

From: <isozumi-tsuyoshi@jpo.go.jp>
To: <scp.forum@wipo.int>
Date: 10/31/2008 3:11 PM
Subject: Japan's Comment on SCP/12/3

CC: muta-hirokazu@jpo.go.jp

Dear Mr. Baechtold,

Thank you for your letter of July 24th, giving us an opportunity to provide comments regarding document SCP/12/3.

In reply to your inquiry, we are pleased to send you the following comments. We would very much appreciate your kindness if you could confirm our comments and make the amendments to the document, if appropriate. Should you require any further information or clarification, please contact us.

With regard to Annex II of the document SCP/12/3:

Grace Period (Page 48)

Under Japanese patent law, a person who can invoke Grace Period should be "the person having the right to obtain a patent", not an applicant. Therefore, in item 1.(a)-(c), each of "the applicant" should be rewritten as "the person having the right to obtain a patent".

Exclusions from Patentable Subject Matter (Page 85)

Under the Japanese examination guideline, methods for the treatment of animals are patentable subject matter, while those of humans are not. And in light of Japanese patent law, "public order" is more appropriate than "order", which is present in the current text.

Exceptions and Limitations of the Rights (Page 118)

In item 5, "missing" should be rewritten as "mixing". We would like to clarify whether there is any intended distinction to use "Non-voluntary licenses" in item 7, and "Compulsory licenses" which is mainly used in other parts.

Thank you again for your kind consideration.

Sincerely,
Tsuyoshi Isozumi

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