

and further report the practical points to be noted for making decisions on the application of the on-sale bar provision.

As the standards or criteria for determining whether the “offer for sale”, this article introduces the cases where (i) whether the offer for sale was made under the contract law, (ii) whether the process invention was offered for sale, or (iii) whether the offer for sale was made for the purpose of experimental use were the major conflicting issue, and the cases under which the major conflict was whether the subject invention was in the state of “ready for patenting”. Further, this article examines the practical points to be noted in respect of each issue from the perspective of patent applicants and any third party.

[This article has been published in “*CHIZAI KANRI*” (Intellectual Property Management), Vol.53 No.8 2003, pp.1253-1264.]

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## Evaluation of Research and Development by Using an Index Based on Intellectual Property

— Application of evaluations to R&D policy and management strategy —

The First Subcommittee,  
The First Intellectual Property Management Committee

As the importance of R&D increases, the needs for proper and accurate evaluation of the technological results of the R&D have increased. This article proposes the guiding measure based upon intellectual properties, by introducing the concept called “comprehensive patent power” as an index for those evaluations, that could contribute to the establishment of R&D policies and management strategies. The method is to make a guiding index, which consists of three elements; originality, strength of right and the share of the patent numbers of evaluating area.

The feature of this method is to visualize those elements as the comprehensive patent power. This article limits the scope of the evaluation to the pure technological results of the R&D, excluding the market value of such technology. Then, after the introduction of exemplar cases, this article discusses the application of the evaluation based upon the comprehensive patent power to the establishment of R&D policies and management strategies.

[This article has been published in “*CHIZAI KANRI*” (Intellectual Property Management), Vol.53 No.8 2003, pp.1285-1299.]