

**Report of the Subcommittee on Examination
Quality Management (FY2015)**

April, 2016

Subcommittee on Examination Quality Management
under Intellectual Property Committee
of the Industrial Structure Council

Introduction

The subcommittee was established under the Intellectual Property Committee of the Industrial Structure Council in August 2014 in order to make recommendations for improvements of quality management concerning examinations of patents, designs, and trademarks in the JPO through verifications and evaluations of the implementation system/ the implementation status of quality management; for example, the Subcommittee verifies and evaluates whether or not policies and procedures of quality management including quality manual policies or other necessary manuals have been properly formulated, whether or not the quality management system has been properly established, and whether or not quality management has been properly implemented in compliance with the formulated policies and procedures.

With the globalization of business and R&D activities by Japanese companies, it is required that examination results produced by the JPO be highly evaluated abroad as well, and contributed to smoothly obtaining IP rights. It is also required to improve predictability of businesses utilizing the industrial property rights system so as to prevent unnecessary disputes. In order to satisfy these needs, it is crucial to maintain and improve the level of quality of examinations, which industrial property rights are based on.

In responding to such circumstances, the JPO formulated and announced its "Quality Policy" for "robust, broad, and valuable establishment of rights" in FY2014. Based on this, the JPO has constructed the quality management system across the examination departments so that patent, design and trademark examinations may be conducted in compliance with the Quality Policy. In order for the quality management system to work effectively for maintaining and improving the quality of examinations, it is important to effectively operate a PDCA cycle, which is a quality management method that the JPO has adopted as its internal initiative for examination quality improvement, and thereby to continuously improve the quality of examinations.

Aiming to realize the world's leading quality management by reflecting objective evaluations and improvement recommendations from external experts on such internal efforts of the JPO, the Subcommittee verified and evaluated the implementation system/ the implementation status of the quality management conducted by the JPO in FY2015, based on the quality management report provided by the JPO, according to the evaluation

items and criteria established for examination quality management in FY2104, and then considered on what needed to be improved.

The report prepared by the Subcommittee in FY2014 concluded, regarding quantitative evaluation indexes that could be used to evaluate examination quality without hindering examinations from being conducted appropriately, that "it is preferable to continue deliberation through surveys and considerations," while taking into account the statuses of overseas IP offices. In response to this, the JPO conducted overseas surveys on quality targets in FY2015. The results of the surveys are shown at the end of the present report.

**Subcommittee on Examination Quality Management
under Intellectual Property Committee
of the Industrial Structure Council**

Past Meetings

First Subcommittee Meeting December 17, 2015

Agenda:

1. Implementation status of initiatives for quality management
2. Intermediate evaluations based on evaluation items and criteria
3. Improvement recommendations concerning the implementation system and the implementation status based on intermediate evaluations

Second Subcommittee Meeting March 28, 2016

Agenda:

1. Implementation status of initiatives for quality management
2. Evaluations based on the evaluation items and criteria
3. Improvement recommendations concerning the implementation system and the implementation status based on evaluations
4. Report on overseas survey results concerning quality targets
5. Report of the Subcommittee on Examination Quality Management (FY2015)

**Subcommittee on Examination Quality Management
under Intellectual Property Committee
of the Industrial Structure Council**

List of Members

Chairperson	Hidetaka Aizawa	Professor, Hitotsubashi ICS, Hitotsubashi University
	Setsuko Asami	Professor, Graduate School of Innovation Studies, Tokyo University of Science
	Toshiaki Iimura	Attorney, YUASA and HARA
	Sumiko Ohara	Patent Attorney, ITOH International Patent Office
	Harumi Kojo	Attorney, Sakurazawa Law Offices
	Kazushi Takemoto	President, Japan Intellectual Property Association
	Yumiko Tanuma	Chief Engineer, Design Group, Design / Trademark Center, Intellectual Property Rights and Legal Business Unit, Hitachi, Ltd.
	Kenichi Nagasawa	President, International Association for the Protection of Intellectual Property
	Takeshi Nakajo	Advisor, The Japanese Society for Quality Control/ Professor, Chuo University
	Hitoshi Nakamura	Patent Attorney, OHNO & PARTNERS
	Toshiya Watanabe	Professor, Research Center for Advanced Science and Technology, The University of Tokyo

(Titles omitted; listed in Japanese syllabary order)

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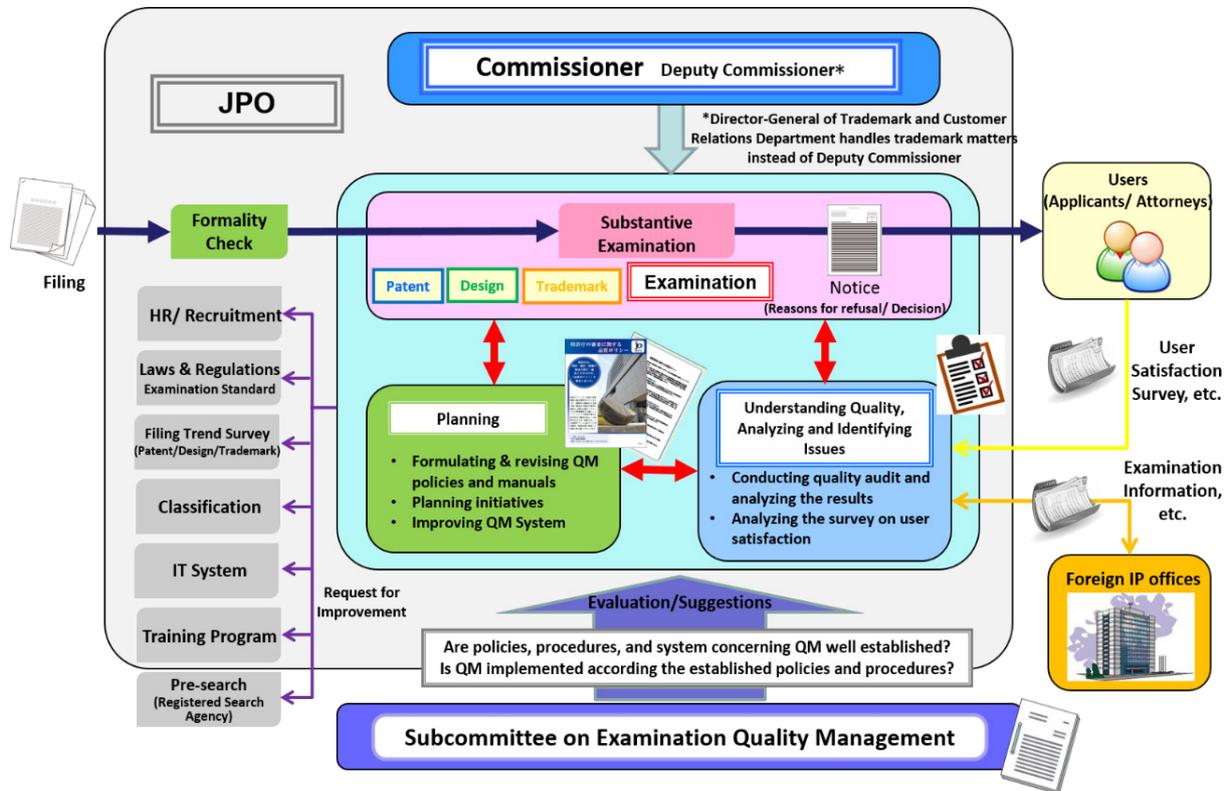
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*The English translation of Reference 1 can be accessed by clicking [here](#).

**The English translation of Reference 2 is not available (only in Japanese).

I. Status of Examination Quality Management

The JPO has constructed the quality management system shown below and has managed quality control.



