

“外内”出願業務のための英語通信文モデル

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はじめに

ここで“外内”出願業務とは、外国から依頼を受けた国内出願に関連する業務を言う。本稿は、このような“外内”出願業務を行うに当たって使える英語通信文を、特許出願の場合につき、出願手続の順にモデル化して提示する。また、前記業務で派生する手数料等の請求書 (Debit Note) をもモデル化して提示しておく。

モデル 1 出願依頼受領の確認：

We acknowledge with thanks receipt of your letter of (date) enclosing English text for translation, formal and informal drawings, and data sheet.

We will prepare and file this application as soon as possible claiming Convention priority based on U.S. Patent Application Serial No. 00/00000 filed on (date).

下記のような簡潔な表現にしてもよい：

Thank you for your letter of (date) with enclosures.

パリ条約による優先権主張をしない場合には：

We will prepare and file this application as a non-convention application as soon as possible.

PCT 出願の場合には：

We will prepare and file the necessary documents to represent you in the National Phase of this PCT application in Japan as well as required translation of the international application as soon as possible before the term expires.

モデル 2 出願提出の報告 (パソコン出願の場合):

Further to our letter of (date), this application was filed on (date) under Japanese Patent Application No. 000000/2002. Enclosed is a copy of the application documents as filed.

For your information, the request for examination becomes due on (date).

Please provide us with the certified copy which should be filed by (date).

Our debit note is enclosed.

ペーパー出願の場合には :

Further to our letter of (date), this application was filed on (date). Enclosed is a copy of the application documents as filed.

Official Filing Receipt will be forwarded to you when received from the Japanese Patent Office.

出願時に審査請求をした場合には不要

パリ条約による優先権主張をしなかった場合 , および主張して出願時に優先権証明書を提出した場合と , PCT 出願の場合には不要

出願時の請求書 (Debit Note) モデル :

1. To preparing and filing the application	¥ 000,000. -
2. To claiming the Convention priority	00,000. -
3. To late-filing the certified copy	00,000. -
4. To translating the English text into the Japanese language (0,000 words) ...	000,000. -
5. To word-processing the application documents	00,000. -
6. Official fees	00,000. -
	<hr/>
	¥ 000,000. -

モデル 3 出願番号通知の送付 (ペーパー出願の場合):

Enclosed please find Official Filing Receipt showing that this application was filed on (date) under Japanese Patent Application No. 000000/2002.

モデル 4 審査請求のリマインダー :

This is to remind you that the request for examination becomes due on (date).

Please let us have your instructions so that we can file such request before the term expires.

Your early reply in the above matter will be highly appreciated.

モデル 5 審査請求書提出の報告 :

In accordance with your letter of (date), the request for examination was filed on (date). Enclosed is a copy of the document as filed.

Any further developments in this application will be reported to you without delay.

Our debit note is enclosed.

審査請求時に補正をした場合には :

In accordance with your letter of (date), the request for examination was filed on (date), together with an amendment. Enclosed are copies of the documents as filed.

In the amendment, claim 1 now on file has been amended as indicated in your above letter.

審査請求時の請求書 (Debit Note) モデル :

1. To docketing, reminding and filing the request for examination	¥ 00,000. -
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2. To preparing and filing the amendment	00,000.-
3. Official fees	000,000.-
	<hr/> ¥ 000,000.-

補正をした場合のみ

モデル 6 拒絶理由通知書の報告：

This is to report an Official Action, a copy of which is enclosed together with an English translation thereof and copies of the cited references.

A response thereto becomes due on (date). If you would like to have our comments on the Examiner's rejection, please advise.

Please let us have your instructions and comments so that we can respond to the Official Action before the term expires.

モデル 7 期間延長の報告：

We still await your reply to our letter of (date) reporting the Official Action which should be responded to by (date).

To keep this application alive, we have extended the term for responding to the Official Action. The new term expires on (date), and no further extension is allowed, which please note.

Could you please provide us with your instructions and comments not later than (date) so that we can prepare and file a suitable response to the outstanding Official Action before the term expires.

Your immediate attention to the above matter will be highly appreciated.

モデル 8 意見書・補正書提出の報告：

In accordance with your letter of (date), we prepared and filed an amendment and argument in response to the Official Action on (date). Enclosed are copies of the amendment and argument as filed.

