
Contents & Abstracts

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ANDO Kazuhiro

In recent years, with rapid advances in AI technology, unauthorized generation and use of synthetic voices that imitate celebrity voices have spread worldwide. In the United States, where human voice is not protected under copyright law, protection of voice is sought through sound recording copyrights, the right of publicity, the Lanham Act, and other legal mechanisms.

A major issue under copyright law is whether the reproduction of copyrighted works to train AI constitutes fair use. A United States Copyright Office report released in 2025 points out that because use of copyrighted works for AI training can often be deemed transformative, such use will highly likely favor AI companies in determining fair use. In the same vein, in June 2025, two different rulings recognized fair use in copyright infringement cases involving AI companies Anthropic and Meta, respectively, holding that reproducing existing copyrighted works to train generative AI was highly transformative, and thus qualified as fair use.

Meanwhile, the right of publicity serves as an important means that could protect celebrity voices. In *Midler v. Ford Motor Co.*, voice imitation was deemed as misappropriating the celebrity's identity. Furthermore, the ELVIS Act enacted in Tennessee in 2024 provides more robust protection, including granting standing to both individuals and record companies against the misappropriation of AI-generated voice. The Lanham Act is also an effective means for voice protection. In *Waits v. Frito-Lay, Inc.*, the court made clear that broadcasting a commercial imitating a celebrity's distinctive singing voice could result in liability for misappropriation and false endorsement.

Legislation to legally protect voice must account for freedom of expression. In this regard, standards such as the Rogers test employed in the United States offer useful guidance for legislative policy. In Japan, the government has been slow to respond to legal challenges posed by generative AI, and urgent action is needed to develop a legal system for voice protection suited to the AI era.

■ The Implications of AI-Driven Asset Valuation for Tax Law: Applications and Challenges in Valuing Intellectual Property.....26

TANIGUCHI Tomonori

Asset valuation under tax law tends to give rise to differences in position between taxpayers and tax administration agencies, and the lack of established methods to eliminate the subjectivity of these two parties has made it difficult to resolve valuation-related issues. The purpose of this paper is to introduce literature on AI and machine-learning-driven asset valuation for taxation and to consider whether machine learning can be used to help resolve valuation-related issues.

Compared to valuation by human experts, valuation applying machine learning offers advantages in speed, efficiency, accuracy, and neutrality. The tax-system valuation standards include fairness, neutrality, efficiency, and simplicity. Regarding neutrality in particular, valuation using machine learning is a useful way to increase the objectivity of valuations—setting aside the issue of how to accurately calculate a base of taxation. By clarifying the status of machine-learning-driven valuation under tax law and developing legislation to provide legal protection to taxpayers who utilize such valuation, litigation conflicts between them can be reduced. Machine learning can increase the effectiveness of both the principle of equity of taxation, which demands taxation in line with taxpaying ability, and the principle of no taxation without law, which guarantees the predictability and legal stability of tax law. Therefore, the establishment of valuation standards that use machine learning is of considerable significance for tax law. However, valuation by using machine learning is not an absolutely infallible approach. Even after its introduction, it must be utilized along with conventional valuation.

To ensure the accuracy of machine-learning-driven valuation, it is necessary to have a massive amount of data to train the machine learning programs. Compared to, for example, real estate, there is little public information available to use for the valuation of intellectual property rights. Nonetheless, it is still necessary to organize such information by type—including patent rights, utility model rights, trademark rights, and copyrights—and by industry and to refine the related data. Therefore, the valuation of intellectual property rights using machine learning is not ready at the present stage. There are also other challenges that must still be addressed, such as how to position machine-learning-driven valuation with respect to current valuation methods, including notification-based valuation, and methods for calculating arm's length transfer pricing as well as how to legislate machine-learning-driven valuation under substantive and procedural laws.