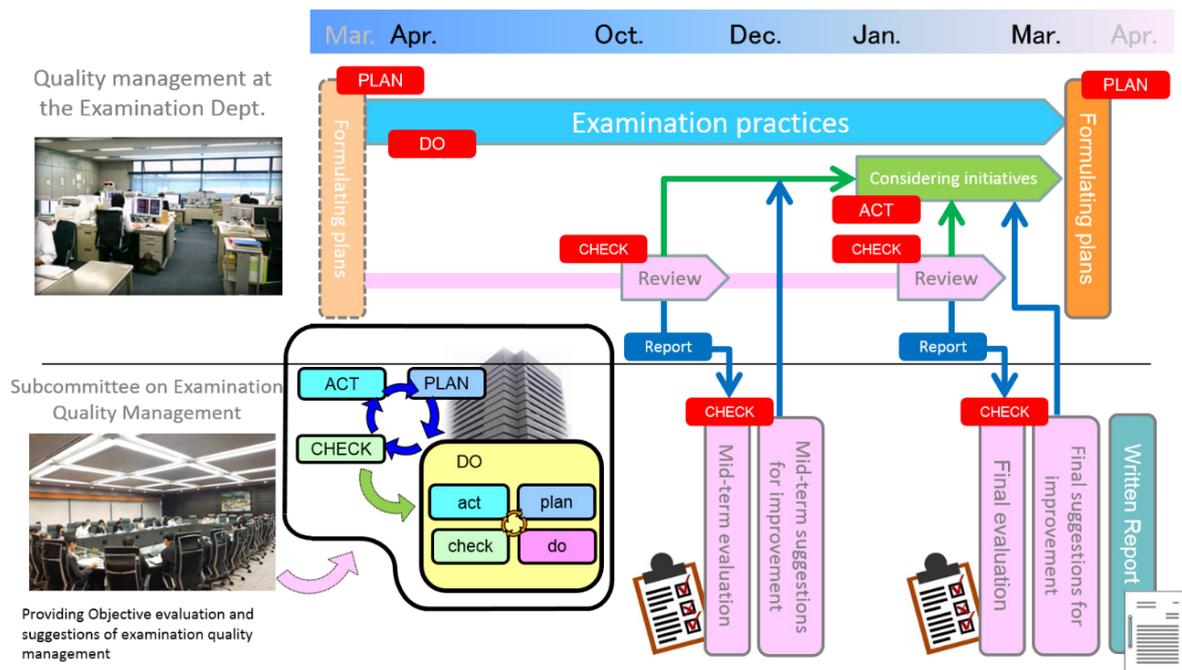
Overview of the Quality Management System of the JPO

Commissioner and Deputy Commissioner are in charge of the maintenance and implementation of the quality management system (Director-General of the Trademark and Customer Relations Department is responsible for trademark matters, instead of Deputy Commissioner). In operation of the quality management, the examination department that conducts substantive examination, the department that plans policies and makes proposals for quality management initiatives, and the department that assesses and analyzes the quality are all working together while performing their own duties.

This Subcommittee was established under the Intellectual Property Committee of the Industrial Structure Council to make recommendations for improvements of quality management in the JPO through verifications and evaluations of the implementation system/ the implementation status of quality management.

As shown below, the JPO makes self-regulatory efforts for continuous improvements of examination quality by following a PDCA cycle in performing its examination quality management. On top of these, the Subcommittee makes evaluations and improvement

recommendations on the implementation system/ the implementation status of quality management based on a report from the JPO. And then such evaluations and recommendations are reflected on the internal PDCA cycle of the JPO, which will contribute to further improvement of examination quality.



The Relationship between JPO's Internal Quality Management and Subcommittee on Examination Quality Management

The quality management system of the JPO concerning patents, designs, and trademarks has been documented into the "Quality Management Manual (Quality Manual)" and published on the website of the JPO.

Under such quality management system, the JPO implemented the following major initiatives in FY2015 in order to properly assess the quality of examination as well as to maintain and improve examination quality.

1. Patents

(1) Establishing Policies, Procedures, and Structures Aiming for High-Quality Examination

In order to improve examination quality while maintaining the proper speed, it is crucial to enhance the organizational structure for examinations.

Thus, the number of examiners including fixed-term examiners was increased to improve and strengthen the organizational structure for examinations, with 140 examiners in total newly employed. Moreover, the reemployment system continued to be maintained so that fixed-term examiners with some 10-year experience could continue their examination works. (56 of 106

examiners were reemployed)

It is also important for examiners to maintain and improve their foreign language skills to deal with internationalization of examination practices, including the participation in the examiner exchange programs, the need for enhancing foreign document searches, and the expansion of competence as ISA and IPEA for PCT international applications.

Thus, the scale of foreign language training program was extended in FY2015 (the number of participants was increased by about 30% from the previous fiscal year).

In order to improve examination quality, it is also crucial to enhance the quality management system.

Thus, five Quality Management Officers continued to be assigned to the Quality Management Office, and the number of investigators (quality management assistants) was increased by 8 from the previous fiscal year to 24 in total, which helped enhance the quality management system. Moreover, from the perspective of gaining a comprehensive understanding of the quality, full-scale quality audit¹ was conducted based on the analysis of the pilot results of FY2014. Pursuing better and more appropriate audit, quality audit was conducted from two aspects, which was technological aspect and general aspect, on major types² of drafted notices³. Quality Management Officers in charge of technology (by art unit)⁴ conducted the technological aspect of quality audit, and therefore, performed prior art searches again when necessary. Meanwhile, Quality Management Officers in charge of the general aspect⁵ conducted quality audit by checking mainly whether the logical compositions of the reasons for refusal were appropriate, or the contents of the notices written by examiners were precise, but they did not perform further prior art searches. Furthermore, investigators (quality audit assistants) who were responsible for conducting preliminary works for Quality Management Officers in charge of the general aspect of audit were newly appointed.

In order to manage the quality of examination, it is crucial that each of the personnel who engages in examination has a good understanding of quality management.

Thus, trainings and seminars on quality management continued to be provided for examiners in FY2015 so that they could learn fundamentals of quality management, including

¹ The aim of "quality audit" is to assess the quality of examination by analyzing and evaluating randomly selected samples through checking whether examiners' decisions including dispositions or the contents of notices written by examiners as a result of their making decisions are appropriate or not.

² The first and final Notices of Reasons for Refusal, a decision to grant a patent, a decision of refusal, an international search report, and a written opinion of an international searching authority.

³ A document drafted by an examiner about the disposition, etc. of an application.

⁴ A Quality Management Officer in charge of applications of his/her art unit

⁵ A Quality Management Officer who experienced managerial position and is involved in cases cross-sectionally within the division.

the Quality Policy or the quality management system at the JPO. At the end of the program, their understanding was tested. Moreover, intensive discussions on quality were conducted in each Examination Division for a fixed period of time. Through this, it could be assessed how much each examiner understood about quality management. This also helped promote their understanding of quality management.

(2) Enhancing Initiatives for Maintaining and Improving Examination Quality

In order to improve examination quality, it is necessary not only to standardize judgment criteria among examiners but also to make it internationally recognized.

Thus, the "Examination Guidelines for Patent and Utility Model" was comprehensively reviewed and necessary revisions were made to make their descriptions simple and clear. An English version was also prepared and released to overseas users. In addition, the "Examination Handbook for Patent and Utility Model" was revised at the same time as the Guidelines were revised, containing more examples and court rulings in consideration of balance between patentable and unpatentable cases so as to help users deepen their understanding of basic examination policy.

Furthermore, in the revised "Examination Guidelines for Patent and Utility Model," the basic examination policy in accordance with the fundamental principles of the Quality Policy was articulated so that examinations could be conducted fully in compliance with the Quality Policy. All examiners received training to understand the contents of the revised "Examination Guidelines for Patent and Utility Model."

Feedback from users stated that it became easier to read and understand due to articulating, as a basic examination policy, that examinations should be conducted to grant high-quality patents, or explaining examinations in the order of the examination procedures.

Regarding PCT international applications, it is required to provide higher-quality international search reports and international preliminary examination reports for the overseas users.

Thus, the "Handbook for PCT International Search and Preliminary Examination in the JPO" was prepared to specifically describe the procedures and judgement criteria of PCT international applications. Furthermore, PCT applications written in English and received by the other IP offices are considered highly important in terms of enhancing reliability of JPO's patent examinations among the international community, and therefore, it has become required to be subject to examiners' peer consultation. This helped promote exchanging opinions and sharing information among examiners.

In order to enhance the users' trust in examinations, it is necessary to communicate how examiners have judged in examination so that users may clearly understand it.

Thus, in order that applicants and agents inside and outside Japan can clearly understand

examiners' intent, the style of notices, such as Notices of Reasons for Refusal, was revised to make them easy to read for anyone due to the standardized form in which, for example, the order of items in the written notice was defined. In order to facilitate drafting notices in compliance with the standard style, and to reduce formality flaws, examiners were provided with the computer-aided drafting tool allowing automatic detection of non-compliant descriptions, formality flaws, etc.

As a result, there were many comments provided in the free description field of the user satisfaction survey sheet, saying that Notices of Reasons of Refusal became easy to read, which helped users to respond to them appropriately. Owing to the standard style of written notices and thus it becoming easy to read, 26% of respondents answered "Improved" in terms of changes in the impression of descriptions of Notices of Reasons for Refusal, and 4.6% answered "Worsened," which shows more users were satisfied with the new style.

