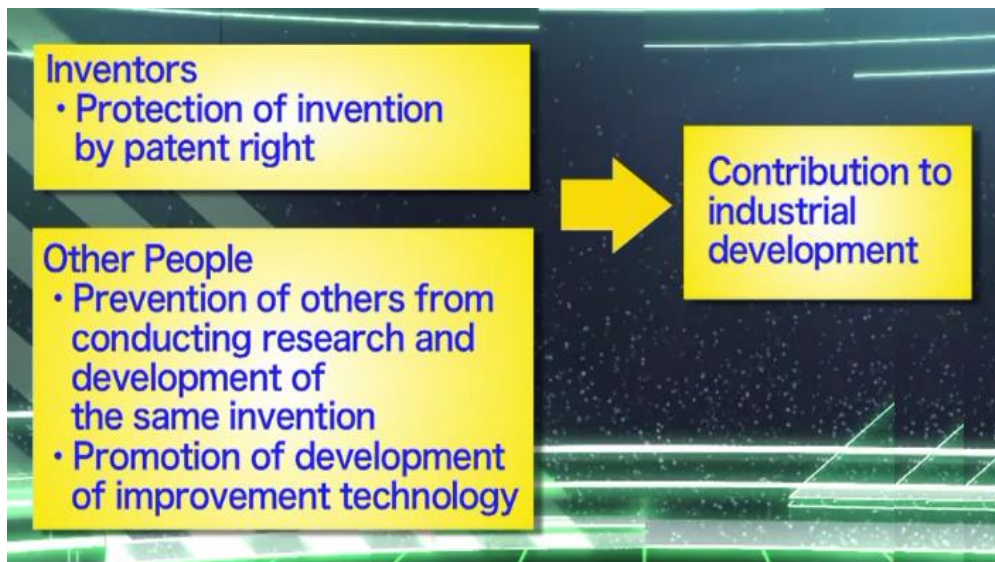


“The Industrial Property Rights System in Japan”
Chapter 2. The Patent System and Utility Model System

Patent System

Patent Law, Article 1

The purpose of this Law is,
through promoting the protection
and the utilization of inventions,
to encourage inventions,
and thereby to contribute to
the development of industry.





First-to-File System

Merits of the “First-to-file system”

- Once a patent is registered, there is no need for concern of its revocation by a new determination of existence of prior invention
- It is easier to prove a date of filing than a date of invention

Industrially Applicable

Outline of Patent System by Country ~Medical Field~

	Surgery Methods	Treatment Methods	Diagnosis Methods	Determination Methods
USA	✓	✓	✓	✓
Australia	✓	✓	✓	✓
Japan	×	×	×	×
Europe	×	×	△	△
Canada	×	×	△	△
New Zealand	×	×	△	△
South Korea	×	×	×	△

✓ Applicable × Not applicable △ Subject to conditions

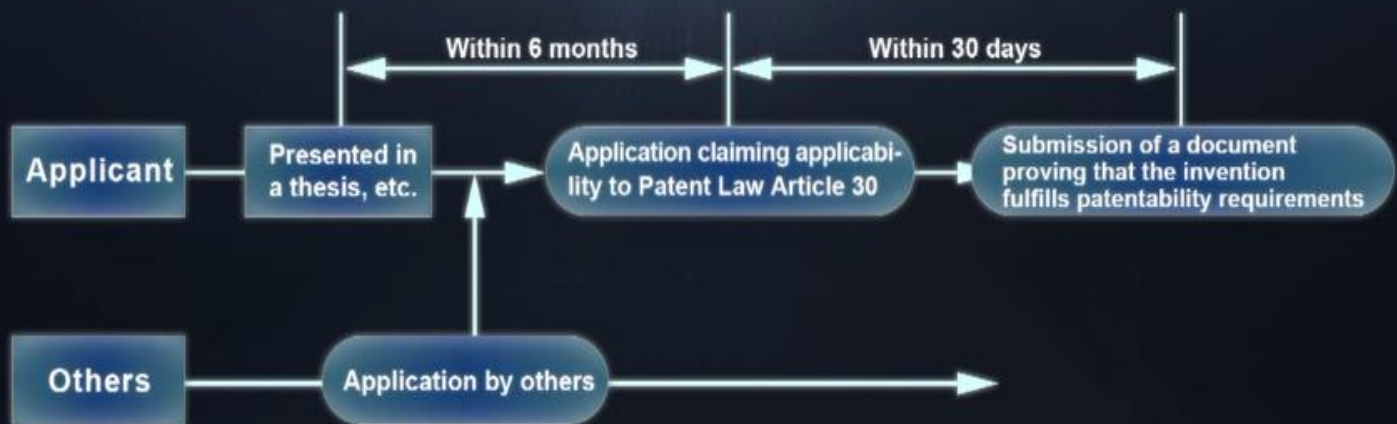
In some countries, a patent right may be granted by expressing a method as the invention of a product.

Novelty

The following invention lacks novelty.

