

Quality Management System for Patent Examination at the JPO

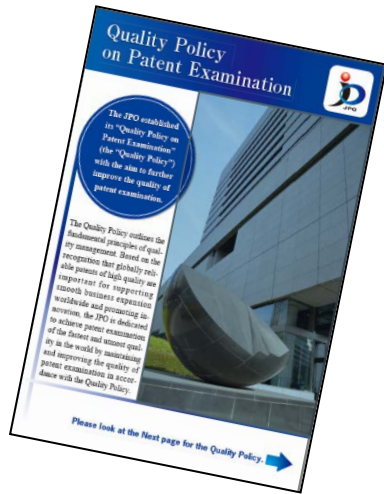
February 2019



- Quality Policy on Patent Examination
- Quality Assurance
- External Evaluation
- Means for further Enhancing QMS



● Quality Policy on Patent Examination



- We grant robust, broad and valuable patents.
- We meet wide-ranging needs and expectations.
- We all dedicate ourselves to improving quality, cooperating with concerned persons and parties.
- We contribute to improving the quality of patent examination globally.
- We continually improve operations.
- We raise the knowledge and capabilities of our staff.

https://www.jpo.go.jp/seido_e/s_gaiyou_e/patent_policy.htm

● Quality Management Manual for Patent Examination



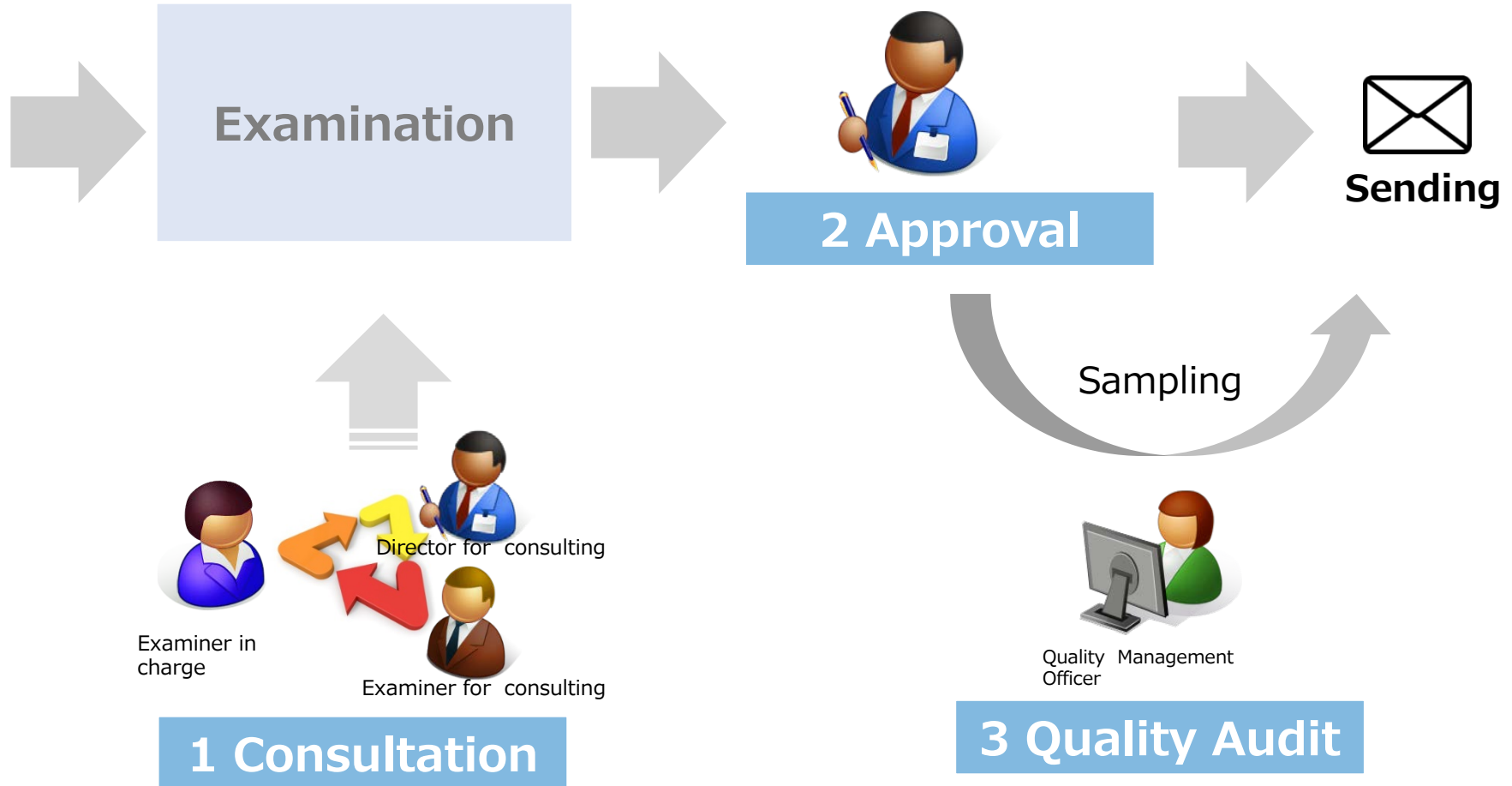
Contents of the Quality Manual

- Outline of Quality Management System (QMS).
- Measures being implemented in the examination departments
- Transacting with external organizations and persons
- International measures on examination quality

https://www.jpo.go.jp/seido_e/quality_mgt/patent_manual.htm

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- **Quality Assurance**
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- Consultations

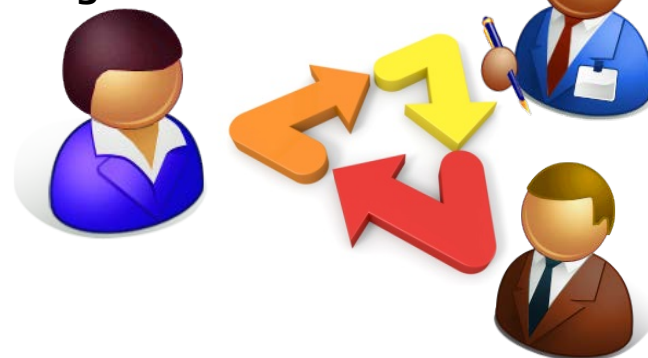
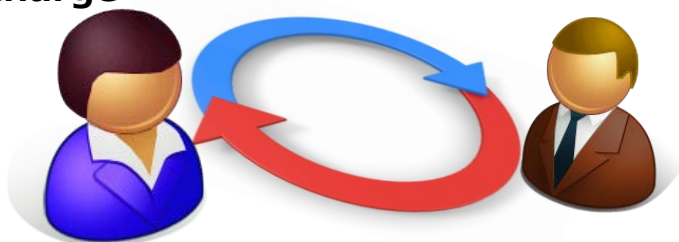
Around 50,000 consultations (in FY 2017)

