Patent Right	Date	June 18, 2020	Court	Intellectual Property High Court, Third Division
	Case number	2019 (Gyo-Ke) 10110		
- A case in which it was determined that the invention according to the patent application titled "METHOD FOR SETTLING ELECTRONICALLY RECORDED MONETARY CLAIMS AND MONETARY CLAIMS MANAGEMENT SERVER" does not fall under the "invention" prescribed in Article 2, paragraph (1) of the Patent Act, since its nature is exclusively directed to human-made arrangement itself and does not use the scientific laws established for the phenomena and orders of the nature, and it does not fall under the creation of technical ideas "utilizing the laws of nature" as a whole.				

Case type: Rescission of Appeal Decision of Refusal

Result: Dismissed

References: Article 2, paragraph (1), the main clause of Article 29, paragraph (1), paragraph (2) of the Patent Act

Related rights, etc.: Appeal against Examiner's Decision of Refusal No. 2019-1157 case, Patent Application No. 2018-193836

Summary of the Judgment

1. This case is a suit against appeal decisions made by the JPO in which a decision of refusal was made against the patent application by Plaintiff of the invention titled "METHOD FOR SETTLING ELECTRONICALLY RECORDED MONETARY CLAIMS AND MONETARY CLAIMS MANAGEMENT SERVER", along with a decision that the request for an appeal against examiner's decision of refusal shall not be affirmed and thus, Plaintiff sought rescission thereof.

The summary of the decision is [i] since the invention of the present application is not the "creation of the technical ideas utilizing the laws of nature" referred to in Article 2, paragraph (1) of the Patent Act, the requirement in the main clause in Article 29, paragraph (1) of the same law is not fulfilled; and [ii] a person ordinarily skilled in the art could have made the invention easily on the basis of an invention described in a publication distributed prior to the present application and the like.

As reasons for rescission of the decision, Plaintiff asserted in the lawsuit [i] errors in determination of invention relevancy (reason 1 for rescission) and [ii] errors in determination of inventive step (reason 2 for rescission).

2. Outline of the judgment on the reason 1 for rescission (errors in determination of invention relevancy) is held as follows, and the judgment dismissed the request by Plaintiff without even determining the reason 2 for rescission, since there is no illegality which should be rescinded in the decision.

(1) Meaning of "invention" in the Patent Act

Since the term "invention" in the Patent Act means a "highly advanced creation of technical ideas utilizing the laws of nature" (Article 2, paragraph (1)), those not utilizing the laws of nature such as mere mental activities, academic laws, human-made arrangement, and the like, for example, do not fall under "invention".

Since an "invention" is completed via stages of setting of a certain technical problem, employment of technical means for solving the problem, and confirmation of effects that the desired object can be achieved by the technical means, whether or not the "invention to be granted a patent" described in the Scope of Claims (claims) falls under the aforementioned "invention" should be determined on whether or not it falls under the creation of technical ideas "utilizing the laws of nature" as a whole in view of the technical meanings such as the technical problem that serves as the basis for the "invention to be granted a patent" disclosed in the recitation of the Scope of Claims and the recitation in the description and the drawings attached to the application, structure of the technical means for solving the problem, and the effects induced by the structure and the like. Even if some technical means is presented for the "invention to be granted a patent", when the nature of the invention is directed to mere mental activities, genuine academic laws, human-made arrangement, and the like, as the result of consideration as a whole, it does not fall under the aforementioned "invention".

(2) Invention relevancy of the invention of the present application

A. According to the described matter in the description of the present application and the like, the invention of the present application is to solve the problem of providing a method for settlement of electronically recorded monetary claims which conforms to the administration standards of the Subcontract Act revised so as to require the debtor to bear the discount fee at a discount in order to provide more sufficient protection to the creditor in a transaction settlement by the electronically recorded monetary claims which has been used and for which a discount fee can be borne by a debtor without increasing clerical burdens or management costs of the debtor and the creditor. The invention of the present application has a structure of the technical means

for solving the problem by transferring an amount according to the amount of the electronically recorded monetary claims to the account of the creditor and by debiting the discount-fee equivalent fee from the account of the debtor, thereby exerting the effect of effectively suppressing creation of the monetary claims which cannot be discounted easily.

B. By comprehensively considering the aforementioned technical problem, the structure of the technical means for solving the problem, and the effects induced by the structure and the like, the technical meaning of the invention of the present application is found to require the commission at the discount of the electronically recorded monetary claims to be borne by the debtor in the settlement using the electronically recorded monetary claims.

Therefore, the invention of the present application has a nature directed exclusively to the human-made arrangement itself and not using the scientific laws established for the phenomena and orders of the nature and thus, since it does not fall under the creation of the technical ideas "utilizing the laws of nature" as a whole, it does not fall under the "invention" prescribed in the Article 2, paragraph (1) of the Patent Act.

C. Plaintiff asserts that, all the execution of each processing of the invention of the present application is achieved by transmission/reception of signals, and the transmission/reception of signals can be achieved not only by specifying an operation procedure in the financial transaction but by also utilizing the laws of nature. Moreover, Plaintiff asserts that, even if the invention of the present application is assumed to be a "computer-software related invention", the structure in which the "first debit signal" and the "second debit signal" are transmitted separately is a technical feature beyond a technical matter inevitably performed between computers and thus, it is a creation of technical ideas utilizing the laws of nature.

However, as described above, the technical meaning of the invention of the present application is to cause the debtor to bear the commission at the discount of the electronically recorded monetary claims, and the "signal" and the "transmission" referred to by Plaintiff are only used as mere means for realizing the aforementioned meaning on the basis of an ordinary usage without adding any technical devisal to them. The invention of the present application as such does not fall under the creation of the technical ideas “utilizing the laws of nature" as a whole even if those that look like technical means such as the "signal" and the "transmission" are included in the structure.

Moreover, Claim 1 only describes transmission of three signals and does not describe information processing by software and thus, the invention of the present application cannot be considered to be a creation of the technical ideas utilizing the laws of nature from the viewpoint of usage of computer software, either.

Judgment rendered on June 18, 2020
2019 (Gyo-Ke) 10110 A case of seeking rescission of the JPO decision
Date of conclusion of oral argument: January 16, 2020

Judgment

Plaintiff: MUFG Bank, Ltd.

Defendant: Commissioner of the Japan Patent Office

Main text

1. Plaintiff's request shall be dismissed.
2. The court costs shall be borne by Plaintiff.

Facts and reasons

No. 1 Claim

A trial decision for Appeal against Examiner's Decision No. 2019-1157 case that the JPO made on June 24, 2019 shall be rescinded.

No. 2 Outline of the case

1. Outline of procedures, etc. at the JPO

(1) Plaintiff filed a patent application (Patent Application No. 2018-193836, number of claims: 11, hereinafter, referred to as the "present application") for the invention titled "METHOD FOR SETTLING ELECTRONICALLY RECORDED MONETARY CLAIMS AND MONETARY CLAIMS MANAGEMENT SERVER" on October 12, 2018 (domestic priority on October 17, 2017, March 19, 2018).

Plaintiff received a notice of grounds for rejection (Exhibit Ko 4) as of October 25, 2018 and made procedural amendment (Exhibit Ko 9) for the Scope of Claims as of November 27 of the same year but received a rejection decision (Exhibit Ko 10) as of December 4 of the same year.

(2) Plaintiff requested an appeal against the examiner's decision of refusal (Appeal against Examiner's Decision of Refusal No. 2019-1157) on January 29, 2019 (Exhibit Ko 11).

Plaintiff received a notice of grounds of rejection (Exhibit Ko 12) as of March 14 of the same year and made procedural amendment for the Scope of Claims (Exhibit Ko 14, hereinafter, referred to as the "present amendment") as of April 25 of the same year.

Subsequently, the JPO rendered the JPO decision that "the request of this trial is not affirmed." (hereinafter, referred to as the "present JPO decision") on June 24 of the same year, and a certified copy thereof was served for Plaintiff on July 9 of the same year.

(3) Plaintiff filed the present lawsuit seeking for the rescission of the present JPO decision on August 7, 2019.

