



*for the Erroneously-Filed Elements and Parts Work Shop on June 19, 2018*



Japan  
Intellectual  
Property  
Association

(JIPA)

Since 1938

<http://www.jipa.or.jp/english/index.html>



# Objectives of JIPA

## ◆ Articles of Association

### Article 3 Objectives

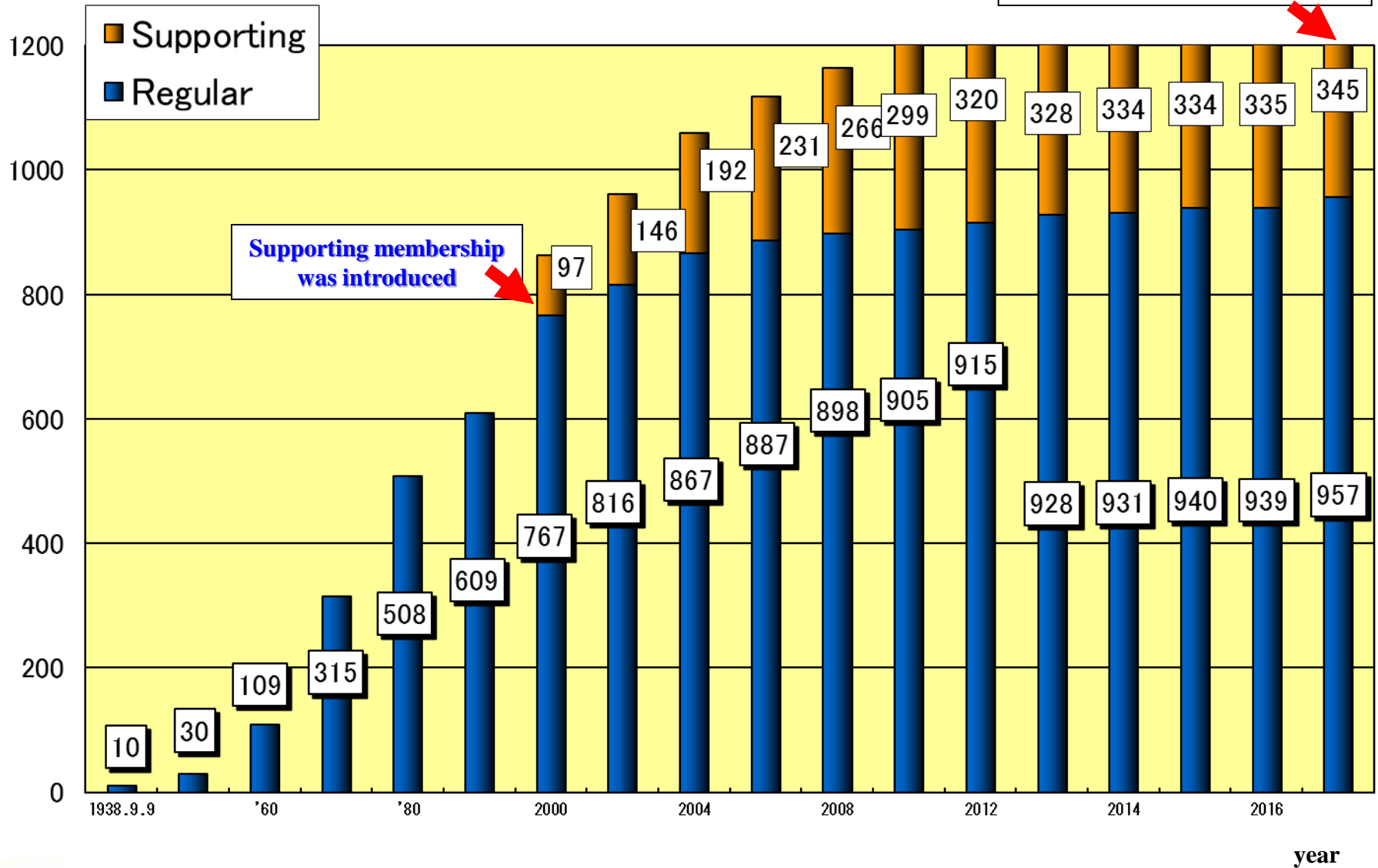
This Association aims to assist with the appropriate use of intellectual property systems and improvements thereof, **to contribute to member corporations' business opportunities, and also to promote the sound progress of technology and development of Japanese industries.**

- *Non-profitable*
- *Non-governmental*
- *Japanese IP Organization*  
*(The largest IP users group in the world)*



