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Quality Management Manual for Patent Examination

(Quality Manual)

July 2022
Japan Patent Office

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History of revision

Date	Content
August 27, 2014	Publication of the first edition
June 30, 2015	Publication of the revised edition
July 27, 2016	Publication of the revised second edition
July 1, 2022	Publication of the revised third edition

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Introduction

Intellectual Property (IP) strategies have become more and more important not only in Japan but also in other countries in terms of further accelerating innovation in response to rapid globalization of R&D and corporate activities in recent years. For example, Japanese applicants have dramatically changed their filing strategy, as seen in the increase in PCT international applications and the more selectivity in their filing applications that emphasize quality over quantity. Moreover, the framework for international cooperation and negotiations with regard to patents is not limited anymore to only the Trilateral framework among the Japan Patent Office (JPO), the European Patent Office (EPO) and the US Patent and Trademark Office (USPTO). The framework has been expanded to the IP5 Offices, which includes the Korean Intellectual Property Office (KIPO) and the State Intellectual Property Office (SIPO), in addition to the above-mentioned Trilateral Offices. The framework also includes meetings of multilateral offices including ASEAN countries and emerging countries such as India. Under these circumstances, we need to recognize that these countries have made efforts to internationally harmonize IP systems and practices in terms of enabling applicants to acquire rights with more predictability. On the other hand, all these countries compete with one another in improving their systems, fostering innovation from the viewpoint of strengthening their own international competitiveness.

In response to this situation, the Intellectual Property Policy Vision decided by the cabinet on June 7, 2013 has a goal of “creating the most advanced intellectual property system in the world, which will attract companies and people from Japan and overseas”. “The Japan Revitalization Strategy: Japan is Back” decided by the cabinet on June 14, 2013 considers strengthened IP strategies as one of the main pillars among several growth strategies. “The Japan Revitalization Strategy: Japan is Back”, which was revised in 2014 and decided by the cabinet on June 24, 2014 states that “we will continuously try to make Japan the world’s most excellent intellectual property-based nation.

In order to develop the most advanced IP system in the world, the JPO needs to conduct accurate and reliable patent examination¹ on a timely basis and to provide domestic and international users with expeditious examination results. In order to achieve this goal, we need to sustainably provide the world’s fastest and utmost quality patent examination. With regard to the utmost quality patent examination in the

¹ This includes the examination of an invention (including “International search” and “International preliminary examination” on PCT international applications) and the creation of “Written utility model technical opinion”.

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world, it is important to grant robust patents that will not be invalidated afterward; broad patents that have coverage matching the extent of the technical levels of inventions and their disclosures; and valuable patents that are recognized around the world based on sufficiently understanding the arts that are filed so as to conduct necessary and sufficient prior art searches for Japanese and foreign-language literature and make accurate judgments on the requirements for patents.

The JPO released its Quality Policy on Patent Examination in April 2014 that outlines its goal of enabling such “robust, broad and valuable patents” to be granted both inside and outside the JPO.

This Quality Policy outlines the fundamental principles of quality management in patent examination. All of the patent examination departments are responsible for conducting patent examination and ensuring that quality management is reflected in patent examination based on these fundamental principles. In addition, all of the patent examination departments have the responsibility to continually strive to sustain and enhance the quality of patent examination.

The Quality Management Manual for Patent Examination (“Quality Manual”) is a document that describes the quality management itself and its implementation system in line with the fundamental principles stipulated in the Quality Policy. The Quality Manual will be revised if any change is made on the quality management itself or its implementation system.

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Scope

This manual applies to all units in the patent examination departments involved in patent examination and to all patent examination procedures which staff member in the units conduct.

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Ref. 1: Quality Policy on Patent Examination

Ref. 2: Correlation of initiatives described in the Quality Policy and the Quality Manual

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Definitions of words and terms

The definitions of the words used in this Quality Manual are as follows.

Art Units	Small units where examiners conduct patent examination on arts, including arts overseen by Directors, and which are further segmented into two to three units.
Related sections and offices in the Administrative Affairs Division	The Policy Planning and Research Section, the Examination Promotion Office, the Examination Standards Office, the Examination Policy Planning Office, and the Quality Management Office in the Administrative Affairs Division.
Descriptions, etc.	For patent applications and PCT international applications, this term means the descriptions, claims and necessary drawings; for applications for utility model registration, the descriptions, claims and drawings.
Director-Generals	Director-Generals of the Examination Departments
Director-Generals/Directors in charge	Director-General and Directors who supervise patent examination of specific arts
Directors	Directors and Examination Management Officers, unless otherwise stated
Directors, etc.	Directors and Associate Managing Examiners
Dispositions (Decisions)	In addition to decisions to grant patents, decisions to refuse patents, decisions to dismiss amendments as stipulated in Article 53 of the Patent Act, intermediate actions such as notices of reasons for refusal etc. and creating reconsideration reports by examiners before appeal proceedings, international search reports, international preliminary examination reports and reports of utility model technical opinions.
Examination Departments	This contains the following 1 st to 4 th Patent Examination Departments. - 1 st Patent and Design Examination Department (Physics, Optics, Social Infrastructure and Design)

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	<p>2nd Patent Examination Department (Mechanical Technology)</p> <p>3rd Patent Examination Department (Chemistry, Life Science and Material Science)</p> <p>- 4th Patent Examination Department (Electronic Technology).</p> <p>However, the scope of this Quality Manual covers the only offices involved in patent examination</p>
Examination Divisions	Divisions where examiners conduct patent examination of specific arts, supervised by Directors.
Initiatives	Actions/activities that should be implemented and which were planned by the related sections and offices in the Administrative Affairs Division.
Laws, regulations and guidelines	Various related treaties, laws, regulations and guidelines
Measures	This word refers to operations including said initiatives conducted at each level such as at each Examination Department, each Examination Division, each Art Unit and each examiner. It is used particularly in cases where operations are explained from a specific point of view (e.g. initiatives for improving quality)
Patent examination	This includes the examination of an invention (including “International search” and “International preliminary examination” on PCT international applications) and the creation of “Written utility model technical opinion”, unless otherwise stated.
Quality Management Officers	<p>Collective term for both the General Quality Management Officer and Expert Quality Management Officer.</p> <p>General Quality Management Officer :</p> <p>Quality Management Officer is in charge of all art units in each responsible examination department in a cross-sectional manner, with management experience.</p> <p>Expert Quality Management Officer :</p>

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	Quality Management Officer is in charge of each responsible art unit.
Search index	FI, F-term, IPC, free word, etc.
Search/Searches	Prior art search(es)

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I. Outline of Quality Management System (QMS)

1. Relationship with Quality Policy and QMS

(1) General Statement

The Quality Policy on Patent Examination² (hereinafter referred to as “the Quality Policy”) outlines the fundamental principles of quality management in patent examination (hereinafter referred to as “quality management”), for the purpose of granting globally reliable patents of high quality and supporting the JPO to achieve patent examination of the utmost quality in the world.

In order to achieve patent examination of the utmost quality in the world, patent examination departments strive to conduct appropriate patent examination, plan and implement patent examination initiatives which meet wide-ranging needs and expectations of users, and continuously improve the initiatives, through quality management in line with the Quality Policy.

Quality management covers all patent examination measures that are arranged and associated with each other in line with the PDCA cycle³ from the viewpoint of sustaining and enhancing patent examination quality, in addition to the Quality Policy. In order to perform quality management continually and steadily, it is necessary to establish the implementation system for clarifying the roles of every staff member and organization.

The quality management system for patent examinations (hereinafter referred to as “the quality management system”) consists of both quality management itself and the implementation system mentioned above.

The “Quality Management Manual for Patent Examination” (hereinafter referred to as “the Quality Manual”)⁴ is designed to document the quality management system, in order to uniformly implement quality management in line with the fundamental principles stipulated in the Quality Policy.

² See Ref.1 at the end of this manual for the Quality Policy.

³ A method to continuously improve the process by repeating 4-stage activities (plan→do→check→act)

⁴ This manual corresponds to a reference mentioned to in Chapter 21 of the PCT International Search and Preliminary Examination Guidelines.

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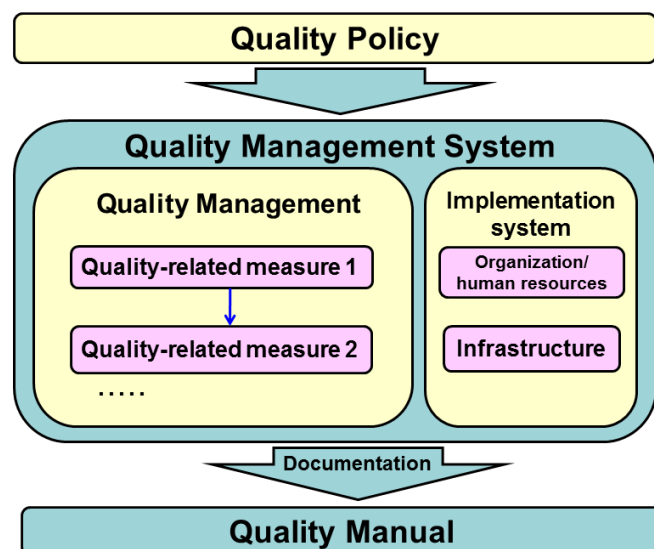


Figure 1: Relationship among the Quality Policy, QMS and the Quality Manual

(2) Directions for required measures based on the Quality Policy

Since the Quality Policy outlines the fundamental principles of quality management, every measure that patent examination departments implement on quality management should have a close connection with items stated in the Quality Policy.

This section explains the directions for required measures based on the Quality Policy, in the order corresponding to the items therein⁵.

1) We grant robust, broad and valuable patents

High-quality patents need to be (i) robust (stable) so as not to be invalidated afterward, (ii) broad to such an extent that they have coverage matching the extent of the technical levels of the invention and their disclosures and (iii) valuable so as to be recognized around the world. Such patents are indispensable in terms of supporting global business expansion and promoting innovation. Patent examination that leads to granting such patents is considered to be high-quality patent examination.

(i) Robust patents

Conducting “patent examination without any defects” is necessary to ensure the stability of rights under the substantive examination principle. That is to say, accurate judgments in patent examination are preconditions in terms of whether applications

⁵ Also see Ref.2 at the end of this manual that explains the correlation between the items in the Quality Policy and the measures described in the Quality Manual.

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satisfy the legal requirements.

In addition, any rights granted in Japan should promote not only the utilization of the patented inventions and the enforcement of such rights in Japan, but also the acquisition of such rights overseas, for the purpose of supporting global business expansion. To this end, any rights granted in Japan should be globally reliable.

(ii) Broad patents

In order to ensure that patents are broad enough to have coverage matching the extent of the technical levels of the invention and their disclosures, examiners need to properly understand how the invention disclosed in the descriptions technically contributes to the prior arts in the field, so as to avoid the scope of claims being restricted unnecessarily. On the other hand, it is the applicants (and patent attorneys) who are responsible for determining the degree of disclosures of the invention in the descriptions, at the time they file applications.

Thus, the JPO should implement measures so that examiners properly understand the level of prior arts and adequately communicate with the applicants, and also encourage applicants to optimize their applications' contents, with a view to ensuring the broadness of the scope of rights that have coverage matching the extent of the technical levels of the invention and their disclosure.

(iii) Valuable patents

In order to grant a valuable patent right that is recognized around the world, that is to say, a patent right that will be respected when foreign patent offices conduct patent examinations, the invention to be protected needs to have high market value. In addition, applicants need to file their applications in a timely manner, which contain the proper content to maximize the market value of their inventions based on their own business strategies and IP strategies.

On the other hand, the patent examination departments and examiners need to understand applicants' business strategies and IP strategies so as to conduct examination taking into account the strategic importance of the applications. The JPO should formulate measures on examination practices in this regard.

Additionally, accurate patent examination should be conducted and patents should be granted globally in response to continually expanding global business activities. To this end, the JPO needs to grant high-quality and globally reliable patents and to use the international work-sharing framework to the maximum extent possible.

