JAPAN PATENT OFFICE

Annual Report 2012

Preface

In 2011, Japan was struck by an unprecedented disaster, the Great East Japan Earthquake. On that occasion, IP offices in as many as 48 countries/regions took relief measures such as extending the procedural term for Japanese applicants affected by the Earthquake. I would like to take this opportunity to once again express our gratitude.

The 80th Commissioner

深野弘行

Hiroyuki FUKANO

Despite the occurrence of a great earthquake, the annual number of patent applications filed in Japan for 2011 remained at the same level as that in 2010. It is particularly worth noting that the number of applications based on the Patent Cooperation Treaty (PCT) filed by Japanese applicants in 2011 increased more than 20% from the previous year. This not only indicates that IP activities in Japan are active even after the great earthquake but also that these activities have changed qualitatively, becoming truly globalized.

Therefore, it has become much more important to improve the landscape for appropriately protecting IP and making sure it aligns with the global business-expansion activities being carried out by companies. At the Meeting of IP5 Heads of Office held in Tokyo, which was attended by representatives of Japan, the US, Europe, China, and Korea in 2011, there were discussions for the first time under the IP5 framework aimed at harmonizing patent systems. Furthermore, the number of Patent Prosecution Highway (PPH) agreements has steadily increased, with Japan starting a PPH program with China in November 2011, the first time in the world. As a result, approximately 90% of overseas applications filed from Japan are able to use the PPH program.

The year 2011 marked the tenth anniversary of the Asian Trilateral, which is the cooperative framework among the IP offices of Japan, Korea and China. This cooperative framework of East Asian countries aims to create an even more user-friendly IP environment. In addition, at a time when emerging countries are viewed to be the growth engine of the world economy. Japan held the 1st ASEAN-Japan Heads of IP Offices Meeting in February 2012, strengthening cooperative ties with the ASEAN countries that have decided to forge greater economic unity by 2015.

Furthermore, in expanding business globally, it is essential to make use of not only technology but also designs and brands. Therefore it is also necessary to improve the framework for protecting designs and trademarks worldwide. With regard to designs, the JPO is proceeding with its discussions towards the accession to the Geneva Act of the Hague Agreement on the international registration of industrial designs. As for trademarks, agreement was reached last year to expand the cooperative framework of the Trademark Trilateral (which includes the trademark offices of Japan, the US and Europe) and form the Trademark 5 (TM5), which includes also the offices of Korea and China.

In the meantime, we are accelerating examinations toward achieving our goal of an 11-month waiting period for patent examinations in Japan in 2013. We were able to shorten the waiting period for patent examinations to 22.2 months as of the end of March 2012, steadily approaching our goal. Furthermore, the Patent Law and other laws were revised last year. Aimed at improving user-friendliness and broadening the base for innovation, the Japanese patent system was revised to appropriately protect joint research results, expand the subject matter of the grace period, review the appeal system, and reduce examination request fees, having put the revised laws into effect since April 2012.

This Annual Report provides an overview of the latest activities in and outside of Japan undertaken by the JPO, with a particular focus on developments in 2011. I hope that this Annual Report sets the future direction for international cooperation that needs to be achieved in the field of intellectual property, at a time when IP activities are becoming increasingly global and borderless.

Contents

Feature Issue

Efforts for Recovering from the Great East Japan Earthquake

The JPO has taken relief measures in regard to application procedures for patents, utility models, designs and trademarks such as extending the period for procedures to be taken by applicants who were affected by the Great East Japan Earthquake. In addition, the JPO has also established consultation counters and actively worked to provide applicants with information, accelerated examinations and accelerated appeals examinations.

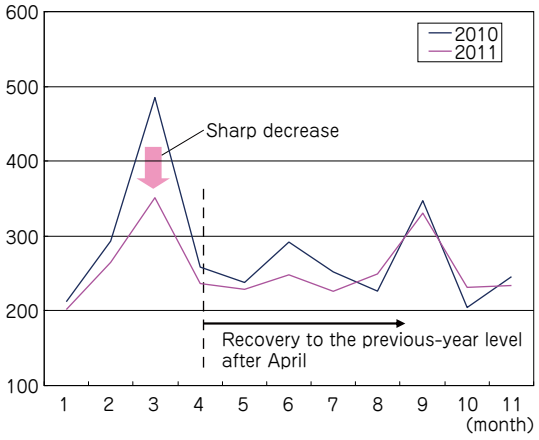
This feature issue reports on the actual status of intellectual property activities by companies in the disaster-stricken areas and on the various measures taken by the JPO.

1. Actual Status of Intellectual Property Activities in the Disaster-stricken Areas

(1) Trends in Patent Applications

The number of patent applications filed in the five disaster-stricken prefectures (Aomori, Iwate, Miyagi, Fukushima and Ibaraki) where the damage caused by the Great East Japan Earthquake was particularly enormous decreased sharply in March immediately after the Earthquake. However, since April 2011 the number has remained unchanged or slightly lower than that of the previous year.

【Change in the number of patent applications filed in the five disaster-stricken prefectures】



(2) Opinions and Requests Submitted to the JPO Based on Interviews

The JPO conducted telephone interviews with a total of 277 companies (mainly SMEs in the disaster-stricken areas), 5 universities, 1 TLO and 3 research institutions from mid-May to mid-June 2011 in order to grasp what kind of impact the disaster had on their intellectual property activities. In addition, officials from the JPO directly visited 15 companies (5 in Miyagi,, 5 in Iwate, 2 in Fukushima, 2 in Ibaraki, and 1 in Aomori) to grasp the damage, asking their opinions and listening to their requests.

Overall, the disaster caused enormous damage to businesses, and the JPO received requests for support in terms of costs, procedures, and intellectual property.

The opinions and requests related to costs are: 1) exemption from or reduction of application fees, examination request fees and annual fees, 2) financial assistance for various fees and preferential IP collateral loans, and 3) reduction of patent attorney costs.

The opinions and requests related to procedures are: 1) extension of the period for requests for examination, 2) deferment of annual fee payments, 3) extension of the deferment system of examination request fee payments, 4) accelerated examinations for applications filed by companies in the disaster-stricken areas, 5) extension of the duration of patent rights, and 6) extension of the time limit for responding to notices of reasons for refusal.

In addition, some companies requested the JPO to announce that these companies in the disaster-stricken areas are effectively operating in spite of some harmful rumors such the disaster itself and the nuclear plant accident. They also asked help in promoting their patented products.

2. Measures taken by the JPO

(1) Extension of Periods for Procedures for Those Who Were Affected by the Disaster

The periods of time in which applicants can conduct certain procedures were extended up until the limit of August 31, 2011 based on provisions such as Article 3, Paragraph 3 of the Act on Special Measures concerning

Preservation of Rights and Interests of Victims of Specified Disasters[1] (hereinafter referred to as the "Act on Special Measures") for those who were not able to conduct the prescribed procedures within the original periods.

Specifically, with respect to such procedures as filing of requests for patent examination and payment of annual fees, a measure was set in place to extend the expiration date until August 31, 2011 based upon applicants' requests. The extension was granted based not only on direct reasons such as the fact that applicants who were going to perform the procedures were themselves affected by the disaster, but also on secondary reasons such as business interruptions due to the disruption of transportation caused by the planned blackouts. (In the case of any secondary reasons, applicants needed to undertake the procedures 14 days after the date on which the cause preventing them from performing the procedures ceased to exist.)

Furthermore, special considerations were taken for those who still could not perform the procedures after the expiry of the above-mentioned extended period, in addition to the nature of the patent rights which cannot be acquired again once they have been lost. In view of the above, pursuant to Article 3, Paragraph 4 of the Act on Special Measures, a Cabinet Order to Extend the Expiration Date with respect to Rights and Interests regarding Amendments made to Abstracts Attached to Applications in accordance with the Provision of Article 17-3 of the Patent Act for Victims of the Great East Japan Earthquake[2] was established to extend the period for procedures up until the limit of March 31, 2012 for persons who could not perform the procedures within the period extended by the Act on Special Measures due to particularly extenuating circumstances. As a result of these measures, 1,129 cases were granted extension.

Furthermore, in case it was impossible to perform on-line procedures because of blackouts, etc. caused by the earthquake and aftershocks, applicants were allowed to file applications using magnetic disks, as provided in Article 6 of the Act on Special Provisions for Procedures related to Industrial Property Rights, without requesting prior approval from the Commissioner of the JPO.

(2) Requests to Other Countries for Preferential Measures

The JPO requested all intellectual property Offices in other countries and regions where patent applications were filed from Japan in the past three years, to provide relief measures for the statutory period, etc. for Japanese applicants and representatives who could not perform the prescribed procedures, or contact the Offices due to the earthquake. As a result, 48 countries and regions established special relief measures for Japan.

In addition, the JPO gathered information on the types and conditions of relief measures established by all the intellectual property offices in each country or region, in order to provide users with information about the relief measures taken by those intellectual property Offices. The JPO uploaded Japanese translations and continually updated the information on its website[3].

(3) Efforts to Provide Information related to the Earthquake

In order to provide information and consultation in a comprehensive manner to applicants and representatives affected by the earthquake, the JPO established a section on its website where it provides information related to the Great East Japan Earthquake[4]. This section contains a summary of information on relief measures with respect to procedures affected by the Earthquake, support measures as an effort for the reconstruction, and a dedicated consultation service with its phone number in the JPO. This consultation service works in collaboration with the Intellectual Property Rights Portal, which is a one-stop

1 Act No.85 of 1996.
2 Cabinet Order No. 265 of August 26, 2011.
3 http://www.jpo.go.jp/cgi/linke.cgi?url=/torikumi_e/hiroba_e/measures_tohoku.htm
4 http://www.jpo.go.jp/cgi/linke.cgi?url=/torikumi_e/hiroba_e/tohoku_district_earthquake.htm

consultation service in the field of intellectual property.

In addition, a wide variety of information was provided utilizing various means such as related organizations, Twitter[1], and press releases.

Written notices about the relief measures and the consultation service were sent by mail to about 3,000 applicants and rights holders domiciled in the five most disaster-stricken prefectures (Aomori, Iwate, Miyagi, Fukushima and Ibaraki). These applicants and rights holders, who were considered eligible for the relief measures, were sent direct mailings because they might have had difficulty connecting to the Internet.

(4) Earthquake Disaster Recovery Support-related Accelerated Examination and Accelerated Appeal Examination

The earthquake disaster recovery support-related accelerated examination and accelerated appeal examination were started on August 1, 2011. Applicants/Appellants who were affected by the earthquake and had filed for patents, designs and trademarks would be allowed to have accelerated examinations and accelerated appeal examinations based on simplified procedures. These simplified procedures were established to promote a speedy recovery in terms of intellectual property in the disaster-stricken areas. (The number of applications filed by the end of April 2012 was 78 for patents, 9 for designs, 64 for trademarks, and 5 for appeals.)

Applicants/Appellants or applications/appeals subject to the earthquake disaster recovery support-related accelerated examination and accelerated appeal examination are as follows.

1) Applicants/Appellants Subject to the Earthquake Disaster Recovery Support-related Accelerated Examination and Accelerated Appeal Examination

Applicants/Appellants shall mean any applicants/appellants having a domicile or a residence in areas specified under the Disaster Relief Act[2] (hereinafter referred to as the "Specified Disaster-stricken Areas", which excludes Tokyo) and have incurred damage caused by the earthquake.

2) Applications and Appeals Subject to the Earthquake Disaster Recovery Support-related Accelerated Examination and Accelerated Appeal Examination

The following applications for patents, design registrations, trademark registrations, and appeals against an examiner's decision of refusal are subject to the earthquake disaster recovery support-related accelerated examination and accelerated appeal examination.

- Applications applied by applicants, all or some of them have a domicile or a residence in the Specified Disaster-stricken Areas and have incurred damage caused by the earthquake, and appeals against an examiner's decision of refusal related to those applications.
- In case applicants/appellants are legal entities and any place of business of these legal entities in the Specified Disaster-stricken Areas has incurred damage caused by the earthquake, any application for inventions, designs, or trademarks associated with the places of business and appeals against an examiner's decision of refusal related to those applications.

1 Trademark of Twitter, Inc.

2 Act No.118 of 1947.

Acronymus

AIPN	··· Advanced Industrial Property Network
APEC	··· Asia-Pacific Economic Cooperation
ASEAN	··· Association of Southeast Asian Nations
CAF	··· Common Application Format
CHC	··· Common Hybrid Classification
CIPTC	··· China Intellectual Property Training Center
CTMO	··· China Trademark Office
DAS	··· Digital Access Service for Priority Documents
ECLA	··· European Classification
EPA	··· Economic Partnership Agreement
EPC	··· European Patent Convention
EPO	··· European Patent Office
EU	··· European Union
FA	··· First Action
FI	··· File Index
FTA	··· Free Trade Agreement
INPIT	··· National Center for Industrial Property Information and Training
IPC	··· International Patent Classification
IPDL	··· Industrial Property Digital Library
IPEG	··· Intellectual Property Rights Experts Group
IPR	··· Intellectual Property Rights
JPO	··· Japan Patent Office
KIPO	··· Korean Intellectual Property Office
LDC	··· Least Developed Country
METI	··· Ministry of Economy,Trade and Industry in Japan
MEXT	··· Ministry of Education,Culture,Sports,Science & Technology in Japan
OHIM	··· Office for Harmonization in the Internal Market
PAJ	··· Patent Abstracts of Japan
PCT	··· Patent Cooperation Treaty
PPH	··· Patent Prosecution Highway
SA	··· Second Action
SAIC	··· State Administration for Industry and Commerce of the People's Republic of China
SIPO	··· State Intellectual Property Office of the People's Republic of China
TLO	··· Technology Licensing Organization
TRIPS	··· Agreement on Trade-Related Aspects of Intellectual Property Rights
USPTO	··· United States Patent and Trademark Office
WIPO	··· World Intellectual Property Organization
WTO	··· World Trade Organization

Part 1

Status Quo of Industrial Property Rights

Chapter 1

Current Status of Applications, Registrations, Examinations, Appeals, and Trials in and outside Japan

The environment surrounding industrial property rights (patents, utility models, designs and trademarks) is rapidly changing due to globalized business activities and the sharp increase in applications filed by emerging countries such as China. Under these circumstances, the number of applications for patents, designs, and trademarks filed by Japanese with the foreign Offices has been increasing year by year. In addition, the filing structure of industrial property rights is also changing significantly. This chapter presents the current status of applications, registrations of industrial property rights, examinations, appeals, and trials.

1. Patents

In spite of the Great East Japan Earthquake, the number of patent applications filed in Japan in 2011 was 342,610, nearly the same level as that of the previous year. On the other hand, the number of international patent applications (PCT applications), which are patent applications filed with the foreign Offices, has been rapidly increasing year by year. In 2011 it was 37,974 a year-on-year increase of 20.5%. This section presents the status of applications, registrations of patents, and patent examination both in and outside Japan.

(1) Changes in the number of Patent Applications and Requests for Examinations; and Current Status of Patent Examination in Japan

1) Change in the Number of Patent Applications and PCT Applications

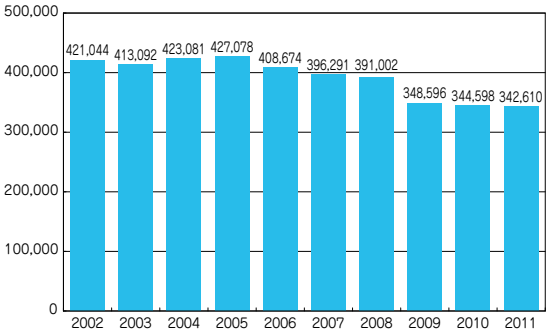
Although the annual number of patent applications filed in Japan had remained high, at more than 400,000, the number has been gradually decreasing since 2006, the number of patent applications sharply dropped in 2009. The total number of patent applications in 2011 was 342,610 (a year-on-year decrease of 0.6%). This was nearly the same as that of the previous year, despite a slight decrease in March due to the Great East Japan Earthquake (See Figure 1-1-1).

The recent economic recession is considered to be one factor behind the decrease. However, there is also another factor to consider. Applicants are becoming more selective in filing. In other words, they are changing their intellectual property strategy. Instead of filing a large number of patent applications, they are now following a new strategy, which is to file higher quality patent applications that form the basis for business development.

Meanwhile, the number of international patent applications filed under the Patent Cooperation Treaty (PCT) for which the Japan Patent Office was the receiving office in 2011, was 37,974, a 20.5% increase over the previous year. This shows a continued sharp increase year by year (See Figure 1-1-2).

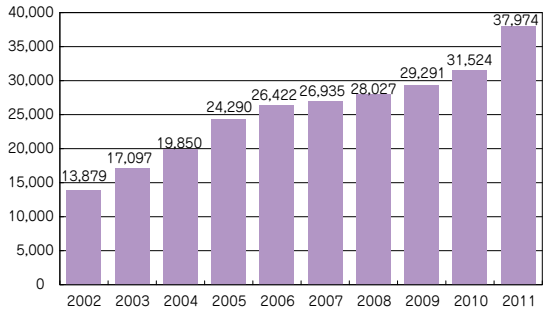
This indicates that applicants are emphasizing international applications, which are supported by market globalization. This also shows that Japanese companies' intellectual property activities are now globalized.

【Figure 1-1-1 Change in the Number of Patent Applications】



Note:
The number of patent applications includes PCT applications which entered the national phase.

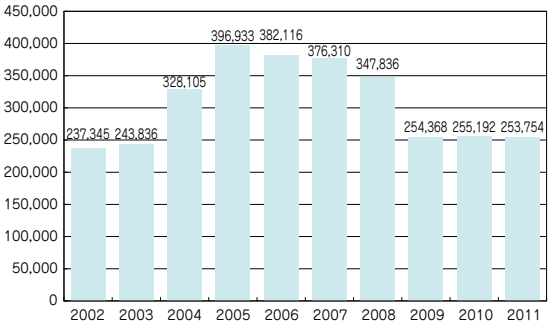
【Figure 1-1-2 Changes in the Number of PCT Applications】



2) Changes in the Number of Requests for Examination

The period for requesting examinations was reduced to three years from seven years in October 2001. As a result of this change, there was a temporary surge in the number of requests for examination (the so called "bump in requests"). However, the bump in requests ended at the end of September 2008 and the number of requests for examination in 2009 had decreased significantly. The number of requests for examination in 2011 was 253,754 (a year-on-year decrease of 0.6 %), nearly the same level as that in 2010 (See Figure 1-1-3).

【Figure 1-1-3 Changes in the Number of Requests for Examination】



Note: The number of requests for examinations made in 2009 to 2011 includes those that used the Deferral System[1] of Examination request fee.

3) Changes in the Number of Applications Awaiting the First Action and First Action Pendency

The workload of patent examinations has increased year by year due to following 3 reasons: (1) the complex and sophisticated content of applications, (2) the increase in the number of accumulated documents for prior art searches, and (3) the increase in the number of PCT applications for which the time limit for creating international search reports and international preliminary examination reports is set based on the treaty. In order to conduct prompt and accurate patent examinations under these circumstances, the JPO is strengthening its examination framework and improving the efficiency of its examination work by steadily implementing various measures[2], including hiring about 500 fixed-term examiners and increasing the outsourcing of prior art searches.

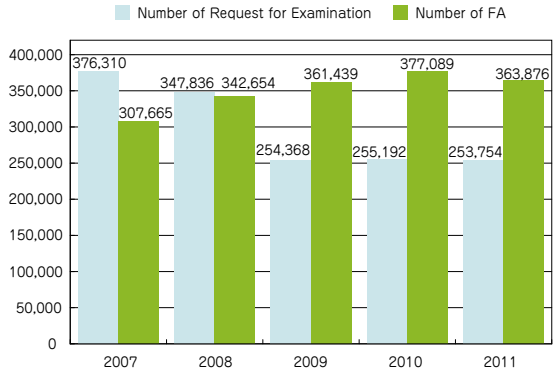
As a result of these efforts, the number of First Actions[3] (FAs) of national applications in 2011 remained almost the 2010 level (363,876, decrease 3.5% over the previous year) and exceeded the number of requests for examination in 2011.

1 The system that allows applicants to postpone payment of the examination request fee up to one year from the date of requests for examination, if they indicate their intention of postponement in requests for examination. The system was ended with March 31, 2012.

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

3 The first examination conducted after a request for examination is filed by the applicant. FA is an abbreviation of First Action.

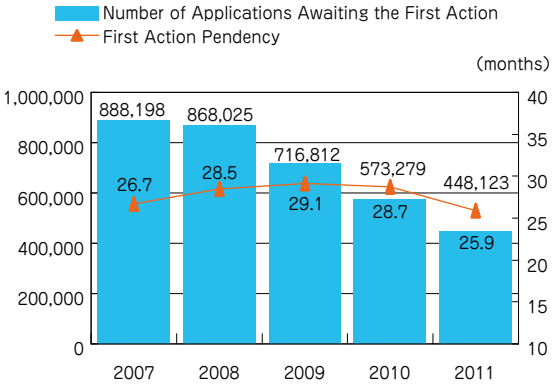
【Figure 1-1-4 Changes in the Number of Requests for Examination and Number of First Actions】



Note:
The number of requests for examination made in 2009 to 2011 includes those that used the Deferral System of Examination Request fee.

As a result, the number of the applications awaiting the First Action decreased to 448,123 (decrease 21.8% over the previous year) in 2011. First Action Pendency[1] saw a shortening trend for the first time in 2010, being reduced to 25.9 months in 2011 (See Figure 1-1-5).

【Figure 1-1-5 Changes in the Number of Applications Awaiting the First Action and First Action Pendency】



Notes:
1. The number of applications awaiting the first action does not include those for which the examination fee has not been paid under the Deferral System of Examination Request Fee.
2. The number of applications awaiting the first action is based on the figure as of the end of each year.

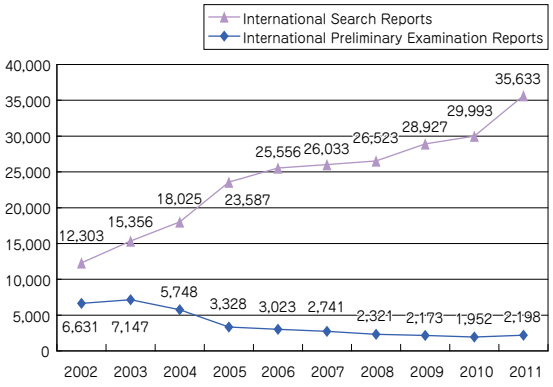
1 The period from a request for examination to the first notice of the examination results is sent.

4) Changes in Patent Examination Performance

In line with the increase in the number of PCT applications as shown in 1) above, the number of international search reports[2] created by the Japan Patent Office as an international search organization, increased from 29,993 in 2010 to 35,633 in 2011, increase 18.8% over the previous year.

On the other hand, the number of international preliminary examination reports[3] has been decreasing since 2004 and remains almost unchanged in recent years. This is due to the Enhanced International Search System, in which a written opinion (similar to the one that used to be prepared at the international preliminary examination phase) has to be established at the same time as the international search report, which was introduced in 2004 (See Figure 1-1-6).

【Figure 1-1-6 Changes in the Number of Reports Created for PCT Applications】



2 A report created after a PCT application is filed and an examiner is selected at the JPO, which becomes the international search organization to search related prior arts.
3 A report created by the examiner on the final examiner's judgment in the international preliminary examination.

In addition, the number of subsequent examinations[1] in 2011 decreased by 3 % year-on-year, while the number of reconsiderations by examiners before appeals proceedings[2] in 2011 decreased by 4% year-on-year (See Table 1-1-7).

In line with the increase in the number of examination, the number of decisions to grant patents increased to 220,495 in 2011 increased by 7% year-on-year (See Figure 1-1-8). The rate of decision to grant patents was 60.5% .

On the other hand, the number of decisions of refusal decreased to 138,784 in 2011 decreased by 16% year-on-year, and the rate of decisions of refusal was 39.5% (See Table 1-1-9).

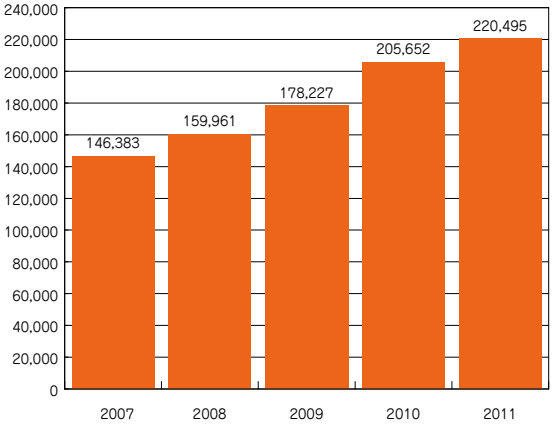
【Table 1-1-7Changes in Patent Examination Performance】

Record	2007	2008	2009	2010	2011	Year on year
Number of First Actions	307,665	342,654	361,439	377,089	363,876	96%
Number of Subsequent Examinations	264,776	283,638	306,018	336,613	327,736	97%
Number of International Search Reports of PCT	26,033	26,523	28,927	29,993	35,633	119%
Number of International Preliminary Examination Reports of PCT	2,741	2,321	2,173	1,952	2,198	113%
Number of Reconsiderations by Examiner before Appeal Proceedings	27,432	28,478	24,131	26,707	25,739	96%
Number of Reports of Expert Opinion on Registrability of the Utility Model	1,116	880	718	717	597	83%
Total	629,763	684,494	723,406	773,071	755,779	98%

Notes:
1. The "year-on-year" column is a comparison between 2011 and 2010.
2. The "number of reconsiderations by examiners before appeal proceedings" is the total number of decisions to grant a patent in the procedure[3], reconsideration reports made to the JPO Commissioner[4], and notifications of reasons for refusal made in the procedure.

1 An examination conducted upon the submission of a written opinion and a written amendment from the applicant after the first action.
2 An examination conducted by the examiner based on Article 162 of the Patent Act in the case where an amendment of claims is made at the time of filing a request for an appeal against an examiner's decision of refusal.
3 The number of cases in which the examiner's decision of refusal was cancelled and a decision to grant a patent was made, as a result of a reconsideration by the examiner.
4 The number of cases in which the examiner's decision of refusal was upheld, as a result of the examiner re-examining.

【Figure 1-1-8 Changes in the Number of Decisions to Grant a Patent】



【Table 1-1-9 Changes in Final Decision Performance】

Performance	2007	2008	2009	2010	2011	Year-on-year
Number of Decisions to Grant a Patent	146,383	159,961	178,227	205,652	220,495	107%
Number of Decisions of Refusals	147,678	154,163	171,396	164,639	138,784	84%
(Of which number of decisions of refusal without a dissenting response from the applicant)	78,246	85,443	105,004	100,951	84,419	84%
Withdrawals/Abandonments After the First Action	5,567	4,779	5,169	4,600	5,433	118%
Rate of Decisions to Grant a Patent	48.9%	50.2%	50.2%	54.9%	60.5%	-
Rate of Decisions of Refusal	51.1%	49.8%	49.8%	45.1%	39.5%	-

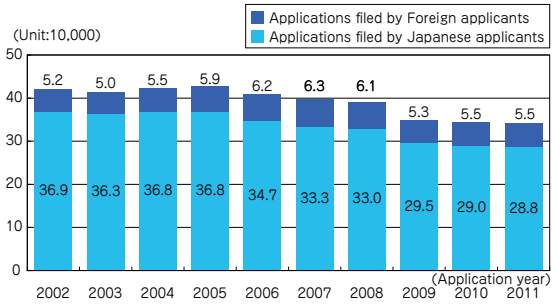
Notes:

1. "Number of Decisions of Refusals without a dissenting response of the applicant" is the number of decisions of refusal without a dissenting response of the applicant from the notice of reason for refusal issued by the examiner.
2. "Withdrawals/Abandonments after the first action" is the number of applications withdrawn/abandoned after the first action.
3. "Rate of Decisions to Grant a Patent" is the number of decisions in which a patent was granted divided by (1) the number of decisions to grant a patent plus (2) the number of decisions of refusals plus (3) the number of withdrawals/abandonment after the first action.
4. "Rate of Decisions of Refusal" is the number of decisions in which a patent was not granted (refusal) plus the number of withdrawals/abandonments after the first action, divided by (1) the number of decisions to grant a patent plus (2) the number of decisions of refusal plus (3) the number of withdrawals/abandonments after the first action.

(2) Trends of Patent Applications/Registrations in Japan

1) Patent Application Structure in Japan

【Figure 1-1-10 Patent Application Structure in the JPO】

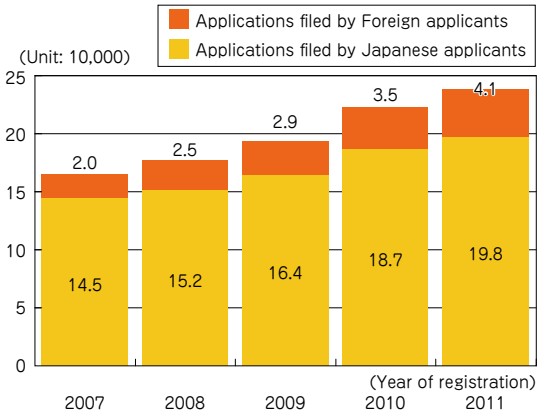


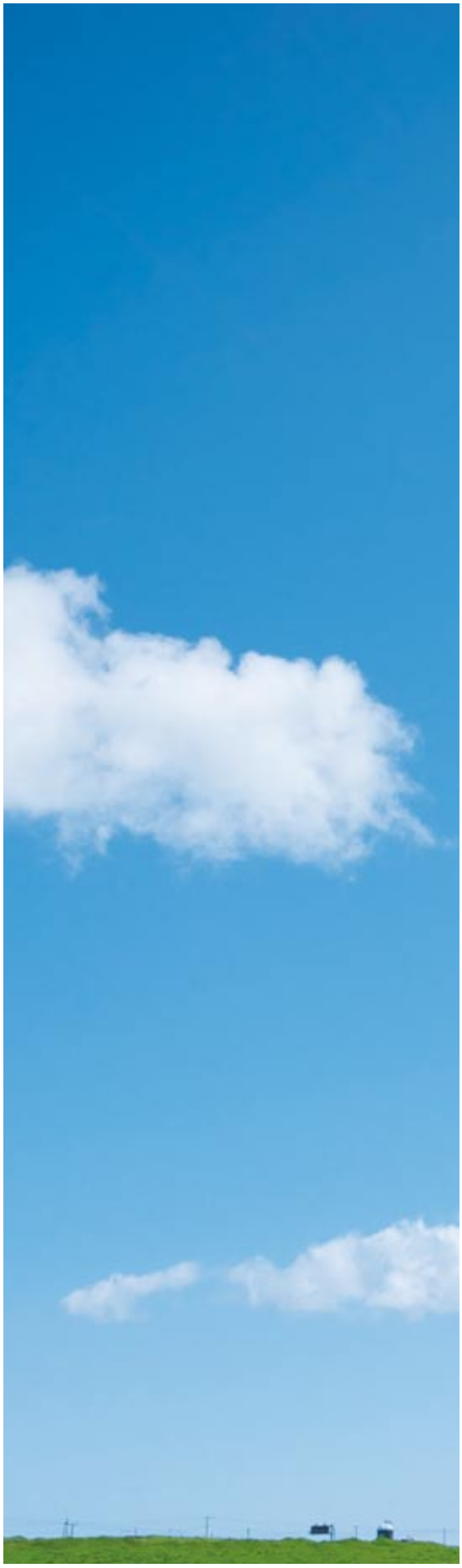
2) Patent Registration Structure in Japan

a. JPO

The number of patent registrations at the JPO was 239,000 in 2011. The number of patent registrations filed by Japanese was 198,000, a 5% decrease compared to the percentage in 2007 (88%) (See Figure 1-1-11.) This indicates that the percentage of patent registrations filed by foreign applicants has been increasing.

【Figure 1-1-11 Patent Registration Structure in the JPO】

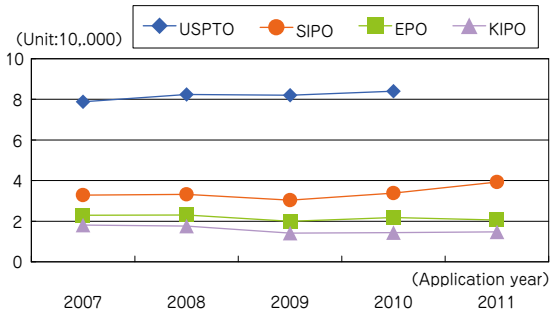




3) Patent Applications Filed with Major Patent Offices by Japanese Applicants

In 2011, the number of applications filed by Japanese applicants with the SIPO was 39,231 (up 15.8% over the previous year), with the EPO was 20,568 (down 5.8% year-on-year), and with the KIPO was 14,734 (up 2.7% year-on-year). In particular, the number of applications filed with the SIPO showed a significant increase (See Figure 1-1-12).

【Figure 1-1-12 Changes in the Number of Patent Applications Filed with Major Offices by Japanese Applicants】



	2007	2008	2009	2010	2011
USPTO	78,794	82,396	81,982	84,017	undisclosed
SIPO	32,870	33,264	30,302	33,882	39,231
EPO	22,887	23,081	19,933	21,824	20,568
KIPO	18,100	17,552	14,168	14,346	14,734
Total	152,651	156,293	146,385	154,069	-

Note:
USPTO: The number of utility patents was counted. The number of applications in 2011 was undisclosed at the time of writing this report.
Sources:
USPTO: USPTO website
EPO: EPO Annual Report
SIPO: SIPO website
KIPO: 2007~2010 KIPO website
2011: Data provided by the KIPO (provisional values)

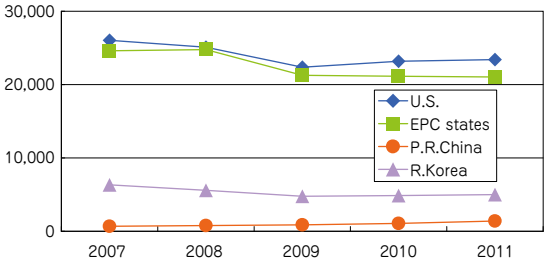
4) Patent Applications Filed with the JPO by Foreign Applicants

The number of patent applications filed with the JPO by foreign applicants increased to 55,030 in 2011, a 0.9% increase compared to 2010.

In 2011, the applications filed by US and European applicants accounted for 80.8% of the total number of applications filed by foreign applicants. The number of applications filed by Korean applicants has been slightly increasing, after peaking in 2009. The number accounted for 9.1% of the total number of applications filed by foreign applicants in 2011.

On the other hand, the number of applications filed by Chinese applicants in 2011 was 1,401, nearly double compared to the 2007 level. However, this number still remains low compared to the number of applications filed by US, European and Korean applicants (See Figure 1-1-13).

【Figure 1-1-13 Changes in the Number of Applications Filed with the JPO by Foreign Applicants】



	2007	2008	2009	2010	2011	Percentage to total (2011)
U.S.	26,026	25,112	22,367	23,183	23,414	42.5%
EPC states	24,611	24,787	21,251	21,122	21,023	38.2%
R.Korea	6,347	5,599	4,782	4,872	5,007	9.1%
P.R.China	666	772	891	1,063	1,401	2.5%
Others	5,143	4,622	3,990	4,277	4,185	7.6%
Total	62,793	60,892	53,281	54,517	55,030	

Notes:
1. EPC states stands for applicants from EPC member countries at the end of each CY.
2. The figures in the table include the number of direct applications and PCT national phase applications.

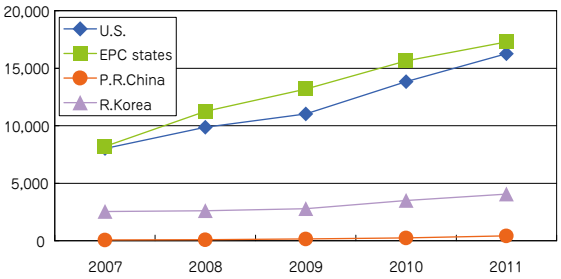
5) Patent Registrations in Japan by Foreign Applicants

The number of patent registrations filed in Japan by foreign applicants in 2011 increased to 40,729, up 15% over the previous year.

In 2011, registrations based on applications filed by US or European applicants accounted for 82% of the total. The registrations based on applications filed by Korean applicants accounted for 9.9% of the total, the same level as that of the previous year.

The number of registrations based on applications filed by Chinese applicants in 2011 was 416, nearly six times as many as the 2007 level (67). However, it only accounts for 1% of the total number of registrations (See Figure 1-1-14).

【Figure 1-1-14 Changes in the Number of Registrations Filed with the JPO by Foreign Applicants】



	2007	2008	2009	2010	2011	Percentage to total (2011)
U.S.	8,023	9,873	11,033	13,824	16,262	39.9%
EPC states	8,189	11,244	13,177	15,626	17,292	42.5%
R.Korea	2,538	2,596	2,777	3,505	4,048	9.9%
P.R.China	67	91	156	255	416	1.0%
Others	1,097	1,381	1,747	2,246	2,711	6.7%
Total	19,914	25,185	28,890	35,456	40,729	

Notes:
1. EPC states stands for applicants from EPC member countries at the end of each CY.
2. The figures in the table include the number of patent registration based on direct applications and PCT national phase applications.

2. Utility Models

This section presents changes in the number of applications for utility models and the Technical Report of expert opinion on registerability of utility models in Japan.

(1) Change in the Number of Applications for Utility Model Registrations and Technical Report of expert opinion on registerability of utility models

1) Changes in the Number of Applications for Utility Models

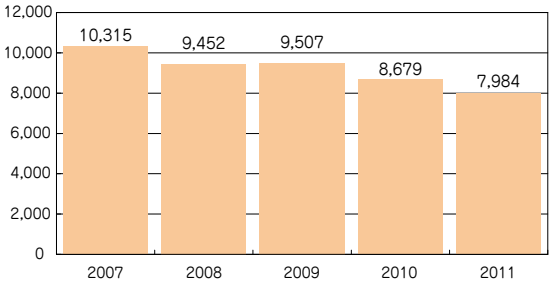
The number of applications for utility models registrations has been decreasing since the utility model system was changed to a non-substantive examination system in 1994. Under this situation, the amended utility model system came into force in April 2005 in order to make the system more attractive. The following is an outline of the amended utility model system: (i) extending the term of utility model rights, (ii) reducing the annual fee for utility model rights, (iii) expanding the allowable scope of corrections, and (iv) allowance of filing a patent application based on a utility model registration. After the amended utility model system went into effect, the number of applications for utility models reached a peak of 11,386 in 2005 increased by 43% from the previous year. However, the number once again has been gradually declining over the years, and it now was 7,984 in 2011.

2) Technical Report of expert opinion on registerability of utility models

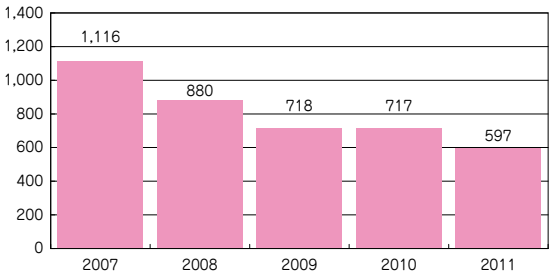
Under the new utility model system, which adopts the non-substantive examination principle, the owner of a utility model right first needs to give a warning by presenting a Technical Report of Utility Models in terms of the registerability of the utility model when enforcing the right (Article 29-2 of the Utility Model Act). The technical report is created by a JPO examiner who evaluates the novelty and inventive step of the filed device to determine the validity of any right and notifies the requester (Articles 12 and 13 of the Utility Model Act).

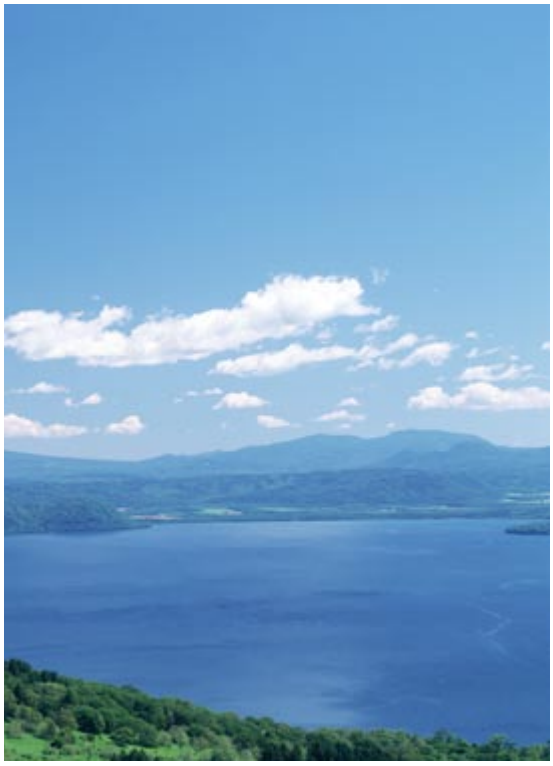
The number of Technical Reports of expert opinion on registerability of utility models has been decreasing. It was 597 in 2011, a year-on-year decrease of 17% .

【Figure 1-1-15 Changes in the Number of Utility Model Applications】



【Figure 1-1-16 Changes in the Number of Technical Reports of Expert Opinion on Registerability of Utility Models】



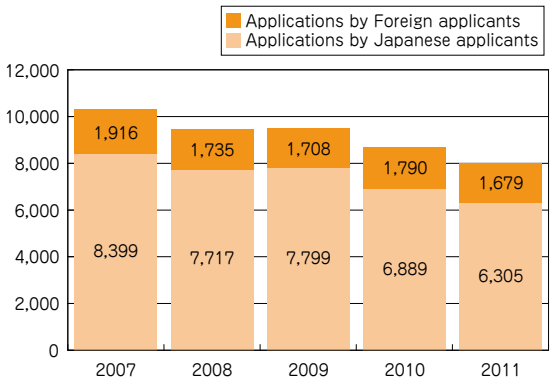


【Table 1-1-17 Number of Applications Filed under the New Utility Model System and Technical Opinion Report on Utility Models】

	2004	2005	2006	2007	2008	2009	2010	2011
Number of Utility Model Applications	7,983	11,386	10,965	10,315	9,452	9,507	8,679	7,984
Number of Technical Opinion Reports on Utility Models	1,061	1,261	1,032	1,116	880	718	717	597

(2) Breakdown of Applicants for Utility Model Registrations in Japan

【Figure 1-1-18 Composition of Applicants for Utility Model Registrations in Japan】



3. Designs

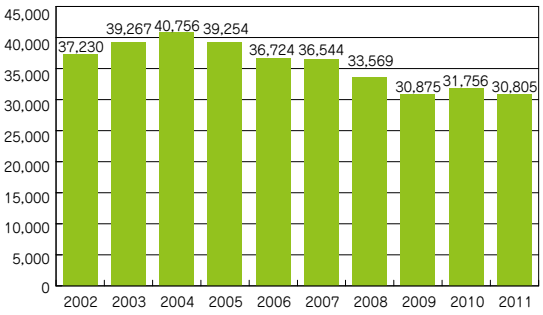
This section presents the changes in the number of design applications, the status of design examination, the trends in applications for design registration, design registration in major countries and organizations, and a comparison of design registrations among the JPO, the USPTO, the OHIM[1] , the SIPO and the KIPO.

(1) Changes in the Number of Design Applications and Status of Design Examination in Japan

1) Trends in Applications for Design Registration

The number of applications after 2002 was on a downward trend, after peaking at 40,756 in 2004. In the past three years (2009～2011), it has remained almost unchanged. The reasons for the decrease in the number of applications can be attributed to the fact that more applications are filed with the foreign Offices in line with the expansion of business operations overseas by Japanese companies. In addition, applicants are more selective when it comes to domestic applications. Although the applications for design registration of televisions, personal computers, mobile phones (electric and electronic devices and communications devices) took a downward turn in 2011, the applications for design registration of passenger vehicles (transport or transporting vehicles and machinery) increased.

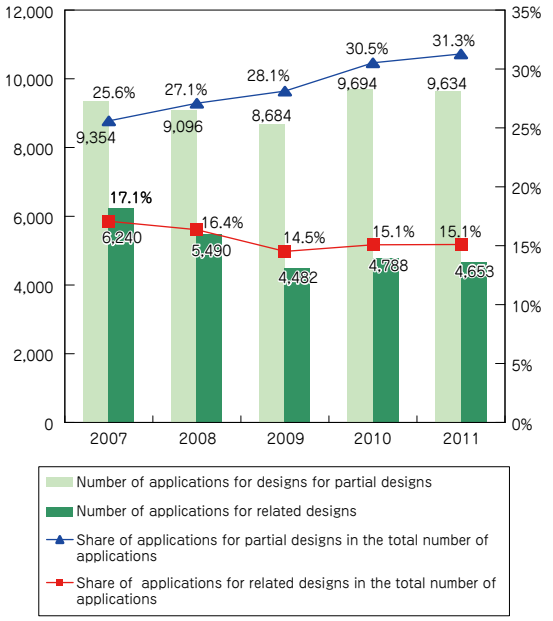
【Figure 1-1-19 Changes in the Number of Applications for Design Registration】



On the other hand, since a partial-design system[2] was introduced in 1999, the percentage of applications for partial designs among all applications has been increasing each year, remaining at more than 30% of all the applications since 2010.

Although the rate of applications for the related design system[3], introduced at the same time, continued to decrease until 2009, it has remained at the same level as that of the previous year in 2011.

【Figure 1-1-20 Changes in the Number and the Rate of Applications for Partial Designs and Related Designs】



1 OHIM: Office for Harmonization in the Internal Market (Trade Marks and Designs)

2 Registering a design of a part of an article: Since the amended Design Act went into effect in 1999, it became possible to register a design, which forms a part of an article, that even cannot be physically separated from the entire article.

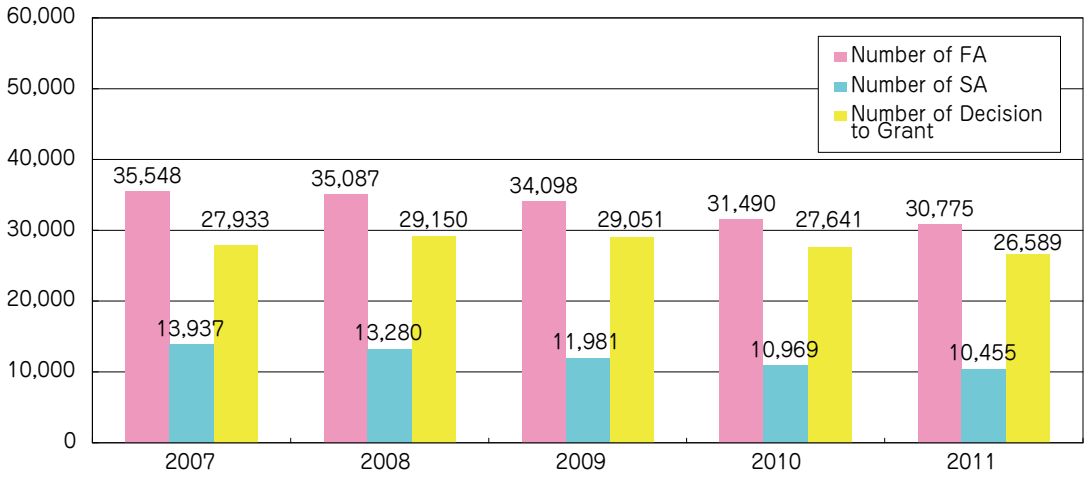
3 The related design system enables a design which is similar to the principal design to be registered as a related design only when both design applications are filed by the same applicant. Design right of a related design is enforceable independently from the principal design. This system was introduced in 1999.

2) Status of Design Examination

In 2011, the number of first actions for design examination (the number of FA) fell from 31,490 in 2010 to 30,775. The average period of first action pendency (FA pendency period), which is the period from the filing date to the date on which the notice of first action result is sent in 2011 was 6.6 months. It remained stable compared to the number in 2010 (6.5 months).

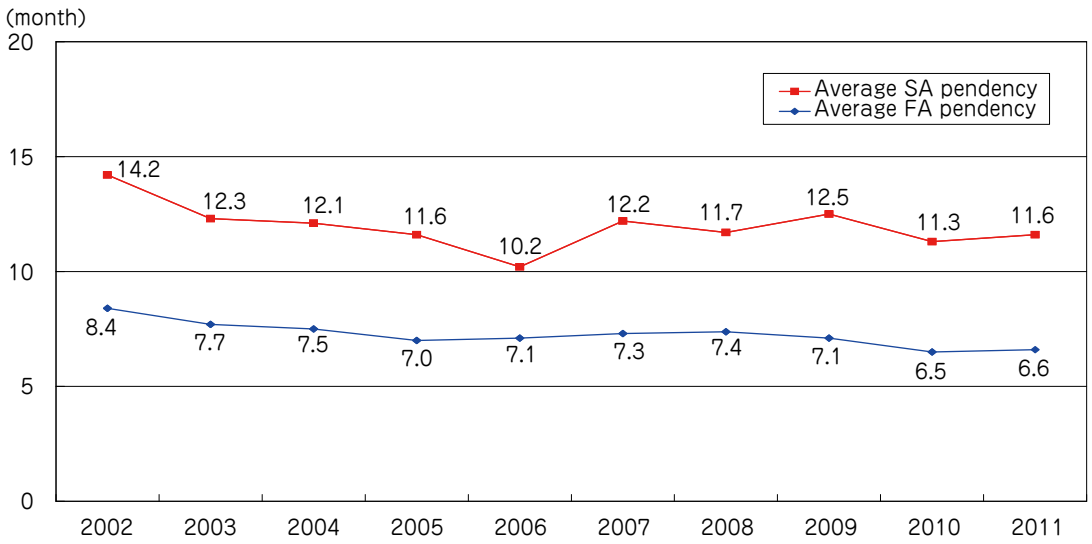
The number of second actions (SAs), which are the examiners' decision following the first action was 10,455 in 2011. The period from the filing date to the second action (SA pendency period) was 11.6 months on average. Meanwhile, the average number of decisions to grant registration has remained at around 30,000 since 2007.

【Figure 1-1-21 Changes in the Number of First and Second Actions and Decisions to Grant】



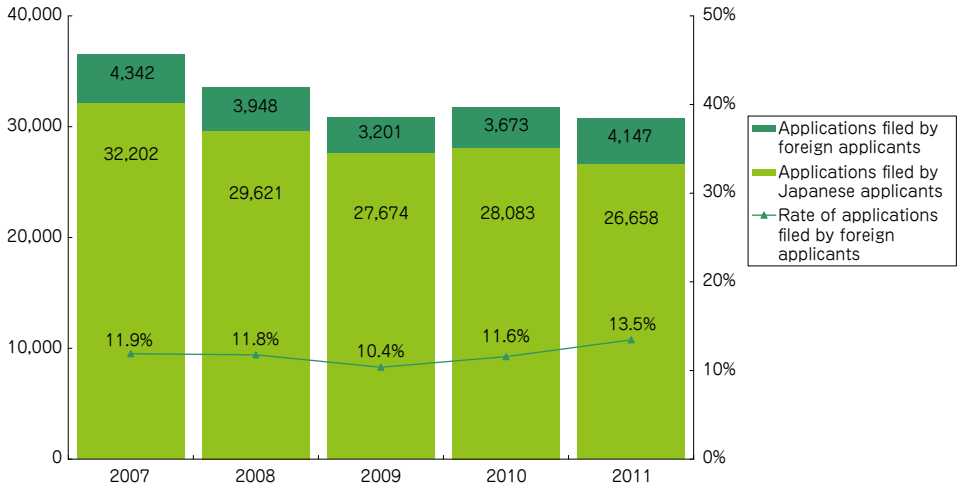
Note:
The number of decisions to grant is the total number of decisions to grant as the first action and those as the second action.

【Figure 1-1-22 Changes in the Average First and Second Action Pendency of Design Application】



(2) Trends in Design Applications and Registration in Japan

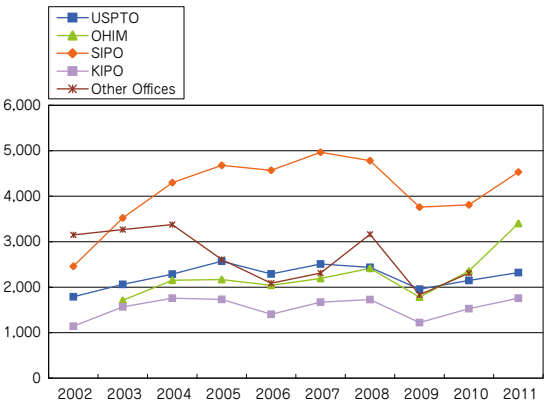
【Figure 1-1-23 Structure of Application for Design Registration in Japan】



1) Number of Applications for Design Registration filed with the Foreign Offices by Japanese

Although the number of applications filed with the USPTO, the OHIM, the SIPO and the KIPO by Japanese applicants dropped in 2009, it started to increase again in 2010 and continued to be on an upward trend in 2011. Even though the number of applications filed with the SIPO still is the highest, the number of applications filed with the OHIM has been significantly increasing, rising about 30 % in 2011 compared to the level of the previous year.

【Figure 1-1-24 Change in the Number of Applications for Design Registration Filed with the Foreign Offices by Japanese】



Note:
The values of the OHIM and the KIPO refer to the number of designs filed with the OHIM and the KIPO
Sources:
USPTO: 2002 WIPO Statistics, 2003-2011 data provided by the USPTO
OHIM: OHIM website (The OHIM started to accept from 2003)
SIPO: SIPO website
KIPO: 2002-2010 KIPO website, 2011 data provided by the KIPO (provisional values)
Other Offices: Created by the JPO based on WIPO Statistics (Industrial design applications by Origin and Office (2000 to 2010)

Unit: Applications

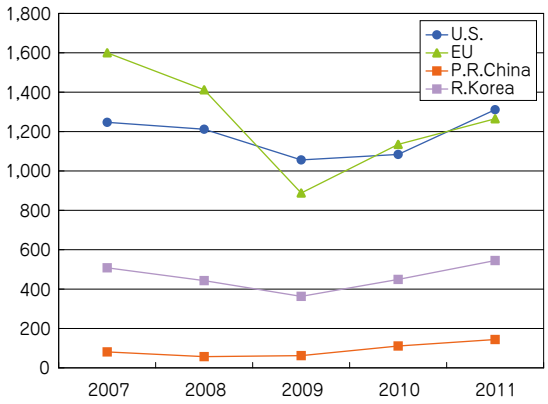
	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011
USPTO	1,790	2,060	2,286	2,570	2,291	2,510	2,436	1,956	2,148	2,321
OHIM	-	1,711	2,152	2,168	2,041	2,192	2,414	1,781	2,356	3,041
SIPO	2,459	3,522	4,299	4,679	4,569	4,966	4,782	3,760	3,811	4,532
KIPO	1,140	1,566	1,757	1,732	1,404	1,671	1,728	1,222	1,528	1,757
Other Offices	3,149	3,266	3,376	2,609	2,087	2,311	3,162	1,832	2,308	-

Note:
The values of the OHIM and the KIPO refer to the number of designs filed with the OHIM and the KIPO.
Sources:
USPTO: 2002 WIPO Statistics, 2003~2011 data provided by the USPTO
OHIM: OHIM website (The OHIM started to accept from 2003)
SIPO: SIPO website
KIPO: 2002~2010 KIPO website, 2011 data provided by the KIPO (provisional values)
Other Offices: Created by the JPO based on WIPO Statistics (Industrial design applications by Origin and Office (2000 to 2010)

2) Number of Applications for Design Registration Filed with the JPO by Foreign Applicants

Although the number of applications for design registration filed with the JPO by US, European and Korean applicants showed a temporal decrease in 2009, it has been on an upward trend since 2010. The number of applications filed with the JPO by Chinese applicants has been gradually increasing. However, it is still at the level of 3.5 % of the total number of applications filed by foreign applicants.

【Figure 1-1-25 Changes in the Number of Applications for Design Registration Filed with the JPO by Foreign Applicants】



	2007	2008	2009	2010	2011	Percentage to total (2011)
U.S	1,247	1,212	1,056	1,084	1,311	31.6%
EU	1,600	1,412	888	1,135	1,265	30.5%
P.R.China	81	57	62	111	144	3.5%
R.Korea	508	443	363	449	545	13.1%
Others	906	824	832	894	882	21.3%
Total	4,342	3,948	3,201	3,673	4,147	100.0%

Note: The figures for EU are the total number of applications filed with the JPO by applicants from EU member states.

4. Trademarks

This section introduces changes in the number of trademark applications, the status of trademark examination in Japan, and trends in international applications under the Madrid Protocol.

(1) Changes in the Number of Trademark Applications and Status of Trademark Examination in Japan

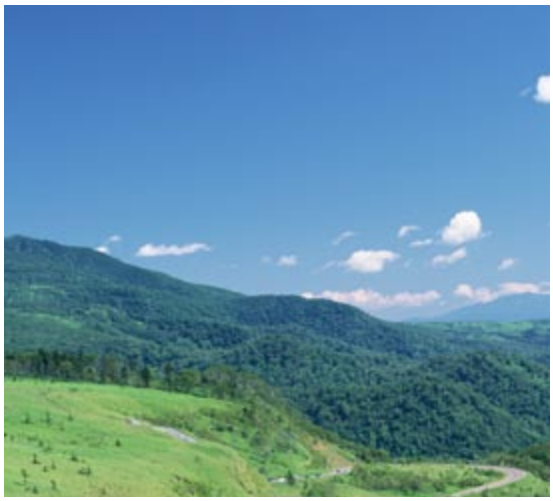
1) Trends in Trademark Applications

The number of applications for trademark registration in 2011 decreased to 108,060, a year-on-year decrease of 4.8%.

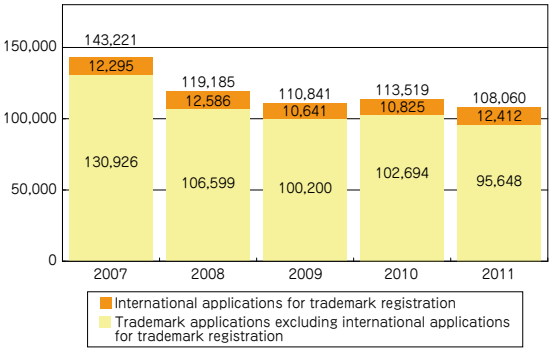
Although the number of applications for international trademark registration[1] in 2011 increased by 14.7% over the previous year, the number of other applications for trademark registration decreased by 6.9% over the previous year.

The recent economic recession may be one of the major factors for the decrease, and another factor may be that applicants tend to select only necessary applications for trademark registration more strongly than before.

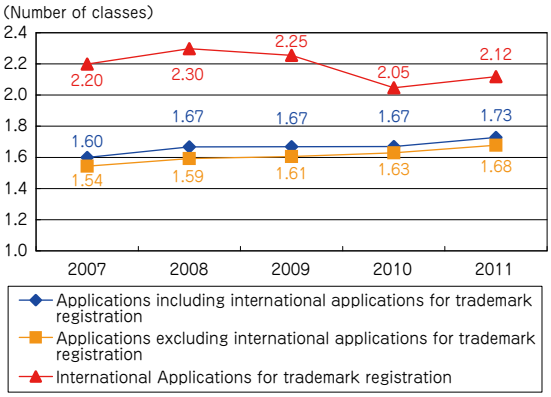
The average number of classes per trademark application[2] (the multiple class rates) was 1.73 in 2011, showing a slight increase over the previous year.



【Figure 1-1-26 Changes in the Number of Trademark Applications】



【Figure 1-1-27 Changes in the Average Number of Classes Designated per Application (multi-class rate)】



2) Status of Trademark Examination

The JPO has been working to improve the efficiency of the examination process through further computerization and by using private-sector capacity[3]. As a result, the period from the filing date to the date of issuing the first notice of examination results (first action pendency, or FA pendency) was shortened to 4.8 months.

The period from the filing date to the date of issuing the decision following the first action (second action, or SA pendency) was shortened to 10.8 months.

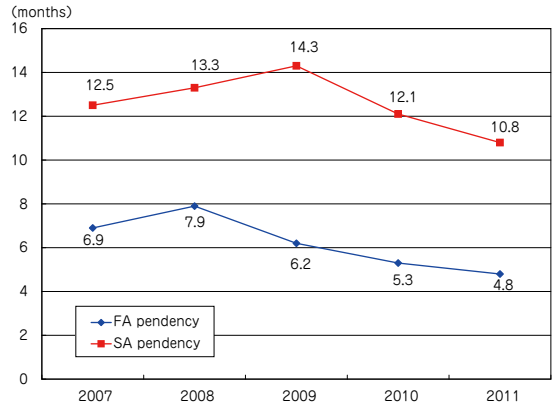
The number of trademark registrations has lingered around 100,000.

1 International applications under the Madrid Protocol designating the JPO (See Article 68-9 of the trademark Act of Japan)

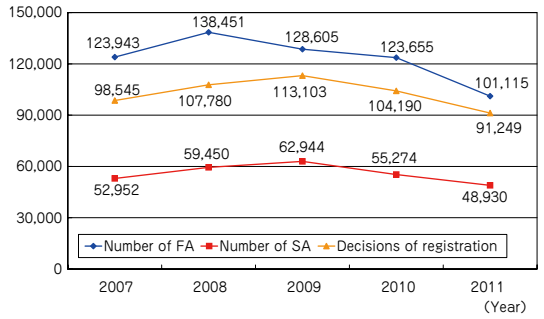
2 When filing a trademark application, the application must designate one or more goods (services) to which the trademark should be applied and describe their corresponding classes in the request. Goods and services are classified into 45 classes.

3 In FY2011, preliminary searches (on distinctiveness of trademarks, unclear indication of goods and services, and similarity of figures) required for trademark examinations were conducted by the Japan Patent Information Organization (Japio). Examiners make use of these search results in trademark examinations.

【Figure 1-1-28 Changes in the Average FA and SA Pendency in Trademark Examination】



【Figure 1-1-29 Changes in the Number of FA and SA and the Number of Decisions of Registration in Trademark Registrations】

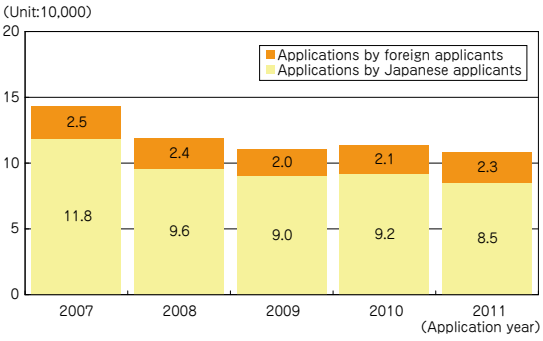


Note:
The number of decisions of registration is the total of applications for which the decision of registration has been rendered in the FA and SA.

(2) Trends in Trademark Applications and Registrations in Japan

1) Breakdown of Applications for Trademark Registration in Japan

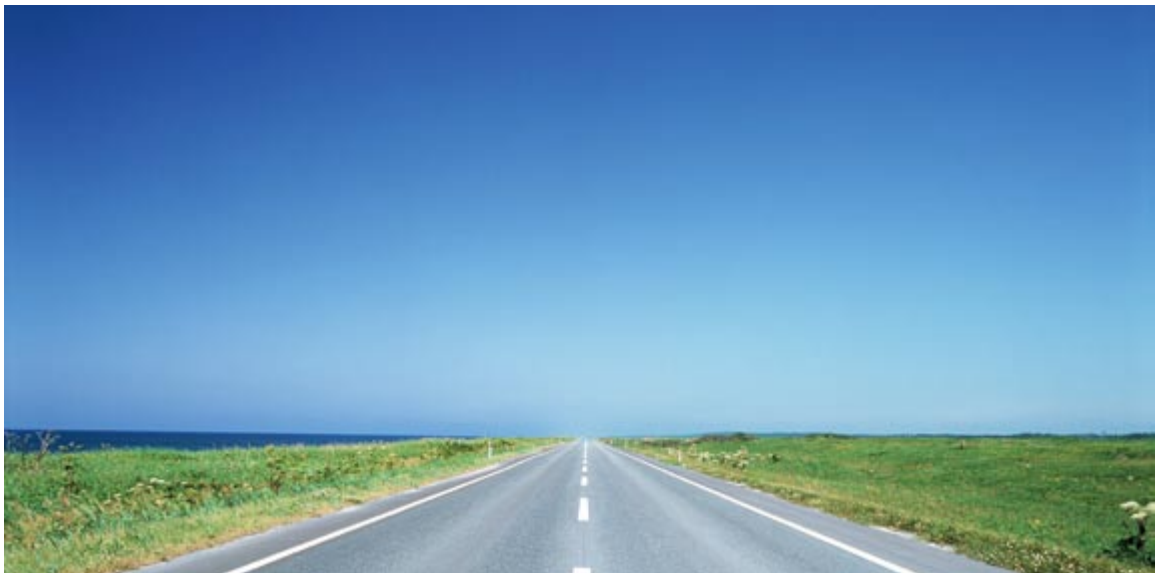
【Figure 1-1-30 Breakdown of Trademark Applications in Japan】



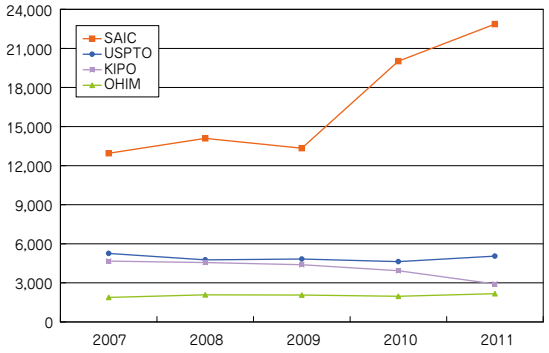
2) Number of Applications for Trademark Registration filed with the Foreign Offices by Japanese Applicants.

