



Infrastructure for Promotion of Work Sharing in Patent Examination

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WIPO High Level Forum on March 1, 2010 (Theme One (b))

Call for a Pro-Innovation Global IP Infrastructure

■ **Policy Recommendation:**

“Policy Committee on Innovation and Intellectual Property”, Japan Patent Office, August 2008

■ **Statement of the Chair:**

Meeting of APEC Ministers Responsible for Trade (MRT), July 2009

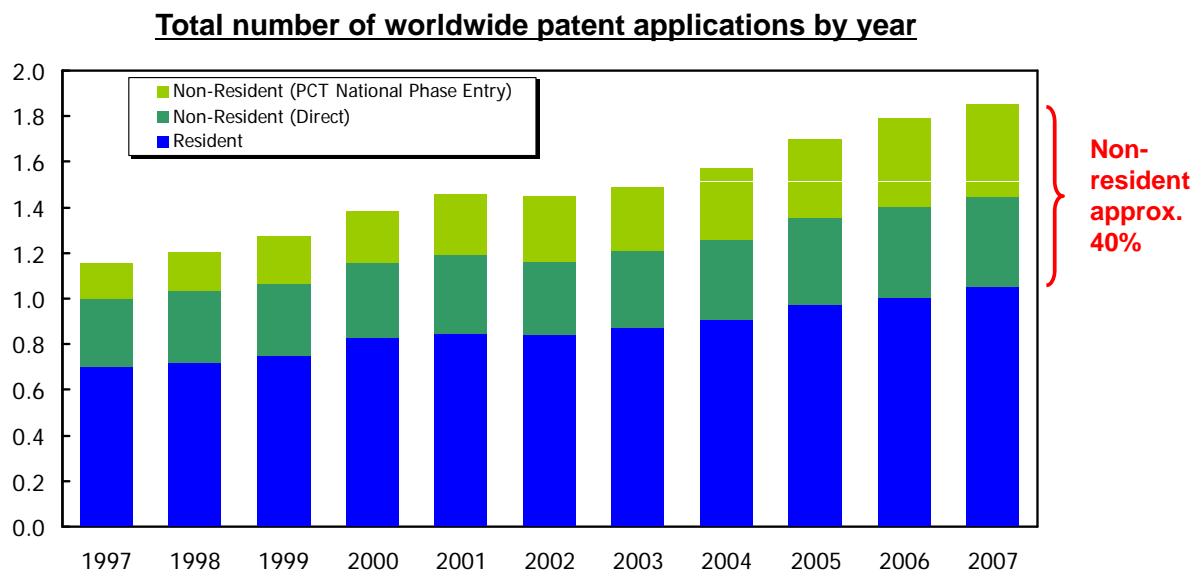
Points of Presentation

- **Growing Needs for Work Sharing in Patent Examination**
- **What Infrastructure for Work Sharing?**

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Growing Needs for Work Sharing

- ✓ **The total number of worldwide patent filings has been increasing.**
- ✓ **800,000 patent applications of 1,850,000 (40%) are filed by non-residents.**