2. Recitation of the Claims

The recitation of Claims 1 to 11 of the Scope of Claims after the present amendment is as follows (hereinafter, the invention according to Claim 1 is referred to as the "invention of the present application").

[Claim 1]

A method for settling electronically recorded monetary claims, comprising steps of:

transmitting a first transfer signal for transferring an amount according to an amount of the electronically recorded monetary claims to an account of a creditor;

transmitting a first debit signal for debiting a discount-fee equivalent fee corresponding to a discount fee of the electronically recorded monetary claims from an account of a debtor of the electronically recorded monetary claims; and

transmitting a second debit signal for debiting the amount of the electronically recorded monetary claims from the account of the debtor.

[Claim 2]

The method for settling electronically recorded monetary claims according to Claim 1, further comprising a step of:

transmitting a second transfer signal for transferring a compensation fee according to the discount-fee equivalent fee to the account of the creditor of the electronically recorded monetary claims.

[Claim 3]

The method for settling electronically recorded monetary claims according to Claim 2, wherein

the amount according to the amount of the electronically recorded monetary claims is an amount obtained by subtracting the discount fee from the amount of the electronically recorded monetary claims.

[Claim 4]

The method for settling electronically recorded monetary claims according to Claim 1, wherein

the amount according to the amount of the electronically recorded monetary claims is the amount of the electronically recorded monetary claims.

[Claim 5]

The method for settling electronically recorded monetary claims according to Claim 1, wherein

the amount according to the amount of the electronically recorded monetary claims is an amount obtained by subtracting an amount of a commission from the amount of the electronically recorded monetary claims.

[Claim 6]

The method for settling electronically recorded monetary claims according to any one of Claims 1 to 5, further comprising a step of:

transmitting a third debit signal for debiting the commission from the account of the debtor or the creditor of the electronically recorded monetary claims.

[Claim 7]

The method for settling electronically recorded monetary claims according to any one of Claims 1 to 6, further comprising a step of:

receiving a discount request signal for receiving a request for a discount of the electronically recorded monetary claims from the creditor prior to the transmission of the first transfer signal.

[Claim 8]

The method for settling electronically recorded monetary claims according to any one of Claims 1 to 7, further comprising a step of:

transmitting an inquiry signal for notifying the debtor that the discount-fee equivalent fee was finalized.

[Claim 9]

The method for settling electronically recorded monetary claims according to any one of Claims 1 to 8, further comprising a step of:

transmitting a record request signal for requesting a transfer record of the electronically recorded monetary claims from an electronic monetary

claim recording institution.

[Claim 10]

A monetary claims management server configured to transmit a transfer signal for transferring an amount according to an amount of electronically recorded monetary claims to an account of a creditor, a first debit signal for debiting a discount-fee equivalent fee corresponding to a discount fee of the electronically recorded monetary claims from an account of a debtor of the electronically recorded monetary claims, and a second debit signal for debiting the amount of the electronically recorded monetary claims from the account of the debtor.

[Claim 11]

A program configured to cause a computer to execute:

transmission of a transfer signal for transferring an amount according to an amount of electronically recorded monetary claims to an account of a creditor;

transmission of a first debit signal for debiting a discount-fee equivalent fee corresponding to a discount fee of the electronically recorded monetary claims from an account of a debtor of the electronically recorded monetary claims; and

transmission of a second debit signal for debiting the amount of the electronically recorded monetary claims from the account of the debtor.

3. Abstract of reasons of JPO decision

(1) The reasons for the JPO decision are as shown in the attached JPO decision (copy).

The summary thereof is [i] the invention of the present application is not a "creation of technical ideas utilizing the laws of nature" referred to in Article 2, paragraph (1) of the Patent Act, and it does not fulfill the requirement prescribed in the main clause of Article 29, paragraph (1) of the Act and thus, it cannot be granted a patent; [ii] the invention of the present application could have been made easily by a person ordinarily skilled in the art on the basis of the matter described in the invention described in Exhibit Ko 1 (Gazette of the Unexamined Patent Application Publication No. 2014-235435) which is a publication distributed prior to the present application and Exhibit Ko 2 ("Government's stringent application of the Subcontract Act – review of circular notice on 'negotiable instrument

payment'", Nikkan Kogyo Shimbun, Ltd., October 14, 2016) and thus, it cannot be granted a patent under the provisions in Article 29, paragraph (2) of the Patent Act.

(2) Common features and different features between the invention described in Exhibit Ko 1 found by the present JPO decision (hereinafter, referred to as the "cited invention"), the invention of the present application, and the cited invention are as follows:

A. Cited invention

In batch factoring using electronically recorded monetary claims, a method for processing the electronically recorded monetary claims by notifying settlement information related to remittance settlement between accounts from a batch factoring server in a bank system to a settlement bank,

the batch factoring server of the bank system being connected to a recording institution system including a registry of electronically recorded monetary claims and moreover connected to a terminal of a supplier company, a terminal of a paying company, a terminal of SPC performing the batch factoring of the electronically recorded monetary claims, and a terminal of the settlement bank different from the bank system, in which the paying company which is a debtor has a settlement account, through a network, upon receipt of a request for cashing before the date of payment from the supplier company,

the SPC designates a creation date of transfer data from an SPC terminal 3 and instructs a reception processing unit 21 of a batch factoring server 12 to create the transfer data for paying an advance payment amount to the supplier company, upon receipt of the creation instruction of the transfer data from the SPC terminal 3, a settlement processing unit 23 of the batch factoring server 12 calculates an amount (advance payment amount) to be paid to each of the supplier companies from which the SPC made the request for cashing before the date of payment, the paid amount (advance payment amount) is calculated on the basis of a monetary claims amount corresponding to the electronically recorded monetary claims and a discount rate designated by master data stored in a master data storage unit 24 (advance payment amount = monetary claims amount – discount amount, for example), the settlement processing unit 23 creates the transfer data using the SPC as a transfer requester, the supplier company as a recipient, and the calculated amount of advance payment as a transfer amount, upon instruction of downloading of comprehensive transfer data from the SPC terminal 3, the comprehensive transfer data are transmitted

from the batch factoring server 12 to the SPC terminal 3, upon downloading of the comprehensive transfer data, the SPC terminal 3 transmits the downloaded comprehensive transfer data to the settlement bank system 5 (an EB system 15, for example) and asks for comprehensive transfer and after that, the transfer to the supplier company is executed by the settlement bank system 5 through an account system 16, and the advance payment amount is credited in a deposit account of the supplier company,

payment of the monetary claim amount of the electronically recorded monetary claims from the paying company to the SPC on the date of payment is made by remittance settlement between accounts,

the recording institution system 13 transmits a request notice message of the remittance settlement between accounts related to the electronically recorded monetary claims to the batch factoring server 12 so that the remittance settlement between accounts can be made for the extracted electronically recorded monetary claims, the settlement processing unit 23 of the batch factoring server 12 creates transfer data for making the remittance between accounts of the monetary claim amount to the settlement account of the creditor (SPC) from the settlement account of the debtor (paying company) on the date of payment, the created transfer data are downloaded to the settlement bank system 5 (Step S708), the settlement bank system 5 processes the downloaded transfer data by the EB system 15 (or processes it by a transfer slip or the like), and executes the remittance settlement between accounts by debiting the transfer amount from the account of the paying company and by crediting it to the account of the SPC.

B. Common features and different features between the invention of the present application and the cited invention

(Common feature)

A point of the "method for settling electronically recorded monetary claims, including

transmission of a first transfer signal for transferring an amount according to the amount of electronically recorded monetary claims to an account of a creditor; and

transmission of a second debiting signal for debiting the amount of the electronically recorded monetary claims from an account of the debtor."

(Different Feature 1)

In the invention of the present application, the structure of "transmitting a

first debit signal for debiting a discount-fee equivalent fee corresponding to a discount fee of the electronically recorded monetary claims from an account of a debtor of the electronically recorded monetary claims" is specified, while the cited invention does not include such structure.

