1 Requirement for Description and Claims

2 Novelty

3 Inventive Step

4 Eligibility for Patent

Eligibility for Patent

"Invention" shall be a statutory invention

"Invention" is a highly advanced creation of technical ideas utilizing a law of nature.
(Patent Law, Article 2(1))

Utilizing a law of nature	✕ Those contrary to a law of nature ✕ Arbitrary arrangements not utilizing a law of nature

A service of discounting if sushi is not delivered within 30 minutes

Mere idea is not patentable

Method of delivery of sushi

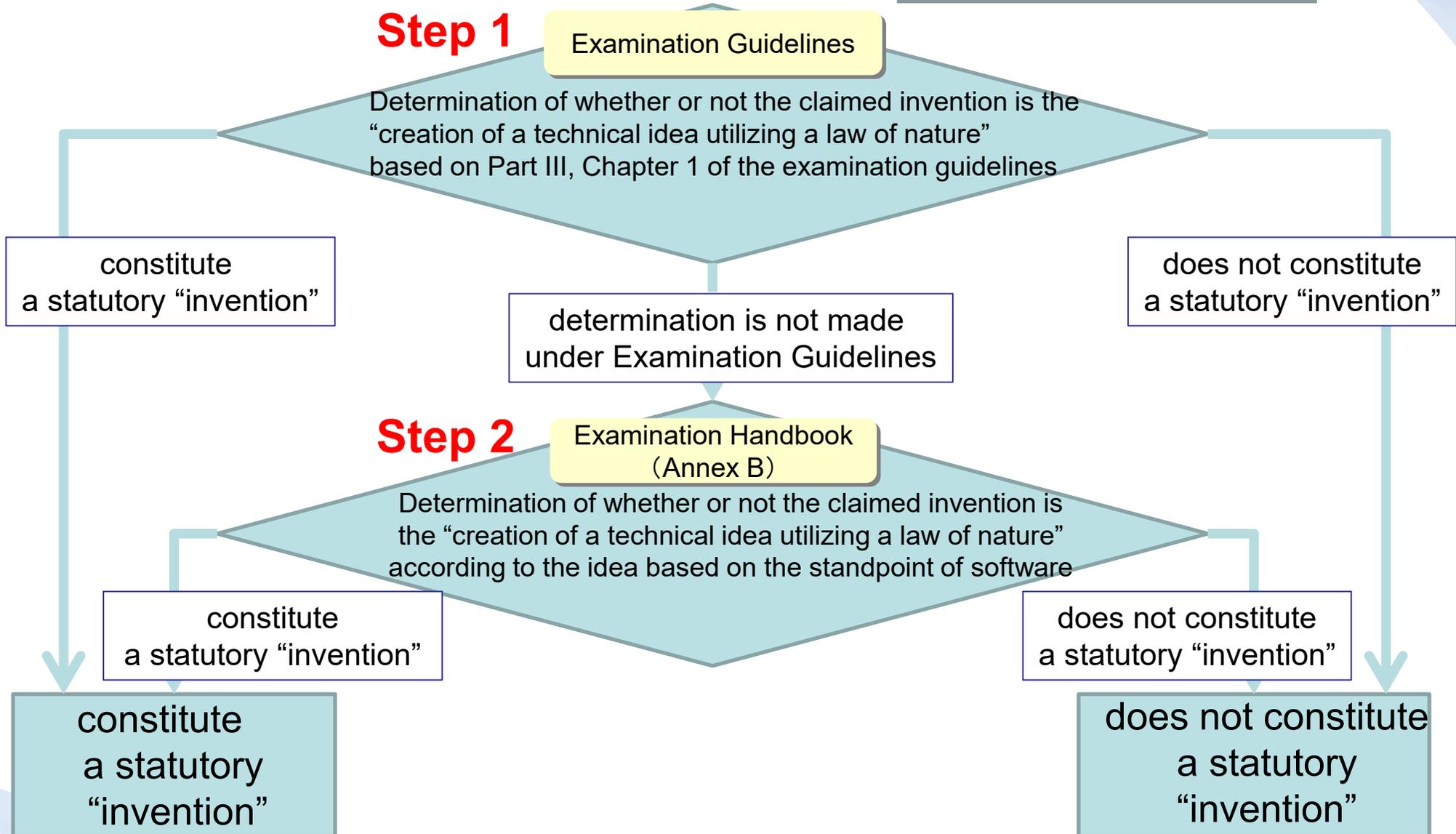| Technical ideas	✕ Personal skill Those are acquired through personal experience and cannot be shared with others as a knowledge due to lack of objectivity.

