



# Coevolution of Technology and the Patent System in Japan

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## Outline

1. Introduction
2. Background of Changing Patent System
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4. Trends in R&D and Patenting
5. Conclusion

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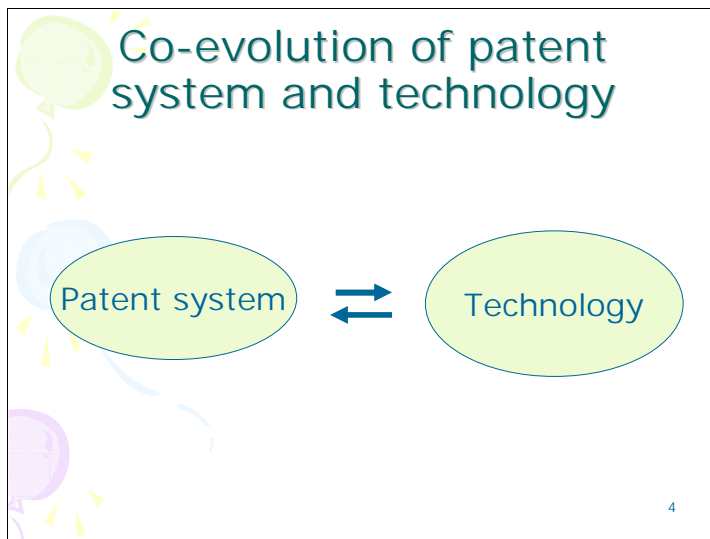


## 1. Introduction

During “catch-up” era in Japan,  
the patent system was said to be one of the  
factors responsible for incremental  
innovation in Japan.

Recent changes towards a “Pro-patent” policy in  
Japan in the 1980s and 1990s, its background  
and its impact on R&D and patenting.

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## 2. Background of “Pro-patent” Policy in Japan

In the 1980s and 1990s, technological progress enhanced Japanese industry’s competitiveness, which in turn triggered foreign and domestic pressure to strengthen Japan’s patent system

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## 2. Background (continued)

(1) “Foreign Pressure”

- \*Trade disputes triggered by Japan’s large trade surplus
- \*“Pro-patent” policy in the U.S.
  - ⇒pressure to strengthen patent protection in Japan

(GAO report in 1993 “U.S. Companies’ Patent Experiences in Japan”)

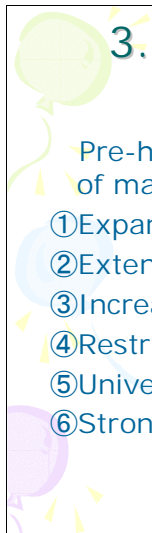
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(2) Domestic Factor

- \*Rising technological level of Japanese industries and the end of “catch-up” era
- \*Japanese industries became victims of copying in Asia  
need for stronger patent protection

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### 3. Major Changes in the Patent System

Pre-history --introduction of composition of matter patents in 1975

- ①Expansion of patentable inventions
- ②Extension of patent term
- ③Increasing the breadth of patents
- ④Restrictions on compulsory licensing
- ⑤University licensing
- ⑥Stronger enforcement

