

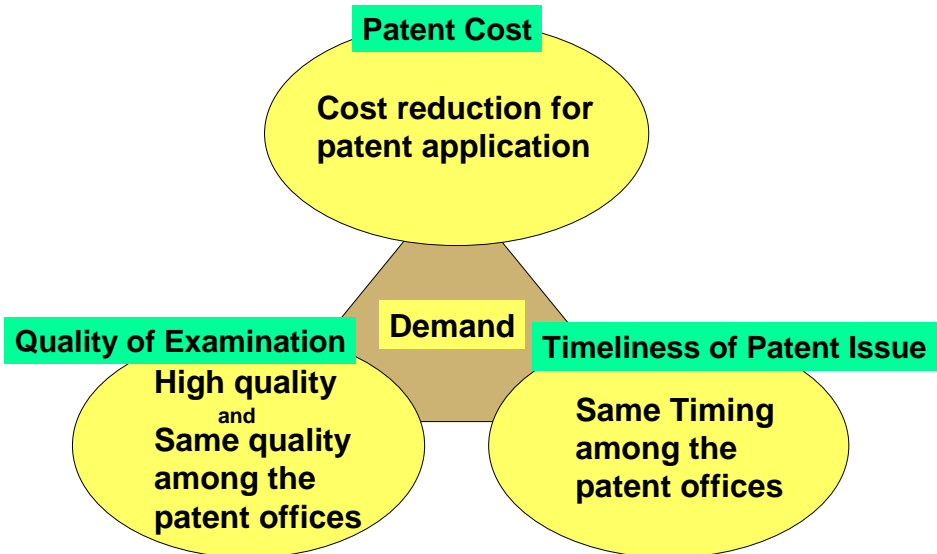
# Insights/Perspectives From Japan Intellectual Property Association On A Sustainable Patent System - Development of the PCT-



November 13, 2008  
Japan Intellectual Property Association



## *Basic demand of Japanese Users*



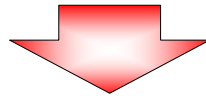


## Basic concept for harmonization

Achieving patent protection in an extensive geographical area at low cost and minimal labor

JIPA

Same Format  
Same Search  
Same Examination  
Same Patent



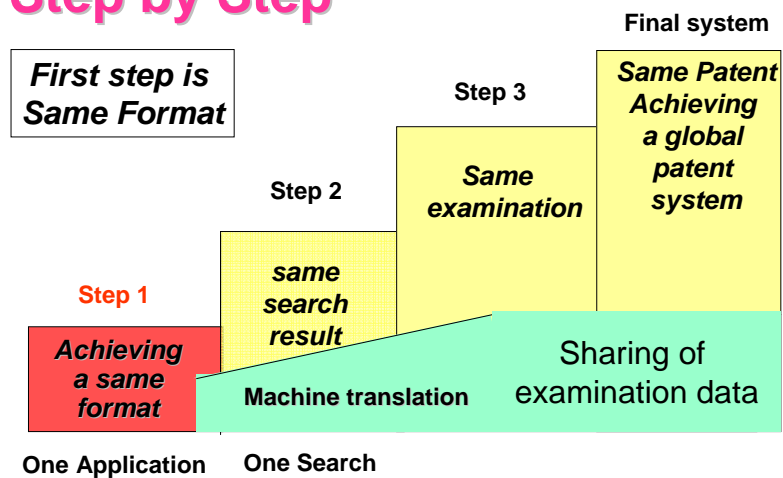
**4 "same"  
Achievements**

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## Step by step approach for harmonization

### Step by Step

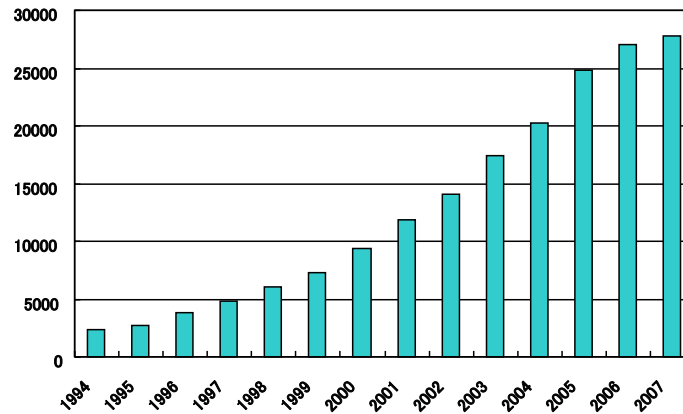


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## **Increasing Popularity of PCT filings**

**Number of PCT applications from Japan**



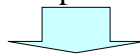
**Number of PCT Application Increased,  
According to the Globalization of Business**



## **Harmonization and PCT**

**PCT is the Treaty for Unified Application Procedure,  
realizing the Harmonization.**

- PCT provides Unified Application Procedure for Patent Filing. A Single Filing of PCT is treated as a “Bunch” of Applications in Multiple Countries on the International Filing Date.
- Increased use of PCT, as a result of “Automatic Designation of All Contracting Countries” introduced in 2004.
- Patent Law Treaty (PLT) also adopted “form or contents of” the PCT application. (PLT was adopted in 2000 and enacted in 2005.)