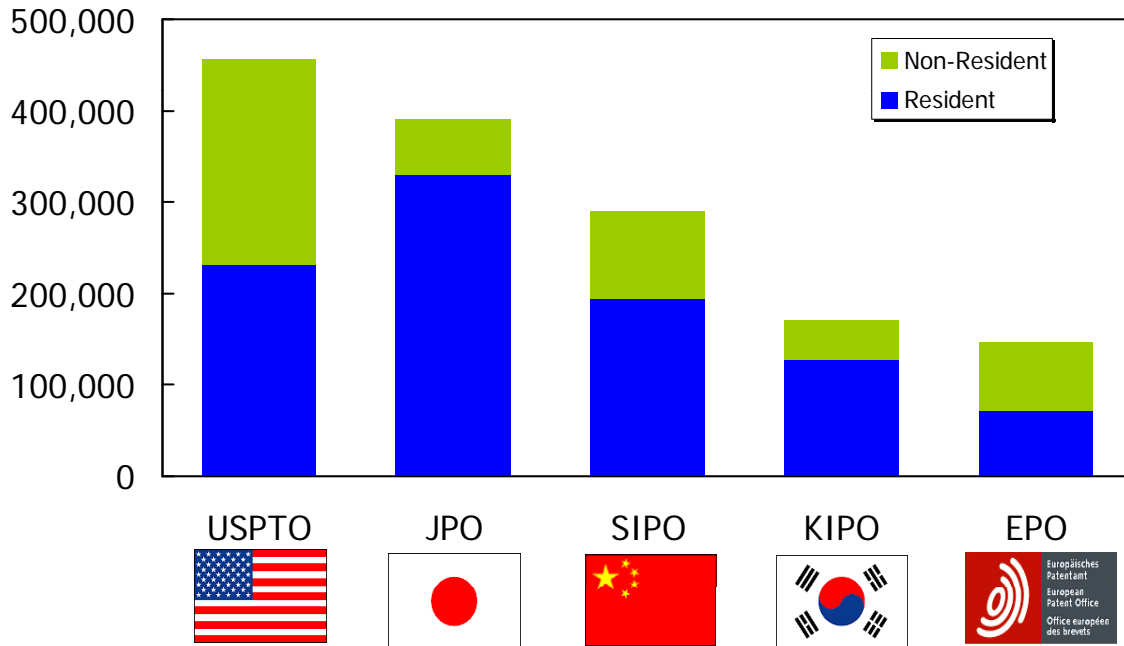


(source) WIPO Statistics

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Growing Needs for Work Sharing

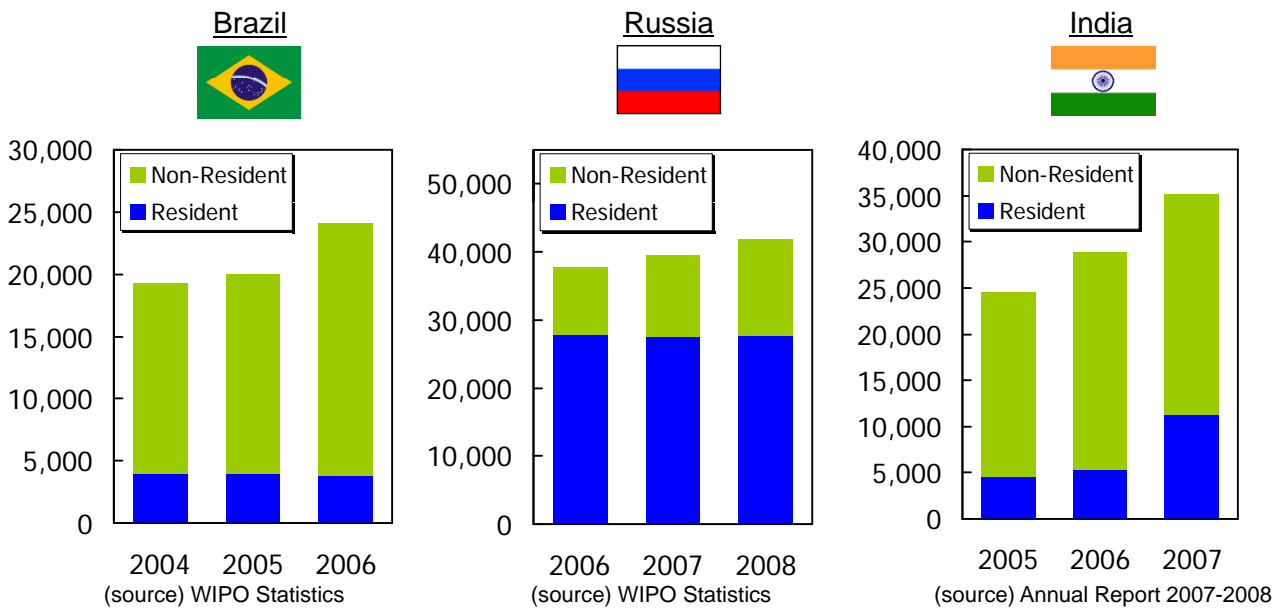
✓ Certain number of patent applications are filed by non-residents in USPTO, JPO, SIPO, KIPO, EPO.



