

Abstract

Review on the law related to strategy of intellectual property in Korea, China and Japan

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This paper outlines the 'law system related to strategy of intellectual property' in Korea, China and Japan, and it briefly reviews the 'Basic Law of Intellectual Property (hereinafter referred to as 'Basic Law')' in Korea. The 'Basic Law' is based on 'the Basic Law of Intellectual Property' in Japan and 'Outline of Strategy of National Intellectual Knowledge Property' in China. The 'Basic Law' came in effect on July 20. The objective of this law is to promote the creation, protection and utilization of Intellectual property as well as to prepare the basic policy and propulsion system of government to construct the base in order to contribute to the development of national economy, society and culture as well as the improvement of quality of life. Further, 'National Intellectual Property Committee' is supposed to be established and 'Outline of Strategy of Intellectual Property' was prepared. The enactment and enforcement of Basic Law of Intellectual Property in Japan is the attempt to get out of the economic depression, so-called 'lost 10 years' so as to revive the economy. In China, 'Outline of strategy of National Intellectual Property' was promulgated by National Assembly on June 5, 2008. The Chinese government announced the important strategy for establishing the innovative nation at the beginning of 2006. Accordingly, 'Outline of Strategy of National Intellectual Property' in 2008 stated that the goal was to construct the innovative nation. The enforcement of creation, protection & utilization of intellectual property in Japan or China can be the expansion of pro-patent policy in USA.

In Korea, the enactment of 'Basic Law' is also the expansion of intellectual property policy. There are some issues in our Basic Law. The most important thing is that no other substantive and procedural rules are enacted in the basic law except the rules related to

the establishment of 'National Intellectual Property Committee' as a government agency. Although 'Basic Plan of National Intellectual Property' is enacted by 'National Intellectual Property Committee', it is meaningless, unless it is enforced practically. That is, while the duty of nation is provided in the basic law, there is no binding rule to obligate the nation to fulfill duty when it does not. Needless to say, this legislative type is inevitable due to the character of basic law. Thus, the firm intent of government is required to make the law effective. Finally, comparing Korea to China or Japan in the aspect of geo-politic position, economic power, population, etc, the strategy of copyright needs to be at the center of strategy of intellectual property.

Keywords : Strategy of IP, Basic Law of IP, Basic Plan of National Intellectual Property, National Intellectual Property Committee, Outline of strategy of national Intellectual property, Strategy of copyright, IP -based nation, Pro-patent.