(omitted)

No. 4 Judgment of the court

1. Reason 1 for rescission (errors in the determination of invention relevancy)

(1) Described matters and the like of the description of the present application

A. The recitation of the Scope of Claims (Claim 1) of the invention of the description of the present application is as in the aforementioned No. 2, 2.

The Detailed Description of the Invention in the description of the present application (Exhibits Ko 3-1, 3-2, and 3-5) has the following recitation (for "Figs. 1 to 3, 8, 9, and 11" cited in the following recitation, see the attached document).

(A) [Technical Field]

[0001]

The present invention relates to a method for settling electronically recorded monetary claims and to a system and a server for realizing the method.

[Background Art]

[0002]

Recently, as new monetary claims for solving problems in transaction settlement using negotiable instruments and nominative claims held by businesses, active use of electronically recorded monetary claims has begun. The electronically recorded monetary claims are monetary claims provided for by the Electronically Recorded Monetary Claims Act, and the monetary claims are created by electronic recording in a registry of an electronic monetary claims recording institution through a financial institution such as a bank instead of a conventional issuance of a negotiable instrument or the like. Since movement of money is conducted between the financial institutions on the basis of the records in the registry, complicated tasks such as collecting of monetary claims are no longer necessary, and reduction of a burden of stamp taxes required for issuance

of negotiable instruments, reduction in clerical costs realized by paperless work, and effective utilization of human resources can be promoted.

[0003]

Similarly to negotiable instruments and the like, electronically recorded monetary claims can also be transferred with a discount (hereinafter, referred to simply as a discount). In this case, the creditor makes an assignment record request for assigning the electronically recorded monetary claims held by the creditor from a financial institution. After that, the financial institution buys the electronically recorded monetary claims after subtracting an amount of interest until the date of payment from the monetary claims, called a discount fee, and submits an assignment record request from the electronic monetary claim recording institution. …

(B) [Technical Problem]

[0005]

The creditor collects the monetary claims before the date of payment of the monetary claims by making a discount and can procure a fund but is forced with a burden of the discount fee. On the basis of such background, in order to protect creditors more sufficiently, administration standards of the Act against Delay in Payment of Subcontract Proceeds, Etc. to Subcontractors (Subcontract Act) were revised in December of 2016, and it was explicitly indicated that the burden of the discount fee is imposed not on a creditor (that is, the subcontractor) but on a debtor (that is, a subcontracting entrepreneur).

[0006]

On the basis of such background, an embodiment of the present invention has an object to provide a method and a system for settling electronically recorded monetary claims which conform to the revised administration standards of the Subcontract Act and in which a discount fee can be borne by the debtor without increasing clerical burdens or a management costs of the debtor and the creditor.

[Solution to Problem]

[0007]

According to an embodiment of the present invention, such a method for settling electronically recorded monetary claims is provided that an amount according to the amount of the electronically recorded monetary

claims is transferred to an account of the creditor, a discount-fee equivalent fee corresponding to the discount fee of the electronically recorded monetary claims is debited from an account of the debtor of the electronically recorded monetary claims, and the amount of the electronically recorded monetary claims is debited from the account of the debtor.

(C) [Advantageous Effect of Invention]

[0010]

By means of working of the present invention, when electronically recorded monetary claims are to be discounted, creation of monetary claims which cannot be discounted easily can be effectively suppressed by having the debtor play a role of an entity who bears the discount fee without increasing the clerical burdens or the management costs of the debtor and the creditor.

(D) [Description of Embodiment]

[0012]

Hereinafter, a method for settlement which is an embodiment of the present invention and a system for realizing the same will be described. The embodiments shown below are examples of the embodiments of the present invention, and the present invention is not limited by these embodiments.

…

[0013]

<Embodiment 1>

Hereinafter, the method for settlement and the system for realizing the same according to Embodiment 1 of the present invention will be described.

[0014]

[1. Entire scheme]

An entire scheme of the method for settling electronically recorded monetary claims according to this embodiment is illustrated in Fig. 1(A). In Fig. 1(A), a debtor is a company at a position requesting delivery of goods or services from a creditor, while the creditor is a company providing the goods or services to the debtor. Therefore, the debtor is a company on a payment side (paying company), and the creditor is positioned as a subcontractor of the debtor in many cases due to a

difference in business scale, a difference in contribution to the goods or services, and the like.

[0015]

When the goods or services are delivered in accordance with a contract concluded between the debtor and the creditor, monetary claims are created at that stage. That is, the paying company which is the debtor is obliged to pay for the goods or services to the creditor which is the subcontractor, and the debts are generated on the side of the debtor, while the creditor obtains the monetary claims at the same time.

…

[0016]

When the creditor requests discount of the electronically recorded monetary claims from a financial institution in order to procure money at an earlier stage, the financial institution calculates an amount of interest of the monetary claims until the date of payment and causes the interest to be generated as a discount fee. After that, the financial institution buys the electronically recorded monetary claims at an amount (assignment account) obtained by subtracting the discount fee from the amount of monetary claims. In a conventional method for settlement, similar to ordinary monetary claims, when the electronically recorded monetary claims are to be discounted, the discount fee is borne by the creditor. Therefore, an obligation of bearing the discount fee was generated for the creditor in exchange for an advantage of earlier procurement of money.

[0017]

On the other hand, in the method for settlement of this embodiment, the entity who bears the discount fee is the debtor. Thus, the financial institution regularly (every month, every several months, every half year, and the like, for example) calculates an amount corresponding to the discount fee (discount-fee equivalent fee) and regularly notifies each of the debtors that the discount-fee equivalent fee has been finalized by using electronic communication means. The debtor who received the notice checks the details on a communication network. As a result, the debtor can grasp the discount-fee equivalent fee which should be paid in a certain period of time easily and accurately without involving an increase in clerical burdens.

[0018]

After that, the debtor pays the discount-fee equivalent fee to the subcontractor as a compensation fee on the determined date through a financial institution. More specifically, as indicated by a dotted arrow in Fig. 1(A), the discount-fee equivalent fee is debited from the account held by the debtor in the financial institution, and at the same time the whole or a part of the discount fee is transferred to the account of the creditor as the compensation fee. As a result, the creditor can collect the discount fee subtracted at the discount and thus, the creditor can be protected more sufficiently. At the same time, the debtor is encouraged to promote business efforts and management improvement in order to avoid payment of the discount-fee equivalent fee, whereby delay in payment or creation of monetary claims that cannot be discounted easily can be effectively suppressed. Moreover, with this method for settlement, since neither the creditor nor the debtor needs to use cash, procedural burdens are not generated.

[0019]

In the end, the principal of the electronically recorded monetary claims is debited by the financial institution from the account of the debtor on the date of payment, and the monetary claims are paid off. …

[0021]

The financial institutions used by the creditor and the debtor do not have to be the same, and the creditor may deal with a second financial institution different from the financial institution indicated in Fig. 1(A), for example. …

[0023]

[2. System structure]

Fig. 2 illustrates a configuration diagram of a system 100 of the method for settlement according to this embodiment. The system 100 includes a monetary claims management server 108 of a financial institution, a communication terminal 104 of a creditor, a communication terminal 106 of a debtor, and a recording server 110 of an electronic monetary claim recording institution as a basic structure. As will be described later, various functions for realizing this method for settlement are given to the monetary claims management server 108.

[0027]

Fig. 3 illustrates a block configuration diagram of the monetary claims

management server 108. The monetary claims management server 108 has an application programing interface (API) 120, and the monetary claims management server 108 is connected to a communication network 102 through the API 120. As a result, the monetary claims management server 108 can communicate with the recording server 110 and the communication terminals 106 and 104.

[0031]

In the monetary claims management server 108, in addition to a control unit 122 for controlling an operation of the monetary claims management server 108, an input unit 124, an output unit 126, a transmission/reception unit 128, and the like are provided. The control unit 122 is configured by a record requesting/reception unit 122b, a determination unit 122c, a discount-fee calculation unit 122d, a discount-fee equivalent fee calculation unit 122e, a transfer/debit instruction unit 122f, and the like together with a main control unit 122a. … The transfer/debit instruction unit 122f creates an instruction (a transfer signal, a debit signal) for executing transfer or debiting with respect to an account of a creditor or a debtor. This instruction is managed by the financial institution through the transmission/reception unit 128 and transmitted to an account management server (not shown) for managing an account of a customer, whereby a transfer and debiting are executed.

