# Report of the Subcommittee on Examination Quality Management, FY 2020

March 2021
Subcommittee on Examination Quality Management
Intellectual Property Committee
Industrial Structure Council

# Introduction

Globalization of business and R&D activities by Japanese companies has necessitated examination results produced by the Japan Patent Office to be highly evaluated from abroad, leading to one of the most efficient IP rights attainment processes in the world. It has also become necessary to improve predictability of businesses utilizing the industrial property rights system to help prevent disputes. In order to satisfy these needs, it is crucial to maintain and improve examination quality in the post-COVID-19/under the COVID-19 pandemic called the "new normal."

The JPO formulated and announced its *Quality Policy* for "robust, broad, and valuable establishment of rights" in FY 2014. Based on this policy, the JPO established a quality management system across all examinations departments to allow patent, design and trademark examinations to be conducted in compliance with the *Quality Policy*. In FY 2020, it took initiatives to promote digitization, including enhancement of online interviews, in response to changes in the social environment in the post-COVID-19/under the COVID-19 pandemic.

The Subcommittee on Examination Quality Management was established under the Intellectual Property Committee of the Industrial Structure Council in August 2014 to make recommendations for improvements of the JPO's quality management by verifying and evaluating its implementation system and status. The JPO has incorporated objective evaluations and improvement recommendations by the Committee into its quality efforts, aiming to realize the world's leading quality management.

This report examines and evaluates the implementation system and status of the Office's examination quality management in FY 2020 and summarizes discussions on what needs to be improved in the "new normal" in the post-COVID-19/under the COVID-19 pandemic.

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

The First Subcommittee Meeting: February 15, 2021

Agenda

1. Proposed evaluation results of the implementation system and status of the Office's examination quality management
2. Improvement recommendations proposed by the Subcommittee members regarding the implementation system and status of the Office's examination quality management

The Second Subcommittee Meeting: March 22, 2021

Agenda

1. Proposed report of the Subcommittee on Examination Quality Management, FY 2020

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

| Chairperson | Yuriko Inoue | Professor of Law, Graduate School of Law (Business Law Department), Hitotsubashi University |
| | Wataru Inoue | Chief Editor, Nikkan Kogyo Shimbun, Ltd. |
| | Shigeru Osuga | Attorney at Law, Kitahama Partners |
| | Kenji Kondo | Vice President, International Association for the Protection of Intellectual Property of Japan |
| | Shunichi Sugawara | Patent Attorney, SIKs & Co. |
| | Kenji Tanaka | Professor, Graduate School of Informatics and Engineering, the University of Electro-Communications |
| | Yuji Toda | President, Japan Intellectual Property Association |
| | Keiko Honda | Patent Attorney, Honda International Patent & Trademark Office |
| | Yuko Muramatsu | Patent Attorney, SUGIMURA & Partners |

(Titles omitted; listed in the Japanese syllabary order)

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# Ⅰ．Overview of quality management initiatives at the JPO

The Japan Patent Office (JPO) implements its quality management system shown on Figure 1. The Commissioner and the Deputy Commissioner are in charge of maintenance and implementation of the quality management system (the Director-General of the Trademark and Customer Relations Department is responsible for trademark matters rather than the Deputy Commissioner).

The following departments work closely together, while maintaining separation of their own duties, to conduct quality management: the Examination Divisions that carry out substantive examination, the Policy Planning and Coordination Department that plans policies and proposes initiatives, and the Quality Management Office that assesses and analyzes the Office's examination quality. They also follow the PDCA cycle to continuously improve their examination quality.
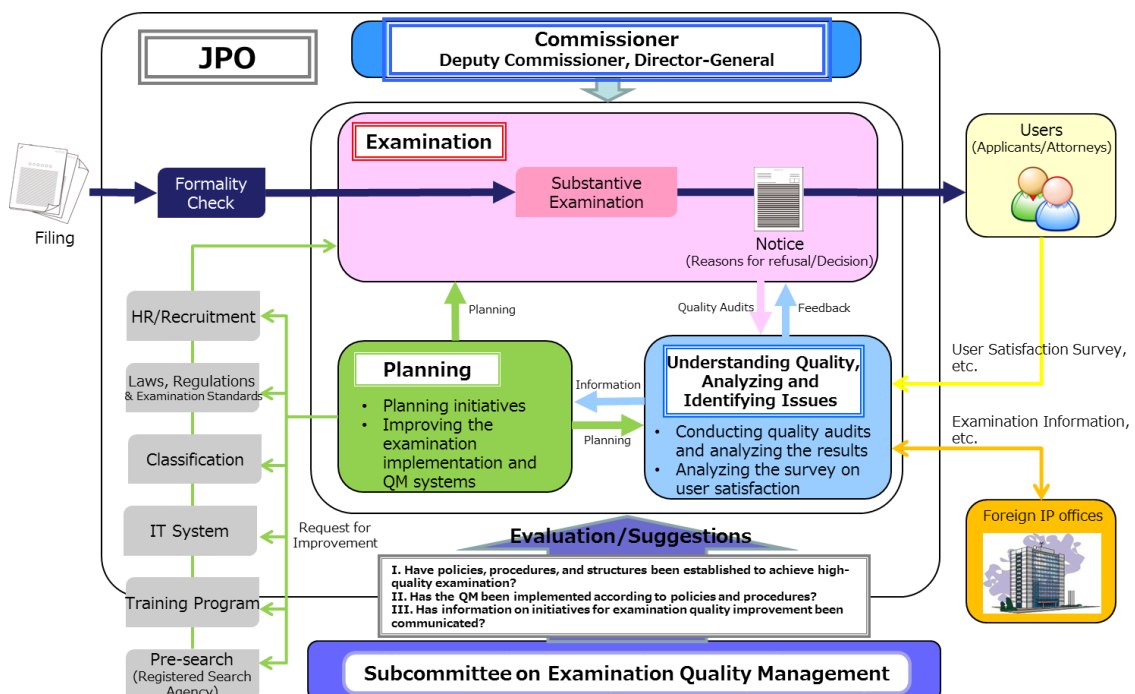
Figure 1: Overall quality management system at the JPO

The Subcommittee on Examination Quality Management (the Subcommittee) was established under the Intellectual Property Committee of the Industrial Structure Council to make recommendations for improvements to quality management at the JPO through verifications and evaluations of the implementation system and status of quality management. The evaluations and recommendations will be reflected in the Office's internal PDCA cycle, which will contribute to maintenance and improvement of the overall examination quality (Figure 2).



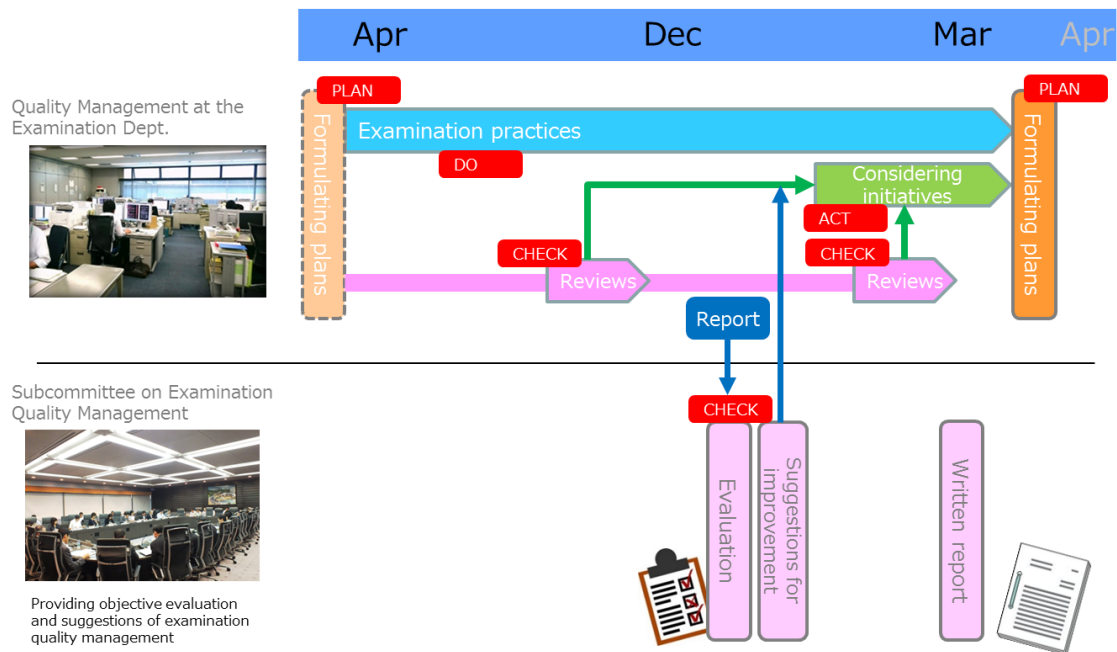Figure 2: Relation between internal quality management and the Subcommittee

The JPO's quality management system has been documented into the Quality Management Manuals (Quality Manuals) for patent, design, and trademark examinations and published on the JPO website[1].

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[1] For details of the JPO's examination quality management and the Quality Manuals, see
https://www.jpo.go.jp/e/introduction/hinshitu/shinsa/index.html

## Ⅱ．Evaluation of the implementation system and status of quality management

The Subcommittee evaluates the JPO's implementation system and status based on the "Evaluation Items and Criteria Concerning Examination Quality Management," which was created in FY 2014 (see Appendix 1 at the end of this report).

The same evaluation items and criteria apply to patent, design and trademark examinations. Each item is evaluated on a 4-point scale ("Very Satisfactory," "Satisfactory," "Generally Achieved," and "Needs Improvement") with objectives and perspectives specified in Appendix 1. The evaluation items (6) and (7) regarding quality improvement and verification initiatives, for example, would be "Satisfactory" when "necessary initiatives are planned, implemented as planned and achieved their objectives" and "Very Satisfactory" when "the initiatives produce effects that would contribute to further improvement in quality."

