Study on Open Source Software

Software Committee

Among software, there is the one whose source code can be distributed to the public, and can be modified by anyone freely, which is called open source software ("OSS").   Recently, OSS has been used by both the government and the private sector in the communication processing field like web servers or the Internet, and has become the focus of public attention.

However, details of such OSS (including types or conditions of use) are often unclear.   In addition, part of the press or some companies tend to unreasonably arouse risk of OSS, therefore, it seems that OSS is not understood correctly in quite a few cases.

This article centers on three points of "infringement of intellectual property right by a third party", "no-warranty" and "breach of license", and explains OSS as concretely and plainly as possible by using a Q & A style, so that businessmen engaging in their companies' intellectual property-related affairs can comprehensively understand knowledge and problems of OSS that they should know, such as "outline of OSS" and "advantages of OSS and attention to be paid when it is used".

Issues and Concerns Regarding Goods and Services Provided Over the Internet

Trademark Committee

Today the commercial transactions of goods and services through the Internet are increasing due to the rapid penetration of the Internet into our daily lives.   This tendency should be welcomed from the perspective of developing the industry and improving the convenience of the daily lives of citizens, but it has become a practical and difficult issue from the viewpoint of trademark practitioners how to approximately obtain registration of the trademarks that are used for such goods and services traded over the Internet and how to avoid infringement or interference with other person's rights.   On the other hand, on January 1 of 2002, "8th Edition of International Classification under NICE Agreement" was issued, and the operation of JPO has been complying with the "Examination Standard for similar Goods/Services (complying with the 8th edition of International Classification)" since January 1, 2002. However, it has been argued that the content of the classification is not necessarily corresponding satisfactorily with the businesses in practice and has many aspects to review.

This article will extract the current issues and problems concerning the goods and services traded over the Internet, and propose practical solutions by examining each issue and problem one by one.