

**Provisional English Version**

**Operational Guidelines for Applicants to Seek  
the Application of Exceptions to Lack of  
Novelty of Invention,  
Corresponding to the Patent Act Article 30  
Revised in 2011**

**September, 2011**

**Revised in March, 2015**

**Revised in September, 2015**

**Japan Patent Office**

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<Information on the details of the Guideline>  
 Japan patent office, Administrative Affairs  
 Division, Examination Standards Office

## At the time of using the “Operational Guidelines for Applicants to Seek the Application of Exceptions to Lack of Novelty of Invention, Corresponding to the Patent Act Article 30 Revised in 2011” (hereinafter referred to as the “Guideline”)

Under this guideline, for simplicity, we do instead read as follows.

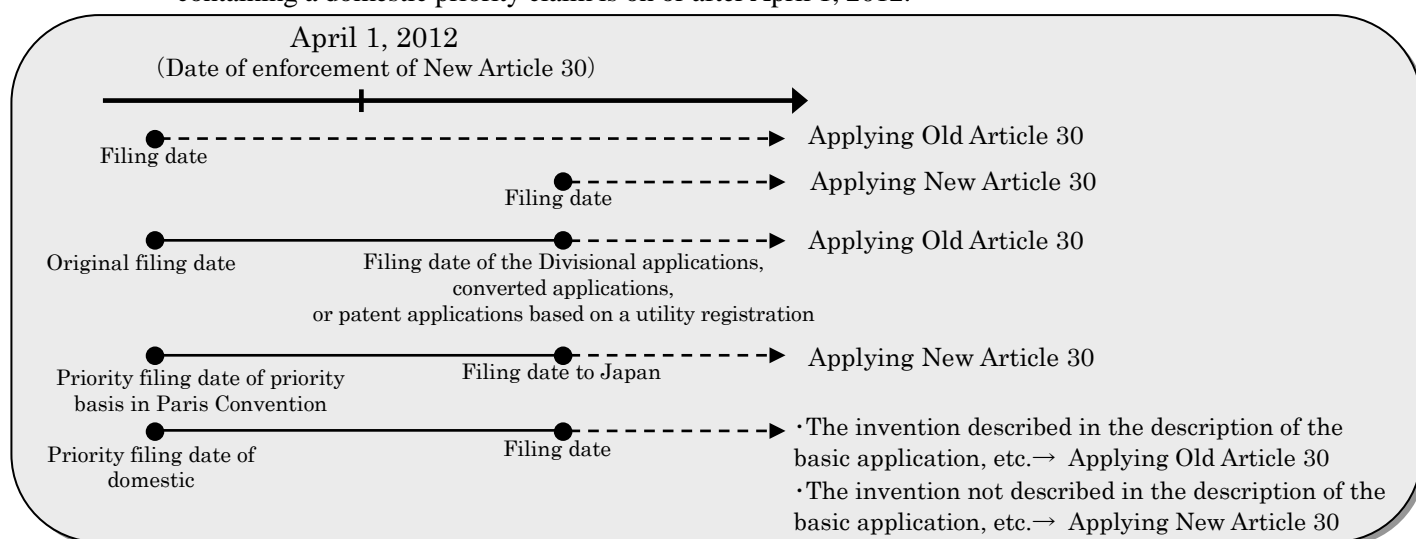
- Article 30 of the Patent Act that has been revised by Act No. 63 of 2011 → "New Article 30"
- Article 30 of the Patent Act prior to the revision by Act No. 63 of 2011 → "Old Article 30"
- “Article 30 of the Patent Act” → “Article 30”
- “Article 30, paragraph (1) of the Patent Act” → “Paragraph (1)”
- “Article 30, paragraph (2) of the Patent Act” → “Paragraph (2)”
- “Article 30, paragraph (3) of the Patent Act” → “Paragraph (3)”
- “has fallen under any of the items of Article 29, paragraph (1)” → “has been published,”
- “the date on which the invention first fell under any of the items of Article 29, paragraph (1) of the Patent Act” → “the date of publication”
- “the person(s) having the right to obtain a patent” → “right holder(s)”
- “right holder(s) at the time of the act causing the publication of the invention” → “right holder(s) at the time of the act”

### Scope of the “Guideline”

This “Guideline” applies to patent applications which are subject to the application of New Article 30.

- Patent applications subject to the provisions of New Article 30
  - Regular applications
    - Those whose filing date is on or after April 1, 2012.
  - Divisional applications, converted applications, or patent applications based on a utility registration
    - Those regarding which the filing date of the original application is on or after April 1, 2012.
  - Applications containing a priority claim under the Paris Convention
    - Those regarding which the filing date of the patent application containing a priority claim is on or after April 1, 2012.
  - Applications containing a domestic priority claim
    - In principle, those regarding which the filing date of the application that forms the basis of the priority is on or after April 1, 2012.

N.B. In the case of an invention not disclosed in the description, scope of claims or drawings (description, etc.) originally attached to the basic applications, those regarding which the filing date of the application containing a domestic priority claim is on or after April 1, 2012.



If you are seeking the application of Article 30 to patent applications which are not subject to New Article 30, please refer to the “Operational Guidelines for Applicants to Seek the Application of the Exceptions to Lack of Novelty of Invention” published in March 2010. (Even in this case, the concept of the “Proving Document” shown in the Section 3.1 in this “Guideline” shall be applied to the patent applications which are subject to Old Article 30. For details, please refer to the [Section 3.1](#) in this “Guideline.”)

## 1. Outline of the Article 30 revised in 2011

In the Japanese patent system, a patent shall not be granted for inventions which have been published prior to the filing of a patent application, in principle. However, strict application of this principle to all cases could bear an unfavorable result. Moreover, it could be said that such practice does not match the purpose of the Patent Act, which is to contribute to the development of the industry.

Given this fact, Exceptions to Lack of Novelty of Invention is stipulated in the Patent Act Article 30 which treat an invention as one that does not lack novelty due to a previous publication, if the invention has been published under specific conditions and a patent application has been filed within 6 months from the date of publication.

The inventions covered by Article 30 prior to the revision to the Patent Act in 2011 were limited to inventions made public through the implementation of a test, a printed publication, an electric telecommunication line, writing presented at an academic conference designated by the Commissioner of the Patent Office, or display at a specific exhibition, etc.

However, the scope of Exceptions to Lack of Novelty of Invention was expanded due to the revision to Article 30 in 2011. As a result, "invention which has fallen under any of the items of Article 29, paragraph (1) as a result of an act of the person having the right to obtain a patent"<sup>1</sup> (New Article 30, Paragraph (2)) will be covered by the Exceptions to Lack of Novelty of Invention.

With this step, inventions made public at meetings and seminars, which are not academic conference designated by the Commissioner of the Patent Office, inventions made public on TV and radio, and inventions made public through sales, which were not covered by Exceptions to Lack of Novelty of Invention prior to the revision in 2011 are now covered by the provisions of New Article 30.

### Matters to be taken into consideration

It should be noted that Article 30 is an exception to the principle where a patent shall not be granted to inventions disclosed prior to the filing of a patent application. Even in cases where your application is covered by Article 30, if, for example, a third party had filed a patent application for the same invention or had published such invention prior to the filing date of your patent application, then you can't obtain a patent for your invention.<sup>2</sup> Therefore it is strongly recommended that the patent application should be filed as early as possible.

At the same time, if you have plans to file an application overseas, it is also necessary to give considerations to the exceptions to the lack of novelty in each country.

### Article 30

(1) In the case of an invention which has fallen under any of the items of Article 29 (1) against the will of the person having the right to obtain a patent, such invention shall be deemed not to have fallen under any of the items of Article 29 (1) for the purpose of Article 29 (1) and (2) for the invention claimed in a patent application which has been filed by the said person within six months from the date on which the invention first fell under any of said items.

(2) In the case of an invention which has fallen under any of the items of Article 29 (1) as a result of an act of the person having the right to obtain a patent (excluding those which have fallen under any of the items of said paragraph through the publication in the bulletin pertaining to inventions, utility models, designs or trademarks), the preceding paragraph shall also apply for the purpose of applications of Article 29 (1) and (2) for the invention claimed in a patent application which has been filed by said person within six months from the date on which the invention first fell under any of said items.

(3) Any person seeking the application of the preceding paragraph shall submit to the Commissioner of the Patent Office, at the time of filing of the patent application, a document stating that fact and, within thirty days from the date of filing of the patent application, a document proving the fact (in the next paragraph referred to as "Proving Document") that the invention which has otherwise fallen under any of the items of Article 29(1) is an invention to which the preceding paragraph may be applicable.

(4) Notwithstanding paragraph (3), where, due to reasons beyond the control of the person submitting Proving Document, the person is unable to submit Proving Document within the time limit as provided in the said paragraph, the person may submit Proving Document to the Commissioner of Patent Office within 14 days (where overseas

<sup>1</sup> When a person other than the right holder creates an invention based on the invention of right holder's that cannot be deemed to be the same as the right holder's invention and discloses it, that invention does not fall within the scope of "the invention that has fallen under any of the items of Article 29, paragraph (1) as a result of an act of the person having the right to obtain a patent (the invention published as a result of the right holder's act)."

<sup>2</sup> Even in this case, under specific conditions, you may obtain a patent. (Refer to Section [4](#), or [6](#).)