**PCT acts as the Infrastructure of Global Patent Filing.  
⇒ PCT should be the basis for the Harmonization  
Effort in the format and procedure of patent filing.**



## *Harmonizing the System in conformity with PCT*

### **Important Items which should be in conformity with PCT**

- **Application Format**
  - ⇒ **Common Application Format based on PCT.**
- **Electronic Filing**
  - ⇒ **Electronic Filing Infrastructure Seamlessly connecting International Stage to the National Stage.**
- **Unity of Invention**
  - ⇒ **Same Unity Standard for both Paris and PCT routes.**
- **Search**
  - ⇒ **Same Format of Search Results, Same Search Approach for International & National Search.**

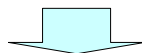
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## *Common Application Format and PCT*

### **Concept:**

**“Introduce the system to allow applicants to file a Single Application in a Single Format, and it will be acceptable to all countries without further changing formalities”**

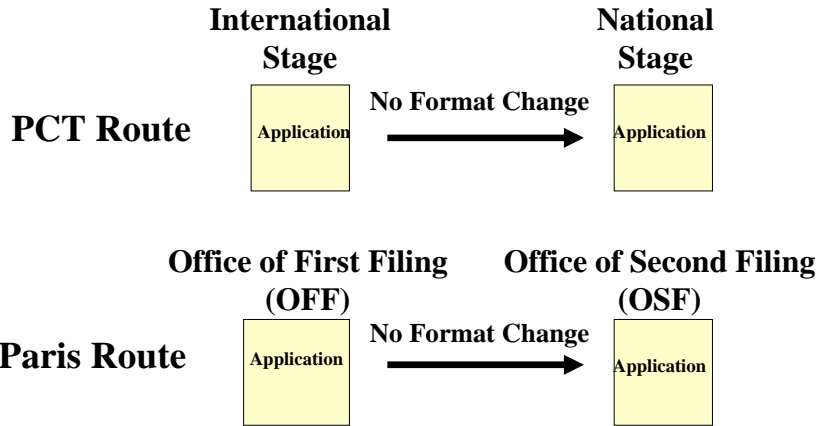


**Precondition: The same application format for both Paris and PCT route.**

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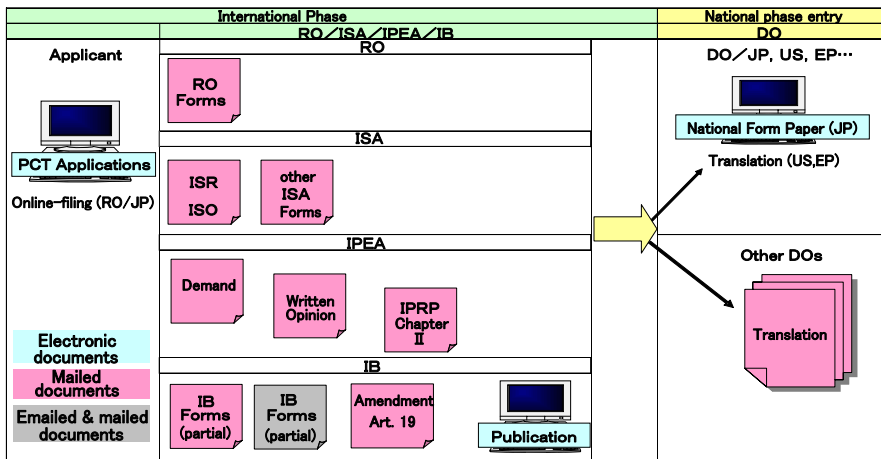
## Common Application Format



**Same Format for any filing Routes and Stages**  
**⇒ Reduce duplicate efforts by Applicants and Patent Offices**



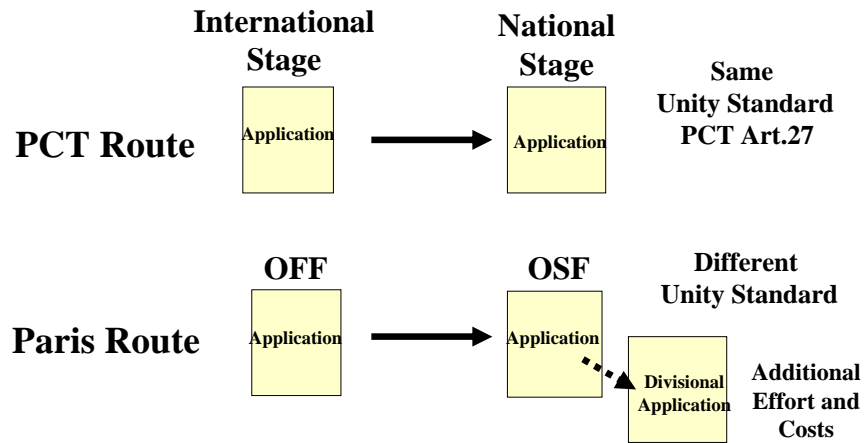
## Electronic Filing Infrastructure



**Electronically Connecting International to National Stage**  
**Seamlessly ⇒ Maximize the merit of Common Application Format**



