

are more and more collaborative studies or development efforts being underway among domestic and foreign companies, universities and research institutes etc. As a result, there are more chances for Japanese companies to jointly own patent rights with others in US.

When parties jointly own a patent right in US, even though each of the parties may freely assign or license the patent without the consent of the other, the parties have to cooperate with each other in filing a lawsuit against any infringement on the jointly owned patent right. Like this, there are differences in the systems or handlings of cases between US and Japan, and anyone who jointly owns a patent with others has to understand those differences.

The present paper traverses from the occurrence of a patent right to the proceedings for an infringement lawsuit any issues that a Japanese company may encounter when it jointly owns a patent right in US. More particularly, under the US system and cases, it first explains the determinants for a patent right to be jointly owned and discusses those issues that are specific to the US system relevant to various rights (share, and rights to practice, assign and license) based on the jointly owned patent right, and consider problems in those infringement cases of jointly owned patent rights. Based on the above considerations, it presents those issues that patent practitioners of Japanese companies shall take note of.

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Applying Knowledge Management in Intellectual Property Management — New approaches to intellectual property activities applying knowledge creating processes —

The Third Subcommittee,
The First Intellectual Property Management Committee

We would like to report the result of discussion on the materialization of the application of the knowledge management (especially, knowledge creating processes) during the creation steps of an intellectual property within a knowledge creating cycle.

Within the knowledge creating cycle, there are a plurality of “fields”, each composing one process of the cycle. The “field” of creating inventions that involves intellectual property department members, development/design department members, and/or sales department members is, for example, a meeting to unearth the information to find out new inventions or to discuss the identified inventions, which is intended for communization of tacit understandings held by the respective members. Next, there is a “field” of materialization (documentation and diagrammatizing etc.) of the ideas of products and business models using elemental technologies based on the communized tacit understandings (current problems, general ideas of products and business models etc.). Thereafter, there is a “field” of systematically arranging the materialized ideas.

The circulation of these fields of the knowledge creating cycle was found to lead the creation of novel ideas. The cycle does not terminate by only one circulation. The repeated circulations of the

cycle will introduce deeper communization of information/knowledge, in which the starting point of a next cycle is at a level higher than one before by adding up the newly obtained tacit knowledge, thereby reducing the time period required from the creation of an invention to the application thereof, and obtaining further solid contents to be applied for.

Those intellectual property department member, who have a wide knowledge and ability to comprehensively grasp matters are expected to play an important role in the “fields”. It is expected that, the concept of this knowledge creation cycle and “fields” may produce further solid and high quality intellectual property activities.

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Creation and Evaluation of a Test Collection for Evaluating Patent Retrieval Systems

— Collaboration with the National Institute of Informatics —

The Second Subcommittee,
Intellectual Property Information Search Committee

In order to further the research and development of patent information retrieval systems using natural language, the creation of a test collection for evaluating the systems is required. In Japan, the National Institute of Informatics (NII) has been creating test collections of newspapers and other articles using natural language in the NII Test Collection for Information Retrieval Systems (NTCIR) project. In the most recent work, the JIPA collaborated with NII in creating the patent test collection NTCIR3.

The paper reports findings concerning the creation of retrieval subjects and the evaluation of their suitability.

This test collection is for investigations of technological trends wherein patents are handled not as legal rights, but as technical data. In the technological trend investigation, the following two formats are set; (1) retrieval after input of natural phrases used in inquiries (searching the “XX” portion in “I want to investigate about XX”); and (2) retrieval of patents for a technology described in a newspaper article; and the construction of a test collection that is usable in both formats was attempted. The conventional test collection is designed for the above (1), and the test collection created is the very first patent test collection of its kind in the world, and it is also the first in the world to have a function for search of data scanning across different types of documents. Accordingly, it is expected to contribute to a great extent to the efforts for improvement of future retrieval systems.

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