

Discussion on the Formation of Taiwan's Network of Intellectual Property Collaboration System in light of Japan's Experience

Background

Taiwan industries have been facing an increasing pressure from the competitive global market. To assist the Taiwan industries, the Government has approved the "National Intellectual Property Strategy Guideline" (the "**Guideline**") on 17 October 2012. The Guideline stipulates six major strategies and twenty-seven relevant enforcement criteria in relation to intellectual property ("IP"). The six major strategies are as follows:

- (a) creation and utilization of high-value patents;
- (b) enforcing cultural integrity;
- (c) creation of high agricultural value;
- (d) support free flow of IP for academics;
- (e) support system of IP trade flows and protection; and
- (f) develop highly qualified personnel in IP.

Under the "innovation of high-value patents" strategy, the relevant enforcement criterion, being "establishing academia-industry collaborative system for IP management", is to support the Taiwan's current and future technology development program on R&D planning, IP management and technology commercialization. In other words, this enforcement criterion can greatly improve the ambiguity and inadequacy of Taiwan's research infrastructure which have caused inefficient research operation. Furthermore, this enforcement criterion can also improve network collaboration between organizations on IP management, allowing more efficient process for managing IP and thus achieving the purpose of "creation and utilization of high-value patent".

In light of the above, this article studies Japan's practice on integrating the IP network resources and improving their IP management under the University Network IP Advisors Program ("IP Advisors Program").

University Network IP Advisors Framework Outline

A. Policy background, goals and methodology

National Center for Industrial Property Information and Training ("INPIT") initiated the IP Advisors Program and commissioned Japan Institute for Promoting Invention and Innovation ("JIII") to implement and carry out the new policy in year 2011.

Prior to the implementation of the new policy by JIII, INPIT has assisted with establishing proper IP management systems for more than 60 Japanese universities by dispatching IP experts and advisors ("IP Advisors") to each of the universities during 2002 to March 2011. After the implementation of the initial policy, review has suggested that by expanding the network collaboration, such as establishing intervarsity IP information sharing system within their university networks, the universities can fully aware of and identify technologies that were created by them and are beneficial to the industrial sector. In addition, expanding the network collaboration can also help the universities to quickly develop mechanisms that will enable them properly protect and utilize their acquired IP rights. Accordingly, after 2011, the initial policy has expanded its scope and became the current IP Advisors Program.

Japan is expected to improve its nation's ability to innovate and create new technologies. To attain this goal, Japan has identified that the basis for industry-academia-government R&D consortiums is through obtaining information on universities' and other academic organizations' research technologies and IP so that Japan can appropriately place these universities in the appropriate wide-area network. This will allow the universities within the wide-area network to establish IP management policy to properly protect and utilize their IP rights.

The current IP Advisors Program is conducted through application from the universities in established wide-area network to JIII. Upon review of the application, JIII will then dispatch the IP Advisor to the applicant university of that wide-area network. IP Advisors not only can provide solutions to general IP related problems, they can also provide professional advice and service on how to establish and operate IP management system for all the universities within the wide-area network.

B. IP advisors' role

In principle, IP Advisors are stationed to the Administrative School or Major Supporting School within the wide-area network. IP Advisors can be dispatched to other member schools ("Member Schools") or provide telephone inquiry service by answering IP related questions. In other words, IP Advisors are not stationed in any Member Schools to manage their IP management affairs, rather, IP Advisors advise or instruct the IP managers of the Member Schools on how to establish and utilize IP management system based on the Member School's infrastructure. The contents of IP Advisors roles listed are as follows:

- (a) Assist with activities within the wide-area network.
 1. assist with establishing information sharing system between universities within the wide-area network;
 2. assist with solving region-based or technology-based IP problems;
 3. provide inquiry service for planning activities within wide-area network; and
 4. provide inquiry service on other wide-area networks activities planning.
- (b) Provide services for Member Schools (Type 1) with undeveloped IP management system.

