Note: When any ambiguity of interpretation is found in this provisional translation, the Japanese text shall prevail.

Part I: DESCRIPTION AND CLAIMS

Chapter 3 Requirements for Disclosure of Information on Prior Art Document

1. Patent Act Article 36(4)(ii)……1

2. Purport of requirements for disclosure of information on prior art document……1

3. Information on prior art documents to be disclosed……2

3.1 Invention whose information on prior art documents should be disclosed……2
3.2 Description of information on prior art documents in a specification at the beginning of the filing……5
3.3 Addition of information on prior art documents by amendments……6

4. Determination on requirements for disclosure of information on prior art documents……7

5. How to proceed with the examination……8

5.1 Notification under Article 48-7……8
5.2 Notice of reasons for refusal on violation of requirements for disclosure of information on prior art documents……9

(Reference) Procedures for describing information on prior art documents in a specification……11

Chapter 3 Requirements for Disclosure of Information on Prior Art Document

1. Patent Act Article 36(4)(ii)

Patent Act Article 36(4)(ii)
The statement of the detailed explanation of the invention as provided in item (iii) of the preceding Paragraph shall comply with each of the following items:
(i) (Omitted)
(ii) where the person requesting the grant of a patent has knowledge of any invention(s) (inventions as provided in Article 29(1)(iii), hereinafter the same shall apply in this item) related to the said invention, that has been known to the public through publication at the time of filing of the patent application, the statement shall provide the source of the information concerning the invention(s) known to the public through publication such as the name of the publication and others.

Patent Act Article 48-7
Where the examiner recognizes that a patent application does not comply with the requirements as provided in Article 36(4)(ii), the examiner may notify the applicant of the patent thereof and give the said applicant an opportunity to submit a written opinion, designating an adequate time limit for such purpose.

Patent Act Article 49(v)
The examiner shall make a decision that a patent application is to be refused where it falls under any of the following paragraphs:
(i) to (iv) (Omitted)
(v) where notice under the preceding Article has been given, following the amendment of the description or submission of the written opinion, the patent application does not comply with the requirements under Article 36(4)(ii);
(vi) to (vii) (Omitted)

2. Purport of requirements for disclosure of information on prior art document

(1) The Patent Act Article 36(4)(ii) prescribes the effect that the source of the information concerning the invention known to the public through publication such as the name of the publication and others (hereinafter referred to as "information on prior art documents") must be described in the detailed description of the invention when the person requesting the grant of a patent has knowledge of any invention(s) (inventions as provided in Article 29(1)(iii)) related to the said invention, that has been known to the public through publication at the time of filing of the patent application (hereinafter referred to as "Requirements for disclosure of information on prior art documents.").

The information on prior art documents is required to grasp what technical significance the invention for which a patent is sought has and what technical contribution is brought about in light of the state of the art at the time of filing of the application, and to judge the novelty and inventive step etc. of the invention for which a patent is sought. Therefore, it contributes to not only timely examination but also stabilization of the right as the accurate evaluation on the relation between the invention for which a patent is sought and the prior art can be made if the information on prior art documents is stated in

the detailed description of the invention.

In this system of the disclosure of information on prior art documents, it is prescribed to carry out the notice under Article 48-7 when the examiner acknowledges that it does not comply with the requirements for disclosure of information on prior art documents. Also, the fact that it does not comply with the requirements in spite of the notice concerned is judged to be the reason for refusal (Article 49(v)) but not to be the ground for invalidation (Article 123(1)). The reason is that this system is established mainly for the purpose of realization of timely examination and even when it is in violation of this requirement, there shall be no substantial deficiency in the invention and it shall not damage the interest of a third person remarkably when it is patented.

(2) The provision under the Patent Act Article 48-7 prescribes that the notice on violation of requirements concerned can be made when the examiner acknowledges that it does not comply with the requirements for disclosure of information on prior art documents. Therefore, the notice under Article 48-7 shall not be made uniformly but shall be made when the examiner recognized it to be necessary.

If the fact that it does not comply with the requirements for disclosure of information on prior art documents resulted in directly the reason for refusal, the reason for refusal would be notified uniformly on the whole cases of application, which do not comply with the requirements concerned. In this case, the reason for refusal on the violation of this requirements would be notified surely even to applications without any reasons for rejection on other requirements, which may be contrary to the aim of this system whose main purpose of realization of timely examination. In addition, if the applicants are individuals or medium and small-sized enterprises, it is possible that they aren't informed of the information on prior art documents relating to the invention for which a patent is sought at the time of filing. In such a case, if the reason for refusal surely had to be notified when it was recognized to be the violation of this requirement, it would not contribute to the timely examination and also it would give excessive burden to these applicants.

