

# JPO's Office Update

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- 1 . Current Status of Patent Application and Examination*
- 2 . Patent Prosecution Highway (PPH)*
- 3 . Recent Amendment to the Patent Act and Future Issues*

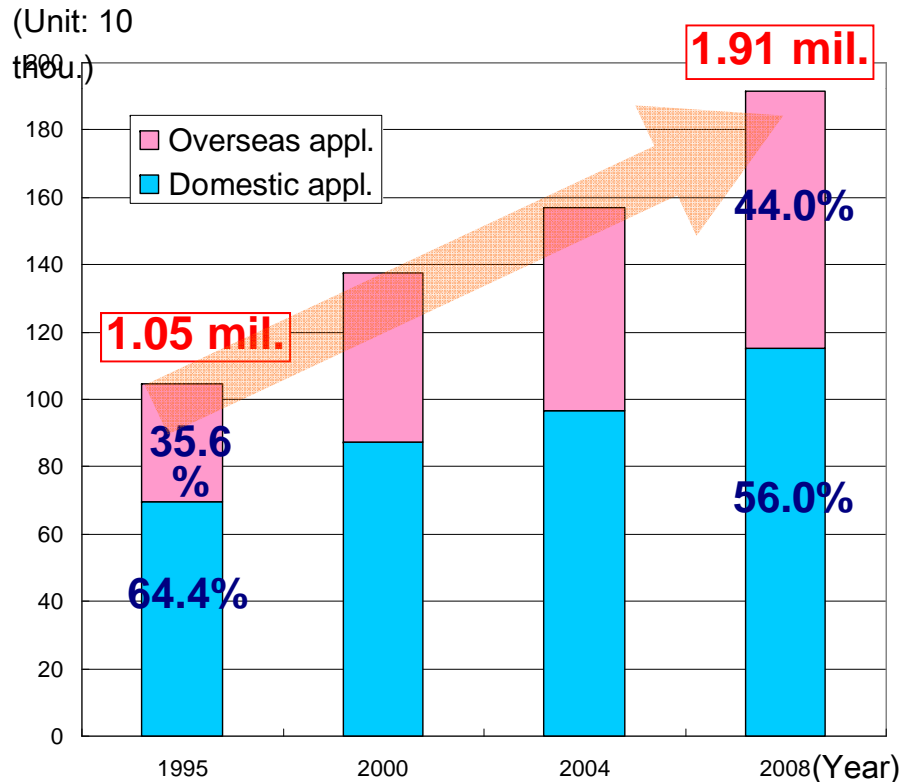
# 1. Current Status of Patent Filing and Examination

