

Report of the Subcommittee on Examination
Quality Management, FY 2021

March 2022

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 (JPO) 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 for the entire society even though it has been changed significantly by the COVID-19 pandemic.

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 particular, it has taken initiatives, such as development of a teleworking environment for its examiners, in response to the current circumstances.

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 JPO's examination quality management in FY 2021 and summarizes discussions on what needs to be improved.

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

The First Subcommittee Meeting: February 21, 2022

Agenda

1. Proposed evaluation results of the implementation system and status of the JPO's examination quality management
2. Improvement recommendations proposed by the Subcommittee members regarding the implementation system and status of the JPO's examination quality management
3. Examination-related initiatives based on the results of the User Satisfaction Survey

The Second Subcommittee Meeting: March 18, 2022

Agenda

1. Proposed report of the Subcommittee on Examination Quality Management, FY 2021

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

<u>Chairperson</u>	Yuriko Inoue	Professor, Graduate School of Law, 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
	Tomonori Bekku	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. For design matters, the Director-General of Patent and Design Examination Department joins them and for trademark matters, the Director-General of the Trademark and Customer Relations Department replaces 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 JPO's examination quality. They also follow the PDCA cycle to continuously improve their examination quality.

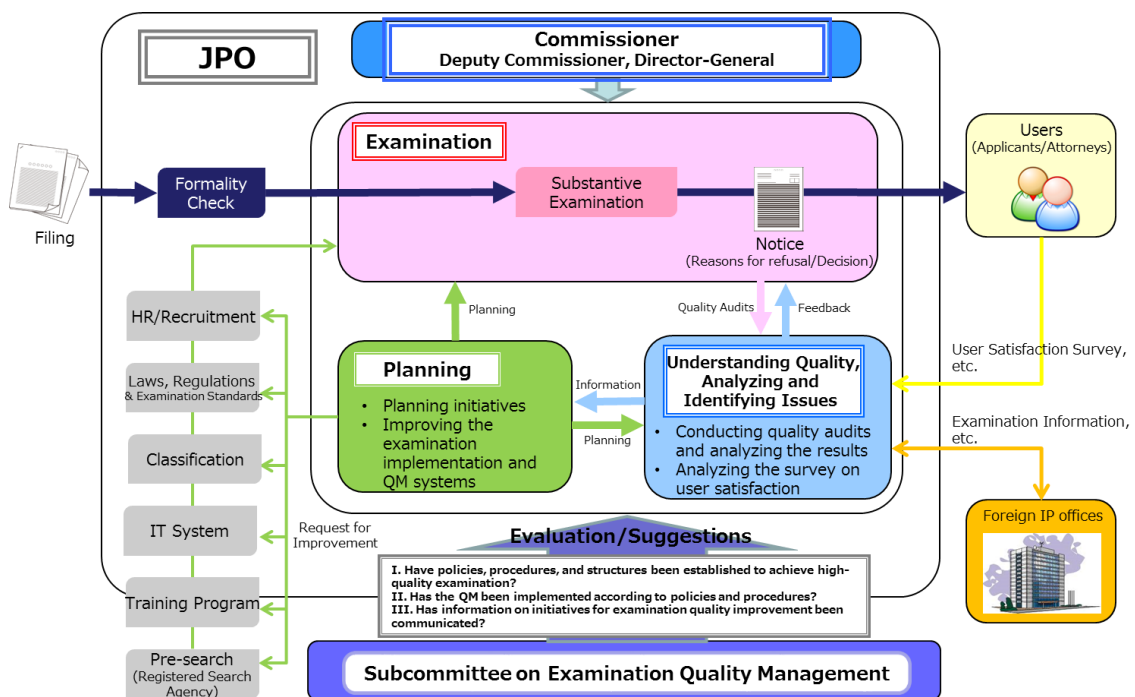
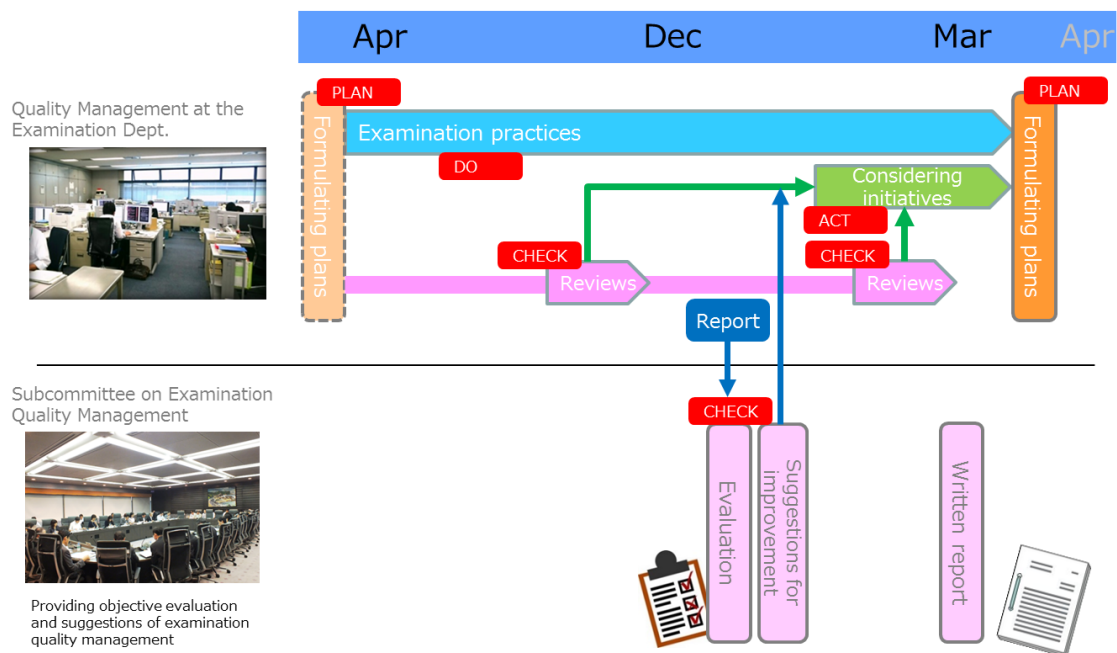


Figure 1: Overall quality management system at the JPO

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 JPO's internal PDCA cycle, which will contribute to maintenance and improvement of the overall examination quality (Figure 2).



The JPO's quality management system has been documented into the Quality Management Manuals (Quality Manuals) for patent, design, and trademark examinations, which were published on the JPO website¹.

¹ For details of the JPO's examination quality management and the Quality Manuals, see [Examination Quality Management of the JPO](#).

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 2020 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 is used as an official evaluation, any evaluation by a minority of the members

² For details of each document, see [Agenda and List of Documents for the First Subcommittee Meeting on Examination Quality Management](#) (Japanese version only).

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.
- Documents were reviewed based on the results of opinion exchanges with external groups and of discussions within the examination divisions.
- Documents indicating specific procedures for quality management were revised, in a timely manner, for an operational change due to the COVID-19 pandemic.

< Points to be improved >

- Some more work would need to be done on the linkage between the Quality Policy and the Quality Manual.
- Quality management documents that need to be updated should be updated in response to the result of the document review.
- The interview guidelines, revised in FY 2020, are expected to provide further clarification on the use of e-mails (e.g. procedures).

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 what should be done and how they should be done in the patent examination and the Quality Manual sufficiently clarifies who should be responsible for development and implementation of quality management, as well as procedures of and people in charge of quality management.

< Points to be improved >

- N/A

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" or "Generally Achieved."

< Evaluations >

- Both the Quality Policy and the Quality Manual are open to the public to the extent that they are easily accessible to users including those overseas. They are also communicated to all the staff involved in examination through different means, and training has been regularly offered to staff members.
- The JPO conducted questionnaires after the regular training for the staff and Quality Tests to see how effective they learned. and the JPO also gave feedback to all the examiners on questions of the Quality Tests many of the examiners failed to answer correctly.
- The JPO helped its staff members to understand quality management better by offering training based on their years of experience.

- It is favorable that the number of companies contacted by the JPO, especially online, is larger than that in FY 2020, as it relates to the introduction of the Quality Policy and other documents.

