
Contents & Abstracts

■ An Amateur's Opinion 2

Isamu SHIMIZU

■ The Doctrine of Exhaustion and its Applicability to Process Patent 5

Yoshiyuki TAMURA

According to the doctrine of exhaustion, once the owner of a product patent has distributed the patented product in the market, he loses the right to control further use or resale of the products. However, commentators have not agreed whether the owner of a process patent may enforce his rights when he has distributed a device designed to use the patented process. This article reviews the basis of the exhaustion doctrine and its difference from the doctrine of implied license and discusses the applicability of the doctrine to a process patent. It concludes that a patent is exhausted when the patent owner has distributed devices which have no other use and cover all of the processes of the patented invention.

■ The Legal Nature of Remuneration for an Employee Invention (1) 21

SHIMANAMI Ryo

A correct understanding of the legal nature of remuneration for an employee invention, which may be determined by whether the distribution of the value of the invention based on a contract or a "special incentive to invent" grounded in industrial policy, is necessary to achieve consistent practical consequences. This article examines the basis of the law and policy regarding remuneration and asserts the necessity of consistent dealings.

■ IPR Policies in Europe: What can we expect from the Standard Setting Organization? 32

Masako WAKUI

A study of IPR policies in European Standardization Organizations (CEN, CENELEC and ETSI) reveals the limits and obstacles that standard setting organizations face in implementing measures which promote access to the standards covered by patents.

■ Patent Licensing/Technology Transfer and IP Exploitation 42

Naofumi NISHIMURA

In considering patent licensing and technology transfer, the following three factors should be taken into account: (1) the practical use of intellectual property, (2) technology transfer and (3) business aspects. Additionally, in order to match the actual needs with the actual seeds, the reliance of both the licensor and the licensee on an agent, and the construction of a network of specialists are required. In the future, the activation of IP business which supports the practical utilization of IP is important for the exploitation of IP.

■ The Doctrine of Good Faith and the Expiration of the Limitation Period for Remuneration ... 54

Makoto HATTORI

The Tokyo District Court rendered decisions in an employee's case on important issues about which the Supreme Court had not rendered decisions, including the applicability of Patent Law Section 35 to obtaining a patent right in foreign countries and the expiration of the limitation period to receive reasonable remuneration. In this paper, the case is reported, and the expiration of the limitation period to receive reasonable remuneration is discussed.

■ Developing Human Resources to Activate the Intellectual Creation Cycle 65

Itsuki KAWAKAMI

The Patent Law Amendment Reducing Patent Pendency 2004 charged the National Center for Industrial Property Information and Training (NCIPI), an Independent Administrative Institution, with a new task to develop human resources. The NCIPI's efforts to effectively implement the necessary training to develop human resources who are capable of (i) conducting prior-art searches and (ii) supporting the activation of the Intellectual Creation Cycle are summarized.

■ National Academy of Sciences, *A Patent System for the 21st Century*
(Executive Summary) 73

Translation by Patent Research Office

National Center for Industrial property, Information and Training (NCIPI)