The number of applications for trademark registration filed with the USPTO, the OHIM and the SAIC increased by 9.1%, 9.6% and 14.2%, respectively, in 2011 over the previous year.

In particular, an increase rate of the number of applications filed with the SAIC is outstanding. This indicates that Japanese applicants are strongly interested in China.



【Figure 1-1-31 Changes in the Number of Application for Trademark Registration Filed with the Foreign Offices by Japanese applicants】



	2007	2008	2009	2010	2011
USPTO	5,258	4,764	4,832	4,633	5,054
OHIM	1,932	2,097	2,079	1,978	2,168
SAIC	-	14,090	13,340	20,021	22,866
KIPO	4,668	4,563	4,382	3,924	2,915

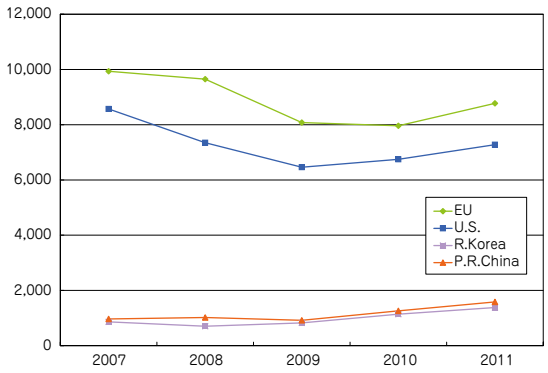
Note:
USPTO: A fiscal year refers to a period from October 1 of the previous calendar year to September 30 of the next year.
(Example) FY2011: October 1, 2010 - September 30, 2011
SAIC: The values of China in 2007 remained still undisclosed at the time of editing this report.
Sources:
SAIC: CTMO Annual Report
USPTO: USPTO Annual Report
KIPO: KIPO website (2006-2010)
Data provided by the KIPO (2011) (provisional values)
OHIM: OHIM website

3) Number of Applications for Trademark Registration filed with the JPO by Foreign Applicants

In 2011, the number of applications for trademark registration filed with the JPO by US, European, Chinese and Korean applicants increased by 11% from 17,108 to 19,015 over the previous year, and it has been on an upward trend as a whole.

The rate of applications filed with the JPO by Chinese applicants increased to 6.8% from 5.9% (2009).

【Figure 1-1-32 Changes in the Number of Applications for Trademark Registration Filed with the JPO by Foreign Applicants】



	2007	2008	2009	2010	2011	Percentage to total (2011)
U.S.	8,570 (2,093)	7,347 (1,991)	6,461 (1,767)	6,748 (1,992)	7,275 (2,320)	31.1%
EU	9,934 (6,324)	9,649 (7,662)	8,079 (6,337)	7,960 (6,005)	8,775 (6,895)	37.5%
R.Korea	862 (162)	703 (135)	822 (135)	1,141 (187)	1,381 (277)	5.9%
P.R.China	966 (688)	1,020 (712)	918 (589)	1,259 (764)	1,584 (938)	6.8%
Others	4,734 (3,003)	4,792 (2,070)	4,087 (1,802)	4,248 (1,866)	4,372 (1,980)	18.7%
Total	25,066 (12,270)	23,511 (12,570)	20,367 (10,630)	21,356 (10,814)	23,387 (12,410)	100.0%

Notes:
1. The figures for EU are the total number of applications fi led with the JPO by applicants from EU member states in Chapter 5, Applications by Country of Origin in 2010(the member states are as of March 2011).
2. Figures in parentheses are the numbers of international applications for trademark registration out of the total.

4) Trends of Applications for International Registration under the Madrid Protocol [1]

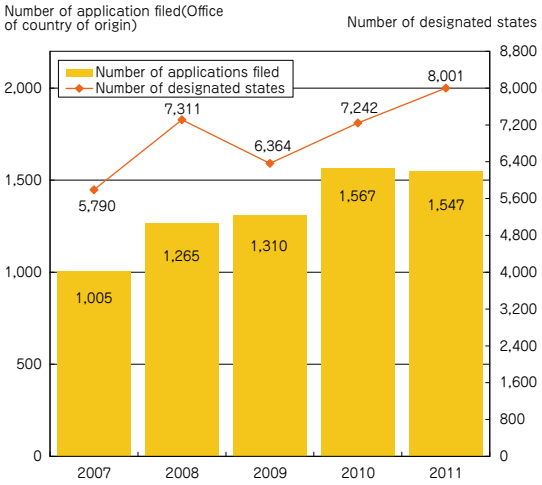
a. Applications filed with the Foreign Offices by Japanese Applicants (Number of International Registration Applications)

Although the number of international registration applications[2] filed with the foreign Offices by Japanese applicants in 2011 has remained almost unchanged over the previous year, the number of designated states increased by 10.5%.

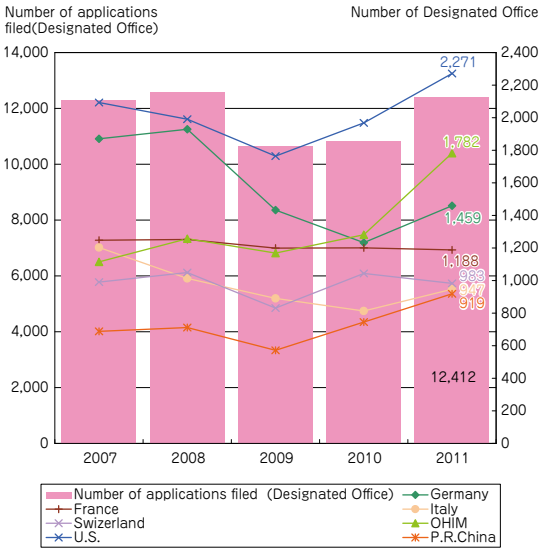
b. Applications filed with the JPO by Foreign Applicants (Number of International Applications for Trademark Registration)

The number of applications for international applications for trademark registration[3] filed with the JPO by foreign applicants in 2011 increased by 14.7% as a whole over the previous year. In particular, the number of applications filed by the OHIM, China and Germany increased by 39.1%, 23.4% and 18.3% respectively.

【Figure 1-1-33 Changes in the Number of International Applications for Trademark Registration (Filed with the Foreign Offices from Japan)】



【Figure 1-1-34 Changes in the Number of International Applications for Trademark Registration(Filed with the JPO from Foreign Countries)】



1 Outline of the international trademark application system: A request for designating an Office of contracting state (Office of designated state) for which protection is filed based on a trademark applied or registered with an Office of one of the contracting states (Office of origin) is filed for international registration with the International Bureau through the Office of origin. This application for international registration is registered internationally in the international registration list managed by the WIPO International Bureau, and it is protected in the designated state unless the Office of designated state notifies reasons for refusal within one year or 18 months in accordance with each country's declaration (18 months in the case of Japan) based on a designated notice sent from the WIPO International Bureau.

2 International applications filed with the JPO as a national Office (See Article 68-2 of the Trademark Act).

3 International applications filed with the JPO as a designated Office by foreign applicants (See Article 68-9 of the Trademark Act).

5. Appeals and Trials

The system of appeals and trials has two functions. One is to examine applications as the upper instance and the other is to settle disputes on the validity of patents. The trends of the former (appeals against an examiner's decision of refusal whose main function is the role as the upper instance) are closely related to the trends of examination in the Examination Department. In addition, the trends of the latter (post-grant trials including invalidation trials whose main function is to settle disputes) are closely related to the trends of infringement lawsuits. This section introduces the current status of appeals and trials and the situation of lawsuits against appeal/trial decisions.

(1) Status of Appeals and Trials

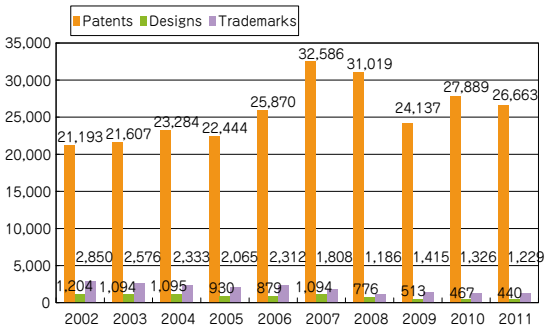
1) Trends in Requests for Appeals and Trials

a. Trends in Appeals against an Examiner's Decision of Refusal

The number of appeals against an examiner's decision of refusal[1] for patents has been gradually decreasing after peaking in 2007, and it decreased by 4.4% to 26,663 in 2011 from the previous year.

The numbers of appeals against an examiner's decision of refusal for designs and trademarks were 440 and 1,229, respectively, which showed a decrease by 5.8% and 7.3% over the previous year (See Figure 1-1-35).

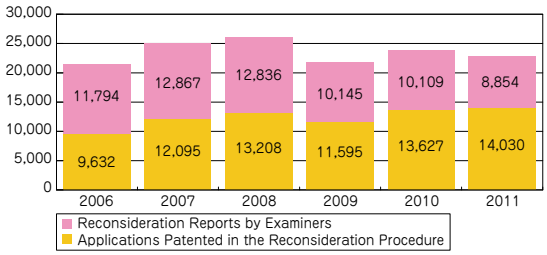
【Figure 1-1-35 Changes in the Number of Appeals against an Examiner's Decision of Refusal】



Looking at the results of reconsiderations by examiners before appeal proceedings[2] for patents in the past several years, the rate of applications for which the original decision of refusal was cancelled and a decision to grant a patent was given (the number of application patented in the procedure of reconsiderations by examiners before appeal proceedings) has been increasing.

The number of application patented in the procedure of reconsiderations by examiners before appeal proceedings has exceeded the number of applications for which the original decision of refusal was maintained (the number of reconsideration reports made to the JPO Commissioner in the procedure of reconsiderations by examiners before appeal proceedings[3]) since 2008 (See Figure 1-1-36).

【Figure 1-1-36 Changes in Results of Reconsideration by an Examiner before Appeal Proceedings (Patents)】



1 Appeals requested to the JPO in opposition to the decision of refusal made by a patent examiner.

2 An examiner examines an application whose claims have been amended at the time of filing a request for an appeal against the examiner's decision of refusal based on the provision of Article 162 of the Patent Act. This examination is called "reconsideration by an examiner before appeal proceedings."

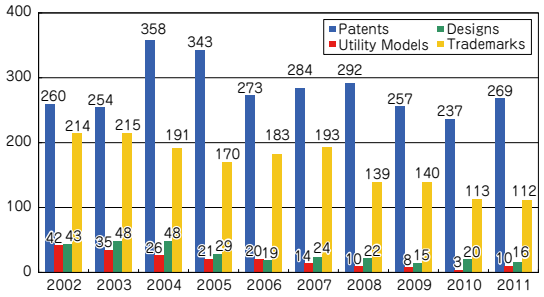
3 In the case where the examiner determines that the decision of refusal can be maintained even after the amendment is made in reconsideration by the examiner before appeal proceedings, the result shall be reported to the JPO Commissioner. This report is called "reconsideration report." Then, a board of appeals conducts proceedings.

b. Trends in Invalidation Trials

Due to the 2003 revision of law, the patent opposition system[1] was integrated into the invalidation trial system. This caused the number of demands for patent invalidation trials[2] to increase temporarily from 2004 to 2005. The number has been less than 300 since 2006.

The number of demands for invalidation trials for utility models increased in 2011 in spite of a downward trend in recent years. While the number of demands for invalidation trials for designs has been lingering around 20 in the recent several years, the number of demands for invalidation trials for trademarks has been gradually decreasing (See Figure 1-1-37).

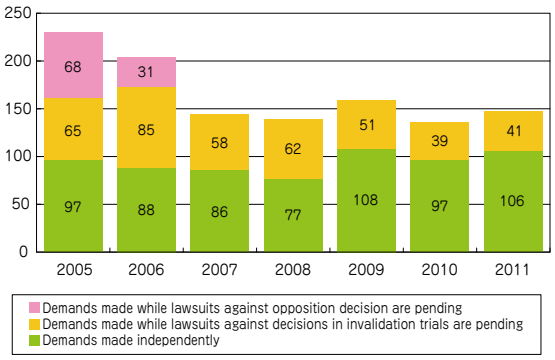
【Figure 1-1-37 Changes in the Number of Demands for Trials for Invalidation】



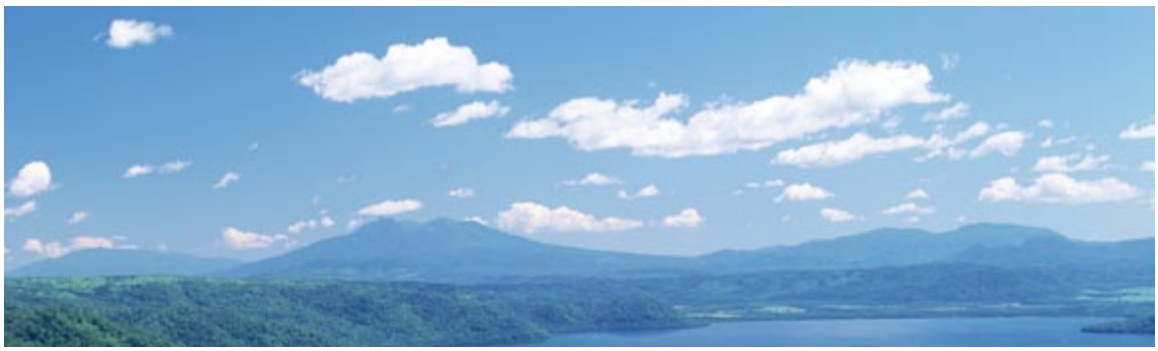
c. Trends in Limitation/Correction Trials (Patent and Utility Model)

The opposition system was abolished due to the 2003 revision of law. As a result, the number of lawsuits against decisions on opposition was decreased. This led to a decline in the number of demands filed during the pendency of lawsuits against decisions on opposition to a patent, which accounted for a certain percentage of demands for limitation/correction trials[3]. After a period of falling decline because of this situation, the number of demands for limitation/correction trials of patents and utility models has remained around 150 for the last 5 years (See Figure 1-1-38).

【Figure 1-1-38 Changes in the Number of Demands for Limitation/Correction Trials (Patents and Utility Models Combined)】



Note:
Total number of patents and former utility models



1 A system which permits the cancellation of a patent only within a certain period after the registration of the patent right.

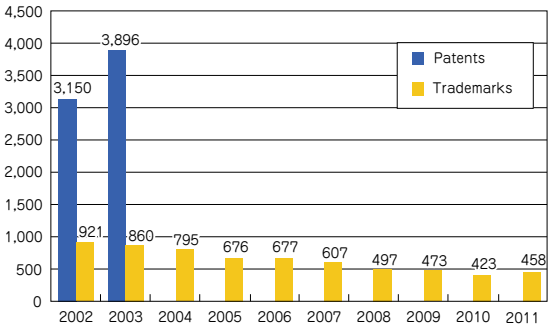
2 Trials requested to the JPO for the invalidation of already-registered patents, utility models, designs and trademarks.

3 Trials for limiting / correcting the description, claims or drawings on their own after patentees acquire the rights.

d. Trends in Oppositions

The number of oppositions to trademark registrations[1] has been gradually declining, but it increased in 2011 (See Figure 1-1-39).

【Figure 1-1-39 Changes in the Number of Rights Subjected to Opposition】

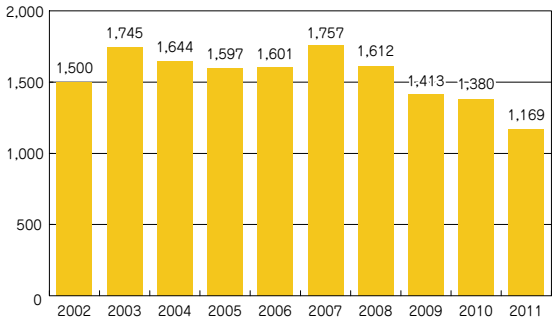


Note:
The system of opposition to patent was abolished by the 2003 revision of law, and was integrated into the invalidation trial system on January 1, 2004.

e. Trends in Cancellation Trials of Trademark Registrations

The number of demands for cancellation trials of trademark registrations[2] has been declining since 2007 (See Figure 1-1-40).

【Figure 1-1-40 Changes in the Number of Demands for Cancellation Trials of Trademark Registrations】



1 A system which permits the cancellation of a trademark right for a certain period after it has been registered.

2 Trials for cancelling a trademark where an owner of that trademark right has not used the trademark for more than 3 consecutive years.

2) Trends of Examination by the JPO Appeals Department

a. Patents and Utility Models

The average first action pendency for appeals against an examiner's decision of refusal in 2011 was 20.1 months (See Table 1-1-41).

Looking at the appeal examination results of appeals against an examiner's decision of refusal related to patent applications, the percentage of decisions that sustained the appeal (appeal success rate[1]) has been on an upward trend in the past several years, and it was 54% in 2011 (See Table 1-1-42 and Figure 1-1-43).

With regard to invalidation trials, trial examinations are conducted on a preferential basis in order to contribute to early settlement of disputes over rights. In 2011, the average period for proceedings was 8.7 months (See Table 1-1-41). Oral proceedings[2] have been actively used in the invalidation trials of patents/utility models in order to raise the quality of the trial examination process. As a result, the number of oral proceedings conducted was 204 in 2011.

With regard to limitation/correction trials, efforts were made to speed up those trials on a preferential basis because the trials were often demanded in connection with infringement lawsuits. As a result, the average period for proceedings in 2011 was 1.9 months (See Table 1-1-41).

b. Design

The appeal examination process against an examiner's decision of refusal went smoothly. The average first action pendency in 2011 was 6.8 months.

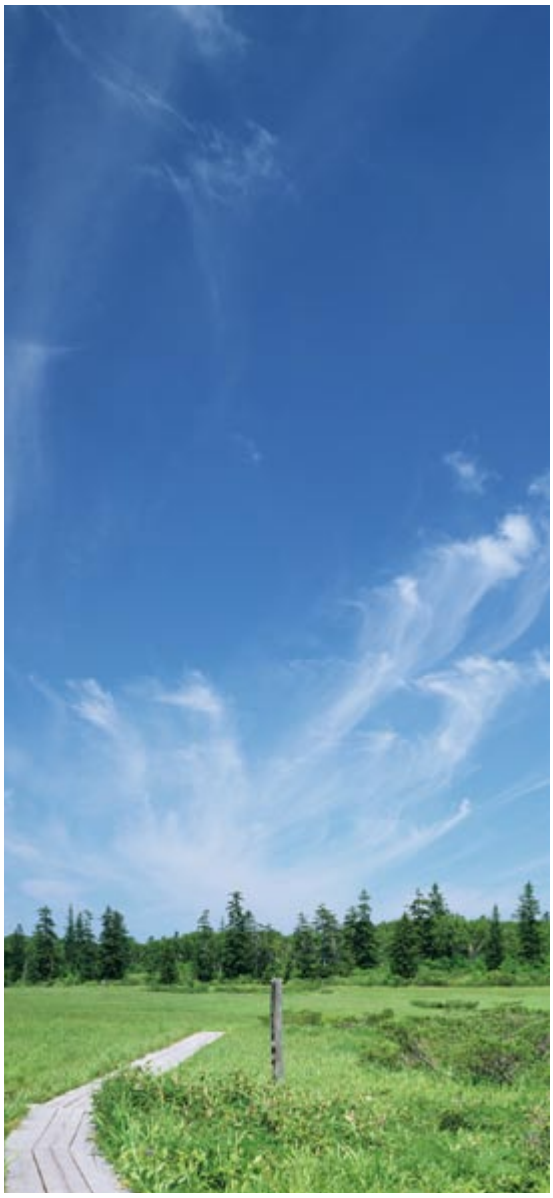
With regard to invalidation trials of design registrations, trial examinations were conducted on a preferential basis in order to contribute to early settlement of disputes over rights. In 2011, the average period for proceedings was 8.3 months (See Table 1-1-41).

c. Trademark

The appeal examination process against an examiner's decision of refusal has become more efficient in recent years. The average first action pendency in 2011 was 8.7 months.

With regard to invalidation trials of trademark registrations, trial examinations were conducted on a preferential basis in order to contribute to early settlement of disputes over rights. In 2011, the average period for proceedings was 8.3 months.

The average period for proceedings for oppositions in 2011 was 7.9 months and that for cancellation trials was 5.8 months (See Table 1-1-41).



1 The appeal success rate indicates the percentage of the Appeals Department decided that the appeal is approved to the total number of its decisions and rulings.

2 In this system, the board of appeals conducts questioning orally so that the party concerned is encouraged to establish his appeal appropriately and points in issue are arranged.

【Table 1-1-41 Status of Appeal and Trial Examination Processing in 2011】

	Appeals against an examiner's decision of refusal		Invalidation trial		Limitation / Correction trials		Oppositions		Cancellation trials	
	No. of first actions *1	Average first action pendency (months) *2	No. of cases processed *3	Average trial pendency (months) *4	No. of cases processed *3	Average trial pendency (months) *4	No. of cases processed *3	Average trial pendency (months) *4	No. of cases processed *3	Average trial pendency (months) *4
Patent/ Utility model	16,064	20.1	267	8.7	145	1.9				
Design	431	6.8	17	8.3						
Trademark	1,432	8.7	104	8.3			521	7.9	1,272	5.8

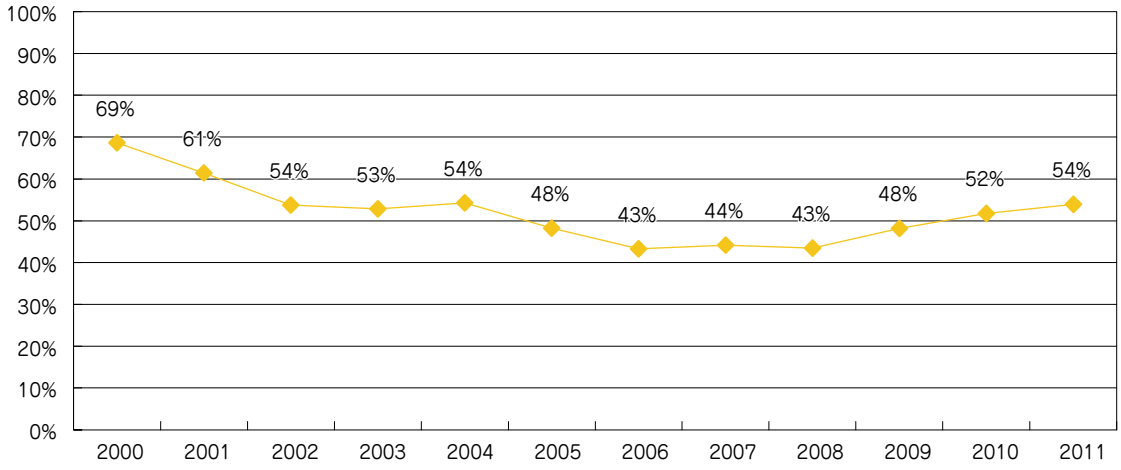
Notes:
*1. Number of cases in which the first examination results were notified
*2. Average period from the date of appeal until the date the notification of the first examination results indispatched
*3. Includes withdrawals
*4. Average period from the date of demand for the trial until the date of the final disposition(decision or ruling)

【Table1-1-42 Appeal and Trial Examination Results in 2011*1】

	Ex-parte appeals*2		Inter-partes trials*3		Oppositions	
	Appeal accepted	Appeal denied*4	Appeal accepted	Appeal denied*4	Appeal accepted*5	Appeal denied*6
Patent/Utility model	8,867	7,509	95	143		
Design	277	149	11	4		
Trademark	1,037	465	1,049	212	66	421

Notes:
*1. Only those for which final appeal/trial decision has been made
*2. Appeals against an examiner's decision of refusal, appeals against an examiner's decision to dismiss an amendment, and limitation/correction trials
*3. Invalidation trials and cancellation trials
*4. Includes dismissals
*5. Includes partial revoke
*6. Includes dismissals

【Figure 1-1-43 Changes in Appeal Success Rate in Appeals against an Examiner's Decision of Refusal (Patent)



Note:
The appeal success rate is the number of acceptances, divided by the total number of acceptances and the number of denials (including dismissals).

(2) Status of Lawsuits against the JPO Appeals Department's Decisions

1) Trends of Lawsuits

Looking at the number of lawsuits against the JPO Appeals Department's decisions[1] in 2011, the number of ex-parte appeals increased in the field of patent, design and trademark, compared to 2010. With regard to lawsuits against ex-parte appeal decisions related to patents in 2011, the number of lawsuits for which the Appeals Department decided to deny their appeals was 7,509 and the number of lawsuits filed against such decisions was 195. The lawsuit-filed rate[2] was 2.6%, which shows an increase compared with 2.3% in the previous year (See Table 1-1-42 and Table 1-1-44).

The number of inter-partes trials in 2011 remained almost unchanged in all fields of industrial property rights, compared to 2010 (See Table 1-1-44).

2) Trends in the Number of Court Decisions

Looking at the number of court decisions of lawsuits against the JPO Appeals Department's decisions in 2011, the number of claims denied for patents increased over the previous year in the case of both ex-parte appeals and inter-partes trials, while that for design remained almost unchanged and that for trademark decreased over the previous year (See Table 1-1-45).

【Table1-1-44 Number of Actions in 2011 (2010 figures in parentheses)】

	Patent/Utility model	Design	Trademark
Ex-parte appeals*1	195(179)	5(1)	34(24)
Inter-partes trials*2	158(153)	2(2)	47(50)
Oppositions	0(0)		4(0)

Notes:
*1. Appeals against an examiner's decision of refusal, appeals against an examiner's ruling to dismiss amendment, and limitation / correction trials
*2. Invalidation trials and cancellation trials

【Table 1-1-45 Number of Court Decisions in 2011 (2010 figures in parentheses)】

	Patent/Utility model		Design		Trademark	
	Claim dismissed	Appeal Dept.'s decision cancelled	Claim dismissed	Appeal Dept.'s decision cancelled	Claim dismissed	Appeal Dept. 's decision cancelled
Ex-parte appeals*1	106(99)	27(28)	2(1)	1(0)	9(14)	12(5)
Inter-partes trials*2	75(68)	26(25)	3(2)	0(0)	22(44)	5(19)
Oppositions	0(0)	0(2)			0(2)	0(3)

Notes:
*1. Appeals against an examiner's decision of refusal, appeals against an examiner's ruling to dismiss amendment, and limitation / correction trials
*2. Invalidation trials and cancellation trials

1 A lawsuit filed to the IP High Court for cancellation of a trial decision of the JPO by a person who is dissatisfied with the trial decision.
2 A percentage of appeal decisions and rulings for lawsuits that have been filed in relation to the total number of appeal decisions and rulings.

Part 2

IP Activities in and Support Measures for Private Companies and Universities

Chapter 1

Current Status of Intellectual Property Activities in Japan

This chapter introduces the current status of intellectual property activities in Japanese companies and universities and the trends of applications in and outside of the country in filing patents, utility models, designs and trademarks.

1. Intellectual Property Activities in Companies

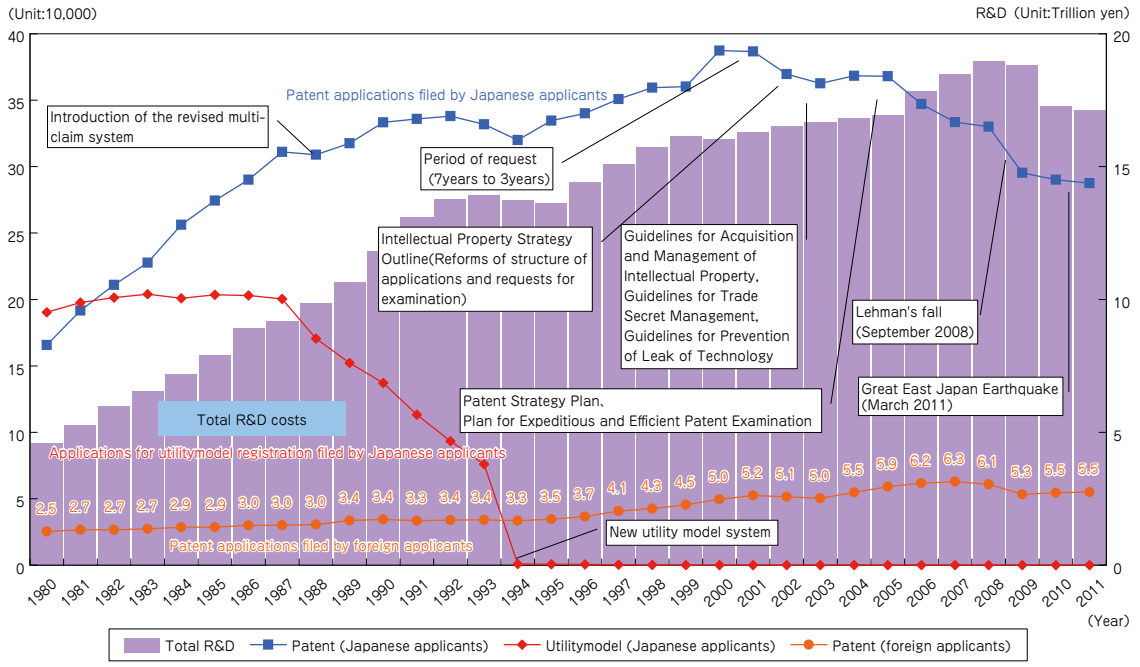
Along with the progress of globalized business activities, the environment surrounding intellectual property activities of Japanese companies have changed to a large degree. This section introduces the current status of intellectual property activities from the perspective of trends in the number of applications.

(1) Changes in the Number of Patent and Utility Model Applications

Looking at the changes in the number of patent applications filed by Japanese companies from a medium- to long-term perspective, it shows a slight increase from 1980 to 1987 in line with the increase in the total R&D costs (See Figure 2-1-1).

Since the introduction of the revised multiple claim system[1] in 1998, the pace of increase has slowed down. However, the number of patent applications continued to increase slowly and reached its peak in 2000 (387,000 applications). Subsequently, there has been a slight downward turn until 2011. The number of patent applications in 2011 maintained nearly the same level as 2010 (288,000), a 0.7% decrease over the previous year, in spite of the Great East Japan Earthquake that occurred in March 2011.

【Figure 2-1-1 Changes in the Number of Patent Applications Filed by Japanese and Foreign Applicants】



Note:
New Utility models are not included in "Utility Model (Japanese applicants)"
Source:
Created by the JPO (the total R&D costs are based on the report on research surveys on science and technology (statistics of the Minister of Internal Affairs and Communications))

1 A system that allows the applicant to state several claims that satisfy the unity of applications in the scope of claims.

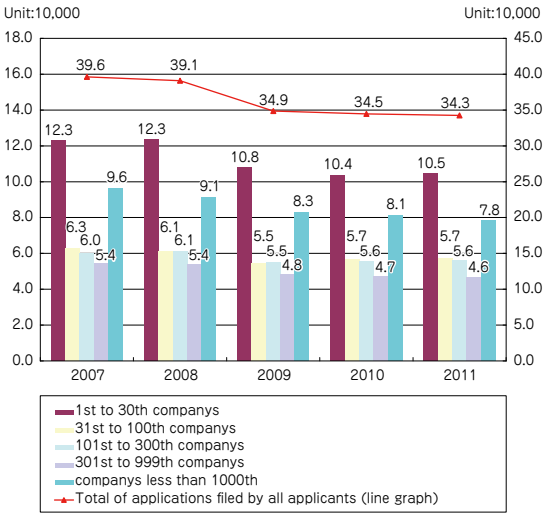
There was a significant decrease from 2008 (330,000 applications) to 2009 (295,000 applications). The global economic recession in this period is considered to be a reason for this decrease.

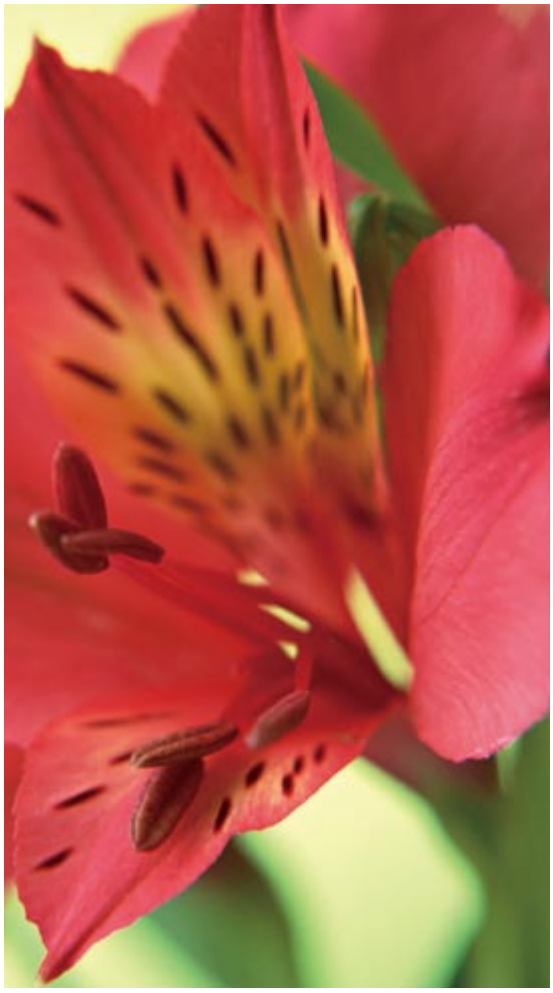
For 27 years from 1980 to 2007, the number of patent applications filed by foreign applicants gradually increased. After reaching a peak in 2007 with 63,000 applications, it continuously decreased until 2009. Thereafter the number took an upward turn in 2010, recording 55,000 applications in 2011, which is the same level as that in 2010. The number of patent applications filed by foreign applicants sharply dropped in the same way as the applications by Japanese. This tendency is due to global economic recession that occurred concurrently in the world.

(2) Trends in the Number of Patent Applications by Scale of Application Ranking[1]

The decrease in the total number of patent applications filed by Japanese and foreign applicants was 42,000 (down 10.8%) from 2008 to 2009. However, the rate of decline has slowed down, and the decrease in the number of patent applications was 4,000 from 2009 to 2010 and 2,000 from 2010 to 2011, showing a sign that the decrease is coming to an end. Looking at the number of patent applications by scale of application ranking, the range of fluctuation of the number of patent applications filed in 2009 onward has diminished in all the scales of application ranking (See Figure 2-1-2).

【Figure 2-1-2 Change in the Number of Patent Applications by Scale of Application Order】



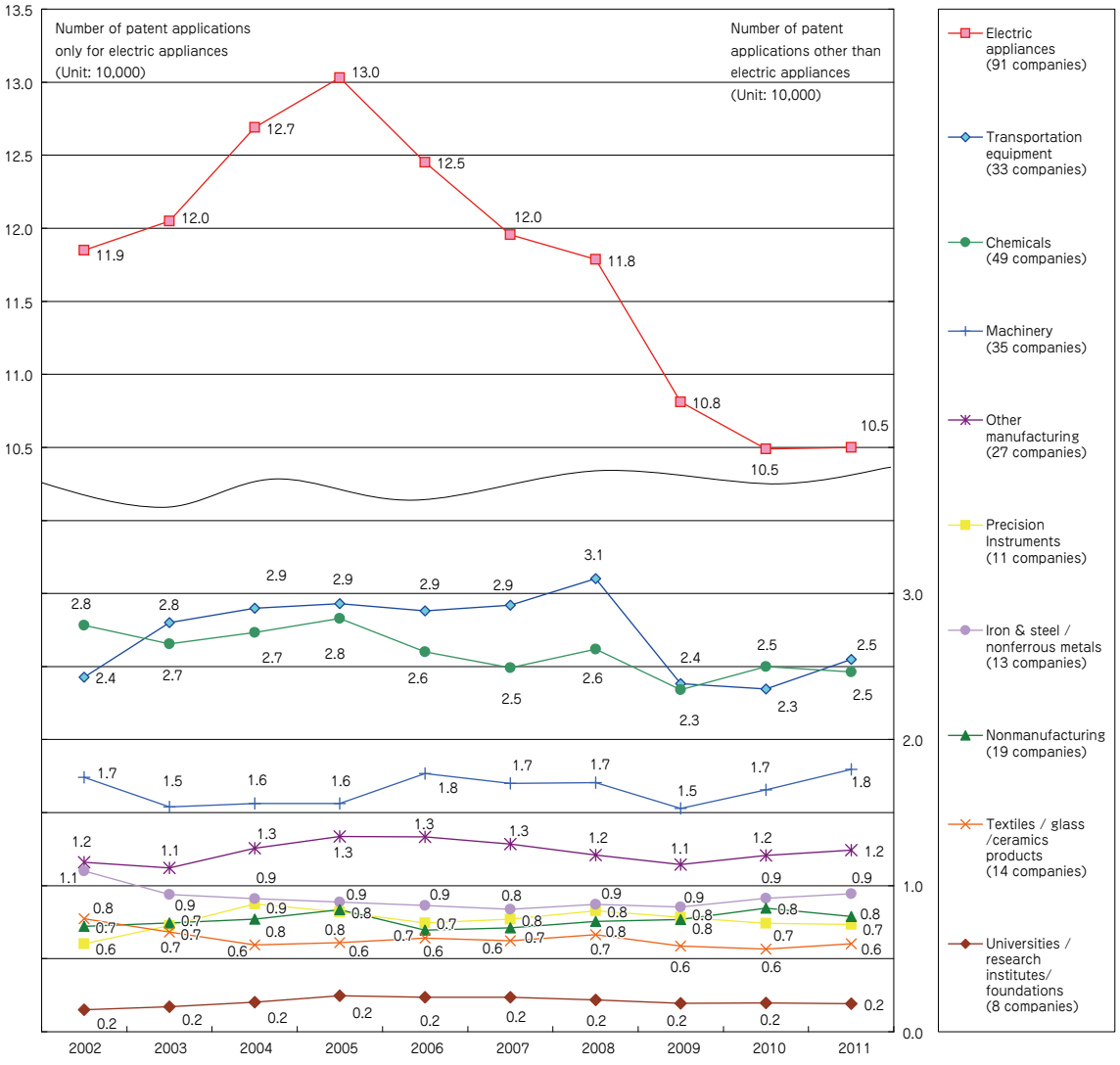


1 For the trends in the number of patent applications by ranking, the number of patent applications was calculated by categorizing the top-ranking companies for applications into five classes (1st to 30th, 31st to 100th, 101st to 300th, 301st to 999th and less than 1,000th) and calculated the number of patent applications for each year from 2007 to 2011 (Companies subject to the calculation vary every year).

(3) Trends in the Number of Patent Applications by Business Type[1]

Looking at the number of patent applications by business type, it shows that the decrease that continued from 2007 in the field of electric appliances is coming to an end in 2011. In addition, although the number of patent applications decreased in the non-manufacturing industry (decrease by about 600 applications (down 6.6%) over the previous year) and chemicals (decrease by about 400 applications (down 1.4%) over the previous year), there was an upward trend in transportation equipment (increase by about 2,000 applications (up 8.6%) over the previous year), machinery (increase by about 1,400 applications (up 8.5%) over the previous year), and textiles, glass and ceramics products (increase by about 400 applications (up 6.3%) over the previous year) (See Figure 2-1-3).

【Figure 2-1-3 Change in the Number of Patent Applications by Business Type (Top 300 Companies in the Number of Patent Applications in 2011[2])】



Note:
The top 300 companies for the number of patent applications in 2011 are classified based on business type categorized by the Securities Identification Code Committee.

1 For the trends in the number of patent applications by business type, the top 300 companies in 2011 are classified by their business type and the number of patent applications in each year from 2002 to 2011 for the same companies is calculated. (Companies subject to the calculation are the same every year).

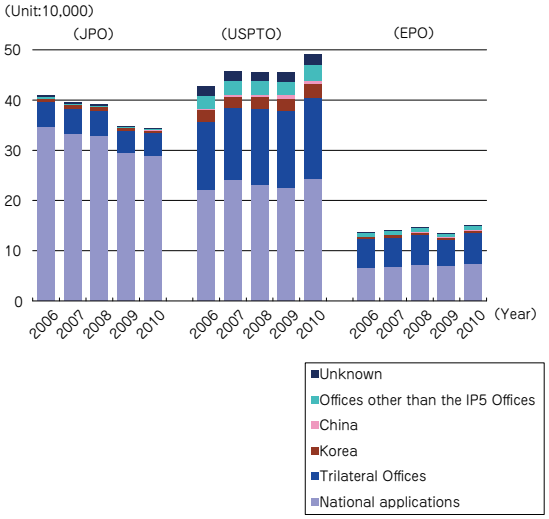
2 The top 300 companies of the number of patent applications in 2011 are different from the top 301 companies of the number of patent applications in 2010 listed in the Patent Administration Annual Report 2011.

(4) Trends in Global Patent Applications

The number of patent applications filed with the JPO by Japanese residents (Japanese national applications) slightly decreased from 2006, and the number was 290,000 in 2010.

Although the number of patent applications filed with the USPTO by US residents (US national applications) marked a slight decrease from 2007 to 2009, it increased to 242,000 in 2010. The number of patent applications filed with the EPO by residents of Europe (residents of the EPC member countries) decreased in 2009, but increased to 74,000 in 2010. Although the Japanese national applications has been on a downward trend, it is 1.2 times as many as that of US national applications (48,000 more applications in number) and 3.9 times as many as that of applications filed in Europe (216,000 more applications in number). The number of Japanese national applications remains much larger than that of US national applications and that filed in Europe (See Figure 2-1-4).

【Figure 2-1-4 Status of Applications Filed with the JPO, the EPO and the USPTO】

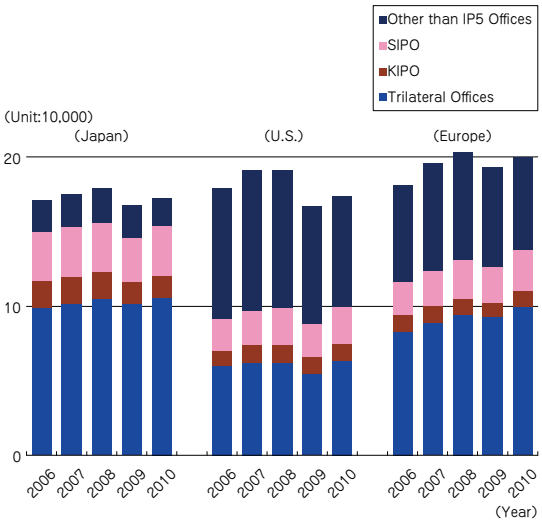


Notes:
1. "Trilateral Offices" do not include applications filed to its own country. (For example, the applications filed by the Trilateral Offices in the case of Japan refer to those filed by the US and European residents.)
2. The number of patent applications filed by European residents refers to that of applications filed by residents of the EPC member countries as of the end of each fiscal year.

Source:
WIPO Statistics

Although the number of foreign patent applications filed with the IP5 Offices by Japanese, US and European (all residents of the EPC member countries) residents decreased from 2008 to 2009, it increased from 2009 to 2010 in Japan, the US and Europe, reaching almost the same level as 2008 (See Figure 2-1-5).

【Figure 2-1-5 Status of Foreign Applications Filed by Japanese, US and European Residents with Countries and Regions out of Their Country/Region of Residence】



Notes:
1. "Trilateral Offices" do not include applications filed to its own country. (For example, the applications filed with the Trilateral Offices in the case of Japan refer to those filed with the USPTO and the EPO.)
2. The number of applications filed with "the EPO" refers only to those filed with the EPO and does not include those filed with each EPC member country.
3. As the number of applications filed with certain countries has not been publicized, the values of 2010 are provisional.

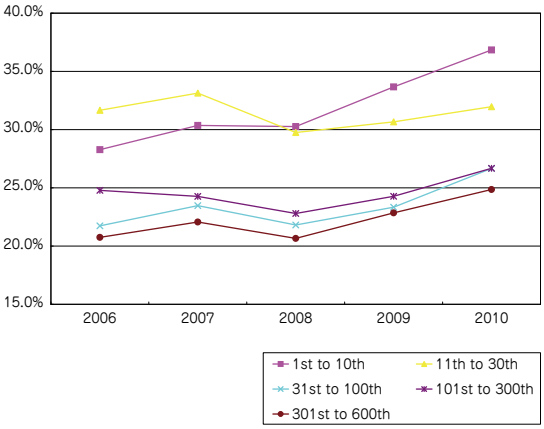
Source:
WIPO Statistics

Looking at the number of applications by target country, the majority of foreign patent applications filed by Japanese residents is focused into the USPTO, the EPO, the SIPO and the KIPO and the number of foreign patent applications filed with Offices other than the IP5 Offices is less than that filed by the US and European residents.

The global application rate[1] of patent applications in 2010 was 27.3% for the applicants with Japanese nationality. On the other hand, that of the applicants with American nationality was 51.8% and that of the applicants with European nationality was 47.0%.

The global application rate of the applicants with Japanese nationality decreased in 2008 for all top ranking groups of companies[2] but it increased in all groups regardless of the scale of number of applications from 2009 onward (See Figure 2-1-6).

【Figure 2-1-6 Change in the Global Application Rate of Japanese Applicants (by Scale of the Number of Patent Applications)[3]】



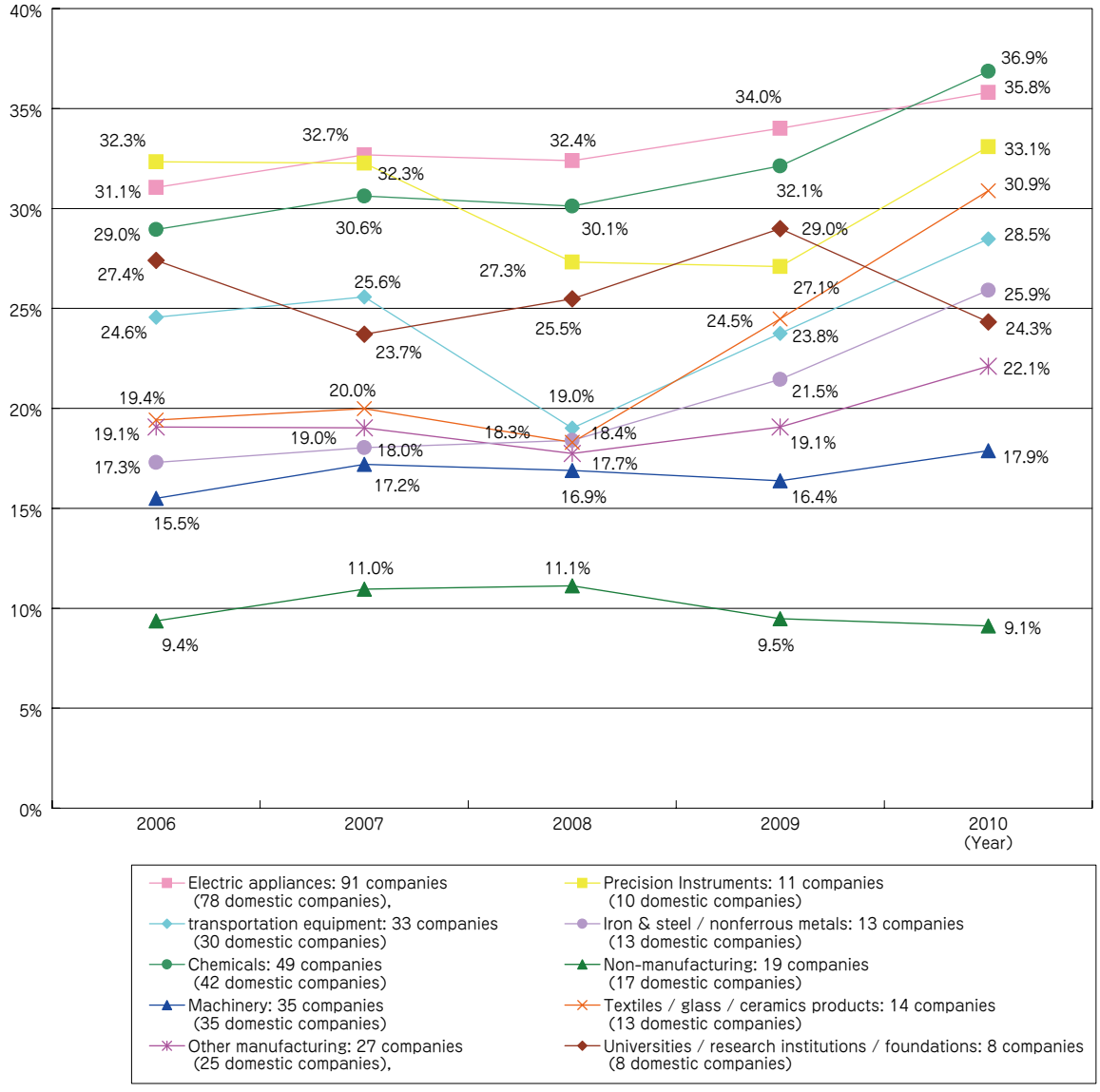
1 The global application rate refers to the rate of patent applications filed also with other countries out of the patent applications filed with the JPO, the EPO and the USPTO each year. The number of countries where foreign applications are filed does not affect the global application rate. The global application rate of Japan was created using the JPO data. The patent applications include international applications under the Patent Cooperation Treaty (PCT) filed directly with each Office without filing national applications (the values by scale of number of patent applications in 2010 are provisional). The global application rates of the US and Europe were created using data of the World Patents Index (WPI). The WPI data is for disclosed patent applications and only calculates disclosed patent applications at the time of acquiring data.

2 The global application rate of Japan in 2008 showed a decrease. The economic recession in 2009 is considered to be the reason for the decrease. (The global applications in 2008 include many applications filed with the JPO as an Office of First Filing and filed with other countries in 2009 to claim priority under the Paris Convention based on those applications.)

3 The top 600 companies of patent applicants in 2011 were classified into five strata such as those ranked at 1-10, 11-30, 31-100, 101-300 and 301-600 and the change in the global application rate of Japanese applicants by scale of the number of patent applications for each strata is shown. These companies are fixed and the global application rate of each year from 2006 to 2010 was counted (companies subject to the counting are same every year).

Looking at the global application rate by business type, it increased in 2010 in all business types except non-manufacturing and universities/research institutions (See Figure 2-1-7).

【Figure 2-1-7 Change in the Global Application Rate of Japanese Applicants (by Business Type[1])】

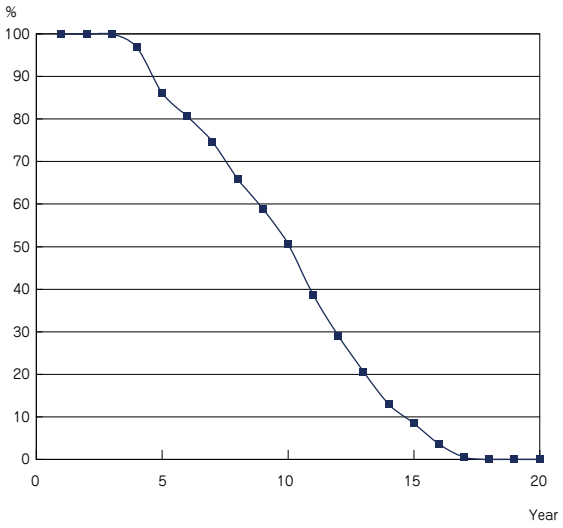


1 The change in the global application rate of Japanese applicants by business type was obtained by calculating the each year's global application rate based only on Japanese applicants among the top 300 companies in terms of the number of patent applications in 2011. The top 300 companies in terms of the number of patent applications in 2011 are different from the top 301 companies in terms of the number of patent applications in 2011 listed in the Patent Administration Annual Report 2011.

(5) Existing Rate of Patent Rights

The existing rate by the number of years from the establishment of registration of a patent right is 86%, 51% or 9%, 5 years, 10 years or 15 years after the establishment of registration, respectively (See Figure 2-1-8).

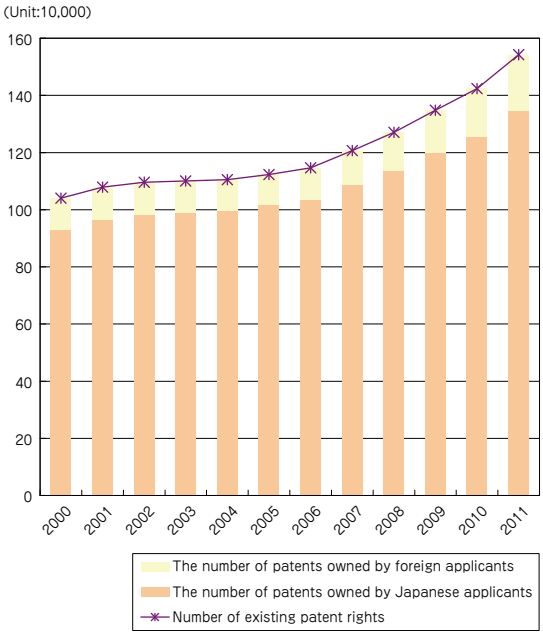
【Figure 2-1-8 Existing Rate of Patent Rights】



Notes:
1. The existing rate refers to the rate of number of remaining registrations with respect to the number of patent right registrations.
2. The data is as of the end of 2011.

The number of patents owned by Japanese applicants in Japan increased from 929,000 in 2000 to 1.35 million by the end of 2011 (up 45.0%). The number of patents owned by foreign applicants increased from 112,000 in 2000 to 195,000 by the end of 2011 (up 75.1%) (See Figure 2-1-9).

【Figure 2-1-9 Number of Existing Patent Rights Owned by Japanese and Foreign Applicants】



2. Intellectual Property Activities in Universities

(1) Efforts to Support Intellectual Property in Universities

Universities in Japan that own abundant research resources[1] play a major role in the creation of intellectual property. Based on this understanding, the university intellectual property headquarters[2] and technology licensing organizations (TLOs) have been established nationwide. In addition, measures such as the sending of University Intellectual Property Advisors and the reduction of and exemption from patent annual fees and examination request annual fees[3] have been introduced.

Joint researches at universities have been increasing in terms of number and amount in line with the promotion of efforts for the academia-industry cooperation and the progress of open innovation in recent years. The number of joint researches at universities in FY2011 increased to 18,595 over the previous fiscal year (up about 1,000 cases) and the number of contracted researches decreased to 19,723 over the previous fiscal year (down about 900 cases).

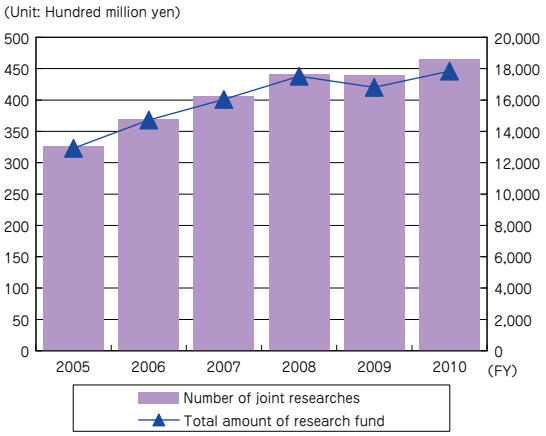
[Figure 2-1-10 Achievements of Joint Researches and Contracted Researches at National, Prefectural and Municipal, and Private Universities in FY2010]

	National Universities	Prefectural and Municipal Universities	Private Universities	Total
Joint researches	14,677 (14,098)	1,366 (1,219)	2,552 (2,269)	18,595 (17,586)
Contracted researches	11,208 (11,736)	1,608 (1,541)	6,907 (7,322)	19,723 (20,599)

Note:
The values in the parentheses refer to those for FY2009.
Source:
Created by the JPO based on the "FY2010 Status of Academia-Industry Cooperation at Universities" (November 30, 2011) and the "FY2009 Status of Academia-Industry Cooperation at Universities" (August 6, 2010) prepared by the Ministry of Education, Culture, Sports, Science and Technology (MEXT).

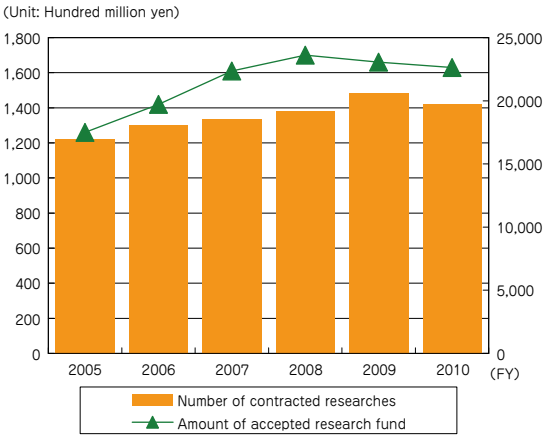
1 According to the "2011 Outline of the Science and Technology Research Investigation Results" (December 14, 2011) prepared by the Ministry of Internal Affairs and Communications (MIC), about 20 % of the research fund of Japan is invested in universities and the number of researchers at universities accounts for about 37 % of the total number of researchers in Japan.
2 A department in a university that strategically creates, acquires, manages and utilizes intellectual property at the university.
3 See Part 2, Chapter 2, 1. (5) 1).

【Figure 2-1-11 Change in Achievements of Joint Researches at Universities】

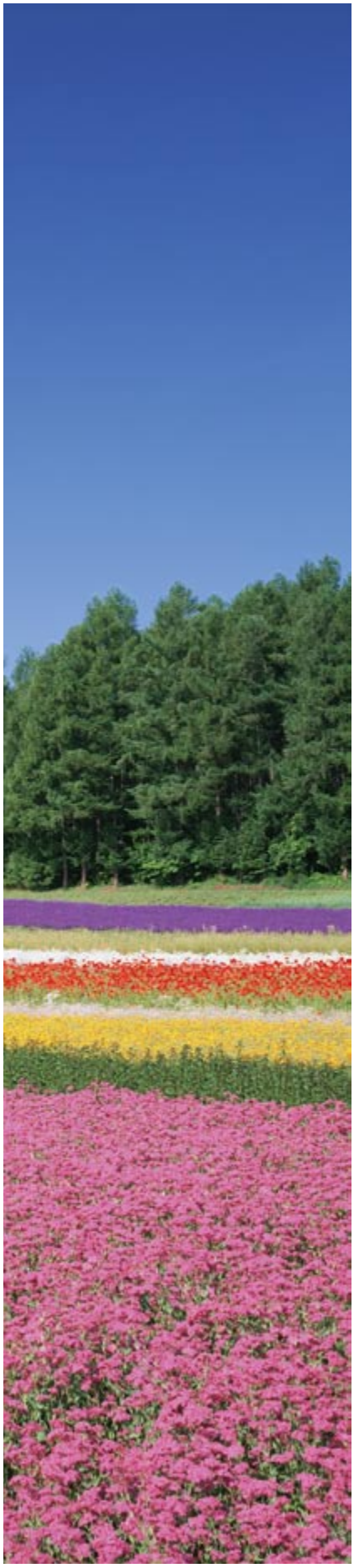


Source:
Created by the JPO based on the "FY2010 Status of Academia-Industry Cooperation at Universities" (November 30, 2011) prepared by the MEXT.

【Figure 2-1-12 Change in Achievements of Contracted Researches at Universities】



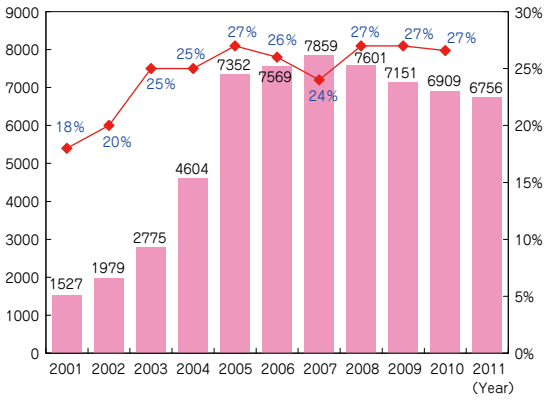
Source:
Created by the JPO based on the "FY2010 Status of Academia-Industry Cooperation at Universities" (November 30, 2011) prepared by the MEXT.



The number of patent applications filed by universities was around 2,000 in the year 2002. This number rapidly increased in the year 2005 to more than 7,300. However, the increase in the number of patent applications slowed down after peaking in 2007. Since then, it has been on a slight downward trend (See Figure 2-1-13).

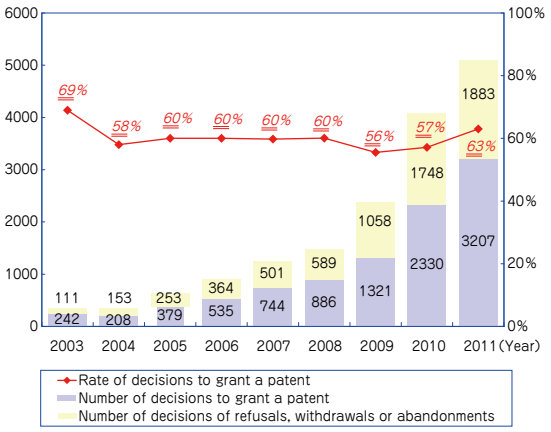
Looking at the status of examination of patent applications filed by universities, the rate of patented applications for applications where examination results were publicized in 2011 was 63% (patent examination rate). The patent examination rate of universities is higher than that for all applicants[2] (60.5%) (See Figure 2-1-14).

【Figure 2-1-13 Change in the Number of Patent Applications Filed by Universities in Japan and the Global Application Rate[1]】



Note:
The patent applications filed by universities in Japan are the applications that were obtained by searching and calculating the applications in which the applicants are the university president or the educational corporation that owns a university and applications filed by approved TLOs. They also include joint applications filed with companies.

【Figure 2-1-14 Change in Status of Examination Results of Patent Applications Filed by Universities in Japan】



Note:
The patent applications filed by universities in Japan are the applications that were obtained by searching and calculating the applications in which the applicants are the university president or the educational corporation that owns a university and applications filed by approved TLOs. They also include joint applications filed with companies.

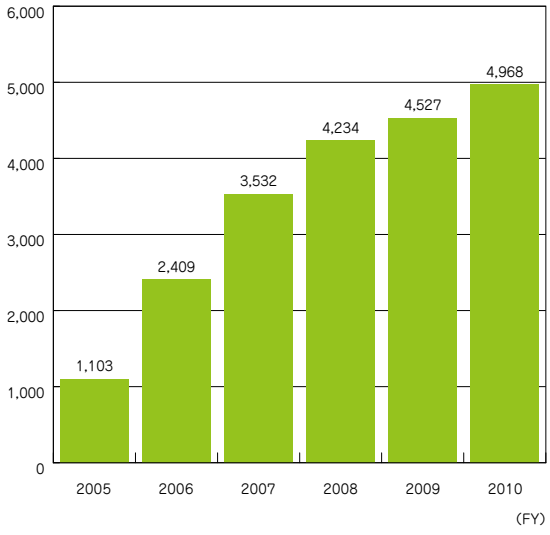
1 A rate of patent applications filed also with other countries with respect to those filed with the JPO in each year. The global application rate includes international applications based on the PCT filed directly with the JPO without filing national applications.

