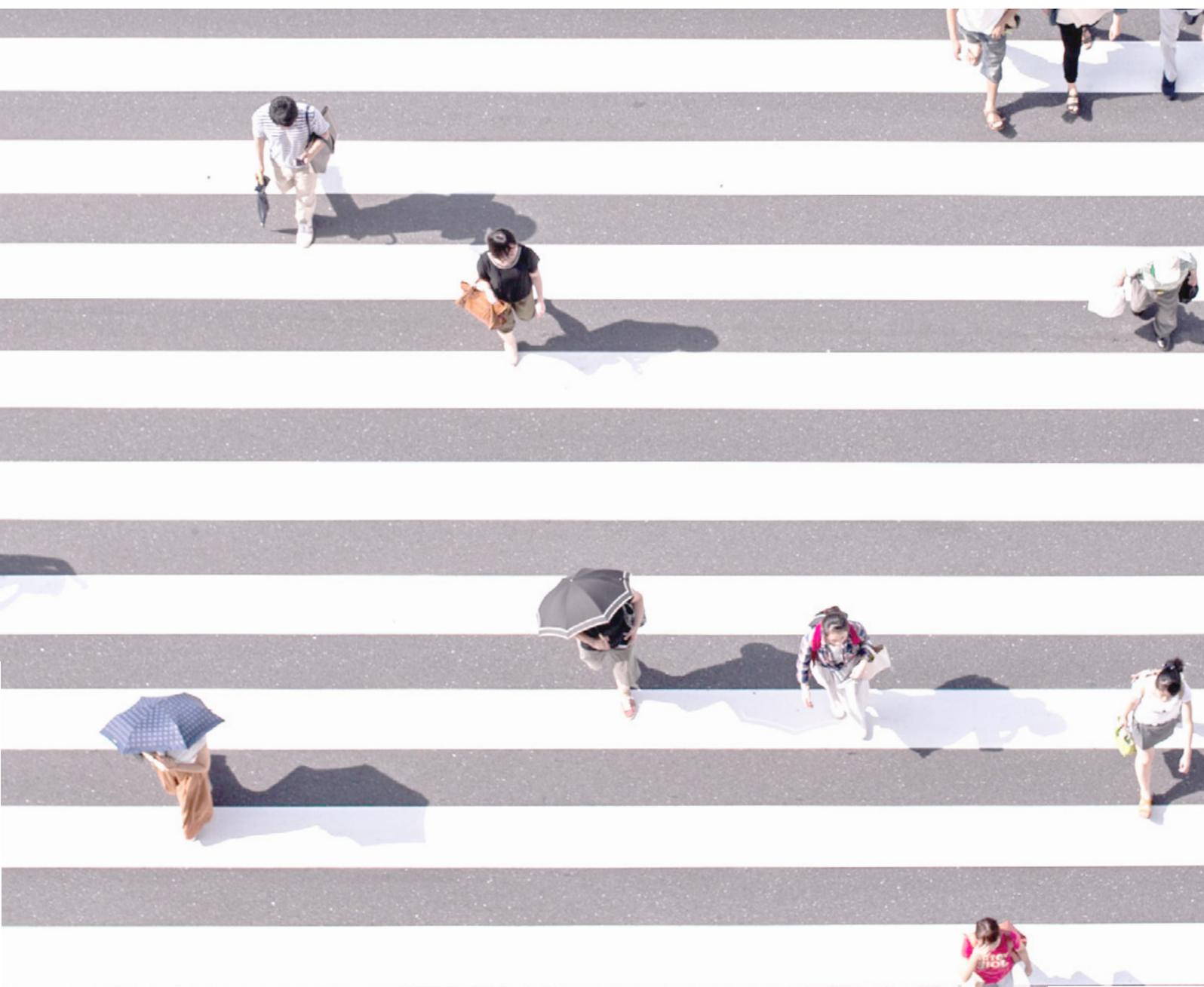


# IP Asia 2020

A special report  
from Clarivate



# Contents

**3**

Foreword

**4**

Non-Practicing  
Entities litigation  
in China

**10**

Rise of innovation  
in Southeast Asia

**14**

Domain arbitration  
trends in APAC

**18**

Snapshot: A look  
into pharmaceutical  
class filings for  
trademarks in  
Asia-Pacific

**20**

The view from  
Beijing: Patent  
activity in  
Mainland China

**24**

.BRAND TLDs in the  
Asia-Pacific region

**30**

New provisions on  
punitive damages  
for willful patent  
infringement in  
South Korea

**32**

How pursuing  
patents in Japan  
has evolved over  
the past decade

**35**

Trademark  
challenges facing  
the growing  
Asia-Pacific  
market

**42**

Domain  
management in the  
Asia-Pacific region

# Foreword

By Rob Davey

**Welcome to *IP Asia 2020*,  
a special report featuring insights  
from Clarivate™ IP experts.**

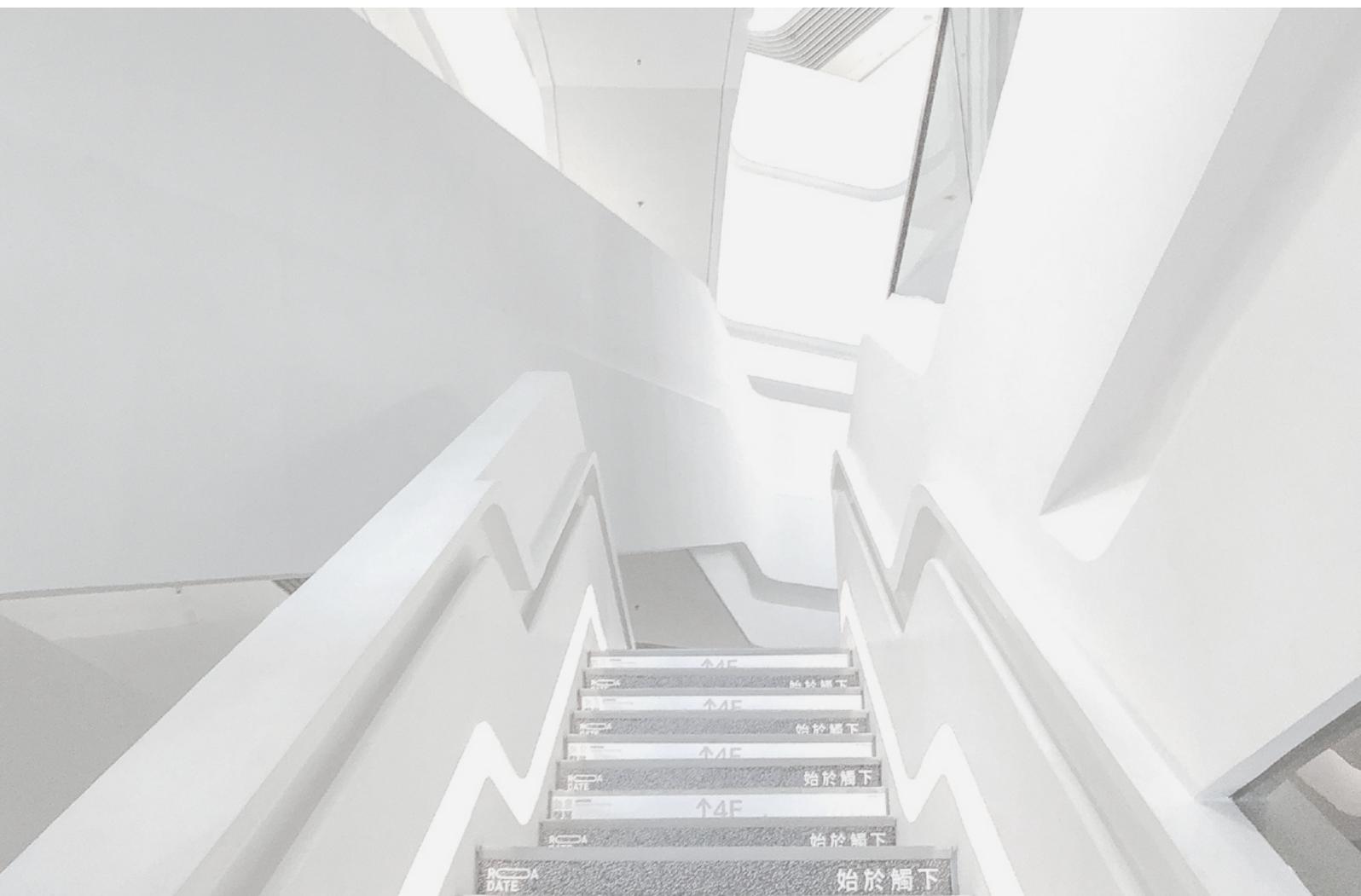
As I write this, the majority of the world is working from home as part of an unprecedented response to the global COVID-19 crisis. In some ways the pandemic has brought the world closer together, as countries work together to fight the virus. Innovation is more important than ever, and Asia's place in the global innovation ecosystem has never been more critical.

In this special Clarivate report, our IP experts share insightful commentary on the IP trends and developments evident within Asia across domains, trademarks and patents.

Through the articles in this special report, you can learn how Asian companies are managing their

domain portfolios and discover fascinating trends in the usage of .BRAND domain extensions in the region. They also explore the recent explosion of trademark filings both within Asia and globally by Asian applicants, and dive into the critical pharmaceutical sector. Our local patent experts dig into the numbers to uncover where innovation is thriving in China, Japan and Southeast Asia. Our IP litigation experts explore the impact of non-practicing entities on the patent landscape in China, recent introduction of new provisions in relation to punitive damages in South Korea and the latest domain arbitration news from across Asia.

For the last decade or more, analysts have pointed to Asia as a rising IP powerhouse. That time has arrived. As shown in this report, Asia is now a major IP hub – driving critical innovation both for the region and the world.



# Non-Practicing Entities litigation in China

By He Yuanyuan and Luca Árpási

*as plaintiffs to enforce their patent rights.* Individuals and universities are not included in this data.

## Methodology

Patent lawsuits involving Non-Practicing Entities (NPE), a group of actors playing a unique role in the history of the IP industry, are becoming a global matter. With the development of a Chinese IP protection system, NPEs have taken more notice of China. This paper presents the landscape of NPE litigation in China, based on exclusive data available through the Darts-ip™ database.

This report defines NPEs as: *legal organizations which benefit from patent rights but do not sell or manufacture goods or provide goods-related services and take an active role in infringement litigations*

The statistics presented below are extracted from NPE litigation data in Mainland China, where at least one party is an NPE. The data covers a period between 2010 and 2019.<sup>1</sup> All relevant actions involving the same parties on the same subject matter are presented as independent litigation and will be referred to as a 'case' in the context of this paper.

For example, if Party A filed an invalidity action against Party B before the CNIPA Patent appeal board, with a subsequent appeal sent to the Beijing IP Court and finally escalated to the Supreme Court, this is still considered one case despite there being three different rulings. As long as any document in a case was made within the 2010 to 2019 timeframe,<sup>2</sup> the case will appear in the below data.

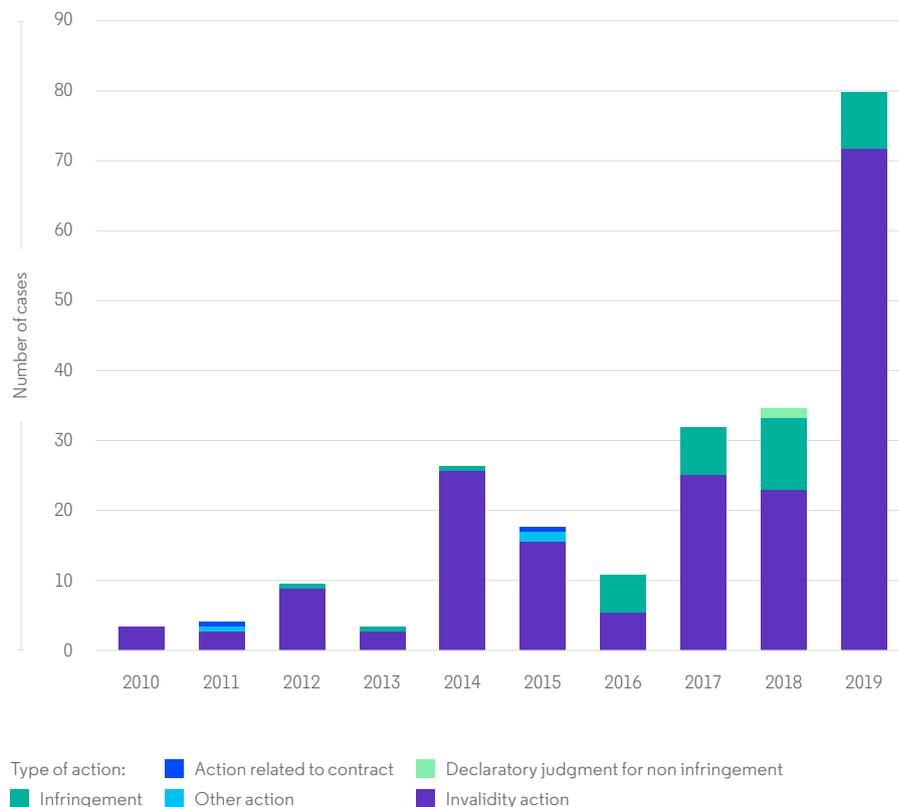
<sup>1</sup> All numbers checked as of March 6, 2020.

<sup>2</sup> This paper accounts for filing dates between 2010-2019, if filing date unavailable, earliest known document's date in the case is referenced.



When it comes to the types of action, the proportion of invalidity actions is by far the largest.

**Figure 1: Evolution of NPE litigation<sup>3</sup> and types of action breakdown over the last decade**



Please note that the year indicated is the year of filing. If this is unavailable then the earliest known document in the case is referenced.

Source: Darts-ip

## Facts and figures

### The evolution of NPE litigation in Mainland China

Figure 1 shows an undeniable, growing trend of NPE patent-related actions over time, although a few dips in the year-over-year statistics do exist. The number of cases increased significantly in 2014 and 2019. It is noteworthy that there also exists a marked increase (by 62%) of NPE litigation in Europe in 2014. That year also happens to see the first decline in patent litigation case volume in the United States.

When it comes to the types of action, the proportion of invalidity actions<sup>4</sup> is by

far the largest. Invalidity actions account for 80% of all actions in each year on average. The smallest proportion (50%) occurred in 2016. Infringement actions increased suddenly after 2016, then kept a steady rise. It can be inferred from the surge of invalidity actions in 2014 that a large amount of infringement actions were initiated by NPEs in 2014 but were reflected after 2016, as the judgements of infringement actions were usually made after those of invalidity decisions. As a final thought to this point, it would seem a safe assumption that since 2014, NPEs have most likely shifted focus from America to other countries or regions, such as Europe and China.

<sup>3</sup> There are 250 NPE-related patent cases that have been entered in the Darts-ip case-law collection during the period of 2010 to 2019.

<sup>4</sup> An invalidity action can be brought against a patent at any time in its lifecycle. The purpose of this action is to challenge a patent and remove the protection granted to the holder. If the action is successful, a patent holder loses the protection and may have to reevaluate licensing agreements and rights that may have been granted. Invalidity actions in China can only be brought before the Re-examination and Invalidation Department of the Patent Office, China National Intellectual Property Administration (CNIPA).

## The map of NPE litigation

Figure 2 outlines the areas where cases are concentrated. NPEs prefer litigating in well-developed Chinese provinces or cities, i.e. Jiangsu province (13 cases), Guangdong province (10 cases), Beijing city (10 cases), Shanghai city (7 cases) and Shaanxi

province (1 case). Among them, six cases were finally heard by the Supreme Court. And NPEs filed most of the litigations before the following courts: Shenzhen Intermediate Court, Nanjing Intermediate Court and Beijing IP Court.

**Figure 2: The geographical distribution of NPE litigation in Mainland China**

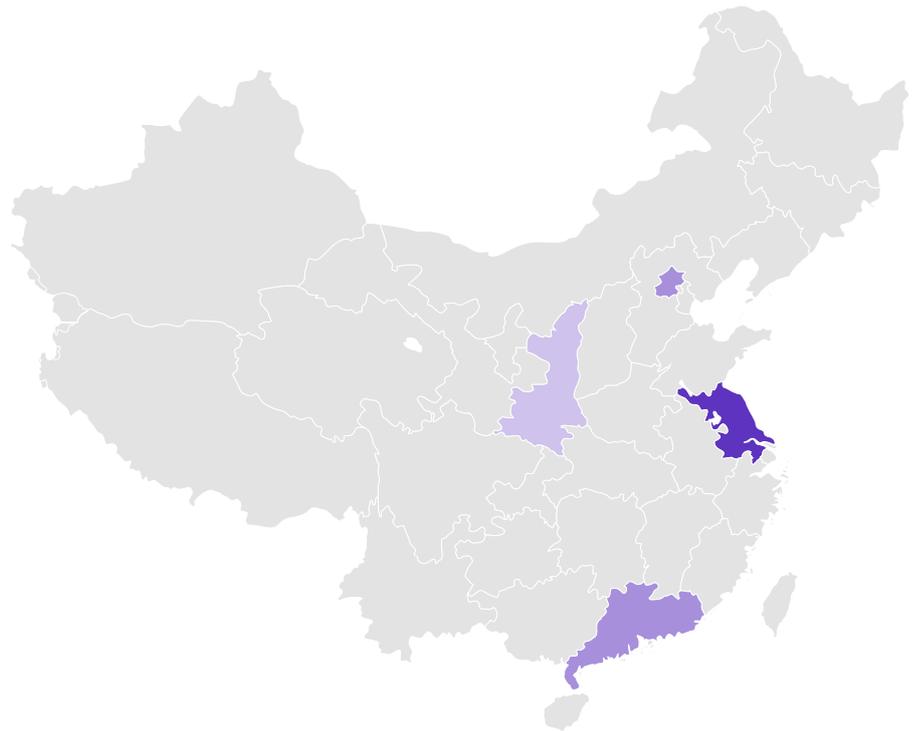


Figure 2's map presents geographical distribution of all actions except for invalidity actions. The darker the purple is, the more cases occur in the area.

Source: Darts-ip



## Technical fields of litigated patents

The technology of patents involved is mainly distributed in the field of electronic communication techniques, with the largest amount of cases in wireless communication

networks, as the result of the intensive innovation, fierce competition and rapid development of domestic communication industry.

