

< 知的財産翻訳検定 > 答案用紙

科 目：共通課題

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以下に解答を記入してください

In Japan, the determination whether an invention applied for patent meets the requirements for patentability is made based on the date of filing of a patent application for the invention, as concerns timing aspects. Therefore, if a product is made open to the public before it is applied for patent, the invention involved in the product loses novelty and thus cannot be granted a patent.

From technical aspects, to be patented, an invention must have a novelty with a difference from a publicly-known art prior to the invention, and such a difference needs to be deemed by the examiner not to be a slight one. In other words, the invention must have a non-obviousness. In the determination of novelty or non-obviousness, any prior publicly-known arts, not only ones invented by others but also one made by the inventor him/herself, are pertinent to the patentability of an invention. Therefore, any company that is going to create and sell a new product should take care and make necessary arrangements so that

the new product will be kept confidential until the prosecution for patent application for the product is completed. However, publicizing of a new product, if it takes place among those who are obligated to keep secrets, is construed as a matter that does not deprive the invention of its novelty.

The foregoings concern a national application in Japan. When it comes to a patent application in the United States, the critical issue is the date of completion of an invention, which is a matter before a patent application is filed. This is because the United States adopts the first-to-invent principle whereas Japan conforms to the first-to-file principle. In this context, some companies require the researchers to log their daily progress in the research. However, there is hearsay that they are not allowed to use a word processor but have to handwrite the log so that the log would not be falsified afterwards. If this is true, this is a too demanding task for the researchers.