

## Defend and Attack Wisely: Protecting Trade Secrets in Global Business

- A forum to create an inspiring environment to protect trade secrets from borderless infringement -

Tokyo, Japan, 15 January, 2016 – On 15 January 2016, NTT DATA INSTITUTE OF MANAGEMENT CONSULTING, Inc., Global Partners Technology inc., SOHGO SECURITY SERVICES CO.,LTD. ("ALSOK"), dit Co., Ltd., Japan Information Security Audit Association and Baker & McKenzie (Gaikokuho Joint Enterprise) established the Association for Promotion of Protection of Trade Secrets ("APPTraS"), appointing Professor Masahiro Hashimoto of the Tokyo Institute of Technology as President. In Japan, the amendment to the Unfair Competition Prevention Act (Law No. 54 of 2015, the "Amended UCPA") took effect as of 1 January 2016 and made significant progress to create an environment for Japanese businesses to protect trade secrets more sufficiently in international transactions.

APPTraS is committed to raising awareness of the Amended UCPA through regular open seminars and closed membership sessions. In light of the globalization of the domestic market, businesses are faced with a need to strategically deal with their foreign counterparts. APPTraS will support these companies by promoting a practice to protect trade secrets from a global perspective.

The founding members of APPTraS have expertise in law, cyber security, audit, physical security and consulting, and provide solutions to the specific challenges faced by member companies. APPTraS aims to create an environment where Japanese corporations can actively bring innovative technology and services to the world, and maintain their competitive edge in the international markets.

### **[Background]**

To bring innovative technology and services to the world, it is essential for Japanese companies to proactively deal with foreign counterparts in various forms. On the other hand, to stimulate the Japanese market with innovation, it is also necessary to actively invite investments from foreign corporations.

However, the increase in sharing of domestic trade secrets abroad bears risk of unauthorized use, which may decrease the international competitive edge of domestic companies. Concurrently, an increase in sharing of foreign trade secrets within Japan also creates the risk of domestic companies being accused as trade secret infringers - which may lead to receiving compensation claims of sizable damages from foreign companies.

Further, domestic trade secrets have been threatened by targeted cyber attacks and have also been stolen by foreign attackers. Japanese companies are strongly encouraged to review how to protect their trade secrets under effective cross-border legal practice and to implement feasible reforms.

By reducing these global risks, Japan can promote innovation through investment, maintain the competitiveness of domestic companies inside and outside of Japan, as well as maintain the attention the domestic market is receiving from foreign companies.

Finally, the Amended UCPA shows Japan's firm attitude to protect trade secrets by adding tougher punishment toward foreign infringers, criminalizing trade secrets theft in foreign countries, and providing prohibition and injunctions against the sale and import/export of goods that infringe trade secrets. It is important to raise awareness of the Amended UCPA not only to domestic companies but also to foreign companies that are investing in the Japanese market.

### **[Activities of APPTraS]**

#### **1. Open seminars (open to members and non-members, free of charge for members)**

APPTraS aims to raise awareness of the Amended UCPA to domestic and foreign companies and to illustrate the trend in Japanese courts based on collection and analysis of court precedents. Participants will not only gain insight into best practice, but also practical methods for businesses to protect domestic trade secrets as well as foreign trade secrets that are shared in Japan. Topics will include:

- (1) Raising awareness of the legal system and policies against trade secrets infringement in Japan (seminars held in Japanese and English)
- (2) Promotional and educational activities regarding the collection, analysis and accumulation of court precedents and related information (seminars held in Japanese and English)
- (3) Research and analysis of "open and closed strategies" in business practice
- (4) Promotional and educational activities regarding research on cyber security practices for computerized trade secrets

In addition, to accommodate the individual needs of members who participate in these open seminars, APPTraS will provide various services which will include proper management diagnosis, establishment of internal rules and policies, introduction of management measures and audits, human resource development, incident response, preservation of evidence and identification of attackers, and litigation support etc.\*

\* Fees may apply for these services.

## **2. Closed membership sessions (open to members only)**

We will invite participants who are association members in these sessions, to focus on important and specific challenges and study the best practices of trade secrets protection for businesses.

Sample topics include:

- (1) Preparing template agreements for cooperation with foreign companies (e.g., joint development, joint ventures, outsourcing, overseas production, creation of global supply chains, etc.)
- (2) Developing practices in responding to litigation by US rights owners, as well as in filing litigations against Chinese and Korean infringers
- (3) Sharing cyber security information among IP-focused businesses
- (4) Studying strategies to spread trade secrets protection practices among small and medium size companies in light of the Amended UCPA, etc.

### **[Participation in APPTraS]**

We are now accepting new members to APPTraS. Any company, organization or university that supports the purpose of APPTraS can become a member. For more details, please visit our website at <http://www.apptras.org/>

Benefits provided to members of APPTraS include attending upcoming open seminars free of charge, and participation in closed membership sessions.

### **[Schedule]**

We plan to hold an inaugural seminar on 22 February 2016, followed by regular open seminars. We will also commence closed membership sessions from April 2016.

### **[Website]**

For more details, please visit our website at <http://www.apptras.org/>

### **[Founding members of APPTraS]**

[About NTT DATA INSTITUTE OF MANAGEMENT CONSULTING, Inc.]

