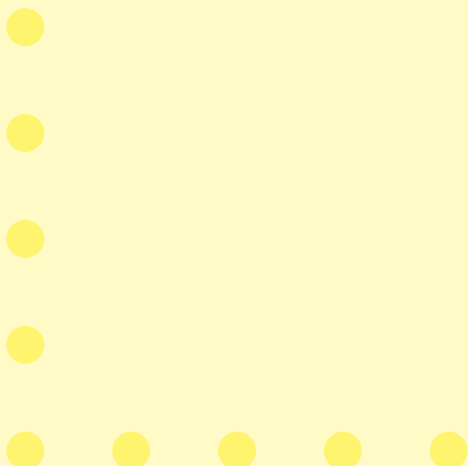


# Part 3

## Measures for Private Companies and Universities

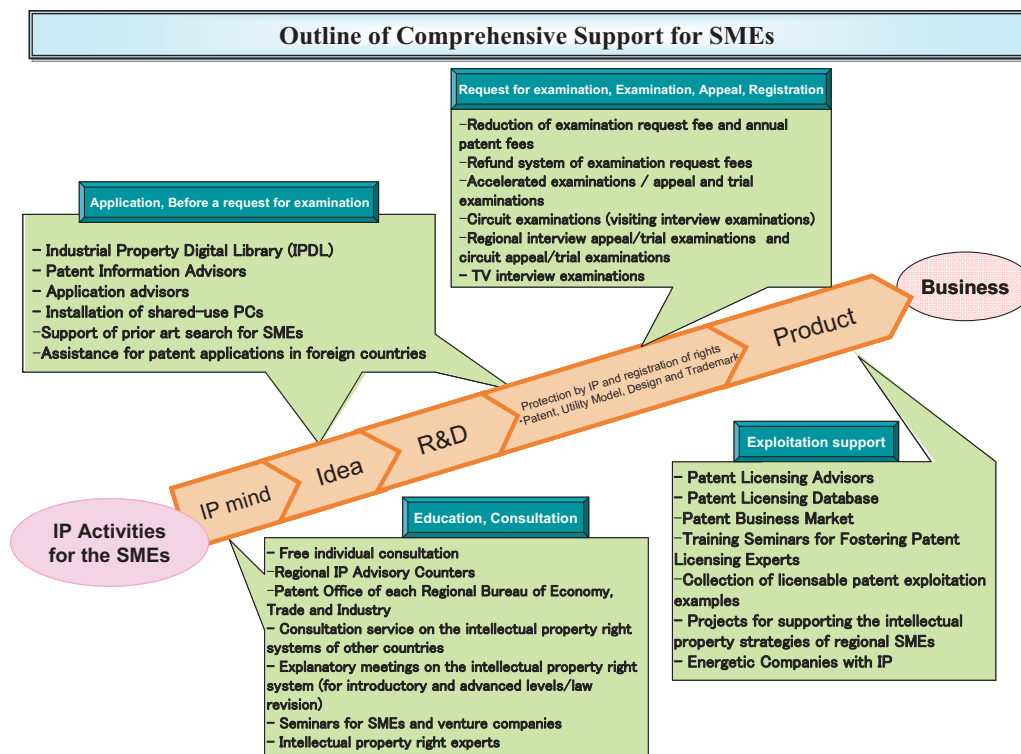


# Chapter 1

## Support for SMEs

### 1. Comprehensive Support Measures for SMEs

The JPO provides comprehensive support through various measures from “intellectual creation” to “right utilization” with SMEs that sustain the industrial foundation in Japan and play a significant role as the driving force of regional economies, as well as to venture companies that are expected to create new industries.



### (1) Support in the Areas of Diffusion, Human Resources Development, and Consultation Concerning Industrial Property Rights

#### 1) Explanatory Meetings on the Intellectual Property Rights System (for introductory and advanced levels)<sup>1</sup>

<sup>1</sup> See Part 3, Chapter 5, 1.(1)1)

The JPO holds explanatory meetings on intellectual property rights for those at the introductory level who wish to start learning about intellectual property rights, and those who have just been transferred to the intellectual property division in their companies.

In addition, the JPO also holds explanatory meetings for those who engage in intellectual property affairs. These meetings cover the various systems that are indispensable for intellectual property affairs, such as examination operation standards, the PCT system, operation of the appeals and trials system, and the International Patent Classification (IPC).

## **2) Seminars and Training for SMEs and Venture Companies**

The JPO holds seminars on strategic acquisition of intellectual property rights that meet regional needs and on how to utilize such rights, for corporate managers and people responsible for R&D<sup>2</sup>.

In addition, training programs for SMEs and venture companies have been implemented at the National Center for Industrial Property Information and Training (INPIT)<sup>3</sup>.

## **3) Consultation Services on Industrial Property Rights**

Dedicated staff members in the Patent Offices in the respective Regional Bureaus of Economy, Trade and Industry offer regular consultation services regarding basic matters from the filing of applications to registration and the actual procedure for filing an application (Number of consultations conducted in FY2008: 18,621).

In addition, the INPIT offers a consultation service for all types of inquiries, such as having an idea but not knowing how to obtain rights for it or wishing to file a patent application but not knowing the actual procedure. The consultation service is offered to any one in person, by e-mail, or by telephone (Number of consultations conducted in FY2008: 61,074).

## **4) Comprehensive Support by Intellectual Property Right Specialists for SMEs**

The JPO has a staff of “industrial property right specialists” who provide comprehensive support to SMEs. They serve as lecturers at various seminars held by the JPO, based on requests from related organizations, and they visit SMEs to provide individual consultations, with the objective of raising awareness on the intellectual property system to regional companies and SMEs and support measures, and developing human resources.

<Achievements in FY2008>

- a. Visits of SMEs to provide individual consultations (292 visits)
- b. Lecturer at intellectual property seminars / training sessions (213 seminars / sessions)
- c. Promotions of awareness on measures through exhibitions, etc.

## **5) Free Consultation Sessions by Experts such as Patent Attorney**

The JPO offers free individual consultation services by experts (patent attorneys, etc.) on specific matters related to industrial property rights nationwide (Number of consultations

<sup>2</sup> See Part 3, Chapter 5, 1.(1)2)

<sup>3</sup> See Part 3, Chapter 5, 2.(2)2d.

conducted in FY2008: 4,325).

## **6) Support for Regional IP Advisory Counters**

The JPO will provide support to the Regional IP Advisory Counters, which were established in July 2006 at chambers of commerce and industry throughout Japan, such as holding seminars for the SMEs or the person in charge of the Regional IP Advisory Counters and sending intellectual property experts for strengthening the contact function (Achievement of FY2008: supporting such as holding of seminar and sending of experts etc.: 2,690).

## **7) Consultation Service on the Industrial Property Rights Systems of Other Countries**

The Asia-Pacific Industrial Property Center of the Japan Institute of Invention and Innovation (JIII) provides domestic SMEs with a consultation service on industrial property right systems in other countries and IP infringement cases inside and outside Japan.

The JPO holds training sessions, seminars and individual consultations in order to publicize and diffuse information on industrial property right systems in other countries and measures against counterfeiting.

<Achievement of FY2008>

a. Number of consultations conducted: 899

b. Number of training sessions, seminars and individual consultations: 62, Total number of participants: 2,385

## **(2) Support for Exploitation of Intellectual Property Rights Information and the Application Procedures**

### **1) Industrial Property Digital Library (IPDL)**

The IPDL provides access to about 71 million official gazettes of patents, utility models, designs and trademarks via the INPIT. These can be searched by various document numbers or by various classifications. It also provides industrial property information including information on the examination status, which allows users to easily check the examination status of specific applications.

Furthermore, the IPDL Help Desk (TEL: 03-5690-3500) of the INPIT offers information services on how to operate and use the IPDL.

### **2) Patent Information Advisors**

See Part 3, Chapter 3, 1.(2) 1)

### **3) Application Advisors**

Application advisors who work full-time in the electronic application consultation offices established in 47 prefectures nationwide offer consultation services on filing procedures, how to use the shared-use PCs, and the electronic application system. When users do not have the time to go to the electronic application consultation offices, or ask the advisors to provide

explanations at regional events, the application advisors provide visit consultations and guidance services (Number of consultations/guidance services provided in FY2008: 74,791).

#### **4) Installation of Shared-use PCs for Filing Electronic Applications**

The Japan Institute of Invention and Innovation, commissioned by the JPO, has installed shared-use PCs at its branches nationwide in order to allow those who do not have the necessary equipment for filing electronic applications from PCs to file electronic applications. These PCs not only consist of the necessary equipment, but also provide optional document-editing and checking functions and an optional file-conversion function to enable efficient operations (Number of applications sent on line in FY2008: 17,956).

#### **5) Shared-use PCs for Filing Internet Applications Utilizing Basic Resident Register Card**

In the First Public Gazettes Reading Room and the Region Gazettes Reading Rooms (8 sites nationwide) of the INPIT, shared-use PCS capable of filing the internet applications utilizing the Basic Resident Register Card are installed. The operation manual of the Internet application soft is instructed by the instructor for reading gazettes.

<Achievements in FY2008>

a. Number of users: 294

b. Number of applications sent on line: 464

### **(3) Support Related to Examination Requests for Industrial Property Applications**

#### **1) Support of Prior Art Searches for SMEs**

In order to support proper assessment as to whether an examination should be requested or not and whether applications abroad should be filed or not, private searching organizations commissioned by the JPO perform prior art searches free of charge for patent applications of SMEs or individual prior to requests for examination, upon request of the applicant, and deliver the search results by mail (Use achievements in FY2008: 5,469).

#### **2) Reduction of or Exemption from Examination Request Fees**

The JPO grants an exemption from or a 50% reduction of examination request fees for individuals, companies or R&D-oriented SMEs that lack funds if they comply with certain requirements. Further, also in the case of a shared-application (joint application), this measure is applied according to the share of the applicant subject to the reduction of or exemption from the examination request fee (Use achievements in 2008: 4,894).

### **(4) Support for Examinations and Appeals/Trials of Industrial Property Applications**

## 1) Accelerated Examinations<sup>4</sup> / Accelerated Appeal and Trial Examinations<sup>5</sup>

In cases in which a patent applicant is an SME or an individual, or if the applicant is already employing or plans to employ the invention, examination or appeal/trial examination is conducted more quickly than in the case of regular applications if the applicant submits an “explanation of circumstances concerning accelerated examination” or an “explanation of circumstances concerning accelerated trial/appeal examination.”

There are accelerated examination and appeal/trial examination systems for designs and trademarks as well. The requirements are different from those for patents.

## 2) Interview Examinations and Interview Appeal/Trial Examinations, Circuit Examinations and TV Interview Examinations

The JPO supports more precise acquisition of rights by offering opportunities for applicants or their agents to meet examiners or appeal examiners in person and establish smooth communication in the course of examination or appeal/trial examination.

In addition to interview examinations and interview appeal/trial examinations conducted at the JPO examiners or appeal examiners also visit various locations nationwide to conduct circuit examinations<sup>6</sup> regional interview appeal/trial examinations, and circuit appeal/trial examinations. Also, the JPO conducts TV interview examinations using a TV conference system installed at the patent offices of the respective Regional Bureaus of Economy, Trade and Industry.

<Achievements in 2008>

- a. Circuit examinations: 1,330
- b. Regional interview appeal/trial examinations: 97
- c. Circuit appeal/trial examinations: 18
- d. TV interview examinations: 25

## 3) Refund System on Examination Request Fee<sup>7</sup>

Under this system, if an applicant withdraws or abandons the application which does not need to be granted a right any longer prior to the examination (before the arrival of the notification of reasons for refusal), 50% of the fee is refunded to the applicant.

## (5) Support for Registration of Intellectual Property Rights

### 1) Reduction of or Exemption from the Patent Annual Fees

The JPO grants an exemption (from the first year to the third year<sup>8</sup>), a grace period of three years, or a 50% reduction of patent annual fees, to individuals, companies or R&D-oriented SMEs that lack funds if they comply with certain requirements. Further, also in the case of a shared-application

<sup>4</sup> Accelerated examination: for patents (See Part 2, Chapter 2, 3. (1)), for designs (See Part 1, Chapter 1, 3. (1)2) and Part 2, Chapter 3, 3), for trademarks (See Part 2, Chapter 4, 1.)

