification No. 290

September 8, 1947

In accordance with the provisions of Article 2, Paragraph 1 of the City Planning Law, the area of Tendo-cho, Higashimurayama-gun, Yamagata-ken, shall

be fixed as the City Planning Area of Tendo-cho, Yamagata-ken.

Minister for Home Affairs
KIMURA Kozaemon

Ministry for Home Affairs Notification No. 291

September 8, 1947

In accordance with the provisions of Article 1 of the City Planning Law, Kamoshima-cho, Oe-gun, Tokushima-ken, shall be designated.

Minister for Home Affairs
KIMURA Kozaemon

Ministry for Home Affairs Notification No. 292

September 8, 1947

In accordance with the provisions of Article 2, Paragraph 1 of the City Planning Law, the area of Kamoshima-cho, Oe-gun, Tokushima-ken, shall be fixed as the City Planning Area of Kamoshima.

Minister for Home Affairs
KIMURA Kozaemon

Ministry of Justice Notification No. 44

September 8, 1947

The Ministry of Justice Notification No. 14, April, 1941 (concerning the Jurisdictions of Protection Districts in accordance with the provisions of Article 4 of the Offenders-Protection Commissioners Ordinance) shall be amended as follows:

Minister of Justice
SUZUKI Yoshio

The part of the Chiba Offenders-Protection Committee: Of the names of the protection districts, "Hojo" shall read "Tateyama."

The part of the Osaka Offenders-Protection Committee: The names and jurisdictions of the protection districts shall be amended as follows:

Protection District	Jurisdiction
Temma	In Kita-ku, Osaka City, Sonezaki Shin-ichi/1-chome to 3-chome, Dojimakami 1-chome to 3-chome, Tamae-cho 1-chome to 2-chome, Naru-cho, Genzo-cho, Kawasaki-cho, Kobata-cho, Wataya-cho, Higashihorikawa-cho, Tenjinsuji-cho, Kawachimachi 1-chome to 2-chome, Minamidoshin-cho 1-chome to 2-chome, Temmabashisuji 1-chome to 5-chome, Dojimahamadori 1-chome to 2-chome, Dojimanaka 1-chome to 2-chome, Nakanoshima 1-chome to 7-chome, Hinoe-cho, Suehiro-cho, Asahi-cho, Tomita-cho, Imai-cho, Nishihorikawa-cho, Tsuboyamachi 1-chome to 2-chome, Yoriki-machi 1-chome to 2-chome, Kitadoshin-cho 1-chome to 2-chome, Shimmei-cho, Dojima Funadaiku-machi, Soze-cho, Taruya-machi, Masago-cho, Ichino-cho, Takigawa-cho, Tatsuda-cho, Matsugae-cho, Kanaya-machi 1-chome to 2-chome, Kusun-cho 1-chome to 2-chome, Tenjimbashisuji 1-chome

to 3-chome, Eiraku-cho, Dojima Kita-machi, Wakamatsu-cho, Kinugasa-cho, Jige-machi, Minamimori-machi, Hatago-cho, Toji-cho, Umegae-cho, Konohama-cho 1-chome to 2-chome, Iwai-cho 1-chome to 2-chome, Umeda-cho (south of the south side of the road running with the Sakurajima line of a municipal electric tramway), Dojima Nishi-machi, Joan-cho, Sugawara-cho, Daiku-machi, Kobai-cho, Kitamori-machi, Ise-machi, Usuya-machi, Shinkawasaki-cho, Shimbo-cho 1-chome to 2-chome, Oimatsu-cho 1-chome to 3-chome.

In Kita-ku, Osaka City, Sonezakikami 1-chome to 4-chome, Temmabashisuji 6-chome (south of the south side of the Umeda-Zengenji line of a municipal electric tramway), Hino-guchi-cho (south of the south side of the Umeda-Zengenji line of a municipal electric tramway), Naniwa-cho (south of the south side of the Umeda-Zengenji line of a municipal electric tramway, but exclusive of the area of Tenroku junction), Nakazaki-cho, Doyama-cho, Ushimaru-cho, Kitaogi-machi, Ofuka-machi, Sonezakinaka 1-chome to 2-chome, Yamazaki-cho Ikeda-cho, Domoto-cho, Minaminishiki-machi, Kobuka-cho, Tenjimbashisuji 4-chome to 5-chome, Umeda-cho, (north of the south side of the road running with the Sakurajima line of a municipal electric tramway), Yoshiyama-cho (south of the south side of the Umeda-Zengenji line of a municipal electric tramway), Hamazaki-cho, Shibata-cho, Higashiogi-machi, Kitanishiki-machi, Banzai-cho, Tenjimbashisuji 6-chome (south of the south side of the Umeda-Zengenji line of a municipal electric tramway), Nishiteramachi 1-chome to 2-chome, Kurozaki-cho, Sumida-cho, Nishio-gi-machi, Tsuruno-cho, Hamura-cho, Umeda, Nazaki-cho, Kamiyama-cho, Ukita-cho, Minamiogi-machi, Semba-cho, Takagaki-cho, Chaya-machi, Toyoshimacho, Komatsubara-cho, Toyomiya-cho, Togano-cho, Towa-cho, Taiyuji-cho, Sugae-cho.

Sonezaki

Miyakojima	In Osaka City, Miyakojima-ku.
Fukushima	In Osaka City, Fukushima-ku.
Konohana	In Osaka City, Konohana-ku.
Higashi	In Osaka City, Higashi-ku.
Nishi	In Osaka City, Nishi-ku.
Chikuko	In Osaka City, Minato-ku.

Protection District	Jurisdiction
Taisho	In Osaka City, Taisho-ku.
Tennoji	In Osaka City, Tennoji-ku.
Minami	In Osaka City, Minami-ku, Naniwa-ku.
Oyodo	In Osaka City, Oyodo-ku.
Nishiyodogawa	In Osaka City, Nishiyodogawa-ku.
Jusobashi	In Higashiyodogawa-ku, Osaka City, Niitaka-cho, Horiagemoto-machi, Kikawahigashino-cho, 1-chome to 3-chome, Mitsuya Kitadori 1-chome to 5-chome, Higashihara-cho, Juhachijo-cho, Kashima-cho (east of the west side of the Tokaido line), Niitaka Kitadori 1-chome to 3-chome, Tagawadori 1-chome to 7-chome, Kikawanishino-cho 1-chome to 3-chome, Mitsuyashin-machi, Shinonome-cho, Motoimazato Minamidori 1-chome to 4-chome, Tsukamoto-cho 1-chome to 5-chome, Niitaka Minamidori 1-chome to 3-chome, Nonaka Minamidori 1-chome to 2-chome, Kitakawaguchi-cho, Minamimiyahara-cho, Jusohigashino-cho 1-chome to 5-chome, Minamigata-cho (west of the west side of the Tokaido line from Tokyo to Kyoto), Tsukuda-cho (east of the west side of the Tokaido line), Nishimachi, Nonaka Kitadori 1-chome to 3-chome, Mitsuya Minamidori 1-chome to 6-chome, Mikunihon-machi, Jusonishino-cho 1-chome to 5-chome, Motoimazato Kitadori, 1-chome to 5-chome, Higashi-tsukamoto-cho 6-chome, Hori-agedori 1-chome to 3-chome, Kikawa-cho, Mitsuya Nakadori 1-chome to 6-chome, Mikunicho, Jusominamino-cho 1-chome to 3-chome.
Awaji	In Higashiyodogawa-ku, Osaka City, Hama-machi, Kamishinjo-cho, Yamaguchi-cho, Eguchi-cho, Hashidera-machi, Osumidori, Komatsu-cho, Awajishin-machi, Toyozato-cho, Kunijima-cho, Komatsu Minamidori 1-chome to 6-chome, Aikawa-cho 1-chome to 3-chome, Toyozato Samban-cho, Kunitsugi-cho, Komatsu Nakadori 1-chome to 5-chome, Aikawa Minamidori 1-chome to 2-chome, Toyozato Sugawara-cho, Yakushido-cho, Komatsu Kitadori 1-chome to 5-chome, Aikawa Nakadori 1-chome to 2-chome, Aikawa Kitadori 1-chome to 3-chome, Minamigata-cho (west of the west side of the Tokaido line from Osaka to Kyoto), Asuka-cho, Shimoshinjo-cho, Minamidaido-cho, Shimagashira-cho, Kitadaido-cho, Hino-cho, Nishidaido-cho, Zuikodori 1-chome to 6-chome.

Higashinari	In Osaka City, Higashinari-ku.
Ikuno	In Osaka City, Ikuno-ku.
Asahi	In Osaka City, Asahi-ku.
Joto	In Osaka City, Joto-ku.
Abeno	In Osaka City, Abeno-ku.
Sumiyoshi	In Osaka City, Sumiyoshi-ku.
Tanabe	In Higashisumiyoshi-ku, Osaka City, Imagawa-cho (west of the Imagawachushin line) Tanabe Higashino-cho 3-chome to 8-chome, Nishinagai-cho (east of the west side of the Hanwa line of a government railway, east of the east side of the Tennoji-Abiko line of a city-planning road and north of the north side of the Kire-Shikitsu line of a city-planning road), Kuwazu-cho (south of the south side of the Osaka-Nara line of a Fuken road, east of the west side of the Kuwatsu-Yada line of a city-planning road and the north side of the Abeno-Kumata line of a city-planning road; east of the west side of the Hanwa line of the Nannichi railway), Yamasaka-cho, 5-chome (east of the west side of the Hanwa line of a government railway), Tennoji-cho (east of the west side of the Kuwatsu-Yada line of a city-planning road, east of the west side of the Hanwa line of a government railway and south of the north side of the Abeno-Kumata line of a city-planning road), Nishitanabe-cho (east of the west side of the Hanwa line of a government railway), Higashinagai-cho (north of the north side of the Kire-Shikitsu line of a city-planning road), Yamasaka Nishino-cho 1-chome (east of the west side of the Hanwa line of a government railway), Kitatanabe-cho (east of the west side of the Hanwa line of a government railway), Nakano-cho (west of the Imagawachushin line) Takai-cho, Yusato-cho (west of the Imagawachushin line), Tanabe Hommachi 4-chome to 8-chome, Yamasaka-cho 1-chome to 4-chome, Komagawa-cho 4-chome to 8-chome, Kumata-cho (west of the Imagawachushin line), Sunago-cho, Ikuno Shinke-cho (south of the south side of the Osaka-Nara line of a Fuken road), Hayashiji-cho (south of the south side of the Osaka-Nara line of a Fuken road).
	In Higashisumiyoshi-ku, Osaka City, Imabayashi-cho (south of the Joto-canal-chushin line by city

Hirano	<p>planning), Kire-cho, Kumata-cho (south of the Joto-canal-chushin line by city planning, east of the Imagawachushin line, south of the north side of the Kansai line and south of the south side of the Osaka—Nara line of a Fuken road), Imagawa-cho (east of the Imagawachushin line), Nakano-cho (east of the Imagawachushin line), Yusato-cho (east of the Imagawachushin line), Hirano Ichi-cho, Hirano Baba-cho, Hirano Odori, Hirano Umegae-cho 1-chome to 6-chome, Hirano Kyo-machi 1-chome to 6-chome, Hirano Sumiyoshi-cho, Hirano Hama-machi 1-chome to 3-chome, Hirano Tabata-cho, Hirano Nodo-cho, Hirano Miya-machi, Hirano Nishiwaki-cho, Hirano Naka-machi, Hirano Mandokoro-cho 1-chome to 3-chome, Hirano Shin-machi 1-chome to 6-chome, Hirano Hon-machi 1-chome to 6-chome, Hirano Nagara-cho, Hirano Deido-cho, Hirano Moto-machi 1-chome to 7-chome, Hirano Nishino-cho, Hirano Ue-machi, Hirano Sanjuba-cho 1-chome to 3-chome, Hirano Sedoguchi-cho.</p> <p>In Nakakawachi-gun, Osaka City, Tatsumi-mura, Kami-mura.</p>		<p>no-cho, Sendo-cho, Nagasone-cho, Kurotsuchi-cho, Kitanagao-cho 1-cho to 3-cho, Fukai Higashi-cho, Doto-cho, Chikko Minami-cho, Ichijodori, Rokujodori 1-cho to 6-cho, Higashinagayamaen, Minamiyasuicho 1-cho to 6-cho, Aioi-cho 1-cho to 3-cho, Showadori 1-cho to 6-cho, Deguchi-cho, Kashiwagi-cho, Asahigaoka Tatsumidori 1-cho to 4-cho, Mozu Umeno-cho, Mozu Sekiun-cho, Shinbori-cho, Ishizugaoka (the nausoleum of the Emperor Richu) Uenoshiba-cho, Naka Nagao-cho 1-cho to 4-cho, Fukai Shimizu-cho, Haji-cho, Nijodori 1-cho to 8-cho, Shichijodori 1-cho to 6-cho, Kitamaruhoen, Hinode-cho, Onoe-cho 1-cho to 3-cho, Sugawaradori 1-cho to 5-cho, Nishihondori, Asahigaoka Miikedori 3-cho to 4-cho, Ishizu-cho, Mozu Kudara-cho, Mamezuka-cho, Okumoto-cho, Asahigaoka-cho, Dejima Kaigandori 1-cho to 4-cho, Minaminagao-cho 1-cho to 5-cho, Fukaimizuike-cho, Onoshiba-cho.</p>
Nishinari	<p>In Osaka City, Nishinari-ku.</p>		<p>In Sakai City,</p>
Sakai Kita	<p>In Sakai City,</p> <p>Monjubashidori 1-chome to 4-chome, Sanjodori 1-chome to 8-chome, Ryosaidori 1-chome to 4-chome, Minamimaruhoen, Matsuhara-cho, Oimatsu-cho 1-chome to 2-chome, Kasugadori 1-chome to 4-chome, Kusunoki-cho, Asahigaoka Showadori 2-chome to 4-chome, Kamiishi Ichino-cho, Mozu Kaneguchi-cho, Higashi-asakayama-cho, Kitahana-daguchi-cho, Kasumigaoka-cho, Deshimahamadori, Fukai Kitamachi, Fukai Sawa-machi, Shinke-cho, Yachiyodori 1-chome to 4-chome, Shijodori 1-chome to 7-chome, Nishinagayamaen, Nigiwai-cho 1-chome to 4-chome, Higashihondori 1-cho to 2-cho, Suehiro-cho 1-cho to 2-cho, Yawatadori 1-cho to 3-cho, Katsura-cho, Asahigaoka Ebisudori 1-cho to 4-cho, Mozu Akahata-cho, Mozu Higashino-cho, Tokiwa-cho, Kanaoka-cho, Miyamoto-cho, Dejima-cho 1-cho to 2-cho, Fukai Nakamachi, Fukai Hatayama-cho, Shiohama-cho, Saiwaidori 1-cho to 4-cho, Gojodori 1-cho to 6-cho, Nakanagayamaen, Eidai-cho 1-cho to 6-cho, Takasago-cho 1-cho to 3-cho, Tamagawa-cho, Muro-machi, Aoi-machi, Asahigaoka Nanryodori 1-cho to 4-cho, Mozu Takada-cho, Mozu Nishi-</p>	Sakai Minami	<p>Otorikita-machi, 1-cho to 10-cho, Hamadera Minami-machi, 1-cho to 3-cho, Hamadera Funao-cho Nishi 1-cho to 5-cho, Hamadera Ishizu-cho Naka 1-cho to 5-cho, Tsukunoo Miyamoto-cho, Ieharateramachi, Hatta Kita-machi, Otori Higashi-machi 1-cho to 7-cho, Hamadera Motomachi 1-cho to 6-cho, Hamadera Suwanomori-cho Higashi 1-cho to 3-cho, Hamadera Ishizu-cho Nishi 1-cho to 5-cho, Shimoda-cho, Hiraoka-cho, Hatta Minami-cho, Otori Minami-cho 1-cho to 5-cho, Hamadera Showa-cho 1-cho to 5-cho, Hamadera Suwanomori-cho Naka 1-cho to 3-cho, Uenoshiba-cho 1-chome to 8-cho, Kamino-cho, Kena-cho, Otori Nishimachi 1-cho to 3-cho, Hamadera Koen-cho 1-cho to 3-cho, Hamadera Suwanomori-cho Nishi 1-cho to 4-cho, Uenoshiba Mukogaoka-cho 1-cho to 6-cho, Tsuruda-cho, Hatta Tera-machi, Otori Nakamachi 1-cho to 10-cho, Hamadera Funao-cho Higashi 1-cho to 4-cho, Hamadera Ishizu-cho Higashi 1-cho to 5-cho, Tsukunoo Hon-machi, Miyashita-cho, Horiage-cho.</p> <p>In Sempoku-gun,</p> <p>Takaishi-cho, Fukuizumi-cho, Toroishi-mura, Kuse-mura, Niwatani-mura, Higashitoki-mura, Nishitoki-mura, Mikita-mura.</p>
Kishiwada		Kishiwada	Kishiwada City, Kaizuka City.
Fuse		Fuse	<p>In Nakakocho-gun,</p> <p>Fuse City, Tamagawa-cho, Tatezu-cho (a part of Oaza Kawanaka belongs to the Shijonawate protection district).</p>

Protection District	Jurisdiction		
Suifu	Suifu City, In Mishima-gun, Aji-mura, Masuda-mura, Shim- oda-mura, Yamada-mura.	Ozaki	In Benten-gun, Ozaki-cho, Tanno-mura, Fuze- mura, Koji-mura, Shimomoto- mura, Higashitotoki-mura, Nishitotoki-mura, Tanagawa- mura.
Ibaragi	In Mishima-gun, Ibaraki-cho, Tunda-cho, Mishi- ma-mura, Miyake-mura, Ai-mura, Fukui-mura, Tamashima-mura, Kasuga-mura, Toyokawa-mura, Ishikawa-mura, Miyama-mura, Kiyonami-mura, Torikai-mura, Tatsukushi-mura, Sengumaki- mura, Abuto-mura.	Tondabayashi	In Minamikawachi-gun, Tondabayashi-cho, Yamada-mura, Ishikawa-mura, Shinaga-mura, Shiraki-mura, Kawachi-mura, Akasaka-mura, Chibaya-mura, Tojo-mura, Naka-mura.
Takatsuki	Takatsuki City, In Mishima-gun, Goryo-mura, Shimamoto-mura.	Nagato	In Minamikawachi-gun, Nagato-machi, Tako-mura, Amami-mura, Kawakami-mura, Mikazuchi-mura, Kagata-mura.
Ikeda	Ikeda City, In Toyono-gun, Minoo-mura, Kayano-mura, To- detomi-mura. In Toyonaka City, a part of Oaza Asada (Tobichi).	Furuichi	In Minamikawachi-gun, Furuichi-cho, Fujidera-cho, Nishura-mura, Hanjo-mura, Takawashi-mura, Komagatani- mura.
Toyonaka	In Toyonaka City, Oka-machi, Sakurazaka Hondori 1-chome to 7-chome, Sakurazaka Moto-machi 1-chome to 6-chome, Sakurazaka Higashidori 1-chome to 8-chome, Shangen, Yamano- ue, Minamatodoroki, Hashii, Mi- nawa, Asata (exclusive of Tobi- chi; it belongs to the Ikeda pro- tection district), Kumatori, Shi- buhara, Uchida, Sboji, Nobata, Minamitonoyama, Kitatonoyama, In Toyono-gun, Shozai-machi, Ozone, Minami- teshima-mura, Nakateshima mura.	Kuroyama	In Minamikawachi-gun, Kuroyama-mura, Hirao-mura, Noda-mura, Seyama-mura, Tanhi-mura, Tannami-mura, Kitayashimo-mura, Hikinosho- mura, Okusa-mura.
Jio	In Toyono-gun, Tojo-mura, Higashinose-mura, Nishinose-mura, Utagaki-mura, Tajiri-mura, Yoshikawa-mura.	Nukada	In Nakakawachi-gun, Hiraoka-machi, Akada-mura, Oe- mura, Nawate-mura, Kusaga- mura.
Otsu	In Sempoku-gun, Izumotsu City, Izumi-machi, Tadaoka-cho, Shinoda-mura.	Yao	In Nakakawachi-gun, Yao-cho, Ryuge-cho, Wakae- mura, Nishigori-mura, Taisho- mura, Akegawa-mura, Minogo- mura, Kyuboji-mura, Takayasu- mura, Minamitakayasu-mura.
Mibayashi	In Sempoku-gun, Yokoyama-mura, Yamataki-mura, Kitaikeda-mura, Minamiikeda- mura, Kitamatsunoo-mura, Mi- namimatsunoo-mura, Minami- yokoyama-mura.	Kashiwara	In Minamikawachi-gun, Shiki-mura, Kokubu-cho, Do- myoji-mura.
Sano	In Sennan-gun, Sano-cho, Kumatori-mura, O- tsuchi-mura, Tajiri-mura, Naga- taki-mura, Minaminakadori-mura, Hineno-mura.	Miyake	In Nakakawachi-gun, Miyake-mura, Matsubara-mura, Nunose-mura, Amami-mura, Yata-mura, Uriwari-mura, Naga- yoshi-mura, Ega-mura.
Ichiba	In Sennan-gun, Tarui-cho, Narutaki-mura, Shinke-mura, Nishishindachi- mura, Shindachi-machi, Ono- shindachi-mura.	Moriguchi	In Kitakawachi-gun, Moriguchi-machi, Futashima- mura, Sango-machi, Shinomiya- mura, Matsuda-machi, Kadoma- machi, Minamigo-mura, Niwa- kubo-mura, Owada-mura.
		Hirakata	In Kitakawachi-gun, Hirakata-machi, Neyagawa-machi, Katano-machi, Tsuda-machi.
		Shijonawate	In Kitakawachi-gun, Shijonawate-mura, Tawara-mura, Mizumoto-mura, Shijo-mura, Suminodo-cho. In Nakakawachi-gun, Tatezu-machi (a part of Oaza Kawanaka belongs to the Fuse protection district).

The part of the Hiroshima Offenders-Protection Committee.

In Aki-gun of Kure Protection District, "Ondocho, Kurahashijima-mura" shall be deleted and the following Protection District shall be added after Kure Protection District.

Protection District	Jurisdiction
Ondo	In Aki-gun, Ondo-cho, Kurahashijima-mura.

Ministry of Commerce and Industry Notification No. 51

September 8, 1947

In accordance with the provisions of the Electric Appliance Control Regulation, the type of electric appliance was recognized on September 1, 1947 as follows:

Minister of Commerce and Industry
MIZUTANI Chozaburo

Name or Title of Manufacturer	Recognition Number	Location of Business Office	Elec. Appliance to be Manufactured	Type
K.K. Kobe Seikoshu	▽ 9-241	No. 36-1, 1-chome, Wakahama-cho, Fukui-ku, Kobe-shi	Elec. Fan	Table fan, 100 volt, 40 watt, 50-60 cycle, 4 poles, split-phase, 30 cm. 3 propellers
Fuji Denki Seizo K.K.	▽ 9-242	No. 6, 2-chome, Marunouchi, Chiyoda-ku, Tokyo	Split-phase Induction Motor	100-110 volt, 200 watt, 5.5 amp., 50-60 cycle, 4 poles
K.K. Hitachi Seisaku-sho	▽ 9-243	No. 12, 2-chome, Marunouchi, Chiyoda-ku, Tokyo	Repulsion-start Induction Motor	100-200 volt, 400 watt, 50-60 cycle, 4 poles
Kurata Kogyo-sho HOSHIYAMA Kikujiro	▽ 6-531	No. 144, Samezu-cho, Oi, Shinagawa-ku, Tokyo	Cord Switch	6 amp., 250 volt, 2 poles, quick breaking, phenol-resin shell

Ministry of Transportation Notification No. 242

September 8, 1947

The following aids to navigation were restored or lighted:

Minister of Transportation
TOMABECHI Gizo

1. Kamimate-shima Light, S.E. of Amakusa-shimo-shima, W. coast of Kyushu which had been extinguished was restored to normal operation on July 8, 1947.
2. Kagoshima-Shinhatoba N. Staff Light, Kagoshima-Ko, S. coast of Kyushu which had been extinguished was restored on August 13, 1947.
3. Iyo-Niihama-Ko W. Breakwater Light, western part of Inland Sea which had been extinguished was restored August 12, 1947.
4. The following Light Buoys which had been washed away were all anchored and lighted:

Name of Light Buoy	Position
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Ebisu-jima Light Buoy	Outside of Muroran Port, Hokkaido
One Light Buoy	Entrance to Muroran Port, Hokkaido

Ministry of Transportation Notification No. 243

September 8, 1947

The following amendment shall be made to part of the names, locations and jurisdictions of the Branches of Maritime Bureaus and the like which are provided for in Article 6 of the organization of the Maritime Bureau, Ministry of Transportation Notification No. 39, February, 1946:

Minister of Transportation
TOMABECHI Gizo

In Annex 3, the following two items shall be added next to the item for Tateyama Agency, Kanto Maritime Bureau:

Kisarazu Agency, ditto	Kisarazu-shi, ditto
Itako Agency, ditto	Itako-machi, Namekata-gun, Ibaraki-ken

Ministry of Communications Notification No. 283

September 8, 1947

In commemoration of the Relief Movement for Ex-convicts, 2 yen postage stamp as shown in the following forms shall be issued as from September 13, 1947:

Minister of Communications
MIKI Takeo

2 yen postage stamp



Design:
Lily-of-the-valley in Hand of Love
Printing colour:
Deep blue green
Size:
27 mm x 22.5 mm

ERRATA

In Ministry of Communications Notification No. 6 of January 10, 1947, Page 4, the column of Location on the first line "Shimomi-nauchi-gun" is corrected as "Shimo-takaido-gun," the column of New Name, the fifth line from the end, "Henami Post Office" is corrected as "Henashi Post Office," on the last line of the said column "Hongo Post Office" is corrected as "Oshima Post Office."

In Ministry of Communications Notification No. 55 of February 18, 1947, Page 4, the column of New Name "Rokunoe Post Office" is corrected as "Rokunoe Post Office."

In Ministry of Communications Notification No. 116 of April 7, 1947, Page 19, the right column, on the twenty-eighth line "(Mie Pref.*)" is corrected as "(Gifu Pref.)."

In Ministry of Communication Notification No. 123 of April 10, 1947, Page 8, the column of Name "Kagoshima-kamiarata Post Office" is corrected as "Kagoshima-kamiarata Post Office."

In Ministry of Communications Notification No. 210 of July 1, 1947, Page 10, the column of Present Name "Sugiyasu Post Office" is corrected as "Sugitsuma Post Office."

CONFERMENT & APPOINTMENT**Cabinet and Prime Minister's Office**

August 5, 1947

KATŌ Eiichi, Secretary of Ministry of Finance:
Promoted to Second Class.

