



Discussion on the future work of the IP5 PHEP

(b) Harmonization of allowable features in drawings

February 25, 2021
JIPA International Policy PJ



Harmonization of allowable feature in drawings

(1)Background

The paper size is unified to A4 (21.0cm x 29.7cm). However, many features in drawing is not yet unified. Therefore, applicants sometimes need to remake the drawings in order to avoid minor OAs when submitting patent applications around the world. This forces the applicants to pay extra costs and efforts even though anyone can figure out they come from the same drawing.

For example,

	JP	US	EP	CN	KR
Area of Figure	255x170	262x170	262x170	257x170	262x170
Margin	25x17x25x15	25x10x25x15	25x10x25x15	25x15x25x15	25x10x25x15
Fig Number	図1	FIG.1	FIG.1	图	도
Gray-scale	(OK)	OK	OK	?	OK
Color	NG	OK Extra Fee	NG	NG	OK
Photo	OK W&B	OK W&B/Color	OK W&B/Color	OK ?	OK W&B/Color
Line Thickness	0.4,0.2	(0.2 OK)	(0.2 OK)	0.25-0.5	0.4, 0.2
Ref. No. Size	≧ 14point	≧ 12.1point	≧ 9.1point?	?	≧ 8.5point





Harmonization of allowable feature in drawings

(2) User's Expectation

- ◆ Users expect that drawing formalities will be harmonized in a direction to increase users' flexibility in drawings, and in a format that each Office is obligated to accept.

(3) User's Proposal

(A) Step 1: Short term goals (Less hurdle)

- Matters of Size
 - a) Area of Figure: For example, 262x170 same as PCT
 - b) Margin: For example, 25(U)x10(D)x25(L)x15(R) same as PCT
 - c) Line Thickness: For example, clarifying that "line thickness may be equal to or more than 0.2"
 - d) Ref. No. Size: Equalize minimum point size (8, 9, 9.1(PCT), 10, 11, 12p?)

(B) Step 2 Long term goals

- Others
 - e) Figure Number
 - f) Gray-scale
 - g) Color
 - h) Photo





Harmonization of allowable feature in drawings

(4) IP5 Offices Information Request:

1. Inquiries in relation to the Short term goals: Size (areas of figure, margin, line thickness, Ref. No. Size).

- a. Please explain in practical terms how the variations in these formal requirements at the Offices affect applicants taking into account the following:
 - i. There appears to be a lowest common denominator in size that could be used when first preparing drawings that would be acceptable under the national law of the Offices and under the PCT.
 - ii. IP Offices may not strictly enforce these formal requirements in view of electronic processing and publication.





Harmonization of allowable feature in drawings

(4) IP5 Offices Information Request:

1. Inquiries in relation to the Short term goals: Size (areas of figure, margin, line thickness, Ref. No. Size).

a. Please explain in practical terms how the variations in these formal requirements at the Offices affect applicants taking into account the following:

Initially intended to file an application only to a specific country, but when trying to file the application to another country, the drawing is checked and revised because the drawing is prepared to meet the drawing requirements of only a specific country. There are practitioners who focus on patent filing to own country.

It is not easy to find the lowest common denominator, by checking the drawing requirements of IP5, especially for applicants or inventors who are not familiar with patent filing.

Even if some oversize is allowed in IP5, the user does not know how much oversize is allowed. Careful applicants will still take time to check and revise the drawings to avoid minor objection to the drawings.

Therefore, industries expect harmonization of the size matter. Otherwise, the industries expect official guidance on the lowest common denominator which complies IP5 drawing requirements for convenience.





Harmonization of allowable feature in drawings

2. Inquiries in relation to the Long term goals: Others (Fig number, Gray-scale, color, photo)

a. Please explain in what technologies or situations black and white drawings are not sufficient to adequately disclose an invention. Why is gray-scale or color a necessity? Under what circumstances are photos needed as opposed to drawings?

- ◆ Microscopic images such as cell staining
- ◆ Blood flow images
- ◆ Polarization images of optical components
- ◆ Imaging process of cameras
- ◆ Graphs, etc.

In these technical fields, color images are commonly used in actual products, and colors themselves are important in patent drawings for expressing a feature of an invention. Also, an effect of the invention can be accurately understood by the color images.

It is so difficult to express the invention in just black and white.