< Points to be improved >

- N/A

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 >

- While efficiently conducting the required number of examinations by utilizing prior art searches and by enhancing its support for emerging technologies, the JPO generally established an organizational structure in which high-quality examinations can be conducted. Notably in the prior art searches, constant improvements have been made in efficiency of examinations by examiners, such as enhanced outsourcing of foreign patent literature searches and of “supplementary” searches. Although the JPO examiners are inevitably outnumbered by the counterparts of the other foreign IP offices, the JPO achieved the world’s best standards in the average total pendency.
- The JPO developed its examination environment for AI- and IoT-related inventions.
- The JPO has its examination system where, even when most examiners work remotely, they can process the required number of applications at a target speed without any significant delay in the FA pendency or the total pendency.
- Online training was appropriately conducted.

< Points to be improved >

- The JPO has not quite reached an internationally comparable level in terms of the number of examiners and the personnel deployment.
- It is necessary to change the organizational and staffing structure flexibly, according to the trend in applications in the fields related to emerging technologies.
- Further improvements are expected in handling of foreign patent literature and emerging technologies by utilizing prior art searches.
- The JPO is expected to utilize AI technologies in examination (AI support in examination), as well as to build examiners' capacity, for a world-leading examination system.

Evaluation item (5): Quality management system

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

< Evaluations >

- The JPO established an organizational structure of examination quality management, which independently positioned persons in charge, persons conducting examinations, persons planning and making proposals for initiatives, and persons analyzing and evaluating examination quality. For example, written notices were assigned to Quality Management Officers based on the major types of the notice, aiming for better audit practices. Overall, an organizational and staffing structure was established in order to enable planning, making proposals for, and implementing initiatives for quality management in an efficient and effective manner.
- The JPO further streamlined and optimized its quality management system utilizing telework.

< Points to be improved >

- The JPO is expected to ensure that appropriate guidance is given to its examiners by examination departments and divisions receiving feedback on quality audit results.
- It would be desirable that the JPO compares its quality management system with that of its counterparts in other countries to find out what it should introduce from them.

Evaluation item (6): Initiatives for quality improvement

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

< Evaluations >

- The JPO planned and conducted the following various quality initiatives: approvals required for quality improvement, checks on drafted notices before approval, consultations, enhanced interviews and telephone contacts, accelerated examinations, enhanced searches of foreign patent documents, provision of support tools for drafting and quality-related information to examiners, and appropriate provision of search indexes, etc.
- The JPO made efforts to improve communication with its users by enhancing web conference services for online interviews and developing a mechanism for teleworking examiners to contact users by phone, which led to an increase in interview examinations, telephone contacts, etc.
- The JPO enabled in-depth consultations in which consulted examiners actually conduct searches and give examiners in charge an advice based on the search results rather than a just formal one.
- A newly developed mechanism for teleworking examiners to contact users by phone reduced a significant number of days it takes to contact examiners on administrative matters and to respond to proposed amendments. Users are highly satisfied with online interviews, for which

Microsoft Teams is available, in terms of speech quality and multiple methods available.

- Active consultations among examiners are a plus factor for improvement in and consistency of the overall examination quality.

< Points to be improved >

- Further utilization of online interviews is desired as facilitating communication with users is important for a long-term improvement in the examination quality after the COVID-19 pandemic ends.
- Research and training on how to conduct interviews would be necessary, as well as further consideration on improvement in interview procedures, as the JPO received many comments on “communication with examiners in on-site interviews and over the phone” in the User Satisfaction Survey.
- As there is a concern that the number of consultations among examiners is slightly decreasing, vigorous consultation activities online or by other means are desired even when examiners have to work away from the office.
- The JPO is expected to assess the current situation by comparing numbers not only in FY 2020 but also before the pandemic to further advance its quality initiatives.
- Online interviews and telephone contacts are expected to be improved and expanded further.
- User-friendliness improved by enhanced interviews and telephone contacts resulted in an increasing number of requests that the JPO should extend its interviews to include applicants abroad and state conditions for such interviews. The JPO is therefore expected to communicate information on this more actively.

Evaluation item (7): Initiatives for quality verification

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 JPO systematically implemented quality verification initiatives, including quality audits, the User Satisfaction Survey and opinion exchanges with users to understand the current situation. Even after completing the User Satisfaction Survey, instead of leaving it as it is, the JPO made steady efforts to turn verification outcomes into quality improvement by identifying items to be addressed on a priority basis through analyses.
- The JPO made its efforts, focusing on the results of the User Satisfaction Survey.
- The number of companies contacted by the JPO increased slightly, which would be considered an improvement from FY 2020 given that the pandemic still persists.
- The JPO called examiners in charge's attention to and implemented corrective measures for comments received on the official website, by email or by phone, with the consent of those who commented.

< Points to be improved >

- The JPO is also expected to implement quality verification based on an examiner survey, in addition to the User Satisfaction Survey, as the USPTO does in its quality management.
- The JPO is expected to continue its opinion exchanges and expand them to include various users such as companies abroad and SMEs, besides major domestic companies.

Evaluation item (8): Examination quality analysis and identification of issues

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

< Evaluations >

- The JPO appropriately analyzed its examination quality and identified issues by bringing together all the awareness gained through quality audits, partial audits and factor analyses of individual applications, as well as collection and analyses of data related to the User Satisfaction Survey and trials/appeals.
- The JPO appropriately conducted analyses and identified issues at each of the examination stages.
- The JPO identified appropriate issues from each analysis result. The issues include that quality of international searches and FAs needs to be improved by improving searches because the searches are main factors behind discrepancies in examination results between the JPO and foreign patent offices and that enhanced consultations and other measures are necessary for improvement in consistency of judgements among examiners.

< Points to be improved >

- Searches are information that forms the basis of examination and pose continued challenges, such as training for examiners and development of registered search organizations. The JPO is expected to address these challenges through measures, including budget preparation to enhance search methods.
- The JPO is expected to continue factor analyses and identification of issues for applications with discrepancies in examination results between the JPO and foreign patent offices and for applications with discrepancies between its search/examination results within the JPO.
- The JPO is expected to explore how to analyze its examination quality further for more specific issues although it has already established concrete analysis methods.

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.” Last year, it was evaluated as

"Satisfactory," while a minority of the members gave "Generally Achieved."

< Evaluations >

- The JPO reviewed its Quality Policy and other documents based on what was discussed in opinion exchanges on the Policy with IP-related and representative organizations and in each examination office on the patent examination department version of Values.
- The JPO made its continuous efforts to improve the efficiency of examinations by its examiners. The efforts include outsourcing of supplementary searches, pilot e-delivery of file wrappers, and researches for efficient outsourcing of foreign patent literature searches.
- With the pandemic still having an impact, the JPO took initiatives to improve its examination implementation system, avoiding prolonged stagnation of examination by coordinating procedures, guidelines and departments to allow teleworking.

< Points to be improved >

- The JPO is expected to continue to review the Quality Policy and revise it at an appropriate time as it should be changed over time.
- Search results and examination practices could still be improved as quality audit results show that there are some issues with these results and practices, which could affect judgements on patentability.
- It should be observed carefully whether the JPO could maintain and improve the quality of prior art searches on a limited budget.
- The JPO is expected to consider utilizing AI technologies (AI-based support) in examination for a more efficient implementation system. The JPO is also expected to continue improvements in its examination environment as there will likely be a greater need for examinations and searches across all the technical areas for AI- and IoT-related inventions.

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

< Evaluations >

- The JPO improved its quality management measures by, for example, introducing a new tool for teleworking examiners to contact users by phone and a web-conference service for online interviews.
- The JPO did not mention any drastic increase in concerns about consistency of judgement in examinations conducted in a teleworking environment, which means that the JPO appropriately implemented improvement measures. Analyses and identification of issues were done in a satisfactory manner.

< Points to be improved >

- The JPO is expected to work actively on enhancing its interviews as a long-term challenge for improvement in examination quality.
- Regarding the overall patent examinations quality of national applications in the User Satisfaction Survey, the overall satisfaction level is favorable as a majority of the respondents evaluated it as “Neutral” or higher. However, there is some concern that the proportions of “Unsatisfied” and “Somewhat Unsatisfied” increased slightly and that the proportions of “Satisfied” and “Somewhat Satisfied” decreased slightly. The proportions of “Unsatisfied” and “Somewhat Unsatisfied” with consistency of judgement increased as well.
- It would be desirable that, after implementing improvements, the JPO discusses what effects were achieved and whether there are any challenges to be addressed in order to confirm that the status of improvement is appropriate as the JPO does when comparing the number of tool users before and after training.
- The JPO is expected to continue to promote online interviews.