August 6, 1947

MAGARA Yuzuru, Secretary of Ministry of Finance:
Promoted to Second Class.

September 2, 1947

NODA Uichi, Secretary of Ministry of Finance:
Appointed Director of Monopoly Bureau,
Graded First Class.

HAYASHI Shūzō, Secretary of Ministry of Finance:

MORINAGA Teiichirō, ditto:

OKAMURA Takeshi, ditto:

ISHIDA Yōshio, ditto:

Promoted to First Class, respectively.

ATSUMI Takeo, Secretary of Ministry of Commerce
and Industry:

KAN Kumao:

Appointed Secretary of Prime Minister's Office,
Graded Second Class, respectively.

FURUSHŌ Genji, Technical Official of Ministry of
Commerce and Industry:

Appointed Technical Official of Prime Minister's
Office:

Graded Second Class.

TAKABATAKE Masahiro, Secretary of Prime Min-
ister's Office:

YAMAGUCHI Minori, Secretary of Ministry for Home
Affairs:

KUMAGAI Yōnosuke, Secretary of Local Government:

KONDŌ Kaoru:

Appointed Economic Inspector of Economic Stabili-
zation Board,

Graded Second Class, respectively.

KOIZUMI Takuo, Secretary of Ministry of Finance:

Appointed Secretary of Ministry of Transportation,
Graded Second Class.

AKIMOTO Fumito, Technical Official of Ministry of
Transportation:

Promoted to Second Class.

KUSHIDA Mitsuo, Secretary of Ministry of Finance:
SUGIYAMA Shōsaku, Director of Monopoly Bureau:

Relieved of office at their own request, respectively.
(September 2, 1947, Cabinet)

MAKIMURA Keiji, Vice-Consul and concurrent
Secretary of Prime Minister's Office:

Relieved of principal office and solely appointed
Secretary of Prime Minister's Office.

MAKIMURA Keiji, Secretary of Prime Minister's
Office:

Granted No. 16 Salary,

Assigned to General Affairs Section of Prime Min-
ister's Office.

ATSUMI Takeo, Secretary of Prime Minister's Office:

KAN Kumao, ditto:

FURUSHŌ Genji, Technical Official of Prime Min-
ister's Office:

Appointed Member of Economic Stabilization Board,
respectively.

NISHIDA Eiichi:

Relieved of Member of Economic Stabilization Board
at his own request.

UMEMOTO Michiko, Educational Official of Ministry
of Education:

NOGUCHI Yoshikuni, Technical Official of Ministry
of Communications:

FURUSHŌ Otohiko, ditto:

INABA Kosaburo, Educational Official of Local Gov-
ernment:

AKUTAGAWA Teikichi, ditto:

TAKEI Miyo, ditto:

ŌTAKE Washūburō, ditto:

KIKUCHI Jinsaku, ditto:

OZAKI Masaoki, ditto:

AZUMA Satoshi, ditto:

KODAMA Tatsuo, ditto:

KITAMURA Osamu, ditto:

TERABE Kōichi, ditto:

TAJIMA Misao, ditto:

NAGANO Masayoshi, ditto:

IIJIMA Gonzō, ditto:

FUKUMOTO Natsuro, ditto:

BEPPU Katsumi, ditto:

MONDEN Masayuki, ditto:

MASUDA Iwao, ditto:

MARUNASHI Katsutoshi, ditto:

HIRAI Fumio, Suspended Educational Official of Local
Government:

Relieved of office at their own request, respectively.

(September 2, 1947, Prime Minister's Office)

HAYASHI Mikiji, Procurator of Niigata District Public
Procurator's Office:

Nominated to Procurator of Tokyo High Public Pro-
curator's Office.

SAWADA Takayoshi, Procurator of Tokyo District
Public Procurator's Office:

Nominated to Procurator of Mito District Public
Procurator's Office.

NUMARI Unkichi, Procurator of Mito District Public Procurator's Office:

Nominated to Procurator of Tokyo District Public Procurator's Office:

(August 29, 1947, Ministry of Justice)

OBAYASHI Naoki, Technical Official of Ministry of Communications:

Ordered to be concurrent Chief of International Exchange section, Osaka Central Telephone Office. (August 15, 1947, Ministry of Communications)

YOSHIKAWA Yujiro, Secretary of Ministry of Communications:

Ordered to be Director of Sunagawa Post Office.

FUJIWARA Rokuro, ditto:

Assigned to Sapporo Bureau of Communications.

YOSHIDA Kensuke, ditto:

Ordered to be Chief of General Affairs Section, Sapporo Telecommunication Engineering Office.

WADA Izumi, ditto:

Ordered to be Director of Higashi-Muroran Post Office.

YUGUCHI Ikkaku, ditto:

Ordered to be Director of Wakkanai Post Office.

(August 16, 1947, ditto)

ONO Toshio, ditto:

Ordered to be concurrent Chief of Finance Section, Communication College.

TANIKAWA Kikutaro, Educational Official of Ministry of Communications:

Ordered to be Chief of Rehabilitation Section, Communication College.

TAKAHASHI Naokoto, ditto:

Assigned to Communication College.

ISHIDA Yoshimitsu, Secretary of Ministry of Communications:

OMURA Hisao, Technical Official of Ministry of Communications:

TAKAHASHI Yoshio, ditto:

Concurrently assigned to Telecommunication Facilities Office, Ministry of Communications.

(August 20, 1947, ditto)

TATSUMI Genzaburo, Secretary of Ministry of Communications:

Ordered to be concurrent Chief of Finance Section, Tokyo Telecommunication Engineering Office.

SUZUKI Miki, ditto:

Assigned to Utsunomiya Post Office.

SANO Tadafumi, Technical Official of Ministry of Communications:

Ordered to be Chief of Private Equipment Section, Tokyo Telecommunication Engineering Office.

KOMANO Takeo, ditto:

Granted No. 18 Salary,

Assigned to Tokyo Bureau of Communications,

Concurrently assigned to Labor Bureau, Ministry of Communications.

(August 22, 1947, ditto)

SUGI Makio, ditto:

Granted No. 27 Salary.

SAGAWA Seiichi, ditto:

Granted No. 19 Salary,

Ordered to be Chief Doctor of Health Administration Dept., Sapporo Communication Hospital.

ISHII Shukio, ditto:

Relieved of Acting Chief Doctor of Health Administration Dept., Sapporo Communication Hospital.

(August 27, 1947, ditto)

COLLECTIVE INFORMATION

GOVERNMENT MATTERS

Revision of Regulations for the Official Organization of Ministry of Welfare

Part of the Official Organization of the Ministry of Welfare has been amended as follows and was enforced on and after September 1:

In Article 25, Item 2, "However, those belonging to Labor Security Bureau are excepted" shall be cancelled.

Article 30—Article 47, and Article 50, Item 2, shall be cancelled, Item 3 of the same Article shall be Item 2, and in the same Item, "and the Special Accounts of the Workmen's Accidents Relief Liability Insurance Law" shall be cancelled.

Article 48 shall be Article 30, and the following shall be moved up in order.

Amendment of Part of Regulations for the Allotment of Business of the Institute for Public Health

Part of the Regulations for the Allotment of Business of the Institute for Public Health has been amended as follows, and was enforced on and after August 26:

Regulations for the Allotment of Business of the Institute of Public Health

Article 1. The General Affairs Section, the Instruction Section, and the following 12 departments, 2 laboratories and the attached library shall be put in the Institute of Public Health:

- Department of Health Statistics
- Department of Physiological Hygienics
- Department of Dietetics
- Department of Epidemiology
- Department of Hygienic Microbiology
- Department of Hygienic Engineering
- Department of Architectural Hygienics
- Department of Hygienic Pharmacology
- Department of Hygienic Veterinary
- Department of Science Juvenile Hygienics
- Department of Labor Hygienics
- Department of Hygienic Administrative
- Science Laboratory for Biochemistry
- Laboratory for Psychology

Article 2. The General Affairs Section shall carry out the following matters:

1. Matters concerning personnel affairs
2. Matters concerning the safe-keeping of the official seals
3. Matters concerning the receipt, sending out, compiling and preserving of documents
4. Matters concerning the accounts
5. Matters concerning the regulation within the Institute
6. Matters not being under the jurisdiction of others

Article 3. The Instruction Section shall carry out the following matters:

1. Matters concerning the course of instruction
2. Matters concerning the materials for instruction
3. Matters concerning the students of the lecture-classes

4. Matters concerning the lecturers
5. Matters concerning the preparation rooms and the specimen rooms
6. Matters concerning the dormitory
7. Matters concerning the execution of other cultivation and training

Article 4. Department of Hygienic Statistics shall carry out the following matters:

1. Matters concerning hygienic statistics
2. Matters concerning the human heredity
3. Matters concerning the eugenics and mental hygiene

Article 5. Department of physiological Hygienics shall carry out the following matters:

1. Matters concerning the physiology and hygiene of the functions of human body
2. Matters concerning the measurement of the living body
3. Matters concerning the various physiological conditions of the environment of life

Article 6. Department of Dietetics shall carry out the following matters:

1. Matters concerning the dietetic physiology
2. Matters concerning the dietetic pathology
3. Matters concerning the dietetic life

Article 7. Department of Epidemiology shall carry out the following matters:

1. Matters concerning the epidemiology of the acute epidemics
2. Matters concerning the epidemiology of the chronic epidemics
3. Matters concerning the epidemiology of parasitic diseases, endemics and diseases

Article 8. Department of Hygienic Microbiology shall carry out the following matters:

1. Matters concerning the science of immunity from microbes
2. Matter concerning the science of parasites
3. Matters concerning the hygienic entomology

Article 9. Department of Hygienic Engineering shall carry out the following matters:

1. Matters concerning the hygiene of water-works and sewers
2. Matters concerning the hygiene of dust-disposition, and burial and cremation

Article 10. Department of Architectural Hygienics shall carry out the following matters:

1. Matters concerning the hygiene of houses and various buildings
2. Matters concerning the accessory hygienic equipment
3. Matters concerning the hygiene of the city planning and land planning

Article 11. Department of Hygienic Pharmacology shall carry out the following matters:

1. Matters concerning the hygienic chemistry
2. Matters concerning the discernment of the medicines

Article 12. Department of Hygienic Veterinary Science shall carry out the following matters:

1. Matters concerning the hygiene of milk and meat
2. Matters concerning the epidemics common to both of man and beast

Article 13. Department of Juvenile Hygienics shall carry out the following matters:

1. Matters concerning the maternal hygiene
2. Matters concerning the hygiene for baby and infant
3. Matters concerning the hygiene for school-children

Article 14. Department of Labor Hygienics shall carry out the following matters:

1. Matters concerning the hygiene of the workshop-conditions and life-environment of laborers
2. Matters concerning the work efficiency and recreation
3. Matters concerning the occupational diseases and industrial disasters

Article 15. Department of Hygienic Administrative Science shall carry out the following matters:

1. Matters concerning the public health administrative science
2. Matters concerning the social welfare and social compensation
3. Matters concerning the hygienic instruction
4. Matters concerning the health nurse work

Article 16. The Laboratory for Biochemistry shall carry out the matters concerning the biochemistry of health-preserving hygiene.

Article 17. The Laboratory for Psychology shall carry out the following matters:

1. Matters concerning the juvenile psychology
2. Matters concerning the industrial psychology
3. Matters concerning the predisposition that oftentimes causes disasters

Article 18. The attached Library shall carry out the following matters:

1. Matters concerning the collection of books and magazines
2. Matters concerning the keeping of books and magazines
3. Matters concerning the reading of books and magazines

THE DIET

HOUSE OF REPRESENTATIVES

Report of Promulgation of Laws to the Throne and its Notification

On August 29, this House reported the promulgation of the following Laws to the Throne and notified the House of Councillors to that effect:

Law for the Amendments to the Patent, Utility Model, Design and Trade Mark Laws;

Law for Partial Amendment to the Financial Institutions Reconstruction and Reorganization Law.

On August 31, the promulgation of the following Bills was reported to the Throne and notified the House of Councillors to that effect:

Law concerning the Transfer, etc. of the Insurance Business of the Central Life Insurance Corporation and the Central Non-Life Insurance Corporation;

Law concerning Partial Amendment to the Special Account Law for Laborers Accident Compensation Insurance;

Law for Partial Amendment of the Reconversion Finance Bank Law;

Law for Partial Amendment to the Law providing for Temporary Measures concerning Leased Land and Leased Buildings in the Cities damaged by war;

Law for Partial Amendment for the Imperial Ordinance No. 528 of 1923 concerning the Designation, etc. of Judicial Police Officials and Those who are to perform the Duties of Judicial Officials;

Law concerning Delivery of the Dead Bodies to Universities and so on; Law for Partial Amendment to the Law No. 2 of 1946 (Law concerning the Exception to the qualification of Lawyers and Probationary Lawyers).

Bill Introduced

On August 30, the following Bill was introduced by the Cabinet:

Bill for State Public Officials Law.

Bills Sent

On August 29, the following Bill submitted by Members of this House was sent to the House of Councillors:

Bill for Partial Amendment to the Law providing Temporary Measures concerning Leased Land and Leased Buildings in the Cities damaged by the war.

And on the same day, the following Cabinet Bills were sent to the House of Councillors:

Bill for the Enforcement of Imperial House Economy Law;

Resolution in compliance with the provision of Article 8 of the Constitution of Japan.

On August 30, the following Cabinet Bills were sent to the House of Councillors:

Bill for the Abolition of Foreign Trade Association Law;

Bill for the Disposition of Vessels abandoned within the Territorial Waters of Japan.

Notification of Bills

On August 30, this House informed the House of Councillors that the following Cabinet Bills (sent from the House of Councillors) had been approved by this House:

Bill for Partial Amendment for the Imperial Ordinance No. 528 of 1923 concerning the Designation, etc. of Judicial Police Officials and Those who are to perform the Duties of Judicial Officials;

Bill for the Delivery of the Dead Bodies to Universities and so on;

Bill for Partial Amendment to the Law No. 2 of 1946 (Law concerning the Exception to the Qualification of Lawyers and Probationary Lawyers).

Notification of Bills Received

On August 29, a notification was received to the effect that the House of Councillors passed the following Cabinet Bills forwarded by this House:

Bill for the Amendments to Patent, Utility Model, Design and Trade Mark Laws;

Bill for Partial Amendment, to the Financial Institutions Reconstruction and Reorganization Law.

On August 30, a notification was received to the effect that the House of Councillors passed the following Bill submitted by Member of this House:

Bill for Partial Amendment to the Law providing for Temporary Measures concerning Leased Land and Leased Buildings in the Cities damaged by the War.

And on the same day, a notification was received to the effect that the House of Councillors passed the following Cabinet Bills forwarded by this House:

Supplementary or Revised Budget No. 1 of General Account for the Fiscal Year 1447-1948;

Bill for the Transfer, etc. of the Insurance Business of the Central Life Insurance Corporation and the Central Non-life Insurance Corporation;

Bill for Partial Amendment of the Laborer's Accident Compensation Insurance Special Account Law;

Bill for Partial Amendment to the Law of the Re-conversion Finance Bank.

Budget Sent and Notification

On August 30, the following Budget approved by the Diet was sent to the Cabinet and the House of Councillors was notified to that effect:

Supplementary or Revised Budget No. 1 of General Account for the Fiscal Year 1947-1948.

Decision of Extension of Term of Session and its Notification

On August 30, the House of Representatives approved the extension of 50 days of the terms of the 1st session of the Diet till October 20 from September 1, and notified the House of Councillors and the Cabinet to that effect.

Decision of Adjournment and Notification

On August 30, the House of Representatives approved its adjournment of 14 days till September 14 from September 1, and notified the House of Councillors and the Cabinet to that effect.

Notice Received

On August 30, a notice addressed to the President Matsuoka was received from Matsudaira, President of the House of Councillors to the effect that it had approved the extension of 50 days of the term of this session of the Diet till October 20 from September 1 and also approved its adjournment of 14 days till September 14 from September 1.

Approval of Government Delegate

On August 29, the President Matsuoka has approved the appointment of the following person to the Government Delegate for which the Prime Minister Katayama had applied:

ODA Takio, Secretary of Prime Minister's Office.

(Director of General Affairs Division of Secretariat of Fair Trade Committee)

Resolution Sent

On August 30, the following Resolution was sent by the Secretary-General Oike to the Finance Minister Kurusu and the Cabinet Chief Secretary Nishio for reference:

Resolution concerning the Nation Relief Savings Movement.

Agenda

Agenda of August 30 was as follows:
Agenda No. 31
August 30 (Saturday), 1947
Sitting at 1 p.m.

1. Bill for Partial Amendment of the Imperial Ordinance No. 528 of 1923, concerning the Designation, etc. of Judicial Police Officials and Those who are to perform the Duties of Judicial Officials (submitted by the Cabinet, received from the House of Councillors).
2. Bill for the Delivery of Dead Bodies to Universities and so on (submitted by the Cabinet, received from the House of Councillors).
3. Bill for Partial Amendment of the Law No. 2 of 1946 (Law concerning the Exceptions to the Qualification of Lawyers and Probationary Lawyers) (submitted by the Cabinet, Received from the House of Councillors).
4. Bill for the Abolition of the Foreign Trade Association Law (submitted by the Cabinet).
5. Bill for the Disposition of Vessels abandoned within the Territorial waters of Japan (submitted by the Cabinet).

Appointment and Written Order

ITO Shinji, Clerk of House of Representatives.
HAGIYA Tetsuo, ditto:
IKEBA Rokusaburo, ditto:
YAMADA Kenji, ditto:
MURAI Sozo, ditto:
HASEGAWA Seisaku, ditto:
SAKAUCHI Tokumatsu, ditto:
SHIBATA Goichi, ditto:
KOBAYASHI Yasuzo, ditto:
NAKANO Fumio, ditto:
YASUKAWA Chiaki, ditto:
IWABUCHI Heishichiro, ditto:
YOKOKURA Ichizo, ditto:
IWATANI Soji, ditto:
TAKAHASHI Yoshiomi, ditto:
Respectively appointed Assistant Secretary of House of Representatives.
SUZUKI Tadasu, ditto:
IKEDA Hisaji, ditto:
YASUDA Toshiro, ditto:
TAGUCHI Mitsuo, ditto:
Respectively appointed Assistant Secretary and concurrently Clerks of House of Representatives.
(August 30, 1947, House of Representatives)

FUNAZAKI Masanobu, Assistant Secretary of House of Representatives:
Assigned to Chief of Building and Repair Section of General Affairs Division.
TAKAHASHI Yoshiomi, ditto:
Assigned to the Second Section of Committee Division.
IKEBA Rokusaburo, ditto:
Assigned to the First Section of Committee Division.
ITO Shinji, ditto:
MURAI Sozo, ditto:
SHIBATA Goichi, ditto:

Respectively assigned to the First Short hand Section of Records Division.

HAGIYA Tetsuo, ditto:

YAMADA Kenji, ditto:

HASEGAWA Seisaku, ditto:

SAKAUCHI Tokumatsu, ditto:

Respectively assigned to the Second Short hand Section of Records Division.

KOBAYASHI Yasuzo, ditto:

YOKOKURA Ichizo, ditto:

Respectively assigned to General Affairs Section of General Affairs Division.

NAKANO Fumio, ditto:

YASUKAWA Chiaki, ditto:

Respectively assigned to Account Section of General Affairs Division.

IWATANI Soji, ditto:

Assigned to the Public Relation Section of General Affairs Division.

IWABUCHI Heishichiro, ditto:

Assigned to the First Section of Research Division.

SUZUKI Tadasu, ditto:

IKEDA Hisaji, ditto:

YASUDA Toshiro, ditto:

TAGUCHI Mitsuo, ditto:

Respectively assigned to Police Section.

(August 30, 1947, ditto)

HOUSE OF COUNCILLORS

Presentation of Reports

On August 29, the Chairmen of the Standing Committees presented the following Reports of the Bills passed:

Bill for Partial Amendment to the Reconversion Finance Bank Law;

Bill for Partial Amendment to the Law providing for Temporary Measures concerning Leased Land and Leased Buildings in the Cities damaged by the war;

Report on Petitions of the Educational Affairs Committee;

Special Report No. 1 on Petitions of the Educational Affairs Committee.

Bill Submitted and Referred

On August 29, the following Bill was submitted by the House of Representatives and accordingly, the President referred it to the Judicial Committee on the same day:

Bill for Partial Amendment to the Law providing for Temporary Measures concerning Leased Land and Leased Buildings in the Cities damaged by the war.

Bills Received and Referred

On August 28, the following Government Bills were received from the House of Representatives and accordingly, the President referred them to the Committees in charge on the same day:

Bill concerning the House Registration (Koseki) of the Person who has lost or acquired the Membership of the Imperial Family (referred to the Judicial Committee);

Bill for Arbitration of the Family's Disputes Law (referred to the Judicial Committee);

Bill for the Mariners' Disciplinary Punishment Law

(referred to the Transportation and Communication Committee);

Bill for Partial Amendment of Reconversion Finance Bank Law (referred to the Finance and Banking Committee).

On August 29, the following Government Bills were received from the House of Representatives and accordingly, the President referred it to the Special Committee on the Bill for Enforcement of the Imperial Household Economy Law on the same day:

Bill for Enforcement of the Imperial Household Economy Law;

Bill concerning the Authorization of the Diet in accordance with the Stipulation mentioned in Article 8 of the Japanese Constitution.

On August 30, the following Government Bills were received from the House of Representatives and accordingly, the President referred them to the Committees in charge on the same day:

Bill for the Abolition of the Trade Association Law (referred to the Commerce and Industry Committee);

Bill for the Disposition of Vessels abandoned within the Territorial Waters of Japan (referred to the Transportation and Traffic Committee).

Decision Notified

On August 29, this House notified the House of Representatives that this House had approved the following Government Bills forwarded from the House of Representatives:

Bill for Partial Amendment of the Patent Law;

Bill for Partial Amendment of the Law concerning the Reorganization and Adjustment of the Banking Facilities.

On August 30, this House notified the House of Representatives that the following Government Bills forwarded from the House of Representatives had been approved by this House:

Bill for Supplementary and Partial Revision of the General Account Budget for the Fiscal Year of 1947-48 (No. 1);

Bill concerning the Transfer, etc. of the Insurance Business of the Central Life Insurance Corporation and the Central Non-life Insurance Corporation;

Bill for Partial Amendment of the Laborer's Accident Compensation Insurance Law;

Bill for Partial Amendment of Reconversion Finance Bank Law.

Further, on the same day, this House notified the House of Representatives that the following Bill submitted by the House of Representatives had been approved by this House:

Bill for Partial Amendment of the Law providing for Temporary Measures concerning Leased Land and Leased Buildings in the Cities damaged by the war.

Notification Received

On August 28, a notification was received from the House of Representatives to the effect that the following Government Bill amended and forwarded by this House had been approved by the House of Representatives:

Bill for the Establishment of the Ministry of Labor.

On August 28, a notification was received from the President of the House of Representatives to the effect that the Diet had informed the Throne regarding

the promulgation of the following Law:

Law for the Establishment of the Ministry of Labor.

On August 29, a notification was received from the President of the House of Representatives to the effect that the Diet had informed the Throne regarding the promulgation of the following Laws:

Law for Partial Amendment of the Patent Law;

Law for Partial Amendment of the Law concerning the Reorganization and Adjustment of the Banking Facilities.

On August 30, a notification was received from the House of Representatives to the effect that the following Government Bills forwarded from this House had been approved by the House of Representatives:

Bill for Partial Amendment of the Imperial Ordinance No. 528 of 1923 concerning the Designation, etc. of Judicial Police Officials and those who are to perform the Duties of Judicial Police Officials;

Bill regarding the Delivery of the Dead Bodies to Universities and so on;

Bill for Partial Amendment of the Law No. 11 of 1946 (Law for Special Case to the Qualifications of Lawyers and Probationary Lawyers).

On August 30, a notification was received from the President of the House of Representatives to the effect that the Diet had informed the Throne regarding the promulgation of the following Laws:

Law for Supplementary and Partial Revision of the General Account Budget for the Fiscal Year of 1947-48 (No. 1);

Law concerning the Transfer, etc. of the Insurance Business of the Central Life Insurance Corporation and the Central Non-life Insurance Corporation;

Law for Partial Amendment of the Laborer's Accident Compensation Insurance Law;

Law for Partial Amendment of Reconversion Finance Bank Law;

Law for Partial Amendment of the Law providing for Temporary Measures concerning Leased Land and Leased Buildings in the Cities damaged by the war;

Law for Partial Amendment of the Imperial Ordinance No. 528 of 1923 concerning the Designation, etc. of Judicial Police Officials and those who are to perform the Duties of Judicial Police Officials;

Law regarding the Delivery of the Dead Bodies to Universities and so on;

Law for Partial Amendment of the Law No. 11 of 1946 (Law for Special Case to the Qualifications of the Lawyers and the Probationary Lawyers).

Written Replies Received

On August 29, the following Written Replies were received from the Cabinet:

Written Reply to the Memorandum of Questions concerning the Subsidies to War-damaged Private Schools for their Rehabilitation (submitted by Heitaro Inagaki, Member of the House of Councillors and one other);

Written Reply to the Memorandum of Questions concerning the Reward to the Convicts (submitted by Tomozo Ogawa, Member of the House of Councillors);

Written Reply to the Memorandum of Questions concerning the Increase of Revenue from the Advertisement Tax (submitted by Tomozo Ogawa, Member of the House of Councillors);

Written Reply to the Memorandum of Questions concerning Decreased Distribution of the Fresh Fishes and Shells (submitted by Tomozo Ogawa, Member of the House of Councillors).

On August 29, the following Written Reply was received from the Cabinet:

Written Reply to the Memorandum of Questions concerning the Transportation Plan, etc. (submitted by Tomozo Ogawa, Member of the House of Councillors).

Prolongation of the Session Notified and Notification Received

On August 30, this House approved the extension of the session for 50 days from September 1, 1947 to October 20, 1947, and notified the House of Representatives and the Cabinet to that effect.

Further, on the same day, a notification was received from the President of the House of Representatives to the effect that the same House had approved the extension of its session for fifty days from September 1, 1947 to October 20, 1947.

Adjourning Notified

On August 30, this House decided on adjourning of the session for 14 days from September 4, 1947 to the 14th of the same month, and notified the House of Representatives and the Cabinet to that effect.

Further, on the same day, a notification was received from the House of Representatives to the effect that the same House had approved adjourning of its session for 14 days from September 1, 1947 to the 14th of the same month.

Bills for the Purpose of Preliminary Examinations Referred

On August 29, the President referred the following Bills which had been forwarded from the Cabinet for the purpose of the preliminary examinations, to the Labor Committee:

Bill for Unemployment Allowance Law;
Bill for Unemployment Insurance Law.