- Publicly known in Japan or a foreign country prior to the filing of the patent application
- Publicly worked in Japan or a foreign country prior to the filing of the patent application
- Inventions that were described in a distributed publication, or inventions that were made publicly available through an electric telecommunication line in Japan or a foreign country, prior to the filing of the patent application

Timing of Presentation and Application



Application by applicant → Refused if the same as prior applications by others

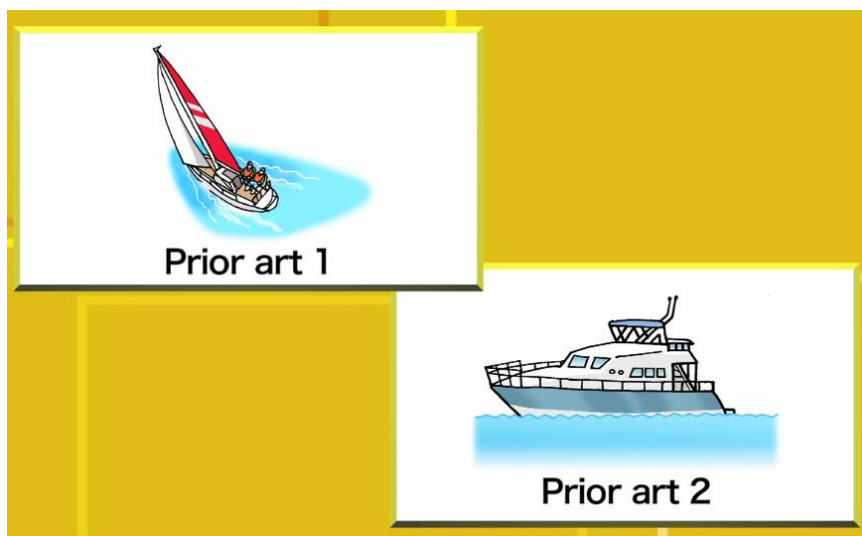
Application by others → Refused because contents of thesis, etc. are considered to be publicly known

Inventive Step

Not considered to represent an “Inventive step”

- Inventions that are simply an aggregation of other publicly known inventions
- Inventions with just slight structural modifications
- Inventions that could easily be created by anyone