**Table 1: Top 10 IPC classifications of litigated patents**

IPC	Technical fields	Cases
1 H04W	wireless communication networks	104
2 H04L	transmission of digital information, e.g. telegraphic communication	84
3 H04B	transmission	60
4 H04Q	selecting	27
5 H03M	coding, decoding or code conversion, in general	26
6 H04J	multiplex communication	25
7 H01Q	antennas, e.g. radio aeriels	21
8 H03H	impedance networks, e.g. resonant circuits; resonators	16
8 G10L	speech analysis or synthesis; speech recognition; speech or voice processing; speech or audio coding or decoding	16
9 G01L	measuring force, stress, torque, work, mechanical power, mechanical efficiency, or fluid pressure	14
10 H04M	telephonic communication	10

The patents include both NPEs and non-NPEs (For example, NPEs that filed an invalidity action against non-NPEs.)

Source: Darts-ip

## Right validity of NPE patents

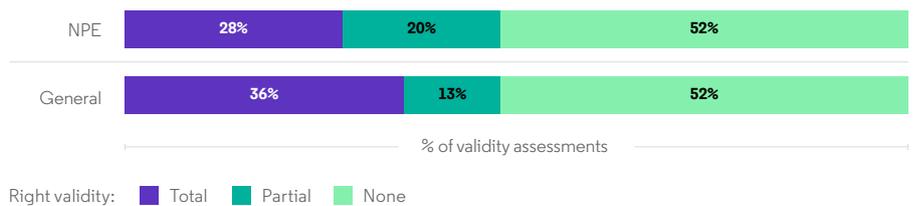
The graphs below compare the right validity of NPE asserted patents to general patents (understood here as patents belonging to any party, regardless of their type). The bar graphs of Figures 3 and 4 illustrate the scope of protection extended to the patents. Purple indicates a full scope of protection based on the application, dark green represents patents that have been granted protection but with a reduced scope, and light green represents revoked patent applications.

According to Figure 3, the percentage of NPE patents that are valid without

any reduction to the scope of protection<sup>5</sup> is 8% lower than with general patents, suggesting that NPE patents are weaker. However, the revocation rate for both general and NPE patents is comparable.

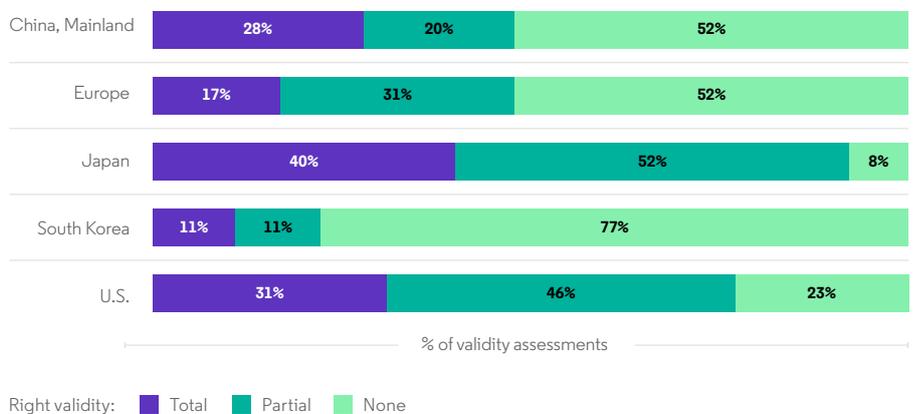
Figure 4 suggests that NPE patents considered valid, without any reduction to the scope of protection, is very low in South Korea, at 11%, and very high in Japan at 40%, while China is in between those numbers. When looking at other jurisdictions, we can see that the NPE patent validity rate in China is close to that in the U.S., and significantly higher than in Europe.

**Figure 3: Validity rate of challenged patents owned by NPEs versus general patents**



Source: Darts-ip

**Figure 4: Validity rate of challenged patents owned by NPEs in Mainland China versus other jurisdictions**



Patent challenge actions including invalidity actions, oppositions, inter-partes reviews and right assessments in infringement actions.

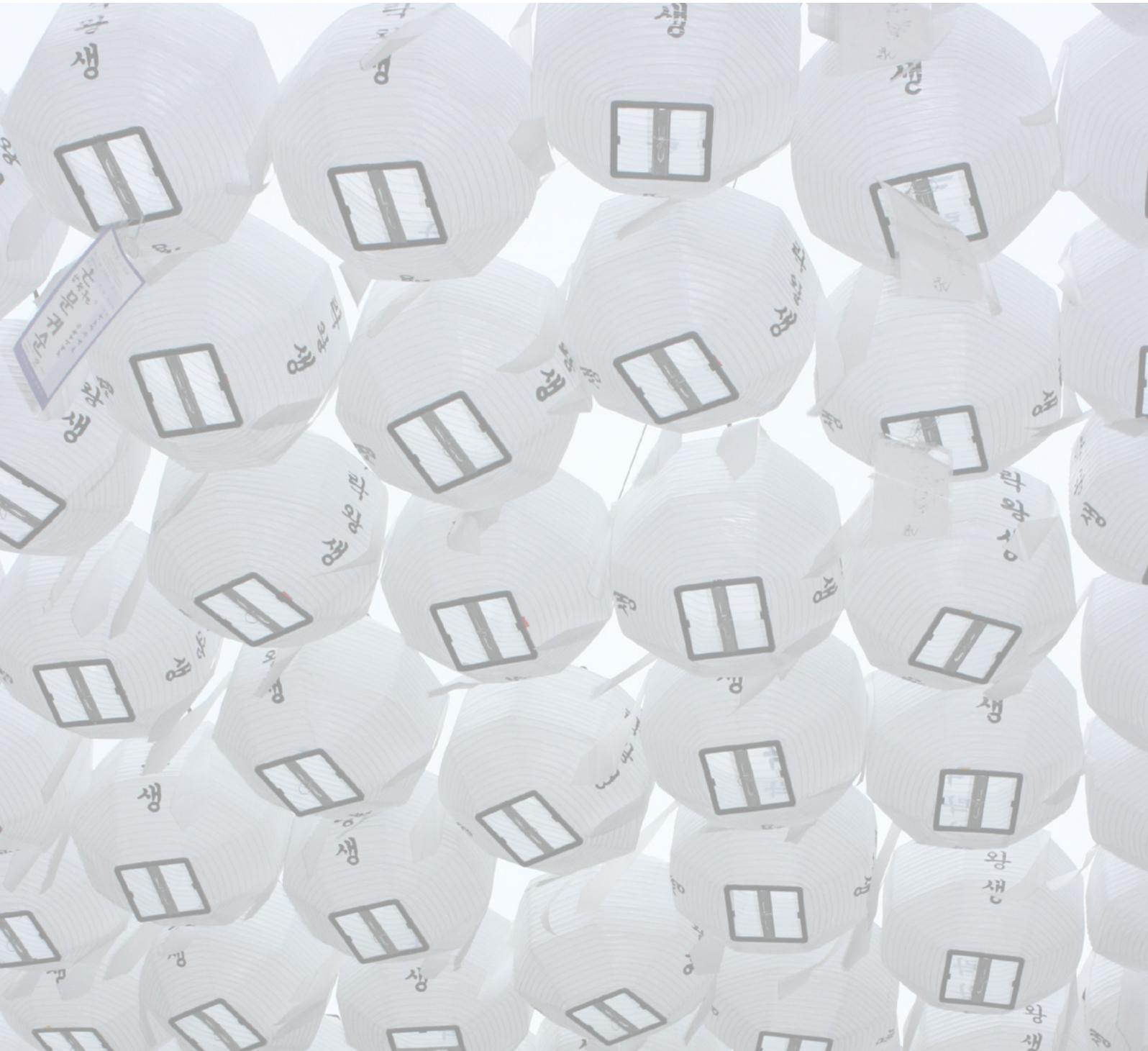
Source: Darts-ip

<sup>5</sup>Represented by the purple section of the bar chart.

## Summary of trends

The analysis of the statistics examined above reveals these key trends in NPE litigation in Mainland China:

- NPEs started to actively bring lawsuits in Mainland China as of 2014. The case volume has seen a dramatic increase in 2019.
- NPEs prefer litigating in developed provinces or cities.
- The patents are mainly regarding electronic communication technologies.
- When a NPE patent is considered valid, it is more likely to have a reduction in the scope of protection and granted partial protection.



# Rise of innovation in Southeast Asia

---

Whether Southeast Asia will fulfill its potential is no longer a question; rather how it will drive global growth is a question worth exploring.

---

By Rihma Dhar

**Southeast Asia is a growing market of over 600 million consumers across 10 countries with a collective GDP of \$2.986 trillion in 2018.<sup>6</sup>**

In August 1967, an economic and political alliance of five countries – Singapore, Malaysia, Thailand, Indonesia and Philippines – was formed and named Association of Southeast Asian Nations (ASEAN). Subsequently five countries were expanded to include a further five countries with Cambodia as the latest member to join in 1999. The core purpose of bringing these countries together, as stated in the ASEAN declaration, was to provide the members states a cohesive voice on a global platform and accelerate economic growth, social progress, and cultural development in the region.

The member states – Singapore, Malaysia, Thailand, Indonesia, Philippines, Vietnam, Brunei, Laos, Cambodia and Myanmar – are geographically close but vary widely in their economic development. The latter has been dictated predominantly by government infrastructure development, foreign direct investment, and growth and diversification of local conglomerates.

Today, as a single market Southeast Asia/ASEAN holds tremendous promise. With greater integration and technological advancement, the region is predicted to become

the fourth largest economy in the world by 2030 after the United States, China and the European Union.

Whether Southeast Asia will fulfill its potential is no longer a question; rather how it will drive global growth is a question worth exploring.

**Research and innovation are the cornerstones of national and regional strategy to develop a knowledge-based, innovation-driven economy.**

In Southeast Asia, the ASEAN Economic Community Blueprint (AEC) 2025<sup>7</sup> has outlined an important role for science and technology and intellectual property in contributing to the achievement of national and regional socio-economic development goals. Under the ASEAN Plan of Action on Science, Technology and Innovation (2016 to 2025) the importance of active R&D collaboration, public-private partnerships, technology commercialization and entrepreneurship has been emphasized. The ASEAN IPR Action Plan (2016 to 2025)<sup>8</sup> identified intellectual property as a fundamental element in driving innovation.

From analysis of patent filings over the last ten years (2010 to 2019), domestic patent applications filed in Southeast Asia demonstrated a compound annual growth rate (CAGR) of 13%, even though domestic applications occupy a smaller share of total activity compared to those from foreign entities (measured non-priority patent applications ASEAN).

<sup>6</sup> [www.vietnam.vn/eng/p/launches-vietnams-2020-asean-chairmanship/434285.html](http://www.vietnam.vn/eng/p/launches-vietnams-2020-asean-chairmanship/434285.html)

<sup>7</sup> [www.asean.org/storage/2016/03/AECBP\\_2025r\\_FINAL.pdf](http://www.asean.org/storage/2016/03/AECBP_2025r_FINAL.pdf), [www.aseanip.org/Portals/0/ASEAN%20IPR%20ACTION%20PLAN%202016-2025%20\(for%20public%20use\).pdf?ver=2017-12-05-095916-273](http://www.aseanip.org/Portals/0/ASEAN%20IPR%20ACTION%20PLAN%202016-2025%20(for%20public%20use).pdf?ver=2017-12-05-095916-273)

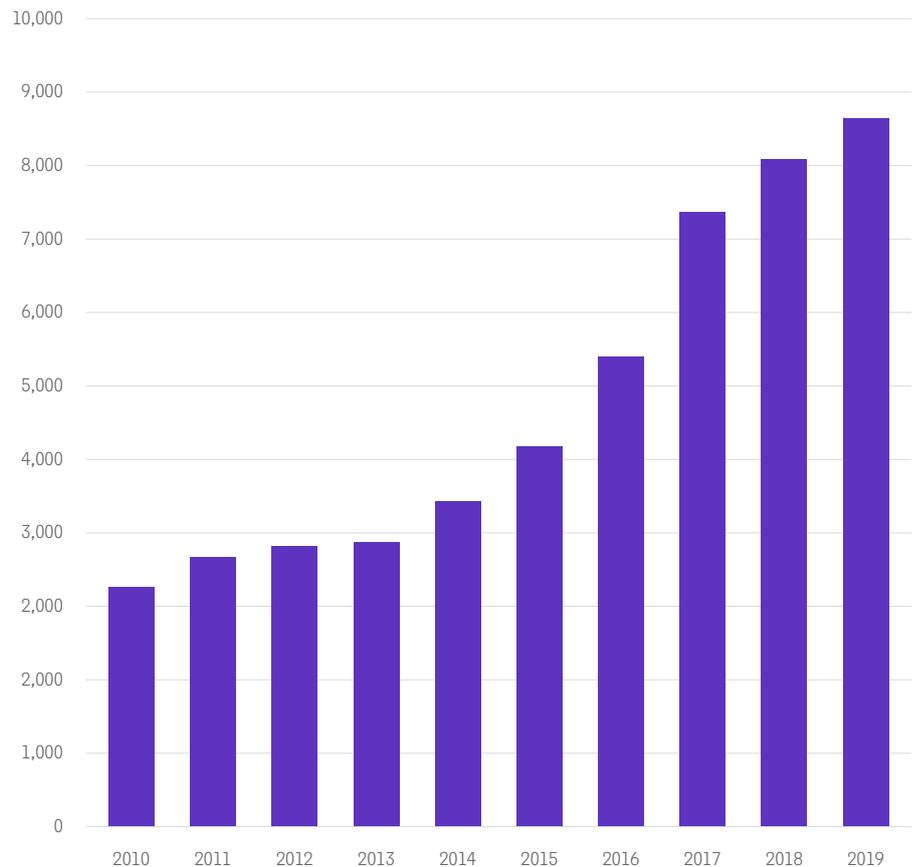
<sup>8</sup> [www.asean.org/storage/2016/03/AECBP\\_2025r\\_FINAL.pdf](http://www.asean.org/storage/2016/03/AECBP_2025r_FINAL.pdf)

With widespread government investment in research and development and emphasis on IP cooperation and protection throughout the region, the most recent five years witnessed an acceleration of this trend with a staggering 87% growth in domestic patent applications. Top domestic patent filers are a combination of key research institutes and academic institutions. The Agency for Science, Technology and Research (A\*STAR) in Singapore; Malaysia’s national R&D Institution MIMOS and the Indonesia Institute of Sciences (LIPI), the National Science & Technology Development Agency (NSTDA) and the Vietnam Academy of Science and Technology led the pack in their

respective countries. Following close were the research universities such as the National University of Singapore, University Putra Malaysia, the University of Indonesia and Cebu Technological University in the Philippines.

Within the ASEAN region, Singapore is the front-runner with domestic patent applications steadily increasing with 69% growth in the ten-year time-period (2010 to 2019). The growth in patent applications is backed by the government’s commitment to a \$19bn R&D spend under its Research Innovation Enterprise 2020 Plan (RIE2020).<sup>9</sup> The plan specifically aligns with the country driving towards becoming a Global IP Hub in Asia.

**Figure 1. Timeline activity of patent filings in Southeast Asia**



Source: Derwent

<sup>9</sup> [www.nrf.gov.sg/rie2020](http://www.nrf.gov.sg/rie2020)

82% of patent applications filed in Southeast Asia originated from outside the region, demonstrating a strong interest from global organizations in protecting and commercializing innovation in the region. Multinational corporations such as Hoya Corporation, Huawei and Halliburton, Toyota with research and development centers or manufacturing operations in the region dominate the top global organizations.

**Conglomerates or government-linked businesses account for 40% of the top listed stocks, playing a major role in Southeast Asia.<sup>10</sup> In recent years, they have found new sources of growth through international expansion, adoption of cutting-edge technologies and mergers and acquisitions.**

They are embracing intellectual property protection, setting up world-class IP departments and are emerging as top innovators in their respective countries.

Siam Cement Group and Sime Darby are great examples of conglomerates that have expanded on the back of a well-developed domestic business in Thailand and Malaysia respectively to Southeast Asia and beyond. Malaysia-based Purecircle has jointly developed new forms of stevia, a sugar alternative, for future beverages with Coca-Cola since 2012. In 2018, eyeing further expansion, it moved its global headquarters from Kuala Lumpur to Chicago, Illinois.

Petronas, a Malaysian Oil-major, entered a collaborative partnership agreement with Kongsberg Ferrotech to leverage the patented Oktapous IMR (inspection, maintenance & repair) robot to implement maintenance technologies for subsea assets, revolutionizing the way industry conducts IRM-operations in the oil and gas industry. Viettel, the largest state-owned military telecommunications company in Vietnam, has been expanding its presence in Southeast Asia, Latin America and Africa. Viettel recently announced it is developing its own 5G equipment, joining other players such as Nokia, Samsung, Ericsson and Huawei; this caught attention and raised concerns due to a formidable patent barrier that already exists.<sup>11</sup>

Semiconductor companies in Singapore make up 11% of global market share.<sup>12</sup> Singapore based Avago Technologies bought Broadcom for \$37bn in 2015 in the biggest-ever chip deal and followed it up with the acquisition of Brocade for \$5.5bn and CA Technologies for \$18.9bn, strengthening its patent position significantly in sectors such as mobile, data centers and the internet of things, making the company one of the largest holders of patents amongst semiconductor manufacturers.<sup>13</sup> Another Singapore-headquartered semiconductor company, STATS ChipPAC, was acquired by China's Jiangsu Changjiang Electronics Technology Co Ltd (JCET) in a \$1.8bn deal from Temasek.<sup>14</sup>

<sup>10</sup> [www.bain.com/insights/how-conglomerates-in-southeast-asia-can-live-long-prosper/](http://www.bain.com/insights/how-conglomerates-in-southeast-asia-can-live-long-prosper/)

<sup>11</sup> [www.thediplomat.com/2020/01/whats-next-for-vietnams-5g-ambitions/](http://www.thediplomat.com/2020/01/whats-next-for-vietnams-5g-ambitions/)

<sup>12</sup> [www.straitstimes.com/business/companies-markets/global-semiconductor-demand-remains-strong-in-long-term-singapore-well](http://www.straitstimes.com/business/companies-markets/global-semiconductor-demand-remains-strong-in-long-term-singapore-well)

<sup>13</sup> [www.design-reuse.com/news/37582/avago-broadcom-patent-powerhouse.html](http://www.design-reuse.com/news/37582/avago-broadcom-patent-powerhouse.html)

<sup>14</sup> [www.reuters.com/article/us-stats-jiangsu-m-a/temasek-to-exit-stats-chippac-with-1-8-billion-deal-with-chinas-jcet-idUSKBN0IQ0YY20141106](http://www.reuters.com/article/us-stats-jiangsu-m-a/temasek-to-exit-stats-chippac-with-1-8-billion-deal-with-chinas-jcet-idUSKBN0IQ0YY20141106)

**Figure 2. Top local conglomerates patent filers in Southeast Asia**



Source: Derwent

**In 2019, the internet economy in Southeast Asia hit \$100bn driven by online travel, online media, ride hailing, e-commerce and digital financial services.**

The Masterplan<sup>15</sup> on ASEAN connectivity 2025 aims to seamlessly connect and integrate member countries. It predicts digital technologies could potentially be worth up to US \$625bn by 2030 in the region which is being hailed as the next frontier owing to the booming internet economy and the presence of unicorns with innovative and localized business models such as Go-Jek, Grab, Razer and Lazada.