(Source) WIPO Statistics 2008

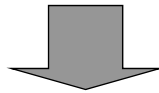
Growing Needs for Work Sharing

✓ The total number of patent filings has been increasing in Brazil, Russia and India.
 ✓ Considerable amount of applications are filed by non-residents.



Growing Needs for Work Sharing

- ✓ Improvement of efficiency of search/examination
- ✓ Better search/examination quality



- Effective utilization of search/examination information of other Patent Offices is important.

Each Patent Offices can decide whether they utilize search/examination information of other Patent Offices or not.

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INFRASTRUCTURE 1:

AIPN (Advanced Industrial Property Network)

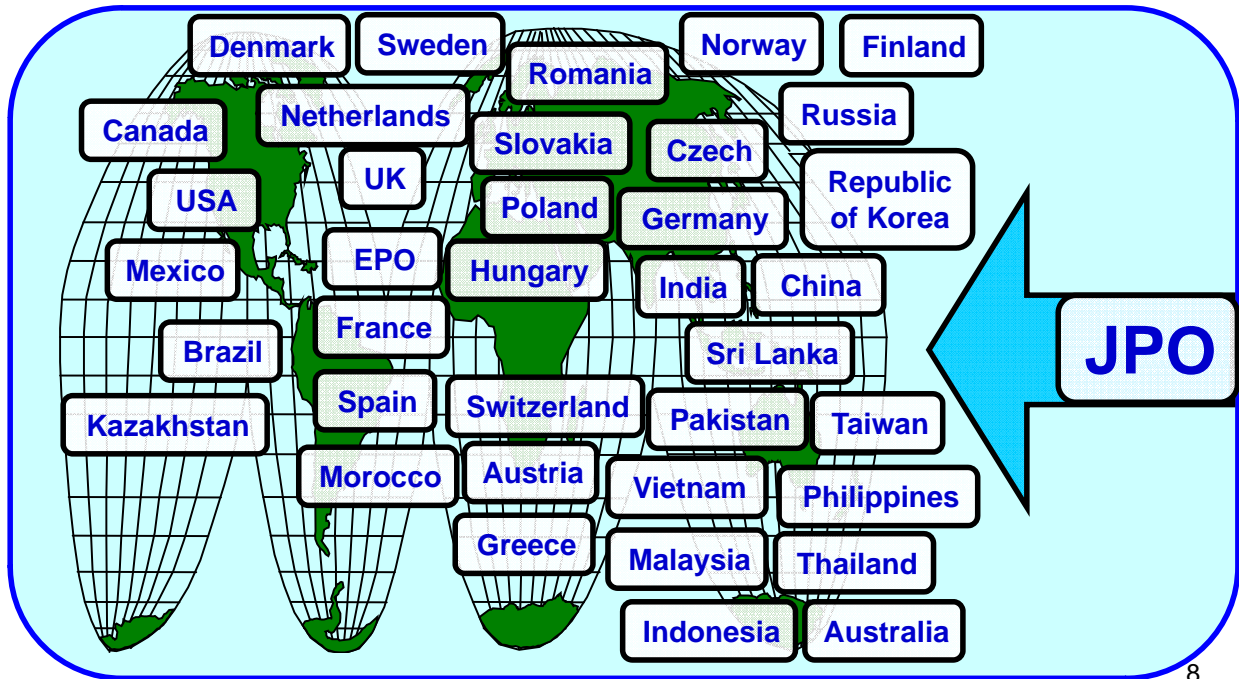
- Facilitate Inter-Office Collaboration –

- The AIPN is the JPO's Internet-based information service for the other IP Offices in the world.
- The AIPN provides IP Offices with the JPO's examination-related information, including:
 - (1) Patent family data;
 - (2) Cited documents;
 - (3) Full text of publications; and
 - (4) File wrapper information (such as office actions)
- Information is provided in English, using the machine translation function wherever necessary.

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Registered IPOs

- The AIPN started on 12 October 2004.
- It is used in **37 IPOs** all over the world now.

