

< 知的財産翻訳検定 > 答案用紙

科 目：共通問題

氏 名：中村真理子

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以下に解答を記入してください

In Japan, an invention applied for a patent is determined whether or not it satisfies requirements for patent on the basis of the filing date, from a viewpoint of time. Therefore, if a novel product is disclosed to the public before the patent application for the product is filed, the invention relating to the product loses novelty in principle, whereby the product will not be patented.

From a viewpoint of technical level, requirements for an invention to be patented include that the invention must have novelty which differs from prior well-known art, and further, the difference must not be a minor difference when considered from the Examiner, that is, the invention must be recognized to have inventive step. Prior well-known art, which becomes a problem for patentability, includes not only art developed by others but also art developed by the inventor himself. Therefore, a company who is going to manufacture and sell a novel product must establish precautions and arrangements for keeping secrets

until the procedure of a patent application for the product completes. However, if the novel product is only disclosed to those having duty to keep secrets, it is understood as a matter not to lose novelty of the invention.

The aforementioned case applies to domestic applications. When you consider filing of a patent application in the United States, the completion date of an invention, which is a matter before filing of a patent application, is considered in the United States. In other words, although Japan adopts a first-to-file system, the United States adopts a first-to-invent system. Accordingly, some companies require reserchers to record the daily progress of researches. There are rumors that the records must be written by hand, and no word-processor can be used. If so, it is concerned that this may cause a large burden on reserchers.