

Toward Enhancement of Examination Quality Management
(FY2014)

April, 2015

Subcommittee on Examination Quality Management

Intellectual Property Committee

Industrial Structure Council

Introduction

Amid the development of globalization of business and research activities by Japanese companies, as well as the international and cross-border harmonization of intellectual property right systems, the JPO needs to strive to make its examination results of patents, designs, and trademarks so that they can be utilized overseas which enables users to smoothly obtain IP rights there. The JPO has worked to maintain and improve the quality of examination, performing examination appropriately at a high level by international standards. However, achieving internationally trusted high-quality examination calls not only for strengthening its initiatives for quality management but also for having objective evaluations of its implementation systems and implementation status in quality management to reflect the evaluation results to its future initiatives.

This Subcommittee, established against the above background, conducts validation and evaluation of the implementation systems and the implementation status in examination quality management, and provides recommendations on what needs to be improved.

In order to carry out those roles, the Subcommittee has established evaluation items and criteria for quality management in examination performed by the JPO. Subsequently, the Subcommittee has conducted evaluations of the implementation systems and the implementation status in examination quality management in FY2014 according to the above-mentioned evaluation items and criteria, and has also considered what needs to be improved.

Reference 1: “Report,” Industrial Structure Council, Intellectual Property Committee (February 24, 2014, excerpt)

- Achieving “the world’s fastest and highest quality” examination

“... During FY2014, the JPO will also establish comprehensive metrics for measuring the quality of patent examination. Based on utilizing the metrics, the JPO will strengthen its quality management for achieving the world’s fastest and highest quality patent examination.” In addition, the JPO will establish a committee which evaluates the status and framework for implementing quality management system in the JPO, with the participation of practitioners, academic experts, etc. early in FY2014.”

Reference 2: “Japan Revitalization Strategy, Revised in 2014” (June 24, 2014, excerpt)

- 3. ii) 2) Achievement of examination with world-class speed and quality

“Over the next 10 years, the Government will aim to halve the time it takes to acquire patent rights to no more than 14 months, on average. In addition, it will aim to realize the world’s fastest, highest-quality patent examination via initiatives such as the introduction of a system with objective quality control by external experts.”

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

Past Meetings

1st Subcommittee Meeting September 10, 2014

- Agenda:
- 1) Current initiatives concerning examination quality management
 - 2) Evaluation items and evaluation criteria concerning examination quality management (draft)

2nd Subcommittee Meeting December 18, 2014

- Agenda:
- 1) Evaluation items concerning examination quality management (results, status, etc.)
 - 2) Overseas IP offices information concerning quality management indicators
 - 3) Recommendations aimed at improving evaluation items and evaluation criteria concerning examination quality management (draft)

3rd Subcommittee Meeting February 25, 2015 (document based deliberation)

- Agenda:
- Draft revisions to evaluation items and evaluation criteria concerning examination quality management

4th Subcommittee Meeting March 27, 2015

- Agenda:
- 1) Evaluation of implementation systems and implementation status in examination quality management
 - 2) Improvement recommendations concerning implementation systems and implementation status in examination quality management
 - 3) FY2014 Report of the Subcommittee on Examination Quality Management (Draft)

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

(Chairperson)	Hidetaka Aizawa	Professor, Hitotsubashi ICS, Hitotsubashi University
	Setsuko Asami	Professor, Graduate School of Innovation Studies, Tokyo University of Science
	Toshiaki Iimura	Former Chief Judge of the Intellectual Property High Court / 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	Vice President, International Association for the Protection of Intellectual Property
	Takeshi Nakajo	Former President, 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)

Table of Contents

I. Background to Considerations by this Subcommittee

1. Changes in the environment surrounding examination	1
2. Movements related to examination quality in overseas IP offices	2
(1) Quality management in the United States Patent and Trademark Office (USPTO)	3
(2) Quality management in the European Patent Office (EPO)	5
(3) Quality management in the Office for Harmonization in the Internal Market (OHIM)	6

II. Consideration of Evaluation Items and Criteria Concerning Implementation Systems/ Implementation Status in Quality Management

1. History of consideration by this Subcommittee	7
2. Consideration of evaluation items	7
3. Consideration of evaluation criteria	10

III. FY2014 Evaluation Results Concerning Implementation Systems/ Implementation Status in Quality Management

1. Patents	11
2. Designs	14
3. Trademarks	17

IV. Improvement Recommendation Concerning Implementation Systems/ Implementation Status in Examination Quality Management

1. Patents	20
2. Designs	23
3. Trademarks	25
4. Setting of quality targets	27

V. Conclusion

	28
--	----

Appendix

Evaluation Items and Criteria Concerning Examination Quality Management

I. Background to Considerations by this Subcommittee

1. Changes in the environment surrounding examination

Amid the increasing globalization of economies and international competition, the Intellectual Property Promotion Plan 2004 set a goal of achieving patent first action pendency (the period from request for examination to notification of first action) of 11 months, the world's fastest level, in order to expand the contribution by research and development investments to earnings and to contribute to companies' international competitiveness by invigorating Japan's technological development competition and eliminating overlapping research through the early finalization of patent rights. Since then, the JPO has carried out a number of initiatives, such as increasing its number of examiners, including fixed-term examiners, and expanding the outsourcing of preliminary prior art searches. As a result, although an average number of applications per examiner to be examined at the JPO is several times more than that at overseas IP offices, the JPO achieved the above-mentioned goal in FY2013.

At the same time, the JPO has created its Quality Policies and Quality Manuals for examination, and has worked to achieve examination appropriately with a foundation in laws through, for example, the adoption of sample checks for examination results, as it strives to improve the quality of examination.

Reference: Quality Policy on Patent Examination (published in April, 2014)

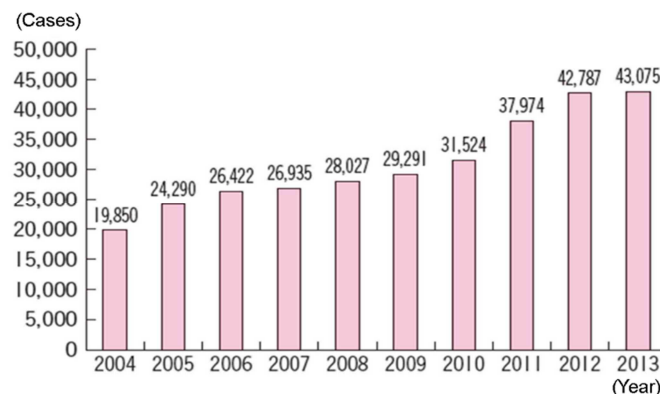
Quality Policy on Design Examination (published in August, 2014)

Quality Policy on Trademark Examination (published in August, 2014)

<http://www.jpo.go.jp/seido/hinshitsukanri/policy.htm>

As seen in the steady increase of international applications by Japanese companies, the global expansion of companies' business and research activities is ever advancing. Amid the internationalization and the cross-border harmonization of intellectual property rights systems, in order for Japan's examination results to be respected overseas and to smoothly ensure the establishment of rights internationally, the further enhancement of the quality and transparency of examination is an issue to be addressed.

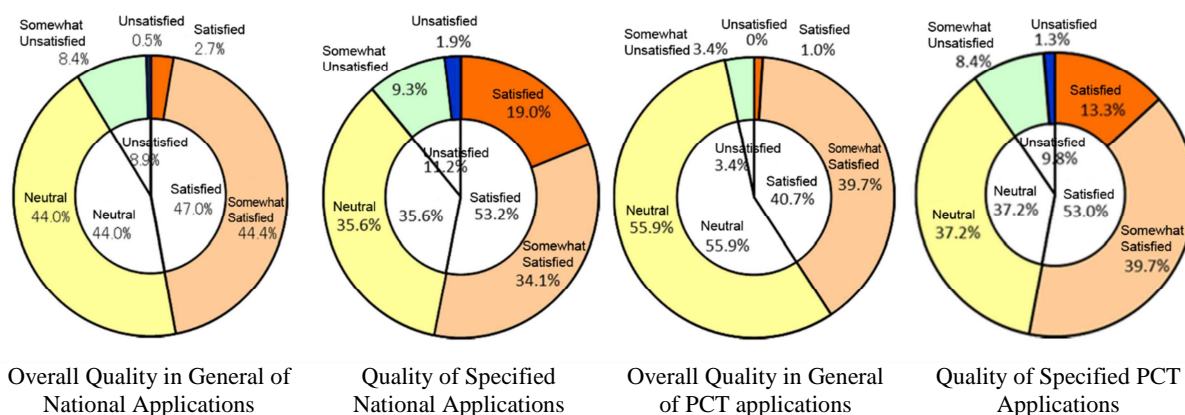
Changes in the Number of International Applications over time (PCT Applications)



In the results of a JPO questionnaire survey on examination quality, which targeted about 700 users of the patent system, many respondents reported as “Satisfied” or “Somewhat Satisfied” with the examination quality of the JPO. Combining with evaluations of “Neutral,” a majority of users responded non-negatively. Compared with overseas IP offices, the JPO is highly regarded by users. Regardless, there are also calls for improvement in some items.

