Chapter 6 Promotion of the Electronic Patent Office

1 Online Filing

1. E-Government Pioneer

The JPO started accepting online applications for patents and utility models in December 1990, becoming the pioneer in realizing the concept of electronic government which is the mainstay of the e-Japan priority plan (decided by the IT Strategy Headquarters on March 29, 2001).

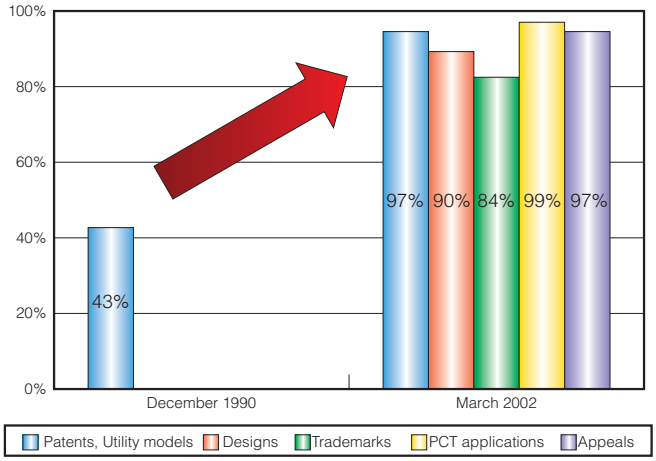
Furthermore, in April 1998, the JPO made it possible to file applications through PCs and to inspect various procedural documents online, providing electronic filing software free of charge. In January 2000, the JPO also started accepting online procedures for applications for designs, trademarks and for the national phase of PCT applications as well as for appeals. The JPO has taken various measures to lead the establishment of the electronic government.

As of July 2002, more than 9,000 copies of the electronic filing software were provided free of charge, and more than 20,000 users were able to conduct online procedures. As of March 2002, the online filing rate reached 97% for patents and utility models, which indicates that the online filing system has been fully established.

In the future, the JPO will use internationally standardized formats (XML[1] formats) for application documents and Gazettes in respect to patents and unity models and apply the electronic system to the international phase of PCT applications.

Electronic data accepted in online applications is useful to enhance the efficiency of general administrative operations at the JPO through comprehensive computerization of the administrative processing of applications, examinations and appeal/trial procedures. It is also effectively used for publishing CD-ROM gazettes, providing industrial property rights information, exchanging data with foreign countries and providing search services.

Electronic Filing Rate



PCT applications: Procedures for applications filed under the Patent Cooperation Treaty after entering into the national phase

Distribution of electronic filing software

Patent attorneys	Corporations	Individuals	Governmental Offices	Total
2,078	4,145	2,807	43	9,073

(Note) Governmental offices include schools (as of July 1, 2002).

Applications to use the electronic information processing system

Patent attorneys	Corporations	Individuals	Total
5,332	7,416	7,882	20,630

(as of July 1, 2002)

[1]XML (eXtensible Markup Language): Data description language suitable for exchange and distribution of electronic documents via the Internet. Marks, which are called tags, are attached to each element in a document so that users can easily search and manage documents. XML is extensible and flexible because these tags can be set without restriction.

History of the Paperless System

July 1984 Paperless Project inauguration

March 1985 Patent document search system (F-term)

October 1986 Electronic inspection services for the comprehensive document database

December 1990 Acceptance of online filing for patents and utility models

January Publication of CD-ROM gazettes

1993 **July** Peripheral examination assistance system (electronic drafting), including online demand and online inspection

October 1996 Cash payment system

April 1997 New registration system

April 1998 Acceptance of online filing from PCs

January Exchange of electronic data of priority documents with the EPO

March Industrial Property Digital Library (IPDL)

1999

January 2000 Paperless System for designs, trademarks, PCT (national phase) and appeals

January Integration of terminals for filing applications into PCs (abolition of dedicated terminals)

July Exchange of electronic data of priority documents with the Korean Industrial Property Office (KIPO)

2001

2. Efforts to realize Online Filing via the Internet

With the rapid progress of digital networks and the employment of broadband in the Internet infrastructure, various restrictions of the current ISDN filing system (line speed, cost, user-friendliness, convenience, etc.) are emerging. There is a growing demand from users to file patent applications via the Internet. Furthermore, the Intellectual Property Policy Outline stipulates that the GOJ enable applicants to file applications for patents and inspect various procedural documents via the Internet by the end of FY 2004.