## Unity of Invention

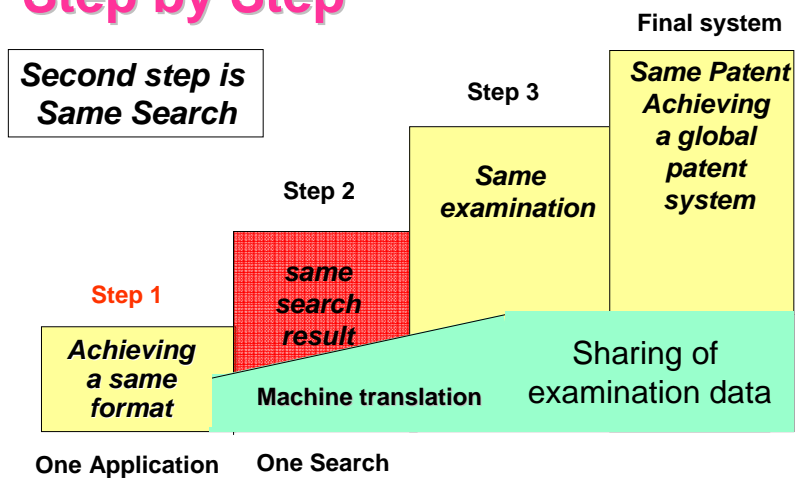


**Same Unity Standard for any Filing Routes**  
**⇒ Maximize the merit of Common Application Format**



## Step by step approach for harmonization

### Step by Step





## Direction of Efforts for Same Search

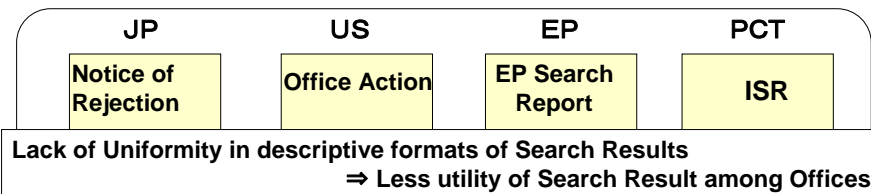
- Making the following efforts step by step  
⇒ Achieving effective and efficient use of other Trilateral Offices' search results
  - Common (Shared) Search Strategies
  - Common Search Database
  - Common Search Engine

Mutual exploitation of search results  
considered on PCT ISR and PPH

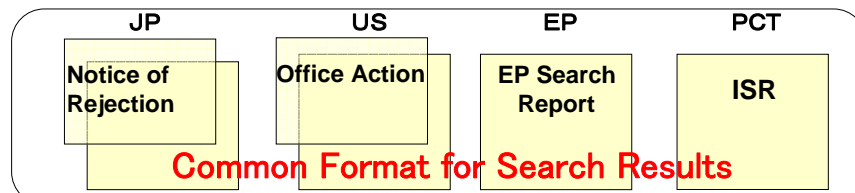
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## Uniform Format for Search Results



Uniform Search Format

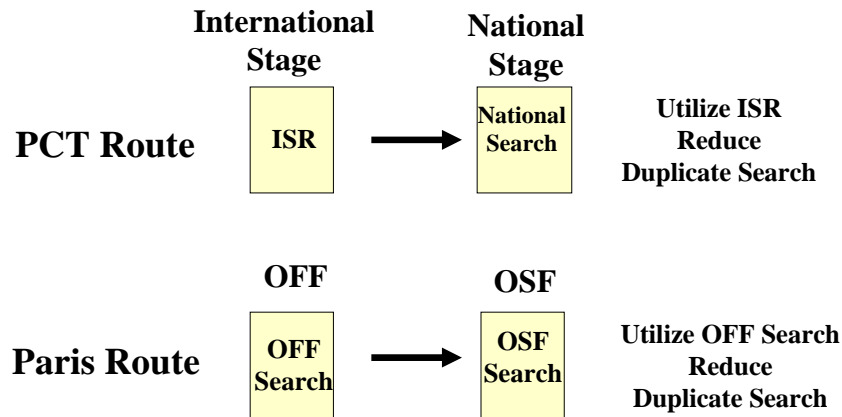


Adopting Common Format for Search Results  
⇒ Enhance the mutual utilization of Search Results among Offices.

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## Improving the Quality of International Search



**Precondition: Quality search regardless of the filing route.  
⇒ Importance of Improving the Search Quality of ISR and OFF .**

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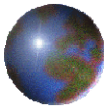



## Expectations to Trilateral Cooperation

- Introduction of same format to **reduce patent cost** as soon as possible
- Realization of exploitation of search/examination results to obtain **high and same quality** patent **at same timing**
- Leadership at Harmonization on substantive patent law to realize **global patent system**

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Thank you for your attention.