

# **“The Industrial Property Rights System in Japan”**

## **Chapter 2. The Patent System and Utility Model System**

### **Patent System**

In this chapter we'll introduce the Japanese Patent System.

Article 1 stipulates that the purpose of the Patent Law is to encourage inventions, and thereby to contribute to the development of industry through promoting the protection and utilization of inventions.

The Patent System aims to contribute to industrial development by, on the one hand, protecting inventions by granting the inventor the exclusive right of a patent for a certain period of time, and, on the other, by disclosing the invention, preventing others from conducting research and development of the same invention and encouraging improvements to be developed.

Under the Patent Law, inventions are broadly divided into the two categories of “Products” and “Methods”. They have to meet certain conditions.

Utilization of the laws of nature

Technical ideas

Creation

Highly advanced

Even if an application is filed for an invention that is a highly advanced creation of technical ideas utilizing the laws of nature, it may not necessarily obtain a patent right.

The granting of a patent right to a technology that is already publicly known or an invention that is not industrially applicable is not regarded as useful for industrial development.

In addition, there is concern that the granting of a patent right to a similar invention will not maintain the stability of an exclusive right and may lead to frequent dispute.

Therefore, before a patent right can be granted, an examination is required to check whether the application fully satisfies the patent requirements.

This is called a “substantive examination”.

Now, let’s look at the major patent requirements.