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

Looking at the top-ranking universities in terms of the number of domestically published patents in 2011, the University of Tokyo came first (299), followed by the Tohoku University (276) and the Tokyo Institute of Technology (243). The top ten universities account for over 30% of the number of published patents of all universities.

With regard to the number of patents in use and the revenue of fees for patents being used by universities, the number of patents in use increased 4.5 times in six years from FY2005 to FY2010, and the revenue of fees for patents in use increased 2.7 times in the same 6-year period. The revenue of fees for patents in use in FY2010 increased about 560 million yen over the previous fiscal year (up 62.3% over the previous year).

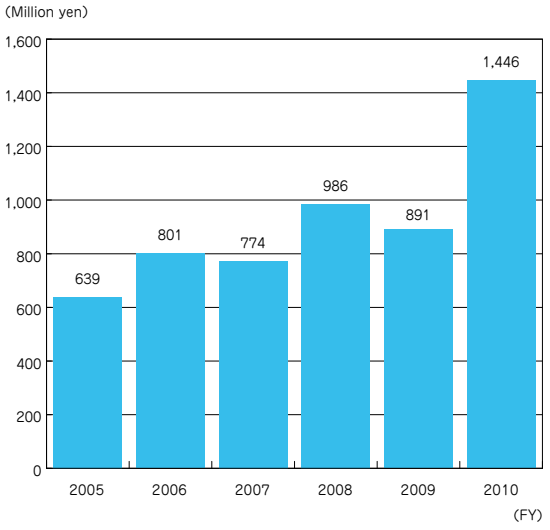
【Figure 2-1-15 Change in the Number of Patents in Use at Universities in Japan】



Note:
The number of grants and transfers of working license was calculated by only targeting patent rights (including rights to be received).
Source:
Created by the JPO based on "FY2010 Status of Academia-Industry Cooperation at Universities" (November 30, 2011) prepared by the MEXT.

Since there is a possibility that a number of research results in universities will be put into practical use after a long period of time and become a dominant patent in the future, the companies have high expectations in this regard. Further smooth cooperation including more active information transmission and more flexible contract negotiations are also required from universities. At the same time, as the expectation for the cooperation with universities is high with regard to creation of innovation in local areas, universities are required not only to provide seeds but also play various roles such as evaluating seeds and developing of human resources in the intellectual property field.

【Figure 2-1-16 Change in the Revenue of Fees for Patents in Use at Universities in Japan】



Note:
The revenue obtained by the grant and transfer of licenses in use was calculated by only targeting patent rights (including rights to be received).
Source:
Created by the JPO based on the "FY2010 Status of Academia-Industry Cooperation at Universities" (November 30, 2011) prepared by the MEXT.

Chapter 2

Measures for Supporting Private Companies and Universities

Amid technological advances and sophistication, in line with the progress of economic globalization, there are growing efforts to create innovations and new systems by making use of licensed intellectual property. In addition, there is a growing importance being placed on creating intellectual property in private companies and universities.

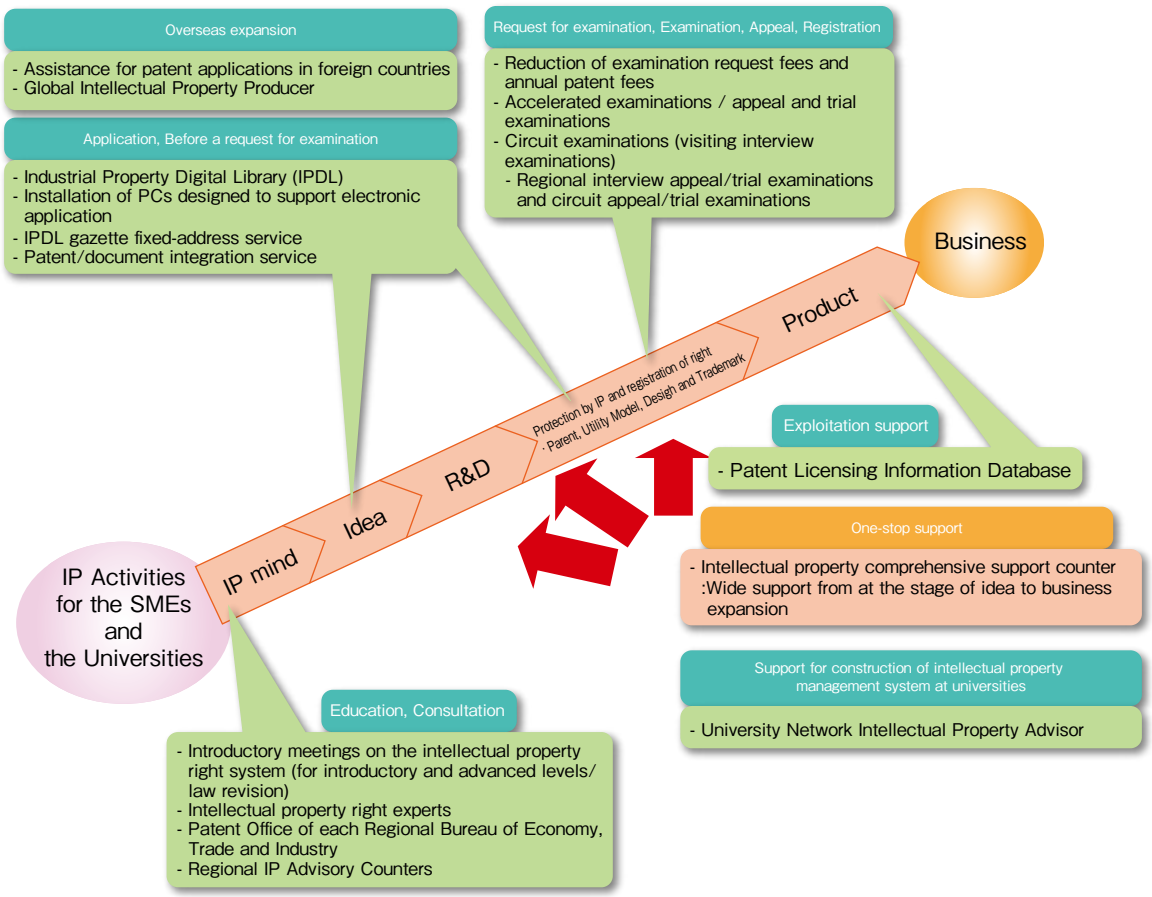
This chapter presents the outline of various measures implemented by the JPO for private companies and universities.

1. Support for SMEs and Universities

SMEs and venture companies are expected to create new industries that form the industrial foundation in Japan and play a significant role as the driving force of regional and local economies. In addition, to achieve the sustainable development of Japanese industries, intellectual property strategies, which strategically protect and utilize the innovative achievements created by research activities at universities as intellectual property, are becoming more important.

JPO's support is provided in various ways, from "intellectual property creation" up to the "utilization of patent rights", in promoting intellectual property activities at SMEs and universities.

【Figure 2-2-1 Outline of Comprehensive Support for SMEs and Universities(FY2011)】



(1) Support for Companies Abroad Businesses Expansion

The importance of developing an environment in which companies are able to strategically utilize IP on a global scale is increasing due to the globalization of business activities and the advance of sophistication/complication/openness in the area of technological development. Under this circumstance, the JPO supports companies abroad businesses expansion, based on its Global Intellectual Property Producer project, aid for foreign applications, etc.

1) Global Intellectual Property Producer

It is necessary to manage intellectual property strategically such as to utilize IP through licensing or to deal with IP risks in accordance with the ever-changing landscape of abroad business operations. The JPO has been providing SMEs with support in collaboration with related organizations by assigning six Global Intellectual Property Producers at the INPIT since FY2011 for the purpose of supporting the management of all fields of IP. This includes support to acquire, manage, and utilize intellectual property rights. It also involves technical transfers to overseas markets and formulating IP strategies according to the circumstances and systems in target countries as well as on the purposes and contents of their businesses[1].

Specifically, the Global Intellectual Property Producers provide companies that are planning to operate businesses overseas with advice on various IP risks in line with each company's own business operations. The Producers also coordinate the acquisition of IP rights in accordance with these company's business operations. For example, they give advice at to the types of rights that should be acquired; when, where, and how they should be acquired; and how to use the acquired rights to produce profits. As one example, they explain the need to carefully check contract wordings.

In addition, the Global Intellectual Property Producers can continuously provide support from the launch of business operations, and even stay on site for a certain period of time, offering more full-time support. They also provide lectures to raise awareness on various IP risks related to conducting business overseas. They also show the correlation between profits and IP.

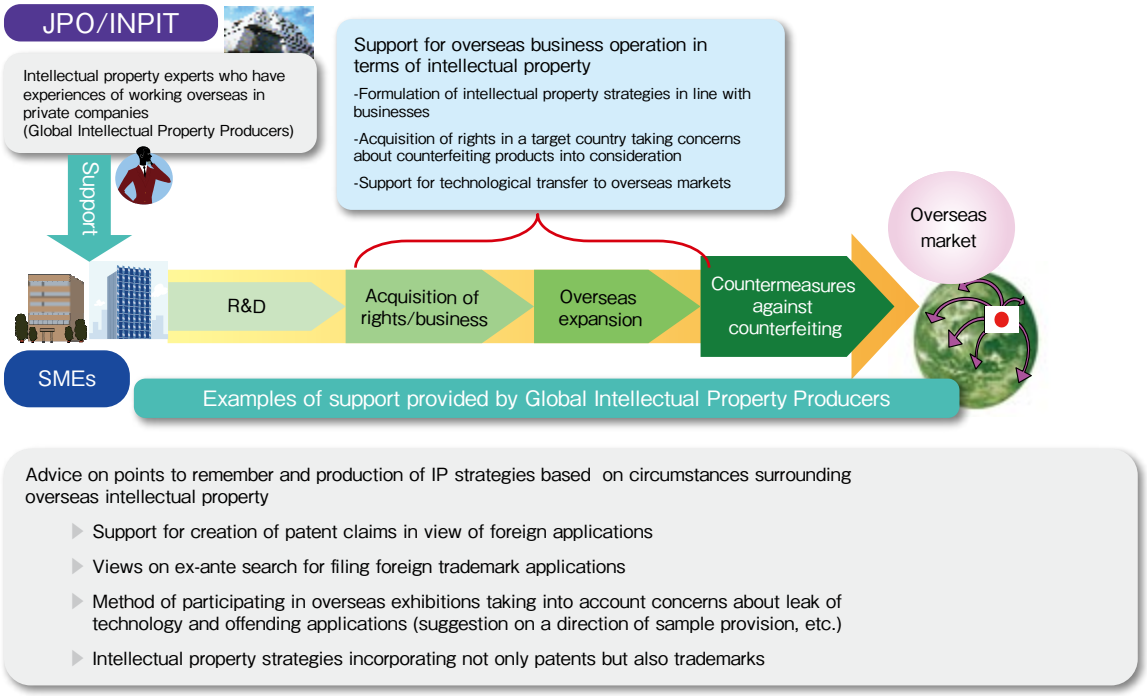
- Results in FY2011

Number of organizations that received support: 112 companies and universities

Number of lectures: 21

1 http://www.inpit.go.jp/english/utili/index.html

【Figure 2-2-2 Outline of Global Intellectual Property Producer project】



2) Assistance to Regional SMEs for Filing Applications Abroad

It is essential for companies to acquire patents overseas so as to strategically operate overseas businesses and respond to infringement of intellectual property rights. Therefore, the JPO has subsidized activities of the Prefectural SME Support Centers[1] that provide support for foreign applications filed by SMEs (patent, design and trademark). The Centers solicits applications from SMEs that desire to receive the subsidy for foreign applications. It then selects the SMEs subject to support, and subsidizes part of their costs incurred with filing foreign applications (costs for local agents, national agents, translations, and application fees for foreign Offices).

After the support program started in FY2008, the number of companies that received support has increased. In addition, the number has significantly increased as a result of the reduction in costs for local governments, as a part of the emergency economy package implemented in November 2010. The JPO strengthened the support for SMEs advancing into global markets by doubling the budget for FY2012 to about 150 million yen. (The FY2011 budget was about 80 million yen) This was done in response to the increasing number of companies seeking support).

- Results in FY2011

26 areas nationwide and 102 companies received support.

3) Counseling on the Industrial Property Rights Systems of Other Countries

The JPO provides domestic SMEs counseling on measures they should undertake to combat industrial property infringement, and explains about the industrial property rights systems in other countries.

In FY2011, the JPO held explanatory seminars on the industrial property rights systems of other countries (the United States, Taiwan and India) in Tokyo, Nagoya, and Osaka; and on only the United States in Fukuoka.

1 Designated corporations based on the provision of Article 7, Paragraph 1 of the Small and Medium-sized Enterprise Support Act. The number of designated corporations is 60 nationwide and they are stationed at prefectures and major cities listed in Article 2 of the Order for Enforcement of the said Act.

- Results in FY2011

Number of consultations:
242 (infringement countermeasures)
609 (systemic consultation)
Number of explanatory meetings on systems: 10
Total number of participants: 1,372

US Seminar in Osaka

Taiwan Seminar in Tokyo

(2) Support by One-Stop Solution (IP Comprehensive Support Counters)

The IP Comprehensive Support Counters were established in each prefecture in FY2011 to hear about issues related to intellectual property and give consultation on those issues. Some opinions expressed by SMEs were as follows: " I don't know where to go to get help." and "Intellectual property is too difficult to understand". The IP Comprehensive Support Center, in collaboration with various experts and support organizations, provides a one-stop service to help SMEs, etc. with intellectual property issues.

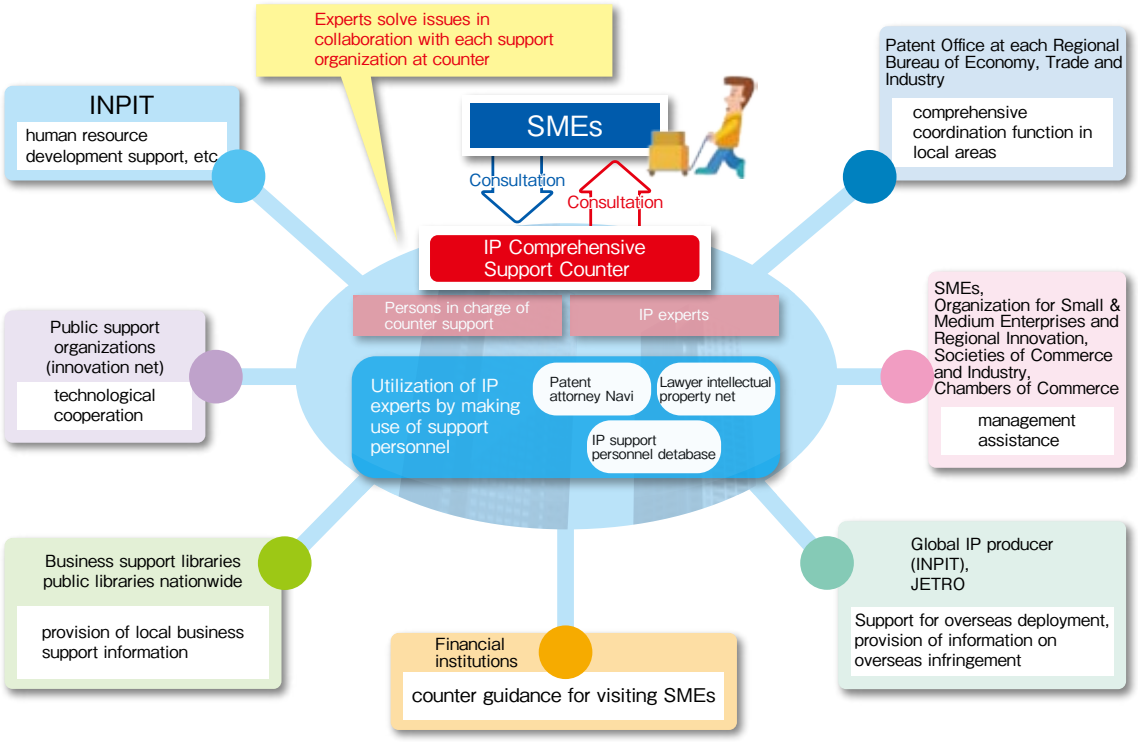
Specifically, IP Comprehensive Support Center provides the following services.

1) Persons in charge of the counters solve a wide variety of issues that SMEs have in their corporate management, from the time they create ideas, up to when they establish their business operations outside Japan.
2) Support for resolving complicated issues more difficult to resolve than those mentioned above. This is done 1) by utilizing IP experts such as patent attorneys and lawyers and (2) working in collaboration with support organizations.
3) Discovering SMEs, which have not utilized their intellectual property to its fullest potential, and helping them utilize intellectual property
4) Introducing and explaining various services available to support intellectual property strategies and filing procedures for industrial property rights, including assistance on electronic filing.

<Examples of the type of support given at the counters>

- "We received an infringement warning from a large company. However, at the counter we received advice on how to respond to the infringement warning. Experts on infringement cases were sent to our office. This helped us to appropriately respond to the trouble
(A company in Tokyo)
- We received support to extract themes, which may be patentable based on the achievements of our development activities. In addition, we received explanations on how to file patent applications. Currently, we are working on our patent application with a patent attorney
(A company in Ibaraki prefecture)
- We received information about patents and processing technologies. We were told about the Prefectural Products Processing Support Center (for technological issues), the Industry Support Fund Project, and the Collaboration Fund for Agriculture, Commerce and Industry, as sources for

【Figure 2-2-3 IP One-Stop Service for SMEs】



diversifying our business

(A company in Fukushima Prefecture)

- Results in FY2011

Number of consultations: 100,910

(3) Consultation Counters

1) Consultation on Industrial Property Rights

a. Consultation counters

The INPIT offers counseling for all types of inquiries such as those from people who have ideas for patents but do know how to obtain the rights for them, or those wishing to file patent applications but don't know the actual procedures.

The counseling is offered in person, by e-mail, telephone, or letter.

- Results in FY2011

Number of consultations: 35,075

b. Industrial Property Right Consultation Website

The Industrial Property Right Consultation Website was opened in FY2010 to provide information services.

The content of services include "frequently asked questions," "examples of descriptions of application procedures", and a video on "easy trademark applications". These were chosen based on inquiries received.

- Results in FY2011

Number of access: 465,099

【Figure 2-2-4 Consultation on Industrial Property Rights 】

2) Consultation on IPDL

The IPDL Help Desk has expert staff available to help users with operating and using various search services on the IPDL[1].

- Results in FY2011

Number of consultations: 9,549

【Figure 2-2-5 IPDL】

(4) Efforts for Raising Awareness on Systems

1) Explanatory Meeting on the Intellectual Property System

The JPO holds its annual Explanatory Meeting on the Intellectual Property System nationwide for the public, tailored according to the levels of knowledge and experience of the attendees (introductory-level and advanced-level meetings). The purpose is to raise awareness on the intellectual property system, offer approaches to ensure the system runs smoothly, encourage IP rights acquisition, and explain how to effectively use intellectual property rights so as to revitalize business.

The JPO's Introductory Explanatory Meeting outlines the IP system and procedures for entry-level people who either wish to start learning about intellectual property rights or have less experience in IP.

In addition, the JPO's Advanced Explanatory Meeting provides content specialized by field such patent examination standards, design and trademarks, appeals/trial systems, and procedures for filing international applications. This meeting is designed for individuals who have basic knowledge and experience in the intellectual property right systems and who are engaged in intellectual property affairs on a daily basis.

Moreover, after the Patent Act was amended, the JPO has been conducting Legal Amendment Explanatory Meetings to explain the purpose and details of the legal amendment[2].

- Results in FY2011

Introductory Explanatory Meeting
56 times in total in 47 prefectures
5,056 persons participated in this meeting
Advanced Explanatory Meeting
88 times in total in 20 cities nationwide
10,704 persons participated in this meeting
Legal Amendment Explanatory Meetings
19 times in total in 18 cities nationwide
6,930 persons participated in this meeting

2) Industrial Property Right Specialists

The JPO has industrial property right specialists who provide comprehensive support to SMEs. They serve as lecturers at various seminars designed for SMEs and local government staff; and they visit SMEs to provide individual counseling, with the objective of raising awareness on the IP system, giving information on the types of support available, and advising ways for developing human resources.

Industrial property right specialists also ask SMEs about their views and requests on the industrial property right system, allowing them to make proposals to improve the system.

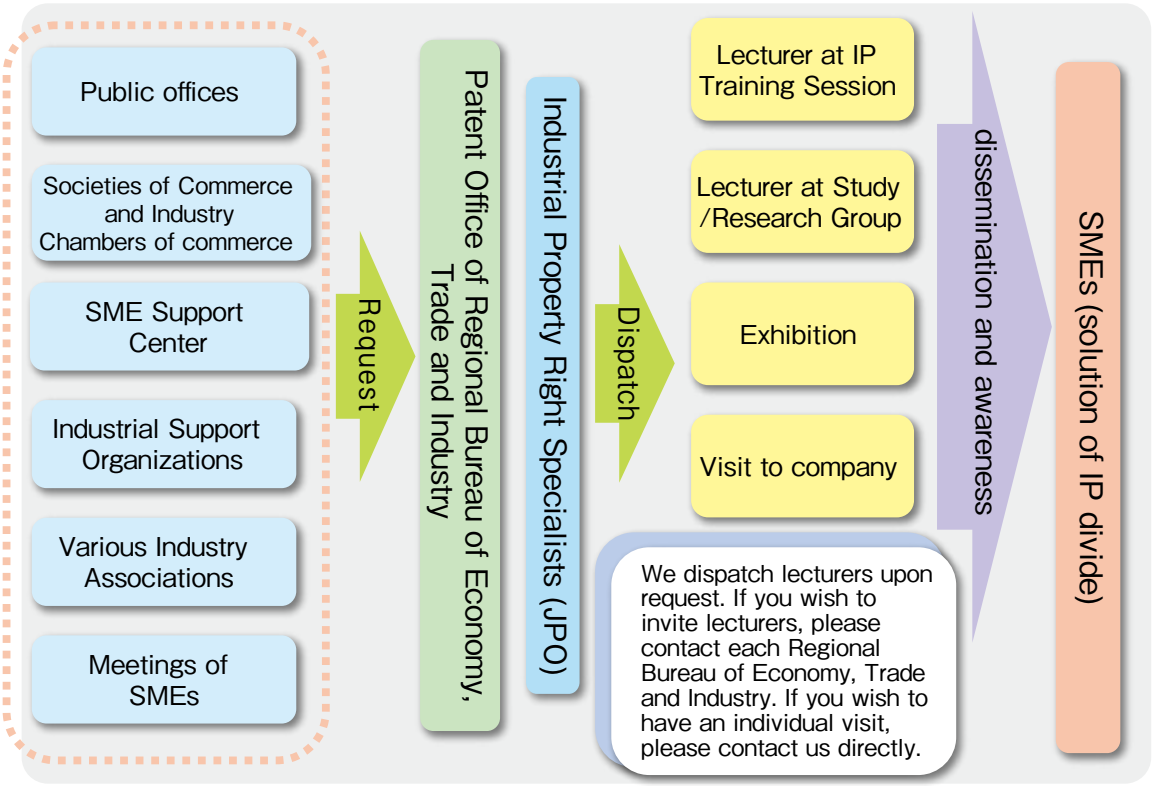
- Results in FY2011

Visits to SMEs to provide individual counseling: 311
Lecturers at intellectual property seminars and training sessions: 151 seminars/sessions
Awareness-building promoted through exhibitions, etc.: 13 exhibitions

1 See Part 3, Chapter 1, 2.(1)1). http://www.ipdl.inpit.go.jp/homepg_e.ipdl

2 In FY2011, this meeting was held along with the enactment of the "Act for Partial Revision of the Patent Act, etc." (Act No.63 of 2011).

【Figure 2-2-6 Duties of Industrial Property Right Specialists】



(5) Support for Applications, Examinations and Appeals/Trials

1) Reduction / Exemption from Annual Patent Fees / Examination Request Fees

a. Fee Reduction / Exemption for individuals and SMEs

The JPO grants a reduction of an exemption from, or a deferment from annual patent fees (from the first year to the third year[1]), and examination request fees. These are available to individuals and companies with limited financial resources or R&D-oriented SMEs if they comply with certain requirements stipulated in the Patent Act, the Industrial Technology Enhancement Act and the Act on Enhancement of Small and Medium sized Enterprises' Core Manufacturing Technology.

Results in FY2011

■ Support based on the Patent Act

An exemption from or a deferment from (3 years) annual patent fees and an exemption from or a 50% reduction of examination request fees for individuals and companies with limited financial resources.

- Exemption from or deferment from annual patent fees: 425 cases
- Exemption from or reduction of examination request fees: 1,347 cases

■ Support based on the Industrial Technology Enhancement Act and the Act on Enhancement of Small and Medium sized Enterprises' Core Manufacturing Technology

A 50% reduction of annual patent fees and examination request fees for R&D-oriented SMEs.

- Reduction of annual patent fees: 1,459 cases
- Reduction of examination request fees: 3,867 cases

1 A reduction of the first year to the sixth year in the case of the Act on Enhancement of Small and Medium sized Enterprises' Core Manufacturing Technology.

b. Fee Reduction/Exemption for Universities and TLOs

The JPO grants a reduction of annual patent fees (from the first year to the third year) and examination request fees to universities and TLOs, based on the TLO Act[1], the Law on Special Measures for Industrial Revitalization, and the Industrial Technology Enhancement Act to support industry-academia-government collaboration and technological transfer at universities and TLOs.

- Results in FY2011

■ Support based on the TLO Act and the Law on Special Measures for Industrial Revitalization

A 50% reduction of annual patent fees and examination request fees for authorized and approved TLOs.

- Reduction of annual patent fees: 227 cases
- Reduction of examination request fees: 279 cases

■ Support based on the Industrial Technology Enhancement Act

A 50% reduction of annual patent fees and examination request fees for universities and university researchers

- Reduction of annual patent fees: 597 cases
- Reduction of examination request fees: 3,503 cases

2) Accelerated Examination/Appeal Examination System

In the case of patent applications, the accelerated examination system[2] and the accelerated appeal examination system[3] are available. These systems enable accelerated examinations to be conducted for applications, as long as the applicants request so based on certain requirements. These systems are available for applicants such as SMEs, individuals and universities.

In filing an application for accelerated examination, it is usually necessary to disclose a prior art based on prior art document searches. However, when any SME, individual or university files an application independently, they do not need to conduct prior art document searches, but they do need to describe a prior art known at the time they apply for accelerated examination[4].

3) Circuit Interview Examinations

The JPO conducts circuit interview examinations[5] for SMEs and venture companies throughout the country.

As part of the support offered to SMEs and venture companies, appeal examiners visit them across the country to carry out regional interview proceedings. This makes communication easier during appeals examinations against decisions of refusal. They also conduct circuit trials to hold oral proceedings in invalidation trials.

- Results in FY2011

Circuit interview examinations: 886 applications
Regional interview proceedings: 24
Circuit trials: 27

(6) Support by Experts

In order to achieve the sustainable development of Japanese industries based on intellectual property rights, it is necessary to efficiently advance the creation of innovation. So IP strategies are very important to effectively protects and utilize as IP the innovative achievements created by R&D organizations.

Based on this, the JPO and the INPIT have been dispatching experts of IP management to R&D organizations which are anticipated to produce innovative achievements. From the perspective of IP, the JPO and the INPIT support the formulation of strategies for effective use of research achievements, starting from the earliest stage through collection, analysis and advanced utilization of IP information inside and outside the country.

1 The Act on the Promotion of Technology Transfer from Universities to Private Business Operators
2 See Part 3, Chapter 2, 1.(2).
3 See Part 3, Chapter 5, 2.
4 The same description is sufficient also in the case of joint applications with a large company, if they satisfy certain requirements.
5 See Part 3, Chapter 2, 2.(1) for interview examination.

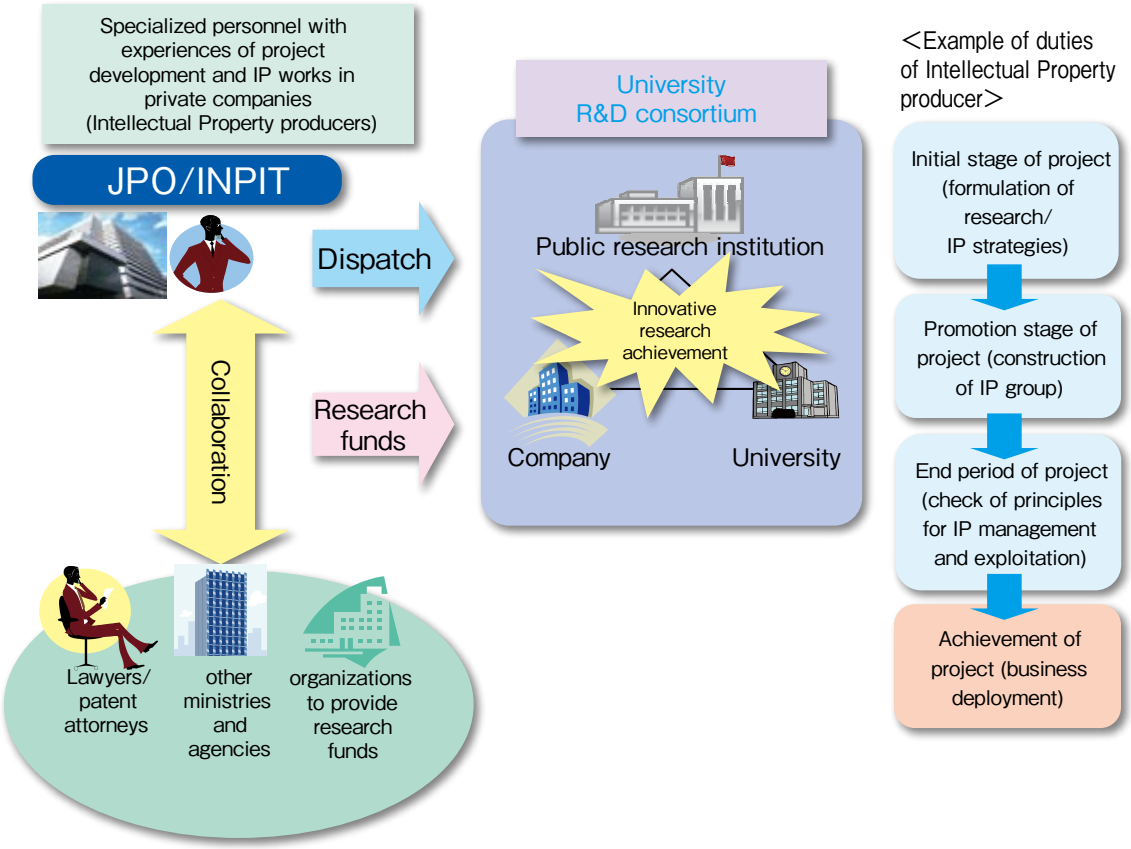
1) Intellectual Property Producer

The JPO had been dispatching Intellectual Property Producers on a pilot-program basis between FY2008 and FY2011 to support the formulation of strategies for effective use of research achievements from the earliest stage. They assist projects at R&D consortiums to which public funds have been invested. The INPIT fully implemented the dispatching of experts from FY2011, expanding targets also to R&D projects at universities to which public funds (competitive funds) have been invested.

- Results in FY2011

Intellectual Property Producers were dispatched to 18 projects

【Figure 2-2-7 Outline of Intellectual Property producer project】



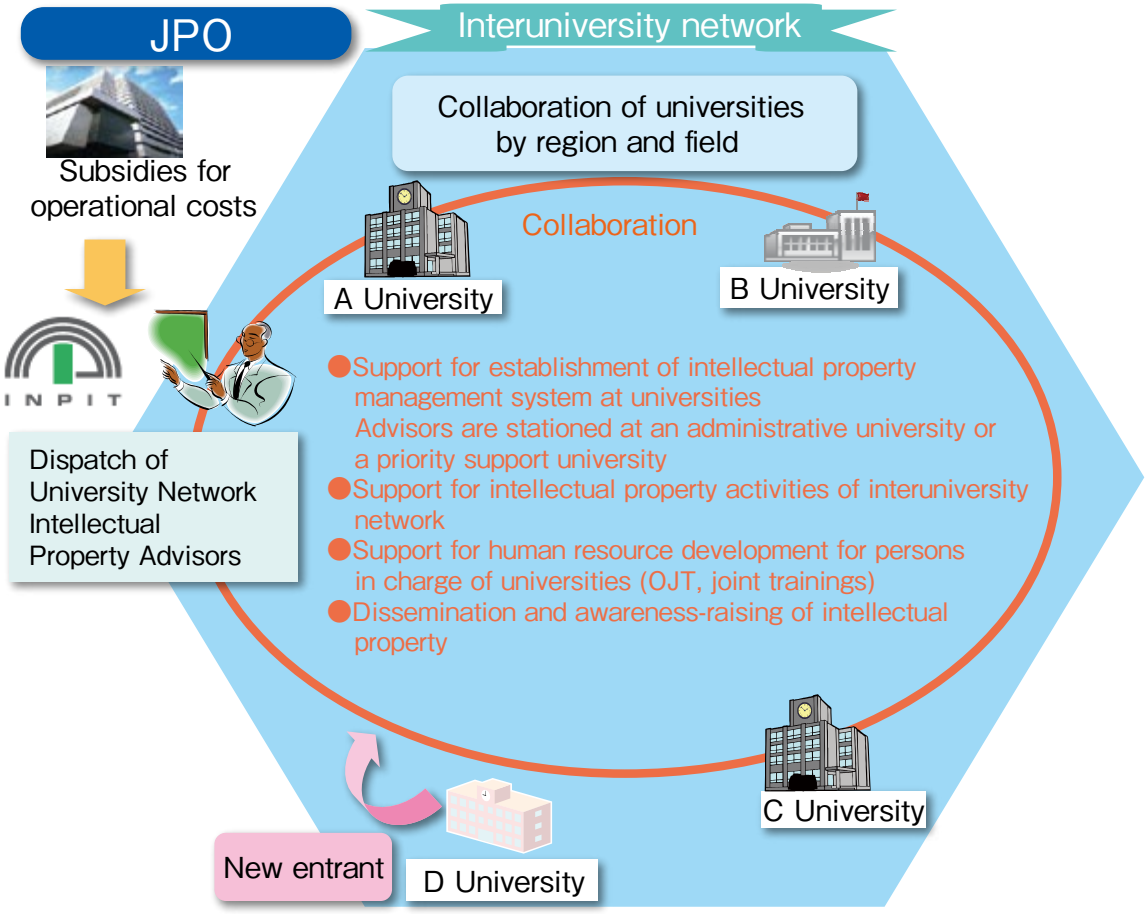
2) University Network Intellectual Property Advisor

In order for universities to start intellectual property activities, it is necessary to set up proper IP management systems within universities.

The JPO and the INPIT, with the aim of supporting the setup of these systems within universities, have been dispatching advisors to universities since FY2002. A total of 60 universities received university intellectual property advisors by March 2011.

The support structure was changed in April 2011 and University Network Intellectual Property Advisors have been dispatched to networks consisting of several universities based on either region or technological field. The JPO has strived to promote intellectual property activities at all universities in a network and expand the base of academic-industrial collaboration through establishing and strengthening the IP management system. In FY2011, University Network Intellectual Property Advisors were dispatched to eight networks (total of 60 universities). Since FY2012, the JPO has started to dispatch an Adviser to a network of art and design universities.

【Figure 2-2-8 Outline of University Network Intellectual Property Advisor Project】



(7) Provision of Intellectual Property Information

1) IPDL Official Gazettes Fixed-address Service for Universities, etc.

In order to support R&D activities in universities, etc., the JPO has started the Official Gazettes fixed-address service by which users such as universities can directly access patent Official Gazettes data since January 2007.

- Number of registered universities: 295 universities (as of the end of March 2012)

2) Integrated Search System for Paper Information and Patent Information

The Intellectual Property Strategy Headquarters Cabinet Secretariat, the MEXT, the JPO, the Japan Science and Technology Agency (JST), and the INPIT jointly developed the Integrated Search System for Patent and Literature Information (JSTPatM), launching it in March 2007, to enable users to efficiently acquire information on science, technology, and patents, and effectively utilize it for research activities in universities.

3) Patent Licensing Information Database

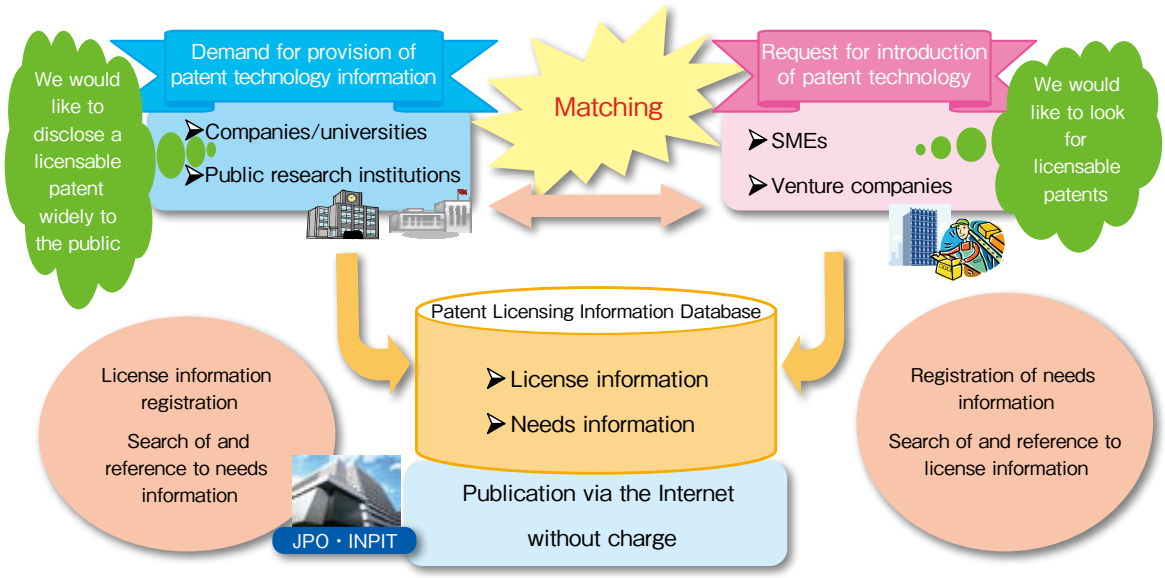
From FY1997, in order to ensure a smooth transfer of licensable patents between the industrial sector and local companies and to promote their commercialization, the INPIT built a database of licensable patents owned by universities, public research institutes and companies, which is made available to the public online as the Patent Licensing Database.

From FY2011, the INPIT provides it as the Patent Licensing Information Database[1], for developing an environment of effective use of IP information.

- Number of registered organizations: 42,641 (as of the end of March 2012)

(Companies: 13,658, Universities/public research institutions: 28,983)

【Figure 2-2-9 Outline of Patent Licensing Information Database】



1 http://plidb.inpit.go.jp/PDDB/Service/PDDBService

4) Research Tool Patents Database

From FY2009, in order to promote the smooth utilization of patented research tools in the field of life science, the INPIT created a patent database of information on research tools owned by universities, public research institutions, companies. It has been publicizing them via the Internet as the Research Tool Patent Database[1].

- Number of registered patents: 717 (as of the end of March 2012)

(Owned by companies: 43, Universities/ public research institutions: 674)

5) Intellectual Property Transaction Specialists Database

From FY1998, in order to stimulate IP trade, the INPIT has accumulated information on service details provided by IP trade businesses. The information has been made available to the public on the website as the Intellectual Property Transaction Specialists Database[2].

The INPIT continues to provide the database in FY2011 as part of its efforts to improve the effective use of IP information.

- Number of registrations: 174 (as of the end of March 2012)

(8) Regional Support System

The JPO is working to raise awareness by regional SMEs on intellectual property and promote the use of the system in cooperation with local governments. To be more specific, the JPO established local patent offices in each of the nine regions under the Regional Bureaus of Economy, Trade and Industry. These offices oversee their respective regions and plan and implement measures for supporting intellectual property. In addition, the JPO provides comprehensive support through the Intellectual Property Centers[3] and the Intellectual Property Comprehensive Support Counters[4], located in the respective prefectures.

In order to develop a framework that encourages IP promotional activities and strategic IP utilization in local areas, in FY2005, the JPO established a Regional Headquarters for Intellectual Property Strategy in nine regions, which fall under the jurisdiction of Regional Bureaus of Economy, Trade and Industry. The Headquarters pushes for comprehensive IP support designed for the local communities. This includes setting up regional intellectual property strategy headquarters based on the local situations and needs. It also provides support through the provision and transmission of information through the website and mail magazines.

1 http://plidb.inpit.go.jp/PDDB/Service/RTPatents/index.jsp

2 http://www.inpit.go.jp/katsuyo/db/agentsdb/

3 An organization certified by the JPO Commissioner based on an application from prefectures. As for this center, the certification system was abolished in principle as of the end of FY2011.

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

2. Development of IP Human Resources Related to Intellectual Property

(1) Various Seminars for IP Human Resource

1) Explanatory Meetings on the Intellectual Property Rights Systems

The JPO holds explanatory meetings on intellectual property rights systems nationwide for the public[1].

These explanatory meetings are divided into introductory-level meetings and advanced-level meetings in accordance with knowledge and experiences of participants.

Explanatory Meeting on the Intellectual Property Rights System

【Figure 2-2-10 Content of Lecturers at Explanatory Meeting on Intellectual Property Rights Systems】

Introductory-level Explanatory Meetings

- ■Outline of intellectual property rights
- ■What are patent, design and trademark
- ■Use of industrial property rights information
- ■Exploitation of industrial property rights and response to infringement of rights
- ■Outline of various support measures

Step up

Advanced-level Explanatory Meetings

- ■Examination standards and practices for patent, design and trademark
- ■Procedures for international applications (PCT, Madrid Agreement and Protocol)
- ■Outline of patent classifications (IPC, F term)
- ■Operation of appeal system
- ■Various systems necessary for IP management in companies (employee's invention, trade secret)

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

(2) Human Resource Development for Students

1) Project for Promotion of Creativity and Practical Ability Concerning Intellectual Property

The JPO and the INPIT provide support to specialized high schools (industry, commerce, agriculture and fishery) and technical colleges that cultivate intellectual creativity through places that conduct manufacturing and product development.

This aims to give students an opportunity to acquire "creative ability" that enables them to plan and suggest new things and structures, and also "practical ability" that enables them to realize such plans and suggestions in the rule of the real world, through the process of turning ideas into a concrete shape of intellectual property and the process of preparing for a simulated patent application based on the ideas embodied into intellectual property.

This program started in FY2000, in FY2011, 77 schools participated. Moreover, in FY2011, an exhibition of achievements and a presentation of achievements were held at the 21st National Industrial Education Fair in Kagoshima.

2) Patent Contests and Design Patent Contests

Together with the MEXT, the Japan Patent Attorneys Association, and the INPIT, and the JPO have held Patent Contests and Design Patent Contests. At the contents, particularly excellent inventions and designs created by students at high schools, technical colleges, and universities nationwide are recognized and given awards.

The JPO holds the patent contests to raise IP awareness in students and promote the understanding of the intellectual property system. The purpose of both contests is that students experience the process of creating inventions and designs in order to seek IP rights for particularly excellent inventions and designs, some actually going as far as to be patented.

In these contests, students at high schools, technical colleges, and universities nationwide are encouraged to exhibit their inventions/designs. Particularly excellent work is selected to receive support in filing for patents.

Students who created inventions and designs that were given awards may receive the following support in the process of filing of applications to acquire patent rights.

- Free advice from patent attorneys
- Support to cover the cost of the patent application fee, design registration application fee, patent examination fee, annual fee (from the first year to the third year), and design registration fee (first year)

The Patent Contest started in FY2002 and so far 131 innovations out of 1,976 have been selected to receive support to file patent applications, with 66 actually being given patents (as of the end of April 2012). As for the Design Patent Contest, 98 out of 393 applications have been selected to receive support to file design registration applications, as of the end of April 2012.

【Figure 2-2-11 The Patent Contest and the Design Patent Contest】

(3) Development of IP-specialized Human Resources

1) Development of Patent Attorneys

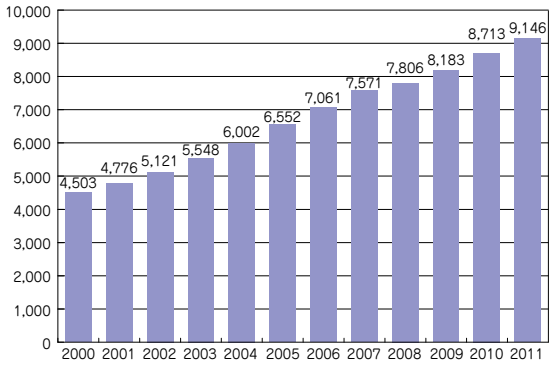
Patent attorneys play a central role among the professions in the field of intellectual property. The JPO, in collaboration with the Japan Patent Attorneys Association (JPAA), has implemented the following measures to develop patent attorneys who have specialized knowledge.

a. Training for the Representation in Specific Infringement Lawsuits

The business community has been requesting that the dispute resolution services such as legal representation in infringement lawsuits in the field of intellectual property be strengthened, by increasing the number and enhancing the skills of specialized attorneys.

Therefore, the JPO requires patent attorneys who wish to be admitted to act as counsels in certain infringement lawsuits ("Specific Infringement Lawsuits[1]," limited to cases jointly represented with attorneys-at-law) to take the training on practices of the civil procedure and to pass the examination for evaluation.

【Figure 2-2-12 Number of Patent Attorneys】



b. Practical Training Prior to the Patent Attorney Registration

In general, the qualification system allows certain monopolies to exist by certified specialists who are capable of providing reliable services so that the right of citizens and the safe conduct of transactions would be secured. Accordingly, there is a public demand to ensure and improve the skills of those professionals.

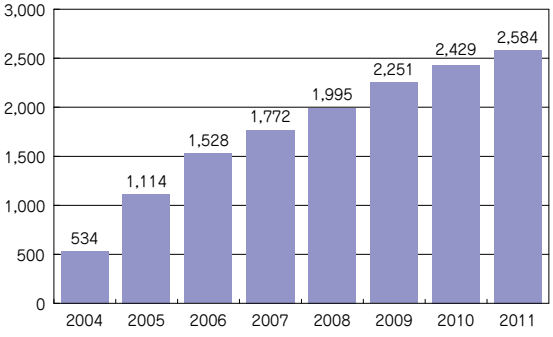
With the aim of ensuring necessary professional abilities of, mainly, those who passed the patent attorney examination, it has been made mandatory to complete the practical training provided by an organization designated by the Minister of Economy, Trade and Industry ("Designated Training Agency") before the patent attorney registration.

c. Continuing Training for Registered Patent Attorneys

In order to respond to changes surrounding intellectual property such as the economic globalization and the progress being made in the intellectual property management in companies, patent attorneys need to accurately understand the latest situation and acquire advanced and diversified abilities in line with the changes taking place in the landscape.

In view of these circumstances, patent attorneys need to participate in specialized training ("Continuing Training") on a regular basis to maintain and improve their skills.

【Figure 2-2-13 Number of Patent Attorneys Admitted to Act as Counsel in Specific Infringement Lawsuits】



Notes:
1. Number as of the end of December 2011.
2. A patent attorney who has completed the training course to gain the knowledge and practical skills required as

1 Any lawsuits related to infringement of rights concerning patents, utility models, designs, trademarks or circuit layouts, or infringement of business interests by specific unfair competition.

counsel and has passed the Specific Infringement Lawsuit Counsel Examination, which determines whether a patent attorney possesses the necessary knowledge and skills or not, may act as counsel (only in specified infringement lawsuits in which attorneys-at-law are also entrusted by the same client) on completion of the supplementary note registration to be qualified as such by the JPAA.
Source: JPAA

【Table 2-2-14 Number of Patent Attorneys and other IP-specialized Professionals in Japan and the US】

Japan
Patent attorneys: 9,145 (registered attorneys-at-law among them: 357)

United States
Patent attorneys[1]: 31,532 Patent agent[2]: 10,501

Notes:
Japan: Number as of the end of March 2012
United States: Number as of the end of April 2012
Sources:
Japan: Created by the JPO based on reports from the JPAA
United States: Numbers announced on the USPTO website (https://oedci.uspto.gov/OEDCI) as "active attorney" and "active agent"

2) Development of Private Intellectual Property Experts

a. Development of Search Experts

The INPIT provides intermediate-level, advanced-level, and design training courses that teach participants the expertise that JPO examiners have in terms of conducting patent and design searches. This is done to enable the participants to accurately conduct prior art document searches, searches for determining the necessity at the time of filing an application/request for trial, and searches to decide study themes and directions.

- Results in FY2011

Total number of participants:
Advanced course: 160
Intermediate course: 44
Design course: 19

b. Training for IP Experts in Companies

In order to stimulate the intellectual creation cycle, we need to improve the quality and quantity of experts who play a vital role in the creation, protection, and utilization of intellectual property.

The INPIT provides discussion-based training courses on (1) examination standards and (2) ways to respond to notices of reasons for refusal of designs. This is designed to improve the participants' practical abilities through face-to-face exchanges with experts.

- Results in FY2011

Total number of participants: 106 for training course on examination standards; and 32 for ways to respond to notices of reasons for refusal

c. Training for SMEs and Venture Companies

It is important for SMEs and venture companies, which create fundamental technologies in Japanese industries and play an important role in local economies, to utilize innovative technologies created by them as part of their management strategies, and as part of stimulating the intellectual property creation cycle. The INPIT provides training to managers of SMEs and venture companies, and personnel in charge of intellectual property under the aim of raising their awareness and knowledge on IP. There are two courses; Ways to Utilize Intellectual Property Rights, and Patent Infringement Training based on Simulation.

- Results in FY2011

Total number of participants: 96

d. Training for IP-specialized Human Resources of Administrative Agencies

Human resources who can efficiently promote intellectual property strategies are required in administrative agencies to stimulate the intellectual creation cycle.

The INPIT provides training for officials who engage in intellectual property affairs in administrative agencies, as means of supporting these agencies in making Japan a nation based on IP.

- Results in FY2011

Total number of participants: 160

1 Persons who have acquired the qualifications for attorney at law of each state and patent agent: It is not allowed to perform the procedures for patents (including design patents) by proxy only with the qualification for Attorney at Law with respect to the USPTO.
2 Patent agents are admitted to practice before the USPTO on patent (including design patent) matters.

e. Human Resources Development in Collaboration with Other Domestic Organizations

It is important for organizations that develop IP human resources to mutually cooperate in order to develop human resources who work to build Japan as a nation based on IP. Therefore, the INPIT offers various training in collaboration with private organizations.

- Results in FY2011

Total number of participants:

Patent search practical training: 12

Follow-up training for IP management engineers: 18

Training in collaboration with the National Center for Teachers' Development: 8

3) Provision of Opportunities for Learning Utilizing Information and Communication Technology

a. Development of Human Resources Using E-learning (IP e-learning)

The INPIT provides e-learning educational sources that have been developed based on JPO's knowledge, experience and expertise. These sources are used not only for the JPO but also for the development of IP-related human resources nationwide.

In addition, IP e-learning[1] is available not only on PCs, but also on portable terminals.

【Figure 2-2-15 E-learning (IP e-learning)】

b. Provision of Training Sources

Textbooks used in the INPIT training courses that are available to the public are published on the INPIT website[2] so that they can be used by any person engaged in IP.

1 https://ipe.inpit.go.jp/inaviipe/service/?lang=en

2 http://www.inpit.go.jp/jinzai/kensyu/kyozai/index.html

4) Training for Searchers

The INPIT offers statutory training for those who wish to become "searchers" (staff that conduct prior art document searchers) in registered search organizations that conduct searches on an outsourcing-basis from the JPO. (Article 37 of the Act on the Special Provisions to the Procedure, etc. Concerning Industrial Property Right).

The steady training of searchers performing highly accurate prior art searches is particularly important to ensure speedy patent examinations.

Therefore, this training course is designed to have trainees acquire comprehensive, fundamental skills that are required of them as searchers. The course provides them the knowledge necessary to make prior art searches by systematically acquiring this basic knowledge through practical training and debate.

- Results in FY2011

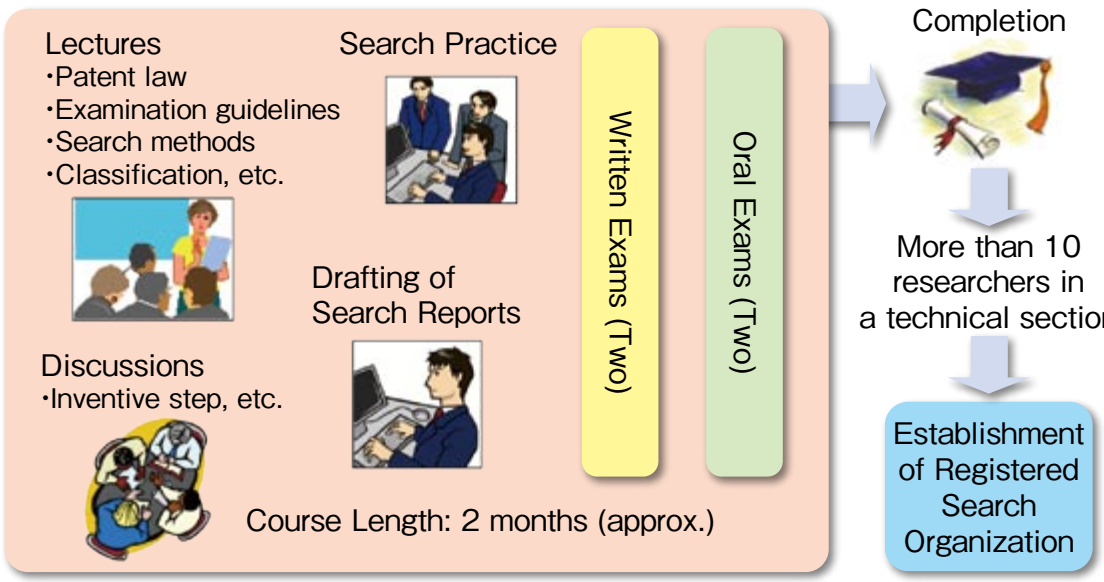
Total number of participants: 469

5) Cooperation with Private-sector Organizations on the Development of Human Resources related to Intellectual Property

The INPIT is participating in "The Development of Human Resources related to Intellectual Property Education Promotion Conference[3], exchanging information with educational and training organizations on IP human resources development, making suggestions for human resources development, and exchanging opinions on cross-sectional matters concerning intellectual property training.

3 It was established in response to a suggestion on a council to promote IP human resources development 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 30, 2006.

【Figure 2-2-16 Outline of Training for Searchers】



6) Cooperation with Overseas Intellectual Property Human Resources Developing Organizations

The INPIT has collaborated and cooperated with overseas intellectual property human resources developing organizations due to an increasing need for international cooperation in intellectual property human resources development.

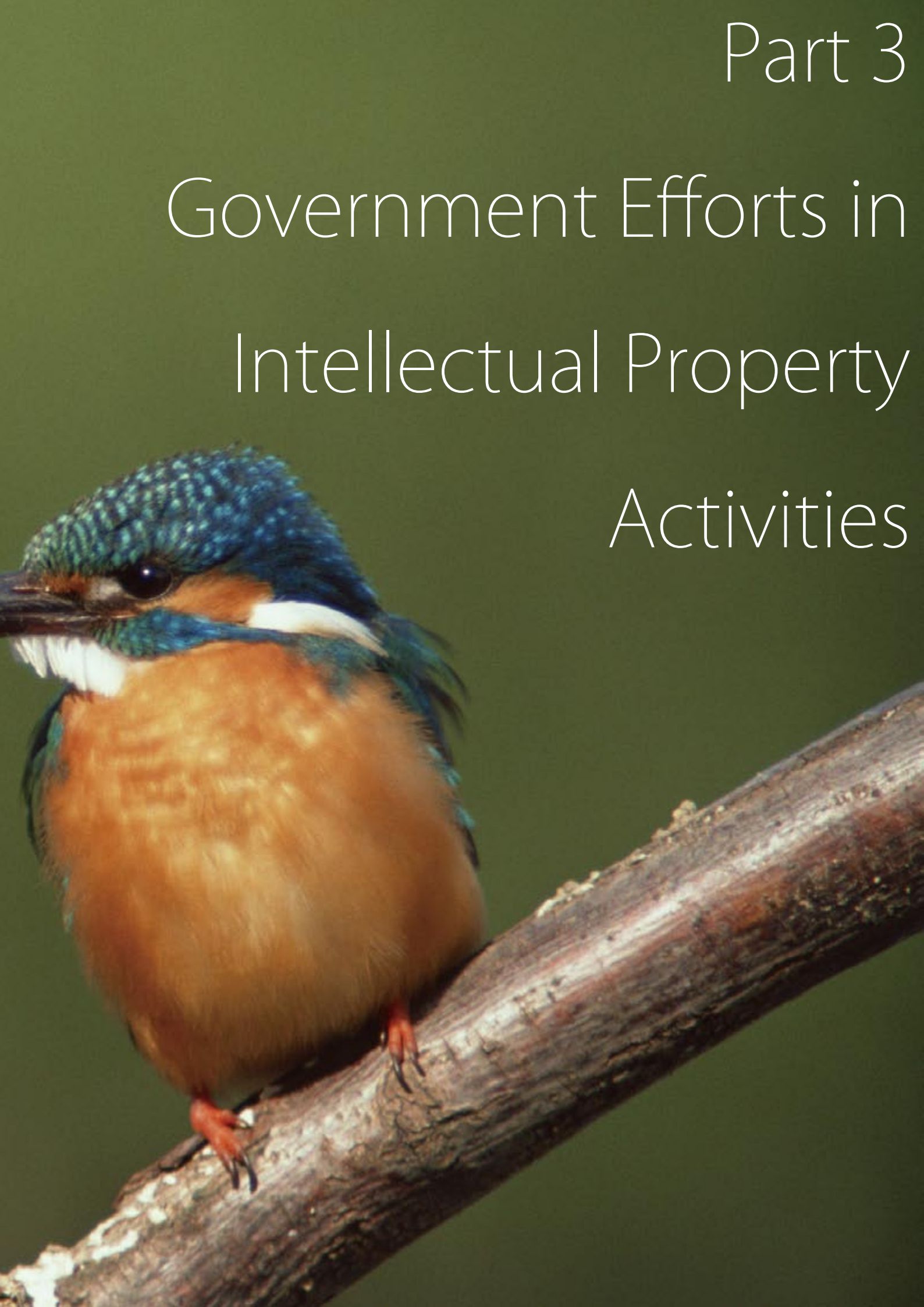
The INPIT has held the meeting on cooperation with the CIPTC (China Intellectual Property Training Center), and IIPTI (International Intellectual Property Training Institute), to discuss human resources developing projects. The INPIT concluded a memorandum of cooperation (MOC) to exchange information on training curriculums and implementing training to develop intellectual property human resources, in collaboration with the two organizations.

In 2011, the China Patent Examination Seminar (September, Tokyo, 502 participants) was held, as the first seminar based on the MOC, for the purpose of deepening understanding on the Chinese patent examination standards and promoting the appropriate acquisition and protection of intellectual property rights in China. The Seminar for Effective Search Methods of Korean Patent Documents (November, Tokyo, 144 participants) was held to promote the appropriate acquisition and protection of intellectual property rights in Korea by learning specific and effective search methods of Korean patent documents. It was held for persons in charge of IP in private companies, and for patent attorneys in Japan.

Seminar for Effective Search Methods of Korean Patent Documents

Part 3

Government Efforts in Intellectual Property Activities



Chapter 1

Efforts Undertaken for Intellectual Property

1. Current Status of Intellectual Property Strategies in Recent Years

Recently, due to advances in globalization and the remarkable development of emerging countries, the competition over markets has become more intense not only among companies but also countries. Under this circumstance, in order for Japanese companies to win against the competition and to actively expand business overseas, a high-added value strategy taking advantage of Japanese technologies and attractive designs and brands is required. In addition, it is necessary to advance the development of an environment in which each company can strategically utilize its intellectual property in the global market.

Based on this, the "Strategies to Revitalize Japan" that were forged by the Cabinet on August 5, 2011, mentions the importance of promoting international IP strategies as a means to support companies in expanding their businesses overseas[1].

In addition, the Intellectual Property Strategic Program 2012 established by the Intellectual Property Strategy Headquarters, headed by the Prime Minister, states the two comprehensive intellectual property strategies that contribute to strengthen international competitiveness of Japan in the global network era: 1) enhancing strategies to create comprehensive intellectual property innovation; and 2) enhancing comprehensive strategies to develop content that will revitalize Japan.

Bearing these facts in mind, the JPO is working to provide a much more user-friendly IP System for a wide range of entities such as SMEs and universities, while appropriately responding to the changes in the environment surrounding the IP System.

As part of these efforts, the Patent Act was revised focusing on the (i) enhancement of protection of license agreements; (ii) appropriate protection of achievements of joint research/joint development activities; (iii) improvement of usability for users; and (iv) review of the appeal system for expeditious and efficient solution of conflicts. The revised Act came into force on April 1, 2012. Moreover, as for the design system, the Design System Subcommittee of the Intellectual Property Policy Committee of the Industrial Structure Council, has been deliberating as to Japan's accession to the Geneva Act of the Hague Agreement, an international registration system of designs. It is also considering expanding the range of design-rights protection[2], aiming to support companies in expanding their businesses overseas. Furthermore, as for the trademark system, the Trademark System Subcommittee of the Intellectual Property Policy Committee of the Industrial Structure Council, has been deliberating whether to introduce a new trademark system.

1 "Strategies to Revitalize Japan (August 5, 2011)," p.9 (support for marketing and expanding business in overseas markets)
http://www.npu.go.jp/policy/policy04/index.html

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

2. Provision of Useful Information to Formulate Intellectual Property Strategies

(1) Provision of Industrial Property Information

1) Industrial Property Digital Library (IPDL)

In March 1999, the JPO launched the 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. Later, the INPIT took over management of the IPDL in October 2004, and the IPDL is currently accessible on the INPIT website.

The IPDL contains 84 million gazettes on patents, utility models, designs and trademarks published since the end of the 19th century; as well as gazettes published in other countries, allowing users to search related information such as the status of examinations, registrations and trials by document number, classification and key words.

New services and functions are added to the IPDL every year to improve usability and enhance services for users. For example, the IPDL introduced the following new features in May 2011:

(i) Each document of design and trademark gazettes is provided in a PDF format.

(ii) Each keyword of patent/utility search results is highlighted in a different color on the text display screen.

(iii) Search-results lists are displayed together with images of drawings (thumbnails) in the design search service.

The server was renovated in December 2011, shortening the response time in the IPDL. In March 2012, the search and inquiry service of Japanese abstracts of Chinese utility models (by machine translation) was added to the IPDL.

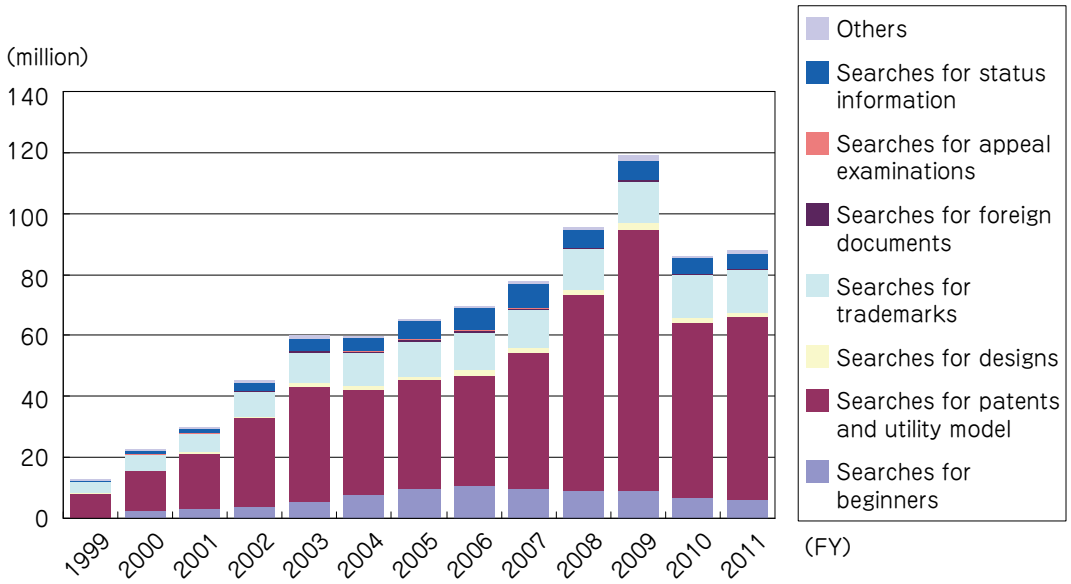
While the annual number of searches was about 12.7 million immediately after the launch of the IPDL (FY1999), the number of users has increased in line with the subsequent upgrading of services. In FY2011, the annual number of searches reached about 87.75 million (240,000 searches on average per day). However, strengthened protection against robot access, in order to ensure the usability of the service, is considered to be one of the major factors behind the drop in the number of searches in FY2010.