Reference: Overview of Results from “User Satisfaction Survey in FY2014” of Patent Applications

○ Questionnaire Survey Results (Patents)



○ Comparison with Overseas IP Offices (Patents)

Prior art searches	104
Technological understanding of examiners	90
Judgement of novelty, inventive step, etc.	79
Judgement without discrepancy	62

Areas where JPO is superior to overseas IP offices (n=302; the areas listed in the table are those of 50 or higher)

	EPO	USPTO
Description of reasons for refusal	-	52
Prior art searches	68	-

Areas where overseas IP offices are superior to the JPO (n=200; the areas listed in the table are those of 50 or higher)

With regard to designs and trademarks, too, as the period until the issuance of first action has been steadily shortened, users’ evaluations of examination quality are mostly favorable. However, there are voices calling for improvement in description of the reasons for refusal in design examination, and improvement in discrepancy of examination decisions and in description of notices of reasons for refusal in trademark examination.

2. Movements related to examination quality in overseas IP offices

The improvement of examination quality is an important policy measure for major overseas IP offices as well. As an example, the US Patent and Trademark Office (USPTO) has set the optimization of quality and timeliness in patent, design, and trademark examination as the first two strategic goals of its Strategic Plan (2014-2018). In addition, the newly appointed Director of the USPTO has also announced that improvement of examination quality is the most

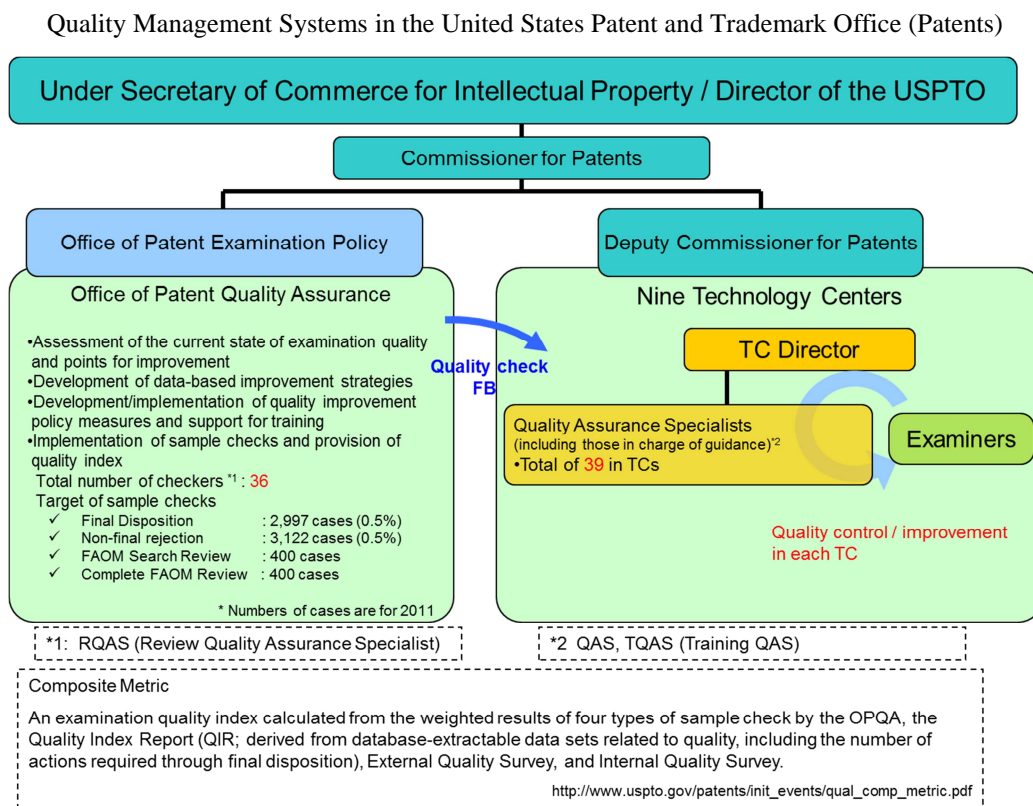
important issue for the Office. The European Patent Office (EPO), too, has formulated five mid-term major policies (Roadmaps) in 2011, positioning the Quality Roadmap as one of them. The situation can be seen as one of competition among IP offices to raise the quality of examination, with the Korean Intellectual Property Office (KIPO), China's State Intellectual Property Office (SIPO), and the Office for Harmonization in the Internal Market (OHIM) similarly taking action to strengthen their respective quality management initiatives.

(1) Quality management in the United States Patent and Trademark Office (USPTO)

1) Patents

The United States Patent and Trademark Office (USPTO) has been preparing the quality management systems for patents, designs, and trademarks. The quality management for patents is handled by the Office of Patent Quality Assurance (OPQA) within the Office of Patent Examination Policy. The OPQA performs the following activities; i) assessment of the current state of examination quality and points for improvement; ii) development of data-driven quality improvement initiatives; iii) rollout/implementation of quality improvement policy measures and support for training; and iv) implementation of sample checks and provision of quality indicators. In particular, among experienced examiners, 36 examiners known as Review Quality Assurance Specialists (RQAS) handle sample checks. In 2011, they performed sample checks of both final disposition (decisions to grant patents or final refusals) cases and in-process cases (3000 checks for each).

At the same time, the USPTO has assigned a total of 39 Quality Assurance Specialists (QAS) to Technology Centers (TC), checking examination and its procedures that are unique to reissue patent applications.



Source: Created by the JPO based on the information from the USPTO website, the "Study Report on Quality Management including Peripheral Tasks to Examination such as Formality Checks" in the "FY 2011 Study Reports on Industrial Property Issues Entrusted by JPO," and other sources

In October 2011, the USPTO formulated Composite Quality Metrics as a method for evaluating examination quality management, and has been employing it for its quality management. In the Composite Quality Metrics, they evaluate seven metrics, including Final Disposition Compliance Rate, In-Process Compliance Rate, Quality Indicator Report, Internal and External Quality Survey, quantify them, and multiply the scores by a weighted factor. However, it has been pointed out that these metrics may not be functioning appropriately as indicators for measuring examination quality, and at present, the USPTO is reconsidering these Composite Quality Metrics, including the possibility of their abolishment.

In January 2015, the USPTO appointed a new Deputy Commissioner for Patents in charge of patent quality. In March 2015, the Office announced that it would promote innovation, strengthen competitiveness, and achieve economic growth through 1) excellence in Office actions and internal procedures, 2) excellence in quality evaluation, and 3) excellence in customer service, by implementing the Enhanced Patent Quality Initiative in order to identify quality improvement as a top priority.

2) Design

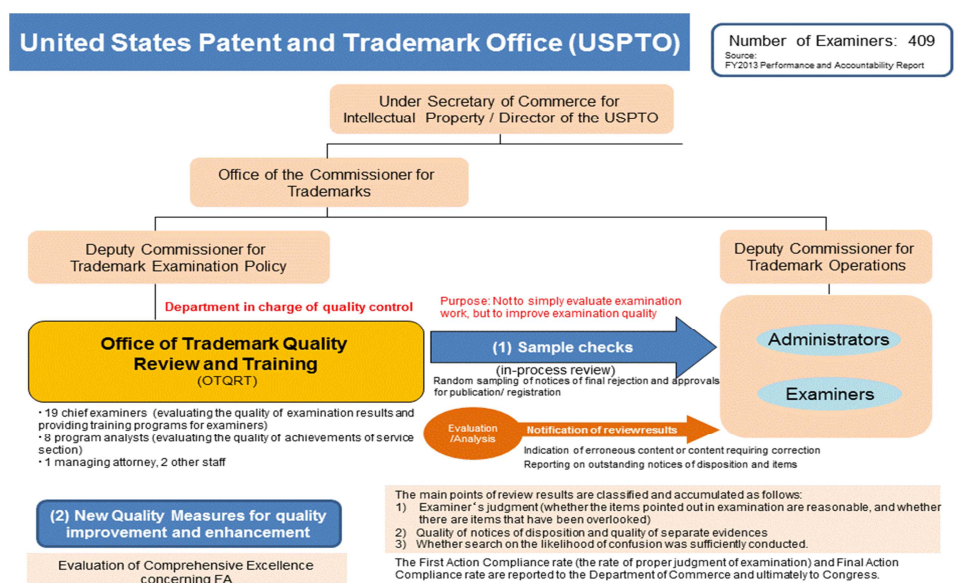
Within the USPTO, the design patent examination division (TC2900) is placed under the Office of the Deputy Commissioner for Patent Operations, and quality management is conducted within the same scheme as that for patents.

The Office of Patent Quality Assurance, noted earlier, is composed of three sections – chemical, electrical, and mechanical & design – with quality management for design handled by the same section that handles mechanical discipline.

3) Trademarks

Trademarks are handled under a separate system from patents and design. The Office of Trademark Quality Review and Training (OTQRT) is placed under the Deputy Commissioner for Trademark Examination Policy and is assigned 30 staff members, as well as 19 chief examiners in charge of quality evaluation of examination results and training for examiners. With regard to quality evaluation, the OTQRT performs sample checks targeting notification of refusals and approval/ publication of trademark registrations.

