

日中韓連携知的財産 シンポジウム

Japan-China-Korea International Symposium
on Intellectual Property

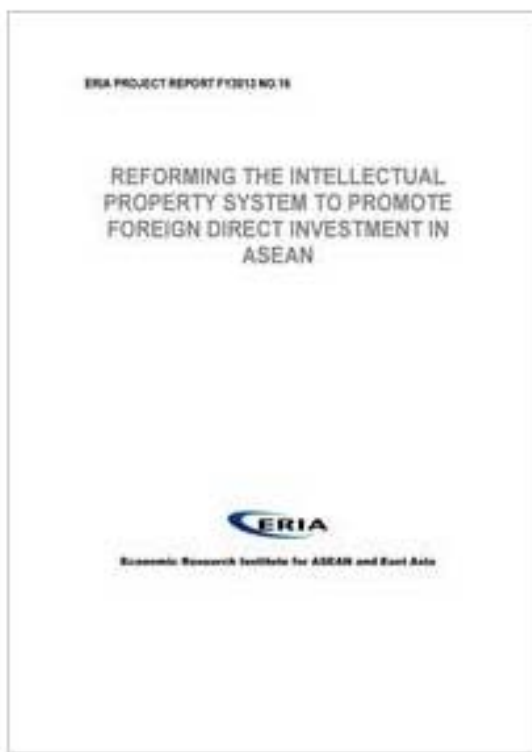
-East Asian IP Systems and Strategies for Worldwide Users-



“East Asian trade secret protection systems
and strategies for worldwide users”

Panel discussion

Research Project Reports



Reforming The Intellectual Property System to Promote Foreign Direct Investment in ASEAN

By ERIA

ERIA Research Project Report 2013-16

Posted: November 2015

http://www.eria.org/publications/research_project_reports/FY2013/No.16.html

Table 3.1: Distribution of Local Subsidiaries by Host and Home Countries

	US/EU	CN/JP/KR	Total
Indonesia	12	15	27
Thailand	7	17	24
Singapore	7	10	17
Viet Nam	10	5	15
Malaysia	0	8	8
Philippines	0	1	1
Total	36	56	92

CN/JP/KR = China/Japan/Korea, US/EU = United States/European Union.

