

Report of the Subcommittee on Examination  
Quality Management, FY 2022

March 2023

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 a new society in and after 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*. Especially, these days it takes initiatives, such as enhanced online communication with examiners, capturing the needs of its users, including applicants, and of the times in a timely manner.

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 2022 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 17, 2023

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. Directions for future examination quality management and improvement based on the user evaluations and the examiner survey

The Second Subcommittee Meeting: March 24, 2023

Agenda

1. Proposed report of the Subcommittee on Examination Quality Management, FY 2022

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

|                    |                   |   |
|--------------------|-------------------|---|
| <u>Chairperson</u> | Rumi Ichikawa     | Patent Attorney, ATEN IP Attorneys  |
|                    | Yuriko Inoue      | Professor, Graduate School of Law, Hitotsubashi University                                      |
|                    | Wataru Inoue      | Chief Editor, Nikkan Kogyo Shimbun, Ltd.  |
|                    | Shigeru Osuga     | Attorney at Law, Kitahama Partners  |
|                    | Yuko Kimijima     | Professor, Faculty of Law and Graduate School of Law, Keio University                           |
|                    | Ikuko Shimogawara | Senior Director, International Association for the Protection of Intellectual Property of Japan |
|                    | Hiroko Suzuki     | Patent Attorney, Nakamura & Partners  |
|                    | Michiko Tsubaki   | Professor, Department of Management. School of Management, Tokyo University of Science          |
|                    | Nami Togawa       | Patent Attorney, SEIWA PATENT & LAW   |
|                    | Tomonori Bekku    | Ex-President, Japan Intellectual Property Association   |

(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 in 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.

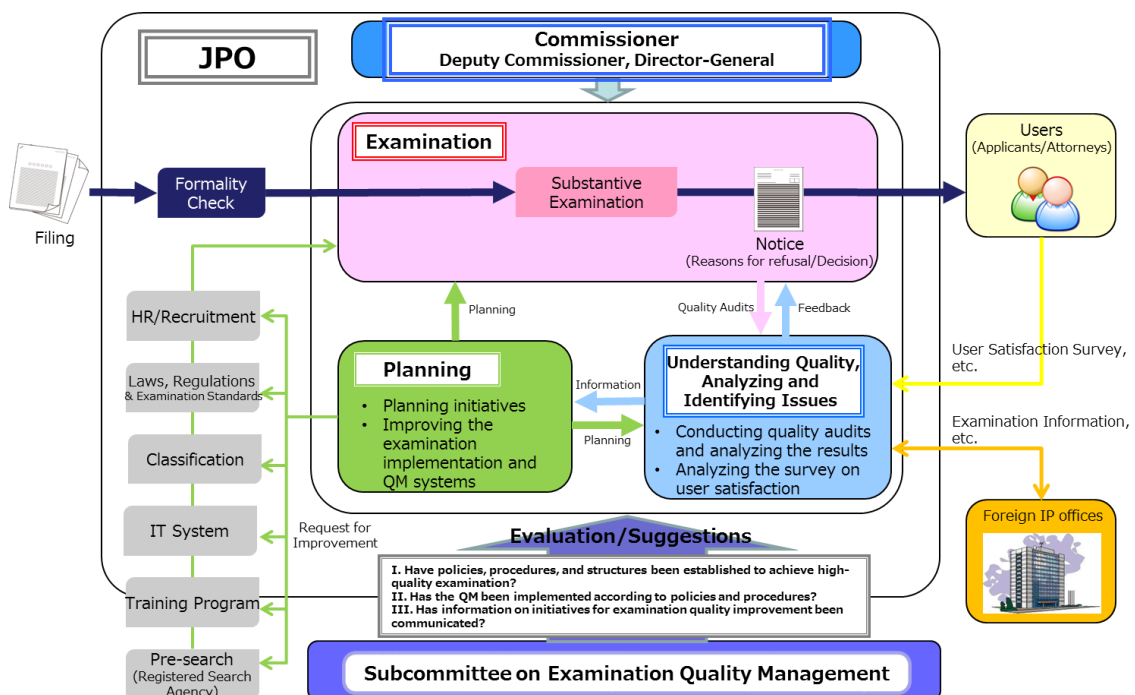


Figure 1: Overall quality management system at the JPO

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 its 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).

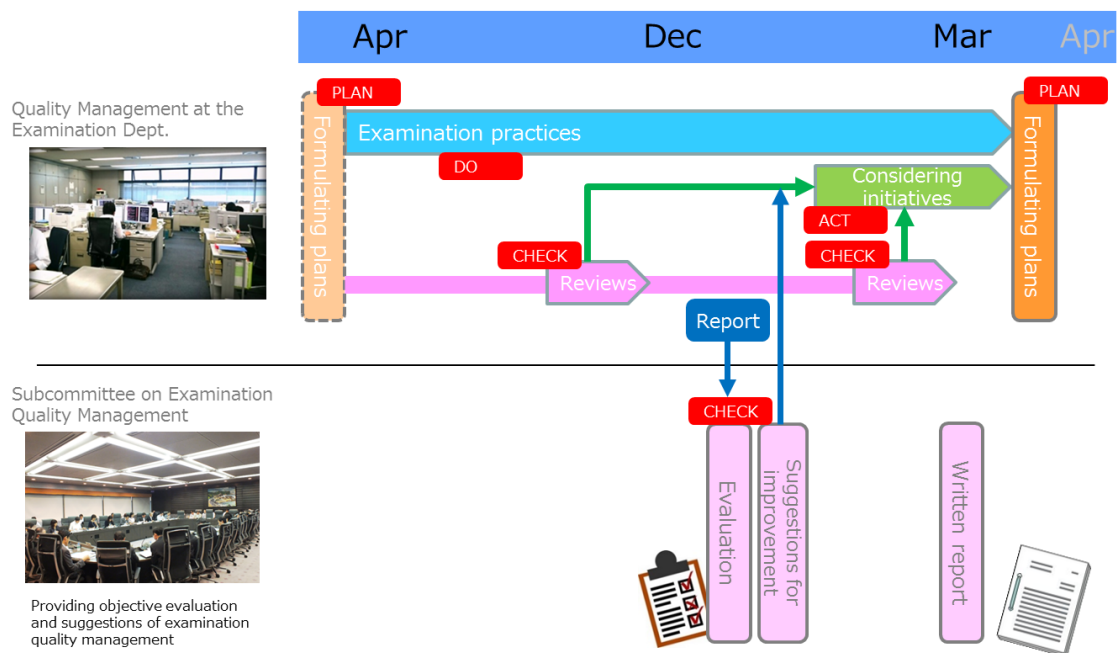


Figure 2: Relation between the internal quality management and the Subcommittee

The JPO's quality management system has been documented into the Quality Management Manuals (Quality Manuals) for patent, design, and trademark examinations, which were published on the JPO website<sup>1</sup>.

<sup>1</sup> 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 2021 and the outcomes and status of each evaluation item (Documents 1-1, 1-2, 1-3, 2-1, 2-2 and 2-3).<sup>2</sup> Then the Subcommittee members evaluated and discussed the JPO's implementation system and status of the quality management of patent, design and trademark examinations, based on the "Evaluation Items and Criteria Concerning Examination Quality Management," to 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

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<sup>2</sup> 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.” Last year, it was evaluated as "Very Satisfactory," while a minority of the members gave "Satisfactory."

#### < Evaluations >

- The Quality Policy, the Quality Manual and other documents indicating specific procedures for quality management were created and they are appropriately managed.
- The Quality Manual was revised in July 2022 based on results of document reviews and in response to changes in the social environment in the era of the COVID-19 pandemic and digital transformation.

#### < Points to be improved >

- N/A

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 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."

< Evaluations >

- Both the Quality Policy and the Quality Manual are open to the public and easily accessible to users including those overseas. The documents have been promoted to user companies during opinion exchanges and communicated to its staff members through the intranet and regular training sessions, etc. for the staff involved in examination. The JPO also conducts a questionnaire survey to improve the training sessions.
- The JPO promotes the Quality Policy and related documents during opinion exchanges with user companies and exchanges opinions with more companies than the previous year.
- Quality Tests, conducted to see whether every examiner has acquired their knowledge from the training sessions and the like, show where they can access related documents to encourage them to learn even further after they complete the Tests. Based on the results of the User Satisfaction Survey, the Tests also include mandatory fixed questions mainly on communication with users. Furthermore, the JPO gives feedback to all the examiners on questions of the Quality Tests many of the examiners failed to answer correctly and shares data with relevant departments so that it can be utilized in future training content.

< Points to be improved >

- Quality management policies and procedures have been published and accessible to users inside and outside the country, and they are also communicated to the staff members. However, it seems difficult to find

them on the JPO website as you need to find the link hidden under the “About JPO” tag or to type into the search bar a relevant keyword, “quality management,” only if you know it. The keyword is not commonly used for service quality, and when you search with keywords like “examination quality” and “patent quality,” the results will be “Report on FY20XX Annual User Satisfaction Survey on Examination Quality” and “... on Patent Examination Quality in FY20XX,” not the front page of the “Quality Management” section.

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 >

- While efficiently conducting the required number of examinations in the JPO’s structure by assigning examiners, training and evaluating examiners, utilizing prior art searches and dealing with emerging technologies, the JPO established an organizational structure in which high-quality examinations can be conducted.
- It is commendable that, by actively sending its examiners to participate in conferences and seminars inside and outside Japan, the JPO enhanced its efforts to deal with cross-sectional cases, which were expected in recent years, including the Team for Supporting AI Examinations for AI- and IoT-related inventions and continued utilization of officials in charge of AI.
- In FY 2022, the JPO enhanced its pilot program to outsource “supplementary” searches, which was introduced as a part of utilization of prior art searches in FY 2021.
- The JPO also enhanced its pilot program for electronic file wrappers from registered search organizations, which started in FY 2021 as a part

of initiatives to improve information security and realize a decarbonized society.

- The JPO has been improving examination efficiency by utilizing online systems in prior art searches.
- The JPO provides training sessions on users of search-related tools to support efficient examinations and these sessions contributed to the increasing number of users of the tools. This can be recognized as an initiative to improve examination quality.
- The JPO selects technologies which it expects will develop further and conducts researches on trends in patent applications in the technologies.

