

Intellectual Property Strategic Program 2008
Strengthening the Intellectual Property Strategy, Targeting the World

June 18, 2008

Intellectual Property Strategy Headquarters

Intellectual Property Strategic Program 2008

Table of Contents

Basic Concepts for the Intellectual Property Strategic Program 2008 Strengthening the Intellectual Property Strategy, Targeting the World

List of Priority Measures

I. Further Strengthening Japan's International Competitiveness in the Prioritized Strategic Fields

1. Leading the World in the Fields of Cutting-Edge Technology and Achieving Innovation of Society as a Whole

(1) Obtaining Basic Patents in the Technical Fields Unchallenged by Humankind and Strategically Promoting Development of Innovative Technologies

(2) Strengthening the Technology Transfer Scheme to Promote Global Business Operation Based on the Results of Basic Research

(3) Expediting the Development of Experts Capable of Formulating and Implementing Business Strategies

(4) Pushing Forward the Creation of New Markets Through Technical Innovation

2. Making Further Use of the Greatest Information and Communication Infrastructure in the World

(1) Strengthening Open Innovation Initiatives thorough Drastic Improvement of Information Access

(2) Creating a Virtuous Cycle of Creation and Distribution of Digital Content, Thereby Developing the World's Leading Content Industry

(3) Developing New Japan's Original Business Models Using the Internet and Software

3. Supporting SMEs and Venture Companies as Leaders for Exploring New Business Fields

II. Encouraging Business Expansion to International Markets

1. Improving the International Market Environment

(1) Strengthening Measures Against Counterfeits and Pirated Copies

(2) Coping with International Issues on Trademarks

(3) Securing the Stability of Business Activities

2. Accelerating Business Operation Overseas

- (1) Enhancing the Capability of Spreading the Japan Brand
- (2) Supporting Global Expansion of the Content Industry
- (3) Promoting the Activities of Obtaining Intellectual Property Rights Overseas

III. Exercising Leadership in Coping with Common Global Issues, Particularly Issues Facing Asian Countries

1. Making Active Use of Japan's Advanced Technology for Solving Global Environmental Issues

- Promoting the Transfer of Japan's Environmental Technology to Developing Countries

2. Taking the Lead in the Initiatives for International Harmonization of Intellectual Property Systems

- (1) Reinforcing Efforts to Achieve International Harmonization of Intellectual Property Systems
- (2) Aiming to achieve early adoption of the Treaty on the Non-proliferation of Counterfeit and Pirated Goods (tentative name) (mentioned above)

3. Playing a Leading Role in Areas Where Global Cooperation Is Required, Such as International Standardization

- Enhancing Efforts for International Standardization

4. Actively Performing the Role That Japan Is Required to Perform in Asia

- (1) Supporting the Introduction and Dissemination of Intellectual Property Systems
- (2) Realizing a Virtuous Cycle of Intellectual Creation in Asia

Main Part

Chapter 1 Creation of Intellectual Property.....23

1. Increasing Creative Ability in the Field of Basic Research

- (1) Strategically prioritizing research fields with the aim of obtaining basic patents

[1] Promoting strategic efforts to obtain and exploit intellectual property with the aim of realizing innovation

[2] Promoting original and innovative research activities

[3] Accelerating research and development on innovative technologies

[4] Promoting strategic R&D using technology strategy maps

- (2) Developing a favorable environment for the active use of internal and external resources

[1] Solving legal issues to facilitate the use of information in R&D activities

[2] Increasing the usability of the Integrated Search System for Patent and Literature

- Information, and raising awareness of the system
 - [3] Constructing an integrated database relating to research tool patents
 - [4] Disseminating the guidelines for research tool patents in the field of life science
 - [5] Boosting interchanges with foreign universities
 - [6] Promoting the use of advanced research facilities
2. Strengthening Intellectual Property Strategies at Universities and Research Institutes
- (1) Promoting the Spread of an Intellectual Property Mindset Among Both Upstream and Downstream Researchers
 - [1] Raising the intellectual property mindset among researchers
 - [2] Inspecting the intellectual property policy measures from the viewpoint of researchers
 - [3] Enhancing the producing capability for the intellectual property strategy
 - (2) Building a Comprehensive Support System for Accelerating the Research and Commercialization of iPS Cells
 - (3) Promoting the Development of Systems at Universities, Public Research Institutes and TLOs
 - [1] Strengthening the functions of university intellectual property headquarters and TLOs
 - [2] Supporting universities and public research institutes engaged in strategic activities in the field of intellectual property
 - (4) Supporting universities, public research institutes and TLOs in filing foreign patent applications
3. Promoting Research and Development Aimed for Commercialization
- (1) Enhancing Industry-Academia-Government Collaboration
 - [1] Promoting companies' efforts toward industry-academia-government collaboration
 - [2] Promoting efforts to put R&D results into practice
 - (2) Promoting the Smooth Implementation of Joint Research and Contract Research
 - [1] Further promoting the use of the results of joint research
 - [2] Promoting the integrated management of intellectual property rights obtained through joint research
 - [3] Clarifying the positions of students, etc. who participate in joint research
 - (3) Supporting Start-ups Launched by Universities and Research Institutes
 - [1] Enhancing support for university start-ups
 - [2] Promoting support for start-ups launched by R&D-type independent administrative institutions

Chapter 2 Protection of Intellectual Property.....35

I. Properly Protecting Intellectual Property

1. Protecting New Technologies Properly and Pushing Forward the Creation of New Markets

- (1) Considering a Desirable Protective Approach in the Fields of Cutting-Edge Medical Technology, such as iPSC Technology
- (2) Drastically Reviewing the Patent Duration-Extension System
- (3) Considering a Desirable Protective Approach for Use Inventions Relating to Food with Health-Promoting Benefits, etc.
- (4) Strengthening the Protection of New Plant Varieties

2. Taking the Lead in Establishing an International Intellectual Property System

(1) Enhancing Efforts to Establish a Global Patent System

- [1] Achieving expeditious patent examination on a global scale by promoting international work sharing
- [2] Taking the lead in the initiatives for international harmonization of patent systems
- [3] Taking the lead in building an electronic filing system for international patent applications
- [4] Aiming to introduce the system for filing applications in original languages in the JPO, SIPO, and KIPO

(2) Establishing an International Trademark System that Responds to Globalization

- [1] Requesting that the countries concerned improve their trademark systems so as to ensure proper protection of Japanese names of places and famous trademarks
- [2] Considering the introduction of new types of trademarks that are represented by way of hologram, movements, sounds, etc.
- [3] Encouraging Asian countries to accede to the Madrid Protocol

(3) Enhancing International Cooperation for Examination with Regard to Applications for Registration of New Plant Varieties

(4) Promoting the Development of Intellectual Property Systems in Asia and Cooperation Therefor

- [1] Reinforcing support for development of systems in Asia
- [2] Promoting the APEC Cooperative Initiative on Patent Acquisition Procedures
- [3] Enhancing the environment where Asian countries can access search and examination results provided by Japan
- [4] Promoting the development and harmonization of plant variety protection systems in East Asia
- [5] Utilizing Free Trade Agreements (FTAs), Economic Partnership Agreements

- (EPAs), and Other Agreements
- (5) Contributing to the Establishment of International Rules with Due Consideration to International Public Policies
3. Increasing the Stability and Predictability of Intellectual Property Rights
- (1) Further Increasing the Quality and Predictability of Patent Examination
- [1] Reviewing the Examination Guidelines to increase predictability
 - [2] Applying the Examination Guidelines appropriately
 - [3] Improving the environment for prior art document search
 - [4] Promoting the use of knowledge obtained from outside the JPO for patent examination
- (2) Increasing the Reliability of the JPO Trial Procedure as a Quasi-Judicial Procedure
- (3) Strengthening the Dispute Settlement Functions
- [1] Counting on the judiciary
 - [2] Reinforcing the alternative dispute resolution (ADR)
4. Speeding up the Procedures to Grant Intellectual Property Rights
- (1) Achieving Expeditious Patent Examination at the Highest Global Standard
- [1] Promoting comprehensive initiatives to achieve expeditious patent examination
 - [2] Improving the capacity to deal with patent examination procedures
 - [3] Encouraging appropriate activities to obtain intellectual property rights, including filing applications and requesting examination
 - [4] Aiming to expedite proceedings in the trial procedure
- (2) Reducing the Time Required for the Examination for Registration of Plant Varieties to the Shortest Level in the World
5. Increasing Convenience of Users
- (1) Promoting Flexible Patent Examination in Response to Diverse Needs of Applicants
- (2) Increasing the Flexibility and Usability of the Procedures
- [1] Preparing for early accession to the Patent Law Treaty, etc
 - [2] Increasing the flexibility and usability of the procedure for paying fees
 - [3] Facilitating the operation of the deposit system for microorganisms
- (3) Improving Access to Industrial Property Information via the Intellectual Property Digital Library, etc.
- (4) Disseminating the English Translations of Intellectual Property-Related Laws across the World
6. Promoting Foreign Applications
- (1) Promoting the Activities to Obtain Rights Overseas by Providing Overseas Information

[1] Promoting the activities to obtain patent rights overseas

[2] Supporting Japanese entities overseas in obtaining trademark rights and dealing with problems occurred related to Japanese names of regions

[3] Promoting the activities to obtain rights for new plant varieties overseas

(2) Supporting Universities, Public Research Institutes and TLOs in Filing Foreign Patent Applications (Reprise)

(3) Supporting SMEs and Venture Companies in Filing Foreign Applications

7. Preventing Unintended Leaks of Technology

(1) Taking Measures Against the Risk of Unintended Leaks of Technology Due to the Advancement of Globalization and Information

(2) Developing an Environment for Strategic Management of Know-How

(3) Strengthening Export Control at Universities and Public Research Institutes

II. Strengthening Measures Against Counterfeits and Pirated Copies

1. Strengthening Measures in Overseas Markets

(1) Establishing and Utilizing an International Legal Framework

[1] Aiming to Achieve Early Adoption of the Treaty on the Non-proliferation of Counterfeit and Pirated Goods (tentative name)

[2] Utilizing Free Trade Agreements (FTA) and Economic Partnership Agreements (EPA)

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

[1] Strengthening functions of Overseas Establishments

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

[3] Utilizing the infringement situation survey

[4] Promoting the use of the Content Japan (CJ) mark

(3) Strengthening International Cooperation

[1] Strengthening cooperation with other countries and regions

[2] Taking the initiative in promoting multilateral efforts

[3] Strengthening cooperation with the authorities concerned

(4) Developing the Infrastructure for Measures for Overseas Markets

[1] Supporting developing countries to increase their capacity to take measures against counterfeits and pirated copies

[2] Enhancing dissemination of information on measures against counterfeits and pirated copies

- [3] Investigating the damage due to counterfeits and pirated copies
- 2. Strengthening Regulations at the Border
 - (1) Strengthening Customs Regulations at the Border
 - (2) Strengthening Regulatory Systems at Customs
 - [1] Developing systems to determine infringement based on legal and technical expertise
 - [2] Reinforcing the system for promoting regulations by customs at the border
 - [3] Increasing the usability of the procedures concerning regulations at the border
- 3. Strengthening Domestic Regulations
 - (1) Strengthening Regulations by Police
 - (2) Strengthening Measures Against Infringements of Breeders' Rights
 - (3) Strengthening Regulations of Illegal Distribution of Movies Recorded Without Permission at Theaters
- 4. Strengthening Measures on the Internet
 - (1) Preventing the Trade of Counterfeits and Pirated Copies via Internet Auctions
 - (2) Strengthening Measures Against Piracy Committed on the Internet
 - [1] Requesting the elimination of illegal content on overseas video-sharing websites
 - [2] Promoting efforts to eradicate the distribution of illegal content
- 5. Promoting Public Understanding of Counterfeits and Pirated Copies
 - (1) Aiming to Actively Publicize Data and Information on Regulations
 - (2) Strengthening Activities to Enlighten the Public on Counterfeits and Pirated Copies
 - (3) Promoting the Understanding of the Importance of Measures Against Counterfeits and Pirated Copies in Corporate Management
- 6. Strengthening Cooperation in Taking Measures Against Counterfeits and Pirated Copies
 - (1) Strengthening Cooperation Within the Government
 - (2) Strengthening Public-Private and Private-Private Cooperation

Chapter 3 Exploitation of Intellectual Property.....77

I. Strategically Exploiting Intellectual Property

- 1. Promoting the Intellectual Property Strategy Corresponding Open Innovation
 - (1) Promoting the Creation of Innovation Through Fusion of Various Kinds of Intellectual Property
 - (2) Encouraging Companies to Implement Advanced Intellectual Property Strategies
 - [1] Promoting the exploitation of intellectual property not in use
 - [2] Conducting investigation and analysis as to the treatment of joint patents
 - [3] Publicizing case samples of successful open innovation initiatives

- [4] Identifying the intellectual property-related issues arising in the course of launching internal corporate ventures and carrying out M&A
- [5] Raising awareness of the guidelines under the Anti-Monopoly Act concerning the exploitation of intellectual property
- (3) Developing In-House Systems for Intellectual Property-Based Management
 - [1] Encouraging companies to appoint a chief intellectual property officer (CIPO) or directors on board in charge of intellectual property
 - [2] Encouraging activities to make the divisions in charge of intellectual property strategies serve as *value centers*
 - [3] Promoting the efforts to increase corporate value through the disclosure of information on intellectual property
 - [4] Facilitating international licensing activities within business groups
- (4) Revitalizing Intellectual Property Markets
 - [1] Developing human resources for distribution of intellectual property
 - [2] Considering the introduction of a registration system for the intention of granting licenses
 - [3] Disseminating the registration system for non-exclusive licenses
 - [4] Enhancing the utilization of intellectual property in the agricultural, forestry and fishery sectors
 - [5] Promoting management and investment of intellectual property using the intellectual property trust system
 - [6] Encouraging valuation of intellectual property
- (5) Promoting the Smooth and Fair Use of Intellectual Property
 - [1] Taking measures against the abusive exercise of intellectual property rights
 - [2] Regulating undue exercise of rights
 - [3] Promoting the smooth use of software
 - [4] Developing contract rules concerning ASP and SaaS
- 2. Promoting International Technology Transfer
 - (1) Promoting the Transfer of Environmental Technology
 - (2) Promoting the Transnational Use of Intellectual Property Through Tax Treaties
 - (3) Facilitating the Enforcement of Rights and Licensing Activities Overseas

II. Promoting the Use of Common Basic Technology

- 1. Enhancing International Standardization Activities: Implementation of the International Standardization Comprehensive Strategy
 - (1) Reforming Awareness Among Industries and Enhancing Efforts for International Standardization

- [1] Reforming awareness among the management personnel at companies
- [2] Encouraging industrial circles to implement their own action plans
- [3] Publicizing the guidelines for international standardization activities
- [4] Using various international standardization schemes
- [5] Proposing international standards and undertaking a role as the chairman or secretariat of international meetings in a positive manner
- (2) Enhancing Support for International Standardization Activities
 - [1] Strengthening the function of the one-stop consultation section
 - [2] Enhancing support measures for participants in international standardization activities
- (3) Enhancing International Standardization Activities as a Nation
 - [1] Promoting research activities and international standardization activities in a unified manner
 - [2] Strengthening coordination among ministries and agencies concerned
 - [3] Strengthening coordination among industry, academia and government
 - [4] Developing surveys and statistics concerning standardization activities carried out by companies, universities and others
 - [5] Making contributions to the international community in the fields of the environment, safety and welfare
- (4) Developing Human Resources for International Standardization
 - [1] Establishing a proficiency testing system for international standardization
 - [2] Producing leaders for international standardization activities
 - [3] Establishing a career path for people engaged in international standardization
 - [4] Enhancing commendation systems
- (5) Strengthening Cooperation with Foreign Countries such as Asian Countries
- (6) Making Contributions to Establishing Rules for International Standards
- 3. Promoting the Initiatives of Commons and the Use of Open Source Software
 - (1) Promoting the Initiatives of Commons
 - (2) Facilitating the Use of Open Source Software

III. Supporting SMEs and Venture Companies

- 1. Enhancing Consultation and Information Services for SMEs and Venture Companies
 - (1) Enhancing Consultation Services for SMEs and Venture Companies
 - [1] Enhancing the consultation services provided in the manner of directly visiting the companies in need of advice
 - [2] Establishing a support system for making companies aware of the importance of intellectual property before launching research and development

- [3] Enhancing consultation functions of “Intellectual Property Rescue Organizations”
- (2) Promoting the Use of Disclosed Information on Patent Attorneys and Lawyers
- (3) Strengthening Countermeasures Against Infringements of Intellectual Property Rights
- (4) Publicizing the Efforts of Supporting Organizations and Developing Cooperation Among Them
- (5) Honoring Outstanding Technology Developed by SMEs and Venture Companies
- (6) Enhancing Training Programs for Managers of SMEs and Venture Companies and Those for People Engaged in Supporting Such Corporate Managers
- 2. Enhancing Efforts to Reduce Burdens on SMEs and Venture Companies
 - (1) Supporting Universities, Public Research Institutes and TLOs in Filing Foreign Patent Applications (Reprise)
 - (2) Considering Measures to Reduce Costs for Obtaining and Maintaining Patents
 - (3) Promoting the Use of the Existing Support Systems
- 3. Supporting SMEs and Venture Companies in Commercializing Intellectual Property
 - (1) Encouraging SMEs and Venture Companies to Conduct Business Management with the Use of Intellectual Property
 - (2) Supporting the Utilization of Licensable Patents
 - (3) Diversifying Financing Methods Using Intellectual Property

IV. Developing Local Areas with the Use of Intellectual Property

- 1. Accelerating Innovation in Local Areas
 - (1) Supporting the Initiatives for Commercialization of Intellectual Property in Local Areas
 - (2) Promoting Collaboration Between Local Companies and Local Universities, etc.
 - (3) Promoting Local Development Through Agriculture-Commerce-Industry Collaboration
 - (4) Creating New Products and Services with the Use of Regional Resources
- 2. Developing the Infrastructure for Local Intellectual Property Activities
 - (1) Developing and Utilizing Human-Resource Databases
 - (2) Utilizing Human Resources for Supporting Intellectual Property Affairs Available in Local Areas
 - (3) Developing Human Resources Related to Intellectual Property in Local Areas Through Support Measures for Formulating Intellectual Property Strategies
 - (4) Developing Human Resources Related to Intellectual Property Directly in Charge of Local Development
- 3. Promoting Intellectual Property Strategies in Local Areas
 - (1) Strengthening the Activities of Regional Intellectual Property Strategy Headquarters

(2) Promoting Intellectual Property Strategies of Local Public Entities

[1] Encouraging local public entities to formulate strategies and ordinances concerning intellectual property

[2] Enhancing support for local public entities engaged in ambitious initiatives

Chapter 4 Efforts to Create Culture with the Use of Content.....108

I. Making Japan a Content Superpower in the Age of Digital Networks

1. Promoting Attempts to Launch New Businesses by Taking Advantage of the Digital Network Environment

(1) Supporting the Growth of Video-Distribution Services

[1] Creating a legal environment for the benefit of content-sharing services

[2] Promoting the fusion and collaboration of digital content devices

[3] Promoting the development and standardization of the video-distribution network infrastructure for home use

[4] Promoting the standardization of common fundamental technology for content-distribution services

[5] Promoting infrastructure development for terrestrial digital broadcasting

(2) Solving Legal Issues Concerning New Business Developments

[1] Responding to new types of services provided beyond the boundary between communications and broadcasting

[2] Solving legal issues concerning Internet search services

[3] Solving legal issues concerning the act of reproducing materials on the servers in the course of content distribution

[4] Solving legal issues to facilitate the use of information in R&D activities (Reprise)

[5] Solving legal issues concerning reverse engineering

(3) Developing an Intellectual Property System Suitable for the Age of Digital Networks

2. Supporting Global Business Operation, Looking at the World

(1) Developing an Environment for Promoting Business Operation Overseas

[1] Requesting the elimination of illegal content on overseas video-sharing websites (Reprise)

[2] Requesting that foreign countries promote deregulation of distribution of content

[3] Enhancing international cooperation for production and distribution of content

[4] Promoting international harmonization of copyright systems

(2) Supporting Global Business Expansion of the Content Industry

[1] Strengthening the international competitiveness of content business operators

[2] Establishing business methods to support business operations overseas

- [3] Supporting content business operators who aim to operate business overseas
 - [4] Enhancing the functions of content markets
 - [5] Promoting content creation through international collaboration
3. Enhancing the Distribution of Content Available on a Variety of Media
- (1) Developing Legal Systems and Contract Rules to Expand the Distribution of Digital Content
 - [1] Developing legal systems to promote the distribution of digital content
 - [2] Developing domestic systems for securing appropriate protection while giving consideration to the balance between protection and exploitation
 - [3] Promoting the conclusion of contracts for the secondary use of broadcast content
 - [4] Drawing a conclusion on the review of the compensation system for private recordings
 - [5] Encouraging private businesses to adopt protection systems by which the public can enjoy the benefits of technological innovation
 - [6] Promoting the efforts to eradicate the distribution of illegal content (Reprise)
 - [7] Encouraging and supporting efforts to protect young people from harmful contents
 - (3) Securing Market Transparency and Increasing Opportunities for Transactions
 - [1] Consolidating content-related information
 - [2] Supporting the *Japan Content Showcase*
 - [3] Developing a market for broadcast content
 - [4] Encouraging flexible operation of business through flexible pricing
 - (3) Developing an Environment for Realizing Speedy Handling of Rights
 - [1] Enhancing centralized management
 - [2] Promoting coding in response to global distribution
 - [3] Improving the procedure for handling rights for music distribution on the Internet
 - (4) Encouraging Efforts to Establish Digital Archives of the Materials of the National Diet Library and Promoting the Use of Such Library Materials
4. Developing an Environment for Creation that Can Serve as a Destination for Creators Around the World
- (1) Developing an Environment to Support Creative Activities
 - [1] Promoting investment in content production
 - [2] Improving the environment for content production
 - [3] Considering and publicizing tax incentives
 - [4] Supporting film production activities by film commissions
 - [5] Developing local content industry
 - [6] Supporting the activities of the Visual Industry Promotion Organization

- (2) Promoting the Development of Technology for Supporting the Creation of Content
 - [1] Promoting the development of new technology through the link between hardware and software
 - [2] Promoting the development of the world's leading technology related to content
 - [3] Promoting the fusion between science and technology and content creation
- (3) Supporting Creative Activities in the *Everybody-Is-a-Content-Creator* Age
 - [1] Promoting the provision of the opportunity for users to create and display their content without restrictions
 - [2] Establishing a system whereby right holders can manifest their intentions on the use of their works via the Internet
 - [3] Supporting creative activities by young people
- (4) Developing Human Resources Capable of Creating Outstanding Content
 - [1] Developing Producers and Creators
 - (2) Developing Content-Related Human Resources at Universities
 - (3) Discovering and Honoring Talented People
 - (4) Promoting an Exchange of Talented People Within Asia
- 5. Appropriately Implementing the Act on Promotion of the Creation, Protection and Exploitation of Content

II. Implementing the Japan Brand Strategy Featuring Japan's Appeal

- 1. Conveying Japan's Appeal to the World and Promoting Infrastructure Development Around It
 - (1) Establishing a Cross-Sectoral Japan Brand Strategy
 - (2) Developing Action Plans Through Collaboration of the Relevant Ministries and Agencies
 - (3) Systematically Compiling and Utilizing the Results of Surveys on the Japan Brand
 - (4) Enhancing Initiatives to Convey the Japan Brand via Contact Points at Home and Abroad
 - (5) Enhancing Various Events Held at Home and Abroad to Introduce the Japan Brand
 - (6) Enhancing Information on the Japan Brand to Be Disseminated Overseas
 - (7) Actively Disseminating Information to Foreign Tourists and Media
 - (8) Honoring People Who Have Contributed to the Overseas Spread of the Japanese Brand
 - (9) Spreading the Japan Brand, Which Features Japanese People's *Sensitivity*, at Home and Abroad
- 2. Fostering a Rich Food Culture
 - (1) Creating Quality Japanese Food and Foodstuff

- [1] Developing diverse human resources in charge of providing Japanese food that will be recognized by the world
- [2] Upgrading practical training for foreign chefs
- (2) Aiming to Increase Trust in Safe and Secure Japanese Food and Foodstuff
 - [1] Supporting efforts to increase trust in Japanese restaurants overseas
 - [2] Protecting brands of Japanese agricultural, forestry and fishery products and other Japanese food
 - [3] Increasing trust in foodstuff produced in Japan
- (3) Re-evaluating Japan's Quality Food Culture and Enhancing the Initiatives to Spread It at Home and Abroad
 - [1] Enhancing the initiatives to disseminate Japanese food among overseas opinion leaders
 - [2] Expanding exports of Japanese agricultural, forestry and fishery products and other Japanese food
 - [3] Promoting *Shokuiku*, or Food Education, on the National Level
- (4) Promoting the initiatives of the parties in the private sector related to food culture
- 3. Establishing Diverse and Reliable Regional Brands
 - (1) Supporting the Creation of Regional Brands
 - [1] Creating new products and services with the use of regional resources (Reprise)
 - [2] Promoting collaboration and exchanges among people who support regional brands
 - (2) Securing Reliability of Regional Brands Among Consumers
 - [1] Establishing technical infrastructures for securing reliability of brands
 - [2] Promoting the publicity and educational activities for people in charge of brand management
 - [3] Promoting the use of the Regionally Based Collective Mark System
 - (3) Supporting Efforts of Regional Entities to Spread Their Brands
- 4. Establishing Japanese Fashion as a Global Brand
 - (1) Developing an Environment for Invigorating Creative Activities
 - [1] Enhancing the opportunity for young designers to exhibit their talents
 - [2] Supporting small and medium-sized textile manufacturers
 - [3] Developing human resources capable of dealing with high-quality and first-class fashion
 - [4] Providing foreign people with more opportunities to study in Japan
 - [5] Developing an archive of Japanese cloths and designs
 - [6] Taking appropriate measures against the issue of fake designs and brands
 - (2) Enhancing Promotion Activates

[1] Making JAPAN FASHION WEEK in TOKYO the center for diffusing Japanese fashion worldwide

[2] Spreading Japanese fashion as a world-class fashion brand

**Chapter 5 Developing Human Resources and Improving Public Awareness:
Implementation of a Comprehensive Strategy for Development of Human
Resources Related to Intellectual Property.....143**

1. Stimulating International Interchanges and Implementing the Initiatives to Develop Human Resources Related to Intellectual Property on a Global Scale

(1) Supporting Asian Countries in Developing Human Resources Related to Intellectual Property

[1] Increasing acceptance of human resources from Asian countries and dispatch of specialists there

[2] Establishing an international network among training institutions

(2) Developing International Intellectual Property Experts

2. Developing Intellectual Property Experts

(1) Enhancing the Comprehensive Producing Capability

[1] Developing comprehensive producers

[2] Developing comprehensive adviser-type patent attorneys

[3] Increasing the number and improving the abilities of those who engage in industry-academia collaboration

[4] Making use of various types of specialists in the field of intellectual property

(2) Dramatically Increasing the Number and Improving the Quality of Patent Attorneys

(3) Dramatically Increasing the Number and Improving the Quality of Lawyers Who Are Well-Versed in Intellectual Property

(4) Increasing Public Access to the JPO's Knowledge and Know-how on Patent Practices

3. Developing Human Resources Who Create or Manage Intellectual Property

(1) Increasing the Intellectual Property Awareness of Personnel Engaging in Research and Development

(2) Increasing the Intellectual Property Awareness of Business Managers and Executives and Reforming Awareness Among Industries

(3) Developing Human Resources Related to Intellectual Property in the Agricultural, Forestry and Fishery Sectors as Well as the Food Sector

[1] Developing human resources who are well-versed in intellectual property in the agricultural, forestry and fishery sectors as well as the food sector

[2] Improving the ability of farming instructors in dealing with intellectual property

4. Improving Public Awareness of Intellectual Property
 - (1) Promoting Intellectual Property Education at Schools
 - (2) Promoting Intellectual Property Education in Local Areas
 - [1] Promoting the development of human resources related to intellectual property through after-school activities
 - [2] Promoting the development of human resources related to intellectual property through cooperation between schools and local communities
 - (3) Enhancing Experience-Based Educational Programs Focusing on the Creation, Protection and Exploitation of Intellectual Property
 - (4) Promoting Consumer Education Covering Intellectual Property
 - (5) Strengthening Activities for Improving Public Awareness of Intellectual Property
5. 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
 - (2) Developing Intellectual Property Instructors, Educational Materials and Educational Tools
 - [1] Developing intellectual property instructors
 - [2] Developing educational materials and educational tools related to intellectual property
 - (3) Upgrading Evaluation Indices for Human Resources Related to Intellectual Property
 - [1] Diffusing the proficiency test on intellectual property management
 - [2] Enhancing the systems for evaluating practical skills of specialists by type of profession
 - (4) Encouraging Research Activities Related to Intellectual Property Carried Out by Various Academic Societies
 - (5) Developing the Environment for Flexible and Practical Intellectual Property Education in Educational Institutions
 - (6) Promoting Intellectual Property Education at Specialized Upper Secondary Schools
 - (7) Promoting Intellectual Property Education at Universities, etc.
 - (8) Promoting Intellectual Property Education at Law Schools
 - (9) Promoting Intellectual Property Education at Professional Schools Specializing in Intellectual Property

Appendix

1. List of the Members of the Intellectual Property Policy Headquarters

2. List of Members of Task Forces
3. Legislation for the Establishment of Intellectual Property Policy Headquarters
4. History of Development of Strategic Program 2008
5. Glossary

Basic Concepts for the Intellectual Property Strategic Program 2008

<Strengthening the Intellectual Property Strategy, Targeting the World>

1. *In the age of knowledge-based economy and competition for appeal among countries, in order to utilize innovation, content, and brand as the driving forces of economic growth and emphasize Japan's appeal, it is necessary to stimulate and revitalize intellectual creation as well as properly protect and effectively utilize the results of such creation as intellectual property.* Based on this idea, the Intellectual Property Strategy Headquarters have been carrying out a variety of system reforms and infrastructure developments since 2003 with the objective of “making Japan the most advanced intellectual property-based nation in the world.” Efforts have also been made from various aspects by a wide range of people in the relevant sectors, e.g., industry, academia and the legal community, which have achieved some success thus far.