- The JPO is expected to show specific improvement measures for analyses and identification of issues of the examination quality, instead of leaving it at an abstract level.

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 “Generally Achieved” or “Very Satisfactory.”

< Evaluations >

- The JPO continuously communicated information inside and outside of the country and built cooperative relationships with domestic and international organizations/groups through its website, opinion exchanges with various users by contacting companies, international meetings/conferences, the International Cooperation on Patent Examination Practices, and cooperation with foreign IP offices.
- Especially in FY 2021, the JPO focused on contacting companies in Japan and performing international activities, such as the ASEAN IP Academy, and conducting a comparative study on computer implemented inventions/software related inventions between the JPO and the EPO.
- The JPO upgraded its website for startups to provide beginners with easy-to-understand information.

< Points to be improved >

- The JPO is expected to continue to actively provide quality-related information to international conferences and meetings, as it is important to achieve the utmost quality of patent examinations in the world, and to contact companies – startups, in particular – for opinion exchanges to understand what users need.

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 are appropriately managed.

<Points to be improved>

- Some more work would need to be done on the linkage between the Quality Policy and the Quality Manual.

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

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

<Evaluations>

- The Design Examination Guidelines were appropriately revised in response to the revised Design Act 2019. The Quality Manual shows in detail how quality management should be implemented, how evaluation should be done and who should be responsible for the PDCA cycle.
- The interview guidelines were also revised and they clearly describe procedures of interviews and telephone conversations in a teleworking situation.

<Points to be improved>

- N/A

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” or “Generally Achieved.”

< Evaluations >

- Both the Quality Policy and the Quality Manual were published to the degree that users, including those overseas, can easily access, and disseminated through multiple methods to all staff members who engage in examination. Also, training was provided regularly to the staff members.
- Staff training for quality management was provided according to their years of experience to promote their understanding.

< Points to be improved >

- N/A

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 “Satisfactory.”

< Evaluations >

- The JPO flexibly reviewed where its staff members were assigned to deal with expansion of the scope of subject matter for design protection and a surge of applications. The JPO also maintains a certain level of speed in design examinations.
- The FA pendency was adequately short and satisfactory, compared to the other IP offices. Classifications were put in place for applications of

interior designs, face masks and other types of subject matter, which increased in this fiscal year.

- The JPO delivered results in its initiatives, such as prevention of delay in examination, despite the facts that the revised Design Act led to more examinations of the newly introduced subject matter; that the revised Examination Guidelines relaxed drawing requirements, introduced an operational change in article names, and enhanced the related design system; that international applications have been increasing, and that the COVID-19 pandemic still persists.
- Interview examinations for design registration were highly evaluated by users because examiners were courteous, showing their strong interest in users' explanations.

<Points to be improved>

- Examiners at the JPO currently process far more examinations than their counterparts at the USPTO do on a per capita basis; moreover, only a limited number of them are responsible for international design applications and quality initiatives. This indicates that the JPO's organizational and staffing structure is not as large as other IP offices with a substantive examination system.
- The JPO is expected to make an adequate effort to collect prior art for the newly-introduced interior designs.
- 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, the JPO is expected to consider implementing an AI-based examination system.
- It should be observed carefully whether the JPO can appropriately deal with the broader scope of subject matter covered by the revised Design Act 2019.
- The JPO is expected to face a different type of difficulty in examination from before, due to changes in circumstances, including the broader scope of subject matter covered by the revised Act, the revised provision

of "One Application per Design" and rapidly increasing applications in specific types of subject matter (e.g. sanitary masks).

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 "Very Satisfactory."

< Evaluations >

- The JPO developed a quality management system equivalent to that in other countries with a substantive examination system by implementing quality management initiatives. In one of the initiatives, five examiners were assigned to develop plans for quality management (as well as to carry out examinations), one of whom served as an executive officer to analyze and assess quality audits. In FY 2021, the JPO continued quality audits of international design applications and fully started quality audits of applications for graphic images (domestic and filed before the expansion of protection). 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.
- An organizational and staffing structure was established in order to implement quality management initiatives at an internationally comparable level.

< Points to be improved >

- The JPO is expected to ensure that appropriate guidance is given to its examiners by examination departments and divisions receiving feedback on quality audit results.

- Benchmarking with other IP offices will be necessary to confirm that the JPO's quality management system reaches the highest standard in the world.

Evaluation item (6): Initiatives for quality improvement

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" or "Very Satisfactory."

< Evaluations >

- The JPO appropriately conducted consultations on applications between examiners and approvers to improve examination quality. It also provided appropriate training on the revised Design Act 2019 and the revised Examination Guidelines. The JPO improves its quality management measures by, for example, developing a mechanism for teleworking examiners to contact users by phone, which is highly evaluated by the users.
- The JPO introduced measures to improve examination efficiency, such as development of support tools for examiners based on an image search technology.
- The JPO continuously implemented initiatives necessary for quality improvement.
- The JPO conducted consultations on examinations of applications for the designs newly introduced by the revised Design Act and of international applications for design registration. Its IT system was also appropriately updated in response to the revised Act.

< Points to be improved >

- It might be difficult to collect examination materials for interior designs. However, the JPO is expected to ask companies and organizations for cooperation to collect appropriate materials.

- Online interviews and telephone contacts are expected to be further improved and expanded.

Evaluation item (7): Initiatives for quality verification

This item was evaluated as “Satisfactory.” Last year, it was evaluated as “Satisfactory.”

< Evaluations >

- The JPO systematically implemented quality verification initiatives, including quality audits by random sampling, the User Satisfaction Survey and opinion exchanges with users to understand the current situation. The survey respondents this year evaluated far more highly items the JPO addressed on a priority basis following analyses of last year’s User Satisfaction Survey, which demonstrates that the JPO makes steady efforts to turn verification outcomes into quality improvement.
- The JPO conducted the User Satisfaction Survey, in addition to quality audits of national applications and Hague applications.
- The JPO appropriately implemented measures for quality verification, including quality audits, the User Satisfaction Survey and factor analyses of discrepancies in judgments between examinations and appeals/trials.

< Points to be improved >

- The JPO is also expected to implement quality verification based on an examiner survey as the USPTO does in its quality management.
- The JPO is expected to continue its opinion exchanges and expand them to include various users other than major domestic companies, such as companies abroad.

Evaluation item (8): Examination quality analysis and identification of issues

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

< Evaluations >

- The JPO appropriately analyzed its examination quality and identifies issues by bringing together all the awareness gained through quality audits, factor analyses of individual applications, the User Satisfaction Survey and factor analyses of discrepancies in judgments between examinations and appeals/trials. It also made steady efforts to resolve issues by, for example, conducting quality audits with a focus on issues identified in the previous fiscal year.
- In the current quality management system, the JPO analyzed its examination quality and identified issues in various initiatives. Importantly, it increased the number of Hague applications to be audited by 50% and developed an appropriate mechanism to identify issues before conducting quality audits.
- In the course of the process (from examination, approval, dispatch, finalization, applicant/representative to trial/appeal), the JPO analyzed from many different angles and identified issues from each step.
- The JPO adequately analyzed its examination quality and identified issues.

< Points to be improved >

There is a concern that identified issues are related to formality, such as how notices of reasons for refusal are written and appropriate English expressions. It should be observed carefully whether the JPO will identify substantial issues as it is going to start analyzing international design applications with discrepancies in examination results between the JPO and foreign patent offices.

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.” Last year, it was evaluated as “Satisfactory,” while a minority of the members gave “Very Satisfactory.”

< Evaluations >

- The JPO took various measures to conduct design examinations appropriately after the revised Design Act came into force. The COVID-19 pandemic did not affect design examinations significantly and the Committee members did not receive any requests for specific measures or improvement. The JPO revised the interview guidelines to allow interactions on draft amendments, for example, by email.
- The JPO heard its users' opinions about and informed them of the revised Design Examination Guidelines in December, 2020 and March, 2021, the revised Design Act and the Ordinance for Enforcement promulgated in May, 2019 and the accompanying revisions of the Guidelines. The JPO also sufficiently informed its design examiners of the revised Design Examination Guidelines and continues to improve its policies, procedures and structures of quality audits.
- The JPO made every effort to raise users' awareness.

