

< 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 an invention applied as a patent satisfies requirements for being patented or not is judged based on the application date from a viewpoint of time. Therefore, if a new product is publicly disclosed prior to the patent application thereof, the inventions relating to the product lose the novelty in principle, failing to be patented.

Furthermore, from a viewpoint of technical level, requirements for an invention to be patented are that the invention has novelty differently from publicly known arts preceding the invention, and that the difference is not small from the standpoint of an examiner, that is, the invention is identified as an inventive step. Not only preceding publicly known arts made by others but also ones by the inventors themselves become a matter. Therefore, a company intending to manufacture and sale a new product should establish attention and arrangement for keeping the product's secret until the patent application procedure for the product will have been completed.

However, in the case of disclosing a new product, disclosing it only to those who must keep the secret is interpreted as holding the novelty of the invention.

The foregoing description is applied to domestic application in Japan. In the case of patent application to United States, the date when the invention has been completed, which is prior to the patent application, becomes a matter. The reason for this is that United States adopts first-to-invent principle, in contrast to Japan adopting first-to-file principle. Therefore, some company require their researchers to record daily research progresses. However, it is said that this recording should be conducted not by a word-processor but by hand writing in order to prevent later falsification. If this is true, researches may bear a large burden.