

With the recent increase in the use of personal computers and related progress in the development of infrastructures such as the Internet, applications for patents relating to new business methods using general-use computers, existing networks, etc. (hereinafter called "business-related inventions") are on the rise.

Since business-related inventions can extensively influence industries that have hitherto been unfamiliar with patent rights, great interest has been mounting, including that of the mass media. Since it is necessary to enhance predictability as to what requirements must be satisfied for patenting of inventions, there is a demand for defining how to deal with business-related inventions. Furthermore, with the progress of network formation, the distribution method of computer programs has changed from transactions using recording media such as CD-ROMs to transactions through networks. As a result, adequate protection of computer programs is required in response to changes in actual distribution methods.

Accordingly, for the purpose of defining how to deal with business-related inventions of great interest and adequately protecting computer programs on networks, the "Examination Guidelines for Computer Software-related Inventions" were revised and published in December 2000.

Important points in the revision of examination guidelines for computer software-related inventions

- ① It has been clarified that a computer program not recorded on a medium should be dealt with as a "product invention".
- ② It has been clarified that when a certain idea is embodied using hardware and software integrally, the creation of the software corresponds to "an invention" in terms of Patent Law.
- ③ Cases concerning judgment on the inventive steps of business-related inventions have been collected in large numbers. Furthermore, it has been clarified that a matter that could have been easily conceived of by a person knowledgeable in both the individual business field and the computer technology field does not possess inventive step.

