

State of Industry/Academia Collaboration as Seen By Industry

The Second Subcommittee,
License Committee

The purpose of this article is to introduce the results of the questionnaire survey concerning the state of the industry-academia collaboration and the attitudes of the industry in respect of such industry-academia collaboration, and also the analysis of such survey results. The questionnaire was conducted in FY2001 targeting 34 member corporations of the Japan Intellectual Property Association. The result of the questionnaire revealed the following four main points: (i) the industrial circle is interested in and expecting the industry-academia collaboration, but they feel that they can find few research themes that match their needs in those collaboration cases; (ii) the industrial circle has a lot of complaints against the rigid contractual terms and conditions and the fact that those terms and conditions have little room for negotiation; (iii) companies tend to choose grants and endowments to universities rather than joint researches with or commissioned researches (researches commissioned by companies) to the universities; (iv) companies tend to make contracts with the individual faculty members of universities rather than with the universities when the companies wish to request for consultation with the faculty members.

This article discusses, on account of the results of the questionnaire, the problems to be solved by the industrial circle, government and universities, respectively to make the industry-academia collaboration fruitful and useful in the future. Further, this article summarizes what the industrial circle expects in the future of the national universities turning into independent administrative entities in FY2004. This article especially emphasizes the importance of removing the rigidity of the contracts between enterprises and the universities, which has been the largest obstacle for the promotion of the industry-academia collaboration.

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Revised Unfair Competition Prevention Law

The Second Subcommittee,
Fair Trade Committee

The Law for Amending a Portion of the Unfair Competition Prevention Law (2003 Law No.46; established on May 16, 2003 and proclaimed on May 23, 2003) has entered into force as of January 1, 2004. This amendment was made in response to the Intellectual Property Policy Outline, and deemed as one of the legislative actions required for the realization of Japan as the “nation built on intellectual property”.

Under the current legislation, only those who infringe intellectual property rights take the benefit, because it is difficult to prove the unfair competition acts and the damages .t. Further, the

risk of unauthorized disclosure or leakage of trade secret has increased due to the development of the information of the economy and society resulting from the recent tendency of networking and digitization, and the risk of the information management may further increase due to the increasing mobility of employment. Under these circumstances, the Unfair Competition Prevention Law was amended in respect of the following three points:

The definition of the unfair competition acts was modified to clearly include the concept of the digitization and networking of the economy and society as the element of unfair competition acts. Similarly to the revision of the four industrial property laws, the process of proving the infringing act and the damages incurred by it were eased to seek civil remedies more easily. Criminal charge (imprisonment for three years or less, or a fine of three million yen or less) was introduced against the unauthorized acquisition, use or disclosure of trade secrets, after sufficient discussion on the impediments for the mobility of employment, whistle-blowing or freedom of press, or the trade-diminishing effect of the punishment of those who receive benefit from the above unlawful acts.

Currently, the needs for the protection of trade secrets in the course of litigation procedures in light of the principle to conduct judicial process publicly are under discussion at the Intellectual Property Litigation Examination Committee of the Judicial System Reform Promotion Headquarters.

The purpose of this article is to examine the content of those revisions in detail, and contribute to practitioners as a reference.

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