

Intellectual Property Strategic Program 2016

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Intellectual Property Strategy Headquarters

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Introduction

Currently, there is a 4th Industrial Revolution underway, and it is being propelled by rapid technological innovations, such as IoT, Big Data (BD) and artificial intelligence (AI), in the field of digital networks. It is in this context that major changes in the socio-economic structure are expected to occur in Japan via "Society 5.0."¹ This new socio-economic structure utilizes the aggregation and processing of large amounts of data, combined with the network-mediated exchange of such data, to enhance the ability to foster new innovation.

Also, the progress of economic globalization, as symbolized by the Trans-Pacific Partnership (TPP), presents an excellent opportunity for developing a new global market: one that is open to all business, from big corporations to small-to-medium-sized enterprises (SMEs), and not only for industrial products, but for agricultural, food and contents service products as well.

These major trends are significant for Japanese intellectual property strategy (IP strategy) in the following ways.

First, the fact that it is possible to produce value from aggregated data means that the scope of what constitutes intellectual property should be expanded in the context of IP strategy.

Not only data which has value on its own, but also data which is individually worthless can produce new value when aggregated and processed in large amounts. Originally, the Intellectual Property Basic Act distinguished "intellectual property" from "intellectual property rights" and defined it as not just "inventions, ideas, new plant breeds, designs, literary works and anything else generated via creative human activity," but also included "trade secrets and other technical or business information that is useful for business activities."² While "things generated via creative activity" can produce additional value through their aggregation, the aggregation of individually worthless data can also create new value as "technical or business information that is useful;" thus, it is necessary to adopt a broader perspective with regard to intellectual property.

The second way that the major trends discussed earlier are significant for IP strategy is that the

¹ "Society 5.0" is a term first put forward in the 5th Science and Technology Basic Plan (adopted by the Cabinet on January 22, 2016 and put in place for the five year period beginning in FY2016), and it refers both to a vision of the future where cyberspace and physical space are closely merged as well as encapsulates a series of initiatives to lead to its realization. The deeper meaning implied by "Society 5.0" is that we are entering into a new society which is a successor to the past hunter-gather, agrarian, industrial and information societies, and that it is scientific and technological innovation that will lead us there.

² The definition of "intellectual property" given in Article 2, Paragraph 1 of the Intellectual Property Basic Act (2002, Law No. 122) includes both of the above elements as well as "trademarks, trade names and other marks that are used to indicate goods or services in business activities."

"connections" and "cross-linkages" between companies, individuals and other players results in a diversity of IP strategies for each player.

By creating connections via networks, a variety of knowledge can be mutually shared in open environments, increasing the importance of having interactive, open innovation. The Intellectual Property Strategic Program 2015 (approved in June 2016 by the Intellectual Property Strategy Headquarters) put particular emphasis on "usage" with regard to the IP-related creation, protection and usage cycle; however, in open innovation, value is created through the "usage" of IP, such as when a player who creates or invents something collaborates with a player who seeks to commercialize that thing. In this way, "knowledge" takes on the form of IP, which serves as the focal point for industry-academia collaboration and collaboration across different industries, and from this "IP collaboration" new innovation can be expected to result. This point is similarly true for content fields, such as animation, comics and films, where their collaborative "cross-linkage" with non-content fields can be expected to generate even greater value.

On the flip side, from the standpoint of securing an advantage for oneself and thereby increasing profits, the relationship between domains viewed as needing to remain closed in order to enable players to distinguish themselves from one another and domains which are opening up is important. Also, in the context of expanding the scope of intellectual property, including data aggregation, it is essential to take into consideration the impact of "platformers" which create unprecedented new value through the aggregation of massive amounts of data.

Given these considerations, a redefinition of the "open and closed strategy" is called for, whereby rights acquisition, maintenance of secrecy, standardization and contract utilization, among other diverse approaches, is utilized by Japanese businesses to more carefully manage intellectual property.

This IP collaboration and IP management refinement will penetrate not only to the level of major companies but also and particularly to the SMEs and agriculture, forestry and fisheries industries which undergird Japanese industry, thereby leading to greater competitiveness for Japan as a whole. It is crucial that industry-academia and inter-industry collaboration which is inclusive of SMEs in major urban areas as well as in regional areas be promoted; that awareness of IP management be promoted amongst SMEs; and that SMEs be supported in tackling IP-driven challenges, including developing global markets.

The third significant impact of the major trends discussed earlier is the importance placed on developing systems and human resources based upon the sorts of innovation creation-focused IP strategies discussed thus far.

As stated above, the Intellectual Property Basic Act defines intellectual property and intellectual

property rights separately. Intellectual property rights system seeks to incentivize creation by recognizing an exclusive right of use for the intellectual property which results from the act of creation, thereby protecting it; however, there is more to intellectual property-related systems than just this.³ As we enter the era of the 4th Industrial Revolution, the balance between competition and harmony amongst global systems is increasingly taking precedence, and for the intellectual property rights system, as well, constant review is needed to maintain a balance between protection and utilization. In conducting such a review, as stated earlier, the importance of utilization for realizing the value of intellectual property must be kept in mind together with the importance of ensuring a flexibility which accommodates technological change. Also, the question of what sort of protection to extend to new information goods, as intellectual property, requires an examination which takes into account the nature of technology and property and includes the question of whether or not intellectual property rights should be recognized for new information goods. Furthermore, in order to protect the value of intellectual property, it is essential that measures be put in place to protect against infringement of technology and property needing protection, and that the IP dispute resolution system is functioning adequately in order to serve as the last bastion of rights protection. In any case, the essential focus in the development of any IP-related system should be on supporting the "challengers" (innovators) who tackle the challenge of innovation creation.

In addition, it is important to foster an environment of human resources development which consistently produces those challenges who tackle innovation creation, and the foundation for such an environment is education. Having a "nation of creators" and a "nation of intellectual property users" requires a more robust curriculum of intellectual property education which works in concert with society and local communities to enable the ongoing development of human resources capable of creating, respecting and utilizing intellectual property, thereby generating value for society.

Based upon the various points and perspectives discussed above, the Intellectual Property Strategy Headquarters has compiled the "Intellectual Property Strategic Program 2016." The compilation of this document was preceded by debate and discussion which started in October 2015 and which was carried out by the "Committee on Industrial Property Rights Fields," "Committee on Content Fields," "Next Generation Intellectual Property System Review Committee" and "Intellectual Property Dispute Resolution System Review Committee," all of which operate within the framework of the Intellectual Property Strategy Headquarters' Verification, Evaluation, and

³ The definition of "intellectual property rights" given in Article 2, Paragraph 2 of the Intellectual Property Basic Act states that an intellectual property right is "a patent right, a utility model right, a plant breeder's right, a design right, a copyright, a trademark right, a right that is stipulated by laws and regulations on other intellectual property" as well as "a right pertaining to an interest that is protected by acts," with the latter including such things as trade secrets protected under the Unfair Competition Prevention Act.

Planning Committee.

The "Intellectual Property Strategic Program 2016" is built upon the following four pillars.

No. 1. Promotion of Intellectual Property Innovation for the 4th Industrial Revolution

1. Construction of Next Generation Intellectual Property System Adapted to Digitization and Networking

- Construct a new copyright system enabling smoother utilization of the ever increasing volume and variety of copyrightable data resulting from the proliferation of digital networks; examine the nature of IP protection for new information goods, such as works created autonomously by artificial intelligence; formulate countermeasures against on-line, cross-border IP infringement originating from servers located overseas...etc.

2. Promotion of Intellectual Property Management Geared Toward Open Innovation

- Strengthen industry-academia collaboration and inter-industry collaboration (between large corporations and SMEs) to promote open innovation; implement, and perform strategic standardization in support of, more refined IP management revolving around an open innovation-focused open and closed strategy; strengthen trade secret protection...etc.

No. 2. Spread/Penetration of Intellectual Property Awareness/Activity

1. Augmentation of Intellectual Property Education and Intellectual Property Human Resources Development

- With the aim of empowering everyone in Japan as an IP human resource, promote systematic, developmental stage-appropriate IP education at the primary, secondary and university levels; develop an educational support system in partnership with society and local communities; build a foundation for promoting IP education...etc.

2. Promotion of Regional, SME, Agriculture, Forestry and Fishery, etc., Intellectual Property Strategy Creation

- In line with the "Local Intellectual Property Utilization Promotion Program" ("Intellectual Property Strategic Program 2015"), strengthen support for intellectual property popularization and utilization amongst "intellectual property use-developing" SMEs; strengthen support for overseas expansion of "intellectual property use-challenger" SMEs; promote IP strategy use, such as GI utilization, within the agriculture, forestry and fishery industries...etc.

No. 3. Promotion of New Content Expansion

1. Overseas Expansion of Content and Strengthening of Industrial Infrastructure

- Promote stronger collaboration between content-producing and non-content-producing

industries via the Cool Japan Public-Private Partnership Platform; promote ongoing overseas expansion of content; strengthen content industry infrastructure...etc.

2. Promotion of Archive Utilization

Promote inter-archival collaboration within the framework established by the National Diet Library and other, relevant ministries and agencies; promote the construction of archives in each field; support the development of infrastructure facilitating the use of archives...etc.

No. 4. Infrastructural Development for Intellectual Property Systems

1. Functional Strengthening of Systems for Handling Intellectual Property Disputes

- With a focus on infringement lawsuits relating to patent rights (as such rights are important for encouraging innovation creation), develop appropriate and fair evidence collection procedures; require compensation for damages which reflect the situation and needs of businesses; strengthen the functioning of the IP dispute resolution system, such as by improving rights stability from the granting of rights through to the dispute resolution process; support SME's access to courts, including local courts; promote information disclosure and overseas dissemination...etc.

2. Strengthening of Support for Global Business Development by Taking Global Lead in Examination

- Enact the world's fastest and highest quality examination system; promote international cooperation, such as collaborating with other countries' intellectual property offices and supporting the development and operation of IP systems in emerging economies; improve the quality of patent administration services...etc.

The implementation of this Intellectual Property Strategic Program shall be carried out under the purview of the Intellectual Property Strategy Headquarters, and in collaboration with the Council for Science, Technology and Innovation, the IT Strategic Headquarters and other organizations, and shall be implemented in a robust manner, accompanied by regular verification and evaluation, to derive maximum policy effect as a long-term intellectual property strategy.

No. 1. Promotion of Intellectual Property Innovation for the 4th Industrial Revolution

1. Construction of Next Generation Intellectual Property System Adapted to Digitization and Networking

(1) Current Situation and Challenges

The development of digital networks has made it possible to digitize any and all information and to aggregate it in bulk for anyone to access, thereby eliminating geographical and space constraints. Furthermore, the IoT, Big Data (BD) and other new technologies are increasing the number of people and things which are connected via digital networks, creating an explosion in the volume and varieties of information being created and circulated worldwide. And with the introduction of artificial intelligence (AI) to tie these technologies together, it is expected that new, value-added innovation creation will occur through the aggregation, combination and analysis of vast amounts of data.

Amidst the generation and accumulation of these vast amounts of data, however, it is foreseeable that creative content and other data protected by copyright will also get mixed in; thus, it is essential that a balance between innovation creation and IP protection be struck which takes into consideration such factors as data category, mode of utilization and impact on new data creation.

Also, continued technological innovation is producing new types of information goods, including works created autonomously by artificial intelligence (hereafter, "AI-created works"), 3D data capable of perfectly recreating an object's shape, and automatically aggregated sensor-derived databases. Ongoing debate and discussion is needed with regard to the development of IP systems adapted to a new era and the issues it brings, such as how to handle the handle AI-created works in the context of an IP system, when such works are qualitatively indistinguishable from human-created works.

Further, the development of digital networks is exacerbating the problem of on-line, cross-border intellectual property infringement. There are those who point out that the on-line world has no borders, and this limits the action that can be taken by the existing legal system, which is premised on the real world; thus, study and examination is needed with regard to the sorts of responses that can be taken.

Given an awareness of these issues, the "Next Generation Intellectual Property System Review Committee" was established within the Intellectual Property Strategy Headquarters to study how a next generation IP system can promote new innovation via the full utilization of the IoT, Big Data, AI and other digital network developments, as well as help foster the development of new culture which enriches society.

Based on the findings of the Committee, the following have been identified as key challenges and future directions for policy.

<Copyright System for the Digital Network Era>

The spread of digital networks facilitates the possibility of new innovation and the creation of new value through such developments as big data-driven modes of information dissemination by businesses and consumers. For example, it is anticipated that services will become available, which are not limited to the Internet, for searching out the location of publicly accessible information and for collecting and analyzing large amounts of data, from which analysis results are then provided. Furthermore, given the explosive increase in the amount of data being generated and the dramatic increase in computer processing power available to analyze it, the already diverse array of modes available for collecting, analyzing and using data will likely grow ever more diverse. Amidst this, it will also become possible to generate value through data utilization methods previously unimagined by humans, such as the utilization of artificial intelligence to ascertain and analyze data characteristics to elicit discoveries.

At the same time, however, it is likely that copyrighted data (works) will be mixed in with the data used by Big Data and by consumers. As a rule, prior consent by the copyright holder is required to use such works; however, particularly in cases where large amounts of data or unspecified data is being used, it is not practically possible to obtain prior consent from all copyright holders. Also, there are cases which can be conceived of where obtaining permission for even just some data enables a high value-added service to be provided if a more diverse set of data is utilized.

As a result of the development of digital networks, data (including copyrighted works) are being utilized in an increasingly diverse number of ways, such as with artificial intelligence, and it is essential that a new copyright system be sought which is focused on promoting innovation and which allows for flexible solutions while maintaining a balance between protection and utilization of intellectual property. In creating such a system, it must be remembered that the surrounding issues are complex and do not lend themselves to one-size-fits-all policy solutions; rather, the system must allow for the appropriate solution to be selected from a variety of policy tools, such as uncompensated rights limitations, rights limitations with attached remuneration rights, copyright collective licensing, and compulsory licensing of orphaned works, thereby promoting a "graded approach" towards finding flexible solutions. Specifically, the copyright system needs to adopt a perspective of flexible adaptation to new innovation and of contributing to the sustained creation of appealing content from Japan, and thus it needs to establish appropriate and flexible rights limitations which take into consideration the necessity of adapting to the usage of copyrighted works in the digital network era, to construct smooth licensing mechanisms for those uses which do not easily mesh with rights limitations, and to further reduce the burden placed on users with regard to the compulsory licensing system which governs the use of orphaned works and which is overseen by the Director General of the Agency for Cultural Affairs.

It is expected that Japanese companies and universities will actively utilize this sort of system as they boldly, and with dizzying speed, tackle technological innovation in the digital era, while at the same time, the system will need to be rapidly developed to enable it to flexibly accommodate the succession of technological innovations to come.

<Construction of Intellectual Property System Adapted for Creation of New Information Goods>

The continued development of digital networking technology produces information with indefinable value according to the notion of "creativity" which undergirds the Copyright Act that provides broad protection to human-created information.⁴ Examples of such information would be music or pictures produced from an artificial intelligence, or the mechanical cataloging of human motions and the behavior of inanimate objects in the real world as Big Data.

The new sorts of information goods described here have the potential to be utilized to create new innovation and to produce new culture which enriches society, and it is essential that Japan actively create and utilize these goods as well as discuss what form of corresponding IP system is needed.

(The IP System and AI-created Works)

AI is being used to extrapolate characteristics and learn from existing data, and it is conceivable that AI will be used to produce original works. Already, music, logo marks, short stories and other creative works possessing relatively easily analyzed patterns are being created using AI, and research and development is being undertaken into furthering this ability. AI-created works have significant potential to generate new innovation and new culture which enriches society, and it is essential that Japan actively pursue AI-driven creation.

Under the current IP system, something created autonomously by an AI is generally not granted rights protection, regardless of whether that thing is creative content or technological data.⁵ However, it is generally hard to differentiate outwardly which is a human-created work and which is an AI-created work. Thus, except in cases where it is clear that something is an AI-created work, an AI-created work would be treated the same as a human-created work, and the result at first glance would seem to be an explosion in the number of things which appear to be "works protected by intellectual property rights."

In order to adapt to the changes AI-created works will produce, it will be necessary to examine how the IP system can be made to accommodate the appearance of such works, such as by studying the necessity and feasibility of protecting AI-created works and the impact that AI-created works will have on the existing IP system.

Because the copyright system awards copyright as soon as a work is "fixed," there is concern that

⁴ Article 2, Paragraph 1 of the Copyright Act defines a work as "a production in which thoughts or sentiments are expressed in a creative way and which falls within the literary, scientific, artistic or musical domain."

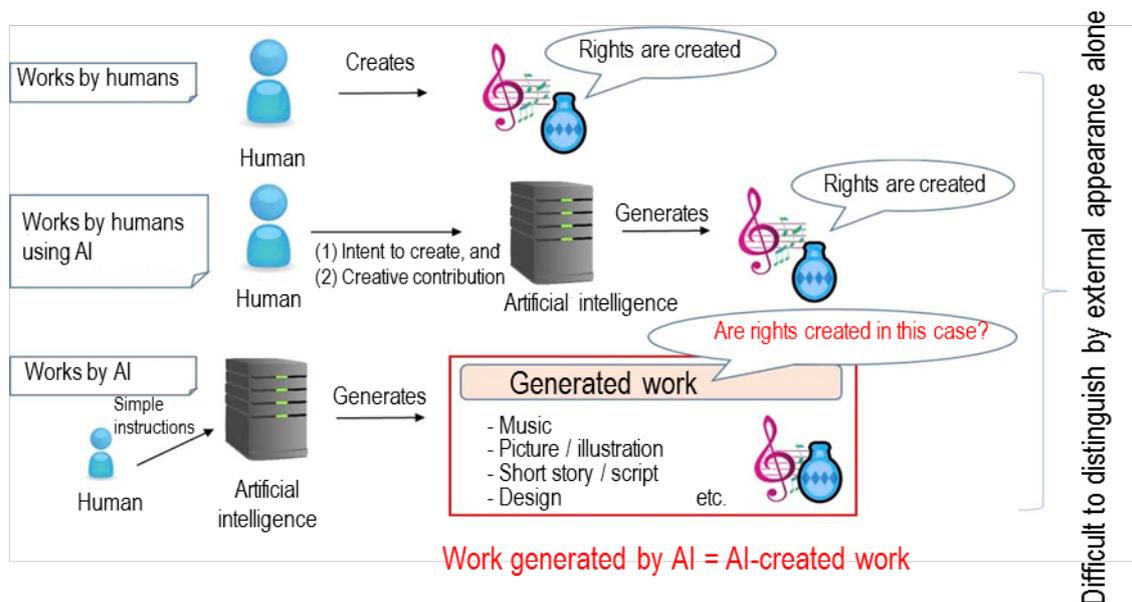
⁵ Under current law, something (i.e., information to which the label of "work" can be applied) created autonomously by AI is not a "production in which thoughts or sentiments are expressed in a creative way" (Article 2 of the Copyright Act); thus, the label of "work" is not applied and neither is copyright. Also, in the case of something (i.e., inventions, designs, etc.) created autonomously by an AI, the inventing entity is not a natural person as per Article 29 of the Patent Act ("An inventor of an invention that is industrially applicable"); thus, patent rights would not apply. With regard to trademarks, however, something created autonomously by an AI would conceivably be eligible for protection under the Trademark Act.

there will be an explosion in the number of AI-created music, novels and other creative works to which copyright would seem to apply; thus, this area of the IP system needs to be prioritized for examination. While granting IP protection to all AI-created works (i.e., information to which the definition of "work" applies) is likely excessive, it is also likely necessary, from the perspective of inhibiting free-riders, to protect as new intellectual property those AI-created works which are offered to the market and which generate a given amount of value (brand value); detailed discussion of what form such IP protection should take needs to occur.

Also, with regard to new technologies to which the definition of invention would apply, for example, it is conceivable that applications will be made for intellectual property recognition for AI-created works and that rights protection will be extended to those works which demonstrate novelty, inventiveness, etc., under examination; thus, further study and discussion of what form the IP protection system should take will be needed.

Additionally, it is important that discussion of an IP system adapted to AI-created works be accompanied by efforts to develop a more data distribution-friendly environment to facilitate the usage of Big Data as an indispensable tool in promoting AI-driven creative activity. This will require study and discussion of ways to develop an environment conducive to data sharing and utilization, such as by fostering social awareness about the utility of data distribution, promoting open data efforts within companies and other fixed areas, and putting in place mechanisms for individual involvement in data distribution (e.g., systems enabling individuals to manage the destinations for their personal data).

[AI-created Works and the Current Intellectual Property System]



(The IP System and 3D Printing)

Advances in 3D printing technology and the popularization of 3D printers is making it increasingly possible to perform manufacturing in homes and areas which lack specialized manufacturing equipment or technology. Also, the ability to exchange and share 3D data on-line contributes to reduced distribution costs for manufacturing industries, allows individuals to disseminate their work, makes on-line, multi-person, participatory manufacturing possible and has other effects that will conceivably change manufacturing in fundamental ways. Furthermore, advances in 3D scanning technology make it possible to distribute physical objects as data, leading to a predicted blurring of the line between physical objects and data.

