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# How should Japanese companies create resilient Intellectual Property Strategies by utilizing design rights? : Evidence from interview surveys and a case study

日本企業はいかにして、意匠権を活用して強靱な知的所有権戦略を築くべきであるか? : インタビュー調査およびケーススタディーからの結果をもとに

東京大学 新領域創成科学研究科 国際協力学専攻  
学籍番号 47-136785 指導教官 鈴木綾講師

氏名 寺門 克

## Abstract

The main propose of this paper is to make suggestions to Japanese companies how they can succeed in emerging markets from Intellectual Property (IP) rights strategy point of view. By qualitative analysis, I would like to contribute to raise awareness of importance of Design Right in corporate strategy.

In the first chapter, I introduced Japanese company's environment, business characteristics. As the number of Japanese companies developing their business in China and ASEAN region has been growing, it has become an important issue for Japanese companies to prevent their products with outstanding designs from counterfeit products. In particular, China has been recognized as the world's leading counterfeiting superpower. Therefore, it is important and effective way for Japanese companies to obtain IP rights to protect their products from infringements by other emerging companies. In fact, Japanese companies tend to focus on obtaining patent while there are increasing design infringement on Japanese products.

In this paper, I conducted interview surveys and a case study in order to investigate the method for utilizing design rights in corporate strategies. As for in-depth interview

surveys, I contacted several legal/ intellectual managers from 2 industries: clothing and personal goods industry, and electronic industry. This survey, interviewed in the manufactured industry to ground the design-based view of the firm within the domain of corporate strategy, was mainly intended to understand linkages between corporate strategy and utilizing IP rights. As to a case study, I examine the IP strategy based on the concrete examples of Apple Inc. that is closely connected with the Japanese electronics industries. This case study showed how important it is for Japanese manufactured companies to obtain design rights. Based on the surveys and a case study, it is found that companies that thrive in emerging markets have unique strategies;

1. Using design rights in corporate strategy as both offensive and defensive way
2. Applying “open and close strategy “: protecting only core (key) technology and share other technologies to public would be the most cost-effective strategy

In the last chapter, I made suggestions to Japanese manufacturing companies.

In order to enhance the global competitiveness, Japanese companies need to maintain their position as a center for innovation. Therefore, Japanese companies need to assess their own strength and try to invent core technologies while they protect their key technologies by utilizing both design rights and patent. In addition, obtaining more designs right will help Japanese companies to create not only their protecting options but also to take more infringement actions just like Chinese companies do.

Japanese government regards IP right as important policy, and the International Design Registration System has started since May 2015. Accordingly, more and more Japanese companies will try to gain IP rights actively than before. However, I assume that they will face difficulties regarding the way of dealing with IP rights, especially design right. For this reason, I hope that this paper will encourage more Japanese companies to apply for design rights regardless of the size of the companies.

Keywords: Emerging markets, Intellectual property, Design rights, Corporate strategy, Interview survey, case study, Open and Close strategy