



CNIPA

China National Intellectual Property Administration

Report on Outcome of IP5 Heads Meeting

IP5 ICG Meeting
February, 2021

On July 21, 2020, the 13th IP5 Heads of Office Meeting hosted by CNIPA

via video conference for the first time.

The meeting attended by the heads of the IP5 offices and DG of the WIPO.



Before the meeting, opinions solicited from the IP5 Industry:



fiveIPoffices
European Patent Office | Japan Patent Office
Korean Intellectual Property Office | National Intellectual Property Administration, PRC
United States Patent and Trademark Office

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COVID-19 response measures

Find out more about ongoing response measures at the IP5 offices to the COVID-19 crisis.

European Patent Office (EPO):

- [Coronavirus \(COVID-19\) - continuously updated information](#)
- [EPO's COVID-19 Patent Information Resource](#)
- [EPO on patents and coronavirus \(COVID-19\)](#)
- [Detailed information about measures adopted by the EPO](#) (↗ WIPO COVID-19 IP Policy Tracker)

Japan Patent Office (JPO):

- [Handling of procedures affected by COVID-19 \(English\)](#)
- [Responses to the spread of COVID-19 \(Japanese\)](#)
- [Detailed information about measures adopted by the JPO](#) (↗ WIPO COVID-19 IP Policy Tracker)

Korean Intellectual Property Office (KIPO):

- [News on notices regarding extension of deadlines, reduction of fees, etc. \(English\)](#)
- [COVID-19 Patent Information Navigation \(English\)](#)
- [Detailed information about measures adopted by KIPO](#) (↗ WIPO COVID-19 IP Policy Tracker)

National Intellectual Property Administration of the People's Republic of China (CNIPA):

- [Application scope of relief \(English\)](#)
- [Combating the pandemic, we are in action \(Chinese\)](#)
- [Detailed information about measures adopted by CNIPA](#) (↗ WIPO COVID-19 IP Policy Tracker)

United States Patent and Trademark Office (USPTO):

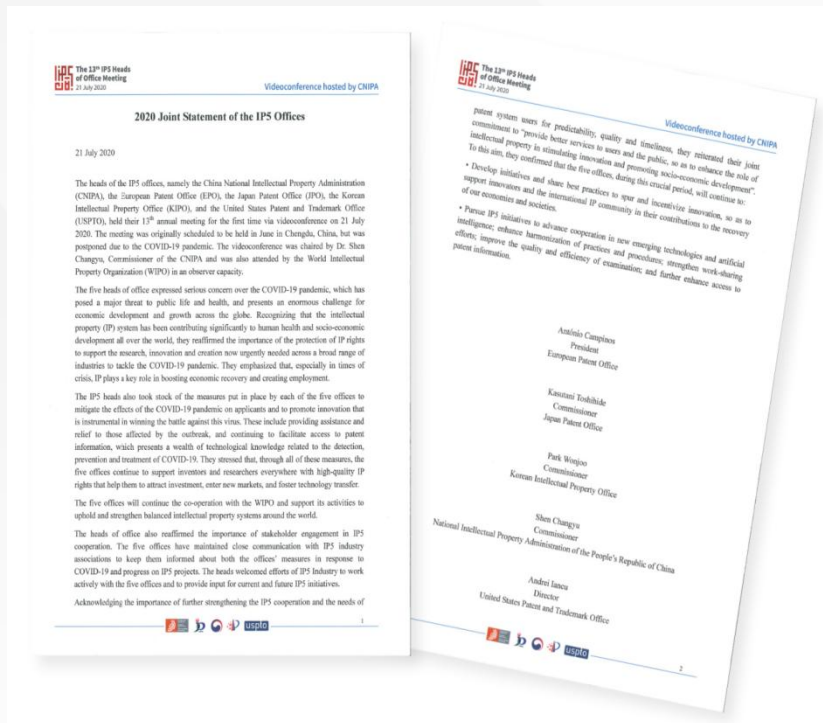
- [COVID-19 Response Resource Center](#)
- [Detailed information about measures adopted by the USPTO](#) (↗ WIPO COVID-19 IP Policy Tracker)

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During the meeting, the Heads of the IP5 offices:

- ✓ Adopted the **IP5 joint statement**

The Heads emphasized the importance of:



- **Protection of IP rights** to support the COVID-19 related **research, innovation and creation**
- **Maintaining communication with IP5 industry** and will further strengthening IP5 cooperation to meet the needs of the IP users.

