

Formulation of IP Policies:

- (a) Methodological Issues: Conducting IP Audits, Setting the Objectives, Identifying Priority Areas, Alignment with National Development Goals

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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 Strategy Outline (July 2002)

decided by Intellectual Property Strategy Council

- ✓ Challenges
 - declining competitiveness
 - establishment of intellectual creation cycle needed
- ✓ Directions
 - intellectual property-oriented nation
 - activation of economic and social development
- ✓ Measures
 - establish “Intellectual Property Basic Act”
 - strategies in terms of creation, protection & utilization of intellectual property

Background (3)

“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 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

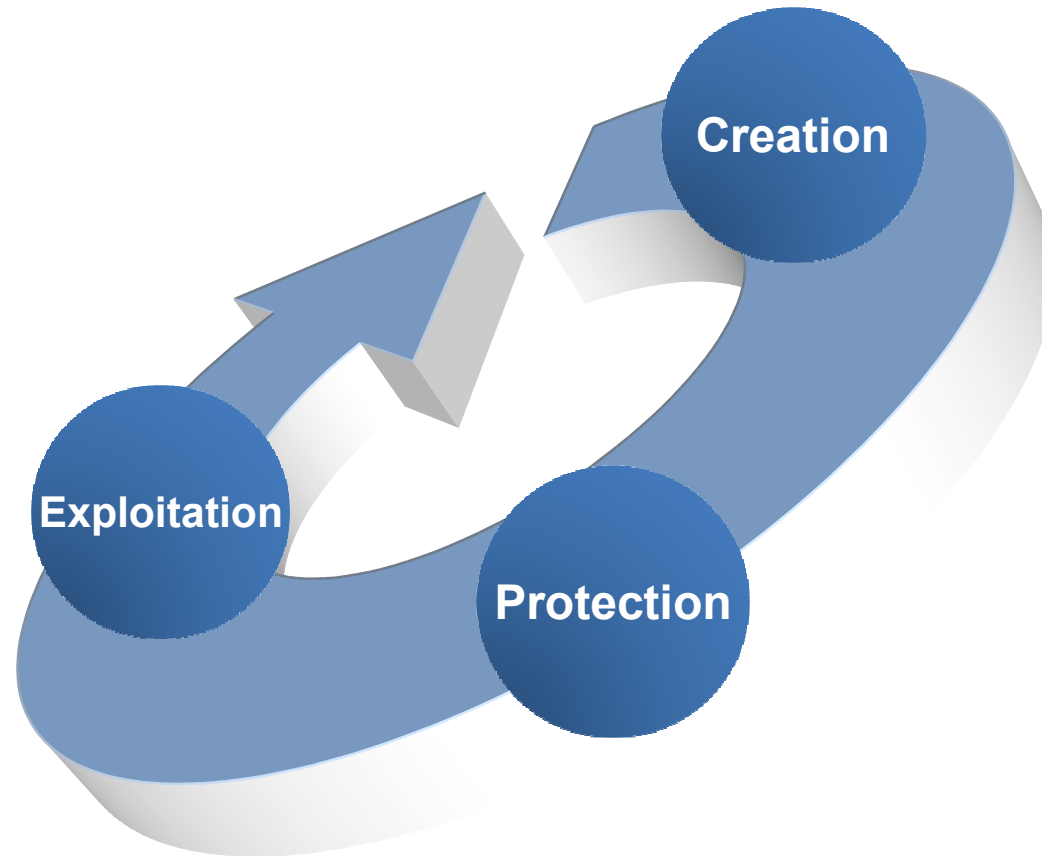
Intellectual Property Basic Act (2)

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 Cycle



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

Developing a strategic program

Intellectual Property Basic Act

Article 23

- (1) The Intellectual Property Strategy Headquarters shall **develop a strategic program on the creation, protection and exploitation of intellectual property** (hereinafter referred to as the "**strategic program**") pursuant to the provision of this Chapter.

