

産業技術力強化法施行規則

Ordinance for Enforcement of the Industrial Technology Enhancement Act

(平成十二年四月十九日通商産業省令第九十九号)

(Ordinance of the Ministry of International Trade and Industry No. 99 of April 19, 2000)

産業技術力強化法（平成十二年法律第四十四号）を実施するため、産業技術力強化法施行規則を次のように定める。

In order to enforce the Industrial Technology Enhancement Act (Act No. 44 of 2000), the Ordinance for Enforcement of the Industrial Technology Enhancement Act is established as follows.

(経済産業省令で定める密接な関係)

(Close Relationship Specified by Ordinance of the Ministry of Economy, Trade and Industry)

第一条 産業技術力強化法施行令（平成十二年政令第二百六号。以下「令」という。）

第一条の二第二号ホ及びへ、同条第三号ホ及びへ、同条第四号ホ及びへ並びに同条第五号ホ及びへに規定する経済産業省令で定める密接な関係は、次のとおりとする。

Article 1 The close relationship specified by Ordinance of the Ministry of Economy, Trade and Industry as prescribed in Article 1-2, item (ii), (e) and (f), item (iii), (e) and (f) of said Article, item (iv), (e) and (f) of said Article and item (v), (e) and (f) of said Article of the Order for Enforcement of the Industrial Technology Enhancement Act (Cabinet Order No. 206 of 2000; hereinafter referred to as the "Order") shall be as follows:

一 令第一条の二第二号ホに規定する経済産業省令で定める密接な関係にあつては、次のいずれかに該当する関係

(i) The close relationship specified by Ordinance of the Ministry of Economy, Trade and Industry as prescribed in Article 1-2, item (ii), (e) of the Order shall be any of the following:

イ その特許発明又は発明が、当該大学等研究者（産業技術力強化法（以下「法」という。）第十七条第一項第一号に規定する大学等研究者をいう。以下同じ。）がした職務発明に係る特許出願の願書に最初に添付した明細書において特許法（昭和三十四年法律第百二十一号）第三十六条第四項第二号の規定により記載すべきものとされる文献公知発明（特許法第二十九条第一項第三号に掲げる発明をいう。以下この条において同じ。）として開示されている関係

(a) A relationship in which said patented invention or invention has been disclosed as an Invention Known to the Public through Publication (meaning the invention listed in Article 29, paragraph (1), item (iii) of the

Patent Act (Act No. 121 of 1959); hereinafter the same shall apply in this Article) that should be stated in the description originally attached to the written application for a patent application pertaining to an Employee Invention by said University, etc. Researcher (meaning the University, etc. Researcher prescribed in Article 17 paragraph (1), item (i) of the Industrial Technology Enhancement Act (hereinafter referred to as the "Act"); the same shall apply hereinafter), pursuant to the provisions of Article 36, paragraph (4), item (ii) of the Patent Act;

ロ その特許発明又は発明が、その特許出願の願書に最初に添付した明細書において文献公知発明として当該大学等研究者がした職務発明を開示している関係

(b) A relationship in which said patented invention or invention has disclosed an Employee Invention by said University, etc. Researcher as an Invention Known to the Public through Publication in the description originally attached to the written application for a patent application pertaining thereto;

ハ その特許発明又は発明が、大学等（法第十七条第一項第二号に規定する大学等をいう。以下同じ。）が当該大学等以外の者と共同して行った試験研究（契約又は協定に基づいて行われたものに限る。以下同じ。）又は大学等が当該大学等以外の者に委託した試験研究の成果に係るものである関係

(c) A relationship in which said patented invention or invention pertains to the results of testing and research that a University, etc. (meaning the University, etc. prescribed in Article 17, paragraph (1), item (ii) of the Act; the same shall apply hereinafter) has conducted jointly with other person(s) (limited to testing and research conducted under a contract or an agreement; the same shall apply hereinafter) or testing and research a University, etc. has entrusted to other person(s);

二 令第一条の二第二号へに規定する経済産業省令で定める密接な関係にあつては、次のいずれかに該当する関係

(ii) The close relationship specified by Ordinance of the Ministry of Economy, Trade and Industry as prescribed in Article 1-2, item (ii), (f) of the Order shall be either of the following:

イ その特許発明又は発明が、当該大学等研究者、試験研究独立行政法人研究者（法第十七条第一項第三号に規定する試験研究独立行政法人（以下「試験研究独立行政法人」という。）の役員又はその職員のうち専ら研究に従事する者をいう。以下同じ。）、公設試験研究機関研究者（法第十七条第一項第四号に規定する公設試験研究機関（以下「公設試験研究機関」という。）の長又はその職員のうち専ら研究に従事する者をいう。以下同じ。）又は試験研究地方独立行政法人研究者（法第十七条第一項第五号に規定する試験研究地方独立行政法人（以下「試験研究地方独立行政法人」という。）の役員又はその職員のうち専ら研究に従事する者をいう。以下同じ。）がした職務発明に係る特許出願の願書に最初に添付した明細書において文献公知発明として開示されている関係

- (a) A relationship in which said patented invention or invention has been disclosed as an Invention Known to the Public through Publication in the description originally attached to the written application for a patent application pertaining to an Employee Invention by said University, etc. Researcher, Research and Development Incorporated Administrative Agency Researcher (meaning an officer or employee exclusively engaged in research of a Research and Development Incorporated Administrative Agency prescribed in Article 17 paragraph (1), item (iii) of the Act (hereinafter referred to as a "Research and Development Incorporated Administrative Agency"); the same shall apply hereinafter), Public Research and Development Institute Researcher (meaning a director or staff member exclusively engaged in research of a Public Research and Development Institute prescribed in item (iv) of said paragraph (hereinafter referred to as a "Public Research and Development Institute")); the same shall apply hereinafter), or Local Research and Development Incorporated Administrative Agency Researcher (meaning an officer or employee exclusively engaged in research of a Local Research and Development Incorporated Administrative Agency prescribed in item (v) of said paragraph (hereinafter referred to as a "Local Research and Development Incorporated Administrative Agency"));
- ロ その特許発明又は発明が、その特許出願の願書に最初に添付した明細書において文献公知発明として当該大学等研究者、試験研究独立行政法人研究者、公設試験研究機関研究者又は試験研究地方独立行政法人研究者がした職務発明を開示している関係
- (b) A relationship in which said patented invention or invention has disclosed an Employee Invention by said University, etc. Researcher, Research and Development Incorporated Administrative Agency Researcher, Public Research and Development Institute Researcher, or Local Research and Development Incorporated Administrative Agency Researcher as an Invention Known to the Public through Publication in the description originally attached to the written application for a patent application pertaining thereto;
- 三 令第一条の二第三号ホに規定する経済産業省令で定める密接な関係にあつては、次のいずれかに該当する関係
- (iii) The close relationship specified by Ordinance of the Ministry of Economy, Trade and Industry as prescribed in Article 1-2, item (iii), (e) of the Order shall be any of the following:
- イ その特許発明又は発明が、当該試験研究独立行政法人研究者がした職務発明に係る特許出願の願書に最初に添付した明細書において文献公知発明として開示されている関係
- (a) A relationship in which said patented invention or invention has been

