

Governmental Support Required in IP Education and IP Research

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With a view to making Japan an “intellectual property-based society,” the Government of Japan launched a “National Intellectual Property Strategic Program” in July 2003. Since then, relevant departments of the government have implemented the program on a check-and-review basis. The program is very operational and comprehensive, covering all stages of the creation, protection and utilization of intellectual property (IP). The program also includes a list of actions for encouraging IP research and IP education.

My presentation today will focus on governmental support for the promotion of IP research and IP education, including the development of IP human resources. Let me start by explaining why greater importance has been placed on IP education and IP research in the national program. In my view, there are two key reasons. One reason is the growing need to increase and develop IP professionals and experts who will provide advanced and specialized services, as private companies move in the direction of IP-intensive management of technology to obtain success in the competitive global economy. The other reason is a growing expectation for university researchers to become more involved in the administrative efforts to formulate new IP policies for the country and for the world.

First, with respect to IP education, including IP human resources development, it has been suggested that IP professionals should be increased both in number and quality. The number of patent agents (or “*benrishi*” in Japanese) is now about 6,000 in Japan. Among these 6,000 patent agents, there are only 300 patent agents who are also qualified as lawyers (or “*bengoshi*” in Japanese). It has been suggested that the regulatory laws should be amended to allow patent agents to appear in court and fully represent clients (as qualified lawyers currently do) in trials of IP infringement lawsuits. As for IP experts working within the industry, there are presumed to be 40,000 in total. More and more corporations are restructuring their traditional in-house training systems as the life-time employment system begins to collapse in part in Japan, and accordingly, companies are counting on universities to provide basic IP education for junior IP staff.

On the other hand, more and more universities are moving toward adult education and/or graduate school education because the number of individuals making up the younger generation is decreasing year by year. For those universities, a promising “market” segment is IP education, including the development of IP professionals and IP experts. There are now about seventy law schools in Japan, and almost all of them have started to offer IP education, as IP education has become a trend. In addition, there are two graduate schools specializing in IP education.

In essence, both industry and higher education have come to place a growing emphasis on teaching IP and developing IP human resources, as Japan is now moving toward becoming a knowledge-based society. This is the reason why IP education is

high on the national agenda.

Second, with respect to IP research, the government is now expecting university professors to participate in the process of formulating IP policies. The making of IP policies is no longer a matter exclusive to the government. The government alone cannot respond to the rapid and deep changes in business and technology. In particular, IP issues not only concern business and technology but are also connected to the law, the environment, public health, ethics and other areas. A global perspective is required to define comprehensive IP policies from the view-points of political science and public administration. This is where the government expects university IP researchers to contribute. University researchers should be able to play an important role, not only in lecturing about the law but in making policies.

In spite of the increasing importance of and expectation for IP education and IP research, there are a lot of problems ahead of us. The first problem is the serious shortage of university teachers and researchers, in particular those who have both a business mind and IP expertise. The second problem is that a systematic curriculum for teaching IP law and management has not yet been well prepared. In general, professional teachers are individualistic and reluctant to follow a program developed by a consortium. The third problem is that there are not very many good textbooks with case studies for practical IP education and training.

To solve these problems, the government is now expanding the support it offers to universities and other organizations. Governmental support, however, should be kept at a minimum, of course. The underlying desire is that all of these problems be solved in an effective way through fair competition among universities. A good university equipped with a good teaching staff and subject matter will attract many students. A good textbook will sell well in the market. Then, what should the government do? What the government should do is, in my view, to draw up a road map to an IP based society through IP teaching and IP research and thereafter to make a list of concrete actions to be taken by each stake-holder. The government should also take necessary actions where the “market mechanism” fails. No university in a big city may be interested in providing training for people dispersed in local areas. No publisher will put on the market a textbook for teaching IP at high schools unless the government supports and endorses the creation and publication of the textbook. Few young university researchers may wish to study IP abroad without any financial support.

With an understanding of this demarcation between the government and institutions of higher learning, the Government of Japan is continuing its support of educational institutions. The Japan Patent Office engaged in numerous support activities in 2004. Let me describe to you some of these activities.

1. Distribution of a standard textbook published by the JPO for high school and college education on patents, trademarks, designs and licensing (223,000 copies on patents and 183,000 copies on the other IP topics, all free of charge).
2. Organizing IP seminars for university researchers in science and technology (119 meetings attended by 3,200 researchers and staff).
3. Support for universities to carry out interdisciplinary research and education and the publication of the results (11 universities).
4. Invitation of researchers overseas to Japan (six researchers).
5. Sending Japanese researchers abroad (four researchers).

6. Assisting the Institute of Intellectual Property of Japan in holding an advanced course to train future policy makers, attended by young, promising professionals (20 participants) including lawyers, private firm IP staff and patent examiners.
7. Preparation of electronic video/audio materials on DVD-ROM for “e-learning” and distance learning (three courses were offered on a trial basis in 2004).

Apart from university education and research, but still within the field of human resource development, I would like to touch upon recent activities undertaken by the JPO. First, the Training Center of the JPO was transformed into the NCIP last October so that the scope of the former Training Center’s activities could be expanded in the NCIP to include the provision of training programs for those in the industry who are expected to join organizations which are cooperating with the JPO to conduct outsourced prior art searches using a JPO computer retrieval system. The JPO is also hiring a few lawyers and university researchers on a one-year contract basis as special assistants. Moreover, every year, the JPO employs 100 persons experienced in the industry on a limited-term basis, in addition to its usual offer of employment on a permanent basis to 60 new graduates fresh from universities. An additional 500 persons will be employed as patent examiners for five years from 2004 to 2008. They will return to the business sector or the academic sector in five years or ten years when their contracts expire. At any rate, I could say that the JPO is a sort of a training facility where talented IP experts are fostered through intensive training and practice.

Returning to the topic of what universities in Japan should do for themselves, I would like to make a few additional comments. Universities should increase educational cooperation with industry. For example, universities should invite more IP experts in industry to teach practical aspects of IP at law schools and at science/technology colleges and should also provide an attractive training service for IP staff working within private companies. On the other hand, industry should respond to the requests and expectations of universities. Universities should also facilitate collaboration between liberal arts and science colleges for the purpose of developing multi-talented IP experts. Finally, Japanese universities should also cooperate with other universities overseas to exchange information and teaching staff and material.

Let me conclude my report by saying that this symposium is a timely and good opportunity for advancing cross-boarder cooperation in the field of IP education and IP research.