

Comparison of the Patent System and Utility Model System

	Utility Model Law	Patent Law
Substantive examination	No (basic requirement examination only)	Yes
Term of right	Six years from the filing date	Twenty years from the filing date
Subjects of protection	Creation of a technical idea utilizing a natural law with regard to a shape, structure or combination of these in an article	Highly advanced creations of technical ideas utilizing a law of nature
Inventive steps	Those that cannot be conceived "very easily"	Those that cannot be invented "easily"
Examination request system	-	Three years after the filing date
Registrability report system	Anyone may request at any time Obligatory presentation of registrability report at warning before enforcement of right	-
Trial system	Trial for invalidation	Trial for invalidation Trial for appeal of decision Trial for correction
Scope of amendment	Within the scope described in the initially attached specification, claims or drawings	Within the scope described in the initial specification, claims or drawings
Period in which amendment is allowed	Two months after filing	Before granting of a patent and before notification of reason(s) for refusal Within a specified period after notification of reason(s) for refusal Within thirty days after demand for a trial for appeal of decision
Scope of correction	Deletion of claims	Reduction of the scope of claims, etc.
Period in which correction is allowed	Any time in principle (allowed even after extinction of right) However, until notification of conclusion of trial while trial for invalidation is pending	Trial for correction is not allowed in a period from demand to final of the trial for invalidation except a specified period from filing the suit against the decision Correction demand is accepted within a designated period for submission of the written reply or after decision to remand, etc.
Responsibilities of right-holder	Converts damage compensation liability to the right-holder when the enforced right is deemed invalid	No
Presumption of negligence of infringer	No	Yes
Appeal procedure suspension rules	Appeal procedure is suspended by motion when the defendant of an infringement suit appeals for a trial for invalidation	Suspension of the trial proceedings is permitted by authority
Relationship with other applications	Application for utility model registration may be converted to an application for a patent within three years after application (Conversion after registration is not allowed)	Conversion from application for a patent to application for utility model registration is allowed within thirty days from sending the certified copy of the initial refusal decision and five years and six months from filing of the subject patent (Conversion after registration is not allowed)