Based on the facts described above, it is more appropriate to operate the provision under Article 48-7 so as to attain the timely examination as a whole than to operate it uniformly on all applications from the viewpoint of urging applicants to cooperate for timely examination through disclosure of information on prior art documents

(3) The Patent Act Article 49(v) prescribes that it can be the reason for refusal when the application still does not comply with the requirements concerned when the notification on violation of requirements for disclosure of information on prior art documents (Article 48-7) is made.

3. Information on prior art documents to be disclosed

3.1 Invention whose information on prior art documents should be disclosed

Applicant must state the information on prior art documents on the invention to comply with the following (1) to (4) in the detailed description of the invention.

(1) To be the invention(s) known to the public through publication

The "invention(s) known to the public through publication" prescribed in the Patent Act Article 36(4)(ii) is inventions that were described in a distributed publication, or inventions that were made publicly available through an electric communication line in Japan or a foreign country, prior to the

filing of the patent application (Patent Act Article 29(1)(iii)), which does not include inventions that were publicly known ((i) in the same paragraph) and inventions that were publicly worked ((ii) in the same paragraph)

Based on the aims of Article 29 (1)(iii), Article 29(2) and Article 36(4)(ii), it is appropriate to interpret that the source of the information should be stated even though it does not fall under the "invention" that is the creation of technical idea utilizing the law of natural (Article 2) strictly, if it relates to the invention for which a patent is sought. For example, when the invention for which a patent is sought is the invention relating to the business method, it is necessary to describe the name of publications in which the business method is stated if the applicant knows the related business method described in a publication.

On the other hand, as the invention described in the prior application, which is undisclosed at the time of filing, is not the invention known to the public through publication, it is not the object for disclosure of information on prior art documents. However, it is desirable to describe the application number when the invention concerned relates to the invention for which a patent is sought.

(2) To be the invention relating to the invention for which a patent is sought

It is described as "the invention related to the said invention, that has been known to the public through publication" in the Patent Act Article 36(4)(ii).

The "said invention" means "the invention for which a patent is sought", that is to say, "the claimed invention." Therefore, on the claimed inventions which has the related invention that has been known to the public through publication, the information on prior art documents on all of them must be described and it does not comply with requirements for disclosure of information on prior art documents if only the information on prior art documents on a part of claimed inventions is described.

It is judged considering matters shown in (i) to (iii) below whether the invention described in a publication "relates to" the invention for which a patent is sought.

(i) Relevancy between the invention for which a patent is sought and the invention described in a publication in terms of their technical field

(ii) Relevancy between in the invention for which a patent is sought and the invention described in a publication in terms of subject

(iii) Relevancy between the invention for which a patent is sought and the invention described in a publication in terms of the specified matters on invention

For example, the invention described in a publication to be a direct premise of the invention for which a patent is sought (the invention described in a publication and the like corresponding to a part "in ———" when the claim is described in the forms of "in ——, —— characterized in ——") is thought to relate to the invention for which a patent is sought as it belongs to the identical technical field to the invention for which a patent is sought and has common specified matters on invention.

Also, when the accumulation of technology that has relevancy with the invention for which a patent is sought is less, there may be no invention that has direct relevancy such as identical technical field or problem. In such a case, the invention showing the general state of the art to be the technical background of the invention for which a patent is sought is contained in the invention relating to the invention for which a patent is sought.

Followings are actual examples of the invention described in a publication relating to the invention for which a patent is sought.

Example 1: The invention for which a patent is sought is the one concerning “A portable telephone set with a case consisting of special magnesium alloy”, on the contrary, the invention described in a publication is the one concerning “A portable telephone set with a case consisting of titanium alloy” and when both have the problem to be solved of weight-reduction of a portable telephone set.

Example 2: When the invention for which a patent is sought is the one concerning “A tail lamp consisting of a acrylic resin composition of specific component with excellent in heat resistance”, on the contrary, the invention described in a publication is the one concerning “A tail lamp consisting of acrylic resin composition of other specific component with excellent in impact resistance” and when the acrylic resin composition of specific component in the invention for which a patent is sought and the acrylic resin composition of other specific component in the invention described in a publication have the closest component in the acrylic composition used for a tail lamp that the applicant knows.

Example 3: When the invention for which a patent is sought is the one concerning “A refrigerator that has a door equipped with hinges of specific structure that can be opened and closed from either right or left”, on the contrary, the invention described in a publication is the one concerning “A microwave oven that has a door equipped with hinges of other specific structure that can be opened and closed from either right or left” and when the hinge of the door of the refrigerator in the invention for which a patent is sought and the hinge of the door of the microwave oven in the invention described in a publication have the closest structure in the hinge that the applicant knows.

(3) To be the invention that a person who seeks a patent knows

It is prescribed that “the person requesting the grant of a patent has knowledge of any invention(s)” in the Patent Act Article 36(4)(ii). The following can be listed as inventions that a person requesting the grant of a patent (applicant) “has knowledge of”, for example.