Analysis of patent filing activity from 2010 to 2019 also highlights the dominance of the technology area of digital computers across markets. Within the area of digital computers, software products and database applications for information retrieval were key focuses and the majority of the patent protection in both areas was led by Singapore. Singapore also demonstrated focus in the areas of telephone and data transmission systems, followed closely by Vietnam.

Patent offices are launching innovative initiatives to accelerate application to grant. Fintech Fast Track (FTFT) initiative expedites application-to-grant process for FinTech patent applications to as fast as 6 months and Accelerated Initiative for Artificial Intelligence (AI) led to the grant of an AI related patent to Alibaba in record-breaking three months. Both initiatives are led by the IP Office of Singapore (IPOS). As we explore innovation enabled by the internet which is user-oriented and is born out of collective co-creation, a new model of open innovation and intellectual property creation and protection will be required.

In the next few years, as the member states continue to attract increased foreign direct investment from multinational corporations, governments explore cross-regional synergies that promote inter-country research collaboration and highly skilled talent is allowed to flow within the region resulting in cross-pollination of ideas and dissemination of knowledge, Southeast Asia will lead with its unique innovation-led growth story – a story built on diversity and cooperation.

<sup>15</sup> [www.asean.org/storage/2016/09/Master-Plan-on-ASEAN-Connectivity-20251.pdf](http://www.asean.org/storage/2016/09/Master-Plan-on-ASEAN-Connectivity-20251.pdf)

# Domain arbitration trends in APAC

---

There are currently six ICANN-accredited dispute resolution providers that adjudicate UDRP disputes around the world.

---

**By Hazal Çisem Aynalı**

As companies around the world increase their online presence, identification of IP rights in domain names grows in importance – especially among companies that are involved in e-commerce, providing goods and services using valued trademarks online. Accordingly, cases of cybersquatting are rising year-over-year.<sup>16</sup>

The rules that govern domain disputes vary in accordance with the extension<sup>17</sup> of the domain name. Uniform Dispute Resolution Policy (UDRP) sets out the rules to resolve the disputes of domain names with generic top-level domains (gTLDs) and some country-code top-level domains (ccTLDs),<sup>18</sup> while other ccTLD disputes are governed by their own dispute resolution policies.

There are currently six ICANN-accredited dispute resolution providers that adjudicate UDRP disputes around the world: the World Intellectual Property Office (WIPO), the National Arbitration Forum (the Forum), the Asian Domain Name Dispute Resolution Centre (ADNDRC), the Czech Arbitration Court (CAC), the Arab Center for Domain Name Dispute Resolution (ACDR) and the Canadian International Internet Dispute Resolution Center (CIIDRC).<sup>19</sup> The supplemental rules, fees and the duration of the proceedings may differ from one to another, but complainants have the freedom to choose the UDRP provider they desire to use to hear their complaint about a domain dispute.

The focus of this article will be on the ADNDRC<sup>20</sup> as well as the legal trends of ccTLD arbitration instances in Australia and India.

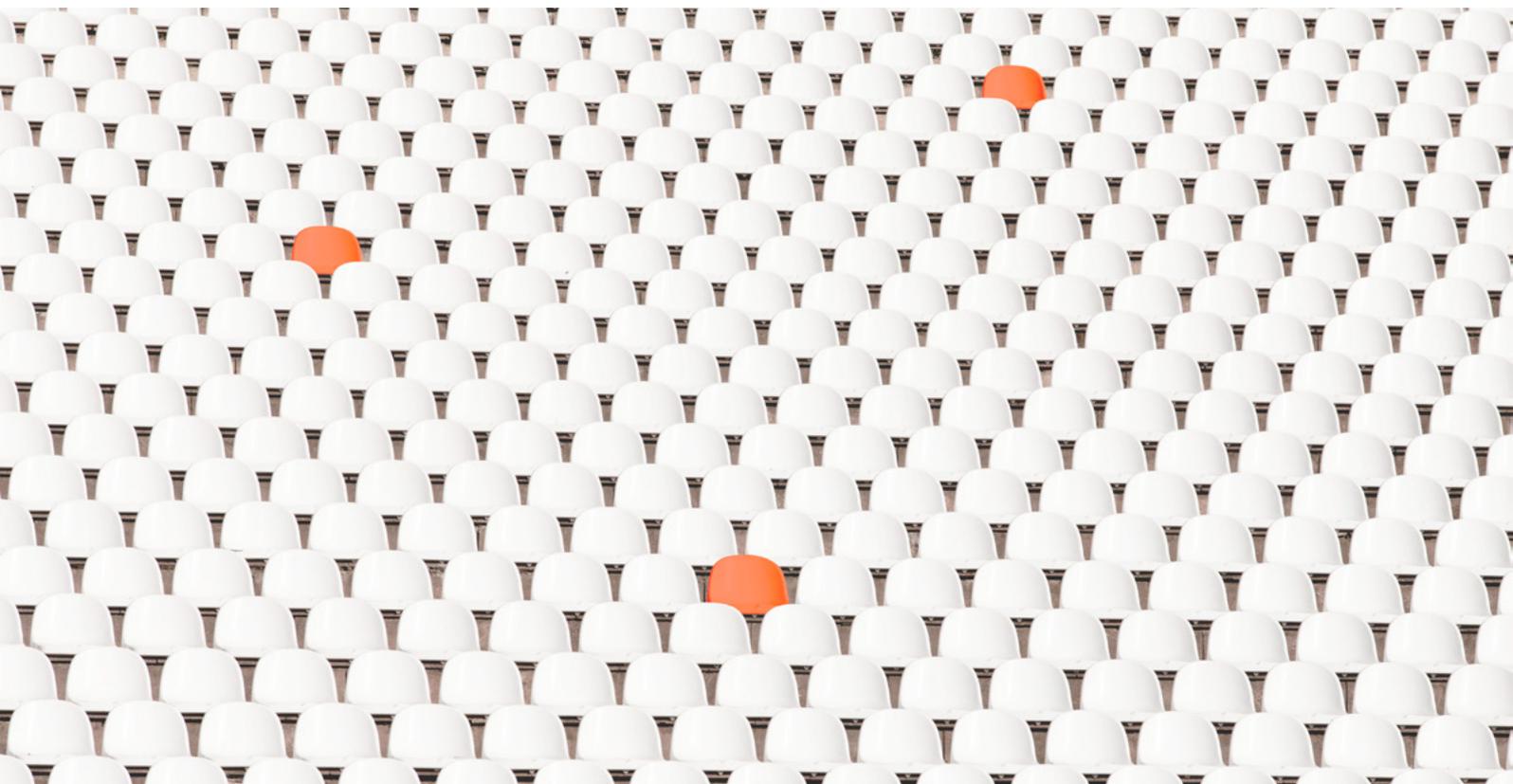
<sup>16</sup> [www.wipo.int/amc/en/domains/statistics/cases.jsp](http://www.wipo.int/amc/en/domains/statistics/cases.jsp)

<sup>17</sup> Domain extensions are also referred to as Top-Level Domains (TLDs). They can be recognized in a website's URL at the end. (i.e .com, .eu, .net, .club, etc...)

<sup>18</sup> The info of which ccTLDs are under the competence of UDRP can be found here: <https://www.wipo.int/amc/en/domains/ccTLD/>

<sup>19</sup> [www.icann.org/resources/pages/providers-6d-2012-02-25-en](http://www.icann.org/resources/pages/providers-6d-2012-02-25-en)

<sup>20</sup> Asian Domain Name Dispute Resolution Centre



## Asian Domain Name Dispute Resolution Centre (ADNDRC)

The Asian Domain Name Dispute Resolution Centre, with its four offices in Hong Kong (HKIAC), Mainland China (CIETAC), Malaysia (AIAC) and South Korea (IDRC);<sup>21</sup> handles UDRP cases from all around the world, regardless of the nationality of the parties. The complainants can choose with which office of ADNDRC they will file the complaint. The fees to be paid when filing a complaint before an ADNRC office vary from \$1,300 USD to \$3,300 USD for disputes containing up to five domains, depending on the number of panelists requested.<sup>22</sup>

Although there are certain time limits and procedural rules for the UDRP disputes, the duration of proceedings varies amongst UDRP providers. In Figure 1 we illustrate the average duration of ADNDRC compared to other UDRP providers.

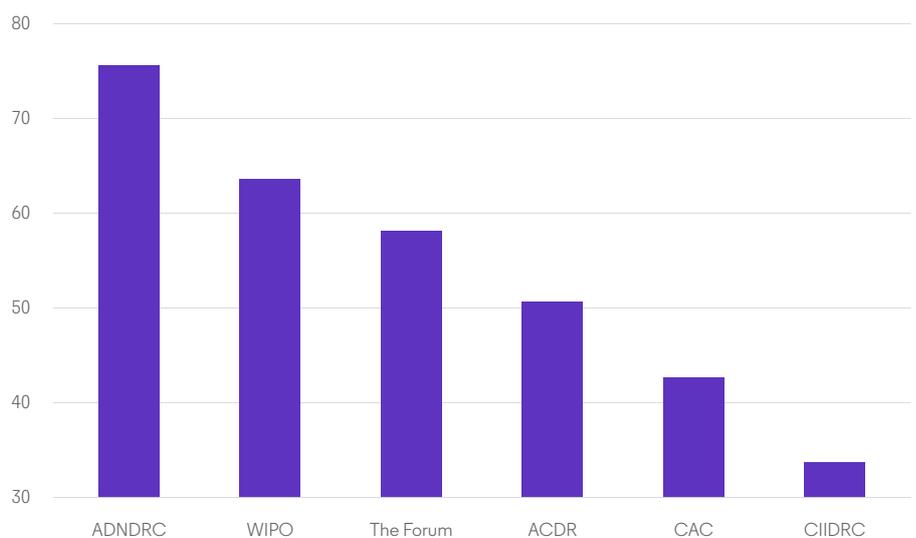
Certain factors determine the choice of a provider including filing fees, geographical proximity and average duration of time for rendering a decision.

While the statistics in this regard reveal that cases before the ADNDRC may take longer, it's still the preferred venue for Asian complainants and respondents. It is also worth highlighting from Figure 2 that for complainants residing in the Cayman Islands, the vast majority of cases relate to the complainant companies *Alibaba Group* and *Tencent Holdings*.

The high number of respondents from Asia can be interpreted in multiple ways. First, complainants domiciled outside of the Asian continent prefer to file the complaints before ADNDRC when the respondent is located near to one of its dispute providers. Knowing that Mainland China has a record number of registrants in the territory,<sup>23</sup> such a result cannot be deemed surprising.

Secondly, the data suggests that complainants who are domiciled in Asia prefer to file UDRP complaints with a provider with panelists of the same nationality as the respondent. This also confirms that geographical proximity plays a significant role when choosing a UDRP provider.

**Figure 1: Average duration of UDRP proceedings by court**



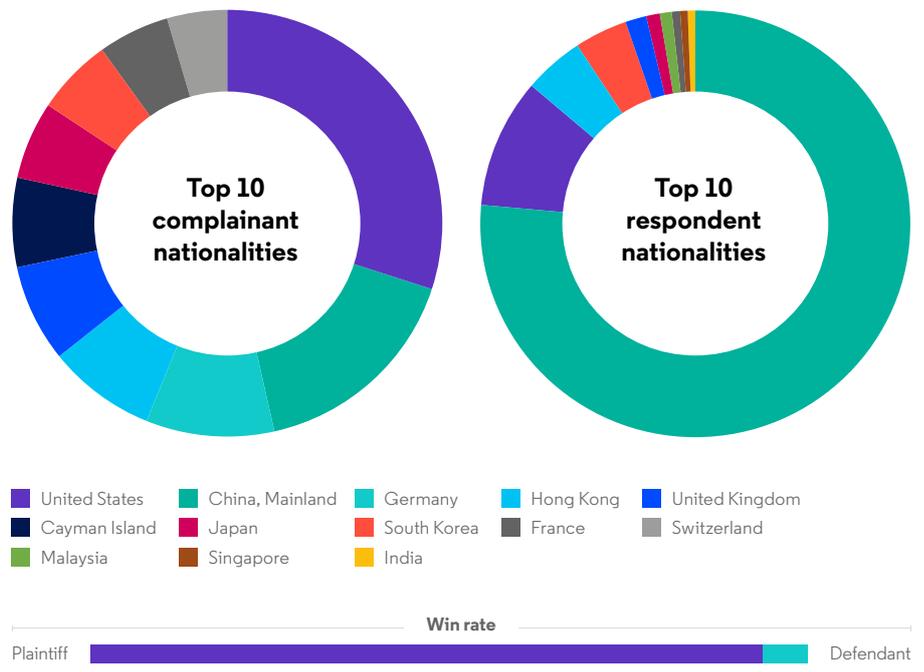
Source: Darts-ip

<sup>21</sup> [www.adndrc.org/about\\_us](http://www.adndrc.org/about_us)

<sup>22</sup> [www.adndrc.org/files/udrp/ADNDRC-Supplemental-Rules-for-UDRP.pdf](http://www.adndrc.org/files/udrp/ADNDRC-Supplemental-Rules-for-UDRP.pdf)

<sup>23</sup> [www.domainnamestat.com/statistics/country/others](http://www.domainnamestat.com/statistics/country/others)

**Figure 2: Nationality/region of complainants, defendants and their respective win rate**



Source: Darts-ip

## Deeper look into auDRP and INDRP

Country code TLDs for India (.in) and Australia (.au) are governed by INDRP and auDRP respectively.

Although the filing policies and procedures may seem quite similar to UDRP, especially with auDRP since it is deemed as a *variation* of UDRP,<sup>24</sup> the main difference between some Asia dispute providers and UDRP providers can be found in the bad faith assessment for the respondent. While UDRP has a cumulative

requirement that the complainant should prove the registration and use of the domain name in bad faith,<sup>25</sup> auDRP and INDRP take a different approach which finds either use or registration to be sufficient for a ruling on bad faith.<sup>26</sup> Accordingly, arbitration instances have had completely different rulings to the matter when deciding on a cybersquatting case. Whereas in some UDRP cases WIPO has made detailed assessment on both use and registration in bad faith,<sup>27</sup> other panels have 'inferred' bad faith registration from the use itself.<sup>28</sup> In both scenarios however, the cumulative requirement is fulfilled.

<sup>24</sup> [www.wipo.int/amc/en/domains/cctld/au/index.html](http://www.wipo.int/amc/en/domains/cctld/au/index.html)

<sup>25</sup> UDRP para 4(a)(iii) see: <https://www.icann.org/resources/pages/policy-2012-02-25-en>

<sup>26</sup> INDRP para 4(iii) & auDRP para 4(a)(iii) see: <https://www.registry.in/IN%20Domain%20Name%20Dispute%20Resolution%20Policy%20%28INDRP%29> and <https://www.auda.org.au/policies/index-of-published-policies/2016/2016-01/>

<sup>27</sup> darts-919-465-H-en-4: "(...) where a respondent registers a domain name before the complainant's trademark rights accrue, panels will not normally find bad faith on the part of the respondent. Although this technically ends the matter, as this element of the Policy requires a finding of both registration and use in bad faith, the Panel also finds that the Respondent has not used the Disputed Domain Name in bad faith. It appears the Respondent uses the Disputed Domain Name for business or personal purposes and there is no evidence that this has been in bad faith." darts-174-463-H-en-4: "The Panel finds bad faith in the use but not in the registration of the Domain Name."

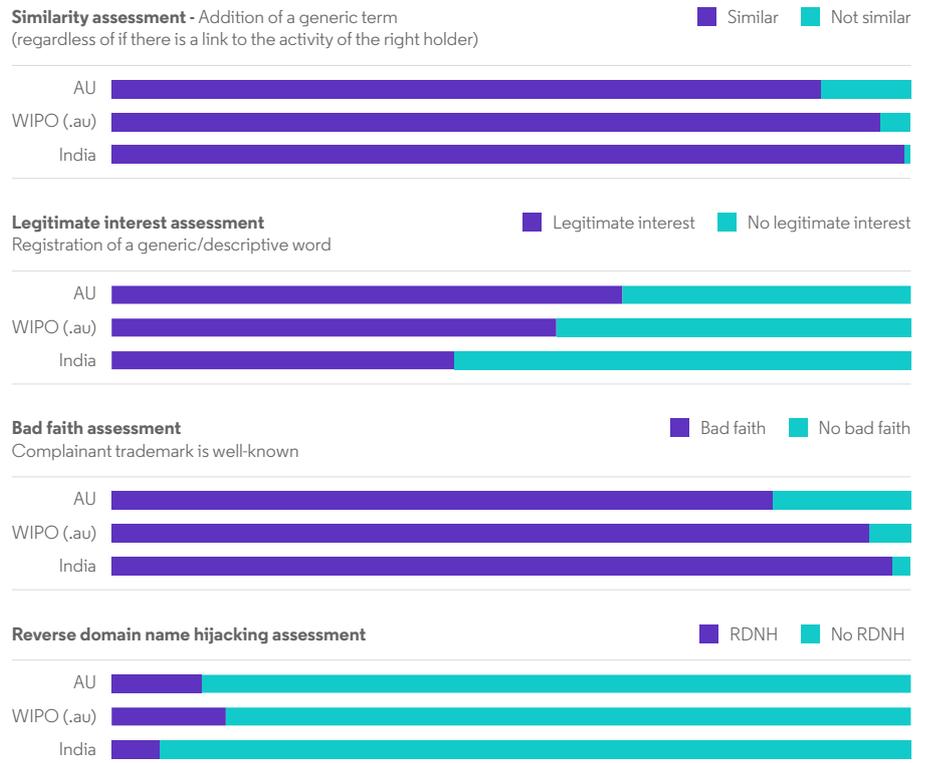
<sup>28</sup> darts-517-955-H-en: "The Panel therefore finds that the use of a domain name parking service constituted bad faith use of the disputed domain name (...). Further, the Panel also observes that the Complainant's interest in and fame of the (...) trademark combined with the Respondent's subsequent bad faith use of the disputed domain name would ordinarily be sufficient to allow the inference that the said domain name was also registered in bad faith."