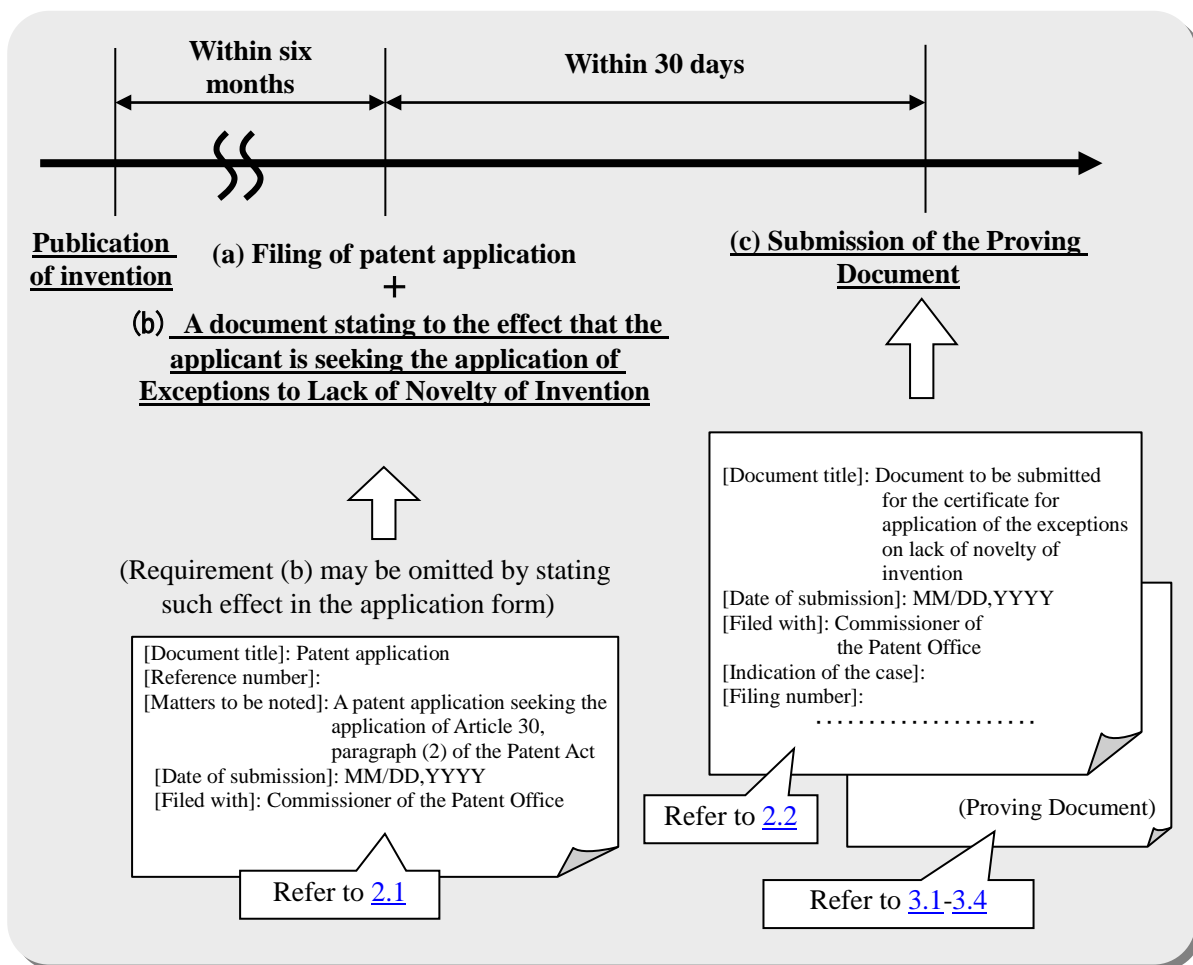
resident, within two months) from the date on which the reasons cease, but not later than six months following the expiration of the said time limit.

## 2. Procedural requirements to seek the application of Article 30

An applicant for a patent who is seeking the application of Paragraph (2) is required to take the following three procedures as listed in (a) to (c).

(Regarding the provisions of Paragraph (1), please refer to [Section 6.](#))

- (a) To file a patent application for the invention made public as a result of an act of the right holder(s) within six months from the date of publication (Paragraph (2)).
- (b) To submit a document stating to the effect that the applicant is seeking the application of Article 30, at the time of filing of the patent application (Paragraph (3)). (Refer to [Section 2.1](#))
- (c) To submit a document proving the fact that the invention meets the requirements for the application of Article 30, within 30 days<sup>1</sup> from the date of filing of the patent application (Paragraph (3)). (Refer to [Section 2.2](#) or [3.1-3.4](#))

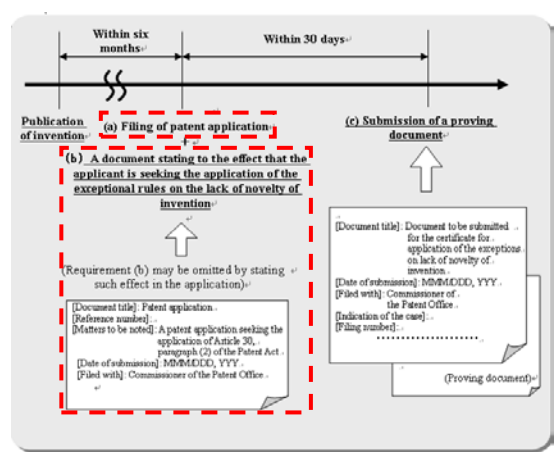


<sup>1</sup> Where, due to reasons beyond the control of the person submitting Proving Document, the person is unable to submit Proving Document within 30 days from the date of filing of the patent application, the person may submit Proving Document to the Commissioner of Patent Office within 14 days (where overseas resident, within two months) from the date on which the reasons cease, but not later than six months following the expiration of the said time limit (Article 30 paragraph (4)). The provision of Article 30 paragraph (4) is applied to any patent applications filed on or after March 2, 2015. For details of procedures related to relief after the expiration of the time limit due to reasons beyond the control, see [Formality Examination Manual 04.04](#) (Contact details for this footnote: Customer Relations Policy Division Formality Examination Standards Section (internal 2115)).

**2.1 To submit a document stating to the effect that the applicant is seeking the application of Article 30, at the time of filing of the patent application**

Submission of a document stating to the effect that the applicant is seeking the application of Article 30 may be omitted by stating to such effect in the application form (See remarks in Form No. 26 of Article 27-4 of the Ordinance for Enforcement of the Patent Act).

**In cases of filing a patent application through online procedures, such filing must be made by stating to that effect in the application form** (Article 12 of the Ordinance for Enforcement of the Act on Special Provisions for Procedures related to Industrial Property Rights).



[Reference] How to prepare patent applications  
<http://www.jpo.go.jp/toiawase/faq/yokuar08.htm> (Japanese only)

[Document title]: Patent application

[Reference number]:

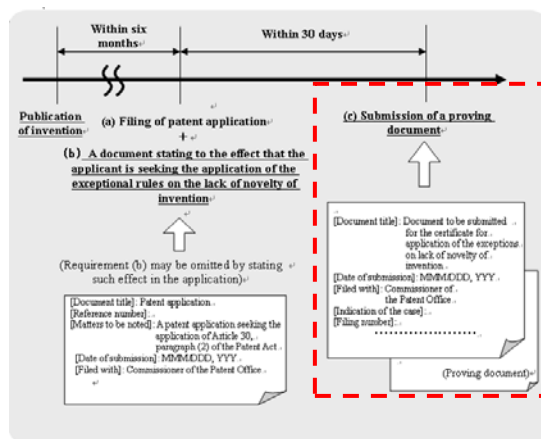
[Matters to be noted]: A patent application seeking the application of Article 30, paragraph (2) of the Patent Act

[Date of submission]: MM/DD,YYYY

[Filed with]: Commissioner of the Patent Office

**2.2 To submit a document proving the fact that the invention meets the requirements for the application of Article 30, within 30 days from the date of filing of the patent application.**

Please submit the **“Document to be submitted for the certificate for the application of Article 30”** prepared in accordance with Form No. 34 of the Ordinance for Enforcement of the Patent Act, with the “Proving Document” (Refer to [Section 3.2-3.4](#)) attached thereto.



[Reference] Example of the “Document to be submitted for the certificate for the application of Exceptions to Lack of Novelty” under Form No.34 of the Ordinance for Enforcement of the Patent Act

[Document title]: Document to be submitted for the certificate for the application of Exceptions to Lack of Novelty

[Date of submission]: MM/DD,YYYY

[Filed with]: Commissioner of the Patent Office

[Indication of the case]

[Filing number]:

[Submitter]

[Identification number]

[Domicile or residence]

[Name]

[Representative]:

[Identification number]:

[Domicile or residence]:

[Name]:

[Printed publication, etc.]

[List of submitted materials]:

[Name of the material]: Certificate for the application of the article 30 of the patent act

[Name of the material]:

Remarks in Form No. 34 (Extract)

In the “Printed publication, etc.” column, in case of seeking the application of the Patent Act Article 30, paragraph (2), an applicant shall state the information on the reason for which the invention has fallen under any of the items of Article 29, paragraph (1) (e.g. in the case where a test was conducted, the date and place where the test was conducted; in the case where the invention was made public through a printed publication, the names of the publisher and printed publication, the volume number and issue number, as well as the date of publication; in the case where the invention was made public through an electric telecommunications line, the date of publication and publication address(URL); in the case where the invention was made public at a meeting, the name and date of the meeting; and in the case of display at a exhibition, the name and date of the exhibition).

\* If there are two or more facts of publications before filing a patent application, please state the details by beginning a new line for each publication, in the “Printed publication, etc.” column. Moreover, in cases of attaching two or more “Proving Documents”, please set up two or more [Name of the material] columns in the [List of submitted materials] column and state the name of the “Proving Documents.”



### 3. Outline of the “Proving Document” provided for in Paragraph (3)

#### 3.1 Concept of the “Proving Document” provided for in Paragraph (3)

In the “Operational Guidelines for Applicants to Seek the Application of Article 30” published in March 2010 (Japanese version only), the proper submission of “Document A,” which is a certificate prepared by the applicant in accordance with a certain form, and “Document B,” an objective evidentiary material or a certificate by a third party for the “facts of publication” stated in Document A, within 30 days from the date of filing of the patent application, was deemed to have a certain probative value in regard to the matters to be proved.

However, as the mode of publication for inventions to which Article 30 is applicable was expanded as a result of the revision to Article 30 in 2011, the JPO made a review of the concept of the “Proving Document.”