Mere presentation of Information is not patentable

Image data taken by a digital camera
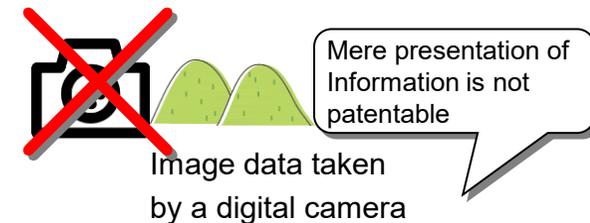
Creation	*Creation: to create a new thing ✕ Mere discoveries of microorganisms in nature ◯ Microorganisms which are isolated from their surroundings

Mere discovery of x-ray is not patentable

Discovery of x-ray
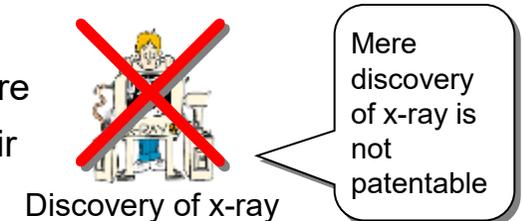
Highly advanced	*Highly advanced: it is considered mainly to identify the invention from a utility model under Utility Model Act, and thus it is not necessary to consider it to determine whether the application falls under "the invention."

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Process of determining Eligibility for Patent for CS Inventions (Flow of Determination)

Step 1

Examination Guidelines

Determination of whether or not the claimed invention is the "creation of a technical idea utilizing a law of nature" based on Part III, Chapter 1 of the examination guidelines

constitute a statutory "invention"

does not constitute a statutory "invention"

determination is not made under Examination Guidelines

Step 2

Examination Handbook （Annex B）

Determination of whether or not the claimed invention is the "creation of a technical idea utilizing a law of nature" according to the idea based on the standpoint of software

constitute a statutory "invention"

does not constitute a statutory "invention"

constitute a statutory "invention"

does not constitute a statutory "invention"

Idea based on the standpoint of software (requirement of cooperation of the software and the hardware resources)

When for Software of a CS invention, "information processing by the software is concretely realized by using hardware resources," said software is a "creation of a technical idea utilizing the laws of nature."
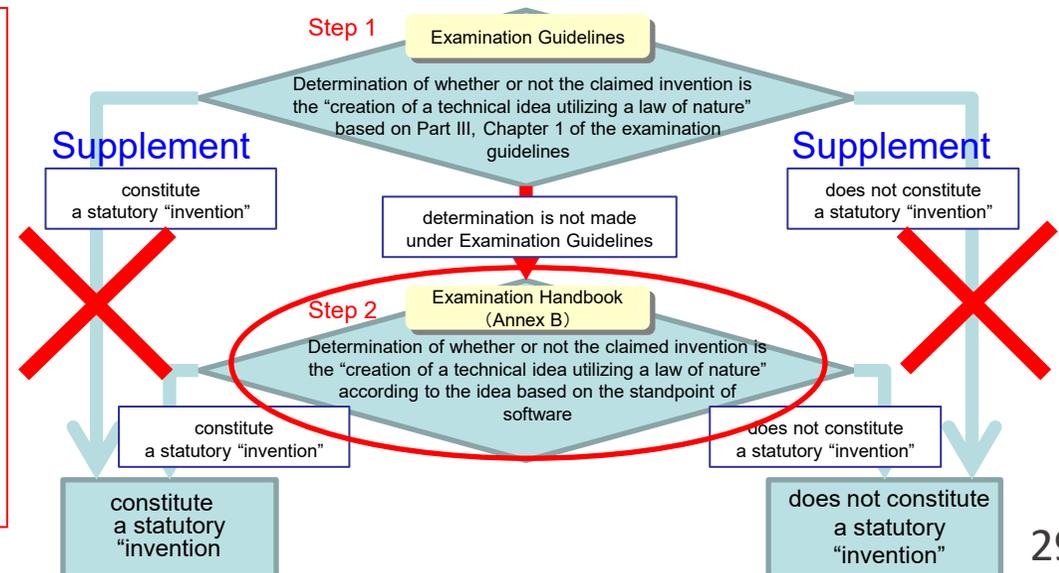
✓ "Information processing by the software is concretely realized by using hardware resources" means that "a specific information processor or an operation method thereof depending on intended use is constructed through cooperation of the software and the hardware resources."
✓ The claims do not require the hardware resources to be specified in detail.

