

**JAPANESE LAWS RELATING
TO
INDUSTRIAL PROPERTY**

2019

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When any ambiguity of interpretation is found in this translation, the Japanese text shall prevail.

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**Full Text of
the Amended Laws (As at 2018)
other than the Intellectual Property Basic Act
translated by
Haruo Goto**

In the WIPO Journal “Industrial Property” of March, April, November and December of 1974 were published the translations of the Patent Law, Utility Model Law, Design Law and Trademark Law then in force. These Volumes I and II contain all subsequent amendments.

条番号一枝番 対照表

本法令集では、条番号の枝番（例：特許法第 184 条の 9 第 2 項第 2 号）は下記の通り表示されています。

Example: Article 184^{novies}(2)(ii)
 which may be written as
 Article 184-9 (2)(ii)
 paragraph-----↑ ↑
 item -----↑

*** The Arabic numerals in parenthesis added next to the Latin numerals [for example: 29^{bis}(29-2)] are only for the reason of convenience to readers.**

LATIN ENUMERATION			ACTUAL EXAMPLE		
bis	= 2	184 ^{bis}	= 184-2	43 ^{quinqies-bis}	= 43-5-2
ter	= 3	184 ^{ter}	= 184-3	67 ^{bis-bis}	= 67-2-2
quater	= 4	184 ^{quater}	= 184-4	68 ^{unvicies}	= 68-21
quinqies	= 5	184 ^{quinqies}	= 184-5	68 ^{duovicies}	= 68-22
sexies	= 6	184 ^{sexies}	= 184-6	68 ^{tervicies}	= 68-23
septies	= 7	184 ^{septies}	= 184-7	68 ^{quater vicies}	= 68-24
octies	= 8	184 ^{octies}	= 184-8	68 ^{quinqvicies}	= 68-25
novies	= 9	184 ^{novies}	= 184-9	68 ^{sevivies}	= 68-26
decies	= 10	184 ^{decies}	= 184-10	68 ^{septies vicies}	= 68-27
undecies	= 11	184 ^{undecies}	= 184-11	68 ^{duodetvicies}	= 68-28
duodecies	= 12	184 ^{duodecies}	= 184-12	68 ^{undetvicies}	= 68-29
terdecies	= 13	184 ^{terdecies}	= 184-13	68 ^{trivicies}	= 68-30
quater decies	= 14	184 ^{quater decies}	= 184-14	68 ^{untrivicies}	= 68-31
quindecies	= 15	184 ^{quindecies}	= 184-15	68 ^{duotvicies}	= 68-32
sedecies	= 16	184 ^{sedecies}	= 184-16	68 ^{tertrivicies}	= 68-33
septies decies	= 17	184 ^{septies decies}	= 184-17	68 ^{quater trivicies}	= 68-34
duodevicies	= 18	184 ^{duodevicies}	= 184-18	68 ^{quintrivicies}	= 68-35
undevicies	= 19	184 ^{undevicies}	= 184-19	68 ^{setvicies}	= 68-36
vicies	= 20	184 ^{vicies}	= 184-20	68 ^{septies trivicies}	= 68-37
				68 ^{duodequadrages}	= 68-38
				68 ^{undequadrages}	= 68-39
				68 ^{quadrages}	= 68-40

Patent Law

(Law No. 121 of April 13, 1959, as amended)*

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* By Law No. 140 of 1962, Law No. 161 of 1962, Law No. 148 of 1964, Law No. 81 of 1965, Law No. 98 of 1966, Law No. 111 of 1966, Law No. 91 of 1970, Law No. 42 of 1971, Law No. 96 of 1971, Law No. 10 of 1973, Law No. 46 of 1975, Law No. 27 of 1978, Law No. 30 of 1978, Law No. 45 of 1981, Law No. 83 of 1982, Law No. 78 of 1983, Law No. 23 of 1984, Law No. 24 of 1984, Law No. 41 of 1985, Law No. 27 of 1987, Law No. 91 of 1988, Law No. 30 of 1990, Law No. 26 of 1993, Law No. 89 of 1993, Law No. 116 of 1994, Law No. 68 of 1996, Law No. 51 of 1998, Law No. 41 of 1999, Law No. 43 of 1999, Law No. 151 of 1999, Law No. 160 of 1999, Law No. 220 of 1999, Law No. 24 of 2002, Law No. 47 of 2003, Law No. 61 of 2003, Law No. 76 of 2004, Law No. 79 of 2004, Law No. 84 of 2004, Law No. 120 of 2004, Law No. 75 of 2005, Law No. 55 of 2006, Law No. 109 of 2006, Law No. 16 of 2008, Law No. 63 of 2011, Law No. 74 of 2011, Law No. 30 of 2012, Law No. 36 of 2014, Law No. 69 of 2014, Law No. 55 of 2015, Law No. 51 of 2016, Law No. 108 of 2016, Law No. 45 of 2017, Law No. 33 of 2018 and Law No. 70 of 2018.

[ENTRY INTO FORCE: April 1 of 2019]

– Patent Law –

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Patent Law

Chapter I — General Provisions

(Purpose)

1. — The purpose of this Law shall be to encourage inventions by promoting their protection and utilization so as to contribute to the development of industry.

(Definitions)

2. — (1) “Invention” in this Law means the highly advanced creation of technical ideas by which a law of nature is utilized.

(2) “Patented invention” in this Law means an invention for which a patent has been granted.

(3) “Working” of an invention in this Law means the following acts:

(i) in the case of an invention of a product (including a program, etc. — hereinafter referred to as “product”), acts of manufacturing, using, assigning, etc. (meaning assigning and leasing; and including, where the product is a program, etc., its providing through electric telecommunication lines — hereinafter referred to as “assignment, etc.”), or importing, exporting or offering for assignment, etc. (including displaying for the purpose of assignment, etc. — hereinafter referred to as “offering for assignment, etc.”) of, the product;

(ii) in the case of an invention of a process, acts of using the process;

(iii) in the case of an invention of a process of manufacturing a product, acts of using, assigning, etc., or importing, exporting or offering for assignment, etc. of, the product manufactured by the process, in addition to the acts mentioned in the preceding item.

