

Basic Guidelines for the Handling of Industrial Property Rights, Etc.

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2Data Society Alliance
Board of Directors

Any standards, rules, or regulations (regardless of any name they are given; hereinafter collectively referred to as “DSA Regulations”) regarding the data society established by the Data Society Alliance (hereinafter referred to as “DSA”) shall be created through fair and transparent procedures for the purpose of promoting smooth data transactions.

This basic policy for the handling of industrial property rights (hereinafter referred to as “these Basic Guidelines”) stipulates the handling of industrial property rights, etc. that are essential for the implementation of all or part of the DSA Regulations. (“Industrial property rights, etc.” refers to patent rights, utility model rights, design rights, and trademark rights, including pending applications. Mandatory requirements are defined in the “Detailed Regulations for the Handling of Industrial Property Rights, etc.” The same shall apply hereinafter.)

1. Handling of Industrial Property Rights, Etc.

When the owner of industrial property rights, etc. essential for the implementation of all or part of the content of a draft of DSA Regulations (hereinafter referred to as “Rights Holder”) selects (1) or (2) below, the DSA may make the draft of the relevant DSA Regulations subject to enactment or revision.

- (1) The Rights Holder shall, to the extent in which the relevant DSA Regulations are implemented, grant to the party implementing the relevant DSA Regulations licensing of the implementation of the relevant industrial property rights, etc. under fair, reasonable, non-discriminatory conditions, and free of charge.
- (2) The Rights Holder shall, to the extent in which the relevant DSA Regulations are implemented, grant to the party implementing the relevant DSA Regulations licensing of the implementation of the relevant industrial property rights, etc. under fair, reasonable, and non-discriminatory conditions.

However, i) in the event that another party, who owns industrial property rights, etc. essential for the implementation of all or part of the content of any DSA Regulations and implements the relevant DSA Regulations, asserts against the Rights Holder the handling of industrial property rights, etc. that is not equal to the handling of industrial property rights, etc. selected by the Rights Holder under the main text of this Paragraph, or ii) another party files a lawsuit or takes legal action based on their own industrial property rights, etc., the Rights Holder may exclude the other parties that

fall under i) or ii) from the scope of (1) or (2) above. Additionally, in the event that another party files a lawsuit or takes legal action concerning the validity of essential industrial property rights, etc. owned by the Rights Holder, the Rights Holder may exclude the other party from the scope of (1) or (2) above.

2. Scope of Responsibility

The DSA has no responsibility to confirm whether industrial property rights, etc. are essential for the implementation of all or part of the DSA Regulations. The DSA also shall not be liable for any disputes pertaining to industrial property rights, etc. that are essential for the implementation of the DSA Regulations.

3. Detailed Regulations

The specifics of these Basic Guidelines are defined by the Rules Deliberation Committee as the “Detailed Regulations for the Handling of Industrial Property Rights, Etc.”