Consequently, the JPO has decided to make the following treatments for reasons such as that: i) There are many cases where the certificates by the applicant alone are found to have a certain probative value if the matters to be proved are stated in detail, and such certificates are found to be sufficient to prove that the invention published is an invention to which Article 30 is applicable, and ii) In case where the requirement is simplified to relieve the applicant’s burden to prepare the “Proving Document,” which is required to be submitted within 30 days from the date of patent application, such simplification seems not to cause a third party any unexpected disadvantage.

If a certificate is prepared appropriately by the applicant himself/herself in accordance with a certain format as shown in [Section 3.2](#) to [3.4](#) and submitted within 30 days from the date of filing of the patent application, it will be authorized to have a certain probative value for the matters to be proved, as the “Proving Document.”

If the “Proving Document” is found insufficient in proving that the invention published before the patent application is an invention to which Paragraph (2) of the Patent Act is applicable, there is a possibility that the application of Paragraph (2) shall be denied and a notification of reasons for refusal or an invalidation trial decision denying the novelty or inventive steps of the invention pertaining to the patent application based on such published invention shall be made.<sup>1</sup> Nevertheless, in such case, the applicant may submit supplementary materials, such as objective evidentiary material or a certificate by a third party, to attest the truth of the matters stated in the certificate previously prepared and submitted by him/her through a written opinion or written report, even after 30 days have passed from the filing date of the patent application.

In addition, as none of the contents or forms for the “Proving Document” are legally defined in Paragraph (3), certificates of various contents and forms may be submitted. However, such certificates need to contain same extent of statements described in the Section [3.2](#) to [3.4](#) in order to be authorized to have a certain probative value for the matters to be proved.

(“Proving Document” regarding the patent application subject to the application of Old Article 30)

As mentioned at the beginning of this Guideline, this Guideline is to be applied to patent applications subject to the application of New Article 30. However, as the concept of the “Proving Document” mentioned above is applicable to the patent applications under Old Article 30, such concept shall be applied to the patent examinations from October 1, 2011.

Consequently, from October 1, 2011, with regard to a patent application to which Old Article 30 applies, even if the applicant submitted Document A, a certificate by the applicant, alone as the “Proving Document” within 30 days from the filing date and did not to submit Document B, objective evidentiary material or a certificate by a third party, such applicant will be eligible to submit Document B to prove the truth of the matters stated in Document A through a written opinion or written report even after 30 days have passed from the filing date.

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<sup>1</sup> In order to avoid the potential risk of “a notice of reasons for refusal” or “a trial for patent invalidation,” wherever possible, it is advisable to submit materials proving the matters stated in the Proving Document (a certificate prepared by the applicant himself/herself in accordance with a certain form), in the form of objective evidentiary materials or certificates by a third party, such as a copy of the brochure or program of the academic conference, a copy of the booklet or catalog of the display of exhibition, a copy of the colophon of the printed publication, a printed paper of the website, certificates prepared by the organizer of the conference, certificates prepared by the broadcasting station, or certificates prepared by the observer.

### 3.2 Outline of the document to be submitted as the “Proving Document”

An applicant for a patent seeking the application of Paragraph (2) shall prove that the following two requirements are satisfied, in the “Proving Document.”

Requirement No. 1: A patent application has been filed for the invention within six months from the date on which the invention was published.

Requirement No. 2: The invention was published as a result of an act of the right holder(s), and the right holder(s) filed the patent application.

**Proving Document**  
(Examples are shown in pages 16 to 27.)

Certificate for the Application  
of the Article 30 of the Patent Act

1. Facts of Publication  
→Proof of Requirement No.1 Refer to [3.3](#)

2. Facts of Succession to the Right  
to Obtain a Patent, etc.  
→Proof of Requirement No. 2 Refer to [3.4](#)

Applicant (seal)

- The applicant (in a case of the joint application, all the joint applicants) is required to write his/her name and affix his/her seal, or sign his/her name.
- As the proof by the applicant is required, writing of names and affixing seals or signing names by an inventor, person who published the invention, or representative other than the applicant shall be denied.
- To Affix the Seal of applicant’s name is needed (When the applicant is a corporation, it is possible to affix the seal of representative’s name of a corporation.). The seal is not required to be the one notified to the Japan Patent Office.
- Writing of names and affixing seals may not be replaced by attaching the “ID label.”
- In the case of the joint application, the Proving Document could be a bundle of documents with same contents, each of which contains one of joint applicants’ name and his/her seal, or his/her signature.

The document shall not be limited to one page and may extend to multiple pages (Even if the document has multiple pages, a tally impression is not required.).

Cases where the “Proving Document” is written in a language other than Japanese, please submit the “Proving Document” with a translation attached thereto, within 30 days from the date of patent application (Article 2, paragraph (2) of the Ordinance for Enforcement of the Patent Act).

### 3.3 Statement method for the “Facts of Publication” column —Requirement No. 1—

In order to prove that a patent application has been filed within six months from the date on which the invention was published (Requirement No. 1), please make statements on the following items:

- (i) Date of publication<sup>1</sup>
- (ii) Place of publication
- (iii) Name(s) of the person(s) who published the invention<sup>2</sup>
- (iv) Contents of the invention published (state in enough detail to specify the subject to be proved)

The specific statement method for the major mode of publication of invention is as follows.

#### 3.3.1 Cases of publication through an implementation of a test (See [Example No.1](#) for the “Proving Document”)

- (i) Test date
- (ii) Test venue
- (iii) Person(s) who conducted the test
- (iv) Contents of the test (state in enough detail to specify the subject to be proved)

#### 3.3.2 Cases of publication through a printed publication (books, magazines, or articles, etc.) etc. (See [Example No.2](#) or [No.3](#) for the “Proving Document”)

- (i) Date of issuance
- (ii) Printed publication (Name of the publication, volume number, issue number, corresponding page, and publishing office or publisher, etc.)
- (iii) Person(s) who published the invention
- (iv) Contents of the invention published (state in enough detail to specify the subject to be proved)

(Matters to be taken into consideration)

A printed publication refers to documents, drawings and any other information medium similar thereto which are produced for the purpose of distribution to the public, regardless of the place of distribution and language.

For inventions that have been published in the form of CD-ROMs and USB flash drives containing documents, drawings, audio, video etc., a proving document can be prepared in the same way as for inventions presented in printed publications.

In cases where a printed publication is distributed to the public prior to the date of issuance stated in its colophon, and the applicant is aware of the date of such distribution, please state such date of distribution as well as the date of issuance stated in the colophon, in column (i) (\*). In addition, in such cases, it is necessary to file a patent application within six months from the date of distribution.

(\*) Example: “(i) Date of distribution: October 23, 2011 (Date of issuance: October 31, 2011)”

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<sup>1</sup> The date on which the invention was published means the date on which the invention fell under any of the items of Article 29 of the Patent Act, that is to say, the earliest date among the date on which the contents of the invention were known to unspecified persons without obligation of secrecy (the date on which the invention was publicly known), the date on which the invention was worked under conditions where the contents of the invention are to be publicly known or are likely to be publicly known (the date on which the invention was publicly worked), the date on which the printed publication containing the invention was distributed, or the date on which the invention was made publicly available through an electric telecommunication line. (Please refer to [3. Finding of Cited Invention] in Section 3 of Chapter 2 of Part III of the Examination Guidelines)

<sup>2</sup> The person(s) who published the invention means the person who actually published the invention, but in cases where it is difficult to specify such person who actually published the invention, the person responsible for the act of publication may be stated as the person who publishes the invention. (For example, if a company employed a number of part-time workers and had them distribute samples of the invention on the streets, it would be difficult to specify the person who actually published the invention, and therefore, the company that employed the part-time workers may be stated as the person who published the invention.)

**3.3.3 Cases of publication through an electric telecommunication line (E.g. cases of placing an article or new product on the websites, etc) (See [Example No.4](#) or [No.5](#) for the “Proving Document”)**

- (i) Date posted on the website (the date on which the invention was published on the website)
- (ii) Address of the website (URL)
- (iii) Person(s) who published the invention
- (iv) Contents of the invention published (state in enough detail to specify the subject to be proved)

**3.3.4 Cases of publication through presentation at a meeting (academic conferences, seminars, briefing sessions for investors or customers, etc.) (See [Example No.6](#) for the “Proving Document”)**

- (i) Date of the meeting (the date on which the invention was presented)
- (ii) Name and place of the meeting
- (iii) Person(s) who published the invention
- (iv) Contents of the invention published (state in enough detail to specify the subject to be proved)

**3.3.5 Cases of publication through displays at shows, trade fairs or exhibitions, etc. (See [Example No.7](#) for the “Proving Document”)**

- (i) Date of display (the date on which the invention was exhibited)
- (ii) Name and place of the exhibition
- (iii) Person(s) who published the invention
- (iv) Details of the exhibition (state in enough detail to specify the subject to be proved)

**3.3.6 Cases of publication through sale or distribution (See [Example No.8](#) or [No.9](#) for the “Proving Document”)**

- (i) Date of sale or date of distribution
- (ii) Place of sale or Place of distribution
- (iii) Person(s) who published the invention
- (iv) Contents of the invention sold (state in enough detail to specify the subject to be proved)

**3.3.7 Cases of publication through press conferences or performance at a live program on TV or radio, etc. (See [Example No.10](#) for the “Proving Document”)**

- (i) Date of publication (the date of broadcast or press conference)
- (ii) Name of the broadcasting station or the place of press conference
- (iii) Person(s) who published the invention
- (iv) Contents of the invention published (state in enough detail to specify the subject to be proved)

**3.3.8 Cases where the contents of the invention explained in private<sup>1</sup> are published by a person other than the right holder<sup>2</sup> (E.g. cases where the applicant had been interviewed in private, and later on the contents of the interview were published in newspapers, or on TV or radio) (See [Example No.11](#) or [No.12](#) for the “Proving Document”)**

- (i) Date of publication (Date of issuance, Date of broadcast etc.)
- (ii) Place of publication (Printed publication, Broadcasting program etc.)
- (iii) Person(s) who published the invention
- (iv) Contents of the invention published (state in enough detail to specify the subject to be proved)

(Matters to be taken into consideration)

There are TV or radio stations that publish the coming programs on the website in advance to the airdate.<sup>3</sup> In this case, as the date on which the program was published on the website shall be the date of publication of the invention, which shall be the starting point for judging the applicability of Article 30 (i.e. the date of publication of the invention which shall be the starting point for judging the timing requirements as to whether the patent application has been filed within six months from the date of publication of the invention), please state the fact that the invention was published on the website in the Facts of Publication column (for the statement method, see [\[3.3.3](#) (Electric telecommunication line)]. Moreover, in this case, please see [\[4.\]](#) for the handling of broadcasting on TV, etc.).