(i) Invention that an applicant obtained in the prior art search, which was carried out in the research and development stage or filing stage of the invention for which a patent is sought.
(ii) Invention that was stated in a writing such as a thesis and the like that an applicant announced before the filing.
(iii) Invention that was stated in the description, claims or drawings of the prior patent application that an applicant applied.

As an applicant usually seems to grasp the information that an inventor knows on the invention for which a patent is sought by himself/herself, it can be estimated that the applicant knows the invention that the inventor knows.

When the applicants are more than one person, the statement that “the person requesting the grant of a patent has knowledge of” means the fact that at least one of the applicants knows and not limited to the case that all applicants know.

(4) To be the invention that the person knows at the time of filing of the application

As it is prescribed in the Patent Act Article 36(4)(ii) that “the person requesting the grant of a patent has knowledge….at the time of filing of the patent application”, an applicant must state the

information on prior art documents concerning the invention described in a publication, which he/she knows at the "time of filing of the patent application".

The Article 36(4)(ii) is not to obligate to carry out the prior art search newly for applicant who has no invention described in a publication that he /she knows at the time of filing an application for patent.

The Article 36(4)(ii) does not demand to add the invention described in a publication that the applicant knows after the application for patent to the detailed description of the invention by amendments, either. However, it is desirable to add the information on prior art documents on the invention to the description by amendments or to present by means of a written statement when the applicant considers it to contribute to timely and high-quality examination.

When there is the invention described in a publication that is known at the time shown in the right column regarding the application stated in the left column in the table shown below, the information on prior art document concerned should be described. When it is considered that the divisional application or the converted application are filed at the filing time of application for new patent, as they do not comply with requirements for division or conversion, the invention described in a publication that the applicant knows at the filing time of application for new patent is the invention that the applicant knows at the time of filing an application for patent.

Kinds of application	Time that falls under "the time of filing of the patent application"
Divisional application or converted application	Time of filing the original application
Application claiming internal priority right	Time of filing the application (later application)
Application claiming priority under the Paris Convention	Time of filing the application (application to Japan)
International patent application	Time of filing the international patent application

3.2 Description of information on prior art documents in a description as originally filed

(1) Description of information on prior art document

The "source of the information concerning the invention(s) known to the public through publication such as the name of the publication and others" prescribed in the Patent Act Article 36(4)(ii), are bibliographic items on the technical information and other information that can be obtained through publications that describe the invention described in a publication and electric communication lines. Accordingly, it is enough for the applicant to describe the bibliographic items of the publications in which the invention is described. And it is not necessary to submit an original or a copy of the publications. When it is difficult to obtain the publications the examiner can conduct the notice by examiner based on the provision under Article 194(1) (Submission of documents, etc.) and request the submission of papers and other articles necessary for examination to applicants.

As the Article 36(4)(ii) prescribes the requirements for description, the information on prior art documents should be described in the detailed description of the invention. It is impossible to comply with the requirements for disclosure of information on prior art documents by submitting a written argument or a written statement in which the information on prior art documents is stated.

When it is possible to specify the part to describe the invention described in a publication, the part shall be specified by describing number of pages, number of lines, paragraph numbers or figure numbers and the like in the column for describing the information on prior art documents. When the

information on prior art documents is described, it shall be described in accordance with the following statements at the end of this Chapter “(Reference) Procedures for describing information on prior art documents in a description”.

(2) When there is a large number of information on prior art documents to be described

When there is a large number of inventions described in publications relating to the invention for which a patent is sought, it is desirable to describe appropriate number of inventions with higher relevancy among them, because it may hinder the understanding of the invention for which a patent is sought and go against the purpose of the system for disclosure of information on prior art documents if all of them are described. In addition, the invention described in a publication not relating to the invention for which a patent is sought should not be described.

(3) When there is no information on prior art documents to be described

When there is no information on prior art documents to be described at the time of filing, it is desirable to describe the effect with reasons in the detailed description of the invention. For example, when the prior art that an applicant knows is not the one relating to the invention described in a publication, that effect shall be described. In addition, the effect that there is no information on prior art documents to be described and reasons can be shown in a written statement.

3.3 Addition of information on prior art documents by amendments

(1) Amendments for adding information on prior art documents

<<The Guideline applied to the application whose filing date is on or after January 1, 2009 (In case of divisional applications and converted applications, the filing date is actual filing date.)>>

The amendments for adding information on prior art documents to the detailed description of the invention do not fall under the addition of new matter. And an amendment adding the content of documents to the column of [Background Art] in the detailed description of the invention do not fall under the addition of new matter. However, the amendments to cancel the deficiencies under the Patent Act Article 36(4)(i), with addition of information on evaluation of the invention such as comparison with the invention relating to the filing and the like or information on carrying out the invention and adding the contents described in the prior art documents fall under the addition of new matters, which are not approved. Refer to “Part III Amendments on Specification. Scope of Claims or Drawing Section I, Addition of contents of prior art document” for details.

