

JPO Updates and Initiatives

HAMANO Koichi
Japan Patent Office Commissioner



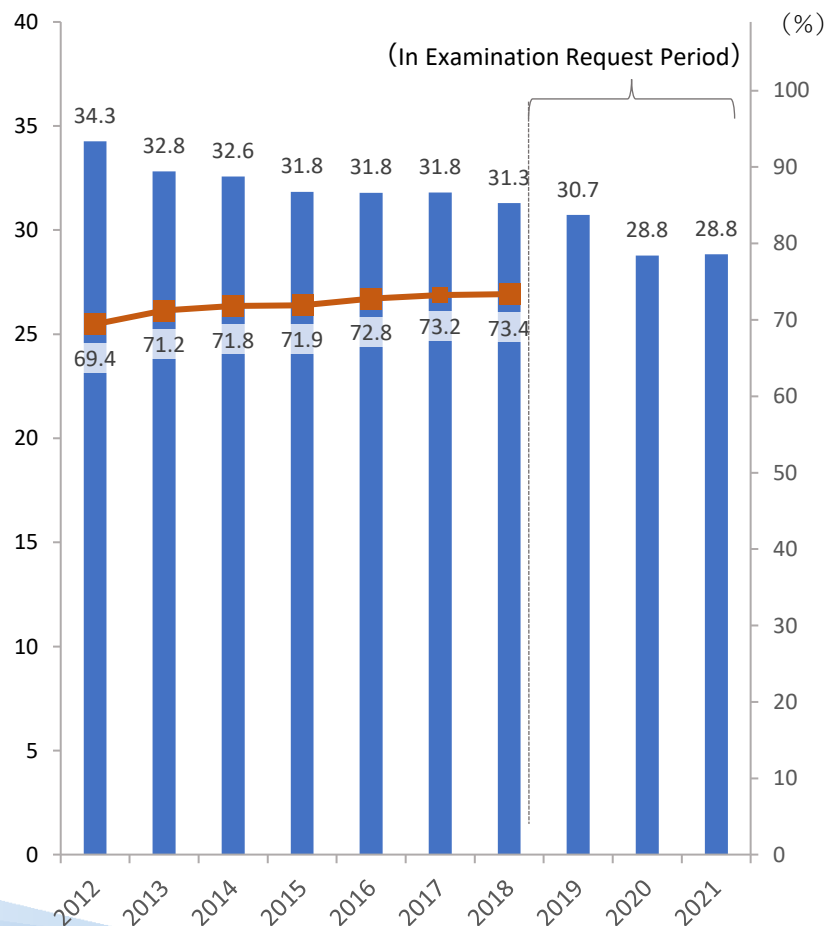
- 1 Recent Filing Trends in Intellectual Property**
- 2 Initiatives to Support Business Development Through Examinations**
- 3 Initiatives to Support Business Strategy**
- 4 PPH Updates for Building Global IP Portfolio**

Recent Filing Trends in Intellectual Property

Trends in Patent Applications

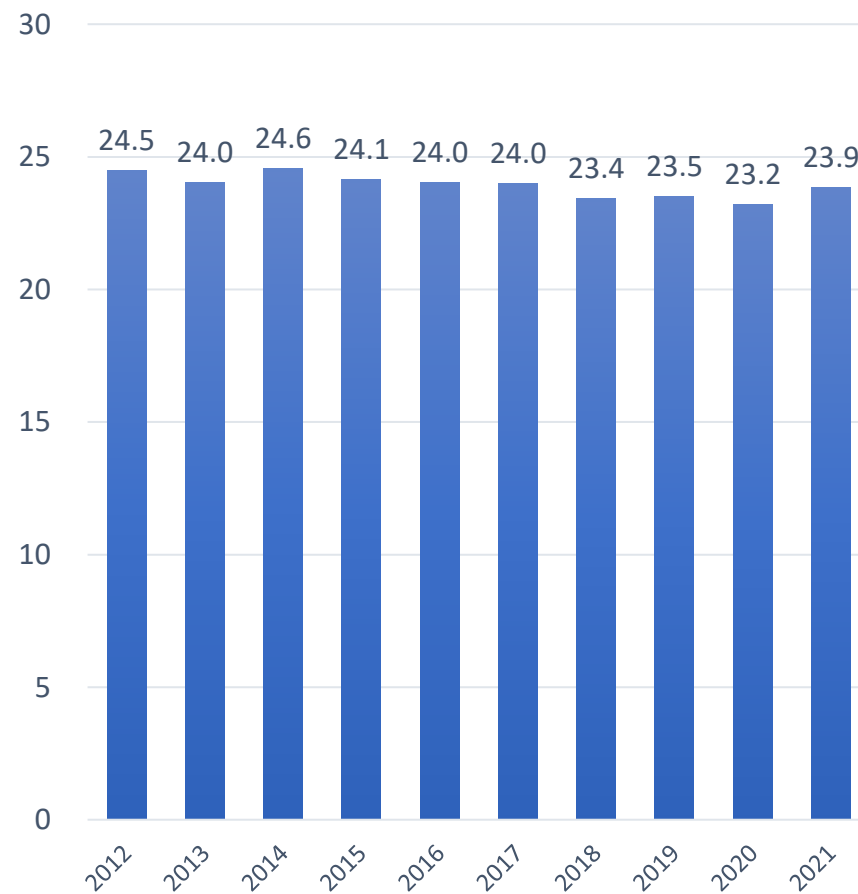
Applications and Percentage of Requests for Examination

(Unit: 10K Applications)



Requests for Examination

(Unit: 10K Requests)

