

The European Patent Office (EPO), the Japan Patent Office (JPO), and the United States Patent and Trademark Office (USPTO) met at the 29th Trilateral Conference in Paris, France, on 10 November 2011:

- Reconfirming their commitment to Trilateral co-operation based on common recognition of the role of industrial property as a basic system supporting the progress of industry, technology, and international economic growth,
- Identifying timely processing of increasing workloads of patent applications and high quality examination processes as common objectives of the Trilateral Offices and its user communities,
- Acknowledging the benefits of promoting reduction of processing times and reducing or eliminating redundant work through a co-ordinated Trilateral approach,
- Recognising the benefits of promoting the improvement of the quality of incoming applications as a means to reduce Office workloads,
- Reaffirming the significance of the IP5 Co-operation and its foundation projects,
- Noting the importance of enhancement of the cooperation between the Trilateral Offices and its user communities,
- Understanding the benefits of harmonising patent law and procedures,
- Recognising the benefits of developing common infrastructure and compatible data for electronic business systems and search tools,
- Reaffirming the value of patent information as means for raising the quality of applications filed,

Highlight the following as major achievements of the common efforts of the three Offices this year:

- Completed the development of the Common Citation Document platform for full production use, as well as the required exchange of citation data between the Trilateral Offices
- Evaluated the results of the FLASH and JP-FIRST work sharing initiatives.
- Completed all outstanding Classification Harmony Projects thus entrusting future classification harmonisation to IP5 Working Group 1
- Completed Phases 1 and 2 of a study of the quality of International Search Reports

- Presented their respective positions on XML standardisation on which the future roadmap will be based.
- Agreed to make further contributions for international discussions towards Harmonisation of patent laws and procedures.

Furthermore, understand as follows:

## **1. Work Sharing (Project WM1)**

The Trilateral Offices reaffirmed their commitment to further development of the various work sharing initiatives in order to maximise reuse of each office's work products to increase the efficiency and effectiveness of their own search and examination. The Trilateral Offices will continue to explore possible methodology thereof.

### **(a) Patent Prosecution Highway**

The Trilateral Offices agreed to extend the PPH pilot using the PCT work products, recognising the Patent Prosecution Highway as an important element of Trilateral work sharing activities and for strengthening the PCT. As for the individual PPH programmes, the EPO agreed with the JPO and the USPTO to extend their respective bilateral PPH pilot programmes, which will include piloting aspects of the MOTTAINAI and PPH 2.0 principles. A joint study on quality metrics of the PPH pilots will be carried out.

### **(b) Prioritisation of First Filings**

Whereas prioritisation of first filings is standard practice for the EPO, the JPO has realized the concept of SHARE in the JP-FIRST initiative. The USPTO has undertaken a pilot project known as FLASH to test the feasibility of balancing and prioritising workloads to maximise re-use of search and examination results according to the SHARE concept.

The Trilateral Offices agreed to initiate the first steps towards a future automation of the supply of information necessary to support work sharing initiatives.

### **(c) Common Citation Document**

The Trilateral Offices authorised public deployment of Version 1 of the Common Citation Document (CCD) with immediate effect. The USPTO initiated the exchange of citation data from office actions to support the CCD, and the JPO confirmed the intention to continue such data exchange. The Trilateral Offices further confirmed their intentions to provide enriched citation data to support the CCD as and when possible.

The Trilateral Offices agreed to promote the extension of the CCD to the IP5 Offices.

## **2. Examiner Exchange (Project WM3)**

The Trilateral Offices maintained agreement that examiner exchange programmes are an effective means to build confidence among the Offices. Accordingly, the Offices remained committed to continuing this work through IP5 cooperation to advance this objective and to make more efficient use of resources.

## **3. Using the PCT**

The Trilateral Offices continued to recognise the importance of maintaining efforts on using the PCT system to its full potential and agreed to continue to explore and implement, where feasible, various proposals to advance the PCT Roadmap.

The Trilateral Offices maintained agreement to strive towards improving the PCT process in order to optimise reuse of PCT work within the national stage in the Trilateral Offices, including ensuring that the quality of PCT search and examination equals that of each Offices' standards for national / regional patent applications.

The EPO and USPTO have been engaged in a limited PCT collaborative international search and preliminary examination pilot with the KIPO as one component of the Roadmap. It is hoped to expand this pilot to other IP5 Offices if appropriate. The EPO implemented a procedure to deliver second written opinions in PCT Chapter II as a second component of the Roadmap.

