

The European Patent Office (EPO), the Japan Patent Office (JPO), and the United States Patent and Trademark Office (USPTO) met at the 30th Trilateral Conference in Kyoto, Japan, on 16 November 2012, and commemorated the 30<sup>th</sup> Anniversary of the Trilateral Cooperation:

- Reconfirming their commitment to Trilateral co-operation based on common recognition of the role of industrial property as a basic system supporting the progress of industry, technology, and international economic growth,
- Identifying timely processing of increasing workloads of patent applications and high quality examination processes as common objectives of the Trilateral Offices and its user communities,
- Acknowledging the benefits of promoting reduction of processing times and reducing or eliminating redundant work through a co-ordinated Trilateral approach,
- Recognising the benefits of promoting the improvement of the quality of incoming applications as a means to reduce Office workloads,
- Reaffirming the significance of the IP5 Co-operation and its foundation projects,
- Noting the importance of enhancement of the cooperation between the Trilateral Offices and its user communities,
- Understanding the benefits of harmonising patent law and procedures,
- Recognising the benefits of developing common infrastructure and compatible data for electronic business systems and search tools,
- Reaffirming the value of patent information as means for raising the quality of applications filed,

Highlight the following as major achievements of the common efforts of the three Offices this year:

- Adopted a Declaration on the 30th Anniversary of Trilateral Cooperation reflecting the long history of cooperation
- Published a 30<sup>th</sup> Anniversary Pamphlet
- Revitalized the discussion on PCT improvement with concrete proposals and agreed to continue to elaborate them
- Evaluated the results of the FLASH and JP-FIRST work-sharing initiatives and agreed on next steps for FLASH.

- Completed Phase 2 follow up of the collaborative study on metrics of the quality of International Search Reports
- Improved the Common Citation Document (CCD) application reflecting feed-back from the Trilateral industry
- Agreed to invite SIPO as one of the TRINet members
- Agreed to promote the Global Dossier Initiative
- Agreed to make further contributions for international discussions towards Harmonisation of patent laws and practices.

Furthermore, understand as follows:

### **1. Trilateral Cooperation 30<sup>th</sup> Anniversary**

The Trilateral Office produced the 30<sup>th</sup> Anniversary Pamphlet, which explains advancements and achievements which had been made under the Trilateral Cooperation since its start, and distributed it widely to have the public acknowledge the Trilateral Cooperation and the role that the Trilateral Cooperation played in the development of patent systems in the world.

The Trilateral Offices reflected on the Trilateral Cooperation's long history started in 1983 and adopted the Declaration on the 30th Anniversary of Trilateral Cooperation, as attached to this MOU.

### **2. Work-sharing (Project WM1)**

The Trilateral Offices reaffirmed their commitment to further develop the various work-sharing initiatives in order to maximise reusing each office's work output to increase the efficiency and effectiveness of their own search and examination processes. The Trilateral Offices will continue to explore possible methodology thereof.

#### **(a) Patent Prosecution Highway**

The Trilateral Offices reconfirmed the Patent Prosecution Highway as an important element of Trilateral work-sharing activities and agreed to further discuss means for enhancing its efficiency and effectiveness. Above all, the Trilateral Offices affirmed their commitment to PPH2.0 and PPH-MOTTAINAI for a comprehensive PLPPH framework.

Recognizing the importance of streamlining PPH procedures, Trilateral Offices also confirmed the development of a common guideline would be a pragmatic approach offices should take in the medium term.

#### **(b) Timeliness**

The JPO had realized the concept of a timeliness solution in the JP-FIRST initiative. The USPTO had undertaken a pilot project known as FLASH to test the feasibility of balancing and prioritizing workloads to maximize re-use of

search and examination results. The Trilateral Offices agreed to discuss next steps for the Flash 2.0 scheme. The EPO and USPTO will implement the Flash 2.0 as soon as possible.

The Trilateral Offices recognized that maximising accessibility of search and examination results between the Trilateral Offices via OPD and other means is an important factor in promoting work-sharing in order to make the most of other offices' work output.

### **3. Examiner Exchange (Project WM3)**

The Trilateral Offices maintained agreement that examiner exchange programmes are an effective means to build confidence and to promote mutual understanding among the Offices. Accordingly, the Offices remained committed to continuing this work through IP5 cooperation to advance this objective and to make more efficient use of resources.

### **4. PCT**

The Trilateral Offices continue to recognise the importance of enhancing efforts towards using the PCT system to its full potential and agreed to continue to explore and implement, where feasible, various proposals to advance the PCT Roadmap.

The Trilateral Offices made respective proposals to improve the PCT and agreed to further elaborate and, where feasible, implement these proposals.

The Trilateral Offices maintained agreement to work on improving the PCT process in order to optimise reusing PCT work within the national stage in the Trilateral Offices. This includes ensuring that the quality of PCT search and examination equals that of each Offices' standards for national/regional patent applications.

The EPO and the USPTO have been engaged in a PCT collaborative international search and examination pilot with the KIPO as one component of the Roadmap. It is aimed to expand this pilot to other IP5 Offices willing to participate in the pilot if appropriate. The JPO would consider a possibility to participate in the pilot while consulting with users.