Harmonization of allowable feature in drawings

Cases in which black and white drawings are not sufficient to adequately disclose the invention

Medical imaging: Images by autoradiogram and Thioflavin T staining of the brain slice of the rat

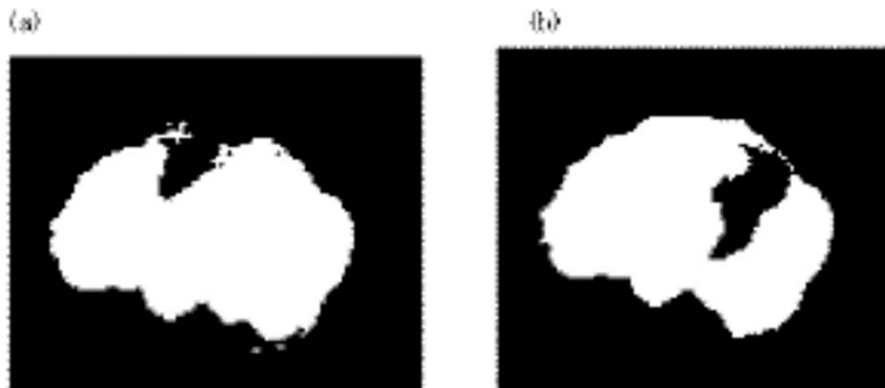




Harmonization of allowable feature in drawings

Cases in which black and white drawings are not sufficient to adequately disclose the invention

Medical imaging: region-of-interest data





Harmonization of allowable feature in drawings

- b. In relation to use of color, gray-scale and photographs, please clarify Industry's needs/expectations in relation to processing thereof by the Offices. Does Industry expect full end-to-end processing of color, gray-scale or photographs (filing, examination, publication, display in search systems)? Also, what aspect of processing is most important?
- ◆ Yes. Industry expects full end-to-end processing including filing, examination, publication, display in search systems. For example,
 - Filing phase: important to accurately express an invention
 - No need to find the best expression other than color drawings
 - Examination phase: important for examiners to accurately understand an invention
 - No need to make an interview just for showing color drawings
 - Publication phase: important for third parties to understand an invention. Unclear figures might give disadvantages to third parties when interpreting the scope of the invention.
 - ◆ We believe that each phase is equally important.





Harmonization of allowable feature in drawings

3. What does IP5 Industry view as the root causes in the differences in practices, e.g. divergent regulations, IT requirements, etc.?

- ◆ Each country's regulations based on past IT restrictions might be the root causes in the differences in practices. We believe that it is time to change.





Harmonization of allowable feature in drawings

User's Expectation

Users expect that drawing formalities will be harmonized, in a direction to increase users' flexibility in drawings, and in a format that each Office is obligated to accept.

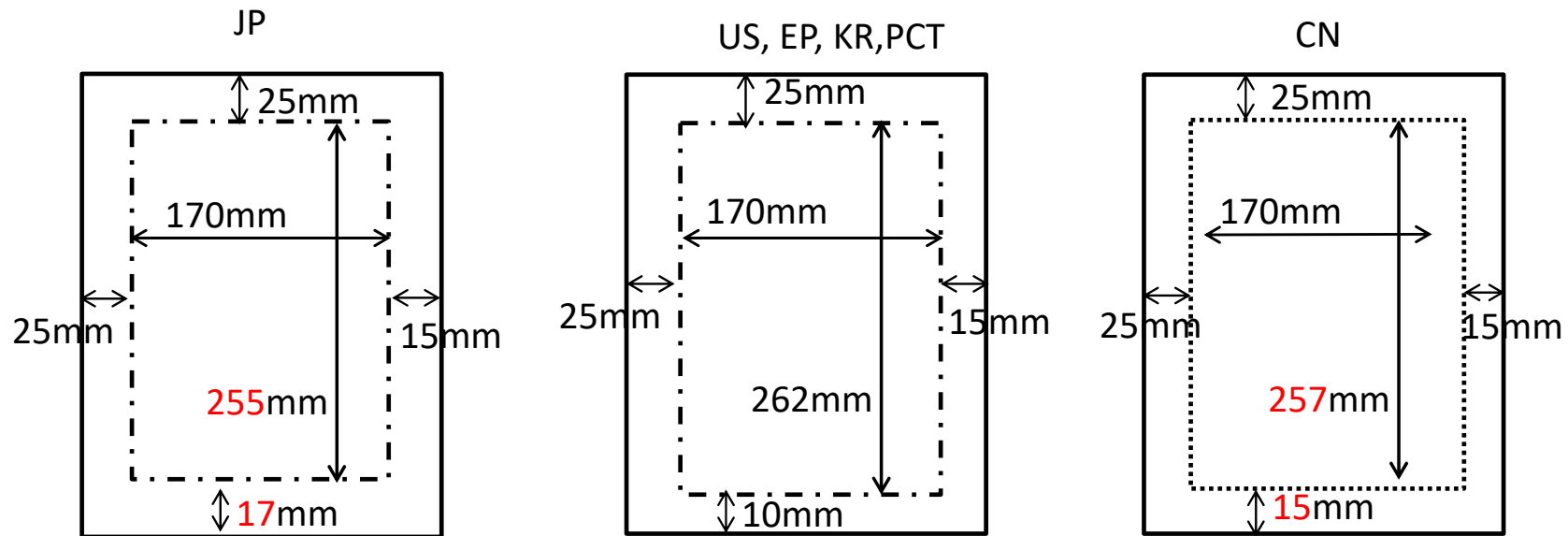


Thank you!



Area Size

Area size restriction for figures by each office (Paper size: A4(21.0cm x 29.7cm))



- Area of figure
- - - - - Margin

Slight difference in the vertical direction