

Insights/Perspectives From Japan Intellectual Property Association On A Sustainable Patent System - Development of the PCT-

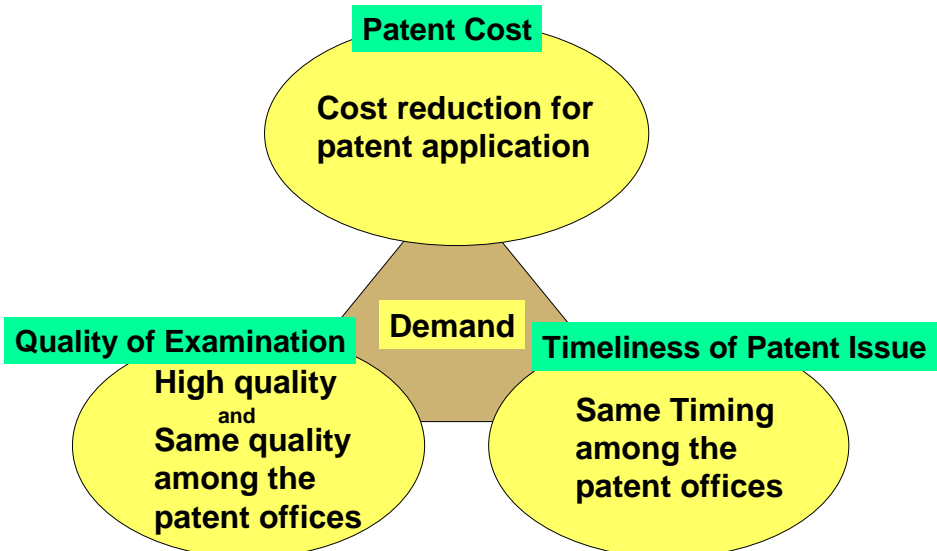


November 13, 2008

Japan Intellectual Property Association



Basic demand of Japanese Users



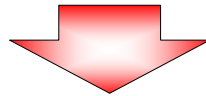


Basic concept for harmonization

Achieving patent protection in an extensive geographical area at low cost and minimal labor

JIPA

Same Format
Same Search
Same Examination
Same Patent



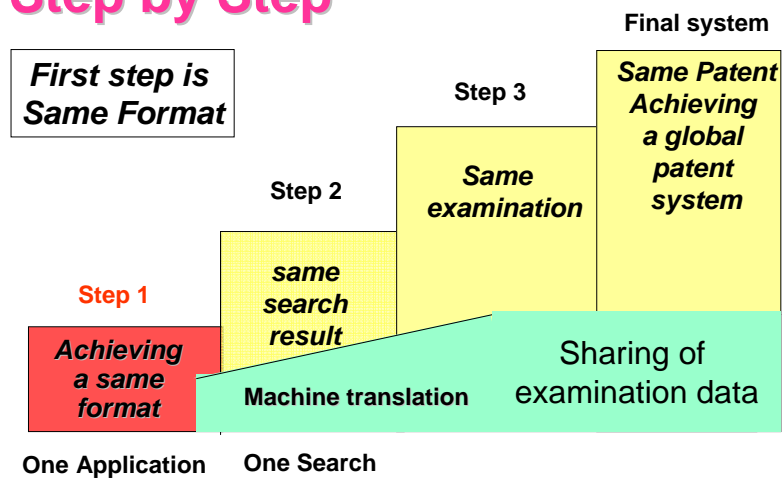
**4 "same"
Achievements**

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Step by step approach for harmonization

Step by Step

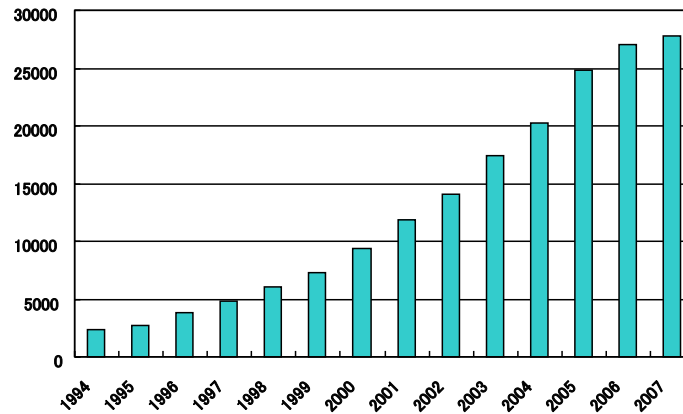


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Increasing Popularity of PCT filings