NTT DATA INSTITUTE OF MANAGEMENT CONSULTING, Inc. has extensive experience in the field of telecommunications. This ranges from researching the various aspects of telecommunications law to deregulating it for the purpose of creating new markets. Based on these efforts, the company analyses market developments from overseas to assess the impact it would have in the domestic market. NTT DATA INSTITUTE OF MANAGEMENT CONSULTING, Inc. also has rich investigation and policy-making experience with regards to the latest trends, particularly in the field of protection of trade secrets and personal information, safe implementation of the Social Security and Tax Number System, and protection of cloud-based application services.

[About Global Partners Technology Inc.]

Global Partners Technology is a business consulting firm founded in 2008, and is a member of the accounting group, Global Partners Group. The team comprises business analysts with the objective to harmonize business operations and information technology. The company's strengths lie in its capability to assess the impact that amendments to the legal system have on business operations and information technology, and design counter measures. Global Partners Technology aims to enhance trade secrets protection, and will contribute to the association by leveraging its know-how cultivated through its experience serving as a consortium secretariat.

[About ALSOK]

For 50 years since its establishment in 1965, ALSOK has continuously provided products and services to ensure the security and safety of society. ALSOK's strengths lie in its knowhow to protect business information and managerial resources from various risks such as crimes and natural disasters, and its

nationwide framework of quality service. By utilizing such know-how and framework, ALSOK will strengthen the protection of its clients' trade secrets and contribute in mitigating risks.

[About dit Co., Ltd.]

dit Co. Ltd. is a company that specializes in computer network and security. It was founded in December 1985 and is headquartered in Koto-ku, Tokyo. The company comprises experts who aim to realize a secure and safe network society by engaging in research and development of next-generation information technology, providing information security consulting and forensic services, offering products for stable operation of network, developing products and building systems to ensure network security.

[About Japan Information Security Audit Association]

Japan Information Security Audit Association was established as an operating entity in 2013 to steadily implement the "Information Security Audit System" enforced by the Ministry of Economy, Trade and Industry. To promote the information society by "a fair Information Security Audit", JASA engages in various activities to improve the quality of current information security auditing and auditors by researching the information security auditing process and procedures.

[About Baker & McKenzie (Gaikokuho Joint Enterprise)]

Baker & McKenzie (Gaikokuho Joint Enterprise), a fully integrated law firm, is one of the leading law firms in Japan, and offers a full range of cross-border and Japanese legal services. As a member firm of Baker & McKenzie, the world's leading international law firm, we are able to draw upon a network to provide high quality solution-oriented legal services through timely delivery.

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**[Contacts for further information]**

■ For media inquiries please contact:

**NTT DATA INSTITUTE OF MANAGEMENT CONSULTING, Inc**

K. Inoue  
Corporate Strategy Planning Department  
Public Relations Group  
Tel: +81-3-5213-4016  
E-mail : [webmaster@keieiken.co.jp](mailto:webmaster@keieiken.co.jp)

**Global Partners Technology inc.**

M. Tazawa  
Administration Division  
Tel: +81-3-5275-1062  
E-mail : [kanri@gptech.jp](mailto:kanri@gptech.jp)

**ALSOK**

H. Fujishima, K. Iwakami  
PR Dept.  
Tel: +81-3-3478-2310  
E-mail : [koho@alsok.co.jp](mailto:koho@alsok.co.jp)

**dit Co., Ltd.**

K. Otsuki  
Management Dept. Public Relations Group  
Tel: +81-3-5634-7651 (Main)  
E-mail: [press@dit.co.jp](mailto:press@dit.co.jp)

**Japan Information Security Audit Association**

K. Ando  
Secretariat  
Tel: +81-3-6675-3820  
Email: [office@jasa.jp](mailto:office@jasa.jp)

**Baker & McKenzie  
(Gaikokuho Joint Enterprise)**

N. Takeuchi  
PR Manager, Business Development, Marketing  
& Communications  
Tel: +81-3- 6271- 9900  
E - m a i l :  
[nobumasa.takeuchi@bakermckenzie.com](mailto:nobumasa.takeuchi@bakermckenzie.com)  
[www.bakermckenzie.co.jp](http://www.bakermckenzie.co.jp)

■ For further information regarding content please contact:

**NTT DATA INSTITUTE OF MANAGEMENT CONSULTING, Inc**

T. Mikasa  
Public Administration Service Consulting Unit  
Tel: +81-3-5213-4295 (Main)  
+81-3-5213-4077 (Direct)  
E-mail: [mikusat@keieiken.co.jp](mailto:mikusat@keieiken.co.jp)

**Global Partners Technology inc.**

S. Sakamoto  
Managing Director & CEO  
Tel: +81-3-5275-1062  
E-mail : [sakamoto@gptech.jp](mailto:sakamoto@gptech.jp)

**dit Co., Ltd.**

N. Aoshima  
Security Service Dept.  
Director  
Tel: +81-3-5634-7654 (Main)  
E-mail: [naoshima@dit.co.jp](mailto:naoshima@dit.co.jp)

**Japan Information Security Audit Association**

T. Nagamiya  
Secretariat  
Tel: +81-3-6675-3820  
Email: [office@jasa.jp](mailto:office@jasa.jp)

**Baker & McKenzie  
(Gaikokuho Joint Enterprise)**

K. Matsumoto  
Partner  
Tel: +81-3 -6271 -9469  
E-mail: [kei.matsumoto@bakermckenzie.com](mailto:kei.matsumoto@bakermckenzie.com)  
[www.bakermckenzie.co.jp](http://www.bakermckenzie.co.jp)

**Association for Promotion of Protection of Trade Secrets: Administration**

For admission and other inquiries contact us via the form provided in the link below:  
<http://www.apptras.org/#!/contact/hh4xa/>