In order to make accurate judgement on patentability, it is crucial to understand the latest trends of technology and business.

Thus, examiners participated in academic conferences and exchanged opinions with companies in order to understand the latest trends. Moreover, the survey on technology trend of patent application had been continuously conducted since FY1999. In FY2015, the survey focused on the twenty technology fields, including a satellite positioning system. As for collective examinations for IP portfolio supporting business activities in which examiners conduct examinations while understanding business strategies of corporations through interviews and so on, 35 applications for collective examinations were filed from April 2015 to February 2016, out of which 369 patent applications became subject to collective examination. Furthermore, "Circuit JPO in KANSAI" was held for ten days in July, and 150 visiting interview examinations were conducted for 34 companies. In February 2016, "Circuit JPO in OKINAWA" and "Circuit JPO in Central Japan" were held in Okinawa and Nagoya, respectively.

In order to reduce flaws in notices drafted by examiners, it is crucial to enhance the approval process by managerial staff⁶ to check the quality of drafted notices.

Thus, the guidelines for the approval procedures were formulated based on the revised "Examination Guidelines for Patent and Utility Model." Furthermore, all approvers received training on points to be noted in the approval process. In addition, information on feedback provided by approvers for examiners through the approval process started being stored.

⁶ Examinations are conducted by examiners (Article 47 of the Patent Act), whereas the "approval" process aims to respond to the needs for quality assurance including uniform compliance with the Examination Guidelines, and therefore, includes to confirm whether there are no errors in drafted notices, and whether examinations are conducted in a consistent manner within the technical field, through checking the contents of all the notices drafted by examiners.

Prior art search is one of the essential pillars in patent examination, and therefore, it is crucial to make continuous efforts to constantly improve the infrastructure of search, and to maintain and improve search capabilities.

To this end, in FY2015, eighty main groups of the FI classification were revised and the maintenance of sixteen themes of F-term was performed. Regarding foreign patent document searches, know-hows about prior art search such as patent classification information of foreign documents (including the Cooperative Patent Classification (CPC)) and thesaurus for English search keywords continued to be collected and stored so that examiners could share and utilize them. Regarding non-patent document searches, in addition to two internal databases, various commercial databases such as six search-oriented DBs, thirty-six retrieval-oriented DBs, and three dictionary-oriented DBs continued to be able to be accessed in a collective manner through a single intranet. Additionally, in FY2015, the ISO Standard documents are also stored within the intranet so that examiners can refer to them anytime.

For high-quality and efficient patent examinations, it is crucial to improve preliminary prior art searches by registered search agencies and to utilize the search results in an effective manner.

Thus, in the selection process for registration of search organizations, as had been done in FY2014, all the search results provided in FY2014 were evaluated by examiners and such evaluation results were taken into consideration. Moreover, registered search organizations that are responsible for conducting prior art search in the new technology field continued to be given on the job training directly by examiners. Furthermore, prior art searches for foreign patent documents were extended, including a pilot of prior art searches using Chinese/Korean document translation and search system.

As a result, the ratio of the number of applications for which foreign patent document searches were conducted by registered search organizations to the total number of applications for which prior art searches were outsourced to them increased from about 50% (FY2014: 77,000 out of 149,000) to about 70% (FY2015: 104,000 out of 155,000). This shows that prior art searches for foreign patent documents were extended. In a user satisfaction survey, 9.1% of respondents answered "Improved" in terms of changes in the impression of prior art search for foreign patent documents, and 0.5% answered "Worsened."

(3) Enhancing Initiatives for Quality Verification

In order to enhance initiatives for quality verification, it is crucial to listen to users' voices sincerely.

Thus, a user satisfaction survey was conducted again with new items added so as to listen to users' voices more precisely. In addition, a survey for overseas users was conducted on a larger scale than the previous year.

Furthermore, users' voices on the quality of examination continued to be heard through the

exchanges of opinions with the industry and corporations. What is more, executive officials of the JPO exchanged opinions with a wide range of management executives of domestic and foreign corporations regarding the initiatives of the JPO, including the quality of examination.

Users' opinions was properly consolidated and analyzed, and then provided as feedback for Directors of the Examination Division or other managerial staff, where necessary. If users' opinions contained matters to be particularly noted, they were classified into several patterns of cases, which was not only introduced in the training classes on the basics of quality management, but also provided for examiners periodically through JPO's internal bulletin on quality management.

In order to understand the current level of examination quality more accurately, it is also crucial to enhance quality audit.

Thus, the quality audit framework was established, in which quality audit should be conducted, without fail, after approval of notices drafted by examiners and before sending them out to applicants, whereby notices would be sent out after correction of errors found through quality audit. Furthermore, in partial quality audit for checking formality flaws, audits were intensively performed on a specific art unit during a specific period of time, which increased feedback effects, and as a result, formality flaws were reduced.

What is more, in order to obtain information that would help improve the quality of patent examination, factor analysis was conducted on discrepancy between examination decisions and appeal/trial decisions.

(4) Cooperation with Overseas IP Offices and Communication of Information

In order to support global businesses of companies, it is necessary to build an environment where examination results produced by the JPO are highly regarded among the international IP community, which allows users to obtain patent rights smoothly in foreign countries.

Thus, the JPO continued to actively communicate its initiatives for examination quality at the IP5 Quality Management Meeting, as well as to build a cooperative relationship with overseas IP offices so as to continuously collect information on their initiatives for examination quality through personal exchanges. Furthermore, the JPO continued joint analysis with the EPO and the Swedish Patent and Registration Office (SPRO), and started with the USPTO in FY2015.

In order to support companies with their global business activities, the US-JP Collaborative Search Program in which examiners of the JPO and the USPTO conducted their own searches and shared their search results and opinions started from August 2015 as a two-year pilot program.

Additionally, at the Meeting of International Authorities under the Patent Cooperation Treaty (PCT), the JPO presented the "Handbook for PCT International Search and Preliminary Examination in the JPO" published in October 2015, which is a comprehensive and unique handbook with all the details including diagrams, serving as the guidelines for those acting as ISA or IPEA. The Handbook was highly regarded by overseas IP offices.

(5) Setting of Examination Quality Targets

In examination quality management, it is desirable to set up targets for quality. However, it is not easy to create indexes for evaluating examination quality. Depending on how to set up the evaluation indexes, it may cause biases in examinations, and thereby, may have negative affect on examination practices.

Thus, questionnaire and hearing surveys were conducted for QM Officers of the overseas IP offices so as to find out the status of examination quality targets based on the evaluation indexes at the overseas IP offices.

Of the twenty-four overseas IP offices surveyed, seven IP offices did not reply, one IP office did not set any targets, seven IP offices set targets but did not make them available to the public, and nine IP offices made them available to the public. In addition, of the five IP offices that answered positively in terms of setting up index-based examination quality targets, all five IP offices used the examination period as such evaluation index.

2. Designs

(1) Establishing Policies, Procedures, and Structures Aiming for High-Quality Examination

In order to improve examination quality, it is crucial to enhance the quality management system.

Thus, an official dedicated to planning and making proposals for quality management was newly appointed, and two Quality Management Officers in charge of quality audit were appointed. By filling the missing roles this way, the quality management system was strengthened.

In order to manage the quality of examination, it is crucial that each of the personnel who engages in examination has a good understanding of quality management.

Thus, trainings and seminars on quality management were provided for examiners so that they could learn fundamentals of quality management, including the Quality Policy or the quality management system in the JPO. At the end of the program, their understanding was tested.

(2) Enhancing Initiatives for Maintaining and Improving Examination Quality

In order to improve examination quality, it is necessary to standardize judgment criteria among examiners.

Thus, the "Examination Guidelines for Design" had been partially revised to comply with the Geneva Act of the Hague Agreement Concerning International Design Registration by the time that the JPO started receiving applications for international design registration, and thus, all the examinations were conducted based on the revised Guidelines. The major points of revision in the revised "Examination Guidelines for Design" were adding the part of "International Application for Design Registration," and the section of "Notification of refusal in case of an international application for design registration" under the part of "Procedure of Examination," through which procedures for design examinations of applications for international registration of industrial design were specifically stipulated. An English version of the Examination Guidelines for Design was also published so that international users could understand them.