# Number of members

As of May 28, 2018  
Over 1300 members





# JIPA Members (cont.)

## Chemistry

## Metal/Machinery

**TOYOTA** **HONDA** **NISSAN** **Mazda**  
 The Power of Dreams Innovation that excites

**SUZUKI** **YAMAHA** **TOYOTA**  
 Revs Your Heart

**JFE Steel Corporation** **CHIYODA CORPORATION**

**JGC** **KOMATSU** **KOBELCO**  
 NIPPON STEEL & SUMITOMO METAL

**MITSUBISHI HEAVY INDUSTRIES, LTD.** **KOBELCO** **YKK**  
 Our Technologies, Your Tomorrow

**Mitsui Chemicals Group** **MITSUBISHI CHEMICAL** **IDEMITSU**

**SUNTORY** **KIRIN** **Asahi** **SAPPORO**

**AJINOMOTO** **NISSIN** **NISSIN FOODS HOLDINGS**

**AGC** **ASAHI GLASS** **NGK INSULATORS, LTD.**

**AsahiKASEI** **TOTO** **SEKISUI**

**TEIJIN** **TORAY** **TOYOBO**

**SHISEIDO** **KOSÉ** **kao** **Kanebo**  
 FEEL YOUR BEAUTY

**Otsuka** **astellas** **Leading Light for Life**

**MOCHIDA** **MOCHIDA PHARMACEUTICAL CO., LTD.**

**SHIONOGI & CO., LTD.**

**MITSUBISHI ELECTRIC** **Panasonic** **NTT**  
 Changes for the Better

**SONY** **TOSHIBA** **docomo**  
 make.believe

**HITACHI** **NEC** **FUJITSU**  
 Inspire the Next

**RICOH** **CITIZEN**

**Canon** **Nikon** **CASIO** **OMRON**  
 make it possible with canon

**EPSON** **SHIMADZU**  
 EXCEED YOUR VISION Excellence in Science

**YAHOO! JAPAN** **FURUKAWA ELECTRIC** **YASKAWA**

**Fuji Electric**

**Energia** **中国電力** **鹿島** **KAJIMA CORPORATION**

**SHIMIZU CORPORATION** **SHMZ** **TAISEI**

## Others.

## Electric/Electronics





# Erroneously-Filed Elements and Parts

## ◆ Utilization of “Correction”

Incorporation by reference cases: 2017

<b>RO</b>	<b>SIPO</b>	<b>EPO</b>	<b>JPO</b>	<b>USPTO</b>
No. of cases	56	59	1	55

Why don't Japanese applicants use this system?

Are Japanese applicants cautious in preparation of documents to file?

Don't Japanese applicants care about the documents after filing?

The reason is unknown...



## Erroneously-Filed Elements and Parts

◆ Is the “Correction” system unimportant for Japanese applicants?

- No, it isn't.

The system is important in the perspective of the third party.

- No, it won't.

The system is important for all of the applicants, even for the applicants who do not use the system now.

The system works as a safety net, so they might use the system in future when they make mistakes. It is important that the system will be available for any applicants equally.



## Erroneously-Filed Elements and Parts

- ◆ We are generally able to accept the proposal from International Bureau to allow applicants to correct erroneously filed elements and parts of the international application.
  - Expand safety net for applicants to file international applications
  - Reduce a risk of losing appropriate protection for inventions, due to an error occurred when it is filed.
  - According to the questionnaire survey we did in 2017, many members of JIPA hope expansion of opportunities for correction in their applications.



## Erroneously-Filed Elements and Parts

- ◆ Some members concern in third parties' view point that there might be possibility to overuse the correction of erroneously filed elements and parts of the international application.
  - Increase a burden to watch competitors' applications
  - Removal of erroneously filed elements and parts may expand exclusive right inappropriately.
  
- ◆ We think appropriate limitation is required to correct erroneously filed elements and parts of the international application.





## Erroneously-Filed Elements and Parts

- ◆ In regard of the correction of erroneously filed elements and parts of the international application, some members made proposal as examples. We introduce 4 opinions as below.
  1. Request of the correction should be limited to be made before international publication.
    - Avoid increasing third parties' burden for watching
  2. In request of the correction, applicants should declare why they filed erroneously.
    - Avoid overusing the correction of erroneously filed elements and parts of the international application



## Erroneously-Filed Elements and Parts

3. The scope for the corrections should be strictly limited within the subjects contained in the priority document.
  - Assessments by Offices (Receiving Offices or International Search Authority) or International Bureau would be useful.
  
4. Additional fee for request of the correction would be effective to avoid overuse of the corrections
  - Additional fee should be imposed to the request of the correction made after ISAs start to search based on the international application containing erroneously-filed elements and parts.
  - Additional fee is considered as penalty for the corrections.



## Erroneously-Filed Elements and Parts

- ◆ We expect an appropriate system for the corrections of erroneously-filed elements and parts will be implemented with well-balanced for applicants and third parties in future.
- ◆ We think it will depend on Designated Offices whether corrected international applications are considered as national applications filed on international filing date or filed on corrected date. We hope it will not be separated variously among Designated Offices how to treat corrected international applications.



*Thank you very much!*