disclosed as an Invention Known to the Public through Publication in the description originally attached to the written application for a patent application pertaining to an Employee Invention by said Research and Development Incorporated Administrative Agency Researcher;

ロ その特許発明又は発明が、その特許出願の願書に最初に添付した明細書において文献公知発明として当該試験研究独立行政法人研究者がした職務発明を開示している関係

(b) A relationship in which said patented invention or invention has disclosed an Employee Invention by said Research and Development Incorporated Administrative Agency Researcher as an Invention Known to the Public through Publication in the description originally attached to the written application for a patent application pertaining thereto;

ハ その特許発明又は発明が、試験研究独立行政法人が当該試験研究独立行政法人以外の者と共同して行った試験研究又は試験研究独立行政法人が当該試験研究独立行政法人以外の者に委託した試験研究の成果に係るものである関係

(c) A relationship in which said patented invention or invention pertains to the results of testing and research that a Research and Development Incorporated Administrative Agency has conducted jointly with other person(s) or testing and research a Research and Development Incorporated Administrative Agency has entrusted to other person(s);

四 令第一条の二第三号へに規定する経済産業省令で定める密接な関係にあつては、次のいずれかに該当する関係

(iv) The close relationship specified by Ordinance of the Ministry of Economy, Trade and Industry as prescribed in Article 1-2, item (iii), (f) of the Order shall be either of the following:

イ その特許発明又は発明が、当該試験研究独立行政法人研究者、大学等研究者、公設試験研究機関研究者又は試験研究地方独立行政法人研究者がした職務発明に係る特許出願の願書に最初に添付した明細書において文献公知発明として開示されている関係

(a) A relationship in which said patented invention or invention has been disclosed as an Invention Known to the Public through Publication in the description originally attached to the written application for a patent application pertaining to an Employee Invention by said Research and Development Incorporated Administrative Agency Researcher, University, etc. Researcher, Public Research and Development Institute Researcher, or Local Research and Development Incorporated Administrative Agency Researcher;

ロ その特許発明又は発明が、その特許出願の願書に最初に添付した明細書において文献公知発明として当該試験研究独立行政法人研究者、大学等研究者、公設試験研究機関研究者又は試験研究地方独立行政法人研究者がした職務発明を開示している関係

(b) A relationship in which said patented invention or invention has disclosed an Employee Invention by said Research and Development Incorporated Administrative Agency Researcher, University, etc. Researcher, Public Research and Development Institute Researcher, or Local Research and Development Incorporated Administrative Agency Researcher as an Invention Known to the Public through Publication in the description originally attached to the written application for a patent application pertaining thereto;

五 令第一条の二第四号ホに規定する経済産業省令で定める密接な関係にあつては、次のいずれかに該当する関係

(v) The close relationship specified by Ordinance of the Ministry of Economy, Trade and Industry as prescribed in Article 1-2, item (iv), (e) of the Order shall be any of the following:

イ その特許発明又は発明が、当該公設試験研究機関研究者がした職務発明に係る特許出願の願書に最初に添付した明細書において文献公知発明として開示されている関係

(a) A relationship in which said patented invention or invention has been disclosed as an Invention Known to the Public through Publication in the description originally attached to the written application for a patent application pertaining to an Employee Invention by said Public Research and Development Institute Researcher;

ロ その特許発明又は発明が、その特許出願の願書に最初に添付した明細書において文献公知発明として当該公設試験研究機関研究者がした職務発明を開示している関係

(b) A relationship in which said patented invention or invention has disclosed an Employee Invention by said Public Research and Development Institute Researcher as an Invention Known to the Public through Publication in the description originally attached to the written application for a patent application pertaining thereto;

ハ その特許発明又は発明が、公設試験研究機関が当該公設試験研究機関以外の者と共同して行った試験研究又は公設試験研究機関が当該公設試験研究機関以外の者に委託した試験研究の成果に係るものである関係

(c) A relationship in which said patented invention or invention pertains to the results of testing and research that a Public Research and Development Institute has conducted jointly with other person(s) or testing and research a Public Research and Development Institute has entrusted to other person(s);

六 令第一条の二第四号ヘに規定する経済産業省令で定める密接な関係にあつては、次のいずれかに該当する関係

(vi) The close relationship specified by Ordinance of the Ministry of Economy, Trade and Industry as prescribed in Article 1-2, item (iv), (f) of the Order

shall be either of the following:

イ その特許発明又は発明が、当該公設試験研究機関研究者、大学等研究者、試験研究独立行政法人研究者又は試験研究地方独立行政法人研究者がした職務発明に係る特許出願の願書に最初に添付した明細書において文献公知発明として開示されている関係

(a) A relationship in which said patented invention or invention has been disclosed as an Invention Known to the Public through Publication in the description originally attached to the written application for a patent application pertaining to an Employee Invention by said Public Research and Development Institute Researcher, University, etc. Researcher, Research and Development Incorporated Administrative Agency Researcher, or Local Research and Development Incorporated Administrative Agency Researcher;

ロ その特許発明又は発明が、その特許出願の願書に最初に添付した明細書において文献公知発明として当該公設試験研究機関研究者、大学等研究者、試験研究独立行政法人研究者又は試験研究地方独立行政法人研究者がした職務発明を開示している関係