Before the discussion by the Subcommittee started, the JPO presented to the Subcommittee members documents which show the implementation status of the improvement recommendations made in FY 2019 and the outcomes and status of each evaluation item (Documents 1-1, 1-2, 1-3, 2-1, 2-2 and 2-3).[2] Then the Subcommittee members evaluated the JPO's implementation system and status of quality management of patent, design and trademark examinations, based on the "Evaluation Items and Criteria Concerning Examination Quality Management," to discuss and compile an official report of their evaluations.

While the median value of the scores given by the Subcommittee members

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[2] For details of each document, see Agenda and List of Documents for the first Subcommittee meeting on Examination Quality Management (Japanese version only):
https://www.jpo.go.jp/resources/shingikai/sangyo-kouzou/shousai/hinshitu_shoi/2020-01-shiryou.html

is used as an official evaluation, any evaluation by a minority of the members showing different results is also described in this report.

　The Subcommittee's evaluations are as follows （for a list of the Subcommittee's evaluations, see Appendix 2）.

## 1．Evaluation of patent examination quality management

Evaluation item (1): Status of creation of Quality Policies, Quality Manuals, and other documents

This item was evaluated as "Very Satisfactory," while a minority of the members gave "Satisfactory." Last year, it was evaluated as "Very Satisfactory," while a minority of the members gave "Satisfactory."

＜Evaluations＞

● The Quality Policy, the Quality Manual and other documents indicating specific procedures for quality management were created and they are appropriately managed.

● In response to the COVID-19 pandemic, the interview guidelines for patent examination were revised to enhance online communication. The quality management system was also improved for DX (Digital Transformation).

● Documents to maintain patent examination quality are organized in a hierarchical manner so that examiners have an easy access to appropriate documents they need to rely on in a situation. This would help to improve the examination quality.

＜Points to be improved＞

● Some more work would need to be done on the description order of the Quality Policy and the linkage with the Quality Manual.

Evaluation item (2): Clarity of procedures for examination and quality management

This item was evaluated as "Very Satisfactory," while a minority of the members gave "Satisfactory." Last year, it was evaluated as "Very Satisfactory," while a minority of the members gave "Satisfactory."

＜Evaluations＞

● The Examination Guidelines for Patent and Utility Model provide for the patent examination process.

- The Quality Manual shows in detail who should be responsible for and what are the procedures of each item, along with a conceptual diagram of the PDCA cycle, regarding quality management.
- It is well clarified what are the specific procedures of and who should be in charge of examination and quality management. The revised interview guidelines clearly describe procedures of face-to-face interviews and telephone conversations in a teleworking situation.
- Regarding examination and quality management, it is clearly stipulated who is to do what and when, according to employee's ranking in corporate hierarchy. In addition, the JPO ensures that both internal and external experts and users offer evaluations and that the Office exchanges information with its counterparts in other countries. This means that a system has been developed to offer an objective evaluation.

＜Points to be improved＞
- References including the Quality Manual say that knowledge acquisition from training courses could lead to improvement in examination quality. It is not clear, however, how the training works for day-to-day issues and better solutions to them. In order to make that clearer, it would be better to find out how issues directors find in their daily guidance to examiners are shared with trainers and reflected in the training as those common to examiners. Thus, it is assumed that examiners easily understand the role of the trainings among quality management.
- It has not been confirmed that the manuals are easy to read and understand from a viewpoint of readers, such as examiners, not of those who created or offered.

Evaluation item (3): Publication of the fundamental principles of quality management, etc. to users of IP systems and dissemination of such information to staff
This item was evaluated as "Very Satisfactory," while a minority of the members gave "Satisfactory" or "Generally Achieved." Last year, it was

evaluated as "Very Satisfactory," while a minority of the members gave "Satisfactory."

＜Evaluations＞
● Both the Quality Policy and the Quality Manual are easily accessible to users and training has been properly offered to staff engaged in examination.

● Even in the Covid-19 pandemic, the JPO tries its best to contact user companies to present its quality measures.

● The Office has been sharing information internally through its intranet, training and other means. It also set up a teleworking environment.

＜Points to be improved＞
● The Office contacted fewer companies than the previous fiscal year to present the Quality Policy and other measures.

● More efforts need to be done to explain proactively to the system users the Policy and the Manual, which are already available to them.

● The Office staff are well-informed and the Office checks how far they understand. However, there are some doubts about whether the Office takes appropriate measures in line with the levels of their understanding.

● The Office conducted a questionnaire survey and a test to evaluate how far the examiners understand the lectures, but the results are not reported. It is desirable that the Office reports its responses to the survey/test results, such as not only grasp of examiners' understanding of the lectures, but also a confirmation that they understand them and improvement in parts of them that are difficult to understand.

Evaluation item (4): Examination implementation system
This item was evaluated as "Generally Achieved," while a minority of the members gave "Needs Improvement" or "Satisfactory." Last year, it was evaluated as "Generally Achieved," while a minority of the members gave "Satisfactory."

＜Evaluations＞
- It is commendable that the Office took actions, including promotion of online seminars for examiners, foreign literature searches and IoT training, in addition to its existing measures, such as recruitment of regular examiners and consultations with examiners in charge who are well versed with IoT-related technologies.
- While the Office is required to develop skills of its examiners, time-wise and quality-wise, following technological innovations and an increase in foreign literature searches, the Office tries its best to secure human resources and develop them through online training in this time of the pandemic.
- The smooth transition to remote work in the pandemic resulted from the Office's commitment to its examination system since before that.
- The Office's examination speed is considered good.
- There are some comments that the Japanese translations of Chinese and Korean patent literatures have improved.

＜Points to be improved＞
- The number of examiners is about the same as the previous fiscal year, but there is a concern that the number is significantly lower than the U.S., Europe and China. Although the examination quality remains good, the Office might need a rolling program for a long-term plan to achieve the examination system at the highest level in the world.
- Enhancement of staffing is an ongoing issue as the staffing structure is not sufficient.
- There may still be a room for improvement in staffing by international standards.
- For the examination system, improving expertise in areas expected to develop in the future is as important as securing the sufficient number of examiners.
- The number of IoT consultations is decreasing.

- Teleworking limits the number of examiners allowed to work in the Office, which complicated the procedures of communication over the phone.
- The Office should put its efforts into enhancing online interviews to further expedite examination, regardless of the covid-19 situation.
- There were some cases where remote working limited opportunities to communicate with examiners and forced communication via email. This made us feel that the Office was worse-prepared than private companies.
- The Office enhances such measures as outsourcing of searches to deal with an explosion of foreign literature, especially Chinese. However, with the financial stringency it faces considered, it should modify measures so that it can prioritize searches to be outsourced based on areas with a high rate of foreign literature citations. The Office should focus on more cost-effective areas rather than outsourcing all searches, as Q (Quality) should be promoted based on a relation between C (Cost) and D (Delivery).

Evaluation item (5): Quality management system
This item was evaluated as "Satisfactory," while a minority of the members gave "Very Satisfactory." Last year, it was evaluated as "Satisfactory," while a minority of the members gave "Needs Improvement."

＜Evaluations＞
- The JPO clearly established the responsibility and authority of staff engaged in quality management and constructed a system in which PDCA cycles are implemented for continuous improvement of its examination quality by the organization planning and making proposals for initiatives concerning quality management and the organization analyzing and evaluating the initiatives. The system is considered internationally comparable.

- The JPO adopted a multi-layered system that enables quality evaluation from various perspectives, by positioning persons in charge, persons conducting examinations, persons planning and making proposals for initiatives, and persons analyzing and evaluating the quality of examinations as an organizational structure of examination quality management.
- This item was evaluated as "Satisfactory" because the Office's quality management system itself is well-structured although the number of examiners to be evaluated and of those who evaluate seems small for the number of examinations.

＜Points to be improved＞
- It is requested that the JPO shows clearly what is needed, as well as its objectives and issues, to bring its system to the world highest level.
- It is desirable, as pointed out in the previous year, that the JPO compares and examines its quality management system with its counterparts in other countries to find out what it should introduce from them.
- It is not clear whether the quality management system has been streamlined and optimized in response to the transition to teleworking.
- It seems necessary to further verify and improve the implementation system in the teleworking environment.

Evaluation item (6): Initiatives for quality improvement
This item was evaluated as "Satisfactory." Last year, it was evaluated as "Very Satisfactory," while a minority of the members gave "Satisfactory."

＜Evaluations＞
- The JPO have consistently been conducting the following various quality initiatives: approvals, checks on drafted notices before approval, knowledge sharing, enhanced interviews and telephone contact, assistance based on business needs, enhanced searches of foreign patent documents, provision of support tools for examination and

quality-related information to examiners, and appropriate provision of search indexes, etc.

● Officers in charge of technical information and Quality Management Officers conduct multi-layered checks, results of which approvers base their approvals on.

● Enhanced management has its limitations. The "consultation manual" to promote consultations among examiners therefore helps motivate examiners to improve quality.

● The Office offers super-accelerated examination and accelerated examination using interviews for startups to meet economic and social needs.

● Positive feedback from users in the Annual User Satisfaction Survey issued in September 2020 means that the Office effectively worked on interviews, including face-to-face and telephone contact.

● The Office has been working on key items to be improved, such as complete searches, enhanced searches of foreign patent and non-patent literatures, and interview examinations.

● The JPO abolished the requirement to use a seal to the proving document to apply the provisions on exception to the lack of novelty of an invention and revised the interview guidelines regarding procedures of face-to-face interviews and telephone conversations in a teleworking situation. The actions both allowed interactions by email on proposed amendments, as well as virtual discontinuation of fax.

● In the remote working situation, examiners actively consult each other and the Office voluntarily develops AI-based software. These initiatives should be strongly commended.

