

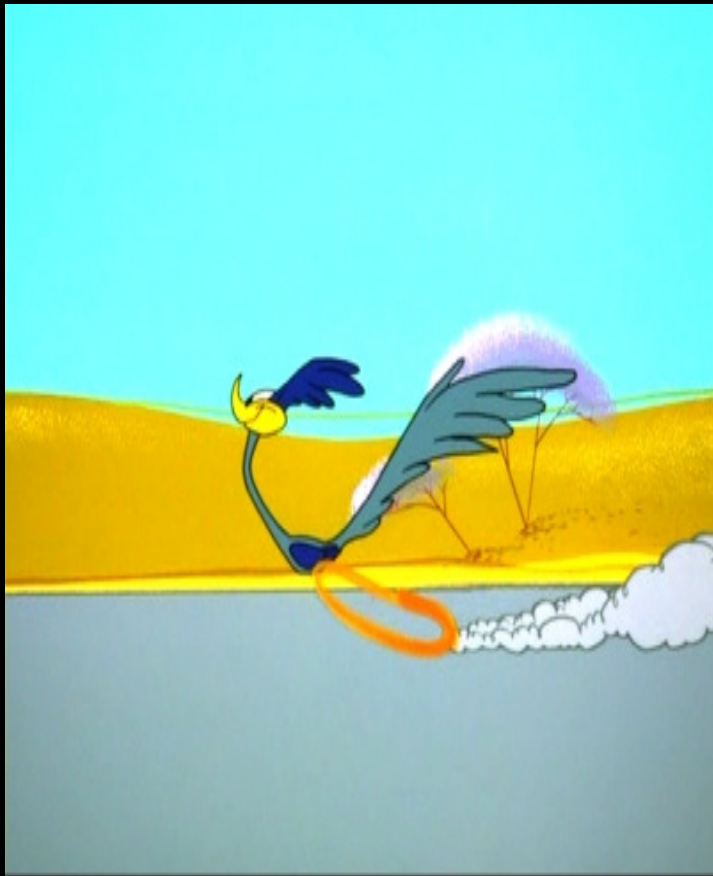
*“Not so Wiley: Roadrunner™
and Patent law.”*

GIKIII September 24, 2008

Caroline Wilson

ILAWS, School of Law

University of Southampton



ROADRUNNER

WILE E. COYOTE



Structure of Presentation

- Patentability - background;
- ROADRUNNER™ - the IP lawyer's cartoon;
Industrial application;
- Utility;
- 産業上の利用性, and;
- Summary.

