

JPO Updates and Initiatives:



- Delivering Value to Global IP Stakeholders -



Facts & Basics



Users



Tech Trend



Global Network

JPO's Mission, Vision and Values

Mission

To achieve a society in which ideas are respected and each individual is encouraged to ignite creativity.

Vision

To promote innovation through enhancement of IP rights by co-creating an IP ecosystem in which ideas exploring the future can be

Values

- Conduct business operations with integrity and fairness based on transparency.
- Act from the users' standpoint.
- Continue to improve without being bound by past practices.
- Continuously strive to learn and incorporate new technologies and knowledge, and act proactively as a professional expert.
- Respectfully bring together diverse personalities to create synergies that will enhance individual abilities.
- Think and deal with issues as a united JPO entity.

Why Invest: Reasons to Choose Japan

Reason 1

Flexible, Expansive Market

Total GDP

4th in the World

Gross Domestic Product 2023
(World Bank)

Reason 2

Foundation of Trust and Stability

FDI Confidence Index

2nd in Asia

Foreign Direct Investment Confidence Index 2024
(Kearney)

Reason 3

Ideal Environment for Innovation

R&D Ranking

2nd in the G7

Global Innovation Index 2023
(World Intellectual Property Organization: WIPO)

Reason 4

Highly-educated Workforce

Ratio of Technicians and Associate Professionals to Total Workforce

1st in the World

The Global Talent Competitiveness Index 2023 report
(INSEAD, Descartes Institute for the Future, and the Human Capital Leadership Institute)

Reason 5

Reliably High Standard of Living

Low crime rate

The safest in the G7
One of the safest in the World

Rates from the Crime Index by Country 2024
(NUMBEO, 2024 Mid-Year)

Information in this slide is based on **Why Invest: Reasons to Choose Japan** on JETRO website.

Please refer to "https://www.jetro.go.jp/en/invest/investment_environment/" for further information.

