



PHEP: unity of invention

International Policy and Strategy Project

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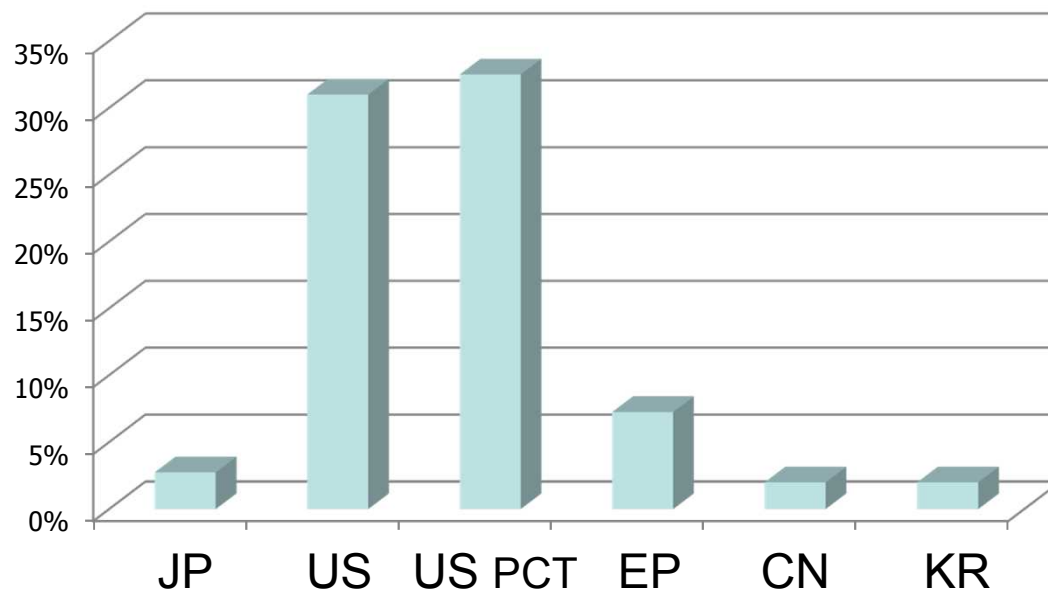
NISSAN MOTOR CORPORATION

For the IP5 Heads and IP5 Industry meeting on June 1, 2016



The rate of lack of unity rejection at IP5 offices

- IP5 Industry wants harmonization of unity provision on PCT national stage application and non-PCT application.



Note: US PCT is PCT national stage application in US

The ratio R is calculated based on:

$R(EP, JP, CN, KR) = \frac{\text{the number of OAs containing unity rejection}}{\text{total number of OAs (EESR in EP)}}$

$R(US) = \frac{\text{number of Restriction Requirements}}{\text{(the number of first OAs + the number of RRs)}}$

*Trying to collect the cases which received OA around October 1 to December 31, 2013 (conditions are different from one country to another)

*In EP cases, EESR including rule 43(2) objection are NOT counted.