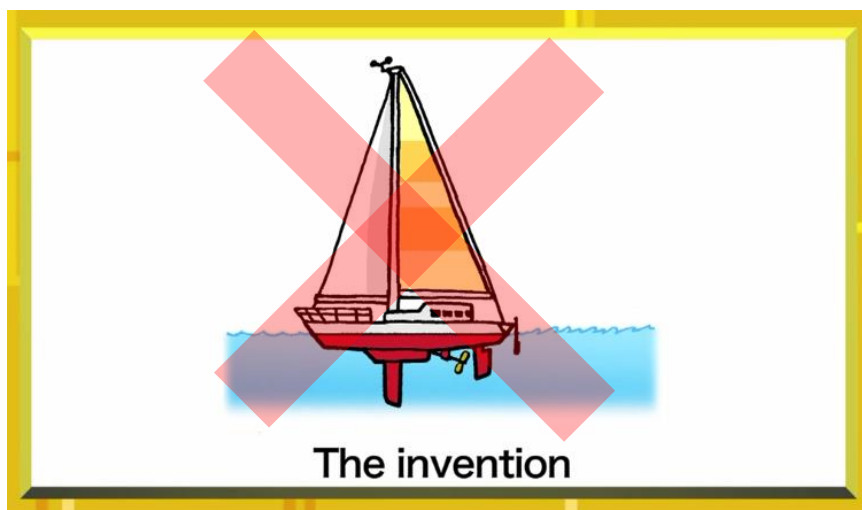
Case Study



Prior art 1: Yacht

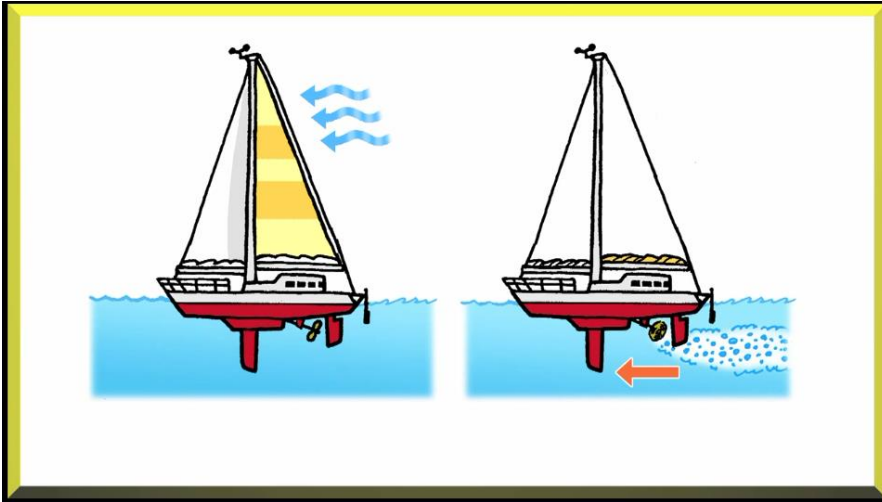
Prior art 2: Motorboat

Case 1



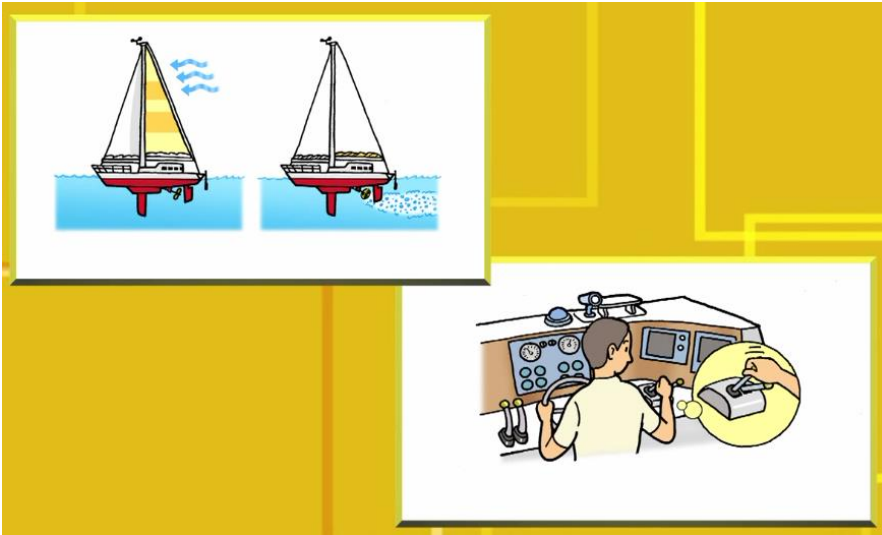
Prior art 1 (Yacht) + Prior art 2 (Motorboat) \Rightarrow The invention (Motor yacht)

Case 2



Automatic switching by digital anemometer

Case 3



Manual switching by digital anemometer

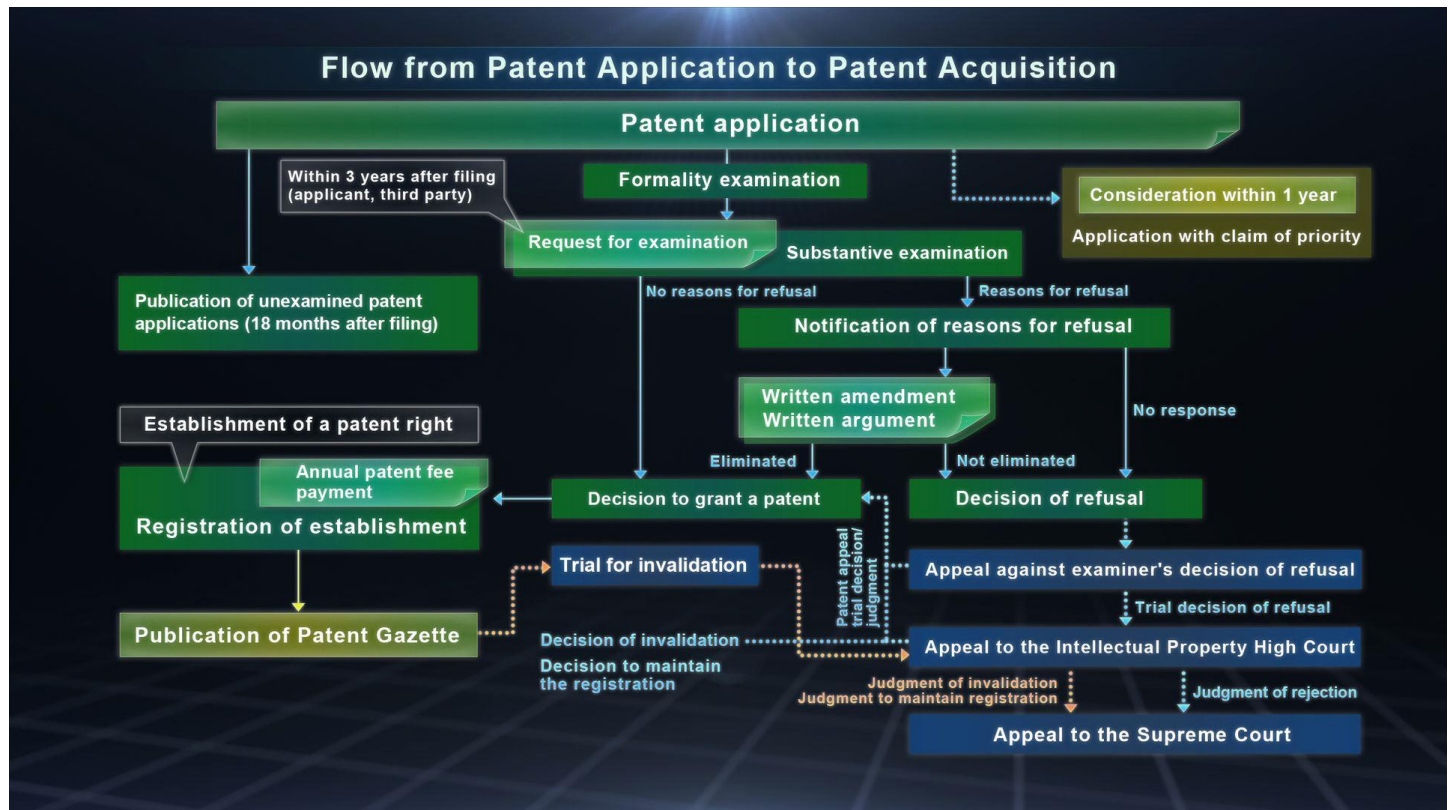
Point of examination

The examination should be carried out by comparing the scope of claims of an invention with the existing technologies

