Regional / International Cooperation in Search and Examination of Patents and Growing Need for Work Sharing: Issues and Challenges

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- Current Situation of Intellectual Property  
  - Number of Patent Applications in the World  
  - Need for Global Work Sharing

- International Cooperation and Work Sharing  
  - Patent Cooperation Treaty (PCT)  
  - Patent Prosecution Highway (PPH)  
  - ASEAN Patent Examination Cooperation (ASPEC)  

- IP Information Service Through IT  
  - Industrial Property Digital Library (IPDL)  
  - Advanced Industrial Property Network (AIPN)  
  - Measures to Enhance Accuracy of Machine Translation

- Latest Measures  
  - APEC–IPEG(Intellectual Property Expert Group) Meeting  
  - Upcoming WIPO-FIT(Funds-In-Trust) Programmes in Japan
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Number of Patent Applications in the World

Results of economic globalization:
- Rapid increase in the number of patent applications filed in the world, PCT route applications in particular
- Increase in multiple patent filings in countries

The number of foreign filings amounts to approx. 840 thousand (approx. 44%) out of approx. 1.91 million patent applications filed in the world (2008)
Need for Global Work Sharing

Advantages of work sharing:
Expeditious and homogeneous patent examinations, and decrease in the number of patent invalidation

Promotion of Work Sharing

- Early release of search/examination results
- Access
- JPO
- Access
- Foreign Patent Office A
- Early release
- Access
- Early release
- Foreign Patent Office B

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Patent Cooperation Treaty (PCT)
~Changes in the numbers of PCT member countries and PCT applications~

Number of PCT applications
PCT applications filed with JPO (Receiving Office)
Number of PCT member countries

<table>
<thead>
<tr>
<th>Year</th>
<th>PCT applications filed with JPO (Receiving Office)</th>
<th>Number of PCT member countries</th>
</tr>
</thead>
<tbody>
<tr>
<td>2000</td>
<td>9,447</td>
<td>122</td>
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<tr>
<td>2001</td>
<td>11,688</td>
<td>136</td>
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<tr>
<td>2007</td>
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<td>206</td>
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<td>2008</td>
<td>28,027</td>
<td>217</td>
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<tr>
<td>2009</td>
<td>29,291</td>
<td>228</td>
</tr>
</tbody>
</table>

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Patent Cooperation Treaty (PCT)
~Number of International Search Reports prepared by JPO~

<table>
<thead>
<tr>
<th>Year</th>
<th>Number of International Search Reports prepared by JPO</th>
</tr>
</thead>
<tbody>
<tr>
<td>2000</td>
<td>8,468</td>
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<tr>
<td>2001</td>
<td>10,716</td>
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<td>2002</td>
<td>12,303</td>
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<td>2003</td>
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<td>2008</td>
<td>26,523</td>
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<tr>
<td>2009</td>
<td>28,927</td>
</tr>
</tbody>
</table>
Patent Prosecution Highway (PPH)

- An application determined to be patentable in its own country or in the PCT international phase is eligible to have an accelerated examination in a foreign country or in the PCT national phase upon an applicant’s request.
- Early acquisition of international patent rights / Reduced burden and improved quality of examination of the IP Office in each country.

Office of the First Filing (OFF) → Paris Route → Office of the Second Filing (OSF)
- PCT International Phase
  - Application
  - Examinations with Patentability
  - Opinions/IPER

PCT National Phase
- Office A: Examination → Office B: Request for PPH → Office C: Request for PPH → Accelerated Examination

Existing PPH PCT-PPH

Advantages of using PCT international-phase deliverables:
- Possible to make a timely request for PPH
- Possible to make the most of PCT deliverables

~Enlarging the PPH Network~

- Providing various statistical data
- Providing guidelines of each country
- Providing application forms for PPH request of each country
  ※ Possible to use drafting tools for application format

Providing PPH pamphlets of each country


ASEAN Patent Examination Cooperation (ASPEC)

Thailand  Brunei  Cambodia  Laos
Vietnam
Japan  Singapore

ASEAN Patent Examination Cooperation (ASPEC)

Philippine  Myanmar  Malaysia
Indonesia

- As to major patent application filings from Japan to foreign countries, it is intended to grant expedient and high-quality patents and to reduce workload and cost for examination while timely providing applicants with JPO’s search/examination results as well as enhancing mutual utilization among IP offices worldwide.
- As to patent applications based on which a Paris convention priority is to be claimed and whose examinations were requested within 2 years from the JPO filing date, an examination is conducted after publication within 30 months or less from the JPO filing date (Conducted from April 2008).
- Search/examination results of JPO are provided in real time to foreign countries via the Dossier Access System (DAS) and AIPN through machine translation.