In order to respond to the societal changes that this sort of manufacturing revolution will cause, there needs to be ongoing study and discussion about the direction in which Japan's IP system should be adapted in order to accommodate the utilization of 3D data, such as by protecting 3D data as intellectual property, combating the production and distribution of counterfeits, and adapting to personalized manufacturing. In this context, a specific, immediate need to be addressed is how to provide, from the standpoint of investment protection and promotion, IP protection for high value 3D data of objects, which are themselves not protected by IP rights, while also focusing on the added value produced in the 3D data production process.

(Database Handling in the Era of Big Data)

Advances in digital networks, the development of the IoT, which connects physical objects via the Internet, and the increased capacity and decreased cost of data storage devices have made it possible to utilize the data obtained and aggregated from virtually everything in the real world as Big Data; and by analyzing this Big Data to develop and deliver new products and services, it represents a source of significant added value. One capability of Big Data which is being increasingly realized is the automatic collection and aggregation of on-line viewing and consumer activity data as well as sensor data. Further, advances in AI technology are making it ever easier to continually collect such data without the need for detailed human input. This results in various forms of databases, and in the case of those to which it would be difficult to extend protection under current law due to an inability to demonstrate inherent creativity, there needs to be a discussion about whether such protection should to be extended and how, using overseas trends and the current situation of contractual protections as a guide. Also, with regard to databases containing the aggregated results of publicly funded research, ongoing discussion is needed, in light of the trend towards "open science," about what would be an appropriate balance between openness and protection.

<Handling Cross-border Intellectual Property Infringement in the Digital Network Era>

The increasing prevalence of digital networks has been accompanied by an increasing prevalence of illegal on-line distribution of IP-protected data. In particular, creative content industries, including animation, comics, films and music, are already being significantly impacted by an increasing amount of on-line, cross-border IP infringement.

In Japan, both the public and private sector have worked to put in place a variety of measures to

combat on-line IP infringement, and these measures have had a certain level of success; however, in recent years on-line IP infringement is becoming increasingly sophisticated, complex and profit-driven, and due to such factors as overseas servers being used to distribute the infringed content, it is highlighting the growing inability of traditional, country-based IP systems to deal with this problem.

For example, in the case of overseas e-commerce websites which sell pirated DVDs and other content to the Japanese market, the Japanese government repeatedly urges the authorities in the countries where the website operators are located to take action, but because the servers hosting the websites are located outside of the operators' countries, no action can be taken and the infringement continues. Also, at the same time that it is becoming harder for authorities to locate the infringing content itself, websites exist which post collected links leading consumers to infringing content (hereafter, "reach sites"), and under existing copyright law, it is ambiguous whether or not these websites are infringing on copyright; thus, the operators of reach sites ignore requests to delete links to infringing content, and nothing can be done legally to force them to comply. Furthermore, many of these reach sites are hosted on overseas servers, which makes it even harder to take action against them.

In this way, website operators make money by disseminating infringing content into the Japanese market from overseas servers, or make money from ad revenues on websites which lead consumers to infringing content, and this malicious behavior is having a tremendous impact on the creative content industries.

Stronger remedies are needed in order to combat these sorts of malicious IP infringement. Specifically, legal measures need to be developed to address the major role that reach sites play in facilitating the illegal distribution of infringing content by enticing consumers to visit websites providing such content, as well as to address the on-line advertising that funds the operation of websites distributing infringing content.

(2) Measures for the Future

In light of the current situation and challenges discussed above, the following initiatives are being promoted by relevant ministries and agencies in order to help build the next generation of intellectual property system which is adapted to the spread of digital networks.

<<Construction of Copyright System for the Digital Network Era>>

(Examination of Rights Limitations Aimed at Promoting Innovation)

- From the perspective of flexible adaptation to new innovation and of contributing to the sustained creation of appealing content from Japan, and taking into consideration the necessity of adapting to the usage of copyrighted works in the digital network era, undertake a detailed study of the effects and influences of flexible rights limitations, and develop necessary measures with a view to proposing legislation at the next regular session of the Diet. Also, from the perspective of improving predictability with regard to flexible rights limitations, discuss guidelines for target behaviors as well as other policies which would help ensure appropriate operation of the law.

(Short-term, Medium-term) (Ministry of Education, Culture, Sports, Science and Technology)

- Undertake a concrete examination of, including a study of the feasibility of a systematic response to, the legality under copyright law of performing reverse engineering for security purposes, with the aim of facilitating the development of cyber-security-related industries. (Short-term, Medium-term) (Ministry of Education, Culture, Sports, Science and Technology)

(Further Improvement of the Compulsory Licensing System for Orphaned Works)

- In order to facilitate the utilization of works for which there is no clearly identified copyright holder (orphaned works), discuss revising the compulsory licensing system for such work to allow for deferred payment of compensation in certain cases and develop necessary measures with a view to proposing legislation at the next regular session of the Diet. Also, during FY2016, study and develop necessary measures to address what sort of support should be offered for private-sector initiatives aimed at reducing the user cost burden of finding copyright owners. (Short-term, Medium-term) (Ministry of Education, Culture, Sports, Science and Technology)

(Developing and Constructing a Smooth Licensing System)

- In light of Japan's current situation, implementation needs, legal rationale and questions about implementation groups and charges involved, promote discussion about introducing an extended collective licensing system, from the perspective of accommodating bulk utilization of copyrighted works, including not only orphaned works but also copyrighted works not managed by copyright collectives. (Short-term, Medium-term) (Ministry of Education, Culture, Sports, Science and Technology)
- Promote public-private collaboration in each field to develop an aggregated database of rights information for creative content, etc., in order to make the rights clearance process smoother, thereby promoting the utilization of creative content. (Short-term, Medium-term) (Ministry of Education, Culture, Sports, Science and Technology; Ministry of Economy, Trade and Industry)
- Provide necessary support for private sector efforts to build up and improve the licensing environment, such as through the establishment of the "Music Collective Licensing Center" (provisional title) to oversee a collective licensing-driven contract scheme and to serve as a one-stop consultation center. (Short-term, Medium-term) (Ministry of Education, Culture, Sports, Science and Technology)

(Development of an Environment for Sustainable Content Reproduction)

- Promote fruitful discussion which leads to the development of necessary measures for revising the Copyright Levy Framework for private audio/audiovisual recordings as well as introducing a new structure to replace the existing system, thereby connecting creative content reproduction with appropriate reimbursement to content creators. (Short-term, Medium-term) (Ministry of Education, Culture, Sports, Science and Technology; Ministry of Economy, Trade and Industry)

(Promotion of ICT in Education)

- Discuss the issues related to, and develop necessary measures for, copyright and licensing systems which facilitate the use of digital teaching materials and Internet-driven educational tools, such as on-demand courses. (Short-term, Medium-term) (Ministry of Education, Culture, Sports, Science and Technology)
- Promote fruitful discussion which leads to the development of necessary measures to be introduced in 2016 with regard to the emphasis placed on digital textbooks and teaching materials as well as their place within the textbook screening system. Also, in light of this discussion, carry out an expedited examination of related topics as they pertain to the copyright system. (Short-term, Medium-term) (Ministry of Education, Culture, Sports, Science and Technology)
- Conduct ongoing empirical research of cloud-driven technologies with regard to the utilization of ICT in educational settings to determine how such technologies can contribute to the development of teaching methods facilitating new, inter-school and school-home approaches to learning, as well as to the resolution of such challenges as computer terminal and system installation-related costs and teaching materials/study archives storage and utilization. (Short-term, Medium-term) (Ministry of Education, Culture, Sports, Science and Technology; Ministry of Internal Affairs and Communications)

<<Construction of Intellectual Property System Adapted for Creation of New Information Goods>>

(Discussion of an IP System Capable of Accommodating Databases in an Era of 3D Data, Big Data and Autonomously-created Works by AI)

- Engage in concrete discussion about the necessity and nature of IP protection with regard to new information goods, such as AI-created works, 3D data and databases for which creativity is hard to establish, while maintaining a focus on such considerations as value offered to the market. (Short-term, Medium-term) (Ministry of Economy, Trade and Industry; Cabinet Office; relevant ministries and agencies)
- From the standpoint of generating international debate and discussion, publicize overseas the state of discussion within Japan regarding the relationship between IP systems and new information goods, such as AI-created works, which are not granted rights protection under the existing IP system. (Short-term, Medium-term) (Cabinet Office)

(Development of an Environment Conducive to Data-sharing and Utilization)

- In light of the need for development of an environment conducive to the effective sharing and utilization by society as a whole of a diverse array of data, including personal data, discuss approaches to fostering social awareness about the utility of data distribution, promoting open data efforts within companies and other fixed areas, and putting in place mechanisms for individual involvement in data distribution (e.g., systems enabling individuals to manage the destinations for their personal data). (Short-term, Medium-term) (Cabinet Secretariat; relevant ministries and agencies)
- Promote efforts to ascertain the situation with regard to competition amongst on-line related

enterprises, such as "platformers," about whom there is concern that they are likely to consolidate a position of superiority in data aggregation. (Short-term) (Fair Trade Commission; Ministry of Economy, Trade and Industry)

(Discussion of IP Systems Capable of Accommodating Open Science)

- Engage in concrete discussion about data copyrights, data sharing-related agreements, incentive provisions and other topics relevant to the promotion of open disclosure and utilization of publicly funded research results and data. (Short-term, Medium-term) (Cabinet Office; relevant ministries and agencies)
- In light of national efforts and international trends relating to the promotion of open science, engage in ongoing discussion about the creation of a database for storage of research data used as evidence in scholarly papers, and which is obtained from publicly-funded research, and of offering data services. (Short-term, Medium-term) (Cabinet Office; relevant ministries and agencies)
- Encourage discussion about building a platform for sharing research data in order to fully capitalize on research resources derived from the reuse of research data. (Short-term, Medium-term) (Ministry of Education, Culture, Sports, Science and Technology)

(Construction of an Industrial IP System Capable of Accommodating a Changing Industry Structure)

- Engage in comprehensive discussion about what sort of industrial IP system is needed in order to facilitate global innovation creation during the age of the 4th Industrial Revolution, as exemplified by the IoT, Big Data and artificial intelligence. (Short-term, Medium-term) (Ministry of Economy, Trade and Industry)

<<Implementation of Policies for the Digital Network Era>>

- Promote concrete discussion about how to address the role that reach sites play in facilitating the illegal distribution of infringing content by enticing consumers to visit websites providing such content, taking into consideration the scope of the behavior that needs to be addressed and the legal options involved, while maintaining an emphasis on balancing rights protection with freedom of expression. (Short-term, Medium-term) (Ministry of Education, Culture, Sports, Science and Technology)
- Conduct a survey with regard to on-line advertising measures and, in light of this, promote concrete discussion about measures to be taken to address on-line advertising on websites engaging in malicious IP infringement. (Short-term, Medium-term) (Ministry of Economy, Trade and Industry)
- Engage in ongoing discussion which includes the effects and impacts of website blocking efforts in other countries aimed at on-line IP infringement. (Short-term, Medium-term) (Cabinet Office; relevant ministries and agencies)
- Research and study what sorts of IP protections are appropriate in cases of cross-border

infringement of network-related inventions by services targeting users in Japan but which are operating on overseas servers. (Short-term) (Ministry of Economy, Trade and Industry)

- Work to promote collaboration with "platformers" in order to improve the effectiveness of on-line IP infringement countermeasures. (Short-term, Medium-term) (Ministry of Internal Affairs and Communications)
- Launch a new practical seminar aimed at rights holders which is based on concrete examples of ways in which on-line copyright infringement is dealt with. Also, continue to raise awareness about measures for dealing with pirated works as well as continue to organize and distribute information which helps rights holders to exercise their rights. (Short-term, Medium-term) (Ministry of Education, Culture, Sports, Science and Technology)

2. Promotion of Intellectual Property Management Geared Toward Open Innovation

(1) Current Situation and Challenges

The advent of new technologies, such as the IoT, Big Data and AI, is being accompanied by fundamental socioeconomic changes brought about by the 4th Industrial Revolution, and in this new era, the keyword is "connection." This "connection" expresses the growing importance of collaboration-driven open innovation between interconnected players, with the expected progress of open innovation coming from both inbound (incorporation of external technology and knowledge into one's company) and outbound (provision externally of technology and knowledge held by one's company) open innovation, making it increasingly important to strategically utilize a dual-track innovation cycle.

At the same time, however, this open approach increases the risk of a company, etc., leaking trade secrets, and it also forces companies to rethink what they consider their core closed areas. In other words, even in the typical open and closed strategy of IP management, it is considered essential to employ a variety of approaches, such as a closed strategy of acquiring IP rights to allow for exclusive use or licensing, or forgoing rights acquisition in favor of maintaining trade secret confidentiality, or an open strategy of acquiring IP rights to allow for broad licensing (uncompensated in some cases), or forgoing rights acquisition in favor of public release, or securing the first-mover advantage as standardization grows the market, or even capitalizing on contracts.

For Japan's IP strategy heading into the 4th Industrial Revolution it is important to keep open innovation in mind, as well as to keep an open and closed strategy as the core, while implementing IP management employing a variety of approaches. Therefore, it is essential to build a pro-innovation IP system which reflects the characteristics of the 4th Industrial Revolution while being firmly grounded in more broad-based IP management: a system which provides greater stimulation for industry-academia and inter-industry collaboration (i.e., collaboration amongst businesses, such as between SMEs, venture businesses and large corporations) while also incorporating secure IP rights acquisition, standardization and maintenance of trade secrecy.

Industry-academia and inter-industry collaboration relies heavily upon key human resources to facilitate bridge-building and commercialization-support. The people needed for these roles will include experienced business professionals, both retired and active, who must be able to work with not only those in universities and large corporations but also regional SME supporters to perform marketing, matching and production while utilizing IP. The Intellectual Property Strategic Program 2015 emphasized the importance of securing and cultivating these sorts of human resources, as well as fostering networks amongst them, and various ministries and agencies are currently putting in place bridge-builders and commercialization support personnel who are working together in line with policy objectives. In order for the efforts of these human resources to succeed in realizing innovation creation, a variety of measures need to be actively pursued from a long-term perspective.

In particular, with regard to industry-academia collaboration, the majority of such collaborations

thus far have been on the individual level of academics working with company researchers; however, as interest and expectations for robust industry-academia collaboration geared towards innovation creation grows within the business world, it is important that universities step up their involvement on an organizational level in such collaborations. For the future, there needs to be better dialog between industry and academia, with universities developing a better understanding of the rapid changes in the industrial structure accompanying the 4th Industrial Revolution and, as part of their financial strategy, putting into practice sophisticated IP management in line with anticipated future changes.

With regard to collaboration between big business and academia, the University of Tokyo and the Japan Business Federation have established the "University of Tokyo and Japan Business Federation Venture Business Development Committee" with the aim of cultivating joint-venture businesses between industry and academia, and towards this end the Committee is undertaking efforts geared towards a diverse array of collaborations amongst, large corporations, universities and university-launched venture businesses, with the expectation that this trend will spread nationwide.

Furthermore, within the agriculture, forestry and fisheries industries, a "Knowledge Aggregation and Utilization Platform" is being developed with funding from businesses, universities and public institutions as a means of bringing together knowledge from dissimilar fields to foster new, collaborative industry-academia research; and even within the context of this Platform, sophisticated IP management is needed in order to facilitate innovation creation in the agriculture, forestry and fisheries industries.

With regard to standardization strategy, Japan has created the "Action Plan for International Standardization Strategies" (last revised in March 2012) and the "Public-Private Strategies for Standardization" (created in May 2014), and both of these are being used as guides for public-private cooperation in each field to help Japan take the lead on international standardization, as well as to promote the superior technologies and products of Japanese companies as models for standardization. Internationally, against a backdrop containing the WTO/TBT Agreement, WTO Agreement on Government Procurement, etc., Western global corporations recognize that international standardization activities, as part of an open and closed strategy, have a profound impact on their future bottom lines and growth, and they are therefore engaged in strategic standardization efforts, such as using their local subsidiaries to get representation within the standardization agencies of multiple countries to thereby give themselves voting influence in these countries. Furthermore, these corporations are continuing to augment their strategic international standardization activities through such approaches as securing key personnel in international standardization bodies within the companies of emerging economies and cultivating standardization human resources by dispatching numerous young employees to international standardization conferences.

As for standardization efforts in Japan being undertaken as part of an open and closed strategy, it is important that they be incorporated into business management strategies from the perspective of

ensuring competitiveness and capturing global market share, and it is essential that companies be supported in such efforts. In particular, it is important that smaller, highly-rated firms receive integrated support from candidate identification through to standards creations, as well as support in acquiring overseas certification, in order to promote the standardization of smaller, highly-rated firms' superior technologies and products.

In addition, because individual companies may have trouble adapting to the international standardization that will take place in the field of social systems, where the IoT is expected to produce global growth and have a significant economic ripple effect, and in the field of advanced technology, where international competition is becoming increasingly fierce, the government needs to take the lead in fostering international standardization, such as through the efforts of the National Research and Development Agency.

Together with the government's efforts, universities need to cultivate human resources capable of expanding education about standardization, and companies need to establish ongoing mechanisms for identifying and developing personnel capable of incorporating standardization into the company's business and management strategies.

Also, as the IoT, Big Data and AI are expected to result in the creation of a variety of services in a variety of different fields, standardization needs to be promoted within those technological fields related to ICT infrastructure; and, as the spread of globalization is expected to produce growth in the field of food products, strategic internationalization needs to be promoted as well.

With regard to the protection of trade secrets, the "Trade Secret Management Guidelines" were revised in January 2015, and the revised Unfair Competition Prevention Act was enacted in January 2016, with the intent of both of these to create a stronger deterrent to trade secret infringement and to modify the scope of penalties to be in line with the changing IT environment; thus, fines for trade secret infringement have been increased and it is now prosecutable regardless of whether a complaint is filed and regardless of whether an infringement attempt is successful or not. Also, the "Confidential Information Protection Handbook" was created in February 2016 to provide examples of measures for dealing with the leaking of confidential information, and this Handbook needs to be circulated and popularized.

With regard to collaboration between the public and private sectors, the "Public-Private Strategic Council for Countermeasures against the Outflow of Trade Secret" released an action statement in January 2015, declaring the intent of the Council members' to help foster a "society that has zero tolerance regarding the misappropriation of trade secrets," and in line with this statement, a "Trade Secret Public-Private Forum" was held in July 2015 as an opportunity for businesspeople and other practitioners to exchange information about the latest methods and measures available for dealing with the leaking of trade secrets. It is essential that the same or similar initiatives be continued in the future.

(2) Measures for the Future

In light of the current situation and challenges discussed above, the following initiatives are being

promoted by relevant ministries and agencies in order to popularize IP management centered on open and closed strategies, focused on open innovation and intended to strengthen industrial competitiveness in line with the realities of the 4th Industrial Revolution.