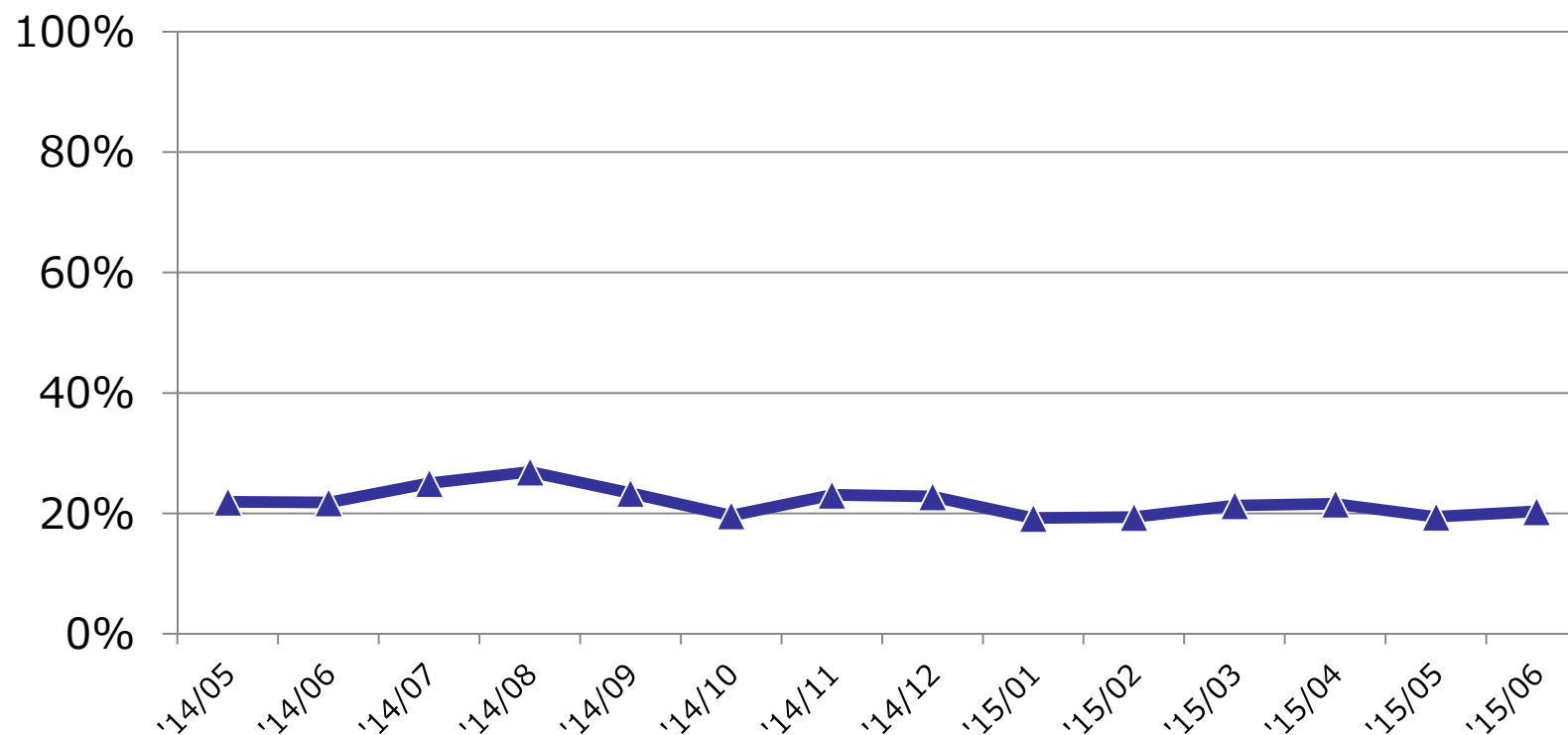
*In US cases, Election of Species are also counted.





The rate of restriction requirements using USC and CPC

- USPTO have changed classification from USC to CPC on Jan. 2015.
- The rate of restriction requirements is slightly declined with CPC.



Picked 500 applications randomly by issue date of OAs each month, and checked the rate of restriction requirement in the OAs.



Thank you for your attention.

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Creating IP Vision for the World



Japan Intellectual Property Association





Industry IP5 Consensus Proposals to the IP5 Patent Harmonization Experts Panel (PHEP)

Industry IP5 proposed the BASIC PRINCIPLES at October 10, 2014, in the Industry IP5 Consensus Proposals to the IP5 Patent Harmonization Experts Panel (PHEP)

BASIC PRINCIPLES:

- All IP5 Offices should use Unity of Invention.
 - In applying Unity the Offices should adhere to the PCT standard for Unity.
 - In applying the PCT standard the Offices should adopt uniform guidelines:
 - The Offices should study actual cases to determine if they are currently making different determinations, and how to achieve uniformity.
- The IP5 Offices should consider studying the relationship of Unity of Invention to the uniform CPC classification system.
- There should be coordination opportunities among the Offices to implement the PCT standard and the uniform guidelines.



The Future Work proposed by IP5 offices

IP5 offices proposed the Future Work
at IP5 Heads and IP5 Industry Meeting ,Suzhou, 21 May 2015



Meetings of IP5 Heads
and Deputy Heads of Office



中华人民共和国国家知识产权局
State Intellectual Property Office of the People's Republic of China

The Future Work

Based on the endorsement of IP5 Heads tomorrow

1. Share the initial report of unity of invention with IP5 industry and welcome stakeholders' input
2. Alignment of IP5 Offices' practices in international applications
 - consistent application and better implementation of the unity of invention standard embedded in the PCT

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