※ JPO examinations of 92% of basic applications filed with USPTO are conducted earlier than at USPTO. As to 86% of those filed with EPO, examinations are conducted before substantive examinations at EPO, and as to 55% before EPO’s search report. (Based on the number of JP-FIRST applications (13,103) whose examinations were conducted at JPO during the period between April 2008 and July 2009)

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Industrial Property Digital Library (IPDL)

- Each item in ‘Database contents’ references shows scope of the gazettes which are stored in IPDL or some information which would be needed or could help you to search IP related documents and information in IPDL

Advanced Industrial Property Network (AIPN)

The JPO provides examination-related information in Japan to IP Offices overseas so as to reduce the duplication of workload at IP Offices overseas
Advanced Industrial Property Network (AIPN)
~Enlarging the AIPN~

Austria, Czech, Denmark, EPO, Finland,
France, Germany, Greece, Hungary,
Netherland, Norway, Poland, Romania, Russia,
Slovakia, Spain, Sweden, Switzerland, U.K

Measures to Enhance Accuracy of Machine Translation

- **Collection and registration of untranslated words**
  
  Log of untranslatable words in IPDL and AIPN are collected and additionally registered in the user dictionary (5,000 words/year)

- **Feedback from overseas IP offices**
  
  Mistranslation feedback
  Mistranslation feedback from AIPN users (Examiners of overseas IP offices including EPO, USPTO and Asian countries) is analyzed and registered in the dictionary

  User feedback
  Using situation of examination results is grasped based on user questionnaire

- **Preprocessing of documents before translation**
  
  Shaping documents before translation / Replacement of character references (Preprocessing of tags) etc.

37 patent offices/organizations as of September 2010
ASEAN member countries are in blue
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APEC-IPEG (Intellectual Property Expert Group) Meeting
Japan has set forth its view on the “Global IP Infrastructure for the Promotion of Innovation”, whose importance was confirmed in the 2009 joint statement of the APEC Ministers’ Meeting. In the future, concrete measures for expanding infrastructure elements in a well-balanced manner are to be proposed and realized.

Global IP Infrastructure
for the Promotion of Innovation

IP System as a Powerful Tool to boost Innovation

Components of Global IP Infrastructure
- Legal and Administrative
- Human Resource
- Institutional
- Information Technology

- In 2010, Japan hosted APEC meetings (for the first time in 15 years since 1995)
- APEC-IPEG meetings were held in Hiroshima (in March) and in Sendai (in September)
APEC–IPEG (Intellectual Property Expert Group) Meeting
~Japanese Proposals in APEC IPEG 2010 (1)~

Facilitation of Exploitation of Examination Results
~ Cooperation initiative on Patent Acquisition Procedures ~
Japanese proposal agreed in APEC-IPEG 2010

One-Stop Website enabling users to obtain Forms for the utilization of patent search/examination results

Foreign Patent Office A

Foreign Patent Office B

Foreign Patent Office C

Applicant

APEC–IPEG (Intellectual Property Expert Group) Meeting
~Japanese Proposals in APEC IPEG 2010 (2)~

Collaboration of Human Resource Institutes
~ intellectual Property Academy Collaboration initiative (iPAC initiative) ~
Japanese proposal agreed in APEC-IPEG 2010

Measure for Information Sharing (Web-site, etc)
APEC–IPEG (Intellectual Property Expert Group) Meeting
~Japanese Proposals in APEC IPEG 2010 (3)~

Development of IT-based Network
Possible Future Image of IT Infrastructure

Upcoming WIPO–FIT (Funds–In–Trust) Programmes in JAPAN

● Study Programme on the Global IP Protection Systems

Objectives: To promote understanding on the significance of the systems
Date: November 11 to 12, 2010
Venue: Japan (Japan Patent Office)

● Study Programme on Human Resource Development (HRD) in the Field of Industrial Property

Objectives: To learn about the policy and strategic approaches to HRD
Date: February, 2011
Venue: Japan (Japan Patent Office)
Thank you!