(4) “Programs, etc.” in this Law mean programs (a set or sets of instructions to a computer which are combined so as to produce a result — hereinafter referred to as “programs, etc.” in this paragraph) and other information equivalent to programs to be used for computer processing.

(Computation of time limits)

3. — (1) Time limits fixed in this Law or an order or ordinance under this Law shall be computed according to the following provisions:

(i) the first day of the period shall not be included. However, this provision shall not apply when the period begins from 00.00 a.m.;

(ii) when the period is expressed in months or years, it shall be counted according to the calendar. When the period is not computed from the beginning of a month or year, it shall expire on the day preceding the day of the last month or year corresponding to the day on which the computation begins. However, where there is no corresponding day in the last month, it shall expire on the last day of that month.

(Replacement of representatives, etc.)

13. — (1) The Commissioner of the Patent Office or the trial examiner-in-chief may, if he considers a person proceeding before the Office to be incompetent, order a representative to act.

(2) The Commissioner of the Patent Office or the trial examiner-in-chief may, if he considers the representative of a person proceeding before the Office to be incompetent, order him to be replaced.

(3) In the case of the preceding two paragraphs, the Commissioner of the Patent Office or the trial examiner-in-chief may order that a patent attorney be the representative.

(4) The Commissioner of the Patent Office or the trial examiner-in-chief may dismiss any action taken before the Office by a person or representative referred to respectively in paragraph (1) or (2) after the issuance of an order under paragraph (1) or (2).

(Mutual representation of parties)

14. — Where two or more persons are jointly proceeding before the Office, each of them shall represent the other or others with respect to a procedure other than the conversion, abandonment and withdrawal of a patent application, the withdrawal of an application for registration of an extension of the term of a patent right, the withdrawal of a demand, request, or motion, the making and withdrawal of a priority claim under Article 41(1), the making of a request for laying open of an application, and the demand for an appeal trial against examiner's refusal. However, this provision shall not apply where they have appointed a representative for both or all of them and have notified the Office accordingly.

(Venue of court for residents abroad)

15. — With respect to a patent right or other right relating to a patent of a resident abroad, the domicile or residence of his patent administrator or, where there is no such administrator, the location of the Patent Office shall be the place of the property under Article 5(iv) of the Code of Civil Procedure (Law No. 109 of 1996).

(Ratification of acts of persons lacking capacity)

16. — (1) The acts of a minor (other than one who has independent capacity to perform legal acts) or of a major placed under guardianship may be ratified by his legal representative (or by the principal when he has gained capacity to proceed before the Office).

(2) The acts of a person who has no power of attorney may be ratified by the principal when he has capacity to proceed before the Office or by his legal representative.

(3) The acts of a person placed under curatorship taken without his curator's consent may be ratified by such person with his curator's consent.

(4) The acts of a legal representative taken without consent of a supervisor of the guardian, where there is such a supervisor, may be ratified by the legal representative when he has obtained the supervisor's consent or by the principal when he has gained capacity to proceed

Chapter II — Patents and Applications for Patents

(Patentability of inventions)

29. — (1) Any person who has made an invention which is industrially applicable may obtain a patent therefor, except in the case of the following inventions:

(i) inventions which were publicly known in Japan or elsewhere prior to the filing of the patent application;

(ii) inventions which were publicly worked in Japan or elsewhere prior to the filing of the patent application;

(iii) inventions which were described in a distributed publication or made available to the public through electric telecommunication lines in Japan or elsewhere prior to the filing of the patent application.

(2) Where an invention could easily have been made, prior to the filing of the patent application, by a person with ordinary skill in the art to which the invention pertains, on the basis of an invention or inventions referred to in any of the items of paragraph (1), a patent shall not be granted for such an invention notwithstanding paragraph (1).

29bis(29-2). — Where an invention claimed in a patent application is identical with an invention or device (excluding an invention or device made by the same person as the inventor of the invention claimed in the patent application) disclosed in the description, claim(s) for patent or utility model registration or drawing(s) originally attached to the request of another application for patent (in the case of a foreign language file application referred to in Article 36^{bis}(36-2)(2) of this Law, the foreign language file referred to in Article 36^{bis}(36-2)(1) of said Law) or of an application for utility model registration which was filed prior to the filing date of the patent application and for which the Patent Gazette which states the matter referred to in each item of Article 66(3) of said Law (hereinafter referred to as “the Gazette containing the Patent”) was published under said paragraph or the laying open for public inspection (Kôkai) was effected or the Utility Model Gazette which states the matter referred to in each item of Article 14(3) of Utility Model Law (No. 123 of 1959) (hereinafter referred to as “the Gazette containing the Utility Model”) was published under said paragraph after the filing of the patent application, a patent shall not be granted for the invention notwithstanding Article 29(1). However, this provision shall not apply where, at the time of filing of the patent application, the applicant of the patent application and the applicant of the other application for patent or the application for utility model registration are the same person.

(Exceptions to lack of novelty of invention)

30. — (1) In the case of an invention which has fallen under any of the items of Article 29(1) against the will of the person having the right to obtain a patent, such invention shall be deemed not to have fallen under any of the items of Article 29(1) for the purposes of Article 29(1) and (2) to the invention claimed in the patent application which has been filed by such person within one year from the date on which the invention first fell under any of those items.