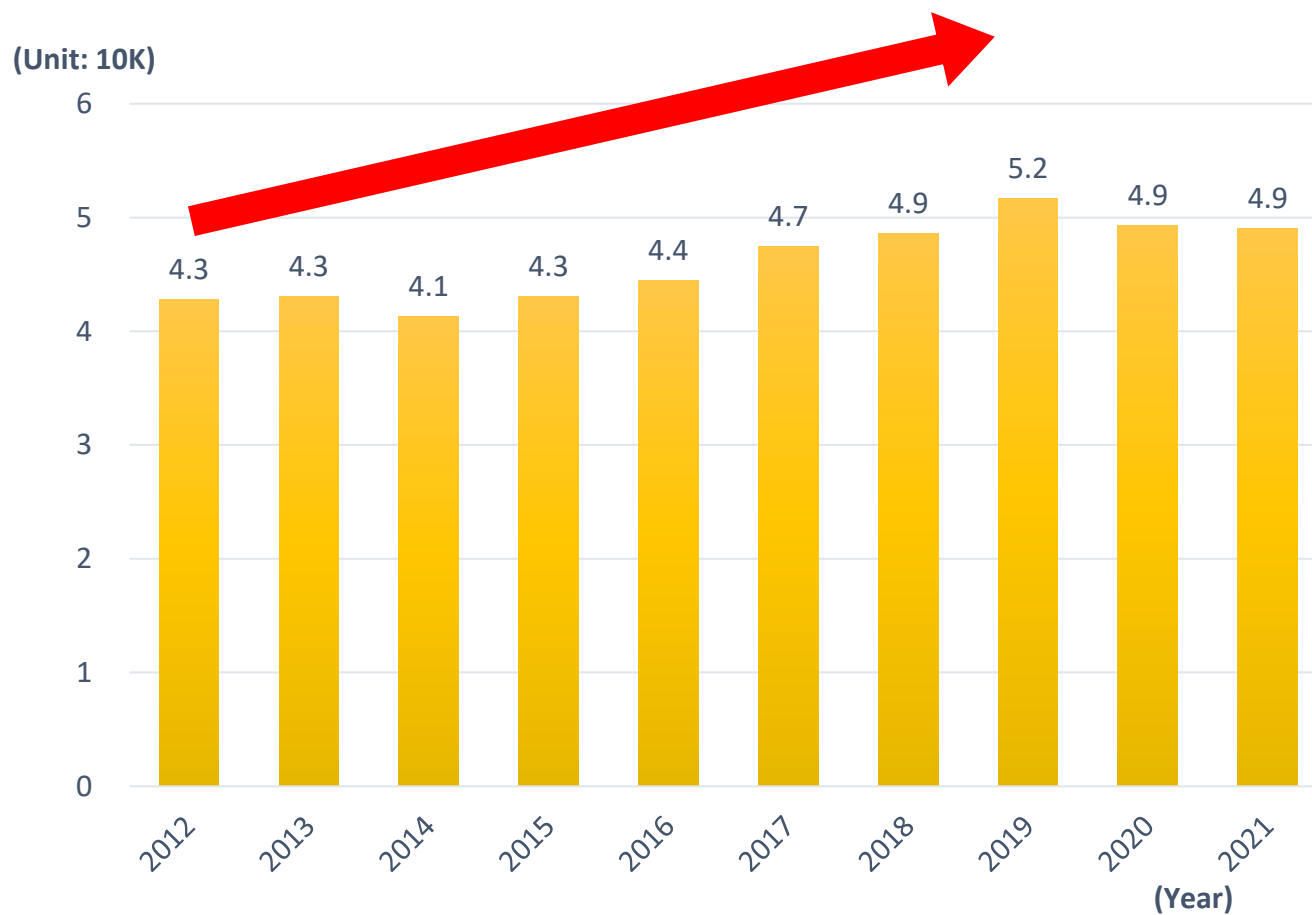


Source: Japan Patent Office Annual Report 2022

Percentage of requests for examination is calculated by dividing the number of requests for examination by the number of patent applications.

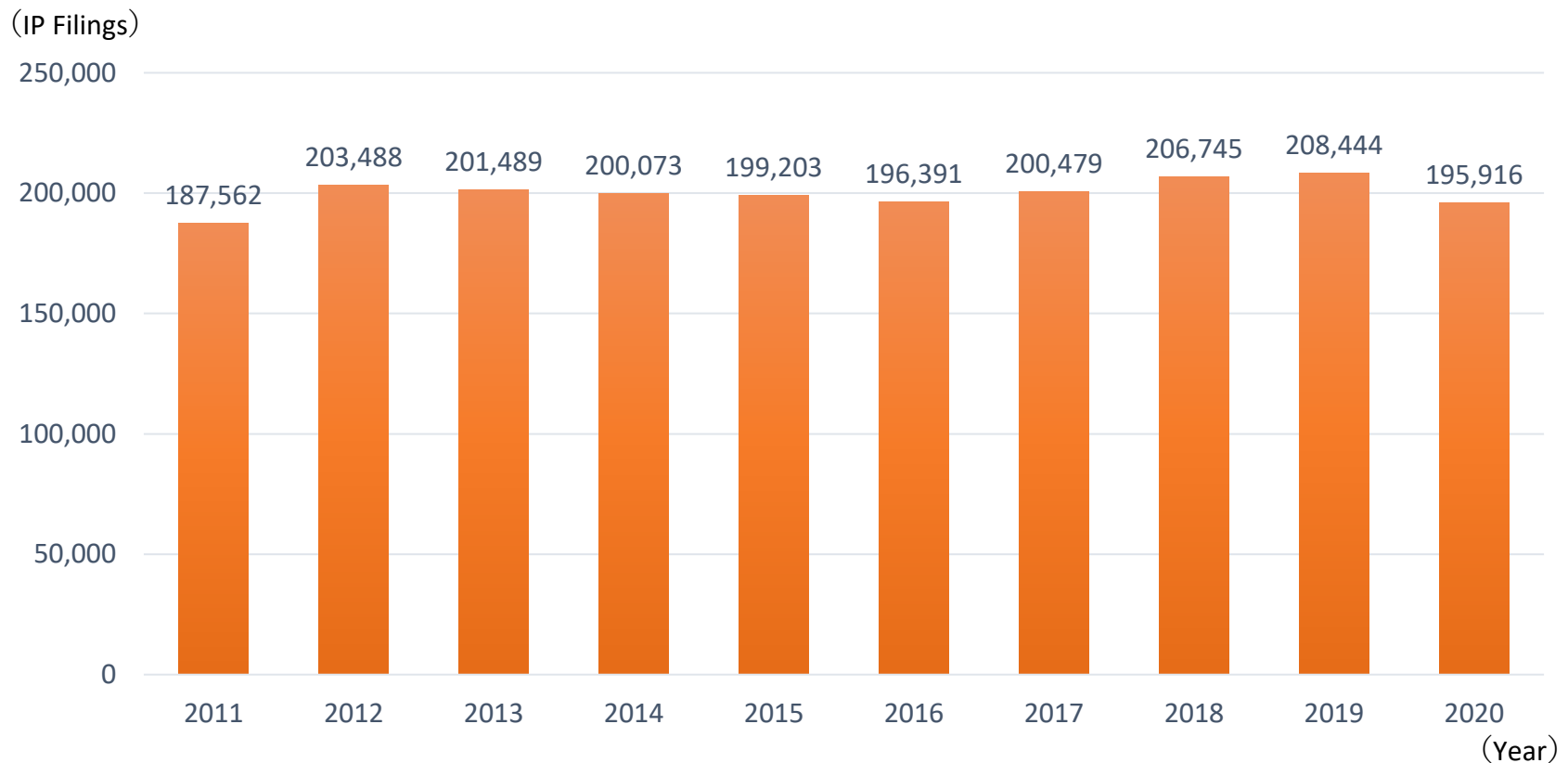
Number of PCT International Applications

