

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

**December 2018
Japan Patent Office**

1. Introduction of Japan Patent Office (JPO)

(1) Introduction of the JPO

(2) A bit of history

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

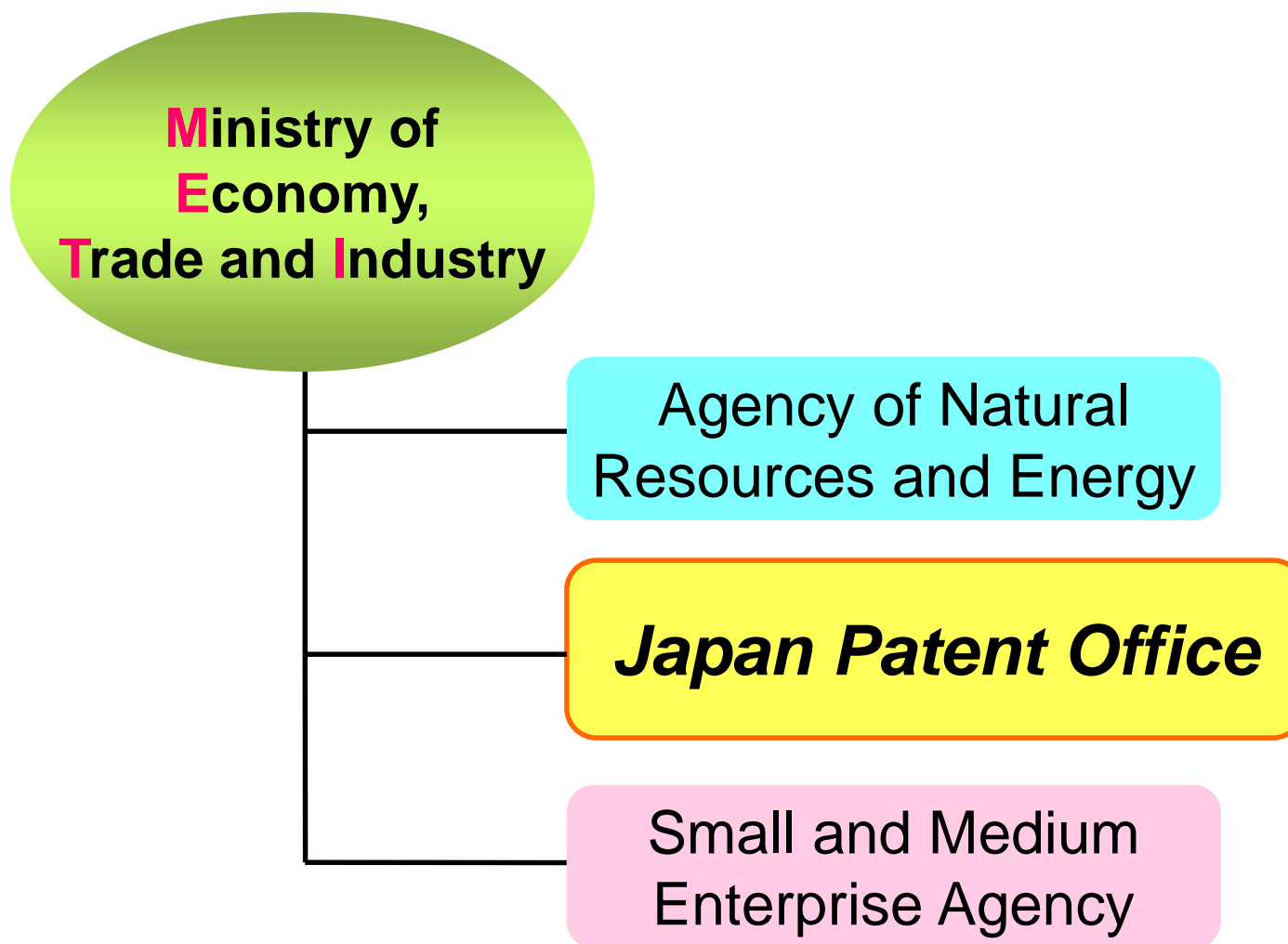
1. Introduction of Japan Patent Office (JPO)

