


## 添付資料 4


法律事務所 Cooley 社プレゼン資料  
「IP Strategies for Protecting  
Important Plant Germplasm」





attorney advertisement

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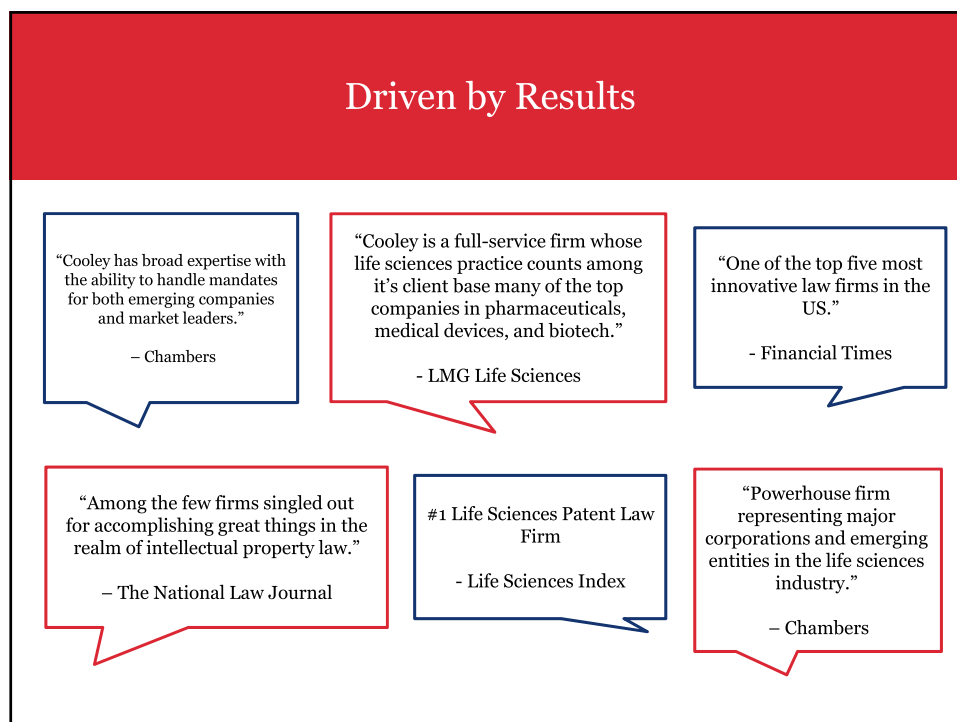
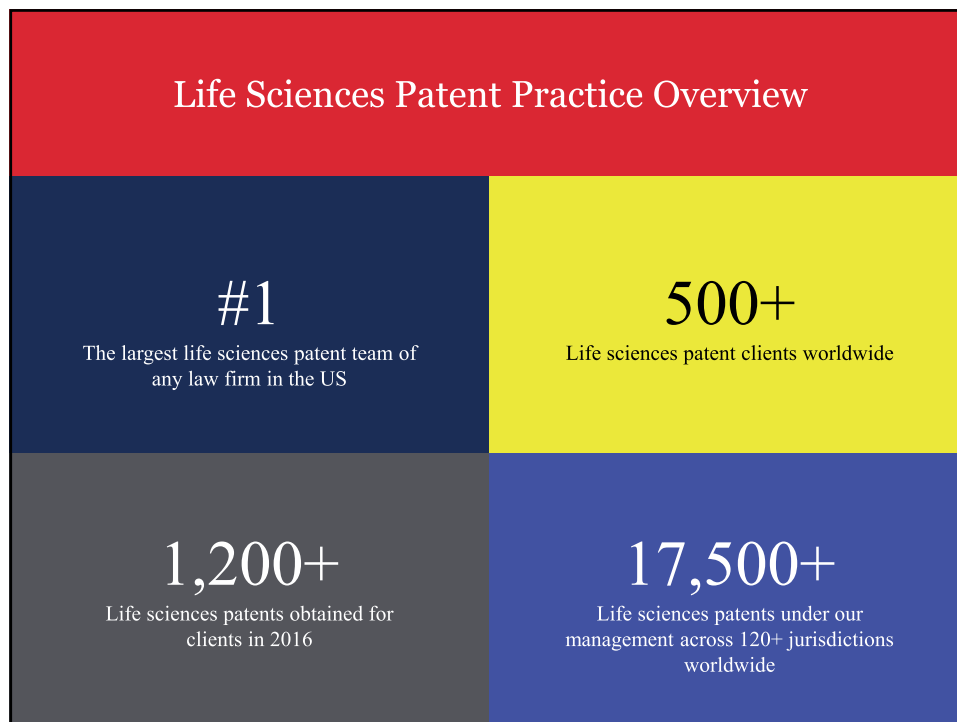