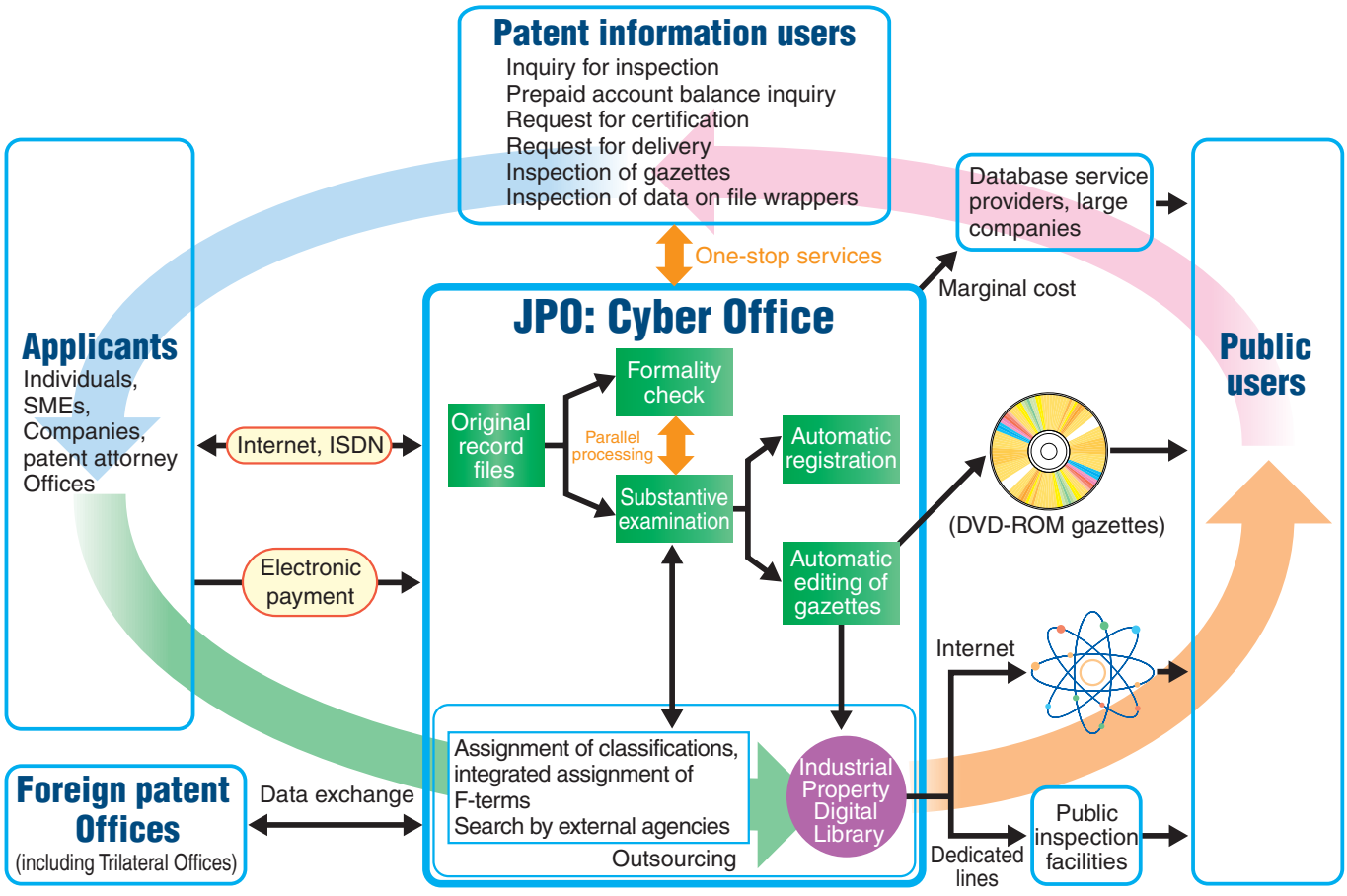
The JPO will concentrate its efforts on realizing Online Filing via the Internet in accordance with the PCT Electronic Filing Standard developed by WIPO (entered into force in January 2002), as well as the Government Public Key Infrastructure (GPKI)[1], the basis of the certification system of the Japanese electronic government. The JPO will also make efforts to realize the online dispatch system and the online inspection system for various documents in accordance with the PCT standard on online dispatch currently under discussion at WIPO.