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<sup>1</sup> Here, "invention explained in private" refers to an invention that has not fallen under any of the items of Article 29(1) of the Patent Act due to the act of explanation, etc.

<sup>2</sup> In cases where interviews or recordings in public, such as interviews or recordings made under the conditions where the contents thereof are known to unspecified persons without the obligation of secrecy, are made and such contents are broadcasted on TV and radio at a later time, the date on which the interview or recording was made shall be the date of publication of the invention, which shall be the starting point for judging the applicability of Article 30. Accordingly, please state the fact of the invention being published through the interview or recording in the Facts of Publication column. (For the statement method, please refer to [\[3.3.4 Meetings\]](#), and [\[3.3.7 Press conferences\]](#)).

<sup>3</sup> If the contents published on the website are merely the title of the program and the contents of the invention cannot be deemed to be published, it is not necessary to apply for the application of the Patent Act Article 30 to such publication on the website.

**3.4 Statement method for the “Facts of Succession to the Right to Obtain a Patent, etc.” column—Requirement No. 2—**

In order to prove that the invention was published as a result of an act of the right holder(s), and the right holder(s) filed the patent application, please make statements on the following items:

- (i) Inventor(s) of the invention published;
- (ii) Person(s) having the right to obtain a patent at the time of the act causing the publication of the invention (Right holder(s) at the time of the act);
- (iii) Applicant(s) for a patent (the person(s) stated in the application);
- (iv) Person(s) who published the invention  
(the person(s) is same as (iii) at “Facts of Publication” column in [Section 3.3](#));
- (v) Succession to the right to obtain a patent; (See [3.4.1](#))

(The fact that the right has been transferred to the person stated in item (iii) from the person stated in item (i) via the person stated in item (ii), etc.)

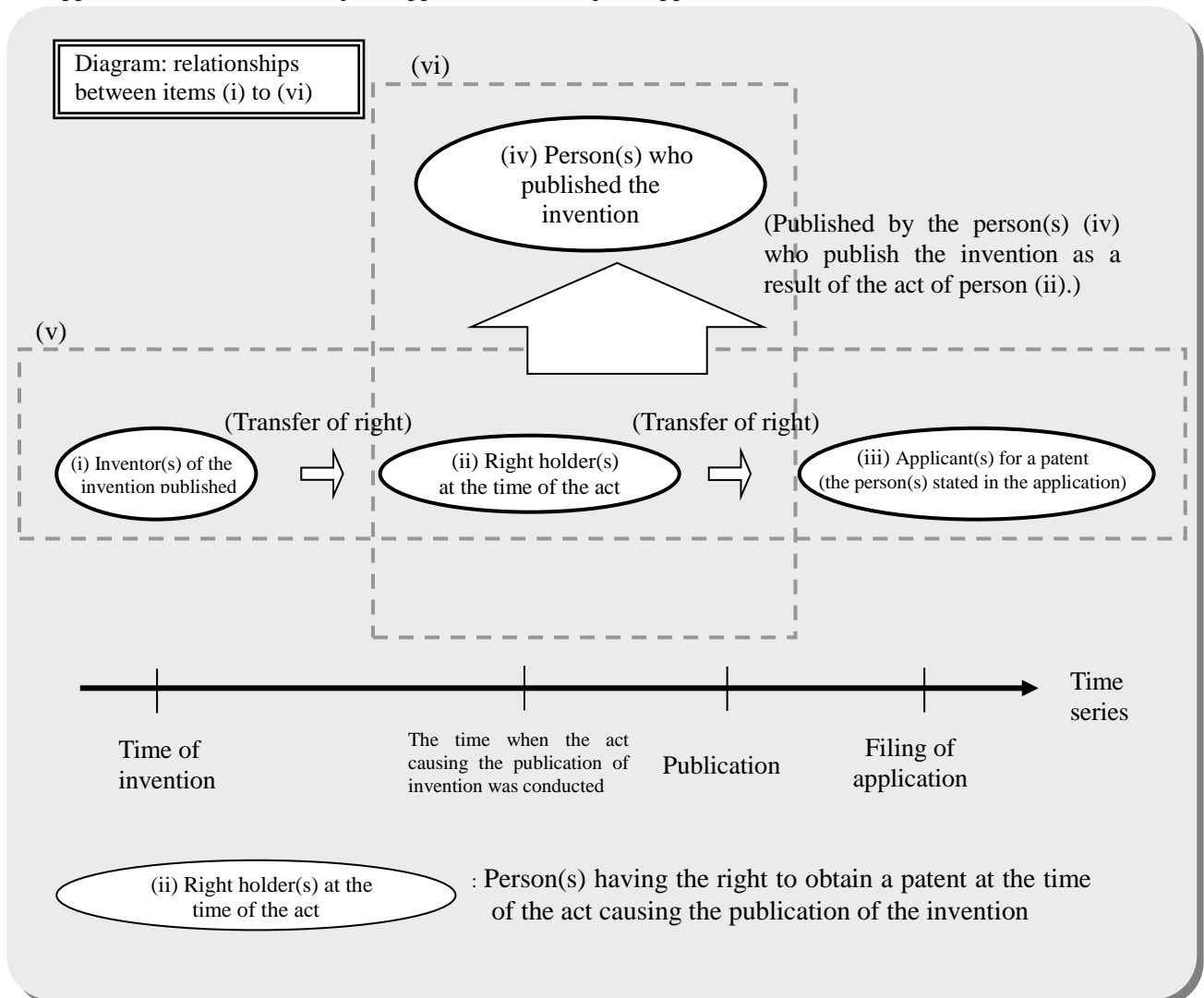
- (vi) Relationship between the right holder(s) at the time of the act and the person(s) who published the invention. (See [3.4.2](#))

(State that the person(s) who published the invention (iv) made the publication of the invention as a result of the act of the right holder(s) at the time of the act (ii)).

If the statements are made in conformity with the facts, the submission of a written assignment of right, etc. is not required.

(Matters to be taken into consideration)

- The “(iii) Applicant(s) for a patent” must be the same person as the applicant for a patent stated in the patent application (in a case of the joint application, all the joint applicants).



### 3.4.1 Statement method for the succession to the right to obtain a patent in item (v)

Please state the facts of succession to the right to obtain a patent from the inventor(s) of the invention published to the applicant(s) for a patent via the right holder(s) at the time of the act ((i)→(ii)→(iii)). (See the examples below.)

In cases where the act causing the publication of the invention was conducted at the same time as the publication (such as the case where the right holder(s) has published the invention by himself/herself), the expression “the time of the act causing the publication of invention” may be replaced with “the time of publication.”

[Example No.1] Cases where the inventor(s) of the invention published stated in item (i), the right holder(s) at the time of the act stated in item (ii), and the person(s) who published the invention stated in item (iii) are all the same. (See [Example No.1](#), [No.2](#) or [No.7](#) for the “Proving Document”)

“The invention published through the publication mode as stated in the Facts of Publication was invented by A, and through the time when the act causing the publication was conducted (or the time when the invention was published) on MM/DD, YYYY until the time when the patent application was filed on MM/DD, YYYY, the right to obtain a patent had been retained by A.”

\*In addition, in this case, statements in item (v) may be omitted.

[Example No.2] Cases where the right holder(s) at the time of the act stated in item (ii) and the person(s) who published the invention stated in item (iii) are the same, but the inventor(s) of the invention published stated in item (i) differs from the right holder(s) at the time of the act stated in item (ii) and the person(s) who published the invention stated in item (iii). (See [Example No.4](#), [No.8](#) or [No.9](#) for the “Proving Document”)

“The invention published through the publication mode as stated in the Facts of Publication was invented by A. The right to obtain a patent pertaining to such invention was transferred to B from A on MM/DD, YYYY, and B held the right to obtain a patent for such invention as of MM/DD, YYYY, the time when the act causing the publication of the invention was conducted (or the time when the invention was published).

B filed a patent application later, on MM/DD, YYYY.”

[Example No.3] Cases where the inventor(s) of the invention published stated in item (i) and the right holder(s) at the time of the act stated in item (ii) are the same, but the person(s) who published the invention stated in item (iii) differs from the inventor(s) of the invention published stated in item (i) and the right holder(s) at the time of the act stated in item (ii). (See [Example No.3](#), [No.5](#), [No.10](#), [No.11](#) or [No.12](#) for the “Proving Document”)

“The invention published through the publication mode as stated in the Facts of Publication was invented by A, and the right to obtain a patent pertaining to such invention was held by A as of MM/DD, YYYY, the time when the act causing the publication of the invention was conducted (or the time when the invention was published).

The right to obtain a patent pertaining to such invention was transferred to B from A on MM/DD, YYYY, and B filed a patent application later, on MM/DD, YYYY.”

[Example No. 4] Cases where the inventor(s) of the invention published stated in item (i), the right holder(s) at the time of the act causing the publication of the invention stated in item (ii), and the person(s) who published the invention stated in item (iii) are all different. (See [Example No.6](#) for the “Proving Document”)

“The invention published through the publication mode as stated in the Facts of Publication, was invented by A. The right to obtain a patent pertaining to such invention was transferred to B from A on MM/DD, YYYY, and B held such right to obtain a patent pertaining to such invention as of MM/DD, YYYY, the time when the act causing the publication of invention was conducted (or the time when the invention was published).