< Points to be improved >

- Only a limited number of examiners are responsible for examinations of domestic and international design applications and for quality initiatives. This indicates that the JPO's organizational and staffing structure is not sufficient. The JPO is therefore expected to increase its examiners and introduce AI to the examination process in the future.
- Regarding the examination implementation system in (4) above, a limited number of examiners are often responsible for other work than examinations of international design applications and quality initiatives. This means that the JPO's organizational and staffing structure is not sufficient to deal with impacts of the revised Design Act and a potential increase in design applications following China's accession to the Hague Agreement.
- To promote users' understanding, the JPO is expected to follow up continuously on its activities to inform them of the revised Design Act, the Ordinance for Enforcement and the revised Design Examination Guidelines, which is done online due to the pandemic.

- After drawing requirements were relaxed and protection of graphic image designs was introduced, an increasing number of users are unsure of how to draw solid, dashed and dash-dotted lines differently in partial designs. (These lines in a drawing might conform to the format, but do not match what is requested to be protected.) The JPO is therefore expected to show clearer guidelines in this regard once again.

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.” Last year, it was evaluated as “Satisfactory,” while a minority of the members gave “Very Satisfactory.”

< Evaluations >

- The JPO improved its quality management measures by, for example, developing a mechanism for teleworking examiners to contact users by phone, which is highly evaluated by the users.
- The JPO made steady efforts to resolve issues by, for example, conducting quality audits with a focus on issues identified in the previous fiscal year.
- The JPO has been working on improvement in its quality management measures even in a changing operating environment where, for example, the staff members rapidly move to regular teleworking due to the pandemic.

< Points to be improved >

- The User Satisfaction Survey showed no decline in negative responses to consistency of judgement. Negative responses to the level of examiners' technical expertise increased and the user satisfaction is relatively low with the overall examination quality of international applications for design registration. All of this means that the JPO still needs to work on improvements.

- The number of interviews (including online interviews) and telephone contacts decreased slightly compared to FY 2019, which indicates that there is room for improvement in communication with users.
- The JPO is expected to continue to promote online interview examinations.
- The JPO is expected to promptly solve a problem of the current classification practice which does not allow searches of graphic image designs of specific article types, as some users wish to conduct such searches.

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

< Evaluations >

- The JPO established continuous cooperative relations with domestic users by communicating information on examination quality improvement and holding exchanges of opinions on a regular basis. It also continued to collect and communicate information from/to overseas users through various seminars.
- In terms of relationships with foreign IP offices, the JPO would be able to improve the presence of its design examination in emerging countries by actively providing training sessions for design examiners of IP offices in such countries.
- The ID5 Offices published a user catalog for the Offices’ quality management initiatives on the ID5 website, as an outcome of their cooperative projects.

< Points to be improved >

- The JPO is expected to consider making the user catalog published on the ID5 website accessible from the Quality Management Office page on the JPO website.
- The JPO is expected to sort out information it communicates to users and improve accessibility of the information.
- It is praiseworthy of the JPO to have enhanced the compiled Q&As concerning exceptions to lack of novelty. However, the procedures for seeking the application of exceptions are not quite user-friendly because the contents of the required proof are so complicated and detailed that it requires a significant effort to look at them closely and implement them, even if the procedures get clearer. The JPO is therefore expected to make the whole scheme simpler and easier to understand before making manuals clearer.
- The JPO is expected to promote communication of information in English on its schemes that are different from other foreign offices', such as exceptions to lack of novelty.
- Regarding the "collective application for multiple designs" system, overseas users see little difference from the "one application for multiple designs" system in the EU and the "one application for working examples" system in the US. The JPO is expected to actively inform them of the operational change of the system on and after the first of April, 2020.
- It would be desirable that the JPO will continue online briefing sessions on the revised Design Act and the revised Examination Guidelines, which accept more users.

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.

< Points to be improved >

- Some more work would need to be done on the linkage between the Quality Policy and the Quality Manual.

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

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

< Evaluations >

- The JPO published and revised as needed the Examination Guidelines for Trademarks, the Examination Manual for Trademarks and the Outline of Trademark Examination Procedures that stipulate what is necessary and how trademark examinations should be conducted. 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 Outline of Trademark Examination Procedures was published, which secures clarity of procedures.

< Points to be improved >

- N/A

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 open to the public to the extent that they are easily accessible to users including those overseas. They are also communicated to all the staff involved in examination through different means and training has been regularly offered to the staff members.
- The JPO helped its staff members to understand quality management better by offering training based on their years of experience.

< Points to be improved >

- N/A

Evaluation item (4): Examination implementation system

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

< Evaluations >

- The JPO reviewed the system to instruct assistant examiners, according to the number of them, established an effective staffing structure, and improved training sessions for examiners after optimizing private-sector

search organizations and hiring fixed-term trademark examiners in response to a surge in the number of examinations.

- The JPO took new initiatives, including optimization of private-sector search organizations and utilization of AI for more efficient examinations, preventing the examination period from getting longer.

< Points to be improved >

- The absolute number of examiners at the JPO is smaller and they process more examinations on a per capita basis than their counterparts in other countries, which suggests that the JPO faces some challenges in its examination system and organizational structure. Therefore, the JPO is expected to make efforts continuously to take its organizational structure for examination and personnel deployment to an internationally comparable level.
- The JPO is expected to tackle even further the issue of a longer examination period due to an increase in applications.
- Regarding the project to consider measures for more effective examinations, the JPO is expected to communicate appropriate information on the measures to users.
- For examination quality improvement, the JPO is expected to enhance training for assistant examiners.

Evaluation item (5): Quality management system

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

< Evaluations >

- The JPO established an organizational structure of examination quality management, in which persons in charge, persons conducting examinations, persons planning and making proposals for initiatives, and persons analyzing and evaluating the quality of examinations were all

independently positioned. For example, written notices were assigned to Quality Management Officers based on the major types of the notice, aiming for better audit practices. Overall, the organizational and staffing structure was established in order to enable planning and making proposals for initiatives for quality management in an efficient and effective manner so that quality management initiatives are conducted at an internationally comparable level.

< Points to be improved >

- The JPO is expected to ensure that appropriate guidance is given to its examiners by examination departments and divisions receiving feedback on quality audit results.
- The JPO is expected to constantly make a successful effort to improve the system.
- It would be desirable 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 JPO is expected to appropriately operate its examination implementation system and confirm the effect as it needs to address consistency of judgement among examiners.

Evaluation item (6): Initiatives for quality improvement

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

< Evaluations >

- The JPO conducted various consultations, depending on the importance of the applications. For example, it conducted mandatory consultations on applications for which consistency of judgement much needed to be secured and which gained public attention and importance. The JPO implemented initiatives for more efficient examinations based on AI. It also made its efforts to improve consistency of judgement among

examiners, in which the JPO collected and analyzed examination-related data, including immediate registration rates for each examiner and rates of notices of reasons for refusal for each provision, and gave feedback to examiners.

- The JPO took measures for better online communication, such as emailing draft amendments and enhancing web conference services for online interviews.
- Utilizing Check Sheets for Examiners was useful for better examination quality. Enhanced consultations among examiners and with other examination divisions also contributed to improvement in examination quality.
- The JPO has been implementing initiatives necessary for quality improvement (e.g. approvals, consultations, target setting and evaluations of examiners, interviews or telephone contacts, collection and provision of quality-related information and training) continuously and as planned.
- The JPO made its effort to improve examiners' efficiency and reduce their burden by refining its agile-developed teleworking system and other tools to support examinations and doing maintenance work, such as data updates, to help examiners work efficiently in a teleworking environment.

<Points to be improved>

- The JPO is expected to organize situations and scenarios where communication tools, including online interviews should be utilized.
- The JPO is expected to further promote online and streamlined procedures in the post-COVID-19/under the COVID-19 pandemic, as part of its efforts to enhance online and offline communication with users.

Evaluation item (7): Initiatives for quality verification

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

<Evaluations>

- The JPO systematically implemented quality verification initiatives, including quality audits, the User Satisfaction Survey and opinion exchanges with users to understand the current situation. Even after completing the User Satisfaction Survey, instead of leaving it as it is, the JPO made steady efforts to give feedback on verification outcomes and turn them into quality improvement.
- The JPO understood and analyzed the current state of and users' need for its examination quality based on exchanges of opinions with respondents who chose "unsatisfied" in the User Satisfaction Survey.
- The JPO appropriately verified the validity of ex officio examinations and of identification and judgments through quality audits, which are required for quality verification. The JPO also made its efforts to understand the current state of its examination quality based on the User Satisfaction Survey and exchanges of opinions with users. The JPO continued to conduct and analyze the User Satisfaction Survey, from which it appropriately identified issues.
- The JPO understood and analyzed the current state of and users' need for its examination quality based on exchanges of opinions.