3. Electronic Payment

Upon paying fees for online filing to the JPO, applicants can either pay by withdrawal from their prepaid accounts opened in advance or by cash using national fund payment statements.

However, along with the recent progress of e-commerce technology such as Internet banking, and in light of the fact that the Ministry of Finance is developing an electronic payment system for government revenues as part of the measures for realizing the electronic government, the JPO will consider and work on introduction of an electronic payment system for fees.

■Electronic Patent Office



[1]Government Public Key Infrastructure (GPKI): The government system for checking whether applications, reports, and notifications of results are truly prepared by applicant or the authorized person of the governmental agency and whether the contents of applications and notifications are altered. This mechanism is realized using a certification system emplaying digital public key cryptosystem signatures.

2 Industrial Property Digital Library

Industrial property information constitutes the latest technological information as well as information that defines the scope of right. For this reason, it is important to promote its positive use in corporate R&D and investment strategy for the commercialization of R&D results.

In light of this, the JPO opened the Industrial Property Digital Library on its Website in March 1999 to increase access to industrial property information. (JPO Website: http://www.go.jp.indexj.html)

By accessing the IPDL, users can search 48 million of industrial property-related documents such as gazettes concerning patents, utility models, designs and trademarks published since 1885 using document numbers and various classifications. Additionally, users can also access related information such as the legal status of applications, registrations and appeals/trials as well as laws and guidelines. All information is available free of charge.

In January 2000, the JPO installed dedicated terminals in public inspection facilities including the NCIPI as well as its local inspection rooms and intellectual property centers, and started to provide information via higher-speed and higher-definition screens via dedicated lines, in addition to provision via the Internet.

Since March 2000, the JPO has been providing search services (patents, utility models, designs, and trademarks) for patent information beginners. For foreign users, the JPO provides automatic English language translation for publications of unexamined/examined patent applications in addition to providing Patent Abstracts of Japan (PAJ).

In March 2001, the JPO started to provide FI and F-term search services in English and expanded the scope of PAJ available publications to include those published since 1976. In March 2002, the JPO also started to provide number search services in English. The JPO is currently working on disclosure of a database for patent examination concerning computer software (CSDB) by the end of FY 2002.

The IPDL services will encourage the use of industrial property information in identifying application and R&D trends of competitors, preventing overlapping investment, and avoiding unnecessary disputes when deciding product designs or names.

