JPO’s Status report

June 2016

JAPAN PATENT OFFICE
The Number of Patent Applications and PCT International Applications

The number of Patent Applications and Requests for Examination

In Examination Request Period

Applications
Requests for Examination

Rate of Request for Examination

The number of PCT International Applications

(Note) As for the number of Patent Applications, Requests for Examination and PCT International Applications of 2015 are provisional.
The Number of Existing Patent Rights

(10,000 rights)

- Foreign applicants
- Japanese applicants

(Year)
Three Priority Issues for the JPO

1. Accelerated Market Changes
   → Achieving the World’s Fastest and Utmost Quality in Patent Examination

2. Globalized Economy
   → Promoting globalization of Intellectual property system

3. Establishing a Self-Sustaining Society
   → Promoting utilization of intellectual properties regional areas in Japan.
1. Request for Examination
2. First Action
3. Granting Patent Rights

FA Pendency
FY2008 29.3 months
JPO achieved
FY2013 10.4 months

Total Pendency*
FY2012 28.1 months
TARGET
FY2023 14 months or less

Key Components of Quality Management
Quality Assurance
Quality Verification
External Evaluation of the QMS

*Toward the World’s Fastest and Highest Quality Examination System

*“Total Pendency” does not include cases when the JPO requests applicants to respond to second notices of reasons for refusal and the like.
Achieving the Utmost Quality

Principles of JPO Quality Policy on Patent Examination

- The 3 main tenets of patent quality are:
  - We grant robust, broad and valuable patents.
  - 1. “robust”: so as not to be invalidated afterward,
  - 2. “broad”: to such an extent that they have coverage matching the extent of the technical levels of inventions and their disclosures,
  - 3. “valuable”: so as to be recognized around the world.

Enhancement of Quality Management System

Since April 2014, the JPO has appointed 90 Quality Management Officers. Quality reviews are being conducted by the Subcommittee on Examination Quality Management (a committee of external experts).

Complete update of Examination Guidelines

The Examination Guidelines were updated to make descriptions more clear and concise, and enable them to be accepted globally.

Ensuring Highly capable human resources

Providing various career paths based on training suited to the level of each examiner.
Examination related Initiatives of JPO

- Collective Examination of IP Portfolios to Support Business Strategy
- PPH (the Patent Prosecution Highway)
- Further Advancing Global Work Sharing (Global Dossier)
Recent Revisions to IP laws in Japan (Patent)

Patent Act

(A) Encouraging Employee Inventions
- Making it possible for employers to have the right to obtain a patent when the right becomes effective
- Giving employees the right to receive incentives that are basically the same as those under the current Act

(B) Revising Patent Fees
- Decreasing patent fees by 10%
- Decreasing trademark registration fees by 25%

(C) Acceding to Patent Law Treaty (PLT)
- Allowing extra time for applicants to submit translations, when they weren’t able to submit within the prescribed deadline
- Making it possible for applicants to correct applications, e.g., submit missing documents, for a certain period
Update of Examination Guidelines, etc.

- The JPO comprehensively updated its "Examination Guidelines for Patents and Utility Models" and "Examination Handbook for Patents and Utility Models."
- Also, the JPO make a new handbook called the "Handbook for PCT International Search and Preliminary Examination in the Japan Patent Office."
- All of them were released in English, and became effective on Oct. 1, 2015.

Points of updated “Examination Guidelines” etc.

- Making descriptions in the Guidelines clearer and more concise;
- Providing enough case examples and court precedents in the “Examination Handbook”;
- Making the Examination Guidelines internationally acceptable.

Users can now more easily understand the basic ideas.

Predictability of obtaining patent rights has been improved.

**Examination Guidelines**
summarize the basic ideas of applying applicable laws such as the Patent Act.

**Examination Handbook**
summarizes the essential points to consider when conducting examination; and provides sufficient examples, court precedents, and application examples of basic ideas of the Guidelines.

**Handbook for PCT procedures**
shows details and illustrations on the practices and procedures in the JPO acting as the ISA/IPEA.
Appendix
Collective Examination of IP Portfolios to Support Business Strategy

In line with corporate business activities, examiners will collaborate on examinations.
JPO and USPTO launched the Collaborative Search Pilot Program (US-JP CSP) on August 1st, 2015. Examiners in JPO and USPTO conduct their own search on applications that have been filed in both JPO and USPTO. The offices share their search results and opinions. Examiners in JPO and USPTO notify applicants of their First Office Actions around the same time. Applicants can acquire earlier, contemporaneous, stronger and more stable patent rights.

1. Request for CSP
2. Sharing the search results between the two offices
3. Contemporaneous First Office Action
Since the JPO proposed the PPH, implementing it with the United States in 2006 for the first time in the world, the number of offices participating in the PPH program has increased to 39. Also, the total number of requests made worldwide to use the PPH has been steadily increasing.

The number of applications filed offices participating in the PPH program accounts for more than 90% of all patent applications being filed worldwide (in 2011).
Further Advancing Global Work Sharing

- One Portal Dossier functions as work-sharing tool among IP5
- WIPO-CASE works to share dossiers within CASE members
- Linkage of OPD and WIPO-CASE has potential to achieve **global work-sharing** beyond IP5

**Linkage**

About **160,000 applications annually**

Over **440,000 accesses annually**

**23 countries/organization as of June 2016.**
Thank you!