PCT International Applications



Outgoing Patents Filed from Japan

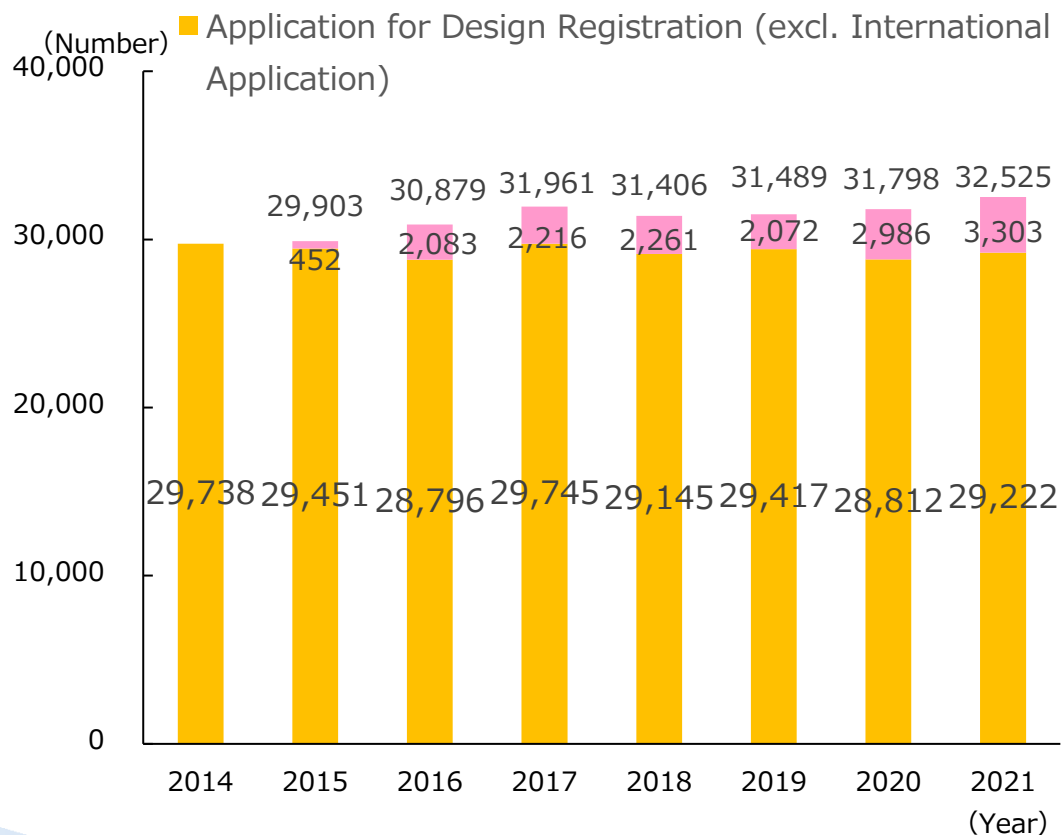
The number of outgoing patent applications from Japan to overseas has remained almost flat since 2012.



Trends in Design Applications

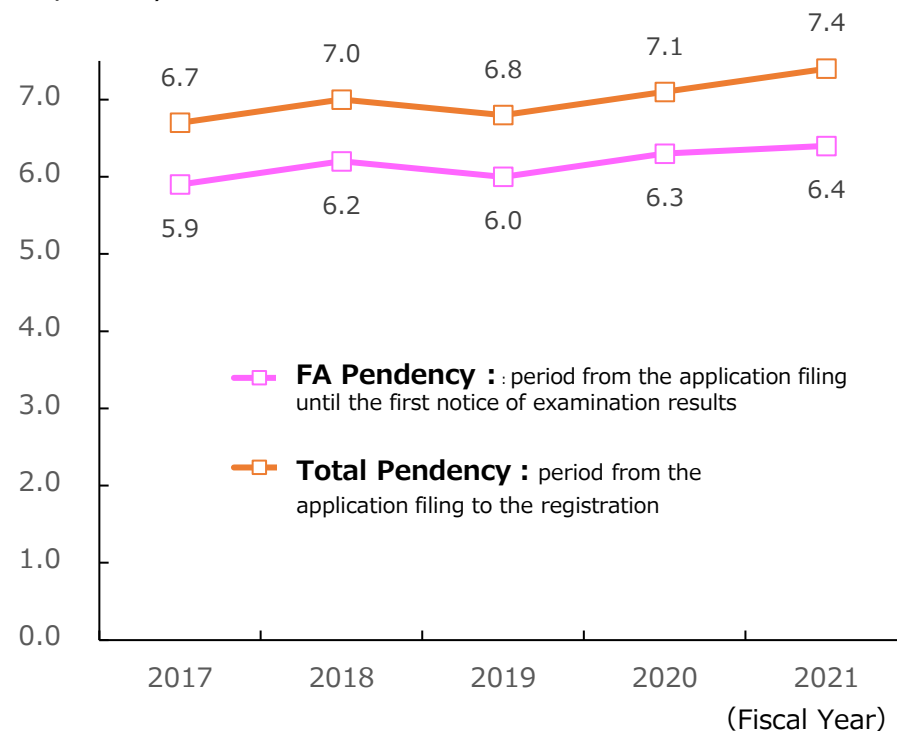
Number of Applications for Design Registration by Filing Year

■ International Application for Design Registration



FA Pendency and Total Pendency

(Months)