Examiner in charge

Examiner for consulting

Examiner in charge

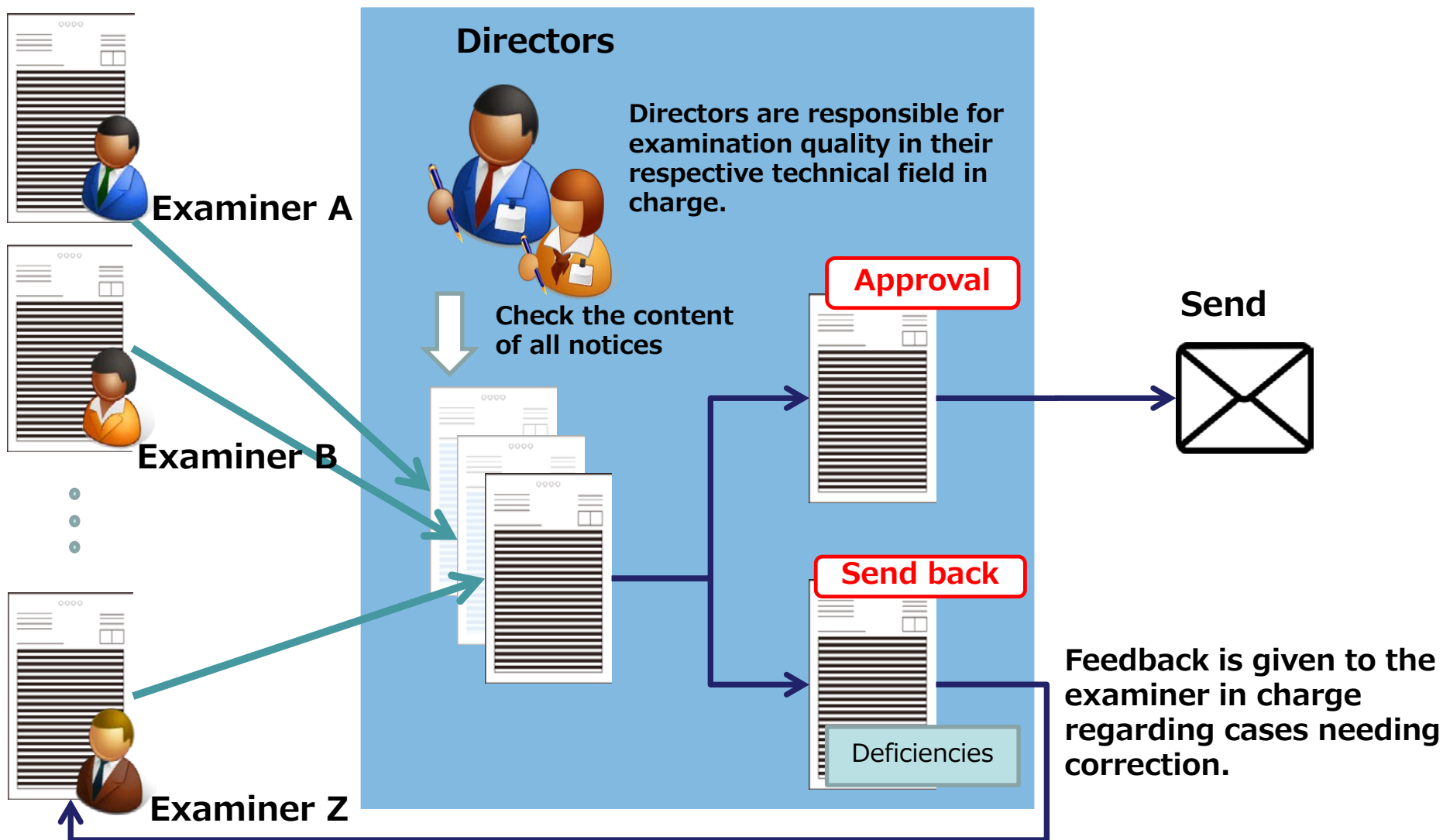
Director for consulting



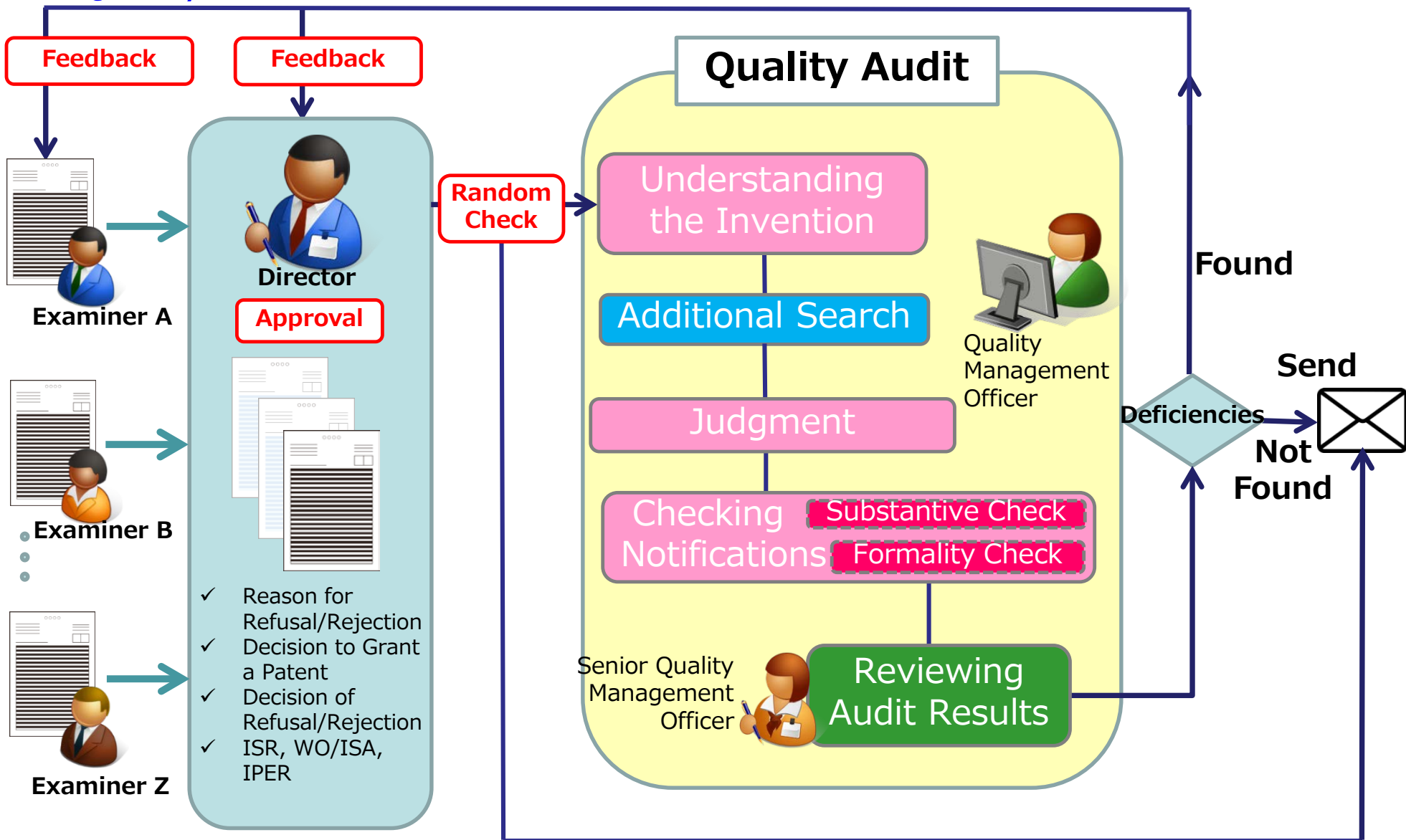
- Opinion/Knowledge Sharing
- Expertise in Search
- Reducing Discrepancies in the judgements of examiners

- Examiners must conduct consultations on certain cases designated each year.
