

International Worksharing and its Perspective

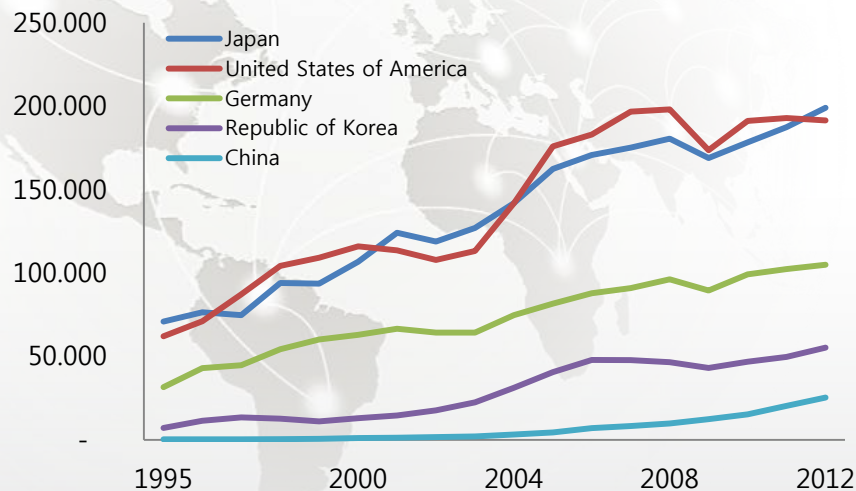
3rd Meeting of IP5 Heads of Office and IP5 Industry
5 June 2014

Korean Intellectual Property Office

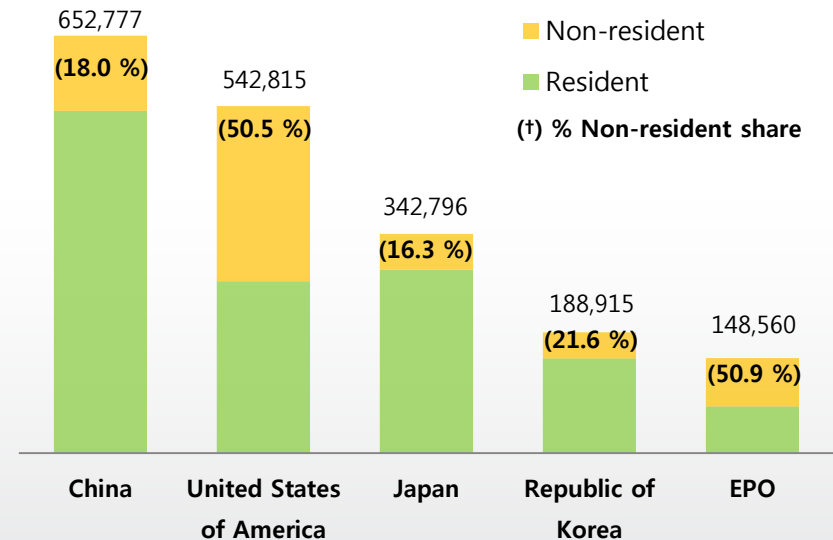
■ Globalization of IP protection strategies

- **Increasing share* of application going abroad** shows applicant's demand for seeking international protection (* 42.7% of total applications worldwide, 2011)