Patent examiners must be able to:

- Fully comprehend the substance of the invention under examination
- Compare it with existing technologies

Patent Examination



Accelerated examination system

Applications eligible for the accelerated examination system:

- Working-related applications
- Internationally-filed applications
- Green-technology related applications
- Earthquake Disaster Recovery Support-related applications

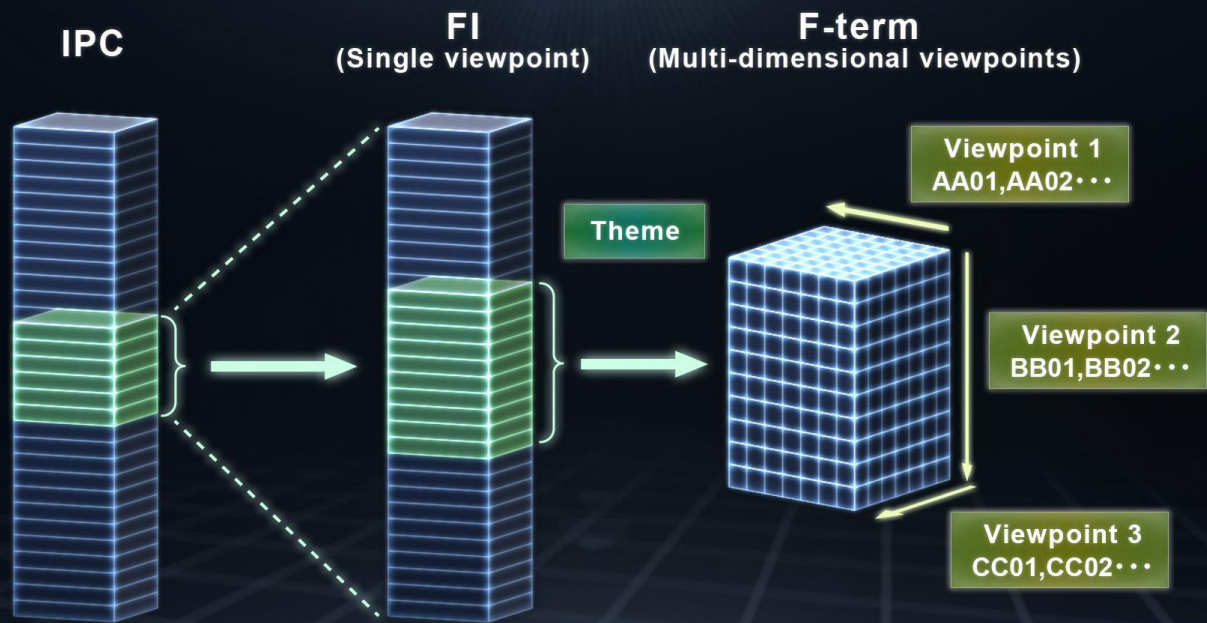
Prior art Searches

FI / F-term

File Index (FI) codes, a classification created to further subdivide classes from the slow-moving pre-reform IPC system, are mainly used for searching from a single viewpoint.

F-term is a system for classifying Japanese patent documents according to the technical features of the inventions described therein, so it can be used for searching from multi-dimensional viewpoints.

Relationship between IPC, FI, and F-term



IPDL: Industrial Property Digital Library

The screenshot shows the IPDL website interface. The header includes the IPDL logo and the text "Industrial Property Digital Library". The National Center for Industrial Property Information and Training (INPIT) logo is also present. Navigation links include "INPIT Home Page", "JPO Home Page", and "To Japanese Page".

The main content area states: "The Industrial Property Digital Library (IPDL) offers the public access to IP Gazettes of the JPO free of charge through the Internet."

There are four main sections with links:

- Patent & Utility Model**:
 - [Patent & Utility Model Gazette DB](#)
 - [Patent & Utility Model Concordance](#)
 - [FI/F-term Search](#)
 - [PAJ](#)
 - [Patent Map Guidance](#)
- Trademark**:
 - [Japanese Trademark Database](#)
 - [Japanese Figure Trademarks](#)
 - [Japanese Well-Known Trademark](#)
 - [List of Goods and Services](#)
- Design**:
 - [Design Gazette DB](#)
 - [Design Classification Search](#)
- Database Contents**:
 - [Patent & Utility Model Gazette DB](#)
 - [Patent & Utility Model Concordance](#)
 - [FI/F-term Search](#)
 - [PAJ](#)
 - [Design Gazette DB](#)
 - [Design Classification Search](#)
 - [Japanese Trademark Database](#)
 - [Japanese Figure Trademarks](#)

On the right side, there is a "News" section with a "News" link, a "Link" section with "IPDL Links", a "Questionnaire" section with a "Questionnaire" link, and a "Notice" section with a "Notice" link.

At the bottom, there is a footer with the text: "Please enable Cookie and JavaScript of the browser when you use the Industrial Property Digital Library." and "Copyright (C); 1999-2013 JPO and INPIT".

The URL http://www.ipdl.inpit.go.jp/homepg_e.ipdl is displayed in a large orange box.

