

Intellectual Property Law UCHIDA LAB

内田研究室



Principal Investigator:
Tsuyoshi Uchida
(Assistant Professor)

(Title) Relationship between the effect of intellectual property rights and the effect of various forms of ownership

Keywords: IP, Protection of Trade Secrets, Ownership, Attribution of IPRs,

Background and Motivation

Intellectual property rights (IPRs) are exclusive rights for intangible property, i.e., intellectual property (IP), and are often explained as similar to real rights, in particular, to ownership, which is an exclusive right for tangible property. However, actual ownership or retention of a property that is different from the subject matter of an intellectual property right could cause an overlap with intellectual property protection, inconsistency in the attribution of the intellectual property right and conflict with the intellectual property right. In this research, I will analyze the relationship between the effect of intellectual property rights and the effect of various forms of ownership and retention in order to systematically understand the relationship.

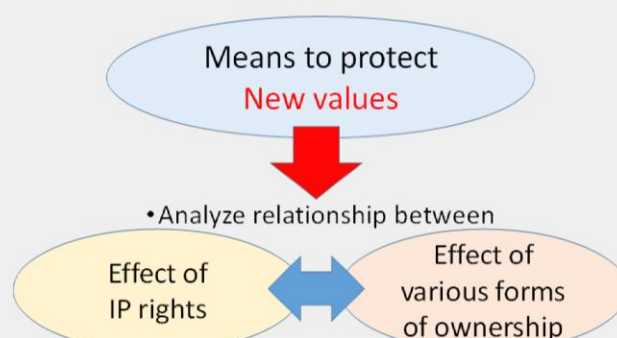
Originality

Recently, due in part to the maturity of the research field and to the growing complexity of society, there has been an increase in cross-sectional research concerning multiple laws in the field of intellectual property. One of the issues examined in this type of research is how to interpret the relationship between the protection of trade secrets provided on the basis of the behavior restrictions under the Unfair Competition Prevention Act and the protection of an intellectual property provided on the basis of an exclusive right. Moreover, in the field of modern civil law studies, discussions on ownership have been intensified. The outcome of such research will determine whether non-intellectual property rights (ownership or possession) will cover intellectual properties (intangibles) themselves. Under these circumstances, it is necessary to conduct comprehensive research concerning the relationship between intellectual property protection and various forms of ownership and retention.

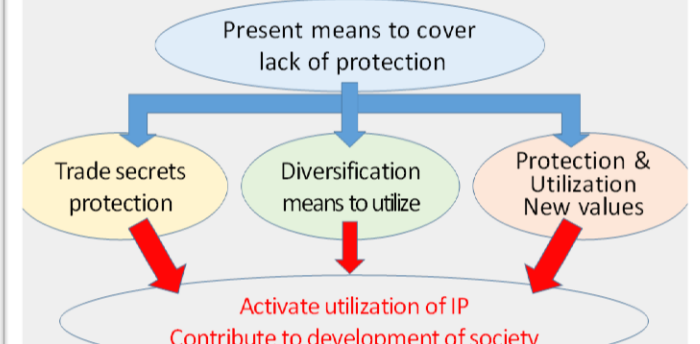
Impact and Perspective

This research will mark the beginning of the collaboration among different intellectual property laws and their integration with general private law (the Civil Code). The outcome of this research will pave the way for further research on collaboration and integration of the two fields. The results of this research will identify the issues related to the relationship between the effect of a copyright and the effect of retention of each property and will propose a theory to solve the issues. Through the application of this theory, it might become possible to adjust the balance between the effect of ownership or retention and the effect of any intellectual property right. Furthermore, the research could contribute to the establishment of a general theory to balance the relationship between the effect of an intellectual property right and the effect of retention by a non-intellectual property right holder.

Background and Motivation



Expected outcome



■ For more information:

www.u-tokai.ac.jp/tuiist/english/tt/announcement_uchida.html

■ CONTACT:

Tsuyoshi Uchida
Tokai University Institute of Innovative Science and Technology
4-1-1 Kitakaname, Hiratsuka-shi,
Kanagawa 259-1292 JAPAN
Phone +81(463)-58-1211(Ext.3315)
Email uchida@tokai-u.jp