## (1) Patent Applications in the World

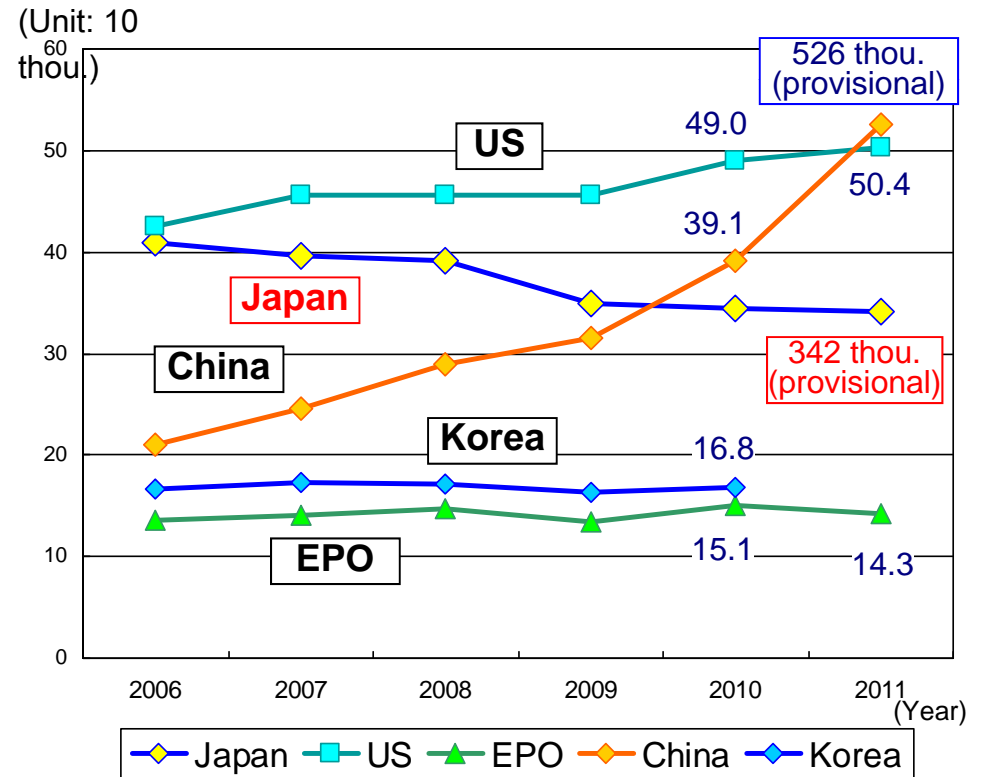


- The number of patent applications in the world has been increasing along with the globalization of business activities. In particular, the number of applications filed abroad has significantly been increasing.
- The number of applications filed in Japan has been staying at around 340 thousand from 2009 onward.