Figure 3.7: Issues Faced by CN/JP/KR Companies Before and After Expansion

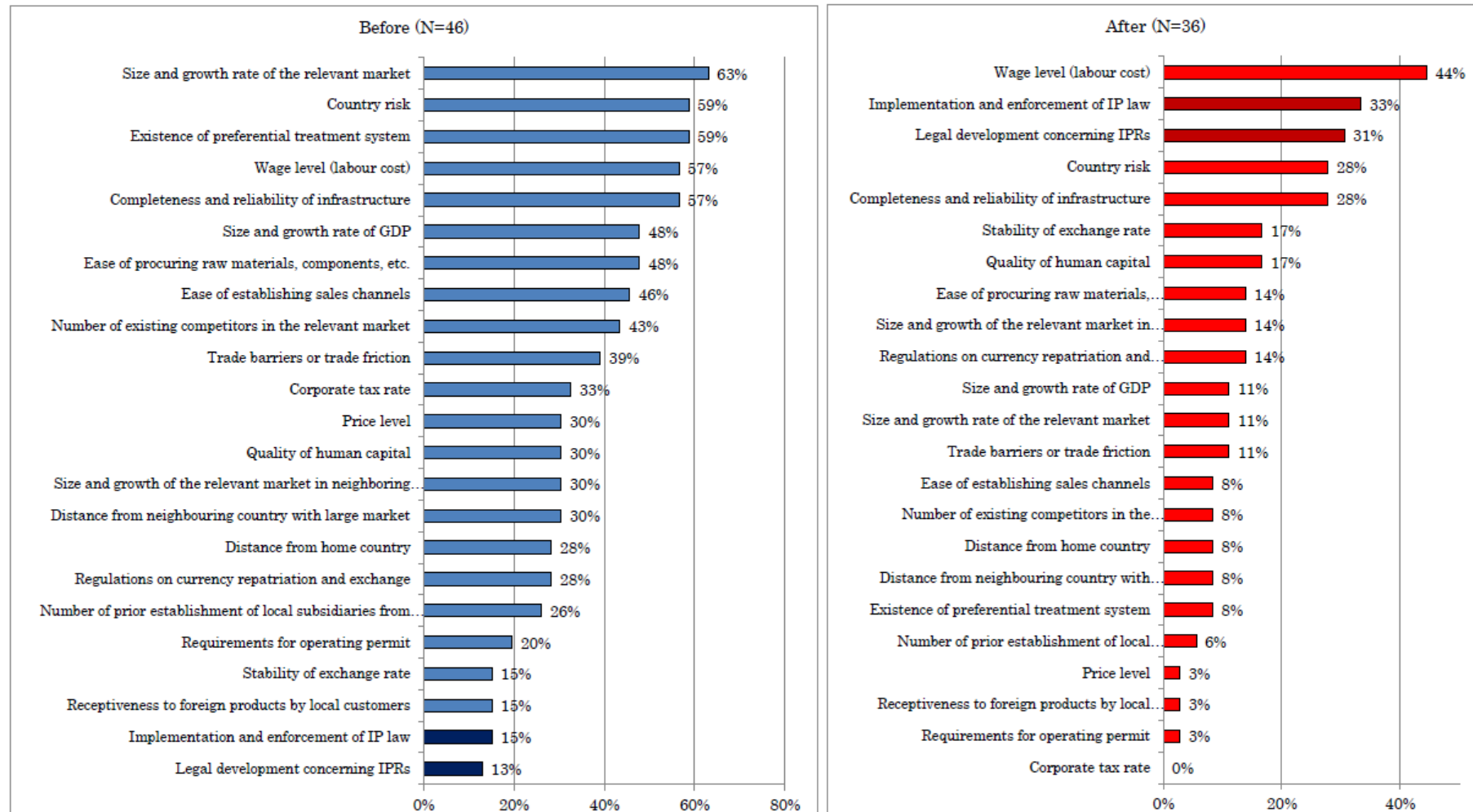


Figure 3.13: IP System Issues Faced by CN/JP/KR Firms
After Establishing Subsidiaries