Intellectual Property related laws in Japan

- 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

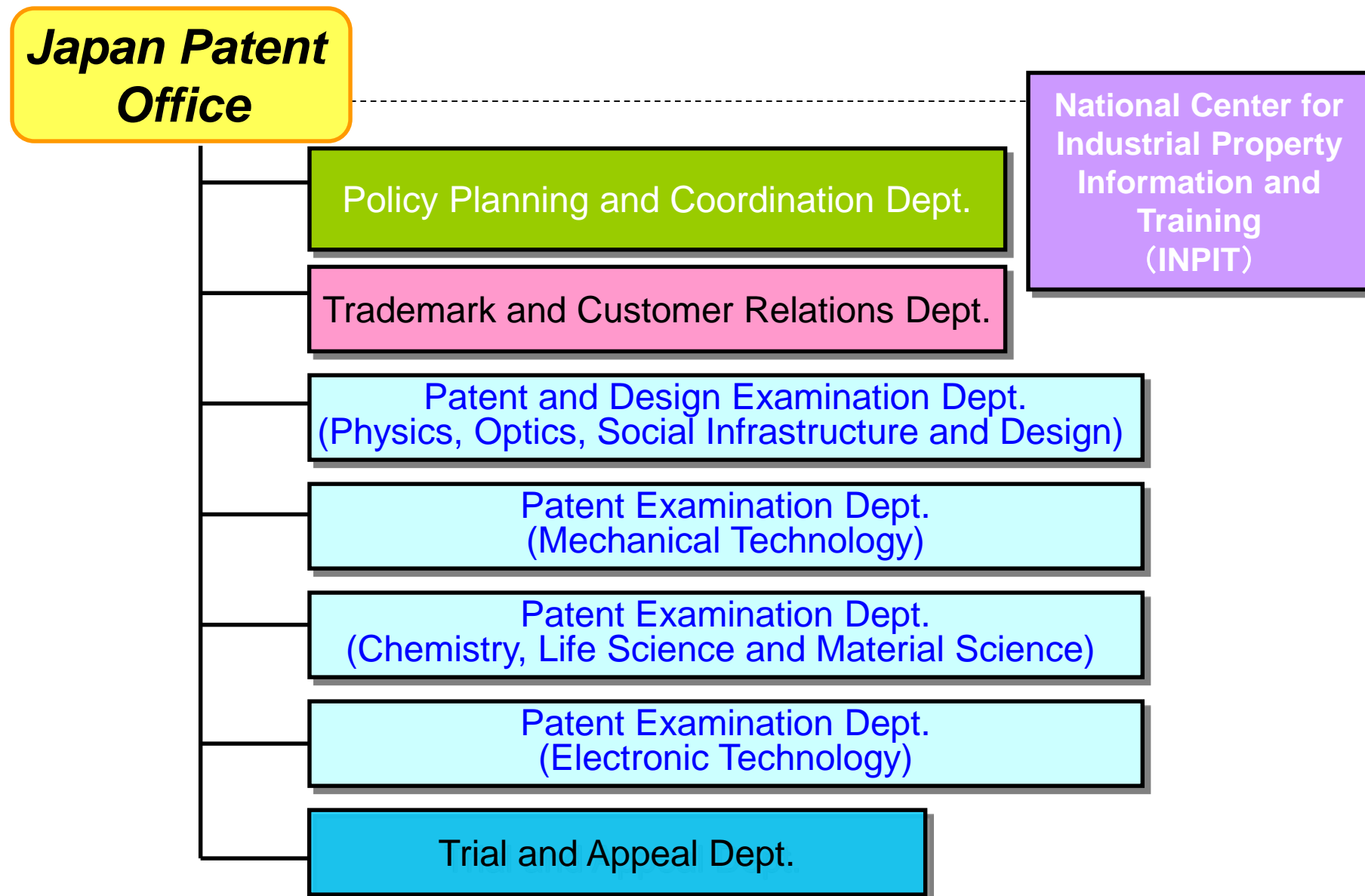
1. (1) Introduction of the JPO

Organization structure of the METI



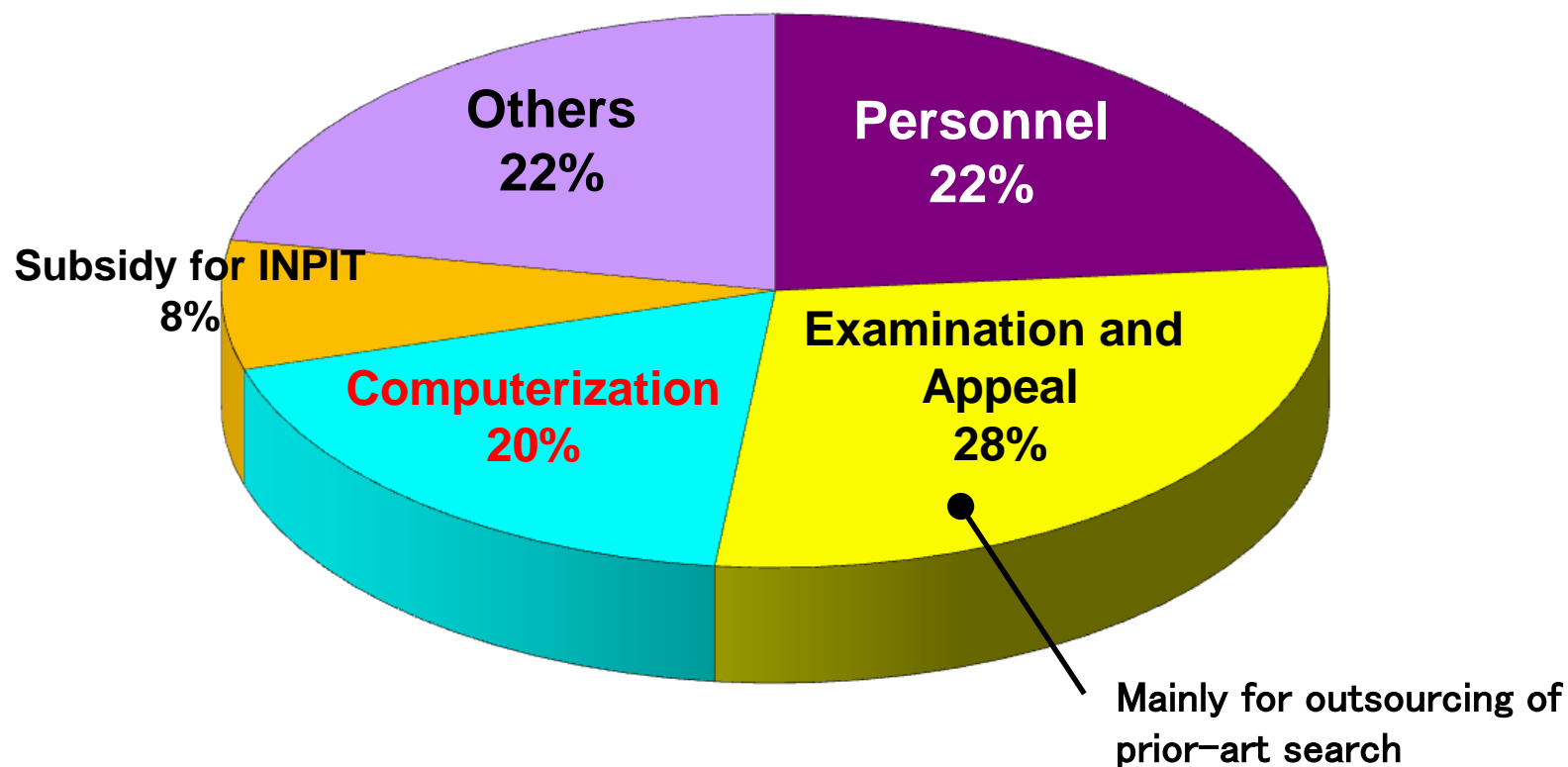
1. (1) Introduction of the JPO

Organization structure of the JPO



1. (1) Introduction of the JPO

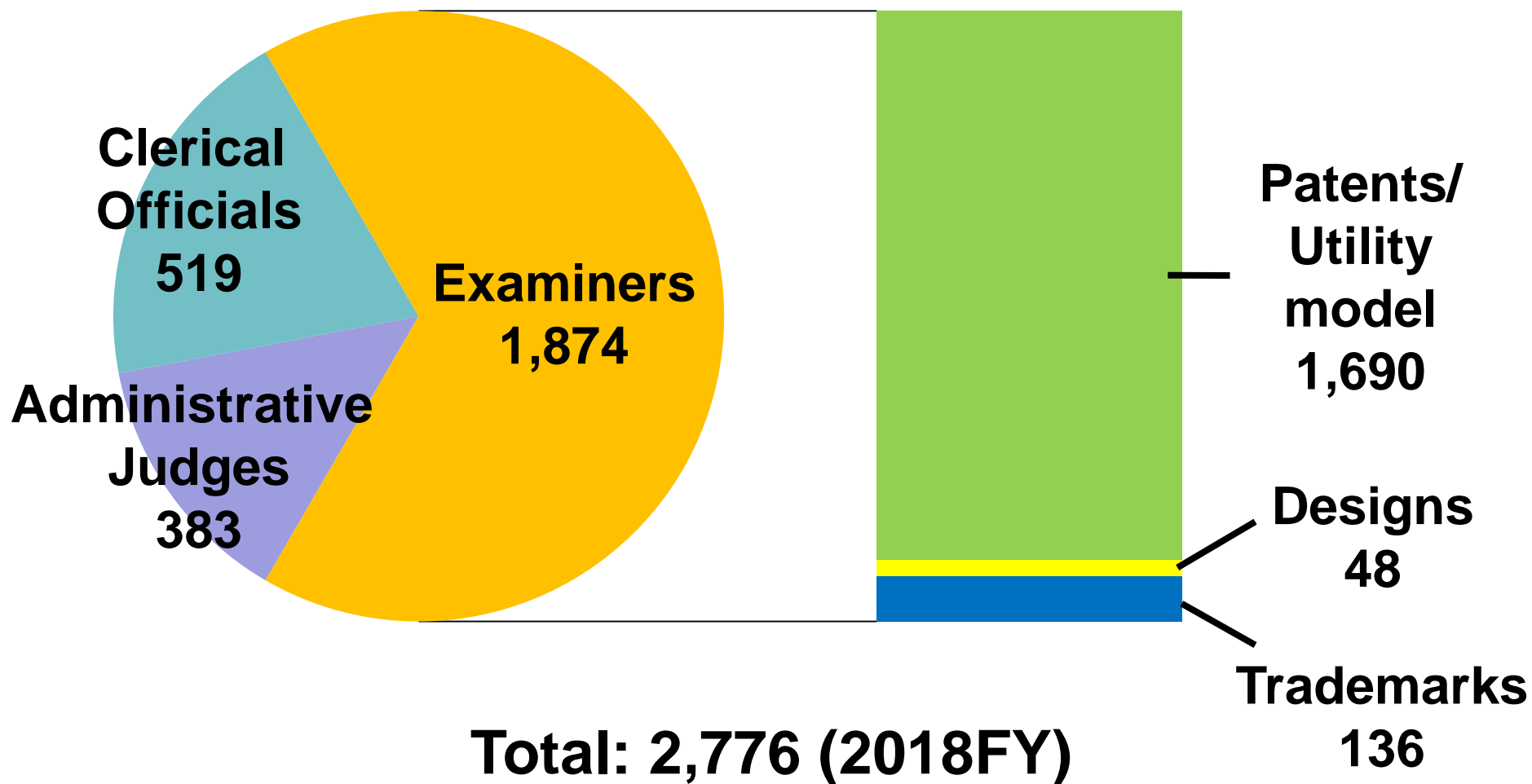
Budget of the JPO



2017FY Total: JPY **147 billion** (about US \$ 1.34billion)

1. (1) Introduction of the JPO

Personnel organization of the JPO



1. (1) Introduction of the JPO

The JPO sets its goals to be achieved in each fiscal year and publishes the results.

Goals to Be Achieved in FY2018	Objectives
Average first action (FA) pendency	9 to 11 months
Average total pendency for examinations	14 to 16 months
Level of user satisfaction on communications with JPO examiners	The ratio of users who rated the level 4 and higher on a scale of 5: More than 60%
Total number of circuit interview examinations in local areas and video-conferencing examinations	More than 1000