In addition to consultation meetings between managerial staff and examiners that had been conducted since FY2014 in order to reduce variability in search results or examiners' judgements, it was determined that consultation meeting should be conducted for all examinations of applications for international registration of industrial designs, through which the sharing of knowledge and information among examiners was promoted.

Consequently, a new question item asking about the overall quality of examination conducted over the last one year was added to the user satisfaction survey, and 10.3% of respondents answered "Improved" in terms of changes in the impression thereof while "2.9%"

answered "Worsened."

In order to accurately understand designs, it is necessary to understand the latest trends of products and technology as well as business trends.

Thus, examiners participated in academic conferences and exchanged opinions with companies in order to understand the latest trends. Moreover, the survey on design application trend continued to be conducted. In FY2015, the survey focused on automobiles and fashion. As for collective examinations for IP portfolio supporting business activities in which examiners conduct examinations while understanding business strategies of corporations through interviews and so on, three applications for collective examinations were filed by the end of January 2016, out of which 41 design applications became subject to collective examination. A total of 385 interviews with applicants or agents were conducted as of the end of January 2016.

Consequently, in particular, regarding a question item in the user satisfaction survey asking about the communication with examiners, which reflected the satisfaction level of communication with examiners (interviews, phone contacts, etc.), more than 70% of respondents answered "Satisfactory" or "Relatively Satisfactory." They also highly evaluated it, satisfied with examiners' polite responses.

Prior design search is one of the essential pillars in design examination, and therefore, it is important to make continuous efforts to constantly improve the infrastructure of search, and to maintain and improve searching capabilities.

Thus, a survey research was conducted in order to create a draft of New Design Classification by further breaking the Locarno Classification into smaller classes according to the Japanese Classification for Industrial Designs, and to prepare a draft of definitions for New Design Classification.

(3) Enhancing Initiatives for Quality Verification

In order to enhance initiatives for quality verification, it is important to listen carefully to users' voices.

Thus, users' voices on the quality of examination continued to be heard through the exchanges of opinions with the industry and corporations.

In order to understand users' opinions more precisely through the user satisfaction survey, the survey method was reviewed, and the survey was outsourced in FY2015, due to which the number of subjects increased from 70 companies in FY2014 to 278 domestic companies and 51 foreign companies in FY2015.

In order to more accurately understand the current level of examination quality, it is also

important to enhance quality audit.

Thus, the pilot quality audit was conducted on prior design search.

Furthermore, it was determined that consultation meetings should be conducted for all examinations of applications for international registration of industrial designs under the Geneva Act of the Hague Agreement which was newly introduced in FY2015. It was also discussed which aspect should be included or focused on in the future quality audit for international applications.

What is more, in order to obtain information that would help improve the quality of design examination, factor analysis was conducted on discrepancy between examination decisions and appeal/trial decisions.

(4) Cooperation with Overseas IP Offices and Communication of Information

In order to support global businesses of companies, it is necessary to build an environment where examination results produced by the JPO are highly regarded among the international IP community, which allows users to obtain patent rights smoothly in foreign countries.

Thus, the JPO communicated its initiatives for examination quality at international meetings such as the inaugural Industrial Design 5 Forum (ID5), the Meeting of the Joint Experts Group for Design (Japan, China and Korea), and trainings and seminars for emerging countries such as WIPO/JAPAN Fund Training Course on IP Examination: Advanced Program. Moreover, through building a cooperative relationship with overseas IP offices, the JPO also collected information on their initiatives for examination quality.

(5) Setting of Examination Quality Targets

In examination quality management, it is desirable to set up targets for quality. However, it is not easy to create indexes for evaluating examination quality. Depending on how to set up the evaluation indexes, it may cause biases in examinations, and thereby, may have negative affect on examination practices.

Thus, questionnaire and hearing surveys were conducted for QM officers of the overseas IP offices so as to find out the status of setting examination quality targets based on the evaluation indexes at the overseas IP offices.

Of twenty-three overseas IP offices surveyed, five IP offices did not reply, three IP offices did not set any targets, eight IP offices set targets but did not make them available to the public, and seven IP offices made them available to the public. In addition, of the five IP offices that answered positively in terms of setting index-based examination quality targets, all five IP offices used the examination period as such evaluation index.

As for the USPTO and KIPO that have adopted substantive examination among major IP offices, the USPTO answered that there were no quality targets specifically set for design

examinations but that quality targets for patent examinations were used for design examinations as well, while KIPO answered that there were no quality targets set for design examinations.

3. Trademarks

(1) Establishing Policies, Procedures, and Structures Aiming for High-Quality Examination

In order to improve examination quality, it is crucial to enhance the examination quality management system.

Thus, a Quality Management Officer who had been working concurrently in two positions became full-time in this position, and one more new full-time Quality Management Officer was added, resulting in twelve Quality Management Officers in total (including 2 full-time officers) having been appointed. By filling the missing roles this way, the quality management system was strengthened.

As for examinations of non-traditional trademark applications, which started being received in April 2015, a dedicated examination team was organized, and thus, the organization structure for examination under the new system was properly established. Trainings and seminars were also provided to help examiners improve their knowledge and skills to examine non-traditional trademarks. In total, 572 examiners took training courses on eight subjects.

Consequently, examinations of non-traditional trademarks were conducted almost as fast as that of general trademarks. As of October 2015, six months after starting receiving applications for non-traditional trademarks, forty-three notices of decision to grant registration were issued.

In order to manage the quality of examination, it is crucial that each of the personnel who engages in examination has a good understanding of quality management.

Thus, trainings and seminars on quality management continued to be provided for examiners in FY2015 so that they could learn fundamentals of quality management, including the Quality Policy or the quality management system at the JPO. At the end of the program, their understanding was tested. Furthermore, a seminar for motivating examiners to work on quality improvement was provided for all the examiners. It was a small group based seminar so that each participant could learn and understand the content better. Their understanding was tested after the seminar.

(2) Enhancing Initiatives for Maintaining and Improving Examination Quality

In order to improve examination quality, it is necessary to standardize judgment criteria among examiners.

Thus, "Provisions related to Trademark distinctiveness" (Article 3) in the "Examination Guidelines for Trademarks" was reviewed to draw up a revised draft. Furthermore, the "Examination Guidelines for Trademarks" was revised to deal with examinations of non-traditional trademarks, and examination was conducted according to the revised version. What is more, the "Examination Manual for Trademarks" was also revised to further clarify examination operation. Then, trainings and seminars were provided to inform examiners of the

contents of the "Examination Guidelines for Trademarks." Moreover, peer consultations among examiners were conducted not only for cases where examiners wanted to consult with peer examiners voluntarily, but also for mandatory cases that met certain conditions. Through these, the exchanges of opinions and sharing of knowledge among examiners were promoted.

In order to make accurate judgment on distinctiveness and similarity of trademarks in trademark examination, it is crucial to understand the latest trends of transaction and business.

Thus, the survey on trademark application trend continued to be conducted in FY2015. In order to facilitate exchanging opinions with the industry and corporations, the Trademark Division and the Examination Divisions had more such opportunities to in FY 2015, increased by about 2.5 times from the previous fiscal year (from 19 to 51) through which they diligently listened to opinions from users on the distinctiveness and similarity of trademarks.

In order to reduce flaws in notices drafted by examiners, it is crucial to enhance the approval process, which is conducted by managerial staff to check the quality of drafted notices.

Thus, a document stipulating the standard of approval and points to be checked in the approval process by managerial staff were formulated. Moreover, a document outlining points of attention in drafting notices including a Notice of Reasons for Refusal were formulated so that examiners could draft notices according to the standard style based on an integrated policy.

As a result of these, responding to a new question item asking about the changes in the impression of overall quality of examination conducted over the last one year in the user satisfaction survey, 18.9% of respondents answered "Improved," while "6.8%" answered "Worsened."

(3) Enhancing Initiatives for Quality Verification

In order to enhance initiatives for quality verification, it is important to listen carefully to users' voices.

Thus, the user satisfaction survey continued to be conducted in FY2015. In order to understand users' opinion more precisely through the user satisfaction survey, the survey method was reviewed. As a result, the survey was outsourced in FY2015, due to which the number of subjects was doubled (from 200 companies to 400 companies), thus covering about 15% of all the applications filed by the subjects surveyed.

Owing to the new question items added to the user satisfaction survey, effects brought by various kinds of quality management initiatives, including the formulation of the Quality Policy and the preparation of the Quality Manual, were confirmed.

In order to understand the current level of examination quality more accurately, it is also crucial to enhance quality audit.

