

Formulation of IP Policies:

- (b) Institutional Issues: Optimal Mechanisms for Consultations, Coordination, Drafting, Decision Making**

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Cabinet Secretariat**

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Background (1)

2002

February: Prime Minister's policy address

July: Intellectual Property Strategy Outline

December: Intellectual Property Basic Act
promulgated

2003

March: Intellectual Property Basic Act
enforced

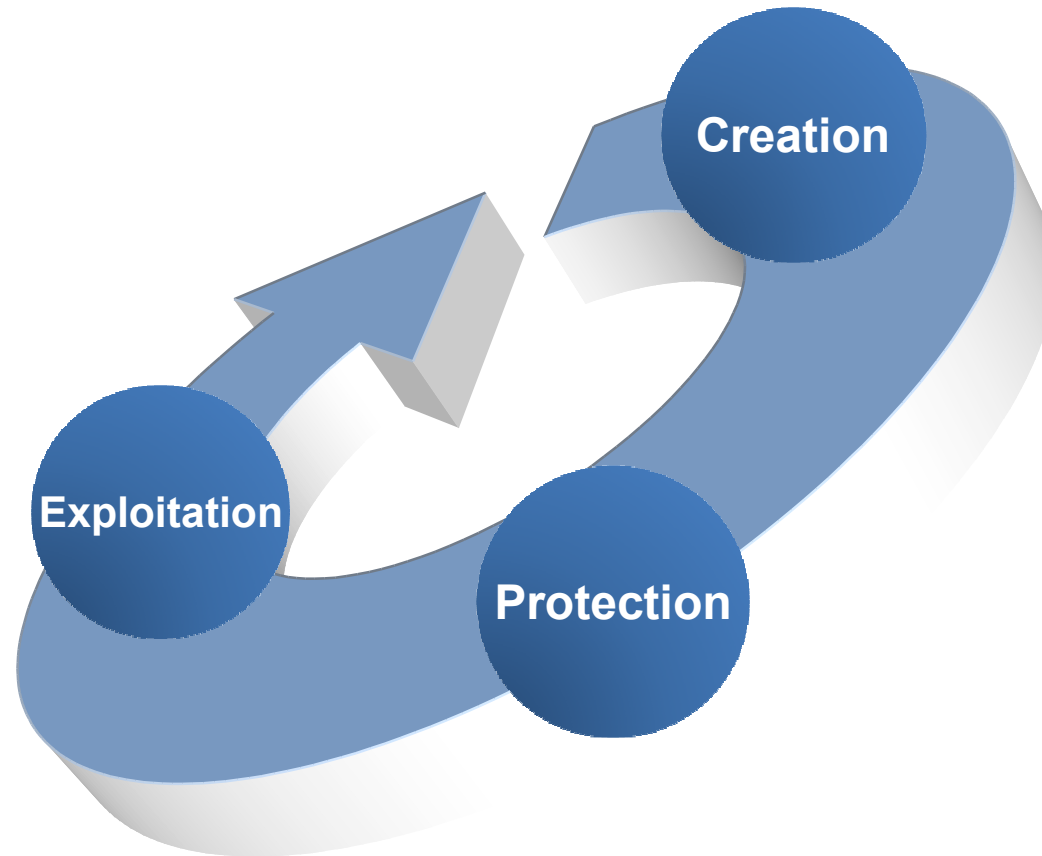
Intellectual Property Strategy Headquarters
established

Background (2)

“Intellectual Property Basic Act”

- ✓ Proposed contents
by Intellectual Property Strategy Council
 - activate intellectual creation cycle
 - set up “Intellectual Property Strategy Headquarters”
 - formulate “Intellectual Property Strategy Plan”

Intellectual Property Cycle



The goal is to make Intellectual Property cycle more robust and more dynamic.

