★★★　＜知的財産翻訳検定＞答案用紙　★★★

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科　　目：共通問題

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In preparing and prosecuting an application for utility patent, certain formal and lawful requirements should be fulfilled before the Patent Office grants a patent on an invention sought to be patented.

Formal requirements are relatively simple.　In U.S., a specification, at least one claim, and a drawing in those cases in which a drawing is necessary will suffice.　An oath or declaration as well as the filing fee may be supplemented at a later stage in the prosecution.

Lawful requirements are somewaht complicated.　In short, in order for an invention disclosed by the application to be patentable, it must be new, non-obvious, and useful. In order for an invention to be new, i.e. it has “novelty,”it must be distinguished over any part of the prior art.　Although it can be difficult to judge what constitute the prior art, in general, it includes earlier issued patents, earlier printed publications, a product or process embodying the invention which has already been available to the public.

Non-obviousness is also called “inventive step,”which means that there must be a significant difference between the invention sought to be patented and the prior art. Whether or not an invention is obvious is, usually, the most controversial issue in the prosecution of application before the Patent Office.
Generally, it is not difficult to fulfill the “usefulness”requirement since it is interpreted in a quite broad sense.

There are some unpatentable subject matter, i.e. exceptions to “statutory subject matter.” The laws of nature is not patentable and so are abstract ideas and mere dicovered matter.　Living things are, however, patentable so long as they are a product of engineering.　Reproduction of clone has been accomplished in biotechnology and genetic engineering; rapid progress thereof could cause a serious problem as to reasonableness of intellectual property on clone in the future.