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2) We meet wide-ranging needs and expectations

Needless to say, high-quality patent examination has to satisfy users. Moreover, the patent system is for all of society. It is necessary, therefore, to consider the benefits that patents provide to Japanese society in general and the satisfaction that they provide to everyday people even not directly connected with the patent system. The patent examination departments, in response, need to fully understand the needs of people who are connected, and who are not directly connected, with the patent system and to consider such needs in planning patent examination initiatives, while focusing on the perspective of compliance.

At the same time, the examiners are required to conduct patent examination that meets wide-ranging needs and expectations a) by maintaining sufficient communications with the applicants and patent attorneys, b) by following the principles such as treaties, laws, regulations and the Examination Guidelines for Patents and Utility Models (“the Examination Guidelines”), and c) by ensuring fairness, transparency and consistency.

3) We all dedicate ourselves to improving quality, cooperating with concerned persons and parties

In order to sustain and enhance the quality of patent examination, it is essential for the patent examination departments not only to improve their own patent examination procedures but also to enhance the quality of descriptions and the assignment of search indexes and search reports, working in cooperation with concerned persons such as applicants, patent attorneys, and registered search organizations.

4) We contribute to improving the quality of patent examination globally

From the viewpoint of supporting business expansion worldwide, it is important to conduct high-quality patent examinations and to grant high-quality patents inside and outside Japan. For these purposes, the JPO needs to actively promote initiatives that improve the quality of patent examination internationally, such as the PPH,⁶ the PCT system, international harmonization of the patent system, and the international examiner exchange program.

Furthermore, if information on patent examination practices conducted at the JPO is actively utilized in patent examination practices conducted by foreign patent offices, it would be easier for applicants who file their applications with the JPO to predict the

⁶ PPH: Patent Prosecution Highway

A framework under which an application for an invention judged to be patentable by the Office of First Filing can be subject to accelerated examination at the Office of Second Filing through the simplified procedures based on an agreement concluded between these offices.

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patentability of their inventions overseas. Having this ability to more accurately predict patentability supports their business expansion worldwide. The JPO, therefore, needs to actively promote the above initiatives. In addition, examiners need to conduct examinations, keeping in mind that their own examination results could be used by foreign patent offices. So they need to provide useful and high-quality examination information that is useful for patent examination conducted in foreign patent offices on a timely basis.

5) We continually improve operations

In order to improve the quality of patent examination, it is necessary to continuously monitor the degree that quality management is being reflected in examination practices, and the level of patent examination quality itself. Accurately understanding the current status of examination quality enables the JPO to implement necessary initiatives for further improvements.

Moreover, the situation surrounding patent examination changes from day to day, as seen in, for example, the greater scope of searches being conducted due to further developments being made in technology. The patent examination departments provide all staff involved in patent examination with diverse information on situational changes surrounding patent examination and on the quality of patent examination. All staff, in turn, improve their own patent examination performance on a continuous basis by making use of information provided to them.

6) We raise the knowledge and capabilities of our staff

It is essential to improve the knowledge and capabilities of all staff involved in patent examination in order to improve the quality of patent examination. All staff involved in patent examination are required to learn on their own every day and actively participate in training to enhance their expertise. In addition, it is important for the patent examination departments as an organization to support their staff by providing sufficient opportunities for training.

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2. Outline of cycle for sustaining and enhancing the quality of patent examination (PDCA Cycle)

As described above in 1. (1), a variety of measures that form parts of quality management needs to be related to each other in line with the PDCA cycle, from the viewpoint of sustaining and enhancing the patent examination quality. The PDCA cycle consists of two levels: a) all patent examination departments as a whole, and b) each examination division individually. Figure 2 illustrates a conceptual diagram of the relationship between these two PDCA cycles.

(1) PDCA cycle for all examination departments as a whole

The PDCA cycle for all patent examination departments as a whole (the PDCA cycle described as PLAN-DO-CHECK-ACT in Figure 2) is explained below.

The common plans of patent examination for all patent examination departments as a whole are formulated at the beginning of each fiscal year (PLAN: See II. 4). Patent examination and related operations (hereinafter referred to as “patent examination procedures”) are performed accordingly (DO: See II. 1). Then, the patent examination procedures are checked and evaluated by various methods such as Quality Audit (CHECK: See II.2), and according to the issues to be addressed, the patent examination procedures and existing measures taken by the patent examination departments are modified (ACT: See II. 3). These modifications are reflected in the common plans for the next fiscal year (PLAN: See II. 4) so that the quality of patent examination is sustained and enhanced.

(2) PDCA cycle for each examination division

In addition to the above mentioned PDCA cycle, each examination division that performs patent examination is to sustain and enhance the quality by the PDCA cycle (smaller PDCA cycle described as plan-do-check-act in Figure 2).⁷

That is, the each plan of patent examination for each examination division are decided based on the common plans of patent examination for all patent examination departments as a whole, and the each plan decided at each patent examination division at the beginning of fiscal year. (plan: See II. 1. (4)). The examiners perform patent examinations, utilizing consultations with other examiner and interview examination, in line with the plan mentioned above (do: See II. 1. (1)). Then, the patent examination procedures by the examiners (disposition, etc.) undergo director’s quality check, which is

⁷ While each element of the PDCA cycle of the whole Patent Examination Departments is written in upper-case letters as “PLAN”, “DO”, “CHECK” and “ACT”, each element of the PDCA cycle of the each Examination Division is written in lower-case letters as “plan”, “do”, “check” and “act”.

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called “Approval” (check: See II. 1. (2)). As needed, individual disposition by examiners is corrected so as to become more appropriate by giving guidance from directors on judgment and description on the notice (act: See II. 1. (3) (i)). It finally leads to ensuring the quality.

Moreover, each examination division and each examiner improve the patent examination procedures (act: See II. 1. (3) (v)), acquire knowledge and improve skills by means of sharing knowledge among examiners, self-improvement, and training, and continuously revise search indexes (act: See II. 1. (3) (ii) to (iv)), based on a variety of quality-related information (CHECK: See II.2.).

Knowledge obtained as a result of those measures mentioned above is reflected in the subsequent plan formulation of measures for patent examination so that the patent examination quality is sustained and enhanced (plan: See II. 1. (4)). The improvement of patent examination in the examination divisions should be performed on a timely basis in their daily works. In addition, some parts of the improvement are conducted through voluntary measures by the art units in the examination divisions.

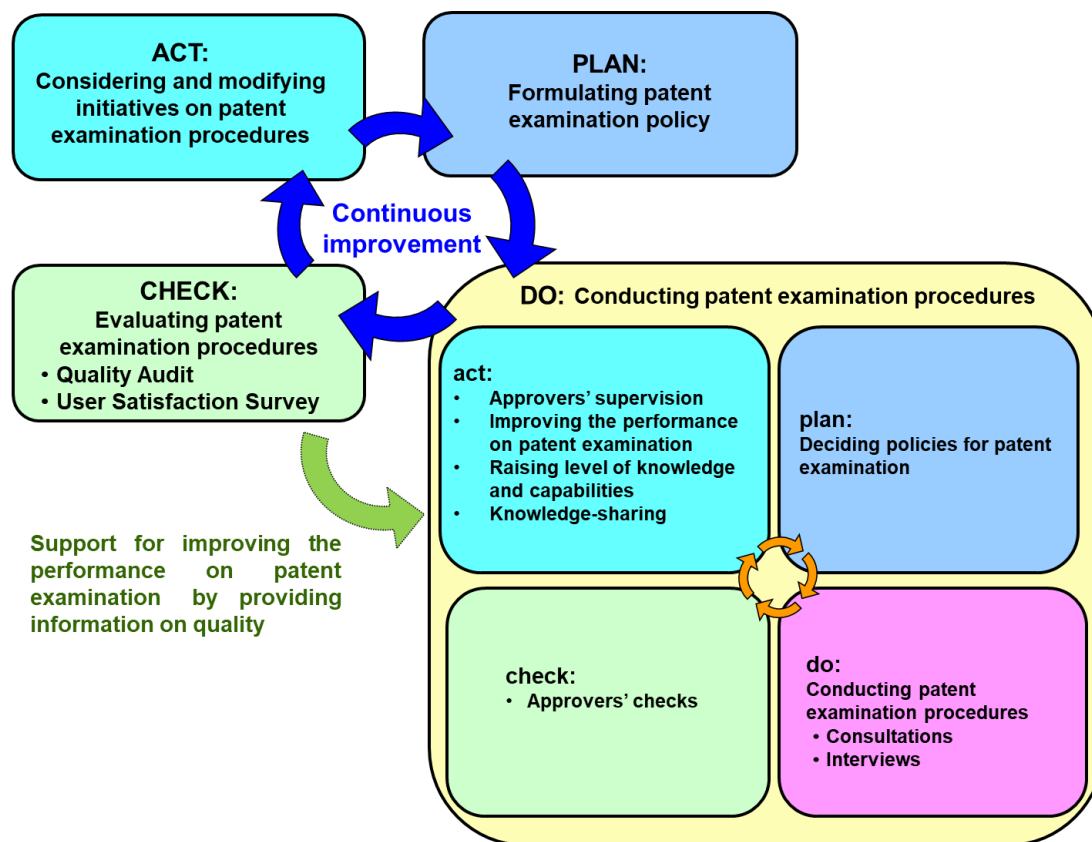


Figure 2: Conceptual diagram of cycle for continuous sustainment and enhancement on the patent examination quality, i.e., the PDCA cycle.

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3. Outline of framework for implementing quality management measures

The Commissioner of the JPO, and the Deputy Commissioner, who is appointed by the Commissioner and to oversee critical matters on technical art regarding patent examination, are both responsible for creating, maintaining, and implementing the Quality Management System explained in this Quality Manual. Under the top management of the Commissioner and the Deputy Commissioner, the organizations and staff member in charge of patent examination procedures are to perform their respective duties.

Under the management of the director-generals of each examination department and the directors of each examination division where examiners are assigned to work, the examiners conduct patent examinations on the art assigned by the directors. The examination departments and examination divisions are to implement quality-related measures planned by the Administrative Affairs Division, and also create and implement their own measures that respond to assigned technical fields, in order to further improve the patent examination quality.

The Administrative Affairs Division is responsible for coordinating administrative affairs concerning patent examination, including planning measures.

The Quality Management Office is established within the Administrative Affairs Division. The Quality Management Office takes responsibility for administrative affairs concerning the quality management of patent examination. Specifically, for example, the Quality Management Office plans measures to be performed by the examination departments and examination divisions, such as consultations, approvals, and utilization of appeals information, as well as measures to understand the quality such as user satisfaction survey. Moreover, the Office collects various quality-related data obtained by such measures to provide them to after-mentioned the Quality Management Internal Committee.

The Quality Management Internal Committee, consisting of experts within the examination departments such as directors in charge of art of the examination divisions, is established within the JPO. The Committee analyzes and evaluates quality-related data collected by Quality Management Office such as quality audits, appeals information, and user satisfaction survey results, in order to understand the status quo of the patent examination quality and discover issues to be solved from the standpoint of a third party

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to all examination departments and examination divisions. The Committee reports the results to the Deputy Commissioner and the Administrative Affairs Division, and gives feedback on the analysis results of quality audits and check points of approvals to the examination departments and examination divisions. In addition, the Committee gives advice on various measures planned by the Quality Management Office.

There are Quality Management Officers in the JPO who are responsible for quality audits on patent examination. The Quality Management Officers are selected from examiners and examiners who have a great deal of knowledge and high level of expertise in making judgments in their respective technical fields. They conduct quality audits depending on the kind of drafts and give feedback on the results to directors, etc.

The JPO established a committee called the Subcommittee on Examination Quality Management. This Committee is under the Intellectual Property Committee of the Industrial Structure Council, of the Ministry of Economy, Trade and Industry and consists of external experts who have expertise in managing quality, and/or have academic backgrounds and suitable knowledge. This Committee was established to check whether the Quality Management System outlined in this Quality Manual is functioning properly as designed so as to sustain and enhance the quality of patent examination based on feedback from a third-party perspective. To achieve this, the Committee objectively evaluates the systems for, and the current state of, quality management on patent examination in the JPO. The Committee sets standards and criteria for the evaluations and then makes recommendations on the systems for, and the current state of, quality management on patent examination, using the standards and criteria. Based on the results of the recommendations proposed by the Committee, the JPO reviews the issues to be addressed concerning quality management on patent examination, and modifies patent examination procedures based on ACT, formulating plans for patent examination [PLAN].

