

# Introduction of JPO and its Function as a Receiving Office Under the PCT

September 2019  
Japan Patent Office

## 1. Introduction

### (1) Introduction of the Japan Patent Office (JPO)

### (2) PCT Statistics

## 2. JPO's Function as a Receiving Office (RO) under the PCT

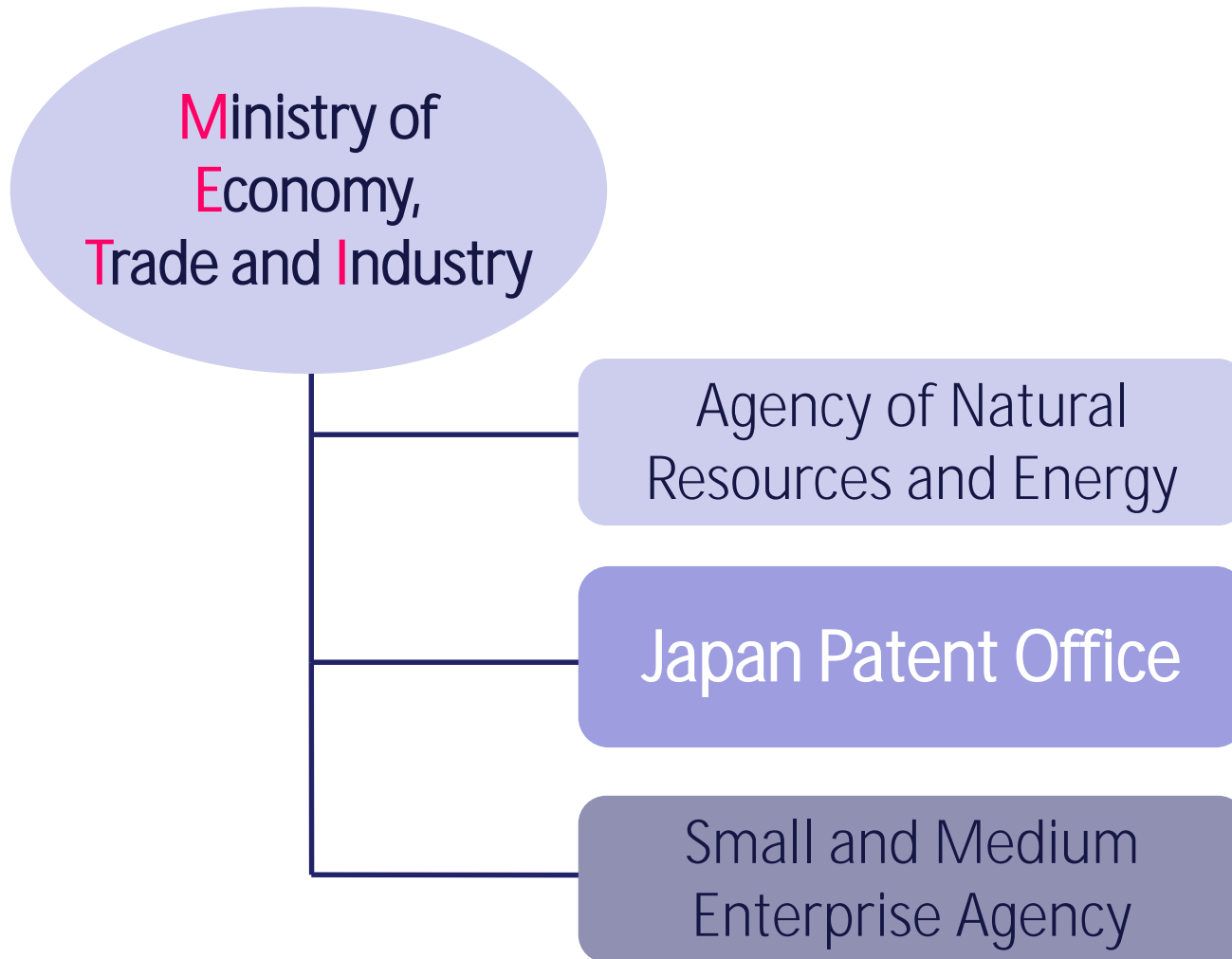
### (1) Office for International Applications under the PCT