For an information processor which operates in cooperation with software and an operation method thereof, as well as a computer readable recording medium in which the software is recorded, if said software satisfies the requirement of cooperation above, it is a "creation of a technical idea utilizing the laws of nature."

＜Supplement＞
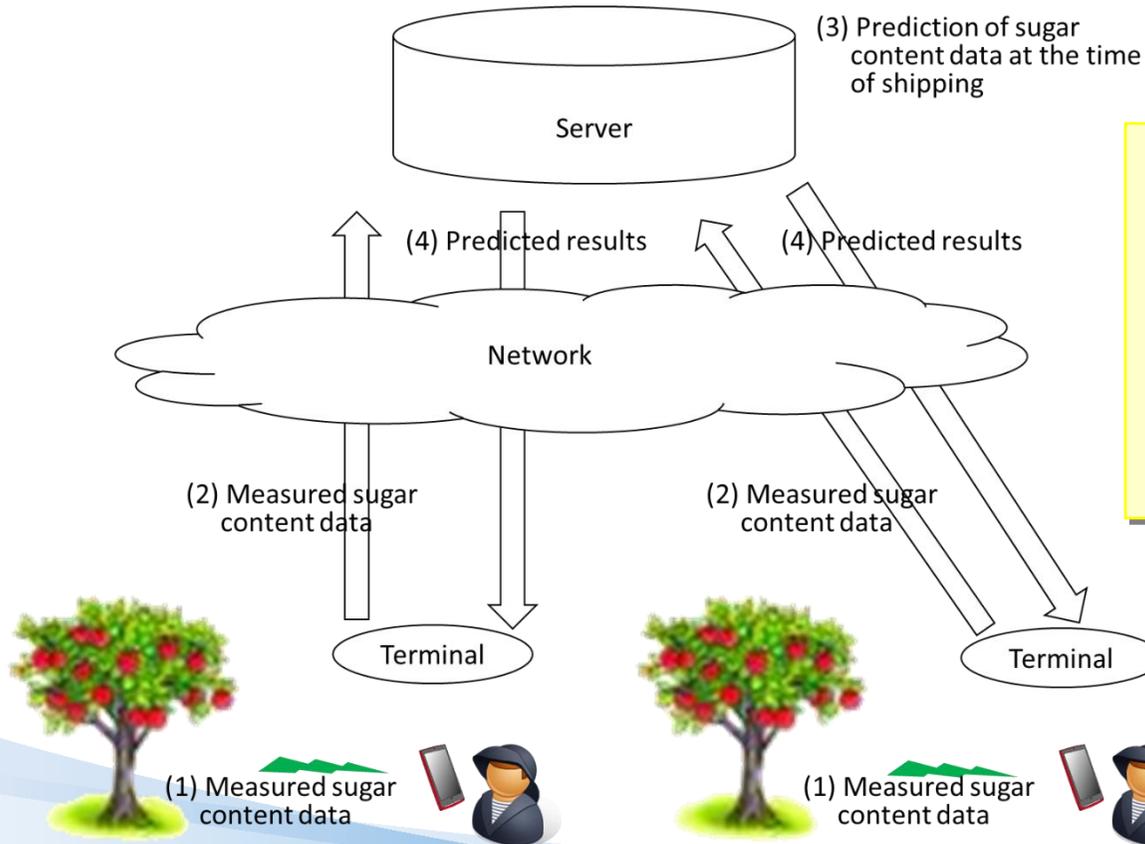Points to note when referring to the case examples provided in the Examination Handbook.
✓ There have cases that only the determination of the requirement of cooperation is mentioned.
✓ Actually, prior to the determination of the requirement thereof, a determination whether or not it is "a creation of a technical idea utilizing the law of nature" in Part III Chapter 1 of the Examination Guidelines has been performed.

Step 1
Examination Guidelines
Determination of whether or not the claimed invention is the "creation of a technical idea utilizing a law of nature" based on Part III, Chapter 1 of the examination guidelines

Supplement
constitute a statutory "invention"

determination is not made under Examination Guidelines

Supplement
does not constitute a statutory "invention"

Step 2
Examination Handbook （Annex B）
Determination of whether or not the claimed invention is the "creation of a technical idea utilizing a law of nature" according to the idea based on the standpoint of software

constitute a statutory "invention"

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[Claim 1] <u>Sugar content data of preharvest apple</u>s on trees measured by a portable sugar content sensor for apples which performs reflective near-infrared spectroscopic analyses.