● While the COVID-19 pandemic decreased temporarily the number of checks and consultations before approvals by Quality Management Officers, as well as the number of interviews and telephone contacts, the Office flexibly continued to take quality initiatives, enhancing online communication with its users and within its examination departments.

● The Office made drafting support tools available in a teleworking environment.

＜Points to be improved＞

● There is a concern that the numbers significantly decreased of checks before approvals by Quality Management Officers in charge of each responsible art unit and of consultations among examiners. As this situation is expected to persist in the future, the Office will be required to take more active and concrete measures, including an increase in applications required to be consulted on. It is desirable that the Office considers what measures should be taken in the context of the pandemic.

● What is more important is to see whether what should be checked on before approvals has been done so promptly than to see whether a large number of checks were conducted or not. Another important point is that consistency and inventive step is well-established.

● There is some demand for improvement in online communication tools, which have many restrictions.

● Online interviews seem to be just an extension of telephone interviews in some cases and therefore do not seem to work as a replacement of face-to-face interviews, possibly except for some technical fields. In face-to-face interviews, for example, users can take a look at and touch samples directly for a better understanding of the technology. This does not happen in online interviews.

Evaluation item (7): Initiatives for quality verification
This item was evaluated as "Satisfactory," while a minority of the members gave "Generally Achieved." Last year, it was evaluated as "Satisfactory," while a minority of the members gave "Very Satisfactory."

＜Evaluations＞

- The Office have been improving the method of its Use Satisfaction Survey by revising questions on dissatisfaction with prior art searches to reduce respondents' burden while adding questions on consistency of judgement on inventive step to go into details of evaluation of consistency of judgement.
- Quality management by the Office includes formal defects and substantial content. The Office now receives responses to its satisfaction survey of individual examinations through the year to accelerate feedback cycles to (assistant) examiners.
- The measures for the User Satisfaction Survey are already fruitful and therefore deserve recognition.
- The Office continuously conducts initiatives for verification of examination quality and publishes a report on its User Satisfaction Survey. The Office also conducts initiatives to encourage examiners to utilize consultations for improving practices for consistency of judgement and inventive step.
- The Office actively takes into consideration comments from outside the Office for improvement.

＜Points to be improved＞
- It is unfortunate that the Office contacted far fewer companies. The Office is expected to revise the process that works in the COVID-19 pandemic.
- The Office should ramp up interviews with foreign users. Even in the pandemic, it may be acceptable for them to respond by on-line.
- The Office does not seem to have many opportunities to hear its users' opinions, which is inevitable in this pandemic.

Evaluation item (8): Examination quality analysis and identification of issues
This item was evaluated as "Satisfactory," while a minority of the members gave "Generally Achieved" or "Very Satisfactory." Last year, it was evaluated as "Satisfactory," while a minority of the members gave "Very Satisfactory."

＜Evaluations＞

● The Office has a system in place to collect and analyze data and to identify issues. The data is extracted from many stages, such as quality audits, partial audits, factor analyses of individual applications, the user satisfaction survey, and appeals/trials. The following specific issues for quality improvement were also identified properly: main factors of discrepancies in examination results between the JPO and foreign patent offices, effectiveness of consultations on subject matter of PCT applications, and priority issues of the user evaluation items.

● The Office conducts wide-ranging analyses in audits, which are not large in numbers.

＜Points to be improved＞

● Issues could be identified by the results from the User Satisfaction Survey on comparison with examination at Offices in other countries.

● To resolve discrepancies in search results between the JPO and foreign patent offices, the JPO should find out what in their search methods exactly leads to incomplete searches.

● The JPO should publish the analysis results of applications with discrepancies in examination results between the JPO and foreign patent offices, although it is commendable that the Office started the analysis as a development of initiatives to secure consistency of judgement on inventive step.

● Issues should be more specific, as pointed out in the previous year. It is also better to show whom the issues are for.

● The following should be compared with at least one of the countries, such as the U.S., Europe, China and Korea, where family applications of an identical invention are filed: the status of citations of specific prior art, drafted notices of reasons for refusal, and details of the scope of the right. One of the ways to overcome difficulties could be to ask the Japan Intellectual Property Association for cooperation in, for example,

collecting family applications. It is expected that benchmarking with other countries and areas based on applications will significantly contribute to quality improvement.

Evaluation item (9): Status of improvement of policies, procedures, and structures to achieve high-quality examination [evaluation items (1) to (5)] This item was evaluated as "Satisfactory," while a minority of the members gave "Generally Achieved." Last year, it was evaluated as "Satisfactory," while a minority of the members gave "Generally Achieved."

＜Evaluations＞
● The Office takes various improvement measures, despite the COVID-19 pandemic. It also takes appropriate measures against the pandemic, such as the development of the interview guidelines, e-learning training programs, and enhanced online searches of prior art.
● In light of the importance of searches, the Office created a system to outsource individual, rather than optional, literature searches for Chinese patent applications, which have been increasing remarkably.
● The Office's prompt response to the COVID-19 pandemic, including examiners' and other staff's transition to remote work, seems to have a favorable influence on user-friendliness.
● The Office takes commendable measures for Chinese, Korean and German literatures.
● Although the number of examiners the Office secured has not reached to an internationally comparable level, the Office has been taking initiatives to improve its examination implementation system, avoiding prolonged stagnation of examination by coordinating procedures, guidelines and departments to allow teleworking.
● The Office has enhanced effectiveness of its examination system by promoting online information sharing and searches in the teleworking environment while there was some delay in developing an examination

implementation system to accommodate the sudden request for teleworking due to the COVID-19 pandemic.

＜Points to be improved＞

● In order to increase the number of examiners which is smaller than that in other countries, the Office could revise the long-term plan developed in FY 2014, depending on changes in the situation.

● It will remain important to enhance search tools.

● It was understandably difficult to conduct consultations and contact companies as usual in this situation. However, the numbers of consultations and companies it contacted decreased from the previous year, which makes it difficult to understand how far improvement has progressed.

● While means of communication with examiners were improved following the transition to remote work, the private sector left with the impression that it took some time for the Office to decide to take the improvement measures.

● It seems necessary to further verify whether the implementation system sufficiently works in the teleworking environment.

● Items (1), (2), (3) and (5) maintain the status quo, for better or worse, which means no step forward or backward. Regarding item (4), it is doubtful whether necessary measures against the pandemic should be evaluated as "improvement."

Evaluation item (10): Status of improvement of quality management initiatives [evaluation items (6) to (8)]

This item was evaluated as "Satisfactory," while a minority of the members gave "Generally Achieved" or "Very Satisfactory." Last year, it was evaluated as "Satisfactory," while a minority of the members gave "Generally Achieved."

＜Evaluations＞

- The Office takes various improvement measures, despite the COVID-19 pandemic. It also takes appropriate measures against the pandemic, such as enhanced online services.

- Quality Management Officers in charge of each responsible art unit are expected to continue checks before approvals as they are considered effective.

- The Office now receives responses to its satisfaction survey through the year on published applications granted or rejected within a year. That will enable the Office to take pre-emptive action.

- Compared to the previous year, user satisfaction in FY 2020 generally improved as shown in Figure 1: Satisfaction level with overall patent examinations quality of national applications (overall satisfaction level) in the User Satisfaction Survey report.

- The Office improved its quality management measures by allowing draft amendments and other documents to be delivered by email soon after teleworking started to become the norm due to the Covid-19 pandemic.

- The quality management system has been properly improved even in the teleworking environment, without anyone pointing out extreme variation in examination.

- The Office received more positive responses ("Satisfied" and "Somewhat satisfied") in its User Satisfaction Survey this fiscal year than the previous year.

＜Points to be improved＞
- Users are far from being satisfied with consistency of judgement, practices regarding inventive step and descriptive requirements, and foreign and non-patent literature searches as the level of satisfaction with these items falls short of 50%.

- The Office is expected to take another step forward to address issues in its examination system, including one that applicants need to call examiners in the office to apply for an interview or when they would like

to send their second and subsequent draft amendments and other documents.

Evaluation item (11): Communication of information on initiatives for examination quality improvement
This item was evaluated as "Satisfactory," while a minority of the members gave "Generally Achieved" or "Very Satisfactory." Last year, it was evaluated as "Satisfactory," while a minority of the members gave "Very Satisfactory."

＜Evaluations＞
● The Office participates in international conferences and the International Cooperation on Patent Examination Practices while the COVID-19 pandemic makes it difficult to disseminate information face-to-face. It also upgrades its website for easier access to quality related documents and for further information in English.
● The Office provides its examination results in English for other Offices through AIPN among others, which grows the Office's presence.
● The Office has been active in communicating information on examination quality to relevant members in the Office, national and international clients and users, and foreign Offices. It has also been communicating extensive information online.

＜Points to be improved＞
● It is desirable that the Office considers possible ways to communicate information that reaches people as communicating information is more important in this pandemic than before.
● The Office needs to further promote cooperative relationship with overseas IP offices.
● What aspects did the Office coordinate with foreign Offices to build trust relationships? The JPO is expected to develop and implement a way to confirm that a trust relationship has established with certain Office.

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- There seem to be fewer opportunities to communicate information to national users than to foreign users.
- It seems necessary to further verify and improve the implementation system in the teleworking environment.
- The Office does not seem to have many opportunities to hear its users' opinions (and to communicate information to its users), which is inevitable in this pandemic.

## ２．Evaluation of design examination quality management

Evaluation item (1): Status of creation of Quality Policies, Quality Manuals, and other documents

This item was evaluated as "Very Satisfactory," while a minority of the members gave "Satisfactory." Last year, it was evaluated as "Very Satisfactory," while a minority of the members gave "Satisfactory."

＜Evaluations＞

● The Quality Policy, the Quality Manual and other documents indicating specific procedures for quality management were created and they are appropriately managed. The Design Examination Guidelines were revised and published in response to the revised Design Act 2019 and for further clarification of the design examination standards.

● The Office updated the Design Examination Guidelines and the Design Examination Manual immediately, despite the significant revision of the Design Act.