Thus, a Quality Management Officer in charge of quality audit was additionally appointed in the Quality Management Office (from eight QM Officers to nine QM Officers), and the period of audit was extended by one month (from two months to three months). The number of audits was also doubled (from 1680 cases to 3150 cases), through which quality audit was enhanced.

The quality audit framework was established, in which, among cases to be subject to quality audit, all grant cases that would have greater negative impact on users if there were some deficiencies, should be quality audited, without fail, after approval of notices drafted by examiners and before sending them out to applicants, whereby notices would be sent out after correction of errors found through quality audit.

If there is discrepancy between examination decisions and appeal/trial decisions, it is crucial to conduct factor analysis on such discrepancy for the improvement of examination quality.

Thus, among the appeal cases against an examiner's decision of refusal, factor analysis was conducted on those in which the decision of refusal was overturned at the appeal court. Factor analysis was also conducted on all the trial cases for which opposition of trademark registration was filed in FY2014 and consequently decision of rescission was made.

(4) Cooperation with Overseas IP Offices and Communication of Information

In order to enhance users' understanding of JPO's initiatives for examination quality management and to increase its presence regarding quality management in the international IP community, it is crucial to provide information appropriately to not only domestic users but also overseas users.

Thus, the JPO communicated its initiatives for examination quality at international meetings, as well as through trainings and seminars for emerging countries. As proposed by the JPO, it was agreed that the Meeting of TM5, comprised of EUIPO (OHIM), KIPO, JPO, SAIC and USPTO, would start a new session in which TM5 Offices would share information regarding their respective initiatives for quality management. Additionally, cooperative relationships with overseas user organizations were built through newly participating in their annual meetings.

(5) Setting of Examination Quality Targets

In examination quality management, it is desirable to set up targets for quality. However, it is not easy to create indexes for evaluating examination quality. Depending on how to set up the evaluation indexes, it may cause biases in examinations, and thereby, may have negative affect on examination practices.

Thus, questionnaire and hearing surveys were conducted for QM Officers of the overseas IP offices so as to find out the status of setting examination quality targets based on the evaluation indexes at the overseas IP offices.

Of twenty-three overseas IP offices surveyed, four IP offices did not reply, five IP offices did not set any targets, eight IP offices set targets but did not make them available to the public, and six IP offices made them available to the public. In addition, of the five IP offices that answered positively in terms of setting index-based examination quality targets, four IP offices used the examination period as such evaluation index.

II. Evaluation Results Concerning Implementation Systems/Implementation Status in Quality Management

Evaluation was conducted according to the "Evaluation Items and Criteria Concerning Examination Quality Management" (See Reference 1 at the end of the report) formulated by the Subcommittee in FY2014, based on the quality management report provided by the JPO.

As evaluation criteria for each evaluation item, a 1 to 4 scale ("Very Satisfactory," "Satisfactory," "Generally Achieved," and "Requiring improvement") was adopted so that it might allow appropriate evaluations while avoiding unnecessary complexity. In addition, due to common examination process being shared among patents, designs, and trademarks, evaluation criteria that could be used for all were formulated as a measurement of achievements.

For each evaluation criterion, actions, status, etc. to be achieved at each stage were specifically defined, after the objectives and aspects of evaluation for each evaluation item were clarified.

In particular, evaluation items (f) and (g) were evaluated as "Very satisfactory" in the case not only where "initiatives necessary for the improvement of quality had been planned and implemented as planned, and their objectives had been achieved" but also where "it was recognized to have effects that would contribute to further improvement of quality."

In addition, evaluation item (h) was evaluated as "Very satisfactory" in the case not only where "analysis of examination quality and identification of issues had been conducted sufficiently" but also where "identification of issues" "had been conducted from a comprehensive perspective."

Furthermore, evaluation items (i) and (j) were evaluated as "Very satisfactory" in the case not only where improvement in "policies, procedures, and structures" as well as "quality management initiatives" "had been sufficiently made" but also where such improvement had been made "at an excellent level."

Before the deliberation by the Subcommittee, the JPO provided the its members with materials outlining the outcomes and status of the implementation of examination quality management on patents, designs and trademarks, respectively, regarding the eleven evaluation criteria (Handout 3 to 5 of the first meeting of FY2015, and Handouts 2 to 4 of the second meeting of FY2015). If there were unclear points of the outcomes and status of implementation in the handouts, they would be explained in the Q&A session during the meeting.

The Subcommittee members evaluated each evaluation item on a 1 to 4 scale according to the evaluation criteria, based on, for example, descriptions of the handouts mentioned above. Subsequently, the Subcommittee deliberated based on each member's evaluation and the results

of Q&A session, and consolidated them into an official evaluation of the Subcommittee.

The median value of the scores evaluated by each of the Subcommittee's members was used to be represented as an official Subcommittee's evaluation. However, different evaluations from the official Subcommittee's evaluations were also described in association with the evaluation criteria.

Main changes made in FY2015 to the handouts provided by the JPO are as follows:

- (a) Since evaluation items (i) and (j) were newly included in FY2015, materials for these evaluation items were prepared.
- (b) In addition to the materials outlining the outcomes and statuses of the implementation of examination quality management for each of the evaluation items (a) to (k), a document outlining the status of the implementation reflecting the evaluations and improvement recommendations provided by the Subcommittee in FY2014 was also created.

The Subcommittee's evaluation results are summarized in the next section.

1. Patents

Evaluation item (a): Status of creation of "Quality Policy," "Quality Manual," and other documents

Since the "Quality Policy," the "Quality Manual," and other documents indicating specific procedures for quality management were created and appropriately managed, this item was evaluated as "Very satisfactory."

However, some evaluated as "Satisfactory" since it fell short of saying that those documents were created and managed appropriately in view of the status of reviewing them.

Evaluation item (b): Clarity of procedures for examinations and quality management

It was recognized that the "Examination Guidelines for Patent and Utility Model" stipulated what needed to be done in the examination process and their specific procedures and that the "Quality Manual" clearly described regarding who should be responsible for establishing and improving the quality management system, and the procedures and the persons in charge in the implementation of quality management. It also described the procedures for quality management. Therefore, this item was evaluated as "Very Satisfactory."

However, some evaluated as "Satisfactory" since the contents of the documents mentioned above was not sufficient enough to maintain or improve examination quality.

Evaluation item (c): Publication of the fundamental principles of quality management, etc. to users of IP systems and dissemination of such information to staff

The "Quality Policy" and the "Quality Manual" were published so that users, including overseas users, could easily access to them. They were also disseminated through multiple methods to all the staff members who engaged in examination. In addition, trainings and seminars were provided regularly for staff, and their understanding was tested. Moreover, intensive discussions on quality were conducted in each Examination Division for a fixed period of time. Through these, it could be assessed how much each examiner understood about quality management. These also helped promote their understanding of quality management. Furthermore, it was recognized that the revised "Examination Guidelines for Patent and Utility Model" articulated the basic examination policy in accordance with the fundamental principles of the Quality Policy, and trainings and seminars were provided for all examiners to disseminate the contents of the revised Guidelines fully to all examiners." Therefore, this item was evaluated as "Very Satisfactory."

However, some evaluated as "Satisfactory" in view of identification of actual status of the level of understanding by staff, and some evaluated as "Generally achieved" in view of dissemination of information to the outside users.

Evaluation item (d): Examination implementation system

The organizational and staffing structure for examinations was well established, owing to initiatives for enhancing the examination structure and increasing its efficiency, which allowed examiners to fulfill their quota while producing high-quality examination results. However, since prior art searches and quality improvement initiatives were conducted by the limited number of examiners, the burden per examiner was greater in Japan than in the U.S. and European countries. So, it fell short of saying that the internationally comparable level of organizational and staffing structure for examination had been established. Thus, this item was evaluated as "Generally achieved."

However, some evaluated as "Satisfactory" since the quality of organizational structure for appropriate and quick examinations had reached the internationally comparable level.

Evaluation item (e): Quality management system

The JPO established the organizational structure of examination quality management, in which persons in charge, persons conducting examinations, persons planning and making proposals for initiatives, and persons analyzing and evaluating the quality of examinations were all independently positioned. Furthermore, the JPO planned and made proposals for initiatives for quality management in an efficient and effective manner so that quality audit could be conducted at the internationally comparable level. For example, all the major kinds of written notices were audited, assigned to each of the Quality Management Officers, aiming for better audit practices. Overall, the organizational and staffing structure was well established, and therefore, this item was evaluated as "Satisfactory."

