

★★★ <知的財産翻訳検定【第4回<和文英訳>試験】>答案用紙 ★★★

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<共通問題解答>

The most important objective of the patent system is to encourage inventions by promoting the protection and use thereof with a view to underpinning the progress of industry. The patent system promotes the protection of inventions by granting persons who have developed and disclosed a new technology a patent, or an exclusive right to make or use it, for a certain period of time under a certain set of conditions. At the same time, it provides the public with an opportunity to know new inventions by disclosing their details.

The protection and use of an invention as outlined above are realized through a patent specification and an accompanying set of drawings, which together serve both as a technical document disclosing its technical details and as a legal document claiming a right that precisely defines its technical scope. In this respect, the Japanese Patent Law specifies what to write in the "detailed description of the invention" section of a patent specification.

Similarly, the U.S. Patent Law stipulates that a patent specification contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains to make and use the same, and further that it set forth the best mode contemplated by the inventor of carrying out his/her invention. The best mode provision is unique to the U.S. Patent Law. It is intended to prevent a patent from being granted to persons who wish to obtain protection by patent without making a complete disclosure as required by the law. In effect, this provision prohibits an inventor from disclosing only embodiments of his/her invention that he/she considers second-best, while hiding the embodiment he/she considers the best.