

< 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, determination as to whether an invention with respect to which a patent application has been filed complies with the requirements for a patent is made, in the aspect of time, based on the filing date of the patent application. Accordingly, if a novel product is opened to public before a patent application for the novel product has been filed, the invention with respect to the product, in principle, loses novelty, and therefore cannot be patentable.

Also, in the aspect of technological level of the requirements for a patent, it is necessary for the invention to have novelty, that is, a difference from the known prior art. In addition, the difference should not be a small one in the opinion of an examiner, that is, it is necessary for the invention to be regarded as having inventive steps. The known prior art to be considered relevant includes not only prior art by third parties, but also prior art by the inventor himself of the invention. Therefore, a company which is planning to

manufacture and sell a novel product should be careful and establish arrangements to keep confidentiality until the procedure of filing a patent application with respect to the product has been completed. However, if a novel product is opened to persons who have obligation to keep confidentiality with respect to the product, it is construed that the invention will not lose novelty.

The above discussion is about filing of a patent application in Japan. In the case of filing a patent application in the United States, it is to be noted that the date of completion of an invention before the filing of the patent application matters in the United States. In other words, the United States follows the principle of first-to-invent, while Japan follows the principle of first-to file. Accordingly, some companies require their researchers to record the daily progress in their researches. It is said, however, that such recording must be in handwriting in order to prevent later falsification, and that use of a word processor is not allowed. If it is true, there is a concern that a heavy burden will be imposed on the researchers.