

(iv)

### 1. Indication of Inventor

In terms of indications that must be stated within applications, Article 36(1) of the Patent Law (Article 184-5(1)) stipulates the “*shimei*”(name) of the inventor, and the “*shimei* (name) or *meisho*” of the applicant, although no equivalent is provided for “meisho”.

Due to the differences in the stipulations above, “*shimei*“ in each item of Article 36(1) is interpreted to mean the name of a natural person; while ”*meisho*“ in each item of the same Article is interpreted to mean the name of a juridical person. It has been further interpreted that a natural person who made an invention shall be described in the column for “inventor” mentioned in item 2 of the same paragraph.

In addition, the interpretation of the inventor as a natural person provided in Art. 36(1)(ii) of the Patent Act is also consistent with the following stipulations:

- A person that invents an invention with industrial applicability may obtain a patent for that invention, unless the invention is as follows. (Article 29(1))
- The right to the grant of a patent may be transferred. (Article 33(1))
- Succession to a right to the grant of a patent prior to the filing of a patent application may not be asserted against any third party unless the successor in title files the patent application. (Article 34(1))

That is to say, the inventor is the entity that has the right to be granted the patent upon completion of the invention, and the stipulation that the inventor may transfer the said right prior to filing the application is intended to make the inventor a natural person, meaning a person who has the capacity of the right, and who may be the applicant.

From the perspectives of the aforementioned interpretations and consistency with the contents of each of the above stipulations, it is hereby notified that the indication of the inventor is interpreted to be limited to a natural person, and that it shall not be permitted to indicate in the column for the inventor of the application, etc. an entry that is not a natural person (e.g., machines including artificial intelligence (AI), etc.).

The person who created the device or design in the application form, etc. as provided in Article 5(1) of the Utility Model Act (Article 48-5(1) of said Act) and Article 6(1) of the Design Act is also treated in the same manner as the indication of the inventor in the application form, etc. as provided in Article 36(1) of the Patent Act (Article 184-5(1) of said Act).

### 2. Where there is an entry in the inventor’s column that indicates that the inventor is not a natural person

Having incomplete descriptions in the application form, the applicant shall be ordered to engage in amendment procedures within an adequate specified period of time, since the procedure does not comply with the formalities (Article 17(3) of the Patent Act (including cases where it is applied mutatis mutandis under Article 68(2) of the Design Act), Article 184-5(2), Article 2-2(4), Article 48-5(2) of the Utility Model Act).