(b) A relationship in which said patented invention or invention has disclosed an Employee Invention by said Public Research and Development Institute Researcher, University, etc. Researcher, Research and Development Incorporated Administrative Agency Researcher, or Local Research and Development Incorporated Administrative Agency Researcher as an Invention Known to the Public through Publication in the description originally attached to the written application for a patent application pertaining thereto;

七 令第一条の二第五号ホに規定する経済産業省令で定める密接な関係にあつては、次のいずれかに該当する関係

(vii) The close relationship specified by Ordinance of the Ministry of Economy, Trade and Industry as prescribed in Article 1-2, item (v), (e) of the Order shall be any of the following:

イ その特許発明又は発明が、当該試験研究地方独立行政法人研究者がした職務発明に係る特許出願の願書に最初に添付した明細書において文献公知発明として開示されている関係

(a) A relationship in which said patented invention or invention has been disclosed as an Invention Known to the Public through Publication in the description originally attached to the written application for a patent application pertaining to an Employee Invention by said Local Research and Development Incorporated Administrative Agency Researcher;

ロ その特許発明又は発明が、その特許出願の願書に最初に添付した明細書において文献公知発明として当該試験研究地方独立行政法人研究者がした職務発明を開示している関係

- (b) A relationship in which said patented invention or invention has disclosed an Employee Invention by said Local Research and Development Incorporated Administrative Agency Researcher as an Invention Known to the Public through Publication in the description originally attached to the written application for a patent application pertaining thereto;
- ハ その特許発明又は発明が、試験研究地方独立行政法人が当該試験研究地方独立行政法人以外の者と共同して行った試験研究又は試験研究地方独立行政法人が当該試験研究地方独立行政法人以外の者に委託した試験研究の成果に係るものである関係
- (c) A relationship in which said patented invention or invention pertains to the results of testing and research that a Local Research and Development Incorporated Administrative Agency has conducted jointly with other person(s) or testing and research a Local Research and Development Incorporated Administrative Agency has entrusted to other person(s);
- 八 令第一条の二第五号へに規定する経済産業省令で定める密接な関係にあつては、次のいずれかに該当する関係
- (viii) The close relationship specified by Ordinance of the Ministry of Economy, Trade and Industry as prescribed in Article 1-2, item (v), (f) of the Order shall be either of the following:
- イ その特許発明又は発明が、当該試験研究地方独立行政法人研究者、大学等研究者、試験研究独立行政法人研究者又は公設試験研究機関研究者がした職務発明に係る特許出願の願書に最初に添付した明細書において文献公知発明として開示されている関係
- (a) A relationship in which said patented invention or invention has been disclosed as an Invention Known to the Public through Publication in the description originally attached to the written application for a patent application pertaining to an Employee Invention by said Local Research and Development Incorporated Administrative Agency Researcher, University, etc. Researcher, Research and Development Incorporated Administrative Agency Researcher, or Public Research and Development Institute Researcher;
- ロ その特許発明又は発明が、その特許出願の願書に最初に添付した明細書において文献公知発明として当該試験研究地方独立行政法人研究者、大学等研究者、試験研究独立行政法人研究者又は公設試験研究機関研究者がした職務発明を開示している関係
- (b) A relationship in which said patented invention or invention has disclosed an Employee Invention by said Local Research and Development Incorporated Administrative Agency Researcher, University, etc. Researcher, Research and Development Incorporated Administrative Agency Researcher, or Public Research and Development Institute Researcher as an Invention Known to the Public through Publication in the

description originally attached to the written application for a patent application pertaining thereto.

(添付書面)

(Documents to be Attached)

第一条の二 令第一条の三第二項又は令第四条第二項の規定により令第一条の三第一項又は令第四条第一項の申請書（以下単に「申請書」という。）に添付すべき書面は、次の各号に掲げる場合に依じ、当該各号に掲げる書面とする。

Article 1-2 The document to be attached to a written application set forth in Article 1-3, paragraph (1) or Article 4, paragraph (1) of the Order (hereinafter simply referred to as a "written application") pursuant to the provisions of Article 1-3, paragraph (2) or Article 4, paragraph (2) of the Order shall be as follows according to the respective cases listed in the following items:

一 令第一条の二第一号に規定する者が申請書を提出する場合 その申請に係る特許発明又は発明が職務発明であることを証する書面

(i) Where a person prescribed in Article 1-2, item (i) of the Order submits a written application: A document proving that the patented invention or invention for which the application is filed is an Employee Invention;

二 令第一条の二第二号イに規定する者が申請書を提出する場合 その申請に係る特許発明又は発明が当該大学等研究者がした職務発明であることを証する書面

(ii) Where a person prescribed in Article 1-2, item (ii), (a) of the Order submits a written application: A document proving that the patented invention or invention for which the application is filed is an Employee Invention by said University, etc. Researcher;

三 令第一条の二第二号ロに規定する者が申請書を提出する場合 次に掲げる書面

(iii) Where a person prescribed in Article 1-2, item (ii), (b) of the Order submits a written application: The following documents:

イ その申請に係る特許発明又は発明が当該大学等研究者、試験研究独立行政法人研究者、公設試験研究機関研究者又は試験研究地方独立行政法人研究者がした職務発明であることを証する書面

(a) A document proving that the patented invention or invention for which the application is filed is an Employee Invention by said University, etc. Researcher, Research and Development Incorporated Administrative Agency Researcher, Public Research and Development Institute Researcher, or Local Research and Development Incorporated Administrative Agency Researcher;

ロ 当該大学等研究者、試験研究独立行政法人研究者、公設試験研究機関研究者又は試験研究地方独立行政法人研究者が当該大学等に転職し、大学等研究者として現在所属することを証する書面

(b) A document proving that said University, etc. Researcher, Research and Development Incorporated Administrative Agency Researcher, Public

Research and Development Institute Researcher, or Local Research and Development Incorporated Administrative Agency Researcher has moved to said University, etc. and now belongs to it as a University, etc.