Bills for the Purpose of Preliminary Examination Received

On August 28, the following Bills were forwarded from the Cabinet to this House for the purpose of the preliminary examinations:

Bill for Unemployment Allowance Law;
Bill for Unemployment Insurance Law.

On August 30, the following Bill was forwarded from the Cabinet for the purpose of the preliminary examinations:

Bill for Government and Public Officials Law.

Memorandum of Questions Submitted

On August 28, the following Memorandum of Questions was submitted by the Member:

Memorandum of Questions concerning the Administration of Agriculture (submitted by Tohei Komai).

Memorandum of Questions Transmitted

On August 28, the following Memorandum of Questions was transmitted to the Cabinet:

Memorandum of Questions concerning the Correct Name of the Countries (submitted by Isuke Himei).

On August 30, the following Memorandum of Questions was transmitted to the Cabinet from this House:

Memorandum of Questions concerning the General Agricultural Administration (submitted by Tohei Komai).

Agenda

Agenda of August 29 was as follows:

Agenda No. 27

August 29 (Friday), 1947

Sitting at 10 a.m.

No. 1. Bill for Partial Amendment of the Patent Law, etc. (submitted by the Cabinet and forwarded from the House of Representatives). (The Committee Chairman's Report).

No. 2. Bill for Partial Amendment of the Law concerning the Reorganization and Adjustment of the Banking Facilities (submitted by the Cabinet and forwarded from the House of Representatives). (The Committee Chairman's Report).

LOCAL ADMINISTRATION

Prefectural Assembly

The ordinary session of the prefectural assembly of Kagoshima was convoked on August 25 and closed on August 26 after passing the additional budget of revenue and expenditure of Kagoshima-ken for the 22nd fiscal year of Showa (1947), etc.

(Kagoshima-ken)

NOTICE

PUBLIC NOTICE

May 28, 1947

Claimants:

Yusaku Ono

No. 628, Yokoya, Uazaki-machi,
Muko-gun, Hyogo-ken

Hyogo Chuto Gakko Seifuku, Kouri
Tosei Kumiai

No. 18-9, Amanoshita, Nishitarumi,
Suma-ku, Kobe

Tokiji Yashiki

No. 282, Baba-machi, Hyogo-ku, Kobe

Masuo Kameoka

Furuta, Isaki-machi, Kita-gun, Ehime-ken

Kenji Emi

Ko-3, Kakufuji-machi, Himeji

Risaburo Yao

No. 801-1, Uenohigashi, Mikage-machi,

Muko-gun, Hyogo-ken

K. K. Daimaru

No. 40, Akashi-machi, Ikuta-ku, Kobe

Whereas the abovementioned claimants have requested for public notification with reference to the share certificates described in the attached papers, the possessors of the said share certificates are hereby notified that they report their claims and submit the said share certificates to this District Court not later than 10.00 a.m., April 15, 1948.

If they fail to do so by the fixed date, the share certificates may be declared null and void.

Kobe District Court
(Annexed sheets abridged)

June 26, 1947

Claimant: Minoru Yamada
No. 82, 4-chome, Oyashiki-dori, Nagata-ku,
Kobe

Whereas the abovementioned claimant has requested for public notification with reference to the check described in the attached paper, the possessor of the said check is hereby notified that he report his claim and submit the said check to this Court not later than 10.00 a.m., August 25, 1948.

If he fails to do so by the fixed date, the check may be declared null and void.

Kobe Summary Court
(Annexed sheet abridged)

July 16, 1947

Claimant: Kinki Mujin K. K.
No. 20, 3-chome, Awaji-cho, Higashi-ku,
Osaka

At the instance of the abovementioned person the possessors of the share certificates shown on the annexed sheet are hereby requested to notify their claims on the said share certificates and submit the same to this Court by 10.00 a.m., July 6, 1948.

In case of failure to notify their claims and submit the same in accordance with the preceding paragraph by the date fixed, the said share certificates may be declared null and void.

Otsu District Court
(Annexed sheet abridged)

July 11, 1947

Claimant: Masanori Kubota
No. 449, Nanayama, Kitanokami-mura,
Naga-gun, Wakayama-ken

At the instance of the abovementioned person, the possessor of the check shown on the annexed sheet is hereby requested to notify his claim on the said check and submit the said check to this Court by 9.00 a.m., May 10, 1948.

In case of failure to notify of and submit the same in accordance with the preceding paragraph by the date fixed, the said check may be declared null and void.

Wakayama Summary Court
(Annexed sheet abridged)

July 12, 1947

Claimants:
Daiken Sangyō Kabushiki Kaisha
No. 1, Sōze-cho, Kita-ku, Osaka
.....

Ainosuke Takeda

No. 210, Kitayama, Inasawa, Inasawa-cho,
Nakajima-gun, Aichi-ken

At the respective instance of the abovementioned persons, the possessors of the share certificates shown on the annexed sheets are hereby requested to notify their claims on the said share certificates and submit the said share certificates to this Court by 10.00 a.m., March 25, 1948.

In case of failure to notify of and submit the same in accordance with the preceding paragraph by the date fixed, the said share certificates may be declared null and void.

Ichinomiya Summary Court
(Annexed sheets abridged)

June 27, 1947

Claimant: Kawano Goshi Kaisha
No. 1835-7, Sakate-mura, Ko, Shozu-gun,
Kagawa-ken

At the instance of the abovementioned person, the possessors of the share certificates shown on the annexed sheet are hereby requested to notify their claims on the said share certificates and submit the same to this Court by 9.00 a.m., June 5, 1948.

In case of failure to notify their claims and submit the same in accordance with the preceding paragraph by the date fixed, the said share certificates may be declared null and void.

Hikone Summary Court
(Annexed sheet abridged)

July 7, 1947

Claimant: Toyozo Higuchi
No. 854, Hageromo, Takaishi-chō, Sen-
hoku-gun, Osaka

At the instance of the abovementioned person, the possessors of the share certificates shown on the annexed sheet are hereby requested to notify their claims on the said share certificates and submit the said share certificates to this Court by March 30, 1948.

In case of failure to notify of and submit the same in accordance with the preceding paragraph by the date fixed, the said share certificates may be declared null and void.

Uji Summary Court
(Annexed sheet abridged)

June 26, 1947

Claimant: Goro Makita
No. 31, Shimoheta, Tsu-shi, Mie-ken

At the instance of the abovementioned person the possessor of the frozen check shown on the annexed sheet is requested to notify his claim on the said check and submit the said check to this Court by 10.00 a.m., April 30, 1948.

In case of failure to notify of and submit the same in accordance with the preceding paragraph by the date fixed, the said check may be declared null and void.

Tsu Summary Court
(Annexed sheet abridged)

July 2, 1947

Claimant: Hisaharu Teramoto
Kaigan-dori, Gamagori-machi, Hoi-gun, Aichi-
ken

At the instance of the abovementioned person the possessors of the share certificates shown on the annexed sheet are hereby requested to notify their claims on the said share certificates and submit the said share certificates to this Court by 9.00 a.m., March 2, 1948.

In case of failure to notify of and submit the same in accordance with the preceding paragraph by the date fixed, the said share certificates may be declared null and void.

Kuwana Summary Court
(Annexed sheet abridged)

Claimant: Kawasaki Sangyo K.K.
No. 100, Otsubo, Wasaka, Akashi-shi, Hyogo-ken

At the instance of the abovementioned person the possessor of the receipt for share deposit shown on the annexed sheet is hereby requested to notify his claim on the said receipt and submit the same to this Court by 10.00 a.m., May 25, 1948.

In case of failure to notify of and submit the same in accordance with the preceding paragraph by the date fixed, the said receipt may be declared null and void.

Otsu Summary Court
(Annexed sheet abridged)

CHANGE OF DATE PUBLIC NOTICE

July 30, 1947

Claimant: Kin Inoue
c/o Kazo Ikuta, No. 15, Koko-machi, Ashiyashi, Hyogo-ken

With reference to the case of Public Notice at the instance of the abovementioned person, the date of the public notice which was published in the Official Gazette dated March 27, 1947 shall be changed to 10.00 a.m., March 31, 1948.

Komatsu Summary Court

NOTIFICATION CALLING FOR REPORT IN CONNECTION WITH DISAPPEARANCE

April 22, 1947

The Missing: Shoichiro Horie
Domicile and Last Residence: No. 203-1, Manzai, Manzai-mura, Katori-gun, Chiba-ken
Date of Birth: March 1, 1879
Claimant: Chiyo Horie

The same as mentioned above.

Whereas, with reference to the abovementioned missing person, the interested party, Chiyo Horie, has filed the representation calling for the adjudication of disappearance, the missing person shall notify this Court of his subsistence not later than 9.00 a.m., November 6, 1947.

If he fails to do so, the adjudication of disappearance may be pronounced upon him. Any person who knows if he is alive or dead must also report to this Court by the abovementioned date.

Yokaichiba Local Court

June 26, 1947

The Missing: Yukitaro Oshida
Domicile and Last Residence: No. 1001, Koga, Kogamachi, Sashima-gun, Ibaragi-ken
Date of Birth: January 9, 1853

Whereas, with reference to the abovementioned missing person, the interested party, Kichinosuke Oshida, has filed the representation calling for the adjudication of disappearance, the missing person shall notify this Court of his subsistence not later than 9.00 a.m., January 26, 1948.

If he fails to do so, the adjudication of disappearance may be pronounced upon him. Any person who knows if he is alive or dead must also report to this Court by the abovementioned date.

Shimotsuma Branch,
Mito District Court

June 12, 1947

The Missing: Jitsugoro Kanai
Domicile and Last Residence: No. 83, Nagane, Yoshii-machi, Tano-gun, Gumma-ken
Date of Birth: July 5, 1867

Whereas, with reference to the abovementioned missing person, the interested party, Ushio Kanai, has filed the representation calling for the adjudication of disappearance, the missing person shall notify this Court of his subsistence not later than 10.00 a.m., December 15, 1947.

If he fails to do so, the adjudication of disappearance may be pronounced upon him. Any person who knows if he is alive or dead must also report to this Court by the abovementioned date.

Takasaki Branch,
Maebashi District Court

A-1-8

Copy

No. 3138

Tokyo, July 25, 1938

SUBJECT: TRANSMITTING TRANSLATION OF REVISION OF THE PATENT LAW.

The Honorable

The Secretary of State,

Washington.

Sir:

1/

I have the honor to forward herewith the Embassy's translation of Law No. 3, 1938, revising the patent law.

Respectfully yours,

Joseph C. Grew

Enclosure:
1/As noted

854
MWS:s

Translation by the Embassy at Tokyo of Law No. 3 promulgated March 7, 1938.

MWS

We grant Imperial sanction to, and hereby order to be promulgated, the law revising the patent law, which has received the concurrence of the Imperial Diet.

Imperial Sign Manual and Privy Seal.

March 7, 1938 (13th year of Showa)

Prince Fumimaro Konoe,
Prime Minister

Suehiko Shiono,
Minister of Justice

Shinji Yoshine,
Minister of Commerce and Industry

Law No. 3.

The following revisions shall be made in the patent law.

Article 41. If, without good and sufficient reason an invention should not be put into effective use in Japan for three years or more after a patent has been obtained, the Director of the Patent Bureau may, when it is necessary to the public interest, grant the right of effective use of the patent to interested persons upon their application.

If, without good and sufficient reasons, the invention is not put into effective use in Japan for two years or more after the right of effective use has been granted as provided in the stipulations of the foregoing paragraph, the Director of the Patent Bureau may, when it is necessary to the public interest, either on the application of interested persons or by virtue of his own authority, cancel the patent.

The

- 2 -

The patentee or the applicant may file a petition against the granting of the right of effective use in accordance with the provisions of the first paragraph, or the cancellation of the patent in accordance with the previous paragraph, or for the rejection of an application made in accordance with the provisions of the two previous paragraphs.

When the right of effective use is granted under the provisions of the first paragraph, the Director of the Patent Bureau shall also decide the question of an indemnity.

In paragraph 4, Article 64, "previous three paragraphs" shall be revised to read "previous two paragraphs". Paragraph 3, Article 64 shall be cancelled.

Supplementary Provision.

The date of the enforcement of this law shall be fixed by Imperial Ordinance.

Art. 41. - In case after the grant of a patent the invention has, without good and sufficient reason, not been worked in a proper manner within the Empire for three years or more, if the invention is necessary in the public interest, the Director of the Patent Office may grant a right of working the same or cancel the patent on the demand of any person interested, or cancel the patent ex officio.

Any patentee or demandant who is dissatisfied with the grant of a right of working or the cancellation of a patent under the provisions of the foregoing paragraph, or with the dismissal of a demand under the following paragraph, may file a petition.

When granting a right of working under the provisions of par. 1, the Director of the Patent Office shall also give a decision regarding the monetary compensation.

Art. 64. - A patent mark shall be affixed to all articles under a patent. If owing to the nature of the articles it cannot be affixed to the articles themselves, it shall be attached to their containers, wrappings, etc.

A patentee may require a person entitled to a right of working or a person who works (the invention) under Art. 36, No. 1, to affix a patent mark.

From any person who has infringed a patent right without knowing an article to be patented because no patent mark has been affixed thereto, no compensation for damages can be demanded.

The provisions of the three foregoing paragraphs apply mutatis mutandis when an essential part of a patented article is sold or distributed separately.

(The two articles above are contained in Japanese Laws and Ordinances concerning Patents, Trade-Marks, Designs and Utility Models (translated from the original text of the Japanese Official Gazette) by J. E. de Becker, D. C. L., International and Patent Lawyer: London: Butterworth & Co., Bell Yard, Temple Bar, 1922.)

A-1-8

INTERNATIONAL CONVENTION
FOR THE
PROTECTION OF INDUSTRIAL PROPERTY

Signed at London June 2, 1934; ratification advised by the Senate June 5, 1935; ratified by the President June 27, 1935; ratification of the United States deposited at London July 12, 1935; Proclaimed by the President October 28, 1938; came into force August 1, 1938, between the countries ratifying it prior to that date.

[Translation]

Convention of Union of Paris of March 20, 1883, for the Protection of Industrial Property, Revised at Brussels December 14, 1900, at Washington June 2, 1911, at The Hague November 6, 1925, and at London June 2, 1934.

ARTICLE 1

(1) The countries to which the present convention applies constitute themselves into a Union for the Protection of Industrial Property.

(2) The scope of the protection of industrial property shall include patents, utility models, industrial designs and models, trade marks, commercial names and indications of origin, or appellations of origin, as well as the repression of unfair competition.

(3) Industrial property shall be understood in the broadest meaning and shall apply not only to industry and commerce as such, but likewise to agricultural and extractive industries and to all manufactured or natural products, for example, wines, grains, tobacco leaves, fruits, cattle, minerals, mineral waters, beers, flowers, flours.

(4) The term "patents" shall extend to the various types of industrial patents recognized by the laws of the countries of the Union, such as patents of importation, improvement patents, patents and certificates of addition, etc.

ARTICLE 2

(1) Nationals of each of the countries of the Union shall, in all other countries of the Union, as regards the protection of industrial property, enjoy the advantages that their respective laws now grant, or may hereafter grant, to their own nationals, without any prejudice to the rights specially provided for by the present convention. Consequently they shall have the same protection as the latter, and the same legal remedy against any infringement of their rights, provided they observe the conditions and formalities imposed upon nationals.

(2) Nevertheless, no condition as to the possession of a domicile or establishment in the country where protection is claimed can be required of those who enjoy the benefits of the Union for the enjoyment of any industrial property rights.

(3) The provisions of the legislation of each of the countries of the Union relative to judicial and administrative proceedings and to competent

authority, as well as to the choice of domicile or the appointment of an authorized agent, which may be required by the laws on industrial property are expressly reserved.

ARTICLE 3

Nationals of countries not forming part of the Union who are domiciled or who have real and effective industrial or commercial establishments in the territory of one of the countries of the Union shall be assimilated to the nationals of the countries of the Union.

ARTICLE 4

A. (1) Any person who has duly applied for a patent, the registration of a utility model, industrial design or model, or trade mark in one of the countries of the Union, or his legal representative or assignee, shall enjoy for the purposes of registration in other countries a right of priority during the periods hereinafter stated.

(2) Any filing having the value of a formal national filing by virtue of the internal law of each country of the Union or of international treaties concluded among several countries of the Union shall be recognized as giving rise to a right of priority.

B. Consequently, subsequent filing in one of the other countries of the Union before the expiration of these periods shall not be invalidated through any acts accomplished in the interval, as, for instance, by another filing, by publication of the invention or the working thereof, by the sale of copies of the design or model, or by use of the trade mark, and these facts cannot give rise to any right of third parties or any personal possession. The rights acquired by third parties before the day of the first application on which priority is based shall be reserved by the internal legislation of each country of the Union.

C. (1) The above-mentioned periods of priority shall be 12 months for patents and utility models and 6 months for industrial designs and models and for trade marks.

(2) These periods shall start from the date of filing of the first application; the day of filing is not counted in this period.

(3) If the last day of the period is a legal holiday, or a day on which the Patent Office is not open to receive applications in the country where protection is claimed, the period shall be extended until the next working day.

D. (1) Any person desiring to take advantage of the priority of a previous application must make a declaration giving particulars as to the date of such application and the country in which it was made. Each country will determine the latest date at which such declaration must be made.

(2) The particulars referred to shall be stated in the publications issued by the competent authority, and in particular in the patents issued and the specifications relating thereto.

(3) The countries of the Union may require any person making a declaration of priority to produce a copy of the application (with the specification, drawings, etc.) previously made. The copy, certified as correct by the authority receiving this application, shall not require legal authentication, and in all cases it can be filed, without fee, at any time within the period of 3 months from the filing of the application. They may also require that the declaration later be accompanied by a certificate by the proper authority showing the date of application, and also by a translation.

(4) No other formalities may be required for the declaration of priority at the time application is filed. Each of the countries of the Union shall decide upon the consequences of the omission of the formalities prescribed by this article, but such consequences shall in no case exceed the loss of the right of priority.

(5) Further proof in support of the application may be required later.

E. (1) Where an application is filed in a country for the registration of an industrial design or model by virtue of a right of priority based on the registration of a utility model, the period of priority shall be the same as that fixed for industrial designs and models.

(2) Furthermore, it is allowable to deposit in a country a utility model by virtue of rights of priority based on a patent application, and vice versa.

F. No country of the Union can refuse an application for patent on the ground that it claims multiple priorities provided there is unity of invention in the sense of the law of the country.

G. If the examination shows that an application for patent is complex, the applicant can divide the application into a certain number of divisional applications preserving as the date of each the date of the initial application, and the benefit of the right of priority, if any.

H. Priority cannot be refused on the ground that certain elements of the invention for which priority is claimed do not appear among the claims made in the application in the country of origin, provided that the application, as a whole, discloses precisely the aforesaid elements.

ARTICLE 4 bis

(1) Patents applied for in the various countries of the Union by persons entitled to the benefits of the Union shall be independent of the patents obtained for the same invention in other countries, whether or not such countries be parties to the Union.

(2) This stipulation must receive a strict interpretation; in particular, it shall be understood to mean that patents applied for during the period of priority are independent, both as regards the grounds for refusal and revocation and as regards their normal duration.

(3) This stipulation shall apply to all patents already existing at the time when it shall come into effect.

(4) The same stipulation shall apply, in the case of the accession of new countries, to patents in existence, either on one side or the other, at the time of accession.

(5) Patents obtained with the benefit of priority shall enjoy, in the different countries of the Union, a duration equal to that which they would have enjoyed if they had been applied for or granted without the benefit of priority.

ARTICLE 4 ter

The inventor shall have the right to be mentioned as such in the patent.

ARTICLE 5

A. (1) The introduction by the patentee into the country where the patent has been granted of objects manufactured in any of the countries of the Union shall not entail forfeiture.

(2) Nevertheless, each of the countries of the Union shall have the right to take the necessary legislative measures to prevent the abuses which might result from the exercise of the exclusive rights conferred by the patent; for example, failure to use.

(3) These measures will only provide for the revocation of the patent if the granting of compulsory licenses does not suffice to prevent these abuses.

(4) In any case the issuance of a compulsory license cannot be demanded before the expiration of 3 years beginning with the date of the granting of the patent and this license can be issued only if the patentee does not produce acceptable excuses. No action for the cancellation or revocation of a patent can be introduced before the expiration of 2 years beginning with the issuance of the first compulsory license.

(5) The preceding provisions, subject to necessary modifications, shall be applicable to utility models.

B. The protection of designs and industrial models cannot be liable to cancellation either for failure to work or for the introduction of objects corresponding to those protected.

C. (1) If in a country the use of a registered mark is compulsory, the registration can be canceled only after a reasonable period, and if the interested party cannot justify the causes of his inaction.

(2) The use of a trade mark by the owner, in a form which differs by elements not altering the distinctive character of the mark, in the form

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under which it was registered in one of the countries of the Union, shall not entail invalidation of the registration, nor shall it diminish the protection accorded to the mark.

(3) The simultaneous use of the same mark on identical or similar products by industrial or commercial establishments considered as joint owners of the mark according to the provisions of the national law of the country where protection is sought shall neither prevent registration nor diminish in any way the protection accorded the said mark in any country of the Union, provided the said use does not result in inducing the public into error and is not contrary to public interest.

D. Articles shall not be required to bear any sign or mention of the patent, the utility model, or the registration of the trade mark or of the deposit of the industrial design or model for recognition of the right.

ARTICLE 5 bis

(1) A period of grace of at least 3 months shall be granted for the payment of charges prescribed for the maintenance of industrial property rights, subject to the payment of a surcharge, if the internal legislation so provides.

(2) For patents of invention, the countries of the Union undertake, moreover, either to prolong the extended period to 6 months at least, or to provide for the restoration of the patent which has lapsed owing to the nonpayment of fees, such provisions remaining subject to the conditions prescribed by internal legislation.

ARTICLE 5 ter

In each one of the countries of the Union, the following shall not be considered as infringing the rights of the patentee:

1°. The use on board ships of other countries of the Union of any article forming the subject matter of his patent in the body of the ship, in the machinery, tackle, rigging, and other accessories, when such ships shall enter temporarily or accidentally the waters of the country, provided that such article is used there exclusively for the needs of the vessel.

2°. The use of any article forming the subject matter of the patent in the construction or operation of air or land locomotive engines of the other countries of the Union, or of accessories to these engines, when the latter shall enter the country temporarily or accidentally.

ARTICLE 6

A. Every trade mark duly registered in the country of origin shall be admitted for registration and protected in the form originally registered in the other countries of the Union under the reservations indicated below. These countries can demand, before proceeding to a final registration, the production of a certificate of registration in the country of origin issued by the competent authority. No legalization shall be required for this certificate.

B. (1) Nevertheless, the following marks may be refused or canceled:

1°. Those which are of such a nature as to infringe upon rights acquired by third parties in the country where protection is applied for.

2°. Those which have no distinctive character, or which consist exclusively of signs or indications which serve in trade to designate the kind, quality, quantity, destination, value, place of origin of the products, or time of production, or which have become customary in the current language, or in the bona fide and unquestioned usages of the trade in the country in which protection is sought. In arriving at a decision as to the distinctiveness of the character of a mark, all the circumstances of the case must be taken into account, and in particular the length of time that such a mark has been in use.

3°. Those which are contrary to morality or public order, especially those which are of a nature to deceive the public. It is to be understood that a mark cannot be considered as contrary to public order for the sole reason that it does not conform to some legislative requirement concerning trade marks, except in circumstances where this requirement itself concerns public order.

(2) Trade marks cannot be refused in the other countries of the Union on the sole ground that they only differ from the marks protected in the country of origin by elements not altering the distinctive character and not affecting the identity of the marks in the form under which they have been registered in the aforesaid country of origin.

C. The following shall be deemed the country of origin:

The country of the Union where the applicant has an actual and genuine industrial or commercial establishment; and, if he has not such an establishment, the country of the Union where he has his domicile; and, if he has not a domicile in the Union, the country of his nationality in the case where he is under the jurisdiction of a country of the Union.

D. When a trade mark shall have been duly registered in the country of origin, then in one or more of the other countries of the Union, each one of these national marks shall be considered, from the date on which it shall have been registered, as independent of the mark in the country of origin, provided it conforms to the internal law of the country of importation.

E. In no case shall the renewal of the registration of a trade mark in the country of origin involve the obligation of renewal of the registration of the mark in other countries of the Union in which the mark has been registered.

F. The benefits of priority shall subsist in trade-mark applications filed in the period allowed by Article 4, even when the registration in the country of origin is completed only after the expiration of such period.

ARTICLE 6 bis

(1) The countries of the Union agree to refuse or to invalidate either administratively, if their legislation so permits, or at the request of an interested party, the registration of a trade mark which constitutes a reproduction, limitation, or translation, liable to create confusion with a mark considered by the competent authority of the country of registration to be well known there as being already a mark of a person entitled to the benefits of the present convention and used for

identical or similar products. The same shall apply when the essential part of the mark constitutes a reproduction of a well-known mark or an imitation likely to cause confusion therewith.

(2) A period of at least 3 years must be granted in order to claim the cancelation of these marks. The period shall start from the date of registration of the mark.

(3) No period shall be established to claim the cancelation of marks registered in bad faith.

ARTICLE 6 ter

(1) The countries of the Union undertake to refuse or invalidate registration, and to prohibit by appropriate means the use, failing authorization from the competent authority, whether as a trade mark or as the components of such, of all coats of arms, flags, and other state emblems of countries of the Union, official control and guarantee signs and stamps adopted by them, and any imitation thereof from an heraldic point of view.

(2) The prohibition of official control and guarantee signs and stamps shall apply only in cases where marks which comprise them are intended to be used on merchandise of the same or a similar nature.

(3) For the application of these provisions the countries of the Union agree to communicate reciprocally, through the intermediary of the International Bureau of Bern, the list of state emblems and official control and guarantee signs and stamps which they desire, or will desire, to place, wholly or with certain reservations, under the protection of the present article, as well as any subsequent modifications added to the list. Each country of the Union shall place the communicated list at the disposal of the public in due course.

(4) Each country of the Union may, within a period of 12 months from the receipt of the notification, and through the intermediary of the International Bureau of Bern, transmit its possible objections to any other country concerned.

(5) For state emblems which are well known, the provisions of paragraph 1 shall be applicable only to marks registered after November 6, 1925.

(6) For state emblems which are not well known, and for official signs and stamps, these provisions shall be applicable only to marks registered more than 2 months after the receipt of the notification contemplated in paragraph 3.

(7) In case of bad faith, the countries shall have the right to cancel even the marks registered before November 6, 1925, and embodying state emblems, signs, and stamps.

