

JAMA-CAAM Motorcycle Industry Intellectual Property Rights Cooperation Project ~ Two-Year Effort Comes to Successful Conclusion ~



Signing the Agreement

From the left, JAMA President Takao Suzuki, CCOIC Conciliation Center Executive Vice Chairman Huang He, and CAAM Executive Vice Chairman Jiang Lei

The “JAMA-CAAM Motorcycle Industry Intellectual Property Rights Cooperation Project” commenced with a February 2002 agreement between the JAMA Motorcycle Committee and the China Association of Automobile Manufacturers (CAAM), pledging to raise awareness in both China and Japan to protect the intellectual property rights of the motorcycle industries in both countries. The project was actively implemented over the following two years, and came to a successful conclusion on March 19, 2004. On this occasion, therefore, we are very pleased to report on the details of this historic undertaking.

1. Getting the Project Off the Ground

As noted, JAMA and CAAM reached a consensus in February 2002 to launch the “JAMA-CAAM Motorcycle Industry Intellectual Property Rights Cooperation Project” as a united industry response to the issues surrounding intellectual property rights. An official agreement was signed, calling for promotion of a four-step project over a two-year period. Both associations reported to their respective government agencies on the occasion of the project launch, requesting the understanding and support of the proper authorities.

In China, a meeting was arranged to present this report to Vice Premier Wu Bang Guo, then-Vice-Director of the State Council-created national Office for Regulation of the Market Economy, with his official endorsement of the project obtained.



Address by JAMA Motorcycle Committee Chairman Yamashita

2. Basic Concepts of the Project

~ 1. The Japanese and Chinese motorcycles industries will strive through the project to enhance understanding and awareness of the importance of upholding intellectual property rights.

~ 2. Purpose and Positioning

- Strive to resolve intellectual property rights problems through efforts to raise the shared awareness of intellectual property rights, thereby preventing disputes related to these rights before they can occur.
- Raise awareness of the need to respect the intellectual property rights of others while advancing the independent development of technology, expanding the presence of motorcycles and contributing to the growth of the motorcycle industry.
- Advanced as a private-sector cooperation project, jointly promoted by JAMA and CAAM.

~ 3. Project Profile

Step 1: “Design Similarity Study Workshop”

Promote shared awareness of the knowledge required to understand design similarity and avoid infringement of design rights during the product development process.

Step 2: “Symposiums on Intellectual Property Rights”

Pool the wisdom of experts on intellectual property systems and the current status and issues involving the management of intellectual property in the business community, to achieve shared awareness of the need to protect intellectual property rights.

Step 3: “Study on Intellectual Property Rights Management Methods in Japan”

A mission to inspect intellectual property rights-related facilities and management systems in Japan, aimed at raising the understanding of intellectual property and IPR.

Step 4: “Joint Establishment of Conciliation Body for Intellectual Property Rights Disputes”

A body to achieve prompt and economical resolutions to intellectual property rights disputes through out-of-court discussions.

~ 4. Project Implementation Period

The project commenced in April 2002, and was temporarily interrupted during the SARS epidemic. However, two telephone conferences linking up Tokyo, Beijing and Tianjin, fax communications and other means were used to keep the participants in contact and advance the agenda. Thanks to such efforts, all aspects of the project were successfully concluded in March of this year.

3. Project Results

The project organizers sponsored various events over the two-year period, in which a grand total of over 800 persons took part. Judging from the contents of the discussions, the questions asked and other activities during this time, there was clear enhancement of the understanding and awareness of intellectual property. Questionnaires conducted at each event also revealed major progress statistically. For example, there was a marked increase in the number of companies that have set up in-house intellectual property management divisions (rising from 10 percent to over 60 percent of all participating companies); while the number of applications for intellectual property rights filed by Chinese motorcycle manufacturers steadily increased during the period (expanding from the 75 applications received in 2001 to 312 in 2002, and then on to 638 in 2003).



“We have reached the goal.”

**From the left, JAMA Motorcycle Committee Chairman Yamashita,
CAAM Motorcycle Subcommittee Vice President Jing Bo and JAMA President Suzuki.**

4. Establishment of Conciliation Body for Motorcycle Intellectual Property Rights Disputes

In this phase, which constituted Step 4 of the JAMA-CAAM Motorcycle Industry Intellectual Property Rights Cooperation Project, the objective was to create a conciliation body for the resolution of intellectual property disputes in the motorcycle industry. This was a pioneering effort, unprecedented in other industries or countries, which resulted in the establishment of the said Conciliation Body on March 19, 2004, founded on three provisions mutually agreed upon by the China Chamber of International Commerce (CCOIC), CAAM, and JAMA. The first provision—the Consultation Consignment Agreement (to be implemented on the basis of rules of mediation already in application at CCOIC)—and the two additional and complementary provisions are summarized below.

(1) **The Consultation Consignment Agreement**

A written agreement between JAMA and CAAM on motorcycle intellectual property disputes, consigning to CCOIC the conciliation of such disputes involving JAMA or CAAM member companies as the disputing parties. Definitions of “motorcycles” and “intellectual property rights” for the purpose of dispute resolution were included in annexes to this agreement.

(2) **List of Conciliators**

Candidates to serve as conciliators for these disputes were determined on the basis of recommendations from JAMA and CAAM, with a list of candidate conciliators established accordingly. This initial list includes 78 candidate conciliators.

(3) List of Motorcycle Experts

Motorcycle experts to be assigned the role of assisting the dispute conciliators on the basis of their confirmed expertise were selected, with a list of experts established accordingly. Because the extent and frequency of the involvement of these experts will be clarified on the basis of the individual cases encountered, this initial list is provisional, including only mid-level managers in charge of motorcycle issues/operations at CAAM and JAMA member companies.

It is anticipated that the distinguishing characteristics of conciliation procedures (namely, speedy and economical resolution of disputes) will prove instrumental in effectively resolving future motorcycle intellectual property disputes. There are also high hopes that CCOIC, which will be in charge of operating this body, will engage in positive and enlightened management practices. This should include the steady accumulation of meaningful conciliation results that serve to heighten the significance of the body itself, in playing a pivotal role in supporting intellectual property protection activities throughout China. It goes without saying, furthermore, that JAMA stands ready to supply the maximum possible support in moving toward this goal.



Congratulatory Toast After Signing the Agreement
From the left, JAMA President Takao Suzuki, CCOIC Conciliation Center Executive Vice Chairman Huang He and CAAM Executive Vice Chairman Jiang Lei

