COLLABORATIVE SEARCH PILOT BETWEEN KIPO AND THE USPTO

2nd IP5 ICG Meeting | 1 February 2018 | Tokyo
Milestones

- **Oct. 2014**, CSP concept proposed by KIPO at the IP5 WG3 meeting
- **May. 2015**, KIPO-USPTO implementation MOU signed
- **Sept. 2015**, the 1st pilot program started (in operation for 2 years)
- **Oct. 2017**, KIPO-USPTO extension MOU signed
- **Nov. 2017**, the 2nd pilot program started (in operation for 3 years)
- **Nov. 2017**, KIPO-SIPO MOU signed
Statistics on the 1st KIPO-USPTO CSP

- **[Petitions]** 112 cases
  - [Routes] **22** in the PCT route / **90** in the PARIS route
  - [IPC Sections] **42** cases in H / **39** in G / **18** in A / **9** in F / **3** in B / **1** in C

- **[First Actions]** 87 cases
  - [Pendency to FA from Petition Date] 7.5 months

- **[Completed Applications]** 58 cases
  - [Allowance Rate] 84.4%
  - [First Action Allowance Rate] 6.9%
[Completed Applications in Both KIPO and the USPTO] 34 cases

- [Accordance of the results in the two Offices] 29 cases (85.3%)
- [Discordance of the results in the two Offices] 5 cases (14.7%)
  ✓ (Reason) Claims changed after amendment, and etc.
FEEDBACK FROM STAKEHOLDERS – 1ST KIPO-USPTO CSP

❖ Applicant
  • The CSP needs to be continued after the termination of the 1st pilot program
  • The CSP needs to be extended to other countries
  • The process of the CSP is complicating
  • The requirements for the CSP petition are strict.

❖ Examiner
  • The CSP could be a tool to compare the examination quality of the two Offices
  • The search result of the counterpart gives confidence in the decision process
**Process**

- [delete 1] to ease the IDS issue
- [delete 2] to avoid unnecessary interview
Requirements for the CSP petition

- The earliest date of the applications filed in KIPO and the USPTO is the same
- The earliest date is March 16, 2013 or later
- The examination request is made before or at the same time as the CSP petition
- The CSP petition is made before the first office action
- The number of claims is 20 or less (independent claims are 3 or less)
- **Corresponding independent claims** are identical **(Relaxed)**
  (Category of invention cannot be changed)
- The CSP petition is based on a single application.
- Applicants in KIPO and the USPTO are identical **(Deleted)**
- A claim citing 2 or more claims is excluded
**Roadmap**

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<th>Details</th>
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| Step 1 | Bilateral CSP | • Two offices implement the CSP program.  
• KIPO-USPTO CSP and JPO-USPTO CSP began in 2015                                                                                       |
| Step 2 | Trilateral CSP | • Three offices implement the CSP.  
• The applicant of the cross-filed applications may designate more than two among the three offices for the CSP.            |
| Step 3 | IP5 CSP     | • The IP5 implement the CSP.  
• The applicant of the cross-filed applications may designate more than two among the IP5 offices for the CSP.               |
| Step 4 | Global CSP  | • All Participating offices implement the CSP.  
• The applicant of the cross-filed applications may designate more than two among all participating offices for the CSP.  |
Thank you!