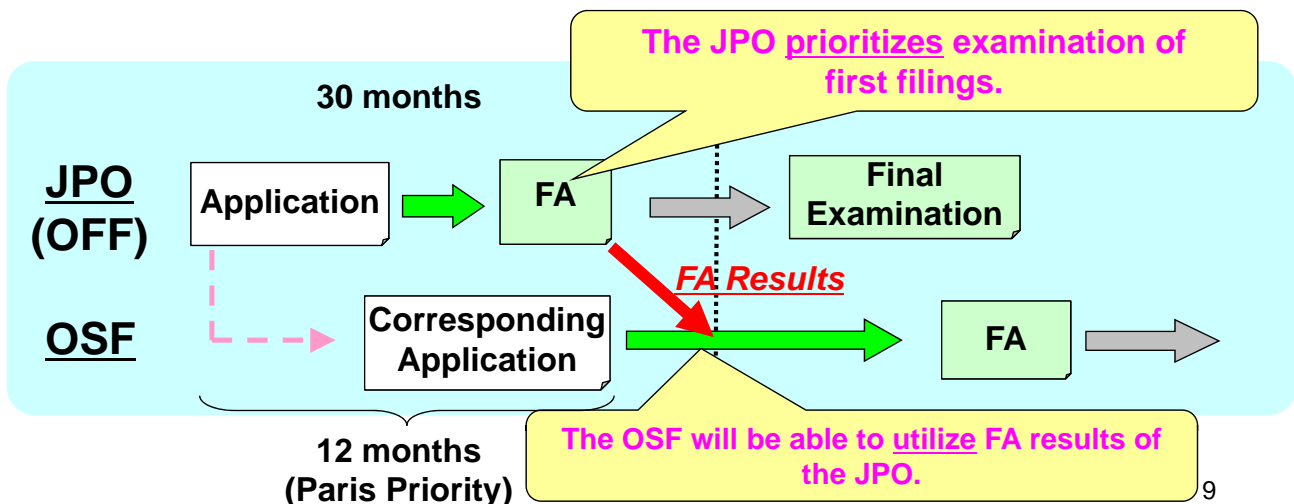


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INFRASTRUCTURE 2: JP-FIRST

(JP – Fast Information Release Strategy)
 – Administrative Arrangements for Timely Examination to promote Inter-Office Collaboration –

The JPO provides its First Action results to the Office of Second Filing (OSF) before the OSF's examinations.



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Actual Results of JP-FIRST

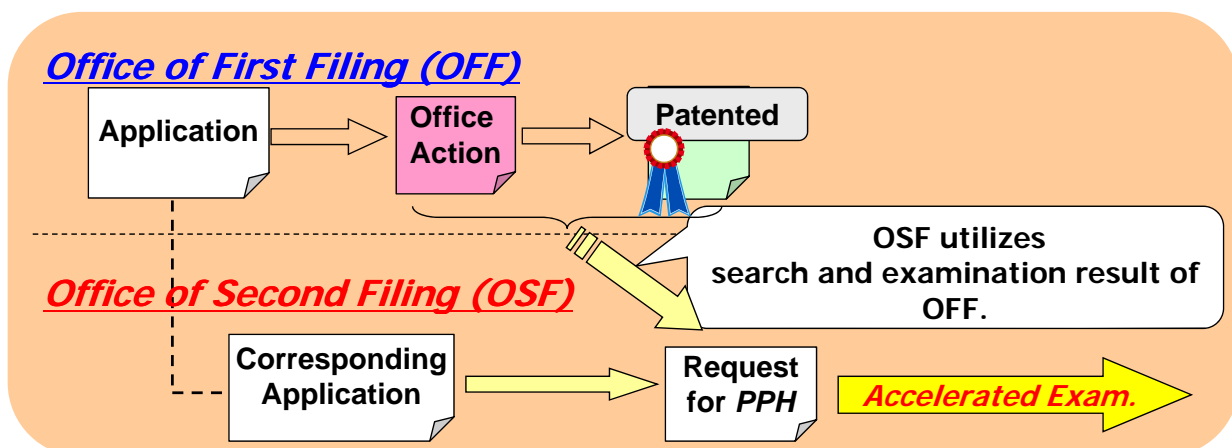
✓ JPO analyzed 9,111 applications satisfying the JP-FIRST conditions that were examined from April 2008 to February 2009.

