

- I. Purpose of Novelty
- II. Procedure of Determining Novelty
- III. Non-prejudicial Disclosures or  
Exceptions to Lack of Novelty**

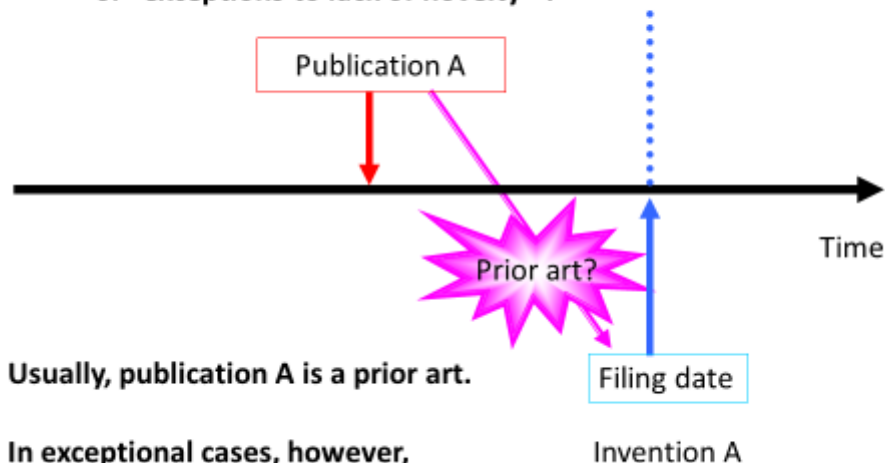
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Speaking of novelty, there are many countries that have exceptions to lack of novelty.  
I will explain these exceptions as the third topic.

### III. Non-prejudicial Disclosures or Exceptions to Lack of Novelty



What is “non-prejudicial disclosure”  
or “exceptions to lack of novelty” ?



Usually, publication A is a prior art.

In exceptional cases, however,  
publication A **cannot** be a prior art.

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The exceptions to novelty are called “non-prejudicial disclosure” or “exceptions to lack of novelty.”


What are “non-prejudicial disclosure” and “exceptions to lack of novelty”?


In this example, Publication A was disclosed before the filing date and the technology described in Publication A is involved in the scope of the claimed invention.

Usually, Publication A is a document of prior art and novelty would be denied.

However, in exceptional cases, Publication A cannot be a prior art.

What the exceptional cases are differs from one country to another.

III. Non-prejudicial Disclosures or Exceptions to Lack of Novelty 

 Exception to lack of novelty of invention  
(Japanese Patent Act Article 30)

Against the will of or as a result of an act of a person having the right to obtain a patent

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Filed by the said person within six months from the date on which the invention first fell under any of the items of Article 29 (1).

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Shall be deemed not to have fallen under any of said items.

A declaration at the time of filing is necessary, in case where the invention is opened as a result of an act of the person having the right to obtain a patent.

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For your information, let me introduce exceptions to lack of novelty of invention in Japan.

Under the Japanese Patent Act, exceptions to lack of novelty of invention are defined in Article 30. There are two requirements.

The first requirement is that it is against the will of a person having the right to obtain a patent or it is as a result of an act of a person having the right to obtain a patent.

The second is that it is a patent application filed by the said person within six months from the date on which the invention first fell under any of said items.

Additionally, if the invention is opened as a result of an act of a person having the right to obtain a patent, it is necessary to submit a declaration at the time of filing to apply the provision of exception to lack of novelty of invention.