[Claim 2] <u>The sugar content data of apple</u>s as described in Claim 1 received by a receiving unit of a server and stored in a memory unit of the said server.


(3) Prediction of sugar content data at the time of shipping

Server

(4) Predicted results   (4) Predicted results

Network

(2) Measured sugar content data   (2) Measured sugar content data

Terminal   Terminal

(1) Measured sugar content data   (1) Measured sugar content data

✗ **<u>The invention of Claim 1 & 2 does not fall under "invention."</u>**

Mere presentation of information (where the feature resides solely in the content of the information, and the main object is to present information)

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Case Example: Method for Predicting Sugar Content Data of Apples (2)

[Claim 3] A method for predicting sugar content data of apples comprising;
a step in which an analyzing unit of the server analyzes the relationship between sugar content data of preharvest apples for specified periods and data on meteorological conditions, and sugar content data of apples at the time of their shipping, based on past performance;
a step in which the receiving unit of the said server receives the sugar content data of apples for specified periods as described in Claim 1; and
a step in which a prediction unit of the said server predicts and outputs sugar content data of apples at the time of future shipping using the said received sugar content data of apples for specified periods and data on past and future meteorological conditions as inputs, based on the said analyzed relationships.
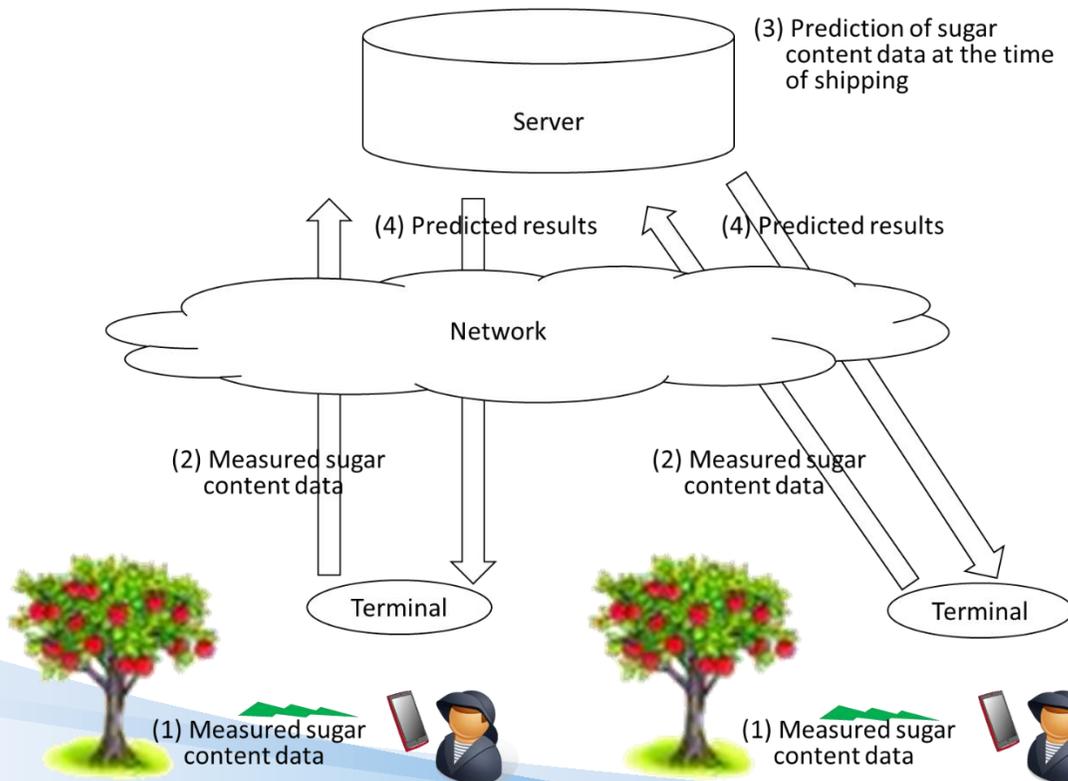
⭕ **The invention of Claim 3 falls under "invention."**

The invention of Claim 3 is what concretely performs information processing based on the technical properties such as chemical or biological properties of apples.

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