

## **EU – Japan Business Dialogue Round Table 2001**

### **Standards (WP3)**

#### **1 . IMT2000**

When we prospect future information networks, mobile networks such as cellular telephone systems, and IP based networks such as today's Internet, are and will be developing further. With regards to the establishment of international standard of IMT2000, we have already established the cooperative structure between Europe and Japan based on 3GPP, and it is also expected that the international standardization of after-IMT2000 mobile systems will be promoted jointly.

#### Status

While the commercialization of IMT-2000 is scheduled both in Japan and Europe (Oct. 2001 in Japan and 2002 in Europe), there still exist several serious problems to be solved, such as process of frequency allocation, popularization of mobile Internet and spectrum supplement. As Internet becomes the base for the next generation network both for the fixed and mobile networks, it is important to establish and maintain the cooperative relations between Europe and Japan when we develop the 3GPP Release 5 (Oct. 2001). It is also important that companies from both regions will encourage 3GPP to effectively cooperate with other standardization bodies such as ITU.

#### Recommendation

From the viewpoint of early realization of international roaming system, it is extremely important that the 3G services will start by 2002 both in Europe and Japan. Therefore, it is expected that both European and Japanese governments take necessary steps to make this happen and possible cooperation among the private sector in the field of international roaming is also expected. Furthermore, confirmation of basic common principles for the development of next-next generation mobile network by Europe and Japan is deemed important.

## **2. Voluntary Standard**

The harmonization of voluntary standards constitutes a major objective for all the economic players, both public and private, professionals, consumers and citizens. The alignment of the national and regional standards with the international standards which reflect technological progress and provide assurance of security and good performance to the different users in one of the key factors of modern economy which demands the integration of technical progress, cost saving and fair exchange.

### Status

Voluntary standards cannot be conflicting with technical regulations, whether international, regional, national, and even local. A rapprochement between the different authorities in order to reduce the disparities between these different regulations can only but facilitate the role of the private standards bodies, so that they provide coherent documents.

It is therefore imperative to undertake the urgent and extensive rationalization, simplification and qualification of those documents that are truly useful for international trade.

### Recommendation

WG 3 could initiate a reflection aimed at specifying the content of the basic principles the WTO TBT agreement such as transparency, openness, impartiality, response to market needs in order to single out the profound signification and the concrete operational procedures that could be obtained from them.

Leaving aside issues which can become heated (or commercial), it would be possible to draw up, on the basis of these accepted and clarified principles, "classification" criteria for existing or future documents in a more objective manner, the documents being more useful, therefore better accepted.

A big step would be accomplished at international level led by private sector which would subsequently allow to advance more serenely and efficiently towards reducing both diversity and complexity and to also pave the way for a "reorganization" of the standards drafting bodies which are costly for all professions.

### **3.- Industrial Property - Patents**

#### Status

Within the new and rapidly evolving technologies, the issue of industrial (patent rights) and intellectual property, linked to patents, is quite critical. Innovation, creativity, a sign of the modern world, must be protected and cannot be compromised or polluted by persistent threats concerning these issues.

Knowing first of all to whom these patent rights belongs and who can lay claim to the documents. Two approaches are currently encountered: the rights belong to the first person to have filed a patent (first to file); the rights belong to the first person who lays claim to the invention (first to invent).

Lawsuits are under way today; they will become more and more numerous, particularly between America, supporter of the "first to invent" principle, Europe and other parts of the world which recognize the "first to file" principle. The problem exists and goes beyond standardization issues. It concerns specialized bodies at international level, WIPO and its national and regional network, but also intergovernmental regional authorities (the Brussels Commission), courts of justice, jurists, lawyers, companies...

#### Recommendation

It is strongly expected that both EU and Japanese governments continuously appeal its necessity of international harmonization of patent system at international level. WG3 also seek to have a dialogue with US business council to achieve this goal.