→ Patent&Utility Model

[Patent & Utility Model Gazette DB](#)
[Patent & Utility Model Concordance](#)
[FI/F-term Search](#)
[PAJ](#)
[Patent Map Guidance](#)

→ Database Contents

[Patent & Utility Model Gazette DB](#)
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[FI/F-term Search](#)
[PAJ](#)
[Design Gazette DB](#)
[Design Classification Search](#)
[Japanese Trademark Database](#)
[Japanese Figure Trademarks](#)

→ Trademark

[Japanese Trademark Database](#)
[Japanese Figure Trademarks](#)
[Japanese Well-Known Trademark](#)
[List of Goods and Services](#)

→ Design

[Design Gazette DB](#)
[Design Classification Search](#)

Searching PAJ

Patent Map Guidance

The screenshot displays the 'Searching PAJ' web interface. At the top, there are navigation links for 'MENU', 'NEWS', and 'HELP'. Below this, a 'Text Search' section is visible, with a note: 'For "Number Search", please click on the right button. (Number Search)'. The search criteria include 'Applicant, Title of invention, Abstract' (e.g., computer semiconductor), 'Date of publication of application' (e.g., 19980401 - 19980405), and 'IPC' (e.g., D01B/24 A61D11/02). Each criterion has a search box and an 'AND' button. A 'Search' button and a 'Stored data' button are at the bottom of the search section.

The 'Inquiry' section is highlighted with a red border. It contains the following information:

- Inquiry**
Click "FI" or "F-term". Or input FI / F-term code to the query box and click Search button.
- Query**
• **FI** [Search]
e.g.: A61K A61K6 C08L27/06 A61K7/46@A A61K7/46,315@A
- **F-term** [Search] ☒ F-term List ☐ F-term Description
e.g.: 2B 2B396
- Indication type selection is effective in the lower hierarchies than the FI main group.
Indication Type ☒ List ☐ Target ☐ The same hierarchy
- IPC-FI Concordance Search**
Input IPC code to the query box and click Search button.
- Query**
IPC code [Search]
e.g.: A61K A61K6 A61K6/02 A01N25+B01B



• Inquiry
Click "FI" or "F-term". Or input FI / F-term code to the query box and click Search button.

Query **Search Object**

• [FI](#)
e.g.: A61K A61K6 C08L27/06 A61K7/46@A A61K7/46,315@A

• [F-term](#) ☒ F-term List ☐ F-term Description
e.g.: 2B 2B396

Indication type selection is effective in the lower hierarchies than the FI main group.
Indication Type ☒ List ☐ Target ☐ The same hierarchy

• IPC-FI Concordance Search
Input IPC code to the query box and click Search button.

Query

IPC code
e.g.: A61K A61K6 A61K6/02 A01N25+B01B

Walking sticks; Sticks for umbrellas

- [1/00](#) Sticks with supporting, hanging or carrying means
- [3/00](#) Sticks combined with other objects
- [5/00](#) Walking sticks or umbrellas convertible into seats; Hunting
- [7/00](#) Other sticks, e.g. of cranked shape
- [9/00](#) Details

Umbrellas

- [11/00](#) Umbrellas characterised by their shape or attachment
- [13/00](#) Umbrellas made of paper
- [15/00](#) Umbrellas with detachable covers
- [17/00](#) Tiltable umbrellas
- [19/00](#) Special folding or telescoping of umbrellas
- [21/00](#) Umbrellas convertible into walking sticks
- [23/00](#) Other umbrellas
- [25/00](#) Details of umbrellas (sticks for umbrellas A45B 1/00-A45B 9/00; illuminating devices for umbrellas A45B 3/02)

Z Others

- [3/02](#) . with illuminating devices
- [3/04](#) . . electrical
 - A having a lighting device on the end
 - B having a lighting device on the grip
 - C having lighting devices on multiple positions
 - D having a lighting device on a stick
- Z Others**
- [3/06](#) . with coat-hangers
- [3/08](#) . with measuring or weighing appliances
- [3/10](#) . with purses

- [25/08](#) . Devices for fastening or locking
 - A Attachment with the grip shaft
 - B Lathe engaging device for opening the umbrella
 - Z Others**
 - [25/10](#) . Umbrella crowns
 - [25/12](#) . Devices for holding umbrellas closed, e.g. magnetic devices
 - A Ball stopper (having no spring)
 - B Automatic umbrella opening ball stopper (spring provided)
 - C Automatic umbrella opening lock device (safety device)



Publication Date --- e.g. 20010101-20031231

You can specify a range of Publication Date to narrow your search.
 This choice can be omitted.

From: - To:

FI/F-term/facet --- e.g. AA01+[A63F9/22-ZAA]

Enter the query into the box below, up to 500 letters (essential requirement for searching)

Boolean operators : "+" means 'OR', "*" means 'AND', "-" means 'NOT'.

A45B3/04@C*A45B25/10

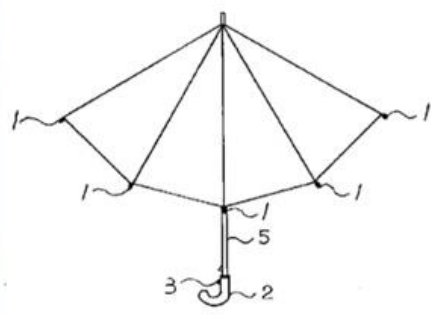
Display Type

All Pages

Priority of search result display

Check the kind of document, which you want to indicate the Search Result (Document Number).