### **5. Examination Practices and Quality Issues (Project LEG)**

The Trilateral Offices reconfirmed the importance of quality metrics for the assessment of the quality of both International Search Reports and national/regional examination processes with the objective of improving the reusability of International Search Reports in the national phase. The EPO and the JPO agreed to start Phase 3 of Collaborative Study on Metrics. The EPO indicated that they proposed to present the PCT Quality Metrics Framework to the IP5 and further develop quality metrics.

## **6. Enhancement of IT Collaboration**

The Trilateral Offices maintained agreement to continue developing and supporting the IP5 Foundation Projects to support work-sharing.

### **(a) Priority Document Exchange (Project DTR3)**

The Trilateral Offices maintained agreement to implement the improved WIPO Digital Access Service (DAS 2.0) early and to migrate from the current bi-lateral PDX exchanges to the DAS when ready.

### **(b) Electronic Filing, Data Standards (Project EB1, STD1)**

The Trilateral Offices confirmed the completion of the Common Application Format (CAF) project as one of the IP5 Foundation Projects, and agreed to continue to promote the use of the CAF with its users even after completion of the CAF project.

Moving toward the practical use of an XML standard in the three Offices, the Trilateral Offices maintained agreement to continuously exchange information on ways to enhance XML based e-filing and processing in each of the Offices.

The Trilateral Offices agreed to continue enhancing existing formats used to exchange data for written opinions, and for legal status of patent applications; while at the same time, considering new standards and ensuring interoperability between them.

The Trilateral Offices agreed on finalizing the proposal on a revised standard for the presentation of sequence listings in XML by the deadline for an adoption at the CWS in 2014, highlighting the importance of continuing discussion on the transition mechanism from ST.25 to ST.26.

The Trilateral Offices agreed to continue cooperating with the WIPO toward full adoption of WIPO Standard ST.96, including its Annex, at the 3rd Session of CWS meeting on the assumption of satisfying the required convertibility and not replacing ST.36 and other existing standards.

### **(c) Zero Paper Emission**

The Trilateral Offices would continue to consider legal and technical issues to actively support the WIPO IB's goals of digitisation. The Trilateral Offices will continue to support the "ePCT" project which handles PCT documents in electronic form.

### **(d) TRINet (Project IT3)**

The Trilateral Offices reaffirmed their commitment to determining the preferred method of exchanging information via networks depending on application type so as to enable secure exchange open to many IPOs in the future.

The Trilateral Offices agreed to add SIPO to Trinet, and expressed their welcome for SIPO's participation.

The Trilateral Offices agreed on a plan to implement the Trinet Security Policy, including agreeing on an initial set of ISO 27002 Common Controls for Trinet and to begin planning for their implementation.

It was also agreed to investigate the alternatives for future secure data exchange amongst the Trilateral Offices.

#### **(e) Global Dossier Initiative**

The Trilateral Offices shared recognition on the importance of the Global Dossier Initiative as the vision towards enhancing and consolidating the various means of collaboration between Offices, users and other stakeholders in the patent process.

The Trilateral Offices agreed to promote the activities of the Global Dossier, including preparation for the 1<sup>st</sup> Global Dossier Task Force Meeting which will be held at EPO in 2013.

#### **(f) Common Citation Document**

The Trilateral Offices improved the Common Citation Document (CCD) application reflecting some feed-back from Trilateral industry and released the improved version of the CCD application in April and the end of 2012.

The Trilateral Offices acknowledged other positive advances related to the CCD. This includes the start of the USPTO's timely providing citation data, the JPO's preparing media-less data exchange, and the IP5 starting initiatives aimed at improving the CCD. Furthermore, the USPTO will start providing enriched citations towards the end of 2013.

The Trilateral Offices agreed to promote the CCD within the IP5 and further confirmed their intentions to provide enriched citation data to support the CCD whenever possible.

### **7. Classification (Project WT2)**

The Trilateral Offices agreed to further discuss classification to work out the Trilateral Cooperation Long-term Plan on harmonization for classification issue.

### **8. Information Dissemination/Public Awareness (Project PI)**

The Trilateral Offices reaffirmed the strategic importance of the revised Trilateral information dissemination policy of free flow of information of data.

Recognising the importance to minimise any overlap of activity, the Trilateral Offices agreed to enhance the transition of certain patent information activities to the IP5 cooperation framework, in particular encouraging the KIPO and the

SIPO to accept the IP5 patent information policy based on said Trilateral information dissemination policy.

The Trilateral Offices remained committed to reviewing dissemination policies and practices in order to enhance and expand access to a broader user community.

### **9. Statistics (Project MAN)**

The Trilateral plus KIPO(Four Offices) and SIPO worked together so that SIPO could be included as an official member of the Statistics Working Group for creating the IP5 Statistics Working Group. The mandate document of the IP5 Statistics Working Group has been adopted at the IP5 WG3 held in December 2011, where SIPO was welcomed to the Statistics Working Group. Taking account of progress that is expected to be achieved on this issue, the Four Offices Statistics Working Group was dissolved under the assumption that the work will be carried out under IP5.

The IP5 would release the first Five Office Statistics Report in November 2012.