

★★★ <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 purpose of the patent system is to expedite inventions by promoting the protection and utilization of inventions, thereby contributing to the advancement of industry. The patent system promotes the protection of an invention by giving the person who has developed a novel technology and disclosed it publicly an exclusive right, or a patent right, under certain conditions for a certain period of time.

At the same time, the patent system discloses the details of an invention and thus present the general public an opportunity to know the invention.

The above-mentioned protection and utilization of an invention are accomplished through its specification and drawing(s) which play the role of both a technical document for disclosing the technical details of the invention and a legal right document for accurately defining the technical scope of the patented invention.

In this respect, in Japan, the Patent Law specifies the entry requirements for the "Detailed Description of the Invention" section of the specification.

In contrast to this, the U.S. Patent Law provides that the specification must include completely, clearly, concisely and accurately worded description of the invention and the preferred embodiments and processes for carrying out the invention which may allow those skilled in the art to utilize the invention and that the inventor must disclose in the specification the embodiments he considers best in carrying out the invention.

In particular, the "best mode for carrying out the invention" requirement is the U.S. Patent Law's characteristic provision.

This "best mode for carrying out the invention" requirement is provided as an antidote against those who try to receive the protection by a patent without having made a complete disclosure as required legally.

This requirement forbids the inventor from disclosing only what he considers the second best embodiment by hiding the best mode for carrying out his invention.