Regulations under the Patent Law

(The Ministry of International Trade and Industry Ordinance
No. 10 of March 8, 1960 as amended)*

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* By Ordinance No. 113 of 1962, Ordinance No. 4 of 1964, Ordinance No. 88 of 1965, Ordinance No. 95 of 1965, Ordinance No. 73 of 1966, Ordinance No. 101 of 1970, Ordinance No. 112 of 1970, Ordinance No. 56 of 1971, Ordinance No. 56 of 1975, Ordinance No. 82 of 1975, Ordinance No. 14 of 1978, Ordinance No. 34 of 1978, Ordinance No. 63 of 1978, Ordinance No. 55 of 1979, Ordinance No. 33 of 1980, Ordinance No. 7 of 1981, Ordinance No. 23 of 1981, Ordinance No. 30 of 1981, Ordinance No. 58 of 1981, Ordinance No. 42 of 1982, Ordinance No. 75 of 1982, Ordinance No. 21 of 1984, Ordinance No. 44 of 1984, Ordinance No. 93 of 1984, Ordinance No. 45 of 1985, Ordinance No. 74 of 1985, Ordinance No. 37 of 1987, Ordinance No. 73 of 1987, Ordinance No. 16 of 1989, Ordinance No. 41 of 1990, Ordinance No. 42 of 1992, Ordinance No. 75 of 1993, Ordinance No. 57 of 1995, Ordinance No. 64 of 1996, Ordinance No. 79 of 1996, Ordinance No. 21 of 1997, Ordinance No. 88 of 1997, Ordinance No. 117 of 1997, Ordinance No. 1 of 1998, Ordinance No. 57 of 1998, Ordinance No. 87 of 1998, Ordinance No. 14 of 1999, Ordinance No. 19 of 1999, Ordinance No. 132 of 1999, Ordinance No. 92 of 2000, Ordinance No. 99 of 2000, Ordinance No. 357 of 2000, Ordinance No. 166 of 2001, Ordinance No. 190 of 2001, Ordinance No. 207 of 2001, Ordinance No. 94 of 2002, Ordinance No. 72 of 2003, Ordinance No. 99 of 2003, Ordinance No. 101 of 2003, Ordinance No. 141 of 2003, Ordinance No. 28 of 2004, Ordinance No. 69 of 2004, Ordinance No. 14 of 2005, Ordinance No. 30 of 2005, Ordinance No. 96 of 2005, Ordinance No. 118 of 2005, Ordinance No. 77 of 2006, Ordinance No. 81 of 2006, Ordinance No. 14 of 2007, Ordinance No. 26 of 2007, Ordinance No. 50 of 2007, Ordinance No. 64 of 2007, Ordinance No. 68 of 2007, Ordinance No. 19 of 2008, Ordinance No. 69 of 2008, Ordinance No. 90 of 2008, Ordinance No. 5 of 2009, Ordinance No. 34 of 2009, Ordinance No. 35 of 2010, Ordinance No. 72 of 2011, Ordinance No. 65 of 2012, Ordinance No. 2 of 2012, Ordinance No. 86 of 2012, Ordinance No. 2 of 2014, Ordinance No. 40 of 2014, Ordinance No. 54 of 2014, Ordinance No. 6 of 2015, Ordinance No. 7 of 2015, Ordinance No. 51 of 2015, Ordinance No. 72 of 2015, Ordinance No. 36 of 2016, Ordinance No. 51 of 2016 and Ordinance No. 5 of 2018.

[ENTRY INTO FORCE: April 1, 2018].

Regulations under the Patent Law

Chapter I General Provisions

(Procedures in writing, etc.)

1. — (1) An application for a patent, a demand and other procedures concerning patents (hereinafter referred to as “procedure”) shall be made in writing unless otherwise provided by a law, order or ordinance.

(2) A document shall be prepared for each case unless otherwise provided by a law, order or ordinance.

(3) A document shall contain the name, domicile or residence of the person submitting the document and, in the case of a legal entity, the name of an officer representing it, and shall be fixed with the seal thereof.

(Language of documents, etc.)

2. — (1) Documents (except as otherwise provided for in the following paragraph) shall be written in the Japanese language unless otherwise provided by a law, order or ordinance.

(2) A power of attorney, nationality certificate and other documents written in a foreign language shall be accompanied by a translation thereof.

3. — Where a quantitative measurement of the state of material phenomena as provided for in Article 2(1) of the Measurement Law (Law No. 51 of 1992) is stated in a document, it shall be stated in accordance with Article 8 of said Law as well as Articles 3, 4, 5, 6 and 8(1) and (3) of the Supplementary Provisions thereof.

(Submission of duplicate)

4. — If there are adverse parties when a document is submitted, a sufficient number of duplicates to serve such parties shall be submitted. However, in the case of representatives notified by such parties under the proviso to Article 14 of the Patent Law (Law No. 121 of 1959), the number shall be the same as the number of such representatives.

(Form, etc. of request for extension of time limit, etc.)

4^{bis}(4-2). — (1) The request to be made with respect to a patent application and an appeal trial against examiner’s refusal for the extension of a time limit under Article 4, 5(1) or (3) of the Patent Law, for change of a date under Article 5(2) of said Law or for extension of a time limit under Article 108(3) of said Law, shall be made in accordance with Form 2.

(2) The request for extension of a time limit under Article 4 or 5(1) of the Patent Law or the request for change of a date under Article 5(2) of said Law (excluding those prescribed in the preceding paragraph) shall be made in accordance with Form 3.

(3) The request for change of a date under Article 5(2) of the Patent Law shall clearly indicate the reason for which the change of date is necessary.

(4) The change of a date under the preceding paragraph shall not be permitted for the following reasons. However, this shall not apply to cases where unavoidable reasons also exist.

(i) in cases where there are several representatives for either of the parties, reasons for change have occurred with regard to a part of their representation.

(ii) reasons that, after such date was designated, the same date and time was designated for another case.