① **Enhancing the Functionality of Industry-Academia/Inter-Industry Collaboration**

<<Enhancing the Functionality of Industry-Academia/Inter-industry Collaboration>>

(Promotion of Joint Research via an Industry-Academia Co-creation Platform)

- In order to the pace of open innovation in Japan, create a framework for industry-academia collaboration, within which the intellectual property held by universities can be mobilized, technology and systems reform scenarios can be drawn up jointly by industry and academia, initiatives and structures for achieving these scenarios can be planned, and joint industry-academia research and human resources development can be carried out. (Short-term, Medium-term) (Ministry of Education, Culture, Sports, Science and Technology)

(Local Innovation Ecosystem Creation Program)

- In order to create a distinctly Japanese innovation ecosystem which contributes to regional revitalization, establish project production teams at local universities which will seek out local, homegrown technology seeds, will introduce excellent technology seeds from the outside, will offer business project proposals to core local companies, and will engage in joint research with core local companies. (Short-term, Medium-term) (Ministry of Education, Culture, Sports, Science and Technology)

(Stronger Support for Venture Business Creation)

- Provide entrepreneur education; encourage the creation of hypothetical applications for technology seeds from the basic research phase; push for verification of these hypothetical applications, continuing through hearings with customers, to raise awareness of practical applications; and promote transitioning to the startup phase and the Program for Creating STart-ups from Advanced Research and Technology (START) innovation creation support project. (Short-term, Medium-term) (Ministry of Education, Culture, Sports, Science and Technology)

(Develop Capacity for Bridge-building and Commercialization Support)

- In order to facilitate the creation of new businesses derived from local technology seeds, develop networks of financial institutions, specialists and others to be utilized in the implementation of business project promotion activities involving the dispatch of business project producers to local areas to identify local technology needs and seeds. (Short-term, Medium-term) (Ministry of Economy, Trade and Industry)
- Utilize matching planners to connect the vast numbers of university-led seeds nationwide, which

have been aggregated via the Japan Science and Technology Agency's (JST) network, with the needs of local companies, and provide support from the joint research phase through to commercialization. (Short-term, Medium-term) (Ministry of Education, Culture, Sports, Science and Technology)

- Support the development of systems which match external resources, such as universities, partner companies and financial institutions, with core local company candidates, identified via support personnel networks and undertaking new field/business project challenges, in order to support the growth of these companies. Also, in order to foster further growth among core local companies, utilize support personnel expertise and other resources to support commercialization strategy creation/sales channel development geared towards new business project development. (Short-term, Medium-term) (Ministry of Economy, Trade and Industry)

(Bridge-building and Commercialization Support Personnel Collaboration)

- Promote knowledge-sharing and mutual collaboration among business project producers, matching planners and other bridge-building and commercialization support personnel. (Short-term, Medium-term) (Cabinet Office; Ministry of Economy, Trade and Industry; Ministry of Education, Culture, Sports, Science and Technology)

(Strengthening IP Strategy within a "Knowledge Aggregation and Utilization Platform")

- Implement appropriate IP management geared towards new innovation creation in the agriculture, forestry and fisheries industries and the resolution of existing business problems, utilizing a "Knowledge Aggregation and Utilization Platform" intended as a mechanism for promoting new industry-academia collaboration within the agriculture, forestry and fisheries industries. (Short-term, Medium-term) (Ministry of Agriculture, Forestry and Fisheries)

<<Strengthening University IP Strategies>>

(Strengthening University IP Management)

- In order to promote more advanced/autonomous intellectual property management by universities, provide focused support for applications from universities which have drawn up intellectual property strategies and intellectual property utilization policies and are actively undertaking technology transfer activities. (Short-term, Medium-term) (Ministry of Education, Culture, Sports, Science and Technology)

(Popularization of Comprehensive IP Management)

- Promote the augmentation of systems which facilitate the implementation of sophisticated IP management at universities, via the promotion of stronger collaboration with advanced universities/TLO and universities nationwide, with the aim of popularizing and expanding comprehensive IP management from the R&D phase to the commercialization phase utilizing marketing. (Short-term, Medium-term) (Ministry of Education, Culture, Sports, Science and Technology)

(Promotion of Activity Improvement via Functional Assessments of Industry-Academia Collaboration)

- Circulate the "Guide for Industry-Academia Collaborative Activity Management at Universities," created in March 2016 in response to the state of industry-academia collaborative activity for universities and TLOs, in order to encourage universities to undertake autonomous industry-academia collaborative activities in line with their own goals. Also, perform fundamentally centralized and ongoing collection and analysis of evaluation index data from universities and TLOs for industry-academia collaborative activities, and provide feedback to the universities and TLOs about the results. (Short-term, Medium-term) (Ministry of Economy, Trade and Industry; Ministry of Education, Culture, Sports, Science and Technology)

(Strengthening Industry-Academia Collaboration Capability by Strengthening the Internal Assessment Capability of Universities)

- In order to help universities ascertain their individual strengths and weaknesses with regard to industry-academia collaboration capability and to then create and implement appropriate strategies, make use of objective, qualitative data to visualize the industry-academia collaborative activity performance of universities and to improve universities' capability for internal assessment, thereby leading to stronger capabilities in industry-academia collaboration. (Short-term, Medium-term) (Ministry of Economy, Trade and Industry)

(Promotion of Intellectual Property Utilization in Universities)

- Provide augmented support for IP rights acquisition and IP management, including the creation of IP strategies, with the aim of fostering commercialization-focused, industry-academia collaborative projects at universities. (Short-term, Medium-term) (Ministry of Economy, Trade and Industry)

(Handling of Joint Research Results)

- Publicize the results of discussions about the ideal arrangement for patent applications and agreements made within the context of joint research agreements between universities and companies, and with the aim of facilitating full-fledged industry-academia-government collaboration, promote the realization of joint research agreements which include flexible handling of research results, and strengthen mutual industry-academia partnerships through business-level dialog between industry and universities. (Short-term, Medium-term) (Ministry of Education, Culture, Sports, Science and Technology; Ministry of Economy, Trade and Industry)

(Development of Proof of Concept Support Measures)

- In order to facilitate the commercialization of university research results via SMEs, support proof of concept (POC) implementation to verify the feasibility of new research ideas. (Short-term, Medium-term) (Ministry of Education, Culture, Sports, Science and Technology)

(Strengthening of IP and Standardization Strategies for Public Research Institutions)

- Using as a reference the initiatives of public research institutions (such as the National Institute of Advanced Industrial Science and Technology) which are developing and implementing excellent IP and standardization strategies, examine and discuss what would constitute ideal IP and standardization strategies for public research institutions and then develop relevant, necessary measures. (Short-term) (Cabinet Office; relevant ministries and agencies)

(Strengthening of IP Strategy at Agriculture, Forestry and Fisheries-related National Research and Development Agencies)

- Utilize the integration of agriculture, forestry and fisheries-related national research and development agencies, including the National Agriculture and Food Research Organization, in April 2016 as an opportunity for IP management, including human resources development, in order to facilitate the effective and efficient commercialization of research results from those research and development agencies which play a central role in agriculture, forestry and fisheries-related research and development. (Short-term, Medium-term) (Ministry of Agriculture, Forestry and Fisheries)

<<Strengthening of IP Strategies for National Research and Development Projects>>

(Strengthening of IP Strategies for National Research and Development Projects)

- In order to fully capitalize on the commercialization of national research and development results for the sake of enhancing national wealth, utilize as a reference the "Guidelines for Intellectual Property Management in Government-commissioned Research and Development," established by the Ministry of Economy, Trade and Industry in May 2015 as a guide for implementing a Japanese version of the Bayh-Doyle Act, and conduct ongoing discussion and put in place necessary measures concerning how IP management should be carried out in national research and development projects. (Short-term) (Cabinet Office; relevant ministries and agencies)

(IP Management in the Context of Collaboration and Cooperation between Agriculture, Forestry and Fisheries Sectors and Dissimilar Sectors)

- In order to provide technological support for regional revitalization and improved competitiveness in the agriculture, forestry and fisheries sectors, promote research and development via collaboration between agriculture, forestry and fisheries sectors and dissimilar sectors, such as ICT and robotics, which is subject to commercialization-focused IP management. (Short-term, Medium-term) (Ministry of Agriculture, Forestry and Fisheries)

② Strategic Standardization

<<Promoting Strategic Standardization>>

(International Standardization in Societal Systems and Cutting-edge Technology Fields)

- In anticipation of the 4th Industrial Revolution and the global growth it is expected to bring,

promote unified standardization starting from the research and development phase and capitalize on the expertise of the National Research and Development Agency to bolster the framework for standardization promotion in order to help Japan take a leading role in international standardization in the field of social systems, where the IoT will have a significant economic ripple effect, and the field of advanced technology, where Japan demonstrates its superiority in areas such as robotics. (Short-term, Medium-term) (Ministry of Economy, Trade and Industry)

(Promotion of Standardization for Smaller, High-rated Firms)

- Publicize domestic and overseas examples of standardization and their significance, as well as relevant support organizations, in order to push the standardization of stand-out technologies and products by smaller, highly-rated firms. (Short-term, Medium-term) (Ministry of Economy, Trade and Industry)
- Strengthen the scope and detail of those systems in place for everything from candidate identification to standards creation to certification acquisition by supporting community-wide standardization of the performance, etc., of outstanding local technology and products, such as through the utilization of the "New Market Creation Standardization System" to address standardization for integrated technologies and advanced technologies; by working together with a wide array of relevant parties, including local governments, industrial support organizations, financial institutions and certifying bodies, to utilize and bolster the "Partnership System for Support of Standardization Utilization" to promote standardization of smaller, highly-rated firms' technology and products; and by utilizing regional revitalization promotion subsidies. (Short-term, Medium-term) (Ministry of Economy, Trade and Industry)

(Supporting the Acquisition of Overseas Certification by Smaller, High-rated Firms)

- In order to provide support to smaller, highly-rated firms in obtaining essential testing data and certifications to satisfy local regulations when expanding overseas, promote participation by certifying bodies in the "New Exports Promotion Consortium of Major Nations," which capitalizes on the TPP Agreement to support the overseas expansion of smaller, highly-rated firms, and encourage testing and certifying bodies to work together with the consultation centers of the Japan External Trade Organization (JETRO) to provide individual consultations. (Short-term, Medium-term) (Ministry of Economy, Trade and Industry)

(Quantitative and Qualitative Augmentation of Human Resources for Handling Standardization)

- Continue implementing human resources development programs aimed at cultivating personnel capable of serving as the secretaries and chairpersons at international standardization conferences, at equipping younger personnel with the capabilities, bargaining power and management strength to undertake international standardization, and at developing managers, sales persons and others who are able to make strategic use of standardization as a business tool. (Short-term, Medium-term) (Ministry of Economy, Trade and Industry)
- In order to enable businesses to make strategic use of standardization as a business tool, promote

stronger internal structures for businesses, such as the installation of a Chief Standardization Officer (CSO) who is ultimately responsible for the company-wide implementation of standardization strategy. (Short-term, Medium-term) (Ministry of Economy, Trade and Industry)

- Begin discussion with the Japanese Standards Association (JSA) about establishing a standards-related qualification system. (Short-term, Medium-term) (Ministry of Economy, Trade and Industry)

<<Promotion of International Standardization in Separate Fields>>

(Promotion of International Standardization in IoT Services and Other Areas in Anticipation of the Fourth Industrial Revolution)

- Joint industry-academia-government collaboration to promote international standardization efforts in the areas of IoT services, smart factories, autonomous driving systems, robotics, etc., in anticipation of the 4th Industrial Revolution; examples of such efforts include promoting the establishment and verification of shared infrastructure for fast and efficient technology for a vast number of IoT devices, conducting verification testing in 50 locations nationwide by 2020 of advanced systems related to smart factories capable of sharing and utilizing data collected from sensors installed within factories, and offering international standardization proposals during 2016 with regard to safety regulations for autonomous driving maps and life support robots. (Short-term, Medium-term) (Ministry of Internal Affairs and Communications; Ministry of Economy, Trade and Industry)

(Promotion of International Standardization in Food Industries)

- ⁶Promote public-private sector collaboration to augment support systems for popularizing Hazard Analysis and Critical Control Point (HACCP) in Japan, such as through the implementation of HACCP training, and to construct regulation and verification mechanisms for food safety control, including international regulations, which utilize Japan-led, internationally applicable HACCP as a base. (Short-term, Medium-term) (Ministry of Agriculture, Forestry and Fisheries)

(Efforts for Standardization of Traditional Medicine)

- With regard to promoting standardization of traditional medicine in anticipation of its usage internationally by Japan, use international conferences, etc., as opportunities to ascertain the efforts being implemented by various countries and carry out necessary measures, such as conducting standards creation research. (Short-term, Medium-term) (Ministry of Health, Labour and Welfare)

③ Enhancing Protection of Trade Secrets

⁶Process control systems for continuous monitoring and recording of particularly important processes, from raw materials acceptance to finished product output, which are connected with the prevention of hazards such as contamination by microorganisms or mixing of metals.

<<Enhancing Protection of Trade Secrets>>

(Circulation and Popularization of the Confidential Information Protection Handbook)

- Circulate and popularize the "Confidential Information Protection Handbook" within the industrial world and elsewhere to provide knowledge of comprehensive measures relating to confidential information protection. (Short-term, Medium-term) (Ministry of Economy, Trade and Industry)

(Creation and Popularization of the "Confidential Information Protection Handbook for Universities")

- Revise or abolish the "Guidelines for Creating Trade Secret Guidelines at Universities," and create and circulate a "Confidential Information Protection Handbook for Universities" to be used by universities when concluding employment contracts with students, etc., in order to clarify the appropriate handling of confidential information that university employees may be privy to during joint research with companies and others. (Short-term, Medium-term) (Ministry of Economy, Trade and Industry)

(Augmentation of 'One-stop' Support for Trade Secret Management)

- Use IP strategy, including trade secret management, consultation centers and portal websites to raise awareness of, and popularize the utilization of, information resources available on the homepage, as well as nationwide seminars, e-learning content and other resources geared primarily towards SMEs. (Short-term, Medium-term) (Ministry of Economy, Trade and Industry)

(Construction of Trade Secret Secure Storage System)

- Continue development of a long-term, secure storage system to be completed in 2016 for time-stamped electronic document data representing companies' confidential technological know-how, etc., with said system to be used to facilitate the substantiation of claims made in trade secret leakage cases or to demonstrate prior use rights. (Short-term, Medium-term) (Ministry of Economy, Trade and Industry)

(Promotion of Public-Private Collaboration)

- Hold a "Trade Secret Public-Private Forum" public and private-sector practitioners to confidentially exchange information about the latest methods and measures available for dealing with the leaking of trade secrets, and raise awareness by providing information. (Short-term, Medium-term) (Ministry of Economy, Trade and Industry)

(Collaboration with Investigative Authorities)

- Utilize the "Trade Secret Public-Private Forum" to foster greater collaboration with the Ministry of Economy, Trade and Industry, National Police Agency, prefectural police, Public Security Investigation Agency, Information-Technology Promotion Agency of Japan and others, and to foster greater awareness within the industrial world. (Short-term,

Medium-term) (Ministry of Economy, Trade and Industry; National Police Agency; Ministry of Justice)

(Introduction of Border Measures Related to Products Infringing on Trade Secrets)

- With regard to the introduction of border measures related to products infringing on trade secrets, and in light of the revisions to the Customs Tariff Law passed in March 2016, establish necessary measures to enable implementation in June. (Short-term) (Ministry of Finance; Ministry of Economy, Trade and Industry)

④ Cultivation of Human Resources for Intellectual Property Management

<<Cultivation of Human Resources for Intellectual Property Management>>

(Human Resources Development Capable of Supporting the Construction of a Comprehensive IP Strategy)

- Perform ongoing strengthening and implementation of efforts aimed at cultivating human resources within SMEs and venture businesses to support the development of comprehensive IP management, taking into account patents, designs, trademarks, trade secrets, etc., and all other relevant aspects from business model discussion to the exercising of rights, via legal actions, etc.; and in order to facilitate this cultivation, help with the development of environments which allow for the comprehensive provision of IP-related legal knowledge as well as IP management strategy expertise connected with business strategy and reflective of overseas information, etc. (Short-term, Medium-term) (Ministry of Economy, Trade and Industry)

(Development of Environments Conducive to Cultivating IP Personnel Capable of Operating on the Global Stage)

- Have the government take a central role in developing, and promoting the use of, IP personnel cultivation programs aimed at corporate managers and others and intended to cultivate IP personnel capable of operating on the global stage. (Short-term, Medium-term) (Ministry of Economy, Trade and Industry)

No. 2. Spread/Penetration of Intellectual Property Awareness/Activity

1. Augmentation of Intellectual Property Education and Intellectual Property Human Resources Development

(1) Current Situation and Challenges

In all areas where IP strategies are promoted, human resources are the key to their implementation. In order to cultivate IP personnel, public-private efforts are being undertaken, based on the "Comprehensive Strategy for the Development of Human Resources for Intellectual Property" (January 2006) and "Plan for the Development of Human Capital for Intellectual Property" (January 2012).

The foundation for these cultivation efforts is education. Already, within the "Comprehensive Strategy for the Development of Human Resources for Intellectual Property," there is an awareness that strengthening IP education will lead to a quantitative and qualitative improvement in IP personnel for the future, and efforts are therefore being made to implement IP education at all levels, from primary to upper secondary education. Even now, intellectual property represents the key to Japanese competitive strength, and the results of the creative activities of everyone in Japan are sought as value-adding contributions. IP education seeks to instill basic IP knowledge and skills in each member of society and, thus, needs to be broad in its scope and approach. This includes the cultivation of more sophisticated IP creators and users, the cultivation of IP management personnel capable of incorporating these users and creators into business strategy, and the cultivation of IP specialists and support personnel to back up the IP managers. Furthermore, amidst the increasing importance of standardization in IP management accompanying the development of the 4th Industrial Revolution, it is essential that standardization be incorporated into IP education in order to produce standardization users and standardization specialists.

As part of the "Promotion of Intellectual Property Education as a Source of Future Innovation" contained in the "Policy Response for the TPP in Intellectual Property Fields" (adopted by the Intellectual Property Strategy Headquarters in November 2015), educational institutions from primary schools to graduate schools are being asked to implement developmental stage-appropriate IP education that cultivates creativity as the source of new discoveries and scientific thinking, as well as fosters a greater understanding of the importance of both IP protection and utilization.

With regard to IP education at present, the general provisions contained in the government's current course of study for primary and secondary education (released in 2008/2009) emphasize the need for "sound mastery of basic knowledge and skills, as well as the critical thinking, decision-making, communication and other skills necessary to utilize basic knowledge and skills to solve problems," and to "foster a mindset for independent learning and an educational approach which is more encouraging of individuality;" thus, an emphasis is being put on cultivating creativity well-suited to each curriculum subject.

Specifically, this is being implemented in elementary through high school via the systematic cultivation of skills associated with creativity; examples include fostering thinking, imagination and verbal senses in Japanese, developing investigative skills in science, and fostering a capacity for independent, creative and cooperative problem-solving and inquiry during the period for integrated study.

Also, there is an emphasis on teaching about the significance of intellectual property, with developmental stage-appropriate information about IP and IP rights being incorporated into multiple courses and subjects, an example of which is the "emphasis placed on the value in coming up with and using new ideas, to thereby cultivate a mindset geared towards creating and utilizing intellectual property," in middle school technology and home economics courses.

On the other hand, however, the coordination between subjects is not necessarily adequate, it is left up to each subject to provide education conducive to creativity, and, with regard to teaching the significance of IP, the central focus is on "protection," leaving a need to promote its significance with regard to "utilization;" thus, educators do not have adequate teaching tools available to them.

At the level of higher education, progressive initiatives are underway at technical colleges, but, amongst universities, only Joint Usage / Education Center-designated Yamaguchi University is implementing progressive initiatives by making IP-related courses compulsory for all students; this highlights, among other things, that educators are not sufficiently versed in IP-related knowledge. In light of this fact, universities are being encouraged to take the initiative in establishing IP-related courses across a broad spectrum of faculties and departments. Also, standardization-related education at universities needs to be augmented with the cooperation and commitment of the industrial world, such as by dispatching guest lecturers to universities.

In addition, there is particular concern about declining enrollment in graduate schools which specialize in intellectual property-related areas; thus, the recommendation is being made that, for example, by deepening the connection between IP education and law schools, business schools and other business-oriented educational tracks, this will help create a clearer career path while providing a broader significance and purpose to IP education overall.

In light of the current situation and challenges discussed above, the Intellectual Property Strategy Headquarters' Verification, Evaluation, and Planning Committee established an "IP Education Task Force" to discuss what sorts of community-based approaches to IP education should be pursued. Based on the results of the Task Force's deliberations, the following three directions for Japanese IP education were decided upon.

① Implementation of systematic education focused on cultivating each person in Japan as human capital for developing and using intellectual property

Everyone in Japan represents a "nation of creators" and a "nation of intellectual property users." In light of this fact, all educational institutions, including elementary schools, middle schools, high schools technical colleges, universities and graduate schools, should strive to cultivate each person in Japan as "intellectual property human capital," through the implementation of developmental

stage-appropriate, systematic education. Furthermore, given that everyone in Japan is also a consumer, it is useful to link IP education with consumer education.

② Fostering the development of creativity which emphasizes the use of communal connections and knowledge

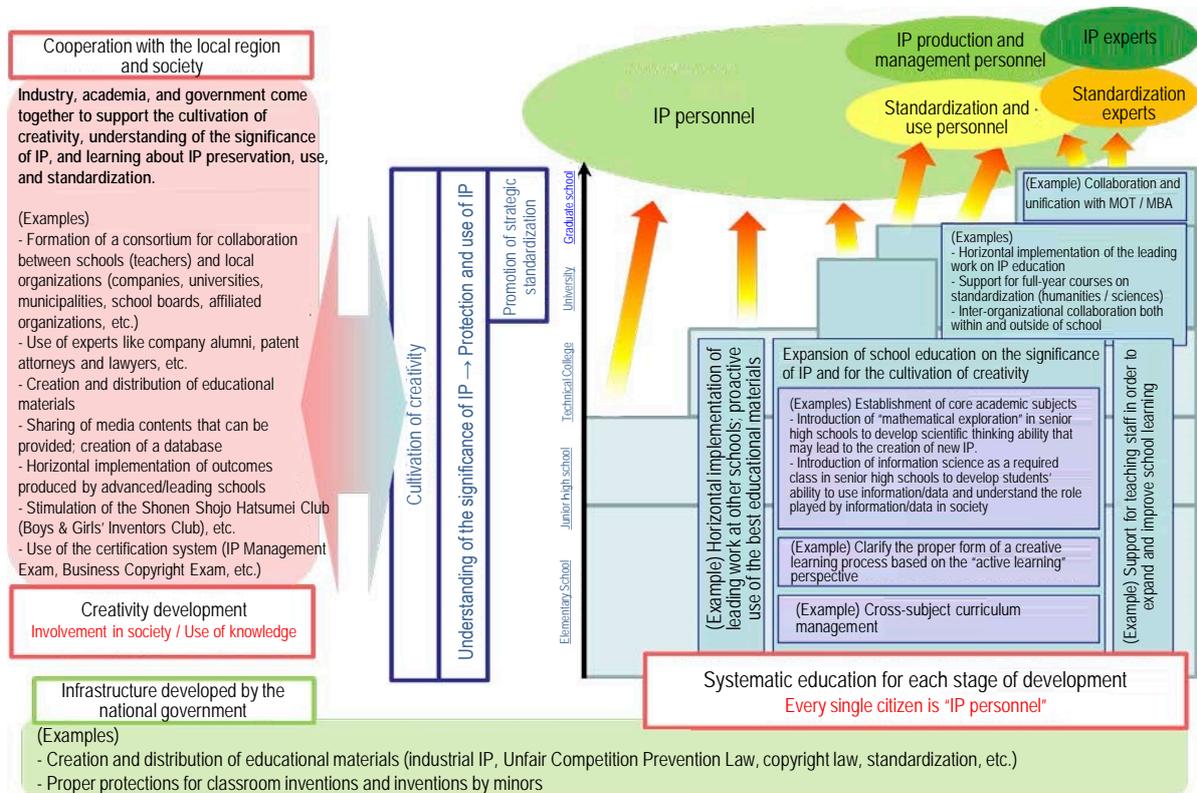
It is important to stimulate the "development of creativity," which encourages the discovery of new phenomena and new ideas and then applies already learned rules and principles to these discoveries in ways unconstrained by the typical categories of the humanities and sciences to realize something grounded in the real world; and it is important to equip students to effectively apply their creative capacity to the active utilization, commercialization and strategic standardization of intellectual property for the future.