[0043]

Fig. 8 is a flowchart illustrating transmission/reception of data and signals among the communication terminal 104 of the creditor, the communication terminal 106 of the debtor, the monetary claims management server 108 of the financial institution, and the recording server 110 of the electronic monetary claims recording institution when the method for settlement of this embodiment is worked. …

[0044]

First, the creditor requests a discount of the electronically recorded monetary claims. More specifically, the communication terminal 104 transmits a discount request signal to the monetary claims management server 108 of the financial institution (S230). The transmission/reception unit 128 of the monetary claims management server 108 receives the discount request signal through the API 120 of the monetary claims management server 108, and the output unit 126 outputs information

included in the discount request signal such as the number of the electronically recorded monetary claims held by the creditor, a desired date of discount, a desired monetary amount of discount, and the like as necessary. On the basis of such information, the determination unit 122c determines whether the discount request should be approved or not. When the determination unit 122c approves the request, the result is transmitted to the discount-fee calculation unit 122d, and the discount-fee calculation unit 122d calculates the discount fee. …

[0045]

After the discount fee is finalized, the transmission/reception unit 128 transmits a discount notice signal for notifying the fact to the creditor via the communication terminal 104 of the creditor (S232). …

[0046]

After that, the discount amount obtained by subtracting the discount fee from the principal of the electronically recorded monetary claims is transferred to the account of the creditor, and the electronically recorded monetary claims are transferred to the financial institution. More specifically, the transfer/debit instruction unit 122f transmits the transfer signal to the account management server (S234). …

[0048]

After that, the discount-fee equivalent fee and a commission are debited from the account of the debtor on a predetermined date. That is, the transfer/debit instruction unit 122f transmits a transfer signal and a debit signal to the account management server (S242). As a result, the whole or a part of discount-fee equivalent fee is transferred to the account of the creditor as a compensation fee, and a commission is collected by the financial institution. …

[0049]

On the date of payment of the electronically recorded monetary claims, the principal is debited from the account of the debtor, and the electronically recorded monetary claims are paid off. That is, the transfer/debit instruction unit 122f transmits to the account management server a debit signal for debiting the principal from the account of the debtor (S248). …

[0051]

… The method for settlement and the system of this embodiment can

handle both the case in which the entity to bear the discount fee is the creditor and the case in which the entity to bear the discount fee is the debtor and thus, the creditor and the debtor can continuously use the electronic settlement service which has been used by them, and the burden of payment operations and the like can be reduced, and human resources can be continuously utilized effectively. Moreover, if the debtor is to bear the discount fee when the electronically recorded monetary claims are discounted, the creditor can collect from the debtor the discount fee temporarily borne at the discount. Moreover, since motivation to construct a measure for reducing the burden of the discount-fee equivalent fee can be given to the debtor, delay in payment or creation of monetary claims that cannot be discounted easily can be effectively suppressed. Thus, the embodiment of the present invention can be considered to provide the method for settlement and the system which can appropriately reflect the purpose of revision of the administration standards of the Subcontract Act in December of 2016.

(E) [0054]

<Embodiment 2>

Hereinafter, a method for settlement and a system for realizing the same according to an Embodiment 2 of the present invention will be described. …

[0055]

[1. Entire scheme]

An entire scheme of the method for settling electronically recorded monetary claims according to this embodiment is illustrated in Fig. 9(A).

[0056]

In this embodiment, too, similarly to Embodiment 1, the entity to bear the discount fee is the debtor. However, in Embodiment 1, when the creditor requested a discount of the electronically recorded monetary claims from the financial institution, the financial institution bought the electronically recorded monetary claims at a money amount obtained by subtracting a discount fee which is an amount of interest until the date of payment of the monetary claims, regularly calculated the discount-fee equivalent fee, and notified the debtor that the discount-fee equivalent fee had been finalized, and the debtor paid the discount-fee equivalent fee as a compensation fee to the creditor through the financial institution.

[0057]

On the other hand, in this embodiment, when the creditor requests a discount of electronically recorded monetary claims from a financial institution, first, the financial institution buys the electronically recorded monetary claims without subtracting the discount fee from the monetary claims amount of the electronically recorded monetary claims. That is, the financial institution buys the electronically recorded monetary claims at an amount of the electronically recorded monetary claims (assignment amount). Subsequently, the financial institution regularly calculates the discount-fee equivalent fee and regularly notifies the debtor that the discount-fee equivalent fee has been finalized, and the debtor pays the discount-fee equivalent fee to the financial institution. Then, similarly to the method for settling the electronically recorded monetary claims according to Embodiment 1, the principal of the electronically recorded monetary claims is debited by the financial institution from the account of the debtor on the date of payment, the monetary claims are paid off, the information that the monetary claims have been paid off is transmitted from the financial institution to the electronically recorded monetary claims recording institution and recorded in the registry, and the electronically recorded monetary claims are extinguished.

[0059]

By means of the method for settling the electronically recorded monetary claims, according to this embodiment too, similarly to Embodiment 1, finalization of the discount-fee equivalent fee is regularly notified to the debtor and thus, the debtor can grasp the discount-fee equivalent fee which should be paid in a certain period of time, easily and accurately without increasing the clerical burden. Moreover, when the financial institution buys the electronically recorded monetary claims, the financial institution buys the electronically recorded monetary claims without subtracting the discount fee from the monetary claims amount of the electronically recorded monetary claims and thus, the creditor can be protected more sufficiently. At the same time, the debtor is encouraged to promote business efforts and management improvement in order to avoid payment of the discount-fee equivalent fee, whereby delay in payment or creation of monetary claims that cannot be discounted easily can be effectively suppressed. Moreover, with this method for settlement,

since neither the creditor nor the debtor needs to use cash, procedural burdens are not generated.

[0061]

Moreover, in this embodiment, too, similarly to Embodiment 1, financial institutions used by the creditor and the debtor do not have to be the same. The creditor may deal with a second financial institution different from the financial institution indicated in Fig. 9(A). …

[0072]

Fig. 11 is a flowchart illustrating transmission/reception of data and signals among the communication terminal 104 of the creditor, the communication terminal 106 of the debtor, the monetary claims management server 108 of the financial institution, and the recording server 110 of the electronic monetary claims recording institution. …

[0073]

First, the creditor requests a discount of the electronically recorded monetary claims. More specifically, the communication terminal 104 transmits a discount request signal to the monetary claims management server 108 of the financial institution (S330, corresponding to S230). Similarly to Embodiment 1, the transmission/reception unit 128 of the monetary claims management server 108 receives the discount request signal and then, the determination unit 122c determines whether the discount request should be approved or not, and when the determination unit 122c approves the request, the discount-fee calculation unit 122d calculates the discount fee.

[0074]

After the discount fee is finalized, similarly to Embodiment 1, the transmission/reception unit 128 transmits the discount notice signal for notifying the fact to the creditor to the communication terminal 104 of the creditor (S332, corresponding to S232).

[0075]

After that, the amount equal to the principal of the electronically recorded monetary claims is transferred to the account of the creditor, and the electronically recorded monetary claims are transferred to the financial institution. More specifically, the transfer/debit instruction unit 122f transmits the transfer signal to the account management server (S334).

…

[0077]

After that, the discount-fee equivalent fee and the commission are debited from the account of the debtor, and the commission is debited from the account of the creditor on a predetermined date. That is, the transfer/debit instruction unit 122f transmits a debit signal to the account management server (S342). As a result, the discount-fee equivalent fee and the commission are collected by the financial institution.

[0079]

Similarly to Embodiment 1, on the date of payment of the electronically recorded monetary claims, the principal is debited from the account of the debtor, and the electronically recorded monetary claims are paid off. That is, the transfer/debit instruction unit 122f transmits to the account management server a debit signal for debiting the principal from the account of the debtor (S348, corresponding to S248).

