

Response to C.9089 (Japan)

## **Sufficiency of Disclosure**

### **(i) enablement requirement**

- National/regional legislation:

Patent Act

Article 36 (4) The statement of the detailed explanation of the invention referred to in item (iii) of the preceding paragraph must comply with each of the following items:

(i) as provided by Order of the Ministry of Economy, Trade and Industry, it is clear and sufficient to enable a person ordinarily skilled in the art of the invention to work the invention; and

Regulations under the Patent Act Article 24bis (Ordinance of the Ministry of Economy, Trade and Industry)

The statement of the detailed explanation of the invention which is to be in accordance with Ordinance of the Ministry of Economy, Trade and Industry under the Patent Act, Article 36(4) (i) shall be made by stating the problem to be solved by the invention and its solution, and other matters necessary for a person ordinarily skilled in the art to which the invention pertains to understand the technical significance of the invention.

- Patent examination manuals and guidelines

See the Examination Guidelines Part II, Chapter 1, Section 1

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- Court decisions

- Other information

See the Annex A and B of Examination Handbook for Patent and Utility Model in Japan

Annex A [Case Examples](#)

- [Description Requirements](#)

Annex B [Application examples of the specific technical fields](#)

- [Chapter 1 Computer software related Inventions](#)
- [Chapter 2 Biological Inventions](#)
- [Chapter 3 Medicinal Inventions](#)

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## **(ii) support requirement**

- National/regional legislation:

Patent Act

Article 36 (6) The statement of the claims referred to in paragraph (2) must comply with each of the following items:

(i) the invention for which the patent is sought is stated in the detailed explanation of the invention;

- Patent examination manuals and guidelines

See the Examination Guidelines Part II, Chapter 2, Section 2

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- Court decisions

(1)

Intellectual Property High Court Decision dated September 29, 2009 (Hei 20 (Gyo-Ke), No. 10484

[http://www.ip.courts.go.jp/app/files/hanrei\\_en/425/001425.pdf](http://www.ip.courts.go.jp/app/files/hanrei_en/425/001425.pdf)

(2)

Intellectual Property High Court Decision dated November 11, 2005 (Hei 17 (Gyo-Ke), No. 10042

[http://www.ip.courts.go.jp/app/files/hanrei\\_en/309/000309.pdf](http://www.ip.courts.go.jp/app/files/hanrei_en/309/000309.pdf)

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## **(iii) written description requirement**

We consider that “written description requirement” is the same meaning as “support requirement”.

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