

# **Comparative study on software related inventions**

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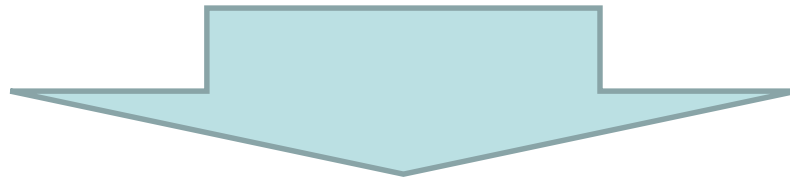
**Japan Patent Office**

## ● History of trilateral comparative study

- ✓ Requirements for disclosure and claims  
(1990, 2007, 2008)
- ✓ Inventive step (1991, 2008)
- ✓ Novelty (2009)
- ✓ Computer related inventions (1997)
- ✓ Business method related inventions (2000)

and so on

- **Industry 4.0 and new technologies**  
ex. IoT [Internet of Things],  
AI [Artificial Intelligence] or 3D printing
- **Change of examination practices** caused by decisions  
of courts and boards of appeals



- In 2017, the Trilateral Offices committed to go ahead with **the comparative study on software related inventions.**

- So far, the comparative study on software related inventions has been conducted by **the EPO and the JPO.**
- **Comparative study on laws, regulations or guidelines**
  - ✓ Eligibility
  - ✓ Novelty
  - ✓ Inventive step
- **Comparative study on case examples**
  - ✓ Same requirements (eligibility, novelty, inventive step)
  - ✓ Case examples of IoT related technologies  
(from JPO's guidelines)
  - ✓ Case examples of claims comprising technical and non-technical features  
(from EPO's guidelines)

### ● Preliminary findings

- ✓ Eligibility
  - Patentable in both offices
  - Eligibility hurdles higher at JPO than EPO
  - Neither insurmountable
  
- ✓ Inventive step
  - Inventive step hurdle higher at EPO than JPO
  - Non-technical features ignored at EPO
  
- ✓ Structured data or data structure
  - Patentable on certain conditions at JPO
  - The relevant Guidelines are currently being re-drafted at EPO

### 3. Next step of comparative study

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- Expected contribution from the USPTO
- Approval and publication in the Trilateral meeting in 2019

**Thank you very much.**

