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Proposed Revisions to Law in 2015 Regarding Employee Inventions Reverting to Enterprises 職務発明が企業帰属へ 2015年にも法改正案

The JPO has decided upon a policy of revising the current system, which stipulates employee inventions revert to employees, etc., so that in specific circumstances employee inventions may revert to the employing enterprise.

While the JPO will maintain the current system whereby employee inventions revert to employees etc. as a base, it will only be possible for employee inventions to revert to enterprises in cases where said enterprises provide sufficient measures such as remuneration or providing and maintaining a research and development framework.

The JPO is aiming to submit a draft amendment to the patent law during the regular Diet session in 2015.

特許庁は、職務発明が従業者等へ帰属することを規定する現行制度について、一定の条件を満たせば、職務発明が企業へ帰属できるよう改正する方針を取り決めた。

特許庁は、職務発明が従業者等に帰属すると規定する現行制度を基本としつつ、企業が報酬や研究開発体制の整備などについて十分な対応を取る場合に限り、職務発明が企業へ帰属できるようにする。

特許庁は、2015年の通常国会への特許法改正案提出を目指す。

Overseas Usage Fees for IP, etc. Produce Large Profit 海外からの知的財産権等使用料、大幅黒字へ

According to the international earnings published by the Ministry of Finance on July 8, 2014, the intellectual property usage fees related to patents, copyrights etc. brought 481 billion yen in revenue to Japan in May. This figure is an increase of 84% over the previous month.

After subtracting the usage fees paid by Japan to overseas, there is a net positive income of 275.4 billion yen. This high level of profit has not been seen for 26 months. It is thought that income from overseas usage fees is increasing from Japanese enterprises expanding overseas, and from foreign subsidiary companies in fields such as automobiles and pharmaceuticals.

財務省が2014年7月8日発表した5月の国際収支によると、特許権、著作権など「知的財産権等使用料」で、5月に海外から日本が受け取った額は4810億円。前月から84%増加した。

日本から海外に払った使用料を差し引いた収支額の黒字は2754億円で、2年2か月ぶりの高水準となった。日本企業の海外展開が進み、また、自動車や医薬品などの分野で、海外子会社から受け取る特許使用料が増えているためと考えられる。

Six Companies Including Canon and Google Sign Anti-Patent Troll Lawsuit Accord

キヤノン、グーグルなど6社、パテント・トロール訴訟対応の協定を締結

On July 9, 2014, a group of six companies including Canon and Google announced that they had established in the United States the License On Transfer (LOT) Network, which aims to eradicate patent troll lawsuits, etc.

Through patent license contracts between its members, the LOT Network intends to (a) eradicate patent troll lawsuits; and (b) suppress patent privateering, which has been on the rise in recent years. Patent privateering refers to enterprises assigning patent rights to patent trolls in order to force rival companies into disadvantageous positions.

The six founding members of the LOT Network are Canon, Asana, Dropbox, Inc., Google Inc., Newegg, Inc. and SAPAG. Collectively these six companies own around 300,000 patents.

キヤノン、グーグルなど6社は7月9日、パテント・トロール訴訟の削減などを目的として、「ライセンス・オン・トランスファー（LOT）ネットワーク」を米国において設立したと発表した。

LOTネットワークは、会員間の特許ライセンス契約を通して、a) パテント・トロール訴訟を削減し、b) 近年増加しているパテント・プライバティアリング（patent privateering：パテント・トロールに特許を譲渡して競合他社を不利な状況に陥れようとする企業）を抑制することを目的としている。

今回のLOTネットワーク設立の当初の会員企業は、キヤノン、Asana、Dropbox, Inc.、Google Inc.、Newegg, Inc.、SAP AGの6社で、6社で計約30万件の特許を保有する。

Japan Leads in Applications for High-Tech Patents – Toyota No.1 in Automatic Driving Vehicles

先端特許、日本勢が出願リード 自動運転車はトヨタ首位

Japanese enterprises are leading the world in patent applications in high-tech fields. According to research by the JPO, Toyota has the world's highest number of patent applications in the field of automatic driving vehicles, and Japan is also highly ranked in the fields of big data analysis and robotics, etc.

The JPIO carried out data analysis for the five to ten years preceding 2011, primarily examining the status of applications to the Japanese, U.S., European, Chinese and Korean patent offices. Growth is expected in the market for automatic driving vehicles, and the leading company Toyota has many patent applications in this field, including applications for sensor technology to correctly maintain distance between vehicles while driving. Japanese enterprises are outpacing foreign companies in the field, with 2,800 patent applications for street signaling devices, technology to regulate driving with information such as legal speed limits and so on.

先端技術分野で日本企業が世界の特許出願を主導している。特許庁の調べでは、トヨタ自動車は自動運転車で世界最多の出願数となったほか、ビッグデータ分析やロボットでも日本勢が上位を占めた。

特許庁は主に日米欧と中国、韓国の特許庁への出願状況について、2011年までの直近5～10年程度のデータを分析した。市場拡大が見込まれる自動運転車で、首位のトヨタは適切な車間距離をとって走るセンサー技術などの出願が多い。日本企業は路上の信号機や法定速度などの情報で運転を制御する技術に関する出願が2800件と、海外勢を大きく上回った。

Handling of Change to Postal Address System in Republic of Korea 大韓民国における住所表記変更に伴う対応

On January 1, 2014, the method of writing postal addresses in the Republic of Korea was altered. With this change, it has been necessary for Korean applicants to file changes of address with the JPO and Japanese receiving office, as well as filing change procedures for Madrid Protocol applications with WIPO.

The JPO has warned that if such procedures are not carried out, then during examinations etc. of patents, designs, trademarks etc., when it is necessary to judge whether the applicant etc. is the same as in a previous application or registration, discrepancy between the methods of writing the addresses could be grounds for issuing a notification of reasons for refusal.

2014年1月1日付けで大韓民国の国内住所表記が変更された。これに伴い、同国の出願人は、日本特許庁、日本国受理官庁への変更届、マドプロにおいてはWIPOへの変更手続きが必要となる。

手続きをしない場合は、特許、意匠、商標等の出願審査等において、先の出願／登録と同一人による出願か否かの判断を要する場合に住所表記が異なることを根拠に拒絶理由通知が發送される場合があると、特許庁が留意を促している。

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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](#)



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.

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