(5) those with respect to the time limits as provided for in an ordinance of the Ministry of the Economy, Trade and Industry referred to in Article 5(3) of the Patent Law shall be listed in each of the following items :

(i) the extension with respect to the time limits designated by the Commissioner of the Patent Office (excluding the time limits designated by the Commissioner of the Patent Office relating to the procedures for an application for registration of an extension of the time limit of a patent right, opposition to patent, demand for trial or retrial, or request for interpretation;

(ii) the extension with respect to the time limits designated by an examiner (excluding the time limit designated by an examiner under Article 48^{septies}(48-4) of the Patent Law and the time limit designated by an examiner under Article 50 of said Law as applied mutatis mutandis under Articles 67^{quater}(67-4) and 163(2) of said Law in the examination under Article 162 of said Law.

(6) The time limits as provided for in an ordinance of the Ministry of the Economy, Trade and Industry referred to in Article 5(3) of the Patent Law shall be two months from the next day of the last day of the time limit designated by the Commissioner of the Patent Office or an examiner as the procedure to be taken (where Article 3(2) of said Law applies to the last day of said time limit, the last day of said time limit in the case where said paragraph is not applied).

(Certification of Power of Attorney)

4^{ter}(4-3). — (1) The power of attorney of a legal representative, the special authorization under Article 9 of the Patent Law or the power of attorney of a representative of a person proceeding before the Patent Office with the following matters shall be certified in writing. However, where the representative of an assignor who, in item (ii) below, notifies the succession of the right to obtain a patent under Article 34(4) of the Patent Law is the same as the representative before the notification, the power of attorney of that representative need not to be certified in writing:

(i) motion for the resumption of a procedure;

(ii) notification of the succession to the right to obtain a patent under Article 34(4) or (5) of the Patent Law;

(iii) patent application under Article 44(1) of the Patent Law (excluding the case where it is filed through the representative with respect to the original application);

(iv) request for examination of a patent application (limited to the request filed by another person);

(v) application for registration of an extension of the term of a patent right;

- (vi) request for interpretation;
 - (vii) request for arbitration decision;
 - (viii) submission of a written reply under Article 84 of the Patent Law (including its application under Article 92(7) or 93(3) of said Law);
 - (ix) opposition to patent;
 - (x) demand for intervention under Article 119(1) of the Patent Law (including its application under Article 174(1) of said Law);
 - (xi) submission of a first argument under Article 120^{quinquies}(120-5)(1) of the Patent Law (including its application under Article 174(1) of said Law);
 - (xii) demand for a trial (excluding an appeal trial against examiner's refusal);
 - (xiii) submission of a written reply under Article 134(1) of the Patent Law (including its application under Articles 71(3) and 174(3) of said Law);
 - (xiv) application for intervention under Article 148(1) or (3) of the Patent Law (including its application under Article 174(2) of said Law);
 - (xv) motion for preservation of evidence (limited to the motion to be made before a request for interpretation, an opposition to patent, a demand for a trial or retrial is made);
 - (xvi) demand for retrial;
 - (xvii) notification of the change in accession number of a deposit of microorganism under Article 27^{bis}(2) (limited to the notification to be made by the patentee).
- (2) Where a person proceeding before the Patent Office or a patentee notifies under Article 9^{bis}(1) an appointment or change of his representative or the change in power of attorney of the representative, or where a representative of a person proceeding before the Patent Office or of a patentee notifies under Article 9^{bis}(9-2)(2) his appointment as representative, the power of attorney or the changed power of attorney which the person proceeding before the Patent Office or the patentee has given to his representative or the power of attorney given to the appointed representative shall be certified in writing.
- (3) Where a person proceeding before the Patent Office takes a procedure in respect of the same case through a new representative without notification under Article 9^{bis}(9-2)(1) or (2) while the case is pending in the Patent Office, the power of attorney given to the representative shall be certified in writing. However, this provision shall not apply to the following procedures:
- (i) payment of an annual fee under Article 107(1) of the Patent Law;
 - (ii) request for refund of annual fees paid under Article 111(1) of the Patent Law;
 - (iii) payment of a surcharge of annual fee under Article 112(2) of the Patent Law;
 - (iv) request under Article 186(1) of the Patent Law for issuance of a certificate, a copy or an extract of documents, for inspection or copying of documents and for issuance of documents containing matters recorded in that part of the Patent Register as prepared on magnetic tapes;
 - (v) request under Article 195(8) of the Patent Law for refund of a fee paid by mistake or in excess;
 - (vi) procedure under Article 15(2) to receive articles;
 - (vii) submission under Article 31^{ter}(31-3)(1) of an explanation of the circumstances for

Utility Model Law

(Law No. 123 of April 13, 1959, as amended)*

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* By Law No. 140 of 1962, Law No. 161 of 1962, Law No. 148 of 1964, Law No. 81 of 1965, Law No. 91 of 1970, Law No. 96 of 1971, Law No. 46 of 1975, Law No. 27 of 1978, Law No. 30 of 1978, Law No. 45 of 1981, Law No. 23 of 1984, Law No. 24 of 1984, Law No. 41 of 1985, Law No. 27 of 1987, Law No. 30 of 1990, Law No. 26 of 1993, Law No. 89 of 1993, Law No. 116 of 1994, Law No. 68 of 1996, Law No. 51 of 1998, Law No. 41 of 1999, Law No. 160 of 1999, Law No. 220 of 1999, Law No. 24 of 2002, Law No. 47 of 2003, Law No. 79 of 2004, Law No. 120 of 2004, Law No. 75 of 2005, Law No. 55 of 2006, Law No. 16 of 2008, Law No. 63 of 2011, Law No. 74 of 2011 and Law No. 36 of 2014. ~2006, Law No. 16 of 2008, Law No. 63 of 2011, Law No. 74 of 2011, Law No. 30 of 2012, Law No. 36 of 2014, Law No. 69 of 2014, Law No. 55 of 2015, Law No. 108 of 2016 and Law No. 70 of 2018. .