However, some evaluated as "Very satisfactory" due to having, for example, the mentor system and training programs, while others evaluated as "Generally achieved" in view of the number of quality audit samples and utilization of appeal/trial decisions.

Evaluation item (f): Initiatives for quality improvement

Initiatives necessary for the improvement of quality (approval, checking drafted notices before approval, peer consultations, setting targets for each examiner and evaluations on his/her achievements, interviews or telephone contact, expansion of searches of foreign patent documents, etc., collection and provision of quality-related information, trainings and seminars, evaluations and guidance on prior art searches conducted by registered search organizations, and provision and maintenance of search indexes), which started in FY2014, continued to be implemented as planned in FY2015. Furthermore, as initiatives contributing to further improvement of quality, the "Examination Guidelines for Patent and Utility Model," etc. was revised, the style of Notices of Reasons for Refusal, etc. was standardized, and the US-JP Collaborative Search Pilot Program was launched. The objectives of each initiative were achieved. Since the standardization of the style of notices allowed approval procedures and quality audit to be efficiently conducted, which consequently contributed to further

improvement of quality. Thus, this item was evaluated as "Very satisfactory."

However, some evaluated as "Satisfactory" since it was not clearly stated how the above-mentioned initiatives were to be evaluated or how important each issue was, and consequently, the effects of improvements were not indicated.

Evaluation item (g): Initiatives for quality verification

Verification of the validity of prior art searches as well as the validity of identification and judgments by quality audit, and verification of formality matters of notices by partial quality audit, which were all required for the verification of quality, was conducted as planned in terms of the number of verification, and the objectives of each initiative were achieved. Since the quality audit system was established in which quality would be audited after approval and before sending out notices to applicants and agents, it became possible for the JPO to know overall quality of examinations, including approval, the results of which were provided to the outside. Furthermore, it became possible to send out notices after corrections of errors. Therefore, this item was evaluated as "Satisfactory."

Evaluation item (h): Examination quality analysis and identification of issues

Since the analysis of examination quality and the identification of issues in light of user needs, future examination workload, and the potential law revisions in the future were conducted sufficiently through multiple information acquisition methods, and furthermore, the issues to be addressed were narrowed down. Thus, this item was evaluated as "Satisfactory."

Evaluation item (i): Status of improvement of policies, procedures, and structures to achieve high-quality examinations (evaluation items from (a) to (e))

The examination implementation system of the JPO still fell short compared with that of other IP offices. Nevertheless, the "Quality Manual" was revised without delay so as to reflect the implementation systems in FY2014; the basics of quality management were disseminated to staff members more thoroughly than before, and then it was confirmed that they understood them well; and the policies, procedures, and structures were sufficiently improved. Thus, this item was evaluated as "Satisfactory."

However, some evaluated as "Generally achieved" since it was unclear whether procedure changes had resulted in some improvements, and the quality management system fell short of sufficiency.

Evaluation item (j): Status of improvement of quality management initiatives (evaluation items from (f) to (h))

Since improvements in quality management initiatives were fully made in response to the issues identified through the analysis in FY2014, such as standardization of the style of

Notices of Reasons for Refusal and formulation of guidelines for approval procedures, this item was evaluated as "Satisfactory."

However, some evaluated as "Generally achieved" since the relationship between the improvement of initiative changes and their outcomes was unclear.

Evaluation item (k): Communication of information on initiatives for examination quality improvement

Information on examination quality improvement was communicated to domestic and overseas users through exchanges of opinions as well as to overseas IP offices through international gatherings and dispatch/acceptance of examiners. Furthermore, continuous cooperative relations with other IP offices were built and maintained. Additionally, at the Meeting of International Authorities under the Patent Cooperation Treaty (PCT), the JPO presented the "Handbook for PCT International Search and Preliminary Examination in the JPO" published in October 2015, which is a comprehensive and unique handbook with all the details including diagrams, serving as the guidelines for those acting as ISA or IPEA. The Handbook was highly regarded by overseas IP offices. Thus, this item was evaluated as "Very Satisfactory."

However, some evaluated as "Satisfactory" in view of the status of cooperative relations with other IP offices, which was measured by the status of joint initiatives with them as well as publication of statistical information.

2. Designs

Evaluation item (a): Status of creation of "Quality Policy," "Quality Manual," and other documents

Since the "Quality Policy," the "Quality Manual," and other documents indicating specific procedures for quality management was created and appropriately managed, this item was evaluated as "Very satisfactory."

However, some evaluated as "Satisfactory" since it fell short of saying that those documents were created and appropriately managed in view of the status of reviewing them.

Evaluation item (b): Clarity of procedures for examinations and quality management

It was recognized that the "Examination Guidelines for Design" stipulated what needed to be done in the examination process and their specific procedures. Meanwhile, the "Quality Manual" clearly described regarding establishing and improving the quality management system, its implementation and who was responsible for quality management. It also described the procedures for quality management. Therefore, this item was evaluated as "Very Satisfactory."

However, some evaluated as "Satisfactory" or "Generally achieved" since it fell short of saying that the contents of the documents mentioned above was sufficient or clear enough to maintain or improve examination quality.

Evaluation item (c): Publication of the fundamental principles of quality management, etc. to users of IP systems and dissemination of such information to staff

The "Quality Policy" and the "Quality Manual" were published so that users, including overseas users, could easily access to them. They were also disseminated through multiple methods to all the staff members who engaged in examination. Not only that, trainings and seminars for staff were provided on a regular basis. In addition to these, trainings and seminars on the importance of examination quality and the fundamental principles of quality management were newly provided for all the design examiners, and their understanding was tested after the program. Thus, this item was evaluated as "Very satisfactory."

However, some evaluated as "Satisfactory" in view of identification of actual status of the level of understanding by staff, and some evaluated as "Generally achieved" in view of dissemination of information to the outside users.

Evaluation item (d): Examination implementation system

Regarding examinations processed, under the current organizational and staffing structure, it was recognized that the number of issuing first actions had been almost identical to that of filing applications over these past few years. Moreover, an average period from filing an application to sending a notice of first action reached as low as 6.2 months in 2014, remaining

the same in the first half of 2015. However, the number of examinations per examiner was greater in Japan than in the U.S., and what is more, the limited number of design examiners conducted examinations of applications for international registration of industrial designs, as well as working on initiatives for quality improvement. So, it fell short of saying that the organizational and staffing structure for examinations was well established, compared with other IP offices where the substantive examination was required. Thus, this item was evaluated as "Generally achieved."

However, some evaluated as "Satisfactory" since examinations were conducted in an efficient manner, and therefore, it was recognized that the examination implementation system had reached the internationally comparable level.

Evaluation item (e): Quality management system

An officer dedicated to planning and making proposals for quality management was newly appointed, and two Quality Management Officers in charge of prior design search, who was responsible for conducting quality audit, were appointed. Officers analyzing and evaluating quality audit were not dedicated to the position, but working concurrently by holding regular duties. However, examination quality was properly managed despite the limited human resources within the organization, and therefore, it could be regarded that a system for quality management equivalent to that of other IP offices were established at the JPO. Thus, this item was evaluated as Satisfactory."

However, some evaluated as "Generally achieved" since it was unclear whether the adopted system had produced positive results or not and consequently, it fell short of saying that the quality management system had reached the internationally compatible level.

Evaluation item (f): Initiatives for quality improvement

Initiatives necessary for improvement of quality (e.g., peer consultations on domestic applications and their feedback), which started in FY2014, continued to be implemented as planned in FY2015, and the objectives of each initiative were achieved. As one of the initiatives that could contribute to improvement of quality, it was determined that all the applications for international registration of industrial designs, which started being received in FY2015, were subject to peer consultations. Through these, the exchanges of opinions and sharing of knowledge among examiners were promoted. Thus, this item was evaluated as "Satisfactory."

Evaluation item (g): Initiatives for quality verification

Verification of the validity of judgment and notices drafted by examiners through quality audit, which were required for the verification of quality, was conducted as planned, and the objectives of each initiative were achieved. Moreover, the pilot quality audit was conducted

for prior design search. Regarding quality audit for applications for international registration of industrial designs, all applications were subject to peer consultations in order to see whether check items were appropriate or not. Regarding the user satisfaction survey, since necessary items were added and the range of respondents surveyed was broadened, this item was evaluated as "Satisfactory."

However, some evaluated as "Generally achieved" since some of the objectives of verification had not been achieved.

Evaluation item (h): Examination quality analysis and identification of issues

Under the current quality management system, analysis of examination quality and identification of issues were conducted sufficiently in each of the initiatives. In addition, the number of subjects in the user satisfaction surveys was increased, and thus this item was evaluated as "Satisfactory."

