Theme 1: The Importance of a National Strategy for Promoting Intellectual Property (IP) and Innovation

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Director, International Cooperation Division
Japan Patent Office
1. Overview of JPO
   i. Organization and Role
   ii. Budget and Personnel
1. Overview of JPO
Organization and Role

Roles of JPO

1. Appropriately granting industrial property (IP) rights
2. Drafting measures dealing with IP
3. Promoting international harmonization and assistance to developing countries
4. Reviewing the IP rights system
5. Supporting SMEs and universities
6. Improving information services on IP
1. Overview of JPO

Budget and Personnel

**Budget**

FY 2014 Expenditure budget
126 billion yen (US$ 1.26 billion)

*1 dollar ÷ 100 yen

**Personnel**

Total: 2,837 employees (FY 2014)

- Patent examiners: 1,702 (60%)
- Administrative Judges: 387 (13%)
- Office workers: 557 (19%)
- Including 492 fixed-term examiners
- Trademark examiners: 142 (5%)
- Design examiners: 49 (2%)

2. National IP Policy in Japan

i. Its Inception

ii. Recent Developments
In the late 1990s, there was growing concern about the decline in the international competitiveness of Japanese industries.

Sources: IMD “World Competitiveness Yearbook 2001”, etc
Note: Ranks after 1997 are based on the new ranking standards
“As one of our national goals, I will ensure that the results of research activities and creative endeavors are translated into intellectual properties that are strategically protected and utilized so that we can enhance the international competitiveness of Japanese industries.”

“With that in mind, I will establish the Strategic Council on Intellectual Properties*, and actively advance relevant and necessary policies.”

* Strategic Council on Intellectual Property: formed February 2002 and consisted of relevant ministers and senior figures from industry and academia
2. National IP Policy in Japan – Its Inception

Overview

Strategic Council on Intellectual Property  
Feb. 2002

Intellectual Property Policy Outline  
Jul. 2002

“Promotion of Creation, Protection & Utilization of IP”

*Examples:*

i. Prompt and precise patent examination
ii. Establishment of intellectual property court
iii. Strengthening measures against counterfeiting and piracy

Intellectual Property Basic Act  
Dec. 2002
(in effect since Mar. 2003)

Intellectual Property Strategy Headquarters  
Mar. 2003
2. National IP Policy in Japan – Its Inception

Organizational Structure

Cabinet Secretariat
- Secretariat of IP Strategy Headquarters

Cabinet
- Intellectual Property Strategy Headquarters (Head: Prime Minister)
  Reformulated Annually

Intellectual Property Strategic Program

Implementation

Law Enforcement
- Cabinet Office
- Ministry of Justice
- Ministry of Finance
- Customs
- Police

Cooperation

IP System
- METI (Industrial Property Rights)
- MAFF (Breeder’s Rights)
- MEXT (Copyrights)
- Agency for Cultural Affairs
- JPO
- SME Agency

(Private Sector)
- companies,
- industrial organizations,
- universities, etc.
2. National IP Policy in Japan – Its Inception

Examples of measures achieved

Prompt Patent Examination

Policy 1  Increasing Patent Examiners
(including approx. 500 fixed-term patent examiners)

Policy 2  Expanding Prior-art Searches by Registered Search Agencies (RSA)

The Number of Outsourced Prior Art Searches

Policy 3  Reforming the structure of patent filing and requests for examinations by applicants

e.g.
1. Global patent filing strategy; correcting the trend of overemphasizing domestic patent filings (making global patent filings 30% of all)
2. Strict pre-checking applications; shifting from quantity to quality (reducing refusals by 20%)
Examples of measures achieved

2. National IP Policy in Japan – Its Inception

Prompt Patent Examination

FA Pendency (FA: First Action)

- **26.2 months** in 2004
- **Less than 11 months** in 2013

Number of FAs per Examiner

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<table>
<thead>
<tr>
<th></th>
<th>Number of FAs per Examiner</th>
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<tbody>
<tr>
<td>Japan</td>
<td>239</td>
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<tr>
<td>US</td>
<td>77</td>
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<td>Europe</td>
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Achievement of FA11

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<table>
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<tr>
<th>Year</th>
<th>No. of cases not examined yet</th>
<th>No. of months till issue of an FA</th>
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<tr>
<td>2004</td>
<td>65</td>
<td>26.2</td>
</tr>
<tr>
<td>2005</td>
<td>25.7</td>
<td>29.1</td>
</tr>
<tr>
<td>2006</td>
<td>26.7</td>
<td>27.3</td>
</tr>
<tr>
<td>2007</td>
<td>28.3</td>
<td>16.1</td>
</tr>
<tr>
<td>2008</td>
<td>29.3</td>
<td>10.4</td>
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<tr>
<td>2009</td>
<td>69</td>
<td></td>
</tr>
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<td>2010</td>
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<td>2012</td>
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<td></td>
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<tr>
<td>2013</td>
<td>19</td>
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IP High Court

• Established in April 2005, this court specializes in intellectual property cases. It consists of a Special Division to deal with Grand Panel cases and other four divisions.