< 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 therefore expected to work on securing a sufficient number of examiners and further efficiency.
- From now, when recruiting examiners, the JPO would need to consider the balance in numbers between regular and fixed-term examiners, looking more closely at the trends in the fields related to emerging technologies.
- The JPO is expected to continue working on handling of foreign patent literature and state-of-art technologies, such as IoT.

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.”

< 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.

- It is commendable that the JPO has a well-established mechanism for quality checks and feedback.
- It is commendable that the JPO improved its quality management operations to enable its Quality Management Officers to work remotely and streamlined and optimized its quality management system, according to the shift to remote examinations.

< Points to be improved >

- The JPO would need to address the challenge as to how they verify that their examination quality, instead of the examination period, has reached at the highest level in the world.

Evaluation item (6): Initiatives for quality improvement

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

< Evaluations >

- It is confirmed that senior examiners were quantitatively more satisfied with knowledge sharing among examiners in consultations than the previous fiscal year. This resulted from the consultation format being changed to allow highly knowledgeable and experienced senior examiners to participate as consultees, as the JPO recognized as an issue that the senior examiners were not able to gain any new insights or

advice in consultations and therefore less satisfied with the consultations.

- It is commendable that the JPO conducted more consultations than the previous fiscal year.
- It is also commendable that, regarding knowledge sharing, the JPO promoted utilization of communication tools by organizing a competition.
- It is commendable that, regarding interviews and telephone conversations, the JPO published “How to communicate with patent examiners in the era of digital transformation” to share procedures to reach teleworking examiners by phone and to participate in online interviews, and that they included local parts of JPO email addresses in notices of reasons for refusal.
- It is commendable that the JPO worked on flexibly selecting what to be checked before approval and what cases to be scrutinized by Quality Management Officers based on issues they faced.
- It is worth noting that, considering opinions collected in the User Satisfaction Survey, the Office required teleworking examiners to get back to users who contacted them and informed its examiners of what to bear in mind in interviews and telephone conversations.
- The JPO planned and implemented quality improvement initiatives, such as approval, checks before approval, consultations, interviews and telephone conversations, accelerated examinations and other examinations, enhanced searches of foreign patent documents, provision of tools to support drafting, quality-related information and assigning search indexes. It also achieved objectives of these initiatives.

< Points to be improved >

- The JPO is expected to remain active in improving its communication with applicants.
- Regarding the enhanced searches of foreign patent documents and the like, the JPO is expected to continuously consider working on prevention of oversights in prior art document searches.

- The JPO is expected to continue consultations among examiners.

Evaluation item (7): Initiatives for quality verification

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

< Evaluations >

- The JPO conducted an examiner survey on its examination quality to identify issues from a different angle.
- The JPO planned and implemented its initiatives, such as validation of searches, identifications and judgments through quality audits, verification of formal defects in documents through partial audits, understanding of the current state of its examination quality based on the User Satisfaction Survey and exchanges of opinions with users. It also achieved objectives of these initiatives.
- To improve examination quality and user satisfaction with “communication with examiners,” an issue identified in the User Satisfaction Survey, the Office took measures, such as creating and publishing leaflets on procedures for users to reach examiners, requiring teleworking examiners to get back to users who contacted them and informing its examiners of what to bear in mind in interviews and telephone conversations.
- The JPO has been encouraging all of its examiners to utilize consultations on “consistency of judgements among examiners,” which has been considered as an issue to be addressed on a priority basis in the User Satisfaction Survey.
- The JPO understood and analyzed the current state of and users’ needs for its examination quality based on an online questionnaire to respondents who chose “unsatisfied” in the User Satisfaction Survey. The Office is expected to keep working on understanding its users’ needs.



- It is commendable that the JPO actively exchanges opinions with all parties concerned.

< Points to be improved >

- The Office is expected to analyze discrepancies between the evaluations in the User Satisfaction Survey and the perceptions of examiners to identify new issues on the examination quality and consider what measures to be taken for the issues.
- The Office is expected to continue feedback on users' opinions for examination quality improvement collected from the JPO website.
- The schedule of the Subcommittee meetings could be better adjusted. Asking the members to submit the written evaluation and question sheets in a short period of time without arranging any in-person meetings do not seem to contribute to very substantive evaluations or questions. It is therefore suggested that the members make their evaluations after they attend meetings to receive explanations for the JPO's quality management initiatives and to join Q&A sessions. This would allow the members from different backgrounds to know what issues each of them is aware of and how the JPO responds to the issues, making their evaluations more comprehensive.

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."

< Evaluations >

- It is acknowledged that the JPO appropriately analyzed the results of the User Satisfaction Survey and identified a number of issues, including a continuous need for appropriate communication in line with the interview guidelines, in terms of "communication with examiners in on-site interviews and over the phone." It is commendable that the JPO identified items "consistency of judgements among examiners,"

“consistency of judgements on Article 29 (2): inventive step” and “consistency of judgements in the international and national phases” to be addressed on a priority basis and found out that they need to enhance consistency of judgements among examiners continuously through utilization of consultations and other means. It is also worth recognizing that the JPO conducted an online questionnaire survey to follow up on respondents who chose “unsatisfied” with individual evaluation items in the User Satisfaction Survey.

- The need for improved search quality has been analyzed through results of check sheets for PCT consultations, quality audits, analysis results of applications with discrepancies in examination outcomes between the JPO and foreign patent offices and the like.
- Analysis and identification of issues have been done appropriately. For example, the JPO identified improvement in search quality as a task for better examination quality after revealing that analysis results of checks before approval pointed out missed searches in examinations in many of the applications with problems brought up by review results of decisions to grant a patent.
- In the course of the process from examination, approval, dispatch, applicant/representative to trial/appeal, the JPO conducted analyses from many different angles and identified issues from each step.

< Points to be improved >

- The JPO is expected to continue factor analyses and identification of issues for missed searches, applications with discrepancies in examination results between the JPO and foreign patent offices and applications with discrepancies in its international search/internal examination results between the international and national phases within the JPO.
- No unsatisfactory case is ideal, but it is also important to follow up on such cases for factor analyses, identification of issues and possible measures.

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.”

< Evaluations >

- The JPO revised its Quality Management Manuals, Examination Guidelines and other documents, and interview guidelines in response to a new request.
- The JPO improved its examination implementation system and quality management system by, for example, enhancing its pilot program to outsource “supplementary” searches.
- Experts on AI examinations provided training for examiners to broadly share knowledge they accumulated.
- 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.
- It is commendable that the JPO developed examiners’ awareness of communication by preparing questions about communication with users in quality tests for examiners.
- The number of opinion exchanges between companies and the JPO has been increasing.

< Points to be improved >

- The JPO is expected to continue to hire more examiners and promote further examination efficiency to maintain high-quality examinations and a short examination period.
- The JPO is expected to further improve the validity of searches and examination practices in reasons for non-final refusal and decisions of refusal in audit results by Quality Management Officers.

- The JPO is expected to see whether there is any advanced technology field for which they need technology accumulation and dissemination and, if there is, to implement the accumulation and dissemination in the coming fiscal year and beyond.

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.”

< Evaluations >

- It is commendable that, based on the evaluation of online interviews in the User Satisfaction Survey, the JPO took measures to promote further utilization of online and in-person interviews, such as leaflets for users on interview procedures and informing its examiners of what to bear in mind in interviews and telephone conversations.
- The JPO worked sufficiently on improving its quality management measures by, for example, informing examiners of its coordinated practices to contact users in a teleworking environment (e.g. requiring teleworking examiners to get back to users who contacted them).
- It is worth recognizing that the JPO also improved its quality management measures by, for example, providing training on utilization of sorting by similarity to natural language sentences and showing search hits in a browser displaying multiple drawings, both of which are effective for preventing oversights in prior art searches.
- It is commendable that examiners conduct consultations among each other actively, which will contribute to higher examination quality and more consistency of judgements.
- It is commendable that the JPO revised “the approval guidelines in patent examinations” according to changes in the drafting format and examination practices (e.g. imposing restriction of multi-multi claims,

changing how contact information is listed in notices of reasons for refusal).

- In an effort to improve examination efficiency and quality, the JPO organized a competition for original and practical methods to use newly-introduced communication tools in examinations. The methods offered at the competition have been shared with the examination departments via intranet for operational use.

< Points to be improved >

- It seems that, in the User Satisfaction Survey, the satisfaction level generally went down slightly, compared to the previous fiscal year, due to a decrease in positive responses (“Satisfied” and “Somewhat satisfied”) to the overall patent examination quality (overall satisfaction level), etc. While these evaluation items mostly received “Neutral” or higher, which should be highly recognized on the whole, the item “consistency of judgements among examiners” received more negative responses (“Somewhat unsatisfied” and “Unsatisfied”) than the previous fiscal year.

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 developed a mindset for high-quality examinations by providing information on its quality management initiatives during opinion exchanges with user companies, as well as in cooperation between examiners and users under a slogan, “co-creating patent rights with users.”

- 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, international meetings/conferences, the International Cooperation on Patent Examination Practices, and cooperation with foreign IP offices.
- The JPO provided quality management training, within the framework of the ASEAN IP Academy\*, for officials conducting patent examinations in ASEAN IP offices. Corporate IP personnel in local companies are allowed to participate in the training sessions, which will not only improve their examination capabilities but also help development of IP ecosystems in the emerging ASEAN countries. (\*The ASEAN IP Academy is an ASEAN training center established in September 2021 to provide IP training programs to the Member States.)
- It is commendable that the Patent Prosecution Highway (PPH) has been utilized as a result of disseminating information through the Advanced Industrial Property Network (AIPN), One Portal Dossier (OPD) and the like, as well as the PPH itself.
- It is also commendable that a standardized request form was adopted in the US-JP Collaborative Search Pilot Program.
- The JPO and the UKIPO briefed each other and exchanged opinions on their quality management during an examiner exchange program.