● Handbooks and guidelines for making drawings, as well as the content, give more specific details than before.

● The Office has been preparing an English translation of the revised Design Act for users abroad.

＜Points to be improved＞

● Some more work would need to be done on the description order of the Quality Policy and the linkage with the Quality Manual.

● The Office has been revising the Examination Guidelines and other documents by adding descriptions of new subject to protection and by changing the order of items, for example. Some parts of the specific case studies are not easy to understand and they are expected to be improved.

● It is desirable that the Office will provide a wider variety of handbooks and guidelines for drawings as appropriate.

- The Office is expected to be more active in awareness-raising activities while it conducts basic activities.
- The Quality Management Manual for Design Examination needs to be updated as the most recent revisions were published in 2016, although it is assumed that it is difficult for the Manual to be frequently revised.

Evaluation item (2): Clarity of procedures for examination and quality management

This item was evaluated as "Very Satisfactory," while a minority of the members gave "Satisfactory." Last year, it was evaluated as "Very Satisfactory," while a minority of the members gave "Satisfactory."

＜Evaluations＞

- The Design Examination Guidelines have been appropriately revised to clarify examination procedures. The Quality Manual shows in detail who should be responsible for and what are the procedures of each item, along with a conceptual diagram of the PDCA cycle, regarding quality management.
- The Design Examination Guidelines were properly revised in response to the revised Design Act 2019.
- The revised interview guidelines clearly describe procedures of face-to-face interviews and telephone conversations in a teleworking situation.

＜Points to be improved＞

- References including the Quality Manual say that knowledge acquisition from training courses could lead to improvement in examination quality. It is not clear, however, how the training works for day-to-day issues and better solutions to them. In order to make that clearer, it would be better to find out how issues directors find in their daily guidance to examiners are shared with trainers and reflected in the training as those common to examiners. Thus, it is assumed that examiners easily understand the role of the trainings among quality management.

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Evaluation item (3): Publication of the fundamental principles of quality management, etc. to users of IP systems and dissemination of such information to staff

This item was evaluated as "Very Satisfactory," while a minority of the members gave "Satisfactory" or "Generally Achieved." Last year, it was evaluated as "Very Satisfactory," while a minority of the members gave "Satisfactory."

＜Evaluations＞
● Both the Quality Policy and the Quality Manual are easily accessible to users and training has been properly offered to staff engaged in examination.

＜Points to be improved＞
● The Office needs to continue to provide examiners with training for a better understanding of the Design Examination Guidelines revised in response to the revision of the Design Act in 2019, as well as with a follow-up training on issues raised after the Act came into force.
● The Office conducted a questionnaire survey and a test to evaluate how far the examiners understand the lectures, but the results are not reported. It is desirable that the Office reports its responses to the survey/test results, such as not only grasp of examiners' understanding of the lectures, but also a confirmation that they understand them and improvement in parts of them that are difficult to understand.
● Information released by the Office does not necessarily reach all the system users. The Office is expected to consider communicating information to those who are not heavy users of the design system, e.g. small and medium-sized businesses, to revitalize the design system.

Evaluation item (4): Examination implementation system
This item was evaluated as "Generally Achieved," while a minority of the

members gave "Satisfactory." Last year, it was evaluated as "Generally Achieved," while a minority of the members gave "Needs Improvement" or "Satisfactory."

＜Evaluations＞
● Although the number of examinations performed per examiner at the JPO is 2.3 times as many as that at the USPTO, the time from filing to a first action at the JPO is less than half the time at the USPTO. This indicates that the JPO has been making examinations more efficient to enhance its examination implementation system through initiatives including automation of the examination system and batch examinations.
● In general, examinations seem to be expedited.

＜Points to be improved＞
● The Office needs to further enhance its human resources as applications are expected to increase because of the revision of the Design Act in 2019.
● The JPO is expected to continue to review its examination system and staffing structure, as well as to enhance its database to cover the new registrable designs in the revised Act. In the long term, it is desirable that the Office will consider implementing an AI-based examination system.
● The Office's capacity for a small group of examiners to process applications within a short period is considered efficient and there seems to be no need to bring down the number of applications processed by an examiner to that of the USPTO. This item should evaluate the quality of the examination as the first priority, assessing whether a high-quality examination system has been put in place. If the Office conducts high-quality examinations efficiently, that should be most highly evaluated. However, if the Office still needs to work on improvement of its examination quality, it should focus more on that than efficiency, and one of the solutions for higher quality could be the

smaller number of applications processed by an examiner, as pointed out in the previous year.

- The Office might need to review its staffing structure and examination process, rather than to find the appropriate number of examiners. This will be done by measuring the standard time required to examine an application of new subject to protection (graphic images, buildings and interior) or a related design, which is likely to take longer, and by analyzing, from a viewpoint of quality management, whether the time varies depending on areas and examiners.

Evaluation item (5): Quality management system
This item was evaluated as "Satisfactory," while a minority of the members gave "Very Satisfactory." Last year, it was evaluated as "Satisfactory," while a minority of the members gave "Needs Improvement."

＜Evaluations＞
- The JPO clearly established the responsibility and authority of staff engaged in quality management and constructed a system in which PDCA cycles are implemented for continuous improvement of its examination quality by the organization planning and making proposals for initiatives concerning quality management and the organization analyzing and evaluating the initiatives.
- The JPO has been working on implementing quality management equivalent to that in other countries where substantive examination is performed.
- It is highly evaluated that there are hardly any cases at the JPO where the time from filing to a first action becomes long.
- The Office has a commendable system where directors decide their jurisdiction and responsibilities. It would be better to further clarify the methodology of verification of the documents to define the system and the implementation of the system.

- Relatively speaking, it is thought that examination has been conducted in the Office at the highest level in the world.

＜Points to be improved＞
- The Office is expected to implement appropriate quality management by consulting the Examination Standards Office, so that they could handle new issues of interpretation of law in a timely manner, which might be raised in areas, such as related designs.

- The management system at the other Offices is not necessarily at the highest level in the world from the viewpoint of the quality management by the JPO. It should figure out whether the system at the other Offices is the one at the world's highest level which the JPO should aim at.

- Although it is not denied that there are some discrepancies, on a case-by-case basis, in judgement on the main paragraph of Article 3, Article 7 and substantial identity in conversion of an application, the Office seems to control them to the extent generally acceptable, with the speeding up of examinations in mind. It needs to be addressed that there are some discrepancies in examinations among examiners while it cannot be generalized as it depends on individual applications.

Evaluation item (6): Initiatives for quality improvement
This item was evaluated as "Satisfactory," while a minority of the members gave "Generally Achieved" or "Very Satisfactory." Last year, it was evaluated as "Satisfactory," while a minority of the members gave "Generally Achieved" or "Very Satisfactory."

＜Evaluations＞
- The Office identifies applications which contribute to solving specific issues, including inconsistent examinations among examiners, for consultations between examiners and approvers. In the COVID-19 pandemic, the interview guidelines for design examination were revised to enhance online interviews and to improve the working environment for

examiners to conduct examinations remotely. The Examination Guidelines for Design were revised as well, following the revised Design Act 2019 and the further clarification of the design examination standards. Examiners receive e-learning based training.

- The Office has been steadily engaged in development and revision of examination-related documents, as well as in IT system updates in response to the revised Act. The Office has also been working on collecting materials related to buildings, interior and graphic designs.

- The active use of online interviews would be a meaningful measure against the pandemic and contribute to reducing the urban-rural disparity in convenience for applicants.

- It is effective in terms of creating a sense of overall uniformity that approvers check all documents such as draft decisions prepared by examiners. The Office has also been taking measures to avoid inconsistency in examinations. In fact, the number of unreasonable office actions in examinations of international applications seems to be smaller than before.

＜Points to be improved＞
- The Office would need to consider revising the Examination Guidelines for Design in a timely manner, according to its design practices after the revision of the Act.

- The Office is expected to continue to collect examination-related documents and enhance its database in response to the revised Design Act.

- Internal training sessions, external briefing sessions and opinion exchanges can expect a thorough communication of information on the revised system and an improvement in consistency of judgement. Some research needs to be done to confirm that these sessions are truly effective.

- The Office needs to make more effort, even in the pandemic, to provide sufficient opportunities for interviews online or in similar modes. The

Office faces further challenges to update its web conference system and manual as urgent measures against the pandemic.

Evaluation item (7): Initiatives for quality verification

This item was evaluated as "Satisfactory." Last year, it was evaluated as "Satisfactory."

＜Evaluations＞
- While the number of opinion exchanges with user companies is smaller than the previous year, the Office verifies its quality management activities through the User Satisfaction Survey. The Office has also been working on reducing discrepancies in judgments between examinations and appeals/trials by sharing information containing statistical data and trends in each area to analyze the discrepancies.
- The Office has been working on verifying its examination quality based on internal quality audits, as well as the User Satisfaction Survey, opinions exchanged with users and received on the official website. The Office now invites opinions on examination of specific applications through the year.
- Although it is not denied that there are some discrepancies, on a case-by-case basis, in judgement on the main paragraph of Article 3, Article 7 and substantial identity in conversion of an application, the Office seems to control them to the extent generally acceptable, with the speeding up of examinations in mind.
- The Office provides verification and feedback according to specific manuals to unify judgments among examinations. It would be better to check to what extent the verification and feedback has been reflected in examinations afterward.

＜Points to be improved＞
- The Office should ramp up interviews with foreign users. Even in the pandemic, it may be acceptable for them to respond by on-line. This

should be started immediately, especially in areas of increasing design applications by foreign residents.

● The Office is expected to review actively not only the consistency of judgment between examinations and appeals/trials, but also the appropriateness of conclusions or legal decisions. There are especially strong concerns about interpretation and practice of Article 4 of the Design Act.

Evaluation item (8): Examination quality analysis and identification of issues
This item was evaluated as "Satisfactory," while a minority of the members gave "Generally Achieved." Last year, it was evaluated as "Satisfactory," while a minority of the members gave "Very Satisfactory."

