JAPAN PATENT OFFICE

ANNUAL REPORT 2013





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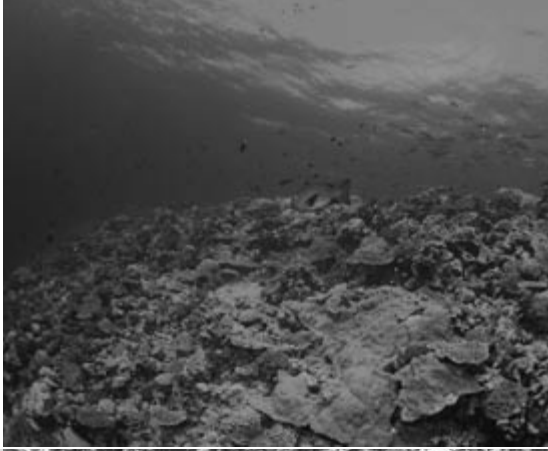

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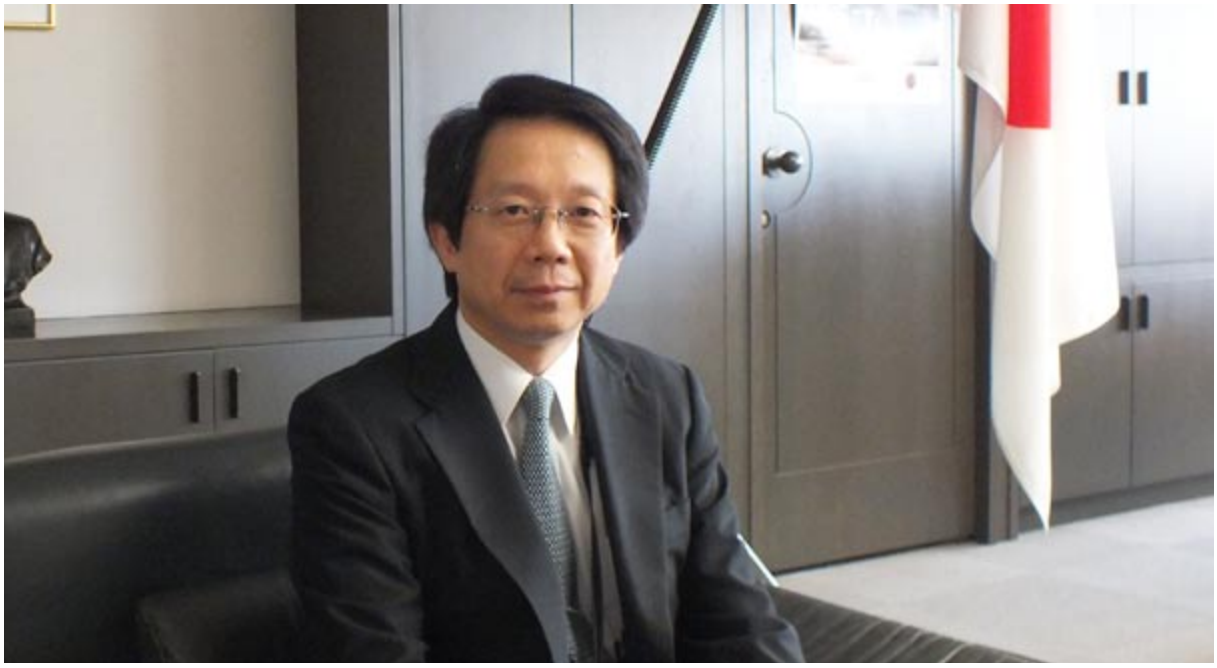
Preface

Due to economic globalization in recent years, the landscape surrounding intellectual property has been greatly changing. Under the current situation, with the number of patent applications worldwide exceeding two million, international cooperation in the intellectual property field is becoming increasingly more important.

The year 2012 marked the 30th anniversary and a historical transition for the international cooperation established in 1983 among the JPO, USPTO and EPO (the Trilateral Offices) to solve relevant problems all the offices faced in handling a rapidly increasing number of applications. The SIPO and KIPO also, along with the JPO, USPTO and EPO, have been receiving a significantly larger number of applications. The IP5 Office framework was thus created with the addition of the SIPO and KIPO to the existing Trilateral Offices. After 2007, within this IP5 framework, the issues of patent harmonization, the global dossier, and others have been actively discussed in order to promote global measures in the field of intellectual property.

In addition, another new cooperative relationship has been created in the fields of trademarks and designs. In October 2012, in this connection, the first Trademark 5 (TM5) annual meeting was held, where relevant offices have agreed to enhance international cooperation in the fields of trademarks and designs.

Furthermore, in February 2012, the JPO established the framework of the ASEAN-Japan Heads of IP Offices Meeting between the JPO and ASEAN IP offices that have strong ties with Japan. In April this year, the third ASEAN-Japan Heads of IP Offices Meeting was held in Kyoto, where the new ASEAN-Japan Action Plan was formulated, with the offices continuing to strengthen their mutual cooperative relationships.



Various international cooperation activities in the field of intellectual property have thus been developed within different frameworks, in which the JPO has been proactively contributing to relevant discussions.

Added to the above mentioned multilateral international cooperation, the JPO has also been aggressively dealing with issues on examination practices on a bilateral basis, in order to enhance work sharing among IP offices. Currently, more than 25 countries are involved in the implementation of the Patent Prosecution Highway program with Japan. Accordingly, more than 90% of all international applications from Japan can use this program.

On the other hand, the JPO has also been dealing with various measures within the country to further enhance convenience for applicants. For example, in order to speed up the examination process and reduce the average first action pendency to 11 months by the end of FY2013, the volume of prior art searches that are being outsourced has grown. Also, in this connection, collective examination procedures involving the examination processes and the granting of patents based on corporate business strategies, and which are based on a cross-sectional range of fields, have been timely and appropriately conducted.

The government drew up its Vision for Intellectual Property Policy in June this year with a view to looking ahead at Japan's approach to intellectual property for the next 10 years, summarizing the previous 10 years. The policy outlined in this Vision states that Japan should support emerging countries to set up their own high-quality, intellectual-property systems, working in cooperation also with other countries that have their own advanced intellectual property systems in place. Going forward, the JPO will make every effort needed to respond to the intellectual property policies stated under this Vision.

This Annual Report provides an overview of the latest JPO policies and actions in and outside Japan. I hope that it will set the future direction on international cooperation that still needs to be achieved in the field of intellectual property.

羽藤秀雄

Hideo HATO
Commissioner

Contents

Acronyms

AIPN	··· Advanced Industrial Property Network
APEC	··· Asia-Pacific Economic Cooperation
ARIPO	··· African Regional Intellectual Property Organization
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
OAPI	··· Organisation Africaine de la Propriété Intellectuelle
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 Current Status of

Intellectual Property Rights

Chapter 1

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

The landscape surrounding intellectual property rights is rapidly changing due to several factors such as the increase worldwide in the number of patent applications being filed, more globalized business activities, and market growth in emerging countries such as China. Under these circumstances, filings for intellectual property rights in Japan are also changing significantly. This chapter presents the current status of applications, registrations of intellectual property rights, examinations, appeals and trials both in and outside Japan.

1. Patents

The number of patent applications filed in Japan in 2012 was 342,796, nearly the same level as that of the previous year. On the other hand, the number of international patent applications (PCT international applications)[1], which are patent applications filed with foreign Offices, has been rapidly increasing year by year. In 2012 it was 42,787, a year-on-year increase of 12.7%. This section presents the current statistics on applications, registrations of patents, and patent examination both in and outside Japan.

1 PCT international application: An international application filed based on the Patent Cooperation Treaty (PCT). Under this system, when one request for application is submitted in accordance with the Treaty, it has the same effect as simultaneous filings with all PCT contracting parties.

(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 international 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, with the number of patent applications sharply dropping in 2009. The total number of patent applications in 2012 was 342,796. This was nearly the same level as that of the previous year (342,610) (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.

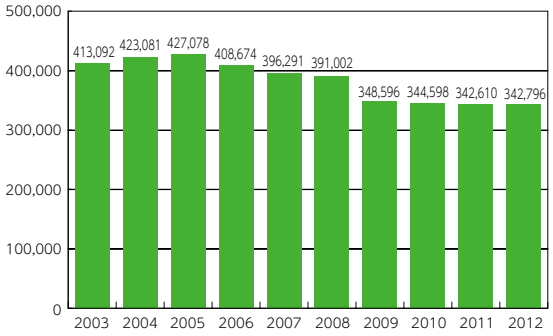
Instead of filing a large number of patent applications, they are now following a new strategy, which is to file higher quality patent applications that form the basis for business development[2].

Meanwhile, the number of international patent applications filed under the Patent Cooperation Treaty (PCT international applications) for which the Japan Patent Office was the receiving office in 2012, was 42,787, a 12.7% 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 market globalization supports. This also shows that Japanese companies' intellectual property activities are now globalized.

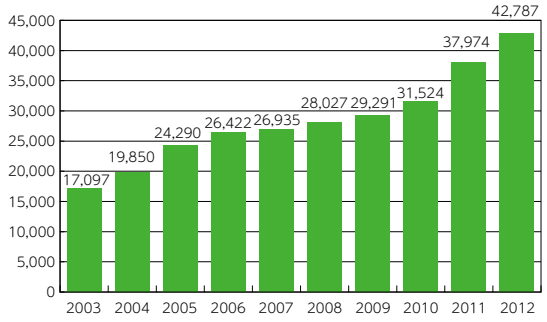
2 See Part 2, Chapter 1, 1.(2) for the change in the number of patent applications by category of business

【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

In October 2001, the period during which applicants could request examinations was reduced to three years from seven years. 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 2012 was 245,004 (a year-on year decrease of 3.4%), nearly the same level as that in 2011 (See Figure 1-1-3).

3) Timely Examination

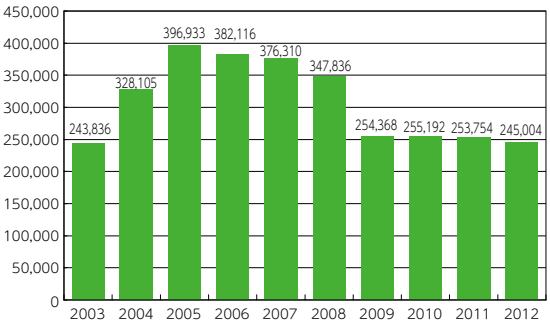
The workload involving patent examinations has increased year by year due to the following three reasons: (1) the complex and sophisticated content of applications, (2) the increase in the number of accumulated documents for prior art searches, and (3) the increase in the number of PCT international 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[1], 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 (FAs)[2] of national applications in 2012 remained almost at the 2011 level (369,679, increase 1.6% over the previous year), exceeding the number of requests for examination (See Figure 1-1-4) and the number of applications awaiting the First Action in 2012 (319, 247).

Based on the above results, First Action Pendency[3] is steadily being reduced, to 16.1 months as of the end of FY2012 (See Figure 1-1-5). In other countries including the United States, there is a movement that will require Offices to not only shorten first action pendency but also reduce the time it takes applicants to be granted rights. This is a great challenge for Japan. (See Figure 1-1-6).

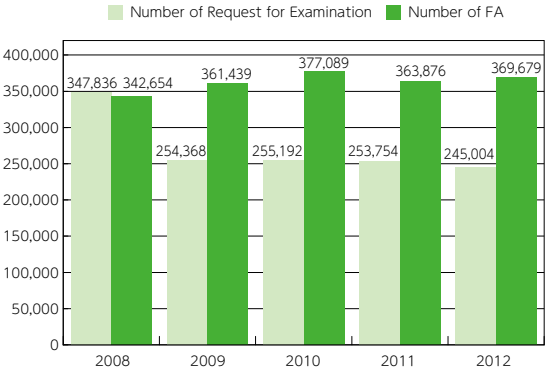
1 See Part 3, Chapter 2, 1. (1).
2 The first examination conducted after a request for examination is filed by the applicant. FA is an abbreviation of First Action.
3 The period from the time a request for examination is made, up to when the first notice of examination results is sent.

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



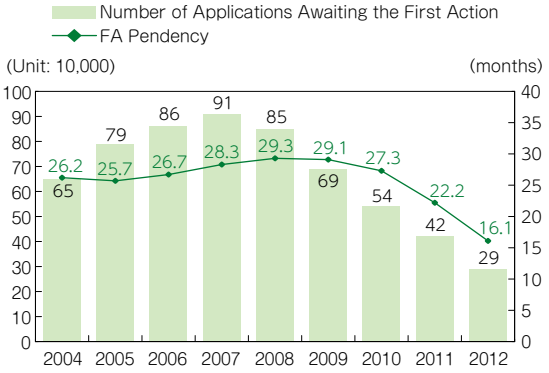
Note:
The number of requests for examinations made between 2009 and 2012 includes those that used the Deferral System[1] for Examination Request Fee.
Source: Statistics and Appendixes Chapter 1, 1.

【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 2012 includes those that used the Deferral System for Examination Request Fee.
Source: Statistics and Appendixes Chapter 1, 1.

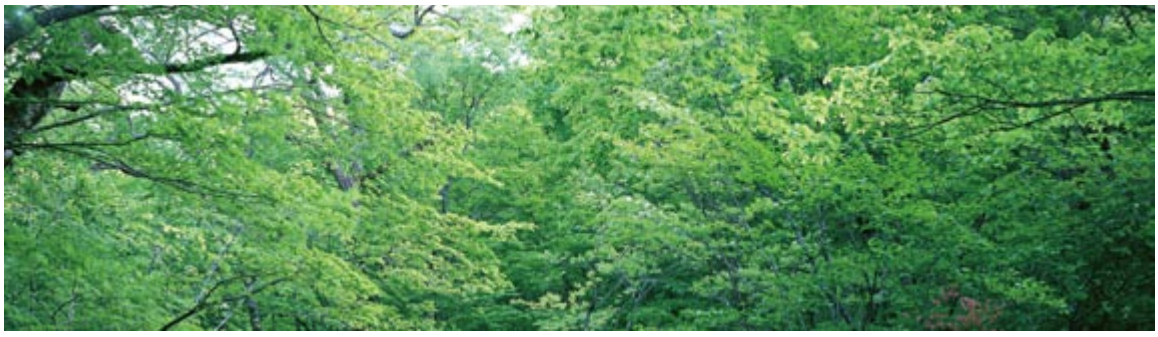
【Figure 1-1-5 Changes in the Number of Applications Awaiting the First Action and First Action Pendency】



Notes:
1. The number of applications awaiting the first action does not include those for which examination fees were not paid because the applicants requested to use the Deferral System for Examination Request Fee.
2. The number of applications awaiting the first action is based on the figure as of the end of each year.

【Figure 1-1-6 Average "Period of Time for Applicants to Acquire Rights" at the IP Five Offices in 2011】

KIPO	22.8 months
SIPO	22.9 months
USPTO	33.8 months→ 20 months (target for CY2017)
JPO	34.0 months
EPO	40.5 months



1 This is a system that allowed applicants to postpone payment of their examination request fees up to one year from the date they requested for examination, as long as they notified the JPO to that effect.. The system ended on March 31, 2012.

4) Changes in Patent Examination Performance

In line with the increase in the number of PCT international applications as shown in 1) above, the number of international search reports[1] created by the Japan Patent Office as an international search organization, increased from 35,633 in 2011 to 40,529 in 2012, up 13.7% over the previous year.

On the other hand, the number of international preliminary examination reports[2] has been decreasing since 2004 and remains almost unchanged in recent years. This is due to the Enhanced International Search System[3], which was introduced in 2004 (See Figure 1-1-7), 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.

In addition, the number of subsequent examinations[4] in 2012 increased by 3% year-on-year, while the number of reconsiderations by examiners before appeal proceedings[5] in 2012 decreased by 7% year-on-year (See Table 1-1-8).

In line with the increase in the number of examinations, the number of decisions to grant patents increased to 254,502 in 2012, up 15% year-on-year (See Figure 1-1-9). The rate of decisions grating patents continued to increase, reaching 66.8%. On the other hand, the number of decisions of refusal decreased to 120,896 in 2012, a drop of 13% year-on-year; and the percentage of final decisions of refusal was 33.2% (See Table 1-1-10).

【Figure 1-1-7 Changes in the Number of Reports Created for PCT Applications】

1 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.

2 Reports created by examiners on the final examiners' decisions on the international preliminary examinations conducted for the purpose of showing preliminary and non-binding opinions on novelty, inventive step and industrial applicability of inventions described in the claims. These are prepared when applicants request them.

3 A system in which an International Searching Authority creates a written opinion as to whether the invention described in the claim is recognized to have novelty or inventive step (the invention is not obvious) and whether it is recognized to be industrially applicable at the time when the international search report is created.

4 An examination conducted upon the submission of a written opinion and a written amendment from the applicant after the first action.

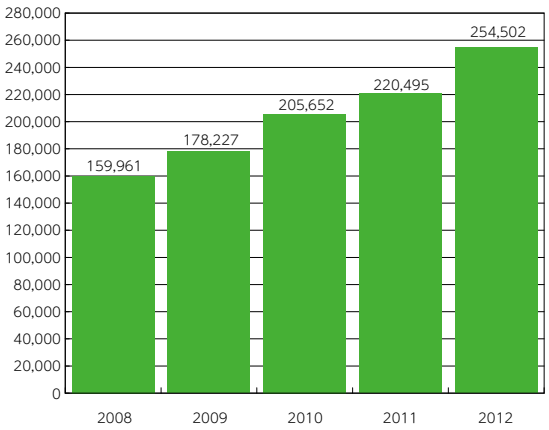
5 An examination conducted by the examiner based on Article 162 of the Patent Act in the case an amendment of claims is made at the request for an appeal against an examiner's decision of refusal.

【Table 1-1-8 Changes in Patent Examination Performance 】

Record	2008	2009	2010	2011	2012	Year-on-year
Number of First Actions	342,654	361,439	377,089	363,876	369,679	102%
Number of Subsequent Examinations	283,638	306,018	336,613	327,736	338,738	103%
Number of International Search Reports of PCT	26,523	28,927	29,993	35,633	40,529	114%
Number of International Preliminary Examination Reports of PCT	2,321	2,173	1,952	2,198	2,702	123%
Number of Reconsiderations by Examiner before Appeal Proceedings	28,478	24,131	26,707	25,739	23,851	93%
Total	683,614	722,688	772,354	755,182	775,499	103%

Notes:
1. The "year-on-year" column is a comparison between 2012 and 2011.
2. The "number of reconsiderations by examiners before appeal proceedings" is the total number of decisions to grant patents during the procedure[1], reconsideration reports made to the JPO Commissioner[2], and notifications of reasons for refusal made in the procedure.

【Figure 1-1-9 Changes in the Number of Decisions to Grant a Patent】



1 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 reconsiderations by examiners.
2 The number of cases in which the examiner's decision of refusal was upheld, as a result of reconsiderations by examiners.

【Table 1-1-10 Changes in Final Decision Performance】

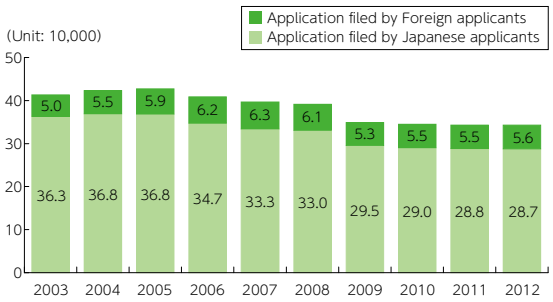
Performance	2008	2009	2010	2011	2012	Year-on-year
Number of Decisions to Grant a Patent	159,961	178,227	205,652	220,495	254,502	115%
Number of Decisions of Refusals	154,163	171,396	164,639	138,784	120,896	87%
(Of which number of decisions of refusal without a dissenting response from the applicant)	85,443	105,004	100,951	84,419	70,297	83%
Withdrawals/Abandonments After the First Action	4,779	5,169	4,600	5,433	5,566	102%
Rate of Decisions to Grant a Patent	50.2%	50.2%	54.9%	60.5%	66.8%	–
Rate of Decisions of Refusal	49.8%	49.8%	45.1%	39.5%	33.2%	–

Notes:
1. "The number of decisions of refusal for cases in which applicants did not respond" is the number of decisions of refusal decided because the applicants did not respond, from the time they received their notices of reason for refusal issued by the examiners.
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 the JPO

1) Patent Application Structure in Japan

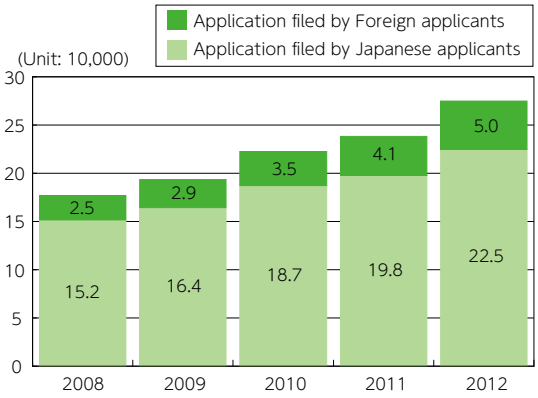
【Figure 1-1-11 Breakdown of Patent Applications in the JPO】



2) Patent Registration Structure in Japan

The number of patent registrations at the JPO was 275,000 in 2012. The number of patent registrations filed by Japanese was 225,000, a 4% decrease compared to the percentage in 2008 (86%) (See Figure 1-1-12) This indicates that the percentage of patent registrations filed by foreign applicants has been increasing.

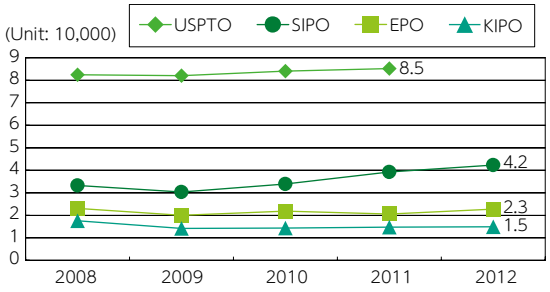
【Figure 1-1-12 Patent Registration Structure in the JPO】



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

In 2012, the number of applications filed by Japanese applicants with the SIPO was 42,278 (up 7.8% over the previous year); with the EPO, it was 22,700 (up 10.4% year-on-year); and with the KIPO, it was 14,889 (up 1.1% year-on-year). The number of applications filed with the EPO declined in 2011, but increased in 2012 (See Figure 1-1-13).

【Figure 1-1-13 Changes in the Number of Patent Applications Filed with Major Offices by Japanese Applicants】



	2008	2009	2010	2011	2012
USPTO	82,396	81,982	84,017	85,184	undisclosed
SIPO	33,264	30,302	33,882	39,231	42,278
EPO	23,081	19,933	21,824	20,568	22,700
KIPO	17,552	14,168	14,346	14,734	14,889
Total	156,293	146,385	154,069	159,717	–

Note:
USPTO: The number of utility patents was counted. The number of applications in 2012 was undisclosed at the time of writing this report.
Sources:
USPTO: USPTO website
EPO: EPO Annual Report
SIPO: SIPO website
KIPO: 2007~2011 KIPO website
2012: Data provided by the KIPO (provisional values)

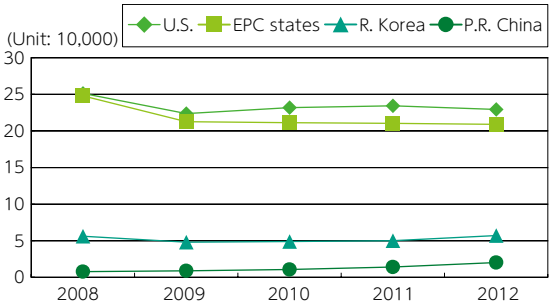
4) Patent Applications Filed with the JPO by Foreign Applicants

The number of patent applications filed with the JPO by foreign applicants increased to 55,783 in 2012, remaining almost unchanged year-on-year.

In 2012, applications filed by US and European applicants accounted for 79.0% of the total number of applications filed by foreign applicants. The number of applications filed by Korean applicants has been slightly increasing, as in the previous year. The number accounted for 10.0% of the total number of applications filed by foreign applicants in 2012.

On the other hand, the number of applications filed by Chinese applicants in 2012 was 2,022, a 4.4% increase compared to 2011. However, this number still remains low compared to the number of applications filed by US, European and Korean applicants (See Figure 1-1-14).

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



	2008	2009	2010	2011	2012	Percentage to total (2012)
U.S.	25,112	22,367	23,183	23,414	22,922	41.1%
EPC states	24,787	21,251	21,122	21,023	20,899	37.5%
R. Korea	5,599	4,782	4,872	5,007	5,708	10.2%
P.R. China	772	891	1,063	1,401	2,022	3.6%
Others	4,622	3,990	4,277	4,185	4,232	7.6%
Total	60,892	53,281	54,517	54,517	55,783	

Notes:
1. EPC Countries stands for the number of 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.

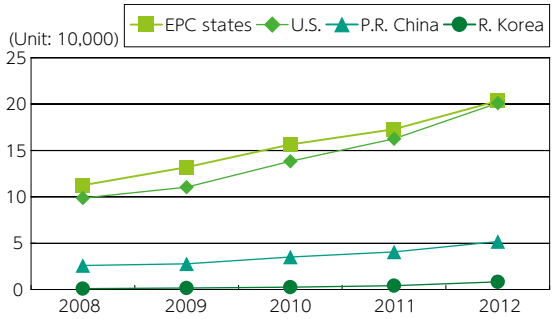
5) Patent Registrations in Japan Held by Foreigners

The number of patent registrations in Japan held by foreigners in 2012 increased to 49,874, up 22% over the previous year.

In 2012, registrations based on applications filed by US and European applicants accounted for 81% of the total. The number of registrations based on applications filed by Korean applicants was 5,165 and this accounted for 10.0% of the total.

The number of registrations based on applications filed by Chinese applicants in 2012 was 822, nearly two times as many as the 2011 level. However, Chinese registrations still only account for 2% of the total number of registrations (See Figure 1-1-15).

【Figure 1-1-15 Changes in the Number of Registrations Filed with the JPO by Foreign Applicants】



	2008	2009	2010	2011	2012	Percentage to total (2012)
U.S.	11,244	13,177	15,626	17,292	20,329	40.8%
EPC states	9,873	11,033	13,824	16,262	20,103	40.3%
R. Korea	2,596	2,777	3,505	4,048	5,165	10.4%
P.R. China	91	156	255	416	822	1.6%
Others	1,381	1,747	2,254	2,711	3,455	6.9%
Total	25,185	15,713	19,838	23,437	49,874	

Notes:
1. EPC Countries stands for the number of applicants from EPC member countries at the end of each CY.
2. The figures in the table include the number of patent registrations 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 Reports of expert opinion on registrability of utility models in Japan.

(1) Change in the Number of Applications for Utility Model Registrations and Technical Reports of Expert Opinion on Registrability of Utility Models

1) Changes in the Number of Applications for Utility Models

The number of applications for utility model registrations has been decreasing since the utility model system was changed to a non-substantive examination system in 1994. Due to this situation, the utility model system was amended and the new system came into force in April 2005 in order to make the system more attractive. The following is an outline of the provisions that were amended in the 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) allowing the filing of 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, an increase of 43% from the previous year. However, the number once again has been gradually declining over the years, and it now was 8,112 in 2012.

2) Technical Reports of expert opinion on registrability of utility models

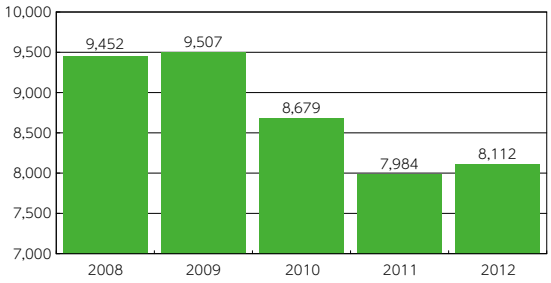
Under the new utility model system that is based on the non-substantive examination principle, the owner of a utility model right first needs to give a warning by presenting a Technical Report of Utility Models in terms of the registrability of the utility model when enforcing the right (Article 29-2 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 person filing the request (Articles 12 and 13 of the Utility Model Act).

The number of Technical Reports of expert opinion on registrability of utility models has been decreasing. It was 568 in 2012, a year-on-year decrease of 5%.

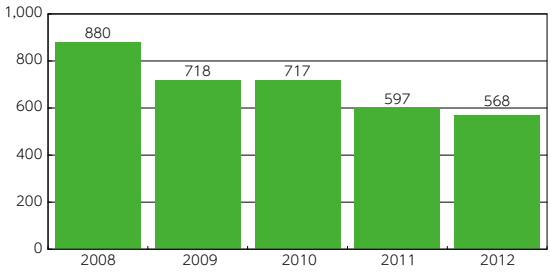
【Table 1-1-16 Number of Applications Filed under the New Utility Model System and Technical Opinion Reports on Utility Models】

	2004	2005	2006	2007	2008	2009	2010	2011	2012
Number of Utility Model Applications	7,983	11,386	10,965	10,315	9,452	9,507	8,679	7,984	8,112
Number of Technical Opinion Reports on Utility Models	1,061	1,261	1,032	1,116	880	718	717	597	568

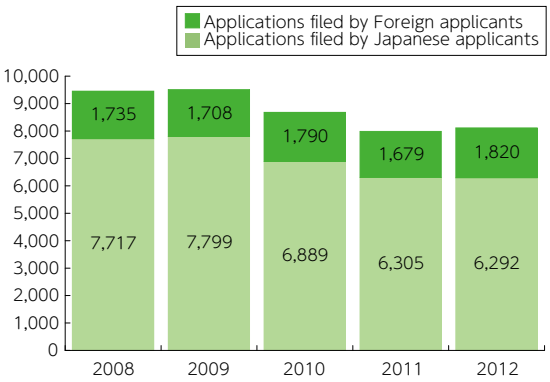
【Figure 1-1-17 Changes in the Number of Utility Model Applications】



【Figure 1-1-18 Changes in the Number of Technical Reports of Expert Opinion on Registability of Utility Models】



【Figure 1-1-19 Structure of Utility Model Applications in Japan】



3. Designs

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

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

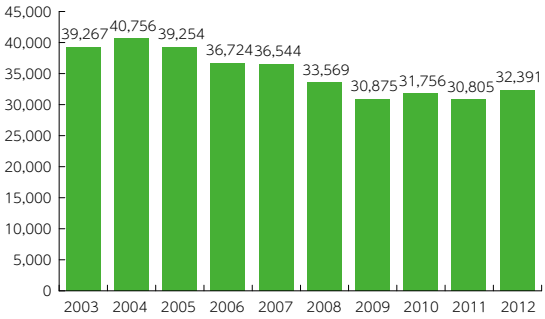
1) Trends in Applications for Design Registration

The number of applications in the past ten years was on a downward trend, after peaking at 40,756 in 2004. In the past four years (2009 - 2012), it has remained almost unchanged. The reasons for the decrease in the number of applications after 2004 can be attributed to the fact that more applications are being filed with foreign offices in line with Japanese companies expanding their business operations overseas. In addition, applicants are more selective when it comes to filing applications in Japan. Although applications to register designs for clothes and personal items took a downward turn in 2012, applications to register designs for electric/electronic information I/O devices (electric and electronic devices; and communications devices) increased. On the other hand, since a partial-design system[1] was introduced in

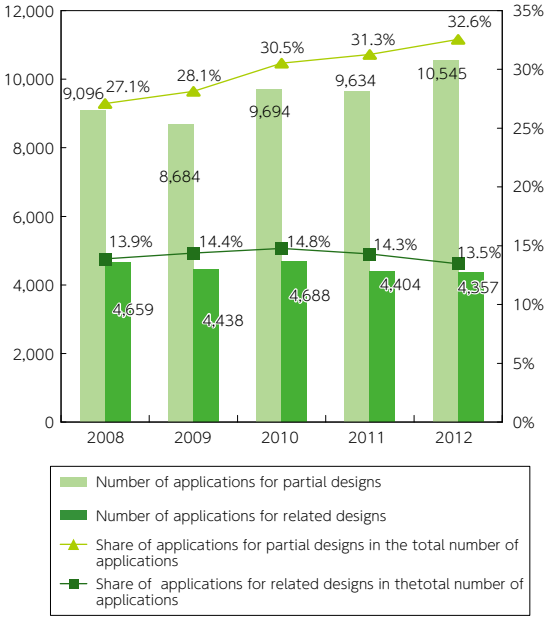
1 Registering a design of a part of an article: Since the amended Design Act went into effect in 1999, it became possible to register a design, which forms a part of an article, that cannot even be physically separated from the entire article.

1999, the percentage of applications to register partial designs has been increasing each year, remaining at more than 30% of all the applications since 2010. The percentage of applications to register related designs[1], based on a system introduced at the same time, has remained almost unchanged at around 15% of the total number of applications.

【Figure 1-1-20 Changes in the Number of Applications for Design Registration】



【Figure 1-1-21 Changes in the Number and the Rate of Applications for Partial Designs and Related Designs】

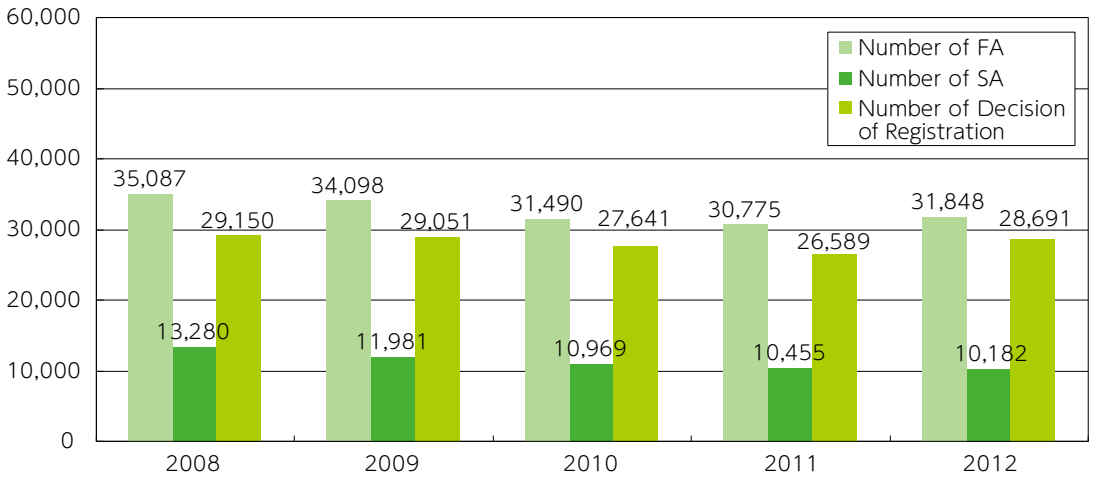


1 The related design system enables a design which is similar to the principal design to be registered as a related design only when both design applications are filed by the same applicant. Related-design rights are enforceable independently from the principal design. This system was introduced in 1999.

2) Status of Design Examination

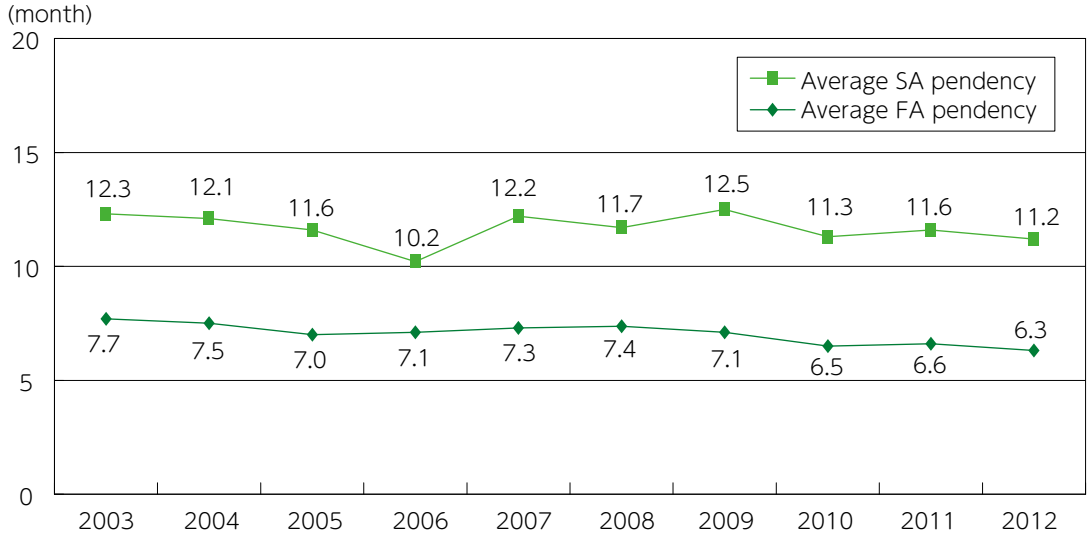
In 2012, the number of first actions (FAs) for design examination increased from 30,775 in 2011 to 31,848. The average period of first action pendency in 2012 was 6.3 months. First action pendency means the period of time starting from the date on which the applicant files the application up to the date on which the notice of first action is sent. The number of second actions (SAs), which are the examiners' decisions following the first action was 10,182 in 2012. The period from the filing date to the second action (SA pendency period) was 11.2 months on average. Meanwhile, the average number of decisions to grant registrations has remained at around 30,000 since 2008.

【Figure 1-1-22 Changes in the Number of First and Second Actions and Decisions of Registration】



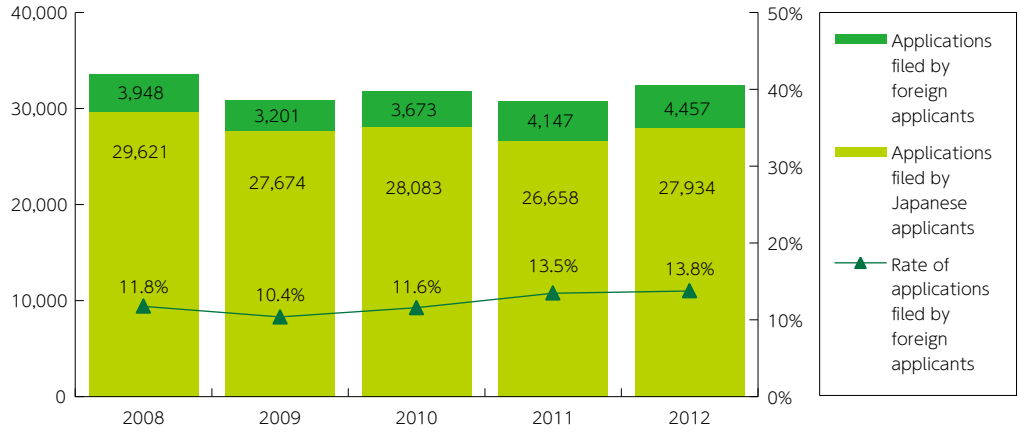
Note:
The number of decisions to grant is the total number of decisions to grant based on the first actions and second actions.

【Figure 1-1-23 Changes in the Average First and Second Action Pendencies for Design Applications】



(2) Trends in Applications for Design Registration and Registration in Japan

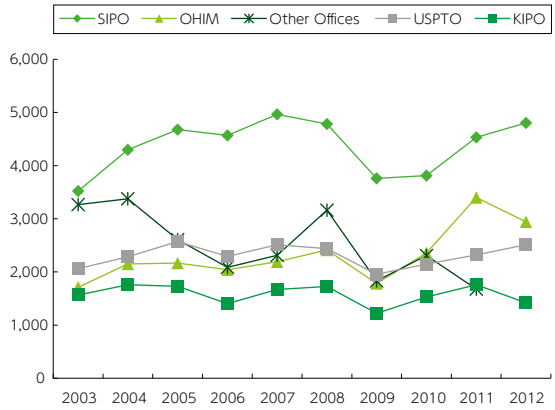
【Figure 1-1-24 Structure of Application for Design Registration in Japan】



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

Although the number of applications filed by Japanese with the USPTO, the OHIM, the SIPO and the KIPO dropped in 2009, it started to increase again in 2010. However, the number of applications filed with the OHIM and the KIPO dropped again in 2012. The number of applications filed with the USPTO and the SIPO has still been increasing. The number of applications filed with the SIPO is significantly increasing, rising about 6.0% year-on-year in 2012.

【Figure 1-1-25 Change in the Number of Applications Filed by Japanese for Design Registrations with Foreign Offices】



Unit: Applications

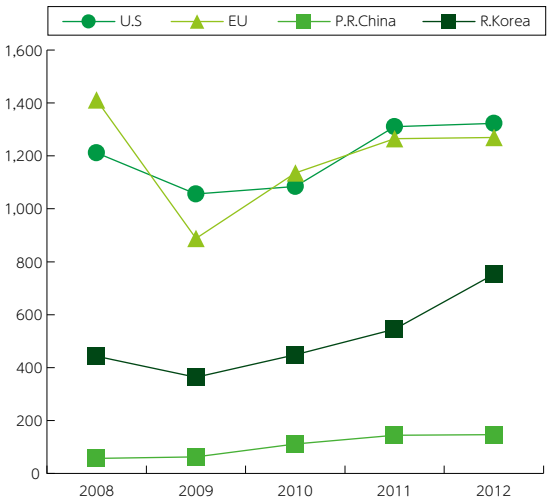
	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012
USPTO	2,060	2,286	2,570	2,291	2,510	2,436	1,956	2,148	2,321	2,512
OHIM	1,711	2,152	2,168	2,041	2,192	2,414	1,781	2,356	3,401	2,942
SIPO	3,522	4,299	4,679	4,569	4,966	4,782	3,760	3,811	4,532	4,805
KIPO	1,566	1,757	1,732	1,404	1,671	1,728	1,222	1,528	1,757	1,421
Other Offices	3,266	3,376	2,609	2,087	2,311	3,162	1,832	2,308	1,679	–

Note:
The numbers for the OHIM and the KIPO refer to the number of designs filed with the OHIM and the KIPO.
Sources:
USPTO: 2003 - 2012 data provided by the USPTO
OHIM: OHIM website (The OHIM started to accept from 2003)
SIPO: SIPO website
KIPO: 2003 - 2012 KIPO website
Other Offices: Created by the JPO based on WIPO Statistics (World Intellectual Property Indicators 2012 Edition)

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

In 2012, the number of applications for design registrations filed with the JPO by US, European and Korean applicants was almost the same as that in 2011. On the other hand, the number of applications for design registration filed with the JPO by Korean applicants has been on an upward trend since 2009.

【Figure 1-1-26 Changes in the Number of Applications Filed by Foreign Applicants for Design Registrations with the JPO】



Unit: Applications

	2008	2009	2010	2011	2012	Percentage to total (2012)
U.S	1,212	1,056	1,084	1,311	1,323	29.7%
EU	1,412	888	1,135	1,265	1,269	28.5%
P.R.China	57	62	111	144	146	3.3%
R.Korea	443	363	449	545	753	16.9%
Others	824	832	894	882	967	21.7%
Total	3,948	3,201	3,673	4,147	4,458	100.0%

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

4. Trademarks

This section shows the changes in the number of applications for trademark registrations; the current status of trademark examination in Japan; trends in applications for trademark registrations; registrations in major countries and organizations; comparison of trademark registrations in Japan, the U.S., EU, China and Korea; and trends in international applications under the Madrid Protocol.

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

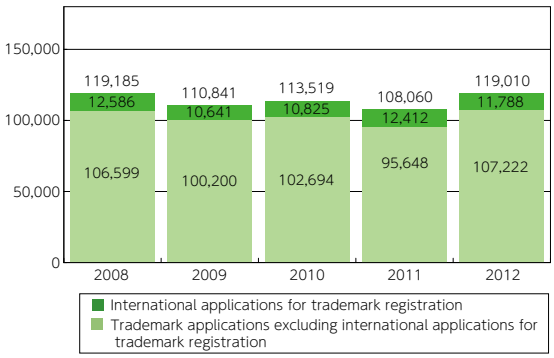
1) Trends in Trademark Applications

The number of applications filed to register trademarks in 2012 increased to 119,010, a year-on-year increase of 10.1%. Although the number of applications for international trademark registrations[1] in 2011 decreased by 5.0% over the previous year, the number of applications for other trademark registrations increased significantly by 12.1% over the previous year. The factor for this increase may be attributable to the trend in applicants to acquire rights in accordance with the new classifications of goods and services based on the Examination Guidelines for Similar Goods and Services (enacted on January 1, 2012) corresponding to the International Classification 10th Edition which was amended for the first time in nearly five years. The average number of classes per application for trademark registrations[2] (multiple class rates) was 1.75 in 2012, showing a gradual increase since 2010.

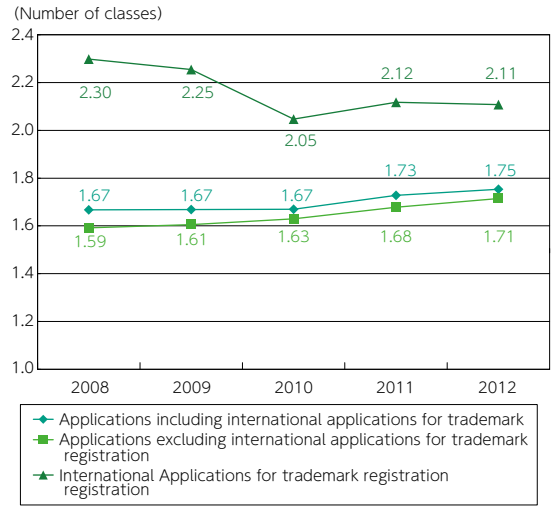
1 International applications under the Madrid Protocol designating the JPO (See Article 68-9 of the trademark Act of Japan)

2 When applicants file applications to register trademarks, the applications must designate one or more goods (services) to which the trademarks should be applied and describe their corresponding classes in the requests. Goods and services are classified into 45 classes.

【Figure 1-1-27 Changes in the Number of Trademark Applications】



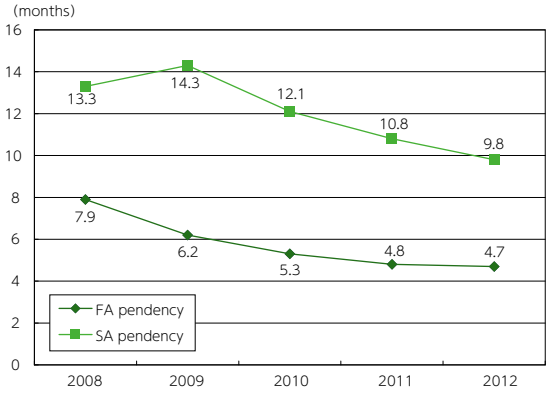
【Figure 1-1-28 Changes in the Average Number of Classes Designated per Application】



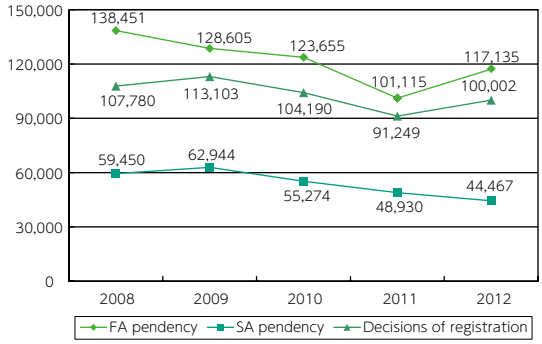
2) Status of Trademark Examination

The JPO has been working to improve the efficiency of the examination process through enhancing computerization and outsourcing work to the private-sector[1]. As a result, in 2012, the period from the filing date to the date of issuing the first notice of examination results, i.e., the first action (FA) pendency, was 4.7 months. The period from the filing date to the date when the next decision, after that of the first action, was issued, i.e., the second action (SA) pendency, was to 9.8 months. The number of trademark registrations has remained the same, around 100,000.

【Figure 1-1-29 Changes in the Average FA and SA Pendency in Trademark Examination】



【Figure 1-1-30 Changes in the Number of FAs and SAs; and the Number of Decisions to Register Trademark】



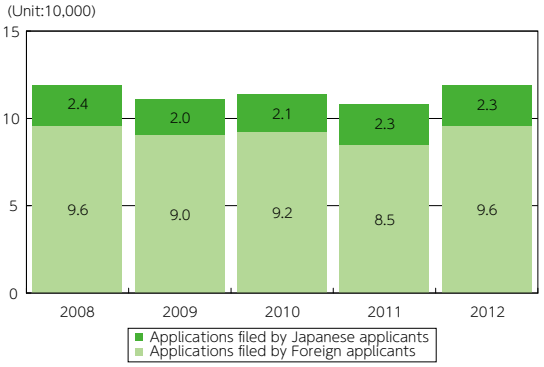
The number of decisions to register trademarks refers to the total of applications for which decisions to register trademarks were given in either the FA or SA.

1 In FY2012, preliminary searches on distinctiveness of trademarks, unclear indication of goods and services, and similarity of figures, which are required for trademark examinations, were conducted by the Japan Patent Information Organization (Japio). Examiners make use of these search results in trademark examinations.

(2) Trends in Trademark Applications and Registrations in Japan

1) Breakdown of Trademark Applications for Trademark Registration in Japan

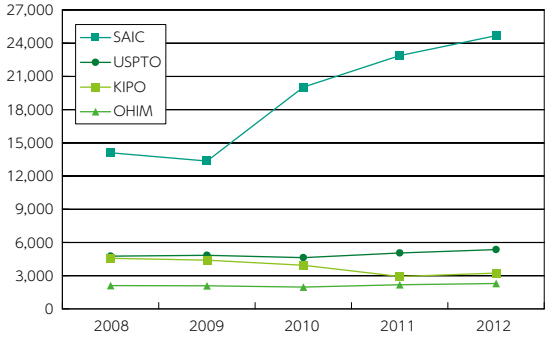
【Figure 1-1-31 Breakdown of Trademark Applications in Japan】



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

The number of applications for trademark registrations filed in 2012 with the USPTO, the OHIM, the SIPO and the KIPO by Japanese applicants increased by 6.0%, 5.5%, 7.9% and 10.6% year-on-year, respectively. This indicates a robust trend in the filing of applications with the foreign offices.

【Figure 1-1-32 Changes in the Number of Applications Filed by Japanese for Trademark Registrations with Foreign Offices】



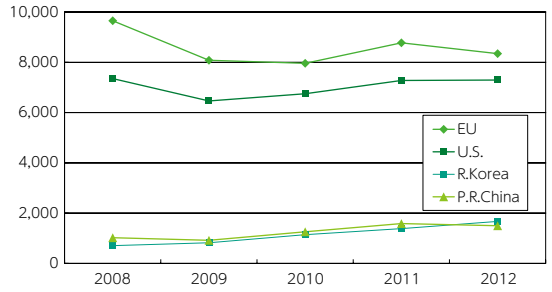
	2008	2009	2010	2011	2012
USPTO	4,764	4,832	4,633	5,054	5,358
OHIM	2,100	2,082	1,979	2,181	2,302
SAIC	14,090	13,340	20,021	22,866	24,676
KIPO	4,563	4,397	3,936	2,927	3,236

Note:
USPTO: Since the USPTO does not publish the number of applications, the figures given here refer to the number of application classes. The figures for each year are on an annual basis counted from October in the previous year to September in the year indicated.
(Example) FY2012: October, 2011 - September, 2012
SAIC: Since the SAIC does not publish the number of applications, the figures given here refer to the number of application classes.
KIPO: The figures do not include the number of applications for international registrations under the Madrid Protocol.
Sources:
USPTO: USPTO Annual Report
OHIM: OHIM website
SAIC: CTMO Annual Report
KIPO: KIPO Annual Report (2007 - 2011)
Data provided by the KIPO (2012) (provisional values)

3) Number of Applications Filed by Foreign Applicants for Trademark Registrations with the JPO

In 2012, the number of applications filed by foreign applicants for trademark registration with the JPO increased by 0.3% year-on-year, to 23,463. The number of applications filed by Chinese applicants and EU applicants decreased by 5.4% and 5.0%, respectively, while that filed by Korean applicants increased by 21.0%. As a result, the number of applications for trademark registrations filed with the JPO by Korean applicants surpassed that filed with the JPO by Chinese applicants.

【Figure 1-1-33 Changes in the Number of Applications Filed by Foreign Applicants for Trademark Registrations with the JPO】



	2008	2009	2010	2011	2012	Percentage to total (2012)
U.S.	7,347 (1,991)	6,461 (1,767)	6,748 (1,992)	7,275 (2,320)	7,294 (2,379)	31.1%
EU	9,649 (7,662)	8,079 (6,337)	7,960 (6,005)	8,775 (6,895)	8,340 (6,442)	35.5%
P.R.China	1,020 (712)	918 (589)	1,259 (764)	1,584 (938)	1,498 (779)	6.4%
R.Korea	703 (135)	822 (135)	1,141 (187)	1,381 (277)	1,671 (312)	7.1%
Others	4,792 (2,070)	4,087 (1,802)	4,248 (1,866)	4,372 (1,980)	4,660 (1,861)	19.9%
Total	23,511 (12,570)	20,367 (10,630)	21,356 (10,814)	23,387 (12,410)	23,463 (11,773)	100.0%

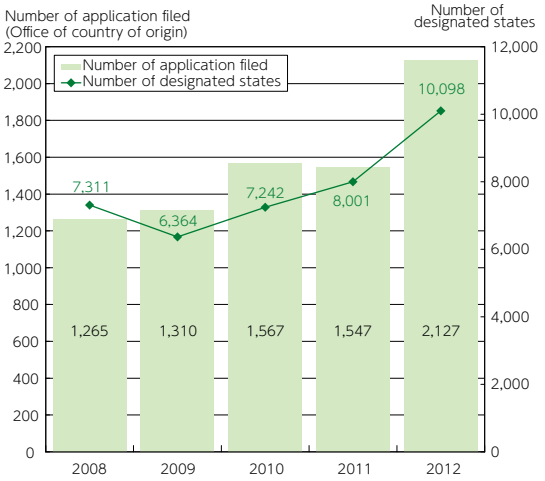
Notes:
1. The figures for the EU are the total number of applications filed with the JPO by applicants from EU member states in Chapter 4, 2.(1) Applications by Country of Origin in 2010 (the member states are as of March 2012).
2. Figures in parentheses are the numbers of international applications for trademark registration under the Madrid Protocol out of the total.

