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### Maximum Term of Patent Right for Drugs and Devices for use in Regenerative Medicine to be extended to 25 years 再生医療向け医薬品・機器の特許権を最長25年に延長へ

The Japan Patent Office has settled on a policy to extend the patent right duration of drugs and devices related to regenerative medicine (involving iPS cells and stem cells) from 20 years to a maximum of 25 years, provided that certain requirements are met. A revision to the government ordinance of the Patent Law is due to be made in June 2014 to enact this change.

The JPO has decided to make it possible to extend the duration of the patent right for both, drugs and related devices, as a set as part of a growth strategy, as Japan is the world leader in regenerative medicine involving iPS cells etc. and its implementation is a key pillar of innovation in Japan.

特許庁はiPS細胞や体性幹細胞といった再生医療の医薬品と関連する機器などについて、一定要件を満たした場合に通常20年の特許権存続期間を最長25年に延長する方針を固めた。2014年6月にも特許法の政令を改正する予定。特許庁は成長戦略でiPS細胞など、日本が世界最先端を誇る再生医療の実用化をイノベーションの柱に位置付けており、医薬品と関連機器との特許期間を一体で延長できるようにする。

## Patent, Trademark, Design and Patent Attorney Laws to be Revised Together

### 特許・商標・意匠・弁理士の知財4法を一括改正

The Ministry of Economy, Trade and Industry (METI) is to simultaneously revise the four IP system-related Laws (Patent Law, Trademark Law, Design Law and Patent Attorney Law). METI and the Japan Patent Office are due to submit proposed revisions to the four laws to the National Diet in early March.

The revision to the Patent Law will incorporate a system whereby if a competing company files a patent application for similar technology and gains a patent right before one's own company, it will be possible to file an objection via a 'post-grant review' up to six months following the grant.

The revision to the Design Law will deal with the international design registration system under the Hague Agreement Concerning the International Registration of Industrial Designs and the Geneva Act, and introduce related stipulations.

The revision to the trademark law will add protection for five new types of trademark: distinctive movements and holograms in logos, colors and positions for makers or goods, and sounds related to companies or products.

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経済産業省は、特許法、商標法、意匠法、弁理士法の知的財産権制度の関連4法を一括改正する。経済産業省・特許庁は3月上旬にも特許法改正案など知財関連4法案を国会に提出する予定である。

特許法改正案では、競合他社などが自社と類似した技術を先に特許出願し権利が与えられた場合、6カ月間に限って異議申し立てができる「付与後レビュー」の制度創設を盛り込む。

意匠法改正案では、意匠の国際登録制度の「ハーグ協定ジュネーブ改正協定」に対応し、関連規定を整備する。

また、商標法改正案では、ロゴマークの独特な「動き」や「ホログラム」、メーカーや製品の「色」や「位置」、企業や製品を連想できる「音」といった五つを保護の対象に加える。

## STAP Cells: RIKEN etc. File International Patent Application STAP細胞:理研などが国際特許を出願

A group including the RIKEN research institute and others who successfully made pluripotent 'STAP' cells by stimulating normal cells has applied for an international patent application regarding their invention. The group of applicants is made up of RIKEN, Brigham and Women's Hospital connected to Harvard University, and Tokyo Women's Medical University. The content of the invention is "a method of creating pluripotent cells through application of stress."

細胞に刺激を与えて作製する万能細胞「STAP細胞」について、作製に成功した理化学研究所などが国際特許出願をしていたことが分かった。出願したのは理化学研究所と、ハーバード大学の関連病院であるブリガム・アンド・ウィメンズ病院、東京女子医大で、発明の内容は「ストレスを与えることで、多能性細胞を作製する方法」である。

## JPO Reviews Examination Standards Protecting Graphic Design of Graphical User Interfaces 特許庁、GUI画像デザイン保護で審査基準見直し

In fiscal 2014, the JPO will begin a review of examination standards allowing the graphic designs of Graphical User Interfaces (GUI) in smartphones and software to be protected as registered designs.

In the EU and US, the trend is to recognize design rights of GUIs added to devices via download. As part of Japan's revival strategy, the JPO is introducing participation in the international design treaty, and building foundations for a company to be strengthened by its designs.

特許庁は2014年度に、スマートフォンなどのソフトの画像操作環境(GUI)の画像デザインを、意匠権として保護する審査基準の見直しを始める。

欧米ではダウンロードなどで端末に追加するGUIの意匠権を認める流れがある。特許庁は日本再興戦略に意匠登録の国際条約加盟を盛り込み、デザイン力が企業の強みとなる基盤整備を進める。

## 2014 Compilation of Precedents of Enterprises Utilizing Intellectual Property 知的財産権活用企業事例集2014

The JPO has published its “2014 Compilation of Precedents of Enterprises Utilizing Intellectual Property,” which contains 139 examples of small and medium-sized companies from across Japan that have used intelligence and intellectual property as powerful tools in various fields.

The compilation introduces a wide range of endeavors in which small and medium-sized companies are involved, and contains useful reference information. Some examples follow:

Following the East Japan earthquake of 2011, when was a shortage of electrical power, an enterprise in Fukushima Prefecture developed a new type of low-energy automatic door that did not use electricity. This enterprise applied for an international patent application and licensed their invention to overseas manufacturers, enabling reduced-cost production and opening up a sales market.

An enterprise in Kagoshima prefecture recognized the importance of patents in order to enter into equal partnerships with foreign companies, and has adopted a system whereby 1% of profit from product sales is used to provide an incentive for producing inventions.

