

2007年度第5回知的財産翻訳検定<英文和訳>

【共通】

※解答作成前に必ず下記の注意事項に目を通してください。

【解答にあたっての注意事項】

1. 問題は1題あります。問題の指示に従い解答してください。

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[問] 以下の英文は、米国特許出願手続における情報開示義務について、その趣旨、開示をなすべき主体およびその対象を説明したものです。この英文を法律用語等に留意しつつ適切な日本語に翻訳してください。

<スタート>

In order to issue valid patents, the Patent Office has both an obligation not to unjustly issue patents and an obligation not to unjustly deny patents. Innovation and technological advancement are *best served* when an inventor is issued a patent with the scope of protection that is *deserved*.

The rules as defined in 37 C.F.R. 1.56 and the other sections serve to remind individuals associated with the preparation and prosecution of patent applications of their *duty of candor and good faith* in their dealings with the Office, and will aid the Office in receiving, in a timely manner, the information it needs to carry out effective and efficient examination of patent applications. Individuals associated with the filing or prosecution of a patent application within the meaning of the sections are, for example, each inventor named in the application and each attorney or agent who prepares or prosecutes the application. Individuals having a duty of disclosure are limited to those who are "substantively involved in the preparation or prosecution of the application." This is intended to make clear that the duty does not extend to typists, clerks, and similar personnel who assist with an application.

All individuals having the duty must disclose to the Patent Office all *material information* they are aware of regardless of the source of or how they become aware of the information. *Materiality* controls whether information must be disclosed to the Office, not the circumstances under which or the source from which the information is obtained. If material, the information must be disclosed to the Office.

The duty to disclose material information extends to information such individuals are aware of prior to or at the time of filing the application or become aware of during the prosecution thereof.

<エンド>