Refer to “Part III Amendments of Description. Claims or Drawings, Section I 5.2(1), Addition of the content of prior art documents” and “Cases concerning judgment of new matters” for details.

<<The Guideline applied to the application whose filing date is on or before December 31, 2008 (In case of divisional applications and converted applications, the filing date is actual filing date.)>>

The amendments for adding information on prior art documents and contents described in the document concerned to a column of [Background Art] in the detailed description of the invention do not fall under the addition of new matter. However, the amendments to cancel the deficiencies under the Patent Act Article 36(4)(i), with addition of information on evaluation of the invention such as comparison with the invention relating to the filing and the like or information on carrying out the

invention and adding the contents described in the prior art documents fall under the addition of new matters, which are not approved.

Refer to "Part III Amendments of Description. Claims or Drawings, Section I 5.2(1), Addition of the content of prior art documents" and "Cases concerning judgment of new matters" for details.

(2) When the addition of information on prior art documents is required by amendments

An applicant must add the information on prior art documents regarding the invention described in a publication by means of amendments when the claimed invention becomes the one that is not correspond with the described information on prior art documents by amendments of the claims and when the applicant knows the invention described in a publication at the time of filing.

4. Determination on requirements for disclosure of information on prior art documents

An examiner carries out judgment on requirements for disclosure of information on prior art documents under Article 36(4)(ii) from the viewpoint of whether or not the information on prior art documents relating to the invention for which a patent is sought is stated properly or in the detailed description of the invention.

The typical cases in which the notification under the Article 48-7 can be carried out as the result that it does not comply with the requirements for disclosure of information on prior art documents are shown in the following items.

(1) When the information on prior art documents is not described and in addition, the reason is not described at all.

(2) When the information on prior art documents is not described and the reason is described, however, it is recognized that the probability that an applicant knows the invention described in a publication relating to the invention for which a patent is sought at the time of filing is high.

Example: When the information on prior art documents is not described and as the reason, it is described that the prior art that an applicant knows is not the one relating to the invention described in a publication, however, the applications by the applicant are disclosed in great numbers in the technical field relating to the invention for which a patent is sought.

(3) When the prior art is described in a specification or drawing of the application for which a patent is sought but the information on prior art documents corresponding to the prior art concerned is not described and the reason is not described.

(Note: The invention, which is described in a specification or drawing of the application for which a patent is sought as a prior art shall be treated as the invention that the person who seeks a patent knows at the time of filing of the patent).

(4) When only the place of information on the invention described in a publication not relating to the invention for which a patent is sought is described, and it is recognized that the probability that an applicant knows the invention described in a publication relating to the invention for which a patent is sought at the time of filing is high.

Example 1: When only the information on prior art documents on the matters not relating to the

invention for which a patent is sought and being different in technical field or subject from the invention for which a patent is sought is described, in spite of the fact that the invention described in a publication, which is identical in technical field and subject to the invention for which a patent is sought is known widely in general.

Example 2: When the information on prior art documents on the old invention with less connection is described in spite of the fact that the new invention described in a publication with high relevancy with the invention for which a patent is sought is known widely in general.

5. How to proceed with the examination

5.1 Notification under Article 48-7

(1) Notification under Article 48-7

An examiner can carry out the notification under Article 48-7 when it is recognized that the application does not comply with the requirements for disclosure of information on prior art documents under Article 36(4)(ii).

The notification under Article 48-7 is to basically carry out for the purpose of obtaining the information on prior art documents, which is useful at the time of examination, and it is appropriate to carry out before the first notification of reason for refusal. It is possible to carry out the notification under Article 48-7 and the notification of reasons for refusal on other requirements simultaneously, but that is not preferable because the former is to basically carry out to obtain the information on prior art documents, which is useful at the time of examination in advance.

However, in case that, contents of the prior art are stated in the detailed description of the invention but the information on prior art documents corresponding to the prior art concerned is not described, therefore, when the information on prior art documents concerned is required for determination of novelty and inventive step and the like on the application, which is recognized that it does not comply with the requirements for disclosure of information on prior art documents, an examiner can carry out the notification under Article 48-7 and the first notification of reasons for refusal (limited to the one that does not cite the invention described in a publication relating to the information on prior art documents concerned – hereinafter the same in this paragraph) simultaneously and carry out the notification under Article 48-7 after notifying the first reason for refusal.

And when contents of application are obscure remarkably and the examination on the requirements for patentability such as novelty, inventive step and the like is difficult, it is possible to carry out the notification under Article 48-7 and the notification of reasons for refusal to notify only the reason for refusal on requirements for description in a specification and scope of claims simultaneously.