1. investigate or analyze the available IP management system in the Member Schools;
2. assist with drafting a plan to establish IP management system (through an assisting role) and provide instructions or advices accordingly;
3. direct personnel training (i.e. provide education on invention evaluation, assessment on applying for patent and contracts);
4. advocate different regimes of IP; and
5. collect relevant information on new developing technologies.

(c) Provide services for Member Schools (Type 1) with developed IP management system

1. investigate or analyze the available IP management system in the Member Schools;
2. provide advices or instructions on the application of IP management department;
3. provide advices or instructions for solving IP management problems;
4. direct personnel training (i.e. provide education on invention evaluation, assessment on applying for patent and contracts);
5. advocate different regimes of IP; and
6. gather relevant information on new developing technologies.

(d) Provide services for Member Schools (Type 2)

1. Share and exchange information through network conference.

C. Recruitment process and criteria

JIII adopts an open recruitment process without a set number of allocated IP Advisor positions. Working location is based in Member Schools of wide-area network in Japan. In principle, IP Advisors are stationed in Administrative Schools or Major Supporting Schools within the wide-area network and can only provide telephone inquiry service or temporary assignment for assistance to the Member Schools (Type 1). However, it is noted that IP Advisors do not belong to any specific university within the wide-area network, they are employed by JIII under an exclusive contract. Based on 2013 example, IP Advisors' employment contract started from 1 April 2013 and expires on 31 March 2014. IP Advisors' salary and travelling expenses are paid by JIII. However, expenses for Members School (Type 1) establishing a working environment and any other disbursements should be paid by the Member School (Type 1).

Furthermore, under the implementation of the current policy with respect to IP Advisors who are unable to comply with the new criteria, previous contract is considered as a non-periodical contract for the IP Advisors to continue to station in the university. However, if IP Advisor is stationed in a specific university, it must be limited to a maximum of 3 years. Due to the IP Advisors' work, they must comply with the privacy law and keep any obtained information confidential.

D. IP advisors' qualification

1. Require a high level of professional knowledge on IP management system

IP Advisor candidates must have relevant experience working in the industry with IP management system department, operation planning department, R&D department (collectively refer as "IP Management Related Departments").

2. Have relevant experience in directing trainings in IP Management Related Departments

IP Advisor candidates must have the ability to train personnel in IP Management.

3. Can provide IP strategies based on the demands.

IP Advisor candidates must have the ability to plan and utilize IP strategies to achieve optimal outcomes in R&D base on the circumstances and needs of different universities.

4. Have referral from the supervisors.

IP Advisor candidates who are currently employed must be able to obtain a referral from their current positions' supervisor, IP manager or personnel from higher up. IP Advisor candidates who are current unemployed must be able to obtain a referral from their previous employment.

E. IP advisors' selection process

Based on JIII's "University Network IP Advisors Adopted Standards" ("Adopted Standards"), IP Advisors are selected first through written application followed by interview. After a comprehensive assessment, all qualified candidates will be compared based on their compatibility of the essential criteria and other non-essential criteria, and finally selecting the most suitable candidate for the wide-area network.

F. Application criteria for IP advisors services

1. Common requirements for Member Schools of wide-area network

(a) must be an university or educational organization pursuant to the *School Education Act* (No. 26 of 1947) and must be able to conduct research and have set number of entry students and graduates per year; and

(b) university must have developed IP related technology or design.

2. Criteria for wide-area network

(a) Must have minimum of 3 and maximum of 8 Member Schools (Type 1) and 10 or less Member Schools (Type 2) combined, and have Member School (Type 1) entering wide-area network;

(b) Must clearly state the nature of network as region-based or technology-based;

(c) With Administrative School as base, the network must have collaborative system to plan network events;

(d) Administrative School must be able to propose and carry out network events which can benefit Member Schools (Type 1) and the society through annual business plan.