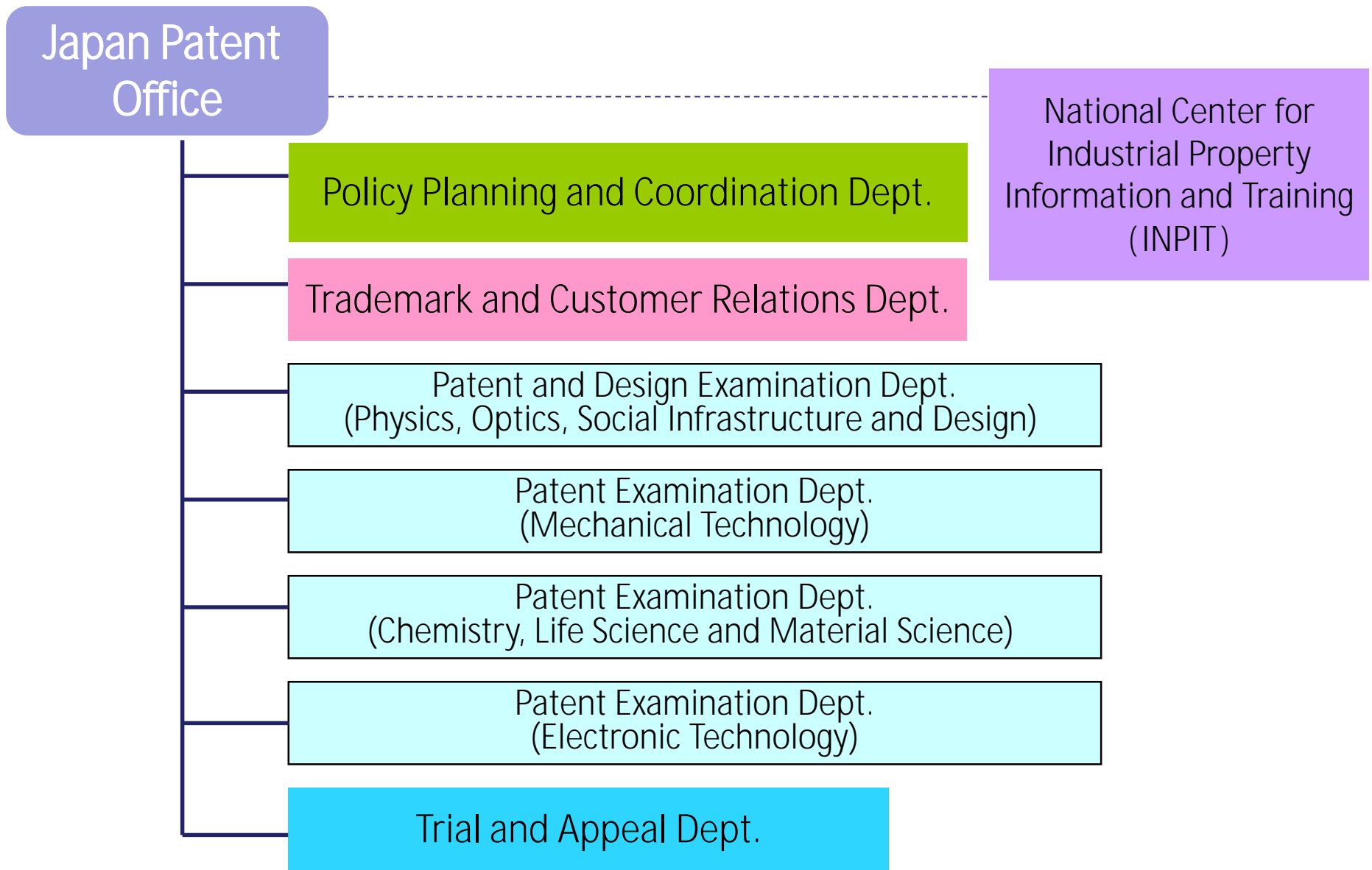
### (2) Processing International Applications in RO/JP

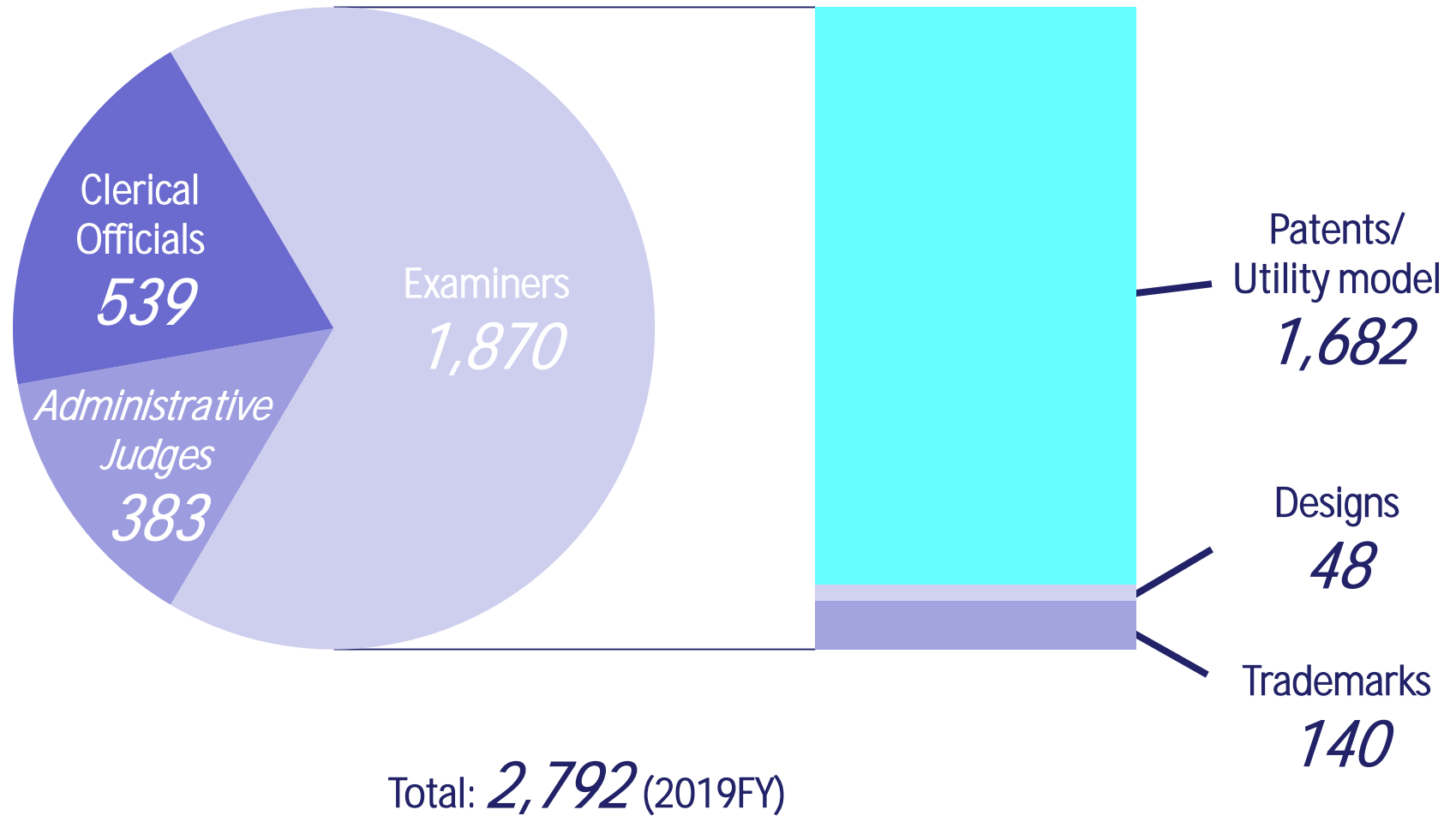
### (3) JPO's Customer Service

## 3. Time limit management as an ISA

- Patent Law (Invention)
- Utility Model Law (Device)
- Design Law (Industrial Design)
- Trademark Law (Trademark, Service mark)
- Copyright Law (Copyright)
- Unfair Competition Prevention Law
- Law concerning the Circuit Layout of Semiconductor Integrated Circuits
- Seed and Seedlings Law
- Geographical Indications







