Review of “Common Application Format”

June 5, 2012
Japan Intellectual Property Association
Basic demand of Japanese Users

- **Patent Cost**
  - Cost reduction for patent application

- **Quality of Examination**
  - High quality and same quality among the patent offices

- **Timeliness of Patent Issue**
  - Same Timing among the patent offices
Achieving patent protection in an extensive geographical area at low cost and minimal labor.

Same Format
Same Search
Same Examination
Same Patent

4 “same” Achievements
Step by Step approach for harmonization

Step 1: Achieving a same format

Step 2: Same search result

Step 3: Same examination

Step 4: Same Patent Achieving a global patent system

Sharing of examination data

One Application

One Search
242K applications are duplicated a year.
- burden to change the format
- all foreign applications need extra cost in addition to translation cost
Common Application Format

Concept:

Introduce the system to allow applicants to file a Single Application in a Single Format, and it will be acceptable to all countries without further changing formalities.

Precondition: The same application format for both Paris and PCT route.
Common Application Format

International Stage

PCT Route

Application

No Format Change

Application

National Stage

Office of First Filing (OFF)

Paris Route

Application

No Format Change

Application

Office of Second Filing (OSF)

Same Format for any filing Routes and Stages

⇒ Reduce duplicate efforts by Applicants and Patent Offices
April 11, 2005  Resolution: by trilateral user group

“Harmonization of patent systems”

- harmonization will reduce cost for applicants and offices, promote legal certainty and reduce pendency
- common application standard electrically filed the format generally based on PCT format.
History of introducing CAF

November 14, 2006  Report by trilateral user group

“Global Patent Application”

- summarizes the recommendation of the Industry Trilateral
  - Efficiency and economy
  - Preference for International formats
  - uniform standards for global filing not minimum standards for filing
  - simple and doable first step
  - avoidance of substantive, cost and prosecution issues
  - requirement for legislation or rule change
November 6, 2007

Technical working group on formal aspects of patent applications
- Trilateral offices and users

November, 2007

Trilateral offices agreed to introduce Common Application Format

http://www.trilateral.net/projects/pct/CAF.html

January 1, 2009

Trilateral offices started to accept applications in Common Application Format
- Simply convert language from A to B.
- No need to change format, story of the specification, etc.
- Trilateral users estimated $300 M cost reduction a year.
Korea has already introduced CAF
- Promotion of using CAF
- Analyzing benefit of CAF

China is introducing CAF in the near future
- recommend and encourage China to introduce CAF early
- Ask SIPO to accelerate decision process to introduce CAF
- It is to be considered to expand CAF outside IP5

- cost reduction

- reduce duplicate efforts by Applicants and Patent Offices

- increase efficiency and economy
Common Citation Documents
- Uniform Format for Search Results -

Lack of Uniformity in descriptive formats of Search Results
⇒ Less utility of Search Result among Offices

Uniform Search Format

Adopting Common Format for Search Results
⇒ Enhance the mutual utilization of Search Results among Offices.
Expectations to Office Cooperation

- Introduction of same format in addition to application format, citation documents
- Realization of exploitation of search/examination results to obtain high and same quality patent at same timing
- Leadership at Harmonization on substantive patent law to realize global patent system
Thank you for your attention.