< Points to be improved >

- The JPO is expected to be willing to contact startups.
- It is important to build a cooperative relationship with emerging countries, especially in Asia, in addition to the IP5 countries. This is what the JPO is expected to keep working on.
- Information on initiatives for examination quality improvement has been communicated inside and outside Japan. It however seems difficult to see the whole picture of the initiatives due to the difficulty finding the front page of the quality management section on the JPO's website.

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

### < Evaluations >

- Under the revised Design Act, the JPO created and released documents related to design examination inside and outside Japan, including the "Case examples of registered designs of newly added subject for protection (graphic image, building and interior) under the Design Act as revised in 2019" and the "Case examples of related designs which were registered as designs including a graphic image".
- The Quality Policy, the Quality Manual and other documents, such as the Design Examination Guidelines and the Design Examination Manual, indicating specific procedures for quality management were created and are appropriately managed.
- The Quality Manual was revised and is appropriately managed, based on review results of the quality management system and in response to changes in the social environment in the era of the COVID-19 pandemic and digital transformation.
- The JPO refined the definitions of the Japanese design classification for graphic images and of search keys mainly based on forms of graphic images (D Term) for operation, communicating and appropriately managing the new classification guidebook (definition cards of Japanese Classification for Industrial Designs) containing the refined definitions.
- The interview guidelines were also revised under the revised Act and are appropriately managed.

### < Points to be improved >

- N/A

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.”

< Evaluations >

- The Design Examination Guidelines specify what should be done in design examinations and how it should be done in details, and the Guidelines are revised where appropriate. The Quality Manual clarifies who should be responsible for development and implementation of quality management, as well as who handles quality management activities and how they do it.

< 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 were published and are accessible to users, including those overseas. They were disseminated to all staff members via intranet, as well.
- The JPO provided training for examiners according to their posts and conducted Quality Tests mainly on communication with users to help examiners absorb their knowledge. Questionnaire surveys to trainees showed certain levels of satisfaction with and understanding of training sessions they participated in.



- The JPO released its quality management documents and introduced its quality management initiatives to users.
- The JPO provided information on its quality management initiatives during opinion exchanges with companies to improve the companies' understanding of the initiatives.
- The Report on FY2022 Annual User Satisfaction Survey on Design Examination Quality was disseminated to the entire Design Examination Department, along with the Quality Policy and the Quality Manual, via intranet for the staff members.

< Points to be improved >

- Quality management policies and procedures have been published and accessible to users inside and outside the country, and they are also communicated to the staff members. However, it seems difficult to find them on the JPO website as you need to find the link hidden under the "About JPO" tag or to type into the search bar a relevant keyword, "quality management," only if you know it. The keyword is not commonly used for service quality, and when you search with keywords like "examination quality" and "patent quality," the results will be "Report on FY20XX Annual User Satisfaction Survey on Examination Quality" and "... on Patent Examination Quality in FY20XX," not the front page of the "Quality Management" section.
- It is commendable that the JPO conducted questionnaire surveys to improve the training sessions, in addition to communication to staff members and training sessions for them. The JPO is expected to inform its staff members of the training further in the coming fiscal year and beyond, as it seems that not many people participated in the training sessions. E-learning sessions might be a good idea, considering that COVID-19 is still around.

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 digitized examination system and the introduction of batch examination (the method to examine multiple applications at the same time) streamlined the examination process, resulting in relatively prompt examinations by a limited number of examiners. They also appropriately examined newly added subject for protection, such as graphic images.
- It is commendable that the JPO has been conducting examinations efficiently even after new subject for protection was added.
- The JPO took actions, such as devising new search methods and informing all examiners of the methods in training session, to pursue efficiency in examinations even further, considering the potential difficulty of maintaining sufficient examiners.
- The JPO continued to collect examination materials for designs of newly added subject for protection (graphic image, building and interior) under the revised Design Act to develop its search environment.

< Points to be improved >

- The JPO achieved reduction in its FA pendency to less than half of the USPTO's and the number of examiners levelled off more or less. However, as examiners at the JPO currently process 3.7 times more examinations than their counterparts at the USPTO do on a per capita basis, the JPO is expected to continue securing sufficient examiners to maintain its examination system.
- The JPO is expected to continue to review its examination system and staffing structure, to enhance its database and, in the long term, to consider implementing an examination system utilizing AI.
- Regarding the revised Design Act, the Ordinance for Enforcement of the revised Act and the revised Design Examination Guidelines, the JPO is expected to continue promoting clarity of procedures, publicity and

maintenance and improvement of the examination implementation system.

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 has a framework for persons in charge of quality management, persons conducting examinations, persons planning and making proposals for initiatives, and persons analyzing and evaluating examination quality to check internally and cooperate with each other.
- The JPO developed a system to improve its examination quality, in which the Committee on Quality Management for Design Examination and Quality Management Officers conduct quality audits to understand and analyze examination quality and identify issues, and then provide the audit results to examiners and divisions planning and making proposals for initiatives as feedback.
- Despite the limited human resources, the JPO developed a quality management system equivalent to that in other countries with a substantive examination system mainly by adding an analyst for quality audits of international design applications and assigning four examiners to develop plans for quality management initiatives, one of whom served as an executive officer to analyze and assess quality audits.

< Points to be improved >

- A limited number of Quality Management Officers (analysts) are assigned to examinations of national applications or Hague applications. It therefore seems reasonable that the JPO focused on Hague applications in this fiscal year. Regarding national applications, on the other hand, it seems necessary for the JPO to consider what proportion

of the newly added subject for protection (graphic image, building and interior) to the conventional articles should be audited.

- An organizational and staffing structure was established in order to implement quality management initiatives. The JPO would need to address the challenge as to how they verify that their examination quality, instead of the examination period, has reached at the highest level in the world.

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 “Generally Achieved.”

< Evaluations >

- To improve its examination quality for newly added subject for protection, such as buildings and interior designs, the JPO expanded examination materials by gathering information from construction-related organizations. The JPO also published the “Case examples of registered designs of newly added subject for protection (graphic image, building and interior) under the Design Act as revised in 2019” and informed its examiners of the document.
- The JPO took actions to secure consistency of judgements on the newly added subject for protection by conducting consultations among examiners and with the Design Examination Standard Office.
- The JPO planned and implemented quality improvement initiatives, such as approval, checks before approval, consultations, handling of Hague applications, knowledge sharing, interviews and telephone conversations with applicants, maintenance and revision of examination-related documents, and training for capacity building. It is especially commendable that the Office conducted more consultations than the previous fiscal year and started consultations on applications for appropriate judgements on similarity.

- It is commendable that the JPO made online interviews via Microsoft Teams and e-mail exchanges available even unpublished applications.
- It is commendable that the JPO continued taking quality improvement initiatives, communicating with applicants actively for a mutual understanding in order to achieve its goals.
- Necessary quality improvement initiatives were planned, implemented as planned, and achieved their objectives.
- It was confirmed that the JPO conducted consultations on examinations of all international design applications, except for ones that can be readily registered, to promote opinion exchanges and knowledge sharing among examiners.
- It was also confirmed that, in FY2022, the JPO conducted in-person interviews, as well as online interviews and seminars to maintain communication with applicants and acquire expertise.
- It is commendable that the JPO's examiners got as familiarized with examinations of Hague applications as they are with examinations of national applications, thanks to its past initiatives.
- Communication was considered to be improved as it is understood that responses by phone, etc. and online interviews were reduced to about half and about one-fourth, respectively, compared to FY2021 not because of lack of communication, but because of drawing requirements relaxed by the revised Design Act and the revised Examination Guidelines.
- It is highly recognized that the JPO started consultations on applications for appropriate judgements on similarity, given the circumstances where the reform of the related design system made judgements on similarity more complex.
- It is commendable that the JPO completed gathering publicly known design documents on the newly added subject for protection.
- The JPO informed examiners of its coordinated practices to contact users in a teleworking environment (e.g. requiring teleworking examiners to get back to users who contacted them).

- The JPO devised a new method to search in another field related to an applied design in one field (cross search) and provided training for examiners to put the method into practice. (The training started in June 2022 and the operation started in July 2022.) Further, the JPO formed a new policy on how to determine the scope of search which will contribute to even higher examination quality and examination efficiency, provided training on the policy, and informed all examiners of the operation of the new policy. (The training started in October 2021 and the operation started in November 2021.)

< Points to be improved >

- Examiners are expected to be active in interviews and telephone contacts to enhance communication with applicants even further while they maintain a certain number of online interviews and telephone contacts.
- Communication with applicants is expected to be improved and expanded continuously.

Evaluation item (7): Initiatives for quality verification

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

< Evaluations >

- The JPO consistently implemented quality verification measures according to its plan. The quality verification measures are diverse and some of them include opinion exchanges with respondents who chose “unsatisfied” in the User Satisfaction Survey and an examiner perception survey on examinations as well as quality audits.
- The JPO continuously conducted quality audits of national and Hague applications and published the report on the User Satisfaction Survey results. The Office also conducted opinion exchanges with users and other parties to understand their needs.

- In FY 2022, the JPO's quality audits of national and international design applications covered graphic images (filed before the expansion of protection) for which the Office fully started quality audits in FY 2021.
- The JPO conducted an inquiry and gained consent of the respondents of the User Satisfaction Survey to opinion exchanges after the Survey in order to understand and analyze the current examination quality and their needs for the examination quality.
- 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.
- It is commendable that the JPO provided quick feedback to its examiners and conducted an examiner perception survey.

<Points to be improved>

- Quality audits of national applications by Quality Management Officers (analysts) seem to be on a downward trend, due to more focus on audits of Hague applications which are less satisfactory to users. The JPO might want to consider audits by consensus of particularly problematic applications when auditing with a limited number of Officers.
- The JPO is expected to continue its opinion exchanges actively with companies, industry organizations and other entities.
- It is suggested that the JPO should provide an opportunity for consultations among examiners in training session or on particular applications.
- The JPO might want to consider exchanging opinions on Hague applications with foreign companies.
- It is important to understand examiners' perceptions of examination quality, as well as users' satisfaction. The Office is expected to analyze discrepancies between them to identify new issues of examination quality and consider measures for the issues.

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.”