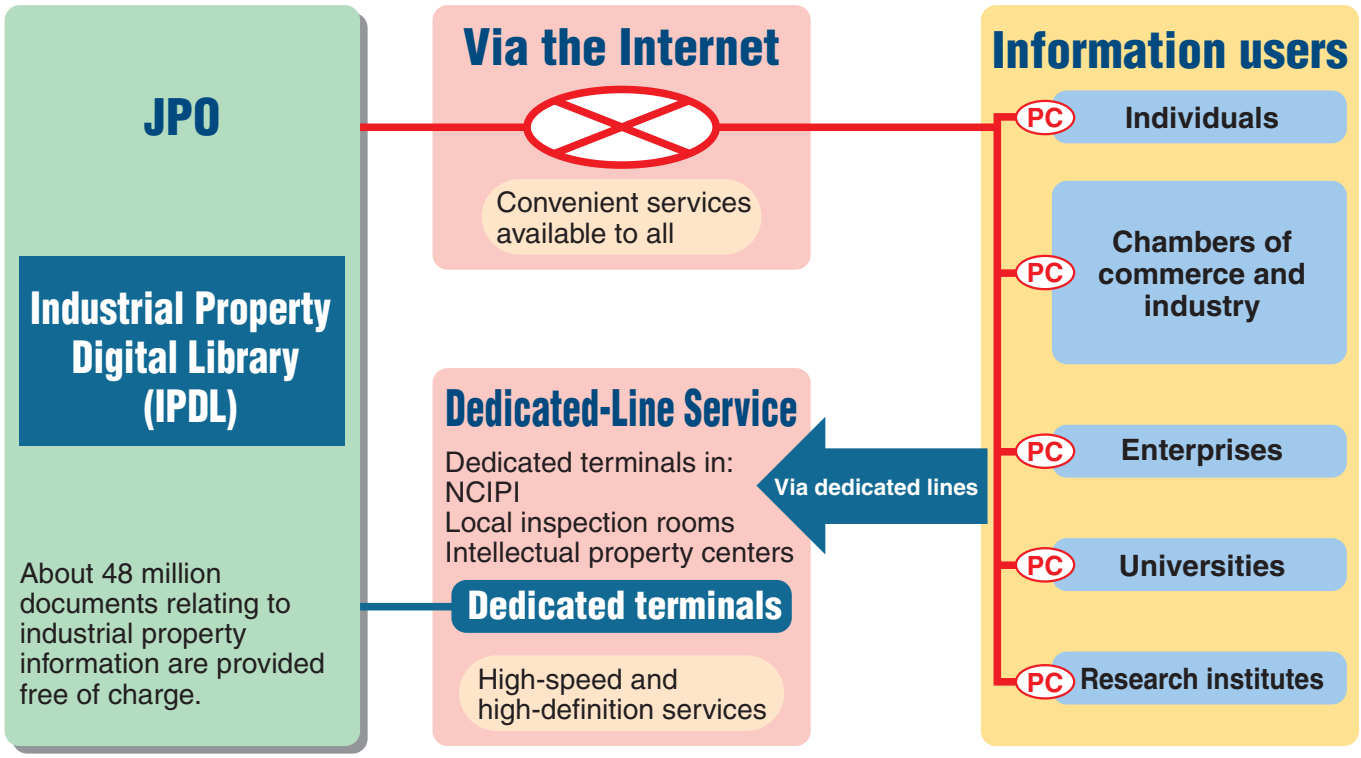
The number of hits to the IPDL per month rapidly increased, due to the enhancement of services, from about 1 million in April 1999 immediately after the services started to 3 million in April 2002. Patent and utility model searches were the most frequently used, accounting for about 60% of the total hits, followed by trademark searches with 20% and searches for beginners with 10%, these three types of searches accounting for 90% of the total.