Starting Business with/without an IP Strategy



Come up with a great idea



No filing of IP application
No Patent/Design/Trademark search



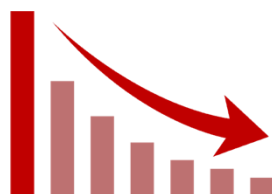
- Give a name
- Develop a product



Launch the product

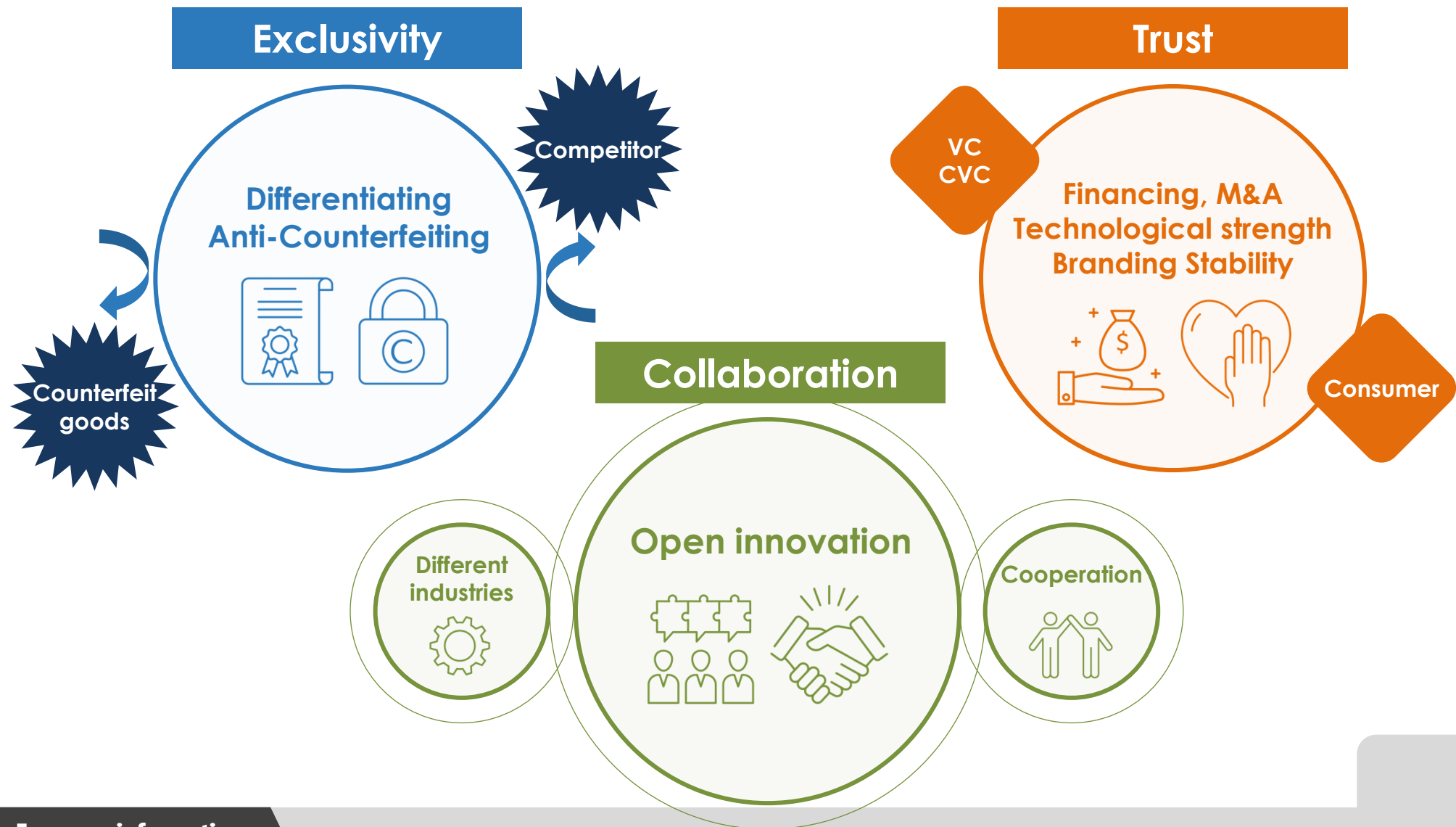


Rename/Redevelop the product
Compensate for damages



Receive a warning
Face a lawsuit

Functions of Intellectual Property Rights



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Facts & Basics



Users



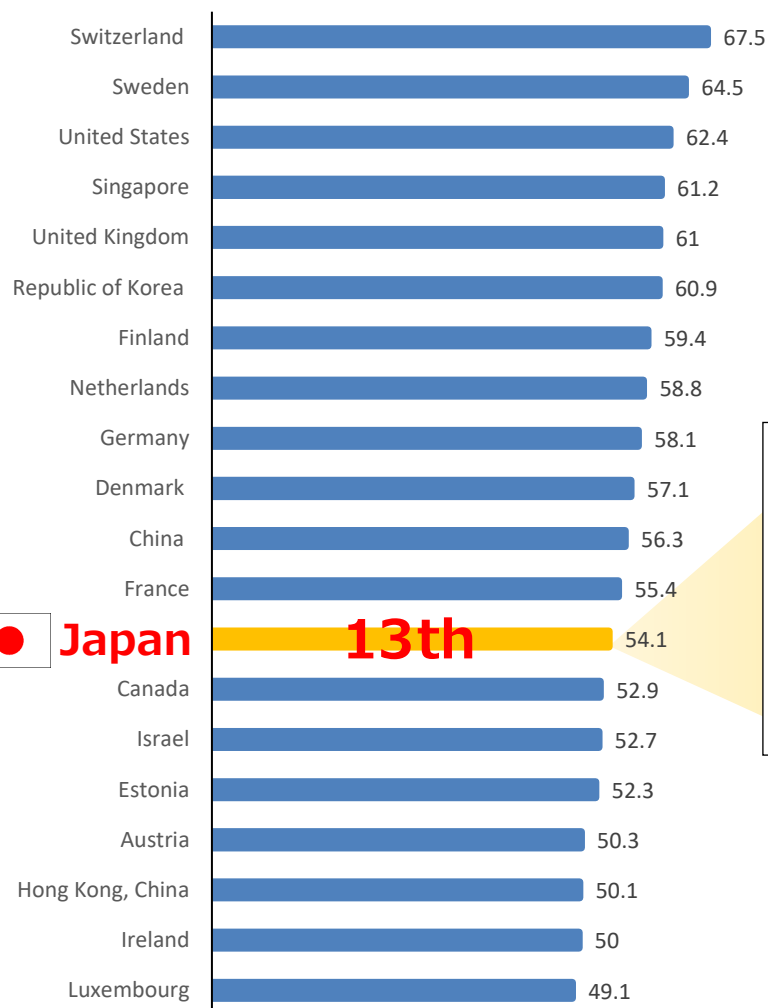
Tech Trend



Global Network

WIPO Global Innovation Index

Overall Ranking 2024 (Score)



Japan's rankings in the seven areas of the Global Innovation Index

| | |
|-------------------------------------|-------------|
| Business sophistication | 6th |
| Market sophistication | 8th |
| Knowledge & technology outputs | 12th |
| Infrastructure | 13th |
| Global Innovation Index 2024 | 13th |
| Human capital & research | 19th |
| Creative outputs | 22nd |
| Institutions | 23rd |