< Evaluations >

- The JPO appropriately identified issues at each step of the quality management process and took action to solve the issues. Specifically, the JPO analyzed factors behind discrepancies in examination results of international design applications among the U.S., Korea and Japan, and conducted consultations on applications for appropriate judgements on similarity based on the issues identified in the User Satisfaction Survey, as well as consultations among examiners on applications of new designs subject to protection (building designs, interior designs and graphic image designs).
- The JPO implemented examination quality initiatives as planned, adequately analyzed its examination quality and identified issues. The Office also considered measures for the following identified issues: “consistency of judgements among examiners,” “description in notices of reasons for refusal, etc.,” and “description in decisions of refusal.”
- In the current quality management system, the JPO analyzed its examination quality and identified issues in various initiatives. In FY 2022, it supported quality audits generously with more analysts assigned to international design applications to be audited and a 50% increase in international design applications to be audited.
- In the first half of FY 2022, the JPO identified enhancement of checks on texts in drafted documents as an issue because minor errors were found in description of reasons for refusal.
- In the course of the process (from examination, approval, dispatch, applicant/representative to trial/appeal), the JPO conducted analyses from many different angles and identified issues from each step. It also



conducted more audits of Hague applications, following China's accession to the Hague Agreement.

< Points to be improved >

- It is commendable that the JPO analyzed or reacted according to situations it is in; for example, it conducted fewer audits of national applications, quality of which has been kept high, and more audits of Hague applications. Meanwhile, regarding description in notices of reasons for refusal and in decisions of refusal, the JPO is expected to discuss and provide feedback on specific applications, in addition to providing training and informing staff members.
- The JPO analyzed problems in description in notices of reasons for refusal involving judgements of similarity and based on creative difficulty for identification of issues. In examinations of applications for graphic image designs, in particular, the JPO is expected to conduct quality audits carefully, including ones of the course of judgement on similarity and creative difficulty, as how it conducts examinations at present seems to have an influence on the future course of its operation of the system.

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.”

< Evaluations >

- The JPO sufficiently informed its users 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 briefed its design examiners on the revised Design Examination Guidelines.

- The JPO created and informed new documents related to design examination following the revision of the Act, including the “Case examples of registered designs of newly added subject for protection under the Design Act as revised in 2019” and the “Case examples of related designs which were registered as designs including a graphic image”.
- The JPO refined the definitions of the Japanese design classification for graphic images and of search keys mainly based on forms of graphic images (D Term) for operation while communicating the new classification guidebook (definition cards of Japanese Classification for Industrial Designs) containing the refined definitions.
- The interview guidelines were also revised under the revised Act.
- Quality management policies and procedures have been published appropriately.
- The JPO took training and other opportunities to sufficiently inform design examiners and staff members of the Quality Policy and the fundamentals of quality management.
- The JPO improved its policies, procedures and structures mainly by adding an analyst for quality audits of international design applications and assigning four examiners to develop plans for quality management initiatives, one of whom served as an executive officer to analyze and assess quality audits.
- It is commendable that the JPO also enhanced its quality management system in view of difficulties in examining Hague applications.

< Points to be improved >

- The JPO is expected to discuss, depending on the situation, whether search keys need to be redefined for buildings and interior designs.

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

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

minority of the members gave “Generally Achieved.”

< Evaluations >

- The JPO appropriately dealt with new issues accompanying the revised Act. Specifically, the Office expanded examination materials by gathering information from construction-related organizations to improve its examination quality for newly added subject for protection, such as buildings and interior designs; published the “Case examples of registered designs of newly added subject for protection (graphic image, building and interior) under the Design Act as revised in 2019” and informed its examiners of the document; and conducted consultations among examiners and with the Design Examination Standard Office on judgements in examinations for newly added subject for protection.
- The Office sufficiently improved its quality management initiatives by, for example, creating and publishing leaflets on easy-to-understand procedures for users to reach teleworking examiners by phone and for online interviews, as well as by expanding its support for online interviews in the changing working environment, such as a transition to regular teleworking due to the COVID-19 pandemic.
- The JPO informed examiners of its coordinated practices to contact users in a teleworking environment (e.g. requiring teleworking examiners to get back to users who contacted them).
- It is highly recognized that the JPO participated in more physical exhibitions as more designs can be seen in real-life products than in documents.
- It is commendable that the JPO actively encouraged consultations between examiners and approvers.

< Points to be improved >

- The JPO is expected to continue enhancing communication with applicants in online interviews, telephone conversations and the like.

- The JPO is also expected to continue collecting materials for building, interior and graphic image designs.
- The FY 2022 user survey showed many negative responses to “accurate judgement of similarity,” undiminished negative responses to “consistency of judgements among examiners” and a lower evaluation of the quality of prior design searches than FY 2021. These evaluation items still need improvements.
- The JPO is expected to continue to promote online interview examinations.

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

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

< Evaluations >

- The JPO communicated information to overseas users in the Japan-China-Korea Design Forum and the China-Japan Design System Symposium
- The JPO made vigorous efforts, such as communicating information on examination quality to users/clients inside and outside Japan, as well as to foreign IP offices.
- The JPO developed a continuous partnership with its domestic users mainly by communicating information on examination quality improvement and holding opinion exchanges on a regular basis.
- It was confirmed that the JPO would provide training sessions for design examiners of IP offices in emerging countries and share with them its design examination practices and experiences in the accession to the Hague Agreement (the Comprehensive Design Course in January to February 2023).
- From the User Satisfaction Survey results, the JPO identified “description in notices of reasons for refusal, etc.,” “description in decisions of refusal,”

and “consistency of judgements among examiners” as items to be addressed on a priority basis. The JPO also conducted an inquiry and gained consent of the respondents of the User Satisfaction Survey to opinion exchanges after the Survey in order to understand and analyze the current examination quality and their needs for the examination quality.

- In FY 2022, the JPO conducted a questionnaire survey and identified and analyzed issues to verify the examination quality through an examiner perception survey.

< Points to be improved >

- The JPO is expected to continue actively communicating information to and accepting trainees from emerging Asian countries.
- The JPO is expected to learn what initiatives for design practices have been taken by other IP offices in opinion exchanges among the ID5 offices and bilateral meetings for the JPO’s quality management initiatives in the future.
- Information on initiatives for examination quality improvement has been communicated inside and outside Japan. It however seems difficult to see the whole picture of the initiatives due to the limited accessibility to the quality management page on the JPO’s website.

### 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." 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.
- These documents were revised in July 2022 based on review results and in response to changes in the social environment in the era of the COVID-19 pandemic and digital transformation.
- The JPO created and released the Commentary on Classes of Goods and Services for the International Classification of Goods and Services, 11th edition, version 2022, to help users state appropriate designated goods and services.

#### < Points to be improved >

- N/A

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."

#### < 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 maintenance and

implementation of and what are the procedures of the quality management.

- The JPO improved communications between examiners and users by conducting Quality Tests to examiners in an e-learning format.

< 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 and easily accessible to domestic and foreign users. The documents have been promoted to user companies during opinion exchanges between them and the JPO. The documents were communicated to staff members through the intranet and regular training sessions, etc. for the staff involved in examination.
- The JPO provided training relating to quality management for examiners according to their posts and questionnaire surveys to trainees showed certain levels of satisfaction with and understanding of training sessions they participated in.
- The JPO ensured that all examiners adopted the basic approach to attending to their users and improved the approach by conducting Quality Tests for all examiners in an e-learning format to make examiners check again documents especially related to communication with users, such as interview guidelines, based on the results of the User Satisfaction Survey.

< Points to be improved >

- Quality management policies and procedures have been published and accessible to users inside and outside the country, and they are also communicated to the staff members. However, it seems difficult to find them on the JPO website as you need to find the link hidden under the “About JPO” tag or to type into the search bar a relevant keyword, “quality management,” only if you know it. The keyword is not commonly used for service quality, and when you search with keywords like “examination quality” and “patent quality,” the results will be “Report on FY20XX Annual User Satisfaction Survey on Examination Quality” and “... on Patent Examination Quality in FY20XX,” not the front page of the “Quality Management” section.

Evaluation item (4): Examination implementation system

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

< Evaluations >

- It is highly recognized that, despite its limited human resources, the JPO examined significantly more applications, helping to shorten the examination period prolonged by an increase in the number of applications.
- The JPO took various initiatives for more efficient examinations, including utilization of private-sector search organizations, AI, and reports developed in the Cross-sectional Research Project on Reasons for Trademark Refusal, as well as the revised guidebook for trademark prosecution, successfully shortening the examination period.
- It is commendable that 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.



- It is commendable that the JPO made efforts to develop its examination system for non-traditional marks, such as sound trademarks, by organizing and conducting training sessions.

<Points to be improved>

- It is undeniable that the JPO is short of examiners as they process more examinations than their counterparts in the U.S. on a per capita basis. Therefore, the JPO is expected to continue working to secure even more examiners and enhance training for them.
- While the number of applications increased, the number of first actions increased in the first half of FY 2022 and the examination period was shortened. The JPO is expected to continue working on that.
- The JPO is expected to work further on appropriate and efficient examination practices from a comprehensive perspective.
- The JPO is expected to make efforts continuously to take its organizational structure for examination and personnel deployment to an internationally comparable level.

Evaluation item (5): Quality management system

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

- The JPO has a framework for persons in charge of quality management, persons conducting examinations, persons planning and making proposals for initiatives, and persons analyzing and evaluating examination quality to check internally and cooperate with each other.

< Points to be improved >

- It might give the JPO some ideas for better quality audits by Quality Management Officers to compare audit results and follow-up results of the User Satisfaction Survey.
- The JPO is expected to constantly make a successful effort to improve the quality management system.
- The JPO would need to address the challenge as to how they verify that their examination quality, instead of the examination period, has reached at the highest level in the world.

Evaluation item (6): Initiatives for quality improvement

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

< Evaluations >

- The JPO took organization-wide initiatives, such as factor analyses of individual applications and regular activities to communicate to examiners reports suggesting measures to prevent defects.
- The JPO has a framework to accumulate and share information, including newly-created technical terms, within its teams and to discuss and consult with other examiners, if needed.
- It is confirmed that 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.