＜Evaluations＞
● The Office has a system in place to collect and analyze data and to identify issues. The data is extracted from many stages, such as quality audits, partial audits, factor analyses of individual applications and discrepancies in judgement between examinations and appeals/trials, and the user satisfaction survey. The Office also identified specific issues regarding "consistency of judgement" and "descriptions of notifications of reasons for refusal," set as priorities based on external evaluations, such as those in the User Satisfaction Survey. The Office promptly introduced online interview examinations between examiners and applicants in the COVID-19 pandemic.

● The Office analyzed and identified issues on designs for graphic images, following the revision of the Design Act.

● The Office seems to be more active in questionnaire surveys for users and opinion exchanges with them than before.

＜Points to be improved＞
● Consultations on cases among examiners need to be enhanced to improve consistency of design examinations to be adjusted according to the

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revised Act. In order to make them efficient, timing of involvements of directors and their roles should be clarified as well. The Office needs to review its examination status especially for the new subject to protection provided by the revised Design Act of 2019.

● While consistent examination conclusions are very important, it is deemed equally important to make appropriate interpretation and practice of law consistent.

● It lays a significant burden on system users, with regard to the necessary procedures, to have their disclosed designs approved to apply the provisions on exception to the lack of novelty. The Office would need to immediately analyze and identify issues as some users have to give up applying for registration of such designs due to the burden.

Evaluation item (9): Status of improvement of policies, procedures, and structures to achieve high-quality examination [evaluation items (1) to (5)]
This item was evaluated as "Satisfactory," while a minority of the members gave "Very Satisfactory." Last year, it was evaluated as "Satisfactory," while a minority of the members gave "Generally Achieved."

＜Evaluations＞
● The Office takes appropriate measures including those in response to the revised Design Act 2019 and to get along with the COVID-19 pandemic.

● The COVID-19 pandemic has not significantly affected design examinations and the Committee members did not receive any requests individually for specific measures or improvement. The Office revised the interview guidelines regarding procedures of face-to-face interviews and telephone conversations in a teleworking situation. The actions both allowed interactions, e.g. those on draft amendments, by email.

● There was an impression that the Office communicates information more frequently and prepares materials that are more visual and easier to understand than before.

- The Office revised the Japanese Classification for Industrial Designs to cover buildings, interior and graphic images and held circuit JPO sessions, one-on-one briefings and other sessions to disseminate information on the revised Act and examination guidelines. Those are somewhat evaluated.
- The Committee is generally satisfied with such activities for improvement as a revision of the examination guidelines within a short period.

＜Points to be improved＞
- (N/A)

Evaluation item (10): Status of improvement of quality management initiatives [evaluation items (6) to (8)]

This item was evaluated as "Satisfactory," while a minority of the members gave "Very Satisfactory." Last year, it was evaluated as "Satisfactory," while a minority of the members gave "Generally Achieved" or "Very Satisfactory."

＜Evaluations＞
- The Office takes appropriate measures including those in response to the revised Design Act 2019 and to get along with the COVID-19 pandemic.
- It was confirmed that improvement was sufficiently made in quality management initiatives based on issues identified through the previous year's analysis. Overall the results of the User Satisfaction Survey and consistency in examinations were improved as well.
- The Office has been conducting improvement activities, such as promotion of video conference interviews and abolishment of the requirement to use a seal, according to the current situation. Those are highly evaluated.

＜Points to be improved＞
- The Office is expected to show some improvement resulted from its various efforts including training sessions and IT system updates in

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response to the revised Act. It is important for the Office to make changes and, more importantly, the Office should confirm whether the changes led to improvement. If it is willing to clarify issues and consider the next step even when no improvement takes place, it could be considered as some of improvement. Identification of issues is also some of improvement, but having been able to resolve the identified issues should make it a full of improvement.

Evaluation item (11): Communication of information on initiatives for examination quality improvement

This item was evaluated as "Satisfactory," while a minority of the members gave "Generally Achieved" or "Very Satisfactory." Last year, it was evaluated as "Satisfactory," while a minority of the members gave "Very Satisfactory."

＜Evaluations＞

● In the second half of FY 2020, even amid the continuing pandemic, the Office communicated information on the review of its examination practice in response to the revised Design Act 2019 by doing the following: opinion exchanges with the CNIPA, training sessions for design examiners of IP offices in emerging countries, meetings of the APEC Intellectual Property Rights Experts Group, the JPO booth at the INTA Annual Meeting, and the JPO-CNIPA symposium.

● The Office has been making such efforts to exchange opinions directly with individual companies as active visits to local companies.

＜Points to be improved＞

● It is desirable that the Office considers possible ways to communicate information that reaches people as communicating information is more important in this pandemic than before.

● The Office needs to continue to collect sufficient information on the design practices in foreign countries.

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- What aspects did the Office coordinate with foreign Offices to build trust relationships? The JPO is expected to develop and implement a way to confirm that a trust relationship has established with certain Office.
- It seems that more awareness-raising activities should be conducted.
- It would be even better to show specific results of opinion exchanges with external third-party organizations or foreign Offices.

## ３．Evaluation of trademark examination quality management

Evaluation item (1): Status of creation of Quality Policies, Quality Manuals, and other documents

This item was evaluated as "Very Satisfactory," while a minority of the members gave "Satisfactory." Last year, it was evaluated as "Very Satisfactory," while a minority of the members gave "Satisfactory."

＜Evaluations＞

● The Quality Policy, the Quality Manual and other documents indicating specific procedures for quality management were created and they are appropriately managed. Such other documents include the Outline of Trademark Examination Procedures revised after the system to protect three-dimensional trademarks was reviewed and the interview guidelines revised in response to the COVID-19 pandemic.

＜Points to be improved＞

● Some more work would need to be done on the description order of the Quality Policy and the linkage with the Quality Manual.

Evaluation item (2): Clarity of procedures for examination and quality management

This item was evaluated as "Very Satisfactory," while a minority of the members gave "Satisfactory." Last year, it was evaluated as "Very Satisfactory," while a minority of the members gave "Satisfactory."

＜Evaluations＞

● The JPO publishes and revises as needed the Examination Guidelines for Trademarks and the Examination Manual for Trademarks that stipulates what is necessary and how trademark examinations should be conducted, as well as the Outline of Trademark Examination Procedures that provide the basic policy and procedures of examinations. The Quality Manual shows in detail who should be responsible for and what are the

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procedures of each item, along with a conceptual diagram of the PDCA cycle, regarding quality management.

● The Outline of Trademark Examination Procedures is published, which secures clarity of procedures.

＜Points to be improved＞

● It has not been confirmed that the manuals are easy to read and understand from a viewpoint of users, such as examiners, not of those who created or offered.

● Examination practices seem to have changed for other types of trademarks than three-dimensional trademarks. The Office is expected to clarify the change in the Outline of Trademark Examination Procedures.

● References including the Quality Manual say that knowledge acquisition from training courses could lead to improvement in examination quality. It is not clear, however, how the training works for day-to-day issues and better solutions to them. In order to make that clearer, it would be better to find out how issues directors find in their daily guidance to examiners are shared with trainers and reflected in the training as those common to examiners. Thus, it is assumed that examiners easily understand the role of the trainings among quality management.

Evaluation item (3): Publication of the fundamental principles of quality management, etc. to users of IP systems and dissemination of such information to staff

This item was evaluated as "Very Satisfactory," while a minority of the members gave "Satisfactory." Last year, it was evaluated as "Very Satisfactory," while a minority of the members gave "Satisfactory."

＜Evaluations＞

● Both the Quality Policy and the Quality Manual are easily accessible to users and training has been properly offered to staff engaged in examination. The staff members seem to be well-informed.

＜Points to be improved＞
- The Office conducted a questionnaire survey to evaluate how far the examiners understand the lectures, but the results are not reported. It is desirable that the Office reports its responses to the survey results, such as not only grasp of examiners' understanding of the lectures, but also a confirmation that they understand them and improvement in parts of them that are difficult to understand.
- The Office might need to think of other ways to inform its system users more sufficiently. It is difficult to say whether 37 introduced cases are many for opinion exchanges with companies and the publication of the Quality Policy and the Quality Manual does not mean that they are well-informed.

Evaluation item (4): Examination implementation system
This item was evaluated as "Generally Achieved," while a minority of the members gave "Needs Improvement" or "Satisfactory." Last year, it was evaluated as "Generally Achieved," while a minority of the members gave "Needs Improvement" or "Satisfactory."

＜Evaluations＞
- The Office hired its first fixed-term trademark examiners and made efforts to strengthen its human resource development.
- The Office's improvement efforts can be seen as it hired its first fixed-term trademark examiners.
- The Office verified use of the AI.
- The Office hired fixed-term trademark examiners, reviewed the system to instruct assistant examiners, improved training sessions for examiners and launched a project to consider measures for more effective examinations, in response to a surge in the number of examinations. These measures led to an increase in the number of applications examined.

- The Office actively takes other measures than the above, including collecting users' opinions for more effective examinations and considering how examinations of identification of goods and services should work.

＜Points to be improved＞

- Examiners at the JPO process 1.7 times more examinations than their counterparts at the USPTO do on a per capita basis, and the time from filing to a first action is extended with the number of applications increasing. This cannot be deemed as the examination system at the highest level in the world. While the Office's financial condition limits the number of examiners it can increase, the Office is expected to start outsourcing searches to private-sector search organizations as soon as possible, which is still under consideration.

- Users strongly wish the examination period to be shortened, which is now about a year.

- This item cannot be evaluated as "Achieved" unless the examination period is shortened.

- The Office needs to further enhance its human resources as a measure to be taken for the moment.

- Regarding establishment of an internationally comparable level of organizational and staffing structure for examination, the JPO is expected to keep working on making the system virtually more user-friendly while taking into consideration any circumstances specific to Japan.