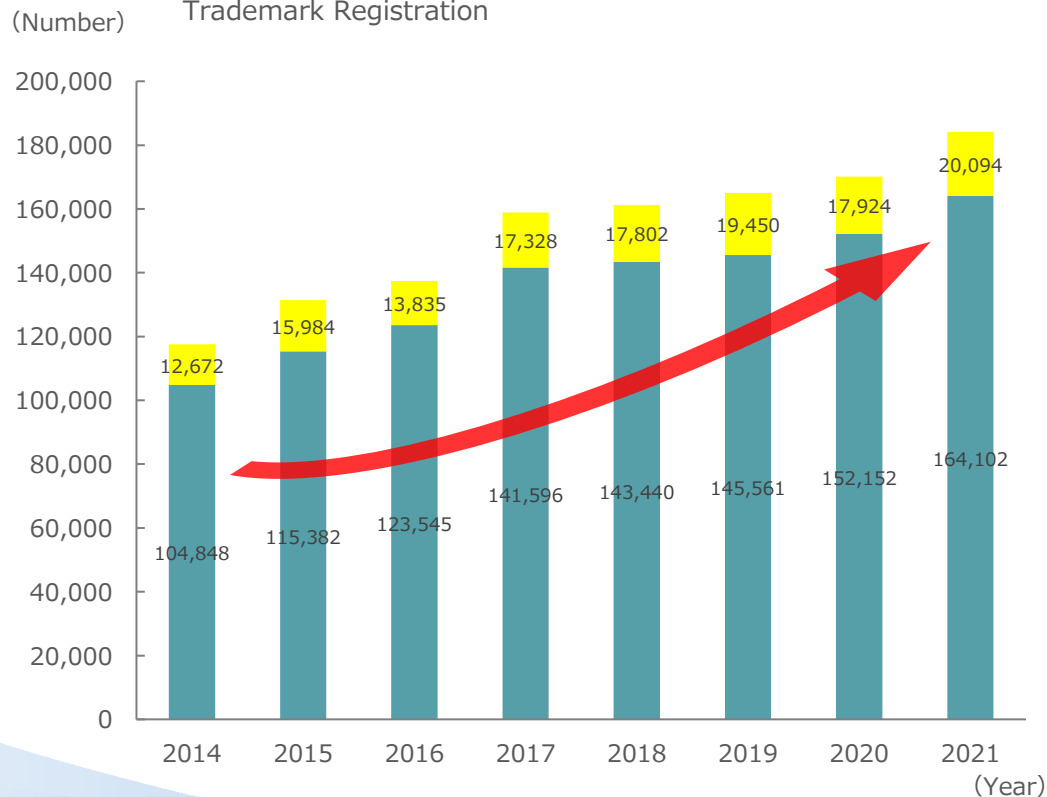


Trends in Trademark Applications

Number of Trademark Applications filed in Japan

Source: This figure was prepared by the JPO.

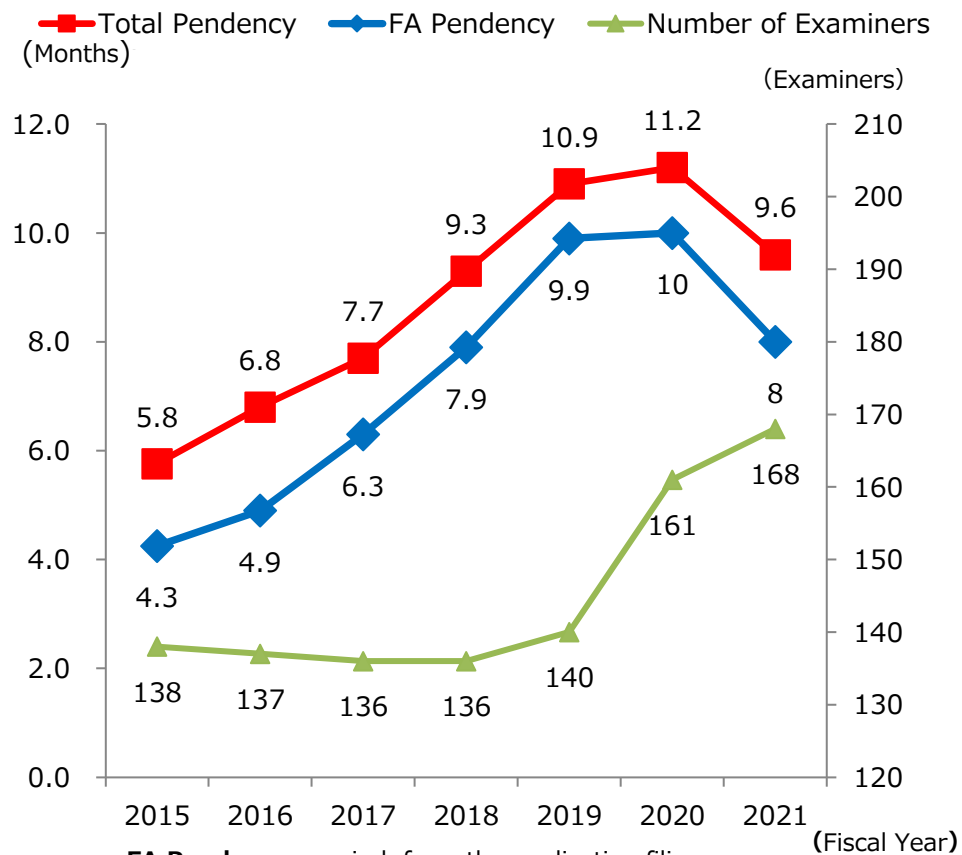
■ International Applications for Trademark Registration
■ Trademark Applications Excluding International Applications for Trademark Registration



Note: Some applications rejected due to non-payment are excluded.

Average FA Pendency, Total Pendency and Number of Examiners in Trademark Examinations

Source: This figure was prepared by the JPO based on Japan Patent Office Annual Report 2020, 2021 and 2022.



FA Pendency : period from the application filing until the first notice of examination results

Total Pendency : period from the application filing to the registration



Initiatives to Support Business Development Through Examinations

Interview with Patent Examiner

When?

At any stage of examination.

How to request

Ask your agent in Japan to contact the examiner.

Requirements

Participation of your agent in Japan (Online participation is acceptable).

An interpreter may be required in case of complicated technology.

Online Interview

Online interview is conducted via Internet.

There are no restrictions on the location of the participants.



Around

1,700

Interview cases in FY 2021

The examiner accepts a request at least once



Communication in English is available



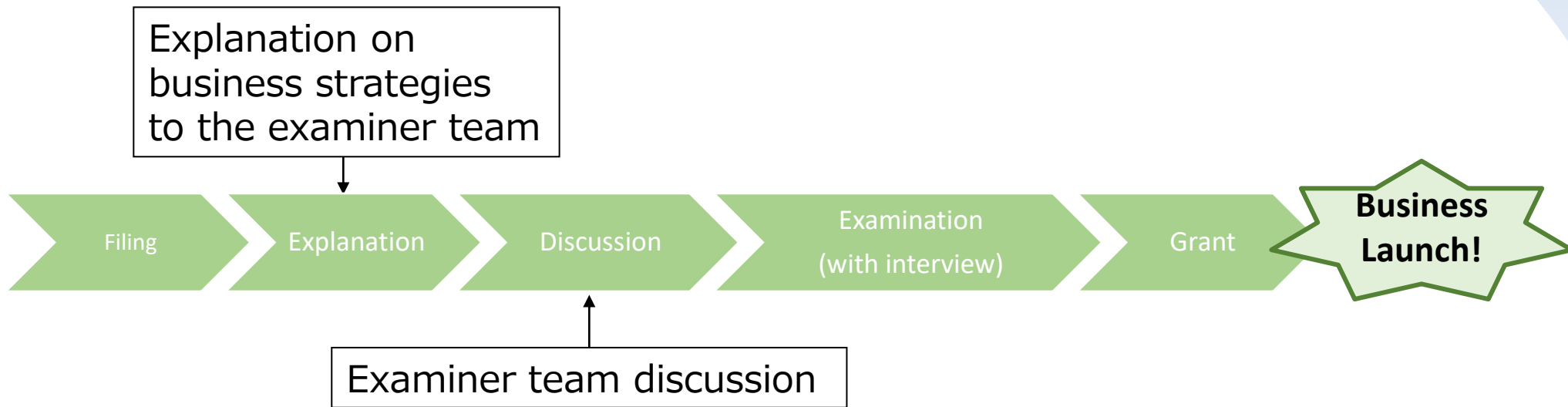
No additional fee

Collective Examinations for IP Portfolio (CEIP) ①

- Package examination for an entire product/service.
- Cross-sectional examination of multiple IP applications
- Grant rights at the most opportune time