Intellectual Property Basic Act (1)

- ✓ Promulgated in December 2002 and enforced in March 2003

- ✓ Table of contents
 - Chapter I: General Provisions

 - Chapter II: Basic Measures

 - Chapter III: Strategic Program on the Creation, Protection & Exploitation of Intellectual Property

 - Chapter IV: Intellectual Property Strategy Headquarters

Intellectual Property Basic Act (2)

Intellectual Property Basic Act

Article 1 (Purpose)

The purpose of this Act is, **for the objective of realizing a dynamic economy and society** that is based on the creation of added values through the creation of new intellectual property and effective exploitation of such intellectual property in light of a growing necessity **for intensifying the international competitiveness** of Japanese industry in response to the changes in the social and economic situations at home and abroad, to promote measures for the creation, protection and exploitation of intellectual property in a focused and systematic manner by stipulating the basic principles on the creation, protection and exploitation of intellectual property and the basic matters to achieve the principles, clarifying the responsibilities of national government, local governments, universities, etc. and business operators, **establishing the Intellectual Property Strategy Headquarters**, and **providing stipulations on the development of a strategic program** on the creation, protection and exploitation of intellectual property.

Intellectual Property Basic Act (3)

Intellectual Property Basic Act

Chapter 4: Intellectual Property Strategy Headquarters

Article 24 (Establishment)

In order to promote measures for the creation, protection and exploitation of intellectual property in a focused and systematic manner, **the Intellectual Property Strategy Headquarters (hereinafter referred to as “Headquarters”) shall be established in the Cabinet.**

Intellectual Property Basic Act (4)

Intellectual Property Basic Act

Chapter 4: Intellectual Property Strategy Headquarters

Article 26 (Organization)

The Headquarters shall be organized to consist of the **Director-General** of the Intellectual Property Strategy Headquarters, the **Vice Director-Generals** of the Intellectual Property Strategy Headquarters, and **Members** of the Intellectual Property Strategy Headquarters.

Intellectual Property Basic Act (5)

Intellectual Property Basic Act

Chapter 4: Intellectual Property Strategy Headquarters

Article 27 (Director-General of the IPSH)

- (1) The Headquarters shall be headed by **the Director-General** of the Intellectual Property Strategy Headquarters (hereinafter referred to as “Director-General”), **the post which shall be served as the Prime Minister**.

Article 32 (Competent Minister)

- (1) **The competent Minister** as set forth in the Cabinet for the matters pertaining to the Headquarters shall be **the Prime Minister**.

Intellectual Property-related Ministries in the Government

Major laws and regulations relating to intellectual property in Japan

...Coordinators are needed since many ministries deal with IPR

- **Cabinet Secretariat**; Intellectual Property Basic Act
- **Ministry of Economy, Trade and Industry**:
Anti-unfair competition Act, Anti-counterfeiting/Piracy General Office
- **Japan Patent Office**:
Patent Act, Utility Model Act, Design Act, Trademark Act
- **Cultural Affairs Agency**: Copyright Act
- **Ministry of Finance**: Customs Law (enforce at borders)
- **National Police**: Police Duties Execution Law (enforcement within borders)
- **Ministry of Agriculture**: Plant Variety Protection and Seed Act
- **Ministry of Telecommunications**: Provider Liability Limitation Act
- **Ministry of Foreign Affairs**: Discussions (multilateral and bilateral) 9

Intellectual Property Basic Act (6)

