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Protection for employee's rights regarding invention patents – guidelines for revised patent law and terms of employer retention 発明特許で社員の権利保護 改正特許法指針案、会社保有に条件

On September 14, 2015, the Japan Patent Office settled on a set of draft guidelines regarding revisions to the patent law under which the rights to obtain a patent for inventions made by employees will revert to the employers such as companies, rather than the employees themselves. The terms for employer retention aim to continue to protect the rights of employees after the revision to the patent law. A central pillar of the terms for employer retention is that when establishing incentives for inventions under employment regulations, etc., the employer must consult with labor unions or listen to the opinions of the employees. It is expected that as procedures carried out on the part of enterprises will also become more clear-cut, the risk of legal action being taken by employees will be reduced.

特許庁は2015年9月14日、職務上発明された特許を受ける権利の帰属主体を従業員から会社等の使用者へと変更する改正特許法にかかわる指針案を固めた。発明に対する報奨を就業規則等で決定する際に、労働組合との協議や従業員からの意見聴取を条件とすること等が柱となっており、改正後も発明を手掛けた従業員の権利を保護することが目的である。企業側にとっても手続きが明確になり、従業員からの提訴のリスクが軽減することが期待される。

JPO Assists Intellectual Property Office of Singapore in Improving Examination Ability

日本国特許庁、シンガポール知的財産庁の審査能力向上を支援

On August 25, 2015 the JPO announced that it had conducted talks with the Intellectual Property Office of Singapore (IPOS), and the two offices had agreed to begin public-private cooperative program to improve examination ability.

Said program is a collaboration between the JPO and Japanese users, and will assist with improving the examination ability of IPOS as an International Searching Authority and an International Preliminary Examining Authority. As progress is made in building an environment for IP protection in Singapore, the success of that effort will have an influence on other ASEAN nations, and thus contribute to the smooth expansion of Japanese enterprises overseas.

The ASEAN nations are regarded as a promising area for the expansion of Japanese enterprises in the future, and the JPO is providing support for the establishment and strengthening of intellectual property systems in ASEAN nations, with a view to developing an investment climate in which Japanese enterprises can smoothly expand their overseas business. The JPO has previously cooperated with IPOS regarding patent examinations by dispatching Japanese examiners to IPOS and expanding its competent international searching authorities and international preliminary examining authorities to include IPOS, etc.

日本国特許庁は2015年8月25日、シンガポール知的財産庁（IPOS）との会談を行い、官民連携型の審査能力向上プログラムを開始することに合意したと発表した。

本プログラムは、日本国特許庁及び日本のユーザーが連携し、国際調査機関・国際予備審査機関としてのIPOSの審査能力の向上に協力するものである。シンガポールの知財保護環境の整備を促進するとともに、その成果を他のアセアン諸国にも波及させることで、日本企業にとってより円滑な国際事業展開の促進に貢献するとしている。

アセアン諸国は日本企業の今後の事業展開先として有望視されており、日本国特許庁も、日本企業の円滑な事業展開ができるよう、投資環境を整備する観点から、アセアン諸国の知的財産制度の整備・強化を支援している。日本国特許庁は、これまでにIPOSへの日本の特許審査官の派遣や、国際調査・国際予備審査の管轄機関をIPOSへ拡大するための支援等、IPOSへの特許審査に関する協力を行っている。

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Advance Inspection of Symbol for Iseshima Summit Prefectural Residents' Conference

伊勢志摩サミット県民会議のシンボルマークについての事前点検

Prior to the publication of the proposed design for the symbol of the Iseshima Summit Prefectural Residents' Conference, Mie prefecture has decided to have an external patent law firm judge whether or not the symbol might suffer from accusations of imitation, etc. In the wake of the row over the Tokyo Olympic emblem, Mie prefecture is handling the matter with particular caution.

The Prefectural Resident's Conference will be a public and government collaboration to support a summit of world leaders that will be held in Ise city, Mie prefecture in May 2016. Its symbol is being handled by Mr. Atsuya Kondo, a resident of Mie prefecture, who previously was involved with the design of the logo for the 2008 Hokkaido Toyako summit. Mr. Kondo is also part of the committee that will select a logo for the Iseshima summit.

According to the Prefectural Summit Promotion Office, by the middle of September 2015, Mr. Kondo had submitted three different design proposals, and a patent law firm will conduct searches for similar trademarks, etc.

三重県は「伊勢志摩サミット県民会議」のシンボルマークに関し、デザイン案の公表前に、模倣等の問題がないかどうかを外部の特許事務所に判断してもらうことを決定した。東京五輪のエンブレムの騒動を踏まえ、細心の注意をもって取り組む方針だ。

2016年5月に三重県志摩市である主要国首脳会議を官民あげて支援する「県民会議」のシンボルマークは、2008年の北海道・洞爺湖サミットでロゴマークづくりに携わった同県の近藤敦也氏により担当される。同氏は伊勢志摩サミットのロゴを選定する審査委員でもある。

県サミット推進局によると、同氏は2015年9月中旬までに三つのデザイン案を同局に提出しており、特許事務所により類似商標に関する調査等が行われるという。

Bill to Streamline Cabinet Affairs Passed 内閣業務スリム化法成立

On September 4, 2015, a bill to streamline the affairs of the Cabinet Secretariat and Cabinet Office was passed following approval by a plenary session of the Upper House. Both sections of the bureaucracy are seen as bloated and the streamlining bill aims to return them to their original role of functioning as ‘control towers’ for important policies. A major part of streamlining will be to transfer to other offices matters currently handled by the Cabinet Office, such as consumer problems and policies to curb suicides. The bill is set to come into effect in April 2016.

As a result, the work currently done by the Cabinet Secretariat’s IP Strategy Headquarters will be transferred to the Cabinet Office. The office that will handle both the work currently done by the IP Strategy Headquarters and other related matters will be designated a special agency under the Cabinet Office Establishment Law. Further, the IP Strategy Headquarters will continue to exist as part of the Cabinet Secretariat. The IP Strategy Headquarters was established to intensively and systematically promote the creation, protection and use of intellectual property. The streamlining bill is expected to enable it to function to the full extent of its abilities.

内閣官房と内閣府の業務を見直してスリム化を図る関連法が2015年9月4日の参院本会議で可決、成立した。肥大化が指摘される両組織を「重要政策に関する司令塔機能」という本来の役割に戻すのが狙い。内閣府が担う自殺対策や消費者問題等の事務を他省庁に移管することが柱となっており、来年4月に施行される予定である。

これにより、内閣官房の知的財産戦略本部に関する事務は内閣府に移管されることとなる。知的財産戦略本部の事務及び関連事務を担当する事務局は、内閣府設置法上、特別機関として位置付けられる。なお、本部自体は引き続き内閣官房に存置する。知的財産戦略本部は、知的財産の創造、保護及び活用に関する施策を集中的かつ計画的に推進するために設置された機関であり、今回の関連法によりその機能を最大限発揮することが期待される。



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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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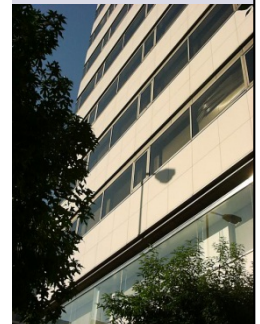
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