- Of these 9111 applications,
 - 7007 were filed to the USPTO.
 - 1721 were filed to the EPO.
 - 1638 were filed to the KIPO.
- **92% (6462 of 7007)** were examined in the JPO before USPTO first office action.
- **85% (1470 of 1721)** were examined in the JPO before EPO first examination report.
51% (887 of 1721) were examined in the JPO before European Search Report.
- **79% (1378 of 1638)** were examined in the JPO before KIPO first office action.
- In summary, the OSFs can utilize the JPO's FA results in most cases at the time of their substantive examination, *even though the JPO provides most of its FA results after 18 months from the filing date, i.e. after the publication*.

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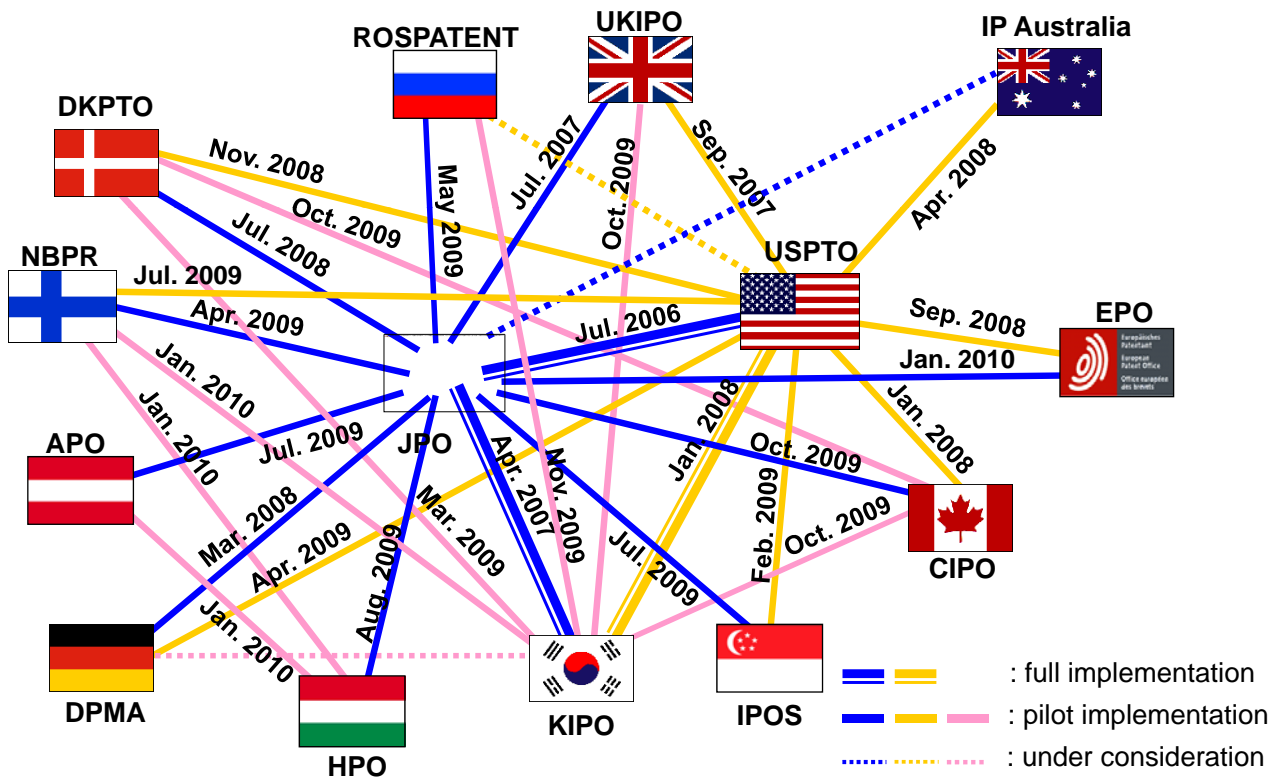
INFRASTRUCTURE 3: PPH (Patent Prosecution Highway) – Institutional Framework for Inter-Office Collaboration –

If a patent application has been determined to be patentable in the first filing office,
the corresponding application is qualified for accelerated examination in second filing offices with a simple procedure.



