

examines the items considered so as to effectively eliminate allegations of infringement under the doctrine of equivalents from the standpoint of the alleged infringer.

While this article conducts analysis from the standpoint of the alleged infringer, the analysis results can also be used as “points to be considered for acquiring strong patents.”

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Diversified IP Management

FY2005 The First and Second Intellectual Property Management Committees

As intellectual property (IP) has come to be closely related to corporate management as an element of business competitiveness, the diversity of IP management among industries and business types has become increasingly notable. This diversity derives from differences in technology management among types of business, namely the following: (1) technology cycles; (2) single or combined technologies; (3) differences between manufacturing industries and service industries; and (4) the impact of globalization and the spread of Internet use.

Despite the existence of such diversity, the recent trend of efforts for making Japan an IP-based nation includes superficial measures that are only intended for the creation of a framework for such a nation. It seems that the impression of intellectual property as “asset” has been overstated, and that intellectual property is discussed in a similar vein as finance and real estate in terms of matters that represent monetary wealth. It is extremely risky to establish mere rules and systems without sufficiently understanding the actual conditions of intellectual property as an element of business competitiveness.

Necessary measures for intellectual property differ considerably depending on the characteristics of specific industries, types of businesses, and the nature of the technology in question. Implementing measures that take the “lowest common multiple” approach or developing laws and revising systems in a uniform manner while ignoring actual conditions would surely produce negative effects in some fields. Rather, it would seem more effective to overcome the rigidity of the statutory legal system and achieve flexible implementation according to the specific conditions of the industries in question. It is also important for businesses to analyze such diversity more than ever and actively recommend response measures. Additionally, the subject of such study should not be intellectual property alone, but should be considered more broadly as “sources of business competitiveness.”

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