Discussion of IP5 on Patent Harmonization

3rd Meeting of IP5 Heads of Office and IP5 Industry 5 June 2014

Korean Intellectual Property Office
Progress of PHEP

➢ The PHEP has been endeavoring to make fruitful discussion on Patent Harmonization
  ▪ IP5 Industry list was submitted in the 2nd PHEP meeting in Daejeon
  ▪ The importance of user-driven harmonization was acknowledged by IP5

➢ Priority Topics were selected at Ad hoc Meeting in April 2014
  (Based on internal analysis and user consultation of each office)
  ▪ Citation of Prior Art
  ▪ Unity of Invention
  ▪ Written Description, Sufficiency of Disclosure
IP5 Offices reported Consultation Results with User Groups (preliminary)

- Positive Feedback on
  - the selection of 3 topics
  - the agreement that the PHEP discussion will be user-driven

- Opinions on the selected Topics and Procedures
Opinions from User Groups

Structure of the Work [KINPA, JIPA]

- **Expected Output of Discussion**
  - **Status**: Legal requirements, policy backgrounds, examination practice
  - **Analysis**: commonalities and differences
  - **Cases and Opinions**: submitted by stakeholders and IP experts
  - **Best Practice**: future directions for harmonization considering inputs from stakeholders and each office
### Process [JIPA, KINPA]

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<tr>
<td>1 *</td>
<td>Select detailed items for study and discussion on each selected topic</td>
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| 2 *  | Collect Followings from each of IP5:  
(Report) Legal requirements, policy backgrounds, practices in examination  
(Cases) Field of IP practice and applicants  
(Opinions) User groups and outside IP experts |
| 3    | Comprehensive Analysis of the results from the individual office  
• Factual commonalities and differences  
• User views on the differences  
• Etc. |
| 4    | Draw the Best Practice or Future Directions for Harmonization |
| 5    | Prepare a Comprehensive Report and open to the public |

* User group is expected to participate in.
Opinions from User Groups

Discussion Items [All IP5 Industry Groups]

- Citation of Prior Art
  - Applicants’ burden
  - Utilization of CCDs and electronically available documents

- Unity of Invention
  - Differences among IP5 offices and some technical fields

- Written Description/Sufficiency of Disclosure
  - Requirements for specific technical fields
    (e.g. chemical compounds, pharmaceuticals, electric circuits)
  - Best Mode requirement
  - Later submission of information
  - Effect on claim interpretation by written description (e.g. means plus function)
Opinions from User Groups

Further Considerations

- Priority Order of Three Topics
- User’s Participation
- Schedules
- Etc.
Thank You