

**Intellectual Property Strategic Program 2007**

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**Intellectual Property Strategy Headquarters**

# **Intellectual Property Strategic Program 2007**

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[2] Increasing acceptance of human resources from Asia and dispatch of specialists

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[1] Fostering instructors specializing in intellectual property

[2] Developing educational materials and educational tools for intellectual property education

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[2] Dramatically increasing the number and improving the quality of lawyers

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## **Appendix**

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# Formulation of the Intellectual Property Strategic Program 2007

## 1. Introduction

The first version of the Intellectual Property Strategic Program was formulated in 2003 in order to indicate a national policy in the field of intellectual property. Upon formulation of the Intellectual Property Strategic Program 2007, Japan has entered the fifth year in its history with intellectual property strategy.

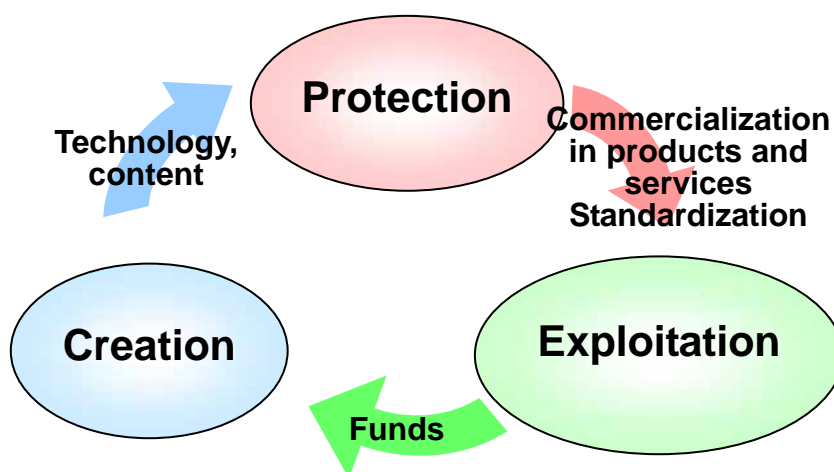
The background factors that urged Japan to set the goal of becoming an intellectual property-based nation are the recent changes in the sources of growth and vitality, which have made intellectual property remarkably more important than ever.

The first change is that innovation plays an increasingly significant role in achieving economic growth. As a nation that needs to rely on successful manufacturing to power its economic growth (due to its limited natural resources), Japan has, to date, manufactured and provided products that are competitive in quality and price by means of a wealth of industrial human resources and vigorous investment activities. However, along with the rise of developing countries driven by their improved technical levels and low labor costs, as well as progress in the aging population and declining birthrate at home and the enhancement of domestic companies' production activities beyond national borders, Japan can no longer expect to achieve labor-force growth or capital growth as before. In the future, by making use of knowledge, including new technologies and original ideas that cannot be found in other countries, we should improve productivity and create products and services that can be clearly differentiated from others.

The second change is that while content property that Japan can be proud of (including *anime* (animation), *manga* (comics), and food culture) has increased in cultural and economic value, the range of people in the content industry has expanded. Japanese content is highly acclaimed overseas, improving Japan's image and contributing to its development both in culture and industry. Other countries such as European countries, South Korea and China have already taken note of such value of content early on, and provided financial support and implemented other strategic measures to develop their own content industries. Furthermore, the environment for the creation and exploitation of content has dramatically changed as more content users themselves actively engage in creation with the help of advanced information technology and digital technology.

With all these changes in the surrounding environment, in order for Japan to

increase its appeal and become a “beautiful country” without lagging behind other countries, it is necessary to realize, as soon as possible, a virtuous cycle of creation, protection and exploitation of intellectual property, which is designed for vitalizing activities for intellectual creation, appropriately protecting and effectively exploiting achievements made in such activities as intellectual property, and investing profit obtained from intellectual property into new projects for intellectual creation. The intellectual property-based nation that Japan aims to become is an economic society where this “intellectual creation cycle” operates autonomously.

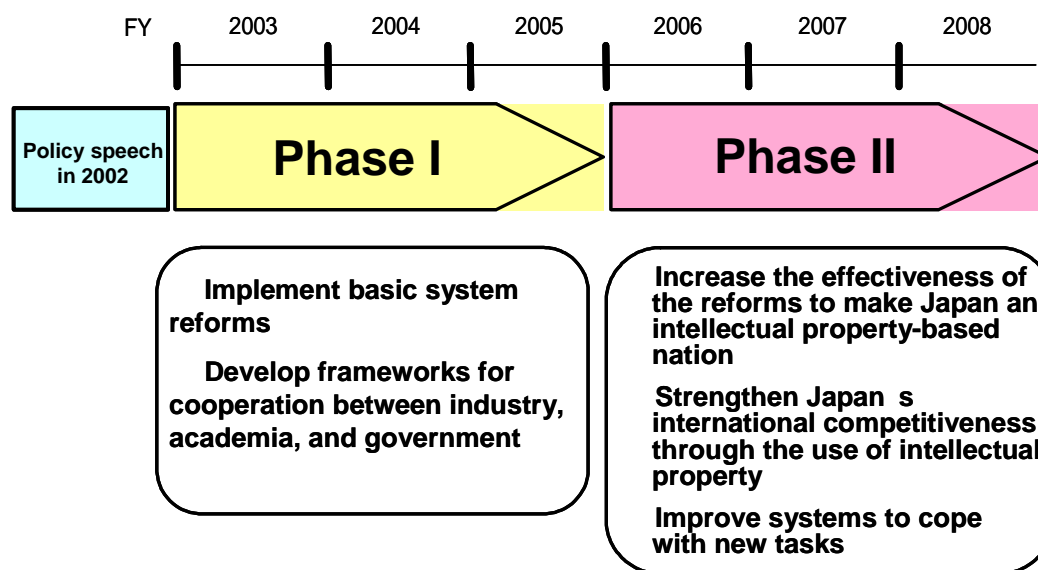


## **2. Progress in Intellectual Property Strategy**

### **(1) Past efforts**

Since the Prime Minister’s policy speech to the Diet in February 2002, the Government of Japan (GOJ) implemented important measures one after another speedily in order to achieve the goal of making Japan an intellectual property-based nation. These measures include the establishment of the Strategic Council on Intellectual Property, the formulation of the Intellectual Property Policy Outline, the enactment of the Intellectual Property Basic Act, and the inauguration of the Intellectual Property Strategy Headquarters.

The GOJ successfully developed various systems and an infrastructure in the three-year period from FY2003, which was designated as Phase I. In the following three-year period from FY2006, designated as Phase II, it has been working toward coping with new tasks while striving to improve the effectiveness of the reforms carried out in Phase I, with the objective of achieving the goal of “making Japan the most advanced intellectual property-based nation in the world.”



## (2) Achievements

The Intellectual Property Strategy Headquarters have made various achievements by way of formulation and implementation of the intellectual property strategy.

The major achievements made thus far are as follows. (For details, see the appendix, "Progress in the Intellectual Property Strategy.")

### [Major achievements]

- Establishment of the Intellectual Property High Court
- Inauguration of university intellectual property headquarters
- Strengthening of border control of counterfeits and pirated copies
- Establishment of the Headquarters for Expeditious and Efficient Patent Examination
- Promotion of measures to develop the content industry
- Enactment of 30 intellectual property-related Acts by the end of 2006

However, the reform process has just started, and there are many issues for which efforts for solution are still underway, such as the realization of a global patent system and the promotion of creation and distribution of content in a manner suitable for the digital age. Japan should now actively and resolutely tackle these issues with the public and private sectors working together, thereby opening a path for the future.

## (3) Policy for Phase II

In February 2006, with the objective of making Japan the most advanced intellectual property-based nation in the world, the Strategy Headquarters adopted a decision entitled “Status of the Implementation of the Intellectual Property Basic Act and Future Policy,” which set the seven priority issues for Phase II as follows:

- i) Implement the intellectual property strategy on a global scale;
- ii) Extend the intellectual property strategy to local areas and support SMEs and venture companies;
- iii) Encourage the creation of intellectual property at universities and public research institutes and promote industry-academia cooperation;
- iv) Reform the structure of the patent application system and ensure expeditious patent examination;
- v) Develop the content industry;
- vi) Promote the Japan Brand;
- vii) Develop human resources relating to intellectual property.

The following five viewpoints are also taken into consideration when implementing necessary measures:

- i) Promote innovation;
- ii) Change the current domestically oriented intellectual property culture to internationally oriented culture;
- iii) Carry out speedy reforms;
- iv) Give consideration to the balance between intellectual property and other values;
- v) Implement comprehensive measures.

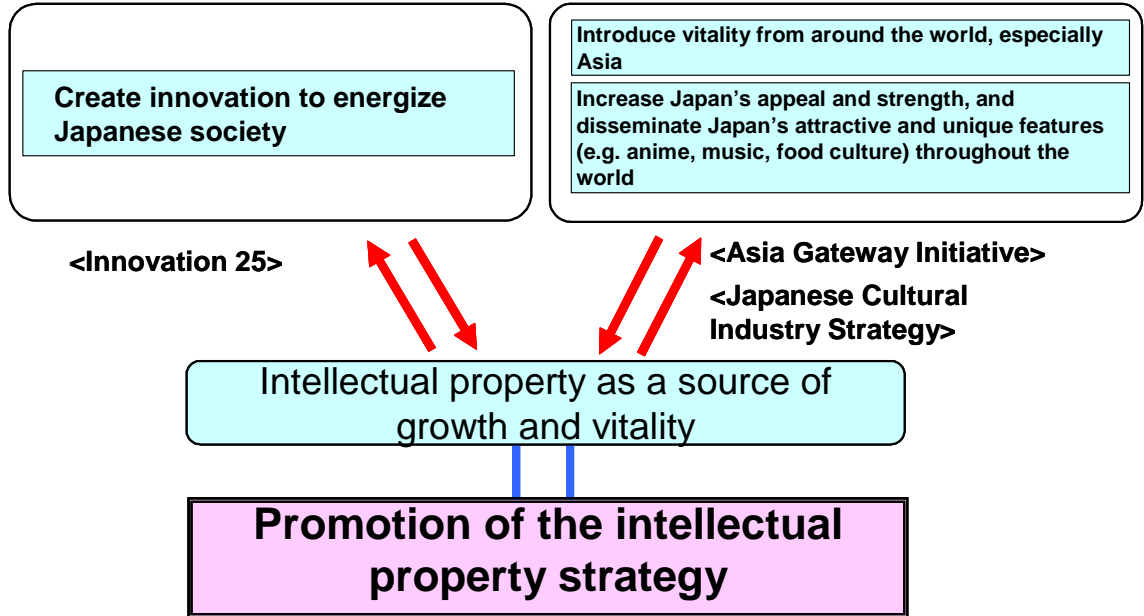
### **3. Basic Concept for the Intellectual Property Strategic Program 2007**

#### **(1) Formulation**

In May 2007, the GOJ developed two policy initiatives: “Innovation 25” for creating innovation to energize Japanese society, and “Japanese Cultural Industry Strategy” for introducing vitality from around the world and, in turn, conveying Japan’s appeal to the world.

In this age of global competition, both Innovation 25 and the Japanese Cultural Industry Strategy are designed to contribute to the growth of Japan and disseminate Japan’s appealing and unique features throughout the world by means of not only its advanced technologies but also its original content property, such as *anime*, music and

food culture. In this respect, these initiatives show that intellectual property is expected to function as a source of growth and vitality in Japan.



Along with this policy line, the Intellectual Property Strategic Program 2007 has been compiled with more awareness of “implementation of the intellectual property strategy on a global scale,” one of the priority issues set for Phase II. This was done by further narrowing and focusing the measures to be implemented to make Japan the most advanced intellectual property-based nation that is open to the world.

In the new version of the Strategic Program, the primary emphasis is placed on bringing about more concrete results by properly operating the intellectual property-related systems and infrastructure reformed so far, while taking measures to cope with new tasks in a timely manner.

In the formulation process, the Strategy Headquarters collected reports from the Task Force on Intellectual Creation Cycle (chaired by Dr. Hiroyuki ABE) in February 2007 and from the Task Force on Contents (chaired by Mr. Jiro USHIO) in March 2007, and also heard opinions from the public and users through the public comment procedure, etc.

**(2) Implementation**

The individual measures included in the Strategic Program shall be undertaken by the ministries or agencies in charge. For these reasons, the Strategic Program assigns

individual measures to the specific ministries or agencies in charge.

The Strategy Headquarters shall regularly check the progress of the measures taken by the ministry or agency in charge and encourage them to implement such measures if there is any delay. Furthermore, if there is any delay in the implementation of measures because more than one ministry or agency is taking charge, the Strategy Headquarters shall perform overall coordination for the measures. Though it is not specifically designated in the Strategic Program, the Strategy Headquarters shall be involved in the implementation of all measures.

The Strategy Headquarters shall further build organic cooperation with other councils and headquarters, such as the Council for Science and Technology Policy, IT Strategic Headquarters, Japan Tourism Strategic Council, Innovation 25 Strategy Council, Council for the Asia Gateway Initiative and Cabinet for the Creation of a Beautiful Country.

The goal of making Japan an intellectual property-based nation will not be achieved unless the public generally shares the understanding of such a goal. Consequently, the Strategy Headquarters shall ask for public opinions constantly and also hold explanatory meetings and symposia on the intellectual property strategy at various locations in order to encourage efforts by local governments and businesses and to have a frank exchange of views with local people throughout Japan.

## **List of Priority Measures**

## **1. Creation of Intellectual Property**

### **(1) Supporting universities, public research institutes and TLOs engaged in strategic activities in the field of intellectual property**

In order to encourage university intellectual property headquarters to carry out a wide range of activities, including obtaining international rights for basic patents, technology transfer, joint research contracts, commercialization of research results and development of human resources related to intellectual property, and to develop the infrastructure for industry-academia-government collaboration that conforms to the global standards, so that they will be able to pursue their intellectual property strategies satisfactorily, the GOJ will, in FY2008 and thereafter, continue to support independent and diverse efforts of universities in the course of strategically and systematically promoting the creation, management and utilization of intellectual property.

(Council for Science and Technology Policy and Ministry of Education, Culture, Sports, Science and Technology)

### **(2) Promoting Integration and Collaboration between University Intellectual Property Headquarters and TLOs**

Giving due consideration to the diversity in the relationships between university intellectual property headquarters and TLOs, the GOJ will, from FY2007, promote their collaboration and integration beyond their organizational boundaries and encourage them to rebuild their organizations depending on the individual circumstances surrounding them, so that they will be able to best function in implementing industry-academia-government collaboration as well as technology transfer. Also, in order to help universities and public research institutes as well as intellectual clusters, whose intellectual property-related infrastructure has not yet been solidified, in carrying out activities based on industry-academia-government collaboration within the country or on a global scale, and also help local businesses engage in such collaborative activities, the GOJ will promote various measures in this area. This includes collaboration between universities and local entities, collaboration between national, public and private universities, and collaboration between universities and private companies, as well as diffusion of achievements made at leading universities and public research institutes.

(Council for Science and Technology Policy, Ministry of Education, Culture, Sports, Science and Technology and Ministry of Economy, Trade and Industry)



### **(3) Promoting the Strategic Efforts to Obtain and Exploit Intellectual Property with the Aim of Realizing Innovation**

From FY2007, the GOJ will encourage the entities engaged in research to secure in advance necessary expenses to obtain basic patents internationally in the course of conducting commercialization-oriented R&D projects funded by competitive research grants, and, when screening grant applicants, will give due consideration to their intellectual property strategies and international standardization strategies in light of the purport of the research grant system, thereby promoting the strategic efforts to obtain and exploit intellectual property.

(Council for Science and Technology Policy, Ministry of Education, Culture, Sports, Science and Technology, Ministry of Agriculture, Forestry and Fisheries, Ministry of Economy, Trade and Industry and other ministries and agencies concerned)

### **(4) Formulating Intellectual Property Strategies for Individual Fields**

From FY2007, based on cooperation among the ministries and agencies concerned, the GOJ will formulate intellectual property strategies targeting individual fields where special consideration is required in dealing with intellectual property issues, including the priority fields designated in the Science and Technology Basic Plan. This shall be done by reviewing the current status and problems regarding the creation, protection and exploitation of intellectual property in these fields as well as measures to be taken to overcome such problems, while taking into consideration the situation of owners and users of intellectual property and other relevant parties.

(Council for Science and Technology Policy and other ministries and agencies concerned)

### **(5) Supporting International Patent Filing**

In an effort to encourage universities and TLOs to obtain international rights for basic patents efficiently and effectively, the GOJ provides them with financial support via the Japan Science and Technology Agency (JST) to cover their expenses for foreign-patent filing. In these instances, the GOJ will place more importance on the quality of patents. More specifically, from FY2007, the GOJ will require universities, etc. applying for such support to conduct an investigation before filing in addition to the investigation by the JST, and also require them to share filing expenses. Then in FY2008, the GOJ will promote these intensive support measures for obtaining rights.

(Council for Science and Technology Policy and Ministry of Education, Culture, Sports, Science and Technology)

## **(6) Encouraging Strategic Implementation of R&D through the Effective Use of Patent Information, etc.**

In order to promote the use of patent information by research personnel at universities and public research institutes, the GOJ will, by the end of FY2007, widely distribute the patent information search software among universities, etc., free of charge, via the National Center for Industrial Property Information and Training (INPIT). This software is designed to facilitate use and upgrading (with the operation manual thereof), thereby encouraging strategic implementation of R&D. The GOJ will also arrange for researchers to have opportunities to publicize and share their upgraded versions of the search software so as to promote the wide use of the improved software.

(Council for Science and Technology Policy and Ministry of Economy, Trade and Industry)

## **2. Protection of Intellectual Property**

### **I. Strengthening the Protection of Intellectual Property**

#### **(1) Promoting the initiatives under the lead of the Headquarters for Expeditious and Efficient Patent Examination**

With the aim of achieving the end goal of completely eliminating the first action pendency (waiting period for patent examination), the GOJ will first strive to achieve the medium-term goal of reducing the first action pendency to 29 months by 2008, when the pendency is expected to become the longest, and then to 11 months by 2013.

To this end, in FY2007, the GOJ will continue to promote comprehensive initiatives based on the Advanced Measures for Accelerating Reform toward Innovation (AMARI) Plan in Patent Examination 2007 under the lead of the Headquarters for Expeditious and Efficient Patent Examination, headed by the Minister of Economy, Trade and Industry. In addition to steadily implementing individual measures, the GOJ will also provide overall coordination and constant review of the measures, with the aim of promoting optimization and streamlining of the operations at the Japan Patent Office (JPO) as a whole.

(Ministry of Economy, Trade and Industry)

## **(2) Promoting the use of the information provision system by public**

In order to increase the usability of the system for providing information on patent applications and promote the use of the system, so that patent examination will be performed by actively utilizing knowledge obtained from outside the JPO, the GOJ will endeavor to ensure that necessary information will be provided to the JPO in a timely manner through the procedure for making inquiries about the patent examination schedule, which was upgraded in May 2007 to also inform inquirers of the schedules for others' applications. In addition, by FY2008, the GOJ will upgrade the system for information provision to make it possible to provide information to the JPO online, in addition to provision of information by way of the submission of documents currently permitted.

(Ministry of Economy, Trade and Industry)

## **(3) Maintaining and Improving the Quality of Patent Examination and Trial**

In FY2007, the GOJ will continue to endeavor to maintain and improve the quality of patent examination and trial. More specifically, the GOJ will promote discussions and exchanges of opinions between examiners and between examiners and appeal examiners, and, under the lead of the Quality Management Office established within the JPO in April 2007, it will develop a quality management method applicable to fields and provide examiners with feedback on quality analysis.

The GOJ will also continue its efforts, in FY2007, to prevent differences in judgment between the JPO and courts by promoting the exchange of opinions between them in accordance with Article 168 of the Patent Act.

(Ministry of Economy, Trade and Industry)

## **(4) Clarifying Criteria for Judging Patentability in Specific Fields**

By the end of FY2007, the GOJ will develop and publicize guidelines for judging patentability of inventions in the field of life science, which will contain the judgments rendered thus far by the Intellectual Property High Court. In addition, from FY2007, the GOJ will hold explanatory meetings for researchers at universities and public research institutes and other personnel engaged in dealing with intellectual property to develop their understanding of the Examination Guidelines for Patents and example cases focusing on the field of life science.

(Council for Science and Technology Policy, Ministry of Economy, Trade and Industry and other ministries and agencies concerned)

**(5) Improving Access to Industrial Property Information via the Intellectual Property Digital Library, etc.**

a) Based on the JPO Operation and System Optimization Program, the building of a new system is scheduled to be completed in January 2014. In order to provide industrial property information services according to the users' needs as they become available during the period until the completion, the GOJ will develop a roadmap by the end of FY2007 and strive to implement it successfully.

b) By the end of FY2007, the GOJ will add a function for full-text searches to the Intellectual Property Digital Library (IPDL), which provides industrial property information free of charge via the Internet.

In addition, from FY2007 and thereafter, with regard to the services for providing unchanging URLs of pages indicating patent information, which are currently only available to universities and public research institutes, the GOJ will expand the scope of service users to the general public, after conducting tests regarding the required system performance.

c) From FY2007, in order to enable the active use of references on publicly known designs, such as product catalogues stored in the JPO's database, the GOJ will promote the disclosure of such references with the permission of copyright holders.

(Ministry of Economy, Trade and Industry)

**(6) Enhancing the Provision of Information Useful for Companies in Formulating a Patent-Filing Strategy**

In FY2007, the GOJ will continue to publicize information useful for companies in formulating a patent-filing strategy, such as the ratio of foreign patent applications and the grant ratio of leading companies. In addition, by the end of FY2007, the GOJ will start a trial run of the Patent Strategy Portal Site (tentative name) where companies can process, extract and compare, on a year-on-year basis, more detailed information on the results of their patent-related activities, such as the number of applications and the results of patent examination.

(Ministry of Economy, Trade and Industry)

**(7) Promoting the Initiatives Based on the Intellectual Property Strategy of the Ministry of Agriculture, Forestry and Fisheries**

In order to increase the competitiveness of Japanese agricultural, forestry and fishery industries as well as the food industry, based on the Intellectual Property Strategy of the Ministry of Agriculture, Forestry and Fisheries laid down in March 2007,

the GOJ will, from FY2007, under the lead of the Intellectual Property Strategy Headquarters of the Ministry of Agriculture, Forestry and Fisheries, strengthen protection of intellectual property in the fields of agriculture, forestry and fishery, such as breeders' rights in new plant varieties and genetic resources of Japanese cattle, and promote comprehensive measures to bring about a virtuous cycle of the creation, protection and exploitation of intellectual property, including the utilization of regional brands.

(Ministry of Agriculture, Forestry and Fisheries and other ministries and agencies concerned)

#### **(8) Further Enhancing the Patent Prosecution Highway**

Under a Patent Prosecution Highway (PPH) between the multiple patent offices, applications for patents that have been granted at the first office will be eligible for accelerated examination through simple procedures at the second office. From FY2007, in addition to the United States, South Korea and the United Kingdom, with which Japan has already launched or agreed to the operation of a PPH, the GOJ will also approach other countries for participation with the aim of networking PPHs, and will promote the mutual use of search and examination results between patent offices through PPHs. Furthermore, in order to ensure that the PPH will be effectively used by Japanese applicants, the GOJ will strive to achieve early dissemination of the search and examination results on patent applications filed in Japan from abroad, while encouraging the use of the accelerated examination system. With regard to the use of the search and examination results provided by other patent offices, the GOJ will ensure thorough compliance with the Guidelines Concerning the Use of Prior Art Search/Examination Results of Foreign Patent Offices laid down in March 2007.

(Ministry of Economy, Trade and Industry)

#### **(9) Advocating the Establishment of a Forum for Protection of New Varieties of Plants in East Asia and Aiming for Early Establishment**

With the aim of establishing an integrated system for protection of new plant varieties under the International Union for the Protection of New Varieties of Plants (UPOV), the GOJ will, by the end of FY2007, advocate the establishment of a Forum for Protection of New Varieties of Plants in East Asia (tentative name) as a framework for promoting technical cooperation and human resource development as required for improving and harmonizing national systems for protection of new plant varieties, and endeavor to achieve early establishment of the forum.

(Ministry of Agriculture, Forestry and Fisheries)

## **II. Strengthening Measures Against Counterfeits and Pirated Copies**

### **(1) Aiming to Achieve Early Adoption of the Treaty on the Non-proliferation of Counterfeit and Pirated Goods**

With regard to the Treaty on the Non-proliferation of Counterfeit and Pirated Goods (tentative name), which was advocated by Japan, the GOJ will, in FY2007, continue its efforts to increase awareness thereof on a global scale. It will also take the lead in discussions with the countries concerned while promptly and clearly indicating relevant policy and views, thereby accelerating the movement toward achieving early adoption of the treaty.

(National Police Agency, Ministry of Internal Affairs and Communications, Ministry of Justice, Ministry of Foreign Affairs, Ministry of Finance, Ministry of Education, Culture, Sports, Science and Technology, Ministry of Agriculture, Forestry and Fisheries and Ministry of Economy, Trade and Industry)

### **(2) Strengthening the Regulations of Importation of Counterfeits and Pirated Copies by Individuals**

In FY2007, customs will strongly enforce border control according to the revised directive, which clarify that when detecting goods suspected of infringing an intellectual property right, customs shall, in principle, conduct the determination procedure, irrespective of the value of such suspected goods. Customs will also strictly determine whether or not infringement can be found, while utilizing IPR experts depending on the circumstances. In addition, the GOJ will further reconsider the prohibition of importation and possession of counterfeits and pirated copies by individuals, and establish a new Act or develop legal systems as appropriate.

(National Police Agency, Ministry of Justice, Ministry of Finance, Ministry of Education, Culture, Sports, Science and Technology and Ministry of Economy, Trade and Industry)

### **(3) Preventing the Trade of Counterfeits and Pirated Copies via Internet Auctions**

i) By the end of FY2007, the GOJ will consider regulating the act of bringing pirated copies to Internet auctions or otherwise advertising such copies therein as infringement of copyrights under the Copyright Act, and will develop legal systems as appropriate.

(National Police Agency, Ministry of Justice, Ministry of Education, Culture, Sports,

Science and Technology and other ministries and agencies concerned)

ii) When a right holder has found an article that infringes his/her right and notified the auction provider of such fact, measures should be taken to delete the illegal articles from the auction site and disclose seller information; and the right holder and the auction provider should share responsibilities appropriately. In order to ensure that these measures will be taken more promptly, the GOJ will, in FY2007, familiarize relevant guidelines for Internet auctions and promote the application thereof. Also, while verifying the effect of the guidelines, the GOJ will consider additional measures to ensure prompt response by right holders and auction providers, and will develop legal systems as appropriate.

(National Police Agency, Ministry of Internal Affairs and Communications and other ministries and agencies concerned)

iii) In FY2007, with cooperation between the public and private sectors and consideration given to consumers and sellers at auctions, the GOJ will promote the following measures through "Council for Intellectual Property Protection on Internet (CIPP)", established by right holders and auction providers:

a) encourage auction providers to correctly identify sellers in order to prevent illegal articles from being brought to auctions;

b) encourage auction providers and right holders to make voluntary efforts in a unified manner so as to eradicate counterfeits and pirated copies from auction sites, such as reinforcing voluntary deletion of illegal articles by way of the development and implementation of the Guidelines for Prevention of Distribution of IP-Infringing Goods (tentative name) and verifying the effects of relevant measures; and

c) establish the association's website and strengthen educational activities for sellers and consumers in order to prevent them from bringing counterfeits and pirated copies to auctions or purchasing such goods via auctions; encourage more right holders and auction providers to join the association.

(National Police Agency, Ministry of Internal Affairs and Communications, Ministry of Education, Culture, Sports, Science and Technology and Ministry of Economy, Trade and Industry)

### **3. Exploitation of Intellectual Property**

#### **I. Strategically Exploiting Intellectual Property**

### **(1) Promoting Strategic Management Focused on Intellectual Property**

It is necessary for companies to work toward management focused on “intellectual assets” or sources of competitiveness, e.g., human resources, technology, organizational strength, network with customers, and brands (intellectual assets-based management). In particular, those that aim to become technology-based companies should regard intellectual property as the core of their business management, carrying out business strategy, R&D strategy and intellectual-property strategy all together.

With the aim of promoting such intellectual property-focused management, from FY2007, the GOJ will encourage companies to formulate and implement an intellectual property strategy by referring to the casebook on intellectual property strategies entitled “Toward Achieving Strategic Management of Intellectual Property,” which shows best practices and failure cases in Japan and other countries.

(Ministry of Economy, Trade and Industry)

### **(2) Promoting the Exploitation of Intellectual Property Not in Use**

Some industrial property rights retained by companies and public research institutes lack a clear purpose of retention. If such industrial property rights can be put into effective use, that will contribute to local revitalization and SMEs. From this standpoint, from FY2007, the GOJ will encourage companies, etc. to conduct inventory-taking and reevaluation of their industrial property rights from the perspective of efficient management of intellectual property. The GOJ will also actively encourage companies to disclose, on their websites or the Patent Licensing Database accessible via the INPIT website, their patents and other industrial property that they are willing to license or sell to others.

Also from FY2007, the GOJ will publicize, on the Promotion Policy for Patent Licensing page on the INPIT website, the list of websites where these licensable patents, etc. are disclosed, so that persons who intend to utilize licensable patents, etc. will be able to easily access relevant information.

(Ministry of Economy, Trade and Industry)

### **(3) Promoting Management and Investment of Intellectual Property Using the Intellectual Property Trust System**

From FY2007, the GOJ will consider necessary measures to promote the use of intellectual property trusts, and will develop helpful references for the exploitation of intellectual property trusts within business groups as well as sample forms of documents to be submitted when giving notifications and filing applications (e.g., procedural flow



diagram, sample formats of various documents); and the GOJ will publicize these materials on the relevant websites.

In FY2007, the GOJ will continue to publicize, through various seminars or via the Internet, examples of intellectual property trusts established within business groups and management-type trusts, thereby raising awareness of the intellectual property trust system. The GOJ will also provide helpful information on schemes and advantages of each type of trust as well as points to note when using trusts.

(Financial Services Agency and the Ministry of Economy, Trade and Industry)

## **II. Enhancing International Standardization Activities**

### **(1) Implementing the International Standardization Comprehensive Strategy**

In order to strengthen Japan's international standardization activities, the GOJ will, in FY2007, continue to implement the International Standardization Comprehensive Strategy steadily.

(Ministry of Internal Affairs and Communications, Ministry of Economy, Trade and Industry and other ministries and agencies concerned)

### **(2) Encouraging Industrial Circles to Formulate and Implement Their Own Action Plans**

From FY2007, the GOJ will encourage industrial circles such as Nippon Keidanren and various manufacturers' associations to promote international standardization activities actively by formulating and publicize their own action plans, focusing on international standardization activities according to the characteristics of relevant industries, and implementing such plans steadily.

(Ministry of Internal Affairs and Communications, Ministry of Economy, Trade and Industry and other ministries and agencies concerned)

### **(3) Promoting Nationwide Research Activities and International Standardization Activities in a Unified Manner**

With regard to the technical fields where research results are adopted as international standards, the GOJ will clearly designate, in the guidelines for evaluation of government-sponsored R&D projects, the commitment in international standardization as a point to consider in preliminary, interim and ex post evaluations of such projects. By doing so, in FY2007, the GOJ will continue to promote R&D projects and standardization projects in a unified manner. In addition, the GOJ will strategically

allocate research funds to the technical fields where Japanese industry is expected to expand through the acquisition of international standards.

(Council for Science and Technology Policy, Ministry of Internal Affairs and Communications, Ministry of Education, Culture, Sports, Science and Technology, Ministry of Economy, Trade and Industry and other ministries and agencies concerned)

#### **(4) Producing Leaders for International Standardization Activities**

From FY2007, the GOJ will develop a system for utilizing people who have engaged in international standardization activities, and will establish the International Standardization School (tentative name) to develop human resources that will take charge of international standardization in the future. The aim will be to impart abundant and diverse knowledge and know-how from those with experience in this field to those in the next generation, and to produce human resources capable of acting as leaders for international standardization activities.

(Ministry of Internal Affairs and Communications, Ministry of Economy, Trade and Industry and other ministries and agencies concerned)

#### **(5) Strengthening Cooperation with Foreign Countries such as Asian Countries**

By the end of FY2007, the GOJ will formulate “the Asia-Pacific Standardization Initiative”, which focuses on raising the level of international standardization activities, strengthening the human resource network, and submitting joint proposals on international standards in the Asia-Pacific region, and will promote its implementation, thereby strengthening cooperation for standardization activities in this region.

(Ministry of Internal Affairs and Communications, Ministry of Economy, Trade and Industry and other ministries and agencies concerned)

### **III. Supporting SMEs and Venture Companies**

#### **(1) Enhancing Consultation Services for SMEs and Venture Companies**

From FY2007, the GOJ will take various measures to enhance consultation functions of “Intellectual Property Rescue Organizations” established in July 2006 within associations and chambers of commerce and industry nationwide. More specifically, the GOJ will hold training sessions for management instructors to be assigned to these organizations for providing consultation to business operators, and will develop and distribute casebooks and a collection of Qs-and-As, so as to improve

management instructors' knowledge on intellectual property. The GOJ will also arrange consultation sessions for business operators while inviting intellectual property experts as advisors.

Also from FY2007, in order to facilitate access to consultation services for SMEs and venture companies, the GOJ will encourage supporting organizations such as the Comprehensive Support Center for SMEs and Venture Companies and the Intellectual Property Center to disclose necessary information and reinforce their public relations activities. For users' convenience, the GOJ will also encourage these supporting organizations to improve the quality of their consultation services, providing services through visits to users in addition to providing services at consultation sections.

Furthermore, in order to provide appropriate support depending on the contents or difficulty of the problems that service users are facing, from FY2007, the GOJ will encourage supporting organizations to promote close coordination among them by establishing a liaison conference under the lead of local public entities. The goal is to refer users to appropriate supporting organizations when the organization that has received a request for consultation finds it impossible to provide sufficient support by itself.

(Ministry of Economy, Trade and Industry and other ministries and agencies concerned)

## **(2) Strengthening Countermeasures against Infringements of Intellectual Property Rights**

From the perspective of contributing to preventing large companies from infringing intellectual property rights held by their subcontractors, the GOJ will, in FY2007, develop guidelines for individual industries to indicate example cases of violation of laws and regulations as well as inappropriate trade practices. The GOJ will also revise the operational guidelines for "Act against Delay in Payment of Subcontract Proceeds, Etc. to Subcontractors" by further detailing and improving the provisions on the act of "beating down the price," and publicize the revised provisions. Furthermore, in FY2007, the GOJ will continue to provide consultation services concerning how to respond to infringements of intellectual property rights committed by large companies and report such infringements to the relevant authorities.

(Japan Fair Trade Commission, Ministry of Economy, Trade and Industry and other ministries and agencies concerned)

## **(3) Supporting SMEs in Obtaining Rights Overseas**

Based on the FY2006 Policy for Granting Special Subsidies, etc. to SMEs, etc.

the GOJ will, from FY2007, endeavor to cover expenses for obtaining intellectual property rights overseas as expenses eligible for subsidies under the Small Business Innovation Research (SBIR) Program.

(Ministry of Economy, Trade and Industry and other ministries and agencies concerned)

#### **IV. Developing Local Areas with the Use of Intellectual Property**

##### **(1) Strengthening the Activities of Regional Intellectual Property Strategy Headquarters**

In order to promote the initiatives, under the lead of regional intellectual property strategy headquarters established in nine regions nationwide, for developing local areas with the use of intellectual property by building human resource networks and promoting industry-academia collaboration in the regions, the GOJ will, in FY2007, encourage regional intellectual property strategy headquarters to steadily implement regional intellectual-property strategy programs formulated based on the characteristics of individual regions. Its aim will be to achieve specific, newly introduced measures and targets in the programs.

(Ministry of Economy, Trade and Industry and other ministries and agencies concerned)

##### **(2) Enhancing Support for Local Public Entities Engaged in Ambitious Initiatives**

In FY2007, in order to accelerate the implementation of intellectual property strategies by local public entities, the GOJ will cooperate with regional intellectual property strategy headquarters to intensively conduct national support projects for prefectural governments and governments of major cities designated by Cabinet Order, which will be engaged in ambitious initiatives in the field of intellectual property. The GOJ's goal will be to establish models of successful initiatives and disseminate the results thereof.

(Ministry of Economy, Trade and Industry and other ministries and agencies concerned)

##### **(3) Supporting the Use of Regional Resources**

In order to create and establish regional brands, thereby realizing independent and sustainable development of local areas, in accordance with the Act on Promotion of SME Business Operations Based on Regional Industrial Resources passed at the ordinary session of the Diet in 2007, the GOJ will, from FY2007, provide comprehensive support for the measures taken by local SMEs and industrial associations to develop new products and services. They will then place those products

and services on the market with the use of regional resources that can be the advantages for their regions (e.g., technology rooted in the production areas, agricultural, forestry and fishery products, tourism resources).