4) Trends in Application Filings for International Registrations under the Madrid Protocol[1]

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

The number of international applications filed by Japanese in 2012 to register[2] trademarks with foreign Offices increased 37.5%. And the number of designated states increased by 26.2% over that of the previous year.

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



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

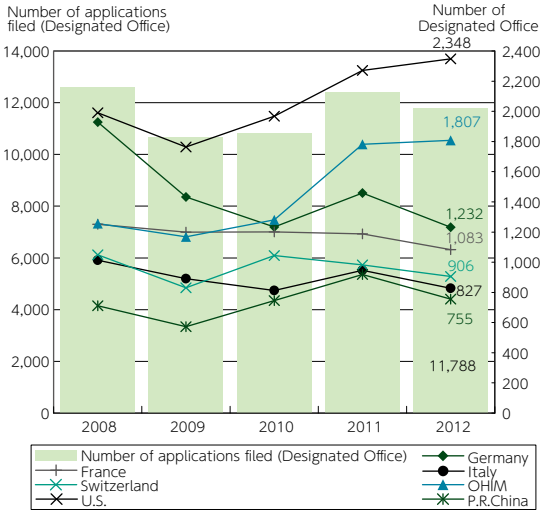
The number of applications by foreign applicants in 2012 for international applications for trademark registrations[3] decreased 5.0% year-on-year. Although the number of applications filed by applicants in the United States and the OHIM increased by 3.4% and 1.4%, respectively, the number of applications filed by China, Germany and Italy decreased significantly by 17.8%, 15.6% and 12.7%, respectively.

1 Outline of the international trademark application system under the Madrid Protocol: Based on a trademark applied for or registered with an Office of one of the Contracting Parties (Office of origin), a request for designating an Office/Offices of Contracting Party (designated Office) for which protection is sought is filed for international registration with the WIPO International Bureau (IB) trough the Office of origin. This application for international registration is registered in the International Register managed by the IB. The IB sends the notification of an extension to the designated Contracting Party to the designated Office. The international registration is protected in the designated Contracting Party unless the designated Office notifies reasons for refusal within one year or 18 months by declaration (18 months in the case of Japan).

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).

【Figure 1-1-35 Changes in the Number of International Applications for Trademark Registrations (Filed with the JPO from Foreign Countries)】



5. Trials and Appeals

The system of trials and appeals has two roles. One is to examine applications in order to give the higher valid judgment, and the other is to settle disputes as soon as possible. The trends in requests for appeals against examiners' decisions of refusal, of which the main function is to give the higher valid judgment, are closely related to the trends of examination in the Examination Department. In addition, the trends in requests for trials for invalidation, of which their main function is to determine the validity of rights with the aim of settling disputes as soon as possible, are closely related to the trends in disputes over industrial property rights such as infringement lawsuits.

(1) Status of Trials and Appeals

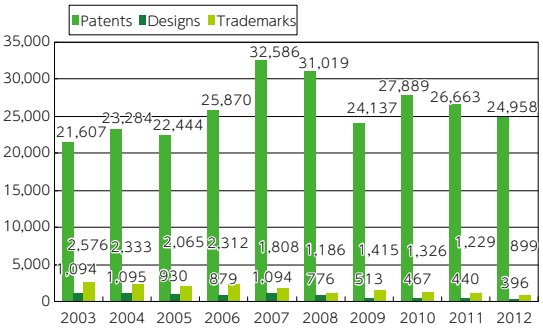
1) Trends in Requests for Trials and Appeals

a. Trends in Appeals against Examiners' Decisions of Refusal[1]

The number of appeals against examiners' decisions of refusal for patents has been gradually decreasing, after peaking in 2007. The number decreased by 6.4% year-on-year to 24,958.

The number of appeals against examiners' decisions of refusal for designs was 396; and that for trademarks was 899, showing a decrease by 10.0% and 26.9%, respectively, over the previous year (See Figure 1-1-36).

【Figure 1-1-36 Changes in the Number of Appeals against an Examiner's Decision of Refusal】



In looking at the results over the past several years in terms of reconsiderations by examiners before appeal proceedings[2] for patents begin, we find that the percentage of applications for which the original decisions of refusal were cancelled and changed to decisions to grant patents has been increasing. This means that the number of patents granted based on reconsiderations by examiners before appeal proceedings take place is growing.

The number of patents granted based on reconsiderations by examiners before appeal proceedings took place has exceeded the number of applications for which the original decision of refusal was not changed. In other words, the number of reconsideration reports[3] made to the JPO

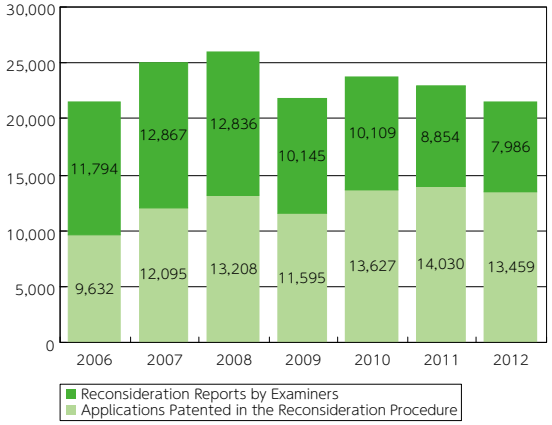
1 Trials and Appeal s requested to the JPO in opposition to the decision of refusal made by a patent examiner.

2 Examiners examine applications whose claims have been amended at the time of filing requests for appeals against the examiners' decisions of refusal based on the provision of Article 162 of the Patent Act. These examinations are called "reconsiderations by examiners before appeal proceedings."

3 When examiners determine that decisions of refusal are to remain unchanged, even after amendments are made based on reconsiderations by the examiners before appeal proceedings, the results are to be reported to the JPO Commissioner as "reconsideration reports." Then, a panel conducts proceedings.

Commissioner based on reconsiderations by examiners before appeal proceedings has increased since 2008 (See Figure 1-1-37).

【Figure 1-1-37 Changes in Results of Reconsiderations by Examiners before Appeal Proceedings (Patents)】

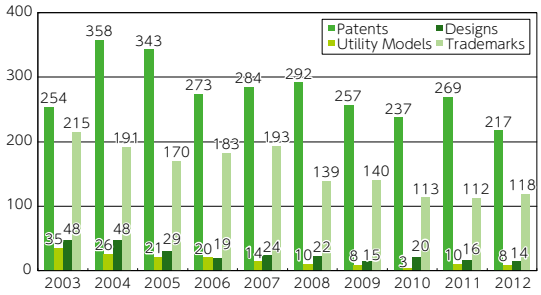


b. Trends in Trials for Invalidation[1]

Due to the revision to the law in 2003, the patent opposition system[2] was integrated into the system of trials for invalidation. This caused the number of requests for trials for patent invalidation to increase temporarily from 2004 to 2005. The number has been less than 300 since 2006, but it decreased in 2012.

The number of requests for trials for invalidation for utility models has been on a downward trend since 2005, and recently, it has been around 10. While the number of requests for trials for invalidation for designs has been around 20 in the past several years, the number of requests for trials for invalidation for trademarks has been slightly less than 120 since 2010 (See Figure 1-1-38).

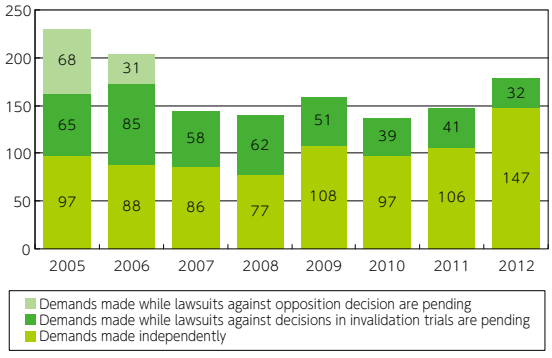
【Figure 1-1-38 Changes in the Number of Requests for Trials for Invalidation】



c. Trends in Requests for Trials for Corrections[3] (Patent and Utility Model (examined))

The opposition system was abolished in line with the legal revision that was made in 2003. As a result, the number of lawsuits against decisions on oppositions decreased, leading to a decline in the number of requests filed during the pendency of lawsuits against decisions on oppositions to patents, which accounted for a certain percentage of the requests for trials for corrections. Due to this situation, the number of requests for trials for corrections of patents and utility models had continued on a downward trend. However, a slight increase has been seen in the past three years (See Figure 1-1-39).

【Figure 1-1-39 Changes in the Number of Requests for Trials for Corrections*1】



Note:
*1 Total number of patents and utility models (examined)

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

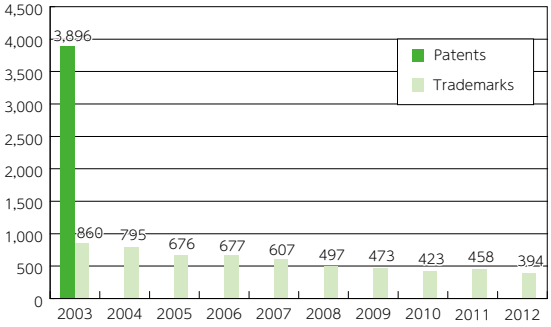
2 A system that permits a patent to be cancelled within a limited time after the patent right has been registered.

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

d. Trends in Oppositions[1]

The number of oppositions to trademark registrations has stayed around 450 a year from 2009 to 2011, but it decreased to 394 in 2012 (See Figure 1-1-40).

【Figure 1-1-40 Changes in the Number of Patent and Trademark Rights Subject to Oppositions】

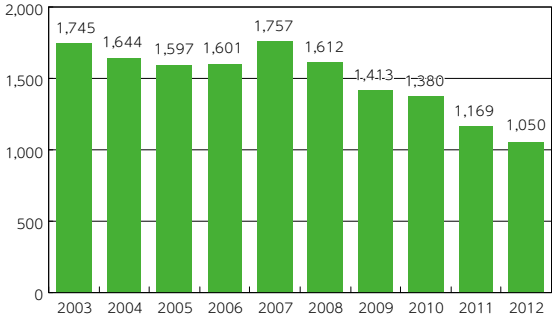


Note:
The system enabling persons to file oppositions to patents was abolished with the revision made to the law in 2003. That system was integrated into the invalidation trial system on January 1, 2004.

e. Trends in Trials for rescission of trademark registrations

The number of requests for trials for rescission of trademark registrations[2] has been declining since 2007 (See Figure 1-1-41).

【Figure 1-1-41 Changes in the Number of Requests for Trademark Cancellation Trials】



1 A system which permits the cancellation of a trademark right for a certain period after it has been registered.
2 Trials for rescinding trademarks when the owners of the trademark right have not used the trademarks for more than 3 consecutive years

2) Trends in Examinations Conducted by the JPO Trial and Appeal Department

a. Patents and Utility Models

The average first action pendency for appeals against examiners' decisions of refusal in 2012 was 16.2 months (See Table 1-1-42).

Looking at the results of appeals against examiners' decisions of refusal for patent applications, the percentage of decisions in which appeals (appeal success rate[3]) were sustained has been dropping in the past several years. It was 56% in 2012 (See Table 1-1-43 and Figure 1-1-44).

Examinations involving trials for invalidation are conducted on a priority basis in order to settle disputes over rights as soon as possible, depending on the circumstances. In 2012, the average period for proceedings was 8.2 months (See Table 1-1-42). Oral proceedings[4] have been used more frequently in invalidation trials for patents and utility models in order to raise the quality of the trial examination process. As a result, the number of oral proceedings conducted in 2012 was 235.

Efforts were made to speed up trials for corrections on a priority basis because applicants often request to have trials in connection with infringement lawsuits. As a result, the average period for proceedings in 2012 was 2.1 months (See Table 1-1-42).

3 The appeal success rate means the percentage of cases in which the Trials and Appeals Department decided that the appeal is sustained, in relation to the total number of decisions and rulings.
4 In this system, the panel conducts questioning orally so that the parties concerned are encouraged to establish their appeals appropriately and their points in issue are well organized.

【Table 1-1-42 Current Status of Trial and Appeal Examination Processing in 2012】

	Appeals against an examiner's decision of refusal		Invalidation trials		Limitation/Correction trials		Oppositions		Cancellation trials	
	No. of first actions*1	Average first action pendency (months)*2	No. of final dispositions *3	Average trial pendency (months)*4	No. of final dispositions *3	Average trial pendency (months)*4	No. of final dispositions *3	Average trial pendency (months)*4	"No. of final dispositions *3"	Average trial pendency (months)*4
Patent/ Utility model	14,549	16.2	254	8.2	166	2.1				
Design	390	6.7	21	9.8						
Trademark	1,368	7.4	136	8.6			420	6.6	1,134	6.0

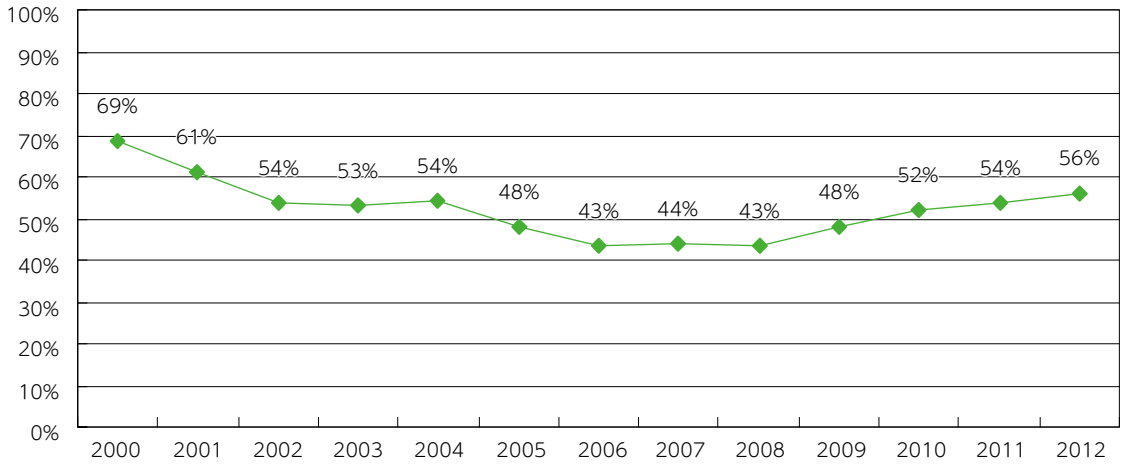
Notes:
*1. Number of cases in which the first examination results were notified
*2. Average period from the date of appeal until the date the notification of the first examination results was sent
*3. Includes withdrawals and abandonments ,but does not include advanced notices of trial decisions in trials for patent invalidations
*4.Average period of time from the date on which the trial was requested up until the date of the final disposition (decision or ruling). (However, in case an advance notice of a trial decision is issued in trial for patent invalidation, the period will be up until the date on which the notice is issued)

【Table 1-1-43 Trial and Appeal Results in 2012*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	8,629	6705	75	147		
Design	272	150	11	7		
Trademark	1,207	279	918	239	63	317

Notes:
*1. Numbers are only for cases in which final trial/appeal decisions have been made
*2. Appeals against examiners' decisions of refusal, appeals against examiners' rulings to dismiss amendments, and trials for correction
*3. Trials for invalidation and trials for cancellation
*4. Includes dismissals
*5. Includes partial revocations
*6. Includes dismissals

【Figure 1-1-44 Changes in the Appeal Success Rate in Appeals against Examiners' Decisions of Refusal (Patents)】



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

b. Design

The appeal/trial process against examiners' decisions of refusal is on target, with the average first action pendency in 2012 at 6.7 months.

With regard to trials for invalidations of design registrations, trials were conducted on a priority basis in order to settle disputes over rights as soon as possible. In 2012, the average period for proceedings was 9.8 months (See Table 1-1-42).

c. Trademarks

The appeal process against examiners' decisions of refusal has become more efficient in recent years. The average first action pendency in 2012 was 7.4 months.

With regard to trials for invalidations trademark registrations, trials were conducted on a priority basis in order to settle disputes over rights as quickly as possible. In 2012, the average period for proceedings was 8.6 months.

The average period for proceedings for oppositions in 2012 was 6.6 months and that for cancellation trials was 6.0 months (See Table 1-1-42).

(2) Lawsuits against the JPO Trials and Appeals Department's Decisions

1) Trends in the Number of Lawsuits

Looking at the number of lawsuits filed against the JPO Trials and Appeals Department's decisions[1] in 2012, we found that the number of ex-parte appeals decreased for patents and trademarks, but increased for designs, compared to the figures for 2011. With regard to lawsuits against ex-parte appeal decisions for patents in 2012, the number of lawsuits that the Trials and Appeals Department decided to deny appeals to was 6,705 and the number of lawsuits filed against these decisions was 175. The lawsuit-filed rate[2] was 2.6%, which is the same rate as that of the previous year (See Table 1-1-43 and Table 1-1-45).

The number of inter-parties trials in 2012 increased in all fields of industrial property rights, compared to that in 2011 (See Table 1-1-45).

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

【Table 1-1-45 Number of Actions in 2012*1】

	Patent/Utility model	Design	Trademark
Ex-parte appeals*1	175(196)	16(5)	14(34)
Inter-partes trials*2	167(162)	6(2)	71(47)
Oppositions			6(4)

Notes:
*1. The figures for 2011 are in parentheses.
*2. Appeals against examiners' decisions of refusal, appeals against examiners' rulings to dismiss amendments, and trials for corrections
*3. Trials for invalidations and trials for cancellations

2) Trends in the Number of Court Decisions

Looking at the number of court decisions against the JPO Trials and Appeals Department's decisions in 2012, we found that the number of claims denied increased over that of the previous year in the case of ex-parte appeals, in all fields of industrial property rights, while the number of inter-parties trials for patents and designs remained almost unchanged while that for trademarks increased year-on-year (See Table 1-1-46).

【Table 1-1-46 Number of Court Decisions in 2012*1 *2】

	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*2	115(106)	37(27)	9(2)	7(1)	13(9)	7(12)
Inter-partes trials*3	74(75)	31(26)	0(3)	0(0)	33(22)	19(5)
Oppositions					6(0)	1(0)

Notes:
*1. The figures for 2011 are in parentheses.
*2. This does not include decisions to reverse appeal/trial decisions specified in Article 181, Paragraph 2 of the Patent Act and rulings to reverse appeal/trial decisions that have been confirmed as corrected during lawsuits.
*3 Appeals against an examiners' decisions of refusal, appeals against examiners' rulings to dismiss amendments, and trials for corrections
*4. Trials for invalidations and trials for cancellations

Part 2 – IP Activities in Japan and

Support Measures Given by JPO

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 in application filings for patents, utility models, designs and trademarks in and outside of the country.

1. Intellectual Property Activities in Companies

Along with the growth of globalized business activities, the environment surrounding intellectual property activities by Japanese companies has 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 being filed, the number of persons in charge of IP, and expenses involving IP. It also introduces how intellectual property rights are being used.

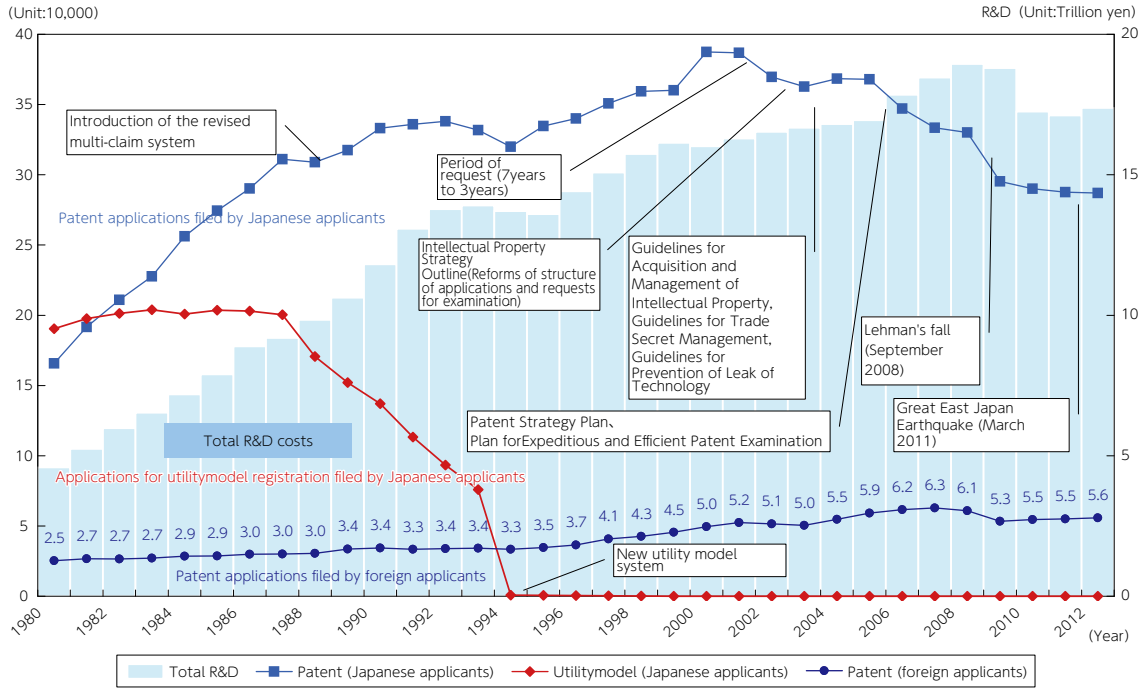
(1) Changes in the Number of Patent and Utility Model Applications

Looking at the changes in the number of patent applications being filed by Japanese companies, we can see the medium- to long-term perspective that there has been a slight increase between 1980 and 1987 in line with the increase in total R&D costs (See Figure 1-2-1). Since the revised multiple claim system[1] was introduced 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 filed 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. It remained almost unchanged in 2012. There was a significant decrease from 2008 (330,000 applications) to 2009 (295,000 applications) (a 10.5% decrease). The global economic recession during 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 of 63,000 applications in 2007, it continuously decreased until 2009. Thereafter the number took a slight upward turn. From 2008 to 2009, the number of patent applications filed by foreign applicants sharply dropped in the same way as the applications by Japanese. This tendency may be due to the global economic recession that occurred concurrently in the world.

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

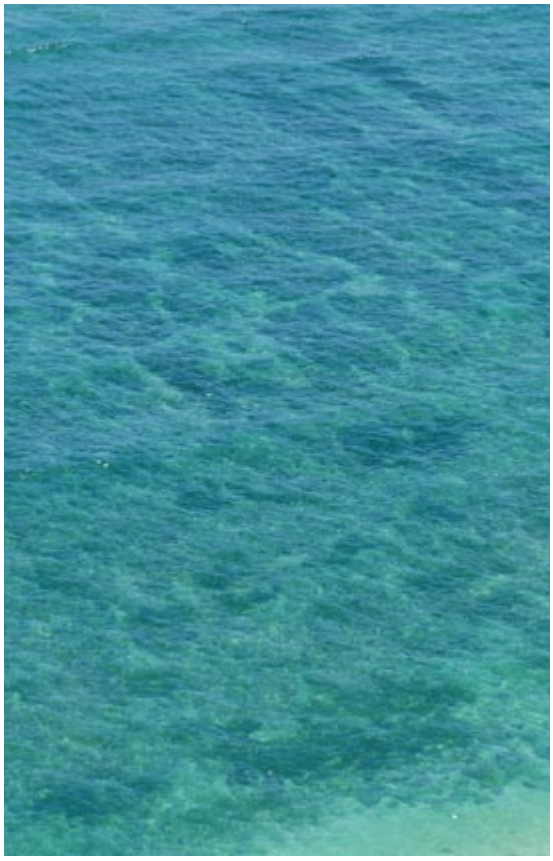
【Figure 2-1-1 Changes in the Number of Patent Applications and Utility Model Applications Filed by Japanese and Foreign Applicants; and the total R&D Costs】



Note:
Utility models include both former and new utility models.
Source: Created by the JPO. The total R&D costs are based on the report on the research survey conducted on science and technology, (statistics provided by the Minister of Internal Affairs and Communications)

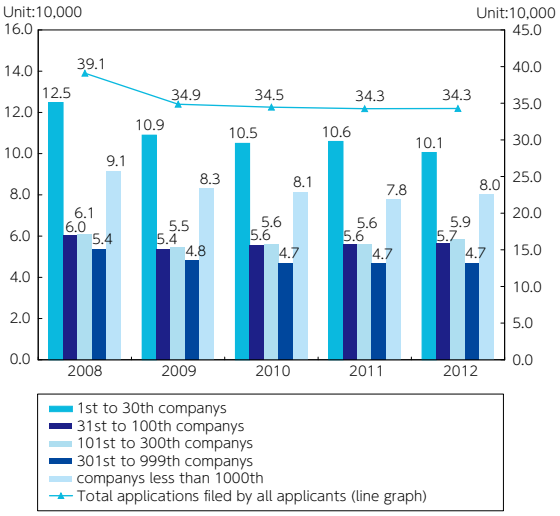
(2) Trends in the Number of Patent Applications by Scale

The total number of patent applications filed by Japanese and foreign applicants decreased 42,000 (a 10.8% decrease) between 2008 and 2009. However, the rate of decline has slowed down, showing a sign that the decrease is coming to an end in 2012. Looking at the number of patent applications by scale of application ranking[1], we see that those filed by the top 30 companies decreased, while those filed by other companies remained unchanged or even increased between 2011 and 2012 (See Figure 2-1-2 and Figure 2-1-3).

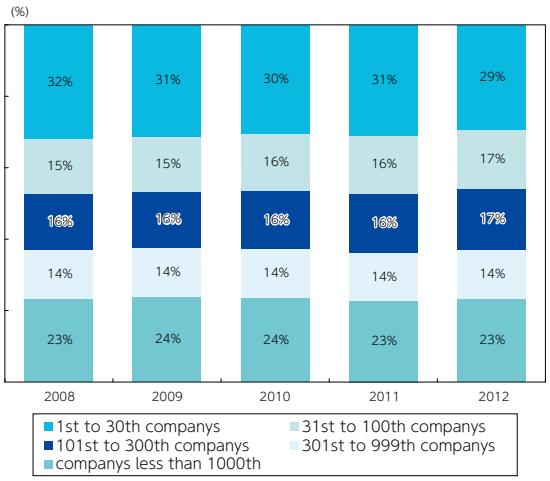


1 For the trends in the number of patent applications by ranking, the number of patent applications was calculated by categorizing the top-ranking companies for applications into five classes (1st to 30th, 31st to 100th, 101st to 300th, 301st to 999th and less than 1,000th) and then the number of patent applications for each year from 2008 to 2012 was also calculated. (Companies subject to the calculation vary every year).

【Figure 2-1-2 Change in the Number of Patent Applications by scale of application ranking】



【Figure 2-1-3 Ratio of Companies by scale of application ranking in the Number of Patent Applications Filed per Applicant】

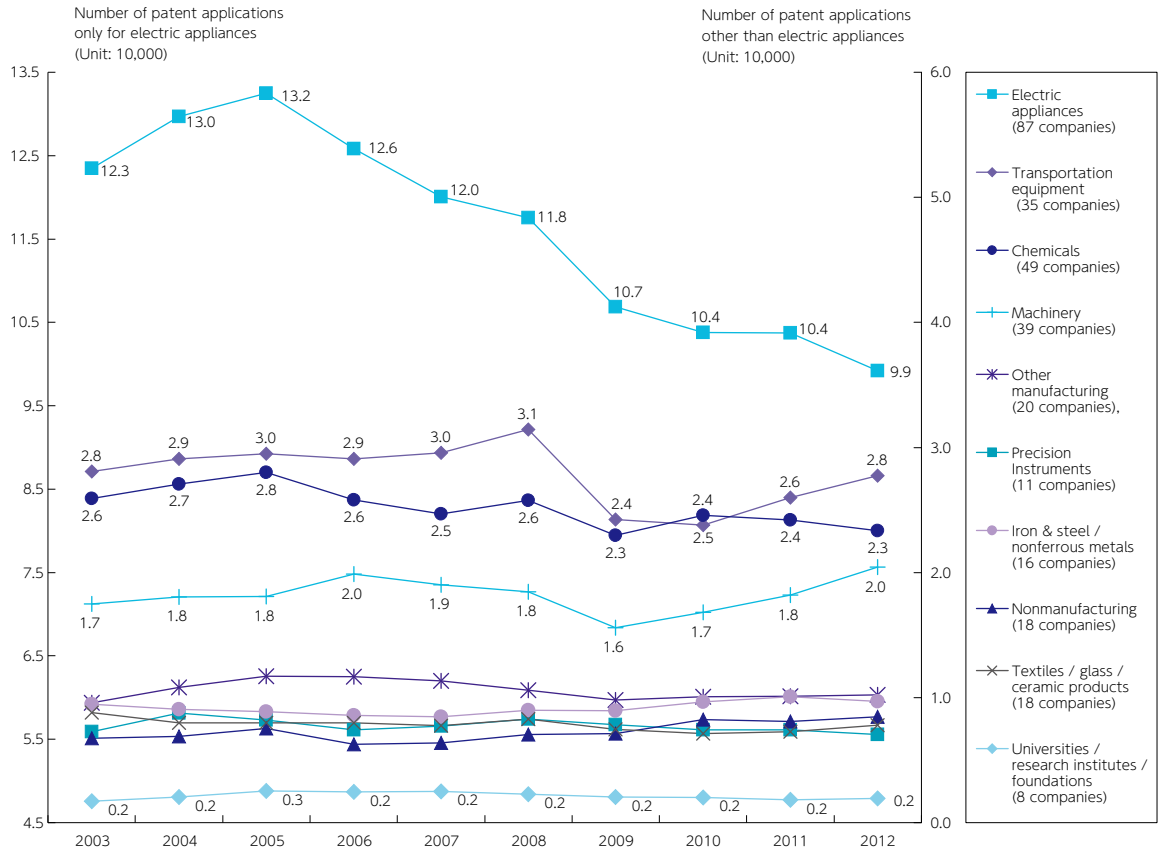


(3) Trends in the Number of Patent Applications by Business Type[1]

Looking at the number of patent applications by business type, we see that there has been a continuing decrease from 2005 in the field of electric appliances, which nevertheless still accounts for a high rate among the total number of patent applications. On the other hand, other business types show a different trend from that of the field of electric appliances. For example, in 2012, the number of patent applications increased by 6.6% and 12% over the previous year in the fields of transportation equipment and machinery, respectively. The number of patent applications in all business types decreased by 0.5% compared to the 2011 level (See Figure 2-1-4)

1 For the trends in the number of patent applications by business type, the top 300 companies in 2012 are classified by their business type and the number of patent applications each year between 2003 and 2012 for the same companies is calculated. (Companies subject to the calculation are the same every year).

【Figure 2-1-4 Change in the Number of Patent Applications by Business Type (Top 300 Companies in the Number of Patent Applications in 2012[1])】



Note:
The top 300 companies in 2012 are classified based on business type as categorized by the Securities Identification Code Committee.

(4) Trends in Global Patent Applications

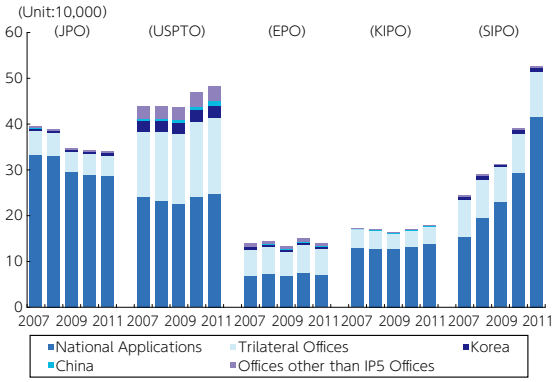
The number of patent applications filed with the JPO by residents of Japan (Japanese national applications) has slightly decreased since 2006. The number was 288,000 in 2011. Although the number of patent applications filed with the USPTO by US residents (US national applications) slightly decreased from 2007 to 2009, it increased to 248,000 in 2011. The number of patent applications filed with the EPO by residents of Europe (residents of the EPC member countries) stayed around 70,000 between 2007 and 2011. Although the number of patent applications filed with the KIPO by residents of Korea (Korean national applications) had been around 127,000 - 128,000 between 2007 and 2009, it increased to 132,000 in 2010 and to 138,000 in 2011. The number of patent applications filed with the SIPO by residents of China (Chinese national applications) has been increasing significantly in line with the increase in the total number of Chinese patent applications being filed. The numbers were 153,000 in 2007 and 416,000 in 2011.

Looking at the status of patent applications filed with the JPO, the EPO and the USPTO, the JPO receives more applications filed by Japanese applicants and fewer applications filed by foreign applicants, compared to the EPO and the USPTO. Looking at the status of patent applications filed with the IP5 Offices, the

1 The top 300 companies in 2012 are different from the top 300 companies in 2011 listed in the Patent Administration Annual Report 2012.

USPTO, the SIPO and the EPO receive more applications filed by foreign applicants (See Figure 2-1-5).

【Figure 2-1-5 Status of Applications Filed with the JPO, the USPTO, the EPO, the KIPO, and the SIPO】

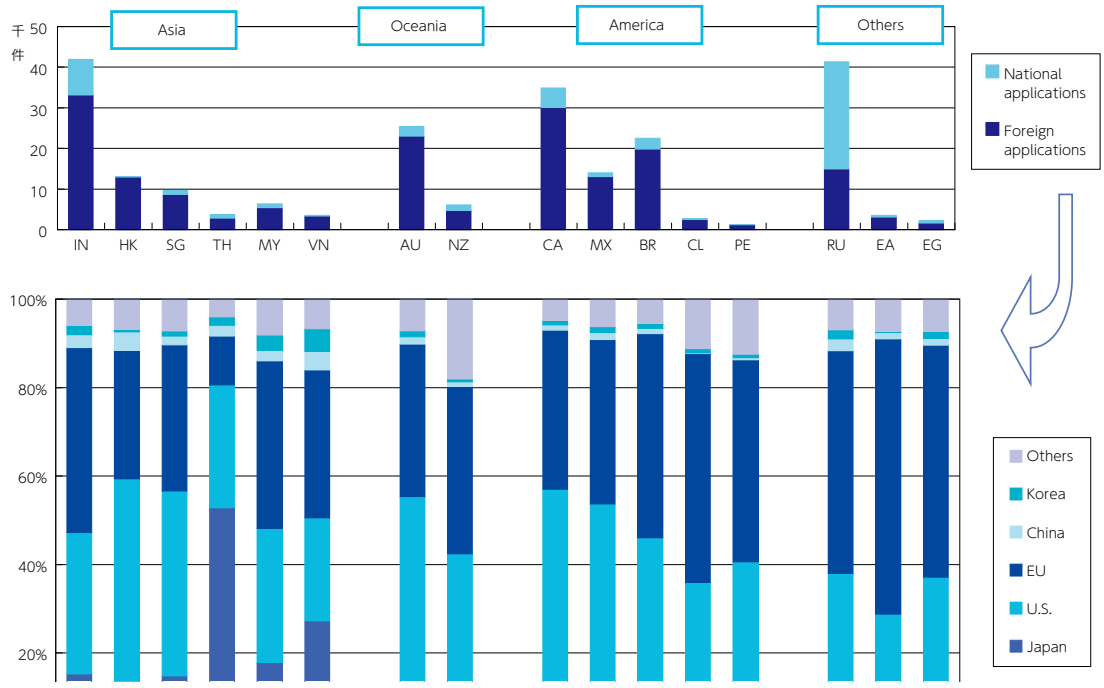


Notes:
1. "Trilateral Offices" do not include applications filed to its own country. For example, the applications filed by the Trilateral Offices in the case of Japan refer to those filed by the US and European residents.
2. The number of patent applications filed by European residents refers to those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

Source: Created by the JPO based on WIPO Statistics Database

As for patent applications filed with offices in countries and regions other than the IP5 Offices, the ratio of patent applications filed by non-residents is high in many countries and regions. Moreover, the number of international patent applications filed with offices other than the IP5 Offices by Japanese applicants is fewer overall than the number of applications filed by U.S. and EU applicants, except in Thailand and Vietnam (See Figure 2-1-6).

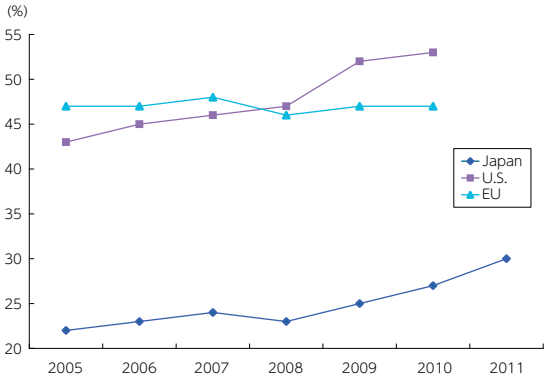
【Figure 2-1-6 Status of Applications Filed with Major Offices other than the IP5 Offices】
Top: Number of applications filed by national and foreign applicants
Bottom: Breakdown of patent applications filed by non-residents



Note:
・IN (India): 2011; HK (Hong Kong):2011; SG (Singapore): 2011; TH (Thailand): 2011; MY (Malaysia): 2011; VN (Vietnam): 2011; AU (Australia): 2011; NZ (New Zealand): 2011; CA (Canada): 2011; MX (Mexico): 2011; BR (Brazil): 2010; CL (Chile): 2011; PE (Peru): 2011; RU (Russia): 2011; EA (Eurasian Patent Office): 2011; and EG (Egypt): 2011.
・The number of applications filed by the EPO refers to those filed by parties contracting to the EPC in countries except for Malaysia, Thailand and Vietnam; those filed by major EPC contracting parties in Vietnam; those filed by EU contracting parties in Thailand; and those filed by parties contracting to the EPC which are ranked in the top countries in terms of the number of applications in Malaysia.
・Statistics for the Eurasian Patent Office are based on applications by parties contracting to the EAPC (Eurasian Patent Convention).
・The number of applications filed with Malaysia and Vietnam is the total of patent applications and utility model applications.
Sources: Created by the JPO based on the following materials
- WIPO Statistics Database (excluding Malaysia, Thailand and Vietnam)
- DIP Annual Report 2011 (Thailand)
- MYIPO website (Malaysia)
- NOIP Annual Report 2011 (Vietnam)

The global application rates[1] of Japanese applicants in 2010 and 2011 were 27.3% and 29.5%, respectively (See Figure 2-1-7). On the other hand, the rate of applicants with American nationality in 2010 was 52.6% and that of applicants with European nationality was 46.9%[2]

【Figure 2-1-7 Global Application Rate】

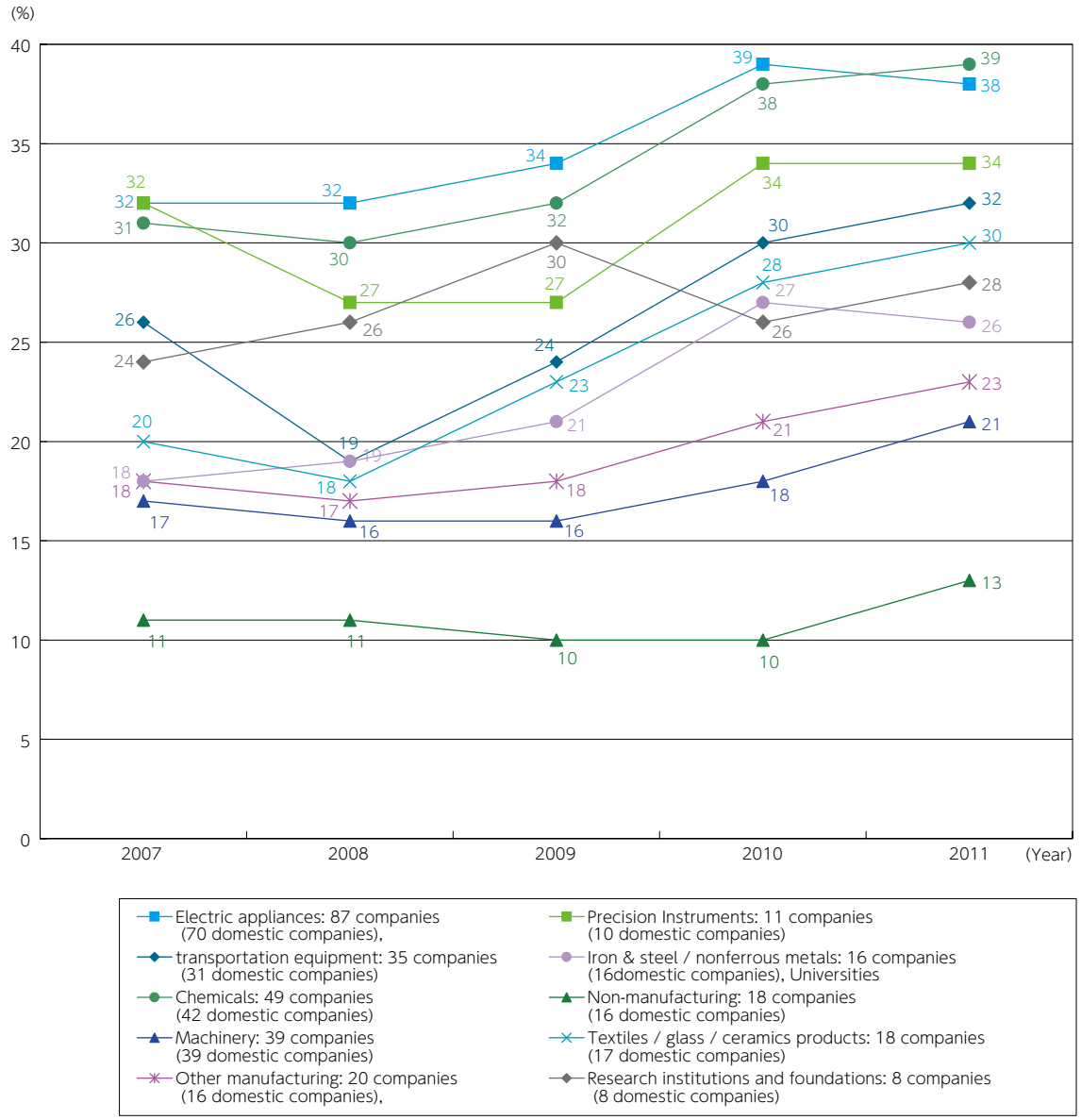


Looking at global application rates by business type, the rates for electric appliances and chemicals were high (See Figure 1-2-11).

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 values by scale of number of patent applications in 2011 are provisional. The patent applications include international applications under the Patent Cooperation Treaty (PCT) filed directly with each Office without filing national applications .

2 The global application rates of the US and Europe were created using data of the World Patents Index (WPI). WPI data is for disclosed patent applications and only calculates disclosed patent applications at the time of acquiring data, i.e., April 2012.

【Figure 2-1-8 Change in the Global Application Rate of Japanese Applicants (by Business Type[1])】

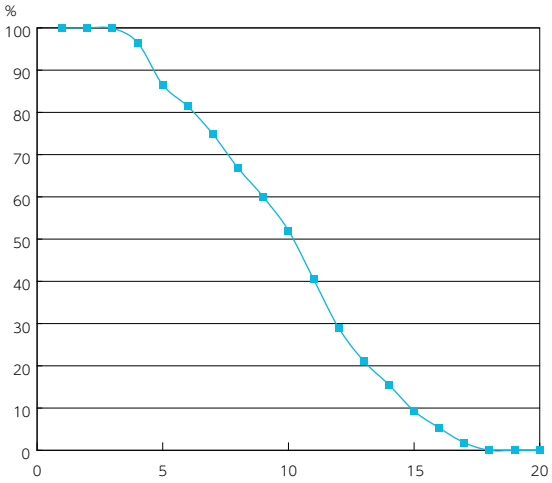


1 The change in the global application rate of Japanese applicants by business type was obtained by calculating the each year's global application rate based only on Japanese applicants among the top 300 companies in terms of the number of patent applications in 2012. The top 300 companies in terms of the number of patent applications in 2012 are different from the top 300 companies in terms of the number of patent applications in 2011 listed in the Patent Administration Annual Report 2012. The values of the global application rate for 2011 are provisional.

(5) Existing Rate of Patent Rights

The existing rate of patent rights, as based on the number of years that the patent rights had been registered in Japan, decreased to 87% within 5 years, 52% within 10 years, and 9% within 15 years since the rights were registered (See Figure 2-1-9).

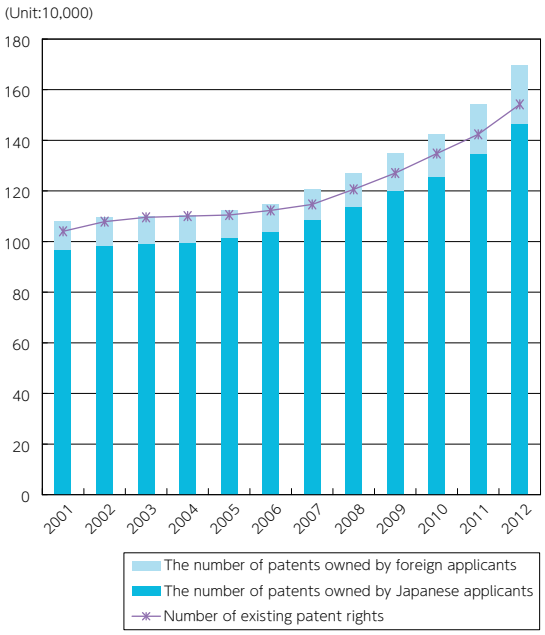
【Figure 2-1-9 Existing Rate of Patent Rights】



Notes:
- The existing rate refers to the number of registrations still in effect with respect to the total number of patent right registrations.
- The data is as of the end of 2012.

The number of patents owned by Japanese applicants in Japan reached 1.46 million by the end of 2012 (up about 50.0% compared to the 2001 level). The number of patents owned by foreign applicants reached 230,000 by the end of 2012 (about a twofold increase compared to the 2001 level) (See Figure 2-1-10).

【Figure 2-1-10 Number of Existing Patent Rights Owned by Japanese and Foreign Applicants】



2. Intellectual Property Activities at Universities

(1) Efforts to Support Intellectual Property at Universities

Universities in Japan that own abundant research resources[1] play a major role in creating intellectual property. Based on this understanding, university intellectual property headquarters[2] and technology licensing organizations (TLOs) have been established nationwide. In addition, several initiatives have been introduced, including sending University Intellectual Property Advisors and reducing/exempting annual patent fees and examination request fees[3].

In line with efforts to promote academia-industry cooperation, as well as

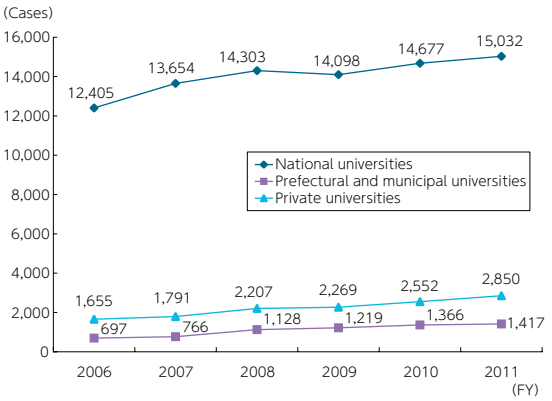
1 According to the "2012 Outline of the Science and Technology Research Investigation Results" (December 14, 2012) prepared by the Ministry of Internal Affairs and Communications (MIC), about 20 % of the entire research fund of Japan is invested in universities and the number of researchers at universities accounts for about 37 % of the total number of researchers in Japan in FY2011.

2 Departments at universities that strategically create, acquire, manage and utilize intellectual property at the universities.

3 See Part 3, Chapter 7, 2. (3).

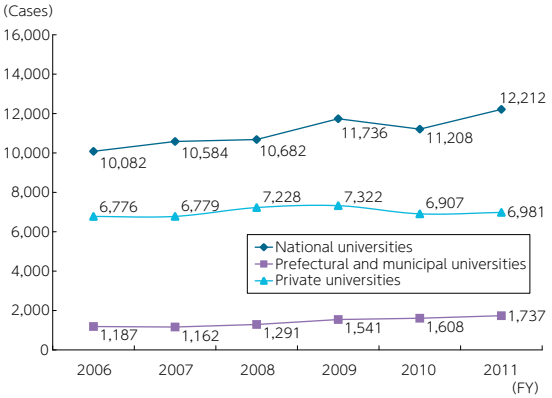
with the progress being made in open innovation in recent years, joint research at universities has been increasing. The number of joint research projects conducted at universities in FY2011 increased to 19,299 over the previous fiscal year (up about 700 cases) and the number of contract research projects increased to 20,930 over the previous fiscal year (up about 1,200 cases).

【Figure 2-1-11 Change in the Number of Joint Research Projects at National, Prefectural, Municipal, and Private Universities】



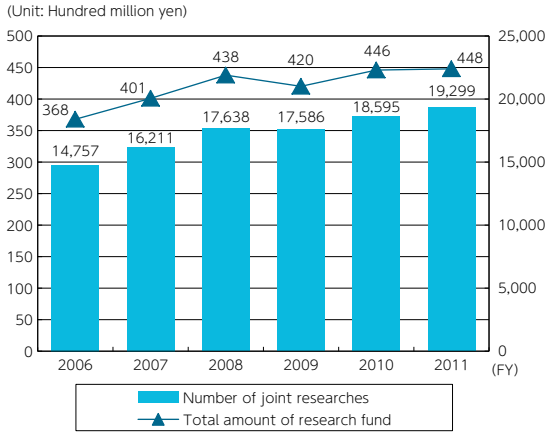
Source:
Created by the JPO based on the MEXT report, "FY2006 – FY2011: Current Status of Academia-Industry Cooperation at Universities".

【Figure 2-1-12 Changes in the Number of Contract Research Projects at National, Prefectural, Municipal, and Private Universities】



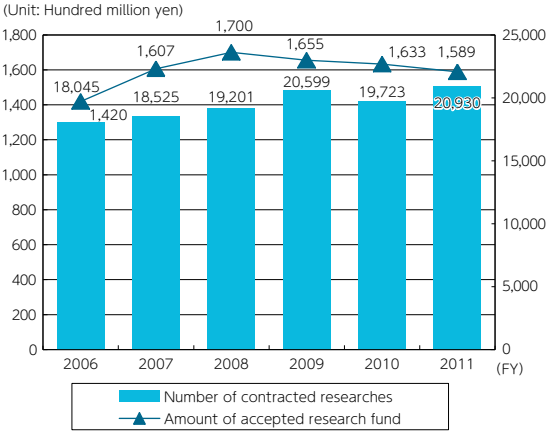
Source:
Created by the JPO based on the MEXT report, "FY2006 – FY2011: Current Status of Academia-Industry Cooperation at Universities".

【Figure 2-1-13 Change in Achievements of Joint Research Projects at Universities】



Source:
Created by the JPO based on the "FY2011 Status of Academia-Industry Cooperation at Universities" (October 26, 2012) prepared by the MEXT.

【Figure 2-1-14 Change in Achievements of Contract Research Projects at Universities】



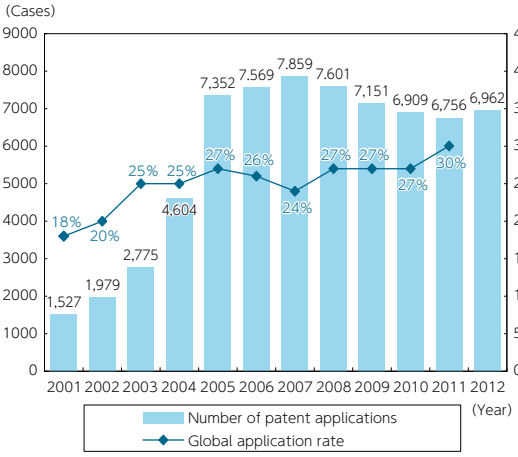
Source:
Created by the JPO based on the "FY2011 Status of Academia-Industry Cooperation at Universities" (October 26, 2012) prepared by the MEXT.

The number of patent applications that universities filed was around 2,000 in 2002. This number rapidly increased to more than 7,300 in 2005. However, the number of patent applications started to decrease after peaking in 2007. It has started to rise again in 2012 (See Figure 2-1-15).

Looking at the trend in examination of

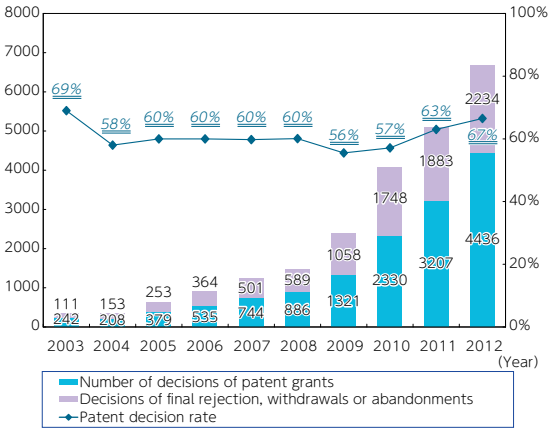
patent applications filed by universities, the rate of patented applications for applications, for which examination results were publicized in 2012, was 67% (patent allowance rate). The patent allowance rate of universities is almost the same level as that for all applicants (66.8%)[1] (See Figure 2-1-16).