➡ Patent Offices handle **considerable amounts of non-resident applications**



< Trends in applications filed abroad >

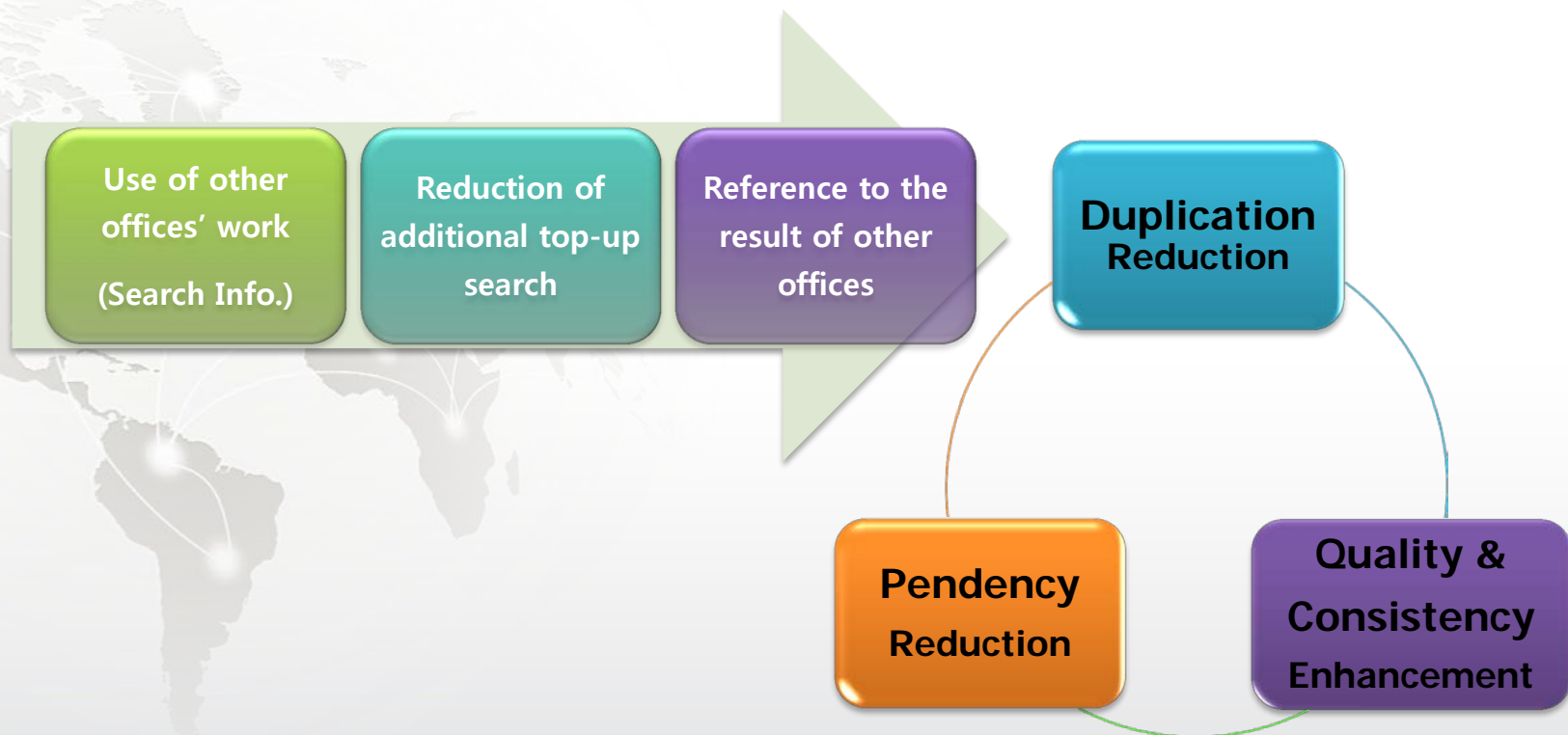


< Patent applications for top 5 offices in 2012 >

WIPO Statistics Database 2013




■ What users and IP offices expect from worksharing

- Practical solution for **reducing work load** of IP offices by eliminating duplicative work
- **The most important multi-office vehicle** for user benefit regarding both **pendency** and **quality**



■ Categorization of worksharing programs

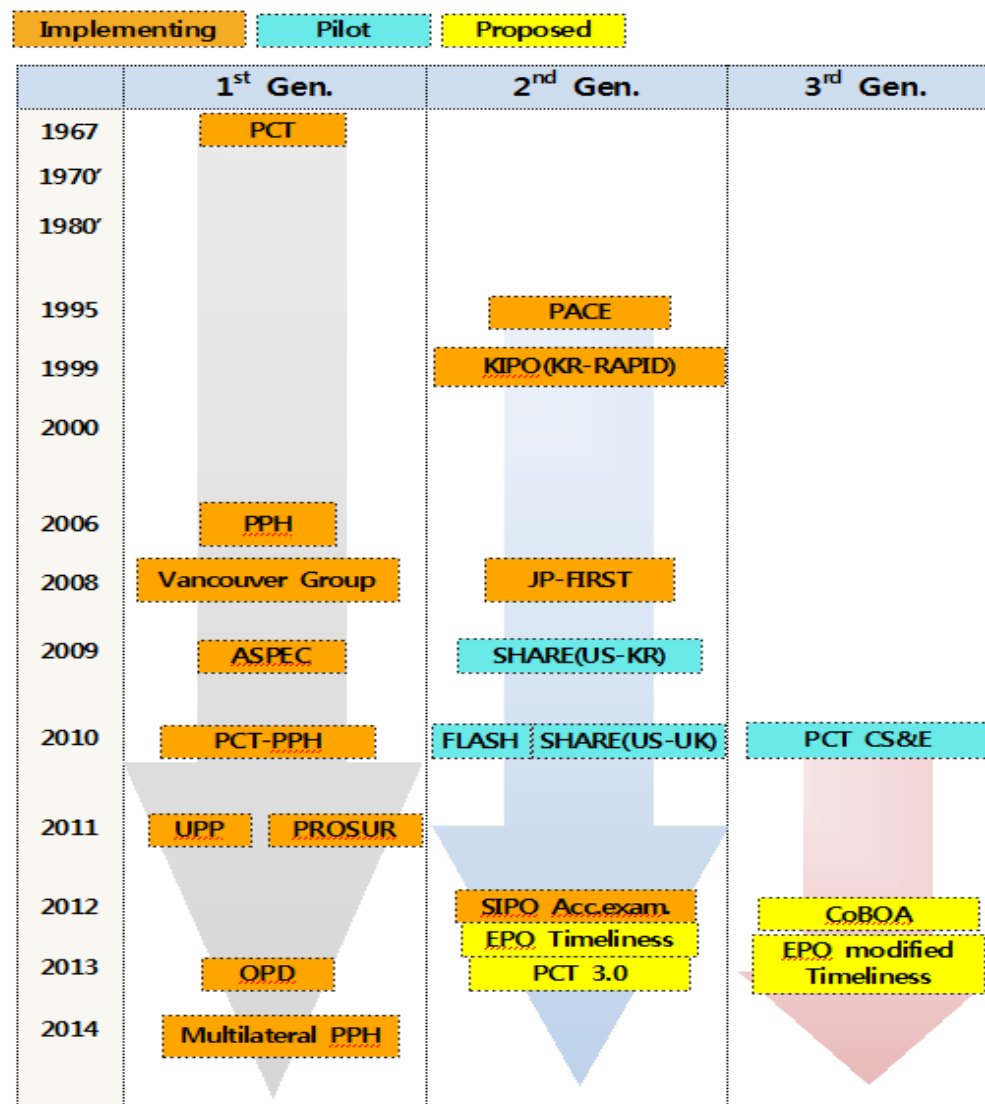
- 1st ~ 3rd generation worksharing programs according to the ***manner of information handling*** between IP offices