…

[0082]

The method for settlement and the system of this embodiment can handle both the case in which the entity to bear the discount fee is the creditor and the case in which the entity to bear the discount fee is the debtor and thus, the creditor and the debtor can continuously use the electronic settlement service which has been used by them, and the burden of payment operations and the like can be reduced, and human resources can be continuously utilized effectively. Moreover, if the debtor is to bear the discount fee when the electronically recorded monetary claims are discounted, the creditor can collect from the debtor the discount fee temporarily borne at the discount. Moreover, since motivation to construct a measure for reducing the burden of the discount-fee equivalent fee can be given to the debtor, delay in payment or creation of monetary claims that cannot be discounted easily can be effectively suppressed. Thus, the embodiment of the present invention can be considered to provide a method for settlement and a system which can appropriately reflect the purpose of revision of the administration standards of the Subcontract Act in December of 2016.

B. According to the described matter in the aforementioned A, it is found that the following disclosure is made in relation with the invention of the present application.

(A) In recent years, the electronically recorded monetary claims have been actively used as new monetary claims for solving the problems of transaction settlement using negotiable instruments or nominative claims held by businesses, and the electronically recorded monetary claims can also perform discounted assignment (hereinafter, referred to simply as the "discount") similarly to the negotiable instruments, but in this case, the financial institution receiving the assignment of the electronically recorded monetary claims is supposed to buy the electronically recorded monetary claims after subtracting from the monetary claims an amount of interest until the due date called a discount fee. (aforementioned A(A))

(B) Thus, although the creditor can collect the monetary claims before the date of payment by performing the discount and procure funds, the creditor is forced to bear the burden of the discount fee. On the basis of such background, the administration standards of the Subcontract Act were revised in December of 2016, and it was explicitly indicated that the burden of the discount fee is required from the debtor in order to protect the creditor more sufficiently.

The "present invention" conforms to the aforementioned administration standards and has a problem to provide the method for settling the electronically recorded monetary claims for which the burden of the discount fee can be borne by the debtor without increasing the clerical burdens or the management costs of the debtor and the creditor and employs a structure as a method for settling the electronically recorded monetary claims for solving the problem that "the money amount according to the amount of the electronically recorded monetary claims is transferred to the account of the creditor, the discount-fee equivalent fee corresponding to the discount fee of the electronically recorded monetary claims is debited from the account of the debtor of the electronically recorded monetary claims, and the amount of the electronically recorded monetary claims is debited from the account of the debtor".

(for the above, the aforementioned A(B))

(C) As a result, the "present invention" exerts the effect that creation of the monetary claims that cannot be discounted easily can be effectively suppressed by having the debtor play the role of the entity to bear the discount fee without increasing the clerical burdens or the management costs of the debtor and the creditor when the electronically recorded

monetary claims are to be discounted (aforementioned A(C)).

(D) In the method for settlement of Embodiment 1 of the "present invention", when the creditor requests a discount of electronically recorded monetary claims from a financial institution in order to procure funds at an earlier stage, the financial institution buys the electronically recorded monetary claims at the amount obtained by subtracting the discount fee from the amount of the monetary claims, a transfer signal is transmitted to the account management server of the financial institution, and the discount amount obtained by subtracting the discount fee from the principal of the electronically recorded monetary claims is transferred to the account of the creditor.

After that, the debit signal is transmitted to the account management server of the financial institution, and the discount-fee equivalent fee is debited from the account of the debtor.

Then, on the date of payment of the electronically recorded monetary claims, the debit signal is transmitted to the account management server of the financial institution, the amount corresponding to the principal is debited from the account of the debtor, and the electronically recorded monetary claims are paid off.

(For the above, the aforementioned A(D))

(E) In the method for settlement of Embodiment 2 of the "present invention", when the creditor requests a discount of electronically recorded monetary claims from the financial institution, the financial institution buys the electronically recorded monetary claims without subtracting the discount fee from the monetary claims amount of the electronically recorded monetary claims, a transfer signal is transmitted to the account management server of the financial institution, and the amount corresponding to the principal of the electronically recorded monetary claims is transferred to the account of the creditor.

After that, a debit signal is transmitted to the account management server of the financial institution, and the discount-fee equivalent fee is debited from the account of the debtor.

Then, on the date of payment of the electronically recorded monetary claims, the debit signal is transmitted to the account management server of the financial institution, the amount corresponding to the principal is debited from the account of the debtor, and the electronically recorded

monetary claims are paid off.

(For the above, the aforementioned A(E))

(F) In both of Embodiments 1 and 2 of the "present invention", the entity to bear the discount fee is the debtor.

The method for settlement and the system of the embodiments can handle both the case in which the entity to bear the discount fee is the creditor and the case in which the entity to bear the discount fee is the debtor and thus, the creditor and the debtor can continuously use the electronic settlement service which has been used by them, and the burden of payment operations and the like can be reduced, and human resources can be continuously utilized effectively.

Moreover, since motivation to construct a measure for reducing the burden of the discount-fee equivalent fee can be given to the debtor, delay in payment or creation of monetary claims that cannot be discounted easily can be effectively suppressed. Thus, the embodiments of the present invention can be considered to provide a method for settlement and a system which can appropriately reflect the purpose of revision of the administration standards of the Subcontract Act in December of 2016.

(For the above, the aforementioned A(D), (E))

(2) Meaning of the "invention" in the Patent Act

The term "invention" in the Patent Act means "a highly advanced creation of technical ideas utilizing the laws of nature." (Article 2, paragraph (1)) and thus, those activities not utilizing the laws of nature; that is, mere mental activities, genuine academic laws, human-made arrangement, and the like, for example, do not fall under the "invention".

And in view of the fact that such "invention" is completed via stages of setting of a certain technical problem, employment of technical means for solving the problem, and confirmation of effects that the desired object can be achieved by the technical means, whether or not the "invention to be granted a patent" described in Scope of Claims (Claims) falls under the aforementioned "invention" should be determined on whether or not it falls under the creation of technical ideas "utilizing the laws of nature" as a whole in view of the technical meanings such as the technical problem on which the "invention to be granted a patent" disclosed in the recitation of the Scope of Claims and the recitation in the description and the drawings attached to the application is based, structure of the technical means for

solving the problem, and the effects induced by the structure and the like.

Therefore, even if some technical means is presented for the "invention to be granted a patent", when as the result of consideration as a whole the nature of the invention is determined to be directed to mere mental activities, genuine academic laws, human-made arrangement, and the like, it does not fall under the aforementioned "invention".

(3) Invention relevancy of the invention of the present application

From the viewpoint in the aforementioned (2), the invention relevancy of the invention of the present application will be examined.

A(A) As described in the aforementioned (1)B(B), the invention of the present application employs the structure according to the invention of the present application as the structure for solving the problem to provide a method for settlement of electronically recorded monetary claims which conforms to the administration standards of the Subcontract Act revised so as to require the debtor to bear the discount fee at a discount in a transaction settlement by the electronically recorded monetary claims which has been used in order to protect the creditor more sufficiently and for which a discount fee can be borne by a debtor without increasing clerical burdens or management costs of the debtor and the creditor.

On the other hand, in the structure of the invention of the present application, "transmitting a transfer signal for transferring a (predetermined) amount to an account of a creditor (of electronically recorded monetary claims)" and "transmitting a debit signal for debiting the (predetermined) amount from the account of the debtor of the electronically recorded monetary claims" have been employed from the past in transaction settlement by the electronically recorded monetary claims, and "debiting the amount of the electronically recorded monetary claims from the account of the debtor (of the electronically recorded monetary claims)" has no change in handling between before and after the revision of the administration standards of the Subcontract Act.

Then, it can be understood that, in the invention of the present application, "transferring to the account of the creditor the money amount according to the amount of electronically recorded monetary claims " and "debiting from the account of the debtor of the electronically recorded monetary claims the discount-fee equivalent fee corresponding to the discount fee of the electronically recorded monetary claims" configure the

technical means for solving the problem.

(B) Moreover, the description of the present application has recitation as an effect of the "present invention" that such effect is exerted that "when electronically recorded monetary claims are to be discounted, creation of monetary claims which are difficult to be discounted can be effectively suppressed by having the debtor play a role of an entity who bears the discount fee without increasing the clerical burdens or the management costs of the debtor and the creditor." (aforementioned (1)B).