However, some evaluated as "Generally achieved" since some of the issues to be improved was not specified.

Evaluation item (i): Status of improvement of policies, procedures, and structures to achieve high-quality examinations (evaluation items from (a) to (e))

The "Quality Manual" was revised so as to reflect the implementation system in FY2014, and the basics of quality management were sufficiently disseminated to staff members by starting providing trainings and seminars for all design examiners. Additionally, an officer dedicated to planning and making proposals for quality management was newly appointed, and two Quality Management Officers in charge of prior design search were appointed to check in examination quality management,. Since the policies, procedures, and structure were sufficiently improved, this item was evaluated as "Satisfactory."

However, some evaluated as "Generally achieved" since it was unclear whether procedure changes had resulted in some improvements, and the quality management system fell short of sufficiency, while others evaluated as "Very satisfactory" since the examination level was enhanced as a result of improvement.

Evaluation item (j): Status of improvement of quality management initiatives (evaluation items from (f) to (h))

Initiatives for quality management were improved in response to the issues identified in FY2014. Some improvements were made, including particularly that the number of subjects surveyed on user satisfaction was increased; the pilot quality audit of prior design search for quality verification was conducted; and all applications for international registration of industrial designs became subject to peer consultations. Thus, this item was evaluated as "Satisfactory."

However, some evaluated as "Generally achieved" since it was unclear whether initiative changes had resulted in some improvements, while others evaluated as "Very Satisfactory" since the standard of points for discussion and identification of issues had been increased as a result of implementing improvements.

Evaluation item (k): Communication of information on initiatives for examination quality improvement

Information on examination quality improvement was communicated to domestic users and opinions were exchanged regularly through meetings with users. In this way, continuous cooperative relations had been built and maintained. Moreover, information continued to be provided to overseas IP offices at international gatherings such as the Industrial Design 5 Forum (ID5) and the Meeting of the Joint Experts Group for Design (Japan, China and Korea), and through dispatch/acceptance of examiners. Thus, this item was evaluated as "Very satisfactory."

However, some evaluated as "Satisfactory" or "Generally achieved" in view of the status of cooperative relations with other IP offices, which was measured by the status of joint initiatives with them as well as publication of statistical information.

3. Trademarks

Evaluation item (a): Status of creation of "Quality Policy," "Quality Manual," and other documents

Since the "Quality Policy," the "Quality Manual," and other documents indicating specific procedures for quality management was created and appropriately managed, this item was evaluated as "Very satisfactory."

However, some evaluated as "Satisfactory" since it fell short of saying that those documents were created and appropriately managed in view of the status of reviewing them.

Evaluation item (b): Clarity of procedures for examinations and quality management

It was recognized that the "Examination Manual for Trademarks" and the "Outline of Trademark Examination Procedure" stipulated what needed to be done in the examination process and their specific procedures. Meanwhile, the "Quality Manual" clearly described regarding establishing and improving the quality management system, its implementation and who was responsible for quality management. It also described the procedures for quality management. Therefore, this item was evaluated as "Very Satisfactory."

However, some evaluated as "Satisfactory" since the contents of the documents mentioned above was not sufficient enough to maintain or improve examination quality.

Evaluation item (c): Publication of the fundamental principles of quality management, etc. to users of IP systems and dissemination of information to staff

The "Quality Policy" and the "Quality Manual" were published so that users, including overseas users, could easily access to them. They were also disseminated through multiple methods to all staff members who engaged in examination. In addition, trainings and seminars for staff were provided on a regular basis. Furthermore, trainings and seminars on the importance of examination quality and the fundamental principles of quality management were newly provided for all trademark examiners, and their understanding was tested after the program. Thus, this item was evaluated as "Very satisfactory."

However, some evaluated as "Satisfactory" in view of the status of understanding actual condition regarding the level of staff's understanding, and some evaluated as "Generally achieved" in view of dissemination of information to the outside users.

Evaluation item (d): Examination implementation system

A dedicated examination team for non-traditional trademarks was organized as part of initiatives for enhancing the organizational structure for examinations. Under such new structure, examiners conducted examinations at a high quality level and in an efficient manner, while fulfilling their quota. This indicated that improvement efforts for quality were properly made despite the limited human resources. However, it fell short of saying that the

internationally comparable level of organizational and staffing structure for examination had been established. Thus, this item was evaluated as "Generally achieved."

However, some evaluated as "Satisfactory" since examinations were conducted in an efficient manner, and therefore, it was recognized that the examination implementation system had reached the internationally comparable level.

Evaluation item (e): Quality management system

One full-time Quality Management Officer was newly appointed, and therefore, the number of QM Officers was increased from eleven to twelve. Among them, QM Officers who used to be working concurrently in two positions became full-time in this position. Regarding planning and making proposals for quality-related initiatives, the organizational structure had to continue to be enhanced, compared with overseas IP offices. However, under the current condition, the organizational and staffing structure that allowed efficient and effective implementation of quality-related initiatives was well established. Thus, this item was evaluated as "Satisfactory."

However, some evaluated as "Generally achieved" since it was unclear whether the adopted system had produced positive results or not, and consequently, it fell short of saying that the quality management system had reached the internationally compatible level.

Evaluation item (f): Initiatives for quality improvement

Initiatives for quality improvement were enhanced through, for example, the revision of the "Examination Guidelines for Trademarks" and the review of the check sheet format for examiners; new documents of guidelines were created, stipulating the approval procedures and points to consider, etc. as well as outlining points to consider in drafting a Notice of Reasons for Refusal; and, initiatives for examination quality improvement were implemented as planned through, for example, the analysis of individual cases and the sharing of them among examiners. On top of these, the objectives of each initiative were achieved. Thus, this item was evaluated as "Satisfactory."

However, some evaluated as "Generally achieved" since some of the objectives of initiatives failed to be achieved.

Evaluation item (g): Initiatives for quality verification

A quality auditor responsible for checking examination results was additionally appointed, and the number of audited applications was doubled. The number of subjects in the user satisfaction survey was doubled, and the number of exchanges of opinions with users was increased by 2.5 times over the past year. In addition, discrepancy analysis was conducted regarding all the cases in which an opposition to trademark registration had been filed, and the appeal court ruled that the trademark registration was to be rescinded. Furthermore, initiatives

for verification of examination quality were implemented, as planned, from various aspects, including analysis of other individual cases. On top of these, the objectives of each initiative were achieved. Thus, this item was evaluated as "Satisfactory."

However, some evaluated as "Generally achieved" since some of the objectives of verification failed to be achieved, while others evaluated as "Very satisfactory" since further effects, such as stabilized examination quality, were recognized.

Evaluation item (h): Examination quality analysis and identification of issues

Under the current quality management system, analysis of examination quality and identification of issues were conducted sufficiently in each of initiatives. Thus, this item was evaluated as "Satisfactory."

However, some evaluated as "Generally achieved" since some of the issues to be improved were not specified, while others evaluated as "Very satisfactory" since the issues were narrowed down from the comprehensive viewpoint.

Evaluation item (i): Status of improvement of policies, procedures, and structures to achieve high-quality examinations (evaluation items from (a) to (e))

The "Quality Manual" was revised so as to reflect the implementation system in FY2014; new trainings and seminars were provided for all the trademark examiners, after which their understanding was tested; and two full-time Quality Management Officers were appointed. Therefore, it was recognized that the policies, procedures, and structures were sufficiently improved. Thus, this item was evaluated as "Satisfactory."

However, some evaluated as "Generally achieved" since it was unclear whether procedure changes had resulted in some improvements, and the quality management system fell short of sufficiency.

Evaluation item (j): Status of improvement of quality management initiatives (evaluation items from (f) to (h))

Improvements in quality management initiatives were fully made in response to the issues identified through the analysis in FY2014. In particular, the number of subjects in the user satisfaction survey was doubled, the number of subjects in quality audit was also doubled, and the number of exchanges of opinions with users was increased by 2.5 times over the past year. In addition, some improvements were made, including discrepancy analysis on all the cases in which an opposition to trademark registration had been filed, and the appeal court ruled that the trademark registration was to be rescinded. Thus, this item was evaluated as "Satisfactory."

However, some evaluated as "Generally achieved" since the details of improvements through the initiatives were not specifically revealed.