At an enterprise in Nara prefecture, part of the role of salespeople is to inquire as to peoples’ needs and come up with internal proposals. As a result, part of the profit from the sale of products is returned to the salespeople. The enterprise also rewards salespeople who make efforts to increase their understanding of intellectual property.

A maker of pickled plums in Wakayama prefecture that disposes of the plum vinegar and seasoning liquid produced during the process of making pickled plums is engaged in a joint industry, government and academic research and development project, with the aim of making effective use of all the plum products and by-products.

The full Compilation of Precedents can be found on the JPO homepage (Japanese only):

[http://www.jpo.go.jp/torikumi/chushou/kigyuu\\_jirei2014.htm](http://www.jpo.go.jp/torikumi/chushou/kigyuu_jirei2014.htm)

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特許庁は、知恵と知財を武器に様々な分野で活躍している日本全国の中小企業139社の取組事例を紹介した「知的財産権活用企業事例集2014」を公表した。

同事例集には中小企業が行っている取り組みが広く紹介されており、参考にできる有用な情報が掲載されている。例えば、下記の例が挙げられる。

福島県のある企業は、東日本大震災後の電力不足の中、電気を使用しない省エネ自動ドアを開発した。国際特許出願を行い、海外メーカーにライセンスをして製作コストの削減や販売開拓につなげている。

鹿児島県のある企業では、海外企業と対等なパートナー関係を築くためには特許が重要と認識し、発明品の売り上げの1%を発明報奨金として還元する制度を採用している。

奈良県のある企業では、営業担当はニーズを聞き出して社内に提案する役割があることから、製品売上の利益の一部を営業担当に還元している。営業担当においても知的財産に関する意識の向上に寄与している。

和歌山県の梅干しメーカーでは、梅干しの製造過程で生じる梅酢や梅調味液などが廃棄処理されていた課題に対し、産学官連携の共同研究開発を行い、梅からでるすべてを活用しようと取り組んでいる。

事例集は下記特許庁ホームページに掲載されています(日本語のみ)。

[http://www.jpo.go.jp/torikumi/chushou/kigyuu\\_jirei2014.htm](http://www.jpo.go.jp/torikumi/chushou/kigyuu_jirei2014.htm)

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当所のサービス紹介

## Translation for Languages 各国語翻訳

We offer high-quality service, combining know-how cultivated in a long years of experience and analyzes competence unique to international patent firms.

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長年の経験で培ったノウハウと、国際特許事務所ならではの能力を組み合わせた質の高いサービスを提供致します。

[詳細はこちらへ](#)



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JAPAN



Please contact us if you have any comments or require any information.

Please acknowledge that the purpose of our column is to provide general information on the field of intellectual property, and that the description here does not represent our legal opinion on a specific theme.

## OSAKA HEAD OFFICE

**ADDRESS:**

DAIWA MINAMIMORIMACHI BLDG.,  
2-6, 2-CHOME-KITA, TENJINBASHI,  
KITA-KU, OSAKA 530-0041, JAPAN

**E-MAIL:**

iplaw-osk@harakenzo.com

**WEBSITE:**

<http://www.harakenzo.com>  
<http://trademark.ip-kenzo.com>  
<http://www.intellelution.com>  
<http://www.ip-kenzo.com>

**TELEPHONE:**

+81-6-6351-4384 (Main Number)

**FACSIMILE:**

+81-6-6351-5664 (Main Number)



## OSAKA 2nd OFFICE

**ADDRESS:**

MITSUI SUMITOMO BANK  
MINAMIMORIMACHI BLDG., 1-29,  
2-CHOME, MINAMIMORIMACHI,  
KITA-KU, OSAKA 530-0054, JAPAN

**E-MAIL:**

iplaw-osk@harakenzo.com

**WEBSITE:**

<http://www.harakenzo.com>  
<http://trademark.ip-kenzo.com>  
<http://www.intellelution.com>  
<http://www.ip-kenzo.com>

**TELEPHONE:**

+81-6-6351-4384 (Main Number)

**FACSIMILE:**

+81-6-6351-5664 (Main Number)



## TOKYO HEAD OFFICE

**ADDRESS:**

WORLD TRADE CENTER BLDG. 21F  
2-4-1, HAMAMATSU-CHO,  
MINATO-KU, TOKYO 105-6121,  
JAPAN

**E-MAIL:**

iplaw-tky@harakenzo.com

**WEBSITE:**

<http://www.harakenzo.com>  
<http://trademark.ip-kenzo.com>  
<http://www.intellelution.com>  
<http://www.ip-kenzo.com>

**TELEPHONE:**

+81-3-3433-5810 (Main Number)

**FACSIMILE:**

+81-3-3433-5281 (Main Number)



## HIROSHIMA OFFICE

**ADDRESS:**

NOMURA REAL ESTATE  
HIROSHIMA BLDG. 4F  
2-23, TATEMACHI, NAKA-KU,  
HIROSHIMA 730-0032, JAPAN

**E-MAIL:**

iplaw-hsm@harakenzo.com  
(※updated on June 2012)

**WEBSITE:**

<http://www.harakenzo.com>  
<http://trademark.ip-kenzo.com>  
<http://www.intellelution.com>  
<http://www.ip-kenzo.com>

**TELEPHONE:**

+81-82-545-3680 (Main Number)

**FACSIMILE:**

+81-82-243-4130 (Main Number)