- It is commendable that the JPO identified (1) communication with trademark applicants and owners (in interviews or by phone), (2) opinion exchanges with users, and (3) consistency-related initiatives as items to be addressed on a priority basis and continued taking measures for maintenance and improvement of trademark examination quality.
- Examiners at the JPO consulted and shared their knowledge with each other to conduct prompt and accurate examinations.
- It is highly recognized that prior figurative trademark search tool was made more accurate by the AI competition and piloted by examiners.
- It is commendable that the JPO published “How to communicate with trademark examiners in the era of digital transformation” on its official website to share procedures to reach teleworking examiners by phone and an overview of its communication, as well as a webpage on in-person and online interviews, to disseminate information mainly on how it establishes communication with users.
- The JPO increased examiners’ accessibility to their methods to contact users in a teleworking environment by informing examiners of its practices (e.g. requiring teleworking examiners to get back to users who contacted them) and uploading a list of communication related documents on its intranet. The JPO also conducted Quality Tests for all examiners in an e-learning format to ensure that all examiners adopted the basic approach to attending to their users and improve the approach, as well as questionnaire surveys to examiners on communication with users to identify issues from their points of view.
- It is confirmed that the JPO appropriately took initiatives for enabling emailing proposed amendments and other documents and for online interviews.

<Points to be improved>

- There still seems to be room for improvement in how examiners communicate with users.
- The JPO is expected to consider showing what measures were taken for issues identified in the follow-up surveys and the questionnaire surveys.

Evaluation item (7): Initiatives for quality verification

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

< Evaluations >

- The JPO conducted examiner perception surveys and exchanges of opinions with respondents who chose “unsatisfied” in the User Satisfaction Survey to identify issues on examination quality from a different perspective.
- The JPO analyzed factors behind discrepancies in judgments between examinations and appeals/trials and behind revocations in opposition cases.
- The JPO verified the validity of ex officio examinations and of identification and judgments through quality audits as planned. The JPO also planned and implemented quality verification initiatives, such as understanding of the current state of its examination quality based on the User Satisfaction Survey and exchanges of opinions with users, and achieved objectives of these initiatives.
- The JPO implemented its initiatives to identify specific issues on examination quality based on the results of examiner surveys and the User Satisfaction Survey, as well as exchanges of opinions with users and other parties.
- It is commendable that the JPO identified issues appropriately based on the User Satisfaction Survey and conducted follow-up surveys mainly by interviewing respondents who chose “unsatisfied” with items, including “judgements on distinctiveness” and “communication with examiners in on-site interviews and over the phone.” In addition, the JPO took initiatives

to share information and raise shared awareness within its examination departments, aiming for effects that contribute to quality improvement.

- It is also commendable that the JPO shared individual cases with some defects and compiled factor analyses of the cases to inform examiners.

< Points to be improved >

- The JPO is expected to analyze discrepancies between the evaluations in the User Satisfaction Survey and the perceptions of examiners to identify new issues on the examination quality and consider what measures should be taken for the issues.
- The Office is expected to continue feedback on users' opinions for examination quality improvement collected from the JPO website.
- The JPO is expected to continue analyzing factors behind discrepancies in judgments between examinations and appeals/trials and behind revocation cases in oppositions to minimize the discrepancies.
- It is suggested that the JPO should not only review successful appeals against final decisions of refusal and revocations in opposition cases separately, but also compare both of the results to improve its examination quality.
- The agendas of the Subcommittee meetings could be better adjusted. Asking the members to submit the written evaluation and question sheets in a short period of time without arranging any in-person meetings do not seem to contribute to very substantive evaluations or questions. It is therefore suggested that the members should make their evaluations after they attend meetings to receive explanations for the JPO's quality management initiatives and to join Q&A sessions. This would allow the members from different backgrounds to know what issues each of them is aware of and how the JPO responds to the issues, making their evaluations more comprehensive.
- It seems that, in the User Satisfaction Survey, the satisfaction level with consistency-related items decreases year after year, especially with "consistency with the guidelines and handbooks," "consistency with

appeal/trials decisions” and “consistency of judgements among examiners.” The JPO is therefore expected to analyze causes of the decrease and take measures to maintain the consistencies.

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 discovered all types of formal defects that occur frequently using factor analyses of specific applications and informed examiners of them.
- It is commendable that the JPO has been analyzing results of the User Satisfaction Survey more practically by, for example, exchanging opinions with respondents who showed negative responses and interviewing them on specific examples in a follow-up survey.
- In the current quality management system, the JPO adequately analyzed its examination quality and identified issues in various initiatives.
- While the JPO conducted follow-up surveys for those who showed negative responses to “communication with examiners” in the User Satisfaction Survey, requesting them to specify examples and issues behind their negative responses, it conducted questionnaire surveys to examiners on communication with users to identify issues from their points of view for improvement in its quality management initiatives.
- It is confirmed that the JPO appropriately identified issues based on the User Satisfaction Survey and continued analyzing and identifying issues from discrepancies in judgments among examiners and between examinations and appeals/trials. Furthermore, the JPO took initiatives to share information and raise shared awareness within its examination departments, aiming for effects that contribute to quality improvement.

< Points to be improved >

- The JPO is expected to revise the guidelines according to the recent changes in the drafting format and the examination practices, such as how contact information is listed in notices of reasons for refusal.
- The JPO is expected to consider measures for “judgements on distinctiveness,” “consistency of judgements among examiners” and “communication with examiners in on-site interviews and over the phone,” which were identified as issues to be addressed.
- The JPO is expected to improve its examination quality by even more specific and detailed analyses of the User Satisfaction Survey results.
- 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.
- No unsatisfactory case is ideal, but it is also important to follow up on such cases for factor analyses, identification of issues and possible measures.

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 “Very Satisfactory.”

<Evaluations>

- It is confirmed from the upward trend in the number of applications examined, especially first actions, and the downward trend in the examination period that the JPO implemented necessary improvements, although its examination implementation system is not yet sufficient. These trends resulted from various initiatives by the JPO, such as recruiting new staff members, utilizing private-sector search organizations, reviewing the system to instruct assistant examiners, according to the number of them, establishing an effective staffing structure, improving training sessions for examiners and putting them

online, piloting a tool for examiners to conduct more accurate figurative trademark searches, utilizing the report on the Cross-sectional Research Project on Reasons for Trademark Refusal, and improving user-friendliness with the filing support guide and the support pages on the official website.

- The Quality Manual and other documents were revised, based on review results and in response to changes in the social environment in the era of the COVID-19 pandemic and digital transformation. They were then published and communicated to the staff members.

<Points to be improved>

- The JPO is expected to continue its discussions on improvement of the examination quality from various directions.

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

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

<Evaluations>

- While the JPO conducted follow-up surveys for those who showed negative responses in the User Satisfaction Survey, requesting them to specify examples and issues behind their negative responses, so that it could identify quality issues from different perspectives, it conducted perception surveys to examiners on examination quality to identify issues from their point of view for improvement in its quality management initiatives.
- It is commendable that the JPO ensured that all examiners adopted the basic approach and improved the approach through various measures to improve how examiners communicate with users, such as keeping all examiners informed, increasing examiners’ accessibility to related



documents, and conducting Quality Tests for all examiners in an e-learning format.

- The JPO has been working sufficiently on improving its quality management measures by, for example, informing examiners of specific practices to contact users in a teleworking environment (e.g. requiring teleworking examiners to get back to users who contacted them) for smoother communication.
- The JPO published “How to communicate with trademark examiners in the era of digital transformation” to share procedures to reach teleworking examiners by phone and an overview of its communication to disseminate information mainly on how it establishes communication with users. The Office also revised communication-related documents, including the interview guidelines, shared best practices, informed again its examiners of what to bear in mind in interviews and telephone conversations and accepted a request from a user for an interview, as a general rule.

<Points to be improved>

- The JPO is expected to take the various initiatives to improve its communication with users one step further, for example, consider what should be covered in training sessions, etc. based on the results of the Quality Tests for all examiners and the questionnaire surveys for examiners.
- The JPO is expected to consider showing what measures were taken for issues identified in follow-up surveys in the form of interviews and online questionnaires for those who showed negative responses to items, including “judgements on distinctiveness” and “communication with examiners in on-site interviews and over the phone,” and in opinion exchanges with those who showed negative responses to items to be addressed on a priority basis.
- The JPO is expected to further analyze how the evaluations were modified and what was found out as issues to be improved as a result of interviews on specific examples behind negative responses.

- The JPO is expected to improve users' satisfaction to communication.

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

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

< Evaluations >

- The 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 increased its presence and understanding of its quality by holding international meetings/conferences, the International Cooperation on Trademark Examination Practices, and other events online as the Covid-19 pandemic affected travel.
- The JPO introduced its examination quality improvement initiatives and measures to foreign IP stakeholders in seminars, opinion exchanges, and other events as part of communicating information to users.
- The JPO provided updates on its trademark system and information on its quality management measures in the 4th Japan-China Trademark System Symposium, which aims for a deeper understanding of trademark systems and operations in both countries as it becomes increasingly important to protect and utilize intellectual property rights in both Japan and China.

< Points to be improved >

- It would be beneficial that the JPO will continue providing information and exchanging opinions on quality management with other, mainly Asian, countries as it would be a motivation for these countries and Japan to work on their quality management.

- The JPO is expected to be active in the International Cooperation on Trademark Examination Practices, where it conducts activities, such as accepting personnel from emerging countries.
- Information on initiatives for examination quality improvement has been communicated inside and outside Japan. It however seems difficult to see the whole picture of the initiatives due to the limited accessibility to the quality management page on the JPO's website.
- 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, while the JPO increased its presence and understanding of its quality by holding international meetings/conferences, the International Cooperation on Trademark Examination Practices and other events.

- 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 items (4), (7), (8), and (11)]

The JPO is expected to continue analyses and identification of issues for examination quality, as well as to take measures for quality improvement.