2. However, in the 21st century, we have been experiencing progress in technical innovation and market changes as well as an expansion of digital networks, at a speed and scale far beyond the anticipated level. Every country in the world is now in tough competition with one another, struggling to catch up with and overtake other countries in response to such rapid changes and to take the lead in creating new business models.

To survive this competition, innovation should be promoted in a speedy and efficient manner while gathering the intelligence of the industrial, governmental and academic sectors. To this end, each country is required to implement an intellectual property strategy and improve its intellectual property system, adapting to the times and covering all steps in technological development, from creation to protection to marketing. The intellectual property system should function to promote technical innovation and must not disrupt it in any possible way.

3. For Japan, the only way to survive is to take the following approaches: develop an intellectual property strategy that is ahead of the world; establish its position as the center for creating basic technology and content that cannot be imitated by other countries, while making active use of resources available at home and abroad; and promote innovation in Asia and other parts of the world through business expansion on a global scale, thereby taking the initiative in coping with global issues.

4. However, we have to admit that Japan currently falls behind other developed

countries such as the United States and European countries in many aspects.

For instance, Japan has not established an intellectual property mindset on the frontline of basic research. At most universities, researchers still place greater importance on presenting academic research papers than on obtaining intellectual property rights based on their research results. In this respect, they have not been sufficiently successful in the global competition for basic patents. Furthermore, although the number of technology transfers from universities has increased to a certain extent over the past six years, the amount of royalties gained by Japanese universities has only reached one percent of that in the United States. There is also a large gap in terms of the number and scale of university start-ups.

Under such circumstances, the United States has taken the lead over Japan in carrying out open innovation initiatives aimed at achieving efficiency in research, development and commercialization. One cause for this situation is the delay in developing legal systems and other conditions suitable for the digital age that can ensure the best use of the advantages of networking, including information access. This also interferes with R&D projects and movements for launching new Internet-related businesses, such as search engine services. In the United States and EU, governments have been making active efforts to keep up with advancements in technology and markets, particularly the enforcement of fair use regulations and enactment of the Digital Millennium Copyright Act in the former, and the creation of uniform systems and harmonization of contract rules to respond to digital networks in the latter. There is concern about further widening of the gap between Japan and these countries in providing a favorable business environment.

Western countries are also more positive in promoting global business expansion. Japanese patent applications, based on which foreign applications are also filed, account for only about 22%, whereas the share of domestic applications that have such corresponding foreign applications reaches about 44% in the United States and about 60% in the EU. This also shows that Japan should put stronger emphasis on expanding business overseas. These rival countries have also acquired advantageous positions in global business expansion through success in establishing international standards based on their own technologies.

It should be noted that in the world competitiveness ranking compiled by the International Institute for Management Development (IMD), Japan fell from the first position to the 22nd (released in May 2008), and Japan also fell from fifth to eighth in the ranking compiled by the World Economic Forum (WEF) (released in November 2007).

5. In the field of content, Japan also lags behind its competitors in taking advantage of the digital network environment to create new business models. This may be due to the delay in establishing the legal systems and contract rules necessary to promote the creation and distribution of content via the Internet and in reforming the intellectual property system into one that can flexibly respond to rapid technical innovation.

Furthermore, notwithstanding that Japanese content, such as *manga* (comics) and *anime* (animation), is highly acclaimed overseas, the share of overseas sales is only 2% for Japanese content whereas it is 18% for content created in the United States. This suggests that Japan has not succeeded in converting the sales of the content products distributed in the form of pirated copies on overseas markets, into sales through proper commercial channels.

6. Bearing all these circumstances in mind, Japan must be more conscious of world trends than ever before and strengthen efforts to “cultivate the intellectual property frontier,” with the aim of realizing the most advanced R&D (creation), system building (protection) and marketing (exploitation). To this end, Japan should take necessary measures quickly, while reviewing whether its past measures, which were based on its intellectual property strategies, have sufficiently contributed to increasing its “competitiveness” or “sustainable productivity or growth” compared with other countries, and whether the achievements made thus far through such efforts for the respective stages of creation, protection and exploitation of intellectual property have reached a satisfactory level from a global perspective.

Even though Japan does not watch the rest of the world, the world is watching Japan. We must recognize anew the fact that we cannot live in the present world without dealing with the world.

7. From the viewpoints shown above, the Intellectual Property Strategic Program 2008 reviews the intellectual property strategy with an international perspective amidst the globalization of technologies, systems and markets, and aims to *strengthen the intellectual property strategy, targeting the world*, while giving priority to the following three initiatives: [1] further strengthening Japan’s international competitiveness in the prioritized strategic fields; [2] encouraging business expansion to international markets; [3] exercising leadership in coping with common global issues, particularly issues facing Asian countries.

List of Priority Measures

I. Further Strengthening Japan’s International Competitiveness in the Prioritized Strategic Fields

1. Leading the World in the Fields of Cutting-Edge Technology and Achieving Innovation of Society as a Whole

(1) Obtaining Basic Patents in the Technical Fields Unchallenged by Humankind and Strategically Promoting Development of Innovative Technologies

It is important for Japan to create revolutionary intellectual property with which it can lead the world and to obtain basic patents for the results of such creation without fail, thereby increasing its growth potential.

To this end, the GOJ will take a strategic initiative for the development of innovative technologies, which are prioritized by the Council for Science and Technology Policy in its report released in May 2008, entitled “Strategy for Innovative Technology.” These priority technologies include the following: technologies for increasing international competitiveness of Japanese industry, and environmental and energy-related technologies; technologies for promoting health such as technologies for regenerative medicine that uses induced pluripotent stem cells (iPS cells or iPSCs); technologies for overcoming food and resource scarcity and ensuring the security of Japan and the world. At the same time, for the purpose of sustaining technical innovation, the GOJ will also promote basic research strategically so as to acquire basic patents efficiently.

[Priority items]

[1] Accelerating research and development on innovative technologies

Creating “technical innovation promotion grants” for supplying research funds expeditiously as a national initiative

<Page 24, (1)[3] i>

[2] Promoting original and innovative research activities

Creating “challenging research grants” as part of competitive research grants, thereby enhancing financial support for research projects that involve high risk and those aimed at fusing intelligence of different fields

<Page 24, (1)[2]>

[3] Giving priority to basic research

Including issues concerning the intellectual property strategy in the criteria for selecting research projects eligible for competitive research grants (target basic research)

(2) Strengthening the Technology Transfer Scheme to Promote Global Business Operation Based on the Results of Basic Research

With regard to innovative inventions such as iPSC technology, it is necessary not only to obtain basic patents at home and abroad but also to acquire intellectual property rights for related technologies and applied technologies that will be necessary for commercialization. This can be achieved by building a scheme for creating innovation based on research results while gathering the efforts of the industrial, academic and governmental sectors.

Also for the purpose of creating innovation quickly and more efficiently so as to survive global competition, consideration should be given to the concept of open innovation, in which companies actively use both internal and external resources. In this direction, with a view to widely and actively promoting global business operation based on the results of basic research, the GOJ will implement necessary measures including the following: drastically strengthen the functions of university intellectual property headquarters and TLOs; give advice to researchers at an early stage in the R&D process for the future plan of obtaining intellectual property rights; help these research entities in obtaining intellectual property rights based on their research results and developing patent portfolios; act as a bridge between the research entities and industries for the commercialization of intellectual property.

[Priority items]

[1] Building a comprehensive support system for accelerating the research and commercialization of iPS cells

Building a national support system for obtaining intellectual property rights and achieving commercialization based on the results of iPSC research

<Page 28, 2(2)>

[2] Strengthening the functions of university intellectual property headquarters and TLOs

Encouraging universities and TLOs to formulate and implement their comprehensive intellectual property strategies regarding the overall process from creation to exploitation of intellectual property, make performance reviews on their medium-term business plans, and improve organizational efficiency through enhanced collaboration of relevant divisions and integration and abolition of unnecessary divisions; providing support for universities and TLOs that carry out strategic

intellectual property activities

<Page 29, (3)[1][2]>

[3] Further promoting the use of the results of joint research

Encouraging the parties engaging in joint research to make efforts to build a consensus between them with regard to the ownership of rights in the research results, on the precondition of fair sharing of such results; raising awareness of the basic principle that either party of the joint research should be allowed to file a patent application independently based on the research results

<Page 32, (2)[1]>

[4] Enhancing support for university start-ups

Implementing necessary measures to enable national universities to exercise stock options that they have acquired as compensation for licensing

<Page 33, (3)[1] ii>

[5] Supporting universities, public research institutes and TLOs in filing foreign patent applications

Supporting research entities in filing applications and obtaining basic patents in foreign countries

<Page 30, 2(4)>

(3) Expediting the Development of Experts Capable of Formulating and Implementing Business Strategies

There is a high demand for improvement of the comprehensive producing capability required for assessing research results periodically and formulating and implementing strategies for global business operation. To this end, the GOJ will expedite the development of experts who have a good sense of business management and can be successful overseas.

[Priority items]

- Enhancing the comprehensive producing capability

Enhancing the comprehensive producing capability of people specializing in discovering valuable intellectual property and combining it with other business resources, thereby achieving commercialization

<Page 142, (1)[1]; Page 27, (1)[3]; Page 81, (3); Page 77, (1); Page 102, (1)>

(4) Pushing Forward the Creation of New Markets Through Technical Innovation

Under the current situation where innovative technologies are being created one after another, for the purpose of realizing the development of the Japanese economy and society as a whole, it is important to ensure that these technologies are properly protected by way of intellectual property rights. From this standpoint, the GOJ will constantly conduct reviews of the intellectual property system, and in this course, vigorously work toward improving the quality and increasing the speed of patent examination.

[Priority items]

[1] Considering a desirable protective approach in the fields of cutting-edge medical technology, such as iPSC technology

Launching a discussion on a desirable approach for providing appropriate patent protection in the fields of cutting-edge medical technology, such as iPSC technology

<Page 35, 1(1)>

[2] Drastically reviewing the patent duration-extension system

Conducting a comprehensive study with a view to including genetically engineered organisms, iPSC-derived biological specimens, and drug delivery systems (DDSs) in the scope of the system for extension of the duration of patent rights

<Page 35, 1(2)>

[3] Promoting flexible patent examination in response to diverse needs of applicants

Implementing, on a trial basis, a Super-Accelerated Examination System that will enable applicants to obtain results of examination earlier than the existing Accelerated Examination System allows

<Page 52, 5(1)>

2. Making Further Use of the Greatest Information and Communication Infrastructure in the World

(1) Strengthening Open Innovation Initiatives thorough Drastic Improvement of Information Access

Today, the success or failure in strategic exploitation of intellectual property affects the competitiveness of each company as well as socioeconomics as a whole more directly than ever before; and Japanese industries, which are in tough competition, are also facing the needs to carry out open innovation initiatives with unwavering resolve.

Backed up by the greatest information and communication infrastructure in the

world, Japanese companies enjoy favorable conditions for taking steps in the course of promoting open innovation, such as collecting and analyzing external information obtained from quickly and then actively spreading their own information to the world. The GOJ will encourage industrial circles to formulate advanced intellectual property strategies desirable for open innovation by taking advantage of these favorable conditions. The GOJ will also reform the Copyright Act and other intellectual property laws in line with digitization and networking of information, thereby promptly developing the necessary environment to accelerate the efforts of industrial circles in this direction.

[Priority items]

[1] Promoting the creation of innovation through fusion of various kinds of intellectual property

Implementing necessary measures to establish an Organization for Creation of Innovation (tentative name), which is expected to support the initiatives for creating new business models by combining technologies and other resources held by companies and universities with its comprehensive producing capability

<Page 77, 1(1)>

[2] Encouraging companies to implement advanced intellectual properties

Promoting the exploitation of intellectual property not in use and supporting efforts to achieve open innovation

<Page 77, (2)[1][3]>

[3] Solving legal issues to facilitate the use of information in R&D activities

Implementing necessary legislative measures so as to allow research entities to reproduce materials that were obtained in the course of collecting and using information for R&D projects that are aimed at creating innovation based on science and technology

<Page 24, (2)[1]>

[4] Increasing the usability of the Integrated Search System providing both patent information and academic information

Increasing the usability of the Integrated Search System for Patent and Literature Information, and raising awareness of the system

<Page 25, (2)[2]>

(2) Creating a Virtuous Cycle of Creation and Distribution of Digital Content,

Thereby Developing the World's Leading Content Industry

Digitization and networking of information have enabled us to enjoy content at any time and any place, without using such conventional devices as television sets and radios. In particular, people in Europe and the United States can view television programs whenever they want via the Internet, without using television sets. A new type of business has been emerging in the form of video-sharing websites on which anyone can broadcast via the Internet the video content that he or she has created.

In order to take advantage of this business opportunity, the Japanese content industry should tackle the challenge of creating new business models. In order to support this, the GOJ will create a new intellectual property system—the most advanced in the world—which is suitable for the distribution of digital content, and also develop contract rules as appropriate. While taking into consideration the expected rapid progress in technology, the GOJ will also aim to establish a system that can quickly and flexibly cope with any legal issues that may hinder the development of new business models.

[Priority items]

(a) Enhancing the distribution of content available on a variety of media

[1] Developing legal systems to promote the distribution of digital content

Putting into action the measures for which the GOJ has reached a conclusion; creating a legal system for promoting the distribution of advanced digital content within one year

<Page 115 (1)[1]>

[2] Consolidating content-related information

Consolidating content-related databases such as the *Japan Content Showcase*, in the manner in which they can serve as a uniform data source

<Page 119,(2)[1]>

(b) Supporting new types of business using digital content

- Creating a legal environment for the benefit of content-sharing services

Encouraging content-sharing service providers and copyright holders to conclude blanket contracts on the use of content and to apply technical means for eliminating illegal content; discussing the issue of indirect infringement of copyrights

<Page 107, (1)[1]>

(c) Developing the environment for the creation of content while taking advantage of the digital network

- Supporting creative activities in the *everybody-is-a-content-creator* age

Promoting the conclusion of blanket contracts between the business entities that provide opportunities to publicize their content and the copyright holders' associations; improving and disseminating the system by which right holders can manifest their intentions toward the use of their works via the Internet

<Page 125 (3)[1][2]>

(d) Creating an intellectual property system that can support the development of the content industry in the age of digital networks

- Developing an intellectual property system suitable for the age of digital networks

Discussing issues concerning a desirable form of the intellectual property system that can respond to technical progress, including creation of a framework for promoting content distribution while taking into account new modes of using content and the introduction of comprehensive regulations to restrict rights

<Page 110, 1(3)>

(3) Developing New Japan's Original Business Models Using the Internet and Software

Japan is now required to create new world-class business models for the software industry by taking advantage of its advanced information and communication infrastructure. In this industrial field, where rapid market changes occur, companies are facing difficulties in creating new business models partly due to the imperfection of the intellectual property system and contract rules concerning intellectual property. The GOJ will therefore implement necessary measures to solve this problem promptly.

[Priority items]

[1] Solving legal issues concerning network-based businesses

Taking legislative measures to ensure smooth implementation of temporary data accumulation on servers in the course of providing Internet search services or communication services

<Page 108, (2)[2][3]>

[2] Developing contract rules concerning ASP and SaaS

Developing and disseminating the sample contract forms and guidelines for dealing with intellectual property

<Page 85, (5)[4]>

3. Supporting SMEs and Venture Companies as Leaders for Exploring New Business Fields

SMEs and venture companies, through their efforts to explore new business fields, play a significant role in creating innovation, providing more job opportunities, and revitalizing local communities. These companies can protect their own technologies from competitors by obtaining intellectual property rights. Also, by actively carrying out their intellectual property strategies as part of their management strategies, they can make use of their intellectual property for various purposes such as joint research, licensing and intellectual property trusts, and then launch new technical development and business projects. Thus, the use of intellectual property basically offers considerable benefits to SMEs and venture companies.

However, in Japan, although SMEs account for 99% of all companies and their employees account for 70% of all employees, the number of patent applications filed by SMEs only account for 12% of the total number of applications filed. The possible causes for SME's tendency to not be so active in obtaining or using intellectual property may include the following: [1] lack of human resources and financial resources required for obtaining and enforcing patent rights; [2] inadequacy of knowledge and information on technical matters and intellectual property rights; [3] inadequacy of information on companies and universities that can be their business partners, and lack of funding for commercialization.

In local areas, in addition to SMEs that have original technologies, there are other resources such as local industries and local universities engaging in unique research fields. However, a favorable framework for effectively connecting these local resources together to promote innovation has not yet been established.

To cope with this situation, the GOJ will strengthen the measures to establish a framework for achieving commercialization of intellectual property, enhance information services, and reduce costs and other burdens.

[Priority items]

[1] Supporting the initiatives for commercialization of intellectual property in local areas

Enhancing the comprehensive producing capability of local business entities with the use of funds and other financial means and business support services; promoting efforts to put commercialization projects to action through collaboration with the centers for collaboration of local powers

<Page 102, 1(1)>

[2] Enhancing consultation and information services for SMEs and venture companies

Providing consultation services in the manner of directly visiting the

companies in need of advice, and establishing a support system for making companies aware of the importance of intellectual property before launching research and development; developing a consultation system for providing advice on intellectual property infringement

<Page 95. (1)[1]; Page 97 (3) i>

[3] Supporting SMEs and venture companies in filing foreign applications

Enhancing the system for providing financial support for SMEs for filing foreign applications

<Page 99, 6(3)>

II. Encouraging Business Expansion to International Markets

1. Improving the International Market Environment

(1) Strengthening Measures Against Counterfeits and Pirated Copies

Amidst the progress in economic globalization in which people, goods, money and information move across national borders, it is necessary to develop a business environment that can facilitate the business activities of Japanese companies on international markets.

Counterfeits and pirated copies distort competition among business entities and cheat right holders out of potential profits, thereby undermining the incentive to create new intellectual property. There is no end to counterfeits and pirated copies circulating overseas, particularly in Asian countries, and pirated copies have caused increasing damage to Japanese companies via the Internet, where information spreads beyond borders in an instant. To solve this problem, the GOJ will strengthen measures against counterfeits and pirated copies circulating overseas as well as pirated copies spreading via the Internet.

[Priority items]

(a) Strengthening measures against counterfeits and pirated copies spreading throughout the world

[1] Aiming to achieve early adoption of the Treaty on the Non-proliferation of Counterfeit and Pirated Goods (tentative name)

Taking the lead in discussions on this issue with the countries concerned and accelerating the movement toward achieving early adoption of the treaty

<Page 59, (1)[1]>

[2] Strengthening measures against the countries and areas where infringements have been exposed

Strengthening approaches to the countries and areas concerned by dispatching public-private joint missions and holding inter-governmental conferences

<Page 60 (2)[1][2]>

[3] Strengthening internal measures to prevent the spread of counterfeits and pirated copies

Strongly enforcing the regulations by customs at the border and regulations by police

<Page 66, 2; Page 68, 3>

(b) Strengthening measures against pirated copies on the Internet

[1] Requesting the elimination of illegal content on overseas video-sharing websites

Making a request to the foreign governments so as to ensure smooth elimination of illegal content

<Page 71, (2)[1]>

[2] Supporting joint initiatives against pirated copies implemented by Internet service providers and right holders' associations

Supporting the initiatives against pirated copies, such as sending warning mails to persons who transmit data files that infringe copyrights by using file-sharing software

<Page 72, (2)[2] i>

(2) Coping with International Issues on Trademarks

It has been reported that some Japanese companies experience hardships when operating in foreign countries, where names of regions and common nouns in Japanese that can be used as brand names of their products are registered as trademarks.

The GOJ will take specific measures to cope with the problematic situation of such Japanese names being registered as trademarks in foreign countries, while giving due consideration to the impact of this problem on the Japanese trademark system.

[Priority items]

[1] Requesting that the countries concerned improve their trademark systems so as to ensure proper protection of Japanese names of regions and famous trademarks

Requesting that the countries concerned improve their trademark systems, including the criteria for judging how well-known the names in countries of origins of products are, so that trademark registrations of foreign names of origins of products or common names and trademark registrations of foreign famous marks for illegal

purposes will be rejected or cancelled properly

<Page 40, (2)[1]>

[2] Supporting Japanese entities oversea in obtaining trademark rights and dealing with problems occurred related to Japanese names of regions

Providing Japanese entities with information on the application procedures in foreign countries in order to help them obtain trademark registrations overseas; developing and disseminating a manual on how to deal with cases where Japanese names of regions are registered in foreign countries

<Page 55, (1)[2] i>

(3) Securing the Stability of Business Activities

In the United States, the emergence of *patent trolls*, which means entities that abuse intellectual property rights, has become a problem. In view of the fact that Japanese companies also suffer damage from patent trolls, the GOJ will raise discussions on how to cope with this problem.

[Priority items]

- Taking measures against the abusive exercise of intellectual property rights

Formulating guidelines on proper enforcement of intellectual property rights

<Page 84, (5)[1]>

2. Accelerating Business Operation Overseas

(1) Enhancing the Capability of Spreading the Japan Brand

In recent years, Japanese culture and lifestyle, which are acclaimed for their originality, tradition, and harmony with nature, have been widely accepted overseas. Under such circumstances, Japan can improve its image by establishing the Japan Brand, which covers various sectors, not only lifestyle-based content such as food culture, fashion and regional brands, but also entertainment content such as *anime*, *manga*, and games as well as traditional arts, and widely spreading this original Japanese content to the world. On the other hand, considering that foreign people in different areas have different impressions of Japan, the GOJ will take comprehensive measures to increase popularity of the Japan Brand, depending on the target areas and people.

[Priority items]

- Establishing the Japan Brand strategies depending on the target areas and people

Establishing strategies depending on the target areas and people and developing action plans through collaboration of the relevant ministries and agencies, in order to spread the Japan Brand to the world on a cross-sectoral basis

<Page 128, 1(1)(2)>

(2) Supporting Global Expansion of the Content Industry

The Japanese content industry has matured as a domestically oriented one, backed by the expansion of consumption along with the increase in population and economic growth and protected by the shield of Japanese language. However, in the coming of the age of a depopulating society, it is unavoidably necessary to seek growth potential on international markets. From a worldwide perspective, the content industry is becoming more global, and human resources and funds are being concentrated in content businesses that have global marketing strategies. The GOJ will actively support the Japanese content industry in expanding business overseas, so as to keep pace with such world trends.

[Priority items]

[1] Requesting the elimination of illegal content on overseas video-sharing websites (Reprise)

[2] Establishing business methods to support business operations overseas and secure distribution channels

Supporting the establishment of practices for the total process of content business, from creating content products to concluding a contract for overseas distribution; asking the countries concerned to promote deregulation so as to ensure proper distribution of Japanese content

<Page 113, (2)[2]; Page 111, (1)[2]>

(3) Promoting the Activities of Obtaining Intellectual Property Rights Overseas

In order to accelerate Japanese companies' business expansion overseas, it is necessary to develop a favorable environment for obtaining intellectual property rights in foreign countries. To this end, the GOJ will further promote harmonization of the intellectual property systems of the countries concerned and take measures to reduce costs incurred by universities and SMEs for filing international applications.

[Priority items]

[1] Achieving expeditious patent examination on a global scale by promoting international work sharing

Increasing the number of countries that participate in the Patent Prosecution Highway and introducing a new system, JP-FIRST, wherein the JPO examines patent applications based on which foreign applications will be filed, in preference to other applications

<Page 37, (1)[1]>

[2] Introducing the electronic filing system for international applications

Taking the lead in building the next-generation electronic filing system for international applications based on the Patent Cooperation Treaty

<Page 38, (1)[3] i>

[3] Aiming to introduce the system for filing applications in original languages in the JPO, SIPO, and KIPO

Encouraging the SIPO and KIPO to accept applications in Japanese and English

<Page 39, (1)[4]>

[4] Enhancing international cooperation for examination with regard to applications for registration of new plant varieties

Implementing the mutual use of examination data on new plant varieties, with more countries in Asia and for more types of plants

<Page 41, 2(3)>

[5] Supporting universities, public research institutes and TLOs in filing foreign patent applications (Reprise)

III. Exercising Leadership in Coping with Common Global Issues, Particularly Issues Facing Asian Countries

1. Making Active Use of Japan's Advanced Technology for Solving Global Environmental Issues

- Promoting the Transfer of Japan's Environmental Technology to Developing Countries

In order to solve environmental issues that require global initiatives, Japan must spread its advanced technology throughout the world.

Thus far, the GOJ has provided technical cooperation and financial support for

developing countries in various forms. The GOJ will continue to encourage independent efforts of Japanese industries to actively grant licenses for their technologies, while taking the lead in promoting technical cooperation.

[Priority items]

[1] Using ODA strategically

Strategically using cooperative projects in the environmental and energy fields by way of ODAs and other schemes, thereby promoting the transfer of Japan's environmental technology to developing countries

<Page 85, 2(1) i>

[2] Fostering environmental leaders in Asia

Accepting students from Asian countries and fostering human resources who can serve as environmental leaders in their countries

<Page 26, (2)[5] ii>

[3] Publicizing case samples of the transfer of environmental and energy-related technologies

Publicizing successful cases of the transfer of environmental and energy-related technologies, which involve intellectual property

<Page 85, 2(1) ii>

2. Taking the Lead in the Initiatives for International Harmonization of Intellectual Property Systems

(1) Reinforcing Efforts to Achieve International Harmonization of Intellectual Property Systems

For the purpose of enabling Japanese companies to carry out global business activities smoothly, the GOJ will further reinforce efforts to achieve international harmonization of intellectual property systems, including patent systems, plant variety protection systems, and copyright systems.

[Priority items]

[1] Taking the lead in the initiatives for international harmonization of patent systems

Promoting the efforts to establish a consensus for the unification to the first-to-file principle; making efforts for the commencement of the use of the standard application format between the trilateral offices (JPO,USPTO and EPO) on a trial basis

<Page 38, (1)[2]>

[2] Promoting the development and harmonization of plant variety protection systems in East Asia

Carrying out cooperative activities via the East Asia Plant Variety Protection Forum in order to streamline the examination and registration procedures and improving the examination ability

<Page 42, (4)[4]>

[3] Reinforcing efforts to achieve international harmonization of copyright systems

Aiming to achieve international harmonization of copyright systems as necessary in the age of the Internet, and actively participating in discussions on a desirable form of a global copyright system

<Page 112, (1)[4]>

(2) Aiming to achieve early adoption of the Treaty on the Non-proliferation of Counterfeit and Pirated Goods (tentative name) (Reprise)

3. Playing a Leading Role in Areas Where Global Cooperation Is Required, Such as International Standardization

- Enhancing Efforts for International Standardization

With the aim of exploring new markets and diffusing technologies beneficial to society, the GOJ will play a leading role in areas where global cooperation is required, by enhancing efforts for international standardization with the use of Japanese technologies.

