
INTRODUCTION OF ARTICLES

IP Management System under Corporate Structural Reform

The Third Subcommittee,
Intellectual Property Management Committee

Along with the change in the economic environment, private companies are making efforts for improving their profitability through mergers/alliance of businesses, the introduction of a company system and the deconglomeration of the corporate structure.

Corporate structural reform will have a great impact on the intellectual property management systems whose fundamental object is to contribute to the profits of the businesses.

This article discusses the impact of corporate structural reform to the intellectual property management systems in terms of the organizations of intellectual property departments, obtainment and use of intellectual properties, intellectual property-related costs, development of human resources, and efforts in globalization.

Especially, for the intellectual property management systems under the environment of the company system and deconglomerated system, several IP management types are assumed and their problems and issues to be aware of are discussed. Those types include a headquarter-centered management type, a distributed management type and a composite type.

The article further discusses the change in the perception of those working in IP departments and inventors regarding IP matters, and the development of human resources. The article concludes the "securement of highly skilled human resources" as being the key for the establishment of the intellectual property management which can flexibly adapt to the varying corporate structures.

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Enablement Requirements for Biotechnology-Related Inventions

The First Subcommittee,
The First Patent Committee

A discussion was made on the patent examination practices and the views of the Trilateral Patent Offices for those inventions related to biotechnology, which is a current leading-edge field of technology. The discussion focused on the enablement requirements in terms of the manner, how a specification should be drafted thereby to obtain a strong patent right that would be highly effective in all the Trilateral countries.

Total of 7 items discussed include; 1) interpretations of "enable"; 2) enablement of an entire

“scope of claims”; 3) “a person with ordinary skill in the art” and “common general knowledge”; 4) determinants of “undue [or excessive] experimentation”; 5) interpretations of “undue experimentation”; 6) “burden of proof” for enablement; and 7) consideration of “written arguments” and “certified experiment results”.

The Trilateral Offices hold a common view for the enablement requirement that “a specification must contain a written description of the invention so as to enable any person skilled in the art to exploit the invention using technical common sense as of the filing without undue experimentation”. However, the detailed discussion reveals that the Trilateral Offices hold different views in various areas of this issue. In the second half of this article, the discussion continues, citing representative claim language, on issues inherently found in omnibus claims and screening-related claims and on the extent of disclosure in the specifications to provide a useful guideline for patent drafters.

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