[ENTRY INTO FORCE: April 1, 2016]

Utility Model Law

Chapter I — General Provisions

(Purpose)

1. — The purpose of this Law shall be to encourage devices by promoting the protection and utilization of devices relating to the shape or construction of articles or a combination of articles, so as to contribute to the development of industry.

(Definitions)

2. — (1) “Device” in this Law means the creation of technical ideas by which a law of nature is utilized.

(2) “Registered utility model” in this Law means a device for which a utility model registration has been effected.

(3) “Working” of a device in this Law means acts of manufacturing, using, assigning, leasing, importing, exporting or offering for assignment or lease (including displaying for the purpose of assignment or lease — hereinafter referred to as “offering for assignment or lease”) of, articles embodying the device.

(Amendment)

2^{bis}(2-2). — (1) A person who is proceeding on a utility model application or a demand or taking any other procedure relating to a utility model registration (hereinafter referred to as “procedure”) may make amendments only during the pendency of the case before the Patent Office. However, after the expiration of the time limit prescribed by an ordinance of the Ministry of Economy, Trade and Industry, he may not amend the description, claim(s) for utility model registration, drawing(s) or abstract attached to the request or the documents referred to in Article 43(1) of the Patent Law (Law No. 121 of 1959) as applied under Article 8(4) or 11(1) of this Law (including its application under Article 43^{bis}(43-2)(2) of the Patent Law as applied under Article 11(1) of this Law (including its application under Article 43^{ter}(43-3)(3) of the Patent Law as applied under Article 11 of this Law) and 43^{ter}(43-3)(3) of the Patent Law).

(2) An amendment of the description, claim(s) for utility model registration or drawing(s) under the principal sentence of the preceding paragraph shall remain within the scope of the features disclosed in the description, claim(s) for utility model registration or drawing(s) originally attached to the request.

(3) Notwithstanding paragraph (1), the corrected description, claim(s) for utility model registration or drawing(s) attached to the written correction under Article 14^{bis}(14-2)(1) may not be amended.

(4) The Commissioner of the Patent Office may invite amendment, designating an adequate time limit, in the following cases:

(i) when the requirements of Article 7(1) to (3) or 9 of the Patent Law as applied under

Article 2^{quinquies}(2-5)(2) of this Law have not been complied with;

(ii) when the formal requirements specified in this Law or in an order or ordinance thereunder have not been complied with;

(iii) when the fees to be paid under Article 32(1) have not been paid with respect to a procedure;

(iv) when the fees to be paid under Article 54(1) or (2) have not been paid with respect to a procedure.

(5) Any amendment (except in the case of the payment of the annual fee or fees) shall be submitted in writing.

(Dismissal of procedure)

2^{ter}(2-3). — The Commissioner of the Patent Office may dismiss a procedure when a person whom he has invited to make amendment in accordance with Article 2^{bis}(2-2)(3), 6^{bis}(6-2) or 14^{ter}(14-3) fails to do so within the time limit designated in accordance with that paragraph or that Article.

(Capacity of associations, etc., which are not legal entities to proceed before the Office)

2^{quater}(2-4). — (1) An association or foundation which is not a legal entity but for which an officer representing it or an administrator has been designated may, in its name:

(i) make a request for technical opinion as to registrability of a utility model referred to in Article 12(1);

(ii) demand a trial;

(iii) demand a retrial against a final and conclusive trial decision.

(2) An association or foundation which is not a legal entity but for which an officer representing it or an administrator has been designated may be made a party in its name to a retrial against a final and conclusive trial decision.

(Application mutatis mutandis of Patent Law)

2^{quinquies}(2-5). — (1) Articles 3 and 5 of the Patent Law shall apply mutatis mutandis to the time limits and dates prescribed in this Law.

(2) Articles 7 to 9, 11 to 16 and 18^{bis}(18-2) to 24 of the Patent Law shall apply mutatis mutandis to the procedure.

(3) Article 25 of the Patent Law shall apply mutatis mutandis to utility model rights and other rights relating to utility model registrations.

(4) Article 26 of the Patent Law shall apply mutatis mutandis to utility model registrations.

Regulations under the Utility Model Law

(The Ministry of International Trade and Industry Ordinance
No. 11 of March 8, 1960, as amended)*

* By Ordinance No. 5 of 1964, Ordinance No. 88 of 1965, Ordinance No. 101 of 1970, Ordinance No. 112 of 1970, Ordinance No. 83 of 1975, Ordinance No. 14 of 1978, Ordinance No. 34 of 1978, Ordinance No. 7 of 1981, Ordinance No. 23 of 1981, Ordinance No. 21 of 1984, Ordinance No. 44 of 1984, Ordinance No. 45 of 1985, Ordinance No. 74 of 1985, Ordinance No. 37 of 1987, Ordinance No. 73 of 1987, Ordinance No. 16 of 1989, Ordinance No. 41 of 1990, Ordinance No. 75 of 1993, Ordinance No. 57 of 1995, Ordinance No. 64 of 1996, Ordinance No. 79 of 1996, Ordinance No. 21 of 1997, Ordinance No. 88 of 1997, Ordinance No. 1 of 1998, Ordinance No. 57 of 1998, Ordinance No. 87 of 1998, Ordinance No. 14 of 1999, Ordinance No. 132 of 1999, Ordinance No. 92 of 2000, Ordinance No. 357 of 2000, Ordinance No. 94 of 2002, Ordinance No. 72 of 2003, Ordinance No. 99 of 2003, Ordinance No. 141 of 2003, Ordinance No. 153 of 2003, Ordinance No. 28 of 2004, Ordinance No. 69 of 2004, Ordinance No. 30 of 2005, Ordinance No. 96 of 2005, Ordinance No. 118 of 2005, Ordinance No. 14 of 2007, Ordinance No. 26 of 2007, Ordinance No. 50 of 2007, Ordinance No. 69 of 2008, Ordinance No. 90 of 2008, Ordinance No. 5 of 2009 and Ordinance No. 72 of 2011, Ordinance No. 86 of 2012, Ordinance No. 6 of 2015, Ordinance No. 7 of 2015, Ordinance No. 51 of 2015 and Ordinance No. 36 of 2016.

