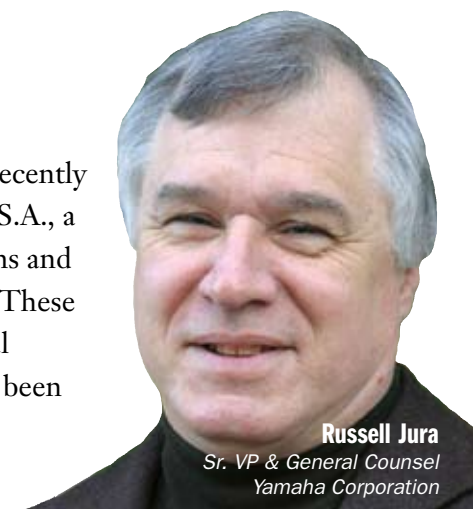


IP PERSPECTIVES



Catherine J. Holland

Catherine J. Holland of Knobbe Martens Olson & Bear LLP recently interviewed Russell Jura of Yamaha Motor Corporation, U.S.A., a subsidiary of Yamaha Motor Co. Ltd., Japan. Yamaha designs and manufactures a wide variety of motor vehicles and engines. These products include motorcycles, ATVs, snowmobiles, personal watercraft, golf carts and outboard motors. Russell Jura has been with Yamaha for over 30 years. He is currently Senior Vice President and General Counsel.



Russell Jura
Sr. VP & General Counsel
Yamaha Corporation

Knockoffs from China

Q How big is Yamaha's legal department, and how many attorneys are involved in IP?

A Yamaha Motor Corporation, U.S.A. utilizes eight in-house attorneys. Three are involved in whole or in part with IP.

Q How has the stream of knockoffs from Asia affected Yamaha's business?

A Chinese copycat products are our most significant concern in the U.S. It is impossible to know the exact impact on our sales. We estimate that in the youth ATV market, for example, over 50% of the market is now in the hands of copycat producers. The impact of copycat producers is increasing, not only an increase in the number of such brands, but also in the number of products being copied.

Q Other than sales, how do knockoffs impact Yamaha?

A One significant concern in the U.S. has been with the visual look-alike products that impact the appearance and marketing of the product. The mechanical components may be different than our mechanical designs. However, because the appearance is so similar it may lead to confusion. These products adversely

affect our reputation with consumers who confuse poor quality copycat products with our name and reputation.

Q Has there been copycat activity that went beyond your expectations?

A There have been times when the copying goes beyond the product itself, to our technical and marketing support materials. We have had the look and wording of our website copied. We have had our manuals copied. We have had our name copied. All of these require us to take action to protect our IP. It is taking more time and effort as copycat products have spread to manufacture in more parts of the world.

Q What successful legal strategies have you developed to deal with knockoff imports?

A We have developed a number of strategies. The most inexpensive has been to prevent the copycat companies from utilizing our trade names, or identifying their products in a manner that is confusing to the customer as to their identity. We have also initiated legal proceedings, which have been successful in protecting our name and reputation. However, such proceedings can be lengthy and expensive.

Q How have you used intellectual property law in response to the problem?

A We have found the most success with trademarks and copyrights. It is fairly easy to explain a trademark or copyright violation, and the copycat companies often will back down when directly confronted with an obvious violation. Patents are more difficult to use offensively. However, we are looking to a greater utilization of design patents to protect certain unique appearances in our products.

Q Do you have any suggestions for the heads of other legal departments facing the same problem?

A I believe that it is necessary to be aggressive from the start. The longer that the issue goes on without a strong response, the more the copycat companies will assume that they can utilize your IP with impunity.

Knobbe Martens Olson & Bear LLP

Intellectual Property Law
Down to a Science