It is expected that the creation, protection and utilization of intellectual property will further progress in line with the increase in use of industrial property information via the IPDL.

The INPIT installed search devices in its first official gazette reference room[1] that also serves as a retrieval system for patent examiners, making them available for public use in January 2007. This allows users to search patent documents inside and outside Japan, excluding undisclosed data, at a comfortable speed.

1 JPO Building 2F

【Figure 3-1-1 Changes in the Number of Annual Searches in the IPDL】



2) Exchanging and Making Use of Industrial Property Right Information with Foreign IP Offices and International Organizations

The JPO regularly exchanges industrial property information and gazettes based on a trilateral agreement with the Trilateral Offices (JPO, USPTO and EPO) and on a bilateral basis with other foreign IP offices (SIPO and KIPO). The exchanged data on industrial property information is used for searching examination sources and prior arts in the JPO, with a part of this information being disclosed to the public through the IPDL and other means. The JPO creates Japanese abstracts data of foreign publications in Japanese from the exchanged data for use inside and outside the JPO.

In addition, the JPO regularly provides foreign IP Offices and international organizations with industrial property information so that patent applications filed with the JPO can be properly regarded as prior arts in other countries.

3) Creating and Providing Standardized Data and JPO-format data

In order to meet the diverse needs for Industrial property information, it is necessary not only to improve the IPDL, but also create an environment in which private industrial property information service providers[1] (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 it owns and is working on establishing a means by which users can easily access and use industrial property information. Currently, the JPO provides various items of information, such as examination legal status, that has been converted and processed into a generally accessible format, such as XML, which is referred to hereinafter as "Standardized Data", in a batch at marginal costs[2]. Patent Abstracts of Japan (PAJ) and various data created such as Japanese abstracts of US patent documents are also provided in batches at marginal costs.

These measures encourage private information service providers to enhance high-value-added services and diversify their use such as by building in-house databases in private companies and universities.

1 There are more than 200 small and large private information-service providers in Japan.
2 This refers to additional expenses that are incurred for data reproduction, empty storage media, and delivery of media. It does not include the costs for data creation and maintenance.

- Creating and Providing Standardized Data

The above-mentioned Creating and Providing standardized data started when the IPDL service started in March 1999. The work to create the organized and standardized data was transferred to the INPIT in October 2004.

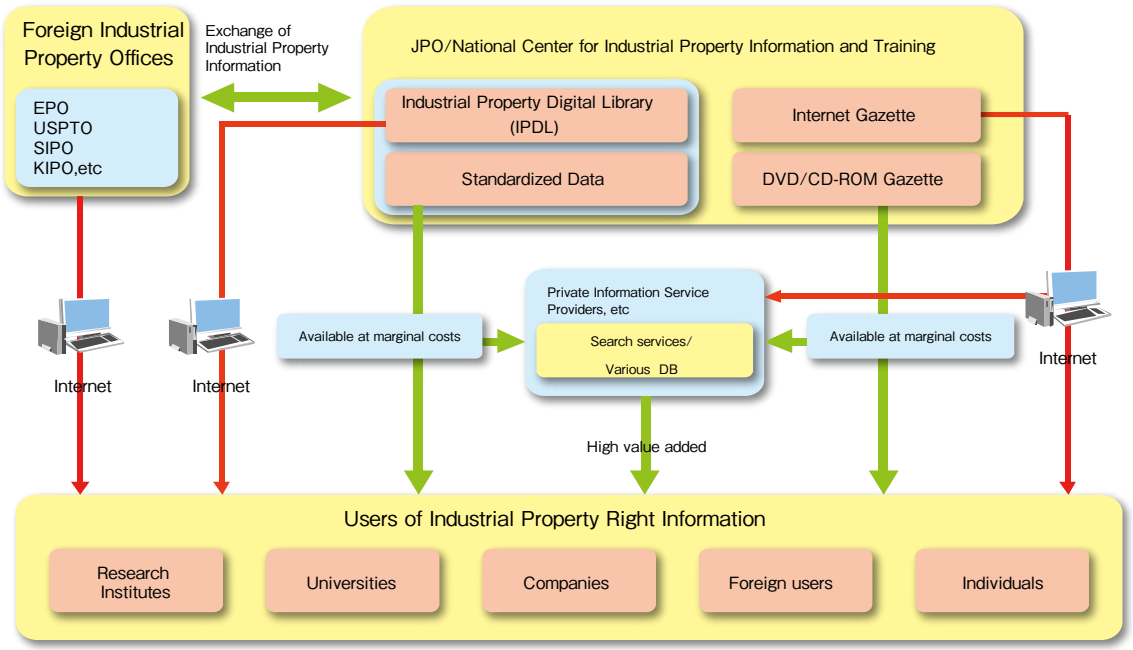
- Creating and Providing Japanese Abstracts Data

The JPO creates abstracts data of US patent documents, US publications of patent applications, and EP publications of patent applications, which cover a wide range of technical content in Japanese, using that data as examination sources when conducting patent examinations. Such data are widely available to the public through the IPDL. In addition, the JPO has started to provide Japanese abstracts data translated from Chinese utility models using machine translation since March 2012.

- Creating and Providing Patent Abstracts of Japan (PAJ)

In order for the publication of unexamined patent applications that have been filed with the JPO to be at least used properly as minimum documentation[1] in PCT international searches and international preliminary examinations, as well as prior art documentation in examinations at foreign IP offices, the JPO provides English abstracts of publications of patent applications and provides them to foreign IP offices such as PCT International Searching Authorities and International Preliminary Examining Authorities.

【Figure 3-1-2 Flow of Information on Industrial Property】



1 The minimum documentation should be searched in all cases where the International Searching Authority (ISA) creates an International Search Report (ISR) (PCT Minimum Documentation, see Paragraph 15.01 of PCT International Searches and International Preliminary Examination Guidelines).

(2) Patent Search Portal Site

To support applicants by enabling them to conduct appropriate and effective prior arts document searches, the JPO has implemented various measures, including the following, as part of improving its infrastructure to ensure even expeditious patent examination: development of the IPDL, explanatory meetings for applicants, search expert seminars, public use of retrieval system for examiners, and creation of the Patent Search Guidebook.

The JPO has also interviewed widely with applicants to obtain opinions on its policy of providing information about methods for conducting prior art searches. In these opinions, there have been some requests to increase the usability of the "Patent Search Guidebook," which gives search methods for JPO examiners, and to support prior art searches by applicants through providing relevant information in an integrated and comprehensible way. Based on these opinions and requests, the JPO established its new portal, the "Patent Search Portal Site[1]" on the JPO website on a provisional basis in March 2009. In response to the comments it received thereafter, the JPO launched an official portal site in June 2010. In July 2011, the layout of this Portal Site was changed to coordinate all pages so as to improve usability.

1 http://www.jpo.go.jp/torikumi/searchportal/htdocs/search-portal/top.html

Chapter 2

Efforts Related to Patents

The JPO has made various efforts for achieving its long-term target that is reducing first action (FA) pendency to 11 months by 2013, as indicated in the "Intellectual Property Strategic Program 2004" formulated by the Intellectual Property Strategy Headquarters in 2004.

The environment surrounding the JPO has greatly changed since that time and accordingly the needs for patent examinations have changed. In particular, issues that the JPO needs to deal with in the future have arisen such as the increase in international applications associated with globalized business activities, the decreasing proportion of Japanese patent documents in patent documents in the world, associated with the increase in applications filed by emerging countries, and continuing active discussions about formulating a common patent classification based mainly on the Japanese classification system (File Index (FI)) and the European classification system (ECLA). The needs of users for expedite patent examination and ensuring stable rights worldwide have been growing greater by year.

This Chapter introduces various efforts about expediting patent examination for achieving long-term target of reducing FA pendency to 11 months by 2013, efforts to ensure that applicants can acquire stable patent rights, efforts for international work sharing to deal with overlap applications associated with globalization, and specific efforts to achieve future patent strategies.

1. Efforts for Speed Up Patent Examination

The time periods of requesting for examination was shortened from 7 years to 3 years in October 2001. Therefore, the number of requests for examination increased temporarily to a large extent and the first action pendency was prolonged. Amid increasing concern about the prolonged first action pendency, the "Intellectual Property Strategic Program 2004" formulated by the Intellectual Property Strategy Headquarters in 2004 indicated first action pendency of 11 months by 2013 as a long-term target. The JPO has undertaken various efforts such as increasing the outsourcing of prior art document searches, increasing examiners to about 500 fixed-term examiners, and promoting a "paperless plan", all under the aim of accelerating examinations.

As a result, the number of patent backlogs decreased to 448,123 as of the end of 2011, and the first action pendency was also shortened to 25.9 months as of the end of 2011[1].

On the other hand, the JPO has offered "accelerated examination" and "super accelerated examination" in order to meet the needs of applicants for acquiring their rights early. These needs include early utilization of their R&D achievements and strategies for registering their rights based on a global perspective.

This section introduces efforts for expediting examination and meeting applicant needs for early registration of rights.

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

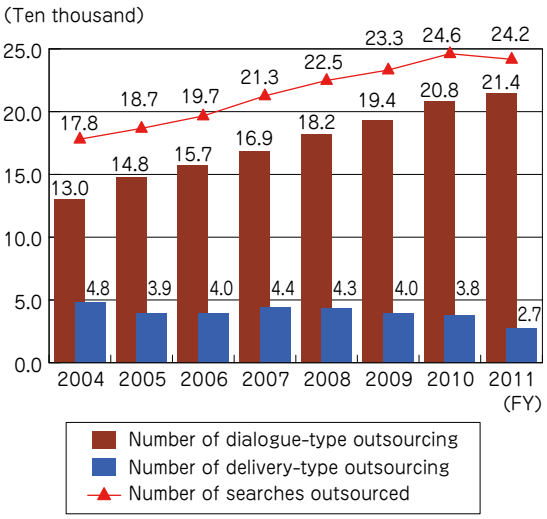
(1) Methods to Expedite Patent Examination

1) Increasing and Enhancing Outsourcing of Prior Art Document Searches

The number of prior art document searches outsourced in FY2011 decreased by 1.6% to 242 thousand, of which dialogue-style outsourcing[1] with a high level of examination efficiency accounted for 89%, or 214 thousand searches. (The figures in FY2010 were 85% and 208 thousand searches, respectively.), this shows an increase in dialogue-style outsourcing to private sectors and an improvement in efficiency.

Although the number of prior art document searches outsourced decreased due to the decrease in the number of patent backlogs, the number of dialogue-type outsourcing has been increasing. It is expected that examination efficiency will further improve by the JPO making use of dialogue-type outsourcing.

【Figure 3-2-1 Changes in the number of outsourced prior searches】



Note:
"Report submitting style" outsourcing is an outsourcing method in which the results of prior art document searches are reported by the submission of search reports.

The number of registered search organizations in charge of prior art searches is nine as of April 1, 2012. For the purpose of further increasing the number of registered search organizations, the JPO has been speaking with prospective organizations and publicizing the search-organization system.

Among the existing organizations, Techno Search, Inc. has started operations in field 17 (living related machinery) and field 19 (nursing, medical treatment and service apparatus). Advanced Intellectual Property Research Institute Co., Ltd. works in field 1 (measurement) and field 22 (metal and electrochemistry). Pasona Group Inc. works in field 7 (natural resources), field 27 (organic chemistry), field 28 (polymer) and field 34 (transmission systems). Koga Research Institute Inc. works in field 21 (metal processing). Mirai Intellectual Property and Technology Research Institute Co., Ltd. (renamed from Samurai Network Co., Ltd. in April 2012) have worked in field 32 (interface) and 33 (data processing) since April 2011 , and Technology Transfer Service Corp. has started working in field 24 (medical treatment). Advanced Intellectual Property Research Institute Co., Ltd. works in field 2 (nanophysics). Pasona Group Inc. has worked in field 2 (nanophysics) and field 37 (video equipment) since October 2011. This means that in FY2011, the total of six registered search organizations started operations in 15 fields.

In addition, with the aim of expanding the range of technical fields that can be outsourced, Techno Search, Inc. was also registered in field 16 (textile wrapping machinery) in October 2011; Technology Transfer Service Corp. in field 31 (e-commerce) in December 2011; Pasona Group Inc. in field 6 (business machinery), field 9 (living environments), field 14 (production machinery), field 19 (nursing, medical treatment and service apparatus), field 20 (inorganic chemistry), field 23 (semiconductor device) and field 32 (interface) in January 2012; and Koga Research Institute Inc. in field 37 (video equipment) in January 2012.

1 "Dialogue-style outsourcing" is an outsourcing method in which the patent examiner receives a report on the prior art search result from the searcher, together with an oral presentation by the searcher based on the report in order to raise the understanding of the examiner on the details of the invention and prior art documents.

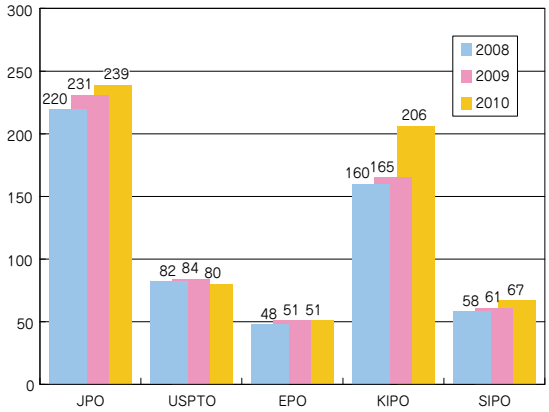
2) Ensuring for the Necessary Number of Examiners

Ahead of offices in other countries, the JPO introduced a paperless system for handling patent procedures, from the filing of an application to the decision making by examiners, and was the world's first office to outsource prior art document searches to private sector organizations (as mentioned above). As a result, the examination efficiency in the JPO has already been enhanced to a considerable degree, as seen in the fact that the number of applications examined per examiner at the JPO is about 3.0 times as much as that of the USPTO, and about 4.7 times as much as that of the EPO.

While the JPO is working to raise the efficiency of the examination process, it still will need to increase the number of patent examiners so as to greatly enhance its examination capability in terms of examination. The JPO has significantly increased the number of examiners by hiring around 490 fixed-term examiners in five years, from FY2004 to FY2008. Moreover, since FY2009, the fixed-term examiners who completed the five-year term were re-hired to maintain the JPO's examination capabilities.

With regard to the increase in examiners, the JPO needs to maintain and enhance its examination capabilities by continually ensuring that it has the necessary number of examiners in FY2012 and onwards, and be capable of promptly grant stable rights in response to users' needs.

【Figure 3-2-2 Number of Applications Examined per Examiner】



Note:
Number of applications examined is equal to the number of first actions (the number of search reports in the case of the EPO) plus the number of international search reports.
Source:
Four Office Statistical Report

【Table 3-2-3 Increase in the Number of Patent Examiners】

FY	2007	2008	2009	2010	2011	2012
Regular examiners	1,175(+1)	1,190(+15)	1,202(+12)	1,213(+11)	1,221(+8)	1,223(+2)
Fixed-term examiners	392(+98)	490(+98)	490	490	490	490
Total	1,567(+99)	1,680(+113)	1,692(+12)	1,703(+11)	1,711(+8)	1,713(+2)

Note:
The numbers in the brackets indicate the increase and decrease from a previous year.

(2) Accelerated Examination System/Super Accelerated Examination System

1) Accelerated Examination System

The JPO has implemented the accelerated examination system that makes it possible for faster examinations to be conducted, based on certain requirements.

This system targets (a) applications relating to inventions that have already been put into practice or are planned to be put into practice within two years (working-related applications), (b) applications which have foreign patent families (internationally filed applications), (c) applications filed by SMEs and venture businesses, or (d) applications filed by universities/TLOs and public research institutions which are expected to contribute their results to society. The system also targets applications involving environmental technologies (green-related applications), which became eligible for accelerated examination under a pilot program. In addition, applications filed by companies and persons affected by the Great East Japan Earthquake (earthquake disaster recovery applications) have been added to the types of applications eligible for accelerated examination since August 2011. This was done to support the recovery from the disaster so that technologies necessary for business activities may be protected and utilized in an expeditious manner.

In 2011, the average first action pendency for applications under the accelerated examination system was about 2 months, much shorter than the average for ordinary applications. The number of applications filed using this system has been increasing year by year. The number was 12,170 in 2011.

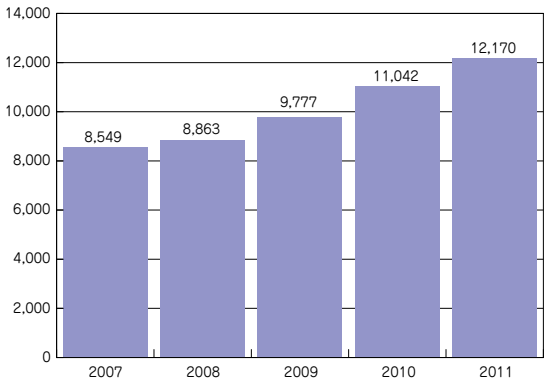
2) Super Accelerated Examination System

The JPO introduced the Super Accelerated Examination System on a pilot basis, under which applications are examined more quickly than under the conventional accelerated system. This system targets more important applications, which meet both the requirements for "working- related applications" and the requirements for "internationally filed applications".

The basic outline of the super accelerated examination system is that the first action is finished within one month from the time the petition is made for super accelerated examination (within two months in principle for DO applications[1]), and a subsequent examination[2] is also finished within one month from the submission of the written opinion/amendment. In addition, this system requires applicants to file online[3] and submit written opinions and written amendments in response to written notices of reasons for refusal within 30 days (or two months for overseas residents) from the date that notice was sent. This system, compared with the conventional accelerated examination system, reduces the period of time applicants receive final decisions.

There were 361 petitions for super accelerated examination in 2011.

【Figure 3-2-4 Change in the Number of Applications Filed under the Accelerated Examination System】



1 Applications which entered the national phase after being filed as international applications.

2 An examination conducted upon the submission of a written opinion or amendment by the applicant after the first action.

3 The applicant needs to take care of procedures online within 4 weeks after applying for super accelerated examination.

2. Efforts to Obtain Stable Rights

In order for companies to safely utilize their own intellectual property rights in the global market and to perform business activities, it is essential that patent rights be granted as stable and valid patent rights all over the world. Stable rights, to be valid in the world, require that there are no reasons anywhere for invalidation, that a clear line between other rights is set, and that the rights are not unnecessarily restrictive.

Therefore, it is important to deepen understanding of many factors such as technologies subject to examinations and related technical fields. In addition, it is important to conduct accurate prior art document searches including national and overseas documents, and implement quality control of patent examinations in a way that the results notified to applicants are based on high-quality examination procedures. In addition, it is necessary to review the examination standards, etc. where necessary in response to the opinions of users and the results of appeals/trials and judgments from the viewpoint of international system harmonization.

Furthermore, in order to promote stable intellectual property activities by applicants, it is also important to implement efforts that meet the diverse needs of users, such as support that multilaterally ensures efficient and secure acquisition of rights associated with intellectual property strategies of the applicants and support of endeavoring to make communication with the examiner as easy as possible during the examination procedures.

This section introduces efforts to ensure quality control and revise examination standards so that stable rights can be acquired. It also reports on efforts for supporting the acquisition of rights associated with the intellectual property strategies of the applicant.

(1) Efforts in Response to Users' Needs

1) Interview Examinations System

The JPO has established an interview examinations system which is used in order to ensure good communication between the examiner and the applicant or the attorney. This system, as a result, increases the efficiency of the examination procedure. (There were 4,636 interview examinations conducted in 2011.)

For SMEs, venture businesses, universities and TLOs in rural areas, the JPO has implemented circuit interview examinations. These examinations refer to examinations conducted by examiners who visit specified interview sites located nationwide in rural areas, meet applicants directly and consult with them about their applications and the technical content. In 2011, the JPO conducted a total of 886 circuit interview examinations. Moreover, the JPO has conducted video-interview examinations using a teleconferencing system installed in the Patent Offices at each Bureau of Economy, Trade and Industry.

2) Estimated Period for Initiating Patent Examination

In order to enable applicants and their attorneys to strategically manage their applications, the JPO has provided them an estimated period when the examination process for their applications is predicted to be completed. This applies to applications for which examinations have not yet started (except for applications which have not yet been published.). This system is referred to as the "estimated period for initiating patent examination" on the JPO's website.

By providing this estimated period, the JPO aims to promote discussions on the necessity of rights preservation by applicants and assist applicants in using the accelerated examination system, interview examination system, and refund of request for examination system[1], as needed.

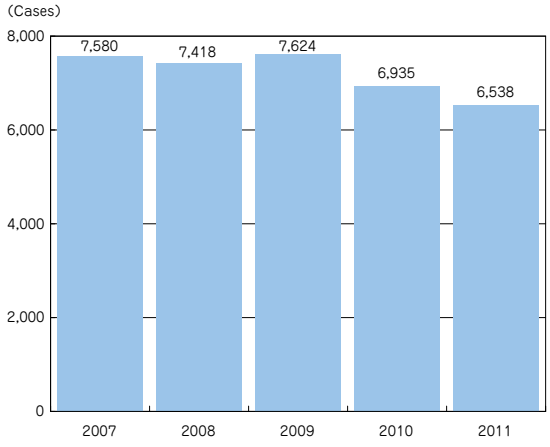
This system has been expanded so that third parties can also inquire the estimated period, enabling them to contribute to the use of the information submission system.

1 A system to refund the half of the paid annual fees for examination request by withdrawing or abandoning an application before the JPO starts to examine it and filing a request for refund within six months from the withdrawal or abandonment.

3) Submission of Information by Third Parties

The information submission system accepts useful information in the examination process. For example, this includes information on inventions, which are related to the subject patent applications, showing that they do not have novelty or inventive steps, or that the inventions do not fulfill the description requirement (Ordinance for Enforcement of the Patent Act Article 13-2). In 2011, 6,538 cases information submitted.

【Figure 3-2-5 Number of Cases When Information Was Submitted】



4) Examination in Accordance with Intellectual Property Strategies of Applicants

In recent years, business models have diversified due to globalization of business activities. In addition, the intellectual property strategies of companies have become more business-oriented. In view of these circumstances, the JPO is considering whether to examine applications en masse, which are necessary for business. Grasping the background and technical content of the businesses based on technical explanations and interviews will deal with applications based on intellectual property strategies.

(2) Efforts to Maintain and Improve the Quality of Patent Examination

1) Trends in the Quality of Patent Examination

Ensuring the accuracy of patent examination is an essential requirement for preventing unnecessary ex-post disputes and unnecessary competition in terms of applications. It is also essential for maintaining a sound patent system. In fact, recent social demand for speeding up the patent examination process, as well as for maintaining and improving the quality of patent examinations, is becoming very strong.

Various discussions have been advanced to utilize results of prior art searches and examinations conducted by other Offices for the purpose of promoting international work sharing. It is a common issue at each Office to improve the framework and procedures for achieving such high-quality patent examination. The method of assessing what degree of contribution international research reports created by the Trilateral Offices play in deliberations on the migration of national phase in each country and national phase examination as well as the standards for assessing the quality of patent examinations have been discussed at the Trilateral Conference (the JPO, USPTO and EPO) and the Meeting of IP five offices (SIPO and KIPO in addition to the Trilateral Offices).

In addition, with regard to PCT applications, Chapter 21 of "the PCT International Search and Preliminary Examination Guidelines (hereinafter referred to as "the PCT Guidelines") includes a provision on its framework for ensuring quality. It requires all International Searching Authorities and International Preliminary Examination Authorities, including the JPO, to implement high-quality international searches and preliminary examinations by establishing a "quality management system," which includes monitoring and measuring the compatibility of the system with the PCT Guidelines, continually improving upon this, and customer survey. The method of maintaining and improving the quality of patent examinations conducted by each International Search Authority and International Preliminary

Examination Authority has been continually discussed at the Meeting of International Authorities under PCT (PCT/MIA) and the PCT working group with the aim of improving the quality of international searches and international preliminary examinations.

2) Efforts Concerning Examination Guidelines

From September 2010 to June 2011, the fifth to seventh meetings of the Expert Committee on Examination Standard supervised by the Patent System Subcommittee under the Intellectual Property Policy Committee of the Industrial Structure Council were held to deliberate the requirements for description and claims[1]. Based on the results of the deliberation, the examination guidelines were revised in line with the basic principles that (i) the description of the examination guidelines where explanation is insufficient is supplemented and clarified in order to prevent overly strict determinations and correct variations among the examiners' determinations and (ii) the mismatch among requirements caused by the revisions made to the examination guidelines for the requirements for description and claims at different times is corrected. The revised examination guidelines were publicized at the end of September 2011[2].

Moreover, in April 2011, the Supreme Court decisions on applications for registrations to extend the term of patent rights[3] were made and the final appeal of the JPO was dismissed. As a result, the examination guidelines for Patent Term Extension did not match with the Supreme Court judgment in some parts. In order to appropriately examine applications that already filed under the current laws, it was necessary to review the practice as soon as possible. For this reason, from August to October 2011[4]the sixth and seventh meetings of the Working Group on the Patent Term Extension System supervised by the Patent System Subcommittee under the Intellectual Property Policy Committee of the Industrial Structure Council were held to deliberate on the Patent Term Extension System. At the meetings it was decided that the examining applications for registering an extension should be revised in a way that such does not contradict the Supreme Court decision. And furthermore, it was decided that consistent explanations must be given in all cases. Based on the results of the deliberation, the examination guidelines for Patent Term Extension were revised to ensure that the examiner shall interpret the meaning of "the working of the patented invention" taking into account the matters defining the patented invention to decide whether obtaining the disposition designated by Cabinet Order was necessary to ensure the working of a patented invention in the examination of applications for registration of extensions. The revised examination guidelines were publicized in December 2011[5].

3) Ensuring Quality of Patent Examination

In order to fulfill quality requirements for patent examinations from users such as applicants, it is important for the Art Units conducting examinations to uphold quality control activities[6] to achieving the quality required by users.

The JPO has been engaged in maintaining a quality control system at its Art Units by revising the examination guidelines and enhancing the search system. In addition, the Quality Management Office was established in response to the Advanced Measures for Accelerating Reform toward Innovation Plan in Patent Examination 2007 in April 2007. Furthermore, the JPO established the Quality Audit Section in April 2010 to further improve the system.

1 The minutes, etc. are publicized on the JPO website. http://www.jpo.go.jp/shiryou/toushin/shingikai/shinsakijyun_menu.htm

2 See http://www.jpo.go.jp/torikumi/t_torikumi/kisaiyoken_shinsa_kaitei.htm for the outline of the revision.

3 2009 (Gyo-hi) 324-326 (the original document is 2008 (Gyo-ke) 10458-10460)

4 The minutes, etc. are publicized on the JPO website. http://www.jpo.go.jp/shiryou/toushin/shingikai/encyo_seido_wg_menu.htm

5 See http://www.jpo.go.jp/torikumi/t_torikumi/tokkyoken_encyo_kaitei.htm for the outline of the revision.

6 ISO9000, an international specification of quality management, defines "quality control" as "part of quality management focused on fulfilling quality requirements."

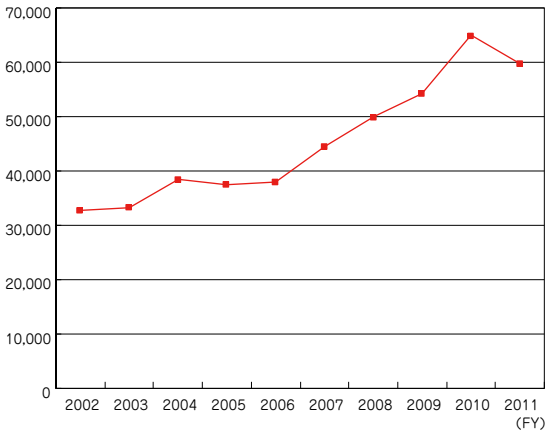
Under this quality management system, the JPO has maintained and improved the quality of patent examinations through a) quality control performed on a regular basis at each Art Unit, b) collection and utilization of information related to quality, and c) external efforts aiming at examinations that comply with the laws, regulations and examination guidelines that ensure uniform decisions by examiners. This requires implementing necessary and sufficient searches, and conducting highly-satisfactory examinations based on smooth communications with the applicant.

a. Quality Control at Art Units

Each Art Unit, where applications of each technical field are examined, works to achieve quality control in terms of conducting proper examinations of individual cases based on the Examination Guidelines that are applied by all examiners. This is done by having several examiners consult with each other and having directors check the content, etc.

In particular, consultations between examiners have been regularly held in recent years, and in FY2011, over 60,000 consultations were conducted.

【Figure 3-2-6 Changes in the number of consultations being conducted among examiners】



b. Collection and Utilization of Quality Related Information

In the JPO, third parties review the ex-post analysis of the examination results of individual cases, gather user reviews, and analyze related statistical information. In addition, the results of the analyses are utilized to improve the quality of examinations. Feedback is given to the Art Units as a means of supporting quality control at each Art Unit.

Internal reviews are made to check whether the cases conform with laws and guidelines, whether each examiner makes a decision in a unified manner, whether the examinations were done efficiently by taking into consideration whether there was a smooth line of communication between the applicant/patent attorney and the examiner, and whether an international search report and an international preliminary examination report was available to and used by the applicant and the Designated office, etc.

In FY 2011, there were 144 internal reviews, 120 PCT cases, and 4,800 formal matters[1] of written notices of reasons for refusal. Moreover, user reviews were gathered and analyses were made of the reviews. These and PCT cases were examined in collaboration with related departments and feedback on the results of the analyses was used to decide measures to ensure quality, with the results advised to users.

c. External Efforts

The JPO has been regularly holding meetings to enable the Examination Standards Office, Quality Management Office and users can exchange opinions. At these meetings, the JPO explains the outline of its efforts to maintain and improve the quality of the patent examination processes such as utilizing user reviews and calling for cooperation in providing opinions and requests on the patent examination processes. The information obtained is used to ensure quality control of patent examinations by the Art Units and to further enhance the quality control system.

1 A check of matters which can be determined only by the content of description of written notification of reasons for refusal such as error in the ground article of reasons for refusal.

3. Efforts for International Work Sharing

Following the global increase in the patent applications amidst the ongoing globalization of economic and business activities, and the increasing importance of intellectual property along with such globalization, the number of duplicate applications, i.e., the same invention being filed in multiple offices, is increasing. In line with this, the examination workload at each office has been increasing. Under this situation, the JPO is promoting work sharing of patent examinations with various IP offices, using the framework of international cooperation to improve the accuracy and efficiency of examinations worldwide under the aim of creating an environment where applicants can tightly protect their intellectual property worldwide.

The principle of work sharing is for each IP office to use the results of searches and examinations released by other offices. Doing so makes it possible to raise the efficiency of examinations and to give more credibility to the examination results by considering the validity of the searches and examination results of other offices. Utilizing the valid parts can eliminate duplicate work, while each office searches and examines the invalid parts.

Thus, it is important for each office to release the search and examination results at an early stage so that other IP offices can make use of it at the most appropriate level, in order to ensure that bi-directional work sharing at various levels truly functions as designed. The JPO's efforts on these issues are as follows (articles (1) and (2)).

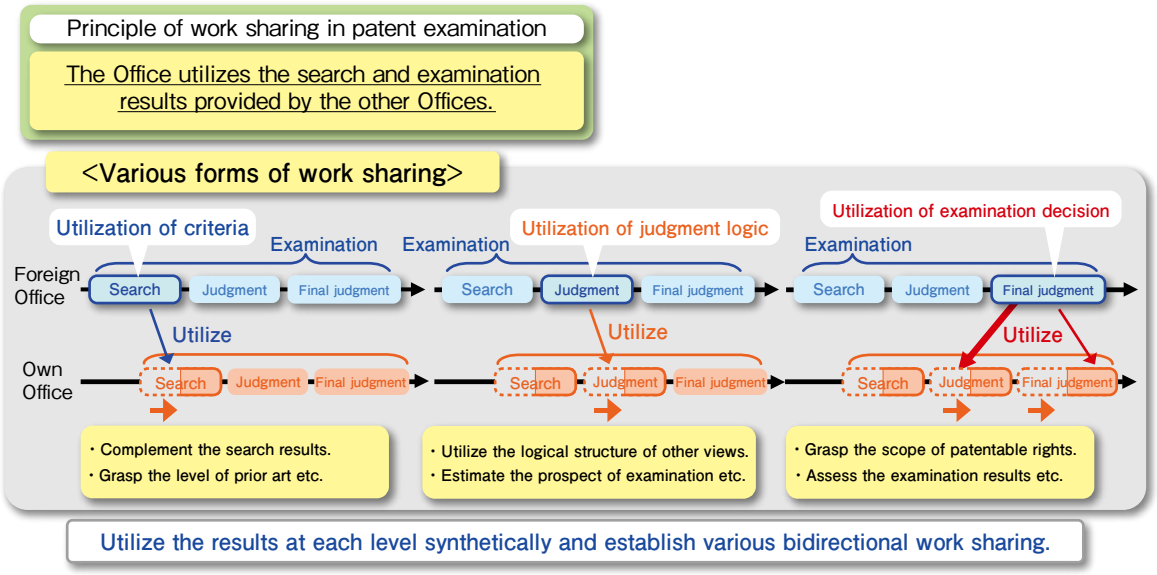
(1) Patent Prosecution Highway (PPH)

The Patent Prosecution Highway (PPH) is a framework set up to allow an application that was determined to be patentable in the Office of First Filing (the office with which the applicant first filed the patent application), to be given an accelerated examination under simplified procedures in the Office of Second Filing.

By enabling all the offices to make use of search and examination results of other offices applicants can acquire efficient, stable and strong patent rights in multiple countries and regions.

Moreover, the above-mentioned framework was expanded, and a pilot program for the Patent Prosecution Highway (PCT-PPH) was launched in January 29, 2010, which allows accelerated examination with simplified procedures at the national phase of PCT applications for applications determined to be patentable in the written opinion at the

【Figure 3-2-7 Concept of work sharing in patent examination】



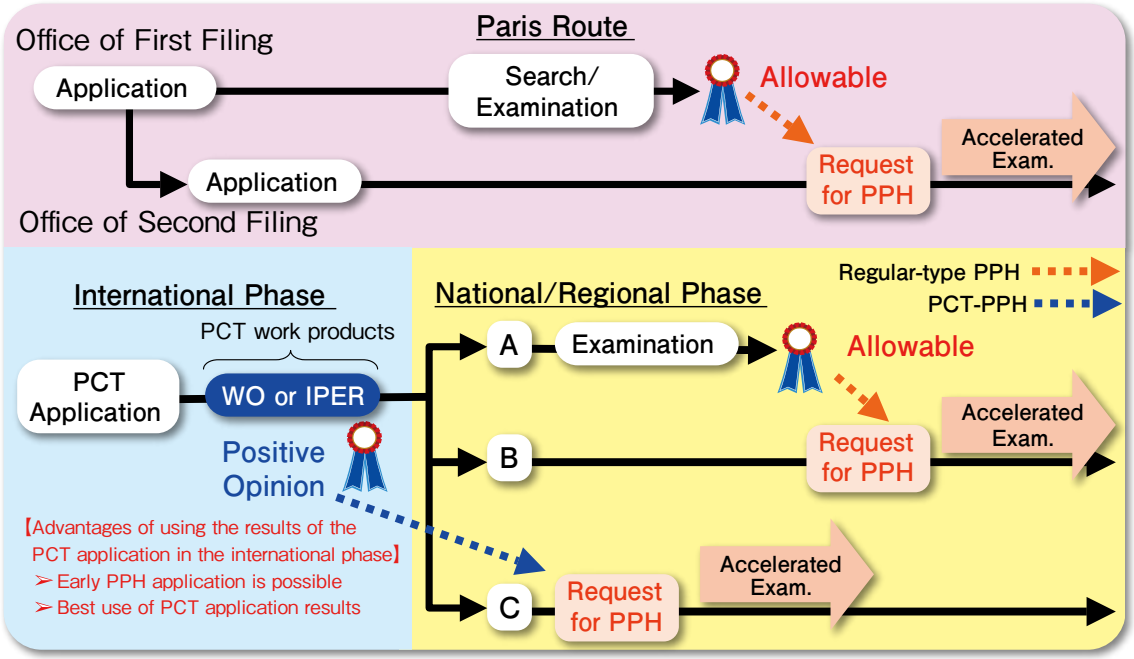
international phase of PCT applications, or in the international preliminary examination report.

In addition, on July 15, 2011, the PPH MOTTAINAI program started. It is a pilot program for the Patent Prosecution Highway that has fewer requirements. This program allows a patent application filed under the PPH based on the examination results issued by any participating country which determined that the application is patentable regardless of which office among eight it was first filed with (Japan, the United States, the United Kingdom, Canada, Australia, Finland, Russia and Spain). The EPO has participated in this pilot program since January 29, 2012.

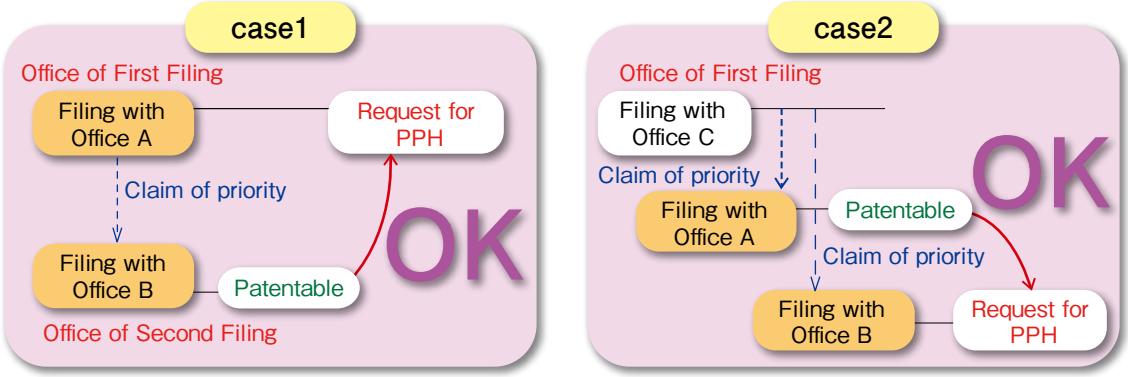
An applicant using the PPH can receive three major benefits.

The first benefit is improved patent quality. The grant rate of applications from the USPTO to the JPO is usually 44.8%, while the grant rate of applications using the PPH is as high as 72.4% (2011). The foreseeability of acquisition of a patent becomes higher for the applicant and it is possible to acquire a more stable right, as examiners in the JPO and the USPTO examine the application based on the same claims in principle.

【Figure 3-2-8 Outline of the Patent Prosecution Highway : Regular-type PPH(above) and PCT-PPH】



【Figure 3-2-9 Cases in which the Request for PPH is Allowed under the PPH MOTTAINAI program】



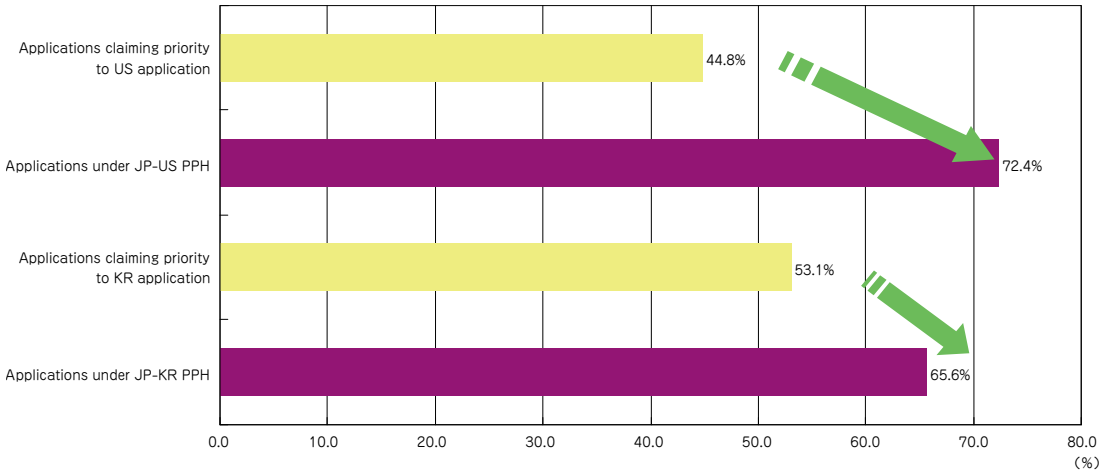
The second benefit is accelerated examinations. For example, in the JPO, the average first action pendency from the filing of an application up to the commencement of examination, was about 25.9 months in 2011, while the examination pendency of PPH applications, from the acceptance of the PPH request up to the commencement of the examination, was about 1.7 months in 2011.

In addition, the average pendency, from the commencement of examination to the final decision, is usually about 10.4 months for applications filed preferentially in the USPTO to the JPO, while that of applications using the PPH is about 5.5 months (2011).

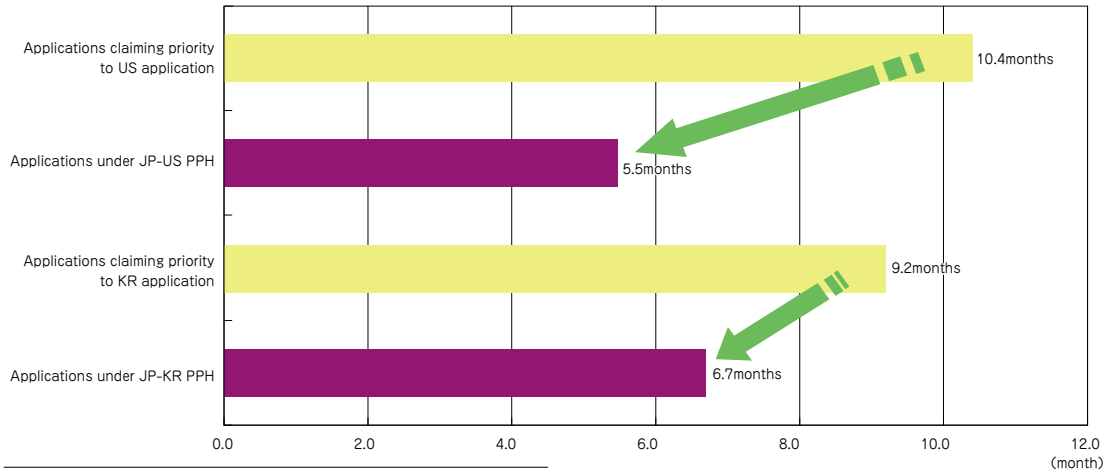
The third benefit is reduced costs to acquire rights. It can be assumed that once a reason for refusal has already been sent by one office, it is not necessary for all the other offices to send notifications. As a result, volume of correspondence between the examiner and the applicant is less, thereby reducing the cost. This enables the applicants to save the costs when acquiring patents, so they can invest the amount saved in additional R&D activities.

On the other hand, examiners can examine applications using the examination results of other offices so that it is possible for them to reduce their workload and make more efficient use of their time by examining other applications. This contributes to overall expeditious examination.

【Figure 3-2-10 Benefits of using PPH (Grant Rate at the JPO) (2011)】



【Figure 3-2-11 Benefits of using PPH (Average pendency from FA[1] to final decision at the JPO) (2011)】



1 The first examination to be conducted after the examination request by the applicant.

(2) JP-FIRST (JP-Fast Information Release Strategy)

As described above, the principle of patent examination work sharing is for each office to utilize the search and examination results released by other offices. However, due to the prolonged first action pendency in the JPO, examination results for applications in which the Office of First Filing is the JPO, could not be provided before examinations were initiated in the Office of Second Filing. As a result, the results of the Office of First Filing could not be used for the examination decision in the Office of Second Filing

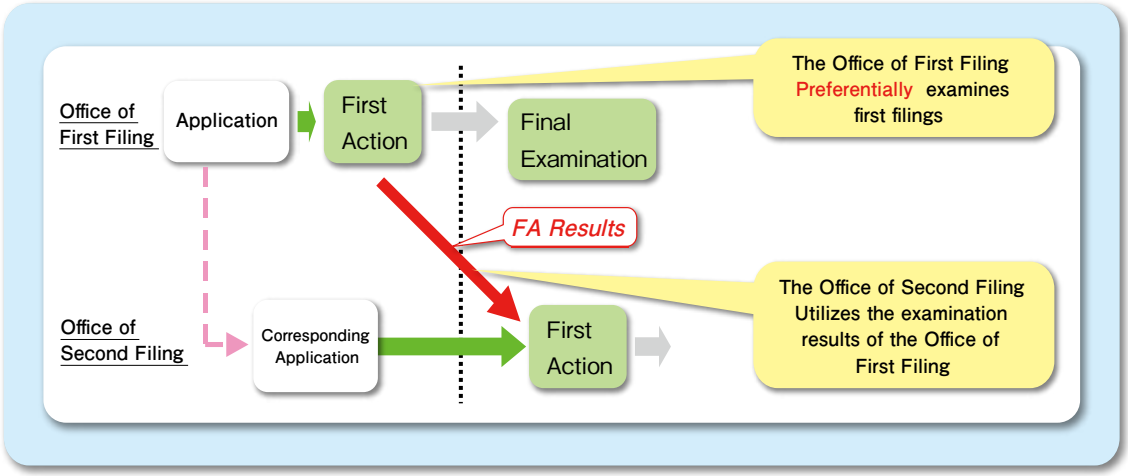
Due to this circumstance, the JP-FIRST was implemented in April 2008 in order to solve the above problem, taking into consideration the patent system of the JPO. This includes an examination request system that has a period of three years, and a framework to conduct international searches for PCT applications.

JP-FIRST is a framework in which:

- The JPO prioritizes examinations of patent applications for which examinations have been requested within two years from the filing date among patent applications which are eligible for priority under the Paris Convention[1] (PCT applications are not subject to JP-FIRST).
- The JPO conducts the examination in principle within six months from the later date of either the examination request date or the publication date, and no later than 30 months after the filing date.

This ensures that the examination results of the first action by the JPO are utilized in the examination in the Office of Second Filing. In 2011, examination results for 7,109 applications have been released abroad earlier through this program. This is expected to enable Japanese applicants to acquire appropriate patent rights in foreign offices. Providing the results of the first action by the JPO earlier alleviates the amount of examination workload at all offices overall, So promoting the utilization of these results in foreign offices is important.

【Figure 3-2-12 Outline of JP-FIRST】



1 In the case where an applicant who filed the application at a country of the Union of the Paris Convention (country of first filing) intends to file the content described in application documents of the patent application at another country of the Union of the Paris Convention (county of second filing), he or she claims the right to handle the judgment on novelty, inventive step, etc. in the same way as that made in the filing date at the country of first filing only when the period from the first filing date to the second filing date is less than 12 months.

4. Reviewing the Patent Systems

In 2011, the Patent Act was partially amended to strengthen protection for license agreements, to provide inventors with proper protection for their inventions made as a result of joint research and joint developments, and to improve user convenience. The amendment focuses on 1) Review of the perfection system for non-exclusive licenses, etc. 2) Establishment of remedial measures against misappropriated applications, and 3) Reviewing the provision for exceptions to lack of novelty of inventions.

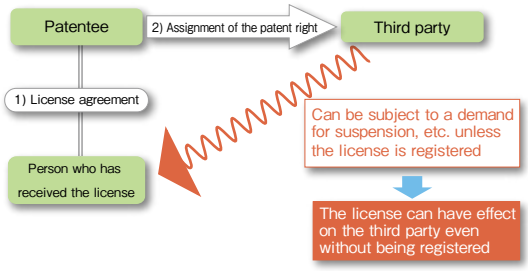
(1) Review of the Perfection System for Non-exclusive Licenses, etc.

Under the conventional system, registration with the JPO is required for a non-exclusive licensee to assert license rights against third parties. Therefore, a non-exclusive licensee who fails to register the non-exclusive license would risk receiving claims for an injunction and damages from third parties such as the assignee of the patent. However, the registration system for non-exclusive licenses is rarely used because of procedural burdens, etc.

On the other hand, in recent years, it has become increasingly impractical to develop and manufacture one product by using internal technologies only due to the participation in open innovation projects and the advancement and diversification of technology.

In order to provide non-exclusive licensees with proper protection and to ensure the stability and continuity of corporate business activities, an amendment was made to introduce a new system(automatic perfection system), which allows non-exclusive licensees to assert their license rights against third parties without registration. At the same time, a similar system was introduced for provisional non-exclusive licenses, i.e., licenses granted based on pending patent application.

【Figure 3-2-13 Introduction of the Automatic Perfection System】



(2) Establishment of Remedial Measures against Misappropriated Applications

Recently, it has become a widespread practice for companies, universities, etc., to jointly develop technologies and products. As a result, misappropriated applications or violations of the obligation of joint application procedure (hereinafter "misappropriation, etc.") are more likely to occur.

Under the conventional system, any true right holder who suffers the filling of a misappropriated application may request a trial for invalidation of the patent right granted in response to the misappropriated application and have the patent invalidated. However, the remedies available for the true right holder are insufficient because of the absence of systems that allow the true right holder to retrieve the patent right.

Therefore, it has been specified that, if a patent is granted in response to a misappropriated application, etc., the true right holder may, based on the right to obtain a patent, demand that the patentee who has obtained the patent right by filing a misappropriated application return the patent right.

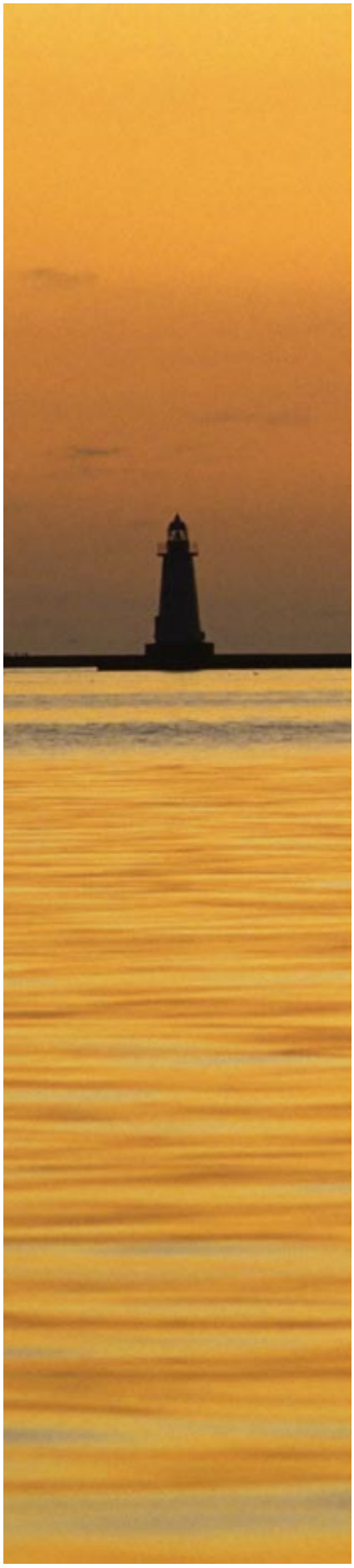
Moreover, it has been specified that, if a patent right is transferred to the true right holder, in order to prevent the exercise of rights by the true right holder from being prohibited for the reason of misappropriation, misappropriation would no longer constitute a reason for invalidation, etc.

(3) Reviewing the Provision for Exceptions to Lack of Novelty of Inventions.

The Patent Act has stipulated that an invention published before any application has been filed for that invention shall be exceptionally handled as one that has not lost novelty, if certain requirements are met.

However, the provision limited applicable inventions to those which have become publicly known based on tests, presentations in printed publications, presentations through electronic telecommunication lines, presentations in writing at a study meeting held by an academic group designated by Commissioner of the JPO, and exhibitions designated by Commissioner of the JPO,etc. So, this limitation made it impossible to sufficiently deal with diversification of publication formats.

As a result, it was decided to expand the scope of the exception to lack of novelty of inventions, and to include inventions that have become publicly known as a result of an act of the person having the right to obtain a patent. This fully covers inventions that have become publicly known regardless of the format of publication.



5. Initiatives to Achieve Future Patent Strategies

The international environment surrounding intellectual property is drastically changing because of economic globalization and the expansion of emerging markets such as Asia. Japanese companies expand their intellectual property strategies on a global basis. Under such a situation, the number of applications filed by Japanese to foreign offices has greatly increased. In addition, the regions where the applicants filing tendency have changed, from the Trilateral Offices (the JPO, EPO and USPTO) to the five offices, namely the Trilateral Offices plus the KIPO and the SIPO.

And with China becoming the second largest economic power, surpassing Japan, the number of lawsuits in China has been rapidly increasing along with the outstanding increase of number of patent applications. There are concerns that intellectual property disputes will become even more heated in the future.

In view of these circumstances, the JPO formulated and publicized the "International Intellectual Property Strategies[1]" in July 2011 with the aim of improving the international IP infrastructure so that Japanese companies can smoothly conduct businesses all over the world.

The International Intellectual Property Strategies consist of (i) direction of patent strategies, (ii) direction of design and brand strategies and (iii) support for companies that conduct businesses worldwide. The Strategies' goals are to advocate establishing stable rights in Japan, which will be accepted worldwide; and creating an environment in which those rights are acquired in an expeditious manner in other countries.

This section introduces specific measures addressed by the JPO for the purpose of achieving these patent strategies.

(1) Working toward International Patent System Harmonization

1) Creating International Patent Networks

a. Expanding and Developing the PPH

After the launch in July 2006 of the pilot program of the world's first PPH[2] between the JPO and the USPTO, the number of applications filed under the PPH has steadily increased.

A high number of cases have been recorded under the PPH programs implemented between Japan and the United States and between Japan and South Korea. As of the end of December 2011, 4,703 requests to the USPTO and 1,438 requests to the JPO have been filed under the US-JP PPH, while 1,025 requests to the KIPO and 160 requests to the JPO have been filed under the KR-JP PPH.

The JPO supports applicants to acquire stable and expeditious rights abroad and also endeavors to increase the number of countries and regions with which it has PPH agreements in order to improve the quality of examination and alleviate the examination workload by utilizing the examination results of each office.

a) Increasing PPH Countries and Regions

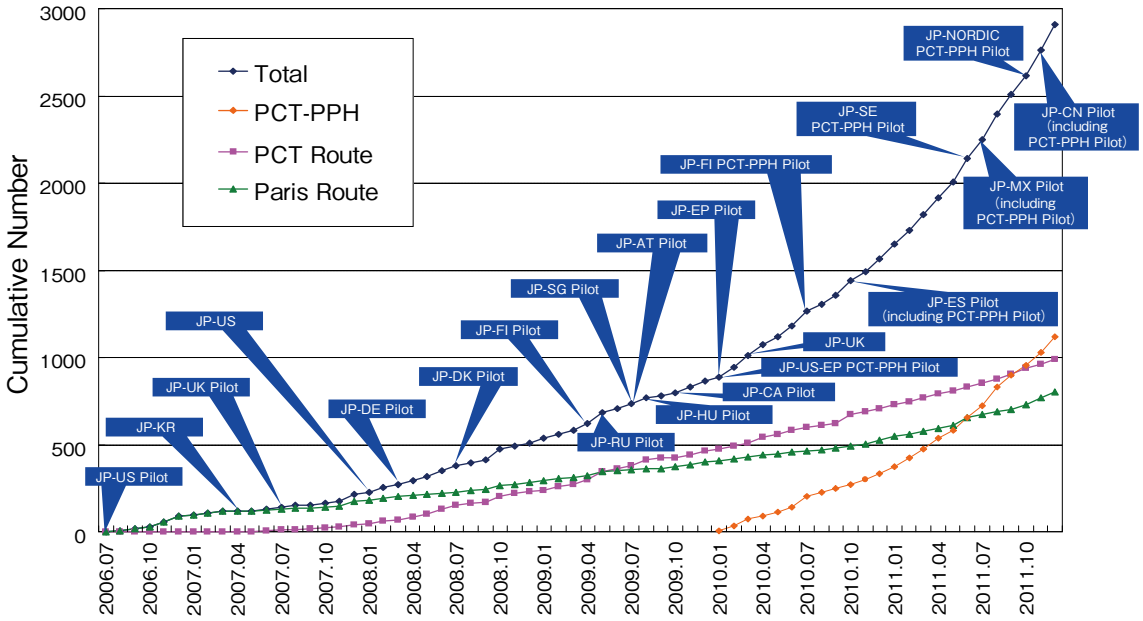
As of the end of May 2012, Japan is conducting either full or pilot PPH programs. It has full PPH programs with 21 countries and regions (the United States, the Republic of Korea, the United Kingdom, Germany, Denmark, Finland, Russia, Austria, Singapore, Hungary, Canada, the EPO, Spain, Mexico, China, Norway, Iceland, Israel, the Philippines, Portugal and Taiwan).

In addition, as of the end of May 2012, the JPO is conducting full or pilot PCT-PPH programs with 13 countries and regions (the United States, the EPO, Finland, Spain, Sweden, Mexico, Denmark, the Nordic Patent Office, China, Norway, Iceland, the Philippines, Portugal).

1 Sources distributed at the 16th Intellectual Property Policy Subcommittee, Industrial Structure Council http://www.jpo.go.jp/shiryou/toushin/shingikai/pdf/tizai_bukai_16_paper/siryou_01.pdf

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

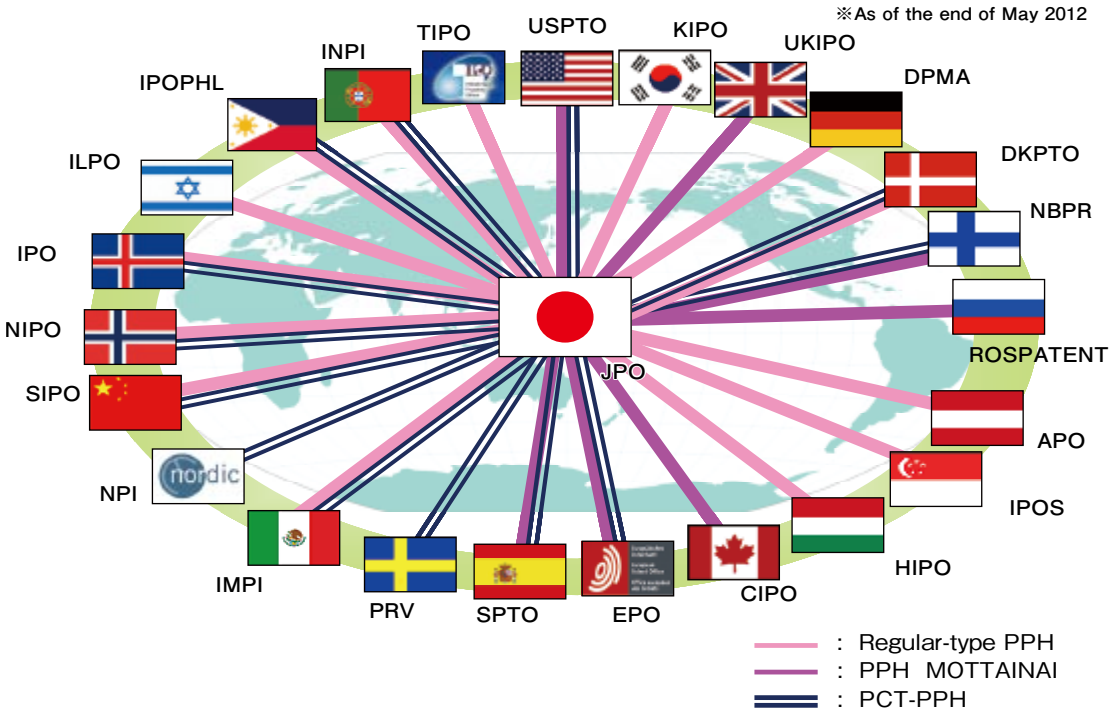
【Figure 3-2-14 Number of applications for the PPH (at the time of December 2011)】



As of the end of May 2012, the JPO is also conducting a pilot PPH MOTTAINAI program with 7 countries and regions (the United States, the United Kingdom, Canada, Finland, Russia, Spain and the EPO), which are countries with which the JPO has conducted full or pilot PPH programs.

It is anticipated that the Japanese applicants can expeditiously acquire more patents, as more applications become subject to the PPH programs.

【Figure 3-2-15 Network of the PPH between the JPO and other offices】



The number of countries and regions with which the JPO implements the PPH program and the PCT-PPH program is increasing every year[1].

Particularly, the importance of China has increased in terms of intellectual property. However, patent applications subject to accelerated examination were limited to those contributing to national and public interests in China. Thus, users who desire to acquire patent rights expeditiously in China and protect their own technologies have requested the JPO to introduce the Japan-China PPH. The balance between quality and quantity of examinations is a serious issue in patent offices like the SIPO where the number of applications filed is rapidly increasing. It is expected that the patent applications filed under the PPH would alleviate the procedural work related to examinations and improve the accuracy of examinations.

1 Since April 2011, the JPO has newly started the PPH program with Mexico, China, Norway, Iceland, Israel, the Philippines, Portugal and Taiwan and the PCT-PPH with Sweden, Mexico, Denmark, the Nordic Patent Office, China, Norway, Iceland, the Philippines and Portugal.

November 2011:
18th JPO-SIPO Commissioner Meeting (photo at the time of agreement)
Left: SIPO Commissioner Tian, Right: JPO Commissioner Iwai (photo provided by the SIPO)

To that end, in November 2011 the JPO started the world's first PPH and the PCT-PPH with the SIPO, working under a pilot basis. The use of the PPH is expected to protect technologies of Japanese companies with high-quality patent rights in China in an expeditious manner and lead to their smooth business expansion in China. By the end of April 2012, a total of 190 requests to the SIPO and 10 requests to the JPO have been filed.

Moreover, in March 2012, the JPO started the PPH and the PCT-PPH under a pilot-program basis with the Philippines, which is next to Singapore among the ASEAN-member countries in terms of achieving remarkable economic development in recent years.

b) Easing and Standardizing the Requirements for PPH Applications

The JPO has implemented the PPH MOTTAINAI program with seven countries and regions. This patent prosecution highway pilot program eases the application requirements.

The PPH programs are conducted under bilateral agreements so there is a problem with Office of Second Filing having different requirements for the PPH, even though the PPH applies to applications filed with the JPO. Due this situation, many users are asking to have the requirements for the PPH standardized.

Thus, the first Plurilateral Patent Prosecution Highway Commissioner Meeting and the Working-Level Meeting were held in February 2009. Since then, subsequent meetings have been held, with the fourth Working-Level Meeting held in Germany in October 2011. Represented at that meeting were IP offices and organizations from 19 countries and regions.

At the fourth Working-Level Meeting, the participants agreed to share information on the number of applications filed under the PPH MOTTAINAI program and discussed designing a plurilateral PPH framework with unified requirements. In addition, the members raised awareness of the need to reduce documents submitted by applicants under the PPH program and harmonize the PPH practices of each office. Moreover, the participants agreed to advance activities that increase PPH applications from users.

b. International Examiner Exchange Program

In order to promote work sharing in the area of patent examination, it is important that each office builds its credibility in terms of searches and examinations and harmonizes the quality of examinations to a greater degree so as to enhance the understanding of the search DB/tools for prior arts, and to harmonize the patent classification. In recent years, the number of opportunities for the JPO to utilize the examination results of other offices and for examiners of other offices to refer to the examination results of the JPO has been increasing due to the implementation of the PPH among several countries and regions and due to the network being built between the JPO and other offices. In this regard, the role of the international examiner exchange program is becoming more important because the program allows examiners to interact directly.