Major comments from the Subcommittee members:

- (a) The JPO is expected to analyze discrepancies between the evaluations in the User Satisfaction Survey and the perceptions of examiners to identify new issues on the examination quality and consider what measures to be taken for the issues.
- (b) The JPO is expected to work continuously on quality improvement for some evaluation items which seem to have received low evaluations while the others keep high evaluations in the User Satisfaction Survey.
- (c) No unsatisfactory case is ideal, but it is also important to follow up on such cases for factor analyses, identification of issues and possible measures.
- (d) The JPO is expected to analyze factors behind and identify issues from discrepancies in examination results between the JPO and foreign patent offices and discrepancies in its international search/internal examination results between the international and national phases within the JPO, aiming for further cooperation with foreign IP offices in dealing with the former discrepancies and for zero occurrence of the latter.

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

1. Improvement recommendations for quality management of patent examination

- (e) The JPO is expected to introduce better indicators for examination quality (e.g. consistency of judgements among examiners, validity).
- (f) The JPO is expected to improve methods to communicate information on better quality management and examination quality.

< Recommendation 2 > [Evaluation items (4) and (9)]

The JPO is expected to strive to reach an internationally comparable level in terms of the number of examiners and streamline examinations further, as well as to continue handling advanced technology fields.

Major comments from the Subcommittee members:

- (a) The JPO is expected to hire more examiners and streamline examinations further to maintain high quality and short examination period.
- (b) In order to maintain and improve examination quality in advanced technology fields, the JPO would need to consider hiring examiners and building an organizational structure for human resource development and to gather information on examination-related initiatives in foreign IP offices.

< Recommendation 3 > [Evaluation items (6) and (10)]

The JPO is expected to improve consistency of judgements and accuracy of prior art searches by conducting consultations among examiners, utilizing tools, etc.

Major comments from the Subcommittee members:

- (a) The JPO is expected to not only continue its initiatives but also use new tools to improve consistency of judgements and accuracy of prior art searches, including enhancement of foreign patent literature searches.
- (b) The JPO is expected to continue conducting consultations among examiners.
- (c) The JPO is expected to improve consistency of judgements by sharing know-how of examiners with extensive knowledge and experience and by sharing examination practices.

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

1. Improvement recommendations for quality management of patent examination

< Recommendation 4 > [Evaluation items (6) and (11)]

The JPO is expected to promote co-creating patent rights with various users, including startups, by improving communication and actively exchanging opinions with them.

Major comments from the Subcommittee members:

- (a) The JPO would need to communicate with users according to the interview guidelines, while hopefully handling interviews, especially online, and telephone conversations smoothly, based on the fact that the way they examine and work (e.g. teleworking) in the post-COVID-19/under the COVID-19 pandemic is increasingly common.
- (b) The JPO is expected to further promote initiatives to root the mindset of co-creating patent rights in the minds of both examiners and users as it is a very important perspective. The Office is also expected to communicate appropriately with users, especially in interviews with companies unfamiliar with patent filings, such as startups, to prevent any differences in the mutual perception, so that they could create better patents together.
- (c) The JPO is expected to expand its relationship with various users to include SMEs and startups.

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

### < Recommendation 1 > [Evaluation items (6), (7), (8) and (11)]

The JPO is expected to continue analyses and identification of issues for examination quality, as well as to take measures for quality improvement.

Major comments from the Subcommittee members:

- (a) The JPO is expected to see whether there is room for more effective ways to audit national applications with a limited number of personnel, in terms of when and how many to audit, who is in charge of each area, what mode to be adopted (e.g. by consensus), etc.
- (b) The JPO is expected to analyze discrepancies between the evaluations in the User Satisfaction Survey and the perceptions of examiners to identify new issues on the examination quality and consider what measures to be taken for the issues.
- (c) The JPO is expected to enhance its quality verification initiatives, as well as analyses of and identification of issues for examination quality, and communicate information on related measures, all of which will lead to continuous improvement in quality management.

### < Recommendation 2 > [Evaluation items (4), (6) and (9)]

The JPO is expected to strive to reach an internationally comparable level in terms of the number of examiners, work on training them and streamline examinations further.

Major comments from the Subcommittee members:

- (a) The JPO is expected to secure the appropriate number of examiners and provide training for them, as well as to deal with the broader scope of subject matter covered by the revised Design Act and improve examination efficiency continuously.
- (b) It appears necessary for the JPO to discuss whether it can maintain its quality in a situation where examiners process about three times more design applications than their counterparts at the USPTO do on a per capita basis.

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

- (c) The JPO is expected to improve its training environment by, for example, adopting e-learning methods so that it is easier for examiners to receive training.
- (d) The JPO is expected to continue the agile development of a search tool that supports examiners by using image search technology, which started in FY 2021.
- (e) The JPO is expected to discuss the necessity to redefine search keys for buildings and interior, according to circumstances.

< Recommendation 3 > [Evaluation items (6) and (10)]

The JPO is expected to improve consistency of judgements and its examination quality for newly added subject for protection by taking actions, such as conducting consultations among examiners and expanding case examples of official documents.

Major comments from the Subcommittee members:

- (a) The JPO is expected to focus on measures for consistency of judgements among examiners and maintain and improve measures for quality improvement.
- (b) The JPO is expected to continue measures to improve its examination quality for newly added subject for protection.
- (c) It might be helpful to provide an opportunity for consultations among examiners in training sessions or on specific applications.
- (d) For “description in notices of reasons for refusal, etc.” and “description in decisions of refusal,” the JPO is expected to extend the Case Examples of Notices of Reasons for Refusal and other Documents (for national applications) and Case Examples of Decisions of Refusal and other Documents (for Hague applications) aimed to further improve consistency of judgements.



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

< Recommendation 4 > [Evaluation items (6), (7) and (11)]

The JPO is expected to improve communication with its national and international users and accommodate their needs precisely by exchanging opinions actively with a wide range of users.

Major comments from the Subcommittee members:

- (a) The JPO is also expected to continue working on better communication and mutual understanding with its applicants so that they could get satisfactory decisions.
- (b) The JPO is expected to work actively on opinion exchanges with various industry organizations and communication with applicants, including online interviews, to understand industry trends and applicants' intentions precisely.
- (c) Opinion exchanges with foreign companies on Hague applications might be useful.

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

#### < Recommendation 1 > [Evaluation items (7), (10) and (11)]

The JPO is expected to continue analyses and identification of issues for examination quality, as well as to take measures for quality improvement.

Major comments from the Subcommittee members:

- (a) The JPO is expected to analyze discrepancies between the evaluations in the User Satisfaction Survey and the perceptions of examiners to identify new issues on the examination quality and consider what measures to be taken for the issues.
- (b) The JPO is expected to further analyze how the evaluations were modified and what was found out as issues to be improved as a result of interviews on specific examples behind negative responses.
- (c) The JPO is expected to improve methods to communicate information on improving quality management and examination quality.

#### < Recommendation 2 > [Evaluation item (4)]

The JPO is expected to continue securing a suitable number of examiners and promoting training for them, as well as to work on measures to prevent the examination period from getting longer again.

Major comments from the Subcommittee members:

- (a) The JPO is expected to continue securing a suitable number of examiners and improving training for them.
- (b) Consumer market trends could play an important role in judgements on distinctiveness of non-traditional trademarks, such as sound, motion and position. The JPO is expected to provide appropriate training based on that.
- (c) The JPO is expected to take measures for maintenance and consistency of quality management after hiring more examiners.
- (d) The JPO has been making a steady improvement in the examination period prolonged by more applications as the period became shorter than the previous year. The JPO is expected to focus on maintaining and improving

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

its examination quality as well as preventing the examination period from getting longer again.

< Recommendation 3 > [Evaluation items (6), (7) and (8)]

The JPO is expected to continuously conduct unified examinations according to the Examination Guidelines for Trademarks and other documents, as well as to consider taking more specific improvement measures to address users' issues related to consistency of judgements among examiners and on distinctiveness.

Major comments from the Subcommittee members:

- (a) The JPO would need to continue current initiatives 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 Examination Guidelines for Trademarks and other documents.
- (b) As the levels of user satisfaction with consistency-related items seem to decrease every year, the JPO is expected to analyze the causes and take measures to maintain consistency.
- (c) The JPO is expected to consider taking more specific improvement measures, based on the results of the follow-up survey, for consistency of judgements among examiners and on distinctiveness, which are pointed out as issues in the User Satisfaction Survey every year.

< Recommendation 4 > [Evaluation items (6), (7) and (10)]

The JPO is expected to continue promoting initiatives for a deeper mutual understanding with users for even smoother communication.

Major comments from the Subcommittee members:

- (a) The JPO would need 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

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

communication with them, as well as by asking examiners about usability of and what they want for tools.

- (b) The JPO is expected to continue working on better communication and a mutual understanding with applicants so that they could get satisfactory decisions.
- (c) As for the issues with communication with examiners, which were pointed out by users, the JPO would need to look in-depth at them after comparing the questionnaire survey to examiners to find more practical improvement measures.
- (d) The JPO is expected to continue working on even smoother communication with users, including communication online and by phone while remote working.

## IV. Conclusion

It was confirmed through evaluations of the quality management implementation system and status in FY 2022 that evaluations and improvement recommendations provided by the Subcommittee in FY 2021 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.

