

Trade Secrets and Intellectual Property Management

The Third Subcommittee,
The Second Intellectual Property Management Committee

This report studies how trade secrets should be handled as a part of intellectual property management from two viewpoints: “desirable trade secret management” and “the intellectual property division’s role in trade secret management.”

In this report, the subject of the study was narrowed down to “technical information,” including technical know-how, which is deemed equivalent to inventions, and interviews were conducted with 13 representative Japanese companies to gain a more accurate understanding of the reality of trade secrets management in Japan, while referring to the “Guidelines for the Management of Trade Secrets” and “Guidelines for the Prevention of Leakage of Technology: To Prevent Unintended Leakage of Technology—Related Reference Material” that were published by the Ministry of Economy, Trade and Industry, as well as information published by newspaper or other media.

In conclusion, from the former viewpoint, this report points out that it is important, for the purpose of protecting trade secrets and enhancing corporate value, to (1) actively take advantage of technical information as “valuable operating assets” in the way of contributing to management strategy rather than merely making efforts to prevent leakage thereof, and to (2) convert the awareness of management into orderly “intended information disclosure” based on the valuation of information. From the latter viewpoint, this report proposes that it is desirable to have the intellectual property division make use of its past experience to actively be involved in the management of technical information other than inventions in the future in collaboration with other related intracompany divisions beyond conventional intellectual property management covering only inventions, etc. in the current day and age when technical information is becoming increasingly important as “valuable operating assets”.

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Research on Foreign Trademark Law and Practices Relating to Retail Sales via the Internet

Trademark Committee

It is not currently permitted in Japan to register a trademark used for retail services as a service mark. However, the Trademark System Subcommittee of the Intellectual Property Committee of the Industrial Structure Council in 2003 held deliberation aiming toward protecting trademarks as service marks, taking into consideration the international situation and requests from industry. At the same time, trademark protection for retail services is gaining increasing attention because retail sales via the Internet have expanded along with the rapid spread and development of the Internet and it has thus become easier for manufacturers to have a chance to sell products directly to consumers.

In light of this situation, this report aims to provide information about the reality and idea of protection in each country and region through overseas research focusing on the category of retail sales via the Internet to derive the ideal form of protection. . However, not only matter-of-course differences and characteristics of each country and region exist, but also variations peculiar to the transi-