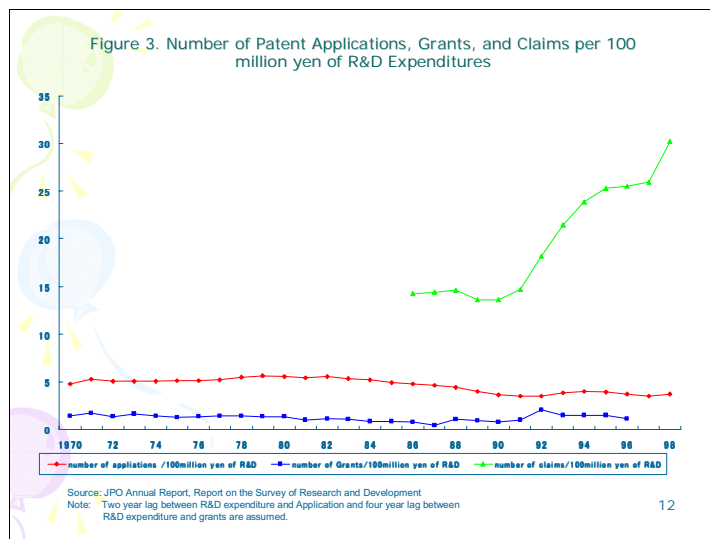
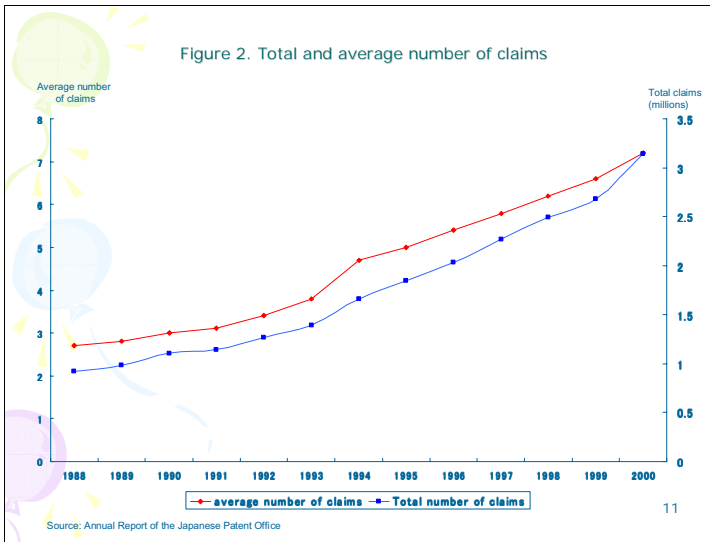
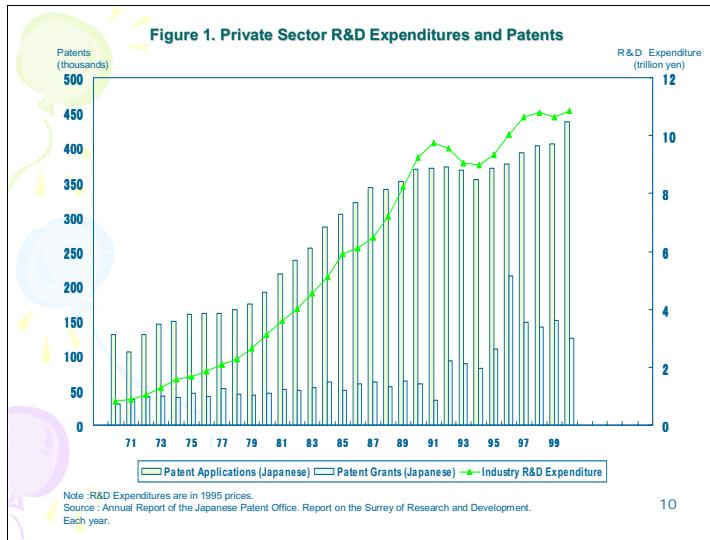
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### 4. Trends in R&D and Patenting

Figure 1  
Figure 2  
Figure 3

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## 4. Trends in R&D and Patenting (continued)

- 1980s; rapid increase in R&D and patent applications, stable level of patent grants
- 1990s; slower increase in R&D and patent applications, increased level of patent grants
- Slower increase in patent applications in the 1990s may be offset by increase in number of claims per patent application.

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## 5. Conclusion

(1)

Japan's increased technological level led to a stronger patent system via foreign pressure and domestic dynamics.

Little discussion about whether stronger patent protection is conducive to innovation.

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## 5. Conclusion (continued)

(2)

The rate of increase in R&D and patent applications slowed, while patent grants increased substantially in the 1990s.

Slower growth of applications may be offset by an increase in the number of claims in a patent.

It may be too early to judge the impact of recent changes in the patent system.

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