Changes in Patent Appl. Filed in the Whole World



Changes in Patent Appl. Filed in Japan, US, Europe, China and Korea

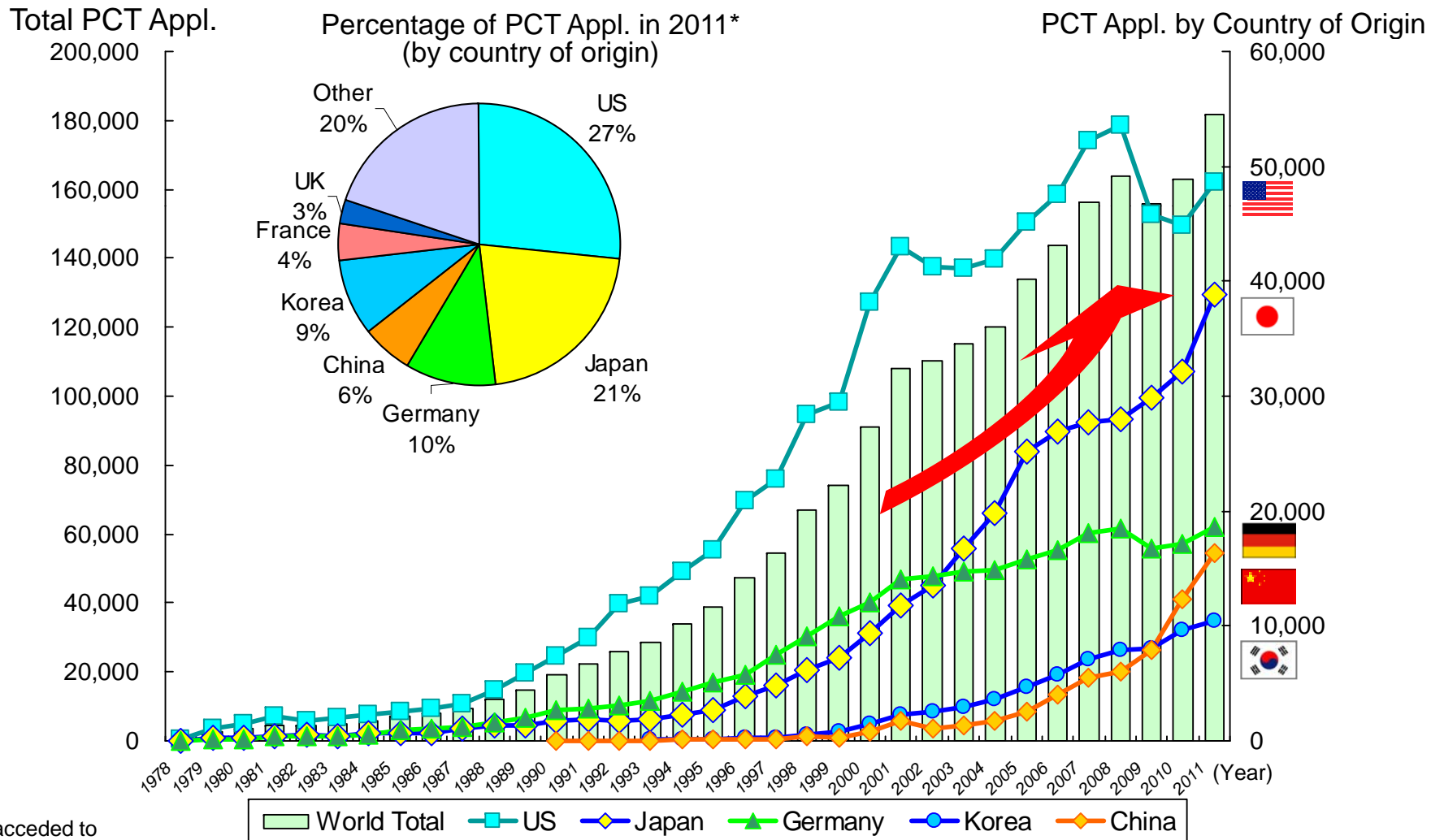


Source: WIPO Industrial Property Statistics

# 1. Current Status of Patent Filing and Examination

## (2) PCT Applications

- The number of international applications filed under the PCT, which offers a convenient way for applicants to obtain international patent protection, has been increasing.
- In 2011, the number of PCT international applications from Japan was around 39 thousand, a 21% increase year-on-year.



Japan acceded to the PCT in Oct. 1978.

Source: WIPO Intellectual Property Statistics \*Number for 2011 is provisional

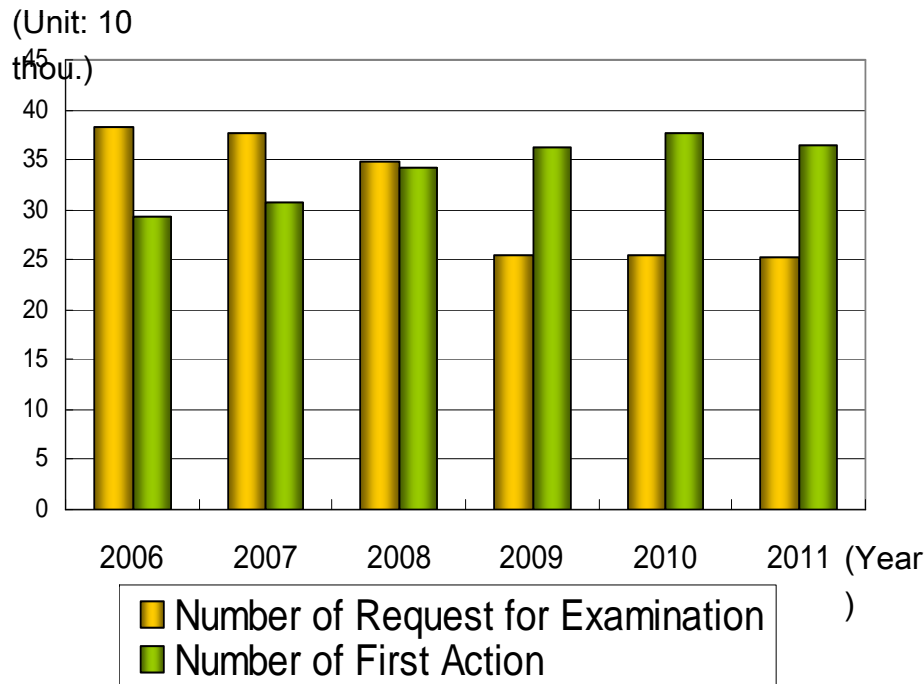
# 1. Current Status of Patent Filing and Examination