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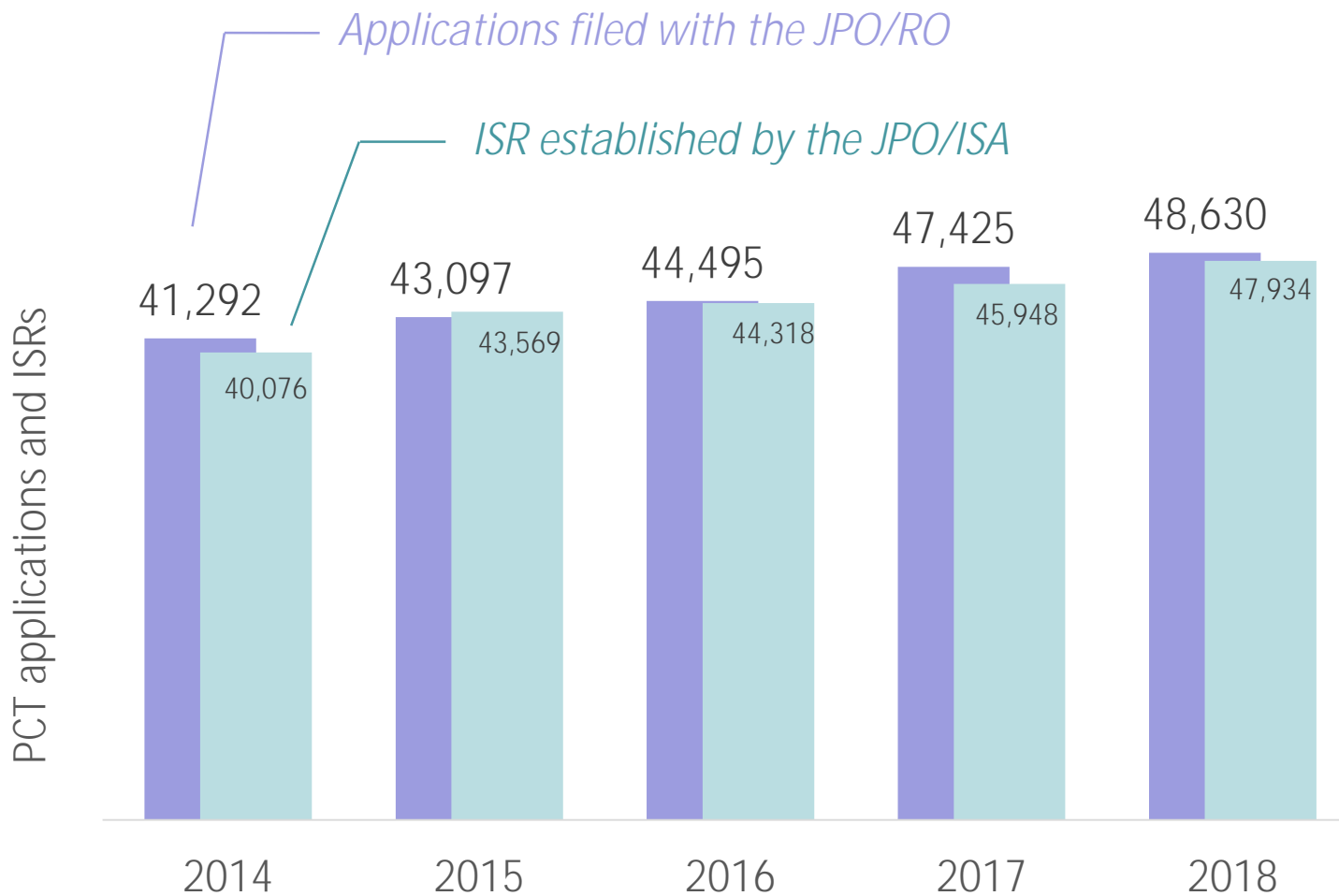
(1) Office for International Applications under the PCT

