

Next steps of IP5 PPH

1 June 2016

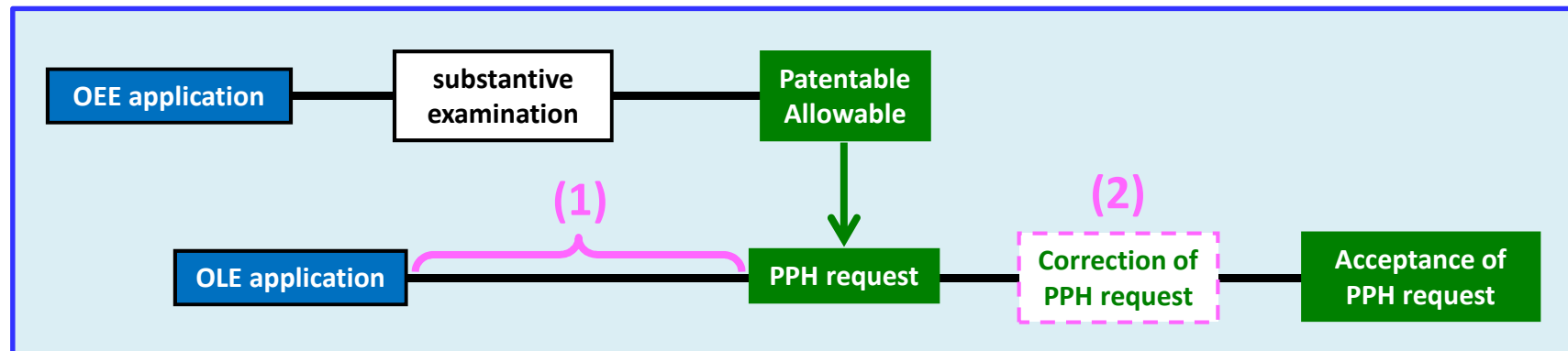
IP5 Heads and Industry meeting

JAPAN PATENT OFFICE

-Clarification of IP5 PPH Requirements-

➤ Background

- Clarification of the IP5 PPH requirements has been discussed to help IP5 industry understand the practice at each office and thus to improve the transparency and the usability of IP5 PPH.
- IP5 offices have discussed following topics over several meetings.
 - (1) PPH request available period
 - (2) Number of opportunity given to the applicant to correct certain specified defect (in the case when the office finds new defects which have not been notified)



(1) PPH request available period

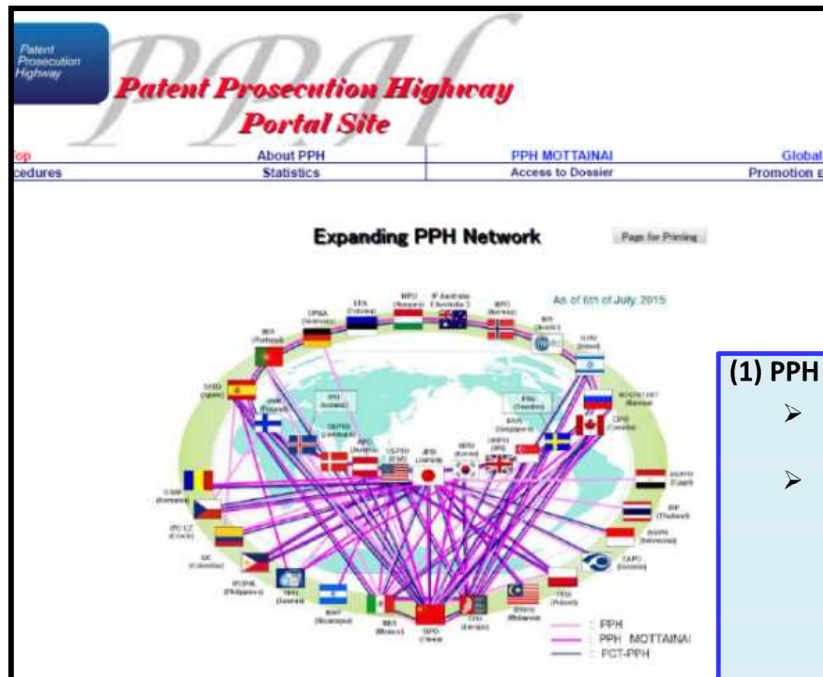
- **At the KIPO,** It is possible to participate in the PPH not only when examination has not begun, but also when examination has already begun.
- **At the EPO, JPO, SIPO and USPTO,** it is required that substantive examination of the application for which participation in the PPH is requested has not begun.
 - At the EPO, “the substantive examination has begun” means an examination starting date has been generated. The examination starting date is visible for unpublished applications only at the request of the applicant or his representative or by inspecting the file using the MyFiles service, for published applications to all in the European Patent Register .
 - At the JPO, SIPO and USPTO, “the substantive examination has begun” means any office action regarding the substantive examination has been issued.

(2) Number of opportunity given to the applicant to correct certain specified defect (in the case when the office finds new defects which have not been notified)

- **At the JPO,** the applicants are offered multiple opportunities to correct defects.
- **At the KIPO, SIPO and USPTO,** when the office finds new defects which have not been notified, an opportunity for the correction is given to the applicant.
- **At the EPO,** all defects in the PPH request are notified to the applicant, and the applicant is given only one opportunity to correct.

-Clarification of IP5 PPH Requirements-

- Future plan
 - The JPO will post the information about the practice at each IP5 office on the PPH Portal Website.



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-Extension of IP5 PPH Pilot Program-

➤ Background

- IP5 PPH pilot program has been run since 6 January 2014 for a period of three years, and the program has been successfully utilized.

		Office of Earlier Examination					TOTAL
		EPO	JPO	KIPO	SIPO	USPTO	
Office of Later Examination	EPO	-	1,702	179	309	1,401	3,591
	JPO	948	2,474	341	186	2,555	6,504
	KIPO	557	2,486	142	187	2,133	5,505
	SIPO	945	4,285	647	-	2,779	8,656
	USPTO	3,232	5,467	2,723	1,230	660	13,312
TOTAL		5,682	16,414	4,032	1,912	9,528	37,568

(PPH request in 2014-2015)
(PPH Portal website)

➤ Future plan

- IP5 offices will extend the trial period for the IP5 PPH pilot program.

Thank you for your attention!