## (3) Situation of Examination in Japan

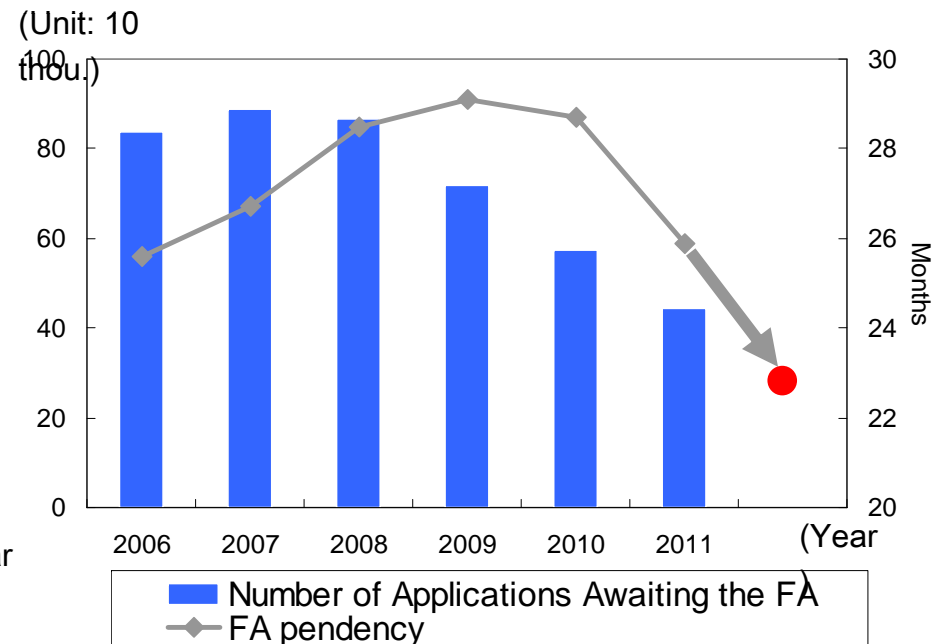


- The transient increase of the number of requests for examination, which was caused by shortening of the period of requests for examination, ended in 2008.
- The backlog of applications awaiting FA rapidly decreased and FA pendency was shortened to around 22 months, as of March 2012.

Changes in the Number of Requests for Examination and Number of FA



Changes in the Number of Appl. Awaiting the FA and FA Pendency



\*The number of requests for examination in 2009, 2010 and 2011 does not include those which were filed for deferred payment of examination request fees.

## 2. Patent Prosecution Highway (PPH)

### (1) Outline of the Patent Prosecution Highway (PPH)

- When a patent application has been determined to be allowable at the Office of First Filing (OFF), the corresponding application is qualified for accelerated examination at the Office of Second Filing (OSF) under a simplified procedure.
- The PCT-PPH program is also being implemented on a trial basis.
- Early and low cost acquisition of patent rights for the applicants as well as reducing the workload of examinations and improvement in examination quality for the IP offices can be expected by the PPH program.

#### Conventional PPH

Office of First Filing (OFF)

#### Paris Route

Application

Search/  
Examination



Allowable

Application

Request  
for PPH

Accelerated  
Exam.

Office of Second Filing (OSF)