Researcher;

四 令第一条の二第二号ハに規定する者が申請書を提出する場合 その申請に係る特許発明又は発明が当該大学等研究者と当該者以外の者との共同で行われたものであること及び当該特許発明又は発明が当該大学等研究者について職務発明であることを証する書面

(iv) Where a person prescribed in Article 1-2, item (ii), (c) of the Order submits a written application: A document proving that the patented invention or invention for which the application is filed has been made jointly by said University, etc. Researcher and other person(s), and that said patented invention or invention is an Employee Invention in relation to said University, etc. Researcher;

五 令第一条の二第二号ニに規定する者が申請書を提出する場合 次に掲げる書面

(v) Where a person prescribed in Article 1-2, item (ii), (d) of the Order submits a written application: The following documents:

イ その申請に係る特許発明又は発明が当該大学等研究者、試験研究独立行政法人研究者、公設試験研究機関研究者又は試験研究地方独立行政法人研究者と当該者以外の者との共同で行われたものであること及び当該特許発明又は発明が当該大学等研究者、試験研究独立行政法人研究者、公設試験研究機関研究者又は試験研究地方独立行政法人研究者について職務発明であることを証する書面

(a) A document proving that the patented invention or invention for which the application is filed has been made jointly by said University, etc. Researcher, Research and Development Incorporated Administrative Agency Researcher, Public Research and Development Institute Researcher, or Local Research and Development Incorporated Administrative Agency Researcher, and other person(s), and that said patented invention or invention is an Employee Invention in relation to said University, etc. Researcher, Research and Development Incorporated Administrative Agency Researcher, Public Research and Development Institute Researcher, or Local Research and Development Incorporated Administrative Agency Researcher;

ロ 当該大学等研究者、試験研究独立行政法人研究者、公設試験研究機関研究者又は試験研究地方独立行政法人研究者が当該大学等に転職し、大学等研究者として現在所属することを証する書面

(b) A document proving that said University, etc. Researcher, Research and Development Incorporated Administrative Agency Researcher, Public Research and Development Institute Researcher, or Local Research and Development Incorporated Administrative Agency Researcher has moved to said University, etc. and now belongs to it as a University, etc.

Researcher;

六 令第一条の二第二号ホに規定する者が申請書を提出する場合 その申請に係る特許発明又は発明が当該大学等研究者がした職務発明との間に第一条第一号に定める密接な関係があることを証する書面

(vi) Where a person prescribed in Article 1-2, item (ii), (e) of the Order submits a written application: A document proving that the patented invention or invention for which the application is filed has a close relationship specified in Article 1, item (i) with an Employee Invention by said University, etc.

Researcher;

七 令第一条の二第二号ヘに規定する者が申請書を提出する場合 次に掲げる書面

(vii) Where a person prescribed in Article 1-2, item (ii), (f) of the Order submits a written application: The following documents:

イ その申請に係る特許発明又は発明が当該大学等研究者、試験研究独立行政法人研究者、公設試験研究機関研究者又は試験研究地方独立行政法人研究者がした職務発明との間に第一条第二号に定める密接な関係があることを証する書面

(a) A document proving that the patented invention or invention for which the application is filed has a close relationship specified in Article 1, item (ii) with an Employee Invention by said University, etc. Researcher, Research and Development Incorporated Administrative Agency Researcher, Public Research and Development Institute Researcher, or Local Research and Development Incorporated Administrative Agency Researcher;

ロ 当該大学等研究者、試験研究独立行政法人研究者、公設試験研究機関研究者又は試験研究地方独立行政法人研究者が当該大学等に転職し、大学等研究者として現在所属することを証する書面

(b) A document proving that said University, etc. Researcher, Research and Development Incorporated Administrative Agency Researcher, Public Research and Development Institute Researcher, or Local Research and Development Incorporated Administrative Agency Researcher has moved to said University, etc. and now belongs to it as a University, etc.

Researcher;

八 令第一条の二第三号イに規定する者が申請書を提出する場合 その申請に係る特許発明又は発明が当該試験研究独立行政法人研究者がした職務発明であることを証する書面

(viii) Where a person prescribed in Article 1-2, item (iii), (a) of the Order submits a written application: A document proving that the patented invention or invention for which the application is filed is an Employee Invention by said Research and Development Incorporated Administrative Agency Researcher;

九 令第一条の二第三号ロに規定する者が申請書を提出する場合 次に掲げる書面

(ix) Where a person prescribed in Article 1-2, item (iii), (b) of the Order

submits a written application: The following documents:

イ その申請に係る特許発明又は発明が当該試験研究独立行政法人研究者、大学等研究者、公設試験研究機関研究者又は試験研究地方独立行政法人研究者がした職務発明であることを証する書面

(a) A document proving that the patented invention or invention for which the application is filed is an Employee Invention by said Research and Development Incorporated Administrative Agency Researcher, University, etc. Researcher, Public Research and Development Institute Researcher, or Local Research and Development Incorporated Administrative Agency Researcher;

ロ 当該試験研究独立行政法人研究者、大学等研究者、公設試験研究機関研究者又は試験研究地方独立行政法人研究者が当該試験研究独立行政法人に転職し、試験研究独立行政法人研究者として現在所属することを証する書面

(b) A document proving that said Research and Development Incorporated Administrative Agency Researcher, University, etc. Researcher, Public Research and Development Institute Researcher, or Local Research and Development Incorporated Administrative Agency Researcher has moved to said Research and Development Incorporated Administrative Agency and now belongs to it as a Research and Development Incorporated Administrative Agency Researcher;

十 令第一条の二第三号ハに規定する者が申請書を提出する場合 その申請に係る特許発明又は発明が当該試験研究独立行政法人研究者と当該者以外の者との共同で行われたものであること及び当該特許発明又は発明が当該試験研究独立行政法人研究者について職務発明であることを証する書面

(x) Where a person prescribed in Article 1-2, item (iii), (c) of the Order submits a written application: A document proving that the patented invention or invention for which the application is filed has been made jointly by said Research and Development Incorporated Administrative Agency Researcher and other person(s), and that said patented invention or invention is an Employee Invention in relation to said Research and Development Incorporated Administrative Agency Researcher;

十一 令第一条の二第三号ニに規定する者が申請書を提出する場合 次に掲げる書面

(xi) Where a person prescribed in Article 1-2, item (iii), (d) of the Order submits a written application: The following documents:

イ その申請に係る特許発明又は発明が当該試験研究独立行政法人研究者、大学等研究者、公設試験研究機関研究者又は試験研究地方独立行政法人研究者と当該者以外の者との共同で行われたものであること及び当該特許発明又は発明が当該試験研究独立行政法人研究者、大学等研究者、公設試験研究機関研究者又は試験研究地方独立行政法人研究者について職務発明であることを証する書面