Number of PCT applications from Japan



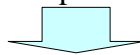
**Number of PCT Application Increased,
According to the Globalization of Business**



Harmonization and PCT

**PCT is the Treaty for Unified Application Procedure,
realizing the Harmonization.**

- PCT provides Unified Application Procedure for Patent Filing. A Single Filing of PCT is treated as a “Bunch” of Applications in Multiple Countries on the International Filing Date.
- Increased use of PCT, as a result of “Automatic Designation of All Contracting Countries” introduced in 2004.
- Patent Law Treaty (PLT) also adopted “form or contents of” the PCT application. (PLT was adopted in 2000 and enacted in 2005.)



**PCT acts as the Infrastructure of Global Patent Filing.
⇒ PCT should be the basis for the Harmonization
Effort in the format and procedure of patent filing.**



Harmonizing the System in conformity with PCT

Important Items which should be in conformity with PCT

- **Application Format**
 - ⇒ **Common Application Format based on PCT.**
- **Electronic Filing**
 - ⇒ **Electronic Filing Infrastructure Seamlessly connecting International Stage to the National Stage.**
- **Unity of Invention**
 - ⇒ **Same Unity Standard for both Paris and PCT routes.**
- **Search**
 - ⇒ **Same Format of Search Results, Same Search Approach for International & National Search.**

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Common Application Format and PCT

Concept:

“Introduce the system to allow applicants to file a Single Application in a Single Format, and it will be acceptable to all countries without further changing formalities”

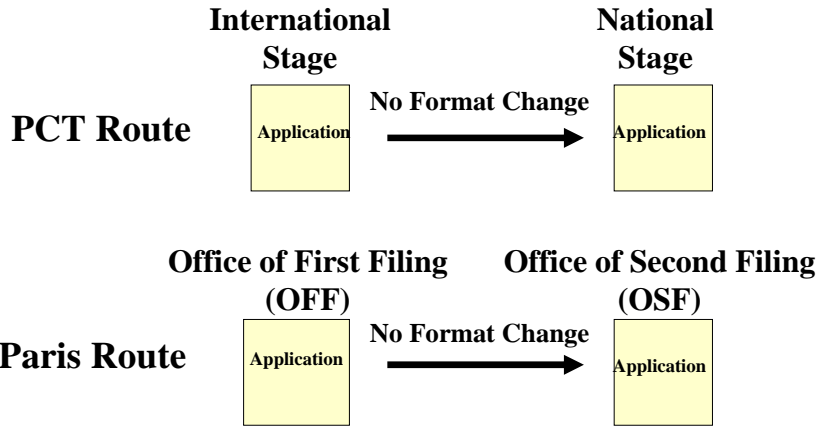


Precondition: The same application format for both Paris and PCT route.

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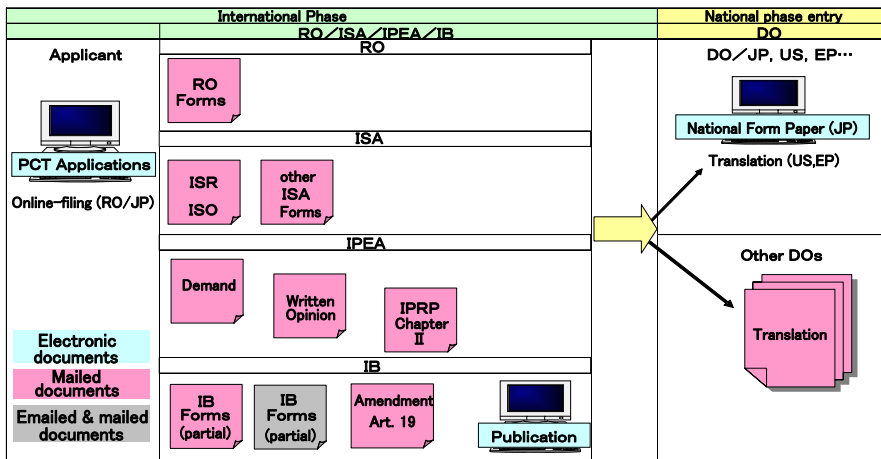
Common Application Format