<sup>5</sup> Accelerated Appeal and Trial Examination: See Part2, Chapter 5, 2. <sup>6</sup> See Part 2, Chapter 2, 3.(3).

<sup>7</sup> For details of the Refund System on the Examination Request Fee, see the JPO website at URL: [http://www.jpo.go.jp/cgi/linke.cgi?url=/tetuzuki\\_e/ryoukin\\_e/half\\_refund\\_system.htm](http://www.jpo.go.jp/cgi/linke.cgi?url=/tetuzuki_e/ryoukin_e/half_refund_system.htm)

<sup>8</sup> An exemption from the first year to the sixth year in the case of outcome from specified R&D performed in accordance with “the Act concerning advancement of basic manufacturing technology of SMEs.”

(joint application), this measure is applied according to the share of the applicant subject to the reduction of or exemption from the examination request fee (Use achievements in 2008: 1,302).

## **(6) Support for Utilization of Industrial Property Rights**

### **1) Measures for Encouraging Patent Licensing by the INPIT<sup>9</sup>**

○ Patent Licensing Advisors

- See Part 3, Chapter 3, 1.(1)1)

○ Patent Licensing Database, Examples of Licensable Patent Utilization

- Patent Licensing Database

See Part 3, Chapter 3, 1.(2)2)

- Example of Licensable Patent Utilization

See Part 3, Chapter 3, 1.(2)4)

○ Patent Business Market, Training Seminars for Fostering Patent Licensing Experts

- Patent Business Market

See Part 3, Chapter 3, 1.(3)2)

- Training Seminars for Fostering Patent Licensing Experts

See Part 3, Chapter 3, 1.(3)4)

### **2) Support of the Intellectual Property Strategies of Regional SMEs**

○ Project for Supporting the Intellectual Property Strategies of Regional SMEs

The SME support centers of prefectural governments intensively dispatch intellectual property experts for certain periods to local SMEs and venture companies in coordination with the prefectural intellectual property centers in order to support the companies (has supported 340 or more companies in FY2004 to FY2008) in their formulation of business plans for utilizing intellectual property and their creation of intellectual property strategies.

○ Project for Supporting Foreign Application of Regional SMEs

For corresponding to international business development and intellectual property right infringing goods due to the economic globalization, the patent acquisition in overseas is important, so that the JPO conducts necessary aids for the activities of the SMEs supporting center of the prefectures etc. conducting the projects for supporting the overseas developments of the SMEs which will conduct the overseas application strategically since FY2008.

○ Formulation of Manual for Intellectual Property Strategies of SMEs

By formulating and publishing manuals mainly for personnel who support active utilization of the intellectual property of regional SMEs, the JPO supports the intellectual property strategies.

### **3) Distribution of a Compendium of Examples of Patent Utilization**

The JPO compiled a booklet "Companies Actively Utilizing Industrial Property Rights" in

<sup>9</sup> See Part 3, Chapter 3, 1.

February 2009 which covers nationwide SMEs that actively utilize industrial property rights in their business strategies and strive for strategic industrial property right acquisition and utilization, in order to motivate management reforms focusing on industrial property rights and provide reference for SMEs wishing to utilize strategic industrial property rights. Copies of this are widely distributed through the Patent Office of Regional Bureaus of Economy, Trade and Industry (it is also publicized on the JPO website).

## **2. Regional Support Frameworks**

In order to develop an environment that allows for IP promotion activities and strategic IP utilization in local areas, the JPO established a “Regional Headquarters for Intellectual Property Strategy” in each region (nine regions) under the jurisdiction of Regional Bureaus of Economy, Trade and Industry in FY2005. Based on “the regional intellectual property strategy-promotion program” developed by the Regional Headquarters for Intellectual Property Strategy, the JPO intensively implements measures such as raising SMEs’ awareness on IP and promotion of appropriate use of IP, while strengthening the network with local support organizations and networking intellectual property-related human resources.

[Major activities]

The JPO, by placing Patent Offices of Regional Bureaus of Economy, Trade and Industry at its center, conducted the following projects including consultation services.

- Periodical reviews and follow-up work on the regional intellectual property strategy promotion program
- Holding of symposia and seminars (themes set according to regional needs and contents decided according their IP level)
- Establishment and maintenance of the website for information provision



# Chapter 2

## Support for Universities

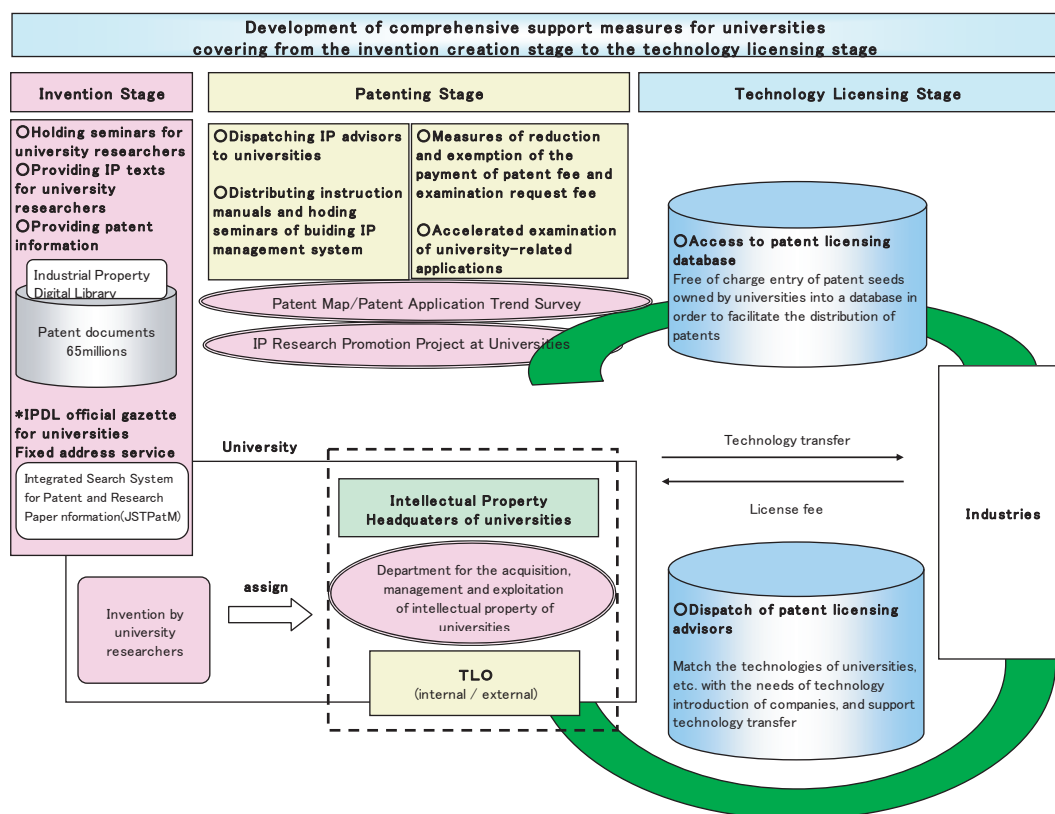


### 1. Current Circumstances of Intellectual Property Activities at Universities

In addition to their roles of providing education and conducting researches, universities and other institutions are expected to make a social contribution. The Intellectual Property Basic Act stipulates their social contributions through disseminating research results in Article 7(1) “universities, etc. shall, in light of the fact that their activities are contributing to the creation of intellectual property throughout society, endeavor voluntarily and positively to develop human resources, and disseminate research and the research results.”

Although the number of joint researches, funded researches and expenses thereof in Japanese universities have been increasing each year, it is important in promoting innovation to enhance cooperation between industry, academia and government so that research results by universities will be transferred to industries, thus further ensuring commercialization of the knowledge, and the needs in the industrial sectors are fed back to universities to conduct researches based on such needs.

Universities are expected to clarify the ownership and handling of IP that has resulted from their research and to implement strategic management and utilization of IP. Various support measures to meet those purposes have been implemented.

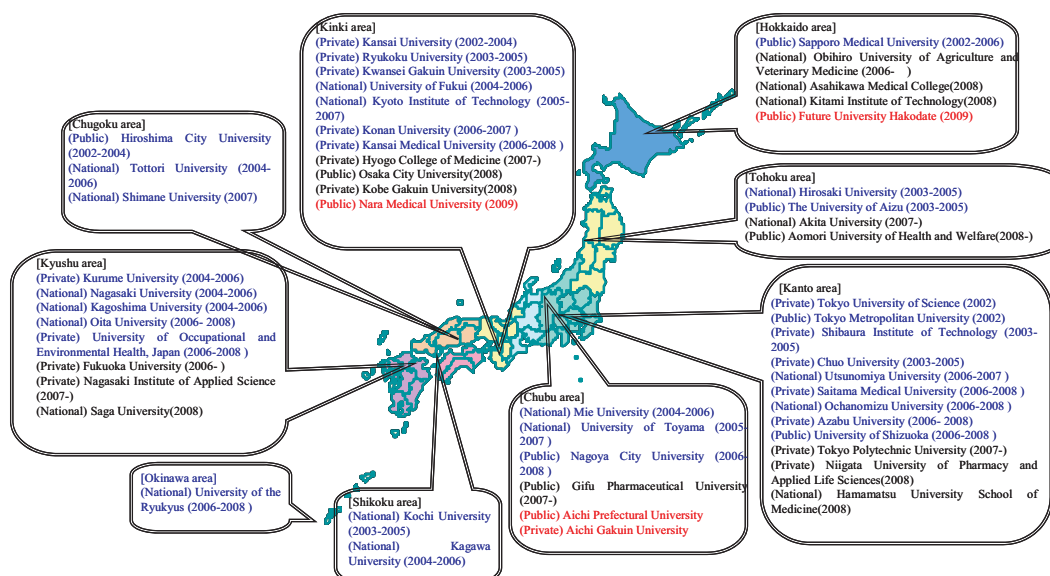


## 2. Efforts to Support the Intellectual Property Activities at Universities

### (1) Dispatch of University Intellectual Property Advisors

In order for universities to start intellectual property activities, it is necessary to establish a proper intellectual property management structure within universities. The JPO, with the aim of supporting the establishment of this structure within universities, has implemented the project of dispatching advisors to universities since FY2002. This project was transferred to the INPIT in January 2007.

In FY2009, the INPIT dispatched university intellectual property advisors to 18 universities including 4 universities newly receiving support for the establishment of IP management structure. A total of 52 universities have received university intellectual property advisors.



- \* University names in red are those to which advisors were newly sent in FY2009 (4 universities)
- \* University names in black are those to which advisors have been sent since FY2008 or before (14 universities)
- \* University names in blue are those that finished receiving advisors by the end of FY2008 (34 universities)

## (2) Promotion of Patent Information Utilization at Universities

### 1) IPDL Gazette Fixed Address Services for Universities, etc.

In order to support R&D in universities, etc., the JPO has started the gazette fixed address services by which users such as universities can directly access to patent gazette data in January 2007. As of the end of March 2009, 276 universities and other institutions have been registered.

### 2) Integrated Search System for Paper Information and Patent Information

In order to efficiently acquire science and technology literature information and patent information, and effectively utilize them for research activities in universities, through the joint initiatives among the Intellectual Property Strategy Headquarters Cabinet Secretariat, MEXT, the JPO, the Japan Science and Technology Agency (JST), and the INPIT, they developed the Integrated Search System for Patent and Literature Information (JSTPatM) and launched the service in March 2007.

### 3) Patent Association Search Test System and Provision of Published Patent Application Text Data to Universities

The INPIT developed in FY2006, a prototype system capable of searching and displaying relatively high-speed and easily by researchers of universities etc. even when they have no expert knowledge. In addition, for the purpose of enhancing the function of the system, the INPIT has provided the system to eight universities nationwide as of the end of March 2009 (one university was newly added in FY2008), as well as has held the investigation meeting for improving the convenience and operability of the system.

## (3) IP Seminars for Universities

The Regional Bureaus of Economy, Trade and Industry hold “Seminars for Researchers at Universities<sup>10</sup>.” These seminars are held to provide explanations on how to make use of research results by strategic application filing/acquisition of rights/utilization of the rights. The seminars were held 172 times nationwide in FY2008, and about 5,760 people participated.

