

# **COLLABORATIVE SEARCH PILOT**

## ***BETWEEN KIPO AND THE USPTO***

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



Korean Intellectual Property Office

# MILESTONES

- ❖ **Oct. 2014**, CSP concept proposed by KIPO at the IP5 WG3 meeting
- ❖ **May. 2015**, KIPO-USPTO implementation MOU signed
- ❖ **Sept. 2015**, the 1<sup>st</sup> pilot program started (in operation for 2 years)
- ❖ **Oct. 2017**, KIPO-USPTO extension MOU signed
- ❖ **Nov. 2017**, the 2<sup>nd</sup> pilot program started (in operation for 3 years)
- ❖ **Nov. 2017**, KIPO-SIPO MOU signed

# STATISTICS ON THE 1<sup>ST</sup> KIPO-USPTO CSP

## ❖ [Petitions] 112 cases

- [Routes] **22** in the PCT route / **90** in the PARIS route
- [IPC Sections] 42 cases in H / 39 in G / 18 in A / 9 in F / 3 in B / 1 in C

## ❖ [First Actions] 87 cases

- [Pendency to FA from Petition Date] 7.5 months

## ❖ [Completed Applications] 58 cases

- [Allowance Rate] 84.4%
- [First Action Allowance Rate] 6.9%

## ❖ [Completed Applications in Both KIPO and the USPTO] 34 cases

- [Accordance of the results in the two Offices] **29** cases (85.3%)
- [Discordance of the results in the two Offices] **5** cases (14.7%)
  - ✓ (Reason) Claims changed after amendment, and etc.

# FEEDBACK FROM STAKEHOLDERS – 1<sup>ST</sup> KIPO-USPTO CSP

## ❖ Applicant

- The CSP needs to be continued after the termination of the 1<sup>st</sup> pilot program
- The CSP needs to be extended to other countries
- The process of the CSP is complicating
- The requirements for the CSP petition are strict.

## ❖ Examiner

- The CSP could be a tool to compare the examination quality of the two Offices
- The search result of the counterpart gives confidence in the decision process

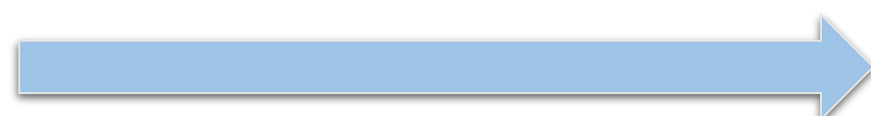
# SYSTEM MODIFICATION – 2<sup>ND</sup> KIPO-USPTO CSP

## ❖ Process

- [delete 1] to ease the IDS issue
- [delete 2] to avoid unnecessary interview



KIPO



Exchange of the reports



USPTO



Exchange of the FA



## ❖ Requirements for the CSP petition

- The earliest date of the applications filed in KIPO and the USPTO is the same
- The earliest date is March 16, 2013 or later
- The examination request is made before or at the same time as the CSP petition
- The CSP petition is made before the first office action
- The number of claims is 20 or less (independent claims are 3 or less)
- **Corresponding independent claims** are identical (**Relaxed**)  
(Category of invention cannot be changed)
- The CSP petition is based on a single application.
- ~~Applicants in KIPO and the USPTO are identical (**Deleted**)~~
- A claim citing 2 or more claims is excluded

# ROADMAP

Step	Program	Details
Step 1	Bilateral CSP	<ul style="list-style-type: none"><li>• Two offices implement the CSP program.</li><li>• KIPO-USPTO CSP and JPO-USPTO CSP began in 2015</li></ul>
Step 2	Trilateral CSP	<ul style="list-style-type: none"><li>• Three offices implement the CSP.</li><li>• The applicant of the cross-filed applications may <b>designate more than two among the three offices for the CSP.</b></li></ul>
Step 3	IP5 CSP	<ul style="list-style-type: none"><li>• The IP5 implement the CSP.</li><li>• The applicant of the cross-filed applications may <b>designate more than two among the IP5 offices for the CSP.</b></li></ul>
Step 4	Global CSP	<ul style="list-style-type: none"><li>• All Participating offices implement the CSP.</li><li>• The applicant of the cross-filed applications may <b>designate more than two among all participating offices for the CSP.</b></li></ul>



***Thank you!***