The right to obtain a patent pertaining to said invention was transferred to C from B on MM/DD, YYYY, and C filed a patent application later, on MM/DD, YYYY.”

### 3.4.2 Statement method for the relationship, etc. between the right holder(s) at the time of the act and the person(s) who published the invention in item (vi)

Please state the fact that the person published the invention as a result of the act of the right holder(s) at the time of the act (In cases where right holder(s) at the time of the act differs from the person(s) who published the invention, please state the reason of the difference). (See the examples below.)

In cases where the person(s) who conducted the act causing the publication of the invention differs from the right holder(s) at the time of the act (including the cases where only some of the persons are the same), it is required to prove that such act causing the publication was conducted with the intention of all of the right holders at the time of the act. Accordingly, please state the facts such as the person conducted the act causing the publication of the invention with the consent of all of the right holders at the time of the act; or the representative of the right holders conducted such act.

[Example No.1] Cases where the right holder(s) at the time of the act stated in item (ii) has published the invention himself/herself.(Cases where the right holder(s) at the time of the act stated in item (ii) and the person(s) who published the invention stated in item (iv) are the same.)

(See [Example No.1](#), [No.2](#), [No.4](#), [No.8](#) or [No.10](#) for the “Proving Document”)

“A, who is the person having the right to obtain a patent, has made the publication of ‘Contents of the invention’ by himself/herself as stated in the Facts of Publication.”

\* In this case, statements in item (vi) may be omitted.

[Example No.2] Cases where the right holder(s) at the time of the act stated in item (ii) has requested the person(s) who published the invention stated in item (iv) to do so, or the right holder(s) at the time of the act stated in item (ii) had been interviewed by the person(s) who published the invention stated in item (iv) , and the person(s) who published the invention stated in item (iv) made the publication of said invention. (See [Example No.6](#), [No.9](#), [No.11](#) or [No.12](#) for the “Proving Document”)

“A, who is the person having the right to obtain a patent at the time of the act causing the publication of invention (or the time of request), requested B, who is the person who publishes the invention, to publish the ‘Contents of the invention,’ and B made such publication based on such request,” or “A, who is the person having the right to obtain a patent at the time of the act causing the publication of invention (or the time of the interview), was interviewed on the ‘Contents of the invention’ by B, who is the person who publishes the invention, and B published the ‘Contents of the invention’ based on such interview.

\* In cases where interviews in public, such as interviews made under the conditions where the contents thereof are known to unspecified persons without obligation of secrecy, have been made and such contents are published at a later time, the time when the interview was made shall be the time when the right holder stated in item (ii) published the invention. (Please refer to [\[3.3.8 Matters to be taken into consideration No. 2\]](#).)

In this case, statements in column (vi) shall be as “A, who is the person having the right to obtain a patent at the time of the act causing the publication of the invention (the time of public interview), made the publication of ‘XXX’ by himself/herself as stated in the Facts of Publication.” (See above-mentioned [Example No. 1])

[Example No.3] Cases where the person(s) who published the invention stated in item (iv) has made the publication of the invention as the representative of the right holders at the time of the act stated in item (ii). (See [Example No.7](#) for the “Proving Document”)

“A, who is the person having the right to obtain a patent and is the person who published the invention, has made the publication for and on behalf of A, B and C who are the persons having the right to obtain a patent at the time of publication.”

[Example No.4] Cases where the persons who published the invention stated in item (iv) include persons who are mere assistants for the tests and are not the right holders at the time of the act stated in item (ii) (See [Example No.3](#) or [No.5](#) for the “Proving Document”)

“A, who is the assistant for the tests, is not a person who has the right to obtain a patent for the invention published, and was merely added to the persons who published the invention as an assistant for the test.”



#### 4. Cases where there are two or more inventions that have been published

When seeking the application of paragraph (2) where there are two or more inventions that have been published as a result of the right holder's act, such as the case where the right holder has published the invention in two or more different journals, it is necessary to carry out the procedures for seeking the application of paragraph (2) ([2.] (a) to (c); hereinafter referred to as the "procedures") for each published invention.

However, for an invention among those stated above that was published following the publication of the invention for which the procedures have been completed, the submission of a "Proving Document" may be omitted if either one of the conditions in (1) and (2) below is satisfied. (Please refer to 4.2 in Section 5 of Chapter 2 of Part III of the Examination Guidelines)

##### 【Conditions】

- (1) An invention that is or is deemed to be the same as the invention for which the procedures have been completed and that has been published due to an act of publication closely associated with the act of publication of the invention for which the procedures have been completed.
- (2) An invention that is or is deemed to be the same as the invention for which the procedures have been completed and that has been published by a person who is neither the right holder nor the person requested by the right holder to publish the invention.

For instance, where inventions published as a result of an act of the right holder are related as described below, if the procedures have been completed for the invention first published, submission of a "Proving Document" may be omitted for an invention published after the publication of that invention.

- Where the right holder gives a series of lectures covering the same contents for a single academic society, an invention published through the first lecture and an invention published through the second lecture or thereafter.
- Where a paper is posted on a publisher's website and the paper is published later in a journal issued by the publisher, an invention posted on the website and an invention published in the journal.
- An invention published through presentation at an academic conference and an invention published later through the issuance of a lecture summary covering the outline of the presentation at the academic conference.<sup>1</sup>
- Where the right holder makes two or more deliveries of the same products to the same client, an invention published through the first delivery and an invention published through the second delivery or thereafter.
- An invention published through a TV or radio broadcast and an invention published through a rerun of the program.
- An invention published by the right holder through the sales of products and an invention published by a third party who obtained the products and posted them on a website.
- An invention published through a press conference held by the right holder and an invention published by newspapers covering the contents of the press conference.

In case notification of the reasons for refusal denying the novelty or inventive steps of the invention pertaining to the patent application is communicated and if you believe that the cited invention that serves as the grounds to deny the novelty or inventive step of the invention pertaining to the patent application had published following the publication of the invention for which the procedures have been completed and the cited invention satisfies any of the conditions stated above, please claim and prove that effect through a written opinion or written report.

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<sup>1</sup> In the case of an invention published through the issuance of a lecture summary covering the outline of presentation at an academic conference and an invention published later through presentation at an academic conference, completing the procedures for the invention published through the issuance of the lecture summary does not in principle spare the applicant from the process of submitting a proving document for the invention published later through presentation at the academic conference.

## **5. Other than the usual patent application**

### **5.1 Cases of a patent application containing a priority claim under Article 41 of the Patent Act**

#### (1) Cases of a patent application containing a domestic priority claim

If the procedures for seeking the application of paragraph (2)([2.] (a) to (c); hereinafter simply referred to as “procedures”) are taken at the time of filing of the earlier application, a patent application containing a priority claim based on the earlier application may be covered by Article 30 by taking following procedures.

(i) To submit the document stating to the effect that the applicant is seeking the application of Paragraph (2) again.

(ii) To submit the “Proving Document” within 30 days from the date of filing of the patent application containing a priority claim based on the earlier application (In the case where contents of the “Proving Document” have not been changed from those submitted at the time of filing of the earlier application, the submission of such document may be omitted by indicating to that effect in the later application (Article 31, paragraph (1) of the Ordinance for Enforcement of the Patent Act, Form No. 26 [Note] 35)).

Even in the case where the procedures ([2.] (a) to (c)) are not taken at the time of filing of the earlier application, if a patent application containing a priority claim is filed within 6 months from the date on which the invention was published, and procedures are taken, the patent application may be covered by Article 30.

#### (2) Cases of a patent application containing a priority claim based on the Paris Convention

If a patent application is filed in Japan within 6 months from the date on which the invention was published, and the procedures ([2.] (a) to (c)) are taken, the patent application may be covered by Article 30.

### **5.2 Cases of a divisional application, converted application, or a patent application based on a utility model registration**

If the procedures ([2.] (a) to (c)) are taken at the time of filing of the original application of a divisional application, converted application, or a patent application based on a utility registration, such procedures are not required to be taken again at the time of a divisional application, converted application, or a patent application based on a utility model registration(Article 44 paragraph (4) of the Patent Act, Article 46 paragraph (6) and Article 46-2 paragraph (5)).

Even in the case where the procedures are not taken at the time of filing of the original application, if a divisional application, converted application, or a patent application based on a utility model registration is filed within 6 months from the date on which the invention was published, and such procedures ([2.] (a) to (c)) are taken, those patent applications may be covered by Article 30.

However, if the procedures are not taken at the time of filing of the original application, and a divisional application, converted application, or a patent application based on a utility model registration is not filed within 6 months from the date on which the invention was published, then Article 30 shall not be applicable.

### 5.3 Cases of international applications under the Patent Cooperation Treaty (PCT)

In cases of seeking the application of Paragraph (2) to an international application under the Patent Cooperation Treaty (PCT) in Japan, it is required to file an international application within six months from the day on which the invention lost its novelty. At the same time, please submit a document stating to the effect that the applicant is seeking the application of Article 30 (in cases where the “Declaration as to Non-Prejudicial Disclosures or Exceptions to Lack of Novelty” (PCT Rule 4.17(v), 26ter.1) is made to Japan as the designation thereof, at the international level, such submission of document may be omitted) and the “Proving Document”, within 30 days<sup>1</sup> from the date on which the national processing standard time (\*) falls (Article 184-14 of the Patent Act, and Article 27-3-2 and Article 38-6-4 of the Ordinance for Enforcement of the Patent Act).

(\*) The “national processing standard time” is the date on which the time limit for the submission of national documents expires (cases where the applicant requests the examination of the application within the time limit for the submission of national documents, the time of such requesting).

### 5.4 Exceptions to Lack of Novelty of Device under the application based on a utility model registration

With regard to the application of Exceptions to Lack of Novelty under the application based on a utility model registration, the case of the patent application shall apply mutatis mutandis (Article 11, paragraph (1) of the Utility Model Act).