- (2) The matters listed in the following items shall be decided within the strategic program:
 - (i) **Basic policy** concerning measures that the government should implement in a focused and systematic manner for the creation, protection and exploitation of intellectual property;
 - (ii) **Measures** that the government should take in a focused and systematic manner for the creation, protection and exploitation of intellectual property;
 - (iii) **Measures** that the government should take in a focused and systematic manner to promote education on intellectual property and secure human resources, etc.
 - (iv) Matters other than those prescribed in the preceding items that are required for the government to promote measures in a focused and systematic manner for the creation, protection and exploitation of intellectual property.

- (3)

Example: structure of the Strategic Program 2011

Intellectual Property Strategic Program 2011

by Intellectual Property Strategy Headquarters, June 2011

✓ structure

I. Basic recognition

II. Four Strategies:

1. International Standardization
2. Intellectual Property innovation
3. Cutting-edge digital network
4. Cool Japan

III. Process chart

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 with in 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

Two phases of the Strategic Program

✓ Development phase of the Strategic Program

- deliberation by expert panels (Starts late fall every year)
- recommendations from the panels to the Intellectual Property Strategy Headquarters
- decision by the Headquarters (Final decision: mid-late spring every year)

✓ Implementation phase of the Program

- budgetary request & implementation of the Program by the ministries concerned

Setting up deliberative organs

Intellectual Property Basic Act

Article 33 (Delegation to Cabinet Orders)

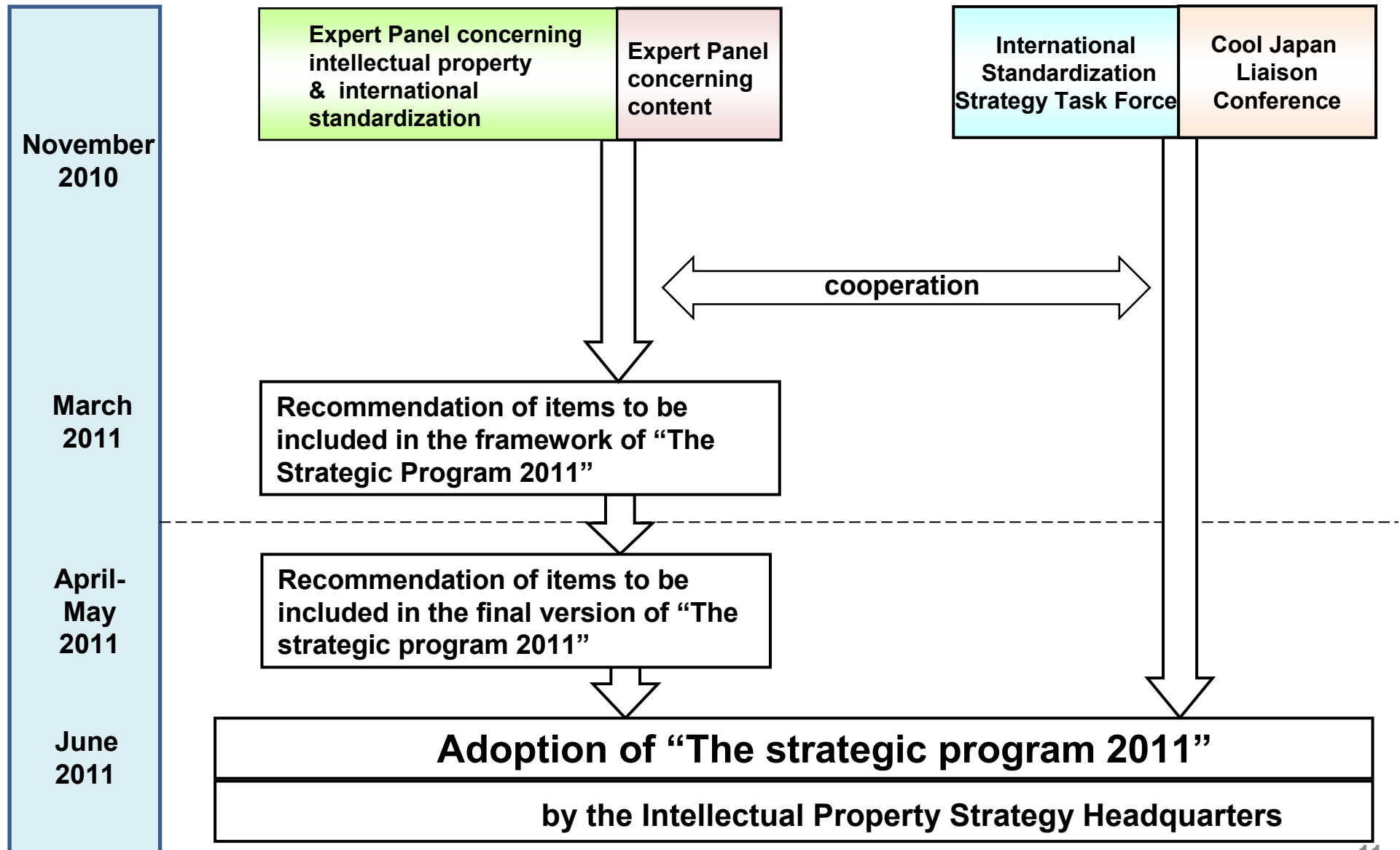
The purpose of this Act is, In addition to what is provided for in this Act, necessary matters concerning the Headquarters shall be prescribed by a Cabinet Order.