Quality Management Systems in the United States Patent and Trademark Office (Trademarks)



Source: Created by the JPO based on the "Study Report on Quality Management Method of Trademark Examination based on Evaluation by Applicants, etc." in the "FY 2010 Study Reports on Industrial Property Issues Entrusted by JPO"

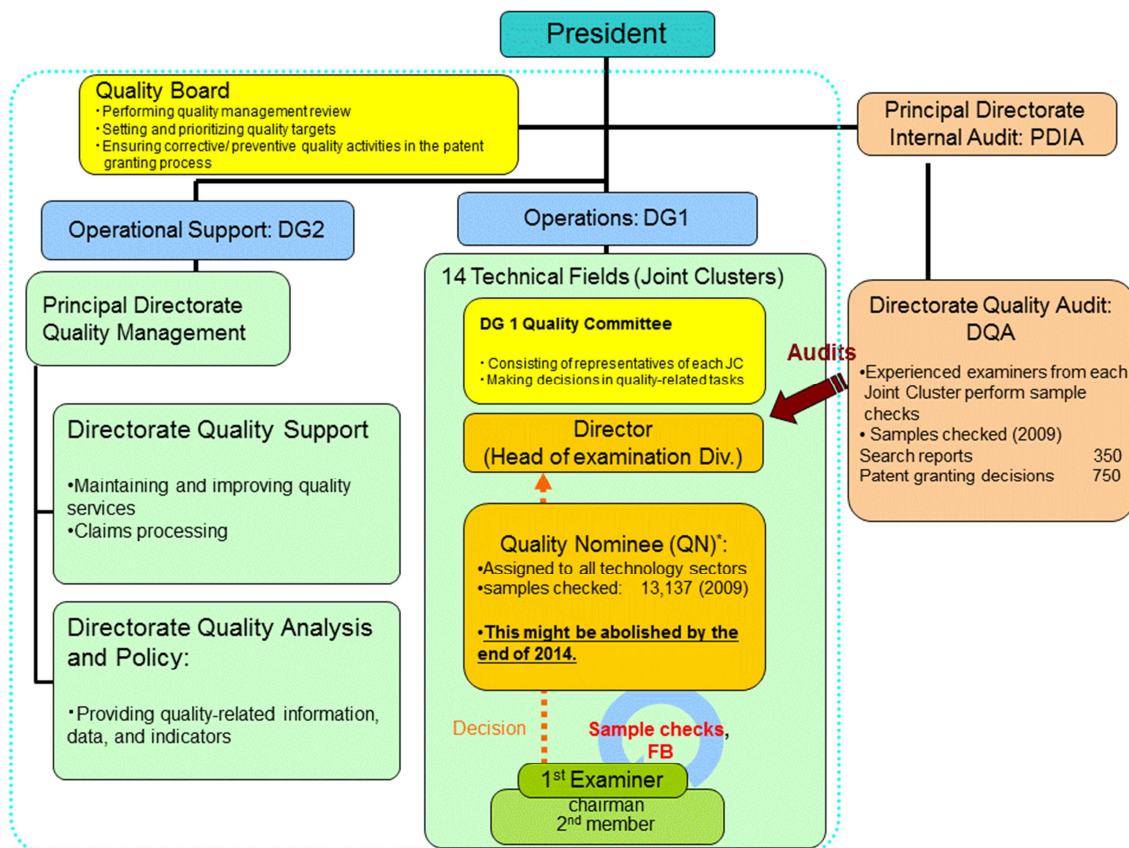
(2) Quality management in the European Patent Office (EPO)

As for the quality management system, the European Patent Office places the Principal Directorate Quality Management (PDQM) within the Operational Support (DG2), and under PDQM, the Directorate Quality Support (DQS) that are responsible for the quality management system through maintain and improving the quality of services, as well as handle claims, the Directorate Quality Analysis and Policy (DQAP) that provides information, data, and indicators related to quality. Moreover, the EPO has placed the Quality Board directly under the EPO President to implement quality management reviews, set quality targets and prioritization, and ensure corrective and preventive activities in the patent granting process. The EPO also places the Directorate Quality Audit (DQA) under the Principal Directorate Internal Audit (PDIA), where extensively experienced examiners conducts sample checks of search reports and patent granting decisions.

Furthermore, the EPO assigns Quality Nominees within each examination division, who performs daily checks of examination quality.

In 2011, the EPO formulated the Roadmaps for five targets, looking ahead 4 to 5 years, where quality management is included. In December 2014, the EPO announced that it had acquired ISO9001 certification for its quality management system for patent grant procedures.

Quality Management System in the European Patent Office

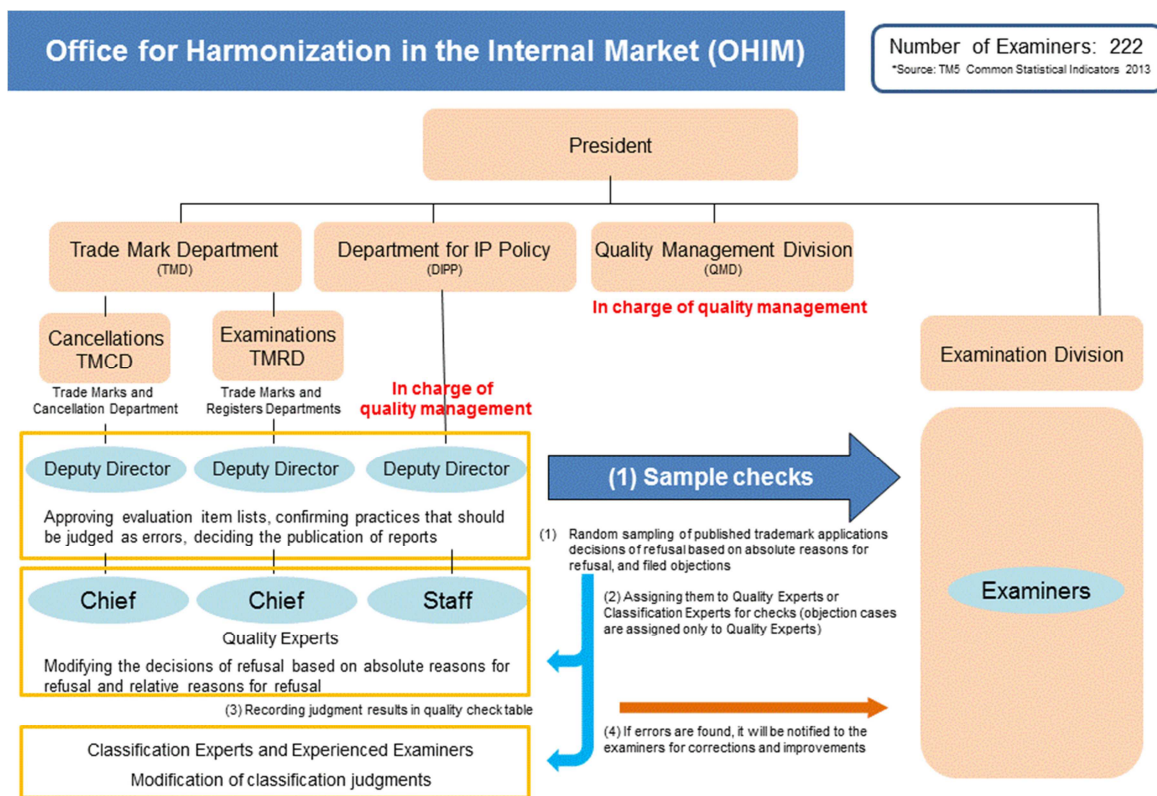


Source: Created by the JPO based on information from the EPO website, PCT International Authority Quality Reports posted on the WIPO website, and other sources

(3) Quality management in the Office for Harmonization in the Internal Market (OHIM)

The Office for Harmonization in the Internal Market (OHIM) consists of the Quality Management Division (QMD), the Trade Mark Division (TMD), and the Department for IP Policy (DIPP). The Trade Mark Registers Department (TMRD), the Trade Marks and Cancellation Department (TMCD), and the Department for IP Policy (DIPP) approve a list of examination quality-related evaluation items, and practices that should be judged as errors in examination, and make decisions on the publication of examination quality reports. Furthermore, Quality Experts are assigned to conduct sample checks of decisions of refusal and to provide examiners with feedback concerning errors. Classification Experts are also assigned to conduct checks and modifications of examiners' judgments on classification.

Quality Management Systems in the Office for Harmonization in the Internal Market



Source: Created by the JPO based on the "Study Report on Quality Management Method of Trademark Examination based on Evaluation by Applicants, etc." in the "FY 2010 Study Reports on Industrial Property Issues Entrusted by JPO"

II. Consideration of Evaluation Items and Criteria Concerning Implementation Systems/ Implementation Status in Quality Management

1. History of considerations by this Subcommittee

Regarding the current state of the examination quality of the JPO, a majority of the members of the Subcommittee view that it has been maintained at a high level despite the fact that the average number of applications per examiner to be examined at the JPO is several times more than that at overseas IP offices. On the other hand, there were also opinions addressing cases where notices of reasons for refusal are not well described or examination decisions may be different among examiners. In order to effect further improvement, opinions have also been put forth calling for dissemination of quality policies and quality manuals to staff, an increase in the number of examiners, enhancement of quality management systems, reduction of discrepancy of examination decisions through the promotion of consultation and information sharing among examiners, enhancement of the approval process by managerial staff, enhancement of quality audits (sample checks), and others. Moreover, with regard to the level of examination quality in the JPO, opinions have noted the importance of communicating information on this level of quality to users inside and outside Japan and to overseas IP offices.