Category	Info. Flow	Manner of information sharing	Examples
1 st Gen.		• OLE consults OEE's examination result when available	PCT ('67) PPH ('06) OPD ('13)
2 nd Gen.		<ul style="list-style-type: none"> • OLE consults OEE's examination result • OEE expedites examination to provide examination result for OLE 	JP-FIRST('08) FLASH ('10)
3 rd Gen.		• OLE and OEE mutually share information in a timely manner	PCT CS&E('10) CoBOA('13)







 : Office of **Early** Examination

 : Office of **Late** Examination

Timeline of Worksharing Programs








- **Duplicative work reduction and examination quality improvement in OLE**
through the **consultation of examination result of OEE**

Programs	Participants	Worksharing Process	Status
PCT		<ul style="list-style-type: none"> • Consultation of ISR by DO • The first worksharing program 	Implemented ('67)
PPH		<ul style="list-style-type: none"> • If OEE or ISA finds patentability, OLE or DO expedites the examination of the corresponding application 	Implemented ('06)
PCT-PPH			Implemented ('10)
Vancouver Group		<ul style="list-style-type: none"> • Consultation of OEE's work output through WIPO-CASE system (UK, CA, AU) 	Implemented ('08)
ASPEC		<ul style="list-style-type: none"> • PPH style worksharing program between nine ASEAN countries 	Implemented ('09)
PROSUR		<ul style="list-style-type: none"> • Consultation of OEE's work output (nine South American countries) 	Implemented ('11)

ISA: International Search Authority

DO: Designated Office

- **OEE expedites examination** so that **OLE may consult** the result of OEE

Programs	Participants	Worksharing Process	Status
PACE		<ul style="list-style-type: none"> Automatic accelerated search for European patent applications without any priority claim 	Implemented ('95)
KR-RAPID		<ul style="list-style-type: none"> Examiner of KIPO, as the OFF, expedites the examination according to applicant's request 	Implemented ('99)
JP-FIRST		<ul style="list-style-type: none"> Examiner of JPO, as the OFF, expedites the examination before the OSF starts the examination 	Implemented ('10)
FLASH		<ul style="list-style-type: none"> USPTO expedites examination and prepares a FA within approximately 3 months after notification that USPTO is the OFF 	Pilot ('10)
Timeliness Strategy		<ul style="list-style-type: none"> OEE provides prior art search result within 15 months from the earliest priority date 	Proposed ('12)

■ Benefits

Duplication of work	• OLE' duplicative work is reduced by utilizing OEE's work output
Pendency	• OLE's total pendency is reduced by eliminating duplicative work
Consistency	• Consistency of examination results of OEE and OLE is improved by utilizing OEE's work output