(a) A document proving that the patented invention or invention for which the application is filed has been made jointly by said Research and

Development Incorporated Administrative Agency Researcher, University, etc. Researcher, Public Research and Development Institute Researcher, or Local Research and Development Incorporated Administrative Agency Researcher, and other person(s), and that said patented invention or invention is an Employee Invention in relation to said Research and Development Incorporated Administrative Agency Researcher, University, etc. Researcher, Public Research and Development Institute Researcher, or Local Research and Development Incorporated Administrative Agency Researcher;

ロ 当該試験研究独立行政法人研究者、大学等研究者、公設試験研究機関研究者又は試験研究地方独立行政法人研究者が当該試験研究独立行政法人に転職し、試験研究独立行政法人研究者として現在所属することを証する書面

(b) A document proving that said Research and Development Incorporated Administrative Agency Researcher, University, etc. Researcher, Public Research and Development Institute Researcher, or Local Research and Development Incorporated Administrative Agency Researcher has moved to said Research and Development Incorporated Administrative Agency and now belongs to it as a Research and Development Incorporated Administrative Agency Researcher;

十二 令第一条の二第三号ホに規定する者が申請書を提出する場合 その申請に係る特許発明又は発明が当該試験研究独立行政法人研究者がした職務発明との間に第一条第三号に定める密接な関係があることを証する書面

(xii) Where a person prescribed in Article 1-2, item (iii), (e) of the Order submits a written application: A document proving that the patented invention or invention for which the application is filed has a close relationship specified in Article 1, item (iii) with an Employee Invention by said Research and Development Incorporated Administrative Agency Researcher;

十三 令第一条の二第三号ヘに規定する者が申請書を提出する場合 次に掲げる書面

(xiii) Where a person prescribed in Article 1-2, item (iii), (f) of the Order submits a written application: The following documents:

イ その申請に係る特許発明又は発明が当該試験研究独立行政法人研究者、大学等研究者、公設試験研究機関研究者又は試験研究地方独立行政法人研究者がした職務発明との間に第一条第四号に定める密接な関係があることを証する書面

(a) A document proving that the patented invention or invention for which the application is filed has a close relationship specified in Article 1, item (iv) with an Employee Invention by said Research and Development Incorporated Administrative Agency Researcher, University, etc. Researcher, Public Research and Development Institute Researcher, or Local Research and Development Incorporated Administrative Agency Researcher;

ロ 当該試験研究独立行政法人研究者、大学等研究者、公設試験研究機関研究者又は試験研究地方独立行政法人研究者が当該試験研究独立行政法人に転職し、試験研究独立行政法人研究者として現在所属することを証する書面

(b) A document proving that said Research and Development Incorporated Administrative Agency Researcher, University, etc. Researcher, Public Research and Development Institute Researcher, or Local Research and Development Incorporated Administrative Agency Researcher has moved to said Research and Development Incorporated Administrative Agency and now belongs to it as a Research and Development Incorporated Administrative Agency Researcher;

十四 令第一条の二第四号イに規定する者が申請書を提出する場合 その申請に係る特許発明又は発明が当該公設試験研究機関研究者がした職務発明であることを証する書面

(xiv) Where a person prescribed in Article 1-2, item (iv), (a) of the Order submits a written application: A document proving that the patented invention or invention for which the application is filed is an Employee Invention by said Public Research and Development Institute Researcher;

十五 令第一条の二第四号ロに規定する者が申請書を提出する場合 次に掲げる書面

(xv) Where a person prescribed in Article 1-2, item (iv), (b) of the Order submits a written application: The following documents:

イ その申請に係る特許発明又は発明が当該公設試験研究機関研究者、大学等研究者、試験研究独立行政法人研究者又は試験研究地方独立行政法人研究者がした職務発明であることを証する書面

(a) A document proving that the patented invention or invention for which the application is filed is an Employee Invention by said Public Research and Development Institute Researcher, University, etc. Researcher, Research and Development Incorporated Administrative Agency Researcher, or Local Research and Development Incorporated Administrative Agency Researcher;

ロ 当該公設試験研究機関研究者、大学等研究者、試験研究独立行政法人研究者又は試験研究地方独立行政法人研究者が当該公設試験研究機関に転職し、公設試験研究機関研究者として現在所属することを証する書面

(b) A document proving that said Public Research and Development Institute Researcher, University, etc. Researcher, Research and Development Incorporated Administrative Agency Researcher, or Local Research and Development Incorporated Administrative Agency Researcher has moved to said Public Research and Development Institute and now belongs to it as a Public Research and Development Institute Researcher;

十六 令第一条の二第四号ハに規定する者が申請書を提出する場合 その申請に係る特許発明又は発明が当該公設試験研究機関研究者と当該者以外の者との共同で行われたものであること及び当該特許発明又は発明が当該公設試験研究機関研究者につ

いて職務発明であることを証する書面

(xvi) Where a person prescribed in Article 1-2, item (iv), (c) of the Order submits a written application: A document proving that the patented invention or invention for which the application is filed has been made jointly by said Public Research and Development Institute Researcher and other person(s), and that said patented invention or invention is an Employee Invention in relation to said Public Research and Development Institute Researcher;

十七 令第一条の二第四号ニに規定する者が申請書を提出する場合 次に掲げる書面

(xvii) Where a person prescribed in Article 1-2, item (iv), (d) of the Order submits a written application: The following documents:

イ その申請に係る特許発明又は発明が当該公設試験研究機関研究者、大学等研究者、試験研究独立行政法人研究者又は試験研究地方独立行政法人研究者と当該者以外の者との共同で行われたものであること及び当該特許発明又は発明が当該公設試験研究機関研究者、大学等研究者、試験研究独立行政法人研究者又は試験研究地方独立行政法人研究者について職務発明であることを証する書面

(a) A document proving that the patented invention or invention for which the application is filed has been made jointly by said Public Research and Development Institute Researcher, University, etc. Researcher, Research and Development Incorporated Administrative Agency Researcher, or Local Research and Development Incorporated Administrative Agency Researcher, and other person(s), and that said patented invention or invention is an Employee Invention in relation to said Public Research and Development Institute Researcher, University, etc. Researcher, Research and Development Incorporated Administrative Agency Researcher, or Local Research and Development Incorporated Administrative Agency Researcher;

