

< 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

Whether or not an invention applied for a patent meets requirements is judged based on its filing date in terms of time, in Japan. Hence, once a novel product becomes open to public prior to filing for a patent, the invention of the product loses its novelty and therefore will not be patented.

In terms of state of the art, as patent requirements, an invention is required to have novelty over the known art prior to the invention and, in addition, the difference between the invention and the prior art is not slight to an examiner, i.e., the inventive step of the invention over the prior art needs to be approved. In view of this, the prior art associated with patent requirements includes not only inventions made by third parties but also inventions made by the inventor himself/herself. Companies that want to produce and sell novel products should take cautions and establish measures to keep the products secret until proceedings of the patent applications for the products are completed. However, publication of a novel product is

interpreted as a matter that does not lose its novelty as long as this publication is given to people under obligation to keep the secret.

The foregoing state is for applications to the Japanese Patent Office. For patent applications to the United States Patent and Trademark Office, the date when the invention is made prior to its filing date is important. This is, because the Japanese Patent Office employs the first-to-file rule whereas the United States Patent and Trademark Office employs the first-to-invent rule. In view of this, some companies require researchers of recording their daily progresses in research. However, it has been said with little or no proof that the recording must be made in hand writing not with word processors for protection against tampering after the recording. If the rumor is true, there is the apprehension that such recording becomes burdensome on researchers.