[Priority items]

[1] Encouraging industrial circles to implement their own action plans

Ensuring steady implementation of the International Standardization Comprehensive Strategy; encouraging industrial circles to formulate their own action plans according to the characteristics and actual conditions of respective industries and conducting follow-ups on the implementation of the plans

<Page 86, (1)[2]>

[2] Enhancing efforts to develop human resources for international standardization

Considering possible measures to develop human resources for international standardization, including the establishment of a proficiency testing system for international standardization, and implementing necessary measures

<Page 91, (4)[1]>

4. Actively Performing the Role That Japan Is Required to Perform in Asia

(1) Supporting the Introduction and Dissemination of Intellectual Property Systems

In order to promote vigorous business activities of Japanese companies in Asian countries where high economic growth rates are sustained, the GOJ will provide more support for Asian countries that have not yet established sufficient intellectual property systems, in efforts to introduce and disseminate their intellectual property systems. In this course, it is absolutely necessary to develop intellectual property experts in each country, and in view of this, the GOJ will actively cooperate with Asian countries as the center of development of intellectual property experts.

[Priority items]

[1] Supporting Asian countries in developing human resources related to intellectual property

Providing support in the development of human resources for government officials and private companies of Asian countries that are actively working toward protection and exploitation of intellectual property rights

<Page 41, (4)[1]; Page 65, (4)[1]; Page 142, 1(1)>

[2] Approaching Asian countries for early introduction of copyright systems

Approaching Asian countries for early accession to the copyright conventions and supporting efforts to disseminate and improve their copyright systems

<Page 112, (1)[4]>

(2) Realizing a Virtuous Cycle of Intellectual Creation in Asia

Multinational division of the work process has been developed in Asia, and Japanese manufacturing companies have established production-marketing networks there through exports of intermediate products. In light of this, the GOJ will develop a necessary environment for realizing a virtuous cycle of intellection creation in this region.

[Priority items]

[1] Providing information on patent applications in Asian countries

Actively negotiating with Asian countries such as China and South Korea so as

to provide information on patent applications in these countries via the Intellectual Property Digital Library (IPDL)

<Page 53, (3) ii>

[2] Promoting content creation through collaboration with Asian countries

Formulating a medium and long-term policy package targeting Asia, entitled “Asia Content Initiative”; providing intensive support for content creation through international collaboration with Asian countries

<Page 111, (1)[3] i); Page 115, (2)[5]>

[3] Encouraging Asian countries to use search and examination results provided by Japan

Disseminating the Advanced Industrial Property Network (AIPN) whereby the JPO transmits search and examination results to foreign countries including Asian country

<Page 42, (4)[3]>

[4] Steadily implementing the “Asia-Pacific Standardization Initiative”

Following the “Asia-Pacific Standardization Initiative” formulated in July 2007, steadily implementing the measures planned in this initiative, such as strengthening the human resource network and submitting joint proposals on international standards

<Page 93, 1(5)>

Main Part

The ministries or agencies in charge that are assigned with respect to each specific measure shall take responsibility over the individual measures included in the Main Part.

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.

Chapter 1 Creation of Intellectual Property

1. Increasing Creative Ability in the Field of Basic Research

(1) Strategically prioritizing research fields with the aim of obtaining basic patents

[1] Promoting strategic efforts to obtain and exploit intellectual property with the aim of realizing innovation

- i) From FY2008, the GOJ will include issues concerning the intellectual property strategy in the criteria for selecting research projects eligible for competitive research grants concerning target basic research (including applied research) so that funds are allocated appropriately and effectively to research activities that open up a technological frontier.

(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 order to appropriately ensure expenses for strengthening collaboration with the industrial circles and for filing patent applications and maintaining and managing patents, the GOJ will 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 on the campus.

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

[2] Promoting original and innovative research activities

In order to promote a variety of basic research activities and original and innovative research activities that are especially expected to lead to basic patents, the GOJ will provide support for R&D projects that involve high risk, which can produce highly innovative results based on researchers' novel ideas, and those aimed at fusing different fields. This support will come in the form of enhancing competitive research grants and thereby creating "challenging research grants" as a part thereof.

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

[3] Accelerating research and development on innovative technologies

i) In order to accelerate R&D on innovative technologies to which research funds should be expeditiously supplied, from FY2009, the GOJ will promote R&D on innovative technologies with its concerted efforts by creating “technical innovation promotion grants.”

(Cabinet Office and other ministries and agencies concerned)

ii) From FY2008, the GOJ will promptly provide the necessary support for promoting the creation of intellectual property from the perspective of promoting R&D on innovative technologies, represented by iPS cells, etc., and practical application of such R&D results.

(Cabinet Office, Ministry of Education, Culture, Sports, Science and Technology, Ministry of Economy, Trade and Industry, Ministry of Health, Labour and Welfare and other ministries and agencies concerned)

[4] Promoting strategic R&D using technology strategy maps

The GOJ will 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)

(2) Developing a favorable environment for the active use of internal and external resources

[1] Solving legal issues to facilitate the use of information in R&D activities

R&D activities on image, sound, language and web analysis technology, etc., which serve as infrastructure technology for an advanced information society, are promoted through the collection and analysis of large amounts of information using the Internet, etc. In view of this fact, by the end of FY2008, the GOJ will implement legislative measures so as to allow the reproduction and adaptation, etc. of works to the extent necessary for R&D activities that are aimed at creating innovation based on such

science and technology, unless the interests of right holders are unjustly harmed.

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

[2] Increasing the usability of the Integrated Search System for Patent and Literature Information, and raising awareness of the system

In order to promote the use of the Integrated Search System for Patent and Literature Information, which started operating in March 2007, the GOJ will take necessary measures to increase the system's usability, including the understanding and analysis of the trend of use and the needs of users and the development of a dictionary for patent-related technical terms. The GOJ will also raise awareness of the system among researchers at universities and public research institutes.

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

[3] Constructing an integrated database relating to research tool patents

In starting the operation of a research tool database by the end of FY2008, the GOJ will construct a system, and will also formulate an operational policy under the Liaison Committee among Ministries and Agencies. Based on the policy, the GOJ will promote the smooth registration of research tool patents by universities, research institutes, etc.

(Cabinet Office, Ministry of Education, Culture, Sports, Science and Technology, Ministry of Agriculture, Forestry and Fisheries, Ministry of Health, Labour and Welfare, Ministry of Economy, Trade and Industry and other ministries and agencies concerned)

[4] Disseminating the guidelines for research tool patents in the field of life science

In light of the "Guidelines for Smooth Use of Research Tool Patents in the Field of Life Science," decided by the Council for Science and Technology Policy in March 2007, from FY2008, the GOJ will make it obligatory to comply with said guidelines in the guidelines for the public recruitment of government-sponsored R&D projects in the field of life science. The GOJ will also follow up on the status of efforts made by universities, public

research institutes, and companies. In addition, the GOJ will promote the development of licensing policies in line with the guidelines, and will also strive for a global-level dissemination of the ideas of the Organisation for Economic Co-operation and Development (OECD) Guidelines.

(Cabinet Office, Ministry of Education, Culture, Sports, Science and Technology, Ministry of Agriculture, Forestry and Fisheries, Ministry of Health, Labour and Welfare, Ministry of Economy, Trade and Industry and other ministries and agencies concerned)

[5] Boosting interchanges with foreign universities

i) In FY2008, the GOJ will support universities and research institutes, etc. to work on science and technology cooperation, including international joint research, toward solving environmental issues and other issues in order to strengthen partnership with research institutes, etc. in Asian and African countries, etc.

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

ii) From FY2008, the GOJ will promote efforts in which universities and public research institutes accept students from Asian countries, etc. and foster them as human resources who can take an active role as great environmental leaders in their countries, etc. by having them learn alongside Japanese students to acquire excellent environmental technology and policies.

(Cabinet Office, Ministry of Education, Culture, Sports, Science and Technology and Ministry of the Environment)

[6] Promoting the use of advanced research facilities

In FY2008, in order to promote common use, including private use, of the advanced research facilities of universities, R&D-type independent administrative institutions, etc., the GOJ will provide financial support for the establishment of a user support system and the operation, etc. of facilities for common use, and will also promote development of the system, including the formulation of rules for handling intellectual property and other research results and those for charging and the allocation of experts, toward realizing a self-reliant common use.

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

2. Strengthening Intellectual Property Strategies at Universities and Research Institutes

(1) Promoting the Spread of an Intellectual Property Mindset Among Both Upstream and Downstream Researchers

[1] Raising the intellectual property mindset among researchers

i) In FY2008, in order to further raise the intellectual property mindset among researchers at universities and research institutes, the GOJ will support training, lectures and other activities targeting researchers, etc., which are aimed at raising awareness and enlightening the importance of filing a patent application in advance of presenting a research paper for the strategic obtainment of intellectual property rights.

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

ii) In order to enhance communication between researchers and those in charge of intellectual property at universities and public research institutes, from FY2008, the GOJ will encourage those in charge of intellectual property to visit researchers as needed and promote participation of those who consider obtaining patents for research results in research teams.

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

[2] Inspecting the intellectual property policy measures from the viewpoint of researchers

From FY2008, the GOJ will consider intellectual property policy measures, etc. at the Science Council of Japan, an academy representing Japanese scientists, in light of requests, etc. from academic societies, and thereby present specific suggestions.

(Cabinet Office)

[3] Enhancing producing capability for the intellectual property strategy

From FY2008, the GOJ will include the perspective of intellectual property in the formulation of policies for R&D projects, which is the “entrance” to R&D, and will also provide human resources for establishing intellectual property strategies and intellectual property portfolios for R&D projects (intellectual property producers). In addition, by the end of FY2008, the GOJ will strive to construct a database that contains information about human resources who can become intellectual property producers. Moreover, the GOJ will promote the development and introduction of human resources who have the comprehensive producing capability necessary for planning and implementing strategies, including practical application and commercialization, at TLOs and other organizations that serve as the core of regional industry-academia collaboration.

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

(2) Building a Comprehensive Support System for Accelerating the Research and Commercialization of iPS Cells

Regarding research of iPS cells, the GOJ will continue to provide support, including the development of systems, so that basic patents for the results of such research will be secured not only in Japan but also in other countries. From FY2008, the GOJ will also support relevant bodies' active development of related technology and applied technology in order to further advance the research of iPS cells and lead it toward the utilization and future commercialization of relevant technology. The GOJ will also encourage these bodies to appropriately obtain rights for technologies, which have been produced as the result of the research, in collaboration with each other. In addition, in order to promote the effective use of such intellectual property in industrial circles, the GOJ will establish an efficient system by taking advantage of the mechanism of intellectual property management and exploitation companies, which are jointly established by universities/research institutes and industrial circles.

(Cabinet Secretariat, Cabinet Office, Ministry of Education, Culture, Sports,

Science and Technology, Ministry of Economy, Trade and Industry, Ministry of Health, Labour and Welfare and other ministries and agencies concerned)

(3) Promoting the Development of Systems at Universities, Public Research Institutes and TLOs

[1] Strengthening the functions of university intellectual property headquarters and TLOs

- i) In FY2008, the GOJ will strengthen the necessary systems for university intellectual property headquarters and TLOs to appropriately evaluate the possibility of obtaining rights and commercialization. The GOJ will also promote the provision of patent information to university researchers at an early stage of R&D through preparation of patent maps, etc. and facilitate the introduction of a mechanism of reviewing the possibility of filing patent applications before university researchers present relevant research papers. In addition, the GOJ will encourage universities to formulate and implement comprehensive intellectual property strategies covering everything from the upstream of the creation of intellectual property to the exploitation of results.

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

- ii) From FY2008, the GOJ will encourage universities and TLOs to formulate medium-term business plans in light of their own roles and characteristics, set indices for intellectual property management, such as the rate of licensed patents and the rate of applications to which a patent was granted, and regularly conduct performance reviews on their own intellectual property-related activities. Based on that, the GOJ will promote discussions on improving organizational efficiency through enhanced collaboration of relevant divisions and integration and abolition of unnecessary divisions as well as the role that university intellectual property headquarters and TLOs should play at universities and in a community and measures necessary for university intellectual property headquarters and TLOs to actually play that role, so that they will be able to best function in implementing industry-academia-government collaboration as well as technology transfer.

(Ministry of Education, Culture, Sports, Science and

Technology and Ministry of Economy, Trade and Industry)

[2] Supporting universities and public research institutes engaged in strategic activities in the field of intellectual property

i) From FY2008, the GOJ will provide intensive support for a variety of voluntary and unique efforts by universities and public research institutes, such as the strengthening of an international industry-academia-government collaboration system and intellectual property management that responds to issues in a specific field, so that industry-academia-government collaboration and other intellectual property-related activities at universities and public research institutes will be developed in a sustainable manner. In this regard, the GOJ will set appropriate goals for universities and public research institutes subject to its support and also evaluate the achievement of those goals.

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

ii) The GOJ will gain an understanding of the seeds of basic research at universities and public research institutes and the R&D strategies and needs of companies, and provide support for the efforts of universities and TLOs, etc. to develop and ensure human resources who can serve as the intermediary between universities/public research institutes and companies.

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

(4) Supporting universities, public research institutes and TLOs in filing foreign patent applications

In order to encourage universities, public research institutes and TLOs to obtain international rights for basic patents, the GOJ will endeavor to enhance financial support via the Japan Science and Technology Agency (JST) to cover expenses for foreign-patent filing by universities and TLOs, and will also widely make public the support system, including the fact that international patent applications claiming a priority based on a foreign application are subject to support.

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

3. Promoting Research and Development Aimed for Commercialization

(1) Enhancing Industry-Academia-Government Collaboration

[1] Promoting companies' efforts toward industry-academia-government collaboration

The GOJ will encourage industrial circles to maintain a positive regard for collaboration with universities and public research institutes in corporate management strategy and to actively publicize efforts for and results of industry-academia-government collaboration. In addition, from FY2008, the GOJ will also encourage companies, when conducting joint research with universities, to share goals with those universities by showing strategic visions, including practical application/commercialization plans and marketing, to universities to a maximum extent and to advance research based on the appropriate division of roles with universities. Moreover, the GOJ will vitalize opportunities for researchers and managers at universities and companies to exchange opinions and promote human exchanges between them.

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

[2] Promoting efforts to put R&D results into practice

- i) The GOJ will investigate the status of the 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.

(Ministry of Economy, Trade and Industry)

- ii) The GOJ will strive for the enhanced use of a mechanism of putting excellent research results achieved at universities and public research institutes into practice through evaluations and analysis concerning potential application and development with the use of intellectual property-related professional abilities.

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

(2) Promoting the Smooth Implementation of Joint Research and Contract Research

[1] Further promoting the use of the results of joint research

From FY2008, the GOJ will encourage universities and companies to work to build a consensus on the ownership of rights in research results on the precondition of fair sharing of such results and the handling of licenses while maintaining smooth implementation of joint research, after forming a common recognition of the advantages of filing an application jointly or independently through sufficient discussions. In addition, the GOJ will raise awareness, among universities, TLOs and companies, of the basic principle that either universities and public research institutes or companies should be allowed to file an application independently through concentration of rights.

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

[2] Promoting the integrated management of intellectual property rights obtained through joint research

In order to facilitate the filing of patent applications and the management and exploitation of intellectual property for the results of joint research (including national projects) conducted by multiple universities and R&D-type independent administrative institutions, from FY2008, the GOJ will consider measures to realize the integration of the attribution and management of intellectual property rights, including the review of the mining and manufacturing technology research association system and the required reform of the system, and will draw a conclusion.

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

[3] Clarifying the positions of students, etc. who participate in joint research

The GOJ will widely make public the 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 for a case where postdoctoral fellows and postgraduate, undergraduate and foreign students participate in joint

research, etc., on the basis of the results of a survey it conducted in FY2007.

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

(3) Supporting Start-ups Launched by Universities and Research Institutes

[1] Enhancing support for university start-ups

i) From FY2008, the GOJ will consider the expansion, etc. of the scope of investment in university start-ups, etc. by national universities, as part of a system that enables universities to make self-relying efforts, and take legislative measures as appropriate.

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

ii) By the end of FY2008, the GOJ will take necessary measures to enable national universities to smoothly exercise stock options in case they have acquired stock options as compensation for licensing to university start-ups, etc.

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

iii) The GOJ will promote projects that contribute to the creation and 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, the GOJ will take appropriate support measures based on the results of a survey it conducted in FY2007 with regard to the technique, personnel, sales channel and finance of university start-ups.

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

[2] Promoting support for start-ups launched by R&D-type independent administrative institutions

In order to promote commercialization of research results achieved at R&D-type independent administrative institutions, in FY2008, the GOJ will start considering measures to enable R&D-type independent administrative institutions to invest in start-ups based on the exploitation of intellectual property of the R&D-type independent administrative institutions through provision of the relevant intellectual property or R&D facilities, etc., and will take legislative measures as appropriate.

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

Chapter 2 Protection of Intellectual Property

I. Properly Protecting Intellectual Property

1. Protecting New Technologies Properly and Pushing Forward the Creation of New Markets

(1) Considering a Desirable Protective Approach in the Fields of Cutting-Edge Medical Technology, such as iPSC Technology

In FY2008, the GOJ will promptly launch a discussion on a desirable approach to providing appropriate patent protection in the fields of cutting-edge medical technology, such as iPSC technology, which is widely applicable to the medical field and for which international competitions in R&D and in obtainment of intellectual property have been intensifying. From this discussion, the GOJ will draw a conclusion at an early date in light of the application of the Examination Guidelines for Patents revised in April 2005 and the trend of discussions on the protection of patents for cutting-edge medical technology in the international community.

(Cabinet Secretariat, Cabinet Office, Ministry of Health, Labour and Welfare, Ministry of Economy, Trade and Industry and other ministries and agencies concerned)

(2) Drastically Reviewing the Patent Duration-Extension System

With regard to the patent duration-extension system, the GOJ will study the review of the subject matters of the system, such as including innovative medicine that differs only in form, which is based on innovative drug formulation technology like DDS, in the subject matters in addition to the procedure for the approval of use of genetically engineered organisms under the Cartagena Protocol and the procedure for the approval of iPSC-derived biological specimens. In addition, the GOJ will conduct a comprehensive study on a desirable system on the whole, including the requirements for extension, the number of patent rights subject to extension and the number of extensions, and the scope of effect of patent rights for which duration has

been extended, in light of international trends, etc. The GOJ will immediately launch these studies to draw a conclusion by the end of FY2008.

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

(3) Considering a Desirable Protective Approach for Use Inventions Relating to Food with Health-Promoting Benefits, etc.

Regarding use inventions relating to food with health-promoting benefits, the GOJ will, early in FY2008, get opinions from the related industries on how to protect patents for such inventions as well as the scope of effect of such patents and hold a discussion thereon 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.

(Ministry of Economy, Trade and Industry)

(4) Strengthening the Protection of New Plant Varieties

i) Regarding the development of DNA analysis technologies that are necessary for facilitating the determination of the infringement of breeder's rights, the GOJ will increase the number of targeted varieties and promote the dissemination of said analysis technologies by compiling guidelines thereon. In addition, the GOJ will promote the development of a system to retain DNA, etc. so that, for all registered varieties, prompt and precise DNA analysis can be provided when an infringement occurs.

(Ministry of Agriculture, Forestry and Fisheries)

ii) Toward revising the system to extend breeder's rights, in principle, to independent cultivation by farmers, the GOJ will, from FY2008, conduct a survey on the actual conditions of license contracts and problems on production sites and develop an appropriate environment.

(Ministry of Agriculture, Forestry and Fisheries)

2. Taking the Lead in Establishing an International Intellectual Property System

(1) Enhancing Efforts to Establish a Global Patent System

[1] Achieving expeditious patent examination on a global scale by promoting international work sharing

i) Under a Patent Prosecution Highway (PPH) between the multiple patent offices, applications for which patents have been granted at the first office will be eligible for accelerated examination through simple procedures at the second office. From FY2008, in addition to the United States, South Korea, the United Kingdom and Germany, 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.

(Ministry of Economy, Trade and Industry)

ii) In FY2008, the GOJ will introduce an approach (JP-FIRST) wherein accelerated examination in Japan is conducted for patent applications that are filed not only in Japan but also in other countries, and the foreign patent offices utilize the results of the accelerated examination with the aim of granting patents promptly.

(Ministry of Economy, Trade and Industry)

iii) In order to expand international mutual use of the results of patent examination, from FY2008, the GOJ will consider the unification of the formats of cited documents that are attached to the first actions by the trilateral patent offices (JPO, USPTO and EPO). Based on the results of consideration, the GOJ will take necessary measures.

(Ministry of Economy, Trade and Industry)

iv) In order to maximize the mutual use of examination results, the GOJ will strive to use the Working Group on the Reinforcing and Development of Work Sharing, established among the trilateral patent offices (JPO, USPTO and EPO). From FY2008, the GOJ will also promote efforts to achieve a substantive mutual recognition of examination, such as discussions on issues in individual fields at the meetings of the examiners of the trilateral patent offices (JPO, USPTO and EPO) in individual fields with the aim of promoting the mutual use of

examination results.

(Ministry of Economy, Trade and Industry)

[2] Taking the lead in the initiatives for international harmonization of patent systems

- i) 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 FY2008. The GOJ will also focus on movements to revise patent law in the United States where the review of the first-to-invent system and full introduction of 18-month-publication are under consideration, and will approach the United States from the perspective of international harmonization of patent systems.

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

- ii) With the aim of commencing the use of the standard format of patent descriptions among the trilateral patent offices, formulated by the trilateral patent offices (JPO, USPTO and EPO), in January 2009, the GOJ will approach other countries so that said format will be adopted as the WIPO Standards for electronic filing. In addition, by the end of FY2008, the GOJ will make necessary approaches to ensure that the standard format is adopted in the filing system for international applications based on the Patent Cooperation Treaty (PCT) and in other countries.

Furthermore, the GOJ will promote discussions on matters that were not included in the standard format, such as formats of claims, toward unification thereof.

(Ministry of Economy, Trade and Industry)

[3] Taking the lead in building an electronic filing system for international patent applications

- i) In FY2008, the GOJ will take the lead in promoting efforts to improve the administration of affairs pertaining to the filing system for international applications based on the Patent Cooperation Treaty (PCT) and to build the next-generation electronic filing system, with the aim of improving convenience in filing foreign applications and reducing international application fees.

(Ministry of Economy, Trade and Industry)

ii) The GOJ will promote cooperative activities relating to mechanization and computerization, including the development of systems for electronic filing, administration of filing-related affairs, a search database and transmission of information, according to the current conditions of each country's intellectual property system and the actual conditions of formulation of systems in the country. Such efforts will be promoted toward establishing an electronic system at the intellectual property offices of Asian countries and other developing countries.

(Ministry of Economy, Trade and Industry)

iii) In order to reduce procedural burdens on applicants who are filing foreign patent applications, the GOJ will, from FY2008, promote efforts to disseminate to other countries a system to electronically provide documents proving the filing date (priority documents) mutually between the JPO and foreign patent offices, in addition to the USPTO, the EPO and the KIPO with which such a system has already been in operation.

(Ministry of Economy, Trade and Industry)

iv) 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 each country as international public property, 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)

[4] Aiming to introduce the system for filing applications in original languages in the JPO, SIPO, and KIPO

While promoting application-filing with the SIPO and KIPO, the GOJ will, from FY2008, ask the SIPO and KIPO to take measures to accept patent applications in Japanese and English in order to reduce problems involving translation.

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

(2) Establishing an International Trademark System that Responds to Globalization

[1] Requesting that the countries concerned improve their trademark systems so as to ensure proper protection of Japanese names of places and famous trademarks

In order to promote smooth overseas operations by Japanese companies, etc. by preventing adverse effects caused by third parties' trademark registrations for Japanese geographic names, names of plant varieties, common names and famous trademarks in other countries (in particular, countries where Chinese characters are used), the GOJ will, from FY2008, approach other countries on various levels, including on the ministerial level, to encourage them to take the following measures.

- a) Improving and clarifying systems and operations so that a trademark will be subject to refusal of registration or subsequent rescission of registration as a name of origin of a foreign product, a name of plant variety or a common name in the case where the trademark is placed in the geographical dictionary, etc. of the relevant country as a name of origin of a product, a name of a plant variety or a common name
- b) Improving and clarifying systems and operations so that a trademark will be subject to refusal of registration or subsequent rescission of registration not only in cases where the trademark is famous in the relevant country but also in cases where the trademark is based on an application that has been filed for wrongful purposes for a trademark that is famous in a foreign country

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

[2] Considering the introduction of new types of trademarks that are represented by way of hologram, movements, sounds, etc.

From the perspective of international harmonization of trademark systems, the GOJ will, by the end of FY2008, consider including hologram, movements, sounds, etc., which are not subject to protection under the current Trademark Act, in the subject matter of protection, and draw a conclusion.

(Ministry of Economy, Trade and Industry)

[3] Encouraging Asian countries to accede to the Madrid Protocol

Since the international trademark registration system based on the Madrid Protocol facilitates the international acquisition of trademark rights, the GOJ will approach 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, the GOJ will actively participate in discussions at the World Intellectual Property Organization (WIPO) to review the Madrid System, which is aimed at making the system more user-friendly, including making it obligatory for designated Contracting States to offer a means of confirming registration and relaxing the identity requirement in consideration of language differences.

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

(3) Enhancing International Cooperation for Examination with Regard to Applications for Registration of New Plant Varieties

With the aim of coping with the global increase in the number of applications for registration of new plant varieties and achieving prompt and appropriate international protection of rights, the GOJ will promote international harmonization of cultivation testing methods and examination standards. From FY2008, the GOJ will also promote the increase of the types of plants subject to mutual use of examination data, which Japan is now implementing with the EU, and expansion of countries subject to cooperation to Asian countries, etc. The GOJ will also facilitate international cooperation for examination by considering the possibility of introducing a mutual recognition system.

(Ministry of Agriculture, Forestry and Fisheries)

(4) Promoting the Development of Intellectual Property Systems in Asia and Cooperation Therefor

[1] Reinforcing support for the development of systems in Asia

Based on public-private cooperation, the GOJ will promote efforts toward the development and harmonization of intellectual property systems and operations thereof in Asia by providing comprehensive support for lawmaking, including related

substantive laws and procedural laws in addition to intellectual property laws, as well as through cooperation for examination, human resource development and computerization at intellectual property offices.

(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

The GOJ will energetically promote the APEC Cooperative Initiative on Patent Acquisition Procedures, which focuses on the promotion of cooperation in patent examination, the development of human resources to improve examination ability, and mechanization/computerization. Out of these, in FY2008, the GOJ will particularly promote efforts to facilitate the mutual use of examination results through the sharing of information on activities for examination cooperation among the economies of APEC.

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

[3] Enhancing the environment where Asian countries can access search and examination results provided by Japan

With regard to 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, the GOJ will enhance the environment to use the system, including dictionaries for machine translation into English, and thereby promote expansion of the use of the system.

(Ministry of Economy, Trade and Industry)

[4] Promoting the development and harmonization of plant variety protection systems in East Asia

With the aim of establishing an integrated system for protection of new plant varieties throughout East Asia under the framework of the International Union for the Protection of New Varieties of Plants (UPOV), the East Asia Plant Variety Protection Forum will be established in FY2008. Under said forum, the GOJ will

carry out cooperative activities in order to streamline the examination and registration procedures and improve the examination ability, with the aim of promoting the development and harmonization of countries' systems for protecting new plant varieties.

(Ministry of Agriculture, Forestry and Fisheries)

[5] Utilizing Free Trade Agreements (FTAs), Economic Partnership Agreements (EPAs), and Other Agreements

Through negotiations on bilateral and multilateral agreements, including the Free Trade Agreements (FTA), Economic Partnership Agreements (EPA), and investment agreements, the GOJ will 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 for patents 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) and other international agreements 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)

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

i) In order for Japan to respond appropriately to the relationship between intellectual property policies and various other international public policies, such as development, human rights, the environment and public health, including the issues of genetic resources, traditional knowledge and folklore (traditional cultural expressions, such as folk music), the GOJ will deepen intragovernmental collaboration through the Interagency Conference on International Public Policies Relating to Intellectual Property, consisting of persons from the ministries and agencies concerned. The GOJ will also strengthen the framework for studying international intellectual property policies by setting up forums for exchanging

opinions with the industry.

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

- ii) In order to contribute to creating an international mutual understanding and consensus concerning the issues relating to the relationship between intellectual property policies and various other international public policies, the GOJ will promote dialogues on these issues among developed countries, developing countries and local communities, holding of international symposia, etc. and research activities by academic societies and think tanks.

(Ministry of Foreign Affairs, Ministry of Education, Culture, Sports, Science and Technology, Ministry of Health, Labour 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. Increasing the Stability and Predictability of Intellectual Property Rights

(1) Further Increasing the Quality and Predictability of Patent Examination

[1] Reviewing the Examination Guidelines to increase predictability

- i) While striving to further increase the transparency of consideration procedures for the Examination Guidelines for Patents, the GOJ will establish, by the end of FY2008, the Expert Committee on the Examination Guidelines (tentative name), consisting of persons involved in the judiciary, patent attorneys, jurists, economists, scientists and those from industrial circles, so that the Examination Guidelines can appropriately respond to technologies, industries and international trends and contribute to harmonization of determinations in examination, trial procedure and court procedure.