In addition, targeting researchers of universities etc. in the life science field or intellectual property-concerned persons of the university, for the purpose of publicizing the examination standard for the patent in the life science field, the Regional Bureaus of Economy, Trade and Industry hold “Seminars for the examination standard for the patent in the life science field.” In

<sup>10</sup> See Part 3, Chapter 5, 1.(1),2)

FY2008, the seminars were held at 14 sites nationwide.

#### **(4) Reduction and Exemption of the Payment of Patent Annual Fee and Examination Request Fee**

The JPO supports the efforts of industry-academia-government collaboration and technology transfer at universities and TLOs through reduction/exemption of the payment of patent annual fees and examination request fees based on the Act Promoting Technology Transfer from Universities to Industry, the Industrial Revitalization Special Measure Act and the Act for Enhancing Industrial Technology.

It was decided that the target of reduction and exemption of the payment of patent annual fee and examination request fee for universities (academic discounts) was expanded to cases where inventors include post doctors etc. based on “the Law Partially Revises the Industrial Revitalization Special Measure Act enacted at the 166th regular session of the Diet.

#### **(5) Accelerated Examination System**

Universities and approved/authorized TLOs who have requested examinations for their patent applications can be eligible for accelerated examinations should they submit “a written explanation of the needs of the accelerated examination”.

#### **(6) Circuit Examination System**

The JPO conducts circuit examination for local universities and TLOs in which the JPO examiners visit interview sites nationwide and offer consultations with regard to their inventions and the contents of the application by talking with the applicant or its agent in person.

The details of circuit examination are publicized on the JPO website.

#### **(7) Designation of Universities as Academic Groups Prescribed in Article 30 of the Patent Act**

Article 30 of the Patent Act stipulates that an invention is exempted from lack of novelty if the person having the right to obtain a patent “has made a presentation in writing at a study meeting held by an academic group designated by the Commissioner of the Patent Office.” If universities and other institutions are designated as such academic groups by the Commissioner of the JPO, exception to the lack of novelty is approved for the research results presented as study meetings held by the said institutions (e.g. presentations at a doctor thesis presentation held by the university) in a manner similar to those presented at academic society meetings<sup>11</sup>.

The number of designated bodies as of March 31, 2009 included 181 universities, 56 technical colleges, 14 inter-university research institute corporations, 26 independent administrative institutions, 62 public testing laboratories and 679 academic societies.

Meanwhile, because it is important to file a patent application before presenting the search results in order to acquire patent rights appropriately, the JPO conducts awareness-raising activities through seminars for university researchers.

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<sup>11</sup> Thesis presentations held by a faculty or a department are not subject to “a study meeting held by an academic group designated by the Commissioner of the Patent Office” stipulated in Article 30(1) of the Patent Act. In order for a presentation to be subject to the stipulation, it must be held by the university.

### 3. Efforts to Support R&D Activities at Universities

#### (1) Dispatch of IP producers

In the process of R&D at universities, competition of academic papers and that of the intellectual property are happening at the same time, so that it is impossible to promote innovation as a world leader without winning not only the competition of papers but also that of intellectual property. That is to say, it is always necessary to link R&D and IP.

However, there are few human resources who can grasp R&D with “eyes of IP” in the R&D scenes. Thus, strategic patent applications and acquisition of rights taking future commercialization into full consideration have not always been conducted. In addition, there is a problem that the attribution and management of IP rights are not administered thoroughly in a case where a R&D project is organized.

In order to solve such a situation, the JPO has started a project since FY2008 to dispatch an IP specialist team<sup>12</sup> with an IP producer as its leader for the purpose of supporting the formulation of the IP strategy of the project such as patent application and exploitation strategies targeting the projects such as R&D consortium that several universities and research institutions are conducting in a collaborating manner by funding of the government.

In FY2008, such an IP specialist team was sent to one R&D consortium as a trial. The IP producer project is planned to expand in the near future.

<sup>12</sup> An IP specialist team consists for example of an IP producer (team leader), a patent information advisor, and a patent licensing advisor.

# Chapter 3

## Support for Patent Utilization



### 1. Measures for Encouraging Patent Licensing

The JPO provides through the INPIT various measures for encouraging patent licensing (“Measures for Encouraging Patent Licensing”) in order to activate the creation of new businesses and the development of new products in SMEs and venture companies by smoothly transferring patents ready to transfer a right or grant a working license (licensable patents) between companies, or from universities and public research institutions to companies.

#### (1) Promotion of Patent Licensing through Active Use of Human Resources

##### 1) Patent Licensing Advisors

With the aim of grasping patent technologies that are capable of transferring a right or granting a working license owned by universities, public research institutions and companies, understanding the needs of SMEs and venture companies for introducing technology, and matching those needs for commercialization, the INPIT dispatches Patent Licensing Advisors<sup>13</sup>, upon request of domestic local government units and TLOs, etc.

Starting in FY2007, the INPIT provides support activities to local governments to develop human resources and pass down their know-how on patent licensing owned by Patent Licensing Advisors, in order to develop an environment in which patent licensing and patent utilizing activities take root in the region and become autonomous.

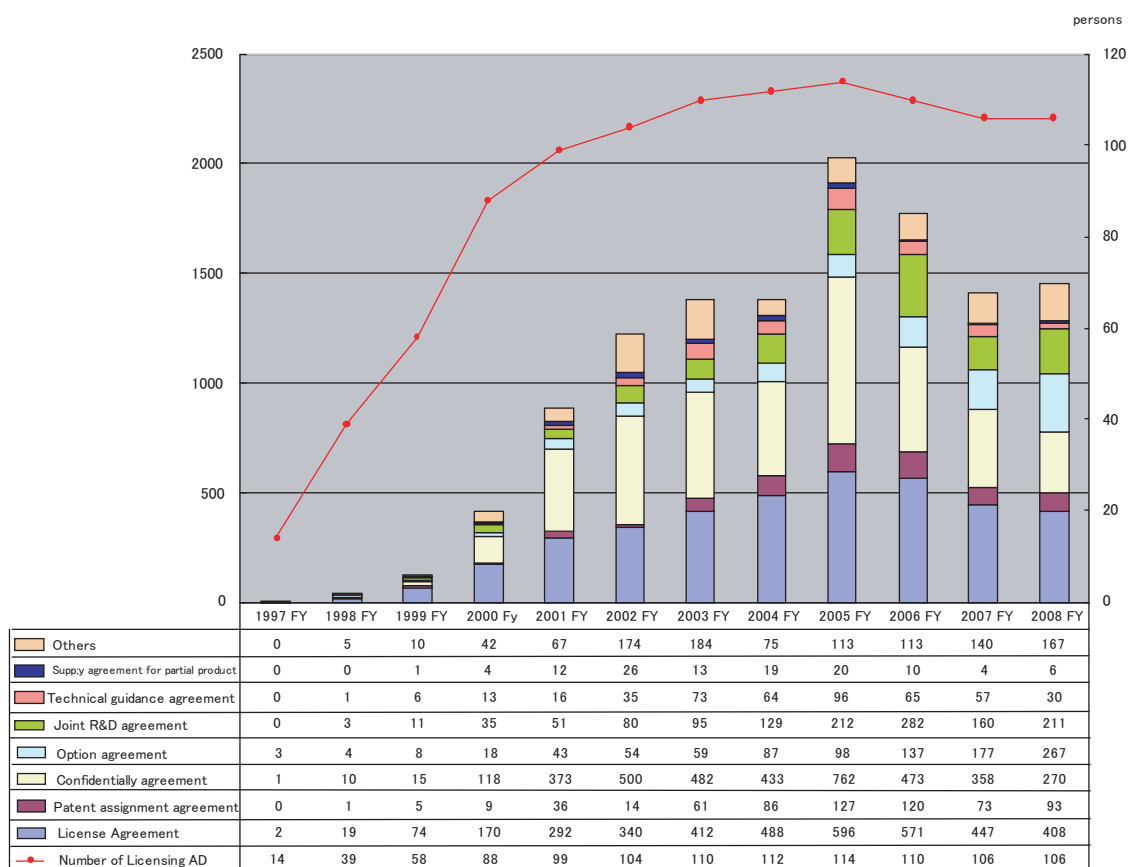
There are a number of successful patent licensing cases between companies from universities to SMEs and venture companies.

The detail about Patent Licensing Advisors ; <http://www.ryutu.inpit.go.jp/en/advisor/>  
<Achievement in FY2008>

Number of advisors sent: 106 (as of the end of March 2009)

<sup>13</sup> Experts with a wealth of knowledge and experience on intellectual property rights and technology transfers.

Changes in the number of contracted patent licensing advisors

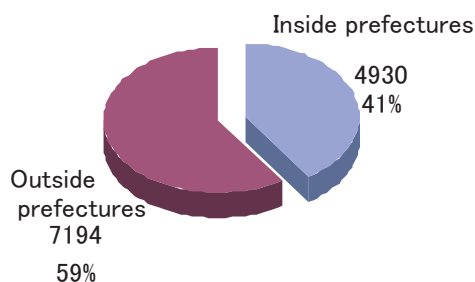


Source: INPIT

Patent Licensing Advisors form a nationwide network and conducts matching between local patent technology providers and applicants for the introduction of patent technologies in other prefectures in collaboration with Patent Licensing Advisors in other prefectures.

As shown in the figure below, looking at a geographic relationship of the contracted cases of licensing agreements, the ratio of matching between patent technology providers and applicants for the introduction of patent technologies in another prefecture is higher than that of between patent technology providers and applicants for the introduction of patent technologies in the same prefecture.

Geographic relationship between patent technology providers and applicants for patent technologies



Note: The total number of contracts from 1997 to the end of March 2009 -  
Source: INPIT -

### (2) Provision of Licensable Patent Information and Promotion of Active Utilization of Those Patents

#### 1) Patent Information Advisors

In order to help local industry become active through use of patent information, the INPIT dispatches Patent Information Advisors, who are experts in utilizing patent information, to domestic local government units in response to their requests .

Patent Information Advisors provide mainly to universities and SMEs instruction on how to search for patent information using the IPDL, and they provide consultation services on how to utilize such information, as well as to hold workshops in response to the various requests related regarding patent information.

The detail about Patent Information Advisors ; <http://www.ryutu.inpit.go.jp/en/ptpadv/>  
<Achievement in FY2008>

Patent information advisors visited 9,536 SMEs including individuals and 659 universities and research institutions.

Number of advisors sent: 54 (as of the end of March 2009)

#### 2) Patent Licensing Database

In order to ensure a smooth transfer of licensable patents within the industrial sector and between local companies and to promote their commercialization, the INPIT has built a database of licensable patents owned by universities, public research institutes and companies, which it makes available to the public as the Patent Licensing Database via the Internet.

The detail about Patent Licensing Database ; <http://www.ryutu.inpit.go.jp/en/db/>

The number of “license information” stored in the Patent Licensing Database was 46,102, as of the end of March 2009. Of those, 22,379 are provided by companies and 23,723 are provided by universities and public research institutions.

#### 3) Research Tool Patent Database

In order to promote smooth utilization of the research tool patents in the life science field, the INPIT creates a database of research tool patents owned by universities, public research institutions and companies and publicize them via the Internet as the Research Tool Patent Database.

In the same way as the Patent Licensing Database, search and inquiry for research tool patents are possible via the Internet.

The number of “license information” stored in the Research Tool Patent Database was 857, as of April 1, 2009. Of those, 35 licensable patents are provided by companies and 822 are provided by universities and public research institutions.

#### 4) Examples of Licensable Patent Utilization

The INPIT has selected patents with high potential for commercialization among the licensable patents registered in the Patent Licensing Database, and has created “Examples of Licensable Patent Utilization”, which highlights such patents along with images of a product and



of commercialization of it. In addition to its distribution in brochure form, these examples are also available on the INPIT website free of charge.

◇ In FY2008, 50 examples were published in two brochures each. In addition, on the website, 1,485 examples published since 1998 are published.

### (3) Establishing an Environment Conducive to the Support for Fostering IP Trade Businesses

#### 1) IP Trade Businesses Database

In order to stimulate IP trade businesses, the INPIT provides a directory of IP trade business companies for the purpose of providing opportunities for those who wish to conduct trade of intellectual property and companies who mediate such transactions.

