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# **Status Report on Sufficiency Disclosure/ Description Requirements**

February 23, 2016  
Meeting of Trilateral Heads of Office with  
Trilateral Industry

**JAPAN PATENT OFFICE**

1. Background
2. Present Situation
3. Next Steps

- IP5 Heads Meeting (2012): Agreed to set up the PHEP
  
- IP5 Heads Meeting (2014): Agreed to start specific works on the following three priorities for patent harmonization
  - Unity of Invention
  - Citation of Prior Art
  - **Sufficiency of disclosure/written description**
  
- Oct. 2014: Industry IP5 Consensus Proposals to the PHEP
  
- 3<sup>rd</sup> PHEP Meeting (2014): No agreement made on the Roadmap proposed by the JPO
  
- Feb. 2015: **10 Cases from Industry IP5 submitted**

- IP5 Deputy Heads Meeting (Mar. 2015)
  - Preparation of hypothetical cases and methodology
  - To decide whether or not to conduct case studies at the next PHEP Meeting
  
- IP5 Deputy Heads Meeting (May 2015)
  - Proposal of conducting **hypothetical cases** corresponding to the **Cases 6, 8 and 9**
  
- 4<sup>th</sup> PHEP Meeting (Oct. 2015)
  1. Hypothetical cases
    - Agreed
  2. Next steps
    - To agree the **proposed format for case studies**
    - To **collect each office's case studies in February**

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### ● **Agreed format** for case studies

Please fill in the examination results at your office on the following issues to be considered:

1. Does the invention written in the claim meet the support requirements?
  - Yes
  - No
  - Can be true for both Yes and No
2. In Question 1 stated above, if you chose “Yes” (the claimed invention meets the support requirements) or “Can be true for both Yes and No,” please fill in the following details:
  - (1) Reasons why the invention is judged to meet the support requirements
  - (2) Descriptions of specifications or claims as well as required common general technical knowledge, which serve as a basis for determining that the invention meets the support requirements
3. In Question 1 stated above, if you chose “No” (the claimed invention does not meet the support requirements) or “Can be true for both Yes and No,” please fill in the following details:
  - (1) Reasons why the invention is not judged to meet the support requirements
  - (2) Desirable descriptions of specifications or claims as well as required common general technical knowledge in the initial application, which serve as a basis for not determining that the invention indicates a violation of requirements

**The JPO is collecting case studies from each office.**

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- **Current Case Studies on Three Hypothetical Cases**

- Hypothetical cases and the results of cases studies conducted by the IP5 Offices

*In addition, preferably,*

- **Opinion from the IP5 users** on the hypothetical cases

→ *Progress report at IP5 Heads Meeting in June 2016*

- **Further Case Studies**

- Choose **other technical fields and requirements, which are different** from the current hypothetical cases (Technical field: chemistry/ Requirements: support requirements) after IP5 Heads Meeting in June



**Thank you very much.**

