

Specific Type of Claims (Chapter VI)

Topic 12

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Overview

1. The Types of Claims
2. Type 3
3. Type 1
4. Type 2

1. The Types of Claims

✓ The types of Claims (WIPO Patent Drafting Manual)

- A Apparatus of device Claims
- B Method claims or process Claims
- C Product-by-process Claims
- D Result to be achieved and parameter Claim
- E Design Claims
- F Plant patent Claim
- G Composition Claims
- H Biotechnology Claims
- I Use Claims
- J Software Claims
- K Omnibus Claims

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I Use Claims

L Jepson type Claim

J Software Claims

M Markush type Claim

K Omnibus Claims

N Means-plus-function Claim

1. The Types of Claims

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- A Apparatus and device claims
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1. The Types of Claims

✓ The types of Claims

TYPE 1. Category types for object to be protected, used in a general patent system

→ A, B, G, H, I and J

TYPE 2. Expression types for protecting objects in general patent system

→ C, D, K, L, M and N

TYPE 3. Claim types used in the jurisdiction allowing IP protection

as a patent

→ E and F

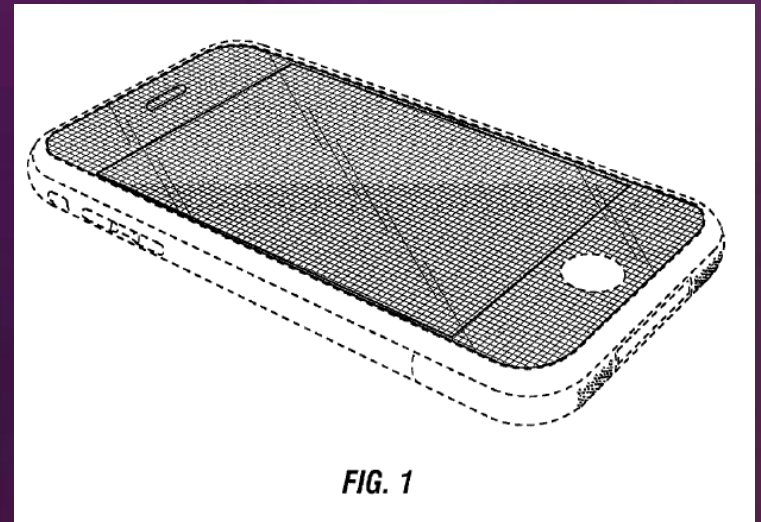
2. Type 3

- ✓ <Type 3> Claim types used in the jurisdiction allowing IP protection as a patent

E. Design patent

The ornamental design of an electronic device, as shown and described in Fig.1.

(USD618677)



2. Type 3

- ✓ <Type 3> Claim types used in a county allowing IP protection as a patent

F. Plant patent

1. A new and distinct variety of Philodendron plant, substantially as herein shown and described, characterized as to novelty by its stocky, compact, self-heading growth habit, its unique color of new leaves which are bright, glossy orange, ...

(USPP06797)

3. Type 1

- ✓ <Type 1> Category types for object to be protected, used in a general patent system
 - A. Apparatus and device Claim
 1. An apparatus for supporting a camera, comprising:
 - a pivotal mounting configured to hold the camera;
 - and
 - a plurality of legs arranged to support the pivotal mounting.

3. Type 1

- ✓ <Type 1> Category types for object to be protected, used in a general patent system
 - A. Apparatus and device Claim
 - Limitation by structures
 - Limitation by a function
 - Limitation by an effect
 - Limitation by a method or a process

3. Type 1

- ✓ <Type 1> Category types for object to be protected, used in a general patent system
 - A. Apparatus and device Claim
 - relatively easy evidence in case
 - A third party's manufactured or sold product

3. Type 1

✓ <Type 1> Claim types used in a general patent system

B. Method Claim or Process Claim

- Limitation by a method or a process
- Including time-dependent expression or order-dependent expression

3. Type 1

✓ <Type 1> Claim types used in a general patent system

B. Method Claim or Process Claim

1. A method for making tea, the method comprising:
boiling water;
adding sugar to the boiling water;
adding tea leaves to the boiling water to form a mixture;
adding milk to the mixture; and
filtering the mixture.

3. Type 1

✓ <Type 1> Claim types used in a general patent system

B. Method Claim or Process Claim

- Relatively difficult evidence

- A third party's action implementing all claimed process

3. Type 1

✓ <Type 1> Claim types used in a general patent system

G. Composition Claims

1. A copper electroplating solution, comprising:
 - a. an alkaline solution of copper sulfate, from 30 to 50 grams per liter;
 - b. sulfuric acid, from 2 to 4 times the copper acetate solution; and
 - c. an aqueous solution of a pH-modifying substrate in an amount sufficient to adjust the pH to a value of from 3.5 to 5.0.