【Figure 2-1-15 Change in the Number of Patent Applications Filed by Universities in Japan and the Global Application Rate】



Note:
Patent applications filed by universities in Japan are those that were found by searching and calculating applications and the applicants of these applications were identified as university presidents, educational corporations that own universities, and applications filed by approved TLOs. They also include applications that were filed jointly with companies.
The global application rate refers to the rate of patent applications filed also with other countries from among the total number of patent applications filed with the JPO each year. The patent applications include international applications under the Patent Cooperation Treaty (PCT) filed directly with each Office without filing national applications.
Source: Created by the JPO

【Figure 2-1-16 Change in Current Status of Examination Results of Patent Applications Filed by Universities in Japan】



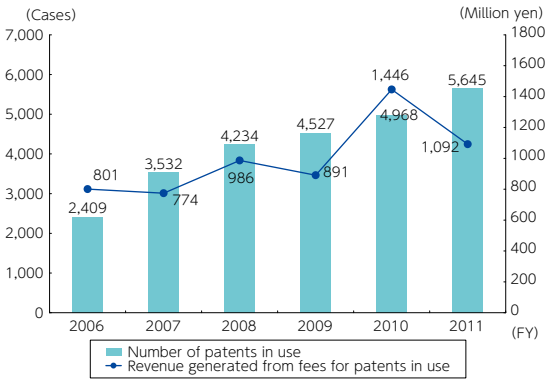
Note:
Patent applications filed by universities in Japan are those that were found by searching and calculating applications and the applicants of those application were identified as university presidents, educational corporations that own universities, and applications filed by approved TLOs. They also include applications that were filed jointly with companies.

Looking at the ranking of universities in terms of the number of published patents in 2012 in Japan, the University of Tokyo came first (292), followed by Tohoku University (265) and the Tokyo Institute of Technology (191). The top ten universities account for over 30% of the number of published patents from among all universities.

The number of patents in use by universities from FY2006 and after has been increasing, rising by about 2.3 times in six years (FY2005 to FY2011). The number now exceeds 5,000. While the revenue generated from fees for patents in use has repeated ups and downs, it has increased about 1.4 times in the same 6-year period. The decrease in revenue generated by fees for patents in use in FY2011 was about 350 million yen from the previous fiscal year (down 24.5%).

1 See Part 1, Chapter 1, 1.(1)4) (Figure 1-1-10).

【Figure 2-1-17 Change in Performance such as the Number of Patents in Use at Universities in Japan】



Note:
The number of patents granted and transferred for working licensees was calculated by only checking patent rights (including rights to be received).
Source: Created by the JPO based on "FY2011 Status of Academia-Industry Cooperation at Universities" (October 26, 2012) prepared by the MEXT.

There is a possibility that a number of research results obtained by universities will be put into practical use after a long period of time and these results will be patented and become dominant in the future. The private sector has high expectations for this. Universities will need to cooperate even further with the private sector such as actively transferring information and conducting more flexible contract negotiations. At the same time, since expectations are high in terms of universities cooperating to create innovation in local areas, universities will have to play a role not only to provide seeds but also evaluate those seeds and develop human resources in the intellectual property field.

Chapter 2

Support Measures Given by the JPO

In addition to giving support on examination, the JPO has given a variety of support to users and applicants from various angles such providing information on intellectual property, terms of fees, and offering consultation.

1. Support in Terms of Providing Information on Intellectual Property

(1) Providing Information on Intellectual Property

1) Industrial Property Digital Library (IPDL)

In March 1999, the JPO launched the IPDL, which provides information on industrial property free of charge via the Internet, in order to develop a means in which information on industrial property can be more widely and easily used. Later, the INPIT took over management of the IPDL in October 2004, and the IPDL is currently accessible from the INPIT website.

The IPDL contains 93 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 appeals 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, in March 2012, the search and inquiry service of Japanese abstracts of Chinese utility models (by machine translation) was added to the IPDL.1

In October 2012, the function allowing patent documents of the EPO and the USPTO, and Chinese utility model documents, to be searched by Japanese abstracts in the official gazette text search was added to the IPDL. Moreover, in March 2013, the search and inquiry service of Japanese abstracts of Chinese patent documents was added to the IPDL, which gives abstracts of original texts that have been translated by people rather than machines. This service enables users to search Japanese abstracts by using Japanese search keywords to confirm their content.

It is essential to create an environment in which users are able to access Chinese patent documents, in Japanese, because Chinese documents in particular have increased. In response to this demand, the JPO is planning to continue to create Japanese abstracts by human translation and to provide efficient search of Chinese patent documents by granting Japanese classifications (FI, F term) to some Japanese abstracts (important fields).

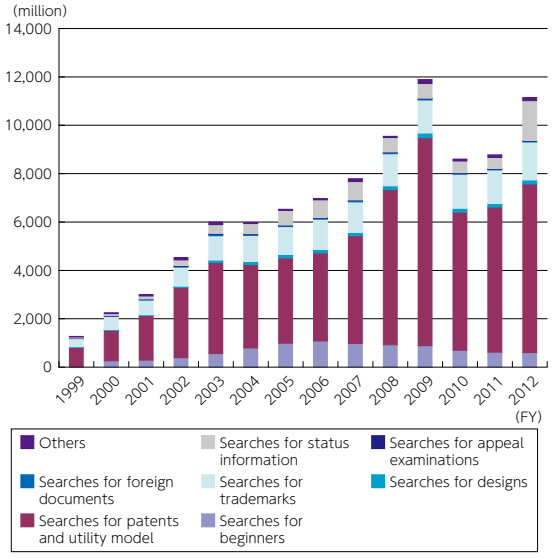
While the annual number of searches was about 12.7 million immediately after the launch of the IPDL (FY1999), the number of users has increased in line with the subsequent upgrading of services. In FY2012, the annual number of searches reached about 111.48 million (310,000 searches on average per day). However, online protection was strengthened to prevent a massive access attack and keep the site usable, and this might be one of the major factors behind the drop in the number of searches in FY2010.

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

The INPIT installed search functions 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 2-2-1 Change in the Number of Annual Searches in the IPDL】



Note: The legends conform to the search categories of the IPDL.
Source: INPIT

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 information exchanged on industrial property 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 abstract data of foreign publications in Japanese, from the information exchanged 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 information on industrial property, 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 in batches at marginal cost. This will be referred to hereinafter as "Standardized Data". Patent Abstracts of Japan[2] (PAJ) and various data created such as Japanese abstracts of US patent documents are also provided in batches to external organizations at marginal costs.[3]

These measures encourage private information service providers to enhance high value-added services and diversify the use of such services by building in-house databases in private companies and universities, for example.

- Creating and Providing Standardized Data

The creating and providing of standardized data mentioned above started when the IPDL service was launched in March 1999. The work to create the organized and standardized data was

1 There are more than 200 small and large private information-service providers in Japan.
2 Human translation of publication of unexamined patent applications in Japanese into English consisting of bibliographic data, abstracts and representative drawings.
3 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.

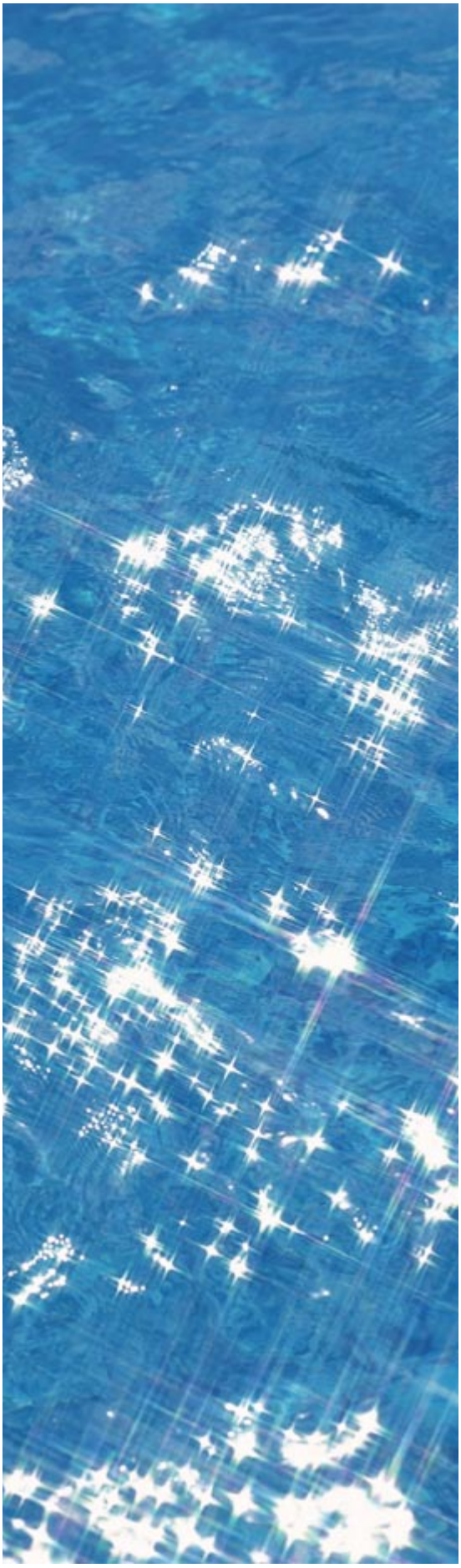
transferred to the INPIT in October 2004.

- Creating and Providing Japanese Abstracts Data

The JPO creates abstracts 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 abstract data translated from Chinese patent since March 2012.5

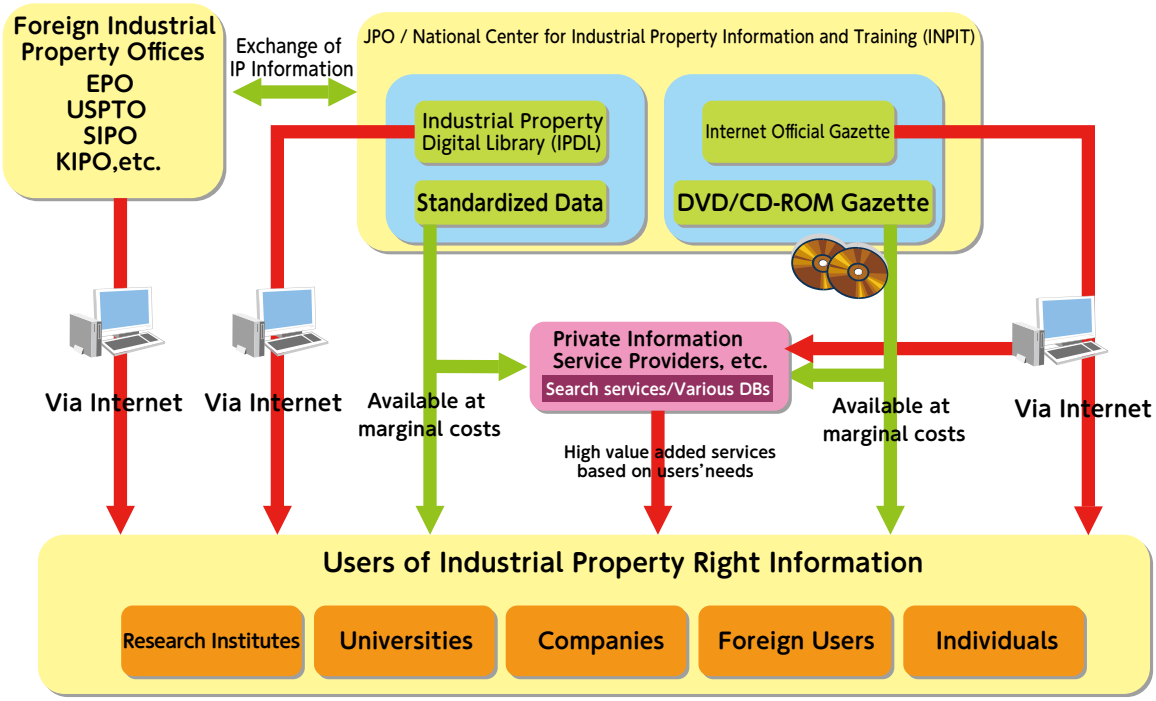
- Creating and Providing Patent Abstracts of Japan (PAJ)

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 Examination Authorities.



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).

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



(2) Patent Search Portal Site

To support applicants by enabling them to conduct appropriate and effective prior art searches, the JPO has implemented various measures, including developing the IPDL, holding explanatory meetings and search-expert seminars, enabling public use of the retrieval system for examiners, and creating the Patent Search Guidebook.

In order to respond to requests from applicants for related information supporting prior art searches, the JPO provides such in an integrated manner through its newly established portal, the "Patent Search Portal Site[1]" on the JPO's website. It started this on a provisional basis in March 2009. In response to the comments it received thereafter, the JPO launched the official portal site in June 2010. In July 2011, the layout of this portal site was reorganized so as to improve usability.

In April 2013, the JPO upgraded the content of the portal site by providing new tools which allow users to search the relationship among classifications such as FI and CPC. Moreover, the JPO has been striving to promote the use of this portal site by holding meetings where attendees can exchange opinions with external parties concerned for the purpose of supporting the use of patent searches and patent information by applicants. The JPO has received positive opinions from applicants who stated that this portal site was very helpful for in-company training and it is making use of it.

(3) Provision of Intellectual Property Information

1) IPDL Official Gazette Fixed-address Service for Universities and elsewhere.

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

◇ Number of registered universities: 299 universities (as of the end of March 2013)

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

http://www.jpo.go.jp/torikumi/chouhoyu/chouhoyu2/daigakuipdl.htm

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 (the JSTPatM ended at the end of March 2013).

3) Patent Licensing Information Database

The INPIT provides information on licensable patents on the Patent Licensing Information Database in order to support applicants in acquiring rights by means of creating new innovations and technical developments through effective utilization of patents (licensable patents) owned by universities, public research institutes and companies that are willing to transfer such patents to others.

◇ Number of registered patents: 40,405 (as of the end of March 2013) (Owned by companies: 12,157, Universities/public research institutions: 28,248)
http://plidb.inpit.go.jp/PDDB/Service/PDDBService

4) Research Tool Patent Database

In order to promote the 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, etc. It has been providing information as the Research Tool Patent Database.

◇ Number of registered patents: 662 (as of the end of March 2013) (Owned by companies: 37, Universities/public research institutions: 625)
http://plidb.inpit.go.jp/PDDB/Service/RTPatents/index.jsp

5) Intellectual Property Transaction Specialists Database

As a part of the efforts to stimulate IP trade in Japan and utilize IP information, the INPIT created a database of information on service details provided by IP trade businesses. The information has been made available on the website as the Intellectual Property Transaction Specialists Database.
◇ Number of registrations: 173 (as of the end of March 2013)
http://www.inpit.go.jp/katsuyo/db/agentsdb/

2. Support in Terms of Fees

(1) Assistance to Regional SMEs for Filing Applications Abroad

Although more and more SMEs have expanded their businesses internationally in response to economic globalization, it is important for them to acquire patent rights and trademark rights in countries where they operate in order to develop sales channels and take measures against damage from counterfeits in overseas markets. However, it is very costly for them to acquire rights overseas and this imposes a great hardship on SMEs with limited financial resources1. The JPO subsidizes part of the costs SMEs incur in filing foreign applications when they are planning to expand their businesses overseas. The JPO has been providing subsidies to the Prefectural SME Support Centers[1] since FY2008 for the purpose of promoting strategic filing of foreign applications by regional SMEs.
◇ Results in FY2012
36 Areas nationwide and support was provided in 191 cases

1 Designated corporations based on the provision of Article 7, Paragraph 1 of the Small and Medium-sized Enterprise Support Act (Act No.147 of 1963). 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.

In FY2013, the JPO also added applications for trademark registrations (trademarks against misappropriation[1]) and applications for utility model registrations to the applications eligible for subsidization as a way to counter misappropriated applications, taking into consideration the IP environment overseas surrounding regional SMEs. In case various types of support is given to one SME, the limit per company was raised to 3 million yen. As a result, the budget was raised significantly, to approximately 340 million yen (Budget for FY2012: Approximately 150 million yen). Moreover, the JPO strives to further promote strategic filing of foreign applications by regional SMEs, with plans to expand the areas of implementation to 40 areas nationwide.

(Content of project)

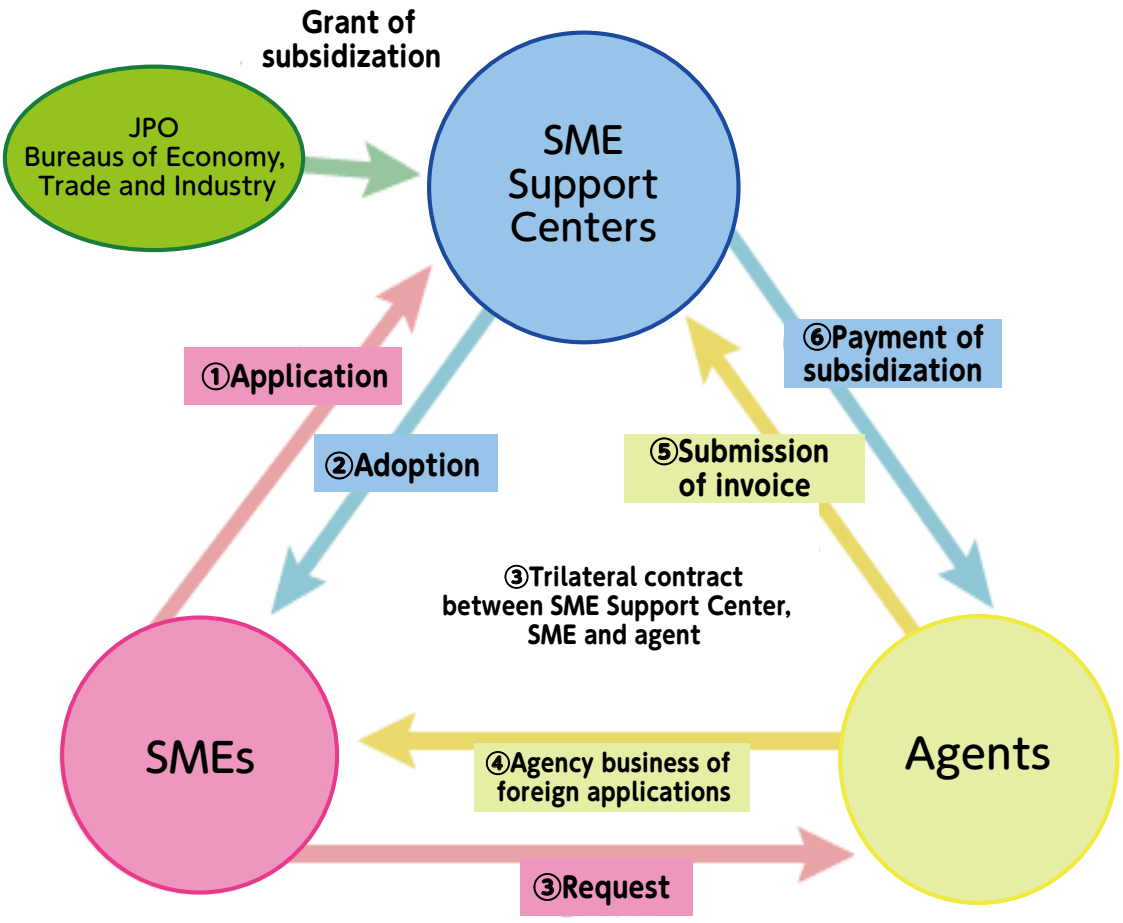
○ Ratio of subsidization: No higher than 50%

○ Amount of subsidization:

- Limit per company: 3 million yen (for multiple cases)
- Limit per case: 1.5 million yen for patents, 0.6 million yen for utility models, designs and trademarks and 0.3 million yen for trademarks against misappropriation

○ Costs eligible for subsidization: fees for local agents, national agents, translations, application to foreign Offices

【Figure 2-2-3 Scheme of Subsidization】



1 Trademarks against misappropriation: Applications for trademark registration for the purpose of measures against cunning applications by third parties (misappropriated applications).

(2) Fee Reduction / Exemption for Individuals and SMEs

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

The JPO reduces or exempts annual patent fees, etc. These are available to individuals and companies 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.[1] The fee reduction/exemption has been expanded mainly in the following fields since April 1, 2012.

a. Extension of the period of reduction for exemption from annual patent fees, etc. from 3 years[2] to 10 years
b. Abolition of the requirements for employee's inventions and the requirements for succession of requests to print out files which are the requirement for reduction of exemption from annual patent fees, etc. for SMEs (inventions transferred from other companies have become subject to the reduction and exemption)
c. Addition of individual business owners and SMEs that have been established less than ten years

Results in FY2012

○ Support based on the Patent Act

An exemption from or a 50% reduction of annual patent fees and examination request fees for individuals and companies is determined by taking into account financial resources of SMEs, etc.

- Exemption from annual patent fees: 1,493 cases
- Exemption from examination request fees: 1,933 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: 8,563 cases
- Reduction of examination request fees: 3,253 cases

(3) Fee Reduction/Exemption for Universities and TLOs

1) Reduction of Exemption from Patent and Examination Fees

The JPO reduces or exempts annual patent fees, etc. for universities and TLOs, based on the TLO Act[3], the Law on Special Measures for Industrial Revitalization,[4] and the Industrial Technology Enhancement Act to support industry-academia-government collaboration and technological transfer at universities and TLOs. The fee reductions/exemptions have been expanded mainly in the following field since April 1, 2012.

a. Extension of the period of reduction/exemption of annual patent fees, etc. from 3 years to 10 years

◇ Results in FY2012

○ 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: 604 cases
- Reduction of examination request fees: 234 cases

○ Support based on the Industrial Technology Enhancement Act

A 50% reduction of annual patent

1 Act on Enhancement of Small and Medium Sized Enterprises' Core Manufacturing Technology
2 Six years for achievements of specific R&D, etc. conducted in accordance with approved plans based on the Act on Enhancement of Core Manufacturing Technology.

3 Act on the Promotion of Technology Transfer from Universities to Private Business Operators
4 Special Measures Concerning Revitalization of Industry and Innovation in Industrial Activities

fees and examination request fees for universities and university researchers

- Reduction of annual patent fees: 1,857 cases
- Reduction of examination request fees: 3,055 cases

3. Support through Consultations

(1) 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 Centers provide the following services.

1) Persons in charge of the counters solve a wide variety of issues 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 1). This is done by utilizing IP experts such as patent attorneys and lawyers and working in collaboration with support organizations.

3) Searching for SMEs that have not utilized their intellectual property to its fullest potential, and helping them utilize their 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.

5) Support on ways SMEs can utilize IP, from the product-development stage, by making use of IP experts such as design consultants and patent attorneys who have expertise in how designs can be utilized and strategically registered during product-sales stage. (See Part 3, Chapter 2, 2.(1)).

◇ Results in FY2012
Number of consultations: 118,685

(Examples of the type of support given at the counters)

- "We received support on how to file our patent from a patent attorney at the IP Comprehensive Support Counter who specializes in the field of communications technology. This instilled confidence in us at big companies and we could proceed with business deals. Currently, we are able to sell our products to affiliate companies of business partners (a company in Tokyo).
- We are planning to conclude a licensing agreement on our products for which a national application has been filed with an overseas company. The IP Comprehensive Support Counter explained the risks involved in concluding agreements with overseas companies and gave advice on how we should expand our business in terms of forging agreements. We have successfully concluded an agreement with the said company and we are planning to conclude an agreement with another company overseas (a company in Hiroshima).
- We were advised from the SME Support Center to consult the IP Comprehensive Support Counter about filing a patent application for products developed by our company. We received support for filing patent applications through a patent attorney and advice on product designs, taking into account how we can prevent accidents by utilizing a design expert. As a result, we could file applications for patents and design registrations. They also introduced us to organization that can help expand future sales of our products (a company in Kyoto).

(2) Consultation Counters

1) Consultation on Industrial Property Rights

a. Industrial Property Right Consultation Website

The Industrial Property Right Consultation Website[1] provides basic information on industrial property rights and necessary information in the form of frequently asked questions on procedures for filing patent applications, registering trademarks, and requesting appeals and trials. This information can also be searched by keywords. In addition, the website explains how to file trademarks, which is one of the areas users most frequently-ask about, showing "easy trademark applications". Moreover, users can download the latest documents related to procedures such as various application forms (samples of forms) and examples of descriptions.

Users can directly contact the Consultation Counter by completing an online form when they have questions that cannot be solved by visiting the website.

◇ Results In FY2012
Number of access; 329,189

Industrial Property Right Consultation Website Top Page

1 http://faq.inpit.go.jp/

b. 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.[1] The counseling is offered in person or by e-mail, telephone, or letter.

◇ Results in FY2012

Number of consultations: 32,019

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[2].

◇ Results in FY2012

Number of consultations: 8,163

4. Support by Experts

In order to achieve the sustainable development of Japanese industries and maintain their international competitiveness based on intellectual property rights, it is necessary to efficiently advance the creation of innovation. So IP strategies are very important to strategically protect and utilize IP that has been created. Based on this, the JPO and the INPIT provide companies and universities with support for IP management by assigning experts in the right places.

(1) Global Intellectual Property Producer Project

When companies operate globally, the overall managing of IP such as responding to IP risks and utilizing IP, including licensing, is necessary in accordance with the ever-changing business environment. To this end, six experts with abundant experience working overseas in the field of IP in private companies, have been assigned as Global Intellectual Property producers at the INPIT since FY2011. They provide SMEs with management support in various areas such as acquisition, management and utilization of intellectual property rights and formulation of IP strategies, in accordance with the circumstances and systems in target countries where SMEs are operating businesses, in line with the purposes and contents of their business.

In FY2012, the INPIT expanded its collaboration with organizations supporting overseas expansion of SMEs by strengthening collaboration with the Organization for Small & Medium Enterprises and Regional Innovation, local governments, and financial institutions.

As a specific example of support, Global Intellectual Property producers (based on requests from SMEs) provide companies planning to launch or expand their businesses overseas with advice on various IP risks based on the circumstances in target countries where they intend to operate. Global Intellectual Property producers provide direct support on the acquisition of intellectual property rights in accordance with business operations/launches. For example, they make sure that Companies acquire intellectual property rights before they participate in trade fairs and exhibitions. They also show way to make profits with acquired rights, and deal with issues concerning international agreements related to confidentiality, joint/commission development, and licensing.

Moreover, Global Intellectual Property producers are invited as lecturers at seminars on how to utilize IP in overseas business operations.

◇ Results in FY2012

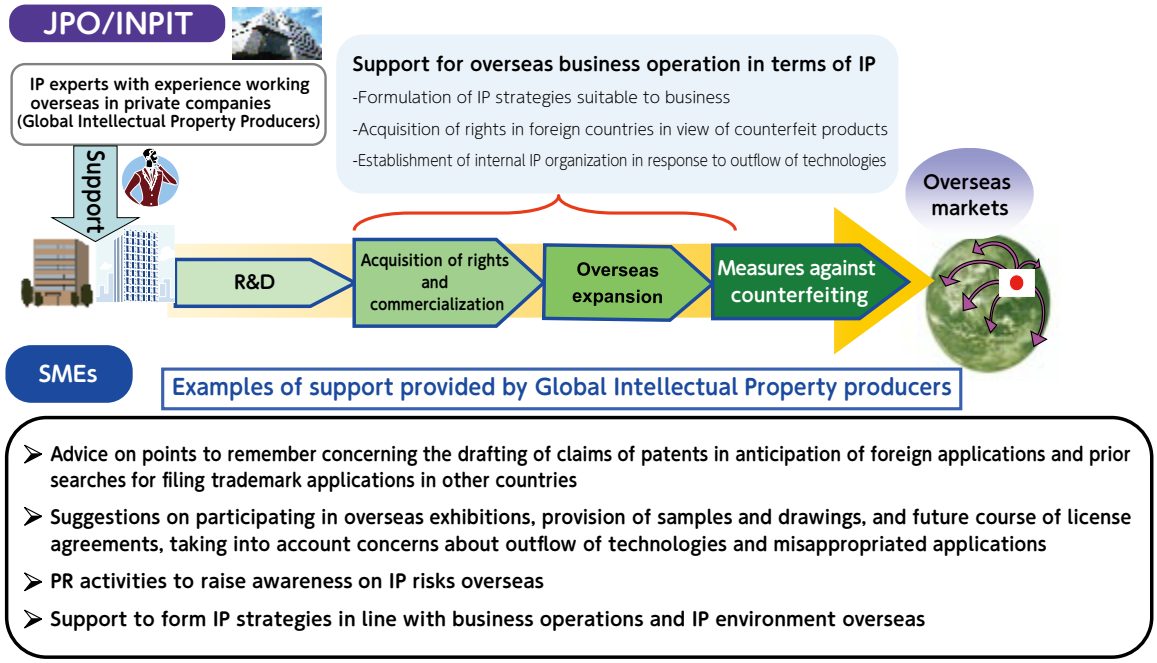
Number of organization that received support: 191 companies and universities

Number of lectures: 86 times

1 http://www.inpit.go.jp/consul/consul_about/index.html

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

【Figure 2-2-4 Global Intellectual Property Producer Project】



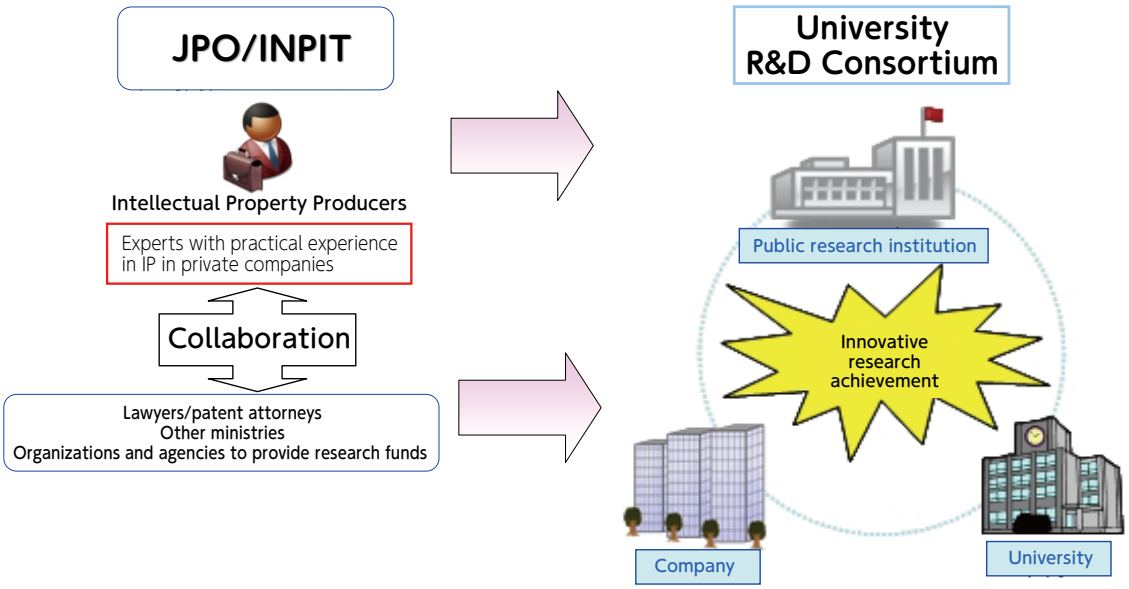
(2) Intellectual Property Producer Project

Since FY2008 the JPO had been sending Intellectual Property Producers, who are experts with practical experience in the IP departments of their companies or research institutions, on a pilot program to support projects at R&D consortiums formulate strategies for effectively using research achievements. This was done with a view toward commercialization, from the earliest stages, giving consideration to the creation, protection and utilization of IP. They assist projects at R&D consortiums to which public funds have been invested. Since FY2011 the INPIT has been sending experts also to R&D projects at universities to which public funds have been invested.

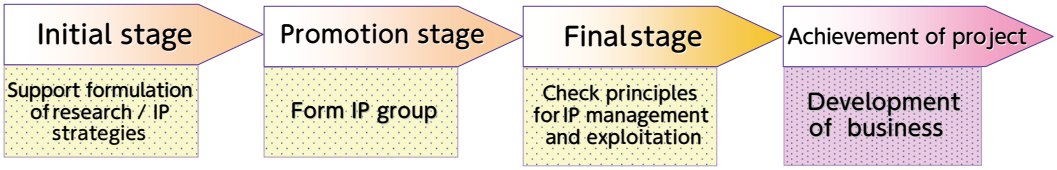
◇ Results in FY2012

Intellectual Property Producers were sent to 21 projects

【Figure 2-2-5 Example of Duties of Intellectual Property Producer】



○ Outline of Intellectual Property Producer Project



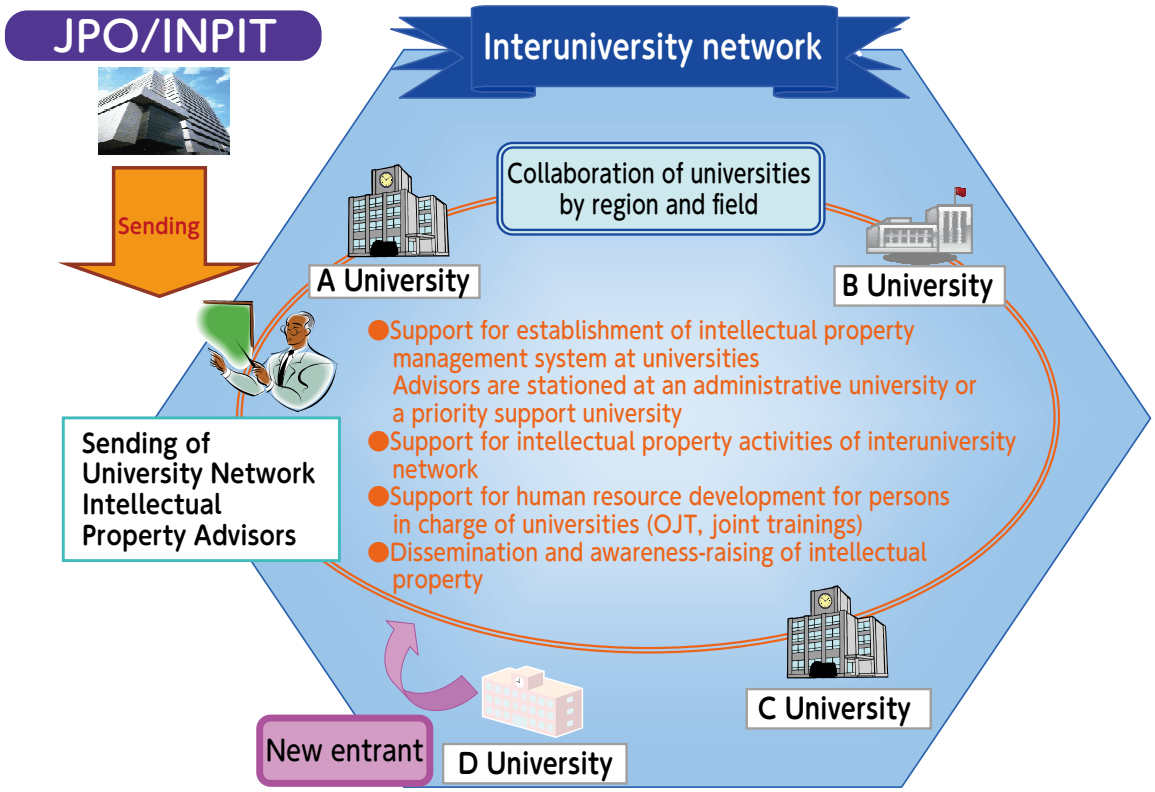
(3) Project for University Network Intellectual Property Advisor

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 sending 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 sent 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 FY2012, University Network Intellectual Property Advisors were sent to nine networks (total of 74 universities). Since FY2013, the JPO has started to send an Adviser to a network of life science universities.

【Figure 2-2-6 Outline of University Network Intellectual Property Advisor Project】



5. Activities for Raising Awareness on Intellectual Property 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 want to start learning about intellectual property rights or who have limited experience in IP.

In addition, the JPO's Advanced Explanatory Meeting provides content specialized by field, including 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.

◇ Results in FY2012
Introductory Explanatory Meeting: 56 times in total in 47 prefectures
8,078 persons participated in this meeting
Advanced Explanatory Meeting: 59 times in total in 19 cities and 20 places nationwide
16,325 persons participated in this meeting
* No Legal Amendment Explanatory Meeting was held

【Figure 2-2-7 Content of lectures at Explanatory Meeting on the Intellectual Property System】

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)

FY2012 Explanatory Meeting on the Intellectual Property Systems

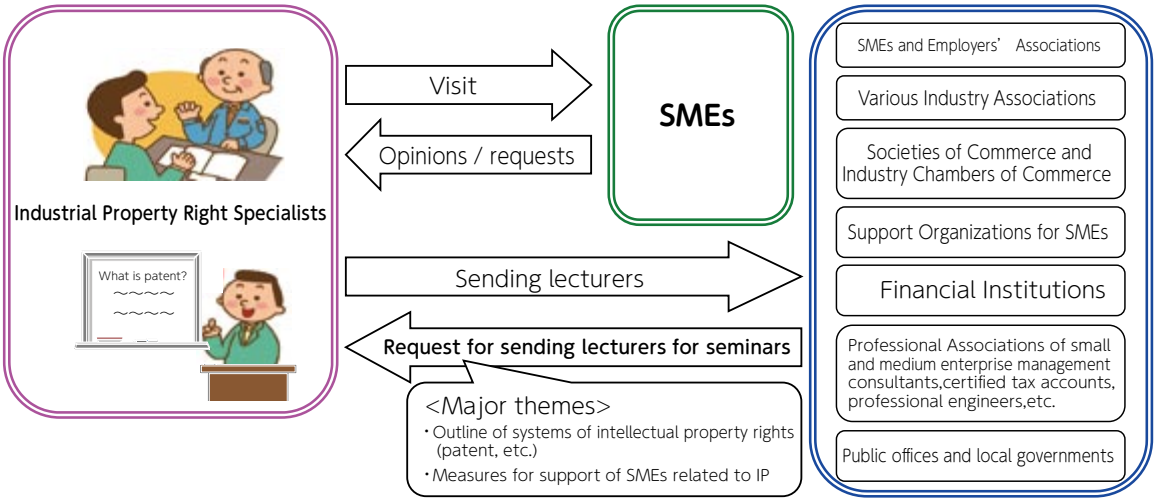
2) Industrial Property Right Specialists

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.

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 FY2012
Visits to SMEs to provide individual counseling: 258
Lecturers at intellectual property seminars and training sessions: 130 seminars/sessions
Awareness-building promoted through exhibitions, etc.: 12 exhibitions

【Figure 2-2-8 Duties of Industrial Property Right Specialists】



3) Consultation on the Intellectual Property Rights Systems of Other Countries

The JPO provides consultation to SMEs, advising action they should undertake to combat industrial property infringement, and explaining the industrial property rights systems in other countries.

In FY2012, the JPO held explanatory seminars in Tokyo, Nagoya and Osaka on the industrial property rights systems of Brazil, Korea and the United States; and on the United States in Sapporo and Fukuoka.

◇ Results in FY2012

- Number of consultations: 197
  (infringement countermeasures)
  690 (systemic consultation)
- Number of explanatory meetings on systems: 11
  Total number of participants: 1,792

Seminar on the Unites States held in Tokyo

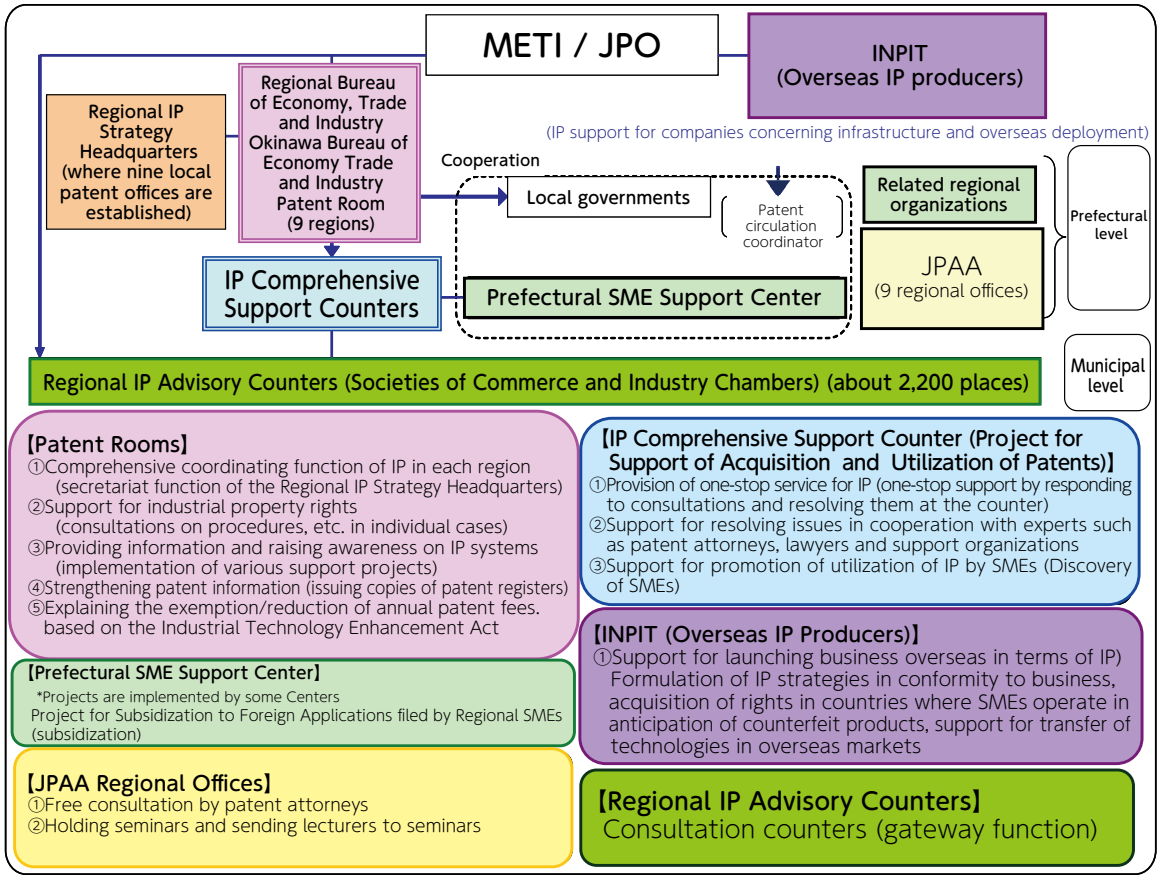
Seminar on Brazil held in Osaka

6. Regional Support System

The JPO, in cooperation with local governments, is working to raise awareness in regional SMEs on intellectual property and promoting the use of the intellectual-property system. 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 Comprehensive Support Counters[1], 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 Regional Headquarters for Intellectual Property Strategy in nine regions, which fall under the jurisdiction of Regional Bureaus of Economy, Trade and Industry. The Headquarters provide 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 Internet and mail magazines.

【Figure 2-2-9 Regional Support System】



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

7. Development of Human Resources Related to Intellectual Property

(1) 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 skills.

a. Training for 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 of 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.

b. Practical Training Prior to the Patent Attorney Registration

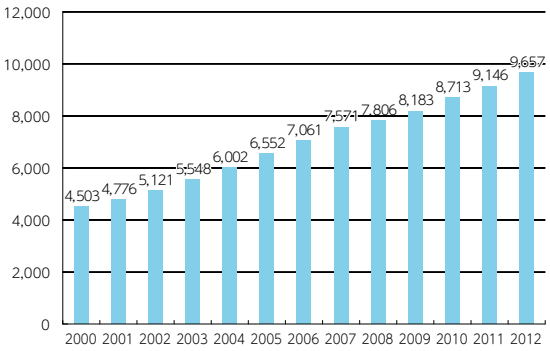
In general, the acquiring of qualifications by individuals in society ensures that the rights of citizens and the safe conduct of transactions can be ensured as a result of these individuals being certified as specialists capable of providing reliable services. Accordingly, there is public demand to further ensure and improve the skills of these professionals. Under the aim of ensuring the necessary, professional abilities of those who have passed the patent attorney examination, it has been made mandatory for these persons to complete practical training provided by an organization designated by the Minister of Economy, Trade and Industry ("Designated Training Agency") before they can be registered as patent attorneys .

c. Continuing Training for Registered Patent Attorneys

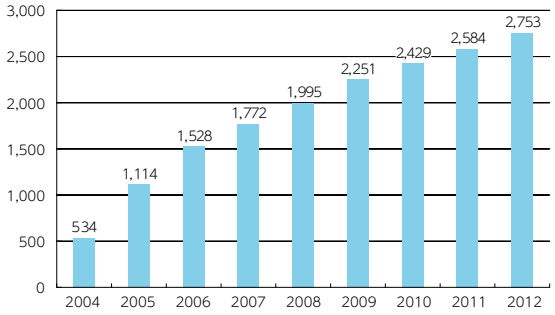
In order to respond to changes surrounding intellectual property such as the economic globalization and the progress being made in the intellectual property management in companies, patent attorneys need to accurately understand the latest circumstances and acquire advanced and diversified capabilities. In view of these needs, patent attorneys are required to participate in specialized training ("Continuing Training") on a regular basis to maintain and improve their skills.

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.

【Figure 2-2-10 Change in the Number of Patent Attorneys】



【Figure 2-2-11 Change in the Number of Patent Attorneys Admitted to Act as Counsel in Specific Infringement Lawsuits】



Notes:
1. Number as of the end of December 2012.
2. A patent attorney who has completed the training course to gain the knowledge and practical skills required as counsel and has passed the Specific Infringement Lawsuit Counsel Examination may act as counsel upon completion of the supplementary note registration to be qualified as such by the JPAA. (Note that those patent attorneys can act as counsel only in specified infringement lawsuits in which attorneys-at-law are also hired by the same client.)
Source: JPAA

【Figure 2-2-12 Number of Patent Attorneys and other IP-specialized Professionals in Japan and the US】

Japan
Patent attorneys: 9,644 (registered attorneys-at-law among them:359)

United States
Patent attorneys[1]: 30,870 Patent agents[2] : 10,623

Notes:
Japan: Number as of the end of March 2013
United States: Number as of the end of April 2013
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 "search expert training" in 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 FY2012
Total number of participants: 127

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 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 FY2012
Total number of participants: 28

c. Training for SMEs and Venture Companies

It is important for SMEs and venture companies, which create the fundamental technologies on which Japanese industry is based and which 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 on ways to utilize intellectual property rights" to managers of SMEs and venture companies, and personnel in charge of intellectual property under the aim of raising their awareness and knowledge on how to exploit intellectual property rights and patent information. There are two courses: Course for Discussing Ways to Utilize IP; and the Course of Conducting Searches.
◇ Results in FY2012
Total number of participants: 71

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 FY2012
Total number of participants: 191

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 "Patent Search Practice Training" in collaboration with universities.
◇ Results in FY2012
Total number of participants: 24

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.

IP e-learning top page

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 http://www.inpit.go.jp/jinzai/ipe_learning/index.html
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).

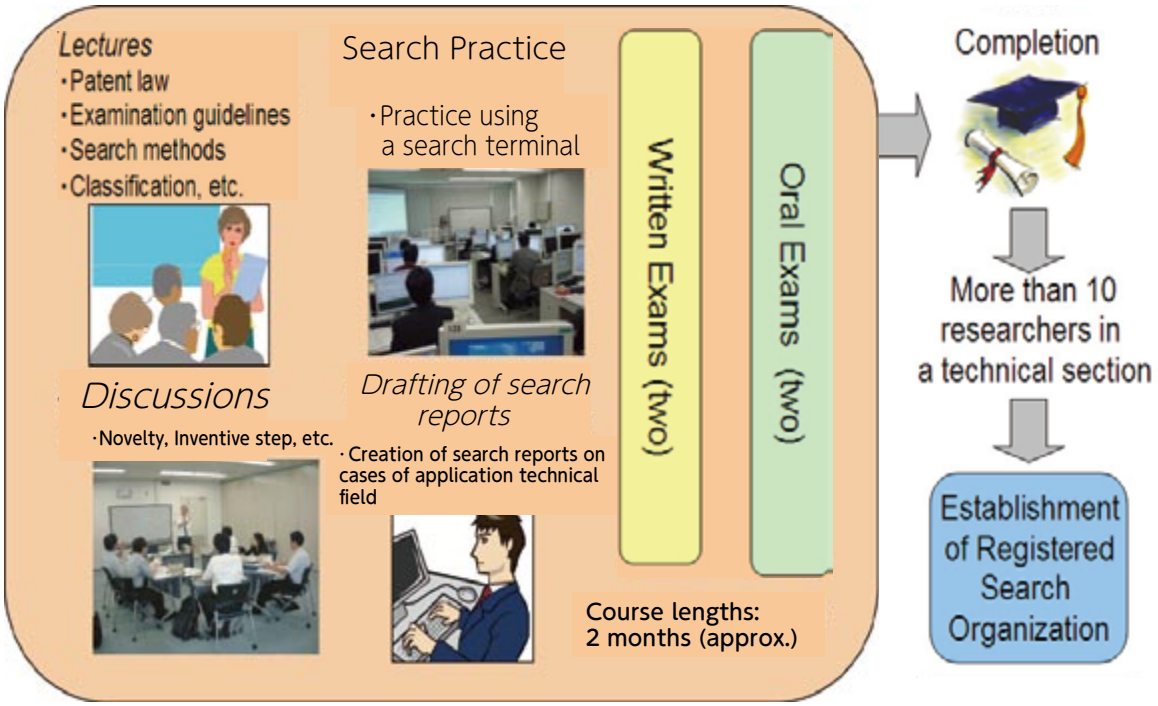
The steady training of searchers performing highly accurate prior art searches is particularly important to ensure speedy patent examinations.

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 FY2012

Total number of participants: 696

【Figure 2-2-13 Outline of Training for Searchers】



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,[1] " 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.

In FY2012, the Intellectual Property Education Promotion Conference hosted seminars three times under the theme "Global Human Resources who Utilize Intellectual Property" for the purpose of presenting an image of IP human resources required in the future and introducing methods of developing leading IP human resources, thereby contributing to the development of IP human resources in line with the times.

6) Cooperation with Intellectual Property Human Resources Development Organizations Overseas

The INPIT has collaborated and cooperated with intellectual property human resources development organizations overseas due to an increasing need for international cooperation in intellectual property human resources development.
The INPIT regularly holds meetings with the CIPTC (China Intellectual Property Training Center), and IIPTI (International Intellectual Property Training Institute) to discuss human resources developing projects. The INPIT has advanced specific cooperative measures. For example, the INPIT concluded a memorandum of cooperation (MOC) to exchange information on training curriculum and implement training to develop intellectual property human resources, in collaboration with the two organizations.

In FY2012, as a specific measure, the INPIT exchanged e-learning materials with the CIPTC, which was created by the two organizations. The materials on the Chinese patent system were made widely available to the public through IP e-learning provided by the INPIT.

Moreover, in September 2012, the INPIT sent lecturers to China to hold the "Second Collaboration Seminar" under the theme "Amendment of Patent Law in FY2011" for parties concerned of IP in companies, patent attorneys and examiners in China.

Furthermore, as a specific cooperating measure between the INPIT, IIPTI and CIPTC, lecturers were sent to China from the INPIT in September 2012 to hold the "First Japan-China-Korea Collaboration Seminar" under the theme "E-learning Provided by Three Organizations" for persons in charge of IP in administrative organizations and parties concerned of IP in companies in China.

1 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 2-2-14 Meetings with IIPTI and CIPTC held in FY2012】

Meeting	Place and period	Outline
Sixth Japan-China Human Resources Developing Organizations Collaboration Meeting	September 2012, Beijing	The two organizations exchanged opinions on their projects for developing IP human resources and agreed to hold the 3rd Japan-China Collaboration Seminar in FY2013 in Japan. They also exchanged e-learning materials.
Third Japan-China-Korea Human Resources Developing Organization Directors' Meeting	September 2012, Beijing	The three organizations exchanged opinions on their projects for developing IP human resources and agreed to advance specific cooperating measures between them such as the holding of a seminar for parties concerned of IP held at the same timing as the annual meeting and exchange of training texts and e-learning materials.

(2) Human Resource Development for Students

1) Project for Promoting Creativity and Practical Ability and Exploitable 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 at 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, "practical ability" that enables them to realize such plans and suggestions in the rule of the real world, and "exploitable ability" that enables them to turn creative ideas into exploitable forms in 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. This program started in FY2000, and in FY2012, the number of schools that participated in this program reached 100. Moreover, in FY2012, an exhibition of achievements and a presentation of achievements were held at the 22nd National Industrial Education Fair in Okayama with the participation of 21 schools, and a booth for the "project for developing creativity, practical ability and exploitable ability related to intellectual property" set up.

2) Patent Contests and Design Patent Contests

The JPO, together with the MEXT, the Japan Patent Attorneys Association, and the INPIT, 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 or designed.

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 or designs. 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 or design rights.

- Advice from patent attorneys (the organizer bears the cost)
- 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 150 innovations out of 2,402 have been selected to receive support to file patent applications, with 80 actually being given patents (as of the end of April 2013). As for the Design Patent Contests, which started in FY2008, 130 applications out of 645 have been selected to receive support to file design registration applications, with 92 actually being given designs (as of the end of April 2013).

The Patent Contest and the Design Patent Contest Submitted poster

Part 3 —— Government Efforts in

Intellectual Property Activities

Chapter 1
Efforts Related to Patents

The JPO has made various efforts to achieve its long-term target, which is reducing first action (FA) pendency to 11 months by FY2013. The landscape 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 such as China and Korea, and continuing active discussions about formulating a common patent classification based mainly on the Japanese classification system (FI/F term) and the cooperative patent classification (CPC). The needs of users for expediting patent examination and ensuring stable rights worldwide have been growing greater by year.

This Chapter introduces various efforts Japan is doing to expedite patent examination for achieving its long-term target of reducing FA pendency to 11 months by FY2013, efforts to ensure that applicants can acquire stable patent rights, efforts for international work sharing to deal with overlapping applications associated with globalization, and specific efforts to achieve future patent strategies.

