

**WIPO - Informal Open Forum on the draft Substantive Patent Law Treaty (SPLT)  
March 1, 2006, in Geneva  
Title: The Rationale and Benefits of Patent Law Harmonization  
JAPAN INTELLECTUAL PROPERTY ASSOCIATION**

(Summary)

In the long history of unprecedented economic growth in Japan, our experience shows that the Intellectual Property System, especially the patent system, has been the indispensable part of the industrial advancement. We present our view, as the user of patent system in Japan, that the international harmonization of patent system, as currently discussed in WIPO, is necessary for the industrial development in the world, and the harmonization will significantly benefit each nation, and their customers in the days to come.

(Contents)

Introduction of JIPA

1. Importance of Patents and International Protection

(1) Experience of JAPAN

- Late 19<sup>th</sup> Century: Enactment of Patent System, Active introduction of foreign technology
- Early 20<sup>th</sup> Century: Enactment of Utility Model Law, Promote Domestic small Invention and improvements
- Harmonization of the patent system, Promote original innovations.

(2) Importance of Global Patent Protection

- Global distribution of goods and service
- Necessity of global protection for the IP of Public Health, Safety, Environmental Protection and Global Standards

2. Benefits of Patent Law Harmonization

(1) For Patent Quality

- Needs for internationally consistent patent rights
- Harmonization of substantive patentability requirement (such as “novelty”, “inventive step”) and its practice through intensified discussion

(2) For Timely Examination

- Timing of patent grant and the use of the invention
- Needs to establish cooperative system on patentability examination

(3) For Patent Costs

- Increasing patent costs on patent applicants
- Elimination of duplicate patentability examination

3. Conclusion

- Priority on the most urgent issue: Harmonization of substantive patentability examination
- Step-by-step approach