

< 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

From the viewpoint of time, the filing date of a patent application is the basis for determining whether the invention of the patent application meets the requirements for patentability in Japan. Therefore, if a new product is made public before the filing of a patent application concerning the product, the invention pertaining to the product loses novelty and cannot be granted a patent in principle.

From the viewpoint of technical standards, the invention has to be novel, being different from the prior art inventions, in order to satisfy the requirements for a grant of a patent. Moreover, the invention has to look largely different, that is, the invention must be admitted to have an inventive step by the Examiner. Therefore, not only the inventions made by others but also the inventions of its own are considered as the prior art in the determination concerning the requirements for patentability. Accordingly, a company which intends to produce and sell a new product should establish a system in which the

product is kept in secret until the filing of a patent application concerning the product is completed. In the case of a new product, it is considered that the invention does not lose novelty if only the product is disclosed to those under the secrecy obligations.

The above description explains the case in which an application is filed in Japan. In the case of the U.S., the date of the completion of the invention becomes an issue. That is, Japan follows the principle of first-to-file, while the U.S. adopts the principle of first-to-invent. Therefore, some companies request their researchers to make records of the progress of their research every day. However, it is said that such records have to be made in a handwritten form, and not in a typed form, in order to prevent later alteration. If this is true, there is a fear that a heavy burden would be imposed on the researchers.