1. Efforts to Speed-up Patent Examination

The period of time to request 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, thereby prolonging FA pendency. Amid increasing concern about the prolonged FA pendency, the "Intellectual Property Strategic Program 2004" formulated by the Intellectual Property Strategy Headquarters in 2004 made FA pendency by 11 months, as a target in FY2013. 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 project", all under the aim of speeding up examinations. As a result, the number of patent backlogs decreased to 319,274 as of the end of 2012, and the FA pendency was also shortened to 16.1 months as of the end of FY2012[1]. On the other hand, the JPO has offered "accelerated examination" and "super accelerated examination" in order to meet the needs of applicants who require 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.

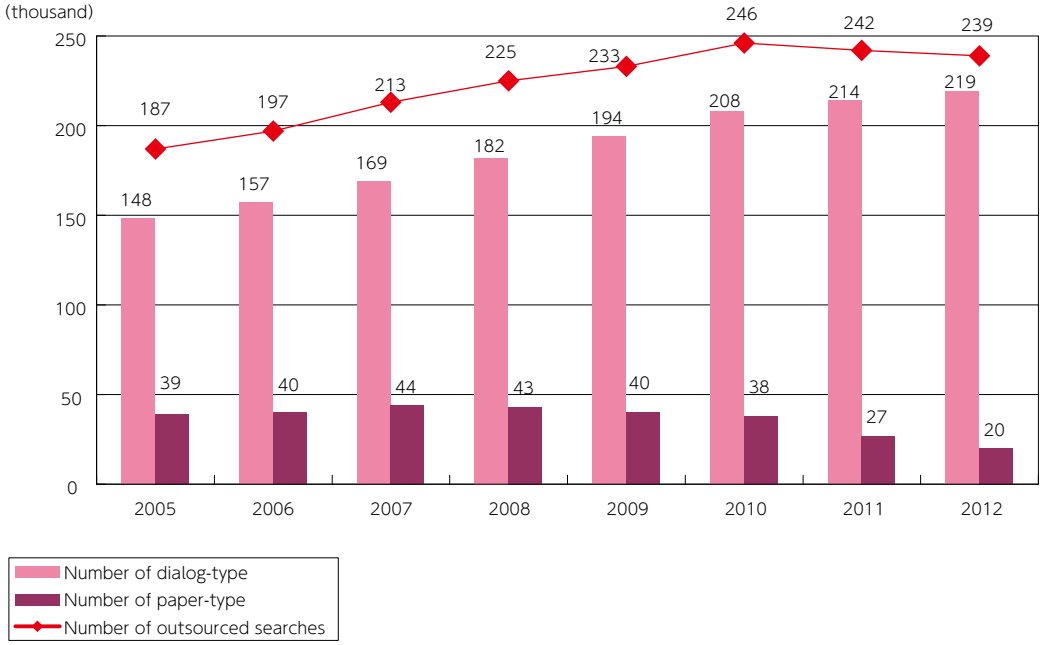
1 See Part 1, Chapter1, 1(1)3

(1) Method to Expedite Patent Examination

1) Increasing and Enhancing Outsourcing of Prior Art Document Searches

The number of prior art document searches outsourced in FY2012 decreased by 1.2% to 239 thousand due to the decrease in the number of patent backlogs, of which dialogue-type[1] outsourcing, with a high level of examination efficiency, was done in comparison with paper-type[2] outsourcing, which accounted for 92 % , or 219 thousand searches. (The figures in FY2011 were 89% and 214 thousand searches, respectively.). This shows an increase in dialogue-type outsourcing to the private sector and an improvement in efficiency. It is expected that examination efficiency will further improve through the JPO making use of dialogue-type outsourcing. The number of registered search organizations in charge of prior art searches is ten as of April 1, 2013 with Kosaido Co., Ltd being the latest to be registered in field 37(video equipment), in August 2012.

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



1 "Dialogue-type" outsourcing is a way of outsourcing by which the patent examiner receives a report on the prior art search result from the searcher, not only in writing but together with an oral presentation by the searcher based on the report. This is done in order to raise the understanding of the examiner on the details of the invention and prior art documents.

2 "Paper-type" outsourcing is a way of outsourcing by which the results of prior art document searches are reported by only providing applicants paper-based search reports.

Among the existing organizations, Techno Search, Inc. has started operations in field 16 (textile wrapping machinery) since April 2012. Technology Transfer Service Corp. works in field 31 (e-commerce). Pasona Group Inc. works 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) and field 32 (interface). Koga Research Institute Inc. works in field 37 (video equipment). This means that in FY2012, four registered search organizations started operations in 10 fields

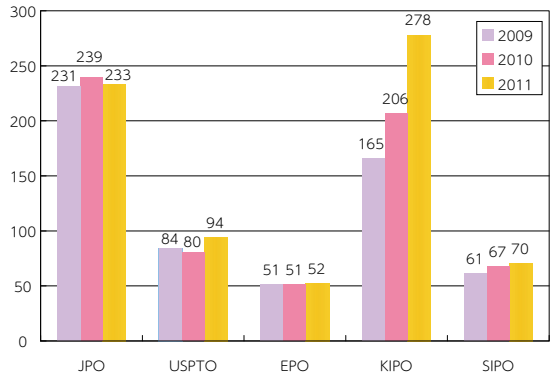
In addition, with the aim of expanding the range of technical fields that can be outsourced, Techno Search, Inc. was also registered in field 20 (inorganic chemistry); Technology Transfer Service Corp. in field 18 (heat appliances); Advanced Intellectual Property Research Institute Co., Ltd. in field 3 (material analysis), field 36 (digital communications) and field 37 (video equipment); Pasona Group Inc. in field 8 (amusement), field 17 (living appliances), field 22 (metal electrochemistry), field 31 (e-commerce) and field 35 (telephone communications); and Koga Research Institute Inc. in field 20 (inorganic chemistry); and Mirai Intellectual Property and Technology Research Institute Co., Ltd in field 34 (transmission system) and field 35 (telephone communications). Kosaido Co., Ltd., which was newly-registered in 2012, was registered in field 5 (optical devices), field 17 (living appliances) and field 18 (heat appliances). As a result, each registered organization is able to address wider technical fields. Therefore, these organizations are expected to be able to flexibly respond to the latest trends in application filings

2) Ensuring the Necessary Number of Examiners

The JPO, before offices in other countries, introduced a paperless system for handling patent procedures. This system starts from the filing of an application up to the decision making by examiners. In addition, the JPO was the world's first office to outsource prior art document searches to private sector organizations (those 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 2.5 times as much as that of the USPTO, and about 4.5 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 FY2013 and onwards, and be capable of promptly granting stable rights in response to users' needs.

【Figure 3-1-2: 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: Created by JPO

【Table 3-1-3 Change in the number of patent examiners】

FY	2008	2009	2010	2011	2012	2013
Regular examiners	1,190(+15)	1,202(+12)	1,213(+11)	1,221(+8)	1,223(+2)	1,211(-12)
Fixed-term examiners	490(+98)	490	490	490	490	490
Total	1,680(+113)	1,692(+12)	1,703(+11)	1,711(+8)	1,713(+2)	1,701(-12)

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 for inventions that have already been put into practice or are planned to be put into practice within two years (working-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 that are expected to put their results to work for the benefit of 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 recovery from the disaster so that technologies necessary for business activities may be protected and utilized in an expeditious manner. In addition, the system has also targeted inventions relating to results of R&D projects approved based on the Act on Special Measures Concerning the Promotion of R&D Projects, etc. by Specific Multinational Companies (Act on the Promotion of Asian Site Location in Japan) enacted since November 2012 on a pilot-program basis to have global companies establish R&D centers in Japan.

The number of applications filed using this system has been increasing year by year. The number was 14,717 in 2012. In 2012, the average FA pendency for applications under the accelerated examination system was about 1.9 months, much shorter than the average for ordinary applications.

2) Super Accelerated Examination System

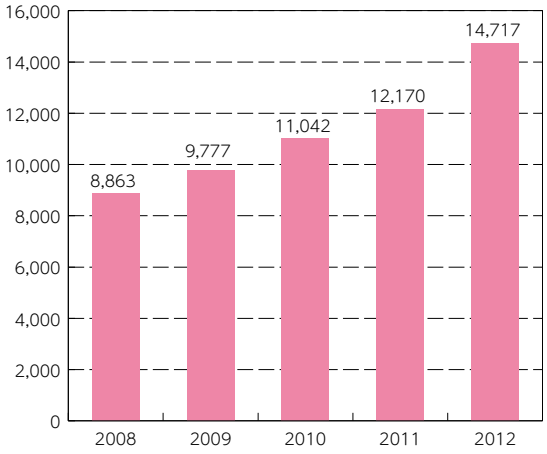
The JPO introduced the Super Accelerated Examination System on a pilot basis. Under this system, applications are examined more quickly than under the conventional accelerated system. This system targets more important applications that must meet two requirements: 1) "working applications" and 2) "internationally filed applications".

The basic outline of the super accelerated examination system calls for the first action to be finished within one month from the time the applicants file petitions for super accelerated examination (The length of time is within two months in principle for DO applications[1].), with subsequent examination[2] also to be finished within one month from the submission of the written opinion/amendment. This system, compared with the conventional accelerated examination system, reduces the length of time that applicants have to wait to receive final decisions.

There were 471 petitions for super accelerated examination in 2012. In 2012, the average FA pendency for applications under the super accelerated examination system was about 0.9 months from the time applicants filed their petitions. In addition, the average period of time that applicants had to wait to receive final decisions was about 2.1 months in 2012, much shorter than the average for applications filed using the conventional accelerated system (about 5.0 months).

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.

【Figure 3-1-4 Change in the Number of Applications Filed under the Accelerated Examination System】



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 needs of users by ensuring efficient and secure acquisition of rights through smooth communications with

the examiners during the examination procedures.

This section introduces efforts that the JPO is undertaking to ensure quality control and amend examination standards so that stable rights can be acquired. It also reports on efforts the JPO is making to support applicants in acquiring rights based on their needs.

(1) Efforts in Response to Users' Needs

1) Interview Examinations System

The JPO has established an interview examinations system that is used to ensure good communication is made possible between examiners and either the applicants or their attorneys.

This system, as a result, increases the efficiency of the examination procedure (There were 4,700 interview examinations conducted in 2012.).

For SMEs, venture businesses, universities and TLOs in rural areas, the JPO has started circuit interview examinations. These are examinations conducted by examiners who visit specific interview sites located nationwide in rural areas, meet applicants directly, and consult with them about their applications and the technical content. In 2012, the JPO conducted a total of 865 circuit interview examinations. Moreover, the JPO also has conducted video-interview examinations using a teleconferencing system. In addition, the teleconference system was upgraded in April 2013 to allow video-interview examinations to be conducted via the Internet. This new teleconferencing system allows an applicant conduct a video interview using his/her own computer connected to the Internet, without the need for special equipment or software. The applicants, agents and examiners are all able to take part in a video conference at the same time from up to ten places.

2) Estimated Period for Initiating Patent Examination

In order to enable applicants and their attorneys to strategically manage their applications, the JPO provides them an estimate as to when the examination process for their applications will be completed. The JPO does this for applicants whose 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 estimate, the JPO hopes 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.

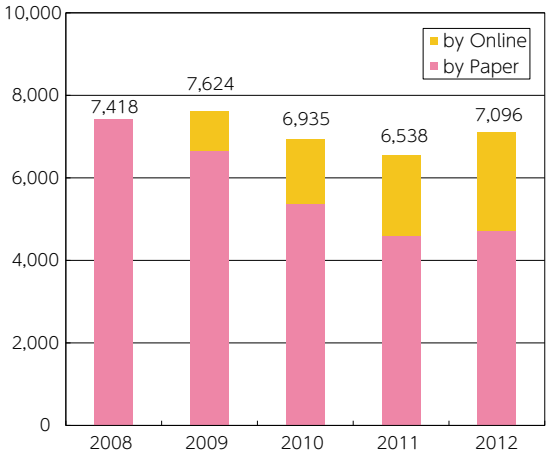
This system has been expanded so that third parties can also inquire time estimates, enabling them to make use of the "information submission system".

3) Information Submission by Third Parties

The "information submission system", which can be used by third parties, makes it possible for the JPO to accept information from third parties, which is useful 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). The JPO started to accept information submissions on-line from January 2009, and its use has been increasing year by year. In 2012, 7,096 items of information were submitted.

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.

【Figure 3-1-5 Number of Cases of Information Submission】



(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 competition in filing 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 growing stronger.

Various discussions have been advanced, making it possible for the results of prior art searches and examinations conducted by each Officess to be reused by other Offices, thereby promoting international work sharing. A common issue at each Office is to improve their framework and procedures of the patent examination for achieving high-quality patent examination.

Under these circumstances, the Trilateral Offices (EPO, JPO, USPTO) have been conducting a collaborative study on metrics relating to the quality of international search reports since 2011, as a part of their cooperative activities. The IP5 Offices and the WIPO will work together in 2013 and onward to develop PCT metrics to overview the entire PCT system.

In addition, the Offices exchange information on specific situations and improvements of the "quality management system[1]" ,which each international searching authority or international preliminary examination authority is required to establish, at the Meeting of International Authorities under PCT (PCT/MIA) and the PCT working group. They also discuss the methods for maintaining and improving the quality of international searches and international preliminary examinations conducted by each International Search Authority and International Preliminary Examination Authority.

2) Efforts Concerning Examination Guidelines

From November 2012 to January 2013, the eighth and ninth meetings of the WG on the Patent Examination Standards, supervised by the Patent System Subcommittee under the Intellectual Property Policy Committee of the Industrial Structure Council, were held to deliberate the examination guidelines in terms of the "Requirements of Unity of Invention" and the "Amendment that changes a Special Technical Feature of an invention" .[2] Based on the results of the deliberations, the draft of the revised examination guidelines were prepared. Basic principles are that "the determination of the requirements of unity of invention" , "the decision of the subject of the examination" , and "the determination of whether or not an amendment changes a special technical feature of an invention" will not be made in an overly strict manner

1 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 conducting customer surveys.

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

by taking into account the purport of the requirements of unity of invention and the purport of introducing a provision for prohibiting an amendment that changes a special technical feature of an invention. The JPO noticed the draft and invited public comments in March 2013 for revising the examination guidelines. The revised examination guidelines were confirmed and publicized in July 2013 based on the results of these public comments.

3) Promoting Quality Control of Patent Examination

In order to fulfill requirements on the quality of patent examinations from users such as applicants, it is important for the Art Units conducting examinations to uphold quality control activities[1] in order to achieve the level of quality required by users.

The JPO has been maintaining the 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.

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

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

a. Quality Control at Art Units

The Art Units that examine applications in all the technical fields, work to achieve quality control in order to conduct proper examinations of individual cases based on following the Examination Guidelines. This is done by having several examiners consult with each other (in FY2012 about 60,000 consultations) and having directors check their work, etc.

In particular, in FY2012, consultations by examiners on about 2,600 PCT international applications were conducted by setting out uniform viewpoints on the appropriateness of determinations and prior art searches. As a result of these consultations, the quality of international search reports improved based on the knowledge shared by examiners. Moreover, examiners shared each other's view of the standards for determination and knowledge on related technologies in an effective manner.

b. Collection and Utilization of Quality Related Information

The JPO endeavors to collect information related to quality. For example, in the JPO, third parties review the examination results of individual cases, gather user reviews, and analyze related statistical information.

In FY2012, in-process type sample checks on search and examination results were conducted by some Art Units on a pilot basis for the purpose of enhancing the internal review system. These sample checks are characterized in that they are conducted on the premise that checkers conduct prior art searches again where necessary and that when deficiencies are found, they correct them prior to dispatch. Twelve experienced examiners were assigned as checkers in this pilot program. They checked about 400 cases that had been handled by about 100 examiners. Based on the result, the JPO discussed the future direction of check systems.

Moreover, in FY2012, 2,400 internal reviews on formality matters[1] of written notices of reasons for refusal were made. Also, The JPO conducted analysis on files for which decisions made in the international phase by the JPO and national phase by one of designated offices to identify causes of discrepancies.

A variety of information related to quality on these efforts is utilized to discuss measures for improving the quality of examinations at sections concerned, and is feed back to the Art Units in order to support quality control in all the Art Units.

c. External Efforts

The JPO conducted a comprehensive survey on the degree of satisfaction targeting Japanese companies and attorneys (675 entities). The amount of user evaluations gathered in 2012 was increased compared to previous years with the aim of identifying users' needs more accurately. The JPO analyzed the collected details of the user evaluations and reported about them on the JPO website[2].

Furthermore, the JPO has been regularly holding meetings to exchange opinions with users. At these meetings, the JPO explains the outline of its efforts to maintain and improve the quality of the patent examination processes and asks to cooperate by 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 management system.

1 Matters that can be determined only by written notification of reasons for refusal such as errors in the grounds of reasons for refusal.

3. Efforts for International Work Sharing

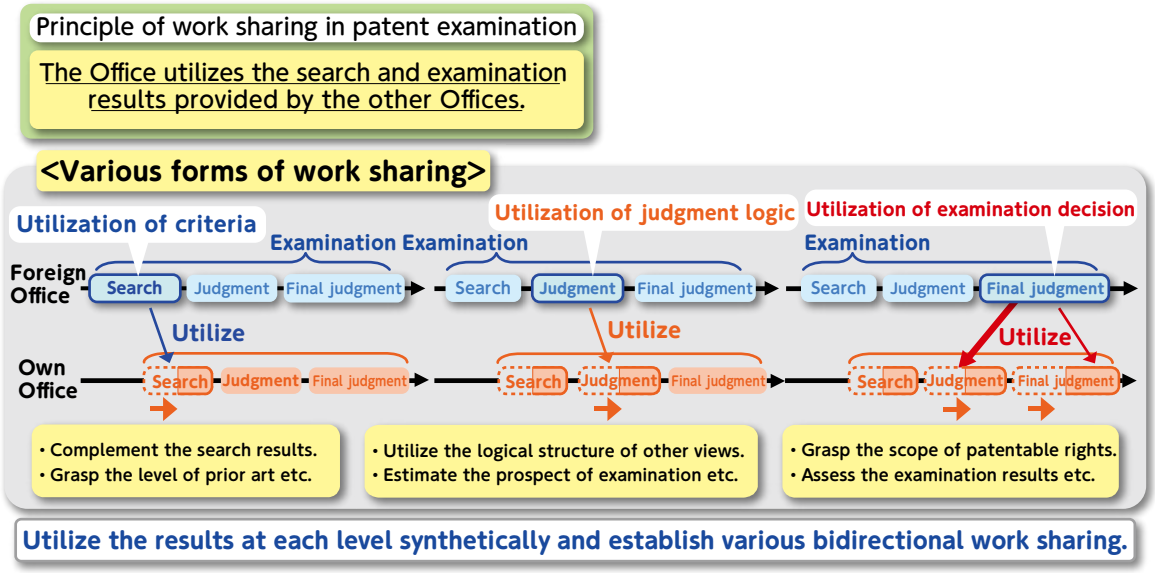
Following the global increase in the number of patent applications being filed in line with the ongoing globalization of economic and business activities and the increasing importance of Intellectual property along with such globalization, the number of duplicate applications* is increasing. In line with this, the examination workload at all offices 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 in which applicants can strongly protect their intellectual property worldwide.

*Duplicate applications means applications for the same invention being filed in multiple offices.

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 the offices to release their search and examination results as soon as possible 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)).

【Figure 3-2-8 Concept of Work Sharing in Patent Examination】



(1) Patent Prosecution Highway (PPH)

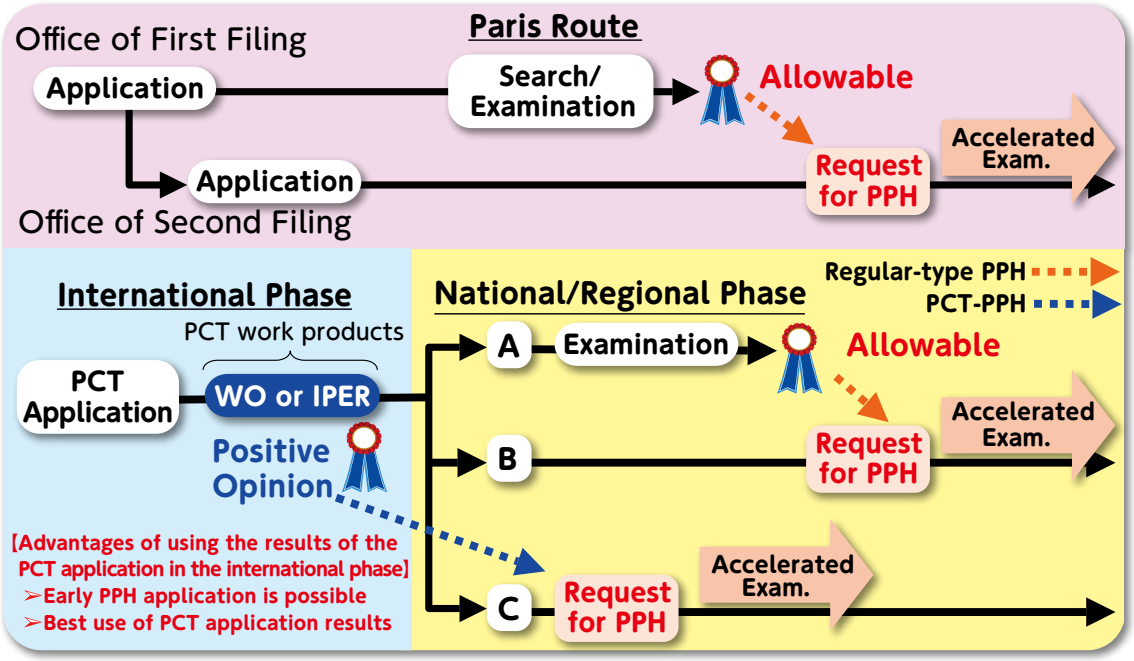
The Patent Prosecution Highway (PPH) is a framework set up to allow an application that was determined to be patentable in the Office of First Filing (the office with which the applicant first filed the patent application), to be given an accelerated examination under simplified procedures in the Office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

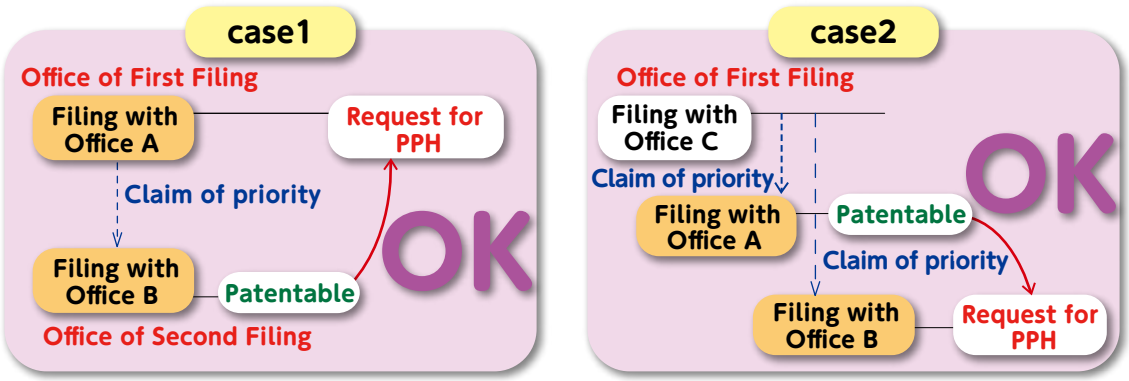
Moreover, the above-mentioned framework was expanded, and a pilot program for the Patent Prosecution Highway (PCT-PPH) was launched in January 29, 2010, which allows accelerated examination with simplified procedures at the national phase of PCT applications for applications determined to be patentable in the written opinion at the 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 patent office 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). In addition to the above-mentioned eight countries, the EPO, Germany and Portugal have participated in this pilot program as of April 2013.

【Figure 3-1-7 Outline of the Patent Prosecution Highway: Regular-type PPH (above) and PCT-PPH】



【Figure 3-1-8 Cases in which the Request for PPH is Allowed under the PPH MOTTAINAI Program】



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 51.7% , while the grant rate of applications using the PPH is as high as 77.1% (2012). The foreseeability of acquisition of a patent becomes higher for the applicant, making it possible for the applicant to acquire a more stable right, as examiners in the JPO and the USPTO in principle examine the application based on the same claims.

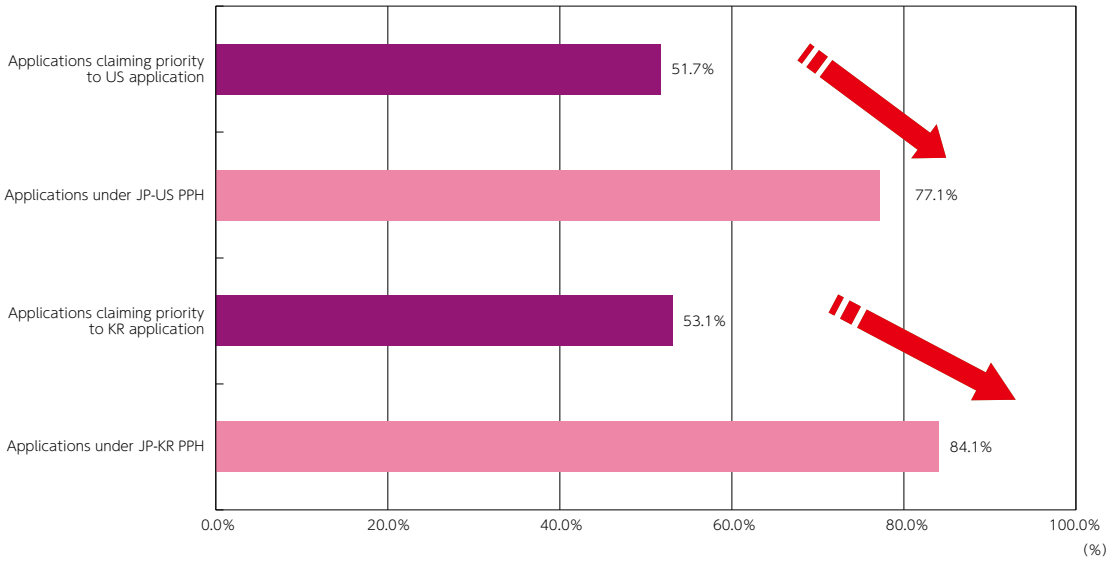
The second benefit is accelerated examinations. For example, in the JPO, the average FA pendency, counting from the time the application was filed up to the time when examination began, was about 20.1 months in 2012. However, the examination pendency of PPH applications, from the acceptance of the PPH request up to the commencement of the examination, was about 1.8 months in 2012.

In addition, the average pendency, from the time when the examination began up to the time the final decision is made, is usually about 10.5 months for applications filed preferentially in the USPTO to the JPO, while that of applications using the PPH is about 4.5 months (2012).

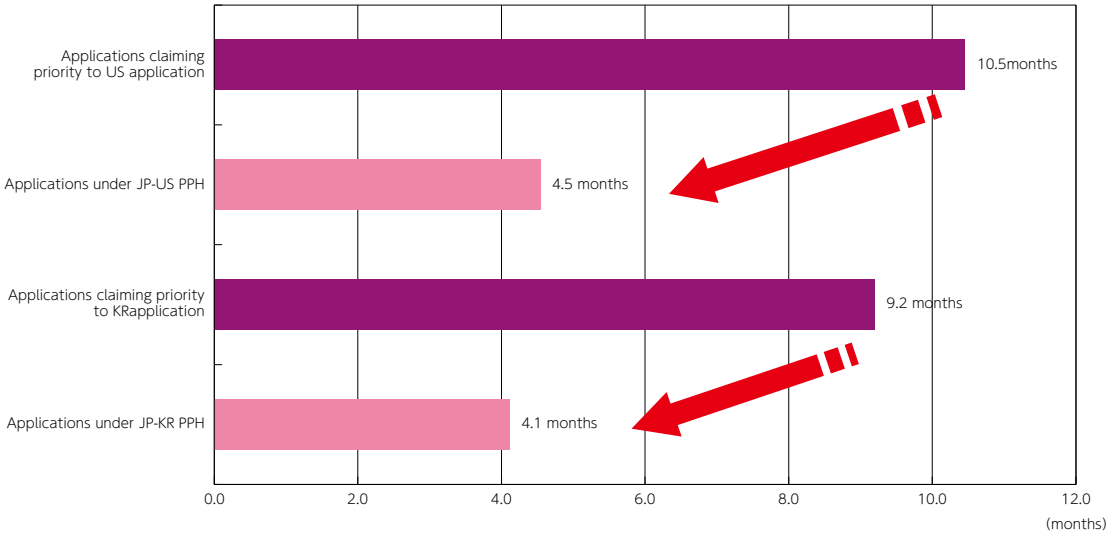
The third benefit is reduced costs to acquire rights. It can be assumed that once a reason for refusal has already been sent by one office, it is not necessary for all the other offices to send notifications. As a result, the volume of correspondence between the examiner and the applicant is less, thereby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

【Figure 3-1-9 Benefits of using PPH (Grant Rate at the JPO)】



【Figure 3-1-10 Benefits of using PPH (Average pendency from FA to final decision at the JPO)】



(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, there were cases when 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:

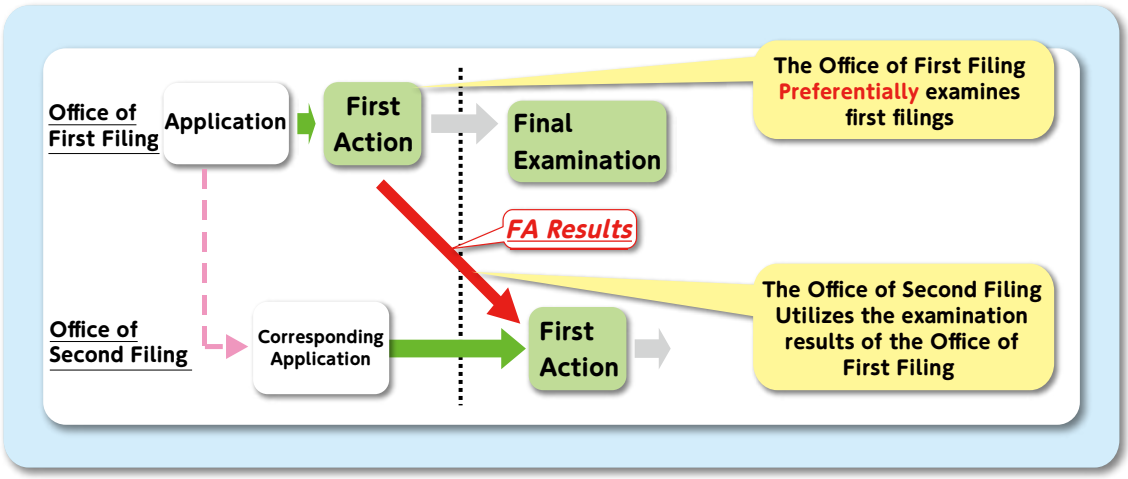
- The JPO prioritizes examinations of patent applications for which examinations have been requested within two years from the filing date from among patent applications which are eligible for priority under the Paris Convention[1] (PCT applications that are not subject to JP-FIRST).
- The JPO conducts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

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.

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 2012, examination results for 7,605 applications were released outside Japan 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 3-1-11 Outline of JP-FIRST】



4. Initiatives to Achieve Future Patent Strategies

The international landscape surrounding intellectual property is drastically changing because of economic globalization and the expansion of emerging markets such as those in Asia. Japanese companies are expanding their intellectual property strategies on a global basis. Under such a situation, the number of applications filed by Japanese applicants to foreign offices has greatly increased. In addition, the regions where Japanese applicants file have changed, from the Trilateral Offices (the JPO, EPO and USPTO) to the IP5 Offices, namely the Trilateral Offices plus the KIPO and the SIPO.

And with China becoming the second largest economic power and surpassing Japan, the number of lawsuits in China has been rapidly increasing along with the outstanding increase in 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 has made various efforts for the purpose of creating a patent strategy that

allows stable rights valid worldwide to be established in Japan and allows rights to be obtained accordingly in an expeditious manner in other countries so that Japanese companies can smoothly conduct businesses all over the world.

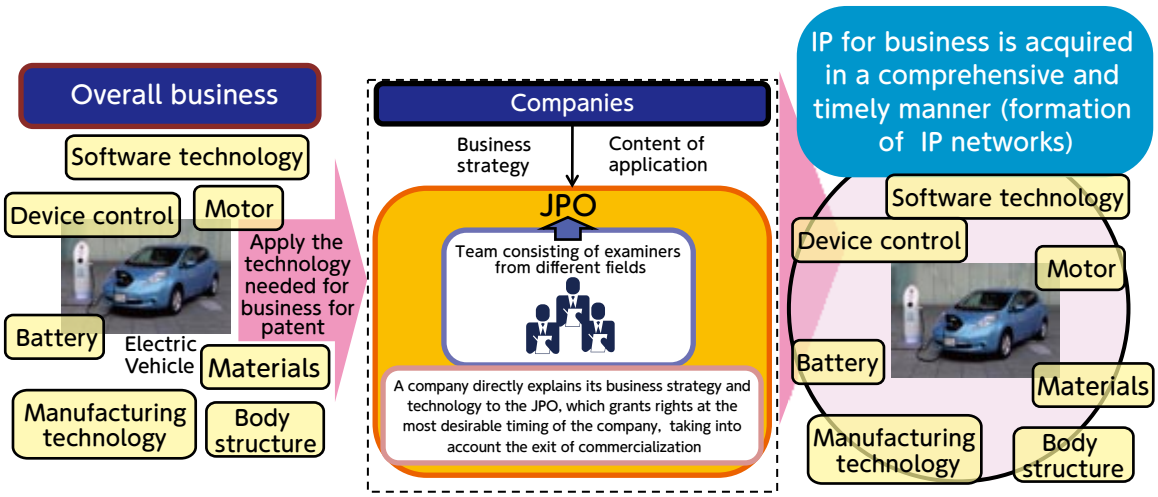
This section introduces efforts the JPO has undertaken to create an examination system in accordance with business strategies of companies, to harmonize international patent systems, to enable users to acquire stable rights valid worldwide, and expand the jurisdiction of PCT international searches in English, and conduct PR activities on international filing systems based on the PCT.

(1) Efforts for creating an examination system in accordance with business strategies of companies

Intellectual property strategies of companies have become more business based along with globalization of business activities and diversification of business models. In order to address this situation, the JPO has introduced the system of "collective examinations for IP portfolio" in response to corporate business strategies since April 2013. Under this system, the JPO conducts examinations of different types of intellectual property (patents, designs and trademarks) which open the way to businesses in Japan and other countries and grants rights on a cross-sectional basis in line with the timing of business expansion for the purpose of advancing deliberations about an examination system to address applications based on the above-mentioned intellectual property strategies.

The system of collective examinations in response to business strategies makes use of explanations on companies' businesses and interviews to conduct examinations based on understanding the business background and connections to technologies. Moreover, the schedule of explanations on businesses, interviews, and commencement of examination are coordinated in order to support companies in acquiring rights at the most desirable timing of users.

【Figure 3-1-12 Collective examinations in response to business strategies】



(2) Working toward International Patent System Harmonization

1) Creating International Patent Networks

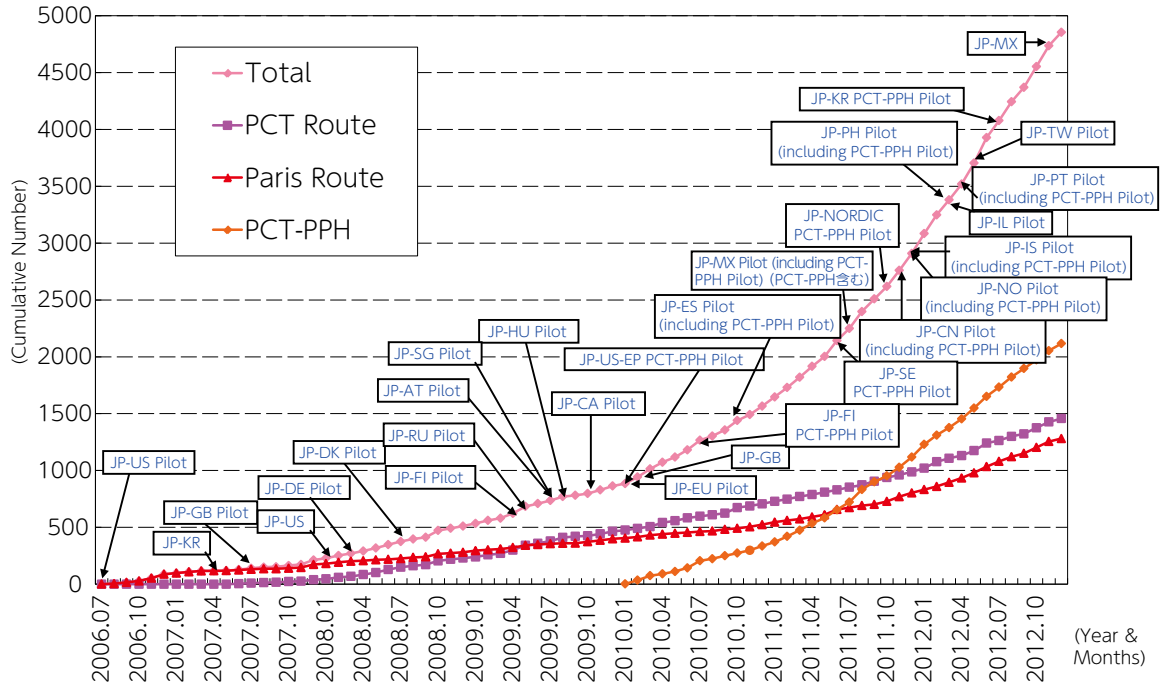
a. Expanding and Developing the PPH

After the launch in July 2006 of the pilot program of the world's first PPH[1] between the JPO and the USPTO, the number of applications filed under the PPH has steadily increased.

A high number have been filed under the PPH programs implemented between Japan and the United States, between Japan and South Korea, and between Japan and the EU. As of the end of December 2012, 7,343 requests to the USPTO and 2,146 requests to the JPO have been filed under the US-JP PPH, 1,859 requests to the KIPO and 251 requests to the JPO have been filed under the KR-JP PPH, and 1,228 requests to the EPO and 686 requests to the JPO have been filed under the EU-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.

【Figure 3-1-13 Number of applications for the PPH (as of December 2012)】



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

a) Increasing PPH Countries and Regions

As of the end of April 2013, Japan is conducting either full or pilot PPH programs, either regular PPH or PCT-PPH programs, with 25 countries and regions (the United States, the Republic of Korea, the United Kingdom, Germany, Denmark, Finland, Russia, Austria, Singapore, Hungary, Canada, the EPO, Spain, Sweden, Mexico, the Nordic Patent Office, China, Norway, Iceland, Israel, the Philippines, Portugal, Taiwan, Poland and the Eurasian Patent Organization). This indicates that 90% or more international applications filed by Japanese applicants can be basis of the the PPH request.

In addition, as of the end of April 2013, the JPO is also conducting a pilot PPH MOTTAINAI program with 9 countries and regions (the United States, the United Kingdom, Canada, Finland, Russia, Spain, the EPO, Germany and Portugal), 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 they file more applications under the PPH programs.

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 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. To that end, the JPO started the world's first PPH and the PCT-PPH with the SIPO in November 2011. By the end of December 2012, 942 requests to the SIPO and 27 requests to the JPO have been filed under these programs.

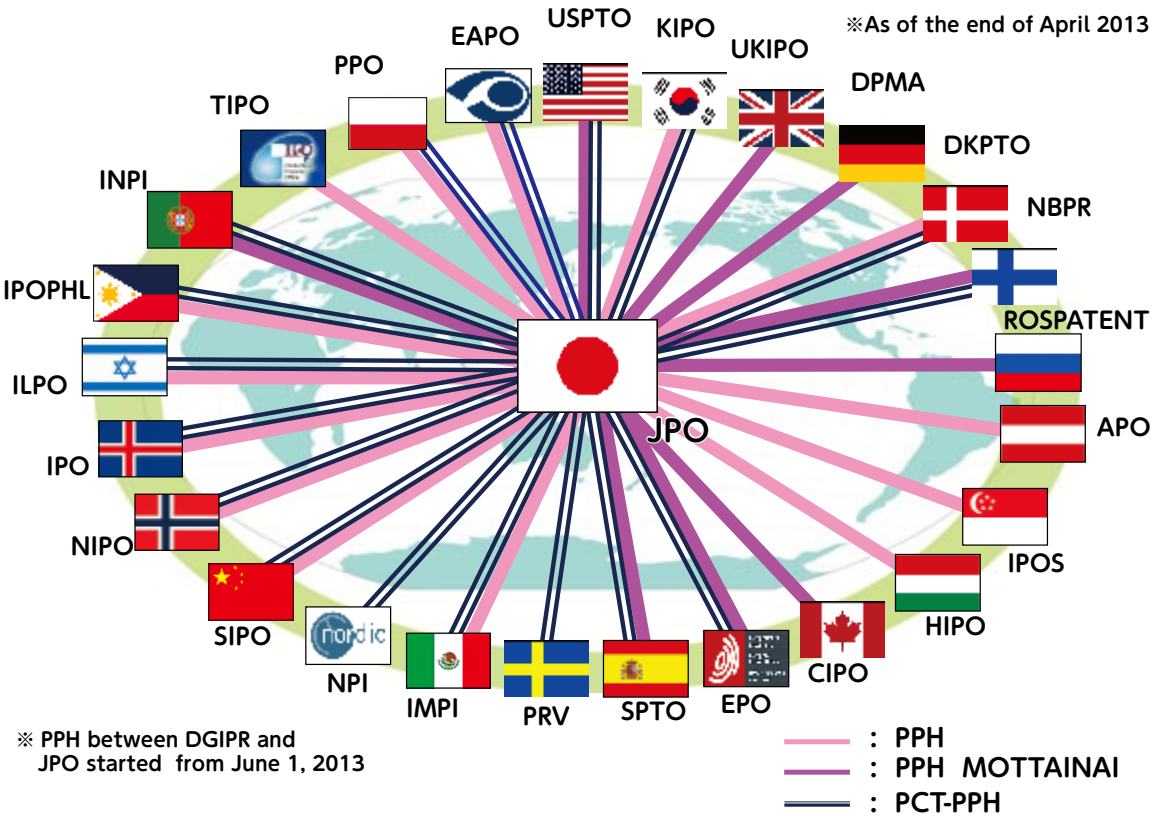
In May 2012, the JPO also started the PPH with the TIPO. The number of applications filed with the TIPO by Japanese applicants is large, following that to the USPTO, the EPO and the KIPO. By the end of December 2012, 208 requests to the TIPO and 2 requests to the JPO have been filed.

In July 2012, the JPO started the PCT-PPH under a pilot-program basis with the KIPO. This means that the PPH and the PCT-PPH are now available among the IP five offices.

Moreover, in April 2013, the JPO agreed to start the PPH and the PCT-PPH with Indonesia, which is next to Singapore and the Philippines among the ASEAN member countries in terms of achieving remarkable economic development in recent years.

1 Since April 2012, the JPO has started the PPH program with Portugal, Taiwan, Poland and the Eurasian Patent Organization and the PCT-PPH with Portugal, Korea, Poland, the Eurasian Patent Organization and Israel.

【Figure 3-1-14 Network of the PPH between the JPO and other offices】



b) Easing and Standardizing the Requirement 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 fifth Working-Level Meeting held in Germany in October 2012. Represented at that meeting were IP offices and organizations from 23 countries and regions.

At the fifth Working-Level Meeting, the JPO proposed "Common PPH Guidelines" to unify the requirements for application procedures for the purpose of improving convenience and usability of users in the discussions for designing a plurilateral PPH framework with unified requirements. In addition, the JPO proposed the "PPH Policy" , which is a common recognition of the PPH. All participating offices confirmed the matters that they are to compile in order to improve the effectiveness of the PPH, such as utilizing the examination results released by the Office of First Filing to the maximum extent possible.

b. International Examiner Exchange Program

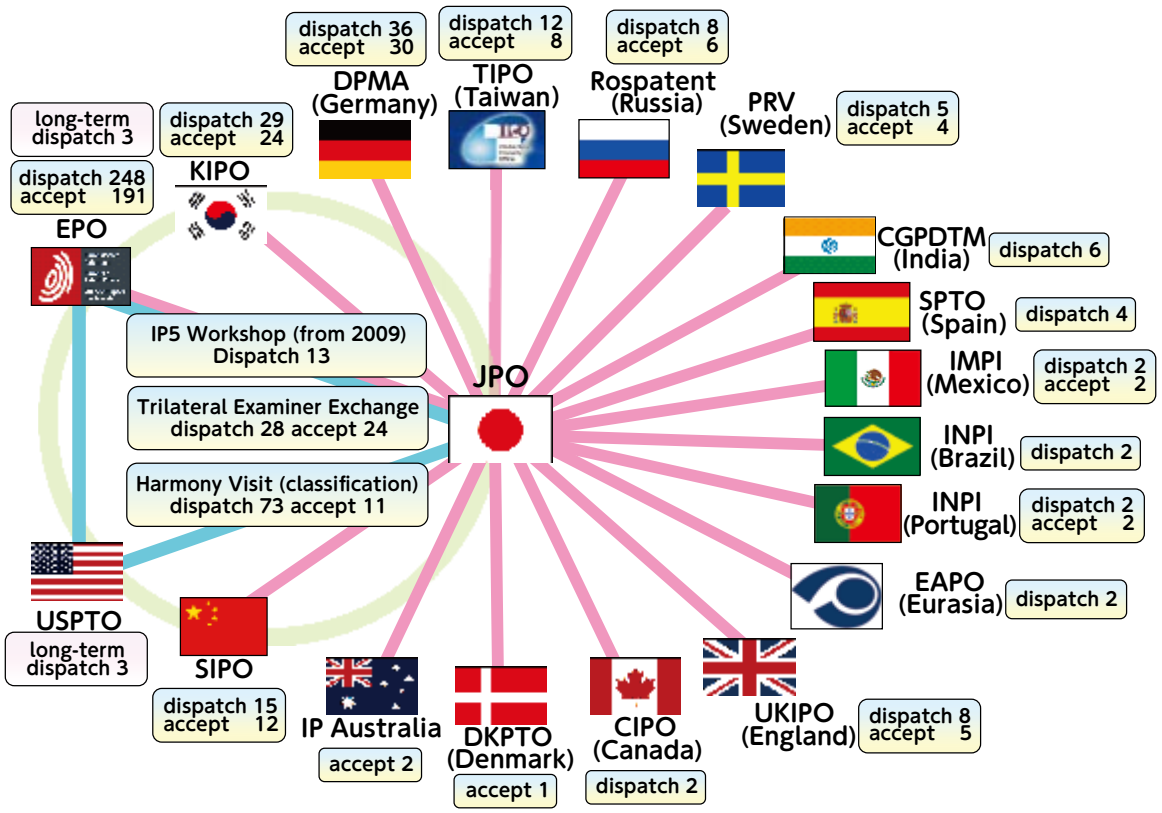
In order to promote work sharing in the area of patent examination, it is important that each office builds its credibility in terms of searches and examinations harmonizes the quality of examinations to a greater degree so as to

enhance the understanding of the search DB/tools for prior arts and harmonize 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 FY2012, the JPO implemented bilateral examiner exchange programs with the EPO, sending 4 persons; the DPMA, sending 4 persons and accepting 5 persons; the KIPO, sending 4 persons and accepting 2 persons; the SIPO, sending 4 persons and accepting 4 persons; the ROSPATENT, sending 2 persons and accepting 3 persons; the TIPO, sending 4 persons and accepting 4 persons; the CGPDTM, sending 2 persons; the SPTO, sending 2 persons; and the PRV (sending 2 persons). Moreover, the JPO introduced short-term examiner exchange programs with the IMPI, sending 2 persons and accepting 2 persons; the EAPO, sending 2 persons; and the INPI, sending 2 persons and accepting 2 persons, which are offices that the JPO newly started PPH pilot programs with and with the INPI (Brazilian Industrial Property Office) with which the JPO expects to cooperate in examination in the future, sending 2 persons, and conducted investigations on search/examination environments and systems. In addition, the JPO sent three 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.

The JPO has sent its examiners mainly to major countries on a long-term basis since FY2012 for the purpose of deeply understanding actual situations of offices in major countries, etc. and providing feedback to the JPO. At the same time, the JPO implemented long-term examiner exchange programs to promote efforts and measures of the JPO with the EPO, sending 3 persons and the USPTO, sending 3 persons. The JPO discussed measures and efforts concerning harmonization of patent classifications, machine translation of documents in foreign languages and quality of patent examination with the EPO and those concerning work sharing of patent examination and information infrastructure to realize it with the USPTO to promote efforts and measures of the JPO.

【Figure 3-1-15 Actual records of examiner exchange programs (total number from April 2000 to March 2013)】



3) Enhancing Quality Management[1]

Offices of major countries have been focusing on improving the quality of patent examination and quality control amid the increase in global applications, developing quality management systems.

The JPO started in-process type sample checks on a pilot basis in FY2012 with the aim of implementing ineternational-standard quality control, as mentioned in Part 3, Chapter 1, (2)3). The JPO have expanded this pilot program in FY2013 and is continuing to consider the future direction of better internal check systems.

The JPO also has expanded the scale of the analysis conducted in FY2012 which examines factors of discrepancies found between examination results of other offices and that of the JPO as a way to establish internationally valid and stable rights. Results obtained from this analysis are useful to solve differences in examination results that are found among the different offices. Thus, the JPO intends to share its results with them

Moreover, the JPO will promote quality control at Art Units through various consultations such as those on PCT international applications, approval by directors etc. The JPO will also gather user evaluations targeting more users than previous years to further improve the quality of examinations based on user needs. Furthermore, consideration will be given to formulate an overall patent examination quality policy (quality policy) in such a way that it raises the level of confidence that both domestic and overseas users have in examinations made by the JPO. It also is intended to raise all JPO employees awareness or quality.

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

Chapter 2
Efforts Related to Designs

It has become extremely difficult for Japanese companies to maintain their industrial competitiveness based only on cost competitiveness and conventional technical advantages. This is due to improved technological capabilities of companies in emerging countries and modularization of manufacturing techniques in recent years. Consequently, the value of product designs, which is a factor that directly drives consumers to buy, has been reviewed by many companies, which have come to realize that designs are a means for improving the appeal of their products. Although good designs make profits, it is very likely that counterfeit products taking a free ride on them are being manufactured. In order to properly ensure that they can gain profits from products to which high value is added based on design strategies, companies know that protecting design rights is essential. What is important is how to create a user-friendly design system to achieve the effective protection based on design rights.

Moreover, counterfeit problems are occurring frequently in other countries particularly in areas where competition is fierce such as in emerging countries in Asia. This is taking place along with more globalized activities by Japanese companies. Design rights are expected to be, as well as regarded as, effective as countermeasures against such problems. In order for Japanese companies to compete with foreign companies in domestic and overseas markets, economic and simple international design registration systems need to be implemented along with the international harmonization of design systems on the premise that such will bring about improved convenience for users of the Japanese design system.

In order to address these situations, the JPO undertook mainly the following initiatives in 2012.

1. Measures dealing with designs, taking into consideration globalized business activities

In order for Japanese companies conducting global business activities to effectively prevent damage caused by design imitations, promote Japanese brands through designs and thus ensure competitiveness on a global basis, it is important to create an infrastructure that promotes the protection of designs globably. Therefore, Japanese companies have been increasing their demand for Japan to become a member of the Geneva Act of the Hague Agreement, an international registration system of industrial designs. Moreover, with the development of information communication technology, the importance of graphic image designs contributing to differentiation of products has been increasing. It is necessary to develop the framework for acquiring design rights in consideration of Japan's succession to the Geneva Act of the Hague Agreement. It is also necessary to continue deliberating the enhancement of protection of graphic image designs under the Design Act, with the aim of supporting Japanese companies in their penetrating international markets in the field of IT where further development in the near future is expected. This will also work to combat against design imitations.

1. Efforts for Accessing to the amended Geneva Act of the Hague Agreement

1) Outline of the Hague Agreement

The Hague Agreement is an international system to handle filing and registering designs, integrating each country's filing procedures and allowing a single filing with the International Bureau to have the same effect as if the filing had been made to each signatory country. The Geneva Act of the Hague Agreement (hereinafter referred to as "the Geneva Act") is an amendment to the Hague Agreement, which was adopted in 1999 and came into effect in 2003, for the purpose of having countries that use substantive

examination to more accede to it more readily.

2) Efforts for Accessing to the Agreements

a. Accessing to the Locarno Agreement

The Locarno Agreement is a treaty specifying international classifications of designs. It came into effect on April 27, 1971 and 52 countries have acceded to it as of March 2013. This International Classification for Industrial Designs is prepared in English and French and consists of 32 classes (representing fields and groups of goods) and 219 subclasses (representing goods). This Classification was created and consolidated under the aim of maintaining exclusive industrial designs.

The International Classification for Industrial Designs is the most popular design classification in the world and allows users in Japan to conduct prior design searches and design right searches using the common international classifications. Thus, if Japan accedes to the Locarno Agreement and the Japanese design system adopts this International Classification, it is anticipated that Japanese users will be able to understand it more deeply and thereby enable them to reduce their difficulties in conducting prior design searches in their business operations located outside Japan.

In view of these circumstances, the 18th Design System Subcommittee (held on June 20, 2012) agreed to continue to look into the matter, aiming toward acceding to the Locarno Agreement.

3) Cooperation with Overseas Offices

As of March 2013, 45 countries and intergovernmental organizations have acceded to the Geneva Act. It is anticipated that if the United States, China, the Republic of Korea and ASEAN member countries, which are important markets to Japanese companies, accede to it, it will make the Geneva Act more attractive to Japanese companies. (Singapore has already acceded to the Geneva Act.) Currently, there is a movement in these countries to accede to it. the United States, the Republic of Korea and ASEAN member countries are making preparations to accede to it, while China shows strong interests. In response, the JPO is making preparations for Japan itself to accede to the Geneva Act while cooperating with other patent offices overseas in encouraging other countries also to accede to it.

