★★★　＜知的財産翻訳検定＞答案用紙　★★★

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科　　目：共通問題

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To prepare and prosecute a utility patent application, it is necessary to satisfy some formal and legal requirements before the U.S. PTO grants a patent on the application concerned.

The formal requirements are relatively simple. In the U.S., an applicant has only to file a specification, at least one claim, and drawings if any. An inventor's Declaration and Oath and of course filing fees may be submitted later.

The legal requirements are comparatively complicated. Briefly speaking, if novel, unobvious, and useful, the invention disclosed in the application will be granted a patent. To be new, namely, possess a "novelty", the invention has to be different from any part of prior arts. It may be hard to judge what the prior arts are. The prior arts generally include prior issued patents, prior issued publications, products and method according to any inventions having been made available to the public.

Nonobviousness is also referred to as an "inventive step", which indicates that the invention disclosed in the application must be significantly different from the prior arts. Whether or not an invention is nonobvious is the most controversial point in the course of prosecution of application proceedings in the U.S. PTO.

It is not normally hard for an invention to satisfy a requirement that an invention is useful, that is, satisfies a "utility" requirement. This is because this requirement is very broadly interpreted.

Some applications are unpatentable, that is, not a "subject under legal protection". The natural laws, abstract concepts, and merely discovered things are unpatentable. However, living matters are patentable if they are technological products. Biotechnology and genetic technology have achieved the generation of clone animals. In future, rapid advances of those technologies may cause a serious problem with the validity of intellectual property right of such clone animals.