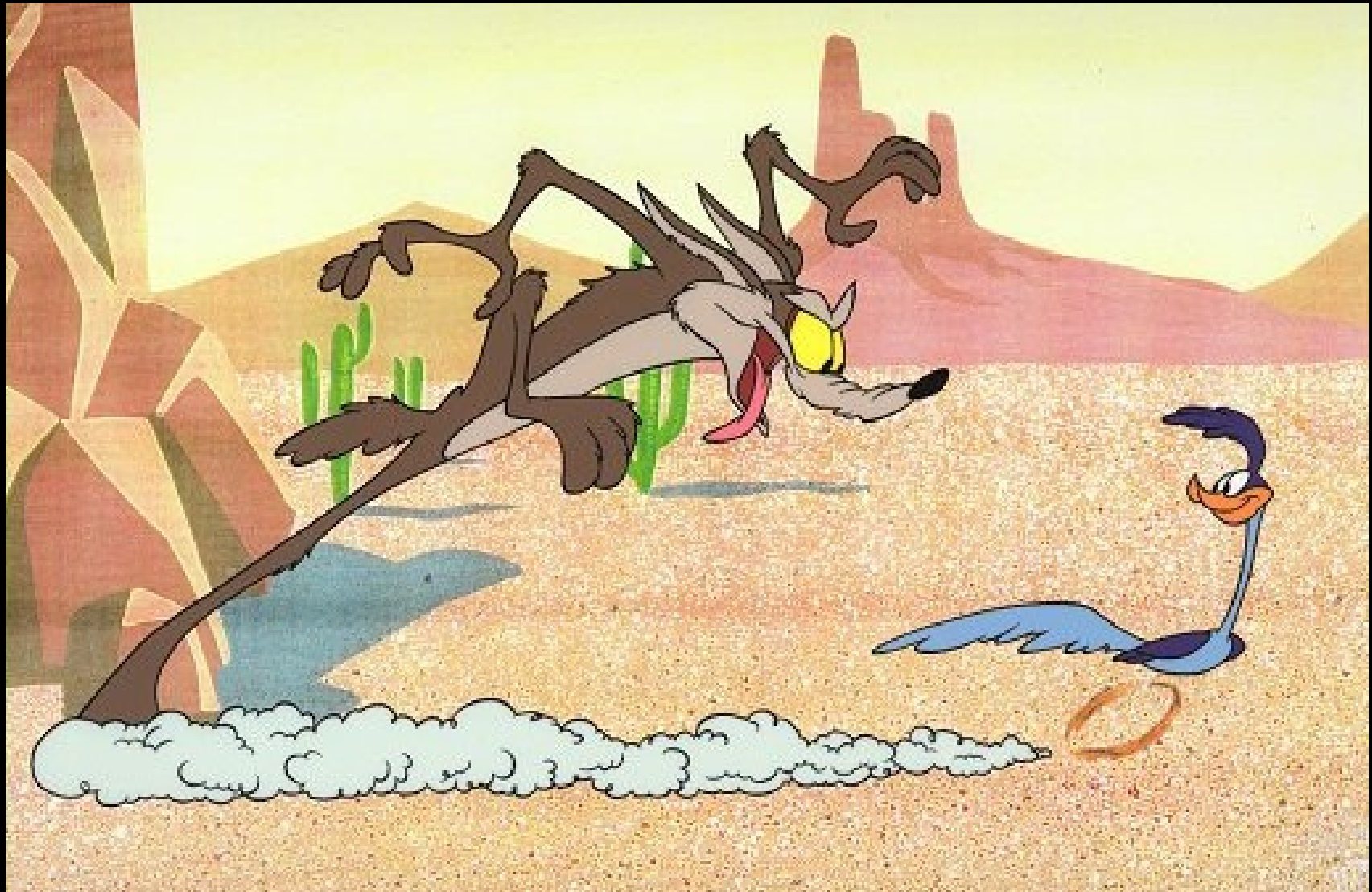
Patentability - background

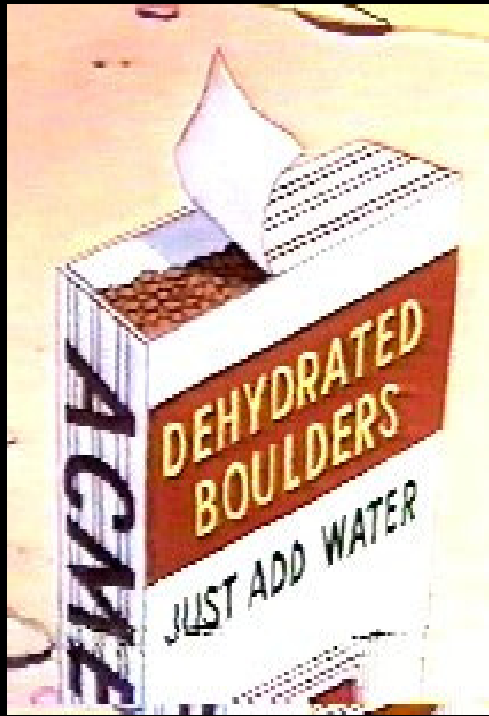
Patentability: substantive criteria

- Restrictions on subject matter;
- Quantitative advance;
- Qualitative advance, and;
- Efficacy.

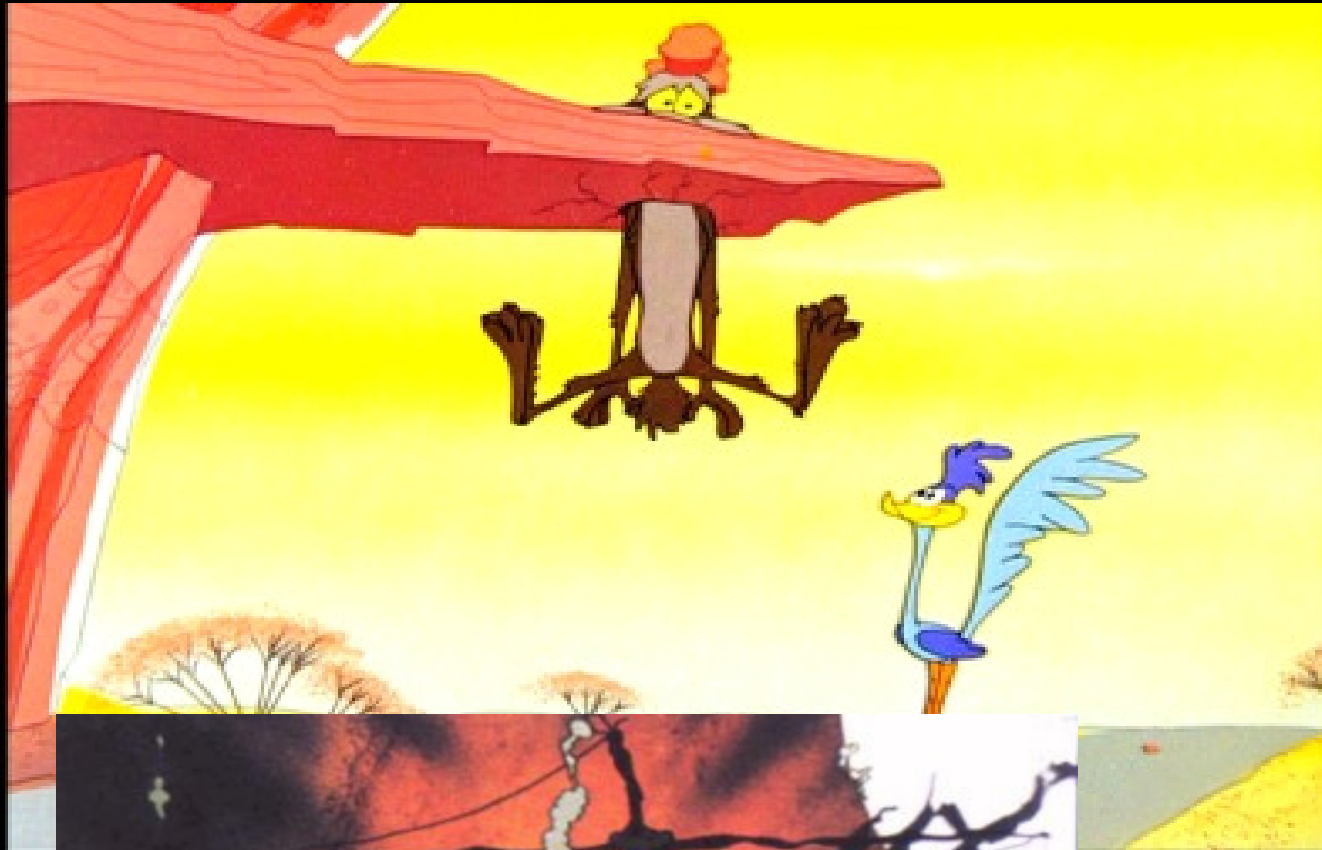
**ROADRUNNER™ - the IP
lawyer's cartoon**