(Report on Japan) <https://www.wipo.int/gii-ranking/en/japan>

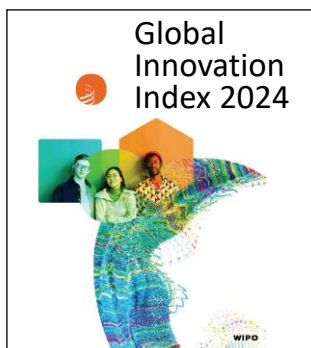


WIPO Global Innovation Index

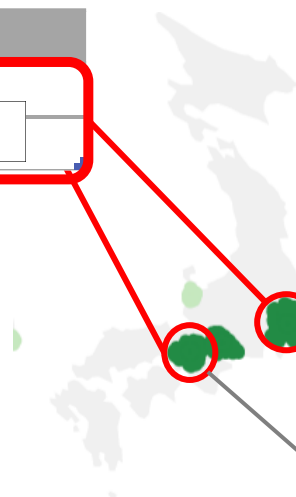
Japan ranks high in the global science and technology (S&T) cluster, showcasing its active research and international appeal as a technology hub.

Science and Technology Cluster Ranking 2024

| Rank | Cluster | Economy |
|------|------------------|---------|
| 1 | Tokyo–Yokohama | Japan |
| 7 | Osaka–Kobe–Kyoto | Japan |



As numbers of publications over the most recent five-year period available
(PCT applications: 2019-2023)
(scientific articles: 2018-2022)



134,769 PCT applications
117,294 scientific articles

38,478 PCT applications
52,800 scientific articles

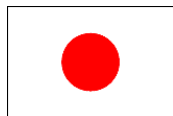
(Overall report)

<https://www.wipo.int/web/global-innovation-index/2024/science-technology-clusters>

(Detailed methodology)

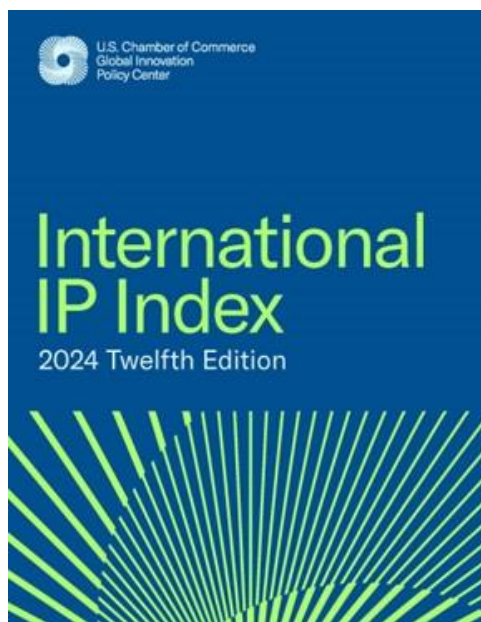
<https://www.wipo.int/documents/d/global-innovation-index/docs-en-2024-gii-2024-cluster-methodology.pdf>

Well-developed IP system in Japan



Highly Rated in U.S. Chamber International IP Index 2024

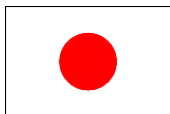
| | Overall | Patents | Design Rights | Trademarks | Enforcement |
|---------|-------------|-------------|---------------|-------------|-------------|
| Score | 91.26 | 94.44 | 100.00 | 87.50 | 88.14 |
| Ranking | 6/55 | 2/55 | 1/55 | 5/55 | 7/55 |



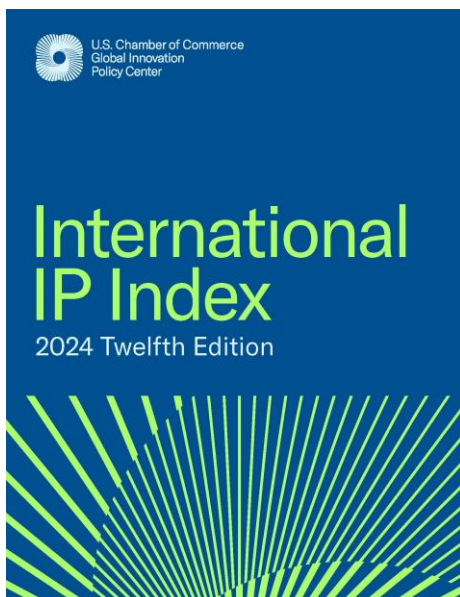
- **6th** in overall score, following the U.S., UK, France, Germany, and Sweden
- **2nd** in patents score, following Singapore
- Each country's IP framework evaluated in 9 aspects
 - (1) patents, (2) copyrights, (3) trademarks, (4) design rights,
 - (5) trade secrets, (6) commercialization of IP assets, (7) enforcement,
 - (8) systemic efficiency, (9) membership and ratification of international treaties



