
INTRODUCTION OF ARTICLES

Provisions for Exceptions to Lack of Novelty of Invention in the Field of Life Sciences

The Second Subcommittee,
Biotechnology Committee

In this article, first the provisions currently in use in various countries and the international trends regarding the statutory period and applicable conditions for exceptions to lack of novelty are introduced. Second, the circumstances of how such provisions are applied in Japan in the field of life sciences are examined using the latest statistics and the results of a questionnaire completed by participating companies.

Exceptions to lack of novelty are implemented for a wide range of inventions in the field of life sciences, including biotechnology-related substance and use inventions and inventions of chemical compounds, and it has been reported that such exceptions are implemented more frequently in this field than in other fields of technology. Various points for consideration by applicants wishing to take advantage of these provisions are also presented, together with a discussion of the review of the statutory period that is now being considered in Japan, the opinions of the corporate sector regarding relaxation of the statutory requirements, and the merits and demerits of such provisions.

Finally, the opinion of the JIPA that the provisions currently in force be continued is presented, with a focus on the need for careful deliberation of the statutory requirements in consideration of international harmonization and the present state of Japan's industrial competitiveness in the field of life sciences.

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Strategic IP Management Utilizing Trusts

Project Team on Intellectual Property Trusts

With the change of an international competitive environment, strategic development of organization and effective utilization of management resources are necessary to Japanese companies more than before. Under these circumstances, efficient and effective management and utilization of intellectual properties in corporate groups have become important, for which comprehensive management of intellectual properties in a corporate group by utilizing trusts is expected to be an important measure.

Trusts have characteristic functions such as an ability-conversion function in which the property management may be entrusted to specialists, or bankruptcy-isolation function that isolates properties