In contrast, INDRP and auDRP panelists have stopped the assessment if either use or registration in bad faith is proven,<sup>29</sup> referring to the difference as: *“Unlike the UDRP, the requirements of registration in bad faith and use in bad faith are disjunctive. It is only necessary for the Complainant to prove that the disputed domain name was either registered or used in bad faith. It is not necessary to prove both elements.”*<sup>30</sup>

As per the comparison between INDRP and auDRP, although there is no strict distinction as mentioned above for UDRP, Australian arbitration courts, WIPO (for .au) and Indian tribunals have taken somewhat different approaches to domain disputes as well. Figure 3 includes some examples that highlight the difference between three different arbitration forums on the same subjects.<sup>31</sup>

In the absence of clear, harmonized and strict rules for domain disputes globally, and in light of the irrefutable effect of jurisprudence on decision-making, it is more important than ever to identify distinctions between the approaches of the courts to the same or similar legal disputes. Having this in mind, we will see how the international nature of the internet will have an impact on the perspectives of ADNDRC, the Asian office of UDRP and the ccTLD dispute providers in the APAC region in terms of harmonization. Within this context, a helicopter view of the legal tendencies as well as the data revealing the different procedural and administrative statistics of the arbitration instances will support decision and policy-making.

**Figure 3: Comparison of tendencies in different rulings for AU,<sup>32</sup> WIPO and .IN Tribunals**



Source: Darts-ip

<sup>29</sup> darts-014-053-I-e: “...as the Respondent’s action to register the said domain name is not bona fide, therefore, the said registration is done in bad faith.”

<sup>30</sup> darts-508-724-H-en

<sup>31</sup> For this project, the decisions of auDRP providers which are located in Australia and DAU decisions of WIPO are taken into account separately.

<sup>32</sup> AU stands for the arbitration instances in Australia.

# Snapshot: A look into pharmaceutical class filings for trademarks in Asia-Pacific

---

The major export users filing in Class 5 from most Asia-Pacific countries are not filing for pharmaceutical products in Class 5, but for supplements and nutritional foodstuffs.

---

By Robert Reading and Kinam Park

In a report released in July 2019,<sup>33</sup> the United States Agency for International Development (USAID) identified the global threat posed by influenza viruses of animal origin, particularly from Southeast Asia, which had been the source of previous outbreaks (Asian Flu 1957, Hong Kong Flu 1968, SARS 2003).

With COVID-19 dominating global headlines at the start of 2020, trademark data may provide insight to the challenges faced by the Asia-Pacific region.

Trademark activity in the pharmaceutical sector can be identified by looking at Class 5 in the Nice Classification. For applicants from a number of major Asia-Pacific countries, Class 5 is a key “export” class:

- **Japan** – third most frequently used class for exports in 2019 (after Class 9 and Class 3),
- **South Korea** – fourth most important export class in 2019 (after Classes 3, 9 and 35),
- **Australia** – fourth most important export class in 2019 (after Classes 35, 9 and 41),
- **India** – leading export class in 2019, and
- **New Zealand** – leading export class in 2019.

However, the overall Class 5 numbers hide a fact that may be important for future developments emanating from Southeast Asia. While Class 5 is predominantly viewed as the ‘pharmaceutical’ class, it also covers other related products, such as vitamins, baby food and nutritional supplements.

The major export users filing in Class 5 from most Asia-Pacific countries are not filing for pharmaceutical products in Class 5, but for supplements and nutritional foodstuffs.

Since 2015, the leading exporters from Australia using Class 5 on trademark registers around the world are supplement/vitamin producers such as Blackmores, JBX, Max Biocare and infant milk formula company Gotop Australia.

From New Zealand, the major Class 5 exporters are dairy companies producing infant formula and powdered milk, especially into Mainland China – The A2 Milk Company, Blue River Dairy, Fonterra – or involved in the Manuka honey industry.

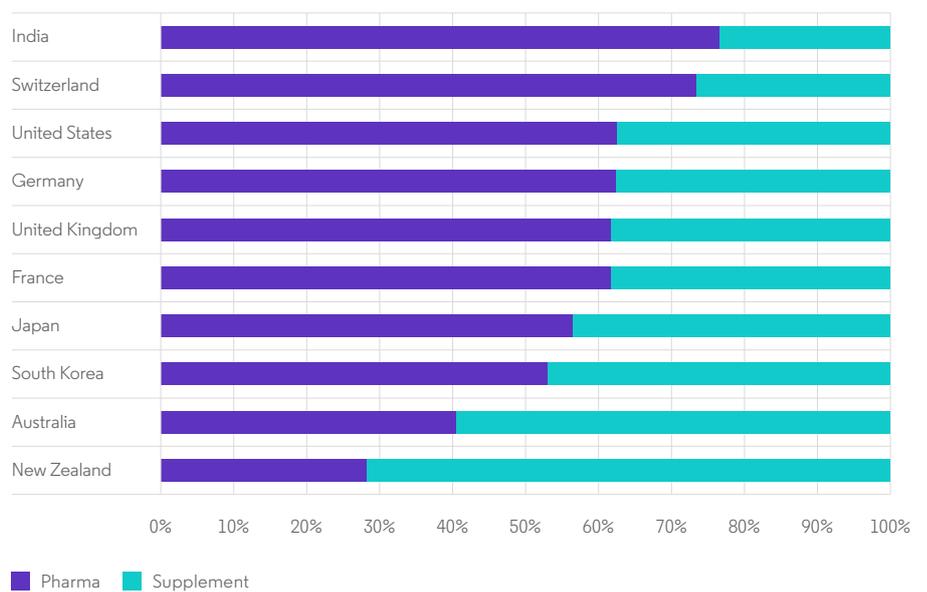
The most prolific South Korean filer around the world in Class 5 is Korean Ginseng Corporation, which had a monopoly on the sale of red ginseng in South Korea from 1899 until 1996 and has since expanded rapidly around the world.

India has a more traditional Class 5 export sector, dominated by pharmaceutical companies such as Dr Reddy's, Glenmark Pharmaceuticals and Sun Pharmaceuticals.

The Japanese export sector in Class 5 is similarly comprised of traditional pharmaceutical companies such as Daiichi Sankyo, Kabayashi Pharmaceuticals, Otsuka Pharmaceutical and

Hisamitsu Pharmaceutical. Trademark activity strongly suggests that although the Asia-Pacific region has much to gain from investing in and commercializing novel pharmaceutical products, the current focus is on nutritional supplements. This is in direct contrast to major European countries and the United States, where pharmaceutical trademarks have dominated supplement trademarks even in recent years.

**Figure 1: Trademark applications in Class 5 (2015 to 2019)**



Source: SAEGIS

Even in the two major countries where traditional pharmaceutical companies dominate the sector, there have been challenges. In India the pharma sector has been built on a strategy of producing generic medicines cost effectively rather than through expensive R&D and investment in product innovation. And Japan has missed opportunities to commercialize research breakthroughs – for example the class of drugs known as statins were isolated by a Japanese researcher in the 1970s but never marketed, allowing U.S. based companies such as Merck and Bristol Myers Squibb to reap the benefits.

Due to difficulties with the allocation of general subclasses to Mainland Chinese trademark records, it was not possible to include the Chinese trademark register in this analysis. Mainland China has devoted unprecedented resources in recent years to providing Chinese brands a platform for global expansion. So far this has mostly involved consumer electronics, textiles, clothing and household items, but the world could benefit greatly if we see innovative Mainland Chinese pharmaceutical brands start to appear on trademark registers around the world.

# The view from Beijing: Patent activity in Mainland China

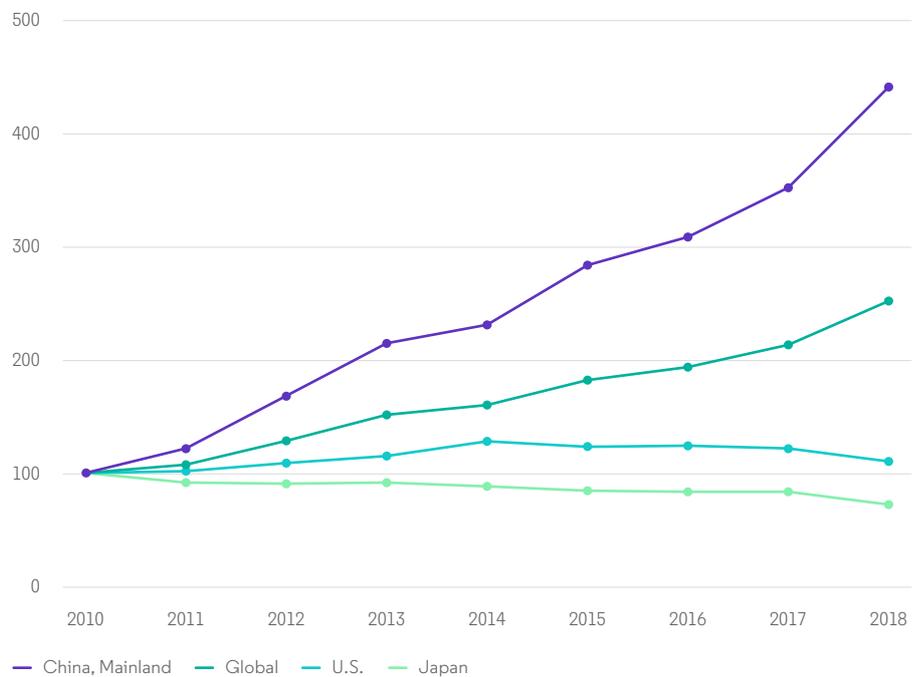
By Tianhan Wang

Mainland China has seen continued rapid growth in patent filings throughout the last decade, accounting for a significant portion of global totals and driving an overall upward trend. As shown in Figure 1, while the total Derwent World Patents Index™<sup>34</sup>

(DWPI) patent families for invention patents and utility models published in Mainland China surged to an impressive 440% in 2018 from 2010, in sharp contrast, volumes of some of the world's other largest economies, such as the United States and Japan, remained almost constant or slightly declined.

According to data from the National Bureau of Statistics, Mainland China's R&D spending has consistently been above 2% of its GDP for the last five years.

**Figure 1: Growth rate in Mainland China and other jurisdictions by year of basic publication, normalized to 2010 as baseline score of 100**



Source: Derwent World Patents Index

The surge of patent filings over the years in Mainland China was boosted by several factors, including national innovation strategies, growing research and development spending and incentive policies at both the state and local levels. In Mainland China's Outline of the 12th (2011 to 2015) and 13th (2016 to 2020) Five-Year Plan for the National Economic and Social Development, "innovation" became one of the key objectives for national strategy. Specific metrics on

patent filing targets were provided in various related policies. According to data from the National Bureau of Statistics, Mainland China's R&D spending has consistently been above 2% of its GDP for the last five years, reaching a total of 1.97 trillion Chinese Yuan in 2018.<sup>35</sup> The patenting trend described above shows a strong linear correlation with the R&D expenditure during the same period, suggesting a positive output in the form of patent filings from innovation activities.

<sup>34</sup> [www.clarivate.com/derwent/solutions/derwent-world-patent-index-dwpi/](http://www.clarivate.com/derwent/solutions/derwent-world-patent-index-dwpi/)

<sup>35</sup> [www.gov.cn/guowuyuan/2019-08/30/content\\_5425965.htm](http://www.gov.cn/guowuyuan/2019-08/30/content_5425965.htm)

---

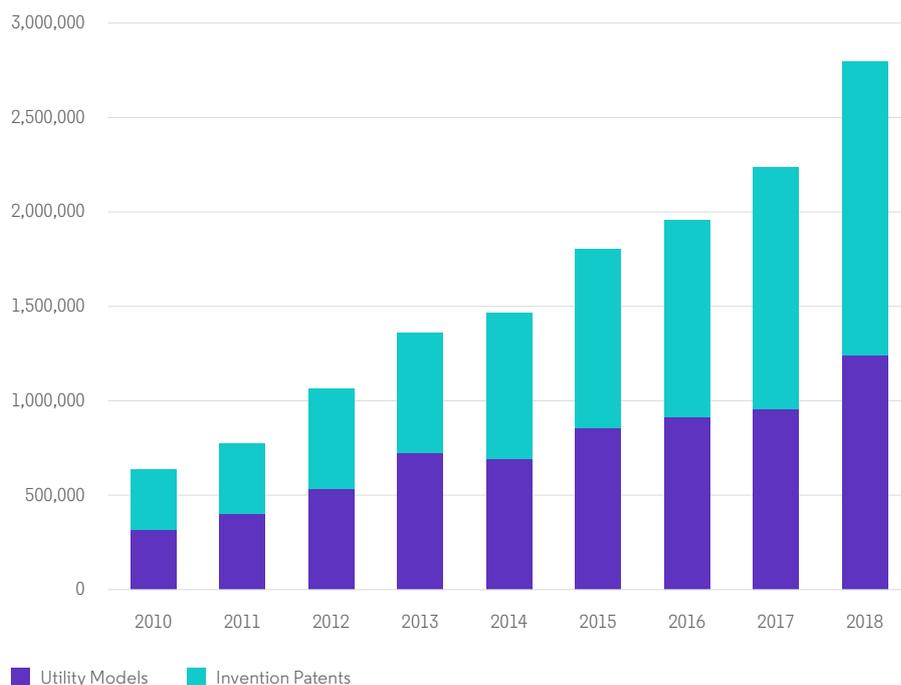
It is worth noting that Mainland China has started to implement various policies to regulate patent applications and examination processes.

---

In the meantime, various subsidy schemes implemented at different levels across the country certainly provided additional incentives for commercial entities, universities and research institutions to rush to file patent applications. The exploding volume of patents has not gone unnoticed by authorities. It is worth noting that Mainland China has started to implement various policies to regulate patent applications and examination processes, attempting to shift the focus from pursuing 'quantity' to 'quality.' For example, patents filed by universities are increasingly evaluated by their ability to commercialize rather than by sheer volume.

A closer look at the patent data in Mainland China reveals that, within the total published volume each year, approximately 40% to 50% are utility model patents. Compared to invention patents, utility model patents are small inventions for protecting products, which have lower inventiveness requirements. Further, utility model patents do not require substantive examinations before grant and provide a maximum of a 10-year protection period. With limitations, utility model patents offer a much faster route (usually less than 12 months per grant) and lower cost to maintain. It is clear that utility model patents are widely used as a strategy in Mainland China for IP protection.

**Figure 2: Volume of utility model patents and invention patents published in Mainland China, counted as DWPI families by year of basic publication**



Source: Derwent World Patents Index

Where are the innovation sources of these patents coming from? Figure 3 compares patent publication volumes in Mainland China originating from domestic organizations where priority filings are also in China, to those where priority filing jurisdictions are foreign. It is not surprising to see filings from domestic organizations delivering a large volume each year, in fact

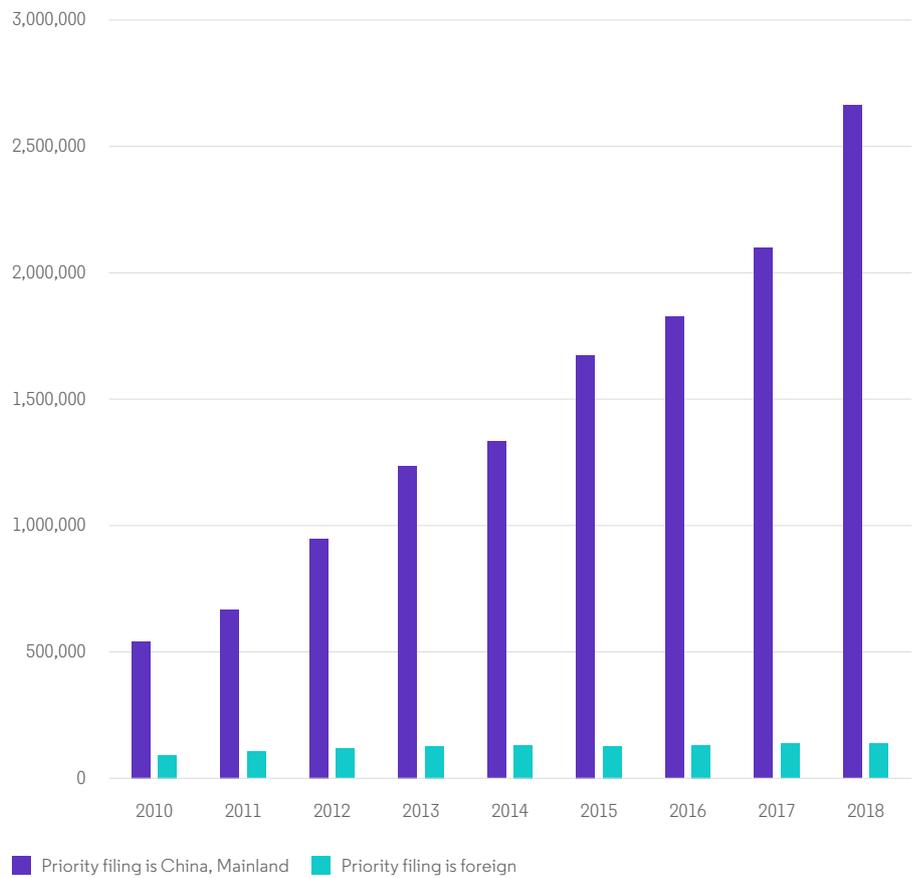
increasing almost five-fold from 2010 to 2018. Comparatively, the volume of patents originating from foreign jurisdictions and seeking protections in Mainland China has not changed substantially, increasing by just 49% over the years. If we further break down by jurisdictions, the United States consistently ranks first, showing its continued patent activities in China.