(Ministry of Economy, Trade and Industry)

- ii) In order to review the existing Examination Standards for Similarity of Goods or

Services, which are currently applied when determining the similarity of goods or services in trademark examination, to reflect the actual current situation of transactions, the GOJ will consider measures to cope with problems arising from the revision of said examination standards, including the effect on existing registered trademarks, and draw a conclusion by the end of FY2008.

(Ministry of Economy, Trade and Industry)

[2] Applying the Examination Guidelines appropriately

The GOJ will promote discussions between examiners and exchanges of opinions between the Examination Departments and the Appeals Department. The GOJ will also endeavor to maintain and improve the quality of patent examination through quality management concerning the application of the Examination Guidelines, etc., for example, by providing examiners with the feedback of cross-technical analysis results concerning the application of the Examination Guidelines, etc.

(Ministry of Economy, Trade and Industry)

[3] Improving the environment for prior art document search

i) In order to improve the environment for prior art document searches to form the world's highest-quality examination procedure, in FY2008, the GOJ will start working to accumulate patent documents published in China, South Korea and other countries, in which the rapidly increasing number of applications have been filed recently, in the search system for examination use. In addition, in order to develop a search environment that enables seamless searches of patent documents and non-patent documents in Japan and overseas, the GOJ will, in FY2008, launch discussions in collaboration with universities, companies, etc. and draw a conclusion.

(Ministry of Economy, Trade and Industry)

ii) Regarding relevant documents published on the Internet, including open source software, which are documents that indicate prior arts that are important in carrying out examination of software-related inventions, etc., the GOJ will, by the end of FY2008, launch discussions on efforts to make them easier to use as prior art documents, such as the clarification of the date of their publication.

(Ministry of Economy, Trade and Industry)

[4] Promoting the use of knowledge obtained from outside the JPO for patent examination

- i) From FY2008, the GOJ will operate a community patent review system on a trial basis. In the system, third parties exchange information on patent applications on the Internet and provide the JPO with information on the most suitable prior art documents. By the end of FY2009, the GOJ will consider how to use knowledge obtained from outside the JPO effectively in light of the results of the trial operation and information on similar efforts made in the United States and other countries, and draw a conclusion.

(Ministry of Economy, Trade and Industry)

- ii) In order to increase the usability and effectiveness of the system for providing information on patent applications, by the end of FY2008, the GOJ will make it possible to provide information to the JPO online, though provision of information to the JPO is currently permitted only by submitting documents.

(Ministry of Economy, Trade and Industry)

(2) Increasing the Reliability of the JPO Trial Procedure as a Quasi-Judicial Procedure

- i) In order to increase the reliability of the JPO trial procedure as a quasi-judicial procedure, from FY2008, the GOJ will enhance training to improve examiners' fact-finding abilities.

(Ministry of Economy, Trade and Industry)

- ii) In order to contribute to improving the abilities to make a particularly high-level legal interpretation and to form high-quality fact-finding for personal evidence, etc. in the JPO trial procedure, from FY2008, the GOJ will actively utilize the Meeting of Those Who Participate in Trials, newly established at the end of FY2007, which consists of those who have experience serving as judges in intellectual property-related lawsuits.

(Ministry of Economy, Trade and Industry)

- ii) The GOJ will work to prevent differences between the JPO's decision in a trial

for invalidation and the court's judgment of invalidation by further promoting the exchange of information between the JPO and the court based on Article 168 of the Patent Act.

(Ministry of Economy, Trade and Industry)

(3) Strengthening the Dispute Settlement Functions

[1] Counting on the judiciary

The scope of technical matters that should be determined in a patent infringement lawsuit was expanded as it became possible to make a defense of patent invalidation in a patent infringement lawsuit from April 2005 onward. Due to such circumstances, the court, including the Intellectual Property High Court, will be required to appropriately deal with intellectual property-related cases that require a high level of technical expertise, by effectively utilizing research officers and expert advisers who are versed in intellectual property and technology.

Amid intensifying international competition, it is increasingly important, from the perspective of strengthening international competitiveness, to protect R&D results appropriately as intellectual property and thereby promote innovations. Furthermore, abuse of rights by *patent trolls* has recently become a problem in the United States and other countries, and concerns about such problem have also been spreading in Japan. To this end, judges are 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.

[2] Reinforcing the 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 reinforce the 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 addition, for the active use of the certified dispute-resolution system (Resolution Support) that was started in April 2007, the GOJ will inform private companies engaged in settling intellectual property-related disputes of the system and encourage them to cooperate, including through mutual sharing of information. The GOJ will also actively publicize the advantages of using the system, such as interruption of prescription.

Furthermore, the GOJ will deepen public understanding of the advantages of using ADR organizations, such as the Japan Intellectual Property Arbitration Center, through distribution and publicity of the Intellectual Property Strategy Manual for SMEs and Venture Companies, etc., and thereby promote use of those organizations.

(Cabinet Secretariat, Ministry of Justice and
Ministry of Economy, Trade and Industry)

4. Speeding up the Procedures to Grant Intellectual Property Rights

(1) Achieving Expeditious Patent Examination at the Highest Global Standard

[1] Promoting comprehensive initiatives to achieve expeditious patent examination

i) 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, the GOJ will promote comprehensive initiatives and facilitate the optimization and streamlining of operations at the JPO as a whole through overall coordination and constant review of individual measures in addition to steady implementation of the measures.

(Ministry of Economy, Trade and Industry)

ii) 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.

(Ministry of Economy, Trade and Industry)

iii) 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.

(Cabinet Secretariat and Ministry of Economy, Trade and Industry)

[2] Improving the capacity to deal with patent examination procedures

i) From FY2008, the GOJ will strive to improve the existing registered search agencies' operational capacity by encouraging them to expand the scope of technology, for which they can conduct searches, through recruitment of necessary human resources. The GOJ will also encourage private organizations to become registered search agencies and expand the outsourcing of prior art searches to registered search agencies.

(Ministry of Economy, Trade and Industry)

ii) The GOJ will secure a sufficient number of examiners. In particular, in FY2008, the GOJ will make necessary efforts, including implementing measures for reappointment, to respond to the expiration of the term of office of fixed-term examiners who were appointed in FY2004.

(Ministry of Economy, Trade and Industry)

iii) The GOJ will appoint more expert assistants for examiners who are equipped with technical expertise, such as those who have experience in R&D activities in the field of cutting-edge technology, including postdoctoral fellows and former researchers, and those who have experience in examination or trial procedure. The GOJ will use them in operations such as technical explanation, prior art document search and development of a database for patent information search.

(Ministry of Economy, Trade and Industry)

[3] Encouraging appropriate activities to obtain intellectual property rights, including filing applications and requesting examination

i) Under the structural reforms of application and examination request practice, applicants strive to improve their own patent-filing strategies by scrutinizing the content of their applications when filing and requesting examination. In order to promote such reforms, from FY2008, the GOJ will enhance the environment for providing information useful for companies in formulating a patent-filing strategy. For example, the GOJ will expand the use of the Patent Strategy Portal Site, whereby companies can process, extract and compare on a year-on-year basis detailed information on the results of their own patent-related activities, such as the number of applications, the ratio of foreign patent applications and the results of patent examination.

(Ministry of Economy, Trade and Industry)

ii) The GOJ will encourage companies to conduct sufficient prior art searches before filing patent applications or requesting 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. In addition, the GOJ will thoroughly enforce the system for disclosure of prior art document information, and will also provide applicants with feedback on cases where prior art search seems to be insufficient.

(Ministry of Economy, Trade and Industry)

iii) The GOJ will encourage companies to use the system of withdrawal/abandonment of applications (system of partial return of examination request fees) with respect to applications for which it has become less necessary to obtain patents after a request for examination has been filed.

(Ministry of Economy, Trade and Industry)

[4] Aiming to expedite proceedings in the trial procedure

In order to prevent prolonged proceedings in trials against examiners' decisions of refusal pertaining to patents, which are expected to increase, while securing strict and accurate proceedings as the upper instance, the GOJ will promote measures, such as the use of external capacities including those with experience in trial practices, interrogation based on a report before a trial and lump-sum proceedings.

In addition, taking into account a recent increase in the rate of requests for trials being dismissed, the GOJ will request applicants' cooperation to expedite and improve proceedings by reviewing the propriety of filing a request for a trial, by making appropriate amendments by the stage of reexamination by the examiner before a trial so that a patent can be granted, and by including, in reasons for filing a request for a trial, a clear and sufficient explanation of the reasons that amendments made at the time of filing a request for a trial are lawful.

(Ministry of Economy, Trade and Industry)

(2) Reducing the Time Required for the Examination for Registration of Plant Varieties to the Shortest Level in the World

The GOJ will reduce the average time required for examination of applications for registration of plant variety under the Plant Variety Protection and Seed Act to 2.5 years by the end of FY2008. In order to ensure and improve the quality of examination, the GOJ will also promote the planned securing of examiners and enhancement of training for examiners, the strengthening of the cultivation-testing system at the National Center for Seeds and Seedlings, the construction of a database of registered plant varieties to increase the efficiency of operations and the development of a comprehensive electronic system designed to expedite examination and registration operations.

(Ministry of Agriculture, Forestry and Fisheries)

5. Increasing Convenience of Users

(1) Promoting Flexible Patent Examination in Response to Diverse Needs of Applicants

In order to satisfy applicants to the maximum extent possible with the use of limited examination resources, it is necessary to develop an examination system that can respond to the diverse needs of applicants where it concerns the timing of obtainment of rights, with due considerations to influences such as the increase in the burden of monitoring the trend and content of rights on those other than applicants. To this end, by the end of FY2008, the GOJ will implement, on a trial basis, a Super-Accelerated Examination System that will enable applicants to obtain rights earlier than the existing Accelerated Examination System allows.

(Ministry of Economy, Trade and Industry)

(2) Increasing the Flexibility and Usability of the Procedures

[1] Preparing for early accession to the Patent Law Treaty, etc

The GOJ will proceed with necessary preparations, including clarification of detailed procedures that conform to treaties and the development and design of systems, toward early accession to the Patent Law Treaty and the Singapore Treaty on the Law of Trademarks (tentative name), which make industrial property systems more user-friendly through simplification of procedures and provision of remedies for applicants' procedural errors.

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

[2] Increasing the flexibility and usability of the procedure for paying fees

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 addition, the GOJ will 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)

[3] Facilitating the operation of the deposit system for microorganisms

In order to make the deposit system for patented microorganisms user-friendly, from FY2008, the GOJ will consider measures to improve the deposit system for patented microorganisms, such as measures to facilitate the operation of the system with safety ensured, including clarification of the responsibilities of depository institutions and users respectively, and will take necessary measures according to the results of the consideration.

(Ministry of Economy, Trade and Industry)

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

i) In order to protect cutting-edge technology effectively and efficiently by increasing the predictability of obtainment of patents while accelerating creation of innovations through promotion of the use of patent information in R&D activities, the GOJ will, from FY2008, enrich information on cited documents showing prior art, which have been used in patent examination, so that the Intellectual Property Digital Library (IPDL) will become accessible to researchers at universities and public research institutes. In addition, from FY2008, the GOJ will promote R&D of a system that enables researchers who have not been accustomed to patent classification to conduct searches easily.

(Ministry of Economy, Trade and Industry)

ii) Regarding foreign patent information provided at the Intellectual Property Digital Library (IPDL), the GOJ will, from FY2008, actively promote negotiations to exchange data with foreign patent offices in order to provide information on patents in South Korea and China in addition to the information on patents in the

United States and European countries, which has already been provided. By the end of FY2008, the GOJ will also consider measures to provide information on patents in South Korea and China in Japanese, for example, by way of machine translation, and draw a conclusion.

(Ministry of Economy, Trade and Industry)

(4) 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, the GOJ will 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 again in March 2008, 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.

(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)

6. Promoting Foreign Applications

(1) Promoting Activities to Obtain Rights Overseas by Providing Overseas Information

[1] Promoting activities to obtain patent rights overseas

The GOJ will promote the structural reform of patent filing in Japan, which places too much importance on domestic applications, thereby encouraging strategic filing of foreign patent applications in order to remain in global-scale competition, including Asian countries. To this end, the GOJ will provide patent information, including the status of filing applications in the United States, Europe and other countries, through

implementation of the Survey on Technical Trends in Patent Filing. From FY2008, the GOJ will also promote the provision of useful information for obtaining rights overseas, for example, by carrying forward a comparative study on examination guidelines, which the trilateral patent offices (JPO, USPTO and EPO) are conducting, and making the results of the considerations public in Japanese.

(Ministry of Economy, Trade and Industry)

[2] Supporting Japanese entities oversea in obtaining rights and dealing with problems occurred related to Japanese names of regions

i) Regarding the issue of overseas registration of trademarks for Japanese geographic names, names of plant varieties and common names as well as famous Japanese trademarks, from FY2008, the ministries and agencies concerned will cooperate with each other to actively provide information on trademark application procedures in foreign countries and hold related consultation meetings and workshops, targeting Japanese companies, local public entities, etc. The aim will be to promote smooth business operation overseas by Japanese companies, etc. Thereby, the ministries and agencies concerned will support early obtainment of rights in relevant countries. In addition, the GOJ will develop a manual that specifically explains measures to deal with cases where an application for a Japanese geographic name, name of a plant variety, common name or famous trademark has been filed or registered overseas, and will disseminate the manual widely to Japanese companies, etc.

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

ii) The GOJ will 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 support obtainment of rights overseas through reduction of procedural burdens on applicants who obtain trademark rights overseas. The GOJ will also implement measures to disseminate the Trilateral List to other countries.

(Ministry of Economy, Trade and Industry)

[3] Promoting the activities to obtain rights for new plant varieties overseas

Japanese registered varieties are brought out overseas without permission, and materials harvested from them are brought back to Japan. As this issue has come to the surface, the GOJ will take necessary measures to promote the active obtainment and exploitation of breeder's rights overseas, such as improvement of collection and provision of information on plant variety protection systems in other countries, in order to promote the obtainment and exploitation of rights for plant varieties overseas.

(Ministry of Agriculture, Forestry and Fisheries)

(2) Supporting Universities, Public Research Institutes and TLOs in Filing Foreign Patent Applications (Reprise)

In order to encourage universities, public research institutes and TLOs to obtain international rights for basic patents, the GOJ will endeavor to enhance financial support via the Japan Science and Technology Agency (JST) to cover expenses for foreign-patent filing by universities and TLOs, and will also widely make public the support system, including the fact that international patent applications claiming a priority based on a foreign application are subject to support.

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

(3) Supporting SMEs and Venture Companies in Filing Foreign Applications

The GOJ will promote the use of the existing support systems for filing foreign applications. The GOJ will also strive to enhance the system for offering grants for application fees via prefectural SEM support centers, etc., established in FY2008, thereby providing SMEs with support in filing foreign applications.

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

7. Preventing Unintended Leaks of Technology

(1) Taking Measures Against the Risk of Unintended Leaks of Technology Due to the Advancement of Globalization and Information

In order to take appropriate measures against increasing risk of unintended leaks of technology due to the advancement of globalization and information, the GOJ will comprehensively discuss measures for proper management of technical information, etc. from the perspective of industrial competitiveness and security, and draw a conclusion by the end of FY2008.

(Ministry of Economy, Trade and Industry)

(2) Developing an Environment for Strategic Management of Know-How

i) The GOJ will encourage companies to properly manage their trade secrets through dissemination of the Unfair Competition Prevention Act and the Guidelines for Trade Secret Management. From FY2008, the GOJ will make public and disseminate the Manual for Measures against Unintended Leaks of Technology in the Food Industry, in order to raise awareness on unintended leaks of technology in the food industry and disseminate relevant knowledge.

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

ii) In order to promote effective use of the prior user rights so that companies will not have to file patent applications defensively, even with respect to know-how, which should be kept secret, the GOJ will 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)

(3) Strengthening Export Control at Universities and Public Research Institutes

In conducting international joint research, etc., universities and research institutes,

etc. must effectively manage provision of technology based on the Foreign Exchange and Foreign Trade Act. From this perspective, the GOJ will strengthen export control at universities and public research institutes by thoroughly publicizing the Guidance of the Management of Subtle Technologies Pertaining to Security Trade (for Universities and Research Institutes), distributing the “Security Trade Control Handbook” for researchers and holding explanatory meetings. The said guideline summarizes what universities and public research institutes should implement in an organized way, with the aim of serving as a reference for effective export control at universities and public research institutes

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

II. Strengthening Measures Against Counterfeits and Pirated Copies

1. Strengthening Measures in Overseas Markets

(1) Establishing and Utilizing an International Legal Framework

[1] Aiming to Achieve Early Adoption of the Treaty on the Non-proliferation of Counterfeit and Pirated Goods (tentative name)

With regard to the Treaty on the Non-proliferation of Counterfeit and Pirated Goods (tentative name), which was advocated by Japan, the GOJ will make efforts to increase awareness thereof on a global scale in light of the start of intensive discussions thereon with the United States and European countries. The GOJ will also take the lead in discussions with the countries and regions concerned while promptly and clearly indicating relevant policy and views, thereby accelerating movement toward achieving early adoption of the treaty through the unified effort of ministries and agencies concerned.

(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] Utilizing Free Trade Agreements (FTA) and Economic Partnership Agreements (EPA)

The GOJ will conduct active negotiations in order to incorporate a provision for ensuring effective enforcement of intellectual property rights 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)

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

[1] Strengthening functions of Overseas Establishments

i) While positioning measures against counterfeits and pirated copies as a key diplomatic measure of Japan, the GOJ will strive to strengthen the functions of Overseas Establishments, including strong approaches by ambassadors to the governments of countries concerned, in order to provide prompt and effective support for Japanese companies that are suffering damage from counterfeits and pirated copies. In addition, if an Overseas Establishment implements support activities, it will give a feedback of the outline of the case to the GOJ. In addition, the Ministry of Foreign Affairs will attempt further approaches by taking up the case on the occasion of intergovernmental talks where appropriate.

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

ii) In order to provide prompt and proper consultation for companies with regard to obtaining and exercising rights overseas and provide specific support, including giving advice on procedures and measures to be taken, the GOJ will reinforce the consultation/support functions of Overseas Establishments and the Japan External Trade Organization (JETRO). To accomplish this, the GOJ will improve the expertise of regional intellectual property officials and consider measures to be taken for collaboration, such as how to share roles among Overseas Establishments, JETRO and other related organizations, at the meetings of intellectual property officials of Overseas Establishments. In addition, the GOJ will effectively promote relevant efforts.

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

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

On the ministerial level and various other levels and through dispatch of public-private joint missions, the GOJ will 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, reducing burden on right holders for control at the border, thoroughly informing other countries of import restrictions pertaining to international mail in Japan and conducting thorough inspection of international mail at the time of their receipt.

(Ministry of Internal Affairs and Communications, 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, Ministry of Land, Infrastructure, Transport and Tourism and other ministries and agencies concerned)

[3] Utilizing the infringement situation survey

In light of the seriousness of damage from intellectual property infringements suffered by Japanese companies overseas, the GOJ will conduct surveys based on the request of business operators with the use of the Survey on Intellectual Property Infringements Overseas, and conduct bilateral conferences, etc. on the basis of the results of the surveys.

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

[4] Promoting the use of the Content Japan (CJ) mark

In order to facilitate efforts to expose pirated copies, the GOJ will support activities to make public and disseminate the Content Japan (CJ) mark and activities to increase the number of countries where a trademark for the CJ mark has been registered as well as activities to investigate and expose pirated copies. In addition, the GOJ will encourage right holders and associations thereof as well as manufacturers and distributors to use anti-counterfeit technologies, while verifying the effectiveness thereof, in order to facilitate the procedure for distinguishing pirated copies from genuine products on the occasion of efforts to expose pirated copies in Japan and abroad.

(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) Strengthening International Cooperation

[1] Strengthening cooperation with other countries and regions

In order to effectively promote various efforts toward measures against counterfeits and pirated copies, including approaches to countries and regions where infringements have been exposed, the GOJ will strengthen cooperation with other countries and regions through the following activities:

- a) The GOJ will strengthen cooperation with the United States by actively utilizing bilateral conferences between the leaders or ministers of Japan and the United States and other occasions and by promoting an exchange of information on intellectual property protection in third countries.
- b) The GOJ will strengthen cooperation with the EU and European countries by actively utilizing regular and individual conferences between the leaders or ministers of Japan and European countries as well as the Japan-EU Dialogue on Intellectual Property Rights and by promoting an exchange of information on intellectual property protection in third countries.
- c) The GOJ will encourage China to strengthen protection of intellectual property rights and operations therefor by utilizing the Japan-China High-Level Economic Dialogue, the Japan-China Economic Partnership Consultation and other occasions, and 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)

[2] Taking the initiative in promoting multilateral efforts

The GOJ will 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 Organisation for Economic Co-operation 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 the establishment of an international network for exchanging and sharing information among the customs authorities of G8 countries as well as technical support to developing countries and activities to enlighten them, thereby strengthening cooperation among the G8.
- b) In cooperation with other countries, the GOJ will promote discussions on the anti-counterfeiting and piracy project conducted by the OECD, with the aim of compiling a report on acts of piracy of digital content.
- c) The GOJ will make public the Guidelines for the Building of Intellectual Property-Related Capacity and other relevant guidelines, which were newly developed at APEC based on the APEC Anti-Counterfeiting and Piracy Initiative. The GOJ will also promote efforts made in accordance with these guidelines, 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, the GOJ will promote activities to protect intellectual property rights, including those to ensure enforcement of intellectual property rights, through discussions, etc. at the ASEM Customs DG-Commissioner meeting, 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 Trade Policy Review Mechanism (TPRM), etc. The GOJ will also take an active role in the discussion on enforcement at the TRIPS Council.
- f) At the WIPO, the GOJ will take up the issue of counterfeits and pirated copies as one of the main topics on the agenda by utilizing opportunities such as the Advisory Committee on Enforcement, and actively promote discussions.
- g) At the WCO, which is the international organization of customs authorities, the GOJ will take an active part in discussion toward formulating the Standards

Employed by Customs for Uniform Rights Enforcement (SECURE). The GOJ will also provide support for capacity-building by the WCO so that developing countries that are WCO members can meet said standards.

(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)

[3] Strengthening cooperation with the authorities concerned

i) The GOJ will promote the conclusion of mutual assistance agreements and regular consultations between authorities in Japan and those in other countries and regions, including countries and regions where infringements have been exposed, in addition to daily information exchanges, 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.

(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) The GOJ will strengthen cooperation with the customs authorities of other countries, including countries and regions where infringements have been exposed, through utilization of the trilateral meeting among the customs authorities of Japan, China and South Korea, promotion of conclusion of customs mutual assistance agreements and exchange of information under the framework of such agreements. In addition, 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. Furthermore, through the Universal Postal Union (UPU), the postal authorities will request that the postal offices of all UPU member countries, including countries and regions where infringements have been exposed, cooperate in preventing intellectual property-infringing products from being sent by international mail through thorough inspection of postal items at the time of their

receipt.

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

(4) Developing the Infrastructure for Measures on Overseas Markets

[1] Supporting developing countries to increase their capacity to take measures against counterfeits and pirated copies

The GOJ will 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. In addition, in accordance with the Support Initiative for Cooperation and Capacity Building for Intellectual Property Protection (decided by the Conference on Measures against Counterfeits and Pirated Copies), 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, implement capacity-building activities for the protection of intellectual property rights targeting 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] Enhancing dissemination of information on measures against counterfeits and pirated copies

In FY2008, the GOJ will actively introduce systems relating to measures against counterfeits and pirated copies, a record of past regulations, and efforts made by the public and private sectors in Japan to other countries and regions, while ensuring cooperation among the ministries and agencies concerned. This will be accomplished through various talks and international conferences. In addition, from

the perspective of promoting mutual understanding of measures and increasing the transparency thereof, the GOJ will encourage the governments of other countries and regions to organize and publicize information on the status of efforts, including results of past regulations, while taking relevant situations into account.

(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)

[3] Investigating the damage from counterfeits and pirated copies

Taking into account the fact that damage from counterfeits and pirated copies suffered by Japanese companies in overseas markets is still serious, the GOJ will investigate and analyze the actual damage from 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)

2. Strengthening Regulations at the Border

(1) Strengthening Customs Regulations at the Border

Customs will strongly enforce regulations at the border according to a directive, which clarifies 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, from the perspective of ensuring the effectiveness of regulations of counterfeits and pirated copies at the border and the

effect of restraining distribution, the ministries and agencies concerned will make cooperative efforts to collect and analyze information on other countries' trends on suspension by customs, domestic regulations, damage due to counterfeits and pirated copies and regulations on the import and possession of counterfeits and pirated copies for personal use.

(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) Strengthening Regulatory Systems at Customs

[1] Developing systems to determine infringement based on legal and technical expertise

i) The GOJ will make public the operational guidelines on IPR experts at customs so that customs will be able to determine infringement based on legal and technical expertise. The GOJ will also thoroughly ensure appropriate operation of the system, for example, by improving the expertise of customs officials.

(Ministry of Finance)

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

[2] Reinforcing the system for promoting regulations by customs at the border

The number of cases of suspension by customs of intellectual property-infringing products, including fake brand products, which are taken in through parallel import, import by parties pretending to be individuals or import of small-lot cargoes by individuals, such as import by mail, has been increasing year by year. In addition, fake brand products and pirated copies are still flooding Japan. Taking these existing

circumstances into account, in order to strongly regulate the import of counterfeits and pirated copies, the GOJ will promote the reinforcement of inspection equipment and the information system at customs, the securing of a necessary number of customs officials, the improvement of the capabilities of customs officials and the collection, accumulation and sharing of sufficient information on the regulation of the export and import of intellectual property-infringing products, thereby strengthening the system to promote regulations by customs more effectively and strongly.

(Ministry of Finance)

[3] Increasing the usability of the procedures concerning regulations at the border

In FY2008, the GOJ will raise awareness of a new system to apply for suspension, in which the required number of copies of an application for suspension to be submitted by an applicant has been reduced. The GOJ will also encourage right holders to actively use the system and to provide sufficient information to customs. With regard to the infringement-finding procedure by customs, the GOJ will also promote activities to increase usability for the users of the procedure, such as actively using measures to simplify the procedure and e-mailing images of intellectual property-infringing products to parties concerned who are at remote locations, from the perspective of reducing burden on right holders.

(Ministry of Finance)

3. Strengthening Domestic Regulations

(1) Strengthening Regulations by Police

The GOJ will precisely clarify the actual status of criminal organizations that enjoy illicit gains through illegal sales of counterfeits and pirated copies. The GOJ will also strengthen regulations of the sales of counterfeits and pirated copies by using various investigative methods, including officials for preliminary determination of trademark infringement, while strengthening cooperation with the Anti-Counterfeiting Association and other private organizations. In addition, the

GOJ will promote forfeiture of criminal proceeds and investigation concerning source countries and regions, including routes for acquiring counterfeits and pirated copies.

(National Police Agency)

(2) Strengthening Measures Against Infringements of Breeders' Rights

The GOJ will 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 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 support 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)

(3) Strengthening Regulations of Illegal Distribution of Movies Recorded Without Permission at Theaters

With regard to the Act on the Prevention of Unauthorized Recording of Movies in Theaters, the public and private sectors will cooperate in promoting measures against illegal distribution of movies recorded without permission at theaters, including thorough publication of said Act, self-help efforts of movie business operators to prevent unauthorized recording of movies and regulations on violations.

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

4. Strengthening Measures on the Internet

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

Auctions

i) By the end of FY2008, 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 on an Internet auction site 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 familiarize relevant guidelines for Internet auctions and promote the application thereof. The GOJ will also consider additional measures to ensure prompt responses by right holders and auction providers to infringements, and will take necessary measures.

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

iii) The GOJ will strengthen law enforcement against sellers who violate the Act on Specified Commercial Transactions in light of the Guidelines for “Sellers” in Internet Auctions and the Rules for E-Commerce and Trade of Information Property, which clearly provide the criteria for determining “sellers” that are to be regulated under said Act. The GOJ will also review relevant directives and said Rules based on the actual cases of counterfeits and pirated copies that are brought to auctions and the damage caused by them, and will make revisions if necessary.

(Ministry of Economy, Trade and Industry)

iv) Based on cooperation between the public and private sectors, the GOJ will promote the following measures through the 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 application of the Guidelines for Prevention of Distribution of IP-Infringing Goods; and

- c) strengthen educational activities for sellers and consumers through active use of the CIPP's website in order to prevent them from bringing counterfeits and pirated copies to auctions or purchasing such goods via auctions, and also encourage right holders and auction providers to be more active in the CIPP.