Well-developed IP system in Japan



Strengths of Japan according to the Index



- **Design Act amendments** came into effect in 2020, increasing term of protection
- Global leader with respect to targeted administrative incentives for the creation and use of IP assets for **SMEs**
- **Strong, sophisticated national IP environment** in place with relevant IP rights and protection available for all major IP rights categories
- Has signed and acceded to major **international IP treaties**



Strengths of JPO



Speed

9.4 months

First Action
Pendency

FY 2023

13.8 months

Total Pendency

FY 2023



Quality

97.4 %

Users' Satisfaction
(as neutral or higher)

FY 2024 Survey

Around **2,100**

Interview Practice

FY 2023



Global

44 IP Offices

PPH partners

Dec 2024

Over **110,000**

PPH based on JPO's
Examination results

end of December 2024



Speed: 3 Tracks to Choose



Normal

9.4 months

First Action Pendency

13.8 months

Total Pendency

FY 2023



Fast Track

Accelerated Exam.

2.1 months

First Action Pendency

4.9 months

Total Pendency

FY 2023



Super Fast Track

Super Accelerated Exam.

0.8 month

First Action Pendency

2.6 months

Total Pendency

FY 2023

Free of Charge

| | USPTO | EPO | CNIPA | KIPO |
|-----------------------|-------------|-------------|-------------|-------------|
| FA Pendency (2023) | 20.3 months | 5.0 months | 13.2 months | 16.1 months |
| Total Pendency (2023) | 24.8 months | 24.9 months | 16.0 months | 20.1 months |

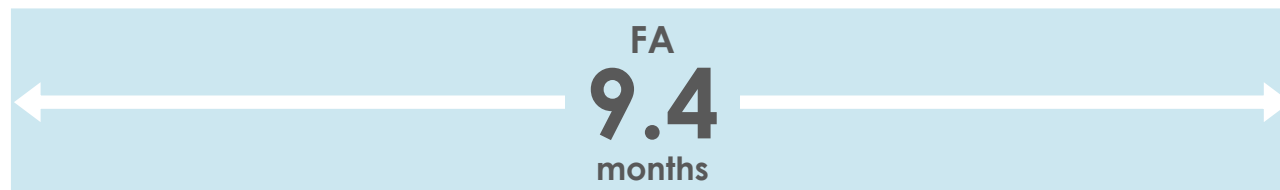
IP5 Statistics Report 2023, Chapter 4



Accelerated Examination



Normal



Accelerated
Examination



No special requirements. Just make a request !

For more information

<https://www.jpo.go.jp/e/system/patent/shinsa/jp-soki/>





Super Accelerated Examination



Accelerated Exam.

2.1 months
First Action Pendency

4.9 months
Total Pendency

Free of Charge



**Much
Faster**



Super Accelerated Exam.

0.8 month
First Action Pendency

2.6 months
Total Pendency

Applied to
Working-related applications ※

※An applicant or a licensee
has already commercialized
or plans to commercialize
the invention within 2 years.

Free of Charge

For more information

https://www.jpo.go.jp/e/system/patent/shinsa/jp-super_soki/index.html





Quality: High Evaluation by JPO Survey

DESIGN



PATENT



TRADEMARK



Number of subjects surveyed (patent)

- Domestic applicants: 530
- Foreign applicants: 68
- Patent attorneys: 50

Percentage of neutral or higher in overall quality of examination on national applications,

Results of User Satisfaction Survey(FY 2024)

- [Report on FY2024 Annual User Satisfaction Surveys on Patent Examination Quality](#)
- [Report on FY2024 Annual User Satisfaction Surveys on Design Examination Quality](#)
- [Report on FY2024 Annual User Satisfaction Surveys on Trademark Examination Quality](#)



Towards the World's Highest Quality Examination



Subcommittee on
Examination Quality
Management

Expert's Evaluation & Feedback

Consultations Among Examiners

Around
24,000
cases
FY2023

Key Points of Quality Management

Annual User Survey

Satisfaction
97.4%
(Patents)
FY2024

Check by Directors

Quality Assurance

to enhance quality

Sample Check

Quality Verification


to grasp quality by itself

(Quality Management on Patent Examination) <https://www.jpo.go.jp/e/introduction/hinshitu/shinsa/tokkyo/>