Formality examination pendency for applications	On-line filings for patents, designs and trademarks: The same day
Publication of patent gazettes	Within 3 to 4 weeks after rights are registered
Response to inquiries about applications and registrations, etc.	By phone: In principle, immediately By e-mails: Within 2 business days, in principle
Average FA pendency in Japan under the Patent Prosecution Highway (PPH) program	Less than 3 months
Number of invited trainees from emerging countries, who are involved in administrating intellectual property	More than 360

1. (1) Introduction of the JPO

JPO's policies for Prompt Examination

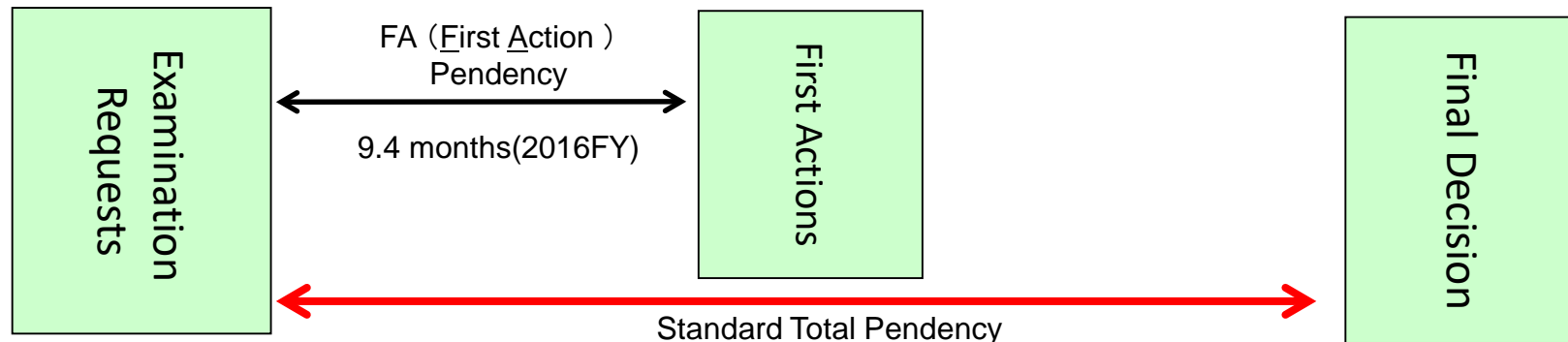
Long-term goal since 2014:

Making Standard Total Pendency* less than 14 months by FY2023

Making FA Pendency less than 10 months by FY2023

*Excluding some cases where the JPO requests an applicant to respond to the second notification of reasons for refusal and where the applicant performs procedures they are allowed to use, such as requests for extension of the period of response and for an accelerated examination.