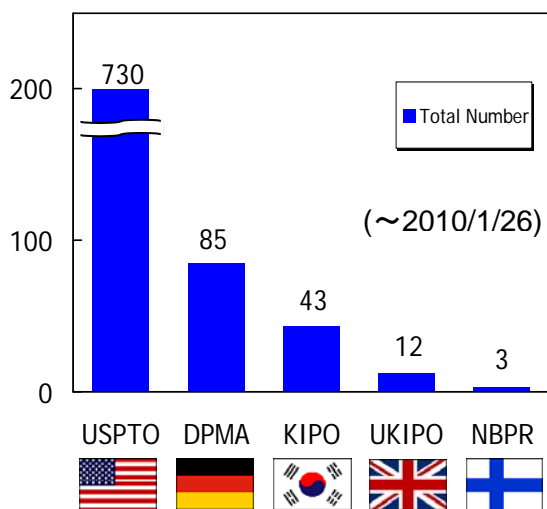
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Expanding PPH Network

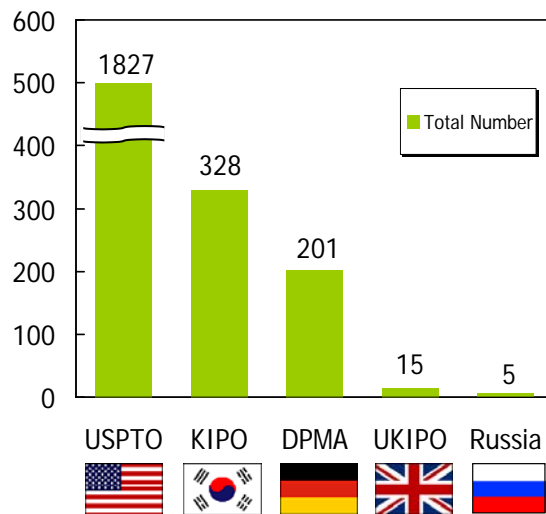


Number of PPH Requests

At JPO as OSF



At JPO as OFF



*1: ~2010/1/22 *2: ~2010/1/20
 *3: ~2009/11/5 *4: ~2009/7/31

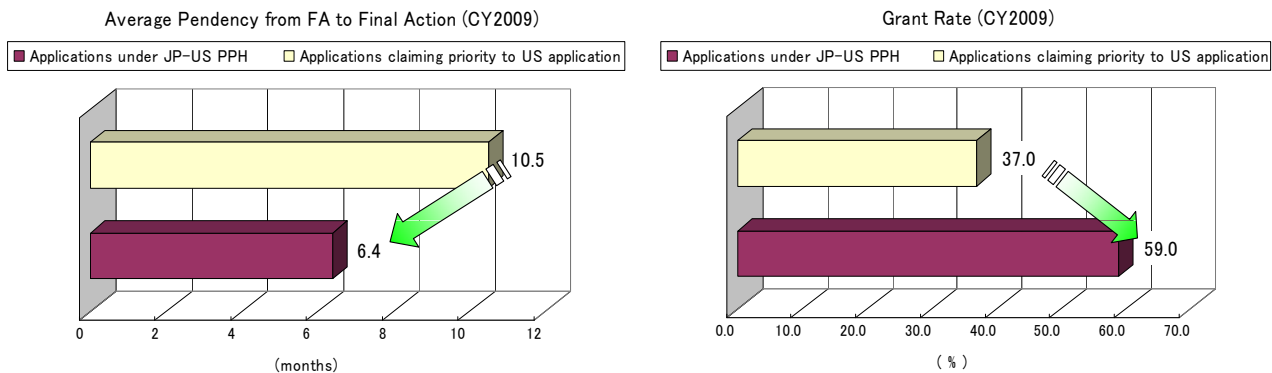
Advantages of PPH - Speed and Quality -

Reduced pendency and High grant rate

→Expeditious examination

and

Improvement of predictability of examination result

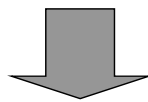


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Work sharing in Patent Examination

Implementation of actions for work sharing

ex. AIPN, JP-FIRST, PPH, ASPEC, SHARE, etc.



Advancement in effective utilization of search/examination information of other patent offices

- ✓ For Improvement of efficiency of search/examination
- ✓ For better search/examination quality

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Thank you

