

# **EVALUATION OF PHEP 3 TOPICS**

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## ***Citation of Prior Art***

### ***(Recent progress & Next step)***

**2<sup>nd</sup> IP5 ICG Meeting | 1 February 2018 | Tokyo**



Korean Intellectual Property Office

UNITED STATES  
PATENT AND TRADEMARK OFFICE



# RECENT PROGRESS

- ❖ IP5 Offices agreed to **draft an outline of the goal** envisioned on the **IT-based mechanism** to be provided to WG2 | *PHEP Meeting (Oct. 2015)*
- ❖ **WG2 reviewed the draft** of business requirement provided by PHEP | *WG2 Meeting (Feb. 2016)*
- ❖ In response to the PHEP's Business requirement, **the WG2 presented 'IT Feasibility Study'** including its opinions, limitations and **possible IT solutions like the OPD and the CCD** | *Ad-hoc PHEP Meeting (Mar. 2016)*
- ❖ **Next step for the IT-based mechanism for 'Citation of Prior Art'** was endorsed | *Heads Meeting (Jun. 2016)*
- ❖ KIPO presented **recent progress and future work** | *PHEP Meeting (Oct. 2016)*

# RECENT PROGRESS

- ❖ PHEP provided **revised business requirements** to WG2 including objectives, essential & desirable functions of an IT system | *Jan. 2017*
- ❖ KIPO briefed **recent progress / future work** to users | *ICG Meeting (Jan. 2017)*
- ❖ Approval of **the future plan** including **the survey of a matrix** | *Heads Meeting (Jun. 2017)*
- ❖ Each Office filled out the matrix and sent it to KIPO | *by the end of Nov. 2017*
- ❖ KIPO and the USPTO **presented the preliminary result of the ‘matrix’ survey**, especially in terms of the IT system | *WG2 meeting (Jan. 2018)*

# OBJECTIVE & METHODOLOGY OF THE IN-DEPTH SURVEY

- ❖ **(Objective)** Reduction of applicants' burden to submit prior arts and improvement of work-sharing efficiency by developing IT system
- ❖ **(Methodology)** Survey for IP5 offices to harmonize the procedure for prior art submission and to set up an proper IT system
  - An in-depth study and analysis on patent laws, examination practices and the IT system of each office.

# MAIN CONTENTS OF THE SURVEY

- ❖ **(PHEP)** The patent law, examination systems and practices of each office related to citation of prior art
  - a new business process highly related to IT system design
  - on the scope of documents that patent applicants have to submit
  - the time limit for submission of prior art
  
- ❖ **(WG2)** IT systems and the preparation of data exchange at each office with respect to citation of prior art
  - generation of citation data in an XML format
  - detailed information of citation data described in the XML format
  - the prior art information of the document delivered to OPD/CCD

# CURRENT BUSINESS PROCESS OF CITATION OF PRIOR ART

AS IS

**CASE 1**



Direct submission according to IPO's  
IP law (without IPO's request)

IPO  
(Receiving Office)

**CASE 2**



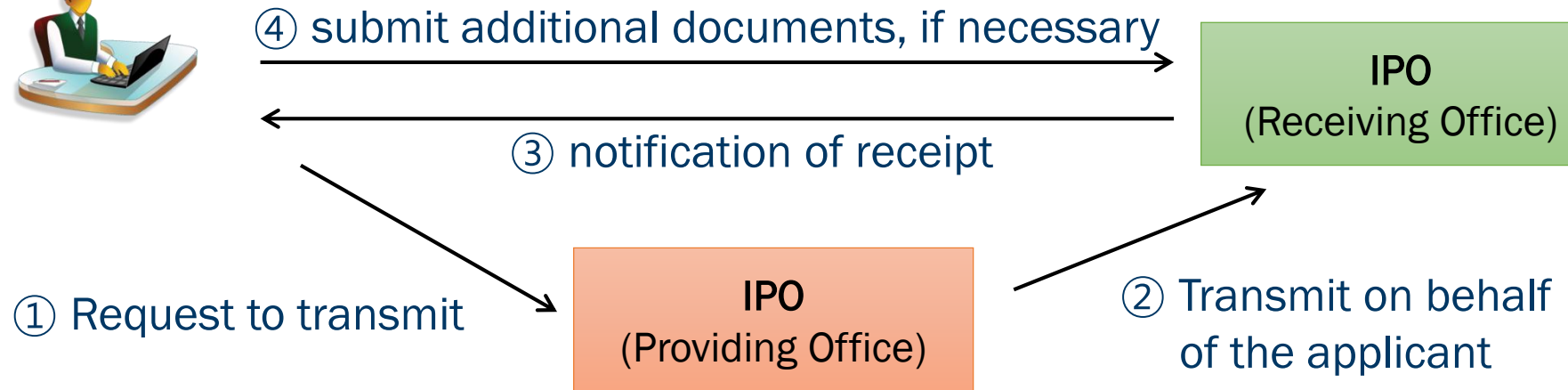
① order to submit relevant documents  
② Direct submission

