

How to Protect Medical Treatments in Japan



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Medical treatment itself is not patentable subject matter in Japan

Ex.

- × Methods of surgery, therapy or diagnosis of humans
- × Methods of contraception or delivery

From JPEG, Japanese Patent Examination Guideline

Non patentable surgery of humans includes:

- (a) Methods for surgical treatment, such as incision, excision, centesis, injection, implant, and cosmetic surgery
- (b) Methods of inserting, moving, maintaining, operating and extracting a medical device (e.g., a catheter or an endoscope) inside the human body (excluding inside the mouth, inside the external nostrils, and inside the external ear canals)
- (c) Preparatory treatment for surgery (e.g., anesthetic treatment for surgery and methods of disinfecting the skin before injection)

From JPEG, Japanese Patent Examination Guideline

Cf. The followings are are patentable.

- (a) A method for controlling a medical device
- (b) Methods for extracting samples and data from the human body, or methods for analyzing, e.g., comparing such samples and data with standards
- (c) Methods for treating samples that have been extracted from the human body (e.g., blood, urine, skin, hair, cells or tissue) or methods for gathering data by analyzing such samples

From JPEG, Japanese Patent Examination Guideline

JPEG Ex. 8-1 (Not patentable)

A method for treating an affected part by using a micro operation robot having receiving means and incising means, comprising the steps of;

operating a remote operation device and transmitting a manipulator signal in order to give medical treatment to the affected part,

receiving the manipulator signal from the remote operation device by the receiving means, and

incising the affected part of a patient by an incising means based on the manipulator signal being received.

(Rewritten by RYUKA)

JPEG Ex. 8-2 (Patentable)

A method for controlling a micro operation robot system including a micro operation robot and a remote operation device, wherein the robot has a receiving means and an incising means, comprising:

transmitting a manipulator signal from the remote operation device,

receiving the manipulator signal from the remote operation device by the receiving means, and

controlling the incising means of the robot with the manipulator signal being received.

(Rewritten by RYUKA)

JPEG Ex. 10-1 (Not patentable)

A method for capturing internal images of a celom with an endoscope including an imaging unit, comprising:

changing a direction of a view by an operator using a rotation indicator, and

rotating the imaging unit whose light axis is tilted to an insertion axis of the endoscope.

(Rewritten by RYUKA)

This is not patentable because “the operator using the rotation indicator” includes a step requiring action by a medical doctor, so it is regarded as a method of surgery for humans.

JPEG Ex. 10-2 (Patentable)

A method for controlling an endoscope including an imaging unit, comprising:

arranging the imaging unit so that a light axis of which is tilted to an insertion axis of the endoscope, and

rotating the imaging unit about the insertion axis by receiving an instruction signal to rotate.

(Rewritten by RYUKA)

This is patentable because “rotating the imaging unit” is not an action of a medical doctor.

JPEG Ex. 11-1 (Not patentable)

A method for contrast magnetic resonance imaging, comprising:

imaging an examinee injected with contrast media with a low-resolution real-time mode, and

shifting the mode to a high-resolution imaging mode when signal strength within a desired domain exceeds a predetermined threshold value.

(Rewritten by RYUKA)

JPEG Ex. 11-2 (Patentable)

A method for controlling operation of a magnetic resonance imaging device, comprising:

shifting the device to a high resolution imaging mode when signal strength within a desired domain exceeds a predetermined threshold value.

(Rewritten by RYUKA)

Thank you.

Examples were written by RYUKA to help understand the exemplary claims and requirements. Please refer to www.jpo.go.jp/tetuzuki_e/t_tokkyo_e/Guidelines/2_1.pdf for the original examples.

JPEG provides more information and examples of statutory and non statutory methods that are related to medical methods.

If you need more information, please feel free to contact me at akihiro@ryuka.com.

Thank you,
Aki Ryuka