In FY2011, the JPO implemented bilateral examiner exchange programs with the EPO, sending 8 persons and accepting 6 persons; the DPMA, sending 4 persons;, the KIPO, sending 2 persons and accepting 2 persons; the SIPO, sending 4 persons and accepting 4 persons; ROSPATENT, sending 2 persons; TIPO, sending 4 persons and accepting

4 persons; and CGPDTM, sending 2 persons. Under the program, examiners can conduct research on the search/examination circumstances and the examination system. The JPO also started a bilateral examiner exchange program with the Patent Office of Spain (SPTO, sending 2 persons) and the Swedish Patent and Registration Office (PRV, sending 2 persons), which are offices that the JPO recently started PPH pilot programs with in FY2010 and FY2011, respectively. In addition, the JPO sent four examiners to the Five Office Examiner Workshop in which examiners from the JPO, EPO, USPTO, SIPO and KIPO identified each other's search/examination methods and shared the best practices.

(2) Establishing Stable Rights Valid in Worldwide

1) Creating an Examination System in Response to Globalization

a. Enhancing Quality Control

The JPO has conducted internal checks, targeting cases in which documents such as written notices of reasons for refusal had been sent by 13 Quality Management Committee members. As a result, it has become clear that cases requiring improvement regularly appear as a certain percentage. It is necessary, therefore, to introduce a system to conduct internal checks and modifications (in-process type sample checks) before notifications are sent.

The internal check is to confirm, from the point of independent parties, whether or not current quality control by the Art Units is fully in effect. It is necessary to confirm the current status of prior art searches is included in each technical field.

In the future, the JPO will introduce an in-process type sample check on a pilot basis under the assumption that persons in charge of checks implement prior art searches again when necessary, as a means of determining the future direction of better internal-check systems.

In addition, all Art Units have been holding consultations with the participation of several examiners as part of their regular quality control activities[1]. The JPO works to harmonize the standards examiners use to make decisions in regard to the same technical fields by including certain viewpoints such as the appropriateness of decisions and the appropriateness of prior art searches. Then examiners hold consultations on those viewpoints. Also, the JPO strives to enhance quality control at the Art Units by collecting and analyzing the consultation results and considering the future course of consultations designed to ensure quality control.

Furthermore, the range of collecting user evaluations will be expanded to reflect the degree of satisfaction and the needs of users more accurately.

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

Chapter 3

Efforts Related to Designs

In Japan, the design registration system has been revised several times in order to improve the capabilities of design development of Japan and take measures against design imitation since the enactment of the Design Act 1959. In contrast the number of applications for design registration filed in Japan in the last decade has been decreasing, after peaking in 2004. One reason is that Japanese companies, which file about 90% of national applications, tend to be more selective in filing applications for design registration. In recent years, their strategies are looking more toward a global market. In order for the companies conducting global business activities to prevent damage caused by design imitation, effectively promote Japanese brands through designs, and thus ensure competitiveness on a global basis, it is important to consolidate an infrastructure that promotes international protection of designs. Japanese companies have been increasing their needs for Japan to become a member of the Geneva Act of the Hague Agreement, Concerning the International Registration of Industrial Designs (hereinafter "the Geneva Act of the Hague Agreement").

Moreover, with the development of information communication technology, the importance of screen image designs has been increasing as a way to appeal competitiveness of products. Along with the work towards possible accession to the Geneva Act of the Hague Agreement, it is also necessary to deliberate about the enhancement of protection of screen image designs under the Design Act with the aim of supporting further proper protection of these designs from imitation and the acquisition of international markets in this important field where further development in the near future is expected.

1. Efforts for Accessing to the International Agreements concerning Design

There is increasing demand from Japanese companies for Japan to accede to the Geneva Act of the Hague Agreement, an international registration system, which allows applicants to protect their designs in contracting states with simple procedures and reasonable fees. In response to such demand, the 15th Design System Subcommittee of the Intellectual Property Policy Committee of the Industrial Structure Council (held in January 2012) agreed to continue looking into the matter, aiming toward acceding to the agreement on condition that a number of issues that arise in acceding to the agreement are to be solved.

(1) Deliberations on Japan's Accession Geneva Act of the Hague Agreement Concerning the International Registration of Industrial Designs

1) Deliberations on Japan's Acceding to the Agreement

The "Intellectual Property Strategic Plan 2011" states that the JPO shall deliberate and reach a conclusion in FY2012 on whether Japan will accede to the Hague Agreement. Based on that, the 15th Design System Subcommittee confirmed to continue to deliberate on Japan's accession to the agreement, on condition that several issues including legal issues that arise in acceding to the agreement are to be resolved.

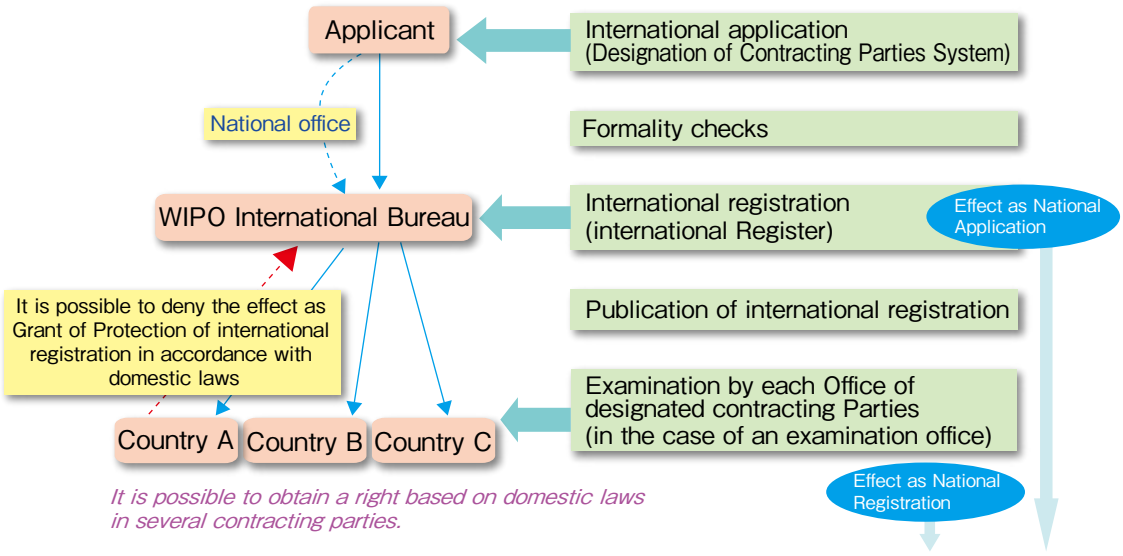
In FY2012, in cooperation with related ministries and agencies including the Ministry of Foreign Affairs of Japan, deliberation on specific systemic issues, especially conformity with the agreement is to be furthered and the conclusion about accession is to be reached.

(2) The Locarno Agreement concerning the International Classification for Industrial Design

1) Issues and Responses surrounding Japan's Accession to the Locarno Agreement

The international classification for industrial designs is positioned as a general tool for organizing information, and as such, it is a rough classification system. Since the international design classification is too rough

【Figure 3-3-1 Basic Concept of The Geneva Act of the Hague Agreement】



to search prior designs and conduct substantive examination effectively and properly, Japan uses a more detailed Japanese classification system for industrial designs. However, if Japan becomes a member of the Geneva Act of the Hague Agreement, Japanese applicants will have more opportunities for using the international classification for industrial designs. Also, from the point of views considering international harmonization and improving usability when searching design rights at different countries, Japan needs to deliberate whether to become a member of the Locarno Agreement and use an international classification system for industrial designs.

2) Deliberations on Japan's Accession to the Locarno Agreement

The 15th Design System Subcommittee held in January 2012, decided to continue deliberating the accession to the Locarno Agreement as one of the various issues linked to Japan's accession to the Geneva Act of the Hague Agreement, aiming forward the Locarno Agreement at the same time as the accession to the Geneva Act of the Hague Agreement and to obtain the conclusion in FY2012.

【Table 3-3-2 Comparison of the Number of Classifications of Japanese Classifications for Industrial Designs and International Classifications for Industrial Designs】

Classification	Hierarchy (meaning of hierarchy)		Number
Japanese Classification for Industrial Designs	Group	(refers to field of articles)	13
	Main class	(refers to group of articles)	77
	Sub class	(refers to articles)	3,193
	Articles included		41,500
International Classification for Industrial Designs	Class	(refers to field of articles)	32
	Subclass	(refers to articles)	219
	List of articles		7,024

2. Reviewing the Design Systems

The 13th Design System Subcommittee, Industrial Structure Council, held in February 2011 determined to make a legal amendment to reduce the annual fees for design registrations in later years based on the idea of appropriately ensuring the protection of long-life designs. In addition, the subcommittee also confirmed the necessity to make the design registration system more attractive for developing Japanese industries by means of reviewing the system itself and its operations along with the actual condition of design creation and utilization, and the need for protection. In response to this demand, the Design Examination Guidelines were revised in FY2011 and a comprehensive review of the design registration system has started.

(1) Reduction of Annual Fee for Design Registration

In recent years, Japanese companies attach importance to long-life designs, since designs are one of the means enabling companies to remain competitive in the market. However, the annual fee for design registration, which has increased over time, has invited a situation in which companies are forced to reduce their investments for creating and protecting new designs strengthening protection of valuation of designs, and maintaining their rights. In addition, Japan's initial annual fee for design registration is relatively reasonable compared to the fee structures of other countries. However, the registration costs in later years are very high.

Therefore, Article 42 of the Design Act was amended to appropriately protect long-life designs by reducing the annual design-registration fee for the 11th year to 20th year by 50%, which was high compared to that of other countries, setting it at 16,900 yen, which is the same amount as the 4th year to the 10th year.

【Table 3-3-3 Amendment of Annual Fee for Design Registration (effective April 1, 2012)】

	Before the amendment	After the amendment
1st to 3rd year	8,500 yen every year	8,500 yen every year
4th to 10th year	16,900 yen every year	**16,900 yen every year**
11th to 20th year	33,800 yen every year	

(2) Revision of the Deign Examination Guidelines

At the 13th Design System Subcommittee held in February 2011, opinions were given on user-friendly systems that appeal to users who expect their designs to be protected. Also, opinions were made about protecting screen designs; and reviewing Design Examination Guidelines, examination practices, and the Design Act. As a result of the deliberations at the 5th and 6th Design Examination Standard Working Group held in March and May 2011 in response to the Subcommittee, the examination guidelines concerning "the requirements for submission of drawings of designs for a part of an article" and "the requirements for registration of screen designs" were revised, and examination operations based on the new examination guidelines began in August 1, 2011.

1) Review of the Requirements for Submission of Drawings of Designs for a Part of an Article

a. The Review

For an application requesting a design registration of a part of an article, the revised design examination guidelines makes it possible for the applicant to omit drawings that have no effect in terms of identifying the design under the specific conditions. Therefore, the revised guidelines enable applicants to reduce the number of drawings that need to be submitted.

2) Clarification of the Registration Requirements for Screen Designs

a. Clarification of Registration Requirements

In response to the demands for protecting screen designs appropriately, the concepts of registration requirements for screen design were revised.

These revisions make it clear that an image displayed, i.e., the "displayed image" that

is necessary for fulfilling the function of an article will be considered to be the one construing "design", as provided for in Article 2, Paragraph 1 of the Design Act. In addition, in the case when "the image" before the change and one after the change are (i) determined to be images for the same function of an article and (ii) a morphological relevancy is found between the two images before and after the change, "the image" shall be recognized as one design including several images.

(3) Discussions of Review of the Design System

1) Background on the Review of the Design System

When companies engage in global business activities, it is becoming important for them to transmit and disseminate information through designs while preventing damage caused by counterfeiting, in order for them to remain competitive internationally. With applicants migrating to international applications due to an increasing need for rights holders to acquire design rights internationally, the necessity for international harmonization of design systems has increased in line with supporting Japanese companies to expand overseas.

Under such a situation, the "intellectual Property Strategic Program 2011" gave the JPO an instruction to deliberate on whether to accede to the Hague Agreement Concerning the International Registration of Industrial Designs and to expand the scope of designs to be protected under the Design Act, including 3D digital designs. The JPO will reach a conclusion during FY 2012.

3. Provision of Design-related Information

The JPO strives to provide even better information on design examination such as information about the criteria used to make decisions in design examination, in addition to announcing the design examination schedule, providing information on similar and related designs, and publicizing designs for the purpose of improving usability.

(1) Clarification of the Details in Determining Design Examinations

In order to respond to demands made by design registration users in terms of clarifying the criteria used in determining examinations," the JPO has been working to clarify the details by conducting practice or trial examinations so as to describe the additional reasons for judgment of similarity between applied designs and cited designs in the notice of reasons for refusal (based on Article 9(1) (prior application) of the Design Act) from October 2004. Since FY2007, as another practice, the JPO further expanded the scope of notices of reasons for refusal, in which the reasons for the refusals are described. It started to provide notices of reasons for refusal based on Article 3(1) (iii) of the Design Act (novelty).

In addition to the above-mentioned trial examinations, since FY2011, the JPO has further expanded the scope of notices of reasons for refusal, in which reasons for the refusals are described. The JPO started to notify reasons for refusal (based on Article 9(2) and Article 10(1) of the Design Act) in order to clarify examination decisions by describing the characteristics of applied designs, common points, and differences with cited designs or other applied designs, giving reasons for the final decisions.

(2) Publication of Design Examination Schedules

The JPO has made available "the Design Examination Schedule"[1] on its website so that anyone can view it and file their design applications.

1 http://www.jpo.go.jp/torikumi/t_torikumi/pdf/isyou_schedule_j.pdf

The Design Examination Schedule displays estimated examination schedules for applications for design registrations that are filed on particular dates. It is updated every quarter year by adding information on finalized examinations.

The Design Examination provides applicants a rough indication of the date when they can receive examination results for their applications for design registrations allowing the applicants to utilize the information for their business activities.

(3) Provision of Similar/Related Design Information

In order to provide useful information to determine similarity of designs, on March 27, 2006, the "similar/related design information service" was launched in the IPDL, through which a user can easily search the relationship between a principal design and a similar or related design.

The service allows users to refer to cases, which are registered as either similar designs or related designs, in the relevant field of the Japanese Design Classification. The service helps users understand the standards for determining the results, such as what sort of designs are judgment of similarity when examined.

(4) Publication of Publicly Known Design Sources

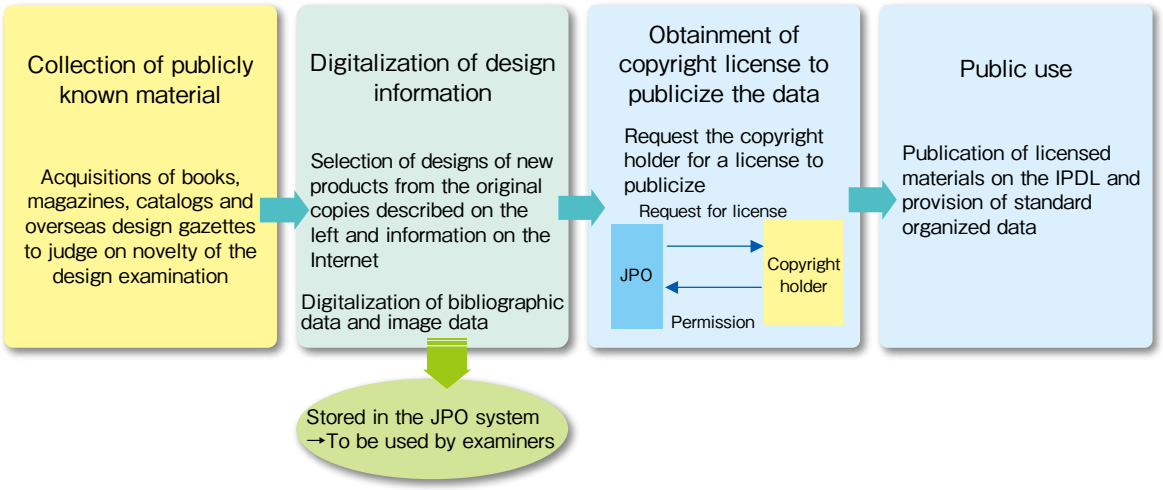
For the purpose of determining novelty and creativity in the design examination process, the JPO has collected and selected designs of new products from national and international books, magazines, catalogs and the Internet, digitalizing the bibliographic data, photos, and figures of those products so they can be used as major examination sources.

Companies can use published, publicly known design data to develop their own designs as well as conduct prior design searches and design right searches, which can contribute to their developing further creative and value-added designs in Japan.

For that purpose, the JPO started a program in FY2007 to obtain copyright licenses for the publicly known design data to be publicized by the JPO. Once licensed, the publicly known design data will be made available through the IPDL, etc.

In March 2006, the "publicly known design inquiry service" was launched in the IPDL to allow users to view the bibliographic data and images of publicly known designs, based on publicly known data serial numbers. Since October 2009, the JPO has been providing the "publicly known design source text search service", which allows users to make searches based on the names of articles and the Japanese design classifications.

【Figure 3-3-4 Outline of Collection and Publication of Publicly Known Design Materials】



4. Accelerated Examination Based on Applicants' Needs

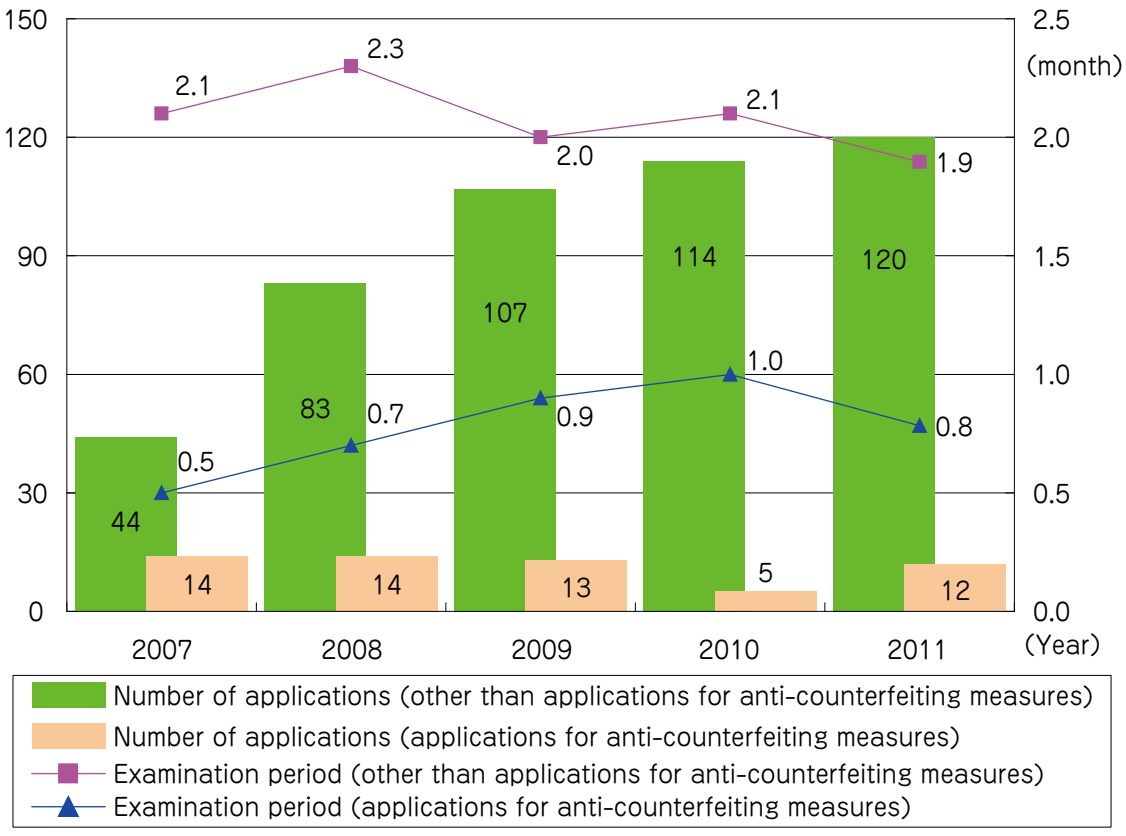
An accelerated examination system for applications for design registration was introduced on December 15, 1987. Under this system, accelerated design examinations are conducted for: 1) work-related applications for design registrations that urgently need to be registered so that their designs can soon be put to use, and 2) applications for design registrations, which have designs that have also been filed overseas, a needing urgent examination results.

An accelerated examination system designed to respond to anti-counterfeiting measures was introduced in April 2005, in order to combat counterfeiting at an early stage for design rights in cases when counterfeit products are being sold.

Under this system, if counterfeiting is known to be occurring, the first notice of examination results, i.e., the first action, will be made within one month from the request for accelerated examination, as long as no issues have been found in the application.

Twelve requests were made for accelerated examinations due to counterfeiting in 2011, and the average period from the time the request was made until the notice of first action was sent was 0.8 months. In addition, 120 other requests for accelerated examination for other reasons were made, with the average period of time from when the request was made up to the time the notice of first action was sent, was 1.9 months.

【Figure 3-3-5 Changes in the Number of Requests for Accelerated Examination and Examination Period】



Chapter 4

Efforts Related to Trademarks

The JPO is working on the revision of the Trademark Act, review of the examination guidelines, and deliberation on the expansion of trademarks to be protected, aiming to tightly protect trademarks as well as improve trademark usability in line with social, economic and international circumstances. In addition, the JPO has introduced an accelerated examination system to respond to user needs to expeditiously acquire rights; and has set up the regionally based collective trademark system to protect regional brands through the established trademark system.

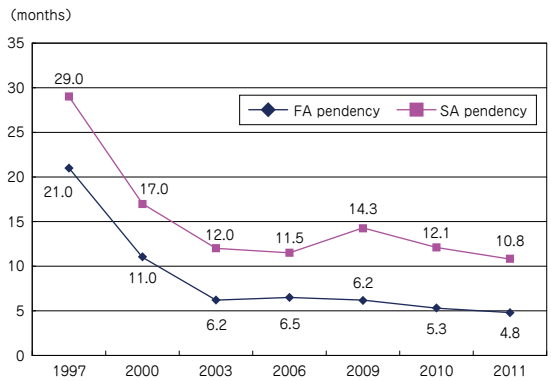
This chapter gives an outline of these efforts.

1. Reviewing the Trademark Systems

(1) Abolition of Provision on Refusal of a Trademark Application within One Year from the Date of the Extinguishment of Another Person's Trademark Right

The product-life cycle, from bringing products into the market, up to their growth, maturation, and decline, is becoming shorter in recent years due to the rapid speed of technological innovation and increasing diversification of market needs. Therefore, there is an increasing need for applicants to acquire trademark rights as quickly as possible.

【Figure 3-4-1 Changes in the Average FA and SA Pendency in Trademark Examination】



In order to satisfy such needs, the JPO has shortened the pendency period. On the other hand, the provision of Article 4(1)(xiii) of the Trademark Act before it was amended in 2011 used to prescribe that, for one year after a trademark has expired, a trademark identical or similar to the expired trademark could not be registered. This prolonged the process of acquiring rights.

The JPO, from a viewpoint of satisfying user needs to expeditiously acquire rights, abolished this provision by revising the Act in 2011. Now, trademarks can be registered without the need for applicants to wait one year. The revised Act came into force on April 1, 2012.

Abolishing this provision opened the way for cases regarding (i) extinction of trademark rights due to conclusion of decision to revoke a registration and conclusion of decision of invalidation in trial for invalidation of trademark registration, decision of registration to be made promptly after the decision and conclusion of the trial decision is rendered, and (ii) abandonment of trademark rights, decision of registration to be made promptly after the registration of establishment of the abandonment. However, in the case where the term of the trademark expires, the trademark is not necessarily extinguished, as it may be renewed retroactively at the time it expired Therefore, the JPO decided to check whether or not there are applications filed for trademark renewals after the trademark right has expired, so as to avoid erroneous registrations of subsequent trademarks that are identical or similar to the already registered earlier trademarks, after they have been expired or abolished. The JPO clarified this aspect in the examination guidelines. As for the prevention of confusion of source of goods/services after the expiration of trademark rights the provision provided for in the past, it has been decided that registration will not be approved when there is a risk of causing confusion of source after expiration of rights, through other grounds for un-registrability with the purpose of preventing confusion, specifically by applying the provision of Article 4 (1) (xv).

(2) Amendment of Appendix of the Enforcement Ordinance of the Trademark Act and Amendment of the Examination Guidelines for Similar Goods and Services

1) Amendment of Appendix of the Enforcement Ordinance of the Trademark Act

At the 21st Nice International Classification Expert Meeting (November 2010) held at the WIPO, it was decided to amend the international classification for the 10th edition in accordance with the "Nice Agreement Concerning the International Classification of Goods and Services for the Purposes of the Registration of Marks". In response to this decision, the JPO amended the Appendix of the Enforcement Ordinance of the Trademark Act, which deals with goods or services belonging to the classification of goods and services (Ordinance METI No.66 of 2011, promulgated on December 5, 2011, in effect January 1, 2012).

The major revisions are as follows.

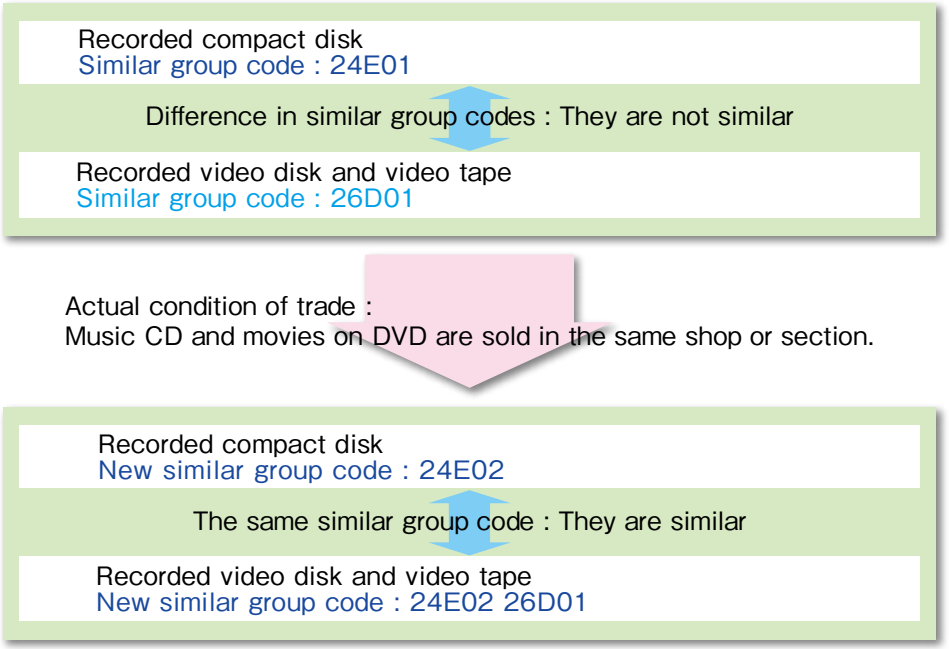
- "Vending machine" which used to be classified as Class 9 before is now classified as Class 7.
- "Incontinence diaper," "paper baby diaper" and "cloth baby diaper", which used to be classified as Class 5, Class 16 and Class 25, respectively, because of their raw material and use, are now Class 5, regardless of their raw material and use. The description of the product items have been changed to "diaper."
- "Supplement" is now classified as a product of Class 5 regardless of its major raw material.

2) Reviewing the similarity between goods and services

The JPO reviewed the degree of similarity between some goods and services, in response to requests made in the report "Future Course of the Trademark System" in which the conventional examination guidelines for goods and services be changed so as to align with the current circumstances of economy and trade (this report was written by the Intellectual Property Policy Subcommittee in February 2006).

The similar group codes (grouping of goods and services predicted to be similar to each other) were changed for some of goods and services (new similar group codes were made and allocated to corresponding goods and services accordingly).

【Figure 3-4-2 Example of Changing a Similar Group Code】



3) Amendment of the "Examination Guidelines for Similar Goods and Services"

In addition to amending the Enforcement Ordinance of the Trademark Act mentioned in 1) and reviewing the relation of similarity between goods and services in 2), the examination guidelines for similar goods and services[1] were amended in response to revisions made to kanji characters designated for standard usage.

1 Examination standards for similar goods and services (compatible to international classification edition 10) http://www.jpo.go.jp/cgi/link.cgi?url=/shiryou/kijun/kijun2/ruiji_kijun10.htm

2. Implementation of Accelerated Examination Based on Applicant Needs

(1) Accelerated Examination for Trademarks

In response to the needs for accelerated examination of applications that are involved in counterfeiting and infringement cases, and to respond to the globalization of economic activities, the accelerated examination system for trademark was introduced in September 1997. Upon requests by the applicants, this system enables applications to be given preferential treatment, i.e., accelerated examination, if certain requirements are met.

(2) Expansion of the Scope of Accelerated Examination for Trademarks

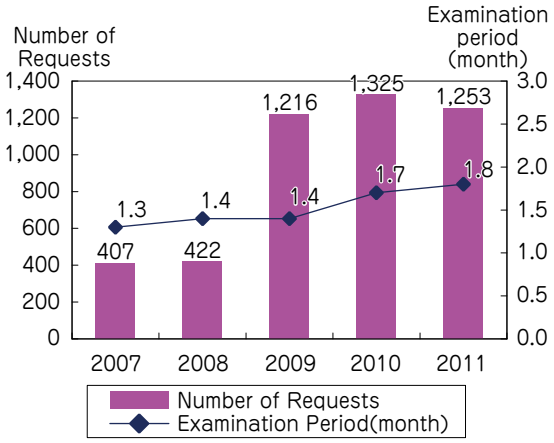
The applications subject to the accelerated examination system used to target only applications for which an applicant or a licensee has already used the filed trademark with regard to the designated goods/services, or has significantly prepared to use it, and there is an urgent need for the trademark to be registered. In order to expand the further use and respond to the demands for early acquisition of a registration, the scope of applications subject to accelerated examination was expanded in February 2009 to include applications that only designate goods/services the applicant or licensee has already used or has significantly prepared for use for the trademark.

In considering the advancement of intellectual property, the JPO thought that it was necessary reconstruct the disaster areas damaged by the Great East Japan Earthquake, deciding to temporarily expand the scope of accelerated examination to companies in the affected areas[1].

(3) Trends of Accelerated Examination for Trademarks

In 2011, 1,253 requests were filed for accelerated examination, with the average period, from the time applications were submitted up to the time initial notices of examination results were sent, was 1.8 months.

【Figure 3-4-3 Changes in the Number of Requests for Accelerated Examination and Examination Period】



1 See the featured topic in the beginning for accelerated examination in support of disaster recovery.

3. Efforts Involving Regionally Based Collective Trademarks

(1) Introduction of the Regionally Based Collective Trademark System

The Trademark Act was amended in 2005 in order to provide appropriate protection for regional or geographical brands in which the region or geographical name and the goods or service names are combined into a trademark right. The regionally based collective trademark system was introduced in April 2006. This system is aimed at stimulating local economies, through active use of this system by local trade associations.

This system speeds up the registration process for trademarks in which the region name and the goods or service names are combined into a trademark right. It eliminates third parties from taking advantage of the trademark and is expected to provide an incentive for business operators conducting regional branding activities to register their trademarks. It also has the benefit of stimulating the economy of the region. Therefore, by companies or collective operatives effectively utilizing the regionally based collective trademark system, and by fully managing the brand, the regional brand from the initial stage can begin to acquire national eminence.

(2) Applications and Registrations for Regionally Based Collective Trademark

1) Statistics of Applications

Having started accepting applications for regionally based collective trademarks on April 1, 2006, the JPO has accepted 1,013 applications as of the end of March 2012. Looking at the number of applications by field, agricultural products were dominant, followed by industrial products, processed food (including confectioneries and noodles), and others such as alcohol and even hot springs.

The number of applications accepted by region are as follows: 44 from Hokkaido, 79 from Tohoku, 94 from Kanto, 70 from Koshin-etsu, 72 from Hokuriku, 127 from Tokai, 273 from Kinki, 58 from Chugoku, 38 from Shikoku, 113 from Kyushu, 38 from Okinawa and 7 from outside Japan.

2) Status of Registrations

By the end of March 2012, the JPO had granted 500 collective-trademark rights; the first regionally-based collective trademark registered was "Takko Ninniku (garlic)" of Aomori prefecture and the 500th trademark was "Sendai Ichigo (strawberry)", registered in April 2012.

【Table 3-4-4 List of Applications by Product】

Agricultural (primary) products	Processed food	Confectioneries	Noodles
482	120	32	37
Liquors	Industrial products	Hot springs	Others
20	248	49	25

【Table 3-4-5 List of Registrations by Product】

Agricultural (primary) products	Processed food	Confectioneries	Noodles
178	53	9	9
Liquors	Industrial products	Hot springs	Others
12	189	41	9

(3) Publicity Activities for the Regionally Based Collective Trademark Systems

As an effort to publicize the regionally based collective trademark system, the JPO since 2005 has been holding seminars nationwide to explain the system and examination practices. With the aim of publicizing and promoting the use of the system, it also distributed an easy-to-understand pamphlet[1] on filing procedures and registration requirements for regionally based collective trademarks.

In addition, in order to further expand the use of the regionally based collective trademark system, in October 2011, the JPO published a booklet entitled, Regionally Based

1 http://www.jpo.go.jp/torikumi/t_torikumi/t_panfu_tiiki.htm

Collective Trademark 2011[1]" , listing the goods and services that had been registered as of the end of June 2011 for the then 478 trademarks.

【Figure 3-4-6 Regionally based collective trademark system pamphlet and regionally based collective trademark 2011】

(4) Brand Strategy of the Regionally Based Collective Trademark

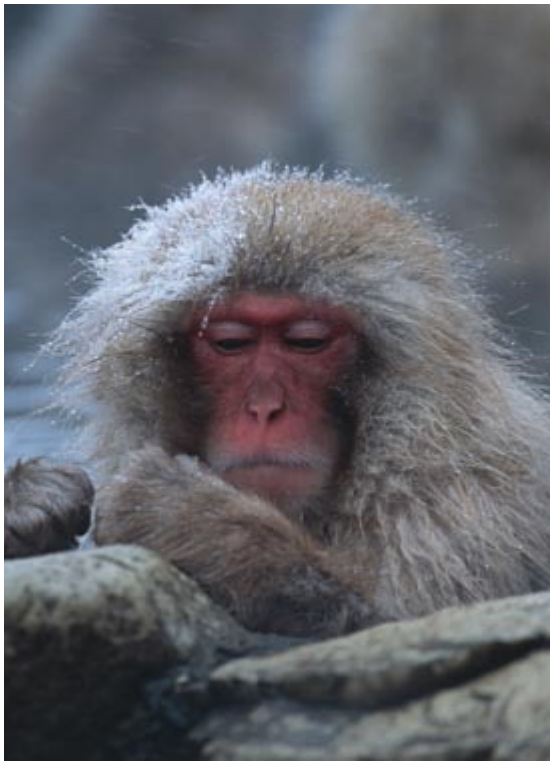
Even if the right of a regionally based collective trademark is acquired, there are some cases where the right is not effectively utilized. Although there are various reasons for that, the major reason is that the regionally based collective trademark had been filed without having sufficient discussions on the regional brand strategy, in many cases.

In filing a regionally based collective trademark, it is desirable for not only concerned parties but also various organizations and associations involved in economic stimulation to first discuss together the details in full and the meaning of filing the regionally based collective trademark, as a part of a regional brand strategy.

Furthermore, even after the regionally based collective trademark has been registered, the various regional parties concerned need to confirm the concept of the regional brand strategy and continue to hold discussions.

In addition, in order to nurture the regional brand with the aim of stimulating the local economy, it is important that the brand acquire and maintain trust and reliability as a brand. Thus, it is essential that the regionally based collective trademarks and the quality of the respective goods and services be maintained and managed. It is desirable to forge a structure under which the regionally based collective trademarks and the regional brands can be managed in an integrated way. To be more specific, assigning personnel in charge and establishing organizations, such as committees and councils, are effective ways to achieve this[2].

As a specific way of managing these regionally based collective trademarks, it is advisable to set standards to manage the use of the trademarks and uphold the standards of quality of the goods and services, thoroughly following the standards set. Another effective means to promote the brand is to distribute seals, stickers, posters, etc. advertising that the regionally based collective trademark has been registered.



1 http://www.jpo.go.jp/torikumi/t_torikumi/tiikibrand.htm

2 FY2008 Trademark Status Report, "Status Report on Filing Strategy for Regionally based Collective Trademarks" http://www.jpo.go.jp/shiryou/isyou_syouhyou-houkoku.htm

Chapter 5

Efforts Related to Appeals and Trials

Appeals and Trials have a role as upper instance and as procedure contributing quick settlement of disputes, which is to improve the quality, efficiency, and expeditiousness of proceedings. To this end, the Appeals Department implements the following multidimensional measures.

1. Efforts to Improve the Quality of Proceedings

The JPO is further improving the quality of proceedings by actively communicating with the party concerned, ascertaining and analyzing the trend in courts. The JPO shares its experiences of directing proceedings in appeals and trials, which are considered to be reviews of examiners' decisions. The JPO strives to further rationalize the operations by actively utilizing the knowledge of industries and external experts.

(1) Improving the Contents of Proceedings

The following three measures are implemented in appeals and trials to improve the quality of the proceedings.

1) Communication with the parties concerned

The JPO conducts oral proceedings in principle in order to accurately understand and sort out issues, and raise the satisfaction level of the parties concerned in invalidation trials. Oral proceedings are held between the board of appeals and the parties concerned in order to draw out the allegations of the parties concerned, which cannot be expressed in writing, and to sort out the conflicting issues.

Furthermore, in appeals against examiners' decisions of refusal, the JPO has been issuing the so-called "examiner's reconsideration report before appeal proceeding" [1] since FY2005 as a measure for inviting the appellant to give his/her opinion on the report written by the original examiner[2]. Since FY2008, all cases for which such reconsideration reports have been made are in principle subject to being issued. Moreover, interview in appeals examinations are utilized as a measure for ensuring smooth communications between the appellant and the appeals examiner, and for improving the quality of the proceedings.

2) Analysis of the Trends of Courts

The JPO analyzes court decisions against lawsuits against appeal/trial decisions and court decisions as to the effectiveness of rights in infringement lawsuits for the purpose of executing accurate examinations. In addition, in invalidation trials, the JPO is further improving the quality of examinations by obtaining evidences related to claims of invalidation submitted in infringement lawsuits by exchanging information exchange with the courts and parties concerned, utilizing such information for the examinations.

3) Sharing of Experiences of Directing Proceedings

With the aim of utilizing the experiences of chief appeals examiners who have abundant experience in proceedings for invalidation trials and oral proceedings, the JPO is improving the quality of proceedings by inviting them to participate on the board of appeals across their respective fields and have them share their knowledge in how to direct proceedings in difficult, special cases.

1 The procedure for providing the demandant with an opportunity for submitting counterarguments by notifying him/her of the opinions of the examiner in the reconsideration by examiner before appeal proceedings. This allows the board of appeals to conduct proceedings taking into account the counterarguments of the demandant against the opinions of the examiner, thereby further improving the quality of proceedings. At the same time, it becomes possible to check the will of the demandant to continue proceedings based on reconsideration by examiner before appeal proceedings. This has contributed to the improvement of processing efficiency.

2 The examiner who made a decision of refusal subject to request for the appeal against an examiner's decision of refusal.

(2) Further Rationalization of Operations

In further rationalizing its systemic operations, the JPO has initiated the following two measures for the purpose of utilizing knowledge of industries and external experts.

1) Working-level Study Group on Appeals

Since FY2006, the JPO has held the "Inventive Step Meeting" consisting of IP personnel in companies, patent attorneys, lawyers and appeal examiners every year to deliberate on the methods of determining trial decisions and court decisions involving novelty and the inventive step studying individual cases. The results of deliberations obtained have been summarized as reports and made available to the public on the JPO website[1] with the aim of raising public awareness. The name was changed to the "Patentability Meeting" from FY2008 and the description requirements for claims have been added to the agenda of deliberations in FY2008. In addition, the completion of inventions involving computer softwares has also been added as an agenda item since FY2009; with requirements for amendments and corrections and the requirements for divisions having been added as agenda items since FY2010.

The name was again changed to the "Working-level Study Group on Appeals" in FY2011 with a view to further improving upon the work done so far. The subjects of discussion have also grown to include not only patents but also designs and trademarks. In addition to deliberating individual cases, the Group also discusses the entire appeals system and not just each legal sector. In particular, a future course of oral proceedings was discussed.

Outline of FY2011 Working-level Study Group on Appeals

(Session Meeting by field (deliberations on individual cases))

Number of meetings held: 18

Number of cases deliberated: 18

Members: Total 56

IP personnel: 21

Lawyers: 7

Patent attorneys: 17

Appeal examiners: 11

(Working-level Session Meeting on Appeals (whole system))

Number of meetings held: 2

Members: Total 13

IP personnel: 3

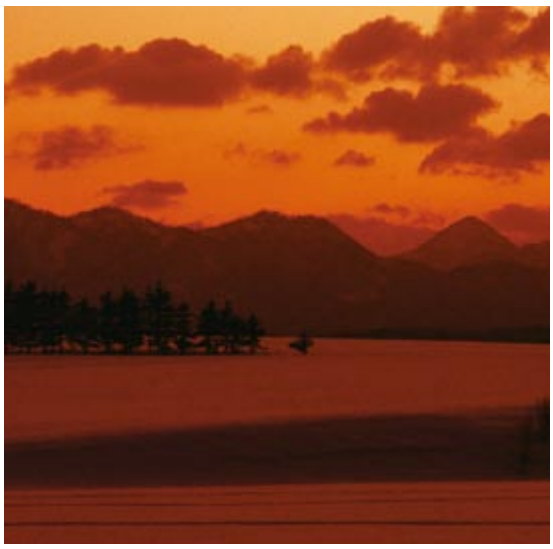
Lawyers: 3

Patent attorneys: 5

Appeal examiners: 2

2) Legal Advisors of the Appeals Department

In addition to undertaking the initiatives already mentioned, since the end of FY2007, the JPO has recruited experienced former judges and academic experts in the IP field as legal advisors of the Appeals Department. They provide advice on complicated judicial issues and serve as instructors for training. In addition, the Legal Advisors Meeting of the Appeals Department is held to give direction to the future role and operations of the appeals and trial system, so that the Appeals Department will act more effectively.



1 Working-level Study Group on Appeals (former Patentability Conference) Report http://www.jpo.go.jp/shiryou/toushin/kenkyukai/sinposei_kentoukai.htm

2. Efforts for Expeditious Proceedings

The JPO has been doing the following for inter-partes trials and ex-parte appeals to ensure expeditious proceedings from the viewpoints of dispute-settlement and acquisition of rights early on.

(1) Expeditious Resolutions of Disputes: Post-grant Trials

The JPO gives preference in examining post-grant trials, such as invalidation trials, over pre-grant appeals, such as appeals against examiners' decisions of refusal, in order to quickly resolve disputes over the validity of industrial property rights.

The Proceedings Improvement Committee consisting of users was established in 2009. The JPO reflects advices given by the committee members on efforts to ensure expeditious and fruitful proceedings for invalidation trials.

In addition, in FY2010, a "Notice of Proceedings Matters[1]" was established. It shows proceeding matters on the oral proceedings in advance. So it enables the parties concerned to make allegations and proofs thoroughly at the oral proceedings, and then improve the contents of proceedings and shorten the period for proceeding.

As a result of these efforts, in 2011, the average period for proceedings of invalidation trials was about 9 months for patents, and about 8 months for designs and trademarks.

(2) Expeditious Acquisition of Rights: Pre-grant Appeals

In the case of pre-grant appeals, such as appeals against an examiner's decision of refusal, the JPO conducts efficient examination process by confirming the appellant's intention of maintaining the appeal proceeding through the "questioning of examiner's reconsideration report" mentioned in above 1 (1) 1) and also by implementing "proceeding in a batch" approach, which involves plural related appeals of the same appellant.

With regard to appeals against an examiner's decision of refusal that satisfy specific requirements[2], the JPO implements an accelerated proceeding system in which it conducts the proceedings preferentially upon request. The number of requests for accelerated appeals examination in FY2011 was 190 for patents, 10 for designs, and 7 for trademarks. With regard to patents, the JPO accomplished the mark of FY2011 to send decisions within 10 months at the end of FY2011.

1 A Notice of Proceedings Matters is provided by the panel to the parties concerned to the oral proceedings for the purpose of informing such parties of the matters expected to be examined at the oral proceedings prior to the date of such proceedings and urging such parties to arrange for the preparation, etc. of a written summary of the statement for oral proceedings based on said matters, thereby contributing to the smooth conduct of oral proceedings and the collection of necessary sources for making decisions.

2 With regard to patents, appeals against an examiner's decision of refusal for applications that satisfy any of the following requirements are subject to this system: 1) Working-related applications whose appellant has already commercialized the invention, 2) Internationally-filed applications filed also in a foreign patent office, 3) The appellant is either an SME, individual, university, TLO or a public research institution, 4) A person who is not the appellant (third party) has used the invention for business purposes after laying open the patent application of the proceeding case, 5) Patent applications for green inventions (inventions which have an effect such as energy saving and CO2 reduction). Appeals against an examiner's decision of refusal which satisfy the same requirements for accelerated examination are subject to this system for designs and trademarks. In addition, applications whose demandants were affected by the Great East Japan Earthquake are subject to accelerated appeal examination based on earthquake-related relief.

3. Efforts for Utilizing and Operating a Highly Efficient System

Some applications that can be registered with appropriate claims and amendments are not registered in the examination phase but are transferred to the appeals against an examiner's decision of refusal. Or there are instances when appeals against an examiner's decision of refusal are filed against inventions that are not obviously patentable. These situations are not only demerits for the applicants but also lead to disadvantages for everyone in the system.

Therefore, the Appeals Department aims at highly-efficient utilization and operation of the system through the following measures:

(1) Examinations with High Foreseeability

In order to ensure that there is a sharp distinction between applicants requesting and not requesting appeals examinations, it is important that the credibility and the foreseeability of the results of appeals examinations be enhanced. The Appeals Department is unifying the determination of proceedings by analyzing legal judgments against appeals/trial decisions, sharing those results, and conducting examinations based on those results.

(2) Unifying Judgment Standards for Examinations and Appeals Examinations

The JPO works to unify the judgment standards for examinations and appeals examinations based on appropriate feedback on the results of the appeals examinations conducted in the Appeals Department. This is given to the Examination Department and discussed at the meeting to exchange opinions with the Examination Department. This makes it possible for an invention for which the decision of refusal could not be upheld in the appeals examination, to be patented by the end of the examination phase or at least by the end of the examiner's reconsideration before appeals proceedings begin.

(3) Strict Appeal Procedures

In order for applicants to obtain rights as often as possible at the examination phase, or at least at the time of reconsiderations by examiners before appeal proceedings, or confirm the decision of refusal at the examination phase,it is necessary to have a system in place that allows the applicant to make adequate counterarguments and amendments before the appeals trial at the latest.

Thus, based on the initiatives described in (1) and (2) above, in the case where an applicant has not made adequate counterarguments and amendments before the appeal trial begins, the Appeals Department imposes strict rules on the appeals examination, such as imposing restrictions on the applicant's opportunity to make amendments at the appeals phase, aiming to assure fairness in appeal examinations.

The JPO is working to reduce the workload of the applicant and utilize and operate an efficient system through such practices.

4. Reviewing the Appeals/Trial Systems and Related Systems

When the Patent Act was amended in 2011, the appeals system was changed in regard to 1) Prohibition on filing a request for a correction trial after filing a lawsuit against a trial decision, 2) Restriction on assertions in retrials of court judgments in patent infringement lawsuits 3) Development of provisions on the scope of a JPO trial decision that has become final and binding etc., and 4) Abolition of the effect, on third parties, of a final and binding trial decision in a patent invalidation trial.

(1) Prohibition on Filing a Request for a Correction Trial after Filing a Lawsuit against a Trial Decision

Under the past system, a patentee was allowed to file a request for a correction trial to alter the scope of the disputed patent after filing a lawsuit against a trial decision. In such a case, the IP High Court was allowed to return the case to the JPO without making any substantive determination. This kind of round trip between the IP High Court and the JPO without any substantive determination caused inefficiencies and prevented disputes from being settled quickly. Therefore, based on the amended Law, a patentee is prohibited from filing a request for a correction trial after filing a lawsuit against a trial decision. On the other hand, the procedures to correct a patent after filing a lawsuit against a trial decision have the advantage that the patentee is able to correct the patent based on the panel's determination on the validity and scope of the patent. Therefore, in order to maintain this advantage, under the new system, the panel discloses its determination to the parties in advance when the time is ripe for a trial decision to invalidate the patent in question ("advance notice of a trial decision") and the patentee is given an opportunity to correct the patent in response to the advance notice. (See Figure "Prohibition of Filing a Request for a Correction Trial after Filing a Lawsuit against a Trial Decision").

(2) Restriction on Assertions in Retrials of Court Judgments in Patent Infringement Lawsuits

Under the former system, in the event that after a court judgment in a patent infringement lawsuit or a compensation claim lawsuit became final and binding, a JPO trial decision to invalidate or correct the patent, which is inconsistent with the court judgment, becomes final and binding, there was a possibility that the said court judgment may be rescinded through retrial on the grounds that "administrative disposition, based on which the judgment ... was made, has been modified by a subsequent ... administrative disposition[1]". It was pointed out, however, that since the parties of a patent infringement lawsuit are given the opportunity and authority to thoroughly make arguments on the validity and scope of the patent under Article 104-3 of the Patent Act, the said retrial possibility would rehash the settled dispute and thus hinder the function of patent infringement lawsuits and the stability of corporate management.

Therefore, the new system restricts retrials (including lawsuits for damages or for return of unjust enrichment against the obligee of an order of provisional disposition order or an order of provisional seizure) by stipulating that the parties of a patent infringement lawsuit are not able to assert in retrials that a subsequent JPO trial decision to invalidate the patent, etc., has become final and binding, after a judgment in the patent infringement lawsuit, etc., had become final and binding.

1 Article 338(1)(viii) of the Code of Civil Procedure

(3) Development of Provisions on the Scope of a JPO Trial Decision that has become Final and Binding, etc.

The pre-amended Patent Act had no express provision on whether a JPO trial decision, becomes final and binding in each trial case or each claim. Therefore, in light of recent court precedents, the amended Patent Act has provisions to clarify the scope of a JPO trial decision that becomes final and binding in cases where a request for the trial was filed for each claim.

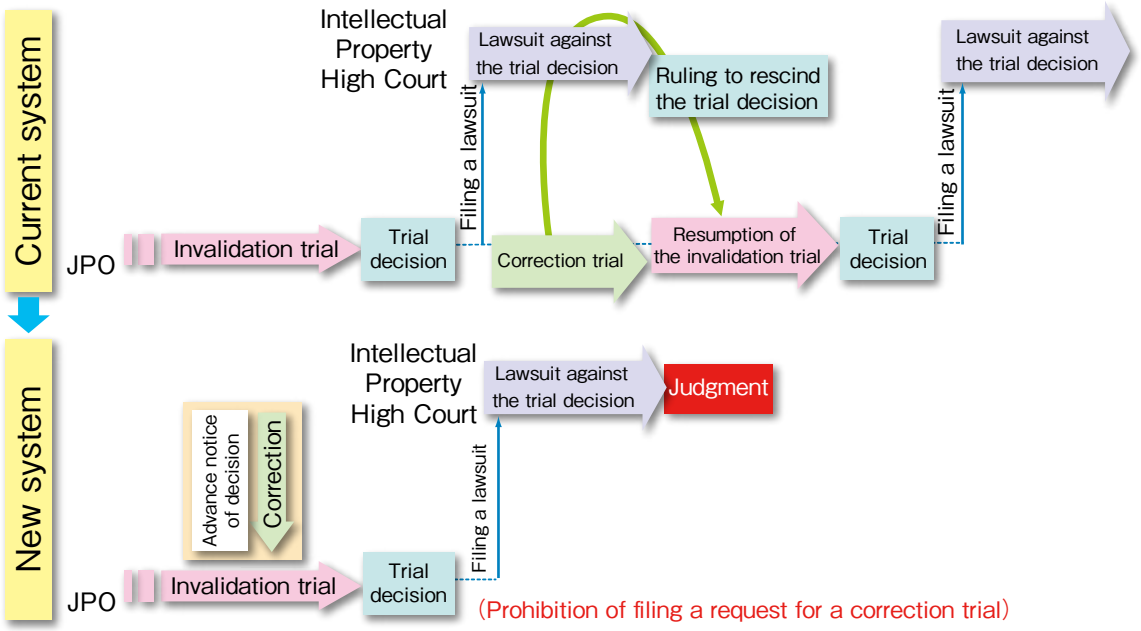
Moreover, there are provisions clarifying that a request for correction in a patent invalidation trial or a request for a correction trial may be filed for each claim (or for each group of claims).

(4) Abolition of the Effect, on Third Parties, of a Final and Binding Trial Decision in a Patent Invalidation Trial

The conventional pre-amended Patent Act provided that when a final and binding trial decision, which was rendered in a trial for patent invalidation or a trial for invalidation of the registration of extension of the duration of a patent, has been registered, no one may file a request for another trial based on the same facts and evidences as the previous trial. However, even if the request for another trial is filed based on the same facts and evidences, there is a possibility that the conclusion would be changed depending on the different claimant's proficiency of arguments and proof, and therefore, there is no legitimate reason to make the trial decision have effect on third parties who have had no opportunity to make arguments in the trial.

Consequently, the amended Patent Act abolishes the effect that the trial decision had on third parties in a patent invalidation trials, etc.

【Figure 3-5-1 Prohibition of Filing a Request for a Correction Trial after Filing a Lawsuit against a Trial Decision】



Chapter 6

Efforts to Enhance the Use of Information Technology

In this chapter concerning the efforts to enhance the use of information technology as an infrastructure for the JPO's duties, the efforts made by the JPO so far, future system development, and efforts of global computerization are introduced.

1. Efforts to Enhance the Use of IT by the JPO

(1) Introduction of the JPO's Systems

The JPO, ahead of other countries, formulated the "Paperless Project" in 1984. The Paperless Project computerizes overall patent administration, creating a database. The JPO has introduced various systems such as the world's first electronic filing system in 1990[1], which makes use of information technology.

JPO's system has been continuously improved in order to succeed in offering efficient and improved examination processing in response to the increased volume of examinations and administrative work due to more advanced and complicated technologies, increased volume of examination documents, and restrictions on hiring in line with the administrative and financial reforms in the scientific and technological powerhouse that is Japan. So far the system has played a vital role in establishing Japan as a leading country in terms of e-government, and supporting patent administration as a fundamental work platform.

1) Electronic Filing System

After the JPO introduced the electronic filing system to handle applications for patents and utility models (using a dedicated terminal) in December 1990, it approved electronic filing through personal computers in April 1998 and started to accept electronic applications for designs, trademarks, ex-parte appeals procedures, and procedures in the national phase of PCT applications in January 2000, and PCT applications in April 2004.

In addition, in October 2005, the JPO started to accept electronic applications 24 hours a day, 365 days a year, and began internet filing for patents, utility models, designs, trademarks, appeals, PCT applications in the national phase, as well as conventional electronic filings via ISDN lines. The JPO started accepting electronic filing for PCT applications via the Internet in January 2007. In the Internet filing system, certification through the electronic certification system based on commercial registration (for corporations) and certification through the electronic certificate of the Public Certification Service for individuals or some public certificate offices (for personal users) have been used. In January 2010, a government office certificate of the Government Public Key Infrastructure (GPKI) and a business certificate of the local government public key infrastructure (LGPKI) became available so that government offices and local government are able to file applications.

Moreover, in April 2010, filing via ISDN lines ended in response to the drop in ISDN subscribers and the increased use of the Internet. As a result, electronic filings migrated to Internet filings in order to solve redundancy in terms of the amount of investments needed to maintain two different electronic filing systems. This at the same time provide enhanced services that take advantage of large-capacity, high-speed communications systems.

1 The KIPO introduced the electronic filing system in 1999 and the EPO and the USPTO introduced it in 2000.

The Japanese government set a target of promoting the use of the electronic filing system in the "New Plan for Online Use" (August 2011). In such circumstance, the various efforts made by the JPO since the introduction of the electronic filing system have borne fruit, and the electronic filing rate has been high, for example in 2011, it was 97.8% for patents/utility models, 92.3% for designs, 81.7% for trademarks, 99.2% for ex-parte appeals, 99.8% for PCT applications in the national phase, and 92.9% for PCT applications.

2) Administrative System

The administrative system is roughly divided into the "administrative processing system" that handles electronic-based administrative procedures of file wrappers, from applications for patents, utility models, designs, and trademarks, to publications of applications in the gazette and the "peripheral examination assistance system" for substantive examinations.

Among the administrative processing systems of file wrappers, those involving patents and utility models started to operate in 1990, as the said electronic filing system. This system consists of a filing system that receives application data/receipts online, a formality check system that conducts formality checks both automatically and manually, an original record management system that stores and manages application data, and a management system that assigns classifications for publicizing applications and checks improper summaries, etc. This system has been improved as necessary. For example, a main-frame computer was replaced with a server and the system was migrated from the batch processing system to the serial processing system.

The peripheral examination assistance system supports examiner's duties by managing cases subject to examination, draft and final decisions, and by approving and supporting examinations. This system started to operate in July 1993 for patents/utility models and in January 2000 for designs and trademarks. At the beginning, the peripheral examination assistance system was operated by a dedicated work station. However, it became possible for the system to operate on personal computers to improve efficiency in July 2001, and it also became possible for the search system mentioned below to operate on personal computers in March 2005 to achieve an all-in-one system. The system is strengthened by collaborating with the peripheral examination assistance system and the search system.

3) Search System

Search duties of gazettes are necessary in order to conduct patent, trademark, and design substantive examination duties at the JPO. The F-term search system is used for patents and allows searches by search keys such as F terms, FI, and free words assigned to examination Sources such as gazettes according to technical characteristics, names of the applicants or inventors, titles of the inventions, and full text. In March 2010, the search function by the IPC 8th edition and the search function of patent gazettes by the KIPO and SIPO were also made possible. Moreover, the following search systems have been used: for the examination of designs, a design search system that enables searches using D terms that segment the design classification by multiple points of view; for the examination of trademarks, a phonetic search system, a character string search, a figure trademark examination system that searches by classification (figure term, Vienna classification (since April 2004)) and similar group code, and the construction of the well-known/famous trademarks database and search system. In the appeals/trial duties, the search system for already decided cases has been used for duties, and enables searches using J terms and texts assigned to digitize official gazettes of trial decisions and judgments.

(2) Development of Systems for the Future at the JPO

1) Construction of the JPO Comprehensive Information System

As mentioned in the section above, the JPO has actively promoted computerization, achieving efficient processing, and prompt and accurate examinations and proceedings. On the other hand, in order to ensure simple and efficient administration, the government summarized the "e-Government Building Program", which was decided at the Chief Information Officer (CIO) Council in July 2003, and revised in June 2004.

Based on the plan, the JPO formulated the "Plan for Optimization of JPO Operations and Systems" (hereinafter referred to as the "Optimization Plan") in October 2004 to optimize its operations and entire system. After that, the JPO conducted a review of the plan details and schedules, revising them in August 2005. It started the system's designing process from December 2006. The plan was further revised in October 2008 in order to respond changes surrounding the system and changes in IP such as the globalization of IP and the diversification of users' needs. The revised plan is a whole new system consisting of the "JPO administrative information system", the "JPO new search system" and the "JPO new comprehensive information system" that help the JPO to operate and administer examinations and appeals/trials. It was also upgraded in October 2009 due to further technical advances.

In June 2010, the "Investigative Committee on the JPO's Information System" was set up and an investigative report was compiled in August 2010.

Based on the indication in the investigative report, the JPO presented the specifications etc. to the vendors expected to bid for the system, and asked them as program developers for opinions.

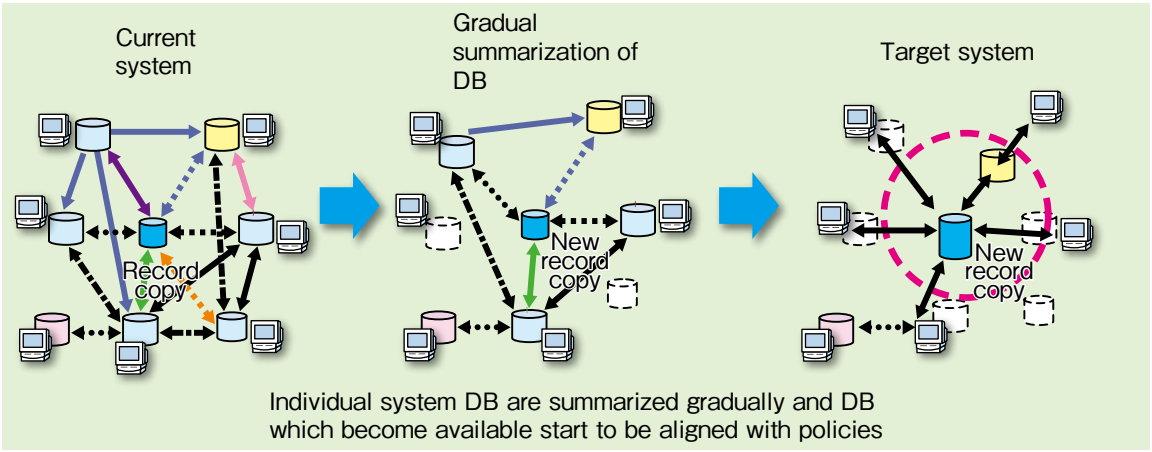
In September 2011, as almost one year had passed since the investigative report was announced, the "Technological Verification Committee on the JPO's Information System" verified the efforts for the development of the operations infrastructure system, the progress of the project etc. from a technological viewpoint to make a proposal for the the shape of implementing the project concering the JPO's future information systems.

In January 2012, the Committee submitted a "technological verification report" and the JPO decided to discontinue the current projects and formulate a new system development project based on the report.

2) JPO's Future System Development

The "Technological Verification Report" submitted in January 2012 points out that the JPO should earnestly examine adopting the way of renovating JPO's Information System step by step, after fully scrutinizing its advantages and disadvantages. The JPO, will formulate and implement a system development project to develop the new

【Figure 3-6-1 Basic Concept of Gradual Renovation】



information system that JPO can realize timely high priority policies with, after examining system development ways involving the way of renovating the information system step by step

2. Efforts Involving Global Computerization

This section introduces the work that the JPO has done to standardize international information formats in the field of intellectual property rights, outlining the cooperative efforts for utilizing information and technology (IT).

(1) International Efforts to Standardize Information Formats in the Field of Intellectual Property Rights

It is necessary for the information formats used at each IP office to comply with international standardization from the following points of view. They are efficient and unified in distributing and exchanging information electronically with other countries. The search systems provide information on various industrial property rights.

1) International Standardization of Electronic Filing Format for Patents and Utility Models

The electronic filing format for patents which is prescribed as Annex F of the PCT administrative instructions has been used not only for PCT electronic applications but also national electronic applications at the JPO and the EPO.

However, the JPO developed an electronic filing system conforming to XML and started to accept XML applications as of July 2003 because XML was adopted as the document format for PCT electronic filings.

In addition, the Trilateral Offices (JPO, EPO and USPTO) agreed on a common application format (CAF) in November 2007. In 2008, the Trilateral Offices suggested a revision of the XML definition of descriptions provided in Annex F of the PCT administrative instructions based on the common application format. The suggestion was agreed. As a result, the JPO has started to accept online applications using the common application format since January 2009, ahead of other countries. Moreover, the JPO has made efforts for spreading the XML format at an international level by modifying XML creation software provided for national applications and PCT applications in Japan to operate in an English setting, therefore providing the general

public with the software free of cost since April 2009.

The JPO has worked to increase the number of patent offices that adopt the CAF. In January 2012, in revising the agreement of the Trilateral Offices on the CAF, the Five Patent Offices agreed on the CAF Definitions, positioning them as technical specifications for adopting the CAF at the Five Patent Offices and other Offices on a working level. ,

The WIPO is also striving to standardize the WIPO Standards, taking into account the trends of major countries. The WIPO Standards are utilized in various types of electronic information on intellectual property.

The number of WIPO Standards is increasing year by year. The WIPO Standard ST.96 related to XML that is commonly applicable to patent, utility model, design, trademark documents was adopted at the Committee on second WIPO Standard in May 2012, except for some annexed documents.