【Total Pendency and FA Pendency】



JPO	14.6 months(2016FY)
USPTO	25.6 months(2016CY)
EPO	26.5 months(2016CY)
CNIPA	22.0 months(2016CY)
KIPO	16.2 months(2016CY)

Source: Japan Patent Office

1. (1) Introduction of the JPO

Accelerated Examination system (1)

①

Meeting any of the requirements

The application is...

- (1) Applied for foreign countries
- (2) Related to Green Technology
- (3) Filed by the SMEs etc.

②

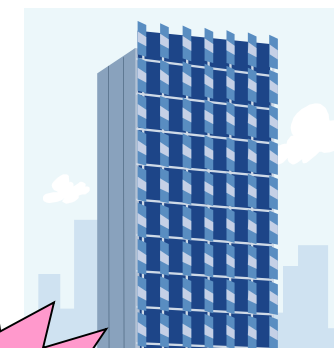
Following the necessary procedures

- (1) conduct prior art search
- (2) disclose prior arts
- (3) make a comparison between the claimed invention and prior arts



Applicants

Request



JPO

③

Accelerated examination

average period from request to FA

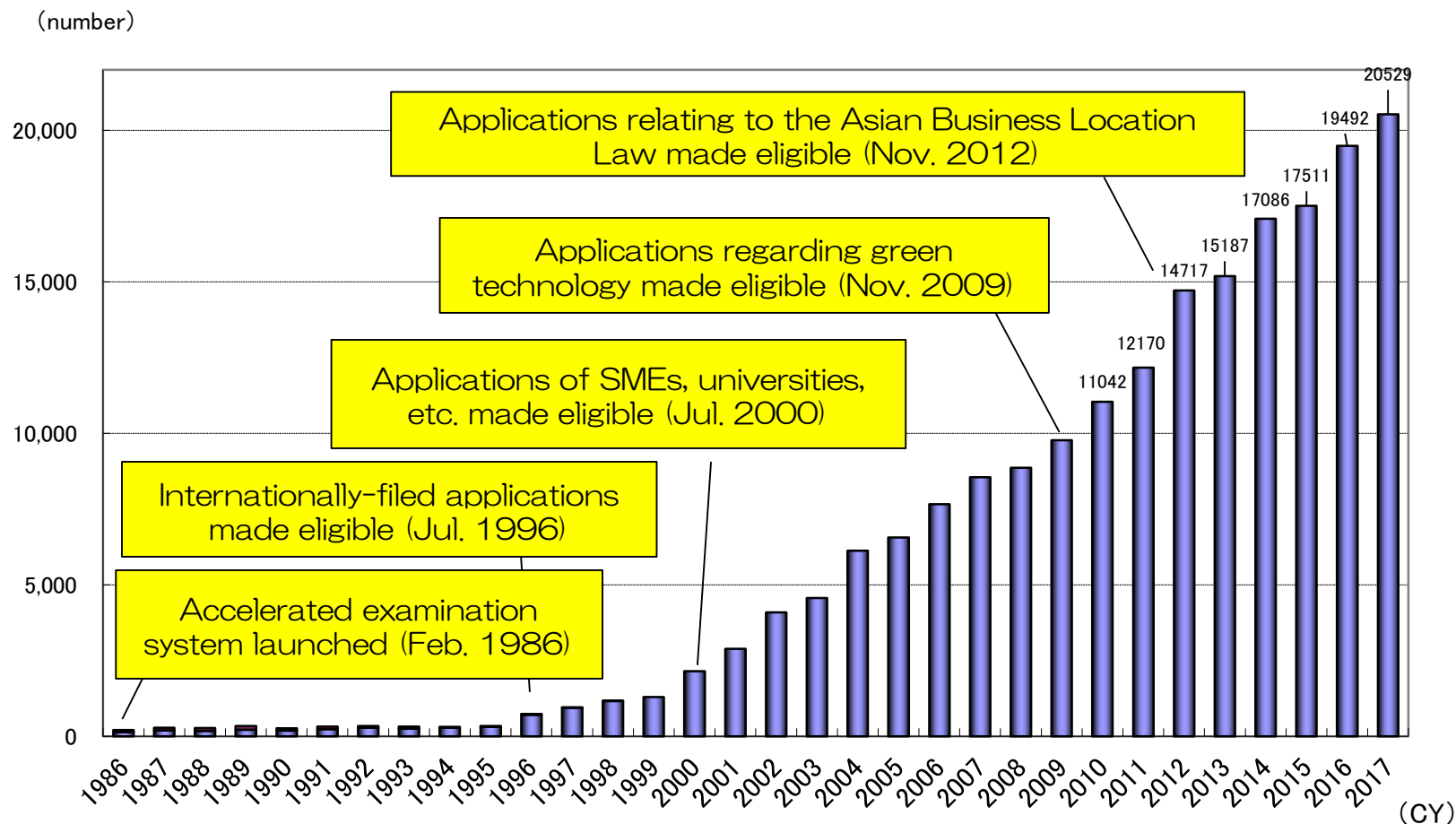
- ▪ ▪ about 2.3 months

Free of charge

1. (1) Introduction of the JPO

Accelerated Examination system (2)