How to submit your opinions on JPO's Examination Quality

|  <small>JAPAN PATENT OFFICE</small> | |
|---|--|
| <small>*Personal information will only be used for inquiries as to the cases on which you have presented, and will not be used for any other purpose.</small> | |
| Opinion Submission Form for Examination Quality Improvement | |
| Title: [mandatory] | Opinion for Examination Quality Improvement |
| Your Name: [mandatory] | |
| E-mail Address: [mandatory] | |
| E-mail Address (Please enter your e-mail address again for confirmation.): [mandatory] | |
| Telephone Number: | |
| Category: | <input type="checkbox"/> Patents <input type="checkbox"/> Designs <input type="checkbox"/> Trademarks |
| Application Number: | |
| Feedback: Your opinions on individual cases will normally be fed back to managers/directors and examiners in charge in examination divisions for further quality improvement. If you do not wish the feedback, please check the box(es) on the right. | <input type="checkbox"/> No feedback to the manager/director in charge in the examination division <input type="checkbox"/> No feedback to the examiner in charge |
| Details: [mandatory] | |
| Relation to the application: | <input type="checkbox"/> Applicant (including an employee such as an inventor and a member of IP Department) <input type="checkbox"/> Representative <input type="checkbox"/> Others |
| Attachment(s): | ファイルの選択 ファイルが選択されていません |

JPO is accepting your opinions via Internet in order to improve JPO's examination quality.

ATTENTION

When applicants would like to submit their opinions to obtain rights for their pending applications or appeal against examination results, they are required to submit a legally prescribed written opinion or file a request for an appeal against an examiner's decision of refusal, NOT VIA THIS FORM.

English

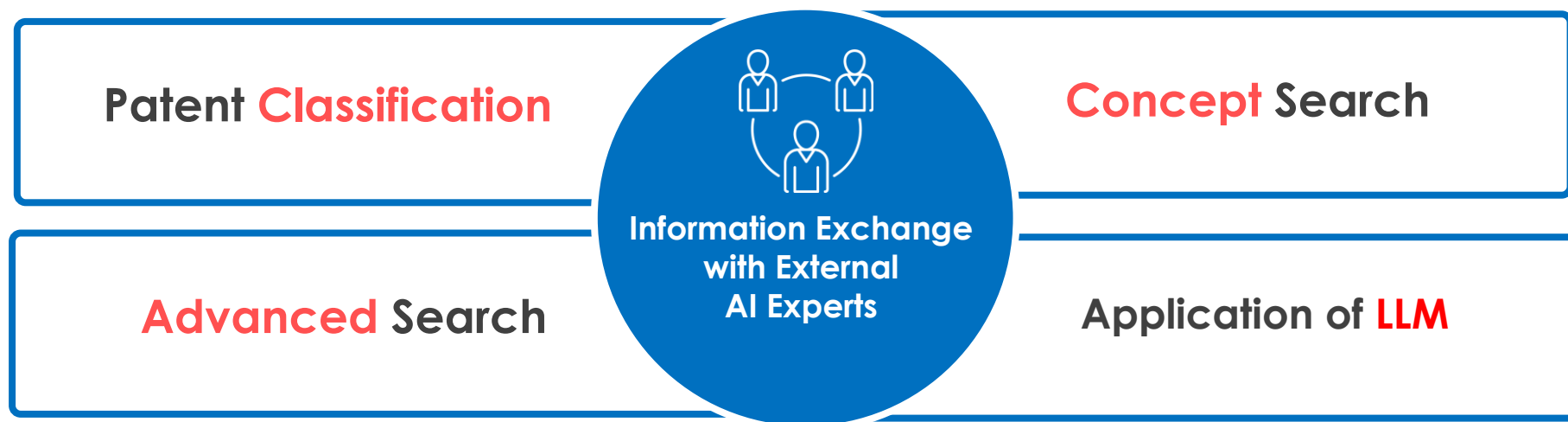
<https://www.jpo.go.jp/e/introduction/hinshitsu/hinshitsu-iken.html>



AI utilization to Improve Quality and Efficiency



In-house development of patent examination support system using **AI**



https://www.jpo.go.jp/e/system/laws/sesaku/ai_action_plan/index.html



Design: Main Values (Speed, Quality)



6.0 / 2.0

Normal

Accelerated

First Action Pendency
(months)

FY 2023

97.0 %

Users' Satisfaction
(as neutral or higher)

FY 2024 Survey

0.02 %

Invalidation rate
(per registration)