#### PCT-PPH

#### International Phase

PCT work products

PCT  
Application

ISR or IPER

Positive  
Opinion



#### National/Regional Phase

National Entry

Request  
for PPH

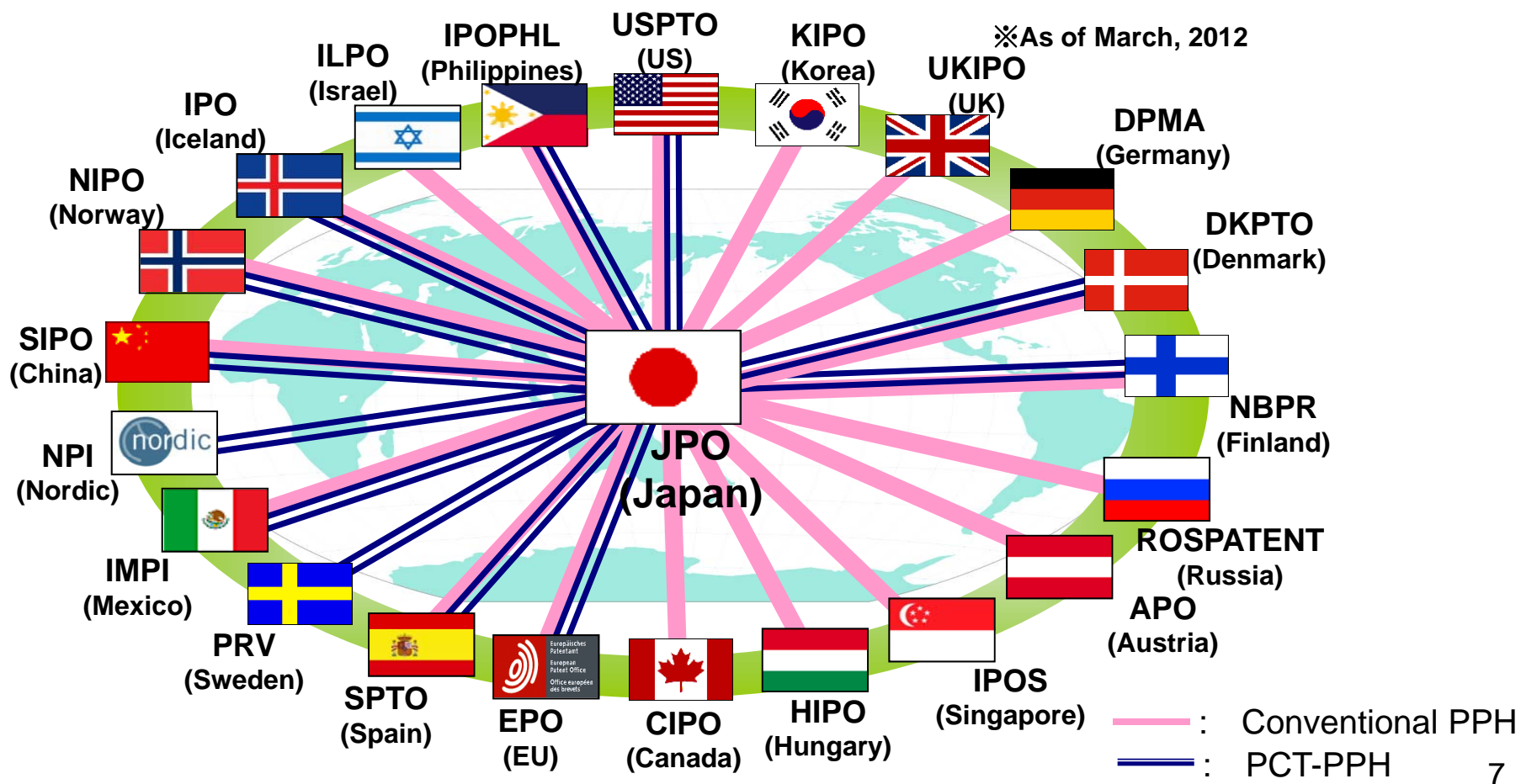
Accelerated  
Exam.

Under PCT-PPH program, an accelerated examination can be requested based on a written opinion/IPER established by certain ISA or IPEA.

## 2. Patent Prosecution Highway (PPH) (2) Expansion of the PPH Program











- PPH program was launched between Japan and the US in 2006.
- The number of countries/regions conducting the PPH with Japan has increased to 21.
- The number of applications using the PPH program has been also increasing steadily.

### PPH Network











## 2. Patent Prosecution Highway (PPH) (3) Usage of the PPH Program

### Cumulative Number of PPH Requests (NOT including PCT-PPH Requests) (As of the end of December 2011)

		OSF						
							Other	Total
OFF			4703	394	495	1025	200	6817
		1438		254	40	475	2181	4388
		40	191		-	-	-	231
		80	65	-		13	11	169
		160	851	-	1		10	1022
	Other	73	544	-	-	24	4	645
	Total	1791	6354	648	536	1537	2406	13272