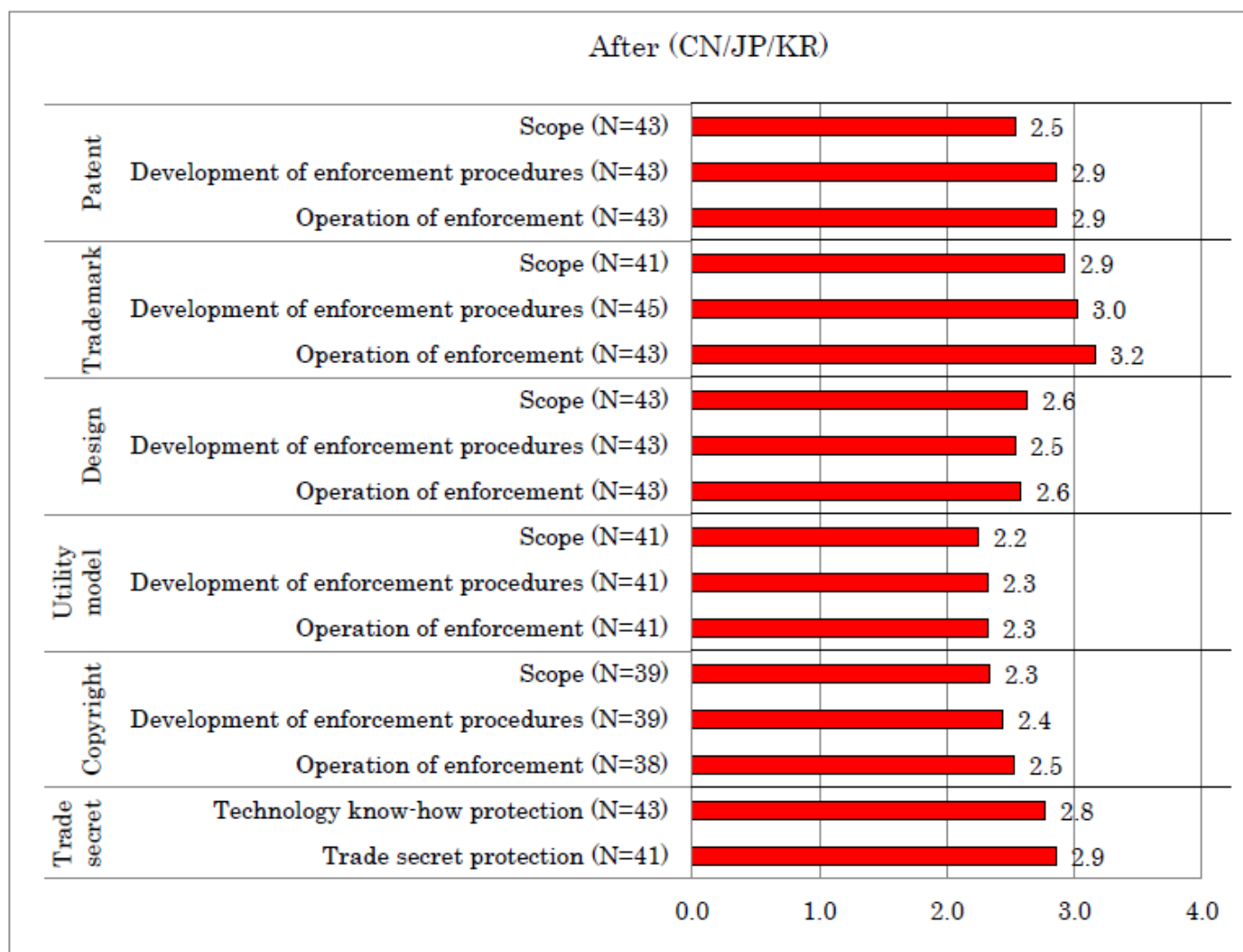


Figure 5.11: Trend of New Establishments and Withdrawals in ASEAN