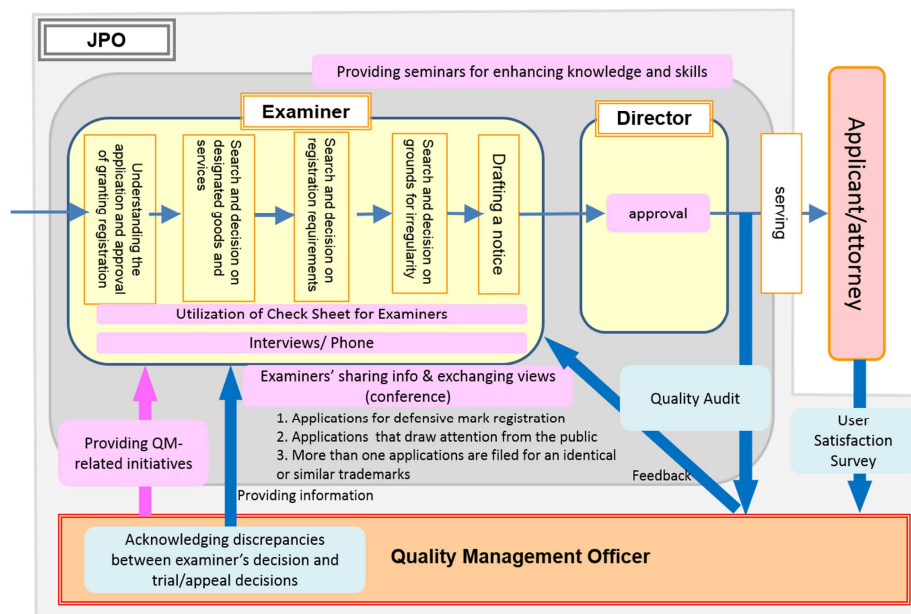
Furthermore, the opinion has been put forth in the Subcommittee that in order to evaluate the process such as the implementation systems or the implementation status in quality management, it is necessary for the JPO to establish quantitative targets for examination quality and monitor the status of progress toward them. While basic concept of setting quantitative targets has been understood, there was also a concern that setting quantitative targets for examination quality could instead create a bias in examination by examiners and hinder appropriate examination. The majority of the Subcommittee had an opinion that, given the inherent difficulty of creating indicators for quantitatively measuring the quality of examination, it is not appropriate to set quantitative targets of examination quality in a hastily manner, but instead that it is necessary to continue to discuss on this matter, taking into account the situation in overseas IP offices as well.

2. Consideration of evaluation items

Given the above-mentioned situation, first of all, it is required to establish evaluation items to objectively evaluate the implementation systems and the implementation status in examination quality management by the JPO. As such, evaluation items were established with reference to PCT Guidelines, Part VII Quality, Chapter 21, which stipulates a common framework for quality of international search and international preliminary examination under the Patent Cooperation Treaty (PCT). Created with reference to ISO9001, these guidelines formulate a framework for the implementation systems of quality management, etc., which should be followed by International Search Authority (ISA) and International Preliminary Examination Authority (IPEA). IP offices that serve as ISA or IPEA commonly comply with these guidelines, and therefore, it is appropriate to refer to these guidelines that are commonly complied with worldwide in light of the challenges of making the JPO's examination results trusted by overseas IP offices. It is also consistent with ISO9001.

Additionally, although these guidelines outline the framework for the international search and international preliminary examination for PCT international applications, international search involves not only searching prior art documents, etc. concerning inventions and showing them in International Search Reports, but also performing judgments on patentability and drafting Written Opinions based on the search results. As for international preliminary examination, it involves performing judgments on patentability by the use of prior art documents, etc. shown in

Trademark Examination Processes and Quality Management



However, these guidelines also formulate matters other than the implementation systems and the implementation status in examination quality management that this Subcommittee has chosen for evaluation targets, such as building up infrastructure including IT hardware, etc., and creating databases for searching published prior art documents, etc. As such, these were excluded in establishing evaluation items.

In establishing evaluation items with reference to these guidelines, it was based on the following three aspects in order to make them easy to understand while taking into account the current state of quality management in the JPO; (I) establishing the quality management system (policies, procedures, structures), (II) reviewing the level of achievements of the quality management system according to the prescribed policies and procedures, and furthermore, (III) communication of information on initiatives for the improvement of examination quality, which aims to enable the smooth acquisition of rights internationally by gaining trust in the JPO's examination results from overseas IP offices.

Evaluation Items for Implementation Systems/ Implementation Status in Quality Management

I. Have policies, procedures, and structures been established to achieve high-quality examination?	
1. Have policies and procedures been established to achieve high-quality examination?	<ul style="list-style-type: none"> (a) Status of creation of Quality Policies, Quality Manuals, and other documents (b) Clarity of procedures for examination and quality management (c) Publication of the fundamental principles of quality management, etc. to users of IP systems and dissemination of such information to staff
2. Have structures been established to achieve high-quality examination?	<ul style="list-style-type: none"> (d) Examination implementation system (e) Quality management system

II. Has quality management been implemented according to the policies and procedures?
1. Has quality management been appropriately implemented? (f) Initiatives for quality improvement (g) Initiatives for quality verification (h) Examination quality analysis/ identification of issues
2. Has continuous improvement been appropriately implemented? (i) Status of improvement of policies, procedures, and structures to achieve high-quality examination (evaluation items from (a) to (e)) (j) Status of improvement of quality management initiatives (evaluation items from (f) to (h))
III. Has information on initiatives for examination quality improvement been communicated?
(k) Communication of information on initiatives for examination quality improvement

3. Consideration of Evaluation Criteria (See the Attached)

In order to appropriately evaluate the level of achievement while avoiding unnecessary complexity, each item was evaluated on the four levels (“Very satisfactory,” “Satisfactory,” “Generally achieved,” and “Requiring improvement”). Also, as noted above, since examination processes are common among patents, designs, and trademarks, common evaluation criteria were formulated to measure the level of achievements among them.

In formulating the evaluation criteria, the actions, status, etc. to be achieved at each stage were specifically defined, following clarifying the objectives and aspects of evaluation for each evaluation item.

III. FY2014 Evaluation Results Concerning Implementation Systems/ Implementation Status in Quality Management

1. Patents

- **Evaluation item (a): Status of creation of Quality Policies, Quality Manuals, and other documents**

The Quality Policy on Patent Examination stipulating the fundamental principles of quality management in patent examination has been formulated, the Quality Manual describing the quality management system that are composed of quality management for patent examination and its implementation system has been created, and furthermore, various documents stipulating specific processes to be followed by examiners in examination procedures for the purpose of quality management have been also created, and properly managed as administrative documents. As such, this item was evaluated as “Very satisfactory.”

However, some evaluated as “Satisfactory” or “Generally achieved” due to lack of specificity in description.

- **Evaluation item (b): Clarity of procedures for examination and quality management**

The specific procedures to be followed by examiners in conducting patent examination are stipulated in “Part IX, Procedure of Examination” in the “Examination Guidelines for Patent and Utility Model” and how the quality management system should be specifically implemented and who is responsible for each process is clearly stipulated in the Quality Manual. Therefore, this item was evaluated as “Very satisfactory.”

However, some evaluated as “Satisfactory” due to the reason that, for example, it was not certain that the procedures or persons in charge were sufficiently furnished for maintaining and improving the examination quality despite their being made clear.

- **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 have been created both in Japanese and English and made publicly available inside and outside Japan through the JPO website, as well as to users of IP systems through distribution of pamphlets. Quality management-related information has been also made available to staff through the intranet of the JPO, as well as through distributing pamphlets and displaying posters. In addition, the JPO conducts regular training and explanatory sessions for staff on the quality management. Nevertheless, since there was not enough way to verify understanding of staff, this item was evaluated as “Satisfactory.”

However, some evaluated as “Very satisfactory,” while others evaluated as “Generally achieved” due to the reason that there is a need to consider utilizing more diverse means for information dissemination than currently adopted.

- **Evaluation item (d): Examination implementation system**

While an average number of applications per examiner to be examined at the JPO is higher than that at overseas IP offices, an average period until the issuance of first action (FA period) is less than 11 months at the JPO, which is the world’s fastest level. This indicates that the JPO has been operating examination in a highly efficient manner. On the other hand, although the average number of applications per examiner to be examined at the JPO is several times higher than that at the USPTO or EPO, the number of examiners at the JPO is smaller than that at major overseas IP offices. Thus, it is hard to say that the JPO has achieved internationally comparable personnel deployment. As such, this was evaluated as “Generally achieved.”

However, some evaluated as “Satisfactory” due to efficiency in examination.

• **Evaluation item (e): Quality management system**

The divisions that plan and make proposals for quality management-related initiatives, and audit the quality of examination have been positioned independently from divisions and offices conducting examination. In addition, a proper number of full-time staff members have been assigned to engage in quality management-related works. Therefore, it can be said that the JPO has almost established the organizational structure and personnel deployment to conduct internationally comparable quality management. However, the numbers of examination cases and examiners per auditor to be handled at the JPO are higher than those at the major overseas IP offices, including the USPTO, the EPO, etc., which indicates there are not enough auditors assigned. Thus, it is hard to say that the JPO has already achieved internationally comparable personnel deployment for quality management. As such, this item was evaluated as “Generally achieved.”

However, some evaluated as “Satisfactory” due to the reason that organizational structures for the quality management have been established.

• **Evaluation item (f): Initiatives for quality improvement**

The objectives of implementing standardized operations and homogenizing examination quality through managers’ checks of notifications drafted by examiners (approvals) have been achieved to a certain acceptable degree. Furthermore, initiatives necessary for the improvement of quality have been planned, drafted, and implemented, such as view exchanges among examiners (consultations), and enhancement of communication through interviews and telephone contact with applicants and attorneys, and therefore, it can be said that the objectives of those initiatives have been also achieved to a certain degree. Yet, although a number of initiatives have been implemented as of the present, there are more expectations for further development of such initiatives. As such, this item was evaluated as “Satisfactory.”

However, some evaluated as “Generally achieved” due to the reason that, for example, the improvement status of quality and productivity was not clearly described, or that it was not shown how important the issues, to solve of which the initiatives have been implemented, are among all the issues.