3. Type 1

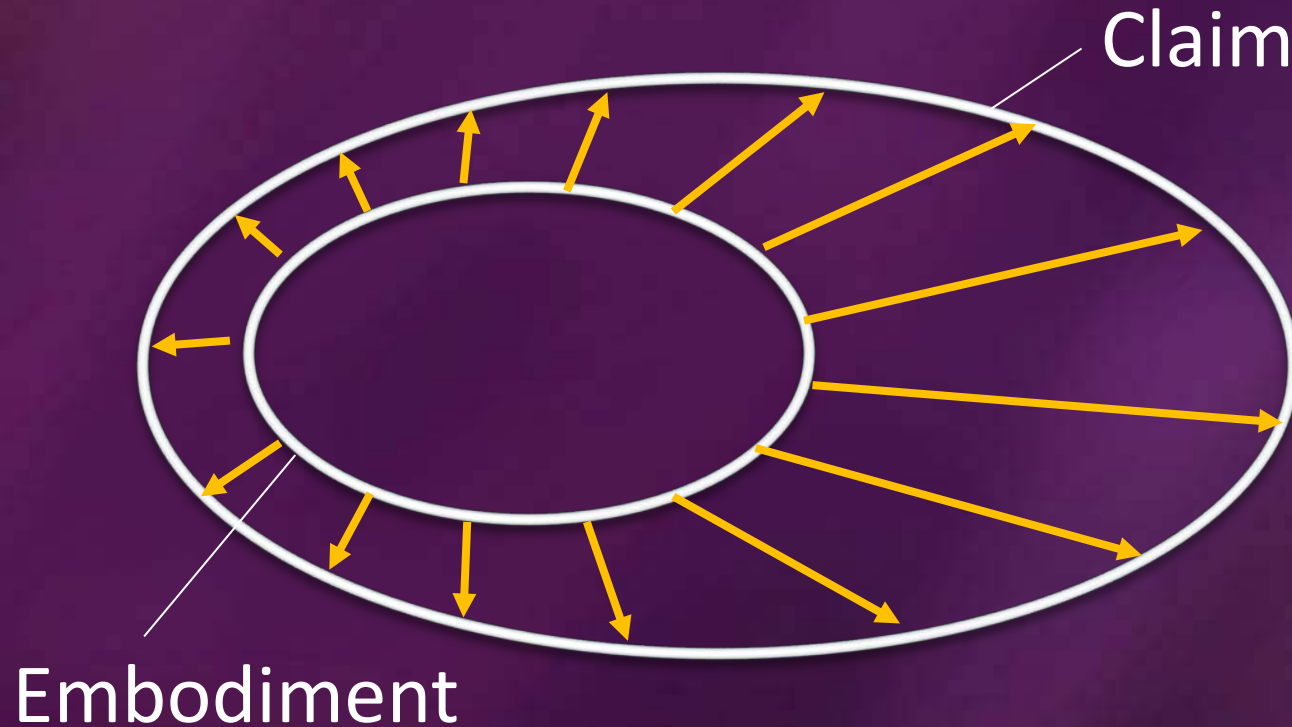
✓ <Type 1> Claim types used in a general patent system

G. Composition Claims

- Composition Claim is one of the type of apparatus claim
- Limitation by structures including chemical formula
- Limitation by a function
- Limitation by an effect
- Limitation by a method or a process
- relatively easy evidence in case
A third party's manufactured or sold product