To be specific, the JPO has exchanged information on items to be looked into and issues concerning accession with China, the Republic of Korea and the United States, advancing deliberations. With regard to ASEAN member countries aiming to accede to the Geneva Act by 2015, the JPO, at the Hague Agreement Workshop hosted by the WIPO in December in the Philippines, explained the status of deliberations in Japan so as to deepen understanding by each country on the Hague Agreement.

(2) Efforts for Enhancing the Protection of Graphic Image Designs

1) Background of Deliberations on Enhancing the Protection of Graphic Image Designs

The importance of graphic image designs has been increasing in terms of differentiating one product from the next, in response to the growing penetration worldwide of smartphones and tablets, and in response to greater distribution of application software based on information technology innovations in recent years.

However, the protection of graphic image designs under the Design Act of Japan is limited, as seen in the fact that images of general-purpose devices and those on websites are not subject to such protection. On the other hand, other countries including the United States, the EU and the Republic of Korea count on the extensive protection of graphic image designs. Therefore, the enhancement of their protection under the Design Act is an issue from a viewpoint of international harmonization.

Taking these circumstances into consideration, the 16th Design System Subcommittee of the Industrial Structure Council (held in February 2012) deliberated on enhancing protection of graphic image designs under the Design Act and agreed to continue deliberations on whether the protection can be enhanced. Since then, specific deliberations have been made with respect to targets of protection, establishment of rights, scope of effect, infringement acts and future direction of design examinations.

2) Efforts for Enhancing Protection

a. Exchange of Opinions with Parties Concerned

With regard to the enhanced protection of graphic image designs under the Design Act, "the Intellectual Property Promotion Plan 2011" looks into the expansion of items subject to the protection of designs including 3D digital designs as environmental improvement for protecting designs and points out that a conclusion should be drawn in FY2012. In response to this, the 14th (held in December 2011) to 21st (held in November 2012) Design System Subcommittee has repeatedly deliberated about the merits of protecting graphic image designs under the Design Act, items subject to protection, establishment of rights, and scope of effect.

In line with the deliberations made at the Design System Subcommittee, the JPO has actively exchanged opinions with a number of user organizations concerned such as legal experts and academics, home appliance manufacturers, SMEs, system development companies, package software development companies, content development companies and designers, listening to their opinions and requests and helping them to understand the basic direction. Moreover, the JPO has participated in seminars on graphic image designs to familiarize attendees with the basic idea by reporting the direction of current discussions on enhanced protection.

b. Exchange of Opinions with Overseas Offices

The JPO sent its staff to the EPO and the USPTO, regions that both protect images on application software and websites and icons among graphic image designs to hear their opinions on practices and operations. This is because these items are not yet subject to protection in Japan. They investigated the use of graphic image designs from the aspects of design rights and users' needs through exchanging opinions with local practitioners. The information obtained through such exchange of opinions was presented at the 19th (held in July 2012) and 20th (held in September 2012) Design System Subcommittee in the form of business trip research reports. The JPO will continue to actively exchange opinions with overseas offices in FY2013 and specifically look into practical aspects of the enhanced protection of graphic image designs.

3) Measures for Consolidating Materials such as Graphic Image Designs

The JPO collects information on new designs publicized in Japan and other countries and posts it on a searchable database as materials that can be used for examination in finding out new and inventive designs worthy of granting strong and exclusive design rights.

The materials to be collected include Japanese designs bulletins; foreign design bulletins of the United States, EU and China; and designs posted on national and international books, magazines, catalogues and the Internet. Materials used for examination consist of drawings or photos of designs posted and bibliographic items.

Currently, the JPO is planning to expand the collection and consolidation of information publicized on the Internet and in national and international magazines to ensure that design rights of graphic image designs are accurately and expeditiously established, deliberating on enhanced protection under the Design Act.

2. Promotion of Utilization of Design Systems

In recent years, product development activities utilizing designs have become more frequent, in order to focus on aspects such as tastes and customer usability, and attach high value without resorting to easy cost competition.

The JPO has made various efforts to create the framework in which companies can strategically utilize designs and use design systems. Examples include sending experts, creating collection of cases, and promoting academia-university cooperation in design.

(1) Sending Experts to Encourage Utilization of the Design System

The JPO has strengthened the support it provides for strategic development of designs and utilization of design systems at the IP Comprehensive Support Counters[1] since FY2012.

Specifically, (i) sending of experts on designs and design systems has been started and (ii) courses on utilization of designs and strategic utilization of design systems by SMEs has been added to the training program for persons in charge of the IP Comprehensive Support Counters.

Sending experts is designed to improve creativity from the product development stage and to support strategic design applications in view of sales. The JPO sends experts such as design consultants, designers, and patent attorneys in order to respond to questions from regional SMEs. Persons in charge of the IP Comprehensive Support Counters also are present with the experts.

In FY2012, experts were sent about 60 times during seven months, from August to February. The ratio of consultations about designs and design systems was approximately 2:1. They addressed concerns about designs, responding to product strategies, product selling points, sales

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

channels, proposals on reviews of product designs, advice on product shapes, introductions of local designers and companies that can carry out test production and designing. And in regard to design systems, they responded to concerns about effective application methods, advice on similarity with prior designs, separation of use between partial design applications and design applications of parts, points to remember at the time of filing foreign applications, and combining protection with other regions . Moreover, in some cases, experts in two fields were sent at the same time to provide consultations on filing applications of current products and on further design improvements.

Companies requested consultations on industrial designs of various products including medical equipment, products for nursing care, industrial juicers, system racks, nail files, and smartphone accessories. Experts were sent to address the utilization of both designs and design systems in response to requests for craft designs such as ceramics, lacquerware and glass crafts and for food package designs of seafood products and dried fruits.

With regard to consultations on design systems, a number of design applications were filed after experts were sent. Continuous support has also been provided for consultations on development by utilizing designs in view of the acquisition of intellectual property rights. The answers to the questionnaire survey on cases in which experts were sent from August 2012 to January 2013 were collected. In more than 90 % of those cases, the respondents rated the sending of the experts favorably. Many persons in charge responded that they wanted to request experts to be sent again.

First priority product development by iron factory and support for filing an application

This iron factory was considering the possibility of developing a medical rehabilitation assistance tool used at bedside, filing an application to register the design. An expert is observing an actual prototype and hearing about its characteristics, points of development, cost distribution, method of use, etc. He is also checking usability, strength, materials, color and shape of the product. A design consultant sorts out issues with this current product in response to the hearing and plans future development policies. Moreover, a patent attorney deliberates about the best method of filing a applications (mainly design) and mentions points to remember in doing so when the right of this product is acquired. A person in charge of the IP Comprehensive Support Counters was also present here and checking points of advice given by design and design system experts.

(2) Promotion of Academia-Industry Cooperation in Design

1) Efforts for Academia-Industry Cooperation in Design

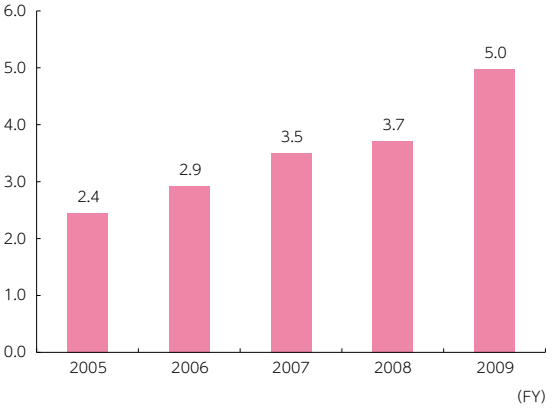
There is a movement for companies to create new designs under academia-industry cooperation by using the advantages found at art and design universities. Various efforts can be seen in examples in which large companies request universities to submit proposals on advanced designs or to objectively evaluate designs based on human engineering and examples in which SMEs request universities to develop designs utilizing their proprietary technologies in order to develop new markets[1].

1 Japan Patent Office "FY2010 Japan Patent Office Project to Promote Studies on IP at Universities: Study Report on Academia-Industry Collaboration for Designs Created by Universities and Efforts for their Protection"

2) Sending University Network Intellectual Property Advisors to Art and Design Universities

Since FY2012, the JPO and the INPIT, with the aim of supporting the setup of IP management systems within universities, have been sending university network intellectual property advisors who are familiar with intellectual property management of arts and designs to networks consisting of art and design universities.

【Figure 3-2-1 Change in the Average Number of Cases of Academia-Industry Cooperation in the Field of Product Design】



Note: The average number for the university which participate in the University-Industry collaboration.

3. Providing Information on Designs

The JPO strives to provide better information on design examination such as information about consolidation of the examination guidelines for designs, 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 publicly known designs for the purpose of improving usability.

(1) Consolidation of the Examination Guidelines for Designs

The "Examination Guidelines for Designs", "Design Examination Manual" and "Guidelines for Operation of the Amended Design Act 1999 and Design Examination" have been publicized on the JPO website from the past for the purpose of introducing the procedures for applying the provision for exceptions to lack of novelty of design. Moreover, in FY2012, the JPO created and publicized the "Q&As on the Provision for Exceptions to Lack of Novelty of Design (Design Act Article 4, Paragraph 2)" to further improve usability of the system. This is a content-by-content summary of frequently asked questions about the procedures for applying the provision for exceptions to lack of novelty of design sent to the Design Examination Guidelines Office.

Furthermore, the JPO added specific examples of methods of filing applications for specimens and models and methods of expressing drawings using CG to the "Guidebook on Requests for Applications for Design Registration and Description of Drawings" which sorted out the methods of describing requests and drawings when applications for design registration are filed, making it more user friendly.

In FY2012, referential examples were accumulated from designs including images registered after the Design Examination Guidelines for designs concerning design including graphic images were amended, further to FY2011, and publicized them as "Collection of Cases of Registered Graphic Image Design" so as to further enhance

those cases.

Additionally, "Collection of Cases of Registered Related Design of Partial Designs" was posted on the website which compiled designs registered as principal designs and related designs from applications for partial designs so that it may be used as a reference to determine similarity in design examinations.

(2) Clarification of the Details in Determining Design Examinations

In order to respond to demands made by design registration system users in terms of clarifying the criteria used in determining examinations, the JPO has been working to clarify the details by conducting practice 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 started to describe additional reasons for refusal based on Article 3(1) (iii) of the Design Act (novelty).

In addition to the above-mentioned practices, since FY2011, the JPO started to describe additional 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.

(3) Publication of Design Examination Schedules

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

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

The Design Examination Schedule provides applicants a rough indication of the date when they can receive examination results for their applications for design registrations, allowing the applicants to acquire rights at an effective timing.

(4) Provision of Similar/Related Design Information by IPDL

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. Users 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 judged to be similar when examined.

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

(5) Publication of Publicly Known Design Sources

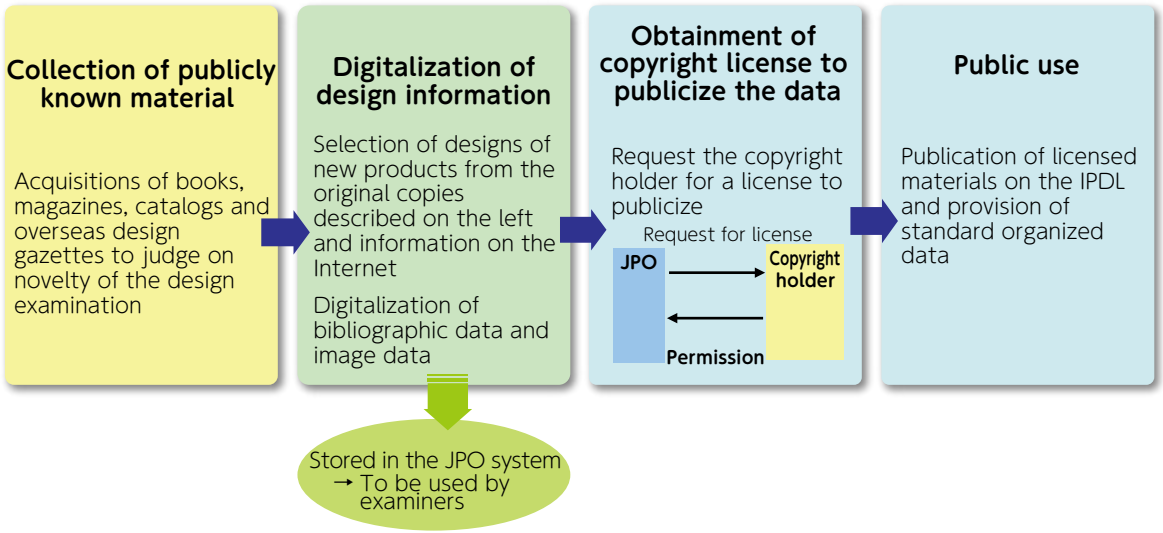
For the purpose of determining novelty and creativity in the design examination process, the JPO has collected and selected designs of new products from national and international books, magazines, catalogs and the Internet, digitalizing the bibliographic data, photos, and figures of those products so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

Companies can use published publicly known design data as reference materials to develop their own designs as well as conduct prior design searches and design right searches, which can help them develop 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 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 3-2-2 Outline of Collection and Publication of Publicly Known Design Materials】



4. Quality Management of Design Examinations

In recent years, product development activities utilizing designs has become more frequent in order to focus on aspects such as tastes and usability and attach high value without resorting to easy cost competition.

The JPO has made various efforts to create the framework in which companies can strategically utilize designs and use design systems. Examples include sending experts, creating collection of cases, and promoting academia-university cooperation in design.

(1) Background of Efforts for Quality Management of Design Examinations

The JPO has been maintaining and enhancing the quality of design examinations such as checking contents by managers, revising guidelines, and enhancing search systems. In April 2008, the Preparatory Committee for Quality Control of Design Examinations was established in the Design Department and a system to start to deliberate about further efforts was put in place. In FY2009, "Study Report on Future Course of Design Examinations based on Reviews by Applicants (Japan Patent Office, March 2010) sorted out basic materials concerning the consolidation of quality management systems. In FY2010, the Preparatory Committee was reformed into the Design Examination Quality Management Committee (consisting of six members including directors) for the purpose of deliberating about various efforts.

(2) Content of Efforts

1) Sample Checks

The JPO has been implementing sample checks twice per year since FY2010 by mechanically picking up cases in which decisions have become final and conclusive.

2) Collection of Opinions and Information from Users

a. Questionnaire for Users Subject to Sample Checks

In addition to internal sample checks, the JPO has conducted surveys of users whose applications were subject to sample checks, to analyze how users feel about the examinations after sample checks conducted in the latter term of FY2011.

b. Provisions of Information on Individual Cases (excluding pending cases) from Users

There is "column of provision of information on other cases" in answer sheets used for the said surveys. Moreover, examiners requests uses to provide information on individual cases in which the users felt that the quality of examination was unsatisfactory when examiners go on a business trip.

3) Collection and Utilization of Trials and Appeals

The Examination Departments share information on results of trials and appeals and acquires and analyzes statistics.

4) Provision of Statistical Information of Examination Processing of Individual Examiners

Various types of statistical data (based on information about examiners' work) is created for each examiner and provided in a way that it can be compared with the overall average of the Design Examination Department. This is aimed to see the trend in each examiner's work.

(3) Feedback

The quality of design examinations is maintained and enhanced by sorting out issues based on results of analyses in the above-mentioned efforts and providing feedback to the Examination Department and related departments and offices.

5. 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) working applications that urgently need to be registered and 2) internationally filed applications. In 2012, 133 requests were made for accelerated examinations and the average period from the time the request was made until the notice of first action was sent was 1.6 months.

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 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 time the applicant submits a request for accelerated examination, as long as no issues have been found in the application. Twenty nigh requests were made for accelerated examinations due to counterfeiting in 2012, and the average period from the time the request was made until the notice of first action was sent was 0.7 months.

In addition, an Earthquake Disaster Recovery Support Accelerated Examination System was introduced in August 2011 to examine applications for design registrations filed by companies damaged by the Great East Japan Earthquake as soon as possible. This system accepts applications filed by persons who suffered from the damage caused by the Great East Japan Earthquake and have an address or domicile in the areas[1] covered under the "Disaster Relief Act.[2]" Eight requests for Earthquake Disaster Recovery Support Accelerated Examination were made in 2012, with the average period of time from when the request was made up to the time the notice of first action was sent, was 2.3 months.

1 Except Tokyo Prefecture.
2 Act No.115 of 1947.

Chapter 3
Efforts Related to Trademarks

In recent years, the role played by trademarks has become larger from the viewpoints of economic globalization and diversified sales strategies of goods and services due to the rapid growth of the Internet and strengthened competitiveness of Japanese industries. Moreover, the environment surrounding trademarks is changing day by day in response to the ever-changing economy and society, and to international harmonization of intellectual property rights. The JPO has been making various efforts for the purpose of appropriately protecting trademarks and improving user-friendliness in response to these conditions.

This chapter introduces efforts for amending the Examination Guidelines for Trademarks, efforts for changing international classification of goods or services, accelerated examination systems to meet the need of early registration of trademarks, the regional collective trademark system to protect regional brands under the trademark system and efforts for quality management of trademark examinations.

1. Amendment to the Examination Guidelines for Trademarks Concerning Trademarks Consisting of Geographical Names in Japan or Overseas

Outline of the Amendment to the Examination Guidelines for Trademarks

(1) Amendment of the Examination Guidelines concerning the Provision of Article 3, Paragraph 1, Item (iii) of the Trademark Act

1) The amended guideline confirms the current examination practices that reject a trademark consisting of a "geographical name in Japan or overseas" pursuant to the provision of Article 3, Paragraph 1, Item (iii), if it is generally recognized as a "place of origin or place of sale of goods" or a "place of provision of service."
2) The amended guideline clarifies what kind of indications is included in the "geographical names in Japan or overseas" which used to be explained only in the Trademark Examination Manual.

(2) Amendment to the Examination Guidelines concerning the Provision of Article 3, Paragraph 1, Item (vi) of the Trademark Act

1) The amended guideline clarifies that a trademark consisting of a geographical name indicating a place of establishment of a business operator or a geographical name generally recognized as a place of establishment of a business operator, in principle, falls under Article 3, Paragraph 1, Item (vi), even in case it does not fall under Article 3, Paragraph 1, Item (iii).
2) The amended guideline clarifies the examination practices that the provision of Article 3, Paragraph 1, Item (vi) shall not apply if the trademark has acquired the distinctiveness through use, even if it falls under the category listed in the examination guideline for Article 3, Paragraph 1, Item (vi).

*The amendment to the Examination Guidelines for Trademarks came into force on November 1, 2012.

Furthermore, the Trademark Examination Manual pertaining to Article 3, Paragraph, Item (iii) and Item (vi) was amended in accordance with the amendment of Examination Guidelines for Trademarks. The relevant part of the Examination Guidelines for Trademarks and the Trademark Examination Manual were translated into English and publicized on the JPO website.

2. Efforts for Changing International Classifications based on the Nice Agreement

(1) Nice Agreement

The Nice Agreement was concluded with the aim of adopting a common international classification (international classification), as it is more complicated in various ways to manage trademarks in terms of performing prior trademark searches and procedures for applications for trademark registration, if there are differences in classifications of goods and services from one country to another. The official name of the Nice Agreement is "Nice Agreement Concerning the International Classification of Goods and Services for the Purposes of the Registration of Marks of June 15, 1957, as revised at Stockholm on July 14, 1967, and at Geneva on May 13, 1977, and amended on September 28, 1979." It obliges contracting sates to adopt the international classification. Japan acceded to this Agreement on February 20, 1990[1] and has been using the international classification based on it as the principal system since April 1, 1992 on which the service mark registration system was introduced[2].

The number of contracting parties of the Nice Agreement is 83 as of October 2012. The international classification of the Nice Agreement is used by more than 150 states including non-contracting parties and intergovernmental organizations such as the OHIM.

(2) International Classification

The international classification is a common international classification of goods and services for the registration of trademarks provided for in the Nice Agreement. The original text is written in English and French.

The international classification contains the following contents.

1) General remarks: They indicate the guidelines for cases in which certain goods or services may not be classified by the list of classes, explanatory notes, and alphabetical lists.
2) Class headings: They indicate the fields of classes to which, in principle, goods or services belong, and describe the goods (Class 1 - Class 34) and services (Class 35 - Class 45).
3) List of classes with explanatory notes: This list specifies the classes of goods and services and consists of the class headings and explanatory notes.
4) Alphabetical list of goods and alphabetical list of services: They list the indications of goods and services in alphabetical order and classes to which goods or services belong by goods or service.

(3) Shortening the Cycle of Changes of the International Classification; and Japan's Response to This

The Committee of Experts provided for in the Nice Agreement is responsible for making changes to the International Classification. These changes are divided into "amendments[3]" with changes of classes or establishment of new classes and "other changes[4]" consisting of changes made to the list of classes with explanatory notes, addition, deletion, and change of indication of goods or services in the alphabetical lists.

In the past, a preparatory working group established by the Committee of Experts examined a proposal on any change

1 In those days, the international classification was used as a secondary system. (The international classification was used in document searches, etc. by describing class numbers of the international classification in official documents and official publications, e.g., trademark gazette, trademark registration registers) concerning mark registrations.)

2 Class numbers of the international classification are described in official documents and official publications concerning mark registration and the international classification is used as a principal classification in document searches, etc.

3 They are reflected when the classification is updated every five years. Next amendments will be issued in the 11th Edition which is expected to be issued in 2017.

4 They are reflected in a new additional edition which is issued every year.

to the International Classification and the Committee, which met every five years, made the final decision on the change based on a recommendation issued by this working group.

However, in order to reflect indications of goods or services more frequently in the Nice International Classification, the 21st Session of the Committee of Experts held at the WIPO in November 2010 decided to make proposals on "changes to the International Classification" using the electronic forum and issue "changes to the International Classification" every year by holding the Committee of Experts every year instead of every five years.

Japan has participated in discussions, making proposals on "changes to the International Classification" using the electronic forum and participating in the Committee of Experts.

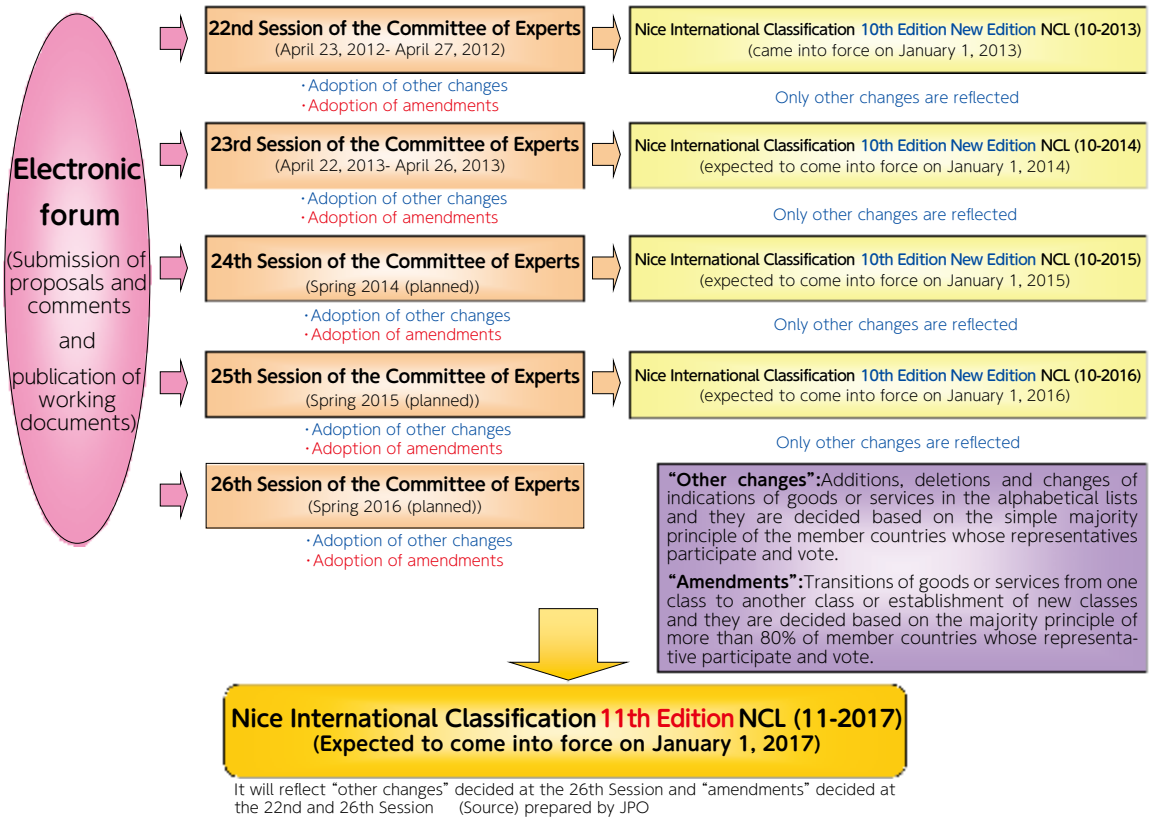
On January 1, 2013, the 10th Edition, version2013 reflecting "other changes" decided at the 22nd Session of the Committee of Experts held at the WIPO in April 2012 was issued as a new additional edition of the 10th Edition. The JPO amended the Appended Table of the Ordinance for Enforcement of the Trademark Act (Ministerial Ordinance of METI No.87 of 2012, promulgated on December 3, 2012) which responds to the issuance of the said international classification and lists the goods or services belonging to classifications of goods and services. It came into force on January 1, 2013.

Moreover, the "Examination Guidelines for Similar Goods and Services" were also amended in response to this amendment to the Appended Table of the Ordinance for Enforcement of the Trademark Act.

Major additions and deletions in the International Classification 10th Edition, version 2013 are as follows.

Class 5: Re-agent paper for medical or veterinary purposes was added
Class 9: Digital photo frames were added
Class 30: Pasta sauce was added
Class 39: Rental of aircraft engines was added
Class 9: Word processors were deleted
Class 30: Cocoa products were added

【Figure 3-3-1 Process of Amendment of the Nice International Classification (10th Edition and after)】



It will reflect "other changes" decided at the 26th Session and "amendments" decided at the 22nd and 26th Session (Source) prepared by JPO

3. Efforts Involving Regional Collective Trademarks

(1) Introduction of Regional Collective Trademark System

In order to provide appropriate protection for regional brands as trademark rights, the Trademark Act was amended in 2005 and the regional collective trademark system was introduced in April 2006. This system is aimed at stimulating local economies for sustainable growth by encouraging local cooperative business associations to actively make use of the system. This system enables trademarks which consist solely of a geographical name and a generic name of goods or services to be registered at the earlier stage. It eliminates third parties from taking advantage of the reputation of the trademark and is expected to provide an incentive for business operators conducting regional branding activities to register their trademarks and, consequently, to stimulate the economy of the region. Furthermore, it is expected that each regional brand which is at the stage of development will be widely recognized throughout the nation by making effective use of the registered regional collective trademark as well as carrying out the thorough brand management.

(2) Applications and Registrations for Regional Collective Trademark

1) Statistics of Applications

Having started receiving applications for regional collective trademarks on April 1, 2006, the JPO has received 1,035 applications as of the end of March 2013. Looking at the number of applications filed by sector, agricultural products were dominant, followed by industrial products, processed food (including confectioneries and noodles), and others such as alcohol

and even hot springs. The numbers of applications filed by region are as follows: 44 from Hokkaido, 82 from Tohoku, 99 from Kanto, 72 from Koshin-etsu, 73 from Hokuriku, 129 from Tokai, 276 from Kinki, 60 from Chugoku, 38 from Shikoku, 116 from Kyushu, 38 from Okinawa and 8 from overseas.

2) Status of Registrations

By the end of March 2013, the JPO had granted 548 regional collective trademark rights; the first registration was "Takko Ninniku (garlic)" of Aomori prefecture and the 500th was "Sendai Ichigo (strawberry)" , registered in April 2012. An award ceremony to commemorate the 500th regional collective trademark registration was held with the right holder ZEN-NOH attending.

(3) Publicity Activities for the Regional Collective Trademark Systems

As an effort to promote the regional collective trademark system, the JPO has been holding seminars nationwide to explain the system and examination practices since 2005. With the aim of publicizing and promoting the use of the system, it also distributed an easy-to understand pamphlet on filing procedures and registration requirements for regional collective trademarks. In addition, in order to further expand the use of the regional collective trademark system, in February 2013, the JPO published a booklet entitled, "Regional Collective Trademark 2012," listing the goods and services of the 519 trademarks that had been registered by the end of November 2012.

This 2012 booklet includes 10 cases in which Regional Collective Trademarks were effectively used, following the 2011 Edition, and added "Q&As for Regional Collective Trademarks" and "Examination Analysis of Regional Collective Trademarks."

Regional collective trademark system pamphlet and 2012 regional collective trademarks

(4) Brand Strategy of the Regional Collective Trademark

Even if a regional collective trademark is successfully registered, it is not utilized effectively in some cases. Although there are various reasons, the major reason seems that the regional collective trademark had been filed without the applicants carrying out sufficient discussions on the regional brand strategy, in many cases. In filing a regional collective trademark, it is desirable that not only concerned parties but also various organizations and associations involved in activities to stimulate local economies first discuss together the meaning of filing the regional collective trademark, as a part of a regional brand strategy. Furthermore, even after the regional collective trademark has been registered, it is important for the parties concerned to confirm the concept of the 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." In this regard, it is essential that the regional collective trademarks and the quality of the respective goods and services be maintained and managed properly. It is desirable to forge a structure under which the regional collective trademarks and the regional brands can be managed in an integrated way. To be more specific, assigning personnel to be in charge and establishing committees and councils are effective ways to achieve this. As a specific

way of managing these regional 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, and thoroughly adhere to the standards set. Another effective means to promote the brand is to distribute seals, stickers, posters, etc. advertising the fact that the regional collective trademark has been registered.

4. Quality Management of Trademark Examinations

(1) Background of Efforts for Quality Management of Trademark Examinations

Maintaining and improving the quality of trademark examination enables trademark rights to be protected in an appropriate manner and maintains the business confidence of persons who use trademarks. It is essential to maintain and improve quality to protect the interests of consumers and ensure that business operators can run their businesses smoothly.

From years ago, the JPO has been continuously making efforts for improving the overall quality of trademark examinations by checking examination contents by directors, revising the Examination Guidelines for Trademarks, and enhancing the search system for the purpose of maintaining and improving quality. In April 2009, the Trademark Division launched a quality management project on trademark examinations. In FY2010, the "Study Report on Quality Management Techniques for Trademark Examinations based on Evaluations by Applicants" (February 2011, Japan Patent Office) was issued, serving as the basic foundation for the future course of trademark examinations and quality management techniques. In FY2011, the organization of the Trademark Division was enhanced and as its upper organization, the Conference of Representatives of Quality Management for Trademark Examinations, was launched with Director-General, Trademark and Customer Relations Department as its chairperson. This conference aims to foster collaboration among concerned departments and divisions in the JPO, evaluate the quality of trademark examinations, and decide principles to make improvements. Under this system, the JPO has deliberated about various issues, aiming to maintain and improve the quality of trademark examinations.

(2) Content of Efforts

1) Sample Checks

The JPO has been conducting sample checks of examination processes since FY2009, and after FY2011, by randomly extracting cases covering a specific period and conducting sample checks of examination processes involving applications that had not been sent to applicants. The results of analyses of sample checks are sent back to the Examination Department to ensure that any problems are known.

2) Collection of Opinions and Information from Users

The JPO listened to user opinions on the quality of trademark examinations to find out how users feel about the examinations conducted on their applications.

3) Provision of Information on Examinations to Users

In many cases, reasons for refusal such as the inadequate description of designated goods and services could have been avoided, if appropriate information was obtained in advance. The JPO provided information on examinations and gave reminders, mentioning points to remember in reasons for refusal such as the inadequate description of designated goods and services, making these widely available for the purpose of helping users to acquire rights smoothly.

4) Collection and Utilization of Information on Trials and Appeals

The Examination Departments share information on results of proceedings such as appeals against examiners' decision of refusal, and acquire and analyze statistics.

5) Transparent Performance of Examinations and Promotion of Period Management

a. Sharing Information on Examination Processing Statistics among Individual Examiners

A variety of statistical data is created on individual examiners based on information of their examination work and shown with the average of the entire Examination Departments. This allows examiners to actually visualize their examination performance.

b. Efforts for Preventing the Delay in Processing Examinations

The JPO has been preventing delays in processing examinations by improving its capability to show performance visually, initiating examinations for the purpose of sharing statistical information on examination processing on individual examiners and promoting thorough management.

(3) Feedback

The JPO works to sort out issues based on analytical results of its quality initiatives and provide feedback on them to the Examination Departments and concerned departments and divisions, with a view to maintaining and improving the quality of trademark examinations in the future.

5. Implementation of Accelerated Examination Based on Applicant Needs

(1) Accelerated Examination for Trademarks

In response to the needs for accelerated examination for applications that are confronted with counterfeiting or infringement cases, and to respond to the globalization of economic activities, the accelerated examination system for trademarks 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 eligible for accelerated examination system used to be only "Scope 1" in Table 3-3-2. However, in order to expand the further use of the system and respond to the demands for early acquisition of a registration, the scope of applications eligible for accelerated examination was expanded in February 2009. Moreover, the JPO thought that it was necessary to support reconstruction of the areas damaged by the Great East Japan Earthquake in respect of intellectual property, and decided from August 2011 to temporarily expand the scope of accelerated examination for companies located in the affected areas. For this category, the number of requests filed by the end of 2012 was 236.

【Table 3-3-2 Outline of Accelerated Examination for Trademarks】

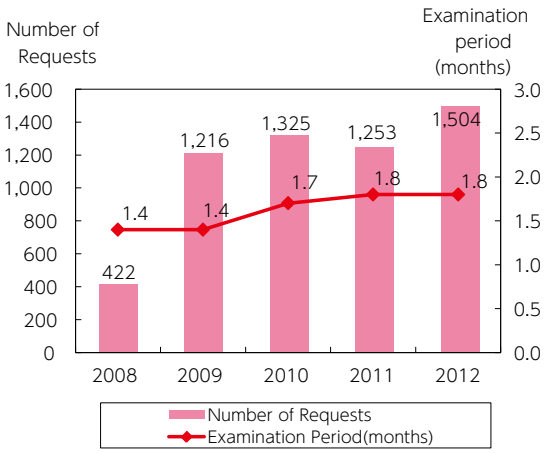
	Applications subject to accelerated examination for trademarks	Use of trademark (including preparation for use)	Urgency	Designated goods/services
Scope 1	The applicant or licensee already uses the trademark application for designated goods/services or proceeds with the preparations therefor to a considerable extent and the application which has an urgent need for acquiring the right	Necessary	Necessary	When several goods (services) are designated, the accelerated examination is allowed if any of the goods (services) is used (including the preparation for use)
Scope 2 (February 2009)	The trademark application which designates only goods/services the applicant or licensee already uses or proceeds with the preparations therefor to a considerable extent	Necessary	Not necessary	An application which designates only goods (services) in use (including the preparation for use)

(Notes)
- "Application which has an urgent need for acquiring the right" in Scope 1 refers to applications which fall under any of the following.
a)It is obvious that a third party uses an applied trademark or a trademark to the applied trademark or proceeds with the preparations therefor to a considerable degree without authorization with regard to designated goods or designated services or goods or services similar thereto relating to the use or preparation therefor of the applicant or licensee.
b)A warning on the use of the applied trademark was received from a third party.
c)A license for the applied trademark is required by a third party.
d)The applicant files the application for trademark also with any office or governmental organization other than the JPO.
-Scope 2 became newly subject to the accelerated examination system from February 2009.
-In the case where the designated goods/services in Scope 2 include those which are judged not to use the applied trademark or not to have made preparations therefor to a considerable extent, an amendment to eliminate such goods/services is required before filing an application for accelerated examination (or at the same time as filing the application).

(3) Trends in Accelerated Examination for Trademarks

In 2012, 1,504 requests were filed for accelerated examination (an increase of 20% from 2011). Average period from the date of the submission of the request for accelerated examination to the date which an initial notice of examination results was sent was 1.8 months.

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



Note:
Examination period: The period between the time of application and the first office action

Chapter 4

Efforts Related to Trials and Appeals

Trials and appeals play a higher role and serve the purpose of quickly settling disputes. These work to improve the quality, efficiency, and expeditiousness of proceedings. To this end, the Trial and Appeal 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 parties concerned, ascertaining and analyzing the trend in courts. The JPO shares its experiences of directing proceedings in trials and appeals, which play a role in reviewing the decisions of examiners (examination results) as superiority findings and setting disputes over effectiveness of industrial property rights at an early stage. The JPO strives to further rationalize the operations by actively utilizing the knowledge of industry and external experts.

(1) Improving the Contents of Proceedings

The JPO implements the following five measures in trials and appeals to improve the quality of the proceedings.

1) Ensuring Proper Operations of New Systems

The amended Patent Act 2011 came into force and new operations involving advance notices of trial decisions, partial determination of trials for correction, handling claims in corrections as a unit, etc. has started since FY2012. The JPO is carrying out thorough publicity activities based on the principle of operating and establishing check systems for properly operating these new systems.

2) Communicating with the Parties Concerned

The JPO conducts oral proceedings in order to accurately understand and sort out issues, and raise the satisfaction level of the parties concerned in trials for invalidation and trials for rescission of disuse (oral proceedings are conducted, in principle, in all trials for invalidation of patents and utility models). Oral proceedings are held between the panel 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, interviews in the proceedings of appeals are utilized as a measure for ensuring smooth communications between the demandant and the panel, and for improving the quality of the proceedings. In addition, the JPO has been utilizing the first action pendency to issue the so-called "examiner's reconsideration report before appeal proceedings[1] " as a measure for inviting the demandant to give his/her opinion on the report written by the original examiner[2] , in principle, in all cases for which such reconsideration reports have been made.

1 The procedure for notifying the demandant of the opinion of the examiner in the reconsideration by examiners before appeal proceedings

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

3) Analyzing the Trends in Courts

For the purpose of executing accurate examinations, the JPO has strived to improve the quality of the proceedings by analyzing and sharing the contents of court decisions in lawsuits against trial/appeal decisions and the contents of the effectiveness of rights in court decisions against infringement lawsuits. In addition, in trials for invalidation, the JPO is further improving the quality of examinations by obtaining evidence related to claims of invalidation submitted in infringement lawsuits by exchanging information with the courts, confirming with parties concerned, and utilizing such information for the proceedings.

4) Sharing Experiences of Directing Proceedings

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

5) Eliminating Gaps of Decisions between Examinations and Trials/Appeals

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

(2) Further Rationalizing Proceedings Utilizing External Knowledge

In further rationalizing the proceedings by utilizing the knowledge of industry and external experts, the JPO has initiated the following three measures.

1) Study Group of the Trial and Appeal Practitioners

Since FY2006, the JPO has held "Case Studies on the Inventive Step" , which consists of IP personnel in companies, patent attorneys, lawyers and administrative judges every year to deliberate on the methods used to determine trial/appeal decisions and court decisions involving novelty and the inventive step, by studying individual cases. The results of deliberations obtained have been summarized as reports and made available to the public[1] on the JPO website with the aim of raising public awareness. The name was changed to the "Patentability Conference" 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 software 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 "Study Group of the Trial and Appeal Practitioners" 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 (the Sectional Session by Field), and the Sectional Session for Trial/Appeal Practices was established for the purpose of improving the quality of oral proceedings. In FY2012, the Sectional Session by Field discussed the issues such as determination of the inventive step and

1 Study Group of the Trial and Appeal Practitioners (former Patentability Conference) Report
http://www.jpo.go.jp/shiryou/toushin/kenkyukai/sinposei_kentoukai.htm

finding of cited inventions with regard to 13 cases (9 cases for patents and utility models, 1 case for designs and 3 cases for trademarks). In addition, the subjects of discussions at the Sectional Session for Trial/Appeal Practices have grown to include not only patents and utility models but also designs and trademarks, various issues such as the significance and purpose of oral proceedings, the future course of written notifications of items of proceedings and minutes, and the direction of proceedings in oral proceedings.

2) Executive Legal Advisor on Trials and Appeals

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 to serve as "Executive Legal Advisor on Trials and Appeals." They provide advice on complicated legal issues and serve as instructors for training. In addition, the "Executive Legal Advisor on Trials and Appeals" is held to give direction to the future role and operations of the trial and appeal system, so that the Trial and Appeal Department will act more effectively.

3) Consultants on Trials and Appeals

The JPO utilizes consultants on trials and appeals with legal qualifications in order to obtain referential opinions on oral proceedings and know the contents of a Notice of Proceedings Matters and minutes in terms of external viewpoints. It also does this to provide chief administrative judges who directed oral proceedings with feedback for the purpose of further improving the level of satisfaction of parties concerned and ensure transparency of proceedings. Moreover, the JPO holds the proceedings by actively utilizing consultants for trials and appeals based on consultations from both civil and legal aspects.

2. Efforts for Expeditious Proceedings

The JPO has been doing the following for inter-partes trials and ex-parte appeals to ensure that proceedings will be expeditious in terms of dispute-settlements and acquisitions of rights early on.

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

The JPO gives preference in examining trials in which the effectiveness of post-grant rights is being fought over. This includes trials for invalidation, over pre-grant appeals, such as appeals against examiners' decisions of refusal, so as to quickly resolve disputes over the validity of industrial property rights.

In addition, in FY2010, a "Notice of Proceedings Matters[1]" was established. It shows proceeding matters on the oral proceedings in advance, enabling the parties concerned to make allegations and show absolute proof at the oral proceedings, and then improve the contents of the proceedings and shorten the length of the proceedings.

(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 by confirming the demandant's intention to continue the appeal proceeding, through the inquire of examiner's reconsideration report mentioned in above 1 (1) 2).

With regard to appeals against an examiner's decision of refusal that satisfy

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.

specific requirements[1], the JPO implements an accelerated appeal examination system in which it conducts the proceedings preferentially upon request. The number of requests for accelerated appeal examinations in FY2012 was 149 for patents, 1 for designs, and 10 for trademarks. With regard to patents, the JPO accomplished the mark of FY2012 to send decisions within 10 months at the end of FY2012.

1 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 demandant has already commercialized the invention, 2) Internationally filed applications that have also been filed in a foreign patent office, 3) The demandant is either an SME, individual, university, TLO, or a public research institution, 4) A person who is not the demandant (third party) has used the invention for business purposes after laying open the patent application of the proceeding case, 5) Patent applications related to environmental technologies (green-related applications), 6) Earthquake disaster recovery support applications whose demandant suffers from the damage caused by the Great East Japan Earthquake, and 7) Patent applications relating to R&D projects implemented in accordance with an approved plan for R&D project based on the Act on the Promotion of Establishment of Bases in Asia. 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.

Chapter 5

Efforts to Enhance the Use of Information Technology

In this chapter concerning the JPO's efforts to enhance the use of information technology, which forms a basis of its infrastructure, the JPO so far has initiated future system development and global computerization projects.

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

In this section, the efforts to enhance the use of information technology which have been achieved by the JPO such as the Paperless Project are introduced. In addition, the principles for future system development of the JPO are introduced.

(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 activities and maintains a database. The JPO has introduced various systems such as the world's first electronic[1] filing system in 1990, which makes use of information technology. As a science-technology based nation, the JPO has been continuously improving its system in order to offer efficient and improved examination processing in response to the increased volume of examinations and administrative work due to more advanced and complicated technologies, the increased volume of examination documents, and the restrictions on hiring in the course of administrative and financial reforms. So far the system has played a vital role in establishing Japan as a leading country in terms of e-government; as well as supporting patent administration as a fundamental work platform.

1 Electronic filing system was introduced in KIPO in 1999, and EPO and USPTO in 2000.

1) Electronic Filing System

After the JPO introduced the electronic filing system to handle applications for patents and utility models in December 1990, it undertook various initiatives such as expanding the number of applications eligible for electronic filing and introducing new communication technologies. The Japanese government set a target of promoting the use of the electronic filing system in the "New Plan for Online Use" (August 2011). Based on this, the various efforts made by the JPO since the electronic filing system was introduced have borne fruit, and the electronic filing rate has been high; for example in 2012, it was 98.0% for patents/utility models, 92.4% for designs, 82.0% for trademarks, 99.4% for ex-parte appeals, 99.8% for PCT applications in the national phase, and 94.8% for PCT applications. The JPO has continuously accepted electronic applications 24 hours a day, 365 days a year (excluding the down-time for maintenance) since October 2005 when it started to accept applications via the Internet.

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 bulletin and the "peripheral examination assistance system" for substantive examinations.

The administrative processing systems of file wrappers consist 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. Among them, those involving patents and utility models started to operate in 1990 as the first electronic filing system, and those involving designs and trademarks in 2000.

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 1993 for patents/utility models and in 2000 for designs and trademarks as the administrative processing systems of file wrappers.

3) Search System

Searching bulletins is necessary in order to conduct patent, trademark, and design substantive examination duties at the JPO.

The patent and utility model 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 bulletins according to technical characteristics, names of the applicants or inventors, titles of the inventions, and full text.

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 figure classification (since April 2004)) and similar group code, and the construction of the well-known/famous trademarks database and search system.

In the examination and appeals/trial duties, the search system for already decided cases of appeals and trials has been used to improve the quality of examinations and proceedings, and enables searches of bulletins of trial decisions and court decisions using search indexes such as J terms and texts.

(2) Development of Future Systems at the JPO

1) Background of "Plan for Optimization of JPO Operations and Systems"

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 amended 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 and the progress of the project, amending them in August 2005, October 2008 and October 2009.

The "Technological Verification Committee on the JPO's Information System (hereinafter referred to as the "Technological Verification Committee")" verified the efforts that the JPO is doing in developing the operations infrastructure

system, the progress of the project etc. In January 2012, the Technological Verification 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. A new system development project was designed based on the deliberations from a specialized technical viewpoint made by the Technological Verification Committee utilizing knowledge of external IT vendors and publicized in March 2013 as the revised Plan for Optimization, which was also based on public opinion.

2) Goals and Principles for Renovation of the Plan for Optimization

The Plan for Optimization advocates the following four goals, aiming to achieve them.

(i) To build the infrastructure essential for promptly establishing high-quality rights of the world's highest standards, in responding to global environmental changes in a flexible and expeditious manner.

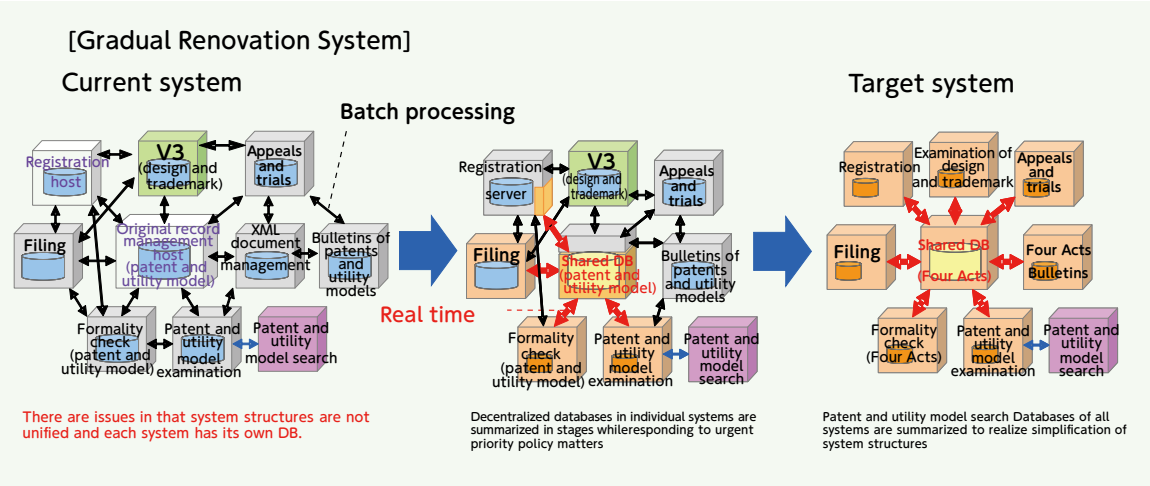
(ii) To ensure the capability of transmitting information is strengthened and the convenience of users is improved for the purpose of promoting innovation based on inventions, designs and brands.

(iii) To create safe and reliable systems and operations, in order to properly secure information and conduct sustainable business,

(iv) To review systems and cut costs, in order to achieve the simplification, streamlining, rationalization and improvement of the quality of administrative operations, operations, systems, and system structures.

The amended Plan for Optimization calls for upgrading the system[1] in stages instead of renewing collectively in order to achieve the above-mentioned goals. This system allows the JPO to respond to new and urgent policy matters to which it should give priority step by step such as technical documents of foreign countries such as China amid the IP landscape which is changing rapidly and significantly. Also, it allows the JPO to simplify the system structure for speeding up business processing and saving system operation costs.

【Figure 3-5-1 Basic Concept of Gradual Renovation】



1 A system proposed in the "Technical Verification Report" (January 2012) to achieve a simplified system structure by gradually summarizing decentralized databases in individual system and by responding preferentially to urgent policy matters step by step.

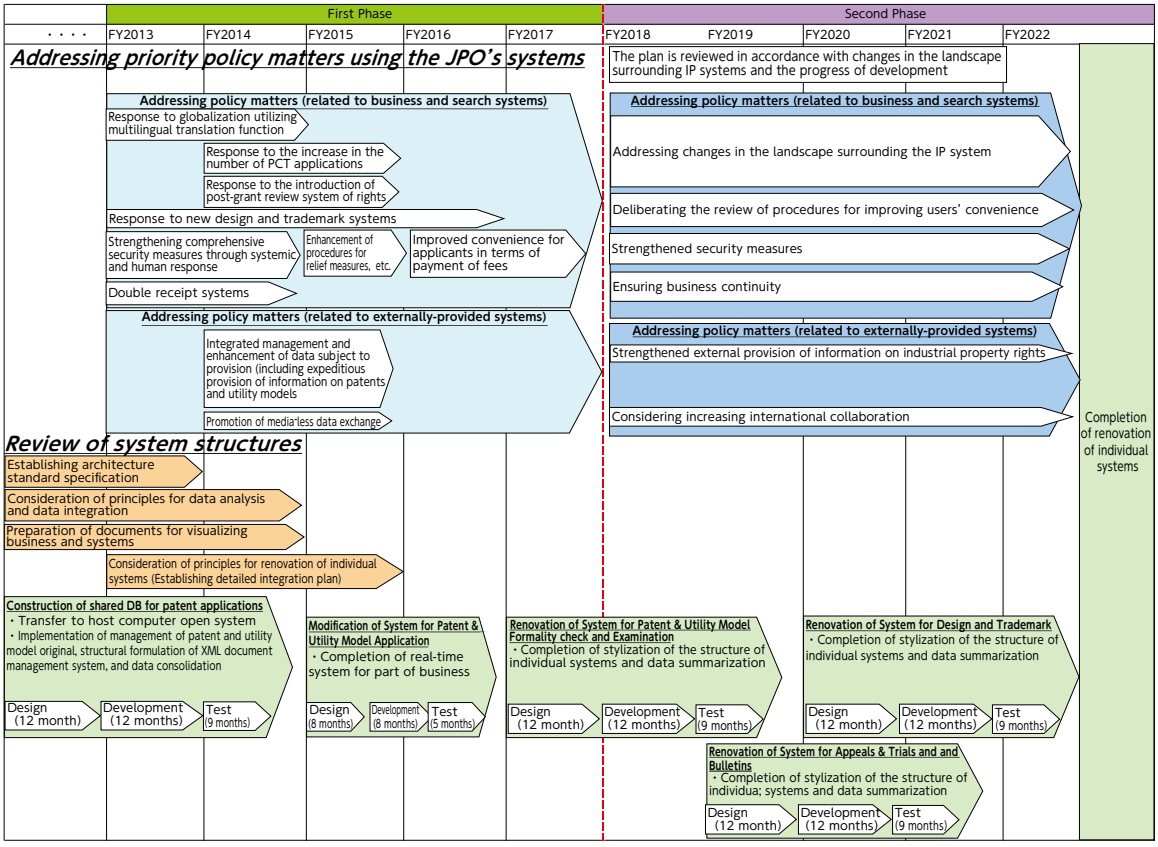
3) Process of Renovating JPO Systems in the Plan for Optimization

With regard to the specific process of renovation, the Plan for Optimization divides the overall 10-year process into the first five years (Phase I) and the next five years (Phase II), taking into account the scale and complexity of the JPO's systems.

In Phase I, the JPO will address important policy matters that need to be implemented urgently using its systems such as strengthened search functions of patent documents written in foreign languages such as in Chinese and Korean, new design/trademark systems, responses to related duties using the JPO's systems based on deliberations about post-grant reviews, strengthened security measures, and construction of back-up centers for the receiving system. Moreover, priority is given to simplifying system structures and speeding-up external information provision services ahead of other issues in considering the JPO's principal duties involving patents and utility models, which have a significant impact on expeditious processing; and efficient renovation and cost cutting, as they account for a high percentage of weight in the JPO systems. Furthermore, system operational costs will be cut by gradually discontinuing the former (legacy) systems.

In the Phase II, the JPO will continue to address important policy matters that need to be addressed urgently, using its systems for the purpose of realizing simplified system structures and expeditious external information provision services for all duties including those for patents, utility models, designs, trademarks and international applications.

【Figure 3-5-2 Schedule of the Plan for Optimization of Operations and Systems of the JPO】



2. Efforts Towards Adopting Global Information Technology

Patent offices have been making efforts towards adopting information technology (IT) to electronically manage documents related to patent applications and examinations, and computerize examination procedure for the purpose of addressing the increasing number of applications filed globally and improving the efficiency of their procedure. In doing so, it is hoped that information communicated among the offices or between an office and applicant(s) will be distributed and used in an efficient and unified manner, so that information owned by each office will be mutually used by utilizing IT.