(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) The GOJ will promote the following measures taken by police:
 - a) improve the efficiency and effectiveness of 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;
 - 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; and
 - c) strengthen regulations of intellectual property infringements via the Internet, including those via Internet auctions, through undercover investigation by buying counterfeits and pirated copies, and also actively publicize relevant cases with the aim of restraining intellectual property infringements in cyberspace.

(National Police Agency)

(2) Strengthening Measures Against Piracy Committed on the Internet

[1] Requesting the elimination of illegal content on overseas video-sharing websites

In FY2008, through unified efforts of the public and private sectors, the GOJ will request subject countries to introduce a framework or technical means that makes it easy for Japanese content business operators to request elimination of illegal content,

in order to smoothly eliminate illegal content that inhibits Japanese content business, which is placed on overseas video-sharing websites, and promote the distribution of content. The GOJ will compile a report on the results of such requests.

(Cabinet Secretariat, 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 efforts to eradicate the distribution of illegal content

i) From FY2008, the GOJ will support the creation of a mechanism to eliminate infringements based on collaboration between telecommunications carriers and right holders' associations, including sending warning letters to people who have transmitted data files, etc. that infringe copyrights by using file-sharing software, such as Winny.

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

ii) The GOJ will strengthen cooperation with copyright associations to implement effective regulations of copyright infringements using file-sharing software.

(National Police Agency)

ii) The GOJ will encourage content providers to attach a mark to distinguish legitimate distribution sites and to utilize technical means to eliminate illegal content.

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

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 actively publicize data and information relating to domestic regulations and regulations at the border on websites, etc., 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

The GOJ will 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 on various occasions. 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 through seminars.

In addition, under 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, Transport and Tourism)

(3) Promoting the Understanding of the Importance of Measures Against Counterfeits and Pirated Copies in Corporate Management

In FY2008, the GOJ will verify contributions of measures against counterfeits and pirated copies to corporate management by analyzing the adverse effect of counterfeits and pirated copies on corporate management and studying companies' advanced efforts to cope with counterfeits and pirated copies. In addition, the GOJ will promote understanding of the importance of measures against counterfeits and pirated copies mainly among management personnel, by making the results of the verification widely public.

(Ministry of Economy, Trade and Industry)

6. Strengthening Cooperation in Taking Measures Against Counterfeits and Pirated Copies

(1) Strengthening Cooperation Within the Government

In order to ensure that the ministries and agencies concerned make concerted efforts to promote measures against counterfeits and pirated copies, including measures in the overseas markets and border and domestic regulations, the GOJ will strengthen cooperation among the ministries and agencies concerned through the following efforts.

- a) The Office of Intellectual Property Protection will provide information via its website and promptly respond to requests of right holders and companies for advice, while securing coordination among the ministries and agencies concerned. The office will also prepare an annual report.
- b) The GOJ will strengthen cooperation for promoting strong regulations, for example, by promptly responding to inquiries about intellectual property infringements from customs authorities and domestic regulatory bodies via the ministries and agencies that have jurisdiction over the intellectual property system. The GOJ will also strive for the proactive sharing of information among the ministries and agencies concerned.
- c) The ministries and agencies concerned will coordinate with each other to take 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.

(Cabinet Secretariat, 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 order to effectively promote measures against counterfeits and pirated copies, such as approaches and awareness-raising activities to countries and regions where infringements have been exposed, the GOJ will strengthen public-private and private-private cooperation through various efforts, including the following.
 - a) The GOJ will provide support for activities to cope with counterfeits and pirated copies of the International Intellectual Property Protection Forum, the Content Overseas Distribution Association, the Anti-Counterfeiting Association, the Customs Intellectual Property Information Center and other private organizations as well as Japanese companies in Japan and abroad, for example, by dispatching public-private joint missions.
 - b) The GOJ will promote sharing of information relating to counterfeits and pirated copies among companies, implementation of measures through cooperation among multiple companies and provision of information by companies for ensuring effective exposure by relevant authorities in Japan and abroad.
 - c) The GOJ will hold seminars for companies, etc. on measures against counterfeits and pirated copies in various cities throughout Japan.

(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)

- ii) In order to provide services to companies, including advice on the acquisition of rights and counterfeit measures, consultations for individual cases, communication

with the ministries and agencies concerned, and requests to the government authorities of countries where infringement cases have been exposed, the GOJ will 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 Federation of Bar Associations, the Intellectual Property Lawyers Network, the Japan Patent Attorneys Association, the Customs Intellectual Property Information Center and the Japan Institute of Invention and Innovation.

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

Chapter 3 Exploitation of Intellectual Property

I. Strategically Exploiting Intellectual Property

1. Promoting the Intellectual Property Corresponding Open Innovation

(1) Promoting the Creation of Innovation Through Fusion of Various Kinds of Intellectual Property

In order to promote the creation of new business models by effectively combining and comprehensively producing technologies and human resources held by various companies, universities and public research institutes in a dispersed manner, the GOJ will, by the end of FY2008, take the necessary measures to establish an Organization for Creation of Innovation (tentative name), which is expected to provide support for such creation.

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

(2) Encouraging Companies to Implement Advanced Intellectual Property Strategies

[1] Promoting the exploitation of intellectual property not in use

From FY2008, the GOJ will publicize examples of exploitation of licensable patents registered in the National Center for Industrial Property Information and Training (INPIT), etc. as well as successful examples of intellectual property intermediary business by private business operators.

In addition, the GOJ will encourage companies, universities and public research institutes to conduct regular inventory-taking and reevaluation of their own industrial property, from the perspective of efficient management of intellectual property. The GOJ will also actively encourage them to disclose, via their own websites, the Patent Licensing Database, which is accessible via the INPIT website, and the JST Science and Technology Research Result Database for Enterprise Development (J-STORE) of the Japan Science and Technology Agency, their

patents not in use and other industrial property that they are willing to license or sell to others.

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

[2] Conducting investigations and analyses as to the treatment of joint patents

From FY2008, the GOJ will investigate and analyze the actual conditions, including whether or not the provision of Article 73 of the Patent Act can be disincentive to patent-licensing and technology transfer when a joint application is filed for the results of joint research or when a patent right for the results of joint research is shared after the right has been granted. The GOJ will then develop systems as appropriate, and will also provide information on the results of the investigations and analyses to universities, TLOs and companies.

(Ministry of Economy, Trade and Industry)

[3] Publicizing case samples of successful open innovation initiatives

From FY2008, the GOJ will promote the establishment and implementation of intellectual property strategies desirable for open innovation by holding international symposia on open innovation and publicizing case samples of successful open innovation initiatives. In addition, the GOJ will also strive to promote innovations based on cooperation between large companies and venture companies by collecting and publicizing successful examples of the use of ventures by large companies.

(Ministry of Economy, Trade and Industry)

[4] Identifying the intellectual property-related issues arising in the course of launching internal corporate ventures and carrying out M&A

From FY2008, the GOJ will investigate and analyze the intellectual property-related issues arising in the course of launching internal corporate ventures, such as spin-out and carve-out, and carrying out M&A, and make public points to note, etc. as appropriate.

(Ministry of Economy, Trade and Industry)

[5] Raising awareness on the guidelines under the Anti-Monopoly Act for the exploitation of intellectual property

In FY2008, the GOJ will raise awareness of and ensure thorough implementation of the guidelines under the Anti-Monopoly Act for the exploitation of intellectual property, which was formulated in September 2007, with the aim of making it easier for companies to look for any problems under the Anti-Monopoly Act when negotiating or concluding license contracts for technology.

(Japan Fair Trade Commission)

(3) Developing In-House Systems for Intellectual Property-Focused 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 content from a unified overview, all while having those in charge of intellectual property play a central role. For this purpose, the GOJ will encourage companies to appoint a chief intellectual property officer (CIPO) or directors on board in charge of intellectual property. From FY2008, the GOJ will encourage those in charge of intellectual property to acquire knowledge on management and business, and also encourage those engaged in management and business to acquire skills in intellectual property management.

(Ministry of Economy, Trade and Industry)

[2] Encouraging activities to make the divisions in charge of intellectual property strategies serve as *value centers*

From FY2008, the GOJ will encourage companies' divisions that are in charge of intellectual property strategies to develop into *value centers* that enhance the value

of intellectual property for reinforcing business by making efforts to expand profits through support for realization of business models exploiting intellectual property in addition to avoiding risks through response to disputes and defense of their own business.

(Ministry of Economy, Trade and Industry)

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

i) In light of the Guidelines for Disclosure of Intellectual Property Information and the Guidelines for Disclosure of Intellectual Assets Based Management, the number of companies that prepare “intellectual property reports” stating the status of the exploitation of intellectual property has just exceeded 80. The GOJ will continue to disseminate and raise awareness on intellectual property reports among companies. The GOJ will also strengthen 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 so that individual companies’ IR and PR information relating to intellectual property-focused management will be widely and accurately assessed.

(Ministry of Economy, Trade and Industry)

ii) The GOJ will consider how to disclose R&D/patent-related information in securities reports, etc. and strive to clarify it as appropriate.

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

[4] Facilitating international licensing activities within business groups

i) In order to promote appropriate licensing activities within business groups, the GOJ will 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 FY2008, the GOJ will encourage companies to figure out the proper arm’s length price as royalties for intellectual property, based on the guidelines for transfer prices (operational guidelines for clerical work) and the collection of

informative case samples and in consideration of the transfer-pricing taxation system, and trade intellectual property at said price in the case of granting a license for intellectual property to a subsidiary overseas. In addition, the GOJ will make public the procedure for advance confirmation of the proper 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) Revitalizing Intellectual Property Markets

[1] Developing human resources for distribution of intellectual property

The GOJ will support the development of human resources for intellectual property trade by holding international patent-licensing seminars and patent business markets in order to develop experts in technology transfer/patent 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)

[2] Considering the introduction of a registration system for the intention of granting licenses

From FY2008, the GOJ will consider introduction of the license of right system that enables patentees to register their intention of granting licenses for their own inventions to third parties in the patent registry, etc., with the aim of promoting the revitalization of patent licensing and the effective exploitation of patents not in use. The GOJ will develop systems as appropriate.

(Ministry of Economy, Trade and Industry)

[3] Disseminating the registration system for non-exclusive licenses

To enforce the Act for Partial Revision of the Patent Act, etc. (enacted in April 2008), which includes establishing the registration system for licenses at the stage of patent filing and limiting disclosure of registered matters concerning non-exclusive licenses, etc. to certain interested persons, the GOJ will strive to disseminate the registration system for non-exclusive licenses after the revision.

In addition, the GOJ will endeavor to collect and analyze information on the operation of the registration system for non-exclusive licenses after the revision, which is scheduled to be implemented in April 2009, the actual conditions of distribution of intellectual property rights and the trends of contractual practice for intellectual property trade. The GOJ will do this while keeping in mind discussions on the propriety of introducing the natural protection system and taking into consideration requests from the industrial circles, balance with the Japanese legal system and the perspective of the international harmonization of systems.

(Ministry of Economy, Trade and Industry)

[4] Enhancing the utilization of intellectual property in the agricultural, forestry and fishery fields

i) In order to promote the use of new plant varieties that contain a high content of functional components, 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) From FY2008, the GOJ will build the Intellectual Property Network for the Agricultural, Forestry and Fishery Industries, which enables an integrated search of information on test and research results, patents and breeder's rights in the agricultural, forestry and fishery/food fields, in order to promote the distribution, etc. of intellectual property in the agricultural, forestry and fishery fields.

(Ministry of Agriculture, Forestry and Fisheries)

iii) In order to support farmers and SMEs, etc. that have neither sufficient funds nor

the capacity to collect and transmit information, the GOJ will, from FY2008, consider a measure whereby private bodies, etc. that have been entrusted with the management of breeder's rights, patent rights or other rights by such farmers and SMEs, etc. carry out operations, such as licensing and developing new licensees, in block, and will take necessary measures. Also, in order to promote the utilization and distribution of new technologies as well as seeds and seedlings, the GOJ will provide support, including the development of methods of managing technology/know-how and preparation of manuals of license contracts for patents and other rights.

(Ministry of Agriculture, Forestry and Fisheries)

[5] Promoting management and investment of intellectual property using the intellectual property trust system

i) The GOJ will publicize, through various seminars or via the Internet, examples of intellectual property trusts established within business groups and management-type trusts, thereby raising awareness on 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.

(Ministry of Economy, Trade and Industry)

ii) Intellectual property possessed by publicly funded research institutes, etc. that have not been transformed into local independent administrative institutions cannot be subject to trust due to restrictions under the Local Autonomy Act. Therefore, from FY2008, the GOJ will conduct a survey on the needs for intellectual property trusts, targeting industrial circles, universities and local public entities, and will develop systems as appropriate.

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

[6] Encouraging valuation of intellectual property

In order to encourage companies, etc. to carry out business activities that exploit intellectual property and to promote the distribution of intellectual property, the GOJ will encourage the private sector to establish a reliable valuation method of

intellectual property 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)

(5) Promoting Smooth and Fair Use of Intellectual Property

[1] Taking measures against the abusive exercise of intellectual property rights

Intellectual property rights may have an adverse effect on free competition in the industry and go against public interest depending on how they are exercised. Therefore, from FY2008, the GOJ will consider proper exercise of intellectual property rights, including request for injunction and claim for damages, in consideration of the doctrine of abuse of rights under the Civil Code and a U.S. Supreme Court decision (eBay decision), etc., on the basic premise that legitimate exercise of rights is respected. The GOJ will then take necessary measures, including formulation of guidelines.

(Ministry of Economy, Trade and Industry)

[2] Regulating undue exercise of rights

The GOJ will 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)

[3] Promoting the smooth use of software

From FY2008, the GOJ will consider desirable protection of software and organize issues in terms of intellectual property in light of the development of an information-based economic society and the progress of international discussion and from the perspective of smooth use of software in the software industry. The GOJ will then develop an environment for promoting the smooth use thereof and take other measures.

(Ministry of Economy, Trade and Industry)

[4] Developing contract rules concerning ASP and SaaS

In order to pay attention to problems arising in introducing ASP (Application Service Provider) and SaaS (Software as a Service), which are new types of services in which software's functions are provided to users on demand, the GOJ will strive to disseminate the SLA Guideline for SaaS, published in January 2008, and the Information System, Model Trade and Contracts (Package, Utilization of SaaS/ASP, Maintenance and Application) (Supplement), published in April 2008.

(Ministry of Economy, Trade and Industry)

2. Promoting International Technology Transfer

(1) Promoting the Transfer of Environmental Technology

i) From FY2008, the GOJ will strategically use cooperative projects in the environmental and energy fields by way of ODAs and other schemes so that technology can be smoothly transferred to developing countries, etc. to solve global environmental issues.

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

ii) From FY2008, the GOJ will publicize successful cases of the transfer of environmental and energy-related technologies, which involve intellectual property.

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

(2) Promoting the Transnational Use of Intellectual Property Through Tax Treaties

The GOJ will aim 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)

(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 lawsuits, the GOJ will investigate the status of the exercise of 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)

II. Promoting the Use of Common Basic Technology

1. Enhancing International Standardization Activities: Implementation of the International Standardization Comprehensive Strategy

(1) Reforming Awareness Among Industries and Enhancing Efforts for International Standardization

[1] Reforming awareness among the management personnel at companies

The GOJ will strive to further improve the understanding of international standards among management personnel by holding symposia on international standardization strategies and by encouraging the Nippon Keidanren (Japan Business Federation) and industrial associations as well as other bodies to conduct active awareness-raising activities.

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

[2] Encouraging industrial circles to implement their own action plans

From FY2008, the GOJ will encourage industrial circles to formulate and steadily implement action plans for international standardization activities according to the characteristics of relevant industries, and will also follow up on the status of implementation of such plans.

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

[3] Publicizing the guidelines for international standardization activities

By the end of FY2008, the GOJ will prepare and publicize the guidelines, including successful and failed cases of international standardization, which indicate efforts to promote R&D strategy, intellectual property strategy and standardization strategy in a unified manner, case samples that are informative in developing organizations and systems and the influence of international standards on business in an easily understandable manner.

(Ministry of Internal Affairs and Communications)

[4] Using various international standardization schemes

The GOJ will 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.

Also, with regard to the fields in which activities prior to standardization activities by international standardization organizations, such as forum standardization activities in the information and communication fields, have a big influence on the acquisition of international standards, the GOJ will encourage companies, industrial associations and academic societies, etc. to actively participate in such prior standardization activities.

(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

The GOJ will 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, and provide necessary support. The aim shall be to realize, by FY2015, Japan's leading role in international standardization activities, by proposing as many drafts of international standards as the United States and major European countries do, and to also to realize that Japan undertakes the role of chairman or secretariat of international meetings as frequently as the United States and European countries do. 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.

In addition, from FY2008, the GOJ will encourage the Nippon Keidanren (Japan Business Federation), industrial associations and various other bodies in industrial circles to take support measures for international standardization activities by themselves, such as subsidies for overseas travel expenses and subsidies for operational expenses for international meetings provided by voluntary member companies.

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

(2) Enhancing Support for International Standardization Activities

[1] Strengthening the function of the one-stop consultation section

By the end of FY2008, the GOJ will establish the ICT Standardization and Intellectual Property Promotion Center (tentative name) as a one-stop consultation section to provide information and advice on international standardization strategies in the information and communication fields. The GOJ will also further strengthen the function of the one-stop consultation section by enriching its website on international standardization so that the website includes links to websites showing information on international standardization organizations, support systems for international standardization activities and efforts made by other ministries and agencies for international standardization activities.

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

[2] Enhancing support measures for participants in international standardization activities

- i) The GOJ will strengthen support measures taken by the International Standardization Support Center and other support organizations, and enhance support measures from the perspective of encouraging people to participate in international standardization activities, including support for the activities of newly appointed chairmen and secretariats, etc. of meetings, and strengthening support for the activities of young people. In addition, the GOJ will take measures to promote investments in international standardization activities at companies, etc., such as dissemination and awareness-raising activities.

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

- ii) Taking into account that participants from Japan will increase if international standardization conferences are held in Japan, the GOJ will encourage industrial circles to make active efforts to welcome international standardization conferences to be held in Japan, and will also provide active support for conferences, including provision of know-how for managing conferences and publicity of information on the holding of international conferences.

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

(3) Enhancing International Standardization Activities as a Nation

[1] Promoting research activities and international standardization activities in a unified manner

With regard to the technical fields where research results are expected to be 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.

(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

In order to strengthen coordination among the ministries and agencies concerned, the GOJ will hold the Liaison Meeting on International Standardization, thereby carrying out an exchange of information on efforts for standardization made by the ministries and agencies concerned and the trends of standardization in other countries.

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

[3] Strengthening coordination among industry, academia and government

By the end of FY2008, the GOJ will hold industry-academia-government joint symposium, etc. by using academic societies, etc., with the aim of promoting personnel exchanges for those who have engaged in international standardization activities and those who will take charge of international standardization activities in the future, such as young researchers and students in technical fields, between industry and academia as well as raising awareness of the GOJ's efforts and support measures concerning international standardization activities.

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

[4] Developing surveys and statistics concerning standardization activities carried out by companies, universities and others

From FY2008, the GOJ will develop surveys and statistics to figure out the number of those involved in standardization activities at companies, universities and others in order to collect quantitative data that contributes to the formulation of policies concerning international standardization activities.

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

[5] Making contributions to the international community in the fields of the environment, safety and welfare

The GOJ will strengthen its own efforts and efforts by research institutes that are independent administrative institutions and will support the independent efforts of university officials 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, thereby striving to improve national welfare and make contributions to the international community.

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

(4) Developing Human Resources for International Standardization

[1] Establishing a proficiency testing system for international standardization

With the aim of disseminating knowledge on standardization and bringing the skills of standardization operations into view, the GOJ will, by the end of FY2008, discuss the establishment of a proficiency testing system for standardization and other matters concerned, and take necessary measures.

(Ministry of Economy, Trade and Industry)

[2] Producing leaders for international standardization activities

The GOJ will implement the following measures in order to impart abundant and diverse knowledge and know-how of those who have engaged in international standardization activities in Japan and abroad to the next generation and develop human resources who can exercise leadership in international standardization activities:

- i) The GOJ will hold various kinds of training and seminars, including the Training for Leadership in International Standardization and the Practical Seminar on International Conferences and International Negotiations, while inviting those who have engaged in international standardization activities in Japan and abroad as lecturers.

(Ministry of Internal Affairs and Communications)

and Ministry of Economy, Trade and Industry)

- ii) By the end of 2008, the GOJ will develop a standardization expert system in which those belonging to companies or universities who have engaged in international standardization activities are utilized for developing the next-generation human resources for international standardization. The GOJ will also formulate and implement a human resource development program in which standardization experts are used.

(Ministry of Internal Affairs and Communications)

- iii) With the aim of providing a wide range of 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 prepare and provide model teaching materials on standardization to universities and public research institutes, thereby promoting the independent efforts of universities.

(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)

[3] Establishing a career path for people engaged in international standardization

The GOJ will cultivate 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 in charge of international standardization activities, from the perspective of acquiring a wide range of 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)

[4] Enhancing commendation systems

In order to increase awareness of international standards and provide incentives to international standardization activities, the GOJ will, from FY2008, promote efforts to further enhance commendation systems for honoring international standardization, including 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, and a recognition system specialized in international standardization.

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

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

From FY2008, the GOJ will steadily implement measures to strengthen the human resource network and to submit joint proposals on international standards in the Asia-Pacific region by strengthening efforts for activities based on the Asia-Pacific Standardization Initiative (July 2007) and standardization activities at the Asia-Pacific Telecommunity, thereby further strengthening cooperation with countries in the Asia-Pacific region.

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

(6) Making Contributions to Establishing Rules for International Standards

The GOJ will strive to ensure that rules for the treatment of intellectual property relating to standard technologies, which have been standardized among the ISO, the IEC and the ITU, are operated smoothly. The GOJ will also collect information on the status of operation of the rules and work on international standardization organizations as appropriate.

With the aim of actively working on discussions to clarify the treatment of intellectual property relating to standard technologies, the GOJ will pay attention to judicial precedents relating to the reasonable and non-discriminatory (RAND) terms and trends of judgments by the competition policy authorities with a view toward

opening the doors for international discussion, and collect and analyze related information. Also, by the end of FY2008, the GOJ will publicize the results of such collection and analysis by holding a symposium.

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

2. Promoting the Initiatives of Commons and the Use of Open Source Software

(1) Promoting the Initiatives of Commons

With regard to intellectual property rights possessed by companies, etc., the GOJ will, from FY2008, encourage patent commons and creative commons to make independent efforts on the premise of the utilization of the existing intellectual property right systems, with the aim of promoting innovations by securing interoperability and facilitating mutual use of content/environmental technologies.

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

(2) Facilitating the Use of Open Source Software

i) In order to further promote the smooth development of businesses that use open source software, the GOJ will inform companies of points that they should note in terms of intellectual property law when using open source software.

(Ministry of Economy, Trade and Industry)

ii) It has been pointed out that GPLv3, stipulating licensing conditions for open source software, becomes an obstacle to adopting open source software in embedded devices, etc. in terms of interpretation. Therefore, in light of the actual conditions of business, the GOJ will, from FY2008, categorize problems in terms of interpretation of GPLv3 so as to prevent any confusion from arising in the industry.

(Ministry of Economy, Trade and Industry)

iii) In order to promote the government procurement of software, the GOJ will promote government procurement by the ministries and agencies concerned

through dissemination of the Operational Guidelines for the Japanese Buy-Dole System for Software, published in August 2007. Also, from FY2008, the GOJ will prepare a technical reference model designed to promote procurement of software based on open standards and encourage the ministries and agencies concerned to utilize the model, with the aim of developing the use of various types of software, including open source software, in the government.

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

III. Supporting SMEs and Venture Companies

1. Enhancing Consultation and Information Services for SMEs and Venture Companies

(1) Enhancing Consultation Services for SMEs and Venture Companies

[1] Enhancing the consultation services provided in the manner of directly visiting the companies in need of advice

i) In addition to conventional consultation services provided in the manner of waiting for requests for consultation services from companies, the GOJ will, from FY2008, establish a system in which intellectual property experts, such as former employees, directly visit SMEs, etc. to provide overall consultation services covering everything from the acquisition to the exploitation of intellectual property, in order to meet the requests of users who are not able to travel to a consultation section and users who request consultation services provided at the location of their own equipment.

(Ministry of Economy, Trade and Industry)

ii) The GOJ will strengthen the system in which the JPO's experts visit individual SMEs to provide consultation services. In addition, the GOJ will actively publicize questions and requests from SMEs, which have been obtained through such efforts, in the form of a collection of Qs-and-As, and will also reflect them on the review of support measures, etc. for SMEs.

(Ministry of Economy, Trade and Industry)

[2] Establishing a support system for raising awareness among companies on the importance of intellectual property before launching research and development

In order to ensure that SMEs and venture companies can avoid unnecessary R&D activities and applications based on their awareness of the importance of intellectual property before launching R&D, the GOJ will, from FY2008, establish a system in which patent attorneys and other specialists, in addition to patent information advisers and patent licensing advisers, directly visit companies according to their needs and give accurate advice concerning R&D and filing strategies with the use of the Intellectual Property Digital Library (IPDL).

(Ministry of Economy, Trade and Industry)

[3] Enhancing consultation functions of “Intellectual Property Rescue Organizations”

With regard to “Intellectual Property Rescue Organizations,” established within associations and chambers of commerce and industry nationwide, the GOJ will, in FY2008, investigate the needs for each Intellectual Property Rescue Organization. The GOJ will then hold seminars on proper issues and develop and distribute related materials so that advisers (management instructors) can acquire necessary knowledge to meet their needs.

(Ministry of Economy, Trade and Industry)

(2) Promoting the Use of Disclosed Information on Patent Attorneys and Lawyers

i) Information on patent attorneys that should be disclosed, such as their main fields, was set based on the revised Patent Attorney Act in FY2007. In light of this, the GOJ will inform various organizations, including Intellectual Property Rescue Organizations that are consultation sections, of such information, thereby promoting the use of the information.

(Ministry of Economy, Trade and Industry)

ii) In order to enable users to find lawyers who are well versed in intellectual property based on their needs, the GOJ will encourage 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, introduced by the Japan Federation of Bar Associations in FY2007, the GOJ will promote the introduction thereof in local areas where the services have yet to be developed. The GOJ will also encourage the federation to further upgrade and enhance the services by, for example, voluntarily disclosing information that is helpful when users choose lawyers, such as 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).

(Ministry of Justice)

(3) Strengthening Countermeasures Against Infringements of Intellectual Property Rights

i) From FY2008, the GOJ will develop a system that enables SMEs and venture companies to easily consult with the administrative authorities through Intellectual Property Rescue Organizations, etc. in the case where there is a fear of infringements of intellectual property rights by large companies.

(Ministry of Economy, Trade and Industry)

ii) The GOJ will continue to publicize the guidelines for individual industries that indicate sample cases of violation of laws and regulations and inappropriate trade practices concerning intellectual property, which were developed in FY2007, and the content of regulations under the Act against Delay in Payment of Subcontract Proceeds, Etc. to Subcontractors, by distributing pamphlets and using workshops targeting main subcontracting enterprises. The GOJ will also take necessary measures to effectively collect information on the acts suspected of violating the Act against Delay in Payment of Subcontract Proceeds, Etc. to Subcontractors relating to intellectual property rights. These measures will include improving the

content of documentary surveys targeting main subcontracting enterprises and subcontractors.

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

iii) In order to promote the sense of respecting SMEs' intellectual property rights among large companies, the GOJ will continue its efforts to thoroughly publicize the Action Guidelines on Intellectual Property developed by the Nippon Keidanren (Japan Business Federation). The GOJ will also strive to thoroughly publicize the Intellectual Property Strategy Manual for SMEs and Venture Companies, which was formulated in March 2008, including the instruction to pay attention so that SMEs and venture companies will not be deprived of their technologies by their partners in joint research by way of elaborately arranged contracts.

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

iv) The GOJ will 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) Publicizing the Efforts of Supporting Organizations and Developing Cooperation Among Them

The GOJ will publicize the efforts of the Comprehensive Support Center for SMEs and Venture Companies, the Intellectual Property Center and other individual supporting organizations in order to provide information that is useful when users choose where to receive consultation services. The GOJ will also encourage supporting organizations to closely cooperate with each other, for example, through establishment of a liaison conference of supporting organizations under the lead of local public entities, so that they can provide appropriate support depending on the content and difficulty of the problems that service users are facing.

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

(5) 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, the GOJ will honor a wide range of companies holding technologies that have contributed to the advancement of the national economy, industrial development and epoch-making 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)

(6) Enhancing Training Programs for Managers of SMEs and Venture Companies and Those for People Engaged in Supporting Such Corporate Managers

The GOJ will implement training programs concerning intellectual property at SME colleges, etc., targeting managers of SMEs and venture companies and 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). The GOJ will also encourage such people to take the Intellectual Property Management Skills Test to confirm the results of the training programs.