• **Evaluation item (g): Initiatives for quality verification**

Quality verification of examination is carried out through quality audits, to confirm the validity of prior art searches, finding, and judgments, and formality checks. In addition, quality verification of examination is performed through user satisfaction surveys and opinion exchanges, and further through factor analysis on discrepancy of examination decisions between the subject cases and those of overseas IP offices, or appeal/trial decisions. Since the guidelines for quality audit were reviewed during the fiscal year to correct discrepancy of the judgment on the degree of deficiency, the necessary data could not be collected as planned. Therefore, this item was evaluated as “Generally achieved.”

However, some evaluated as “Satisfactory” due to the reason that, for example, quality verification of examination has been continuously conducted.

• **Evaluation item (h): Examination quality analysis/ identification of issues**

A variety of information on examination quality has been acquired through the initiatives, etc. mentioned in (g) above, and analysis on examination quality, including the quality of prior art searches, has been sufficiently and comprehensively performed through statistical and qualitative analyses. Furthermore, since issues to be addressed have been identified sufficiently and comprehensively in light of a variety of statuses, including the current state of examination quality revealed through analysis, user needs, future examination workload, activities around the system

revision, etc., this item was evaluated as “Very satisfactory.”

However, some evaluated as “Satisfactory” due to the reason that analysis may not have been conducted sufficiently.

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

This item evaluates how specifically the policies, procedures and structures of quality management have been improved in FY2015, on the basis of evaluation results of the implementation systems/ the implementation status in quality management in FY2014, which this Subcommittee has selected to be evaluated. As such, it was excluded from this year’s evaluation.

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

This item evaluates how specifically the initiatives and measures of quality management have been improved in FY2015, on the basis of evaluation results of the implementation systems/ the implementation status in quality management in FY2014, which this Subcommittee has selected to be evaluated. As such, it was excluded from this year’s evaluation.

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

Through exchanges of views with corporations and industries, information on initiatives for improving examination quality has been communicated to the national users. With the Japan Intellectual Property Association (JIPA) and the Japan Patent Attorneys Association (JPAA), continuous cooperative relations have been built through the regular exchanges of information. Moreover, with overseas users, cooperative relations have also been built; for example, information has been communicated through exchanges of views with the American Intellectual Property Law Association (AIPLA), and the US Bar/ JPO Liaison Council Meeting, etc. Furthermore, with respect to overseas IP offices, information on initiatives and measures for the improvement of examination quality has been communicated and views have been exchanged on a regular basis through international gatherings including Meetings of the IP5 Offices and the Trilateral Policy Dialogue Meetings among JPO, KIPO and SIPO, as well as the dispatch and acceptance of examiners. In addition, continuous cooperative relations have been built; for example, factor analysis on discrepancy of judgments between the JPO and the European Patent Office (EPO), or the JPO and the Swedish Patent and Registration Office (PRV). In this way, information on initiatives and measures for the improvement of examination quality has been communicated through a variety of means, and cooperative relations with organizations and bodies inside and outside Japan have been built. Yet, since there are more expectations for further development of such initiatives, this item was evaluated as “Satisfactory.”

However, some evaluated as “Very Satisfactory” due to sufficient communication of information inside and outside Japan and continuous cooperative relations built with national and international users and overseas counterparts.

2. Designs

• Evaluation item (a): Status of creation of Quality Policies, Quality Manuals, and other documents

The Quality Policy on Design Examination stipulating the fundamental principles of examination quality management in design examination has been formulated, the Quality Manual describing the quality management system including initiatives and measures for improving the quality of examination, and the roles of departments or divisions and the personnel has been created, and furthermore, various documents stipulating specific processes to be followed by examiners in examination procedures for the purpose of quality management have been also created, and properly managed as administrative documents. As such, this item was evaluated as “Very satisfactory.”

However, some evaluated as “Satisfactory” or “Generally achieved” due to lack of specificity in description.

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

The specific processes to be followed by examiners in conducting examination are stipulated in “Examination Guidelines for Design,” and specific procedures and responsibilities for quality management are stipulated in the Quality Manual. As such, this item was evaluated as “Very satisfactory.”

However, some evaluated as “Satisfactory” or “Generally achieved” due to the reason that, for example, the procedures for quality management (descriptions concerning the CA of the PDCA cycle) are not necessarily articulated.

• 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 have been created both in Japanese and English, and made publicly available inside and outside Japan through the JPO website, as well as to users of IP systems through distribution of pamphlets. Quality management-related information has been also made available to staff through the intranet of the JPO, as well as through distributing pamphlets and displaying posters. In addition, the JPO conducts regular training and explanatory sessions for staff on the quality management. Nevertheless, since there was not enough way to verify understanding of staff, this item was evaluated as “Satisfactory.”

However, some evaluated as “Generally achieved” due to the reason that, for example, explanations to people outside were not sufficient.

• Evaluation item (d): Examination implementation system

The development of efficient examination and the reduction of examination burden through automatization have been advanced, and the period until the issuance of first action has become short, indicating that highly efficient examination system has been established. Yet, since the average number of applications per examiner to be examined is higher than that in overseas IP offices, it cannot be said that personnel deployment has reached the world’s highest level. As such, this item was evaluated as “Satisfactory.”

However, some evaluated as “Generally achieved” due to insufficiency in personnel deployment.

• Evaluation item (e): Quality management system

Although initiatives and measures for quality management have been efficiently and effectively conducted, full-time staff members assigned to engage in quality management-related works, such as quality management officers, have not been deployed, which indicates personnel deployment has not been sufficiently established. As such, this item was evaluated as “Generally achieved.”

However, some evaluated as “Satisfactory” due to efficiency, and others evaluated as “Requiring Improvements”

due to insufficiency in personnel deployment.

• **Evaluation item (f): Initiatives for quality improvement**

The objectives of implementing standardized operations and homogenizing examination quality through managers' checks of notifications drafted by examiners (approvals) have been achieved to a certain acceptable degree. Furthermore, initiatives necessary for the improvement of quality have been planned, drafted, and implemented, such as view exchanges among examiners (consultations), and enhancement of communication through interviews and telephone contact with applicants and attorneys, and therefore, it can be said that the objectives of those initiatives have been also achieved to a certain degree. Yet, although a number of initiatives have been implemented as of the present, there are more expectations for further development of such initiatives. As such, this item was evaluated as "Satisfactory."

However, some evaluated as "Generally achieved" due to the reason that, for example, it was not shown how important the issues to be addressed for quality improvement were in the entire system.

• **Evaluation item (g): Initiatives for quality verification**

Through quality audit, it has been assessed whether laws, regulations, and examination guidelines have been observed, and whether examination has been efficiently conducted with attention to communication with applicants and patent attorneys. At the same time, verification of examination quality has been also performed through user satisfaction surveys, opinion exchanges, and analysis on discrepancy of examination decisions between the subject cases and appeal/trial decisions. Yet, although a number of initiatives have been implemented as of the present, there are more expectations for further development of such initiatives and therefore, this item was evaluated as "Satisfactory."

However, some evaluated as "Generally achieved" due to the reason that, for example, data for analysis of examination quality has not been sufficiently collected yet.

• **Evaluation item (h): Examination quality analysis/ identification of issues**

Under the current quality management system, analysis of examination quality and identification of issues have been conducted through the initiatives and measures. However, user satisfaction surveys for design examination, for example, have not been conducted yet, and therefore, it cannot be said that data collection for analysis has been sufficient through the current initiatives and measures. As such, this item was evaluated as "Generally achieved."

However, some evaluated as "Satisfactory" due to, for example, continuing efforts to consider the issues to be addressed through quality analysis.

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

This item evaluates how specifically the policies, procedures and structures of quality management have been improved in FY2015, on the basis of evaluation results of the implementation systems/ the implementation status in quality management in FY2014, which this Subcommittee has selected to be evaluated. As such, it was excluded from this year's evaluation.

• **Evaluation item (j) status of improvement of quality management initiatives (evaluation items from (f) to (h))**

This item evaluates how specifically the initiatives and measures of quality management have been improved in FY2015, on the basis of evaluation results of the implementation systems/ the implementation status in quality

management in FY2014, which this Subcommittee has selected to be evaluated. As such, it was excluded from this year's evaluation.

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

Through exchanges of views with corporations and industries, information on initiatives and measures for improving examination quality has been communicated to the national users, and continuous cooperative relations with them have been built. Moreover, information on initiatives and measures for improving examination quality has been communicated to overseas IP offices through industrial design sessions at the TM5 Annual Meeting, along with mutual exchanges of views. Yet, since it is hard to say that continuous cooperative relations with national and international organizations and bodies have been already built, this item was evaluated as "Satisfactory."

However, some evaluated as "Generally achieved" due to the reason that, for example, information has not been sufficiently communicated to overseas users or IP offices, or joint measures for improving examination quality may not have been realized yet.

3. Trademarks

- **Evaluation item (a): Status of creation of Quality Policies, Quality Manuals, and other documents**

The Quality Policy on Trademark Examination stipulating the fundamental principles of examination quality management in trademark examination has been formulated, the Quality Manual describing the quality management system including initiatives and measures for improving the quality of examination, and the roles of departments or divisions and the personnel has been created, and furthermore, various documents stipulating specific processes to be followed by examiners in examination procedures for the purpose of quality management have been also created, and properly managed as administrative documents within the organization. As such, this item was evaluated as “Very satisfactory.”

However, some evaluated as “Generally achieved” due to lack of specificity in description.