Users such as applicants and patent attorneys also have an influence on the quality of patent examination through descriptions that are filed with applications and opinions written in response to notices of reasons for refusal, which are both prepared by applicants and patent attorneys. In addition, users provide quality-related information to sustain and enhance the quality of patent examination through responses on user satisfaction surveys and various opportunities to exchange their opinions with the JPO.

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The JPO and foreign patent offices mutually exchange examination information with each other. The JPO utilizes the information to sustain and enhance the quality of patent examination, cooperating with the other offices by, for example, conducting comparative studies based on the information exchanged.

Figure 3 outlines the Quality Management System at the JPO, i.e. it shows the quality management, its framework and their relation to each other. Figure 4 is an organization chart.

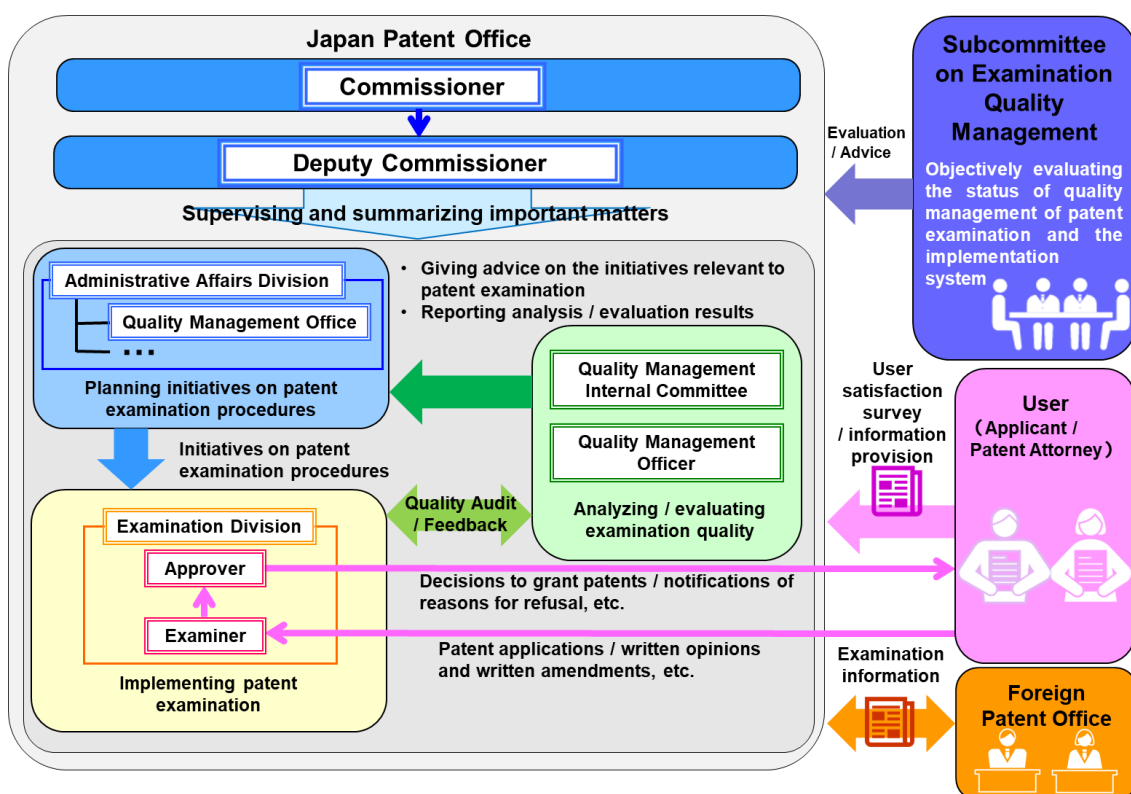


Figure 3: Outline of the quality management system

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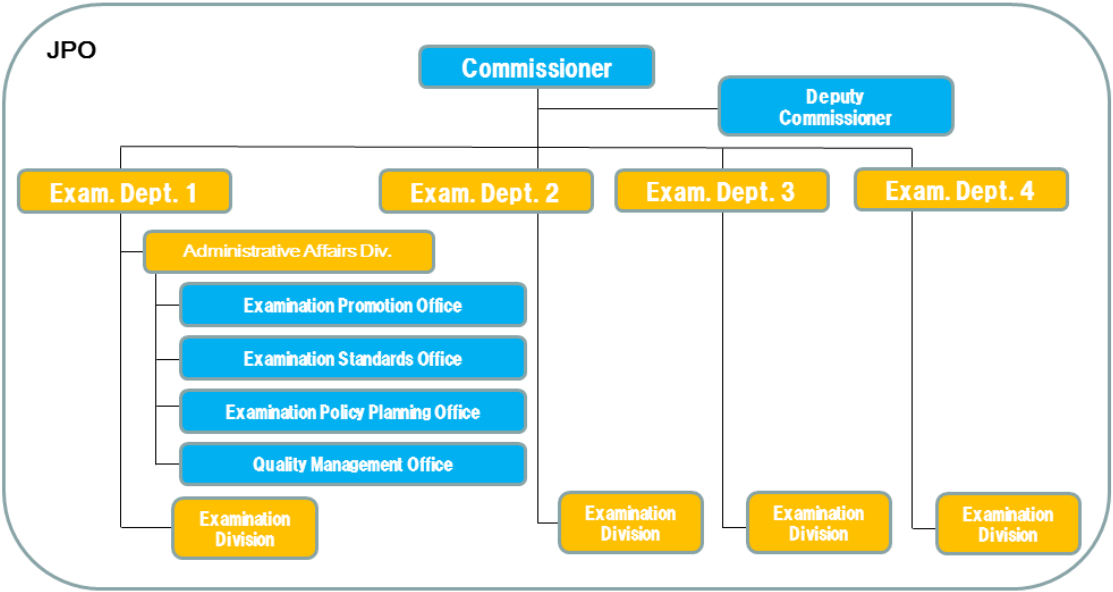


Figure 4: Organization chart of quality management

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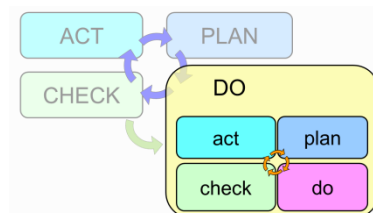
II. Measures being implemented in the examination departments

The following sections outline various measures that are included in the PDCA cycle at all examination departments, described in I. 2. (1).

Firstly, “Conducting patent examination procedures” [DO], which is considered to be the core measure, is stated in the following 1. Then, “Evaluating patent examination procedures” [CHECK], “Considering and modifying measures on patent examination procedures” [ACT], and “Deciding patent examination policies” [PLAN] are explained in the order of 2 to 4.⁸

1. Conducting patent examination procedures [DO] - PDCA cycle in the examination divisions

This section outlines patent examination itself and the measures in every examination division for sustaining and enhancing the patent examination quality, in the order of do-check-act-plan which starts from “Conducting patent examination procedures by examiners” [do] of the core element to quality management.



⁸ The JPO has made efforts to improve its examination procedures by practicing the commonly known PDCA cycle. However, to suit its own needs, the JPO conducts its quality management in the order of DCAP because it is easier for examiners to understand their jobs better by starting with “Do” first. Then they check and act. “Plan” is conducted every year by making modifications to procedures/policies based on the previous year’s version. The details of “Plan” are eventually reflected into the DCA elements. Moreover, the term “PDCA cycle” sometimes may be called as “DCAP cycle”.

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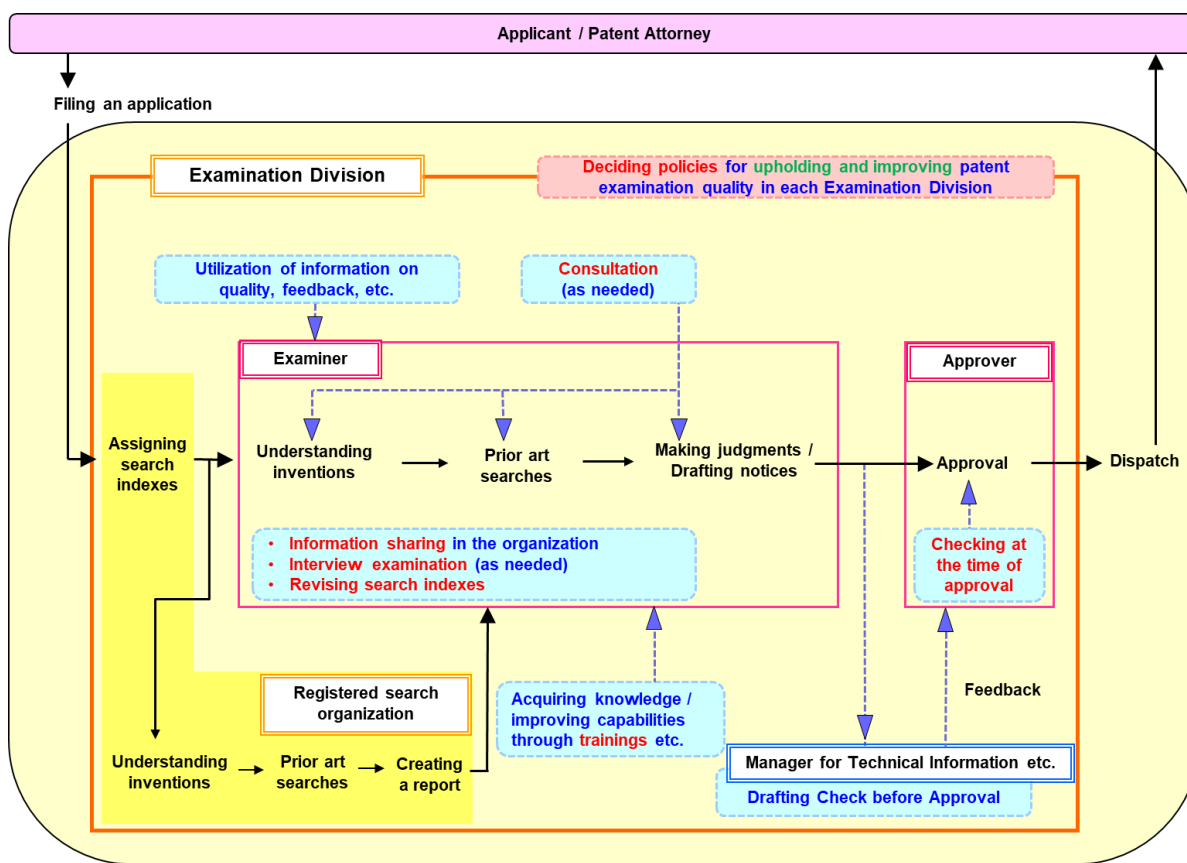
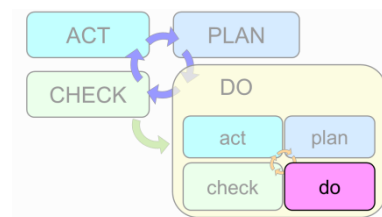


Figure 5: Measures for conducting patent examination procedures in the examination divisions

(1) Conducting patent examination procedures by examiners [do]

- (i) Patent examination (understanding inventions, conducting prior art searches, making judgments and drafting notices)



- Outline

Examiners, when they conduct patent examination procedures such as understanding the invention, conducting prior art searches, making judgments and drafting notices, check whether there are any errors in their work from a legal standpoint in terms of laws and regulations such as the Patent Act. They also check whether their works comply with the Examination Guidelines that summarize basic ideas on application of the laws and regulations, and with other guidelines outlining necessary operations and measures in the patent examination process.

Specifically, examiners are to perform each of the following procedures uniformly and accurately in accordance with laws, guidelines, etc.

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- understanding the invention
- deciding the subject and scope to search
- conducting prior art searches
- making judgments as to whether the requirements for patentability have been met, such as novelty and inventive step
- drafting notices such as notices of reasons for refusal and decisions to grant patents.