(2) Processing International Applications in RO/JP

(3) JPO's Customer Service

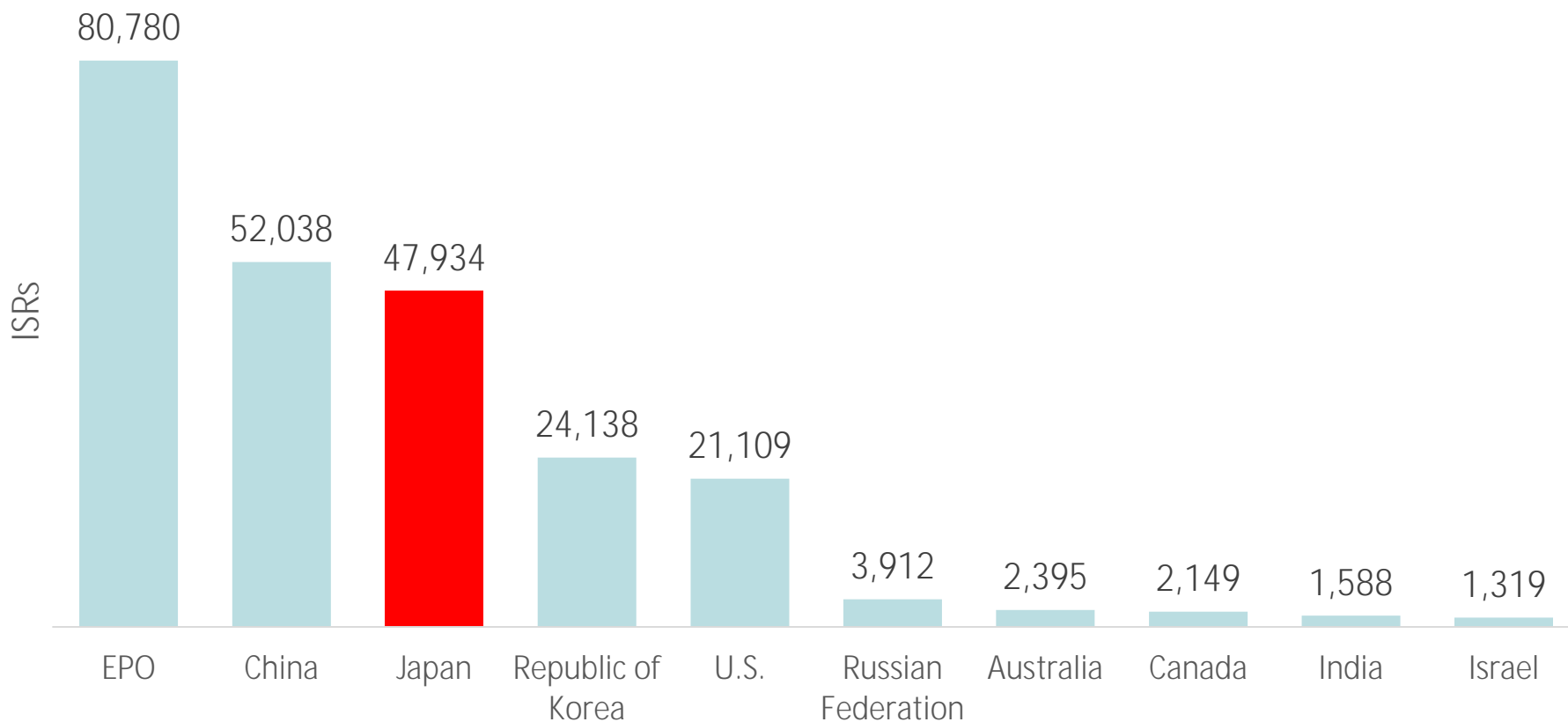
## 3. Time limit management as an ISA

# Number of PCT Applications Filed with JPO



Source: WIPO IP Statistics Data Center





Data for 2018

Source: WIPO PCT Yearly Review 2019

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## 3. Time limit management as an ISA

(...)

## Office for International Applications under the PCT

Director

Administrative Affairs Section

Policy Planning and Research Affairs Section

Specialists for Formality Examination

Specialist for Electronic Data Management

Senior Analyst for Intellectual Property Information

(...)

## I In the capacity of **RO/JP**

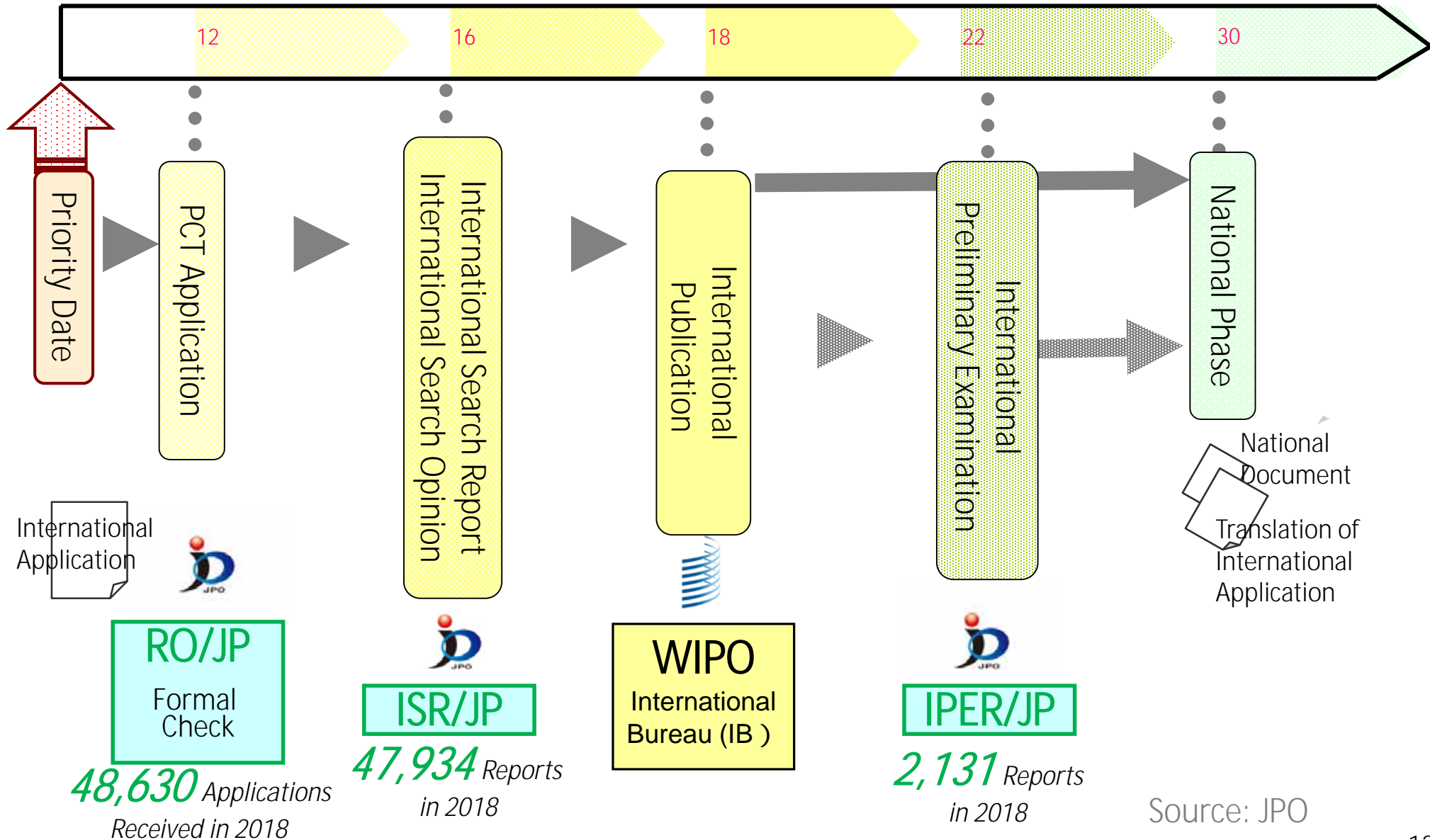
- ü **receives** international applications, other subsequent documents, and fees from applicants and the IB;
- ü **checks formal requirements** under the PCT. When necessary, invites applicants to correct defects and sends notifications to applicants, the IB, and other Offices (ISAs);
- ü **sends** documents and fees to the IB and other Offices (ISAs) before the due date.

