Convention), so far the information is available only in the Canadian Patent Office.

> "There are profound differences between the Japanese patent-law system and [Western] systems. The goal of Western systems is to protect and reward individual entrepreneurs and innovative businesses, to encourage invention and the advancement of practical knowledge. The intent of the Japanese system is to share technology, not to protect it. In fact, it serves a larger, national goal: the rapid spread of technological know-how among competitors in a manner that avoids litigation, encourages broad-scale cooperation, and promotes Japanese industry as a whole.
>
> "This approach is entirely consistent with the broader characteristics of Japanese culture, which emphasizes harmony, co-operation, and hierarchy."
>
> Donald M. Spero, *Harvard Business Review*, September-October 1990.

In Japan the information in a patent application is published in a journal, which allows wide dissemination of the information and makes it easier for a competitor to use, improve or patent around the invention. Japanese companies studiously examine these published applications for patents, to see what other companies are doing and to make use of all available information as soon as possible.

Delays In Patent Examination

Both Canadian and Japanese systems disclose patent applications 18 months after filing.

In Japan, however, most patent applications are not granted within the 18-month period because of a shortage of patent examiners. Until a patent is actually granted in Japan, it can be very difficult to enforce the theoretical rights provided for by statute, and in particular to restrain others from misusing your invention. Since a patent in Japan may not extend for more than 20 years from the date of the original application, delays in granting the patent also shorten its effective life.

The Japanese have recognized this as a shortcoming of their system. Under the Structural Impediment Initiative, they have agreed to try to increase the number of patent examiners, to shorten the delay in the issuance of patents.

"Patenting Around" or "Patent Flooding"

In general, Japanese patents are far more narrowly defined than Canadian patents. Patents are often issued for modifications to an existing patent which would not normally be permitted under Canadian or other Western patent practices. This paves the way for the practice of "patenting around" or "patent flooding".

With the early publication of patent applications, the subject matter of patents is disclosed to competitors, who often make enough minor changes in the subject matter to file a variety of improvement patents around the basic patent. Once the basic patent has been "surrounded" or "flooded" in this way, it is almost impossible for anyone who wishes to use the basic patent to license it without licensing the surrounding patents.

Related to this practice is a fundamental difference in the value placed on a patent. To the Japanese way of thinking, the number of patents may be as important as the subject matter. While Westerners may value a patent primarily for the knowledge embodied in it, the Japanese place a far higher symbolic value on the certificate itself. They will not feel comfortable, for example, if you approach them with an idea for which you do not have a patent.

From the Japanese point of view, subject matter that is not protected by a patent is