Intellectual Property Basic Act

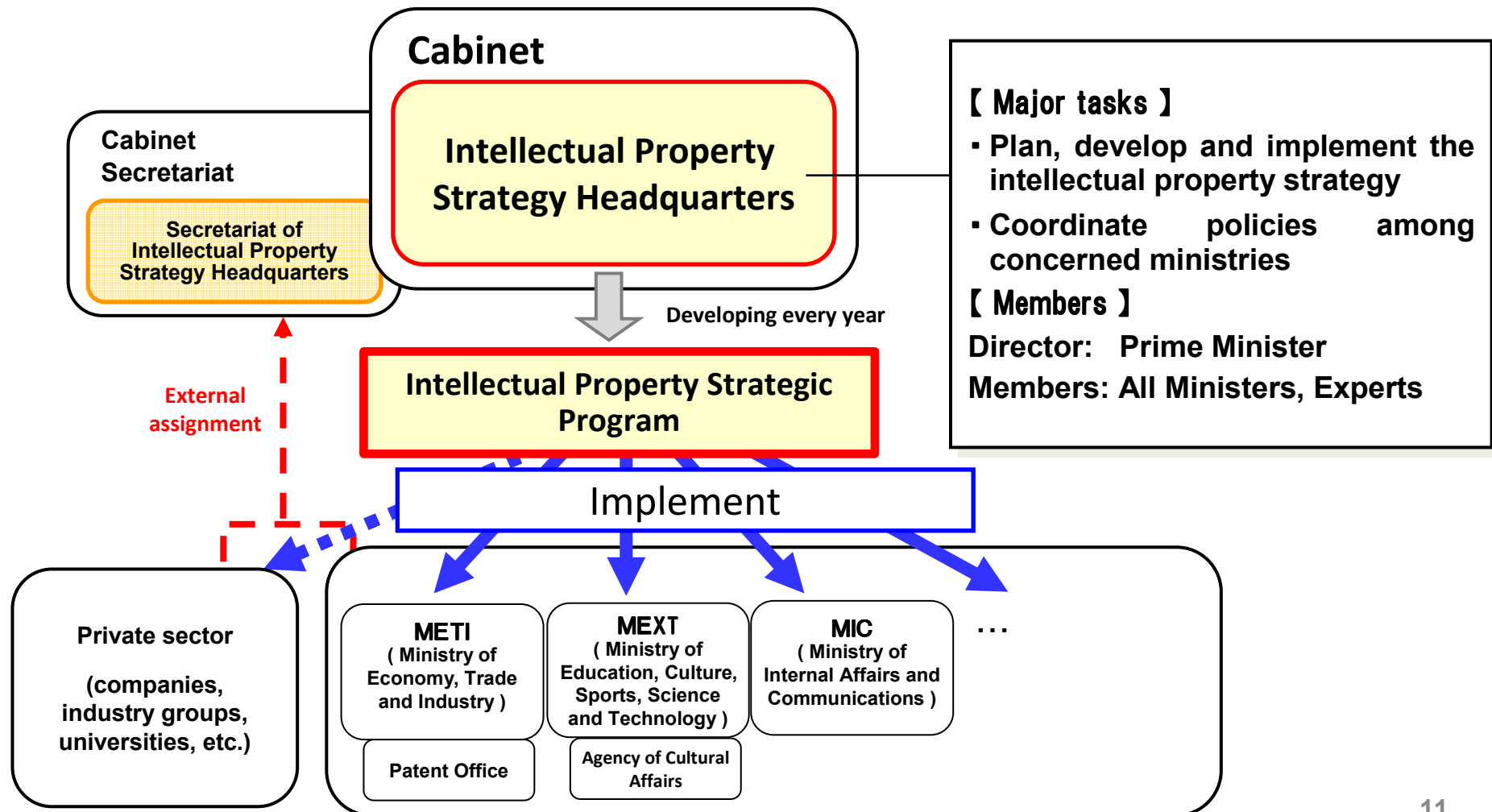
Chapter 4: Intellectual Property Strategy Headquarters

Article 31 (Affairs)

Affairs concerning the Headquarters shall be processed **within the Cabinet Secretariat** and administered by the Assistant Chief Cabinet Secretary under commission.

Japan's Intellectual Property Strategy Promotion Framework

- The Intellectual Property Strategy Headquarters was established in 2003 based on the “Intellectual Property Basic Act.”
- Japan develops a nationwide IPR strategy, called “Intellectual Property Strategic Program.”



IPSH meeting members

Political members:

Prime Minister & all the other Ministers

Expert members

Masuo Aizawa, member of Council for Science and Technology Policy

Tsuguhiko Kadokawa, Chairman & CEO of Kadokawa Group Holdings

Atsushi Nakajima, patent attorney

Machiko Satonaka, manga artist (cartoonist)

Nobuhiro Nakayama, Special-appointment professor of Meiji University / lawyer

Tamotsu Nomakuchi, President of The National Institute
of Advanced Industrial Science and Technology

Yasuchika Hasegawa, President of Takeda Pharmaceutical

Hiroshi Matsumoto, President of Kyoto University

Emiko Mio, lawyer

Takafumi Yamamoto, President of Tokyo University (TODAI) TLO (CASTI)₁₂

Setting up deliberative organs

Intellectual Property Basic Act

Article 33 (Delegation to Cabinet Orders)

The purpose of this Act is, In addition to what is provided for in this Act, necessary matters concerning the Headquarters shall be prescribed by a Cabinet Order.