(8) Nationals of each country who are authorized to make use of state emblems, and signs and stamps of their country, may use them even if there be a similarity with those of another country.

(9) The countries of the Union undertake to prohibit the unauthorized use in trade of state coats of arms of other countries of the Union, when such use is liable to cause confusion as to the origin of the product.

(10) The preceding provisions shall not prevent the countries from exercising the right to refuse or to invalidate, by application of item 3°, paragraph (1), letter B, of Article 6, marks including, without authorization, coats of arms,

flags, decorations, and other state emblems or official signs and stamps adopted by a country of the Union.

ARTICLE 6 quater

(1) When in accordance with the laws of a country of the Union the assignment of a mark is valid only if it takes place at the same time as the transfer of the enterprise or business and goodwill to which the mark belongs, it will suffice, for the admission of the validity of such transfer, that the part of the enterprise or business and goodwill which is located in this country be transferred to the assignee with the exclusive right therein to manufacture or sell products under the mark which has been assigned.

(2) This provision shall not impose upon the countries of the Union the obligation of considering as valid the transfer of any mark whose use by the assignee would, in fact, be of such a nature as to deceive the public, especially as regards the place of origin, the nature, or the material qualities of the products to which the mark is applied.

ARTICLE 7

The nature of the goods on which the trade mark is to be used can in no case form an obstacle to the registration of the trade mark.

ARTICLE 7 bis

(1) The countries of the Union undertake to allow the filing of and to protect collective marks belonging to associations, the existence of which is not contrary to the law of the country of origin, even if these associations do not possess an industrial or commercial establishment.

(2) Each country shall be the judge as to the particular conditions under which a collective mark shall be protected, and it can refuse protection if this mark is contrary to public interest.

(3) However, the protection of these marks cannot be refused to any association whose existence is not contrary to the law of the country of origin, on the ground that it is not established in the country where protection is sought, or that it is not organized in conformity with the law of that country.

ARTICLE 8

A trade name shall be protected in all the countries of the Union without the obligation of filing or registration, whether or not it forms part of a trade mark.

ARTICLE 9

(1) All goods illegally bearing a trade mark or trade name shall be seized at importation into those countries of the Union where this mark or name has a right to legal protection.

(2) Seizure shall likewise be effected in the country where the mark or name was illegally applied, or in the country into which the article bearing it has been imported.

(3) The seizure shall take place at the request either of the proper government department or of any other competent authority, or of any interested party, whether an actual or a legal person, in conformity with the domestic laws of each country.

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(4) The authorities shall not be bound to effect the seizure in transit.

(5) If the law of a country does not permit seizure at importation, such seizure shall be replaced by prohibition to import or by seizure within such country.

(6) If the law of any country permits neither seizure at importation, nor prohibition to import, nor seizure within the country, and until such time as this law shall be accordingly modified, these measures shall be replaced by the remedies assured to nationals, in such cases, by the law of such country.

ARTICLE 10

(1) The stipulations of the preceding article shall be applicable to every product which may falsely bear as indication of origin, the name of a specified locality or country when such indication shall be joined to a trade name of a fictitious character or used with intent to defraud.

(2) Any producer, manufacturer, or trader engaged in the production, manufacture, or trade of such goods and established either in the locality falsely designated as the place of origin, or in the district in which the locality is situated, or in the country falsely designated, or in the country where the false indication of origin is used, shall be deemed in all cases a party concerned, whether such person be actual or legal.

ARTICLE 10 bis

(1) The countries of the Union are bound to assure to nationals of countries of the Union an effective protection against unfair competition.

(2) Any act of competition contrary to honest practice in industrial or commercial matters constitutes an act of unfair competition.

(3) The following particularly are to be forbidden:

1°. All acts whatsoever of a nature to create confusion in any way whatsoever with the establishment, the goods, or the services of the competitor;

2°. False allegations in the conduct of trade of a nature to discredit the establishment, the goods, or the services of a competitor.

ARTICLE 10 ter

(1) The countries of the Union undertake to assure to the nationals of other countries of the Union appropriate legal remedies to repress effectively all acts set forth in Articles 9, 10, and 10 bis.

(2) They undertake, moreover, to provide measures to permit syndicates and associations representing the manufacturers, producers, or merchants interested, and of which the existence is not contrary to the laws of their country, to take action in justice or before the administrative authorities, with a view to the repression of the acts set forth in Articles 9, 10, and 10 bis, so far as the law of the country in which protection is claimed permits such action to the syndicates and associations of that country.

ARTICLE 11

(1) The countries of the Union shall, in conformity with their own national legislation, accord temporary protection to patentable inven-

tions, to utility models, and to industrial designs or models, as well as to trade marks in respect of products which shall be exhibited at official, or officially recognized, international exhibitions held in the territory of one of them.

(2) This temporary protection shall not prolong the periods provided by Article 4. If later the right of priority is invoked, the competent authority of each country may date the period from the date of the introduction of the product into the exhibition.

(3) Each country may require, as proof of the identity of the object exhibited and of the date of introduction, such proofs as it may consider necessary.

ARTICLE 12

(1) Each one of the countries of the Union undertakes to establish a special government service for industrial property, and a central office for communication to the public of patents, utility models, industrial designs, or models and trade marks.

(2) This service shall publish an official periodical paper. It shall publish regularly—

(a) The names of the owners of the patents granted with a short designation of the patented inventions;

(b) Reproductions of the marks which have been registered.

ARTICLE 13

(1) The international office, established at Bern under the name of International Bureau for the Protection of Industrial Property, is placed under the high authority of the Government of the Swiss Confederation, which is to regulate its organization and supervise its working.

(2) The official language of the International Bureau shall be French.

(3) The International Bureau shall centralize information of every kind relating to the protection of industrial property; it shall collect and publish such information. It shall make a study of all matters of common utility to the Union and shall prepare, with the help of documents supplied to it by the various administrations, a periodical paper in the French language, dealing with questions regarding the purpose of the Union.

(4) The numbers of this paper, as well as the documents published by the International Bureau, are circulated among the administrations of the countries of the Union in proportion to the number of contributing units as mentioned below. Such further copies as may be ordered, either by said administrations or by companies or private persons, shall be paid for separately.

(5) The International Bureau shall, at all times, hold itself at the service of members of the Union, in order to supply them with any special information they may need on questions relating to the international system of industrial property. The Director of the International Bureau will furnish an annual report on management which shall be communicated to all the members of the Union.

(6) The ordinary expenses of the International Bureau will be borne by the countries of the Union in common. Until further instructions,

they must not exceed the sum of 120,000 Swiss francs per annum. This sum may be increased, in cases of necessity, by a unanimous decision of one of the conferences provided for by Article 14.

(7) The ordinary expenses shall not include the costs relating to the work of plenipotentiary or administrative conferences nor the costs brought about by special work or by publications made in conformity with the decisions of a conference. These costs, of which the annual amount cannot exceed 20,000 Swiss francs, shall be apportioned among the countries of the Union in proportion to their contribution for the working of the International Bureau in accordance with the provisions of paragraph (8) hereinafter.

(8) To determine the part which each country should contribute to this total of expenses, the countries of the Union and those which may afterwards join the Union shall be divided into six classes, each contributing in the proportion of a certain number of units, namely:

	<i>Units</i>
First class -----	25
Second class -----	20
Third class -----	15
Fourth class -----	10
Fifth class -----	5
Sixth class -----	3

These coefficients shall be multiplied by the number of countries in each class, and the sum of the results thus obtained shall give the number of units by which the total expense must be divided. The quotient shall give the amount of the unit of expense.

(9) Each one of the countries of the Union will designate, at the time of its accession, the class in which it wishes to be placed. However, each country of the Union may state later that it wishes to be placed in another class.

(10) The Government of the Swiss Confederation shall superintend the expenses of the International Bureau, advance the necessary funds, and render an annual account which shall be communicated to all the other administrations.

ARTICLE 14

(1) The present convention shall be submitted to periodical revisions with a view to the introduction therein of amendments calculated to improve the system of the Union.

(2) For this purpose conferences shall be held successively in one of the contracting countries between the delegates of the said countries.

(3) The administration of the country in which the conference is to be held shall prepare for the work of that conference, with the assistance of the International Bureau.

(4) The Director of the International Bureau shall be present at the meetings of the conferences, and shall take part in the discussions, but without the privilege of voting.

ARTICLE 15

It is agreed that the countries of the Union respectively reserve to themselves the right to make separately as between themselves special arrangements for the protection of industrial property insofar as such arrangements do not contravene the provisions of the present convention.

ARTICLE 16

(1) The countries which have not taken part in the present convention shall be permitted to adhere to it upon their request.

(2) Such adherence shall be notified through diplomatic channels to the Government of the Swiss Confederation, and by the latter to all the other Governments.

(3) It shall entail, as a matter of right, accession to all the classes, as well as admission to all the advantages stipulated in the present convention, and shall take effect 1 month after the dispatch of the notification by the Government of the Swiss Confederation to the other countries of the Union, unless a subsequent date has been indicated in the request for adherence.

ARTICLE 16 bis

(1) Each one of the countries of the Union may, at any time, notify the Government of the Swiss Confederation, in writing, that the present convention shall be applicable to all or a part of its colonies, protectorates, territories under mandate or all other territories subject to its authority, or all territories under sovereignty, and the convention shall apply to all territories specified in the notification 1 month after the sending of the communication by the Government of the Swiss Confederation to the other countries of the Union, unless a subsequent date has been indicated in the notification. In the absence of this notification, the convention shall not apply to these territories.

(2) Each one of the countries of the Union may, at any time, notify the Government of the Swiss Confederation, in writing, that the present convention has ceased to be applicable to all or a part of the territories which have been made the object of the notification provided for in the preceding paragraph, and the convention shall cease to apply in the territories designated in this notification 12 months after receipt of the notification addressed to the Government of the Swiss Confederation.

(3) All notifications sent to the Government of the Swiss Confederation, in conformity with the provisions of paragraphs 1 and 2 of the present article, shall be communicated by this Government to all the countries of the Union.

ARTICLE 17

The execution of the reciprocal engagements contained in the present convention shall be subordinated, insofar as necessary, to the observance of the formalities and rules established by the constitutional laws of those of the countries of the Union which are bound to enforce the same, which they undertake to do with as little delay as possible.

ARTICLE 17 bis

(1) The convention shall remain in force for an unlimited time, until the expiration of 1 year from the date of its denunciation.

(2) This denunciation shall be addressed to the Government of the Swiss Confederation. It shall be effective only for the country in whose name it shall have been made, the convention remaining in operation as regards the other countries of the Union.

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ARTICLE 18

(1) The present act shall be ratified and the instruments of ratification shall be deposited in London not later than the 1st of July 1938. It shall come into force, between the countries in whose names it shall have been ratified, 1 month after such date. However, if before July 1, 1938, it is ratified in the name of at least six countries, it shall come into force between those countries 1 month after the Government of the Swiss Confederation has notified them of the deposit of the sixth ratification, and for the countries in whose names it shall have been ratified thereafter, 1 month after the notification of each of these ratifications.

(2) The countries in whose names no instruments of ratification shall have been deposited within the period of time contemplated in the preceding paragraph shall be permitted to adhere under the terms of Article 16.

(3) The present act shall replace, as regards relations between the countries to which it applies, the Convention of the Union of Paris of 1883 and the subsequent acts of revision.

(4) As regards the countries to which the present act does not apply, but to which the Convention of the Union of Paris, as revised at The Hague in 1925, does apply, the latter shall remain in force.

(5) Likewise, as regards the countries to which neither the present act nor the Convention of the Union of Paris, as revised at The Hague, applies, the Convention of the Union of Paris as revised in Washington in 1911 shall remain in force.

ARTICLE 19

The present act shall be signed in a single copy, which shall be deposited in the archives of the Government of the United Kingdom of Great Britain and Northern Ireland. A certified copy shall be forwarded by the latter to each of the governments of the countries of the Union.

Done at London in a single copy, on June 2, 1934.

Note: The text of the original Convention of Paris of 1883 was published in the Official Gazette

for July 26, 1887, 40 O. G. 448; the revision of Brussels of 1900 in the Official Gazette for November 11, 1902, 101 O. G. 1372; the revision of Washington of 1911 in the Official Gazette for July 21, 1914, 204 O. G. 1011; and the revision of The Hague of 1925 in the Official Gazette for June 9, 1931, 407 O. G. 298. The revision of London of 1934 is now published in the Official Gazette to make the latest revision more readily available.

The London 1934 revision of the Convention came into force August 1, 1938, between Denmark, Germany, Great Britain, Japan, Norway, and the United States, and has since been adhered to by Austria, Belgium, France, Lebanon, Luxemburg, Morocco (French Zone), New Zealand, Switzerland, Syria, Tangier Zone, Tunis and the Union of South Africa.

The following countries adhered to the Convention as revised at The Hague in 1925 but have not adhered to the London 1934 revision (see Article 18 (4)): Australia (including certain territories); Brazil; Canada; Czechoslovakia; Palestine, Tanganyika and Trinidad and Tobago, through Great Britain; Hungary; Italy (including certain territories); Lichtenstein; Mexico; Netherlands (including certain territories); Poland; Portugal (including certain territories); Spain (including certain territories); Sweden; Turkey; Yugoslavia.

The following countries adhered to the Convention as revised at Washington in 1911 but have not adhered to either of the later revisions (see Article 18 (5)): Bulgaria; Ceylon; Cuba; Dominican Republic; Esthonia; Finland; Greece; Ireland; Latvia; Roumania.

The following tabulation gives the dates on which the various countries adhered to the last three revisions of the Convention or on which the particular revision came into effect with respect to that country. The second column, headed "Original Date," gives the date on which the country first became a party to the Convention. All changes effected during the war are not accounted for.

Country	Original date	Washington 1911	The Hague 1925	London 1934
Australia	Aug. 5, 1907	Oct. 10, 1925	Feb. 12, 1933	
Papua and New Guinea	Feb. 12, 1933		Feb. 12, 1933	
Norfolk Islands and Nauru	July 29, 1936		July 29, 1936	
Austria	Jan. 1, 1909	May 1, 1913	June 1, 1928	July 19, 1947.
Belgium	July 7, 1884	Aug. 8, 1914	July 27, 1929	Nov. 24, 1939
Brazil	July 7, 1884	Dec. 17, 1914	Oct. 26, 1929	
Bulgaria	June 13, 1921	June 13, 1921		
Canada	Sept. 1, 1923	Sept. 1, 1923	June 1, 1928	
Cuba	Nov. 17, 1904	Jan. 3, 1922		
Czechoslovakia	Oct. 5, 1919	Oct. 5, 1919	Mar. 3, 1933	
Denmark (including Faroe Islands)	Oct. 1, 1894	Aug. 30, 1914	Sept. 10, 1937	Aug. 1, 1938.
Dominican Republic	July 11, 1890	May 1, 1913		
Esthonia	Feb. 12, 1924	Feb. 12, 1924		
Finland	Sept. 20, 1921	Sept. 20, 1921		
France (including Algeria and colonies)	July 7, 1884	May 1, 1913	Oct. 20, 1930	June 25, 1939.
Germany	May 1, 1903	May 1, 1913	June 1, 1928	Aug. 1, 1938.
Great Britain	July 7, 1884	May 1, 1913	June 1, 1928	Aug. 1, 1938.
Ceylon	June 10, 1905	June 20, 1913		
Palestine	Sept. 12, 1933		Sept. 12, 1933	
Tanganyika	Jan. 1, 1938		Jan. 1, 1938	
Trinidad and Tobago	May 14, 1908	June 20, 1913	Oct. 21, 1929	
Greece	Oct. 2, 1924	Oct. 2, 1924		
Hungary	Jan. 1, 1909	May 1, 1913	May 16, 1929	
Ireland	Dec. 4, 1925	Dec. 4, 1925		
Italy	July 7, 1884	May 1, 1913	June 1, 1928	
Eritrea	Jan. 19, 1932		Jan. 19, 1932	
Lybia	Jan. 19, 1932		Jan. 19, 1932	
Japan	July 15, 1899	May 1, 1913	Jan. 1, 1935	Aug. 1, 1938.
Latvia	Aug. 20, 1925	Aug. 20, 1925		
Lebanon	Sept. 1, 1924	Sept. 1, 1924	Nov. 17, 1930	Sept. 30, 1947.

Footnotes at end of table.

Country	Original date	Washington 1911	The Hague 1925	London 1934
Liechtenstein	July 14, 1933		July 14, 1933	
Luxemburg	June 30, 1922	June 30, 1922		July 30, 1945.
Mexico	Sept. 7, 1903	May 1, 1913	Jan. 16, 1930	
Morocco (French Zone)	July 30, 1917	July 30, 1917	Oct. 20, 1930	Jan. 21, 1941.
Netherlands	July 7, 1884	May 1, 1913	June 1, 1928	
Netherlands Indies	Oct. 1, 1888		June 1, 1928	
Surinam and Curacao	July 1, 1890		June 1, 1928	
New Zealand	Sept. 7, 1891	June 20, 1913	July 29, 1931	July 14, 1946.
Western Samoa	July 29, 1931		July 29, 1931	July 14, 1946.
Norway	July 1, 1885	May 1, 1913		Aug. 1, 1938.
Poland	Nov. 10, 1919	Nov. 10, 1919	Nov. 22, 1931	
Portugal (including Azores and Madeira)	July 7, 1884	May 1, 1913	Nov. 17, 1928	
Roumania	Oct. 6, 1920	Oct. 6, 1920		
Spain	July 7, 1884	May 1, 1913	June 1, 1928	
Morocco, Spanish Colonies	July 27, 1928		July 27, 1928	
Colonies	Dec. 15, 1947		Dec. 15, 1947	
Sweden	July 1, 1885	Jan. 11, 1917	July 1, 1934	
Switzerland	July 7, 1884	May 1, 1913	June 15, 1929	Sept. 24, 1939.
Syria	Sept. 1, 1924 ¹	Sept. 1, 1924 ²	Nov. 17, 1930 ³	Sept. 30, 1947.
Tangier Zone	Mar. 6, 1936			June 13, 1939.
Tunis	July 7, 1884	May 1, 1913	Oct. 20, 1930	Oct. 4, 1942.
Turkey	Oct. 10, 1925	Oct. 10, 1925	Aug. 21, 1930	
Union of South Africa	Dec. 1, 1947			Dec. 1, 1947.
United States	May 30, 1887	May 1, 1913	Mar. 6, 1931	Aug. 1, 1938.
Yugoslavia	July 7, 1884 ²	Feb. 26, 1921	Oct. 29, 1928	

¹ Jointly with Syria.² Jointly with Lebanon.³ Serbia.

CI-222/1FEC-RESTRICTEDCI-222/122 October 1947FAR EASTERN COMMISSIONCOMMITTEE NO. 1: REPARATIONSTEXT OF THE AGREEMENT ON TREATMENT OF GERMAN-OWNED PATENTS
(Reference: CI-011/1)Note by the Secretary General

1. The enclosure the text of the Agreement on Treatment of German-owned Patents, reached during the London Conference of July 15 to 27, 1946, is circulated herewith by the Secretariat for the information of COMMITTEE NO. 1: REPARATIONS.

2. Two copies of the enclosed text were circulated as CI-001/1 on 10 September 1946. The enclosure is being re-circulated to permit wider distribution of the text.

NELSON T. JOHNSON
Secretary General

CI-222/1

FEC-RESTRICTEDE N C L O S U R ETEXT OF THE AGREEMENT ON TREATMENT OF GERMAN-OWNED PATENTSAgreement on Treatment of German-Owned PatentsAccord

The Governments on whose behalf the present Accord is signed:

Desiring to make arrangements with regard to former German-owned patents in their possession or control:

Have agreed as follows:

Article 1

Subject to the provisions of the following Articles, each Government, party to this Accord, undertakes that all former wholly German-owned patents, issued by it and in its possession or control under the general law and regulations relating to German-owned property, which have not ceased or been dedicated to the public, shall be dedicated to the public or placed in the public domain or continuously offered for licensing without royalty to the nationals of all Governments, parties to this Accord.

Article 2

In cases where a Government, party to this Accord, makes available by the grant of licenses or otherwise to its own nationals rights under patents in which there was formerly a German interest (other than the patents specified in Article 1) such rights shall be made available to the nationals of all Governments, parties to this Accord, on the same terms as to the nationals of that Government.

Article 3

Subject to the provisions of Article 4, all licenses granted in accordance with Article 1 and, in cases where the Government is not prevented by the terms of the patent, license or other right which it acquires, all licenses granted in accordance with Article 2 shall include the right to practice and exercise the inventions claimed in the patents, and to make, use and sell the products of the inventions regardless of where such products are manufactured.

Article 4

The provisions of Articles 1 and 2 shall be subject to the right of each Government to take appropriate measures to protect and preserve proprietary, license or other rights or interests in such patents which have been before the 1st August, 1946, lawfully granted to or acquired by any non-German. An exclusive license granted before the 1st August, 1946, may be protected by declining to grant any new license during the period of such exclusive license, and a non-exclusive license may be protected by imposing on new licenses the same terms as those imposed on the existing license.

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Article 5

For the purposes of this Accord, each Government may treat as non-German-owned those patents, or interests in patents, belonging to persons in special classes (such as Germans residing outside Germany, German refugees, etc.) whose property that Government has exempted or may in the future exempt from its general law and regulations relating to German-owned property

Article 6

In order to carry out the purposes of this Accord and to provide for the interchange of information through a central office, the Government of the French Republic will provide facilities for receiving and disseminating reports from Governments, parties to this Accord, and for notifying these Governments of matters of common interest under this Accord.

Article 7

Each Government, party to this Accord, shall furnish as soon as possible to the central office referred to in Article 6, for transmission to the other Governments, parties to this Accord, a list of all former wholly or partly German-owned patents which are not available to the nationals of these Governments by way of dedication or royalty-free licenses, together with a schedule of the licenses and of non-German interests existing under or in those patents. In addition, the Governments, which can conveniently do so, shall furnish a list of all such patents still in force which are licensable on a royalty-free basis and of all such patents as have ceased or been dedicated to the public.

Article 8

The present Accord shall remain open for signature in London on behalf of any Government represented at the Conference in London until the 31st December, 1946. The Government of the United Kingdom shall notify to all other Governments represented at the Conference the names of the Governments on whose behalf the Accord has been signed.

Article 9

The Government of any other member of the United Nations, or of any country which remained neutral during the second World War, may become a party to this Accord by notifying the Government of the United Kingdom of its acceptance thereof before the 1st January 1947. The Government of the United Kingdom shall inform all Governments represented at the Conference in London on German-owned patents, or which have accepted this Accord under this Article, or all acceptances so notified.

Article 10

Any Government, party to this Accord, may extend the Accord to any of its colonies, overseas territories, or to any territories under its protection or jurisdiction or which it administers under mandate, by a notification addressed to the Government of the United Kingdom.

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The Government of the United Kingdom shall inform all other Governments, party to this Accord, of any notification which it receives under this Article.

Article 11

This Accord shall come into force as soon as it has been signed or accepted by the Governments of the French Republic, the United Kingdom, the United States of America and of four other countries.

IN WITNESS WHEREOF the undersigned duly authorized thereto have signed the present Accord.

Done in London this 27th day of July, 1946, in English and French, both texts being equally authentic, in a single copy which shall remain deposited in the archives of the Government of the United Kingdom. The Government of the United Kingdom shall transmit certified copies of this Accord to all Governments represented at the Conference in London on German-owned patents and to all Governments entitled to become a party to this Accord under the provisions of Article 9.

For the Government, of the French Republic

R. MONMAYOU
MATHON

For the Government of the Netherlands

DYCKMEESTER

For the Government of the United Kingdom

HAROLD L. SAUNDERS
B. G. CREWE

For the Government of the United States of America

CASPER W. OOMS

C1-222/2FEC-RESTRICTEDC1-222/24 February 1948FAR EASTERN COMMISSIONCOMMITTEE NO. 1: REPARATIONSINFORMATION RELATING TO THE JAPANESE PATENT LAW AND ITS
ENFORCEMENT REGULATIONS
(References: FEC-284, C1-284/2)Note by the Secretary General

The enclosure, information relating to the Japanese patent law and its enforcement regulations, submitted by the United States Member of Committee No. 1 pursuant to the request of the Committee at its 142nd meeting on 7 January 1948, is circulated herewith for the information of COMMITTEE NO. 1: REPARATIONS.

NELSON T. JOHNSON
Secretary General

C1-222/2

FEC-RESTRICTEDENCLOSUREINFORMATION RELATING TO THE JAPANESE PATENT LAW
AND ITS ENFORCEMENT REGULATIONSI. A HISTORICAL SURVEY OF THE JAPANESE PATENT SYSTEM¹

"The extraordinary capacity of the Japanese to learn from, and to select and introduce in their own country, the best achievements of other nations is clearly shown in the development of the Japanese patent law. The Imperial decrees of 1871 and 1872 and the incomplete law of 1885 were replaced on December 12, 1888, by the first Japanese patent law...." This early law contained provisions discriminating against foreigners (similar provisions can also be found in early American patent laws) and severe penalties for infringements.

The disabilities attached to foreign applicants were removed by bilateral treaties which several European and American countries concluded with Japan in the years 1894-97. Japan joined the Paris Convention on July 15, 1899. A new patent law was promulgated on March 2, 1899 to bring the Japanese law in conformity with the various stipulations of the Convention.

The third patent law, of April 2, 1909, differed from the previous laws by incorporating certain stipulations of the laws of other countries, such as the conception of novelty, which was patterned after the German model (i.e., prior publication in any country or prior public use in Japan only are detrimental to novelty). The protection afforded utility models was also derived from the German law.

On April 29, 1921, the fourth patent law, which is still in force, was promulgated. It contains in 147 paragraphs the most meticulous and detailed stipulations for every possible contingency, and is in this respect the very reverse of the laconic German patent law....

"According to the present Japanese patent law, patents are granted for fifteen years from the date of publication, subject to examination as to novelty and to opposition proceedings, and to the payment of annuities beginning with the fourth year. Further extension for a period of three years is possible: Food-stuffs, medicaments and chemical products as such are excluded from protection, processes for their manufacture being patentable. Prior printed publication, issued in any country but made available to the public in Japan, or prior use in Japan, invalidates a patent. Neither of these facts, however, invalidates the patent if the patent application be filed within six months, provided that the invention was used for experimental purposes only or that the publication took place against the will of the inventor. Applicants not residing in the country can obtain patents only by virtue of international or bilateral treaties. If two applicants file applications for the same invention on the same day and do not arrive at an agreement, neither of them is entitled to a patent.