---

It is not surprising to see filings from domestic organizations delivering a large volume each year, in fact increasing almost five-fold from 2010 to 2018.

---

**Figure 3: Comparison of publications in Mainland China from domestic and foreign sources, counted as DWPI families when priority country is either China or foreign, by year of basic publication**



Source: Derwent World Patents Index

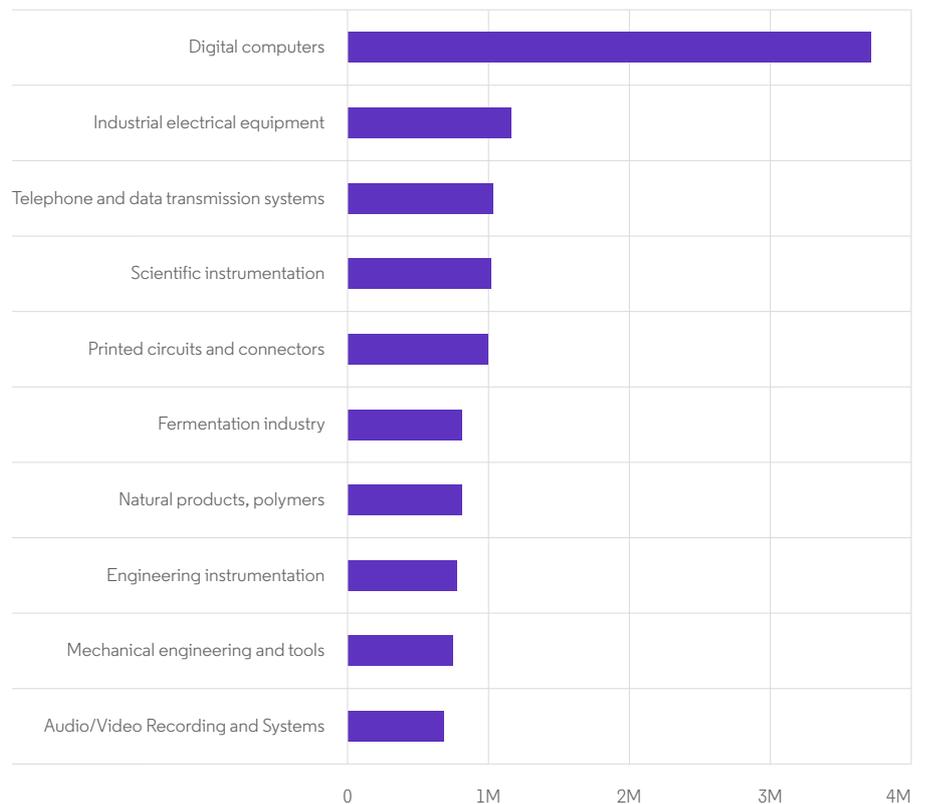


In recent years Mainland China has led technology development in many industries, especially in the information and communication technology (ICT) sector, including telecommunications and mobile internet. New technologies and applications are being developed and commercialized faster than ever before.

A study on the classification codes covered by patents published in Mainland China reflects the same focus. Figure 4 lists the leading DWPI classification codes<sup>36</sup> ranked by publication volume in Mainland

China in 2018. The DWPI classification system categorizes patent documents into three broad areas: Chemical, Engineering and Electronic and Electrical Engineering. Each of these is further divided into sections and classes which describe the technical area, or areas, covered by the patent. Digital computers (electronic data processors, interfaces and program control, mechanical digital computers) are ranked first with more than 370k published families. It is followed by industrial electrical equipment, and telephone and data transmission systems.

**Figure 4: Top-ranked DWPI classification code descriptions, counted as DWPI families published in 2018**



Source: Derwent World Patents Index

Mainland China offers exciting market opportunities and at the same time a challenging environment. Having a well-defined IP strategy in place

with the understanding of the overall intellectual property landscape in Mainland China will be one of the key steps towards future success.

<sup>36</sup> [www.clarivate.com/derwent/dwpi-reference-center/dwpi-classification-system/](http://www.clarivate.com/derwent/dwpi-reference-center/dwpi-classification-system/)

# .BRAND TLDs in the Asia-Pacific region

---

In the Asia-Pacific (APAC) region of the world, 105 companies applied for .BRAND TLDs.

---

By Heidi Zhang

In 2012, when the Internet Corporation for Assigned Names and Numbers (ICANN) launched its application round for new gTLDs, 1,154 applicants from every continent across the globe filed applications to operate new gTLDs. Interestingly, many brand owners also seized the opportunity to apply for their own .BRAND TLDs (for example, .MARRIOTT, .BMW, and .SONY) in order to create their own internet real estate and promote and protect their online identity.

In the Asia-Pacific (APAC) region of the world, 105 companies applied for .BRAND TLDs with some companies applying for more than one. A total of 144 .BRAND TLDs were applied for by companies in Asia-Pacific. This count makes up 25.5% of the total .BRAND TLD applications (565) filed in 2012.<sup>37</sup>

## Usage of a .BRAND TLD

A .BRAND TLD provides brand owners with the ability to control all content and use of a name space to the right of the 'dot.' With a .BRAND TLD, brand owners can drive internet traffic to websites and relay information with very short and memorable domains and also save themselves trouble from managing domains under other generic TLDs. A .BRAND domain name can be used to:

- redirect traffic to an existing home page;
- build a microsite;
- launch new products;
- allocate brand SLDs to subsidiaries/branches as their website;
- support marketing activities;
- deliver a themed program; and
- create a new home page.

<sup>37</sup> <https://statshub.makeway.world/brand-detail-table.php>



## Big companies, big .BRANDs

Among the 105 APAC applicants that filed for .BRAND TLDs, 38 belong to Fortune 500 companies<sup>38</sup> such as Nissan, Samsung and Toyota. A complete breakdown of these applications is shown in the table below.<sup>39</sup> Other notable companies that applied for a .BRAND include Seiko, Nikon, ShangriLa and Baidu.

Organization	No. of brand TLDs	Country/region	TLDs
Alibaba	4	China, Mainland	.alibaba; .alipay; .taobao; .tmall
NISSAN	3	Japan	.datsun; .infiniti; .nissan
Bridgestone Corporation	2	Japan	.bridgestone; .firestone
China United Network Communications Corp Ltd	2	China, Mainland	.unicom; .联通
CITIC Group Corporation	2	China, Mainland	.citic; .中信
Industrial and Commercial Bank of China	2	China, Mainland	.icbc; .工行
SAMSUNG SDS Co., LTD	2	South Korea	.samsung; .삼성
Toyota Motor Corporation	2	Japan	.lexus; .toyota
Canon Inc.	1	Japan	.canon
Fujitsu Limited	1	Japan	.fujitsu
Hitachi	1	Japan	.hitachi
Honda Motor Co., Ltd.	1	Japan	.honda
Hyundai Motor Company	1	South Korea	.hyundai
KDDI	1	Japan	.kddi
KIA Motors Corporation	1	South Korea	.kia
Mitsubishi	1	Japan	.mitsubishi
Mitsubishi Tanabe Pharma Corporation	1	Japan	.mtpc
NEC Corporation	1	Japan	.nec
NIPPON Telegraph and Telephone Company	1	Japan	.ntt
Panasonic Corporation	1	Japan	.panasonic
Reliance Industries Limited	1	India	.reliance
Softbank Corp.	1	Japan	.softbank
Sony Computer Entertainment Inc.	1	Japan	.playstation
Sony Corporation	1	Japan	.sony
State Bank of India	1	India	.statebank
Suzuki Motor Corporation	1	Japan	.suzuki
Tata Motors Ltd	1	India	.tatamotors
TOSHIBA Corporation	1	Japan	.toshiba

<sup>38</sup> [www.fortune.com/fortune500/](http://www.fortune.com/fortune500/)

<sup>39</sup> <https://gtldresult.icann.org/applicationstatus/viewstatus>

---

Applicants from Japan filed the most .BRAND TLD applications among all APAC countries/regions with 49.

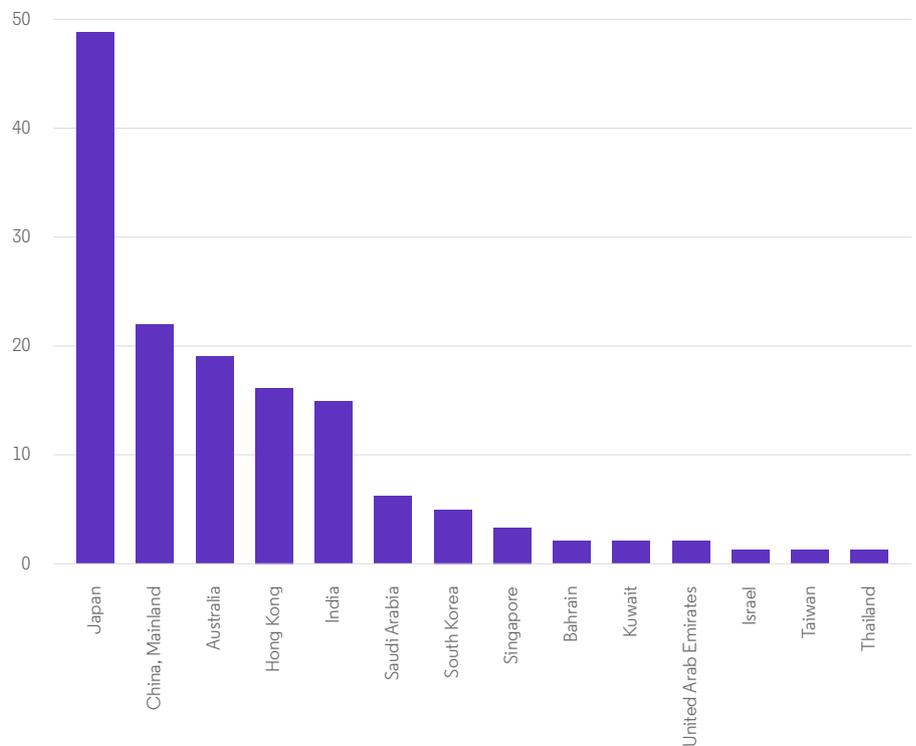
---

## APAC .BRAND TLD distribution

Applicants from Japan filed the most .BRAND TLD applications among all APAC countries/regions with 49. Mainland Chinese companies followed with 22, and Australian applicants filed for 19.<sup>40</sup> This is partly explained by the industry sector of the Fortune 500 companies from each region on the list. Although Mainland China has more

companies listed on the Fortune 500 than Japan, fewer companies in China applied for a .BRAND because most are manufacturing companies that do not depend heavily on an online presence in order to drive business. More Japanese companies on the Fortune 500 are technology and consumer goods focused, sectors which tend to understand better the importance of online brand presence and awareness and therefore would be more aware of the value of having a .BRAND.

**Figure 1 .BRAND TLD distribution in different country/region**



Source: MarkMonitor

Industry segmentation made up more than half of the .BRAND TLDs and spanned a variety of industry sectors including telecommunications, information technology, banking and financial and consumer electronics.

It not surprising that the IT and the banking and financial sectors were a major focus, as these industries are often the target of abuse and domain name infringement and they have multiple portals to interact with internet users.

<sup>40</sup><https://gtldresult.icann.org/applicationstatus/viewstatus>

**Figure 2 .BRAND industry segmentation**



- |                           |                   |                              |
|---------------------------|-------------------|------------------------------|
| 1. Telecommunications     | 9. Education      | 17. Business Services        |
| 2. Banking and Financial  | 10. Real Estate   | 18. Health                   |
| 3. Information Technology | 11. Manufacturing | 19. Internet Services        |
| 4. Consumer Electronics   | 12. Energy        | 20. Logistics                |
| 5. Automotive             | 13. Retail        | 21. Clothing and Accessories |
| 6. Industrial             | 14. Travel        | 22. Insurance                |
| 7. Media                  | 15. Associations  | 23. Miscellaneous            |
| 8. Pharmaceutical         | 16. Manufacturing | 24. Sports                   |

Source: MarkMonitor

## Launching a .BRAND TLD

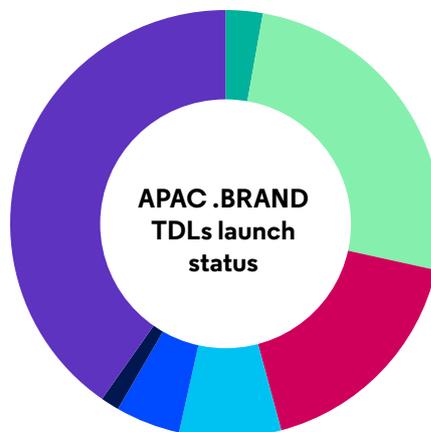
The first launched .BRAND TLDs were .citic and (.中信), in 2014 soon after they were delegated. As of the end of

2019, 86 of the 144 .BRAND TLDs had launched. Half of APAC's .BRAND TLDs were launched in 2015, 2016 and 2017.<sup>41</sup>

**Figure 3.**

Year (.BRAND TLDs)

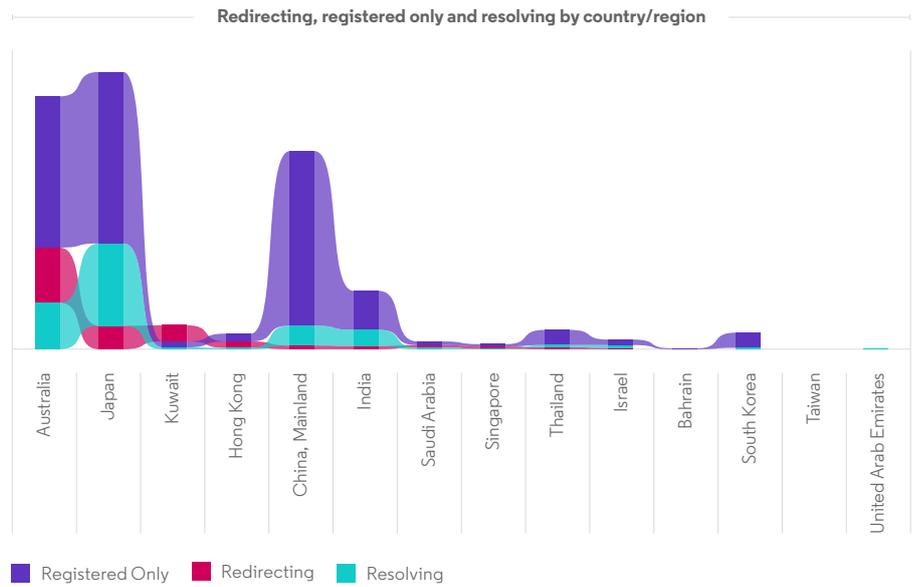
- 2014 (4)
- 2015 (37)
- 2016 (25)
- 2017 (11)
- 2018 (7)
- 2019 (2)
- Not launched (58)



Source: MarkMonitor

<sup>41</sup><https://newgtlds.icann.org/en/program-status/sunrise-claims-periods>

**Figure 4. Website resolution**



In the picture above, you can see the top down ranking of resolving, redirecting and registered only domain volume in 14 countries and regions in APAC.<sup>42</sup>

Country/region	Resolving domains	Redirecting domains	Registered only domains
Australia	101	120	329
Bahrain	0	0	2
China, Mainland	43	8	380
Hong Kong	3	14	17
India	35	7	85
Israel	6	3	12
Japan	179	51	373
South Korea	3	0	33
Kuwait	4	35	13
Saudi Arabia	4	5	8
Singapore	1	5	5
Taiwan	0	0	0
Thailand	5	4	33
United Arab Emirates	1	0	0
<b>Total</b>	<b>385</b>	<b>252</b>	<b>1,290</b>

<sup>42</sup><https://statshub.makeway.world/brand-detail-table.php>

## Challenges to .BRAND operation

As seen in the table above, there are 1,927 second level domains registered under APAC .BRAND TLDs, but only 637 active domain names that resolve or redirect and that are actively in use. The percentage is only 33%, while the global number is 65.6% (total registration is 19,550 while 12,833 domain names are resolving or redirecting).

Why aren't more companies using their .BRAND TLDs? The reasons are many.

First, many companies are concerned they might lose traffic if they switch from their current domain name (most likely a .COM or .CN) to a .BRAND. A second reason is that the new gTLDs strings are not well recognized or supported by browsers. Sometimes a domain name with a new gTLD cannot be opened and causes a bad user experience.

In addition, operational policies for a .BRAND take planning and effort to develop and many companies don't have resources to commit to this effort. As companies have unique business models, organizational structures and product features, there is no single universal .BRAND usage pattern for brand owners to refer to. It is very challenging for brand owners to develop operational policies and procedures due to lack of proficiency and resources.

A fourth reason for the lack of usage can be an absence of communication within the brand company. For example, the technical or marketing team may not

know that they have a .BRAND TLD to make use of. If anyone needs to apply for a domain name under a .BRAND, the internal process can be difficult.

Finally, some brands just want to wait and see how others are using their .BRAND TLDs and learn from their successes or failures. The learning curve is steep and brand owners are generally cautious. The more .BRANDS they see in the marketplace, the more inclined they may be to launch their own.

## Looking ahead

.BRAND TLDs provide brand owners the opportunity to use their brand names as their top-level domain and manage the internet space under it. Based on the current status of how .BRAND TLDs are used, there is still work to be done in socializing domain knowledge and engaging .BRAND TLD operators in industry discussions. As time goes on, we will see more and more .BRAND TLDs come online and serve brand owners better.

Although some brand owners took the initiative and applied for their brand TLDs in 2012, there are many companies that missed this opportunity and must wait for the next round of new gTLD applications to open, expected sometime in 2022. In the meantime, brands will benchmark against their peers and the pioneers in .BRAND TLD usage. Because the first round of new gTLDs covered a lot of generic and short words, the number of .BRAND applications in the next round is expected to surpass the number of generic TLDs.