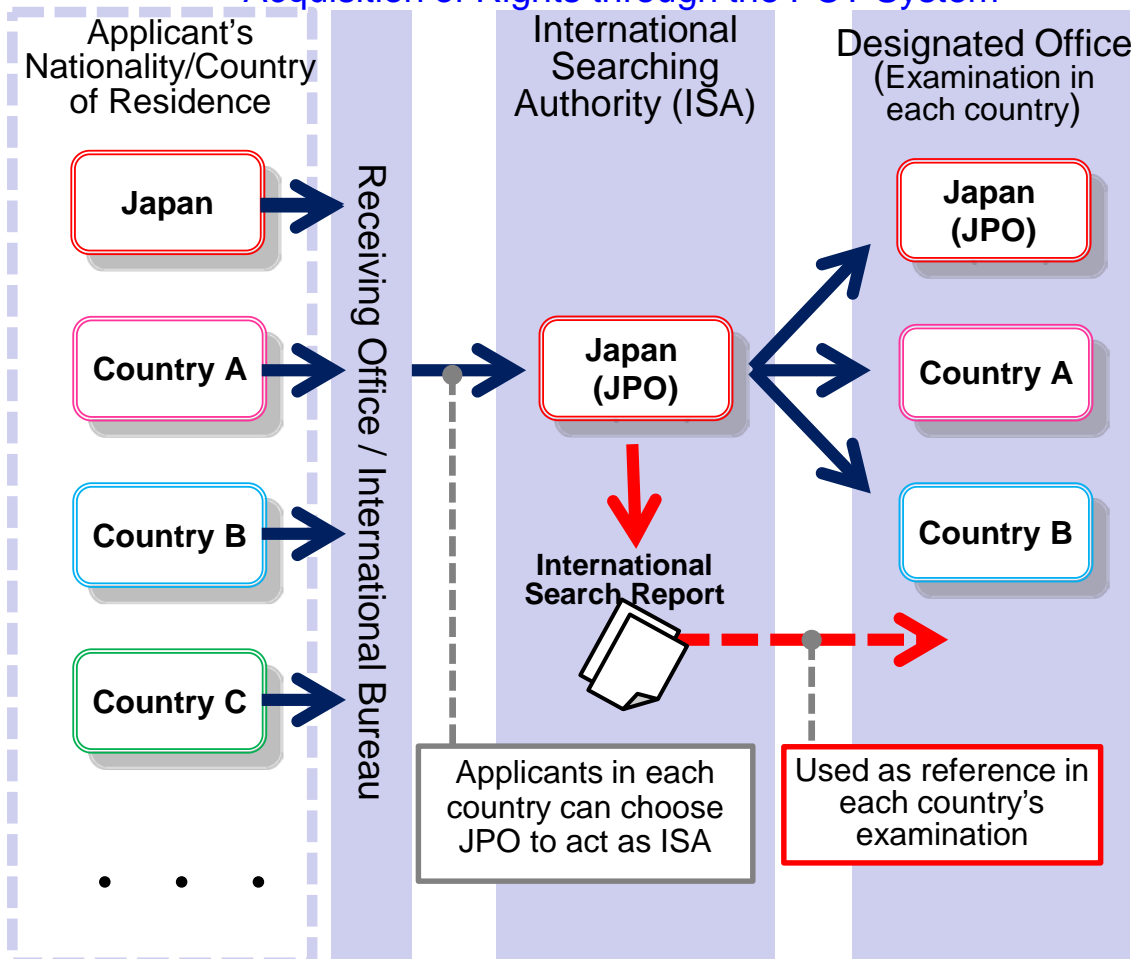
Expanding Utilization of Accelerated Examination System



1. (1) Introduction of the JPO

- ❑ The number of countries (Receiving Offices) which specify the JPO as competent to carry out international search and preliminary examination for international applications under the PCT has increased up to 11 countries, including those in the ASEAN countries.
- ❑ For instance, applicants in any of the above countries, only if their PCT applications have been filed to the patent offices in their own countries, can request the JPO to conduct initial examination (international search), so that they can use JPO's search capacity for evaluating their applications.

Acquisition of Rights through the PCT System



Countries which specified the JPO as competent ISA

	Starting Date	No. of International Search (2015 – 2017)
Korea App. In Japanese	Sep. 1990 (Discontinued in Dec. 1999 and resumed in July 2001)	4
Philippines	Jan. 2002	3
Thailand	April 2010	87
Viet Nam	July 2012	7
Singapore	Dec. 2012	154
Indonesia	June 2013	1
Malaysia	April 2013	159
United States	July 2015	341
Brunei	Oct. 2015	0
Laos	Jan. 2016	0
Cambodia	Dec. 2016	0

- The JPO was ranked
- **No. 1** for timeliness in transmitting ISRs (99.6% (CY2016)*)
 - **No. 2** for the number of ISRs (45,949 (CY2017))

(*out of ISAs having established more than 1,000 ISRs)