## I In the capacity of **ISA/JP** and **IPEA/JP**

- ü **receives** search copies of IAs, demand forms, other documents and fees
- ü **sends** reports, notifications, invitations and fees to applicants and the IB.

# Timeline of PCT international applications

(months)



Source: JPO

## n Complying with Requirements

## n Uniform Processing of All International Applications

- ρ Patent Cooperation Treaty (PCT)
- ρ Regulations under the PCT
- ρ Administrative Instructions under the PCT, including Annexes
- ρ RO Guidelines
- ρ PCT Applicant's Guide
- ρ PCT Newsletter
- ρ Other Resources on the WIPO PCT Website.

\* \* \*

- ρ National Laws and Regulations
  - ∅ provide for procedures between the JPO and applicants
- ρ Internal Operations Manuals

- ⦿ Intensive Internal Training Course Specialized for Specialists for Formality Examination
  - ⦿ Laws; Regulations; Exercises
  
- ⦿ On-the-Job Training
  - ⦿ Small Teams Consisting of Seniors/Veterans and New Comers

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## 3. Time limit management as an ISA



1. Receiving

4. Full Formal  
Check

2. Pre Formal  
Check

5. Time  
Management

3. Digitizing

6. Transmittal

1. Receiving

RO/JP  
receives international applications and  
other accompanying documents/items

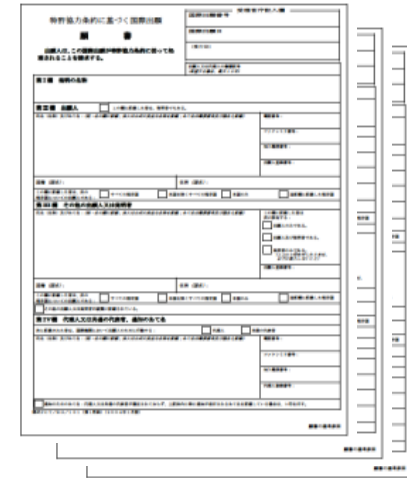
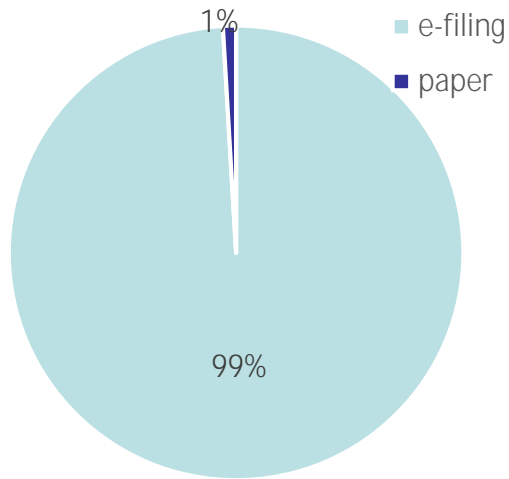
(1) through e-filing system

(2)(a) by mail

(2)(b) at the JPO reception desk

2. Pre Formal  
Check

3. digitizing



	e-filing ((JPO-PAS))	paper form
Language	JP, EN	JP, EN
Filing Methods	Character coded format over Internet	Mailing Service and Reception Desk
Operating / Opening Time	24/7	09.00 to 17.00 Only on Weekdays
Fee Reduction	300 CHF	-

1. Receiving

2. Pre Formal  
Check

3. Digitizing

RO/JP

n checks international applications on paper only, before *the next step of digitizing; and*

n If necessary, corrects defects *ex officio* or invites the applicant to replace sheets containing the defects

1. Receiving

2. Pre Formal  
Check

3. Digitizing

RO/JP

- n Converts paper documents to text data and image files;

- n *Stores the data* and image files in the JPO's internal system; and

- n *Assigns the international application number*

## 4. Full Formal Check

RO/JP

- Checks whether formal requirements under the PCT are complied with and whether the required fees have been fully paid;
- if necessary, invites the applicant to correct defects.
- (when the applicant responds to the invitation,) checks whether the response satisfies the requirements and was timely filed.

## 5. Time Management

## 6. Transmittal

4. Full Formal  
Check

5. Time  
Management

6. Transmittal

RO/JP

n has only a couple of weeks to complete all the steps 1 to 6

- the RO shall transmit the record copies of international applications in time for them to reach the IB by the expiration of the 13th month from the priority date, but
- most of the applications are filed at the last minute during 12 months after the priority date

n needs to check due dates for applicants to reply to invitations to correct international applications.