③ Achieving collaboration with local communities and society (construction of a support system via industry-academia-government collaboration)

It is vital that industry, academia and government work together to construct an educational support system which is grounded in the local community, incorporating external resources, such as existing, excellent IP education-related content possessed by companies and other relevant organizations, in ways appropriate to each educational setting, as well as developing IP education beyond the classroom in a manner which integrates holistically with the local community to give, for example, elementary school students a sense of connection to their community and a sense of the reality of IP in their lives.

[Future Direction of Intellectual Property Education]⁷

⁷Source: Intellectual Property Strategy Promotion Bureau Materials from the 5th meeting of the Verification, Evaluation, and Planning Committee's Conference to Address Industrial Property Right Fields



With regard to public-private IP human resources development initiatives other than IP education initiatives (i.e., broad-based initiatives aimed at cultivating IP management personnel, IP bridge-builders for industry-academia collaboration, standardization personnel, IP support personnel, content creator production personnel, etc.), although these initiatives are included in this Intellectual Property Strategic Program, and the principals involved will continue to collaborate together to actively implement them, continual review and supplementation will be needed to adapt to changes in the global economy and the technological and industrial structure.

(2) Measures for the Future

In light of the current situation and challenges discussed above, the following initiatives are being promoted by relevant ministries and agencies in order to facilitate community-based IP education tailored to primary, secondary and higher education.

<<Promotion of Education about Intellectual Property in Schools and Universities>>

(Promotion of Education about Intellectual Property in Schools and Universities)

- Implement cross-section curriculum management in line with the direction of the next government-issued course of study to help schools clarify core subjects for cultivating qualities and competencies related to IP, and thereby foster creativity, encourage protection and utilization of intellectual property and promote an understanding of its significance. (Short-term, Medium-term) (Ministry of Education, Culture, Sports, Science and Technology)
- Focus on high schools offering advanced math and science courses as targets for initiatives which will utilize the insights of universities, companies and other relevant organizations to develop

creativity capable of using rules and principles and other knowledge to produce tangible, real-world results and to apply this creative capacity to the active utilization and commercialization of intellectual property for the future. (Short-term, Medium-term) (Ministry of Education, Culture, Sports, Science and Technology)

(Promotion of Education about Intellectual Property in Universities)

- Encourage universities and technical colleges to take the initiative in establishing courses related to IP and standardization, using Joint Usage / Education Center-designated Yamaguchi University's adoption of IP-related compulsory courses, or the progressive initiatives of technical colleges, as examples. (Short-term, Medium-term) (Ministry of Education, Culture, Sports, Science and Technology; Ministry of Economy, Trade and Industry)
- Promote the independent efforts of teacher training faculties at universities to equip teachers with the ability to foster creativity and to provide an appreciation for the significance of IP amongst elementary, junior and senior high students.

(Short-term, Medium-term) (Ministry of Education, Culture, Sports, Science and Technology)

- With the aim of growing the number of human resources capable of handling standardization, work to expand the amount of standardization-related education in universities to more than a single class, introducing standardization-related topics into coursework throughout the academic term, for both the humanities and the sciences. (Short-term, Medium-term) (Ministry of Economy, Trade and Industry)
- In light of the fact that IP strategy is part of business management, bolster IP education within law schools and business management-related graduate programs. (Short-term, Medium-term) (Ministry of Education, Culture, Sports, Science and Technology)

<<Construction of an Educational Support System in Partnership with Local Governments and Communities>>

(Building of an Intellectual Property Education Promotion Consortium (provisional title))

- In order to facilitate the creation of an educational support system which is grounded in the local community, construct an "Intellectual Property Education Promotion Consortium" (provisional title) in 2016 which is comprised of relevant ministries and agencies, classrooms, companies and other stakeholders. (Short-term, Medium-term) (Cabinet Office; Ministry of Education, Culture, Sports, Science and Technology; relevant ministries and agencies)
- Capitalize on the Intellectual Property Education Promotion Consortium (provisional title) to broadly consolidate, and circulate, IP education-related content to be offered to classrooms and which includes IP-related topics applicable to each course subject. (Short-term, Medium-term) (Cabinet Office; Ministry of Economy, Trade and Industry; Ministry of Education, Culture, Sports, Science and Technology)

(Formation of a Regional Consortium (provisional title))

- In order to help foster creativity in the classroom, as well as to help students learn about the

protection, utilization and significance of IP, secure the participation of relevant industry, academia and government organizations in facilitating the construction of a "Regional Consortium" (provisional title) to work together with local communities to develop IP education. (Short-term, Medium-term) (Cabinet Office; Ministry of Education, Culture, Sports, Science and Technology; relevant ministries and agencies)

<<Infrastructure Development for Intellectual Property Education and Awareness Raising>>

(Teaching Materials Improvement)

- Discuss how teaching materials can best be used to contribute to IP education, focusing not only on IP rights but also the Unfair Competition Prevention Act, Copyright Act and standardization-related current topics, and from this discussion develop and circulate IP education-focused teaching materials. (Short-term, Medium-term) (Ministry of Economy, Trade and Industry; Ministry of Education, Culture, Sports, Science and Technology)
- In order to support educators connected with IP education, promote the use of training seminars and other events aimed at educators in each region who are using the teaching materials that have been developed. (Short-term, Medium-term) (Ministry of Education, Culture, Sports, Science and Technology)

(Internationalization of the Intellectual Property Education Program)

- In order to equip human resources with the ability to function on an international stage, encourage the addition of IP-related courses in English as well as overseas mutual student exchange. (Short-term, Medium-term) (Ministry of Education, Culture, Sports, Science and Technology)
- In order to expand Japan's IP system globally and to secure the world's best IP human resources, work together with overseas academic and research organizations to develop an English language IP education program, and engage in discussion and implement necessary measures to develop a system for steadily implementing this IP education program. (Short-term, Medium-term) (Ministry of Economy, Trade and Industry)

(Raising Public Awareness; Qualification System Utilization)

- In order to improve IP-related knowledge amongst the general populace, promote awareness-raising activities and encourage the acquisition of IP-related qualifications, such as through the Intellectual Property Management Skills Test. (Short-term, Medium-term) (relevant ministries and agencies)

(Development of Environment for Protection of Inventions by Underage Inventors)

- With regard to inventions created in classrooms by underage inventors, discuss how to handle the listing of patent disclosure information, such as addresses and legal representatives, from the perspective of protecting privacy while also encouraging further creative activity on the part of young inventors. (Short-term, Medium-term) (Ministry of Economy, Trade and Industry)

2. Promotion of Regional, SME, Agriculture, Forestry and Fishery, etc., Intellectual Property Strategy Creation

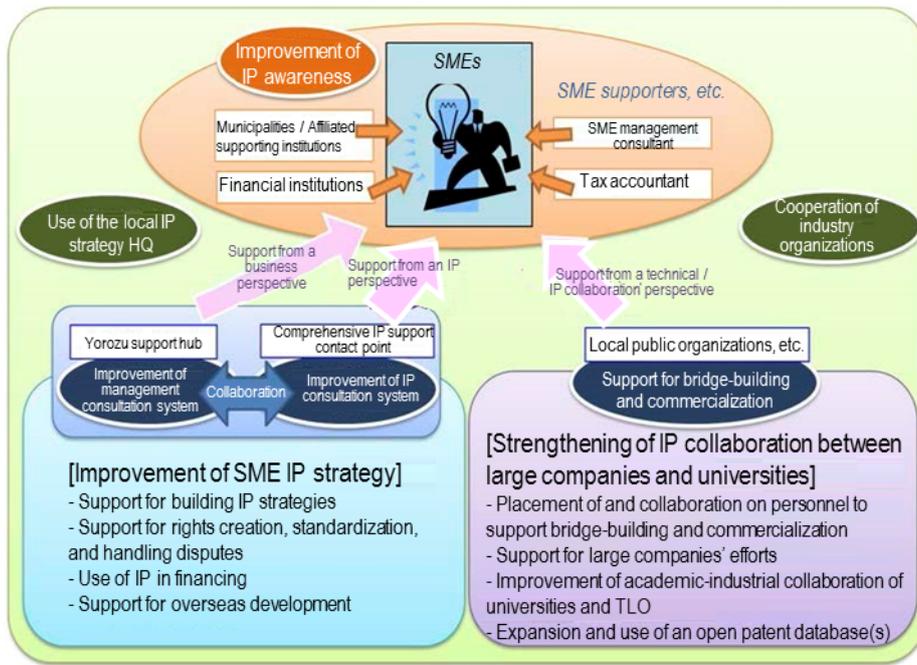
(1) Current Situation and Challenges

It is extremely important that awareness and utilization of intellectual property be broadly promoted and popularized as a means of fundamentally improving Japan's overall competitiveness. In particular, the promotion and popularization of IP use amongst SMEs and the agriculture, forestry and fisheries industries, given their importance in sustaining local economies, is an important issue connected with regional revitalization via the stimulation of local economies.

The "Intellectual Property Strategic Program 2015" sorted SMEs into two types, according to their size and the nature of their business model, and sought to foster a more robust IP strategy tailored to the characteristics of each type. The first type of SME is the "Intellectual Property Use Challenger Type," which consciously seeks to acquire rights for the IP it possesses, and then boldly uses these in the independent development, production and expansion, including overseas expansion, of its own products; while the second type is the "Intellectual Property Use Developing Type," which does not possess IP (particularly technology) for which rights can be acquired, has little awareness of IP, has fixed products, sales channels and customers, and is often in the position of being a subcontractor.

In the case of intellectual property use challenger-type SMEs, the "Intellectual Property Strategic Program 2015" sought to primarily strengthen consultation and support from the perspective of both IP and business, and to promote the utilization of IP in financing; but in the case of intellectual property use developing-type SMEs, an emphasis was placed on raising awareness of IP and the opportunities for new business growth it presents. And in order to combine this with support for IP collaboration, such as using large corporations' or universities' IP for SME-driven commercialization, an emphasis was placed on strengthening the capacity for supporting bridge-building and commercialization. A collective package of measures was therefore assembled as the "Local Intellectual Property Utilization Promotion Program" to bolster the measures available for supporting SMEs.

[Local Intellectual Property Utilization Promotion Program]⁸



[List of IP Support Measures Tailored to the Characteristics of SMEs]⁹

SMEs (3.85 million companies)		Nationally supported menus			Local support menu	
Industry	Characteristics	Systems	Consultation / IP strategy-related	Funding		
Manufacturing industry 430k companies (11%) Proportion of applications Patents: 74% Designs: 67%	(1) Technology / manufacturing In-house development * Companies with high development capabilities that expand overseas with in-house technology Subcontracting / Local industries * Companies that aim to outgrow subcontracting with technology cultivated through subcontracting.	Initial screening (patents)	Comprehensive IP support contact point Dispatch of legal experts overseas Support for the implementation of regulations on employee inventions	Subsidies for applications in foreign countries Infringement countermeasure subsidies Subsidies for business that uses Japan-developed IP IP lawsuit insurance Measures to reduce royalties, etc. (Implemented in April 2016)	Project producers Local support subsidies Implemented by Economic Affairs Bureaus, etc. (Examples) IP-business matching Promotion of academic-industrial collaboration Practical training for SME managers Promotion of design usage	

As many have pointed out, however, IP awareness among SMEs remains low. Also, the support

⁸ Source: Intellectual Property Strategy Headquarters' "Intellectual Property Strategic Program 2015" (June 2015)

⁹ Source: Patent Office Materials from the 4th meeting of the Verification, Evaluation, and Planning Committee's Conference to Address Industrial Property Right Fields

measures which exist for SMEs are extremely hard for the SMEs who would use them to understand, with many stating that "I don't know where I should go to get help," and "I wasn't even aware help was available;" thus, awareness of IP needs to be improved among SMEs and the accessibility of the support measures themselves also needs to be improved.

Moving forward, it is important that IP awareness-raising efforts be strategically developed further around Comprehensive Intellectual Property Support Counters in order to motivate intellectual property use developing-type SMEs to actively seek the benefits of IP. At the same time, it is also hoped that those parties which work closely with and support SMEs, such as local governments, financial institutions, SME management consultants, and chambers of commerce and industry, will contribute to motivating SMEs with regard to IP. In addition, it is important that a deeper relationship be cultivated between SMEs and Yorozu Support Centers, which exist to provide business consultation services to SMEs, to thereby raise awareness of SME support measures and to provide more user-focused support.

At the same time, however, for intellectual property use challenger-type SMEs, the TPP Agreement represents a further opportunity for new market development. Therefore, the overseas expansion of intellectual property use challenger-type SMEs must be accompanied by a more robust and comprehensive support system, encompassing everything from overseas IP risk-related information provision to IP surveying, rights acquisition and infringement countermeasures; and it is important to promote efforts encouraging the standardization of, and acquiring overseas certification for, stand-out technologies and products by smaller, highly-rated firms. Further, in order to promote the utilization of IP in finance, it is important that the Intellectual Property Business Valuation Report be expanded and improved.

In 2May 015, with the aim of promoting IP strategy in regional agriculture, forestry and fisheries industries, the Ministry of Agriculture, Forestry and Fisheries drew up the "Ministry of Agriculture, Forestry and Fisheries' Intellectual Property Strategy 2020" to emphasize the importance of building a business model which takes into consideration the globalization taking place in recent years within the agriculture, forestry and fisheries industries and food industries, as well as the importance of IP management in support of this business model. In line with this document, and in order to foster regional revitalization and improve international industrial competitiveness, efforts are being made to utilize a geographical indication (GI) system in the discovery, creation and use of local brands, as well as to improve brand value. Also, more flexible IP strategies, such as seeking to protect globally valuable research results in the food industry, are being implemented to accommodate the changing environment for the agriculture, forestry and fisheries industries. Further, with the aim of improving the brand value of Japanese alcoholic beverages, the National Tax Administration Agency last year began clarifying the requirements for receiving GI designation, codifying rules for standardized labeling which is more easily understood by consumers and undertaking other system revisions to foster greater use of GI for alcoholic beverages.

Looking ahead, it is important that the TPP Agreement be capitalized upon to promote exports of Japanese agricultural, forestry, fishery and alcoholic products, and it is essential that IP management

which includes countermeasures against technological outflow in the agriculture, forestry and fisheries industries be promoted and that overseas IP infringement countermeasures be strengthened. Thus, the Geographical Indications Act (GI Act) needs to be revised so as to foster more strategic promotion, such as through support for GI and regional collective trademark-driven branding, stronger rights protection for new plant breeds, and stronger countermeasures against overseas infringement.

(2) Measures for the Future

In light of the current situation and challenges discussed above, the following initiatives are being promoted by relevant ministries and agencies to promote greater awareness and more widespread usage of the business support available in each category for Intellectual Property Use Challenger Type SMEs and Intellectual Property Use Developing SMEs, as well as to promote the global expansion, and protection from overseas infringement, of Japanese agricultural, forestry, fisheries, food and alcoholic products, so that Japanese industry can better capitalize on its latent IP potential.

<<Strategic Dissemination Aimed at Intellectual Property Use Developing SMEs>>

(Strategic Intellectual Property Dissemination Activities)

- In order to foster the strategic spread of IP amongst local SMEs unfamiliar with it, actively make use of Comprehensive Intellectual Property Support Counters to raise awareness, as well as raise awareness about IP among relevant SME support personnel in local governments, financial institutions, SME management consultants, chambers of commerce and industry, etc., in order to promote IP utilization among SMEs. (Short-term, Medium-term) (Ministry of Economy, Trade and Industry)
- In order to better identify latent IP-related needs from business discussions with SMEs, strengthen the awareness-raising activities of Yoroazu Support Centers and install additional personnel capable of handling IP-related consultations. (Short-term, Medium-term) (Ministry of Economy, Trade and Industry)
- In order to eliminate the shortage of IP support personnel, which is one of the hindrances to widespread local SME IP-related promotion activities, promote the cultivation of personnel capable of handling such activities. (Short-term, Medium-term) (Ministry of Economy, Trade and Industry)
- In order to raise IP awareness amongst local SMEs and their supporters to thereby promote appropriate IP-focused efforts, encourage the acquisition of intellectual property management skills qualifications. (Short-term, Medium-term) (Ministry of Economy, Trade and Industry)

<<Strengthening of Domestic Support for Intellectual Property Use Challenger Type SMEs>>

(Strengthening of Consultation Capabilities Related to Intellectual Property Utilization in Business)

- In order to link suitable bridge-building and commercialization support personnel projects, which are aimed at technical consultations with SMEs, with the stimulation of inter-industry collaboration and industry-academia collaboration, promote the linking up of Yorozu Support Centers with the various types of bridge-building and commercialization support personnel to further bolster the consultation system. (Short-term, Medium-term) (Ministry of Economy, Trade and Industry; Ministry of Education, Culture, Sports, Science and Technology)

(Promotion of Pioneering and Ambitious Local IP Activities)

- In order to expand on a national scale those efforts which are aimed at improving local IP support capabilities, provide stronger support for pioneering IP support activities being undertaken by ambitious parties connected with local SME support. (Short-term, Medium-term) (Ministry of Economy, Trade and Industry)

(Strengthening Support for Local SME Intellectual Property Activities)

- In order to strengthen support for smaller, highly-rated firms and venture businesses which contribute to regional revitalization, make use of the Comprehensive Intellectual Property Support Counters, which are operated by the National Center for Industrial Property Information and Training (INPIT) and which serve as a point of contact for local SMEs and others, to help with the cultivation of greater business development strength via IP competitiveness analyses, as exemplified by comprehensive patent information analyses and SWOT analyses.¹⁰ (Short-term, Medium-term) (Ministry of Economy, Trade and Industry)

(Promotion of Intellectual Property Management by SMEs)

- In order to promote greater visualization of intangible assets, including the intellectual property of SMEs, encourage companies to independently produce their own IP management reports, utilizing relevant accounting systems as a reference point, and discuss how to raise awareness of the effective ways in which such reports can be utilized. (Short-term, Medium-term) (Ministry of Economy, Trade and Industry)

(Promotion of Intellectual Property Utilization in Financing)

- In order to promote IP utilization in corporate feasibility assessments by financial institutions, incorporate the feedback of financial institutions in making the "Intellectual Property Business Valuation Report" more user friendly, and have Senior Specialists for Industrial Property Rights visit financial institutions individually, conduct IP seminars for targeted personnel of financial institutions, host an Intellectual Property Finance Symposium and enact other, more comprehensive efforts. Also, draw up a manual of collected and analyzed financing examples which utilize the Intellectual Property Business Valuation Report, and distribute this manual to

¹⁰ SWOT analysis is business strategy creation method that utilizes factor analysis in the four categories of "Strength," "Weakness," "Opportunities" and "Threats" to determine the optimal utilization of business resources in the face of changes in the business environment.

financial institutions. (Short-term, Medium-term) (Ministry of Economy, Trade and Industry; Financial Services Agency)

(Strengthening of Support for Design and Brand-driven Commercialization)

- In order to foster the creation of added-value products and services by local SMEs, as well as the development of new markets, provide more robust support for design and brand-driven high added value product development, own brand creation, new field development, local brand creation and other such efforts aimed at commercialization. (Short-term, Medium-term) (Ministry of Economy, Trade and Industry)

<<Support for Intellectual Property Rights Acquisition, Standardization and Utilization>>

(Strengthening of the Regional Intellectual Property Support System)

- In order to stimulate a higher level of intellectual property activity at the prefectural level, make use of the local IP strategy headquarters to coordinate with local governments and other relevant parties to provide a stronger push for broad-based collaboration amongst local governments. (Short-term, Medium-term) (Ministry of Economy, Trade and Industry; Cabinet Office)

(Support for Local Intellectual Property Rights Acquisition and Utilization)

- In order to support IP rights acquisition and utilization by local SMEs, provide greater support for visiting interviews, television interviews and circuit trials. (Short-term, Medium-term) (Ministry of Economy, Trade and Industry)
- In order to promote IP utilization by local SMEs, increase the number of circuit patent offices and make a greater effort to raise regional awareness of the IP systems and support available. (Short-term, Medium-term) (Ministry of Economy, Trade and Industry)

(Discussion of Support for Patent Process Simplification and Patent Cost Reduction)

- Broadly publicize the fee system enacted in April 2016 (which reduced patent and trademark-related fees and revised the international search fees related to international patent applications) and discuss ways to simplify the patent process and reduce patent costs in order to encourage more SMEs to apply for patents. (Short-term, Medium-term) (Ministry of Economy, Trade and Industry)

(Promotion of Standardization for Smaller, High-rated Firms)

