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# Contents & Abstracts

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■ The Application of Indirect Patent Infringement to the Divided Claim Infringement ..... 5  
Hisao SHIOMI

This paper studies how the Japanese Indirect Infringement should be applied to the divided claim infringement, in the case of computer program, joint direct infringement, inducement, the use for repair, the use for experimental and research purposes and cross-border patent infringement.

■ Criteria for Determination of Patentability for Biotechnological Invention; In re Fisher  
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Tatsuya IZUKAWA

About the criteria for determining the patentability of the biotechnological invention, it has not yet been completely established because a biotechnological field is one of the most advanced technological ones. This report examines the future trend concerning the criteria for determining the patentability of the invention in an advanced technological field like a biotechnological field based on the In re Fisher judgment passed in the U.S. Court of Appeals for the Federal Circuit in September, 2005.

■ Study on Inventive Step, Novelty and Description Requirements under Japanese Patent Law (1)  
— Focusing on Inventions with Numerical Range Limitations — ..... 28  
Yoshimi OKADA

The judicial precedents relating to novelty, inventive step and description requirements of numerical range limitation inventions were systematically summarized. Then, fundamental problems related to novelty and inventive step were examined. **Part 1** summarizes judicial precedents relating to novelty and description requirements of inventions with numerical-range-limitation(s) and inventive step of so-called “results-to-be-achieved claims.” Also the following items are discussed: i) whether inventive step requirement requires only easiness to conceive or it also requires easiness of realization, ii) whether the technological matter which is written in a publication but cannot be realized based on the knowledge of the state of the art of filing date of subject application can be a prior art to deny novelty or inventive step of the application, iii) burden of proof regarding novelty and inventive step, iv) dual nature of novelty evaluation. **Part 2** summarizes judicial precedents relating to inventive step of inventions with numerical range limitation(s) as technological means to solve problem(s). Also the following items are discussed: i) relation between a prominent effect and inventive step evaluation, ii) novelty and the inventive step of inventions with unusual or complex parameter(s).

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■ Indirect Infringement in Case of Manufacture and Sale of Software..... 57

Miyuki HANAI

On September 30, 2005, Intellectual High Court made a judgment on indirect infringement under Item 2 and 4 of Article 101 of Japanese Patent Law, which were put into effect in 2003. I would like to raise doubts about the ruling of the requirement of “a thing which is used for the use of process” in case of a patent for an invention of process.

■ The Security Export Control for Universities under the Japanese Regulations ..... 67

Hiromichi TANOUE

In these days, the universities’ risks of being involved by developing the weapons of mass destruction (WMD) have been warming up with the acceleration of industry-universities cooperation, advance of internationalization in universities and the existence of black-market for WMD related materials and technologies. This article introduces the security risks and the points to remember on the export control in universities in Japan.

■ Commission of the European Communities, *Development and implications of patent law in the field of biotechnology and genetic engineering* ..... 77

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