Patent examiners are to conduct patent examination that appropriately satisfies user needs, following practices such as the “collective examination for IP portfolios supporting business activities”, and carrying out interview examinations and accelerated examinations. Also they draft notices of reasons for refusal/decisions for refusal, using a standard format in order to enhance communication with applicants and attorneys.

Based on this, the JPO will consistently conduct high-quality and trustworthy patent examination on every application to ensure fairness, transparency and consistency. On the whole, this leads to meeting wide-ranging user needs and expectations; granting robust, broad and valuable patent rights; and providing examination results useful for patent examinations conducted by foreign patent offices.

- Persons and organizations in charge

Examiners are responsible for proper patent examinations. Assignment or change of examiners in charge of patent applications is to be made by the director in charge in accordance with the instructions of the director-general in charge. Generally, the director in charge preliminarily assigns responsible technical field(s) to each examiner based on the FI classifications assigned to applications.⁹

Examiners utilize the results of prior art searches conducted on applications by registered search organizations (See III. 3. (1)).

- References

Examination Guidelines

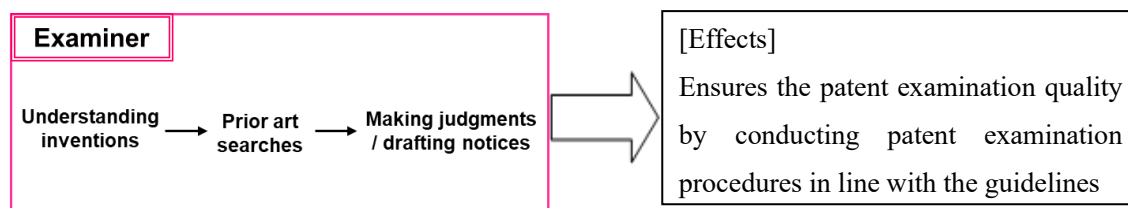
Examination Handbook for Patent and Utility Model [Japanese version only]

PCT International Search and Preliminary Examination Guidelines

Handbook for PCT International Search and Preliminary Examination in the Japan Patent Office

⁹ See Examination Handbook for Patent and Utility Model in Japan (11105)

[Note: When any ambiguity of interpretation is found in this translation, the Japanese text shall prevail.]



(ii) Consultations

- Outline

When necessary, examiners consult with other examiners on various matters related to patent examination. The purpose of these consultations is to enable prompt and accurate patent examination to be conducted based on examiners' sharing their expertise and knowledge with each other. However, the examiner in charge of an application is responsible for making the final decision.

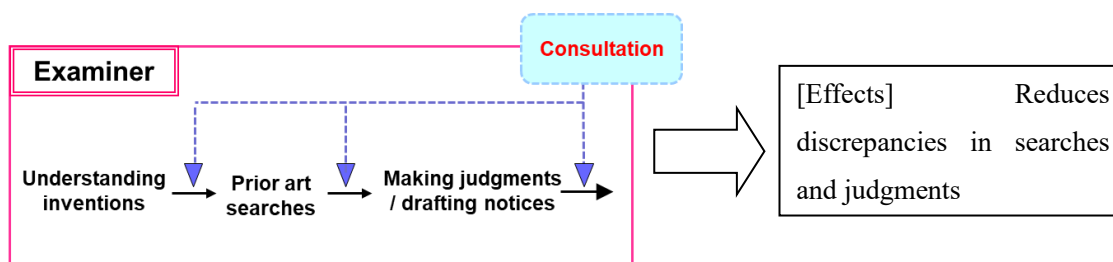
Consultations are not conducted only on a case-by-case basis when necessary but also are conducted on all applications having predetermined conditions that have been decided by each examination department, examination division, and art unit. Examiners also conduct consultations, when necessary, with other examiners such as Quality Management Officers who have a great deal of knowledge and high level of expertise in making judgments in their respective technical fields, with a view to requesting supplementary searches.

Consultations assure that proper judgments are made even in difficult cases and make the examination procedures taken by each examiner more objective, in order to eliminate or at least minimize any discrepancies in searches and judgments among examiners. As a result, fairness and consistency will be ensured and the predictability of acquiring patents will improve. Furthermore, sharing expertise such as knowledge on technical features and technical standards of the inventions; and sharing one's search know-how such as which search indexes to use for conducting searches, lead to improving the knowledge and skills of the examiners.

- Persons and organizations in charge

Examiners in charge consult with designated consultants, who are chosen according to their sphere of expertise in matters pertaining to the specific applications. However, in other cases, specified persons such as directors, etc. are assigned as consultants based on the procedures followed in their departments, divisions, or units.

[Note: When any ambiguity of interpretation is found in this translation, the Japanese text shall prevail.]



(iii) Interview examinations

- Outline

Interview examinations are conducted in line with the Interview Guidelines and are conducted based on requests from examiners, applicants, patent attorneys, etc. Smooth communications with applicants, patent attorneys etc. on patent examinations through interview examinations contribute to maintaining and improving the quality of patent examination. Interviews can be conducted face-to-face, by telephone, or by e-mail to facilitate smooth communications.

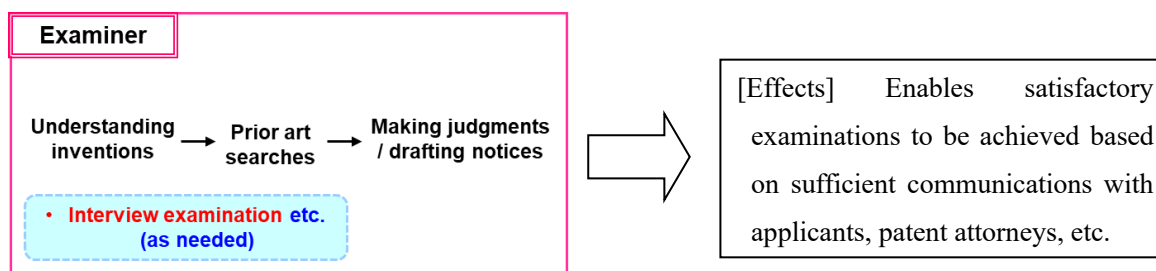
By communicating directly with the other parties concerned, both examiners and applicants/patent attorneys can correctly understand each other's ideas by discussing and comparing the subject inventions, prior arts, and draft amendments during the interview process. This leads to achieving patent examination that is highly satisfactory to the applicants.

- Persons and organizations in charge

Examiners in charge of patent applications conduct interview examinations with patent attorneys, applicants, etc.

- References

Interview Examination Guidelines [Japanese version only]



[Note: When any ambiguity of interpretation is found in this translation, the Japanese text shall prevail.]

(iv) Assigning search indexes

- Outline

Appropriate search indexes are assigned to applications according to guidelines such as the FI Handbook. This is referred to as “integrated classification for IPCs and F-terms¹⁰”. Though search indexes are assigned based on the details described in the descriptions when the applications were initially filed, examiners can modify the indexes whenever necessary during the examination process.

Assigning appropriate search indexes to applications is a means to achieve proper patent examination. By continuously assigning and modifying search indexes, information on the subject applications can always be easily upgraded and stored in the database. Moreover, the stored information can be utilized inside and outside the JPO, in order to enable accurate searches to be conducted. This leads to granting robust patents and providing foreign patent offices with useful information on patent examination results.

- Persons and organizations in charge

While the integrated classification for IPCs and F-terms is made by registered search organizations for the purpose of making patent examination procedures more efficient (See III. 3. (2)), examiners assign search indexes other than the integrated classification for IPCs and F-terms.

- Reference

FI Classification Table, FI Handbook [Japanese version only]

F-term List, F-term Description

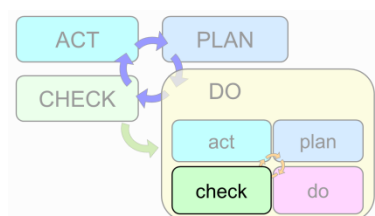
IPC Classification Table, IPC Definition, Guide to the IPC

(2) Evaluating patent examination [check]

(i) Approvals

- Outline

Before notices drafted by examiners are sent to applicants/attorneys, they are subject to “Quality Checks” in terms of substantive/formal aspects, by directors in charge of the concerned technical fields. (These are called



¹⁰ The assigning of search indexes immediately after applications are filed is known as “integrated classification for IPCs and F-terms”, since the FI classifications and F-terms are simultaneously assigned.

[Note: When any ambiguity of interpretation is found in this translation, the Japanese text shall prevail.]

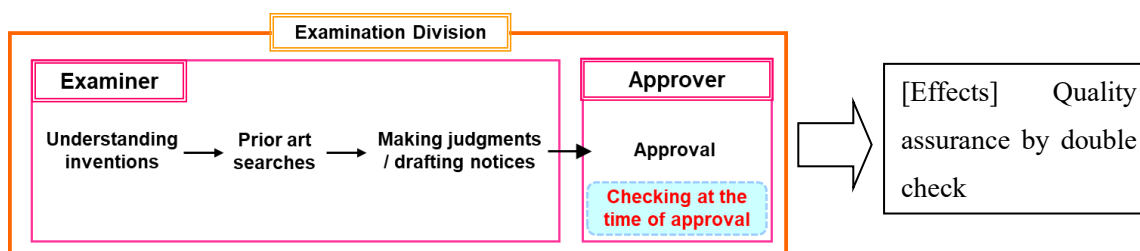
“approval”).

Directors (called “approvers”) are to check the details of all examination work and drafts, in line with standardized criteria/approaches stipulated in the Guideline for Approvals on Patent Examinations, taking into account: 1) whether the examiners’ decisions conform to laws, regulations and guidelines, 2) whether the decisions were made without any discrepancies, 3) whether the viewpoints of applicants/attorneys or third parties were considered, and 4) whether there are any difficulties in understanding the examiners’ intention in terms of leaps in logic, omissions of necessary sentences, or inappropriate expressions. When any issues or errors are found during the checking process, the approvers are to send back the drafts to the examiners in charge, urging them to make modifications and giving guidance as necessary. Approvers are to record such cases based on a standard format and work to prevent recurrences by recognizing typical drafting errors.

In addition to the examiners' own checks by themselves, approvers' checks make dispositions not only more appropriate but also patent examinations more objective. As a result, this reduces discrepancies among examiners.

- Persons and organizations in charge

Each director, etc. is responsible for approvals at the examination division of which he/she is in charge. When approvals are likely to be delayed due to the absence of the director, etc., an exception is made, with approvals by a proxy being accepted, in order to ensure smooth approval as a part of Quality Management. The proxy approver is to be appointed among staff in the department by the director-general in charge.



(ii) Checking drafts before approvals

- Outline

Before the approvals mentioned above are made, persons in charge of technical information, who are selected from among examiners who are familiar with either the

[Note: When any ambiguity of interpretation is found in this translation, the Japanese text shall prevail.]

classifications in the concerned technical fields or examinations on PCT applications, check on both classifications and formality matters described in notices written by examiners such as final decisions to grant patents, international search reports and international preliminary examination reports. At the same time, the persons in charge of technical information correct classifications, as needed.

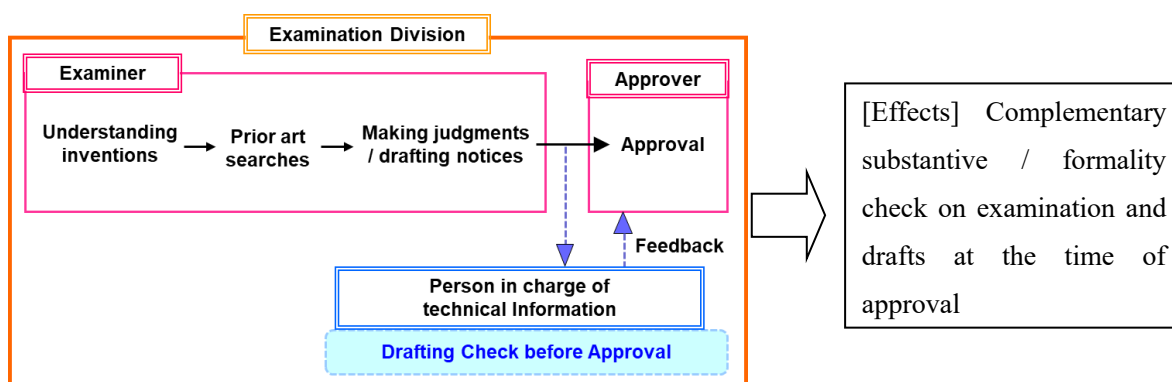
In addition, in order to perform examination smoothly, some groups, which consist of a group leader and multiple examiners, are formed in each examination division. In regard to approvals of reasons for refusal, the group leader is to check as necessary whether the search scope described in drafts and judgements in terms of the level of the prior art is proper. As a result, approvers conduct approvals based on the check results by the group leader.