(Ministry of Economy, Trade and Industry and other ministries and agencies concerned)

## **4. Efforts to Create Culture with the Use of Content**

### **I. Make Japan the Most Advanced Content Superpower in the World**

#### **(1) Developing Legal Systems to Promote the Distribution of Digital Content**

By the end of FY2007, the GOJ will consider new legal systems and contract rules as well as international frameworks regarding desirable ways of utilizing digital content and protecting copyrights in response to the trends of digitization and networking. The GOJ will develop necessary legal systems for the distribution of most advanced digital content within the next two years, with the aim of benefiting creators and energizing their creative activities.

(Ministry of Internal Affairs and Communications, Ministry of Foreign Affairs, Ministry of Education, Culture, Sports, Science and Technology and Ministry of Economy, Trade and Industry)

#### **(2) Solving the Issue of Reproduction Conducted by Individuals Using Illegal Copies**

In order to support the trends of new legal businesses, the GOJ will consider excluding reproduction conducted by using copies legally transmitted via the Internet or pirated copies of CDs and DVDs from the scope of permissible reproduction for private use, while being careful not to excessively discourage individuals from using copyrighted works, and will draw a conclusion by the end of FY2007.

(Ministry of Education, Culture, Sports, Science and Technology)

#### **(3) Promoting the Distribution of Content for Which Copyright Holders Are Unidentified**

In order to ensure the effective use of the wealth of content that Japan has accumulated so far, the GOJ will, while taking into account the trends in other countries, consider new measures to facilitate the use of content works for users who cannot contact the right holders of such works due to the right holders being unidentified or for

other reasons despite the users' considerable efforts; and the GOJ will draw an interim conclusion by the end of FY2007.

(Ministry of Internal Affairs and Communications and Ministry of Education, Culture, Sports, Science and Technology)

#### **(4) Promoting the Efforts to Make Contract Rules for Multi-Use of Content**

With the aim of promoting the distribution of new types of content, thereby making Japan a content superpower where all parties concerned will benefit, the GOJ will take the following measures to arrange the opportunity for the parties concerned to discuss contract rules, and encourage their efforts to make contract rules for multi-use of content.

a) By the end of FY2007, the GOJ will help the parties concerned in the field of visual content to take measures to solve specific issues concerning multi-use of visual content, such as online distribution and global dissemination, while giving due consideration to the fair sharing of profit among the parties concerned and the provision of more opportunities to create new content works. In particular, with respect to multi-use of broadcast programs, the GOJ will encourage independent efforts of the private sector to establish consultation organizations to be operated by users, so as to respond to inquiries from individuals appearing in broadcast programs whose contact addresses are unknown.

b) In order to benefit all parties concerned by way of promotion of multi-use of broadcast programs, the GOJ will take into consideration the Model Contracts Concerning Subcontracts for Production of Broadcast Programs and the Self-Imposed Standards of Subcontracts for Production of Broadcast Programs, and promote the development of specific model contracts applicable between broadcasting organizations and program production companies by the end of FY2007. Further, the GOJ will promote the holding of fair negotiations and conclusion of fair contracts regarding management services, thereby solving problems concerning contract production of broadcast programs.

(Ministry of Internal Affairs and Communications, Ministry of Education, Culture, Sports, Science and Technology and Ministry of Economy, Trade and Industry)

#### **(5) Solving Problems Concerning Internet Search Services**

In the age of information, Internet search services have become important not only for improving convenience in people's lives but also for carrying out industrial and cultural policies. In light of this, the GOJ will clearly identify the problems under the

Copyright Act arising from the reproduction or editing of works on the servers used for Internet search services and the indication of search results, while considering taking legislative measures if necessary, and will draw a conclusion by the end of FY2007. In addition, from FY2007, the GOJ will start discussions regarding various issues in this area, such as the development and international standardization of search and analysis technology for new types of content and the establishment of rules for appropriate protection of content.

(Ministry of Education, Culture, Sports, Science and Technology and Ministry of Economy, Trade and Industry)

#### **(6) Encouraging Efforts to Establish Content Archives and Promoting the Use Thereof**

With regard to the use of content that is not oriented for profit-making or not in conflict with commercial use, such as collection and storage of works at public digital archives and provision of works that are out of print and unavailable to ordinary users, the GOJ will consider measures to facilitate the storage, collection and use of such content, while giving due consideration to compensation for creators, and will draw an interim conclusion by the end of FY2007.

(Ministry of Education, Culture, Sports, Science and Technology)

#### **(7) Promoting the Creation and Dissemination of New Content on the Internet**

In order to promote the creation and dissemination of content works on the Internet without restrictions, the GOJ will, by the end of FY2007, categorize the terms of use of works to be manifested by copyright holders in advance and study legal issues on rules for the treatment of waiver of rights by copyright holders on their own will, with the aim of building a system for manifesting the terms of use of copyrighted works on the Internet. The GOJ will also encourage and support the efforts of the private sector to promote the use of copyrighted works without restrictions.

(Ministry of Internal Affairs and Communications, Ministry of Education, Culture, Sports, Science and Technology and Ministry of Economy, Trade and Industry)

#### **(8) Strengthening the International Competitiveness of Content Business Operators**

In light of the globalization of content business and diversification of distribution channels for content, as well as the creation of media conglomerates through mergers and acquisitions, the GOJ will promptly formulate, by the end of

FY2007, a strategy for strengthening the international competitiveness of Japanese content business operators and accelerating their business launch on a global scale, based on cooperation between the public and private sectors. Also, according to that strategy, the GOJ will implement necessary measures and encourage independent efforts of content business operators.

(Ministry of Economy, Trade and Industry)

#### **(9) Holding the Japan International Contents Festival**

From FY2007, the GOJ will hold the Japan International Contents Festival where various content industries, such as games, *anime*, *manga*, music, broadcasting and film, will gather together and hold events. Through the festival, the GOJ will collaborate with other content-related industries such as tourism, fashion and food, to convey Japan's appeal as a whole to the rest of the world. In order to boost exportation of Japanese content, the GOJ will upgrade exhibitions and international symposia targeting business people and the media, and enhance the festival's function as a content market. Also, during the period of the Tokyo International Film Festival, the GOJ will provide support for various film-related events such as film festivals and symposia to be held intensively in local areas.

(Ministry of Internal Affairs and Communications, Ministry of Foreign Affairs, Ministry of Education, Culture, Sports, Science and Technology, Ministry of Economy, Trade and Industry, Ministry of Land, Infrastructure and Transport and other ministries and agencies concerned)

## **II. Implementing the Japan Brand Strategy Based on the Japanese Lifestyle**

#### **(1) Enhancing the Initiatives to Disseminate Japanese Food Worldwide**

In order to promote collaborative and cooperative initiatives for diffusing and disseminating Japanese food worldwide as well as promoting an exchange of relevant information and technology, the GOJ will, from FY2007, encourage efforts of relevant public authorities, industrial associations, chefs and businesses operating overseas to build networks in foreign countries. Also, the GOJ will strengthen the initiatives implemented by Overseas Establishments, the Japan Foundation, the Japan External Trade Organization (JETRO), the Japan National Tourist Organization (JNTO), etc., in cooperation with private parties, to disseminate various types of Japanese food and foodstuff worldwide, covering everything from tea-ceremony dishes to home-style



cooking, Japanese tea and Japanese sake, together with background traditions and culture.

(Ministry of Foreign Affairs, Ministry of Finance, Ministry of Agriculture, Forestry and Fisheries, Ministry of Economy, Trade and Industry and Ministry of Land, Infrastructure and Transport)

## **(2) Supporting Strategic Initiatives to Establish Regional Brands**

From FY2007, the GOJ will provide information on the successful cases of the establishment of regional brands, and will continue to support contests for honoring excellent brands, thereby promoting further progress in the initiatives to establish regional brands. The GOJ will also strengthen support for various initiatives implemented in this field, including market research on regional resources and formulation of strategies based on research results, as well as the efforts of local SMEs toward developing new products and improving the quality and increasing the added value of existing regional products.

(Ministry of Agriculture, Forestry and Fisheries and Ministry of Economy, Trade and Industry)

## **(3) Drastically enhancing JAPAN FASHION WEEK in TOKYO**

In FY2007, the GOJ will clearly designate, in addition to the TOKYO COLLECTION, exhibitions of high value-added clothes, for which Japan has an advantage, and events targeting general consumers, as projects integrated in JAPAN FASHION WEEK in TOKYO; and the GOJ will enhance the functions of these events. The GOJ will reinforce the financial base necessary for these initiatives through the concerted efforts of the public and private sectors. Furthermore, in order to raise Japan's status as a center for information dissemination in Asia, the GOJ will, in FY2007, significantly increase the number of exhibitions where new talented designers can participate from all over the world, especially from Asia, and enhance public relations targeting overseas buyers and media.

(Ministry of Foreign Affairs and Ministry of Economy, Trade and Industry)

## **(4) Implementing Cross-Sectoral Initiatives to Convey Japan's Appeal to the World, Thereby Bringing about a Synergy Effect**

From FY2007, the GOJ will plan and hold collaborative events relating to various items underlining the Japanese lifestyle, ranging from food culture, craftwork, and fashion to various content such as *manga* and *anime*, thereby promoting the

initiatives to convey Japan's appeal worldwide by way of a synergy effect from the relevance between background regional characteristics, traditions and culture.

(Ministry of Foreign Affairs, Ministry of Education, Culture, Sports, Science and Technology, Ministry of Agriculture, Forestry and Fisheries, Ministry of Economy, Trade and Industry and Ministry of Land, Infrastructure and Transport)

#### **(5) Systematically Compiling and Utilizing the Results of Surveys on the Japan Brand**

Currently, Overseas Establishments, the Japan Foundation, JETRO, JNTO and other public agencies carry out survey and information-gathering activities so as to investigate Japan's image overseas for various purposes, such as cultural exchange, development of tourism, and export promotion. From FY2007, the GOJ will upgrade these activities and build a system where the parties concerned can systematically compile, analyze, evaluate and share the survey results. The ministries and agencies concerned will cooperate with one another to reflect the analysis results in the operation of various measures.

(Ministry of Foreign Affairs, Ministry of Education, Culture, Sports, Science and Technology, Ministry of Agriculture, Forestry and Fisheries, Ministry of Economy, Trade and Industry and Ministry of Land, Infrastructure and Transport)

### **5. Developing Human Resources and Improving Public Awareness**

#### **(1) Implementing the Comprehensive Strategy for the Development of Human Resources Related to Intellectual Property**

In FY2007, the GOJ will continue to implement the Comprehensive Strategy for the Development of Human Resources Related to Intellectual Property in order to further increase the number of intellectual property experts as well to advance and broaden their skills, advance the intellectual property exploitation skills of human resources who create or manage intellectual property, and improve the public awareness of intellectual property. In addition, the GOJ will encourage universities and companies to implement the strategy as well.

Also, by the end of FY2007, the GOJ will evaluate the implementation status of various measures concerning the development of human resources related to intellectual property during Phase I (from FY2005 to FY2007) and take necessary measures for Phase II (from FY2008 to FY2011).

(Ministry of Justice, Ministry of Education, Culture, Sports, Science and Technology, Ministry of Economy, Trade and Industry and other ministries and agencies concerned)

**(2) Supporting the Council for Promoting the Development of Human Resources Related to Intellectual Property**

In FY2007, the GOJ will, based on cooperation among the organizations concerned under the lead of the Council for Promoting the Development of Human Resources Related to Intellectual Property, continue to encourage and support the activities carried out by training institutes. In the activities, the training institutes will be making use of their advantages while bringing about a synergy effect thereof, such as providing training programs in which intellectual property experts engaged in different types of occupations (e.g., personnel of intellectual property department of private companies, patent lawyers, JPO examiners) participate in discussions.

Also, from FY2007, the GOJ will encourage the comprehensive dissemination of information concerning the development of human resources related to intellectual property, e.g., information on training programs provided by relevant institutes, via the website established by the Council for Promoting the Development of Human Resources Related to Intellectual Property.

(Ministry of Justice, Ministry of Education, Culture, Sports, Science and Technology, Ministry of Economy, Trade and Industry and other ministries and agencies concerned)

**(3) Building a Network for the Development of Human Resources Related to Intellectual Property**

With the aim of building an international network among training institutes, the GOJ will, from FY2007, actively participate in international meetings of training institutes. In particular, in Asia, the GOJ will take the lead in building a network of training institutes, providing information on Japan's initiatives in the field of development of human resources related to intellectual property.

(Ministry of Economy, Trade and Industry and other ministries and agencies concerned)

# **Main Part**

## **Chapter 1 Creation of Intellectual Property**

An intellectual creation cycle begins with the creation of intellectual property. The goal of making Japan an “intellectual property-based nation” cannot be achieved without a mechanism for producing creative and innovative R&D assets and for supplying those assets to society by way of innovation.

In order to promote innovation, it is important to first strengthen basic research, which is the source of innovation, and then to have a full-fledged intellectual property strategy, including international acquisition of rights, for essential inventions for which basic patents can be obtained in the future.

Although the intellectual property system has been developed at universities and technology licensing organizations (TLOs) in recent years, it is necessary to continue to support universities’ proactive and diversified efforts so as not to put the brakes on universities’ intellectual property-related activities. On the other hand, individual universities are required to establish a technology-licensing system and industry-academia-government collaboration system that would best suit them. It is thus also necessary to quickly cope with various problems that arise in actual industry-academia-government collaboration.

### **1. Strengthening Intellectual Property-Related Activities at Universities, Public Research Institutes and TLOs**

#### **(1) Promoting the Development of Systems at Universities, Public Research Institutes and TLOs**

##### **[1] Supporting universities, public research institutes and TLOs engaged in strategic activities in the field of intellectual property**

- i) In order to encourage university intellectual property headquarters to carry out a wide range of activities, including obtaining international rights for basic patents, technology transfer, joint research contracts, commercialization of research results and development

of human resources related to intellectual property, and to develop the infrastructure for industry-academia-government collaboration that conforms to the global standards, so that they will be able to pursue their intellectual property strategies satisfactorily, the GOJ will, in FY2008 and thereafter, continue to support independent and diverse efforts of universities in the course of strategically and systematically promoting the creation, management and utilization of intellectual property.

(Council for Science and Technology Policy and Ministry of Education, Culture, Sports, Science and Technology)

ii) In FY2007, the GOJ will continue to provide Super TLOs with support for their efforts to develop research personnel as technology-transfer specialists and improve the practical skills of those engaging in technology transfer.

(Council for Science and Technology Policy, Ministry of Education, Culture, Sports, Science and Technology, Ministry of Economy, Trade and Industry and other ministries and agencies concerned)

## **[2] Promoting integration and collaboration between university intellectual property headquarters and TLOs**

i) Giving due consideration to the diversity in the relationships between university intellectual property headquarters and TLOs, the GOJ will, from FY2007, promote their collaboration and integration beyond their organizational boundaries and encourage them to rebuild their organizations depending on the individual circumstances surrounding them, so that they will be able to best function in implementing industry-academia-government collaboration as well as technology transfer. Also, in order to help universities and public research institutes as well as intellectual clusters, whose intellectual property-related infrastructure has not yet been solidified, in carrying out activities based on industry-academia-government collaboration within the country or on a global scale, and also help local businesses engage in such collaborative activities, the GOJ will promote various measures in this area. This includes collaboration between universities and local entities, collaboration between national,

public and private universities, and collaboration between universities and private companies, as well as diffusion of achievements made at leading universities and public research institutes.

(Council for Science and Technology Policy, Ministry of Education, Culture, Sports, Science and Technology and Ministry of Economy, Trade and Industry)

ii) In order to encourage the voluntary efforts of Universities, Public Research Institutes and TLOs, the GOJ will collect information on informative cases and make them public by the end of FY2007.

(Council for Science and Technology Policy, Ministry of Education, Culture, Sports, Science and Technology, Ministry of Economy, Trade and Industry and other ministries and agencies concerned)

### **[3] Supporting local universities and public research institutes through utilization of experts in local areas**

In order to encourage intellectual property-related activities at local universities and public research institutes and industry-academia-government collaboration with local companies, the GOJ will disseminate universities' advanced efforts to universities nationwide. From FY2007, the GOJ will also promote provision of information on experts assigned to communities, including coordinators in charge of the revitalization of the regional center of excellence and intellectual property advisers, thereby supporting them in conducting activities at local universities and public research institutes. (Council for Science and Technology Policy, Ministry of Education, Culture, Sports, Science and Technology and Ministry of Economy, Trade and Industry)

### **(2) Promoting Strategic Efforts to Obtain and Exploit Intellectual Property with the Aim of Realizing Innovation**

i) From FY2007, the GOJ will encourage the entities engaged in research to secure in advance the necessary expenses to obtain basic patents internationally in the course of conducting commercialization-oriented R&D projects funded by competitive research

grants, and, when screening grant applicants, will give due consideration to their intellectual property strategies and international standardization strategies in light of the purport of the research grant system, thereby promoting strategic efforts to obtain and exploit intellectual property.

(Council for Science and Technology Policy, Ministry of Education, Culture, Sports, Science and Technology, Ministry of Agriculture, Forestry and Fisheries, Ministry of Economy, Trade and Industry and other ministries and agencies concerned)

ii) In FY2007, the GOJ will continue to encourage universities and public research institutes to allocate appropriate resources to intellectual property-related activities at their proactive discretion when allocating competitive research grants and indirect expenses for joint research within the campus.

(Ministry of Education, Culture, Sports, Science and Technology)

### **(3) Supporting the Development of Systems for Settling Disputes Concerning Intellectual Property**

By the end of FY2007, the GOJ will publicize the details of support provided by the consultation section for dispute settlement, established within the Japan Science and Technology Agency (JST), to universities and public research institutes where disputes concerning intellectual property rights have occurred (investigation to clarify the situation and support for consultation with experts, such as attorneys at law and patent attorneys).

(Council for Science and Technology Policy and Ministry of Education, Culture, Sports, Science and Technology)

### **(4) Giving Due Consideration to Intellectual Property-Related Activities in Evaluating Universities and Public Research Institutes**

In FY2007, the GOJ will continue to evaluate national universities and R&D-type independent administrative institutions in consideration of their characteristics and on the basis of their efforts relating to intellectual property and industry-academia-government collaboration in accordance with the National Guidelines for Research and Development,



and will make public the evaluation results.

(Council for Science and Technology Policy, Ministry of Education, Culture, Sports, Science and Technology, Ministry of Economy, Trade and Industry and other ministries and agencies concerned)

## **2. Solving Problems Arising in Actual Intellectual Property-Related Activities at Universities and Public Research Institutes**

### **(1) Promoting an Exchange of Information on Intellectual Property-Related Activities at Universities and Public Research Institutes**

By the end of FY2007, the GOJ will provide the opportunity to consider and exchange opinions on the outstanding issues concerning intellectual property-related activities at universities and public research institutes (joint application contracts, contracts on the provision of tangible things) and solutions thereof with the cooperation of the University Technology Transfer Association Japan, etc., and will take necessary measures if there are any matters to be addressed by the government.

(Council for Science and Technology Policy, Ministry of Education, Culture, Sports, Science and Technology and Ministry of Economy, Trade and Industry)

### **(2) Promoting Intellectual Property-Related Activities at Universities and Public Research Institutes**

#### **[1] Clarifying the positions of students, etc. who participate in joint research**

i) Regarding patent fee reduction for universities and public research institutes, the bill for partial revision of the Act on Special Measures concerning the Recovery of Industrial Vitality, which enables universities and public research institutes to enjoy patent fee reduction in cases where postdoctoral fellows and postgraduate and undergraduate students as well as researchers who belong to other universities participate in R&D projects as inventors, was enacted at the ordinary session of the Diet in 2007. In light of this, the GOJ will publicize the details of the revision to relevant organizations.

(Council for Science and Technology Policy, Ministry of Education, Culture, Sports, Science and Technology and Ministry of Economy, Trade and Industry)

ii) By the end of FY2007, the GOJ will arrange the basic idea of organizing informative cases and points to be noted when universities and public research institutes develop rules for the attribution of intellectual property rights and confidentiality rules in the case where postdoctoral fellows and postgraduate and undergraduate students participate in joint research, and will make them public.

(Council for Science and Technology Policy and Ministry of Education, Culture, Sports, Science and Technology)

## **[2] Clarifying rules for joint research and contract research**

In order for universities and public research institutes to promote their own strategies for the exploitation of intellectual property and the implementation of joint research and contract research, in FY2007, the GOJ will continue to encourage such organizations to clarify rules for handling trade secrets and other confidential information and rules concerning the attribution of intellectual property rights in the case of implementing joint research and contract research with private companies, as well as to develop and actively make public their own contract formats and operation manuals.

(Council for Science and Technology Policy, Ministry of Education, Culture, Sports, Science and Technology, Ministry of Economy, Trade and Industry and other ministries and agencies concerned)

## **[3] Strengthening management of conflicts of interest**

In FY2007, the GOJ will continue to develop policies and rules for managing conflicts of interest at universities, and to encourage appropriate operation of these policies and rules for clinical studies and various conflicts of interest, such as those involving university start-ups. In addition, the GOJ will investigate the status of the development of such rules and the operation of management systems at individual universities, and publicize the investigation results.

(Ministry of Education, Culture, Sports, Science and Technology)

### **(3) Promoting University Start-ups**

In FY2007, the GOJ will continue to promote projects that contribute to the development of university start-ups with growth potential, including support in carrying out empirical testing and practical application research through the matching of industries and universities, and will also enhance networks of supporters of university start-ups. In addition, by the end of FY2007, the GOJ will understand the current status of university start-ups and problems from the perspective of technique, personnel, sales channel and finance, and will take support measures as appropriate.

(Council for Science and Technology Policy, Ministry of Education, Culture, Sports, Science and Technology and Ministry of Economy, Trade and Industry)

### **(4) Facilitating Acquisition and Sale of Stocks, etc. by Universities**

From FY2007, the GOJ will make public guidelines for ensuring the smooth operation of the whole process, from acquisition to sale of stocks, at universities and public research institutes. By the end of FY2007, the GOJ will also view rules for acquisition of stock options of university start-ups, etc. and exercise of rights by universities and public research institutes, and will implement necessary measures as appropriate.

(Ministry of Education, Culture, Sports, Science and Technology)

### **(5) Encouraging the Use of Laboratory Notebooks**

In order to clearly identify the inventors and the date of invention and prevent wrongful acts in research activities, the GOJ will continue to encourage the positive use of laboratory notebooks in FY2007, and will stipulate rules and promote training on how to prepare and manage such notebooks. This will be accomplished in light of the results of the fact-finding survey implemented in FY2006.

(Council for Science and Technology Policy, Ministry of Education, Culture, Sports, Science and Technology, Ministry of Economy, Trade and Industry and other ministries)

and agencies concerned)

### **3. Promoting Creation with the Use of Intellectual Property at Universities and Public Research Institutes**

#### **(1) Formulating Intellectual Property Strategies for Individual Fields**

From FY2007, based on cooperation among the ministries and agencies concerned, the GOJ will formulate intellectual property strategies targeting individual fields where special consideration is required in dealing with intellectual property issues, including the priority fields designated in the Science and Technology Basic Plan. This shall be done by reviewing the current status and problems regarding the creation, protection and exploitation of intellectual property in these fields as well as measures to be taken to overcome such problems, while taking into consideration the situation of owners and users of intellectual property and other relevant parties.

(Council for Science and Technology Policy and other ministries and agencies concerned)

#### **(2) Bringing Results of Basic Research into Innovation through Industry-Academia-Government Collaboration**

i) In order to effectively bring excellent intellectual property created through basic research at universities and public research institutes into innovation, in FY2007, the GOJ will promote joint research and other activities conducted taking basics and application into account from the long-term perspective through dialogue from the initial stage of selecting research themes based on strategic and systematic industry-academia-government collaboration.

(Council for Science and Technology Policy and Ministry of Education, Culture, Sports, Science and Technology)

ii) In order to promote the establishment of a mechanism that continuously advances R&D and lead it to practical application with regard to excellent research results

achieved at universities and public research institutes through various R&D projects, from FY2007, the GOJ will provide support for evaluations and analyses concerning potential application and development with the use of intellectual property-related professional abilities.

(Council for Science and Technology Policy, Ministry of Education, Culture, Sports, Science and Technology and other ministries and agencies concerned)

iii) With the aim of ensuring that excellent technical seeds exploiting intellectual property are effectively put into practical application or business through promotion of research for fusing different fields by dating the perspective of business needs back to science, the GOJ will, from FY2007, select R&D that have significant spillover effects seen from the viewpoints of both universities and companies and R&D that aim at fusing different fields, and will support such R&D conducted through industry-academia cooperation.

(Council for Science and Technology Policy and Ministry of Economy, Trade and Industry)

### **(3) Promoting Industry-Academia-Government Collaboration through Exchange and Fostering of Research Personnel**

In order to promote industry-academia-government collaboration that leads to innovation, in FY2007, the GOJ will continue to expand opportunities for exchange among industry, academia and government, and will also promote efforts to increase the mobility of research personnel in the industrial, academic and governmental sectors, including dissemination of internships.

(Ministry of Education, Culture, Sports, Science and Technology, Ministry of Economy, Trade and Industry and other ministries and agencies concerned)

### **(4) Promoting International Activities**

#### **[1] Supporting international patent filing**

In an effort to encourage universities and TLOs to obtain international rights for basic

patents efficiently and effectively, the GOJ provides them with financial support via the Japan Science and Technology Agency (JST) to cover their expenses for foreign-patent filing. In these instances, the GOJ will place more importance on the quality of patents. More specifically, from FY2007, the GOJ will require universities, etc. applying for such support to conduct an investigation before filing in addition to the investigation by the JST, and also require them to share filing expenses. Then in FY2008, the GOJ will promote these intensive support measures for obtaining rights.

(Council for Science and Technology Policy and Ministry of Education, Culture, Sports, Science and Technology)

## **[2] Solving issues arising in international joint research**

i) In order to prevent disputes that arise in international joint research contracts between Japanese universities and foreign companies, by the end of FY2007, the GOJ will disseminate, through training, the results of the investigation of matters to be noted in concluding a contract, with the aim of ensuring that Japanese universities utilize them when concluding joint research contracts on a global basis.

(Council for Science and Technology Policy and Ministry of Education, Culture, Sports, Science and Technology)

ii) By the end of FY2007, the GOJ will investigate issues that arise in relation to the handling of rights, such as identification of the inventor and the place of invention, in international research activities via the Internet, and will implement measures as appropriate.

(Council for Science and Technology Policy and Ministry of Economy, Trade and Industry)

## **[3] Promoting networking with foreign universities in relation to intellectual property-related activities**

With the aim of ensuring smooth international intellectual property-related activities in the industrial, academic and governmental sectors, from FY2007, the GOJ will promote

the building of networks to exchange information on intellectual property of foreign universities and companies and industry-academia-government collaboration, and will also utilize and disseminate information obtained through the networks.

(Council for Science and Technology Policy, Ministry of Education, Culture, Sports, Science and Technology and other ministries and agencies concerned)

#### **[4] Strengthening export control at universities and public research institutes**

i) In FY2007, the GOJ will continue to raise awareness among universities and public research institutes on various rules for conducting international joint research and other activities (for example, Foreign Exchange and Foreign Trade Act). Regarding export control, the GOJ will improve awareness thereof among researchers and other persons concerned through preparation and distribution of brochures and holding of explanatory meetings for researchers at universities and public research institutes as well as response at consultation sections.

(Council for Science and Technology Policy, Ministry of Education, Culture, Sports, Science and Technology and Ministry of Economy, Trade and Industry)

ii) From FY2007, the GOJ will conduct research and studies on issues to be solved and necessary measures to promote the development and management of the export control system at universities and public research institutes. The GOJ will also prepare and make public the guidelines for export control targeting universities and public research institutes with the cooperation of university staff.

(Council for Science and Technology Policy, Ministry of Education, Culture, Sports, Science and Technology and Ministry of Economy, Trade and Industry)

### **(5) Utilizing Patent Information**

#### **[1] Developing the Integrated Search System for Patent and Literature Information**

Regarding the Integrated Search System for Patent and Literature Information, which started operating in March 2007, the GOJ will, from FY2007, take necessary measures,

such as carrying out development to increase convenience based on the understanding of the status of operation and the needs of researchers.

(Council for Science and Technology Policy, Ministry of Education, Culture, Sports, Science and Technology and Ministry of Economy, Trade and Industry)

## **[2] Encouraging strategic R&D through the use of patent information**

i) In order to promote the use of patent information in actual research scenes at universities and public research institutes, by the end of FY2007, the GOJ will widely provide universities and research institutes with patent-information-search software designed for easy use and upgrade at universities and public research institutes as well as the manual thereof, free of charge, through the National Center for Industrial Property Information and Training. This will promote strategic R&D. In addition, the GOJ will provide opportunities for researchers to mutually publicize upgraded versions of said software, thereby promoting broad use of improved software.

(Council for Science and Technology Policy and Ministry of Economy, Trade and Industry)

ii) With regard to the Survey on Technical Trends in Patent Filing, which focused on the four priority fields for promotion and four fields for promotion designated in the Science and Technology Basic Plan, the GOJ will, by the end of FY2007, gain an understanding of the status of use of the survey in the past and relevant problems and implement necessary measures to promote use of the survey at universities and public research institutes.

(Council for Science and Technology Policy and Ministry of Economy, Trade and Industry)

iii) By the end of FY2007, the GOJ will develop software for preparing patent maps that are easy to use when selecting research themes or carrying out other research activities, and will provide it to universities and public research institutes. In addition, the GOJ will disseminate e-learning software developed to enable researchers to use patent maps.

(Council for Science and Technology Policy, Ministry of Economy, Trade and Industry)



and other ministries and agencies concerned)

## **(6) Facilitating the Use of Patents in Research**

### **[1] Disseminating the guidelines for research tool patents in the field of life science**

The “Guidelines for Smooth Use of Research Tool Patents in the Field of Life Science” was decided by the Council for Science and Technology Policy in March 2007. Regarding matters designated in the guidelines as being addressed by ministries and agencies concerned to disseminate the guidelines (making these guidelines public, response in public recruitment of R&D, support for practices relating to consideration, development of systems at universities and public research institutes, and follow-up), the GOJ will, from FY2007, promptly implement necessary measures according to the content of each matter, including global-level dissemination of the ideas of these guidelines and the Organisation for Economic Co-operation and Development (OECD) Guidelines.

(Council for Science and Technology Policy, Ministry of Education, Culture, Sports, Science and Technology, Ministry of Health, Labor and Welfare, Ministry of Agriculture, Forestry and Fisheries, Ministry of Economy, Trade and Industry and other ministries and agencies concerned)

### **[2] Constructing integrated database relating to research tool patents**

In order to promote the use of research tool patents in the field of life science, from FY2008, the GOJ will construct an integrated database that discloses information useful to promote the use of research tool patents and tangible objects pertaining to patents that universities and public research institutes as well as private companies possess and can provide for use (including type of research tool, patent number, use conditions, licensing period, compensation for licensing, payment conditions, and point of contact for negotiation). The database will also enable batch search.

(Council for Science and Technology Policy, Ministry of Education, Culture, Sports, Science and Technology, Ministry of Health, Labor and Welfare, Ministry of Agriculture,

Forestry and Fisheries, Ministry of Economy, Trade and Industry and other ministries and agencies concerned)

### **[3] Clarifying the handling of patent rights used in research under the Patent Act**

Paying attention to the effects of the Guidelines for Research-Purpose Licensing of Intellectual Property Rights Generated in Government-Sponsored R&D at Universities and Public Research Institutes, instituted in May 2006, and the Guidelines for Smooth Use of Research Tool Patents in the Field of Life Science, the GOJ will, from FY2007, discuss the handling of patent rights used in experiments and research at universities and public research institutes, as well as private companies, based on international trends and other countries' responses, and will implement measures as appropriate, including legal revisions.

(Council for Science and Technology Policy and Ministry of Economy, Trade and Industry)

### **(7) Promoting Utilization of the Japanese Bayh-Dole System**

i) From FY2007, the GOJ will investigate the status of application and use of the Japanese Bayh-Dole provisions relating to patent rights and other rights obtained through research contracted by the national government, and will promote the exploitation of such patent rights and other rights.

(Council for Science and Technology Policy and Ministry of Economy, Trade and Industry)

ii) The bill for partial revision of the Act on Special Measures concerning the Recovery of Industrial Vitality was enacted at the ordinary session of the Diet in 2007, and the scope of application of the Japanese Bayh-Dole system was expanded to cover software-development projects. In light of such circumstances, by the end of 2007, the GOJ will make widely public the said revision and will also establish and apply the operational guidelines for relevant provisions.

(Ministry of Internal Affairs and Communications, Ministry of Economy, Trade and

Industry and other ministries and agencies concerned)

**(8) Developing and Making Public Indices for Evaluation of Intellectual Property at Public Research Institutes**

By the end of FY2007, the GOJ will conduct research and studies on methods and indices for measuring the contribution that intellectual property, that is, R&D results, makes to society and the market, thereby promoting dissemination of appropriate evaluation of intellectual property at public research institutes. In addition, from FY2007, the GOJ will collect and disclose data relating to evaluation indices for the results of intellectual property-related activities, such as the rate of licensed patents, the rate of applications to which a patent was granted, and the number of patents that were put into business with regard to universities and public research institutes.

(Council for Science and Technology Policy, Ministry of Education, Culture, Sports, Science and Technology, Ministry of Economy, Trade and Industry and other ministries and agencies concerned)

**(9) Developing Intellectual Property-Related Activities at R&D-Type Independent Administrative Institutions**

i) From FY2007, the GOJ will call on wide-ranging national public research institutes and private companies that can work together to form a group of intellectual properties necessary for creating businesses out of the intellectual properties they possess, and will set up a forum for exchange among the industry, academia and government with the aim of promoting matching with the needs and strategies of private companies.

(Council for Science and Technology Policy, Ministry of Agriculture, Forestry and Fisheries, Ministry of Economy, Trade and Industry and other ministries and agencies concerned)

ii) From 2007, the GOJ will enable R&D-type independent administrative institutions to use the entire amount of profits based on income from intellectual property as appropriated surplus, deeming such profits as the results of management efforts. With

regard to carrying-over appropriated surplus beyond the period of the medium-term goal, the GOJ will increase predictability through operation based on the current rules. (Council for Science and Technology Policy, Ministry of Internal Affairs and Communications, Ministry of Finance and other ministries and agencies concerned)

#### **4. Coping with Intellectual Property Issues Relating to Cutting-Edge Technology**

##### **(1) Promoting Intellectual Property Management at Universities and Public Research Institutes in the Field of Life Science**

###### **[1] Supporting universities and public research institutes that act as models for intellectual property management in the field of life science**

In order to promote strategic acquisition and exploitation of intellectual property rights in the field of life science, from FY2008 onwards, the GOJ will encourage efforts by universities and public research institutes that provide models for managing and exploiting intellectual property corresponding to problems unique to this field. The goals of these efforts are to develop and secure experts who are familiar with the handling of cutting-edge technology and intellectual property and to establish systems.

(Council for Science and Technology Policy and Ministry of Education, Culture, Sports, Science and Technology)

###### **[2] Promoting smooth management of tangible objects**

i) By the end of FY2007, the GOJ will conduct research and studies on the management system and development of rules with respect to tangible objects as R&D results at universities and public research institutes, and will publicize useful information for smooth management of tangible objects at universities and public research institutes.

(Council for Science and Technology Policy and Ministry of Education, Culture, Sports, Science and Technology)

ii) With regard to contracts and procedures in cases where universities and public

research institutes provide their own tangible objects in Japan or overseas or introduce tangible objects in Japan or from overseas, the GOJ will, by the end of FY2007, conduct research and studies on the matters to be noted and useful information that contribute to smooth provision or introduction, and will disseminate the results to universities and public research institutes.

(Council for Science and Technology Policy and Ministry of Education, Culture, Sports, Science and Technology)

## **(2) Promoting R&D with the Use of Intellectual Property in the Fields of Agriculture, Forestry and Fishery**

Based on the Intellectual Property Strategy of the Ministry of Agriculture, Forestry and Fisheries laid down in March 2007, the GOJ will, from FY2007, promote R&D with the use of intellectual property through effective breeding of Japanese cattle based on the strategic acquisition of gene patents or through application of genome science to the cultivation of new plant varieties.

(Council for Science and Technology Policy and Ministry of Agriculture, Forestry and Fisheries)

## **(3) Promoting Intellectual Property Management at Universities and Public Research Institutes in the Field of Software**

i) By the end of FY2007, the GOJ will discuss the mechanism for technology transfer and practical application of software created by universities through industry-academia collaboration as well as problems with the development of software-related human resources, and will promote the utilization of software created by universities in the industry.