Same Format for any filing Routes and Stages
⇒ Reduce duplicate efforts by Applicants and Patent Offices



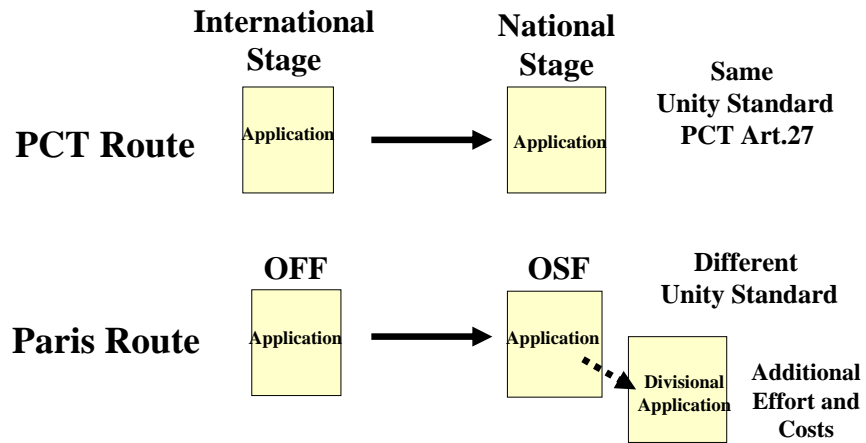
Electronic Filing Infrastructure



Electronically Connecting International to National Stage
Seamlessly ⇒ Maximize the merit of Common Application Format



Unity of Invention

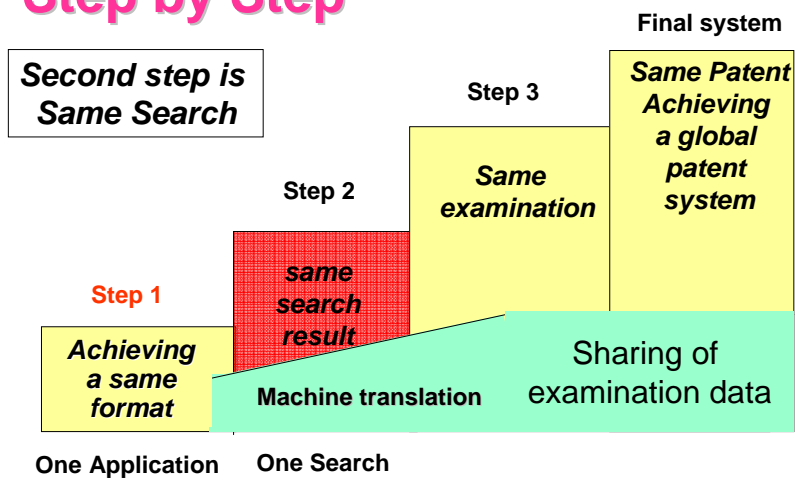


Same Unity Standard for any Filing Routes
⇒ Maximize the merit of Common Application Format



Step by step approach for harmonization

Step by Step





Direction of Efforts for Same Search

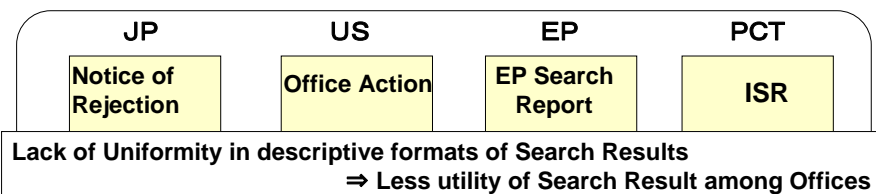
- Making the following efforts step by step
⇒ Achieving effective and efficient use of other Trilateral Offices' search results
 - Common (Shared) Search Strategies
 - Common Search Database
 - Common Search Engine

Mutual exploitation of search results
considered on PCT ISR and PPH

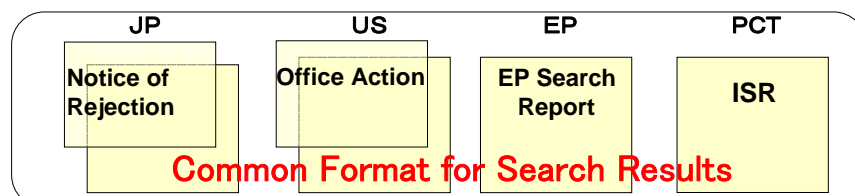
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Uniform Format for Search Results



