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科 目：共通問題

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In preparation and prosecution of a utility patent application, it is necessary to meet the formality requirements and those prescribed by law before the Patent Office grants a patent to an invention claimed in the patent application.

The formality requirements are relatively simple. In the United States, it is necessary only to file a specification and at least one claim, and drawings if necessary. Documents such as the inventor's oath or declaration and the filing fee may be filed and paid afterwards.

The requirements by law are, in a sense, more complicated than this. To be brief, an invention described in a patent application must be new, nonobvious, and useful in order to be patentable. To say an invention is new or has "novelty", the invention must be different from any of the prior art. While it could be difficult to determine what is included the prior art, the prior art generally includes the previously issued patents, published printed publications, and products that have been manufactured by implementing a patent and available to public.

Nonobviousness is also called an "inventive step", which means that the invention claimed in the patent application must have a significant difference from the prior art. Whether the invention is nonobvious is one of the major issues of argument in the patent prosecution at the Patent Office.

The requirement for being useful, or so called "utility" requirement is usually not very difficult to be satisfied, because this requirement can be very broadly interpreted.

There are items that are not allowed as patents, i.e. some items cannot be protected by law. Natural laws are not patentable, as well as abstract ideas and simply discovered items. However, living organisms are patentable if produced by engineering. Thus, because the technology has already accomplished the creation of cloned animals in the fields of biotechnology and genetic engineering, a serious problem will possibly arise, in the future, regarding the appropriateness of intellectual property of cloned animals, if such a cloning technology makes rapid progress.