"The applicant - but not the opponent - may appeal to the appeal department of the patent office whose decision is subject to review by the Supreme Court. Nullity proceedings may be started

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This survey is based upon Jan Vojacek, A Survey of the Principal National Patent Systems (Prentice-Hall, 1936), pp. 159-165. All quoted material was taken directly from this book.

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only within five years from the recording of the grant of the patent. Rights of prior use are recognized, and prior judgment may be obtained. In case of fraud, the true inventor has the right to a patent bearing the date of the fraudulent application, but has to file his application within thirty days of the rejection or publication of the fraudulent application, or, if a patent had been granted to the latter and annulled by reason of fraud, within thirty days of the annulment, or in any case within five years of the publication of the fraudulent application.

"Restoration is possible, but must be petitioned for within fourteen days of the cessation of the hindrance or, in any case, within one year of the lapse of the original term. The penalty for infringement is a fine of not more than 5,000 yen or penal servitude not longer than five years; for fraud or for passing off goods as patented, a fine of not more than 3,000 yen or penal servitude not longer than three years. A patent granted for a process covers products made by this process. Marking of goods as patented is compulsory, and no damages may be recovered in infringement proceedings if such marking be omitted. Any patent may be expropriated in public interest, subject to the payment of an adequate indemnity. Subsequent amendments of the patent specification after grant are possible, however, in the form of a restriction of claims, correction of errors, or explanation only.

"If a patented invention is not worked in Japan within three years from the grant, compulsory licenses may be imposed or the patent revoked. The patentee, however, may demand the revocation of a compulsory license, if the latter has not been worked. Joint applicants or joint patentees may grant licenses or cede their share in the patent only by mutual consent, and a patentee may renounce or amend a patent only with the consent of the licensees, if any."

"As some of the best and most up-to-date stipulations of the patent laws of other countries are incorporated in the Japanese law, it may be of interest to sum up the foreign influences upon Japanese patent law.

"Examination as to novelty was provided for in the first law of 1888. Appeal proceedings before the Patent Office were introduced in 1909, and opposition proceedings in 1921, together with the exclusion of chemical products from protection, and with the time limit of five years for nullity proceedings (Germany). The term of protection has been governed originally by the filing date (France), since 1899 by the date of the grant (US), and finally, since 1921, by the date of publication (Austria). Prior judgment (Austria) was introduced in 1899; dependency proceedings (Austria) in 1909. We see clearly here the development of the Japanese Patent System which in its essential features inclines more and more to the German and Austrian System. At the same time, however, the stipulations concerning annuities and extensions of term keep to the British model. Peculiar to the Japanese system are stipulations concerning conflicting priorities and many other contingencies which, as to minuteness, have hardly a parallel in any other patent law, and unusually severe penalties for infringement, fraud and passing off. On the whole the present Japanese law may justly claim to be the most carefully thought out and perhaps the best modern law in the world".

FEC-RESTRICTEDII. TRANSLATIONS OF JAPANESE LAWS 3, 4, and 5 of 1938A. Law No. 3 of March 7, 1938 (Japanese Supplement No. 463)¹

Article 41 of the Patent Law shall be amended as follows:

- i. When after the grant of a patent, the invention has, without adequate cause, not been worked in a proper manner within the Empire for at least three consecutive years, the Director of the Patent Bureau may grant the right of working the patent on the demand of any person interested if he considers it necessary from the point of view of the public interest.
- ii. When after the granting of the right of working in accordance with the provisions of the preceding clause the invention has, without adequate cause, not been worked in a proper manner within the Empire for at least two consecutive years, the Director of the Patent Bureau may, if he considers it in the public interest, cancel the patent on the demand of any person interested or cancel the patent on his own authority.
- iii. If the patentee or the person who has made the demand is dissatisfied with the granting of the right of working of the patent under clause i (above) or with the canceling of the patent under the previous clause or with the dismissal of a demand under either of the two preceding clauses he may file a petition.
- iv. When granting the right of working under the provisions of clause i (above) the Director of the Patent Bureau shall also give a decision regarding monetary compensation.

The date of the enforcement of this law shall be determined by Imperial Ordinance. (Enforced by Imperial Ordinance No. 521 of July 26, 1938, as from August 1, 1938.)

B. Law No. 4 of March 7, 1938 (Japanese Supplement No. 455)²

The following amendments shall be made to the Trade Mark Law:

Paragraph 2 of Article 13 shall be struck out.

Paragraph 2 of Article 14 shall be struck out.

C. Law No. 5 of March 7, 1938 Amendment to Law regarding Patent Attorneys (Law No. 100 of April 30, 1921)³

The words "The Minister for Agriculture and Commerce" are changed to "The Minister for Commerce and Industry."

Article 1. Patent lawyers may act as representatives in matters pertaining to patents, utility models, designs, and trademarks which are filed with the Patent Office, and furthermore may act in any legal consultation or appraisal concerning such matters as well as in any other related activity.

¹ Source: Chartered Institute of Patent Agents, Patent Laws of the World, Supplement Nos. 401-500, 1935-40.

² Source: Chartered Institute of Patent Agents, Patent Laws of the World, Supplement Nos. 401-500, 1935-40.

³ Source: Kampo, Japanese Edition, March 8, 1938.

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Article 2. The words "Persons who are declared legally competent in No. 1 of Clause 1 of Article 2 are hereby changed to "Persons who have attained their majority."

Article 3. The words "or Justice Department examinations or again examinations for judges and procurators" in No. 2 of Article 3 are changed to "or Justice Department examination."

Article 4. Deleted.

Article 5. Persons who come under the following headings do not have the right to become patent lawyers:

1. Persons who have undergone a punishment weightier than imprisonment.
2. Those persons who do not come under the provisions of No. 1 above but who have been convicted of violation of Article 22 or No. 4 of Article 22 (Law Applying to Patent Attorneys); Patent Law, Articles 129, 130, or 133; Utility Model Law, Article 27, 28, or 31; Design Law, Articles 26, 27, or 30; or Trade-Mark Law, Article 34 or 35; and who have not been in good standing for three years following the serving of such sentence.
3. Persons who, owing to a sentence imposed by a court of law, have been deprived of their standing as officials or who have lost their posts, or persons who have had their practice prohibited as a result of violation of the present law or the accounting law, or persons whose names have been excluded due to the provisions of the Law Applying to Attorneys, and who have not been in good standing for two years following the day that the above action took effect.
4. Those persons, who under the provisions of the present law, have been suspended for the said period and who have not completed the period of the said suspension.
5. Persons who are incompetent or who have been declared incompetent.
6. Persons who have been declared bankrupt and who have not recovered.

Article 9. Patent lawyers have the right to appear at the proper courts together with the persons concerned or with the representatives of the parties at action in matters concerning patents, utility models, designs, and trade-marks in order to plead their case. Such pleading shall be taken as having been made by such persons concerned or such representatives of the parties at action unless revised or excluded immediately by such parties or representatives.

Patent lawyers who are not Japanese nationals who wish to plead in accordance with the provisions of the preceding paragraph should first receive permission of the Court before so doing.

Article 12. (No. 2) Patent lawyers are, according to the provisions of the Imperial Ordinance, considered as being members of the Association of Lawyers.

Article 15. All matters concerning the organization of, the limitation of powers of, and the inspection of the Lawyers' Association shall be determined according to an Imperial Ordinance.

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Article 16. The Association of Lawyers may, under the permission of the Minister of Commerce and Industry, debar any person who acts in a manner detrimental to its organization or its good name.

Article 22. (No. 2) Persons who are not lawyers may not act for remunerative purposes as representatives of others in matters relating to patents, utility models, designs, or trade-marks in connection with the Patent Office or act in the capacity of legal consultants or draw up documents.

Article 22. (No. 3) Persons who are not lawyers may not apply to themselves, with the motive or personal gain, any appellation such as lawyer or name or title which would purport to show them to be persons connected with the Patent Office or other official body.

Article 22. (No. 4) Persons who violate No. 2 of Article 22 shall be subject to imprisonment for not more than one year or a fine of not more than 1,000 yen.

Persons who violate the preceding article shall be subject to a fine of not more than 1,000 yen.

SUPPLEMENTARY PROVISIONS

The date upon which this law will become effective shall be determined by Imperial Ordinance.

Persons who have become lawyers under previous regulations and who meet the qualifications of these regulations will continue unaffected by the enforcement of this law.

For a period of three years after the promulgation of this law, persons affected by Article 4, No. 2, of the previous law will continue to be governed by the same even after the present law is put into effect.

For a period of five years after the promulgation of this law, persons affected by Article 4, No. 3 of the previous law will continue to be governed by the same even after the present law is put into effect.

For lawyers who are not members of the Association of Lawyers at the time of the promulgation of this law, the enforcement of this law, Article 12, No. 2 will not be applied for a period of three months. The registrations of those who fail to become members within the period of three months in accordance with previous regulations shall be declared null and void.

Patent Law, Articles 20 and 135; Utility Model Law, Article 33; Design Law, Article 32; and Trade-Mark Law, Article 38 are excluded. Articles 10 through 33 mentioned in Article 26 of Utility Model Law are changed to Articles 10 through 19 and Articles 21 through 33; Articles 16 through 30 mentioned in Article 25 of the Design Law are changed to 16 through 19 and 21 through 30; Articles 16 through 30 mentioned in Article 24 of the Trade-Mark Law are changed to 16 through 19 and 21 through 30.

Persons committing violations or acts against provisions in Articles 135 of the Patent Law, Article 33 of the Utility Model Law, Article 32 of the Design Law, or Article 38 of the Trade-Mark Law prior to the promulgation of the present law shall be subject to the previous laws and where penal servitude is applicable it shall be enforced.

Persons who have been punished by the previous Article 135 of the Patent Law, Article 33 of the Utility Model Law, Article 32 of the Design Law, or Article 38 of the Trade-Mark Law will be considered to have been punished according to the regulations in paragraph 1 of No. 2 of Article 22 insofar as the application of the revisions in No. 2 of Article 5 is concerned.

C1-222/3FEC-RESTRICTEDC1-222/34 February 1948FAR EASTERN COMMISSIONCOMMITTEE NO. 1: REPARATIONS

A REPORT ON INVESTIGATION OF JAPANESE PATENTS,
COPYRIGHTS AND TRADE-MARKS
(References: C1-222/2, FEC-284, C1-284/2)

Note by the Secretary General

1. The enclosure, a report on an investigation of Japanese patents, copyrights and trade-marks prepared in the Headquarters of the Supreme Commander for the Allied Powers, and submitted by the United States Member of Committee No. 1 pursuant to the request of the Committee at its 142nd meeting on 7 January 1948, is circulated herewith for the information of COMMITTEE NO. 1: REPARATIONS.

2. The attention of Members is called to C1-222/2, Information Relating to the Japanese Patent Law and Its Enforcement Regulations, which was also submitted by the U. S. delegation pursuant to the request of Committee No. 1 as indicated in paragraph 1 above.

NELSON T. JOHNSON
Secretary General

C1-222/3

FEC-RESTRICTEDE N C L O S U R EA REPORT ON INVESTIGATION OF JAPANESE PATENTS,
COPYRIGHTS AND TRADE-MARKS

HEADQUARTERS
UNITED STATES ARMY FORCES IN KOREA
Office of the Military Governor
Planning Section
Seoul, Korea

7 January 1946

SUBJECT: Report on Investigation of Japanese Patents, Copy-
rights and Trademarks.

TO : Secretary for Planning

1. MISSION:

a. Pursuant to Letter Order, AG 300.4 (TFXAG), Hq., USAFIK, dated 7 Dec. 1945, the undersigned was in Tokyo, Japan, attached to the legal division, Economic and Scientific Section, Adv. Ech. GHQ, AFPAC, APO 500, from 8 Dec. 45 to 30 Dec. 45, to study Japanese patents, trademarks and copyrights.

b. This study was necessary to complete plans for the establishment of a Patent and Copyright Office for Korea, as outlined in report from the Secretary for Planning to the Civil Administrator, subject: "Establishment of Patent and Copyright Office," dated 30 November 1945.

2. PERSONS CONSULTED:

a. In the course of this study, the following persons were consulted:

- (1) Lt. Col. Charles D. Marsh, Chief, Norsan Branch, Government Section, GHQ, AFPAC.
- (2) Maj. Marshal D. Abrams, Chief, Legal Division, Economic and Scientific Section, GHQ, AFPAC.
- (3) Judge Peirson M. Hall, Member, Reparations Commission.
- (4) Mr. Karl C. Leebrick, Spec. Asst. to Political Advisor, GHQ, AFPAC.
- (5) Mr. Isadore G. Alk, U.S. Treasury Representative with Finance Div., Economic and Scientific Section, GHQ, AFPAC.
- (6) Mr. Kyoza Yuasa, Japanese Attorney-at-law and patent attorney employed by legal division, Economic and Scientific Section, GHQ, AFPAC.
- (7) Mr. Tetuo Yuma, member of General Affairs Division, Japanese Bureau of Patents and Standards.
- (8) Mr. Asao Katumoto, Chief, Application and Registration Division, Japanese Bureau of Patents and Standards.

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- (9) Dr. Roland Sonderhoff, German Attorney-at-Law, practicing Patent Law in Tokyo.
- (10) Dr. Ranye Iisuka, Japanese Patent Attorney, formerly Professor of Jurisprudence, Tokyo Imperial University.

b. Conference with Messrs. Leebrick and Alk were only informal, to obtain background and information.

c. Judge Hall requested the interview to obtain information on the Japanese Patent System.

3. LAWS, ORDINANCES AND REGULATIONS IN FORCE:

a. Patents

- (1) Japanese Patent Law: Law No. 96 of 30 April 1921, as amended by Law No. 47, 4 April 1929 and Laws Nos. 3 and 5 of March, 1938.

- (2) Imperial Ordinances Concerning Enforcement of the Patent Law: Ord. No. 459 of December, 1921.

Ord. No. 460 of December 1921 as amended by Ord. No. 290 of 1929 (relating to secrecy for military reasons; to extensions; and to costs of trials).

Ord. No. 52 of January 1938 (relating to procedure when application requires secrecy for military reasons).

- (3) Regulations Concerning the Enforcement of the Patent Laws: Ministry of Agriculture and Commerce Ord. No. 33 of December 1921 as amended by Min. of Agr. and Com.

Ord. No. 30 of December 1922; by Min. of Commerce and Industry. Ord. No. 6 of September 1929 and by Min. of Com. and Ind. Ord. Nos. 2 and 66 of 1938.

- (4) Imperial Ordinance Concerning Registration of Patents: Ord. No. 461 of December 1921, as amended by Ord. No. 517 of 1922 and by Ord. No. 53 of 1938.

- (5) Regulations Concerning the Enforcement of Imp. Ordinances Concerning Registration of Patents:

Min. of Agriculture and Commerce Ord. No. 39 of 1921, as amended by Min. of Agr. and Com. Ord. No. 29 of 1922; by Min. of Commerce and Industry. Ord. No. 4 of 1927 and by Min. of Com. and Ind. Ord. No. 3 of 1938.

Min. of Agr. and Commerce Extraordinary Ord. No. 6 of 1923 as amended by Min. of Com. and Ind. Ord. No. 4 of 1925 (relating to restoration of destroyed patent register).

- (6) Utility Models:

- (a) Japanese Utility Model Law: Law No. 97 of 30 April 1921, as amended by Law No. 48 of 4 April 1929, and by Law No. 5 of March 1938.

FEC-RESTRICTED(b) Imperial Ordinance Concerning Enforcement of Utility Model Law

Ord. No. 459 of December 1921
Ord. No. 462 of December 1921 (relating to secrecy for military reasons and cost of trials.)

- (c) Regulations Concerning the Enforcement of the Utility Model Law: Min. of Agriculture and Commerce Ord. No. 34 of December, 1921 as amended by Min. of Agr. and Com. Ord. No. 3 of December, 1922; by Min. of Commerce and Industry Ord. No. 7 of December, 1929; and by Min. of Com. and Ind. Ord. No. 81 of September, 1936. Min. of Agr. and Com. Ord. No. 40 of December 1921. (Makes ministerial regulations concerning patent registration applicable to utility models.) Min. of Agr. and Com. Extraordinary Ord. No. 7 of 1923. (Makes ministerial regulations relating to restoration of destroyed patent register applicable to utility models.)

(b) Designs:

- (1) Japanese Design Law: Law No. 98 of 30 April 1921, as amended by Law No. 49 of 4 April 1929; by Law No. 10 of March 1933; Amd. by Law No. 5 of March 1938.

(2) Imperial Ordinances Concerning Enforcements of the Design Law:

Ord. No. 459 of December 1921
Ord. No. 463 of December 1921 (relating to costs of trials and registration of designs)

(3) Regulations Concerning the Enforcement of the Design Law:

Min. of Agr. and Com. Ord. No. 33 of December, 1921, as amended by Min. of Agr. and Com. Ord. No. 32 of December, 1922; and by Min. of Commerce and Industry Ord. No. 8 of September 1929. Min. of Agr. and Com. Extraordinary Ord. No. 8 of 1923 (relating to restoration of destroyed design register)

(c) Trademarks:

- (1) Japanese Trademark Law: Law No. 99 of 30 April 1921 as amended by Law No. 50 of 4 April, 1929; by law No. 15 of March, 1934; and by laws Nos. 4 and 5 of March, 1938.

(2) Imperial Ordinances Concerning Enforcement of Trademark Laws: Ord. No. 459 of December 1921. Ord. No. 484 of December, 1921 (relating to costs of trials, registration, etc., of trade-marks). Ord. No. 337 of 1910 (relating to enforcement of trade-mark law to Korea).

FEC-RESTRICTED(3) Regulations Concerning the Enforcement of the Trademark Law:

Min. of Agr. and Com. Ord. No. 38 of December 1921, as amended by Min. of Agr. and Com. Ord. No. 33 of Dec. 1922; by Min. of Com. and Ind. Ord. No. 32 of 1937, by Min. of Com. and Ind. Ord. No. 9 of Sept. 1929; and by Min. of Com. and Ind. Ord. Nos. 67 and 82 of 1938. Min. of Agr. and Com. Ord. No. 42 of Dec. 1921 (relating to registrations of trademarks.)

Min. of Agr. and Commerce Extraordinary Ord. No. 9 of 1923 (relating to restoration of destroyed trademark register)

(d) Patent Attorneys:(1) Laws Concerning Patent Attorneys:

Law No. 100 of 1921, as amended by Law No. 5 of 1938.

(2) Imperial Ordinances Concerning Enforcement of the Law Concerning Patent Attorney:

Ord. No. 9 of January, 1922.
Ord. No. 466 of December, 1921.

(e) Copyrights:(1) Japanese Copyright Law:

Law No. 39 of March 1899, as amended by Law No. 63 of June, 1910; by Law No. 60 of August, 1920; by Law 64 of 1931 and by Law 48 of 1934.

(2) International Conventions Regarding the Protection of Copyright:

Berne Convention of Copyright, July 15, 1899.
Bilateral Convention with the United States of 1905, ratified 28 April, 1906.

(3) Law Regarding Intermediary Business in Respect of Copyright:

Law No. 67 of April 1939.

(4) Imperial Ordinances Concerning Enforcement of Copyright Laws:

Ord. No. 313 of 1899
Ord. No. 835 of December 1939

(5) Regulations Concerning the Enforcement of the Copyright Law:

Home Ministry Ord. No. 18 of July, 1931, as amended by Home Ministry Ord. No. 46 of July, 1935.

(f) Miscellaneous:(1) Wartime Law Concerning Industrial Ownership:

Law No. 21 of July 1917.

FEC-RESTRICTED(2) Imperial Ordinances Enforcing Wartime Law Concerning Industrial Ownership:

Ord. No. 140 of Sept. 1917.
Ord. No. 141 of Sept. 1917
Ord. No. 142 of Sept. 1917
Ord. No. 143 of Sept. 1917
Ord. No. 9 of January 1919.

(3) Regulations Enforcing Wartime Law Concerning Industrial Ownership:

Min. of Agriculture and Commerce Ord. Nos. 22 and 23 of September, 1917.

(4) Imperial Ordinance Concerning Fees Relating to Patents, Utility Models, Designs and Trademarks:

Ord. No. 465 of December, 1921, as amended by Ord. No. 518 of 1922.

(5) Regulations Concerning Fees Relating Patents, Utility Models, Designs and Trademarks:

Min. of Agr. and Com. Ord. No. 37 of December 1921, as amended by Min. of Agr. and Com. Ord. No. 5 of 1922.

(6) Regulations Concerning Inspection of Documents Relating to Patents, Utility Models and Trademarks:

Min. of Agr. and Com. Ord. No. 38 of December 1921 as amended by Min. of Com. and Ind. Ord. No. 83 of Sept. 1938. (Provides for duplicates of certain documents to be made available to the public at Osaka)

(7) Regulations Concerning the Preparation of Specifications, Drawings, Models and Specimens Relating to Patents Utility Models, and Trademarks:

Min. of Agr. and Com. Notice No. 310 of December 1921, as amended by Min. of Com. and Ind. Notice No. 127 of 1937.

(8) Postal Regulations Concerning Documents Relating to Actions, Trials and Examinations:

Ministry of Communications Ord. No. 25 of April 1938.

(9) Imperial Ordinance Enforcing Patent Laws, Utility Model Laws, Design Laws, Trademark and Copyright Laws in Korea:

Ord. No. 325 of August, 1910 (Enforcement)
Ord. No. 336 of August, 1910 (Patents, Utilities, Models and Designs)
Ord. No. 337 of August, 1910 (Trademarks)
Ord. No. 338 of August, 1910 (Copyrights)

FEC-RESTRICTED4. Texts of Laws, Etc.

a. Japanese texts and English and/or German translations of most of the foregoing laws, ordinances, and regulations were found. Copies of essential translations were ordered through the librarian, Economic and Scientific Section, AFAC, and will be sent to Korea when acquired. One book was micro-filmed. Personal copies of all necessary material except the microfilmed book were procured by purchase. Procurement of books is difficult because most bookstores and libraries were damaged or disorganized by bombing and fire.

b. The most important translations are:

- (1) Patent, Design and Trademark laws of Japan published by the Imperial Japanese Patent Office, 1926.
- (2) "Japanese Laws and Ordinances Concerning Patents, Trademarks, Designs and Utility Models" - translated by J. E. DeBecker, revised by E.V.A. DeBecker - Published in Kobe, Japan, 1930 (Notes a and b)
- (3) "Die Japanishohen Gesetze num Schutze des gewerblichen und geistigen Eigentums," translated by Dr. Karl Vogt, published by the translator in Tokyo, 1932; with supplement, Deckblatter und Nachtrag, by the same translator, 1939 (Note b)
- (4) "Das Japanishes Gesetz betr. das Urheberrecht nebst Ausfuhrungsbestimmungen," translated by Dr. Karl Vogt. published by the translator in Tokyo, 1936 (Note b)
- (5) "Law of Copyright of Japan," translated by F. Fuasa, published by Japan Times Press, Tokyo, 1941. (Note b)

Note "a" - 35 mm microfilm copy made

Note "b" - Copy requested from Librarian, ESS.

c. Statistical data patents are contained in the annual reports. The latest publication in English is the Twenty-fifth statistical report of the Imperial Patent Office, Japan, 1941 (printed in 1942), a copy of which was obtained.

d. The following reference works were requested from the Librarian, ESS, to be procured in the United States and sent to the Military Government of Korea:

- (1) Rules of Practice, U S. Patent Office.
- (2) U. S. Statutes relating to Patents.
- (3) U. S. Statutes and Regulations pertaining to Registration of Trademarks.
- (4) U. S. Statutes relating to Designs.
- (5) Classification Manual, U. S. Patent Office.
- (6) U. S. Copyright Statutes.
- (7) Information circular of U. S. Copyright Office containing rules for registration of Prints and Labels.

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- (8) Howell, Herbert A., "The Copyright Law" - 1942, Bur. of Nat. Affairs, Washington, D. C.
- (9) Vojacek, Jan "A Survey of the Principal National Patent Systems," 1936, Prentice Hall.
- (10) Callmann, Rudolph, "The Law of Unfair Competition and Trademarks" 1945, Callaghan and Co., Chicago.
- (11) Mins. Harry D., "Unfair Competition and Trademarks," 4th ed. 1945, Bender - Moss Co., San Francisco, Calif.
- (12) Ladas, Stephen Periclas, "The International Protection of Industrial Property," 1930, Cambridge, Harvard Univ. Press.
- (13) Stringham, Emerson, "Patents and Gebrachsmaster in International Law," 1935 - Madison, Wis., Pacct Publications.

5. Administration of Japanese Laws:

a. Laws and ordinances pertaining to Patents, Utility Models, Designs and Trademarks, are being administered by the Bureau of Patents and Standards, now under the Minister of Commerce and Industry.

b. Copyright laws are administered by the Home Ministry.

6. Organization and Functions of the Bureau of Patents and Standards.

a. This bureau has the following full-time officials (in addition to subordinate employees:

<u>Number</u>	<u>Position</u>	<u>Rank</u>
1	Director	Chokunin
17	Secretaries	Sonin (one may be Chokunin)
2	Sub-secretaries	Sonin
85	Technical Experts	Hannin
61	Junior Officials	Hannin
71	Asst. Technical Experts.	Hannin

b. On 5 Sept. 1945 a Provisional Industrial Office was set up in the Commerce and Industry Section to handle work relating to Industrial Ownership. Personnel was detailed to this office from the personnel listed in the above. It comprises:

- 1 Secretary (Commissioner)
- 5 Technical experts
- 5 Junior Officials
- 6 Asst. technical experts

c. The Bureau of Patents and Standards is organized as follows:

- (1) Directly under the Director:
 - Secretariat
 - Accounts Division

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- (2) General Affairs Section:
General Affairs Division
Business Division (handles formal study of applications, investigation of value of invention, utilization, publications, distributions)
- (3) Patent Section - (Organized into six divisions) (Handles all matters relative to patents, utility models, designs and trademarks, including examination and registrations)
- (4) Trial Section
- (5) Standards Section - (Handles standardization of articles of commerce and industry, technical terms, etc.)

d. The Guidance Division handles exhibits, encourages inventions, directs endeavor into fields where inventions are needed, and aids inventors.

e. The Trial Section finds no true counterpart in the U. S. Patent Office, which has only a board of appeals for reviewing decisions of the examiners. The Trial Section in the Japanese organization includes:

- (1) Trial courts for determining questions regarding the validity and scope of patents and registration, amendments to issued patents, elucidation of ambiguous statements, the granting of compulsory licenses and royalties to be paid therefor, and similar matters.
- (2) Appellate courts for reviewing decisions of the trial courts or of the examiners.

f. The buildings occupied by the Bureau of Patents and Standards were damaged by bombing but the library and registers are intact. Copies of patents granted since 1921 and of the registers, showing validity and title of patents, utility models, designs and trade marks, can be obtained. Specimen copies of register forms were obtained.

g. Applications kept secret because they related to subjects of military interest have been re-classified into the status of ordinary applications and may be published as patents if the inventors resume prosecution thereof.

h. The Bureau of Patents and Standards published four official Gazettes, relating to Patents, Utility Models, Designs, and Trademarks, respectively. Publication has been suspended since November, 1943. Specimen copies were obtained.