【Table 3-6-2 Outline of WIPO standards・Number of standard】

Explanation	Number of standard
Standards of a Nature, common to Information and Documentation	4
Examples: ST.3: Two-letter codes for the representation of states, other entities and organizations ST.96: Processing of industrial property information using XML	
Standards relating to Patent Information and Documentation	40
Examples: ST.9: Bibliographic data on and relating to patents and SPCs ST.36: Processing of patent information using XML	
Standards relating to Trademark Information and Documentation	6
Examples: ST.60: Bibliographic data relating to marks ST.66: Processing of trademark information using XML	
Standards relating to Industrial Design Information and Documentation	3
Examples: ST.80: Bibliographic data relating to industrial designs ST.86: Processing of industrial design information using XML	

2) Standards for Data Exchange through the Trilateral Network

The Trilateral network has been used to exchange priority documents online among the Trilateral Offices and share the examination information (Dossier information) among offices, etc. In the beginning, the frame relay network was used as a communication line, but a system which defines various services in XML for use was adopted in 2003, when the network was changed to the Internet. In November 2005, the Trilateral Offices agreed to adopt a format called Trilateral Document Access (TDA), which allows users to view examination information of other offices. The importance of TDA has been elevated as a standard for exchanging data among the Trilateral Offices by revising it to conform to priority document exchange and to the WIPO Digital Access Service (DAS)[1] in March 2008. Moreover, at the Trilateral Offices meeting held in November 2010, it was agreed to carry out a study with the aim of using the most suitable networking with the intention of having secure exchange open to all IPOs in the future. Discussions are still being held on this matter.

1 A framework to exchange priority documents online worldwide through the WIPO International Bureau

(2) Promotion of International Cooperation Utilizing IT

1) Priority Document Exchange

The JPO is advancing an online, mutual-exchange project for priority documents among offices, in cooperation with patent offices in other countries. Under this project, the Office of First Filing, instead of the applicant, sends priority documents directly to offices of other countries. This system significantly alleviates the workload placed on applicants and lowers their cost-burden in terms of submitting documents. It also reduces the workload at offices too, in terms of issuing priority documents to applicants. This initiatve started between the JPO and the EPO in January 1999, between the JPO and the KIPO in July 2001, and between the JPO and the USPTO in July 2007.

Moreover, in cases when priority documents that are issued by an office with which the JPO does not exchange priority documents online are held by an office with which the JPO does exchange priority documents online, it became possible since 2009 for the office to acquire the priority documents. As a result, this makes it easier on applicants who are planning to use priority certificates issued by offices with which the JPO does not exchange priority documents online.

Furthermore, in addition to the efforts of the Trilateral Offices and the KIPO, the WIPO General Assembly in 2006 agreed to establish DAS. The online exchange of priority documents using DAS started in 2009. In response, the JPO set up the framework to use this service in April 2009 before other countries. In addition, the number of participating countries in this system has increased year by year. The use of such system started in the United States, the Republic of Korea, the United Kingdom, Spain, Australia, Finland, Sweden, Denmark and China. From January 2010, it became possible to request the WIPO International Bureau to obtain the priority documents of PCT applications by using DAS.

The WIPO DAS Working Group held in July 2011 agreed to expand DAS to designs and trademarks. The Group also agreed with a suggestion submitted by Japan to improve the usability of DAS.

2) Foreign File Wrapper Reference

In order to respond to the globalization of IP activities, it is necessary for IP offices to cooperate in the examination process by mutually using examination results or prior art search results. Under such circumstances, the JPO has worked to create a system that can be used to obtain examination information owned by other offices, in order to set up a framework in which examiners are able to refer to search/examination results and information on the history of offices in other countries by using IT. Based on a suggestion made by the JPO, the Trilateral Offices created the Dossier Access System that provides examiners at each office with examination information from other offices through the Trilateral Network in 2006. In 2007, the JPO started to share the examination information by using this system with the KIPO. If the examination information is in Japanese, it will be translated into English by machine translation and provided to each office. Almost five years have passed since the system came into operation, For example, in FY2011 examiners at the JPO have accessed the other offices to view the examination results of about 400,000 documents. Having this type of infrastructure enabling cooperation on examination results improves the efficiency, quality, and predictability of patents worldwide

The JPO translates information on search/examination results in Japan into English by machine translation and provides 56 patent offices with the information (as of March 2012) through the AIPN using the Internet. It is expected that, for example, when the PPH is used, reference to the examination history of applications filed in the JPO during the examination process at foreign patent offices improves examination efficiency and quality of examination at those offices. It is also enables Japanese applicants to acquire rights and conduct smooth economic activities.

In addition, the JPO leads discussions toward establishing the One Portal Dossier that collectively displays the examination information of related applications at each office in the IP Five Office Foundation Project formulated in the IP5 Head Meeting held in October 2008. One objective is to enable common access to search and examination results.. In March, the IP five Offices largely agreed to work toward establishing a system in an open network environment. Currently, preparations are being made to launch the system in 2013

3) Advanced Search Environment

In the examination process for patent and other rights, "absolute novelty" is adopted as a standard for judging the novelty in almost all major countries. Therefore, it is necessary to investigate documents not only in terms of one's own country but also terms of the global framework. To achieve this, it is necessary to create a platform enabling advanced search that contributes to international work sharing by advancing examination cooperation, collaborating on document databases, and utilizing search tools owned by other offices.

In order to solve this issue, discussions have been held in the above-mentioned IP Five Office Foundation Project. For example, discussions are being held on a common search and examination tool* based on a pilot project to examine the search tools owned by each office. The Project plans to efficiently utilize the results. Also, project members talked about a tool for a common document database**, discussing the types of documents commonly accessible to each office.

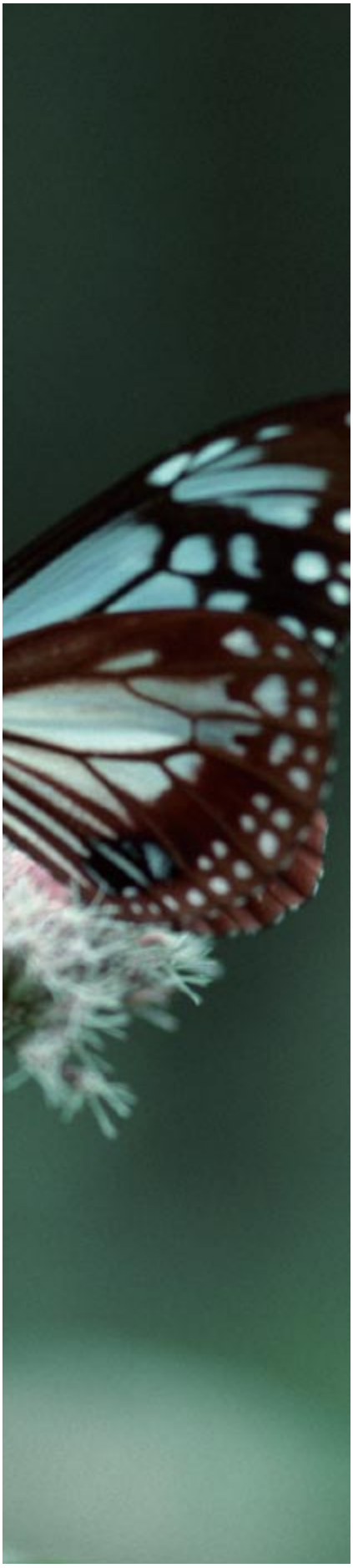
*A project enabling examiners in all offices to establish a common examination and search tool that can search similar results.

**A project to develop a common database tool that examiners at all offices can use to access the same scope of document databases.

4) Efforts for Supporting Developing Countries

In developing countries such as Asian countries which are getting more important for Japan as growing markets and manufacturing bases, it is essential not only to confront problems in counterfeiting and piracy but also to build infrastructures that protect IP. In addition to the cooperation of human resource development and examination, the JPO has been focusing on building an intra-office database, a tool to provide IP information such as the IPDL, and a system of e-filing Southeast Asian countries that have strong economic and cultural ties with Japan (cooperation for informatization).

Furthermore, for the purpose of modernizing the IP offices in developing countries, the JPO sends specialists to assist in building their information infrastructures.



Part 4

International Status Quo and Efforts Made by Japan

Chapter 1

Efforts Made by Japan

Global business operations require the smooth acquisition and stable protection of intellectual property rights in foreign countries. Amid the globalization of business activities, further harmonization of intellectual property systems by each country and development of intellectual property infrastructures in emerging countries are strongly called for. The JPO aims to create global intellectual property systems by endeavoring to strengthen collaboration with developing countries including emerging countries in Asia; and leading discussions on system harmonization through the Meetings of the five IP offices (JPO, EPO, KIPO, SIPO, and USPTO) and the meetings among developed countries. The JPO is also implementing anti-counterfeit measures overseas and pushing forward the finalization of Economy Partnership Agreement (EPA) and other agreements which include measures on intellectual property rights.

1. Efforts Relating to Patents

This section presents the state of progress of discussions on patent harmonization at the IP5 Meetings and the meetings among developed countries. It also includes the JPO's efforts and achievements in the Asian Trilateral Meetings (JPO, KIPO, and SIPO), in the ASEAN-JAPAN Heads of Intellectual Property Offices Meeting (first held in February 2012), and in bilateral talks with various countries.

(1) Meeting of the five IP offices (JPO, EPO, KIPO, SIPO, and USPTO)

1) Background

The number of patent applications filed in the world had been rapidly increasing after the late 1990's, particularly in China. According to the statistics of 2007, more than 70% of approximately 1.6 million patent applications in the world were filed with the JPO, EPO, KIPO, SIPO, and USPTO (including those filed with the patent offices in European countries), and approximately 30% of applications filed with one of the five IP offices were overlapping applications filed with another of the five patent offices. A framework to encourage cooperation among the five large patent offices had already existed since 1983 in the form of the Trilateral Meeting(JPO, EPO, USPTO); and the Trilateral Meeting (JPO, KIPO, SIPO) (since 2001). However, because further globalization of business activities was expected, the five Offices thought it essential to cooperate on common issues such as mutual exploitation of examination results, simplification of procedures, and improvement of quality of examinations in order to deal with the increase in patent applications, as mentioned earlier. To this end, the IP5 Heads of office (JPO, EPO, KIPO, SIPO, and USPTO) gathered to hold a meeting in May 2007.This was the first attempt for the five IP offices to hold a joint meeting. In this meeting, ten basic projects were proposed, which are to become the foundation on which to promote work sharing, with each patent office in charge of two projects.

To advance each project, vigorous discussions have been held on the working level in three working groups (WG1: Classification, WG2: Information Technology,

and WG3: Examination).
The fourth Meeting of IP5 Heads of office was held in June 2011 and it was the first meeting hosted by the JPO. In this meeting, the Heads of offices discussed patent-system harmonization for the first time.

2) Outline of each Project (the parenthesis stand for the Office in charge of each project)

a. WG1: Classification
Common Hybrid Classification (EPO)

A project for segmentalizing the International Patent Classification (IPC) using the detailed internal classification of each office. The IPC has already been issued for three project fields among the total of eighteen projects the five offices agreed to start. Discussions on the issuance of the IPC are under way with regard to the remaining project fields. In addition, discussions on the start of new project fields are under way.

b. WG2: IT-supported Business Processes
Common Documentation (EPO)

A project for providing smooth access to the database owned by each Office so that examiners at each office can search the same document scope. After policies and definitions of common documentation have been agreed, discussions on media-less date exchange are currently under way.

Common Search and Examination Support Tools (USPTO)

A project for improving common examination/search tools so that examiners at each office can achieve the same search results for the same application. Discussions are being held to compare and determine the best search tools.

Common Approach to Sharing and Documenting Search Strategies (USPTO)

A project for recording and documenting each office's search strategies and search histories and sharing them with other offices. Currently, the offices are deciding what kinds of content would be useful to share.

Common Application Format (JPO)

A project that enables applicants to submit patent application descriptions to each patent office in a common application format (CAF) to the five offices. The five offices agreed on the CAF specifications, creating them with the idea of further advancing this to other offices that adopt the CAF based on the trilateral written agreement on the CAF.

Mutual Machine Translation (KIPO)

A project for advancing work sharing by lowering language barriers through using machine translation. The EPO and the USPTO conducted a project to point out errors that resulted from machine translation conducted by the Asian offices (JPO, KIPO and SIPO). The purpose was to improve the accuracy of machine translation from Asian languages to English.

Common Access to Search and Examination Results (JPO)

A project for achieving the "one portal dossier (OPD)" which collectively displays the examination information on related applications at each office and expanding and promoteing the use of electronic exchange of priority documents. This includes the use of digital access service (DAS) by the WIPO. The specifications for the OPD, which have been defined by the five offices, and the development of the OPD, are under way. The OPD is scheduled to become operational in 2013. In terms of electronic exchange of priority documents, the five offices agreed to improve measures for DAS, with discussions on their implementation on-going

c. WG3: Examination Practice-related Projects
Common Training Policy (KIPO)

A project for holding examiners' workshops and mutually participating in seminars. The offices decided to continue to hold examiner's workshops and to mutually participate in seminars at the five offices.

Common Examination Practice Rules and Quality Management (SIPO)

A project for standardizing the rules for

examination practices and quality management systems. Based on the results of comparative studies conducted by the five offices, the offices agreed to further discussions on the common rules for examination practices. In addition, the five offices agreed to continue to discuss the standards and methods of evaluating search quality.

Common Statistical Parameter System for Examination (SIPO)

A project for clarifying statistic parameters (index) that have different definitions in each office and for creating comparable examination statistic parameters by each office so as to enable the exchange of statistical information related to examination processes to be possible by using the comparable statistic parameter. A dictionary summarizing definitions of parameters of each office has been created, and the creation of common statistic parameters is being examined based on it.

3) 4th Meeting of the IP5 Heads of office in June 2011

The progress of international patent harmonization is an important issue, because it enables Japanese companies to smoothly acquire, with a certain degree of predictability, patent rights in foreign countries. It also enables them to conduct global business and R&D activities without fear. On a related issue, deliberations on the US Patent Reform Bill, including the transition from a first-to-invent system to a first-to-file system, were going well as of January 2011. In addition, the harmonization of patent systems became an agenda at this meeting for the first time based on a proposal made by the JPO. The idea proposed is for the five Patent Offices, which handle with more than 80% of all patent applications filed worldwide, to address the important issue of patent harmonization. As a result, the Five Offices agreed to share the importance of advancing the international harmonization of patent systems and actively participate in international discussions, still respecting the sovereignty of each country in terms of granting patent rights. Furthermore, under the framework of the Five Patent Offices the Offices agreed to urgently conduct an investigative study (refer to IP5 Matrix Study below) on patent systems and examination practices of each country. It is very meaningful that the Five Offices, including China, that has the greatest number of patent application filings, reached this agreement toward future harmonization of systems.

At this meeting, the Five Offices also confirmed the importance of making efforts to encourage work sharing, as it relates to patent examinations by the Five Patent Offices such as the patent prosecution highway (PPH), which is being advanced by the JPO.

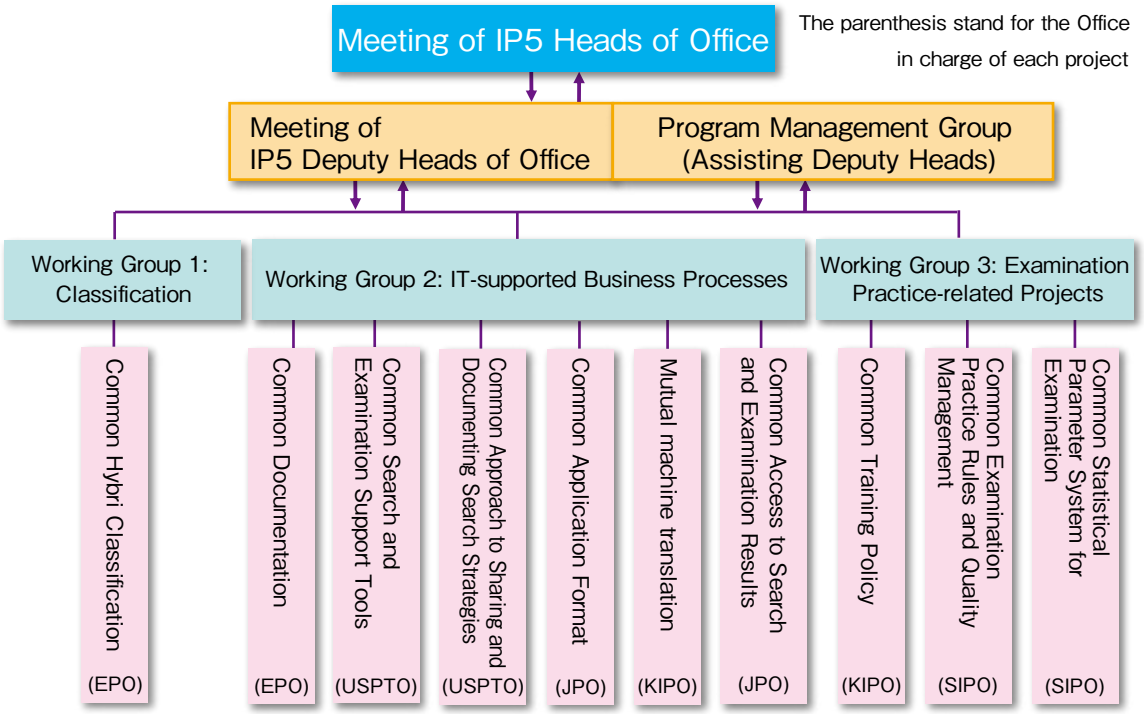
In addition, the three Working Groups reported the progress on the ten basic projects. During this report, the Five Offices agreed to speed up the development of common patent classifications among them, based on the patent classifications of the JPO and those of the EPO with regard to the project for standardizing "patent classifications."

More detailed, common patent classifications make it possible to efficiently and comprehensively search world patent documents, raising both the stability and the reliability of patent rights. Also, since it is possible for companies themselves to easily find patents in China or the Republic of Korea related to their own technology, they are better able to prepare for IP litigation risks overseas.

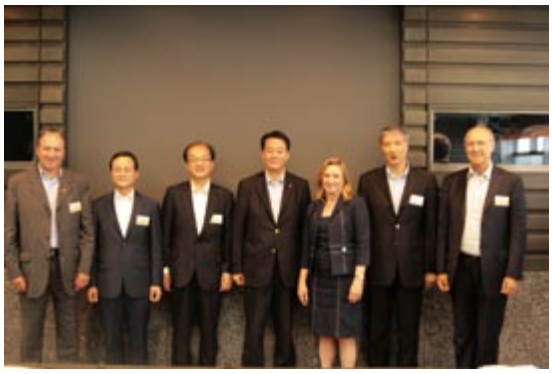
4) IP5 Matrix Study

At the above-mentioned 4th Meeting of IP5 Heads of office held in June 2011, the Five IP Offices agreed to urgently conduct an investigative study on patent systems and examination practices of each country. In response to this, international comparisons of systems and operations were conducted under the leadership of Japan. There were more than 40 items concerning points in question such as the first-to-file system/first-to-invent system, scope of prior art, grace period, novelty, the inventive step, secret earlier application, description requirements for claims, claim interpretations, etc. Plus, the offices analyzed the effects and difficulty of harmonization. At IP5 Meeting held in June 2012, the Five Offices

【Figure 4-1-1 The Structure of IP5 Offices】



agreed to establish Patent Harmonization Expert Panel. The panel would consist of working-level officers of each patent office that will consider the achievements of the study and advance discussions aimed at harmonization.



June 2011 4th Meeting of IP5 Heads of office (Tokyo)
(Photo, from left to right)EPO President Battistelli, KIPO Commissioner Lee, JPO Commissioner Iwai, Minister Kaieda of Economy, Trade and Industry (then), USPTO Deputy Director Rea, SIPO Commissioner Tian, WIPO Director General Gurry

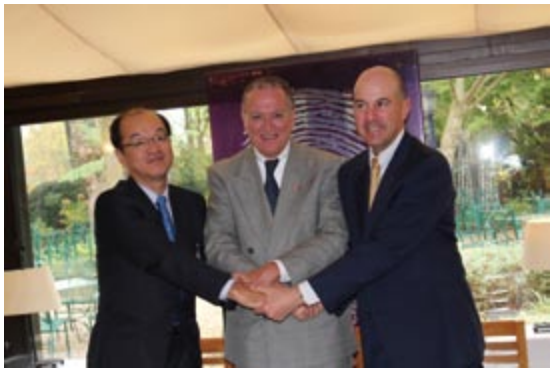
(2) Trilateral Conference of the JPO, the EPO and the USPTO

1) Background

Since the first Trilateral Conference in 1983, the Trilateral Offices (JPO, EPO, and USPTO) have continuously held trilateral meetings. The Trilateral Offices take turns holding a Trilateral Conference every year in autumn.

The Trilateral Offices advance discussions at working groups held throughout the year, with a focus on the following issues: "cooperation in examination through mutual exploitation", "efforts to reduce the procedural burden on applicants", "efforts to harmonize systems and operations," and "efforts for the development of information systems." The Trilateral Offices have also been working on a broad range of projects on the dissemination of patent information and the development of PCT systems in recent years.

In 2012, the 30th Annual Trilateral Conference will be hosted by the JPO.



Trilateral Conference in November 2011
From left: JPO Commissioner Iwai, EPO President Battistelli, and USPTO Director Kappos

2) Outline of Each Project

The contents and future plans for each project discussed at the 29th Trilateral Conference held in November 2011 are as follows.

a. Cooperation in Examination through Mutual Exploitation

Patent Prosecution Highway (PPH)

The Trilateral Offices agreed to extend their pilot programs of the PCT-PPH, the PPH between the EPO and the JPO[1], and the PPH between the EPO and the USPTO beyond January 29, 2012. In addition, the Trilateral Offices decided to confirm the details with a view to adopting a PPH MOTTAINAI Model for the PPH between the EPO and the JPO; and between the EPO and the USPTO, working to extend the pilot programs. (From January 29, 2012, the pilot programs of the PPH MOTTAINAI Model have started for the PPH between the EPO and the JPO; and between the EPO and USPTO. In addition, this pilot program has already started for the PPH between the JPO and the USPTO from July 2011).

SHARE (Strategic Handling of Applications for Rapid Examination)

This framework allows mutual exploitation of search results and first actions. The Office of First Filing where the application was filed first, releases its search and examination results first, and the Office of Second Filing can utilize the results of the Office of First Filing when it starts its own examination process. From April 2008, the JPO has adopted this system in all technical fields, calling it JP-FIRST (JP-Fast Information Release Strategy).

The EPO preferentially examines applications filed at the Office of First Filing as a standard operation. The USPTO has a pilot program called FLASH (First Look Application Sharing) in which applications filed at the USPTO are given preferential status as applications at the Office of First Filing (basis for claim of priority) in order to test the possibility of equalizing and prioritizing the examination workload.

Exchange of Information related to Timing for Starting Examination

The Trilateral Offices started to deliberate on how to improve the usability of results of examinations coming from the Office of First Filing at the Office of Second Filing. They are considering exchanging information on the time to start examinations and adjusting the time for starting examinations at the Office of Second Filing in accordance with the timing for starting examinations at the Office of First Filing.

Improvement of PCT

The Trilateral Offices confirmed the importance of achieving PCT reforms.

The Trilateral Offices are planning to consider various proposals in the future in order to advance the roadmap for improving the PCT, as proposed by the WIPO. As an example, from May 2010 the EPO and the USPTO have continued a pilot program of limited PCT collaborative international search and preliminary examinations as one element in the roadmap.

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

b. Efforts to Reduce Procedural Burden on Applications

Common Application Format (CAF)

The Trilateral Offices started to accept applications in accordance with the common application format (CAF) from January 2009, encouraging the use of the CAF by users.

The Trilateral Offices held six working-level meetings from 2006 to 2007 and comprehensive discussions to meet the needs of users. At the 6th working-level meeting, held in November 2007, the Trilateral Offices reached a final agreement on the CAF (description items and their order in descriptions, etc.). The contents are publicized on the Trilateral website[1].

It is hoped that user convenience will be improved and application-filing costs will be reduced at each Patent Office by standardizing the application description formats. The JPO started to accept applications using CAF from January 2009. In addition, under the framework of the five IP offices, the adoption of the CAF is being advanced under the leadership of Japan. In January 2012, based on the working-level agreement on the CAF concluded by the Trilateral Offices, the five IP offices reached an agreement on a document (CAF Definition) that is designed to be used by other IP offices that adopt the CAF.

c. Efforts for Harmonizing Systems and Operations

Comparative Studies on Examination Practices

By 2008 the Trilateral Offices had conducted comparative studies on description requirements and the inventive step, publicizing their results on their website. In 2009, they conducted a comparative study on novelty and its results were publicized on the Trilateral website[2] and the JPO website[3] in November 2009.

At the Trilateral Conference in November 2010, the first draft of Catalogue of Differing Practices[4] was compiled. During the meeting with the trilateral users (JIPA [Japan Intellectual Property Association], IPO [Intellectual Property Owners Association, USA], AIPLA [American Intellectual Property Law Association, USA]; and BUSINESSEUROPE) that was held around the same time, the Trilateral Offices unveiled the draft catalogue to the participants present at the meeting. Then, the Catalogue of Differing Practices in the five IP offices was created by integrating the practice of the KIPO and the SIPO. The Catalogue was officially published in February 2012[5].

Efforts Concerning Quality

The Trilateral Offices agreed to continue a study on the quality evaluation index (quality metrics). Specifically, they will conduct research to create statistical data on PPH cases based on the definition agreed by the Trilateral Offices. This is scheduled to be completed by November 2012. Moreover, they will continue their study on quality metrics aimed at assessing the quality of the International Search Reports.

d. Efforts on the Development of Information Systems

Promoting Computerization based on the International Standard (XML format)

Efforts are being made to encourage the use of the international XML format standard at all Trilateral Offices for the purpose of promoting electronic applications and administrative processing.

At the Trilateral Conference held in November 2011, the Trilateral Offices reported the current state of XML standardization at each office. They agreed to support WIPO standard working groups that have been set up

1 http://www.trilateral.net/projects/pct/CAF.html
2 http://www.trilateral.net/catalogue.html
3 http://www.jpo.go.jp/torikumi/kokusai/kokusai3/sinsa_jitumu_3kyoku.htm

4 "Catalogue of Differing Practices" is a tool aimed at identifying the differences in patent examination practice in the offices and legal grounds (laws and regulations and court precedents) of examination practices of each office in a way that they can be compared.
5 http://www.jpo.go.jp/torikumi/kokusai/kokusai2/pdf/jitsumu_catalog/en.pdf

to enhance each existing standard and create a XML roadmap. Based on the above-mentioned report, this includes developing new standards to exchange data for the purpose of meeting the business requirements of the Trilateral Offices.

Trilateral Network

The trilateral network (TriNet) is a highly secure network on which information exchange is encrypted for transmission. The network is utilized to exchange information such as priority documents and file wrapper information references, and to access the retrieval system.

The Trilateral Offices decided to conduct a study so as to allow services now provided through the TriNet to be made available on the most appropriate networks so that information exchange will be possible at all Intellectual Property Offices in the future. Currently, the five IP offices are considering this possibility.

Electronic Exchange of Priority Documents (PDX: Priority Document Exchange)

In addition to the electronic bilateral exchange of priority documents carried out among the Trilateral Offices, a framework for conducting electronic exchange of priority documents through the WIPO Digital Access Service (DAS) was established in April 2009. The WIPO DAS Working Group held in July 2011 agreed to expand the DAS to designs and trademarks, with the JPO making a proposal to improve the usability of the DAS. The participating countries supported the proposal The results of the DAS Working Group were also reported at the Trilateral Conference in November 2011 and the Trilateral Offices discussed implementing the proposal dealing with improvements.

e. Other Efforts

Information Dissemination Activities

In November 2011, the EPO, the USPTO and the JPO held an exhibition to introduce the work being done by the Trilateral Offices. The exhibition, held in Tokyo, was to raise user awareness.

In addition, the Trilateral User Meeting ((JIPA [Japan Intellectual Property Association], IPO [Intellectual Property Owners Association, USA], AIPLA [American Intellectual Property Law Association, USA]; and BUSINESSEUROPE) was held twice in 2011 (in May in Germany and in November in France).

Classification

The Trilateral Offices completed all existing harmonization projects in 2011. The harmonization classifications of the Trilateral Offices were created for 72 projects and the conversion to the IPC (International Patent Classification) was successful. These achievements will be taken over by the CHC, a project by the five IP offices.

Statistics

In the past, the JPO, the EPO and the USPTO took turns every year to create and publicize a trilateral statistic report that contains the state of activities of each office and statistical information provided by the Statistical WG.

In 2009, it was agreed to change the publication' s name to the Four Office Statistical Report Working Group, because the KIPO became an official member of the trilateral statistical WG.

The Five Office Statistical Report WG was established in April 2012 to include the SIPO, with each office by making adjustments to align with transition from the Four Office Statistics Group to a framework based on five IP offices.

(3) Trilateral Conference of the JPO, the SIPO and the KIPO

1) Background

The JPO, the SIPO and the KIPO have taken turns holding the Trilateral Commissioner's Meeting every year since 2001 to exchange opinions on the cooperation taking place among the Trilateral Offices; and to find solution to common issues faced by them.

At the 11th Trilateral Commissioner's Meeting held in Gyeongju, the Republic of Korea, in December 2011, the Trilateral Offices discussed cooperation in the fields of patent, design, information technology, IP human resource development, agreeing on the following.

Harmonization

Japan introduced a course for future international discussions toward harmonization. Both China and the Republic of Korea recognized that system harmonization was a long-term issue, and understood its importance.

Patent Classification

The Trilateral Offices reconfirmed the importance of the five office agreement on acceleration of CHC. In addition, FI and ECLA (or CPC) has different advantage in technological field to classify. Thus, the Trilateral Offices agreed to preliminarily exchange opinions on how to advance CHC to integrate these classifications under a common interest (similar industrial structures) held by the Trilateral Offices in East Asia.

Cooperation in Machine Translation

Japan pointed out the importance of direct machine translation among Asian languages. China and the Republic of Korea strongly backed this idea and agreed to further advance cooperation in machine translation between Japan-China, Japan-Korea and China-Korea.

Report on Case Studies of the inventive step

The Trilateral Offices approved the "Report on Case Studies of the inventive step", summarizing the results of evaluations of the inventive step conducted by the Trilateral Offices.

They discussed the evaluation results and agreed to publicize them on each office's website.

Comparative Studies on Utility Model Systems

The Trilateral Offices agreed to further advance comparative studies on the utility model systems of the three countries, committing to study the respective operations of each country, exchange opinions on the systematic differences in each country, and deepen their mutual understanding.

Cooperation in the Field of Computerization

China proposed that users be provided better information based on the offices improving the Trilateral Office website (TRIPO) and electronically exchanging priority documents. Japan and the Republic of Korea agreed to this proposal.

Renewal of the Roadmap of Trilateral Cooperation

The Trilateral Offices confirmed that they have steadily produced results in line with the Roadmap of Japan-China-Korea Cooperation formulated in 2007. They agreed on a revised the Roadmap of Trilateral Cooperation that includes new matters related to cooperation such as harmonization, PPH, classification, and user services.

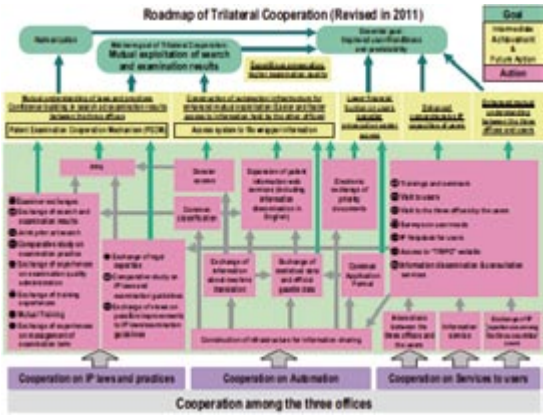
Joint Announcement

The Trilateral Offices adopted a joint announcement that includes comprehensive measures that will ensure cooperation among the three countries in order to develop their intellectual property systems. These cooperative initiatives will be based on the mutual exploitation of patent examination results, strengthening protection of intellectual property rights, human resource development, service enhancements, and harmonization.

The 12th Trilateral Commissioner Meeting will be held in China.

11th Trilateral Policy Dialogue Meeting among JPO, KIPO and SIPO
From left: SIPO Commissioner Tian, KIPO Commissioner Lee, and JPO Commissioner Iwai

【Figure 4-1-2 Revised Trilateral Cooperation】



2) Outline of Each Project

The contents and future plans for each project discussed at the 11th Trilateral Policy Dialogue Meeting among JPO, KIPO and SIPO are as follows.

a. Joint Experts Group of Patent Examination (JEGPE) of Japan, China and the Republic of Korea

At the Trilateral Policy Dialogue Meeting among JPO, KIPO and SIPO in March 2009, the Trilateral Offices agreed to establish Joint Experts Group of Patent Examination (JEGPE) of Japan, China and the Republic of Korea and conduct comparative studies on the Patent Act and examination standards proposed by the JPO. The first meeting was held in Beijing, China on November 17, 2009 and the second meeting in Japan on August 31, 2010. At the second meeting, the three countries agreed to adopt what is to be called a "Comparative Study Report on Inventive Step" at the Commissioner Meeting in December 2010 and to conduct case studies on the inventive step as a next project.

The third meeting was held in Daejeon, the Republic of Korea, on September 5 and 6, 2011, and the results of case studies on the inventive step were reported and opinions on the utility model systems were exchanged. Currently, the JPO website publicizes this "Comparative Case Study on Inventive Step"[1] summarizing the results of the inventive step evaluations by each office and the content of discussions based on their results.

The Trilateral Offices agreed to continue to exchange opinions on the utility model systems of Japan, China and the Republic of Korea at the Trilateral Policy Dialogue Meeting among JPO, KIPO and SIPO held in December 2011.

b. the Joint Expert Group for Automation (JEGA)

Japan, China and the Republic of Korea agreed to establish the Joint Expert Group for Automation (JEGA) at the 2nd Trilateral Policy Dialogue Meeting among JPO, KIPO and SIPO to exchange information on IT and encourage cooperation among the three offices. This meeting has been held every year since 2003.

The three countries discussed the common application format (CAF), priority document exchange (PDX), machine translation, exchange of examination information, etc. at the 9th JEGA held in Daejeon, the Republic of Korea in October 2011. Particularly in regard to priority document exchange (PDX), the JPO asked the SIPO and the KIPO to recognize the superiority of PDX by the DAS system of the WIPO at this meeting. As a result, the SIPO has started to participate in the WIPO DAS system since March 2012 and the PDX system is now at the Trilateral Offices (JPO, SIPO, and

1 http://www.jpo.go.jp/torikumi_e/kokusai_e/comparative_study.htm

KIPO) using the DAS system.

c. Heads Meeting of the CIPTC, IIPTI and INPIT

At the 9th Trilateral Policy Dialogue Meeting among JPO, KIPO and SIPO in December 2009, the JPO, the SIPO and the KIPO agreed to hold a meeting of organization heads to discuss mutual cooperation such as training at the IP human resource development organizations of each country. In response to this, the First Heads Meeting of the CIPTC, IIPTI and INPIT was held in Seoul, The Republic of Korea.

The second meeting was held in Tokyo on November 16, 2011. The three countries agreed to exchange information on training at each organization, support education in IP, and implement activities under the banner of a common mandate among the three organizations and work on activities involving common interests in connection with the IP human resources of the three countries.

2nd Meeting of the CIPTC, IIPTI and INPIT (photo: INPIT)

(4) First ASEAN-Japan Heads of Intellectual Property Offices Meeting

1) The ASEAN countries achieved outstanding economic development in recent years, looking forward to further greater innovation in the process of economic growth in the future. In addition, as national income increases in line with economic growth, it is predicted that the national needs for high-quality and high value-added products and services also increase: and that furthermore, the demand for good design and brands increases. Therefore, the need for environmental development is increasing every year to appropriately protect intellectual property rights in the ASEAN-member countries for the purpose of creating, protecting, and utilizing innovation, design and brands. On the other hand, ASEAN intends to create a community by 2015 that will work to liberalize economic activities in the region. It is anticipated that for Japan the ASEAN region will become a huge economic sphere more important than ever. It is essential to appropriately protect R&D achievements, designs and brands in the ASEAN region in order for Japanese companies to easily conduct their business operations. Thus, improving the ASEAN industrial property systems and their operations is an important issue.

In view of these circumstances, minister-level policy talks covering a wide perspective are essential in order to make the Japan-ASEAN cooperation in the field of intellectual property more effective and work more closely in line with the current status of the rapidly growing ASEAN Region. The JPO invited the commissioners of the all ASEAN-member countries to Tokyo to the 1st ASEAN-Japan Heads of Intellectual Property Offices Meeting.

First ASEAN-Japan Heads of Intellectual Property Offices Meeting
Front row: (From left), Director San (Cambodia), Registries Head Hayati (Brunei), Commissioner Iwai, Senior Vice Minister Makino, Division Head Thitapha (ASEAN Secretariat), Division Head Dung (Vietnam), Director General Pajchima (Thailand)
Back row: (From left), Director Vibol (Cambodia), Director General Ramli (Indonesia), Director Makha (Laos), Director General Azizan (Malaysia), Deputy Director Thida (Myanmar), Director General Blancaflor (Philippines), Director General Tan (Singapore)

In this meeting, the participating countries confirmed that it is necessary for ASEAN to strengthen the protection of intellectual property in order to maintain and advance future economic growth. In addition, they agreed that Japan, under its own leadership, will provide cooperation to that end. In addition, the "Tokyo Intellectual Property Statement" was adopted as follows.

(Agreement reached in the "Tokyo IP Statement")

- Strengthening Japan and ASEAN cooperation for mutual prosperity
- The intellectual property system is important to promote smooth trade, investments, innovation, and technical transfers so as to achieve sustainable economic development
- Japan and ASEAN cooperating together is vital to achieve the ASEAN "IPR Action Plan 2011-2015"
- Depending on the needs, cooperation should be implemented based on direct, continuous talks through related organizations including the WIPO and others, taking into account diversified needs and economic levels.
- The Second Meeting will be held in Singapore in July 2012.

The participating countries decided to advance specific cooperation in the future in order to support ASEAN members' acceding to the Treaty; improving examination standards, processes, and administrative skills; and conducting awareness-raising activities. In addition, this minister-level meeting will be held on a regular basis so that the cooperation activities stay in harmony with the needs of the ASEAN members.

It is important to effectively utilize a framework based on dialogues with the IP Offices of the ASEAN-member countries for the purpose of supporting business activities of Japanese companies operating in the ASEAN region.

2) High Level IP Dialogue with Executives of Japanese Companies

After the First ASEAN-Japan Heads of Intellectual Property Offices Meeting was held, a meeting to exchange opinions was held, with the commissioners of the ASEAN-member countries and Japanese companies participating. In this meeting, after the opening address by each office of the ASEAN-member countries, Division Head Thitapha (ASEAN Secretariat) explained the outline of the "ASEAN IPR Action Plan 2011-2015." After that, Japanese companies were able to express their requests to the ASEAN member nations.

Japanese companies requested the following: (i) establishing an intra-regional uniform system for patent, design and trademark; (ii) establishing anti-counterfeit measures to combat counterfeit products; (iii) conducting equal and more expeditious examinations; and (iv) improving the disclosure of information. Each ASEAN member explained its own efforts in these areas.

This meeting helped Japanese companies to understand the latest circumstances surrounding intellectual property in the ASEAN-member countries and enabled them to formulate future business plans and IP strategies. In addition, all the IP Offices were able to appreciate the expectations of and matters of interest to Japanese companies. This meeting was helpful to plan future policy.

(5) Bilateral Efforts

1) The United States

The JPO has established a close, cooperative relationship with the USPTO in a wide variety of fields such as mutually exploiting examination and search results, holding international examiner exchange programs, and improving IT systems. In addition, the JPO and the USPTO cooperate in various fields such as patent harmonization under the framework of the Meeting of the Five IP Offices[1] (JPO, EPO, USPTO, KIPO and SIPO) and the Trilateral Conference[2] (JPO, EPO and USPTO).

a. Patent Prosecution Highway (PPH)

The JPO proposed a patent prosecution

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

highway scheme at the Trilateral Conference (JPO, EPO, and USPTO) held in November 2004 and at the Trilateral Expert Group Meeting held in Tokyo in May 2006 the EPO and the USPTO agreed to start a pilot PPH program[1] from July 3, 2006. The patent prosecution highway not only speeds up the patent processes so as to enable applicants to acquire rights overseas but also improves the quality of the examination while reducing the workload of each Patent Office.

- July 3, 2006: Start of pilot program
- May 2007: Agreement to include PCT applications within the target
- July 2007: Agreement to extend the period of the pilot program for 6 months, that is by January 3, 2008
- January 4, 2008: Transition from pilot program to full implementation
- January 29, 2010: Start of PPH applications through international applications based on the PCT (PCT-PPH)
- July 15, 2011: A PPH MOTTAINAI pilot program started which reduced the requirements for PPH applications while expanding the number of target cases

As of December 31, 2011, the total number of applications filed through the Paris route was 4,703 (from JP to US) and 1,483 (from US to JP). The total number of applications through the PCT-PPH is 537 (from JP to US) and 10 (from US to JP) as of December 31, 2011.

b. Bilateral Negotiations for Systemic Improvement

The U.S. have strongly advanced bilateral negotiations with other countries since the 1980's under the pro-patent policy for the purpose of strengthening the protection of intellectual property rights not only in the United States but also in other countries. Bilateral negotiations were conducted between Japan and the United States such as at the Japan-U.S. Trade Committee Working Group on Intellectual Property Rights (1988) and the Japan-U.S. Structural Impediments Initiative Talk (89～90).

Since then, bilateral talks have been held on a wide variety of fields including intellectual property rights while changing their names as the Japan-U.S. Framework for a New Economic Partnership, the Japan-U.S. Deregulation Talks, the Japan-U.S. Initiative on Regulatory Reform, and the Japan-U.S. Economic Harmonization Initiative.

At the First Japan-U.S. Economic Harmonization Initiative held in 2011, Japan proposed the following items as matters of interest in the field of intellectual property rights.

1) Transition from the first-to-invent system to the first-to-file system

Japan requested the U.S. to change to the first-to-file system that both Japan and Europe uses, from the first-to-invent system that is unique to the U.S..

2) Abolition of exceptions to the system of laying open applications

Japan requested the U.S. to eliminate its rule on exceptions, which is a system the U.S. uses to allow applicants to request that their applications not be disclosed under certain conditions.

3) Improvement of the re-examination system

Japan requested that the current ex-parte and inter-parties re-examination provisions be improved because only certain reasons for invalidation of a patent are applicable in the re-examination system.

4) Relaxation of standards on restriction requirements for dissatisfaction with unity of inventions

The standards on restriction requirements applied to applications other than PCT applications are stricter than the requirements for unity of inventions applied to PCT applications. Therefore, Japan requested the U.S. to relax the former standards for unification.

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

5) Abolition of Language Discrimination (Hilmer Doctrine) of Exclusion Effect on Subsequent Applications

In Japan and Europe, national applications, on which the priority of foreign applications is based, are based on the first filing date at the country of first filing, with the entire matters of descriptions having the effect to exclude subsequent applications. In addition, the exclusion effect on subsequent applications does not differ depending on the languages in which the applications are published. On the other hand, the exclusion effect on subsequent applications is not guaranteed in the U.S.. Thus, it may limit the effectiveness of the priority system which is stipulated under the Paris Convention and the PCT system. Japan requested the U.S. to improve this aspect.

6) Information Disclosure Statement of Prior Art

Since requirement of the information disclosure statement (IDS) by the USPTO puts much burden on applicants, Japan requested the U.S. to make improves in this regard.

7) Expansion of Patent Attorney Privileges

Japan requested the U.S. to cooperate for the issue as to whether the privileges secrecy would be granted to Japanese patent attorneys in the U.S.

Japan has made requests similar to these mentioned here to the U.S. for many years. There have been some improvements due to the enactment of the America Invents Act in September 2011, such as the transition of the U.S. from the first-to-invent system to the first-to-file system, the improvement of the re-examination system, and the abolition of language discrimination (Hilmer Doctrine) of the exclusion effect on subsequent applications. This indicates that the long-term efforts by the Japanese government have brought significant results. The records of the bilateral discussions were made public in December 2011.

2) Europe

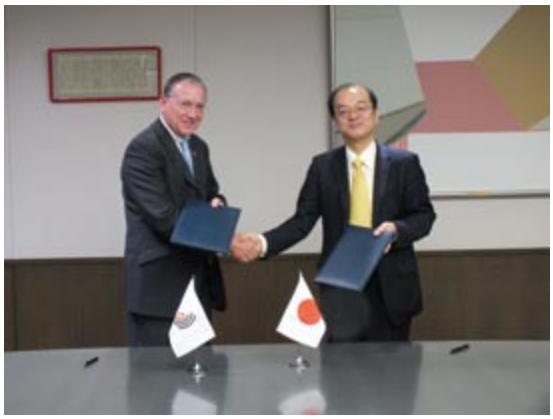
a. Outline of Bilateral Cooperation

The JPO has built a close, cooperative system with the EPO in a wide variety of fields such as mutually exploiting examination and search results, and improving information systems.

In addition, the JPO cooperates with the EPO in many fields by making use of multilateral frameworks such as the Meetings of five offices[1] (JPO, EPO, KIPO, SIPO, and USPTO,) and the Trilateral Conference[2](JPO, EPO, and USPTO). Moreover, the JPO has actively implemented the examiner exchange program and the patent prosecution highway (PPH)[3] not only with the EPO but also with the Patent Offices of European countries.

b. Cooperation in Machine Translation with the EPO

In February 2012, the Commissioner of the JPO, Yoshiyuki Iwai, and the President of the EPO, Benoît Battistelli, signed an agreement on machine translation which will provide users of the patent system with better machine translations of patent.



Signing ceremony in February 2012
From left: EPO President Battistelli, JPO Commissioner Iwai

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

The EPO signed a similar agrrement on machine translation with the SIPO in November 2011. The EPO started to provide machine translation program in a total of 32 languages (the 28 official languages of the EPC participating states plus Chinese, Japanese, Korean and Russian) by the end of 2014, utilizing translation technology by Google, Inc.

c. Japan-EU Dialogue on Intellectual Property Rights

Based on the agreement of Japan-EU Summit Meeting in May 2003, the Japan-EU Dialogue on Intellectual Property Rights has been held once every year since 2003, alternately in Tokyo and Brussels, as a forum to widely discuss matters of interest related to intellectual property between Japan and the European Commission. The 9th dialogue was held in Tokyo in April 2012.

3) China

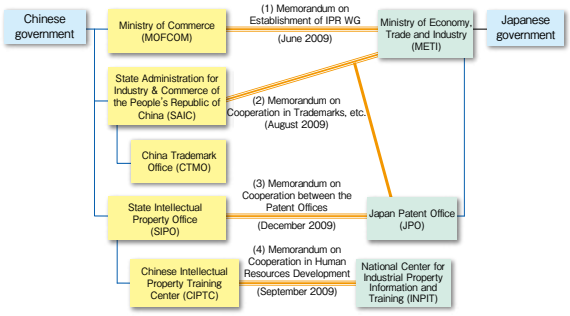
a. Bilateral Efforts with China and Multilateral Efforts on Intellectual Property System

The number of applications for patents, utility models, designs and trademarks filed in China is rapidly increasing in recent years, with a good number of applications being filed from Japan. The number of legal cases related to intellectual property in China is also increasing rapidly in line with the increase in the number of applications.

In view of these circumstances, the JPO has been using both bilateral frameworks with China and multilateral frameworks that include China so as to cooperate in the area of IP. These frameworks include the 18th Commissioner's Meeting between the JPO and the SIPO in October 2011, the 11th Commissioner's Meeting among the JPO, KIPO and the SIPO held in December 2011, and The meeting of IP5 Heads of office held in June 2011. The JPO is working with China to improve examination procedures in China, mutually exploit search and examination results, achieve harmonization, and advance computerization.

18th Commissioners Meeting between the JPO and the SIPO
From left: SIPO Commissioner Tian and JPO Commissioner Iwai (Photo: SIPO)

【Figure 4-1-3 Relation of Memorandum of understanding on Cooperation in IP between Japan and China】



The following memorandums were concluded in 2009 between Japan and China.

- Memorandum on Establishment of IPR WG (June 2009)

This memorandum was concluded between the METI and the Ministry of Commerce for establishment of Japan-China Intellectual Property Right Working Group to discuss cross-sectional themes on IP.

- Memorandum on Cooperation in Trademarks, etc. (August 2009)

The purpose of this memorandum is to strengthen cooperation in trademarks, cracking down on counterfeit products and preventing unfair competition between the METI and the State Administration for Industry & Commerce of the People's Republic of China.

- Memorandum on Cooperation between the

Patent Offices (December 2009)
This memorandum subjected to reinforce cooperation in patent rights, utility model rights and design rights between the JPO and the SIPO.

- Memorandum on Cooperation in Human Resources Development (September 2009)
This memorandum purposes strengthen cooperation in intellectual property human resources development between the INPIT and the Chinese Intellectual Property Training Center (CIPTC).

b. Pilot Program of Japan-China Patent Prosecution Highway (PPH)

China is the country in which the second highest number of patent applications are being filed by Japanese applicants, following the number being filed with the U.S.A. Therefore, improving the circumstances in which Japanese companies' technologies can be protected by expeditious and high-quality patent rights is an extremely important issue. This is necessary so Japanese companies can conduct smoother business operations in China.

To this end, the Commissioners of the JPO and the SIPO agreed at the Commissioners Meeting between the JPO and the SIPO held in May 2011 to start a pre-pilot PPH program using a certain number of cases.

Based on the success of this pre-pilot program, the JPO and the SIPO agreed at the 18th Commissioners Meeting between the JPO and the SIPO held in October 2011 to start the PPH and PCT-PPH pilot programs between the two countries from November 1, 2011.

c. Provision of Utility Model Data of China

The need to understand Chinese documents is becoming greater in line with the increase in recent years in the number of applications filed with the SIPO and in the number of patent documents being written in languages other than Japanese and English.

Therefore, at the 18th Commissioners Meeting between the JPO and the SIPO, the two countries agreed to exchange English abstract data of utility model documents of both offices in order to make advancements in searching Chinese documents. The JPO has started to provide Japanese Abstract Data of the Chinese utility model data using machine translation since March 19, 2012.

d. Efforts against Counterfeit Products

Given the reality of serious damage caused by counterfeit products in China, the JPO has been requesting legal revisions and operational improvements through the International Intellectual Property Protection Forum[1] (IIPPF). It has also called for a joint mission by governmental organizations to send members of the public and private sectors to seminars designed for Chinese customs officers and provide training by inviting government officers of various organizations to Japan.

The Third Japan-China IPR Working Group was held on October 24 and 25, 2011 in Kobe based on the Memorandum on Exchange and Cooperation Concerning the Protection of Intellectual Property Rights between the METI and the Ministry of Commerce for the purpose of enhancing exchanges and fostering a cooperative relationship between the two countries in the area of intellectual property protection.

e. Cooperation for Legal Reforms

The Patent Law (equivalent to the Patent Act, the Utility Model Act and the Design Act of Japan) was amended for the third time in December 2008, and became effective on October 1, 2009. In addition, the Enforcement Bylaw for the Patent Law (equivalent to a ministerial ordinance) and the examination directions (equivalent to examination standards) became effective on February 1, 2010. This Law includes some of the matters that Japan had requested, such as a rule stipulating that publicly known elsewhere in the world, absolute novelty; and a new requirement to register non-ease of creativity in the design system.

1 A body of companies and organizations aiming to solve the infringement of intellectual property rights such as piracy; and the counterfeiting of goods in foreign countries.

The JPO has actively cooperated to have laws amended by having exchanges of opinions and holding symposiums with the legal amendment investigation team of the Chinese government, exchanging opinions at places such as joint missions consisting of both public and private sectors, at the JPO-SIPO Meetings, and submitting written opinions to in response to the SIPO, the State Council of the People's Republic of China[1] and the National People's Congress.

In addition, regarding the Trademark Law of China, which is currently being amended, the JPO submitted its comments in July 2006, November 2007 and June 2009 on the draft amendments under consideration at the CTMO in response to the requests written in the Japanese government's comments. In March 2011, the JPO also submitted its comments in response to the request on the draft amendments from the Legislative Affairs Office of the State Council.

4) Korea

The JPO has held meetings with the KIPO every year such as Commissioners Meeting between the JPO and the KIPO, several kind of expert meetings on a wide variety of fields such as harmonization, computerization, and issues related to designs, trademarks, and human resources development.

In addition, patent examiner exchange program have been regularly held. in order to promoting mutual understanding between the examiners in various technical fields.

a. Memorandums on Cooperation with the KIPO

The following memorandums were concluded in 2010 between the JPO and the KIPO.

a) Memorandum on Cooperation for Developing IP Human Resources

In the second meeting for cooperation between Japanese and Korean institutions developing human resources related to IP held in May 2010, the INPIT and the Korea International Intellectual Property Training Institute (IIPTI) concluded a memorandum on cooperation. Its major contents include the exchange of information on training curriculums of the two organizations, implementation of training for private IP human resources in both Japan and Korea, etc.

b) Memorandum on Cooperation in Exchange of Regional Name List

In the 22nd Commissioners Meeting between the JPO and the KIPO, the two offices signed a memorandum on cooperation to exchange regionally based collective trademarks of Japan and geographical indications list of Korea in order to make use of them as reference materials for trademark examinations in the both offices. The memorandum includes cooperation in exchange, utilization and replenishment of these lists.

1 A directly-supervised organization of the Central People's Government of the People's Republic of China (the highest-level administrative agency in China) in charge of processing legal works

b. PCT-PPH pilot program with the KIPO

The JPO have been implementing PCT-PPH pilot program between the EPO and the USPTO from. January 2010, that allows an applicant to apply for a fast-track examination based on a written opinion prepared by a specific International Searching Authority or a specific International Preliminary Examining Authority or positive opinion of patentability in an international preliminary examination report.

Both patent offices reached an agreement to start the PCT-PPH pilot program from July 1 2012 so as to further increase the convenience for users.

the 23rd Commissioners Meeting between the JPO and the KIPO
(From left) JPO Commissioner Iwai and KIPO Commissioner Lee

2. Efforts Relating to Designs

Amid an increasing number of serious damages arising from counterfeit products, mainly being produced in Asian countries, along with the economic background of ongoing globalization of business activities and the rapid industrial development in Asian countries such as China, awareness of the need to protect designs internationally has been increasing especially in consideration of the characteristic of designs that can be easily counterfeited.

However, each country determines what designs can and cannot be registered based on their own design protection systems, so different decisions may be made from one country to another. Moreover, in order to obtain design rights, it is necessary for users to file applications in accordance with the different procedural requirements set by each country such as requirements for requests and drawings. These situations have placed a great burden on companies that plan to sell their products overseas.

Under such circumstances, with the objective of harmonizing design protection systems with other countries and to support the smooth acquisition of design rights abroad, the JPO holds various meetings with IP offices in Asian countries, including China and the Republic of Korea, and those in Europe and the United States, striving to deepen mutual understanding on each design protection system and design examination practice.

(1) Expanded Trilateral Cooperation in Design

The Trademark Trilateral Meeting has been held once almost every year since 2001 for the purpose of fostering cooperation among the JPO, the OHIM and the USPTO in the field of trademarks[1]. At the 7th Meeting in 2008, the trilateral offices expanded the scope of their cooperation to design field. Since then, the offices have exchanged information and views about their statistics and operational practices on design at the trilateral design session.

In December 2011, the KIPO became a new partner in the Expanded Trademark Trilateral Meeting, which in that year was held in Alexandria, the United States. The four IP Offices discussed examination of priority claims and view/drawing requirements at the fourth design session.

In addition, the first user session was held in the field of design, with the participants from user groups from Japan, Europe and the US, exchanging opinions on each office's design protection systems and practices.

Participants of the design session of the Expanded Trademark Trilateral Meeting

(2) Bilateral Efforts

1) JPO-SIPO Design Experts' Meeting

At the 11th Commissioners Meeting between the JPO and the SIPO in November 2004, the Commissioners agreed for examination departments and the Appeals Department of the JPO and the Patent Reexamination Board of SIPO to start with a meeting in the field of design, in order to strengthen interaction between the two offices and enhance the effectiveness thereof. In response to this, the first JPO-SIPO Appeals Meeting (Design) was held in Japan in August 2005. Since then, the two offices have exchanged information in the field of design almost every year.

At the 17th Commissioners Meeting between the JPO and the SIPO in December 2010, the "JPO-SIPO Design Experts' Meeting", with involvement of the Design Examination Department of SIPO and the above reexamination board, was newly established, and the two offices agreed to deepen cooperation in the design field.

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

At the First JPO-SIPO Design Experts' Meeting held in Beijing in June 2011 in response to the agreement, the JPO and the SIPO exchanged information and opinions mainly on examination practices of applications that have priority claims, and on design right evaluation reports written by SIPO.

2) JPO-KIPO Design Experts' Meeting

With the aim of achieving mutual understanding of each design protection systems and exchanging views on examination methods, the JPO-KIPO Design Examiners' Meeting has been held once every year since its first meeting in 2001. (The name was changed to "JPO-KIPO Design Experts' Meeting" since the 7th meeting)

In May 2011, the tenth JPO-KIPO Design Experts' Meeting was held in Daejeon, the Republic of Korea in which the participants exchanged information and views mainly on the current status of the design registration systems and examination guidelines in Japan and the Republic of Korea, the draft revision of the Industrial Design Protection Act that the Republic of Korea is reviewing, and on the operations of specific examination practices concerning the accession to the Geneva Act of the Hague Agreement.

3) JPO-OHIM Design Examiners' Meeting

As the Office for Harmonization in the Internal Market (OHIM) started operation of design registration based on the Council Regulation on Community designs on April 1, 2003, JPO-OHIM Design Examiners' Meeting have been held almost every year since 2003.

The seventh JPO-OHIM Design Examiners' Meeting was held in Tokyo in November 2011 to exchange information and views mainly on the current status of the design protection systems of the two Offices, operation of the international design registration based on the Geneva Act of the Hague Agreement, the Locarno Classification and the protection of screen image designs.

4) Exchange of Opinions on Design Systems with the USPTO

With the aim of deepening understanding on the design systems and examination practices of the two countries, the JPO exchanged opinions on each design protection system with the USPTO in Alexandria, USA, in December 2011. The two Offices exchanged information and views mainly on the state of preparations for the accession to the Geneva Act of the Hague Agreement, design classifications and the revision of the U.S. Patent Laws.

(3) Japan-China-Korea Design Forum

The first Japan-China-Korea Design Forum was held in Beijing in July 2010 for the purpose of exchanging information on the design systems of the three countries and promoting mutual understanding.

At the second Japan-China-Korea Design Forum held in Seoul, in May 2011 each office made a presentation on recent system reforms, etc. in each country and the WIPO made a presentation on the outline of the Hague System. In addition, user groups from South Korea and Japan participated in the forum and exchanged opinions with IP offices on the design systems of each country.

The third Japan-China-Korea Design Forum will be held in Japan in November 2012.

Participants of the Second Japan-China-Korea Design Forum

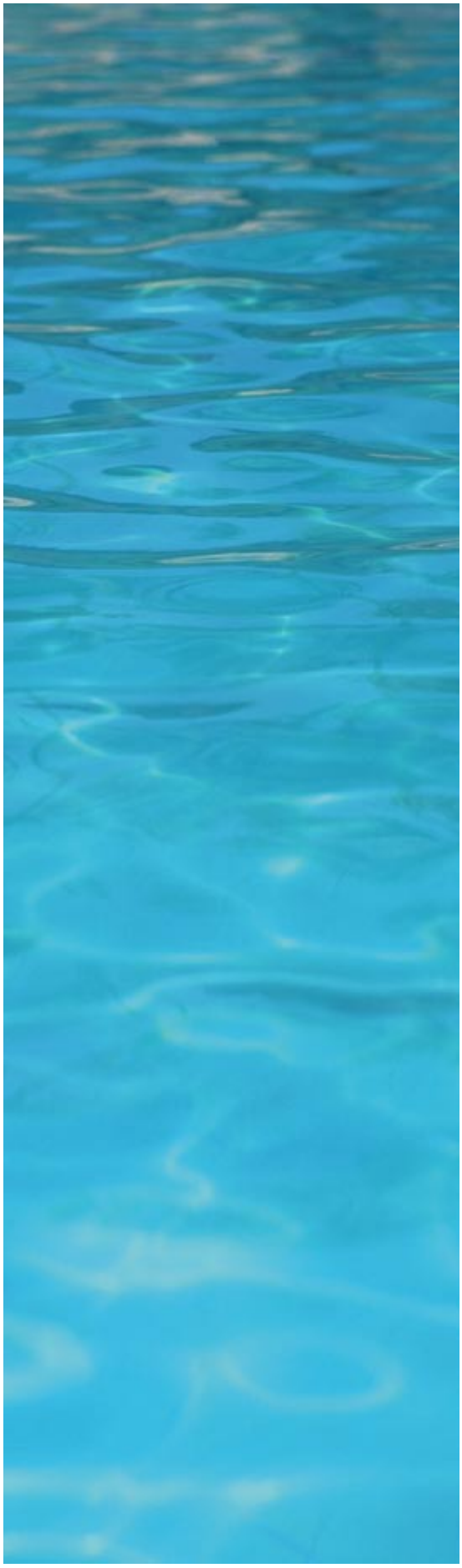
(4) Cooperation and Support to the Asian Region

1) Cooperation in Design Examination

In order to support efficient substantive design examination in developing countries, the JPO has been providing certain countries with the examination results of the first design applications filed with the JPO, that are filed with the countries with priority claims, upon requests from the IP offices cooperating in design examination (Department of Intellectual Property of Thailand: started in January 2002, National Office of Intellectual Property of Vietnam: started in September 2002).

2) Cooperation in Human Resource Development

The JPO has been providing support to developing countries such as by using the WIPO Funds-in-Trust/Japan[1] to send experts and accept trainees almost every year. The JPO has been working to support the development of their design systems and to harmonize application procedures and examination operations in Asian countries by sharing information on the design system and examination operations of Japan with other countries based on the kind of support mentioned above.



1 See Part 4, Chapter 1, 5.(3).

3. Efforts Relating to Trademarks

Amid intensifying international competition among businesses in line with economic globalization, it has become increasingly important to establish highly recognized international brands and protect them in an active and expeditious manner using the trademark system. However, as trademark systems are different in one country to another, applicants need to perform different procedures to acquire trademark rights in each country, which poses a great burden on them.

In order to support companies that are facing these issues and expanding their business operations overseas, it is necessary to create an environment that allows the expeditious acquisition of stable trademark rights worldwide and the appropriate protection of those rights. Therefore, the JPO is working to harmonize the trademark systems in place in other countries and simplify procedures based on bilateral efforts with countries such as China and multilateral efforts with the WIPO and the Expanded Trademark Trilateral Offices.

(1) Expanded Trademark Trilateral Cooperation

The First Trademark Trilateral Cooperation Meeting was held in Arlington in the United States, in May 2001, with the aim of improving the trademark registration systems and the operations thereof through exchanging information and opinions on related matters between the Trilateral Offices (JPO-USPTO-OHIM). The meeting has been held once every year since then. The State Administration for Industry & Commerce of the People's Republic of China (SAIC) has participated in this meeting as an observer since the Tokyo Meeting was held in October 2007.

At the Trademark Trilateral Cooperation Preparatory Meeting in May 2011, the Trilateral Offices agreed to invite the SAIC and the KIPO as meeting members, and the KIPO expressed its intention to participate in the meeting. Therefore, the four Patent Offices participated in the Expanded Trademark Trilateral Cooperation Meeting held in Alexandria in the United States in December 2011 as official members, and the SAIC participated in it as an observer. Then, as the SAIC expressed its intention to officially participate in this meeting, the Trademark Five Offices System started.

At the Expanded Trademark Trilateral Meeting, discussions were made on collaboration projects, classifications of goods and services, common statistical indicators, and IT. Moreover, the user session was held with the participation of user organizations from Japan, Europe, the Republic of Korea, and the United States.