1.(2) A Bit of History

■ 40th Anniversary

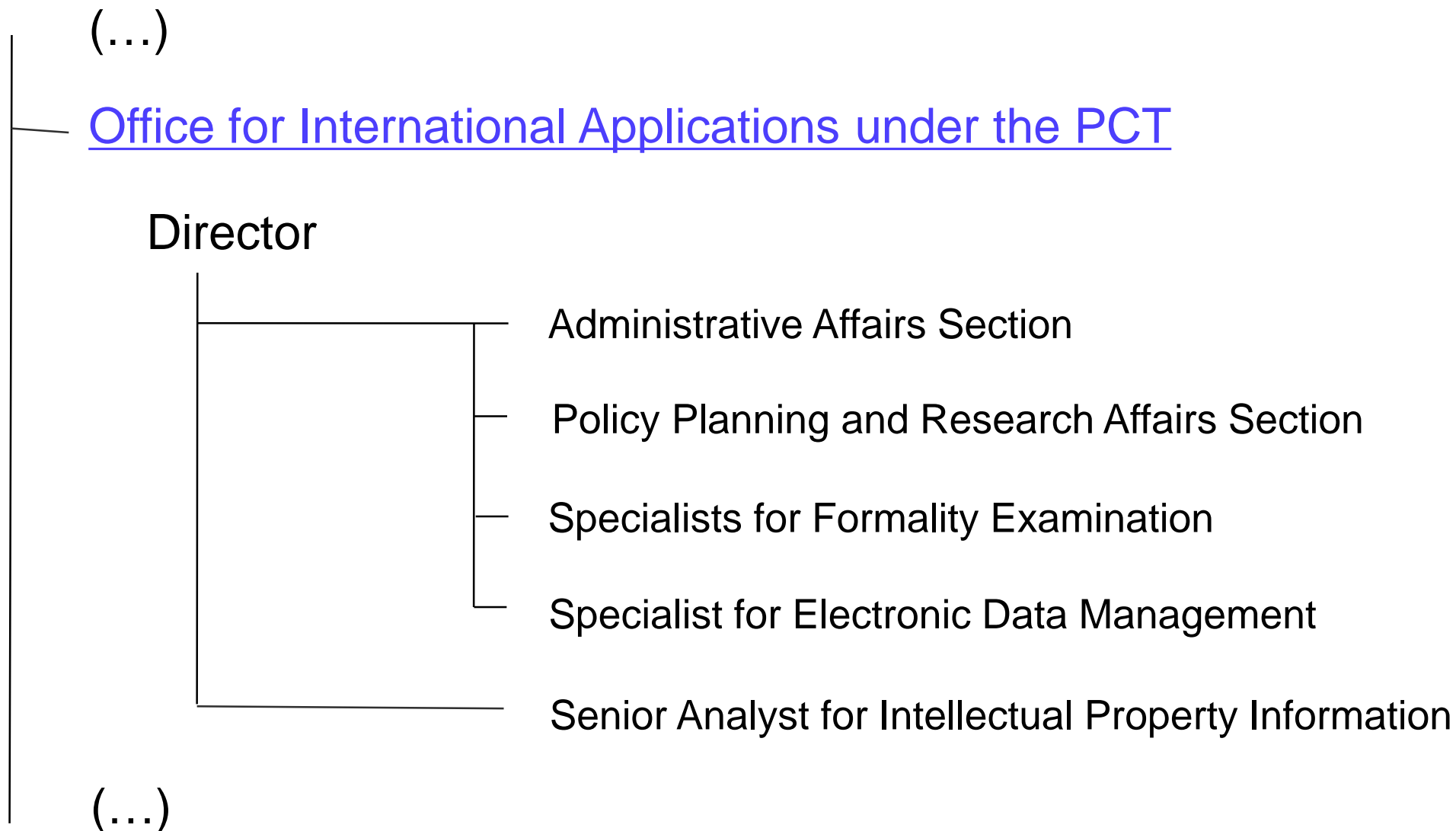
On October 1, 1978, Japan joined the PCT.