When the reason for refusal that it does not comply with the requirements for disclosure of information on prior art documents is notified after the notification under Article 48-7 and the notification of reasons for refusal are notified simultaneously, it shall be noticed that the reason for refusal concerned will be the first notification of reasons for refusal as it becomes a new reason for refusal, except for a case that it falls under the provision of “Part IX How to Conduct Examination. 5.2.1 Matters to be the final notification of reasons for refusal”.

When the notification under Article 48-7 is carried out and the claim in which it is recognized that it does not comply with the requirements for disclosure of information on prior art documents is observed in only a part, the claim shall be specified and also the reason for judging that it does not comply with the requirements for disclosure shall be described in the degree shown in (1) through (4)

in “4. Determination on requirements for disclosure of information on prior art documents” in this Chapter.

(Note) The designated time limit under the provision of Article 48-7 shall be 30 days when persons who carry out the procedure are not residents abroad and 60 days when they are residents abroad (however, when the notification under Article 48-7 and the notification of reasons for refusal are carried out simultaneously, it shall be 60 days when persons who carry out the procedure are not residents abroad and 3 months when they are residents abroad). Also, the extension of period by request shall not be approved.

(2) Measures to respond to notification under Article 48-7

An applicant can add information on prior art documents by amendments or insist that he/she does not know the relating invention described in a publication by submitting a written argument to the notification under Article 48-7. When the amendment to add the information on prior art documents is carried out, it is desirable to submit a written argument that describes contents of the invention described in a publication, and identical features and differences of the invention for which a patent is sought and the invention described in a publication.. Besides, the amendment to add contents of the invention described in a publication to a specification, scope of claims or drawing falls under the addition of new matters in general, which is not approved (Refer to 3.3 (1) in this Chapter.)

Submitting a written amendment or a written argument, when an examiner comes to convince that the description of the information on prior art documents in a specification complies with the requirements prescribed in the Patent Act Article 36(4)(ii), the examiner shall proceed to the examination on the prior art search and other requirements.

On the other hand, when the previous conviction on the description of information on prior art documents in a specification is not changed even after considering the written amendment and the written argument, for example, 1) when the disclosure of information on prior art documents is not carried out and in addition, the rational explanation that there is no invention described in a publication is not given in the written argument, 2) when the information on prior art documents is disclosed by the amendment but appropriate information on prior art documents is not disclosed and the like, an examiner shall notify the reason for refusal that it does not comply with the requirements for disclosure of information on prior art documents according to the following paragraphs.

5.2 Notice of reasons for refusal on violation of requirements for disclosure of information on prior art documents

When the notification under Article 48-7 on the requirements for disclosure of information on prior art documents is made and when it does not comply with the requirements for disclosure of information on prior art documents even submitting a written amendment or a written argument, the reason for refusal on violation of requirements for disclosure of information on prior art documents shall be notified (Article 49(v)).

The Patent Act Article 49(v) is a provision, which prescribes the case when it does not comply with the requirements for disclosure of information on prior art documents in spite of the notification under Article 48-7 and it is impossible to notify the reason for refusal on violation of requirements for disclosure of information on prior art documents without notification under Article 48-7.

(1) Notification of reasons for refusal

When the reason for refusal that it does not comply with the requirements for disclosure of information on prior art documents in Article 36(4)(ii) is notified and a claim in which it does not comply with the requirements is observed in only a part, the claim shall be specified and also, the reason for judging that it does not comply with the requirements for disclosure shall be described in the degree shown in (1) through (4) in “4. Determination on requirements for disclosure of information on prior art documents” in this Chapter.

When the reason for refusal that it does not comply with the requirements for disclosure of information on prior art documents is notified without carrying out the examination on patentability such as novelty, inventive step and the like, the effect shall be specified.

(2) Measures to respond to the notification of reasons for refusal

An applicant can add information on prior art documents by amendment or insist that he/she does not know the relating invention described in a publication by submitting a written argument for the notification of reasons for refusal. When the amendment to add information on prior art documents is carried out, it is desirable to submit a written argument that describes contents of the invention described in a publication and identical features and differences of the invention for which a patent is sought and the invention described in a publication. Besides, the amendment to add contents of the invention described in a publication to a specification, scope of claims or drawing falls under the addition of new matters in general, which is not approved (Refer to 3.3 (1) in this Chapter.)

Submitting a written amendment or a written argument, when an examiner comes to convince that the description of information on prior art documents in a specification complies with the requirements prescribed in the Patent Act Article 36(4)(ii), the reason for refusal shall be cancelled.