On the other hand, since the Scope of Claims (Claim 1) of the invention of the present application only describes as the method for settling electronically recorded monetary claims "transmitting a first transfer signal for transferring to an account of a creditor an amount according to an amount of the electronically recorded monetary claims", "transmitting a first debit signal for debiting a discount-fee equivalent fee corresponding to a discount fee of the electronically recorded monetary claims from an account of a debtor of the electronically recorded monetary claims", and "transmitting a second debit signal for debiting the amount of the electronically recorded monetary claims from the account of the debtor", it is not clear by what technical means "utilizing the laws of nature" the effect is exerted that the clerical burdens or the management costs of the debtor and the creditor are not increased by employing such structure, and the description of the present application does not have recitation explaining this point, either.

The description of the present application has the recitation that the method for settlement in Embodiments 1 and 2 of the "present invention" can handle both the case in which the entity to bear the discount fee is the creditor and the case in which the entity to bear the discount fee is the debtor and thus, the creditor and the debtor can continuously use the electronic settlement service which has been used by them, and the burden of payment operations and the like can be reduced, and human resources can be continuously utilized effectively (Aforementioned (1)B(F)), but that can be understood to be the naturally exerted effect since the invention is targeted to the discount in the transaction settlement by the conventionally used electronically recorded monetary claims.

Moreover, with regard to the point that "creation of the monetary claims that cannot be discounted easily can be effectively suppressed" in

the effects of the invention of the present application described in the description of the present application, in view of the recitation in paragraphs [0051] and [0082] in the description of the present application related to Embodiments 1 and 2 of the "present invention" ("Moreover, if the debtor is to bear the discount fee when the electronically recorded monetary claims are discounted, the creditor can collect the discount fee temporarily borne at the discount from the debtor. Moreover, since motivation to construct a measure for reducing the burden of the discount-fee equivalent fee can be given to the debtor, delay in payment or creation of monetary claims that cannot be discounted easily can be effectively suppressed."), such effects can be understood to be effects obtained by revision to a method in which the discount fee of the electronically recorded monetary claims is borne by the debtor.

(C) According to the above, the invention of the present application has a structure in which the money amount according to the amount of the electronically recorded monetary claims is transferred to the account of the creditor, and the discount-fee equivalent fee is debited from the account of the debtor in the method for settlement using the electronically recorded monetary claims as the technical means for solving the problem, whereby such effects are exerted that creation of the monetary claims that cannot be discounted easily can be effectively suppressed by having the debtor play a role of the entity to bear the discount fee in accordance with the revision of the administration standards of the Subcontract Act that the debtor is required to bear the discount fee and thus, the technical meaning of the invention of the present application should be considered to be the bearing of the discount fee at the discount of the electronically recorded monetary claims by the debtor.

B. By comprehensively considering the technical meaning such as the technical problem found in the aforementioned A, the structure of the technical means for solving the problem, and the effects induced by the structure and the like, the technical meaning of the invention of the present application can be considered to require the commission at the discount of the electronically recorded monetary claims to be borne by the debtor in the settlement using the electronically recorded monetary claims and thus, the nature of the invention of the present application is found to be directed exclusively to the human-made arrangement itself in the

transaction settlement.

Therefore, the invention of the present application has the nature directed exclusively to the human-made arrangement itself and not using the scientific laws established for the phenomena and orders of the nature, and thus it does not fall under the creation of the technical ideas "utilizing the laws of nature" as a whole.

According to the above, the invention of the present application does not fall under the "invention" prescribed in Article 2, paragraph (1) of the Patent Act.

C. On the other hand, Plaintiff asserts that [i] whether or not the invention according to the claim utilizes the laws of nature should be determined with the entire constituent features of the invention of the present application as a unit and thus, the determination with a part of the constituent features of the invention of the present application as a unit as in the JPO decision does not make sense, and the determination of the JPO decision has an error; [ii] even if the determination is to be made with a part of the constituent features of the invention of the present application as a unit, all the execution of each processing of the invention of the present application is fulfilled by transmission/reception of signals, and the transmission/reception of signals cannot be fulfilled only by specifying operation procedures in the financial transactions but can be fulfilled only by utilizing the laws of nature; [iii] in view of the invention of the present application as a whole, it has a structure in which the transmission of the "first debit signal" and the transmission of the "second debit signal" can be performed separately and thus, the "timing when the discount-fee equivalent amount is debited from the account of the debtor" and the "timing when the amount of the electronically recorded monetary claims is debited from the account of the debtor" can be separated, and as a result, such an effect is exerted that it becomes easy for the debtor to manage the "discount fee" and the "amount of the electronically recorded monetary claims" separately, and the "debtor can grasp the discount-fee equivalent fee which should be paid in a certain period of time easily and accurately without involving an increase in clerical burdens", for example (paragraph [0017] in the description of the present application), and moreover, when the debtor is to bear the discount fee, the structure that "the first debit signal is transmitted" exerts an effect that procedural burdens are

suppressed by exchange of electronic information without using actual cash and thus, it generally falls under the "creation of technical ideas utilizing the laws of nature" in Article 2, paragraph (1) of the Patent Act; [iv] even if the invention of the present application is considered to be a "computer-software related invention", the structure in which the "first debit signal" and the "second debit signal" are transmitted separately is a technical feature beyond a technical matter inevitably performed between computers and thus, it is a creation of technical ideas utilizing the laws of nature.

First, with regard to the aforementioned point [i], when the invention of the present application is examined as a whole, the determination that it does not fall under the creation of the technical ideas "utilizing the laws of nature" is as described in the aforementioned B.

With regard to the aforementioned point [ii], as described in the aforementioned A, the meaning that the "transmission" of the "signal" is included in the structure is only use of the method which has been conventionally employed in the transaction settlement by the electronically recorded monetary claims in the invention of the present application. That is, as described above, the meaning of the invention of the present application is that the commission at the discount of the electronically recorded monetary claims is made to be borne by the debtor, and the "signal" and the "transmission" referred to by Plaintiff are only used as mere means for realizing the aforementioned meaning on the basis of an ordinary usage without adding any technical devisal to them. And in such a case, even if those that look like technical means such as the "signal" and the "transmission" are included in the structure, the invention of the present application should be considered not to fall under the creation of the technical ideas "utilizing the laws of nature" as a whole.

With regard to the aforementioned point [iii], according to the recitation in the description of the present application (paragraph [0017]), the effect asserted by Plaintiff that the "debtor can grasp the discount-fee equivalent fee which should be paid in a certain period of time easily and accurately without involving an increase in clerical burdens." can be understood to be exerted by the "financial institution" that "regularly calculates … the amount corresponding to the discount fee … by using the electronic communication means and regularly notifies each of the debtors

that the discount-fee equivalent fee has been finalized", but the aforementioned structure is not included in the structure of the invention of the present application. Moreover, the effect that it becomes easy for the debtor to manage the "discount fee" and the "amount of the electronically recorded monetary claims" separately by separating the "timing when the discount-fee equivalent amount is debited from the account of the debtor" and the "timing when the amount of the electronically recorded monetary claims is debited from the account of the debtor" is not described in the description of the present application, and the Scope of Claims of the invention of the present application (Claim 1) only describes the "transmission of the first debit signal" and the "transmission of the second debit signal" and the structure does not include the timing when the aforementioned signal is transmitted or how the debiting is performed on the basis of the aforementioned signal.

And the effect that the procedural burdens are suppressed by exchange of electronic information without using actual cash is a naturally exerted effect by the invention targeted to the discount in the transaction settlement by the electronically recorded monetary claims as taught in the aforementioned A(B).

With regard to the aforementioned point [iv], Claim 1 describes only the transmission of three signals and does not describe information processing by software. Therefore, the invention of the present application is not a creation of technical ideas utilizing the laws of nature from the viewpoint of use of computer software, either.

As described above, none of the assertions by Plaintiff can be employed.

