

# Agribusiness Law

## ～ Strategies exploiting intellectual property in a wide range of options ～

### 1 . Relevant Legal Fields

Intellectual property is beginning to be used more extensively than ever before in agriculture, forestry, and fisheries. Intellectual property laws relevant to the field of agriculture, forestry, and fisheries include the Patent Act, Trademark Act, Design Act, Copyright Act, Utility Model Act, and Unfair Competition Prevention Act, as well as the Plant Variety Protection and Seed Act, Act on Protection of the Names of Specific Agricultural, Forestry and Fishery Products and Foodstuffs, Act on Prevention of Unfair Competition in Livestock Genetic Resources, etc.

### 2 . Wide range of options

If you want to obtain intellectual property rights for an agricultural, forestry, or fishery product to protect and utilize it, there are a wide range of options such as obtaining a patent right, obtaining a breeder's right, managing it as know-how or trade secrets, obtaining a trademark right to develop the product as a branded product, applying for a geographical indication, etc.

In addition to protecting the agricultural, forestry, and fishery products themselves, there are also the options of applying for patents on equipment for measuring freshness, sugar content, and other characteristics of agricultural, forestry, and fishery products that are to be properly evaluated, or of aiming for standardization of evaluation methods through JIS, ISO, or other standards.

Moreover, next-generation agriculture utilizing IoT, ICT, robotics, AI, etc. is advancing as smart agriculture, and technologies such as sensors, cameras, image analysis systems, drones, automatic harvesting robots, and transport robots are rapidly developing. Therefore, we also need to be careful not to infringe on intellectual property rights obtained by large companies in other industries etc.

### 3. How should intellectual property be utilized in the agriculture, forestry, and fisheries fields?

A wide range of options are available:

- ① Whether you want to protect and utilize the agricultural, forestry, and fishery products themselves, or whether you want to protect and utilize the technology and brands.
- ② What kind of distribution plan do you have and with whom and what kind of contract do you want to conclude?
- ③ Assuming the service provision and distribution stages, how to make profits, from whom, and in what form.
- ④ What kind of infringement and unauthorized outflow of rights is expected, and how to enforce the rights against such infringement and unauthorized outflow.

With an eye on the above, a strategy that takes into account the advantages and disadvantages of each system is required. Our support services are provided by a team of members with a wide range of expertise in patents, designs, trademarks, copyrights, the Unfair Competition Prevention Act, the Geographical Indication protection system, etc.



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