(Example) - Cases in which examiners from different examination divisions examine applications for a certain period of time or on a certain number of applications.
 - IoT-related applications

- Approval



Quality Audit



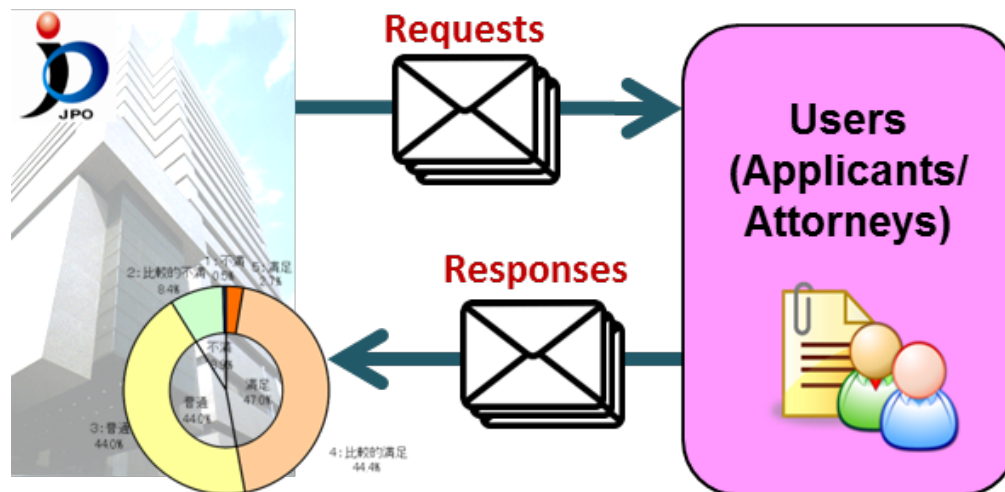
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- User Satisfaction Survey