- While the number of applications examined increases steadily, examiners seem to take more time to examine descriptions of designated goods and services. About 34% of national trademark applications received a notice of reasons for refusal, out of which, 42% were refused because the content and scope of designated goods and/or services are not clear (Article 6 of the Trademark Act). Such applications account for 16% of all national trademark applications (in 2019). The Office might need to review its staffing structure and examination process for this issue as well, by measuring the standard time required to examine an application and by

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analyzing, from a viewpoint of quality management, whether the time varies depending on areas and examiners.

- The concern in terms of quality management is that examiners at the JPO process 1.7 times more examinations than their counterparts at the USPTO do on a per capita basis.

- The average examination period of a year is too long. It took 5 months even for some applicants requesting for an accelerated examination to receive an examination result. The Office is expected to hire even more examiners, the current number of which seems insufficient.

- Examination quality is as important as the number of examiners and many users seem to find some reasons of refusal unconvincing. For quality improvement, the Office is expected to put further effort to train assistant examiners so that they have a solid understanding of the examination guidelines and provisions.

Evaluation item (5): Quality management system
<u>This item was evaluated as "Satisfactory,"</u> while a minority of the members gave "Generally Achieved" or "Very Satisfactory." Last year, it was evaluated as "Satisfactory," while a minority of the members gave "Needs Improvement" or "Very Satisfactory."

＜Evaluations＞
- The JPO clearly established the responsibility and authority of staff engaged in quality management and constructed a system in which PDCA cycles are implemented for continuous improvement of its examination quality by the organization planning and making proposals for initiatives concerning quality management and the organization analyzing and evaluating the initiatives. The system is considered internationally comparable and therefore the item is evaluated as "Satisfactory."

- The Office established its quality management system where it secures the necessary number of Quality Management Officers for more appropriate audits in limited staffing conditions. Overall, an organizational

and staffing structure was established in order to enable planning and making proposals for quality management initiatives in an efficient and effective manner at an internationally comparable level.

＜Points to be improved＞
● While the Office has its management system in place, it needs review the actual operations according to its organizational issues to consider the speeding up of examinations as a part of its quality management and incorporate outcomes of the project for more effective examinations into details of its quality management.
● The Office is expected to constantly make a successful effort to improve the system.
● It is desirable, as pointed out in the previous year, that the JPO compares and examines its quality management system with its counterparts in other countries to find out what it should introduce from them.
● The Office cannot really manage its examination quality properly as it seems to be losing it.

Evaluation item (6): Initiatives for quality improvement
This item was evaluated as "Satisfactory," while a minority of the members gave "Very Satisfactory." Last year, it was evaluated as "Satisfactory," while a minority of the members gave "Very Satisfactory."

＜Evaluations＞
● While having a limitation in the number of examiners it can increase, the Office continues its efforts for more effective examinations using AI technologies and started to standardize an examination scheme in a project to consider measures for more effective examinations. It also updated its system for more operational efficiency in a teleworking environment as a measure against the COVID-19 pandemic and revised the interview guidelines to offer online interviews. Search know-how and knowledge has been steadily shared in consultations between examiners

and managers on cases required to be consulted on, including those attracting public attention.

● Given the expectation that an increase in cases and a shortage of staff will linger, it is commendable that the Office prospectively verifies efficiency of examinations using AI technologies.

● The Office took measures that seem to be effective in quality improvement, such as a standardized method of approval, utilization of check sheets, knowledge sharing between examiners and managers, and communication with users. The Office also took measures that are expected to be effective, such as system updates for a teleworking environment and a standardized examination practice.

● The JPO has been continuously implementing initiatives necessary for quality improvement (e.g. approvals, consultations, target setting and evaluations of examiners, interviews or telephone contact, collection and provision of quality-related information, training, and updates of its examination system). The Office could do this as it did before the COVID-19 pandemic, thanks to its effort to enhance a teleworking environment and online communication.

＜Points to be improved＞

● Users might have commented on some points like consistency of examinations in their communication with examiners in the course of examination. It seems necessary for directors to offer examiners opportunities to consult them on how users reacted in an interview.

● The Office is expected to further promote online and streamlined procedures in the post-COVID-19/under the COVID-19 pandemic.

● Examiners could develop their own knowledge with handbooks and analysis results of various information provided by the Office. However, the Office need to check whether they have been used really effectively.

● The Office is expected to encourage its examiners and managers to actively use knowledge sharing through consultations between them and especially opinion exchanges among examiners.

- The Office is expected to scrutinize and verify the content of its initiatives to achieve higher-quality examinations, as these initiatives do not seem to result in quality maintenance.
- While more and more examiners are working remotely, some users were told that the Office could not respond to their inquiry on that day because examiners in charge worked remotely. This should be improved as users sometimes need a prompt response and examiners working remotely can call them back.

Evaluation item (7): Initiatives for quality verification
This item was evaluated as "Satisfactory" while a minority of the members gave "Very Satisfactory." Last year, it was evaluated as "Satisfactory," while a minority of the members gave "Generally Achieved."

＜Evaluations＞
- Although the Office has not shown how productive its opinion exchanges with users were in the previous fiscal year, it conducted the User Satisfaction Survey and shared information as appropriately as the previous fiscal year. It also prioritized improvement in consistency of judgement among examiners and on distinctiveness.
- The JPO has been working on quality verification through quality audits, the User Satisfaction Survey and exchanges of opinions with users. The Office also invite public opinion on their website for quality improvement.
- The Office continued to work on quality verification even in the COVID-19 pandemic. Its efforts include opinion exchanges with users and the User Satisfaction Survey to publish the survey report, as well as sharing information that it prioritized improvement in consistency of judgement among examiners and on distinctiveness to maintain and improve its examination quality.

＜Points to be improved＞
- The Office is expected to continue to work on improvement in other items than the prioritized items, consistency of judgement among examiners and

on distinctiveness, to maintain and improve its examination quality. It is also expected to consider publishing main examples of improvement measures the Office took based on comments from users.

- The Office should ramp up interviews with small entities (SMEs) and foreign users. Even in the pandemic, it may be acceptable for them to respond by on-line.

- It is commendable that the examination departments share information on factor analyses of discrepancies in judgments between examinations and appeals/trials. However, the Office need to decide carefully that such information sharing should be done in examinations in general, as judgments in appeals/trials are likely based on individual circumstances.

- The Office is expected to scrutinize and verify the content of its initiatives to achieve higher-quality examinations, as these initiatives do not seem to result in quality maintenance.

Evaluation item (8): Examination quality analysis and identification of issues
This item was evaluated as "Satisfactory," while a minority of the members gave "Very Satisfactory." Last year, it was evaluated as "Satisfactory," while a minority of the members gave "Very Satisfactory."

＜Evaluations＞
- The Office analyzed its examination quality and identified issues through internal reviews, analyses in approvals and quality audits, and factor analyses of discrepancies in judgments between examinations and appeals/trials.

- The Office analyzed its examination quality in various aspects, from which issues were identified.

- The Office conducted analyses based on both internal and external evaluations.

＜Points to be improved＞

- The Office needs to consider taking specific measures to ensure that approvals are given in line with the Approval Guidelines and to standardize approval practices.
- The Office is expected to further improve its examination quality based on the results obtained from quality analyses and identification of issues in various initiatives.
- The Office is expected to focus even more on improvement in quality of examiners. The Committee agrees on the results of the User Satisfaction Survey that the Office needs to improve consistency of judgement on distinctiveness.

Evaluation item (9): Status of improvement of policies, procedures, and structures to achieve high-quality examination [evaluation items (1) to (5)]
This item was evaluated as "Satisfactory," while a minority of the members gave "Generally Achieved" or "Very Satisfactory." Last year, it was evaluated as "Satisfactory," while a minority of the members gave "Generally Achieved."

＜Evaluations＞
- The Office hired its first fixed-term trademark examiners to address the situation where examiners at the JPO process 1.7 times more examinations than their counterparts at the USPTO do on a per capita basis, and the time from filing to a first action is extended with the number of applications increasing. In addition, it considered and implemented measures for more effective examinations using AI technologies and standardization of an examination scheme.
- Presenting key points of the examination standards could lead to a shorter examination period.
- As improvement measures, the Office hired fixed-term trademark examiners to deal with an increase in the number of applications and keenly considered taking action for more effective examinations. It also tried its best to improve policies, procedures, and structures to achieve

high-quality examination even in the pandemic, by communicating information on the web.

＜Points to be improved＞

● The Office should change flexibly the content and the task setting of training for an increasing number of assistant examiners, according to tasks they face at the time.

● Regarding the issue of a longer examination period due to an increase in applications, the Office is expected to continue its measures to shorten the period while maintaining the examination quality.

● The Office is expected to continuously work on enhancing the examination implementation system as an effect of the effective system it introduced would occur next year.

● The recruitment of fixed-term examiners has not necessarily been a solution to the surge in the number of applications, and the Office seems to face another issue that the number of applications to the JPO did not grow well compared to other developed countries. The Office also needs to deal with applicants who file a large number of applications and issues related to registered trademarks not in use (e.g. increasing trials). It should therefore start working with user organizations to revise the law and review the examination process.

● The Office is expected to further increase both the number and the quality of examiners.

Evaluation item (10): Status of improvement of quality management initiatives [evaluation items (6) to (8)]
This item was evaluated as "Satisfactory," while a minority of the members gave "Very Satisfactory." Last year, it was evaluated as "Satisfactory," while a minority of the members gave "Generally Achieved" or "Very Satisfactory."

＜Evaluations＞

- Approvals by directors would contribute the most to examination quality. The Office should actively promote standardization of examination practices including a review of the approval method as a contribution to higher-quality and more efficient examinations.

- The Office made efforts to standardize an examination scheme for higher-quality and more efficient examinations. It also improved quality management initiatives fully by using online tools properly in the COVID-19 pandemic.