(Council for Science and Technology Policy, Ministry of Education, Culture, Sports, Science and Technology and Ministry of Economy, Trade and Industry)

ii) In order to ensure appropriate protection of rights for software and databases developed at universities and public research institutes and distribution thereof, the GOJ will, by the end of FY2007, investigate the current status and problems

regarding management as well as the status of the development of rules and actual operations thereof. Based on the results of the investigation, the GOJ will promote the formation of on-campus rules for handling such software and databases and smoothly managing them.

(Council for Science and Technology Policy and Ministry of Education, Culture, Sports, Science and Technology)

iii) In order to increase awareness of not only patents but also intellectual property as a whole, including software, among university researchers, the GOJ will, by the end of FY2007, collect and widely provide information on advanced efforts for management and exploitation of intellectual property and matters to be noted by researchers.

(Council for Science and Technology Policy and Ministry of Education, Culture, Sports, Science and Technology)

## **5. Promoting the Creation of High-Quality Intellectual Property at Companies**

### **(1) Promoting Companies' Efforts toward Industry-Academia-Government Cooperation**

In FY2007, the GOJ will continue to encourage industry to maintain a positive regard for cooperation with universities and public research institutes in corporate management strategy and to actively publicize efforts for and results of industry-academia-government cooperation. The GOJ will also continue to encourage industry to clarify the liaisons at companies for industry-academia-government cooperation so that universities and companies will be able to promote negotiations smoothly and efficiently.

(Council for Science and Technology Policy, Ministry of Education, Culture, Sports, Science and Technology, Ministry of Economy, Trade and Industry and other ministries and agencies concerned)

### **(2) Promoting Strategic R&D Using Technology Strategy Maps**

In FY2007, the GOJ will continue to promote effective R&D projects at both companies and universities with the use of technology strategy maps, and will revise the maps based

on the patent and technical trends as well as market trends.

(Ministry of Economy, Trade and Industry)

## **Chapter 2 Protection of Intellectual Property**

### **I. Strengthening the Protection of Intellectual Property**

The proper protection of intellectual property is fundamental to securing incentives for the creation of intellectual property and utilizing intellectual property effectively. For that purpose, various systems and frameworks have been developed in the past. However, it is necessary to review them constantly for further development in the future.

In particular, amid accelerating technological innovation, it is an urgent task to expedite right-obtainment procedures. In addition, global harmonization of intellectual property systems is indispensable from the perspective of developing a basis for increasingly globalized corporate activities. Japan is required to continuously exercise strong leadership in promoting the global harmonization of the systems. As disputes involving intellectual property have been increasing with growing interest in intellectual property, efforts for stable granting of rights and improvement of dispute resolution methods are also important. Other than these, it is also necessary to strengthen efforts to establish a basis that ensures sufficient protection of intellectual property from wide-ranging perspectives, including an increase in the convenience of users, improvement of access to industrial property information, and maintenance and establishment of cooperative relationships with foreign countries.

#### **1. Speeding up the Procedures to Grant Intellectual Property Rights**

##### **(1) Achieving Expeditious and High Quality Patent Examination at the Highest Global Standard**

###### **[1] Promoting the initiatives under the lead of the Headquarters for Expeditious and Efficient Patent Examination**

- a) With the aim of achieving the end goal of completely eliminating the first



action pendency (waiting period for patent examination), the GOJ will first strive to achieve the medium-term goal of reducing the first action pendency to 29 months by 2008, when the pendency is expected to become the longest, and then to 11 months by 2013.

To this end, in FY2007, the GOJ will continue to promote comprehensive initiatives based on the Advanced Measures for Accelerating Reform toward Innovation (AMARI) Plan in Patent Examination 2007 under the lead of the Headquarters for Expeditious and Efficient Patent Examination, headed by the Minister of Economy, Trade and Industry. In addition to steadily implementing individual measures, the GOJ will also provide overall coordination and constant review of the measures, with the aim of promoting optimization and streamlining of the operations at the Japan Patent Office (JPO) as a whole.

b) The Ministry of Economy, Trade and Industry will formulate an implementation plan for every fiscal year to achieve the medium-term goal mentioned above, in line with the schedule of formulating the intellectual property strategic program for that fiscal year. The Ministry will then submit the plan to the Intellectual Property Strategy Headquarters, with the report on the status of achievement of the goal and implementation plan of the previous fiscal year, and make these materials public.

c) The Intellectual Property Strategy Headquarters will carry out comprehensive and multifaceted verification of the report mentioned above and will take necessary measures, such as providing information to persons concerned, inside and outside of the government, and requesting the cooperation of such persons, as appropriate.

(Ministry of Economy, Trade and Industry)

## **[2] Strengthening the human resource capacity of the Japan Patent Office**

a) In FY2007, the GOJ will continue to secure a sufficient number of examiners and fixed-term examiners who are necessary to achieve the medium-term goal. In particular, the GOJ will take active measures to publicize the work of fixed-term examiners, thereby securing a sufficient amount of high-quality human resources.

b) In order to increase the ability and efficiency of examiners and trial examiners, in FY2007, the GOJ will continue its efforts to strengthen the training system for examiners and trial examiners through the active use of external human resources,

including persons who have engaged in patent examination and trial. The GOJ plans to achieve efficient and speedy development of examiners by arranging rational and flexible training curricula.

c) In FY2007, the GOJ will continue to appoint more personnel equipped with technical expertise (e.g., postdoctoral fellows, former researchers, and former JPO examiners) as expert assistants for examiners. Their role will be to help examiners understand technical issues, conduct searches of prior art documents and develop a database for patent searches.

(Ministry of Economy, Trade and Industry)

### **[3] Expanding outsourcing of prior art search to the private sector in order to increase efficiency**

In FY2007, the GOJ will continue to encourage private organizations to become registered search agencies, while also encouraging individual registered search agencies to acquire high-quality human resources and increase their operational capacity, by recommending them to consider measures to facilitate the acquisition of human resources equipped with technical expertise available in local communities. Through such efforts, the GOJ will aim to expand outsourcing of prior art searches to registered search agencies.

(Ministry of Economy, Trade and Industry)

### **[4] Promoting the use of the information provision system by public**

In order to increase the usability of the system for providing information on patent applications and promote the use of the system, so that patent examination will be performed by actively utilizing knowledge obtained from outside the JPO, the GOJ will endeavor to ensure that necessary information will be provided to the JPO in a timely manner through the procedure for making inquiries about the patent examination schedule, which was upgraded in May 2007 to also inform inquirers of the schedules for others' applications. In addition, by FY2008, the GOJ will upgrade the system for information provision to make it possible to provide information to the JPO online, in addition to provision of information by way of the submission of

documents currently permitted.

(Ministry of Economy, Trade and Industry)

**[5] Expediting and improving proceedings in trials against examiner's decision of refusal**

In order to promote expedition of proceedings in trials against examiner's decision of refusal, which are expected to increase, while securing strict and accurate proceedings as the upper instance, from FY2007, the GOJ will strengthen measures to expedite and improve proceedings. This includes utilization of knowledge of legal professionals by establishing the Meeting of Those Who Participate in Trials (tentative name), which consists of former judges who have experience in intellectual property-related lawsuits, the use of external capacities including those with experience in trial practices, and interrogation based on a report before trial. In addition, the GOJ will request that appellants cooperate to speed up and improve proceedings by reviewing the propriety of filing a trial, taking into account a recent increase in the rate of requests for trials dismissed.

(Ministry of Economy, Trade and Industry)

**[6] Encourage companies to use the withdrawal/abandonment system**

In FY2007, the GOJ will continue to encourage companies to review the details of their applications in order to urge them to use the system of withdrawal/abandonment of applications (system of partial return of examination request fees) with respect to applications for which it becomes no longer necessary to obtain patents after the request for examination has been made.

(Ministry of Economy, Trade and Industry)

**(2) Reducing the Time Required for the Examination for Registration of Plant Varieties**

- a) In order to promote applications for registration of plant variety under the Seeds and Seedlings Act and to reduce the average time required for examination to 2.5 years by FY2008, the GOJ will, in FY2007, continue to make steady efforts to expedite examination.

b) In FY2007, the GOJ will continue to enhance training for examiners so that they will acquire high-level and advanced knowledge on plant varieties, which is also necessary to promote international cooperation in examination. The GOJ will, in FY2007, also discuss measures to improve human resource capacity, such as securing the necessary number of examiners and creating the assistant examiner system, and take necessary measures.

c) In FY2007, the GOJ will continue to strengthen the cultivation-testing system at the National Center for Seeds and Seedlings and promote construction of a comprehensive electronic system designed to expedite examination and registration operations, according to plan.

(Ministry of Agriculture, Forestry and Fisheries)

## **2. Increasing the Stability of Intellectual Property Rights**

### **(1) Clarifying the Criteria for Judging Patentability and Maintaining and Improving Patent Quality**

#### **[1] Maintaining and improving the quality of patent examination and trial**

In FY2007, the GOJ will continue to endeavor to maintain and improve the quality of patent examination and trial. More specifically, the GOJ will promote discussions and exchanges of opinions between examiners and between examiners and trial examiners, and, under the lead of the Quality Management Office established within the JPO in April 2007, it will develop a quality management method applicable to fields and provide examiners with feedback on quality analysis.

The GOJ will also continue its efforts, in FY2007, to prevent differences in judgment between the JPO and courts by promoting the exchange of opinions between them in accordance with Article 168 of the Patent Act.

(Ministry of Economy, Trade and Industry)

#### **[2] Clarifying criteria for judging patentability in specific fields**

i) By the end of FY2007, the GOJ will develop and publicize guidelines for judging patentability of inventions in the field of life science, which will contain the judgments rendered thus far by the Intellectual Property High Court. In addition,

from FY2007, the GOJ will hold explanatory meetings for researchers at universities and public research institutes and other personnel engaged in dealing with intellectual property to develop their understanding of the Examination Guidelines for Patents and example cases focusing on the field of life science.

(Council for Science and Technology Policy, Ministry of Economy, Trade and Industry and other ministries and agencies concerned)

- ii) Regarding use inventions relating to food with health-promoting benefits, the GOJ will, by the end of FY2007, discuss how to protect patents for such inventions as well as the scope of relevant rights with the related industries, based on R&D trends, the status of patent application/examination after the revision of the Examination Guidelines in June 2006, and the status of protection on a global basis. Based on the results of the discussion, the GOJ will take necessary measures.

(Council for Science and Technology Policy and Ministry of Economy, Trade and Industry)

## **(2) Clarifying the Criteria for Judging Trademark Registration**

With regard to the regionally based collective mark system and the trademark system for retail services, in FY2007, the GOJ will continue to make public these new systems and related Examination Guidelines. The GOJ will also conduct activities to disseminate these systems from the applicants' standpoint, such as encouraging the use of the regionally based collective mark system by distributing flowcharts to be used in checking before filing which show typified major reasons for refusal. In addition, in FY2007, the GOJ will continue to consider the review of the existing Examination Guidelines for Similar Goods and Services, which are currently applied when judging the similarity of goods or services in the trademark examination, in order to reflect the actual situation of transactions, and will take necessary measures, such as revision of the guidelines.

(Ministry of Economy, Trade and Industry)

## **3. Increasing Convenience of Users**

**(1) Improving Access to Industrial Property Information via the Intellectual Property Digital Library, etc.**

a) Based on the JPO Operation and System Optimization Program, the building of a new system is scheduled to be completed in January 2014. In order to provide industrial property information services according to the users' needs as they become available during the period until the completion, the GOJ will develop a roadmap by the end of FY2007 and strive to implement it successfully.

b) By the end of FY2007, the GOJ will add a function for full-text searches to the Intellectual Property Digital Library (IPDL), which provides industrial property information free of charge via the Internet.

In addition, from FY2007 and thereafter, with regard to the services for providing unchanging URLs of pages indicating patent information, which are currently only available to universities and public research institutes, the GOJ will expand the scope of service users to the general public, after conducting tests regarding the required system performance.

c) From FY2007, in order to enable the active use of references on publicly known designs, such as product catalogues stored in the JPO's database, the GOJ will promote the disclosure of such references with the permission of copyright holders.

(Ministry of Economy, Trade and Industry)

**(2) Increasing Flexibility and Usability**

i) With respect to payment methods for application fees and other fees relating to industrial property rights, the GOJ will make available automatic debit transfer from a bank account by the end of FY2008. In FY2007, the GOJ will continue to study payments by credit cards in light of the status of introduction of payments by credit cards for other public funds, and take necessary measures as soon as possible.

(Ministry of Economy, Trade and Industry)

ii) In order to prevent a lapse of rights due to the expiration of the time limit for payment of patent fees and registration fees relating to industrial property rights, by the end of FY2008, the GOJ will introduce a system that enables, upon the

applicant's request, patent fees and registration fees to be withdrawn from a deposit account or other account with a prior notice of withdrawal to the applicant, without requiring submission of payment forms for individual cases.

(Ministry of Economy, Trade and Industry)

#### **4. Promoting Structural Reforms of Patent Application and Examination Request Practice**

##### **(1) Promoting Foreign Patent Applications**

The ratio of foreign patent applications filed by Japanese applicants is about 22%, significantly lower than the ratios in respect of US applicants (about 44%) and European applicants (about 60%; the ratio of applications filed in non-EPC countries is about 48%). In addition, China, the Republic of Korea and other Asian countries have been steadily gaining strength not only as the market base but also as competitors of the Japanese industry. In FY2007, the GOJ will continue to promote the structural reform of patent filing in Japan, which attaches too much importance to domestic applications, thereby encouraging strategic filing of foreign patent applications in order to remain in global-scale competition, including Asian countries.

(Ministry of Economy, Trade and Industry)

##### **(2) Promoting the Use of Plain and Clear Expressions in Writing Descriptions**

a) In light of problems arising from incorrect translations of patent descriptions prepared for filing foreign patent applications, in FY2007, the GOJ will continue to use seminars and instruction manuals to thoroughly promote the use of plain and clear terminology and expressions when writing patent descriptions in order to avoid incorrect translations. More specifically, the GOJ will recommend that each sentence be short, the correspondence between the subject and the predicate be clear, and ambiguous and abstract terms be avoided.

b) In FY2007, the GOJ will continue to request the JPAA's cooperation to ensure that patent descriptions be written clearly and concisely by expressing technical matters in simple and clear language.

(Ministry of Economy, Trade and Industry)

**(3) Encouraging Applicants to Improve the Quality of Their Prior Art Searches**

i) In FY2007, the GOJ will continue to encourage private companies to conduct sufficient prior art searches before filing patent applications or making requests for examination, thereby reducing patent applications for which patents are unlikely to be granted while ensuring high-quality patents to be obtained intensively. To this end, the GOJ will thoroughly improve the public's access to patent information, and will also encourage private organizations to provide services for prior art searches and become specified registered search agencies so as to ensure stable prior art searches.

(Ministry of Economy, Trade and Industry)

ii) In FY2007, the GOJ will continue to thoroughly enforce the system for disclosure of prior art document information, and will collect and analyze data of cases where prior assessment of inventions seems insufficient (e.g., the application being refused because of the applicant's own prior art), and provide applicants with analysis results as feedback, thereby encouraging high-quality patent applications.

(Ministry of Economy, Trade and Industry)

**(4) Enhancing the Provision of Information Useful for Companies in Formulating a Patent-Filing Strategy**

In FY2007, the GOJ will continue to publicize information useful for companies in formulating a patent-filing strategy, such as the ratio of foreign patent applications and the grant ratio of leading companies. In addition, by the end of FY2007, the GOJ will start a trial run of the Patent Strategy Portal Site (tentative name) where companies can process, extract and compare, on a year-on-year basis, more detailed information on the results of their patent-related activities, such as the number of applications and the results of patent examination.

(Ministry of Economy, Trade and Industry)

**5. Strengthening Intellectual Property Systems**

**(1) Paying Attention to Patent Protection in the Medical Field**



In FY2007, the GOJ will continue to pay attention to the application of the Examination Guidelines for Patents revised in April 2005 with respect to “methods of operating medical devices” and “methods for bringing about new efficacy or effects of medicine for the purpose of manufacturing and selling medicine.”

In addition, from FY2007 and thereafter, the GOJ will make continuous efforts to collect and analyze information on technical trends in the field of cutting-edge medical care and international trends concerning patent protection.

(Council for Science and Technology Policy, Ministry of Economy, Trade and Industry and other ministries and agencies concerned)

## **(2) Facilitating the Operation of the Deposit System for Microorganisms**

- a) Regarding inventions relating to microorganisms, etc. (including cells of animals and plants), the GOJ will, by the end of FY2007, prepare and publicize a casebook that clarifies the necessity of a deposit to obtain a patent, with respect to the system of depositing microorganisms, etc. if microorganisms, etc. cannot be produced based only on the descriptions of the relevant patent application.
- b) By the end of FY2007, the GOJ will inform patent applicants and those who intend to buy deposited microorganisms, etc. of the use conditions to be noted when a person who has bought a deposited microorganism, etc. uses the deposited microorganism, etc. if a depository institution sells in lots a microorganism, etc. deposited by a patent applicant to another person.
- c) In order to ensure rational operation of the deposit system for microorganisms, etc., from FY2007, the GOJ will conduct a research and study on the operation of the deposit system overseas and requirements to be secured by international depository institutions, with the participation of users of the system, and will implement possible development of systems based on the results.

(Ministry of Economy, Trade and Industry)

## **(3) Strengthening Protection of Trade Secrets**

### **[1] Developing an environment for strategic management of know-how**

- i) In order to promote effective use of the prior user rights so that companies will

not have to file patent applications even with respect to know-how, which should have been kept secret, in FY2007, the GOJ will continue to make public the prior user rights with the use of the guidelines for the prior user rights (casebook), titled “Toward Smooth Use of the Prior User Rights.” Thereby, the GOJ will encourage companies to manage know-how in a strategic manner, for example, by making an appropriate choice between filing patent applications in Japan and abroad to protect rights and keeping know-how secret based on business strategy.  
(Ministry of Economy, Trade and Industry)

- ii) In order to promote the effective use of notarial methods, such as notarial deeds of fact-observation as means to prove prior use, in FY2007, the GOJ will continue to take necessary measures, such as planned provision of training, to increase the number of public notaries who are capable of understanding technical matters and are well versed in intellectual property systems.  
(Ministry of Justice)

## **[2] Preventing unintended leaks of know-how, etc.**

In FY2007, the GOJ will continue to encourage companies to properly manage their trade secrets through dissemination of the Unfair Competition Prevention Act and the Guidelines for Trade Secret Management.

From FY2007, the GOJ will also consider desirable trade-secret management by companies, based on the results of investigations conducted in the past. The GOJ will also review the Guidelines for Trade Secret Management and develop necessary legal systems if ongoing efforts are insufficient.

(Ministry of Economy, Trade and Industry)

## **(4) Strengthening Protection of Typefaces**

Along with the progress of digitization, the importance of typefaces has been increasing for various media. However, according to the current interpretation of the Copyright Act, typeface designs per se that are not embodied in computer programs are not deemed to be copyrightable. In FY2007, the GOJ will continue to consider how to protect typeface designs and take appropriate measures when necessary.

(Ministry of Economy, Trade and Industry)

**(5) Strengthening Protection of Intellectual Property in the Fields of Agriculture, Forestry and Fishery**

**[1] Promoting the initiatives based on the Intellectual Property Strategy of the Ministry of Agriculture, Forestry and Fisheries**

In order to increase the competitiveness of Japanese agricultural, forestry and fishery industries as well as the food industry, and to revitalize communities, based on the Intellectual Property Strategy of the Ministry of Agriculture, Forestry and Fisheries laid down in March 2007, the GOJ will, from FY2007, under the lead of the Intellectual Property Strategy Headquarters of the Ministry of Agriculture, Forestry and Fisheries, strengthen protection of intellectual property in the fields of agriculture, forestry and fishery, such as breeders' rights in new plant varieties and genetic resources of Japanese cattle, and promote comprehensive measures to bring about a virtuous cycle of the creation, protection and exploitation of intellectual property, including the utilization of regional brands.

(Ministry of Agriculture, Forestry and Fisheries and other ministries and agencies concerned)

**[2] Strengthening protection of new varieties of plants**

i) In August 2007, the GOJ will increase the number of plant varieties designated by the Ordinance of the Ministry as plants for which farmers need to obtain permission from holders of plant breeder's rights for their independent cultivation, and promote smooth operation of the system. With respect to the revision of the system to make plant breeder's rights be, in principle, extended to independent cultivation by farmers, the GOJ will, from FY2007, strive to gain understanding of the existing state of independent cultivation and hear opinions of persons concerned. The GOJ will also promote the creation of an appropriate environment through dissemination and establishment of use of license contracts so as to prevent confusion in production sites.

(Ministry of Agriculture, Forestry and Fisheries)

ii) In the course of developing DNA analysis technologies aimed to facilitate the

detection of infringing products with respect to plant varieties used for the harvested materials and/or processed goods made from the materials, in FY2007, the GOJ will continue to increase the number of targeted varieties and promote dissemination of DNA analysis technologies that have been confirmed as proper, by compiling guidelines thereon.

From FY2007, the GOJ will also promote the development of a system to provide a DNA analysis promptly and precisely when an infringement occurs. This shall be accomplished by retaining samples, from which DNA can be extracted, for all registered varieties.

(Ministry of Agriculture, Forestry and Fisheries)

- iii) In order to prevent farmers from infringing breeder's rights, without intention, when growing or assigning plant seeds and seedlings, the GOJ will thoroughly inform farmers of the indication of registered varieties, which is to become subject to the obligation to make efforts from December 2007.

(Ministry of Agriculture, Forestry and Fisheries)

- iv) Plant varieties originating in Japan are often bred overseas, and crops of such varieties are even being imported to Japan, whereas Japanese breeders have not yet sufficiently obtained or exploited rights overseas. In light of such circumstances, in FY2007, the GOJ will continue to hold seminars and provide more information about protection systems for plant varieties in foreign countries, thereby encouraging Japanese breeders to actively obtain and exploit rights overseas. The GOJ will also implement model projects to compile a manual of filing a foreign application.

(Ministry of Agriculture, Forestry and Fisheries)

## **6. Strengthening the Dispute Settlement Functions**

### **(1) Counting on the Intellectual Property High Court**

- a) The Intellectual Property High Court established in April 2005 is expected to more effectively utilize research officers and expert advisers who are versed in intellectual property, in order to further improve the specialized processing system in the field of intellectual property. It is also expected to positively use the

grand panel system for cases relating to patent rights and other rights, which attract social attention or require a high level of expertise. Judges at the Intellectual Property High Court are also expected to vigorously participate in training programs provided in the private sector and international exchange activities in order to further improve their knowledge of business reality and international perspective. It is also desirable to disseminate information on the Intellectual Property High Court across the world by translating judicial precedents.

- b) The expert adviser system, which was launched in April 2004, has gradually come to be used in the field of intellectual property to deal with cases where a high level of expertise is required. In FY2007, it is also desirable to continuously make this system function more effectively, while securing users' confidence in it.

## **(2) Reinforcing Alternative Dispute Resolution (ADR)**

From the perspective of both providing specialized ADR procedures that can adequately respond to rapid technological innovation and offering simple and effective ADR procedures in local areas, the GOJ will, in FY2007, continue to reinforce ADR function in the field of intellectual property and promote its use. To this end, the GOJ will strengthen the provision of information concerning the advantages of ADR, such as nondisclosure, promptness and expertise, and ADR organizations, with the use of the Interagency Conference on the Expansion and Utilization of ADR and through collaboration with the Japan Legal Support Center (*Houterasu*).

In response to the April 2007 start of the certification system in accordance with the Act on the Promotion of the Use of Alternative Dispute Resolution Procedures (ADR Act), the GOJ will, from FY2007, inform private companies engaged in settling intellectual property-related disputes of the certified dispute-resolution system (Resolution Support), thereby encouraging their cooperation, including mutual sharing of information. The GOJ will also actively publicize the advantages of using Resolution Support, such as interruption of prescription.

(Judicial Reform Headquarters in the Cabinet Secretariat, Ministry of Justice and

## **7. Promoting International Protection of Intellectual Property and International Cooperation Therefor**

### **(1) Promoting Efforts to Establish a Global Patent System**

#### **[1] Further enhancing the Patent Prosecution Highway**

Under a Patent Prosecution Highway (PPH) between the multiple patent offices, applications for patents that have been granted at the first office will be eligible for accelerated examination through simple procedures at the second office. From FY2007, in addition to the United States, the Republic of Korea and the United Kingdom, with which Japan has already launched or agreed to the operation of a PPH, the GOJ will also approach other countries for participation with the aim of networking PPHs, and will promote the mutual use of search and examination results between patent offices through PPHs. Furthermore, in order to ensure that the PPH will be effectively used by Japanese applicants, the GOJ will strive to achieve early dissemination of the search and examination results on patent applications filed in Japan from abroad, while encouraging the use of the accelerated examination system. With regard to the use of the search and examination results provided by other patent offices, the GOJ will ensure thorough compliance with the Guidelines Concerning the Use of Prior Art Search/Examination Results of Foreign Patent Offices laid down in March 2007.

(Ministry of Economy, Trade and Industry)

#### **[2] Reinforcing efforts to achieve the mutual recognition of patents**

From FY2007, the GOJ will strive to maximize the mutual use of examination results with the use of the Working Group on the Reinforcing and Development of Work Sharing, established among the trilateral patent offices (JPO, USPTO and EPO). The GOJ will also strengthen efforts to achieve a mutual recognition of examination, such as active promotion of negotiations toward realizing collaborative examination between the JPO and the USPTO through long-term dispatch of

examiners.

(Ministry of Economy, Trade and Industry)

### **[3] Reducing procedural burdens in international filing**

i) With respect to the standard format of patent descriptions upon which the trilateral patent offices have agreed, the GOJ will make necessary efforts to revise the Patent Cooperation Treaty (PCT) rules to be consistent with the standard format in FY2008 and to disseminate the standard format to other countries. The GOJ will also put the format to use in Japan at an early date. In order to further develop One Application, which enables applicants to file applications in two or more countries merely by translating a single description, the GOJ will, from FY2007, promote discussions toward unification of matters that were not included in the standard format upon which the trilateral patent offices had agreed, such as formats of claims.

(Ministry of Economy, Trade and Industry)

ii) In order to reduce procedural burdens on applicants who are filing foreign patent applications, the GOJ will strive to start operating a system to electronically exchange documents proving the filing date (priority documents) between the JPO and the USPTO by the end of FY2007. Such a system has already been in operation between the JPO and the EPO and between the JPO and the KIPO. The GOJ will also strive to disseminate the system to other countries.

(Ministry of Economy, Trade and Industry)

### **[4] Aiming at early conclusion of the Substantive Patent Law Treaty and international harmonization of the patent systems**

The GOJ will continue to lead discussion on the draft Substantive Patent Law Treaty, including unification to the first-to-file system, with the aim of reaching an agreement among developed countries by the end of FY2007. In FY2007, the GOJ will also continue to pay attention to movements to revise patent law in the United States where the review of the first-to-invent system and introduction of full 18-month-publication are under consideration, and will approach the United States from the perspective of international harmonization of the patent systems.

(Ministry of Foreign Affairs and Ministry of Economy, Trade and Industry)

**[5] Realizing early accession to the Patent Law Treaty**

The GOJ will promote harmonization of patent filing procedures among countries. The GOJ will also consider the development of necessary laws and regulations as well as systems toward early accession to the Patent Law Treaty, which makes patent systems more user-friendly through simplification of procedures and provision of remedies for applicants' procedural errors, and will draw a conclusion by the end of FY2007.

(Ministry of Foreign Affairs and Ministry of Economy, Trade and Industry)

**(2) Contributing to the Establishment of International Rules with Due Consideration to International Public Policies**

In order to appropriately traet matters that relates to intellectual property policies and other international public policies such as development, human rights, the environment and public health including genetic resources, traditional knowledge, and folklore (traditional cultural expressions), in FY2007, the GOJ will continue to deepen intragovernmental collaboration through the Interagency Conference on International Public Policies Relating to Intellectual Property consisted of persons from ministries and agencies concerned. The GOJ will also strengthen the framework for studying international intellectual property-related policies by setting up forums for exchanging opinions with the industry.

In addition, in FY2007, the GOJ will continue to promote dialogues on these issues among developed countries, developing countries and local communities, and international symposia as well as research activities by academic societies and think tanks. The GOJ will also encourage companies as well as universities and public research institutes to make voluntary efforts with due consideration to the access and benefit-sharing of genetic resources and related traditional knowledge.

(Ministry of Foreign Affairs, Ministry of Education, Culture, Sports, Science and Technology, Ministry of Health, Labor and Welfare, Ministry of Agriculture, Forestry and Fisheries, Ministry of Economy, Trade and Industry, Ministry of the Environment and other ministries and agencies concerned)



### **(3) Promoting International Trademark Protection and Harmonization of Trademark Systems**

i) Since the international trademark registration system based on the Madrid Protocol facilitates the international acquisition of trademark rights, the GOJ will, in FY2007, continue to approach the non-members in the Asian region to join the Protocol through bilateral and regional frameworks, and promote the use of the system by Japanese applicants.

To this end, from FY 2007, the GOJ will actively participate in discussions at the WIPO on the review of the Madrid System. Discussions are aimed to make the system more user-friendly, for example, by making it obligatory for the government agencies of designated Contracting States to offer a means of confirming registration, such as sending a statement granting protection, and by reviewing basic requirements, including relaxation of the identity requirement in consideration of language differences.

(Ministry of Foreign Affairs and Ministry of Economy, Trade and Industry)

ii) With respect to the Singapore Treaty on the Law of Trademarks (tentative name) adopted in March 2006, in FY2007, the GOJ will continue to organize and consider institutional and practical problems that arise when Japan accedes to the treaty, based on the status of accession of other countries to the treaty, and take necessary measures for early accession thereto.

(Ministry of Foreign Affairs and Ministry of Economy, Trade and Industry)

iii) In FY2007, the GOJ will continue to promote the expansion of the list of indications of designated goods/services that is mutually accepted among the trilateral patent offices of Japan, the United States and Europe (Trilateral List), in order to reduce procedural burdens on applicants who acquire rights overseas and the workload on national patent offices. In FY2007, the GOJ will also implement measures to disseminate the Trilateral List to other countries.

(Ministry of Economy, Trade and Industry)

### **(4) Promoting International Cooperation in Examination Related to New Plant Varieties**

With the aim of coping with the global increase in the number of applications for registration of new plant varieties and achieve prompt and appropriate international protection of rights, in FY2007, the GOJ will continue to promote international harmonization of cultivation testing methods and examination standards. The GOJ will also promote international cooperation in examination by expanding mutual use of examination data with the EU and Asian countries and by considering the possibility of introducing a mutual recognition system.

(Ministry of Agriculture, Forestry and Fisheries)

## **(5) Promoting the Development of Intellectual Property Systems in Asia and Cooperation Therefor**

### **[1] Reinforcing support for development of systems in Asia**

In response to applicants' requests for the development and unification of intellectual property systems and the facilitation of the acquisition of intellectual property rights especially in Asia, in FY2007, the GOJ will continue to promote public-private cooperation toward development and harmonization of intellectual property systems and operation thereof in Asia. To this end, the GOJ will provide Asian countries with comprehensive support for lawmaking, including related substantive laws and procedural laws in addition to intellectual property laws, as well as support for examination, human resource development and computerization.

(Ministry of Justice, Ministry of Foreign Affairs, Ministry of Agriculture, Forestry and Fisheries and Ministry of Economy, Trade and Industry)

### **[2] Promoting the APEC Cooperative Initiative on Patent Acquisition Procedures**

Japan proposed the APEC Cooperative Initiative on Patent Acquisition Procedures, which focuses on simplified patent procedure, examination cooperation, the development of human resources to improve examination capacity, and mechanization/computerization, in January 2007. With respect to the initiative, the GOJ will strive to reach an agreement at the ministerial level by the end of FY2007.

(Ministry of Foreign Affairs and Ministry of Economy, Trade and Industry)

**[3] Advocating the establishment of a Forum for Protection of New Varieties of Plants in East Asia and aiming for early establishment**

With the aim of establishing an integrated system for protection of new plant varieties in East Asia under the International Union for the Protection of New Varieties of Plants (UPOV), the GOJ will, by the end of FY2007, advocate the establishment of a Forum for Protection of New Varieties of Plants in East Asia (tentative name) as a framework for promoting technical cooperation and human resource development as required for improving and harmonizing national systems for protection of new plant varieties, and endeavor to achieve early establishment of the forum.

(Ministry of Agriculture, Forestry and Fisheries)

**(6) Utilizing Free Trade Agreements (FTAs), Economic Partnership Agreements (EPAs), and Other Agreements**

In FY2007, through negotiations on bilateral and multilateral agreements, including Free Trade Agreements (FTA), Economic Partnership Agreements (EPA), and investment agreements, the GOJ will continue to actively encourage negotiating countries to develop an intellectual property system, including a system for protection of trademarks that are well-known in foreign countries, and introduce the modified substantive examination system on an institutional or operational level so as to achieve intellectual property protection beyond the level provided in the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS Agreement) in line with the request of the Japanese industry.

(Ministry of Foreign Affairs, Ministry of Education, Culture, Sports, Science and Technology, Ministry of Agriculture, Forestry and Fisheries and Ministry of Economy, Trade and Industry)

**(7) Promoting Sharing of Information across the World**

**[1] Establishing international networks for exchanging information on industrial property rights**

a) In FY2007, the GOJ will continue to improve the environment to use the Advanced Industrial Property Network (AIPN), which is a system for translating

information on search/examination results from Japanese to English by machine and making it available to foreign patent offices, and will promote the use of this system.

b) In FY2007, the GOJ will continue to promote the utilization of Japanese-English machine translation in the industry by further reinforcing dictionaries for machine translation from Japanese to English and making the dictionaries of the Japan Patent Office available to the public.

c) Information on industrial property rights is not just information on rights but also important technical information. In order to establish a system to mutually and effectively utilize such information provided by other countries as international public property, from FY2007, the GOJ will encourage other countries, mainly Asian countries, to provide information on industrial property rights in English through technical cooperation. The GOJ will also promote unification of the content of information on industrial property rights provided by countries, including Western developed countries.

(Ministry of Economy, Trade and Industry)

## **[2] Disseminating the English translations of intellectual property-related laws across the world**

With the aim of making Japanese intellectual property-related laws understood and used easily around the world, in FY2007, the GOJ will continue to further produce accurate and unified English translations of intellectual property laws as well as related substantive laws and procedural laws according to the Translation Project Plan revised in March 2007, while responding to legal revisions and newly enacted laws on a timely basis. The GOJ will also develop an environment for using English translations based on users' needs, for example, by promptly building a user-friendly website with a search function in English.

(Judicial Reform Headquarters in the Cabinet Secretariat, Ministry of Justice, Ministry of Education, Culture, Sports, Science and Technology, Ministry of Agriculture, Forestry and Fisheries, Ministry of Economy, Trade and Industry and other ministries and agencies concerned)

## **II. Strengthening Measures Against Counterfeits and Pirated Copies**

The number of Japanese companies damaged by counterfeits and pirated copies has been increasing in terms of wide-ranging types of businesses, and the technical advance and large-scale distribution of counterfeits have been progressing. Counterfeits and pirated copies distort fair competition among companies and cheat right holders out of potential profits, thereby undermining incentive to create new intellectual property. Furthermore, they decrease consumer trust in corporate brands and hinder consumer benefits by damaging the health and safety of consumers. Moreover, they have been revealed to be financial sources for criminal organizations and international terrorist groups.

Both public and private sectors are required to take powerful and effective measures to protect Japanese companies and consumers against damage from counterfeits and pirated copies, not only in Japan but also overseas, and to increase deterrent power.

### **1. Strengthening Measures in Overseas Markets**

#### **(1) Aiming to Achieve Early Adoption of the Treaty on the Non-proliferation of Counterfeit and Pirated Goods**

With regard to the Treaty on the Non-proliferation of Counterfeit and Pirated Goods (tentative name), which was advocated by Japan, the GOJ will, in FY2007, continue its efforts to increase awareness thereof on a global scale. It will also take the lead in discussions with the countries concerned while promptly and clearly indicating relevant policy and views, thereby accelerating the movement toward achieving early adoption of the treaty.

(National Police Agency, Ministry of Internal Affairs and Communications, Ministry of Justice, Ministry of Foreign Affairs, Ministry of Finance, Ministry of Education, Culture, Sports, Science and Technology, Ministry of Agriculture, Forestry and Fisheries and Ministry of Economy, Trade and Industry)

## **(2) Strengthening Measures Against Countries and Regions Where Infringements Have Been Exposed**

### **[1] Strengthening functions of Overseas Establishments**

i) The GOJ is positioning measures against counterfeits and pirated copies as a key diplomatic measure, and aims to provide prompt and effective support for Japanese companies damaged by counterfeits and pirated copies. Therefore, in FY2007, the GOJ will continue to strengthen functions of Overseas Establishments under the initiative of the ambassadors who strongly encourage the governments of the countries concerned to take regulatory measures.