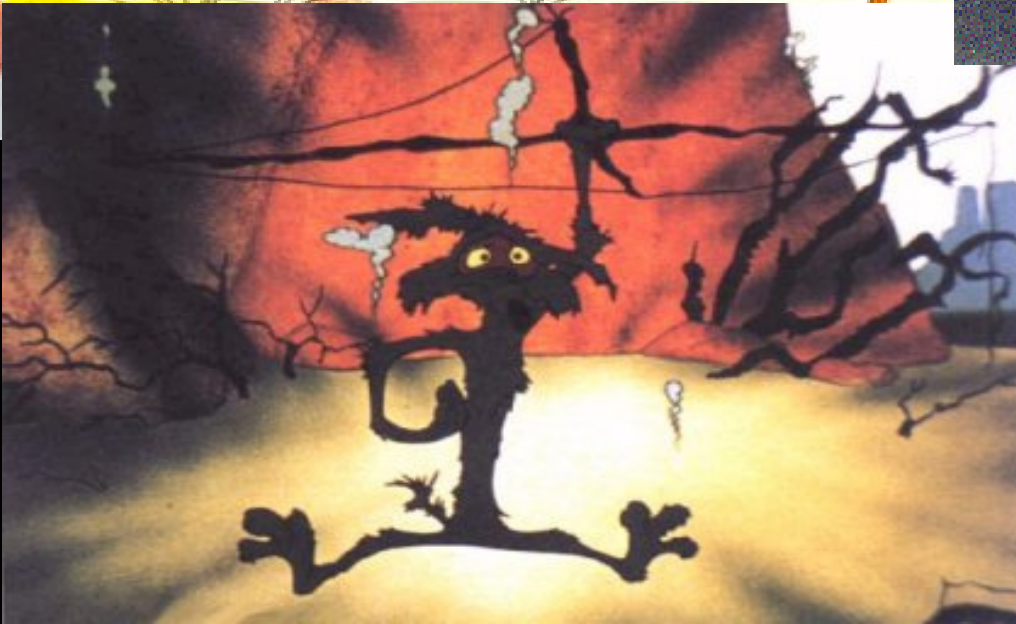
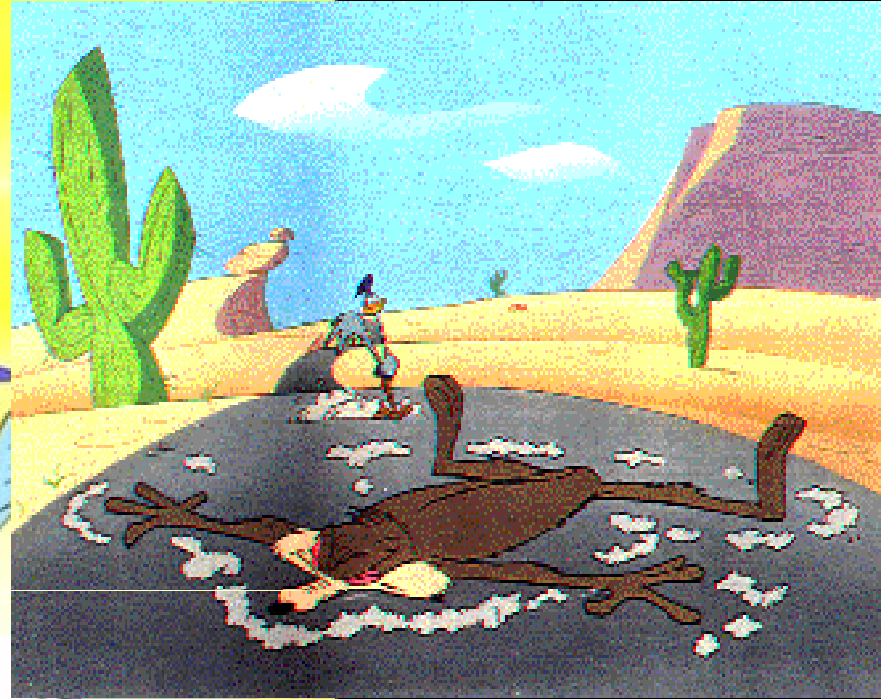
Plot

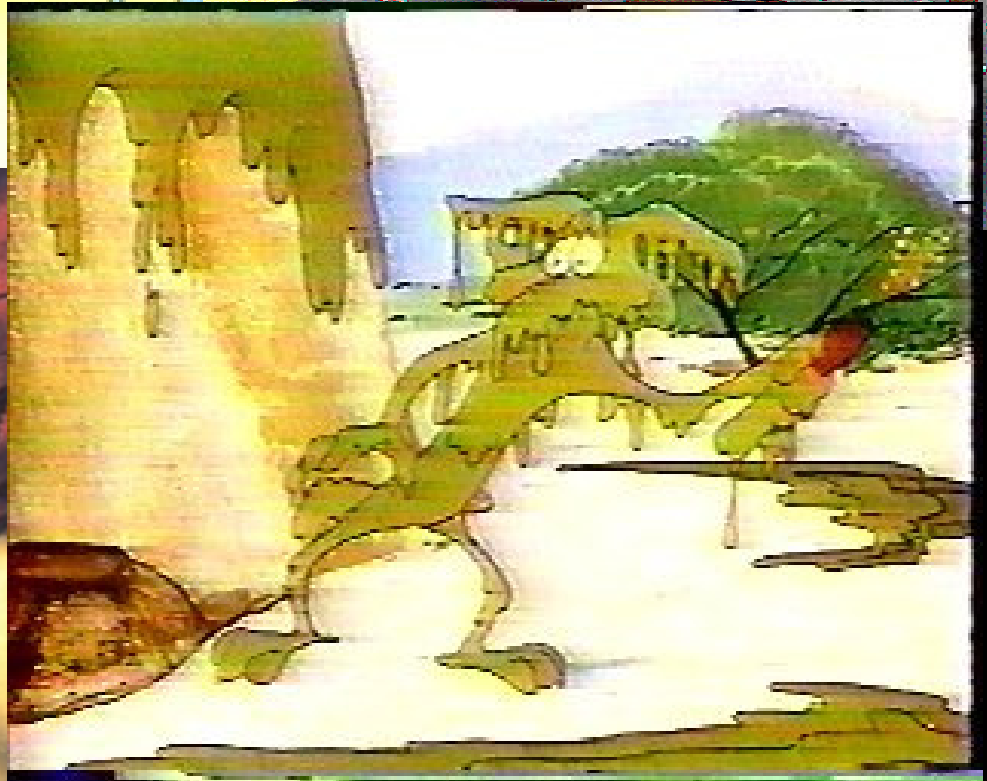
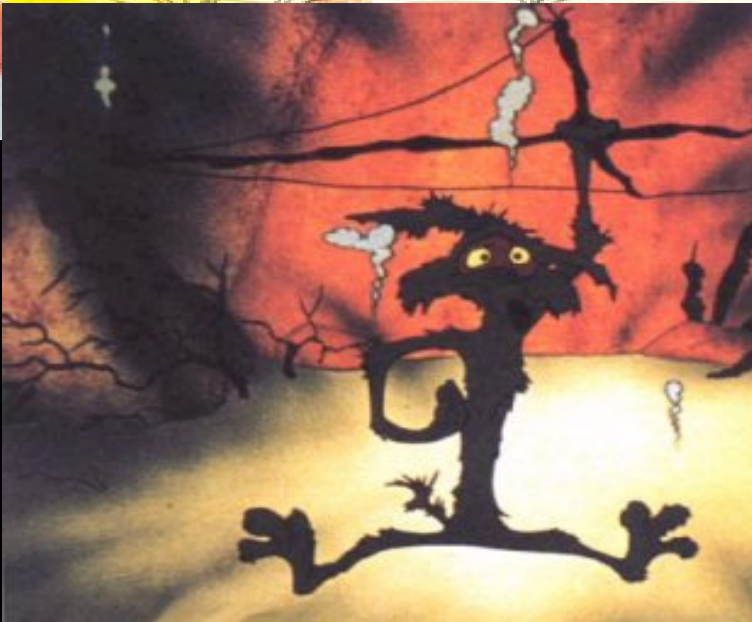