## 6. Cases where the invention has been published against the will of the right holder(s)

Where the invention has been published against the right holder’s will, the applicant is eligible for the application of paragraph (1) if he/she files a patent application within six months from the date of publication of the invention.<sup>2</sup> (The applicant is neither required to submit a document stating to the effect that he/she is seeking the application of paragraph (1) nor a “Proving Document”.)

Proof as to the fact that the invention was published against the will of the right holder(s) can be submitted by written opinion or written report at any time (e.g. at the time of responding to the notice of reasons for refusal from the examiner).

Examples of the cases of “against the will of the person having the right to obtain a patent” shall be the case where the invention was published even though a confidentiality agreement had been concluded between the person having the right to obtain a patent and the person who caused the invention to lose its novelty, or the case where the invention was published due to intimidation or espionage.

With regard to the case where the publication of invention is made by one of the right holders at his/her discretion, there is the precedent that the publication was not admitted as the publication against the will of the right holders (Tokyo District Court Judgment of March 10, 2005 (2004 [Wa] No. 11289) ).

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<sup>1</sup> With respect to an international application, where, due to reasons beyond the control of the person seeking the application of the paragraph (2), the person is unable to submit Proving Document within 30 days from the date on the national processing standard time, the person may submit Proving Document to the Commissioner of Patent Office within 14 days (where overseas resident, within two months) from the date on which the reasons cease, but not later than seven months from the date on the national processing standard time(the proviso to Article 38-6-3 of the Ordinance for Enforcement of the Patent Law). The provision of the proviso to Article 38-6-3 is applied to any international applications, the date on the national processing standard time of which is on or after March 2, 2015. For details of procedures related to relief after the expiration of the time limit due to reasons beyond the control, see [Formality Examination Manual 04.04](#) (Contact details for this footnote: Customer Relations Policy Division Formality Examination Standards Section (internal 2115))

<sup>2</sup> When the right holder finds out before filing a patent application that the invention has been published against his/her will, he/she can also seek the application of paragraph (2) by completing the procedures ([2.] (a) to (c)) when filing a patent application.

Certificate for the Application of Article 30.

1. Facts of Publication

- (i) Test date: November 15, 2011
- (ii) Test venue: Japan Tokujitsu Circuit (X, Y city, Mie prefecture)
- (iii) Person who conducted the test: Taro Tokkyo
- (iv) Contents of the test:  
Taro Tokkyo conducted a comparative test on the specification of a tire based on a new synthetic rubber invented by Taro Tokkyo, at the Japan Tokujitsu Circuit.

2. Facts of Succession to the Right to Obtain a Patent

- (i) Inventor of the invention published: Taro Tokkyo (X, Y city, Kanagawa prefecture)
- (ii) Person having the right to obtain a patent at the time of the act causing the publication of the invention (Right holder at the time of the act): Taro Tokkyo

- (iii) Applicant for a patent (the person stated in the application):  
Taro Tokkyo

- (iv) Person who published the invention:  
Taro Tokkyo

With regard to item (v), statements may be omitted as the persons stated in items (i) through (iii) are completely the same.

- (v) Succession to the right to obtain a patent

The invention published through the act of publication as stated in the Facts of Publication was invented by Taro Tokkyo, and through the time from November 15, 2011, the time of publication, until the time when a patent application was filed on April 12, 2012, the right to obtain a patent had been retained by Taro Tokkyo.

- (vi) Relationship between the right holder at the time of the act and the person who published the invention. (State that the person who published the invention made the publication of the invention as a result of the act of the right holder at the time of the act)

Taro Tokkyo, who is the person having the right to obtain a patent, made the publication of the comparative test on the specification of the tire based on a new synthetic rubber himself as stated in the Facts of Publication.

With regard to item (vi), statements may be omitted as the persons stated in items (ii) and (iv) are completely the same

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I hereby certify that the matters stated above are true and correct.

April 27, 2012  
Taro Tokkyo (seal)

Certificate for the Application of Article 30

1. Facts of Publication

- (i) Date of issuance: October 15, 2011
- (ii) Printed publication: Page 24 of the Proceedings of the 2011 National Meeting of the Polymer Recycling Society, Editorial Committee for the Proceedings of Polymer Recycling Society
- (iii) Person who published the invention: Hanako Tokkyo
- (iv) Contents of the invention published:  
Hanako Tokkyo made the publication of the advanced technology for shampoo bottles made from biodegradable polymer that was invented by Hanako Tokkyo on page 294 of the Proceedings of the 2011 National meeting of the Polymer Recycling Society

2. Facts of Succession to the Right to Obtain a Patent

- (i) Inventor of the invention published:  
Hanako Tokkyo (X, Y city, Kanagawa prefecture)
- (ii) Person having the right to obtain a patent at the time of the act causing the publication of the invention (Right holder at the time of the act):  
Hanako Tokkyo
- (iii) Applicant for the patent (the person stated in the application):  
Hanako Tokkyo
- (iv) Person who published the invention:  
Hanako Tokkyo

With regard to item (v), statements may be omitted as the persons stated in items (i) through (iii) are completely the same.

(v) Succession to the right to obtain a patent

The invention published through the act of publication as stated in the Facts of Publication was invented by Hanako Tokkyo, and throughout the time from October 15, 2011, the time of publication, until the time when a patent application was filed on April 5, 2012, the right to obtain a patent had been retained by Hanako Tokkyo.

(vi) Relationship between the right holder at the time of the act and the person who published the invention. (State that the person who published the invention made the publication of the invention as a result of the act of the right holder at the time of the act)

Hanako Tokkyo, who is the person having the right to obtain a patent, made the publication of the advanced technology for shampoo bottles made from biodegradable polymer herself as stated in the Facts of Publication.

With regard to item (vi), statements may be omitted as the persons stated in item (ii) and item (iv) are completely the same.

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I hereby certify that the matters stated above are true and correct

April 23, 2012  
Hanako Tokkyo (seal)

Certificate for the Application of Article 30

1. Facts of Publication

- (i) Date of issuance: December 20, 2011
- (ii) Printed publication: Practical Genetic Engineering, volume 56, issue number 9, pp. 193–196, Tokkyo Publishing, Co., Ltd.
- (iii) Persons who published the invention: Ichiro Tokkyo, Hanako Keizai
- (iv) Contents of the invention published:  
Ichiro Tokkyo and Hanako Keizai made the publication of the results obtained by searching the functions of vitamin C with liver-cancer mice, which were invented by Ichiro Tokkyo, on page 193 to page 196 of issue number 9, volume 56 of Practical Genetic Engineering.

2. Facts of Succession to the Right to Obtain a Patent

- (i) Inventor of the invention published:  
Ichiro Tokkyo (X, Y city, Kanagawa prefecture)
- (ii) Person having the right to obtain a patent at the time of the act causing the publication of the invention (Right holder at the time of the act):  
Ichiro Tokkyo
- (iii) Applicant for a patent (the person stated in the application)  
Tokkyo University (X, Chiyoda-ku, Tokyo)
- (iv) Persons who published the invention:  
Ichiro Tokkyo  
Hanako Keizai (A, B city, Kanagawa prefecture)

(v) Succession to the right to obtain a patent

The invention published through the act of publication as stated in the Facts of Publication was invented by Ichiro Tokkyo, and as of December 20, 2011, the time when the invention was published, Ichiro Tokkyo held the right to obtain a patent.

The right to obtain a patent pertaining to said invention was transferred to Tokkyo University from Ichiro Tokkyo on January 17, 2011, and Tokkyo University filed a patent application later, on April 20, 2012.

(vi) Relationship between the right holder at the time of the act and the persons who published the invention. (State that the persons who published the invention made the publication of the invention as a result of the act of the right holder at the time of the act)

Ichiro Tokkyo, who is the person having the right to obtain a patent, made the publication of the "Search of functions of vitamin c with liver cancer mice" himself as stated in the Facts of Publication.

At the same time, Hanako Keizai is not a person having the right to obtain a patent with regard to the invention published, and was merely added to the persons who published the invention as an assistant for the test.

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I hereby certify that the matters stated above are true and correct.

May 1, 2012  
President of Tokkyo University  
Jiro Tokkyo (seal)

Certificate for the Application of Article 30

1. Facts of Publication

- (i) Date posted on the website: November 20, 2011
- (ii) Address of the website:  
<http://www.tokkyokagu.co.jp>  
<http://www.tokkyokagu.co.jp/news/index.html>  
<http://www.tokkyokagu.co.jp/newchair/index.html>
- (iii) Person who published the invention: Tokkyo Kagu, Co., Ltd.
- (iv) Contents of the invention published:  
Tokkyo Kagu, Co. Ltd. made the publication of a chair for the alleviation of back pain that was invented by Taro Tokkyo on the website of Tokkyo Kagu, Co., Ltd, published on the websites of the above-mentioned URLs.

2. Facts of Succession to the Right to Obtain a Patent

- (i) Inventor of the invention published  
Taro Tokkyo (X, Y city, Kanagawa prefecture)
- (ii) Person having the right to obtain a patent at the time of the act causing the publication of the invention (Right holder at the time of the act):  
Tokkyo Kagu Co., Ltd. (A, Chiyoda-ku, Tokyo)
- (iii) Applicant for a patent (the person stated in the application)  
Tokkyo Kagu Co., Ltd.
- (iv) Person who published the invention  
Tokkyo Kagu, Co., Ltd.
- (v) Succession to the right to obtain a patent

The invention published through the act of publication as stated in the Facts of Publication was invented by Taro Tokkyo, and on November 1, 2011, the right to obtain a patent pertaining to such invention was transferred to Tokkyo Kagu Co., Ltd. from Taro Tokkyo. On November 20, 2011, the time when the invention was published, Tokkyo Kagu, Co., Ltd. held the right to obtain a patent pertaining to such invention.

Later, on April 17, 2012, Tokkyo Kagu, Co., Ltd. filed a patent application.

(vi) Relationship between the right holder at the time of the act and the person who published the invention. (State that the person who published the invention made the publication of the invention as a result of the act of the right holder at the time of the act)

Tokkyo Kagu, Co., Ltd., which is the entity having the right to obtain a patent, personally made the publication of the chair to alleviate back pain as stated in the Facts of Publication.