(Ministry of Economy, Trade and Industry)

2. Enhancing Efforts to Reduce Burdens on SMEs and Venture Companies

(1) Supporting SMEs and Venture Companies in Filing Foreign Applications (Reprise)

The GOJ will promote the use of the existing support systems for filing foreign applications. The GOJ will also strive to enhance the system for offering grants for application fees via prefectural SME support centers, etc., established in FY2008,

thereby providing SMEs with support in filing foreign applications.

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

(2) Considering Measures to Reduce Costs for Obtaining and Maintaining Patents

By the end of FY2008, the GOJ will analyze the various aspects of the costs actually incurred by SMEs, etc. for obtaining and maintaining patents in Japan and abroad and consider measures to reduce such costs, and draw a conclusion.

(Ministry of Economy, Trade and Industry)

(3) Promoting the Use of the Existing Support Systems

i) With the aim of promoting the use of support measures for SMEs, the GOJ will verify measures to raise awareness of and disseminate such measures and clarify problems. Then, from FY2008, the GOJ will strengthen the mechanism for accurately informing SMEs, etc. that require support measures of the content of support measures, including distributing pamphlets to individual SMEs (applicants) that require support systems.

(Ministry of Economy, Trade and Industry)

ii) The GOJ will strive to promote the use of support programs, such as the prior art search support system, the accelerated examination system, the fee-exemption/reduction system and grants for obtaining patents in Japan and abroad. The GOJ will also endeavor to increase the convenience of these systems, for example, by simplifying the procedures for using them.

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

3. Supporting SMEs and Venture Companies in Commercializing Intellectual Property

(1) Encouraging SMEs and Venture Companies to Conduct Business Management with the Use of Intellectual Property

In order to support SMEs and venture companies to formulate business plans using intellectual property as well as intellectual property strategies, the GOJ will strive to enrich projects in which teams of intellectual property experts and consultants are dispatched for certain periods in a concentrated manner via prefectural SME support centers, etc. In addition, from FY2008, the GOJ will endeavor to improve the quality of support and promote the use thereof by analyzing and evaluating case samples of dispatches in the past, and will also strive for cooperation by providing training programs using case samples of dispatches at the Intellectual Property Business Academy implemented by the Japan Patent Attorneys Association and other workshops.

(Ministry of Economy, Trade and Industry)

(2) Supporting the Exploitation of Licensable Patents

The GOJ will publicize the patent licensing database and examples of the exploitation of licensable patents, and also promote the exploitation of licensable patents by holding events. In addition, 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 experts in technology transfer.

(Ministry of Economy, Trade and Industry)

(3) Diversifying Financing Methods Using Intellectual Property

i) The GOJ will publicize examples of intellectual property trusts designed to raise funds, loans secured by intellectual property and financing with use of a scheme for special-purpose companies, thereby promoting the utilization of these systems by SMEs and venture companies.

(Ministry of Economy, Trade and Industry)

ii) In order to promote financing with the use of intellectual property, in FY2008, the GOJ will consider making it possible to establish a pledge not only on a patent right but also on the right to obtain a patent, and draw a conclusion.

(Ministry of Economy, Trade and Industry)

IV. Developing Local Areas with the Use of Intellectual Property

1. Accelerating Innovation in Local Areas

(1) Supporting the Initiatives for Commercialization of Intellectual Property in Local Areas

The GOJ will enhance the capability of comprehensively producing the commercialization of intellectual property in local areas with the use of the financing and commercialization support functions of funds, etc. that deal with businesses using intellectual property.

In order to ensure that this capacity is exerted to the maximum extent, the GOJ will encourage local universities, TLOs, and patent licensing advisers to participate in the centers for collaboration of local powers as partners. Universities and TLOs are able to provide the intellectual property apt to be the technical seed for bringing into shape the new commercialization needs that were figured out by the centers for collaboration of local powers established in various locations. In addition, the GOJ will encourage these bodies to cooperate with the centers for collaboration of local powers with regard to the collection of information on market needs that they require. Thereby, the GOJ will strengthen support for commercialization with the use of intellectual property.

(Ministry of Economy, Trade and Industry)

(2) Promoting Collaboration Between Local Companies and Local Universities, etc.

In order to promote the exploitation by companies of intellectual property, which has been created as research results at universities, the GOJ will continue to strengthen collaboration between companies and universities, for example, by using the centers for collaboration of local powers that are established at about 300 locations nationwide from FY2008.

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

(3) Promoting Local Development Through Agriculture-Commerce-Industry Collaboration

In order to encourage agriculture/forestry/fishery and commerce/industry, both of which are local key industries, to collaborate to promote the creation and exploitation of intellectual property, the GOJ will promote the cooperative efforts of the ministries and agencies concerned, such as collaborative consultation services concerning intellectual property and regional brands and joint holding of seminars. In addition, the GOJ will promote organic linkage of a database on intellectual property information and a database on patent information in the agricultural, forestry and fishery fields.

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

(4) Creating New Products and Services with the Use of Regional Resources

With the aim of creating new products and services with the use of regional resources and having them established as genuinely powerful regional brands, from FY2008, the GOJ will provide support for regional efforts to establish brands, including support for the development of prototypes, invitation of experts who give meticulous advice on consistent efforts from planning to selling, and quality/name management.

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

2. Developing the Infrastructure for Local Intellectual Property Activities

(1) Developing and Utilizing Human-Resource Databases

By the end of FY2008, the GOJ will build and start operating a database of human resources who have worked at intellectual property-related departments of large companies, with the cooperation of the Japan Intellectual Property Association and other bodies. In addition, the GOJ will strive to link said database with the Database for Industry-Academia-Government Collaboration and the Former

Employee Database.

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

**(2) Utilizing Human Resources for Supporting Intellectual Property Affairs
Available in Local Areas**

i) With the use of a database of human resources who have worked at intellectual property-related departments of large companies, which is scheduled to be built by the end of FY2008, the GOJ will actively utilize people who have engaged in handling intellectual property affairs, such as former staff members of research departments or intellectual property departments in private companies and professional engineers, 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, the GOJ will encourage the Japan Patent Attorneys Association to utilize local access points, establish joint operational branches and promote the activities of the JPAA Caravans for publicizing the intellectual property systems.

(Ministry of Economy, Trade and Industry)

**(3) Developing Human Resources Related to Intellectual Property in Local
Areas Through Support Measures for Formulating Intellectual Property
Strategies**

In order to improve the comprehensive producing capability of support teams consisting of specialists in law, technology, finance, marketing, etc. that support commercialization with the use of intellectual property, the GOJ will organize such teams in local areas by utilizing the human resources available in local areas, and dispatch them 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 and providing support for these companies. In FY2008, the GOJ will strive to implement such activities in wider areas,

and also further develop manuals, etc. that are necessary to develop human resources engaged in support.

(Ministry of Economy, Trade and Industry)

(4) 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, the GOJ will enhance education and training for human resources related to intellectual property in local areas, including managers and intellectual property personnel of local 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)

3. 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, the GOJ will strive to further enrich the activities of regional intellectual property strategy headquarters in each region. The GOJ will also encourage regional intellectual property strategy headquarters to steadily implement regional intellectual property strategy programs formulated based on the characteristics of individual regions and to achieve targets set in the programs, etc. From FY2008, the GOJ will receive reports on the status of achievement.

(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

In FY2008, the GOJ will endeavor to collect further information on the results of a survey concerning intellectual property support measures taken by local public entities, which were published in FY2007, and to improve provision of such information. The GOJ will also encourage local public entities to formulate strategies and ordinances concerning intellectual property, to introduce and upgrade their own support systems and to promote strategies through cooperation with companies, universities and public research institutes within the region, for example, by utilizing such information via the regional intellectual property strategy headquarters.

(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] Enhancing support for local public entities engaged in ambitious initiatives

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 have been selected as local public entities engaged in ambitious initiatives, and widely publicize the results thereof. In addition, from FY2008, the GOJ will include local public entities engaged in efforts for agriculture-commerce-industry collaboration in the subject of such projects.

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

Chapter 4 Efforts to Create Culture with the Use of Content

I. Making Japan a Content Superpower in the Age of Digital Networks

1. Promoting Attempts to Launch New Businesses by Taking Advantage of the Digital Network Environment

(1) Supporting the Growth of Video-Distribution Services

[1] Creating a legal environment for the benefit of content-sharing services

Since a new content market is expected to grow with the development of video-posting websites as a new form of media, the GOJ will encourage service providers to conclude blanket contracts on the use of copyrighted works and to apply technical means to eliminate illegal content. In order to alleviate the concerns of service providers, the GOJ will study the issue of indirect copyright infringement and form a conclusion by the end of FY2008.

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

[2] Promoting the fusion and collaboration of digital content devices

The development of content services available to various types of devices including TVs, PCs, and mobile terminals is expected to enhance convenience for users and stimulate the content market. The GOJ will promote the development and trials of services available to well-integrated and coordinated information terminals through telecommunication networks and advanced and prevalent use of those terminal devices.

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

[3] Promoting the development and standardization of the video-distribution network infrastructure for home use

In order to ensure the easy and safe use of information services such as a video

distribution service in the home environment, the GOJ will promote the development and international standardization of home gateways designed to maintain the compatibility between intelligent home appliances that differ in performance as well as between domestic and external networks.

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

[4] Promoting the standardization of common fundamental technology for content-distribution services

In order to promote the growth of the content market by developing content distribution services, the GOJ will encourage closer collaboration among telecommunication infrastructure companies, hardware companies, and content business companies and promote standardization of basic technologies commonly used by them to provide terminals and services that are convenient to users.

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

[5] Promoting infrastructure development for terrestrial digital broadcasting

Terrestrial digital broadcasting is expected to contribute to the development of new content services provided through data broadcasting, interactive services, etc. In anticipation of a full conversion to digital broadcasting in 2011, the GOJ will promote private-public collaboration to ensure that every household that used to be covered by analogue broadcasting is given access to digital broadcasting and that every household has a digital broadcasting receiver.

(Ministry of Internal Affairs and Communications)

(2) Solving Legal Issues Concerning New Business Developments

[1] Responding to new types of services provided beyond the boundary between communications and broadcasting

In order to make necessary revisions to laws covering telecommunications and broadcasting, the GOJ will determine what revisions to make in order to maximize the production, distribution, and consumption of content and form a conclusion by

2010. In conjunction with the revision of legal systems for telecommunications and broadcasting, the GOJ will, from FY2008, review the rules concerning the scopes of rights of the parties concerned that may differ depending on which service is provided to users and the definition of neighboring rights in consideration of the degree to which each party concerned has contributed to the creation of the content.

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

[2] Solving legal issues concerning Internet search services

The GOJ will promote the emergence of innovative services through the development and international standardization of technologies for information search, analysis, and verification, and take legislative measures in FY2008 in order to facilitate the provision of Internet search services. Furthermore, in order to facilitate the provision of product information and other information that best meet the needs of users, the GOJ will discuss how to collect, accumulate, and utilize information on users in a safe manner without risking their privacy, and they will form a conclusion by the end of FY2008.

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

[3] Solving legal issues concerning the act of reproducing materials on the servers in the course of content distribution

The GOJ will take measures to restrict the exercise of copyright in a case where distributed content is temporarily stored by a device such as a terminal or server upon receipt of content distributed via a telecommunication system as long as such storing is made through normal use of such a telecommunication device without unreasonable prejudice of the legitimate interests of the copyright holders. The GOJ will further study how to solve legal issues related to such temporary storing and take necessary legislative measures by the end of FY2008.

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

[4] Solving legal issues to facilitate the use of information in R&D activities

(Reprise)

The basic technologies in the fields of video, audio, language, and web analysis are fundamental to today's advanced information society. The research and development of these technologies would be promoted by allowing researchers to collect and analyze a vast amount of information via the Internet. By the end of FY2008, the GOJ will take legislative measures to permit reproduction and adaptation of copyrighted works in the course of research and development for the purpose of making innovations by using the aforementioned technologies, as long as the copyright holders' legitimate interests are not unreasonably prejudiced.

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

[5] Solving legal issues concerning reverse engineering

By the end of FY2008, the GOJ will take legislative measures to permit reproduction and adaptation of computer software as a part of a reverse engineering process as long as such reverse engineering is necessary for the development of innovative software or the maintenance of information security.

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

(3) Developing an Intellectual Property System Suitable for the Age of Digital Networks

In order to promote the content industry in the age of Digital Networks, the GOJ will discuss the following important issues as soon as possible and form a conclusion by the end of FY2008: (i) Creation of the framework to promote content distribution in consideration of new ways of utilizing content, (ii) Revision of intellectual property systems so that the system will be able to cover new technical progress and content usage, addressing the issue of whether to impose comprehension restrictions on rights; and (iii) Reinforcement of measures against illegal use of content on the Internet. In order to promote the growth of the content market, the GOJ will promote the initiative in establishing new business models suitable for the age of Digital Networks, such as the creation of a new business that is not limited within the conventional boundaries of media.

(Cabinet Secretariat, Ministry of Internal Affairs and

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

2. Supporting Global Business Operation from a Global Perspective

(1) Developing an Environment for Promoting Business Operation Overseas

[1] Requesting the elimination of illegal content on overseas video-sharing websites (Reprise)

In order to promptly eliminate from overseas video-posting websites illegal content that would hinder the Japanese content business and to promote content distribution, the GOJ will, in FY2008, make a private-public collaborative effort to encourage relevant countries to introduce technical means to eliminate illegal content or a system that would allow Japanese content business operators to submit a request for elimination with no difficulty.

(Cabinet Secretariat, 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 content deregulation in other countries

From FY2008, the GOJ will encourage other countries that restrict domestic distribution of content created in foreign countries to take necessary measures, such as deregulation, in order to ensure appropriate distribution of Japanese content.

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

[3] Enhancing international cooperation for production and distribution of content

i) In order to further reinforce the collaboration among content industries in Asia, the GOJ will, by the end of FY2008, devise a mid- and long-term policy package for content business in Asia, entitled “Asia Content Initiative,” and promote the international joint production of content, establishment of human resources networks, and distribution of content.

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

ii) In order to strengthen international ties for movie production and distribution, the GOJ will promote the conclusion of cooperation memorandums, joint production agreements, exchange agreements, etc. (e.g., mutual support for cinema festivals and filmmaker exchange programs) while adhering to the limits of international rules. In addition, the GOJ will promote further strengthening of collaboration with the countries with which such agreements have already been concluded.

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

[4] Promoting international harmonization of copyright systems

In order to promote international harmonization of copyright systems to meet the needs of the Internet age, the GOJ will actively contribute to the ongoing discussion on the issue of visual and audio performance and on the conclusion of a new treaty concerning broadcasting organizations. Furthermore, the GOJ will encourage other countries primarily in Asia to sign the World Intellectual Property Organization Copyright Treaty and the WIPO Performances and Phonograms Treaty as soon as possible and promote the establishment and improvement of the copyright systems in developing countries.

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

(2) Supporting Global Business Expansion of the Content Industry

[1] Strengthening the international competitiveness of content business operators

i) In order to accelerate the globalization of Japanese content business operators, the GOJ will, based on the Content Global Strategy, take such measures as promotion of international joint production, reinforcement of human resources networks, and facilitation of fund procurement. Furthermore, the GOJ will promote the initiative of content business operators in taking necessary measures.

(Ministry of Economy, Trade and Industry)

ii) In order to build and maintain new distribution networks such as finding time

slots in overseas TV broadcasting programs that would be effective in distributing Japanese content, the GOJ will take the initiative in creating a cooperative system with companies, broadcasters, program producers, relevant administrative agencies, etc. that are interested in sponsoring overseas broadcasting companies. The ultimate goal is to establish a system that would allow consistent distribution of Japanese broadcast content in other countries.

(Ministry of Internal Affairs and Communications)

[2] Establishing business methods to support business operations overseas

- i) In order to promote Japanese content business in the international market, the GOJ will encourage content business operators to conclude contracts at the stage of production with a view to overseas markets and will support the establishment of contract rules and practices.

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

- ii) In order to enhance the ability of content business operators to deal with legal affairs, the GOJ will promote licensing businesses by providing them with opportunities to learn from specialists such as entertainment lawyers who are well versed in international practices.

(Ministry of Economy, Trade and Industry)

[3] Supporting content business operators who aim to operate business overseas

- i) In order to assist Japanese content business operators to strategically increase their presence in overseas markets, the GOJ will have JETRO and other organizations provide useful information through seminars and websites. Such information would cover various topics, including foreign market trends, political developments, legal systems, business practices, piracy damage, successful business cases, etc. In addition, the GOJ will have the overseas offices of these organizations offer consulting services to companies.

(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 promote the development of new sales channels and deepen the international understanding of the Japanese culture, the GOJ will support the following: (1) the efforts of the Content Overseas Distribution Association, (2) the preparation of subtitles for Japanese content, including movies and TV programs, that will be displayed in overseas trade fairs or cinema festivals, and (2) the activities to hold periodical overseas exhibitions and movie showings of movies and works of media art and the effort of the Japan Foundation and the provision of ODAs for distributing Japanese content, such as animation and education TV programs, in other countries.

(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)

[4] Enhancing the functions of content markets

- i) In order to accelerate global business expansion, the GOJ will reinforce the functions of content markets by increasing the appeal of trade fairs, international symposiums, etc., including the JAPAN International Contents Festival and the Tokyo International Film Festival, to which many buyers come from other countries.

For a more effective and efficient JAPAN International Contents Festival, the GOJ will listen to the opinions of the people concerned and further improve the festival management by collaborating with those in such content-related fields as tourism, fashion, and food and by promoting collaboration with other existing events and trade fairs. Furthermore, the GOJ will review the festival period, venue, and advertisement method.

(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, Transport and Tourism and other ministries and agencies concerned)

- ii) In order to increase the interest of foreigners in Japanese content and stimulate

the growth of the content market, the GOJ will promote the translation of Japanese content into foreign languages including English. The GOJ will promote the use of foreign languages as well as the Japanese language to host international events in Japan, such as trade fairs and film festivals, and will make leaflets for those events in more than one language. In addition, the GOJ will promote the creation of content-related databases in foreign languages as well as Japanese. These efforts will help content business operators and other content-related companies in other countries to understand Japanese content.

(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)

[5] Promoting content creation through international collaboration

In order to promote international joint production of content, the GOJ will have UNIJAPAN and JETRO hold seminars on Japanese laws, fund procurement systems, etc., and support matching activities at overseas film festivals and provision of information to other countries.

(Ministry of Economy, Trade and Industry)

3. Enhancing the Distribution of Content Available on a Variety of Media

(1) Developing Legal Systems and Contract Rules to Expand the Distribution of Digital Content

[1] Developing legal systems to promote the distribution of digital content

The GOJ will support efforts to implement the measures devised in FY2007, such as the establishment of contract rules for agreements between broadcasters and copyright holders' associations and the promotion of consolidation of content-related information. The GOJ will also continue to consider the international framework for digital content distribution and consider related issues, including the issue of establishing an effective copyright procedure. Furthermore, the GOJ will establish a legal system to promote distribution of high-tech digital

content within one year and make efforts to promote content creation by providing content creators with appropriate remuneration.

(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] Developing domestic systems for securing appropriate protection while giving consideration to the balance between protection and exploitation

i) In order to facilitate the use of content, the GOJ will take the following legislative measures in FY2008:

- a) Measures to facilitate the use of content owned by unknown copyright holders;
- b) Review of the scope of permission for the private reproduction of content that has been illegally reproduced; and
- c) Establishment of rules concerning the restrictions of rights in order to promote the use of copyrighted works by handicapped people.

Based on the results of discussions in FY2007, the GOJ will further consider the following issues and form a conclusion by the end of FY2008: protection for licensees of copyrighted works, the definition of so-called indirect infringement, the calculation of statutory damages, the scope of rights of the copyright holders who have been involved in the creation of certain content, and other relevant issues.

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

ii) In order to promote e-learning at school by use of copyrighted works created by third parties, the GOJ will form a conclusion by the end of FY2008 based on the proposals on how to handle copyright issues involved in educational use of copyrighted works transmitted via the Internet.

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

iii) The GOJ will discuss the copyright-related issues concerning providing to medical and pharmaceutical professionals information that is necessary for appropriate use of drugs and other medical products by pharmaceutical companies, and the GOJ will form a conclusion by the end of FY2008 in consideration of international practices, an appropriate framework of a system for medical

professionals to exchange information, and the progress in creating an effective copyright procedure.

(Ministry of Education, Culture, Sports, Science and Technology and Ministry of Health, Labour and Welfare)

iv) The GOJ will discuss issues related to the copyright protection period, such as wartime additions and the possibility of extending the period with special consideration to a balance between protection and use of copyrighted works, and will form a conclusion by the end of FY2008.

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

[3] Promoting the conclusion of contracts for the secondary use of broadcast content

In order to ensure that those engaged in the production of TV programs abide by the “Guideline for the Conclusion of Agreements for TV Appearances (tentative translation),” which was agreed upon by broadcast content business operators in FY2007, the GOJ will support efforts to inform relevant industries of the Guideline and promote the establishment of contract rules between companies pursuing the multiuse of broadcast content.

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

[4] Drawing a conclusion on the review of the compensation system for private recordings

Based on the results of discussions on the compensation system for private recordings, the GOJ will further review the system in consideration of the development of technical means for content protection and the changes in the content distribution business, and it will form a conclusion by the end of FY2008.

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

[5] Encouraging private businesses to adopt protection systems that would enable the public to fully enjoy the benefits of technological innovation

In order to promote distribution of content, it is necessary to enable Japanese people to enjoy the merits and convenience of technical innovation to the fullest. With this in mind, the GOJ will take the following measures to protect content users' benefits as well as copyrights and to establish and implement a well-balanced protection system to promote expansion of content business:

- a) In an effort to create an environment where copyright holders are able to provide content without worrying about infringement and to enhance convenience for users, the GOJ will discuss what rules are necessary to protect the content of digital broadcasting and how to ensure the compliance, and it will form a conclusion by the end of FY2008; and
- b) The GOJ will encourage private companies that are considering establishing a protection system for video distribution service and other services to establish rules that enable copyright holders to provide content without worrying about infringement and allow users to use the system without difficulty.

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

[6] Promoting efforts to eradicate the distribution of illegal content (Reprise)

- i) From FY2008, the GOJ will work with telecommunication companies and copyright holders associations to promote the establishment of a system for preventing infringement. These efforts include sending warnings by e-mail to those who have transmitted files or other forms of data by using file-sharing software such as Winny.

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

- ii) The GOJ will collaborate more closely with copyright holders associations in taking effective measures to crack down on those who have infringed copyrights through the use of file-sharing software

(National Police Agency)

- iii) The GOJ will encourage content business operators to take technical measures

to place identification marks of legal distribution websites and eliminate illegal content.

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

[7] Encouraging and supporting efforts to protect young people from harmful content

In an effort to protect young people from harmful content, the GOJ will encourage the content industry to create a filtering system and conduct various activities to raise awareness among teachers, parents, those in relevant industries, etc. about the negative effects of such content and promote further collaboration among them.

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

(2) Securing Market Transparency and Increasing Opportunities for Transactions

[1] Consolidating content-related information

The GOJ will promote efforts to enhance the database on copyright holders (Creators Association Portal Site), which is scheduled to be created, the database on the copyrights to broadcast content, and the database on the copyrighted works (Japan Content Showcase). In FY2008, the GOJ will hold meetings where database operators exchange information and deepen collaboration for the integration of these databases.

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

[2] Supporting the *Japan Content Showcase*

The GOJ will support the growth and internationalization of the operation of the Japan Content Showcase by promoting registration of content in fields where only a

small number of works have been registered, and it will also examine the breakdown of website users and solicit registration by people and organizations other than major content holders.

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

[3] Developing a market for broadcast content

i) In an effort to make Japanese broadcast content more competitive in the international content market and return the benefits to the creators and audience, the GOJ will consolidate and publicize information on the copyrights to broadcast content and on contact persons for copyright-related negotiation. Furthermore, in order to create an open and transparent broadcast content market, the GOJ will discuss what rules and systems are necessary and will form a conclusion by the end of FY2008.

(Ministry of Internal Affairs and Communications)

ii) In an effort to expand the Japanese broadcast content market, the GOJ will discuss the creation of a central market for foreign as well as Japanese broadcast content business operators and will form a conclusion by the end of FY2008.

(Ministry of Internal Affairs and Communications)

iii) In FY2008, the GOJ will conduct an experiment in which the GOJ will solicit applications from creators who are eager to provide content to the content market by raising their own funds and will provide those creators with transaction opportunities. The GOJ will analyze the results of the experiment and further promote such creators' efforts in order to stimulate the broadcast content market.

(Ministry of Internal Affairs and Communications)

iv) The GOJ will discuss concrete measures to ensure appropriate production and transaction of broadcast content by examining the current state of production and transaction of broadcast content, preparing guidelines for appropriate production and transaction of such content, and creating a system to ensure the compliance with said guidelines. Based on the results of the discussion, the GOJ will form a conclusion by the end of FY2008.

(Ministry of Internal Affairs and Communications)

[4] Encouraging flexible operation of business through flexible pricing

In an attempt to enhance consumer benefits, the GOJ will promote the initiative to expand the issuance and distribution of goods including books, magazines, and music CDs outside the resale price maintenance system and will encourage initiatives in creating more flexible pricing systems. The GOJ will publicize the achievements of such initiatives.

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

(3) Developing an Environment in which Speedy Handling of Rights Can Be Realized

[1] Enhancing centralized management

The GOJ will support the efforts of copyright management organizations to return appropriate benefits to copyright holders according to the type of use. It will also promote the development of a centralized management system by increasing the number of copyright holders who delegate their authority to centralized management and by expanding the scope of rights subject to delegation.

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

[2] Promoting coding in response to global distribution

In an attempt to accelerate global content distribution, the GOJ will encourage the parties concerned to promote the use of the existing internationally standardized content IDs and establish new coding systems for content IDs, and encourage the use thereof.

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

[3] Improving the procedure for handling rights for music distribution on the Internet

In order to streamline the task of handling rights, which has greatly increased due to the expansion of the online music distribution market, the GOJ will support the

establishment of a third-party organization by the end of FY2008 for central management of necessary tasks, including the tasks of granting music codes and verifying them.

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

(4) Encouraging Efforts to Establish Digital Archives of the Materials of the National Diet Library and Promoting the Use of Such Library Materials

The GOJ will deepen its collaboration with the National Diet Library to promote efforts to digitize precious books and other materials of the National Diet Library and to collect and store information on the Internet for online use by general users.

In consideration of the balance between the economic benefits of copyright holders and those of publishing businesses, the GOJ will, by the end of FY2008, take legislative measures to promote digitalization of the materials of the National Diet Library. Furthermore, the GOJ will encourage the parties concerned to discuss the issues of the collaboration between the National Diet Library and other libraries and the access of library users to library materials, and it will form a conclusion by the end of FY2008.

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

4. Developing an Environment for Creation that Creators Around the World Would Long for

(1) Developing an Environment to Support Creative Activities

[1] Promoting investment in content production

In order to promote the development of an environment that would provide creators with a variety of fundraising options by soliciting investment from general investors, the GOJ will make further efforts to publicize various financial support systems, including the Financial Instruments and Exchange Act, trust system, Limited Partnership system (LPS) and Limited Liability Partnership system (LLP). In addition, the GOJ will promote efforts to establish an assessment method

necessary to encourage investment in content production in order to support the revitalization of the investment market.

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

[2] Improving the environment for content production

In order to create an environment where the profits of content business activities are properly returned to the content creators, the GOJ will work to improve subcontracting systems by enforcing the Act on Prohibition of Private Monopolization and Maintenance of Fair Trade and the Act against Delay in Payment of Subcontract Proceeds, Etc. to Subcontractors and by providing consulting services for subcontractors and raising awareness about the Alternative Dispute Resolution (ADR) and Fair Subcontracting Guideline (tentative translation).

(Japan Fair Trade Commission, Ministry of Internal Affairs and Communications and Ministry of Economy, Trade and Industry)

[3] Considering and publicizing tax incentives

In order to facilitate funding of content production by individuals and companies, the GOJ will raise public awareness of the tax incentive measures that have been implemented and will examine how widely such incentives have been taken advantage of and consider how to improve them.

(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) The GOJ will promote collaboration of film commissions between Japan and other countries and will promote the use of the “Japan Location Database,” available in both Japanese and English, which is an online database containing information on location services in Japan. From FY2008, the GOJ will support efforts to establish the “Japan Film Commission,” which would serve as a centralized contact point to handle requests from other countries for location

services, in order to send more information about famous Japanese locations to other countries.