The detail about IP Trade Businesses Database ; <http://www.ryutu.inpit.go.jp/en/agents/>

#### 2) Patent Business Market

The INPIT holds the Patent Business Market (fairs) in which companies that own patented technologies present the details of their technological developments and business plans, and seek various forms of cooperation from participants, such as patent licensing contracts, the conducting of joint research, and the offering of financial assistance.

The INPIT also provides support and cooperation for Patent Business Markets planned and held by local governments.

The detail about Patent Business Market ; <http://www.ryutu.inpit.go.jp/en/business/>

<Achievement in FY2008>

- The first Patent Business Market (Tokyo): held on October 3, 2008; 171 participants
- The second Patent Business Market (Tokyo): held on October 30, 2008; 130 participants
- The third Patent Business Market (Osaka): held on November 26 and 27, 2008; 182 participants
- The fourth Patent Business Market (Tokyo): held on January 20, 2009; 117 participants

The second Patent Business Market was jointly held with the “Agribusiness Creation Fair 2008” hosted by the Ministry of Agriculture, Forestry and Fisheries.

#### 3) International Patent Licensing Seminars

In order to develop trade of intellectual property in Japan, exchange relevant information, and build interpersonal networks to this end, the INPIT invites experts engaged in patent licensing and technology transfers at overseas universities and companies, etc., and holds International Patent Licensing Seminar comprising lectures, panel discussions and workshops by those who are playing leading roles in this field in Japan.

This seminar not only serves as an opportunity to learn global technology transfer but also serves as a place to form networks with people engaged in technology transfer in Japan and abroad.

The detail about International Patent Licensing Seminars ;

[http://www.ryutu.inpit.go.jp/en/seminar\\_a/](http://www.ryutu.inpit.go.jp/en/seminar_a/)

<Achievement in FY2008>

Tokyo: January 19 and 20, 2009; a total of 2,455 participants

#### 4) Training Seminar for Fostering Patent Licensing Experts

The INPIT provides Training Seminars for Fostering Patent Licensing Experts as part of its awareness with a view to increasing the number of patent-licensing market participants nationwide.

The detail about Training Seminar for Fostering Patent Licensing Experts ;

<http://www.ryutu.inpit.go.jp/en/training/>

<Contents of seminar>

The seminars aiming at the acquisition of the knowledge necessary to the patent licensing and the technology transfer are provided.

<Achievement in FY2008>

- Introductory level: 10 sessions (Tokyo (3 times), Nagoya, Osaka, Hiroshima, Fukuoka, Sapporo, Takamatsu, Sendai); 953 participants
- Advanced level: 3 sessions (Tokyo (2 times), Osaka); 407 participants

#### 5) Patent Licensing Symposium

The INPIT holds Patent Licensing Symposium, with the aim of revitalizing local areas by patent licensing and IP utilization.

This symposium comprises lectures on patent licensing business by experts engaged in technology transfers, and those who are playing leading roles in this field in Japan, lectures on IP utilization, and panel discussions.

The detail about Patent Licensing Symposium ; <http://www.ryutu.inpit.go.jp/en/training/>

<Achievement in FY2008>

- The first session (Tokyo): held on June 26, 2008; 375 participants
- The second session (Osaka): held on September 12, 2008; 245 participants
- The third session (Nagoya): held on February 20, 2009; 153 participants

#### 6) Patent Licensing News Mail

The INPIT delivers by e-mail free of charge the up-to-date information on seminars, symposiums, events and news related to patent licensing to e-mail delivery-requesters whose e-mail addresses are registered at the INPIT website<sup>14</sup>.

#### 7) Patent Licensing Contents (moving image)

The INPIT provides on the INPIT website free of charge the explanations (moving image) for basic knowledge, such as the meaning of patent licensing contracts, and points to consider at the time of contracts, based on the instruction book "Basic knowledge for the patent licensing contract to be learned" used in Training Seminars for Fostering Patent Licensing Experts.

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<sup>14</sup> By registering an e-mail address at the INPIT website, the receipt of Patent Licensing News Mail becomes possible.

# Chapter 4

## Support for Activities through Information Technology



### 1. Further Promotion of the Use of Information Technology

#### (1) Further Improvement of Electronic Filings

The JPO has led the world in promoting the “paperless project” since 1984 and started receiving electronic applications for patents and utility models in December 1990. The JPO also started to accept electronic procedures for the filing of design and trademarks applications, appeal procedures, and national procedures for PCT applications in January 2000. As for PCT international applications, the JPO made electronic filing available in April 2004. The Japanese government has announced the goal of achieving more than 50% of the online application rate of all applications subject to the utilization promotion in the “IT New Reform Strategy (January 2006)” and the “Action Plan for Online Usage Expansion (September 2008).” The electronic application rates for patents/utility models, designs, trademarks, ex parte proceedings, PCT international phase, and PCT international phase in 2008 were more 97%, 92%, 84%, more 98%, more 99% and 88%, respectively, all very high rates.

In addition to the conventional electronic applications filed through ISDN lines, it became possible in October 2005 to file electronic applications (patents/utility models, designs, trademarks, appeals and trials, national procedures for PCT applications) via the Internet. The hours for accepting electronic applications were extended to around the clock and throughout the year. The JPO also started accepting electronic filing via the Internet for the filing for PCT applications in January 2007.

Electronic filing via the Internet allows for high-speed and large-volume communication using broadband, which has come into wide use these days. It also allows for strict user identification and prevention of document alterations by using digital certificates, and maintenance of security by using encrypted communication. In April 2007, in addition to digital certificates in the file format, also digital certificates in the IC card format including Basic Resident Register Card became available (except for the PCT international applications).

The JPO will continue to improve convenience by increasing the types of digital certificates accepted, and abolish applications through ISDN lines at the end of March 2010 and integrate to applications via the Internet from April 2010 onward.

### (2) Response to further Informatization by International Standardization of Application Formats

The international unification of electronic formats related to patent applications is highly important for efficient and unified utilization and licensing of electronic information in data exchange with other countries and in the search system for industrial property information provision service.

The JPO implemented international standardization (change to XML format<sup>15</sup>) of electronic formats of application documents in July 2003. In addition, the format of publications of patent applications, published Japanese translations of PCT international publication for patent applications, domestic re-publications of PCT international publication for patent applications and publications of registered utility model applications were changed to the XML format in January 2004 and of patent gazettes in July 2004, and at the same time, their providing format was changed from CD-ROM to DVD-ROM. Furthermore, in December 2004, the WIPO Standard, ST.36 was formulated and publicized mainly by contribution of the Trilateral Offices and WIPO, which is recommended to all countries as a technical standard for electronic patent application documents in the XML format.

The JPO has made efforts to disseminate the XML format worldwide by modifying the XML creation software provided for national applications in Japan and PCT applications so that it can operate in the English environment since April 2009, and providing it with the public free of charge.

Also, the JPO is considering the standard specification for computerizing documents related to the PCT application system in the XML format. It is planned that this matter will be considered among the Trilateral Offices and suggested to the WIPO.

Through such efforts for standardization, the JPO will contribute to the improvement of convenience for applicants worldwide and users of the patent information.

## 2. Promotion of Provision of Industrial Property Information

### (1) Industrial Property Digital Library (IPDL)

In March 1999, the JPO launched the Industrial Property Digital Library (IPDL), which provides industrial property information free of charge via the Internet in order to develop an environment in which industrial property information is used more widely and easily.

The IPDL allows users to search 71.0 million official gazettes of patents, utility models, designs and trademarks as well as related information such as the legal status of information, registration and appeals/trials which were published after the Meiji era, based on the document numbers, classifications and key words. The management of the IPDL was shifted to the INPIT in October 2004, and the IPDL is currently provided on the INPIT website<sup>16</sup>.

The IDPL upgrades every year in terms of improved usability and a broadened range

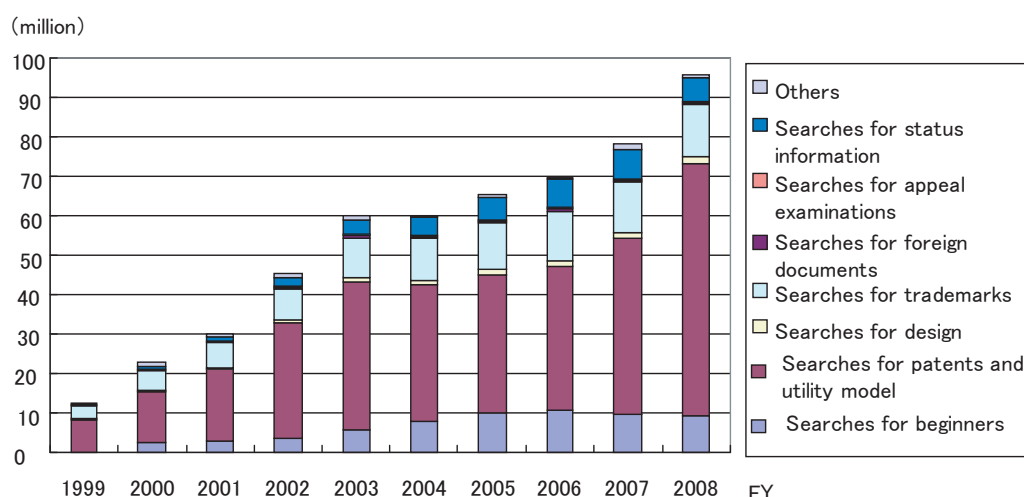
<sup>15</sup> XML (extensible markup language) is a descriptive language suitable to exchange and distribute electronic documents on the Internet. It facilitates search and management of documents by adding a tag called tag to each element of documents. In addition, the tag can be set freely, it offers excellent expandability and flexibility.

<sup>16</sup> IPDL Top Page ([http://www.ipdl.inpit.go.jp/homepg\\_e.ipdl](http://www.ipdl.inpit.go.jp/homepg_e.ipdl))

of services for users. The JPO added Japanese abstracts of foreign literature in the scope of searchable documents of the text search service (patents and utility models) in March 2007. Furthermore, examination documents, which used to be provided via the network as paid services, have been made partially available free of charge as the IPDL inquiry service on a trial bases since March 2006. The JPO expanded the scope of documents available for this service in March 2007. Further, in March 2008, in the text search service (patents and utility models), the full text was made searchable and further, the Trilateral list (names of goods and services (in English) on which the JPO-USPTO-EPO have agreed, was added to make the data input more convenient) was added to the goods and services-list (trademark) service for improving the usability of input screen. In March 2009, Korean abstracts in English (KPA) were added to foreign gazette DB.

Active use of industrial property information through the IPDL is expected to further promote utilization of industrial property rights.

While the annual number of searchers was about 12.7 million immediately after the launch of the IPDL service (FY1999), the number of users has been increasing in line with the subsequent upgrading of the service. In FY2008, the annual number of searchers reached about 95.0 million.



## (2) Enhancement of Provision of Industrial Property Information

In order to meet the diverse needs for industrial property information, it is necessary not only to support the use of the information by the public through the IPDL, but also prepare an environment in which private industrial property information service providers<sup>17</sup> (hereinafter referred to as “private information service providers”) can provide high value-added services. To achieve this goal, the JPO has reviewed its conditions for disseminating data owned and is working on establishing an environment in which users can easily access and use industrial property information.

First of all, in March 1999, the JPO launched a project to provide its industrial property information that has been converted and processed into a generally accessible format such as XML (hereinafter referred to as “organized and standardized data”) in a batch at marginal

<sup>17</sup> There are more than 200 small and large-scale private information-service providers in Japan.

costs<sup>18</sup>. The work to create the organized and standardized data was transferred to the INPIT in October 2004

As for gazettes, since the launch of CD-ROM gazette provision at marginal cost in April 1998, the JPO has conducted reviews on its publication styles based on technological progress and demands from users. In 2004, the JPO changed the format of patent and utility model gazettes from the SGML format to the XML format, in addition to changing the media from CD-ROMs to DVD-ROMs. The JPO began to issue publications of registered utility-model applications and design gazettes free of via the Internet in January 2006 and January 2007, respectively.

These measures would encourage private information-service providers to offer high-value-added services and would promote diverse usage, such as building an in-house database in private companies. The JPO will continue to strive to improve the usability of industrial property information.