The services in the Industrial Property Digital Library

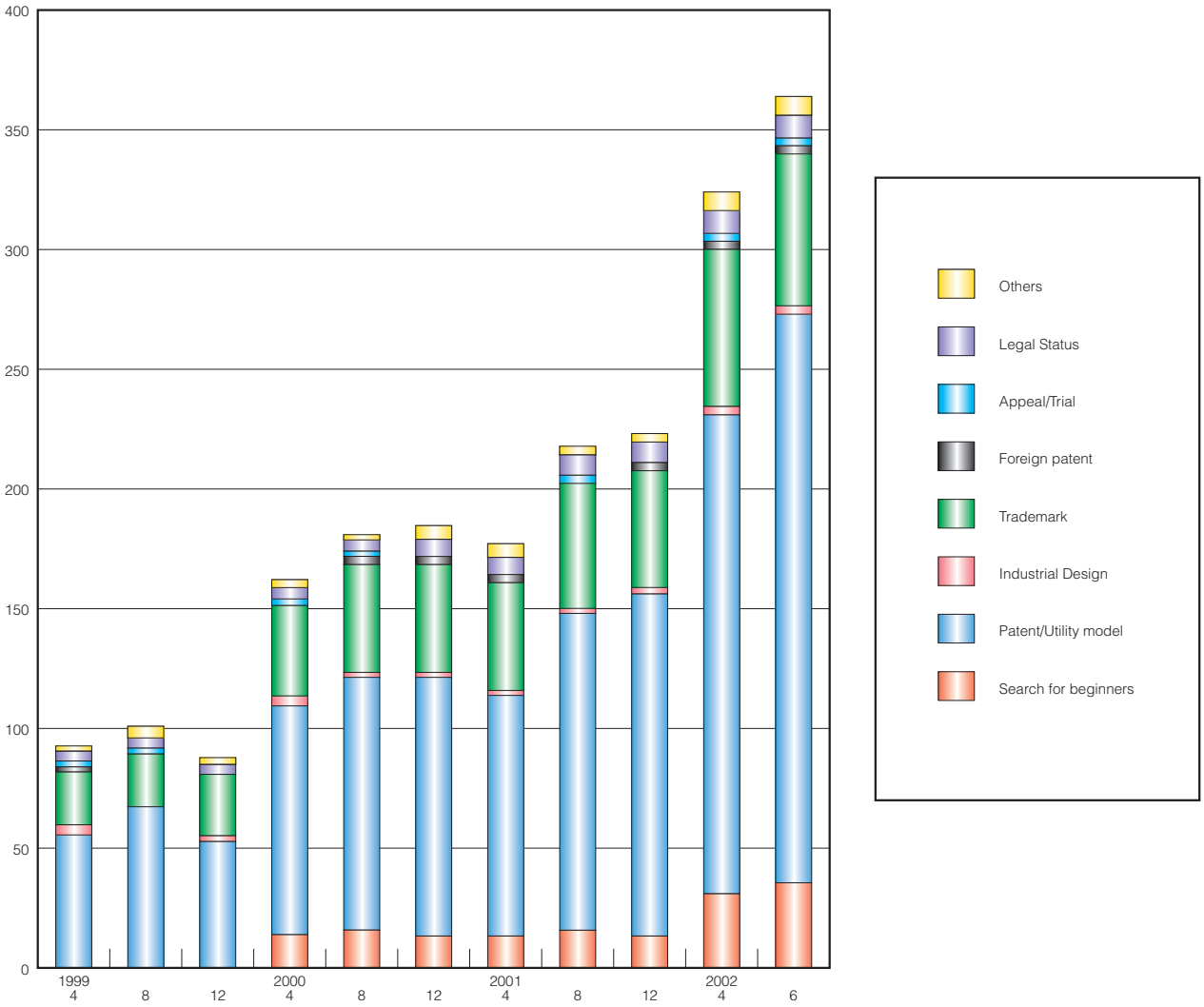
September 2002

	Title of Service	Stored Data Range	Availability in English	Notes
1	Search for Beginners (Patent & Utility Model)	1993-		Text search
2	Search for Beginners (Trademark)	1993-		Text search
3	Patent & Utility Model Gazette DB (Japanese)	1885-		Number serach
4	Patent & Utility Model Gazette DB (English)	1885-	★	Number serach
5	Patent & Utility Model Concordance (Japanese)	1921-		Number serach
6	Patent & Utility Model Concordance (English)	1921-	★	Number serach
7	IPC Search	1885-		IPC search
8	FI/F-term Search (Japanese)	1885-		FI,F-term search
9	FI/F-term Search (English)	1885-	★	FI,F-term search
10	Searching Front Page of Unexamined Patent Gazette	1993-		Text search (bibliographic data and abstract), Number serach
11	Searching PAJ	1976-	★	Text search (bibliographic data and abstract), Number serach, Automatic translation
12	Searching Patent Gazette	1993-		Text search (bibliographic data and abstract), Number serach
13	Patent Map Guidance (Japanese)	-		Reference to IPC, FI, and F-term
14	Patent Map Guidance (English)	-	★	
15	Patent Map Guidance (Previous version)	-		
16	Patent Map Guidance (List of theme code)	-		
17	Design Gazette DB	1889-		Number serach
18	Design Concordance	1964-		Number serach
19	Japanese Design Classification/D-term Search	-		D-term search, Japanese Design Classification search
20	Searching Design Gazette	2000-		Text search (bibliographic data and abstract)
21	Japanese Design Classification	-		Reference to classification for design
22	Locarno-Japanese Design Classification	-		
23	List of D-term			
24	Trademark Gazette DB	1885-		Number serach
25	Trademark Concordance	1964-		Number serach
26	Searching Japanese Trademark Database (Japanese)	1868-		Text search (bibliographic data, trademark for search), Number serach, Similar group cord search
27	Searching Japanese Trademark Database (English)	1868-	★	Text search (bibliographic data, trademark for search), Number serach
28	Searching Similarity in Sound	1868-		
29	Searching Japanese Figure Trademarks (Japanese)	1868-		Figure-term, Similar group cord search
30	Searching Japanese Figure Trademarks (English)	1868-	★	Figure-term, Similar group cord search
31	Searching Japanese Well-Known Trademark (Japanese)	1868-		Text search (bibliographic data, trademark for search)
32	Searching Japanese Well-Known Trademark (English)	1868-	★	Text search (bibliographic data, trademark for search)
33	Famous Trademarks In Japan	-		
34	List of Goods and Services			
35	List of Goods and Services (English)	-	★	
