



中国专利保护协会

Patent Protection Association of China



Report on IP5 Heads/Industry Meeting

IP5 WG2 Meeting

Alexandria, February 3st 2016

The 4th IP5 Heads/Industry Meeting

- * **Date:** 21 May 2015
- * **Venue:** PESC, Suzhou, China

- * **Topics:**
 - Work Sharing and Quality
 - Global Dossier
 - Patent Harmonization



Working Sharing and Quality

Progress Report of :

1. IP5 Quality Management Meeting, including CEPRQM project
2. Endeavors of IP5 Offices in PPH, including status report of PPH activities, common PPH request form
3. Work sharing in the unpublished phase
4. New approach for working sharing-collaborative search program

Global Dossier

Progress Report of :

1. Public Access to One Portal Dossier
2. Global Dossier – Industry Priorities, including Alerting, XML based documents, applicants name standardization, legal status, proof of concept: applicant initiated inter-office document exchange.

Patent Harmonization

Progress Report of :

1. Unity of Invention
2. Citation of Prior Art
3. Written Description/ Sufficiency of Disclosure

Patent Harmonization-Unity of Invention

BE, JIPA and KINPA suggested to apply the PCT standard on Unity of Invention in all applications.

SIPO suggested: after endorsement by the IP5 Heads, the fact-finding report will be shared with the industry, and the future work of unity should be focused on consistent application and better implementation of the examination standard embedded in the PCT for the international applications.

EPO thought IP5 cooperation has made the first step towards unified adoption of PCT standard on PCT applications.

USPTO needs time to complete adjustments in different rules on unity of invention, including those to the organizational structure and development of examiner's capacity.

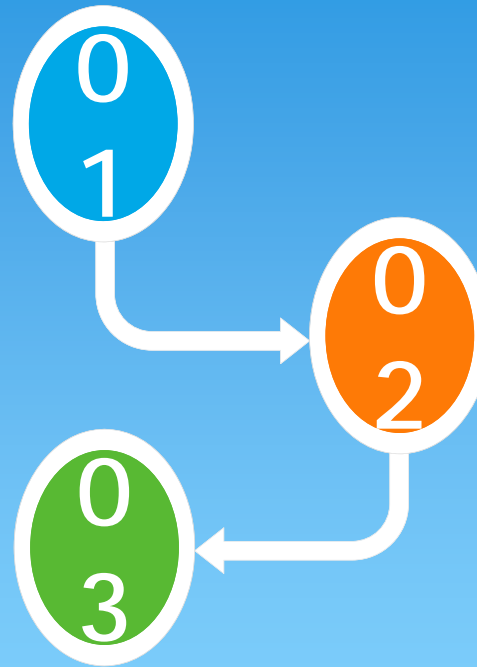
SIPO suggested in-depth case study should be carried out to improve the report and achieve progress.

KIPO stated the alignment of unity standard requires considerations on all relevant factors comprising classification, legal status etc., and establishment of a dedicated international decision-making organization.

Patent Harmonization-Citation of Prior Art

KIPO focused on two issues comprising an IT based mechanism for the submission of prior art and legal barriers of implementing the common form. The above two priorities were selected as focal topics for research, and the report was completed and submitted to the Heads Meeting for endorsement.

EPO: CCD and Global Dossier are good tools for the published phase, and sharing of information among the offices in the unpublished phase would also be useful.
USPTO: agreed that the decision of the first office be used as reference by a later office and that electronic tools be used to streamline examination procedure on citation requirements.



IPO hoped to see the introduction of an automatic electronic-based platform for citation and a common citation form similar to the PCT search report.

KINPA suggested that the applicants be encouraged to disclose information on prior art in order to improve the quality of granted patents by the requirement of Citation of Prior Art, and the requirement be permitted as a ground for invalidation of granted patents.

Patent Harmonization-Written Description/ Sufficiency of Disclosure

JPO proposed to prepare hypothetical cases and methodology of case study, and then IP5 would decide whether or not to conduct the study at the 4th PHEP meeting to be held in October 2015. A list of definitions of terms used at each office related to written description/sufficiency of disclosure was compiled by the JPO, and would be reported to the Heads Meeting for endorsement.



JIPA suggested carrying out a case study on this important topic and hoped that the study results and cases can be used as references at the PHEP meeting.



BE hoped that the new PHEP topics which received significant attention from the Trilateral industry be supported by Chinese and Korean industries.

EPO stated it is the most complex issue which requires further work at working level.

USPTO stated that the standard on Written Description/Sufficiency of Disclosure should be defined in a clearer manner.



Thanks!