Uniform Search Format

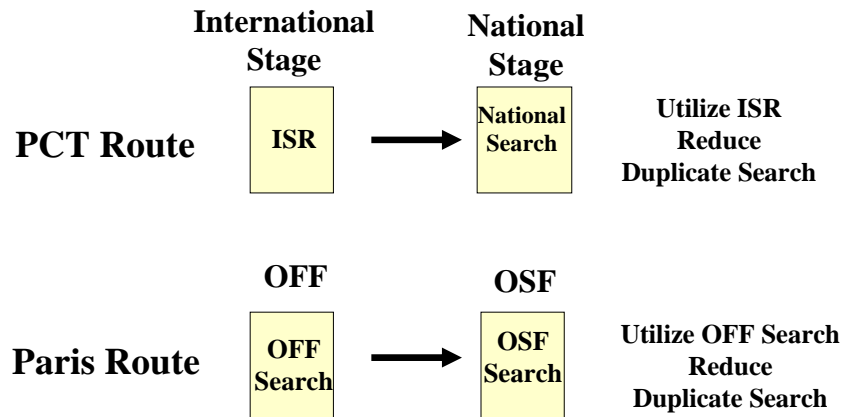


Adopting Common Format for Search Results
⇒ Enhance the mutual utilization of Search Results among Offices.

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Improving the Quality of International Search



**Precondition: Quality search regardless of the filing route.
⇒ Importance of Improving the Search Quality of ISR and OFF .**

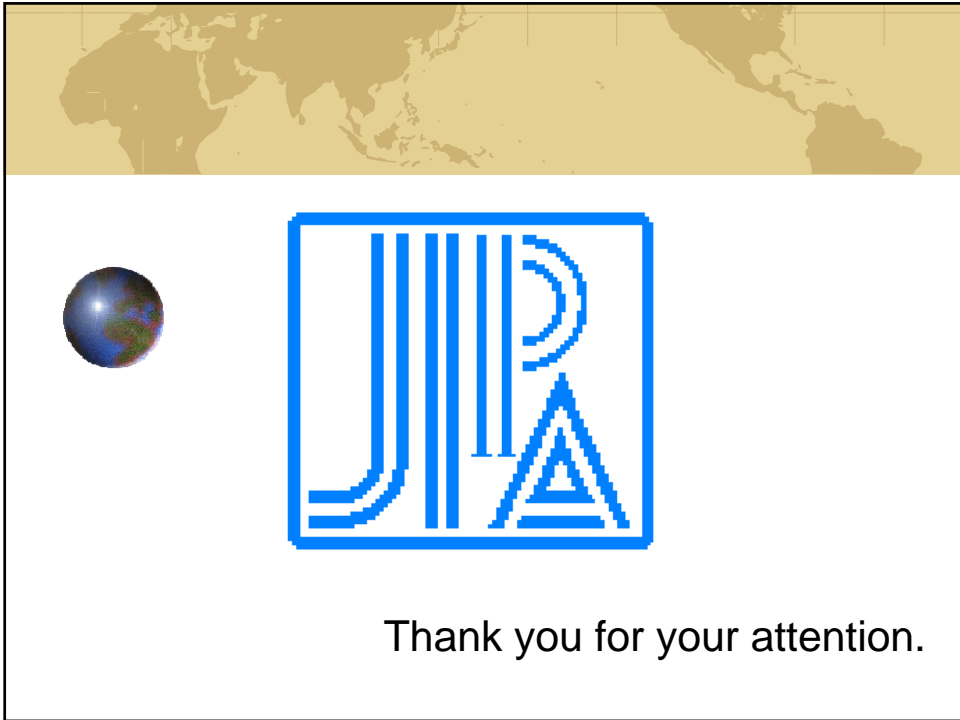
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Expectations to Trilateral Cooperation

- Introduction of same format to **reduce patent cost** as soon as possible
- Realization of exploitation of search/examination results to obtain **high and same quality** patent **at same timing**
- Leadership at Harmonization on substantive patent law to realize **global patent system**

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Thank you for your attention.