Collective Examination for IP Portfolio (CEIP) ②



User Feedback

- Pre-examination presentation helped examiners to better understand the background of our business strategy and target market.
- We were able to build an IP portfolio prior to the market launch.
- CEIP increased the value of starting a new business and effectively prevented other companies from entering the market.

Examination Case Examples on AI/IoT related technologies

The first
publication in the
world

More than
30
Cases

Patent Examination Case Examples on AI and IoT-related inventions

Clear understanding of
examination practices

Patent eligibility,
Inventive step,
Description requirements ...



- Patent Examination Case Examples
pertinent to **AI**-related technologies
https://www.jpo.go.jp/e/system/laws/rule/guideline/patent/ai_jirei_e.html
- Examination Guidelines
pertinent to **IoT**-related technologies
https://www.jpo.go.jp/e/system/laws/rule/guideline/patent/iot_shinsa.html

Manga Patent Examination Guidelines – AI/IoT fields –

English "Manga"

Examination Guidelines in Manga AI/IoT Edition



Ai

President of a venture company that develops artificial intelligence software. Very energetic and maverick.



Ota

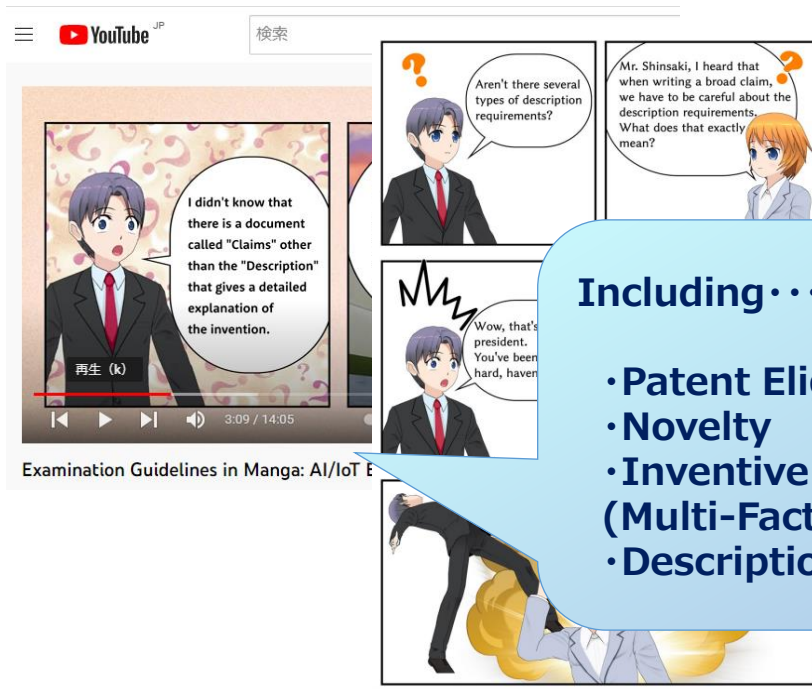
Young staff member working at Ai's company with law degree. Gentle character, always having trouble because of Ai's constant demands.

Shinsaki Jun

Patent examiner at the Japan Patent Office. Ota's reliable senior colleague. Lives Ai and Ota.



Easy to understand
for everyone



Including...

- Patent Eligibility
- Novelty
- Inventive Step (Multi-Factor Reasoning(MFR))
- Description Requirements

Search !