4. Full Formal  
Check

5. Time  
Management

6. Transmittal

ü for applications on electronic form, transferring data by electronic means; or  
ü for applications on paper by mail.

RO/JP, once every week,  
n transmits record copies, search copies, invitations and other documents to the IB, an ISA and applicants/representatives.



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**(3) JPO's Customer Service**

## 3. Time limit management as an ISA

■ Who are RO/JP's Customers?

n **RO/JP is competent to receive international applications filed by**

(i) the applicant residing in Japan;

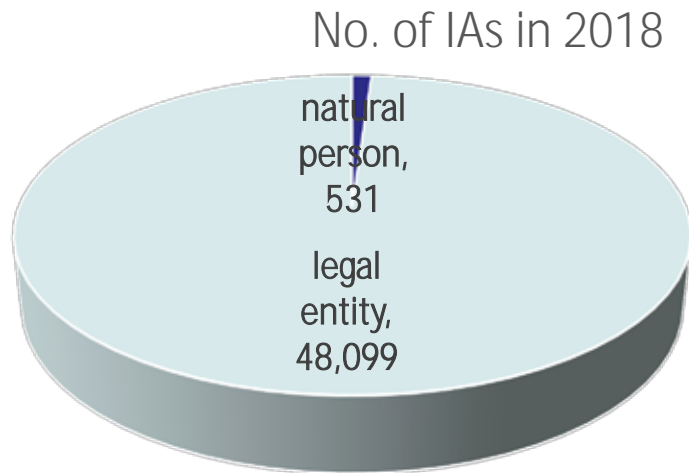
(ii) the applicant who is a national of Japan; and

(iii) two or more applicants at least one of which resides in Japan or is a national of Japan.

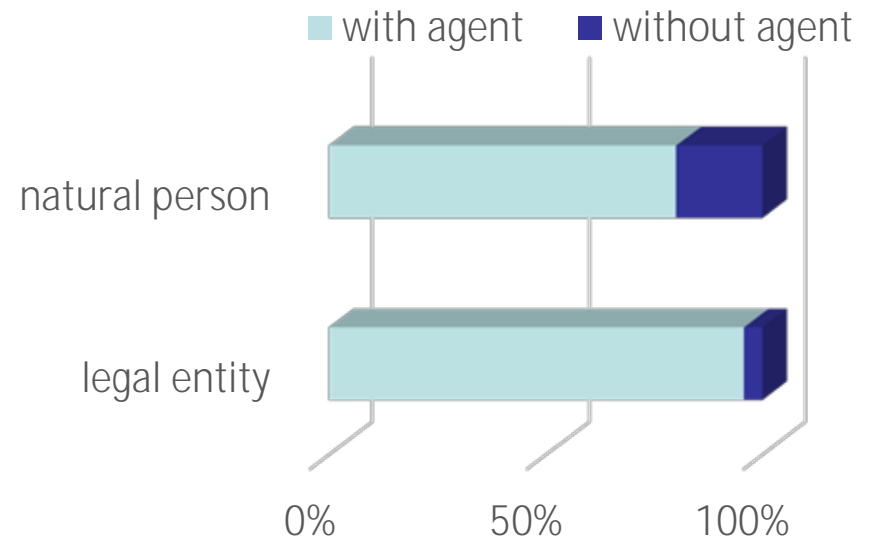
n **Natural person or legal entity**

n **For many applications, agents are appointed**

In 2018



■ natural person    ■ legal entity



Source: JPO

## ■ Face-to-face Consultation at the JPO Reception Desk

*9:00a.m – 5:00p.m*

- Receives documents and does a quick check on formal requirements
- Advises how to fill in forms and how to properly write letters to the IB
- Provides guidance on the PCT System



## ■ Consultation by telephone, E-mail and FAX

*9:00a.m – 6:15p.m*



## Visitor Reception System

International Applications for Patents (PCT Applications)	International Application for TMs (Madrid Protocol Applications)
Receiving Office	Office of Origin
これから出願される方、記録の変更等	これから出願される方、事後指定、存続期間の更新等
1 Filing <i>Touch</i> 0	1 Filing <i>Touch</i> 0
2 Consultation <i>Touch</i> 0	2 Consultation <i>Touch</i> 0
Geneva Act of the Hague Agreement	Designated Office
国際出願願書／指定国日本に対する手続書面等	代理人受任届・手続補正書等
1 Filing <i>Touch</i> 0	1 Filing <i>Touch</i> 0
2 Consultation <i>Touch</i> 0	2 Consultation <i>Touch</i> 0

## ■ Seminars for Practitioners

- n For practitioners

- n In 3 major cities in Japan (Tokyo, Osaka and Aichi) every year

- n Presentation concerning PCT international applications and other related documents, including

  - Ø how to fill in the request form and other documents;

  - Ø practical advice and things to pay attention to

## Materials for Users in Japanese

- Material for practitioners
- Leaflet for beginners
- Information on the JPO website