(e) Must be capable to provide indirect assistance to IP Advisors who are limited by time and region such that there is a proper environment to conduct wide-area network events.

3. Entry requirement for Member Schools (Type 1)

(a) Must include in the university's policy that they will become a Member School (Type 1) in the network and provide assistance to IP Advisors

accordingly;

(b) IP management and IP utilization system must be clearly implemented;

(c) must clearly state the scope of responsibility in relation to the collaboration with the Administration School;

(d) Propose and carry out an annual business plan which can improve IP management and utilization system to a certain level on their own; and

(e) Has the facility to allow IP Advisors to provide assistance and service.

4. Entry requirement for Member Schools (Type 2)

(a) Must include in the university's policy that they will become a Member School (Type 2);

(b) Same as paragraph F(3)(b) in this article; and

(c) Same as paragraph F(3)(c) in this article.

G. Current status quo

The original aim was to establish the initial IP Advisors Program to assist with university's IP management system by dispatching IP Advisors to 60 and more universities from 2002 to March 2011. The current wide-area university network IP Advisors Program started on April 2011. Since then, JIII has dispatched IP Advisors to 8 wide-area networks. In addition, IP Advisors have also been dispatched to wide-area network with art and design colleges/universities.

During year 2011, IP Advisors has achieved and completed several IP management policies as follows: 7 IP policies, 3 academia-industry collaboration policies, 2 conflicting interest policies and 2 collaborative research policies etc.

Recommendation

This article is based on a legal perspective view point, taking Japan's IP Advisors Program as a reference to provide the following recommendations on the topic of network for academia-industry collaboration in Taiwan.

A. Separate levels of collaboration base on needs

Using Japan's policy as an example, universities within the wide-area network require different content of services tailored to each university individually, and the universities can be categorized into two types of member schools based to the content of services. Accordingly, it is recommended that the Government should consider a similar approach to the Japan's policy when establishing IP management alliance and forming network of IP management system. For instance, design different levels of content and collaboration, and thus expand collaboration targets to gradually include major legal research institute, technology transfer centre for universities, and IP services in northern, center and southern area of Taiwan. This will allow collaboration of these organizations to coordinate IP programs such as IP northern, application and utilization with ease.

B. Emphasis on the idea of establishing and maintaining IP basic facilities

Based on Japan's past experience, it is recommended that before expanding IP Advisors related policy to solve regional IP problems, universities must first be assisted to improve their own IP management system, which has taken Japan almost 10 years to improve their universities' IP management system. From the current IP management system policy, it can be observed that the establishment of IP management system has a certain relevant importance. Furthermore, there is an emphasis on IP Advisors' experience in training IP managers. Accordingly, it is recommended that the Government in future planning of network IP collaborate system should set short term and long term goal flexibly, such that the basic IP facilities within the members of the network can develop continuously. For example, short term goal for a legal research institute can be growing to a certain size for it to adjust or implement IP related policies. As for longer term goal, it can be a requirement to set up a unit or department to operate and manage IP.

C. Expanding the definition of 'Networks'

Taiwan and Japan are high populated country on an island with limited land. Thus, if Taiwan and Japan insist on maintaining the geographic position for networking concept and adopting such concept on the regional economics for cluster effects, then it is difficult for Taiwan and Japan to compete with American Silicon Valley or other overseas universities.

In light of the above, on establishing network of IP collaborative system, the Government should take reference from Japan's practice in 2012 and combine same industry such as medicine industry or art industry in the definition of network. This will accelerate the integration of IP experience, information, and operation management capability within the network of same industry.

Conclusion

In conclusion, in order to establish academia-industry IP collaboration system and efficiently improve Taiwan's IP management system in research organizations, first must focus on various policies tailored for different levels of collaboration so that it can be integrated and expand the integration of IP resources such that there is a good foundation to develop IP basic facilities. Following the establishment of good IP foundation, it can then be further develop to more complex IP programs such as IP landscape, planning and strategizing etc.