Number of applicants and applications covered by the user satisfaction survey in FY2018

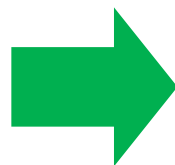
	Overall Quality in General	Quality on Specified Applications
National Applications	657 (Applicants)	2109 (Applications)
PCT Applications	307 (Applicants)	543 (Applications)



High response rate of around 90%!!

Examples of Question

- Are you satisfied with the overall quality of patent examination at the JPO during FY2017 (1st April 2017 to 31st March 2018)?
- Thorough and easy-to-understand description in notifications of reasons for refusal
- Consistency of judgements among examiners
- Domestic patent literature searches
- Level of examiners' expertise in technical details
- Communication with examiners such as face-to-face interviews and telephone conversations
- Scope of patent that was granted after examination



Feedback to Examination Divisions

[Sheet A] Overall Quality of Patent Examination on National Applications

When responding to the questionnaire, please indicate by checking the box below if you wish your name to be known to us; or if you

5-grade Evaluation

5:Satisfied, 4:Somewhat Satisfied, 3:Neutral, 2:Somewhat Unsatisfied, 1:Unsatisfied

* We would appreciate it if you would kindly answer all the questions in [1] and [2] below, according to your experience during FY2017(1st April 2017 to 31st March 2018)

[1] Overall Quality of Patent Examination

	Satisfied	Somewhat Satisfied	Neutral	Somewhat Unsatisfied	Unsatisfied	
	5	4	3	2	1	
1) Are you satisfied with the overall quality of patent examination at the JPO during FY2017(1st April 2017 to 31st March 2018)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
2) Please evaluate the quality of JPO's patent examination regarding the following aspects 1-11 below.						Not Sure/ Have no experience
1. thorough and easy-to-understand description in notifications of reasons for refusal (except for any decisions of refusal)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. thorough and easy-to-understand description in decision of refusal	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3. proper application of the following legal wordings						
3-1. the main paragraph of Article 29 (1) (industrial applicability and judgement of whether the subject matter falls under the concept of "invention")	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3-2. items of Article 29 (1) (novelty)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3-3. Article 29 (2) (inventive step)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3-4. Article 36 (4) (i) and Article 36 (6) (descriptive requirements for description and claims)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4. consistency of judgements among examiners	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
If you chose "2: somewhat unsatisfied" or "1: unsatisfied" in 4 above, please check the reasons which you are provided below. (multiple choices allowed) Please comment in the space below why you are unsatisfied or somewhat unsatisfied with this case.						
<input type="checkbox"/> the main paragraph of Article 29 (1) (industrial applicability and judgement of whether the subject matter falls under the concept of "invention")						
<input type="checkbox"/> Article 29 (2) (inventive step)						
<input type="checkbox"/> Article 36 (4) (i) and Article 36 (6) (descriptive requirements for description and claims)						
<input type="checkbox"/> others (fill in the space below)						
comments for 4	<input type="text"/>					
5. appropriateness of searches						
5-1. domestic patent literature searches	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5-2. foreign patent literature searches	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5-3. non-patent literature searches	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6. level of examiners' expertise in technical details	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7. communication with examiners such as face-to-face interviews and telephone conversations	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