Further, the FY 2022 report added appendices on directions for future examination quality management and improvement based on the user evaluations (Appendix 4) and the examiner survey (Appendix 5). 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"> <li>• 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.</li> <li>• 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.</li> </ul> | 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 2022

\*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       |

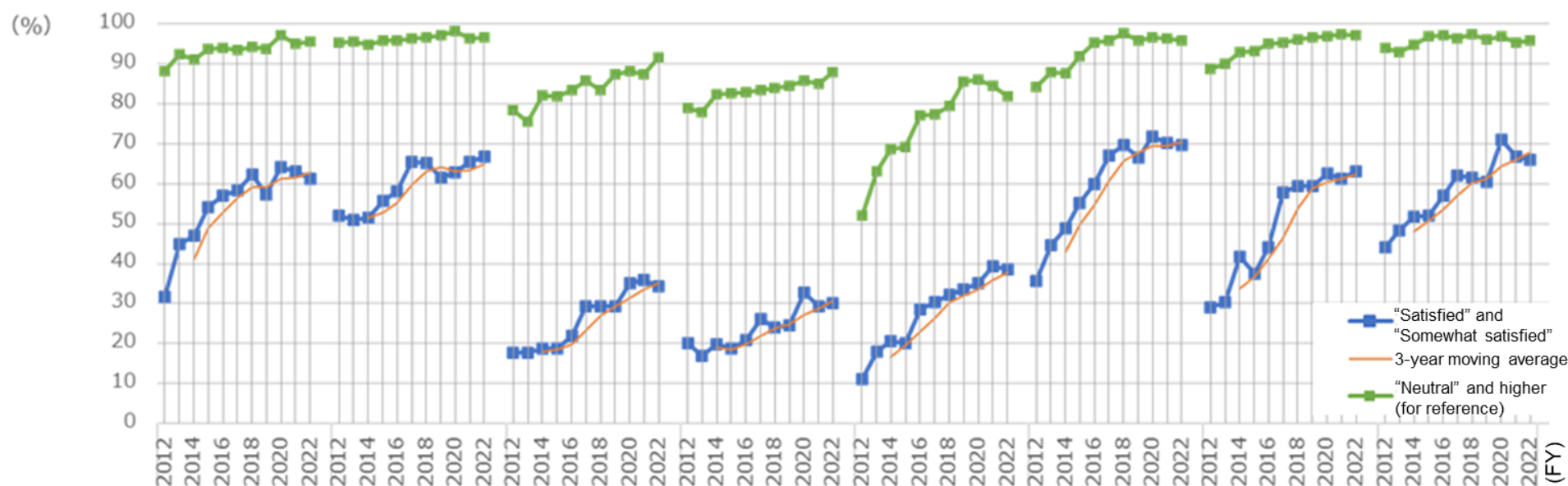
(Appendix 3) Table of recommendations made in FY 2022

|                  | Patent  | Design   | Trademark   |
|------------------|---|--|---|
| Recommendation 1 | The JPO is expected to continue analyses and identification of issues for examination quality, as well as to take measures for quality improvement.   | The JPO is expected to continue analyses and identification of issues for examination quality, as well as to take measures for quality improvement.  | The JPO is expected to continue analyses and identification of issues for examination quality, as well as to take measures for quality improvement.   |
| Recommendation 2 | The JPO is expected to strive to reach an internationally comparable level in terms of the number of examiners and streamline examinations further, as well as to continue handling advanced technology fields. | The JPO is expected to strive to reach an internationally comparable level in terms of the number of examiners, work on training them and streamline examinations further.   | The JPO is expected to continue securing a suitable number of examiners and promoting training for them, as well as to work on measures to prevent the examination period from getting longer again.  |
| Recommendation 3 | The JPO is expected to improve consistency of judgements and accuracy of prior art searches by conducting consultations among examiners, utilizing tools, etc.  | The JPO is expected to improve consistency of judgements and its examination quality for newly added subject for protection by taking actions, such as conducting consultations among examiners and expanding case examples of official documents. | The JPO is expected to continuously conduct unified examinations according to the Examination Guidelines for Trademarks and other documents, as well as to consider taking more specific improvement measures to address users' issues related to consistency of judgements among examiners and on distinctiveness. |
| Recommendation 4 | The JPO is expected to promote co-creating patent rights with various users, including startups, by improving communication and actively exchanging opinions with them.   | The JPO is expected to improve communication with its national and international users and accommodate their needs precisely by exchanging opinions actively with a wide range of users.   | The JPO is expected to continue promoting initiatives for a deeper mutual understanding with users for even smoother communication.   |

# (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. Overall quality of patent examination of national applications



| Process         | Overall                    | Search                     |                           |                       | Judgement   | Drafting   |  | Interview, etc.   |
|-----------------|----------------------------|----------------------------|---------------------------|-----------------------|-------------|--|--|---|
| Evaluation item | Patent examination quality | Domestic patent literature | Foreign patent literature | Non-patent literature | Consistency | Easy-to-understand description in notices of reasons for refusal | Easy-to-understand description in decisions of refusal | Communication with examiners in interviews and by phone |
| % of evaluation | ◎                          | ◎                          | △                         | △                     | △           | ◎  | ◎  | ◎   |
| Change          | △                          | ○                          | ○                         | ◎                     | △           | △  | △  | △   |

Percentage of “Satisfied” and “Somewhat satisfied”

◎: 60% and higher

○: 50% - 59%

△: below 50%

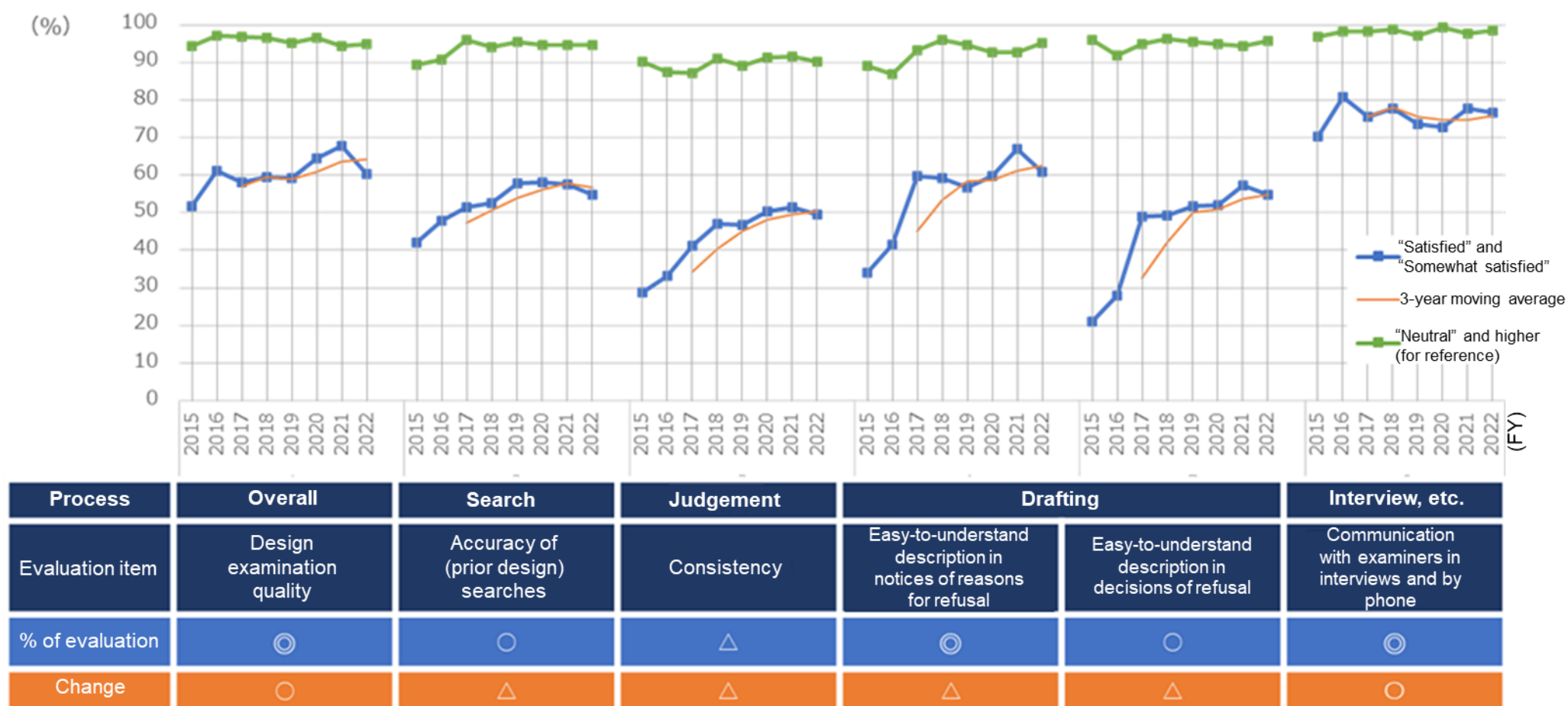
Changes in a 3-year moving average

◎: The change rate per year surpassed the 3-year average in 2021 and 2022 consecutively.

○: The change rate per year surpassed the 3-year average in either 2021 or 2022.

△: The change rate per year fell under the 3-year average in 2021 and 2022 consecutively.

## 2. Overall quality of design examination



Percentage of “Satisfied” and “Somewhat satisfied”