jpo manga

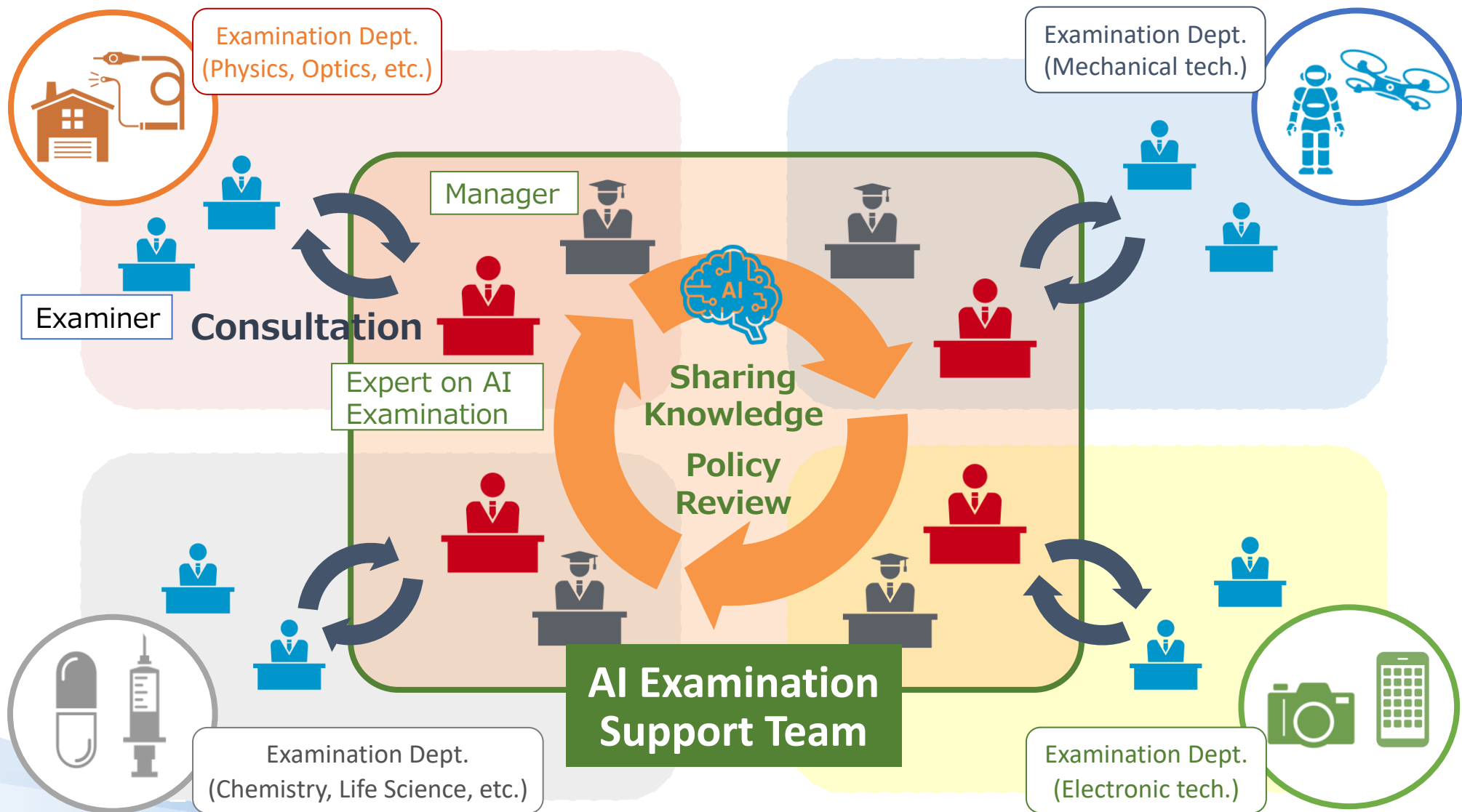


YouTube



https://www.jpo.go.jp/e/system/laws/rule/guideline/patent/comic_ai_iot_e.html
(YouTube) <https://youtube.com/playlist?list=PLGv4h5a07975wBc8QpwOIV5h6bQsx5wLF>

AI Examination Support Team



International Cooperation

1. The IP5 Offices (2022)
a work roadmap including comparative studies on examination practices in NET/AI inventions.

2. JPO and EPO (2021)
the upgraded report on the comparative study of computer-implemented inventions including AI-related inventions.

3. JPO and CNIPA (2021)
Discussion for progressing the comparative study of case examples for AI-related inventions.

4. ASEAN (2021)
Study* on patent examination practices of AI inventions by ERIA**

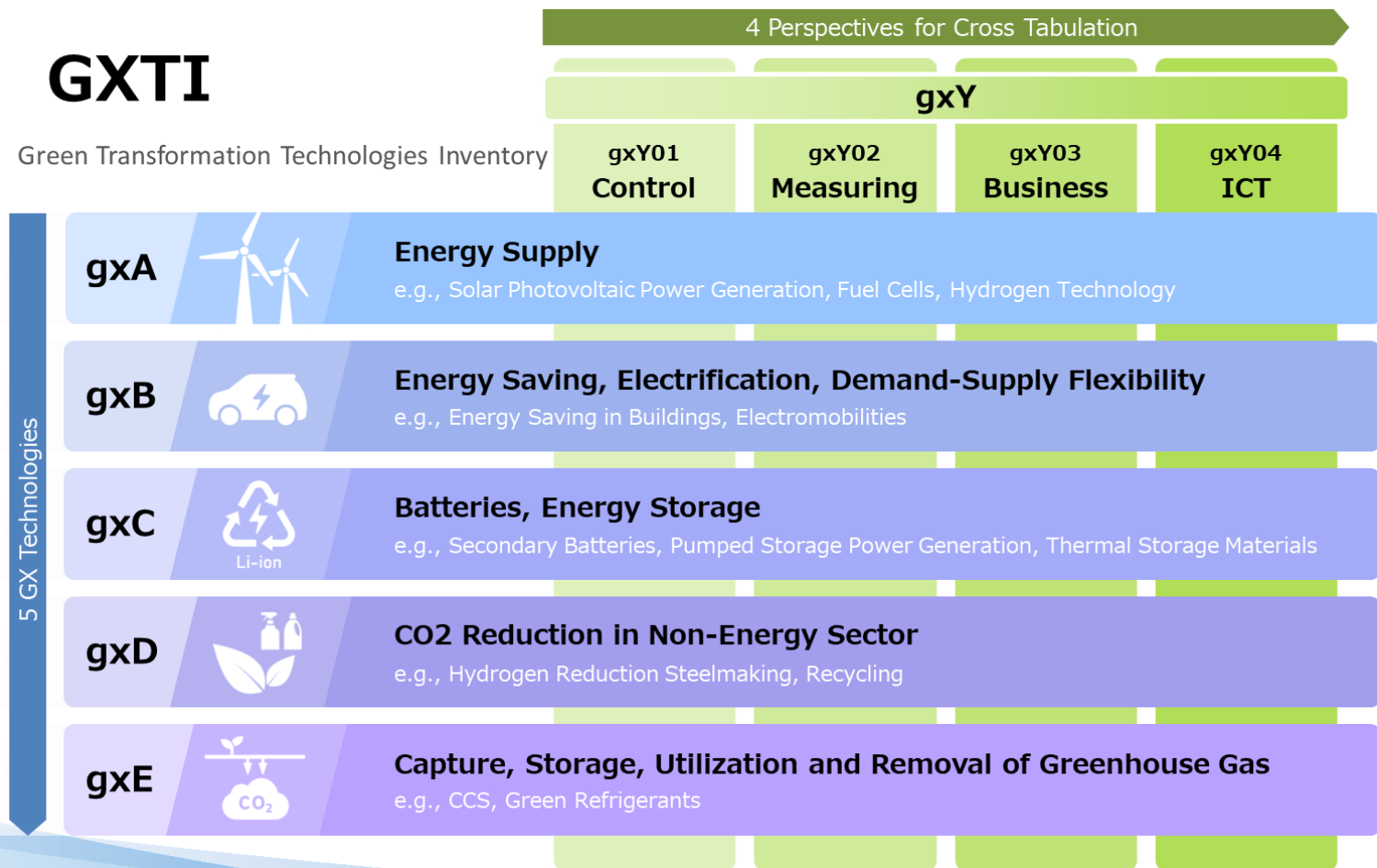
*<https://www.eria.org/publications/research-on-patent-examination-practices-for-emerging-technologies-in-asean-member-states/>

** Economic Research Institute for ASEAN and East Asia

Initiatives to Support Business Strategy

GXTI: Green Transformation Technologies Inventory

GXTI is a technology inventory that gives a comprehensive bird's-eye view of GX technology, and illustrates how to search for patent documents that disclose GX technologies.