## IP STRATEGIES FOR PROTECTING IMPORTANT PLANT GERMPLASM

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# Firm Overview

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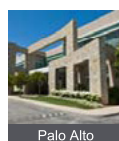
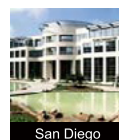
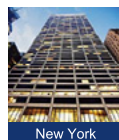
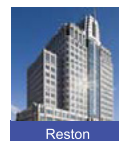
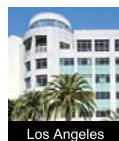
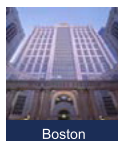


## Key Differentiators

- Deep expertise across all aspects of life sciences, including:
  - Agricultural sciences
  - Biological and small organic therapeutic compounds and uses
  - Molecular diagnostics
  - Genomics
  - Pharmaceuticals
  - Chemicals and materials science
  - Proteomics
  - Drug discovery tools
  - Medical devices
- Highly coordinated, multidisciplinary teams
  - Patent and life sciences IP litigation
  - Patent and IP due diligence
  - FDA, antitrust and other specialists
  - Licensing and M&A transactions
- Work with client and our multidisciplinary teams to:
  - Identify patented and patentable technology important to revenue streams and diligence the efficacy of the underlying claims to generate and maintain those revenue streams
  - Understand target industry practices and competing claims

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## Global Reach



## Representative Plant Science and AgBiotech IP Clients



## Brief Overview of IP Avenues

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## Overview of Available IP Strategies

- U.S. Patents – USPTO
  - Utility Patents
  - Plant Patents
  - Design Patents
- Trademarks® – USPTO
- Copyrights© (U.S. Copyright Office)
- Plant Variety Protection (PVP) – USDA
- Trade Secrets – Self administered



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## Overview of Available IP Strategies

Means of Protection	What Can be Protected	How to Protect	Term of Protection	The Rights of the Owner
<b>Patents</b>	Any useful, novel, nonobvious invention; design patents can be filed on new, original, or ornamental design; plant patents	Submit a patent application	20 years from filing date for utility and plant patents; 14 years from issuance for design patents	Exclude others from making, using, offering for sale, or selling the invention throughout the United States or importing the invention into the United States
<b>Trademarks</b>	Words, phrases, and logos (among others) that can distinguish the source of goods and services	Use or have a bona fide intent to use and apply for a federal registration	Unlimited duration as long as the mark is in use; renew mark at USPTO every 10 years	Right to exclude others from using the mark and other marks so similar they cause confusion
<b>Copyright</b>	Literary works, software, dramatic works, music, pictures, movies (etc., any tangible medium of expression)	Apply for federal registration	Life of the author, plus 70 years	Right to prevent unauthorized copying or public performance
<b>Trade Secret</b>	Any technical or business information that is secret and that gives the holder an advantage over a competitor who does not have the information	Keep secret; no registration available; reasonable measures taken given the type of secret	Unlimited duration as long as the subject matter is kept secret	Right to prevent unlawful use

## The Legal Framework

- Statutes
  - e.g., 35 U.S.C. and 7 U.S.C.
- Regulations
  - e.g., 37 C.F.R.
- Procedures
  - e.g., MPEP = Manual Patent Examining Procedure
- Guidelines
  - e.g., USPTO Guidance for Determining Subject Matter Eligibility
- Case law
  - *J.E.M. Ag Supply, Inc. v. Pioneer Hi-Bred Int'l, Inc.*, 534 U.S. 124 (2001) (The scope of coverage of 35 U.S.C. § 101 is not limited by the Plant Patent Act or the Plant Variety Protection Act; each statute has different requirements and protections).



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## Statutes

- Utility Patents — 35 U.S.C. § 101: Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.
- Plant Patents — 35 U.S.C. § 161: Whoever invents or discovers and asexually reproduces any distinct and new variety of plant, including cultivated sports, mutants, hybrids, and newly found seedlings, other than a tuber propagated plant or a plant found in an uncultivated state, may obtain a patent therefor, subject to the conditions and requirements of this title.
- Plant Variety Protection Act (PVPA) — 7 U.S.C. § 2402: The breeder of any sexually reproduced or tuber propagated plant variety (other than fungi or bacteria) who has so reproduced the variety, or the successor in interest of the breeder, shall be entitled to plant variety protection for the variety, subject to the conditions and requirements of this chapter, if the variety is—(1) new, (2) distinct, (3) uniform, and (4) stable.

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