In the amendment, the claims as presently filed have been cancelled and substituted with our proposed new claims. In the argument, what was mentioned in your above letter, among other things, has been strongly argued and pointed out to the Examiner.

We shall keep you advised of any progress in this application.

Our debit note is enclosed.

他に補正した箇所があれば、必要に応じて、補正の内容について報告すればよい。

必要に応じて、意見書で主張した点について、さらに具体的に報告すればよい。

意見書・補正書提出時の請求書 (Debit Note) モデル：

1. To translating, reporting and docketing the Official Action; and providing copies of the cited references	¥ 00,000.-
2. To translating the pertinent portions of the cited references	00,000.-
3. To reviewing the Official Action, the cited references, and your instructions and comments; and preparing and filing the amendment and argument	000,000.-
4. To extending the term for responding to the Official Action	00,000.-
5. To word-processing the amendment and argument	00,000.-
	<hr/> ¥ 000,000.-

期間延長をした場合のみ

モデル 9 特許査定の報告 :

We are pleased to report an Official Letter stating that it has been decided to grant a patent in this application, a copy of which is enclosed, together with an English translation thereof.

The first to third annuities should be paid by (date).

Please let us have your instructions so that we can pay the annuities before the term expires.

モデル 10 1～3 年分年金納付の報告 :

In accordance with your letter of (date), we paid the first to third annuities on (date). Enclosed is a copy of the document for payment as filed.

Letters Patent will be forwarded to you when received from the Japanese Patent Office.

Our debit note is enclosed.

1～3 年分年金納付時の請求書 (Debit Note) モデル :

1. To reporting and docketing the Official Letter; paying the first to third annuities; and forwarding the Letters Patent	¥ 00,000.-
2. Official fees	000,000.-
	<hr/> ¥ 000,000.-

モデル 11 特許証の送付 :

We are enclosing herewith Letters Patent which shows that this application was registered as a patent on (date) under Japanese Patent No. 0,000,000.

This patent will be in force until (date), and subject to opposition until (date). The next (fourth) annuity becomes due on (date), and annually thereafter.

モデル 12 拒絶査定の報告 :

This is to report an Official Letter stating that it has been decided to finally reject this application, a copy of which is enclosed, together with an English translation thereof. If you would like to have our comments on the final rejection, please advise.

To continue prosecution of this application, it is necessary to appeal from the final rejection by (date).

Please let us have your instructions and comments so that we can proceed with this case before the term expires.

モデル 13 拒絶査定不服の審判請求書提出の報告 :

In accordance with your letter of (date), we prepared and filed an appeal brief together with an amendment on (date). In the amendment, the claims have been amended so as to overcome the Examiner's final rejection.

Enclosed is a copy of the documents as filed including a new set of claims.

We shall keep you advised of any developments in this case.

Our debit note is enclosed.

審判請求時の請求書 (Debit Note) モデル :

1. To translating, reporting and docketing the final rejection	¥ 00,000.-
2. To preparing and filing an appeal brief	000,000.-
3. To word-processing the documents	00,000.-
4. Official fees	000,000.-
	<hr/> ¥ 000,000.-

モデル 14 請求書 (Debit Note) に対する支払いの催促 :

We do not appear to have received your remittance in payment of our debit note No. 000 dated (date), a copy of which is enclosed for your reference.

We shall be much obliged if you will kindly look into the matter and arrange that the debit note will be processed as soon as possible.

Thank you in advance.

下記のような表現でもよい :

Our books indicate that our debit note No. 000 dated (date) remains unsettled, a copy of which is enclosed for your reference.

おわりに

以上モデル化して提示した英語通信文を使えば、“ 外内 ” 出願業務のほとんどの場面に対応できるであろうから、外国の出願人または代理人とのコミュニケーションのために上記各モデルを活用していただければ幸いである。なお、本稿で提示したモデルは、“ 外内 ” 出願業務を行うのに必要な英文通信の「骨組み」であって、例えば岡野翠穂著「知的所有権への挑戦 - 特許・商標の国際出願・取得・活用 - 」(丸善株式会社) で引用されている豊富な英語通信文例等で「肉付け」されることをお勧めしたい。

(原稿受領 2002.2.5)