<Points to be improved>

- The JPO is expected to continue to work on improvement in other items in addition to the prioritized ones, "consistency of judgement among examiners", "consistency of judgement on distinctiveness" and "consistency of judgements and decisions" to maintain and improve its examination quality. It is also expected to consider publishing main examples of improvement measures the JPO took based on comments from users.
- The JPO is expected to reflect results of quality verification in examination quality measures because there remain calls among users for tackling the prolonged examination period and the issue of consistency of judgement among examiners.

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 JPO appropriately analyzed its examination quality and identified issues by bringing together all the awareness gained through quality audits, factor analyses of individual applications, the User Satisfaction Survey and factor analyses of discrepancies in judgments between examinations and appeals/trials. It also made steady efforts to resolve issues by, for example, conducting quality audits with a focus on issues identified in the previous fiscal year.
- The JPO took initiatives to share information and raise shared awareness within its examination departments with a view to gaining effects that contribute to quality improvement.
- The JPO appropriately conducted analyses and identifies issues at each of the examination stages.

< Points to be improved >

- The JPO would vary its approaches to issues, depending on whether they are identified repeatedly every year or they are newly identified. The JPO needs to consider taking more specific approach to the issue regarding judgment on distinctiveness, which is repeatedly identified in the User Satisfaction Survey.
- The JPO is expected to further improve its examination quality based on the results obtained from quality analyses and identification of issues in various initiatives.
- It would be better if the JPO can identify some issues from the trend revealed by its analysis that examiners make active use of e-mails as a means of communication when teleworking.

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” or “Very Satisfactory.”

< Evaluations >

- The JPO hired a considerable number of fixed-term examiners to enhance its examination implementation system, improved online services and continued the project for more effective examinations. Such various measures helped to shorten the examination period prolonged by a rapid increase in the number of applications.
- The enhanced examination implementation system contributed to an increase in the number of applications examined.
- The JPO has been considering use of private-sector search organizations and possible use of search tools for prior similar figurative trademarks.
- The JPO examined significantly more applications and made a steady improvement in the examination period.

< Points to be improved >

- The JPO is expected to continue active researches into utilization of AI technologies to search for prior similar figurative trademarks and utilization of private-sector search organizations.
- The JPO is expected to continue to actively promote initiatives, such as the application guide and the support page, to help users file applications and to make examinations more efficient.
- The JPO is expected to continue its measures to shorten the examination period while focusing on maintenance and improvement of the examination quality.

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

This item was evaluated as “Satisfactory.” Last year, it was evaluated as

“Satisfactory,” while a minority of the members gave “Very Satisfactory.”

< Evaluations >

- The JPO made efforts to improve its quality management initiatives by developing a mechanism for teleworking examiners to contact users by phone and enhancing web conference services for online interviews.
- The JPO made its effort to improve examiners’ efficiency and reduce their burden and sufficiently improved its quality initiatives in response to a changing operating environment by refining its agile-developed teleworking system and other tools to support examinations and doing maintenance work, such as data updates, to help examiners work efficiently in a teleworking environment.
- The JPO achieved improvement in its quality initiatives in response to a changing operating environment and reflected it in its interactions with users (e.g. e-mailing draft amendments).

< Points to be improved >

- The JPO is expected to continue to make active use of examination support tools, such as ones to decide whether applications are subject to the fast track examination and ones to digitize records of correspondence, as they help speed up examinations and improve examination quality.
- The JPO 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 JPO is expected to continue to promote online interview examinations.
- The JPO is expected to improve its mechanism for teleworking examiners to contact users, which, from users’ point of view, has not sufficiently developed.

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

< Evaluations >

- The JPO communicated sufficient information on its quality management of trademark examination by, for example, exchanging opinions on quality management in international meetings with the TIPO, the KIPO, the CNIPA, and the EPO. The JPO also contributed to improvement in examination quality of IP offices in emerging countries by introducing its quality management system to staff members of the IP offices.
- The JPO continuously communicates information inside and outside of the country and builds cooperative relationships with domestic and international organizations/groups through its website, opinion exchanges with various users, international meetings/conferences, the International Cooperation on Trademark Examination Practices, and cooperation with foreign IP offices.
- The JPO actively communicates information to its users and exchanges opinions inside and outside of the country.

< Points to be improved >

- It would be desirable that the JPO will continue to actively promote training for personnel it invites from the IP offices in emerging countries, which will increase the presence of the JPO’s IP system. It would also be desirable that the JPO will take its actions to communicate information, based on differences in objectives of doing so in Japan (to promote utilization) and outside Japan (to cooperate with the international community and increase the JPO’s presence).
- The JPO 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.
- The JPO has not sufficiently communicated publication of the Quality Policy and the Quality Manual to trademark system users and the Policy

II . Evaluation of the implementation system and status of quality management
3 .Evaluation of trademark examination quality management

and the Manual are merely accessible to the users. The Office would need a little more effort to find better ways to communicate the publication as it should be taken into consideration that the trademark system tends to have a wider variety of users than the patent or design system does.

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

1. Improvement recommendations for quality management of patent examination

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 (see Appendix 3 at the end of this report).

1. Improvement recommendations for quality management of patent examination

< Recommendation 1 > [Evaluation item (4)]

The JPO is expected to secure the appropriate number of examiners and provide them with enhanced training, as well as to continue its support for emerging technologies and high examination efficiency.

Major comments from the Subcommittee members:

- (a) The JPO is expected to continue securing the appropriate number of examiners and providing them with training to maintain and improve its examination quality.
- (b) The JPO is expected to work continuously on maintaining and improving its examination quality of inventions related to emerging technologies (AI and IoT, in particular).
- (c) It is suggested that, regarding the projects to consider measures for more effective examinations, the JPO should introduce some of them which produced well-received outcomes to its patent examination practices in a more effectual manner.

< Recommendation 2 > [Evaluation items (6) and (10)]

The JPO is expected to appropriately implement quality initiatives, such as consultations, for consistency of judgement and other issues.

Major comments from the Subcommittee members:

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

1.Improvement recommendations for quality management of patent examination

- (a) The JPO needs to continuously conduct unified examinations based on its basic principle of fair judgement with advanced expertise, as well as to continue consultations and other initiatives for users' awareness and needs regarding consistency of judgement.
- (b) The JPO is expected to consider whether new measures are necessary as the results of quality audits and the User Satisfaction Survey (e.g. evaluation of consistency of judgement) hardly showed a major improvement.
- (c) The JPO is expected to further improve consultations and other communication among examiners, which would lead to improvement in consistency of judgement.

< Recommendation 3 > [Evaluation items (6) and (11)]

The JPO is expected to enhance communication with its users and actively dispatch information on related initiatives.

Major comments from the Subcommittee members:

- (a) The JPO is expected to improve its examination environment and efficiency, for which it should address issues from users' and examiners' perspectives by understanding users' opinions and needs for smooth communication with them, as well as by asking examiners about usability of and what they want in the initiatives.
- (b) The JPO is expected to continue to encourage applicants to use online interviews for better communication and a mutual understanding so that they could get satisfactory decisions.
- (c) The tools for online interviews, which were put in place to deal with problems, such as the COVID-19 pandemic, offer applicants the benefit of being able to communicate with examiners without visiting the JPO. The JPO is expected to actively accommodate users' requests, if any, for online interviews for better communication between users and examiners and examination quality.

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

1.Improvement recommendations for quality management of patent examination

- (d) It is suggested that, with e-mails being increasingly used for interviews and telephone contacts, the JPO should further clarify procedures and other documents to use them and actively communicate information.
- (e) Regarding interviews and telephone contacts with teleworking examiners, the JPO could also further clarify procedures and other documents (especially on unpublished applications) and actively communicate information.

< Recommendation 4 > [Evaluation items (7) and (8)]

The JPO is expected to enhance initiatives for quality verification, analyses of examination quality and identification of issues to improve its quality management continuously.

Major comments from the Subcommittee members:

- (a) In the quality management at the USPTO, an examiner survey, along with a user satisfaction survey, is conducted to explore internal factors (whether training and other activities helped to build the capacity of examiners) and external factors (whether applicants were cooperative in examination quality improvement). The JPO is also expected to conduct an examiner survey as it would be effective to implement quality verification in not only a user satisfaction survey, but also an examiner survey.
- (b) In order to achieve the utmost examination quality in the world, the JPO needs to analyze factors behind and identify issues from discrepancies in examination results between the JPO and foreign patent offices and discrepancies between its search/examination results within the JPO, aiming for further cooperation with foreign IP offices in dealing with the former discrepancies and for zero occurrence of the latter.