- **Evaluation item (b): Clarity of procedures for examination and quality management**

The specific processes to be followed by examiners in conducting examination are stipulated in “Procedure of Trademark Examination,” and specific procedures and responsibilities for quality management are stipulated in the Quality Manual. As such, this item was evaluated as “Very satisfactory.”

However, some evaluated as “Satisfactory” due to the reason that, for example, although the basics have been established, they could not be proven sufficient.

- **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 have been created both in Japanese and English, and made publicly available inside and outside Japan through the JPO website, as well as to users of IP systems through distribution of pamphlets. Quality management-related information has been also made available to staff through the intranet of the JPO, as well as through distributing pamphlets. In addition, the JPO conducts regular training and explanatory sessions for staff on the quality management. Nevertheless, since there was not enough way to verify understanding of staff, this item was evaluated as “Satisfactory.”

However, some evaluated as “Generally achieved” due to the reason that, for example, explanations to people outside were not sufficient.

- **Evaluation item (d): Examination implementation system**

While an average number of applications per examiner to be examined is higher than that of overseas IP offices, the JPO has been making efforts to shorten the FA period, conducting examination efficiently. Yet, since it cannot be said that internationally comparable personnel deployment has been established, this item was evaluated as “Generally achieved.”

However, some evaluated as “Satisfactory” due to, for example, making efforts for efficient examination process, such as shortening the FA period.

- **Evaluation item (e): Quality management system**

While there is only one full-time quality management officer assigned, the planning, drafting, and implementation of quality-related policies and initiatives have been performed efficiently and effectively. However, personnel deployment has been insufficient compared to overseas IP offices, and it has not been clearly shown who has been authorized and had responsibility in the planning, drafting, and implementation of quality-related policies and initiatives, and how the chain of command has been working. As such, this item was evaluated as “Generally

achieved.”

However, some evaluated as “Satisfactory” due to the reason that quality management has been performed efficiently.

• **Evaluation item (f): Initiatives for quality improvement**

The objectives of implementing standardized operations and homogenizing examination quality through managers’ checks of notifications drafted by examiners (approvals) have been achieved to a certain acceptable degree. Furthermore, initiatives necessary for the improvement of quality have been planned, drafted, and implemented, such as view exchanges among examiners (consultations), and enhancement of communication through interviews and telephone contact with applicants and attorneys, and therefore, it can be said that the objectives of those initiatives have been also achieved to a certain degree. Yet, although a number of initiatives have been implemented as of the present, there are more expectations for further development of such initiatives. As such, this item was evaluated as “Satisfactory.”

However, some evaluated as “Generally achieved” due to the reason that, for example, it was not shown how important the issues to be addressed for quality improvement were in the entire system.

• **Evaluation item (g): Initiatives for quality verification**

Quality audit assesses, for example, the appropriateness of judgment and drafted notices (the structure of logics, the method of disclosure, etc.). At the same time, verification of examination quality has been also performed through user satisfaction surveys, opinion exchanges, and factor analysis on discrepancy of examination decisions between the subject cases and appeal/trial decisions. Yet, although a number of initiatives have been implemented as of the present, there are more expectations for further development of such initiatives and therefore, this item was evaluated as “Satisfactory.”

However, some evaluated as “Generally achieved” due to lack of objectivity in quality verification.

• **Evaluation item (h): Examination quality analysis/ identification of issues**

By combining statistical analysis with qualitative analysis in the multiple measures for quality verification, analysis of examination quality and identification of issues have been sufficiently conducted. Moreover, each initiative has been subject to identification of issues, which indicates that identifications of issues have been conducted in a practical and comprehensive manner. As such, relatively more members evaluated as “Very satisfactory.” On the other hand, there were also a considerable number of members who evaluated as “Satisfactory” or “Generally achieved” due to, for example, lack of clarity of analysis and objectivity of evaluation. Therefore, this item was evaluated as “Satisfactory” from a comprehensive perspective.

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

This item evaluates how specifically the policies, procedures and structures of quality management have been improved in FY2015, on the basis of evaluation results of the implementation systems/ the implementation status in quality management in FY2014, which this Subcommittee has selected to be evaluated. As such, it was excluded from this year’s evaluation.

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

This item evaluates how specifically the initiatives and measures of quality management have been improved in

FY2015, on the basis of evaluation results of the implementation systems/ the implementation status in quality management in FY2014, which this Subcommittee has selected to be evaluated. As such, it was excluded from this year's evaluation.

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

Through exchanges of views with corporations and industries, information on initiatives for improving examination quality has been communicated to the national users, and continuous cooperative relations with them have been built, including having regular meetings for exchanges of views with the Japan Patent Attorneys Association (JPAA). Furthermore, through international gatherings such as the TM5 Meetings and Japan-Korea Trademark Expert Meetings, as well as the dispatch and acceptance of examiners, such information has been communicated to overseas IP offices, along with mutual exchanges of views, which has resulted in building up continuous cooperative relations. Yet, although information has been communicated to overseas users through exchanges of views with the American Intellectual Property Law Association (AIPLA), etc., it is hard to say that continuous cooperative relations with overseas users have been established. As such, this item was evaluated as “Satisfactory.”

However, some evaluated as “Generally achieved” due to insufficiency in communicating information to overseas users and counterparts.

IV. Improvement Recommendation on Implementation Systems/ Implementation Status in Examination Quality Management

Through the evaluation of the implementation system and the implementation status of examination quality management mentioned in Chapter III above, and from a perspective of further enhancing the effectiveness of quality management, this Subcommittee will make recommendations on the targets as follows.

1. Patents

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

- For the efficient and effective quality management, not only specialists of quality management but also managers, examiners, and other personnel who are involved in examination must acquire and comprehend the fundamentals concerning the quality management. To this end, it is advisable to promote their understanding of the fundamentals of quality management.

(2) Evaluation item (d): Examination implementation system

- Although examination has been conducted efficiently and appropriately, the number of applications per examiner to be examined at the JPO is larger than that at overseas IP offices. Therefore, it is advisable to secure the necessary number of examiners through, for example, hiring more fixed-term examiners, taking into account required efficiency.
- In addition, for improving the quality of examination, examiners must keep acquiring knowledge and skills in the field of technologies and laws, and therefore, it is advisable to promote such cultivation.

(3) Evaluation item (e): Examination implementation system

- The current quality management system is not sufficiently furnished with human resources since, for example, the number of quality management officers at the JPO is smaller than that at overseas IP offices. Therefore, it is advisable to secure the number of staff required for efficiently implementing quality management, and to consider a more efficient quality management system.

(4) Evaluation item (f): Initiatives for quality improvement

i) Examination

- In order to facilitate further users' understanding of examination, it is necessary to convey the content of notices of reasons for refusal, etc. in an accurate and easy-to-understand manner. To this end, it is advisable to standardize the content of notices of reasons for refusal, which may not have been tried completely before, in order to make it easy for users to read. In addition, it is advisable to make further efforts to reduce formality deficiency in notices by providing support tools for examiners.
- Furthermore, it is advisable to write in a way that applicants can easily understand the content in terms of the logical development of patentability judgment, and the results of judgment.
- In order to reduce discrepancy in examination by examiners, it is important to promote the exchange of opinions and the sharing of knowledge through communication (consultations) among examiners. Therefore, it is advisable to make efforts to further enhance the consultation system among peer examiners or between examiners and managers through, for example, careful selection of targeted cases.

- In order to appropriately and efficiently conduct prior art searches and patentability judgments, it is necessary to understand both technical and business trends in the relevant technical fields, and it is advisable to further promote prior art searches and examination with this awareness in mind.
- ii) Managers' checks of written notifications drafted by examiners (approvals)
- As for managers' approval of written notifications of reasons for refusal drafted by examiners, since there are not clear criteria established, and therefore, there may be a possibility that approval criteria vary among approvers. Therefore, it is advisable to formulate guidelines for approval based on which managers can perform approvals.
 - In addition, the feedbacks given by managers to examiners after completing the approval process have not been recorded, and thus, information on inappropriate examination has not been stored or shared among examiners. Therefore, it is advisable to keep records of feedbacks, and to reflect them in future initiatives for quality management.
- iii) Others
- In order to appropriately and efficiently conduct prior art searches of increasing foreign patent documents, it is necessary to store and share the know-hows, or to restructure the search indexes toward international harmonization. Therefore, it is advisable to further advance these initiatives and to make efforts for improving examination quality. Moreover, it is advisable to improve accessibility to non-patent documents in order to enhance prior art searches thereof.
 - In order to improve JPO's capability of prior art searches, it is indispensable to appropriately select patent search agencies to be registered and to improve capabilities of patent searchers of the agencies. Therefore, it is advisable to promote a proper selection system to properly select good search agencies to be registered based on appropriate evaluations, as well as to make efforts to educate their patent searchers.

(5) Evaluation item (g): Initiatives for quality verification

- In order to improve the quality of examination, it is vital to carry out quality verification, keeping in mind the specific needs of users (applicants, patent attorneys, etc.) as well. As such, it is advisable to further expand opportunities to exchange opinions with users and to conduct hearings from users. Furthermore, it is also advisable to actively adopt various opinions, including opinions about individual cases submitted via the suggestion box available on the JPO website, and to advance considering policies to reduce the occurrence of problem cases.
- Currently quality audits are conducted after notices of decisions of refusal, etc. have been sent to applicants. However, from the perspective of preventing examiners from making wrong examination decisions, a revamped process is necessary. For example, quality audits should be performed before notifications are sent to applicants and re-examination should be conducted, if there are defects found, revising the notices with defects before sending it to the applicant. As such, it is advisable to establish a new system where quality audit is conducted after manager's approval and before sending notice to the applicant, including the necessary system preparations.