- The COVID-19 pandemic has not significantly affected trademark examinations and the Committee members did not receive any requests individually for specific measures or improvement. The Office revised the interview guidelines regarding procedures of face-to-face interviews and telephone conversations in a teleworking situation. The actions both allowed interactions (e.g. of draft amendments) by email.

＜Points to be improved＞
- The Office is expected to consider publishing what it thinks about negative comments from its users and main examples of improvement measures it took based on the comments.

- The Office is expected to show some improvement resulted from its various efforts including system updates for a teleworking environment and a standardized examination scheme. It is important for the Office to make changes and, more importantly, the Office should confirm whether the changes led to improvement. If it is willing to clarify issues and consider the next step even when no improvement takes place, it could be considered as some of improvement. Identification of issues is also some of improvement, but having been able to resolve the identified issues should make it a full of improvement.

- It is expected that the Office will further improve what it started to improve.

Evaluation item (11): Communication of information on initiatives for examination quality improvement
This item was evaluated as "Satisfactory," while a minority of the members

gave "Generally Achieved" or "Very Satisfactory." Last year, it was evaluated as "Satisfactory," while a minority of the members gave "Very Satisfactory."

＜Evaluations＞
● In the second half of FY 2020, even amid the continuing pandemic, the Office communicated information on its quality management system to seek its stronger presence in online meetings with the TIPO, the KIPO, the CNIPA, and the EPO.
● The Office made efforts for an active communication of information in many meetings.
● The Office actively communicated information to its users in meetings and opinion exchanges.

＜Points to be improved＞
● It is desirable that the Office considers possible ways to communicate information that reaches people as communicating information is more important in this pandemic than before.
● Opinion exchanges with other IP offices on quality management would be constructive. The Office should however analyze information obtained in the opinion exchanges in a cross-cutting manner to find out what common quality management issues they faced and how they solved them.
● The Office is expected to publish significant discrepancies, if any, in issues presented by foreign Offices and the JPO in some form and to keep receiving feedback on outcomes of these issues.
● What aspects did the Office coordinate with foreign Offices to build trust relationships? The JPO is expected to develop and implement a way to confirm that a trust relationship has established with certain Office.
● The Office should offer more opportunities for opinion exchanges with companies, industry groups and especially SMEs.

# Ⅲ． Improvement recommendations for the implementation system and status of quality management

The Subcommittee discussed not only evaluations, but also matters expected to be improved concerning the implementation system and status of examination quality management, which were revealed through the evaluation process.

Improvement recommendations by the Subcommittee are summarized as follows.

## １． Improvement recommendations for quality management of patent examination

＜1 Enhancing communication with users＞ ［Evaluation items (3), (6), (7), (9) and (11)］

> The Office is expected to enhance communication with users, including one online.

Major comments from the Subcommittee members:

(a) The Office is expected to consider increasing options of communication tools.

(b) The Office is expected to further improve its teleworking environment so that, for example, users can reach examiners in charge working remotely over the phone.

(c) The Office is expected to continue online and offline opinion exchanges and other meetings with various users, including not only major national companies, but also foreign companies, SMEs and startups.

(d) The Office is expected to further enhance communication and collection of information on its official website and by other means, with a special focus on inviting public opinion on the website.

(e) The teleworking environment seems to offer new communication and values, which are classified as "Attractive Quality[3]." It would be necessary

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[3] Quality attributes which provide satisfaction when achieved fully, but do not cause dissatisfaction when not fulfilled.

to improve the "Attractive Quality" as well as the "Must-Be Quality[4]" for higher examination quality.

(f) The Office is expected to raise both user and examiner satisfaction as communication should be done mutually.

＜2 Strengthening the examination implementation system＞[Evaluation item (4)]

The Office is expected to secure the appropriate number of examiners to maintain and improve examination quality. It is also expected to improve examination efficiency, while dealing with a surge in the number of foreign literature.

Major comments from the Subcommittee members:

(a) There may still be a room for improvement in staffing by international standards.

(b) It is important to secure not only the number of examiners but also the quality of examination. The Office is expected to work on enhancing its examination implementation system, considering what should be done to secure the examination quality.

(c) The Office is expected to continuously offer training for quality improvement and achieve a long-term effect of the training.

(d) The Office is expected to figure out even more effective measures for foreign literature searches than the system it created in a prior art search project to outsource individual Chinese literature searches. For example, the Office should be able to prioritize searches to be outsourced based on areas with a high rate of foreign literature citations.

(e) The Office is expected to consider bringing other technologies into its examination practice than AI.

＜3 Addressing users' issues and needs＞[Evaluation items (8), (10)]

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[4] Quality attributes which are taken for granted when achieved fully, but cause dissatisfaction when not fulfilled.

> The JPO is expected to continue and improve its quality initiatives in order to address users' issues and needs related to consistency of judgements among examiners and on inventive step. In addition, it is expected to analyze individual factors to conduct examinations satisfactory to its users.

Major comments from the Subcommittee members:

(a) The questionnaire survey shows that both positive and negative responses increased to consistency of judgements among examiners and on inventive step. The Office is expected to create a mechanism to hear what aspects users are dissatisfied with and address them.

(b) The following should be compared with countries where family applications of an identical invention are filed: the status of citations of specific prior art, drafted notices of reasons for refusal, and details of the scope of the right. It is expected that such comparison and benchmarking with other countries and areas will significantly contribute to quality improvement.

＜4 Further review of policies, procedures and structures＞ ［Evaluation items (1), (5) and (9)］

> The Office is expected to review again its policies, procedures, and structures to achieve high-quality examination, dealing with changes in the social environment in the COVID-19 pandemic and the DX era.

Major comments from the Subcommittee members:

(a) The Fundamental Issues Subcommittee published a report titled "Desirable Industrial Property Right Policy in the Post-Corona/Under the Corona Pandemic" and the whole society demands acceleration of DX (Digital Transformation). This would provide a good opportunity for the Office to review the Quality Policy, the Quality Manual and how the Subcommittee on Examination Quality Management is operated. The Office is also expected to take various measures for items to be improved based on the limited resources.

(b) The Office is expected to examine whether the Quality Policy and the Quality Manual should be updated, considering changes in the social environment and how easily readers understand.

(c) There is a concern that the Office conducted fewer consultations and quality audits as quality audits based on analyses and countermeasures are fundamental to quality management. The Office is expected to reform the working practices in its quality management system in and after the pandemic.

(d) The Office is expected to ensure that its quality management system works efficiently enough in the teleworking environment.

## ２．Improvement recommendations for quality management of design examination

＜1 Enhancing communication with users＞ ［Evaluation items (1), (6) - (9) and (11)］

> The Office is expected to enhance communication with users, including one online.

Major comments from the Subcommittee members:

(a) The Office is expected to enhance online interviews to address issues of practices in the near future and after the pandemic ends.

(b) The Office is expected to continue to actively hold online and offline opinion exchanges and other meetings with various users, including not only major national companies, but also foreign companies, SMEs and startups.

(c) The teleworking environment seems to offer new communication and values, which are classified as "Attractive Quality[5]." It would be necessary to improve the "Attractive Quality" as well as the "Must-Be Quality[6]" for higher examination quality.

(d) The Office is expected to revise its examination manuals, such as the examination standards and guidelines, appropriately based on the actual circumstance and fully inform of and share the revision. It is also expected to continue to discuss how it publish and communicate information to various system users.

(e) The Office is expected to further enhance communication and collection of information on its official website and by other means, with a special focus on inviting public opinion on the website.

(f) The Office is expected to raise both user and examiner satisfaction as communication should be done mutually.

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[5] Quality attributes which provide satisfaction when achieved fully, but do not cause dissatisfaction when not fulfilled.

[6] Quality attributes which are taken for granted when achieved fully, but cause dissatisfaction when not fulfilled.

＜2 Securing the appropriate number of examiners and reviewing the examination system＞ ［Evaluation items (4) and (6)］

The Office is expected to secure the appropriate number of examiners to maintain and improve examination quality. It is also expected to improve examination efficiency and review its staffing structure.

Major comments from the Subcommittee members:

(a) The JPO is expected to secure the appropriate number of examiners and provide enhanced training for them.

(b) The JPO is expected to continue to review its examination system and staffing structure, as well as to collect examination-related documents and enhance its database in response to the revised Design Act. In the long term, it is desirable that the Office will consider implementing an AI-based examination system.

(c) The Office might need to review its staffing structure and examination process for efficiency. This will be done by measuring the time required to examine an application of new subject to protection (graphic images, buildings and interior) or a related design, which is likely to take longer, and by analyzing it from a viewpoint of quality management.

＜3 Addressing users' issues and needs＞[Evaluation items (4), (5), (7) – (9)]

The JPO is expected to continue and improve its quality initiatives in order to address users' issues and needs related to consistency of judgements among examiners and conduct examinations satisfactory to its users.

Major comments from the Subcommittee members:

(a) The Office is expected to make unified and consistent judgements in examinations of new subject to protection by encouraging examiners to exchange information within the Office on such examinations even more frequently.

(b) Possible solutions to discrepancies in examination would be to compare and examine applications refused under the same provision, to set a period in a job rotation, during which an examiner in charge can work with

their predecessor on the same task, and to create a system where examinations are checked by other members than approvers as well.

(c) More samples could make the User Satisfaction Survey more effective.

(d) The Office could hold opinion exchanges with users who responded in the Survey that they were "somewhat unsatisfied" or "unsatisfied" with the overall examination quality, so that the Office can encourage them to understand better its quality measures and identification of issues.

(e) Consultations on cases among examiners need to be enhanced to improve consistency of design examinations renewed by the revised Act. In that case, clarifications are needed as well on when directors get involved and what responsibilities they will take. The Office needs to review its examination status especially for the subject matters newly covered by the revised Design Act of 2019.