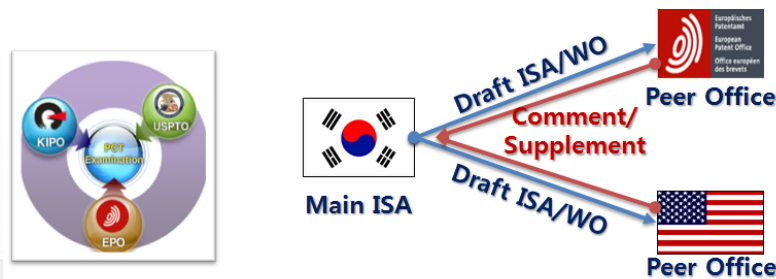
■ Weak points

Biased Benefit	• Only OLE enjoys the benefits of worksharing
Quality & Consistency	• OEE does not have access to additional information ➡ Limited effect on examination quality and consistency

Timely and mutual exchange of information between OEE and OLE is required

■ PCT Collaborative Search and Examination

- An initiative for improving *ISR and WO-ISA quality*

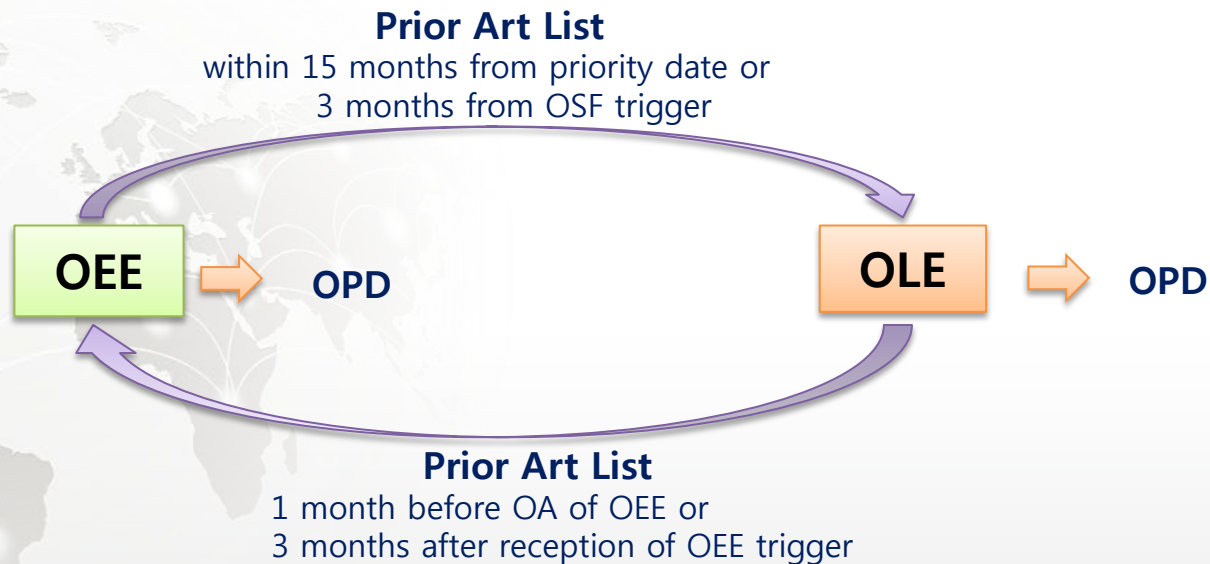


- Examiners of participating offices *jointly establish PCT ISR and WO-ISA*
- Main examiner establishes final ISA and WO-ISA based on the *supplemental info. and comments from peer examiners*

Office	Supplemental Prior Art from Peer Office	Comments on Patentability from Peer Office	Additional Prior Art Cited in Final ISR
KIPO	77%	67%	71%
EPO			87%

■ Modified Timeliness Strategy (EPO)

- **Mutual sharing** of prior art information **between OEE and OLE**
- Optimized for the preparation of **European Search Report**



■ Collaboration Before Office Action, CoBOA (KIPO)

- Exchange of prior art list *before the first office action of OEE*
- *OEE may expedite the examination* for consultation of OLEs *upon the applicant's request*



➡ Timely and mutual information sharing between OEE & OLE for enhancing examination quality and consistency

■ Extension and improvement of 1st and 2nd generation worksharing

- ***Increasing use of implemented programs*** (PCT, PPH, OPD etc.)
- ***Analysis of existing programs*** (PPH quality metric etc.)
- ***Launch of new programs***

■ Development and activation of 3rd generation worksharing

- ***Launch pilot programs between IP offices*** (PCT CS&E, CoBOA, Timeliness Strategy etc.)
- ***Conduct systematic analysis*** to identify factors affecting quality and consistency

- **Worksharing based on the user's demand :**
 - *Expediting the examination in OEE to provide information for OLE upon applicant's request in worksharing program*
 - *Selecting ISAs in PCT (e.g. in PCT Collaborative Search Program)*
 - *Making a choice of offices which will participate in information exchange for examination (e.g. in CoBOA)*

 **Customized Worksharing for more user benefits**

Thank You