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## Contents & Abstracts

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*Toshiaki IIMURA*

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*Ichiro NAKAYAMA*

In theory, the patent system is supposed to promote innovation. In practice, however, empirical studies suggest that overall economic effects of the patent system remain unclear. In the U.S., it raises a debate over whether utilitarianism may justify the patent system. Referring to such a debate, this article explores how we face inconsistencies between utilitarian justification and empirical studies.

■ **Reform of the Japanese Employee Invention System in 2015** ..... 18

*Yuriko INOUE*

Reform of the Japanese Employee Invention System in 2015 allows companies to establish original ownership of the right to obtain patents on employee inventions, while maintaining the right of employees to receive remuneration. This article examines whether and how this reform can strike a balance between company interests and employee incentives in order to further promote innovation in Japan.

■ **About Strategy for Intellectual Property: Approach of Hitachi High-Technologies Corporation** ..... 28

*Toshihiro ISHIZUKA*

This paper describes Intellectual Property (IP) strategy, then provides the IP strategy of Hitachi High-Technologies Corp. with respect to creation, development and utilization of IP (including lawsuits and import suspension by customs). Further, exploitation of IP in a brand-new certification business model based on trademarks is discussed.

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■ **Supreme Court’s Ruling on the Interpretation and Allowability of Product-by-process Claims** ..... 43

*Yoshimi OKADA*

On June 5, 2015, the Supreme Court made an important decision on the interpretation and allowability of product-by-process claims: i) In both infringement determination and patentability determination, a product-by-process claim should be interpreted as a product per se and not limited to a product that was actually produced by the process referred in the product-by-process claim. ii) In order for a product-by-process claim to satisfy the definiteness requirement for claims and to be allowable, there need to be circumstances where it is impossible or impracticable to specify the product solely by description of the structure or the characteristic properties of it at the filing date. This paper discusses the interpretation and the implications of the decision.

■ **The Efforts of Center for IP Consulting Services** ..... 66

*Hideyuki KOIKE*

The National Center for Industrial Property Information and Training (INPIT) set up “Center for IP Consulting Services”. It builds partnership among consultation and support services in order to respond to advanced and complicated type of consultations and requests for support.