“Satisfied” + “Somewhat satisfied” has been increasing every year

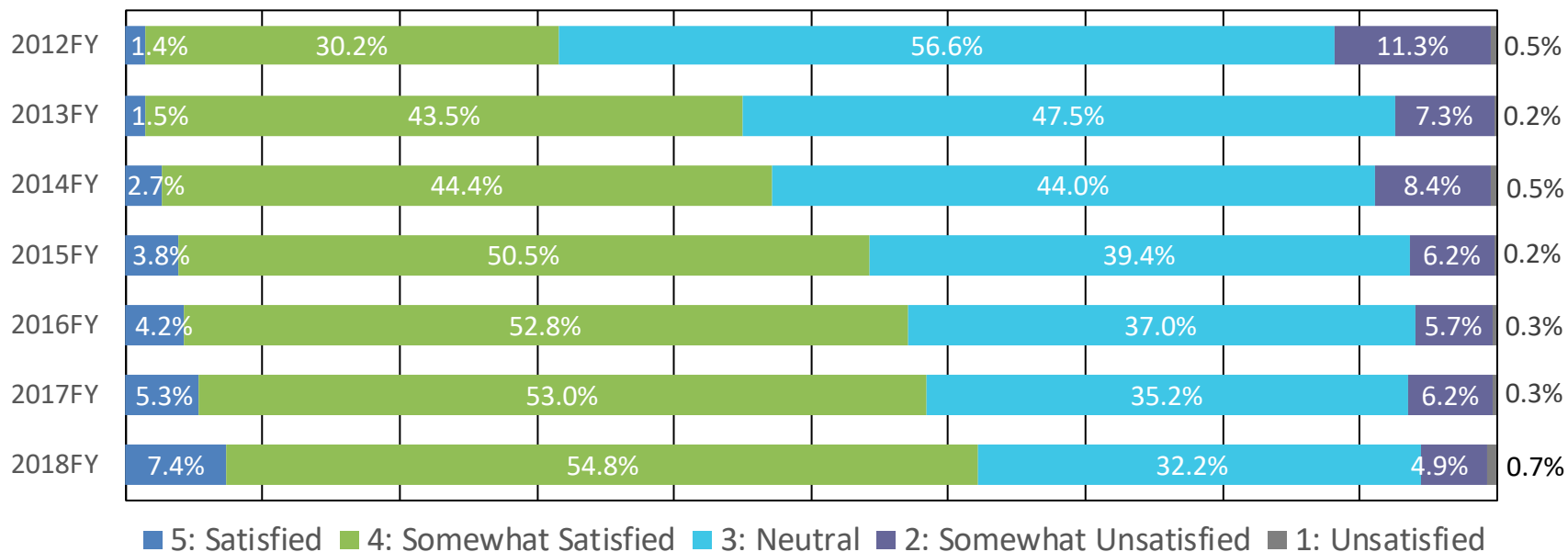


Figure 1 : Level of User Satisfaction on Overall Quality of Patent Examinations for Domestic Applications

- Subcommittee on Examination Quality Management
 - The committee members include a wide range of specialists including business persons, legal experts, and others with relevant knowledge and experience.
 - Committee meetings are open to the public. Anyone who wants to listen to the meeting discussions should file a request in advance. In FY2017, meetings were held twice.
 - A report is issued every year (in Japanese and English).



1	Status of creation of the Quality Policy, Quality Manual, and other documents
2	Clarity of procedures for examinations and quality management
3	Publication of the fundamental principles of quality management etc. to users of IP systems and dissemination of such information to the staff
4	Examination implementation system
5	Quality management system
6	Initiatives for quality improvement
7	Initiatives for quality verification
8	Examination quality analysis and identification of issues
9	Status of improvement to policies, procedures, and structures to achieve high-quality examinations (evaluation items from (1) to (5))
10	Status of improvement of quality management initiatives (evaluation items from (6) to (8))
11	Communication of information on initiatives for examination quality improvement

Very Good

Good

Satisfactory

Need Improvements

- Quality Policy on Patent Examination
- Quality Assurance
- External Evaluation
- Means for further Enhancing QMS



■ Background

• Common issues among IAs:

The rapid advancement of technology and increase in prior art documents all over the world

→ Intl. Search and Preliminary Examination are more difficult

• Current means by the MIAs to ensure their QMSs

All the IAs' QMS reports submitted to the MIA

• Issues with this current means:

- ✓ Difficult to give thought to the all the IAs' reports due to increase in the number of IAs
- ✓ Not always able to reflect user opinions in QSG's discussions.