In addition, the INPIT installed the same search terminals as those used by examiners in the First Public Gazettes Reading Room, and made them available to the public in January 2007. This allows users to conduct quick searches for patent literatures in Japan and abroad excluding those undisclosed using the same spec terminal as patent examiners.

### **(3) Exchange of Industrial Property Information with Overseas Patent Offices and Exploitation of Such Information**

The JPO regularly exchanges industrial property information based on a trilateral agreement with the Trilateral Offices (JPO, USPTO and EPO) and on a bilateral basis with other overseas patent offices (including the State Intellectual Property Office of P.R.C. [SIPO] and the Korean Intellectual Property Office [KIPO]). The exchanged data is used for searching examination materials and prior arts in the JPO and a part of it is disclosed to the public through the IPDL, etc. The JPO creates abstracts of foreign publications in Japanese from the exchanged data for use inside and outside the JPO.

#### **1) Exchanging Industrial Property Information with Overseas Patent Offices and International Organizations**

In order for patent applications filed with the JPO to be properly taken into consideration as prior art in other countries, the JPO processes its industrial property information and provides it to overseas patent offices and international organizations. At the same time, it also receives industrial property information from overseas patent offices to utilize as examination materials.

#### **2) Providing Abstracts of Foreign Patent Documents in Japanese**

The JPO provides abstract data of US patent documents, US publications of patent applications, and EP publications of patent applications all in Japanese. Abstract are used as materials for patent examination at the JPO. These data are available to the public through the IPDL.

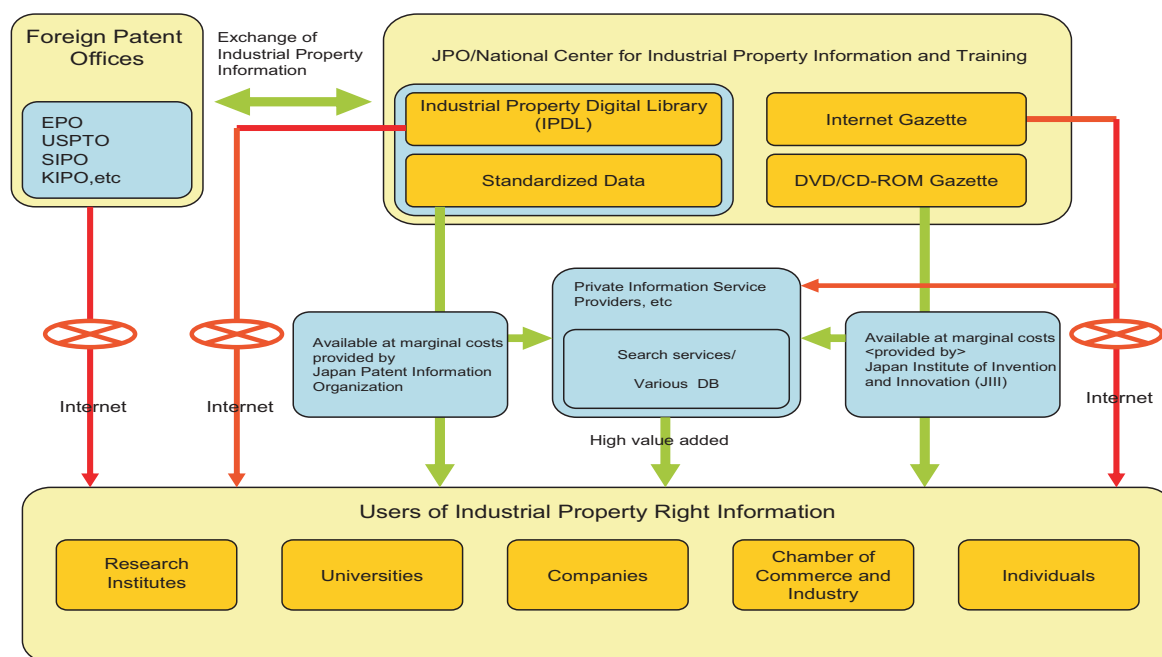
<sup>18</sup> It refers to additional expenses of data reproduction, the price for empty storage media, and sending costs, and does not include data creation maintenance costs.

### 3) Providing Patent Abstracts of Japan (PAJ)

In order for the patent applications published in Japan to be at least used as minimum documentation in prior art searches for PCT applications, the JPO provides English abstracts of publications of patent applications and provides them to overseas patent offices.

### (4) Dissemination of Patent Information by the Cooperation of Trilateral Offices

In 2008, “The trilateral office round table discussion” was conducted for the first time in all three regions in which the three offices exchange opinions on patent information with users. Discussions were made on the status of the patent information provision service and requests for the improvement of patent information provided by each Office.



## 3. Patent Search Portal Site

The JPO has implemented various measures such as the enhancement of the IPDL, various explanatory meetings for the applicants, search expert seminars, the opening of terminals for examiners, the advisory project for patent information utilization support, and creation of the patent search guidebook as a part of the infrastructure development necessary for accelerated patent examination so that the applicant can conduct prior art searches appropriately and efficiently.

Concerning the information provision such as a search method in prior art searches, opinions have widely been collected from the applicants. Among them, there were requests that the “Patent Search Guidebook” that introduces search methods owned by examiners should be more usable, and that related information including the search methods which supports prior art searches should be provided in an integrated way for an easier understanding. Taking these opinions and requests into consideration, the “Patent Search Portal Site” was newly added to the JPO website since March 2009 on a trial basis.



By these efforts, the JPO supports the utilization of patent search and patent information of users and further improve the usability in the prior art search in the future.

### **4. Efforts to Construct the JPO new comprehensive information system**

#### **(1) Background**

The JPO has promoted efficient operational process and timely and proper examinations and appeals/trials<sup>19</sup>, following the introduction of receiving applications for patents and utility models online in December 1990, and then applications for designs, trademarks, appeals/trials and PCT applications, and made efforts for computerization of duties in the JPO, so that basically all procedures are done electronically from applications and acceptance of intermediate procedures to formality checks, substantive examinations, registration of rights, publication of gazettes and appeals/trials.

On the other hand, the Government as a whole created the “e-Government Building Program (decided at the Chief Information Officer (CIO) Council in July 2003 and partially revised in June 2004) as an effort to realize simple and efficient administration. Based on the plan, the JPO formulated Plan for Optimization of JPO Operations and Systems (hereinafter referred to as the “optimization plan”) in October 2004 with the aim of optimizing its operations and the whole system. Then, the JPO has considered further clarification of the content of the plan and details of its schedule, and revised the optimization plan in August 2005. From October 2005 to March 2006, the JPO conducted the feasibility verification of a new operation processing system related to the optimization plan and started design and development of the new operation processing system from December 2006. In August 2007, opinions on design and development of the new operation processing system were solicited to progress design and development based on the sent opinions.

Although design and development of the new operation processing system have progressed based on the above-mentioned optimization plan, it was necessary to incorporate the state-of-the-art technologies due to the change in IT environment for responding to the change in IP environment such as the IP globalization and diversification of users' needs and improving the usability for users, because the environment surrounding the system has been changing significantly compared to the time when the optimization plan was formulated. Thus, in order to respond to the change in such environment, the implementation content of the optimization plan was reconsidered, and it was revised in October 2008 after the review of the development schedule. In this revision of the optimization plan, the whole new system consisting of “the JPO new administrative information system (formerly called “the New Administrative Processing System”) and “the JPO New Search System” was changed to be called as “the JPO new comprehensive information system” because it will be a basis for supporting the JPO's examination and appeals/trials operations and administrative duties.

In addition, regarding the JPO New Search System, deliberations were made on matters

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<sup>19</sup> See Part 3, Chapter 4, 1.



to be deliberated as decided in the optimization plan revised in August 2005. Furthermore, regarding the system structure, “the Plan for Optimization of JPO Operations and Systems (added version of search system),” a detailed plan with regard to the JPO New Search System, was newly formulated in October 2008 based on the advice suggested in the Chief Information Officer (CIO) and Assistants Council (held in July 2005).

## (2) JPO new administrative information system

In order to respond to the rapid environmental change of IP, the JPO new administrative information system must be a system that the JPO can manage subjectively and it can flexibly respond to the future legal system revision and the change in operation. Therefore, the JPO will make efforts for fundamental reforms such as thoroughly transparent operation functions and operation processes and significant review of the system infrastructure.

### 1) Transparent operation functions and operation processes

Works for improving transparency of all operation functions and operation processes will be made so that a part affected by the legal system revision is identified. In these works, a system is used that the operation is reviewed beyond the conventional range of organization to find out an operation function the JPO must implement essentially and the operation function is systematized.

### 2) Significant review of the system infrastructure

In order to respond to the legal system revision and the change in operation flexibly, a simple system structure is adopted in which the XML format<sup>20</sup> is adopted for a document data format and handled in that format as a new system infrastructure.

## (3) JPO New Search System

A new search system of the JPO aims at contributing to constructing the state-of-the-art IT environment for the world fastest timely and proper examination, and an environment for utilizing patent information contributing R&D and management strategies in companies and universities.

### 1) The State-of-the-art IT Environment for the World Fastest Timely and Proper Examination

#### a. Support Technology Using Knowledge Processing for Responding to the Increase in Information

In order to prevent the significant increase in time examiners use for search works in the trend that the amount of information to be searched is increasing explosively, the JPO supports search works by developing a system that various results are output according to characteristic of each technical field, such as introducing a new technology of the idea search which searches information related to the input sentence and realizing a system that utilizes the examination knowledge such as the past search history and cited documents.

<sup>20</sup> XML (extensible markup language) is a descriptive language suitable to exchange and distribute electronic documents on the Internet. It facilitates search and management of documents by adding a tag called tag to each element of documents. In addition, the tag can be set freely, it offers excellent expandability and flexibility.

## **b. Collection of diversifying prior art information and search function**

The range of search is diversifying including not only national patent documents but also publicly-known material including foreign documents, non-patent documents, commercial database and the Internet. The information source exists all around the world and is accumulating every day. In order to look for necessary information efficiently without omission from abundant information, the JPO develops and provides a system which conducts a comprehensive search of several information sources as a premise of consideration of intellectual property rights.

## **c. Enhancement of the current function and advanced yet easy-to-understand search function**

In the new search system, an advanced yet easy-to-understand search function is realized by eliminating restrictions of the current system caused by the system development in the past, enhancing a method of searching, and improving user interface such as enhancement of the search system and hierarchical display of related documents.

## **d. Advanced use of classification/search keys**

In order to implement revision of classifications and re-grant of classifications more flexibly, the JPO considers a support function in granting a new classification taking into account the future technical development by analyzing technical fields and international classifications to be revised.

Concerning F-term, which is a multifaceted search key developed for efficient search of prior art search for patent examinations, the JPO will consider the possibility of allowing refinement of documents from additional information such as a ground for granting to improve the search accuracy based on a different viewpoint from the conventional one taking into account the cost-benefit performance.

In addition, batch search of foreign documents utilizing international classifications and automated granting of search keys for searching appeals/trials and actions will be considered.

## **2) Construction of the Patent Information Utilization Environment Contributing to R&D and Management Strategies at Companies and Universities**

Efforts and adjustment will be made under the principle that the content of information and tools the JPO has accumulated for internal use should in principle be actively provided to outside through the Internet, etc. free of charge within the range of use taking into account the right processing related to intellectual property rights. In addition, management of the system use authority (account) will be introduced as necessary.

In the new search system, a basic principle is that the response time that all users can use comfortably should be maintained. To this end, the JPO will strive for securing the prescribed server capacity and implementing technical measures to eliminate a situation where particular persons occupy the line (robot access) and a congested access within certain time (Dos attach).

**a. Development of Advanced and Diversified Search Environment****- Search specified specifications**

The JPO provides the same search function (search specified specifications) on the new search system the JPO use internally as for examiners and trial clerks within the range of considering response, security and intellectual property rights.

However, regarding the utilization of examination knowledge, the examination knowledge information will be accumulated in the full sense after the commencement of new search system operation, so that once effectiveness of the knowledge is verified, the JPO will consider the implementation time of provision to outside in order.