In the discussion on collaboration projects, the four Offices agreed on the rules dealing with how to advance projects (the methodology) proposed by the OHIM, deciding that the OHIM will provide a work plan on the methodology of future projects. Moreover, the JPO proposed that a joint study be conducted on image searches of figurative marks. Under the direction of the JPO, the four Offices agreed to exchange information to determine examination procedures for figures.

In the discussion on classifications of goods and services, the four Offices agreed to continue to use a list of indications of goods and services (Trilateral Office ID list) acceptable by the Trilateral Offices and review the participation of other countries. In addition, the four Offices agreed to make new rules, after KIPO joined as a partner.

In the discussion on common statistical indicators, the participants shared statistics on major matters such as the numbers of applications and examiners, examination periods, and fees, developing meaningful statistics to compare each patent office. At this meeting, the four Offices agreed to provide their counterparts with statistical data to ensure enough time for conducting a prior review before the meeting and to include predicted values as much as possible.

In the discussion on IT, the four Offices agreed to choose a structure of common status descriptors to show the status of cases incorporating the three-tier structure, as proposed by the JPO.

In the discussion on the review on bad faith filings, which is one of the collaboration projects, the four Offices agreed to hold

seminars on bad faith filings in China, having held two not in the working group format as agreed at the previous seminar but in the conventional workshop format (seminar format).

December 2011 the Expanded Trademark Trilateral Meeting (From left) OHIM President Campinos, KIPO Director General Lee of the Trademark and Design Examination Bureau, USPTO Commissioner Cohn for Trademarks, SAIC Deputy Director General Li of China Trademark Office, JPO Director-General Hashimoto of the Trademark, Design and Administrative Affairs Department

A total of 11 user organizations from Japan, Europe, the Republic of Korea, and the United States, including three organizations from Japan (Japan Trademark Association, Japan Patent Attorneys Association and Japan Intellectual Property Association)) were invited to the User Session as in 2010. The session was extended to half of a day to enable more opportunities to exchange opinions. The participants agreed to review the necessity of further discussions based on the opinions submitted from users.

(2) Bilateral Efforts

1) High-level Exchanges with China

a. Meeting with Vice Minister of SAIC

In May 2011, the Commissioner of the JPO and the Vice Minister of the SAIC held a meeting in Beijing, China.

At this meeting, the JPO commented on the efforts made by the SAIC in these years concerning the problem of offending trademark applications in China, and requested that more attention be given. Furthermore, the two countries agreed to strengthen cooperation in the field of trademarks.

In December 2011, the Commissioner of the JPO and the Vice Minister of the SAIC held a meeting in Tokyo. At this meeting, the two offices agreed to exchange trademark examiners as a means to further develop the cooperative relationship between the two offices. The two offices also agreed to continue to exchange opinions on the problem of offending trademark applications and maintain their cooperative relationship in order to solve this problem.

December 2011 Meeting between JPO Commissioner and SAIC Vice Minister

b. JPO-CTMO Trademark Commissioner Meeting

The first JPO-CTMO Trademark Commissioner Meeting was held in Beijing in December 1996 in order to deepen understanding on each other's trademark systems and promote exchanges between the two countries. The Meeting has been held in Japan and China alternately ever since.

The seventh JPO-CTMO Trademark Commissioner Meeting was held in Beijing, China, in January 2009 between the JPO and the CTMO, one of the offices of the SAIC.

At this meeting, the two Offices agreed to strengthen their cooperative relationships at various levels such as at seminars initiating measures to combat against counterfeit products.

In addition, regarding the problem of regional names and regional brands in Japan being applied to trademarks but being registered by third parties in China, the JPO requested fair and appropriate examinations. The CTMO answered that the applications for regional names, etc. in Japan would be determined strictly based on the law. The

CTMO also said that they will respond strictly to bad faith filings, taking into account the fact that Japan and China are neighboring countries sharing similar cultures.

2) JPO-KIPO Trademark Experts' Meeting

At the 12th JPO-KIPO Meeting in November 2000, the two offices agreed to establish the JPO-KIPO Trademark Examiners' Meeting in order to help trademark examination practices based on exchanging information and opinions on the trademark examination systems/operations between the JPO and the KIPO. The Meeting will also be a basis to deepen understanding of each other's systems and operations. The first JPO-KIPO Trademark Examiners' Meeting was held in Japan in June 2001.

The name was changed from the JPO-KIPO Trademark Examiners' Meeting to the JPO-KIPO Trademark Experts' Meeting from the sixth meeting, in March 2008, to discuss not only operational problems related to trademark examinations but also a wide variety of fields in which the two offices are interested such as treaty and policy matters.

The eighth meeting was held in Tokyo in April 2011. At this meeting, information and opinions exchanges on various issues were conducted. The issues consisted of examination of trademarks, including regional names and geographical indications, and progress of Korea-EU FTA and Korea-US FTA and their influence on the Trademark Act, provision of information on trademarks to other countries and improvement of examiner practices, etc. Furthermore, a list of regionally based collective trademarks of Japan and a list of geographical indications of Korea were exchanged in accordance with the memorandum concluded at the JPO-KIPO Commissioner Meeting in December 2010.

(3) Response to Offending Trademark Applications

Applications of regional names and famous trademarks in Japan are being filed for trademark registrations and being registered by third parties in China. This problem of offending trademarks may disrupt Japanese companies expanding their businesses in China.

Particularly in China, the Trademark Act was revised in 2001 to disallow publicly-known foreign regional names from being registered. However, it was discovered that the name "Aomori" had been filed for a trademark in 2003, and it was confirmed that many other prefecture names in Japan had been filed for trademarks since then. In response to this situation, the JPO requested the SAIC to take measures to combat the problem and protect intellectual property. As a result, the situation has improved and it was confirmed in 2011 that the filing of 12 prefecture names (Hokkaido, Akita, Fukushima, Chiba, Toyama, Ishikawa, Fukui, Nagano, Aichi, Kyoto, Nara, Fukuoka and the name of one city, Kawasaki) for trademark registrations by third parties had been rejected.

The JPO will continue its efforts in requesting the Chinese government to improve and promote cooperation at the practical and high levels by exchanging information and opinions so that the fair examinations are made.

On the other hand, in order to address this problem, the JPO created a manual on the trademark search/legal actions based on its "Comprehensive Countermeasures against Trademark Application Problems of Regional Names in Japan by Third Parties in China and Taiwan", publicizing it in June 2008. The JPO widely provides information by distributing the manual to prefectures, government-designated cities, agricultural-related organizations, etc. In addition, the JPO has established the "Special consultation sections that assist with offending trademark problems" in Beijing and Taipei and respond to concerned parties in Japan such as local governments.

Furthermore, what is important is for applicants to acquire trademark rights as a first step against offending trademark problems. In this respect, the JPO subsidies the costs incurred by small-and-medium-sized businesses to file applications, taking into account the many costs associated with applications, patent attorneys, translations, etc[1].

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

4. Efforts Relating to International Forums

From the past, international discussions on intellectual property have been actively held in the framework of the World Intellectual Property Organization (WIPO) which is a specialized agency of the UN working for the protection of intellectual property and TRIPS Agreement(Agreement on Trade-Related Aspects of Intellectual Property Rights) which deals with the rules of trade under the auspices of the World Trade Organization (WTO). In addition, in recent years, intellectual property has been discussed as an important issue at forums such as the Asia-Pacific Economic Cooperation (APEC), a framework for regional-level economic cooperation; the World Health Organization (WHO); the United Nations Framework Convention on Climate Change (UNFCCC); and the Convention on Biological Diversity (CBD), all working on ways to deal with global issues such as public health and climate change based on the perspective of intellectual property.

(1) Intellectual Property Rights Experts' Group (IPEG) Meeting at the Asia-Pacific Economic Cooperation (APEC)

APEC, consisting of 21 countries and regions in the Asia-Pacific region, each called as an economy, is a regional forum aiming for the liberation and facilitation of trade and investment as well as economic and technical cooperation. At the APEC Economic Leaders' Meeting in Osaka held in 1995, intellectual property rights were adopted as one of the 15 priority areas concerning the liberation and facilitation of trade and investment. The IPEG was established as an expert-level forum specializing in the area. The IPEG carries out activities in accordance with the new Collective Action Plan (CAP) formulated in 2001 in response to the implementation of the TRIPS Agreement, in order to promote the liberation and facilitation of trade and investment.

For specific activities, the IPEG holds public and private seminars and symposia on intellectual property, in addition to holding periodic meetings usually twice every year. In January 2007, Japan proposed the APEC Cooperation Initiative on Patent Acquisition Procedures, which includes work to simplify patent procedures, to cooperate in patent examination in the APEC region, and to improve patent examination capability, so as to enable applicants to acquire high quality patent rights in a more simplified and expeditious manner. This initiative was approved at the APEC Ministerial Meeting held in September 2007. With the aim of promoting this initiative, Japan conducted studies on practices of examination cooperation (Patent Prosecution Highway (PPH), Modified Substantive Examination, etc.) which are currently being conducted among the APEC economies. At the 28th IPEG Meeting held in February 2009, the results of those studies were publicized. A website[1], which allows users to view application formats to start processes to refer to examination results of other offices, went online in March 2011.

At the Meeting of Ministers Responsible for Trade in July 2009, Japan proposed building global IP infrastructures to promote innovation, as a concept to cover the diversifying efforts related to intellectual property in the APEC and demonstrate the future course. The Statement of Chair, which said that creating such infrastructures would be a desirable direction, was publicized. Then, similar descriptions were included in the Joint Statement at the 21st APEC Ministerial Meeting in November 2009, in the APEC Leaders' Growth Strategy in November 2010, and in the Joint Statement at the APEC Ministerial Meeting. The concept of creating global IP infrastructures has been an issue under consideration at the APEC.

In line with these developments, Japan preliminary proposed an initiative (iPAC initiative) to encourage cooperation among training organizations to foster human resources in intellectual property at the 29th IPEG Meeting held in July 2009. After that, a formal proposal was submitted at the 30th IPEG Meeting. This proposal, which was unanimously approved, fosters cooperation

1 http://patent.apec.org/

among various organizations in charge of human resources development in the field of intellectual property in the APEC region and advances the development of infrastructures for the intellectual property rights systems through information sharing, etc. Also, training programs conducted by each organization are shared through the website, with the aim of exchanging various information and expertise on human resources development. Based on the approval of this proposal, the JPO opened a website[1] to enable information to be shared among IP training organizations in March 2011.

In addition, at the 33rd IPEG in September 2011, Japan made the following two proposals: "Bail-out Measures Survey" and "Quality Management Survey." These were approved. At the 34th IPEG in February 2012, matters relating to the tables of these studies were approved and they would be filled in by each country or region.

1 http://ipac.apec.org/

5. Efforts for Developing Intellectual Property Systems in Developing Countries

The intellectual property system is an effective and necessary infrastructure to develop business also in developing countries. Efforts to assist the establishment of the intellectual creation cycle and build the intellectual property system in developing countries contributes the autonomous economic development of them. This results in sustainable global economic growth. In addition, establishing the intellectual property system will lead to improving the trade and investment environment, and this will lead to the development of those developing countries in light of the increase of direct investment in them.

From this standpoint, the JPO has thus been providing vigorous means of assistance for human resources development and informatization to reinforce the protection of intellectual property rights in developing countries, mainly in the Asia-Pacific region.

More than 10 years have passed since the developing countries agreed to execute the TRIPS Agreement, and it seems that they have developed their legal systems to some degree. However, the operational aspects of the legal system are still at a developing stage in some countries. It is important to offer assistance to developing countries that are focusing on further improving their legal systems and operations. As suggested by the fact that the expiration date for LDCs to join the TRIPS Agreement was extended to the end of June 2013, it seems that their administrative systems and legal systems still have room for improvement and in need of further assistance.

Since the degree of intellectual property rights protection and the conditions for conducting trade and investments significantly differ among developing countries, it is essential to consider the priorities of each country and the fields to be targeted to meet the conditions of each country.

(1) Fundamental Ideas in Assistance in Developing Countries

It is necessary for Japan to actively assist developing countries, taking into account the following points based on the proposal that "the Intellectual Creation Cycle should encourage self-organized, economic development of developing countries by encouraging the creation of intellectual property systems, and by sharing successful cases involving intellectual property, with developing countries in providing assistance for them" in the report of "the Study Group on Innovation and IP Policies" entitled "New IP Policies for Innovation Promotion (August 2008)."

In terms of assistance in developing countries, it is important to raise the awareness of intellectual property and encourage them to take active efforts on their own to build intellectual property systems, in order to promote their autonomous economic development.

Japan, under the aim of promoting self-organized economic development in developing countries, provides assistance to activities devoted to discovering specialty products with unique characteristics and which are deeply-entrenched in local communities. Japan works to develop those products under the concept that each country is capable of raising itself up based on its own efforts alone, such as on the "one village/one product campaign". In order to continuously develop industries in those local communities, it is important to provide assistance so that innovations and unique brands developed in those local communities can be promoted and developed through the use of intellectual property.

Japan has gone through many experiences that in the end have improved its international competitiveness by building its intellectual property system that promotes the Intellectual Creation Cycle consisting of creation, protection and exploitation of intellectual property. Therefore, with regard to assistance in developing countries, it is considered effective to promote the building of an intellectual property system in those countries and to share successful case studies in which intellectual property has been used so as to

promote the intellectual creation cycle and self-organized economic development in those countries.

Due to economic globalization, the number of patent application has increased world wide and expediting patent examinations while at the same time maintaining the quality of examination has become a mutual issue among intellectual property offices. Japan considers it important to further deepen relationships with developing countries, mainly in the Asian region, and to assist Africa.

(2) Expansion of Assistance to African Countries

The JPO has strongly assisted the training of IP experts, along with assistance for computerization, in developing countries mainly in the Asia-Pacific region. It has provided technical assistance in the field of intellectual property in the region through the WIPO Funds-in-Trust/Japan[1]. In order to develop IP human resources in Africa using the know-how on human resources development and technical cooperation obtained through those activities so far, since FY2008, the JPO has expanded the assistance to newly establish another fund for Africa under the name of the WIPO Funds-in-Trust/Japan.

This fund aims to assist human resources development targeting administrative officers, business owners and legal specialists in Africa to promote autonomous economic development utilizing intellectual property in Africa. This project particularly focuses on 1) public awareness activities to combat against counterfeits threatening people's health, safety and property, 2) efforts conducive to enhancing the capacity to link the intellectual property to inventions and creation, and then to link intellectual property to business, and 3) development of future leaders who will be able to incorporate intellectual property into national economic and scientific policies.

(3) Cooperation in the Development of Human Resources

1) Sending of Experts

The JPO sends JPO officials to developing countries through the Official Development Assistance (ODA) scheme such as the WIPO Funds-in-Trust/Japan. The experts sent mainly give on-site instructions on examination practices, computerization, and so forth.

2) Acceptance of Short-term and Mid-term Trainees to Japan

The JPO provides training, focusing on training programs mainly to patent examiners and administrative officers in developing countries, in order to develop human resources for strengthening the protection of intellectual property rights. The JPO has accepted a total of 3,678 government and civilian trainees from 57 countries and one region (mainly from the Asia-Pacific region) from April 1996 to March 2012[2].

From FY2009, the JPO has been providing a mid-term training program (three months) focusing on search and patent examination practices. It invited three patent examiners from India in FY2011.

3) Acceptance of Long-term Trainees

The JPO invites to Japan those who are taking, or who will be taking, leadership roles in the field of intellectual property rights in developing countries. The program lasts six months and offers an opportunity for the trainees to conduct self-initiated studies on intellectual property rights[2].

In FY2011, the JPO accepted a total of three long-term trainees, one from Brazil and two from China.

1 Since 1987, the Japanese government has been providing voluntary contributions to the WIPO. "WIPO Funds-in-Trust/Japan" was established with these voluntary funds and it is used to finance various projects for developing countries which join both WIPO and the Economic and Social Commission for Asia and the Pacific (ESCAP), such as the holding of symposia, acceptance of trainees and Intellectual Property Rights (IPR) research students, sending of experts and computerization of IP offices.

2 Website of Cooperation Project for IP Human Resource Development (http://www.training-jpo.go.jp/en/modules/pico2/index.php?content_id=2)

4) Holding of the Follow-up Seminars

The graduates of the training programs has created voluntary organizations called "alumni associations", in their countries. Together with the alumni association and the local IP offices, the JPO conducts follow-up seminars every year.[1]

The objective of the follow-up seminar is to assist maintaining and following-up the achievements of the training in Japan, strengthening collaboration among trainees and developing awareness on intellectual property systems in their home countries. In FY2011, follow-up seminars were held in Vietnam, Thailand and Indonesia.

October 5 and 6, 2011, Follow-up Seminar in Vietnam (Hanoi)

5) Implementation of Technical Cooperation Project

Making use of the ODA scheme[2], the JPO sends experts to developing countries for long periods of time to assist the development of intellectual property systems, human resources, and awareness on IP in those countries.

Currently, the "Project for the Strengthening Intellectual Property Rights Protection (April 2011～April 2015)" is being implemented in Indonesia for the purpose of strengthening the protection of and promoting the exploitation of intellectual property rights. The JPO provides technical assistance and advice through sending experts and accepting trainees. The expected achievements include: enhanced functions of IP-related enforcement institutions in Indonesia, improvement of examination capacities of the Directorate General of Intellectual Property Rights (DGIRP), and utilization of intellectual property rights at higher educational institutions such as universities.

6) Holding of Forums, Workshops, etc.

The achievements of the major meetings managed by the WIPO Funds-in-Trust/Japan are as follows:

a. Study Program on Innovation and Transfer of Technology

This study program was held in Morocco in April 2011 for the purpose of sharing experiences on transfer of technology based on strategic utilization of intellectual property in universities, research institutions, etc. About 20 persons from 11 African countries, the WIPO and the JPO participated in this study program.

b. Policy Dialogue on the Role of Intellectual Property for Economic, Social and Cultural Development

This policy dialogue was held in Zambia in May 2011 for the purpose of discussing and exchanging information on successful cases, experiences, and problems of each country with regard to how to achieve economic development in Africa by utilizing intellectual property systems and forging a future course of IP policies and cooperation between regional economic communities and each patent office. About 30 persons from Africa (21 countries and organizations), the WIPO and the JPO participated in this policy dialogue.

c. Regional Seminar on Realizing the Development Potential of ICT-Based Business Services

This seminar was held in Zimbabwe in May 2011 for officials of each IP office with the aim of sharing knowledge on benefits of

1 Website of Cooperation Project for IP Human Resource Development (http://www.training-jpo.go.jp/en/modules/pico2/index.php?content_id=2)

2 A technical cooperation project is a form of project implemented during a certain period as one project consisting of three cooperation methods (cooperation tools), sending experts, acceptance of trainees and provision of equipment.

introducing ICT (information and communications technology) in businesses and discussing how to implement it.

About 40 persons from Africa (16 countries), the ARIPO, the WIPO, and the JPO participated in this seminar.

d. National Workshops on the Enforcement of Intellectual Property Rights

These workshops were held in Cambodia and Indonesia in September 2011 with the aim of deepening the understanding of the connection between enforcement of intellectual property rights and economic development, focusing on building capacity to improve border enforcement. About 140 persons attended. The attendees included government officials involved in intellectual property rights enforcement such as customs, police and chamber of commerce, officials from the WIPO and the JPO. They shared professional knowledge on enforcement, such as the importance of strengthening cooperation among related agencies.

e. Regional Forum on University-Industry Collaboration to Promote Technology Transfer

This forum was held in Vietnam in November 2011 for the purpose of providing participants with opportunities for sharing information and exchanging opinions concerning specific measures and the role of industry, university and government to promote technology transfer with the aim of sharing the knowledge and experiences of Japan. About 50 persons attended, including individuals such as senior government officials involved in IP in the Asian region (10 countries), staff from universities and research institutions, WIPO officials, and JPO officials, who actively exchanged opinions.

f. Sub-Regional Workshop on the Utilization of Patent Examination Results to Enhance Patent Examination Capacities and Increase the Quality of Patents

This workshop was held in Malaysia in November 2011. The objective of the Workshop was to provide participants with the opportunity to understand the effectiveness of utilizing search and examination results prepared by other IP offices in reducing workloads and streamlining patent obtainment procedures. It also aimed to share the knowledge and experiences of Japan on how to make use of examination results and substantive examinations. About 30 persons, mainly patent examiners, attended this workshop. They included officials of IP Offices in the Asian region (13 countries), and officials from the WIPO and the JPO. Practical programs on patent examinations helped the participants share their knowledge and skills in terms of their respective offices.

g. Regional Workshop for the LDCs of Asia and the Pacific Region on the Use of Intellectual Property for Enhancing Economic Competitiveness and Development

This workshop was held in Bhutan in December 2011 for the purpose of raising awareness of the importance of IP for economic development for LDCs in the Asia-Pacific region and sharing information on business activities and various measures effectively utilizing IP. About 30 persons participated in the program, including government officials in charge of IP from Asia-Pacific regions (10 countries), business institutions such as chambers of commerce and industry, and officials from the WIPO and the JPO. They shared understanding on the importance of IP, the necessity of IP infrastructure and mutual issues.

h. Conference on the Role of Intellectual Property Offices in Promoting Innovation, Business Competitiveness and Economic Growth

This conference was held in Japan in February 2012 with the aim of sharing the knowledge and experiences of Japan with

regard to the importance of national IP policies and strategies in terms of their establishment and implementation. This conference provided opportunities for discussing the experiences and issues in each country, and the role of IP Offices in this regard. About 30 persons attended: senior officials of IP Offices (eight in Asia and five in Africa) and officials from the WIPO and the JPO, who actively exchanged opinions on the importance of IP policies / strategies and the methodologies for their establishment, organizational infrastructures, collaboration on innovation policies, etc.

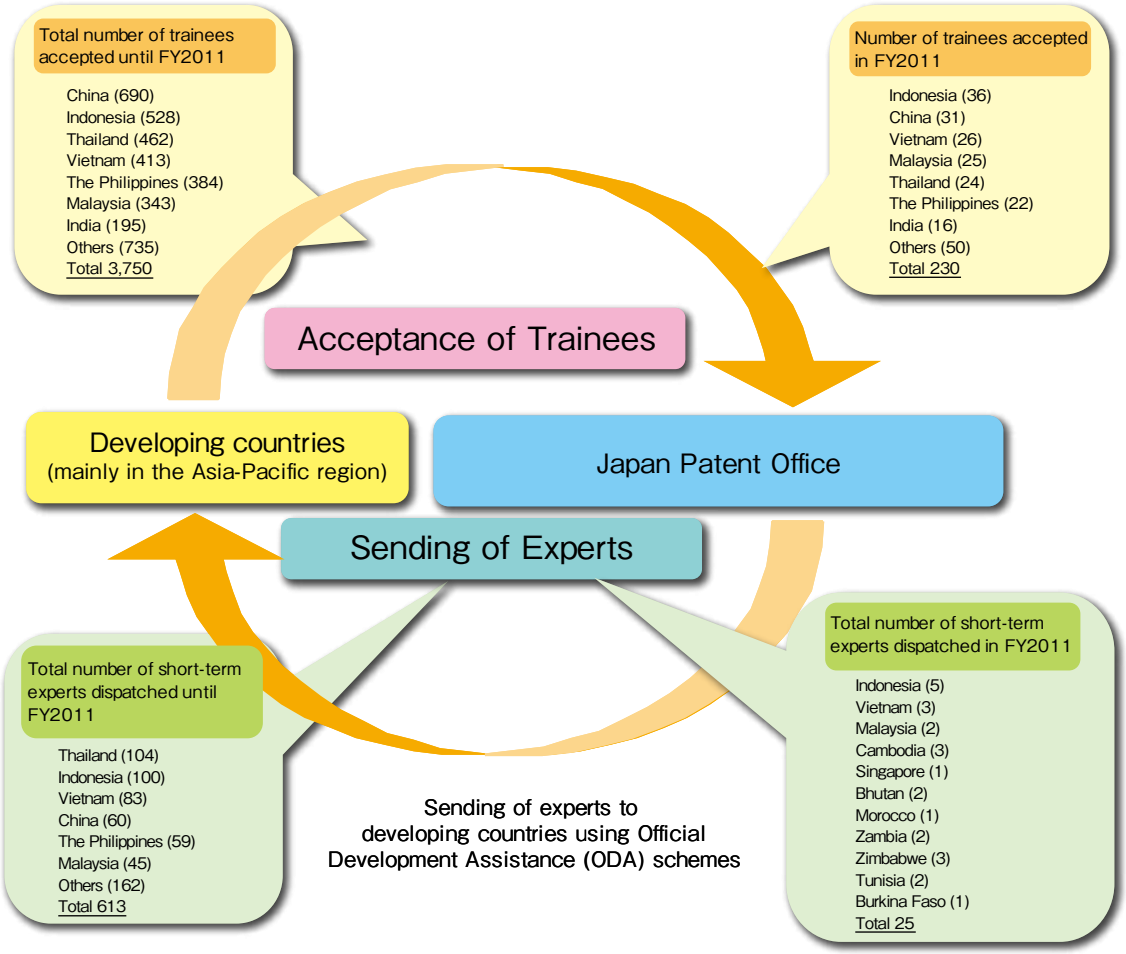
February 2 and 3, 2012 Japan (JPO)

i. Workshop on Measures for Accession to, and Effective Use of, the Madrid System

This workshop was held in Japan in March 2012 for the purpose of encouraging developing countries in the Asia-Pacific and African regions to accede to the Madrid System. At the workshop, a JPO official spoke of the experiences of Japan at the time it acceded to the Madrid System, as well as on how to the effectively use the system. About 40 persons from Asia (11 countries), Africa (2 countries), IP offices (ARIPO and OAPI), the WIPO and the JPO participated in this workshop and actively asked questions and exchanged opinions on the systemic and practical aspects of the Madrid System.

March 8 and 9, 2012 Japan (JPO)

【Figure 4-1-4 Steadily-growing cooperation in the Development of Human Resources】



(4) Cooperation on Information Technology

In Indonesia, the JPO, by sending five short-term experts to the Directorate General of Intellectual Property Rights (DGIPR), helped to establish the Industrial Property Digital Library (IPDL) system that provides information on intellectual property rights. The IPDL service was launched in February 2007.

In the Philippines, the JPO spent four years to set up the Patent Administration Computerized System (PACSYS) in order to handle applications at the Intellectual Property Office of the Philippines (IPOP) under the Japanese ODA's scheme. Furthermore, the JPO carried out the follow-up for the above-mentioned project by sending four short-term experts during this period.

In Vietnam, the JPO, under the ODA scheme, spent four years in helping the National Office of Intellectual Property of Vietnam (NOIP) to establish the Intellectual Property Administration System (IPAS) to handle applications. Based on the results, the JPO cooperated in building search systems that include human resources development, electronic filing systems, and the IPDL[1], for which the JPO sent one long-term expert.

In Thailand, the JPO supported the Department of Intellectual Property of Thailand (DIP) to establish a search system (IPDL), spending five years and working under the ODA's scheme. In addition, an administrative processing system for patents, utility models, and designs were established under the cooperation of the JPO and the WIPO for three years. Starting from 2006, the DIP expanded the stored data and started operating the administrative processing system and the search system[2] to which new functions were added.

(5) Cooperation in Examination: Provision of Advanced Industrial Property Network (AIPN)

AIPN refers to a system for providing examination information in Japan to intellectual property offices in other countries. The purposes are to reduce the duplication of work at intellectual property offices by effectively using examination results of corresponding patent applications in Japan and to expedite the acquisition of rights at these other offices. The JPO has been working to disperse the AIPN in order to cooperate in patent examinations with developing countries.

Specifically, the JPO established a system that enables examiners at intellectual property offices overseas to obtain online information in English on documents used for examination procedures, as well as information on the legal status of patent applications, cited documents, documents on examinations of post-grant claims, and patent families. As of March 2012, the AIPN was available to 56 countries/organizations.

1 http://iplib.noip.gov.vn/
2 http://110.164.177.243/DIPSearch/PatentSearch/SearchSimple.aspx

6. Countermeasures against Counterfeit Products

Nowadays still, the production of counterfeit products in countries and regions that do not have effective systems to protect intellectual property rights causes significant damage to companies in Japan and elsewhere. The global distribution of counterfeit products has become a serious problem. This section outlines the efforts that the Japanese government, including the JPO, has made to combat counterfeit products.

(1) Current Status of Issues involving Counterfeit Products

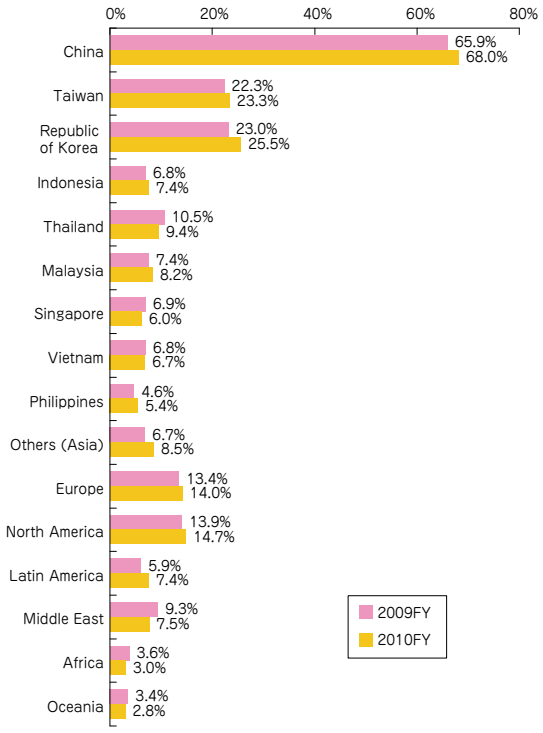
In line with economic globalization, counterfeit products imitating the originals produced by Japanese companies are being manufactured in developing countries and distributed worldwide as a result of insufficient protection of intellectual property rights. This is in spite of the fact that industrial technologies are being further developed. The damage caused by counterfeiting in foreign markets has become increasingly severe. Counterfeiting has had a negative impact on business activities. It not only causes a market-share loss in foreign markets, a deterioration of brand image, and an increase in the number of problems concerning product liability but also endangers the lives and health of consumers because of the inferior quality of the counterfeit parts and bogus pharmaceuticals that are being manufactured. It is hoped that immediate countermeasures will be taken. Under the aim of supporting business activities of Japanese companies overseas, the JPO, through bilateral meetings, has provided information concerning countermeasures against counterfeit products to the countries subject to damage, and approached and assisted in improving systems and operations to the governments of countries where the damage occurs.

With the globalization of business activities, there has been a rapid increase in the number of applications being filed in developing and emerging countries. In order to build an environment in which intellectual property rights are properly protected, it is important to promote voluntary efforts by developing countries in terms of not only ensuring the protection of intellectual property but also enhancing the enforcement of it too. It is also important to enhance assistance toward building intellectual property systems and improving examination capability in developing countries so that appropriate rights are given at the examination phase in developing countries. In order to achieve this, it is important to go beyond the traditional trilateral cooperation of Japan, the United States and Europe on examination and cooperation for harmonized systems.

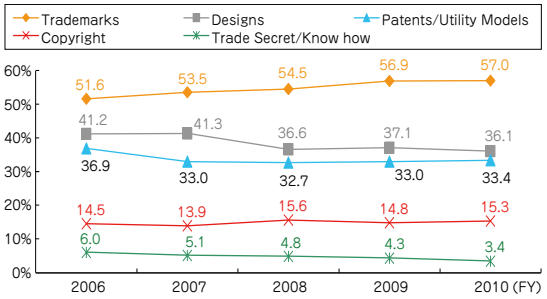
The environment surrounding global intellectual property has been drastically changing in line with the recent economic globalization.

There is a need to respond to the high level of complicated technologies being developed, as well as the need to respond to the work being done to grant and protect patents for high quality intellectual property by establishing an intellectual property system supporting international business activities.

【Figure 4-1-5 Ratio of Counterfeiting Victim Companies Overseas (Multiple Responses)】



【Figure 4-1-6 Changes in the Rate of the Types of Rights Infringed through Counterfeiting (Multiple Responses)】



(2) JPO's Efforts to Stop Counterfeiting

1) Approaches and Support for Governments in Developing Countries

In the midst of globalized business activities, the number of applications being filed is rapidly increasing in developing and emerging countries such as China. With the protection of intellectual property rights being addressed as a critical infrastructural element in terms of the economic development of China, the country initiated its "action plan concerning the protection of intellectual property rights" and amended its Patent Law and Trademarks in 2009. China has vigorously addressed the issue of further enhanced protection of intellectual property rights by strengthening its examination system and further developing its human resources by rapidly increasing the number of examiners in its patent office (SIPO) in order to respond to the increasing number of applications being filed in recent years.

The JPO, in assisting and cooperating with China's efforts, holds various meetings. For example, there are meetings being held between Japan and China; among Japan, China and Korea; and the Meeting of IP Five Offices that includes Japan, the United States, Europe, China and Korea. The JPO also uses bilateral meetings to strengthen approaches against counterfeit products and emphasize the importance of strengthening the protection of intellectual property in collaboration with advanced countries at venues for multilateral talks such as at the WTO and the WIPO.

Furthermore, as a part of its efforts in assisting with the enhancement of regulations in developing countries, the JPO invites customs officials, police, and members of the courts from the local authorities in Asian countries as trainees to Japan. The training programs, conducted annually, are on intellectual property systems. In addition, the JPO holds seminars in the countries of these officials as well.

JICA circuit seminar (enforcement)

2) Cooperation with Developed Countries

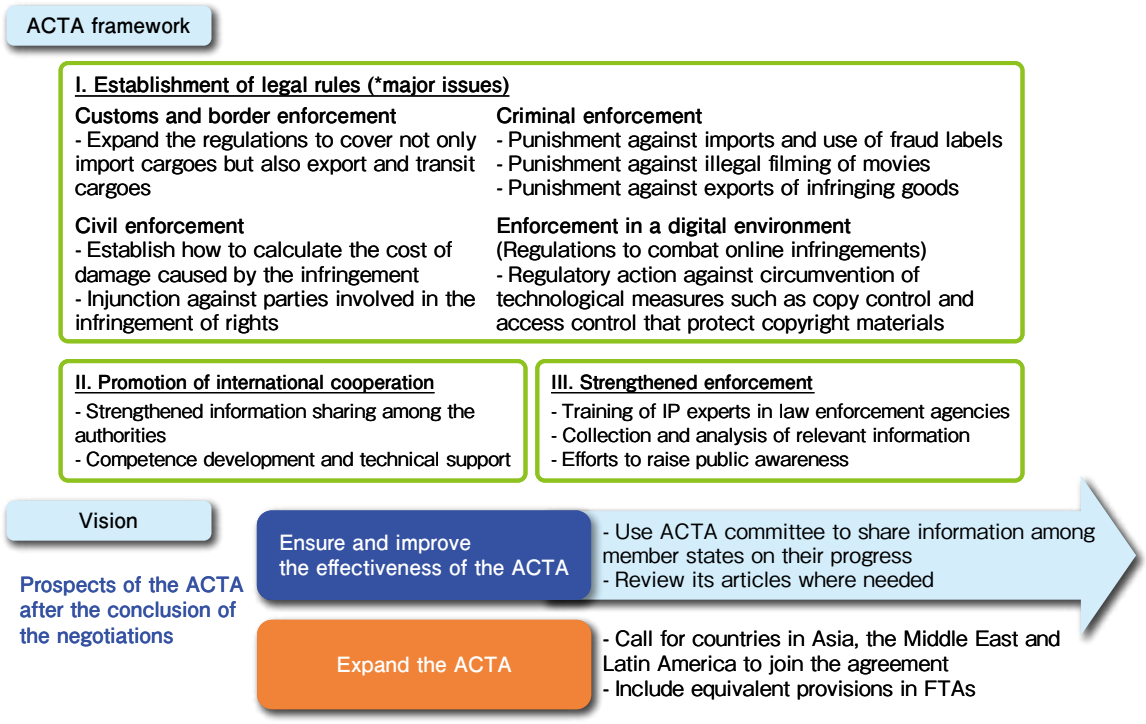
At the G8 Gleneagles Summit in 2005Japan proposed the necessity of formulating the legal framework needed for preventing the spread of counterfeiting and pirated products. Since then, Japan has actively discussed this issue with developed countries and developing countries that have a high aspiration in the protection of intellectual property rights toward realizing this scheme.

As a result, in October 2010, the "Anti-Counterfeiting Trade Agreement (provisional title) (ACTA)[1]," a new international framework to strengthen enforcement of intellectual property rights, was basically agreed.

On October 1, 2011, a signatory ceremony of ACTA was held at the Iikura Guesthouse of the Ministry of Foreign Affairs of Japan.

1 http://www.meti.go.jp/english/policy/economy/chizai/acta.html

【Figure 4-1-7 Structure and future vision of anti-Counterfeiting Trade Agreement (provisional title) (ACTA)】



3) Collaboration with the Industrial World

Some Japanese companies and industry groups have been taking active anti-counterfeiting measures. For example, some organizations, after independently conducting vigorous investigative activities to identify the manufacturers and distribution channels of counterfeit products, have been requesting local regulatory authorities to crack down on counterfeiters. However, such measures require persistent efforts, and in many cases, sufficient measures cannot be taken due to personnel and financial constraints. It is also undeniable that there is a limit to the ability of individual companies and industrial groups to negotiate with local governments and regulatory authorities.

Under these circumstances, the "International Intellectual Property Protection Forum (IIPPF)[1]" was established in April 2002 to promote cross-industry cooperation to reinforce anti-counterfeiting measures in collaboration with the Japanese government. The following projects have been undertaken by the Forum: to reinforce anti-counterfeiting measures, submitting requests to governments of countries where IPR infringement has been serious; exchanging information and conducting surveys; and cooperating on human resource development in countries where IPR infringement has been serious.

The JPO supports the efforts of the International Intellectual Property Protection Forum. Concerning China, in particular, high-level missions jointly involving the public and private sectors were sent seven times so far in collaboration with the Forum and the government.

The JPO has requested the development of legal systems and improvement of operations to the Chinese governmental organizations, seeking cooperation that leads to more effective and efficient enforcement of counterfeit products. An example is conducting seminars to determine/distinguish genuine and counterfeited products; and technical seminars for regulatory authority officials.

4) Collection and Provision of Information for Anti-counterfeiting Measures

In order to understand the situation surrounding the damage overseas suffered by Japanese companies, the JPO conducts an annual survey and publishes the results in the "Survey Report on Losses Caused by Counterfeiting[2]." In addition, with the aim of assisting Japanese companies' business activities overseas, the JPO sends resident officers to overseas offices (Beijing, Bangkok, Seoul and Taipei in Asia) to offer consultation in local communities. It also compiles and provides "Manuals on Measures against Counterfeits," which contain useful information regarding anti-counterfeiting measures in the countries and regions where counterfeiting frequently occurs, and the "Collection of Case Examples/Court Precedents of Intellectual Property Right Infringements," which contains actual cases, court precedents relating to IPR infringement, and informative comments[3]. Furthermore, the JPO holds seminars inside and outside of Japan for Japanese companies in order to provide them with the information necessary to take measures against counterfeits.

5) Response to Consultations Concerning Countermeasures against Counterfeit products

The JPO responds to individual consultations concerning counterfeit products (industrial property rights infringement) from rights holders and provides necessary information by closely cooperating with the "APEC IPR Service Center" (Counterfeit Product Measure/Commercial Office, Manufacturing Industries Bureau, Ministry of Economy, Trade and Industry) and other related ministries and agencies. In addition, the JPO provides consulting services on foreign

1 Founded in April 2002 (Chairman: Toshiyuki Shiga, Chief Operating Officer of Nissan Motor Co., Ltd.). As of March 26, 2012, 243 companies and organizations (153 companies and 90 organizations) participate in this forum.

2 Actual status of damages caused by counterfeiting
http://www.jpo.go.jp/torikumi/mohouhin/mohouhin2/jittai/jittai.htm

3 http://www.jpo.go.jp/torikumi/mohouhin/mohouhin2/manual/manual.htm

industrial property right systems and on countermeasures against industrial property infringement targeting Japanese companies.

6) Cooperation with National Regulatory Authorities/ Countermeasures at the Boarder

With the aim of efficiently cracking down on counterfeiting within Japan, the JPO aims to strengthen cooperation with Japanese law enforcement authorities by (1) addressing inquiries about infringement cases of industrial property rights from police and customs and (2) sending instructors to give training on intellectual property to Japanese customs officials, etc.

7) Activities to Raise Consumer Awareness

The JPO organizes "Anti-Counterfeiting Campaigns" every fiscal year with the objective of further raising domestic consumer awareness on the importance of intellectual property rights and informing domestic consumers that counterfeiting and piracy have adverse effects.

7. Promotion of Conclusion of Economic Partnership Agreement (EPA) and Free Trade Agreement (FTA)

Japan has actively concluded Economic Partnership Agreements (EPAs) and Free Trade Agreements (FTAs), mainly with Asian countries that have deep economic and cultural ties with Japan.

Moreover, in recent years, Japan has been steadily making efforts to conclude EPAs and FTAs, including the Trans-Pacific Partnership (TPP) with Asia-Pacific countries and the Economic Integration Agreement (EIA) with the European Union based on the "Basic Principles for Comprehensive Economic Partnership (cabinet decision on November 9, 2010)." Under these circumstances, the intellectual property field is one field of EPA negotiations and is part of the JPO's efforts to expand trade and investment. In the field of intellectual property, Japan aims ensure: 1) adequate, effective and non-discriminatory protection of intellectual property, 2) efficient and transparent administration over the intellectual property protection system, and 3) adequate and effective enforcement of intellectual property rights, taking into consideration trade relations and the scale of intellectual property related problems.

(EPAs already came into force before 2011)

1) Japan-Singapore EPA (signed in January 2002, came into force in November 2002)
2) Japan-Mexico EPA (signed in September 2004, came into force in April 2005)
3) Japan-Malaysia EPA (signed in December 2005, came into force in July 2006)
4) Japan-the Philippines EPA (signed in March 2006, came into force in December 2008)
5) Japan-Chile EPA (signed in March 2007, came into force in September 2007)
6) Japan-Thailand EPA (signed in April 2007, came into force in November 2007)
7) Japan-Brunei EPA (signed in June 2007, came into force in July 2008)
8) Japan-Indonesia EPA (signed in August 2007, came into force in July 2008)
9) Japan-ASEAN Comprehensive EPA (signed in April 2008, came into force in December 2008)
10) Japan-Vietnam EPA (signed in December 2008, came into force in October 2009)
11) Japan-Switzerland EPA (signed in February 2009, came into force in September 2009)
12) Japan-India EPA (signed in February 2011, came into force in August 2011)

These EPAs include measures such as more simplified and transparent procedures and strengthened protection of intellectual property rights and the enforcement thereof. The EPA with India, in particular, provides for strengthening the protection of intellectual property rights beyond the level of protection stipulated in the TRIPS Agreement. This deals with the possibility of patent protection of inventions such as computer programs, protection of widely-known trademarks, and accelerated examination of trademark applications.

(EPA came into force in 2012)

13) Japan-Peru EPA

Based on an agreement reached at the Japan-Peru Telephone Summit Conference on April 14, 2009, Japan started negotiating with Peru to conclude the Japan-Peru EPA from May 2009. A joint announcement on the conclusion of the negotiations was publicized in November 2010 based on the seven official meetings and interim meetings. After that, the Japan-Peru EPA came into force in March 2012. The chapter dealing with intellectual property in this EPA calls for strengthening intellectual property rights beyond the level of protection stipulated in the TRIPS Agreement. This includes the patentability of inventions including computer programs, the possibility of protecting designs for a part of an article, and the prohibition of exporting articles infringing copyrights.

14) Others

Japan is negotiating for an EPA with the Republic of India and Australia.

Part 5

Statistics and Appendixes

General Statistics

1) Patents	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011
applications	421,044	413,092	423,081	427,078	408,674	396,291	391,002	348,596	344,598	342,610
Request for Examinations	237,345	243,836	328,105	396,933	382,116	376,310	347,836	254,368	255,192	253,754
First actions	215,288	226,420	234,109	243,548	292,756	307,665	342,654	361,439	377,089	363,876
Decision of registrations	109,720	111,276	112,221	111,179	129,071	146,383	159,961	178,227	205,652	220,495
Registrations	120,018	122,511	124,192	122,944	141,399	164,954	176,950	193,349	222,693	238,323

(Note)
The number of first actions indicates the number of first notices of examination results made by examiners. The results consist of decisions to grant a patent or notification of reasons for refusal and are sent to applicants.

2) Utility models	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011
applications	8,587	8,155	7,983	11,386	10,965	10,315	9,452	9,507	8,679	7,984
Registrations	7,651	7,669	7,356	10,569	10,591	10,080	8,917	9,019	8,571	7,595
requests for report of technical opinions on regisrability of the Utility models	1,553	1,186	1,061	1,151	1,091	905	746	677	633	491

3) Designs

	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011
applications	37,230	39,267	40,756	39,254	36,724	36,544	33,569	30,875	31,756	30,805
First actions	40,261	38,149	42,026	39,651	37,013	35,548	35,087	34,098	31,490	30,775
Decision of registrations	30,810	31,202	33,513	31,698	28,687	27,933	29,150	29,051	27,641	26,589
Registrations	31,503	31,342	32,681	32,633	29,689	28,289	29,382	28,812	27,438	26,274

(Note)
・Registrations include registered similar designs.
・The number of first actions indicates the number of first notices of examination results made by examiners. The results consist of decisions to grant a patent or notification of reasons for refusal and are sent to applicants.

4) Trademarks

	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011
applications	117,406	123,325	128,843	135,776	135,777	143,221	119,185	110,841	113,519	108,060
First actions	145,859	138,717	126,284	122,858	139,443	123,943	138,451	128,605	123,655	101,115
Decision of registrations	113,853	112,366	100,889	97,939	109,415	98,545	107,780	113,103	104,190	91,249
Registrations	105,114	108,568	95,866	94,439	103,435	96,531	100,243	108,717	97,780	89,279

(Note)
・The number of registrations include the number of renewal registrations and defensive mark registrations.
・The number of first actions indicates the number of first notices of examination results made by examiners. The results consist of decisions to grant a patent or notification of reasons for refusal and are sent to applicants.

Japanese and Foreigners

1) patents		2002	2003	2004	2005	2006	2007	2008	2009	2010	2011
applications	Japanese	369,458	362,711	368,416	367,960	347,060	333,498	330,110	295,315	290,081	287,580
	Foreigners	51,586	50,381	54,665	59,118	61,614	62,793	60,892	53,281	54,517	55,030
registrations	Japanese	108,515	110,835	112,527	111,088	126,804	145,040	151,765	164,459	187,237	197,594
	Foreigners	11,503	11,676	11,665	11,856	14,595	19,914	25,185	28,890	35,456	40,729

(Note)
The number of first actions indicates the number of first notices of examination results made by examiners. The results consist of decisions to grant a patent or notification of reasons for refusal and are sent to applicants.

2) Utility models		2002	2003	2004	2005	2006	2007	2008	2009	2010	2011
applications	Japanese	6,938	6,380	6,337	9,421	8,922	8,399	7,717	7,799	6,889	6,305
	Foreigners	1,649	1,775	1,646	1,965	2,043	1,916	1,735	1,708	1,790	1,679
registrations	Japanese	6,091	5,914	5,711	8,462	8,523	8,160	7,187	7,361	6,755	5,998
	Foreigners	1,560	1,755	1,645	2,107	2,068	1,920	1,730	1,658	1,816	1,597

(Note)
"Utility Models" are the numbers of utility model application filings/registrations made under the revised Utility Model Law which came into effect in January, 1994.

3) Designs		2002	2003	2004	2005	2006	2007	2008	2009	2010	2011
applications	Japanese	34,881	36,574	37,565	35,746	33,094	32,202	29,621	27,674	28,083	26,658
	Foreigners	2,349	2,693	3,191	3,508	3,630	4,342	3,948	3,201	3,673	4,147
registrations	Japanese	29,550	29,284	30,485	29,971	27,034	25,228	25,986	25,819	24,458	23,042
	Foreigners	1,953	2,058	2,196	2,662	2,655	3,061	3,396	2,993	2,980	3,232

(Note)
Registrations include the number of registered similar designs.

4) Trademarks		2002	2003	2004	2005	2006	2007	2008	2009	2010	2011
applications	Japanese	100,645	106,957	110,270	114,015	111,754	118,155	95,674	90,474	92,163	84,673
	Foreigners	16,761	16,368	18,573	21,761	24,023	25,066	23,511	20,367	21,356	23,387
registrations	Japanese	89,029	92,898	83,013	80,962	88,411	79,836	82,469	88,449	79,338	70,800
	Foreigners	16,085	15,670	12,853	13,477	15,024	16,695	17,774	20,268	18,442	18,479

(Note)
The number of registrations includes the numbers of renewal registrations, defensive mark registrations and the registrations which are registered through the extension of protections designating Japan under the Madrid Protocol System.

Technical fields

Patent		2001	2002	2003	2004	2005	2006	2007	2008	2009	2010
applications	A section	41,205	40,723	47,399	47,456	49,015	47,832	46,436	44,438	41,401	42,070
	B section	69,996	66,703	70,223	68,936	69,534	63,700	62,136	61,545	54,778	53,102
	C section	40,881	39,650	46,236	44,379	47,193	45,931	45,114	44,828	41,976	42,036
	D section	5,081	4,462	4,780	4,658	4,673	4,266	4,164	4,004	3,276	3,065
	E section	16,807	15,088	14,609	13,808	13,144	11,870	11,118	10,476	9,512	9,050
	F section	33,178	32,368	34,796	34,718	34,364	34,547	33,970	34,593	29,387	29,149
	G section	103,110	94,918	99,428	103,427	105,393	100,039	95,062	92,308	80,538	78,596
	H section	89,361	86,430	93,585	96,623	101,855	99,399	96,887	97,425	86,517	86,389
	Total	399,619	380,342	411,056	414,005	425,171	407,584	394,887	389,617	347,385	343,457

(Note)
The number of assigned classifications that indicate the most appropriate subject of invention is counted in the statistics. The statistics for 2010 are the number of classified applications as of 20 April 2012.

Patent		2001	2002	2003	2004	2005	2006	2007	2008	2009	2010
registrations	A section	9,235	10,848	12,982	12,881	14,179	16,057	18,401	21,649	25,877	27,286
	B section	24,168	22,533	22,980	23,659	26,296	29,370	32,219	36,515	39,067	40,033
	C section	13,822	14,285	13,670	12,339	15,348	19,191	20,900	21,619	25,228	26,578
	D section	1,662	1,736	1,525	1,402	1,909	2,273	2,168	2,483	2,454	2,852
	E section	5,521	5,917	6,050	6,824	7,772	8,426	7,497	6,756	7,948	8,108
	F section	9,799	9,795	11,265	11,782	14,072	16,383	17,553	17,971	19,460	19,653
	G section	27,008	27,332	27,404	26,752	30,703	35,382	39,117	41,700	49,214	55,528
	H section	28,803	30,065	28,316	27,305	31,120	37,872	39,095	44,656	53,445	58,285
	Total	120,018	122,511	124,192	122,944	141,399	164,954	176,950	193,349	222,693	238,323

(Note)
The number of assigned classifications that indicate the most appropriate subject of invention is counted in the statistics.

Applications by Country of Origin in 2011

1) Patents

		2010			2011			growth rate			
		Direct	PCT N.E.	Total	Direct	PCT N.E.	Total	Direct	PCT N.E.	Total	
JP	Japan	276,156	13,925	290,081	271,683	15,897	287,580	-2%	14%	-1%	JP
AE	United Arab Emirates	0	7	7	0	0	0	-	-	-	AE
AG	Antigua and Barbuda	0	3	3	0	0	0	-	-	-	AG
AR	Argentina	4	3	7	1	4	5	-75%	33%	-29%	AR
AT	Austria	80	209	289	78	210	288	-3%	0%	0%	AT
AU	Australia	124	327	451	117	347	464	-6%	6%	3%	AU
BB	Barbados	5	43	48	15	39	54	200%	-9%	13%	BB
BE	Belgium	91	365	456	96	361	457	5%	-1%	0%	BE
BG	Bulgaria	0	3	3	0	1	1	-	-67%	-67%	BG
BM	Bermuda	8	0	8	0	0	4	-	-	-50%	BM
BN	Brunei Darussalam	4	1	5	0	0	0	-	-	-	BN
BR	Brazil	11	71	82	5	62	67	-55%	-13%	-18%	BR
BS	Bahamas	1	12	13	0	7	7	-	-42%	-46%	BS
BY	Belarus	2	0	2	0	0	0	-	-	-	BY
CA	Canada	192	548	740	189	562	751	-2%	3%	1%	CA
CH	Switzerland	684	1,548	2,232	615	1,524	2,139	-10%	-2%	-4%	CH
CL	Chile	0	6	6	1	10	11	-	67%	83%	CL
CN	China	424	639	1,063	447	954	1,401	5%	49%	32%	CN
CO	Colombia	1	4	5	1	2	3	0%	-50%	-40%	CO
CS	Czech Slovakia	0	1	1	0	0	0	-	-	-	CS
CU	Cuba	1	2	3	1	5	6	0%	150%	100%	CU
CY	Cyprus	2	6	8	11	5	16	450%	-17%	100%	CY
CZ	Czech Republic	0	17	17	3	17	20	-	0%	18%	CZ
DE	Germany	1,774	5,020	6,794	1,791	4,982	6,773	1%	-1%	0%	DE
DK	Denmark	83	304	387	104	314	418	25%	3%	8%	DK
EE	Estonia	0	5	5	0	5	5	-	0%	0%	EE
EG	Egypt	0	1	1	0	2	2	-	100%	100%	EG
ES	Spain	22	218	240	28	198	226	27%	-9%	-6%	ES
FI	Finland	82	331	413	85	234	319	4%	-29%	-23%	FI
FR	France	787	2,638	3,425	686	2,761	3,447	-13%	5%	1%	FR
GB	United Kingdom	413	1,325	1,738	403	1,336	1,739	-2%	1%	0%	GB
GR	Greece	1	7	8	1	11	12	0%	57%	50%	GR
HK	Hong Kong	76	16	92	58	20	78	-24%	25%	-15%	HK
HR	Croatia	1	3	4	0	1	1	-	-67%	-75%	HR
HU	Hungary	0	21	21	4	36	40	-	71%	90%	HU
ID	Indonesia	2	1	3	0	0	1	-	-	-67%	ID
IE	Ireland	43	143	186	39	106	145	-9%	-26%	-22%	IE
IL	Israel	106	323	429	130	283	413	23%	-12%	-4%	IL
IN	India	21	141	162	16	154	170	-24%	9%	5%	IN
IR	Iran (Islamic Republic of)	0	1	1	0	1	1	-	0%	0%	IR
IS	Iceland	0	7	7	0	5	5	-	-29%	-29%	IS
IT	Italy	212	521	733	229	524	753	8%	1%	3%	IT
KR	Republic of Korea	2,988	1,884	4,872	3,035	1,972	5,007	2%	5%	3%	KR
KW	Kuwait	0	0	0	0	0	1	-	-	-	KW
KZ	Kazakhstan	0	2	2	0	0	0	-	-	-	KZ
LB	Lebanon	0	0	0	0	2	2	-	-	-	LB
LI	Liechtenstein	48	115	163	81	20	101	69%	-83%	-38%	LI
LK	Sri Lanka	0	1	1	0	0	0	-	-	-	LK
LT	Lithuania	0	1	1	0	1	1	-	0%	0%	LT
LU	Luxembourg	36	82	118	33	108	141	-8%	32%	19%	LU
LV	Latvia	0	5	5	0	5	5	-	0%	0%	LV
MA	Morocco	0	1	1	0	1	1	-	0%	0%	MA
MC	Monaco	0	3	3	2	2	4	-	-33%	33%	MC
MT	Malta	0	4	4	1	6	7	-	50%	75%	MT
MX	Mexico	1	18	19	12	22	34	1100%	22%	79%	MX
MY	Malaysia	11	19	30	6	21	27	-45%	11%	-10%	MY
NL	Netherlands	538	1714	2,252	491	1883	2374	-9%	10%	5%	NL
NO	Norway	26	113	139	25	118	143	-4%	4%	3%	NO
NZ	New Zealand	19	58	77	12	52	64	-37%	-10%	-17%	NZ
PA	Panama	0	3	3	1	1	2	-	-67%	-33%	PA
PE	Peru	0	0	0	1	1	2	-	-	-	PE
PH	Philippines	0	2	2	0	0	1	-	-	-50%	PH
PK	Pakistan	0	0	0	0	0	2	-	-	-	PK
PL	Poland	9	19	28	6	15	21	-33%	-21%	-25%	PL
PT	Portugal	2	25	27	3	17	20	50%	-32%	-26%	PT
RO	Romania	2	0	2	0	2	2	-	-	0%	RO
RS	Serbia	0	2	2	0	2	2	-	0%	0%	RS
RU	Russian Federation	5	35	40	1	37	38	-80%	6%	-5%	RU
SA	Saudi Arabia	3	18	21	12	20	32	300%	11%	52%	SA
SC	Seychelles	5	2	7	2	4	6	-60%	100%	-14%	SC
SE	Sweden	282	1087	1,369	266	1076	1342	-6%	-1%	-2%	SE
SG	Singapore	137	151	288	86	114	200	-37%	-25%	-31%	SG
SI	Slovenia	1	17	18	2	19	21	100%	12%	17%	SI
SK	Slovakia	3	0	3	0	8	8	-	-	167%	SK
SM	San Marino	0	1	1	0	1	1	-	0%	0%	SM
TH	Thailand	6	2	8	8	1	9	33%	-50%	13%	TH
TN	Tunisia	0	0	0	0	0	1	-	-	-	TN
TR	Turkey	2	19	21	0	26	26	-	37%	24%	TR
TW	Taiwan	1379	71	1,450	1253	63	1316	-9%	-11%	-9%	TW
UA	Ukraine	1	2	3	0	3	3	-	50%	0%	UA
US	United States of America	8143	15040	23,183	8787	14627	23414	8%	-3%	1%	US
UY	Uruguay	0	1	1	0	0	0	-	-	-	UY
VC	Saint Vincent and the Grenadines	0	1	1	0	1	1	-	0%	0%	VC
VE	Venezuela (Bolivarian Republic of)	3	0	3	0	0	0	-	-	-	VE
VN	Viet Nam	0	1	1	0	0	0	-	-	-	VN
WS	Samoa	1	3	4	0	0	0	-	-	-	WS
ZA	South Africa	4	47	51	2	42	44	-50%	-11%	-14%	ZA
XX	Others	56	139	195	116	246	362	107%	77%	86%	XX
	Total	295,124	49,474	344,598	291,081	51,519	342,610	-1%	4%	-1%	

2) Utility Models

		2010			2011			growth rate			
		Direct	PCT N.E.	Total	Direct	PCT N.E.	Total	Direct	PCT N.E.	Total	
JP	Japan	6,887	2	6889	6300	5	6305	-9%	150%	-8%	JP
AR	Argentina	1	0	1	0	–	0	-	-	-	AR
AT	Austria	3	0	3	0	–	2	-	-	-33%	AT
AU	Australia	7	1	8	0	–	2	-	-	-75%	AU
BE	Belgium	0	0	0	0	–	1	-	-	-	BE
BM	Bermuda	2	0	2	0	–	2	-	-	0%	BM
BR	Brazil	2	0	2	0	–	3	-	-	50%	BR
BZ	Belize	0	1	1	0	–	0	-	-	-	BZ
CA	Canada	3	1	4	0	–	2	-	-	-50%	CA
CH	Switzerland	4	5	9	6	3	9	50%	-40%	0%	CH
CN	China	117	21	138	144	30	174	23%	43%	26%	CN
CS	Czech Slovakia	0	0	0	0	–	1	-	-	-	CS
DE	Germany	12	3	15	15	3	18	25%	0%	20%	DE
DK	Denmark	1	0	1	0	–	0	-	-	-	DK
ES	Spain	3	0	3	3	1	4	0%	-	33%	ES
FI	Finland	1	1	2	0	–	2	-	-	0%	FI
FR	France	0	1	1	0	–	7	-	-	600%	FR
GB	United Kingdom	0	0	0	2	1	3	-	-	-	GB
GR	Greece	1	0	1	0	–	0	-	-	-	GR
HK	Hong Kong	28	1	29	23	2	25	-18%	100%	-14%	HK
HU	Hungary	0	1	1	0	–	4	-	-	300%	HU
ID	Indonesia	0	0	0	0	1	1	-	-	-	ID
IE	Ireland	0	0	0	0	–	1	-	-	-	IE
IL	Israel	1	0	1	5	2	7	400%	-	600%	IL
IT	Italy	8	2	10	13	1	14	63%	-50%	40%	IT
KR	Republic of Korea	34	2	36	30	5	35	-12%	150%	-3%	KR
LV	Latvia	0	0	0	0	–	1	-	-	-	LV
NL	Netherlands	1	0	1	0	–	0	-	-	-	NL
NZ	New Zealand	1	0	1	0	–	0	-	-	-	NZ
PE	Peru	1	0	1	0	–	0	-	-	-	PE
PL	Poland	0	0	0	0	–	1	-	-	-	PL
RU	Russian Federation	0	3	3	0	3	3	-	0%	0%	RU
SA	Saudi Arabia	0	0	0	0	–	1	-	-	-	SA
SC	Seychelles	0	0	0	0	–	1	-	-	-	SC
SE	Sweden	0	0	0	0	5	5	-	-	-	SE
SG	Singapore	2	1	3	0	–	2	-	-	-33%	SG
TH	Thailand	1	0	1	0	–	3	-	-	200%	TH
TR	Turkey	1	0	1	0	–	4	-	-	300%	TR
TW	Taiwan	1,452	6	1,458	1271	5	1276	-12%	-17%	-12%	TW
US	United States of America	34	9	43	45	11	56	32%	22%	30%	US
UY	Uruguay	0	0	0	0	1	1	-	-	-	UY
XX	Others	10	0	10	8	0	8	-20%	-	-20%	XX
	Total	8,618	61	8,679	7,865	79	7,984	-9%	30%	-8%	

3) Designs		2010	2011	growth rate	
JP	Japan	28,083	26658	-9%	JP
AG	Antigua and Barbuda	1	0	-100%	AG
AM	Armenia	3	0	-100%	AM
AT	Austria	17	25	47%	AT
AU	Australia	67	44	-34%	AU
BB	Barbados	4	9	125%	BB
BE	Belgium	22	12	-45%	BE
BN	Brunei Darussalam	3	0	-100%	BN
BR	Brazil	16	26	63%	BR
BS	Bahamas	7	0	-100%	BS
CA	Canada	34	35	3%	CA
CH	Switzerland	277	335	21%	CH
CN	China	111	144	30%	CN
CY	Cyprus	5	10	100%	CY
CZ	Czech Republic	0	1	0%	CZ
DE	Germany	334	361	8%	DE
DK	Denmark	24	75	213%	DK
EE	Estonia	0	2	0%	EE
ES	Spain	21	26	24%	ES
FI	Finland	21	30	43%	FI
FR	France	189	179	-5%	FR
GB	United Kingdom	143	192	34%	GB
GR	Greece	2	5	150%	GR
HK	Hong Kong	49	51	4%	HK
HU	Hungary	0	1	0%	HU
IE	Ireland	1	1	0%	IE
IL	Israel	9	20	122%	IL
IN	India	0	1	0%	IN
IT	Italy	128	144	13%	IT
KR	Republic of Korea	449	545	21%	KR
LI	Liechtenstein	21	50	138%	LI
LK	Sri Lanka	3	0	-100%	LK
LU	Luxembourg	21	23	10%	LU
MY	Malaysia	7	3	-57%	MY
NL	Netherlands	125	111	-11%	NL
NO	Norway	18	14	-22%	NO
NZ	New Zealand	18	1	-94%	NZ
PT	Portugal	0	2	0%	PT
RO	Romania	0	1	0%	RO
RU	Russian Federation	0	2	0%	RU
SC	Seychelles	2	0	-100%	SC
SE	Sweden	82	64	-22%	SE
SG	Singapore	8	16	100%	SG
TH	Thailand	12	3	-75%	TH
TW	Taiwan	332	253	-24%	TW
US	United States of America	1,084	1311	21%	US
VN	Viet Nam	0	2	0%	VN
ZA	South Africa	0	2	0%	ZA
XX	Others	3	15	400%	XX
	Total	31756	30805	-3%	

