

GMAP Internship Report / GMAP インターンシップ報告書

No. 2022-06

I. Basic information / 基本情報

- 1) Name / 名前 : Kaiyuan Shen
- 2) Enrolled year / 入学年 : 2021.4
- 3) Period of internship / インターン期間 : Feb 1, 2023 ~ Feb 28, 2023
- 4) Place of internship / インターン場所 : Innoventier LPC
(弁護士法人・弁理士法人イノベンティア)
- 5) Person who accepted your internship / インターン受入担当者 : Mr. Ayumu Iijima; Ms. Tomomi Fujita; Mr. Jun Hirano; Ms. Keiko Kawakami; Mr. Ryosuke Ueda; Mr. Takeru Mizogami; Mr. Akio Mishina;
- 6) Content of work in your internship / インターン中の作業内容
①Contract compliance check; ②Case study; ③Patent search; ④Patent comparison; ⑤Attending seminars

II. Details and impressions / 詳細と感想

Including the following points: merits, demerits, lessons, contribution to your future career, personal experience etc.

1. Background Information

As I have no previous experience as an intern in a law firm, I feel very honored to have the opportunity to be an intern at Innoventier LPC which was introduced by Professor Kawashima and Professor Maeda of Kobe University.

Innoventier is a business partnership of a Japanese law firm and a patent office led by Mr. Ayumu Iijima, both an attorney and a patent attorney. Its field involves intellectual property rights infringement litigation, invalidation trial and any other contentious procedures and prosecution, as well as transactional services.

As the location of my internship is the office near JR Osaka Station (Picture 1), I can commute from my dormitory in Kobe every day without renting another house in Osaka (about 50 minutes by train).

On the first day of the internship on February 1, Mr. Hirano (one of the partners of the law firm) explained the outline of the law firm and attorneys to me. Since intellectual property business often involves knowledge from different industries, the attorneys and patent attorneys in the firm often learn and discuss knowledge from other industries in addition to legal knowledge.

2. Content of work in my internship

① 【Contract compliance check】

(PIC) Mr. Takeru Mizogami (Time) 2023.2.6~2023.2.10

Mr. Mizogami gave me an English version SaaS (Software-as-a-Service) contract to discuss together and consider the following questions: “1. To check the overview and purpose of each clause; 2. As a contract manager who was consulted about this contract by the engineering department, what kind of problems would you point out if any?”

I have learned that in practice, we must pay attention to the communication with the technical department and the key items to be checked like Indemnity.

I was also fortunate to get a related book co-authored by Mr. Mizogami and other Inventier attorneys, which can be used to search and confirm in my future work (Picture 2).

② 【Case study】

(PIC) Mr. Ryosuke Ueda (Time) 2023.2.1~2023.2.7

Mr. Ueda gave me a real Japanese case that the law firm has handled and asked me to consider related issues: “1. Applicability of demand for injunction against the other party and claim for damages; 2. Articles under the Patent Law that should be considered when claiming damages and the amount claimed; 3. Anticipated counterarguments from the other party regarding the amount claimed. 4. How to identify other sales destinations of the other party.”

I learned the calculation of damages. In practice, item 2 of Article 102 (calculated based on the interests of the infringer) is often used instead of item 1, because the right holders are usually unwilling to disclose their information and for the convenience of calculation.

I learned how to identify other sales destinations of the other party. In practice, according to Article 186 (Commissioned Investigation) of the Civil Procedure Law, a specialized investigative agency is available, which is different from China.

③ 【Patent search】

(PIC) Mr. Akio Mishina (Time) 2023.2.1~2023.2.28

Mr. Mishina taught me how to use J-PlatPat for patent search and in actual cases, how to invalidate the other party's patent.

I learned that for example, it is necessary to confirm the technical features of the invention and the functional effect of the features in the whole invention. In addition, when looking for similar inventions, it is necessary to pay attention to the use of prior art effect in Article 29-2 of the Patent Law.

In addition, Mr. Mishina is both an attorney and a patent attorney. Therefore, he shared with me the important issues and learning methods of the Japanese patent attorney exam, which benefited me so much.

④ **【Patent comparison】**

(PIC) Mr. Ryosuke Ueda (Time) 2023.2.8~2023.2.20

Mr. Ueda gave me a comparison of Chinese patents and target Japanese patents for filing of oppositions to grant of patent.

Specifically, I learned the steps to analyze the technical features of the target patents one by one, and to find the same places from the comparative Chinese patent specifications.