The IP5 offices will continue to:



1

- ❖ Develop initiatives and share best practices to spur and incentivize innovation to support recovery of economies and societies.

2

- ❖ Pursue IP5 initiatives to:
- ❖ Advance cooperation in new emerging technologies and artificial intelligence;
- ❖ Enhance harmonization of practices and procedures;
- ❖ Strengthen work-sharing efforts;
- ❖ Improve the quality and efficiency of examination; and
- ❖ Further enhance access to patent information.

During the meeting, the Heads of the IP5 offices:

✓ Discussed Strategic **Response to the COVID-19 Pandemic** and measures taken by the five offices

CNIPA

Relief measures:

- Notice No. 350
- Application scope of Relief
- Providing Patent and IC Layout-design services over internet
- TM application during pandemic prevention and control period

Information Sharing:

- Special column on the official website: Combating the pandemic, we are in action
- Research Report on Patent Information on Fighting Against Novel Corona Virus Pneumonia
- Research Report on Traditional Chinese Medicine for Prevention and Treatment for Novel Corona Virus Pneumonia
- Research Report on Protective Medical Mask for Novel Corona Virus Pneumonia
- Information Sharing Platform for Patents on Pandemic Prevention against COVID-19
- Patent Information Thematic Database for Prevention and Treatment of COVID-19

Online training:

- Free public online training courses during pandemic prevention and control period

Operation:

- Cooperated with courts to carry out remote litigations for trademark administrative cases
- Increased the number of examiners working remotely and ensured the stability and efficiency of the examination system through expanding network capacity and other measures.

“Diverse measures including relief measures, patent information and operations have been taken to facilitate domestic and foreign users.”



Patent Information Thematic Database for Prevention and Treatment of COVID-19 was Launched

EPO

Relief measures:

- Oral proceedings in opposition and examination
- Postponement until further notice of all oral proceedings in opposition scheduled until 2 June 2020
- Oral proceedings in examination held by videoconference
- Remedies in case of non-observance of time limits
- Extension of periods for the payment of fees

Information Sharing:

- Launched a continually updated webpage dedicated to COVID-19 related issues.



The webpage dedicated to COVID-19 related issues

“Responded to the pandemic with unprecedented measures, including ensuring the health and safety on top priority, and making better use of the technology to ensure the continuity in the patent granting process.”

JPO

Relief measures:

- Handling of Procedures Affected by COVID-19
- Relief Measures based on “Reasons beyond one’s Control” and “Legitimate Reasons” when prescribed procedures are affected
- Relief Measures based on “Reasons beyond one’s Control” in Formality Examination Manual 04.04
- Procedures for Application of Exceptions to Lack of Novelty of Invention
- Procedures for Application of Exceptions to Lack of Novelty of Design
- Extension of Designated Time Limit for Procedures of Pending Trials/Appeals Affected by COVID-19
- (Q/A) Responses to the Spread of COVID-19 (International applications under the PCT)

Oral proceedings:

- Videoconferences in Patent Examinations
- Videoconferences in Trials/Appeals
- Information Sharing
- Licensable Patent Information Database
- Main Page on Responses to the Spread of COVID-19



Licensable Patent Information Database

“Initiatives had been taken on increasing flexibility to alleviate the users’ difficulties, digitalizing the procedures, maintaining an open patent information database.”

KIPO

Relief measures:

- Extension of deadline
- Lessened requirement for reviving abandoned patent applications
- Reduction of fee

Information Sharing:

- “COVID-19 Patent Information Navigation”

“Making continued efforts on building IP systems through which the inventors and innovators can make therapeutics, and also to make relevant IPs, and cooperation would be the key.”