# New provisions on punitive damages for willful patent infringement in South Korea

---

The new legislation on punitive damages is expected to prevent defendants and others from exploiting any patented item without the permission of the patent holder beforehand.

---

**By Jeeyoon Park**

The biggest IP news of 2019, as selected by IP experts in South Korea, is the introduction of new provisions in relation to punitive damages, which took effect in July 2019.<sup>43</sup> According to these provisions, a court can award up to triple the amount of compensatory damages in the case of a patent and utility model infringement,<sup>44</sup> where 'willfulness' is confirmed. The new legislation on punitive damages is expected to prevent defendants and others from exploiting any patented item without the permission of the patent holder beforehand, by imposing harsher punishments for alleged infringers. The newly-added provisions can be found in article 128 (claim for compensation for damages) of the Korean Patent Act, new paragraphs 8 and 9 which state the following:

- 8) *Notwithstanding paragraph 1, the court may award damages up to three times the amount of damages determined pursuant to paragraphs 2 to 7, if the activity infringing the patent right or the exclusive license right is found to be willful.*
- 9) *The court shall consider each of the following factors in considering the damages pursuant to paragraph 8:*
  - i) *whether the infringer has a dominant position;*
  - ii) *whether the infringer knew the act of infringement would cause harm to a patent owner;*
  - iii) *the significance of any such damages;*
  - iv) *the economic benefits to the infringer from the infringement;*

- v) *how frequently and how long the infringing activity was committed;*
- vi) *the criminal penalty for the infringing activity;*
- vii) *the infringer's financial status; and*
- viii) *what efforts the infringer has made to reduce the harm to the patent owner.*

In the past, patent owners had a heavier burden of proof than an accused infringer in infringement litigation. The lawsuit would be filed with evidence such as a scope of infringement and infringing products, which was considered impossible to prove when the infringer refused to submit this data. Furthermore, even if proven to be a patent violation, the amount of compensation from the act of infringement is, in most cases, ironically smaller than the profits gained by the infringer during their illegal conduct.

In the United States, where punitive damages have been enforced for a long period of time, judges impose a more significant amount of compensation for damages in patent infringement than in South Korea. As a matter of fact, according to data sourced from Darts-ip, the number of cases involving damages of more than \$10,000 USD in patent infringement actions is approximately five times higher in the United States than in South Korea.<sup>45</sup> Thus, the damage compensation laws prior to the reform did not have any particular influence in discouraging potential infringers in South Korea.

<sup>43</sup> The system is defined by about 16 other provisions, including the Patent Act, the Unfair Competition Prevention and Trade Secret Protection Act, etc., but this article focuses on patent and utility model infringement.

<sup>44</sup> The patent infringement mentioned throughout this article includes utility model infringement.

<sup>45</sup> [app.darts-ip.com](http://app.darts-ip.com), The cases ruled more than 10,000 USD of the compensation for damages between 2010 and 2019.

The newly-added provision is also meaningful in terms of supporting small and medium-sized enterprises (SMEs). The Korean Intellectual Property Office (KIPO) enforces many policies for the sake of SMEs, for example, the reduction of patent application and/or registration fees. In this regard, the introduction of the new provisions can be interpreted as being favorable to SMEs, protecting against the ‘intentional’ patent violations by large multinational corporations. Consequently, a guideline<sup>46</sup> has been published by the KIPO, primarily for SMEs, to provide instructions for preventing infringement as well as informing how to confront large companies, as SMEs usually lack the resources to do so on their own. Furthermore, it is noteworthy that stronger penalties can be imposed in the context of malicious, willful infringement where large corporations abuse their dominant position on patents held by SMEs or private patentees.

However, this new legislation does give rise to an important question: how can ‘willfulness’ be defined?

Most of the cases to date cite a Supreme Court decision on May 27, 2005 (2004 E160584), stating that “the damages can be calculated by comprehensively considering the circumstances and background of the infringement of the patent rights, the nature and market conditions of the operation, the duration in which the infringement of the patent rights was sustained, the attitude or the willfulness of infringers during the infringement dispute and other circumstances shown in the

records and arguments” (darts-793-587-B-ko). This is clearly insufficient for determining the ‘intention’ as multiple factors are involved in a broad concept.

Nevertheless, it should be pointed out that an infringement trial usually becomes divided into two parts in South Korea. On one hand, a patent infringement is a criminal proceeding that entails certain penalties, such as imprisonment or fines to an accused infringer. On the other hand, the compensation comes as a result of a civil proceeding and must be filed separately by a patentee in order to get compensated up to triple the amount.<sup>47</sup> For this reason, there has been some opposition to the new damage provision, as it could lead to confusion between civil and criminal laws resulting in potential double punishment of the infringers.

In conclusion, the guidebook<sup>48</sup> addresses several cases<sup>49</sup> that may be identified as acts of infringement committed ‘knowingly and purposely’; however, the judgment may vary depending on experts’ views and judges’ discretion. Opponents of this new measure claim that the punitive damage implementation may create abuse by patentees, and the divided proceedings between civil and criminal trials might put an additional burden on both patent holders and infringers. Therefore, the introduction of these provisions seems to favor small patent holders and SMEs; however, it may be different in practice. As we proceed through 2020 with this change, it will be important to develop concrete cases in order to promote mutual growth and fair judgement in the field of patent infringement.

<sup>46</sup> “A preventive guideline for SMEs of the introduction of punitive damages resulted from willful patent infringement”, KIPO, Jan.2020.

<sup>47</sup> [www.junggi.co.kr/article/articleView.html?no=24597](http://www.junggi.co.kr/article/articleView.html?no=24597)

<sup>48</sup> Referenced in footnote 29.

<sup>49</sup> 1) an act of Infringement after receiving a warning letter or a lawsuit has been filed

2) an act of infringement after the termination of the license contract

3) an act of infringement in cases to believe that he was well aware of the patent.

# How pursuing patents in Japan has evolved over the past decade

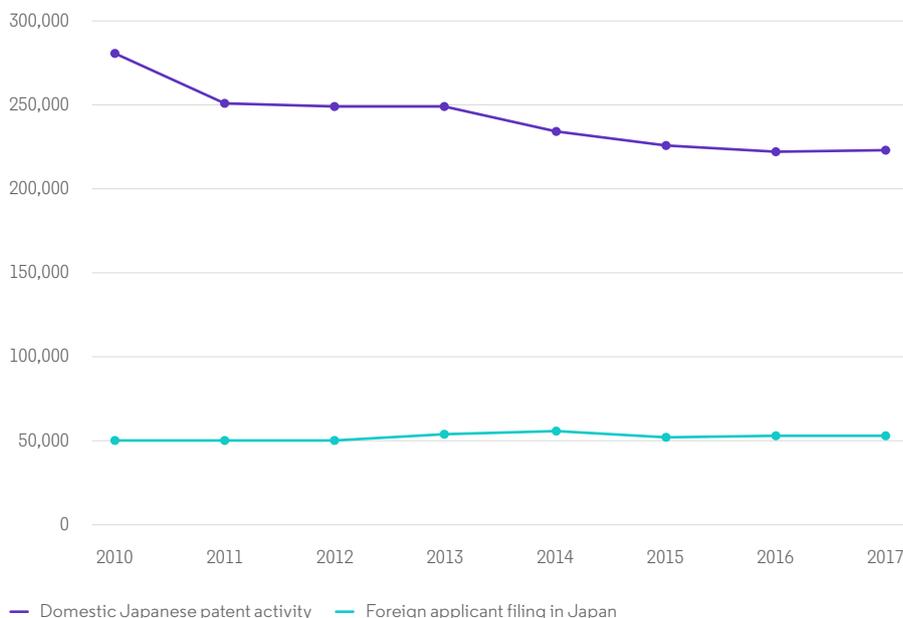
The implication is that the 2008 global financial crisis has shifted the way Japanese companies pursue patent protection.

By Kenichi Nakajima

Many companies worldwide were impacted by the 2008 Global Financial Crisis (GFC) and the effect resonated in their patent activities. In Japan, many if not most companies decreased patent applications after the market crash that followed. The Tokyo Stock Exchange (Nikkei Average) slumped around

10,000 JPY between 2008 to 2012. After 2013, the Nikkei Average rebounded to about 23,000 JPY – higher than before the crisis. The number of patent applications in Japan, however, have not recovered and are still lower than pre-crisis levels. The implication is that the 2008 GFC has fundamentally shifted the way Japanese companies pursue patent protection.

Figure 1. Japanese patent filing activity



Source: Derwent World Patents Index

In the 2019 report published by the Japan patent office,<sup>50</sup> the number of patent applications by Japanese companies continues to decrease from 344,397 Japanese applications in 2010 to 313,028 applications in 2018. Conversely, the number of Japanese patent applications made by foreign companies has remained consistent at approximately 20,000 applications.

This compares well to our analysis of Derwent World Patents Index data for Japan. A comparison between locally filed first (domestic proxy) and foreign filed first (foreign proxy) patent activity (Figure 1) indicates that Japanese patent applications by domestic companies are decreasing while the number of applications by foreign companies remains stable.

Historically, Japanese companies have benefited from large market shares in consumer electronics products like televisions, mobile phones and sound equipment. Today, these markets have undergone significant disruption – both technologically and geographically, with manufacturing and innovation market share hugely increased by Chinese and Korean firms.

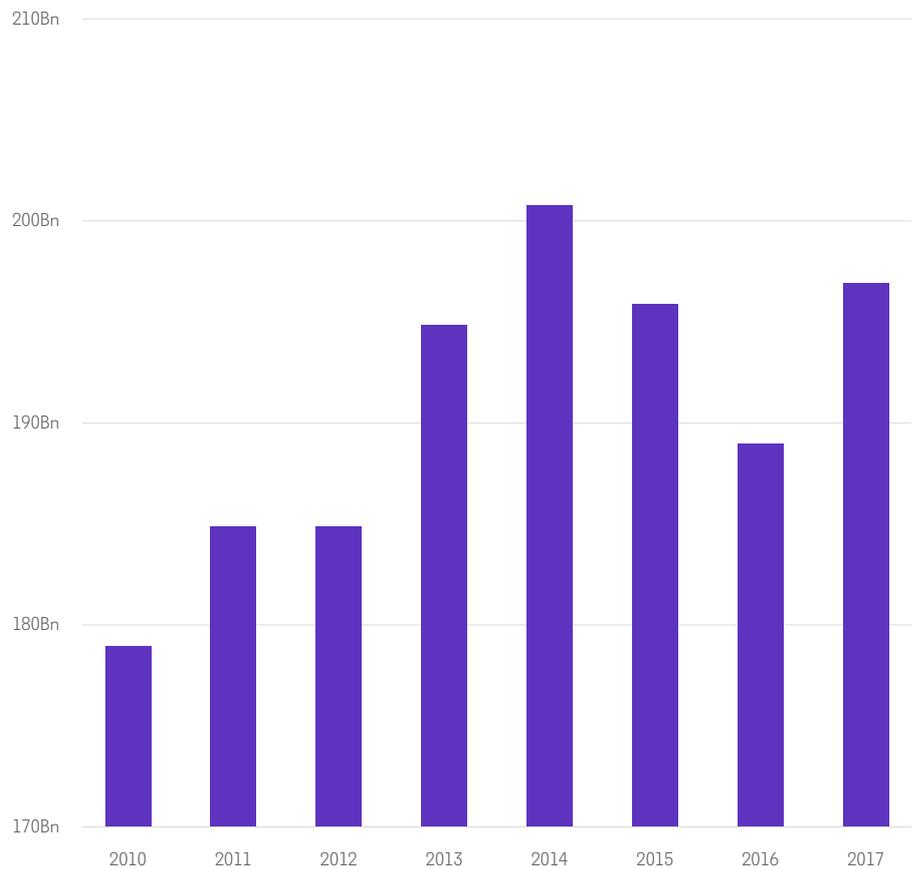
The question all of this raises is: have market forces and financial crises caused the invention creation activities of Japanese companies to become sluggish despite the recovery of the Japanese economy?

The answer is no.

Instead, the strategy of Japanese companies changed. They have shifted focus from the quantity of patents filed to being more selective and focused on the quality and usefulness of patent application and better spend of budgets. Japanese manufacturing firms have also undergone significant globalization.

Indeed, R&D investment by Japanese entities (including government, academic and corporate entities) is definitively not sluggish (Figure 2).

**Figure 2. Japanese R&D investment**



Source: World Bank

In the past, Japanese companies filed many patent applications related to products in Japan regardless of the invention quality simply to defend against their competitor's patent application; R&D and manufacturing base were primarily in Japan.

In the 2019 JPO report,<sup>51</sup> the number of patent applications in Japan decreased but the number of patent issuances (where applications grant registered patent rights) increased from approximately 150,000 in 2014 to 180,000. This is a strong indication that a shift in focus occurred from volume to quality of invention.

From a global perspective, the R&D and manufacturing base of Japanese companies has shifted to a much wider footprint across Asia. As the result, Japanese companies have changed their approach to patent strategies.

Part of this is evident in a 2018 Bank of Japan report<sup>52</sup> concerning licensing fees generated by Japanese applicants to foreign companies. The report tracked an increase from just over one trillion JPY in 2010 to 3 trillion in 2017, with Asian and American entities as major licensees. In most cases, the licensee is a subsidiary of licensor manufacturing their products, and Japanese companies receive the license fee from the subsidiaries based on their patents filed in subsidiaries' location.

Finally, the 2019 JPO report showed that Patent Cooperation Treaty (PCT fast-track, a route to international patent protection) by applicants located in Japan increased between

2014 and 2018 from approximately 40,000 to 50,000. However, while Japanese companies are increasingly investing for patent filing in their subsidiaries' locations and market via PCT, the budget for patent prosecution by Japanese companies has not increased and remained stable at approximately 500 billion JPY.

The story generated from this data is one of a pivot and change in focus. Japanese innovators have had to review the necessity of Japanese patent coverage in an environment of limited and non-growing intellectual property budgets. Firms have had to focus on inventions that are more impactful and higher quality, as well as more carefully protected geographically, to file important applications in their subsidiaries' location.

A simple view of declining Japanese patent activity, particularly by local firms, can lead to an incorrect view that Japanese innovation has itself reduced. In the past, Japanese firms performed their R&D in Japan, they manufactured in Japan and they sold in Japan.

This simply isn't the case in 2020 – R&D has shifted to subsidiaries in other locations and the manufacturing footprint is much more pan-Asian. IP budgets are lower, but this has necessitated a more thoughtful approach to patent activity. Quality, selectivity and wisdom in patent filing is different from 10 years ago, and Japanese patent activity has changed in response.

<sup>51</sup> 2019 JPO report [www.jpo.go.jp/resources/report/nenji/2019/ebook/book.pdf](http://www.jpo.go.jp/resources/report/nenji/2019/ebook/book.pdf)

<sup>52</sup> Bank of Japan Report 2018, [https://www.boj.or.jp/statistics/br/bop\\_06/bop2017a.pdf](https://www.boj.or.jp/statistics/br/bop_06/bop2017a.pdf), Licensing fee trend in Japan of industrial property rights

# Trademark challenges facing the growing Asia-Pacific market

By Robert Reading,  
Sumiko Toyama and Jingyu Li

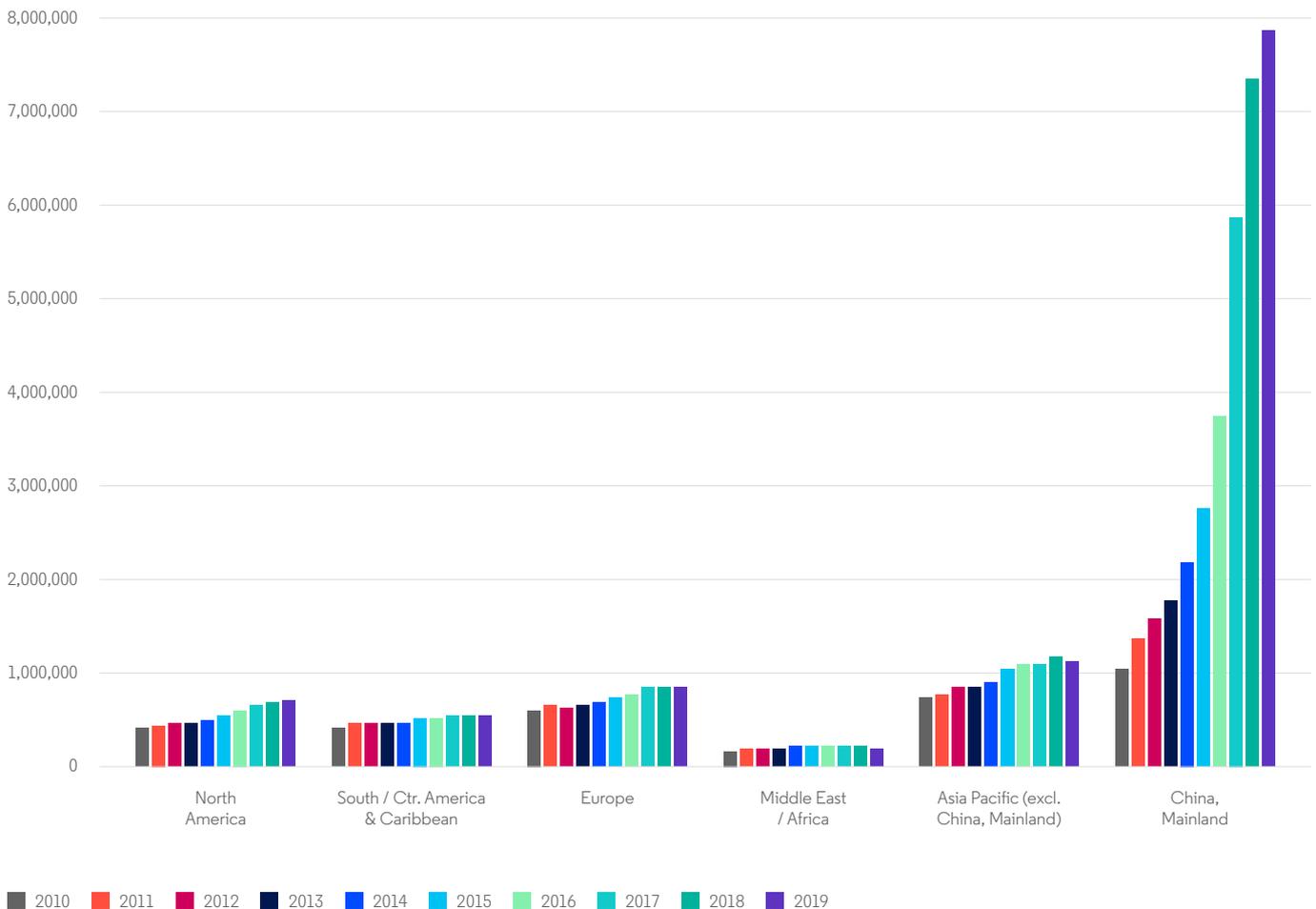
*Methodology: the data used in this article was provided by our CompuMark SAEGIS™ trademark database covering 200 countries and 100 million records.*

The years since 2010 have seen unprecedented growth in trademark filing activity around the world.

