

from trustor's or trustee's risk of bankruptcy. In the light of management of industrial properties, transfer of trusted properties does not fall under assignment or acquisition of assets (vessel theory), therefore tax and accounting procedures are simple and easy. In addition, unlike the case of entrustment, a trustee's involvement in license negotiation or infringement lawsuit might not conflict with the Lawyer Law. Trusts are provided with inherent functions or characteristics that cannot be seen in other economic transactions such as assignment or delegation.

The draft amendment of the Trust Business Law has just passed in Japanese congress, and the amended Trust Business Law will become effective in the near future. It is expected that this amendment will lead to enhancement of efficient and effective management and utilization of intellectual properties in corporate groups. In addition, it is necessary not only to amend the Trust Business Law but also to carefully prepare a system from the standpoint of a person who is actually involved therein, and this Association intends to continue activities of suggestion and participation.

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## Legal Matters To Be Kept in Mind When Using or Exploiting Digital Contents

Digital Contents Committee

There are many examples of exploiting information transmission through website in corporate activities. In the course of taking such measures, companies may sometimes use works of others. This article will discuss the matters to be noted and the problems in the present situation in view of and under the context of the Copyright Law and other relevant laws.

Main matters to be noted would be that the user should be aware of the content of the rights regulated or protected from various aspects under the Copyright Law, that the conditions for applying the provisions of limitations on copyright are quite strict, and that the establishment of links utilizing the frame function could be deemed as an infringement of someone's copyright.

It should be further noted that there are key matters for the right-handling procedure characteristic to each specific type of contents, that you must be prepared, upon operation of Internet Service Provider business, BBS or the like, to deal with any matter in view of the Law Concerning Limitation of Damages to Specific Telecommunications Service Provider and Disclosure of Sender Information that relates to the legal responsibility and liability when you intermediate third party's information transmitted through your Internet Service Provider business, and that you must comply with the Specific Commercial Transaction Law and other relevant laws and regulations when you use the website as the opportunity to conduct electronic commercial transactions.

Although the conclusion has not yet been drawn, this article will introduce, for the reference of the practitioners, the legal problems under discussion by various institutions and organizations, such as the problem in dealing with the global infringement of copyright through the Internet, the problem of protecting database under laws and regulations other than the Copyright Law, and the problem of what kind of competition policy should be adopted for the creation and transaction of digital contents.

The legal circumstances for the creation and transaction of digital contents, including the exploitation of websites, are in the process of development, and therefore, companies should be prepared for avoiding troubles by having clear understanding of the present circumstance, as well as become

actively involved in the development of the laws and regulations by taking this circumstance as surroundings of business.

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## The Present State and the Future of the IP Information System Supporting R&D Activities

Intellectual Property Information System Committee

In the current so called pro-patent age, the role of IP information can never be underestimated in order to establish a cycle of creating intellectual property and as a result to galvanize the Japanese industry as proposed in the Outline of Intellectual Property Strategy.

The Promotion Plan concerning Creation, Protection and Utilization of Intellectual Property (called the IP Promotion Plan) presented by the government proposes the following information-related measures to enhance the use of intellectual property at universities and enterprises: (i) further provision of data owned by the Japan Patent Office, (ii) improving the Industrial Property Digital Library (IPDL), (iii) encouraging the use of IPDL and patent information services in the private sector, (iv) establishing an integrated retrieval system for both patent information and non-patent information such as academic papers. This would entail efforts to work out ways to make use of these systems and services effectively and thereby support R&D activities in a timely manner.

Furthermore, Trilateral Patent Offices and WIPO are actively promoting global standardization of IP information and infrastructure that allows easy utilization of various data and services provided by both the Patent Offices of major countries and the private PI suppliers is being established at a rapid pace.

Under these circumstances, firms are making use of IP information more than ever in order to support their management decisions, and their expectation for a reliable IP information system is growing larger and larger.

This article, with a view to the above, examines the recent features, challenges and the ideal state of the IP information system to support R&D activities.

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