

## **58-04 P**

### **Hantei for an Essentiality Check**

#### **1. Outline of Advisory Opinion for Essentiality Check**

An advisory opinion for determination concerning standard essentiality is provided for demanding an advisory opinion on a virtual object product (virtual Object A) specified in a standards document with regard to the technical scope of a patented invention in lieu of Object A as presented in the proceedings of a normal advisory opinion (→58-01-3.(5)) to determine whether a certain patented invention is essential to certain standards.

With regard to an advisory opinion for essentiality check, a benefit of request pursuant to the purport of the system are required, as in the case of a normal advisory opinion. Therefore, any demand is dismissed by decision where no benefit is acknowledged in demanding an advisory opinion for essentiality check (the Patent Act Article 71(3) → Article 135).

The written advisory opinion for determination for essentiality check states in the conclusion section whether the virtual ObjectA belongs in the technical scope of the present patented invention. When it is concluded, as a purport of the demand, for example that virtual Object A belongs in the technical scope of the patented invention, reasons provided in the written advisory opinion includes a statement of essentiality check to the effect that the patented invention is essential to the relevant standards. (For details on the procedure, refer to “Manual of Advisory Opinion for Essentiality Check” on the Japan Patent Office website.)

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