### 特許協力条約(PCT)に基づく国際出願制度

**PCT国際出願制度をご存じですか？**

- > 海外で特許権を取得するにはどんな方法があるの？
- > PCT国際出願のメリットって？
- > 手続きの流れは？
- > お金はどのくらいかかるの？

■ こんな疑問にお答えします！

特許庁

**海外で特許権を取得するためには**

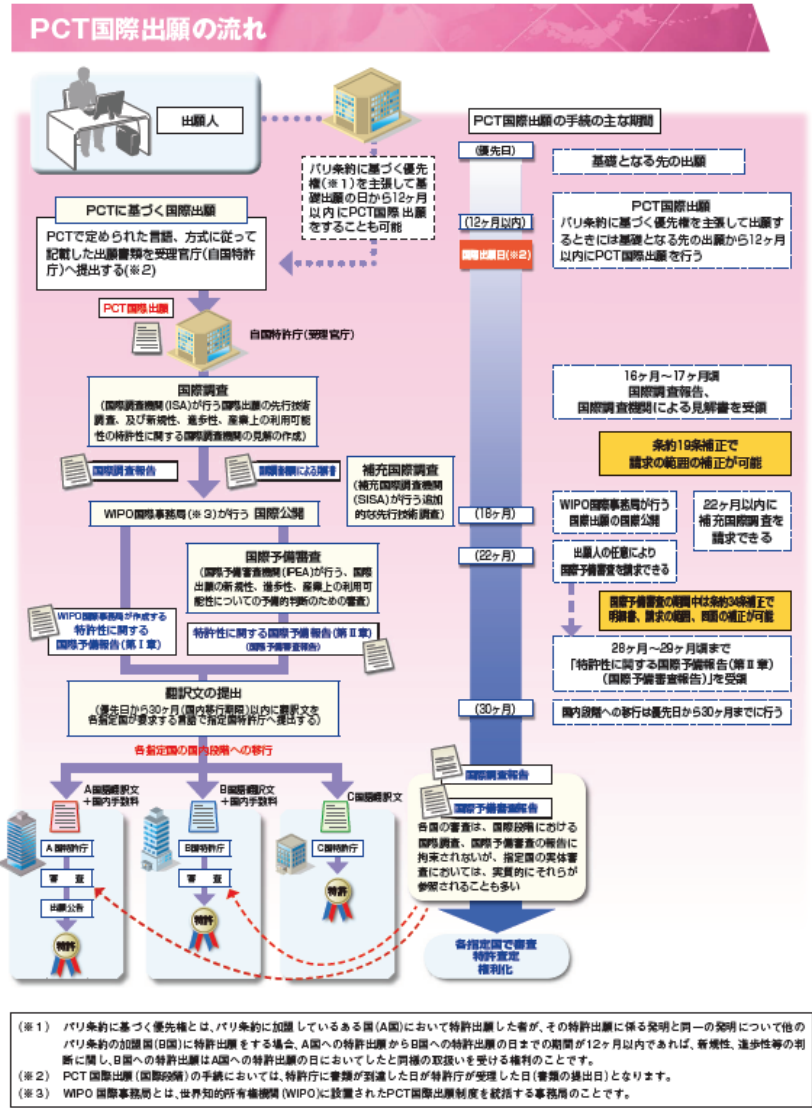
ある発明に対して特許権を付与するか否かの判断は、各国がそれぞれの特許法に基づいて行われます。したがって、特定の国で特許を取得するためには、その国に対して直接、特許出願を行う必要があります。しかし、近年は、経済と技術のグローバル化を背景として、以前にも増して、多くの国で製品を販売したり、事業品から自社製品を保護したい、などの理由から特許を取りたい国の数が増加する傾向にあります。同時に、そのすべての国に対して個々に特許出願を行うことはとても困難になってきました。また、先願主義のもと、前は、一日も早く出願することが重要ですが、しかし、出願日を早く確保しようとしても、すべての国に対しては、それぞれ異なる言語を用いて異なる出願書類を提出することは困難です。



**特許協力条約 (PCT) に基づく国際出願とは**

特許協力条約 (PCT) (※) に基づく国際出願 (以下、PCT国際出願) は、直接出願の併進で、非効率なためだけに設けられた国際的な特許出願制度です。PCT国際出願では、国際的に統一された出願書類をPCT3国である自国の特許庁に対して特許庁が定めた書類で作成し、1冊だけ提出すれば、その時点で有効なPCT国際出願国に対して「国内出願」を出願することと同じ扱いを受けることができます。

(※) PCT : Patent Cooperation Treaty (特許協力条約)



(※1) パリ条約に基づく優先権とは、パリ条約に加盟しているある国 (A国) において特許出願した者が、その特許出願に係る発明と同一の発明について他のパリ条約の加盟国 (B国) に特許出願をする場合、A国への特許出願からB国への特許出願の日までの期間が12ヶ月以内であれば、新規性、進歩性等の判断に關し、B国への特許出願はA国への特許出願の日においてしたと同様の取扱いを受ける権利のことです。

