RECENT PROGRESS
ON CITATION OF PRIOR ART

Meeting of IP5 Heads and IP5 Industry
Suzhou, 21 May 2015

Korean Intellectual Property Office
United States Patent and Trademark Office
3 topics were endorsed at IP5 Heads meeting in June 2014

- Unity of Invention
- **Citation of Prior Art**
- Written Description/Sufficiency of Disclosure

2 prioritized sub-topics were selected at 3rd PHEP meeting in Oct. 2014

- Providing an IT based mechanism for the submission of prior art previously cited by other offices
- Implementing an IP5 common form for citation of prior art
Main differences identified by IP5 comparison table
- Citation form of prior art: in the description, separate IDS
- Result of violating requirement: rejection, unenforceable, deemed to be withdrawn

Inputs from IP5 industry
- Adopt an automatic, electronic prior art citation practice
- Consider to adopt a common citation form similar to the PCT search report
- Minimize burdens by citation of prior art requirement

IP5 agreed to focus on
1. IT based solution for citation of prior art
2. Common citation form
3. Roadmap

- **STEP 1**: Identifying differences among IP5 offices and user’s needs  [Completed]

- **STEP 2**: Identifying topics to focus  [Completed]

- **STEP 3**: Identifying legal barriers  [Completed]

  ※ The report on practices and legal barriers of IP5 offices will be endorsed by IP5 Heads tomorrow and released to the public next week

- **STEP 4**: Begin to explore solutions  [Prior to 4th PHEP Meeting]

- **STEP 5**: Implementation  [TBD]
Thank You!

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