On the other hand, when the previous conviction on the description of information on prior art documents in a specification is not changed even after considering the written amendment and the written argument, for example, 1) when the disclosure of information on prior art documents is not carried out and in addition, the rational explanation that there is no invention described in a publication is not given in the written argument, 2) when the information on prior art documents is disclosed by the amendment but appropriate information on prior art documents is not disclosed and the like, the examination of the refusal shall be carried out according to the reason for refusal.

(Reference) Procedures for describing information on prior art documents in a description

1. Method for describing information on prior art documents

(1) Principle

The information on prior art documents is described in a [Prior art documents] column in the detailed description of the invention in a specification, changing a line for information on prior art documents.

In that case, the column with a serial number is prepared in order to describe as [Patent document 1] and [Patent document 2] when names of gazettes on patent, utility model or design are described and as [Non-patent document 1] and [Non-patent document 2] when places of other information such as periodical publications or information in Internet and the like are described and only the information on prior art documents is described one by one in each column. Matters other than information on prior art documents shall not be described in a column for describing information on prior art documents.

It should be described according to “3. Procedures for describing publication” shown below when information on prior art documents is described.

When a place for describing information on prior art documents in the publications can be specified, the place concerned is specified by describing number of page, number of line, paragraph number or drawing number and the like in the column, in which information on prior art documents is described.

(2) Description of contents of prior art

When contents of prior art relating to information on prior art documents and comparison with the invention for which a patent is sought and the like are described, they shall be described in a [Background technology] column in the detailed description of the invention in a specification.

When it refers to information on prior art documents in the description of contents and the like of the prior art relating to information on prior art documents, it is desirable to use the name of the column in which the information on prior art documents is described ([Patent document 1] and the like) (Refer to “Examples of correct description” in “Examples of description of information on prior art documents”).

(3) Description of prior application

When the invention described in the prior application, which is not disclosed at the time of filing is described, the application number of the application concerned shall be described in a [Background technology] column in the detailed description of the invention in a specification.

(4) When there is no information on prior art documents to be described

When the effect that there is no information on prior art documents to be described and the reason are described, they shall be described in a [Background technology] column in the detailed description of the invention in a specification.

2. Examples of description of information on prior art documents

[Examples of correct description]
[Technical field]
[0001]

[Background technology]
[0002]
The past ----- is doing-----. (For example, refer to Patent document 1).
Also, there is the one that is doing--------. (For example, refer to Non-patent document 1)
[Prior art documents]
[Patent documents]
[0003]
[Patent document 1]
Publication of unexamined patent application No. 2001-〇〇〇〇〇〇 (Page 5-7, Figure 1)

[Non-patent documents]
[0004]
[Non-patent document 1]
Written by 〇〇〇〇”△△△△△“ ××Publication Co., January 1, 2001, p.12-34.
[Summary of the invention]
[Problem to be solved by the invention]
[0005]

[Example 1 of inappropriate description]
[Technical field]
[0001]

[Background technology]
[0002]
The prior past ------ is doing--------.
[Prior art documents]
[Patent documents]
[0003]
[Patent document 1]
Publication of unexamined patent application No. 1993-〇〇〇〇〇〇 (page 3-9, Figure 2)
--------- is described in the document described above.
[Summary of the invention]
[Problem to be solved by the invention]
[0004]

(Explanation)
The explanation on contents of information on prior art documents are stated in the column (column in [Patent document 1] and the like) for describing information on prior art documents in the example. However, the matters other than information on prior art documents should not be described in the column for describing information on prior art documents. When it is necessary to explain contents of information on prior art documents and the like, they shall be described in a [Background technology] column.

[Example 2 of description that is not appropriate]
[Technical field]
[0001]

[Background technology]
[0002]
The prior ----- is doing-----. (For example, refer to Patent document 1).
Also, there is the one that is doing--------. (For example, refer to Non-patent document 1)

[Mode for carrying out the invention]
[Working example]
[0049]

[0050]
There are the followings as information on prior art documents relating to the invention of this application.
[Patent document 1]
Publication of unexamined registered utility model application No. ○○○○○○○○ (Page 10-17, Figure 2-Figure 4).
[Non-patent document 1]
Jun Shinsaki and 3 others, "Trends of New Technology" [online], April 1, 1998, Patent Society, [Retrieved on July 30, 1999], Internet
<URL : http//tokkyoshinsakijun.com/information/newtech.html>
[Brief description of drawing]
[Figure 1]

(Explanation)
The information on prior art documents is described just before the [Brief description of drawing] column at the end of the detailed explanation of the invention in this example.However, the information on prior art documents should be described in the [Prior art documents] column.

3. Procedure for describing publications
It is desirable to describe according to the procedure shown below when the titles of publication are described in a specification.