[ENTRY INTO FORCE: April 1, 2016]

Regulations under the Utility Model Law

(Time limit of amendment)

1. — The time limit as provided for in an ordinance of the Ministry of Economy, Trade and Industry referred to in the proviso to Article 2^{bis}(2-2)(1) of the Utility Model Law (Law No. 123 of 1959) shall be one month from the filing date of the utility model application (with respect to the utility model application under Article 10(1) or (2) of the Utility Model Law or Article 44(1) of the Patent Law (Law No. 121 of 1959) as applied mutatis mutandis under Article 11(1) of the Utility Model Law, in the case of the amendment to the document under Article 8(4) of the Utility Model Law pursuant to the proviso to Article 2^{bis}(2-2)(1) of said Law or the document under Article 43(1) of the Patent Law as mutatis mutandis under Article 11(1) of the Utility Model Law (including its application under Article 43^{bis}(43-2)(2) of the Patent Law) (including its application under Article 43^{ter}(43-3) (3) of the Patent Law as mutatis mutandis under Article 11(1) of the Utility Model Law) and Article 43^{ter}(43-3) (3) of the Patent Law as mutatis mutandis under Article 11(1) of the Utility Model Law), said filing date of the utility model application, and in the case of amendment to a procedure on the international application having been recognized as a utility model application pursuant to Article 48^{sedecies}(48-16)(4) of the Utility Model Law, the date of the decision under Article 48^{sedecies}(48-16)(4) of said Law).

(Form of request)

1^{bis}(1-2). — (1) A request (excluding the request under the following paragraph) shall be prepared in accordance with Form 1.

(2) A request of an application for utility model registration under Article 10(1) or (2) of the Utility Model Law or Article 44(1) of the Patent Law as applied mutatis mutandis under Article 11(1) of the Utility Model Law shall be prepared in accordance with Form 2.

(3) Where an application for utility model registration is filed with respect to the result of specified research and development, etc. as stipulated in Article 19 of the Industrial Technology Enhancement Law (Law No. 44 of 2000), the request shall contain a statement to that effect.

(Form of description)

2. — A description to be attached to a request shall be prepared in accordance with Form 3.

(Statements of detailed explanation of device)

3. — Statements as provided for in an ordinance of the Ministry of Economy, Trade and Industry referred to in Article 5(4) of the Utility Model Law shall be made by stating the problem to be solved through the device, the means to solve the problem and other matters necessary for a person with the ordinary skill in the art to which the device pertains to understand the technical meaning of the device.

(Statements of claim(s) for utility model registration)

4. — Statements of claim(s) for utility model registration as provided for in an ordinance of the Ministry of Economy, Trade and Industry referred to in Article 5(6) (iv) of the Utility Model Law shall be as prescribed in each of the following items:

- (i) for each claim, the statements shall be made in a separate paragraph with one number being assigned thereto;
- (ii) the numbers assigned to claim(s) shall be consecutive in the sequence in which they are stated;
- (iii) in the statements in a claim, reference to the statement of other claim(s) shall be made by the number(s) assigned thereto;
- (iv) when a claim refers to the statement of another claim, the claim shall not precede the other claim to which it refers.

(Form of claim(s) for utility model registration)

4^{bis}(4-2). — The claim(s) for utility model registration to be attached to a request shall be prepared in accordance with Form 3^{bis}(3-2).

(Form of drawings)

5. — Drawings to be attached to a request shall be prepared in accordance with Form 4.

(Statements of abstract)

6. — The matter as provided for in an ordinance of the Ministry of Economy, Trade and Industry referred to in Article 5(7) of the Utility Model Law shall be the number assigned to the drawing(s) which is the most suitable to be published in the Utility Model Gazette together with the summary of the device disclosed in the description, claim(s) for utility model registration or drawings when the publication in the Utility Model Gazette under Article 14(3) of said Law is made.

(Form of abstract)

7. — An abstract shall be prepared in accordance with Form 5.

(Unity of device)

7^{bis}(7-2). — (1) The technical relationship as provided for in an ordinance of the Ministry of Economy, Trade and Industry referred to in Article 6 of the Utility Model Law shall mean the technical relationship in which two or more devices involving the same or corresponding special technical features are so linked as to form a single general inventive concept.

(2) The special technical features under the preceding paragraph shall mean those technical features that define a contribution which the devices make over the prior art.

(3) With regard to the technical relationship under paragraph (1), the determination thereof shall be made regardless of whether two or more devices are claimed in separate claims or as alternatives

**Law Concerning International Applications, etc.
Pursuant to the Patent Cooperation Treaty**

(Law No. 30 of April 26, 1978, as amended)

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Law Concerning International Applications, etc. Pursuant to the Patent Cooperation Treaty

Chapter I — General Provisions

(Purpose)

1. — This Law shall provide for proceedings to be taken between the Patent Office and an applicant concerning an international application, international search and international preliminary examination pursuant to the Patent Cooperation Treaty done at Washington on June 19, 1970 (hereinafter referred to as “Treaty”).

Chapter II — The International Application

(The international application)

2. — A Japanese national or an alien who is domiciled or resident (or, in the case of a legal entity, established) in Japan (hereinafter referred to as a “Japanese national, etc.”) may file an international application referred to in Article 2(vii) of the Treaty (hereinafter referred to as “international application”) with the Commissioner of the Patent Office. The same shall also apply in the case where a Japanese national, etc. and a person other than the Japanese national, etc. jointly file an international application.