Utilizing such mutual approval system, approvals can be made more effectively.

- Persons and organizations in charge

The persons in charge of technical information are responsible for prior approvals, checking classifications and formality matters described in notices written by examiners such as final decisions to grant patents, international search reports, and international preliminary examinations reports. Furthermore, the persons in charge of technical information correct classifications, as needed.

Also, group leaders conduct prior approvals, checking as necessary whether the search scope described in drafts and judgements as to state of the art, is proper.



(iii) Quality Management Officers' checking of cases to be scrutinized

- Outline

If directors, etc. believe that a case needs to be checked especially at the time of approval as it falls under a type of draft in which what was examined should be

[Note: When any ambiguity of interpretation is found in this translation, the Japanese text shall prevail.]

scrutinized, according to circumstances of the examination departments and divisions, Expert Quality Management Officers scrutinize its prior art searches, appropriateness of judgements and clarity of drafts under the supervision of the directors, etc., and give them feedback on the results. Directors, etc. then give guidance to examiners based on the feedback, when necessary, to improve patent examination quality.

- Persons and organizations in charge

Expert Quality Management Officers scrutinize prior art searches, appropriateness of judgements and clarity of drafts.

Expert Quality Management Officers also give directors, etc. feedback and then directors, etc. inform examiners of details of the feedback and give guidance to them.

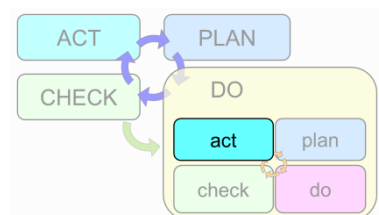
[Note: When any ambiguity of interpretation is found in this translation, the Japanese text shall prevail.]

(3) Procedures related to maintaining and improving patent examination quality [act]

(i) Improving quality based on the check results

- Outline

Examiners review the feedback that they were given on the check results mentioned in (2) (i)-(iii) and strive to implement accurate patent examinations. Based on the feedback, they modify drafted documents and reconfirm laws, regulations and guidelines when necessary.



- Persons and organizations in charge

Examiners in charge of applications on which feedback was given are responsible for making modifications to their decisions.

(ii) Information sharing in the organization

- Outline

The examination divisions strive to utilize any knowledge obtained in the course of conducting patent examinations in order to either eliminate or minimize discrepancies among examiners. It is important for them to initiate knowledge sharing about patent examinations and utilize such knowledge in a systematic manner. In particular, they strive to share basic knowledge and policy for prior art searches within the organization, by reflecting such knowledge in the FI Handbook, the F-term description and the search guidelines of each technical field.

In addition, examiners strive to share knowledge on searches in each technical field, including that of experienced examiners, by posting the know-how to be shared that they gained in consultations and other activities properly on the intranet.

- Persons and organizations in charge

Examiners are responsible for information sharing in the organization, mainly among the examination divisions and art units.

-Reference

FI Handbook

F-term description(PMGS)

[Note: When any ambiguity of interpretation is found in this translation, the Japanese text shall prevail.]

(iii) Acquiring knowledge and improving capabilities through training

- Outline

Individual examiners are told by their directors, etc. which training courses they need to attend in order to improve the quality of their patent examination procedures. Examiners take a regularly scheduled quality test to advance their knowledge required for examinations, such as the fundamental principles of examination quality management, the laws, regulations and examination guidelines, and prior art searches. Examiners not only develop their own knowledge and capabilities by attending training courses and taking quality tests, but also are advised to learn about patent examination operations on their own.

Examiners are thus able to enhance their expertise, making patent examinations more accurate as a result.

- Persons and organizations in charge

Examiners attend training courses under the supervision of their directors, etc., in order to enhance the knowledge and capabilities they need. They also take a quality test administered by the Quality Management Internal Committee and the Quality Management Office. In addition, all examiners are responsible for actively learning on their own.

(iv) Continuously revising search indexes

- Outline

The FI classification tables and the F-term lists are maintained and revised when needed, taking into account trends in filings, technological innovations, and global conditions. In addition to this, search indexes are re-analyzed for documents to which FIs/F-terms have already been assigned. Moreover, information on search indexes which has been assigned to documents stored in the database can be modified at any time when deemed necessary in the patent examination process, and in particular, during the search process. Furthermore, examiners are involved in international discussions on revising the IPC which form the basis for FI.

The continuous revising of the search indexes by the examination divisions, art units, and examiners ensures that proper information on search indexes is always stored in the database. This information is utilized inside and outside the JPO, which makes it possible to conduct accurate searches. This leads to granting robust patents and

[Note: When any ambiguity of interpretation is found in this translation, the Japanese text shall prevail.]

providing foreign patent offices with useful information on patent examination.

- Persons and organizations in charge:

The examination divisions and art units are responsible for revising the FI classification table and maintaining the F-term list. Examiners also can subjectively make modifications to the search index. Examiners and private entities are responsible for reassigning search indexes (See III.4.).

(v) Improving quality based on the results of reviews

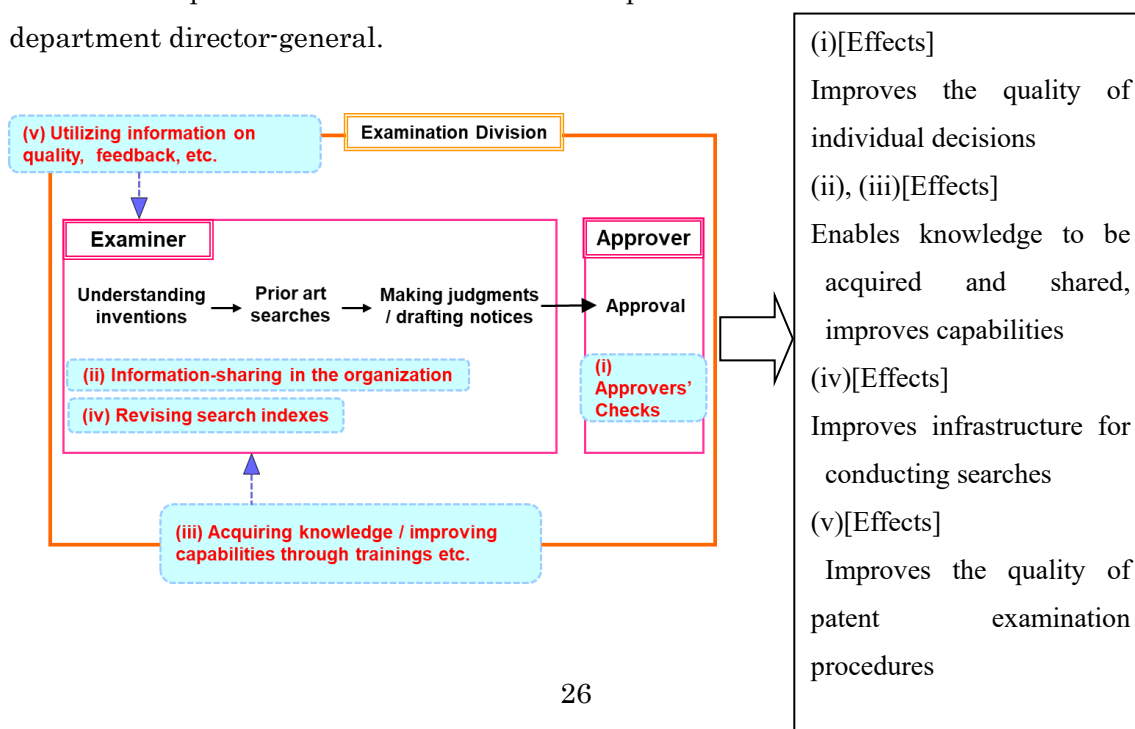
- Outline

The examination divisions strive to improve patent examination procedures by considering initiatives that will sustain and enhance the quality of patent examination. They make their improvements based on the results of reviews (See 2. (2) (ii)) and information that they gathered on quality (See 2. (1)). Moreover, they check the details of feedback and work to prevent the same errors mentioned in the feedback from recurring.

Improving patent examination quality at the examination divisions enables patent examination to be conducted fairly, transparently, and consistently in accordance with laws, regulations and guidelines.

- Persons and organizations in charge

Every examination division and examiner is being responsible for improving patent examination procedures under the leadership and direction of each examination department director-general.



[Note: When any ambiguity of interpretation is found in this translation, the Japanese text shall prevail.]

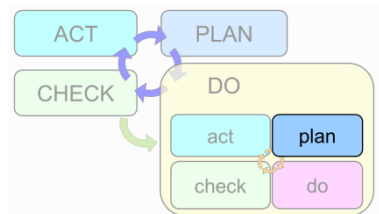
(4) Deciding policies for maintaining and improving patent examination quality [plan]

- Outline

Every examination division is responsible for formulating its own initiatives, which must comply with the general policies that have been set for all examination departments. In doing so, each division needs to take into account the technical fields it is responsible for.

Consequently, under the leadership of top management, every examination division is to understand the current state of operations and work procedures, and continuously work to improve them by implementing various initiatives

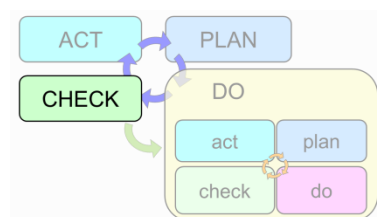
. This, in turn, leads to the JPO's continually conducting the utmost quality patent examination in the world.



[Note: When any ambiguity of interpretation is found in this translation, the Japanese text shall prevail.]

2. Evaluating patent examination procedures [CHECK]

The examination department, which is an external body of examination divisions, implements initiatives for evaluating patent examination quality, measured in terms of all the examination departments. This is a means to sustain and enhance patent examination quality. This section outlines the various initiatives.



It is imperative that every examination department analyze and evaluate the current state of patent examination quality and fully gain an understanding on the true state of affairs (Check), so as to maintain and continuously improve patent examination quality. Therefore, the Quality Management Office and the Quality Management Internal Committee gather, analyze, and evaluate diverse information on quality, striving to understand its current state and identify problems.

