



# (RE) PENSER LA PROPRIÉTÉ INTELLECTUELLE

QUESTIONS FONDAMENTALES ET NOUVEAUX ÉCLAIRAGES

## **Les défis de la protection des innovations dans la société de l'information : Brevetabilité et étendue de la protection de l'ADN, des logiciels et des méthodes commerciales**

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(Etats-Unis) et Professeur invité au CEIPI

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CEIPI– Amphithéâtre 23  
11, rue du Maréchal Juin BP 68  
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*La conférence aura lieu en langue anglaise*



### Résumé :

The two recent decisions, *Monsanto and Bilski v. Kappos*, from the highest courts of two most important jurisdictions, European Court of Justice and U.S. Supreme Court, highlighted challenges for setting the boundary of patent protection for inventions in the information age. DNA and software/business model inventions are good examples of such inventions and share a common feature: the essential part of the inventions is information. Like idea-expression dichotomy in copyright law, courts and patent offices try to set appropriate criteria for distinguishing information as such from its application for keeping information in public domain. In *Myriad*, the U.S. Court of Appeals for the Federal Circuit will find itself confronting again the same challenges in determining patent eligibility of a diagnostic method which uses an isolated DNA sequence to detect breast and ovarian cancer genes. This presentation will review the current patent systems in U.S., EU countries and Japan and examine whether any of proposed criteria is appropriate for determining patent eligibility of inventions in the information age. It will examine whether courts instead of patent offices should play a main role through claim interpretation as well as invalidity and other types of defenses for securing access to information.

### Biographie :

Professor Takenaka is a Washington Research Foundation Simpson Professor of Law at the University of Washington School of Law, Seattle, U.S.A. She joined the UW law school faculty in 1993 and teaches a variety of courses in legal protection of technologies. She is the Director of Center for Advanced Study and Research on Intellectual Property (CASRIP) and the Associate Director of the Intellectual Property Law and Policy LL.M. Program. She holds visiting professorship appointments at Japanese Universities, including Waseda Law School.

After receiving a Bachelor of Law degree from Seikei University, Tokyo, Professor Takenaka pursued a successful career in patent prosecution and management with Texas Instruments Japan Ltd., where she served as a patent prosecution specialist. In 1986, she passed the Japanese Patent Attorney (Benrishi) Bar and worked as an associate for a leading IP law firm in Tokyo.