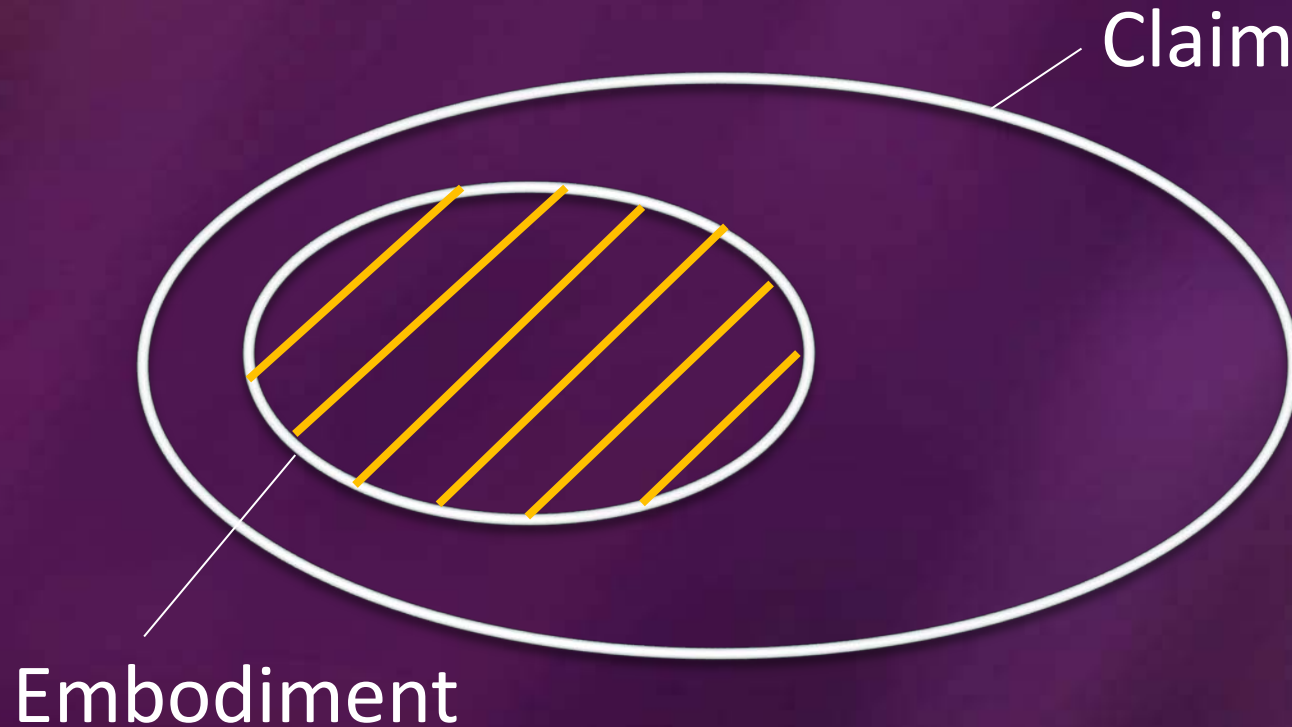
3. Type 1

- ✓ <Type 1> Claim types used in a general patent system
[Note: Non-Chemical claim]



3. Type 1

- ✓ <Type 1> Claim types used in a general patent system
[Note: Chemical claim]



3. Type 1

✓ <Type 1> Claim types used in a general patent system

H. Biotechnology Claims

1. An isolated polynucleotide comprising a member selected from the group consisting of:

(a) a polynucleotide encoding a polypeptide comprising amino acid 1 to amino acid 255 as set forth in SEQ ID NO:2; and

(b) a polynucleotide which hybridizes to and which is at least 95% complementary to the polynucleotide of (a).

3. Type 1

✓ <Type 1> Claim types used in a general patent system

I. Use Claim

1. A use of compound XYZ in the manufacturing of a treatment for malaria.

Note: Even though this type of claim is allowed, it implies this type of claim is allowed only as a form.

3. Type 1

✓ <Type 1> Claim types used in a general patent system

I. Use Claim

In general, a use claim is effective for a chemical invention.

Chemical substances have characteristics that is suitable or not, for combination with another substance or for another use.

3. Type 1

✓ <Type 1> Claim types used in a general patent system

J. Software Claim

1. A computer program for storing data for access by an application program being executed on a data processing system, comprising steps of:

transferring a command from CPU to a first memory

accessing the first memory to determine a storage area of the register;...

3. Type 1

- ✓ <Type 1> Claim types used in a general patent system
J. Software Claim

In most of the jurisdictions, “computer software” is not allowed to be used as a category of a subject matter in a Claim.

In general, inventions of computer software are protected by a method claim or a storage medium claim.



3. Type 1

✓ <Type 1> Claim types used in a general patent system

J'. Storage medium Claim

1. A computer-readable storage medium storing a computer program for storing data for access by an application program being executed on a data processing system, comprising steps of:

transferring a command from CPU to a first memory

accessing the first memory to determine a storage area of the resister;...

3. Type 1

- ✓ <Type 1> Claim types used in a general patent system
J". Method Claim for computer software
 1. A method for storing data for access on a computer, comprising steps of:
 - transferring a command from CPU to a first memory
 - accessing the first memory to determine a storage area of the resister;...

4. Type 2

✓ <Type 2> Expression types for protecting objects in general patent system

C. Product-by-process Claim

The invention has to be specified by structures in general. In most of the jurisdiction, however, it is allowed to use limitation phrases specified by a process. It is called as “product-process claim.”

A product-b-process claim is a claim for recovering the disadvantage of the method claims.

4. Type 2

- ✓ <Type 2> Expression types for protecting objects in general patent system
 - C. Product-by-process Claim

Product-by-process claims should not be used positively. It should be used only in the case where there is no other expression to specify the invention by structures.

4. Type 2

✓ <Type 2> Expression types for protecting objects in general patent system

C. Product-by-process Claim

1. A dispensing machine comprising:
a nozzle having a inner adhesive path formed by
injecting molding;

....

4. Type 2

- ✓ <Type 2> Expression types for protecting objects in general patent system
 - C. Product-by-process Claim

In interpretation of the product-by-process claim, even though a claim is limited by processes, as long as a disputable product is the subject matter of a Claim, it is assumed that the product is made by the process specified by the limitation words, the disputable product is recognized within the scope of a Claim.

4. Type 2

- ✓ <Type 2> Expression types for protecting objects in general patent system
 - C. Product-by-process Claim

Sadza, Nshima, Nsima, Ugali, Ubugali,
Poshto, Pap, Tuozaphi, Saab, Sakoro,
Sakora



4. Type 2

✓ <Type 2> Expression types for protecting objects in general patent system

I. Omnibus Claim

1. An dispensing apparatus comprising;

-
-
-

* . An dispensing apparatus as shown in Figure.4.

Thank you for your attention.

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