

(2) Trilateral cooperation

Most of the world's patent applications are now examined by the Japan Patent Office (JPO), the United States Patent and Trademark Office (USPTO), and the European Patent Office (EPO), together comprising the Trilateral Patent Offices. The Trilateral Technical Meeting and the Trilateral Conference has been held every year since 1983 aiming to work out solutions to issues common to the Trilateral Offices. The United States Patent and Trademark Office hosted The Trilateral Technical Meeting in May 2001 and the Trilateral Conference in November 2001.

Main results of 2001 Trilateral cooperation

① Comparative study on "reach-through claims"

It was agreed to commence a comparative study targeting "reach-through" claims* at the Trilateral Technical Meeting in May 2001. The Three Offices studied, concluded and reported the result in the Trilateral Conference held in November 2001. The Trilateral Offices were found to have similar opinions regarding the requirements for industrial applicability, utility, enablement, support, clarify and written description requirements of hypothetical claims.

* "Reach-through" claims are claims to future inventions based on currently disclosed inventions.

② Report on concurrent search program for business method-related inventions

At the 2000 Trilateral Conference, the Trilateral Offices agreed on the details of a concurrent search program comprising up to 20 PCT business method related patent applications in order to compare the usefulness of the respective search tools in this area. This program started in January 2001. The results of this study were reported at the Trilateral Conference in November 2001.

③ Biotechnology-related inventions

Gene-based inventions

The Trilateral Offices agreed to participate in a follow-up of the comparative study on "DNA-related inventions whose functions are inferred based on homology search*" adopted at the Awaji Trilateral Conference in accordance with JPO's proposal to exchange information and related opinions of Courts and Boards pertaining to

"utility"based on inferred functions.

*Homology searches have developed as a result of advances in search technology involving gene sequencers and computers: first, a gene is extracted from an organism and its base sequence is determined using a sequencer, and second the base sequence information is compared with base sequences of well known genes whose functions are registered in an established database to search the extent of agreement in the sequence (homology).

④ Expansion of the Trilateral Network

In May 2001, The Trilateral Offices agreed to commence a project to connect the Korean Intellectual Property Office (KIPO) and the Canadian Intellectual Property Office (CIPO) to the Trilateral Network (TriNet) on a pilot basis. The Trilateral Offices are to review the TriNet expansion criteria and implementation protocol for expansion based on the results of the pilot project.

In November 2001, the Trilateral offices agreed upon security policy for the Trilateral Network. The Offices agreed on specific requirements of the Draft Protocol for Adding New Members to the network, while the project of expanding TriNet to the KIPO and CIPO are still on-going.

⑤ Electronic filing

The Trilateral Offices have been cooperating on the establishment of the technical standards for PCT electronic applications since the 2nd meeting of the SCIT held in February 1999.

The three Offices agreed on drafts of Trilateral proposals for WIPO that concern a Change Management Procedure for Annex F of the PCT Administrative Instructions in order to guarantee the continued harmonization of online filing software systems and to recommend standards to cover all office-applicant communications.

⑥ Policy on the use of exchanged digital industrial property information

The Trilateral Offices have been exchanging data along with the Information Dissemination Policy, and have agreed to a new information policy covering exchange data. The new policy provides uniform minimum guidelines for using data exchanged among our Offices. It will be made available to WIPO for its own dissemination policy.