This section introduces the international efforts to standardize international information formats and the international cooperation in terms of utilizing IT.

(1) International Efforts to Standardize Information Formats in the Field of Intellectual Property Rights

International efforts to internationally standardize the information formats used at each patent office have been made so as to facilitate utilization and distribution of electronic data in efficient and unified manner in electronic data exchange with other offices, search systems, dissemination service of various industrial property right information, and so on.

1) International Standardization of Electronic Filing Format for Patents and Utility Models

The electronic filing format for patents prescribed as a standard in Annex F of the PCT Administrative Instructions has been used for not only PCT electronic applications but also national electronic applications filed to the JPO, the EPO, and so on. This standard prescribes to use XML (eXtensible Markup Language) format, in which tags are embedded to documents and data. The JPO developed an electronic filing system conforming to XML and began to accept applications conforming to XML as of July 2003 in response to the adoption of XML as the document format for PCT electronic filings.

The World Intellectual Property Organization (WIPO) is striving to standardize the WIPO Standards, taking into account the trends seen in major countries. The WIPO Standards are also utilized in various types of electronic information on intellectual property (Figure3-5-3). The number of WIPO Standards has been increased year by year. The WIPO Standard ST.96 related to XML that is commonly applicable to patent, utility model, design and trademark documents was adopted at the second meeting of the Committee on WIPO Standard in May 2012, except for some annexed documents.

On the other hand, the Trilateral Offices (EPO, JPO and USPTO) began to deliberate about the standardization of patent application formats in January 2005, as an approach to unify application formats. In November 2007, the Trilateral Offices reached a final agreement on the Common Application Format (CAF) which standardizes patent application formats used in each country based on the PCT international application format. Moreover, in May 2008, the JPO played a leading role in agreeing to deliberate about the CAF by the IP Five Offices (EPO, JPO, KIPO, SIPO and USPTO). From January 2009, the Trilateral Offices began accepting applications in the CAF. The KIPO and the SIPO began to accept online applications using the CAF in January 2010 and August 2012, respectively. Nowadays, all five of the IP Five Offices are able to accept applications using the CAF.

【Figure 3-5-3 Outline of WIPO standards/the Number of standards (As of April 2013)】

Explanation	Number
Standards relating to Nature, common to Information and Documentation Examples: ST.3: Country code ST.96: Industrial property information using XML	4
Standards relating to Patent Information and Documentation Examples: ST.9: Bibliographic data on patents ST.36: Patent information using XML	40
Standards relating to Trademark Information and Documentation Examples: ST.60: Bibliographic data on trademarks ST.66: Trademark information using XML	6
Standards relating to Industrial Design Information and Documentation Examples: ST.80: Bibliographic data on industrial designs ST.86: Industrial design information using XML	3

2) Standards for Data Exchange through the Trilateral Network

The Trilateral network became available in 1998 as the Virtual Private Network (VPN) managed by the USPTO and has been used to exchange priority documents online among the Trilateral Offices and share examination information (dossier information) among the offices. In 2003, the network was changed to the Internet and a system that defines various services in XML was adopted. In November 2005, the Trilateral Offices agreed to adopt a specification 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 the revision of TDA to conform to priority document exchange and 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 on an alternative network for various applications executed on the Trilateral network with the aim for securing data exchange open to all IPOs in the future. Discussions are still being held on this matter.

(2) Various International Cooperative Activities Based on Utilizing IT

1) Priority Document Exchange

In cases where an application with claim of priority based on the Paris Convention is filed, an applicant needs to obtain priority documents in writing from the Office of First Filing and submit them to the Office of Second Filing. Therefore, it was troublesome for applicants to go through the procedures to submit priority documents and bear the costs for doing so. It was also troublesome for each office to perform administrative procedures to issue priority documents to applicants. In response, the JPO has been advancing an online, mutual exchange project for priority documents among the offices, in cooperation with the patent offices in other countries. Under this project, applicants are able to skip the procedures involved with submitting priority documents. This initiative began between the JPO and the EPO in January 1999, between the JPO and KIPO in July 2001, and between the JPO and the USPTO in July 2007. Moreover, in 2009 it became possible for the JPO to acquire the

1 See following (2) 1).

priority documents issued by the offices, with which the JPO does not exchange priority documents online, through the offices, with which the JPO does exchange them online, if the offices have the priority documents concerned. As a result, this reduced the burden of paperwork on applicants who are planning to use priority documents issued by the offices with which the JPO does not exchange priority documents online. The electronic data exchange of priority documents between two countries increases the burden on offices to make individual arrangements between the offices and build networks, in response to the increase in the number of participating offices. Thus, discussions were held to build an electronic exchange system for priority documents among several offices via WIPO. Then in 2009, the WIPO Digital Access Service (DAS) became available. The JPO has participated in the DAS since April 2009 and provided applicants with it. As of March 2013, the number of countries are participating in this system: the United States (since April 2009), Korea (since July 2009), the United Kingdom (since October 2009), Spain (since October 2009), Australia (since December 2009), Finland (since April 2011), Sweden (since November 2011), Denmark (since November 2011) and China (since March 2012). Moreover, since January 2010, it has become possible to request priority documents using the DAS to the International Bureau of WIPO, even for PCT applications. At the DAS Working Group held in July 2011, it was agreed to expand DAS to designs and trademarks and adopt a new DAS system which significantly simplified the procedures for users. In response to this, the International Bureau of WIPO adopted this new DAS system in July 2012 and the JPO also followed in March 2013. It is expected that more offices will migrate to the new DAS system with the increase in the number of countries participating in DAS.

2) Foreign File Wrapper Reference

In order to respond to the globalization of intellectual property activities, it is necessary for patent offices to cooperate in the examination process by mutually utilizing both examination results and prior art search results. Under such circumstances, the JPO has worked to develop a system to obtain examination information owned by other offices, in order to enable examiners to refer to search/examination results and status information in other countries by using IT. Based on a suggestion made by the JPO, the Trilateral Offices built 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 began to share examination information with KIPO by using this system. 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 began its operation, examiners at the JPO access other offices to view the examination results about 440,000 times a year for conducting examinations, for example. This type of infrastructure for examination cooperation enables to maintain the efficiency and improve the quality of examination while improving predictability of examination results at other offices.

In order to further expand the framework of the Dossier Access System and promote work sharing, in 2008, the JPO took the lead among the IP Five Offices in making a proposal toward building the One Portal Dossier (OPD) that collectively displays the examination information of related applications at each office. A project to make this possible began in the same year. In March 2011, the IP Five Offices largely agreed to work toward building OPD system in an open network environment. Currently, preparations are being made to launch the system in July 2013.

At the JPO, information on search/examination results is translated into English

by machine translation and provided to 61 patent offices (as of March 2013) through the AIPN using the Internet. It is expected that, for example, when the PPH is used, the ability to refer to examination history of applications filed to the JPO during the examination process at foreign patent offices improves the efficiency and quality of examination at the offices concerned. It is also expected that it enables Japanese applicants to obtain rights appropriately in other countries, contributing to their smooth economic activities.

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 one's own country but also worldwide. To achieve this, it is necessary to advance cooperation in examination and to pursue the sophistication of a search platform enabling global work sharing by making a linkage of document databases and search tools owned by other offices. In order to solve this issue, discussions have been held repeatedly in the IP Five Offices. In 2008, the Common Documentation project to build a search database was proposed so that examiners in other offices can access the same scope of document data. In 2009, as the core activities of the project, the IP Five Offices agreed to consider creating lists of common document sets (authority files), exchanging data among the offices without using CDs or any other recording media (media-less data exchange) and establishing "intelligent documentation" that allows users to search information on chemical structural formulas and numerical formulas. In February 2013, the IP Five Offices completed creating authority files and in March 2013, the JPO deployed a FTP server as a first step toward media-less data exchange through the Internet.

4) Efforts Supporting Developing Countries

In developing countries such as Asian countries that are becoming more important for Japan as growing markets and manufacturing sites, it is essential not only to confront problems in counterfeiting and piracy but also to build infrastructures that protect IPs. In addition to cooperation in the area of human resource development and examination, the JPO has been focusing on building information-handling infrastructures step by step in Southeast Asian countries that have strong economic and cultural ties with Japan, for example; building intra-office databases, a platform for dissemination of IP information such as the IPDL, and a system of e-filing. This is being done under the banner of "cooperation for informatization". Furthermore, for the purpose of modernizing the IP offices in developing countries, the JPO sends experts to assist in building their information-handling infrastructure.

Part 4 —— International Status

Quo and Efforts Made by Japan —

Chapter 1
Efforts Made by Japan through International Frameworks

For global business operations of companies, the stable protection of intellectual property rights in foreign countries is essential. In addition, the smooth and predictable acquisition of intellectual property rights is also desirable in the end. To support the global business operations of companies, demand is being made not only for the further harmonization of intellectual property systems worldwide but also for the development of the intellectual property infrastructure in emerging countries. The Japan Patent Office (JPO) aims to create global intellectual property systems by endeavoring to strengthen its collaboration with emerging Asian countries such as the rapidly developing ASEAN countries, while leading discussions on system harmonization and patent classification through meetings of the five IP offices (JPO, EPO, KIPO, SIPO, and USPTO), the "IP5 Meetings" and the meetings among JPO, KIPO, and SIPO.

1. Efforts on Multilateral Meetings

This section presents efforts made by the JPO in the area of multilateral meetings such as the IP5 Meetings whose member offices handle more than 80% of all patent applications filed worldwide; the Trilateral Conference among the JPO, the EPO, and the USPTO, which celebrated its thirty-year anniversary; and the ASEAN-JAPAN Heads of Intellectual Property Offices Meetings which will gain greater important in the future; and the new TM5 Meetings.

(1) Meeting of the Five IP Offices (JPO, EPO, KIPO, SIPO, and USPTO)

1) Background

Approximately 1.69 million patent applications, accounting for nearly 80% of the 2.14 million patent applications filed in the world, were filed with the five IP offices the "IP5 Offices" . In order to lead the global efforts in the intellectual property field, the heads of the IP5 Offices met for the first time in Hawaii, U.S.A. at the first Meeting of the IP5 Heads of Office. The IP5 Offices discuss issues such as the mutual sharing of examination results, simplification of procedures, and maintenance and improvement of quality of examinations in order to respond to the increase in patent applications and associated workload. Also, in order to advance projects for common application format, easy access to examination results of the Offices, and other important subjects, vigorous discussions have been held on the working level in three working groups (WG1: Classification, WG2: Information Technology, and WG3: Examination).

At the fifth Meeting of the IP5 Heads of Office, the IP5 Offices welcomed the draft report of the matrix study prepared under the leadership of the JPO, which in terms of patent system harmonization, compared the systems and processes of the IP5 Offices as well as analyzed the effects and difficulty of harmonization. They also agreed to establish a "Patent Harmonization Expert Panel" to continue discussions on system harmonization based on the matrix study's results, in order to keep up the momentum of the IP5 Offices. Furthermore, they agreed to work toward successfully implementing the Global Dossier Initiative[1], and to establish a taskforce composed of the IP5 Offices, WIPO, and users to collect needs from a wide range of users. At the occasion of this Meeting of the Heads of Office, a session of the IP5 Heads and IP5 users was held. Active discussions between the IP5 Offices and the users were held, and common understanding of the importance of exchanging views via such sessions was reached among them. It was agreed to hold

1 A future vision to construct the common system infrastructure to provide various services to diverse users uniformly by virtually integrating the IP5 Offices' information related to applications and examinations (dossier information). Please refer to "the Global Dossier" in Column 9 in Chapter 6 of Part 3.

sessions with users thereafter during future Meetings of the IP5 Heads of Office.

At the sixth Meeting of the IP5 Heads of Office held in June 2013, the participants agreed to initiate activities on the Global Classification Initiative (GCI), in place of the previously used CHC, as the framework for further cooperation among the IP5 Offices. In addition, with regard to the Global Dossier, the members discussed the issues and future roadmaps of services that users would like to have as soon as possible, and agreed to continue cooperation to promote the Global Dossier.

2) Outline of Each Project

a. WG1: Classification

Classification Harmonization

This is a project for segmentalizing the International Patent Classification (IPC) by using the detailed internal classification of each office: The IPC has already been issued for six project fields among the total of eighteen projects the Five Offices agreed to start, with discussions continuing on issuing the IPC for the remaining project fields.

b. WG2: IT-supported Business Processes

Common Documentation

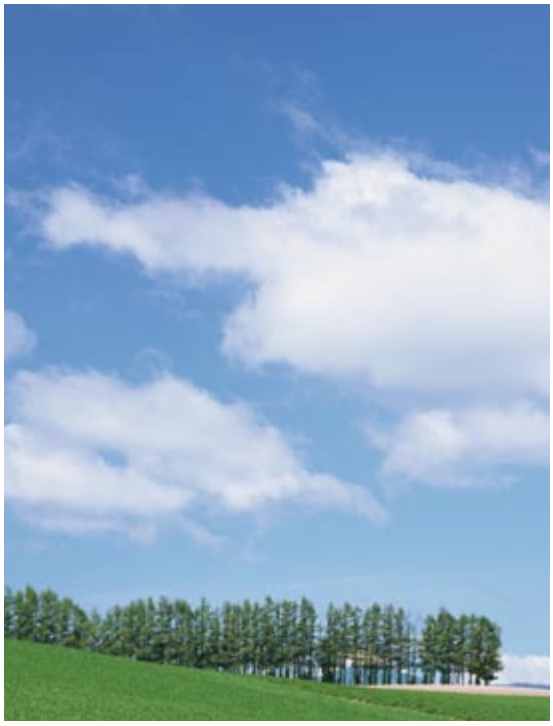
This is a project that enables examiners to search databases at each office in order to access the same document scopes. After policies and definitions of common documentation have been agreed, discussions are still on going as to each office's analysis of a search database and media-less data exchange.

Common Application Format

This is a project that enables applicants to submit patent application descriptions to each office in a common application format. In 2012, the Five Offices finally agreed the Common Application Format (CAF) Definition, with the JPO playing a leading role to prepare it. The Five Offices aim to have it adopted by a wide range of IP offices, based on the CAF document agreed to by the Trilateral Offices. Also, the State Intellectual Property Office of the People's Republic of China (SIPO) started to accept applications based on the CAF in August 2012, and so filing applications based on the CAF is now possible at all the Five Offices.

One Portal Dossier, Global Dossier

This is a project for achieving the "one portal dossier (OPD)" so as to enable the one-stop display of dossier examination information on related applications at each office. This project also is working to have the Global Dossier (GD) positioned as the common system to be used among IP offices, and which virtually integrates dossier information and uniformly provides various services. The development of the OPD is under way, with services for examiners expected to begin in 2013. With regard to the GD, the first meeting of the GD Taskforce was held in The Hague of the Netherlands in January 2013, where the taskforce actively discussed services that should be provided earlier, and subjects that need to be improved. The taskforce is currently working in detail on classifying issues and roadmaps to make the GD a reality.



c. WG3: Examination Practice-related Projects

Common Training Policy

This is a project for holding examiner workshops and mutually participate in each other's seminars. The offices decided to continue to hold examiner workshops and mutually participate in seminars at the Five Offices.

Common Examination Practice Rules and Quality Management

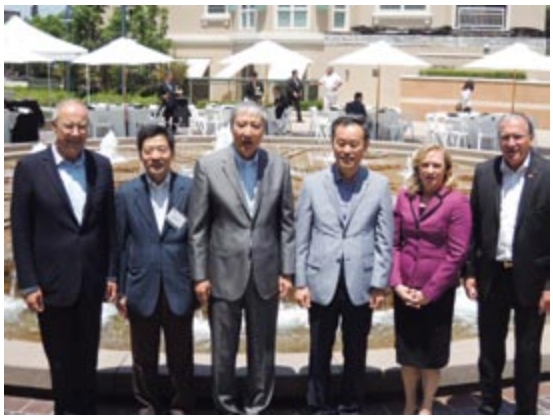
This is a project for standardizing the rules used in examination practices and the quality management system. Based on the results of comparative studies conducted by the Five Offices on search and procedure rules, discussions on the common rules for examination practices are under way. In the future, sharing best practices on searches in specific technical fields will be studied.

Common Statistical Parameter System for Examination

This is a project for clarifying statistical parameters (indexes) that have different definitions in each office and for creating comparable examination statistical parameters at each office so as to enable the statistical information on examination processes to be exchanged based on using the comparable statistical parameters. A report was prepared on the pilot project in which eight common statistical parameters were used. Also, in December 2012, the SIPO proposed to further improve the common statistical parameters used in the pilot project, with the Five Offices discussing the proposal.

3) System Harmonization

At the Five Offices' WG3 meeting held in December 2012, an IP5 matrix study repot was adopted at the working level. The first meeting of the Patent Harmonization Expert Panel was held following the WG3 meeting, at which up-to-date information on the patent system survey was shared among experts from the Five Offices and future work items were discussed.



The sixth Meeting of the IP5 Heads of Office in June 2013 in Silicon Valley, the U.S.
(Photo, from left to right) WIPO Director General Gurry, JPO Commissioner Fukano, SIPO Commissioner Tian, KIPO Commissioner Kim, USPTO Acting Director Rea, and EPO President Battistelli

Column

PCT Kaizen: PCT System Improvement through "Total Optimization"

1. Background

Since the U.S., the UK, and also the EPO submitted proposals to improve the PCT system in 2012, the movement to further improve the PCT system has been gaining momentum recently. The Japan Patent Office (JPO) presented a proposal called "PCT Kaizen" at a WIPO meeting in February 2013, outlining one concept for the next step in improving the PCT.

2. What is "PCT Kaizen" ?

"PCT Kaizen" is a proposal aimed at optimizing the overall PCT system. The name implies "continuous improvement (kaizen in Japanese)" so as to continually make the system better and resolve issues with the PCT system.

(1) From Partial Optimization to Total Optimization: "You can see the forest for the trees"

a. Current Efforts

Current efforts aim to strengthen individual elements and functions of the PCT system (partial optimization).

b. Issues with the Current PCT System

However, issues such as duplicate work for both applicants and IP offices, as well as lack of patent predictability, remain unsolved. Our reasoning is that the biggest causes for these issues are the lack of "total optimization" and the lack of a complete overhaul of the entire PCT system.

c. Proposed "PCT Kaizen"

Thus, what we are proposing in "PCT Kaizen" is to add the view of totally revamping the entire PCT system (total system optimization), in addition to only doing partial optimization, which is the current view.

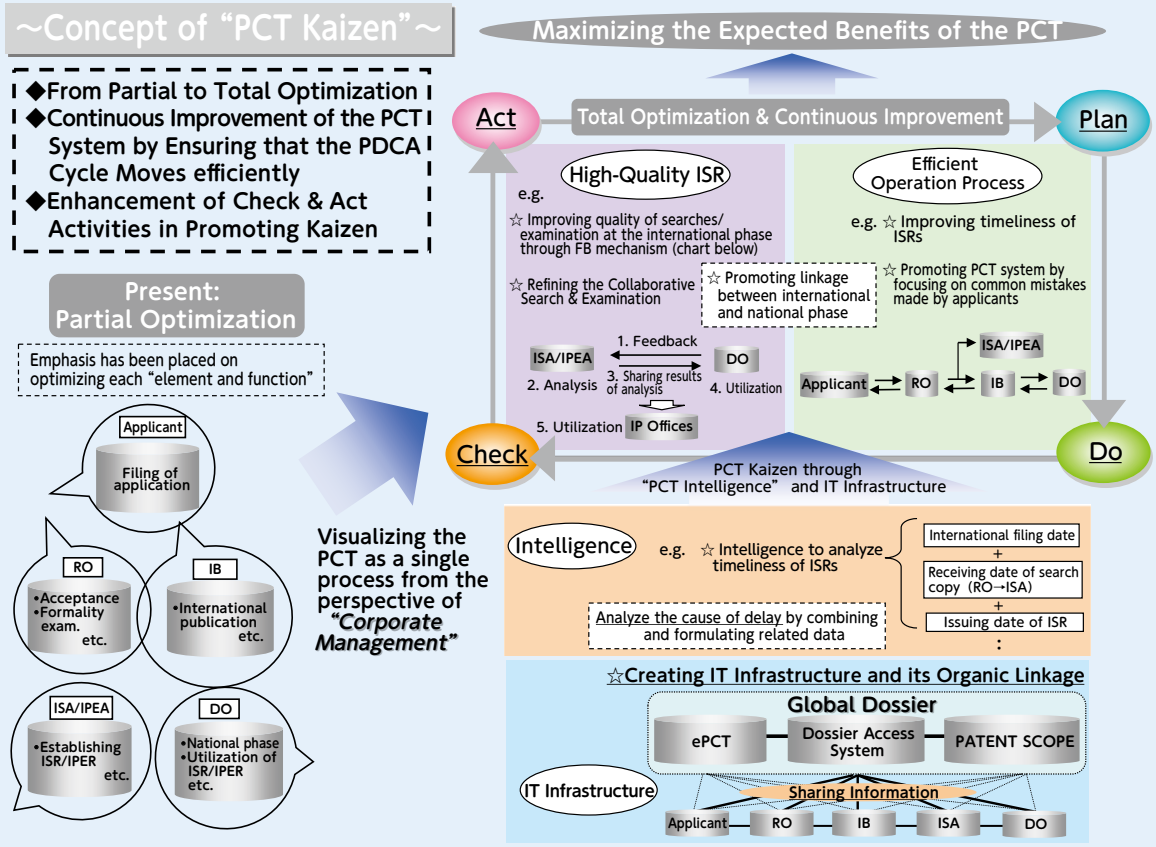
(2) Continuous Improvement and Creating an Associated PDCA Cycle

Pursuing both "partial optimization" and "total optimization" is actually a "corporate management" idea (principle) that is taken for granted at companies. The WIPO International Bureau (IB), International Search Authorities (ISAs) and national offices should be fully aware of the need for actually "managing" the PCT system as a business in order to maximize its benefits. In "PCT Kaizen," the "continuous improvement" of the system and its operations, and the creation of a "PDCA cycle" are proposed as the basis for managing and advancing the PCT system. For the PDCA cycle, "Check (evaluation)" and "Act (improvement)" through analyzing and sharing opinion from users and feedback based on actual examination practices will be addressed.

【Figure4-1-1】

【Issues with the PCT System】 ・Duplicate work of applicants and IP offices ・Lack of predictability of acquiring patent rights, etc.	
Current measures	Improving individual elements and functions that make up the PCT system (partial optimization) ・Measures to improve the quality of international searches (prior art searches) of an individual ISA ・Improving electronic processing of applications, etc.
Proposed "PCT Kaizen"	**【Basic concept】** Looking at the entire PCT system as a whole, and encouraging coordination among a series of processes and procedures, from applications up to examinations in each country (total optimization) **【Specific proposals】** ・Improving quality of search and examination results at the international phase ・Promoting linkage between the international phase and the national phase ・Refining international search collaboration (collaborative search) ・Creating intelligence for analyzing and improving PCT processes ・Creating IT infrastructure which is conductive to PCT Kaizen (full use of the Global Dossier)

【Figure4-1-2】



3. Conclusion

The Japan Patent Office will continue to make efforts to further improve the "PCT Kaizen" proposal and work to have it become a reality.

(2) TM5 Annual Meeting

1) Background

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. In order to support companies that are expanding their business operations overseas, it is necessary to create an environment that allows the expeditious acquisitions of stable trademark rights worldwide and the appropriate protection of those rights.

To respond to such demand, in the field of trademarks, cooperation among the three offices of the Japan Patent Office (JPO), the United States Patent and Trademark Office (USPTO), and the Office for Harmonization in the Internal Market (OHIM), which are collectively called the Trademark Trilateral, has been advancing since 2001. A decision was made in December 2011 to let the Korean Intellectual Property Office (KIPO) and the State Administration for Industry and Commerce (SAIC) join the Trademark Trilateral as new members, and to create a new cooperative framework called the TM5: the first TM5 annual meeting was held in Barcelona, Spain in October 2012.

The TM5 is currently cooperating on on-going projects succeeded from the Trademark Trilateral, and also on new projects launched by the TM5, which

involves nine projects in total. Also, the cooperation among the Trademark Trilateral was expanded to include the field of designs in 2008, and the four offices of Japan, the U.S.A., Europe and Korea hold expert meetings in parallel with a TM5 meeting.[1]

2) Outline of Each Project in the Field of Trademarks (Offices in the parentheses are the offices in charge of leading discussions on the respective projects.)

a. ID Project (USPTO)

The ID list is a project aimed at creating a list of harmonized identifications (IDs) of goods and services that are mutually acceptable to the participating offices in the trademark examinations. The list is made available to users in order to be used when designating identifications of goods and services in trademark applications.

b. Common Statistical Indicators (OHIM)

This is a project to regularly update and exchange data on each of the TM5 offices based on common statistical indicators, and to verify the statistical indicators.

c. Common Status Descriptors (USPTO)

This is a project aimed at providing the participating offices with a uniform set of status descriptors that would give members of the public clear information regarding the status of any particular trademark application or registration, such as “application pending” , “registration” , and “final decision” .

d. Project against Bad Faith Trademark Filing (JPO)

This is a project which is to share information on laws and regulations as well as their examination practices and issues regarding bad faith filings in each partner offices. Then, TM5 offices will discuss in order to take effective measures against bad-faith trademark filings in each partner office and to improve knowledge about them.

e. Image Search of Figurative Trademarks (JPO)

This is a project for studying the feasibility and issues of using an image search system for trademark examinations, in order to reduce the burden of figurative trademark searches, which are currently conducted based on the Vienna Classification. A research study is underway to identify issues with the image search system.

f. Taxonomy and TMclass (OHIM)

This is a project based on TMclass[2], which is a tool provided by OHIM to conduct classification searches for goods and services. The project aimed to design a tool that would enable will users to intuitively search goods and services by implementing Taxonomy[3] (a hierarchical structure) into TMclass. The Japanese language could be used in TMclass starting in October 2012. A study is under way on searches using Taxonomy.

g. User-friendly Access to Trademark Information (OHIM)

This is a project for studying the possibilities of improving web-based services, with the aim of improving access to trademark related information. TMview, proposed as one study subject, is a search tool of OHIM and enables one-stop searches for and inquiries of trademarks in the EU, offering detailed information.

1 Since designs are not under SAIC’ s jurisdiction, the four offices of Japan, U.S.A, Europe and Korea hold an expert meeting in the field of designs.

2 TMclass is an analysis tool provided by OHIM to identify goods and services for trademark registration. Classification data provided by the participating office are to be integrated into TMclass to facilitate processes to classify goods and services. Its name was changed from previous “Euroclass” to “TMclass” in March 2013.

3 Taxonomy is a new hierarchical structure of goods and services based on the Nice Classification, where broader concepts are located at the upper level and specific indications are located at the lower level.

h. Website (KIPO)

This is a project for developing a TM5 website, with the aim of providing sufficient information to users about TM5 activities:

i. Session with Users (Country hosting TM5 Annual Meeting)

This is a project for reviewing and determining areas of improvement for the benefit of users, through exchanging opinions with users:

3) Outline of Project in the Field of Designs

Preparation of a Comparative Catalogue for View and Drawing Requirements for Designs (OHIM)

This is a project to prepare a catalogue comparing the view and drawing requirements of the respective offices. Collected information will help users in each country to see design views and drawings of each country, and compare the requirements for these in each office. It was agreed to create a working group of experts in the field of designs in order to prepare such a catalogue by the next meeting.

(3) ASEAN-JAPAN Heads of Intellectual Property Offices Meeting

The ASEAN countries have achieved outstanding economic development in recent years. It is predicted that the demand for high-quality and high-value added products and services will increase, and the demand for good technologies, designs and brands will increase as the number of people in the high and middle income classes increases in the ASEAN countries. Also, the ASEAN region intends to create a unified community by 2015, aiming to liberalize economic activities in the ASEAN region. It is anticipated that the ASEAN region will become a large economic area more important to Japan than ever. Due to such circumstances, improving the ASEAN industrial property right systems has become an urgent issue to promote trade and investment activities.

The JPO has strengthened cooperation on intellectual property with the ASEAN to support Japanese companies' global business activities, and held the first ASEAN-JAPAN Heads of Intellectual Property Offices Meeting in February 2012. In this meeting, it was confirmed that ASEAN needed to strengthen the protection of intellectual property, under the leadership of Japan, to enable economic growth in integrating the economies of ASEAN in 2015. The "Tokyo Intellectual Property Statement" was adopted affirming Japan's cooperation to that end.

In July 2012, the second ASEAN-JAPAN Heads of Intellectual Property Offices Meeting was held in Singapore, and a memorandum of cooperation was concluded between the JPO and the Intellectual Property Offices of the ASEAN countries.

The memorandum of cooperation is expected to enhance capabilities in ASEAN and Japan in the areas of industrial property protection systems, transparent and streamlined examination procedures and practices, industrial property administration, industrial property exploitation by the private sector, and awareness of industrial property.

At this meeting, the JPO and the ASEAN IP offices adopted the ASEAN-JAPAN IPR Action Plan 2012-2013 based on the memorandum, which specifies the details of cooperation, including the conduct of a study on successful cases of Japanese SMEs in IP commercialization in the creative industry applicable to ASEAN, a workshop on the establishment of IT infrastructure to share dossier information on patent examination, and various support for accession to International Treaties for AMSs.

The Third ASEAN-Japan Heads of Intellectual Property Offices Meeting
Front row; (From left) Deputy Director Sim (Cambodia), Director General Pajchima (Thailand), Commissioner Fukano, Attorney General Hayati (Brunei), Chief Executive Tan (Singapore),Director Timbul (Indonesia)
Back row; (From left) Director General Blancaflor (Philippines), Division Head Thitapha (ASEAN Secretariat), Director General Minh (Viet Nam), Director General Moe (Myanmar), Director General Sitha (Laos), Head Shahrinah (Brunei), Director Eaisah(Malaysia)

In April 2013, the third ASEAN-JAPAN Heads of Intellectual Property Offices Meeting was held in Kyoto. At the meeting, a new action plan was adopted to be implemented in FY2013, and it was agreed to advance new cooperative activities, including strengthening the support for introducing IT such as initiating the development of a Dossier access function for ASEAN users; strengthening cooperation with international organizations such as the Economic Research Institute for ASEAN and East Asia (ERIA) and WIPO; and providing enhanced support for examination practices such as classification and PPH.

(4) Trilateral Meetings among the JPO, the EPO and the USPTO

1) Background

The Trilateral Offices, namely the JPO, the USPTO and the EPO held their first Trilateral Conference in 1983. The Trilateral Offices have continuously held trilateral meetings since the first Trilateral Conference. Each year, one of the Trilateral Offices takes its turn holding a Trilateral Conference in autumn In November 2012, the Trilateral Cooperation celebrated an historic event, its 30th year, when the 30th Trilateral Conference was held in Japan. On the occasion of the 30th Trilateral Conference, a symposium was held to celebrate the 30th year, with a brochure commemorating the 30 years of the cooperation being issued.

30th Trilateral Conference held in November 2012, in Kyoto, Japan
(Photo) EPO President Battistelli, JPO Commissioner Fukano, and USPTO Director Kappos (now retired)

The trilateral conference was initially established in the early 1980s to solve issues caused by a rapid increase in the number of patent applications being filed. Since then, the scope of the discussions among the Trilateral Offices has expanded. Discussions were initially on the issues of patent document digitization, then on the issues concerning patent application procedures and the electronic exchange of patent information, and then on the issues of workload. In recent years, the Trilateral Offices are focusing on projects to address "technical information," "work sharing" and "the PCT." In the autumn of 2013, the 31st Trilateral Conference will be hosted by the USPTO.

2) Outline of Each Project

The contents and future plans for each project discussed at the 30th Trilateral Conference held in November 2012 in Kyoto are as follows.

a. Efforts on Information Technology

One Portal Dossier

Addressing the workload issue resulted in the idea of accessing search and examination results of other Trilateral Offices. One of the solutions is the Dossier Access System, which is a system enabling each office to access examination information (dossier information) on related applications at the other Offices. Furthermore, the Dossier Access System is evolving into the "One Portal Dossier" which makes one-stop access to examination information possible under the framework of the IP5 Offices. The Trilateral Offices affirmed that they would cooperate on preparing the connectivity test among them in order to release services for examiners in July 2013.

Activities for Patent Information

Aiming to create a common patent policy among the IP5 Offices, the Trilateral Offices agreed to work on this in cooperation with each other.

b. Efforts on Work Sharing

With regard to the Patent Prosecution Highway (PPH), it was agreed among the Trilateral Offices that the JPO would collect comments from the respective patent offices on the "common guideline" proposal and the "PPH policy" proposal, and that a 2013 Plurilateral PPH Working Level Meeting would be hosted by the JPO.

They also agreed to continue discussions on the "PPH metrics" , which willserve as indices with the aim of improving quality and increasing efficiency, including how to collect data.

c. Efforts on the PCT

Collaborative International Search

A report was made on the pilot trial of collaborative international searches which the EPO, the USPTO and the KIPO were conducting. The Trilateral Offices shared the view that the workload at each patent office and the fees that applicants must pay should be carefully considered when the collaborative international searches were to be incorporated into the PCT system.

Improvement of the PCT

The Trilateral Offices discussed the JPO proposal to improve the PCT, in addition to other proposals already submitted by the EPO and USPTO to WIPO to improve the PCT. The Trilateral Offices agreed that further verification in terms of legal and IT aspects, and further discussions based on user needs, were necessary to consider the respective proposals.

PCT Metrics Framework

The EPO proposed that the IP5 Offices and WIPO should cooperate to make long-term improvements of the metrics (statistical indices) that WIPO currently prepares annually. These metrics serve as a means to observe the PCT system as a whole. The Trilateral Offices reached an agreement on the proposal. They decided to study and create new metrics based on the definition and level of effectiveness of each new metric.

d. Efforts on Examination Practices and Quality Issue

The Trilateral Offices all understand the importance of quality metrics in evaluating the quality of international search reports and national/regional examination processes. They also expect that quality metrics will lead to improving the usability of international search reports during the national phase.

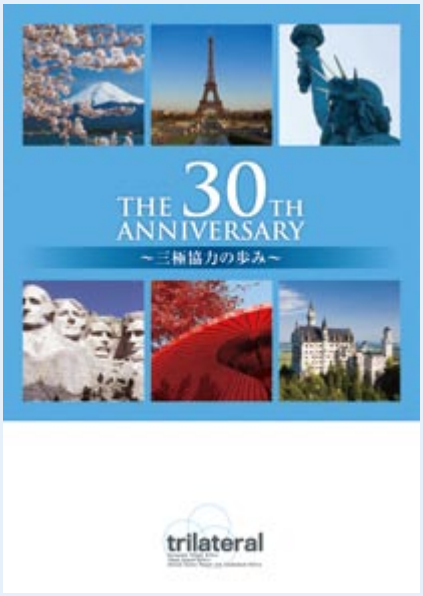
Column

The 30th Anniversary of the Trilateral Cooperation among the JPO, the EPO and the USPTO

The Trilateral Offices, namely the JPO, the USPTO and the EPO held the first Trilateral Conference in 1983. The Trilateral Offices have continuously held annual meetings since the first Trilateral Conference. Then, in 2012, the Trilateral Cooperation saw the historical epoch of its 30th year, when the Trilateral Conference was held in Kyoto, Japan.

On the occasion of the 30th memorial Conference, the JPO made a brochure[1] describing the progress and results achieved since the start of the Trilateral Cooperation. It also held a "30th Anniversary Symposium of the Trilateral Cooperation" in tandem with the Trilateral Conference, with many participants coming from various industries, universities and other related areas. At the Symposium, Mr. Keiji Yamada, Governor of Kyoto Prefecture, welcomed the participants with his opening remarks, and then Dr. Masao Horiba, Supreme Counsel of Horiba, Ltd., presented a special lecture. In the lecture, Dr. Horiba pointed out that expectations for intellectual property were high, even with the current economic stagnation, and that the Trilateral Offices bore a heavy responsibility to meet such expectations. Also, Mr. Hiroyuki Fukano, Commissioner of the JPO; Ms. Teresa Stanek Rea, Deputy Director of the USPTO; and Mr. Raimund Lutz, Vice President for Legal and International Affairs of the EPO made speeches on the current status of patents in Japan, the U.S. and Europe, respectively. Following these speeches, a panel discussion, which focused on the future of the Trilateral Cooperation and reflected on the achievements made so far, was held with participants representing the industrial sectors in Japan, the U.S. and Europe. In this discussion, the representatives from the industrial sector praised the role that the Trilateral Offices had played, and expressed their expectations for further cooperation among the Trilateral Offices in the areas of work sharing, harmonization of patent systems and operations, and other issues.

Furthermore, at the Trilateral Conference, the Trilateral Offices reflected on the long history of their Trilateral Cooperation that started in 1983 and confirmed to further continue the Trilateral Cooperation as provided in the "Declaration on the 30th Anniversary of the Trilateral Cooperation." At the same time, the Trilateral Offices, as the Offices handling almost 50 % of world's patent applications, expressed their determination to play a leading role in building a global patent system utilizing the experiences accumulated so far.



Cover page of The 30th Anniversary of the Trilateral Cooperation among the JPO, the EPO and the USPTO

1 http://www.jpo.go.jp/torikumi/kokusai/kokusai3/pdf/nitibeiou_meeting_30/pamphlet_kariyaku.pdf

(5) Cooperation among the JPO, the SIPO and the KIPO

1) Trilateral Policy Dialogue Meeting

The JPO, the SIPO and the KIPO have taken turns holding the Trilateral Policy Dialogue Meeting every year since 2001, at which opinions on the initiatives taking place among the three offices are shared. The meetings are also designed to find solutions to common issues faced by them.

At the 12th Trilateral Policy Dialogue Meeting held in Wuxi, China in November 2012, the three offices discussed cooperation in the fields of patents, designs, information technologies, and IP human resource development, as described below.

a. Cooperation in the Field of Patents

Following the report on the comparative case study that was conducted on the inventive step and publicized in 2011, they approved the comparative study report on novelty, as applied under laws and examination guidelines. In addition, a report comparing novelty, as well as a report on the comparative table on utility model systems were prepared. They agreed to publicize them on their websites. Also, they agreed to conduct a comparative study on description requirements as the next theme. Furthermore, the PPH between the SIPO and the KIPO was started in March 2012. In addition, a PPH was established between the JPO and the KIPO and between the JPO and the SIPO (based on a pilot program initiated in 2011). As a result of establishing PPH programs among the three offices, the offices agreed to start discussions about holding seminars for users and standardizing application requirements.

b. Cooperation in the Field of Design

They agreed to actively cooperate on the Japan-China-Korea Design Forum to be held in Tokyo in November 2012. This included sending experts in the field of design to the forum (refer to 2) b. for the result).

c. Cooperation in the Field of Computerization

The JPO, the SIPO, and the KIPO agreed to create a "TRIPO" website for the three offices to provide information to a wide range of users. This includes information about the activities and results of the cooperation among the JPO, the SIPO, and the KIPO.

d. Cooperation in the Field of Human Resource Development

They discussed the idea of holding seminars designed for personnel working for IP human resource development, as well as exchanging teaching materials provided by human resource development institutions in their respective countries, agreeing to further deepen cooperation among the human resource development institutions.

e. Cooperation in the Field of Trial and Appeal

They exchanged views on the necessity to mutually understand each other's trial and appeal systems, and agreed to have working level discussions among officials who work in trial and appeal sections.

f. Collaboration with Users

The JPO, considering the achievements that have been made based on the cooperation among the JPO, the SIPO, and the KIPO, proposed holding a Japan-China-Korea user meeting in parallel with the Trilateral Policy Dialogue Meeting to be held next year. They reached an agreement on the proposal.

The 12th Trilateral Policy Dialogue Meeting

2) Outline of Projects

The projects discussed at the 12th Trilateral Policy Dialogue Meeting are described below.

a. Joint Expert Group for Patent Examination (JEGPE) of Japan, China, and the Republic of Korea

At the Trilateral Policy Dialogue Meeting among the JPO, the KIPO, and the SIPO in March 2009, the three offices agreed to establish the Joint Expert Group for Patent Examination (JEGPE) of Japan, China, and the Republic of Korea, and conduct comparative studies on patent laws and examination standards. The first meeting was held in 2009. With regard to results achieved so far, they first discussed making a "Comparative Study Report on the Inventive Step" at the second meeting in 2010, and then at the third meeting, in 2011, they discussed creating a report on a "Comparative Case Study on the Inventive Step" These reports were publicized later.[1] Furthermore, a "Comparative Study Report on Novelty," a report on "Comparative Case Study on Novelty" , and a "Japan-China-Korea Comparative Table on Utility Model Systems" were discussed at the fourth meeting held in Beijing, China in September 2012. These were publicized after being adopted at the 12th Trilateral Policy Dialogue Meeting held later. The three offices plan to discuss "description requirements" as their next theme.

b. Japan-China-Korea Design Forum

Based on an agreement reached at the Trilateral Policy Dialogue Meeting, the Japan-China-Korea Design Forum has been held every year since 2010. Design experts from the three offices participate in it for the purpose of exchanging information on the design systems of the three countries and promoting mutual understanding. Following the first forum held in 2010 in Beijing, China; and the second forum held in 2011 in Seoul, the Republic of Korea, the third forum was held in Tokyo, Japan, in November 2012.

At the third forum, the JPO presented recent statistics and reported on the progress of the design system review. The KIPO presented the Republic of Korea's design protection system, recent statistics, and an overview of a draft amendment for the design protection law, for which an advance notice of legislation was issued. The SIPO presented recent statistics, giving examples of design evaluation reports and similar designs, and reporting on recent major topics on the Chinese design system. Furthermore, WIPO presented the Hague Agreement, to which Japan is considering to be a party, and Japanese specialists made speeches on the importance of design-led innovation, design effects (showing specific examples), and the direction of design after the Earthquake. Finally, speakers from the four offices together with the specialists from the private sector conducted a panel discussion about what is needed for design protection systems in the future.

The fourth forum was held in China in May 2013.

1 The JPO website publicizes the original reports and their Japanese translations.
- For the Comparative Study Report on Inventive Step and the Comparative Case Study on Inventive Step: http://www.jpo.go.jp/torikumi_e/kokusai_e/comparative_study.htm
- For the Japan-China-Korea Comparative Table on Utility Model Systems: http://www.jpo.go.jp/torikumi_e/kokusai_e/comparative_utility.htm

c. Joint Expert Group for Automation (JEGA)

Japan, China, and the Republic of Korea agreed to establish the Joint Expert Meeting for Automation (JEGA) at the second Trilateral Policy Dialogue Meeting held among the 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.

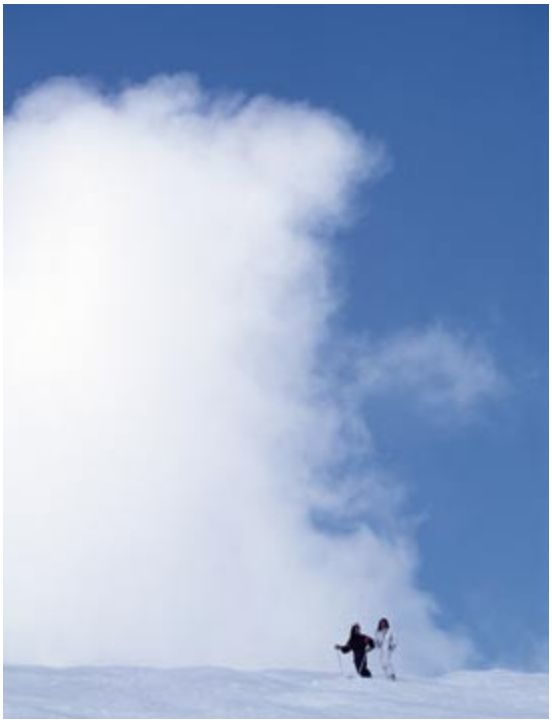
At the tenth JEGA held in Beijing, China in October 2012, the three offices exchanged information on a future course of action for the three offices with regard to issues such as the Global Dossier and machine translation, on which the Five Offices (JPO, EPO, KIPO, SIPO, and USPTO) are working. Also, they agreed on the "basic policy for the three offices' website" which describes the operational policies for the three office's website, which is designed to provide information to the public about initiatives that the three offices are working on. Furthermore, the JPO proposed that a "Ten Year Repot" be prepared, which will summarize the JEGA's past activities as well as outline the future direction of the cooperation among the three offices. The three offices agreed to jointly work on the report.

d. Human Resource Development Organization Heads Meeting of the CIPTC, IIPTI and INPIT

At the 9th Trilateral Policy Dialogue Meeting among the JPO, KIPO, and SIPO in December 2009, the JPO, the SIPO, and the KIPO agreed to hold a meeting of organizational heads to discuss areas of mutual cooperation such as training at IP human resource development organizations in each country. This meeting has been held every year since 2010. In September 2012, the third meeting was held in Beijing, China, with participants exchanging information on training and support given for intellectual property education at each organization. Also, they agreed to hold a seminar targeting the host country's IP officials. Based on the agreement, the first seminar was held in Beijing, China in September 2012, whose theme was e-learning at the Three Offices.

2. Efforts on 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 the TRIPS Agreement (Agreement on the 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 (UNFCC); and the Convention on Biological Diversity (CBD), all working on ways to deal with global issues such as public health and climate change,.



(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 an economy) is a regional forum aiming to liberate and facilitate trade, investment, and economic and technical cooperation. At the APEC Economic Leaders' Meeting held in 1995 in Osaka, 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 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 Cooperative 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. Under this initiative, Japan conducted studies on practices involving examination cooperation such as the Patent Prosecution Highway (PPH), Modified Substantive Examination, etc. A website[1], which allows users to view application formats to start the application process and see examination results of other offices, went online in March 2011.

Furthermore, in July 2009, Japan proposed building global IP infrastructures that promote innovation, as a concept to cover the diversifying initiatives involving intellectual property in the APEC as well as set the future course of action. In line with this, Japan proposed an initiative, the iPAC initiative, to encourage cooperation among training organizations in fostering human resources in intellectual property. Based on this proposal, the JPO opened a website[2] to enable IP training organizations to share information on training programs, in March 2011.

In addition, at the 33rd IPEG in September 2011, Japan made the following two proposals: 1) a "Relief Measure Survey" to systematically collect information on relieve measures that each economy has, and which can be shared among all the APEC economies; and 2) a "Quality Management Survey" to share information on specific quality management methods currently implemented by each economy and to provide reference information for future improvement and implementation of them. The results of these surveys were reported at the 36th IPEG held in January 2013.

3. Efforts on Developing Intellectual Property Systems in Developing Countries

The intellectual property system is an effective and necessary framework 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 contribute their autonomous economic development. This results in sustainable, global economic growth. In addition, establishing the intellectual property system will lead to improving the landscape for trade and investment, leading to the growth of these developing countries as a result of the increase in direct investment in them.

From this standpoint, the JPO has thus been providing vigorous means of assistance for human resources development and informatization to

1 http://patent.apec.org

2 http://ipac.apec.org/

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 in this regard. However, the operational aspects of the legal systems are still 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, by eight more years, until 1 July 2021, it seems that their administrative systems and legal systems still have room for improvement and are 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 in each country.

(1) Fundamental Ideas in Assistance in Developing Countries

The report by the Study Group on Innovation and IP Policies entitled "New IP Policies for Innovation Promotion (August 2008)" proposed that "the Intellectual Creation Cycle should encourage autonomous, economic development of developing countries not only by encouraging the creation of intellectual property systems but also by sharing successful cases involving intellectual property, with developing countries in providing assistance to them."

In terms of assistance to developing countries, it is important to raise their awareness on intellectual property and encourage them to take action on their own to build intellectual property systems, in order to promote their autonomous economic development.

Japan, under the aim of promoting autonomous, 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 utilization 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 autonomous, economic development in those countries.

Since Japanese companies' needs for acquiring high-quality rights for markets in emerging Asian countries' are increasing due to economic globalization, it is becoming more and more important to help improve patent examination capabilities in emerging Asian countries and to promote the utilization of the JPO's examination results. Therefore, it is necessary for Japan to continually make concrete efforts to strengthen cooperation with emerging Asian countries. Japan considers it important to further deepen relationships with developing countries, mainly in the Asia region, and to assist Africa.

(2) Expansion of Assistance to African Countries

The JPO has strongly supported the training of IP experts, along with giving 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 expertise on human resources development and technical cooperation obtained through those activities so far, since FY2008, the JPO has expanded the assistance to establish a 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.

(3) Cooperation in the Development of Human Resources

1) Sending 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.

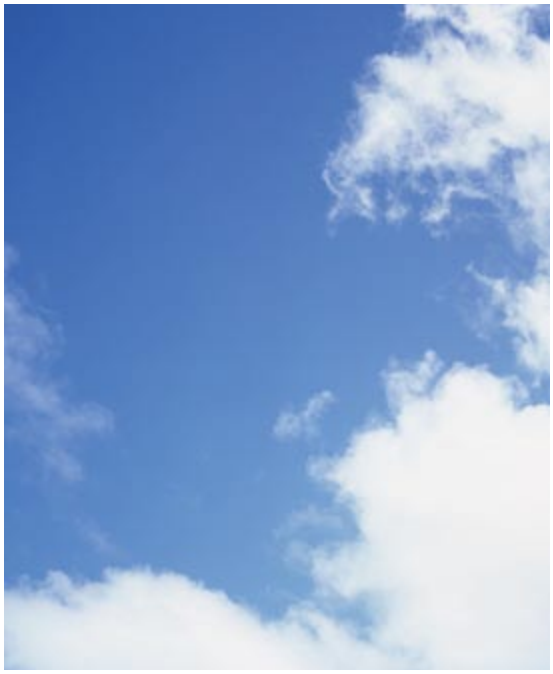
2) Acceptance of Short-term and Mid-term Trainees to Japan[2]

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 3,931 government and civilian trainees from 63 countries and four regions (mainly from the Asia-Pacific region) from April 1996 to March 2012.

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 Brazil and two from India in FY2012.

3) Acceptance of Long-term Trainees[2]

The JPO invites to Japan individuals 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. In FY2012, the JPO accepted a total of four long-term trainees, one each from Cambodia, Thailand, Brazil and 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 Follow-up Seminars

The graduates of the training programs have created voluntary organizations called "alumni associations," in their countries. Together with the alumni associations and the local IP offices, the JPO conducts follow-up seminars every year. The objective of the follow-up seminars 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 FY2012, follow-up seminars were held in the Philippines, India, Indonesia and China.

February 27, 2013, Follow-up Seminar in Indonesia (Jakarta)

5) Implementing Technical Cooperation Projects[1]

Making use of the ODA program, the JPO sends experts to developing countries for long periods of time to assist the development of intellectual property systems and human resources, and build awareness on IP in those countries.

Currently, the "Project for the Strengthening Intellectual Property Rights Protection (April 2011 - April 2015)" and the "Project for Strengthening the Enforcement of Intellectual Property Rights (June 2012 - June 2015)" are being implemented in Indonesia and Vietnam, respectively. The JPO provides technical assistance and advice through sending experts and accepting trainees. The expected achievements include: for Indonesia, enhanced functions of IP-related enforcement institutions, improvement of examination capacities of the Directorate General of Intellectual Property Rights (DGIPR), and utilization of intellectual property rights at higher educational institutions such as universities; and for Vietnam, enhanced functions of the National Office of Intellectual Property (NOIP) and IP-related enforcement institutions.

6) Holding Forums, Workshops, etc.

The achievements of the major meetings managed by the WIPO Funds-in-Trust/Japan are as follows.

a. WIPO Sub-regional Workshop on Effective Use of the PCT System: The Experience of Asian Countries

This workshop was held in Thailand in May 2012 for official of IP officers and users in developing countries in the Asia-Pacific region with the aim of deepening participants' understanding of the PCT system and providing help to promote the use of the PCT system, through sharing information on recent trends and effective ways to use the PCT system. About 30 persons from Asian countries, WIPO, the JPO, etc. participated in the workshop, and actively exchanged views on promotional activities for the PCT system and the necessity of various support for industrial and technological development.

b. WIPO Regional Forum on Intellectual Property (IP) and Environmentally Sound Technologies (ESTs)

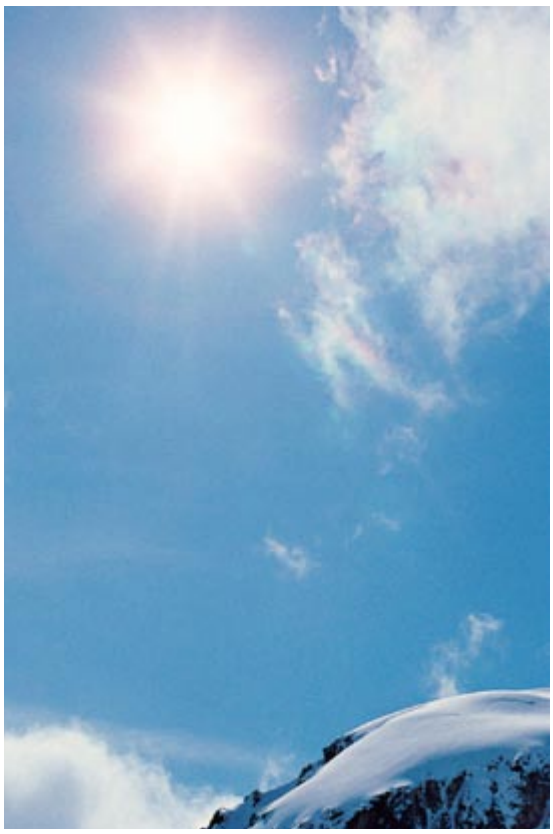
This workshop was held in Sri Lanka in May 2012 to deepen participants' understanding of the usefulness of intellectual property in advancing environmentally friendly technologies; and of the international support available for promoting sustainable development through

1 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.

the transfer of environmentally friendly technologies and for enhancing access to environmentally friendly technologies. About 50 senior officials and private sector representatives working in intellectual property and environmental protection in Asian countries participated in the workshop. They shared information on the importance of intellectual property in advancing environmental engineering as well as on efforts to improvement the environment in their respective countries.

c. Training Program on Classification Standards for Trademark Examiners

This training program was held in Kenya in July 2012 with the aim of providing opportunities for trademark examiners to be trained on the international classification system, so that they can contribute to modernizing their countries' administrative operations. About 40 persons from fourteen African countries, OAPI, WIPO and the JPO participated in the training program.



d. WIPO Regional Seminar on The Legislative, Economic and Policy Aspects of the Utility Models Protection System

This workshop was held in Malaysia in September 2012 with the aim of sharing information on the legal approaches and applications of respective countries' utility model systems and deepening participants' understanding of the utility systems' usefulness. About 60 senior officials from IP offices in Asian countries and other persons participated in the workshop, and shared information on the usefulness and legal aspects of the utility systems through actively exchanging opinions among each other.