(Ministry of Foreign Affairs)

ii) In FY2007, the GOJ will reinforce the function of Overseas Establishments and the Japan External Trade Organization (JETRO) in order to instruct companies on the acquisition and exercise of rights overseas more promptly and properly and provide specific support, such as giving advice about procedures and measures to be taken. The GOJ will also consider measures to be taken for collaboration, such as how to role-share between the Overseas Establishments and JETRO, and develop a collaborative framework.

(Ministry of Foreign Affairs and Ministry of Economy, Trade and Industry)

### **[2] Utilizing the Content Japan (CJ) mark**

i) In order to facilitate efforts to expose pirated copies, in FY2007, the GOJ will continue to support the dissemination of the Content Japan (CJ) mark as well as the activities to investigate and expose pirated copies.

(National Police Agency, Ministry of Education, Culture, Sports, Science and Technology and Ministry of Economy, Trade and Industry)

ii) In order to facilitate the procedure for distinguishing counterfeit products from genuine products in overseas markets and at customs, in FY2007, the GOJ will continue to encourage right holders and associations thereof as well as manufacturers and distributors to use anti-counterfeit technologies, while verifying the effectiveness thereof.

(National Police Agency, Ministry of Foreign Affairs, Ministry of Finance, Ministry of Education, Culture, Sports, Science and Technology and Ministry of Economy,

Trade and Industry)

**[3] Utilizing the infringement situation survey**

In light of the seriousness of damage due to intellectual property infringements suffered by Japanese companies overseas, in FY2007, the GOJ will continue to promote the use of the Survey on Intellectual Property Infringements Overseas.

(Ministry of Foreign Affairs, Ministry of Economy, Trade and Industry and other ministries and agencies concerned)

**[4] Making specific requests to countries and regions where infringements have been exposed**

i) In FY2007, on the ministerial level and various other levels, the GOJ will continue to strongly request that countries and regions where infringements have been exposed, such as Asian countries, improve specific systems and strengthen regulations effectively. This includes the following: tightening control of fake designs, strengthening enforcement, strengthening regulations against repeated conviction, promoting the recognition of well-known trademarks, and reducing burden on right holders for control at the border.

(Ministry of Foreign Affairs, Ministry of Finance, Ministry of Education, Culture, Sports, Science and Technology, Ministry of Economy, Trade and Industry, Ministry of Land, Infrastructure and Transport and other ministries and agencies concerned)

ii) In FY2007, through the International Bureau of the Universal Postal Union (UPU), the GOJ will continue to notify the postal offices of all member countries, including those of countries and regions where infringements have been exposed, of import restrictions pertaining to intellectual property-infringing products in Japan. The GOJ will also request their cooperation in preventing intellectual property-infringing products from being sent to Japan by international mail through thorough inspection of postal items at the time of their receipt.

(Ministry of Internal Affairs and Communications and other ministries and agencies concerned)

### **[5] Investigating the damage due to counterfeits and pirated copies**

Taking into account the increase in the number of Japanese companies damaged by counterfeits and pirated copies in overseas markets, in FY2007, the GOJ will continue to investigate and analyze the actual damage due to counterfeits and pirated copies. The GOJ will then make the analysis results public and use them for international negotiations. In addition, the GOJ will gather and compile as materials know-how and related information, which are needed for Japanese companies to exercise their rights in infringing countries by instituting lawsuits and taking other actions, and distribute such information to companies.

(Ministry of Foreign Affairs, Ministry of Education, Culture, Sports, Science and Technology, Ministry of Economy, Trade and Industry and other ministries and agencies concerned)

### **(3) Strengthening Cooperation with the Authorities in Countries and Regions Where Infringements Have Been Exposed**

i) In FY2007, the GOJ will continue to promote the conclusion of mutual assistance agreements and regular consultations between authorities in Japan and those in countries and regions where infringements have been exposed in addition to daily information exchange, in order to specifically strengthen cooperation with the authorities (government office granting rights, police authorities, customs authorities, administrative regulatory authorities, and judicial authorities) in such countries and regions.

In addition, from FY2007, the GOJ will further strengthen collaboration among customs authorities, for example, by promoting consideration toward more effective custom control at the newly established forum for trilateral meeting among the customs authorities of Japan, China and the Republic of Korea, in order to prevent the proliferation of counterfeits and pirated copies.

(National Police Agency, Ministry of Foreign Affairs, Ministry of Finance, Ministry of Education, Culture, Sports, Science and Technology, Ministry of Agriculture, Forestry and Fisheries and Ministry of Economy, Trade and Industry)

ii) In FY2007, the GOJ will request that the customs authorities in countries and regions where infringements have been exposed regulate export of counterfeits



and pirated copies by mail, and will provide necessary cooperation. Also, from the perspective of having jurisdiction over international mail, the postal authorities will cooperate in the customs authorities' efforts where necessary, based on the past efforts.

(Ministry of Internal Affairs and Communications, Ministry of Foreign Affairs and Ministry of Finance)

#### **(4) Utilizing Free Trade Agreements (FTA) and Economic Partnership Agreements (EPA)**

In FY2007, the GOJ will continue to conduct active negotiations in order to incorporate a provision for ensuring effective enforcement of the system into bilateral/multilateral agreements, such as free trade agreements (FTA), economic partnership agreements (EPA), and investment agreements. Also, the GOJ will review the actual status of enforcement within mechanisms under the treaties.

(National Police Agency, Ministry of Foreign Affairs, Ministry of Finance, Ministry of Education, Culture, Sports, Science and Technology, Ministry of Agriculture, Forestry and Fisheries, Ministry of Economy, Trade and Industry and other ministries and agencies concerned)

#### **(5) Promoting Efforts Toward Conclusion of Customs Mutual Assistance Agreements**

In order to promote a smooth exchange of information with the governments of foreign countries, in FY2007, the GOJ will continue to strengthen cooperation with foreign countries, including the United States and European countries, through conference with foreign customs authorities and frameworks of the existing customs' mutual assistance agreements. The GOJ will also promote efforts to conclude new mutual assistance agreements.

(Ministry of Foreign Affairs and Ministry of Finance)

#### **(6) Strengthening Cooperation with Other Countries**

##### **[1] Strengthening cooperation with the EU and European countries**

In FY2007, in order to be more effective in approaching and generating results in

countries and regions where infringements have been exposed, the GOJ will continue to develop cooperation with the EU by actively utilizing regular conferences and individual conferences between the leaders or ministers of Japan and the EU as well as Japan-EU dialogues on intellectual property issues. Furthermore, for the purpose of ensuring effective cooperation with the EU, the GOJ will also strengthen bilateral cooperation with France and other European countries through bilateral conferences. (Ministry of Foreign Affairs, Ministry of Finance, Ministry of Education, Culture, Sports, Science and Technology, Ministry of Agriculture, Forestry and Fisheries, Ministry of Economy, Trade and Industry and other ministries and agencies concerned)

## **[2] Strengthening cooperation with the United States**

In FY2007, in order to promote protection of intellectual property rights in Asian and Pacific regions, the GOJ will continue to develop cooperation with the United States by actively utilizing bilateral conferences between the leaders or ministers of Japan and the United States.

(Ministry of Foreign Affairs, Ministry of Finance, Ministry of Education, Culture, Sports, Science and Technology, Ministry of Economy, Trade and Industry and other ministries and agencies concerned)

## **[3] Strengthening cooperation with China**

In FY2007, the GOJ will encourage China to strengthen protection of intellectual property rights and operations therefor by utilizing “Japan-China High-Level Economic Dialogue”, which was launched in April 2007 based on an agreement between the leaders of Japan and China, and other opportunities. The GOJ will also develop dialogue and cooperation with China.

(Ministry of Foreign Affairs, Ministry of Finance, Ministry of Education, Culture, Sports, Science and Technology, Ministry of Agriculture, Forestry and Fisheries, Ministry of Economy, Trade and Industry and other ministries and agencies concerned)

## **(7) Taking the Initiative in Promoting Multilateral Efforts**

In FY2007, the GOJ will continue to make arrangements so that the issue of counterfeiting and piracy will be discussed among leaders and other high-level government officials at the G8 summit as well as the Organization for Economic Cooperation and Development (OECD), the Asia-Pacific Economic Cooperation (APEC), the Asia-Europe Meeting (ASEM), the World Trade Organization (WTO), the World Intellectual Property Organization (WIPO), the World Customs Organization (WCO), and other international organizations and forums. The GOJ will also actively promote cooperative activities and efforts among countries that are members of or participate in such international organizations and forums, as follows:

- a) The GOJ will positively utilize the G8 Summit process and G8 IP Experts Meeting to promote cooperation among customs of G8 countries, technical support to developing countries, and coordination with the industry, thereby strengthening cooperation among the G8.
- b) In cooperation with other countries, the GOJ will continue to actively promote discussions on the anti-counterfeiting and piracy project, which was started in 2005 at the OECD.
- c) At the APEC, two new model guidelines were developed based on the APEC Anti-Counterfeiting and Piracy Initiative. In this regard, the GOJ will promote efforts made in accordance with these guidelines, active approaches for early establishment of intellectual property right service centers in countries and regions, and efforts to hold seminars on the protection of plant varieties.
- d) At the ASEM, through discussions at the ASEM Customs DG-Commissioner meeting, the GOJ will make further active efforts to protect intellectual property as well as to ensure enforcement of intellectual property rights, thereby strengthening cooperation between Asia and Europe.
- e) The GOJ will request that Asian countries and regions tighten controls over counterfeits and pirated copies by actively utilizing the World Trade Organization's (WTO) Transitional Review Mechanism (TRM) for China, the WTO review of the implementing legislation for the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS Agreement), and the WTO Trade Policy Review Mechanism (TPRM). The GOJ will also take an active role in the discussion on enforcement at the TRIPS Council.

f) The GOJ will take up the issue of enforcement against counterfeits and pirated copies as a main topic on the agenda in the WIPO and make active efforts to have the WIPO members share the common recognition that the regulation of counterfeits and pirated copies is a problem that must be addressed through the united efforts of WIPO members.

g) The GOJ will make active efforts at the World Customs Organization (WCO), the international organization of customs authorities, with the aim of ensuring that the exchange of information on custom control over intellectual property-infringing products, which is conducted through the WCO's network for custom monitoring and control, will play a significant role in implementing anti-counterfeiting and piracy measures. Also, the GOJ will promote to formulate and implement measures for the WCO members' more effective border control.

(Ministry of Foreign Affairs, Ministry of Finance, Ministry of Education, Culture, Sports, Science and Technology, Ministry of Agriculture, Forestry and Fisheries, Ministry of Economy, Trade and Industry and other ministries and agencies concerned)

#### **(8) Supporting Developing Countries to Increase Their Capacity to Take Measures Against Counterfeits and Pirated Copies**

i) Taking into account that the appropriate protection of intellectual property rights is essential for the expansion of trade investment and economic development in developing countries, in FY2007, the GOJ will continue to support developing countries in developing their intellectual property systems and strengthening the enforcement thereof according to the needs and priorities under individual aid projects, on the basis of the ODA Charter decided in August 2003.

(Ministry of Foreign Affairs and other ministries and agencies concerned)

ii) In accordance with the Support Initiative for Cooperation and Capacity Building for Intellectual Property Protection developed in June 2005, the ministries and agencies concerned as well as relevant organizations including the Japan International Cooperation Agency (JICA) and JETRO will, in cooperation among them and in collaboration with Japanese companies, in FY2007, continue to implement capacity-building activities for the protection of intellectual property

rights, for the government officials and private organizations/companies in Asian countries that take active measures against counterfeits and pirated copies. The activities will be reviewed at the end of every fiscal year.

(National Police Agency, Ministry of Internal Affairs and Communications, Ministry of Justice, Ministry of Foreign Affairs, Ministry of Finance, Ministry of Education, Culture, Sports, Science and Technology, Ministry of Agriculture, Forestry and Fisheries and Ministry of Economy, Trade and Industry)

## **2. Strengthening Regulations at the Border**

### **(1) Strengthening the Regulations of Importation of Counterfeits and Pirated Copies by Individuals**

In FY2007, customs will strongly enforce border control according to the revised directive, which clarify that when detecting goods suspected of infringing an intellectual property right, customs shall, in principle, conduct the determination procedure, irrespective of the value of such suspected goods. Customs will also strictly determine whether or not infringement can be found, while utilizing IPR experts depending on the circumstances. In addition, the GOJ will further reconsider the prohibition of importation and possession of counterfeits and pirated copies by individuals, and establish a new Act or develop legal systems as appropriate.

(National Police Agency, Ministry of Justice, Ministry of Finance, Ministry of Education, Culture, Sports, Science and Technology and Ministry of Economy, Trade and Industry)

### **(2) Developing Systems to Determine Infringement Based on Legal and Technical Expertise**

With respect to IPR experts at customs, introduced in FY2006, the GOJ will, in FY2007, formulate operational guidelines thereon in order to increase transparency in the operation of the system. Furthermore, the GOJ will make public the operational guidelines and develop necessary systems, thereby thoroughly ensuring appropriate operation of the system.

(Ministry of Finance and other ministries and agencies concerned)

### **(3) Utilizing Orders of Provisional Disposition Issued by Courts**

If the court issues an order of provisional disposition during the period of the infringement-finding procedure by customs, unless there are special circumstances, the Customs Director will find infringement based on determination of the infringement in the order. Considering this fact and the necessity of prompt remedy at the border, in FY2007, courts are expected to continue to take action in the proceeding so as to ensure that an order of provisional disposition is issued promptly.

### **(4) Strengthening the Regulations of Counterfeits and Pirated Copies at Customs**

#### **[1] Strengthening regulatory systems at customs**

Taking into account the current situation in which parallel import, import by parties pretending to be individuals, and import of small-lot cargoes by individuals, such as import by mail, can be regarded as one of the reasons for the deluge of fake brand products and pirated copies in Japan, the GOJ will, in FY2007, continue to promote the strengthening of cooperation between customs and right holders, the reinforcement of inspection equipment and the information system at customs, the securing of a necessary number of customs officials, and the improvement of the capabilities of customs officials, in order to further strengthen the regulations against such kinds of imports. Also, the GOJ will make efforts to accumulate and share sufficient information on the regulation of the export and import of intellectual property-infringing products, thereby strengthening and increasing the effectiveness of regulations at customs.

(Ministry of Finance)

#### **[2] Developing systems to regulate the export and transit of counterfeits and pirated copies**

Taking into account the current situation in which new methods have been invented to export counterfeits and pirated copies (e.g., bringing counterfeits and pirated copies into a third-party country for transshipment and then exporting them to the target country), as well as the importance of worldwide efforts as indicated at the G8

Summit, the GOJ will, by the end of FY2007, hold discussions to ensure that customs can regulate counterfeits and pirated copies even if intellectual property-infringing products are temporarily carried in the customs area, for the purpose of strongly promoting nonproliferation of counterfeits and pirated copies. The GOJ will then revise laws and develop systems as appropriate.

(Ministry of Justice, Ministry of Finance and other ministries and agencies concerned)

### **[3] Simplifying the procedures to apply for suspension**

From the perspective of increasing convenience for right holders, the GOJ will, in FY2007, review the required number of copies of an application for suspension to be submitted by an applicant so that, if an applicant applies for suspension with any customs, all customs are deemed to have received the application, and will revise laws and develop systems as appropriate.

(Ministry of Finance)

## **3. Strengthening Domestic Regulations**

### **(1) Preventing the Trade of Counterfeits and Pirated Copies via Internet Auctions**

i) By the end of FY2007, the GOJ will consider regulating the act of bringing pirated copies to Internet auctions or otherwise advertising such copies therein as infringement of copyrights under the Copyright Act, and will develop legal systems as appropriate.

(National Police Agency, Ministry of Justice, Ministry of Education, Culture, Sports, Science and Technology and other ministries and agencies concerned)

ii) When a right holder has found an article that infringes his/her right and notified the auction provider of such fact, measures should be taken to delete the illegal articles from the auction site and disclose seller information; and the right holder and the auction provider should share responsibilities appropriately. In order to ensure that these measures will be taken more promptly, the GOJ will, in FY2007, familiarize relevant guidelines for Internet auctions and promote the application

thereof. Also, while verifying the effect of the guidelines, the GOJ will consider additional measures to ensure prompt response by right holders and auction providers, and will develop legal systems as appropriate.

(National Police Agency, Ministry of Internal Affairs and Communications and other ministries and agencies concerned)

- iii) In FY2007, the GOJ will continue to thoroughly make public the Rules for E-Commerce and Trade of Information Property, which clearly provide for the criteria for determining “commercial dealers” that are to be regulated under the Act on Specified Commercial Transactions and will strengthen law enforcement against commercial dealers who violate the said Act. Also, the GOJ will review the said Rules based on the actual situation of counterfeits and pirated copies that are brought to auctions and the damage caused by them, and make revisions if necessary.

(Ministry of Economy, Trade and Industry)

- iv) In FY2007, with cooperation between the public and private sectors and consideration given to consumers and sellers at auctions, the GOJ will promote the following measures through “Council for Intellectual Property Protection on Internet (CIPP)”, established by right holders and auction providers:

- a) encourage auction providers to correctly identify sellers in order to prevent illegal articles from being brought to auctions;
- b) encourage auction providers and right holders to make voluntary efforts in a unified manner so as to eradicate counterfeits and pirated copies from auction sites, such as reinforcing voluntary deletion of illegal articles by way of the development and implementation of the Guidelines for Prevention of Distribution of IP-Infringing Goods (tentative name) and verifying the effects of relevant measures; and
- c) establish the association’s website and strengthen educational activities for sellers and consumers in order to prevent them from bringing counterfeits and pirated copies to auctions or purchasing such goods via auctions; encourage more right holders and auction providers to join the association.

(National Police Agency, Ministry of Internal Affairs and Communications, Ministry of Education, Culture, Sports, Science and Technology and Ministry of



Economy, Trade and Industry)

- v) In FY2007, while verifying the effects of the above-mentioned measures, the GOJ will consider additional measures to effectively prevent the trade of counterfeits and pirated copies via Internet auctions, and will revise laws and develop systems as appropriate.

(National Police Agency, Ministry of Internal Affairs and Communications, Ministry of Education, Culture, Sports, Science and Technology and Ministry of Economy, Trade and Industry)

- vi) In FY2007, the GOJ will continue to promote the following measures taken by police:

- a) improve the efficiency and effectiveness of the regulations against the trade of counterfeits and pirated copies via auction sites through the effective use of the Information Sharing Scheme established among right holders, auction providers, and investigation authorities; and

- b) investigate the actual conditions of auction providers and thoroughly instruct them to comply with the obligations under the Antique Dealings Act, including the verification of the identity of the seller, while strengthening regulations of malicious sellers.

(National Police Agency)

## **(2) Strengthening Regulations by Police**

- a) In FY2007, the GOJ will continue to precisely clarify the actual status of criminal organizations that enjoy illicit gains through illegal sales of counterfeits and pirated copies and to strengthen regulations against such organizations, in order to cut off the supply routes of counterfeits and pirated copies. In addition, the GOJ will promote the activities of police, keeping in mind the connection between intellectual property-related crimes and the fund-raising activities of international terrorist groups.

- b) In FY2007, the GOJ will continue to strengthen regulations of the sales of counterfeits and pirated copies by using various investigative methods, including officials for preliminary determination of trademark right infringement who are capable of distinguishing pirated copies from genuine products.

- c) In FY2007, the GOJ will continue to strengthen the ties between industry organizations, such as the Anti-Counterfeiting Association, and the police authorities to implement effective regulations based on highly accurate information.
- d) In FY2007, the GOJ will continue to strengthen regulations of intellectual property infringements via the Internet through undercover investigation by buying counterfeits and pirated copies. The GOJ will also actively publicize relevant cases with the aim of restraining intellectual property infringements in cyberspace.
- e) In FY2007, the GOJ will continue to strengthen cooperation with copyright associations to implement effective regulations of copyright infringements using file-swapping software.

(National Police Agency)

### **(3) Strengthening Measures Against Infringements of Breeders' Rights**

In FY2007, the GOJ will continue to strengthen the activities of plant variety protection officials (Plant Variety Protection G-Men) within the National Center for Seeds and Seedlings. The GOJ will also continue to investigate the actual damage due to infringements of rights at home and abroad and conduct tests to determine any similarity in plant varieties (comparative cultivation, DNA analysis) that supports determination of infringement. Furthermore, the GOJ will investigate and record the cultivation, storage and sale of seeds, seedlings, crops and processed goods that are suspected of infringing breeder's rights, and help right holders prove infringement of their rights through deposit of evidence.

(Ministry of Agriculture, Forestry and Fisheries)

### **(4) Strengthening Regulations of Illegal Distribution of Movies Recorded without Permission at Theaters**

In order to cope with the illegal distribution of movies recorded without permission at theaters during showing and relevant issues, the public and private sectors will cooperate in strengthening measures against such distribution, including thorough publication of the "Act on the Prevention of Unauthorized Recording of Movies in

Theatres” enacted at the ordinary session of the Diet in 2007, self-help efforts of movie business operators to prevent illegal recording of movies, and regulations of violations.

(National Police Agency, Ministry of Education, Culture, Sports, Science and Technology, Ministry of Economy, Trade and Industry and other ministries and agencies concerned)

#### **(5) Reviewing Crime Indictable upon Complaint under the Copyright Act**

The flood of pirated copies poses a serious problem in the economic society: it impedes the sound development of culture and industry and may provide funds to criminal organizations. Taking into account that there have been many serious and malicious copyright infringements, the GOJ will, by the end of FY2007, review the related articles of copyright infringement that are now deemed to be crimes indictable upon complaint, such as the sale of pirated copies, from the perspective of expanding the scope of crimes indictable without complaint, and revise laws and develop systems as appropriate.

(National Police Agency, Ministry of Justice and Ministry of Education, Culture, Sports, Science and Technology)

### **4. Strengthening Cooperation between the Public and Private Sectors**

#### **(1) Strengthening Cooperation within the Government**

In order to ensure that the ministries and agencies concerned make concerted efforts in measures in the overseas markets and border and domestic regulations, in FY2007, the GOJ will continue to take the following measures and also strengthen cooperation among the ministries and agencies concerned.

- a) The GOJ will thoroughly make public the Office of Intellectual Property Protection, and promptly respond to requests of right holders and companies for advice, while securing coordination among the ministries and agencies concerned.
- b) The Office of Intellectual Property Protection will prepare an annual report, and make efforts to improve the content of the report in cooperation with the ministries

and agencies concerned.

c) In order to provide easy access to data and information about measures against counterfeits and pirated copies publicized by the ministries and agencies concerned, the GOJ will strive to realize the sharing of information about counterfeits and pirated copies among the ministries and agencies concerned, for example, by providing links to websites containing such information on the website of the Office of Intellectual Property Protection.

d) The ministries and agencies concerned will make arrangements with each other in taking measures. They will also hold, in a timely manner, the Conference on Measures against Counterfeits and Pirated Copies, to adjust policies closely and implement them comprehensively.

(National Police Agency, Ministry of Internal Affairs and Communications, Ministry of Justice, Ministry of Foreign Affairs, Ministry of Finance, Ministry of Education, Culture, Sports, Science and Technology, Ministry of Agriculture, Forestry and Fisheries and Ministry of Economy, Trade and Industry)

## **(2) Strengthening Public-Private and Private-Private Cooperation**

i) In FY2007, the GOJ will continue to assist Japanese companies' efforts overseas against counterfeits and pirated copies. In order to effectively conduct negotiations with and approach the authorities in countries and regions where infringements have been exposed, the GOJ will dispatch public-private joint missions and support overseas activities of the International Intellectual Property Protection Forum, the Organization for Promotion of Overseas Distribution of Contents, the Anti-Counterfeiting Association, the Customs Intellectual Property Information Center, and other private organizations.

(National Police Agency, Ministry of Foreign Affairs, Ministry of Finance, Ministry of Education, Culture, Sports, Science and Technology, Ministry of Agriculture, Forestry and Fisheries and Ministry of Economy, Trade and Industry)

ii) In FY2007, the GOJ will continue to hold seminars for companies, etc. concerning measures against counterfeits and pirated copies in various cities throughout Japan, based on close cooperation among the ministries and agencies concerned.

(National Police Agency, Ministry of Finance, Ministry of Education, Culture,

Sports, Science and Technology, Ministry of Economy, Trade and Industry and other ministries and agencies concerned)

iii) In order to provide services to companies, including giving advice on the acquisition of rights and counterfeit measures, providing consultations for individual cases, communicating with the ministries and agencies concerned, and making requests to the government authorities of countries where infringement cases have been exposed, the GOJ will, in FY2007, continue to promote the active use of the Counterfeit Consultation Network, which was established with the cooperation of JETRO, the Japan Chamber of Commerce and Industry, the Japan Foundation of Bar Associations, the Intellectual Property Lawyers Network, the Japan Patent Attorneys Association, the Japan Institute of Invention and Innovation and other organizations.

(Ministry of Economy, Trade and Industry and other ministries and agencies concerned)

## **5. Promoting Public Understanding of Counterfeits and Pirated Copies**

### **(1) Aiming to Actively Publicize Data and Information on Regulations**

Measures against counterfeits and pirated copies are attracting public attention. From the perspective of promoting the public understanding thereof, the GOJ will, from FY2007, publicize data and information relating to domestic regulations and regulations at the border more actively, while giving due consideration to understandability, accessibility and convenience of data.

(National Police Agency, Ministry of Justice, Ministry of Finance, Ministry of Agriculture, Forestry and Fisheries and other ministries and agencies concerned)

### **(2) Strengthening Activities to Enlighten the Public on Counterfeits and Pirated Copies**

In FY2007, the GOJ will continue to clarify that counterfeits and pirated copies are harmful to society, by introducing example cases that show the characteristics of right infringements and by raising the issue of counterfeits and pirated copies at

various seminars and other opportunities. The GOJ will also appeal the adverse effect of proliferation of counterfeits and pirated copies on society, and make public measures against them that have been promoted by the government.

In addition, under the recognition that it is important to lead the public to follow appropriate consumer behaviors, that is, not purchasing counterfeits and pirated copies in Japan and abroad, through such appeals, the ministries and agencies concerned will make concerted efforts to develop strategic and effective awareness-raising activities in order to increase the awareness of consumers.

(Cabinet Office, National Police Agency, Ministry of Internal Affairs and Communications, Ministry of Justice, Ministry of Foreign Affairs, Ministry of Finance, Ministry of Education, Culture, Sports, Science and Technology, Ministry of Agriculture, Forestry and Fisheries, Ministry of Economy, Trade and Industry and Ministry of Land, Infrastructure and Transport)

## **Chapter 3 Exploitation of Intellectual Property**

### **I. Strategically Exploiting Intellectual Property**

In order to enhance the international competitiveness of Japanese industries amid international competition, which has intensified due to active exploitation of intellectual property by European and U.S. companies, rapid catching-up by Asian countries, and R&D on a global scale, it is important to bring about a virtuous self-sustaining intellectual property cycle while positioning intellectual property as the source of business competitiveness.

Under such circumstances, companies are expected to exploit their intellectual properties through a top-down approach, e.g., establishing their intellectual property portfolio in order to promote efficient R&D, protect their businesses, differentiate their products from competitors' products, and carry out branding strategies, as well as raising funds using intellectual property.

To this end, the GOJ will create an environment where business management, with the use of intellectual property, is supported and properly appreciated among all stakeholders, i.e., shareholders, trading partners and consumers, and will also develop legal systems in this context.

### **1. Encouraging Companies to Implement Strategic Management**

#### **(1) Encouraging Companies to Appoint a Chief Intellectual Property Officer (CIPO) or Directors on Board in Charge of Intellectual Property**

The GOJ aims to ensure that corporate executives themselves will play a leading role in intellectual property strategies and to encourage companies to strongly promote management with the effective use of intellectual property by formulating and implementing intellectual property strategies that relate to patents, designs, know-how, brands and contents from a unified overview, all while having those in charge of intellectual property play a central role. For this purpose, in FY2007, the GOJ will continue to encourage companies to appoint a chief intellectual property

officer (CIPO) or directors on board in charge of intellectual property.

(Ministry of Economy, Trade and Industry)

## **(2) Promoting Management Strategy that Emphasizes Intellectual Property**

### **[1] Promoting Strategic Management Focused on Intellectual Property**

i) It is necessary for companies to work toward management focused on “intellectual assets” or sources of competitiveness, e.g., human resources, technology, organizational strength, network with customers, and brands (intellectual assets-based management). In particular, those that aim to become technology-based companies should regard intellectual property as the core of their business management, carrying out business strategy, R&D strategy and intellectual-property strategy all together.

With the aim of promoting such intellectual property-focused management, from FY2007, the GOJ will encourage companies to formulate and implement an intellectual property strategy by referring to the casebook on intellectual property strategies entitled “Toward Achieving Strategic Management of Intellectual Property,” which shows best practices and failure cases in Japan and other countries.

(Ministry of Economy, Trade and Industry)

ii) From FY2007, the GOJ will provide necessary support to researchers at universities and private companies as well as private companies so that they can carry out the following as part of their intellectual assets-based management: strategic creation of intellectual property, obtainment of intellectual property rights, creation of businesses, licensing and international standardization.

(Council for Science and Technology Policy and Ministry of Economy, Trade and Industry)

### **[2] Promoting use of the Intellectual Assets-Based Management Manual**

In order to encourage SMEs to formulate and implement intellectual property strategies, the GOJ will strive to make public the Intellectual Assets-Based Management Manual, which was released in March 2007, and will encourage active use thereof.



(Ministry of Economy, Trade and Industry)

**[3] Promoting the efforts to increase corporate value through the disclosure of information on intellectual property**

i) In FY2007, the GOJ will continue to take measures to disseminate the Guidelines for Disclosure of Intellectual Property Information and the Guidelines for Disclosure of Intellectual Assets Based Management so that more than 100 companies will prepare “intellectual property reports” stating the status of the exploitation of intellectual property according to these guidelines. In this process, the GOJ will also inform companies of effective methods of information disclosure, such as continuously publishing intellectual property reports with annual reports, making intellectual property reports easily available to the public with the use of electronic media and various other media, and holding briefing meetings for investors.

(Ministry of Economy, Trade and Industry)

ii) In order to ensure that individual companies’ IR and PR information relating to intellectual property-focused management will be widely and accurately assessed, in FY2007, the GOJ will continue to strengthen the measures to disseminate and raise awareness of intellectual property reports among stakeholders such as shareholders, trading partners and consumers, as well as financial and securities markets.

(Ministry of Economy, Trade and Industry)

iii) In 2007, the GOJ will continue to consider how to describe R&D/patent-related information on a voluntary basis in securities reports and clarify such format as appropriate.

(Financial Services Agency and Ministry of Economy, Trade and Industry)

**(3) Promoting the Exploitation of Intellectual Property Not in Use**

Some industrial property rights retained by companies and public research institutes lack a clear purpose of retention. If such industrial property rights can be put into effective use, that will contribute to local revitalization and SMEs. From this standpoint, from FY2007, the GOJ will encourage companies, etc. to conduct inventory-taking and reevaluation of their industrial property rights from the

perspective of efficient management of intellectual property. The GOJ will also actively encourage companies to disclose, on their websites or the Patent Licensing Database accessible via the INPIT website, their patents and other industrial property that they are willing to license or sell to others.

Also from FY2007, the GOJ will publicize, on the Promotion Policy for Patent Licensing page on the INPIT website, the list of websites where these licensable patents, etc. are disclosed, so that persons who intend to utilize licensable patents, etc. will be able to easily access relevant information.

(Ministry of Economy, Trade and Industry)

## **2. Developing the Environment for Business Activities that Use Intellectual Property**

### **(1) Encouraging Valuation of Intellectual Property**

In order to encourage companies to carry out business activities that exploit intellectual property, the GOJ will, in FY2007, continue to encourage the private sector to establish a reliable valuation method of Intellectual Property by referring to the Guidelines for Disclosure of Intellectual Assets Based Management, and to assess the value of intellectual property in consideration of the purpose of exploitation and a management strategy.

(Ministry of Economy, Trade and Industry)

### **(2) Promoting Management and Investment of Intellectual Property Using the Intellectual Property Trust System**

From FY2007, the GOJ will consider necessary measures to promote the use of intellectual property trusts, and will develop helpful references for the exploitation of intellectual property trusts within business groups as well as sample forms of documents to be submitted when giving notifications and filing applications (e.g., procedural flow diagram, sample formats of various documents); and the GOJ will publicize these materials on the relevant websites.

In FY2007, the GOJ will continue to publicize, through various seminars or via the Internet, examples of intellectual property trusts established within business groups

and management-type trusts, thereby raising awareness of the intellectual property trust system. The GOJ will also provide helpful information on schemes and advantages of each type of trust as well as points to note when using trusts.

(Financial Services Agency and the Ministry of Economy, Trade and Industry)

### **(3) Facilitating Licensing Activities by Companies**

#### **[1] Revising the Guidelines for Licensing of Patents and Know-How and making the revised guidelines public**

The GOJ will revise the Guidelines for License Contracts for Patents and Know-How under the Anti-Monopoly Act based on the companies' needs and the perspective of international conformity, and will release and make public the new guidelines at an early date in FY2007, so that companies will be able to easily look for any problems under the Anti-Monopoly Act when negotiating or concluding license contracts for technology.

(Japan Fair Trade Commission)

#### **[2] Protecting licenses of intellectual property rights**

The GOJ will strive to disseminate a new registration system for non-exclusive rights, which is to be established pursuant to the "Act on the Partial Revision of the Act on Special Measures Concerning the Recovery of Industrial Vitality," which was enacted at the ordinary session of the Diet in 2007, toward the enforcement of the system. Its aim is to ensure that the licensee will be able to continue carrying out business activities even when the licensor of a comprehensive license contract for a patent right or utility model right has gone bankrupt or transferred the right subject to the comprehensive license contract to a third party.

In addition, in FY2007, the GOJ will consider the review of the registration system for non-exclusive rights under the current Patent Act and other matters toward further enhancing the protection of licenses of intellectual property rights, and will develop systems as appropriate.

(Ministry of Economy, Trade and Industry)

#### **[3] Facilitating activities to exercise and license rights overseas**

With the aim of ensuring that companies will be able to appropriately exercise intellectual property rights that they have obtained overseas, thereby smoothly promoting licensing negotiations and filing infringement suits, in FY2007, the GOJ will continue to investigate the status of Japanese companies that are exercising their intellectual property rights overseas, collect examples of licensing, and provide such information.

(Ministry of Agriculture, Forestry and Fisheries, Ministry of Economy, Trade and Industry and other ministries and agencies concerned)

#### **[4] Promoting the transnational use of intellectual property through tax treaties**

In FY2007, the GOJ will continue efforts to reach an agreement as soon as possible when concluding or revising a tax treaty, which includes the provision to grant immunity from taxation for royalties for intellectual property at a source country, while giving due consideration to the aim of promoting the transnational use of intellectual property.

(Ministry of Foreign Affairs and Ministry of Finance)

#### **[5] Facilitating international licensing activities**

i) In order to promote appropriate licensing activities within business groups, the GOJ will, in FY2007, encourage companies to conclude contracts clarifying the trade terms concerning intellectual property (patents, trademarks, know-how, etc.) to be licensed with their subsidiary overseas.

(Ministry of Economy, Trade and Industry)

ii) In FY2007, the GOJ will encourage companies to figure out the proper arm's length price as royalties for intellectual property in consideration of the transfer-pricing taxation system and trade intellectual property at said price when a company grants a license for intellectual property to its subsidiary overseas. In addition, in FY2007, the GOJ will make public the procedure for advance confirmation of the arm's length price with the tax authorities, thereby encouraging companies to use the procedure for advance confirmation.

(Ministry of Finance and Ministry of Economy, Trade and Industry)

#### **(4) Developing Human Resources for Distribution of Intellectual Property**

In FY2007, the GOJ will continue to support the development of human resources for intellectual property trade by holding international patent licensing seminars in order to develop experts in patent/technology licensing and build networks thereof, and by establishing and disclosing a database of intellectual property traders. Also, with the aim of developing human resources equipped with knowledge on the intellectual property trust system and valuation of intellectual property or a negotiating ability to exploit intellectual property for business purposes, the GOJ will advertise the appeal of intellectual property licensing business through publication of successful cases of intellectual property trusts, thereby inviting talented people into this industry.

(Ministry of Economy, Trade and Industry)

#### **(5) Diversifying Financing Methods Using Intellectual Property**

i) In FY2007, the GOJ will continue to publicize examples of effective use of intellectual property trusts designed to raise funds through the transfer of beneficial interest in trust, and encourage companies to use intellectual property trusts.