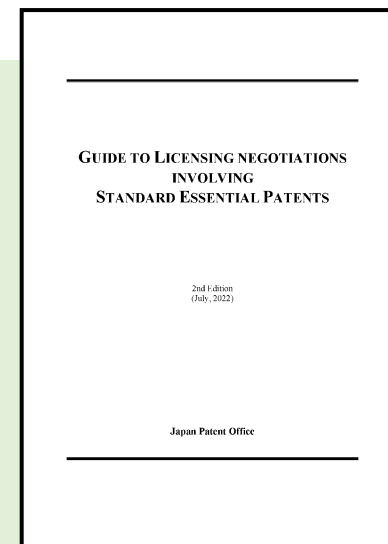


Guide to Licensing Negotiations involving SEPs

Main Issues:

- ◆ “Good Faith” in Licensing Negotiations
- ◆ Parties to Negotiation in Supply Chain
- ◆ Royalty Base (e.g., SSPPU v EMV)
- ◆ Royalties for Different Uses

NOT legally binding, NOT prescriptive



Available in JP/EN

Published through Open Dialogue with Global Stakeholders

29 Sep 2017-10 Nov 2017	Proposals (~50 submissions from inside/outside Japan)
9 Mar 2018 - 10 Apr 2018	Public comments
13 Mar 2018	International Symposium
5 Jun 2018	Publication of the guide
9 May 2022 - 8 Jun 2022	Public comments for revision of the guide
19 May 2022	JPO SEP Symposium 2022
19 Jul 2022	Publication of the revised guide

Voices from users

- Well-balanced between patent proprietor and implementer
- Comprehensive and easy-to-understand
- Best SEP-related document!

| Hantei (Advisory Opinion) for Essentiality Check

- ✓ **The *Hantei* system determines whether a specific patented invention qualifies as an SEP.**
- ✓ **The amendment of July 2019 prohibits inspection of any trade secrets in documents pertaining to a *Hantei* if a party to the case has given notice.**



PPH Updates

For Building Global IP Portfolio

Global Patents with JPO as a starting point

With
45
IP Offices

Largest PPH network in the world
based on **JPO's reliable examination results**

Grant

JPO's PPH network

- Faster
- Higher Grant Rate
- Lower Cost

PPH with JPO only



Number of PPH partner Offices (2022.1)

	JP	US	KR	CN	EP
PPH (all)	45 No.1	36	35	29	16
PCT PPH	39 No.1	33	31	24	16

Countries/Regions with PPH partner offices of JPO (purple colored)