- Publicize domestic and overseas examples of standardization and their significance, as well as relevant support organizations, in order to push the standardization of stand-out technologies and products by smaller, highly-rated firms. (Short-term, Medium-term) (Ministry of Economy, Trade and Industry) [Reprint]
- Strengthen the scope and detail of those systems in place for everything from candidate identification to standards creation to certification acquisition by supporting community-wide

standardization of the performance, etc., of outstanding local technology and products, such as through the utilization of the "New Market Creation Standardization System" to address standardization for integrated technologies and advanced technologies; by working together with a wide array of relevant parties, including local governments, industrial support organizations, financial institutions and certifying bodies, to utilize and bolster the "Partnership System for Support of Standardization Utilization" to promote standardization of smaller, highly-rated firms' technology and products; and by utilizing regional revitalization promotion subsidies. (Short-term, Medium-term) (Ministry of Economy, Trade and Industry) [Reprint]

(Intellectual Property Dispute-related Support)

- In order to address IP dispute resolution cost-related challenges for SMEs, discuss concrete ways of publicizing and supporting public-private initiatives aimed at further developing intellectual property-inclusive litigation expense insurance which is available to SMEs. (Short-term) (Ministry of Economy, Trade and Industry)
- In order to address IP dispute resolution human resource-related challenges for SMEs, establish a backup system for counselors handling IP dispute resolutions at Yorozu Support Centers, such as by including a lawyer on the support team at the national head office to advise local counselors. (Short-term, Medium-term) (Ministry of Economy, Trade and Industry)
- In order to support regional access to IP specialists, work with relevant bodies to create a more robust system whereby those in more regional areas can request the help of a specialist in IP dispute resolution. (Short-term, Medium-term) (Ministry of Justice; Ministry of Economy, Trade and Industry)

(Cultivation of Patent Attorneys Capable of Supporting Strategic Intellectual Property Utilization)

- In order to better foster the cultivation of patent attorneys capable of supporting the creation of IP strategies having both an intellectual property and business focus for SMEs and venture businesses, engage in feedback sessions with industry representatives, including SMEs and big businesses, and reflect the feedback received in the training curriculum for consulting training geared towards patent attorneys. (Short-term, Medium-term) (Ministry of Economy, Trade and Industry)
- In order to cultivate patent attorneys who are "intellectual property-related specialists," further enhance the training provided to patent attorneys to encompass support for IP protection and utilization, including open and closed strategy standardization and trade secret concealment, and strengthen initiatives aimed at revising the patent application profit structure. (Short-term, Medium-term) (Ministry of Economy, Trade and Industry)

<<Strengthening of Support for Overseas Expansion>>

(Strengthening of Intellectual Property Support Aimed at SMEs Capitalizing on the TPP Agreement for Overseas Expansion)

- In order to provide IP-related support for SMEs seeking to capitalize on the TPP Agreement in

order to expand overseas, strengthen comprehensive support from acquisition to exercise/utilization of IP rights for SMEs. (Short-term, Medium-term) (Ministry of Economy, Trade and Industry)

(Overseas Dispatch of Specialists)

- In order to develop an IP support system overseas for Japanese SMEs, especially to provide information which will help SMEs strategically utilize IP to foster their overseas expansion, dispatch patent attorneys and other qualified legal professionals overseas, take advantage of the "New Exports Promotion Consortium of Major Nations" and in general work together with local Japanese consulates and the Japan External Trade Organization (JETRO) to strengthen the support systems and initiatives in place overseas. (Short-term, Medium-term) (Ministry of Economy, Trade and Industry; Ministry of Justice; Ministry of Foreign Affairs)

(Supporting the Acquisition of Overseas Certification by Smaller, High-rated Firms)

- In order to provide support to smaller, highly-rated firms in obtaining essential testing data and certifications to satisfy local regulations when expanding overseas, promote participation by certifying bodies in the "New Exports Promotion Consortium of Major Nations," which capitalizes on the TPP Agreement to support the overseas expansion of smaller, highly-rated firms, and encourage testing and certifying bodies to work together with the consultation centers of the Japan External Trade Organization (JETRO) to provide individual consultations. (Short-term, Medium-term) (Ministry of Economy, Trade and Industry) [Reprint]

<<Promotion of Intellectual Property Strategy in Agriculture, Forestry and Fishery>>

(Promotion of Intellectual Property Strategy in Agriculture, Forestry and Fishery)

- In order to promote IP strategy in the agriculture, forestry and fisheries industries, use the "Ministry of Agriculture, Forestry and Fisheries' Intellectual Property Strategy 2020" (released in May 2015) as the basis for steady, vigorous IP strategy implementation, and conduct regular verifications and, when needed, make revisions to strategies and policies. (Short-term, Medium-term) (Ministry of Agriculture, Forestry and Fisheries)

(Promotion of Geographical Indication (GI) Utilization for Agricultural, Forest and Fishery Products and Food Products)

- In order to promote the use of the geographical indication (GI) system for agricultural, forest and fishery products and food products, continue to develop consultation centers for GI registration application-related issues; publicize awareness of the GI system; promote a better understanding of the importance of the GI system; support the utilization of the GI system to commercialize regional brand products; and promote measures to deal with overseas IP infringements of Japanese agricultural, forest and fishery products and food products, including GI products. (Short-term, Medium-term) (Ministry of Agriculture, Forestry and Fisheries)

(Promotion of Branding in Agriculture, Forestry and Fishery)

- In order to promote branding within the agriculture, forestry and fisheries industries, make use of seminars and other opportunities to publicize and promote branding support measures which utilize both the "Geographical Indication System" and "Regional Collective Trademark System." Also, develop better coordination between these two systems, such as a system enabling the local consultation centers of each system to communicate with one another. (Short-term, Medium-term) (Ministry of Agriculture, Forestry and Fisheries; Ministry of Economy, Trade and Industry)

(Improvement of Brand Value of Japanese Alcoholic Beverages)

- In order to improve the brand value of Japanese alcoholic beverages, thoroughly publicize and encourage use of the geographical indication (GI) system for alcohol, and work with countries which have also introduced a GI system for alcohol to create a framework for ensuring appropriate protection, thereby promoting the export of Japanese alcoholic beverages. (Short-term, Medium-term) (Ministry of Finance)

(Raising Awareness about Intellectual Property Management among Agriculture-related Professionals)

- In order to help agriculture-related professionals prevent technological leaks, to construct IP-driven business models and to implement strategic IP management to support said models, engage in awareness raising about IP protection and utilization. (Short-term, Medium-term) (Ministry of Agriculture, Forestry and Fisheries)

(Expanded Support for the Overseas Expansion of the Seed and Seedling Industry)

- In order to strengthen protections overseas of plant varieties developed in Japan, and thereby help the overseas expansion of the Japanese seed and seedling industry, promote the application for variety registration overseas and implement other comprehensive measures. (Short-term, Medium-term) (Ministry of Agriculture, Forestry and Fisheries)

(Expansion of Scope of Plant Breeder's Rights to Autologous Propagation)

- In order to promote the development of new plant varieties by ensuring the legitimate interests of those with plant breeder's rights, work to expand the scope of plant breeder's rights beyond the Plant Variety Protection and Seed Act to include autologous propagation by agricultural professionals, keeping in mind the impact this may have on agricultural production sites. (Short-term, Medium-term) (Ministry of Agriculture, Forestry and Fisheries)

(Strengthening Support for Rights Infringement Measures)

- Given the large number of registered carnation varieties that have been added to the plants covered by the plant variety DNA analysis and identification service offered by the National Center for Seeds and Seedlings, create a genetic database of registered carnation varieties which

allows for a rapid response when infringements occur. (Short-term, Medium-term) (Ministry of Agriculture, Forestry and Fisheries)

(Elimination of Fees for Overseas Provision of Plant Variety Registration Examination Results)

- In order to promote the registration of Japanese plant varieties overseas, develop a system for providing the results of plant variety registration examinations conducted in Japan to overseas examination authorities free of charge. (Short-term, Medium-term) (Ministry of Agriculture, Forestry and Fisheries)

(Appropriate Protection Overseas)

- In order to facilitate plant variety protection overseas, utilize The East Asia Plant Variety Protection Forum to help implement cooperative efforts such as hosting essential awareness-raising seminars and examination technology training as required by country. (Short-term, Medium-term) (Ministry of Agriculture, Forestry and Fisheries)

No. 3. Promotion of New Content Expansion

1. Overseas Expansion of Content and Strengthening of Industrial Infrastructure

(1) Current Situation and Challenges

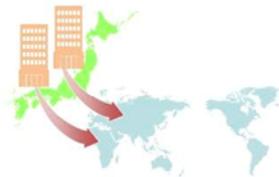
Animation, comics, films, music, video games, broadcast programs and other creative content are representative elements of Cool Japan and are areas of expected future growth. In order to realize this growth, it is important to not only grow sales via expansion of creative content into overseas markets, but to also use this content to communicate the appeals of Japan and thereby grow the number of "Japan fans" overseas; this in turn will have a ripple effect for related industries by contributing to the overseas expansion of products and services from non-creative content industries, as well as increase the number of overseas visitors to Japan.

From this standpoint, the growth measures which the government has enacted to support the overseas expansion of creative content industries have had a certain level of success. For example, the JLOP efforts which were begun in 2012 are used to foster the localization of subtitling, dubbing and other aspects crucial to selling film content overseas, as well as to promote film content at international film festivals overseas, and the total amount of overseas sales in FY2015 for JLOP users grew 124.7 billion yen from FY2012, while businesses which took advantage of JLOP efforts to begin expanding overseas comprised more than 40% of all JLOP users; thus, JLOP efforts have provided a strong push for the overseas expansion of creative content industries. Also, JLOP efforts have contributed to overseas market expansion of non-creative content industries via collaboration with creative content industries, and thank to the fact that JLOP users span 31 different prefectures, JLOP efforts are also contributing to regional revitalization.

[JLOP Results¹¹]

¹¹ Source: Created from materials used at the 2nd and 3rd meetings of the Ministry of Economy, Trade and Industry's "Verification, Evaluation, and Planning Committee Content Field Conference"

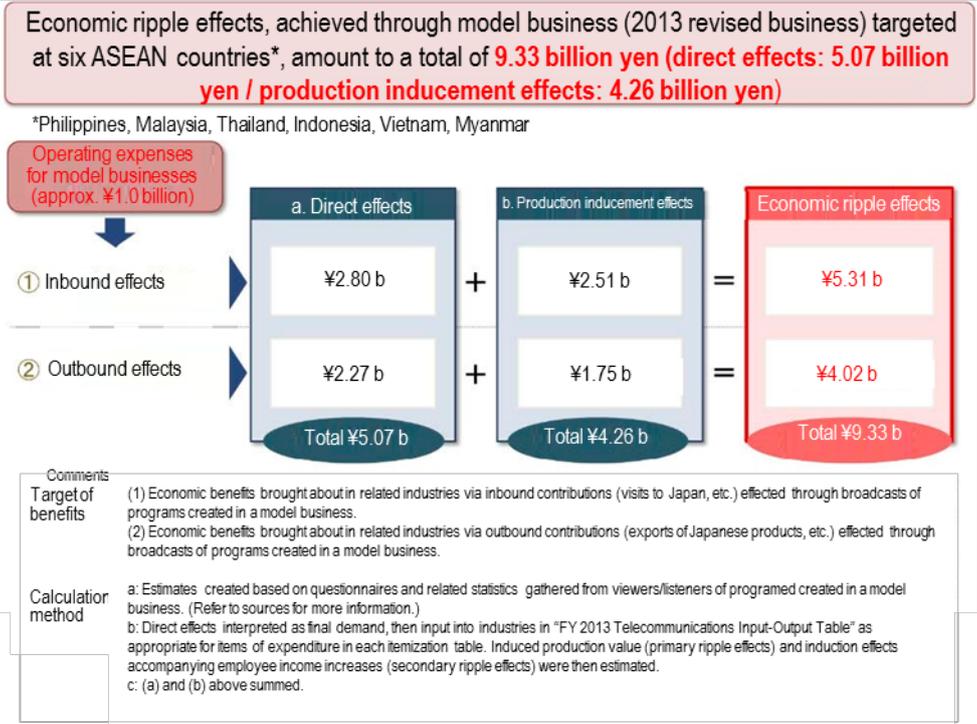
- **Large increase** in the number of foreign countries into which JLOP-using companies are expanding.
- Through JLOP use, 260 companies (**40%** of all JLOP users) **expanded overseas for the first time**.
- Overseas sales in FY 2015 for all JLOP-using companies **increased by a total of 124.7 billion yen** (compared to FY 2012).
- Overseas sales in FY 2015 for non-media content companies collaborating with JLOP projects **increased by a total of 64.8 billion yen** (compared to FY 2012).



Also, since FY2014, JLOP has been used with consistent success for such initiatives as securing broadcast slots at the broadcast stations of developing nations to provide Japanese programming and jointly produced programming suited to local needs. Overseas broadcast content-related market sales in FY 2014 increased 14.36 billion yen (3.70 billion yen (35.9%) year-on-year increase), and it is furthermore estimated that the economic ripple effect for the ten representative projects of all projects funded in the Ministry of Internal Affairs and Communications' supplemental budget for FY2013 was 9.33 billion yen.

[Economic Ripple Effect of Broadcast Content Overseas Expansion Model Business¹²]

¹² Source: Ministry of Internal Affairs and Communications "Document 2-2 of the Fourth Verification, Evaluation, and Planning Committee Content Field Conference"



In order to ensure that businesses are able to systematically and steadily expand Japanese creative content into overseas markets, it is essential to continue measures which promote overseas expansion. It is also essential, from the standpoint of fostering an economic ripple effect, to make use of educational content and other content to endear children towards Japan, and given the fact that creative content-related business depends heavily upon being able to produce hits, continuing to successfully expand overseas will enable the creation of major hits.

Thus, in order to achieve sustained overseas expansion, it is important that fundamental initiatives aimed at bolstering the creative content industries as a whole be implemented, including initiatives which the government is best positioned to implement, such as convincing foreign governments to relax restrictions on the importation and domestic screening/televising of foreign-made creative content and collecting and publicly disseminating information about the progress of overseas expansion for publicly supported creative content, as well as capitalizing on foreign exchange students and cultural exchange to ensure the sort of cultural interaction needed to grow the ranks of overseas Japan fans.

The power of appealing Japanese content is not limited to content-creating industries; rather, by connecting such content with unrelated industries and areas outside the scope of economic activity, new and unexpected value can be created which helps stimulate Japanese industry and fosters overseas expansion of non-content creating industries. It is from this standpoint, and in line with the "Intellectual Property Strategic Program 2015," that the "Cool Japan Public-Private Partnership Platform" was established in December 2015 in order to serve as a mechanism for specific promotion of essential, integrated development between content-producing and non-content-producing industries. It was under the auspices of this Platform that the "Cool Japan Business Seminar" was held in collaboration with the comprehensive, commercial "Anime Japan"

animation event in March 2016 to facilitate cross-sector matching for content-related industries and others.

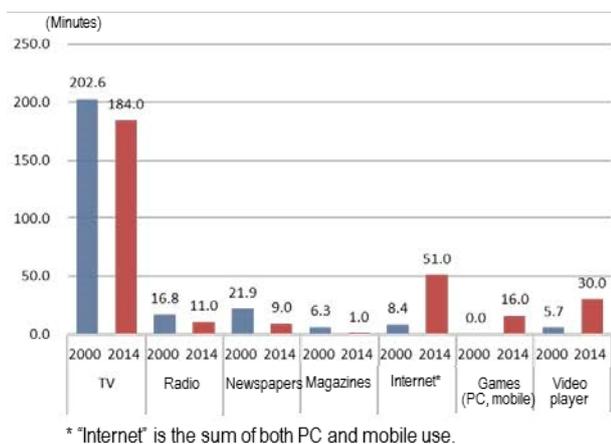
Further, the 2020 Tokyo Olympics/Paralympics will be a perfect opportunity to perform "Cool Japan" communication of Japan's appeal, given the fact that the eyes of the world will be focused on the event, and thus a plan is underway to work with the private sector to establish Cool Japan hubs in the Haneda and Takeshiba regions of Tokyo for collecting and disseminating animation and other creative content, as well as a variety of arts and culture information.

It is important that the Platform be utilized jointly by the public and private sectors to promote Cool Japan initiatives, such as cross-sector collaboration, including Japanese food, culture, tourism and regional sectors, and in support of private-sector hub establishment.

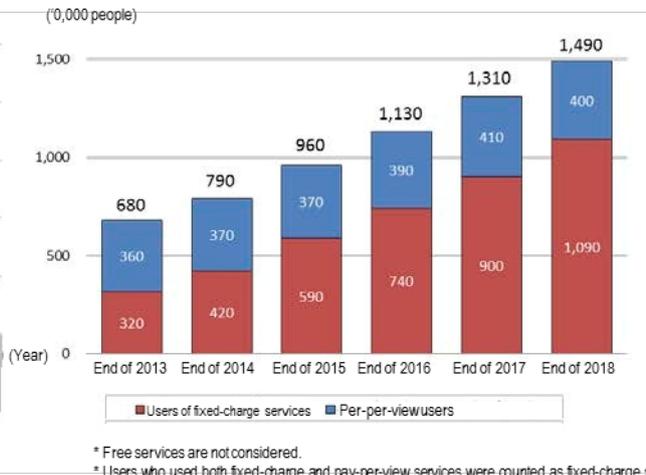
The environments surrounding creative content-related industries (particularly film) have changed greatly in recent years. For example, until recently, Japan has preferred flat, two-dimensional expression and has resisted the photo-realistic, 3DCG animation popular overseas. However, with 3DCG works now topping the box office, CG expression has become accepted within Japan, and the demand for CG is expected to grow further. The popularization of CG-driven creation and the digitalization of the film-making process is expected to improve process control and operational efficiency; however, at the same time, it also bring a variety of changes, including increasing software and hardware-related financial burdens.

The media environment is also witnessing tremendous change in recent years. As people spend more time playing Internet, PC and mobile device games, they spend less time using traditional media, such as television and radio. The changes in the media environment are also likely due in large part to the growth of the video streaming service market; however, it is expected that these changes in the media environment will drive business model changes.

**[Amount of Media Exposure (at home)
2000-2014 comparison¹³]**



**[Paid Video Streaming Services
No. of Users Expected Demand¹⁴]**



¹³ Source: Dentsu Communication Institute Inc. "Information Media White Paper 2015"

¹⁴ Source: ICT Research & Consulting "Survey of Paid Video Streaming Service Usage Trends for 2015"

In addition to these changes in the environment and industry conditions, there is the issue of insufficient profit from creative content creation actually making its way back to those in creative content-creation workplaces, which is a factor hindering Japan's strength in creative content creation. Given all of this, in order to sustainably produce content displaying the appeals of Japan, the foundations of the creative content industry need to be strengthened. In order to do this, the challenges of how to go about offering public financial support and of procuring financing, as well as other systemic challenges, need to first be discussed, and the feasible solutions arrived at need to be promptly implemented. Second, creative content industry human resources need to be cultivated who are capable of adapting to the changing content creation environment and the shift towards digitalization; thus, industry, academia and government need to work together and share information to determine specifically what sorts of human resources are needed, and how to go about cultivating them. Third, efforts are needed to foster fairer business practices in the creative content industries, especially film-making, so that a fair amount of profit is returned to the content creation workplace. Fourth, it is important to broaden the scope of content creation in Japan in order to breathe new life into the country's wealth of regional resources.

[Customs Interdictions of Intellectual Property-infringing Articles¹⁵]



Overseas expansion and foundational strengthening will also require measures which combine the promotion of authorized content distribution with counterfeiting and piracy countermeasures. The damage incurred from counterfeiting and piracy has become global in scale and has accompanied the globalization of economic activity; thus, in order to more effectively address this situation, it is important that Japan collaborate with other countries to construct a cooperative structure. In May 2015, the fourth meeting of the Japan-China Intellectual Property Right Working Group was held, with both sides recognizing the need for stronger, collaborative action; however, continued intergovernmental cooperation, government-industry appeals to China's foreign

¹⁵ Source: Ministry of Finance "Customs Interdictions of Intellectual Property-infringing Articles in 2015"

ministry and agencies, training for overseas customs agency personnel, and other efforts are called for.

Also, specifically with regard to the growing problem of on-line copyright infringement accompanying the spread of digital networks in recent years, peripheral measures are being implemented in collaboration with relevant ministries and agencies or are being spearheaded by private sector copyright-related organizations and creative content companies, with such measures including take-down requests sent to the operators of websites to which illegal content has been uploaded, direct legal action against copyright infringers, collaboration with security software companies to filter infringing sites, collaboration with search service companies to block search results displaying infringing sites, and requesting suppression of online advertising on infringing sites. At the same time, it is important to raise public awareness about IP rights protection in order to cultivate a stronger public mindset against counterfeiting and piracy.

(2) Measures for the Future

In light of the current situation and challenges discussed above, the following initiatives are being promoted by relevant ministries and agencies to promote greater dissemination and expansion of creative content overseas.

