

Revision of Examination Guidelines for Computer Software-related Invention

December 28, 2000, Japanese Patent Office (J.P.O.) released revision of its examination guidelines. November 20, 2000, J.P.O. released the draft of that revision on the web and had been collecting public comments. Based on those comments, J.P.O. amended the draft and released revised Examination Guidelines.

This Examination Guidelines for computer program will become effective on applications those are handed in after January 10, 2001.

1. Background of this revision

A computer network system has been emerging as a method of distributing a computer program with the recent progress of networking technology and rapid spread of the Internet. Further, as personal computer and the Internet become popular, "business method-related inventions" utilizing known computers and communication technology come to attract attentions from service industries, financial or advertising etc., which have not formerly been interested in the Patent System.

Responding to the above change of technological and social environment, J.P.O. needed to revise Examination Guidelines in order to improve the current situation.

2. The point of this revision

(1) J.P.O. will treat a computer program, which is not recorded on a storage medium such as FD
(2) When using hardware and software incorporated and trying to realize some idea with them, the creation of the software will be treated as an invention on the Patent Law.

(3) By enriching examples for the examination guideline on inventive step of business-related invention, a creation that is easily created by whom is equipped with the knowledge of both the business field and the computer technology field was clarified not to have inventive step.