<https://www.jpo.go.jp/e/system/patent/shinsa/soki/pph/index.html>

Benefits of PPH for applicants

» **Faster**
Patent grant

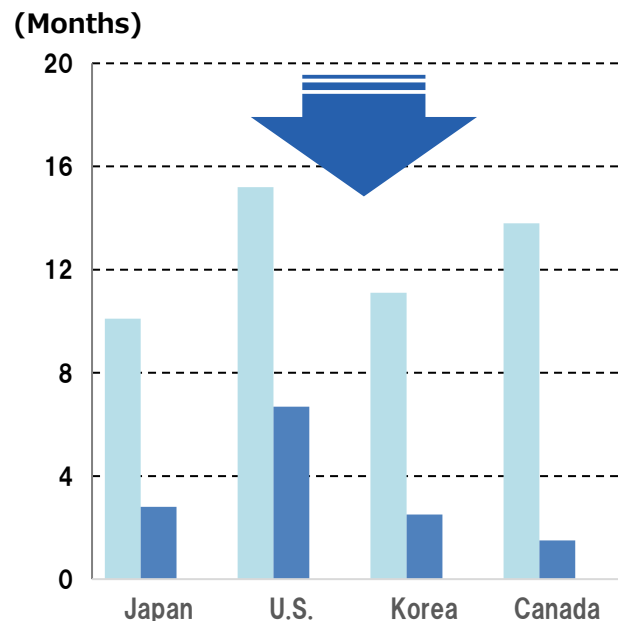


Higher
Grant rate

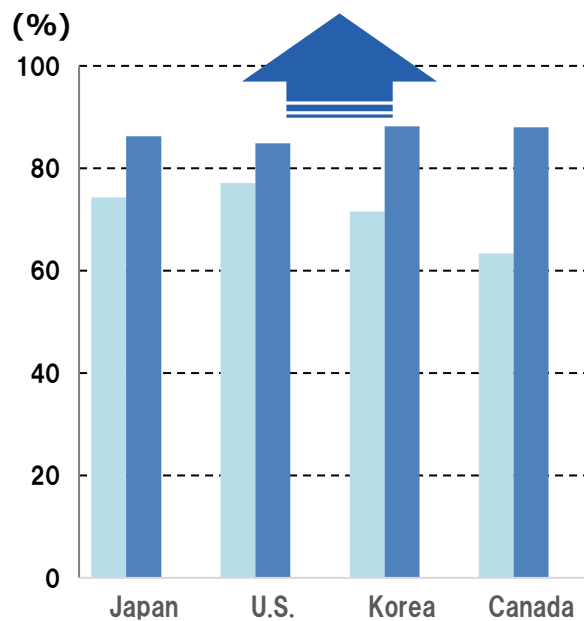


Lower
Prosecution costs

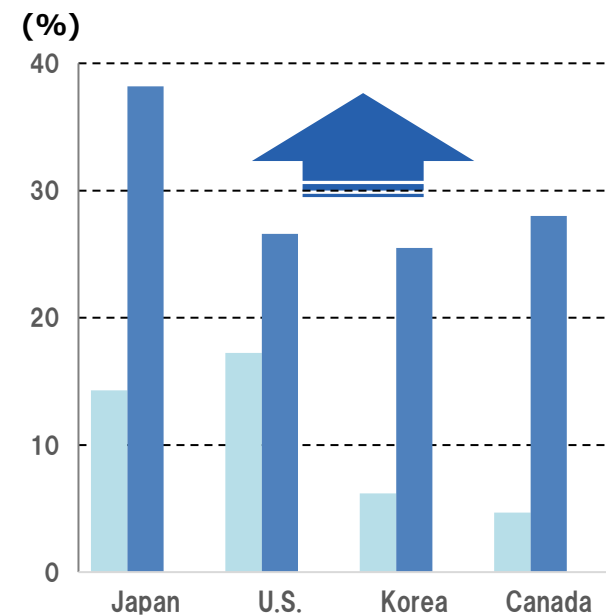
First Action Pendency



Grant Rate



Grant Rate at the First Action



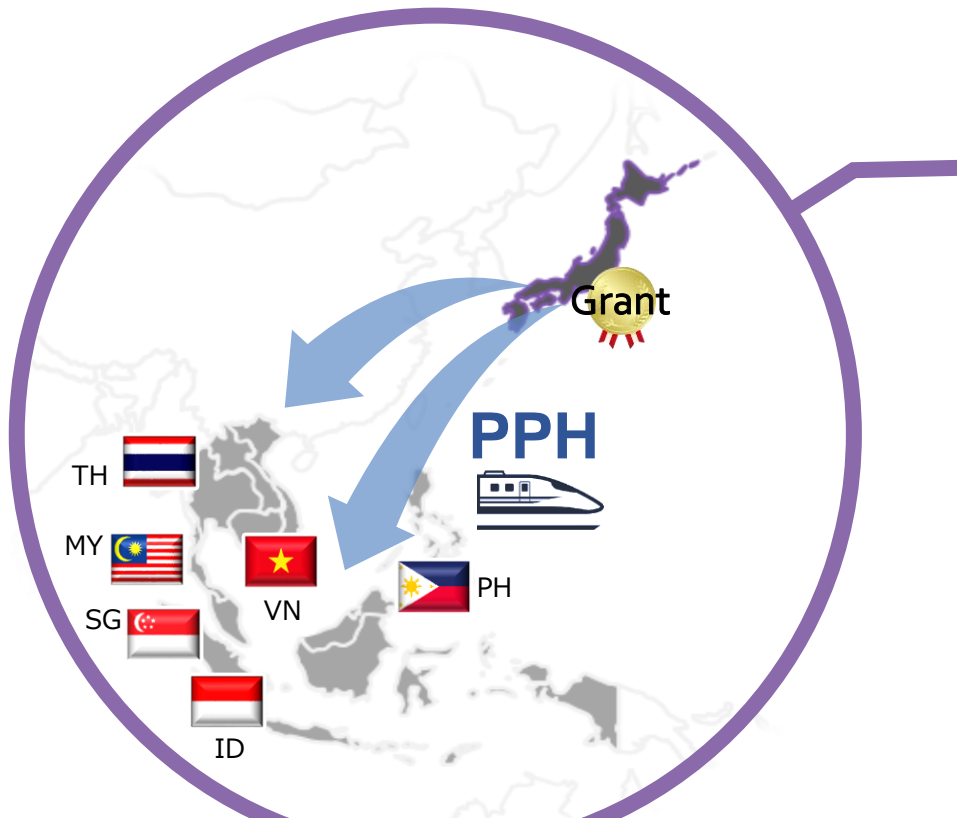
■ All applications ■ PPH applications

(Stat: Jul. 2021~Dec. 2021)

Building IP Portfolio in ASEAN – PPH –



The only office that implements PPH with **all ASEAN6 Offices**



Total pendency from filing to registration (2021)

TH	MY	PH	VN	SG	ID
9.2 years	7.2 years	4.4 years	4.7 years	5.6 years	3.9 years

PPH with ASEAN countries

High Speed

Fastest
in the World

5.6 months for grant in Japan
(Fast track)

+

About **1** year for grant in ASEAN
(PPH)

Best Quality

Grant rate : more than **90%**

Based on JPO's research

Benefits of ISA/JP

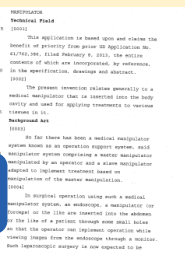
Benefit 1

No Cost to Translate into Japanese

- PCT Filing in **English**



e.g. RO/SG

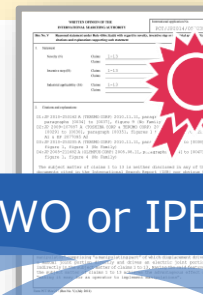


ISA/JP

Benefit 2

No Stress to understand

- **High quality** report in **English**



Positive Opinion

WO or IPER

Benefit 3

No.1

PCT-PPH from JPO to **39** Offices



and more

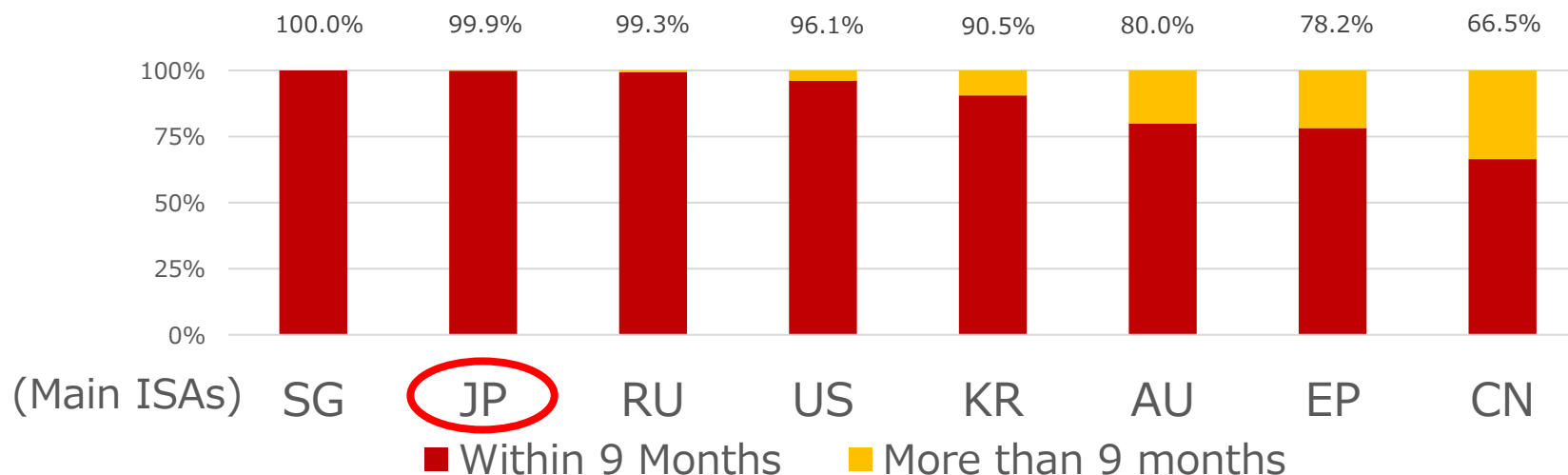
PCT-PPH

Benefits of ISA/JP

Benefit 4

99.9%

Timeliness in transmitting ISRs to the IB,
measured from priority date by ISA, 2020



(WIPO PCT Yearly Review 2021)

https://www.wipo.int/edocs/pubdocs/en/wipo_pub_901_2021.pdf

Benefit 5

International Search Fee (in the case of filing in English) (2022.6)

ISA	US	EP	AU	SG	JP	KR	CN
Fee (USD)	2,180	2,065	1,604	1,652	1,336	1,011	328



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to keep up with the latest IP information!!



Thank you very much!

The JPO
Quick Reads



Tips for making the most of JPO's initiatives!