4) Trademarks

		2010	2011	growth rate	
JP	Japan	92,163	84673	-8%	JP
AE	United Arab Emirates	28	86	207%	AE
AG	Antigua and Barbuda	1	0	-100%	AG
AL	Albania	0	1	0%	AL
AM	Armenia	0	17	0%	AM
AN	Netherlands Antilles	9	0	-100%	AN
AO	Angola	0	1	0%	AO
AR	Argentina	19	13	-32%	AR
AT	Austria	180	175	-3%	AT
AU	Australia	348	424	22%	AU
BB	Barbados	27	16	-41%	BB
BE	Belgium	195	168	-14%	BE
BG	Bulgaria	10	21	110%	BG
BH	Bahrain	0	2	0%	BH
BM	Bermuda	4	4	0%	BM
BN	Brunei Darussalam	0	1	0%	BN
BR	Brazil	74	68	-8%	BR
BS	Bahamas	5	7	40%	BS
BY	Belarus	2	3	50%	BY
CA	Canada	200	210	5%	CA
CH	Switzerland	1,433	1,341	-6%	CH
CL	Chile	55	58	5%	CL
CN	China	1,259	1,584	26%	CN
CO	Colombia	4	10	150%	CO
CR	Costa Rica	0	1	0%	CR
CU	Cuba	0	4	0%	CU
CW	Curaçao	0	4	0%	CW
CY	Cyprus	25	28	12%	CY
CZ	Czech Republic	15	36	140%	CZ
DE	Germany	1,988	2,319	17%	DE
DK	Denmark	225	219	-3%	DK
DO	Dominican Republic	1	1	0%	DO
EC	Ecuador	2	1	-50%	EC
EE	Estonia	5	9	80%	EE
EG	Egypt	5	10	100%	EG
ES	Spain	346	359	4%	ES
FI	Finland	112	123	10%	FI
FJ	Fiji	0	4	0%	FJ
FR	France	1,640	1,708	4%	FR
GB	United Kingdom	1,056	1,127	7%	GB
GE	Georgia	2	2	0%	GE
GI	Gibraltar	2	4	100%	GI
GR	Greece	24	27	13%	GR
HK	Hong Kong	189	249	32%	HK
HR	Croatia	3	3	0%	HR
HU	Hungary	16	10	-38%	HU
ID	Indonesia	24	30	25%	ID
IE	Ireland	117	147	26%	IE
IL	Israel	36	64	78%	IL
IN	India	41	29	-29%	IN
IR	Iran (Islamic Republic of)	13	7	-46%	IR
IS	Iceland	9	3	-67%	IS
IT	Italy	1,027	1,215	18%	IT
JE	Jersey	0	2	0%	JE
JM	Jamaica	0	2	0%	JM
JO	Jordan	1	0	-100%	JO
KE	Kenya	0	3	0%	KE
KH	Cambodia	1	0	-100%	KH
KR	Republic of Korea	1,141	1,381	21%	KR
KW	Kuwait	2	4	100%	KW
KY	Cayman Islands	6	2	-67%	KY
KZ	Kazakhstan	2	0	-100%	KZ
LB	Lebanon	4	2	-50%	LB
LI	Liechtenstein	50	49	-2%	LI
LK	Sri Lanka	11	10	-9%	LK
LT	Lithuania	2	5	150%	LT
LU	Luxembourg	118	193	64%	LU
LV	Latvia	10	6	-40%	LV
MA	Morocco	10	7	-30%	MA
MC	Monaco	21	16	-24%	MC
MD	Republic of Moldova	1	4	300%	MD
MK	The former Yugoslav Republic of Macedonia	0	3	0%	MK
MM	Myanmar	0	1	0%	MM
MN	Mongolia	2	5	150%	MN
MO	Macao	2	0	-100%	MO
MT	Malta	9	2	-78%	MT
MU	Mauritius	2	1	-50%	MU
MX	Mexico	67	42	-37%	MX
MY	Malaysia	50	39	-22%	MY
NG	Nigeria	1	0	-100%	NG
NL	Netherlands	443	481	9%	NL
NO	Norway	89	74	-17%	NO
NZ	New Zealand	81	77	-5%	NZ
PA	Panama	15	4	-73%	PA
PE	Peru	1	9	800%	PE
PG	Papua New Guinea	0	4	0%	PG
PH	Philippines	6	14	133%	PH
PK	Pakistan	1	0	-100%	PK
PL	Poland	34	30	-12%	PL
PT	Portugal	49	47	-4%	PT
QA	Qatar	2	14	600%	QA
RO	Romania	10	8	-20%	RO
RS	Serbia	10	1	-90%	RS
RU	Russian Federation	81	95	17%	RU
SA	Saudi Arabia	7	10	43%	SA
SC	Seychelles	1	6	500%	SC
SE	Sweden	297	284	-4%	SE
SG	Singapore	229	231	1%	SG
SI	Slovenia	5	22	340%	SI
SK	Slovakia	2	6	200%	SK
SM	San Marino	1	0	-100%	SM
SY	Syrian Arab Republic	6	0	-100%	SY
TH	Thailand	37	64	73%	TH
TN	Tunisia	2	6	200%	TN
TR	Turkey	93	96	3%	TR
TW	Taiwan	596	537	-10%	TW
UA	Ukraine	9	23	156%	UA
US	United States of America	6,748	7275	8%	US
UY	Uruguay	3	1	-67%	UY
VC	Saint Vincent and the Grenadines	1	0	-100%	VC
VE	Venezuela (Bolivarian Republic of)	3	0	-100%	VE
VG	Virgin Islands (British)	3	10	233%	VG
VN	Viet Nam	24	24	0%	VN
WS	Samoa	3	2	-33%	WS
ZA	South Africa	23	18	-22%	ZA
XX	Others	152	182	20%	XX
	Total	113,519	108,060	-5%	

Regsitrations by origin

		Patents									
		2009			2010			2011			
		Direct	PCT N.E.	total	Direct	PCT N.E.	total	Direct	PCT N.E.	total	
JP	Japan	158,318	6,141	164,459	178,504	8,733	187,237	185,974	11,620	197,594	JP
AD	Andorra	1	0	1	0	0	0	0	0	0	AD
AE	United Arab Emirates	1	0	1	0	3	3	0	1	1	AE
AR	Argentina	0	0	0	4	2	6	3	0	3	AR
AT	Austria	51	105	156	47	115	162	62	132	194	AT
AU	Australia	31	189	220	51	270	321	52	316	368	AU
BB	Barbados	8	6	14	13	13	26	22	14	36	BB
BE	Belgium	46	149	195	67	200	267	67	254	321	BE
BG	Bulgaria	0	0	0	0	1	1	0	2	2	BG
BM	Bermuda	0	1	1	0	1	1	113	3	116	BM
BN	Brunei Darussalam	0	0	0	0	0	0	2	1	3	BN
BR	Brazil	2	19	21	2	20	22	5	33	38	BR
BS	Bahamas	1	4	5	0	4	4	0	5	5	BS
BY	Belarus	0	0	0	0	0	0	0	1	1	BY
BZ	Belize	0	0	0	0	0	0	0	1	1	BZ
CA	Canada	78	269	347	90	336	426	100	359	459	CA
CH	Switzerland	483	857	1,340	522	1,019	1,541	590	1,204	1,794	CH
CL	Chile	2	0	2	2	0	2	0	0	0	CL
CN	China	53	103	156	92	163	255	147	269	416	CN
CO	Colombia	1	0	1	0	1	1	0	1	1	CO
CU	Cuba	0	6	6	0	1	1	0	9	9	CU
CY	Cyprus	0	6	6	1	7	8	0	11	11	CY
CZ	Czech Republic	0	2	2	0	2	2	0	8	8	CZ
DE	Germany	1,736	2,957	4,693	1,758	3,695	5,453	1,840	4,113	5,953	DE
DK	Denmark	39	193	232	46	205	251	38	274	312	DK
EE	Estonia	1	0	1	0	0	0	0	1	1	EE
EG	Egypt	3	0	3	0	0	0	0	0	0	EG
ES	Spain	13	67	80	7	74	81	15	83	98	ES
FI	Finland	71	279	350	67	362	429	67	355	422	FI
FR	France	613	1,231	1,844	706	1,609	2,315	805	1,956	2,761	FR
GB	United Kingdom	157	804	961	176	923	1,099	207	948	1,155	GB
GR	Greece	0	4	4	1	4	5	0	7	7	GR
GT	Guatemala	1	0	1	0	0	0	0	0	0	GT
HK	Hong Kong	19	14	33	25	14	39	31	13	44	HK
HR	Croatia	0	0	0	1	3	4	0	3	3	HR
HU	Hungary	1	17	18	2	11	13	2	17	19	HU
ID	Indonesia	1	0	1	0	1	1	0	2	2	ID
IE	Ireland	11	160	171	17	197	214	20	250	270	IE

IL	Israel	26	111	137	23	171	194	42	223	265	IL
IN	India	6	74	80	10	82	92	6	51	57	IN
IR	Iran (Islamic Republic of)	0	0	0	0	0	0	1	1	2	IR
IS	Iceland	0	2	2	0	4	4	0	1	1	IS
IT	Italy	188	268	456	191	368	559	165	442	607	IT
KR	Republic of Korea	2,234	543	2,777	2,714	791	3,505	2,843	1,205	4,048	KR
LB	Lebanon	0	0	0	0	0	0	0	1	1	LB
LI	Liechtenstein	50	20	70	74	21	95	72	18	90	LI
LT	Lithuania	0	0	0	0	1	1	0	0	0	LT
LU	Luxembourg	13	35	48	13	36	49	33	61	94	LU
LV	Latvia	2	0	2	0	1	1	0	1	1	LV
MC	Monaco	0	2	2	0	3	3	3	4	7	MC
MT	Malta	0	2	2	0	1	1	0	2	2	MT
MU	Mauritius	0	1	1	0	2	2	1	0	1	MU
MX	Mexico	1	1	2	0	3	3	1	8	9	MX
MY	Malaysia	6	4	10	5	4	9	6	7	13	MY
NG	Nigeria	0	0	0	0	1	1	0	0	0	NG
NL	Netherlands	550	983	1,533	533	1,156	1,689	563	1,205	1,768	NL
NO	Norway	6	80	86	4	116	120	5	97	102	NO
NZ	New Zealand	7	23	30	6	29	35	9	34	43	NZ
PA	Panama	1	0	1	1	2	3	0	3	3	PA
PH	Philippines	0	0	0	0	2	2	0	0	0	PH
PL	Poland	9	0	9	0	9	9	2	9	11	PL
PT	Portugal	6	0	6	1	3	4	2	8	10	PT
RO	Romania	0	0	0	0	1	1	0	2	2	RO
RU	Russian Federation	1	21	22	0	17	17	3	16	19	RU
SA	Saudi Arabia	3	5	8	3	10	13	2	21	23	SA
SC	Seychelles	2	0	2	1	3	4	0	5	5	SC
SE	Sweden	108	788	896	146	1,081	1,227	157	1,086	1,243	SE
SG	Singapore	100	18	118	159	50	209	163	87	250	SG
SI	Slovenia	1	7	8	0	8	8	1	5	6	SI
SK	Slovakia	1	0	1	2	1	3	1	4	5	SK
SY	Syrian Arab Republic	2	0	2	0	0	0	0	0	0	SY
TH	Thailand	1	1	2	2	0	2	6	1	7	TH
TR	Turkey	1	2	3	0	7	7	1	11	12	TR
TW	Taiwan	534	44	578	633	31	664	719	31	750	TW
UA	Ukraine	0	0	0	0	1	1	0	3	3	UA
US	United States of America	4,151	6,882	11,033	4,945	8,879	13,824	5,693	10,569	16,262	US
UY	Uruguay	0	1	1	0	0	0	0	1	1	UY
VN	Viet Nam	0	0	0	0	0	0	1	0	1	VN
WS	Samoa	0	0	0	0	0	0	2	0	2	WS
YU	Serbia and Montenegro	0	0	0	0	0	0	0	1	1	YU
ZA	South Africa	4	19	23	1	29	30	3	23	26	ZA
XX	Others	9	64	73	57	55	112	86	56	142	XX
	Total	169,765	23,584	193,349	191,725	30,968	222,693	200,754	37,569	238,323	

Regsitrations by origin

		Utility Models			Designs			Trademarks						
		2009	2010	2011	2009	2010	2011	2009		2010		2011		
									Madrid Protocol		Madrid Protocol		Madrid Protocol	
JP	Japan	7,361	6,756	5,998	25,819	24,458	23,042	88,449	23	79,338	30	70,800	20	JP
AD	Andorra	0	0	0	1	0	0	0	0	2	1	0	0	AD
AE	United Arab Emirates	1	0	0	0	0	0	39	0	21	0	54	2	AE
AG	Antigua and Barbuda	0	0	0	0	1	0	0	0	0	0	1	0	AG
AM	Armenia	0	0	0	0	1	2	1	0	1	1	5	5	AM
AN	Netherlands Antilles	0	0	0	0	0	0	15	15	18	18	6	6	AN
AO	Angola	0	0	0	0	0	0	0	0	0	0	2	2	AO
AR	Argentina	1	1	0	1	0	0	14	0	16	0	13	0	AR
AT	Austria	1	3	2	17	19	13	158	147	133	112	137	130	AT
AU	Australia	2	5	4	53	51	46	337	232	332	247	278	194	AU
BB	Barbados	0	0	0	2	8	2	23	1	16	2	18	1	BB
BD	Bangladesh	0	0	0	0	0	0	0	0	2	0	2	0	BD
BE	Belgium	1	0	1	9	11	17	187	141	158	123	146	129	BE
BG	Bulgaria	0	0	0	1	0	0	9	6	8	6	4	2	BG
BH	Bahrain	0	0	0	0	0	0	1	0	1	0	0	0	BH
BM	Bermuda	0	2	0	0	0	0	9	6	10	6	0	0	BM
BN	Brunei Darussalam	0	0	0	1	7	0	2	0	0	0	2	1	BN
BR	Brazil	2	1	4	8	11	9	103	2	51	1	61	0	BR
BS	Bahamas	0	0	0	1	10	5	15	3	13	3	10	0	BS
BY	Belarus	0	0	0	0	0	0	2	2	1	1	0	0	BY
BZ	Belize	0	0	1	0	0	0	2	0	3	1	1	0	BZ
CA	Canada	2	2	3	42	21	27	186	7	170	11	175	9	CA
CH	Switzerland	2	8	10	269	287	242	1,295	1,007	1,319	852	1,138	847	CH
CL	Chile	0	0	0	0	0	0	52	0	57	0	53	0	CL
CN	China	147	144	149	50	53	97	776	529	748	444	1,030	599	CN
CO	Colombia	0	0	0	0	0	0	6	0	3	1	5	0	CO
CU	Cuba	0	0	0	0	0	0	4	0	4	1	0	0	CU
CY	Cyprus	0	0	0	0	1	6	10	9	18	15	16	10	CY
CZ	Czech Republic	0	0	0	1	0	0	25	18	24	22	11	10	CZ
DE	Germany	27	21	14	284	244	347	2,301	1,918	1,871	1,484	1,857	1,497	DE
DK	Denmark	0	1	0	44	44	47	217	177	205	180	171	141	DK
EC	Ecuador	0	0	0	0	0	0	0	0	2	0	0	0	EC
EE	Estonia	0	0	0	0	0	0	2	2	3	2	4	4	EE
EG	Egypt	0	0	0	0	0	0	2	0	2	0	1	1	EG
ES	Spain	1	3	4	5	7	23	367	289	303	235	277	215	ES
FI	Finland	4	1	2	70	22	25	86	73	78	70	87	73	FI
FJ	Fiji	0	0	0	0	0	0	1	0	0	0	1	0	FJ
FR	France	1	2	5	181	174	149	1,544	1,169	1,436	1,070	1,339	977	FR
GB	United Kingdom	1	1	1	157	113	113	1,228	622	953	532	904	470	GB
GE	Georgia	0	0	0	0	0	0	1	0	2	2	1	1	GE
GI	Gibraltar	0	0	0	0	0	0	1	1	2	2	2	2	GI
GR	Greece	0	0	1	0	0	0	18	14	17	8	8	1	GR
GT	Guatemala	0	0	0	0	0	0	2	0	4	0	0	0	GT
HK	Hong Kong	12	32	23	33	40	53	176	6	151	0	169	1	HK
HR	Croatia	0	0	0	0	0	0	2	2	1	1	1	1	HR
HU	Hungary	0	1	4	1	0	0	18	15	25	22	11	11	HU
ID	Indonesia	0	0	0	0	0	0	27	1	10	0	29	2	ID
IE	Ireland	0	1	0	11	0	2	71	29	117	42	135	29	IE
IL	Israel	1	1	4	7	9	12	56	0	52	3	33	8	IL
IN	India	1	0	0	0	0	0	26	1	58	1	33	2	IN
IR	Iran (Islamic Republic of)	0	0	0	0	0	0	3	3	4	1	2	1	IR
IS	Iceland	0	0	0	0	0	0	12	11	11	11	8	5	IS

IT	Italy	8	6	15	106	121	95	1,145	967	897	762	868	743	IT
JE	Jersey	0	0	0	0	0	0	1	1	0	0	1	1	JE
JM	Jamaica	0	0	0	0	0	0	2	0	1	0	4	0	JM
JO	Jordan	0	0	0	0	0	0	0	0	3	0	0	0	JO
KE	Kenya	0	0	0	0	0	0	2	2	0	0	0	0	KE
KR	Republic of Korea	39	30	28	330	320	412	604	114	742	104	1,034	138	KR
KW	Kuwait	0	0	0	0	0	0	6	0	2	0	10	0	KW
KY	Cayman Islands	0	0	0	0	0	0	0	0	8	8	4	4	KY
LB	Lebanon	0	0	0	0	0	0	0	0	1	0	1	0	LB
LI	Liechtenstein	0	0	0	19	15	26	69	61	65	59	38	36	LI
LK	Sri Lanka	0	0	0	0	0	1	5	0	1	0	12	0	LK
LT	Lithuania	0	0	0	0	0	0	1	1	0	0	2	2	LT
LU	Luxembourg	0	0	0	1	11	21	68	40	88	54	117	73	LU
LV	Latvia	0	0	1	0	0	0	3	2	6	6	3	3	LV
MA	Morocco	0	0	0	0	0	0	2	1	2	1	3	3	MA
MC	Monaco	0	0	0	0	0	0	13	9	2	1	19	9	MC
ME	Montenegro	0	0	0	0	0	0	0	0	1	1	1	1	ME
MN	Mongolia	0	0	0	0	0	0	2	1	1	1	1	1	MN
MO	Macao	0	0	0	0	0	0	3	0	1	0	1	0	MO
MT	Malta	0	0	0	0	0	0	5	2	6	5	7	1	MT
MU	Mauritius	1	0	0	2	9	0	4	1	3	0	3	1	MU
MX	Mexico	0	0	0	0	0	0	81	1	83	0	50	0	MX
MY	Malaysia	1	0	0	7	2	7	42	3	47	0	36	4	MY
NG	Nigeria	0	0	0	0	0	0	1	0	2	0	0	0	NG
NL	Netherlands	1	1	0	95	87	102	447	330	438	292	349	246	NL
NO	Norway	3	0	0	13	17	12	82	67	82	64	80	69	NO
NP	Nepal	0	0	0	0	0	0	2	0	0	0	0	0	NP
NZ	New Zealand	0	1	0	12	11	13	58	2	66	2	81	2	NZ
PA	Panama	0	0	0	2	0	0	11	1	20	1	4	2	PA
PE	Peru	0	1	0	0	0	0	2	0	2	0	3	0	PE
PH	Philippines	0	0	0	1	0	0	15	0	9	1	3	1	PH
PK	Pakistan	2	0	0	0	0	0	0	0	0	0	1	0	PK
PL	Poland	0	0	1	1	0	0	8	5	16	12	21	14	PL
PT	Portugal	0	0	0	9	2	0	50	40	30	23	32	28	PT
QA	Qatar	0	0	0	0	0	0	4	0	1	0	6	0	QA
RO	Romania	0	0	0	0	0	0	11	2	2	2	6	0	RO
RU	Russian Federation	6	2	4	1	0	0	40	37	39	34	56	46	RU
SA	Saudi Arabia	0	0	0	0	0	0	23	1	26	2	6	1	SA
SC	Seychelles	0	0	1	0	2	0	1	0	0	0	2	0	SC
SE	Sweden	1	0	0	70	74	62	339	285	267	187	231	178	SE
SG	Singapore	1	3	1	16	7	11	188	68	141	40	216	64	SG
SI	Slovenia	0	0	0	2	5	0	6	5	4	4	14	14	SI
SK	Slovakia	0	0	0	4	0	0	10	9	2	1	1	1	SK
SM	San Marino	0	0	0	1	0	0	4	4	5	5	1	1	SM
SY	Syrian Arab Republic	0	0	0	0	0	0	2	1	5	1	0	0	SY
TH	Thailand	1	2	2	1	1	10	42	0	46	1	40	0	TH
TN	Tunisia	0	0	0	0	0	0	0	0	3	0	2	0	TN
TR	Turkey	2	0	4	0	0	0	57	55	47	40	54	53	TR
TW	Taiwan	1,346	1,478	1,262	167	197	212	515	0	487	0	514	0	TW
UA	Ukraine	1	0	0	0	0	0	1	0	1	1	6	3	UA
US	United States of America	34	52	37	865	951	996	6,569	1,687	6,040	1,381	6,047	1,478	US
UY	Uruguay	0	0	1	0	0	0	2	0	2	0	2	0	UY
UZ	Uzbekistan	0	0	0	0	0	0	0	0	0	0	1	1	UZ
VA	Holy See	0	0	0	0	0	0	0	0	0	0	1	1	VA
VE	Venezuela (Bolivarian Republic of)	0	0	0	0	0	0	0	0	0	0	1	0	VE
VG	Virgin Islands (British)	0	0	0	0	0	0	6	6	4	4	4	4	VG
VN	Viet Nam	0	0	0	0	0	2	20	11	23	20	15	12	VN
WS	Samoa	1	1	0	2	0	0	1	0	2	0	0	0	WS
ZA	South Africa	1	0	0	2	3	2	30	0	18	0	19	1	ZA
XX	Others	2	9	8	15	11	11	231	16	216	10	204	20	XX
	Total	9,019	8,572	7,595	28,812	27,438	26,274	108,717	10,319	97,780	8,694	89,279	8,669	

Appeals / Trials / Oppositions

1. Appeals against Examiner's Decision of Refusal

1) Patents	2006	2007	2008	2009	2010	2011
Demands	25,870	32,586	31,019	24,137	27,889	26,663
Applications patented in the reconsideration procedure	9,632	12,095	13,208	11,595	13,627	14,030
reconsideration reports by examiners	11,794	12,867	12,836	10,145	10,109	8,854
Final dispositions in Appeals Department						
├ Accepted	6,261	6,290	6,511	7,400	8,503	8,783
├ Not Accepted (including dismissal)	8,200	7,963	8,482	7,982	7,928	7,490
└ Withdrawal/abandonment	2,148	2,472	3,216	3,863	3,114	2,811

2) Utility models (Under old law)	2006	2007	2008	2009	2010	2011
Demands	1	0	0	0	0	0
Applications patented in the reconsideration procedure	0	0	0	0	0	0
reconsideration reports by examiners	0	0	0	0	0	0
Final dispositions in Appeals Department						
├ Accepted	1	0	0	0	0	0
├ Not Accepted (including dismissal)	0	1	0	0	0	0
└ Withdrawal/abandonment	0	0	0	0	0	0

FA of Patents and Utility models (under old law)	2006	2007	2008	2009	2010	2011
Number of First Action	15,399	15,355	19,812	15,328	16,392	16,064

3) Designs	2006	2007	2008	2009	2010	2011
Demands	879	1,094	776	513	467	440
Number of First Actions	1,104	1,086	974	670	493	431
Final dispositions in Appeals Department						
├ Accepted	608	627	688	475	309	276
├ Not Accepted (including dismissal)	535	451	293	228	193	148
└ Withdrawal/abandonment	26	8	19	8	12	3

4) Trademarks	2006	2007	2008	2009	2010	2011
Demands	2,312	1,808	1,186	1,415	1,326	1,229
Number of First Actions	2,900	3,004	2,249	1,054	1,313	1,432
Final dispositions in Appeals Department						
├ Accepted	2,148	2,363	1,605	681	801	1,036
├ Not Accepted (including dismissal)	715	563	451	427	473	465
└ Withdrawal/abandonment	37	45	33	32	45	32

2. Invalidation Trials

1) Patents	2006	2007	2008	2009	2010	2011
Demands	273	284	292	257	237	269
Final dispositions in Appeals Department						
├ Accepted (including partially invalidated)	194	142	182	123	102	91
├ Not Accepted (including dismissal)	88	82	92	123	129	140
└ Withdrawal/abandonment	34	35	36	37	23	28

2) Utility models	2006	2007	2008	2009	2010	2011
Demands	20	14	10	8	3	10
Final dispositions in Appeals Department						
├ Accepted (including partially invalidated)	14	10	10	4	4	4
├ Not Accepted (including dismissal)	6	6	5	2	2	3
└ Withdrawal/abandonment	3	1	2	0	2	1

3) Designs	2006	2007	2008	2009	2010	2011
Demands	19	24	22	15	20	16
Final dispositions in Appeals Department						
├ Accepted (including partially invalidated)	17	13	12	6	8	11
├ Not Accepted (including dismissal)	9	5	15	8	4	4
└ Withdrawal/abandonment	2	3	6	0	0	2

4) Trademarks	2006	2007	2008	2009	2010	2011
Demands	183	193	139	140	113	112
Final dispositions in Appeals Department						
├ Accepted (including partially invalidated)	78	84	71	83	36	38
├ Not Accepted (including dismissal)	82	61	87	97	68	57
└ Withdrawal/abandonment	24	20	14	21	14	9

3. Correction Trials

1) Patents	2006	2007	2008	2009	2010	2011
Demands	198	141	137	159	135	146
Final dispositions in Appeals Department						
├ Accepted	68	61	53	76	79	84
├ Not Accepted (including dismissal)	71	27	22	24	12	19
└ Withdrawal/abandonment	78	70	59	58	50	42

2) Utility models	2006	2007	2008	2009	2010	2011
Demands	6	3	2	0	1	1
Final dispositions in Appeals Department						
├ Accepted	1	1	0	0	0	0
├ Not Accepted (including dismissal)	3	3	1	0	1	0
└ Withdrawal/abandonment	3	1	0	1	0	1

4. Trials for Cancellation

4) Trademarks	2006	2007	2008	2009	2010	2011
Demands	1,601	1,757	1,612	1,413	1,380	1,169
Final dispositions in Appeals Department						
├ Accepted	1,259	1,331	1,389	1,313	1,105	1,011
├ Not Accepted (including dismissal)	224	158	232	190	159	155
└ Withdrawal/abandonment	107	161	142	109	123	106

5. Hantei (Advisory Opinion)

1) Patents

	2006	2007	2008	2009	2010	2011
Demands	23	58	31	32	39	34
Final dispositions in Appeals Department						
├ Accepted	19	19	24	11	16	19
├ Not Accepted (including dismissal)	15	17	27	17	16	18
└ Withdrawal/abandonment	3	4	1	1	4	2

2) Utility models

	2006	2007	2008	2009	2010	2011
Demands	3	1	0	1	2	1
Final dispositions in Appeals Department						
├ Accepted	2	2	1	0	0	0
├ Not Accepted (including dismissal)	2	0	0	1	0	3
└ Withdrawal/abandonment	0	0	0	0	0	0

3) Designs

	2006	2007	2008	2009	2010	2011
Demands	32	35	4	10	19	17
Final dispositions in Appeals Department						
├ Accepted	20	13	7	7	6	11
├ Not Accepted (including dismissal)	7	26	8	4	7	2
└ Withdrawal/abandonment	0	2	1	0	0	1

4) Trademarks

	2006	2007	2008	2009	2010	2011
Demands	14	12	12	7	12	4
Final dispositions in Appeals Department						
├ Accepted	6	5	10	7	6	6
├ Not Accepted (including dismissal)	6	5	5	1	5	1
└ Withdrawal/abandonment	0	0	1	1	0	0

6. Oppositions

4) Trademarks	2006	2007	2008	2009	2010	2011
Oppositions						
├ Number of rights subjected to opposition	677	607	497	473	423	458
└ Total number of oppositions	700	615	513	480	431	465
Final dispositions in Appeals Department						
├ Decision of revocation (including partially revocation)	160	118	72	113	73	66
├ Decision of maintenance (including dismissal)	654	554	409	408	322	421
└ Withdrawal/abandonment	41	34	32	43	47	34

Period of Examination and Appeal/Trial Examination

1) Substantive Examination
- first action period -

(unit:month)

	2009	2010	2011
Patents and Utility Models	29.1	28.7	25.9
Designs	7.1	6.5	6.6
Trademarks	6.2	5.3	4.8

(Note)
The period of first actions refers to the period from the date of application or request for examination to the date when the first notice of an examination result (mainly a decision to grant a patent, a decision of registration, or a notification of reasons for refusal) is sent by the examiner to the applicant.

2) Appeals and Trials

(unit:month)

Appeal Before the Grant of Right (Appeal against examiner's decision of refusal) - first action period -	2009	2010	2011
Patents and Utility Models	25	24	20
Designs	8	6	7
Trademarks	9	11	9

(Note)
The period of first action refers to the period from the date of appeal to the date when the first notice of an appeal/trial examination result (mainly an appeal/trial decision or notice of rejection) is sent by the appeal examiner to the applicant.

(unit:month)

Oppositions - examination period -	2009	2010	2011
Trademarks	9	8	8

(unit:month)

Trial After the Grant of Right (Trial for Invalidation / Correction / Cancellation, Hantei) - examination period -	2009	2010	2011
Patents and Utility Models	6	7	6
Designs	7	7	7
Trademarks	7	6	6

International Activities

1. PCT

	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011
PCT filings	13,879	17,097	19,850	24,290	26,422	26,935	28,027	29,291	31,524	37,974
Demand for International Preliminary Examination	7,038	6,785	4,246	2,526	2,576	2,558	2,123	2,152	2,120	2,286
ISR (International Search Report)	12,303	15,356	18,025	23,587	25,556	26,033	26,523	28,927	29,993	35,633
IPER (International Preliminary Examination Report)	6,631	7,147	5,748	3,328	3,023	2,741	2,321	2,173	1,952	2,198

2. International Trademark filings : Under the Madrid Protocol System

	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011
Filings	237	402	734	839	875	1,005	1,265	1,310	1,567	1,547
Designated states	2,377	3,849	6,517	7,314	5,952	5,790	7,311	6,364	7,242	8,001
Extension of protections designating Japan	5,269	5,334	7,160	9,969	11,794	12,295	12,586	10,641	10,825	12,412
First actions	6,226	5,933	5,754	7,116	8,198	12,165	14,558	12,371	13,878	9,316
Decisions of registration	4,194	4,335	3,964	5,386	5,357	7,722	10,446	10,203	9,932	8,286
Registrations	4,196	3,708	3,254	3,991	5,240	6,520	8,459	10,319	8,694	8,669

(Note)

・The number of filings indicates the number of Madrid protocol applications filed with the Japan Patent Office as the Office of Origin.

・The number of first actions indicates the number of first notices of examination results made by examiners. The results consist of decisions to grant a patent or notification of reasons for refusal and are sent to the International Bureau.

3. International Trademark filings filed with the JPO, by Designated Office

	Designated Office	2007	2008	2009	2010	2011
AG	Antigua and Barbuda	11	18	7	10	4
AL	Albania	30	37	28	18	15
AM	Armenia	21	44	18	27	34
AN	Netherlands Antilles	10	16	12	9	0
AT	Austria	37	56	38	35	31
AU	Australia	271	297	297	361	362
AZ	Azerbaijan	14	24	15	28	34
BA	Bosnia and Herzegovina	-	-	20	22	30
BG	Bulgaria	27	23	13	20	8
BH	Bahrain	55	58	30	38	47
BQ	Bonaire, Sint Eustatius and Saba	-	-	-	-	5
BT	Bhutan	9	30	16	6	8
BW	Botswana	13	14	10	10	5
BX	Benelux Office for Intellectual Property (BOIP)	64	81	62	57	61
BY	Belarus	37	59	46	34	56
CH	Switzerland	179	201	217	208	212
CN	China	677	936	957	1,139	1,198
CU	Cuba	20	24	15	16	18
CW	Curaçao	-	-	-	-	5
CY	Cyprus	13	27	11	21	5
CZ	Czech Republic	29	39	18	28	10
DE	Germany	146	160	118	127	142
DK	Denmark	28	53	37	30	36
EE	Estonia	18	25	9	18	15
EG	Egypt	-	-	14	57	66
EM	Office for Harmonization in the Internal Market (OHIM)	409	456	524	578	694
ES	Spain	82	92	62	49	60
FI	Finland	29	37	30	31	23
FR	France	170	161	127	119	145
GB	United Kingdom	174	171	139	128	137
GE	Georgia	22	50	25	34	40
GH	Ghana	-	0	11	14	15
GR	Greece	24	41	15	26	15
HR	Croatia	59	57	51	37	45
HU	Hungary	29	43	15	18	13
IE	Ireland	26	42	11	15	12
IL	Israel	-	-	-	19	61
IR	Iran (Islamic Republic of)	62	72	42	54	50
IS	Iceland	54	78	71	52	45
IT	Italy	140	141	92	88	95
KE	Kenya	25	23	17	28	25
KG	Kyrgyzstan	14	42	16	20	22
KR	Republic of Korea	502	695	639	872	928
KZ	Kazakhstan	-	-	-	1	46
LI	Liechtenstein	23	36	31	38	26
LR	Liberia	-	-	0	8	7
LS	Lesotho	11	16	10	8	7
LT	Lithuania	21	26	9	19	15
LV	Latvia	19	24	9	19	15
MA	Morocco	39	42	34	28	33
MC	Monaco	36	49	43	36	35
MD	Republic of Moldova	23	46	34	30	35
ME	Montenegro	32	39	31	19	22
MG	Madagascar	-	5	10	7	10
MK	The former Yugoslav Republic of Macedonia	38	42	24	19	30
MN	Mongolia	23	49	30	26	41
MZ	Mozambique	10	15	7	9	10
NA	Namibia	10	16	10	7	8
NO	Norway	113	158	179	161	181
OM	Oman	7	31	26	37	42
PL	Poland	31	47	20	26	23
PT	Portugal	28	47	31	23	30
RO	Romania	34	29	18	16	12
RS	Serbia	43	49	42	29	30
RU	Russian Federation	242	297	287	283	361
SD	Sudan	-	-	-	12	15
SE	Sweden	53	46	36	32	42
SG	Singapore	295	393	361	444	519
SI	Slovenia	18	26	11	13	6
SK	Slovakia	29	33	15	14	9
SL	Sierra Leone	9	15	11	8	6
SM	San Marino	4	21	17	11	5
ST	Sao Tome and Principe	-	0	8	4	5
SX	Sint Maarten (Dutch part)	-	-	-	-	5
SY	Syrian Arab Republic	32	47	29	29	33
SZ	Swaziland	12	19	10	9	7
TJ	Tajikistan	-	-	-	-	9
TM	Turkmenistan	15	42	18	19	21
TR	Turkey	127	144	111	143	179
UA	Ukraine	70	86	70	63	78
US	United States of America	593	698	656	781	842
UZ	Uzbekistan	27	26	15	26	28
VN	Viet Nam	181	207	201	272	332
ZM	Zambia	11	20	12	12	9
XX	others	1	2	3	0	0
	Total	5,790	7,311	6,364	7,242	8,001
	International Trademark filing (Office of Origin)	1,005	1,265	1,310	1,567	1,547

(note)

・The number of designated countries at the international Trademark filing were counted.

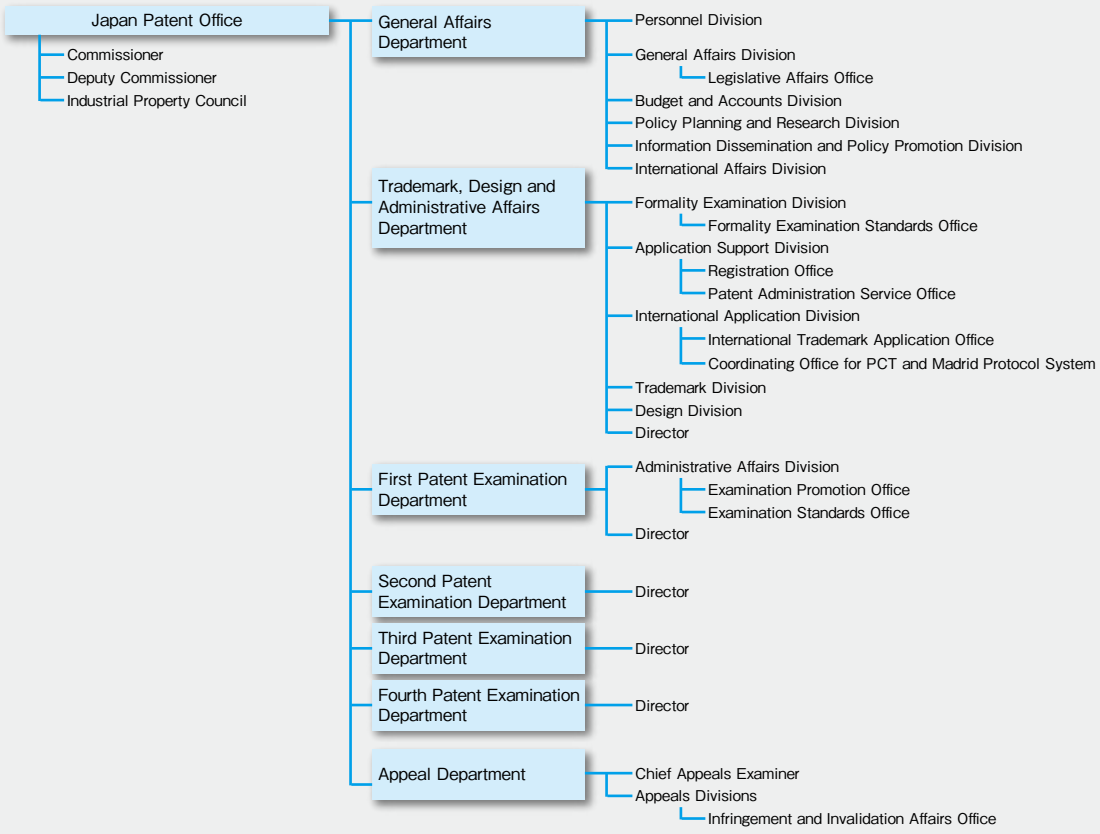
・The number of International trademark applications (Office of Origin) indicate the number of applications which were received by the JPO as the Office of Origin.

4. Extension of protections designating Japan under the Madrid Protocol System (Application)

	Office of Origin	2007	2008	2009	2010	2011
AG	Antigua and Barbuda	0	0	0	0	0
AL	Albania	0	0	1	0	0
AM	Armenia	1	2	1	0	17
AN	Netherlands Antilles	16	7	8	8	2
AT	Austria	149	170	157	124	130
AU	Australia	327	413	326	273	332
AZ	Azerbaijan	34	0	0	0	0
BA	Bosnia and Herzegovina	-	-	0	0	0
BG	Bulgaria	16	25	20	9	20
BH	Bahrain	0	0	0	0	2
BQ	Bonaire, Sint Eustatius and Saba	-	-	-	-	0
BT	Bhutan	0	0	0	0	0
BW	Botswana	0	0	0	1	0
BX	Benelux Office for Intellectual Property (BOIP)	485	515	444	404	453
BY	Belarus	2	1	1	2	3
CH	Switzerland	991	1,049	831	1,044	983
CN	China	688	712	572	745	919
CS	Czech Slovakia	0	0	0	1	1
CU	Cuba	0	0	1	0	2
CW	Curaçao	-	-	-	-	1
CY	Cyprus	3	3	2	8	8
CZ	Czech Republic	28	32	28	11	30
DE	Germany	1,870	1,929	1,433	1,233	1,459
DK	Denmark	174	197	160	179	121
EE	Estonia	4	11	4	2	3
EG	Egypt	-	-	0	5	11
EM	Office for Harmonization in the Internal Market (OHIM)	1,115	1,257	1,169	1,281	1,782
ES	Spain	220	292	180	158	167
FI	Finland	53	64	66	63	67
FR	France	1,248	1,252	1,199	1,201	1,188
GB	United Kingdom	556	544	432	409	449
GE	Georgia	0	0	2	1	2
GH	Ghana	-	0	0	0	0
GR	Greece	30	13	11	5	14
HR	Croatia	14	2	5	3	3
HU	Hungary	22	18	28	16	8
IE	Ireland	8	26	20	25	10
IL	Israel	-	-	-	4	55
IR	Iran (Islamic Republic of)	5	16	1	12	4
IS	Iceland	16	25	8	9	1
IT	Italy	1,203	1,013	891	813	947
KE	Kenya	0	1	2	0	4
KG	Kyrgyzstan	0	0	0	0	0
KR	Republic of Korea	162	135	134	187	275
KZ	Kazakhstan	-	-	-	-	0
LI	Liechtenstein	74	82	52	46	45
LR	Liberia	-	-	0	0	0
LS	Lesotho	0	0	0	0	0
LT	Lithuania	4	1	1	1	4
LV	Latvia	6	8	8	9	6
MA	Morocco	3	15	9	10	7
MC	Monaco	20	11	10	14	15
MD	Republic of Moldova	7	8	2	1	4
ME	Montenegro	0	0	0	2	0
MG	Madagascar	-	0	0	0	0
MK	The former Yugoslav Republic of Macedonia	0	1	0	1	1
MN	Mongolia	1	3	1	2	5
MZ	Mozambique	0	1	0	0	0
NA	Namibia	0	0	0	0	0
NO	Norway	82	95	97	83	74
OM	Oman	0	0	0	0	0
PL	Poland	25	22	30	26	22
PT	Portugal	32	53	30	40	28
RO	Romania	8	3	6	10	8
RS	Serbia	1	5	6	8	1
RU	Russian Federation	95	123	104	81	103
SD	Sudan	-	-	-	0	0
SE	Sweden	165	202	118	82	62
SG	Singapore	74	68	90	70	128
SI	Slovenia	4	9	14	5	19
SK	Slovakia	11	4	6	2	6
SL	Sierra Leone	0	0	0	0	0
SM	San Marino	0	7	5	5	0
ST	Sao Tome and Principe	-	0	0	0	0
SX	Sint Maarten (Dutch part)	-	-	-	-	0
SY	Syrian Arab Republic	1	1	0	2	0
SZ	Swaziland	0	0	0	0	0
TJ	Tajikistan	-	-	-	-	0
TM	Turkmenistan	0	0	0	0	0
TR	Turkey	116	126	118	90	93
UA	Ukraine	25	6	6	9	20
US	United States of America	2,093	1,991	1,764	1,968	2,271
UZ	Uzbekistan	0	0	1	0	0
VN	Viet Nam	8	17	26	21	17
YU	Serbia and Montenegro	0	0	0	1	0
ZM	Zambia	0	0	0	0	0
	Total	12,295	12,586	10,641	10,825	12,412

(Note)
Hyphen indicates un-joining to Madrid Protocol

Organization of the JPO (as of April, 2012)



	FY2008	FY2009	FY2010	FY2011	FY2012
Total number of staff	2,901	2,904	2,903	2,895	2,880
Examiners and Appeal examiners	2,268	2,281	2,291	2,297	2,298
Examiners	1,882	1,894	1,904	1,910	1,911
Patent/Utility model examiners	1,680	1,692	1,703	1,711	1,713
Design examiners	52	52	52	51	51
Trademark examiners	150	150	149	148	147
Appeal examiners	386	387	387	387	387
Clerical staff	633	623	612	598	582

Budgets

1) Revenues

Thousand yen

	FY2011	FY2012
Fees (Application, Request for Examination, Registration, etc)	104,497,500	102,954,915
Stamp Revenues (Patent Revenue Stamp)	85,507,543	78,973,863
Fees (Patent revenue stamps are not included.)	18,989,957	23,981,052
Transfer from General Account	16,974	17,124
Other Revenues	2,444,288	2,026,714
Revenue from the INPIT	5,962,259	-
Surplus from Previous Year	191,863,503	196,569,658
Total	304,784,524	301,568,411

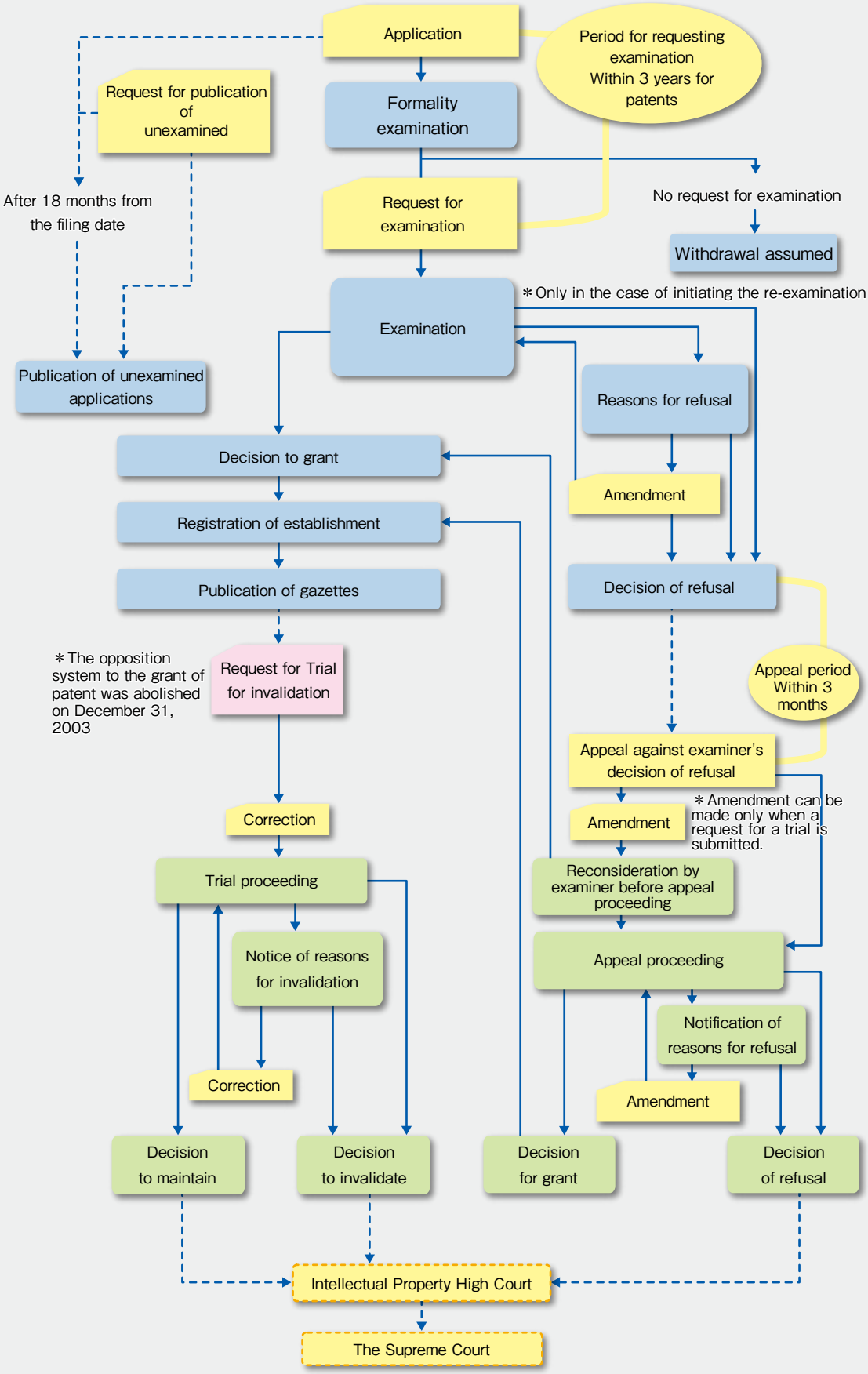
2) Expenditures

Thousand yen

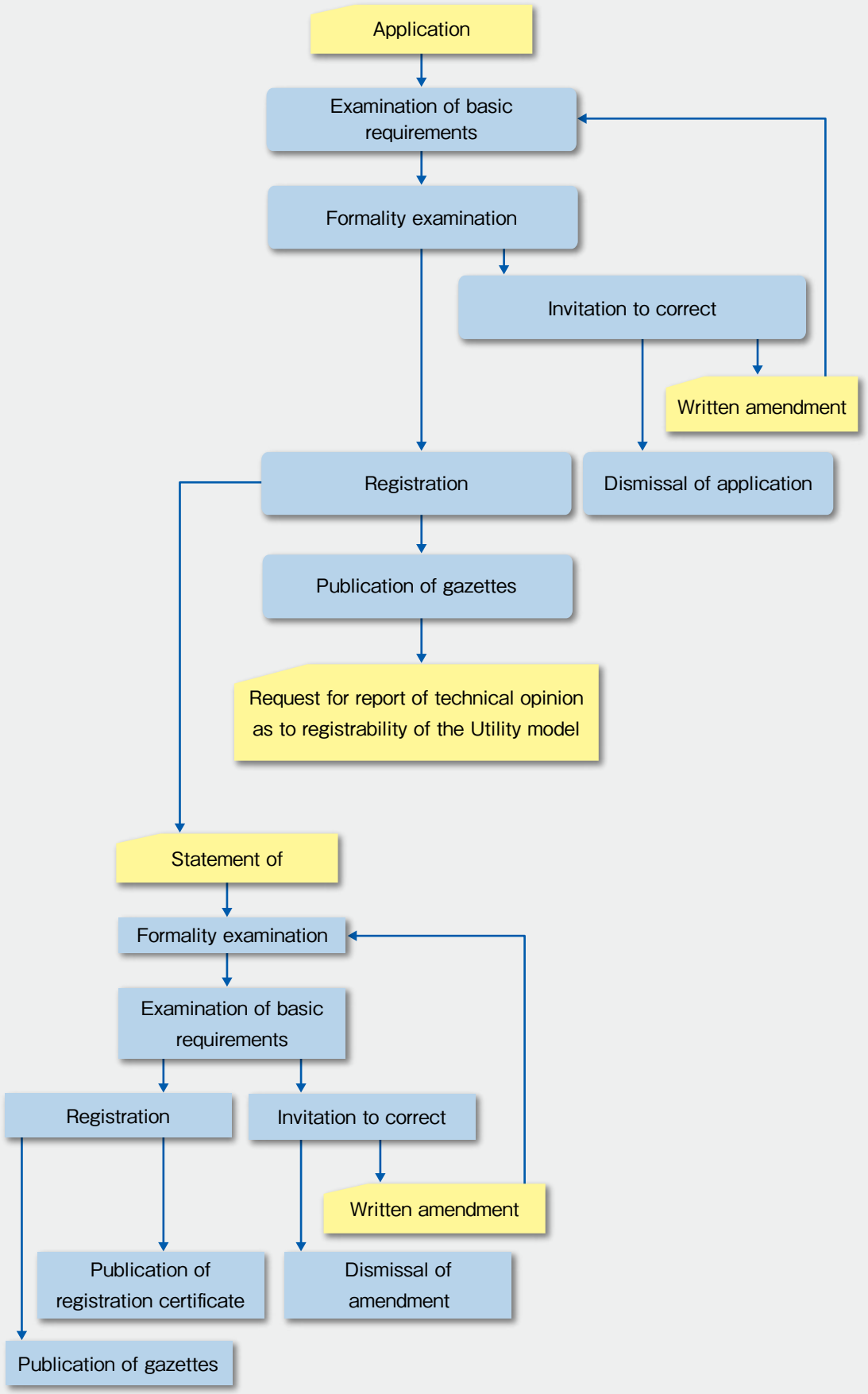
	FY2011	FY2012
Operating Expenses for the INPIT	9,636,439	9,537,394
Clerical Expenses (Ordinary)	43,838,685	43,268,779
Expenses for Patent Gazette Publication	1,058,339	978,675
Clerical Expenses on Examination and Appeal/Trial Examination	25,666,958	25,935,359
Expenses for Reference Data Maintenance	8,702,154	8,476,095
Necessary Expenses for Patent Process Computerization	25,535,062	24,246,013
Expenses for Facility Improvement	664,909	568,129
Reserves	300,000	300,000
Total	115,402,546	113,310,444

Examination and Appeal/Trial Examination Flowchart

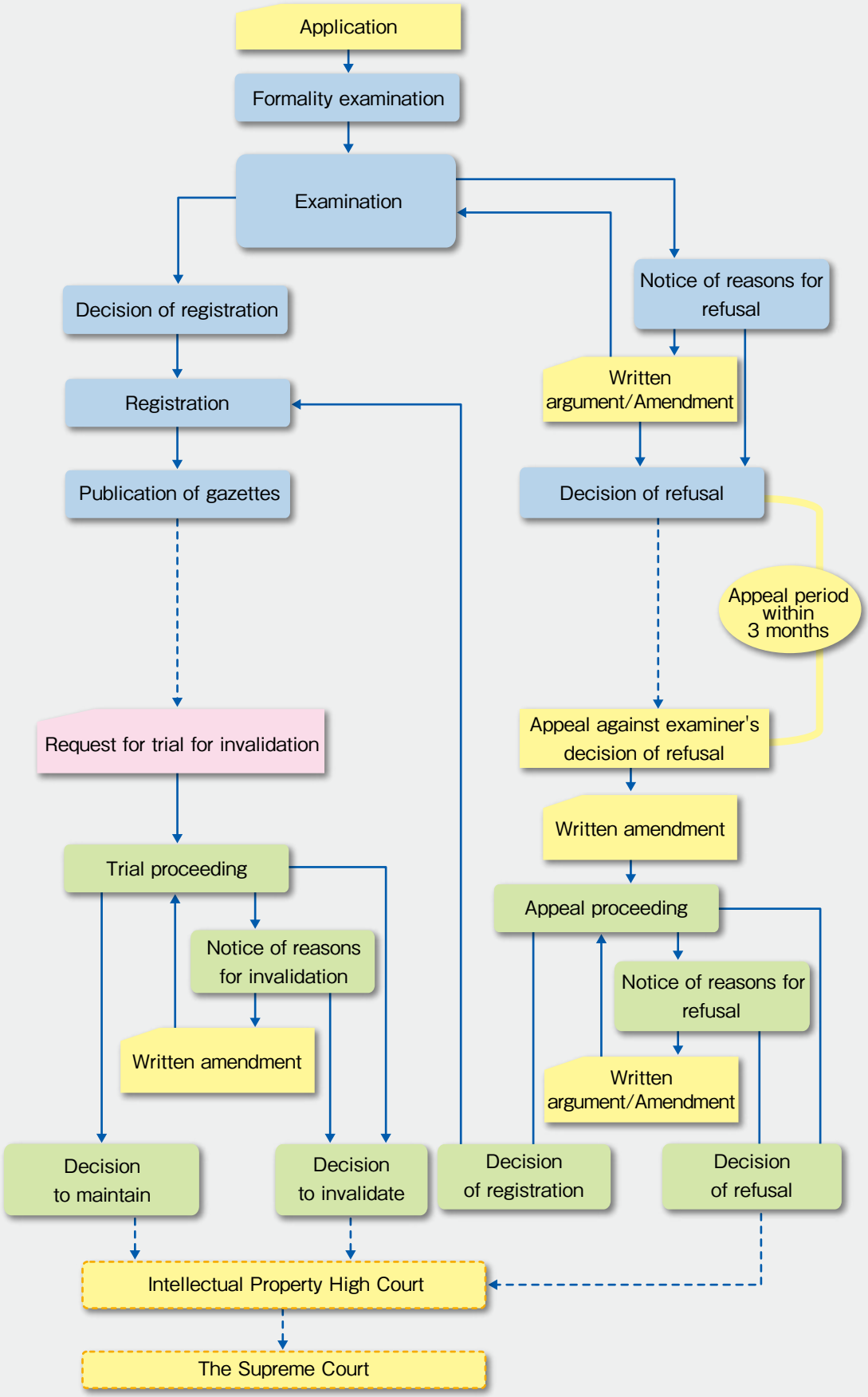
1) Patent



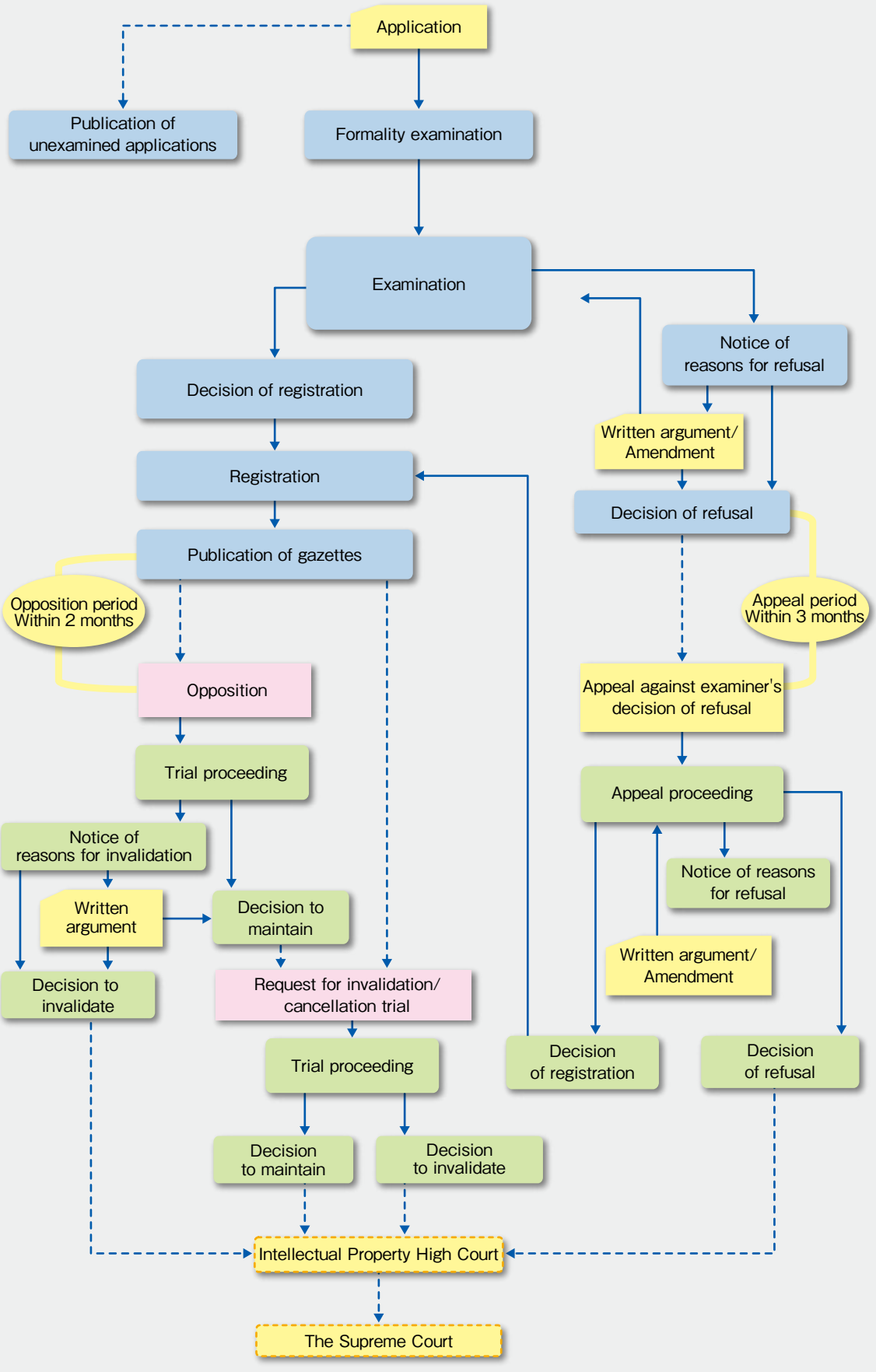
2) Utility model (under New Law)



3) Design


Application
Formality examination
Examination
Decision of registration
Notice of reasons for refusal
Registration
Written argument/Amendment
Publication of gazettes
Decision of refusal
Appeal period within 3 months
Request for trial for invalidation
Appeal against examiner's decision of refusal
Written amendment
Trial proceeding
Appeal proceeding
Notice of reasons for invalidation
Notice of reasons for refusal
Written amendment
Written argument/Amendment
Decision to maintain
Decision to invalidate
Decision of registration
Decision of refusal
Intellectual Property High Court
The Supreme Court

4) Trademark


Application
Publication of unexamined applications
Formality examination
Examination
Decision of registration
Registration
Publication of gazettes
Opposition period Within 2 months
Opposition
Trial proceeding
Notice of reasons for invalidation
Written argument
Decision to maintain
Decision to invalidate
Request for invalidation/ cancellation trial
Trial proceeding
Decision to maintain
Decision to invalidate
Intellectual Property High Court
The Supreme Court
Notice of reasons for refusal
Written argument/ Amendment
Decision of refusal
Appeal period Within 3 months
Appeal against examiner's decision of refusal
Appeal proceeding
Notice of reasons for refusal
Written argument/ Amendment
Decision of registration
Decision of refusal

1. Application

Patents		
Patent application	···	¥15,000
Application in foreign language	···	¥24,000
Entry into the national phase in Japan (under the PCT)	···	¥15,000
Application for registration of an extension of the term of patent right	···	¥74,000
Utility Models (Note: Applicants are required to pay registration fees for the 1st-3rd years in a lump sum at the time of filing.)		
Utility Model application	···	¥14,000
Entry into the national phase in Japan (under the PCT)	···	¥14,000
Designs		
Design application	···	¥16,000
Request for secret design	···	¥5,100
Trademarks		
Trademark application	···	¥3,400 + ¥8,600 per classification
Defensive mark application	···	¥6,800 + ¥17,200 per classification

2. Request for Examination

Request for examination	···	¥118,000 + ¥4,000 per claim
where the international search report has been established by the JPO (under the PCT);	···	¥71,000 + ¥2,400 per claim
where the international search report has been established by an international Searching Authority other than the JPO (under the PCT);	···	¥106,000 + ¥3,600 per claim
where the search report has been established by a designated Searching organization	···	¥94,000 + ¥3,200 per claim

3. Request for Report of Utility Model Technical Opinion

Request for Registrability Report	···	¥42,000 + ¥1,000 per claim
where the international search report has been established by the JPO (under the PCT)	···	¥8,400 + ¥200 per claim
where the international search report has been established by an International Searching Authority other than the JPO (under the PCT)	···	¥33,600 + ¥800 per claim

4. Annual fee / Registration fee

Patents		
1-3rd year: annually,	···	¥2,300 + ¥200 per claim
4-6th year: annually,	···	¥7,100 + ¥500 per claim
7-9th year: annually,	···	¥21,400 + ¥1,700 per claim
10-25th year: annually,	···	¥61,600 + ¥4,800 per claim
Utility Models		
1-3rd year: annually,	···	¥2,100 + ¥100 per claim
4-6th year: annually,	···	¥6,100 + ¥300 per claim
7-10th year: annually,	···	¥18,100 + ¥900 per claim

Designs		
├ 1-3rd year: annually,	···	¥8,500
└ 4-20th year: annually,	···	¥16,900
Trademarks		
├ Registration fee	···	¥37,600 per classification
└ Payment of registration fee by installments	···	¥21,900 per classification
├ Renewal fee	···	¥48,500 per classification
└ Payment of renewal fee by installments	···	¥28,300 per classification
├ Defensive mark registration fee	···	¥37,600 per classification
└ Defensive mark renewal fee	···	¥41,800 per classification

5. Request for Trial

Patents	···	¥49,500 + ¥5,500 per claim
Utility Models	···	¥49,500 + ¥5,500 per claim
Designs	···	¥55,000
Trademarks	···	¥15,000 + ¥40,000 per claim

6. After Registration

Registration of transfer of right:		
├ Patents	···	¥15,000
├ Utility models	···	¥9,000
├ Designs	···	¥9,000
├ Trademarks	···	¥30,000
└ General successions (inheritance, etc)	···	¥3,000
Change in the name of owner (excluding transfer)	···	¥1,000

7. Others

Change in the name of applicant	···	¥4,200
Fee for converting applications etc. in paper in to electronic format	···	¥1,200 + ¥700 per sheet

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