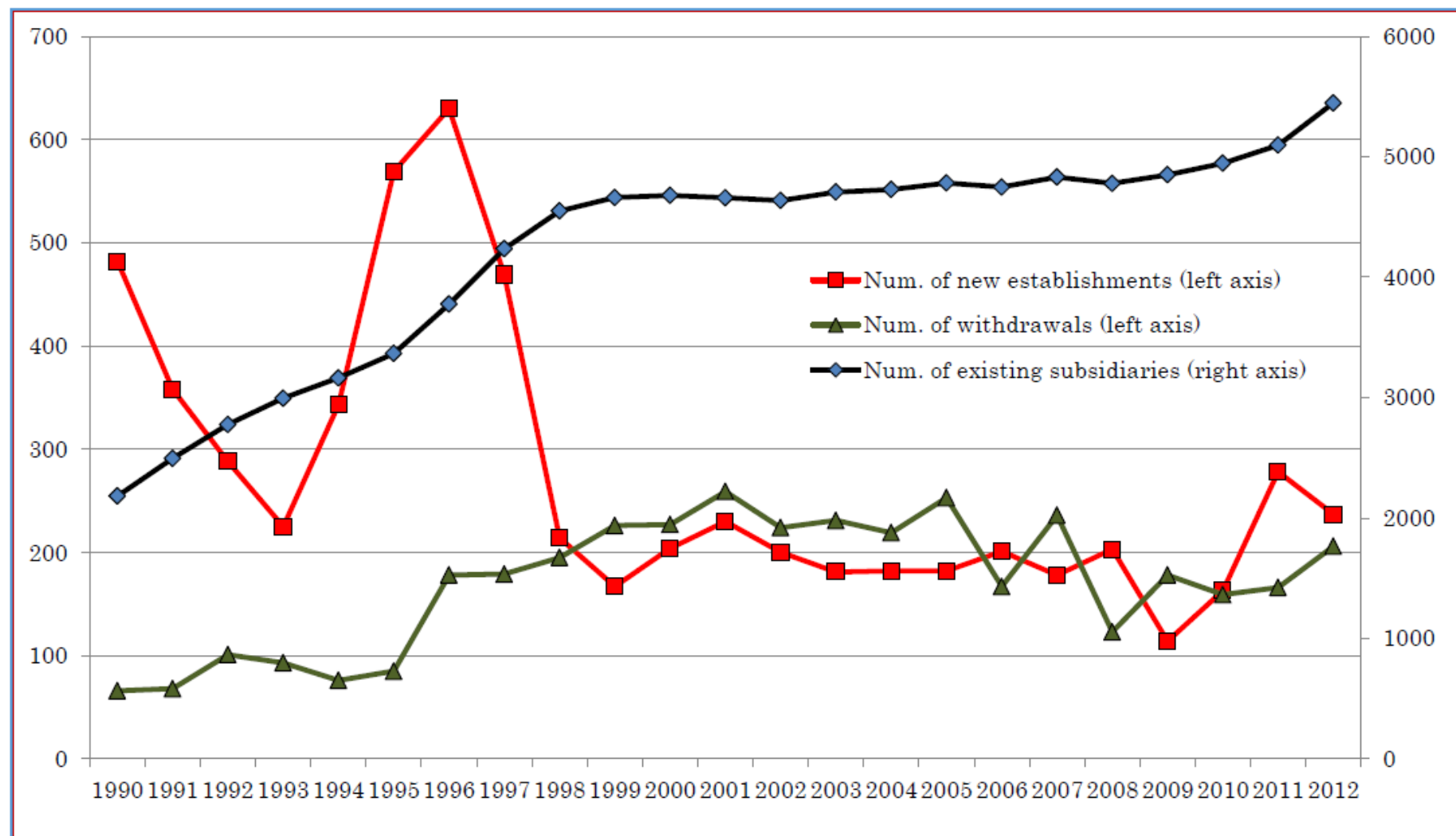
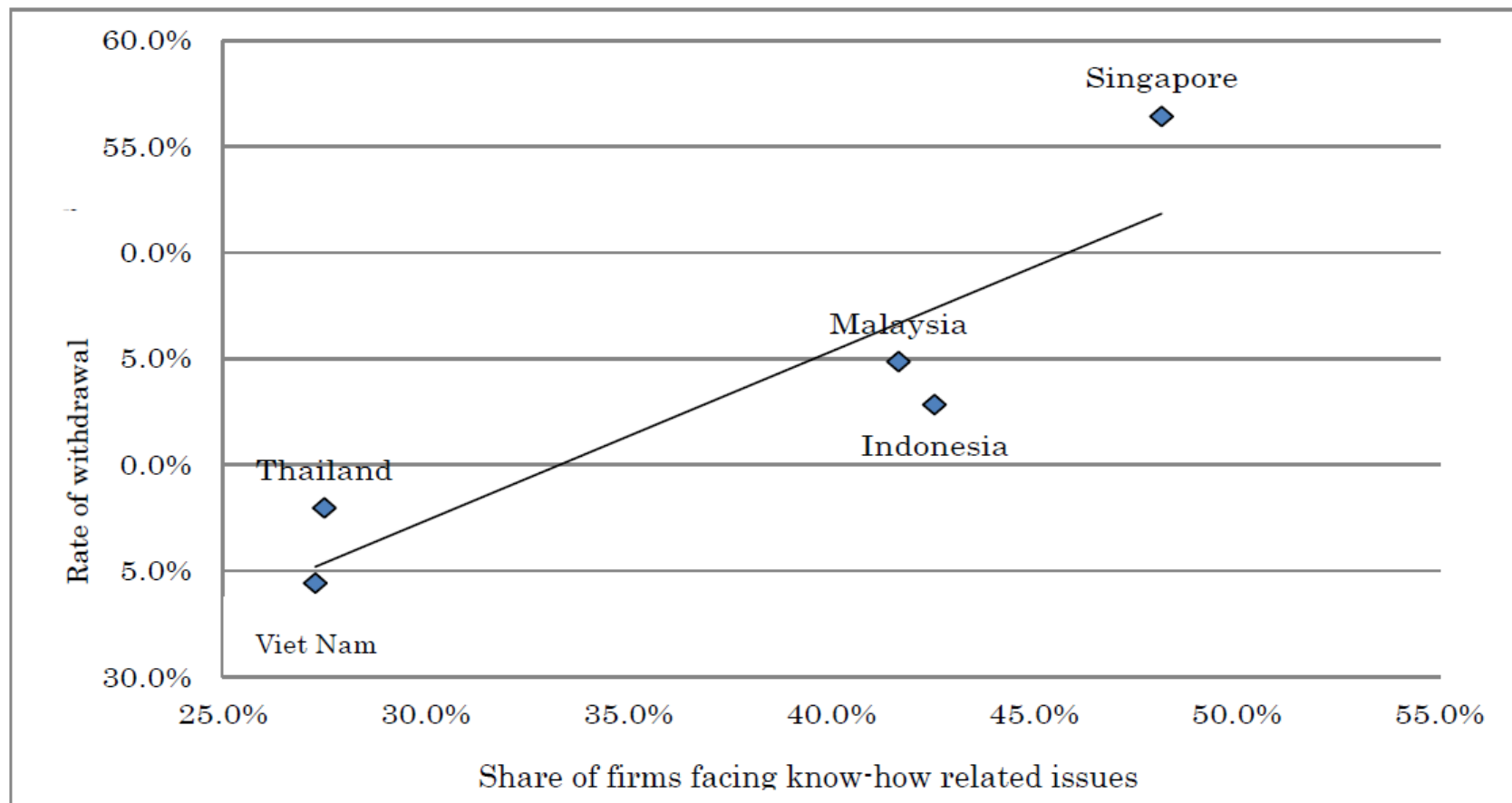