By responding to the above issues:

The QMSs will improve

→ further enhance the quality of ISRs

→ ultimately make the PCT System more attractive

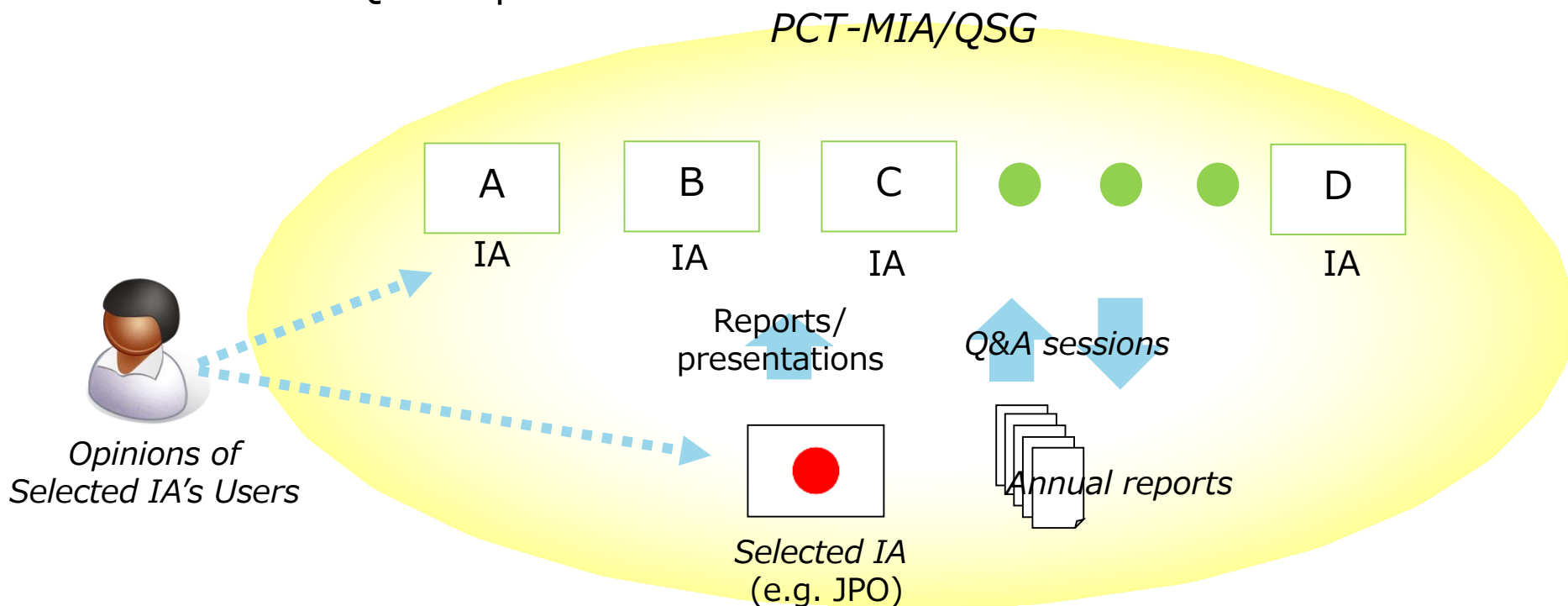


- JPO's Thoughts about Possible Improvements
 - Have more thorough discussions at the MIA/QSG on how to enhance IAs' QMSs and enhance means for the IAs to share information.
 - Improve ways to reflect user opinions in discussions on how to enhance the IA's QMSs.
 - Respect initiatives currently being implemented by the IAs for improving QMSs, as well as consider the resources available at each IA.
- JPO will listen to the opinions of the IAs in considering specific ways for improving their QMSs.

* In the next slide, a feasible way to implement the above thoughts is illustrated.

Example: Establish a review mechanism to further improve the QMSs of the IAs

1. MIA/QSG selects an IA to be reviewed (e.g. the JPO)
2. MIA/QSG listens to the opinions of selected IA's users, and shares the results.
3. MIA/QSG holds Q&A sessions based on the opinions of the IA's users and its QMS report.





**Thank you
for your attention!**