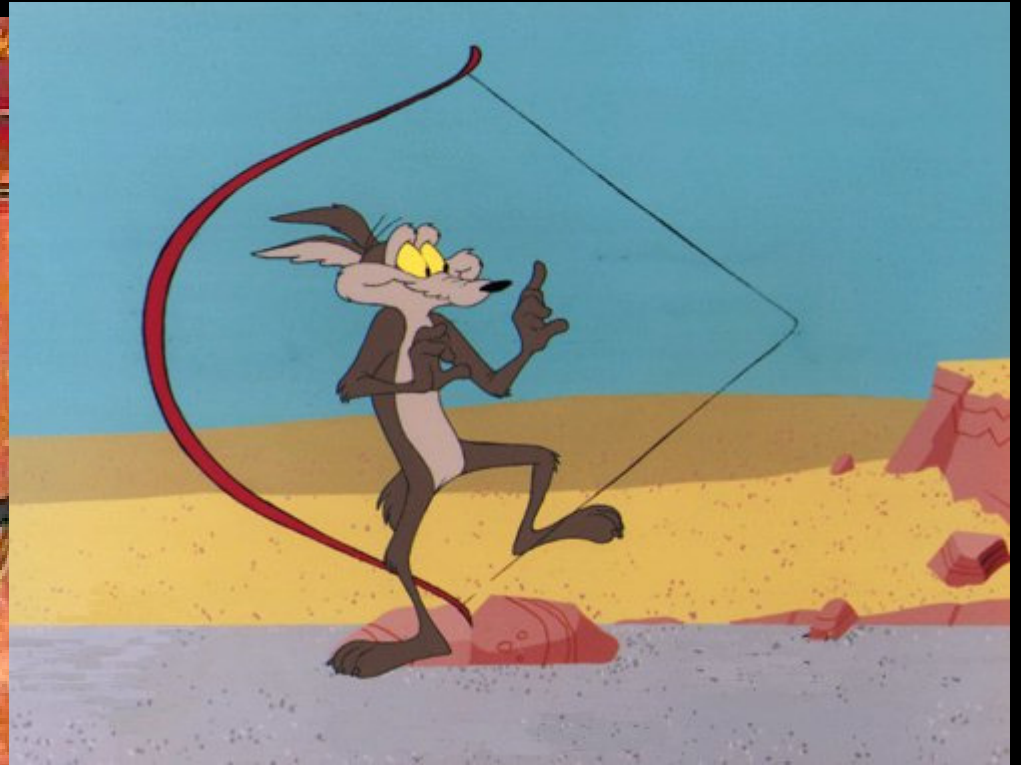
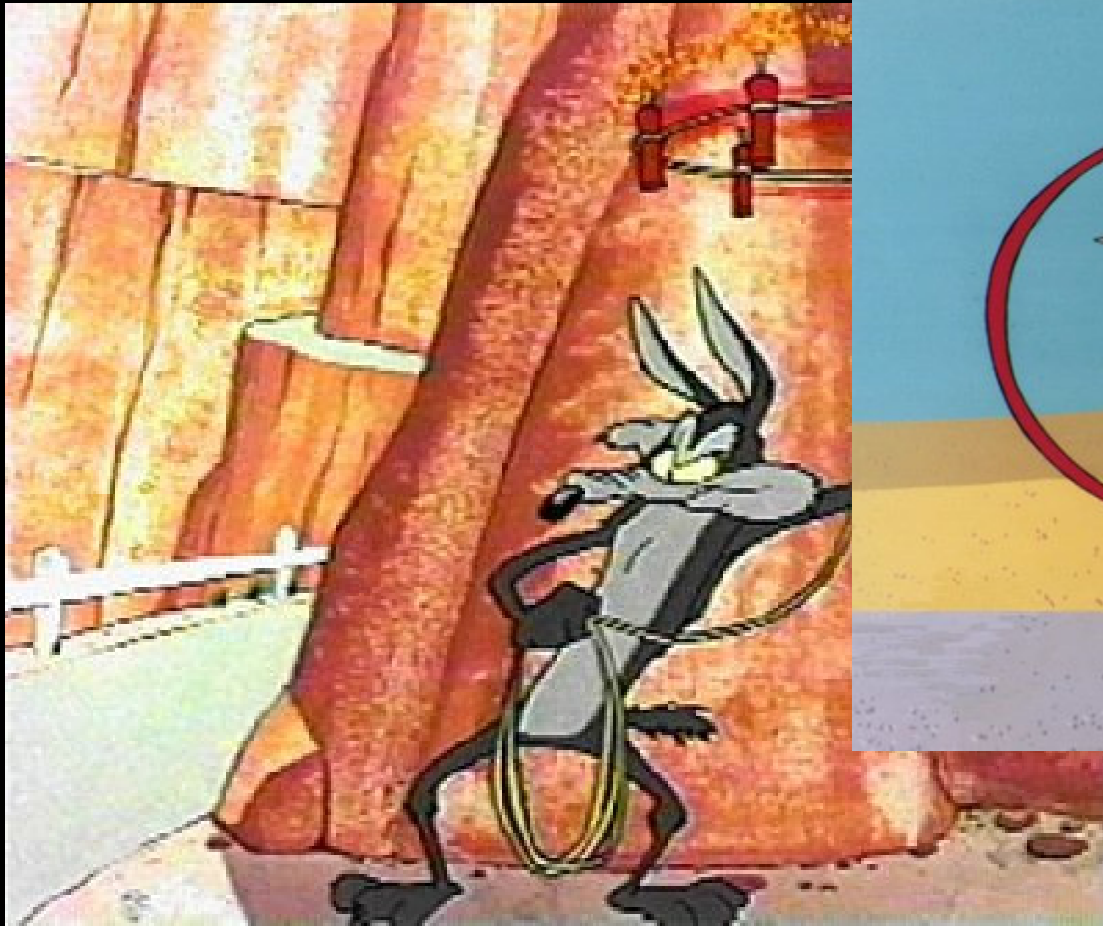