“Through efforts, the patent system will serve as a catalyst to overcome or facilitate to overcome the COVID-19 pandemic, and even serve a further protection of human life and improvement of the public health.”



COVID-19 Patent Information Navigation

USPTO

Operations:

- The USPTO is open for business, and operations will continue without interruption.

Hearings and oral proceedings:

- Patent Trial and Appeal Board (PTAB) and Trademark Trial and Appeal Board (TTAB) oral hearings, and similar in-person meetings with parties and stakeholder scheduled to take place at USPTO offices on or after Friday, March 13, 2020 will be conducted remotely by video or telephonic.

Relief measures:

- Under the CARES Act, the USPTO extended the time allowed to file certain patent and trademark-related documents and payments of certain required fees. Certain filings or payments due on or between March 27, 2020 and May 31, 2020 that were not filed or made due to the health crisis will be considered timely if filed on or before June 1, 2020.
- The USPTO is waiving the requirement of 37 CFR 1.401(c) and (2) for original handwritten signature for certain correspondence with the Office of Enrollment and Discipline and certain payments by credit card.
- The USPTO considers the effects of coronavirus to be an “extraordinary situation within the meaning of 37 CFR 1.183 and 37 CFR 2.146) for affected patent and trademark applicants, patentees, reexamination parties, and trademark owners. Therefore, the USPTO is waiving option fees in certain situations for customer impacted by the coronavirus. Details about eligible applications and reexamination proceedings are provided in the link.
- Until further notice, the USPTO will accept patent applications and follow-up documents through the USPTO patent electronic filing system (EFS-Web or Patent Center).

Information sharing:

- The USPTO has launched a website called Patents 4 Partnerships, which lists patent and published applications relating to COVID-19 that the owners have indicated as available for licensing, along with contact information.
- The USPTO is compiling all notices related to COVID-19 on its main webpage.

“IP5 offices work together to explore coordinated approaches for addressing the needs of stakeholders and responses during emergencies.”



USPTO COVID-19 Response Resource Center

The USPTO COVID-19 Response Resource Center is a central hub for information about the USPTO's efforts and other helpful information in response to the COVID-19 outbreak. Learn about the various actions the USPTO is taking to accelerate innovation, keep our stakeholders informed of recent developments, and provide new technologies.

For USPTO notices regarding the COVID-19 outbreak, please go to <https://www.uspto.gov/coronavirus>

- Patent and Licensing resources
- Innovation Incentives
- Trademarks, Copyrights, and Fraud
- International updates

During the meeting, the heads of the IP5 offices:

✓ Endorsed the **progress and next Steps** of WGs, including:

A. Next steps of PCT CS&E (EPO)

B. Scope of the NET/AI Task Force (EPO/KIPO)

C. Latest progress of PHEP (USPTO)

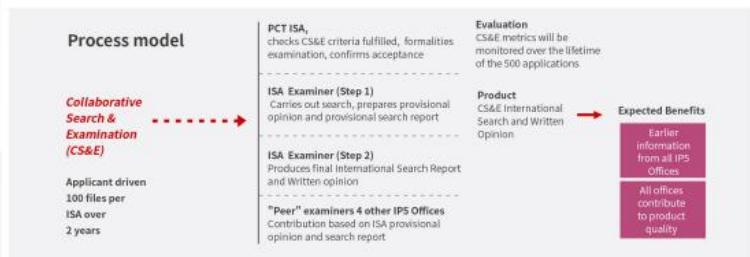
D. Revision of scope of XMLization (JPO)

E. Guideline for IP5 Working Group Virtual Meetings (CNIPA)





F. Communication Protocol and Information Flow with IP5 Industry (CNIPA)

A Next steps of PCT CS&E (EPO)

Milestone achieved: operational phase completed



· 2-year operational phase was smoothly and successfully achieved on 30 June 2020.