With regard to item (vi), statements may be omitted as the names stated in item (ii) and item (iv) are completely the same.

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We hereby certify that the matters stated above are true and correct.

April 30, 2012

President and CEO of Tokkyo Kagu, Co., Ltd.  
Hanako Tokkyo (seal)

Certificate for the Application of Article 30

1. Facts of Publication

- (i) Date posted on the website: March 15, 2012
- (ii) Address of the website: <http://www.irs.ac.jp/yokoushu/forum/p060721-02.pdf>
- (iii) Persons who published the invention: Taro Tokkyo, Hanako Keizai, Jiro Chizai
- (iv) Contents of the invention published  
Taro Tokkyo, Hanako Keizai and Jiro Chizai made the publication of research on the storage capacity of a recording medium having a two tier structure that was invented by Taro Tokkyo and Hanako Keizai in the Proceedings of the 2012 National Meeting of the Japan Information Recording Society.

2. Facts of succession to the right to obtain a patent

- (i) Inventors of the invention published  
Taro Tokkyo (X, Y city, Kanagawa prefecture)  
Hanako Keizai (A, B city, Kanagawa prefecture)
- (ii) Persons having the right to obtain a patent at the time of the act causing the publication of the invention (Right holders at the time of the act):  
Taro Tokkyo, Hanako Keizai
- (iii) Applicant for the patent (the person stated in the application):  
Jitsuyo University (X, Chiyoda-ku, Tokyo)
- (iv) Persons who published the invention:  
Taro Tokkyo  
Hanako Keizai  
Jiro Chizai (X, Ohta-ku, Tokyo)

(v) Succession to the right to obtain a patent

The invention published through the act of publication as stated in the Facts of Publication was invented by Taro Tokkyo and Hanako Keizai, and as of March 15, 2012, the date on which the invention was published, Taro Tokkyo and Hanako Keizai held the right to obtain a patent pertaining to such invention.

On March 30, 2012, the right to obtain a patent pertaining to such invention was transferred to Jitsuyo University from Taro Tokkyo and Hanako Keizai, and Jitsuyo University filed a patent application later, on April 30, 2012.

(vi) Relationship between the right holders at the time of the act and the persons who published the invention. (State that the persons who published the invention made the publication of the invention as a result of the act of the right holders at the time of the act)

Taro Tokkyo and Hanako Keizai, who are the persons having the right to obtain a patent, made the publication of the research on the storage capacity of the recording medium having a two tier structure themselves as stated in the Facts of Publication.

At the same time, Jiro Chizai is not the person having the right to obtain a patent with regard to the invention published and was merely added to the persons who published the invention as an assistant for the test.

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We hereby certify that the matters stated above are true and correct.

May 25, 2012  
President of Jitsuyo University  
Saburo Jitsuyo (seal)



Certificate for the Application of Article 30

1. Facts of Publication

- (i) Date of the meeting: October 31, 2011
- (ii) Name and place of the meeting: National Meeting of the Telecommunications Society in 2011, Tokyo International Exhibition Hall (X, Koto-ku, Tokyo)
- (iii) Persons who published the invention: Taro Tokkyo, Ichiro Tokkyo
- (iv) Contents of the invention published:  
Taro Tokkyo and Ichiro Tokkyo made the publication of the development on the highly-efficient low voltage and current DC power supply that was invented by Taro Tokkyo, at a National Meeting of the 2011 Telecommunications System Society.

2. Facts of Succession to the Right to Obtain a Patent.

- (i) Inventor of the invention published:  
Taro Tokkyo, (X, Y city Kanagawa prefecture)
- (ii) Person having the right to obtain a patent at the time of the act causing the publication of the invention (Right holder at the time of the act):  
Tokkyo University (X, Y city, Kanagawa prefecture)
- (iii) Applicant for a patent (the person stated in the application):  
Tokkyo Electric Industry Company (X, Y city, Chiba prefecture)
- (iv) Persons who published the invention  
Taro Tokkyo  
Ichiro Tokkyo (X, Ohta-ku, Tokyo)
- (v) Succession to the right to obtain a patent

The invention published through the act of publication as stated in the Facts of Publication was invented by Taro Tokkyo, and based on an agreement on reserved succession concluded with Tokkyo University, the right to obtain a patent pertaining to such invention was transferred to Tokkyo University from Taro Tokkyo immediately after the completion of the invention (October 3, 2011).

The right to obtain a patent pertaining to said invention was transferred to Tokkyo Electricity Industrial Company from Tokkyo University on November 13, 2011, and Tokkyo Electricity Industrial Company filed a patent application later, on April 5, 2012.

- (vi) Relationship between the right holder at the time of the act and the persons who published the invention. (State that the persons who published the invention made the publication of the invention as a result of the act of the right holder at the time of the act)

On October 7, 2011, Tokkyo University instructed Taro Tokkyo and Ichiro Tokkyo to make a publication of the invention at the National Meeting of the Telecommunications System Society on October 31, 2011, and Taro Tokkyo and Ichiro Tokkyo made a publication of the development of the highly efficient low voltage and current DC power supply based on such instructions as stated in the Facts of Publication.

In addition, as stated in item (v), as of October 7, 2011, the time when Tokkyo University instructed Taro Tokkyo and Ichiro Tokkyo to make a publication of the invention (the time when the act causing the publication of the invention was conducted), Tokkyo University held the right to obtain a patent.

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We hereby certify that the matters stated above are true and correct.

April 25, 2012

Tokkyo Electric Industrial Company

Seal of Tokkyo Electricity Industrial Company
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Certificate for the Application of Article 30

1. Facts of Publication

- (i) Date of display: April 25, 2012
- (ii) Name and place of the exhibition: 2012 Architectural Ideas Exhibition  
Japan Tokujitsu Exhibition Hall (X, Y-ku, Tokyo)
- (iii) Person who published the invention: Ichiro Tokkyo
- (iv) Details of the exhibition:  
Ichiro Tokkyo made the publication of a device for earthquake resistance improvements that was invented by Ichiro Tokkyo and Jiro Jitsuyo, at the 2012 Architectural Ideas Exhibition

2. Facts of Succession to the Right to Obtain a Patent

- (i) Inventors of the invention published:  
Ichiro Tokkyo (X, Y city, Kanagawa)  
Jiro Jitsuyo (A, B city, Tokyo)
- (ii) Persons having the right to obtain a patent at the time of the act causing the publication of the invention (Right holders at the time of the act)  
Ichiro Tokkyo  
Jiro Jitsuyo
- (iii) Applicants for the application (the persons stated in the application)  
Ichiro Tokkyo  
Jiro Jitsuyo
- (iv) Person who published the invention  
Ichiro Tokkyo

With regard to item (v), statements may be omitted as the persons stated in items (i) through (iii) are completely the same.

(v) Succession to the right to obtain a patent

The invention published through the act of publication as stated in the Facts of Publication was invented by Ichiro Tokkyo and Jiro Jitsuyo, and throughout the period from April 25, 2012, the time when the invention was published, until May 3, 2012, when a patent application was filed, the right to obtain a patent had been retained by Ichiro Tokkyo and Jiro Jitsuyo.

(vi) Relationship between the right holders at the time of the act and the person who published the invention. (State that the person who published the invention made the publication of the invention as a result of the act of the right holders at the time of the act)

For and on behalf of Ichiro Tokkyo and Jiro Jitsuyo, who are the persons having the right to obtain a patent at the time when the invention was published, Ichiro Tokkyo made the publication of a device for earthquake resistance improvements, as stated in the Facts of Publication.

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We hereby certify that the matters stated above are true and correct.

June 20, 2012

Ichiro Tokkyo (seal)  
Jiro Jitsuyo (seal)

Certificate for the Application of Article 30

1. Facts of Publication

- (i) Date of sale: January 17, 2012
- (ii) Place of sale : Tokujitsu Shokai, Co., Ltd. (X, Y city, Yamanashi)
- (iii) Person who published the invention: Jitsuyo Ind. Co., Ltd.
- (iv) Contents of the invention sold  
Jitsuyo Industries, Co., Ltd. distributed lunch boxes with high preservation performance invented by Taro Jitsuyo and Jiro Jitsuyo to Tokujitsu Shokai, Co., Ltd. (X city, Yamanashi).

2. Facts of Succession to the Right to Obtain a Patent

- (i) Inventors of the invention published:  
Taro Jitsuyo (X, Y city, Yamanashi)  
Jiro Jitsuyo (X, Y city, Yamanashi)
- (ii) Person having the right to obtain a patent at the time of the act causing the publication of the invention (Right holder at the time of the act)  
Jitsuyo Ind. Co., Ltd. (X, Y city, Yamanashi)
- (iii) Applicants for the application (the persons stated in the application)  
Jitsuyo Ind. Co., Ltd.
- (iv) Person who published the invention  
Jitsuyo Ind. Co., Ltd.
- (v) Succession to the right to obtain a patent  
The invention published through the act of publication as stated in the Facts of Publication was invented by Taro Jitsuyo and Jiro Jitsuyo. Shortly after the completion of the invention (December 3, 2011), the right to obtain a patent for the invention was transferred to Jitsuyo Industries, Co., Ltd. and the company filed a patent application later, on April 12, 2012.
- (vi) Relationship between the right holder at the time of the act and the person who published the invention. (State that the person who published the invention made the publication of the invention as a result of the act of the right holder at the time of the act)  
Jitsuyo Industries, Co., Ltd., the right holder at the time of the act causing the publication of the invention, disclosed the lunch boxes with high preservation performance to the wholesaler, Tokujitsu Shokai, Co., Ltd. as stated in the Facts of Publication.

With regard to item (vi), statements may be omitted as the persons stated in items (ii) and (iv) are completely the same

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We hereby certify that the matters stated above are true and correct.