7. STATISTICS ON BUREAU OF PATENTS AND STANDARDS OPERATIONS

a. Insofar as registrations in Korea are concerned, statistics for the end of the year 1941 are of interest. At that, there were in force the following Japanese registrations:

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<u>OWNER</u>	<u>PATENTS</u>	<u>UTILITY MODELS</u>	<u>DESIGNS</u>	<u>TRADEMARKS</u>
Japanese Nationals except residents of Korea	34,536	87,745	13,565	233,932
Japanese Nationals residing in Korea (including Koreans)	221	900	108	2,653
Japanese Government	3,233	660	28	61
Nationals of Enemy Nations except Japan (Bulgaria, Austria, Germany, Hungary and Rumania)	4,735	1,257	29	4,560
Nationals of U.S.A.	2,078	585	20	3,060
Nationals of United Nations other than U.S. (nationals of Manchuko and Esthonia included)	1,231	187	53	5,797
Nationals of Neutral nations (Afganistan, Ireland, Lichenstein, Portugal, Spain, Sweden and Switzerland)	794	68	11	1,098
Nationals of Nations whose status has changed as a result of war (Argentina, Finland, Italy, Siam)	124	13	1	130
No nationality indicated	4	3	2	89
TOTAL	46,956	91,418	13,817	253,402

b. During the year 1941 the following business was transacted by the Japanese Bureau of Patents and Standards:

(1) Examination and Registration:

<u>APPLICATIONS RECEIVED</u>	<u>PATENTS</u>	<u>UTILITY MODELS</u>	<u>DESIGNS</u>	<u>TRADEMARKS</u>
Japanese	18,498	33,026	3,956	17,771
Foreigners	<u>1,499</u>	<u>391</u>	<u>0</u>	<u>390</u>
TOTAL	19,997	33,417	3,956	18,161
<u>NUMBER OF REGISTRATIONS</u>				
Japanese	5,503	17,098	2,387	13,612
Foreigners	<u>1,183</u>	<u>309</u>	<u>12</u>	<u>512</u>
TOTAL	6,686	17,407	2,399	14,124

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(2) Trials and Appeals:

TRIALS	INVALIDATION	DETERM. OF SCOPE OF RIGHT	APPEALS FROM EXAMINERS' DECISIONS	OTHERS	TOTAL
Requests	206	131	--	25	362
Requests Granted	124	53	--	21	198
Requested Rejected	119	31	--	16	166
Withdrawn or dismissed	68	66	--	10	144
Total Dispositions	311	150		47	508

TRIALS ON APPEAL

Requests	148	60	1,533	18	1,759
Requests Granted	35	10	461	1	507
Requests Rejected	85	54	1,183	11	1,333
Withdrawn or dismissed	46	34	141	4	225
	166	98	1,785	16	2,056

APPEALS IN THE SUPREME COURT OF JAPAN (COURT OF CASSATION)

Appeals filed	45	34	49	2	130
Original judgments reversed and remanded to Patent Off.	5	1	5	1	12
Appeals rejected	38	36	54	4	132
Appeals withdrawn or dismissed	4	5	2	-	11
Total Judgments	47	42	61	5	155

8. WARTIME LAWS AND REGULATIONS:

a. During the current war, Japan regarded 2,781 patents as the property of enemy nationals. Of these, 1394 were declared invalid under the provisions of the Wartime Law Concerning Industrial ownership (see par. 3.g (1) - (3) above). Plans are in progress to revalidate these patents but legislation is necessary to carry them out.

b. Licenses were granted and royalties collected by the Japanese Government under 92 patents of enemy nationals. These patents were not declared invalid.

c. During the current war, the Bureau of Patents was taken out of the Ministry of Commerce and Industry and functioned as an independent bureau. It has since been returned to the Ministry of Commerce and Industry.

d. For organization provisional industrial property section, see par. 6.b, above.

9. BRIEF SUMMARY OF PATENT LAWS:

a. Patents are granted for a period of 15 years from the date of publication of the application, and are renewable for 3 to 10 years in exceptional cases.

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b. Patents are granted for industrial inventions which were not, prior to the filing of the application, publicly known within the Japanese Empire or described in publications circulated in the Japanese Empire. A person who filed applications in a country adhering to the International Convention is accorded such earlier date as a constructive filing date if he subsequently files his application in Japan within one year.

c. There are no interferences; the patent being granted to the first to file, but when a person not entitled to do so files an application the rightful owner may file an opposition, demand trial and, if successful, file his own application.

d. The Bureau of Patents and Standards, through its Trial Section, decides questions relating to the validity and scope of patents, differing from the U.S. practice in which the federal courts decide such matters. Suits for declaratory judgments are possible. These features remove much of the uncertainty incident to U.S. patents.

e. Annual fees are payable to the Bureau of Patents and Standards, and the patent right lapses upon failure to pay these fees. This feature eliminates many worthless patents from the register and simplifies infringement searches.

f. All trials, payment of fees and assignments pertaining to patents are recorded in the Register of Patents in which a separate page is devoted to each patent. This makes it possible to determine all facts relating to any particular patent by reference to only one page of the register.

g. In addition to the usual civil actions, the Japanese laws provide for fines and imprisonment in cases of infringements of patents.

10. BRIEF SUMMARY OF UTILITY MODEL LAWS:

a. Utility models are new devices of practical use in connection with the shape, construction or composition of an article. Registrations thereof are granted for ten years. Utility model registrations may be regarded as "Petty Patents," being granted for improvements of lesser technical importance than those for which patents are granted.

b. What was stated in Par. 9.b., to 9.g., above, with regard to patents applies only to registered utility models.

11. BRIEF SUMMARY OF DESIGN LAWS:

a. Designs that are of industrial application and are new insofar as shape, pattern or coloring of an article, or to a combination of these, may be registered for ten years.

b. Design registrations are granted for new and original designs which were not, prior to the filing of the application, publicly known and used within the Japanese Empire, or described in a printed publication circulated within the Japanese Empire. Constructive filing dates, corresponding to dates of filing in foreign countries adhering to the International Convention, are granted as for patents.

c. The features of the Patent Law outlined in Par. 9.c., to 9.g., above, apply to designs.

FEC-RESTRICTED12. BRIEF SUMMARY OF TRADEMARK LAWS:

a. Trademarks used to specify that certain articles are particularly produced, manufactured, refined selected, certified, handled or sold by a person on a commercial scale may be registered provided it consists of characters, words, figures, signs or a combination thereof, having distinctive features. Marks affixed to articles used in a non-profit business, and marks used by a company of persons of the same trade to promote the mutual profit of the members, may also be registered. Registrations are for 20 years, and may be renewed.

b. Trademarks may be registered only by the proprietor of the mark; i.e., by one using it in connection with a trade or business. Registration is admissible in court as evidence of ownership, and if the registrant is not the legal proprietor, the registration may be cancelled by demanding trial in the Bureau of Patents and Standards.

c. There are no interferences, and registrations are granted to the first to file. If he is not the proprietor, the registration may subsequently be cancelled by trial. Oppositions are permitted against original applications, but not against renewal applications.

d. The features of the patent law outlined in par. 9.d., 9.f., and 9.g., above, apply also to trademarks.

13. BRIEF SUMMARY OF LAW CONCERNING PATENT ATTORNEYS:

a. This law sets up an integrated patent bar, provides for examination and licensing of patent attorneys and requires attorneys to be members of the Patent Attorney's Association.

b. Examinations are conducted annually by a Committee for Patent Attorney examinations appointed by the Minister of Commerce and Industry from among Bureau of Patent and Standards officials, Department of Justice officials and patent attorneys.

c. The Patent Attorney's Disciplinary Committee is appointed by the Minister of Commerce and Industry from the officials in the Bureau of Patents and Standards and patent attorneys, the Director of the Bureau of Patents and Standards being the Chairman.

14. BRIEF SUMMARY OF COPYRIGHT LAWS:

a. Copyrights are acquired "without formality;" i.e., the author or his assignee acquires the exclusive rights to his work by the act of publication without filing a copy of the work and without applying for registration. This publication may take place in Japan or in any foreign country adhering to the Berne Convention. There is a special treaty (see par. 3.f. (3) above) with the United States, which has never ratified the Berne Convention. This treaty provides for copyright without formality by subjects or citizens of each country in the dominion of the other, but grants permission, without authorization, to translate works published in the dominions of the other.

b. Duration of copyright varies with the nature of the work. For books it is for the life of the author plus 30 years.

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c. In addition to being liable to indemnify the injured party, a person violating the provisions of the copyright laws is subject to fine.

d. Assignments and claims to authorship are recorded in the Administrative office of the Home Ministry, in a register similar to those used for patents. Copies of typical pages and translations thereof were obtained.

15. DISCUSSION OF JAPANESE LAWS:

a. The Japanese laws in the field of industrial and intellectual property were drafted after studying other national patent systems, and combine the best features. They are especially designed to encourage inventions.

b. The protection which Japanese registrations gave registrants, particularly foreigners, has not usually been remunerative, because of infringement by concerns whose activities were difficult to determine and because of a prevailing attitude that these laws are primarily for the benefit of foreigners. As an example of this attitude, the Law Regarding Intermediary Business in Respect of Copyright (Par. 3.f, (2), above) may be cited. Copyright infringement suits were almost unknown in Japan until a German attorney filed wholesale suits; to limit his activities this law was passed, requiring a license to engage as agent, and further requiring the terms of each agency agreement to be filed, published, and opened to opposition.

c. The laws and regulations are very lengthy and explicit, intended to give instructions for any foreseeable situation. This feature is desirable in a country like Korea where officials experienced in the administration of such laws are not available.

C1-222/4FEC-RESTRICTEDC1-222/41 November 1948FAR EASTERN COMMISSIONCOMMITTEE NO. 1: REPARATIONSREGISTRATION OF FOREIGN PATENT PROPERTIES IN JAPAN
SCAP Directive and Relating Press Release
(Reference: 284 Series)Note by the Secretary General

1. The enclosures, containing information regarding the granting of permission by SCAP to the Japanese Patent Office to accept foreign applications for the registration of patent properties, are circulated herewith for the information of COMMITTEE NO. 1: REPARATIONS.

2. Enclosure "A" contains a SCAP directive to the Japanese Government dated 7 September 1948.

3. Enclosure "B" contains a press release from the Public Information Office of General Headquarters of the Far East Command dated 14 September 1948.

NELSON T. JOHNSON
Secretary General

C1-222/4

FEC-RESTRICTEDENCLOSURE "A"SCAP DIRECTIVE TO THE JAPANESE GOVERNMENT

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS
APO 500

AG 072 (23 Dec 47) CPC/FE

7 September 1948

MEMORANDUM FOR JAPANESE GOVERNMENT

SUBJECT: Registration of Patent Properties

1. Reference is made to the following:

a. Memorandum for the Japanese Government, file AG 130 (22 Sept 45)ESS, SCAPIN 45, 22 September 1945, subject, "Control of Financial Transactions," from General Headquarters, Supreme Commander for the Allied Powers.

b. Memoranda for Director General, Board of Patents and Standards, Ministry of Commerce and Industry, Japanese Government, from General Headquarters, Supreme Commander for the Allied Powers, Civil Property Custodian:

- (1) File 072 (23 Dec 47)CPC/PP, 23 December 1947, subject, "Filing of Applications for Patents, etc., by Foreigners"
- (2) File 072 (25 Dec 47)CPC/PP, 29 December 1947, subject, "Registration of Patent Properties"
- (3) File 072 (14 Jan 48)CPC/PP, 14 January 1948, subject, "Registration of Patent Properties."

2. Memoranda to Director General, Board of Patents and Standards, Ministry of Commerce and Industry, Japanese Government, references 1b (1), (2) and (3) above are hereby rescinded.

3. Effective 1 September 1948, and notwithstanding the terms of reference 1a above, the Board of Patents and Standards is authorized to accept and process under existing Japanese patent laws, applications for patents, utility models, and designs by any persons outside of Japan, with such priority rights as are provided by the International Convention for the Protection of Industrial Property.

4. The Japanese Government is directed to repeal the provisions of Articles 1, 2, 3, 4, and 7 of the Wartime Law of Industrial Property.

FOR THE SUPREME COMMANDER:

/s/ R. M. Levy
R. M. LEVY,
Colonel, AGD,
Adjutant General.

FEC-RESTRICTEDENCLOSURE "B"PRESS RELEASE FROM PUBLIC INFORMATION OFFICE GENERAL HEADQUARTERS
OF THE FAR EAST COMMAND

GENERAL HEADQUARTERS
Far East Command
Public Information Office

Press Release

1330
14 September 1948TO ACCEPT FOREIGN APPLICATIONS FOR PATENT RIGHTS

Foreign applications for the registration of patent property rights may now be accepted by the Japanese Patent Office and processed under the Japanese law, it was announced today by SCAP's Civil Property Custodian.

Heretofore, the acceptance of applications for patent rights from persons outside of Japan has been prohibited. A SCAP directive issued today to the Japanese Government removes all restrictions on the filing of such applications and permits the Board of Patents and Standards to register patents, utility models, and designs in the names of foreign applicants under the provisions of the Japanese law and the International Convention for the Protection of Industrial Property. At the same time, a change is being made in the censorship regulations to permit sending of patent specifications through the mails. This will permit foreign applicants to send descriptions of their inventions into Japan in connection with their applications for property protection under the law.

Colonel E. C. Miller, Deputy Civil Property Custodian, today pointed out that, as a result of the new directive, a foreign applicant for patent property registration in Japan will get the benefits of the priority provisions of the International Convention. These provide, in effect, that an applicant for a patent who has filed application in another member country within twelve months preceding shall have priority rights over a Japanese user of the invention who may have filed application during that period. Since most of the leading industrial countries are members of the International Convention, this means that inventors in those countries may obtain the protection of a Japanese patent on inventions filed for registration elsewhere within the past twelve months.

As a result of this important forward step in property administration, recently patented inventions may now be introduced into Japan, Colonel Miller pointed out, to the benefit of the nations economy and with full protection to the foreign inventor. It is expected that many such inventors will seek this protection now in order that they may later enter into licensing agreements with Japanese manufacturers.

The Deputy Civil Property Custodian, however, stated that under existing Japanese law no priority rights can be granted to applicants who filed in their home countries more than twelve months prior to filing in Japan, nor can such applicants be granted registration under this law if a foreign patent was issued and published more than twelve months prior to application in Japan. No change in these rules has been made by SCAP's new patent property directive. Officials of the Japanese Patent Office expressed their enthusiastic approval of SCAP's action and announced their intention to resume exchange of official publications with the patent offices of other countries throughout the world.

CI-222/5FEC-RESTRICTEDCI-222/517 November 1948FAR EASTERN COMMISSIONCOMMITTEE NO. 1: REPARATIONSTRADE-MARKS IN JAPAN
Relevant Japanese Legislation
(Reference: CI-222/3)Note by the Secretary General

1. The enclosures, Japanese laws relating to registration and protection of trade-marks, are circulated herewith for the information of COMMITTEE NO. 1: REPARATIONS.

2. Enclosure "A" contains the Law for the Prevention of Unfair Competition, dated 27 March 1934, and includes minor amendments added 8 March 1938.

3. Enclosure "B" contains the Trade-Mark Law of 29 April 1921.

NELSON T. JOHNSON
Secretary General

CI-222/5

FEC-RESTRICTEDENCLOSURE "A"LAW FOR THE PREVENTION OF UNFAIR COMPETITIONLaw No. 17

Dated: March 27, 1934.

We hereby give Imperial sanction to and promulgate the Law to Restrain Unfair Competition which was passed by the Imperial Diet.

(Countersigned by the Prime Minister, the Minister of Justice and the Minister of Commerce and Industry.)

Art. 1. Any person who performs any of the acts which are enumerated below with the object of carrying on unfair competition shall be condemned to the payment of damages:

1. The using within the territory where the present law shall be enforced of the widely known and recognized family name, trade style, trade mark, receptacle or package of the goods of another person, or the using of any designation which is identical or similar in kind to that which identifies the goods of another person or the selling or the advertising of goods so marked or bearing such markings so that they would be confused with and taken for the goods of others for the purposes of trade.

2. The using of the same or similar family name, firm (or trade) name, trade-mark, or any other designations indicating the trade of other persons recognized within the territories where this law is in effect and thereby causing confusion with trade facilities or activities of other persons.

3. The adding to the temporary trade mark or to the trade mark, or the labelling of the goods with a false place of origin, or the sale or advertising of goods so marked so that there would be a misconception as to the place of origin.

4. The declaring as a fact of any falsehood which would harm the standing of the goods of others, or the circulation of such statements.

The court shall impose on persons who have been convicted of any of the above acts the payment of **damages** based on the claim made by the injured party, and in addition to the payment of such damages they shall be ordered to desist from such acts.

As concerns persons who are found guilty of those acts which are enumerated in Art. 1, Paragraph No. 3, the court may, at the request of the injured party, order them to make such necessary arrangements as will restore confidence in the said goods.

Art. 2. The provisions of the foregoing article shall not apply in those cases where goods are usually called by the same name or where it is the usual practice in business to designate goods of the same kind with the same place of origin or by similar distinguishing marks, or in those cases where such goods so marked are sold or advertised as such, and also in cases where titles or other designations are usually used by similar trading enterprises.

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Art. 3. As concerns foreign nationals, those who are not domiciled or do not have their place of business in those territories where the present law is enforced, with the exception of those who under treaties, or arrangements thereunder, have special provisions in their favor, shall not be able to bring suit with regard to any of the matters mentioned in Art. 1.

Art. 4. With reference to the crests of foreign countries, their flag emblems and other badges, any designs identical with or similar to those authorized by the competent ministry shall not, unless the permission of the competent official bureau of the country concerned is first obtained, be used as trade marks, nor shall goods with such trade marks be sold or advertised.

If the national crest mentioned in the foregoing paragraph is used without the permission of the competent official bureau of the relative country in order to cause a misconception as to the place of origin of the goods, such goods so marked shall not be used in trade nor shall they be sold or advertised.

Any goods bearing the stamp of inspection or the number of certification by foreign officials and which, without the permission of the relevant official bureau of that country, are identical with or similar to those which the competent ministry has authorized, and which are used in an attempt to pass them off as identical or similar goods due to the fact that they bear such stamp or number, shall not be sold or advertised.

Only when the permission of the competent official bureau has been received to make use of the Imperial crest, the flag emblem or other badge, or the official seal of inspection or the certification number, as well as the crest of the foreign country, its flag emblem or other badge or the official stamp or number of inspection or certification the provisions of three foregoing paragraphs shall not apply.

Art. 5. Anyone contravening the provisions of the foregoing articles shall be liable to a fine of not more than one thousand yen.

Art. 6. The provisions of Art. 1, Par. 1, Clauses 1 through 3, as well as those of Art. 4, Paras. 1 to 3 inclusive shall not apply to the exercise of the rights and the performance of acts permitted under the rights of the Patent Law, the Utility Model Law, the Design Patent Law and the Trade Mark Law.

Addendum

The date of the enforcement of this law shall be decided by an Imperial Ordinance. (Enforced as of January 1, 1935, by Imperial Ordinance No. 341 of 1934).

FEC-RESTRICTEDEnclosure "B"THE TRADE-MARK LAW

(Promulgated on April 29th, 1921, as Law No. 99 of the year 1922, and enforced as from 11th January, 1922, as amended by Law No. 50 of the year 1929)

(Partially amended by Law No. 15 of the year 1934, and enforced as from 1st January 1935, by Imperial Ordinance No. 345)

(Partially amended by Law No. 4 of the year 1938, and enforced as from 1st August of the same year by Imperial Ordinance No. 521.)

(Partially amended by Law No. 5 of the year 1938, and enforced as from 6th June of the same year by Imperial Ordinance No. 400.)

Art. 1. Whoever desires exclusively to use a trade-mark in order to distinguish merchandise* as being produced, manufactured, worked upon, selected, certified, dealt with or sold by them in connection with their business, may have such trade-mark registered.

In order to be registrable, a trade-mark must consist of written characters, devices, signs or a combination thereof, and must be special and distinctive.

In having a trade-mark registered, it is permissible to limit the colour or colours which may be applied thereto.

Art. 2. The following trade-marks are non-registrable:-

1. Those which contain a device identical with, or similar to, the Imperial Chrysanthemum Crest;
2. Those which are identical with, or similar to, the national flag, the military or naval flags, a decoration (order), an (official) medal for merit or an (official) commemorative medal or those identical with, or similar to, a foreign national flag;
- 2-2. Those which are identical with, or similar to, the crest, the badge of a flag, or other badges (except the badge of the national flag) of a country belonging to the Union for the protection of Industrial Property, and thereof specified by the competent Minister. (This clause added by Law No. 15 of the year 1934, and enforced as from 1st January 1935, by Imperial Ordinance No. 345).
3. Those which are identical with, or similar to, a Red Cross badge on a white ground or the title of, or written characters (words) for, "Red Cross" or "Geneva Cross";
- 3-2. Those which are identical with, or similar to, the seals or the signs for the supervision or the certification by a country belonging to the Union for the Protection of Industrial Property, and thereof specified by the competent Minister; and which are used for identical or similar merchandise. (This clause added by Law No. 15 of the year 1934, and enforced as from 1st January 1935, by Imperial Ordinance No. 345).

* The word Shohin can, in a certain sense, be translated merely as "goods", but "merchandise" is more nearly correct.

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4. Those which are liable to disturb public order or good morals;
5. Those containing a likeness or the name, appellation, or trade-name of another person, except with the consent of such other person;
6. Those which are identical with, or similar to, marks customarily used for identical or similar merchandise;
7. Those which have a device identical with, or similar to, a medal (shohai), a certificate of merit (shojo) or letter of commendation (hojo) awarded by an exhibition held by the Government or the administration of a Do, Fu or Ken, or an equivalent thereto, or with the permission of the Government, or by an exhibition held in a foreign country either by or with the permission of the authorities; except when a recipient of such a medal, certificate of merit, or letter of commendation desires to use the device thereof as a part of his trade-mark;
8. Those which are identical with, or similar to, a mark belonging to another person and widely known among dealers and consumers, and which are used for identical or similar merchandise.
9. Those which are identical with, or similar to, a registered trade-mark of another person and which are used for identical or similar merchandise.
10. Those which are identical with, or similar to, a trade-mark belonging to another person, in respect of which one year has not yet elapsed since its registration ceased to be valid, unless the trade-mark belonging to the other person had not been used for at least one year before its registration ceased to be valid.
11. Those which are liable to cause some merchandise to be mistaken for, or confounded with, other.

Even when a trade-mark is non-registrable because a part liable to be regarded as an essential part does not by itself fulfill the condition of being special and distinctive as provided in par. 2 of the foregoing Article, or comes under No. 6 of the foregoing paragraph, if the applicant states that he claims no right in respect of that part, the trade-mark will be registered.

Art. 3. A trade-mark similar to another trade-mark belonging to the same person, and which is to be used for the same merchandise, or a trade-mark the same as, or similar to another trade-mark belonging to the same person, and which is to be used for merchandise similar (to that for which the latter trade-mark is used) is registered only if application is made for its registration as associated trade-mark.

Art. 4. In case there is a conflict of separate applications for registration in respect of trade-marks which are identical with, or similar to, each other and which are to be used for identical or similar merchandise, registration will be made only for the first applicant; but if the applications are of the same day, registration will be made according to the mutual agreement of the parties, and if no agreement is arrived at none will be registered.

If, in respect of a trade-mark used on merchandise exhibited at an exhibition held by the Government or the administration of a Do, Fu or Ken, or an equivalent thereto, or with the permission of, the authorities in the territory of a country belonging to the Union for the Protection of Industrial Property, the user of such trade-mark applies for the registration thereof within six (6) months from the day of the opening of the exhibition, the application is deemed to have been made on the day of its opening.

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The provisions of the preceding paragraph do not, however, apply to any person who has failed to give the notice required, in cases where it has been provided by Ordinance that previous notice shall be given in regard to exhibits mentioned in the foregoing paragraph.

If it is found necessary to extend protection to trade-marks used on merchandise exhibited at an exhibition, other than the International Exhibitions mentioned in par. 2, held in the territory of a foreign country either by the authorities or with the permission of the authorities, the matter shall be provided for by Imperial Ordinance.

Art. 5. The applicant for registration of a trade-mark shall designate the merchandise on which the trade-mark is to be used, subject to the classification fixed by Ordinance.

Art. 6. The right arising from an application for the registration of a trade-mark can only be transferred together with the business concerned.

If the right arising from an application for the registration of a trade-mark is jointly owned, none of the joint owners can transfer their share therein except with the consent of the other joint owner(s).

Succession to the right arising from an application for the registration of a trade-mark cannot be set up against third persons unless the successor notifies (the Patent Office of) the change in the name of the applicant. If the notifications are of the same day, the mutual agreement of the parties shall govern, and if no agreement is arrived at, the succession can be set up by none of them against third persons.

Art. 7. A trade-mark right comes into existence by registration.

A person entitled to a trade-mark right has the right exclusively to use the trade-mark for the merchandise designated under the provisions of Article 5.

In case a trade-mark conflicts with a design right for which application was made prior to that for the registered trade-mark, if the latter is employed in a certain mode, the person entitled to such trade-mark right cannot use the registered trade-mark in such mode, except with a working permission from the person entitled to the design right.

Art. 8. The effect of a trade-mark right does not extend to the indication by another person by methods in general use of his name, appellation, or trade name, or of the common name of his merchandise, its place of production, grade, quality, efficacy, method of use, manner of manufacture, time of manufacture, quantity, shape or price, except where after the registration of the trade-mark, a name, appellation, or trade-name is used in bad faith.

The effect of a trade-mark right does not extend to that part (of the trade-mark) in respect of which it has been stated under the provisions of Article 2 par. 2, that no right is claimed.

Art. 9. Any person who has, in respect to identical or similar merchandise, used in good faith from before the application for the registration of a registered trade-mark of another person a mark identical with, or similar to, the same, and which is widely known among dealers and consumers, may continue the use thereof, notwithstanding the registration of the trade-mark of the other person. The same applies to a person who has succeeded to the use of the mark together with the business or pursuit.

In the case contemplated in the foregoing paragraph, the person entitled to the trade-mark right may require the user of the mark to add a suitable indication (hyoji) for preventing a confusion of merchandise.

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Art. 10. The period of duration of a trade-mark right terminates in twenty (20) years from the day of registration.