⑤ **【Attending seminars】**

• (PIC) Ms. Hiromi Kakugawa (Time) 2023.2.6

(Theme) Influence by “Guidelines for Respecting Human Rights in Responsible Supply Chains” and Impact on Business Practices

Miss. Kakugawa introduced the “Guidelines for Respecting Human Rights in Responsible Supply Chains” formulated and announced by Japanese government on September 13, 2022. It is a soft law and not legally binding

The guidelines require companies to take the following actions: (1) Formulation of human rights policy; (2) Implementation of human rights due diligence (human rights DD); (3) Implementation of Remedies (Establishment of Remedy Mechanisms).

• (PIC) Mr. Brian Epstein (Time) 2023.2.9

(Theme) Response to 35 U.S.C. 101 for Practitioners

Mr. Epstein is a US Patent Attorney and he introduced how practitioners should response to 35 U.S.C. 101 subject matter (process, machine, manufacture, composition of matter, or any new and useful improvement).

He mentioned that when the application claim is considered by the examiner to be an abstract idea, the applicant should try to explain and limit the scope of the claim instead of arguing that there is no abstract element.

• (PIC) Ms. Shizuka Machino (Time) 2023.2.20

(Theme) Reexamination of Infringement Subjectship of Copyright Infringement as Seen in Music School Supreme Court Decision

Ms. Machino introduced the case and the question is whether a performance in a music classroom can be said to be "intended to be directly seen or heard" by the "public".

The Supreme Court decision upheld the conclusion of the second instance, recognizing the obligation to pay royalties for teacher performances, but denying the obligation to pay for student

performances. It was indicated that this case should be judged in consideration of circumstances such as the purpose and manner of the performance in each case, and the content and degree of involvement in the performance.

3. Personal experience

In addition to legal studies, other general staffs of the law firm also helped me a lot, including helping me to use the conference room so that I can defend my graduation thesis online during my internship, which was a great help to me.

At lunch time every day, the attorneys of the law firm also took me to different restaurants, and I can chat with them about interesting topics outside of work, and everyone talked in a very easy-going and approachable way.

I was very honored to be invited to have dinner with Mr. Iijima, Ms. Fujita, Mr. Ueda (Picture 3). Apart from hearing the relevant matters of the law firm, we talked about the similarities and differences between Chinese and Japanese cultures, as well as difficult experience when Mr. Iijima and his partners first established the law firm, which moved me a lot.

4. Contribution to my future career

This valuable internship experience will greatly help me in my future career.

Firstly, I have a general understanding of the daily routine and general business content of the law firm.

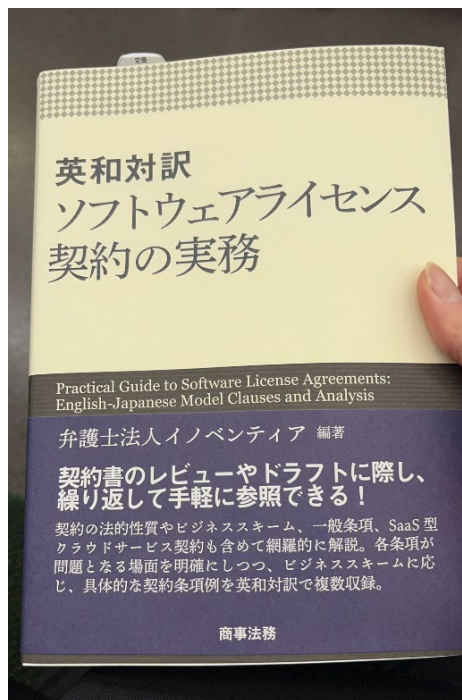
Secondly, through exchanges and learning with attorneys, I have a rough understanding of some legal practices, which are difficult to get in touch with in the school.

Thirdly, since I will work in the company's intellectual property department in the future, the attorneys also gave me a lot of valuable advice, which helped me learn a lot.

Finally, I would like to thank the professors and the staffs of Kobe University who helped me arrange the internship, and all the attorneys and staffs of Innoventier LPC, for giving me a chance to have such a very memorable internship!



Picture 1. The location of Innoventier law firm.



Picture 2. The book co-authored by Mr. Mizogami and other Inventier attorneys.



Picture 3. (From left to right respectively)
Mr. Ayumu Iijima; Ms. Tomomi Fujita; Mr. Ryosuke Ueda.



Innoventier LPC
Picture 4. (From left to right respectively)
Mr. Jun Hirano; Mr. Yoshimichi Kajitani; Ms. Tomomi Fujita; Mr. Ryosuke Ueda.

(Date / 記載日 28th February 2023)