2. Improvement recommendations for quality management of design examination

< Recommendation 1 > [Evaluation items (4)]

The JPO is expected to secure the appropriate number of examiners and provide them with enhanced training, as well as to deal with the broader scope of subject matter covered by the revised Design Act and improve examination efficiency continuously.

Major comments from the Subcommittee members:

- (a) The JPO is expected to continue securing the appropriate number of examiners and providing them with training to maintain and improve its examination quality.
- (b) Regarding the revised Design Act, the Ordinance for Enforcement and the revised Design Examination Guidelines, the JPO is expected to continuously clarify procedures, publish and inform of them, and maintain and improve the examination implementation system.

< Recommendation 2 > [Evaluation items (4) and (6)]

The JPO is expected to focus on initiatives for consistency of judgement among examiners as well as to maintain and improve quality initiatives.

Major comments from the Subcommittee members:

- (a) The JPO is expected to strive actively to collect examination materials for designs with no such materials, including interior designs, so that high-quality examinations can be conducted.
- (b) The JPO is expected to enhance its initiatives, such as training, for international applications for design registration. They are also expected to consider whether new measures are necessary, taking users' advice, to ensure consistency of judgement among examiners in examinations in design fields where applications are increasing rapidly and which are now subject to registration, according to the revised Act.
- (c) The JPO is expected to focus on initiatives for consistency of judgement among examiners and strive to achieve unified examinations based on its basic principle of fair judgement with advanced expertise.

- III. Improvement recommendations for the implementation system and status of quality management
 - 2.Improvement recommendations for quality management of design examination

- (d) The JPO is expected to maintain and improve its examination quality to cover the new registrable designs in the revised Act.

< Recommendation 3 > [Evaluation item (6)]

The JPO is expected to promote initiatives for smooth communication with users and a deeper mutual understanding.

Major comments from the Subcommittee members:

- (c) The JPO is expected to improve its examination environment and efficiency, for which it should address issues from users' and examiners' perspectives by understanding users' opinions and needs for smooth communication with them, as well as by asking examiners about usability of and what they want in the initiatives.
- (d) The JPO is expected to continue to encourage applicants to use online interviews for better communication and a mutual understanding so that they could get satisfactory decisions.

< Recommendation 4 > [Evaluation items (7), (8) and (11)]

The JPO is expected to enhance initiatives for quality verification, analyses of examination quality and identification of issues, and communicate information on related initiatives to improve its quality management continuously.

Major comments from the Subcommittee members:

- (a) In the quality management at the USPTO, an examiner survey, along with a user satisfaction survey, is conducted to explore internal factors (whether training and other activities helped to build the capacity of examiners) and external factors (whether applicants were cooperative in examination quality improvement). The JPO is also expected to conduct an examiner survey as it would be effective to implement quality verification in not only a user satisfaction survey, but also an examiner survey.

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

2.Improvement recommendations for quality management of design examination

- (b) The JPO is expected to enhance quality verification initiatives for examinations of international applications for design registration and identify issues from analysis results for further improvement.
- (c) The JPO is expected to consider making the user catalog for the ID5 Offices' cooperative projects related to quality management accessible on the JPO website.

3. Improvement recommendations for quality management of trademark examination

< Recommendation 1 > [Evaluation items (4) and (6)]

The JPO is expected to secure the appropriate number of examiners and provide them with enhanced training, as well as to continue its measures to tackle the prolonged examination period due to an increase in applications.

Major comments from the Subcommittee members:

- (a) The JPO is expected to continuously work on securing the appropriate number of examiners and providing them with enhanced training.
- (b) The JPO is expected to take measures to maintain examination quality and ensure consistency of judgement among examiners, in addition to the increased number of fixed-term examiners.
- (c) The JPO is expected to be prepared to further enhance training/guidance for assistant examiners new examiners.
- (d) The JPO has enhanced its training and it would be desirable for the JPO to enhance verification of results of the training as well.
- (e) Regarding the prolonged examination period due to an increase in applications, the JPO is expected to continue its initiatives to shorten the period with a focus on maintenance/improvement of examination quality.

< Recommendation 2 > [Evaluation item (6)]

The JPO is expected to consider what are more effective initiatives to address users' issues and needs related to consistency of judgement among examiners and on distinctiveness by, for example, interviewing users while continuing the current initiatives.

Major comments from the Subcommittee members:

- (a) The JPO is expected to continue its quality initiatives in order to address users' issues and needs related to consistency of judgement among examiners and on distinctiveness. 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.

III. Improvement recommendations for the implementation system and status of quality management
3.Improvement recommendations for quality management of trademark examination

- (b) The JPO is expected to consider what are more effective initiatives to address users' issues and needs related to consistency of judgement among examiners and on distinctiveness by, for example, interviewing users.

< Recommendation 3 > [Evaluation items (6) and (11)]

The JPO is expected to promote initiatives for smooth communication with users and a deeper mutual understanding, as well as to communicate information on the initiatives.

Major comments from the Subcommittee members:

- (a) The JPO would need to consider changing the way they conduct interviews based on the nature of cases as users might request interviews in cases that involve fact-finding, such as distinctiveness acquired through use.
- (b) The JPO is expected to further promote online and streamlined procedures in the post-COVID-19/under the COVID-19 pandemic, as part of its efforts to enhance online and offline communication with users.
- (c) The JPO is expected to improve its examination environment and efficiency, for which it should address issues from users' and examiners' perspective by understanding users' opinions and needs for smooth communication with them, as well as by asking examiners about usability of and what they want in the initiatives.
- (d) The JPO is expected to continue to encourage applicants to use online interviews for better communication and a mutual understanding so that they could get satisfactory decisions.
- (e) The JPO is expected to continue its efforts to enhance online and offline communication with users. They are also expected to communicate easy-to-understand information on how they interview overseas applicants, including availability of online interviews.
- (f) The JPO is expected to establish its examination system that allows teleworking examiners to exchange as real-time correspondence by e-mail as by phone.

III. Improvement recommendations for the implementation system and status of quality management
3.Improvement recommendations for quality management of trademark examination

- (g) With e-mails being increasingly used for interviews and telephone contacts, the JPO is expected to further clarify procedures and other documents to use them and actively communicate information.

< Recommendation 4 > [Evaluation item (7)]

The JPO is expected to enhance initiatives for quality verification, analyses of examination quality and identification of issues to improve its quality management continuously.

Major comments from the Subcommittee members:

- (a) In the quality management at the USPTO, an examiner survey, along with a user satisfaction survey, is conducted to explore internal factors (whether training and other activities helped to build the capacity of examiners) and external factors (whether applicants were cooperative in examination quality improvement). The JPO is also expected to conduct an examiner survey as it would be effective to implement quality verification in not only a user satisfaction survey, but also an examiner survey.

IV. Conclusion

It was confirmed through evaluations of the quality management implementation system and status in FY 2021 that evaluations and improvement recommendations provided by the Subcommittee in FY 2020 were reflected in the initiatives undertaken by the JPO.

In light of this, the 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 promoting improved cooperation with user applicants and their representative patent attorneys.

The FY 2021 report added changes in percentages of evaluations in the User Satisfaction Survey and examination-related measures taken by the JPO in [Appendix 4](#) below. 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 continue the analysis and utilize it for future measures to maintain and improve its examination quality and consistency.

