EVALUATION OF PHEP 3 TOPICS

Citation of Prior Art
(Recent progress & Next step)

2nd IP5 ICG Meeting | 1 February 2018 | Tokyo
Recent Progress

- IP5 Offices agreed to draft an outline of the goal envisioned on the IT-based mechanism to be provided to WG2 | PHEP Meeting (Oct. 2015)

- WG2 reviewed the draft of business requirement provided by PHEP | WG2 Meeting (Feb. 2016)

- In response to the PHEP’s Business requirement, the WG2 presented ‘IT Feasibility Study’ including its opinions, limitations and possible IT solutions like the OPD and the CCD | Ad-hoc PHEP Meeting (Mar. 2016)

- Next step for the IT-based mechanism for ‘Citation of Prior Art’ was endorsed | Heads Meeting (Jun. 2016)

- KIPO presented recent progress and future work | PHEP Meeting (Oct. 2016)
PHEP provided **revised business requirements** to WG2 including objectives, essential & desirable functions of an IT system | **Jan. 2017**

KIPO briefed **recent progress / future work** to users | **ICG Meeting (Jan. 2017)**

Approval of **the future plan** including **the survey of a matrix** | **Heads Meeting (Jun. 2017)**

Each Office filled out the matrix and sent it to KIPO | **by the end of Nov. 2017**

KIPO and the USPTO **presented the preliminary result of the ‘matrix’ survey**, especially in terms of the IT system | **WG2 meeting (Jan. 2018)**
Objective & Methodology of the In-depth Survey

- **Objective** Reduction of applicants’ burden to submit prior arts and improvement of work-sharing efficiency by developing IT system

- **Methodology** Survey for IP5 offices to harmonize the procedure for prior art submission and to set up an proper IT system
  - An in-depth study and analysis on patent laws, examination practices and the IT system of each office.
Main Contents of the Survey

(PHEP) The patent law, examination systems and practices of each office related to citation of prior art

- a new business process highly related to IT system design
- on the scope of documents that patent applicants have to submit
- the time limit for submission of prior art

(WG2) IT systems and the preparation of data exchange at each office with respect to citation of prior art

- generation of citation data in an XML format
- detailed information of citation data described in the XML format
- the prior art information of the document delivered to OPD/CCD
CURRENT BUSINESS PROCESS OF CITATION OF PRIOR ART

CASE 1
Direct submission according to IPO’s IP law (without IPO’s request)

CASE 2
① order to submit relevant documents
② Direct submission

IPO
(Receiving Office)
TO BE

CASE 1

① Request to transmit

② Transmit on behalf of the applicant

③ notification of receipt

④ submit additional documents, if necessary

IPO (Providing Office)

IPO (Receiving Office)
① Order to submit relevant documents

② Request to transmit

③ Transmit on behalf of the applicant

④ Notification of receipt

⑤ Submit additional documents, if necessary

TO BE

CASE 2

IPO (Providing Office)

IPO (Receiving Office)
① retrieve on its own accord

② notification of receipt/retrieval

③ submit additional documents, if necessary

A NEW BUSINESS PROCESS WITH THE ASSISTANCE OF AN IT SYSTEM
**NEXT STEPS**

- **KIPO**
  - To conduct complemental survey by the end of February 2018
  - To discuss the preliminary result of the matrix survey at the ad hoc PHEP meeting and to report the progress to IP5 Deputy Heads Meeting (in April 2018).
  - To complete the analysis of the matrix survey and report the final result at the IP5 Heads meeting (in June 2018).
  - To propose some prototypes of the Work Flow Model and IT system Model at the PHEP meeting (in November 2018).

- **USPTO**
  - To proceed ‘Access to Relevant Prior Art’ project and present the results of the project (at the ad hoc PHEP meeting, April 2018)
Thank you!