☒ unexamined applications ☐ examined applications

<p>DOCUMENT 3/3 DOCUMENT NUMBER Publication date order</p>	<p>[JAPANESE] [JP,05-095311,U]</p> <p>CLAIMS DETAILED DESCRIPTION TECHNICAL FIELD PRIOR ART EFFECT OF THE INVENTION TECHNICAL PROBLEM MEANS OPERATION EXAMPLE DESCRIPTION OF DRAWINGS DRAWINGS</p> <p>[Translation done.]</p>	<p>Drawing selection <input type="button" value="Representative drawing v"/></p> 
<p>1. JP,2006-255219,A 2. JP,3058878,U 3. JP,05-095311,U(1993)</p>	<p>* NOTICES *</p> <p>JPO and INPIT are not responsible for any damages caused by the use of this translation.</p> <p>1.This document has been translated by computer. So the translation may not reflect the original precisely. 2.*** shows the word which can not be translated. 3.In the drawings, any words are not translated.</p> <p>CLAIMS</p> <p>[Claims] [Claim 1]A safe umbrella which is what attached the light emitting diode 1 at a tip of a bone of an umbrella, builds the switch 3, its power supply, and the control device 4 into the grip section 2 of a handle, and could be made to carry out lighting blink of the light emitting diode 1.</p> <p>[Translation done.]</p>	<p>[Translation done.]</p>

BACK NEXT
MENU SEARCH
HELP

AIPN Japan Patent Office
National Center for Industrial Property Information and Training
Advanced Industrial Property Network

[RETURN TO TOP PAGE](#) [HELP](#) [STORED DATA](#)

Number Search

☒ **Search from JAPANESE Application/Priority/Publication/Patent Number**

Type:

Document Number:

e.g. Application/Priority Number : 2001-123456 or H13-123456
 A, U, B, Y : 2001-123456 or H13-123456
 A1 : WO1998-123456 or WO98-123456
 U, B, Y : 3234567

Display type: ☐ File Wrapper Information ☒ Patent Family

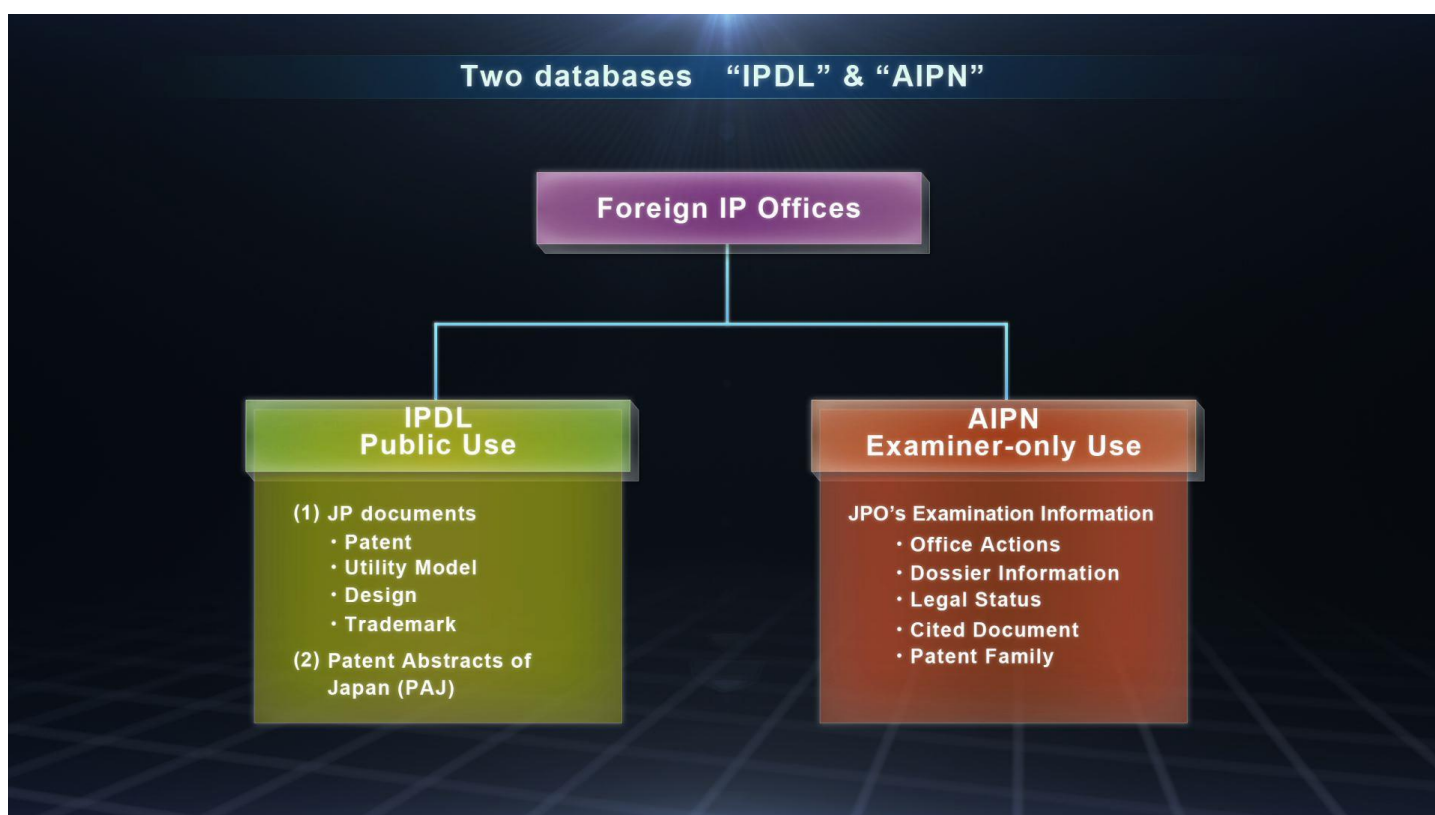
Note: Please select "Patent Family" when you search by PCT international publication number as corresponding file wrapper information is not directly accessible.

