# Japan's Anti-trust and IP Policy in the Last Decade

*Christopher Heath*



## I. INTRODUCTION

Since the stock market crash in December 1989, Japan has been portrayed as a country struggling with seemingly insurmountable economic difficulties. If the analysts are to be believed, one malaise has followed the next: stock market collapse, bank real estate loan problems, shoddy accounting, budget deficit, ageing society, etc. A lot of this has been reported not without a certain element of *Schadenfreude*. Yet, as a German saying goes, *Totgesagte leben länger* – those who were declared dead live longer. While it is certainly true that banks have been continuing to struggle under their bad loans, very little of the economy in general has been affected. As will be shown below under III, for more than a decade Japan has been an exporter of technology, and in the 1990s has even stabilised its lead in supercomputers and ultra-pure silicon chips. Apart from being a technology exporter, Japan continuously has been an exporter of capital despite an alleged 120% GNP government debt. First, when netted for the Japanese government's financial assets, the national debt only represents 51%; next, Japanese citizens are still such avid savers that only 6% of Japanese government debt is owned by foreigners. If, on the other hand, the Japanese withdrew their financial assets in the U.S., the economy there would immediately collapse. As a matter of fact, between 1993 and 1998, Japan has not run a budget deficit, as was often reported, but a budget surplus that for these six years ran respectively at 6.0, 5.1, 3.5, 3.3, 2.9, and 1.6 per cent of the GDP according …