A. Titles of gazettes on patent, utility model or design.
(1) Patent Gazette, Utility Model Gazette and the like in Japan (Examples of description)
① In case of patented invention specification or registered utility model gazette.
(a) Patent Specification No. ○○○○○○○
(b) Registered Utility Model Gazette No. ○○○○○○○
② In case of registered utility model gazette based on the New Utility Model Act enforced on January 1, 1994.
Registered Utility Model Gazette No. ○○○○○○○
③ In case of Gazette containing the Patent or Gazette containing the Utility Model of the applications decided to grant a patent or decided to register after January 1, 1996.

(a) Patent Gazette No. ○○○○○○○
(b) Registered Utility Model Gazette No. ○○○○○○○
④ In case of Patent Gazette or Utility Model Gazette (publication of examined application for opposition)
(a) Publication of Examined Patent Application No. Showa ○○-○○○○○○
(b) Publication of Examined Patent Application No. Heisei ○○-○○○○○○
(c) Publication of Examined Utility Model Application No. Showa ○○-○○○○○○
(d) Publication of Examined Utility Model Application No. Heisei ○○-○○○○○○
However, in case of publication of examined utility model application in 1922 and 1923
(e) Publication of Examined Utility Model Application No. ○○○○○○ (in Taisho ○○)
In case of publication of examined utility model application from 1924 to 1925
(f) Publication of Examined Utility Model Application in Taisho No. ○○○○○○
⑤ In case of publication of unexamined patent applications or publication of unexamined utility model applications
(a) Publication of Unexamined Patent Application No. Showa ○○-○○○○○○
(b) Publication of Unexamined Patent Application No. Heisei ○○-○○○○○○
(c) Publication of Unexamined Patent Application No. ○○○○-○○○○○○
(d) Publication of Unexamined Utility Model Application No. Showa ○○-○○○○○○
(e) Publication of Unexamined Utility Model Application No. Heisei ○○-○○○○○○
⑥ In case of published Japanese translation of PCT international publication for patent application or published Japanese translation of PCT international publication for utility model application
(a) Published Japanese Translation of PCT International Publication for Patent Application No. Showa ○○-○○○○○○
(b) Published Japanese Translation of PCT International Publication for Patent Application No. Heisei ○○-○○○○○○
(c) Published Japanese Translation of PCT International Publication for Patent Application No. ○○○○-○○○○○○
(d) Published Japanese Translation of PCT International Publication for Utility Model Application No. Showa ○○-○○○○○○
(e) Published Japanese Translation of PCT International Publication for Utility Model Application No. Heisei ○○-○○○○○○
⑦ In case of Design Gazette
Design Registration Gazette No. ○○○○○○○
(2) Patent specifications and extracts of specification of foreign and international organization (examples of description)
① United States of America
(a) United States Patent Specification No. ○○○○○○○
(b) Extracts of United States Patent Specification No. ○○○○○○○
(c) Publication of Unexamined Application of United States Patent Specification No. ○○○○/○○○○○○
(d) United States Reissued Patent Invention Specification No. ○○○○○○○
② European Patent Office
(a) Publication of Unexamined Application of European Patent Specification No. ○○○○○○○
(b) European Patent Specification No. ○○○○○○○
③ World Intellectual Property Organization International Bureau
International Publication Pamphlet No. ○○/○○○○○○

④ United Kingdom
(a) British Patent Specification No. ○○○○○○○
(b) Extracts of British Patent Specification No. ○○○○○○○
(c) Publication of Unexamined Application of British Patent Specification No. ○○○○○○○
(d) British Revised Patent Specification No. ○○○○○○○
⑤ Germany (West Germany)
(a) German Patent Invention Specification No. ○○○○○○○
(b) Publication of Unexamined Application of German Patent Specification No. ○○○○○○○
(c) West German Patent Specification No. ○○○○○○○
(d) Publication of Examined Application for Opposition of West German Patent Specification No. ○○○○○○○
(e) Publication of Unexamined Application of West German Patent Specification No. ○○○○○○○
(f) West German Utility Model Specification No. ○○○○○○○
(g) Publication of Unexamined Application of West German Utility Model Specification No. ○○○○○○○
⑥ France
(a) French Patent Invention Specification No. ○○○○○○○
(b) Publication of Unexamined Application of French Patent Specification No. ○○○○○○○
(c) French Utility Model Certificate Patent Invention Specification No. ○○○○○○○
(d) Publication of Unexamined French Utility Model Certificate Specification No. ○○○○○○○
(e) French Additional Patent Invention Specification No. ○○○○○○○
(f) Publication of Unexamined French Additional Patent Specification No. ○○○○○○○
(g) French Additional Utility Model Certificate Patent Specification No. ○○○○○○○
(h) Publication of Unexamined French Additional Utility Model Specification No. ○○○○○○○

B. Location of other information.
(1) In case of journal of technical disclosure of Japan Institute of Invention and Innovation (an example of description).
Journal of Technical Disclosure No. ○○-○○○○○○ in Journal of technical disclosure of Japan Institute of Invention and Innovation

