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JAPAN

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### Revision of Patent Examination Standards 特許審査基準改訂

On June 26, 2013, the JPO announced that the examination standards regarding requirements for unity of invention and amendments changing the special technical features of an invention are to be revised.

Compared to the old examination standards, the new revised standards expand the scope for inventions to be subject to examinations in the event that they do not meet the requirements for unity of invention, and relax the criteria for so-called "shift amendments."

The JPO published its proposed amendments to the examination standards on March 6, 2013, and invited opinions on the proposed changes. Along with the announcement of the final revision, the JPO has also published thirteen of the collected opinions and responses (four from groups and nine from individuals).

The revised examination standards for requirements for unity of invention apply to applications made from January 1, 2004 onwards, and the revised examination standards for amendments changing the special technical features of an invention apply to applications made from April 1, 2007 onwards. In both cases, the revised standards will be used in any examination that takes place from July 1, 2013 onwards.







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特許庁は2013年6月26日、「発明の単一性の要件」と「発明の特別な技術的特徴を変更する補正」の審査基準を改 訂すると発表した。

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今回の審査基準改訂により、改訂前に比べて、出願が発明の単一性の要件を満たさない場合に審査対象となる発明 の範囲が拡張され、また、いわゆるシフト補正の要件が緩和される。

特許庁は3月6日に審査基準の改訂案を公開すると共に改訂案に対する意見を募集しており、今回の審査基準改訂の発表と合わせて、寄せられた13件(団体4件、個人9件)の意見と回答も公表した。

「発明の単一性の要件」の改訂審査基準は、平成16年1月1日以降の出願に対して、「発明の特別な技術的特徴を変 更する補正」の改訂審査基準は、平成19年4月1日以降の出願に対して、それぞれ平成25年7月1日以降の審査に適 用される。







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### Move toward Revision of Employee Inventions System 職務発明制度の見直しに向けた動き

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On June 26, 2013, the JPO published its "Research Report into Employee Inventions in Japan and Other Countries," which examines and analyzes employee inventions in several countries. In Japan, while enterprises act as sources of innovation, the current employee inventions system returns rights to the inventors instead of enterprises. The report indicates that this system poses a business risk for enterprises engaging in global operations.

In addition, on July 3, 2013, the JPO announced that it would hold a meeting of a research committee to examine the employee inventions system, so that an investigation into the actuality of reviewing the employee inventions system etc. could be carried out. Arguments from representatives from the industrial and labor worlds and academic experts will be heard at the meeting.

特許庁は2013年6月26日、各国における職務発明について調査・分析した「我が国、諸外国における職務発明に関する調査研究報告書」を公表した。その中で、日本では、企業がイノベーションの源泉となっている一方、特許を受ける 権利が企業ではなく発明者に帰属するとされている現行の職務発明制度が、企業のグローバル活動での経営上のリス クとなっていることが指摘された。

また、特許庁は7月3日、職務発明制度の見直しのための実態調査などを行うため、「職務発明制度に関する調査研 究委員会」を開催すると発表した。委員会では産業界・労働界の代表者や学識経験者により議論を行われる予定であ る。





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#### Japan Science and Technology Agency Announces "Support for Increasing the Value of University Patents" as Yearly Topic 科学技術振興機構、今年度の「大学特許価値向上支援」の採択課題を発表

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The Japan Science and Technology Agency (JST) announced on June 18, 2013 that from a total of 306 suggestions, it had chosen "Support for Increasing the Value of University Patents" as its 65<sup>th</sup> yearly topic.

"Support for Increasing the Value of University Patents" is a support system that aims to improve the value of basic patents held by universities. To this end, financial support of up to 3 million yen is offered for trial research necessary for data-added trials or production of trial products. Financial support of up to 500,000 yen is offered for investigative works necessary for facilitating transfers of patented technologies to enterprises.

In addition, JST also announced "The Intellectual Property Strategy Committee Opinion: Looking Back at Over Ten Years of University IP-related Policies and Considering Future Development" on July 5, 2013. In this publication, the committee suggests four future roles for University IP: (1) carrying out extensive investigation into prior art; (2) furthering connections with small and medium-sized companies and ventures; (3) a way to improve opportunities for technology transfer; and (4) improving education and training in IP for students and researchers.

科学技術振興機構(JST)は2013年6月18日、306件の応募課題の中から「大学特許価値向上支援」の支援対象と なる今年度の新規採択課題65件を発表した。

「大学特許価値向上支援」は、大学が持つ基本特許の価値向上を目的として、データ追加試験や試作品製作に必要 な試験研究費として上限300万円、企業への特許技術移転を促進するために必要な調査活動費として上限50万円を 支援するもの。

また、JSTは7月5日、過去10数年の大学知財関連施策を振り返り、「知的財産戦略委員会提言~10数年に亘る大 学知財関連施策を振り返り今後の展開を探る~」を発表した。その中で、大学知財の今後の役割として、①十分な先行 技術調査を行うこと②中小・ベンチャー企業との連携を進めること③技術移転の機会向上を図ること④学生や研究者へ の知財教育や知財研修を強化すること、が挙げられた。







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## 2013 World Technological Innovation Rankings 世界の技術革新カランキング2013

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On July 1, 2013, the World Intellectual Property Office (WIPO) published a report on the level of technological innovation in 142 countries and regions worldwide. This report includes ranking tables for technological innovation. The rankings are decided based on over eighty factors such as investment in research and development, number of patent applications made and number of science and technology theses published.

As in 2012, in the 2013 report Switzerland is ranked first and Sweden second. In third place is the United Kingdom, followed by the Netherlands in fourth and the United States in fifth.

Amongst Asian countries and regions, Hong Kong holds the highest position at seventh overall. It is followed by Singapore at eighth, and Korea at eighteenth, while Japan is at twenty-second, a rise of three places from last year.

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世界知的所有権機関(WIPO)は2013年7月1日、世界142か国・地域の技術革新力を示す調査報告のなかで、20 13年版の技術革新力ランキングを発表した。ランキングは、各国の研究開発投資、特許出願件数および科学技術論文 発表数など約80項目をもとに作成されている。

1位と2位は、前年と同じくスイスとスウェーデンで、3位イギリス、4位オランダ、5位米国と続いた。

アジアでは、香港が7位でトップ、シンガポールが8位、韓国が18位と続き、日本は昨年から3つ順位を上げて22位となった。







Please contact us if you have any comments or require any information.

Please acknowledge that the purpose of our column is to provide general information on the field of intellectual property, and that the description here does not represent our legal opinion on a specific theme.

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