Japan

“Late-Filed Experimental Results”

Patent Act, Sec. 29(2) – *The Procter & Gamble Co. Ltd. v. Carl J. Roof*

**Decision of the Intellectual Property High Court
15 July 2010**

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Experimental result showing unexpected effects of the invention obtained only after the application and submitted on appeal in order to prove inventive step can be taken into account in cases where the original specification makes no reference to the effect of the invention, but where the person skilled in the art is able to recognise the effect of the invention or can infer such from the description.

Summarised by Hisayoshi Yokoyama