April 30, 2012

President and CEO of Jitsuyo Ind. Co., Ltd.  
Saburo Jitsuyo (seal)

Certificate for the Application of Article 30

1. Facts of Publication

- (i) Date of distribution: October 14, 2011
- (ii) Place of distribution: 7<sup>th</sup> floor of the main shop of Tokujitsu Department Store (X, Toshima-ku, Tokyo)
- (iii) Person who published the invention: Tokujitsu Department Store
- (iv) Contents of the invention published  
The sales person of the Tokujitsu Department Store distributed samples of the virus blocking mask invented by Taro Tokkyo on the 7<sup>th</sup> floor of the main shop of the Tokkyo Department Store.

2. Facts of Succession to the Right to Obtain a Patent

- (i) Inventor of the invention published:  
Taro Tokkyo (X, Y city, Kanagawa)
- (ii) Person having the right to obtain a patent at the time of the act causing the publication of the invention (Right holder at the time of the act):  
Tokkyo Pharmaceutical Co., Ltd. (A, Saitama city, Saitama)
- (iii) Applicant for the patent (the person stated in the application):  
Tokkyo Pharmaceutical Co., Ltd.
- (iv) Person who published the invention:  
Tokujitsu Department Store Co., Ltd. (B, Toshima-ku, Tokyo)

(v) Succession to the right to obtain a patent

The invention published through the act of publication as stated in the Facts of Publication was invented by Taro Tokyo, and the right to obtain a patent pertaining to such invention was transferred to Tokkyo Pharmaceutical Co., Ltd. from Taro Tokkyo on October 3, 2011. Tokkyo Pharmaceutical Co., Ltd. held the right to obtain a patent as of October 7, 2011, when it requested Tokujitsu Department Store Co., Ltd. to distribute the samples of said invention (the time when the act causing the publication of the invention was conducted).

Later, on April 2, 2012, Tokkyo Pharmaceutical Co., Ltd. filed a patent application.

(vi) Relationship between the right holder at the time of the act and the person who published the invention. (State that the person who published the invention made the publication of the invention as a result of the act of the right holder at the time of the act)

Tokkyo Pharmaceutical Co., Ltd. requested Tokujitsu Department Store to distribute samples of the virus blocking mask that was invented by Taro Tokkyo, who transferred his right to obtain a patent to Tokkyo Pharmaceutical Co., Ltd., and the sales person of Tokujitsu Department Store Co., Ltd. made the publication of such masks on the 7<sup>th</sup> floor of the Tokujitsu Department Store Co., Ltd. as stated in the Facts of Publication.

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We hereby certify that the matters stated above are true and correct.

April 20, 2012

Tokkyo Pharmaceutical Co., Ltd.

Seal of Tokkyo  
Pharmaceutical  
Co., Ltd.

Certificate for the Application of Article 30

1. Facts of Publication

- (i) Date of press conference: October 5, 2011
- (ii) Place of press conference: Meeting room on the 8<sup>th</sup> floor of the building of Tokkyo Jitsuyo Co., Ltd. (X, Chiyoda-ku, Tokyo)
- (iii) Person who published the invention: Taro Tokkyo
- (iv) Contents of the invention published:  
Taro Tokkyo held a public press conference at the meeting room located on the 8<sup>th</sup> floor of the Tokyo Jitsuyo Company Building, and made an explanation on the heat shield sheet he invented.

2. Facts of Succession to the Right to Obtain a Patent

- (i) Inventor of the invention published:  
Taro Tokkyo (X, Y city, Kanagawa)
- (ii) Person having the right to obtain a patent at the time of the act causing the publication of the invention (Right holder at the time of the act):  
Taro Tokkyo
- (iii) Applicant for a patent (the person stated in the application)  
Tokkyo Jitsuyo Co., Ltd. (X, Saitama-city, Saitama)
- (iv) Person who published the invention  
Taro Tokkyo
- (v) Succession to the right to obtain a patent

The invention published through the act of publication as stated in the Facts of Publication was invented by Taro Tokkyo, and as of October 5, 2011, the time when the invention was published, the right to obtain a patent was held by Taro Tokkyo.

The right to obtain a patent pertaining to said invention was transferred to Tokkyo Jitsuyo Company from Taro Tokkyo on November 1, 2011, and Tokkyo Jitsuyo Company filed a patent application later, on April 2, 2012.

(vi) Relationship between the right holder at the time of the act and the person who published the invention. (State that the person who published the invention made the publication of the invention as a result of the act of the right holder at the time of the act)

Taro Tokkyo, who is the person having the right to obtain a patent, made a publication of the heat shield sheet himself as stated in the Facts of Publication.

With regard to item (vi), statements may be omitted as the persons stated in items (ii) and (iv) are completely the same

I hereby certify that the matters stated above are true and correct.

April 10, 2012

President and CEO of Tokkyo Jitsuyo Company  
Saburo Jitsuyo (seal)

Certificate for the Application of Article 30

1. Facts of Publication

- (i) Date of issuance: January 17, 2012
- (ii) Printed publication: Japan Tokujitsu Shimbun, page 15 of the evening paper dated January 17, 2012
- (iii) Person who published the invention: Japan Tokujitsu Shimbun
- (iv) Contents of the invention published  
Japan Tokujitsu Shimbun made a publication of the control gene related to hyperlipemia invented by Ichiro Tokkyo, on page 15 of Japan Tokujitsu Shimbun's evening paper, dated January 17, 2012.

2. Facts of Succession to the Right to Obtain a Patent

- (i) Inventor of the invention published:  
Ichiro Tokkyo (X, Y city, Kanagawa)
- (ii) Person having the right to obtain a patent at the time of the act causing the publication of the invention (Right holder at the time of the act):  
Ichiro Tokkyo
- (iii) Applicants for a patent (the person stated in the application):  
Tokkyo University (X, Chiyoda-ku, Tokyo)  
Tokkyo Pharmaceutical Co., Ltd. (A, B city, Saitama)
- (iv) Person who published the invention  
Japan Tokujitsu Shimbun (X, Setagaya-ku, Tokyo)
- (v) Succession to the right to obtain a patent

The invention published through the act of publication as stated in the Facts of Publication, was invented by Ichiro Tokkyo, and as of January 10, 2012, the time when he was interviewed in private by Japan Tokujitsu Shimbun (the date on which the act causing the publication of the invention was conducted), Ichiro Tokkyo held the right to obtain a patent.

The right to obtain a patent pertaining to said invention was transferred to Tokkyo University and Tokkyo Pharmaceutical Co., Ltd. from Ichiro Tokkyo on March 1, 2012, and Tokkyo University and Tokkyo Pharmaceutical Co., Ltd. filed a patent application later, on April 22, 2012.

(vi) Relationship between the right holder at the time of the act and the person who published the invention. (State that the person who published the invention made the publication of the invention as a result of the act of the right holder at the time of the act)

Ichiro Tokkyo was interviewed in private by Japan Tokujitsu Shimbun with regard to the fact that he discovered a control gene related to hyperlipemia, and was the person having the right to obtain a patent at the time of such interview. Japan Tokujitsu Shimbun later made the publication of the details of said interview as stated in the Facts of Publication.

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We hereby certify that the matters stated above are true and correct.

May 15, 2012

President of Tokkyo University  
Jiro Tokkyo (seal)

President and CEO of Tokkyo Pharmaceutical Co., Ltd.  
Saburo Jitsuyo (seal)

Certificate of the Application of Article 30

1. Facts of Publication

- (i) Date of broadcast: December 1, 2011
- (ii) Broadcast program: Japan Tokujitsu Broadcasting Corporation,  
Japanese space exploration
- (iii) Person who published the invention: Japan Tokujitsu Broadcasting Corporation
- (iv) Contents of the invention published  
Japan Tokujitsu Broadcasting Corporation made the publication of the new telecommunications system invented by Taro Tokkyo and Jiro Tokkyo, in a program named Japanese Space Exploration, which was broadcasted from 9 p.m. on December 1, 2011.

2. Facts of Succession to the Right to Obtain a Patent

- (i) Inventors of the invention published  
Taro Tokkyo (X, Y city, Kanagawa)  
Jiro Tokkyo (A, B-ku, Tokyo)
- (ii) Persons having the right to obtain a patent at the time of the act causing the publication of the invention (Right holders at the time of the act)  
Taro Tokkyo  
Jiro Tokkyo
- (iii) Applicant for a patent (the person stated in the application):  
Tokkyo Industries, Co., Ltd. (O, Saitama-city, Saitama)
- (iv) Person who published the invention:  
Japan Tokujitsu Broadcasting Corporation (X, Sumida-ku, Tokyo)

(v) Succession to the right to obtain a patent:

The invention published through the act of publication as stated in the Facts of Publication was invented by Taro Tokkyo and Jiro Tokkyo, and as of November 10, 2011, when Taro Tokkyo was interviewed in private by Japan Tokujitsu Broadcasting Corporation (the time when the act causing the publication of the invention was conducted), Taro Tokkyo and Jiro Tokkyo held the right to obtain a patent.

The right to obtain a patent pertaining to said invention was transferred to Tokkyo Industries Co., Ltd. from Taro Tokkyo and Jiro Tokkyo on December 20, 2011, and Tokkyo Industries Co., Ltd. filed a patent application later, on April 2, 2012.

(vi) Relationship between the right holders at the time of the act and the person who published the invention. (State that the person who published the invention made the publication of the invention as a result of the act of the right holders at the time of the act):

Taro Tokyo was interviewed in private by Japan Tokujitsu Broadcasting Corporation with regard to the new telecommunications system on November 10, 2011, and was the person having the right to obtain a patent at the time of such interview. Later on, Japan Tokujitsu Broadcasting Corporation published the details of such interview as stated in the Facts of Publication.

Although Taro Tokkyo was interviewed alone, he was interviewed with the consent of Jiro Tokkyo and for and on behalf of them.

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I hereby certify that the matters stated above are true and correct.

April 18, 2012

President and CEO of Tokkyo Industries Co., Ltd.  
Saburo Tokujitsu (seal)