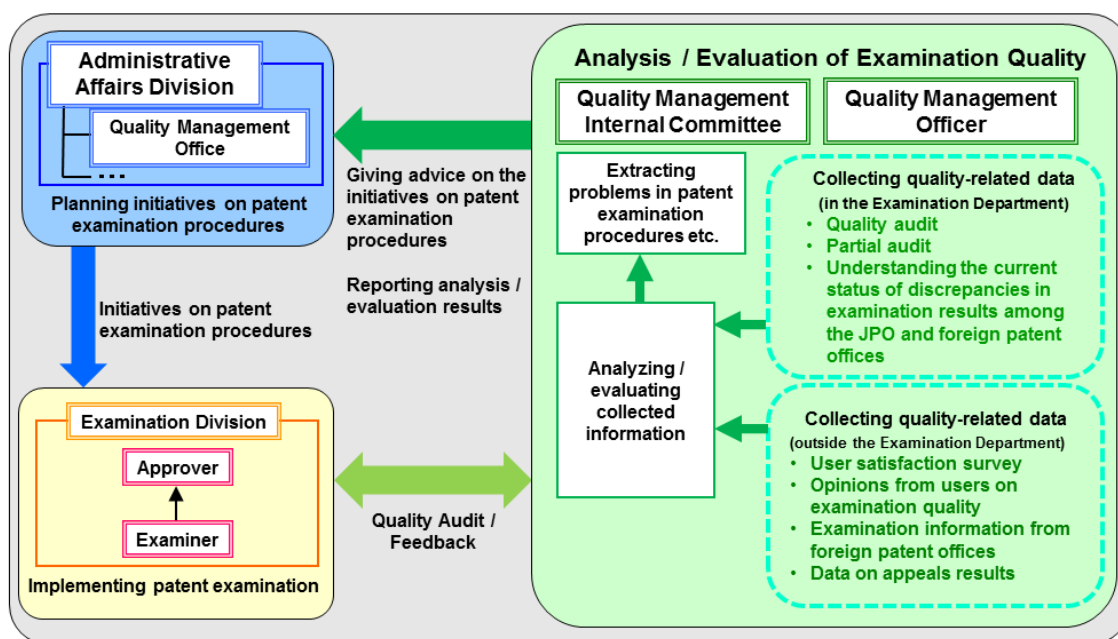


Figure 6: Measures by the Quality Management Office and the Quality Management Internal Committee for evaluating patent examination procedures

- (1) Collecting and analyzing data
 - (i) Quality Audits

- Outline

Notices drafted by examiners are subject to random sampling for audit by Quality

[Note: When any ambiguity of interpretation is found in this translation, the Japanese text shall prevail.]

Management Officers after “quality checks” have been made by Directors (called “Approval”) but before notices are sent to applicants/attorneys.

Quality Management Officers are to check whether notices, selected randomly, conform to laws, regulations and Examination Guidelines according to the guidelines for quality audit. In addition, Quality Management Officers are to give feedback on the results to directors, etc. of the respective examination divisions of the examiners in charge. The directors, etc. are to give guidance and advice based on the feedback, as necessary.

Also, the results of quality audits are to be thoroughly analyzed by the Quality Management Internal Committee and Quality Management Office, and issues identified in quality audits are to be put together in a quality report by each Quality Management Officer. The results of the analyses and the quality reports are to be provided to examination divisions for further operational improvements and measures.

By conducting these audits after approvals have been made but before notices have been sent, the JPO can not only gain insight into the quality of work products (including approvals) sent externally but also learn about any issues and errors discovered during the audit. By doing this, any issues can be resolved before notices are sent to applicants/attorneys.

- Persons and organizations in charge

Expert Quality Management Officers are to audit and re-search drafts (non-final notices of reasons for refusal, granting of patents, PCT ISRs / WO ISAs).

On the other hand, General Quality Management Officers are to audit other drafts (such as final notices of reasons for refusal, decisions of refusal). This audit mainly focuses on the appropriateness of reasoning on drafts, and does not include any re-searching.

Quality Management Officers are to give feedback to directors, etc. in charge, and notifying or supervising examiners in charge about the feedback is to be done by the directors, etc. They are to use a web-conference system when teleworking, except for applications that have not been published.

The Quality Management Internal Committee and the Quality Management Office are to thoroughly analyze and classify problems, based on the information provided from Quality Management Officers, who are responsible for preparing a quality report.

[Note: When any ambiguity of interpretation is found in this translation, the Japanese text shall prevail.]

(ii) Partial Audits

- Outline

Notices of reasons for refusal are sampled randomly and subject to partial audits by the Quality Management Office, who makes specified checks such as whether there are any formality defects in the notices. The Quality Management Office is to provide the results to directors, etc. of the respective examination divisions where the examiners work. Directors, etc. are to give guidance and advice based on the feedback, as necessary.

In addition, the results of partial audits are to be thoroughly analyzed by the Quality Management Internal Committee and Quality Management Office, who check for the following items:

- a) Formality defects that are prone to occur at the time of drafting.
- b) Particular points to be noted at the time of drafting and approving.

- Persons and organizations in charge

Partial audits are to be conducted by the Quality Management Internal Committee and Quality Management Office, utilizing patent examination researchers, i.e., assistants to Quality Management of Patent Examination in the Quality Management Office. In addition, providing audit results to directors, etc. and implementing thorough analyses are to be conducted by the Quality Management Internal Committee and Quality Management Office.

Giving feedback and notifying supervising examiners in charge is to be done by the directors, etc. in charge.

(iii) Understanding user needs about quality based on user satisfaction survey

- Outline

A user satisfaction survey on patent examination quality is conducted with the aim of understanding user needs. The quality of overall patent examination procedures on the whole and the quality of examination procedures on specific patent applications are evaluated by users, with the Quality Management Office analyzing the reasons for their evaluations. The Quality Management Offices also analyzes the issues that users have pointed out about individual applications, and as needed, provides the results to the respective examination divisions for the purpose of improving examination procedures and formulating initiatives to deal with the issues. The results are released to the public. Depending on the situation, the analysis results on individual applications might be given to the respective examination division in charge. The JPO solicits users' opinions

[Note: When any ambiguity of interpretation is found in this translation, the Japanese text shall prevail.]

at meetings specifically held to gather opinions on quality (See III.1).

- Persons and organizations in charge

The Quality Management Office conducts a user satisfaction survey and the Quality Management Internal Committee and the Quality Management Office analyze the survey results in cooperation with directors, etc. and other concerned individuals.

- Reference

JPO website “2014 FY Report on a survey of user satisfaction on patent examination quality” [Japanese version only]

(iv) Understanding the current status of discrepancies in examination results between the JPO and foreign patent offices

- Outline

The Quality Management Internal Committee analyzes causes for differences that arise in examination results among the JPO and foreign patent offices, in cooperation with directors, etc. of the examination divisions in charge. The Committee targets applications that were filed to both the JPO and foreign patent offices and in which discrepancies were found in terms of examination results. Moreover, it analyzes the causes for discrepancies in applications whose search/examination results were different, even within the JPO. In other words, the Committee analyses the results of applications in which the JPO issued international search reports at the international phase with one viewpoint, but issued a different viewpoint while conducting patent examination during the national phase. Directors, etc. give feedback to examiners based on the analysis results for each application, as needed.

The Quality Management Internal Committee and Quality Management Office thoroughly analyze the reasons for the causes of the discrepancies, and the results of the analysis are then provided to the examination divisions as a means of improving the examination procedures and considering initiatives to prevent recurrences.

- Persons and organizations in charge

The Quality Management Internal Committee analyzes all applications with QMO researchers, who are in charge of writing preliminary opinions, in cooperation with directors, etc. of the examination divisions in charge.

Furthermore, the Quality Management Internal Committee and the Quality

[Note: When any ambiguity of interpretation is found in this translation, the Japanese text shall prevail.]

Management Office conduct a thorough analysis.

(v) Understanding users' needs based on their comments on patent examination quality

- Outline

In addition to seeking opportunities for exchanging opinions with users, the JPO solicits opinions on patent examination quality through the JPO website and other ways. Users' comments are to be promptly analyzed, in order to understand the existence of issues on the patent examination process and to be provided to directors, etc. in charge of those examination divisions, but only in cases for which the providers give consent. Along with giving guidance and advice based on the feedback as necessary, directors, etc. follow-up to ensure that the feedback is reflected into examination practices in the future, based on approvals or an equivalent process.

Noteworthy matters coming from users' comments on patent examination quality, along with defects found in quality audits, are patterned as cases and provided to examiners periodically.

- Persons and organizations in charge

The Quality Management Office and Quality Management Internal Committee summarize and analyze users' comments, and provide feedback to directors, etc. in charge of the examination divisions.

The directors, etc. in charge provide feedback and instructions to examiners and conduct follow-up work as well.

Information on patterned cases is to be provided to examiners by the Quality Management Office.

(vi) Collecting data on appeals results

- Outline

The Quality Management Office collects data about appeals and oppositions that are filed in regard to patents that have been granted. The data includes requests for appeals, requests for trials, and the final decisions thereof. It also collects statistics on documents cited in appeals against examiners' decisions of refusal, providing them to the respective examination divisions. The examination divisions analyze a) the reasons for refusals that are newly presented during appeals and trials, b) the cited documents stating the

[Note: When any ambiguity of interpretation is found in this translation, the Japanese text shall prevail.]

reasons, and c) the final decisions in appeals and trials, in order to gain an understanding on the current state of patent examination and issues that need to be resolved.

In addition, the Trial and Appeal Department and Quality Management Office give feedback on individual applications to the examination divisions on the results of appeals, trials, and oppositions filed in regard to patents that were granted. The examination divisions and examiners analyze this information and utilize it for improving the quality of patent examination.

(vii) Collecting and providing results of various measures involving quality

- Outline

The Quality Management Office collects information about the quality of patent examination, as explained in (i) to (vi) above. It also gathers information on the state of quality management initiatives being implemented, such as consultations, and the results thereof, for the purpose of understanding the current state of activities being conducted by the examination divisions in terms of maintaining and improving quality. The results are provided to the Quality Management Internal Committee.

(2) Evaluating results of data analysis

(i) Extracting problems with patent examination procedures

- Outline

The Quality Management Internal Committee identifies issues that need to be improved in patent examination procedures based on the results of analyzing various data collected in (1) above. It provides feedback to the concerned examination departments such as the Policy Planning and Research Section, the Examination Promotion Office, the Examination Standards Office, the Examination Policy Planning Office, and the Quality Management Office in the Administrative Affairs Division, enabling them to plan various initiatives and improve patent examination procedures. The concerned sections and offices in the Administrative Affairs Division consider various initiatives (see II.3) and communicate the established policies (see II.4) to the examination departments.

(ii) Reviews, i.e., reporting on measures

[Note: When any ambiguity of interpretation is found in this translation, the Japanese text shall prevail.]

- Outline

The related sections and offices in the Administrative Affairs Division and the examination departments periodically review the state of patent examination quality and evaluate the results of various initiatives, which are the results of (1) and (2) (i) above, in order to check whether the quality management system for patent examination is always functioning appropriately and effectively. The results of their reviews are shared among the related sections and offices in the Administrative Affairs Division and the examination divisions and used for planning various initiatives and improving patent examination.

- Persons and organizations in charge

The related sections and offices in the Administrative Affairs Division and the examination departments conduct reviews under the Deputy Commissioner and the director-generals of each examination department.

(3) Subcommittee on Examination Quality Management

- Outline

The JPO established the “Subcommittee on Examination Quality Management” under the Intellectual Property Committee of the Industrial Structure Council, in Aug. 2014 for the purpose of obtaining objective evaluations and suggestions from external experts on the ways to implement quality management and to check the current state of implementation at the JPO.

- Persons and organizations in charge

In the Subcommittee on Examination Quality Management, discussion is to be held by a wide-range of external experts from the private-business, legal, and academic fields. Also, the Quality Management Office under the Administrative Affairs Division is in charge of quality management of patent examination, work involving common quality management of patent, design and trademark examination, as well as administrative work as the secretariat of the Subcommittee.

[Note: When any ambiguity of interpretation is found in this translation, the Japanese text shall prevail.]

3. Considering and modifying initiatives on patent examination procedures [ACT]

Once the current state of patent examination quality is known based on the initiatives explained in 2. above [CHECK], any issues that are found need to be followed up by improving the respective examination procedures [ACT] and making appropriate improvements during the subsequent phase [PLAN], based on the current state of and the suggestions for improvement made by the Subcommittee on Examination Quality.

The related sections and offices in the Administrative Affairs Division plan various initiatives that will be implemented in the next fiscal year [ACT]. Moreover, if any feedback on quality is sent to the examination divisions during the interim review, the respective examination divisions are to improve their patent examination procedures [act] if necessary.