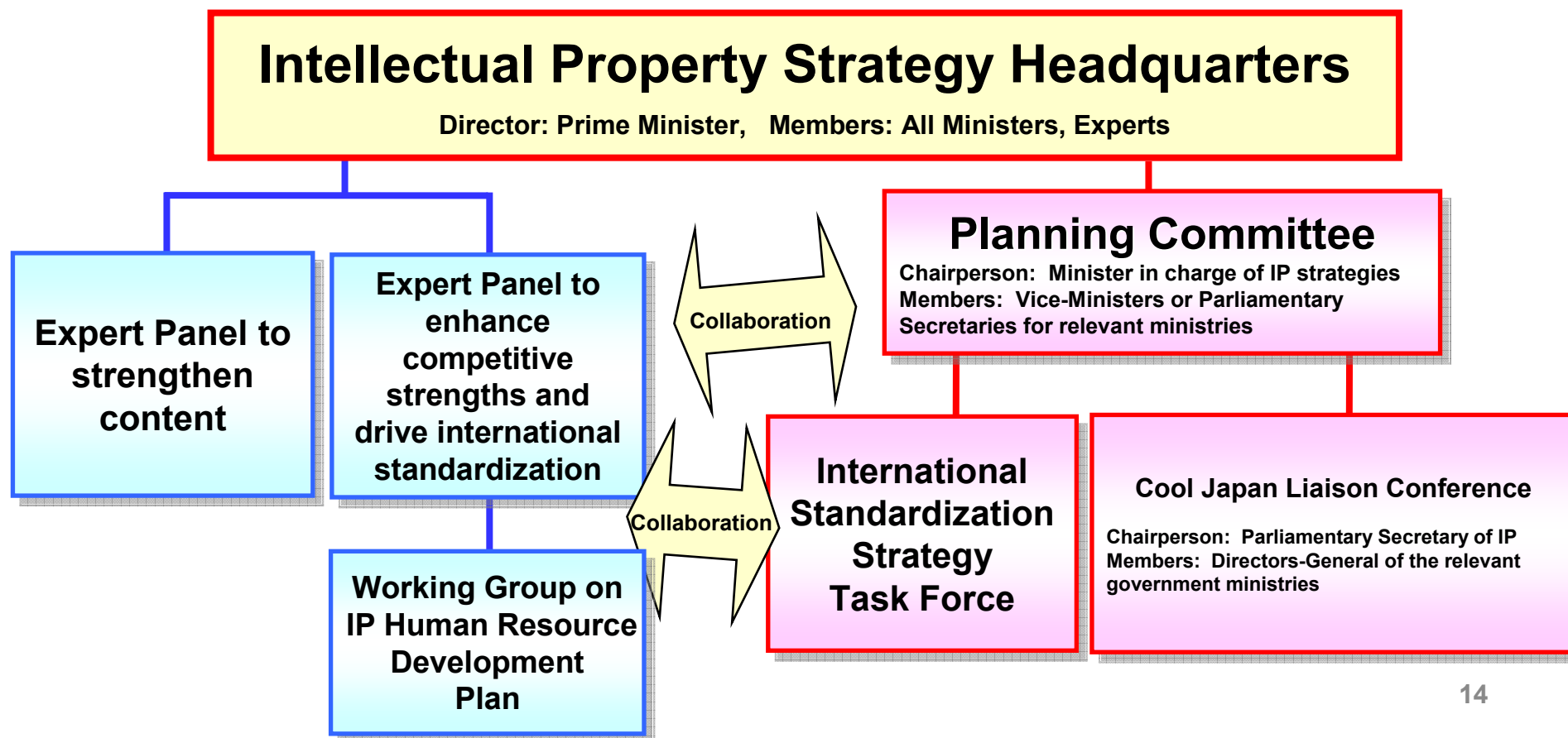
✓ Relevant Cabinet Order

(Cabinet Order on the Intellectual Property Strategy Headquarters) stipulates:

- **setting up of the expert panel by the decision of the Headquarters**
- **the panel members appointed by the Prime Minister**

Organization of the Intellectual Property Strategy Headquarters

- At present, the Intellectual Property Strategy Headquarters has 1 Planning Committee (Vice-Minister/Parliamentary Secretaries at concerned ministries), 2 Expert Panels (professors, lawyers, patent lawyers and other experts), and 1 Working Group.
- The Planning Committee created the “International Standardization Strategy Task Force” and held the “Cool Japan Liaison Conference.”



Exert Panel to enhance competitive strengths and drive international
standardization meeting members

Hidetaka Aizawa, Hitotsubashi University Graduate School
of International Corporate Strategy

Masuo Aizawa, Council for Science and Technology Policy, Cabinet Office

Hisamitsu Arai, Tokyo Small & Medium Business Investment & Consultation Co., Ltd

Mitsuru Izumo, euglena Co., Ltd.

Naho Ebata, Abe, Ikubo & Katayama/Lawyer

Tetsuya Obuchi, University of Tokyo Graduate Schools for Law and Politics

Koichi Ogawa, University of Tokyo Graduate School of Economics

Yukiko Kamijo, Graduate school, Kanazawa Institute of Technology

Nobuhito Kishi, Graduate School of Intellectual Property, Nihon University
(Vice-chairman of this Exert Panel)

Ken Kutaragi, Cyber AI Entertainment Inc.

Exert Panel to enhance competitive strengths and drive international
standardization meeting members

Junichi Sakomoto, Shochiku Co.,Ltd.

Takeshi Sasaki, Toyota Motor Corporation

Kenichiro Senoh, The Industry-Academia Collaboration Initiative Nonprofit
Organization (Chairman of this Exert Panel)

Masau Takayanagi, Kyowa Hakko Kirin Co.,Ltd.

Atsushi Nakajima, Taiyo,NAKAJIMA & KATO/ Patent Attorney

Ichiya Nakamura, Graduate School of Media Design, Keio University

Kohei Nishiyama, Elephant design Co., Ltd.

Yoshihisa Fukushima, Panasonic Corporation

Takafumi Yamamoto, Tokyo University (TODAI) TLO Ltd., (CASTI)

Toshiya Watanabe, Research Center for Advanced Science and Technology,
the University of Tokyo

Consultation/coordination with relevant ministries (1)

["Intellectual Property Strategic Program 2010" Process chart]

	Specific measures	Outline	Government Office/ Ministries in Charge	Short-term		Medium-term		Long-term
				FY2010	FY2011	FY2012	FY2013	FY2014~2019
I . Acquisition of international standards in the specific strategic sectors for international standardization								
1	Formulation of a standardization roadmap in the specific strategic sectors for international standardization (Short/Medium-term)	The private sector and the public sector integrally formulate strategies for strengthening the competitiveness with the intellectual property management as its core including a standardization roadmap in the specific strategic sector for international standardization	Cabinet Office	Formulating the strategies for the enhancement of competitiveness including a standardization roadmap in the specific strategic sector for international standardization in cooperation with related agencies and ministries	Enforcing the strategies for the enhancement of competitiveness in each field in cooperation with related agencies and ministries			
			MIC					
			MEXT					
			MHLW					
			METI					
			MLIT					
MOE								
2	Integrated promotion of the creation/protection of intellectual property and standardization thereof (Medium-term)	Promoting the standardization in problem-solving and demonstrative R&D in an integrated manner and in doing so, promoting the creation/protection of intellectual property in differentiated areas and the standardization in other areas in an integrated manner	METI	Establishing an IP Working Group (provisional title) and deliberating on an integrated promotion of the protection of IP and standardization thereof	Promoting based on the deliberation results			
			MIC	Drawing a conclusion on measures to integrally promote the standardization in problem-solving and demonstrative R&D in the "Task Force on ICT Policies in the Global Era" (September 2010)	Integrally promoting the standardization in problem-solving and demonstrative R&D based on the conclusion			
			MLIT	Deliberating on measures for demonstrative experiments toward the international standardization	Implementing demonstrative experiments toward the international standardization			