(Ministry of Economy, Trade and Industry)

ii) In FY2007, the GOJ will continue to publicize financing schemes under the finance system whereby the Development Bank of Japan extends loans to special-purpose companies, etc. engaging in transferring, assigning or licensing intellectual property from the right holders to other businesses (Support Program for Effective Use of Intellectual Property) as well as past financing cases, and will promote the use of the financing system.

(Ministry of Internal Affairs and Communications, Ministry of Finance, Ministry of Education, Culture, Sports, Science and Technology and Ministry of Economy, Trade and Industry)

iii) In order for businesses (including SMEs and venture companies) that conduct their own businesses with the use of intellectual property to raise funds smoothly, the GOJ will, from FY2007, strive to make public past cases where the Development Bank of Japan extended loans for creating or vitalizing new industries. The GOJ will also actively encourage similar efforts of private financial institutions.

(Ministry of Finance and Ministry of Economy, Trade and Industry)

### **3. Promoting the Smooth and Fair Use of Intellectual Property**

#### **(1) Regulating Undue Exercise of Rights**

In FY2007, the GOJ will continue to improve the system of the intellectual property task force (the team specializing in intellectual property) by securing the necessary number of examination experts, thereby intensively regulating unfair trade practice and other acts against the Anti-Monopoly Act by way of abuse of intellectual property rights.

(Japan Fair Trade Commission)

#### **(2) Facilitating the Exploitation of Intellectual Property in the Field of Software**

i) In FY2007, the GOJ will continue to promote the independent efforts of industry by encouraging companies to establish public domains based on their intellectual property rights within the framework of the existing intellectual property systems and promote innovation by securing the interoperability of software applications.

(Ministry of Economy, Trade and Industry)

ii) In order to further promote the smooth development of businesses that use open source software, in FY2007, the GOJ will continue to publicize the Survey Report on Legal Risk of Open Source Software for Business Use, which clearly identifies the risk to vendors and users when carrying out system architecture with the use of open source software, and proposes solutions to avoid and reduce such risk. The GOJ will encourage companies to refer to the report, and will revise it if necessary.

(Ministry of Economy, Trade and Industry)

### **4. Supporting Efforts to Create Businesses with the Use of Intellectual Property**

#### **(1) Supporting Business Operators Exploiting Intellectual Property for Their Businesses**

The GOJ will encourage business operators to formulate innovation plans for

technology-utilization projects pursuant to the Act on the Partial Revision of the Act on Special Measures Concerning the Recovery of Industrial Vitality, enacted at the ordinary session of the Diet in 2007, and support business operators who intend to increase productivity through innovation of their businesses with the use of the technology, know-how and intellectual property of other business operators and universities.

(Council for Science and Technology Policy and Ministry of Economy, Trade and Industry)

**(2) Supporting Efforts to Create Businesses with the Use of Intellectual Property in the Fields of Agriculture, Forestry and Fishery**

In order to promote the use of new plant varieties that contain a high content of functional components, from FY2007, the GOJ will provide support in establishing a collaboration framework among private companies, production areas and test and research institutes for the creation of businesses, maintaining quality characteristics, providing technical guidance and developing facilities, the latter two of which are necessary for segregated production and distribution management.

(Ministry of Agriculture, Forestry and Fisheries)

## **II. Enhancing International Standardization Activities**

There have been significant changes in the environment surrounding international standardization, including integration of the global market, coming into effect of the WTO/TBT Agreement that obliges member countries to set their domestic standards based on international standards, and an increase in the number of international standards involving patent rights. Therefore, in December 2006, the Intellectual Property Strategy Headquarters decided the International Standardization Comprehensive Strategy, with the aim of enhancing the international competitiveness of Japanese industries and contributing to setting global rules.

In the future, it is necessary to make efforts to enhance Japan's international standardization activities, based on the International Standardization Comprehensive Strategy, from the perspective of strengthening efforts as a nation, reforming awareness among industries, and developing human resources engaging in international standardization, with the aim of promoting strategic utilization of various international standards, such as forum standards and de facto standards, and strengthen de jure standardization activities regarding the International Organization for Standardization (ISO), International Telecommunication Union (ITU) and other organizations.

### **1. Implementing the International Standardization Comprehensive Strategy**

In order to strengthen Japan's international standardization activities, the GOJ will, in FY2007, continue to implement the International Standardization Comprehensive Strategysteadily.

(Ministry of Internal Affairs and Communications, Ministry of Economy, Trade and Industry and other ministries and agencies concerned)

### **2. Reforming Awareness among Industries and Enhancing Efforts for International Standardization**



## **(1) Reforming Awareness among the Management Personnel at Companies**

i) In FY2007, the GOJ will continue to improve the understanding of international standards among the management personnel by holding informal talks promoted by ministers and symposia concerning international standardization strategies.

(Ministry of Internal Affairs and Communications, Ministry of Economy, Trade and Industry and other ministries and agencies concerned)

ii) In FY2007, the GOJ will continue to encourage the Nippon Keidanren (Japan Business Federation) and industrial associations as well as other bodies to make active efforts to raise awareness among the management personnel and executive officers of companies through various activities within them.

(Ministry of Internal Affairs and Communications, Ministry of Economy, Trade and Industry and other ministries and agencies concerned)

## **(2) Encouraging Industrial Circles to Formulate and Implement Their Own Action Plans**

From FY2007, the GOJ will encourage industrial circles such as Nippon Keidanren and various manufacturers' associations to promote international standardization activities actively by formulating and publicize their own action plans, focusing on international standardization activities according to the characteristics of relevant industries, and implementing such plans steadily.

(Ministry of Internal Affairs and Communications, Ministry of Economy, Trade and Industry and other ministries and agencies concerned)

## **(3) Strengthening Organizations and Systems for Standardization Activities at Companies**

### **[1] Publicizing efforts for international standardization**

The GOJ will collect and enhance information about efforts to promote R&D strategy, intellectual property strategy and standardization strategy in a unified manner as well as case examples that are informative in developing organizations and systems by the end of FY2007, and will publicize such information.

(Ministry of Internal Affairs and Communications, Ministry of Economy, Trade and

Industry and other ministries and agencies concerned)

## **[2] Strengthening organizations and systems at companies**

In FY2007, the GOJ will continue to promote companies' efforts to develop organizations and systems to promote international standardization activities, such as establishing a department or organization in charge of international standardization activities, which decides on international standardization strategy, gives advice about international standardization activities and controls such activities, and strengthening coordination among R&D departments, intellectual property departments and the department.

(Ministry of Internal Affairs and Communications, Ministry of Economy, Trade and Industry and other ministries and agencies concerned)

## **(4) Using Various International Standardization Schemes**

i) In FY2007, the GOJ will continue to encourage companies and industrial circles to strategically use various international standardization schemes, such as direct participation by companies, utilization of overseas affiliated companies, and use of forum standards and the fast-track system as well as international standardization activities in which the industrial associations take the lead.

(Ministry of Internal Affairs and Communications, Ministry of Economy, Trade and Industry and other ministries and agencies concerned)

ii) The GOJ will prepare or revise and publicize casebooks of successful and failed cases of international standardization, which describe the impact of international standards on businesses in an easy-to-understand manner, as well as guidelines containing specific cases of various international standardization schemes, which explain the advantages and disadvantages of those schemes by the end of FY2007, and will strive to make them public.

(Ministry of Internal Affairs and Communications, Ministry of Economy, Trade and Industry and other ministries and agencies concerned)

## **(5) Proposing international standards and undertaking a role as the chairman**

### **or secretariat of international meetings in a positive manner**

i) In FY2007, the GOJ will continue to encourage industrial circles, academic societies, universities and public research institutes to play an active role in standardization activities at the International Organization for Standardization (ISO), the International Electrotechnical Commission (IEC), the International Telecommunication Union (ITU) and other international standardization organizations. The aim shall be to realize by FY2015 that Japan plays a leading role in international standardization activities by proposing as many drafts for international standards as the United States and major European countries do, and to also realize that Japan undertakes the role of chairman or secretariat of international meeting as frequently as the United States and European countries. With respect to the ISO and the IEC, by FY2015, the GOJ will strive to double the number of drafts of international standards proposed to these organizations by Japan.

(Ministry of Internal Affairs and Communications, Ministry of Economy, Trade and Industry and other ministries and agencies concerned)

ii) In FY2007, the GOJ will continue to enhance support measures for people who serve as the chairman or secretariat of an international standardization organization and people in charge of preparing international standards to be proposed. In addition, the GOJ will also encourage industrial associations and companies to create a mechanism whereby these people are appropriately valued and supported by the industry as a whole.

(Ministry of Internal Affairs and Communications, Ministry of Economy, Trade and Industry and other ministries and agencies concerned)

## **3. Enhancing Support for International Standardization Activities**

### **(1) Developing a One-Stop Consultation Section**

By the end of FY2007, the GOJ will develop a one-stop consultation section to provide information and advice concerning international standardization strategies.

(Ministry of Internal Affairs and Communications, Ministry of Economy, Trade and Industry and other ministries and agencies concerned)

## **(2) Strengthening the framework for collecting information**

In FY2007, the GOJ will continue to collect information on standardization activities of foreign countries, including those relating to forum standards, in a systematic and continuous manner, with the use of the Overseas Establishments and the Japan External Trade Organization (JETRO), and develop a framework for providing collected information to industrial circles. Also, the GOJ will provide training to have officials at the Overseas Establishments and the JETRO acquire knowledge of standardization, with the aim of improving their ability to collect information.

(Ministry of Internal Affairs and Communications, Ministry of Foreign Affairs, Ministry of Economy, Trade and Industry and other ministries and agencies concerned)

## **(3) Supporting Voluntary Activities in the Industrial Circles**

### **[1] Enhancing human resource development-based support measures**

In FY2007, the GOJ will continue to strengthen support measures taken by the International Standardization Support Center and other support organizations, and enhance human resource development-based support measures that are designed to encourage people to participate in international standardization activities and become self-sustained in the future, including support for the activities of newly appointed secretariats of international meetings.

(Ministry of Internal Affairs and Communications, Ministry of Economy, Trade and Industry and other ministries and agencies concerned)

### **[2] Promoting the holding of international standardization conferences in Japan**

In FY2007, the GOJ will continue to encourage industrial circles to make active efforts to invite international standardization conferences to be held in Japan, and

enhance support for holding conferences, including provision of know-how for managing conferences.

(Ministry of Internal Affairs and Communications, Ministry of Economy, Trade and Industry and other ministries and agencies concerned)

#### **4. Enhancing International Standardization Activities as a Nation**

##### **(1) Promoting Nationwide Research Activities and International Standardization Activities in a Unified Manner**

With regard to the technical fields where research results are adopted as international standards, the GOJ will clearly designate, in the guidelines for evaluation of government-sponsored R&D projects, the commitment in international standardization as a point to consider in preliminary, interim and ex post evaluations of such projects. By doing so, in FY2007, the GOJ will continue to promote R&D projects and standardization projects in a unified manner. In addition, the GOJ will strategically allocate research funds to the technical fields where Japanese industry is expected to expand through the acquisition of international standards.

(Council for Science and Technology Policy, Ministry of Internal Affairs and Communications, Ministry of Education, Culture, Sports, Science and Technology, Ministry of Economy, Trade and Industry and other ministries and agencies concerned)

##### **(2) Strengthening Coordination among Ministries and Agencies Concerned**

With the aim of constructing a new framework to correspond to international standards through coordination among ministries and agencies concerned, the GOJ will, by the end of FY2007, establish a joint review council of ministries and agencies concerned and begin operation of it.

(Ministry of Internal Affairs and Communications, Ministry of Economy, Trade and Industry and other ministries and agencies concerned)

##### **(3) Making Contributions to the International Community in the Fields of the**

## **Environment, Safety and Welfare**

In FY2007, the GOJ will continue to strengthen its own efforts and efforts by research institutes that are independent administrative institutions with respect to international standardization activities in the fields where the industry is unlikely to have incentive to formulate standards, such as the fields of the environment, safety and welfare. The GOJ will also strive to improve national welfare and make contributions to the international community by supporting the independent efforts of university officials.

(Ministry of Internal Affairs and Communications, Ministry of Economy, Trade and Industry and other ministries and agencies concerned)

## **5. Developing Human Resources for International Standardization**

### **(1) Producing Leaders for International Standardization Activities**

From FY2007, the GOJ will develop a system for utilizing people who have engaged in international standardization activities, and will establish the International Standardization School (tentative name) to develop human resources that will take charge of international standardization in the future. The aim will be to impart abundant and diverse knowledge and know-how from those with experience in this field to those in the next generation, and to produce human resources capable of acting as leaders for international standardization activities.

(Ministry of Internal Affairs and Communications, Ministry of Economy, Trade and Industry and other ministries and agencies concerned)

### **(2) Establishing a Career Path for People Engaged in International Standardization**

From FY2007, the GOJ will develop an environment that enables people in the private sector who have experience in international standardization to play an active role, for example, by utilizing such people at public organizations. In addition, the GOJ will encourage companies, industrial associations, academic societies, non-profit corporations, research institutes, universities and public research institutes to make efforts to establish a long-term career path by appropriately

valuing and handling people engaged in international standardization, from the perspective of acquisition of various experience and knowledge as well as trust in the international community, all of which are required for people engaged in international standardization.

(Ministry of Internal Affairs and Communications, Ministry of Economy, Trade and Industry and other ministries and agencies concerned)

### **(3) Promoting Education on Standardization at Universities and Public Research Institutes**

With the aim of providing wide-ranging students, such as those in the school of business administration, economics and law, as well as those in the school of science and technology with basic education on international standardization, the GOJ will, in FY2007, continue to prepare and provide model teaching materials on standardization to universities and public research institutes, thereby promoting the independent efforts of universities.

Also, in FY2007, the GOJ will continue to encourage companies, the Japan Intellectual Property Association, the Japan Patent Attorneys Association and other organizations to implement and enhance basic training for international standards targeting engineers, those in charge of intellectual property, and patent attorneys, and also encourage training and educational institutions to make independent efforts, such as incorporating the content relating to international standards into management training and technology-management programs in the field of intellectual property.

(Ministry of Internal Affairs and Communications, Ministry of Education, Culture, Sports, Science and Technology, Ministry of Economy, Trade and Industry and other ministries and agencies concerned)

### **(4) Enhancing Commendation Systems**

In order to increase awareness of international standards and provide incentives to international standardization activities, the GOJ will, by the end of FY2007, enhance commendation systems for honoring international standardization. For

example, the GOJ will establish a prime minister's award relating to international standardization and a simultaneous recognition of individuals who have contributed to international standardization and companies (executive officers), universities and public research institutes that have supported their activities.

(Ministry of Internal Affairs and Communications, Ministry of Economy, Trade and Industry and other ministries and agencies concerned)

## **6. Strengthening Cooperation with Foreign Countries such as Asian Countries**

By the end of FY2007, the GOJ will formulate "the Asia-Pacific Standardization Initiative", which focuses on raising the level of international standardization activities, strengthening the human resource network, and submitting joint proposals on international standards in the Asia-Pacific region, and will promote its implementation, thereby strengthening cooperation for standardization activities in this region.

(Ministry of Internal Affairs and Communications, Ministry of Economy, Trade and Industry and other ministries and agencies concerned)

## **7. Making Contributions to Establishing Rules for International Standards**

### **(1) Taking Measures to Respond to the Exercise of Intellectual Property Rights, which Impedes the Dissemination of Technical Standards**

In FY2007, the GOJ will continue to strive for smooth operation of rules for the treatment of intellectual property rights relating to standard technologies, which have been standardized among the ISO, the IEC and the ITU. The GOJ will also collect information on the status of operation of the rules and work on international standardization organizations as appropriate.

In addition, the GOJ will, in FY2007, continue to actively work toward consideration to clarify the treatment of intellectual property rights relating to standard technologies. With respect to "reasonable and non-discriminatory (RAND) terms," the GOJ will pay attention to judicial precedents and trends of judgments by the



competition policy authorities, and collect and analyze related information as appropriate.

(Ministry of Internal Affairs and Communications, Ministry of Economy, Trade and Industry and other ministries and agencies concerned)

**(2) Aiming at Realization of a Fair and Open International Standardization System**

In FY2007, the GOJ will continue to make active contributions to realizing a fair and more open international standardization system. For example, the GOJ will take an active part in discussions on the implementation and improved operation of the Agreement on Technical Barriers to Trade (WTO/TBT Agreement).

(Ministry of Internal Affairs and Communications, Ministry of Economy, Trade and Industry and other ministries and agencies concerned)

### **III. Supporting SMEs and Venture Companies**

In Japan, SMEs and venture companies support the industrial foundation and admit the accelerating technology innovation and changing industrial structure. They play an important role in maintaining and enhancing Japan's economic vitality by creating new industries, increasing job opportunities and invigorating local economies. In order to enable these SMEs and venture companies to achieve development by making use of intellectual property, it is important for the national and local governments, relevant organizations and large companies to make concerted efforts to strengthen support measures.

#### **1. Enhancing Consultation and Information Services for SMEs and Venture Companies**

##### **(1) Enhancing Consultation Services for SMEs and Venture Companies**

From FY2007, the GOJ will take various measures to enhance consultation functions of "Intellectual Property Rescue Organizations" established in July 2006 within associations and chambers of commerce and industry nationwide. More specifically, the GOJ will hold training sessions for management instructors to be assigned to these organizations for providing consultation to business operators, and will develop and distribute casebooks and a collection of Qs-and-As, so as to improve management instructors' knowledge on intellectual property. The GOJ will also arrange consultation sessions for business operators while inviting intellectual property experts as advisors.

(Ministry of Economy, Trade and Industry)

##### **(2) Promoting Independent Initiatives by Supporting Organizations**

From FY2007, in order to facilitate access to consultation services for SMEs and venture companies, the GOJ will encourage supporting organizations such as the Comprehensive Support Center for SMEs and Venture Companies and the Intellectual Property Center to disclose necessary information and reinforce their

public relations activities. For users' convenience, the GOJ will also encourage these supporting organizations to improve the quality of their consultation services, providing services through visits to users in addition to providing services at consultation sections.

(Ministry of Economy, Trade and Industry and other ministries and agencies concerned)

### **(3) Developing Cooperation between Supporting Organizations**

In order to provide appropriate support depending on the contents or difficulty of the problems that service users are facing, from FY2007, the GOJ will encourage supporting organizations to promote close coordination among them by establishing a liaison conference under the lead of local public entities. The goal is to refer users to appropriate supporting organizations when the organization that has received a request for consultation finds it impossible to provide sufficient support by itself.

(Ministry of Economy, Trade and Industry and other ministries and agencies concerned)

### **(4) Compiling and Disclosing Information on Patent Attorneys and Lawyers**

i) From the perspective of increasing user convenience, in FY2007, the GOJ will continue to encourage the disclosure of information that is in high demand by users, via the Patent Attorney Navigation System. This will include information on the fields of expertise and operational performance of individual patent attorneys and information on patent attorneys authorized to act as counsel in specific infringement lawsuits. Also from FY2007, the GOJ will encourage patent firms to voluntarily disclose information on the service-fee system, experience in serving for SMEs and venture companies, and a list of patent attorneys as members of the firms. Furthermore, upon enactment of the bill for partial revision to the Patent Attorneys Act, which has been submitted to the ordinary session of the Diet in 2007, the GOJ will consider publicizing information that will be helpful for users in finding suitable patent attorneys, and draw a conclusion by the end of FY2007.

From 2007, in order to improve the quality of the patent attorney referral services

provided by local public entities, the GOJ will encourage local public entities to take necessary measures, such as establishing the requirements for registration of patent attorneys and collecting comments from users regarding the evaluation of patent attorneys.

(Ministry of Economy, Trade and Industry)

- ii) In FY2007, in order to enable users to find lawyers who are well versed in intellectual property, depending on user's needs, the GOJ will continue to encourage the relevant third-party entities (e.g., the Intellectual Property Lawyers Network and local public entities) to compile information on the fields of expertise and performance of lawyers and their evaluation by users, and disclose such information if possible.

In addition, with regard to the Lawyer Information Services to be introduced by the Japan Federation of Bar Associations in FY2007, the GOJ will encourage registered lawyers to voluntarily disclose helpful information. Such information will include information on the types of intellectual property rights and past cases handled by each lawyer, as well as the lawyer's profile, professional careers, books and papers, and training experience (the lecturer in charge and the content of the training programs). The GOJ will also encourage the federation to further upgrade and enhance the services.

(Ministry of Justice and Ministry of Economy, Trade and Industry)

## **2. Supporting SMEs and Venture Companies in Creating Intellectual Property**

### **(1) Enhancing Consultation Services Regarding Effective Use of the IPDL and Patent Application**

In order to help SMEs and venture companies create intellectual property efficiently by selecting appropriate R&D themes and avoiding unnecessary patent applications, in FY2007, the GOJ will continue to enhance consultation services regarding the use of the Intellectual Property Digital Library (IPDL) as well as consultation services regarding patent applications provided by patent information advisors and patent application advisors.

(Ministry of Economy, Trade and Industry)

## **(2) Raising Awareness of the Employee Invention System and the Prior Use System among SMEs and Venture Companies**

In FY2007, in order to improve the understanding of the employee-invention system especially among SMEs and venture companies, the GOJ will continue to hold consultation sessions and promote publicity activities, while using the collected examples of procedures.

In addition, from FY2007, with the aim of facilitating the use of the prior use system, the GOJ will hold consultation sessions and promote publicity activities, while using the guidelines for the prior use system (collected examples).

(Ministry of Economy, Trade and Industry)

## **3. Supporting SMEs and Venture Companies in Protecting Intellectual Property**

### **(1) Promoting the Use of the Existing Support Systems**

i) In FY2007, the GOJ will aim to effectively publicize among SMEs and venture companies the existing support systems (e.g., the prior art search support system, accelerated examination system and fee-exemption/reduction system), and promote the use of these systems. In this process, the GOJ will make use of various explanatory meetings and free consultation sessions held by the JPO and regional intellectual property strategy headquarters as well as their websites and newsletter e-mails. In particular, in order to reduce the costs incurred by SMEs and venture companies for requesting patent examination, the GOJ will aim to thoroughly publicize the prior art search support system whereby private search agencies provide users with the results of prior art search free of charge, and endeavor to promote the use of this system.

(Ministry of Economy, Trade and Industry)

ii) For the purpose of encouraging SMEs and venture companies to carry out R&D and create businesses at home and abroad with the use of intellectual property, in FY2007, the GOJ will continue to provide SMEs and venture companies with

support for such activities, such as grants and consultation services for obtaining patents at home and abroad.

(Ministry of Internal Affairs and Communications and Ministry of Economy, Trade and Industry)

**(2) Considering Measures to Reduce Costs for Obtaining and Maintaining Patents**

i) By the end of FY2007, the GOJ will analyze, from various aspects, the costs actually incurred by users for obtaining and maintaining patents at home and abroad, consider measures to reduce such costs, and draw a conclusion.

(Ministry of Economy, Trade and Industry)

ii) In FY2007, the GOJ will encourage the Japan Patent Attorneys Association to provide helpful services for SMEs while paying adequate attention to the circumstances of individual SMEs. Such services will include providing information on the support systems, allowing deferred payment of legal fees and presenting the option of performance-based payment.

(Ministry of Economy, Trade and Industry)

**(3) Strengthening Countermeasures against Infringements of Intellectual Property Rights**

i) From the perspective of contributing to preventing large companies from infringing intellectual property rights held by their subcontractors, the GOJ will, in FY2007, develop guidelines for individual industries to indicate example cases of violation of laws and regulations as well as inappropriate trade practices. The GOJ will also revise the operational guidelines for "Act against Delay in Payment of Subcontract Proceeds, Etc. to Subcontractors" by further detailing and improving the provisions on the act of "beating down the price," and publicize the revised provisions. Furthermore, in FY2007, the GOJ will continue to provide consultation services concerning how to respond to infringements of intellectual property rights committed by large companies and report such infringements to the relevant authorities.

(Japan Fair Trade Commission, Ministry of Economy, Trade and Industry and

other ministries and agencies concerned)

- ii) In FY2007, the GOJ will include the Action Guidelines on Intellectual Property, which were developed by the Nippon Keidanren (Japan Business Federation) in July 2005, in the Implementation Manual for the Charter of Corporate Behavior. This will disseminate the guidelines among member companies of Nippon Keidanren so as to compel them to further respect intellectual property rights held by others. The GOJ will also encourage such initiatives of other industrial associations to increase the respect for intellectual property rights.

(Ministry of Economy, Trade and Industry and other ministries and agencies concerned)

- iii) In FY2007, in order to prevent SMEs and venture companies from being deprived by their partners in joint research of their technologies by way of elaborately arranged contracts, the GOJ will continue its efforts to thoroughly publicize the Guidelines for Intellectual Property and Trade Secrets, which were revised in November 2006, and encourage them to apply the guidelines when concluding intellectual property-related contracts.

(Ministry of Economy, Trade and Industry)

- iv) In FY2007, the GOJ will continue to grant subsidies for infringement surveys so as to enable SMEs and venture companies to promptly take countermeasures against damage from counterfeit and pirated copies occurring overseas.

(Ministry of Economy, Trade and Industry)

#### **(4) Supporting SMEs in Obtaining Rights Overseas**

- i) Based on the FY2006 Policy for Granting Special Subsidies, etc. to SMEs, etc., the GOJ will, from FY2007, endeavor to cover expenses for obtaining intellectual property rights overseas as expenses eligible for subsidies under the Small Business Innovation Research (SBIR) Program.

(Ministry of Economy, Trade and Industry and other ministries and agencies concerned)

- ii) In FY2007, the GOJ will continue to enhance support measures for SMEs and venture companies to help them file applications, prepare translations, and employ overseas patent attorneys, which are necessary when filing patent

applications overseas.

(Ministry of Economy, Trade and Industry)

- iii) In FY2007, the GOJ will continue to encourage the Comprehensive Support Center for SMEs and Venture Companies and the Intellectual Property Center to introduce translation companies and overseas patent attorneys to SMEs and venture companies and give them advice on foreign patent application.

(Ministry of Economy, Trade and Industry)

#### **4. Supporting SMEs and Venture Companies in Exploiting Intellectual Property**

##### **(1) Encouraging the Use of Technologies Held by SMEs and Venture Companies**

In FY2007, in order to prevent large companies from depriving SMEs and venture companies of the technologies that SMEs, etc. have developed, the GOJ will continue to encourage not only top executives of large companies but also purchasers to respect the technologies of SMEs and venture companies in the evaluation process for selecting trading partners, thereby promoting the use of their technologies.

(Ministry of Economy, Trade and Industry)

##### **(2) Supporting the Utilization of Licensable Patents**

In FY2007, the GOJ will hold events to continue to publicize the patent licensing database and examples of the exploitation of licensable patents, and promote the exploitation of licensable patents. In addition, from FY2007, with the aim of ensuring the independent efforts of the parties concerned (e.g., private entities and local public entities) for distribution of licensable patents, the GOJ will support local public entities in developing patent-licensing assistant advisers.

(Ministry of Economy, Trade and Industry)

##### **(3) Promoting Spin-Offs from Large Companies**

In FY2007, the GOJ will encourage arrangements for ensuring that intellectual



property that is held by large companies but not exploited effectively (e.g., technologies and know-how) and human resources capable of dealing with such intellectual property will be utilized by SMEs and venture companies by means of management buyout (MBO) and so forth.

(Ministry of Economy, Trade and Industry)

## **5. Improving the Ability of SMEs and Venture Companies to Deal with Intellectual Property**

### **(1) Supporting SMEs and Venture Companies in Formulating Intellectual Property Strategies**

In order to enable SMEs and venture companies to formulate intellectual property strategies depending on their management problems and stage of development, in FY2007, the GOJ will continue to provide support by dispatching intellectual property experts and consultants to SMEs and venture companies via prefectural SEM support centers, etc. Also in FY2007, by referring to the achievements made thus far, such as Intellectual Property Strategy Manual for SMEs and Venture Companies 2006 and Successful Companies Using Intellectual Property 2007, the GOJ will develop manuals presenting specific measures to encourage SMEs and venture companies to formulate intellectual property strategies, and endeavor to disseminate such manuals.

(Ministry of Economy, Trade and Industry)

### **(2) Enhancing Training Programs for Managers of SMEs and Venture Companies and Those for People Engaged in Supporting Such Corporate Managers**

In order to enable SMEs and venture companies to formulate and implement business strategies based on the effective use of intellectual property, in FY2007, the GOJ will continue to enhance training programs implemented at SME colleges, etc. for managers of SMEs and venture companies and for people engaged in supporting such corporate managers (e.g., SME consultants, management instructors at associations and chambers of commerce and industry, and local government

employees).

(Ministry of Economy, Trade and Industry)

**(3) Honoring Outstanding Technology Developed by SMEs and Venture Companies**

With the objective of further promoting the creation, protection and exploitation of intellectual property by SMEs and venture companies and strengthening the industrial competitiveness of Japan, in FY2007, the GOJ will continue to honor a wide range of companies holding technologies that have contributed to the advancement of national economy, industrial development and technological innovation, as well as companies that are successful in exploiting intellectual property.

(Ministry of Economy, Trade and Industry and other ministries and agencies concerned)

## **IV. Developing Local Areas with the Use of Intellectual Property**

The independence of local areas is pursued by taking development measures, depending on the characteristics of individual areas. In this context, it is necessary to exploit intellectual property originating in local areas, such as innovative technologies and regional brands held by local universities and local SMEs and venture companies as well as tourism resources and other content property available in local areas. Therefore, through the initiatives implemented by the regional intellectual property strategy headquarters, which are established in each Regional Bureau of Economy, Trade and Industry as a regional public-private organization, and those by local public entities, etc., it is important to promote the formulation and steady implementation of regional intellectual property strategies and enhance the development of human resources related to intellectual property in local areas.

### **1. Promoting Intellectual Property Strategies in Local Areas**

#### **(1) Strengthening the Activities of Regional Intellectual Property Strategy Headquarters**

In order to promote the initiatives, under the lead of regional intellectual property strategy headquarters established in nine regions nationwide, for developing local areas with the use of intellectual property by building human resource networks and promoting industry-academia collaboration in the regions, the GOJ will, in FY2007, encourage regional intellectual property strategy headquarters to steadily implement regional intellectual-property strategy programs that are based on the characteristics of individual regions. Its aim will be to achieve specific, newly introduced measures and targets in the programs.

(Ministry of Economy, Trade and Industry and other ministries and agencies concerned)

#### **(2) Promoting Intellectual Property Strategies of Local Public Entities**

##### **[1] Encouraging local public entities to formulate strategies and ordinances**

### **concerning intellectual property**

i) In FY2007, the GOJ will continue to provide information on the formulation of intellectual property strategies, thereby encouraging local public entities, including prefectural governments and governments of major cities designated by Cabinet Order, to formulate strategies and ordinances concerning intellectual property, implement the strategies in cooperation with local companies and universities, and reflect the implementation results in the next strategy.

(Ministry of Education, Culture, Sports, Science and Technology, Ministry of Agriculture, Forestry and Fisheries, Ministry of Economy, Trade and Industry and other ministries and agencies concerned)

ii) In FY2007, the GOJ will encourage local public entities to obtain information, via the regional intellectual property strategy headquarters, regarding the relevant initiatives implemented by the national government and other local public entities, and introduce and enhance original support systems. The GOJ will also encourage local public entities to publicize and disseminate their own systems and national systems within their territories.

(Ministry of Economy, Trade and Industry)

### **[2] Enhancing support for local public entities engaged in ambitious initiatives**

In FY2007, in order to accelerate the implementation of intellectual property strategies by local public entities, the GOJ will cooperate with regional intellectual property strategy headquarters to intensively conduct national support projects for prefectural governments and governments of major cities designated by Cabinet Order, which will be engaged in ambitious initiatives in the field of intellectual property. The GOJ's goal will be to establish models of successful initiatives and disseminate the results thereof.

(Ministry of Economy, Trade and Industry and other ministries and agencies concerned)

### **(3) Supporting the Use of Regional Resources**

In order to create and establish regional brands, thereby realizing independent and

sustainable development of local areas, in accordance with the Act on Promotion of SME Business Operations Based on Regional Industrial Resources, which was passed at the ordinary session of the Diet in 2007, the GOJ will, from FY2007, provide comprehensive support for the measures taken by local SMEs and industrial associations to develop new products and services. They will then place those products and services on the market with the use of regional resources that can be the advantages for their regions (e.g., technology rooted in the production areas, agricultural, forestry and fishery products, tourism resources).

(Ministry of Economy, Trade and Industry and other ministries and agencies concerned)

**(4) Promoting Collaboration between Local Communities and Local Universities**

By making use of the Program for Revitalization of the Regional Center of Excellence (upgraded by the Headquarters for the Regional Revitalization in February 2007), the GOJ will, in FY2007, continue to aim to build local networks of universities, technical colleges, governments and SMEs, with local universities serving as regional centers of excellence, and further promote efforts for regional revitalization.

(Council for Science and Technology Policy, Headquarters for the Regional Revitalization, Ministry of Education, Culture, Sports, Science and Technology and other ministries and agencies concerned)

**2. Promoting the Development of Human Resources Related to Intellectual Property in Local Areas**

**(1) Developing Human Resources Related to Intellectual Property Directly in Charge of Local Development**

In order to promote local development with the use of intellectual property, in FY2007, the GOJ will continue to enhance education and training for human resources related to intellectual property in local areas, including managers and intellectual property personnel of local SMEs, people engaged in supporting SMEs,

farmers and farming instructors, university researchers, people engaged in industry-academia collaboration, researchers at publicly funded research institutes, and government employees in charge of intellectual property policy.

(Ministry of Education, Culture, Sports, Science and Technology, Ministry of Agriculture, Forestry and Fisheries, Ministry of Economy, Trade and Industry and other ministries and agencies concerned)

## **(2) Developing and Utilizing Human Resources Supporting Intellectual Property Affairs in Local Areas**

### **[1] Developing nationwide human-resource databases**

From FY2007, the GOJ will encourage the Japan Intellectual Property Association and other private organizations to develop databases of human resources who have broad knowledge on intellectual property strategy (e.g., personnel who have worked at intellectual property-related departments of large companies). Also from FY2007, the GOJ will encourage the upgrading of the Former Employee Database and the Database for Industry-Academia-Government Collaboration, and will consider the links and inter-availability between these databases and other existing databases, and take necessary measures.

(Ministry of Education, Culture, Sports, Science and Technology and Ministry of Economy, Trade and Industry)

### **[2] Developing human resources related to intellectual property in local areas through support measures for formulating intellectual property strategies**

From FY2007, the GOJ will, by utilizing human resources available in local areas, organize local support teams consisting of specialists in law, technology, finance, marketing, etc. so as to satisfy the needs of SMEs and venture companies that have the potential to take advantage of intellectual property. The GOJ will dispatch such teams to SMEs and venture companies to formulate intellectual property strategies for these companies, thereby developing human resources for supporting intellectual property strategies in local areas.

(Ministry of Economy, Trade and Industry)

**[3] Utilizing human resources for supporting intellectual property affairs available in local areas**

i) In FY2007, the GOJ will continue to actively utilize people who have engaged in handling intellectual property affairs, such as former staff of research departments or intellectual property departments in private companies and professional engineers, and appoint them as coordinators for industry-academia collaboration in local areas and as advisors for intellectual property management.

(Ministry of Education, Culture, Sports, Science and Technology and Ministry of Economy, Trade and Industry)

ii) With the aim of promoting the use of patent attorneys in local areas, in FY2007, the GOJ will continue to encourage the JPAA to implement necessary measures, such as utilizing local access points, establishing joint operational branches and dispatching the JPAA Caravans for publicizing the intellectual property systems.

(Ministry of Economy, Trade and Industry)

## **Chapter 4 Efforts to Create Culture with the Use of Content**

### **I. Make Japan the Most Advanced Content Superpower in the World**

The age of real competition of knowledge has come, along with progress in digitization and globalization. However, in the content field, Japan has not yet adapted to the speedy changes taking place on a global scale, failing to enable individuals engaged in this field to fully exert their potentials. From now on, it is necessary to accelerate creative activities and business developments from a long-term and future-oriented perspective, with the aim of strengthening the international competitiveness of the Japanese content industry and encouraging Japanese content creators to expand their arena worldwide.

With the complete shift to terrestrial digital broadcasting being scheduled in 2011, the advent of a full-fledged digital content era is approaching. In the near future, via the Internet, everybody will be able to easily participate in the creation of content, and content thus created will be widely circulated. What we should do now, for the coming society in which most citizens are expected to be accustomed to creating, protecting and exploiting content, is to take appropriate measures to cope with the adverse effects of the progress of information technology by raising awareness of IT-related morals and manners, while establishing new rules for content protection and developing environments for content distribution ahead of the times.

By expanding this new society of content circulation, Japan aims to become the most advanced content superpower in the world, realizing win-win relationships among all parties concerned: “users,” “creators” and “businesses.”