(4) Summary

According to the above, the present JPO decision which determined that the invention of the present application is not a "creation of technical ideas utilizing the laws of nature" in Article 2, paragraph (1) of the Patent Act and thus, it does not fulfill the requirement prescribed in the main text of Article 29, paragraph (1) of the same Act and cannot be granted a patent has no error, and the reason 1 for rescission asserted by Plaintiff are not grounded.

2. Conclusion

As described above, since the reason 1 for rescission asserted by Plaintiff

are not grounded, the JPO decision has no illegality to be rescinded even without the need for determining the reason 2 for rescission.

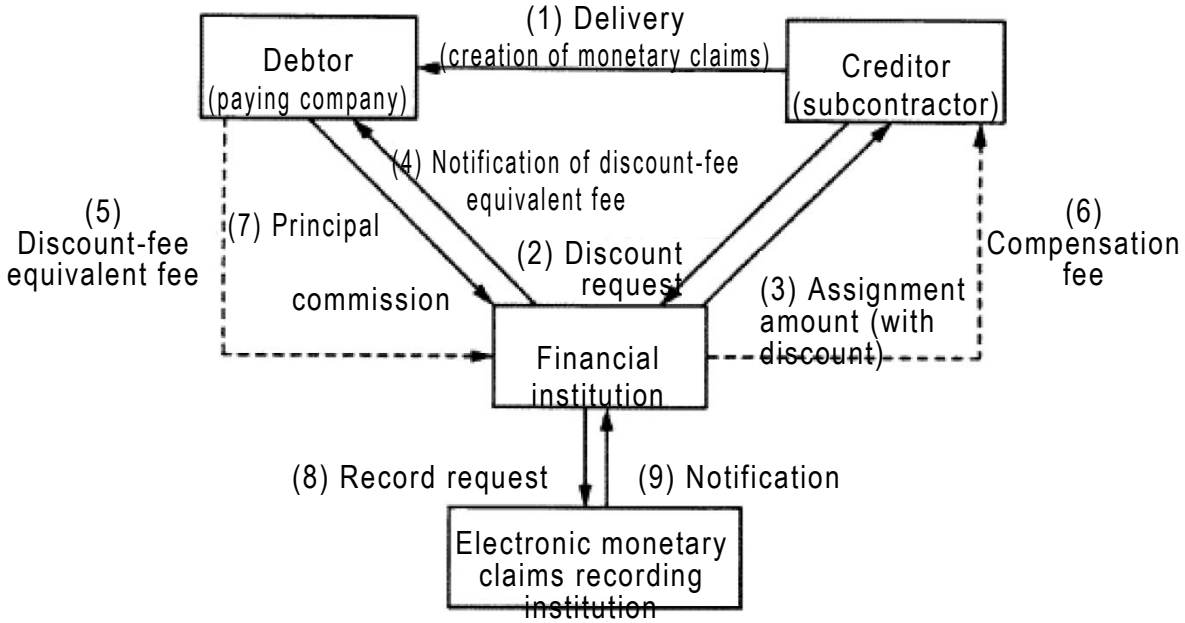
Therefore, Plaintiff's claim should be dismissed.

Intellectual Property High Court, Third Division
Presiding Judge: TSURUOKA Toshihiko
Judge: UEDA Takuya
Judge: YAMAKADO Masaru

(Attachment)

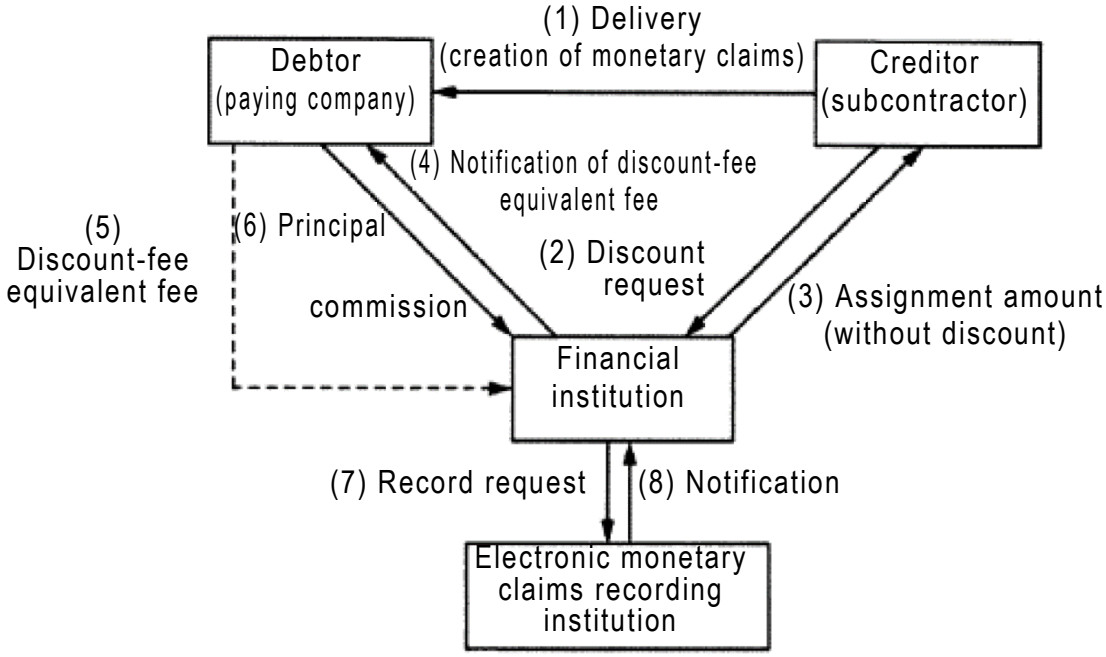
[Fig. 1] (A)

(A)

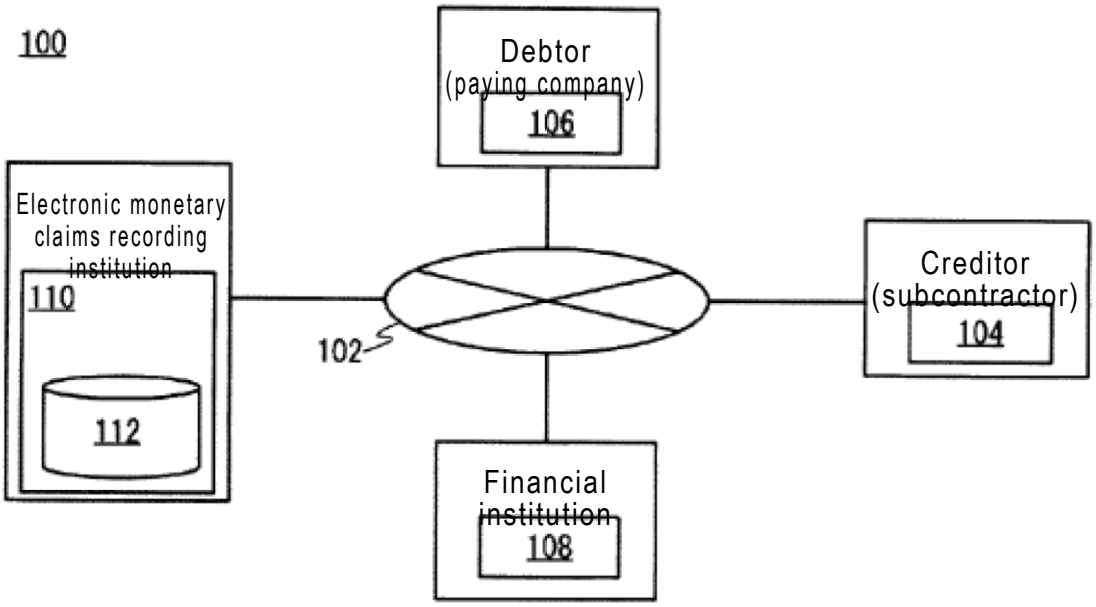


[Fig. 9] (A)