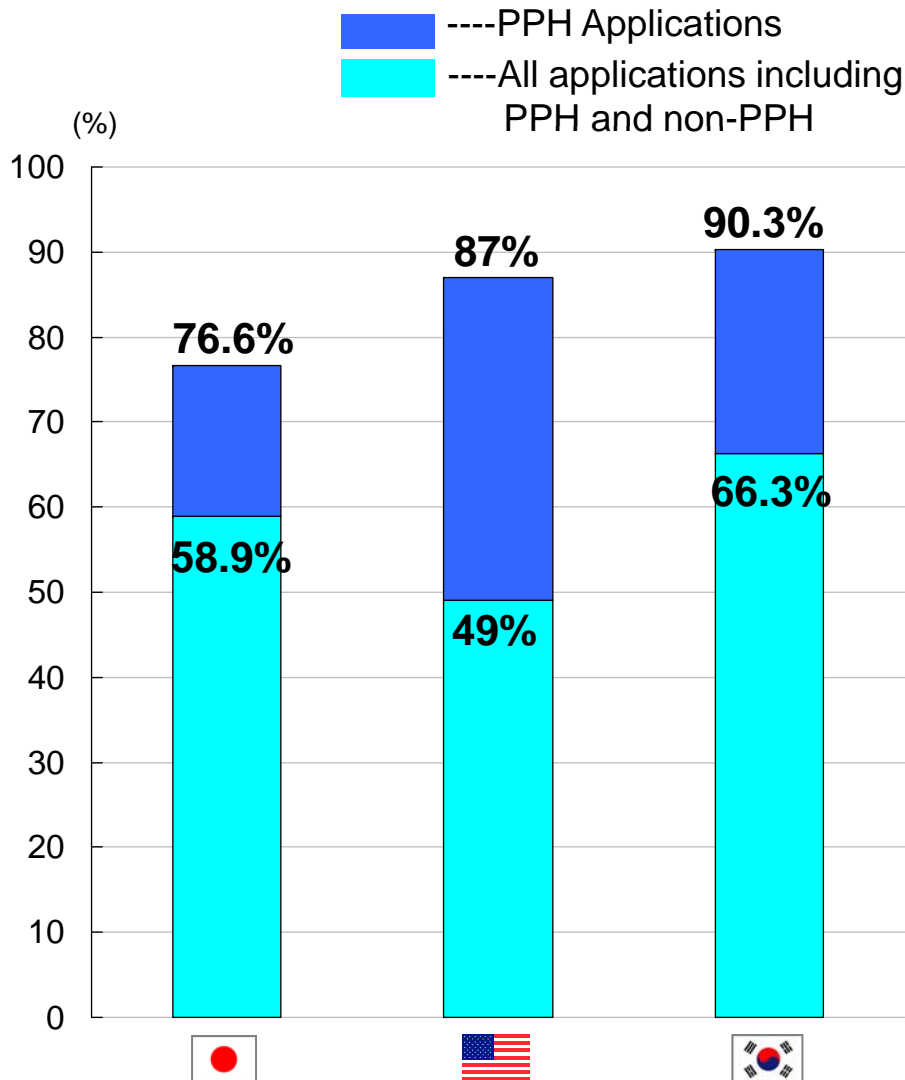
### Cumulative Number of PCT-PPH Requests (As of the end of December 2011)

		Office of Filing					
						Other	Total
ISA/ IPEA		765	537	188	-	8	1498
		10	137	11	8	6	172
		338	814	-	-	-	1152
		-	963	-	12	-	975
	Other	5	171	-	-	24	200
	Total	1118	2622	199	20	38	3997

