

# The patent system for protection of know-how and protection strategy of the process invention

- The legal interpretation of prior user rights and proposal of protection strategy matrix of process invention-

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The defensive applications by Japanese firms exist in large quantities, such as carrying out patent application to the know-how which should be essentially kept secret from the fear of the other firm's patent registrations. As a result, it was causing the problem of bringing the technology outflow unintended both at home and abroad by the public disclosure requirement system.

Based on such a situation, the Japan Patent Office has announced guideline. However, a prior user right system is utilized, and as compared with the method of carrying out business enforcement under keeping the know-how in secret and acquiring patent right, it has not been studied in detail how much to contribute to the profitability of the firm.

In this paper, based on (a) Systematization and juristic analysis of the prior user rights system, (b) rate analysis of an admissible claim in patent infringement litigation, (c) analysis of application strategy by the disclosure rate and the registration rate of "process invention", (d) analysis of profitability and IP activities, I attempt to examine the discussion of the distinction strategic secreting of process invention or patent application

I proposed the idea of it to admit prior user rights to be respected in that you have the (preparation of business) business of invention, value to contribute to the public interest of "the development of the industry" is born.

From the analysis of "the disclosure rate of process invention" and "the registration rate of process invention" by which patent application was carried out, it was made possible how firms are protected process invention by patents.

Furthermore, from the analysis of IP activity and patent infringement litigation data, it cannot be said that it is difficult exercise patent rights of "process invention" when compared to such "products invention".