CY 2023

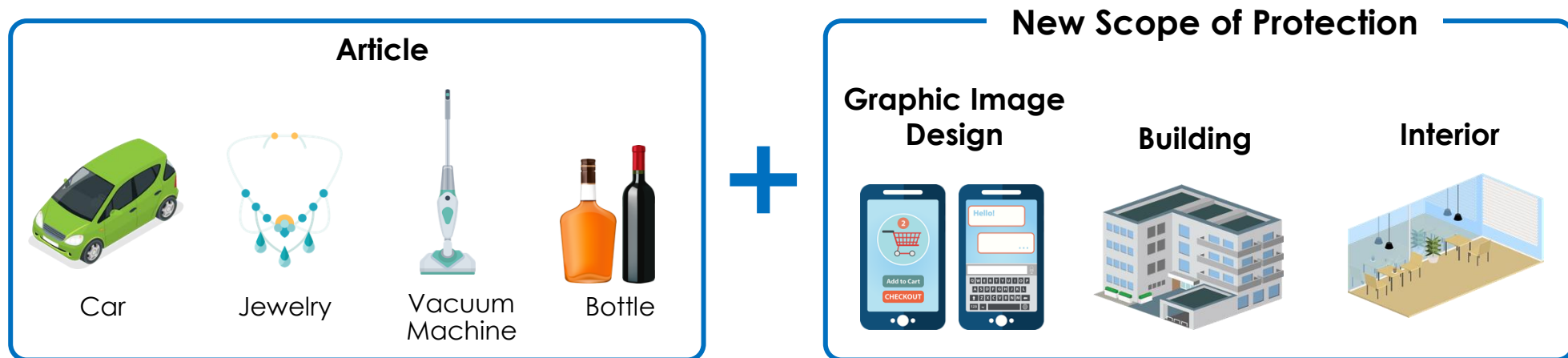


Full substantive examination
based on worldwide prior design search

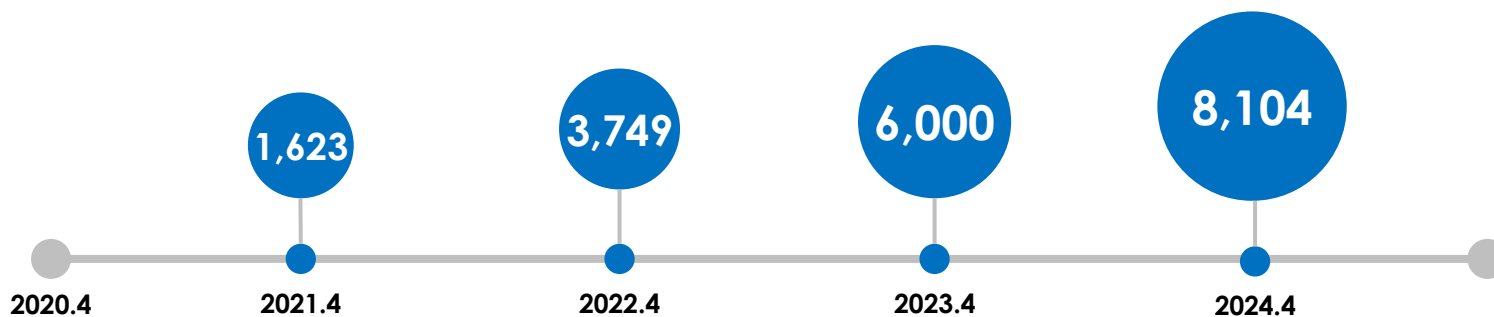
Design: Contributing to innovation and branding

Revision of the Design Act (1)