• As the court of first instance, it hears lawsuits against trial and appeal decisions made by JPO, and civil cases involving intellectual property, as the court of second instance, etc.

• JPO sends 10 former administrative patent judges as Research Law Clerks to assist the judges in deliberating highly technical cases.
Reinforcing measures against counterfeiting and piracy

Anti-counterfeiting and piracy involves several ministries and agencies, so it was not clear which one to contact when infringements occur…

August 2004 – Launch of **Office for IPR Infringement**
(Manufacturing Industries Bureau, METI)

(Official Contact Point for Anti-Counterfeiting and Piracy)
On June 7, 2013, the Cabinet adopted the “Basic Principles of Intellectual Property Policy,” which includes the following four pillars:

**Pillar 1:** Building up a *global intellectual property system* for enhancing industrial competitiveness
**Pillar 2:** Supporting *intellectual property management at SMEs and venture companies*
**Pillar 3:** Improving the framework for adjusting to the digital network society
**Pillar 4:** Strengthening soft power focusing on the content industry
Supporting Global IP Activities by Industries

Supporting quick acquisition of the same scope of patent rights in other countries

• Patent Prosecution Highway (PPH)

Exporting Japanese examination practices

• Harmonization of patent system
• Capacity building of examiners in emerging countries
• Promotion of Global Dossier

Supporting improvements to the IP system in the emerging countries

• Technical assistance in the field of IP
Strengthening IP Management at SMEs/Venture Enterprises

- Sending IP Experts to SMEs and Universities
- Offering Consultations and Advice to SMEs by Local Offices

- IP Support Centers to assist SMEs’ IP activities
  (57 Support Centers nationwide)
- Working in collaboration with lawyers and patent attorneys
WIPO Japan Funds-in-Trust

- Voluntary contributions for improving, implementing and computerizing systems in the field of industrial property in developing countries

Main Objectives

- Raising awareness on the importance of the industrial property system
- Assisting target countries in establishing/strengthening their industrial property laws and institutions
- Developing human resources

Self-sustained Economic Development in Africa through Intellectual Property
Activities under Japan Funds-in-Trust

- Regional/National Conferences, Forums, Workshops, Seminars, etc.

- Expert Advisory Missions

- Digitizing IP information

- IP Education and Training

- Producing/providing public outreach materials
2. National IP Policy in Japan – Recent Developments

**JPO’s Technical Assistance**

### Workshops and Seminars under Japan Funds-in-Trust

<table>
<thead>
<tr>
<th>DATE &amp; VENUE</th>
<th>SUBJECT</th>
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<tbody>
<tr>
<td>Lisbon, Portugal, April 9 to 11, 2014</td>
<td>Training of Trainers Program on Effective Intellectual Property Asset Management by Small and Medium Sized Enterprises (SMEs) in Portuguese-Speaking African Countries (PALOP)</td>
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<tr>
<td>Sao Tome, Sao Tome and Principe, May 19 to 21, 2014</td>
<td>Seminar on the Effective Utilization of the Technical and Scientific Information and Reinforcement of the Trainers’ Training</td>
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<tr>
<td>Lome, Togo, June 10 &amp; 11, 2014</td>
<td>High-level Sub-regional Meeting for Parliamentarians on Contribution of the Intellectual Property System to Economic, Cultural, Social and Technological Development of States</td>
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<tr>
<td>Dakar, Bambey, and Thiès, Senegal, June 10 to 14, 2014</td>
<td>Seminar on the effective use of technical and scientific information, strengthening of training of trainers and official TISC Launch</td>
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<tr>
<td>Lusaka, Zambia, July 16-18, 2014</td>
<td>Meeting on Developing the TISC Project: Innovation Support Seminar, Training of Trainers Workshop and TISC Project Planning Meeting</td>
</tr>
<tr>
<td>Dar es Salaam &amp; Zanzibar, Tanzania, September 4 &amp; 5 and 8 &amp; 9, 2014</td>
<td>Technology and Innovation Support Center (TISC) Seminar on the Effective Use of Technical and Scientific Information</td>
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<tr>
<td>Harare, Zimbabwe, October 27 &amp; 28, 2014</td>
<td>Workshop on Human Resource Development of IP Experts for ARIPO member states and observer States</td>
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<tr>
<td>Pretoria, South Africa, October 29 &amp; 30, 2014</td>
<td>Regional Colloquium on Building Respect for IP for Members of the Judiciary of the Common Law English-speaking countries of the Southern African Development Community (SADC)</td>
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Thank you

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