

Intellectual Property Policies and Systems Aimed at Accelerating Innovation Creation (Overview)

Interim report by the Sub-Committee on Policy Planning,
Committee on Intellectual Property
[Tentative Translation]

April 27, 2011
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I. Basic Awareness

- * Need to accelerate innovation in ways suited to new paradigms
- * Need to explore new forms of collaboration adapted to changing business models
- * Need to pursue new intellectual property (IP) systems aimed at strengthening the capacity to both communicate and unify knowledge

II. Importance of IP Strategy Aimed at Innovation Creation

- * Paradigm shifts are changing the way knowledge is utilized. ⇒ Strategic use of IP as part of business strategy is the key.

III. Establish Appealing IP Infrastructure to Attract Overseas Wisdom

◆ Examine technology-diffusion-oriented patent systems suited to collaborative domains

One option is to create “twin-track” patent legislation by adding the category of “soft IP” (no rights to claim injunction, but rights to claim damages or compensation) based on the premise of collaborative domains.

◆ Start examining innovation-oriented copyright legislation

Expectation that Nippon Keidanren’s proposal for creating tracks within the Copyright Act will form a basis for further discussion.

◆ Create internationally consistent systems

- Examine further revision of employee invention system: need fundamental investigation including principle of attributing inventions to the corporation or shifting to freedom of contract.
- Improve system for asserting non-exclusive license rights against third parties: hope to see rapid introduction of “natural protection system” enabling rights to be asserted against third parties without requirement for registration.
- Establish criminal procedures to help protect trade secrets: hope to see rapid introduction of measures to prevent leakage of trade secrets in trials and proceedings.

IV. Creating IP Infrastructure for Overseas Business Activities

◆ Strengthen IP protection bearing in mind Japanese companies’ activities in Asia

- China: Even though IP policy has been strengthened, problems remain in areas including the rise in IP litigation and registration of trademarks for Japanese place-names and brands. Expect inter-government negotiations to address these issues.
- Korea: Unified public and private-sector IP strategy is a feature of the Korean approach. Japan should join forces with Korea to take a leading role in Japan-China-Korea and Asia-wide discussion of IP.
- ASEAN: Level of IP system infrastructure differs among countries; important to continue offering cooperation and support as part of package including expectations and requests.
- India: Lack of information on IP systems. Hope to use EPA as opportunity to improve this.

◆ Harmonize systems with a view to creating common patent systems across borders

- Common global patent system: In an increasingly globalized world, countries should harmonize national patent rights and systems with the aim of sharing a common global system.
- Common Asian patent system: As a step toward a global patent system, establish common Asian patent system and a regional patent office.
- Current state of system harmonization and issues to be addressed: International harmonization is not easy, but we hope that Japan will play a coordinating role.

◆ International protection for trade secrets through the Unfair Competition Prevention Act, etc.

◆ Links with trade policy (TPP and other EPAs): Japan should resolve to join TPP as soon as possible and participate in discussion.

◆ Measures to deal with counterfeit goods and piracy: Need to expand number of countries party to the Anti-Counterfeiting Trade Agreement (ACTA).

◆ Promotion of international standardization strategy: Important to steadily pursue the achievement of international standards in the specific strategic fields, make strategic use of certification systems, achieve international standards through cooperation with other countries (especially in Asia), and examine IP systems desirable from a standardization perspective.

◆ Gathering IP information from emerging countries: Expectation that JPO will fulfill this role (in collaboration with JETRO, etc.).

◆ Participation in international rule-making processes: Need to participate in international discussion to deter inappropriate or unfair rule-setting.

V. Building Stronger Foundations for “Innovation Hub”

◆ Foundations for promoting innovation: Stronger links between government agencies, stronger financing

◆ Foundations for creating innovation: Stronger platforms for industry-academia-government collaboration, stronger platforms for using IP to make international contributions (transfer of environmental technologies, etc.)

VI. Next Steps

- * Innovation creation adapted to “new realities” is more important than ever.
- * Discuss in depth IP policies and systems suited to a new era, and take concrete action.