

Joint Report on the Removal of Priority Document Exchange

The 2nd GDTF Meeting

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JAPAN PATENT OFFICE

- ❑ At the 1st GDTF Meeting in January 2013, the interest in the procedure, in which applicants no longer need to submit priority documents by introducing One Portal Dossier (OPD) access , was shown from the Industries.
- ❑ At the 6th IP5WG2 Meeting concurrently held with the 1st GDTF Meeting, all the Offices agreed to report their own legal, technical and security issues as well as the historical background surrounding the priority document issue.
- ❑ Each Office reported the results of the exploration on removal of priority document exchange at the Meeting of the Deputy Heads of Office held in March 2013.

2. Summary of Each Office's Report

(1) Legal requirement in each country

- ❑ Procedure and period of time, when an applicant claims priority based on the Paris Convention, are provided in details in national/regional laws of respective.

- ❑ A person claiming priority should submit to the Office a priority document:
 - ✓ within sixteen months from the earliest priority date (EPO, KIPO and JPO)
 - ✓ within three months while claiming a foreign priority (SIPO)

2. Summary of Each Office's Report

(2) Legal and technical issues arisen from introducing OPD access

- ❑ Accessibility of unpublished information in the OPD (EPO and JPO)
- ❑ Security issues resulted from indiscreet retrieval of priority documents by examiners or Offices (KIPO).
- ❑ Cost and time required for the modification to the OPD system in order to make the unpublished information available via OPD access.
- ❑ Necessity to keep permanent access to priority documents and to store those document data in the system inside Office (EPO, JPO and KIPO)

2. Summary of Each Office's Report

(3) Current status and procedure of PDX

- Existing options for the omission of priority document submission between/among the IP5 Offices

- ✓ Bilateral PDX

A scheme to exchange priority documents based on bilateral agreements

- ✓ WIPO Digital Access Service (DAS)

A scheme for electronic exchange of priority documents among multiple Offices.

* EPO is currently preparing to participate in DAS

- Submission of priority documents in writing is already not necessary between/among the IP5 Offices

3. Conclusion

- ❑ Submission of priority documents in writing is not necessary at least among the IP5 Offices.
- ❑ Removal of the submission procedure by OPD access includes complicated legal and technical issues.
- ❑ OPD access would not remove the submission of the minimum set of information about the first filing required in PDX from necessity for properly recognizing the first filing on which priority is claimed.

- The IP5 Offices conclude:
 - ✓ Improving applicants' usability under the existing PDX framework and system would be a more reasonable approach rather than priority documents scheme via OPD.
 - ✓ Expanding the number of participating offices in the existing PDX framework such as WIPO-DAS system would be one way to accomplish it.

Thank You