## **4. Examination Practices and Quality Issues (Project LEG)**

The Trilateral Offices continued to recognise that the Catalogue of Differing Examination Practices could be beneficial for examiners utilising the work results of other Offices, provide a basis for improving quality and serve as a valuable tool for applicants. In this context, an assessment of the Catalogue has been made by experts in the Trilateral Offices and among Trilateral User representatives. The results will be used to improve the usefulness of the Catalogue in work sharing activities by examiners and as a reference for users, as well as a basis for harmonisation and operational practice convergence among the Offices. The Catalogue, which has been enriched with KIPO and SIPO contributions, will be published on the Trilateral website.

The Trilateral Offices agreed to continue to complete the collaborative study on quality metrics. This study aims at assessing the quality of the International Search Reports with the objective to improve their suitability for use in the national phase.

## **5. Enhancement of IT Collaboration**

The Trilateral Offices maintained agreement to continue developing and supporting the IP5 Foundation Projects to support work sharing.

### **(a) Priority Document Exchange (Project DTR3)**

The Trilateral Offices maintained agreement to continue working with WIPO to improve the usability and security of the WIPO Digital Access Service (DAS) and to continue implementing security measures to improve current PDX exchanges.

### **(b) Electronic Filing, Data Standards (Project EB1, STD1)**

Moving toward the realization of the use of an XML standard in the three Offices, the Trilateral Offices maintained agreement to continuously exchange information on enhancing XML based e-filing and processing in each of the Offices.

The Trilateral Offices will continue to promote the use of the Common Application Format with its users.

Recognising the efficiencies that may be gained from developing common standards, the Trilateral Offices maintained agreement to work towards standardising XML format for PCT forms and to fulfilling the business requirements for data exchange standards.

The Trilateral Offices presented their respective position on XML standardisation on which the XML roadmap will be based. This includes supporting the work of relevant WIPO working groups for the further enhancement of existing standards, and development of new standards for data exchange to support the business requirements of the Trilateral Offices.

The Offices agreed to support the efforts to enhance existing formats for the exchange of data for written opinions, and for legal status of patent applications while considering new standards and ensuring interoperability between them.

The Trilateral Offices agreed to continue working on a revised standard for the presentation of sequence listings in XML and work towards an agreed position towards an adoption process at WIPO in the course of 2012.

### **(c) Zero Paper Emission**

The Trilateral Offices will continue to consider legal and technical issues to positively support the WIPO IB's goals of digitisation. The Trilateral Offices will continue to support the "ePCT" project which handles PCT documents in electronic form.

#### **(d) TRINet (Project IT3)**

The Trilateral Offices reaffirmed their commitment to determining the preferred method of exchanging information via networks depending on application type so as to enable secure exchange open to many IPOs in the future.

The Offices agreed on a plan to implement the Trinet Security Policy, including agreeing on an initial set of ISO 27002 Common Controls for Trinet and to begin planning for their implementation.

It was also agreed to further investigate the alternatives for future secure data exchange amongst the Trilateral Offices.

#### **(e) DTDs for PCT forms**

The Trilateral Offices, in conjunction with WIPO, agreed on a Proposal for Change (PFC) for Document Type Definitions (DTDs) for the PCT forms under Annex F.

### **7. Classification (Project WT2)**

The Trilateral Offices completed all outstanding Classification Harmony Projects, thus paving the way for a smooth transition into the IP5 cooperation framework. These projects have been forwarded to the IPC community for their integration in the IPC.

The Trilateral Working Group on Classification held its last session on 14 October 2011 at the EPO in The Hague. Further classification cooperation work is now undertaken by the IP5 WG1 - Working Group on Classification.

The Trilateral Offices agreed to establish a Working Group to study (beginning in 2012) how to accelerate the program of the CHC, which should merge CPC and FI. Trilateral Offices will dedicate necessary resources to the CHC project for this purpose as from 2013, or earlier if possible.

### **8. Information Dissemination/Public Awareness (Project PI)**

The Trilateral Offices reaffirmed the strategic importance of the revised Trilateral information dissemination policy of free flow of information of data. Recognising the importance to minimise any overlap of activity, the Trilateral Offices agreed to the transition of certain patent information activities to the IP5 cooperation framework, in particular promoting the expansion of said Trilateral information dissemination policy to the IP5 Offices.

The Trilateral Offices remained committed to reviewing dissemination policies and practices in order to enhance and expand access to a broader user community.

## **9. Statistics (Project MAN)**

The Trilateral Offices and the KIPO released Four Office Statistics Report in November 2011, and expect to be able to release a Five Office Statistics Report in 2012 with the support of the SIPO.

The Trilateral Offices continue with their resolve that the SIPO should become a full member of a newly formed "Five Office Statistics Working Group". Taking account of progress that is expected on this issue, the Trilateral Offices are prepared to dissolve the Four Office Statistics Working Group once their activities have been moved to the IP5 cooperation framework. Once the criteria are met, the Four Offices Statistics Working Group will dissolve with the assumption that the work will be carried out under IP5.