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意匠審査基準の一部改訂(審査の進め方)案の公表(日本特許庁)

On January 29, 2010, the Japan Patent Office (JPO) issued a document titled "Examination Procedures (Draft version)" and the English version thereof (summary), which is scheduled to be added to the existing design examination standards.

The "Examination Procedures" will clearly mention the judgment process of the entire design examination, the search method of prior art designs and the recordation of the search results (recordation of references). Specifically, in the document the matter to be judged will be described along the lines of substantive examination and the corresponding part in the design examination standard will clearly be indicated. Thereby it will be clarified how the examiner judges in the respective phases of design examination and to which part of the design examination standard should be referred in the respective phases of procedure.

With this Revision, clarification of the scope of a design being similar to that of other designs will be expected.

〈Reference〉

http://www.jpo.go.jp/iken_e/e_isyousinsa_kaitei.htm



日本特許庁は、2010年1月29日、意匠審査基準に追加する予定の「審査の進め方(案)」およびその英訳(要約)を公表した。

「審査の進め方」では、意匠審査全体の判断プロセス並びに先行意匠調査の方法および調査結果の記録(参考文献の記録)が明文化される。具体的には、意匠審査における各判断事項について実際の審査の流れに沿った記載が行われるとともに、意匠審査基準の該当箇所が明示され、意匠審査の各段階において審査官がどのような判断を行っているのか、そして手続の各段階において意匠審査基準のどの部分を参照すべきかが明確にされる。

これにより、意匠の類似範囲の明確化が期待される。

〈参考〉

http://www.jpo.go.jp/iken/isyousinsa_kaitei.htm

Japan National Police Agency administering "P2P monitoring system" 警察庁が「P2P観測システム」運用開始

The Japan National Police Agency announced that it officially began to administer a monitoring system from January 1, 2010. With the monitoring system circulating the P2P technology based file sharing network, such as "Share", it is possible to search, collect file information and analyze data. The National Police Agency plans on using the search results for investigations.

On a related note, with the new Copyright Law that took effect on January 1, 2010, any knowing downloading of files published without the permission of the copyright holder is illegal.

日本の警察庁は、ShareなどP2P技術利用したファイル共有ネットワークを巡回してファイル情報を収集し、分析・検索をおこなう観測システムの運用を、2010年1月1日から正式に開始したことを発表した。調査結果は捜査に活用する予定。

なお、2010年1月1日に施行された改正著作権法により、著作権者に無断で公開されたファイルを違法と知りながらダウンロードする行為は、違法となっている。



Proposal of the JEPA on the e-Books distribution concept of the National Diet Library

日本電子出版協会、国立国会図書館の電子書籍配信構想に対し提案

On February 5, 2010, the Japanese Electronic Publishing Association (JEPA), constituted of publishing companies etc., announced that it submitted a “proposal of the JEPA” on the e-Books distribution concept that was made mainly by the National Diet Library.

The contents of the proposal includes: “books owned by the National Diet Library, whose publisher wants them to be commercially handled are to be commercially distributed by the publisher, and the books whose publisher wants otherwise are to be distributed for free by the National Diet Library”, “no third organization is to be provided”, “discussion to provide in the Copyright Law the right for allowing publishers to distribute e-Books is to be started between concerned parties” and the like.

2010年2月5日、出版社等から構成される日本電子出版協会(JEPA)は、国立国会図書館を中心とする電子書籍配信構想に対し「日本電子出版協会案」を提出したと発表した。

提案の内容は、「出版者が商業的に扱うことを望む国立国会図書館の所蔵書籍は、出版社が商業配信を行い、そうでないものは国立国会図書館が無償配信をおこなう」、「第三者機関は設けない」、「出版者が配信を許諾する権利を著作権法上に確立すべく、関係者間で協議を開始する」等。



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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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