

In order to protect “marks of specific goods or services” that has a distinctiveness to identify their sources in the same function as trademarks and tradenames, the Law provides civil remedies against unfair competition practices with bad-faith intent to use domain name, which registration system is based on first-come first-serve and no-examination. The right-holder of “marks of specific goods or services” is entitled to seek compensatory damages, permanent injunctions and injunctive relief to prevent infringement against cybersquatting acts of a third party, such as the acts of registering, holding or using in a website a domain name that is identical or confusingly similar to the “marks of specific goods or services” with the bad-faith intent to profit from the goodwill of the right holder or to tarnish the mark, or offering to the right holder of trademark to assign such domain name at an unreasonably high price.

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## Study of Standardized Technology Licensing

The Fourth Subcommittee  
License Committee

In the recent years, the activities to provide technical standard to keep compatibility or interoperability between products or services on the market is becoming more and more active. In the activities of standardization, various licensing schemes of essential patents have discussed in relation to such technical standards, and new licensing systems that are simple and easy for both the licensees and licensors have been provided, such as the patent pool etc. Furthermore, in the standardization of third generation cellular phones, a new scheme called “platform” that compensates the weakness of the patent pool is being discussed.

The intension of this article is to analyze and introduce; (1) the type of standardization efforts; and (2) license policies and licensing activities of standardization organizations; that are seen mainly in Japanese domestic standardization organizations, and to discuss how the patent licensing of those standardized technologies should be, by analyzing the problems in each of the licensing schemes that have currently been proposed from the conflicting viewpoints between the encouragement of the diffusion of the technological standards and the guarantee of profits of patent right holders.

There are an extremely small number of standardization organizations that clearly indicate their IPR policies. This is believed to be either because the organizations don't want to mention IPR as there are many cases of contradiction between the promptness of standardization efforts and the coordination of interests in each member, or because in many cases they apply ISO rules as a common reasonable compromising point that most of the standardization members agree.

However, leaving “reasonable royalty” of the ISO rules only to the coordination efforts between concerned parties may contradict the inherent purposes of the standardization, and it is believed necessary to implement some controls, such as those provided by arbitrations by third parties etc.

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