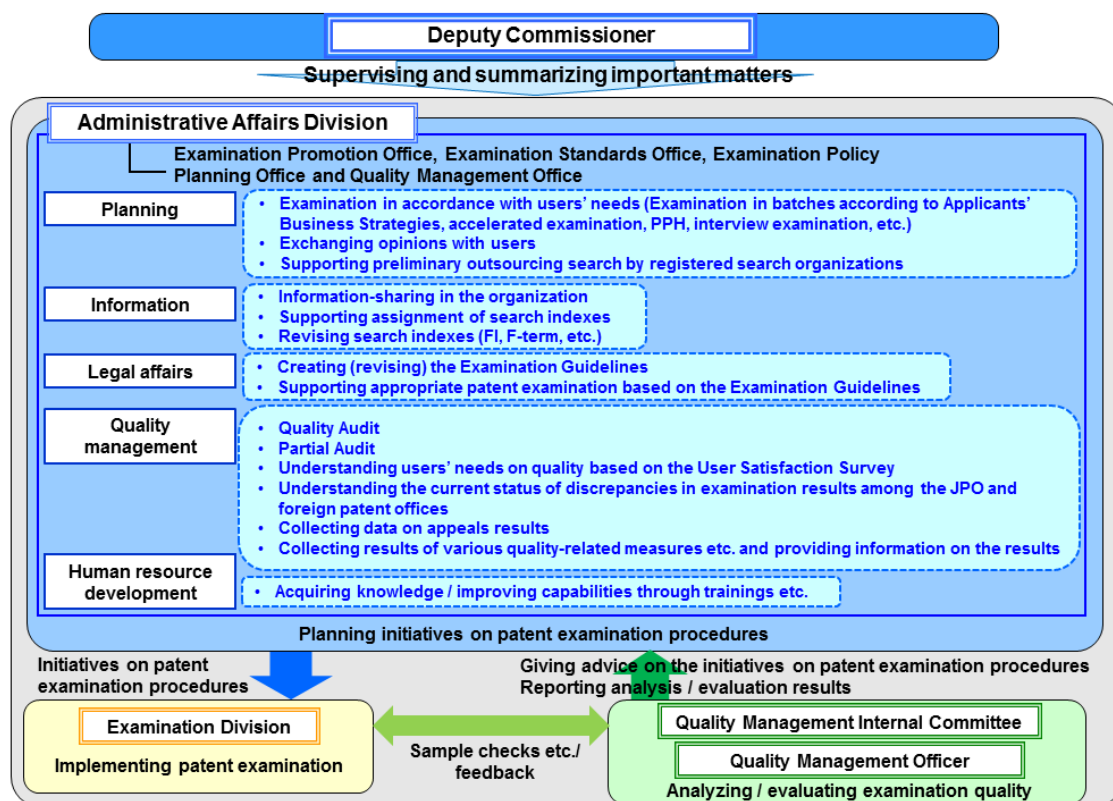
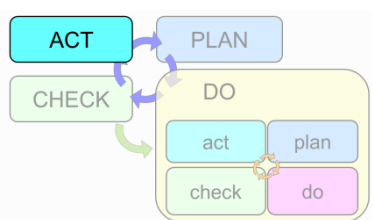


Figure 7: Considering and modifying initiatives on patent examination procedures; formulating patent examination policy (Related sections and offices in the Administrative Affairs Division and Deputy Commissioner)

[Note: When any ambiguity of interpretation is found in this translation, the Japanese text shall prevail.]

(1) Creating, revising and releasing the Examination Guidelines

- Outline

The Examination Guidelines, which outline the basic ideas of relevant laws and regulations such as the Patent Act, are constantly being created and revised in response to revisions in the system, new court precedents, advancements in new technologies, and changes in international procedures, so that patent examinations are conducted fairly and in accordance with certain standards. The Examination Guidelines also are created and revised based on internal and external opinions, including those of the WG on the Patent Examination Standards, the Patent System Subcommittee, the Intellectual Property Policy Committee, and the Industrial Structure Council. The JPO revises its Examination Guidelines when needed and makes them available to the public.

The Examination Guidelines are created and revised based on the Quality Policy, which outlines the fundamental principles of quality management for patent examination, in order to grant high-quality patents.

- Persons and organizations in charge

The Examination Standards Office is responsible for creating and revising the Examination Guidelines.

(2) Initiatives to be considered for maintaining and improving patent examination quality

- Outline

The relevant departments in the Administrative Affairs Division at the JPO plan various initiatives* such as creating, revising and releasing the Examination Guidelines in response to reviews, information provided by the Quality Management Office and the Quality Management Internal Committee including users' needs, and opinions and proposals submitted by directors, etc. and examiners.

*See Figure 7 for specific examples of initiatives.

- Persons and organizations in charge

Each related department in the Administrative Affairs Division plans various initiatives for patent examination.

[Note: When any ambiguity of interpretation is found in this translation, the Japanese text shall prevail.]

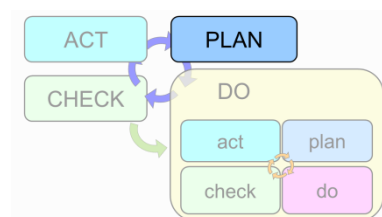
4. Formulating patent examination policy [PLAN]

The Deputy Commissioner supervises and organizes the initiatives considered by the related sections and offices in the Administrative Affairs Division, formulating the overall policies on patent examination for all examination departments (see Figure 7). Following activities are included:

- (a) Creating and revising the Quality Policy;
- (b) Creating new or revising existing initiatives for maintaining and improving the quality of patent examination;
- (c) Enhancing the framework designed to implement initiatives for maintaining and improving the quality of patent examination; and
- (d) Conducting periodic reviews on (a) to (c) above and releasing the results

In addition, based on the report from the Subcommittee on Examination Quality Management, the JPO will determine issues to be addressed on the quality management of patent examination and then announce them, under the direction of the Deputy Commissioner.

As a result, based on an understanding of the current state of patent examination quality, and based on the planning of a variety of initiatives under the leadership of top management, patent examination procedures are continuously being improved. This, in turn, leads to sustainable patent examination of the utmost quality in the world.



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III. Transacting with external organizations and persons

Needless to say, high-quality patent examination is indispensable when it comes to granting high-quality patents. In addition, high-quality patents depend upon applicants' cooperation such as creating descriptions that properly characterize the features of their inventions, and disclose whether inventions that are known to the public through publications exist or not. That is to say, applicants and patent attorneys too can contribute to improving the quality of patent examination and even patents by improving the quality of descriptions and enhancing prior art searches, before filing applications.

Also, the JPO outsources some prior-art searches and the assigning of search indexes. In view of these circumstances, enhancing the capabilities of external organizations is also an important factor when it comes to improving the quality of patent examination.

The following outlines activities conducted in cooperation with external organizations and persons.

1. Exchanging opinions with users

- Outline

The JPO actively exchanges opinions with users such as companies and industry associations in an open and frank manner, with a view to co-creating "robust, broad, and valuable patent rights" with users. When exchanging opinions, the JPO provides information such as its initiatives for maintaining and improving patent examination quality, the status of patent filings, requests for examination by users, patent grant rates, rejections, etc. The JPO listens to user opinions and requests about the quality of patent examination, utilizing the information for planning various initiatives and improving quality.

Furthermore, based on opportunities to exchange opinions with users, the JPO obtains information about individual applications that are believed to have problems with the quality of patent examination, and uses this information to design more effective initiatives.

This allows the JPO to understand wide-ranging needs and expectations for patent examination and improve the patent examination quality from the users' point of view.

- Persons and organizations in charge

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The Commissioner, the Deputy Commissioner, director-generals of the examination departments, directors, etc. and examiners exchange opinions with users. The Quality Management Office utilizes the information obtained about patent examination of individual applications for planning various initiatives and improving the quality.

2. Improving the quality of the patent descriptions and enhancing prior art searches conducted by applicants, patent attorneys, etc.

- Outline

As explained above, the quality of descriptions and enhancing prior-art searches are important to improve the quality of patent examination and patent rights. In order to achieve this, the JPO holds explanatory meetings and training courses for applicants, patent attorneys, etc., providing useful information on the examination guidelines, search indexes, and prior-art searches, before applicants, etc. file their applications. Some explanatory meetings and training courses are conducted by the National Center for Industrial Property Information and Training (INPIT). Also, at the meetings and courses, the JPO encourages applicants and patent attorneys to improve the quality of their descriptions and enhance their prior-art searches, before they file applications.

- Persons and organizations in charge

The Examination Standards Office and the Examination Policy Planning Office hold explanatory meetings on the Examination Guidelines and search indexes. The related sections and offices in the Administrative Affairs Division provide information to INPIT which holds training courses on the Examination Guidelines, prior-art searches, etc., and IP ePlat (e-learning). The director-generals of the examination departments, directors, etc., and examiners encourage applicants and patent attorneys to improve the quality of their descriptions and enhance their prior-art searches, before they file applications.

3. Improving the quality of prior art searches/assigning search indexes by registered search organizations

(1) Conducting prior-art searches by registered search organizations

- Outline

The JPO outsources preliminary prior-art searches that normally examiners conduct in the course of patent examination, to external organizations that have been registered

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by the JPO. The JPO evaluates results of prior art searches that are conducted by registered search organizations and sends them feedback in order to sustain and enhance the quality of their prior art searches. In addition, the JPO holds consultations with these registered search organizations on a regular basis, encouraging them to enhance their level of quality whenever necessary.

The JPO sustains and enhances the quality of search reports, the works resulting from prior-art searches, by selecting registered search organizations based on evaluation results.

These measures improve the quality of preliminary prior-art searches conducted by registered search organizations and result in making patent examination more efficient, maintaining and improving the quality of patent examination.

- Persons and organizations in charge

Examiners, directors, etc. evaluate the preliminary searches and then convey their findings to the registered search organizations. The Examination Promotion Office plans various initiatives on preliminary prior-art searches and the operations thereof conducted by registered search organizations, managing all outsourcing operations.

(2) Assigning search indexes, i.e., the integrated classification for IPCs and F-terms by registered search organizations

- Outline

The JPO outsources the assignment of search indexes, referred to as the integrated classification for IPCs and F-terms, to registered search organizations. Abstracts used for searches are also checked in the process of the integrated classification for IPCs and F-terms, and any errors found are modified.

Examiners check samples of search indexes assigned by registered search organizations for the purpose of maintaining and improving the quality of search index assignment work by the registered search organizations. Then they create reports in order to give feedback about issues that need to be improved. The sampling rate is set by directors, etc., giving consideration to statistics on the sample checks and individual circumstances. The directors, etc. and concerned individuals periodically consult with persons in charge of classification at registered search organizations, encouraging them to improve their level of quality when necessary.

The quality of the integrated classification for IPCs and F-terms conducted by registered search organizations is improved based on the measures outlined above.

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These measures ensure that proper information on search indexes is always stored in the database. Moreover, the stored information can be utilized inside and outside the JPO, in order to enable accurate searches to be conducted (See II. 1. (1) (iv)). This leads to granting robust patents in line with maintaining and improving the quality of patent examination and providing foreign patent offices with useful information on patent examination results.

- Persons and organizations in charge

The examiners and directors, etc. check samples of search indexes assigned by the integrated classification for IPCs and F-terms and give feedback. Directors, etc. hold consultations with registered search organizations. The Examination Promotion Office and the Examination Policy Planning Office plan various initiatives related to the integrated classification for IPCs and F-terms and manage the entire operations involving the integrated classification for IPCs and F-terms.

4. Improving quality of reassigning search indexes by private entities

- Outline

The JPO outsources some reassigning of search indexes (FI and F-term) to private entities. In order to sustain and enhance the quality of the reassignment work, examiners conduct either sample checks or complete checks of the search indexes that were reassigned by private entities, checking if there are any problems in terms of accuracy. Examiners create reports and give them to the private entities, pointing out any issues that are found and need to be resolved.

Accurate reassigning work enables proper information on search indexes to be stored in the database. Moreover, the stored information can be utilized inside and outside the JPO, in order to enable accurate searches to be conducted. This leads to granting robust patents in line with maintaining and improving the quality of patent examination and providing foreign patent offices with useful information on patent examination results.

- Persons and organizations in charge

Examiners and directors, etc. are responsible for conducting sample checks or complete checks of the search indexes that were reassigned by private entities; and for giving feedback. The Examination Promotion Office plans various initiatives related to the reassignment work of search indexes and manage the entire operations involving the reassignment work.

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5. Providing information on patent examination

- Outline

IP offices' providing useful information on patent examination contributes to more prompt and accurate examination. Therefore, the JPO makes use of such information, checking whether the claims in patent applications have novelty or inventive step. When needed, feedback on the extent that such information is being used is given to the parties who provided the information.