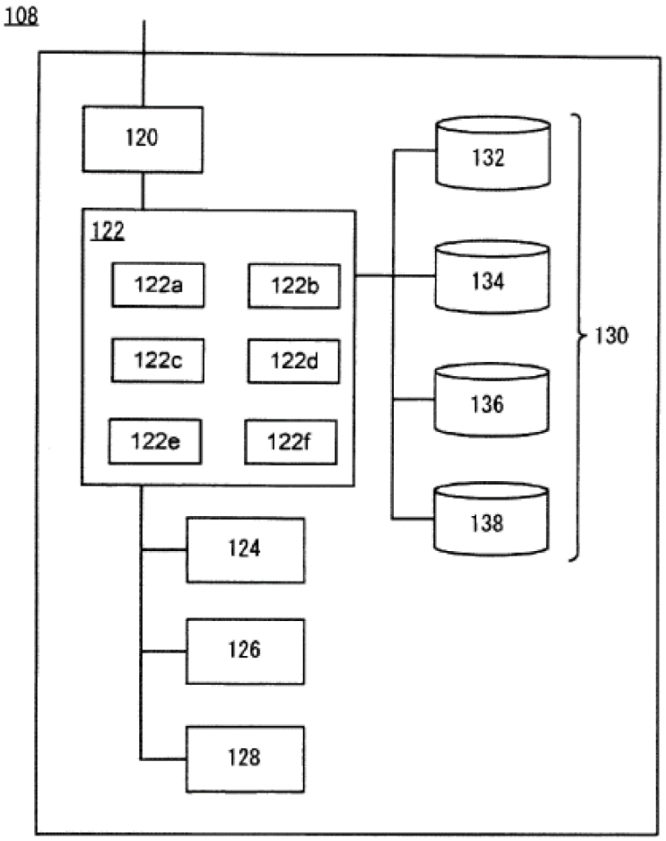
(A)



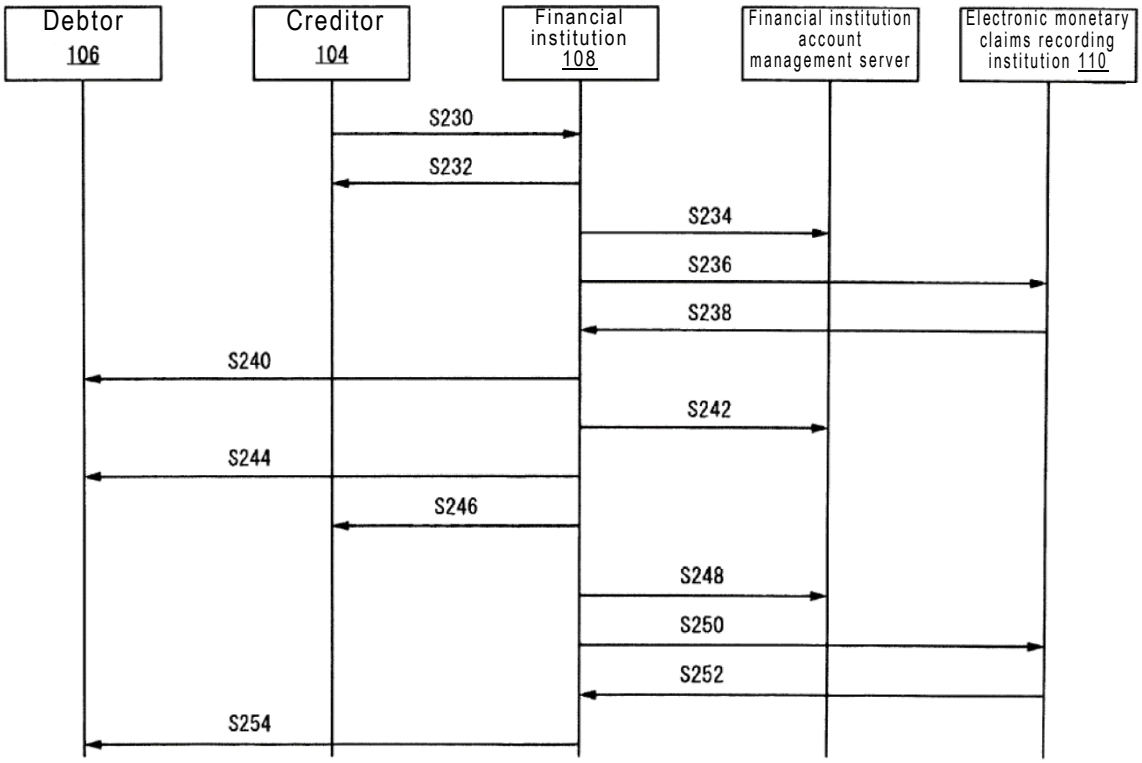
[Fig. 2]


100
Debtor
(paying company)
106
Electronic monetary claims recording institution
110
112
102
Creditor
(subcontractor)
104
Financial institution
108

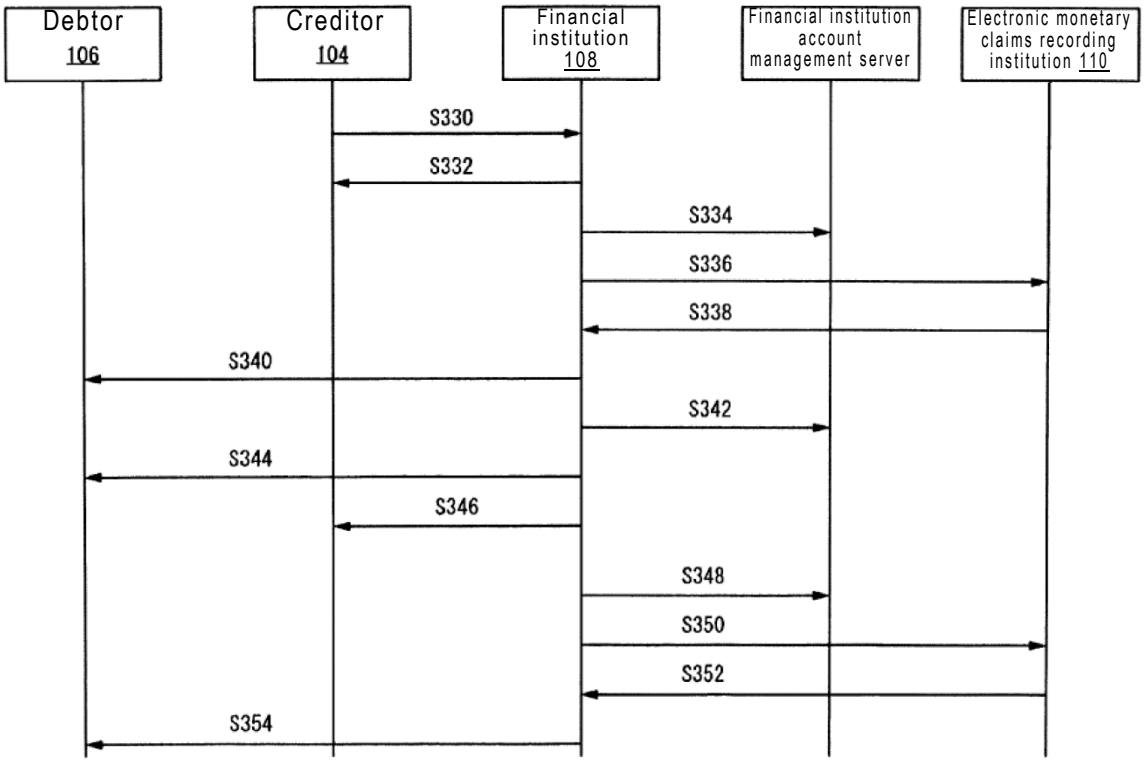
[Fig. 3]


108
120
122
122a
122b
122c
122d
122e
122f
124
126
128
132
134
136
138
130

[Fig. 8]


Debtor
106
Creditor
104
Financial institution
108
Financial institution account management server
Electronic monetary claims recording institution 110
S230
S232
S234
S236
S238
S240
S242
S244
S246
S248
S250
S252
S254

[Fig. 11]


Debtor
106
Creditor
104
Financial institution
108
Financial institution account management server
Electronic monetary claims recording institution 110
S330
S332
S334
S336
S338
S340
S342
S344
S346
S348
S350
S352
S354