✓ 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**

Example: Schedule of developing “the Strategic Program 2011”



Needs Assessment & Review

Intellectual Property Basic Act

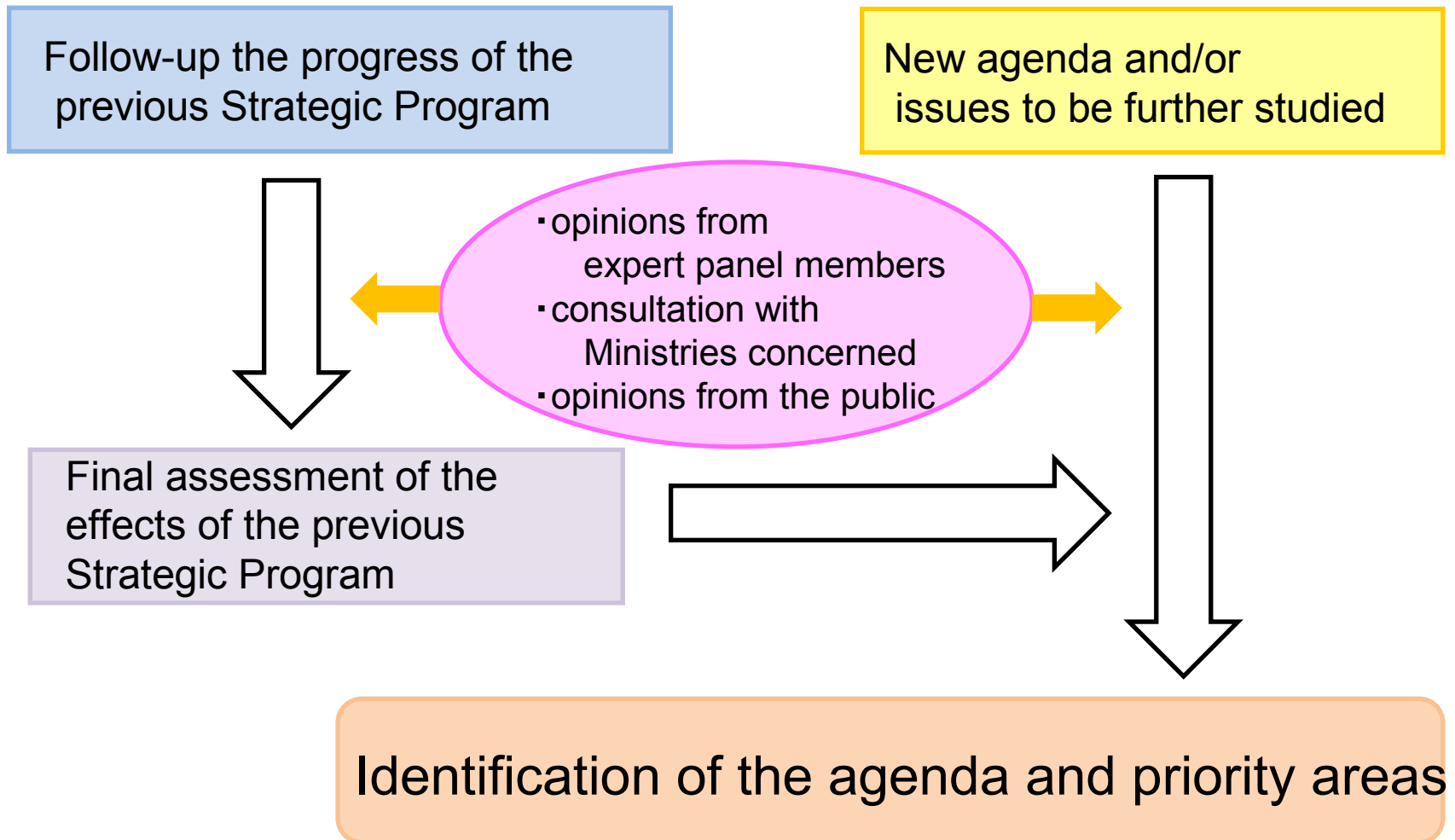
Article 23

(6) The Intellectual Property Strategy Headquarters shall, by taking into consideration of **the changes in the situation** surrounding intellectual property and based on **the assessment of the effect of the measures** for the creation, protection and exploitation of intellectual property, review the strategic program at least annually and amend the program when it finds necessary.

- ✓ Consideration of the situation
 - **Opinions from expert panel members**
 - **Consultations with various stakeholders, including Ministries concerned**
 - **Opinions from the public**

- ✓ Assessment of the on-going Strategic Program

Identification of the agenda



Example: Strategic Program 2010

Intellectual Property Strategic Program 2010

by Intellectual Property Strategy Headquarters, May 2010

Three pillars of the strategies

Strategy 1:

Strategic exploitation of international standards

Strategy 2:

Strengthening content power

Strategy 3:

Strengthening industrial properties across the sectors

Concrete measures (1) -prioritization-

Example:

Strategy 1:

Strategic exploitation of international standards

Priority Measures:

- In the future, Japan selected and focused on the growing industrial fields, as “Strategic Fields for International Standardization” where Japan has its technological advantages. In the seven fields focused on as its first step, Japan will promote intellectual property management to utilize these intellectual properties and establish the international standards that lead to the enhancement of the competitiveness in the global market.

<Specific strategic fields>

- (1) Advanced medical technology, (2) Water,
- (3) Next generation vehicles, (4) Railways,
- (5) Energy management, (6) Digital Content and (7) Robot

-

Concrete measures (2) -outcomes-

Example:

Strategy 1:

Strategic exploitation of international standards

[Expected Outcomes]

1. To increase world market share in the specific strategic fields through the promotion of international standardization in conjunction with R&D and commercialization strategies as well as acquisition/utilization of intellectual property rights

<Specific strategic fields>

(1) Advanced medical technology, (2) Water, (3) Next generation vehicles,
(4) Railways, (5) Energy management, (6) Digital Content and (7) Robot

Concrete measures (3) -indicators-

Example:

Strategy 1:

Strategic exploitation of international standards

[Target indicators] (target year: 2020)

- To formulate and implement, in the international standardization specific strategic field, the competitiveness reinforcing strategy making intellectual property management, including standardization roadmaps.
- To increase the number of cases for Japan to work as secretariats at international standards organizations (150 cases)

Concrete measures (4) -process chart-

Example :

Strategy 1:

