

Revision of Examination Guidelines for Advanced Medical Technologies

In order to properly protect the Advanced Medical Technologies, Examination Guidelines for "Industrially Applicable Inventions" and "Medicinal Inventions" have been revised. These revised guidelines will be applied to the applications that are examined on and after November 1, 2009.

1) "Industrially Applicable Inventions"

In order to newly add "the methods for gathering data from the human body for assisting the conclusive diagnosis" (mechanisms or principles of tomographic imaging by MRI or X-ray CT etc.) to patentable subject matter, Examination Guidelines have been revised as follows.

(i) The methods for gathering data from the human body are made not considered to be "methods of diagnosis of humans," as long as it does not contain the surgical or therapeutic steps or the steps of judging the condition of diseases etc. of human for medical purposes.

(ii) The examples of the inventions related to the combinations of products (combination of physical means and biochemical means, combination of tissue-derived materials and scaffolding materials, and combination of tissue-derived materials and medicine etc.) are added.

(iii) It is made clear that the methods of inducing differentiation of cells etc. are not "methods of surgery, therapy or diagnosis of humans," and the examples of the inventions of related arts are added.

(iv) The examples of the inventions of arts related to assisting devices (power assisting method to assist movements of a worker by a power assisting equipment etc.) are added

2) "Medicinal Inventions"

In order to protect the medicinal inventions with new dosage and administration, as inventions of "products," which show the effect exceeding beyond the expectation of the person skilled in the art, Examination Guidelines have been revised as follows.

(i) In medicinal inventions, the invention is novel when there is difference between the invention and the conventional medicine in medicinal use of applying to a specific disease with a specific dosage and administration.

(ii) The examples of the inventions characterized in the medicinal use of tissue-derived materials (cells etc.) are added.

(iii) The examples of the inventions characterized in the medicinal use of cells specified by manufacturing process are added.