(The request, etc.)

3. — (1) A person desiring to file an international application shall submit to the Commissioner of the Patent Office a request, a description, one or more claims, one or more drawings (where required) and an abstract in the Japanese language or in a foreign language specified in an ordinance of the Ministry of Economy, Trade and Industry.

(2) The request shall contain the following:

- (i) a petition to the effect that the international application be processed according to the Treaty;
- (ii) the name, the nationality and the domicile or residence of the applicant;
- (iii) the title of the invention;
- (iv) other particulars specified in an ordinance of the Ministry of Economy, Trade and Industry.

(3) An ordinance of the Ministry of Economy, Trade and Industry shall prescribe the matters to be stated or illustrated in a description, claims, drawings and an abstract, and other necessary particulars in relation to these documents.

(Accordinging of the international filing date, etc.)

4. — (1) The Commissioner of the Patent Office shall decide to accord as the international filing date the date of receipt of the international application, unless the international application falls under any of the following items:

- (i) the applicant does not comply with the requirements of Article 2;
- (ii) the particulars listed in Article 3(2)(i) are not stated;
- (iii) the name of the applicant is not stated, or the statement is not considered sufficient to the extent to enable the identification of the applicant;
- (iv) the international application does not contain a description or a claim or claims.
- (v) the description and claim(s) are not in the Japanese language or in a foreign language specified in an ordinance of the Ministry of Economy, Trade and Industry referred to in Article 3(1);

(2) Where an international application falls under any of the items of the preceding paragraph, the Commissioner of the Patent Office shall invite the applicant to make the required correction in writing, designating an adequate time limit.

(3) The Commissioner of the Patent Office shall decide to accord as the international filing date the date of receipt of the correction in writing when the person whom he has invited to make the correction under the preceding paragraph has complied with the invitation within the time limit designated in accordance with said paragraph.

5. — (1) Where an international application refers to drawings which are not included in that application, the Commissioner of the Patent Office shall notify the applicant accordingly.

(2) If the person who has been notified in accordance with the preceding paragraph has furnished the drawings mentioned in said paragraph within the time limit prescribed in an ordinance of the Ministry of Economy, Trade and Industry, the Commissioner of the Patent Office shall decide the date on which the drawings are received as the international filing date.

(Invitation to make corrections)

6. — Where an international application falls under any of the following items, the Commissioner of the Patent Office shall invite correction to be made in writing, designating an adequate time limit:

- (i) where the request is not in the Japanese language or a foreign language specified in an ordinance of the Ministry of Economy, Trade and Industry;
- (ii) where the title of an invention is not stated;
- (iii) where drawings (limited to the text matter of drawings) and an abstract are not in the same language as that of the description and claim(s);
- (iv) where an abstract is not contained;
- (v) where there is no compliance with Article 16(3) or Article 7(1) to (3) of the Patent Law (Law No. 121 of 1959) applied in the first sentence of Article 19(1) (or provisions of pertinent Cabinet Order if any exceptions are made therefor by Cabinet Order referred to in the second sentence of Article 19(1));
- (vi) where there is no compliance with formal requirements specified in an ordinance of the Ministry of Economy, Trade and Industry.

(Decision for being considered withdrawn)

7. — When an international application falls under any of the following items, the Commissioner of the Patent Office shall decide that such application shall be considered withdrawn:

- (i) when a person who has been invited to make a correction under Article 6 has failed to make the correction within the time limit designated in accordance with said Article;
- (ii) when the fees to be paid under Article 18(2)(excluding the portion specified in row of table 3 under said paragraph) have not been paid within the time limit prescribed in an ordinance of the Ministry of Economy, Trade and Industry;
- (iii) in respect of an international application for which the decision under Article 4(1) or (3) or Article 5(2) has been made, when said international application is found to fall under any of the items of Article 4(1) within the time limit prescribed in an ordinance of the Ministry of Economy, Trade and Industry.

Chapter III — The International Search

(International search report)

8. — (1) In respect of an international application [excluding one for which the international search referred to in Article 15 of the Treaty (hereinafter referred to as “international search”) is carried out by another International Searching Authority provided for in the Treaty. Hereinafter the same in this Chapter and the next Chapter] for which the decision under Article 4(1) or (3) or Article 5(2) has been made, the Commissioner of the Patent Office shall have an examiner establish the international search report referred to in Article 18(1) of the Treaty (hereinafter referred to as “international search report”).

(2) Where an international application falls under any of the following items in connection with all of the claims therein, the examiner shall decide not to establish the international search report, notwithstanding the provision of the preceding paragraph:

(i) where the international application relates to a subject matter for which an ordinance of the Ministry of Economy, Trade and Industry provides that the international search is not required;

(ii) where the necessary matters are not disclosed in the description, the claims or the drawings, or the disclosure is so unclear that a meaningful search could not be carried out on the basis of such documents.

(3) Where an international application falls under any of the items under the preceding paragraph in connection with certain claims therein, the examiner shall indicate accordingly and also state the result of the international search carried out in connection with only those claims other than said certain claims in the international search report.

(4) Where an international application does not comply with the requirement of unity of invention referred to in Article 17(3)(a) of the Treaty, the Commissioner of the Patent Office shall invite the applicant to pay the additional fees which are to be fixed, to the extent the amount obtained by the amount specified in the following items (by 78,000 yen), by Cabinet Order, designating an adequate time limit:

(i) in the case of a description and claim(s) in the Japanese language 105,000yen;

(ii) in the case of a description and claim(s) in a foreign language specified in an ordinance of the Ministry of Economy, Trade and Industry 168,000 yen.