(※2) PCT国際出願 (国際公開) の手続においては、特許庁に書類が到達した日が特許庁が受理した日 (書類の提出日) となります。

(※3) WIPO国際事務局は、世界的所有権機関 (WIPO) に設置されたPCT国際出願制度を統括する事務局です。

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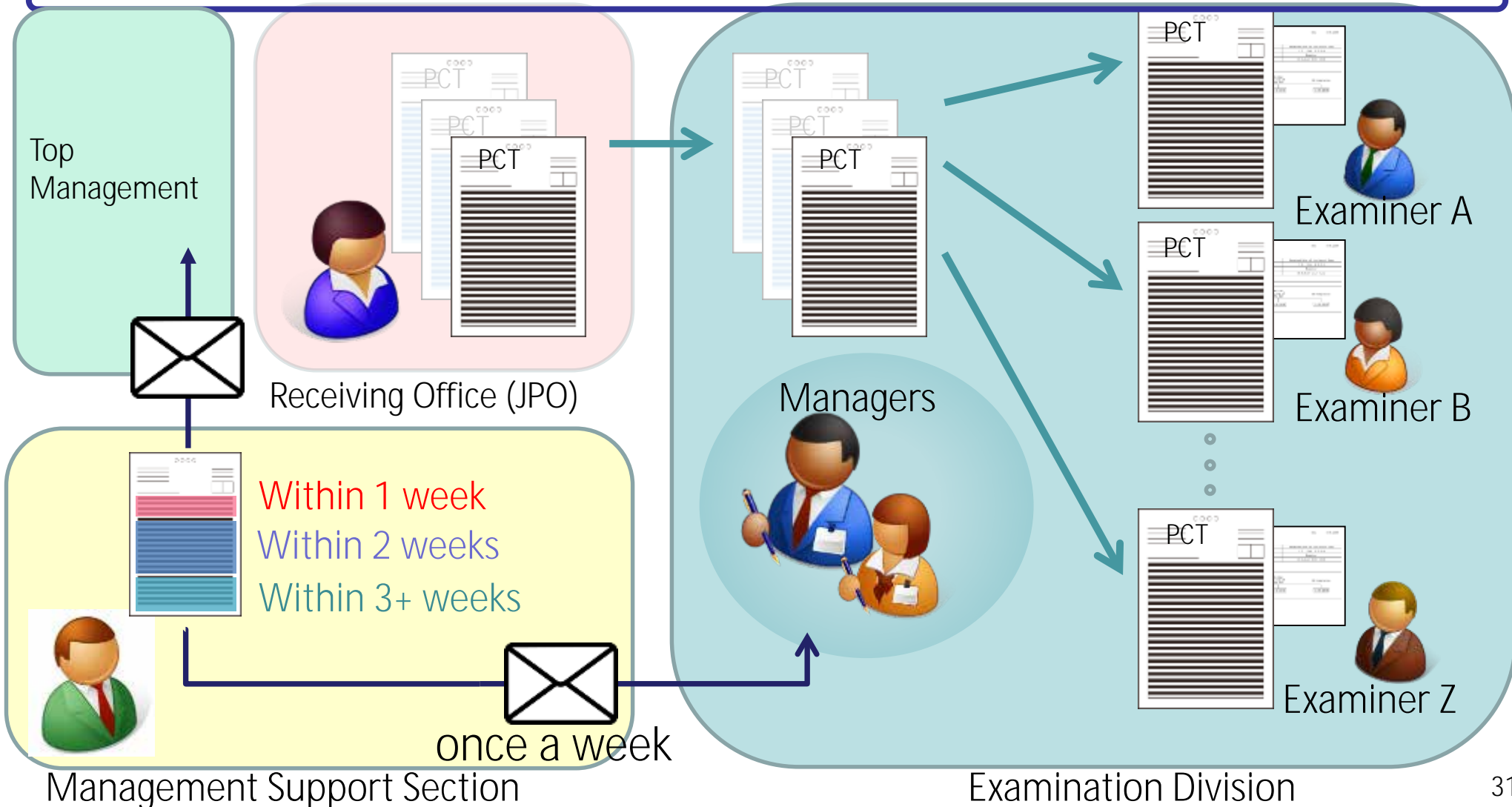
(3) JPO's Customer Service

## **3. Time limit management as an ISA**



Ensuring that rapidly increasing PCT applications are appropriately processed in a timely manner.

- PCT applications are distributed by Managers to Examiners with Schedule management sheets.
- Managers receive a consolidated schedule management sheet once a week.
- Top Management also receive it at the same time.





## Drafting System (Sample)

The screenshot shows a software interface for patent drafting. At the top, there's a header for '案件一覧' (Case List) with a 'CSV出力' (CSV Output) button and a count of '10 件'. Below this is a table with columns: '国 国際出願番号', 'ISR作成期限日', 'IPER作成期限日', '国際出願日', '応答', '発明の名称', '出願人', and '指定分類'. A sample row shows 'JP2014/XXXXXX', '2014.06.03', '2014.09.05', 'XXXXXX', 'XXXXXX', 'C12Q1/68'. Below the table are buttons for 'Appl. No.', 'Drafting limit', 'Filing date', and 'Title / Applicants / Classification...'. A callout box labeled 'Alert list' points to a '通知一覧' (Notification List) section. This section contains a table with columns: '通知接受日', '通知内容', '期限日', and '受理日'. A row is highlighted in red: '2014.05.28', '国際調査報告書作成警告通知', '2014.06.03', and '14.05.28'. Callouts identify 'Alerting date' and 'Drafting limit'. A larger callout box explains: 'Alert warning indicating that ISR drafting limit is approaching'. To the right of the notification list are controls for '起動業務選択' (Start Business Selection) set to '起案' (Start Case) and a '実行' (Execute) button. Below that is a '表示情報更新' (Update Display Information) section with a date '1月29日 (土) 14:10' and a '最新情報表示' (Show Latest Information) button.

Management of timeliness as ISA is executed at several levels in the JPO.

n Examiner Level

∅ Self-management using a schedule management sheet

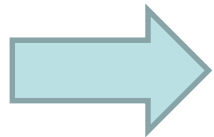
∅ The drafting system generates an alert warning when the time limit for establishing ISR for an application is approaching.

n Examination Division Level

∅ Schedule management by managers

n JPO Level

∅ A consolidated schedule management sheet is sent to and shared within the JPO including the Top Management once a week.



As a result, the JPO has achieved timeliness in compliance with the Regulations under the PCT.

## Schedule management

- ü Schedule management sheet

- ü Consolidated schedule management sheet

Short-term fluctuation in demand and backlog

- ü Assigning multiple numbers of examiners to be in charge of the same classification.


Medium-to long-term fluctuation in demand and backlog

- ü Changes in examiner's technical fields or transfer.

Schedule Management Sheet			Date : 13.06.2014
Application Number			
P C T / J P 2 0 1 4 / 9 9 9 9 9 9			
International Filing Date	Priority Date	Received Date of the Search Copy	
0 1 . 0 6 . 2 0 1 4	0 1 . 0 6 . 2 0 1 3	1 3 . 0 6 . 2 0 1 4	
Examination Division	Schedule Manager	Examiner	
( 2 K ) Optical Device Division	( )	( )	

Process	Schedule					
	Start	Invitation	Decision on Protest	ISR	Written Opinion of the ISA	ISR Completion
ISR and Written Opinion of the ISA	13.06.2014	27.06.2014	22.08.2014	29.08.2014	29.08.2014	13.09.2014



Deadline

-NOTE-

The ISA must establish the ISR within 3 months of receiving a copy of the application (the "search copy"), or 9 months from the priority date (or, if no priority is claimed, from the international filing date), whichever expires later.

Thank You!