＜4 Further review of policies, procedures and structures＞ [Evaluation item (9)]

> The Office is expected to review again its policies, procedures, and structures to achieve high-quality examination, dealing with changes in the social environment in the COVID-19 pandemic and the DX era.

Major comments from the Subcommittee members:

(a) The Fundamental Issues Subcommittee published a report titled "Desirable Industrial Property Right Policy in the Post-Corona/Under the Corona Pandemic" and the whole society demands acceleration of DX (Digital Transformation). This would provide a good opportunity for the Office to review the Quality Policy, the Quality Manual and how the Subcommittee on Examination Quality Management is operated. The Office is also expected to take various measures for items to be improved based on the limited resources.

(b) The Office is expected to examine whether the Quality Policy and the Quality Manual should be updated, considering changes in the social environment and how easily readers understand.

## ３．Improvement recommendations for quality management of trademark examination

＜1 Enhancing communication with users＞ ［Evaluation items (3), (6), (9) and (11)］

> The Office is expected to enhance communication with users, including one online.

Major comments from the Subcommittee members:

(a) The Office is expected to continue its initiatives related to enhancement of communication with users, including one online, and to further promote online and streamlined procedures.

(b) The Office is expected to continue online and offline opinion exchanges and other meetings with various users, including not only major national companies, but also foreign companies, SMEs and startups.

(c) The Office is expected to further enhance communication and collection of information on its official website and by other means, with a special focus on inviting public opinion on the website.

(d) The Office is expected to further improve its teleworking environment so that, for example, users can reach examiners in charge working remotely over the phone.

(e) The teleworking environment seems to offer new communication and values, which are classified as "Attractive Quality[7]." It would be necessary to improve the "Attractive Quality" as well as the "Must-Be Quality[8]" for higher examination quality.

(f) The Office is expected to raise both user and examiner satisfaction as communication should be done mutually.

＜2 Securing the appropriate number of examiners and enhancing training＞ ［Evaluation item (4)］

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[7] Quality attributes which provide satisfaction when achieved fully, but do not cause dissatisfaction when not fulfilled.

[8] Quality attributes which are taken for granted when achieved fully, but cause dissatisfaction when not fulfilled.

The Office is expected to secure the appropriate number of examiners to maintain and improve examination quality and provide enhanced training for them.

Major comments from the Subcommittee members:

(a) The JPO is expected to secure the appropriate number of examiners and provide enhanced training for them.

(b) The Office is expected to enhance its system to provide sufficient training for increasing assistant examiners although it is challenging to keep a balance between the increasing number of examiners and the examination quality.

＜3 Dealing with increasing applications＞ ［Evaluation items (4), (5) and (9)］

Regarding the issue of a longer examination period due to an increase in applications, the Office is expected to continue to push its measures to enhance the examination implementation system, including examination efficiency, while maintaining the examination quality.

Major comments from the Subcommittee members:

(a) Regarding the issue of a longer examination period due to an increase in applications, the Office is expected to continue its measures to shorten the period, including examination efficiency, while maintaining the examination quality.

(b) In order to deal with the surge in the number of applications, the Office should focus on analyzing issues, developing an effective staffing structure and reviewing operating process, as well as start working with user organizations to review the examination process.

＜4 Addressing users' issues and needs＞ ［Evaluation items (6), (8) and (10)］

The JPO is expected to continue and improve its quality initiatives in order to address users' issues and needs related to consistency of judgements among

examiners and on inventive step. In addition, it is expected to analyze individual factors to conduct examinations satisfactory to its users.

Major comments from the Subcommittee members:

(a) The JPO is expected to continue and improve its quality initiatives in order to address users' issues and needs related to consistency of judgements among examiners and on inventive step. In addition, it is expected to conduct examinations satisfactory to its users, according to the basic policy that examiners should conduct unified examinations in line with the principles of the Examination Guidelines for Trademarks.

(b) The Office is expected to analyze negative comments from its users to reflect the results on its quality measures and identification of issues and to publish main examples of improvement measures it took based on the comments.

(c) The Office is expected to check whether consultations between examiners and managers are conducted frequently enough as the frequency and the content seems insufficient.

＜5 Further review of policies, procedures and structures＞ ［Evaluation items (1), (5) and (9)］

The Office is expected to review again its policies, procedures, and structures to achieve high-quality examination, dealing with changes in the social environment in the COVID-19 pandemic and the DX era.

Major comments from the Subcommittee members:

(a) The Fundamental Issues Subcommittee published a report titled "Desirable Industrial Property Right Policy in the Post-Corona/Under the Corona Pandemic" and the whole society demands acceleration of DX (Digital Transformation). This would provide a good opportunity for the Office to review the Quality Policy, the Quality Manual and how the Subcommittee on Examination Quality Management is operated. The Office is also expected to take various measures for items to be improved based on the limited resources.

(b) The Office is expected to examine whether the Quality Policy and the

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Quality Manual should be updated, considering changes in the social environment and how easily readers understand.

（c）The Office is expected to continue its measures for a sufficient quality management system even in the pandemic.

# IV．Conclusion

It was confirmed through evaluations of the quality management implementation system and status in FY 2020 that evaluations and improvement recommendations provided by the Subcommittee in FY 2019 were reflected in the initiatives undertaken by the JPO.

It was also confirmed that the JPO received a positive evaluation of its examination quality from its users and that it took initiatives to promote digitization in the post-COVID-19/under the COVID-19 pandemic, such as online interviews and the online International Cooperation on Patent Examination Practices.

In light of these points, this Subcommittee expects that the JPO will continue its efforts to improve examination quality through evaluations and improvement recommendations concerning the quality management implementation system and status as outlined in this report being reflected in the initiatives to be implemented within the JPO. This would result in further enhancing the implementation of the examination quality management system and promote improved cooperation, as well as online communication, with user applicants and their representative patent attorneys.

It is fundamental to quality management to analyze and assess the current examination quality and then to take measures for it. The Subcommittee also expects that the JPO will build and improve the quality management system in response to changes in the social environment in the "new normal" in the post-COVID-19/under the COVID-19 pandemic.

# Appendices

# (Appendix 1) Evaluation Items and Criteria Concerning Examination Quality Management

| 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? | | | | | | | |
| (1) | 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. |
| (2) | 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. |

| Items | | Objectives and perspectives | Examples for evaluation materials | Examples of evaluation methods/ evaluation criteria | | | |
|---|---|---|---|---|---|---|---|
| | | | | Very Satisfactory | Satisfactory | Generally Achieved | Requiring Improvements |
| (3) | Publication of the fundamental principles of quality management, etc. to users of IP systems and dissemination of such information to staff | • 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.<br>• 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. |
| I. Have policies, procedures, and structures been established to achieve high-quality examination? | | | | | | | |
| 2. Have structures been established to achieve high-quality examination? | | | | | | | |
| (4) | 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. |

| Items | | Objectives and perspectives | Examples for evaluation materials | Examples of evaluation methods/ evaluation criteria | | | |
|---|---|---|---|---|---|---|---|
| | | | | Very Satisfactory | Satisfactory | Generally Achieved | Requiring Improvements |
| (5) | 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. |
| II. Has the quality management been implemented according to policies and procedures? | | | | | | | |
| 1. Has the quality management been appropriately implemented? | | | | | | | |
| (6) | 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. |
| (7) | 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. |

| | Items | Objectives and perspectives | Examples for evaluation materials | Examples of evaluation methods/ evaluation criteria | | | |
|---|---|---|---|---|---|---|---|
| | | | | Very Satisfactory | Satisfactory | Generally Achieved | Requiring Improvements |
| (8) | 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. |
| II. Has the quality management been implemented according to policies and procedures? | | | | | | | |
| 2. Has continuous improvement been appropriately implemented? | | | | | | | |
| (9) | Status of improvement of policies, procedures, and structures to achieve high-quality examination [evaluation items (1) to (5)] | To evaluate whether improvement has been specifically made on evaluation items (1) to (5), 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. |
| (10) | Status of improvement of quality management initiatives [evaluation items (6) to (8)] | To evaluate whether improvement has been made on evaluation items (6) to (8), 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? | | | | | | | |

| | Items | Objectives and perspectives | Examples for evaluation materials | Examples of evaluation methods/ evaluation criteria | | | |
|---|---|---|---|---|---|---|---|
| | | | | Very Satisfactory | Satisfactory | Generally Achieved | Requiring Improvements |
| (11) | 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. |

(Appendix 2) Table of evaluation results in FY 2020

\*Each item is evaluated on a 4-point scale: "Very Satisfactory," "Satisfactory," "Generally Achieved," and "Needs Improvement."

| Evaluation item | | Patent | Design | Trademark |
|---|---|---|---|---|
| (1) | Status of creation of Quality Policies, Quality Manuals, and other documents | Very Satisfactory | Very Satisfactory | Very Satisfactory |
| (2) | Clarity of procedures for examination and quality management | Very Satisfactory | Very Satisfactory | Very Satisfactory |
| (3) | Publication of the fundamental principles of quality management, etc. to users of IP systems and dissemination of such information to staff | Very Satisfactory | Very Satisfactory | Very Satisfactory |
| (4) | Examination implementation system | Generally Achieved | Generally Achieved | Generally Achieved |
| (5) | Quality management system | Satisfactory | Satisfactory | Satisfactory |
| (6) | Initiatives for quality improvement | Satisfactory | Satisfactory | Satisfactory |
| (7) | Initiatives for quality verification | Satisfactory | Satisfactory | Satisfactory |
| (8) | Examination quality analysis and identification of issues | Satisfactory | Satisfactory | Satisfactory |
| (9) | Status of improvement of policies, procedures, and structures to achieve high-quality examination [evaluation items (1) to (5)] | Satisfactory | Satisfactory | Satisfactory |
| (10) | Status of improvement of quality management initiatives [evaluation items (6) to (8)] | Satisfactory | Satisfactory | Satisfactory |
| (11) | Communication of information on initiatives for examination quality improvement | Satisfactory | Satisfactory | Satisfactory |