Consultation/coordination with relevant ministries (2)

[Evaluation of the progress of “Intellectual Property Strategic Program 2010”]

評価 ○[Accomplished] 達成、△[Almost accomplished] 概ね達成しているが、更に進める必要、×[Not accomplished] 未達成

Progress situation evaluation problems

具体的な取組	概要	担当府省	工程表					進捗状況	評価	今後の課題	
			短期		中期		長期				
			2010年度	2011年度	2012年度	2013年度	2014～2019年度				
I. 国際標準化特定戦略分野における国際標準の振興											
1	国際標準化特定戦略分野における標準化ロードマップの策定(短期・中期)	国際標準化特定戦略分野における標準化ロードマップを含む知的財産マッピングを核とした競争力強化戦略を官民一体となって策定し、インフラ整備や支援策を確実に実行する。	内閣府 経済省 文部科学省 厚生労働省 経済産業省 国土交通省 環境省	国際標準化特定戦略分野において、関係府省と連携を取りながら、標準化ロードマップを含む競争力強化戦略を策定。	各分野において関係府省と連携をとりながら競争力強化戦略を実行。			2010年度末までの具体的な取組状況	2011年度以降の具体的な取組予定	評価	今後の課題
※国際標準化戦略タスクフォースで別法フォローアップ。											
2	知財の創出・保護と標準化の一体的推進(中期)	問題解決型、実証実験型の研究開発において標準化を一体的に推進する。その際、差異化領域における知的財産の創出・保護とその権の帰属における標準化を一体として推進する。	経済産業省	知財ワーキンググループ(仮称)を設置し、知財の保護と標準化の一体的推進について検討。	検討結果に基づき推進。			標準化と知財を一体的に推進するための検討事項を抽出するため、有識者からヒアリングを実施し、知財ワーキンググループの立ち上げに向けた論点を整理した。	知財ワーキンググループにおける論議の整理及び知財マネジメントの方案について検討する。	△	知財ワーキンググループの立ち上げが完了していない。2011年度は、同グループを立ち上げ、推進策の検討を進める必要がある。
			経済産業省	グローバル時代におけるIoT政策に関するタスクフォースにおいて問題解決型、実証実験型の研究開発において標準化を一体的に推進する方策についての議論を得る(2010年8月)。	議論に基づき問題解決型、実証実験型の研究開発において標準化を一体的に推進。			「グローバル時代におけるIoT政策に関するタスクフォース」において、情報通信分野における標準化戦略の在り方について検討を行い、標準化重点分野に関する具体的な進め方について議論を得た。 具体的な事例としては、現在、ユーザ企業を含む検討グループを立ち上げ、ユーザ視点から要件の整理、仕様の策定について検討した。 さらに、情報通信審議会において、研究開発と標準化との一体的な取組の在り方について検討を行っていく旨の諮問を行った。 グローバル市場における国際標準と標準化の在り方について検討を行っていくため、「IoTグローバル展開の在り方に関する懇談会」を立ち上げた。(2011年1月)	左記の検討結果を踏まえ、2011年度以降、コンテンツメディアに関して国際と標準化を一体的に取り組むプロジェクトを検討する。	○	2011年度は、議論に基づき、標準化を視野に入れた研究開発を推進する必要がある。
国土交通省	国際標準化を見据えた実証実験の方策を検討。	国際標準化を見据えた実証実験実施。			我が国の優位技術である道産効果ガス削減に資する技術(例:下水汚濁からの資源・エネルギー再生技術)をシステム化・IoTライズ化する下水車庫的技術実証事業(B-BASH0(2011年度予算案))の具体的な進め方を検討した。 2011年2月に当該事業の公募を開始した。			予算決定後、公募により実証実験箇所を選定し、着手する。	○	2011年度は、議論に基づき、標準化を視野に入れた実証実験を推進する必要がある。	

Intellectual Property Strategy Headquarters meeting

On June 3rd , at the Intellectual Property Strategy Headquarters(IPSH) meeting chaired by the Prime Minister, the evaluation results of Program 2010 were reported and a new program was adopted.