ジュネーブにある世界知的所有権機関（WIPO）に飾られている日本のPCT批准書

2. JPO's Function as a Receiving Office Under the PCT

■ Organigram



■ Functions

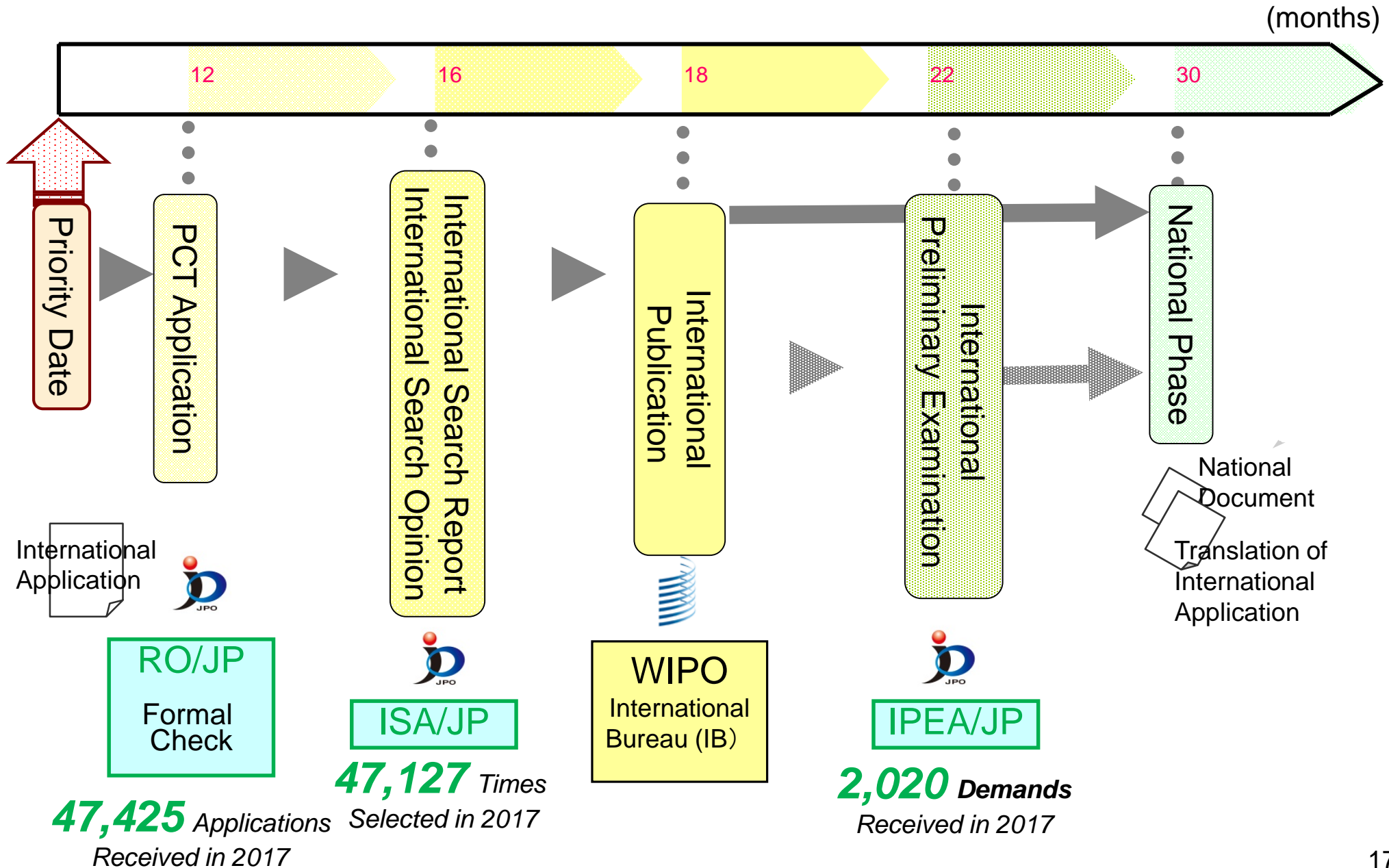
● In the capacity of **RO/JP**

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

● In the capacity of **ISA/JP** and **IPEA/JP**

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

2. (1) Office for International Applications under the PCT



■ To Perform Proper Functions as RO

■ Complying with Requirements

■ Uniform Processing of All International Applications

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

* * *

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

■ To Perform Proper Functions as RO

■ Compliance with Requirements

■ Uniform Processing of All International Applications

- 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

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

1. Receiving

4. Full Formal
Check

2. Pre Formal
Check

5. Time
Management

3. Digitizing

6. Transmittal

1. Receiving

RO/JP

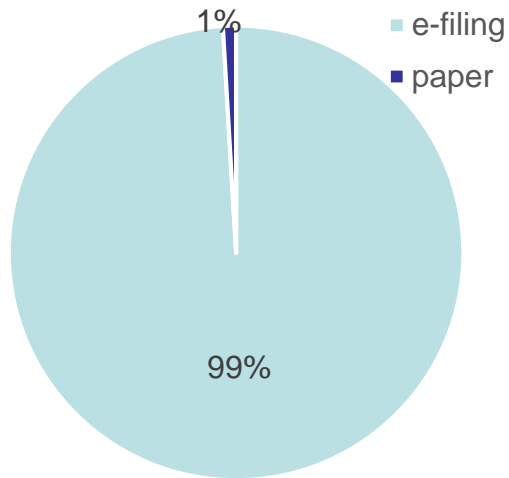
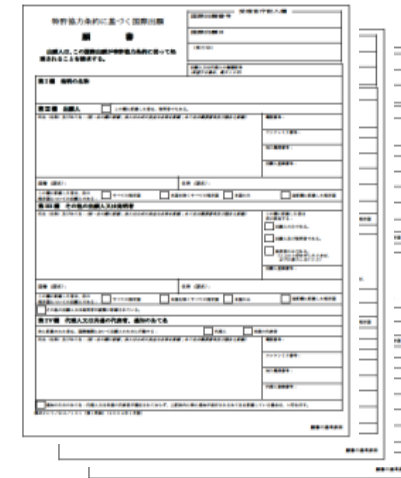
receives international applications and other accompanying documents/items

- (1) through e-filing system
- (2)(a) by mail
- (2)(b) at the JPO reception desk

2. Pre Formal
Check

3. digitizing

2.(2) Processing of International Applications in RO/JP

	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

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

- Converts paper documents to text data and image files;
- Stores the data and image files in the JPO's internal system; and
- Assigns the international application number

4. Full Formal Check

5. Time Management

6. Transmittal

RO/JP

- Checks whether formal and physical 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.

4. Full Formal
Check

5. Time
Management

6. Transmittal

RO/JP

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

4. Full Formal
Check

5. Time
Management

6. Transmittal

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

RO/JP, once every week,

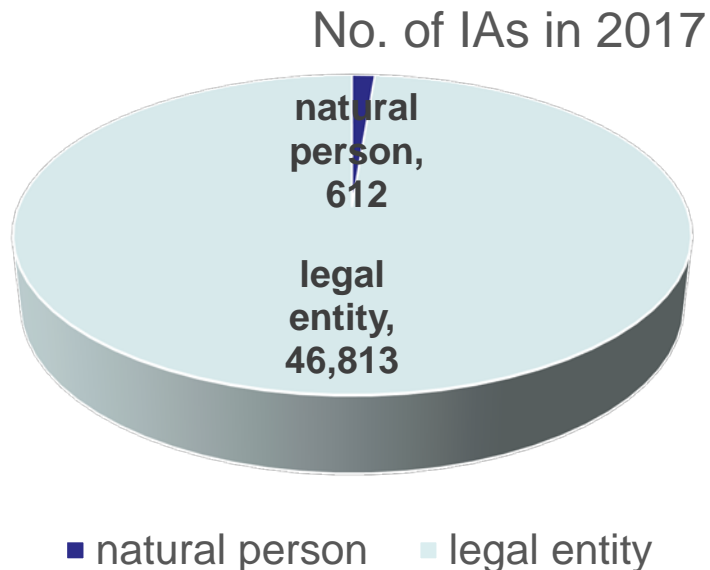
- transmits record copies, search copies, invitations and other documents to the IB, an ISA and applicants/representatives.

■ Who are RO/JP's Customers?

■ RO/JP is competent to receive international applications filed by

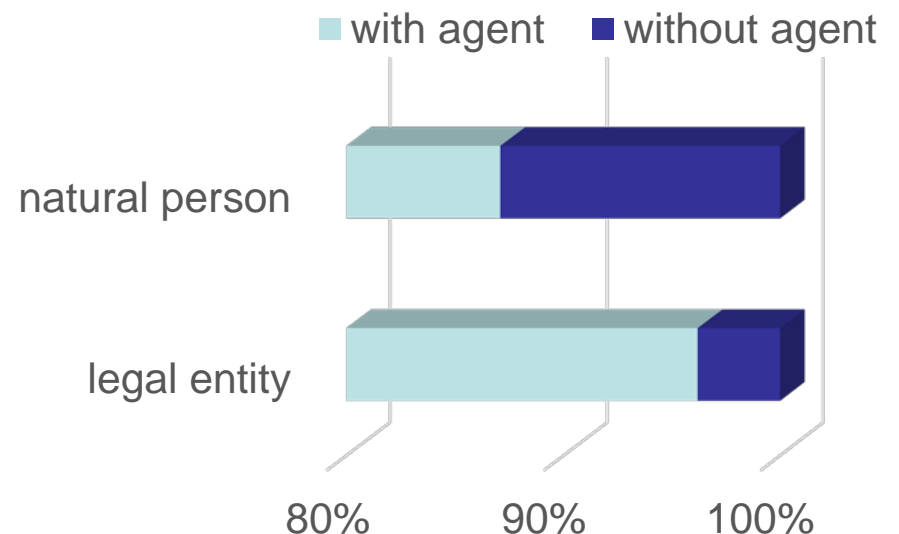
- (i) applicants residing in Japan;
- (ii) applicants who are nationals of Japan; and
- (iii) In the case of two or more applicants, at least one who resides in Japan or is a national of Japan.