September 3 and 4, 2012, Malaysia (Kuala Lumpur)

e. WIPO ASEAN Sub-regional Workshop on the Establishment of an Information Technology (IT) Infrastructure for the Effective Utilization of Patent Examination Results of Other Intellectual Property Offices (IPOs)

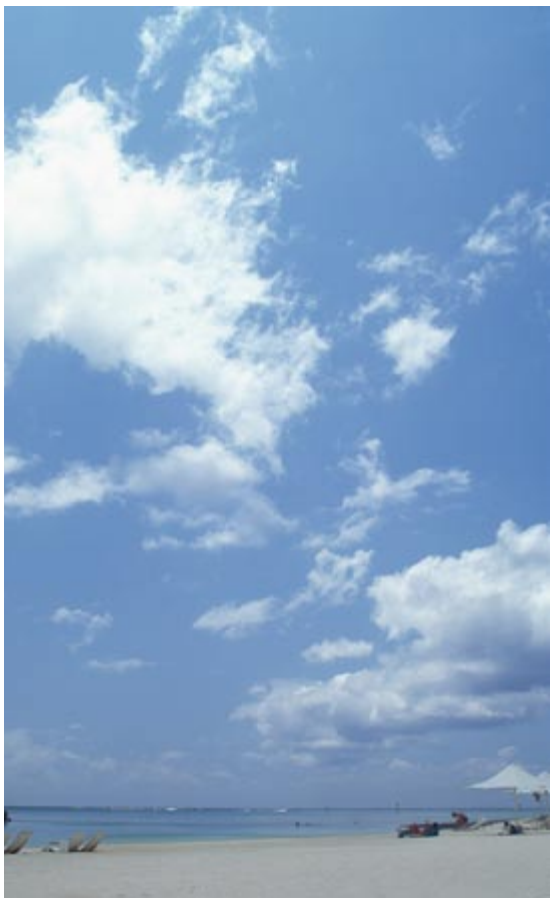
This workshop was held in Japan in September 2012 with the aim of deepening participants' understanding on establishing an IT infrastructure that will make it possible to share patent examination results with other intellectual property offices, as well as share information on the current status and issues on how IT can be applied at the respective intellectual property offices. About 25 persons, including IT officials from ten ASEAN countries, participated in the workshop, and actively discussed and exchanged views. They attained the common understanding on the infrastructure for global work sharing, and shared

information on issues and future IT plans at the respective intellectual property offices.

f. Training Program on Successful Technology Licensing (STL) for the African Network Drug (ANDI)

This training program, which was held at the WIPO headquarters in Switzerland in October and November 2012, was mainly for officials at research institutions belonging to ANDI[1]. It purpose was to provide participants opportunities to cooperate with developed countries in the area of drug development and to gain a deeper understanding on technology licensing.

About 20 persons from eleven African countries, ANDI, WIPO and the JPO participated in the training program.



1 the African Network for Drugs and Diagnostics Innovation (ANDI) established in 2008 to create a sustainable platform for R&D innovation in Africa so as to meet local needs for health

g. WIPO ASEAN Sub-regional Seminar on Accession to the Geneva Act of the Hague Agreement

This seminar was held in the Philippines in December 2012 for ASEAN countries with the aim of deepening participants' understanding of the requirements for acceding to the Hague Agreement in terms of the actual procedures, operations, and merits of acceding to the agreement. Its purpose was to enable members to share information on issues concerning accession. About 30 persons, including representatives from intellectual property offices of ASEAN countries, participated in the seminar. They actively exchanged views on promoting accession to the Hague Agreement.

h. WIPO Regional Workshop on Building Respect for Intellectual Property

This workshop was held in the Maldives in February 2013, with the aim of sharing information on how to differentiate counterfeit products from authentic products, what measures should be taken to combat counterfeit products, and what should be the future plans of the respective participating countries. Japan, the UK and other developed countries explained their experience and knowledge to the participating countries. About 30 persons, including senior officials as well as those in charge of making promotional policies, participated in the workshop, sharing their specialized knowledge on the intellectual creation cycle and the importance of enhancing enforcement, creating policies for supporting anti-counterfeiting measures, cooperation with other governments, etc.

February 13 and 14, 2013, Maldives (Male)

i. WIPO Workshop on Effective Utilization of Search Results and Communications Derived from the Patent Cooperation Treaty (PCT) System in the National Stage

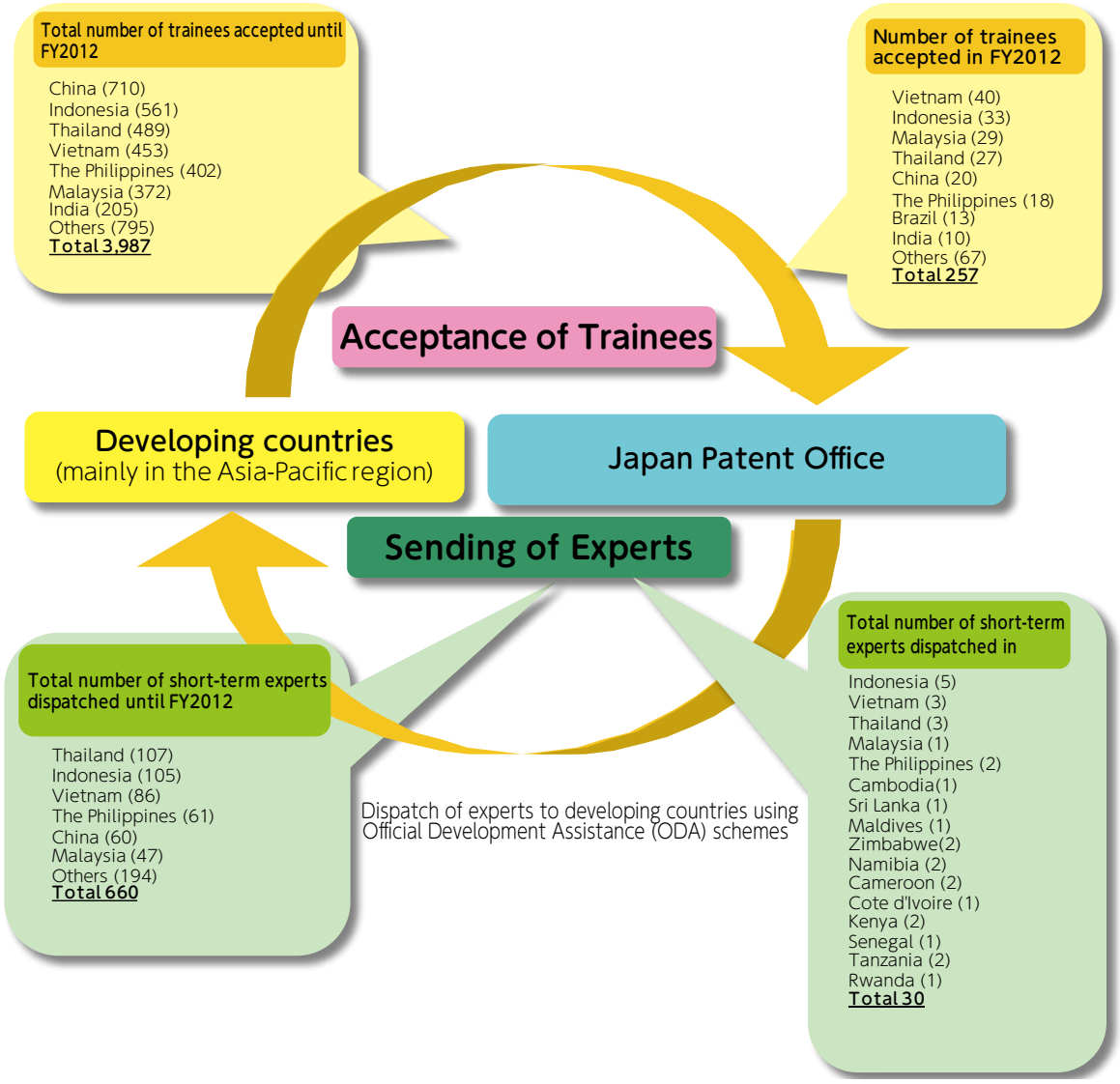
This workshop was held in Japan in February 2013 with the aim of deepening participants' understanding of how to utilize PCT international search reports (ISR) and international preliminary examination reports (IPER) for national examinations. IT was also designed so members could share information on the preparation of search reports and the examination practices in the national phase. About 30 persons, including patent examiners at intellectual property offices from Asian and African countries participated in the workshop. They discussed the status and issues of examination methods in the national phases at their respective countries.

February 27 to March 1, 2013 in Japan (JPO)

j. African Conference on the Strategic Importance of Intellectual Property (IP) Policies to Foster Innovation, Value Creation and Competitiveness

This conference was held in Tanzania in March 2013 for policy makers, researchers, and corporate representatives, with the aim of deepening participants' understanding on the importance of intellectual property in terms of business development and economic growth, and enhancing their awareness of the importance of establishing intellectual property policies on the national and local governmental levels. About 200 persons participated in the conference, including the President of Tanzania, and the ministers and IP office heads of African countries, as well as officials of ARIPO, OAPI, the African Union (AU), the United Nations Development Programme (UNDP), WIPO and the JPO.

【Figure 4-1-3 Results of Human Resource Development Cooperation with Developing Countries】



(4) Cooperation on Information Technology

Responding to requests from Indonesia, Thailand, the Philippines, Vietnam and Malaysia, the JPO sent experts to these countries from 1995 to 2009 under ODA programs, and cooperated on establishing the IT systems needed by these countries, such as administrative processing systems, intra-office search systems, information provision systems (industrial property digital libraries (IPDL), etc.) and electronic filing systems. This was in addition to working on developing human resources. Currently, the JPO cooperates with Southeast Asian countries, providing guidance and advice by sending experts to these countries.

On the other hand, with the increase in the number of patent applications, work sharing of examination process has been advanced among the Offices. Furthermore, the importance of work sharing contributing to further improving efficiency and quality of examination has been increased in the ASEAN countries which have become a region of burgeoning economic growth in recent years.

In response to this, it is the urgent need to build IT infrastructure that will help

the ASEAN countries enhance the efficiency and quality of examination processes. Therefore, the JPO will promote cooperation on the ASEAN countries towards the realization of building IT infrastructure, in cooperation with WIPO.

(5) Cooperation in the Area of Examination: the Advanced Industrial Property Network (AIPN)

The AIPN is a system that provides examination information in Japan to intellectual property offices in other countries. The purpose is to reduce the duplication of work at intellectual property offices by effectively using examination results of corresponding patent applications in Japan so as to expedite the acquisition of rights by applicants at these other offices. The AIPN enables examiners at intellectual property offices outside Japan to obtain online information in English on documents used for examination procedures, information on the legal status of patent applications, cited documents on examinations of post-grant claims, and patent families. In addition, since March 2013 the AIPN makes use of the Google machine-translation function, so now users can use languages other than English to access to the AIPN. As of April 2013, the AIPN was available to 61 countries/organizations.

4. Measures to Combat Counterfeit Products

Even nowadays, the production and circulation around the world of counterfeit and pirated products in countries and regions that do not have effective systems to protect intellectual property rights is causing significant damage worldwide, becoming a serious problem to Japanese companies. 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

People all over the world are experiencing problems caused by counterfeit and pirated products in recent years, with the damage becoming more diverse and complicated. In line with the economic globalization and the economic growth of the Asian region, the number of trademark, copyright and other intellectual property rights infringements is increasing in the Asian region, with many counterfeit products produced in the Asian region being distributed around the world. The volume of counterfeit goods being prevented from entering Japan at its borders is increasing year by year.

Also in regard to the growing amount of damage being caused by counterfeiting, we have seen the volume of damage caused by counterfeit and pirated products that are sold over the Internet increase due to the growth of the Internet and e-commerce worldwide. In addition, perpetrators of counterfeit and pirated goods are becoming more sophisticated in line with advances in technology and the intent, as they seek ways to escape from law enforcement and crackdowns. In many cases, convictions in earlier infringements are being repeated over and over. Furthermore, the issue of usurped applications is becoming more serious. This is when third parties, who have no rights to file applications for trademarks or designs, file applications anyway.

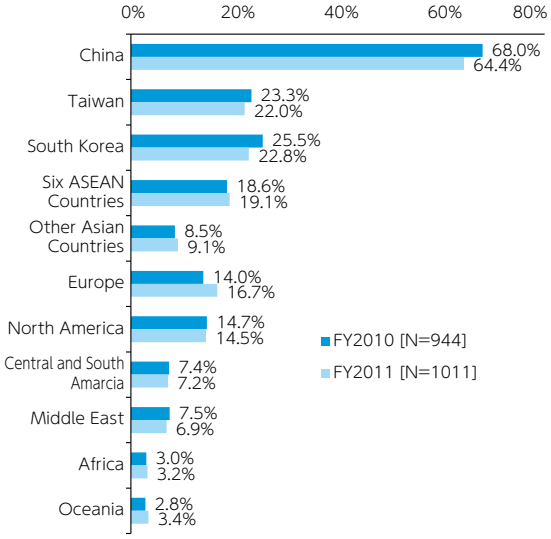
This flooding of counterfeit and

pirated products can have harmful consequences, which include damage to health caused by counterfeit drugs, product safety issues, funding for criminal syndicates, potential loss of sales opportunities, and tarnished brand images in the minds of consumers.

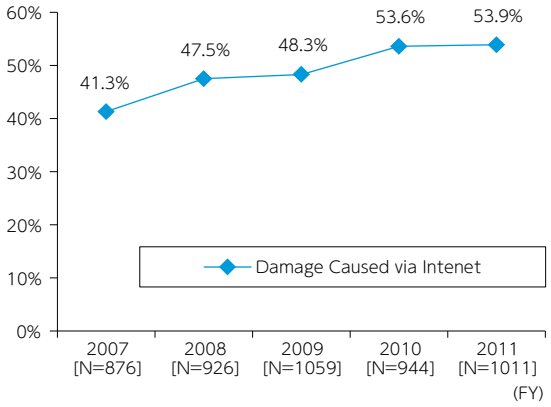
With regard to Japanese companies damaged by counterfeiting, 64.4 % of companies reported that they has been damaged by counterfeiting in China, and 22.8% of the companies reported that they had been damaged by counterfeiting in South Korea. The damage caused by counterfeiting in these countries is still very serious. Following these countries, 19.1% of the companies reported that they had been damaged in six ASEAN countries[1].

1 The countries are Indonesia, Thailand, Malaysia, Singapore, Vietnam and the Philippines.

【Figure 4-1-4 Losses Caused by Counterfeiting in Overseas Countries/ Regions (% of Companies Damaged, Multiple Responses)】



【Figure 4-1-5 Trend in Damage Caused via Intenet】



(2) JPO's Efforts to Stop Counterfeiting

1) Approaches and Support to Other Governments

Four memoranda on the protection of intellectual property were concluded between the governments of Japan and China in 2009 to enhance cooperation and dialogue on the protection of intellectual property. Specific cooperative efforts are under way based on these memoranda, and counterfeit product issues are discussed at the annual meeting of the Japan-China Intellectual Property Right Working Group. Also, the JPO is highlighting the importance

of protecting intellectual property, at multilateral meetings such as that of WIPO's Advisory Committee on Enforcement. Furthermore, the WIPO Japan Office held the "HONMONO" (genuine goods) Manga Competition in 2010, and conducted outreach activities to make people aware, through the use of a cartoon, of the damage caused by counterfeit products. The cartoon was translated into multiple languages to raise people' s awareness of the importance of protecting intellectual property. In addition, as 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 each year; and holds seminars in developing countries also. Through these efforts, the JPO helps developing countries develop human resources in the area of enforcement officers.

2) Anti-Counterfeiting Trade Agreement (ACTA)

Japan proposed an "Anti-Counterfeiting Trade Agreement (ACTA)" at the G8 Summit in 2005, which is a new international legal framework to enhance the enforcement of intellectual property rights. Following negotiations among countries[1], eight countries including Japan signed the agreement at a signing ceremony held in Tokyo, Japan, in October 2011[2]. In October 2012, Japan deposited the instrument of acceptance, and became the first Party of the ACTA. The ACTA will enter into force thirty days after the date of deposit of the sixth instrument of ratification, acceptance or approval.

In order to improve the effectiveness of measures designed to combat counterfeit and pirated products, the ACTA enhances the framework for enforcement under the WTO/TRIPS Agreement. Specifically, the ACTA has provisions to bring exports under customs control, make counterfeit labels illegal, and make the trading of devices illegal, which are designed to circumvent various functions that restrict audio-visual output and other uses.

The ACTA Parties are expected to deepen other countries' understanding of the agreement, taking advantage of various opportunities such as bilateral and multilateral meetings; and to urge other countries in Asia and other regions to be Parties to the agreement.

3) Collaboration with the Industrial World

The "International Intellectual Property Protection Forum (IIPPF)" was established in April 2002, as a forum in which companies and associations that have a strong incentive to solve the problem of intellectual property infringements overseas caused by counterfeit and pirated products can gather together. At the Forum, members from various industrial sector express their opinions and take concerted actions directed towards domestic and foreign government agencies. The Forum also works to reinforce cooperation with the Japanese government, functioning as a center to promote joint cooperation between the Japanese government and the private sector on issues that individual companies and associations cannot deal with individually, thereby contributing to the protection of intellectual property. The IIPPF saw its tenth year in 2012. With the IIPPF functioning as the center to promote joint cooperation between the Japanese government and the private sector, the Japanese government can completely understand the current circumstances of the Japanese industrial world, and reflect its understanding in policies; while the private sector can flexibly deal with requests from foreign governments with which the Japanese industrial world

1 Countries that participated in the negotiations: Japan, the U.S., the EU, Switzerland, Canada, South Korea, Mexico, Singapore, Australia, New Zealand and Morocco (ten countries and one region)

2 Parties of ACTA (as of February 2013)

- Japan, the U.S., Canada, South Korea, Singapore, Australia, New Zealand, Morocco (October 2011)
- The EU and 22 EU member states out of 27 all member states (January 2012)
- Mexico (July 2012)

alone cannot respond to on its own. Therefore, the Japanese government and private sectors can complement each other, and collectively take effective measures against issues on intellectual property. With regard to the Chinese government, in particular, when the Japanese government was not able hold meetings with the Chinese government to discuss intellectual property, the IIPPF served as facilitator in promoting joint cooperation between the Japanese government and private sector, and make it possible for a meetings to be held again between the Chinese government and Japan. Furthermore, in recent years after meetings between the Japanese and Chinese governments on intellectual property were established, the IIPPF participates in such meetings as an observer for its future activities, while at the same time the Japanese government and the IIPPF closely cooperate with each other to promote the protection of intellectual property, for example, by taking the IIPPF's activities into account for discussions between the Japanese and Chinese governments.

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 eight times so far in collaboration with the IIPPF and the government. The JPO collected opinions and requests from Japanese companies on willful trademark applications, improved access to judgments concerning intellectual property, and abuses of utility model rights. It also requested the Chinese governmental organizations for assistance in developing legal systems and improving operations. In addition, the IIPPF holds seminars for officials of enforcement agencies of ASEAN countries and others on how to distinguish authentic products from counterfeit products. It also supports Intellectual Property Group (IPG), local groups in foreign countries, which promote both the exchange of information and cooperation with the foreign governments on issues concerning intellectual property such as counterfeit and pirated products.

4) Collecting and Providing Information on Anti-counterfeiting Measures

In order to understand the damage that Japanese companies suffer overseas, the JPO each fiscal year conducts a survey and publishes the results in its survey entitled "Survey Report on Losses Caused by Counterfeiting." In addition, with the aim of assisting Japanese companies' business activities overseas, the JPO sends researchers to overseas offices (North America, Europe, China, South Korea, Taiwan, Southeast Asia, and India) to conduct research activities and offer consultation there. 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". The Collection contains actual cases, court precedents relating to IPR infringements, and informative comments. 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 infringements) from rights holders, providing them 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 industrial property right systems and on countermeasures against industrial property infringements targeting Japanese companies. The JPO also provides information; for example, it provides information on foreign countries' countermeasures against counterfeits (a mini guide on measures against infringements), and "Q&As Collected from Consultation Cases," which explains countermeasures in the form of questions and answers based on consultation cases on countermeasures against counterfeit.

6) Cooperation with National Regulatory Authorities/Countermeasures at the Boarder

With the aim of efficiently cracking down on counterfeiting within Japan, the JPO responds to inquiries from police and customs about infringements of industrial property rights. The number of inquiries from the police and other was 840 in 2012. Also, in order to enhance the enforcement of intellectual property rights, the JPO aims to strengthen cooperation with Japanese law enforcement authorities; for example, the JPO sends instructors to give training on intellectual property to Japanese customs officials.

7) Activities to Raise Consumer Awareness

Considering the high percentage of consumers who think that buying counterfeit products is not a problem, the JPO is working to raise consumer awareness in this area. Specifically, the JPO organizes Anti-Counterfeiting Campaigns every fiscal year with the objective of further raising domestic customer awareness on the importance of intellectual property rights and informing domestic customers that counterfeiting and piracy have adverse effects.

5. Promotion of Conclusion of Economic Partnership Agreement (EPA) and Free Trade Agreement (FTA)

Japan has actively concluded Economic Partnership Agreements (EPAs) mainly with Asian countries that have deep economic and cultural ties with Japan. Under these circumstances, the intellectual property field is one of the fields of EPA negotiations and is part of the Japan's efforts to prepare the environment that will contribute to expanding trade and investment. In the field of intellectual property, Japan aims to ensure: i) adequate, effective and non-discriminatory protection of intellectual property, ii) efficient and transparent administration over the intellectual property protection system, and iii) adequate and effective enforcement of intellectual property rights, taking into consideration trade relations and the scale of intellectual property problems, etc.

(EPAs already came into force)

1) Japan-Singapore EPA (came into force in November 2002)
2) Japan-Mexico EPA (came into force in April 2005)
3) Japan-Malaysia EPA (came into force in July 2006)
4) Japan-the Philippines EPA (came into force in December 2008)
5) Japan-Chile EPA (came into force in September 2007)
6) Japan-Thailand EPA (came into force in November 2007)
7) Japan-Brunei EPA (came into force in July 2008)

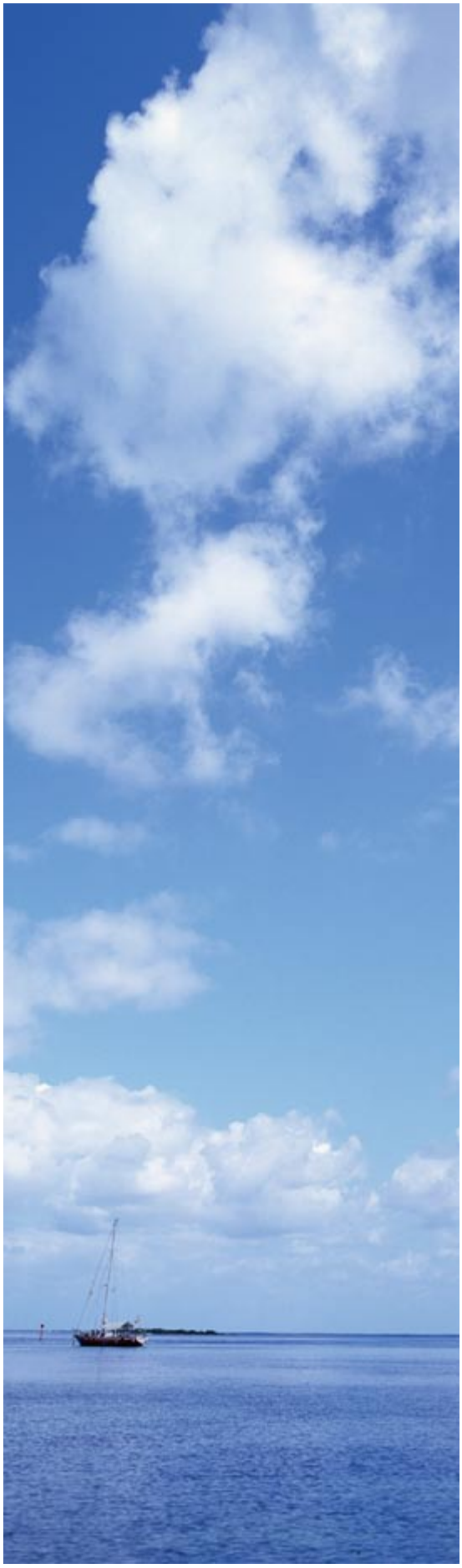
8) Japan-Indonesia EPA (came into force in July 2008)
9) Japan-ASEAN Comprehensive EPA (came into force in December 2008)
10) Japan-Vietnam EPA (came into force in October 2009)
11) Japan-Switzerland EPA (came into force in September 2009)
12) Japan-India EPA (came into force in August 2011)
13) Japan-Peru EPA (came into force in March 2012)

These EPAs include measures such as more simplified and transparent procedures and strengthened protection of intellectual property rights and the enhanced enforcement thereof. They provide for strengthening the protection of intellectual property rights beyond the level of protection stipulated in the TRIPS Agreement.

(EPAs under negotiation)

In addition to the above, Japan is negotiating with Australia, Mongolia, Canada, and other countries to conclude EPAs. Furthermore, Japan has started negotiations for a Japan-EU EPA with the EU, Regional Comprehensive Economic Partnership (RCEP), and a Japan-China-Korea FTA, aiming for large economic partnership covering wide areas.

Also, negotiations with Asia/Pacific countries are currently underway on the Trans-Pacific Partnership (TPP), which is a regional initiative to create the Free Trade Area of the Asia-Pacific (FTAAP), and on the RCEP, etc. At a ministerial meeting held in April 2013, eleven countries participating in the TPP negotiations issued a joint statement, welcoming Japan as a new participant in the negotiations.



Part 5 Statistics and

Appendixes

General Statistics

1) Patents	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012
applications	413,092	423,081	427,078	408,674	396,291	391,002	348,596	344,598	342,610	342,796
Request for Examinations	243,836	328,105	396,933	382,116	376,310	347,836	254,368	255,192	253,754	245,004
First actions	226,420	234,109	243,548	292,756	307,665	342,654	361,439	377,089	363,876	369,679
Decision of registrations	111,276	112,221	111,179	129,071	146,383	159,961	178,227	205,652	220,495	254,502
Registrations	122,511	124,192	122,944	141,399	164,954	176,950	193,349	222,693	238,323	274,791

(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	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012
applications	8,155	7,983	11,386	10,965	10,315	9,452	9,507	8,679	7,984	8,112
Registrations	7,669	7,356	10,569	10,591	10,080	8,917	9,019	8,571	7,595	8,054
requests for report of technical opinions on regisrability of the Utility models	1,186	1,061	1,151	1,091	905	746	677	633	491	519

3) Designs

	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012
applications	39,267	40,756	39,254	36,724	36,544	33,569	30,875	31,756	30,805	32,391
First actions	38,149	42,026	39,651	37,013	35,548	35,087	34,098	31,490	30,775	31,848
Decision of registrations	31,202	33,513	31,698	28,687	27,933	29,150	29,051	27,641	26,589	28,691
Registrations	31,342	32,681	32,633	29,689	28,289	29,382	28,812	27,438	26,274	28,349

(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

	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012
applications	123,325	128,843	135,776	135,777	143,221	119,185	110,841	113,519	108,060	119,010
First actions	138,717	126,284	122,858	139,443	123,943	138,451	128,605	123,655	101,115	117,135
Decision of registrations	112,366	100,889	97,939	109,415	98,545	107,780	113,103	104,190	91,249	100,002
Registrations	108,568	95,866	94,439	103,435	96,531	100,243	108,717	97,780	89,279	96,359

(Note)

・The number of registrations includes the number of defensive mark registrations and registrations for International Applications designating Japan under the Madrid Protocol.

・The number of first actions indicates the number of first notices of examination results sent to applicants by examiners. They are mainly decisions to grant a registration or notidications of reasons for refusal.

Japanese and Foreigners

1) Patents		2003	2004	2005	2006	2007	2008	2009	2010	2011	2012
applications	Japanese	362,711	368,416	367,960	347,060	333,498	330,110	295,315	290,081	287,580	287,013
	Foreigners	50,381	54,665	59,118	61,614	62,793	60,892	53,281	54,517	55,030	55,783
registrations	Japanese	110,835	112,527	111,088	126,804	145,040	151,765	164,459	187,237	197,594	224,917
	Foreigners	11,676	11,665	11,856	14,595	19,914	25,185	28,890	35,456	40,729	49,874

(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		2003	2004	2005	2006	2007	2008	2009	2010	2011	2012
applications	Japanese	6,380	6,337	9,421	8,922	8,399	7,717	7,799	6,889	6,305	6,292
	Foreigners	1,775	1,646	1,965	2,043	1,916	1,735	1,708	1,790	1,679	1,820
registrations	Japanese	5,914	5,711	8,462	8,523	8,160	7,187	7,361	6,755	5,998	6,221
	Foreigners	1,755	1,645	2,107	2,068	1,920	1,730	1,658	1,816	1,597	1,833

(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		2003	2004	2005	2006	2007	2008	2009	2010	2011	2012
applications	Japanese	36,574	37,565	35,746	33,094	32,202	29,621	27,674	28,083	26,658	27,934
	Foreigners	2,693	3,191	3,508	3,630	4,342	3,948	3,201	3,673	4,147	4,457
registrations	Japanese	29,284	30,485	29,971	27,034	25,228	25,986	25,819	24,458	23,042	24,610
	Foreigners	2,058	2,196	2,662	2,655	3,061	3,396	2,993	2,980	3,232	3,739

(Note)
Registrations include the number of registered similar designs.

4) Trademarks		2003	2004	2005	2006	2007	2008	2009	2010	2011	2012
applications	Japanese	106,957	110,270	114,015	111,754	118,155	95,674	90,474	92,163	84,673	95,548
	Foreigners	16,368	18,573	21,761	24,023	25,066	23,511	20,367	21,356	23,387	23,462
registrations	Japanese	92,898	83,013	80,962	88,411	79,836	82,469	88,449	79,338	70,800	77,129
	Foreigners	15,670	12,853	13,477	15,024	16,695	17,774	20,268	18,442	18,479	19,230

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		2002	2003	2004	2005	2006	2007	2008	2009	2010	2011
applications	A section	40,723	47,399	47,456	49,015	47,832	46,436	44,438	41,401	42,070	41,099
	B section	66,703	70,223	68,936	69,534	63,700	62,136	61,545	54,778	53,102	52,518
	C section	39,650	46,236	44,379	47,193	45,931	45,114	44,828	41,976	42,036	41,564
	D section	4,462	4,780	4,658	4,673	4,266	4,164	4,004	3,276	3,065	3,086
	E section	15,088	14,609	13,808	13,144	11,870	11,118	10,476	9,512	9,050	9,201
	F section	32,368	34,796	34,718	34,364	34,547	33,970	34,593	29,387	29,149	29,980
	G section	94,918	99,428	103,427	105,393	100,039	95,062	92,308	80,538	78,596	76,078
	H section	86,430	93,585	96,623	101,855	99,399	96,887	97,425	86,517	86,389	87,834
	Total	380,342	411,056	414,005	425,171	407,584	394,887	389,617	347,385	343,457	341,360

(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		2003	2004	2005	2006	2007	2008	2009	2010	2011	2012
registrations	A section	10,848	12,982	12,881	14,179	16,057	18,401	21,649	25,877	27,286	32,398
	B section	22,533	22,980	23,659	26,296	29,370	32,219	36,515	39,067	40,033	44,837
	C section	14,285	13,670	12,339	15,348	19,191	20,900	21,619	25,228	26,578	32,182
	D section	1,736	1,525	1,402	1,909	2,273	2,168	2,483	2,454	2,852	2,714
	E section	5,917	6,050	6,824	7,772	8,426	7,497	6,756	7,948	8,108	8,444
	F section	9,795	11,265	11,782	14,072	16,383	17,553	17,971	19,460	19,653	22,378
	G section	27,332	27,404	26,752	30,703	35,382	39,117	41,700	49,214	55,528	63,374
	H section	30,065	28,316	27,305	31,120	37,872	39,095	44,656	53,445	58,285	68,464
	Total	122,511	124,192	122,944	141,399	164,954	176,950	193,349	222,693	238,323	274,791

(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 2012

1) Patents

		2011			2012			growth rate			
		Direct	PCT N.E.	Total	Direct	PCT N.E.	Total	Direct	PCT N.E.	Total	
JP	Japan	271,683	15,897	287,580	269,132	17,881	287,013	-1%	13%	-0%	JP
AE	United Arab Emirates	0	0	0	3	3	6	–	–	–	AE
AR	Argentina	1	4	5	0	3	3	-100%	-25%	-40%	AR
AT	Austria	78	210	288	48	273	321	-39%	30%	12%	AT
AU	Australia	117	347	464	118	309	427	1%	-11%	-8%	AU
AZ	Azerbaijan	0	0	0	0	1	1	–	–	–	AZ
BB	Barbados	15	39	54	15	43	58	0%	10%	7%	BB
BE	Belgium	96	361	457	127	353	480	32%	-2%	5%	BE
BG	Bulgaria	0	1	1	0	2	2	–	100%	100%	BG
BM	Bermuda	0	0	4	2	0	2	–	–	-50%	BM
BR	Brazil	5	62	67	9	65	74	80%	5%	10%	BR
BS	Bahamas	0	7	7	1	4	5	–	-43%	-29%	BS
CA	Canada	189	562	751	208	493	701	10%	-12%	-7%	CA
CH	Switzerland	615	1,524	2,139	739	1,532	2,271	20%	1%	6%	CH
CL	Chile	1	10	11	2	10	12	100%	0%	9%	CL
CN	China	447	954	1,401	561	1,461	2,022	26%	53%	44%	CN
CO	Colombia	1	2	3	0	1	1	-100%	-50%	-67%	CO
CU	Cuba	1	5	6	0	7	7	-100%	40%	17%	CU
CY	Cyprus	11	5	16	1	16	17	-91%	220%	6%	CY
CZ	Czech Republic	3	17	20	7	12	19	133%	-29%	-5%	CZ
DE	Germany	1,791	4,982	6,773	1,792	5,097	6,889	0%	2%	2%	DE
DK	Denmark	104	314	418	89	282	371	-14%	-10%	-11%	DK
EE	Estonia	0	5	5	0	2	2	–	-60%	-60%	EE
EG	Egypt	0	2	2	1	3	4	–	50%	100%	EG
ES	Spain	28	198	226	39	225	264	39%	14%	17%	ES
FI	Finland	85	234	319	62	305	367	-27%	30%	15%	FI
FR	France	686	2,761	3,447	855	2,867	3,722	25%	4%	8%	FR
GB	United Kingdom	403	1,336	1,739	472	1,182	1,654	17%	-12%	-5%	GB
GR	Greece	1	11	12	0	7	7	-100%	-36%	-42%	GR
HK	Hong Kong	58	20	78	52	12	64	-10%	-40%	-18%	HK
HR	Croatia	0	1	1	1	2	3	–	100%	200%	HR
HU	Hungary	4	36	40	3	19	22	-25%	-47%	-45%	HU
ID	Indonesia	0	0	1	1	1	2	–	–	100%	ID
IE	Ireland	39	106	145	83	88	171	113%	-17%	18%	IE
IL	Israel	130	283	413	117	317	434	-10%	12%	5%	IL
IN	India	16	154	170	33	202	235	106%	31%	38%	IN
IR	Iran (Islamic Republic of)	0	1	1	0	0	0	–	-100%	-100%	IR
IS	Iceland	0	5	5	1	4	5	–	-20%	0%	IS
IT	Italy	229	524	753	194	494	688	-15%	-6%	-9%	IT
JM	Jamaica	0	0	0	0	1	1	–	–	–	JM
KR	Republic of Korea	3,035	1,972	5,007	3,422	2,286	5,708	13%	16%	14%	KR
KW	Kuwait	0	0	1	0	1	1	–	–	0%	KW
LB	Lebanon	0	2	2	0	0	0	–	-100%	-100%	LB
LI	Liechtenstein	81	20	101	41	17	58	-49%	-15%	-43%	LI
LT	Lithuania	0	1	1	0	0	0	–	-100%	-100%	LT
LU	Luxembourg	33	108	141	40	114	154	21%	6%	9%	LU
LV	Latvia	0	5	5	0	3	3	–	-40%	-40%	LV
MA	Morocco	0	1	1	0	0	0	–	-100%	-100%	MA
MC	Monaco	2	2	4	0	1	1	-100%	-50%	-75%	MC
MO	Macao	0	0	0	0	1	1	–	–	–	MO
MT	Malta	1	6	7	4	5	9	300%	-17%	29%	MT
MU	Mauritius	0	0	0	1	0	1	–	–	–	MU
MX	Mexico	12	22	34	6	24	30	-50%	9%	-12%	MX
MY	Malaysia	6	21	27	6	22	28	0%	5%	4%	MY
NL	Netherlands	491	1883	2,374	477	1,501	1,978	-3%	-20%	-17%	NL
NO	Norway	25	118	143	27	118	145	8%	0%	1%	NO
NZ	New Zealand	12	52	64	16	46	62	33%	-12%	-3%	NZ
PA	Panama	1	1	2	0	0	0	-100%	-100%	-100%	PA
PE	Peru	1	1	2	0	1	1	-100%	0%	-50%	PE
PH	Philippines	0	0	1	0	0	0	–	–	-100%	PH
PK	Pakistan	0	0	2	0	0	0	–	–	-100%	PK
PL	Poland	6	15	21	4	37	41	-33%	147%	95%	PL
PT	Portugal	3	17	20	1	12	13	-67%	-29%	-35%	PT
QA	Qatar	0	0	0	0	1	1	–	–	–	QA
RO	Romania	0	2	2	0	3	3	–	50%	50%	RO
RS	Serbia	0	2	2	0	0	0	–	-100%	-100%	RS
RU	Russian Federation	1	37	38	10	44	54	900%	19%	42%	RU
SA	Saudi Arabia	12	20	32	7	22	29	-42%	10%	-9%	SA
SC	Seychelles	2	4	6	7	5	12	250%	25%	100%	SC
SE	Sweden	266	1076	1,342	366	804	1,170	38%	-25%	-13%	SE
SG	Singapore	86	114	200	97	131	228	13%	15%	14%	SG
SI	Slovenia	2	19	21	2	6	8	0%	-68%	-62%	SI
SK	Slovakia	0	8	8	2	3	5	–	-63%	-38%	SK
SM	San Marino	0	1	1	0	0	0	–	-100%	-100%	SM
TH	Thailand	8	1	9	6	11	17	-25%	1000%	89%	TH
TN	Tunisia	0	0	1	0	1	1	–	–	0%	TN
TR	Turkey	0	26	26	0	36	36	–	39%	39%	TR
TW	Taiwan	1253	63	1,316	1,308	60	1,368	4%	-5%	4%	TW
UA	Ukraine	0	3	3	2	2	4	–	-33%	33%	UA
US	United States of America	8787	14627	23,414	9,019	13,903	22,922	3%	-5%	-2%	US
VC	Saint Vincent and the Grenadines	0	1	1	0	3	3	–	200%	200%	VC
VE	Venezuela (Bolivarian Republic of)	0	0	0	1	1	2	–	–	–	VE
VN	Viet Nam	0	0	0	0	2	2	–	–	–	VN
WS	Samoa	0	0	0	0	1	1	–	–	–	WS
ZA	South Africa	2	42	44	8	33	41	300%	-21%	-7%	ZA
XX	Others	116	246	362	90	218	308	-22%	-11%	-15%	XX
	total	291,081	51,519	342,610	289,738	53,058	342,796	-1%	3%	0%	

2) Utility Models

		2011			2012			growth rate			
		Direct	PCT N.E.	Total	Direct	PCT N.E.	Total	Direct	PCT N.E.	Total	
JP	Japan	6,300	5	6,305	6,288	4	6,292	0%	-20%	0%	JP
AT	Austria	0	–	2	1	–	1	–	–	-50%	AT
AU	Australia	0	–	2	1	2	3	–	–	50%	AU
BE	Belgium	0	–	1	1	–	1	–	–	0%	BE
BM	Bermuda	0	–	2	1	–	1	–	–	-50%	BM
BR	Brazil	0	–	3	1	1	2	–	–	-33%	BR
CA	Canada	0	–	2	10	1	11	–	–	450%	CA
CH	Switzerland	0	3	9	10	1	11	–	-67%	22%	CH
CL	Chile	6	–	0	0	–	0	-100%	–	–	CL
CN	China	144	30	174	174	32	206	21%	7%	18%	CN
CS	Czech Slovakia	0	–	1	0	–	0	–	–	-100%	CS
CZ	Czech Republic	0	–	0	1	–	1	–	–	–	CZ
DE	Germany	15	3	18	30	10	40	100%	233%	122%	DE
ES	Spain	3	1	4	2	–	2	-33%	–	-50%	ES
FI	Finland	0	–	2	3	2	5	–	–	150%	FI
FR	France	0	–	7	6	2	8	–	–	14%	FR
GB	United Kingdom	2	1	3	4	–	4	100%	–	33%	GB
HK	Hong Kong	23	2	25	27	2	29	17%	0%	16%	HK
HU	Hungary	0	–	4	0	1	1	–	–	-75%	HU
ID	Indonesia	0	1	1	1	–	1	–	–	0%	ID
IE	Ireland	0	–	1	1	–	1	–	–	0%	IE
IL	Israel	5	2	7	2	4	6	-60%	100%	-14%	IL
IT	Italy	13	1	14	10	–	10	-23%	–	-29%	IT
KR	Republic of Korea	30	5	35	31	6	37	3%	20%	6%	KR
LV	Latvia	0	–	1	0	–	0	–	–	-100%	LV
NL	Netherlands	0	–	0	5	–	5	–	–	–	NL
NZ	New Zealand	0	–	0	0	1	1	–	–	–	NZ
PL	Poland	0	–	1	0	–	0	–	–	-100%	PL
RU	Russian Federation	0	3	3	2	–	2	–	–	-33%	RU
SA	Saudi Arabia	0	–	1	0	–	0	–	–	-100%	SA
SC	Seychelles	0	–	1	3	–	3	–	–	200%	SC
SE	Sweden	0	5	5	1	–	1	–	–	-80%	SE
SG	Singapore	0	–	2	0	–	0	–	–	-100%	SG
TH	Thailand	0	–	3	3	–	3	–	–	0%	TH
TR	Turkey	0	–	4	1	–	1	–	–	-75%	TR
TW	Taiwan	1,271	5	1,276	1,351	7	1,358	6%	40%	6%	TW
US	United States of America	45	11	56	47	12	59	4%	9%	5%	US
UY	Uruguay	0	1	1	0	–	0	–	–	-100%	UY
XX	Others	8	0	8	6	–	6	-25%	–	-25%	XX
	total	7,865	79	7,984	8,024	88	8,112	2%	11%	2%	

3) Designs		2011	2012	growth rate	
JP	Japan	26,658	27,933	5%	JP
AT	Austria	25	36	44%	AT
AU	Australia	44	78	77%	AU
BB	Barbados	9	2	-78%	BB
BE	Belgium	12	17	42%	BE
BG	Bulgaria	0	2	0%	BG
BR	Brazil	26	7	-73%	BR
CA	Canada	35	16	-54%	CA
CH	Switzerland	335	335	0%	CH
CN	China	144	146	1%	CN
CY	Cyprus	10	11	10%	CY
CZ	Czech Republic	1	0	-100%	CZ
DE	Germany	361	438	21%	DE
DK	Denmark	75	55	-27%	DK
EE	Estonia	2	0	-100%	EE
ES	Spain	26	9	-65%	ES
FI	Finland	30	11	-63%	FI
FR	France	179	210	17%	FR
GB	United Kingdom	192	120	-38%	GB
GR	Greece	5	3	-40%	GR
HK	Hong Kong	51	64	26%	HK
HU	Hungary	1	0	-100%	HU
IE	Ireland	1	3	200%	IE
IL	Israel	20	32	60%	IL
IN	India	1	0	-100%	IN
IT	Italy	144	187	30%	IT
KR	Republic of Korea	545	753	38%	KR
LI	Liechtenstein	50	18	-64%	LI
LU	Luxembourg	23	13	-44%	LU
MC	Monaco	0	1	0%	MC
MO	Macao	0	1	0%	MO
MY	Malaysia	3	0	-100%	MY
NL	Netherlands	111	76	-32%	NL
NO	Norway	14	23	64%	NO
NZ	New Zealand	1	16	1500%	NZ
PL	Poland	0	1	0%	PL
PT	Portugal	2	2	0%	PT
QA	Qatar	0	1	0%	QA
RO	Romania	1	0	-100%	RO
RU	Russian Federation	2	2	0%	RU
SC	Seychelles	0	4	0%	SC
SE	Sweden	64	75	17%	SE
SG	Singapore	16	11	-31%	SG
TH	Thailand	3	7	133%	TH
TR	Turkey	0	3	0%	TR
TW	Taiwan	253	257	2%	TW
US	United States of America	1,311	1,323	1%	US
VN	Viet Nam	2	1	-50%	VN
ZA	South Africa	2	7	250%	ZA
XX	Others	15	81	440%	XX
	total	30,805	32,391	5%	

4) Trademarks

		2011	2012	growth rate	
JP	Japan	84,673	95,547	13%	JP
AD	Andorra	0	9	0%	AD
AE	United Arab Emirates	86	23	-73%	AE
AL	Albania	1	0	-100%	AL
AM	Armenia	17	3	-82%	AM
AO	Angola	1	1	0%	AO
AR	Argentina	13	22	69%	AR
AT	Austria	175	165	-6%	AT
AU	Australia	424	402	-5%	AU
AZ	Azerbaijan	0	1	0%	AZ
BB	Barbados	16	11	-31%	BB
BD	Bangladesh	0	2	0%	BD
BE	Belgium	168	183	9%	BE
BG	Bulgaria	21	44	110%	BG
BH	Bahrain	2	0	-100%	BH
BM	Bermuda	4	0	-100%	BM
BN	Brunei Darussalam	1	0	-100%	BN
BR	Brazil	68	69	2%	BR
BS	Bahamas	7	11	57%	BS
BY	Belarus	3	2	-33%	BY
BZ	Belize	0	2	0%	BZ
CA	Canada	210	193	-8%	CA
CH	Switzerland	1,341	1,322	-1%	CH
CL	Chile	58	51	-12%	CL
CN	China	1,584	1,498	-5%	CN
CO	Colombia	10	11	10%	CO
CR	Costa Rica	1	0	-100%	CR
CU	Cuba	4	2	-50%	CU
CW	Curaçao	4	3	-25%	CW
CY	Cyprus	28	65	132%	CY
CZ	Czech Republic	36	38	6%	CZ
DE	Germany	2,319	2,054	-11%	DE
DK	Denmark	219	204	-7%	DK
DO	Dominican Republic	1	1	0%	DO
EC	Ecuador	1	3	200%	EC
EE	Estonia	9	5	-44%	EE
EG	Egypt	10	3	-70%	EG
ES	Spain	359	386	8%	ES
FI	Finland	123	117	-5%	FI
FJ	Fiji	4	1	-75%	FJ
FR	France	1,708	1,580	-8%	FR
GB	United Kingdom	1,127	1,130	0%	GB
GE	Georgia	2	3	50%	GE
GI	Gibraltar	4	0	-100%	GI
GR	Greece	27	16	-41%	GR
HK	Hong Kong	249	262	5%	HK
HR	Croatia	3	7	133%	HR
HU	Hungary	10	22	120%	HU
ID	Indonesia	30	20	-33%	ID
IE	Ireland	147	106	-28%	IE
IL	Israel	64	104	63%	IL
IN	India	29	95	228%	IN
IR	Iran (Islamic Republic of)	7	6	-14%	IR
IS	Iceland	3	2	-33%	IS
IT	Italy	1,215	1,144	-6%	IT
JE	Jersey	2	0	-100%	JE
JM	Jamaica	2	2	0%	JM
JO	Jordan	0	1	0%	JO
KE	Kenya	3	0	-100%	KE
KR	Republic of Korea	1,381	1,671	21%	KR
KW	Kuwait	4	1	-75%	KW
KY	Cayman Islands	2	3	50%	KY
LB	Lebanon	2	2	0%	LB
LI	Liechtenstein	49	41	-16%	LI
LK	Sri Lanka	10	11	10%	LK
LT	Lithuania	5	3	-40%	LT
LU	Luxembourg	193	164	-15%	LU
LV	Latvia	6	15	150%	LV
MA	Morocco	7	9	29%	MA
MC	Monaco	16	13	-19%	MC
MD	Republic of Moldova	4	1	-75%	MD
MK	The former Yugoslav Republic of Macedonia	3	1	-67%	MK
MM	Myanmar	1	1	0%	MM
MN	Mongolia	5	1	-80%	MN
MO	Macao	0	1	0%	MO
MT	Malta	2	12	500%	MT
MU	Mauritius	1	1	0%	MU
MX	Mexico	42	65	55%	MX
MY	Malaysia	39	56	44%	MY
NG	Nigeria	0	2	0%	NG
NL	Netherlands	481	466	-3%	NL
NO	Norway	74	62	-16%	NO
NZ	New Zealand	77	108	40%	NZ
PA	Panama	4	4	0%	PA
PE	Peru	9	5	-44%	PE
PG	Papua New Guinea	4	0	-100%	PG
PH	Philippines	14	10	-29%	PH
PL	Poland	30	40	33%	PL
PT	Portugal	47	33	-30%	PT
QA	Qatar	14	6	-57%	QA
RO	Romania	8	5	-38%	RO
RS	Serbia	1	3	200%	RS
RU	Russian Federation	95	137	44%	RU
SA	Saudi Arabia	10	15	50%	SA
SC	Seychelles	6	10	67%	SC
SE	Sweden	284	318	12%	SE
SG	Singapore	231	227	-2%	SG
SI	Slovenia	22	9	-59%	SI
SK	Slovakia	6	16	167%	SK
TH	Thailand	64	63	-2%	TH
TN	Tunisia	6	1	-83%	TN
TR	Turkey	96	90	-6%	TR
TW	Taiwan	537	700	30%	TW
UA	Ukraine	23	18	-22%	UA
UG	Uganda	0	1	0%	UG
US	United States of America	7,275	7,294	0%	US
UY	Uruguay	1	3	200%	UY
VE	Venezuela (Bolivarian Republic of)	0	1	0%	VE
VG	Virgin Islands (British)	10	20	100%	VG
VN	Viet Nam	24	46	92%	VN
WS	Samoa	2	3	50%	WS
ZA	South Africa	18	50	178%	ZA
XX	Others	182	218	20%	XX
	total	108,060	119,010	10%	

Regsitrations by origin

		Patents									
		2010			2011			2012			
		Direct	PCT N.E.	total	Direct	PCT N.E.	total	Direct	PCT N.E.	total	
JP	Japan	178,504	8,733	187,237	185,974	11,620	197,594	208,305	16,612	224917	JP
AE	United Arab Emirates	0	3	3	0	1	1	0	0	0	AE
AR	Argentina	4	2	6	3	0	3	1	1	2	AR
AT	Austria	47	115	162	62	132	194	77	202	279	AT
AU	Australia	51	270	321	52	316	368	54	299	353	AU
BB	Barbados	13	13	26	22	14	36	36	46	82	BB
BE	Belgium	67	200	267	67	254	321	58	339	397	BE
BG	Bulgaria	0	1	1	0	2	2	0	3	3	BG
BM	Bermuda	0	1	1	113	3	116	227	3	230	BM
BN	Brunei Darussalam	0	0	0	2	1	3	0	3	3	BN
BR	Brazil	2	20	22	5	33	38	4	38	42	BR
BS	Bahamas	0	4	4	0	5	5	0	8	8	BS
BY	Belarus	0	0	0	0	1	1	1	0	1	BY
BZ	Belize	0	0	0	0	1	1	0	1	1	BZ
CA	Canada	90	336	426	100	359	459	137	430	567	CA
CH	Switzerland	522	1,019	1,541	590	1,204	1,794	588	1,510	2,098	CH
CL	Chile	2	0	2	0	0	0	2	0	2	CL
CN	China	92	163	255	147	269	416	332	490	822	CN
CO	Colombia	0	1	1	0	1	1	1	3	4	CO
CU	Cuba	0	1	1	0	9	9	1	9	10	CU
CY	Cyprus	1	7	8	0	11	11	0	12	12	CY
CZ	Czech Republic	0	2	2	0	8	8	0	11	11	CZ
DE	Germany	1,758	3,695	5,453	1,840	4,113	5,953	2,016	4,748	6,764	DE
DK	Denmark	46	205	251	38	274	312	47	293	340	DK
EC	Ecuador	0	0	0	0	0	0	0	1	1	EC
EE	Estonia	0	0	0	0	1	1	0	0	0	EE
EG	Egypt	0	0	0	0	0	0	0	2	2	EG
ES	Spain	7	74	81	15	83	98	19	108	127	ES
FI	Finland	67	362	429	67	355	422	63	342	405	FI
FR	France	706	1,609	2,315	805	1,956	2,761	792	2,416	3,208	FR
GB	United Kingdom	176	923	1,099	207	948	1,155	270	1,209	1,479	GB
GR	Greece	1	4	5	0	7	7	1	10	11	GR
HK	Hong Kong	25	14	39	31	13	44	35	19	54	HK
HR	Croatia	1	3	4	0	3	3	0	3	3	HR
HU	Hungary	2	11	13	2	17	19	3	12	15	HU
ID	Indonesia	0	1	1	0	2	2	1	0	1	ID
IE	Ireland	17	197	214	20	250	270	24	229	253	IE
IL	Israel	23	171	194	42	223	265	53	229	282	IL