ロ 当該公設試験研究機関研究者、大学等研究者、試験研究独立行政法人研究者又は試験研究地方独立行政法人研究者が当該公設試験研究機関に転職し、公設試験研究機関研究者として現在所属することを証する書面

(b) A document proving that said Public Research and Development Institute Researcher, University, etc. Researcher, Research and Development Incorporated Administrative Agency Researcher, or Local Research and Development Incorporated Administrative Agency Researcher has moved to said Public Research and Development Institute and now belongs to it as a Public Research and Development Institute Researcher;

十八 令第一条の二第四号ホに規定する者が申請書を提出する場合 その申請に係る特許発明又は発明が当該公設試験研究機関研究者がした職務発明との間に第一条第五号に定める密接な関係があることを証する書面

(xviii) Where a person prescribed in Article 1-2, item (iv), (e) of the Order submits a written application: A document proving that the patented

invention or invention for which the application is filed has a close relationship specified in Article 1, item (v) with an Employee Invention by said Public Research and Development Institute Researcher;

十九 令第一条の二第四号へに規定する者が申請書を提出する場合 次に掲げる書面
(xix) Where a person prescribed in Article 1-2, item (iv), (f) of the Order

submits a written application: The following documents:

イ その申請に係る特許発明又は発明が当該公設試験研究機関研究者、大学等研究者、試験研究独立行政法人研究者又は試験研究地方独立行政法人研究者がした職務発明との間に第一条第六号に定める密接な関係があることを証する書面

(a) A document proving that the patented invention or invention for which the application is filed has a close relationship specified in Article 1, item (vi) with an Employee Invention by said Public Research and Development Institute Researcher, University, etc. Researcher, Research and Development Incorporated Administrative Agency Researcher, or Local Research and Development Incorporated Administrative Agency Researcher;

ロ 当該公設試験研究機関研究者、大学等研究者、試験研究独立行政法人研究者又は試験研究地方独立行政法人研究者が当該公設試験研究機関に転職し、公設試験研究機関研究者として現在所属することを証する書面

(b) A document proving that said Public Research and Development Institute Researcher, University, etc. Researcher, Research and Development Incorporated Administrative Agency Researcher, or Local Research and Development Incorporated Administrative Agency Researcher has moved to said Public Research and Development Institute and now belongs to it as a Public Research and Development Institute Researcher;

二十 令第一条の二第五号イに規定する者が申請書を提出する場合 その申請に係る特許発明又は発明が当該試験研究地方独立行政法人研究者がした職務発明であることを証する書面

(xx) Where a person prescribed in Article 1-2, item (v), (a) of the Order submits a written application: A document proving that the patented invention or invention for which the application is filed is an Employee Invention by said Local Research and Development Incorporated Administrative Agency Researcher;

二十一 令第一条の二第五号ロに規定する者が申請書を提出する場合 次に掲げる書面

(xxi) Where a person prescribed in Article 1-2, item (v), (b) of the Order submits a written application: The following documents:

イ その申請に係る特許発明又は発明が当該試験研究地方独立行政法人研究者、大学等研究者、試験研究独立行政法人研究者又は公設試験研究機関研究者がした職務発明であることを証する書面

(a) A document proving that the patented invention or invention for which

the application is filed is an Employee Invention by said Local Research and Development Incorporated Administrative Agency Researcher, University, etc. Researcher, Research and Development Incorporated Administrative Agency Researcher, or Public Research and Development Institute Researcher;

ロ 当該試験研究地方独立行政法人研究者、大学等研究者、試験研究独立行政法人研究者又は公設試験研究機関研究者が当該試験研究地方独立行政法人に転職し、試験研究地方独立行政法人研究者として現在所属することを証する書面

(b) A document proving that said Local Research and Development Incorporated Administrative Agency Researcher, University, etc. Researcher, Research and Development Incorporated Administrative Agency Researcher, or Public Research and Development Institute Researcher has moved to said Local Research and Development Incorporated Administrative Agency and now belongs to it as a Local Research and Development Incorporated Administrative Agency Researcher;

二十二 令第一条の二第五号ハに規定する者が申請書を提出する場合 その申請に係る特許発明又は発明が当該試験研究地方独立行政法人研究者と当該者以外の者との共同で行われたものであること及び当該特許発明又は発明が当該試験研究地方独立行政法人研究者について職務発明であることを証する書面

(xxii) Where a person prescribed in Article 1-2, item (v), (c) of the Order submits a written application: A document proving that the patented invention or invention for which the application is filed has been made jointly by said Local Research and Development Incorporated Administrative Agency Researcher and other person(s), and that said patented invention or invention is an Employee Invention in relation to said Local Research and Development Incorporated Administrative Agency Researcher;

二十三 令第一条の二第五号ニに該当する者が申請書を提出する場合 次に掲げる書面

(xxiii) Where a person prescribed in Article 1-2, item (v), (d) of the Order submits a written application: The following documents:

イ その申請に係る特許発明又は発明が当該試験研究地方独立行政法人研究者、大学等研究者、試験研究独立行政法人研究者又は公設試験研究機関研究者と当該者以外の者との共同で行われたものであること及び当該特許発明又は発明が当該試験研究地方独立行政法人研究者、大学等研究者、試験研究独立行政法人研究者又は公設試験研究機関研究者について職務発明であることを証する書面

(a) A document proving that the patented invention or invention for which the application is filed has been made jointly by said Local Research and Development Incorporated Administrative Agency Researcher, University, etc. Researcher, Research and Development Incorporated Administrative Agency Researcher, Public Research and Development Institute Researcher,

and other person(s), and that said patented invention or invention is an Employee Invention in relation to said Local Research and Development Incorporated Administrative Agency Researcher, University, etc. Researcher, Research and Development Incorporated Administrative Agency Researcher, or Public Research and Development Institute Researcher;

ロ 当該試験研究地方独立行政法人研究者、大学等研究者、試験研究独立行政法人研究者又は公設試験研究機関研究者が当該試験研究地方独立行政法人に転職し、試験研究地方独立行政法人研究者として現在所属することを証する書面

(b) A document proving that said Local Research and Development Incorporated Administrative Agency Researcher, University, etc. Researcher, Research and Development Incorporated Administrative Agency Researcher, or Public Research and Development Institute Researcher has moved to said Local Research and Development Incorporated Administrative Agency and now belongs to it as a Local Research and Development Incorporated Administrative Agency Researcher;