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	<ul style="list-style-type: none"> To evaluate whether the fundamental principles of examination quality management that the JPO has formulated as a goal, and other relevant initiatives have been clearly shown to users of IP systems, including overseas users, and to confirm whether examination quality is allowed to be evaluated in relation to such fundamental principles. To evaluate whether the fundamental principles of examination quality management that the JPO has formulated as a goal have been sufficiently disseminated to and understood by staff, and to confirm whether staff is allowed to conduct their works in accordance with them. 	The status of publication, the methods of access, the status of dissemination to staff and their understanding, etc.	Policies and procedures on quality management have been published to the degree that users, including overseas users, can easily access, and have been disseminated through multiple methods to all staff members who engage in examination. Also, trainings have been provided regularly for staff, and the staff has well understood the content of the trainings.	Policies and procedures on quality management have been published to the degree that national users can easily access, and have been disseminated through multiple methods to all staff members who engage in examination.	Policies and procedures on quality management have been published and disseminated to all staff members who engage in examination.	Policies and procedures on quality management have not been published or disseminated to staff.
1. 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's 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 2021

*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

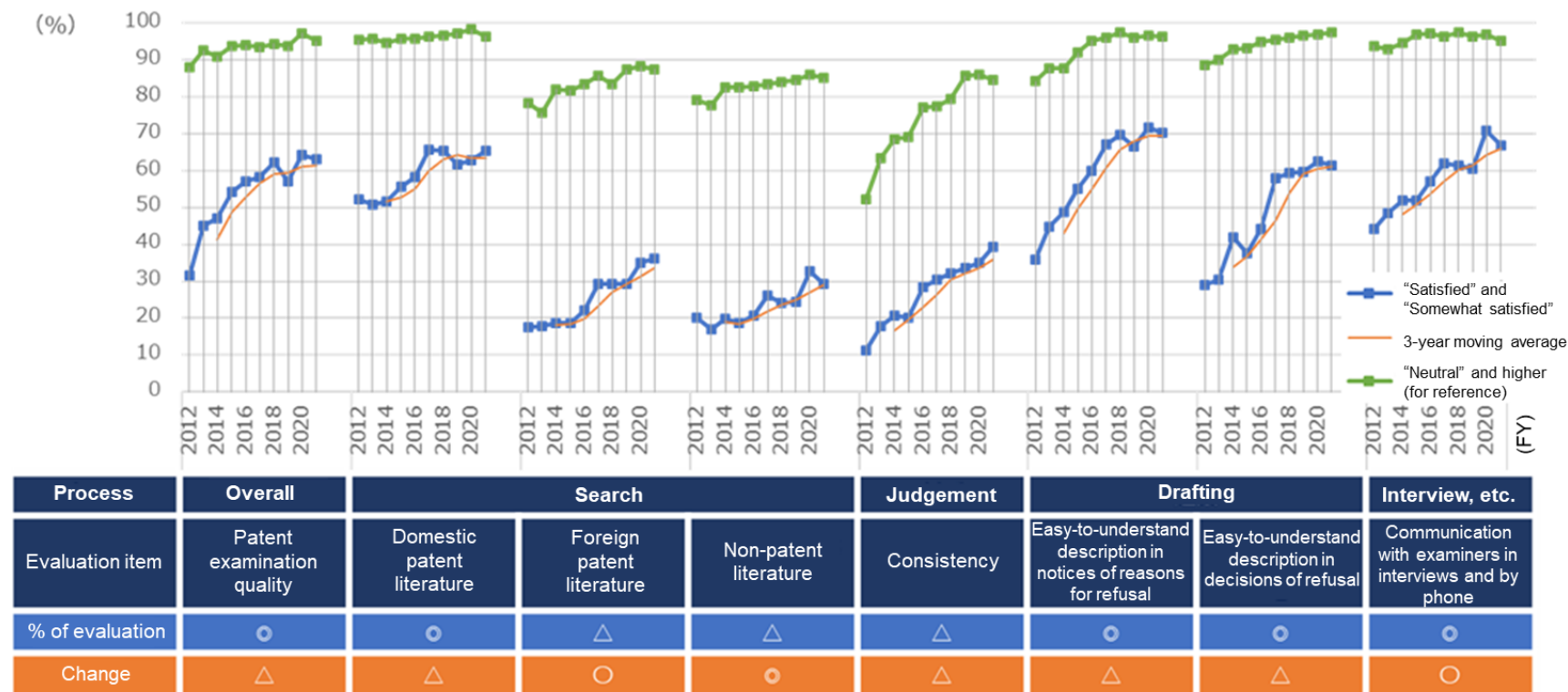
(Appendix 3) Table of recommendations made in FY 2021

	Patent	Design	Trademark
Recommendation 1	The JPO is expected to secure the appropriate number of examiners and provide them with enhanced training, as well as to continue its support for emerging technologies and high examination efficiency.	The JPO is expected to secure the appropriate number of examiners and provide them with enhanced training, as well as to deal with the broader scope of subject matter covered by the revised Design Act and improve examination efficiency continuously.	The JPO is expected to secure the appropriate number of examiners and provide them with enhanced training, as well as to continue its measures to tackle the prolonged examination period due to an increase in applications.
Recommendation 2	The JPO is expected to appropriately implement quality initiatives, such as consultations, for consistency of judgement and other issues.	The JPO is expected to focus on initiatives for consistency of judgement among examiners as well as to maintain and improve quality initiatives.	The JPO is expected to consider what are more effective initiatives to address users' issues and needs related to consistency of judgement among examiners and on distinctiveness by, for example, interviewing users while continuing the current initiatives.
Recommendation 3	The JPO is expected to enhance communication with its users and actively dispatch information on related initiatives.	The JPO is expected to promote initiatives for smooth communication with users and a deeper mutual understanding.	The JPO is expected to promote initiatives for smooth communication with users and a deeper mutual understanding, as well as to communicate information on the initiatives.
Recommendation 4	The JPO is expected to enhance initiatives for quality verification, analyses of examination quality and identification of issues to improve its quality management continuously.	The JPO is expected to enhance initiatives for quality verification, analyses of examination quality and identification of issues, and communicate information on related initiatives to improve its quality management continuously.	The JPO is expected to enhance initiatives for quality verification, analyses of examination quality and identification of issues to improve its quality management continuously.

(Appendix 4) Changes in percentages of “Satisfied” and “Somewhat satisfied” evaluations in the User Satisfaction Survey

※For measures taken by the JPO, which are related to evaluation items, see Material 5 of the [Agenda and the List of Handouts of The First Subcommittee Meeting](#) (Japanese version only).

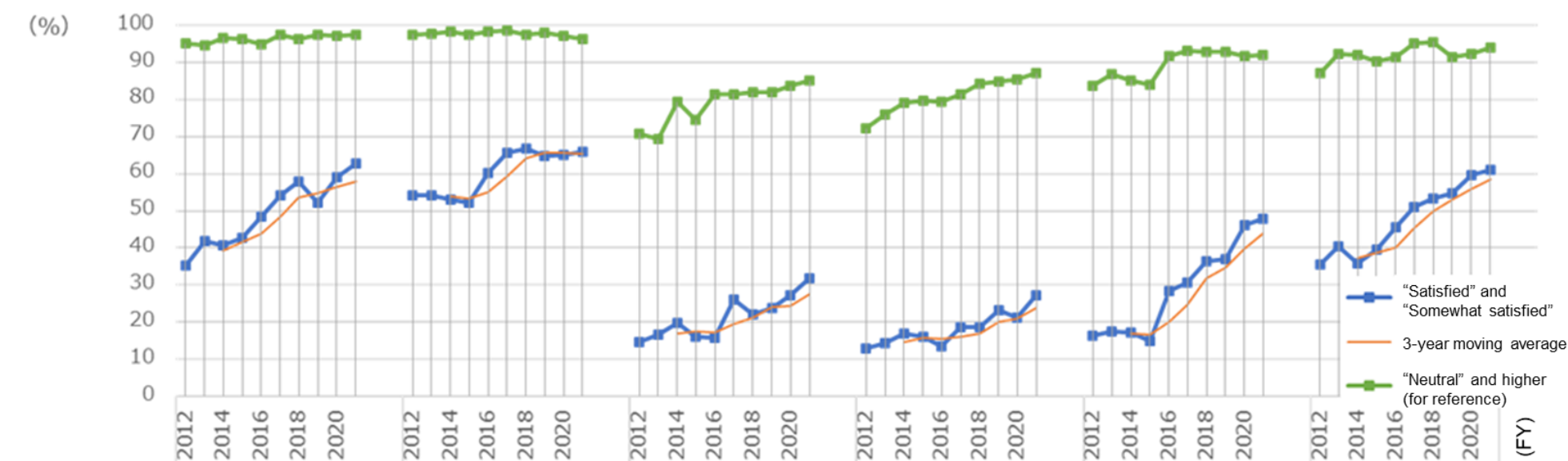
1.1. Overall quality of patent examination of national applications



Percentage of “Satisfied” and “Somewhat satisfied”
 ◎: 60% and higher
 ○: 50% - 59%
 △: below 50%

Changes in a 3-year moving average
 ◎: The change rate per year surpassed the 3-year average in 2020 and 2021 consecutively.
 ○: The change rate per year surpassed the 3-year average in either 2020 or 2021.
 △: The change rate per year fell under the 3-year average in 2020 and 2021 consecutively.

