

< 知的財産翻訳検定 > 答案用紙

科 目：共通問題

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以下に解答を記入してください

In Japan, whether a patent application satisfies the requirements for being allowed as a patent or not is judged, timewise, based on the filing date of the patent application. Therefore, when a new product is made open to the public before filing a patent application on the product, the novelty of the invention of the product is lost and the patent for the invention cannot be obtained.

In terms of technical level, in order for an invention to be patented, the invention must be regarded novel over any known art prior to the invention, and the difference between the invention and the prior art has to be significant, i.e. the invention has to possess an inventiveness. The prior art that constitutes an obstacle to the patent includes not only those made by the others but those made by the inventor himself. If a company is going to manufacture and sell a new product, sufficient attention should be paid and thorough rule should be established so that the secrecy on the product can be kept until the completion of filing the patent application. However, even

when a new product is to be made open, the novelty of the invention is not lost if the product is disclosed only to those who are obliged to keep the secrecy on the product.

The above applies in a Japanese domestic application. In considering a U.S. patent application, the completion date of the invention is of great significance in the U.S., because a first-to-invent system is employed in U.S. as opposed to a first-to-file system used in Japan. Accordingly, some companies request the workers to record the daily development of their research. However, in order to avoid falsification, it is said the record must be handwritten and no word-processor can be used, which may impose a great burden on the workers.