<<Strengthening of Collaboration between Content and Non-content>>

(Promotion of Collaboration Amongst Diverse Fields)

- In order to obtain the maximum anticipated ripple effects, such as local economic revitalization and an increase in the number of overseas "Japan fans" and the number of overseas visitors to Japan, in a variety of fields through the combined efforts of content-related industries, like Japanese animation, comics and films, and non-content-related industries to expand overseas, promote public-private and cross-sectoral collaboration via such avenues as the "Cool Japan Public-Private Partnership Platform" matching forums. (Short-term, Medium-term) (Cabinet Office; 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; Ministry of the Environment; relevant ministries and agencies)
- Under the auspices of this Platform, and from the standpoint of effectively and broadly conveying Japan's appeals, from animation and other pop culture to more traditional arts and culture, as well as creating new Cool Japan-related industries which incorporate culture industries, provide backing for public-private initiatives aimed at building Cool Japan hubs at the former site of Haneda Airport and elsewhere and foster the creation of networked interconnections between these hubs. In order to accomplish this, clarify what functionality will be required by each hub and discuss what information communication methods are available for building a network amongst these hubs. (Short-term, Medium-term) (Cabinet Office; Ministry of Internal Affairs and

Communications; 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; relevant ministries and agencies)

- Encourage content-driven promotional activities at non-content trade fairs in order to expand the scope of opportunities for communicating Japanese creative content to fans, buyers and others. (Short-term, Medium-term) (Ministry of Economy, Trade and Industry)
- From the standpoint of growing the number of businesses and business categories connected with content-centered overseas expansion and regional development, target non-content-related Japanese businesses and local subsidiaries overseas and discuss ways to effectively communicate examples of successful collaboration with content-related businesses. (Short-term, Medium-term) (Ministry of Economy, Trade and Industry)
- Seek to achieve a multifaceted ripple effect by providing opportunities for communicating Japan's regional appeal overseas together with opportunities to sell goods, promote Japanese tourism, etc., via the Japan Channel Development Project funded by the Cool Japan Fund. (Short-term, Medium-term) (Ministry of Internal Affairs and Communications; Ministry of Economy, Trade and Industry)

(Dissemination of Regional Information)

- Utilize the Broadcast Program Export Association of Japan (BEAJ) to provide support to the creation and ongoing distribution of content, particularly regionally produced content, which communicates the appeal of Japan's regional areas to an overseas audience, and support the development of more sophisticated technology for the production and delivery of this content. Discuss methods for effective expansion of these efforts beyond ASEAN countries to Europe, North America and elsewhere. (Short-term, Medium-term) (Ministry of Internal Affairs and Communications)
- Provide more robust support for the localization and promotion of content, particularly regionally produced content, which communicates the appeal of Japan's regional areas to an overseas audience. (Short-term, Medium-term) (Ministry of Economy, Trade and Industry)
- In order to effectively communicate Japan's regional appeal via creative content, support the creation and dissemination of creative content which helps grow demand for regional products and services and which fosters tourism to regional areas. (Short-term, Medium-term) (Ministry of Economy, Trade and Industry)

(Using Filming Location Availability as a Tool for Communicating Regional Appeal and Fostering Tourism)

- In order to promote movie filming and to stimulate creative activities, compile film shooting location information for Japan, publicize the regional film commissions and engage in ongoing communication of this information domestically and overseas. (Short-term, Medium-term) (Ministry of Education, Culture, Sports, Science and Technology)
- From the standpoint of promoting inbound tourism, invite overseas media to Japan to learn about

the country's regional tourism resources and then communicate the appeal of Japan's less visited regions to an overseas audience. (Short-term, Medium-term) (Ministry of Land, Infrastructure, Transport and Tourism)

- In order to capitalize on film locations as a tool for local tourism promotion, provide necessary support to facilitate the smooth operation of "location tourism coordination councils" comprised of local governments and filming location-related private businesses and organizations, which work together on projects and challenges to improve the filming location support services they offer. (Short-term, Medium-term) (Ministry of Land, Infrastructure, Transport and Tourism)
- From the standpoint of contributing to the promotion of joint international film production and the use of said productions to publicize regional tourism resources, discuss what sorts of approaches to take to encourage location filming in Japan. (Cabinet Office; 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; relevant ministries and agencies)

<<Efforts for Ongoing Expansion of Content Overseas>>

(Market Penetration via Sustained Dissemination of Broadcast Content)

- From the standpoint of easily and simply conveying Japanese culture, traditions, technology, industry and local regions, and thereby contributing to Japan's national "Visit Japan," "Cool Japan" and regional revitalization strategies, work with the BEAJ and others to support the creation and sustained dissemination of content conveying the appeal of Japan, as well as support efforts to improve the technologies involved in creating and disseminating this content. Also, discuss methods for effective expansion of these efforts beyond ASEAN countries to Europe, North America and elsewhere. (Short-term, Medium-term) (Ministry of Internal Affairs and Communications)
- Promote the sustained dissemination of Japanese creative content by making use of the Cool Japan Fund to support efforts aimed at cultivating overseas demand for appealing product and services which capitalize on distinctive aspects of Japanese life and culture. (Short-term, Medium-term) (Ministry of Economy, Trade and Industry)
- Promote the sustained dissemination of Japanese creative content by making use of the Fund Corporation for the Overseas Development of Japan's ICT and Postal Services (JICT) to support overseas broadcasting projects carried out by Japanese businesses. (Short-term, Medium-term) (Ministry of Internal Affairs and Communications)
- As part of the Visit Japan Project, work to contribute to the popularization of Japanese creative content, such as expanding the scope of Japanese broadcast content overseas. (Short-term, Medium-term) (Ministry of Land, Infrastructure, Transport and Tourism)

(Getting Exposure for Japanese Content in Countries with Low Marketability)

- Make use of overseas culture events and other opportunities presented by Japanese consulates and The Japan Foundation to implement projects which contribute to the popularization of

Japanese creative content conveying the various appeals of Japan. (Short-term, Medium-term)
(Ministry of Foreign Affairs)

- In order to develop a foundation for communicating Japanese culture and expanding commercial opportunities in the future, have the Foreign Ministry and The Japan Foundation provide film and video content which a broad cross-section of people would find impacting to television stations in developing countries and elsewhere to be used in appropriate ways suited to that country's needs. (Short-term, Medium-term) (Ministry of Foreign Affairs)

(Creation, Dissemination and Promotion of Content for Overseas Expansion)

- In order to promote the overseas expansion of Japanese content, as well as overseas expansion via the collaboration of content and non-content-producing industries, to achieve effective market penetration, provide sustained support for subtitling and dubbing efforts, localization of content to suit local cultures, exhibition of content at international trade fairs, and advertising placement promotion (JLOP efforts). (Short-term, Medium-term) (Ministry of Economy, Trade and Industry)
- Provide support for the ongoing production costs of joint international film productions between Japan and other countries to thereby foster international cultural exchange via film and to secure opportunities for showing these productions overseas, and discuss mechanisms for promoting Japanese film production, including joint international film production agreements, which reflects overseas needs. (Short-term, Medium-term) (Ministry of Education, Culture, Sports, Science and Technology; Ministry of Economy, Trade and Industry; Ministry of Justice)
- Make use of film localization projects funded by the Cool Japan Fund to develop a foundation for the comprehensive provision of localization, film editing and market development functions, and thereby promote the broadcast and dissemination of Japanese creative content overseas. (Short-term, Medium-term) (Ministry of Economy, Trade and Industry)

(Facilitation of Rights Clearance for Overseas Expansion)

- Promote public-private collaboration in each field to develop an aggregated database of rights information for creative content, etc., in order to make the rights clearance process smoother, thereby promoting the utilization of creative content. (Short-term, Medium-term) (Ministry of Education, Culture, Sports, Science and Technology; Ministry of Economy, Trade and Industry)
[Reprint]

(Strengthening of Overseas Expansion-related Consulting Functions and Provision of Opportunities for Business Negotiations)

- Make use of the Japan External Trade Organization (JETRO), Japanese consulates overseas and other Japanese organizations located outside Japan to facilitate introductions with local businesses and stakeholders, provide information about the situation locally and to provide ongoing consultation services. Also, make use of JETRO and other suitable organizations to continually assist SMEs looking to expand overseas with business negotiation opportunities, such

as overseas trade fairs and overseas buyer invitations. (Short-term, Medium-term) (Ministry of Foreign Affairs; Ministry of Economy, Trade and Industry)

- Make use of the expertise accumulated from the JLOP initiatives to offer consulting services for companies thinking of expanding overseas, as well as to match such companies with project producers possessing experience and expertise related to overseas expansion. (Short-term, Medium-term) (Ministry of Economy, Trade and Industry)
- In order to better match Japanese content-related businesses with content buyers overseas, develop information dissemination capacities which utilize the JAPACON content provision platform.¹⁶ (Short-term, Medium-term) (Ministry of Internal Affairs and Communications; Ministry of Economy, Trade and Industry)

(Sharing of Overseas Market Information)

- In order to further promote overseas expansion of creative content in line with the needs of overseas markets, enlist the aid of JLOP, BEAJ and others in expanding creative content overseas by gathering and analyzing local market information, as well as publicly disclosing this information with the approval of the information providers. (Short-term, Medium-term) (Ministry of Internal Affairs and Communications; Ministry of Economy, Trade and Industry; Ministry of Foreign Affairs)
- In order to understand the economic effects of overseas expansion of creative content, work together with private sector organizations to decide on methods for ascertaining said effects. (Short-term, Medium-term) (Ministry of Internal Affairs and Communications; Ministry of Economy, Trade and Industry; relevant ministries and agencies)

(Promotion of Mutual Cultural Exchange)

- Utilize the "'WA Project' - Toward Interactive Asia through 'Fusion and Harmony'" of the Japan Foundation ASIA CENTER to show Asian films at the Tokyo International Film Festival, to introduce Japanese films to Asia, to invite filmmakers to Japan and to carry out other arts and culture initiatives which will facilitate cultural exchange and the creation of mutual networks between Japan and Asia. (Short-term, Medium-term) (Ministry of Foreign Affairs)
- In order to deepen overseas audiences' understanding of Japanese culture, and to cultivate and strengthen networks amongst Japanese and overseas artists and cultural figures, nominate Japanese artists and cultural figures as "Cultural Exchange Ambassadors" and send them overseas for a fixed period of time to provide lectures, performances, etc., related to Japanese culture; also, invite artists and cultural figures from overseas to come stay in Japan to engage in creative activities and exchange initiatives as "Artists in Residence." (Short-term, Medium-term) (Ministry of Education, Culture, Sports, Science and Technology)

¹⁶ JAPACON (The Japan Contents Showcase) is a portal site which is operated by the Contents Portal Site Executive Committee and which disseminates the latest Japanese creative content to an overseas audience.

<<Implementation of Initiatives to Strengthen Content Industry Infrastructure>>

(Cultivation of Key Human Resources for Creative Content Industries)

- Make use of study abroad opportunities at overseas educational institutions (film schools), internships at overseas studios and other opportunities for cultivating project production personnel who are internationally-minded and capable of handling joint production projects. (Short-term, Medium-term) (Ministry of Economy, Trade and Industry)
- With regard to performers and artists, provide ongoing opportunities to go and train overseas in order to cultivate internationally-minded human resources. (Short-term, Medium-term) (Ministry of Education, Culture, Sports, Science and Technology)
- Utilize projects funded by the Cool Japan Fund to construct a local human resources development platform for supporting the overseas expansion of Japanese creative content. (Short-term, Medium-term) (Ministry of Economy, Trade and Industry)
- In order to bolster the dissemination of Japanese creative content via SNS, carry out marketing and promotion projects (exchange student ambassador projects) in collaboration with exchange students who are overseas fans of Japanese creative content. (Short-term, Medium-term) (Ministry of Economy, Trade and Industry)
- From the standpoint of promoting joint international productions, provide training geared towards broadcast stations overseas in order to help them improve their broadcast program production capabilities and dissemination technology. (Short-term, Medium-term) (Ministry of Internal Affairs and Communications)

(Provision of Young Creator Cultivation and Presentation Opportunities)

- In order to cultivate young creators in the field of animation, support on-the-job training for young animators working as staff members in the creation of original animation works, and provide screenings and other opportunities for young animators to showcase their work. (Short-term, Medium-term) (Ministry of Education, Culture, Sports, Science and Technology)
- In order to cultivate creators in media arts, such as animation, comics and video games, provide support for awards given to outstanding works at media arts festivals, and support the exhibition of media arts award-winning works at overseas media arts festivals. (Short-term, Medium-term) (Ministry of Education, Culture, Sports, Science and Technology)
- In order to cultivate core specialists in animation, comics, video games, CG and other growth fields, promote human resources development efforts in line with the needs of the business world, such as by developing and validating an educational program which is based on a standard model curriculum developed jointly by special vocational schools, universities, etc., and those in the industry and which is easily accessible to regular members of society. (Short-term) (Ministry of Education, Culture, Sports, Science and Technology)

(Improvement of Content Creation Workplace Environments and Promotion of Fair Business Practices)

- In order to help cultivate environments where the benefits obtained from business activities are

properly returned to the content creation workplace and fair business practices are adhered to, ensure that the Anti-Monopoly Act and the Act against Delay in Payment of Subcontract Proceeds, Etc. to Subcontractors are strictly enforced, and publicize and raise awareness of the Guidelines for Fair Business Practices with regard to the importance of improving the labor environment for creators and others. (Short-term, Medium-term) (Fair Trade Commission; Ministry of Internal Affairs and Communications; Ministry of Economy, Trade and Industry)

(Discussion of the Internet-driven Provision of Broadcast Content)

- In order to accommodate the diversification of content viewing environments and changing business models, ascertain the trends and opinions of relevant parties with regard to the issues and challenges involved in providing broadcast content over the Internet, and discuss what necessary and appropriate measures to take in response. (Short-term, Medium-term) (Ministry of Internal Affairs and Communications; Ministry of Education, Culture, Sports, Science and Technology)

(Streamlining of Content Creation)

- Work to streamline content creation through the application of more advanced content creation technologies and the use of digital networks in the creation process. (Short-term, Medium-term) (Ministry of Economy, Trade and Industry)

(Publicizing of Content Industry-related Measures and Business Management Consultation Systems)

- In order to promote widespread awareness of content industry-related measures and consultation systems available for business management-related challenges, create promotional materials to be widely circulated amongst companies. (Short-term, Medium-term) (Cabinet Office)

(Discussion of Systemic Issues)

- In order to strengthen creative content industry foundations, examine finance procurement-related challenges, production committee system-related challenges and other challenges, and develop necessary measures which also take into consideration the public financial support situation overseas. (Short-term, Medium-term) (Financial Services Agency; Ministry of Economy, Trade and Industry; relevant ministries and agencies)

<<Countermeasures against Counterfeiting and Piracy>>

(Combining the Expansion in the Distribution of Authorized Content with Counterfeiting and Piracy Countermeasures)

- Together with the promotion of initiatives aimed at expanding the distribution of authorized content overseas, promote inter-governmental cooperation and public-private efforts aimed at other countries' governments to bolster counterfeiting and piracy countermeasures utilized in countries where infringements are taking place. (Short-term, Medium-term) (Ministry of

Economy, Trade and Industry; Ministry of Education, Culture, Sports, Science and Technology; Ministry of Internal Affairs and Communications; Ministry of Finance; Ministry of Foreign Affairs; Ministry of Agriculture, Forestry and Fisheries)

- In order to foster closer relationships with other countries' governments so as to promote stronger enforcement systems overseas, host training seminars, seminars about rendering authenticity determinations and other human resources development seminars aimed at the enforcement agency personnel of other countries, as well as invite personnel from overseas to come to Japan to engage in opinion exchange. (Short-term, Medium-term) (Ministry of Finance; Ministry of Economy, Trade and Industry; Ministry of Education, Culture, Sports, Science and Technology; Ministry of Justice)
- With the aim of strengthening copyright protections and stopping the distribution of illegal content in countries and regions where infringements are taking place, conduct surveys and host forums and seminars which will facilitate stronger copyright enforcement, such as through the development of collective licensing systems locally. (Short-term, Medium-term) (Ministry of Education, Culture, Sports, Science and Technology)
- In order to promote the development of copyright environment which includes piracy countermeasures, make use of the World Intellectual Property Organization and bilateral agreement frameworks to provide training and to host seminars aimed at fostering the adoption of collective licensing systems, and promote other awareness raising events and activities, such as copyright seminars. (Short-term, Medium-term) (Ministry of Education, Culture, Sports, Science and Technology)
- In order to support Japanese companies' countermeasures against overseas counterfeiting and piracy and to promote effective IP rights protections, conduct local surveys dealing with IP rights systems, the status of IP infringement, etc. (Short-term, Medium-term) (Ministry of Economy, Trade and Industry; Ministry of Education, Culture, Sports, Science and Technology; Ministry of Foreign Affairs)

(Steady Implementation of Infringement Countermeasures and Awareness Raising Domestically)

- Bolster cooperation with relevant organizations and rights holders to further strengthen domestic enforcement of laws aimed at the illegal distribution of counterfeit and pirated goods within Japan, and to further strengthen border enforcement aimed at stopping the importation IP-infringing articles, which are increasingly being imported in smaller, more dispersed batches. (Short-term, Medium-term) (Ministry of Finance; National Police Agency)
- In order to further raise awareness of, and create a stronger mindset against purchasing, counterfeit and pirated goods, promote awareness raising activities to be conducted jointly between various ministries and relevant organizations. (Short-term, Medium-term) (Ministry of Finance; National Police Agency; Ministry of Economy, Trade and Industry; Ministry of Education, Culture, Sports, Science and Technology; Ministry of Agriculture, Forestry and Fisheries; Consumer Affairs Agency)

2. Promotion of Archive Utilization

(1) Current Situation and Challenges

Digital archiving of creative content provides a foundation for not only preserving, transmitting and developing culture, it also fundamentally facilitates the secondary utilization of the stored content, as well as its dissemination domestically and overseas, and such archiving is being actively promoted in Western countries.

Since the early 2000s, Japan has promoted the creation of digital archives, centering on public institutions, for publishing, cultural assets and other fields, and it is now looking ahead to expand these efforts. At the same time, however, the "Archive Task Force," established under the Intellectual Property Strategy Headquarters' Verification, Evaluation, and Planning Committee, has undertaken a belated examination of cross-sector archival initiatives, discussing their future direction as well as utilization, including utilization in disseminating information overseas.

In this context, and with the aim of fostering the construction and utilization of digital archives in Japan, the "Intellectual Property Strategic Program 2015" lays out three promotion initiatives: (1) "Promotion of cross-archival collaboration," as exemplified by the construction of an integrated portal website enabling cross-sector collaboration; (2) "Promotion of efforts in each field," centering on aggregators within each field; and (3) "Improvement of infrastructure for archive utilization," involving systemic accommodations for data storage and utilization.

Based on the "Intellectual Property Strategic Program 2015," and with the aim of examining the practical problems and solutions for the above initiatives, as well as strengthening collaboration between relevant ministries and agencies and business practitioners and others, the "Coordination Committee of Digital Archive-related Ministries and Agencies" and "Practitioners' Council" were established in 2015, and these two groups have studied the practical problems and future direction for digital archive construction and utilization promotion and have subsequently shared the results of their examination.

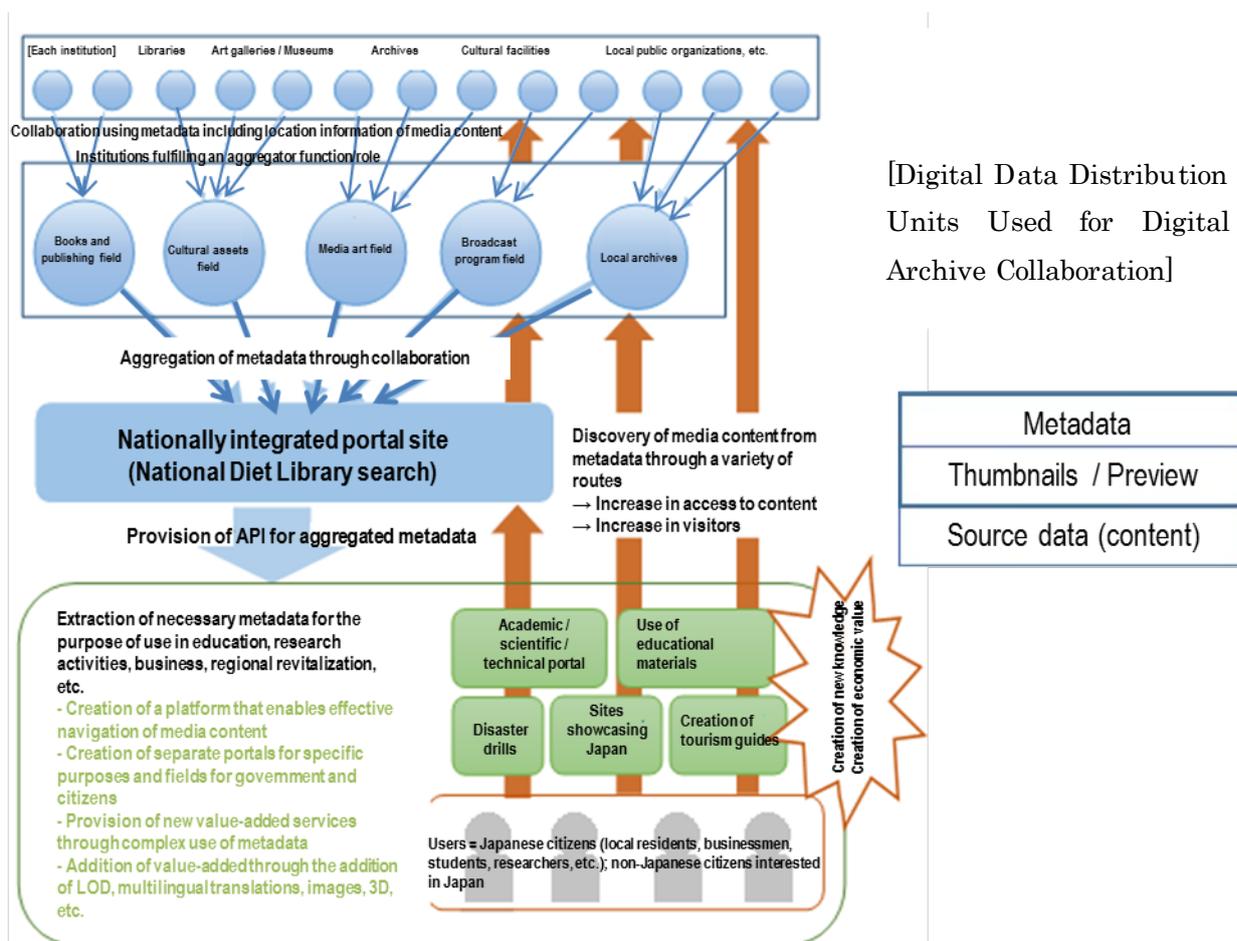
Also, development of the copyright system has been undertaken to facilitate archive utilization, such as by creating a comprehensive designation of registered museums and museum-equivalent facilities established by nonprofit corporations as facilities for copying works for storage in collections, regardless of whether the copyright holder has consented, as well as the relaxation of the requirements for the compulsory licensing system for orphaned works.