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

- Although the results of user satisfaction surveys have been already reflected to quality management initiatives to a certain degree, it is advisable to further enhance such initiatives to improve user satisfactions.

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

- Communication of information and the building of continuous cooperative relations with overseas IP offices have been undertaken. However, in order to further develop cooperative relations, it is advisable to advance the analysis of differences in patentability judgments between the JPO and overseas IP offices, and to share the results of the analysis as well as to clarify the differences of judgment criterion.
- In order to gain an understanding of examination quality at the JPO in the international community, it is advisable to further proactively publish information about examination quality initiatives to the world, and to make further efforts to collect information through personal interactions with overseas IP offices.

2. Designs

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

- For the efficient and effective quality management, not only specialists of quality management but also managers, examiners, and other personnel who are involved in examination must acquire and comprehend the fundamentals concerning the quality management. To this end, it is advisable to promote their understanding of the fundamentals of quality management.
- In implementing quality management for examination under the Geneva Act of the Hague Agreement, it is necessary to make users outside Japan (including national patent attorneys handling procedures on behalf of users outside Japan) understand Japan's examination guidelines. As such, it is advisable to provide examination guidelines in English for users outside Japan.

(2) Evaluation item (d): Examination implementation system

- Although examination has been conducted efficiently and appropriately, the number of applications per examiner to be examined at the JPO is larger than that at overseas IP offices. Therefore, it is advisable to secure the necessary number of examiners, taking into account required efficiency.
- In addition, for improving the quality of examination, examiners must keep acquiring knowledge and skills in the field of product designs and laws, and therefore, it is advisable to promote such cultivation.

(3) Evaluation item (e): Examination implementation system

- The current quality management system is not sufficiently furnished with human resources since, for example, the number of quality management officers at the JPO is smaller than that at overseas IP offices. Therefore, it is advisable to further enhance human resources who engage in implementing quality management.
- Moreover, it is advisable to consider strengthening the quality management system, taking into account further development of its efficiency, such as establishing a specialized quality management department, appointing full-time quality management officers, and organizing a quality related policy-making structure (chain of command).

(4) Evaluation item (f): Initiatives for quality improvement

- In order to conduct examination efficiently and effectively and to improve the quality of examination, it is necessary to understand business movements, such as product and technology trends, to reflect them in prior design searches, etc. To this end, it is advisable to make efforts to enhance exchanges of opinions with companies and organizations inside and outside Japan in order to understand the latest trends of products and technologies, etc.

(5) Evaluation item (g): Initiatives for quality verification

- The JPO has just started accepting applications filed under the Geneva Act of the Hague Agreement. To respond to this new development properly, it is advisable to verify and implement the initiatives and measures for quality management for examination of international applications as well, including quality audit initiatives for them.
- Quality management of prior design search is one of the most important elements in improving the quality of examination. As such, it is advisable to consider and implement quality audit initiatives for prior design search.

- While the opinions of users are vital for the enhancement of quality verification, it cannot be said that opportunities to hear and exchange opinions are sufficient at present. As such, it is advisable to expand such opportunities.

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

- Although examination quality analysis and identification of issues have been conducted, it is advisable to dig more deeply from a comprehensive perspective based on a variety of data.
- Since user satisfaction surveys have not been conducted yet, it is advisable to conduct the surveys, to enhance examination quality analysis and identification of issues, and to reflect them to quality management.

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

- Although information on initiatives for examination quality has been communicated to overseas IP offices through international meetings, it is advisable to further strengthen international communication, collection, and analysis of information, as well as to make efforts for close exchanges of opinions with overseas IP offices, including personal interactions, and for building up continuous cooperative relations in order to further cultivate international trust in the JPO's examination quality.

3. Trademarks

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

- For the efficient and effective quality management, not only specialists of quality management but also managers, examiners, and other personnel who are involved in examination must acquire and comprehend the fundamentals concerning the quality management. To this end, it is advisable to promote their understanding of the fundamentals of quality management.

(2) Evaluation item (d): Examination implementation system

- Although examination has been conducted efficiently and precisely, the number of applications per examiner to be examined at the JPO is larger than that at overseas IP offices. Therefore, it is advisable to secure the necessary number of examiners, taking into account required efficiency.
- In addition, for improving the quality of examination, examiners must keep acquiring knowledge and skills in the field of business trends and laws, and therefore, it is advisable to promote such cultivation.

(3) Evaluation item (e): Examination implementation system

- The current quality management system is not sufficiently furnished with human resources since, for example, the number of quality management officers at the JPO is smaller than that at overseas IP offices. Therefore, it is advisable to further enhance human resources who engage in implementing quality management.
- Moreover, it is advisable to consider strengthening of the quality management system, taking into account further development of its efficiency, such as establishing a specialized quality management department, appointing full-time quality management officers, and organizing a quality related policy-making structure (chain of command).

(4) Evaluation item (f): Initiatives for quality improvement

- Although the use of check sheets for examiners, consultations among examiners, and approvals by managers, etc., have been implemented, it is advisable to further enhance quality management concerning examination of distinctiveness of trademark.

(5) Evaluation item (g): Initiatives for quality verification

- While the opinions of users are vital for the enhancement of quality verification, it cannot be said that opportunities to hear and exchange opinions are sufficient at present. As such, it is advisable to make efforts to expand such opportunities.
- Currently quality audits are conducted after notices of decisions of refusal, etc. have been sent to applicants. However, from the perspective of preventing examiners from making wrong examination decisions, a revamped process is necessary. For example, quality audits should be performed before notifications are sent to applicants and re-examination should be conducted, if there are defects found, revising the notices with defects before sending it to the applicant. As such, it is advisable to establish a new system where quality audit is conducted after manager's approval and before sending notice to the applicant, including the necessary system preparations.

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

- Examination quality analysis and identification of issues have been conducted, but it is advisable to dig more deeply from a comprehensive perspective based on a variety of data.
- Although the results of user satisfaction surveys have already been reflected to quality management initiatives to a certain degree, it is advisable to further enhance such initiatives to improve user satisfaction.
- For the purpose of examination quality analysis and identification of issues, it is important to analyze the causes of discrepancy in judgment between the results of examination and appeals/trials/oppositions. As such, it is advisable to make efforts to enhance factor analysis of the discrepancy in judgment.

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

- Although information on initiatives for examination quality improvement has been communicated to overseas IP offices through international meetings and through the dispatch and acceptance of examiners, it is advisable to further strengthen international communication, collection, and analysis of information, as well as to make efforts for close exchanges of opinions with overseas IP offices, including personal interactions, and for building up continuous cooperative relations in order to further cultivate international trust in the JPO's examination quality.

(8) Others

- In conducting trademark examination, it is vital to maintain the understanding of the business conditions and trends. Nowadays new businesses are emerging in a rapid succession amid the globalization and networking of businesses, the promotion of innovation, etc. In response, it is advisable to further promote initiatives for assessing business conditions and trends, and to reflect them to examination.

4. Setting of quality targets

- In quality management, it is important that examination departments, quality management offices and other relevant divisions individually set quality targets taking into account efficiency of examination, and to implement initiatives for achieving these targets. As such, it is advisable to set the targets based on the results of examination quality analysis and identification of issues and to relate them to each initiative for quality management.
- In order to perform evaluations of process aspects such as the implementation systems/ implementation status in quality management, it is advisable that the JPO should establish quantitative targets for examination quality. However, quantitative targets may cause bias in examination, which may hinder appropriate examination by examiners. Moreover, the creation of indexes for evaluating examination quality itself is difficult. As such, rather than hastily setting quantitative targets for examination quality, it is advisable to continue to discuss carefully through research and consideration concerning quantitative evaluation indexes that can be used to evaluate examination quality and that will not hinder appropriate examinations, while taking into account conditions at overseas IP offices.

V. Conclusion

Examination quality at the JPO is at an internationally high level although there are still some areas that should be improved in terms of the quality management system and implementation status. Meanwhile, Japanese companies, which intend to smoothly develop their business overseas, need to obtain intellectual property rights smoothly and appropriately in foreign countries. Therefore, the JPO needs not only to make efforts internally to improve examination quality on a daily basis, but also to build up trust relations with overseas IP offices to obtain trust and respect for examination results produced at the JPO for the purpose of supporting such activities of Japanese companies.

Moreover, although not only the JPO but also overseas IP offices have been implementing initiatives and measures for the improvement of examination quality as one of the top-priority issues, it is expected that the JPO will lead international discussions concerning examination quality.

It is needless to say that ceaseless efforts must be made for the improvement of examination quality. However, it is also important that patent descriptions and claims are appropriately described and that amendments are properly made, which are all subject to examination. In other words, mutual cooperation between the JPO and users, including applicants, patent attorneys, etc. is vital. For that reason, it is expected to promote communication between the JPO and users concerning examination quality, continuing to make efforts for quality improvement.