■ Trademark Act and Competition.....38

IZUMI Katsuyuki

According to Article 21 of Japan's Antimonopoly Act, which is aimed at achieving the country's competition policy, the Act does not apply to acts found to constitute an exercise of rights under the Copyright Act, Patent Act, Utility Model Act, Design Act, or Trademark Act. This provision indicates that the Trademark Act is treated in the same way as other intellectual property laws. Incidentally, the Trademark Act states that its purpose is "through the protection of trademarks, to ensure upholding the reputation of businesses of persons who use trademarks, thereby contributing to the development of the industry." The purpose of the Trademark Act thus differs from that of the Copyright Act, which is "cultural development," and the Trademark Act is therefore an industrial property law alongside the Patent Act, Utility Model Act, and Design Act, all of which identify "development of industry" as their purpose. However, unlike the Patent Act, Utility Model Act, and Design Act, which are categorized as creative-work laws, the Trademark Act is a representative example of a

sign law. Creative-work laws are intended to motivate creative activity by granting creators exclusive rights to utilize their work, thereby encouraging industrial development (or cultural development in the case of the Copyright Act) through the generation of new intellectual property. In contrast, sign laws are intended to help achieve industrial development by granting businesses exclusive rights to utilize signs, thereby protecting goodwill embodied in such signs. The Trademark Act therefore differs from other intellectual property laws in terms of the basic principles for achieving the above purpose.

Compared to the Patent Act, there have been relatively few cases related to the Trademark Act or the Anti-monopoly Act associated with trademark rights, and discussions on this topic have not been active. However, in actuality, companies actively utilize their trademarks (brands) to do business and compete. Given this context, this paper discusses the relationship between the Trademark Act and Japan's competition policy. In this connection, the author's analysis and considerations include the role of the Trademark Act, past cases, and the Intellectual Property Guidelines formulated by the Japan Fair Trade Commission.

■ The Provisions of Riyadh Design Law Treaty56

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In November 2024, the Diplomatic Conference to Conclude and Adopt a Design Law Treaty was held in Riyadh, Saudi Arabia, and the Riyadh Design Law Treaty (RDLT) was adopted following approximately two weeks of negotiations. The RDLT aims to harmonize and streamline the requirements and procedures for domestic applications in each country, similar to the Patent Law Treaty (PLT), the Trademark Law Treaty (TLT), and the Singapore Treaty on the Law of Trademarks (STLT). The treaty contains relief measures in the case of a missed deadline or the loss of rights. In addition, the RDLT incorporates provisions not found in the PLT or other earlier treaties, such as provisions for a grace period (exception to loss of novelty) and provisions for unpublished designs in applications and registrations.

This paper explains the provisions of the RDLT while also describing the process leading up to its adoption.

Compared to patent and trademark systems, design systems exhibit considerable variation from country to country. In this respect, the establishment of a treaty that helps harmonize design systems is highly significant. As more countries become contracting parties to the RDLT, the procedures stipulated by the treaty are expected to become the global standard for design systems. This is expected to promote the harmonization of design systems across countries, make procedures more predictable when applicants such as businesses and creators file design applications in different countries, and reduce the burden on applicants.

■ The Background of Discussions on the “TRIPS Waiver Proposal” at the WTO86

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In October 2020, India and South Africa submitted the so-called “TRIPS waiver proposal” to the World Trade Organization (WTO) for responding to the COVID-19 pandemic. In relation to prevention and treatment of COVID-19, the proposal called for a temporary waiver of obligations under the existing international agreement (TRIPS Agreement) that stipulates the protection of intellectual property (IP) rights, such as patent rights. This would make IP protected technology, including patented technology, freely available to everyone. The proposal sparked intense debate between developing countries, who argued that IP created barriers to access to medicines, and developed countries, who claimed that IP was a source of innovation and that weakening IP

protection could hinder future innovation. The proposal was supported mainly by civil society groups and opposed mainly by industries. The dispute continued for approximately three and a half years while garnering widespread public attention.

The author has experience in international negotiations and other work on IP at the Japan Patent Office and the Ministry of Economy, Trade and Industry, and had the opportunity to engage in most of the discussions on the TRIPS waiver proposal. In this paper, the author shares the essential background information needed to understand the debates on the proposal and outlines the sequence of discussions that took place at the WTO. Specifically, the paper traces the process from the proposal's submission, to the eventual agreement on the "Ministerial Decision on the TRIPS Agreement" at the 12th WTO Ministerial Conference (MC12) and the discussions that continued thereafter. The paper reveals how public opinion on the proposal evolved and how positions of member countries shifted in response to changing circumstances. Furthermore, it presents an overview of the Ministerial Decision and examines its effects.