二十四 令第一条の二第五号ホに規定する者が申請書を提出する場合 その申請に係る特許発明又は発明が当該試験研究地方独立行政法人研究者がした職務発明との間に第一条第七号に定める密接な関係があることを証する書面

(xxiv) Where a person prescribed in Article 1-2, item (v), (e) of the Order submits a written application: A document proving that the patented invention or invention for which the application is filed has a close relationship specified in Article 1, item (vii) with an Employee Invention by said Local Research and Development Incorporated Administrative Agency Researcher;

二十五 令第一条の二第五号へに規定する者が申請書を提出する場合 次に掲げる書面

(xxv) Where a person prescribed in Article 1-2, item (v), (f) of the Order submits a written application: The following documents:

イ その申請に係る特許発明又は発明が当該試験研究地方独立行政法人研究者、大学等研究者、試験研究独立行政法人研究者又は公設試験研究機関研究者がした職務発明との間に第一条第八号に定める密接な関係があることを証する書面

(a) A document proving that the patented invention or invention for which the application is filed has a close relationship specified in Article 1, item (viii) with an Employee Invention by said Local Research and Development Incorporated Administrative Agency Researcher, University, etc. Researcher, Research and Development Incorporated Administrative Agency Researcher, or Public Research and Development Institute Researcher;

ロ 当該試験研究地方独立行政法人研究者、大学等研究者、試験研究独立行政法人

研究者又は公設試験研究機関研究者が当該試験研究地方独立行政法人に転職し、試験研究地方独立行政法人研究者として現在所属することを証する書面

- (b) A document proving that said Local Research and Development Incorporated Administrative Agency Researcher, University, etc. Researcher, Research and Development Incorporated Administrative Agency Researcher, or Public Research and Development Institute Researcher has moved to said Local Research and Development Incorporated Administrative Agency and now belongs to it as a Local Research and Development Incorporated Administrative Agency Researcher;

(申請書の作成等)

(Preparation of Written Application)

第一条の三 令第一条の三第一項、第四条第一項、第七条第一項又は第九条第一項の申請書は、一の申請ごとに作成しなければならない。ただし、特許法第一百七条第一項に規定する第四年分から第十年分までの特許料を別に納付する場合は、その都度、作成しなければならない。

Article 1-3 (1) A written application set forth in Article 1-3, paragraph (1), Article 4, paragraph (1), Article 7, paragraph (1), or Article 9, paragraph (1) shall be prepared for each application; provided, however, that when a person separately pays patent fees for the fourth to tenth years as prescribed in Article 107, paragraph (1) of the Patent Act, he/she shall prepare a written application each time he/she makes a payment.

2 申請書には、提出者の氏名又は名称、住所又は居所及び法人にあっては代表者の氏名を記載しなければならない。

(2) A written application shall contain the name and address or residence of the person submitting the written application and also the name of the representative in the case of a juridical person.

3 令第六条第一号から第三号までに規定する者が令第七条第一項又は令第九条第一項の申請書を作成する場合において、二以上の申請に係る申請書を作成するときは、当該二以上の申請の申請人が同一の場合に限り、一の書面であることができる。

(3) In the case where any person prescribed in Article 6, item (i) to item (iii) of the Order prepares a written application set forth in Article 7, paragraph (1) or Article 9, paragraph (1) of the Order, and when he/she prepares written applications for two or more applications, he/she may file applications with a single written application only when the applicant is the same for all of said two or more applications.

(添付書面の省略)

(Omission of Documents to be Attached)

第二条 申請書に添付すべき書面を他の申請書の提出に係る手続において既に特許庁長

官に提出した者は、当該他の申請書に記載した事項に変更がないときは、申請書にその旨を記載して当該書面の添付を省略することができる。ただし、特許庁長官は、特に必要があると認めるときは、当該書面の提出を命ずることができる。

Article 2 A person who had already submitted any documents to be attached to a written application to the Commissioner of the Japan Patent Office in the procedures for submitting other written applications may omit said documents when there has been no change in the matters stated in said other written applications, by stating to that effect in the present written application; provided, however, that the Commissioner of the Japan Patent Office may order the submission of said documents when he/she finds it particularly necessary.

(特許料軽減申請書の様式)

(Form of Written Applications for a Reduction of Patent Fees)

第三条 令第一条の三第一項又は第七条第一項の申請書は、様式第一により作成しなければならない。

Article 3 A written application set forth in Article 1-3, paragraph (1) or Article 7, paragraph (1) of the Order shall be prepared in Form 1.

(審査請求料軽減申請書の様式)

(Form of Written Applications for a Reduction of Fees for Requesting the Examination of Patent Application)

第四条 令第四条第一項又は第九条第一項の申請書は、様式第二により作成しなければならない。

Article 4 A written application set forth in Article 4, paragraph (1) or Article 9, paragraph (1) of the Order shall be prepared in Form 2.

(法第十七条第一項又は第二項に規定する者に相当する外国の者等に係る特許料等の軽減の手續)

(Procedures for a Reduction of Patent Fees, etc. for a Foreign National Falling under the Category of the Person Prescribed in Article 17, Paragraph (1) or Paragraph (2) of the Act)

第五条 法第十七条第一項又は第二項に規定する者に相当する外国の者は、令第一条の三第一項又は第四条第一項の申請書を提出することができる。

Article 5 (1) A foreign national falling under the category of the person prescribed in Article 17, paragraph (1) or paragraph (2) of the Act may submit a written application set forth in Article 1-3, paragraph (1) or Article 4, paragraph (1) of the Order.

2 前項の申請書には、提出者が法第十七条第一項又は第二項に規定する者に相当することを証する書面を添付しなければならない。

(2) The applicant shall attach a document proving that he/she is equivalent to

the person prescribed in Article 17, paragraph (1) or paragraph (2) of the Act to the written application set forth in the preceding paragraph.

(特定事業者に相当する外国の者に係る特許料等の軽減の手續)

(Procedures for a Reduction of Patent Fees for a Foreign National Falling under the Category of a Specified Business Operator)

第六条 法第十八条第一項又は第二項に規定する者（以下「特定事業者」という。）に相当する外国の者は、令第七条第一項又は第九条第一項の申請書を提出することができる。

Article 6 A foreign national falling under the category of the person prescribed in Article 18, paragraph (1) or paragraph (2) of the Act (hereinafter referred to as a "Specified Business Operator") may submit a written application set forth in Article 7, paragraph (1) or Article 9, paragraph (1) of the Order.