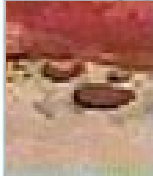
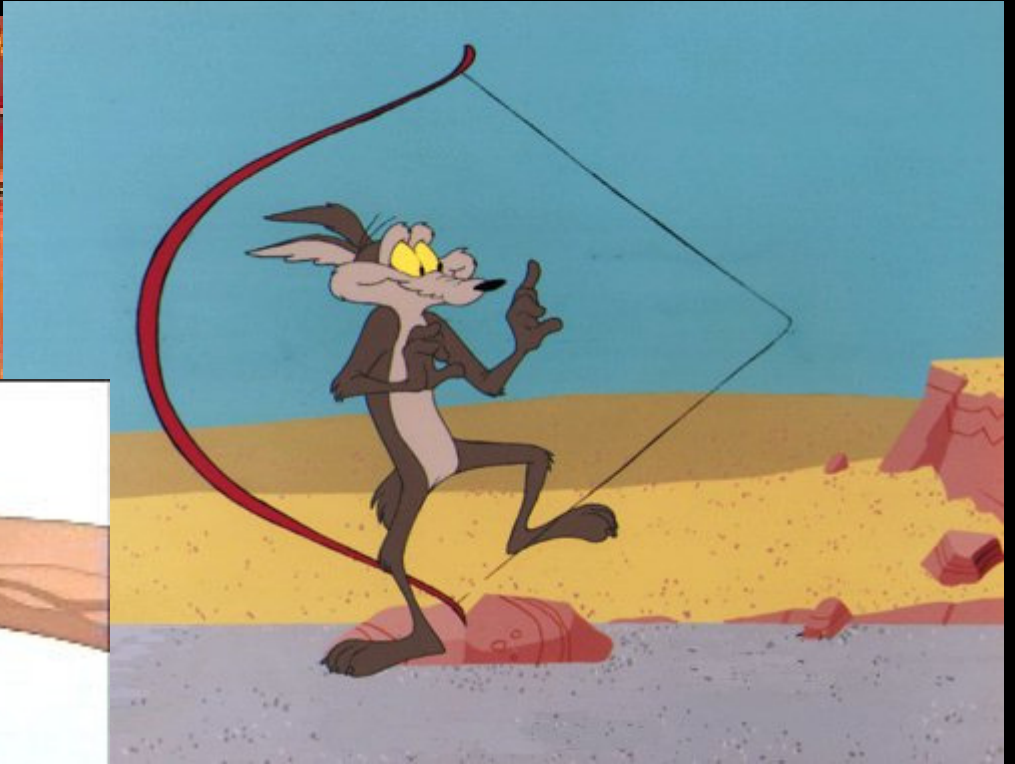