36	International Classification of Goods and Services (English-Japanese)	-		
37	Reclassification Guideline (New version(8th))	-		
38	Reclassification Guideline (Previous version(7th))	-		
39	Searching Japanese Unregistered-Mark	-		
40	Foreign Gazette DB	-		Number serach
41	Searching US-Patent Classification	-		
42	Appeal and Trial Gazette DB	1940-		Number serach
43	Searching Decision on Appeal and Trial	-		Number serach
44	Legal Status Information	-		
45	Others	-		
46	Range of Documents	-		

Outline of the IPDL



Number of accesses to IPDL (searches/month)



3 Enhancement of Industrial Property Information Services

In enhancing industrial property information services, it is necessary not only to satisfy public need for the standard use of industrial property information by providing inspection services free of charge through the IPDL, but also to aim at establishing an environment in which information service providers in the private sector satisfy the public's diverse needs for industrial property information searches and provide high-value added services. To achieve this, the JPO decided to review the conditions for providing its data and establish an environment in which industrial property information can be provided for positive use.

The JPO decided to provide CD-ROM gazettes, published in and after April 1998, at marginal cost. Additional costs such as expenses for data reproduction, expenses for data storage media, and delivery expenses are included, while expenses for data creation and maintenance are not included. This measure has decreased the price of one CD-ROM gazette from ¥21,000 to ¥5,330 and made it available at the same price irrespective of the type of use (copyright royalties were conventionally charged depending on the type of use, such as in-house online use or use as a reproduction provided by a third party), enabling the public to use gazette data actively and at a lower price. In March 1999, the JPO also started to organize and standardize data on the legal status of examination into SGML format at its own expense and provide it at marginal cost. Furthermore, in order to increase accessibility to JPO databases, the JPO changed the media for providing legal status information to DVD-R in March 1999 and started to provide CD-ROM gazettes for past issues (gazettes issued in or before March 1998) at marginal cost.

These measures have encouraged companies to establish their own database and private information service providers to provide high-value added and diverse services.

■Flow of data provision