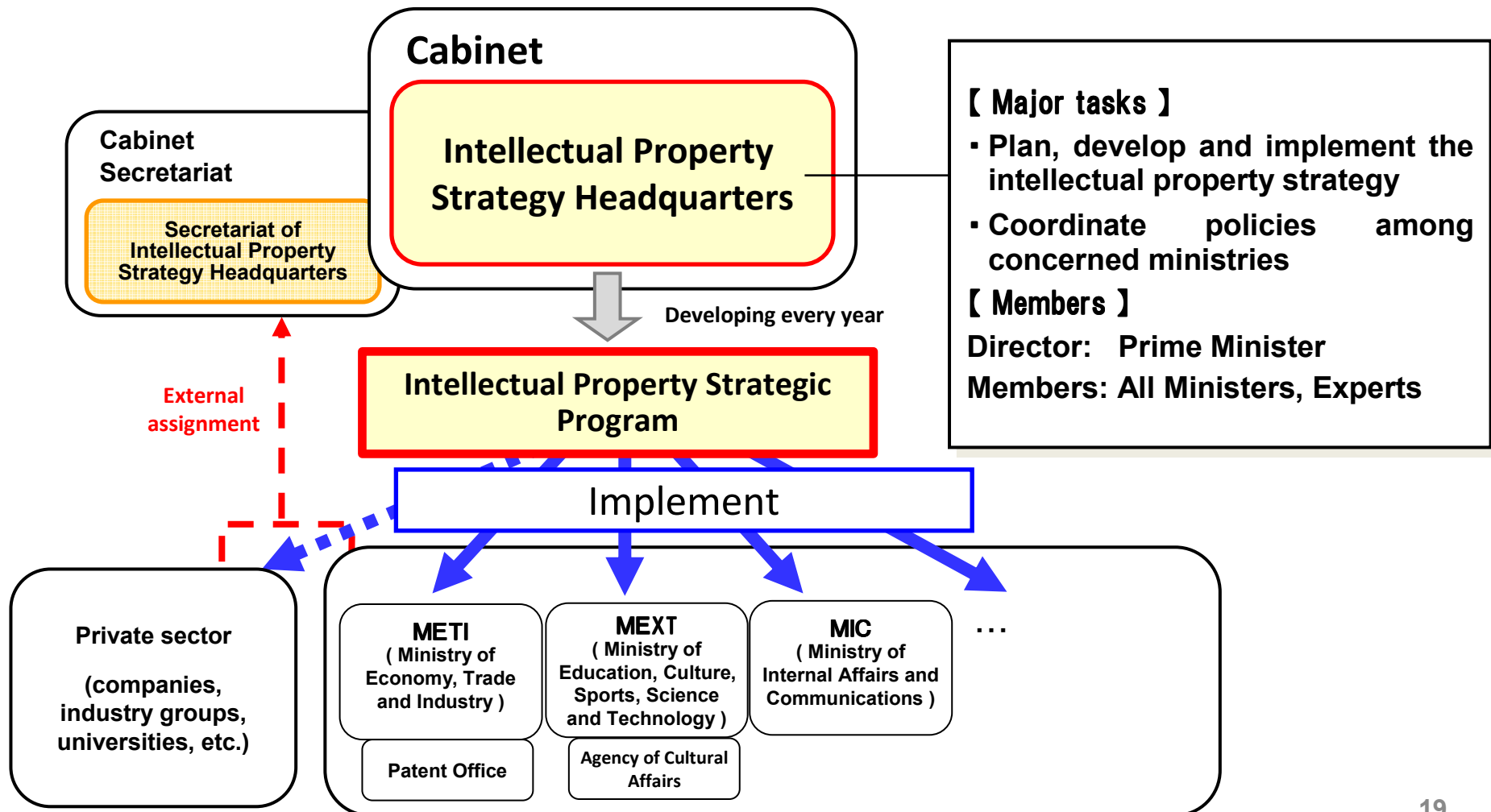
Strategic exploitation of international standards

[Process chart]

	Specific measures	Outline	Government Office/ Ministries in Charge	Short-term		Medium-term		Long-term
				FY2010	FY2011	FY2012	FY2013	FY2014~2019
Strategy 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 MIC MEXT MHLW METI MLIT MOE	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			

Implementing phase of the Strategy Program

- 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.”



Thank you!