 Requests accepted by all IP5 Offices 465 (incl. in DE - 13, FR - 2, JA - 20, KO - 3, ZH - 16)	 Provisional SR uploaded by all IP5 Offices & special cases 447 (incl. 36 non-unity, 3 sequence listings, 10 partial searches, 1 PCT-CLAR)	 Final SR delivered by all IP5 Offices 434
 Technological fields	A - 85 E - 8 B - 50 F - 14 C - 52 G - 136 D - 5 H - 82 33 classifications pending	

—100 files received at ISA/US, ISA/KR, ISA/EP (maximum quota reached);
 —Around 90 files received at ISA/CN and around 75 files received ISA/JP.

Endorsed by the Heads

Request to extend the evaluation phase by an **additional year** until June 2022 to assess the CS&E applications in the respective national/regional phases

In 2021	—user survey, i.e. participants will be consulted via a questionnaire —feedback analysis and further discussions with user groups
June 2022	final report including recommendations to IP5 Heads

B Scope of the NET/AI Task Force (EPO/KIPO)

First IP5 NET/AI task force meeting was held



on this meeting, the IP5 Offices reached a consensus about the working mode, industry engagement, possible areas for co-operation and timeline

Scoping Document: first milestone

Area 1 Legal aspects of NET/AI	Area 2 IT aspects/utilization of NET/AI	Area 3 Strategic outlook
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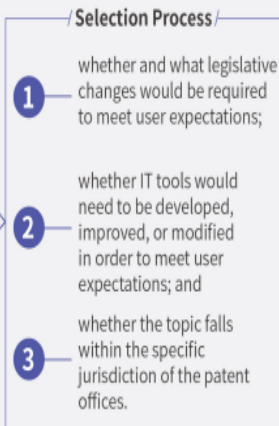
Endorsed by the Heads



C Latest progress of PHEP (USPTO)

Patent Harmonization Experts Panel (PHEP)

According to the feedbacks from the IP5 Industry, **8 candidate PHEP** topics had been made. To further select the feasible topics, the IP5 Offices considered the following 3 factors.

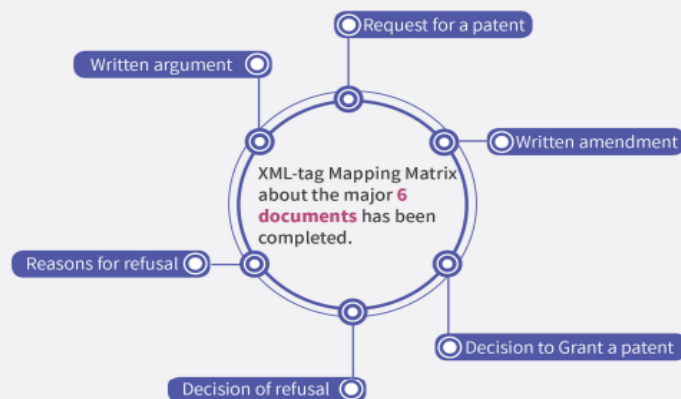


1. Adoption of a global assignment;
- 2(a). Harmonization of claim formalities; and
- 2(b). Harmonization of allowable features in drawings (e.g. color, how it should look).

D Revision of scope of XMLization (JPO)

The purpose of this project is to realize XMLization (machine readable) of each Document which is compatible between each Office and sufficiently satisfy the users' needs.

Latest progress



Endorsed by the Heads

In this meeting, the IP5 Heads endorse the revision of the XMLization scope document which incorporates OPD-API pilot program

Next step



Identify IP5 users' needs for data exchange based on XML



Reflect on the contents of Mapping Matrix



Utilize the result for consideration of XMLization in each IP5 Office

E Guideline for IP5 Working Group Virtual Meetings (CNIPA)


efficiency & cost-effectiveness

01 Previous PMG & WG1 virtual meetings demonstrated their potential to improve efficiency & cost-effectiveness of IP5 cooperation


continuity & momentum

02 Several in-person meetings were swiftly replaced with virtual ones to maintained IP5 business continuity and cooperation momentum in the pandemic

guidelines are needed to summarize previous experience & provide recommendations for working virtually in the future