☒ **Search from OTHER Application/Priority Number**

Application Number:
 Priority Number:

e.g. : US-2003-668357, WO-1998-US012345

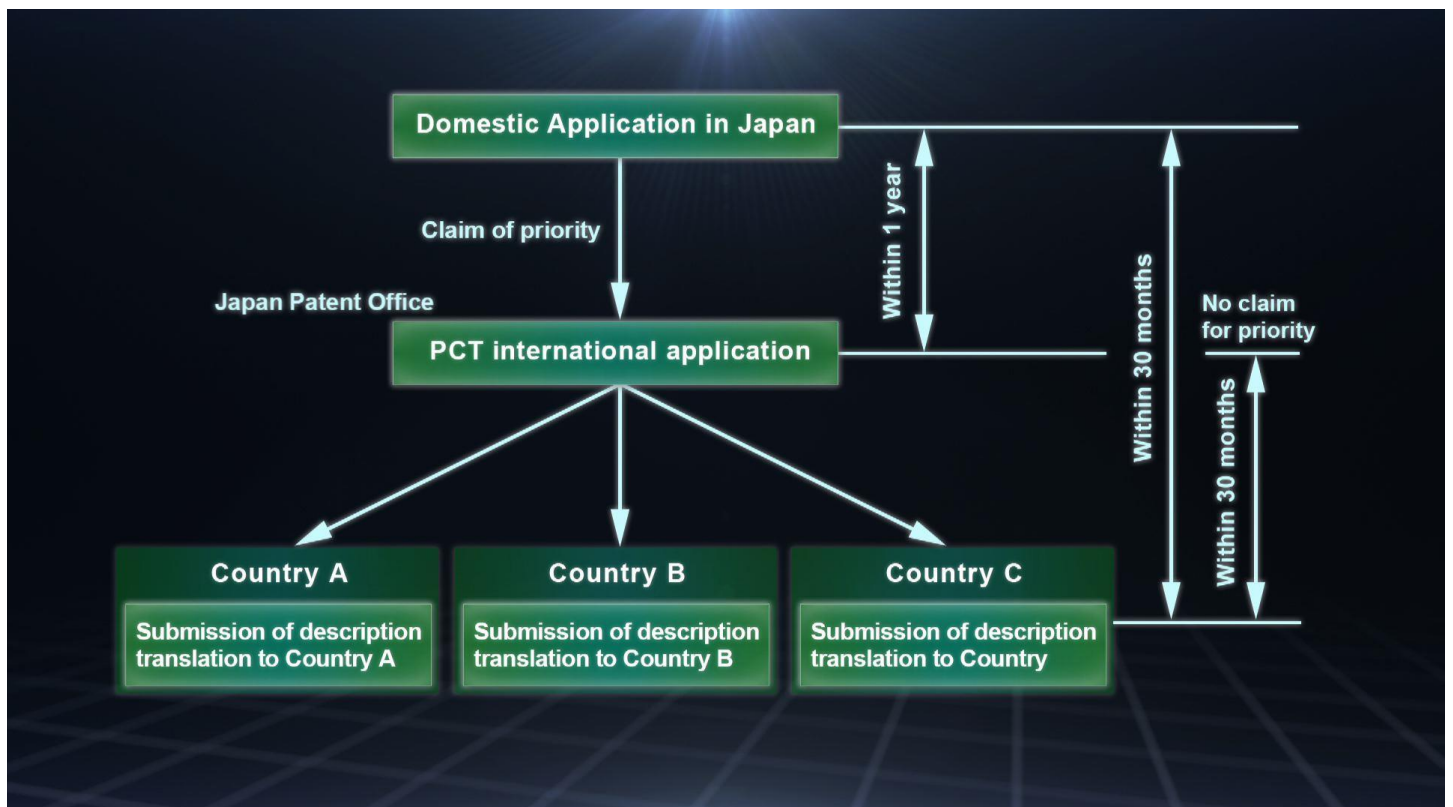
SEARCH



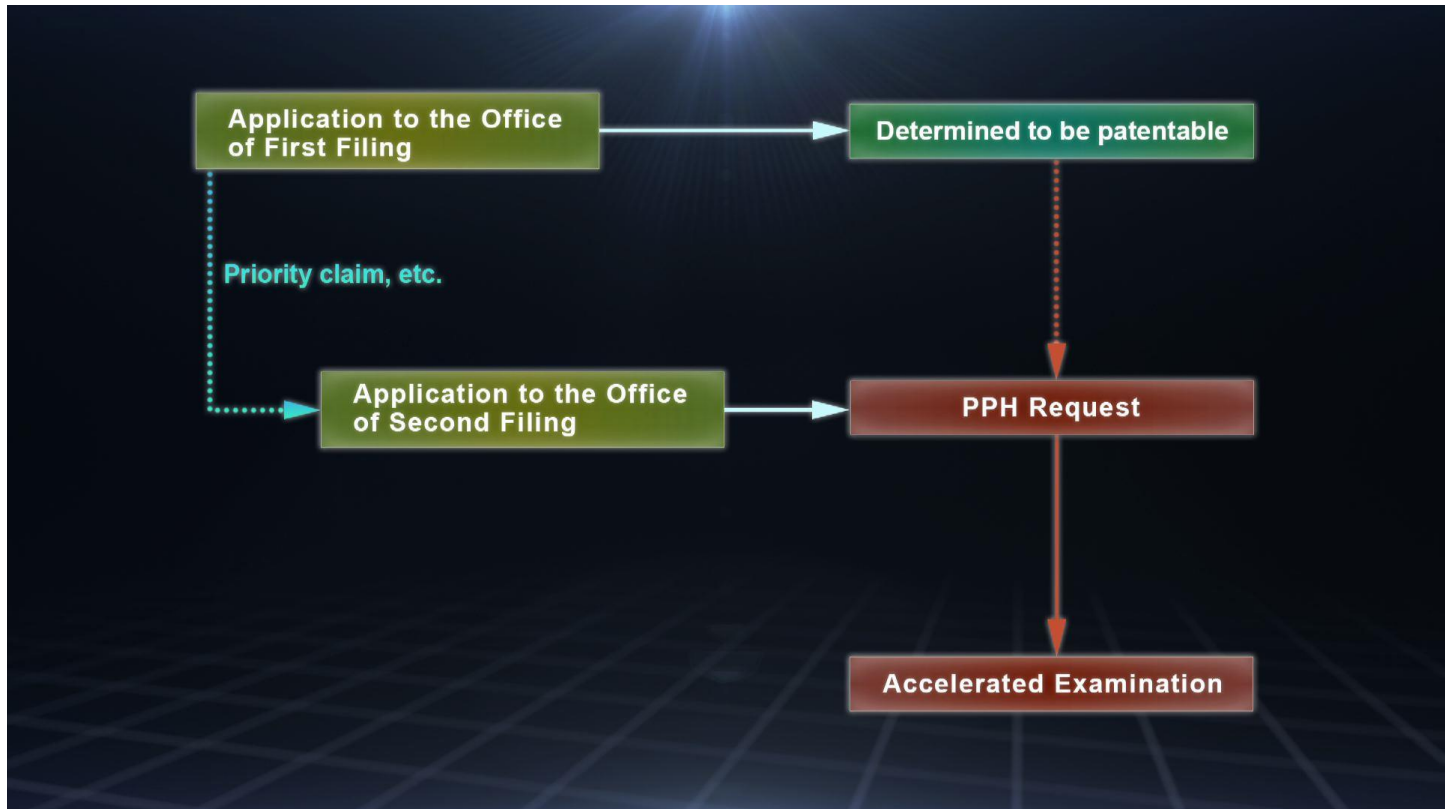
The Paris Convention Route



The PCT Route



Patent Prosecution Highway (PPH)



Utility Model Law, Article 1

The purpose of this Law is to encourage devices by promoting the protection and the utilization of devices relating to the shape or structure of an article or combination of articles, and thereby to contribute to the development of industry.

Sample of a typical report

実用新案法第12条の規定に基づく実用新案技術評価書

1. 登録番号 3012345