Evaluation item (k): Communication of information on initiatives for examination quality improvement

In the TM5 Meeting, a session on quality management was newly conducted. Furthermore, with the overseas users (AIPLA), the exchanges of opinions were conducted not only when they visited us at the JPO, but also when the JPO attended the pre-meeting before its Annual Meeting held in the U.S. Therefore, it was recognized that a continuous cooperative relation with the AIPLA was built up. Thus, this item was evaluated as "Very satisfactory."

However, some evaluated as "Satisfactory" or "Generally achieved" in view of the status of cooperative relations with other IP offices, which was measured by the status of joint initiatives with them as well as publication of statistical information.

III. Improvement Recommendations Concerning Implementation System/Implementation Status of Quality Management

In parallel with evaluations concerning the implementation system/implementation status in quality management, the Subcommittee also deliberated on matters expected to be improved concerning the implementation system/implementation status of quality management, which had been revealed through the evaluation process.

Improvement recommendations by the Subcommittee are summarized as follows.

1. Patent

(1) Recommendations for "Evaluation item (d): Examination implementation system" and "Evaluation item (e): Quality management system"

- The JPO has made efforts to secure the necessary number of examiners for efficient and appropriate examinations, and even currently is conducting internationally comparable, high quality examinations. However, it is still advisable to further enhance the examination quality management system for further improvement of examination quality.

(2) Recommendations for "Evaluation item (f): Initiatives for quality improvement"

- In order to improve examination quality, it is advisable to further enhance prior art searches, by making efforts to store and share know-hows of searches of foreign patent documents, and taking into consideration the issues identified through filed oppositions to the patent, which started from FY2015. In order to make an appropriate judgement of patentability, it is also advisable to further enhance the peer consultation system.

(3) Recommendations for "Evaluation item (g): Initiatives for quality verification"

- In order to conduct appropriate verification of examination quality, it is advisable to make efforts for enhancing quality audit.
- In order to accurately understand users' needs, it is advisable to take further enhanced initiatives including hearing opinions of users through the user satisfaction survey, etc.

(4) Recommendations for "Evaluation item (h): Examination quality analysis/identification of issues," "Evaluation item (i): Status of improvement of policies, procedures, and structures to achieve high-quality examinations," and "Evaluation item (j): Status of improvement of quality management initiatives"

- In order to manage examination quality more appropriately, it is advisable to make continuous improvement, while evaluating how much objectives of quality management initiatives have been achieved through following the PDCA cycle.

(5) Recommendations for "Evaluation item (k): Communication of information on initiatives for examination quality improvement"

- It is advisable to contribute to improving the international level of patent examination quality through, for example, actively communicating to overseas IP offices, including emerging countries, regarding JPO's initiatives for maintaining and improving examination quality.

2. Designs

(1) Recommendations for "Evaluation item (d): Examination implementation system" and "Evaluation item (e): Quality management system"

- It is advisable to make efforts for securing the necessary number of examiners in order to keep the examination implementation system so that efficient and appropriate examinations can be conducted. In addition, it is also advisable to enhance the quality management system, while considering how to make it efficient, such as improving the system for planning and making proposals.

(2) Recommendations for "Evaluation item (f): Initiatives for quality improvement"

- In order to enhance the quality of examination, it is advisable to enhance peer consultations and to share those results of consultations with other examiners.

(3) Recommendations for "Evaluation item (g): Initiatives for quality verification"

- In order to conduct appropriate verification of the examination quality, it is advisable to take further enhanced initiatives for quality audit, including auditing examinations of applications for international registration of industrial designs, and conducting quality audit according to the Examination Guidelines for Designs that contains the guidelines for the revised guidelines for designs containing images.
- In order to accurately understand users' needs, it is advisable to take further enhanced initiatives including hearing opinions of users through the user satisfaction survey, etc.

(4) Recommendations for "Evaluation item (h): Examination quality analysis/ identification of issues," "Evaluation item (i): Status of improvement of policies, procedures, and structures to achieve high-quality examinations," and "Evaluation item (j): Status of improvement of quality management initiatives"

- In order to manage examination quality more appropriately, it is advisable to make continuous improvement, while evaluating how much objectives of quality management initiatives have been achieved through following the PDCA cycle.

(5) Recommendations of "Evaluation item (k) Communication of information on initiatives for examination quality improvement"

- It is advisable to further increase reliability of the quality of design examinations at the JPO through, for example, actively communicating to overseas IP offices, regarding JPO's initiatives for maintaining and improving examination quality.

3. Trademarks

(1) Recommendations for "Evaluation item (d): Examination implementation system" and "Evaluation item (e): Quality management system"

- It is advisable to make efforts for securing the necessary number of examiners in order to keep the examination implementation system so that efficient and appropriate examinations, including examinations of non-traditional trademarks, can be conducted. In addition, it is also advisable to enhance the quality management system, including establishing a specialized section dedicated to quality management.

(2) Recommendations for "Evaluation item (f): Initiatives for quality improvement"

- In order to enhance the quality of examination, it is advisable to review and properly revise the Examination Guidelines for Trademarks, following making efforts to obtain more productive results through the exchanges of opinions with users and agents, and gaining an understanding of users' needs and actual business transactions.

(3) Recommendations for "Evaluation item (g): Initiatives for quality verification"

- In order to conduct appropriate verification of the examination quality, it is advisable to make efforts for enhancing quality audit.
- In order to accurately understand users' needs, it is advisable to take further enhanced initiatives including hearing opinions of users through the user satisfaction survey, etc.

(4) Recommendations for "Evaluation item (h): Examination quality analysis/identification of issues," "Evaluation item (i): Status of improvement of policies, procedures, and structures to achieve high-quality examinations," and "Evaluation item (j): Status of improvement of quality management initiatives"

- In order to manage examination quality more appropriately, it is advisable to make continuous improvement, while evaluating how much objectives of quality management initiatives have been achieved through following the PDCA cycle.

(5) Recommendations of "Evaluation item (k): Communication of information on initiatives for examination quality improvement"

- It is advisable to contribute to improving the international level of trademark examination quality through, for example, actively communicating to overseas IP offices, including emerging countries, regarding JPO's initiatives for maintaining and improving examination quality.

4. Indexes for evaluating examination quality

In managing examination quality, it is desirable to set targets for quality. Regarding quality targets based on indexes, however, the JPO found out, through a survey on the state of quality management at overseas IP offices conducted responding to the improvement recommendations provided by the Subcommittee in FY2014, that many of the overseas IP offices did not set such targets, except for the period of examination, nor made it available to the public. Not only that, there is no specific indexes found that enables evaluating examination quality itself.

Taking all into account, it is advisable that indexes deemed to be relevant to examination quality should be used only within JPO's initiatives for quality verification, so that they will not hinder examinations from being conducted appropriately.

IV. Conclusion

Through verifications and evaluations on the implementation system of the quality management and its status in FY2015, it was confirmed that evaluation results and improvement recommendations provided by the Subcommittee in FY2014 were reflected on the initiatives in the JPO.

Although the quality management system in design and trademark departments still left room for improvement compared with that in patent department, it was confirmed that the JPO had been making efforts to further enhance the organizational structure, such as having increased the number of QM Officers, including those who became full-time QM Officers, and having newly prepared for establishing a specialized section dedicated to quality management of trademarks.

Moreover, it was confirmed that examination quality at the JPO remained at an internationally high level, and initiatives for building trust relations with overseas IP offices had been promoted. Furthermore, it was also confirmed that opportunities to communicate with users of the industrial property rights system had been increased.

In light of these, this Subcommittee expects that the JPO will continue its efforts to improve the quality of examination, through evaluation results and improvement recommendations concerning the implementation system of quality management and its status as outlined in this report being reflected on the initiatives to be implemented within the JPO, which would result in further enhancement of the implementation system of examination quality management. To improve examination quality, cooperation of users, including applicants, or patent attorneys serving as applicants' agents is indispensable, and therefore, it is expected that users will continue to be cooperative in the future.

In addition, this Subcommittee also expects that the JPO will contribute to global activities of users of the industrial property rights system through actively communicating its high-quality examination results to overseas IP offices, and continuing to interact with them regarding the quality management.

Reference Materials*

(Reference 1) [Evaluation Items and Criteria Concerning Examination Quality Management](#)

(Reference 2) Outline of survey results concerning quality targets in overseas IP offices

1. Report on overseas survey results concerning quality targets (Patents)
2. Report on overseas survey results concerning quality targets (Designs)
3. Report on overseas survey results concerning quality targets (Trademarks)

*The English translation of Reference 1 can be accessed by clicking the link.

The English translation of Reference 2 is not available (only in Japanese).