Art. 11. The period of duration mentioned in the foregoing Article may be renewed on the application for a registration of renewal; excepting when the trade-mark under such application falls within the purview of Art. 2, Par. 1, Nos. 1-4, 6, 7 or 11.

Art. 12. A trade-mark right may be transferred only together with the business.

A trade-mark right may be transferred in separate parts with reference to several articles of merchandise specified in accordance with the provisions of Art. 5.

The trade-mark rights in associated trade-marks cannot be transferred separately.

When a trade-mark right is jointly owned, none of the joint owners may transfer their share therein except with the consent of the other joint owner(s).

Art. 13. A trade-mark right is terminated on the abandonment of the business by the person entitled to the trade-mark right.

*The trade-mark right in a trade-mark which has been registered as a foreign registered trade-mark is terminated when the trade-mark right in its home country is terminated.

Art. 14. When it falls within the purview of any one of the following numbers the registration of a trade-mark shall be cancelled by a trial:-

1. If the person entitled to the trade-mark right has, without good reason, not used the trade-mark in the Empire for one (1) year from the day of registration or suspended its use for three consecutive years; excepting when the mark has been used on one of the articles of merchandise designated under the provisions of Art. 5 or when one of a number of associated marks has been used;
2. If the trade-mark right has been transferred otherwise than by succession (inheritance) and application for the registration of the transfer of the trade-mark right has not been made within one (1) year from the day of the transfer.

**The provisions of No. 1 of the foregoing paragraph do not apply to trade-marks registered as foreign registered trade-marks.

* (This paragraph rescinded by Law No. 4 of the year 1938, and made effective on and after 1st August of the same year by Imperial Ordinance No. 521).

** (This paragraph rescinded by Law No. 4 of the year 1938, and made effective on and after 1st August of the same year).

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Art. 15. If a person entitled to a trade-mark right has used his registered trade-mark after purposely making such an addition thereto, or alteration therein, as is liable to cause a mistake or confusion of merchandise, the registration of the trade-mark shall be cancelled by a trial.

A person the registration of whose trade-mark has been cancelled under the provisions of the foregoing paragraph cannot obtain registration of an identical or similar trade-mark for identical or similar merchandise for five (5) years from the day on which the judgment in trial directing cancellation has become finally binding or the Court judgment has been rendered to the same effect.

Art. 16. The registration of a trade-mark shall be declared void by trial when it falls within the purview of any one of the following numbers:--

1. If the registration has been made contrary to any of the provisions of Arts. 1-4 or par. 2 of the foregoing Article;
2. If the registration has been made contrary to the provisions of Article 32 of the Patent Law which in virtue of Art. 24 hereof apply mutatis mutandis (to trade-marks);
3. If the registration has been made on behalf of a person who is not the successor to the right which has arisen from the application for the registration of the trade-mark;
4. If the registration has been made contrary to a treaty, or an equivalent thereto, as specified in Art. 33 of the Patent Law which in virtue of Art. 24 hereof applies mutatis mutandis (to trade-marks), and such contravention is to be regarded in the same light as those set forth in Nos. 1 to 3 inclusive.
5. If the registration has become contrary to the provisions of Art. 32 of the Patent Law, which in virtue of Art. 24 hereof apply mutatis mutandis (to trade-marks), or if it has become contrary to a treaty, or an equivalent thereto, referred to in Art. 33 of the Patent Law, and such contravention is to be regarded in the same light as those mentioned in Nos. 1-3.

When the registration of renewal of the period of duration of a trade-mark right falls within the purview of any one of the following numbers, it shall be declared void by trial:--

1. If it has been made contrary to the proviso of Art. 11;
2. If it has been made in favour of a person other than the person entitled to the trade-mark right.

The registration of a trade-mark, or of a renewal of the period of duration of a trade-mark right, shall be declared void under the provisions of the two preceding paragraphs even after the trade-mark right has been terminated.

Art. 17. In the Patent Office a Trade-mark Register shall be kept in which shall be registered the creation, transfer, alteration and termination of trade-mark rights and other matters specified in Laws and Ordinances.

Regulations respecting registration shall be provided by Ordinance.

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Art. 18. When a decision (by an Examiner) or a judgment in a trial directing that a trade-mark shall be registered has become finally binding, or a Court judgment has been rendered to the same effect, it shall be registered in the Trade-mark Register.

Art. 19. The Patent Office shall publish the Trade-mark Gazette in which shall be announced the particulars prescribed in this Law and other necessary matters relating to registered trade-marks.

Art. 20. Persons for whom a trade-mark is registered shall, at the time of registration, pay a single lump sum of thirty yen (¥30) as a registration fee for each matter.

A person for whom a renewal of the period of duration of a trade-mark right is registered shall, at the time of registration, pay a single lump sum of fifty yen (¥50) as registration fee for each matter.

Art. 21. When an application is made for the registration of a trade-mark or of a renewal of the period of duration of a trade-mark right, an Examiner shall be caused to examine it.

Art. 22. A trial may be demanded in respect of the following matters in addition to those provided in this Law or an Imperial Ordinance issued on the basis of this Law:-

1. Cancellation of the registration of a trade-mark under the provisions of Art. 14, 15 or 31;
2. Invalidity of the registration of a trade-mark or of a renewal of the period of duration of a trade-mark right under the provisions of Art. 16;
3. Determination of the limits of a trade-mark right.

A trial for cancellation under No. 1 of the foregoing paragraph or a trial for invalidity under No. 2 may be demanded only by persons interested or by an Examiner; but an Examiner may not demand a trial for invalidity on the ground that the registration contravenes the provisions of Art. 2, par. 1, Nos. 5 and 8-10, Art. 3 or Art. 4, or that it falls within the purview of Art. 16, par. 1, No. 3, or par. 2, No. 2.

A trial for determination under Par. 1, No. 3 may be demanded only by persons interested..

Art. 23. A trial for invalidity under par. 1, No. 2 of the foregoing Article may not be demanded if five (5) years have elapsed from the day of registration; except on the ground that the registration is contrary to the provisions of Art. 2, par. 1, Nos. 1-4, 6, 7 and 11, the proviso of Art. 11, Art. 15, par. 2 hereof, or Art. 32 or 33 of the Patent Law which in virtue of the provisions of Art. 24 hereof apply mutatis mutandis (to trade-marks), or except on the ground that the registration, made in bad faith, is contrary to the provisions of Art. 2, par. 1, No. 8.

Art. 24. The provisions of Art. 13, Arts. 16-30, Art. 32, Art. 33, Art. 45, Art. 58, pars. 1 and 3, Art. 68, Art. 71, Art. 72, Art. 73, pars. 1, 2 and 4, Arts. 74-77, Arts. 80-83, Arts. 86-105, Art. 107, Arts. 109-115(2), Arts. 117-124 and Art. 128 of the Patent Law apply mutatis mutandis to trade-marks; but the provisions of Art. 73, pars. 1, 2 and 4, and Arts. 74-77 (of the Patent Law) do not apply mutatis mutandis to applications for the registration of a renewal of the period of duration of trade-mark rights. (Amended by Law No. 50 of the year 1929).

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Art. 25. A person who, after a judgment in a trial declaring the registration (of a trade-mark) to be void has become finally binding, or a Court judgment has been rendered to the same effect, has used in good faith, from prior to the registration of a demand for retrial, an identical or similar registered trade-mark widely known among dealers and consumers for identical or similar merchandise, may continue the use of such registered trade-mark, even though the registration thereof has been declared void on the ground that the trade-mark is contrary to the provisions of Art. 2, par. 1, No. 9, because it conflicts with the (the first mentioned) trade-mark whose registration has been restored as a result of retrial. The same applies to a person who has succeeded to the use of the trade-mark in question together with the business.

The provisions of Art. 9, par. 2 apply mutatis mutandis to the case mentioned in the foregoing paragraph.

Art. 26. A person desiring exclusively to use a mark for merchandise in connection with an occupation not conducted for profit may have such mark registered.

Marks under the foregoing paragraph shall be deemed to be trade-marks and shall be governed by the provisions of the Law relating to trade-marks.

Art. 27. A juridical person organized by persons in the same business, or by business men intimately connected, with the object of promoting the common business interests of the members of the body, may have its mark registered as a corporation mark (dantai-hyōshō) in order to enable the members of such body to make exclusive use thereof for the merchandise connected with their business.

Except as otherwise provided in this Law, corporation marks shall be deemed to be trade-marks and shall be governed by the provisions of this Law relating to trade-marks. //

Art. 28. A juridical person desiring to obtain registration of a corporation mark in accordance with the provisions of the preceding Article shall provide in its Articles of Association particulars relating to the use of such corporation mark and obtain the approval of the Director of the Patent Office. The same applies when such particulars are changed.

Art. 29. A claim for damages for an infringement of a corporation mark right includes damages done to the members of the body (organization) also.

Art. 30. In case a juridical person referred to in Art. 27 is amalgamated or divided, if the right arising from an application for the registration of a corporation mark, or a corporation mark right, is to be transferred from one juridical person to another the approval of the Director of the Patent Office shall be obtained. In such case the provisions of Art. 28 apply mutatis mutandis.

Art. 31. In any of the cases referred to in the following numbers, the registration of a corporation mark shall be cancelled by a trial:--

1. If the juridical person has required or suffered the members to use the corporation mark contrary to the provisions of the Articles of Association approved by the Director of the Patent Office under the provisions of Art. 28 or the preceding Article (Art. 30);
2. If the juridical person has required or suffered persons other than the members thereof to use the corporation mark.

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A juridical person, the registration of whose corporation mark has been cancelled under the provisions of the preceding paragraph, cannot obtain registration of an identical or similar corporation mark for identical or similar merchandise for a period of five (5) years from the day of cancellation. In this case the provisions of Art. 16 and Art. 22 apply mutatis mutandis.

Art. 32. A juridical person for which a corporation mark is registered shall, at the time of registration, pay in a single lump sum the sum of one hundred yen (¥100) as a registration fee for each matter.

A juridical person for which a renewal of the period of duration of a corporation mark right is registered shall, at the time of registration, pay in a single lump sum the sum of one hundred and fifty yen (¥150) as a registration fee for each matter.

Art. 33. The provisions of the six (6) preceding Articles (27-32) apply mutatis mutandis when a public juridical person (kō-hojin) desires to obtain registration of a corporation mark in order to cause it to be exclusively used by the business men within its district for merchandise connected with their business.

Art. 34. Persons falling within the purview of any one of the following numbers shall be punished with penal servitude for a period not exceeding five (5) years or a fine not exceeding five thousand yen (¥5000):-

1. Persons who have used for identical or similar merchandise a trade-mark identical with, or similar to, a registered trade-mark of another person, or who have delivered or sold such merchandise or hold it in their possession with the object of delivering or selling same;
2. Persons who have delivered or sold a trade-mark identical with, or similar to, a registered trade-mark of another person with the object of causing it to be used for identical or similar merchandise, or who hold it in their possession with the object of delivering or selling same;
3. Persons who have, with the object of using it or causing it to be used for identical or similar merchandise, counterfeited or imitated a registered trade-mark of another person;
4. Persons who have, with the object of delivering or selling them, imported (either from foreign countries or from the colonies) identical or similar merchandise on which is used a trade-mark identical with, or similar to, a registered trade-mark of another person;
5. Persons who have, with the object of using it, or causing it to be used, for identical or similar merchandise, imported (either from foreign countries or from the colonies) a trade-mark identical with, or similar to, a registered trade-mark of another person;
6. Persons who with the object of counterfeiting or imitating a registered trade-mark of another person or of causing the same to be counterfeited or imitated, manufacture, deliver, sell or hold in their possession tools, implements or appliances* required for the purpose;

* The word "yogu" comprehensively embraces all these terms.

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7. Persons who have, with reference to identical or similar merchandise, used a mark identical with, or similar to, a registered trade-mark of another person in advertisements or sign-boards or in hand-bills, price-lists, etc., used in business or trade documents.

Art. 35. Persons falling within the purview of any of the following numbers shall be punished with penal servitude for a period not exceeding three (3) years or a fine not exceeding three thousand yen (¥3,000):-

1. Persons who have, by means of a fraudulent act, obtained registration of a trade-mark or of a renewal of the period of duration of a trade-mark right, or obtained a judgment in a trial or Court judgment to the same end;
2. Persons who have used on goods an unregistered trade-mark with a marking for a registered trade-mark or with an indication liable to be confounded with a marking for a registered trade-mark, or those who have delivered or sold such goods, or hold them in their possession with the object of delivering or selling same;
3. Persons who have used in advertisements, on signboards or in hand-bills, price-lists, etc. used in business or trade document an unregistered trade-mark with a marking for a registered trade-mark or with an indication liable to be confounded with a marking for a registered trade-mark.

Art. 36. If a lawfully sworn witness, expert or interpreter has made a false statement before the Patent Office, or before a Court or public office requisitioned by the Patent Office, he shall be punished with penal servitude (choeki) for from three (3) months to ten (10) years. (Amended by Law No. 50 of the year 1929).

If a person who has committed an offence under the foregoing paragraph voluntarily denounces himself before a decision (by an Examiner) or judgment in a trial has been given in the case, his penalty may be either commuted or entirely remitted.

Art. 36. (2). Should a person sworn under the provisions of Art. 267, par. 2 or Art. 336 of the Code of Civil Procedure, which apply mutatis mutandis (to trade-marks) in virtue of the provisions of Art. 24 hereof, make a false deposition before the Patent Office, he shall be punished with a fine not exceeding five hundred yen (¥500). (Added by same Law.)

Art. 37. If a witness, expert or interpreter duly summoned by the Patent Office fails, without good reason, to appear or to do his duty, he shall be punished with a fine of not exceeding five hundred yen (¥500). (Amended by same Law.)

Art. 37 (2). Should any person who has been ordered by the Patent Office to produce or exhibit documents or other articles in evidence fail to comply with the order without good cause, he shall be punished with a fine not exceeding five hundred yen (¥500). (Added by same Law.)

Art. 37 (3). The provisions of Arts. 206-208 of the Law Concerning Procedure in Non-contentions Matters apply mutatis mutandis to fines under three preceding Articles. (Added by same Law).

*Art. 38. A person who, without being a Patent Attorney, carries on the business of representation in matters to be done vis-a-vis the Patent Office in connection with trade marks shall be punished with penal servitude for a period not exceeding one (1) year or a fine not exceeding one thousand yen (¥1,000).

FEC-RESTRICTEDSUPPLEMENTARY PROVISIONS

Art. 39. The date of enforcement of this Law shall be fixed by Imperial Ordinance. (Enforced as from January 11, 1922.)

Art. 40. Unless otherwise provided in these supplementary provisions, the registration of trade-marks and of renewal of the period of duration of trade-mark rights, and other dispositions and proceedings made or taken under the old Law shall be deemed to have been made or taken under this Law.

The foregoing paragraph also applies to applications, demands, and other proceedings made or taken under the old Law in respect of trade-marks.

Art. 41. Applications for the registration of trade-marks or of renewal of the period of duration of trade-mark rights and matters relating to the cancellation of registrations of trade-marks actually pending at the time when this Law comes in force shall be dealt with in accordance with the old Law.

As regards the period allowed for stating dissatisfaction with a judgment in a trial served prior to the enforcement of this Law, the old Law shall govern.

Art. 42. As regards the registration of trade-marks or of renewal of the period of duration of trade-mark rights under the old Law, even when the registration has been made subsequent to the enforcement of this Law, the provisions of Art. 11 of the old Law shall remain effective, and within the scope of the application of the provisions of the said Article the provisions of the old Law mentioned in the said Article will also remain effective; and the registration shall be declared void by trial only when it falls within the purview of the provisions of the said Article. In such case the provisions of par. 2 of the Supplementary Provisions of the old Law shall remain effective and, within the scope of the application of the provisions of the said paragraph, the provisions of the old Law mentioned in the said paragraph shall still remain effective.

Art. 43. In regard to the registration of a trade-mark or renewal of the period of duration, of a trade-mark right prior to the enforcement of this Law, a trial for invalidity under the foregoing Article on the ground that the registration is contrary to the provisions of Art. 1 or Art. 2, No. 5 of the old Law may not be demanded when five (5) years have elapsed from the day of enforcement of this Law.

A trial for invalidity under the foregoing Article on the ground that the registration is contrary to the provisions of Art. 2, No. 8 or 9, Art. 3, or Art. 4, par. 2 of the old Law cannot be demanded when three (3) years have elapsed from the day on which the registration of the trade-mark or of renewal of the period of duration of the trade-mark right was published in the Trade-mark Gazette.

Art. 44. Even after the enforcement of this Law, persons who have committed an offence under Art. 23 of the old Law prior to the enforcement of this Law shall not be prosecuted except upon complaint.

* (This Article rescinded by Law No. 5 of the year 1938, and effective on and after 6th June of the same year by Imperial Ordinance No. 400.)

FEC-RESTRICTEDSUPPLEMENTARY PROVISIONS

(TO LAW NO. 50 OF THE YEAR 1929).

The date of enforcement of this Law shall be fixed by Imperial Ordinance. (Enforced as from October 1, 1929).

This Law shall apply even to matters which have arisen prior to its enforcement of this Law, but without prejudice to the effects produced in accordance with the former provisions.

The revised provisions of Art. 17 (2) of the Patent Law which apply mutatis mutandis (to trade-marks) by virtue of the provisions of Art. 24 hereof shall apply also to representation by mandate respecting which one of the facts mentioned in the said Article has arisen prior to the enforcement of this Law, but a registration has not been obtained, or no notice has been given, of the termination of powers of representation prior to the enforcement of this Law.

A person on whom a rule has been passed on a complaint prior to the enforcement of this Law may make a further complaint in accordance with the former provisions.

In case a proceeding, for which a period has been newly fixed by this Law, is to be taken upon the enforcement of this Law, such period is calculated from the day of enforcement of this Law.

A person who committed prior to the enforcement of this Law an act punishable with a fine in accordance with the former provisions, but who has not yet been adjudicated upon therefor at the time of enforcement of this Law, shall be dealt with under this Law only when he is punishable under this Law, but the amount of fine must not exceed that under the former provisions.

C1-222/6FEC-RESTRICTEDC1-222/622 November 1948FAR EASTERN COMMISSIONCOMMITTEE NO. 1: REPARATIONSPATENTS IN JAPAN
New York Times ArticleNote by the Secretary General

The enclosure, a newspaper article on patents in Japan which appeared in the New York Times on 21 November 1948, is circulated herewith for the information of COMMITTEE NO. 1: REPARATIONS.

NELSON T. JOHNSON
Secretary General

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E N C L O S U R E

PATENTS IN JAPAN
New York Times Article

RULE ON PATENTS ASKED FOR JAPAN

Reviving of U. S. Participation
in Industry There Awaits
Clarification of Rights

By Thomas F. Conroy

Clarification of the patent situation in Japan is one of the vital steps toward restoration of the economy of that country and toward a revival of participation of American companies in industrial progress there, it was said here last week.

W. E. F. Bradley of the Otis Elevator Company, chairman of the Patents, Trade Marks and Copyright Committee of the National Foreign Trade Council, pointed out that none of the big American companies as yet has resumed pre-war activities in Japan. He ascribed this as largely due to the patents and tax situation.

Mr. Bradley indicated that his committee will soon renew conversations with the State Department on recommendations sponsored by the council to clarify and improve the procedure with respect to patents. He added that before the war, American companies had many patent rights in Japan, with the number held by individual companies frequently running to 500 or more.

Office Is Re-established

He pointed out that the Japanese patent office now has been re-established to accept and process applications from foreigners as well as from Japanese nationals. However, the patents committee of the council is putting these recommendations before the State Department:

1. That the terms of all patents in force when war came be extended for approximately seven years.
2. That priority rights in effect Dec. 7, 1941, be extended for seven years, plus an additional period of approximately nine months.
3. That all patents canceled by Japanese war legislation be reinstated.
4. That all taxes for the period Dec. 7, 1941, to Dec. 1, 1948, be waived.
5. That there be no compulsory licensing of patents by the Japanese Government, or any other plan set up for diminishing the value of the right "to exclude."

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6. That foreigners have restored to them the right to enter into licensing agreements and technical service agreements with Japanese nationals or to resume or modify agreements existing on Dec. 7, 1941.

While radical changes in the Japanese patent law are not expected to be carried out, the committee favors four modifications. These are: (1) the unusually severe penalties should be made less stringent; (2) provisions for "opposition proceeding," tending to encourage litigation, should be eliminated; (3) the requirement for payment of annual taxes, which frequently imposes hardships on investors of limited resources, should be eliminated; (4) the provisions for the working of patents should be eliminated from the law.

In addition to the general trend away from such requirements, the practical reason for their deletion may be found in the time lag between invention and production on any given product. Mr. Bradley pointed out that these modifications would make the Japanese requirements conform more nearly to United States patent law.

Strong disapproval has been voiced by the committee, Mr. Bradley added, of the principle in carrying out the Far East Commission directive permitting technical representatives of the eleven member governments of the commission, including Russia to take copies of technical and scientific processes of Japanese origin and ownership which were developed prior to Dec. 31, 1945.

In effect, this was said to permit representatives of the commission to inspect the factory and laboratories of Japanese companies and take and make copies of any drawings, plans and specifications provided they were originated by Japanese prior to Dec. 31, 1945. But, it was added, the difficulty is that the "know-how" ascribed to Japanese is commingled with the know-how of other countries, including the United States.

It was said to be so commingled, in fact, that it is almost impossible to detect the distinction between Japanese and foreign portions. One industrial executive in this connection estimated that 90 per cent of the know-how in Japan came from outside countries.

SCAP, it was added, reserves the right to reject any application under this directive which would affect any organization beneficially owned by Americans, but the point was made that because of complicated corporate set-ups it would be extremely difficult or almost impossible to know where the rights to any specific technical process might lie, or how it originated.

C1-222/7FEC-RESTRICTEDC1-222/724 November 1948FAR EASTERN COMMISSIONCOMMITTEE NO. 1: REPARATIONSREGISTRATION OF FOREIGN TRADE-MARK PROPERTIES IN JAPAN
SCAP Directive and Relating Press Release
(References: 284 series, C1-222/4)Note by the Secretary General

1. The enclosures, information regarding SCAP permission to the Japanese Board of Patents to accept foreign applications for the registration of trade-mark properties, are circulated herewith for the information of Committee No. 1: Reparations.

2. Enclosure "A" contains a SCAP directive to the Japanese Government dated 5 October 1948.

3. Enclosure "B" contains a press release from the Public Information Office of General Headquarters of the Far East Command, dated 12 October 1948.

NELSON T. JOHNSON
Secretary General

C1-222/7

FEC-RESTRICTEDENCLOSURE "A"SCAP DIRECTIVE TO THE JAPANESE GOVERNMENT

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS
APO 500

AG 072 (23 Dec 47)CPC/FP
SCAPIN 5981-A/1

5 October 1948

MEMORANDUM FOR: JAPANESE GOVERNMENT

SUBJECT: Registration of Trademark Properties

1. Reference is made to memorandum for the Japanese Government, file AG 072 (23 Dec 47)CPC/FP, SCAPIN 5981-A, 7 September 1948, subject, "Registration of Patent Properties," from General Headquarters, Supreme Commander for the Allied Powers.

2. There is no objection to the Board of Patents accepting and processing, under existing Japanese Trademark Laws, applications for registration of trademarks by any persons outside of Japan, with such priority rights as are provided under the provisions of Article 4 of the International Convention for the Protection of Industrial Property.

FOR THE SUPREME COMMANDER:

R. M. Levy

/s/ R. M. LEVY,
Colonel, AGD,
Adjutant General

FEC-RESTRICTEDENCLOSURE "B"

PRESS RELEASE FROM THE PUBLIC INFORMATION OFFICE OF GENERAL HEADQUARTERS OF THE FAR EAST COMMAND, DATED 12 OCTOBER 1948

GENERAL HEADQUARTERS
FAR EAST COMMAND
Public Information Office

Press Release:

12 October 1948
1330APPLICATIONS ACCEPTED IN JAPAN FOR FOREIGN TRADEMARKS

Foreign applications for the registration of trademark property rights may now be accepted by the Japanese Patent Office and processed under the Japanese law, it was announced today by SCAP.

Heretofore, the acceptance of applications for registration of trademarks from persons outside of Japan has been prohibited. A SCAP directive to the Japanese Government removes all restrictions on the filing of such applications and permits the Board of Patents to register trademarks in the names of foreign applicants under the provisions of the Japanese law and the International Convention for the Protection of Industrial Property.

A prior SCAP directive to the Japanese Government removed all restrictions on the acceptance of applications for registration of patents, utility models, and designs from persons outside of Japan.

Col. E. C. Miller Jr., Deputy Civil Property Custodian, pointed out that, as a result of the new directive, a foreign applicant for trademark property registration in Japan will receive the benefits of the priority provisions of the International Convention. These provide, in effect, that an applicant for the registration of a trademark who has filed application in another member country within six months preceding shall have priority rights over a Japanese user of the trademark who may have filed an application during this period.

Since most of the leading industrial countries are members of the International Convention, this means that persons, residents or doing business in those countries, may obtain the protection of registration in Japan of trademarks filed for registration in member countries within the past six months.

As a result of this important forward step in property administration, persons outside of Japan may export their recently trademarked products to Japan, Colonel Miller pointed out, with full protection under Japanese laws against copying or simulation of such trademarks by Japanese firms.

However, the Deputy Civil Property Custodian stated that, under existing Japanese laws, no priority rights can be enjoyed by applicants who filed in their home countries more than six months prior to filing in Japan. No change in these regulations has been made by SCAP's new trademark directive. Officials of the Japanese Patent Office expressed their enthusiastic approval of SCAP's action in completing the reopening of the Patent Office for normal functioning with regard to acceptance of new applications for all patent and trademark property rights from persons outside of Japan.

Mr. Harrison
C1-222/8FEC-RESTRICTEDC1-222/824 November 1948FAR EASTERN COMMISSIONCOMMITTEE NO. 1: REPARATIONSJAPANESE INFRINGEMENT OF ALLIED TRADE-MARKS AND COPYRIGHTS
SCAP Directive and Press Release
(Reference: FEC-284, Enclosure "A")Note by the Secretary General

1. The enclosures, information regarding SCAP action on Japanese infringement of Allied trade-marks and copyrights, is circulated herewith for the information of Committee No. 1: Reparations.

2. Enclosure "A" contains a SCAP directive to the Japanese Government on trade-mark infringement dated 2 October 1948.

3. Enclosure "B" contains a SCAP directive to the Japanese Government on copyright infringement dated 2 October 1948.

4. Enclosure "C" contains a press release from the Public Information Office of General Headquarters of the Far East Command dated 27 September 1948.