■ Natural person or legal entity



■ For many applications, agents are appointed

In 2017



■ 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												
<table border="1"> <tr> <td>1 Filing</td> <td>Touch</td> <td>0</td> </tr> <tr> <td>2 Consultation</td> <td>Touch</td> <td>0</td> </tr> </table>	1 Filing	Touch	0	2 Consultation	Touch	0	<table border="1"> <tr> <td>1 Filing</td> <td>Touch</td> <td>0</td> </tr> <tr> <td>2 Consultation</td> <td>Touch</td> <td>0</td> </tr> </table>	1 Filing	Touch	0	2 Consultation	Touch	0
1 Filing	Touch	0											
2 Consultation	Touch	0											
1 Filing	Touch	0											
2 Consultation	Touch	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												
<table border="1"> <tr> <td>1 Filing</td> <td>Touch</td> <td>0</td> </tr> <tr> <td>2 Consultation</td> <td>Touch</td> <td>0</td> </tr> </table>	1 Filing	Touch	0	2 Consultation	Touch	0	<table border="1"> <tr> <td>1 Filing</td> <td>Touch</td> <td>0</td> </tr> <tr> <td>2 Consultation</td> <td>Touch</td> <td>0</td> </tr> </table>	1 Filing	Touch	0	2 Consultation	Touch	0
1 Filing	Touch	0											
2 Consultation	Touch	0											
1 Filing	Touch	0											
2 Consultation	Touch	0											

■ Seminars for Practitioners

- For practitioners

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

- Presentation concerning PCT international applications and other related documents, including
 - how to fill in the request form and other documents;
 - practical advice and things to pay attention to

2.(3) JPO's Customer Service

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？

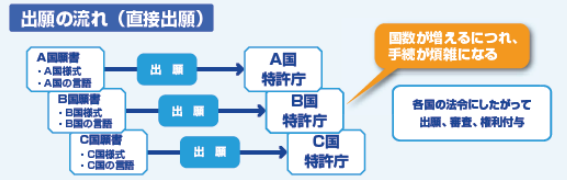
- 海外で特許権を取得するにはどんな方法があるの？
- PCT国際出願のメリットって？
- 手続きの流れは？
- お金はどのくらいかかるの？

■ 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

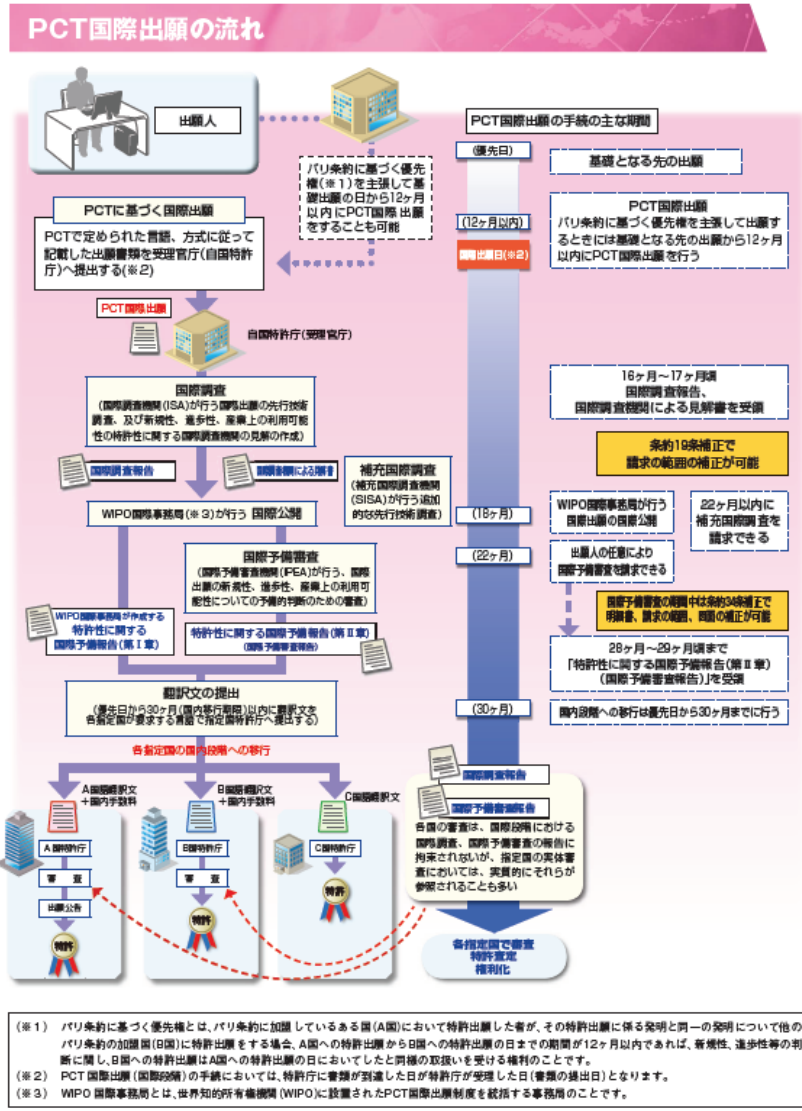
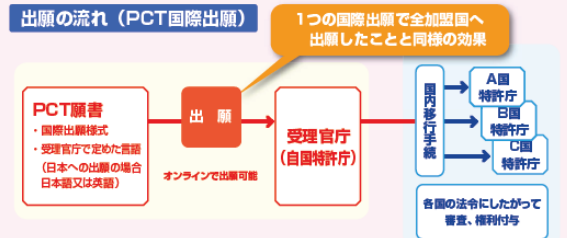
ある発明に対して特許権を付与するかどうかの判断は、各国がそれぞれの特許法に基づいて行います。したがって、特定の国で特許を取得するためには、その国に対して直接、特許出願を行う必要があります。しかし、近年は、経済と技術のグローバル化を背景として、以前にも増して、多くの国で製品を販売したい、横断品から自社製品を保護したい、などの理由から特許を取りたい国の数が増加する傾向にあります。同時に、そのすべての国に対して個々に特許出願を行うことはとても煩雑になってきました。また、先願主義のもと、発明は、一日も早く出願することが重要です。しかし、出願日を早く確保しようとしても、すべての国に対して同日に、それぞれ異なった言語を用いて異なった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、直接出願の煩雑さ、非効率さを改善するため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PCT加盟国である自国の特許庁に対して特許庁が定めた言語で作成し、1通だけ提出すれば、その時点で有効なすべてのPCT加盟国に対して「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)



Thank You!