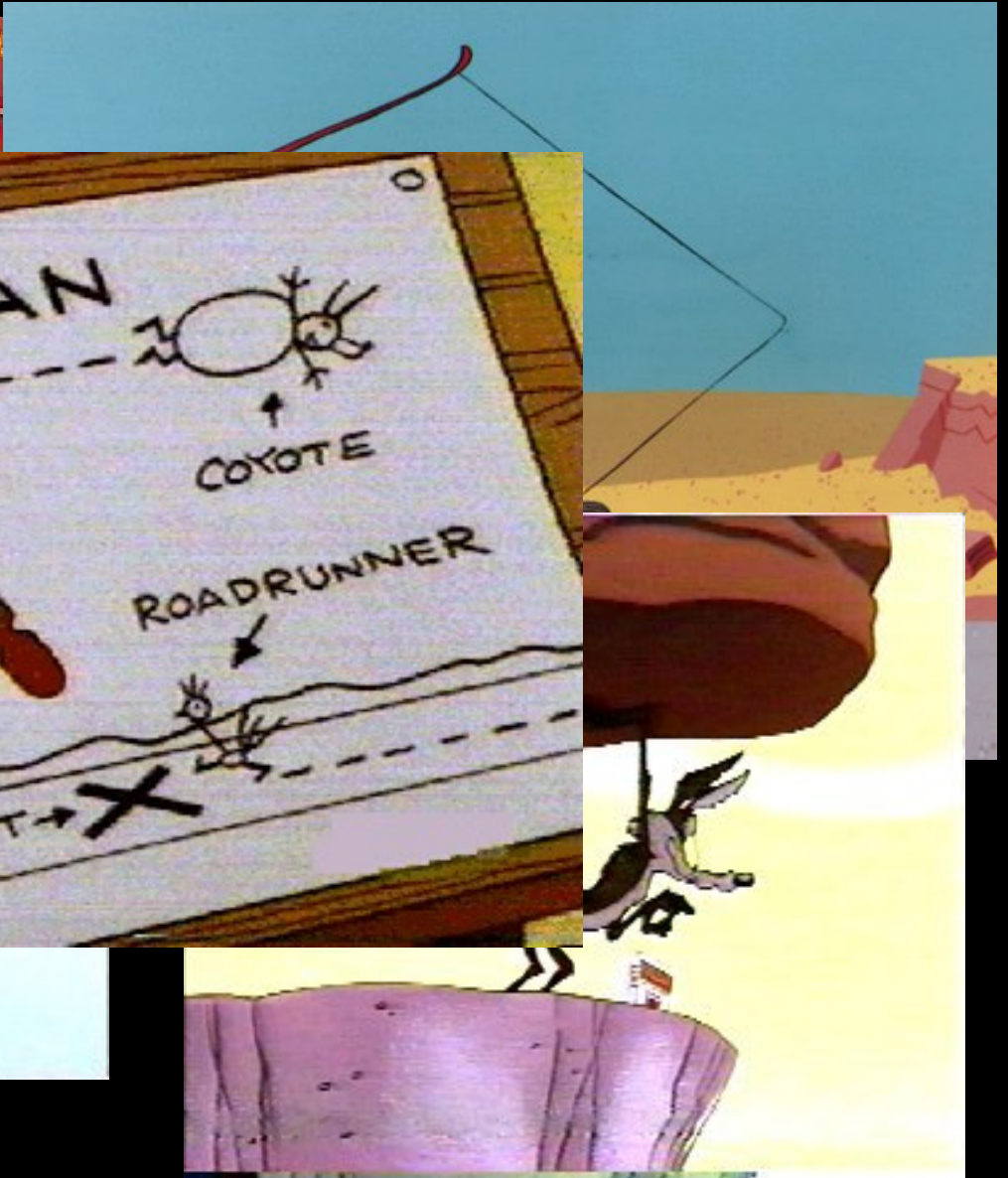
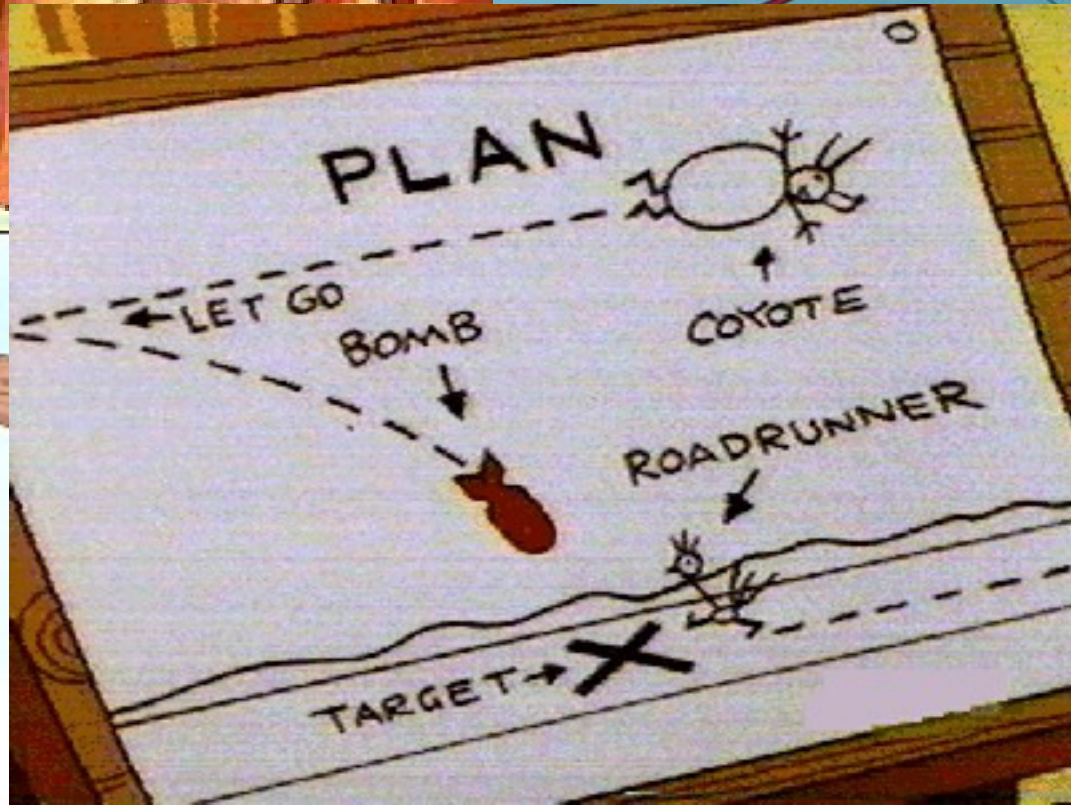












