

(page.32-33)

The Patent System of the U.S. and Our Track Record Our Patents on U.S.-bound LRVs

Kazuhiro YABE
Designing Department

Kinki Sharyo has filed a total of 30 patent applications with Japanese and foreign authorities (including one made in Japan in 1982). The table below shows the 5 patents we obtained through applications in the U.S.

As for the contents of our patent applications, many of the applications (in Japan and the U.S.) are related to the coupling structure, which represents one of the most important elements of an articulated car.

Differences in the Patent System

Differences that existed between the patent system of the U.S. and its counterpart in Japan comprise the following (descriptions of the Japanese system are shown in parentheses, after a corresponding description of the U.S. system):

- First-to-invent system (first-to-file system)
 - Patent term: 17 years from registration (20 years from application)
 - No publication system (publication for all patents)
 - Consideration of all applications (consideration only when requested)
- etc.

Among two different types of the patent system (the first-to-file system that grants a patent to the applicant who applied on the earliest date for the same invention; and the first-to-invent system that grants a patent to the applicant who made the same invention on the earliest date, regardless of the date of application), the first-to-invent system was adopted only by the U.S. until recently.

Also, the U.S. lacked a publication system, giving rise to a patent use called submarine patent; this involved an applicant intentionally repeating the conversion of application to delay the grant of a patent. In this manner, the applicant saw that the patent would be granted only after the technology to be patented would have spread widely. Thus, the patent emerged all of a sudden, enabling the applicant to claim an enormous amount of compensation to many companies.

However, a need to harmonize different patent systems in various parts of the world has begun to move the U.S. to take actions belatedly. It has already changed the patent term to 20 years from application. Also, laid-open patent specifications have been available since June 2002.

In September 2007, the House of Representatives passed a bill to replace the first- to-invent system with the

first-to-file system. This change of the patent system will soon take effect.

Future Patent Application

In the U.S., we must protect our original LRV technology to secure new orders, and meet demand for LRVs whose new merits as means of controlling global warming are being discovered throughout the world. To that end, we must actively develop new technology, while filing for patents to use our rights for maximum benefits.