

Research Study on the Form of Expression of Patent Claims

The scope of patent claims is an important document that defines the scope of patent rights and must satisfy the requirements stipulated in Article 36 of the Patent Law in Japan. On the other hand, the patent applicant can freely describe the claims and can use various forms of expression. Also, the claims are divided into claims, and each claim describes the matters necessary to specify the invention to be patented, and dependent claims may be used.

As business becomes more globalized, some companies need to obtain patent rights in multiple countries/regions. Since patent rights are established in each country/region, patent applicants need to prepare application documents according to the laws and regulations of each country/region, even when applying for a patent for the same invention. In addition to translating the patent claims into the language required by each country/region, it is also necessary to change the form of expression based on the rules specific to each country/region.

Therefore, if it becomes possible to file applications to foreign countries/regions by simply translating documents prepared for filing in Japan, it will encourage Japanese companies to expand their business globally. Japanese users want international harmonization of description requirements for patent applications, which has been frequently discussed in the user meetings of IP5. And, in particular, there is a desire to omit the task of rewriting patent claims according to the rules of each country or region.

The purpose of this study is to confirm the differences in the current rules for stating patent claims in each country/region and investigating the impact of these differences on patent applicants.

We hope that this research study will be utilized as basic data when considering the international harmonization of the rules for stating patent claims in various countries /regions and that it will also be helpful to users.