EFFICACY CRITERIA

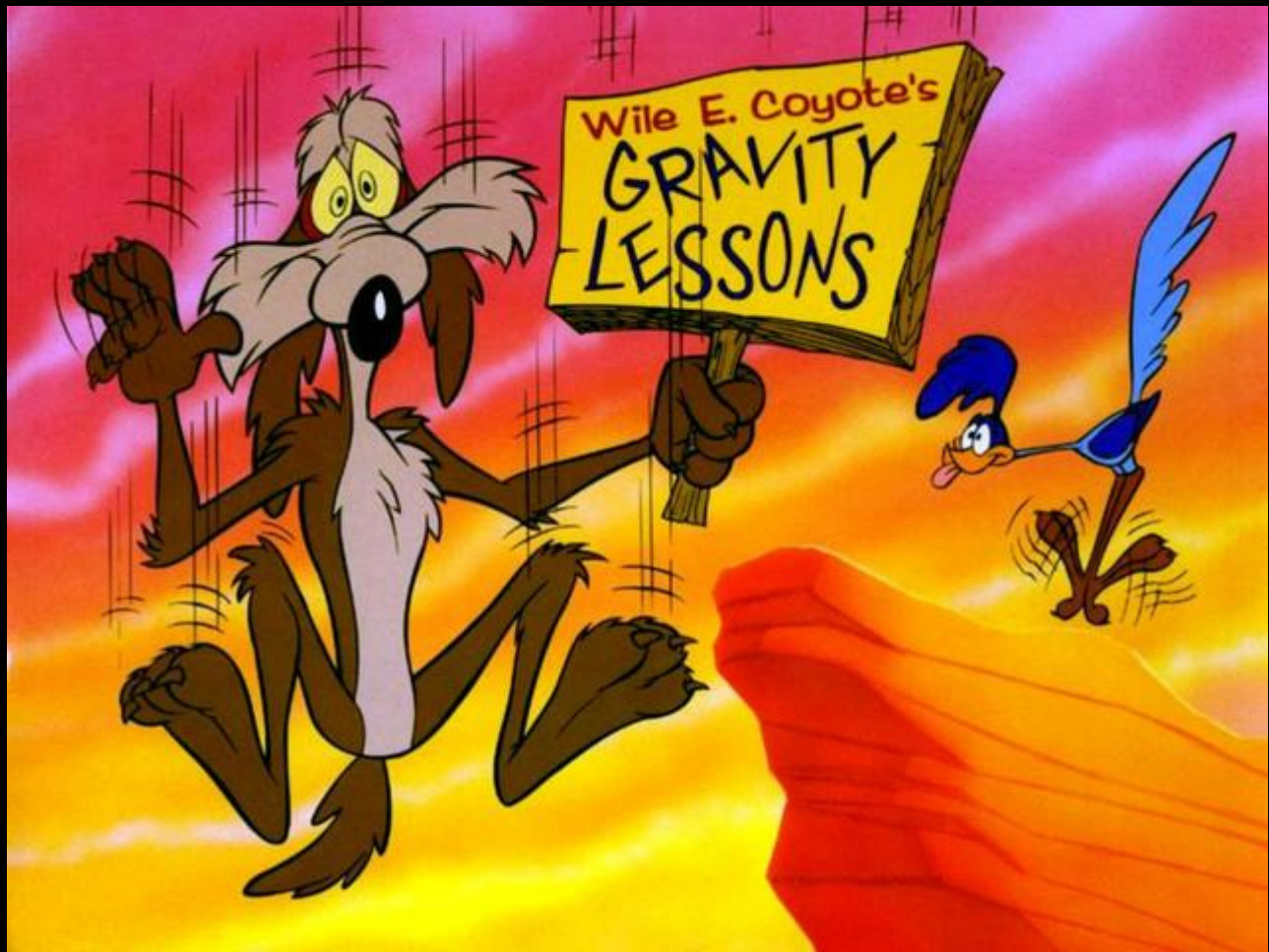


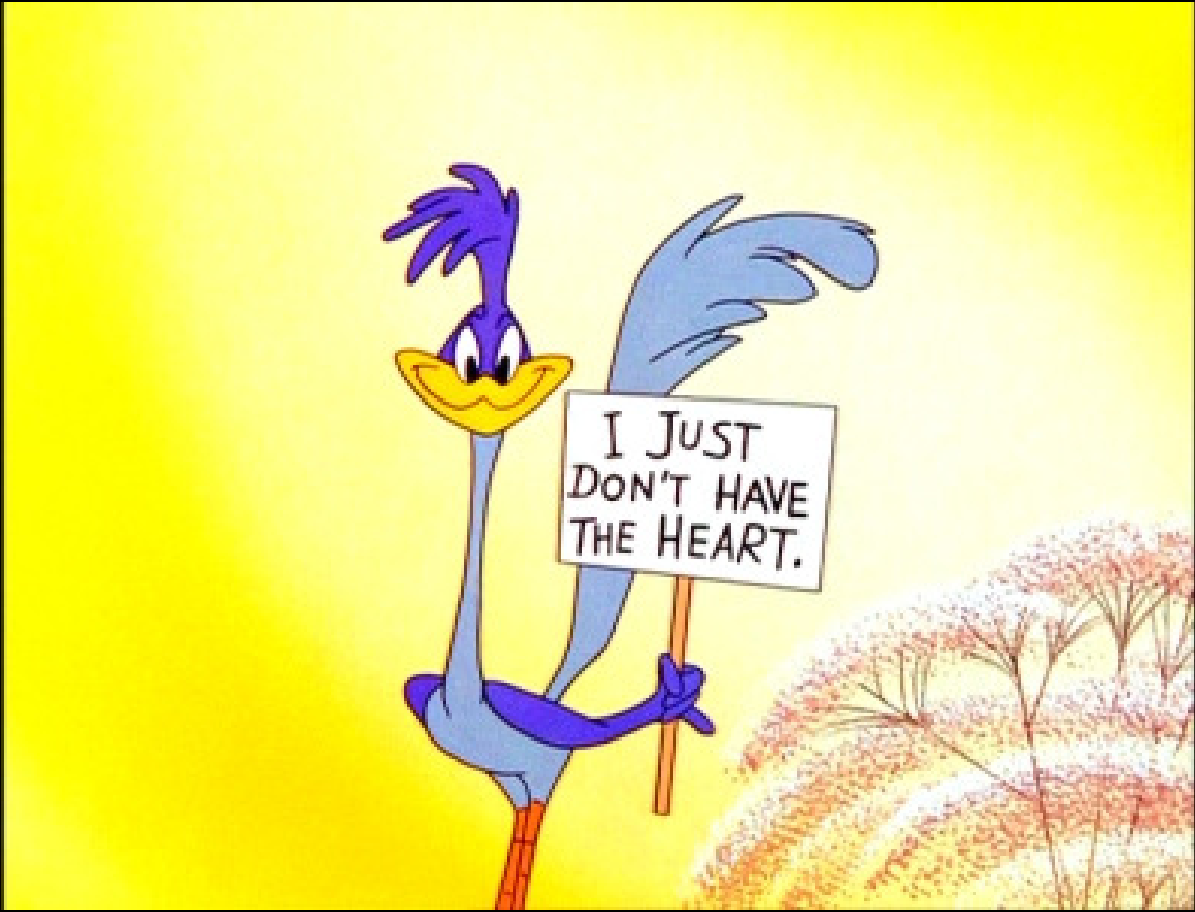
“...of the sole working
of any manner of
new manufacture.”

EPO EFFICACY – INDUSTRIAL APPLICATION

EPC 2000 Art.57

“An invention shall be considered as susceptible of industrial application if it can be made or used in any kind of industry, including agriculture.”





US EFFICACY - UTILITY

Utility doctrine

- 35 USC §101:
 - General utility;
 - Specific utility, and;
 - Moral, or beneficial, utility.