< IPSH meetings >

2011	June 3 March 31	(Strategic Program 2011 adopted)
2010	December 21 October 26 May 21	(Strategic Program 2010 adopted)

Efforts toward an Intellectual Property-oriented Nation

Major Achievements

Examples:

- ✓ Established Intellectual Property High Court (April 1, 2005)
- ✓ Increased the number of patent examiners to expedite patent examination (approx. 500 fixed-term examiners recruited over the 5 years since 2004)
- ✓ Revised the scope of patentable items in advanced medicine (in 2009, dosing measures became patentable, etc.)
- ✓ Formulated the International Standardization Strategies in the seven specific areas (in 2011)

Overview of the “Intellectual Property Strategic Program 2011”

◆ New era and intellectual property innovation

- High-speed communication has ushered in the “Global Network Era,” when seamless worldwide connections has become a reality.
- In its context, Intellectual Property Strategic Program 2011 was formulated as the foundation for growth in the next 10 to 20 years, responding to the Great East Japan Earthquake, and four strategies will be robustly facilitated as major focuses.

◆ 4 IP strategies to address new challenges in the global network era

- | | |
|--|----------------------------|
| (1) International Standardization Strategy | (3) IP Innovation Strategy |
| (2) Cutting-edge Digital Network Strategy | (4) Cool Japan Strategy |

◆ Structure

- Continuing to steadily implement the measures stipulated under IPSP 2010, new measures has been added in order to address the Great Earthquake.
- Envisioning the Year 2020, goals have been set with specific numerical targets for each.
- In case of any dramatic changes caused by contingencies such as the Great Earthquake, it will be revised accordingly, where appropriate, including additional measures responding to this time contingency.

Strategy 1: International Standardization

- To put emphasis on the importance that all companies carry out strategic IP management and respond to international standardization.
- To review the progress/validation of “International Standardization Strategy” in the 7 fields specified in FY 2010.
- To expand and improve fundamental programs for furthering “International Standardization Strategy.”

◆ Priority Measures

Implementation of “International Standardization Strategy”

7 fields specified in FY 2010

1	advanced medical technologies
2	water
3	next generation vehicles
4	railways
5	energy management
6	digital contents
7	robotics

+

Select and add new fields

Fundamental Programs



Promote

Encouraging standardization activities

- Participate in international standardization activities
- Invite organizations holding conferences on international standardization.



Promote

Strategically utilizing certification

- Work on R&D within the scope of international standardization and certification
- Enhance the capacity of certification organizations



Promote

Strengthening collaboration with Asian countries

- Conduct joint R&D and certification projects

Framework of International standardization strategy

Research trends at home and abroad



Survey entire picture and future image of target fields



Design strategies that link technological advantages and competitiveness by using the IP protection and international standardization



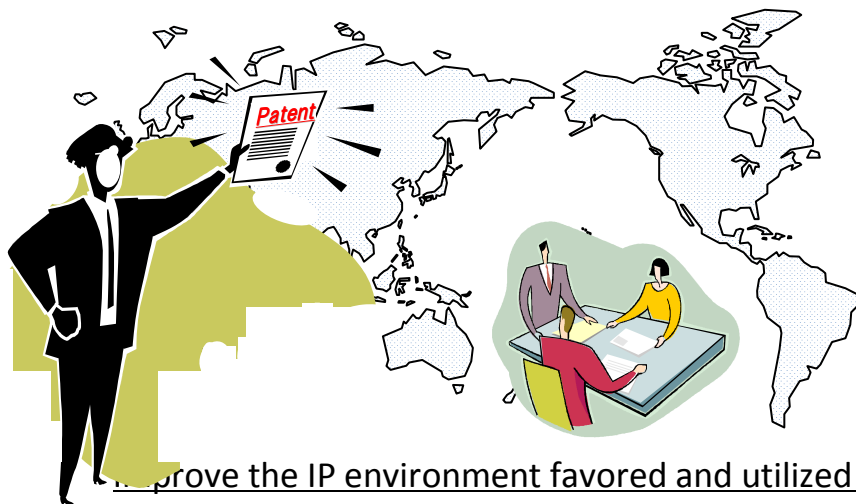
Create action plan to achieve international standardization

Strategy 2: Intellectual Property innovation

- The IP system in every country faces global competition.
- Heightening the attractiveness of Japan's IP system, the JPO will take the lead in formulating a global IP system.