**- Specifications for researchers and the public**

As in the case of the above-mentioned search specified specifications, the JPO provides an environment in which all users can use the search function the JPO uses internally through the Internet all the time by integrating the basic designs and design concepts (architectures) of the internal system and the external system by means of the utilization of database for the internal use of the JPO and providing user interface assuming the use of beginners.

**- Provision of services to overseas**

The English menu currently provided in the IPDL will be continually provided in the external provision service to correspond to Japanese document search from overseas.

**b. Provision of services that support autonomous “Intellectual Creation Cycle Formation”****- Improvement of gazette provision services by fixed URL<sup>21</sup>**

Concerning the gazette provision services, they are planned to start with a permanent and fixed URL granted at the time of publishing a gazette to improve the usability of search users in the JPO new administrative information system

In the new search system, foreign patent gazettes, non-patent documents and publicly known design trademarks will be provided with fixed URLs in a similar way to the fixed URLs granted at the time of publishing gazettes as described above. By this way, users can access to documents provided by the JPO with unified URLs.

**- Disclosure of internally used API<sup>22</sup>**

Main specifications of the following two APIs, which are basis for the use of the new search systems, will be disclosed to outside and provided to the public and the industrial world as infrastructure of services related to intellectual property rights.

**(i) API for search and referral**

By disclosing the specifications for search and referral the JPO uses internally, the search and referral function equivalent to the one currently offered by the IPDL can be incorporated into

<sup>21</sup> Uniform Resource Locator: A place of information on the Internet.

<sup>22</sup> Application Programming Interface: Commands and logs that can be used when softwares are developed. A function created for a program can be used on another program.

systems owned by users.

### **(ii) API for bulk<sup>23</sup> exchange**

The request for extracting bulk data and bulk data transfer become possible by disclosing the API for bulk exchange (API used when data is exchanged with foreign patent offices) the JPO uses internally.

### **3) Infrastructure development for promoting innovation**

The policy recommendations in “the Study Group on Innovation and Intellectual Property Policies” published in August 2008 stipulate that the development of a new search system of the JPO should be done in an opened way as much as possible to contribute to promoting innovation of universities and companies and that an environment where patent information and technical information existing all around the world can be searches seamlessly be developed. Opinions were exchanged with Tokyo University at a joint conference for the construction of innovation infrastructure. The JPO is planning to solicit opinions more widely through opinion exchange and public comments, and incorporate those results into the new search system.

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<sup>23</sup> A group of large data bundled by certain unit

# Chapter 5

## Development of Human Resources Related to Intellectual Property

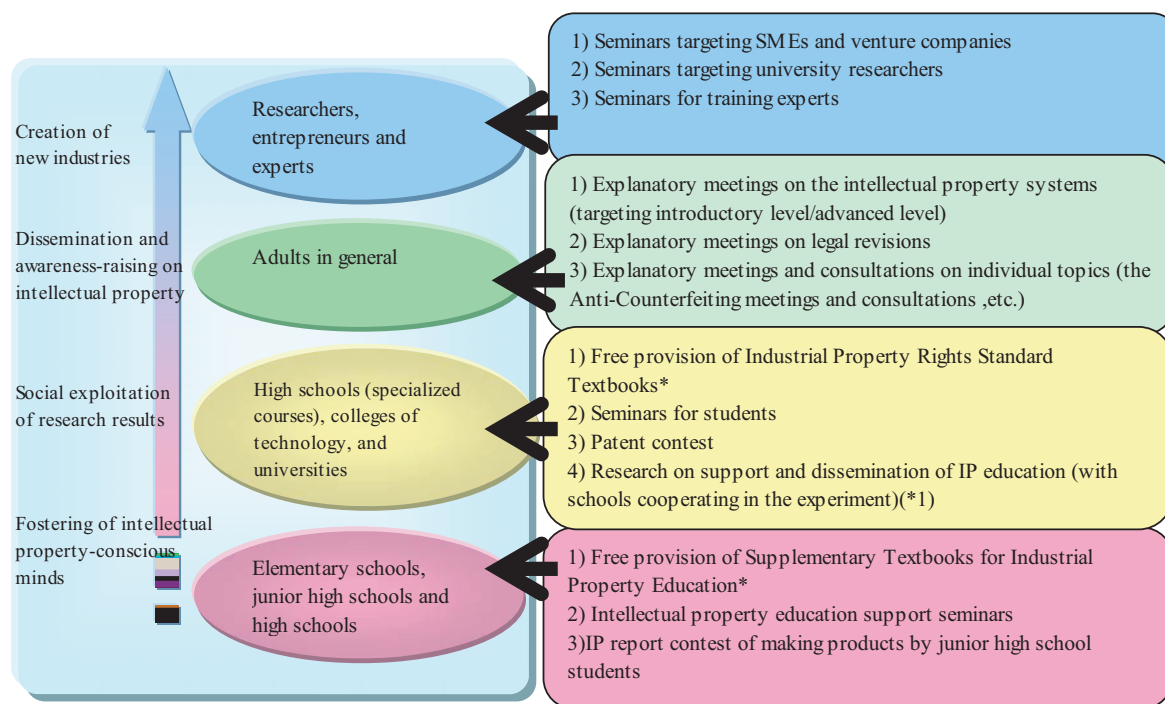


### 1. Enhancement of diversity of IP human resources and IP-conscious mind

In order to encourage IP activities and promote innovation, it is very important to develop human resources that take a major role in those activities. In addition to the development of IP experts who specifically handle intellectual property (hereinafter referred to as “IP specialized human resources”), it is critical to conduct IP education for students from elementary schools to universities who will be responsible for the future IP systems by creating and utilizing IP.

The Comprehensive Strategy for the Development of Human Resources Related to Intellectual Property, formulated on January 30, 2006 at the Task Force on the Intellectual Creation Cycle by the Intellectual Property Policy Headquarters, also calls for development of a variety of human resources related to IP. It also calls for the development of IP specialized human resources and requires the entire nation to have a mentality to respect others' intellectual property, that is, IP-conscious mind.

The JPO has conducted IP human resource development programs that are suitable for each group, such as elementary schools, junior high schools, high schools, universities, researchers, adults and experts for the purpose of developing diversified IP human resources and improving IP-conscious mind.



\* 1 Implementation of projects at the INPIT

\* 2 Implemented as a pre-design patent contest in FY2008

## (1) Seminars and Explanatory Meetings for Adults in General, Researchers, Undertakers and Experts

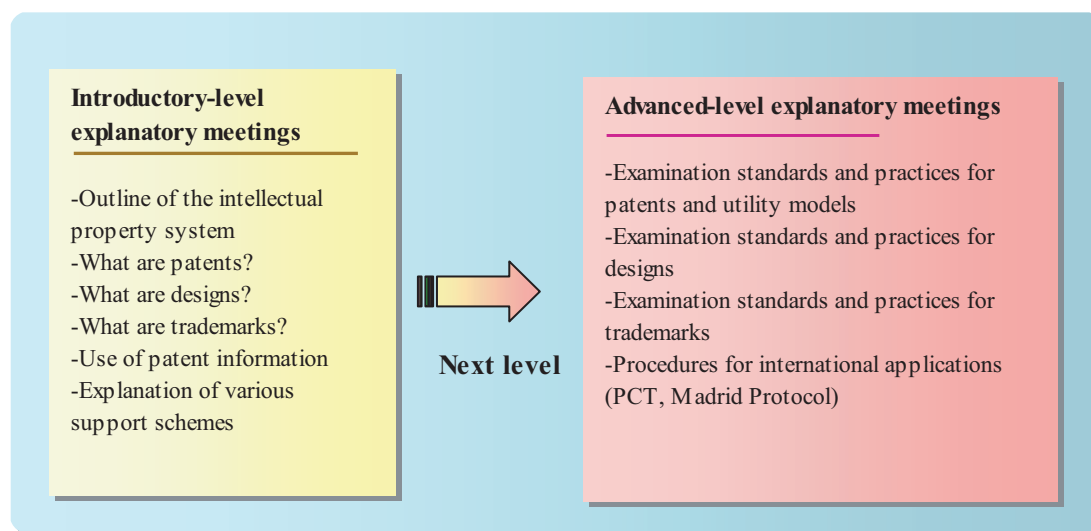
In order to deepen citizens' understanding and recognition of the significance of the intellectual property system, the JPO holds explanatory meetings on the system and on latest developments such as legal amendments targeting various levels of participants throughout Japan. The JPO also holds "Seminars for Researchers at Universities and Public Research Institutions" to explain how to acquire rights for research results and how to manage and utilize the rights to researchers at universities and other institutions. It also holds "Seminars for SMEs and Venture Companies" to explain strategic utilization of intellectual property and licensing agreements, including technology transfer for SME and venture company managers and persons responsible for R&D. Additionally, the JPO holds "Expert Training Seminars" for management and technical consultants<sup>24</sup> and the companies that trade intellectual property rights.

### 1) Explanatory Meetings on the Intellectual Property Right Systems Targeting Adults in General

The JPO holds "Explanatory Meetings for Introductory Level," (in FY2008 held a total of 54 times in 47 prefectures , about 7,200 participants) in which industrial property beginners and employees assigned to the intellectual property section of their companies can acquire basic knowledge on the intellectual property right systems. The JPO also holds explanatory meetings for those already engaged in industrial property-related works on a daily basis, such as "Explanatory Meetings for

<sup>24</sup> Targeting specialists who give instructions and directions with regard to management and management know-how upon the consultation from clients (called as "management consultants") and to technical aspects such as machinery, environment and construction (called as "technology consultants").

Advanced Level,” (in FY2008 held in 16 cities nationwide, about 15,800 participants) targeting acquisition of knowledge on patent examination standards and practical skills necessary for filing international applications.



## 2) Seminars Targeting Specific Participants

Each Regional Bureau of Economy, Trade and Industry holds seminars nationwide targeting specific participants, such as university researchers, SME and venture company managers, venture capitalists, and management/technology consultants.

### a. Seminars Targeting Researchers at Universities

The JPO holds seminars targeting researchers at universities and public research institutions to explain strategic application filing, acquisition and utilization of rights using research results.

<Achievement in FY 2008: held 172 times, about 5,700 participants>

### b. Seminars Targeting SMEs and Venture Companies

Targeting SME and venture company managers and R&D managers, the JPO holds seminars on strategic acquisition of IP rights, right-utilization methods, and license contracts such as technology transfers, according to the needs of the region.

<Achievement in FY2008: held 291 times, about 10,000 participants>

### c. Expert Training Seminars

The JPO holds seminars to develop IP experts (venture capitalists, management/technology consultants and SME management consultants) who provide SMEs and venture companies with advice for strategic utilization of IP rights, including IP right-evaluation methods, how to respond to patent disputes, knowledge on licensing and technology transfers.

<Achievement in FY2008: held 39 times, about 1,000 participants>

## Seminars for University Researchers

Targeting: researchers at universities and public research institutions

Contents:

- Strategic application filing, acquisition of IP rights and exploitation thereof for research results
- Use of patent information in R&D

## Seminars for SMEs and Venture Companies

Targeting: SME and venture company managers

Contents:

- Strategic methods to acquire rights for technology-development results
- Basic knowledge of technology transfers and licensing

## Expert Training Seminars

Targeting: venture capitalists and management/technology consultants

Contents:

- Technology-licensing agreements
- Actual conditions of joint development
- How to respond to patent disputes

## (2) Promotion of Intellectual Property and Educational Support for Educational Institutions

### 1) Development and provision of intellectual property education materials

The JPO has been providing Industrial Property Rights Standard Textbooks free of charge to high schools (specialized courses), colleges of technology, and universities that wish to receive textbooks to teach the correct knowledge and basic practical skills concerning intellectual property.

Also, in order to raise public awareness on the protection of and respect for intellectual property from the school education stage, the JPO has been providing Supplementary Textbooks for Intellectual Property Education that are suitable for each age group in elementary schools, junior high schools and high schools. They are provided free of charge to schools that wish to receive them.

These projects have been conducted since FY1998, and were transferred to the INPIT in January 2007.