 2. 出願番号 実願2006-092345
 3. 出願日 平成18年5月1日
 4. 優先日/原出願日
 5. 考案の名称 寝具付きぬいぐるみ
 6. 実用新案登録出願人/実用新案権者 実用 太郎
 7. 作成日 平成18年9月1日
 8. 考案の属する分野の分類 A63H 3/02
 (国際特許分類) A63H 3/00
 A63H 3/04
 A47J 9/08
 9. 作成した審査官 後 香志代 (9136 3L)
 10. 考案した手続補正書・訂正書

11. 先行技術調査を行った文献の範囲

●文献の種類 日本国特許公報及び実用新案公報
 分類 国際特許分類
 A63H 3/00-3/04
 A47J 9/00-9/08
 時間的範囲 ~平成18年9月1日

●その他の文献 ・〇〇〇〇編「生活百科(収納編)」(平成3年5月
 6日発行)〇〇社
 ・特開昭62-123456号
 ・特開昭63-246734号
 ・実用昭63-134567号(実開平01-023
 464号)のマイクロフィルム

(備考)
 『日本国特許公報及び実用新案公報』は、日本特許庁発行の公開特許公報、公表特許公報、再公表特許、特許公報、特許発明明細書、公開実用新案公報、公開実用新案明細書マイクロフィルム等、公表実用新案公報、再公表実用新案、実用新案公報及び登録実用新案公報を含む。

The Report of Utility Model Technical Opinion