Figure 5.13: Correlation between the Withdrawal Rate and Importance of Know-how-related Issues



[Moderator]

- Toshiya Watanabe - President, IPAJ

[Panelists]

- Zensho Imari - Assistant-Director, Intellectual Property Policy Office, Economic and Industrial Policy Bureau, METI
- Li Shunde - Vice Chairman, Directors of China Intellectual Property Research Society
- Ji-Young HAN – Associate Professor, Faculty of Law, Chosun University, Korea University

Comparison of Trade Secret Protection among Japan, China and Korea

			Japan (Unfair Competition Prevention Act)	China (Anti-Unfair Competition Act, Penal Code)	Korea (Unfair Competition Prevention Act, Industrial Technology Leakage Prevention Act)
Criminal Recourse	Criminal Protection Coverage	Punishable act	Acquisition/Use/Disclosure	Acquisition/Use/Disclosure	Acquisition/Use/Disclosure
		Punishable act abroad	Act of wrongful acquisition, use or disclosure of trade secrets owned by Japanese company	—	Act of wrongful acquisition, use or disclosure of trade secrets owned by Korean company
		Attempted infringement	Punishable	Punishable	Punishable
	Statutory Penalty	Natural person	Maximum of 10 years imprisonment Fine of not more than 20 million Yen <i>*In case of the crimes which negatively affect the Japanese economy: Fine of not more than 30 million Yen</i>	In case of the crime which cause loss (ex. Amount of damage is more than 0.5 million Yuan): Maximum of 3 years imprisonment Fine (No maximum amount) In case of the crime which cause serious result(ex. Amount of damage is more than 2.5 million Yuan): 3-7 years imprisonment Fine (No maximum amount)	Maximum of 5 years imprisonment Fine of not more than 5 million Won <i>*In case of the crimes which negatively affect the Korean economy; Maximum of 10 years imprisonment Fine of not more than 100 million Won</i>
		Legal person	Fine of not more than 500 million yen <i>*In case of the crimes which negatively affect the Japanese economy: Fine of not more than 1 billion yen</i>	same as the above	same as the above
	Confiscation of Crime Proceeds		○	×	×
	Prosecution requires complaint by the injured party?		No	No	No
Civil Recourse	Import prohibition of trade secret infringing products at customs		× (TBC)	×	○
	Burden of Proof on use or non- use of Trade Secret		Defendant bears the burden of proof	—	—

This slide was revised after the symposium in order to reflect arguments in the panel discussion.