### Number of industrial property rights standard textbooks distributed in FY2008

Targeting: universities and colleges of technology

- General: 50,000 copies to 640 faculties and departments
- Patents: 40,000 copies to 620 faculties and departments
- Designs: 22,000 copies to 590 faculties and departments
- Trademarks: 20,000 copies to 590 faculties and departments

Targeting: industrial, commercial and agricultural high schools

- General: 18,000 copies to 290 schools
- Patents: 7,000 copies to 260 schools
- Designs: 3,000 copies to 260 schools
- Trademarks: 4,000 copies to 260 schools

### Number of Supplementary Textbooks distributed in FY 2008

Targeting: students in elementary schools, junior high schools and high schools

Elementary school: 58,000 copies to 650 schools  
Junior high school: 65,000 copies to 540 schools  
High school: 35,000 copies to 300 schools



## 2) Intellectual Property Education Support Seminar

With the aim of developing an IP-conscious mind, raising awareness on IP and providing educational support, each Regional Bureau of Economy, Trade and Industry holds seminars nationwide targeting students from elementary schools to universities and teachers, using the above-mentioned standard textbooks and supplementary textbooks.

<Achievements in FY2008: held 604 times, participants: 40,143>

## 3) Research Study on Support and Promotion of Intellectual Property Education

The JPO compiles case examples of the efforts made in technical, commercial and agricultural high schools and colleges of technology that conduct intellectual property education using the above-mentioned standard textbooks. These case examples are provided to schools that will cooperate in the experiment.

This project has been conducted since FY2000 (conducted until FY2007 as a project with schools cooperating in the experiment), and was transferred to the INPIT in January 2007.

Meanwhile, in the new education guidelines for high schools publicized in March 2009, intellectual property is incorporated into a number of subjects. For example, they stipulate that the subject “basic industrial art” should handle IP, the subject “product development” should handle the meaning and overview of trademark, design right, and copyright as well as a way of acquiring IP rights. It is expected that efforts for IP education in high school would progress further in the future.

## 4) Patent Contests and Pre-design Patent Contests

The JPO holds the patent contest since FY2002 for the purpose of raising IP-conscious mind of students of high schools, colleges of technology, and universities and promoting the understanding and utilization of the intellectual property system. Moreover, in FY2008, the patent contest for design was conducted as a trial basis as the pre-design patent contest. Both contests have the purpose that among inventions or creations applied to the contests, excellent ones selected as the subject to application support are actually filed to the JPO to acquire rights.

Students subject to application support of the selected patents or designs create application documents under the direction of patent attorneys and file them to the JPO for acquiring rights. 12 patents were selected as the subjects to application support among 248 applied in the patent contest in FY2008. In the pre-design patent contest, all 19 applications were designated as the subjects to application support.

So far, a total of 78 applications have been selected as the subjects to application support in the patent contest from a total of 1,040 applications, and 37 applications were registered as patents (As of the end of April 2009).

In FY2009, the patent contest bureau (in the INPIT) is planning to start the acceptance of applications for the contest from July<sup>25</sup>.

<sup>25</sup> Co-hosted by the Ministry of Education, Culture, Sports, Science and Technology, the JPO, the Japan Patent Attorneys Association and the INPIT.

## 5) IP Report Contest for Junior High School Students

In order to promote education on IP particularly in the junior high school education in raising awareness on IP of students of elementary schools, junior high schools, high schools and universities and people in general, the JPO holds seminars related to IP for junior high school teachers as a part of the IP education seminar and conduct the contest since FY2007 for the purpose of reflecting results of the seminars on the education of junior high schools and making students understood the respect for others' intellectual property through creation of products.

In FY2008, the JPO held the contest called "Robot Idea Challenge 2008" targeting robots made in classes of arts/home domestics or club activities. Reports of the achievement (originality) were used as materials for examination. 69 applications were sent from 17 junior high schools nationwide, and teams that submitted better reports were given the prize.

## 2. Development of Intellectual Property Experts

### (1) Development of Patent Attorneys

Japan is expected to become an intellectual property-based nation that creates wealth through the strategic creation, protection and exploitation of intellectual property. To attain this goal, it is important to improve the quality and quantity of specialized intellectual property services that support commercialization and transactions of intellectual property as well as settlement of disputes.

Under these circumstances, the JPO has made necessary amendments of the Patent Attorney Act with the objective of further developing and utilizing patent attorneys who have expert technical knowledge on intellectual property as the key players in the establishment of an intellectual property-based nation.

Main amended points are as follows/

[Amendment in 2000]

- Simplification and rationalization of patent attorney examination
- Expansion of the services corresponding to diversification of user needs

[Amendment in 2002]

- Granting of the right to act as counsels in specified infringement lawsuits<sup>26</sup> (limited to cases in which attorneys at law are also entrusted by the same client)

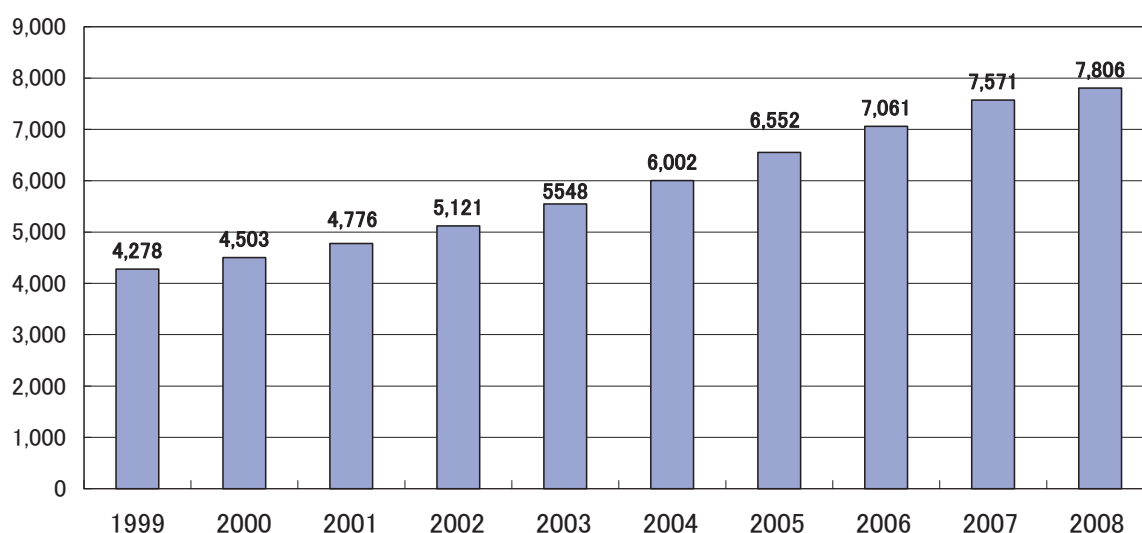
[Amendment in 2007]

- Expansion of the services in a field in which the expert technical knowledge on intellectual property processed by the patent attorney can be utilized
- Expansion of the range for the exemption of patent attorney examination for expansion of the range of human resource
- Establishment of the training system for maintaining and improving the quality of patent attorneys
- Introduction of a regulation for prohibiting the name-lending

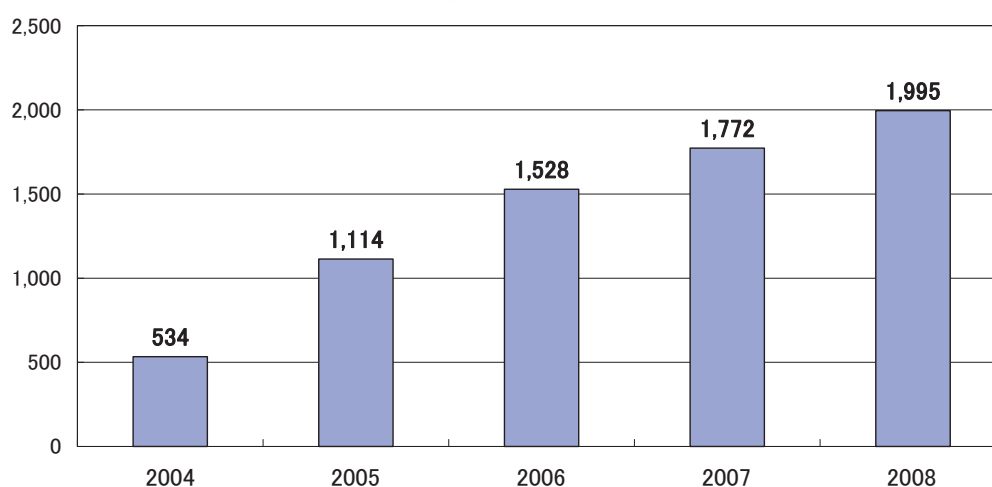
<sup>26</sup> Refers to infringement lawsuits related to rights concerning patents, utility models, designs, trademarks or layout of semiconductor circuits, or to business profits gained through specific acts of unfair competition

In recent years, the number of patent attorneys tends to increase and was 7,806 as of the end of 2008. In addition, the number of patent attorneys granted the right to act as counsels in specified infringement lawsuits also increased and was 1,995 as of the end of 2008.

Transition of the Number of Patent Attorneys



Transition of the Number of Patent Attorneys Granted the Right to Act as Counsels in Specified Infringement Lawsuits



Note: A patent attorney, who has completed the training course for securing the learning and practical ability required for the counsel and has passed the examination (the specific infringement lawsuits counsel examination) for judging whether a person possesses the above learning and practical ability or not, may act as a counsel only in specified infringement lawsuits in which attorneys at law are also entrusted by the same client by completing the supplementary registration procedures for the qualification of the above examination in the Japan Patent Attorney Association.

Data: JPAA data (at the end of December 2008)

Number of Patent Attorneys and Other Intellectual Property Experts in Japan and the United States

Japan		United States	
Patent attorneys (Benrishi) (excluding attorneys at law)	7,410	Patent agents	9,144
Attorneys at law specializing in intellectual property (lawyers who are also registered as Benrishi)	379	Patent attorneys	28,707

**Notes:**

Patent agents: Qualified people who have passed the examination conducted by the USPTO (qualified to act as an agent for patent-filing procedures with the USPTO) -

Patent attorneys: Patent agents who have also acquired the qualification of an attorney at law (lawyer) of a relevant state (qualified to act as an agent for the procedures for both patents and trademarks with the USPTO and act as counsels; the qualification of the attorney at law alone allows the person to act only as an agent for trademark-related procedures with the USPTO) -

Japan: JPAA data (at the end of March 2009) -

United States: USPTO website <https://oedci.uspto.gov/OEDCI/> (at the end of March 2009) -

## (2) Development of Human Resources by the INPIT

The National Center for Industrial Property Information and Training (INPIT) offers training courses with the aim of developing human resources that will support intellectual property services. This in turn will promote expeditious examination and appeal/trial examination at the JPO, formulation of intellectual property strategies at companies, and proper protection and utilization of intellectual property rights.

### 1) Training for JPO officials

#### a. Training for Officials Engaged in Examinations and Appeal/Trial Examinations, and Training for Officials Engaged in Administrative Affairs (number of participants in FY2008: 1,016)

According to the basic policies and plans designed by the JPO, the INPIT offers patent examination courses and appeal examination courses as training for officials engaged in examinations and appeal/trial examinations. For fixed-term officials (assistant examiners) who have been hired to accelerate patent examinations, the INPIT provides an induction courses for fixed-term officials. It also offers training courses for officials engaged in administrative affairs such as a trial court clerk course and an Intellectual Property Right Specialist course, etc.

#### b. Training for Improving Expert Skills (number of participants in FY2008: 5,094)

In order to help JPO officials improve their knowledge and skills as required in their duties, the INPIT provides various training courses aimed at honing officials' skills so as to better respond to globalization, computerization and changes in administrative needs, in addition to enhancing knowledge in relevant legal matters.