- Reference

Examination Handbook for Patent and Utility Model in Japan (1202) [Japanese version only]

JPO website "Information Provision System" [Japanese version only]

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IV. International measures on examination quality

It is important to sustain and enhance the quality of patent examination not only in the JPO but also in foreign patent offices, under the idea of supporting smooth, global business activities to be achieved. Therefore, the JPO is committed to maintaining and improving its own patent examination quality in order to grant globally reliable patents of high quality. Also, the JPO needs to provide information on examination results in a timely manner, and promote international initiatives for maintaining and improving the quality of patent examination worldwide. It is also essential to develop a framework in which examination results of the JPO and foreign patent offices can be readily and mutually shared among each other.

This section outlines international measures for maintaining and improving the quality of patent examination.

1. Frameworks for providing examination results to foreign patent offices (PCT International Search Reports, PPH, etc.)

- Outline

The JPO strives to conduct timely international searches, international preliminary examinations, and global applications. It also provides foreign patent offices with examination information through the Dossier Access System.

In addition, the JPO strives to promote international work sharing on applications whose applicants have requested the PPH, by providing high-quality examination results.

Based on these measures, the JPO enables applicants in Japan and overseas to acquire patent rights smoothly, improving the quality of patent examination on a global scale.

- Persons and organizations in charge

The Examination Policy Planning Office decides measures for providing the JPO's examination results to foreign patent offices.

2. Sharing information and collaborating on QMS with foreign patent offices (expanding Quality Policy and initiatives for improving quality worldwide)

- Outline

The JPO shares its information with foreign patent offices by actively participating

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in multilateral meetings such as the Trilateral Conferences (EPO, JPO and USPTO), the Meetings of the IP5 Offices (EPO, JPO, KIPO, SIPO and USPTO) and WIPO forums, utilizing the information it obtains for planning quality-management initiatives. The JPO also plays a leading role in international discussions on quality-related issues, cooperating with foreign patent offices, in order to acquire extensive information on quality and improve the international system. In addition, the JPO works to gain knowledge about patent examination procedures of foreign patent offices, taking advantages of opportunities such as examiner exchange programs. By doing this, the JPO and foreign patent offices can mutually utilize examination results readily and easily. In addition to the examiner exchange program, the JPO will support foreign patent offices in developing countries to establish or improve their quality management systems by conducting training sponsored through the WIPO Funds-in-trust/Japan Fund.

The JPO announces its own Quality Policy and initiatives for improving quality by making use of said meetings and examiner exchange programs. As a result, the JPO can contribute to improving the quality of searches and patent examination on a global scale, while creating a sense of reliability in the eyes of other parties, in term of the quality of patent examination conducted in the JPO.

Through these measures, the JPO and foreign patent offices can mutually utilize examination results and reduce discrepancies in terms of the quality of patent examination. As a result, they lead to making the predictability of applicants' acquiring rights overseas more precisely, and contributing to improvement of patent examination quality on a global scale.

- Persons and organizations in charge

The Quality Management Office is responsible for developing and implementing cooperative initiatives on quality at international meetings. The Examination Policy Planning Office is responsible for planning the examiner exchange program and examination divisions or examiners implement it.

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Ref. 1



Quality Policy on Patent Examination

Globally reliable patents of high quality are important for supporting smooth business expansion worldwide and promoting innovation.

This quality policy outlines the fundamental principles of quality management in patent examination* in order to grant the aforementioned high-quality patents. Based on this quality policy, the Japan Patent Office (JPO) is committed to achieving patent examination that is the utmost quality in the world. Under the leadership and participation of the top management, all staff involved in patent examination perform their work in compliance with the following fundamental principles, demonstrating a strong sense of responsibility and motivation.

* Patent examination means examination of inventions (including international searches and international preliminary examinations) and establishment of Reports of Utility Model Technical Opinion.

We grant robust, broad and valuable patents:

In order to enhance intellectual property protection worldwide, the JPO grants robust patents that will not be invalidated afterward; broad patents that have coverage matching the extent of the technical levels of inventions and their disclosure; and valuable patents that are recognized around the world.

We meet wide-ranging needs and expectations:

The JPO understands and respects broad-ranging needs of and expectations for patent examination so that it may contribute to the benefit of Japanese society and the satisfaction of people connected with the patent system. All staff involved in patent examination perform patent examination with fairness, transparency, and consistency in accordance with principles such as treaties, laws, regulations and guidelines, communicating with applicants, patent attorneys and other persons concerned in a positive manner.

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We all dedicate ourselves to improving quality, cooperating with concerned persons and parties:

The JPO raises awareness on improving the quality of patent examination in all staff involved in patent examination and promotes initiatives that improve quality, in which all staff play an active role. Furthermore, the JPO maintains cooperative relationships with all persons and parties connected with the patent system, collaborating with them to uphold and improve the quality of patent examination.

We contribute to improving the quality of patent examination globally:

The JPO contributes to the improvement of quality in terms of patent examination globally through actively promoting international initiatives on patent examination and providing foreign patent offices with useful information on patent examination conducted at the JPO.

We continually improve operations:

In order to continually provide patent examination of the utmost quality in the world, the JPO improves operations by staying aware of current situations and taking a flexible approach to planning and proposing various measures.

We raise the knowledge and capabilities of our staff:

The JPO raises the level of knowledge and capabilities of all staff involved in patent examination not only through cultivating human resources, by having all staff conduct their daily work and participate in training, but also through encouraging them to learn on their own.

The JPO periodically reviews this policy on quality, so as to always maintain and even further improve its rationale and effectiveness.

March 2014
Japan Patent Office

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Ref. 2: Correlation of initiatives described in the Quality Policy and the Quality Manual

Quality Policy		Measures described in the Quality Manual	
		Places	Related measures
Introduction	- Supporting business expansion worldwide - Promoting innovation	Introduction I.1. Relationship between QMS and Quality Policy	
	- The Quality Policy outlines the fundamental principles of quality management in order to grant the aforementioned high-quality patents.		
	- Under the leadership and participation of the top management, all staff perform their work, demonstrating a strong sense of responsibility and motivation.		
Grant of patents	- Robust (stability), broad (scope of right that has coverage matching to the extent of the technical levels of inventions and their disclosure) and valuable (recognized around the world) patents	II.1. Conducting patent examination procedures [DO] -PDCA cycle in the examination divisions	<ul style="list-style-type: none"> - Patent examination (understanding inventions, conducting prior art searches, making judgments, and drafting notices) (II.1.(1)(i)) - Consultations (II.1.(1)(ii)) - Interview examinations (II.1.(1)(iii)) - Assigning search indexes (II.1.(1)(iv)) - Approvals (II.1.(2)(i)) - Checking drafts before approvals (II.1.(2)(ii)) - Quality Management Officers' checking of cases

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			to be scrutinized (II.1.(2)(iii))
Needs and expectations	<ul style="list-style-type: none"> - Contributing to the benefit of Japanese society and the benefit and the satisfaction of people connected with the patent system - Understanding and respecting broad-ranging needs of and expectations for patent examination 	<p>II. 2. Evaluating patent examination procedures [CHECK]</p> <p>III.1. Exchanging opinions with users</p>	<ul style="list-style-type: none"> - Understanding user needs about quality based on user satisfaction survey (II.2.(1)(iii)) - Understanding users' needs based on their comments on patent examination quality (II.2.(1)(v)) - Exchanging opinions with users (III.1.)
	<ul style="list-style-type: none"> - Communicating with applicants, patent attorneys and other persons concerned 	<p>II.1. Conducting patent examination procedures [DO] -PDCA cycle in the examination divisions</p>	<ul style="list-style-type: none"> - Interview examinations (II.1.(1)(iii))
	<ul style="list-style-type: none"> - Patent examination with fairness, transparency and consistency in accordance with principles such as treaties, laws, regulations and Examination Guidelines 	<p>II.1. Conducting patent examination procedures [DO] -PDCA cycle in the examination divisions</p> <p>II.3. Considering and modifying initiatives on patent examination procedures [ACT]</p>	<ul style="list-style-type: none"> - Patent examination (understanding inventions, conducting prior art searches, making judgments, and drafting notices) (II.1.(1)(i)) - Consultations (II.1.(1)(ii)) - Interview examinations (II.1.(1)(iii)) - Assigning search indexes (II.1.(1)(iv)) - Approvals (II.1.(2)(i)) - Checking drafts before approvals (II.1.(2)(ii)) - Quality Management Officers' checking of cases to be scrutinized (II.1.(2)(iii))

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			- Creating, revising, and releasing the Examination Guidelines (II.3.(1))
Measures by staff and cooperation with concerned persons and parties	- Raising awareness on improving the quality and promoting initiatives that improve patent examination quality, in which all staff play an active role	II.1. Conducting patent examination procedures [DO] -PDCA cycle in the examination divisions II.1.(3) Procedures related to maintaining and improving patent examination quality [act] II.1.(4) Deciding policies for maintaining and improving patent examination quality [plan]	- Conducting patent examination procedures by examiners [do] (II.1.(1)) - Improving quality based on the check results (II.1.(3)(i)) - Information sharing in the organization (II.1.(3)(ii)) - Acquiring knowledge and improving capabilities through training (II.1.(3)(iii)) - Continuously revising search indexes (II.1.(3)(iv)) - Improving quality based on the results of reviews (II.1.(3)(v)) - Deciding policies for maintaining and improving patent examination quality [plan] (II.1.(4))
	- Maintaining cooperative relationships with all persons and parties connected with the patent system, and collaborating with them	III. Transacting with external organizations and persons	- Exchanging opinions with users (III.1) - Improving the quality of the patent descriptions and enhancing prior art searches conducted by applicants, patent attorneys, etc. (III.2.) - Improving the quality of prior art searches/assigning search indexes by registered search organizations (III.3.) - Improving quality of reassigning search indexes

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			by private entities (III.4.) - Providing information on patent examination (III.5.)
Global improvement of quality	- Actively promoting international initiatives - Providing foreign patent offices with useful information on patent examination	IV. International measures on examination quality	- Frameworks for providing examination results to foreign patent offices (PCT International Search Reports, PPH, etc.) (IV.1) - Sharing information and collaborating on QMS with foreign patent offices (expanding Quality Policy and initiatives for improving quality worldwide) (IV.2.)
Continuous improvement of patent examination procedures	- Continually providing patent examination of the utmost quality in the world - Improving operations by staying aware of current situations and taking a flexible approach to planning and proposing various measures	II.2. Evaluating patent examination procedures [CHECK] II.3. Considering and modifying initiatives on patent examination procedures [ACT] II.4. Formulating patent examination policy [PLAN]	- Collecting and analyzing data (II.2.(1)) - Evaluating results of data analysis (II.2.(2)) - Subcommittee on Examination Quality Management (II.2.(3)) - Creating, revising, and releasing the Examination Guidelines (II.3.(1)) - Initiatives to be considered for maintaining and improving patent examination quality (II.3.(2)) - Formulating patent examination policy [PLAN] (II.4.)
Improvement of	- Cultivating human resources by having all	II.1. Conducting patent examination	- Patent examination (understanding inventions,

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knowledge and capabilities of all staff	staff conduct their daily work and participate in training - Encouraging all staff to learn on their own	procedures [DO] -PDCA cycle in the examination divisions II.1.(3) Procedures related to maintaining and improving patent examination quality [act]	conducting prior art searches, making judgments, and drafting notices) (II.1.(1)(i)) - Consultations (II.1.(1)(ii)) - Approvals (II.1.(2)(i)) - Checking drafts before approvals (II.1.(2)(ii)) - Quality Management Officers' checking of cases to be scrutinized (II.1.(2)(iii)) - Acquiring knowledge and improving capabilities through training (II.1.(3)(iii))
Review of the Quality Policy	- Periodically reviewing the Quality Policy, so as to always sustain and enhance its rationale and effectiveness	II.3. Considering and modifying initiatives on patent examination procedures [ACT]	- Initiatives to be considered for maintaining and improving patent examination quality (II.3.(2))