(令第一条の三第一項の申請書の提出等)

(Submission of a Written Application Set forth in Article 1-3, Paragraph (1) of the Order)

第七条 法第十七条第一項第四号又は第五号に規定する者が令第一条の三第一項又は令第四条第一項の申請書を提出する場合には、第一条の二第十四号から第二十五号までに掲げる書面のほか、当該提出者若しくは提出者の設置する機関がその業務として試験研究を行うことを証する書面を添付して、提出者の住所若しくは居所又はその主たる営業所若しくは事務所の所在地を管轄する経済産業局長又は沖縄総合事務局長（以下「経済産業局長等」という。）を経由して提出しなければならない。

Article 7 (1) In the case where a person prescribed in Article 17, paragraph (1), item (iv) or item (v) of the Act submits a written application set forth in Article 1-3, paragraph (1) or Article 4, paragraph (1) of the Order, he/she shall submit the written application, together with the documents listed in Article 1-2, item (xiv) to item (xxv), as well as with a document proving that said person or the organization he/she establishes is conducting testing and research as its business, via the Director of Regional Bureau of Economy, Trade and Industry or the Director of Okinawa General Bureau (hereinafter referred to as the "Director of Regional Bureau of Economy, Trade and Industry, etc.") who has the jurisdiction over said person's address or residence or the location of his/her principal business office or office.

2 前項の場合において、特許庁長官は、提出者が法第十七条第一項第四号又は第五号に規定する者であって令第一条の二第四号イからへまで又は同条第五号イからへまでのいずれかに該当する者であることを確認したときは、その提出者に経済産業局長等を経由して確認書を交付するものとする。

(2) In the case set forth in the preceding paragraph, when the Commissioner of the Japan Patent Office has confirmed that the person who submits the written application is a person prescribed in Article 17, paragraph (1), item (iv) or item

(v) of the Act and falls under any of the persons set forth in Article 1-2, item (iv), (a) to (f) or item (v), (a) to (f) of said Article of the Order, he/she shall issue a written confirmation to said person via the Director of Regional Bureau of Economy, Trade and Industry, etc.

(令第七条第一項の申請書の提出等)

(Submission of a Written Application Set forth in Article 7, Paragraph (1) of the Order)

第八条 特定事業者が令第七条第一項又は令第九条第一項の申請書を提出する場合には、提出者の住所若しくは居所又はその主たる営業所若しくは事務所の所在地を管轄する経済産業局長等を経由して提出しなければならない。

Article 8 (1) In the case where a Specified Business Operator submits a written application set forth in Article 7, paragraph (1) or Article 9, paragraph (1) of the Order, he/she shall submit the written application via the Director of Regional Bureau of Economy, Trade and Industry, etc. who has the jurisdiction over his/her address or residence or the location of his/her principal business office or office.

2 前項の場合において、特許庁長官は、提出者が特定事業者であることを確認したときは、その提出者に経済産業局長等を経由して確認書を交付するものとする。

(2) In the case set forth in the preceding paragraph, when the Commissioner of the Japan Patent Office has confirmed that the person who submits the written application is a Specified Business Operator, he/she shall issue a written confirmation to said person via the Director of Regional Bureau of Economy, Trade and Industry, etc.

附 則 〔抄〕

Supplementary Provisions [Extract]

(施行期日)

(Effective Date)

第一条 この省令は、法の施行の日（平成十二年四月二十日）から施行する。

Article 1 This Ministerial Ordinance shall come into effect as of the date on which the Act comes into effect (April 20, 2000).

附 則 〔平成十二年九月十九日通商産業省令第百七十六号〕

Supplementary Provisions [Ordinance of the Ministry of International Trade and Industry No. 176 of September 19, 2000]

この省令は、平成十三年一月六日から施行する。

This Ministerial Ordinance shall come into effect as of January 6, 2001.

附 則 〔平成十六年三月十六日通商産業省令第三十号〕

Supplementary Provisions [Ordinance of the Ministry of Economy, Trade and Industry No. 30 of March 16, 2004]

(施行期日)

(Effective Date)

第一条 この省令は、特許法等の一部を改正する法律の一部の施行の日（平成十六年四月一日）から施行する。

Article 1 This Ministerial Ordinance shall come into effect as of the date on which part of the Act for Partial Revision of the Patent Act, etc. comes into effect (April 1, 2004).

附 則 〔平成十九年九月三日通商産業省令第五十号〕

Supplementary Provisions [Ordinance of the Ministry of Economy, Trade and Industry No. 50 of August 3, 2007]

この省令は、産業活力再生特別措置法等の一部を改正する法律の施行の日（平成十九年八月六日）から施行する。

This Ministerial Ordinance shall come into effect as of the date on which the Act for Partial Revision of the Act on Special Measures for Industrial Revitalization, etc. comes into effect (August 6, 2007).

附 則 〔平成二十一年九月二十二日通商産業省令第三十四号〕

Supplementary Provisions [Ordinance of the Ministry of Economy, Trade and Industry No. 34 of June 22, 2009]

この省令は、我が国における産業活動の革新等を図るための産業活力再生特別措置法等の一部を改正する法律の施行の日（平成二十一年六月二十二日）から施行する。

This Ministerial Ordinance shall come into effect as of the date on which the Act for Partial Revision of the Act on Special Measures for Industrial Revitalization and Other Laws to Foster Innovation in Industrial Activities in Japan comes into effect (June 22, 2009).

附 則 〔平成二十四年二月二十二日通商産業省令第十号〕

Supplementary Provisions [Ordinance of the Ministry of Economy, Trade and Industry No. 10 of February 22, 2012]

この省令は、特許法等の一部を改正する法律の施行の日（平成二十四年四月一日）から施行する。

This Ministerial Ordinance shall come into effect as of the date on which the Act for Partial Revision of the Patent Act, etc. comes into effect (April 1, 2012).

様式第 1 (第 3 条関係)
Form 1 (Re. Article 3)

様式第 2 (第 4 条関係)
Form 2 (Re. Article 4)