/ Principles for Coordination of Physical & Virtual Meetings /

01

If condition permits, ensure an annual physical meeting for each WG

02

WGs could establish ad-hoc or routine virtual meetings, where appropriate

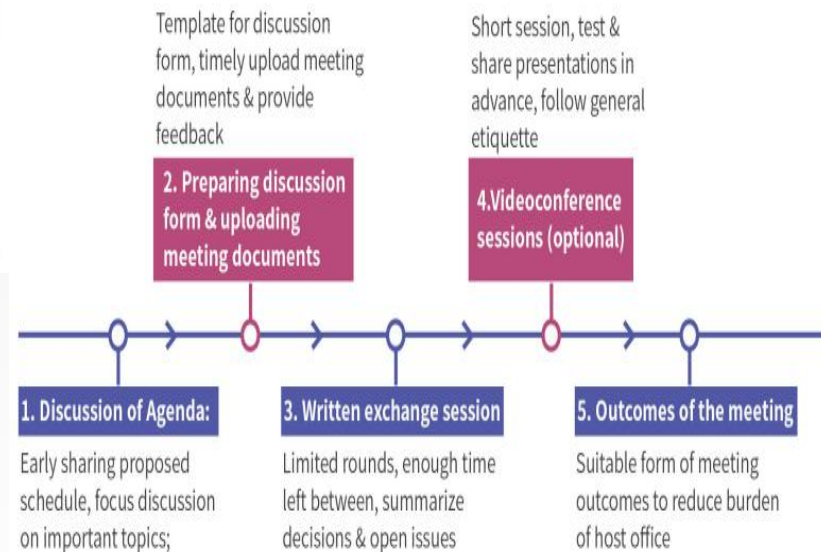
03

If emergency situation occurs, a virtual meeting should be considered to replace the physical meeting

04

In coordination with PMG, WGs should find appropriate balance between physical & virtual meetings and share the hosting responsibilities

Virtual Meeting Procedural Arrangement



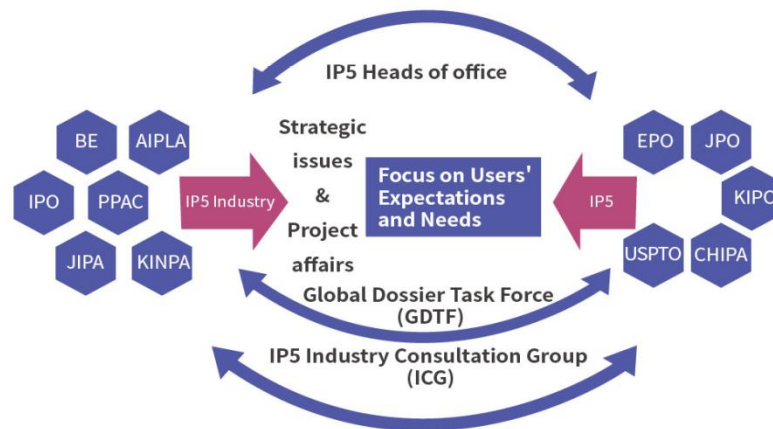
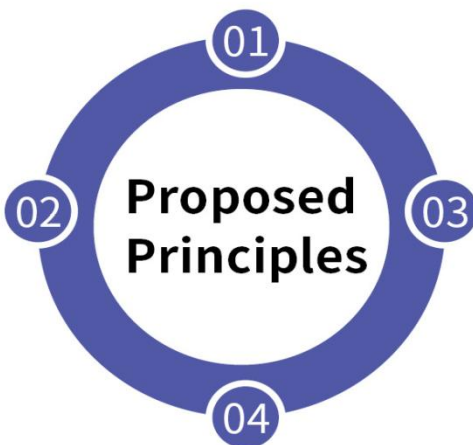
F. Communication Protocol among the IP5 offices and IP5 Industry

Respond to the Industry's requirements & improve the efficiency and effectiveness of communication, the Communication Protocol has been drafted

Proposed Principles

For most cases, Offices secretariat to Industry Secretariat

Consensual information & Unified feedback



Make best efforts to send meeting documents on time

Industry have sufficient internal discussion and provide constructive solutions

Brochure of the 13th IP5 Heads meeting



Thank you!