NELSON T. JOHNSON
Secretary General

C1-222/8

FEC-RESTRICTEDENCLOSURE "A"SCAP DIRECTIVE TO THE JAPANESE GOVERNMENT ON
TRADE-MARK INFRINGEMENT DATED 2 OCTOBER 1948GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS
APO 500AG 072 (14 Sep 48)CFC/FP
SCAPIN 6061-A

2 October 1948

MEMORANDUM FOR: JAPANESE GOVERNMENT

SUBJECT: Application of Directives to Trademarks

1. Reference is made to the following memoranda for the Japanese Government from General Headquarters, Supreme Commander for the Allied Powers:

a. File AG 091.112 (13 Sep 45)MG, SCAPIN 26, 13 September 1945, subject, "Protection of Allied and Axis Property"

b. File AG 130 (22 Sep 45)ESS, SCAPIN 45, 22 September 1945, subject, "Control of Financial Transactions"

c. File AG 072 (10 Jun 47)CFC/FP, SCAPIN 1726, 10 June 1947, subject, "Application of Directives to Patents, Utility Models, Trade-marks, Designs and Copyrights."

2. Attention is directed to the fact that proper protection has not been afforded by the Japanese Government to trademarks registered on 7 December 1941 in the names of Allied nationals as required by references 1a and 1c above. Infringement of trademark registered in the name of the Singer Manufacturing Company, Elizabeth, New Jersey by the firm listed below has been reported to General Headquarters, Supreme Commander for the Allied Powers:

The Japan Singer Chain-Store, Ltd
Yoshimoto Highclass Custom Tailor's Store
No. 4, 2-chome, Sawakami-cho, Atsuta-ku
Nagoya, Japan

3. The Japanese Government is directed to take all steps necessary to prevent the continuance of the trade mark infringements set forth in paragraph 2 above.

4. Details of action taken will be reported to General Headquarters, Supreme Commander for the Allied Powers prior to 25 October 1948.

FOR THE SUPREME COMMANDER:

/s/ A. J. Rehe

for: R. M. LEVY
Colonel, AGD
Adjutant General

FEC-RESTRICTEDENCLOSURE "B"SCAP DIRECTIVE TO THE JAPANESE GOVERNMENT
ON COPYRIGHT INFRINGEMENT DATED 2 OCTOBER 1948GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS
AFO 500AG 072 (2 Oct 48)CPC/FP
SCAPIN 6063-A

2 October 1948

MEMORANDUM FOR: JAPANESE GOVERNMENT

SUBJECT: Application of Directives to Copyrights

1. Reference is made to the following memoranda for the Japanese Government from General Headquarters, Supreme Commander for the Allied Powers:

a. File AG 091.112 (13 Sep 45)MG, SCAPIN 26, 13 September 1945, subject, "Protection of Allied and Axis Property"

b. File AG 130 (22 Sep 45)ESS, SCAPIN 45, 22 September 1945, subject, "Control of Financial Transactions"

c. File AG 072 (10 Jun 47) CPC/PP, SCAPIN 1726, 10 June 1947, subject, "Application of Directives to Patents, Utility Models, Trademarks, Designs and Copyrights."

2. Attention is directed to the fact that proper protection has not been afforded by the Japanese Government to copyrights owned on 7 December 1941 by Allied nationals as required by references 1a and 1c above. Infringements by Japanese publishers since 2 September 1945 of copyrights owned by Allied national publishers and authors listed in Schedule "A" attached hereto have been reported to General Headquarters, Supreme Commander for the Allied Powers.

3. The Japanese Government is directed to take all steps necessary to prevent the continuance of the copyright infringements set forth in paragraph 2 above.

4. The Japanese Government is further directed to submit on or before 25 October 1948 to General Headquarters, Supreme Commander for the Allied Powers, complete and accurate records of the number of volumes published and the retail sales catalogue price at which each was sold by the Japanese publishers mentioned in paragraph 2 above. Existing stocks of books listed in Schedule "A" may be sold or disposed of, but hereafter no foreign books shall be published without the prior permission of the copyright owner and General Headquarters, Supreme Commander for the Allied Powers.

5. The Japanese Government is further directed to assess and collect from the Japanese publishers listed in Schedule "A" a royalty of not less than ten percent (10%) of the retail sales catalogue price of each book as published without copyright permission, and will deposit said royalties in the Custody Account

AG 072 (2 Oct 48)CPC/FP
SCAPIN 6063-A

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of the Supreme Commander for the Allied Powers in the Bank of Japan. Proper evidence of these deposits, and the method of computing same, shall be furnished to General Headquarters, Supreme Commander for the Allied Powers, on or before 25 October 1948. These deposits shall constitute tentative payment only, and shall not preclude the copyright owners listed in Schedule "A" from filing claims against the Japanese Government through such channels as may be established now or hereafter.

FOR THE SUPREME COMMANDER:

/s/ A. J. Rehe

for: R. M. LEVY
Colonel, AGD
Adjutant General

1 Incl
Schedule "A"
(Addressee only)

FEC-RESTRICTEDENCLOSURE "C"

PRESS RELEASE FROM THE PUBLIC INFORMATION OFFICE OF
GENERAL HEADQUARTERS OF THE FAR EAST COMMAND
DATED 27 SEPTEMBER 1948

GENERAL HEADQUARTERS
FAR EAST COMMAND
Public Information Office

Press Release:

1630
27 September 1948

SCAP CLAMPS DOWN ON MISUSE OF COPYRIGHTS

SCAP, in a directive to the Japanese Government, reminded the Japanese that proper protection has not been given to copyrights owned on Dec. 7, 1941, by Allied nationals, and further directed the Japanese to take appropriate steps to prevent continuance of such violations.

The SCAP memorandum directed the Japanese Government to submit to General Headquarters on or before Oct. 15, a complete and accurate record of the number of volumes published, the retail sales catalog price and the methods used in computing these records. A royalty assessment of not less than ten percent of the retail price will be levied on these books.

However, the Japanese will be permitted to sell from existing stocks. Future publication of foreign copyrighted books will not be permitted without prior approval of both the copyright holder and SCAP.

Enclosure "C"

- 4 -

C1-222/8 - END

CI-222/9FEC-RESTRICTEDCI-222/99 March 1949FAR EASTERN COMMISSIONCOMMITTEE NO. 1: REPARATIONSPREVENTION OF FALSE INDICATIONS OF ORIGIN ON GOODS
Agreement of Madrid
(Reference: CI-332)Note by the Secretary General

1. The enclosure, the text of the Agreement of Madrid for the Prevention of False Indications of Origin on Goods, is circulated herewith for the information of Committee No. 1: Reparations.

2. The enclosure is the last revision of the original agreement, and was signed at London on 2 June 1934.

NELSON T. JOHNSON
Secretary General

CI-222/9

FEC-RESTRICTED

PREVENTION OF FALSE INDICATION OF ORIGIN ON GOODS
Agreement of Madrid

The undersigned, duly authorised to that effect, have drawn up, in common accord, the following text, which shall be substituted for the Agreement of Madrid of the 14th April, 1891, revised at Washington on the 2nd June, 1911, and at The Hague on the 6th November, 1925, that is to say:-

ARTICLE 1.

1. All goods bearing a false indication, by which one of the countries to which the present Agreement applies, or a place situated therein, shall be directly or indirectly indicated as being the country or place of origin, shall be seized on importation into any of the said countries.
2. The seizure shall take place either in the country where the false indication of origin has been applied, or in that into which the goods bearing the false indication may have been imported.
3. If the law of any country does not permit seizure on importation, such seizure shall be replaced by prohibition of importation.
4. If the law of any country does not permit either seizure upon importation, or the prohibition of importation, or seizure in the interior, and pending the requisite amendment of that law, these measures shall be replaced by the remedies assured in such case by the law of such country to its nationals.
5. In the absence of any special penalties ensuring the repression of false indications of origin, the penalties provided by the corresponding stipulations of the laws relating to marks or trade names shall be applicable.

ARTICLE 2.

1. The seizure shall be made by the Customs Authorities, who shall immediately inform the person interested, whether an individual or a body of persons corporate or unincorporate, in order that such person may, if he so desires, take appropriate steps to confirm the seizure made as a protective measure. Nevertheless, the Public Prosecutor or any other competent authority may demand the seizure either at the request of the party injured or in their official capacity; the procedure shall then follow its ordinary course.
2. The Authorities are not bound to effect the seizure of goods in transit.

ARTICLE 3.

The present stipulations shall not prevent the vendor from indicating his name or address upon goods coming from a country other than that in which the sale takes place, but in such case the address or the name must be accompanied by a clear ~~indication~~.

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indication in legible characters of the country or place of manufacture or production, or by some other indication sufficient to avoid any error as to the true origin of the goods.

ARTICLE 3 bis

The countries to which the present Agreement applies similarly undertake to prohibit the use in connection with the sale or exposing or offering for sale of any goods, of all indications in the nature of publicity capable of deceiving the public as to the origin of the goods, and appearing on signs, advertisements, invoices, wine lists, business letters or papers or any other commercial communication.

ARTICLE 4.

The tribunals of each country will decide what appellations on account of their generic character, do not fall within the provisions of the present Agreement, regional appellations concerning the origin of products of the vine being, however, not comprised in the reserve specified by this article.

ARTICLE 5.

1. Countries belonging to the Union for the Protection of Industrial Property, which have not acceded to the present Agreement, shall be allowed to accede on their demand in the manner prescribed by Article 16 of the general Convention.
2. The provisions of Articles 16 bis and 17 bis of the general Convention are applicable to the present Agreement.

ARTICLE 6.

1. The present Act shall be ratified and the instruments of ratification deposited in London not later than the 1st July, 1938. It shall come into force, between the countries in whose names it shall have been ratified, one month after that date. Nevertheless, if before that date it has been ratified in the name of at least six countries, it shall come into force, between those countries, one month after the deposit of the sixth ratification has been notified to them by the Government of the Swiss Confederation, and in the case of countries in whose names it shall have been ratified at a later date, one month after the notification of each of such ratifications.
2. The countries in whose names the instrument of ratification has not been deposited within the period contemplated by the preceding paragraph shall be entitled to adhere under the terms of Article 16 of the general Convention.
3. The present Act shall, as regards the relations between the countries to which it applies, replace the Agreement concluded at Madrid on the 14th April, 1891, and the subsequent Revisions.
4. As regards the countries to which the present Act does not apply, but to which the Agreement of Madrid revised at The Hague in 1925 applies, the latter shall remain in force.
5. Similarly, as regards countries to which neither the present Act nor the Agreement of Madrid revised at The Hague applies, the Agreement of Madrid revised at Washington in 1911 shall remain in force.

C1-222/10FEC-RESTRICTEDC1-222/1011 April 1949FAR EASTERN COMMISSIONCOMMITTEE NO. 1: REPARATIONS

COPYRIGHTS IN JAPAN
Law and Regulations
(Reference: C1-222/3)

Note by the Secretary General

1. The enclosures, the law and regulations relating to copyrights in Japan, are circulated for the information of Committee No. 1: Reparations.
2. Enclosure "A" contains the Copyright Law of 1899, as amended.
3. Enclosure "B" contains the Enforcement Regulations of the Copyright Law.
4. Enclosure "C" contains reference to the law and enforcement regulations for intermediary business concerning copyrights.

NELSON T. JOHNSON
Secretary General

C1-222/10

ENCLOSURE "A"THE LAW OF COPYRIGHT OF JAPAN

PROMULGATED ON MARCH 4th, 1899, AS LAW NO. 39 OF THE YEAR 1899.
AS AMENDED BY LAW NO. 63 OF THE YEAR 1931.
AS AMENDED BY LAW NO. 48 OF THE YEAR 1934.
AS AMENDED BY LAW NO. 35 OF THE YEAR 1941.

CHAPTER I.RIGHTS OF AUTHORS

ARTICLE 1. The author of a work belonging to the domain of writing, speech, drawing and painting, architecture, sculpture, model, photograph, performance, singing and other forms of literature, science or art (including music; the same being applicable to subsequent instances) shall monopolize the right to effect reproduction of his work.

Copyright of a work of literature or science shall include the right of translation and copyright of various dramatic works and of musical compositions shall include the right of public performance.

ARTICLE 2. Entire copyright or a portion thereof may be assigned.

ARTICLE 3. Copyright of a work published or publicly performed shall last during the life of its author and for thirty years after his death.

Copyright of a work produced by the collaboration of two or more persons shall last for thirty years after the death of the person who dies last.

ARTICLE 4. Copyright of a work published or publicly performed after the death of its author shall last for thirty years from the time of such publication or public performance.

ARTICLE 5. Copyright of an anonymous or pseudonymous author shall last for thirty years from the time of publication or public performance; provided, however, that the provisions of Article 3 shall be followed if the author has had his true name registered within the time limit set above.

ARTICLE 6. Copyright of a work published or publicly performed by a government or public office, school, shrine or temple, association, company or any other organization as its author shall last for thirty years from the time of publication or public performance.

ARTICLE 7. If the owner of a copyright does not publish a translation within ten years from the time of publication of the original work, his right of translation shall cease to exist.

If the owner of a copyright publishes, within the time limit stated in the preceding paragraph, a translation in the language for which he wants to obtain protection, the right of translation into such language shall not cease to exist.

ARTICLE 8. In respect of a work published in regularly succeeding volumes or numbers, the time limit stated in the preceding four Articles shall be calculated from the time of publication of each volume or number.

In respect of a work, a part of which is published in regular order and the whole work is to be completed, the time limit stated in the preceding four Articles shall be calculated from the time of publication of the last part; provided, however, that if, after the expiration of three years, the part to be continued is not yet published, the part already published shall be deemed the last part.

ARTICLE 9. Regarding the calculation of the period of copyright in the cases stated in the preceding six Articles, the calculation shall start from the year after the year of the author's death or the year of publication or public performance of the work.

ARTICLE 10. Copyright shall cease to exist in cases where there is no successor.

ARTICLE 11. Those enumerated below can not be the object of copyright:

1. Laws, Ordinances and Governmental documents;
2. Miscellaneous reports and articles reporting current events published in a newspaper or magazine;
3. Speeches made in law courts, diet or assemblies, or political meetings open to the public.

ARTICLE 12. The publisher or producer of an anonymous or pseudonymous work may preserve the rights belonging to the owner of the copyright; provided, however, that cases where the author has his true name registered are excepted.

ARTICLE 13. Copyright of a work produced by the collaboration of two or more persons shall belong to the joint ownership of each author.

In cases where the part, of which each author has taken charge, is not clear, if one of the authors refuses publication or public performance, the other authors may acquire his share of ownership, paying indemnity to such author; provided, however, that cases where there is a contract to the contrary are excepted.

In cases where the part, of which each author has taken charge, is clear, if one of the authors refuses publication or public performance, the other authors may publish or publicly perform the work as an independent work, separating their own parts; provided, however, that cases where there is a contract to the contrary are excepted.

In the case stated in Paragraph 2 of this Article the name of the author who refuses publication or public performance can not be stated in the work against his will.

ARTICLE 14. A person who has legally compiled various works (of different persons) shall be deemed the author of the work so compiled and shall own the copyright for the work as a whole only; provided, however, that the copyright for each part thereof shall belong to the respective author.

ARTICLE 15. Succession, assignment and pledge of copyright can not be set up against a third person without registration thereof.

The author of an anonymous or pseudonymous work may have his true name registered regardless of whether he actually owns its copyright or not.

The author may have the date of production of his work registered regardless of whether he actually owns its copyright or not.

ARTICLE 16. Registration shall be effected by the Administrative Office. Regulations regarding registration shall be fixed by Ordinance.

ARTICLE 17. The original of a work not yet published or publicly performed and the copyright therefor shall not be seized by a creditor; provided, however, that cases where the owner of the copyright has agreed to it are excepted.

ARTICLE 18. In cases where the work of a third person is to be published or publicly performed during the lifetime of the author, the name and title of the author can not be altered or concealed, the work revised or otherwise altered or its title changed, without obtaining the consent of the author, regardless of whether he actually owns the copyright or not. In cases where the work of a third party is to be published or publicly performed, after the death of the author, even when the copyright has ceased to exist, the feelings of the author shall not be hurt by revising or otherwise altering his work, nor shall its title be altered, nor the name and title of the author be altered or concealed.

The provisions of the preceding two Paragraphs shall apply to the cases stated in Article 20; Article 20 (2); Article 22 (5), Paragraph 2; Article 27, Paragraphs 1 and 2; Article 30, Paragraph 1, Nos. 2 - 9.

ARTICLE 19. A new copyright shall not be created by adding marks for reading, side annotations with syllabary (Kana), punctuations, criticisms, explanatory notes, supplements, drawings and paintings, or otherwise making alterations, additions, omissions or adaptations; provided, however, that those which are deemed new works are excepted.

ARTICLE 20. Articles discussing political questions of current events published in a newspaper or magazine (excluding scientific works) may be reproduced, indicating clearly their sources, in another newspaper or magazine, unless prohibition of reproduction is specially stated.

ARTICLE 20. (2) Open speeches in respect of questions of current events may be published in a newspaper or magazine, indicating clearly the name of the speaker and the time and place of the speech; provided, however, that in cases where the speeches of the same speaker are compiled together, his consent shall be obtained.

ARTICLE 21. A translator shall be deemed an author and enjoy protection under this Law; provided, however, that the rights of the original author shall not be prejudiced thereby.

ARTICLE 22. A person who has legally effected reproduction of an artistic work by a technique different from that of the original author shall be deemed an author and enjoy protection under this Law.

ARTICLE 22. (2) Copyright of a work belonging to the domain of literature, science or art shall include the right to effect reproduction of such work by means of cinematograph or some methods analogous thereto (including the case of making a cinema by dramatizing it) and to publicly present it.

ARTICLE 22. (3) The author of a work produced by means of cinematograph or some methods analogous thereto shall be deemed the author of a work belonging to the domain of literature, science or art and enjoy protection under this Law. In respect of the period of protection, the provisions of Articles 3 - 6 and Article 9 shall apply to those which have originality and the provisions of Article 23 shall apply to those which lack originality.

ARTICLE 22. (4) A person who has effected reproduction of a work of a third person by means of cinematograph or some methods analogous thereto (including the case of making a cinema by dramatizing it) shall be deemed the author and enjoy protection under this Law; provided, however, that the rights of the original author shall not be prejudiced thereby.

ARTICLE 22. (5) Copyright of a work belonging to the domain of literature, science or art shall include the right to give consent to broadcast the work by radio.

When a person, who has radio for broadcasting installed with the permit of the competent Minister in accordance with the Wireless Telegraph Law and Ordinances issued on the basis of such Law, intends to broadcast a work of a third person already published or publicly performed, he shall consult the owner of the copyright. If no agreement is reached, he may broadcast such work by paying some reasonable amount of indemnity fixed by the competent Minister in accordance with the provisions of Ordinance.

A person who objects to the amount of the indemnity stated in the preceding Paragraph may bring action in a civil court.

ARTICLE 22. (6) Copyright of a work belonging to the domain of literature, science or art shall include the right of adaptation of the sound to instruments to be used for mechanically reproducing the sound work and of public performance by such instruments.

ARTICLE 22. (7) A person who has legally effected adaptation of a work of a third person to instruments to be used for reproducing the sound mechanically shall be deemed the author and shall have the copyright only in connection with such instruments.

ARTICLE 23. Copyright of a photograph shall last for ten years.

The period under the preceding Paragraph shall be calculated from the year after the year when such work is first published. If no publication is effected, the period shall be calculated from the year after the year when the negative is made.

A person who has legally effected reproduction of an artistic work by means of photography shall enjoy protection under this Law for the period as the copyright of the original work: provided, however, that if there is an agreement between the parties concerned, restrictions under such agreement shall be followed.

ARTICLE 24. Copyright of a photograph, inserted in a work of literature or science and which is produced or is ordered to be produced specially for the purpose of such work, shall belong to the author of such work of literature or science and last for the same period as the copyright of the latter.

ARTICLE 25. Copyright of a portrait photograph produced at the request of a third person shall belong to the person who has made the request.

ARTICLE 26. The provisions pertaining to photographs shall apply, mutatis mutandis, to works produced by a method analogous to photography.

ARTICLE 27. A work, the owner of the copyright of which is not known and which has not yet been published or publicly performed, may be published or publicly performed in accordance with the provisions of Ordinance.

If it is impossible to consult the owner of the copyright on account of reasons provided for by Ordinance, including cases where the dwelling place of the owner of the copyright is not known, the work may be published or publicly performed after depositing a reasonable amount of indemnity fixed by the competent Minister in accordance with the provisions of Ordinance.

A person who objects to the amount of indemnity stated in the preceding Paragraph may bring action in a civil court.

ARTICLE 28. In respect of the copyright of an alien the provisions of this Law shall be applied, excepting cases where there are special provisions in a treaty; provided, however, that in cases where there is no provision regarding protection of copyright in the treaty, only the person who has first published the work in this country shall enjoy protection under this Law.

CHAPTER II.

RIGHT OF PUBLICATION

ARTICLE 28. (2) The owner of a copyright may establish the right of publication against a person who undertakes to publish his work as a writing, drawing or painting.

ARTICLE 28. (3) Subject to the terms of the act of establishment (agreement), the owner of a right of publication shall monopolize the right to reproduce the work which is the object of the right of publication, as a writing, drawing or painting and in the same state as the original work, by means of typography or other mechanical or chemical methods and to sell and circulate them; provided, however, that in cases where the author who is the owner of the copyright is dead or where there is no special term in the act of establishment, the owner of the copyright may compile his work in a collected work of other compiled work or publish his work specially separating a part of a collected work or other compiled work, if three years have expired after the establishment of the right of publication.

ARTICLE 28. (4) Right of publication shall subsist for three years after the time of its establishment unless there is a special term in the act of establishment.

ARTICLE 28. (5) The owner of right of publication shall be liable to publish the work within three months after the time of establishment of the right of publication; provided, however, that cases where there is a special term in the act of establishment are excepted.

When the owner of the right of publication has violated the obligation under the preceding Paragraph, the owner of the copyright may request extinction of the right of publication.

ARTICLE 28. (6) The owner of a right of publication shall be liable to publish the work continuously; provided, however, that cases where there is a special term in the act of establishment are excepted.

When the owner of the right of publication has violated the obligation under the preceding Paragraph, the owner of the copyright may demand its fulfillment, fixing a time limit of three months or more and may request extinction of the right of publication if no fulfillment is effected within such time limit.

ARTICLE 28. (7) The author may make, within a reasonable limit, alteration, additions or omissions in his work until the owner of the right of publication completes reproduction of each edition of the work.

In cases where the owner of a right of publication publishes a new edition of a work, he must notify each time in advance the fact to the author.

ARTICLE 28. (8) The owner of a copyright may request at any time extinction of the copyright, paying damages in order to abolish publication of his work.

ARTICLE 28. (9) Right of publication may be assigned or pledged by obtaining the consent of the owner of the copyright.

ARTICLE 28. (10) Acquisition disposal, alteration and pledge of a right of publication can not be set up against a third person without registration thereof.

The provisions of Article 16 shall apply, mutatis mutandis, to the registration of a right of publication.

ARTICLE 28. (11) In respect of infringement of a right of publication, the provisions pertaining to pirated works, excepting the provisions of Article 34 and Article 36 (2) shall be applied.

CHAPTER III.

PIRATED WORKS.

ARTICLE 29. A person who has infringed a copyright shall be a pirate author and liable to indemnify the damage caused thereby in accordance with the provisions of Book III, Chapter V of the Civil Code, apart from the liabilities provided in this Law.

ARTICLE 30. To effect reproduction, by means of one of the following methods, of a work already published shall not be deemed pirated work:

- No. 1 - To effect reproduction without intention to publish and not by means of mechanical or chemical methods;
- No. 2 - To quote in one's own work a part of another's work within a reasonable limit, modifying it;
- No. 3 - To effect extracts and compile parts of a work within a reasonable limit in order to provide for the aims of a book of ethics and of reading to be used for common education;
- No. 4 - To insert in a dramatic work or musical composition produced by himself wordings of a work of literature or science;
- No. 5 - To insert an artistic work as material for explaining a work of literature or science, or to insert a work of literature or science as material for explaining an artistic work;
- No. 6 - To make a sculptural model after a drawing or painting, or to make a drawing or painting after a sculptural model;
- No. 7 - To provide a dramatic work or musical composition for a public performance without the object of making profit and for which the performers do not receive remuneration, or to broadcast such public performance;
- No. 8 - To provide for public performance or broadcasting an adaptation of a work legally effected to instruments used for reproducing the sound mechanically;
- No. 9 - To effect reproduction for the sole use of government offices.

In cases under the present Article their sources shall be clearly indicated.

ARTICLE 31. A person who imports a pirated work with the object of sale circulation in this country shall be deemed a pirate author.

ARTICLE 32. A person who publishes a solution book of Questions written for exercises shall be deemed a pirate author.

ARTICLE 32. (2) Deleted.

ARTICLE 32. (3) Deleted.

ARTICLE 33. A person who, in good faith and without any negligence, had pirated a work and made profit and thereby caused damage to a third person shall be liable to refund to him such profit if still remaining.

ARTICLE 34. The owner of a copyright of a work produced by the collaboration of two or more persons may, regarding a pirated work and without the consent of other owners of the copyright, file criminal prosecution and demand refund of the profit corresponding to his share under the preceding Article.

ARTICLE 35. In cases where a civil action is to be brought regarding a pirated work, a person who has inserted his name as the author in the work already published, shall be presumed to be its author.

In the case of an anonymous or pseudonymous work, a person who has inserted his name as the publisher in the work, shall be presumed to be its publisher.

In respect of a public performance of a dramatic work, a musical composition or a work produced by cinematograph or by means of a method analogous thereto, not yet published, a person who has disclosed his name as the author in the public performance shall be presumed to be its author.

If the name of the author is not disclosed, the person who has given the public performance shall be presumed to be its author.

In the case of a work the date of whose production had been registered in accordance with the provisions of Article 15, Paragraph 3, such date shall be presumed to be the date of production.

ARTICLE 36. When a civil action or a criminal prosecution has been filed in respect of a pirated work, the Court may, on the application of the plaintiff or prosecutor and with or without security being furnished, provisionally suspend sale or circulation, seize, or suspend public performance of the work which is suspected of being a pirated work.

In the case of the preceding Paragraph, the Applicant shall be liable to indemnify the damage caused by suspension or seizure, if judgment that the work is not a pirated work becomes final.

ARTICLE 36. (2) An author may, against a person who has committed an act in breach of the provisions of Article 18, take steps to have himself ascertained as the author or ask for correction or some other disposition suitable for recovering his fame and reputation and demand to have the damage indemnified in accordance with the provisions of Book III, Chapter V of the Civil Code.