Evaluation Items and Criteria Concerning Examination Quality Management

Appendix

Items		Objectives and Perspectives	Examples for evaluation materials	Examples of evaluation methods/ evaluation criteria			
				Very satisfactory	Satisfactory	Generally achieved	Requiring Improvements
I. Have policies, procedures, and structures been established to achieve high-quality examination?							
(1) Have policies and procedures been established to achieve high-quality examination?							
(a)	Status of creation of Quality Policies, Quality Manuals, and other documents	To evaluate whether the Quality Policies stipulating the fundamental principles of quality management, the Quality Manuals describing initiatives for improvement of examination quality management along with the roles of departments/divisions and the personnel, and other documents indicating specific procedures for the purpose of quality management have been properly created, and to confirm whether Code of Conduct for the improvement of examination quality has been documented.	The Quality Policies and the Quality Manuals, sample documents of specific procedures, etc.	The Quality Policies, the Quality Manuals, and documents indicating specific procedures have been created and have been appropriately managed.	The Quality Policies and the Quality Manuals have been created, and documents indicating specific procedures have also been created.	The Quality Policies and the Quality Manuals have been created.	Either the Quality Policies or the Quality Manual has been created.
(b)	Clarity of procedures for examination and quality management	To evaluate whether it is clearly stipulated who is to do what, and when, regarding examination and quality management, and to confirm whether specific procedures for the improvement of examination quality have been defined.	The procedural method and the flow for examination, quality management, etc.	The procedures and responsible persons for examination and quality management have been made sufficiently clear.	The procedures and responsible persons for examination and quality management have been made clear.	The procedures and responsible persons for examination and quality management have been generally made clear.	The procedures and responsible persons for examination and quality management have not been made clear.
(c)	Publication of the fundamental principles of quality management, etc. to users of IP systems and dissemination of such information to staff	<ul style="list-style-type: none">• To evaluate whether the fundamental principles of examination quality management that the JPO has formulated as a goal, and other relevant initiatives have been clearly shown to users of IP systems, including overseas users, and to confirm whether examination quality is allowed to be evaluated in relation to such fundamental principles.• To evaluate whether the fundamental principles of examination quality management that the JPO has formulated as a goal have been sufficiently disseminated to and understood by staff, and to confirm whether staff is allowed to conduct their works in accordance with them.	The status of publication, the methods of access, the status of dissemination to staff and their understanding, etc.	Policies and procedures on quality management have been published to the degree that users, including overseas users, can easily access, and have been disseminated through multiple methods to all staff members who engage in examination. Also, trainings have been provided regularly for staff, and the staff has well understood the content of the trainings.	Policies and procedures on quality management have been published to the degree that national users can easily access, and have been disseminated through multiple methods to all staff members who engage in examination.	Policies and procedures on quality management have been published and disseminated to all staff members who engage in examination.	Policies and procedures on quality management have not been published or disseminated to staff.

Evaluation Items and Criteria Concerning Examination Quality Management

Appendix

Items		Objectives and Perspectives	Examples for evaluation materials	Examples of evaluation methods/ evaluation criteria			
				Very satisfactory	Satisfactory	Generally achieved	Requiring Improvements
I. Have policies, procedures, and structures been established to achieve high-quality examination?							
(2) Have structures been established to achieve high-quality examination?							
(d)	Examination implementation system	To evaluate the form of organization that is in charge of examination, the number of examiners, etc., and to confirm whether or not to establish the world's highest level of implementation system of examination, while efficiently conducting the required number of examination cases.	The implementation system and the implementation status of examination, a comparison with other countries, etc.	While efficiently conducting the required number of examination cases, the JPO has established the world' highest level of organizational structure for examination and personnel deployment.	While efficiently conducting the required number of examination cases, the JPO has established internationally comparable level of organizational structure for examination and personnel deployment.	While efficiently conducting the required number of examination cases, the JPO has generally established internationally comparable level of organizational structure for examination and personnel deployment.	The JPO has not established internationally comparable level of organizational structure for examination and personnel deployment.
(e)	Quality management system	To evaluate the form of organization that is in charge of quality management, the number of staff responsible for quality management, etc., and to confirm whether or not to establish the efficient and effective, as well as the world's highest level of quality management system.	The quality management system, a comparison with other countries, etc.	At the world's highest level, initiatives for the quality management system have been efficiently and effectively planned, as well as the organizational structure and personnel deployment to implement such initiatives have been established.	At the internationally comparable level, initiatives for the quality management system have been efficiently and effectively planned, as well as the organizational structure and personnel deployment to implement such initiatives have been established.	At the internationally comparable level, initiatives for the quality management system have been efficiently and effectively planned, as well as the organizational structure and personnel deployment to implement such initiatives have been generally established.	At the internationally comparable level, initiatives for the quality management system neither have been efficiently and effectively planned, nor have the organizational structure and personnel deployment to implement such initiatives been established.

Evaluation Items and Criteria Concerning Examination Quality Management

Appendix

Items		Objectives and Perspectives	Examples for evaluation materials	Examples of evaluation methods/ evaluation criteria			
				Very satisfactory	Satisfactory	Generally achieved	Requiring Improvements
II. Has the quality management been implemented according to policies and procedures?							
(1) Has the quality management been appropriately implemented?							
(f)	Initiatives for quality improvement	To evaluate whether initiatives necessary for the improvement of examination quality have been planned, and specifically how and to what degree such initiatives have been implemented according to policies and procedures, and confirm whether the objectives of the initiatives have been achieved.	The status of checks of notices of reasons for refusal, etc. for quality assurance, the status of examiner consultations, quantitative data such as the number of interviews, etc.	Initiatives necessary for the improvement of quality have been planned and implemented as planned, and the objectives of the initiatives have been achieved, having effects that contribute to further improvement of quality.	Initiatives necessary for the improvement of quality have been planned and implemented as planned, and the objectives of the initiatives have been achieved.	Initiatives necessary for the improvement of quality have been planned and implemented mostly as planned.	Initiatives necessary for the improvement of quality have not been planned, or even if planned, they have not been implemented as planned.
(g)	Initiatives for quality verification	To evaluate whether initiatives necessary for the verification of examination quality have been planned, and specifically how and to what degree such initiatives have been implemented according to policies and procedures, and to confirm whether the objectives of such initiatives have been achieved.	The status of initiatives, including quality audits (sampling checks), user satisfaction surveys, and confirming discrepancy in judgment between examination decision and appeal/trial decision, quantitative data obtained from the results of such initiatives, etc.	Initiatives necessary for the verification of quality have been planned and implemented as planned, and the objectives of the initiatives have been achieved, having effects that contribute to further improvement of quality.	Initiatives necessary for the verification of quality have been planned and implemented as planned, and the objectives of the initiatives have been achieved.	Initiatives necessary for the verification of quality have been planned and implemented mostly as planned.	Initiatives necessary for the verification of quality have not been planned, or even if planned, they have not been implemented as planned.
(h)	Examination quality analysis and identification of issues	To evaluate specifically how examination quality has been analyzed and what kind of issues have been identified based on the results of the analysis, and to confirm whether the methods of analysis and the identification of issues have been appropriate.	The methods and results of analysis, and identified issues, etc. concerning quality of searches, quality of judgements in examinations, quality of descriptive content in notices of reasons for refusal, etc.	Analysis of examination quality and identification of issues have been conducted sufficiently and from a comprehensive perspective.	Analysis of examination quality and identification of issues have been conducted sufficiently.	Analysis of examination quality and identification of issues have been generally conducted.	Analysis of examination quality and identification of issues have not been conducted.

Evaluation Items and Criteria Concerning Examination Quality Management

Appendix

Items		Objectives and Perspectives	Examples for evaluation materials	Examples of evaluation methods/ evaluation criteria			
				Very satisfactory	Satisfactory	Generally achieved	Requiring Improvements
II. Has the quality management been implemented according to policies and procedures?							
(2) Has continuous improvement been appropriately implemented?							
(i)	Status of improvement of policies, procedures, and structures to achieve high-quality examination (evaluation items from (a) to (e))	To evaluate whether improvement has been specifically made on evaluation items from (a) to (e), and to confirm whether the status of improvement has been appropriate.	The status of revising the Quality Manuals , the implementation system of examination, the quality management system, etc.	Improvement in policies, procedures, and structures has been sufficiently made at an excellent level.	Improvement in policies, procedures, and structures has been sufficiently made.	Improvements in policies, procedures, and systems have been generally made.	Improvement in policies, procedures, and structures has not been made.
(j)	Status of improvement of quality management initiatives (evaluation items from (f) to (h))	To evaluate whether improvement has been made on evaluation items from (f) to (h), and to confirm whether the status of improvement has been appropriate.	The correlative relationship between analysis of examination quality/ identification of issues, and the improvement status of quality management initiatives	Improvement in quality management initiatives has been sufficiently conducted at an excellent level.	Improvement in quality management initiatives has been sufficiently conducted.	Improvement in quality management initiatives has been generally conducted.	Improvement in quality management initiatives has not been conducted.
III. Has information on initiatives for examination quality improvement been communicated?							
(k)	Communication of information on initiatives for examination quality improvement	To evaluate whether information on initiatives for examination quality improvement has been appropriately communicated, and to confirm whether the JPO's quality management has been well understood inside and outside Japan, efforts have been made to increase the presence of the JPO in the field of quality management, and as a result the trust has been gained.	The status of communication of information on initiatives for examination quality improvement, the status of meetings with overseas IP offices, etc. and the dispatch and acceptance of examiners, the status of PPH usage, etc.	Information on initiatives for examination quality improvement has been ambitiously communicated inside and outside Japan, and continuous cooperative relations with organizations and bodies inside and outside Japan have been built up.	Information on initiatives for examination quality improvement has been communicated inside and outside Japan, and cooperative relations with organizations and bodies inside and outside Japan have been built up.	Information on initiatives for examination quality improvement has been communicated inside and outside Japan.	Information on initiatives for examination quality improvement has not been communicated outside Japan.