Through these and other initiatives, the practical challenges involved in constructing and promoting the utilization of digital archives have been clarified. To begin with, in regard to digital archive creation, the conditions vary from field to field and region to region, and in some cases the establishment of aggregators themselves is difficult; thus, an important challenge is figuring out how to build a collaborative model which accommodates the different fields and regions. In

particular, small-to-medium-sized institutions and regions often have difficulty moving ahead on their own with the digitalization of source materials, the creation and preparation of metadata¹⁷, the public release of data and the coordination involved with metadata collaboration; therefore, these also represent key challenges to be addressed.

With regard to the promotion of archive utilization, however, efforts are needed to open up metadata for collaboration at the metadata level, to clarify thumbnail/preview¹⁸ handling, and to promote digital content expansion and the display of conditions of use; however, such efforts remain undeveloped at this time.

[Visualization of Flow and Ideal Utilization] of Meta-data]



For the direction of future action on these practical challenges associated with the construction of digital archives, it is appropriate to promote necessary discussion on selecting from, or amalgamating, multiple collaboration models, as per the needs of each industry or region; specifically, direct collaboration with National Diet Library Search, collaboration with industry aggregators, or collaboration with regional aggregators. In particular, it is essential to discuss

¹⁷ Data which explains data. In the current context, metadata indicates data which provides details about the materials contained in archival institutions.

¹⁸ A reduced image/several second audio or video sampling of the source data (content).

measures aimed at resolving challenges for creating and promoting collaboration between small-and-medium-sized institutions' and regional digital archives, including providing technological support and sharing expertise on opening the archives to the public.

With regard to promoting archive utilization, the trend worldwide is towards open usage, whereby metadata is made publicly available for unrestricted secondary utilization, and discussion is needed about what public institutions need to do in order to open up their metadata. Also, with regard to thumbnails/previews, operational and systemic adjustments are needed to make general utilization easier for the purposes of explaining or introducing content, without harming the benefits owed to the rights holder. Further, for digital content created by, or with the financial assistance of, public institutions, this content should ideally be made more freely and publicly available for use, and discussion is needed about how to move in this direction.

In light of the direction for archive utilization discussed above, greater effort needs to be made to promote the comprehensive efforts discussed previously. When promoting these efforts, it is important that all institutions and users be made fully aware of the significance of inter-archival collaboration, as well as engendered with a sense of joint ownership. For example, instructive cases of metadata aggregation and utilization for the construction of purpose-built portal sites, the provision of new added-value services via integrated metadata usage, etc., need to be shared and disseminated in an easy-to-understand way.

(2) Measures for the Future¹⁹

In light of the current situation and challenges discussed above, the following initiatives are being promoted by relevant ministries and agencies to promote greater archive utilization.

<<Promotion of Inter-archival Collaboration>>

(Establishing a Coordination Committee of Relevant Ministries and Agencies and a Practitioners' Council)

- In order to foster collaboration aimed at promoting archive utilization, establish a Coordination Committee of Relevant Ministries and Agencies connected with digital archive collaboration, and use this Committee to share information and exchange opinions amongst the relevant ministries and agencies. Also, in order to address practical challenges involved in digital archive promotion, establish a Practitioners' Council, which includes representatives of relevant ministries and agencies, the National Diet Library and aggregators in key fields, to discuss digital archive construction-related challenges, archive utilization promotion-related challenges and other shared issues and initiatives related to human resources development, etc. (Short-term) (Cabinet Office; National Diet Library; Ministry of Education, Culture, Sports, Science and Technology; Ministry

¹⁹ The National Diet Library is an institution belonging to the Japanese Diet, and because the archival measures discussed herein are a national undertaking in which the National Diet Library has an important role to play, the National Diet Library is listed as the party in charge for the purposes of Intellectual Property Strategic Program 2016.

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

(Construction of an Integrated Portal)

- In order to construct a national, integrated and cross-sector portal, promote metadata-level collaboration between key archives operated by aggregators in various fields, such as between "National Diet Library Search" and "Cultural Heritage Online" for the field of cultural properties. With regard to the field of cultural properties, in order to link "National Diet Library Search" and "Cultural Heritage Online" as soon as possible, begin discussion of how to link some of the archives' metadata in 2016, and make other, necessary system developments which will strengthen the inter-linkage of these two archives. With regard to other fields, continue to identify challenges for archive inter-linkage, and promote efforts to develop portal sites in specific fields and regions which can serve as precedents for aggregators, with the ultimate aim of linking to National Diet Library Search. (Short-term, Medium-term) (National Diet Library; Ministry of Education, Culture, Sports, Science and Technology; Ministry of Internal Affairs and Communications)

(Collaboration to Promote Utilization)

- In order to raise awareness about the significance of linking digital archives, use the Coordination Committee of Relevant Ministries and Agencies and the Practitioners' Council to help compile and circulate usage examples of aggregated and shared content and meta-data and examples of the effects that such archival inter-linkage has; also, discuss and establish necessary measures for dealing with specific issues involved in utilization promotion. (Short-term) (National Diet Library; Cabinet Office; relevant ministries and agencies)

(Promotion of Regional Inter-archival Collaboration)

- Make use of the public data clouds and "Furusato Digital Libraries," utilized by local governments to store data, in order to promote the gathering and utilization of regional cultural and historical data and other similar content. (Short-term, Medium-term) (Ministry of Internal Affairs and Communications)
- In order to promote the construction and inter-linkage of regional archives, use the Practitioners' Council to discuss the form and manner of cooperation and inter-linkage between regional organizations. (Short-term; Medium-term) (National Diet Library; Cabinet Office; relevant ministries and agencies)

<<Promotion of Efforts in Each Field>>

(Field-specific Aggregator-driven Initiatives)

- Provide help with the digitalization of archive collections and the consolidation of metadata in each field; entrusting this to the National Diet Library for the field of books and publications; the Broadcast Programming Center of Japan (for the broadcast content of both Japan Broadcasting Corporation (NHK) and private TV stations) and NHK (for only NHK content) for the field of

broadcast content; and the Agency for Cultural Affairs, for the time being, being entrusted with developing archive creation policies, such as the selection of target data and the standardization of metadata formats, in the field of media arts, including films, video games, animation, etc., and the field of cultural properties, due to these fields not having a central archive. (Short-term, Medium-term) (National Diet Library; Ministry of Education, Culture, Sports, Science and Technology; Ministry of Internal Affairs and Communications)

(Books and Publications Field)

- In order to promote digitalization of public and university libraries' archive collections, and with the aim of expanding content, provide training in the procedures of archive development. (Short-term) (National Diet Library; Ministry of Education, Culture, Sports, Science and Technology)
- In order to strengthen collaboration with the government's integrated portal site, provide recommendations to public and university libraries on attaching metadata tags and using external link interfaces (API) to publicize digitized materials, and circulate and publicize information necessary for the promotion of archive collection digitalization and archive inter-linkage efforts. (Short-term) (National Diet Library; Ministry of Education, Culture, Sports, Science and Technology)
- Continue work on the digitalization of the National Diet Library's collection, and strengthen efforts aimed at promoting the use of digitized data. (Short-term) (National Diet Library)

(Cultural Properties Field)

- With the aim of making Japanese cultural property data available to the world by the time of the 2020 Tokyo Olympics/Paralympics, facilitate efforts to aggregate data related to cultural resources, including regional cultural resources other than those designated as national treasures or important cultural properties, which comprise Japan Heritage, and promote efforts contributing to improved image publication rate and utilization, including multilingualization. (Short-term) (Ministry of Education, Culture, Sports, Science and Technology)
- Using past efforts as a point of reference, disseminate information to local museums and art galleries which is necessary for the promotion of digital archiving and the effective use of cultural assets, etc., in regional museums and art galleries. In addition, discuss and implement specific measures for encouraging museums and art galleries to perform digital archiving of their paper-based collection inventory. (Short-term) (Ministry of Education, Culture, Sports, Science and Technology)

(Media Art/Films Field)

- In order to promote utilization of the "Media Arts Database" established for the fields of manga, animation, game, and media art, continue providing appropriate database operation and management, collaborating with the private sector to collect and register new data, and using the Media Arts Database Guidelines to showcase example initiatives. Further, incorporate the results

of the survey of Media Arts Database usage into the discussion of points for improvement, and look for ways to further augment content and its utilization, such as via system revisions enabling external collaborations. (Short-term) (Ministry of Education, Culture, Sports, Science and Technology)

- Continue collecting and digitizing films for preservation at The National Museum of Modern Art, Tokyo. (Short-term) (Ministry of Education, Culture, Sports, Science and Technology)
- In order to encourage archive creation by the private sector, support the creation of a central hub for the field of design and models. (Short-term) (Ministry of Education, Culture, Sports, Science and Technology)

(Broadcast Content Field)

- In order to promote the use of archives in the field of broadcast content, continue to implement initiatives connected with the use of broadcast content for educational purposes in schools and at remote locations. (Short-term) (Ministry of Internal Affairs and Communications)

<<Development of Infrastructure Aimed at Archive Utilization>>

(Discussion of Open Metadata Challenges and Responses)

- In order to promote the distribution of metadata and content, have the Practitioners' Council summarize the challenges for open metadata aggregated via collaboration with the government's integrated portal site and come up with responses to these challenges; discuss the handling of thumbnails/previews; and discuss the expansion of digital content and the display of its terms of use. (Short-term; Medium-term) (National Diet Library; Cabinet Office; relevant ministries and agencies)

(Promotion of Aggregated Meta-data Utilization)

- Promote the popularization of functions enabling data set extraction from the government's integrated portal site, and facilitate efforts to share examples of the construction and utilization of purpose-built portal sites which utilize the metadata aggregated and provided by the government's portal site. (Short-term; Medium-term) (National Diet Library; Cabinet Office; relevant ministries and agencies)

(Development of a Copyright System for Promoting Archive Construction and Utilization)

- Engage in concrete discussion, and enact necessary measures, with regard to the utilization of digital data related to the works held in art museums and elsewhere, in order to introduce and explain those works. (Short-term, Medium-term) (Ministry of Education, Culture, Sports, Science and Technology)
- In order to facilitate the utilization of works for which there is no clearly identified copyright holder (orphaned works), discuss revising the compulsory licensing system for such work to allow for deferred payment of compensation in certain cases and develop necessary measures with a view to proposing legislation at the next regular session of the Diet. Also, during FY2016,

study and develop necessary measures to address what sort of support should be offered for private-sector initiatives aimed at reducing the user cost burden of finding copyright owners. (Short-term, Medium-term) (Ministry of Education, Culture, Sports, Science and Technology) [Reprint]

(Development of a Peripheral Environment Promoting Utilization)

- Promote public-private collaboration in each field to develop an aggregated database of rights information for creative content, etc., in order to make the rights clearance process smoother, thereby promoting the utilization of creative content. (Short-term, Medium-term) (Ministry of Education, Culture, Sports, Science and Technology; Ministry of Economy, Trade and Industry) [Reprint]
- In order to promote digital content utilization, work together with the Practitioners' Council to facilitate efforts by the International Organization for Standardization's (ISO) TC46 aimed at internationally standardizing rights notices, so as to encourage secondary utilization of digital content. (Short-term, Medium-term) (Ministry of Economy, Trade and Industry)

(Cultivation of Archive-related Human Resources)

- In order to continue capitalizing on the know-how and results obtained from archive construction thus far, and to support the development of human resources capable of driving archive construction, as well as to support archive utilization, hold symposiums, provide training and offer other events aimed at relevant parties in universities, research institutions and private-sector facilities to raise awareness about the importance of archives and the personnel connected with them. (Short-term, Medium-term) (National Diet Library; Ministry of Education, Culture, Sports, Science and Technology; Ministry of Internal Affairs and Communications)
- In light of the Ministerial ordinance revisions which established new digital archive-related subjects within the training curriculum for university librarians and curators starting in 2012, foster a greater emphasis on cultivating human resources possessing specialist expertise in digital archives. (Short-term, Medium-term) (Ministry of Education, Culture, Sports, Science and Technology)

No. 4. Infrastructural Development for Intellectual Property Systems

1. Functional Strengthening of Systems for Handling Intellectual Property Disputes

(1) Current Situation and Challenges

The prompt and accurate resolution of a diverse array of IP-related disputes is key to IP-driven innovation creation and is growing in importance in the context of ongoing economic globalization. Germany and the United States, which have well-developed IP protection, enjoy a strong position, and Japan also needs to develop its various systems related to the enforcement of IP rights in order to strengthen its scientific and technological development, as well as the domestic and overseas flow of technology.

Thus, from the standpoint of capitalizing on IP to enhance Japan's international competitiveness, the "Intellectual Property Strategic Program 2015" promoted comprehensive discussion and the establishment of necessary measures aimed at further strengthening Japan's IP dispute resolutions system, while maintaining a balance between rights holders and alleged infringers. Also, the Program encouraged discussion of necessary measures for SMEs with regard to the burden assumption involved in taking legal action.

Based on all of this, an "Intellectual Property Dispute Resolution System Review Committee" was established in the Intellectual Property Strategy Headquarters to undertake comprehensive discussion of the IP dispute resolution system. This discussion incorporated the three key perspectives of IP users, economic rationality and the international community, and sought to link IP dispute resolution with Japanese industrial development via innovation creation, focusing on patent infringement lawsuits chiefly, and also incorporating evidence collection procedures, damage compensation amounts, rights stability, the nature of injunction rights, support for SMEs and regional access to IP courts.

Based on the findings of the Committee, the following have been identified as key challenges and future directions for policy.

With regard to evidence collection procedures, the current system is distinctly biased in favor of the alleged infringer with regard to proving patent infringement; in particular, it is quite difficult to gather evidence with regard to a manufacturing process that is alleged to be infringing on a patent. Special provisions of the Code of Civil Procedure regarding orders for submission of documentation, etc., have been introduced into the Patent Act, but they are still insufficient.

With regard to the collection of evidence prior to filing an action, there is little recognition or utilization of procedures based upon the current Code of Civil Procedure, and the challenge is that the reasons for this are not necessarily clear.

With regard to evidence collection procedures following the filing of a lawsuit, the issues that arise are (1) during the issues arrangement phase, when the alleged infringer denies the infringement claim, they are passive in the performance of the obligation to clarify the specific

conditions of infringement, and it is often insufficiently established why they should be made active participants in the issues arrangement phase; (2) during the evidence examination phase, the filings by the parties have few examples of orders for submission of documentation issued against the other party, and their usage is not always fully developed; and (3) courts can find it difficult to strike a balance between the need for evidence and the need for protecting an alleged infringers trade secrets.

In light of the above, and in order to implement appropriate and fair evidence collection procedures which respect the need for trade secret protection and leak prevention, there needs to be discussion about mechanisms for making it easier to issue orders for submission of documentation and introducing an examination system for evidence examination (i.e., a system whereby a court-appointed neutral third party expert examines (on-site examination of factories, etc.) the alleged infringer).

With regard to compensation for damages, because patent rights represent rights connected with something intangible, it is difficult to prevent infringement physically, as well as to uncover infringement; thus, identifying and proving damages resulting from infringement is difficult. The Patent Act contains special provisions pertaining to the calculation of compensation for damage, and in the 1998 revisions as well, new calculation rules were introduced (Article 102 of the Patent Act) as were provisions for fair calculation based on standard royalty rates (Paragraph 3, Article 102); nevertheless, these have still not proven to be sufficient. Also, in the case of patent infringement it is difficult to render a technical judgment, which makes criminal penalties practically impossible; thus, many feel that a different approach to that of the current Patent Act is needed.

One of the specific challenges arising from the current Patent Act includes the fact that Paragraph 2, Article 102 seeks to make it easier to prove a fair compensation amount by estimating the amount of damage to be the amount of profit obtained by the infringer, but if the infringer can show that the amount of profit was less than the amount of damage, then the difference is wiped out; however, the concept of "contribution ratio," although not expressly provided for, is sometimes used to put the infringer's burden of proof with regard to the difference to be wiped out effectively onto the shoulders of the rights holder, and "contribution ratio" is even utilized with regard to Paragraph 1, Article 102, which expressly states that the burden of proof with regard to the difference to be wiped out lies with the infringer.

Further, Paragraph 3, Article 102 sets the compensation amount for a discovered infringement as equal to the standard royalty payment made by a genuine licensee, thereby inescapably incentivizing infringement; thus, revisions were made to the Patent Act in 1998 to eliminate the use of the word "standard" so as to allow a variety of other factors, such as the value of patent discovery, business-related expenses of the infringed party, the financial impact on the infringed party of the benefit obtained by the infringer, etc., to be taken into account to calculate a higher royalty fee. However, despite the intent of these revisions, it is often difficult to determine an amount which takes into consideration the state of the legal dispute between the parties and the value of damaged

reputation, etc., caused by the infringement.

In light of all this, and in order to enable a damage compensation amount which reflects the business situation and needs involved, there needs to be discussion regarding measures for simplifying the calculation of an amount above the standard royalty amount, as well as measures for simplifying the process of claiming necessary IP lawsuit costs, such as actual patent attorney costs.

With regard to rights stability, although mechanisms exist for the Patent Office (e.g., trial for invalidation) and courts (patent infringement lawsuits) to assess validity, it has been stated by some that the attack/defense balance between rights holders and alleged infringers tips in favor of alleged infringers.

With regard to the dispute resolution phase, although users require technical experts with a wealth of expertise and experience, as well as cohesive judgment standards used in common by the Patent Office and courts, under the current system, the mechanisms in place for enabling the court to reference the decisions of the Patent Office, which is a specialist government agency for these matters, are not necessarily sufficient. Also, with regard to balance of burden placed on rights holders and alleged infringers when submitting claims in an infringement lawsuit about patent right validity/revision, the burden is heavier for patent rights holders. Furthermore, because patent rights are valid unless expressly ruled to be invalid, from the standpoint of protecting those who are believed to hold valid patent rights, more careful deliberation regarding the invalidation of rights is called for during trials for patent invalidation and infringement lawsuits.

In light of all this, discussion is called for with regard to the creation of a system empowering courts to more readily reference Patent Office decisions on patent right validity and to ease the requirement on surrebuttal for correction in infringement lawsuits.

With regard to the rights granting phase, further efforts are needed to improve the quality of Patent Office examinations and judgments as well as to better handle patent attorneys and applicants submitting patent applications.

With regard to the right to seek an injunction, from the perspective of growing industry, the basis of patent rights is their ability to authorize exclusive use of an invention, and by uniformly restricting the right to seek an injunction, in the context of disputes between global companies, it presents a significant threat of impacting licensing negotiations, preventing the legitimate exercise of patent rights, making it impossible to recover research and development costs and of having other pronounced effects on patent rights value. Therefore, such restrictions should be the exception rather than the rule, and even in the case of standard-essential patents and PAE²⁰, it is essential that such restrictions not be implemented uniformly but be handled on a case by case basis.

With regard to support for the use of IP lawsuits by SMEs, help exists for dealing with the human

²⁰ PAE (Patent Assertion Entity)

Entities which hold patents but do not engage in commercial business (including universities and research institutions) are called Non-Practicing Entities (NPE), and PAE are a subset of NPE who make the exercise of these patent rights their primary business.

resources and court cost-related challenges faced by SMEs. In the case of human resources challenges, there are a variety of public-private initiatives which exist to support SMEs, such as the Comprehensive Intellectual Property Support Centers, Yorozu Support Centers, Intellectual Property Support Centers, Himawari SME Center and Intellectual Property Lawyers Network; however, the actual number of experienced patent attorneys and lawyers available is not very large. Also, in the case of court-related costs, given the significant impact such costs have on the functioning of SMEs, it is felt that the development of intellectual property-inclusive litigation expense insurance accessible to SMEs would be beneficial; thus, discussion of measures for making such insurance fully accessible to SMEs is needed.