IN	India	10	82	92	6	51	57	7	95	102	IN
IR	Iran (Islamic Republic of)	0	0	0	1	1	2	0	0	0	IR
IS	Iceland	0	4	4	0	1	1	0	6	6	IS
IT	Italy	191	368	559	165	442	607	237	509	746	IT
KR	Republic of Korea	2,714	791	3,505	2,843	1,205	4,048	3,461	1,704	5,165	KR
KW	Kuwait	0	0	0	0	0	0	0	1	1	KW
LB	Lebanon	0	0	0	0	1	1	0	0	0	LB
LI	Liechtenstein	74	21	95	72	18	90	80	13	93	LI
LT	Lithuania	0	1	1	0	0	0	0	0	0	LT
LU	Luxembourg	13	36	49	33	61	94	57	91	148	LU
LV	Latvia	0	1	1	0	1	1	0	1	1	LV
MA	Morocco	0	0	0	0	0	0	0	1	1	MA
MC	Monaco	0	3	3	3	4	7	0	5	5	MC
MT	Malta	0	1	1	0	2	2	0	5	5	MT
MU	Mauritius	0	2	2	1	0	1	0	0	0	MU
MX	Mexico	0	3	3	1	8	9	5	16	21	MX
MY	Malaysia	5	4	9	6	7	13	11	8	19	MY
NG	Nigeria	0	1	1	0	0	0	0	0	0	NG
NL	Netherlands	533	1,156	1,689	563	1,205	1,768	667	1,566	2,233	NL
NO	Norway	4	116	120	5	97	102	11	120	131	NO
NZ	New Zealand	6	29	35	9	34	43	14	31	45	NZ
PA	Panama	1	2	3	0	3	3	1	10	11	PA
PH	Philippines	0	2	2	0	0	0	0	1	1	PH
PL	Poland	0	9	9	2	9	11	2	10	12	PL
PT	Portugal	1	3	4	2	8	10	2	11	13	PT
RO	Romania	0	1	1	0	2	2	0	1	1	RO
RU	Russian Federation	0	17	17	3	16	19	1	18	19	RU
SA	Saudi Arabia	3	10	13	2	21	23	4	13	17	SA
SC	Seychelles	1	3	4	0	5	5	5	5	10	SC
SE	Sweden	146	1,081	1,227	157	1,086	1,243	211	1,288	1,499	SE
SG	Singapore	159	50	209	163	87	250	201	101	302	SG
SI	Slovenia	0	8	8	1	5	6	1	11	12	SI
SK	Slovakia	2	1	3	1	4	5	1	4	5	SK
TH	Thailand	2	0	2	6	1	7	6	2	8	TH
TR	Turkey	0	7	7	1	11	12	0	14	14	TR
TW	Taiwan	633	31	664	719	31	750	960	71	1,031	TW
UA	Ukraine	0	1	1	0	3	3	0	2	2	UA
US	United States of America	4,945	8,879	13,824	5,693	10,569	16,262	6,828	13,275	20,103	US
UY	Uruguay	0	0	0	0	1	1	0	1	1	UY
VN	Viet Nam	0	0	0	1	0	1	0	1	1	VN
WS	Samoa	0	0	0	2	0	2	1	0	1	WS
YU	Yugoslavia/Serbia and Montenegro	0	0	0	0	1	1	0	1	1	YU
ZA	South Africa	1	29	30	3	23	26	2	34	36	ZA
XX	Others	57	55	112	86	56	142	73	107	180	XX
	total	191,725	30,968	222,693	200,754	37,569	238,323	225,997	48,794	274,791	

Regsitrations by origin

		Utility Models			Designs			Trademarks						
		2010	2011	2012	2010	2011	2012	2010		2011		2012		
									Madrid Protocol		Madrid Protocol		Madrid Protocol	
JP	Japan	6,756	5,998	6,221	24,458	23,042	24,610	79,308	30	70,780	20	77,101	28	JP
AD	Andorra	0	0	0	0	0	0	1	1	0	0	0	1	AD
AE	United Arab Emirates	0	0	0	0	0	0	21	0	52	2	24	0	AE
AG	Antigua and Barbuda	0	0	0	1	0	0	0	0	1	0	0	0	AG
AM	Armenia	0	0	0	1	2	0	0	1	0	5	0	7	AM
AN	Netherlands Antilles	0	0	0	0	0	0	0	18	0	6	0	0	AN
AO	Angola	0	0	0	0	0	0	0	0	0	2	0	0	AO
AR	Argentina	1	0	0	0	0	0	16	0	13	0	10	1	AR
AT	Austria	3	2	0	19	13	21	21	112	7	130	10	110	AT
AU	Australia	5	4	1	51	46	54	85	247	84	194	77	177	AU
BB	Barbados	0	0	0	8	2	7	14	2	17	1	12	3	BB
BD	Bangladesh	0	0	0	0	0	0	2	0	2	0	0	0	BD
BE	Belgium	0	1	1	11	17	13	35	123	17	129	23	123	BE
BG	Bulgaria	0	0	0	0	0	0	2	6	2	2	2	12	BG
BH	Bahrain	0	0	0	0	0	0	1	0	0	0	1	1	BH
BM	Bermuda	2	0	3	0	0	0	4	6	0	0	3	0	BM
BN	Brunei Darussalam	0	0	0	7	0	0	0	0	1	1	0	0	BN
BR	Brazil	1	4	1	11	9	5	50	1	61	0	61	0	BR
BS	Bahamas	0	0	0	10	5	0	10	3	10	0	7	1	BS
BY	Belarus	0	0	0	0	0	0	0	1	0	0	0	0	BY
BZ	Belize	0	1	0	0	0	0	2	1	1	0	0	0	BZ
CA	Canada	2	3	7	21	27	17	159	11	166	9	163	11	CA
CH	Switzerland	8	10	13	287	242	314	467	852	291	847	380	858	CH
CL	Chile	0	0	0	0	0	0	57	0	53	0	48	1	CL
CN	China	144	149	213	53	97	126	304	444	431	599	593	558	CN
CO	Colombia	0	0	0	0	0	0	2	1	5	0	12	0	CO
CU	Cuba	0	0	0	0	0	0	3	1	0	0	1	0	CU
CY	Cyprus	0	0	0	1	6	8	3	15	6	10	1	16	CY
CZ	Czech Republic	0	0	0	0	0		2	22	1	10	2	17	CZ
DE	Germany	21	14	31	244	347	391	387	1,484	360	1,497	319	1,506	DE
DK	Denmark	1	0	0	44	47	48	25	180	30	141	41	123	DK
EC	Ecuador	0	0	0	0	0	0	2	0	0	0	1	0	EC
EE	Estonia	0	0	0	0	0	2	1	2	0	4	1	8	EE
EG	Egypt	0	0	0	0	0	0	2	0	0	1	0	0	EG
ES	Spain	3	4	2	7	23	20	68	235	62	215	61	239	ES
FI	Finland	1	2	4	22	25	20	8	70	14	73	12	83	FI
FJ	Fiji	0	0	0	0	0	0	0	0	1	0	3	1	FJ
FR	France	2	5	7	174	149	158	366	1,070	362	977	340	963	FR
GB	United Kingdom	1	1	4	113	113	203	421	532	434	470	356	493	GB
GE	Georgia	0	0	0	0	0	0	0	2	0	1	0	2	GE
GI	Gibraltar	0	0	0	0	0	0	0	2	0	2	0	5	GI
GR	Greece	0	1	0	0	0	2	9	8	7	1	4	12	GR
GT	Guatemala	0	0	0	0	0	0	4	0	0	0	0	0	GT
HK	Hong Kong	32	23	28	40	53	58	151	0	168	1	245	0	HK
HR	Croatia	0	0	0	0	0	0	0	1	0	1	0	1	HR
HU	Hungary	1	4	2	0	0	1	3	22	0	11	0	6	HU
ID	Indonesia	0	0	1	0	0	0	10	0	27	2	27	1	ID
IE	Ireland	1	0	1	0	2	0	75	42	106	29	81	28	IE
IL	Israel	1	4	7	9	12	15	49	3	25	8	37	29	IL
IN	India	0	0	0	0	0	1	57	1	31	2	75	0	IN
IR	Iran (Islamic Republic of)	0	0	0	0	0	0	3	1	1	1	1	0	IR
IS	Iceland	0	0	0	0	0	0	0	11	3	5	1	1	IS

IT	Italy	6	15	10	121	95	145	135	762	125	743	170	782	IT
JE	Jersey	0	0	0	0	0	0	0	0	0	1	0	2	JE
JM	Jamaica	0	0	0	0	0	0	1	0	4	0	0	0	JM
JO	Jordan	0	0	0	0	0	0	3	0	0	0	0	0	JO
KE	Kenya	0	0	0	0	0	0	0	0	0	0	0	1	KE
KR	Republic of Korea	30	28	34	320	412	523	638	104	896	138	1,025	185	KR
KW	Kuwait	0	0	0	0	0	0	2	0	10	0	4	0	KW
KY	Cayman Islands	0	0	0	0	0	0	0	8	0	4	0	0	KY
LB	Lebanon	0	0	0	0	0	0	1	0	1	0	1	1	LB
LI	Liechtenstein	0	0	0	15	26	38	6	59	2	36	4	49	LI
LK	Sri Lanka	0	0	0	0	1	0	1	0	12	0	15	0	LK
LT	Lithuania	0	0	0	0	0	0	0	0	0	2	0	2	LT
LU	Luxembourg	0	0	0	11	21	18	34	54	44	73	87	78	LU
LV	Latvia	0	1	0	0	0	0	0	6	0	3	0	7	LV
MA	Morocco	0	0	0	0	0	0	1	1	0	3	0	1	MA
MC	Monaco	0	0	0	0	0	1	1	1	10	9	1	6	MC
ME	Montenegro	0	0	0	0	0	0	0	1	0	1	0	0	ME
MM	Myanmar	0	0	0	0	0	0	0	0	0	0	1	0	MM
MN	Mongolia	0	0	0	0	0	0	0	1	0	1	1	1	MN
MO	Macao	0	0	0	0	0	0	1	0	1	0	0	0	MO
MT	Malta	0	0	0	0	0	0	1	5	6	1	1	2	MT
MU	Mauritius	0	0	0	9	0	0	3	0	2	1	9	0	MU
MX	Mexico	0	0	0	0	0	0	83	0	50	0	49	2	MX
MY	Malaysia	0	0	0	2	7	3	47	0	32	4	43	1	MY
NG	Nigeria	0	0	0	0	0	0	2	0	0	0	2	0	NG
NL	Netherlands	1	0	3	87	102	82	146	292	103	246	151	223	NL
NO	Norway	0	0	0	17	12	16	18	64	11	69	5	52	NO
NP	Nepal	0	0	0	0	0	0	0	0	0	0	1	0	NP
NZ	New Zealand	1	0	0	11	13	3	64	2	79	2	82	0	NZ
PA	Panama	0	0	0	0	0	0	19	1	2	2	4	0	PA
PE	Peru	1	0	0	0	0	0	2	0	3	0	4	0	PE
PH	Philippines	0	0	0	0	0	0	8	1	2	1	14	0	PH
PK	Pakistan	0	0	0	0	0	0	0	0	1	0	0	0	PK
PL	Poland	0	1	0	0	0	1	4	12	7	14	3	8	PL
PT	Portugal	0	0	0	2	0	2	7	23	4	28	7	32	PT
QA	Qatar	0	0	0	0	0	0	1	0	6	0	13	0	QA
RO	Romania	0	0	0	0	0	1	0	2	6	0	1	5	RO
RU	Russian Federation	2	4	2	0	0	3	5	34	10	46	6	44	RU
SA	Saudi Arabia	0	0	1	0	0	0	24	2	5	1	11	0	SA
SC	Seychelles	0	1	2	2	0	1	0	0	2	0	7	2	SC
SE	Sweden	0	0	4	74	62	64	80	187	53	178	64	170	SE
SG	Singapore	3	1	1	7	11	15	101	40	152	64	100	83	SG
SI	Slovenia	0	0	0	5	0	0	0	4	0	14	2	4	SI
SK	Slovakia	0	0	0	0	0	0	1	1	0	1	0	3	SK
SM	San Marino	0	0	0	0	0	0	0	5	0	1	0	0	SM
SY	Syrian Arab Republic	0	0	0	0	0	0	4	1	0	0	0	0	SY
TH	Thailand	2	2	5	1	10	4	45	1	40	0	60	2	TH
TN	Tunisia	0	0	0	0	0	0	3	0	2	0	7	0	TN
TR	Turkey	0	4	2	0	0	0	7	40	1	53	3	32	TR
TW	Taiwan	1,478	1,262	1,374	197	212	229	487	0	514	0	499	0	TW
UA	Ukraine	0	0	0	0	0	0	0	1	3	3	3	7	UA
US	United States of America	52	37	64	951	996	1,065	4,659	1,381	4,569	1,478	4,570	1,689	US
UY	Uruguay	0	1	0	0	0	0	2	0	2	0	0	0	UY
UZ	Uzbekistan	0	0	0	0	0	0	0	0	0	1	0	0	UZ
VA	Holy See	0	0	0	0	0	0	0	0	0	1	0	0	VA
VE	Venezuela (Bolivarian Republic of)	0	0	0	0	0	0	0	0	1	0	1	0	VE
VG	Virgin Islands (British)	0	0	0	0	0	0	0	4	0	4	0	10	VG
VN	Viet Nam	0	0	0	0	2	0	3	20	3	12	8	17	VN
WS	Samoa	1	0	0	0	0	0	2	0	0	0	3	0	WS
ZA	South Africa	0	0	0	3	2	4	18	0	18	1	23	2	ZA
XX	Others	9	8	5	11	11	37	206	10	184	20	224	4	XX
	total	8,572	7,595	8,054	27,438	26,274	28,349	89,086	8,694	80,610	8,669	87,425	8,935	

Appeals / Trials / Oppositions

1. Appeals against Examiner's Decision of Refusal

1) Patents	2007	2008	2009	2010	2011	2012
Demands	32,586	31,019	24,137	27,889	26,663	24,958
Applications patented in the reconsideration procedure	12,095	13,208	11,595	13,627	14,030	13,459
reconsideration reports by examiners	12,867	12,836	10,145	10,109	8,854	7,986
Final dispositions in Trial and Appeal Department						
├ Accepted	6,290	6,511	7,400	8,503	8,783	8,518
├ Not Accepted (including dismissal)	7,963	8,482	7,982	7,928	7,490	6,688
└ Withdrawal/abandonment	2,472	3,216	3,863	3,114	2,811	2,378

2) Utility models (Under old law)	2007	2008	2009	2010	2011	2012
Demands	0	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 Trial and Appeal Department						
├ Accepted	0	0	0	0	0	0
├ Not Accepted (including dismissal)	1	0	0	0	0	0
└ Withdrawal/abandonment	0	0	0	0	0	0

Patents and Utility models (under old law)	2007	2008	2009	2010	2011	2012
Number of First Action	15,355	19,812	15,328	16,392	16,064	14,549

3) Designs	2007	2008	2009	2010	2011	2012
Demands	1,094	776	513	467	440	396
Number of First Actions	1,086	974	670	493	431	390
Final dispositions in Trial and Appeal Department						
├ Accepted	627	688	475	309	276	272
├ Not Accepted (including dismissal)	451	293	228	193	148	150
└ Withdrawal/abandonment	8	19	8	12	3	4

4) Trademarks	2007	2008	2009	2010	2011	2012
Demands	1,808	1,186	1,415	1,326	1,229	899
Number of First Actions	3,004	2,249	1,054	1,313	1,432	1,368
Final dispositions in Trial and Appeal Department						
├ Accepted	2,363	1,605	681	801	1,036	1,206
├ Not Accepted (including dismissal)	563	451	427	473	465	279
└ Withdrawal/abandonment	45	33	32	45	32	20

2. Trials for Invalidation

1) Patents

	2007	2008	2009	2010	2011	2012
Demands	284	292	257	237	269	217
Final dispositions in Trial and Appeal Department						
├ Accepted (including partially invalidated)	142	182	123	102	91	73
├ Not Accepted (including dismissal)	82	92	123	129	140	144
└ Withdrawal/abandonment	35	36	37	23	28	32

2) Utility models

	2007	2008	2009	2010	2011	2012
Demands	14	10	8	3	10	8
Final dispositions in Trial and Appeal Department						
├ Accepted (including partially invalidated)	10	10	4	4	4	2
├ Not Accepted (including dismissal)	6	5	2	2	3	3
└ Withdrawal/abandonment	1	2	0	2	1	0

3) Designs

	2007	2008	2009	2010	2011	2012
Demands	24	22	15	20	16	14
Final dispositions in Trial and Appeal Department						
├ Accepted (including partially invalidated)	13	12	6	8	11	11
├ Not Accepted (including dismissal)	5	15	8	4	4	7
└ Withdrawal/abandonment	3	6	0	0	2	3

4) Trademarks

	2007	2008	2009	2010	2011	2012
Demands	193	139	140	113	112	118
Final dispositions in Trial and Appeal Department						
├ Accepted (including partially invalidated)	84	71	83	36	38	44
├ Not Accepted (including dismissal)	61	87	97	68	57	76
└ Withdrawal/abandonment	20	14	21	14	9	16

3. Trials for Correction

1) Patents	2007	2008	2009	2010	2011	2012
Demands	141	137	159	135	146	178
Final dispositions in Trial and Appeal Department						
├ Accepted	61	53	76	79	84	111
├ Not Accepted (including dismissal)	27	22	24	12	19	16
└ Withdrawal/abandonment	70	59	58	50	42	38

2) Utility models	2007	2008	2009	2010	2011	2012
Demands	3	2	0	1	1	1
Final dispositions in Trial and Appeal Department						
├ Accepted	1	0	0	0	0	0
├ Not Accepted (including dismissal)	3	1	0	1	0	1
└ Withdrawal/abandonment	1	0	1	0	1	0

4. Trial for Rescission (of Trademark Registration)

Trademarks	2007	2008	2009	2010	2011	2012
Demands	1,757	1,612	1,413	1,380	1,169	1,050
Final dispositions in Trial and Appeal Department						
├ Accepted	1,331	1,389	1,313	1,105	1,011	874
├ Not Accepted (including dismissal)	158	232	190	159	155	163
└ Withdrawal/abandonment	161	142	109	123	106	97

5. Hantei (Advisory Opinion)

1) Patents

	2007	2008	2009	2010	2011	2012
Demands	58	31	32	39	34	35
Final dispositions in Trial and Appeal Department						
├ Accepted	19	24	11	16	19	12
├ Not Accepted (including dismissal)	17	27	17	16	18	19
└ Withdrawal/abandonment	4	1	1	4	2	1

2) Utility models

	2007	2008	2009	2010	2011	2012
Demands	1	0	1	2	1	0
Final dispositions in Trial and Appeal Department						
├ Accepted	2	1	0	0	0	0
├ Not Accepted (including dismissal)	0	0	1	0	3	0
└ Withdrawal/abandonment	0	0	0	0	0	0

3) Designs

	2007	2008	2009	2010	2011	2012
Demands	35	4	10	19	17	15
Final dispositions in Trial and Appeal Department						
├ Accepted	13	7	7	6	11	9
├ Not Accepted (including dismissal)	26	8	4	7	2	6
└ Withdrawal/abandonment	2	1	0	0	1	0

4) Trademarks

	2007	2008	2009	2010	2011	2012
Demands	12	12	7	12	4	4
Final dispositions in Trial and Appeal Department						
├ Accepted	5	10	7	6	6	1
├ Not Accepted (including dismissal)	5	5	1	5	1	3
└ Withdrawal/abandonment	0	1	1	0	0	0

6. Oppositions

Trademarks	2007	2008	2009	2010	2011	2012
Oppositions						
├ Number of rights subjected to opposition	607	497	473	423	458	394
└ Total number of oppositions	615	513	480	431	465	401
Final dispositions in Trial and Appeal Department						
├ Decision of revocation (including partially revocation)	118	72	113	73	66	63
├ Decision of maintenance (including dismissal)	554	409	408	322	421	317
└ Withdrawal/abandonment	34	32	43	47	34	40

Period of Examination and Appeal/Trial Examination

1) Substantive Examination
- first action period -

(unit:month)

	2009	2010	2011	2012
Patents and Utility Models	29.1	28.7	25.9	20.1
Designs	7.1	6.5	6.6	6.3
Trademarks	6.2	5.3	4.8	4.7

(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) Trials and Appeals

(unit:month)

Appeal Before the Grant of Right (Appeal against examiner's decision of refusal) - first action period -	2009	2010	2011	2012
Patents and Utility Models	25	24	20	16
Designs	8	6	7	7
Trademarks	9	11	9	7

(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 administrative patent/design/trademark judge to the applicant.

(unit:month)

Oppositions - examination period -	2009	2010	2011	2012
Trademarks	9	8	8	7

(unit:month)

Trial After the Grant of Right (Trial for Invalidation / Correction / Cancellation, Hantei) - examination period -	2009	2010	2011	2012
Patents and Utility Models	6	7	6	6
Designs	7	7	7	9
Trademarks	7	6	6	6

International Activities

1. PCT

	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012
PCT filings	17,097	19,850	24,290	26,422	26,935	28,027	29,291	31,524	37,974	42,787
Demand for International Preliminary Examination	6,785	4,246	2,526	2,576	2,558	2,123	2,152	2,120	2,286	2,661
ISR (International Search Report)	15,356	18,025	23,587	25,556	26,033	26,523	28,927	29,993	35,633	40,529
IPER (International Preliminary Examination Report)	7,147	5,748	3,328	3,023	2,741	2,321	2,173	1,952	2,198	2,702

2. International Trademark filings : Under the Madrid Protocol System

	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012
Filings	402	734	839	875	1,005	1,265	1,310	1,567	1,547	2,127
Designated states	3,849	6,517	7,314	5,952	5,790	7,311	6,364	7,242	8,001	10,098
Extension of protections designating Japan	5,334	7,160	9,969	11,794	12,295	12,586	10,641	10,825	12,412	11,788
First actions	5,933	5,754	7,116	8,198	12,165	14,558	12,371	13,878	9,316	12,211
Decisions of registration	4,335	3,964	5,386	5,357	7,722	10,446	10,203	9,932	8,286	9,554
Registrations	3,708	3,254	3,991	5,240	6,520	8,459	10,319	8,694	8,669	8,934

(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	2008	2009	2010	2011	2012
AG	Antigua and Barbuda	18	7	10	4	14
AL	Albania	37	28	18	15	21
AM	Armenia	44	18	27	34	26
AN	Netherlands Antilles	16	12	9	0	0
AT	Austria	56	38	35	31	40
AU	Australia	297	297	361	362	510
AZ	Azerbaijan	24	15	28	34	34
BA	Bosnia and Herzegovina	-	20	22	30	32
BG	Bulgaria	23	13	20	8	8
BH	Bahrain	58	30	38	47	57
BQ	Bonaire, Sint Eustatius and Saba	-	-	-	5	9
BT	Bhutan	30	16	6	8	15
BW	Botswana	14	10	10	5	12
BX	Benelux Office for Intellectual Property (BOIP)	81	62	57	61	69
BY	Belarus	59	46	34	56	59
CH	Switzerland	201	217	208	212	236
CN	China	936	957	1,139	1,198	1,526
CO	Colombia	-	-	-	-	16
CU	Cuba	24	15	16	18	14
CW	Curaçao	-	-	-	5	12
CY	Cyprus	27	11	21	5	3
CZ	Czech Republic	39	18	28	10	12
DE	Germany	160	118	127	142	146
DK	Denmark	53	37	30	36	41
EE	Estonia	25	9	18	15	7
EG	Egypt	-	14	57	66	76
EM	Office for Harmonization in the Internal Market (OHIM)	456	524	578	694	909
ES	Spain	92	62	49	60	65
FI	Finland	37	30	31	23	34
FR	France	161	127	119	145	149
GB	United Kingdom	171	139	128	137	149
GE	Georgia	50	25	34	40	31
GH	Ghana	0	11	14	15	26
GR	Greece	41	15	26	15	19
HR	Croatia	57	51	37	45	55
HU	Hungary	43	15	18	13	19
IE	Ireland	42	11	15	12	10
IL	Israel	-	-	19	61	94
IR	Iran (Islamic Republic of)	72	42	54	50	74
IS	Iceland	78	71	52	45	45
IT	Italy	141	92	88	95	120
KE	Kenya	23	17	28	25	43
KG	Kyrgyzstan	42	16	20	22	20
KR	Republic of Korea	695	639	872	928	1,075
KZ	Kazakhstan	-	-	1	46	62
LI	Liechtenstein	36	31	38	26	23
LR	Liberia	-	0	8	7	16
LS	Lesotho	16	10	8	7	13
LT	Lithuania	26	9	19	15	6
LV	Latvia	24	9	19	15	7
MA	Morocco	42	34	28	33	38
MC	Monaco	49	43	36	35	31
MD	Republic of Moldova	46	34	30	35	34
ME	Montenegro	39	31	19	22	31
MG	Madagascar	5	10	7	10	16
MK	The former Yugoslav Republic of Macedonia	42	24	19	30	33
MN	Mongolia	49	30	26	41	30
MZ	Mozambique	15	7	9	10	22
NA	Namibia	16	10	7	8	15
NO	Norway	158	179	161	181	163
NZ	New Zealand	-	-	-	-	5
OM	Oman	31	26	37	42	61
PH	Philippines	-	-	-	-	128
PL	Poland	47	20	26	23	23
PT	Portugal	47	31	23	30	33
RO	Romania	29	18	16	12	10
RS	Serbia	49	42	29	30	53
RU	Russian Federation	297	287	283	361	425
SD	Sudan	-	-	12	15	22
SE	Sweden	46	36	32	42	46
SG	Singapore	393	361	444	519	724
SI	Slovenia	26	11	13	6	7
SK	Slovakia	33	15	14	9	7
SL	Sierra Leone	15	11	8	6	14
SM	San Marino	21	17	11	5	15
ST	Sao Tome and Principe	0	8	4	5	7
SX	Sint Maarten (Dutch part)	-	-	-	5	11
SY	Syrian Arab Republic	47	29	29	33	34
SZ	Swaziland	19	10	9	7	14
TJ	Tajikistan	-	-	-	9	24
TM	Turkmenistan	42	18	19	21	19
TR	Turkey	144	111	143	179	162
UA	Ukraine	86	70	63	78	117
US	United States of America	698	656	781	842	1,194
UZ	Uzbekistan	26	15	26	28	40
VN	Viet Nam	207	201	272	332	408
ZM	Zambia	20	12	12	9	21
XX	others	2	3	0	0	2
	total	7,311	6,364	7,242	8,001	10,098
	International Trademark filing (Office of Origin)	1,265	1,310	1,567	1,547	2,127

(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	2008	2009	2010	2011	2012
AG	Antigua and Barbuda	0	0	0	0	0
AL	Albania	0	1	0	0	0
AM	Armenia	2	1	0	17	3
AN	Netherlands Antilles	7	8	8	2	0
AT	Austria	170	157	124	130	98
AU	Australia	413	326	273	332	308
AZ	Azerbaijan	0	0	0	0	0
BA	Bosnia and Herzegovina	-	0	0	0	0
BG	Bulgaria	25	20	9	20	40
BH	Bahrain	0	0	0	2	0
BQ	Bonaire, Sint Eustatius and Saba	-	-	-	0	0
BT	Bhutan	0	0	0	0	0
BW	Botswana	0	0	1	0	0
BX	Benelux Office for Intellectual Property (BOIP)	515	444	404	453	398
BY	Belarus	1	1	2	3	2
CH	Switzerland	1,049	831	1,044	983	906
CN	China	712	572	745	919	755
CO	Colombia	-	-	-	-	0
CS	Czechoslovakia	0	0	1	1	0
CU	Cuba	0	1	0	2	2
CW	Curaçao	-	-	-	1	1
CY	Cyprus	3	2	8	8	9
CZ	Czech Republic	32	28	11	30	32
DE	Germany	1,929	1,433	1,233	1,459	1,232
DK	Denmark	197	160	179	121	114
EE	Estonia	11	4	2	3	4
EG	Egypt	-	0	5	11	2
EM	Office for Harmonization in the Internal Market (OHIM)	1,257	1,169	1,281	1,782	1,807
ES	Spain	292	180	158	167	187
FI	Finland	64	66	63	67	52
FR	France	1,252	1,199	1,201	1,188	1,083
GB	United Kingdom	544	432	409	449	494
GE	Georgia	0	2	1	2	2
GH	Ghana	0	0	0	0	0
GR	Greece	13	11	5	14	8
HR	Croatia	2	5	3	3	7
HU	Hungary	18	28	16	8	16
IE	Ireland	26	20	25	10	14
IL	Israel	-	-	4	55	55
IR	Iran (Islamic Republic of)	16	1	12	4	5
IS	Iceland	25	8	9	1	2
IT	Italy	1,013	891	813	947	827
KE	Kenya	1	2	0	4	0
KG	Kyrgyzstan	0	0	0	0	0
KR	Republic of Korea	135	134	187	275	312
KZ	Kazakhstan	-	-	-	0	3
LI	Liechtenstein	82	52	46	45	37
LR	Liberia	-	0	0	0	0
LS	Lesotho	0	0	0	0	0
LT	Lithuania	1	1	1	4	2
LV	Latvia	8	8	9	6	13
MA	Morocco	15	9	10	7	6
MC	Monaco	11	10	14	15	9
MD	Republic of Moldova	8	2	1	4	1
ME	Montenegro	0	0	2	0	0
MG	Madagascar	0	0	0	0	0
MK	The former Yugoslav Republic of Macedonia	1	0	1	1	1
MN	Mongolia	3	1	2	5	0
MZ	Mozambique	1	0	0	0	0
NA	Namibia	0	0	0	0	0
NO	Norway	95	97	83	74	54
NZ	New Zealand	-	-	-	-	0
OM	Oman	0	0	0	0	0
PH	Philippines	-	-	-	-	0
PL	Poland	22	30	26	22	30
PT	Portugal	53	30	40	28	16
RO	Romania	3	6	10	8	4
RS	Serbia	5	6	8	1	3
RU	Russian Federation	123	104	81	103	159
SD	Sudan	-	-	0	0	0
SE	Sweden	202	118	82	62	65
SG	Singapore	68	90	70	128	98
SI	Slovenia	9	14	5	19	9
SK	Slovakia	4	6	2	6	10
SL	Sierra Leone	0	0	0	0	0
SM	San Marino	7	5	5	0	5
ST	Sao Tome and Principe	0	0	0	0	0
SX	Sint Maarten (Dutch part)	-	-	-	0	0
SY	Syrian Arab Republic	1	0	2	0	0
SZ	Swaziland	0	0	0	0	0
TJ	Tajikistan	-	-	-	0	0
TM	Turkmenistan	0	0	0	0	0
TR	Turkey	126	118	90	93	80
UA	Ukraine	6	6	9	20	20
US	United States of America	1,991	1,764	1,968	2,271	2,348
UZ	Uzbekistan	0	1	0	0	0
VN	Viet Nam	17	26	21	17	38
YU	Yugoslavia/Serbia and Montenegro	0	0	1	0	0
ZM	Zambia	0	0	0	0	0
	total	12,586	10,641	10,825	12,412	11,788

(Note)
Hyphen indicates un-joining to Madrid Protocol

Organization of the JPO (as of July, 2013)

- Japan Patent Office
  - Commissioner
  - Deputy Commissioner
  - Industrial Property Council
  - Policy Planning and Coordination Department
    - Personnel Division
    - General Coordination Division
      - Legislative Affairs Office
      - Information Technology and Patent Information managementOffice
    - Budget and Accounts Division
    - Policy Plannning and Research Division
    - Information Dissemination and Policy Promotion Division
    - International Policy Division
    - International Cooperation Division
  - Trademark and Customer Relations Department
    - Customer Relations Policy Division
      - Formality Examination Office
      - Registration Office
    - Application Division
      - Office for International Applications under the Patent Cooperation Treaty (PCT)
      - Office for International Trademark Applications under the Madrid Protocol
      - Patent Administration Service Office
    - Trademark Division
    - Director
  - Patent and Design Examination Department (Physics, Optics, Social Infrastructure and Design)
    - Administrative Affairs Division
      - Examination Promotion Office
      - Examination Standards Office
    - Design Division
    - Director
  - Patent Examination Department (Mechanical Technology)
    - Director
  - Patent Examination Department (Chemistry, Life Science and Material Science)
    - Director
  - Patent Examination Department (Electronic Technology)
    - Director
  - Trial and Appeal Department
    - Chief Administrative Judge
    - Trial and Appeal Division
      - Infringement and Invalidation Affairs Office

Regular Staff

	FY2009	FY2010	FY2011	FY2012	FY2013
Total number of staff	2,904	2,903	2,895	2,880	2,852
Examiners and Administrative judges	2,281	2,291	2,297	2,298	2,285
Examiners	1,894	1,904	1,910	1,911	1,898
Patent/Utility model examiners	1,692	1,703	1,711	1,713	1,701
Design examiners	52	52	51	51	51
Trademark examiners	150	149	148	147	146
Administrative patent/design/trademark judges	387	387	387	387	387
Clerical staff	623	612	598	582	567

Budgets

1) Revenues

Thousand yen

Item	FY2012	FY2013
Fees (Application, Request for Examination, Registration, etc)	102,954,915	105,803,806
Stamp Revenues (Patent Revenue Stamp)	78,973,863	87,620,586
Fees (Patent revenue stamps are not included.)	23,981,052	18,183,220
Transfer from General Account	17,124	15,851
Other Revenues	2,026,714	1,757,715
Surplus from Previous Year	196,569,658	200,303,255
Total	301,568,411	307,880,627

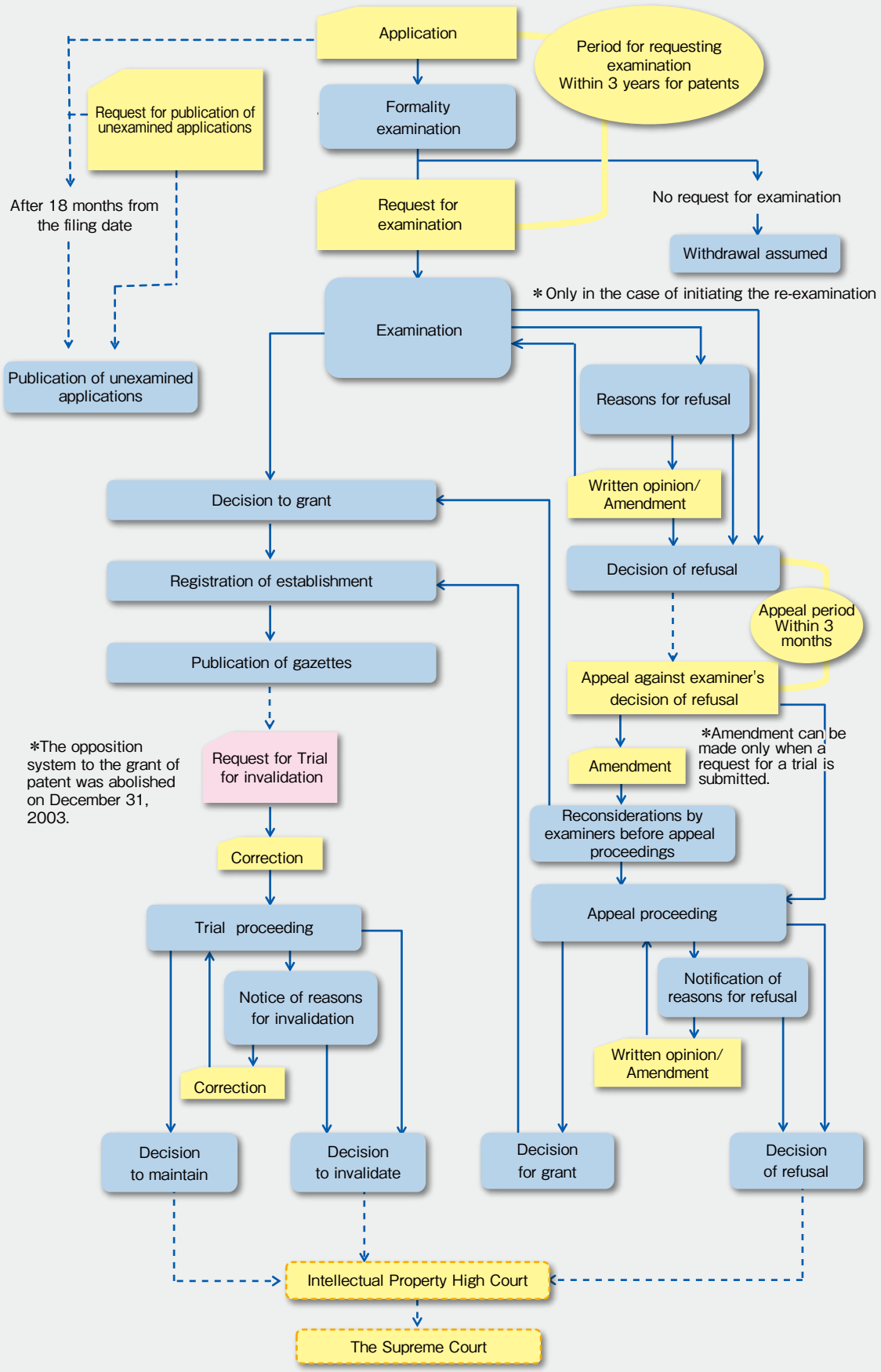
2) Expenditures

Thousand yen

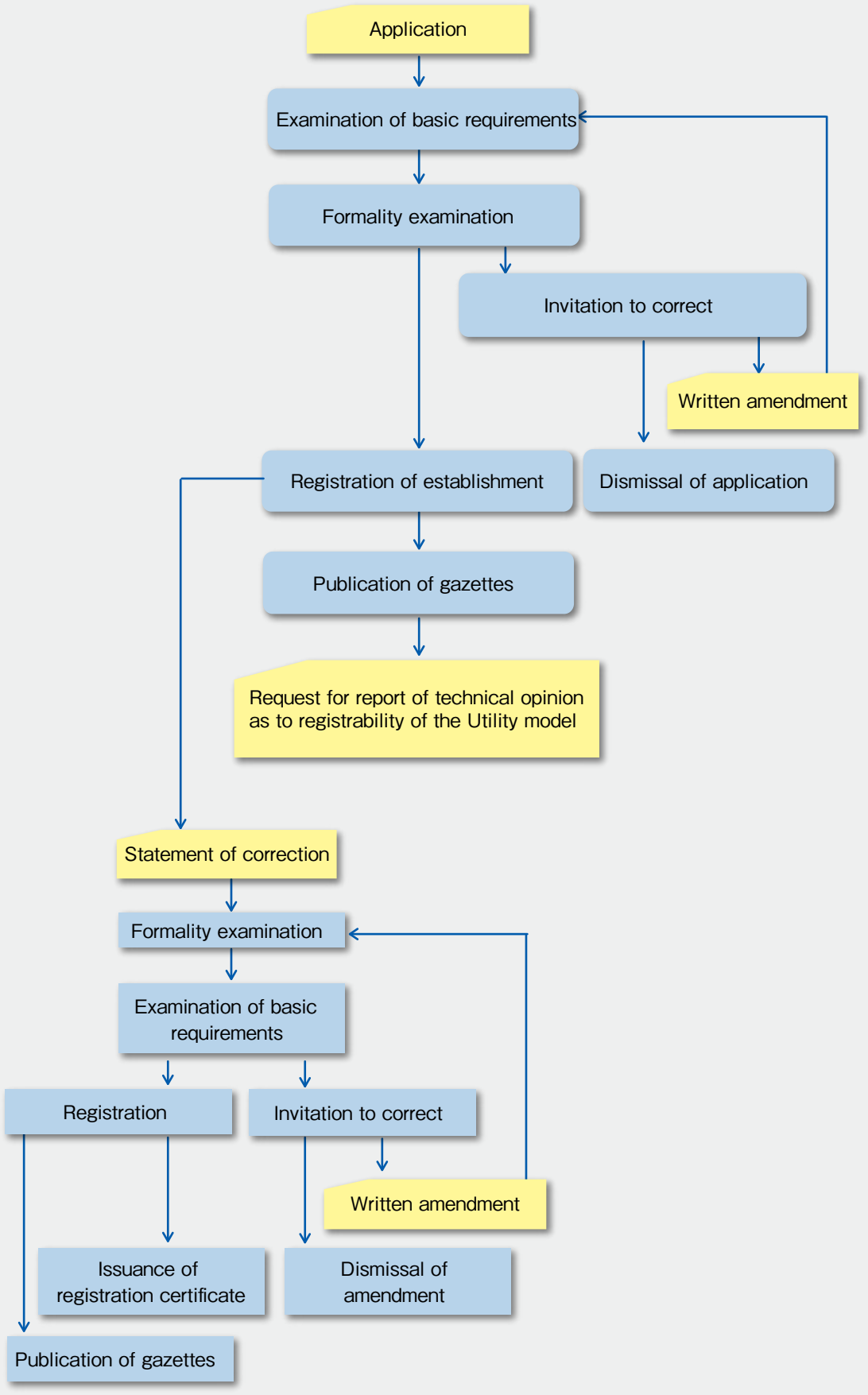
Item	FY2012	FY2013
Operating Expenses for the INPIT	9,537,394	9,311,869
Clerical Expenses (Ordinary)	43,268,779	41,604,185
Expenses for Patent Gazette Publication	978,675	262,248
Clerical Expenses on Examination and Trial/Appeal Examination	25,935,359	27,684,511
Expenses for Reference Data Maintenance	8,476,095	10,997,917
Necessary Expenses for Patent Process Computerization	24,246,013	24,218,658
Expenses for Facility Improvement	568,129	547,557
Reserves	300,000	200,000
Total	113,310,444	114,826,945

Examination and Appeal/Trial Examination Flowchart

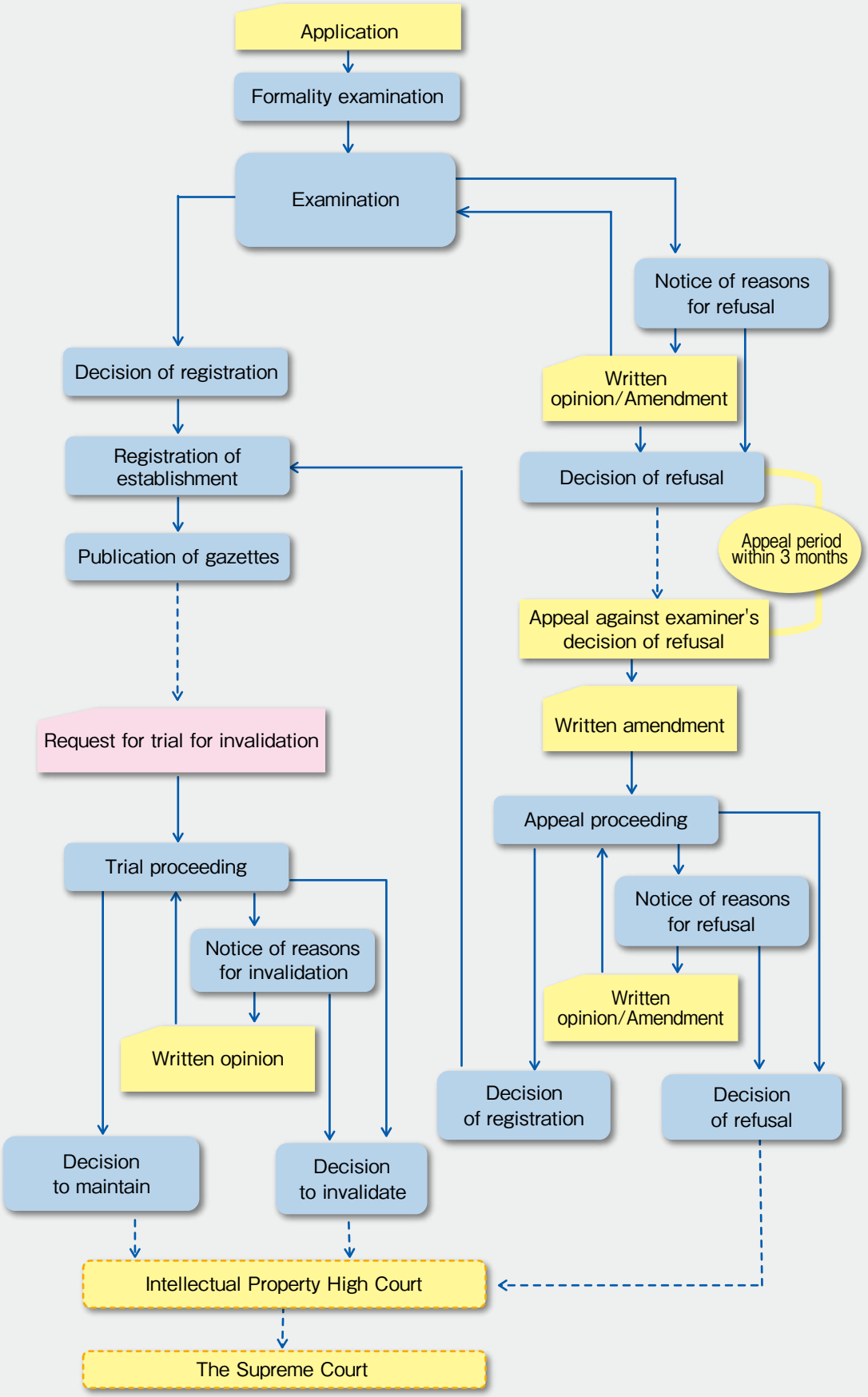
1) Patent



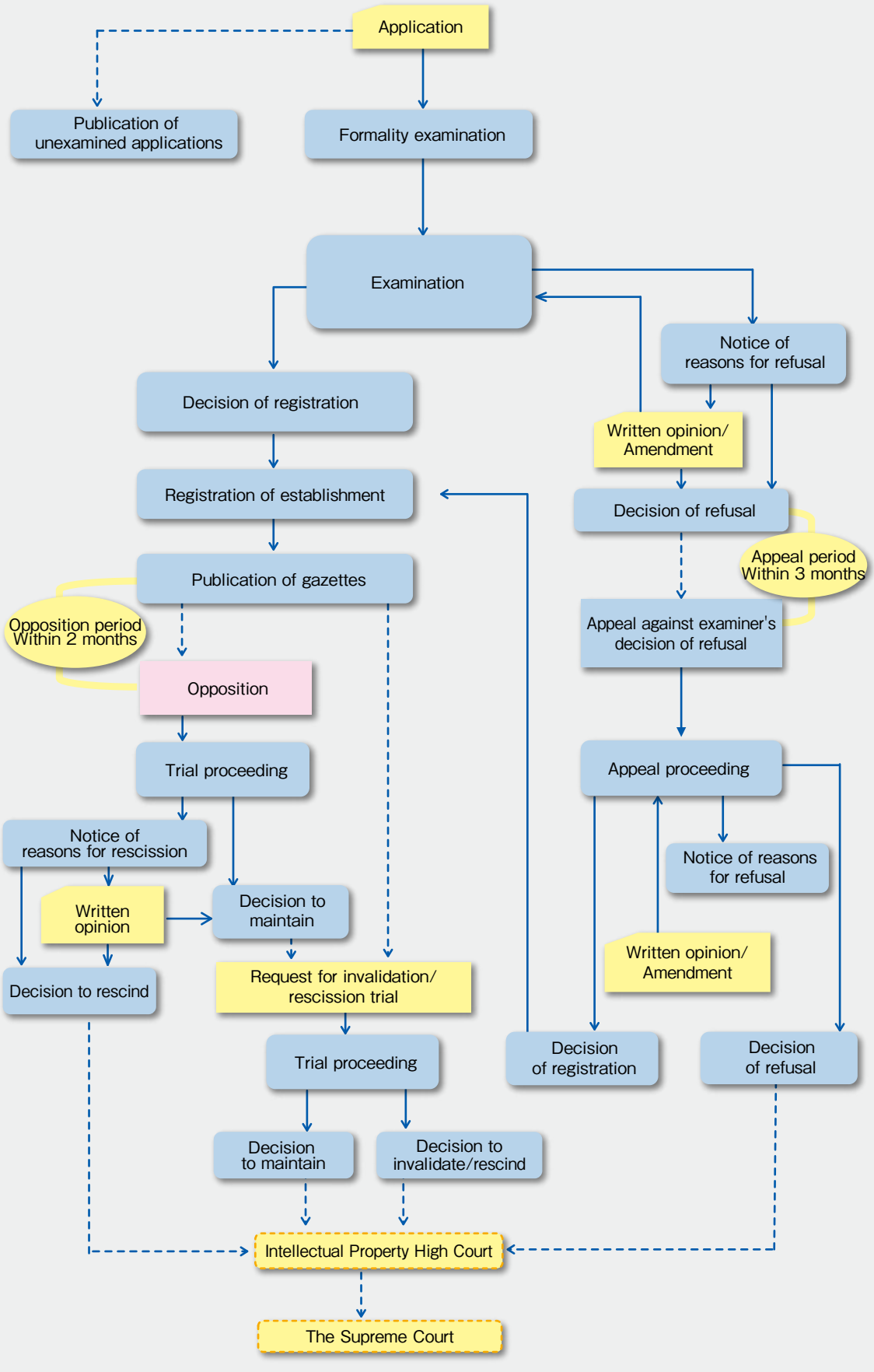
2) Utility model (under New Law)



3) Design


Application
Formality examination
Examination
Notice of reasons for refusal
Written opinion/Amendment
Decision of registration
Registration of establishment
Publication of gazettes
Decision of refusal
Appeal period within 3 months
Appeal against examiner's decision of refusal
Written amendment
Request for trial for invalidation
Appeal proceeding
Trial proceeding
Notice of reasons for refusal
Notice of reasons for invalidation
Written opinion/Amendment
Written opinion
Decision of registration
Decision of refusal
Decision to maintain
Decision to invalidate
Intellectual Property High Court
The Supreme Court

4) Trademark


Application
Publication of unexamined applications
Formality examination
Examination
Notice of reasons for refusal
Decision of registration
Written opinion/ Amendment
Registration of establishment
Decision of refusal
Publication of gazettes
Appeal period Within 3 months
Opposition period Within 2 months
Appeal against examiner's decision of refusal
Opposition
Trial proceeding
Appeal proceeding
Notice of reasons for rescission
Notice of reasons for refusal
Written opinion
Decision to maintain
Written opinion/ Amendment
Decision to rescind
Request for invalidation/ rescission trial
Trial proceeding
Decision of registration
Decision of refusal
Decision to maintain
Decision to invalidate/rescind
Intellectual Property High Court
The Supreme Court

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 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 and Appeal

Patents	··· ¥49,500 + ¥5,500 per claim
Utility Models	··· ¥49,500 + ¥5,500 per claim
Designs	··· ¥55,000
Trademarks	··· ¥15,000 + ¥40,000 per classification

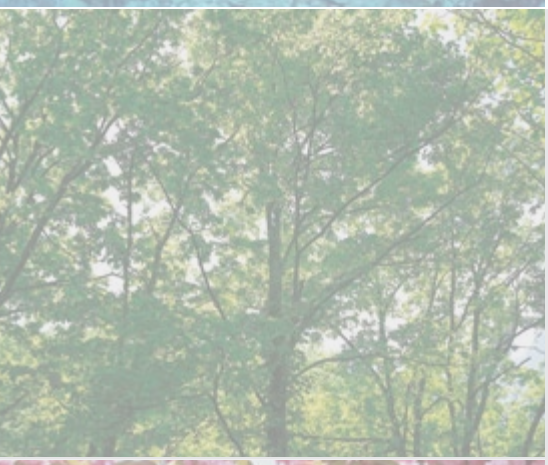
6. After Registration

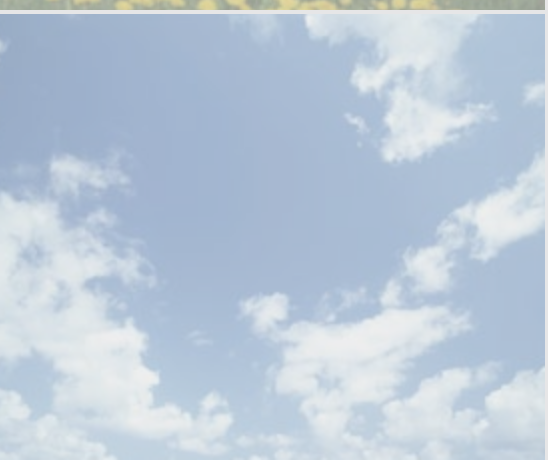
Registration of transfer of right:	
├ Patents	··· ¥15,000
├ Utility models	··· ¥9,000
├ Designs	··· ¥9,000
├ Trademarks	··· ¥30,000
└ General successions (inheritance, etc)	··· ¥3,000
Change in the name of owner (excluding transfer)	··· ¥1,000

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

Note: Our Office does not accept payment by any means from overseas residents, including payment by bank account transfer, credit card or check.
The payment has to be made by a representative (e.g., patent attorney) in Japan.

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