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

ii) The GOJ will encourage administrative agencies throughout Japan to take measures to facilitate the use of roads and public facilities for filmmaking and establish a guideline for use of national facilities as locations for filmmaking and so on. Furthermore, the GOJ will 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, Transport and Tourism, and other ministries and agencies concerned)

[5] Developing local content industry

The GOJ will devise measures to solicit requests for locations from other countries, hold local events to improve the environment for creative activities, and promote collaboration between local industries and content businesses. Through these efforts, the GOJ will support collaborative activities of local communities and content businesses. Furthermore, the GOJ will discuss a system for production and distribution of local content in order to encourage the content industry to take advantage of local culture and uniqueness.

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

[6] Supporting the activities of the Visual Industry Promotion Organization

The GOJ will encourage related industries such as film, broadcasting, game, animation, and music to collaborate with each other and cooperate with the Visual Industry Promotion Organization, and it will also support the activities of said Organization.

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

(2) Promoting the Development of Technology for Supporting the Creation of Content

[1] Promoting the development of new technology through a concerted use of hardware and software

Based on the Technology Strategy Map 2008 (content field), the GOJ will promote the strategic use, R&D, and demonstration experiment of Japan's leading content production technology and use events such as the JAPAN International Contents Festival to transmit information on technology in fields, such as computer graphics, that would facilitate a concerted use of software and hardware.

(Ministry of Economy, Trade and Industry)

[2] Promoting the development of the world's leading technology related to content

The GOJ will promote the research and development of cutting-edge technologies that would allow the production of innovative content and the creation of new expression methods and distribution systems. Such technologies would include the technology to display and exhibit content in the form of a digital museum and so on and the super high-definition technology.

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

[3] Promoting the fusion between science and technology and content creation

In order to promote intellectual creation activities in fields where art and engineering integrate to produce designs and content, the GOJ will provide opportunities to creators, scientists, and engineers to exchange knowledge and ideas. The GOJ will also encourage people in different fields to collaborate in basic research and development of media art and will support the development of human resources for such activities.

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

(3) Supporting Creative Activities in the *Everybody-Is-a-Content-Creator* Age

[1] Promoting the provision of opportunities for users to create and display

their content without restrictions

In order to promote the production of high-quality content by increasing the scope of creation by creators, the GOJ will, from FY2008, encourage service providers, which provide opportunities for creators of such content as background music to display ones' works, to conclude blanket contracts with the copyright holders' association in advance and to develop technology that would allow the establishment of an effective copyright procedure in order to support unrestricted creative activities by individuals.

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

[2] Establishing a system whereby right holders can manifest their intentions on the use of their works via the Internet

In order to promote unrestricted creation and display of copyrighted works on the Internet, the GOJ will improve an intention indication system and will promote the use thereof, as well as promote related activities in the private sector. Furthermore, the GOJ will encourage relevant industries to devise a copyright procedure to charge for commercial use beyond the scope of free use.

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

[3] Supporting creative activities by young people

In an effort to enhance the creativity and expressiveness of children, who will lead content production in the future, the GOJ will support efforts to provide them with opportunities to express themselves through creative and expressive activities in a digital network environment.

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

(4) Developing Human Resources Capable of Creating Outstanding Content

[1] Developing Producers and Creators

i) Through collaboration with companies and universities and through provision of

practical training, the GOJ will promote the development of experts and leaders who will serve as producers in and outside Japan with comprehensive abilities, covering such fields as technology, finance, and business practices in addition to expertise in content production.

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

ii) By providing young creators in and outside Japan with practical training and opportunities to study abroad, the GOJ will support projects to foster creators for the next generation in such content fields as animation, games, and media art. Furthermore, the GOJ will promote the development of entertainment lawyers and human resources well versed in content-related technologies.

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

[2] Developing Content-Related Human Resources at Universities

In order to continue such ongoing efforts as supporting undergraduate-level human resources development programs designed to foster a highly skilled workforce for the content industry, the GOJ will promote further enhancement of the systems for education and research on content-related subjects at universities and will encourage collaboration and cooperation between Japanese content-related institutions and foreign counterparts as well as between universities and companies. To encourage the initiative of professional graduate schools with a focus on content education, the GOJ will promote efforts to establish an accreditation organization for fair assessment of the quality of education and research activities.

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

[3] Discovering and Honoring Talented People

The GOJ will continue to promote efforts to organize various competitions for movies, music, animation and other media content. Furthermore, the GOJ will broadly support efforts to honor persons with outstanding achievements and to provide opportunities to display and enjoy copyrighted works.

(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)

[4] 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 FY2008, consider how to increase the number of talented people coming from Asian countries to work in the Japanese content industry, and take appropriate measures, including system reforms if necessary.

(Ministry of Justice, Ministry of Foreign Affairs, Ministry of Health, Labour and Welfare and Ministry of Economy, Trade and Industry)

5. Appropriately Implementing the Act on Promotion of the Creation, Protection and Exploitation of Content

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 it will revise the Act if necessary. Through periodical surveys on the efforts of the ministries and agencies concerned subject to 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.

(Ministries and agencies concerned)

II. Implementing the Japan Brand Strategy Featuring Japan's Appeal

1. Conveying Japan's Appeal to the World and Promoting Infrastructure Development Around It

(1) Establishing a Cross-Sectoral Japan Brand Strategy

In order to establish a cross-sector Japan brand covering such fields as food, regional brands, fashion, content, and traditional culture and transmit more

information on the Japan brand to the world, the GOJ will, in FY2008, clarify the basic concept applicable to all activities conducted to achieve these goals and devise a strategy for each geographic area and subject.

(Cabinet Secretariat, Ministry of Internal Affairs and Communications, 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, Transport and Tourism and other ministries and agencies concerned)

(2) Developing Action Plans Through Collaboration of the Relevant Ministries and Agencies

In FY2008, the GOJ will establish the Cross-Ministerial Committee for the Establishment and Publication of a Japan Brand and devise an action plan listing cross-ministerial measures key to each geographic area and subject.

(Cabinet Secretariat, Ministry of Internal Affairs and Communications, 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, Transport and Tourism and other ministries and agencies concerned)

(3) Systematically Compiling and Utilizing the Results of Surveys on the Japan Brand

Currently, the Japan Foundation, JETRO, JNTO and other organizations are carrying out surveys and information-gathering activities on Japan's image in other countries, according to their respective policies. The GOJ will reinforce the system that enables these organizations to share and use the survey results and collected information through the Cross-Ministerial Committee for the Establishment and Publication of a Japan Brand to be established in FY2008.

(Cabinet Secretariat, Ministry of Internal Affairs and Communications, 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,

Transport and Tourism and other ministries and agencies concerned)

(4) Enhancing Initiatives to Convey the Japan Brand via Contact Points at Home and Abroad

The GOJ will provide wide support to private companies and other organizations that contribute to increasing the presence of the Japan brand in other countries by letting them hold exhibitions at overseas diplomatic establishments, introducing them to the respective governments, and providing information. Furthermore, the GOJ will take measures to increase information on Japanese content readily available in and outside Japan primarily by promoting the establishment of an international information center for Japanese media art, such as animation programs and comics. The GOJ will also promote the sale of Japan brand goods and dissemination of information on the Japan brand in places such as the duty-free area of an international airport, where many foreigners tend to shop.

(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, Transport and Tourism and other ministries and agencies concerned)

(5) Enhancing Various Events Held at Home and Abroad to Introduce the Japan Brand

In order to transmit information on the Japan brand to people in and outside Japan more effectively at various events, such as trade fairs and exhibitions held for the purpose of introducing the Japan brand, the GOJ will enhance those events through collaboration with relevant ministries and agencies.

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

(6) Enhancing Information on the Japan Brand to Be Disseminated Overseas

i) In order to publicize Japanese content, including animation, music, and movies, and Japan's appeal in various fields, including tourism, fashion, food, and industrial design, the GOJ will solicit participation by private companies in the International TV broadcasting for foreigners, to be commenced in FY2008, in an effort to increase audiences in other countries. The GOJ will make further efforts in collaboration with relevant organizations to promote active use of the broadcasting and provide necessary support.

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

ii) Through closer collaboration with relevant ministries and agencies, the GOJ will increase information in terms of quality and quantity that is available on the websites designed to transmit information on Japan to the world, so that people in other countries can easily obtain information on the Japan brand.

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

(7) Actively Disseminating Information to Foreign Tourists and Media

i) The GOJ will support efforts to plan and implement sightseeing tours and events targeted at foreign tourists with a focus on the Japan brand, such as Japanese foods, regional brands, and fashion. Furthermore, the GOJ will encourage foreign media to feature various events held by the public or private sector.

(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, Transport and Tourism)

ii) The GOJ will designate as YOKOSO! Japan Ambassador those who inform other countries of the appeal of Japan, thereby contributing to increased foreign tourism to Japan, and the GOF will promote their activities.

(Ministry of Land, Infrastructure, Transport and Tourism)

iii) As a part of the Visit Japan Campaign, the Harajuku Walking Tour was conducted for foreign tourists. The GOJ will encourage local communities to hold similar events.

(Ministry of Economy, Trade and Industry and Ministry of Land, Infrastructure, Transport and Tourism)

(8) Honoring People Who Have Contributed to an Increase in the Overseas Recognition of the Japanese Brand

The GOJ will honor people, regardless of their nationality and age, who have contributed to the development of Japanese culture and the publicizing of the Japan brand to the world.

(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)

(9) Spreading the Japan Brand, Which Features Japanese People's *Sensitivity*, at Home and Abroad

The GOJ will promote the production of designs and products that reflect Japanese people's sensibilities and the transmission of information by holding symposiums, events, etc., such as the *Kansei Kachi Souzou* Fair (Sensitivity Value Creation Fair) based on the *Kansei Kachi Souzou* Initiative (Sensitivity Value Creation Initiative), in an effort to increase the recognition of the Japan brand in and outside Japan.

(Ministry of Economy, Trade and Industry)

2. Fostering a Rich Food Culture

(1) Creating Quality Japanese Food and Foodstuffs

[1] Developing diverse human resources in charge of providing Japanese food that will be recognized worldwide

i) From FY2008, the GOJ will promote efforts to create a comprehensive study

program on food, covering such fields as food culture and food management as well as the conventional academic fields related food, and to enhance education systems at universities and other schools where such a comprehensive program will be offered.

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

ii) The GOJ will promote the private sector's initiatives to enhance the quality of cooks, such as cooking schools' collaborations with universities and the cooking industry and its effort to foster *Senmon Chourishi* (expert cook) and *Chouri Ginoushi* (cooking expert).

(Ministry of Health, Labour and Welfare and Ministry of Agriculture, Forestry and Fisheries)

[2] Upgrading practical training for foreign chefs

In order to increase the knowledge of famous chefs and young chefs in other countries about Japanese cooking techniques and foodstuffs, the GOJ will encourage Japanese restaurants to provide practical cooking training and will also encourage chefs associations and professional schools to collaborate with cooking schools in other countries.

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

(2) Aiming to Increase Trust in Safe and Secure Japanese Food and Foodstuffs

[1] Supporting efforts to increase trust in Japanese restaurants overseas

In order to increase the world's trust in Japanese food, the GOJ will, from FY2008, promote activities of private organizations, such as the Organization to Promote Japanese Restaurants Abroad, based on the Japanese Restaurant Recommendation Program, which was established in March 2007, to raise recognition of Japanese food and foodstuffs. It will also promote activities to provide education and training for improvement of sanitation and activities to provide information.

(Ministry of Agriculture, Forestry and Fisheries)

[2] Protecting brands of Japanese agricultural, forestry and fishery products and other Japanese food

From FY2008, the GOJ will provide farmers and organizations engaged in exporting agricultural, forestry and fishery products and food companies operating in other countries with information on problems such as deceptive indications placed on Japanese agricultural, forestry and fishery products and other Japanese food products sold in other countries, as well as information on the systems, procedures, and methods to deal with these problems. Furthermore, the GOJ will provide greater support, such as the establishment of the primary point of contact for consulting services and providing opportunities for interested parties to exchange information.

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

[3] Increasing trust in foodstuffs produced in Japan

In an effort to increase trust in Japanese agricultural, forestry and fishery products and other food products by selling them in the international market under the Japan brand, the GOJ will, from FY2008, support the wide use of uniform marks for Japanese fruits and beef, appropriate management thereof, and the introduction of effective process management methods for the production of agricultural products.

(Ministry of Agriculture, Forestry and Fisheries)

(3) Re-evaluating Japan's Quality Food Culture and Promoting Japanese Food at Home and Abroad

[1] Promoting Japanese food to overseas opinion leaders

In order to raise the international recognition of Japanese food effectively, the GOJ will use the events held at diplomatic establishments in and outside Japan and other opportunities to provide overseas opinion leaders with high quality Japanese food and foodstuffs in season. Furthermore, through collaboration between ministries or agencies and relevant institutions, the GOJ will promote Japanese food

in conjunction with events in other fields.

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

[2] Expanding exports of Japanese agricultural, forestry and fishery products and other Japanese food

i) To achieve its goal of increasing the exports of Japanese agricultural, forestry and fishery products to one trillion yen by 2013, the GOJ will collaborate with the private sector in implementing a comprehensive export strategy, such as facilitating export by accelerating the discussion on quarantine and promoting the strategic export of each product item based on the *Wagakuni nourin suisanbutsu shokuhin no sougoutekina yushutsu senryaku* (Comprehensive Export Strategy for Japanese Agricultural, Forestry and Fishery Products and Other Food Products), which was established in May 2007. Regarding Japanese liquor, the GOJ will provide information on export procedures and relevant regulations of other countries.

(Ministry of Foreign Affairs, Ministry of Finance and Ministry of Agriculture and Forestry and Fisheries)

ii) In order to promote overseas expansion of the Japanese food industry, the GOJ will, in FY2008, examine and analyze issues related to overseas business expansion and prepare a manual for overseas business expansion. Furthermore, the GOJ will collect investment information from associations located at major cities in East Asia and share the information for the purpose of promoting investment and encourage overseas subsidiaries to develop human resources.

(Ministry of Foreign Affairs and Ministry of Agriculture, Forestry and Fisheries)

[3] Promoting *Shokuiku*, or Food Education, on the National Level

In order to re-evaluate and promote the Japanese food culture, the GOJ will promote food education as a national movement by taking such measures as publicizing the importance of food culture in Food Education Month (June), and on Food Education Day (the 19th day of every month) and by increasing the frequency

with which local dishes are provided in the school lunch, providing information on local food cultures, and promoting local production for local consumption.

(Cabinet Office, Ministry of Education, Culture, Sports, Science and Technology, Ministry of Health, Labour and Welfare and Ministry of Agriculture, Forestry and Fisheries and other ministries and agencies concerned)

(4) Promoting the initiatives of the parties in the private sector related to food culture

Private organizations including the *Shokubunka kyenkyu suishin kondankai* (Food Culture Research Committee) have been taking the initiative in evaluating the Japanese food culture and increasing the recognition thereof in and outside Japan. The GOJ will take into consideration the findings and insights gained from such initiative, when devising policies.

(Cabinet Secretariat, Ministry of Foreign Affairs, Ministry of Education, Culture, Sports, Science and Technology, Ministry of Health, Labour and Welfare, Ministry of Agriculture, Forestry and Fisheries and other ministries and agencies concerned)

3. Establishing Diverse and Reliable Regional Brands

(1) Supporting the Creation of Regional Brands

[1] Creating new products and services with the use of regional resources (Reprise)

In an effort to create new products and services with the use of regional resources and sell them under truly powerful regional brands, the GOJ will, from FY2008, support the regional effort to create regional brands by inviting experts who will provide support for the development of prototypes and so on and give detailed advice on a series of activities, from planning to sales, and by managing the product quality and brands.

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

[2] Promoting collaboration and communication among people who support regional brands

Regarding regional brands for agricultural, forestry and fishery products and other food products, the GOJ will, from FY2008, promote collaboration between those who produce products under regional brands and those who support regional branding and those who sell products under regional brands through the activities of the *Shoku to nourin suisangyo no chiiki brando kyogikai* (Association for Regional Brands for Foods-Agricultural-Marine Products).

(Ministry of Agriculture, Forestry and Fisheries)

(2) Securing Reliability of Regional Brands Among Consumers

[1] Establishing technical infrastructures for securing reliability of brands

In order to secure reliability of regional brands, the GOJ will, from FY2008, promote the development and use of DNA technology and microelement analysis technology to detect deceptive labeling in terms of the indication of origin or the indication of the varieties of agricultural and fishery products and the processed foods thereof. Furthermore, the GOJ will promote the use of tools that would give consumers easy access to production information.

(Ministry of Agriculture, Forestry and Fisheries)

[2] Promoting publicity and educational activities for people in charge of brand management

i) In an effort to manage brands over a long period of time without losing consumers' trust, the GOJ will hold seminars to raise awareness among those in charge of regional brand management and dispatch advisors to the regions.

(Ministry of Agriculture, Forestry and Fisheries)

ii) The GOJ will take measures to raise awareness among organizations about various systems, including the regional organization trademark system, the system to grant "genuine goods" certification to processed foods, and other prefectural certification systems, and will promote the use of systems that best suit their respective activities.

(Ministry of Agriculture, Forestry and Fisheries)

and Ministry of Economy, Trade and Industry)

[3] Promoting the use of the Regionally Based Collective Mark System

The GOJ will have the parties concerned collaborate to raise awareness among various organizations about the Regionally Based Collective Mark System, and will encourage those organizations to use said system. Furthermore, the GOJ will, from FY2008, honor those who have contributed to the greater recognition and development of said system.

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

(3) Supporting Efforts of Regional Entities to Spread Their Brands

In order to raise the recognition of regional brands in and outside Japan, the GOJ will continue to encourage small and medium-sized companies and other organizations engaged in the production and sale of products under regional brands to hold exhibitions and trade fairs or display their products at such events. Furthermore, the GOJ will hold lectures, symposiums, etc., by inviting experts as speakers.

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

4. Establishing Japanese Fashion as a Global Brand

(1) Developing an Environment for Invigorating Creative Activities

[1] Enhancing opportunities for young designers to exhibit their talents

In order to introduce the latest in Japanese fashion, created by young designers, to major foreign media and buyers who exert major influence on the fashion industry, the GOJ will, from FY2008, hold the SHINMAI Creator's Project designed to introduce talented young designers in and outside Japan as an event at Japan Fashion Week in TOKYO.

(Ministry of Economy, Trade and Industry)

[2] Supporting small and medium-sized textile manufacturers

In order to support small and medium-sized textile manufacturers whose sophisticated technologies are indispensable for creating fashion with originality, quality, and style, the GOJ will use the event, JFW Japan Creation, to provide opportunities for those manufacturers to collaborate with designers.

(Ministry of Economy, Trade and Industry)

[3] Developing human resources capable of creating high-quality and first-class fashion

The GOJ will encourage universities and other schools to offer and enhance fashion-related classes for undergraduate as well as graduate students.

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

[4] Providing foreigners with more opportunities to study in Japan

The GOJ will, by the end of FY2008, take measures necessary to grant resident status under the category of Pre-college Student to any foreigner who wants to study at a private fashion school that satisfies certain criteria as a quasi school, in terms of facilities and organizational structure.

(Ministry of Justice, Ministry of Education, Culture, Sports, Science and Technology, Ministry of Health, Labour and Welfare and Ministry of Economy, Trade and Industry)

[5] Developing an archive of Japanese cloths and designs

Based on the Textile Archive Research Report (March 2008) issued by the Textile Archive Research Committee of the Organization for Small & Medium Enterprises and Regional Innovation, JAPAN, the GOJ will conduct detailed research on the archive of Japanese cloths and designs, discuss archive functions necessary to prevent precious old textile samples from being dispersed and lost, and form a conclusion by the end of FY2008.

(Ministry of Economy, Trade and Industry)

[6] Taking appropriate measures against the issue of fake designs and brands

In Japan, there are domestic textile industry associations such as the Intellectual Property Protection Committee established by the Japan Textile Federation for the purpose of promoting protection of designs and brands. The GOJ will encourage these organizations to enhance collaboration with organizations in developed countries and strengthen cooperation with Asian countries. Furthermore, the GOJ will use seminars and exhibitions as opportunities to promote the use and understanding of intellectual property systems and to encourage companies to obtain intellectual property rights in and outside Japan for the designs and brands indispensable for their business strategies.

(Ministry of Economy, Trade and Industry)

(2) Enhancing Promotion Activities

[1] Using JAPAN FASHION WEEK in TOKYO to raise the international recognition of Japanese fashion

In an effort to raise the brand value of Japan Fashion Week in TOKYO and strengthen its function as an information center for Japanese fashion, the GOJ will, in FY2008, improve the way that advertisements for the event are placed in and outside Japan and the way that related events targeting general consumers are conducted. Furthermore, the GOJ will strengthen the function of the event for young designers as a stepping-stone to success and differentiate the event from well-established collections in Paris and Milan.

(Ministry of Economy, Trade and Industry)

[2] Promoting Japanese fashion as a world-class fashion brand

i) At overseas exhibitions sponsored by the Japan Foundation, JETRO, etc., the GOJ will provide greater support for the exhibition of Japanese high-quality textile and apparel. It will also expand activities to raise recognition of such exhibitions among young designers and small and medium-sized textile manufacturers to help them take advantage of such opportunities to display their products.

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

ii) The GOJ will encourage talented Japanese designers to take advantage of the information dissemination power of overseas diplomatic establishments for their promotional activities in other countries.

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

Chapter 5 Developing Human Resources and Improving Public Awareness:

Implementation of a Comprehensive Strategy for Development of Human Resources Related to Intellectual Property

1. Stimulating International Interchanges and Implementing the Initiatives to Develop Human Resources Related to Intellectual Property on a Global Scale

(1) Supporting Asian Countries in Developing Human Resources Related to Intellectual Property

[1] Increasing acceptance of human resources from Asian countries and dispatch of specialists there

In an effort to make Japan a hub of human resources development in the field of intellectual property, the GOJ will deepen ties with human resources in Asian countries and enhance the human resources network by increasing the acceptance of human resources related to intellectual property and the dispatch of specialists. The GOJ will also encourage university departments, graduate schools, and academic associations on intellectual property to take similar measures.

(Ministry of Foreign Affairs, Ministry of Education, Culture, Sports, Science and Technology, Ministry of Health, Labor and Welfare, Ministry of Economy, Trade and Industry)

[2] Establishing an international network among training institutions

From FY2008, the GOJ will hold meetings for intellectual property training institutions in Japan and China to promote the exchange of information on their organizations' structures and activities in an effort to play a leading role in Asia in promoting the establishment of networks among training institutions.

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

(2) Developing International Intellectual Property Experts

The GOJ will promote international industry-academia-government collaboration in order to foster intellectual property experts who have extensive knowledge of science and technology, deep understanding of infringement litigation and contract-conclusion practices in other countries, and a good sense of business management and international practices.

The GOJ will also see that intellectual property experts receive training in other countries in order to provide them with an international perspective.

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

2. Developing Intellectual Property Experts

(1) Enhancing the Comprehensive Producing Capability

[1] Developing comprehensive producers

In order to incorporate effective intellectual property strategies into management and business strategies in tune with an environment of changing innovations, it is necessary to reinforce a comprehensive production function that enables us to identify valuable intellectual properties, combine them with other resources in an effective way, and commercialize them. The GOJ will foster experts of intellectual property distribution by providing training programs to develop experts in patent and technology licensing business and holding international patent-licensing seminars. In addition, the GOJ will encourage competent workers to join the intellectual property workforce by disseminating more information on the allure of intellectual property distribution business, such as information on successful cases of distribution and trust of intellectual property.

(Ministry of Economy, Trade and Industry)

[2] Developing comprehensive adviser-type patent attorneys

In an effort to comprehensively assist SMEs, venture companies, universities, research institutions, etc., to enhance their industrial technologies, the GOJ will,

from FY2008, encourage the Japan Patent Attorneys Association to provide patent attorneys with training programs that would allow them to exchange opinions with corporate employees and with opportunities to learn corporate management and business strategies in order to foster more comprehensive adviser-type patent attorneys who can provide a wide range of services related to all phases of an intellectual creation cycle, such as consulting, marketing, and drafting of intellectual property strategies.

(Ministry of Economy, Trade and Industry)

[3] Increasing the number and improving the abilities of those who engage in industry-academia collaboration

The GOJ will continue to support efforts to provide young researchers with opportunities to improve their ability to identify intellectual properties from among the results of research and development activities and commercialize those properties. Such educational opportunities may be provided through OJT programs offered by TLOs, intellectual property headquarters of universities, university start-ups, venture capital companies, research/development-type independent administrative agencies, fund allocation-type independent administrative agencies, and so on.

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

[4] Making use of various types of specialists in the field of intellectual property

From FY2008, the GOJ will collect information on a variety of jobs related to intellectual property and introduce them to the public through industry journals, academic journals, symposiums, seminars, etc., in order to encourage financial specialists and those well-versed and experienced in advanced technologies in the priority fields designated in the Science and Technology Basic Plan to become intellectual property experts.

(Ministry of Economy, Trade and Industry)

(2) Dramatically Increasing the Number and Improving the Quality of Patent Attorneys

i) From FY2008, the GOJ will promote the initiatives of the Japan Patent Attorneys Association to develop patent attorneys who will be capable of dealing with increasingly complex technical matters as well as international affairs and whom customers will trust. 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. The GOJ will also take measures to significantly increase the number of patent attorneys.

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

ii) In FY2008 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 in consideration of the effectiveness of the newly implemented system and the roles currently played by lawyers and patent attorneys.

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

iii) The GOJ will encourage the initiatives of the Japan Patent Attorneys Association to provide training programs to foster patent attorneys authorized to act as counsels and advanced training programs to further educate those specially authorized patent attorneys in order to meet the various needs of users. This especially applies to SMEs and venture companies, who need to settle infringement disputes because those users tend to be less capable of handling such disputes on their own in comparison with large companies and therefore hope that patent attorneys offer a wider range of services.

(Ministry of Economy, Trade and Industry)

(3) Dramatically Increasing the Number and Improving the Quality of Lawyers Who Are Well-Versed in Intellectual Property

i) In view of a large increase in the number of legal professionals, the GOJ hopes to see more lawyers gain knowledge on intellectual property by actively participating in elective internship programs provided by intellectual property law

firms and the intellectual property departments of local courts.

In order to ensure that appropriate measures have been taken to increase the number of legal professionals who are well-versed in intellectual property, the GOJ will monitor the number of those who passed the national bar examination by taking a selective test subject related to intellectual property laws.

(Ministry of Justice)

ii) From FY2008, the GOJ will continue to expect more lawyers to improve their knowledge and skills necessary to support companies in establishing their management and business strategies. Lawyers are expected to make voluntary self-development efforts, such as participating in training programs and attending lectures on intellectual property.

The GOJ will also continue to encourage lawyers to increase their awareness and promote their efforts to improve the environment so that lawyers will be able to deal directly with intellectual property affairs as in-house corporate lawyers.

(Ministry of Justice and other ministries and agencies concerned)

(4) Increasing Public Access to the JPO's Knowledge and Know-how on Patent Practices

From FY2008, the GOJ will further promote the disclosure of knowledge and know-how of JPO practices by providing training programs to teach practical search techniques. Such techniques will be based on the examination methods of JPO examiners and education programs concerning the examination guidelines and the preparation of a response to a notice of reasons for refusal from the JPO.

(Ministry of Economy, Trade and Industry)

3. Developing Human Resources Who Create or Manage Intellectual Property

(1) Increasing the Intellectual Property Awareness of Personnel Engaging in Research and Development

From FY2008, the GOJ will dispatch intellectual property producers to research

and development projects in order to support the establishment of intellectual property strategies and intellectual property portfolios. Intellectual property producers will not only enhance the intellectual property strategies of those projects but also raise awareness among those engaged in research and development activities through close communication with them.

(Ministry of Economy, Trade and Industry)

(2) Increasing the Intellectual Property Awareness of Business Managers and Executives and Reforming Awareness Among Industries

The GOJ will encourage business managers and executives to improve their understanding of intellectual properties and incorporate intellectual property strategies into their business strategies and research and development strategies by holding seminars and symposiums on intellectual property strategies, offering intellectual property management school programs at universities, and exchanging opinions among the ministries and agencies concerned.

In FY2008, the GOJ will devise measures to promote group meetings nationwide where group members such as business managers give presentations and exchange opinions on their intellectual property-related problems and the solutions therefor and on example cases to make use of intellectual properties. The GOJ will implement those measures according to its schedule.

From FY2008, in order to educate and train business managers and executives, the GOJ will provide programs under the name “Innovation School (tentative name),” which is designed to reinforce the technology management capability of companies and other organizations. These programs will be offered at the National Institute of Advanced Industrial Science and Technology and other places.