#### **1. Developing Legal Systems and Contract Rules to Promote the Distribution of Digital Content**

##### **(1) Upgrading the Copyright System to Support Business Schemes**

###### **[1] Developing legal systems to promote the distribution of digital content**



By the end of FY2007, the GOJ will consider new legal systems and contract rules as well as international frameworks regarding desirable ways of utilizing digital content and protecting copyrights in response to the trends of digitization and networking. The GOJ will develop necessary legal systems for the distribution of most advanced digital content within the next two years, with the aim of benefiting creators and energizing their creative activities.

(Ministry of Internal Affairs and Communications, Ministry of Foreign Affairs, Ministry of Education, Culture, Sports, Science and Technology and Ministry of Economy, Trade and Industry)

## **[2] Promoting the distribution of content through IP multicasting**

Based on the revision to the Copyright Act with regard to IP multicasting, the GOJ will, promptly by the end of FY2007, take necessary measures to implement simultaneous retransmission of terrestrial broadcasts through IP multicasting according to the planned schedule. In the process, the GOJ will encourage broadcasting organizations, IP multicasting organizations and other relevant parties to cooperate in compiling information on the management of rights in broadcast programs.

Also by the end of FY2007, the GOJ will take measures regarding independent broadcasting through IP multicasting, while taking into consideration the overseas trends in this area. More specifically, the GOJ will clarify the treatment of such broadcasting under the Copyright Act, promote the standardization of protection and other terminal technology, and develop markets for broadcast programs.

From the perspective of providing creators with more chances for content creation, the GOJ will encourage IP multicasting organizations to create attractive broadcast content of their own. By the end of FY2007, the GOJ will provide them with more opportunities to do business with creators.

(Ministry of Internal Affairs and Communications, Ministry of Education, Culture, Sports, Science and Technology, and Ministry of Economy, Trade and Industry)

## **[3] Solving the issue of reproduction conducted by individuals using illegal copies**

In order to support the trends of new legal businesses, the GOJ will consider excluding reproduction conducted by using copies legally transmitted via the Internet or pirated copies of CDs and DVDs from the scope of permissible reproduction for private use, while being careful not to excessively discourage individuals from using copyrighted works, and will draw a conclusion by the end of FY2007.

(Ministry of Education, Culture, Sports, Science and Technology)

**[4] Promoting the distribution of content for which copyright holders are unidentified**

In order to ensure the effective use of the wealth of content that Japan has accumulated so far, the GOJ will, while taking into account the trends in other countries, consider new measures to facilitate the use of content works for users who cannot contact the right holders of such works due to the right holders being unidentified or for other reasons despite the users' considerable efforts; and the GOJ will draw an interim conclusion by the end of FY2007.

(Ministry of Internal Affairs and Communications and Ministry of Education, Culture, Sports, Science and Technology)

**[5] Establishing a content business market on the Internet**

By the end of FY2007, the GOJ will make efforts to establish a content business market on the Internet where content creators will provide information on their creation plans and works, while content providers and distributors as well as funds at home and abroad will obtain such information and utilize it for their content-distribution businesses.

(Ministry of Economy, Trade and Industry)

**[6] Drawing a conclusion on the review of the compensation system for private recordings**

The GOJ will produce drastic reviews on private recordings and also drastically review the compensation system, while considering the possibility of abolishing the system, change its framework, and introduce other measures, with the aim of

drawing a conclusion by the end of FY2007. In this process, the GOJ will take into account the progress in technological protection measures and the changing situation of content distribution, and will give due consideration to the harmonization with international treaties and trends as well as the users' perspective. Furthermore, the GOJ will also consider the following issues and draw a conclusion by the end of FY2007: clarifying the scope of reproduction for private use based on the relationship with technological protection measures; and reviewing copyright contracts by specifying the relationship between royalties and consideration for reproduction.

(Ministry of Education, Culture, Sports, Science and Technology and Ministry of Economy, Trade and Industry)

**[7] Developing provisions to restrict rights with due consideration to the balance between the interests of right holders and the interests of the public**

i) From the perspective of encouraging people with disabilities to use copyrighted works, the GOJ will consider the development of provisions to restrict rights under the Copyright Act, while referring to specific proposals from the relevant organizations, and the GOJ will draw a conclusion by the end of FY2007. For instance, such provisions will allow reproduction of copyrighted works, after they are made public, by inserting sign-language interpretation or subtitles for the convenience of people with hearing disabilities.

(Ministry of Education, Culture, Sports, Science and Technology)

ii) With respect to the use of copyrighted works for school lessons via public transmission for the purpose of promoting the e-learning system, the GOJ will consider this issue based on specific proposals by the parties in the area of education regarding how to deal with copyrights for such works between right holders and parties in the area of education, with the aim of drawing a conclusion by the end of FY2007.

(Ministry of Education, Culture, Sports, Science and Technology)

iii) For the purpose of providing people engaged in medical services with necessary information for the appropriate use of pharmaceutical products, etc.,

manufacturers and sellers of such products reproduce relevant references and documents, and distribute and supply reproduced copies. The GOJ will consider the development of provisions to restrict rights with regard to such acts of reeducation, etc., while taking into account the progress in the development of the licensing-management system among the parties concerned as well as the impact on copyright holders, and it will draw a conclusion by the end of FY2007.

(Ministry of Education, Culture, Sports, Science and Technology and Ministry of Health, Labour and Welfare)

#### **[8] Drawing a conclusion on protection of licensees from the perspective of licensing and exploitation**

The GOJ will consider developing systems with respect to rights to use copyrighted works, and protection of licensees, and also consider reviewing the existing registration systems in this context, with the aim of drawing a conclusion by the end of FY2007.

(Ministry of Education, Culture, Sports, Science and Technology)

### **(2) Facilitating the Use of Content within the Framework for Properly Rewarding Creators**

#### **[1] Promoting the efforts to make contract rules for multi-use of content**

With the aim of promoting the distribution of new types of content, thereby making Japan a content superpower where all parties concerned will benefit, the GOJ will take the following measures to arrange the opportunity for the parties concerned to discuss contract rules, and encourage their efforts to make contract rules for multi-use of content.

- a) By the end of FY2007, the GOJ will help the parties concerned in the field of visual content to take measures to solve specific issues concerning multi-use of visual content, such as online distribution and global dissemination, while giving due consideration to the fair sharing of profit among the parties concerned and the provision of more opportunities to create new content works. In particular, with respect to multi-use of broadcast programs, the GOJ will encourage independent efforts of the private sector to establish consultation

organizations to be operated by users, so as to respond to inquires from individuals appearing in broadcast programs whose contact addresses are unknown.

b) In order to benefit all parties concerned by way of promotion of multi-use of broadcast programs, the GOJ will take into consideration the Model Contracts Concerning Subcontracts for Production of Broadcast Programs and the Self-Imposed Standards of Subcontracts for Production of Broadcast Programs, and promote the development of specific model contracts applicable between broadcasting organizations and program production companies by the end of FY2007. Further, the GOJ will promote the holding of fair negotiations and conclusion of fair contracts regarding management services, thereby solving problems concerning contract production of broadcast programs.

(Ministry of Internal Affairs and Communications, Ministry of Education, Culture, Sports, Science and Technology and Ministry of Economy, Trade and Industry)

## **[2] Developing legal systems for strengthening competitiveness of broadcast content created in Japan**

In order to make various broadcast content created in Japan (e.g., dramas, entertainment shows, and documentary programs) more competitive on a global scale so as to benefit Japanese creators and viewers, the GOJ will aim to further facilitate the trading and utilization of broadcast content. This will be accomplished by gathering information on rights and negotiations regarding broadcast content and creating an open market accessible to a wide range of people who wish to trade such content, while ensuring collaboration with content portal sites and other relevant initiatives. To this end, the GOJ will consider necessary legal systems for strengthening competitiveness of Japanese broadcast content and draw a conclusion by the end of FY2007.

(Ministry of Internal Affairs and Communications)

## **[3] Promoting centralized management of copyrights**

For the purpose of properly rewarding creators with regard to multi-use of content,

the GOJ will promote the centralized management of copyrights and the compilation of information on copyright management. Additionally, while presenting a clear interpretation of performers' co-ownership in neighboring rights under the Copyright Act, the GOJ will consider how to promote the distribution of content so that consent can be obtained from most right holders for the use of content, and will draw a conclusion by the end of FY2007.

(Ministry of Internal Affairs and Communications, Ministry of Education, Culture, Sports, Science and Technology and Ministry of Economy, Trade and Industry)

#### **[4] Promoting the conclusion of contracts in the content industry**

The GOJ will work to thoroughly publicize the Guidelines for Performance Contract for Broadcast Programs agreed upon between the relevant parties. Furthermore, the GOJ will create a momentum toward promoting the conclusion of contracts in the content industry, and discuss how to develop a necessary legal framework, with the aim of drawing a conclusion by the end of FY2007.

(Ministry of Internal Affairs and Communications, Ministry of Education, Culture, Sports, Science and Technology and Ministry of Economy, Trade and Industry)

#### **[5] Creating a fair and transparent content industry**

i) In FY2007, the GOJ will continue to increase awareness and improve consultation services concerning the Anti-Monopoly Act and the Act on the Prevention of Delay in Payment of Subcontracting Charges and Related Matters, and will carry out a documentary survey targeting entrepreneurs who subcontract content production. The GOJ will strictly and promptly apply these Acts against illegal acts.

(Japan Fair Trade Commission and Ministry of Economy, Trade and Industry)

ii) In FY2006, the GOJ will continue to encourage the efforts of individual creators to develop independent organizations. The GOJ will also consider favorable systems for their activities, including contract practices that are not prejudicial to creators and accident/disaster-compensation schemes, and implement necessary measures as appropriate.

(Ministry of Education, Culture, Sports, Science and Technology and Ministry of

Health, Labour and Welfare)

**[6] Developing domestic systems for securing appropriate protection while giving consideration to the balance between protection and exploitation**

i) In light of the changes in the styles of distribution of content, the GOJ will consider the issue of indirect infringement of copyrights and draw a conclusion by the end of FY2007.

(Ministry of Education, Culture, Sports, Science and Technology)

ii) The GOJ will consider, from a comprehensive perspective, the role and function of the claim for damages and the claim for return of unjust enrichment arising from copyright infringement, while also considering the idea of establishing a statutory compensation system, and will draw a conclusion by the end of FY2007.

(Ministry of Education, Culture, Sports, Science and Technology)

iii) The GOJ will consider issues regarding how to realize an ideal period of protection for copyrighted works, including the extension of the period of protection and the treatment of wartime extensions, while giving due consideration to the balance between protection and exploitation, and draw a conclusion by FY2007.

(Ministry of Education, Culture, Sports, Science and Technology)

iv) In light of the progress seen in the discussions on a new broadcasting treaty, the GOJ will consider granting rights related to signals prior to broadcasting and the right of transfer of ownership, to broadcasting organizations, and draw a conclusion by FY2007.

(Ministry of Internal Affairs and Communications and Ministry of Education, Culture, Sports, Science and Technology)

**[7] Promoting international harmonization of copyright systems**

In FY2007, the GOJ will continue to make active contributions to discussions for the early adoption of the new treaties on audiovisual performances and broadcasting organizations that are currently under consideration. The GOJ will also continue to approach other countries, mainly Asian countries, to join at an early date the WIPO Copyright Treaty (WCT) and the WIPO Performances and Phonograms Treaty

(WPPT), and will provide support for the dissemination and improvement of the copyright system in developing countries.

(Ministry of Internal Affairs and Communications, Ministry of Foreign Affairs, and Ministry of Education, Culture, Sports, Science and Technology)

### **(3) Improving the Environment for the Use of Content by the Public**

#### **[1] Solving problems concerning Internet search services**

In the age of information, Internet search services have become important not only for improving convenience in people's lives but also for carrying out industrial and cultural policies. In light of this, the GOJ will clearly identify the problems under the Copyright Act arising from the reproduction or editing of works on the servers used for Internet search services and the indication of search results, while considering taking legislative measures if necessary, and will draw a conclusion by the end of FY2007. In addition, from FY2007, the GOJ will start discussions regarding various issues in this area, such as the development and international standardization of search and analysis technology for new types of content and the establishment of rules for appropriate protection of content.

(Ministry of Education, Culture, Sports, Science and Technology and Ministry of Economy, Trade and Industry)

#### **[2] Encouraging efforts to establish content archives and promoting the use thereof**

i) With regard to the use of content that is not oriented for profit-making or not in conflict with commercial use, such as collection and storage of works at public digital archives and provision of works that are out of print and unavailable to ordinary users, the GOJ will consider measures to facilitate the storage, collection and use of such content, while giving due consideration to compensation for creators, and will draw an interim conclusion by the end of FY2007.

(Ministry of Education, Culture, Sports, Science and Technology)

ii) The GOJ will take necessary legislative measures so as to launch the online distribution of the content stored in NHK Archives by the end of FY2008, and will encourage related parties to reach agreements and address rights for the



secondary use of past broadcast programs. By doing so, the GOJ will facilitate the use of content stored in broadcast program archives, including broadcast programs held by private broadcasting organizations and the Broadcast Programming Center of Japan.

(Ministry of Internal Affairs and Communications and Ministry of Education, Culture, Sports, Science and Technology)

iii) In FY2007, the GOJ will continue to make efforts to enhance the functions of the Film Center of the National Museum of Modern Art, Tokyo, while actively supporting efforts of communities and private parties to collect and store materials related to *manga*, *anime* and photographs.

(Ministry of Education, Culture, Sports, Science and Technology)

iv) In FY2007, the GOJ will continue to cooperate with the National Diet Library so as to promote its initiatives for digitizing valuable books and documents and collecting information resources available on the Internet, thereby providing the public with access to digital literature via the Internet.

(Ministry of Education, Culture, Sports, Science and Technology and other ministries and agencies concerned)

### **[3] Promoting the creation and dissemination of new content on the Internet**

In order to promote the creation and dissemination of content works on the Internet without restrictions, the GOJ will, by the end of FY2007, categorize the terms of use of works to be manifested by copyright holders in advance and study legal issues on rules for the treatment of waiver of rights by copyright holders on their own will, with the aim of building a system for manifesting the terms of use of copyrighted works on the Internet. The GOJ will also encourage and support the efforts of the private sector to promote the use of copyrighted works without restrictions.

(Ministry of Internal Affairs and Communications, Ministry of Education, Culture, Sports, Science and Technology and Ministry of Economy, Trade and Industry)

### **[4] Encouraging flexible operation of business through flexible pricing**

In FY2007, for the purpose of increasing consumer benefits, the GOJ will continue to promote efforts by relevant business operators in expanding the publication and

distribution of copyrighted works whose prices are at the discretion of the retailers of content such as books, magazines and music CDs, and in diversifying the pricing, and will publicize the results of such efforts.

(Japan Fair Trade Commission, Ministry of Education, Culture, Sports, Science and Technology, and Ministry of Economy, Trade and Industry)

**[5] Studying the resale price maintenance system for music CDs**

In order to provide content users with a wide variety of options in terms of price, in FY2007, the GOJ will continue to study the actual status of the operation of the resale-price-maintenance system for music CDs and the effects thereof, and consider a more effective measure if necessary.

(Japan Fair Trade Commission, Ministry of Education, Culture, Sports, Science and Technology, and Ministry of Economy, Trade and Industry)

**[6] Encouraging and supporting efforts to use content without anxiety**

i) In light of the opinion that some contents have adverse impact on the public, particularly on young people, the GOJ will, in FY2007, continue to encourage the independent efforts of the content industry to protect young people from harmful contents, including the initiatives implemented by the Council for Visual Content Ethics. The GOJ will also continue to promote efforts to diffuse the rating system to indicate the age restriction for video games.

(National Police Agency, Ministry of Education, Culture, Sports, Science and Technology, and Ministry of Economy, Trade and Industry)

ii) In order to cope with the increase in illegal and harmful information on the Internet, in FY2007, the GOJ will continue to encourage independent efforts of the private sector to put into practice a mechanism whereby persons who provide content will indicate the level of expressions of their content so that users will be able to easily assess, in advance, the appropriateness of their use of particular websites.

(Ministry of Internal Affairs and Communications)

iii) The GOJ will encourage the efforts of right holders' associations and telecommunication carriers to eradicate the distribution of copyright-infringing

content for mobile use.

(Ministry of Internal Affairs and Communications, Ministry of Education, Culture, Sports, Science and Technology and Ministry of Economy, Trade and Industry)

## **2. Promoting Business Operation Overseas**

### **(1) Displaying the Advantages of Japanese Content Worldwide**

#### **[1] Promoting the creation of content with international perspective**

By the end of FY2007, the GOJ will encourage a content-creation scheme wherein Japanese creators will jointly work with overseas parties from the planning stage so as to create content with due consideration to the taste of local consumers as well as the trends in content programs and cultural and social norms abroad. In addition, by holding the Japan International Contents Festival and other relevant events, the GOJ will provide Japanese creators with the opportunity to develop collaborative relationships with overseas broadcast organizations, film companies, production companies, performers' associations and other relevant parties.

(Ministry of Internal Affairs and Communications, Ministry of Education, Culture, Sports, Science and Technology and Ministry of Economy, Trade and Industry)

#### **[2] Promoting the conclusion of cooperative arrangements concerning movies**

In FY2007, the GOJ will continue to support, within the framework of international rules, the conclusion of agreements to produce movies jointly and to encourage international exchange between private organizations in Japan and those in foreign countries (mutual support for film festivals and support for educational exchange programs for people in the film industry), and also support an international exchange of creators, thereby encouraging the production of movies through international collaboration. In particular, the GOJ will encourage the conclusion of cooperative arrangements concerning movies with major countries other than France and South Korea, with which Japan has already concluded such arrangements.

(Ministry of Foreign Affairs, Ministry of Education, Culture, Sports, Science and Technology and Ministry of Economy, Trade and Industry)

### **[3] Supporting companies in operating business overseas**

- i) In order to enable Japanese companies to operate business overseas strategically, the GOJ will, by the end of FY2007, provide them with useful information on overseas circumstances via JETRO and other relevant entities. Such information will relate to market trends, policy movements, legal systems, trade practices, damage from pirated copies, and examples of successful business achievements. The GOJ will also strengthen the functions to collect information and provide consultation services by deploying staff in charge of content at overseas branches of JETRO, etc. Furthermore, the GOJ will, through public-private cooperation, compile statistical data on export and import trades and market sizes by country.  
(Ministry of Internal Affairs and Communications, Ministry of Foreign Affairs, Ministry of Education, Culture, Sports, Science and Technology and Ministry of Economy, Trade and Industry)
- ii) In order to increase the capability of content business operators in dealing with legal affairs, by the end of FY2007, the GOJ will, via JETRO, promote collaboration among entertainment lawyers who are well-versed in international practice, and arrange opportunities for them to interact with Japanese-content business operators.  
(Ministry of Economy, Trade and Industry)
- iii) In order to support efforts to expand overseas content markets and improve the understanding of Japanese culture in the international community, in FY2007, the GOJ will continue to provide support for the Organization for the Promotion of Overseas Distribution of Content and also support the production of subtitles necessary for showing content, e.g., movies and broadcasting programs, at overseas exhibitions and overseas film festivals. The GOJ will also support projects to publish Japanese content overseas, including animation and educational programs, through the Japan Foundation, ODA, and other effective schemes.  
(Ministry of Internal Affairs and Communications, Ministry of Foreign Affairs, Ministry of Education, Culture, Sports, Science and Technology, Ministry of Economy, Trade and Industry, and other ministries and agencies concerned)
- iv) Based on the Game Industry Strategy, which was formulated for the purpose of

strengthening the international competitiveness of the Japanese game industry with respect to the production and distribution of game content for home use, the GOJ will, from FY2007, promote the initiatives through public-private cooperation toward putting forward business operation overseas.

(Ministry of Economy, Trade and Industry)

**[4] Strengthening the international competitiveness of content business operators**

i) In light of the globalization of content business and diversification of distribution channels for content, as well as the creation of media conglomerates through mergers and acquisitions, the GOJ will promptly formulate, by the end of FY2007, a strategy for strengthening the international competitiveness of Japanese content business operators and accelerating their business launch on a global scale, based on cooperation between the public and private sectors. Also, according to that strategy, the GOJ will implement necessary measures and encourage independent efforts of content business operators.

(Ministry of Economy, Trade and Industry)

ii) The GOJ will develop a supportive and cooperative framework covering public and private sectors, namely potential sponsor companies for overseas broadcasting media, Japanese broadcasting organizations and production companies, and the relevant ministries and agencies. The GOJ will then establish a new distribution network for time frames on TV channels that can be effective windows for Japanese content. By doing so, the GOJ will create infrastructure for continuously supplying Japanese broadcast content overseas, with the aim of strengthening the competitiveness thereof.

(Ministry of Internal Affairs and Communications)

iii) Through these initiatives, the GOJ will encourage content business operators to work together to establish a framework for formulating and implementing international strategy.

(Ministry of Internal Affairs and Communications and Ministry of Economy, Trade and Industry)

**[5] Promoting international trading of content**

By the end of FY2007, the GOJ will upgrade the TIFFCOM, an international content market, in connection with the Japan International Contents Festival, and will develop various international content markets through the creation of business markets on the Internet in collaboration with content portal sites. In addition, the GOJ will establish infrastructure for promoting financing for content business, by taking measures to build a network of human resources for enhancing international trade, establish content evaluation methods in order to promote investments in content production, and ensure transparency of content business.

(Ministry of Economy, Trade and Industry)

**[6] Enhancing joint production and joint business with overseas parties**

In order to support Japanese content producers in developing international joint projects, from FY2007, the Japan Association for the International Promotion of Moving Images (UniJapan), JETRO and other relevant bodies will cooperate in supporting efforts to provide information and match the supply and needs. They will also cooperate in holding workshops at overseas film festivals, and will jointly provide support for legal affairs and fund raising. At the Japan International Contents Festival, these bodies will provide Japanese content producers with the opportunity to promote joint production with overseas parties and content business on a global scale.

(Ministry of Economy, Trade and Industry)

**[7] Strengthening cooperation with foreign countries**

In FY2007, the GOJ will continue to hold the Asia Content Industry Seminar, a ministerial conference of Asian countries, and implement training programs for licensees in Asia.

(Ministry of Foreign Affairs and Ministry of Economy, Trade and Industry)

**[8] Promoting the use of the system of prevention measures for sound recordings from flowing back across the border into Japan, and expanding exports**

In FY2007, the GOJ will continue to investigate the status of the implementation of the system of prevention measures for sound recordings from flowing back across

the border into Japan, as well as the sale and licensing of Japanese sound recordings overseas, thereby expanding exports.

(Ministry of Finance, Ministry of Education, Culture, Sports, Science and Technology, and Ministry of Economy, Trade and Industry)

## **(2) Making Japan the Global Base of Content Creation and Convey Japan's Appeal to the World**

### **[1] Holding the Japan International Contents Festival**

From FY2007, the GOJ will hold the Japan International Contents Festival where various content industries, such as games, *anime*, *manga*, music, broadcasting and film, will gather together and hold events. Through the festival, the GOJ will collaborate with other content-related industries such as tourism, fashion and food to convey Japan's appeal as a whole to the rest of the world. In order to boost exportation of Japanese content, the GOJ will upgrade exhibitions and international symposia targeting business people and the media, and enhance the festival's function as a content market. Also, during the period of the Tokyo International Film Festival, the GOJ will provide support for various film-related events such as film festivals and symposia to be held intensively in local areas.

(Ministry of Internal Affairs and Communications, Ministry of Foreign Affairs, Ministry of Education, Culture, Sports, Science and Technology, Ministry of Economy, Trade and Industry, Ministry of Land, Infrastructure and Transport and other ministries and agencies concerned)

### **[2] Promoting an exchange of talented people within Asia**

In order to promote the exchange and movement of talented people within Asia, the GOJ will, by the end of FY2007, consider how to accept more talented people in the content field from Asian countries, and take necessary measures, including system reforms.

(Ministry of Justice, Ministry of Foreign Affairs, Ministry of Health, Labour and Welfare, and Ministry of Economy, Trade and Industry)

### **[3] Supporting content portal sites**

In order to ensure that a variety of content will be made available, including content

created by regional entities and small and medium-sized content business operators, and to provide Japanese and overseas users with smooth access to information on Japanese content, the GOJ will, in FY2007, continue to support content portal sites, which serve as the basis for disseminating information on Japanese content, for enhancing and internationalizing the operation thereof.

(Ministry of Internal Affairs and Communications, Ministry of Education, Culture, Sports, Science and Technology, and Ministry of Economy, Trade and Industry)

#### **[4] Promoting the Anime Culture Ambassador Project**

By the end of FY2007, the GOJ will implement the Anime Culture Ambassador Project in which Overseas Establishments and other relevant entities will show Japanese *anime* works, thereby introducing the contemporary Japanese culture to the world and developing an understanding of Japan. To publicize this project, the GOJ will use, in addition to the website of the Ministry of Foreign Affairs, English pages on the content-related websites operated by private entities to the greatest possible extent.

(Ministry of Foreign Affairs)

#### **[5] Promoting the concentration of facilities for live entertainment and emphasizing connection with the tourism industry**

In FY2007, the GOJ will continue to encourage and support independent efforts of the parties concerned to concentrate halls, playhouses and movie theaters to specific regions. The GOJ will also encourage and support independent efforts of the parties concerned to develop cooperation between live entertainment and tourism by periodically issuing theater calendars that will also contain information on local areas and tour information and conveying Japan's appeal to the world through live entertainment.

(Ministry of Education, Culture, Sports, Science and Technology, Ministry of Economy, Trade and Industry, and Ministry of Land, Infrastructure and Transport)

### **3. Developing Content-Related Human Resources**



## **(1) Developing Producers and Creators**

i) In order to foster creative people who will lead the future of media art, the GOJ will, by the end of FY2007, establish a network connecting the bases for human resource development, such as universities and museums, with content-production companies, and encourage joint efforts of young Japanese and overseas creators for content production.

(Ministry of Education, Culture, Sports, Science and Technology)

ii) In FY2007, the GOJ will continue to provide more support for professional schools (including law schools) and universities in making independent efforts to establish necessary organizations. The GOJ will also encourage these educational institutions to cooperate with overseas institutes as well as collaborate with industries. Furthermore, in order to promote independent activities of professional schools closely related to content, the GOJ will encourage efforts to develop certified rating agencies that are capable of evaluating the quality of educational activities appropriately.

(Ministry of Education, Culture, Sports, Science and Technology and Ministry of Economy, Trade and Industry)

iii) By the end of FY2007, the GOJ will publicize among the parties concerned the initiatives for the development of talented human resources related to content, which have been designed jointly by universities engaged in the content field, as well as the appropriate measures for matching the supply and needs of human resources between universities and industries.

(Ministry of Education, Culture, Sports, Science and Technology)

iv) By the end of FY2007, the GOJ will support the following measures to develop content-related human resources:

a) develop core human resources in the *anime* and game fields;

b) develop young filmmakers;

c) provide practical training on the work front of movie production, through collaboration between movie-related associations, the work front of movies and schools;

d) provide promising young producers and creators with the opportunity to study and work overseas;

- e) develop at universities, etc. producers who have the ability to operate business worldwide and knowledge on content technology, and instructors of such producers; and
- f) provide training to increase technical knowledge and skills for the production of broadcast programs in a part of the training program for IT human resources. (Ministry of Internal Affairs and Communications, Ministry of Education, Culture, Sports, Science and Technology, and Ministry of Economy, Trade and Industry)

## **(2) Developing Entertainment Lawyers**

In order to enable Japanese entertainment lawyers to provide content business operators with helpful advice and negotiation services regarding business strategy, the GOJ will, in FY2007, continue to support such lawyers in deepening exchanges with content business operators, thereby improving their specialized capabilities based on their experience in the field of entertainment. The GOJ will also encourage these lawyers to enhance their legal services for overseas business by disseminating the Japanese versions of basic model contracts, which are used worldwide for overseas sales of visual content.

(Ministry of Internal Affairs and Communications, Ministry of Education, Culture, Sports, Science and Technology, and Ministry of Economy, Trade and Industry)

## **(3) Supporting the Activities of the Visual Industry Promotion Organization**

In FY2007, the GOJ will continue to encourage content industries, movies, broadcasting, game software, *anime* and music to make concerted efforts to cooperate in the activities of the Visual Industry Promotion Organization, and will support the following activities of the organization:

- a) promote the development and use of human resources through industry-academia cooperation, including enhancement of internships;
- b) register business people capable of acting as lecturers at universities, and introduce such human resources to universities;
- c) provide grants for production of works by making arrangements for investment and loans provided by financial institutions;

d) support business start-ups by making arrangements for various policy grants;  
and

e) prepare and cultivate domestic and overseas markets, and build cooperation among the parties concerned.

(Ministry of Internal Affairs and Communications, Ministry of Education, Culture, Sports, Science and Technology, and Ministry of Economy, Trade and Industry)

#### **(4) Encouraging Industry-Academia-Government Integration in the Visual Industry**

The GOJ will encourage initiatives based on collaboration between industry, academia and government so as to integrate expertise in the visual industry on a regional level, including educational institutions, businesses, incubators and entertainment lawyers, and promote the development of competitive visual industry clusters in each region through mutual cooperation among these parties concerned. To this end, the GOJ will conduct a feasibility survey in FY2007.

(Ministry of Internal Affairs and Communications, Ministry of Education, Culture, Sports, Science and Technology, and Ministry of Economy, Trade and Industry)

#### **(5) Developing Human Resources in the Field of Fusion**

In light of the importance of human resources with an international perspective and knowledge on intellectual property in the field of content, where fusion occurs between natural science and human and social science, in FY2007, the GOJ will continue to support efforts to develop human resources equipped with both the capability to think logically in digital technology and the capability to create artistic expressions.

(Council for Science and Technology Policy and Ministry of Education, Culture, Sports, Science and Technology)

#### **(6) Honoring Outstanding Content and Promoting Content Production**

##### **[1] Honoring foreign *manga* artists**

In order to make *manga*, an original style of expression from Japan, popular on a

global scale, in FY2007, the GOJ will establish the International Manga Award as an initiative to honor young and promising foreign *manga* artists.

(Ministry of Foreign Affairs)

## **[2] Enhancing the Media Art Festival**

In FY2007, the GOJ will continue to honor outstanding content in media art and provide the public with the opportunity to release and enjoy media content. The GOJ will also hold symposia for Japanese and overseas content producers, and exhibitions to display works created by employing innovative methods of expression in media art, thereby providing more opportunities for human resource development. Furthermore, the GOJ will hold competitions for students' works for the purpose of matching the supply and the needs of content-related human resources.

(Ministry of Education, Culture, Sports, Science and Technology)

## **[3] Discovering and honoring talented persons**

In FY2007, the GOJ will continue to support efforts to organize various competitions for movies, music, animation and other media content, and also broadly support efforts to honor persons with outstanding achievements.

(Ministry of Internal Affairs and Communications, Ministry of Foreign Affairs, and Ministry of Education, Culture, Sports, Science and Technology)

## **(7) Enhancing education and raising awareness of Content**

The GOJ will aim to make young people aware of the importance of creation through various creative activities and make them feel respect for creative works, thereby fostering the culture of holding esteem in contents and content creators. To this end, by the end of FY2007, the Visual Industry Promotion Organization will develop lists of recommended Japanese movies for children as well as lists of recommended Japanese movies for promoting the understanding of Japanese culture overseas.

(Ministry of Education, Culture, Sports, Science and Technology)

## **4. Promoting R&D Related to Content**

### **(1) Promoting the Development and Dissemination of the World's Leading Technology Related to Content**

#### **[1] Promoting technological development**

In FY2006, the GOJ will continue to promote the development of content-related technologies as follows:

- a) carry out R&D on technology for publicizing and exhibiting cultural property;
- b) develop and experiment with technology for using content, with the aim of achieving both proper protection of rights related to content and availability/usability of content at home;
- c) support R&D on technology related to high-resolution images, and promote the diffusion of hi-vision technology abroad; and
- d) carry out R&D on technology to promote the sharing of educational content.

(Ministry of Internal Affairs and Communications, Ministry of Education, Culture, Sports, Science and Technology, and Ministry of Economy, Trade and Industry)

#### **[2] Supporting intellectual creation in the fields where fusion occurs**

In order to promote activities for intellectual creation in the fields of content and designs where fusion occurs between engineering and art, in FY2007, the GOJ will support fundamental R&D on media art through interdisciplinary collaboration.

(Council for Science and Technology Policy and Ministry of Education, Culture, Sports, Science and Technology)

#### **[3] Promoting R&D of leading technology through industry-academia-government collaboration**

From FY2007, in order to strategically carry out R&D of leading technology related to content for commercial operation in the future, the GOJ will promote the collaboration between researchers and industries by providing them with the opportunity for exchange between industry, academia and government in the content field.

(Ministry of Internal Affairs and Communications, Ministry of Education, Culture,

Sports, Science and Technology, and Ministry of Economy, Trade and Industry)

#### **[4] Further promoting the networking of information appliances**

In order to further promote the networking of information appliances in a user-friendly manner by utilizing Japan's advanced technology, in FY2007, the GOJ will continue to implement the following R&D and experimental projects:

- a) establish technology whereby information appliances that differ in performance can be used to provide various services, such as online banking, e-commerce and automatic adjustment, in a safe and secure manner;
- b) establish specifications of home servers and home gateways that are the minimum required systems to secure interoperability between information appliances; and
- c) verify model systems for content distribution.

(Ministry of Internal Affairs and Communications and Ministry of Economy, Trade and Industry)

### **(2) Establishing Business Models Involving the Link between Hardware and Software**

#### **[1] Promoting the development of Japan's original content-related technology**

With the aim of playing a leading role in the development of technology for content creation by making use of know-how for creating outstanding Japanese content, such as *manga* and *anime*, by the end of FY2007, the GOJ will disseminate information on technology that is conducive to the link between hardware and software, e.g., computer graphics, at the Japan International Contents Festival and other occasions.

(Ministry of Economy, Trade and Industry)

#### **[2] Promoting infrastructure development for content business**

Terrestrial digital broadcasting is an essential infrastructure for promoting the distribution of digital content. For the complete shift scheduled in 2011, the GOJ will encourage initiatives through public-private cooperation to diffuse

digital-broadcast receivers to all households.

(Ministry of Internal Affairs and Communications)

### **(3) Introducing balanced protection systems**

In the course of promoting the distribution of content, it is necessary to enable citizens to enjoy the advantages and convenience of innovative technologies to the maximum extent. From this perspective, and with the objective of achieving a balance between convenience for users and appropriate protection of copyrights, thereby expanding the content industry, the GOJ will implement the following measures to encourage the development and adoption of balanced protection systems.

- a) As represented by the review of the “copy-once” rule for terrestrial digital broadcasting, the establishment and implementation of radio utilization systems within a fixed framework as well as the establishment of protection systems for the specification and operation of broadcasting devices and systems are likely to virtually restrict the use of content. Therefore, the GOJ will continue to disclose the review process with cooperation from a wide range of participants, including users, manufacturers and related businesses, and make the process more transparent, thereby promoting competition between systems. The GOJ will also consider a desirable review process that is transparent, competitive and continuous, and draw a conclusion in early 2007.
- b) Where private businesses consider protection systems for video-distribution services, the GOJ will encourage them to create an environment where copyright holders can provide their content works without anxiety, while referring to unsuccessful cases in the past, and adopt rules that give due consideration to users’ convenience.

(Ministry of Internal Affairs and Communications, Ministry of Education, Culture, Sports, Science and Technology, and Ministry of Economy, Trade and Industry)

## **5. Promoting Content Production and Investment**

### **(1) Developing a Market for Broadcast Content**

By the end of FY2007, the GOJ will encourage private businesses to establish a reliable method for evaluating broadcast content and develop a broadcast-content market where the secondary use of such content will also be traded.

(Ministry of Internal Affairs and Communications)

## **(2) Promoting Investment in Content Production**

i) In order to promote investment in content production, in FY2007, the GOJ will continue to work toward thoroughly publicizing the Financial Instrument and Exchange Act, which regulates the whole scope of financial instruments and services.

(Financial Services Agency and Ministry of Economy, Trade and Industry)

ii) In order to encourage more business operators to launch trust businesses for content, in FY2007, the GOJ will continue to consider measures to promote the use of the trust system, including the expansion of the scope of trustees, based on the status of enforcement of the Trust Business Act, and will develop systems as appropriate.

(Financial Services Agency)

iii) In order to provide production companies with a wider range of financing methods, in FY2007, the GOJ will continue to make efforts to promote the use of various financial support systems, e.g., the limited partnership (LSP) system as well as the limited liability partnership (LLP) system developed as a means to launch joint ventures.

(Ministry of Economy, Trade and Industry)

## **(3) Considering the Provision of Tax Incentives**

In order to encourage individuals and corporations to invest in content production, the GOJ will, by the end of FY2007, consider the provision of more tax incentives, and publicize and disseminate relevant systems.

