
INTRODUCTION OF ARTICLES

Study of the Affect of the Revised Utility Model Law on Japanese Industry

The Fourth Subcommittee,
The Second Patent Committee

The “Law Partially Amending the Patent Law, etc. for Accelerating Patent Examination, etc.,” which included amendment of the utility model system, was passed by the Diet on May 28, 2004 and entered into force on April 1, 2005.

This law mainly amended the following three aspects of the utility model system while maintaining the system of registration without substantive examination under the 1993 law as its basis: (1) introduction of a patent application system based on utility model registration; (2) extension of the term of utility model registration to ten years (the term was six years under the 1993 law); and (3) expansion of the allowable scope of correction.

The Fourth Subcommittee examined the practical merits and demerits of the utility model system mainly from the industrial sector perspective, while focusing on the above three aspects that were recent amendments and also verifying the early establishment of rights and low costs, which had been indicated as advantages of the utility model system from the past.

In addition, the subcommittee considered the various enforcement-related problems that derive from a system of registration without substantive examination—the basis of the system that was maintained in the recent amendment law—with particular focus on the risk of the “obligation of due care” upon enforcement, and examines whether the amended utility model system is a truly appealing system for users.

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Suggestions on Ways to Provide Investor Related Disclosure of Intellectual Property in Business

The First Subcommittee,
The Second Intellectual Property Management Committee

Aiming to achieve a nation built on intellectual property, the Ministry of Economy, Trade and Industry published the “Guidelines for Intellectual Property Information Disclosure” on January 27, 2004. As of November 30, 2004 17 companies had disclosed intellectual property information. However when questioned, these companies revealed that although the disclosure prompted formation of