An employee leaked technical data on semiconductor memory, which is kept secret, to a foreign competitor.

A person sold illegal technology which enables paid T.V. programming to be visible for free.

A person gave cash to foreign high-level government officials.

A company sold used cars with falsified meters which indicate lower mileage than actual mileage.

A company shipped items indicating “Ground beef” despite it being minced meat made from beef and pork.

What is the Unfair Competition Prevention Act?

The Act can prevent the following cases.

Correlation to Japan’s law

Relation with the Civil Code

- The Act is deemed a part of Tort Law (Article 709 of the Code).
- In addition to compensation for loss or damage, the Act provides right to claim for an injunction.

Relation with the IP Law

- The Act is deemed a part of the IP law.
- The Act promotes IP protection by regulating acts of “unfair competition”.

Relation with the Penal Code and Code of Criminal Procedure

- The Act penalizes bribery and trade secret infringement
- The Act prescribes special provision on civil proceedings
- The Act prescribes special provision on criminal proceedings

Relation with the Anti-Monopoly Act

- The Act is maintaining the competitive like Anti-monopoly Law and Act against Unjustifiable Premiums and Misleading Representations
### IP Law System in Japan

<table>
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<tr>
<th>Categories of IP Law</th>
<th>Advantages</th>
<th>Disadvantages</th>
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<tbody>
<tr>
<td>Grant right &amp; registration based on substantive examination (Patent Act, Design Act, Trademark Act)</td>
<td>Enables determination whether or not the subject matter deserves protection by means of rights prior to the granting</td>
<td>Needs examiners &amp; registration agency</td>
</tr>
<tr>
<td>Grant right &amp; registration without substantive examination (Utility Model Act)</td>
<td>◆ Clarifies existence of rights. ◆ Enables transfer of rights and provision of means to recoup an investment</td>
<td>Needs registration agency</td>
</tr>
<tr>
<td>Grant right without substantive examination (Copyright Act)</td>
<td>Stronger protection than protection by regulating acts</td>
<td>Might lead to over protection depending on subject</td>
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<tr>
<td><strong>Regulate acts (Unfair Competition Prevention Act)</strong></td>
<td>Clarifies types of illegal acts compared to Tort Law</td>
<td>Might not be possible to transfer of right for protection</td>
</tr>
<tr>
<td>Tort Law</td>
<td>Enables flexible actions against new problems</td>
<td>◆ Lack of clarity in acts of regulation ◆ Only right to seek for damages</td>
</tr>
<tr>
<td>Protection by Contract</td>
<td>Enables protection in line with the parties’ will</td>
<td>No legal effect against a third party</td>
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