(Ministry of Internal Affairs and Communications, Ministry of Education, Culture, Sports, Science and Technology, Ministry of Economy, Trade and Industry, and other ministries and agencies concerned)

## **(4) Supporting Film Production Activities by Film Commissions**

i) In FY2007, the GOJ will continue to ask the administrative authorities concerned



to improve their understanding of film production and the smooth use of roads and public facilities. The GOJ will also develop standards for the use of national facilities for location shooting and hold a location market at the Tokyo International Film Festival.

(Ministry of Education, Culture, Sports, Science and Technology, Ministry of Economy, Trade and Industry, Ministry of Land, Infrastructure and Transport, and other ministries and agencies concerned)

- ii) In FY2007, the GOJ will continue to promote collaboration between Japanese and overseas film commissions, and encourage the use of foreign language versions of the Location Shooting Database, which provides, via the Internet, necessary information for location shooting in Japan.

(Ministry of Education, Culture, Sports, Science and Technology)

#### **(5) Developing Local Content Industry**

In FY2007, the GOJ will continue to support efforts through collaboration between the content industry and local industries, such as tourism, e.g., actively inviting location shooting from overseas and holding events to play movies in local areas, thereby developing an attractive content industry featuring regional cultures and characteristics.

(Ministry of Economy, Trade and Industry)

### **6. Appropriately Implementing the Act on Promotion of the Creation, Protection and Exploitation of Content**

In FY2007, the GOJ will continue to appropriately implement the Act on the Creation, Protection and Exploitation of Content, and will evaluate the status of implementation and produce a review of the Act if necessary. Through periodical surveys on efforts of the ministries and agencies concerned in respect of the Bayh-Dole System for Content, which was provided in Article 25 of the Act, the GOJ will continue to promote active use of the system in FY2007.

(Ministries and agencies concerned)

## **II. Implementing the Japan Brand Strategy Based on the Japanese Lifestyle**

With the aim of making Japan a “beautiful country” that is trusted, respected and loved by people around the world, we, as Japanese citizens, should recognize and evaluate anew “Japan’s appeal” and further improve our cultural power, thereby establishing and reinforcing an attractive Japan Brand. We should also actively convey “Japan’s appeal” to the world.

In this respect, we have a wealth of remarkable resources related to food culture, regional brands and fashion that can be sufficiently accepted overseas, and it is important within the framework of the national strategy to use such remarkable cultural resources to create a Japan Brand based on the Japanese lifestyle.

So far, the private sector has played a major role in promoting lifestyle-related business. In the future, the government should make efforts to develop the necessary environment and provide support for further development of lifestyle-related business.

An effective way of spreading the “Japan Brand” worldwide would be to convey the brand comprehensively in collaboration with the initiatives in the tourism industry and cultural diplomacy as well as those in other content fields where Japan receives high acclaim abroad (e.g., *anime*, *manga*).

### **1. Fostering a Rich Food Culture**

#### **(1) Conveying the Appeal of Japanese Food to the World and Aiming to Double the Consumers of Japanese Food**

##### **[1] Enhancing the Initiatives to Disseminate Japanese Food Worldwide**

In order to promote collaborative and cooperative initiatives for diffusing and disseminating Japanese food worldwide as well as promoting an exchange of relevant information and technology, the GOJ will, from FY2007, encourage efforts of relevant public authorities, industrial associations, chefs and businesses operating overseas to build networks in foreign countries. Also, the GOJ will strengthen the

initiatives implemented by Overseas Establishments, the Japan Foundation, the Japan External Trade Organization (JETRO), the Japan National Tourist Organization (JNTO), etc., in cooperation with private parties, to disseminate various types of Japanese food and foodstuff worldwide, covering everything from tea-ceremony dishes to home-style cooking, Japanese tea and Japanese sake, together with background traditions and culture.

(Ministry of Foreign Affairs, Ministry of Finance, Ministry of Agriculture, Forestry and Fisheries, Ministry of Economy, Trade and Industry and Ministry of Land, Infrastructure and Transport)

## **[2] Supporting the initiatives based on the Japanese Restaurant Recommendation Program**

In order to give shape to the Japanese Restaurant Recommendation Program formulated in March 2007, the GOJ will help inaugurate a domestic organization in charge of determining and operating an overall framework of the recommendation program. The GOJ will also help establish and operate organizations for recommending Japanese restaurants abroad by carrying out basic research on the Japanese restaurant business and holding cooking lessons in various places around the world.

(Ministry of Agriculture, Forestry and Fisheries and other ministries and agencies concerned)

## **[3] Upgrading practical training for foreign chefs**

The GOJ will upgrade and enhance cooking lessons provided around the world, which also teach food sanitation issues such as how to cook raw fish as a unique technique in Japanese cooking. In FY2007, the GOJ will also continue to support the voluntary efforts of chefs associations and professional schools to develop collaborative relationships with foreign cooking schools and provide cooking lessons for foreign chefs at Japanese restaurants.

(Ministry of Foreign Affairs, Ministry of Education, Culture, Sports, Science and Technology, Ministry of Health, Labor and Welfare and Ministry of Agriculture, Forestry and Fisheries)

## **(2) Promoting Global Use of Quality Foodstuff Produced in Japan**

### **[1] Carrying out a comprehensive strategy for export expansion**

The GOJ aims to increase the export value of agricultural, forestry and fishery products and foodstuff to one trillion yen by the year 2013. Therefore, based on the Comprehensive Export Strategy for Agricultural, Forestry, and Fishery Products and Foodstuff Made in Japan, formulated in May 2007, the GOJ will, through public-private cooperation, develop an environment for boosting export by accelerating quarantine negotiations, promote strategic exportation by export item, and convey information on Japanese food and foodstuff worldwide.

(Ministry of Foreign Affairs and Ministry of Agriculture, Forestry and Fisheries)

### **[2] Promoting the branding of Japanese foodstuff**

In order to establish Japanese farm products as brand-name products on international markets, from FY2007, the GOJ will encourage the initiatives to develop uniform labels to be affixed to Japanese beef cattle (Japanese Black), fruits and other foodstuff produced in Japan; and the GOJ will ensure complete control of the labels. Along with this, the GOJ will strengthen measures to ensure and improve the quality and safety of farm products made in Japan at the production and distribution stages, so as to secure reliability of such products.

(Ministry of Agriculture, Forestry and Fisheries)

### **(3) Promoting *Shokuiku*, or Food Education, on the National Level**

In accordance with the Basic Promotion Program for Food Education, in FY2007, the GOJ will continue to carry out publicity activities focusing on Food Education Month every June and Food Education Day on the 19th of every month. The GOJ will also implement measures to support activities for imparting food culture to the next generations and encourage local production for local consumption, thereby promoting food education on the national level.

(Cabinet Office, Ministry of Education, Culture, Sports, Science and Technology, Ministry of Health, Labor and Welfare, Ministry of Agriculture, Forestry and Fisheries and other ministries and agencies concerned)

#### **(4) Evaluating and Developing Japan's Quality Food Culture**

##### **[1] Promoting the initiatives of the parties in the private sector related to food culture**

In FY2007, the GOJ will continue to support initiatives of the Food Culture Study Promotion Meeting and other relevant parties in the private sector, to evaluate Japanese food culture and disseminate it at home and abroad, and will actively reflect the results and findings of such initiatives in policy measures.

(Ministry of Foreign Affairs, Ministry of Education, Culture, Sports, Science and Technology, Ministry of Health, Labor and Welfare, Ministry of Agriculture, Forestry and Fisheries and other ministries and agencies concerned)

##### **[2] Conveying regional food culture**

From FY2007, the GOJ will compile information on traditional food and foodstuff as well as related traditional culture that are rooted in various regions in Japan, and publicize such information. For instance, the GOJ will select 100 local dishes from around Japan.

(Ministry of Agriculture, Forestry and Fisheries)

#### **(5) Developing Diverse Human Resources in the Culinary World**

In FY2007, the GOJ will continue to support various initiatives implemented in the private sector to develop specialized licensed cooks and licensed professional cooks and to strengthen cooperation between professional schools and other institutions for training cooks and the culinary industry, with the aim of improving the quality of chefs. For instance, the GOJ will support a new Japanese Food Competition to be held by a private organization this year. Furthermore, in order to develop diverse human resources in the culinary world, the GOJ will support the voluntary efforts of universities and other educational institutions to establish food-related departments and schools and improve their curricula in this field.

(Ministry of Education, Culture, Sports, Science and Technology, Ministry of Health, Labor and Welfare and Ministry of Agriculture, Forestry and Fisheries)

## **2. Establishing Diverse and Reliable Regional Brands**

### **(1) Promoting the Use of the Regionally- Based Collective Trademark System**

In FY2007, the GOJ will, through collaboration with related parties, continue activities to raise awareness of the Regionally-Based Collective Trademark System among relevant organizations, and encourage them to actively use the system. In FY2008, the GOJ will initiate a system for honoring people who have contributed to the dissemination and development of the Regionally-Based Collective Trademark System.

(Ministry of Agriculture, Forestry and Fisheries and Ministry of Economy, Trade and Industry)

### **(2) Creating Attractive Regional Brands**

#### **[1] Supporting strategic initiatives to establish regional brands**

From FY2007, the GOJ will provide information on the successful cases of the establishment of regional brands, and will continue to support contests for honoring excellent brands, thereby promoting further progress in the initiatives to establish regional brands. The GOJ will also strengthen support for various initiatives implemented in this field, including market research on regional resources and formulation of strategies based on research results, as well as the efforts of local SMEs toward developing new products and improving the quality and increasing the added value of existing regional products.

(Ministry of Agriculture, Forestry and Fisheries and Ministry of Economy, Trade and Industry)

#### **[2] Supporting efforts to secure and develop human resources**

From FY2007, the GOJ will strengthen measures to secure and develop human resources that will support commercialization of regional brand products. More specifically, the GOJ will dispatch advisers and coordinators who specialize in individual stages of the process of establishing a regional brand, from designing a product concept to finding a market and conducting brand management, and will hold seminars on branding.

(Ministry of Agriculture, Forestry and Fisheries and Ministry of Economy, Trade and Industry)

**(3) Encouraging the Development of Standards for Individual Regional Food Brands**

In FY2007, the GOJ will continue to promote initiatives to disseminate and publicize the Accreditation System for Labeling Standards for Regional Food Brands (Genuine Products from the Place of Origin), which was established by a private organization. The GOJ will also encourage relevant associations to actively use the accreditation system and develop and publicize their own labeling standards for individual regional food brands in terms of the geographical range, production method, quality, etc.

(Ministry of Agriculture, Forestry and Fisheries)

**(4) Strictly Applying the Premiums and Representation Act**

For the purpose of ensuring appropriate transactions of regional brand products directly involving consumers, in FY2007, the GOJ will, with cooperation from general consumers, continue to strictly apply the Premiums and Representation Act, thereby strengthening regulations for misrepresentation.

(Japan Fair Trade Commission)

**(5) Reinforcing Initiatives for Disseminating Regional Brands**

In FY2007, the GOJ will reinforce support for the initiatives of producer associations and SMEs engaged in producing and selling regional brand products to hold and participate in exhibitions and trade fairs at home and abroad.

(Ministry of Agriculture, Forestry and Fisheries and Ministry of Economy, Trade and Industry)

**3. Establishing Japanese Fashion as a Global Brand**

**(1) Diffusing Information Worldwide**

**[1] Drastically enhancing JAPAN FASHION WEEK in TOKYO**

i) In FY2007, the GOJ will clearly designate, in addition to the TOKYO COLLECTION, exhibitions of high value-added clothes, for which Japan has an advantage, and events targeting general consumers, as projects integrated in JAPAN FASHION WEEK in TOKYO; and the GOJ will enhance the functions of these events. The GOJ will reinforce the financial base necessary for these initiatives through the concerted efforts of the public and private sectors.

(Ministry of Economy, Trade and Industry)

ii) In order to raise Japan's status as a center for information dissemination in Asia, the GOJ will, in FY2007, significantly increase the number of exhibitions where new talented designers can participate from all over the world, especially from Asia, and enhance public relations targeting overseas buyers and media.

(Ministry of Foreign Affairs and Ministry of Economy, Trade and Industry)

iii) In FY2007, the GOJ will exempt new designers who have high potential but limited financial resources, from charges for participating in the TOKYO COLLECTION, and provide them with sites for business talks when necessary.

(Ministry of Economy, Trade and Industry)

## **[2] Making use of Overseas Establishments and other overseas bases**

From FY2007, the GOJ will support private organizations in the fashion industry in holding shows and exhibitions at Overseas Establishments and other overseas bases to display fashion items created by talented Japanese designers.

(Ministry of Foreign Affairs and Ministry of Economy, Trade and Industry)

## **[3] Introducing Japanese street fashion to the world**

i) In FY2007, the GOJ will continue to encourage private fashion-related organizations to upgrade information available on their website regarding street fashion, which attracts a great deal of attention from overseas.

(Ministry of Economy, Trade and Industry and Ministry of Land, Infrastructure and Transport)

ii) In FY2006, the Harajuku Walking Tour was held for foreign tourists as part of the Visit Japan Campaign. In FY2007, the GOJ will continue to support such voluntary initiatives taken by regional entities.



(Ministry of Economy, Trade and Industry and Ministry of Land, Infrastructure and Transport)

## **(2) Invigorating Creative Activities in Japan**

### **[1] Providing more business opportunities**

- i) In FY2007, the GOJ will continue to enhance the CREATION BUSINESS FORUM, an exhibition organized jointly by SMEs in the textile-manufacturing industry that have advanced technology and talented designers, for the purpose of achieving collaboration with apparel and retail companies that have marketing ability.

(Ministry of Economy, Trade and Industry)

- ii) In FY2007, the GOJ will continue to strengthen the collaborative relationships between new designers and apparel companies, and will encourage retail companies to provide new designers with spaces to sell their works.

(Ministry of Economy, Trade and Industry)

### **[2] Actively accepting talented human resources from overseas**

From the perspective of providing foreign designers with more opportunities for success in Japan, the GOJ will, by the end of FY2007, study the needs for accepting more foreign designers as specialized human resources and consider how to satisfy such needs, and will take necessary measures including system reforms.

(Ministry of Justice, Ministry of Health, Labor and Welfare and Ministry of Economy, Trade and Industry)

### **[3] Developing an archive of Japanese cloths and designs**

In order to prevent cloths originating in various regions in Japan and innovative fashion designs in the past, which the Japanese textile and fashion industries have accumulated to date, from being dispersed and lost, the GOJ will consider the development of a centralized archive of such resources, and draw a conclusion by the end of FY2007.

(Ministry of Economy, Trade and Industry)

### **(3) Developing Fashion-Related Human Resources**

In order to develop world-class designers and personnel who are well-versed in international business activities, the GOJ will implement the following measures:

- a) From 2007, the GOJ will support the voluntary efforts of universities and other educational institutions to establish fashion-related courses at undergraduate departments and graduate schools specializing in business management.
- b) In FY2007, the GOJ will continue to encourage human resource development organizations to strengthen efforts to select people in industry who are equipped with knowledge in textile-manufacturing technology and designing and well-versed in fashion business at home and abroad, and appoint them as teachers.
- c) In FY2007, the GOJ will continue to encourage industry to enhance internships of trainees.

(Ministry of Education, Culture, Sports, Science and Technology and Ministry of Economy, Trade and Industry)

### **(4) Supporting Overseas Activities**

#### **[1] Enhancing support for participation in overseas exhibitions**

From FY2007, with regard to overseas exhibitions held with support from JETRO, the GOJ will, via JETRO, encourage the organizers and participants of such exhibitions to clearly identify the target consumers and select suitable sites for exhibitions, upgrade brands to be displayed, strengthen the bargaining function, and enhance the pre-exhibition/post-exhibition support systems.

(Ministry of Economy, Trade and Industry)

#### **[2] Providing more information for business operators**

From FY2007, the GOJ will, under the lead of JETRO, provide necessary information for small and medium-sized textile manufacturers as well as apparel and retail companies, which have limited experience in operating business overseas. Such information will relate to contract practices and trade practices applied abroad.

(Ministry of Economy, Trade and Industry)

### **[3] Taking appropriate measures against counterfeiting of designs and brands**

In FY2007, the GOJ will encourage Japanese textile industry associations to develop a framework for discussing how to strengthen protection of designs and brands. The GOJ will also encourage them to develop cooperation with counterpart associations in other developed countries as well as enhance their initiatives to approach Asian countries in this field. Furthermore, in FY2007, the GOJ will continue to disseminate and raise awareness of the intellectual property systems at various seminars and exhibitions, and encourage companies to obtain intellectual property rights at home and abroad with regard to designs and brands that are important for their corporate strategies.

(Ministry of Economy, Trade and Industry)

## **(5) Encouraging Efforts of Local Communities**

### **[1] Encouraging the development of the fashion industry and the creation of good landscape based on regional characteristics**

In FY2007, the GOJ will continue to encourage individual local communities to develop a fashion industry and create good landscape based on historical and industrial characteristics of the local areas.

(Ministry of Economy, Trade and Industry and Ministry of Land, Infrastructure and Transport)

### **[2] Creating new fashion demand**

In FY2007, the GOJ will continue to encourage regional communities and private entities to develop innovative fashion styles, such as fashion designed with consideration to both environmental-friendliness and comfort and fashion designed especially for elderly people, and create new demand for such new styles.

(Ministry of Economy, Trade and Industry)

## **4. Conveying Japan's Appeal to the World**

## **(1) Enhancing dissemination of information to the world**

### **[1] Promoting the use of Japan's gateways**

In FY2007, Overseas Establishments will actively support private companies that contribute to spreading the Japan Brand worldwide, by holding product exhibitions, making arrangements with the governments of foreign countries, and providing information. The GOJ will also promote the dissemination of the Japan Brand. Furthermore, the GOJ will promote the sale of Japan Brand products and dissemination of various related information at places easily accessible for foreign people, such as duty-free shops at international airports.

(Ministry of Foreign Affairs, Ministry of Education, Culture, Sports, Science and Technology, Ministry of Agriculture, Forestry and Fisheries, Ministry of Economy, Trade and Industry, Ministry of Land, Infrastructure and Transport and other ministries and agencies concerned)

### **[2] Actively conveying Japan's appeal to foreign tourists and media**

In FY2007, the GOJ will continue to support the voluntary measures of the related parties to develop travel plans and events featuring Japanese food, regional brands and the Japan Brand fashion. In addition, the GOJ will encourage such parties to actively disseminate information on various public-private joint events to foreign media.

(Ministry of Foreign Affairs, Ministry of Education, Culture, Sports, Science and Technology, Ministry of Agriculture, Forestry and Fisheries, Ministry of Economy, Trade and Industry and Ministry of Land, Infrastructure and Transport)

### **[3] Utilizing international broadcasting**

With the aim of launching international visual broadcasting for foreign people by the end of FY2008, the GOJ will consider specific methods for utilizing international visual broadcasting so as to not only spread visual content (e.g., *anime*, music, movies) but also convey Japan's appeal in various fields, including tourism, fashion, food and industrial designs, and will take necessary support measures. In this direction, the GOJ will promote the initiatives through concerted efforts with relevant organizations.

(Ministry of Internal Affairs and Communications and other ministries and agencies concerned)

**[4] Implementing cross-sectoral initiatives to convey Japan's appeal to the world, thereby bringing about a synergy effect**

From FY2007, the GOJ will plan and hold collaborative events relating to various items underlining the Japanese lifestyle, ranging from food culture, craftwork and fashion to various content such as *manga* and *anime*, thereby promoting the initiatives to convey Japan's appeal worldwide by way of a synergy effect from the relevance between background regional characteristics, traditions and culture.

(Ministry of Foreign Affairs, Ministry of Education, Culture, Sports, Science and Technology, Ministry of Agriculture, Forestry and Fisheries, Ministry of Economy, Trade and Industry and Ministry of Land, Infrastructure and Transport)

**(2) Systematically Compiling and Utilizing the Results of Surveys on the Japan Brand**

Currently, Overseas Establishments, the Japan Foundation, JETRO, JNTO and other public agencies carry out surveys and information-gathering activities so as to investigate Japan's image overseas for various purposes, such as cultural exchange, development of tourism and export promotion. From FY2007, the GOJ will upgrade these activities and build a system where the parties concerned can systematically compile, analyze, evaluate and share the survey results. The ministries and agencies concerned will cooperate with one another to reflect the analysis results in the operation of various measures.

(Ministry of Foreign Affairs, Ministry of Education, Culture, Sports, Science and Technology, Ministry of Agriculture, Forestry and Fisheries, Ministry of Economy, Trade and Industry and Ministry of Land, Infrastructure and Transport)

**(3) Honoring People Who Have Contributed to the Development and Overseas Spread of Japanese Culture**

In FY2007, the GOJ will continue to actively honor people who have contributed to the development and overseas introduction of Japanese culture. In this process, the

GOJ will actively honor foreign people, and will do so promptly, irrespective of age. (Ministry of Foreign Affairs, Ministry of Education, Culture, Sports, Science and Technology, Ministry of Agriculture, Forestry and Fisheries, Ministry of Economy, Trade and Industry and other ministries and agencies concerned)

#### **(4) Evaluating Quality Lifestyle and Establishing It as a Japan Brand Lifestyle**

##### **[1] Promoting a new Japan Brand: Neo-Japanesque**

In order to recommend the application of designs, functions and content that originate in traditional Japanese culture to the modern lifestyle and to establish a new Japan Brand: Neo-Japanesque, in FY2007, the GOJ will continue to actively encourage activities of support for the selection and honoring as well as development and supply of quality products and content, and raise awareness of them at home and abroad.

(Ministry of Foreign Affairs, Ministry of Education, Culture, Sports, Science and Technology, Ministry of Economy, Trade and Industry and Ministry of Land, Infrastructure and Transport)

##### **[2] Establishing Japan Brands for Japan's quality products and distributing them around the world**

In order to establish Japan Brands that will be accepted on a global scale, in FY2007, the GOJ will start support to select interior products (e.g., furniture, tableware) that may be attractive to consumers worldwide in terms of functions, designs and background stories, and support efforts to display such products at major exhibitions overseas.

(Ministry of Economy, Trade and Industry)

#### **(5) Convey Japan's High Sensitivity and Create Economic Value in Using It**

The GOJ has developed the Initiative for Creation of Sensitivity Value, which specifies measures to be implemented through industry-academia-government cooperation in order to utilize Japan's sensitivity for manufacturing, thereby putting forward Japanese economy. From FY2007, the GOJ will promote the measures specified in the initiative, for instance, holding a symposium to increase interest in

Japan's manufacturing, and establishing a Forum for Creation of Sensitivity Value (tentative name), with parties engaged in the creation of sensitivity value.

(Ministry of Economy, Trade and Industry)

**(6) Indicating Japan as the Origin of Designs**

In order to advertise, to consumers around the world, the origin of product ideas and designs that are created by Japanese people, from FY2007, the GOJ will promote voluntary efforts of relevant parties to clearly indicate that the relevant products are conceived and designed by Japanese companies or Japanese people.

(Ministry of Economy, Trade and Industry)

## **Chapter 5 Developing Human Resources and Improving Public Awareness**

The most important element in making Japan an intellectual property-based nation is the development of human resources that create, protect and exploit intellectual property.

To this end, in January 2006, the GOJ formulated the Comprehensive Strategy for the Development of Human Resources Related to Intellectual Property. In the future, the GOJ should make further efforts, through industry-academia-government cooperation, to develop human resources related to intellectual property based on this strategy. More specifically, the GOJ should endeavor to significantly increase the number of intellectual property experts, promote intellectual property education for young people and other age groups, develop and secure intellectual property experts who can also be successful on a global scale, and establish routes for human resources related to intellectual property to improve their careers.

### **1. Implementing the Comprehensive Strategy for the Development of Human Resources Related to Intellectual Property**

In FY2007, the GOJ will continue to implement the Comprehensive Strategy for the Development of Human Resources Related to Intellectual Property in order to further increase the number of intellectual property experts as well to advance and broaden their skills, advance the intellectual property exploitation skills of human resources who create or manage intellectual property, and improve the public awareness of intellectual property. In addition, the GOJ will encourage universities and companies to implement the strategy as well.

Also, by the end of FY2007, the GOJ will evaluate the implementation status of various measures concerning the development of human resources related to intellectual property during Phase I (from FY2005 to FY2007) and take necessary measures for Phase II (from FY2008 to FY2011).

(Ministry of Justice, Ministry of Education, Culture, Sports, Science and



Technology, Ministry of Economy, Trade and Industry and other ministries and agencies concerned)

## **2. Promoting the Development of Human Resources Related to Intellectual Property with Combined Efforts of the Public and Private Sectors**

### **(1) Supporting the Council for Promoting the Development of Human Resources Related to Intellectual Property**

In FY2007, the GOJ will, based on cooperation among the organizations concerned under the lead of the Council for Promoting the Development of Human Resources Related to Intellectual Property, continue to encourage and support the activities carried out by training institutes. In the activities, the training institutes will be making use of their advantages while bringing about a synergy effect thereof, such as providing training programs in which intellectual property experts engaged in different types of occupations (e.g., personnel of intellectual property department of private companies, patent lawyers, JPO examiners) participate in discussions.

Also, from FY2007, the GOJ will encourage the comprehensive dissemination of information concerning the development of human resources related to intellectual property, e.g., information on training programs provided by relevant institutes, via the website established by the Council for Promoting the Development of Human Resources Related to Intellectual Property.

(Ministry of Justice, Ministry of Education, Culture, Sports, Science and Technology, Ministry of Economy, Trade and Industry and other ministries and agencies concerned)

### **(2) Enhancing Support Programs for Intellectual Property Education and Research**

In FY2007, the GOJ will continue to support the intellectual property field in various programs for providing financial aid to excellent efforts selected under the principle of competition. The GOJ will promote notable efforts in law schools, graduate schools specializing in intellectual property, and management of

technology (MOT) programs that are engaged in intellectual property education, and will enhance intellectual property education in higher educational institutions.

(Council for Science and Technology Policy, Ministry of Education, Culture, Sports, Science and Technology and other ministries and agencies concerned)

**(3) Using Human Resources Who Understand Cutting-Edge Technology as Intellectual Property Experts**

i) From FY2007, with the aim of using researchers and engineers who have in-depth knowledge on and experience in cutting-edge technology, professional engineers, postdoctoral fellows and people who have knowledge and experience in finance (e.g., trust) as intellectual property experts, the GOJ will continue to collect information on various types of intellectual property-related jobs and publicize and introduce them through a wide range of media including industry journals and academic journals.

(Ministry of Education, Culture, Sports, Science and Technology and Ministry of Economy, Trade and Industry)

ii) In order to help universities develop research personnel with more practical capabilities and other advanced experts who will support knowledge-based society in various fields, in FY2007, the GOJ will continue to support their efforts to establish long-term internship schemes for awarding academic credits, and promote the dissemination of such schemes.

(Council for Science and Technology Policy, Ministry of Education, Culture, Sports, Science and Technology and other ministries and agencies concerned)

**(4) Stimulating International Interchanges Including Overseas Dispatch of Personnel**

**[1] Developing international intellectual property experts**

In order to promote international industry-academia-government collaboration or companies' business development in overseas by exploiting intellectual property, from FY2007, the GOJ will continue to work on developing and securing intellectual property experts who have strong knowledge in science and technology, familiarity with infringement litigation and contracts of overseas, a good sense of managing business, and international sense. In addition, in FY2007, the GOJ will continue to promote necessary measures for developing and securing internationally

compatible intellectual property experts at the university intellectual property headquarters through overseas training.

(Council for Science and Technology Policy, Ministry of Education, Culture, Sports, Science and Technology, Ministry of Economy, Trade and Industry and other ministries and agencies concerned)

## **[2] Increasing acceptance of human resources from Asia and dispatch of specialists**

In FY2007, with the aim of making Japan a center in Asia for human resource development related to intellectual property, the GOJ will continue to increase the acceptance of trainees and dispatch of specialists for developing human resources related to intellectual property in Asia. The GOJ will encourage initiatives of universities and graduate schools in this field.

(Ministry of Foreign Affairs, Ministry of Education, Culture, Sports, Science and Technology, Ministry of Health, Labor and Welfare and Ministry of Economy, Trade and Industry)

## **(5) Building a Network for the Development of Human Resources Related to Intellectual Property**

i) In FY2007, the GOJ will continue efforts to enhance the networks of human resources at home and abroad, such as strengthening partnerships with trainees from Asian countries who finished the training courses in intellectual property at Japanese training institutes, universities, etc.

(Ministry of Foreign Affairs, Ministry of Education, Culture, Sports, Science and Technology and Ministry of Economy, Trade and Industry)

ii) In order to enhance universities' intellectual property-related activities and promote technology transfers even more effectively, in FY2007, the GOJ will continue to encourage the voluntary efforts of universities and TLOs to establish and use human resource networks related to intellectual property.

(Council for Science and Technology Policy, Ministry of Education, Culture, Sports, Science and Technology and Ministry of Economy, Trade and Industry)

iii) With the aim of building an international network among training institutes, the

GOJ will, from FY2007, actively participate in international meetings of training institutes. In particular, in Asia, the GOJ will take the lead in building a network of training institutes, thus providing information on Japan's initiatives in the field of development of human resources related to intellectual property.

(Ministry of Economy, Trade and Industry and other ministries and agencies concerned)

## **(6) Using Academic Societies and Supporting Research on Intellectual Property**

### **[1] Encouraging research activities related to intellectual property carried out by various academic societies**

In order to disseminate and raise awareness of intellectual property among researchers, in FY2007, the GOJ will continue to urge academic societies on natural science and those on business management to establish committees on intellectual property. The GOJ will also encourage academic societies on intellectual property to continue to carry out research on the development of human resources related to intellectual property in FY2007.

(Ministry of Education, Culture, Sports, Science and Technology and Ministry of Economy, Trade and Industry)

### **[2] Conducting comprehensive and interdisciplinary research on intellectual property**

In FY2007, given that information industries and environment-related industries have developed with the progress of information science and environmental studies, the GOJ will continue to promote comprehensive and interdisciplinary cross-sectional research on intellectual property based on diverse approaches, including science, technology, content, law and business administration.

(Council for Science and Technology Policy, Ministry of Education, Culture, Sports, Science and Technology and Ministry of Economy, Trade and Industry)

## **(7) Developing Intellectual Property Instructors, Educational Materials and Educational Tools**

### **[1] Fostering instructors specializing in intellectual property**

With growing demand for human resources related to intellectual property in various fields, including elementary/secondary educational institutions and universities as well as private companies, in FY2007, the GOJ will continue to actively provide information on the study of the latest practical educational programs and the results of such study, and foster instructors and teachers through intensive training programs.

(Ministry of Education, Culture, Sports, Science and Technology and Ministry of Economy, Trade and Industry)

## **[2] Developing educational materials and educational tools for intellectual property education**

i) In FY2007, the GOJ will continue to formulate uniform educational programs on intellectual property, including patent rights and copyrights; and in order to support intellectual property education in schools, the GOJ will implement educational projects related to intellectual property, such as creating and providing standardized educational materials for elementary and secondary schools depending on the school level, and conducting R&D on concrete methods of intellectual property education in schools.

In addition, for the purpose of providing the public with the opportunity to receive intellectual property education anywhere at any time by way of the e-learning system, from FY2007, the GOJ will start developing an environment where the public can download educational materials from the Internet, and upgrade materials available on mobile devices.

(Ministry of Education, Culture, Sports, Science and Technology and Ministry of Economy, Trade and Industry)

ii) In order to expand the diverse educational and training opportunities on intellectual property, the GOJ will urge the University of the Air to start face-to-face lessons for intellectual property-related subjects from FY2007 and also start broadcasting lessons for intellectual property-related subjects from FY2008. Furthermore, the GOJ will, in FY2007, continue to promote support for the development of educational materials on intellectual property at the National Institute of Multimedia Education.

(Ministry of Education, Culture, Sports, Science and Technology)

**(8) Upgrading Evaluation Indices for Human Resources Related to Intellectual Property**

- i) In order to raise the awareness of intellectual property experts among the public and improve their status in society, the GOJ will, by the end of FY2007, take necessary measures, such as including intellectual property specialists in the categories of proficiency tests under the Human Resources Development Promotion Act.

(Ministry of Health, Labor and Welfare)

- ii) In February 2007, the Standards for Skills of Intellectual Property Human Resources were established so as to clarify the skills required for personnel engaged in intellectual property activities at companies. The GOJ will publicize and disseminate the standards so that more companies will use them.

(Ministry of Economy, Trade and Industry and other ministries and agencies concerned)

**(9) Enhancing Research Grants and Award Schemes in the Field of Intellectual Property**

From FY2007, the GOJ will encourage private organizations to carry out various initiatives to provide research grants and give awards in the field of intellectual property.

(Council for Science and Technology Policy, Ministry of Education, Culture, Sports, Science and Technology, Ministry of Economy, Trade and Industry and other ministries and agencies concerned)

**3. Developing Institutes for Human Resources Development Related to Intellectual Property**

**(1) Developing the environment for flexible and practical intellectual property education in educational institutions**

- i) In FY2007, the GOJ will continue to encourage departments and faculties that

develop intellectual property experts and human resources involved in creating or managing intellectual property to develop intellectual property education according to their respective specialties and provide training on intellectual property education to teachers. These departments and faculties include science-related departments (e.g., engineering departments, science departments, agricultural departments, medical departments, dental departments and pharmaceutical departments) as well as law departments, art departments and business administration departments of universities.

(Ministry of Education, Culture, Sports, Science and Technology)

- ii) In FY2007, the GOJ will continue to encourage schools to actively use private companies' human resources who are familiar with the intellectual property field and have wide knowledge of and experience in R&D, business management and business start-ups as instructors or teachers at law schools, professional schools specializing in intellectual property, MOT programs and undergraduate departments and faculties teaching intellectual property. The GOJ will encourage universities to facilitate adult education and the participation of practitioners as instructors, including the establishment of evening/holiday law graduate school courses and other evening classes.

(Council for Science and Technology Policy and Ministry of Education, Culture, Sports, Science and Technology)

- iii) In FY2007, the GOJ will continue to encourage educational institutions (including universities) to make coordinated efforts, such as using a consortium to promote intellectual property education in the community, when it is not easy for them to provide intellectual property education individually.

(Ministry of Education, Culture, Sports, Science and Technology)

- iv) Based on the survey on the initiatives of colleges of technology for intellectual property education, the GOJ will, from FY2007, encourage these colleges to develop intellectual property education according to their respective specialties.

(Ministry of Education, Culture, Sports, Science and Technology)

- v) In FY2007, in order to develop human resources who are related to intellectual property and who have expertise in multiple areas, the GOJ will continue to encourage universities to establish curriculums that combine majors with minors

and to introduce the joint-degree program.

(Ministry of Education, Culture, Sports, Science and Technology)

- vi) The GOJ will investigate, by the end of FY2007, the status of implementation of various types of classes in intellectual property at undergraduate departments and graduate schools as well as the problems that these classes have, so as to promote the wide spread of intellectual property education through collaboration with universities at home and abroad.

(Council for Science and Technology Policy and Ministry of Education, Culture, Sports, Science and Technology)

## **(2) Promoting Intellectual Property Education at Law Schools**

- a) In FY2007, the GOJ will continue to choose full-time instructors at law schools with a focus on practical experience, not only on teaching experience in law departments.
- b) In FY2007, the GOJ will continue to encourage law schools' voluntary efforts to further enhance education related to intellectual property law, such as conducting education with a focus on intellectual property.
- c) In FY2007, the GOJ will continue to publicize the results of the investigation and analysis on the screening of students at law schools to date. The GOJ will also continue to diffuse such results among law schools, thereby encouraging the voluntary efforts of the respective law schools, such as by giving consideration to those with Bachelor of Science degrees in the entrance examination in their screening policy.
- d) In FY2007, with the aim of increasing the proportion of graduates in departments other than law (e.g., those with Bachelor of Science degrees) and people with practical experiences (e.g., working people) in the total number of entrants to more than 30 percent, the GOJ will continue to encourage law schools' further efforts by investigating and publishing case examples of the methods of screening students for actively admitting such human resources.

(Ministry of Education, Culture, Sports, Science and Technology)

## **(3) Promoting Intellectual Property Education at Professional Schools**



### **Specializing in Intellectual Property**

In FY2007, the GOJ will continue to encourage the voluntary efforts of professional schools specializing in intellectual property to develop intellectual property specialists who can support intellectual property-related business from various perspectives, by providing education that covers practical affairs, business, intellectual property policies and international aspects. This is not only directed at those aiming to become lawyers or patent attorneys, but also at those who want to become specialists that are more generally engaged in intellectual property affairs.