(5) Where the applicant who was invited to pay additional fees under the preceding paragraph has not paid the required additional fees within the time limit designated in accordance with said paragraph, the examiner shall, as provided in an ordinance of the Ministry of Economy, Trade and Industry, separate the international application into a part which relates to inventions in respect of which said fees were paid and a part which relates to the other inventions and shall state in the international search report the result of the international search carried out for that part which relates to the inventions in respect of which said fees were paid, whereas, for that part which relates to the other inventions, a note to that effect.

Intellectual Property Basic Act (Act No. 122 of 2002)

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Chapter I General Provisions

Article 1 (Purpose)

The purpose of this Act is, for the objective of realizing a dynamic economy and society that is based on the creation of added values through the creation of new intellectual property and effective exploitation of such intellectual property in light of a growing necessity for intensifying the international competitiveness of Japanese industry in response to the changes in the social and economic situations at home and abroad, to promote measures for the creation, protection and exploitation of intellectual property in a focused and systematic manner by stipulating the basic principles on the creation, protection and exploitation of intellectual property and the basic matters to achieve the principles, clarifying the responsibilities of national government, local governments, universities, etc. and business operators, establishing the Intellectual Property Strategy Headquarters, and providing stipulations on the development of a strategic program on the creation, protection and exploitation of intellectual property.

Article 2 (Definition)

(1) The term “intellectual property” as used in this Act shall mean inventions, devices, new varieties of plants, designs, works and other property that is produced through creative activities by human beings (including discovered or solved laws of nature or natural phenomena that are industrially applicable), trademarks, trade names and other marks that are used to indicate goods or services in business activities, and trade secrets and other technical or business information that is useful for business activities.

(2) The term “intellectual property right” as used in this Act shall mean a patent right, a utility model right, a plant breeder’s right, a design right, a copyright, a trademark right,

– Intellectual Property Basic Act –

a right that is stipulated by laws and regulations on other intellectual property or right pertaining to an interest that is protected by acts.

(3) The term “universities, etc.” as used in this Act shall mean universities and colleges of technology (which means universities and colleges of technology as provided in Article 1 of School Education Act [Act No. 26 of 1947]; The same shall apply in Article 7, paragraph 3 of this Act), inter-university research institutions (which means inter-university research institutions as provided in Article 9-2, paragraph 1 of National School Establishment Act [Act No. 150 of 1949]; The same shall apply in Article 7, paragraph 3 of this Act), incorporated administrative agency (which means incorporated administrative agency as provided in Article 2, paragraph 1 of Act on General Rules for Incorporated Administrative Agency [Act No. 103 of 1999]; The same shall apply in Article 30, paragraph 1 of this Act) that are engaged in test and research activities, public corporations (which means juridical person directly incorporated by an act or juridical person incorporated by special juristic act for establishment by a special act, to which the provision of Article 4, paragraph 15 of the Act on Establishment of the Ministry of Public Management, Home Affairs, Posts and Telecommunications [Act No. 91 of 1999] are applicable; The same shall apply in Article 30, paragraph 1 of this Act) that are designed for Research and Development, and test and research institutions that belong to national government and local governments.

Article 3 (Sound development of the national economy and creation of rich culture)

Measures for the creation, protection and exploitation of intellectual property shall be promoted with the objective of realizing a society in which the public can enjoy the benefit of intellectual property and establishing a foundation for the creation of new intellectual property in the future, thereby contributing to the sound development of the national economy and the creation of rich culture, through developing an essential environment to develop human resources that are rich in creativity, effectively exercise such creativity, achieve prompt and appropriate protection of intellectual property in response to the progress in technical innovation at home and abroad, actively exploit intellectual property in the economy and society, and utilize its value to the maximum.

Article 4 (Intensification of the international competitiveness and sustainable development of Japanese industry)

Measures for the creation, protection and exploitation of intellectual property shall be promoted with the objective of achieving an intensification of the technical capabilities of Japanese industry and the revitalization of the industry, the activation of the local economy, and an increase in job opportunities, thereby contributing to the intensification of the international competitiveness of Japanese industry and a sustainable development of Japanese industry that precisely responds to the changes in the economic environment

– Intellectual Property Basic Act –

at home and abroad, through encouraging smooth transfer of the results of creative Research and Development into commercial use and promoting the development of new business fields, management innovation and business startups, all of which are based on intellectual property.

Article 5 (Responsibilities of National government)

National government shall have the responsibility for formulating and implementing measures for the creation, protection and exploitation of intellectual property in accordance with the basic principles on the creation, protection and exploitation of intellectual property set forth in the provisions of the preceding two articles (hereinafter referred to as “basic principles”).

Article 6 (Responsibilities of local governments)

Local governments shall have the responsibility for formulating and implementing autonomous measures that reflect distinctive features of the areas of the relevant local governments with regard to the creation, protection and exploitation of intellectual property in accordance with the basic principles, by appropriately sharing roles with national government.

Article 7 (Responsibilities, etc. of universities, etc.)

(1) Universities, etc. shall, in light of the fact that their activities are contributing to the creation of intellectual property in the whole society, endeavor voluntary and positive to develop human resources, disseminate research and the research results.

(2) Universities, etc. shall endeavor to assure proper treatment of researchers and engineers and to establish and improve research facilities so that the duties and working environments of such researchers and engineers will be attractive and suitable for their importance.

(3) In formulating and implementing measures for the creation, protection and exploitation of intellectual property pertaining to universities, colleges of technology and inter-university research institutions, national government and local governments shall consider the respect for researchers’ autonomy or other characteristics of the research that is carried out at universities, colleges of technology and inter-university research institutions.

Article 8 (Responsibilities of business operators)

(1) In light of the importance of the role that intellectual property plays in the development of Japanese industry, business operators shall, in accordance with the basic princi-