Expansion of the Scope of Protection



Number of Applications for the New Scope of Protection

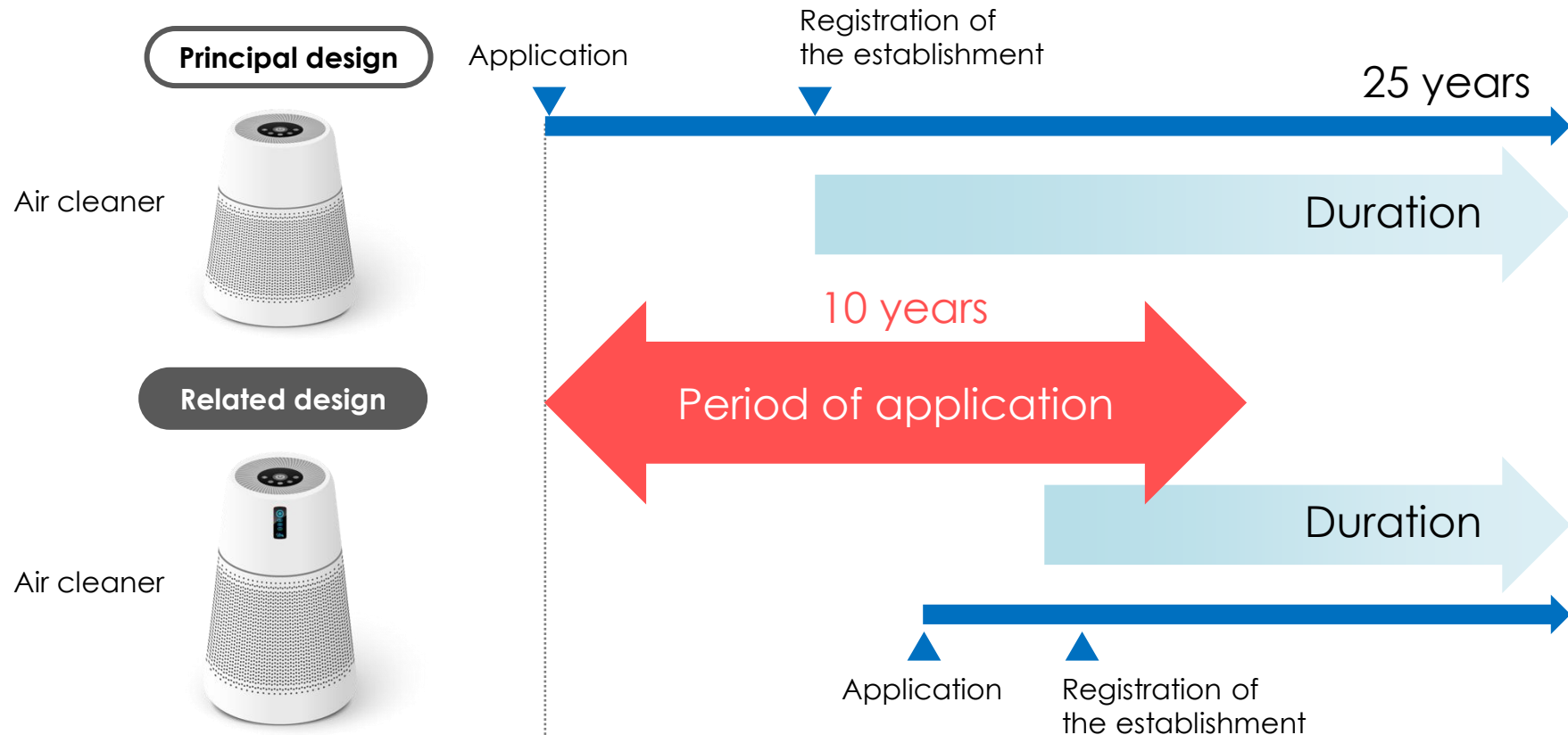


Note: Figures are cumulative

Design: Contributing to innovation and branding (cont'd)

Revision of the Design Act (2)

Enhancement of the Related Design System



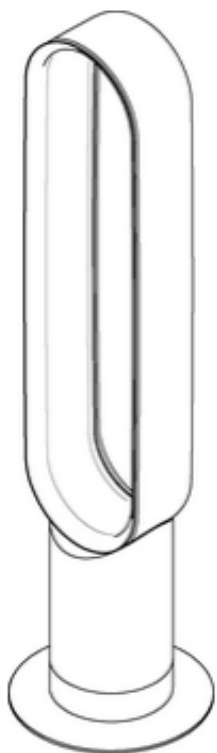
Revision of the Design Act in Japan

https://www.jpo.go.jp/e/resources/report/sonota-info/document/pamphlet/isho_kaisei_en.pdf