As the global economy recovered from the economic crisis of 2008, trademark applications have been filed in record numbers on major trademark registers, and nowhere has this recovery been more spectacular than in the Asia-Pacific (APAC) region.

Trademark filing activity has increased each year since 2010 in every region of the world.

**Figure 1: Annual trademark filing activity around the world since 2010 (by region)**



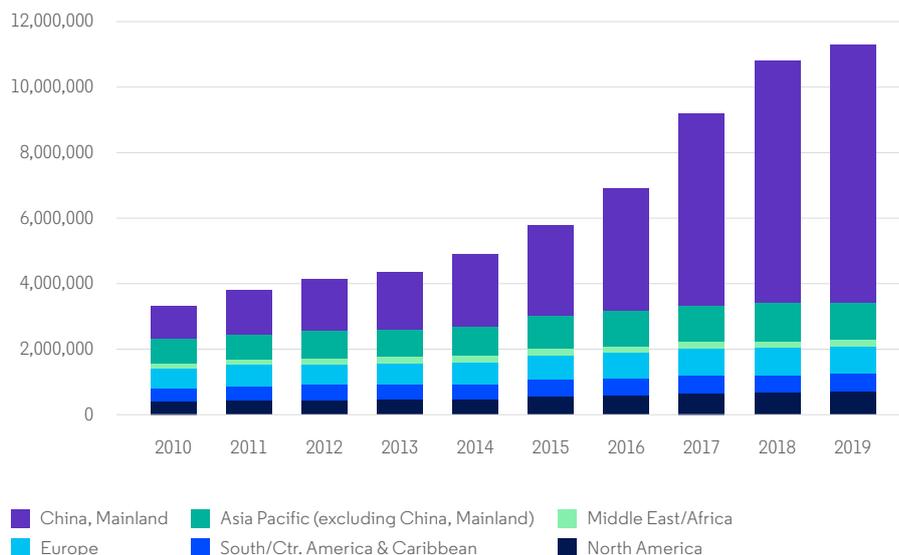
Source: SAEGIS

In 2019 there were more than 11.3 million trademark applications filed globally – more than three times as many as at the start of the decade.

In 2010 just over 3.3 million trademark applications were filed worldwide. Five years later, in 2015, global filing activity passed 5 million applications for the first time. And in 2018 – just three years later – 10.8 million applications were filed.

In 2019 there were more than 11.3 million trademark applications filed globally – more than three times as many as at the start of the decade and double the volume from five years earlier.

**Figure 2: Global trademark filing activity 2010 to 2019**

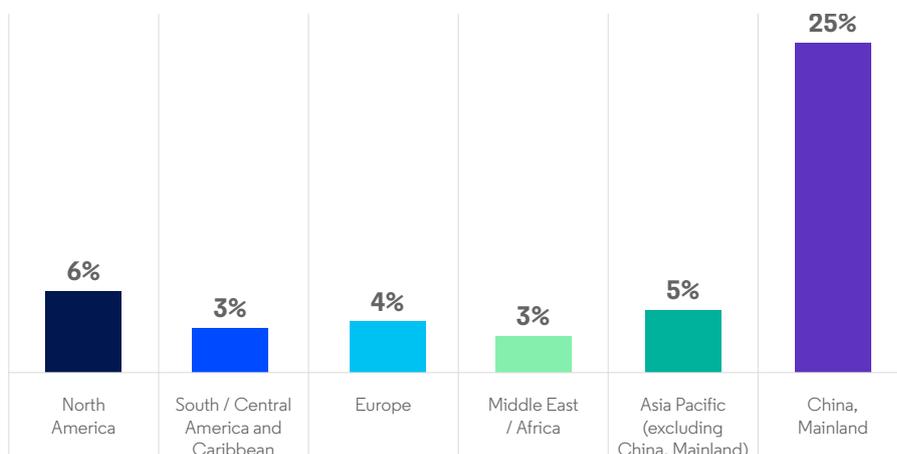


The vast majority of this remarkable growth has come from one single trademark register: Mainland China. Since 2010, annual growth in each region around the world has consistently been

between 3% and 6%, including most of the Asia-Pacific trademark registers. Over the same period the average annual growth at the Chinese trademark register has been an incredible 25%:

Source: SAEGIS

**Figure 3: Average annual growth in trademark filing activity since 2010 (by region)**



Source: SAEGIS

---

## The Chinese trademark register now receives 70% of all the trademark applications filed globally.

---

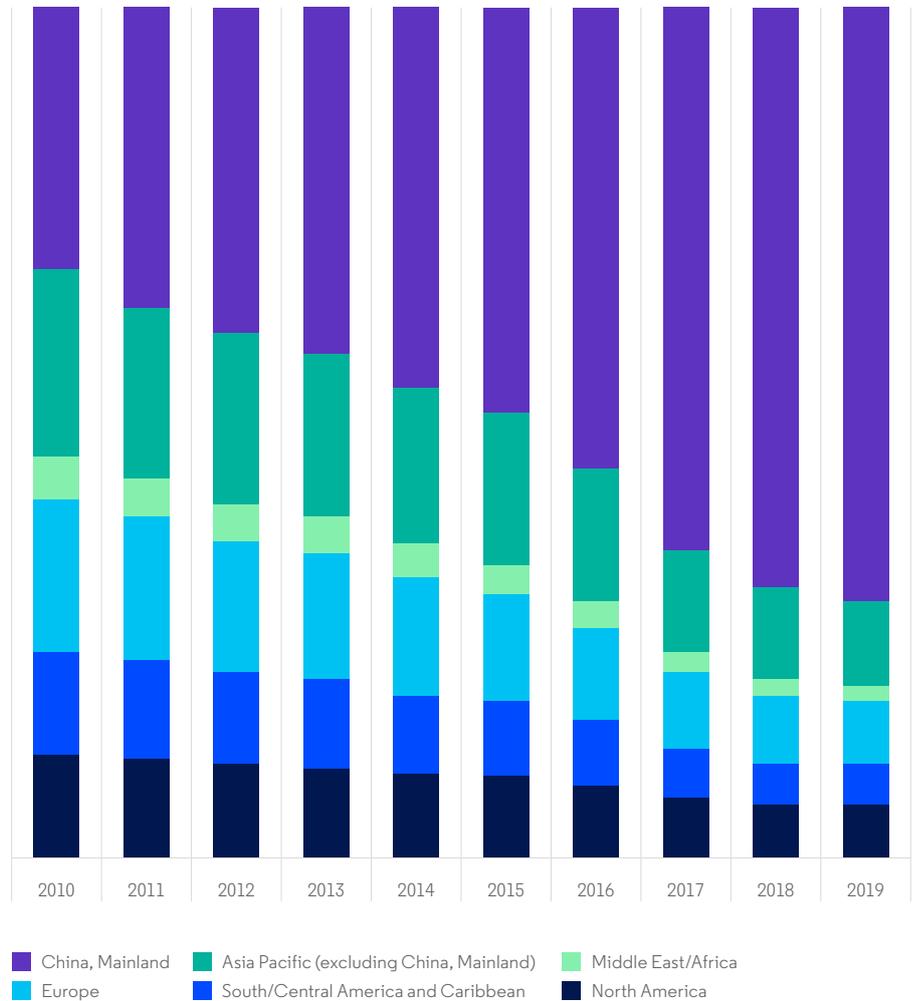
As a result of the accelerated annual growth at the Chinese trademark registry, the influence that Mainland China and the Asia-Pacific region has on global trademark activity has increased each year since 2010.

In 2010 European trademark registers (including the European Intellectual Property Office and national offices for Germany, France, Italy, United Kingdom and Spain) received 18% of the world's trademark applications. North America (including the United States Patent and Trademark Office – the second

largest trademark register in the world – Canada and Mexico) accounted for 12%. By 2019 Europe's share had fallen from 18% to 8%, and North America's share of worldwide filing activity had fallen from 12% to just 6%.

Mainland China received 31% of all trademark applications filed in the world in 2010. This proportion has grown every year since, and after nine years of unprecedented annual growth the Chinese trademark register now receives 70% of all the trademark applications filed globally.

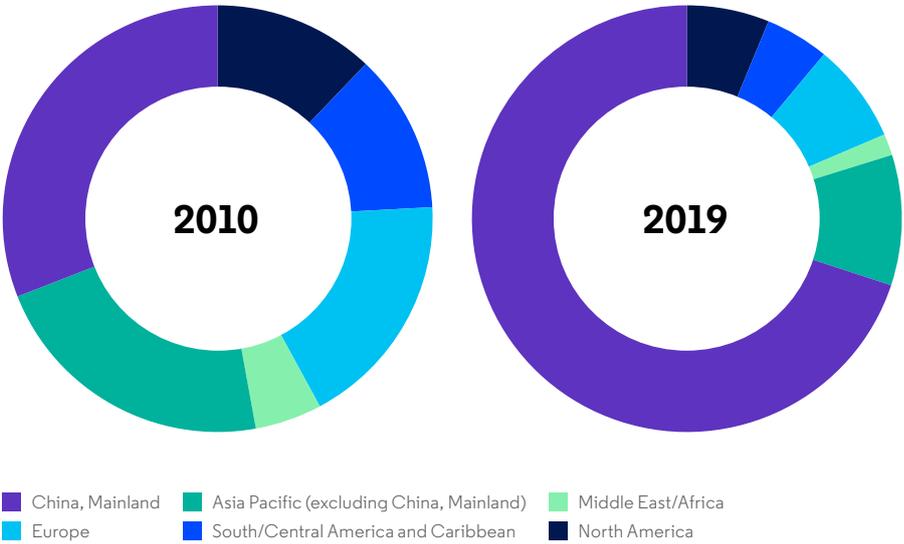
**Figure 4: Contribution of each region to global trademark filing activity (2010 to 2019)**



Source: SAEGIS

Trademark registers in the Asia-Pacific region (including Mainland China and India – the world’s third most active register) now account for 80% of trademark filing activity around the world.

**Figure 5: Contribution of each region to global trademark filing activity (2010 vs. 2019)**



Source: SAEGIS



In 2019 applicants from the leading eight trademark locations in Asia-Pacific filed more than 370,000 trademark applications.

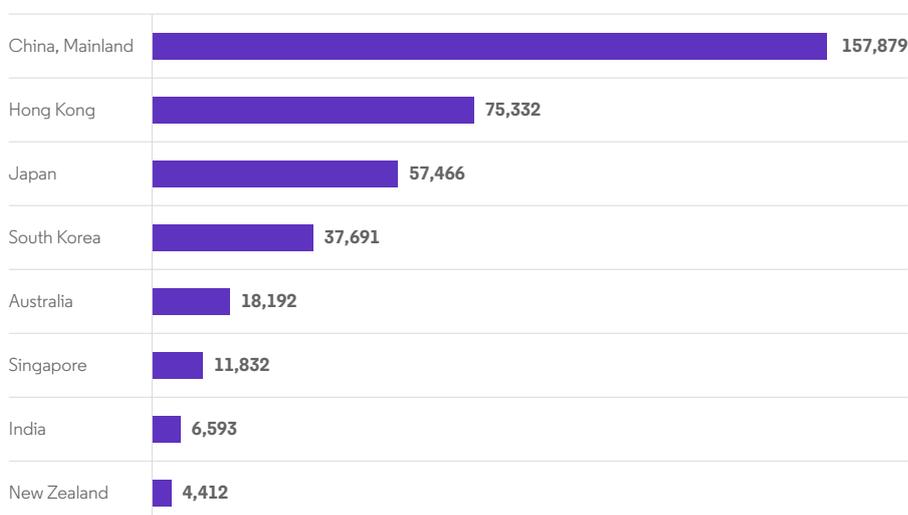
## Foreign trademark applications from Asia-Pacific

Trademark activity in the Asia-Pacific region is not just restricted to local trademark registers. In 2019 applicants from the leading eight trademark locations in Asia-Pacific filed more than 370,000 trademark applications around the world at trademark offices outside their 'home' register. Applicants from Mainland China and Hong Kong accounted for 62% of these applications, with applicants from Japan and South Korea accounting for a further 25%.

Adjusting for population, applicants from New Zealand file a relatively large number of trademark applications both on their home register and on foreign registers.

India had the fastest growing major economy in the world from 2014 to 2018 and in 2019 was the 5th largest economy in the world by Gross Domestic Product, but trademark activity relative to population is still low.

**Figure 6: Number of foreign trademark applications filed from Asia-Pacific (2019)**



Source: SAEGIS

**Figure 7: Trademark filing activity adjusted for population size (2019)**

Country	Population	Home register	Foreign register
South Korea	51,000,000	3,422	739
New Zealand	5,000,000	1,962	919
Australia	25,000,000	1,769	728
Japan	127,000,000	1,189	452
Singapore	6,000,000	1,029	2,076
India	1,369,000,000	236	5

Source: SAEGIS

Consistent with its position as the world's most active trademark register, Mainland China was the most popular register for applicants from all major Asia-Pacific trademark countries in 2019 with the exception of applicants from India where

the United States was the favored register outside of India. The United States and the European Union Intellectual Property Office were key foreign registers for applicants from Asia-Pacific, followed by Canada, the United Kingdom and Brazil.

**Figure 8: Global trademark applications filed outside home register 2019, country/region**

<b>China, Mainland</b>	<b>157,879</b>	<b>Hong Kong</b>	<b>75,332</b>	<b>Japan</b>	<b>57,466</b>	<b>South Korea</b>	<b>37,691</b>
United States	69,075	China, Mainland	61,533	China, Mainland	24,347	China, Mainland	15,919
EUIPO	13,120	United States	3,036	Taiwan	4,706	United States	4,164
Japan	7,951	Taiwan	1,564	United States	4,136	Japan	2,048
United Kingdom	7,664	EUIPO	1,374	Hong Kong	2,001	Taiwan	1,647
Taiwan	6,023	Macao	1,223	South Korea	1,995	Vietnam	1,620
South Korea	4,920	Japan	723	EUIPO	1,333	EUIPO	1,117
Hong Kong	4,842	Singapore	621	Canada	1,312	Hong Kong	911
India	4,783	United Kingdom	617	Argentina	1,097	Indonesia	832
Macao	2,850	Australia	560	India	1,094	India	805
Canada	2,818	Indonesia	455	Thailand	1,034	Canada	696
Indonesia	2,696	Canada	367	Brazil	1,033	Singapore	598
Australia	2,599	Philippines	346	Macao	1,016	Brazil	573
<b>Australia</b>	<b>18,192</b>	<b>Singapore</b>	<b>11,832</b>	<b>India</b>	<b>6,593</b>	<b>New Zealand</b>	<b>4,412</b>
China, Mainland	6,388	China, Mainland	4,356	United States	1,112	China, Mainland	1,450
United States	4,471	Indonesia	998	China, Mainland	538	Australia	910
New Zealand	1,903	United States	963	UAE	334	United States	657
Canada	902	India	719	EUIPO	279	Canada	196
India	505	Taiwan	433	Canada	201	India	142
United Kingdom	504	Hong Kong	388	Brazil	189	EUIPO	118
Hong Kong	422	Thailand	377	Nigeria	183	United Kingdom	107
EUIPO	407	Vietnam	365	United Kingdom	175	Taiwan	99
Taiwan	250	Philippines	323	Argentina	168	Hong Kong	90
Brazil	185	Japan	279	Saudi Arabia	153	Argentina	62
Argentina	181	EUIPO	254	Mexico	144	Brazil	42
Thailand	167	Australia	242	Indonesia	140	Japan	41

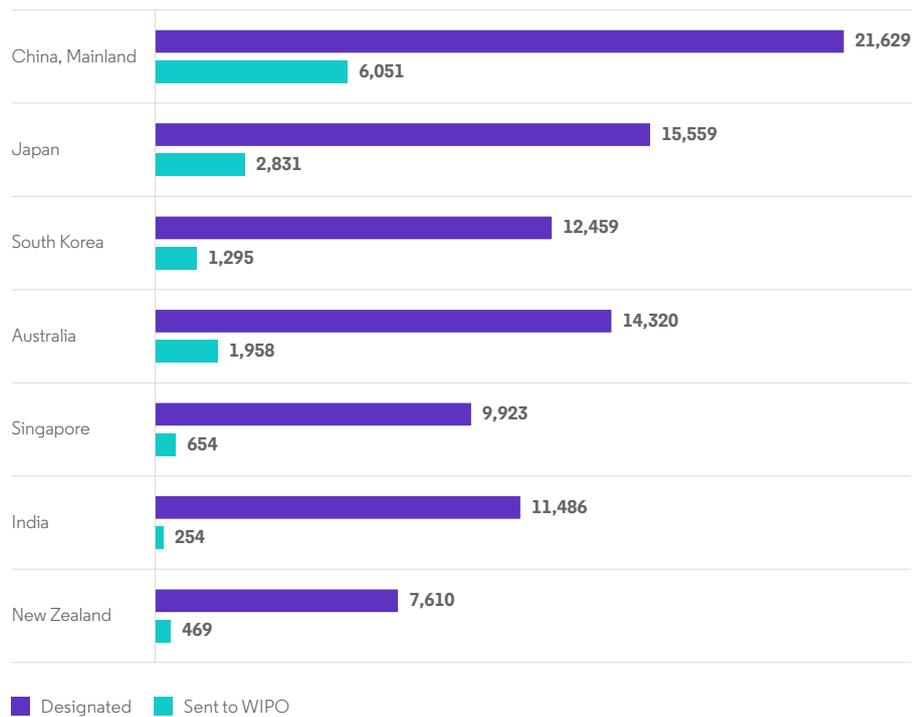
Source: SAEGIS

## The Madrid System for international trademark registrations (World Intellectual Property Office – WIPO)

In recent years the Madrid System for international trademark registrations administered by WIPO has been widely expanded into Asia-Pacific. Malaysia, Samoa, Indonesia, Brunei, Thailand, Laos, Cambodia, India, Philippines and New Zealand have all enacted the Madrid protocol system since 2012, joining long term members Mainland China, South Korea, North Korea, Japan, Australia, Singapore, Mongolia and Vietnam.

