

Preface



The recent environment surrounding IP systems has been changing to a great extent in light of the development of the open innovation accompanying economic globalization, the rapid progress of IT and technical advancement, and the shift in corporate activities such as the expansion of M & A.

In order to strengthen the global competitiveness of Japanese industries and realize sustainable economic growth, it is important to enhance innovation. In this connection, the construction of IP systems is required to make a contribution to the said realization.

Since the enforcement of the Intellectual Property Basic Act in March 2003, the Japanese government has initiated a succession of measures including the introduction of the Intellectual Property Strategy Headquarters, the Intellectual Property Strategic Program, and many legal revisions.

In April 2008, amendments to the Patent Law were proclaimed and included revision of the registration system for a nonexclusive license, expansion of the period to request an appeal against an examiner's decision of refusal, and reduction in patent fees. The reduction in patent fees was enforced in June 2008. Both the registration system for a nonexclusive license and the expansion of the period to request an appeal against an examiner's decision of refusal were enforced in April 2009.

With respect to patent examinations, the JPO launched the Super Accelerated Examination System on a pilot basis in October 2008 in order to meet applicant needs more timely and efficiently. Also, JP-FIRST was launched in April 2008 for early examination of Japanese patent applications filed with foreign patent offices, so that the examination results of the Japan Patent Office can be dispatched worldwide.

With respect to trademark examinations, the JPO started expanding the range of applications for accelerated examinations from February 2009 in order to meet applicant needs for the early grant of rights.

With respect to global applications, the JPO has been actively assisting Japanese applicants to acquire patent rights overseas while participating in discussions for the unification of rules among many countries and expanding the range of candidate countries for the Patent Prosecution Highway.

The year 2009 is the 50th anniversary of the establishment and proclamation of the current Patent Law. Since

the time that the Patent System Study Group was established in January 2009, the JPO has been comprehensively considering how the patent system should be changed in the future to cope with various changes in the circumstances surrounding the IP system.

In this report, concrete situations and measures involving the IP system are mentioned.

In Part I, the following trends and activities are introduced and analyzed: application/registration as well as examination/appeal concerning patents, utility models, designs and trademarks in Japan.

In Part II, government measures regarding examination/appeal cases of patents, designs and trademarks are explained.

In Part III, various support measures are introduced that can be used by small- and medium-sized enterprises when obtaining and utilizing industrial property rights such as a patent right.

In Part IV, measures currently taken by countries acting collaboratively to realize the protection of an invention as an intellectual property right worldwide and to combat counterfeiting are introduced in detail.

We are grateful if this report deepens your understanding of the current situation and of the challenges facing IPR administration and is of aid in further developing the IP system and promoting innovation.

細野 哲弘

Tetsuhiro Hosono
Commissioner