

CENTRE FOR ASIAN LEGAL STUDIES

Rethinking Copyright for the Digital Age

An example of Japanese copyright law

Recently in Japan several amendments have been adopted by the legislature to strengthen the position of copyright owners who demand stronger protection in the digitized, Internet era. The "copy" right, however, has been transformed from the regulation of competition to the restriction on personal freedom, due to technological and environmental changes brought by prevalence of reproduction technologies and Internet.

Some measures should therefore be taken to correct the changes heavily affected by "minoritarian biases" in order to safeguard freedom and to realize actual intentions of silent majority amongst the rightholders.

Those corrections should switch current balance between the stakeholders so that the minoritarian stakeholders, who are able to efficiently express their positions and interests in policy-making process, should be required to take all the necessary actions and steps to protect their legitimate interests in enforcing their rights. Accordingly, an introduction of fair use doctrine and renewal registration system is a possible option at least in theory, because the feasibility of their adoption is politically highly doubted in reality.



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Yoshiyuki Tamura is the professor of intellectual property at Hokkaido University. He also serves, *inter alia*, as the Program Director of the Research Institute for Information Law & Policy at Hokkaido University; Member of the Committee on Intellectual Property Policy, Industrial Structure Council; Managing Director at Japan Association of Industrial Property Law; Member of the Board of the Copyright Law Association of Japan; and Member of the Committee at the Japan Patent Attorneys Association.

His research interests include, but are not limited to, copyright law, patent law, trademark law and unfair competition law. Professor Tamura has published more than ten books on various topics of intellectual property (some of them have been published in several editions) and numerous law review articles, which include *Rethinking Copyright Institution for the Digital Age*, I W.I.P.O.J. 63-74 (2009); *A theory of the Law and Policy of Intellectual Property: Building a New Framework*, 2009 (1) NORDIC JOURNAL OF COMMERCIAL LAW 1-29 (2009); *Patent Enforcement in Japan*, in THE ENFORCEMENT OF PATENTS (Reto Hilty & Kung-Chung Liu eds., Kluwer Law International 2011) (co-authored with Prof. Masabumi Suzuki); *INTELLECTUAL PROPERTY LAW* (5th ed., Yuhikaku 2010) (in Japanese); *Intellectual Property Law* (Intellectual Property Publishing 2010) (in Chinese); *CASE GUIDE FOR PATENT LAW* (4th ed., Yuhikaku 2012) (in Japanese). Besides, he is also a frequent speaker at various international conferences all over the world and contributes to the ongoing debates concerning current debates on intellectual property law and policy.

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