◎: 60% and higher

○: 50% - 59%

△: below 50%

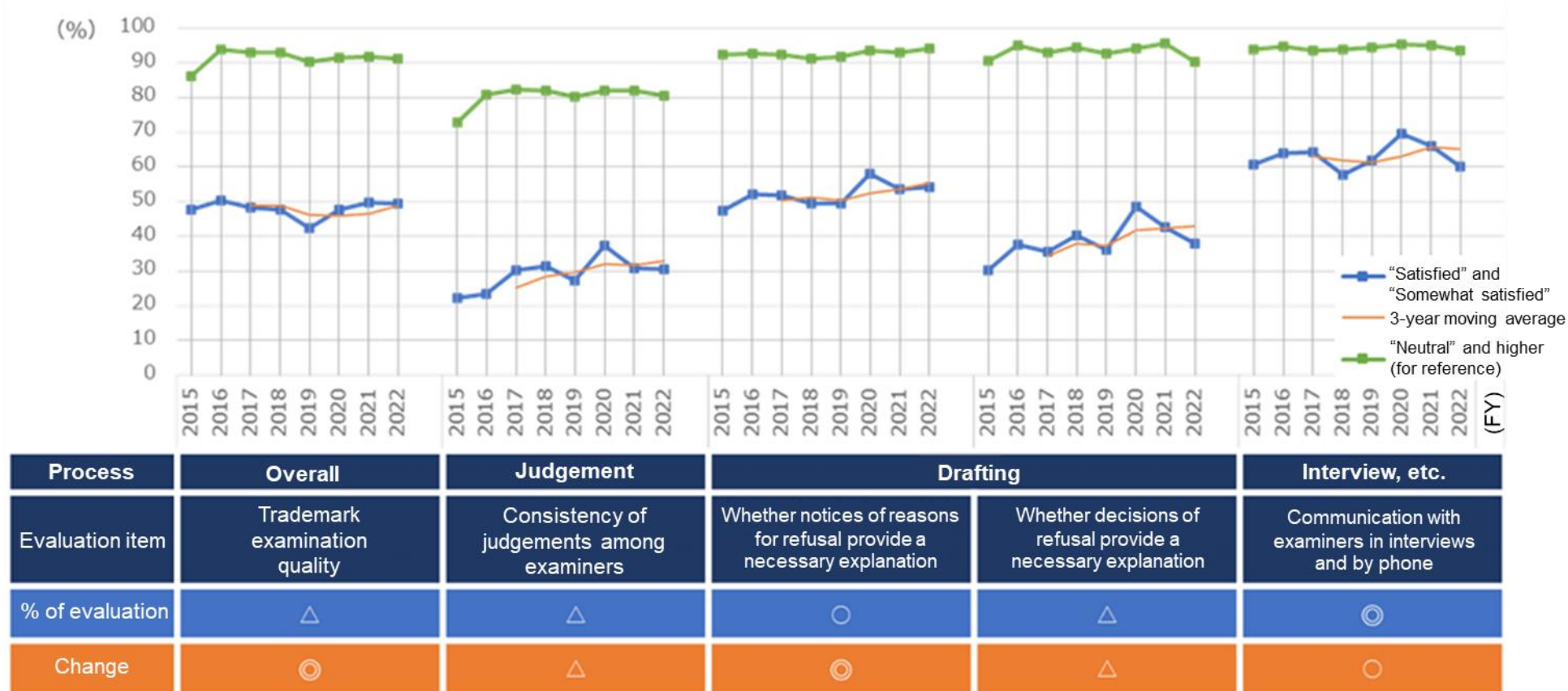
Changes in a 3-year moving average

◎: The change rate per year surpassed the 3-year average in 2021 and 2022 consecutively.

○: The change rate per year surpassed the 3-year average in either 2021 or 2022.

△: The change rate per year fell under the 3-year average in 2021 and 2022 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 2021 and 2022 consecutively.

○: The change rate per year surpassed the 3-year average in either 2021 or 2022.

△: The change rate per year fell under the 3-year average in 2021 and 2022 consecutively.

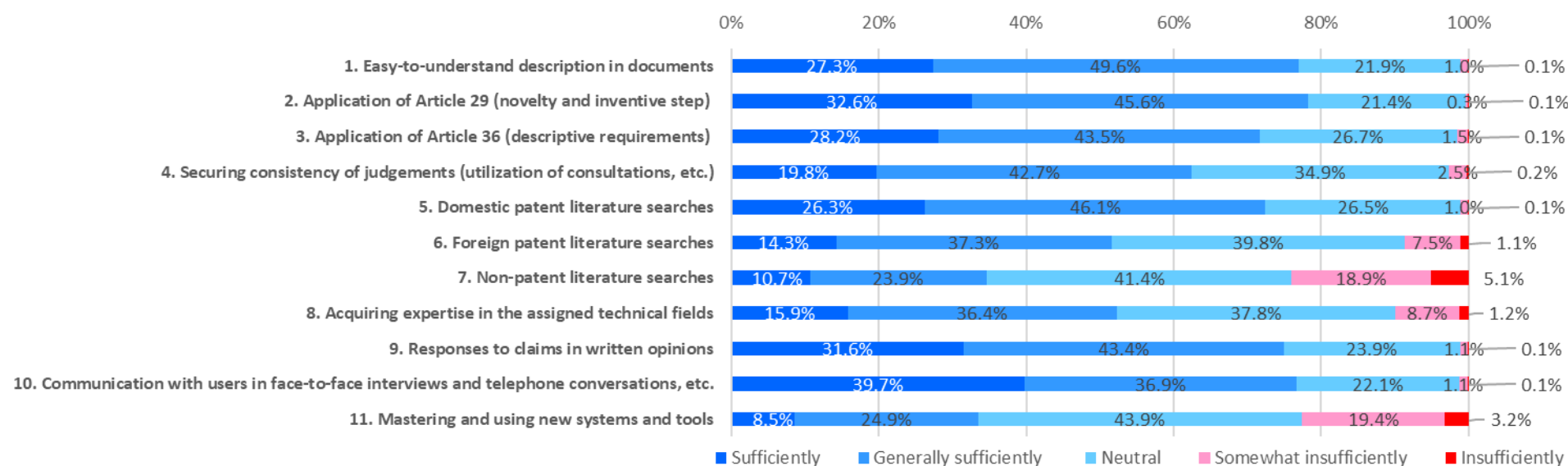


## (Appendix 5) Questionnaire survey to examiners

※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).

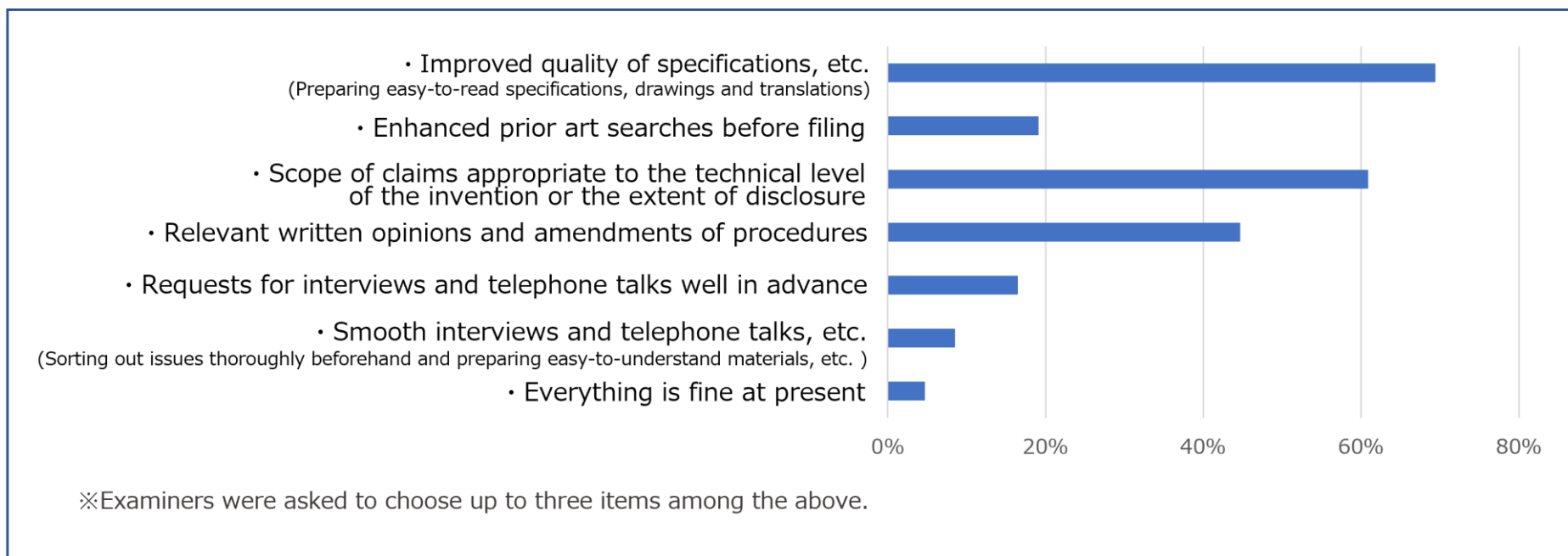
### 1.1 Patent examiners' perception of evaluation items presented in the User Satisfaction Survey

- Self-evaluation on a five-point scale as to how sufficiently they implement the following items presented in the User Satisfaction Survey on a regular basis



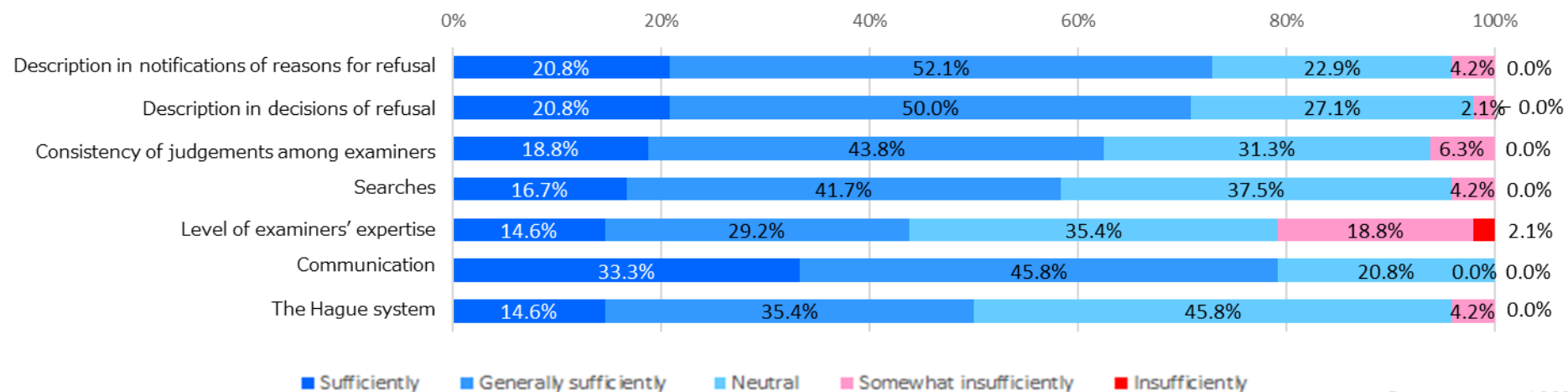
Response rate: 100%

## 1.2 What patent examiners expect the most from users in terms of examination quality improvement



## 2 Design examiners' perception of evaluation items presented in the User Satisfaction Survey

- Self-evaluation on a five-point scale as to how sufficiently they implement the following items presented in the User Satisfaction Survey on a regular basis



Response rate: 100%

### 3 Trademark examiners' perception of evaluation items presented in the User Satisfaction Survey

- Self-evaluation on a five-point scale by all examiners as to how sufficiently they implement the following items presented in the User Satisfaction Survey on a regular basis