(2) Consecutive publications, irregular publications and catalogs.
① The name of author, title of thesis (title of the statement), title of publication, publishing nation, publishing company and the like, publishing day, month and year are described in this order.
② It is possible to omit the name of author and title of thesis when they are not necessary.
③ The title of thesis (title of publication when the title of thesis is not described) shall be described with「 」or “ “.
④ The title of publication shall be described without using an abbreviation in principle.
⑤ The description of publishing company and the like can be omitted in the case of publication that is not liable to be mistaken.
⑥ The publishing day, month and year to be described shall be Japanese name of an era or Christian era described in the publication. The day and month shall be described when they are deemed to be necessary.
⑦ The description of number of volume can be omitted when it is possible to substitute the number of volume by the publishing day, month and year.

⑧ The page shall be described adding “p.” before the figures. The page throughout the volume shall be described in principle and the page in that issue is described when the page throughout the volume is not described. When the pages to be cited are more than 1, the numbers of the first page and the last page are connected with a hyphen if those pages are consecutive or they are set apart by a comma for indication if those pages are not consecutive.
⑨ The publishing nation shall be described adding ( ). The description of publishing nation shall be omitted on the publications issued in Japan.
⑩ When the name of author, title of thesis (title of the statement), title of publication, publishing company and the like are described in foreign language in the publication, the original language is described in parentheses after the name and title in Japanese.

(Examples of description)
(a) Inoue, “Recent Trends of Optical Materials－Infrared Transparent Materials－”, Spectrum Study, Japan Spectrum Society, August, 1996, volume 45, Issue 4, p.133-138, 140
(b) Junichi Tachimichi and 7 others, “Ion Doping Device”, Journal of technical disclosure of Nisshin Denki, Nisshin Denki Co., Ltd., December 7, 1994, volume 39, Issue 3, p.52-58.

(3) An independent volume
① The name of an author (or editor), title of a book, number of edition, number of volume, publishing nation, publishing company and the like, publishing day, month and year, and pages are described in this order.
② The original author (or original editor), translator and title of a book are described in this order in case of a translated book.
③ In case of series such as lecture and complete series, the titles of lecture and complete series and number of volumes of the series are described before the title of the book.
④ The title of a book shall be described adding「 」or “ “ without using abbreviation.
⑤ The number of edition shall not be described when there is no indication in a book.
⑥ The procedure for describing publishing day, month and year, pages, publishing nation, and the case in which an original language is used shall conform to the case of consecutive publications.

(Examples of description)
(a) Written by Yoichi Muraoka, “Computer Science College Course (Volume 11) Computer Architecture”, 2nd edition, Modern Science Co., Ltd., November, 1985, p.123-127
(b) Written by Pierre Baldi, “Bioinformatics”, (United States of America), 1st edition, MIT Press, August 1, 2001, p.56-65

(4) DERWENT Abstract journal (those published after June 11, 1980)
When DERWENT Abstract journal is cited, the title of abstract journal, number of volume of abstract journal, number of issue, publishing day, month and year of the abstract journal, publishing nation and publishing company and the like of the abstract journal, classification of publication of abstract journal (DERWENT classification), country name code and document number of the abstract and the titles of cited publications are described in this order.
The titles of abstract journal are as follows described below:
① DERWENT classification A to M (Field of Chemistry): Basic Abstracts Journal
② DERWENT classification P to X (Field of non-chemistry): World Patents Abstracts Journal
(5) Electronic technology information

It shall conform to Part II Chapter 5 “Handling of Internet information and the like as prior art” when electronic technology information, which is retrieved through Internet and the like is cited, and the cited form is based on WIPO Standard ST.14, and the bibliographic items, which are understood on the electronic technology information concerned shall be descried in the following order.

① Name of an author

② Title

③ Related parts

They are indicated by page, column, line, paragraph number, drawing number, index in database, or first and last words and phrases.

④ Types of medium (online)

⑤ A page in which reporting day, month and year (publishing day, month and year), reporter (publisher), reporting place (publishing place) and related parts are disclosed.

⑥ Day for retrieval

A day when the electronic technology information is retrieved from the electronic media is described in parentheses.

⑦ Information source and address of the information

The information source and address of the electronic technology information or the accession number (Accession No.) are described.

⑧ When the name of an author, a title, a reporter (publisher), reporting place (publishing place) and the like are disclosed in the electronic technology information in foreign language, the original language shall be described in parentheses after the description in Japanese.

(An example of description)

Jun Shinsaki and 3 others, “Trends of New Technology”, (online), April 1, 1998, Patent Society, [Retrieved on July 30, 1999],

Internet ＜URL : http//tokkyoshinsakijun.com/information/newtech.html＞