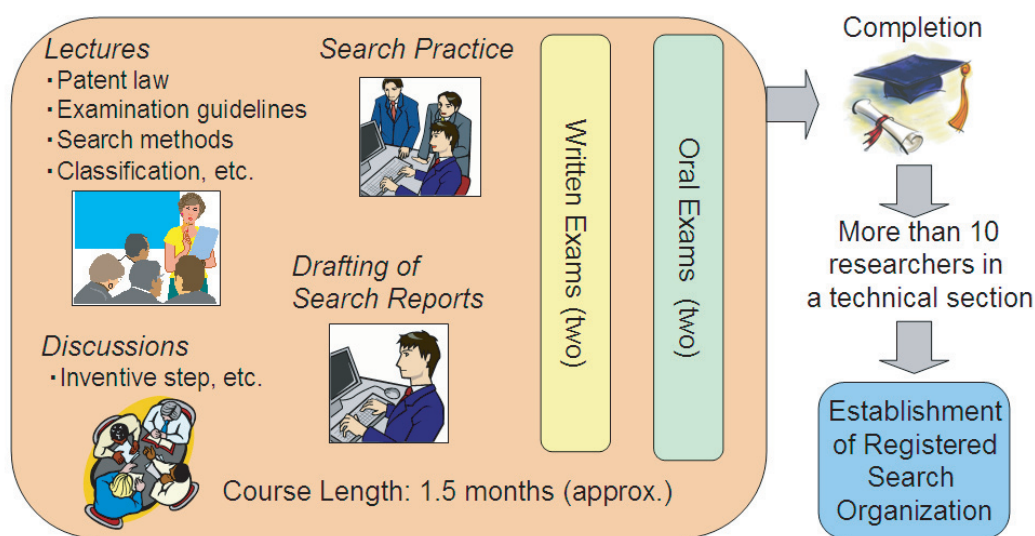
## 2. Human Resources Development Activities for People other than JPO Officials

#### a. Training for "Searchers" (number of participants in FY2008: 282)

The INPIT offers statutory training for those who wish to become "searchers" (staff that

conduct prior art searches) in registered searching organizations (Article 37 of the Act on the Special Provisions to the Procedure, etc. concerning Industrial Property Right).

The proper training of searchers performing highly accurate prior art searches is particularly important for the realization of expeditious patent examinations. Therefore, this training course aims at having trainees acquire the fundamental skills that are required of them as searchers and the knowledge necessary for prior art searches by systematically acquiring this basic knowledge through practical training and debate.



## b. Development of Search Experts

(Number of participants in FY2008: 189 for advanced-level course; 20 for intermediate-level course; and 17 for design course)

The INPIT provides intermediate-level, advanced-level and design training courses that teach participants the JPO examiners' knowledge and expertise concerning methods of patent and design document searches.

The intermediate-level course is mainly oriented towards researchers, staff of the intellectual property headquarters of universities, and staff of technology licensing organization (TLOs). It aims at developing human resources who can, through exploiting patent information, conduct investigations for deciding themes or directions for research or investigations for determining whether a patent application or an examination request should be filed.

The advanced-level course targets people who have already acquired sufficient knowledge of patent acts by engaging in prior art searches. It aims at developing human resources that can help eliminate unnecessary filings of patent applications and examination requests by further improving participants' prior art search skills.

In addition, the design course targets people who have already acquired sufficient knowledge of the Design Act and it aims at developing human resources capable of grasping appropriately an effective protection of the product design by the design rights and the scope of the right after the protection of the right.

### **c. Training for Intellectual Property Experts (number of participants in FY2008: 95 for examination standards discussion trainings and 32 for training of response to notification of reason for refusal of designs)**

The INPIT conducts debate-type training for intellectual property experts, including lawyers, patent attorneys and companies' intellectual property division staff.

The examination standards discussion trainings aims at learning mutually by way of discussion of people who engage in intellectual property from different positions about a way of thinking of the examination standards for patents/utility models and designs, and at further improvement of practical capacity of intellectual property specialists by actively providing examiners' knowledge on the examination standards.

The training of response to notification of reason for refusal of designs was conducted on designs in FY2008. This training targets people who are in charge of IP in their companies and patent attorneys who have less practical experiences. The aim is to correctly understand the content of notifications of reason for refusal against applications and to acquire practical skills such as preparation for response and proper response through examination standard explanation and exercises.

### **d. Training for SMEs and Venture Companies (number of participants in FY2008: 133)**

In order to strengthen SME and venture company managers' abilities to respond to patent infringement warning and to enhance their intellectual property-conscious minds, the INPIT provides practical training in which managers engage in realistic scenarios involving written patent infringement warnings.

### **e. Training for Intellectual Property Experts of Administrative Agencies (number of participants: 110)**

The INPIT provides training for officials who engage in intellectual property affairs in administrative agencies. The training aims to contribute to the smooth implementation of intellectual property systems and the active utilization of intellectual property rights by having these officials acquire the necessary knowledge for the performance of their duties.

### **f. Human Resources Development in Collaboration with Organizations**

The INPIT offers various trainings in collaboration with private organizations, etc.

The follow-up training for intellectual property management engineers aims at maintaining and improving knowledge and techniques of intellectual property management engineers by offering specialized knowledge and know-how accumulated in the JPO targeting those who have qualifications for the first and second degrees of intellectual property management engineers (participants in FY2008: 38).

The patent search practical training, offered in collaboration with universities, targets those who have knowledge in the intellectual property system such as people who are in charge of IP in their companies and legal assistants in patent offices who have limited experiences of IP practical experiences and aims at developing human resources that can judge patentability

based on the patent examination standards required before filing a patent through acquisition of a patent to utilization of a right and efficiently and appropriately conduct patent research (participants in FY2008: 19).

#### **g. Development of Human Resources Using Information and Communications Technology (IP e-Learning)**

The INPIT provides e-learning educational materials that have been developed based on JPO knowledge, experience and expertise intended for use not only by the JPO, but also by people involved in intellectual property nationwide.

In addition, though hitherto, the learning was possible only using PC, in April 2008, the learning environment was improved so that watching-listening became newly-possible utilizing a portable terminal.

[http://www.inpit.go.jp/jinzai/ipe\\_learning/index.html](http://www.inpit.go.jp/jinzai/ipe_learning/index.html)

#### **h) Provision of Training Materials**

Textbooks used in the INPIT training courses that can be made public are published on the INPIT website so that they can be used by any person engaged in intellectual property.

### **3) Cooperation with Private-Sectional Intellectual Property Human Resources Developing Organization**

Responding to that the establishment of a consultation for promoting the intellectual property human resources development was proposed in the “comprehensive strategy for intellectual property human resources development” decided in the Intellectual Creation Cycle Specialized Investigation Committee, Intellectual Property Strategy Headquarters Meeting which was held in January 20, 2006, the JPO is participating in the established “consultation for promoting intellectual property human resources development,” conducting the mutual information exchange with educational and training organizations on IP human resources development, suggestions on dissemination, public relations and policies regarding human resources development through even business etc. and conducting the comprehensive arrangement between participating 7 organizations as the secretariat.

### **4) Cooperation with Overseas Intellectual Property Human Resources Developing Organizations**

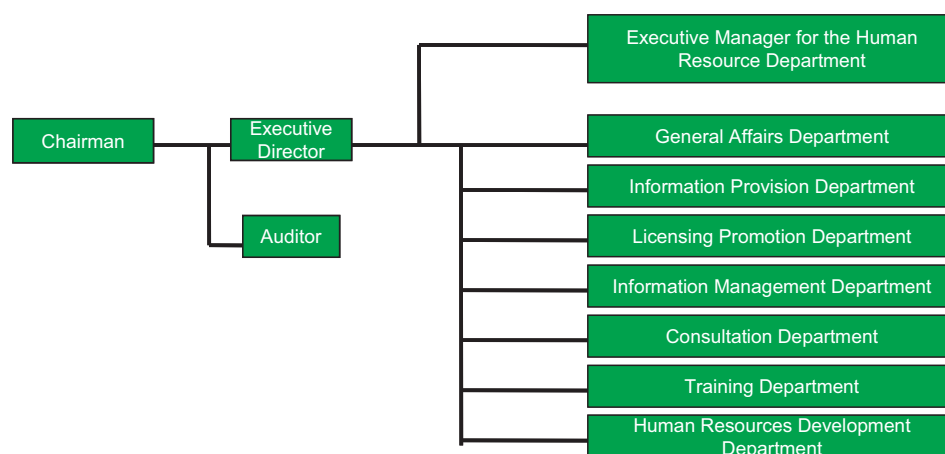
The INPIT has started the cooperation with organizations in order to exchange information and build up a cooperation relationship with the intellectual property human resources developing organizations in China and Korea. The INPIT held the meetings with SIPO and CIPTC in May 2008, and KIPO, KIPA and IIPTI in November 2008 to exchange information on their organizations and the content of trainings. In addition, in January 2009, the INPIT has joined the Global Network on Intellectual Property Academies (GNIPA) consisting of human resources developing organizations in various countries and is planning to further the information exchange on human resources development in the future.



Column: The National Center for Industrial Property Information and Training (INPIT)

With the objective of developing and enhancing the structural basis “information” and “human resources,” which support the industrial property rights system and “environment” to utilize them, the National Center for Industrial Property Information and Training (INPIT), in cooperation with the JPO, is swiftly and accurately conducting a range of operations, such as provision of access to gazettes, promotion of patent licensing, information dissemination, consultations and development of information systems and human resources.

## 1. Organization



\* Total number of officers and staff: 102 (excluding two part-time auditors)

As of April 2009



\* The INPIT adopted a simple new logo in January 2007 so as to provide services closer to users.

## 2. INPIT's Activities

### (1) Industrial Property Gazette Reference Service

As a “special industrial property service” that is required to be established under the Paris Convention for the Protection of Industrial Property, the INPIT provides gazette reference services and reference support by installing IPDL-dedicated computer terminals, CD and DVD reading terminals and terminals for the examiners (only in Tokyo) in the regional reference rooms in Tokyo and eight other locations nationwide (Sapporo, Sendai, Nagoya, Osaka, Hiroshima, Takamatsu, Fukuoka and Naha) in order to provide public access to domestic and foreign industrial property gazettes.

<Number of users in FY2008: about 35,000>

### (2) Provision of Documents Related to Examination and Appeal/Trial Examination

The INPIT provides the “minimum documentations” subject to international searches as



prescribed in the Patent Cooperation Treaty (PCT). In addition, it gathers, organizes, stores and offers for public reference technical documents such as materials (including the filing documents) necessary for examinations and appeal/trial examination, including such minimum documentations.

<Number of documents stored: about 50,000 (as of the end of FY2008)>

### (3) Patent Licensing Promotion

In order to create new businesses and improve the technical capacities of SMEs, the INPIT gathers and provides technology-related information such as licensable patents, and provide support for patent licensing contracts made through Patent Licensing Advisors.

<Number of Patent Licensing Advisors sent: 106 (as of the end of FY2008)>

### (4) Industrial Property Information Dissemination

In addition to managing the IPDL service in which industrial property information can be searched free of charge via the Internet, the INPIT standardizes the JPO data and makes them available to the public at a marginal cost. It also creates abstracts of US and European patent specifications and provides them as examination materials for the JPO. At the same time, it creates English abstracts of Japanese publications of patent applications and provides them to overseas offices.



<Number of searches in the IPDL in FY2008: about 95.0 million>

### (5) Industrial Property Consultation Services

The INPIT provides guidance in regards to filing procedures and other procedures inherent in the acquisition of industrial property rights such as patents and offers consultation services on general industrial property matters such as examinations, appeal/trial examination, registration, standards and practices.

<Number of consultations in FY2008: 61,074>

### (6) Information System Development

The INPIT develops the information system, a basis of information provision, such as through development and maintenance of the electronic filing software and the gazette system, and develops electronic data of the documents necessary for JPO's examination and appeals/trials procedures.

In addition, in the First Public Gazettes Reading Room and the Region Gazettes Reading Rooms (8 sites nationwide) of the INPIT, since October 2007, shared-use PCs capable of filing the internet applications utilizing the Basic Resident Register Card are installed.

<Rate of applications filed using the electronic filing software in FY2008: about 94%>

### (7) Development of Human Resources

The INPIT provides the statutory training necessary for the qualification of patent examiners and other experts, training in cutting-edge areas of technology such as nanotechnology, and various other training courses aimed at improving the knowledge and abilities required of JPO officials. It also provides training for developing searchers for registered searching organizations based on the Act on the Special Provisions to the Procedure Concerning Industrial Property Rights as well as instruction on JPO's knowledge, experience and expertise for those who engage in industrial property affairs, such as patent attorneys and companies' intellectual property division staff. The INPIT also provides educational materials for e-learning and other types of training. Furthermore, the INPIT compiles instructional materials for IP education and support in order to develop a system that enables universities to conduct systematic application filing and IP management.

<Number of training participants inFY2008: 6,110 JPO officials; 975 persons who are not JPO officials>