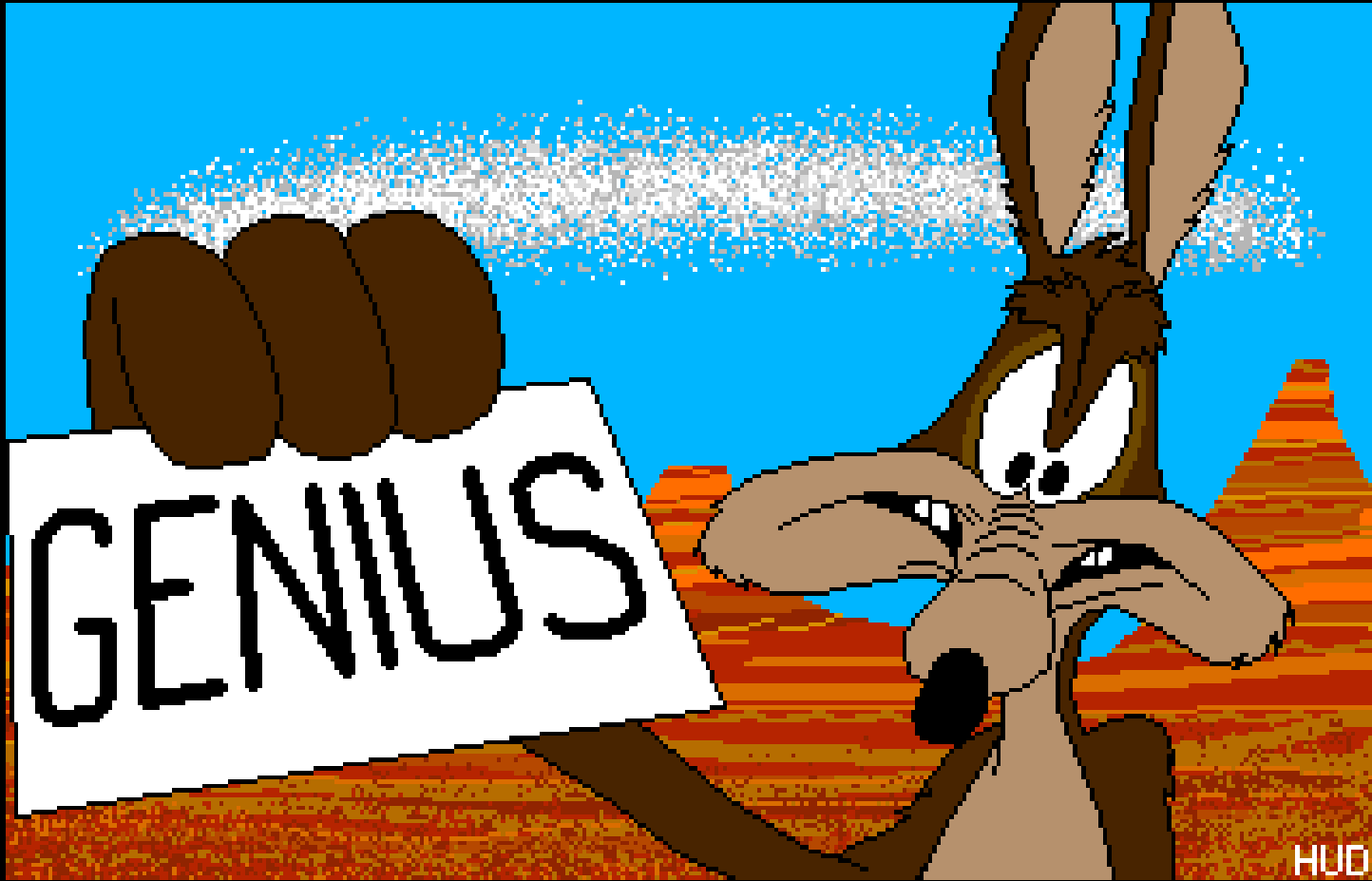




JAPANESE EFFICACY –産業上の利用性

Japanese Patent Law (Law No. 121 of April 13, 1959 as amended), s.29(1)

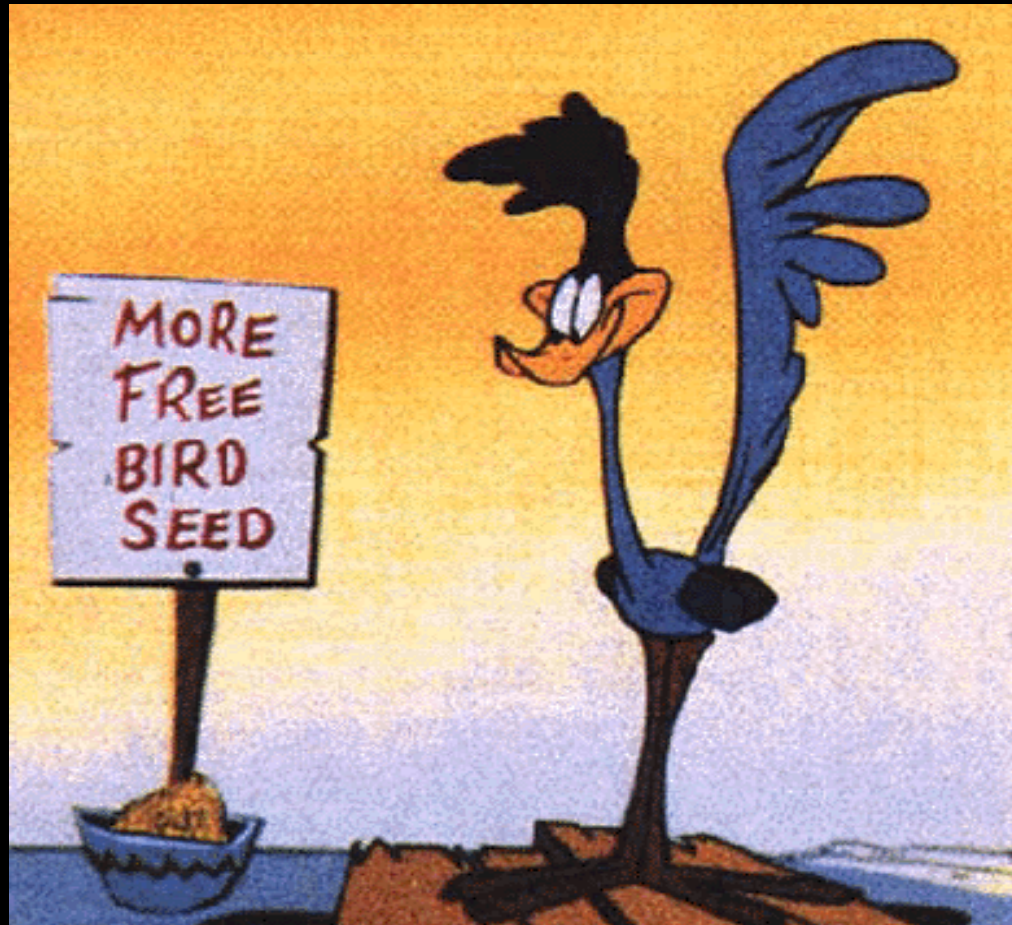
“Any person who has made an invention which
is industrially applicable may obtain a
patent.....”



Summary

- Industrial application and related doctrines are important, both in practice and principle;







"That's all Folks!"