With regard to regional access to IP courts, given the fact that the courts of first instance for patent rights are limited to the Tokyo and Osaka district courts, there needs to be greater promotion of video conferencing system utilization. As for expanding the scope of jurisdiction, it is expected that more IP specialists will be dispatched regionally; however, as a result of the concentration of jurisdictional authority, consideration needs to be given to improving the expertise of judges and to responding to trends in case numbers.

In addition, it is essential that proactive measures be taken with regard to the public disclosure of IP dispute resolution system-related information, not only from the perspective of generating widespread trust in the system and improving the predictability of judgments, but also from the international perspective of facilitating overseas expansion of Japanese businesses and contributing to the creation of international rules.

In order to strengthen the functioning of Japan's IP dispute resolution system, it is expected that orders for submission of documentation issued as part of evidence collection procedures, as well as the presumed damages amounts calculated in line with Paragraph 1 and 2, Article 102 of the Patent Act, will be handled in a satisfactory, transparent and accountable manner in the context of IP lawsuits. It is also expected that greater effort will be put into raising IP lawsuit awareness among business administrators and managers.

With regard to how the IP dispute resolution system should be structured, it is important that regular inspection and revision be carried out, taking into account not only the domestic situation within Japan but also the ongoing situation internationally.

(2) Measures for the Future

In light of the current situation and challenges discussed above, the following initiatives are being promoted by relevant ministries and agencies to further strengthen Japan's IP dispute resolution system through comprehensive action, such as the implementation of appropriate and fair evidence collection procedures, the implementation of appropriate compensation for damages reflecting actual business circumstances and needs, and the enhancement of rights stability from the granting

of rights to the settlement of disputes, and to support SME and regional utilization of IP litigation as well as promote the disclosure and overseas dissemination of IP litigation-related information.

<<Functional Strengthening of Systems for Handling Intellectual Property Disputes>>

(Implementation of Appropriate and Fair Evidence Collection Procedures)

- With regard to the evidence collection procedures following the filing of a lawsuit, undertake concrete discussion incorporating the feedback of the industrial world and other relevant parties, and come to a definite conclusion within 2016 regarding the relevant legal issues, about what measures should be taken pertaining to the ease of issuing orders to submit documentation, when the obligation to clarify the specific mode of infringement is not fully enforced, the ability to issue orders to submit documentation combined with confidentiality protective orders, and the system for examination of alleged infringers by neutral third parties (examination after the filing of a lawsuit). (Short-term) (Ministry of Economy, Trade and Industry)
- With regard to the evidence collection procedures prior to the filing of a lawsuit, promote the sharing of examples from the current system, analyze those factors not being utilized by the current system, and discuss the feasibility of specific improvement measures. (Short-term, Medium-term) (Ministry of Economy, Trade and Industry)

(Implementation of Appropriate Compensation for Damages Reflecting the Actual Business Situation and Needs)

- With regard to the clarification of consideration factors for further simplifying the calculation of compensation amounts exceeding the level of standard royalties, as it relates to Paragraph 3, Article 102 of the Patent Act, undertake concrete discussion incorporating the feedback of the industrial world and other relevant parties, and come to a definite conclusion within 2016 regarding the relevant legal issues. (Short-term) (Ministry of Economy, Trade and Industry)
- In order to allow recognized basic, standard royalty rates to be used as minimum guarantee amounts, engage in concrete discussion about the propriety of creating a database of standard royalty rates. (Short-term, Medium-term) (Ministry of Economy, Trade and Industry; relevant ministries and agencies)
- In order to enable rights holders to claim realistic legal fees and other costs, engage in concrete discussion about the propriety of creating a database of necessary costs involved in IP litigation. (Short-term, Medium-term) (Cabinet Office; relevant ministries and agencies)

(Enhancement of Rights Stability in the Granting of Rights through to the Settlement of Disputes)

- With regard to a Patent Office system for soliciting opinions in infringement lawsuits via expanded opportunities for review by specialist government agencies, procedures within the Patent Office for confirming validity in order to achieve incremental rights stabilization, and the process for surrebuttal for correction which does not require a request for a trial for correction, undertake concrete discussion incorporating the feedback of the industrial world and other relevant parties, and come to a definite conclusion within 2016 regarding the relevant legal issues.

(Short-term) (Ministry of Economy, Trade and Industry)

- From the perspective of further improving technological expertise in infringement lawsuits, without diminishing the priority placed on addressing issues of fairness, neutrality and transparency, implement efforts aimed at bolstering technological expertise in the courtroom and strengthening collaboration between the courtroom and the Patent Office. (Short-term, Medium-term) (Ministry of Economy, Trade and Industry)
- With regard to the propriety of introducing clear requirements for affirmative stipulation of presumed validity of rights in the context of infringement lawsuits, as well as the propriety of relaxing requirements for trials for corrections, undertake concrete discussion incorporating the feedback of the industrial world and other relevant parties, and come to a definite conclusion within 2016 regarding the relevant legal issues. (Short-term) (Ministry of Economy, Trade and Industry)
- From the standpoint of increasing the number of stable, high quality patents, encourage greater compliance on the part of those submitting applications for patents, i.e., the patent attorneys and patent applicants, as well as promote greater effort by the Patent Office to improve the quality of patent examinations. (Short-term, Medium-term) (Ministry of Economy, Trade and Industry)

(Continued Examination Aimed at Further Strengthening the Functionality of the Intellectual Property Dispute System)

- With regard to measures other than those discussed above for strengthening the functioning of the patent dispute resolution system, engage in ongoing discussion which takes into consideration the domestic and international situation surrounding intellectual property. (Short-term, Medium-term) (Cabinet Office; relevant ministries and agencies)

<<Support for Utilization of the Intellectual Property Dispute System>>

(Support for SMEs)

- In order to address IP dispute resolution cost-related challenges for SMEs, discuss concrete ways of publicizing and supporting public-private initiatives aimed at further developing intellectual property-inclusive litigation expense insurance which is available to SMEs. (Short-term) (Ministry of Economy, Trade and Industry) [Reprint]
- In order to address IP dispute resolution human resource-related challenges for SMEs, establish a backup system for counselors handling IP dispute resolutions at Yorozu Support Centers, such as by including a lawyer on the support team at the national head office to advise local counselors. (Short-term, Medium-term) (Ministry of Economy, Trade and Industry) [Reprint]
- In order to support regional access to IP specialists, work with relevant bodies to create a more robust system whereby those in more regional areas can request the help of a specialist in IP dispute resolution. (Short-term, Medium-term) (Ministry of Justice; Ministry of Economy, Trade and Industry) [Reprint]

(Expansion and Encouragement of Alternative Dispute Resolution (ADR))

- In order to expand and encourage alternative dispute resolution (ADR) so that the parties to an IP dispute can more easily choose a resolution process appropriate to resolving their dispute, promote application for certification via a certified ADR consultation with someone who handles IP dispute ADR (informally called "Resolution Support"), and utilize certification via appropriate screening to expand the numbers of certified ADR personnel, as well as publicize information about certified ADR personnel, in order to encourage the use of certified ADR.²¹ (Short-term, Medium-term) (Ministry of Justice)

(Utilization of Video Conferencing System)

- With a view towards improving regional access to IP courts, foster widespread awareness to support greater utilization of the video conferencing system.

<<Information Disclosure/Overseas Public Relations Relating to IP Dispute Resolution>>

(Overseas Dissemination of Information about Intellectual Property-related Legislation and Investigation of Dispute Resolution in Other Countries)

- In order to increase the transparency of Japanese IP-related legislation and foster development of a business environment which facilitates the strategic use of IP internationally by Japanese companies, promptly create high quality English translations of Japanese IP-related laws and disseminate these overseas. (Short-term, Medium-term) (Ministry of Justice)
- In light of the increasing globalization of IP disputes, and with regard to the IP dispute resolution system as a whole, including resolution of IP disputes in court or by the Patent Office, alternative dispute resolution and out-of-court settlement, conduct systemic, fact-finding surveys of the IP dispute resolution systems in other countries and disseminate the findings broadly. (Short-term, Medium-term) (Ministry of Justice)

(Expansion in Information Disclosure and Overseas Dissemination of Information)

- Out of the information pertaining to the IP dispute resolution system, bolster efforts to find meaningful information taken from specific cases, statistical information, etc., and, in consideration of the parties involved and user needs, disseminate this information throughout Japan and overseas.
- With regard to Japanese IP dispute resolution-related information, such as key IP-related court examples, continue to bolster efforts to disseminate this information overseas.

²¹Private dispute resolution services which the Minister of Justice has certified as acceptable, using the authority granted under legislation for promoting alternative dispute resolution. Under certain conditions, an interruption of prescription or other result will be granted with regard to use of certified ADR.

2. Strengthening of Support for Global Business Development by Taking Global Lead in Examination

(1) Current Situation and Challenges

In the context of the fundamental socio-economic transformation being brought about by the 4th Industrial Revolution, and in light of the increasing diversification of IP management methods, it is essential that systemic and operational improvements be implemented which reflect the needs of the times and of users to make industrial property rights easier to utilize as an IP management tool. Also, in order to better enable Japanese businesses to capitalize on the TPP Agreement in order to expand their business globally, it is important that an environment be developed which ensures the smooth and highly predictable acquisition and utilization of IP rights in all countries by Japanese companies. Towards this end, it is essential that Japan take the lead globally in terms of IP examination and then use this as the key element in promoting strategic collaboration and cooperation with overseas patent offices.

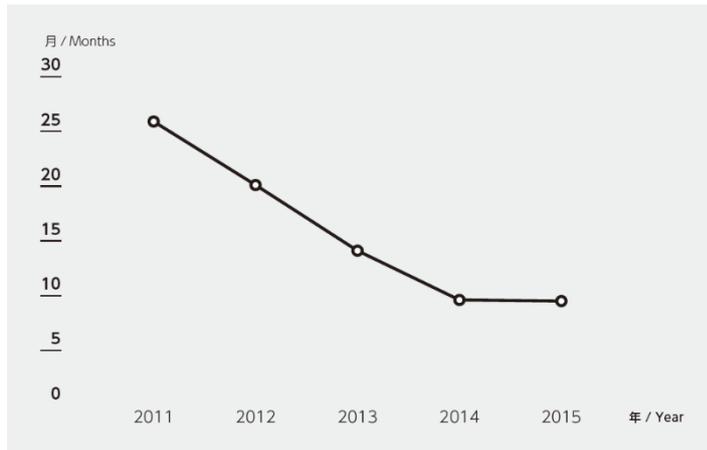
With regard to patents, from the standpoint of promptly and appropriately protecting outstanding inventions and of promoting innovation, the government undertook the long-term goal of shortening the time period between receipt of patent application examination requests and notification of initial screening to eleven months, and this goal was achieved at the end of FY2013; currently, the long-term goal for the next ten years is working to shorten the period between the request for examination and the acquisition of rights to no more than 14 months on average, and to no more than 10 months on average until the initial screening notification.

For the future, with the aim of ensuring that once a patent is granted in Japan, the examination results are quickly disseminated overseas and patents are then promptly granted overseas, leading to Japan achieving the status of having the "world's fastest and highest quality examinations," more work is needed to develop and strengthen the patent examination system so as to secure more and better examiners, as well as to promote international collaboration which will facilitate the dissemination of Japanese examination results worldwide as well as the popularization of Japan's IP system in other countries.

Also, a bill to partially revise the Patent Act was enacted in April 2016 (promulgated in July 2015), and it included revisions to the employee invention system aimed at providing incentives for the research and development activities of researchers while at the same time boosting the competitive strength of Japanese companies. Moving forward, guidelines which lay out the procedures involved in determining appropriate monetary or other economic benefits based on the revised Patent Act need to be drawn up and widely circulated, and support needs to be provided to companies in order to enable them to appropriately accommodate the new employee invention system.

[Change in amount of time elapsed between request for patent examination and notification of

initial screening^{22]}



With regard to designs, the number of design registration applications had been on the decline up through 2014; however, since the start of acceptance of international design applications in May 2015, based on the Geneva Act of the Hague Agreement Concerning the International Registration of Industrial Designs, application numbers are up for the first time in three years. In April 2016, image design examinations in line with the revised design examination standards were begun; thus, image design registration applications are also predicted to increase.

For the future, efforts are needed to raise awareness about revised design examination standards-based operations, and the user-friendliness of the design system needs to be improved from an international standpoint.

With regard to trademarks, there has been a strong surge in applications for the new trademark types ("sound," "color," "movement," position") introduced in April 2015.

Moving forward, there need to be continued efforts aimed at ensuring the promptness and accuracy of trademark examinations, including the new trademark types; efforts aimed at ensuring the system for new trademark types does not conflict with other existing systems; and efforts aimed at actively disseminating information overseas regarding the revised trademark examination standards which went into effect in April 2016.

[Change in numbers of design registration applications^{23]}

[Application and

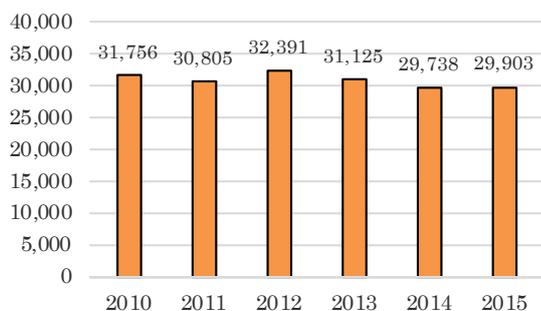
registration situation for new trademark types^{24]}

	Total	Breakdown by type

²² Source: Patent Office Stakeholders Report 2016

²³ Source: Created using Document #5 of the Patent Office explanatory materials used at the 3rd meeting of the Verification, Evaluation, and Planning Committee's Conference to Address Industrial Property Right Fields and incorporating statistical data for 2015

²⁴ Source: Excerpted from Document #6 of the Patent Office explanatory materials used at the 3rd meeting of the Verification, Evaluation, and Planning Committee's Conference to Address Industrial Property Right Fields



		Soun d	Colo r	Posit ion	Mov emen t	Holo gram
April 1st application submission	481	151	192	103	32	3
No. of applications	1,195	385	459	256	81	14
No. of registrations	46	21	0	5	19	1

It is also important to promote discussion about how to improve patent administration service quality in light of the increase in overseas patent-related information user needs accompanying the global expansion of Japanese businesses overseas, as well as the increase in patent administration work volume, including patent, utility model, design and trademark-related administrative duties.

(2) Measures for the Future

In light of the current situation and challenges discussed above, the following initiatives are being promoted by relevant ministries and agencies to strengthen support for global business development by enabling Japan to take the global lead in patent examination.

<<Realization of the World's Fastest and Highest Quality Examination>>

(Improvement of Patent Examination Speed and Quality)

- In order to achieve the world's fastest and highest quality examinations, the results of which shall be disseminated quickly throughout the world, to enable Japan to take the global lead in patent examination, shorten the period between the request for examination and the acquisition of rights to no more than 14 months on average (standard examination period), and to no more than 10 months on average until the initial screening notification, and achieve these by the end of FY2023; also, in order to maintain and improve the quality of patent examinations and grant "strong, broad and useful patent rights," secure more examiners to further develop and strengthen the patent examination system. (Short-term, Medium-term) (Ministry of Economy, Trade and Industry)

(Timely Rights Protection to Accommodate Business Strategy)

- In order to support the timely acquisition of IP rights to be utilized by businesses for the implementation of strategic IP management, improve awareness-raising efforts for, and promote utilization of, "business strategy-adapted comprehensive examinations" which comprehensively handle the examination and granting of rights for patent, design and trademark applications. (Short-term, Medium-term) (Ministry of Economy, Trade and Industry)

(Circulation of Revised Examination Standards)

- Widely publicize, both in Japan and overseas, patent examination standards which have undergone further revision, subsequent to the comprehensive revision performed in 2015, for the awarding of patents for inventions which are food products with limitations of use, according to their patent claims. (Short-term) (Ministry of Economy, Trade and Industry)

(Introduction of a New Employee Invention System)

- With regard to the new employee invention system, widely publicize the guidelines which were developed based on the changes in the law made last year, and promote efforts to facilitate the development of stipulations regarding employee inventions to be included in corporate employment contracts and workplace rules. (Short-term, Medium-term) (Ministry of Economy, Trade and Industry)

(Discussion about Revising the Design System and Operation)

- In order to promote utilization of the design system by Japanese users, discuss the implementation of a digital access service enabling the electronic exchange of necessary documentation, as well as discuss how to simplify and streamline procedures, such as by partially omitting the submission of diagrams, to enhance system convenience for users. (Short-term) (Ministry of Economy, Trade and Industry)

(Development of Design Classifications)

- With regard to the creation of subclassifications within the international classifications created by the Locarno Agreement, without compromising the appropriate implementation of the Locarno Agreement classifications, create definitions to be used when assigning these subclassifications. (Short-term, Medium-term) (Ministry of Economy, Trade and Industry)
- In order to improve the efficiency of searches of China's Design Patent Gazette by Japanese users, continue discussion regarding the assignment international design classification subclassifications to China's Design Patent Gazette. (Short-term) (Ministry of Economy, Trade and Industry)

(Revision of Trademark Examination Standards)

- Accommodate the changing social landscape by improving the predictability of trademark examinations, and, with the aim of ensuring the clarity and ease of use of content for users, create English translations of the revised trademark examination standards and circulate these among overseas users. (Short-term, Medium-term) (Ministry of Economy, Trade and Industry)

<<Promotion of International Collaboration>>

(Promotion and Popularization of Japanese Intellectual Property System in Developing Nations)

- In order to support the activities of Japanese businesses which are capitalizing on the TPP Agreement to further globalize, facilitate efforts aimed at promoting and popularizing the Japanese IP system in developing nations by dispatching patent examiners and other Japanese IP personnel to developing nations, receiving IP personnel from developing nations, and using examination agreements with other countries to develop examination standards, practices and IP personnel. (Short-term, Medium-term) (Ministry of Economy, Trade and Industry)

(Support for Development of Intellectual Property Judicial Human Resources in Developing Nations)

- Support the development and operation of IP rights enforcement legal systems in developing nations, and, in order to establish effective judicial procedures in these nations, support the cultivation of IP judicial personnel in developing nations, such as by providing training aimed at those connected with the judicial systems in developing nations. (Short-term, Medium-term) (Ministry of Justice; Ministry of Economy, Trade and Industry; Ministry of Foreign Affairs)

(Expansion of the Patent Examination Highway)

- In order to enable the prompt acquisition of patent rights overseas by companies seeking to

expand globally, continue to promote user needs-focused cooperation with overseas patent offices to clarify the operation of the patent examination highway in said offices, as well as to expand the adoption of the patent examination highway. (Short-term, Medium-term) (Ministry of Economy, Trade and Industry)

(Promotion of Patent Examination Collaboration with Overseas Patent Offices)

- Together with steadily implementing the Japan-U.S. Collaborative Examination Trial Program (two year program) begun in 2015, coordinate measures with the US Patent and Trademark Office aimed at further improving the existing framework. (Short-term, Medium-term) (Ministry of Economy, Trade and Industry)

(Promotion of Collaboration with Overseas Patent Offices for International Examinations)

- With regard to the framework for collaborative examination of international patent applications by patent examiners in different countries, and in line with the Patent Cooperation Treaty (PCT), work together and engage in discussion with overseas patent offices. (Short-term, Medium-term) (Ministry of Economy, Trade and Industry)

(Dissemination of Information about the Japanese Trademark System)

- In order to assist Japanese companies with their global brand strategies, make use of training seminars, opinion exchange sessions and other opportunities geared towards countries intending to introduce a new type of trademark system to talk about Japan's experience with introducing its system. (Short-term) (Ministry of Economy, Trade and Industry)

(Utilization of Commerce and Trade Agreements to Protect and Strengthen Enforcement for Intellectual Property)

- In addition to performing changes and improvements in the IP system, as required for the implementation of the TPP Agreement, use future free trade agreement (FTA), economic partnership agreement (EPA) and other bilateral/multilateral agreement negotiations as an opportunity to proactively bring up the topics of strengthened IP protection and countermeasures against counterfeiting and piracy, and work to cultivate an internationally harmonious IP system with effective legal enforcement, while continuing to effectively utilize the stipulations of high level international agreements, such as the Anti-Counterfeiting Trade Agreement (ACTA) and TPP Agreement, as the basis for stricter compliance. (Short-term, Medium-term) (Ministry of Foreign Affairs; Ministry of Finance; Ministry of Economy, Trade and Industry; Ministry of Education, Culture, Sports, Science and Technology; Ministry of Agriculture, Forestry and Fisheries; Ministry of Internal Affairs and Communications; Ministry of Justice)

<<Improvement of Patent Administration Service Quality>>

(Strengthening of Patent Information Dissemination)

- In order to lessen the burden on both domestic and overseas users with regard to accessing patent information, promote further infrastructural changes and improvements, such as making it

possible to provide domestic and overseas patent application and examination-related information in one consolidated form from the patent information platform. (Short-term) (Ministry of Economy, Trade and Industry)

(Improving and Streamlining Patent Administration Duties)

- In order to appropriately accommodate the increasingly diverse and complex industrial IP rights environment, and the accompanying increase in patent, utility model, design and trademark-related administrative duties, engage in long-term discussion about the possibility of further improving and streamlining these duties through the use of artificial intelligence. (Short-term, Medium-term) (Ministry of Economy, Trade and Industry)