

< 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, from a time aspect, whether an invention claimed in a patent application complies with the requirements for grant of a patent or not is judged based on the filing date of the patent application. For this reason, if a novel product is made open to the public before filing a patent application for the product, the invention directed to the product will, in principle, lose its patentability to become unpatentable.

On the other hand, from a technical level aspect, Prior art in problem include that made by the inventor(s) as well as that made by others. An enterprise who intends to manufacture and sell a new product should establish xxxxx until the filing of a patent application for the product. It is noted that with regard to opening of a novel product to the public, opening of the product only to people who are obligated to hold confidential is interpreted as an event where the invention does not lose its novelty.

The above is applied for patent applications in Japan. On the other hand, when considering filing a patent application to the United States, the date of completion of an invention, which is an event earlier than patent filing, is in question in the United States. This is because the United States uses the first-to-invent system though Japan practices the first-to-file system. Some enterprises, therefore, request researchers to record daily progress of their research. However, there is a rumor that the recording must be made by hand-writing for protecting the record against tampering and the use of word processors is not permitted. If so, it is feared that an enormous load is put on researchers.