
Revision of the Employee Invention System in Japan

The bill for the Partial Revision of the Japan Patent Act was enacted on July 3, 2015. The revision of the employee invention system in the bill deserves special attention. New Patent Act will be enforced within one year from promulgation date.

(1) Employee invention belongs to employer

An invention made by an employee belongs to the employer if any provision in any agreement, employment regulation or any other contract stipulates in advance that the right to obtain a patent for any invention made by the employee will be vested in the employer. In contrast, an invention made by an employee belongs to the employee if there is no such provision.

(2) Employee is entitled to receive "reasonable profits"

An employee is entitled to receive reasonable remuneration or other economic profits if the employee causes the employer to acquire the right to obtain a patent. It is confirmed in an additional resolution accompanying enactment of the bill that the employee's right substantially the same as the existing remuneration right is assured.

(3) Guidelines for procedures to determine "reasonable profits"

The Minister of Economy, Trade and Industry will draw up guidelines for procedures to determine the details of the "reasonable remuneration or other economic profits". The guidelines aim to encourage inventions and to reduce the risk of litigation with regard to employee inventions.

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