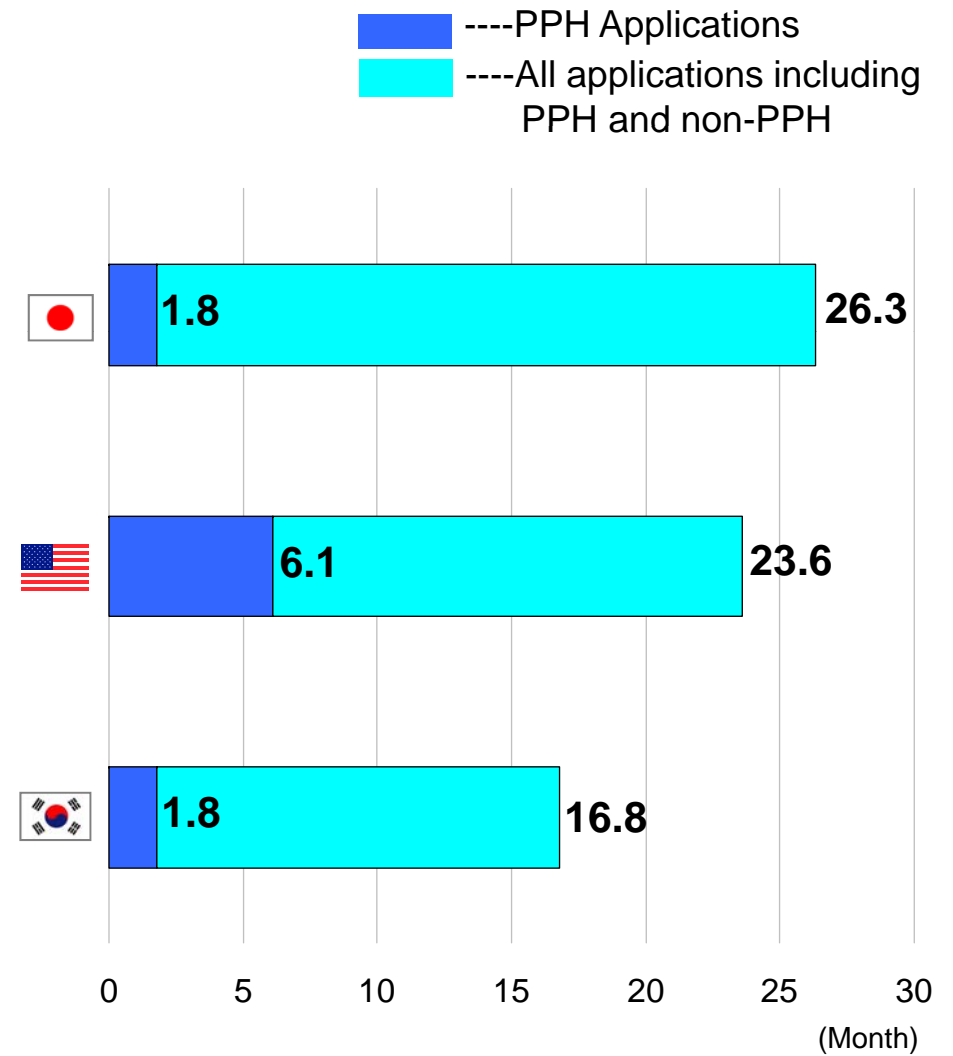


## 2. Patent Prosecution Highway (PPH) (4) Benefits of using the PPH Program

### PPH - Grant Rate\*



### PPH - Average Pendency from PPH Request to First Office Action\*



### 3. Recent Amendment to the Patent Act and Future Issues

(1) Issue of 2011 Patent Act Revision in Japan (Effective as Apr. 1, 2012)



## Grace Period

- Form of publication to apply grace period used to be limited to published materials, Internet, and publication at academic societies designated by the Commissioner.
- This limit was removed to comprehensively cover all publicly known activities regardless of the form of publication.

### Comparison of Grace Period among IP5

	Subject matter	Period	Declaration
Japan	All publicly known activities	6 months	Required
US	All publicly known activities	1 year	Not required
EP	Certain international exhibitions	6 months	Required
China	Certain international exhibitions Designated academic or technical meetings	6 months	Required
Korea	All publicly known activities	1 year	Required

## Issue 1. Consideration of a post-grant review system

- Increase in the number of pre-publication examinations due to shortened period of FA
- Decreased opportunities for information provided by third parties
- In order to stabilize a right, should a post-grant review system be introduced?

### ■ New US Post-Grant Review System

- ✓ The US adopted a post-grant review as an administrative procedure of revoking a patent due to the amendment of the Patent Act.
- ✓ The post-grant review is designed in the way that along with the inter partes review which has been created by altering the current system of inter partes reexamination, the hurdle for starting a review can be lowered immediately after grant of patent and then can be raised after a certain period (9 months after grant of patent) due to limitation of proof and tightening of standards to trigger a review.

## Issue 2. Choice of the timing of examination

- Applicant's needs for timing of examination vary according to his/her strategy.
- Should the system that allows applicants to choose the timing of examination be introduced?

### ■ US proposal of Three-Track Program

- ✓ The USPTO proposed a system under which an applicant is able to choose a timing for starting patent examination.
- ✓ An applicant can choose either Track I (prioritized examination), Track II (regular examination) or Track III (applicant-controlled delay for up to 30 months), according to the applicant's needs at the filing of a patent application.

# Thank you



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