Applicants from Mainland China are the leading users of the Madrid System from the Asia-Pacific region – although not by the same margin as non-Madrid applications – and Mainland China is the most frequently designated register in Asia-Pacific by all Madrid System applicants. India joined the Madrid System in 2013. India has become a popular register for designations by foreign applicants, but Indian applicants are only applying for International Registrations at WIPO in small numbers.

**Figure 9: Use of the Madrid System for international trademarks in Asia-Pacific (2019)**



Source: SAEGIS

### Conclusion

Following a number of years of strong growth – particularly in Mainland China – Asia-Pacific is now the most significant region in the world for trademark activity, both on local trademark

registers and filing around the world. As they expand into international markets, Asia-Pacific brands will be challenged to maintain their growth into increasingly crowded foreign registers and protect their trademark rights in a highly competitive global economy.

# Domain management in the Asia-Pacific region

---

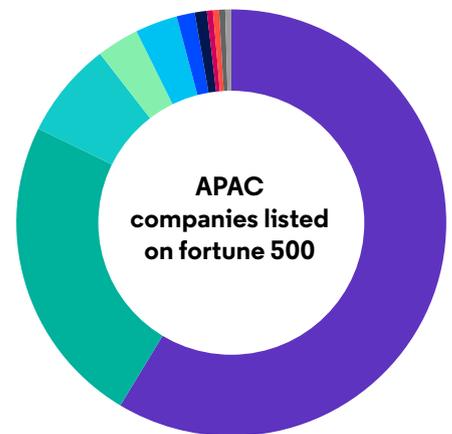
In 2019, there were 220 companies from APAC listed in the Fortune 500.

---

By Heidi Zhang

Many companies rely on their internet presence to inform and do business with their customers and to build and strengthen their brands. To accomplish this requires constant, active management of their portfolio of domain names in order to take advantage of new opportunities, and to prevent infringement or other forms of abuse that can undermine brand equity and revenue. Companies in the Asia-Pacific region of the world have their own unique challenges, threats and opportunities when it comes to domain name management.

Figure 1.



## Use of corporate registrars

In 2019, there were 220 companies from APAC listed in the Fortune 500,<sup>53</sup> with more than half from Mainland China. Among those globally recognized companies only 21.4% of them, 47 domains, are managed by corporate registrars.

Country (companies):	
China, Mainland (129)	Singapore (3)
Japan (52)	Saudi Arabia (2)
South Korea (16)	Indonesia (1)
India (7)	Thailand (1)
Australia (7)	Turkey (1)
	Malaysia (1)

<sup>53</sup> [www.fortune.com/fortune500/](http://www.fortune.com/fortune500/)

Most APAC companies report that security is the most important factor in domain management.

Country/region	No. of companies using corporate registrar	Brand owners
China, Mainland	19	Alibaba; Huawei; Tencent; Lenovo etc.
Japan	18	Nissan; Mitsubishi; Panasonic; Nec etc.
Australia	5	Woolworths Group; National Australia Bank
Saudi Arabia	2	Saudi Aramco; SABIC
Singapore	2	Wilmar International; FLEX
South Korea	1	KB Financial Group

The percentage is surprisingly low compared to 44.2% globally, and 65.7% outside of APAC. Corporate registrars have added security features such as registry lock, two factor authentication and DNSSEC that can help companies prevent domain name hijacking resulting in valuable domain names being stolen and lucrative websites being brought down. By leaving their important website domains to be managed by retail registrars, companies in APAC are exposing themselves to greater risk.

Among the retail registrars, AliCloud from Mainland China, Japan Registry Service from Japan, and Xinnet from China manage 40% of these Fortune 500 company domains in APAC.

If we examine the domain management complexity, challenges and managing models and strategies, we may find several reasons why these companies are not switching to corporate registrars.

## Domain management challenges

There are many challenges around domain management, particularly for companies operating in APAC, including managing domains calls for registration, monitoring and renewing with registry operators from around the world, most of which do not make registration services easy for Asian speakers. Terms and conditions are often not translated into Japanese, Korean or Chinese languages. As a result, companies in Asia choose not to register many ccTLD domains. Corporate registrars though, in particular,

have TLD experts that specialize in foreign registration requirements, transfer requirements and renewal requirements for each registry operator around the world. Currently there are a very limited number of corporate registrars in APAC, so brands must either choose a corporate registrar outside of its native country and face language challenges or choose to stay with a local retail registrar.

Another challenge is security. Most APAC companies report that security is the most important factor in domain management. However, security breaches in APAC are often the result of poor domain management rather than deliberate hacking attacks. As a result, companies will spend a lot of money to address breaches which could have been avoided with a corporate registrar but this extra expense is typically a little more than what companies would spend with retail registrars, so APAC companies aren't motivated to explore more efficient corporate registrars.

In November 2017, the Chinese government (the Ministry of Industry and Information Technology (MIIT)) announced they would enforce regulations on companies publishing websites in Mainland China. Each website publisher must have an Internet Content Provider (ICP) filing in order to operate a website that resolves to content in Mainland China. The MIIT regulations require that those with an ICP filing must have their domain names managed by a registrar licensed by MIIT. Currently, all the licensed registrars are local and nearly all of them are retail registrars which, again creates a burden for APAC companies seeking the services, extra security and expertise of a corporate registrar.

## Who takes the lead on domain management inside APAC companies?

In most companies located in Mainland China, the legal department manages domains. In Japan, by contrast, the marketing department typically plays a greater role in domain management. The marketing team performs about 10% to 20% of domain registration and management for Japanese companies, while IT and other departments manage the rest. Because domain renewal costs are usually included in advertising costs, a cost area typically managed by marketing teams, marketing teams are more likely to manage domain names than legal or IT.

Domain portfolio strategies are not as comprehensive as they might be in APAC. Unfortunately, many companies just keep renewing their existing domains until there is an infringement or acquisition demand, which then requires teams to collaborate with multiple departments such as legal, IT and finance for a strategy to expand or protect the domain name portfolio.

**Figure 2. MarkMonitor Global Business Survey Barometer, 2019**



## Limited budgets

As for the budget for domain registration and management, a recent MarkMonitor survey showed that nearly half of participating APAC companies have very limited budgets for domain name management (less than \$10,000) and less than 15% of companies have budgets between \$50,000 to \$100,000.

**Figure 3. MarkMonitor Global Business Survey Barometer, 2019**



## **Demand for corporate registration service**

Most large companies in APAC work with multiple registrars to manage their domains, an inefficient choice often made due to cost, old policies or lack of interest. Some companies aren't bothered by having to work with multiple retail registrars despite the inefficiencies or lack of tools. Many companies in APAC lack basic domain name knowledge and also lack an understanding of the benefits of using a corporate registrar. They don't understand what unique services are available or whom they should turn to for advice on TLD registrations. A lack of domain knowledge also leads to challenges in identifying how to improve their domain management work.

## **Key considerations for APAC corporate domain owners**

There are many key considerations a company in APAC should keep in mind when developing and managing its domain name portfolio:

- Domain strategies need to be part of wider brand protection initiatives
- Domains should be managed in collaboration between departments including IT, IT security, marketing and legal
- Domain portfolios must be secured and managed to ensure they continue to add value to the business
- Domain value should be monitored to ensure active, core domains are protected and managed, while other domains are offloaded to optimize the portfolio



# Authors



**Rob Davey**  
VP Strategy,  
Clarivate IP Group

With more than 21 years' experience in the intellectual property industry Rob is currently VP of Strategy at Clarivate.

Within the IP Group of Clarivate, Rob is responsible for building sustainable, focused strategies informed by market intelligence and thought leadership. Rob also leads the Clarivate IP Analytics team who assist innovative companies in using IP data to identify trends in a technology field, deliver competitive intelligence and uncover potential research and licensing opportunities.

Prior to Clarivate, Rob held various roles at some of the largest players in the Intellectual Property and Brand Protection sectors including Nominet UK, NetSearchers (now CSC Corporate Domains) and CPA Global. Rob is the founder of the Clarivate global LGBT+ employee resource group Spectrum and is also a member of the Board of Trustees of Bi Pride U.K.



**He Yuanyuan**  
Client Support/Marketing  
Support, Clarivate

He Yuanyuan served as an in-house patent engineer in two large listed companies and is now working at Clarivate serving the Chinese market. She has a good understanding of Chinese patent law and practical experience on patent prosecution, holding the patent agent qualification certificate. Her primary area of focus at Clarivate is local content production and translation.



**Luca Árpási**  
Head of IP Litigation  
Services, Clarivate

Luca Árpási is a Senior Legal Intelligence Analyst at Clarivate. Luca joined in 2015 and is specialized in IP law and in data science. Luca has broad academic knowledge in IP law and IP domain expertise across jurisdictions worldwide. Additionally, she is trained in data management, data analytics and data visualization. Luca holds a BA in International Relations from the University of Szeged, a master's degree in Law from Pazmany Peter Catholic University and an LL.M. in IP Law from the University of Stockholm.



**Ridhma Dhar**  
IP Solutions Consultant,  
Southeast Asia, Clarivate

Based in Singapore, Ridhma works with stakeholders in corporate R&D, universities and government agencies who drive innovation to strengthen their competitive edge and national innovation agenda for sustainable economic growth.

With 14 years of experience in IP across South Asia and Southeast Asia, she represents Clarivate as a regular conference speaker at innovation and IP industry events and leads patent information workshops in the region. Before joining Clarivate in 2013, Ridhma worked for IBM and Evalueserve. Ridhma holds a bachelor's degree in Electronics and telecommunications engineering from Punjab Engineering College in India. She also holds a Graduate Certificate in Applied Innovation from Singapore Management University. Her training at the World Intellectual Property Organization (WIPO) summer school in South Korea led her to pursue a career in intellectual property.



**Hazal Çisem Aynalı**  
Head of the Domain Names  
Database, Clarivate

Hazal Çisem Aynalı is the head of the Domain Names Database at Clarivate, where she is responsible for the coordination and legal analysis of global domain name content. Hazal obtained her bachelor's degree and completed her apprenticeship to be an attorney at law before moving to Brussels to pursue her Advanced Master's degree in International & European Law at Vrije Universiteit Brussel. She started working for Clarivate during this time as a legal analyst where she discovered her passion for IP law. Since then, she has been devoting herself full-time to IP consultation in the company.



**Robert Reading**  
Director, Government & Content  
Strategy, IP Group, Clarivate

Originally from Australia, Robert studied mathematics and physics at the University of Sydney and was national product manager for a scientific/medical equipment supplier for seven years before moving to the United Kingdom in 1999 and discovering the hidden world of trademarks. Robert worked for a leading U.K. IP firm for 15 years, managing large IP projects and as part of the team that built and maintained the in-house trademark record management system. Robert joined Clarivate in 2015 to manage a team based in the United States and Europe that delivers bespoke trademark related services to clients, with particular emphasis on analytics, gap/protection analysis and global search and portfolio management projects. He also manages content strategy for the IP Group in Clarivate.



**Kinam Park**

Consulting Team Leader,  
IP Solutions, Clarivate

Based in Seoul, South Korea, Kinam is an IP Consultant with Clarivate. She provides customer consultation and data analyses using Clarivate databases and services. Her key clients are stakeholders in the corporate and pharma research and development environment where companies are heavily dependent on innovation to strengthen their competitive edge. Previously she was in charge of pre-sales/post-sales support as well as diverse IP services.

Prior to joining Clarivate, Kinam spent eight years planning and implementing patent strategies and conducting patent-related analysis in the pharmaceutical and polymer industries with Basell Poliolefine Italia - Technology Center "G.Natta" (Ferrara, Italy) and JW Pharmaceuticals in Seoul.



**Tianhan Wang**

Team Lead, IP Technical  
Services, Clarivate

Tianhan is based in Beijing and currently leads the Clarivate patent services China team, managing patent search and analytics projects for top commercial, research and government organizations in the region. Tianhan is also experienced in implementing large-scale IP management systems and providing IP management consulting services. Prior to joining Clarivate, Tianhan worked in software development focusing on enterprise application integration, data warehouse and business intelligence.

Tianhan holds a master's degree in Computer Science from the University of Toronto and a bachelor's degree in Electronics from Peking University.



**Heidi Zhang**

Manager, Government  
and Industry Relations

Heidi Zhang is Manager of Government & Industry Relations for Clarivate. Heidi has extensive experience in the domain name industry having worked eight years with both registries and registrars in China. Before joining the Clarivate team, Heidi was a key account manager at ZDNS, a large back-end registry operator in China, and was responsible for launching several new Chinese generic top level domain names as well as some .BRAND domains.



**Jeeyeon Park**

Senior Patent  
Analyst, Clarivate

Jeeyeon Park graduated from Sookmyung Women's University and started her IP experience as a junior patent examiner in South Korea. She then moved to the Netherlands and obtained a master's degree in Intellectual Property Law, specializing in Patents at Maastricht University. Currently, she is involved in a wide range of tasks at Clarivate, namely as a Korean patent supervisor, analyst, marketing coordinator and blog editor.



**Kenichi Nakajima**  
Manager, IP Analytics,  
Clarivate

Kenichi Nakajima is Manager of Clarivate IP Analytics in Japan. He has a B.S. in Electrical and Electronic Engineering from Shinshu University, Japan.

Mr. Nakajima has a background in technical sales for electronic device companies, and as an engineer working on magnetic head design for hard disk drives for a Japanese major electronics firm. For the last eight years, Mr Nakajima has been involved in intellectual property management including patent search and analytics, trademark management, controlling patent disputes and litigation, IP transfer, and as an IP adviser developing business strategy and evaluation for mergers and acquisitions. He has been a leading member of multiple analytics groups in Japan as a consultant and manager and has provided professional IP services in Japan for four years.



**Jingyu Li**  
Business Development  
Manager, Clarivate

Jingyu Li has more than 12 years' trademark and brand protection industry experience, having begun her career at a famous agency in China in 2008. She is currently responsible for trademark business development in the Greater China region via expanding business scale, deepening partnerships and increasing industry influence. Prior to joining Clarivate, Jingyu held roles as an attorney, lawyer and consultant and has been dedicated to brand protection for many Chinese companies for nearly 10 years.



**Sumiko Toyama**  
Solution Consultant, Clarivate

Sumiko has worked at Clarivate for 13 years. As a solution consultant, Sumiko initially looked after all Asian-Pacific clients but currently covers Japanese clients. Sumiko today focuses on visiting clients to better understand the challenges they face in their trademark research work and to identify opportunities to help them protect their brands. She also leads training programs and webinars to help clients develop efficiencies in their work.

## About Clarivate

**Clarivate™** is a global leader in providing trusted information and insights to accelerate the pace of innovation. We offer subscription and technology-based solutions coupled with deep domain expertise that cover the entire lifecycle of innovation – from foundational research and ideas to protection and commercialization. Today, we're setting a trail-blazing course to help customers turn bold ideas into life-changing inventions. Our portfolio consists of some of the world's most trusted information brands, including the Web of Science™, Cortellis™, Derwent™, CompuMark™, MarkMonitor™ and Techstreet™. For more information, please visit [clarivate.com](https://clarivate.com).

**Derwent™** powers the innovation lifecycle from idea to commercialization – with trusted patent data, applications and services including Derwent Innovation™, Derwent World Patents Index™, Derwent Patents Citation Index™ and Derwent Data Analyzer™. We build solutions for inventors, patent attorneys and licensing specialists at start-ups and the largest global innovators, legal professionals at the leading intellectual property practices, and patent examiners at more than 40 patent offices. Our solutions are used to monitor technology trends and competitive landscapes, inform freedom to operate opinions, prosecute patents, monetize and license assets and support litigation activities. For more information, please visit [derwent.com](https://derwent.com).

**CompuMark™** is the industry leader in trademark research and protection solutions. We enable trademark and brand professionals worldwide to launch, expand and protect strong brands through the most comprehensive data set available for trademark professionals; advanced trademark screening, search, and watch tools supported by time-tested algorithms; expert analysis; and best-in-class service. Key products include: SAEGIS® Trademark Screening Tools; TM go365™ DIY Searching Solution; Trademark Full Search; Trademark Watching; and Copyright Searches. For more information, please visit [compumark.com](https://compumark.com).

**MarkMonitor™** is the leading enterprise-level domain registrar trusted by organizations globally to establish an online presence and protect domain portfolios. Through an extensive suite of products and consultative services, MarkMonitor enables technology, legal and marketing teams to securely register and strategically manage domain portfolios critical to business goals and reputations. Powered by domain industry data, insights and expertise, MarkMonitor helps customers maximize portfolios while mitigating risk of consumer fraud or confusion from third party domain registrations. For more information, please visit [markmonitor.com](https://markmonitor.com).

**Darts-ip™** provides global information and analytics that support IP prosecution and litigation activities. Through our platform, IP professionals gain unparalleled insights into IP rights, companies, jurisdictions, legal topics and market trends. Darts-ip users can quickly search and track case law data from over five million cases covering trademarks, patents, copyrights, designs and models, domain names, and unfair competition as well as supporting analytics solutions. Companies around the world rely on data from Darts-ip to quickly find relevant cases to support better legal decisions, optimize strategy, increase efficiency, reduce costs and monitor relevant litigation as it unfolds around the world. Darts-ip, alongside Clarivate's trusted patent, trademark and domain data and solutions, across Derwent™, CompuMark™ and MarkMonitor™, helps companies make smarter, faster decisions. For more information, please visit [darts-ip.com](https://darts-ip.com).

Contact our experts today:

**+1 215 386 0100 (U.S.)**

**+44 (0) 20 7433 4000 (Europe)**

**[clarivate.com](https://clarivate.com)**