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

(3) Developing Human Resources Related to Intellectual Property in the Agricultural, Forestry and Fishery Sectors as Well as the Food Sector

[1] Developing human resources who are well-versed in intellectual property in the agricultural, forestry and fishery sectors as well as the food sector

From FY2008, the GOJ will make further efforts to foster intellectual property experts in the agricultural, forestry and fishery sectors as well as the food sector. This will be done through collaboration between the Ministry of Agriculture, Forestry and Fisheries and the Ministry of Economy, Trade and Industry in improving intellectual property training programs for those working in the aforementioned sectors in cooperation with intellectual property training institutions.

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

[2] Improving the ability of farming instructors in dealing with intellectual property

Farming instructors often contact farmers to improve their businesses in terms of agricultural technology and management. In order to improve the ability of farming instructors to give appropriate advice on intellectual property, the GOJ will introduce questions concerning intellectual property rights, particularly plant breeder's rights and trademark rights, into the farming instructor examination from FY2008.

In addition, with the aim of promoting the acquisition of rights such as breeder's rights and preventing the occurrence of infringement of intellectual property rights, the GOJ will provide farming instructors with practical training programs.

(Ministry of Agriculture, Forestry and Fisheries)

4. Improving Public Awareness of Intellectual Property

(1) Promoting Intellectual Property Education at Schools

In FY2008, based on the revised ministerial curriculum guideline, which

emphasizes the necessity of intellectual property education, the GOJ will continue to promote intellectual property education at each school level by promoting the use of ingenuity and teaching the value of originality.

From FY2008, in order to better understand the current situation of intellectual property education at school, the GOJ will conduct a survey by taking the opportunity to distribute textbooks on intellectual property and conduct seminars. Based on the survey results, the GOJ will improve intellectual property education for students.

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

(2) Promoting Intellectual Property Education in Local Areas

[1] Promoting the development of human resources related to intellectual property through after-school activities

The GOJ will promote intellectual property education through after-school activities such as local events to make crafts or inventions. These activities will consist of creativity-inspiring education designed to promote a free flow of ideas and growth of creativity. They will also help to develop a sense of respect for originality gained only through participation in such hands-on activities as creating ideas and crafts into a sense of respect for oneself and others.

From FY2008, in order to provide the instructors of these activities with more opportunities to increase their knowledge of intellectual property, the GOJ will encourage them to take a proficiency test on intellectual property management and foster them by dispatching specialists to offer practical instructions.

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

[2] Promoting the development of human resources related to intellectual property through cooperation between schools and local communities

By carrying out various projects including those designed to promote collaboration between schools and local companies to foster young engineers, the GOJ will promote the development of human resources such as engineers who will

create intellectual property through corporation between local companies and schools.

From FY2008, by conducting projects through collaboration between schools, local universities, companies, etc., designed to stimulate students' interest in science technology and industrial technology, the GOJ will promote creativity in students and an interest in professions that lead innovation.

(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 Exploitation of Intellectual Property

The GOJ will promote experience-based education focusing on the creation, protection and utilization of intellectual properties by further improving the Patent Competition for high school and university students and the Intellectual Property Reporting Contest for junior high school students.

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

(4) 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, and on the framework of consumer education established in FY2007, the GOJ will, from FY2008, consider how to make consumer education more effective and promote measures to foster human resources for consumer education.

(Cabinet Office and other ministries and agencies concerned)

(5) Strengthening Activities for Improving Public Awareness of Intellectual Property

The GOJ will continue to provide students, adults in general and practitioners with seminars and training programs on intellectual property designed to meet their respective needs by making use of intellectual property specialists in the private

sector.

(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 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 FY2008, based on cooperation among the organizations concerned under the lead of the Council for Promoting the Development of Human Resources Related to Intellectual Property, the GOJ will continue to encourage and support the activities synergistically carried out by training institutions providing unique programs designed to foster intellectual property experts who can cope with the changing innovation environment and those who can incorporate intellectual property strategies into business and management strategies.

From FY2008, the GOJ will collect information on training programs offered by relevant organizations and disseminate it in a structured manner. It will also create a system to introduce appropriate training programs in response to inquiries from outsiders, and build a platform such as a training center for common use by relevant organizations in order to facilitate their projects to foster intellectual property experts.

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

(2) Developing Intellectual Property Instructors, Educational Materials and Educational Tools

[1] Developing intellectual property instructors

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, the GOJ will continue to foster instructors through intensive training programs for primary, junior high, and high school teachers.

From FY2008, the GOJ will promote the provision of training programs through

collaboration between intellectual property training institutions and teacher-training institutions.

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

[2] Developing educational materials and educational tools related to intellectual property

From FY2008, in order to enhance intellectual property education at schools, the GOJ will revise educational materials and guidebooks to meet the needs of each stage of elementary and secondary education. The GOJ will also develop educational materials on utilizing intellectual property for students who study management, economics, etc.

From FY2008, the GOJ will offer e-learning programs and other downloadable educational materials so that people can learn about intellectual property anytime anywhere. In addition, the GOJ will improve education materials by developing games, quizzes, workbooks, etc., on intellectual property.

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

(3) Upgrading Evaluation Indices for Human Resources Related to Intellectual Property

[1] Diffusing the proficiency test on intellectual property management

In October 2007, the “Proficiency Test on Intellectual Property Management (tentative translation)” was established as a national examination to measure the ability to manage intellectual property. From FY2008, the GOJ will take measures to increase the number of companies and individuals who use the test.

In an effort to provide instructors and teachers who can provide students with an intellectual property education and hence more opportunities to increase their knowledge on intellectual property, the GOJ will, from FY2008, encourage instructors and teachers who attend intellectual property seminars to take the test.

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

[2] Enhancing the systems for evaluating practical skills of specialists by type of profession

From FY2008, the GOJ will encourage educational and training institutions to hold patent search contests where searchers compete in their skills to search patent information and to improve their tests and training programs for different types of specialists, such as searchers and translators, in order to enhance the system for assessing the capability of each type of professionals.

(Ministry of Economy, Trade and Industry)

(4) Encouraging Research Activities Related to Intellectual Property Carried Out by Various Academic Societies

In order to disseminate the concept of intellectual property and raise awareness thereof among researchers, the GOJ will, in FY2008, continue to urge academic societies for natural science and those for business management to hold presentation meetings on intellectual property and establish committees on intellectual property. From FY2008, the GOJ will also encourage academic societies for intellectual property to continue to carry out research on the development of human resources related to intellectual property, such as the development of educational tools to be used by educational institutions, including universities, and the development of curriculums for human resources development.

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

(5) Developing the Environment for Flexible and Practical Intellectual Property Education in Educational Institutions

i) In order to ensure that appropriate intellectual property education is provided at universities and other educational institutions, the GOJ will continue to encourage schools to actively use private companies' intellectual property experts who are well-versed and experienced in such fields as R&D, business management, and entrepreneurial procedure as instructors or teachers at law schools, MOT programs, professional schools specializing in intellectual property, and

undergraduate departments and faculties on intellectual property.

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

ii) The GOJ will encourage universities to take measures to make intellectual property education programs more convenient for the working people who want to study intellectual property management and the practitioners who want to serve as instructors, such as by providing evening/holiday law graduate school courses and other evening classes.

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

iii) The GOJ will improve intellectual property education given at higher education institutions by offering financial support programs designed to provide funds to select educational and research projects in the field of intellectual property under the principle of competition.

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

(6) Promoting Intellectual Property Education at Specialized Upper Secondary Schools

The GOJ will analyze the results of projects related to intellectual property education at industrial high schools and agricultural high schools and make further efforts to spread and maintain such projects. From FY2008, the GOJ will promote intellectual property education at specialized upper secondary schools by supporting the development of education programs through collaboration between schools and local communities.

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

(7) Promoting Intellectual Property Education at Universities, etc.

The GOJ will study which classes are currently being offered on the subject of intellectual property at higher education institutions. It will also encourage an initiative on the part of higher professional schools as well as the university departments and faculties that play important roles in fostering future intellectual property experts and human resources to be involved in creating or managing

intellectual property in offering classes on intellectual property in general and on intellectual property in the context of business and management as well as on the intellectual property system. The aforementioned university 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.

From FY2008, the GOJ will encourage universities, intellectual property training institutions, etc., to collaborate with each other to improve curriculums of intellectual property education offered at universities and other educational institutions and further educate and train instructors and teachers.

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

(8) Promoting Intellectual Property Education at Law Schools

i) 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.

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

ii) The GOJ will review the contents of intellectual education programs and continue to encourage law schools to offer a wider range of classes on intellectual property-related laws in order to provide education with a focus on intellectual property management.

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

iii) The GOJ will continue to publicize the accumulated results of analysis of the breakdown of the students who passed law schools' entrance examinations. The GOJ will also continue to encourage law schools to alter their respective screening policies in such a way that special consideration is given to those with science backgrounds who take law schools' entrance examinations.

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

(9) Promoting Intellectual Property Education at Professional Schools Specializing in Intellectual Property

The GOJ will review the contents of intellectual property education programs and encourage professional schools specializing in intellectual property to develop intellectual property specialists who can support intellectual property-related business from various perspectives by providing more comprehensive education covering practical skills, business matters, intellectual property policies, and international issues. This is directed not only 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 management.

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

Appendix

1. List of the Members of the Intellectual Property Strategy Headquarters

(Prime Minister and State Ministers)		
Director-General	Yasuo Fukuda	Prime Minister
Vice	Nobutaka MACHIMURA	Chief Cabinet Secretary
Directors-General	Fumio KISHIDA	Minister of State for Okinawa and Northern Territories Affairs, Science and Technology Policy, Quality-of-Life Policy, and Regulatory Reform
	Kisaburo TOKAI	Minister of Education, Culture, Sports, Science and Technology
Members	Akira AMARI	Minister of Economy, Trade and Industry
	Hiyora MASUDA	Minister of Internal affairs and Communications/Minister of State for Decentralization Reform
	Kunio HATOYAMA	Minister of Justice
	Masahiko KOMURA	Minister for Foreign Affairs
	Fukushiro NUKAGA	Minister of Finance
	Yoichi MASUZOE	Minister of Health, Labour and Welfare
	Masatoshi WAKABAYASHI	Minister of Agriculture, Forestry and Fisheries
	Tetsuzo FUYUSHIBA	Minister of Land, Infrastructure and Transport
	Ichiro KAMOSHITA	Minister of the Environment
	Shigeru ISHIBA	Minister of Defense
	Shinya IZUMI	Chairman of the National Public Safety Commission/Minister of State for Disaster Management and Food Safety
		Yoshimi WATANABE
	Hiroko OTA	Minister of State for Economic and Fiscal Policy
	Yoko KAMIKAWA	Minister of State for Social Affairs and Gender Equality
(Experts)	Masuo AIZAWA	Member of the Council for Science and Technology Policy
	Tadashi OKAMURA	Director Chairman of the Board, Toshiba Corporation
	Chisato KAJIYAMA	President, Kyushu University
	Tsuguhiko KADOKAWA	Chairman & CEO, Kadokawa Group Holdings, Inc.
	Tatsuhiko SATO	Patent attorney/President, SATO & ASSOCIATES
	Machiko SATONAKA	Cartoonist
	Nobuhiro NAKAYAMA	Lawyer/Counsel, Nishimura & Asahi
Yasuchika HASEGAWA	President, Takeda Pharmaceutical Company Ltd.	
Mieko MIO	Lawyer	
Takafumi YAMAMOTO	CEO and President, TODAI TLO, Ltd.	

(In the order of the Japanese syllabary; Honorific titles omitted; As of June 18, 2008)

2. List of Members of Task Forces

(1) Task Force on Intensification of Competitiveness Through Intellectual Property

- | | |
|-------------------|---|
| ○ Masuo AIZAWA | Member of the Council for Science and Technology Policy |
| Kanji OKAUCHI | President, KYORITSU CHEMICAL CHECK Lab., Corp. |
| Masanobu KATO | Corporate Vice President, Law & Intellectual Property Unit
President, Fujitsu Limited |
| Satoshi KAWACHI | Executive Vice President, Sumitomo Chemical Co., Ltd. |
| Tatsuhiko SATO | Patent attorney/President, SATO & ASSOCIATES |
| Takashi SEKITA | Vice President, JFE Steel Corporation |
| Kenichiro SENOH | President, The Industry-Academia Collaboration Initiative
Nonprofit Organization |
| Nobuyoshi TANAKA | Senior Managing Director, Canon Inc. |
| Hideo TSUJIMURA | Director, Chief Operating Officer of the Research and
Development Planning Division, Officer in charge of the
Intellectual Property Division at the Institute for Health Care
Science, Suntory Limited |
| Sadao NAGAOKA | Professor/Director of Institute of Innovation Research,
Hitotsubashi University |
| Yasuyo NAKAMURA | Director of the Intellectual Property Rights Center, Engineering
Headquarters, Matsushita Home Appliances Company, Panasonic
Corporation |
| Nobuhiro NAKAYAMA | Professor, University of Tokyo Graduate Schools for Law and
Politics |
| Yuko MAEDA | Associate Professor/Director of Intellectual Property Division,
Technology Licensing Organization, Tokyo Medical and Dental
University |
| Mieko MIO | Lawyer |
| Toshiya WATANABE | Professor/Director of Center for Collaborative Research
Professor, Research Center for Advanced Science and Technology,
The University of Tokyo |

○: Chairperson of Task Force

(In the order of the Japanese syllabary; Honorific titles omitted; As of March 4, 2008)

(Life Science Project Team)

- | | |
|------------------|--|
| Hiroshi ISHIKAWA | Director, Intellectual Property Division, Business Development Headquarters, Mochida Pharmaceutical Co., Ltd. |
| Hideji TAJIMA | President, Precision System Science Co., Ltd. |
| Hideo TSUJIMURA | Director, Chief Operating Officer of the Research and Development Planning Division, Officer in charge of the Intellectual Property Division at the Institute for Health Care Science, Suntory Limited |
| ○ Sadao NAGAOKA | Professor/Director of Institute of Innovation Research, Hitotsubashi University |
| Yuko MAEDA | Associate Professor/Director of Intellectual Property Division, Technology Licensing Organization, Tokyo Medical and Dental University |

(Information and Communication Project Team)

- | | |
|------------------|---|
| ○ Masanobu KATO | Corporate Vice President, Law & Intellectual Property Unit President, Fujitsu Limited |
| Hiroshi KURANAGA | Managing Director, Intellectual Property Center, Nippon Telegraph and Telephone Corporation |
| Naoki KOIZUMI | Professor, Keio Law School, Graduate School of Keio University |
| Shuichi TASHIRO | General Manager, Open Source Software Center, Information-Technology Promotion Agency |
| Nobuyoshi TANAKA | Senior Managing Director, Canon Inc. |
| Yukio HIRAMATSU | Professor, Graduate School of Intellectual Property, Osaka Institute of Technology |

(Environment Project Team)

- | | |
|------------------|---|
| Masahiro EZAKI | Senior General Manager, Intellectual Property Division Manager, Toyota Motor Corporation |
| Kanji OKAUCHI | President, KYORITSU CHEMICAL CHECK Lab., Corp. |
| ○ Takashi SEKITA | Vice President, JFE Steel Corporation |
| Sadao NAGAOKA | Professor, Director of Institute of Innovation Research, Hitotsubashi University |
| Koh HARADA | Director of National Institute of Advanced Industrial Science and Technology (AIST), Research Institute for Environmental Management Technology |

(Nanotechnology and Nanomaterials Project Team)

- | | |
|--------------------|---|
| Satoshi KAWACHI | Executive Vice President, Sumitomo Chemical Co., Ltd. |
| Kiyoshi SHISHIDO | Business Development Project Senior Manager, Innovation Center, Business Innovation Group, Mitsubishi Corporation |
| Ichiro NAKATOMI | President and CEO, NanoCarrier Co., Ltd. |
| Toshiro HIRAMOTO | Professor, Institute of Industrial Science, the University of Tokyo |
| Hiroshi YOKOYAMA | Director of Nanotechnology Research Institute, AIST |
| ○ Toshiya WATANABE | Professor/Director of Center for Collaborative Research Professor, Research Center for Advanced Science and Technology, The University of Tokyo |

○: Project manager

(In the order of the Japanese syllabary; Honorific titles omitted; As of November 21, 2007)

(2) Task Force on Contents and Japan Brand

Nobuyuki OTA	Representative and CEO, ISSEY MIYAKE INC.
Yumi OGOSE	Professor, Master of Intellectual Property, Specialist Graduate School, Tokyo University of Science
Tsuguhiko KADOKAWA	President & CEO, Kadokawa Group Holdings, Inc.
Keiji KIMURA	Corporate Executive Officer, EVP, Officer in charge of Technology Strategies, Intellectual Property, and Electronics Business Strategies, Sony Corporation
Masakazu KUBO	President, Character Business Center, Shogakukan Inc.
○ Hideaki KUBORI	Founding Partner, Hibiya Park Law Offices/Professor, Omiya Law School
Machiko SATONAKA	Cartoonist
Yutaka SHIGENOBU	CEO&Chairman of the Board, TV Man Union, Inc.
Nobuko TAKAHASHI	Journalist covering household economics
Ichiya NAKAMURA	Professor, Keio University
Nobuhiro NAKAYAMA	Professor, University of Tokyo Graduate Schools for Law and Politics
Tomoko NAMBA	CEO, DeNA Co., Ltd.
Yukio HATTORI	President and Principal, Hattori Nutrition College
Yasuki HAMANO	Professor, Graduate School of Frontier Sciences, The University of Tokyo
Toyohiko HARADA	Managing Director, NHK (Japan Broadcasting Corporation)
Sadahiko HIROSE	Representative Executive Officer, President & CEO, Columbia Music Entertainment, Inc.
Mieko MIO	Lawyer
Ryohei MIYATA	President, Tokyo University of the Arts
Koichi MURAKAMI	Adviser, Fuji Television Network, Inc.
Yoichi WADA	President and Representative Director, Square Enix Holdings Co., Ltd.

○: Chairperson of Task Force

(In the order of the Japanese syllabary; Honorific titles omitted; As of September 28, 2007)

(3) Contents Planning Working Group, Task Force on Contents and Japan

Brand

Tsuguhiko KADOKAWA	Chairman & CEO, Kadokawa Group Holdings, Inc.
Keiji KIMURA	Corporate Executive Officer, EVP, Officer in charge of Technology Strategies, Intellectual Property, and Electronics Business Strategies, Sony Corporation
Masakazu KUBO	President, Character Business Center, Shogakukan Inc.
○ Hideaki KUBORI	Founding Partner, Hibiya Park Law Offices/Professor, Omiya Law School
Machiko SATONAKA	Cartoonist
Yutaka SHIGENOBU	CEO&Chairman of the Board, TV Man Union, Inc.
Nobuko TAKAHASHI	Journalist covering household economics
Ichiya NAKAMURA	Professor, Keio University
Nobuhiro NAKAYAMA	Professor, University of Tokyo Graduate Schools for Law and Politics
Tomoko NAMBA	CEO, DeNA Co., Ltd.
Yasuki HAMANO	Professor, Graduate School of Frontier Sciences, The University of Tokyo
Toyohiko HARADA	Managing Director, NHK (Japan Broadcasting Corporation)
Sadahiko HIROSE	Representative Executive Officer, President & CEO, Columbia Music Entertainment, Inc.
Mieko MIO	Lawyer
Koichi MURAKAMI	Adviser, Fuji Television Network, Inc.
Yoichi WADA	President and Representative Director, Square Enix Holdings Co., Ltd.

○: Chairperson

(In the order of the Japanese syllabary; Honorific titles omitted; As of October 11, 2007)

(4) Task Force on Intellectual Property System in the Age of Digital Networks

Tatsuhiko UENO	Associate Professor, Rikkyo University College of Law and Politics
Kazuko OTANI	Legal Department Chief, The Japan Research Institute, Ltd.
Tetsuya OBUCHI	Professor, University of Tokyo, Faculty of Law, Graduate School for Law and Politics
Yoshihiro OTO	Professor, Department of Journalism, Sophia University
Masanobu KATO	Corporate Vice President, Law & Intellectual Property Unit President, Fujitsu Limited
Hiroshi KAMIYAMA	Lawyer
Motoaki KITAYAMA	Lawyer
Yoichi TOKURA	Deputy Director General, National Institute of Informatics
Kenji NAEMURA	Professor, Faculty of Global Media Studies, Komazawa University
Ichiya NAKAMURA	Professor, Keio University
○ Nobuhiro NAKAYAMA	Lawyer/Counsel, Nishimura & Asahi
Mitsuko MIYAGAWA	Lawyer

○: Chairperson of Task Force

(In the order of the Japanese syllabary; Honorific titles omitted; As of June 18, 2008)

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 2008

17th meeting of the Intellectual Property Strategy Headquarters on May 31, 2007

[Intellectual Property Strategic Program 2007 adopted]

Establishment of the Task Force on Intensification of Competitiveness Through Intellectual Property, and the Task Force on Contents and Japan Brand adopted

Task Force on Intensification of Competitiveness Through Intellectual Property

Aug. 30 1st meeting of the Task Force

- Life Science Project Team

Sept. 5 1st meeting

Oct. 3 2nd meeting

Oct. 18 3rd meeting

- Information and Communication Project Team

Sept. 13 1st meeting

Sept. 26 2nd meeting

- Environment Project Team

Sept. 5 1st meeting

Oct. 1 2nd meeting

- Nanotechnology and Nanomaterials Project Team

Sept. 3 1st meeting

Oct. 3 2nd meeting

Oct. 30 2nd meeting of the Task Force

Nov. 21 3rd meeting of the Task Force

[Sectoral Intellectual Property Strategies titled “Pioneering Intellectual Property Frontier” formulated]

Task Force on Contents and Japan Brand

Sept. 28 1st meeting of the Task Force

- Contents Planning Working Group

Oct. 11 1st meeting

Nov. 19 2nd meeting

Dec. 4 3rd meeting

18th meeting of the Intellectual Property Strategy Headquarters on December 13, 2007

[Sectoral Intellectual Property Strategies titled “Pioneering Intellectual Property Frontier” reported]

Feb. 5 4th meeting of the Task Force

Mar. 4 5th meeting of the Task Force

[Ideal Form of Intellectual Property Strategies for Open Innovation formulated]

Feb. 1 4th meeting

Mar. 6 2nd meeting of the Task Force

[Comprehensive Measures for Encouraging Digital Contents in the Digital Age formulated]

19th meeting of the Intellectual Property Strategy Headquarters on March 13, 2008

[Ideal Form of Intellectual Property Strategies for Open Innovation and Comprehensive Measures for Encouraging Digital Contents in the Digital Age reported]

[Establishment of the Task Force on Intellectual Property System in the Age of Digital Networks adopted]

Task Force on Intellectual Property System in the Age of Digital Networks

Apr. 24 1st meeting of the Task Force

May 9 2nd meeting of the Task Force

May 29 3rd meeting of the Task Force

[Progress Report on Ideal Form of Intellectual Property System in the Age of Digital Networks compiled]

Apr. 9 1st meeting of Members and Experts

May 22 2nd meeting of Members and Experts

20th meeting of the Intellectual Property Strategy Headquarters on June 18, 2008

[Progress Report on the Ideal Form of Intellectual Property System in the Age of Digital Networks presented]

[Intellectual Property Strategic Program 2008 adopted]

5. Glossary

Archive Collection of documents and records	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
System of declaration of intention	A system that enables patentees to demonstrate their intentions or conditions of granting licenses for their own inventions to third parties in the patent registry by indicating marks, etc., in cases where the patentees have acknowledged such usages.
Genetic resources	Biological resources, such as animals and plants, which are valuable in science and economy
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
Cartagena Protocol	Act on ensuring biological diversity by regulating the uses, etc. of genetically engineered organisms, etc.
Launched internal corporate ventures	Internal corporate ventures (such as spin-out and carve-out) launched by a company
Technology Strategy maps	Descriptions of the targets for technological development and the measures for product and service development, for the purpose of strategically implementing R&D investment. They were formulated by the Ministry of Economy, Trade and Industry in 2005, and have been revised every year.

Technological protection measures	Technological measures to protect copyrights
Creative commons	An initiative that facilitates the use of copyrighted materials, etc., while preserving copyrights and respecting the intentions of copyright-holders
International standardization organization	Organizations specializing in developing international standards, such as ISO, IEC, ITU as representative examples.
International Standardization Support Center	An organization for supporting international standardization activities, which is established within the Japan Standards Association. It conducts workshops, etc., to develop human resources to provide information on international standardization and carry out international standardization activities.
Community Patent Review	An initiative that allows individuals and companies to carefully select and provide optimal literature, etc. to patent offices for the purpose of patent examination through debate about prior art documents with the help of the Internet. It is in the process of trial in the US.
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 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)

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
Japan Content Showcase	The database to transmit copyrighted Japanese contents information, launched by the Nippon Keidanren (Japan Federation of Economic Organizations). Having been delegated by "Contents Portal Site Operations Committee," the Visual Industry Promotion Organization is carrying it on.
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
System for information provision	A system wherein the JPO receives information on the patentability of an invention from a third party
Stock option	Right of directors or employees of a company to obtain a certain number of shares from the company at a predetermined price
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.

Comprehensive production function	Function that enables the identification of valuable intellectual properties, and which combines these effectively with other resources and commercializes them.
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
Patent Duration-Extension System	System to extend patent duration to a maximum extent of five years for inventions that require approval, etc. in order to ensure their safety, etc., in cases for which the approval process takes a long period of time. Currently, this is only applicable to medical drugs and pesticides.
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
Natural protection system	System to protect holders of non-exclusive registered right to work etc., who are still at the unregistered stage in registration, which has already been introduced to the US, Germany, and other countries.
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
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 the provision of Article 110 of the School Education Act
Determination procedure (Customs)	Procedure conducted by customs to determine whether or not goods suspected of infringing on an intellectual property right falls under infringement.
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
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 commons	System in which each patentee allows the community the liberty, under certain conditions, to utilize existing intellectual property rights, while retaining their intellectual property rights.
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
Experience-Based Intellectual Property Reporting Contest	Contest that aims to promote intellectual properties education, etc. for junior high school students through creative essays based on their own unique experiences
Plant Variety Protection G-Men	A common name for the position 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
File-sharing software	Software which helps users share files through the Internet. Data is basically accessible in peer-to-peer (P2P), which allows the users to directly exchange data via the network in each computer without a server, etc.
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
Multi-use	Use of content in various types of distribution
License of right	System that enables patentees to register their intention of granting licenses for their own inventions to third parties in the patent registry, which has already been introduced in some European countries
Reverse engineering	Analysis of mechanisms, components, or technology, etc. of products. As a part of the reverse engineering process for computer software, reproduction and adaptation of computer software may be involved.
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
ASP	Abbreviation of Application Service Provider, which indicates a business operator who provides business application software to customers through the Internet. Additionally, the service of said business operator providing customers with business application software through the Internet is called “ASP service”
CIPO	Chief Intellectual Property Officer
DDS	Abbreviation of Drug Delivery System, which designates technologies that control the delivery of medical drugs administered to humans or animals with regard to location, quantity, or time In one of the representative examples of this technology the medical agent was efficiently delivered only to the diseased site, where a therapeutic effect was achieved
E-learning	Education and training via the Internet
eBay decision	U.S. Supreme Court decision on the requirements for the request for injunction on May 15
EPA	Economic Partnership Agreement
GPLv3	Abbreviation of General Public License version 3, which is a license rule on open source software, disclosed in June 2007
IEC (International Electrotechnical Commission)	An international standardizing organization intended for establishing international standards on electrics and electronics
IPDL (Intellectual Property Digital Library)	The industrial property information, such as patent gazette data and search services, provided free of charge via the Internet by the National Center for Industrial Property Information and Training (INPIT)
iPS cells	Cells derived by transfection of certain genes into somatic cells to induce differentiation to various cells, which Professor Shinya Yamanaka’ group in Kyoto University, Japan, generated for the first time in the world.

ISO (International Organization for Standardization)	An international standardizing organization established for the purpose of establishing international standards other than electric, electronic, and telecommunication fields.
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
JP–FIRST	Abbreviation of JP-Fast Information Release Strategy. Approach for patent applications filed in Japan and overseas, promoting efficiency and quality in obtaining patents overseas by providing the results of search and examination in Japan at an early point
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.
MOT (Management of Technology)	A method of business management to strategically manage the whole process of R&D that ends with commercialization
M&A	Abbreviation of Mergers and Acquisitions, which means the merger and acquisition of companies
ODA	Official Development Assistance
OECD	Organization for Economic Co-operation and Development
PCT	Patent Cooperation Treaty
RAND (Reasonable and	A way of treating patents relating to technical standards by which

Non-Discriminatory)	the patent holder licenses the patent on reasonable and non-discriminatory terms (such as royalties)
SaaS	Abbreviation of Software as a Service. System in which application software's functions are provided to users on demand through a network.
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