1.2. Overall quality of international searches and preliminary examinations of PCT applications



Percentage of Satisfied" and "Somewhat satisfied"

◎: 60% and higher

○: 50% - 59%

△: below 50%

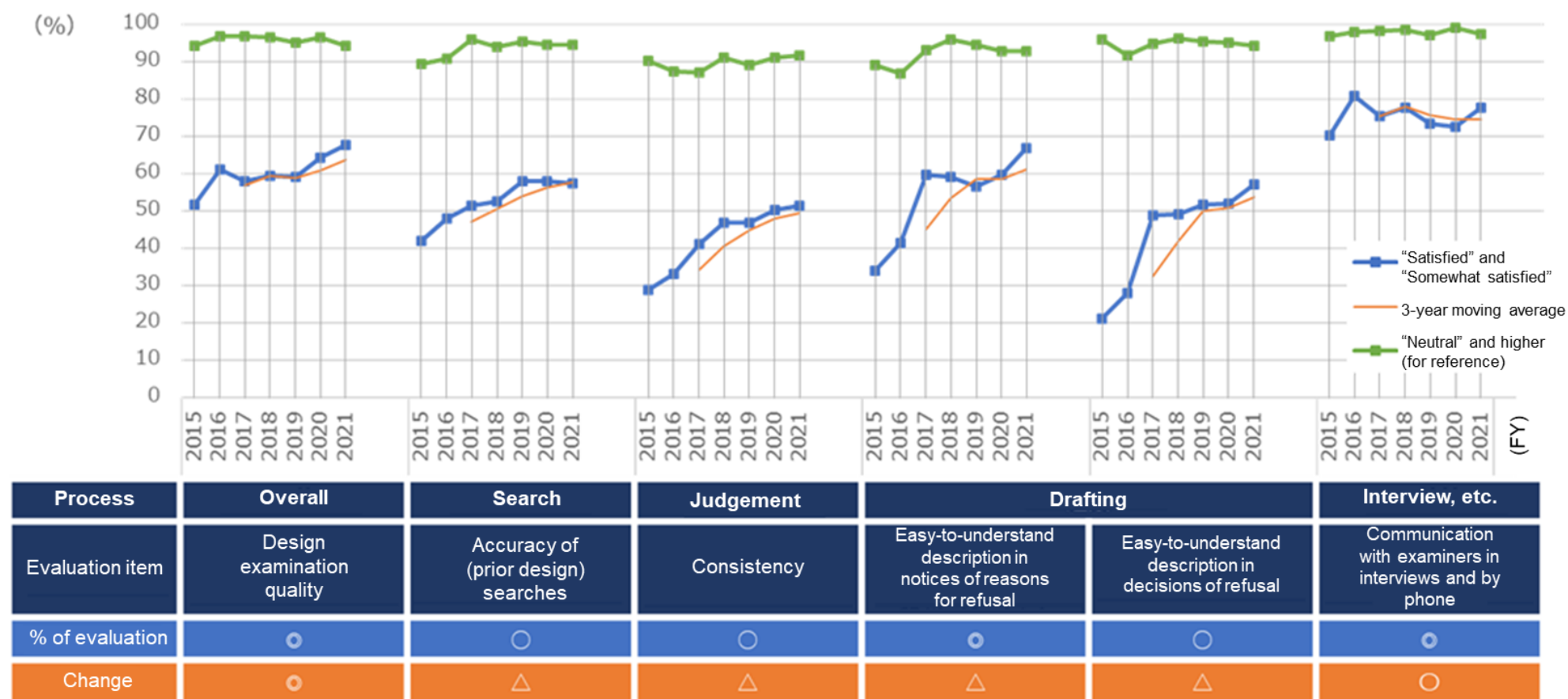
Changes in a 3-year moving average

◎: The change rate per year surpassed the 3-year average in 2020 and 2021 consecutively.

○: The change rate per year surpassed the 3-year average in either 2020 or 2021.

△: The change rate per year fell under the 3-year average in 2020 and 2021 consecutively.

2. Overall quality of design examination



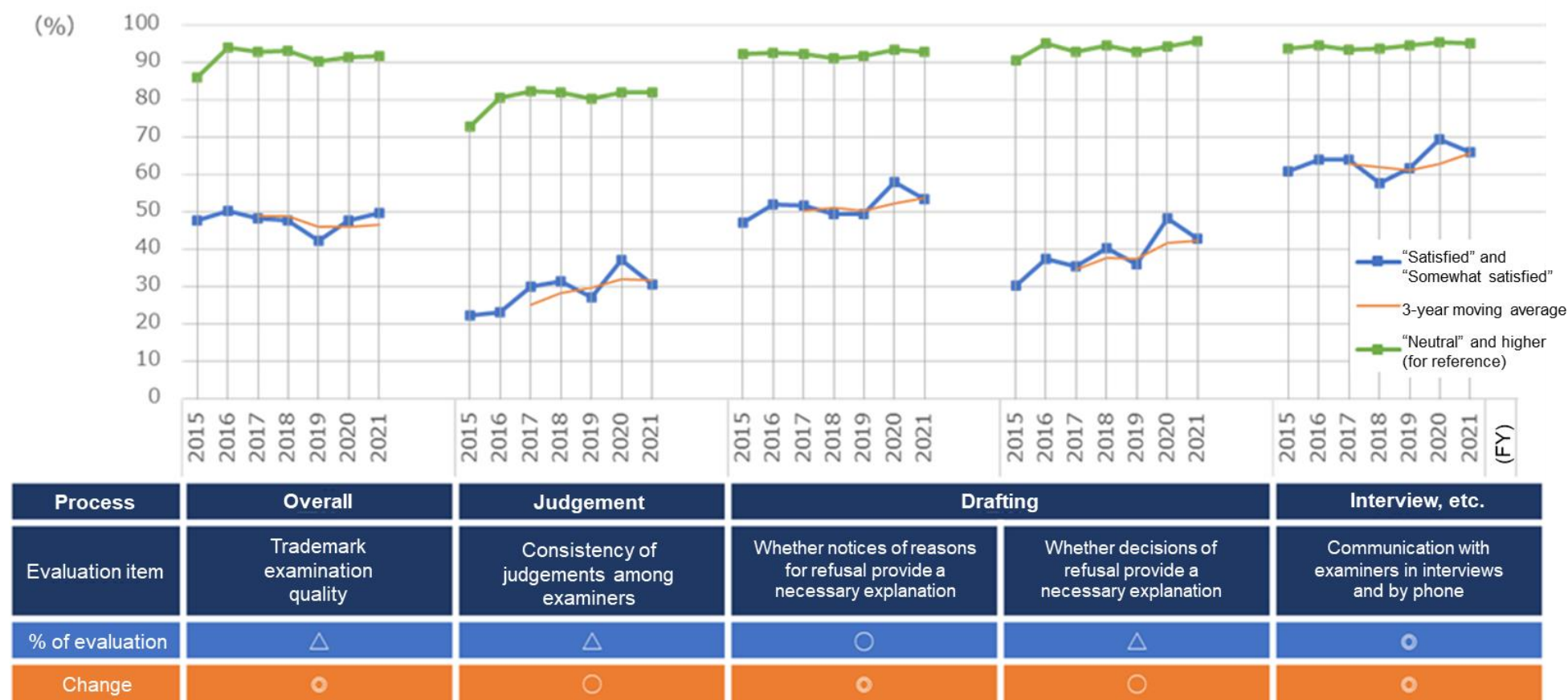
Percentage of “Satisfied” and “Somewhat satisfied”

- ◎: 60% and higher
- : 50% - 59%
- △: below 50%

Changes in a 3-year moving average

- ◎: The change rate per year surpassed the 3-year average in 2020 and 2021 consecutively.
- : The change rate per year surpassed the 3-year average in either 2020 or 2021.
- △: The change rate per year fell under the 3-year average in 2020 and 2021 consecutively.

3. Overall quality of trademark examination



Percentage of “Satisfied” and “Somewhat satisfied”

◎: 60% and higher

○: 50% - 59%

△: below 50%

Changes in a 3-year moving average

◎: The change rate per year surpassed the 3-year average in 2020 and 2021 consecutively.

○: The change rate per year surpassed the 3-year average in either 2020 or 2021.

△: The change rate per year fell under the 3-year average in 2020 and 2021 consecutively.