IPO  
(Receiving Office)

# A NEW BUSINESS PROCESS WITH THE ASSISTANCE OF AN IT SYSTEM

TO BE

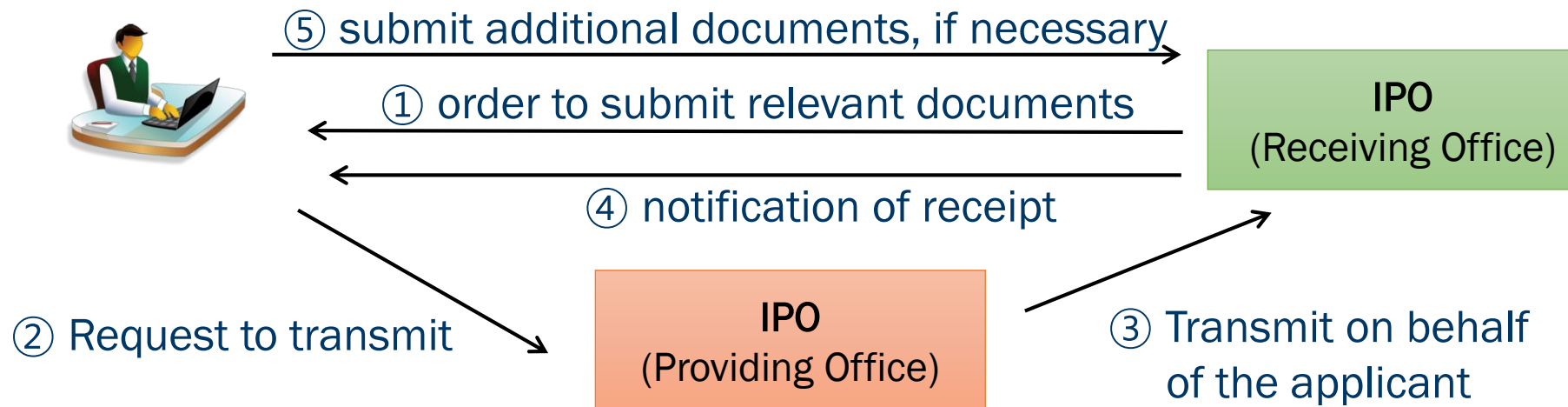
**CASE 1**



# A NEW BUSINESS PROCESS WITH THE ASSISTANCE OF AN IT SYSTEM

TO BE

CASE 2





# A NEW BUSINESS PROCESS WITH THE ASSISTANCE OF AN IT SYSTEM

TO BE

CASE 3



③ submit additional documents, if necessary



② notification of receipt/retrieval

IPO  
(Receiving Office)

IPO  
(Providing Office)

① retrieve on its own accord



# NEXT STEPS

## ❖ KIPO

- To conduct complementary survey by the end of February 2018
- To discuss the preliminary result of the matrix survey at the ad hoc PHEP meeting and to report the progress to IP5 Deputy Heads Meeting (in April 2018).
- To complete the analysis of the matrix survey and report the final result at the IP5 Heads meeting (in June 2018).
- To propose some prototypes of the Work Flow Model and IT system Model at the PHEP meeting (in November 2018).

## ❖ USPTO

- To proceed 'Access to Relevant Prior Art' project and present the results of the project (at the ad hoc PHEP meeting, April 2018)

***Thank you!***