◆ Priority Measures

Strengthen competitiveness of Japan's IP system



Improve the IP environment favored and utilized by
Asia and other regions

- Encourage international preliminary examination in English
- Further facilitate Examiners Exchange

Promote the utilization of "Knowledge" created by Japan



- Improve the comprehensive and finely-tuned support system for SMEs, centering around one-stop consultation service counters (set up by prefectures)
- Promote multi-phased selection method in SBIR (Small Business Innovation Research)
- Promote IP management in university-industry collaborative research

Develop and secure human resource who support IP strategies

- Design a IP human resource development plan in the global network era



Strategy 3: Cutting-edge digital network

- Rapid and global advancements in digitalization and networking of contents.
- Cutting through the frontier of our digital-network society and linking it to Japan's economic growth.

◆ Priority Measures

Promote developing digital books (e-books) Utilizing digital intellectual property

- Due to development of a variety of devices, global e-book business has rapidly grown



- Digitalize the National Diet Library's 900,000 books for public libraries, enabling the public to view those digital archives over the Internet

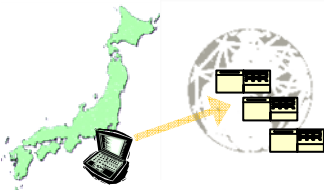
- Develop a digital infrastructure for the e-book market

- Enhance the creation and utilization of intellectual property



Strengthen measures to combat global infringements

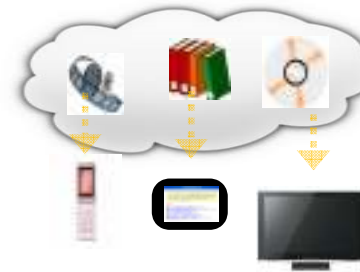
- Copyright infringements are spread worldwide though the Internet



- Build framework to quickly eliminate copyright infringements worldwide (discussions in the international scene, requests to web operators worldwide, negotiations with foreign countries)

Improve infrastructure to drive digitalization and networking

- Cloud services where users can enjoy obtained contents anywhere and anytime will be prevailing

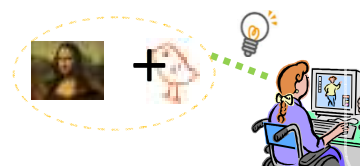


- Eliminate the legal risk over cloud services in terms of copyright infringements

- Improve environment for platform operators to stimulate competition

Improve the infrastructure to drive digital creation

- With the popularity of low-priced digital devices and SNS (social networking services), secondary creation grows.



- Discuss legal issues surrounding parody and collaboration over the Internet is needed, to facilitate secondary creation

- Cultivate new and young creators

Strategy 4: Cool Japan

➤ Promoting popular “things Japanese” overseas under the banner of “Cool Japan,” e.g. contents, fashion, products, cuisine, traditional culture, designs, etc, and driving economic growth in the country.

◆ Priority Measures

Promoting at international events



Cherry blossom festival
(Washington D.C.)



Japan Expo (Paris)

Producing visual contents



Design strategies for each target country



Brand image strategy (logos, marks, portal sites, creative directors, ambassadors)

Spreading information on Japan's recovery

Spreading

Conducting more “Cool Japan” events



(co-Festa)



(Japan Media Art Festival)

Rebuilding Japan's brand



(cuisine) (tourism) (manufacturing)

Establishing Cool-Japan Award (tentative name)



Discovery creation

Enhancing

Improving infrastructure

Encouraging joint initiatives between the public and private sectors

Reconstruction & Recovery in East Japan (branding traditional crafts)

Japan will recover on its stand, and shine in the world

Thank you!