(Council for Science and Technology Policy and Ministry of Education, Culture, Sports, Science and Technology)

## **4. Developing Human Resources Related to Intellectual Property in Various Sectors**

### **(1) Developing Intellectual Property Experts**

#### **[1] Dramatically increasing the number and improving the quality of patent attorneys**

i) In FY2007, the GOJ will continue to aim at increasing the number of patent attorneys. Also, in order to improve the quality of patent attorneys, the GOJ will encourage the initiatives of the Japan Patent Attorneys Association to develop patent attorneys who are capable of dealing with increasingly complex technical matters as well as international affairs and who will be accepted among customers as reliable experts. In this process, the GOJ will encourage the Japan Patent Attorneys Association to use universities (law schools, professional schools specialized in intellectual property) and the INPIT.

(Ministry of Education, Culture, Sports, Science and Technology and Ministry of Economy, Trade and Industry)

ii) In order to provide comprehensive support for SMEs, venture companies, universities and research institutes in strengthening their industrial technologies, the GOJ will encourage the Japan Patent Attorneys Association to develop a number of patent attorneys as all-round advisers whose specialized fields cover the whole process of the intellectual creation cycle (including consulting,

marketing and intellectual policy development).

(Ministry of Economy, Trade and Industry)

iii) A bill for partial revision to the Patent Attorneys Act has been submitted to the ordinary session of the Diet in 2007. If the bill is enacted, in order to maintain and improve the quality of patent attorneys, the GOJ will, from FY2007, develop training programs for existing patent attorneys and for persons who have passed the patent attorney examination.

(Ministry of Economy, Trade and Industry)

iv) In FY2007 and beyond, the GOJ will consider the active utilization of patent attorneys, including the possibility of allowing them to independently undertake the trials of specific intellectual property right infringement lawsuits, while also giving consideration to the actual operation status of the new system and the actual activities of lawyers and patent attorneys.

(Ministry of Justice and Ministry of Economy, Trade and Industry)

v) With the aim of satisfying various users' needs for dispute-settlement services, in FY2007, the GOJ will continue to encourage the Japan Patent Attorneys Association to implement training programs for becoming patent attorneys authorized to act as counsels and training programs for further educating such specially authorized patent attorneys.

(Ministry of Justice and Ministry of Economy, Trade and Industry)

## **[2] Dramatically increasing the number and improving the quality of lawyers**

i) In FY2007, the GOJ will continue to aim at increasing the number of lawyers who are well versed in intellectual property, in the process of dramatically increasing the overall number of legal professionals. In addition, the GOJ will verify whether lawyers who are well versed in intellectual property are being developed appropriately, such as by investigating the number of those who passed the national bar examination for the respective subjects selected, including intellectual property laws.

(Ministry of Justice)

ii) In FY2007, the GOJ will continue to expect more lawyers to improve their knowledge and skills in dealing with intellectual property affairs through

voluntary efforts to improve themselves by participating in training programs and lectures on intellectual property. In FY2007, the GOJ will also continue to encourage lawyers to increase their awareness and promote efforts to improve the environment so that lawyers will be able to directly deal with intellectual property affairs as in-house lawyers of companies.

(Ministry of Justice and other ministries and agencies concerned)

**[3] Improving the abilities of those who engage in industry-academia collaboration**

In FY2007, the GOJ will continue to support efforts to provide young researchers (e.g., postdoctoral fellows) with opportunities to improve their ability to achieve commercialization of intellectual property, through OJT programs at TLOs, Intellectual Property Headquarters, university start-ups and venture capital companies.

(Council for Science and Technology Policy, Ministry of Education, Culture, Sports, Science and Technology, Ministry of Economy, Trade and Industry and other ministries and agencies concerned)

**(2) Developing Human Resources Who Create or Manage Intellectual Property**

**[1] Promoting the disclosure of the JPO's know-how**

From FY2007, the GOJ will further promote the disclosure of the JPO's know-how to the public by conducting training at local areas to impart practical searching skills based on the search know-how of JPO examiners.

(Ministry of Economy, Trade and Industry)

**[2] Increasing the intellectual property awareness of business managers and executives and reforming awareness among industries**

In FY2007, the GOJ will continue to encourage business managers and executives to improve their ability to exploit intellectual property by strengthening their ability to appreciate the commercial value of research results, in other words, their discerning ability. Furthermore, in order for business managers and executives to properly understand intellectual property and link the intellectual property strategy

with the business strategy and R&D strategy, the GOJ will conduct awareness-raising activities by holding seminars and symposiums on intellectual property strategies and intellectual property management schools at universities, and by exchanging opinions among the ministries and agencies concerned.

In addition, the GOJ will encourage companies to appropriately evaluate and treat personnel engaged in dealing with intellectual property.

(Council for Science and Technology Policy, Ministry of Education, Culture, Sports, Science and Technology, Ministry of Economy, Trade and Industry and other ministries and agencies concerned)

### **[3] Improving the ability of farming instructors in dealing with intellectual property**

Farming instructors have many opportunities to directly communicate with farmers in their supporting activities in the fields of agricultural technology and management. In order to improve the ability of farming instructors to deal with intellectual property, the GOJ will consider the introduction of subjects on intellectual property rights, particularly plant breeder's rights and trademark rights, in the scope of subjects for the farming instructor examination, and draw a conclusion by the end of FY2007. In addition, with the aim of preventing the occurrence of infringement of intellectual property rights, the GOJ will, from FY2007, upgrade the content of the training programs for farming instructors by including practical training in the programs, so that farming instructors will be able to acquire the capabilities of cooperating with Plant Variety Protection G-Men, the government and relevant organs in regulatory measures.

(Ministry of Agriculture, Forestry and Fisheries)

## **5. Improving Public Awareness of Intellectual Property**

### **(1) Promoting Intellectual Property Education at Schools**

In FY2007, the GOJ will continue to promote intellectual property education according to the respective school levels, such as by considering the enhancement of educational activities that cultivate children's creativity upon revising the ministry's

curriculum guideline. In addition, the GOJ will publicize and disseminate the results of research activities on intellectual property education according to the respective school levels and the respective subjects.

(Ministry of Education, Culture, Sports, Science and Technology and Ministry of Economy, Trade and Industry)

## **(2) Promoting Intellectual Property Education by Local Entities**

It is important to educate schoolchildren and students to acquire the ability to think flexibly and enrich their creativity. It is also important to make them aware of respect for originality while experiencing activities that will lead them to create new ideas and inventions, and make them further recognize the respect for their own rights as well as others' rights. From this perspective, in FY2007, the GOJ will continue to encourage local entities to enhance intellectual property education through after-school activities, such as handcraft classes and invention classes.

Furthermore, in order to ensure appropriate education according to the school levels through cooperation of all parties in society, including homes, communities and educational institutions, the GOJ will, in FY2007, continue to develop a necessary infrastructure for utilizing human resources with abundant experience (e.g., former employees engaged in intellectual property affairs at companies).

(Ministry of Education, Culture, Sports, Science and Technology and Ministry of Economy, Trade and Industry)

## **(3) Enhancing Experience-Based Educational Programs Focusing on the Creation, Protection and Utilization of Intellectual Property**

From FY2007, the GOJ will upgrade the Patent Competition for high school and university students, thereby promoting experience-based educational programs focusing on the creation, protection and utilization of intellectual property.

(Ministry of Education, Culture, Sports, Science and Technology and Ministry of Economy, Trade and Industry)

## **(4) Promoting Intellectual Property Education at Specialized Upper Secondary Schools**

The GOJ will promote intellectual property education at specialized upper secondary schools such as industrial high schools and agricultural high schools. From FY2007, the GOJ will enhance educational programs by utilizing the past initiatives as reference in training for teachers, and reflect the outcomes of such initiatives in the Courses of Study as required.

(Ministry of Education, Culture, Sports, Science and Technology, Ministry of Agriculture, Forestry and Fisheries and Ministry of Economy, Trade and Industry)

**(5) Promoting the Development of Human Resources Related to Intellectual Property through Collaboration between Schools and Local Industries**

Through the initiatives for the development of young people engaged in manufacturing based on collaboration between schools and local industries, the GOJ will, from FY2007, encourage the development of human resources related to intellectual property, such as engineers capable of creating intellectual property, through collaboration between schools and local industries.

(Ministry of Education, Culture, Sports, Science and Technology and Ministry of Economy, Trade and Industry)

**(6) Promoting Consumer Education Covering Intellectual Property**

Based on the provision of the Consumer Basic Law, which stipulates that consumers shall give consideration to environmental conservation and appropriate protection of intellectual property rights in their consumption, in FY2007, the GOJ will continue to take measures to strengthen the promotion of a framework, reinforce the instructors, and upgrade the educational content of consumer education covering intellectual property.

In the Consumer Basic Plan, it is stated that “in order to implement consumer education widely, efficiently and effectively, the GOJ will work to establish a system for consumer education with cooperation from a wide range of parties concerned, and consider the measures to promote consumer education under such system.” Based on this statement, the GOJ will draw a certain conclusion by the end of FY2007 regarding the system for consumer education, which also covers intellectual property.

(Cabinet Office, Ministry of Education, Culture, Sports, Science and Technology and other ministries and agencies concerned)

**(7) Strengthening Activities for Improving Public Awareness of Intellectual Property**

In FY2007, the GOJ will continue to hold seminars on intellectual property for students, adults in general and practitioners based on their respective attributes, by also making use of intellectual property specialists in the private sector; and the GOJ will promote active use of such seminars according to the circumstances of the respective communities.

(Ministry of Education, Culture, Sports, Science and Technology, Ministry of Agriculture, Forestry and Fisheries and Ministry of Economy, Trade and Industry)

**(8) Enhancing and Utilizing Statistics on Intellectual Property**

In FY2007, the GOJ will continue to enhance and broadly utilize the intellectual property-related statistics, which serve as the basis for planning and proposing intellectual property policies, so as to develop policies that meet diverse user needs.

(Ministry of Internal Affairs and Communications, Ministry of Economy, Trade and Industry and other ministries and agencies concerned)

# **Appendix**



## **1. List of the Members of the Intellectual Property Strategy**

### **Headquarters**

(Prime Minister and State Ministers)

Director-General	Shinzo ABE	Prime Minister
Vice	Yasuhisa	Chief Cabinet Secretary
Director Generals	SHIOZAKI	
	Sanae TAKAICHI	Minister of State for Okinawa and Northern Territories Affairs, Science and Technology Policy, Innovation, Gender Equality and Social Affairs, and Food Safety
	Bunmei IBUKI	Minister of Education, Culture, Sports, Science and Technology
	Akira AMARI	Minister of Economy, Trade and Industry
Members	Yoshihide SUGA	Minister of Internal affairs and Communications/ Minister of State for Decentralization Reform
	Jinen NAGASE	Minister of Justice
	Taro ASO	Minister for Foreign Affairs
	Koji OMI	Minister of Finance
	Hakuo	Minister of Health, Labor and Welfare
	YANAGISAWA	
	Tetsuzo	Minister of Land, Infrastructure and Transport
	FUYUSHIBA	
	Masatoshi	Minister of the Environment/
	WAKABAYASHI	Acting Minister of Agriculture, Forestry and Fisheries
	Fumio KYUMA	Minister of Defense
	Kensei MIZOTE	Chairman of the National Public Safety

		Commission/ Minister of State for National Emergency Legislation
	Yuji YAMAMOTO	Minister of State for Financial Services
	Hiroko OTA	Minister of State for Economic and Fiscal Policy
	Yoshimi WATANABE	Minister of State for Regulatory Reform
(Experts)	Masuo AIZAWA	Member of the Council for Science and Technology Policy / President, Tokyo Institute of Technology
	Tadashi OKAMURA	Director Chairman of the Board, Toshiba Corporation
	Chisato KAJIYAMA	President, Kyushu University
	Tsuguhiko KADOKAWA	Chairman & CEO, Kadokawa, inc.
	Tatsuhiko SATO	Patent attorney/ Representative, Sosei International Patent Office
	Machiko SATONAKA	Cartoonist
	Nobuhiro NAKAYAMA	Professor, University of Tokyo Graduate Schools for Laws and politics
	Yasuchika HASEGAWA	President, Takeda Pharmaceutical Company Ltd.
	Mieko MIO	Lawyer

Takafumi

CEO and President, TODAI TLO, Ltd.

YAMAMOTO

(As of May 31, 2007)

## 2. List of Members of Task Forces

### (1) Task Force on Intellectual Creation Cycle

Hiroyuki ABE	Adviser, Japan Science and Technology Agency
Akiko ITAI	President & CEO, Institute of Medicinal Molecular Design, Inc.(IMMC)
Ikunoshin KATO	President & CEO, Takara Bio Inc
Hideaki KUBORI	Founding Partner, Hibiya Park Law Offices/ Professor, Omiya Law School
Sumiko SHIMOSAKA	Representative, SHIMOSAKA and MATSUDA International Patent Office
Kenichiro SENOH	Professor, Research Center for Advanced Science and Technology, University of Tokyo
Nobuhiko TANAKA	Senior Managing Director, Canon Inc.
Nobuhiro NAKAYAMA	Professor, University of Tokyo Graduate Schools for Law and Politics
Tatsuo HATTA	Professor, Division of International Studies, College of Liberal Arts, International Christian University
Yuko MAEDA	Associate Professor/Director of Intellectual Property Division, Technology Licensing Organization, Tokyo Medical and Dental University
Hiroyuki YOSHINO	Director and Advisor, Honda Motor Co., Ltd.

: Chairperson of Task Force

(As of February 26, 2007)

## **(2) Task Force on Contents**

Koichiro AKUZAWA	Executive Director, Association for the Promotion of Traditional Craft Industries
Satoshi AKUTSU	Associate Professor, Graduate school of International Corporate Strategy, Hitotsubashi University
Wataru ASO	Governor of Fukuoka prefecture
Toru ARAKAWA	President, CEO ACCESS Co., Ltd
Jiro USHIO	Chairman and CEO, Ushio Inc.
Nobuyuki OTA	Representative and CEO, ISSEY MIYAKE INC
Tadashi OKAMURA	President and CEO, TOSHIBA COOPERATION
Yoshimi OGAWA	President, CEO, Index Corporation
Tsuguhiko KADOKAWA	President & CEO, Kadokawa Holdings, Inc.
Yasufumi KANAMARU	Chairman & CEO, Future Architect, Inc. Japan
Masakazu KUBO	President, Character Business Center, Shogakukan Inc./ General Producer, Tokyo Anime Center
Hideaki KUBORI	Founding Partner, Hibiya Park Law Offices/ Professor, Omiya Law School
Mie KUMAGAI	Head, Amusement Software R&D, Dept.#3
Jiro KOKURYO	Professor, Faculty of Environmental Information, Keio University
Hirohisa KOYAMA	Owner of Aoyagi(Japanese restaurant)/ Princepal, École Culinaile Heisei
Machiko SATONAKA	Cartoonist
Yutaka SHIGENOBU	CEO&Chairman of the Board, TV Man Union, Inc.
Yoshiki TSUJI	President and Principal, Tsuji Culinary School,
Kazufumi DOHI	Professor, Graduate School of International Cooperate Strategy, Hitotsubashi University

Yasuki HAMANO	Professor, Graduate School of Frontier Sciences, The University of Tokyo
Yumiko HARA	Fashion Director
Toyohiko HARADA	Executive Director-General of Broadcasting NHK
Hajime HIRASAWA	President, CEO, Faith, Inc.
Kiyomi MIKUNI	Owner and chief HOTEL DE MIKUNI
Akira MINAGAWA	Designer, mina perhonen
Koichi MURAKAMI	Vice President, National Association of Commercial Broadcasters/ President & COO, Fuji Television Network, Inc.
Tatsumi YODA	Chairman of the Board & Representative Corporate Officer, GAGA COMMUNICATIONS INC

: Chairperson of Task Force

(As of March 8, 2007)

### **3. Legislation for the Establishment of Intellectual Property Strategy Headquarters**

#### **Intellectual Property Basic Act (Act No. 122 of 2002) [Extract]**

#### **Chapter IV Intellectual Property Strategy Headquarters**

##### **Article 24 (Establishment)**

In order to promote measures for the creation, protection and exploitation of intellectual property in a focused and systematic manner, the Intellectual Property Strategy Headquarters(hereinafter referred to as "Headquarters")shall be established in the Cabinet.

##### **Article 25 (Affairs under the jurisdiction)**

The Headquarters shall take charge of the affairs listed in the following items:

- (i) Development of the strategic program , and promotion of the implementation of the program.
- (ii) In addition to what is prescribed in the preceding item, study and deliberation on planning important measures on the creation, protection and exploitation of intellectual property, and promotion and comprehensive adjustment of implementation of the measures.

##### **Article 26 (Organization)**

The Headquarters shall be organized to consist of the Director-General of the Intellectual Property Strategy Headquarters, the Vice Director-Generals of the Intellectual Property Strategy Headquarters, and Members of the Intellectual Property Strategy Headquarters.

##### **Article 27 (Director-General of the Intellectual Property Strategy Headquarters)**

(1) The Headquarters shall be headed by the Director-General of the Intellectual Property Strategy Headquarters(hereinafter referred to as "Director-General"), the

post which shall be served as the Prime Minister.

(2) The Director-General shall be in charge of general coordination of the affairs of the Headquarters, and shall direct and supervise the relevant officials.

**Article 28 (Vice Director-Generals of the Intellectual Property Strategy Headquarters)**

(1) The Vice Director-Generals of the Intellectual Property Strategy Headquarters (hereinafter referred to as "Vice Director-Generals") shall be assigned in the Headquarters, the posts which shall be appointed from among the Ministers of State.

(2) The Vice Director-Generals shall assist the duties of the Director-General.

**Article 29 (Members of the Intellectual Property Strategy Headquarters)**

(1) Members of the Intellectual Property Strategy Headquarters (hereinafter referred to as "Members") shall be assigned in the Headquarters.

(2) The posts of the Members shall be served as the persons listed in following items:

(i) all Ministers of State other than the Director-General and Vice Director-Generals; and

(ii) those having superior insights into the creation, protection and exploitation of intellectual property who have been appointed by the Prime Minister.

**Article 30 (Submission of materials and other forms of cooperation)**

(1) The Headquarters may, if it considers it necessary for implementing affairs under the jurisdiction, demand submission of materials, statements of opinions, explanations and other required cooperation from the heads of the relevant administrative organ, local governments and incorporated administrative agency and the representatives of public corporations.

(2) The Headquarters may also demand required cooperation from parties other than those prescribed in the preceding paragraph, if it considers it especially necessary for implementing affairs under the jurisdiction.

**Article 31 (Affairs)**



Affairs concerning the Headquarters shall be processed within the Cabinet Secretariat and administered by the Assistant Chief Cabinet Secretary under commission.

**Article 32 (Competent Minister)**

The competent Minister as set forth in the Cabinet Act(Act No.5 of 1947)for the matters pertaining to the Headquarters shall be the Prime Minister.

**Article 33 (Delegation to Cabinet Orders)**

In addition to what is provided for in this Act, necessary matters concerning the Headquarters shall be prescribed by a Cabinet Order.

**Cabinet Order on Intellectual Property Strategy Headquarters  
(Cabinet Order No.45 of 2003) [Extract]**

**Article 2 (Task force)**

1. The Intellectual Property Strategy Headquarters (hereinafter referred to as the “Headquarters”) may, by its decision, establish a task force if necessary for investigation on technical issues.
2. Task force members shall be appointed by the Prime Minister from among persons with relevant knowledge and experience in relation to the technical issues.
3. Task force members shall work on a part-time basis.
4. The task force shall be abolished upon completion of the investigation for which it was established.

#### **4. History of Development of Strategic Program 2006**

2002	Feb. 4	Policy speech by Prime Minister Koizumi
	Feb. 25	Strategic Council on Intellectual Property inaugurated
	Mar. 20	1st meeting of the Strategic Council on Intellectual Property
	Apr. 10	2nd meeting of the Strategic Council on Intellectual Property
	May 22	3rd meeting of the Strategic Council on Intellectual Property
	Jun. 14	4th meeting of the Strategic Council on Intellectual Property
	Jul. 3	5th meeting of the Strategic Council on Intellectual Property Intellectual Property Policy Outline adopted
	Sep. 19	6th meeting of the Strategic Council on Intellectual Property
	Oct. 16	7th meeting of the Strategic Council on Intellectual Property
	Nov. 27	Intellectual Property Basic Act promulgated
2003	Jan. 16	8th meeting of the Strategic Council on Intellectual Property
	Mar. 1	Intellectual Property Basic Act put into force Intellectual Property Strategy Headquarters inaugurated Intellectual Property Policy Office established within Cabinet Secretariat
	Mar. 19	1st meeting of the Intellectual Property Strategy Headquarters
	Apr. 18	2nd meeting of the Intellectual Property Strategy Headquarters
	May 21	3rd meeting of the Intellectual Property Strategy Headquarters
	Jun. 20	4th meeting of the Intellectual Property Strategy Headquarters
	Jul. 8	5th meeting of the Intellectual Property Strategy Headquarters - Strategic Program for the Creation, Protection and Exploitation of Intellectual Property adopted - Task forces established
	Oct. 8	1st meeting of the Task Force on Strengthening of the Foundation for Right Protection (Meetings held 13 times up to June 2005; abolished)
	Oct. 15	1st meeting of the Task Force on Contents (Meetings held 8 times up to June 8, 2006)

	Oct. 31	1st meeting of the Task Force on Protection of Patents of Medical-Related Acts (Meetings held 11 times up to June 2005; abolished)
	Dec. 11	Report of the Task Force on Strengthening of Foundation for Right Protection compiled - Creation of the Intellectual Property High Court - Comprehensive Measures for Expeditious Patent Examination
	Dec. 17	6th meeting of the Intellectual Property Strategy Headquarters
2004	Apr. 9	Report of the Task Force on Contents compiled - Content Business Development Policy
	Apr. 14	7th meeting of the Intellectual Property Strategy Headquarters
	May 13	Report of the Task Force on Strengthening of the Foundation for Right Protection compiled - Strengthening of Measures against Counterfeits and Pirated Copies
	May 27	8th meeting of the Intellectual Property Strategy Headquarters - Intellectual Property Strategic Program 2004 adopted
	Nov. 22	Report of the Task Force on Protection of Patents of Medical-Related Acts compiled - Ideal Form of Protection of Patents of Medical-Related Acts
	Nov. 24	1st meeting of the Japan Brand Working Group of the Task Force on Contents (Meetings held 4 times up to June 8, 2006)
	Dec. 16	9th meeting of the Intellectual Property Strategy Headquarters - Package for the Acceleration of Measures against Counterfeits and Pirated Copies adopted
2005	Feb. 25	Report of the Japan Brand Working Group of the Task Force on Contents compiled - Promotion of the Japan Brand Strategy
	Apr. 25	Report of the Task Force on Strengthening of the Foundation for Right Protection compiled

		- Measures to Promote the Intellectual Property Strategy of SMEs and Venture Companies
	Apr. 26	10th meeting of the Intellectual Property Strategy Headquarters
	Jun. 10	11th meeting of the Intellectual Property Strategy Headquarters - Intellectual Property Strategic Program 2005 adopted
	Nov. 1	1st meeting of the Digital Content Working Group of the Task Force on Contents (Meetings held 4 times up to June 8, 2006)
	Nov. 2	1st meeting of the Task Force on the Intellectual Creation Cycle (Meetings held 5 times up to June 8, 2006)
	Dec. 9	12th meeting of the Intellectual Property Strategy Headquarters
2006	Feb. 17	Report of the Task Force on the Intellectual Creation Cycle compiled - Comprehensive Strategy for Fostering Intellectual Property Experts - Measures to Promote Priority Tasks Relating to the Intellectual Creation Cycle
	Feb. 20	Report of the Task Force on Contents compiled - Strategy for the Development of Digital Content
	Feb. 24	13th meeting of the Intellectual Property Strategy Headquarters - Status of Implementation of the Basic Act on Intellectual Property and Future Policy
	Jun. 8	14th meeting of the Intellectual Property Strategy Headquarters - Intellectual Property Strategic Program 2006 adopted
	Dec. 6	15th meeting of the Intellectual Property Strategy Headquarters - International Standardization Comprehensive Strategy adopted
2007	Feb. 26	Report of the Task Force on the Intellectual Creation Cycle compiled - Measures to Promote the Intellectual Creation Cycle
	Mar. 8	Report of the Task Force on Contents compiled - Aiming to Make Japan the Most Advanced Content Superpower in the World
	Mar. 29	16th meeting of the Intellectual Property Strategy Headquarters
	May 31	17th meeting of the Intellectual Property Strategy Headquarters

		- Intellectual Property Strategic Program 2007 adopted
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## 5. Glossary

Archive	Collection of documents and records
Transfer pricing taxation system	A taxation system wherein, if the transaction price (transfer price) applied in a transaction with an overseas subsidiary, etc. differs from an ordinary transaction price (arm's length price), the transfer price is reassessed (recalculated) for taxation
Genetic resources	Biological resources, such as animals and plants, which are valuable in science and economy
Incubator	Persons or facilities engaging in developing and encouraging new businesses
Internship	Practical experience in an occupation or profession
Entertainment lawyer	Lawyers specializing in the field of entertainment
Open-source software	Open-source software, of which the source codes (program contents that are readable) are disclosed and made available for free reproduction and modification
Licensable patents	Patents whose right holders wish to allow others to use the patents
Courses of Study	Standards for educational courses at elementary, junior high and high schools published by the Ministry of Education, Culture, Sports, Science and Technology
Technology strategy maps	References developed by the Ministry of Economy, Trade and Industry in April 2006 regarding the targets for technological development and the measures for product and service development, for the purpose of strategically implementing R&D investment
Technological protection measures	Technological measures to protect copyrights, e.g., copy guards
Laboratory notebooks	Notebooks in which researchers and inventors record their own R&D activities themselves, which may serve as necessary evidential documents to prove the date of invention, the contents of the invention, inventor, etc.

Trademark system for retail services	A trademark registration system wherein the services of retail and wholesale business operators for providing convenience for customers upon selling goods (comprehensive services covering selection of goods, display arrangements, treatment of customers) may be designated for registration
International standardization organization	Organizations specializing in developing international standards, e.g., ISO
International Standardization Support Center	An organization for supporting international standardization activities, which is established within the Japan Standards Association
Unchanging URL services	Services for affixing unchanging URLs to gazette data retained at IPDL so as to provide direct access to the data from outside
Copy-once (rule)	A method to protect copyrights for digital content employed for BS digital broadcasting and terrestrial digital broadcasting, whereby copying can be conducted only once
Conglomerate	A corporation made up of a number of different companies
Content	Includes entertainment content, e.g., movies, music, games and animation, as well as other intellectual and cultural assets, e.g., fashion, food, regional brands
CJ Mark Project	Project to promote the affixing of the CJ mark registered overseas to Japanese content products so that it will be possible to exercise not only copyrights but also the trademark right against pirated copies
Industrial cluster initiative	Industry concentration initiative to establish local networks based on industry-academia-government collaboration and to develop a business environment for creating new industries and new businesses
Industrial property rights	Four types of intellectual property rights, i.e., patent right, utility model right, design right and trademark right, that are administered by the Japan Patent Office (JPO)
Theater calendars	Lists of programs to be played at major theaters in a particular city, which are distributed at theaters and hotels

Notarized deeds of fact observation	Notarized deeds in which a notary states what he/she perceived when visiting the factory and directly observing the manufacturing method
Procedure for advance confirmation (re: transfer-pricing taxation)	Where the taxation authorities have investigated and confirmed the validity of the calculation method for arm's length price notified by a taxpayer, the authorities shall not execute transfer-pricing taxation as long as the taxpayer files tax returns according to the relevant calculation method.
G8 Summit	An annual summit meeting where the leaders (prime ministers or presidents) of the eight countries, namely Japan, the United States, the United Kingdom, France, Germany, Italy, Canada and Russia, as well as the President of the European Commission gather together
Joint degree	A system that allows the obtainment of more than one academic degree during a certain period
System for information provision	A system wherein the JPO receives information on the patentability of an invention from a third party
Super TLOs	Technology licensing organizations for specific priority areas, as designated by the Ministry of Economy, Trade and Industry. They are intended to raise the level of Japan's technology-licensing system as a whole by supporting licensing activities at other approved TLOs and universities that do not have TLOs, and developing human resources.
Stock option	Right of directors or employees of a company to obtain a certain number of shares from the company at a predetermined price
Street fashion	Style of wearing clothes, e.g., wearing torn jeans or wearing a skirt over trousers, according to one's own taste and free from conventional rules; widely accepted among teenagers
Interrogation based on a report before trial	Procedure for presenting, to the demandant of a trial, the examiner's view stated in a report before trial and providing him/her with the opportunity to state opinions
Expert advisers (judicial procedures)	Courts may hear opinions of people who have expert knowledge, such as university professors and researchers, in the court



	proceedings
Expert advisers (customs procedures)	In order to make a determination on infringement based on legal and technical expertise, Customs can, if necessary upon receiving an application for import suspension and commencing the determination procedure, appoint expert advisers from among persons with knowledge and experience in intellectual property and hear their opinions.
Interoperability	Describes when information is exchanged through communication between two programs and used for both programs so as to perform all functions that require the information
Grand panel system	A system where a panel consisting of five judges conducts trials and court proceedings
Typefaces	A set of designs of characters or signs created based on a uniform concept
Regionally based collective trademark system	A system wherein a trademark consisting of the combination of the name of a region and the name of products (services), which has been used by a collective body such as a cooperative association and become well known within a certain area, may be registered as a regionally based collective trademark
Human resources involved in creating or managing intellectual property	Human resources who create intellectual property (researchers) or conduct business management using intellectual property (corporate managers)
Terrestrial digital broadcasting	Terrestrial broadcasting using digital data; complete shift from the analog broadcasting to the digital broadcasting is scheduled in 2011
Council for Promoting the Development of Human Resources Related to Intellectual Property	A voluntary meeting of organizations engaged in the development of human resources related to intellectual property, which is organized for information exchange, mutual cooperation and policy recommendation concerning human resource development. The members of the council include: the National Center for Industrial Property Information and Training, Association of Intellectual

	Property Education, Intellectual Property Association of Japan, Japan Intellectual Property Association, Japan Federation of Bar Associations, Japan Patent Attorneys Association, and Japan Institute of Invention and Innovation.
Digital contents	Images, database, software, etc. produced with the use of a computer
Digital cinema	Carrying out the overall process from shooting to showing movies with the use of digital data instead of film
De jure standards	Standards established through public procedures (e.g., ISO)
De facto standards	Standards established as a result of a particular company's market domination
Registered search agencies	Agencies registered by the JPO commissioner as subcontractors of prior art searches, which are necessary for the examination of patent applications
Specified registered search agencies	Search agencies that are specially registered as agencies authorized to conduct prior art searches at the request of applicants and provide them with search reports as required
Patent information advisers	Specialists in utilizing patent information who can give advice to SMEs and venture companies on carrying out technology development and performing operations for obtaining and managing patents by effectively utilizing patent information
Patent Prosecution Highway	A system whereby applications for which patents have been granted at the first office will be eligible for accelerated examination through simple procedures at the second office
JPO Operation and System Optimization Program	Program for overall optimization of the JPO operations and systems through the drastic review of the operations and the system innovation by means of the latest information technology
Patent licensing assistant advisers	Human resources secured by local public entities as personnel engaged in patent licensing and technology transfer. By supporting the development of patent-licensing assistant advisers as community-based experts, the GOJ will aim to develop an environment for encouraging independent efforts for distribution of

	licensable patents in local areas.
Fixed-term examiners	Examiners appointed for a fixed term (five years). The appointment started in April 2004 as a measure to improve the organization for expeditious and accurate patent examination.
Certified-rating agencies	Agencies engaging in evaluating educational and research activities of universities and other institutes, which are certified by the Minister of Education, Culture, Sports, Science and Technology under Article 69-4 of the School Education Act
Internet search services	Services that collect information available on the Internet, reproduce the whole or part of the collected information, store the reproduced information on the server in the form of an analysis database, while providing the information (or part thereof) as search results upon a user's request
Online banking	Receiving services from banks and other financial institutions via the Internet
Capacity building	Improving the capacity of organizations and systems for self-sustained management and operation
Bayh-Dole system	System for attributing intellectual property rights resulting from R&D funded by a national government to the entities that received the fund
Patent Competition	A competition for students of high schools, colleges of technology and universities, which is intended to provide the participants with the opportunity to experience the creation of the invention and the filing of patent applications, thereby deepening their understanding of the patent system
Plant Variety Protection G-Men	A common name for officials in charge of plant-variety protection, assigned to the National Center for Seeds and Seedlings since April 1, 2005 as consultants regarding infringement of plant breeder's rights
Fast track system	A system for proposing the existing standards to the international standardization organization as draft international standards. This system accelerates the deliberation process regarding international standards.

Film commission	Non-profit organization that is established under the leadership of a local government to promote location shooting
Folklore	Cultural expression passed on from generation to generation in specific ethnic groups or regions, e.g., folk story, folk song, traditional dance
Forum standards	Standards developed by a forum consisting of companies that are interested in a particular technical field
Farming instructors	Officials of prefectural governments in charge of conducting research and giving instructions to farmers in the process of accurately imparting various advanced technology and knowledge regarding agriculture to farmers
Comprehensive license contract	A licensing contract wherein the subject matter of the contract is specified not by the patent number but by a specific method designed under the contract. This type of contract is used for granting a comprehensive license for all patents involved in a particular product.
Portal site	General information site on the Internet
Home servers, home gateways	Core devices for the connection between the personal computer and electric appliances at home
Multi-use	Use of content in various types of distribution
Mobile (devices)	Information and communication devices operable while users are moving (e.g., mobile phones and personal digital assistants)
Contracts on the provision of tangible objects	Contract on the provision of tangible research materials, including biological resources (microorganisms, laboratory animals and plants) and chemical compounds
Live entertainment	Performance acts conducted in front of the audience, e.g., stage drama, amusement performance, music concert
Rating system	A system to rate works regarding whether they are suitable for viewing or use by children under a certain age, and to indicate such rating
Location market	Initiative to introduce local areas to invite location shooting, thereby promoting content production in local areas and international joint

	production
ADR	Alternative Dispute Resolution
AIPN (Advanced Industrial Property Network)	Through the AIPN, foreign patent offices can use information on the search and examination of patent applications held by the JPO.
APEC	Asia-Pacific Economic Cooperation
ASEM	Asia-Europe Meeting
CIPO	Chief Intellectual Property Officer
E-commerce	A type of transaction for which contracts are concluded and payment is made via the Internet
E-learning	Education and training via the Internet
EPA	Economic Partnership Agreement
EPC	European Patent Convention
IEC (International Electrotechnical Commission)	An international organization intended for establishing international standards on electrics and electronics
IP multicasting	Broadcasting conducted by simultaneously distributing a vast amount of data of broadcast programs onto the closed network by means of IP multicasting technology, so that users can receive the data of the programs that they choose
IPDL (Intellectual Property Digital Library)	At the IPDL, the National Center for Industrial Property Information and Training (INPIT) provides industrial property information such as patent gazette data and search services free of charge via the Internet.
ISO (International Organization for Standardization)	An international organization established for the purpose of establishing international standards
ITU (International Telecommunication Union)	A United Nations agency established for the purpose of establishing international standards on telecommunication
JETRO	Japan External Trade Organization

JICA	Japan International Cooperation Agency
JNTO	Japan National Tourist Organization
JST	Japan Science and Technology Agency
LLP (Limited Liability Partnership)	Special partnership established, as an exception to partnerships under the Civil Code, in order to promote the creation of new businesses and the development of joint ventures. It is characterized by the following: all investors bearing a limited liability; complete self-government; taxation on members.
LPS (Limited Partnership)	Partnership (fund) established as an exception to partnerships under the Civil Code, in order to expand the supply of risk money to companies. It can invest money in and purchase money claims from a company, irrespective of the company's size or whether or not the company is publicly held.
MBO (Management Buyout)	A director or employee of a company's subsidiary, by using his/her own money or funds from financial institutes, purchases the shares of the subsidiary from the parent company or establish a new company which takes over the subsidiary's business.
MOT (Management of Technology)	A method of business management to strategically manage the whole process of R&D that ends with commercialization
OECD	Organization for Economic Co-operation and Development
One Application/One Format	Concept of unifying formats of patent applications used in individual countries into one format, thereby enabling applicants to file patent applications in other countries by submitting only the translations
PCT	Patent Cooperation Treaty
RAND (Reasonable And Non-Discriminatory)	A way of treating patents relating to technical standards by which the patent holder licenses the patent on reasonable and non-discriminatory royalties and terms
TBT Agreement	Agreement on Technical Barriers to Trade
TLO	Technology Licensing Organization
TPRM (Trade Policy Review Mechanism)	WTO system to periodically review trade policy and trade practice of the member countries, with the aim of increasing transparency

TRIPS Agreement	Agreement on Trade-Related Aspects of Intellectual Property Rights
UPOV	Union For the Protection of New Varieties of Plants
UPU (Universal Postal Union)	A United Nations agency in charge of coordinating postal services of the member countries and controlling the international postal system.
WCO	World Customs Organization
WIPO	World Intellectual Property Organization
WTO	World Trade Organization