

Recent developments in Japan's intellectual property industry

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Abstract

There have been many changes and new initiatives in the field of intellectual property (IP) and the use of patent information (PI) in Japan in recent years. In this article the author provides a concise survey of these developments. Topics embraced include the increased corporate emphasis on IP and the moves towards greater integration of IP and PI into other core activities such as R & D and strategic planning. Japanese government initiatives covered include the Intellectual Property Policy Outline and the Intellectual Property Strategic Program, as well as major efforts to reduce backlogs of patent applications awaiting search and examination—such as outsourcing and the increased recruitment of examiners. Other topics referred to include the increasing need for better prior art searches early in the R & D process, patent databases and licensing activities.

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1. Profile of today's Japanese IP market

Although the US started advocating modern pro-patent ideas as early as 1985, the pro-patent movement in Japan can only now be said to have taken root. To give you an idea of the market scale, today the expenses Japanese companies shell out for patent and other IP-related services in Japan, such as fees to the Japan Patent Office, the hiring of patent attorneys, etc., is estimated at 11.2 billion US dollars [1]. Not only is this a growing and promising market, but it is a dynamic one as well, especially in terms of the segmentation of the IP customer base.

2. Structural change

Looking back ten years ago, around 75% of our customers were companies which dealt directly with intel-

lectual property. Whereas now, financial institutions and other organizations which we would normally think would have nothing to do with IP, have started utilizing our services. Usage by traditional non-IP related firms has increased by 10%, occupying a total of 35% of the overall customer base. In addition to conventional users, a whole new customer base has risen to add variety to our market. R & D professionals are, for the first time, encouraged to make their own IP searches, meaning that the number of relatively inexperienced searchers has increased dramatically.

Those departments in corporations which deal with IP-related matters have also seen dramatic changes. To give an example, a leading international precision machinery manufacturer based in Japan recently relocated 100 developmental staff members from their R & D and technical departments to IP-related positions. The newly reinforced intellectual property department will first give basic training about searching IP documents, and then they will be focusing on formulating an objective analysis of the company's own strengths and weaknesses. Those people are assigned to identify

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in areas of technologies which are important now as well as areas that are foreseen through these analysis to be vital for the growth of that company. The movement itself is quite innovative. As anybody who has worked in manufacturing would know, it is hard to imagine taking 100 R & D professionals and engineers away from their more “traditional” responsibilities. This shows just how seriously Japanese corporations have started focusing on IP information.

Another quite interesting example, in earlier times, when someone was relocated to the intellectual property department, it pretty much implied a demotion. However, just this year (2004) alone, I already have heard several times how new employees, some of whom are coming in from top graduate schools, eagerly want to be placed in intellectual property-related departments. Times really have changed!

3. Changes in R & D strategy

In order for companies to decide the best R & D strategy, an effective process of the R & D efforts itself must be properly implemented through cooperation between the R & D and IP professionals in the organization. Indeed, collaboration of this kind—between R & D and Intellectual Property professionals—has become a requirement in high-tech global companies, and its implementation is becoming more and more widespread.

As people from backgrounds as different as R & D and IP-related matters come together, a sort of “chemicalization” is bound to take place, and they become better able to recognize through wider perspective, not only their current technological strengths, but perhaps more importantly, their potential; they better understand what they are capable of. Of course, it does not stop there. You also must know your competitors. And what better way to do that by having your R & D staff and IP experts work together in the same office and sharing their knowledge or even insights together, but this time utilizing IP information that concerns other companies, and there are a few very good analytical tools to help these process, such as Focust or Anacubis. And of course, the end-product of all this is for the company to discover if its R & D strategy is on the right track.

Another happy result that develops through the interaction between R & D and IP departments is that they begin to understand how each other think. When importing a concept that an engineer is not familiar with, searchers will help him since they usually analyze IP in broad terms and gather enormous knowledge from patterns they recognize within a field of technology or even across fields of technologies. Perhaps they can be said to be capable of “lateral thinking.” In this way, I

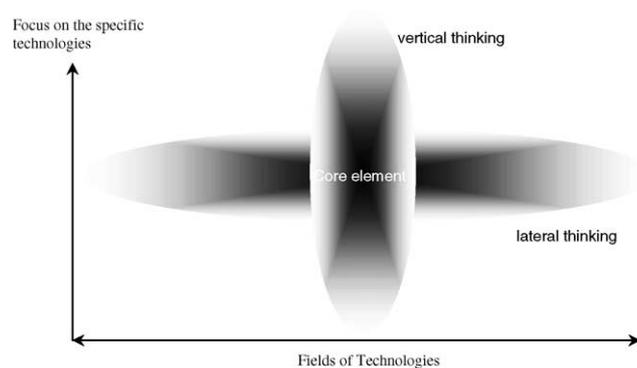


Fig. 1. Lateral and vertical thinking.

suppose engineers might be called “vertical thinking” types. But whatever the case, when minds like these come together, IP information truly becomes a “core” element of corporate strategy (Fig. 1).

4. Searchers to Corporate planners

There is one thing that I have been saying for years. And that is, do not simply consider intellectual property-related personnel as people who perform searches and some managerial work needed for IP management. As time moves forward, and the collaboration and liaison with R & D people progresses, these people will become researchers. From researchers, some will develop into analysts, and then, from analysts they will advance into strategists, and finally from strategists they will become corporate planners. When I first mentioned this in a conference a few years ago, about one-third of the audience did not believe me, while another third had serious doubts. But one-third, I am happy to say, had their thinking caps on. They understood what I was talking about. And what of the situation now? Aren't most forward-thinking corporations headed in this direction? I strongly believe they are, and that they are on the right track.

5. Government's approach

When a majority of corporations begin to review the value of intellectual property the government is not far behind. True to form, the Japan Patent Office is making a sincere effort to adapt to this dramatically changing industry. In July 2002, the government formed the Intellectual Property Policy Outline. With this, transforming Japan into an Intellectual Property-based nation became a national goal. Shortly thereafter, the Basic Law on Intellectual Property became effective in March of 2003. Then, in July 2003, the Intellectual Property Strategic Program was introduced in order to define a solid policy to achieve this national goal.

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