

Research and study on ideal approaches for the appropriate protection of rights for network-related inventions, etc. in international business activities

Network-related inventions that can be exploited by combination of computers (e.g., servers, client terminals, etc.) connected via a network such as the Internet have been increasing in recent years due to the development of AI/IoT technology, etc. and globalization of business activities. It has been indicated that suspected infringement acts carried out across national borders (e.g., where some of the components of the suspected infringing goods (servers, etc.) exist abroad) do not fall under the "exploitation" of a patented invention and thus rights potentially cannot be exercised if the territoriality principle in the patent system is strictly interpreted.

In addition, as an issue related to the protection of rights in international business activities, it is necessary to grasp the current situation regarding the practice of the presumption of negligence provision (Article 103 of the Patent Law), as supply chains become more complex with the progress of globalization of business.

In this research study, we conducted the following; (1) understanding the status of rights protection, issues, needs, etc., (2) sorting out legal issues and considering appropriate responses to those issues, (3) investigating practical issues such as legal systems and court precedents in Japan and overseas.

In addition, in this research study, we implemented the following two provisions regarding the presumption of negligence. (1) Understanding the situation, issues, needs, etc., (2) Investigating and analyzing the status of regulations and operations through the collection of cases in Japan and abroad

We hope that this report, which summarizes and analyzes the information and findings obtained from numerous literature surveys and interviews with experts and companies in Japan and abroad, will serve as a basic reference for future studies and, by extension, help promote innovation in Japan and strengthen the competitiveness of Japanese companies.