Design: Examples of Counterfeit Goods Seized by Customs

Fan

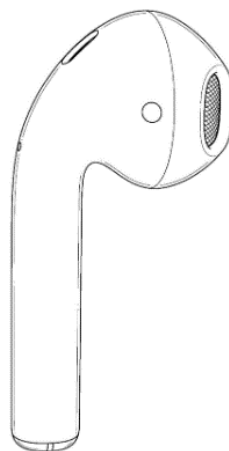
Design Registration
No.1371412



injunction

Earphones

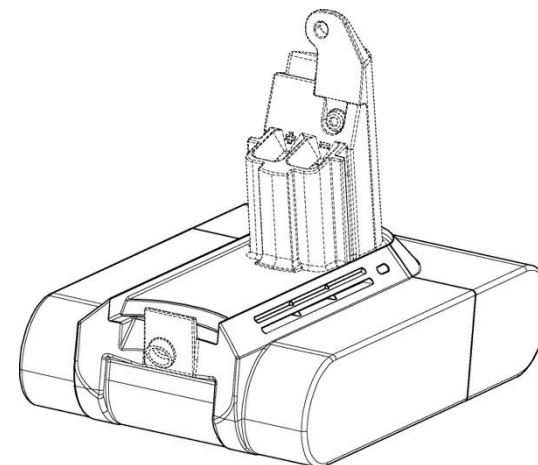
Design Registration
No.1585727



injunction

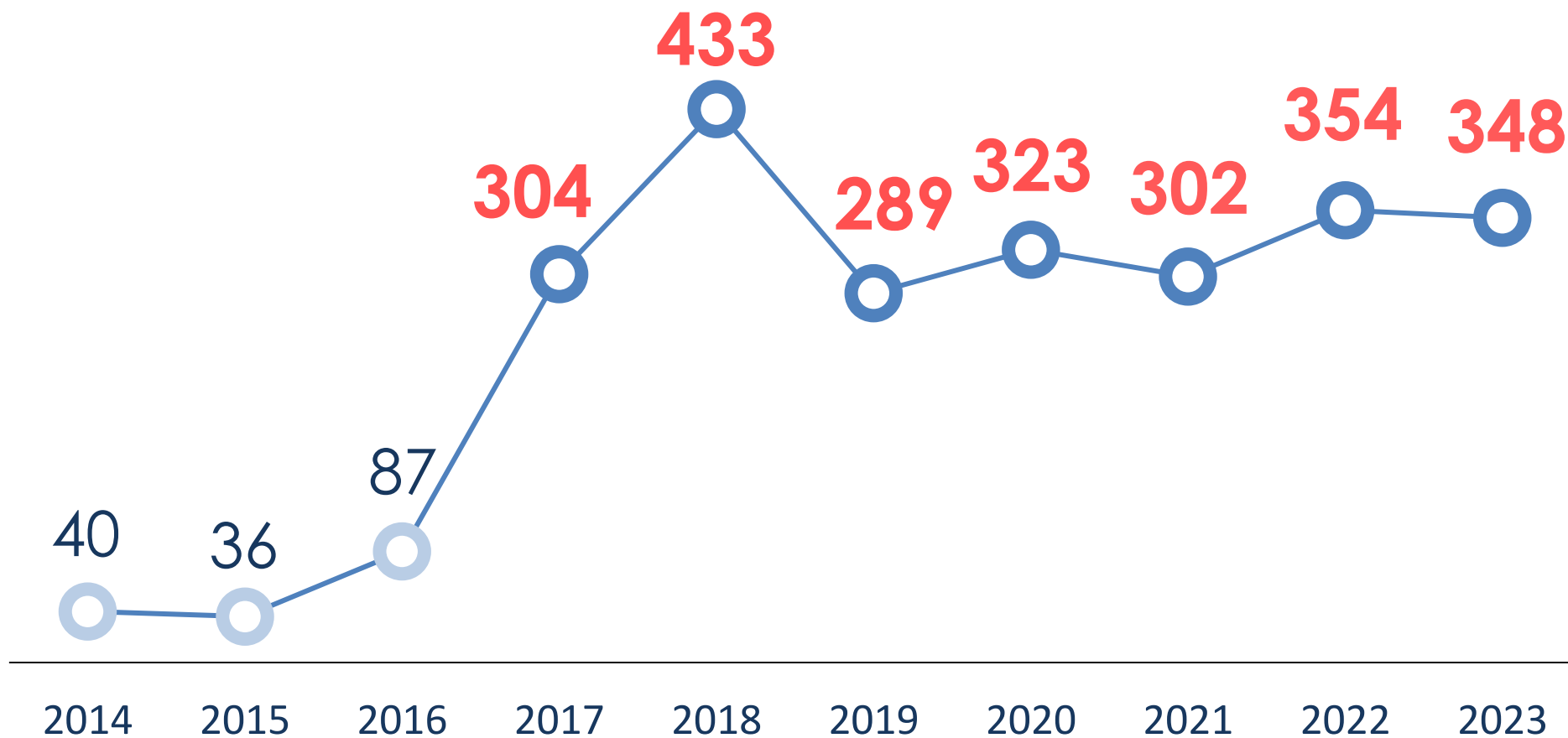
Battery

Design Registration
No.1483996



injunction

Design: Import Seizures at Customs (Number of Cases)



Trademark: The outline of Trademark system of Japan



First-to-file principle

The applicant who filed the application first will be entitled to register a trademark, not “first to use”.



Substantial Examination

Examiners conduct examination of absolute and relative grounds for refusal.



Registration principle

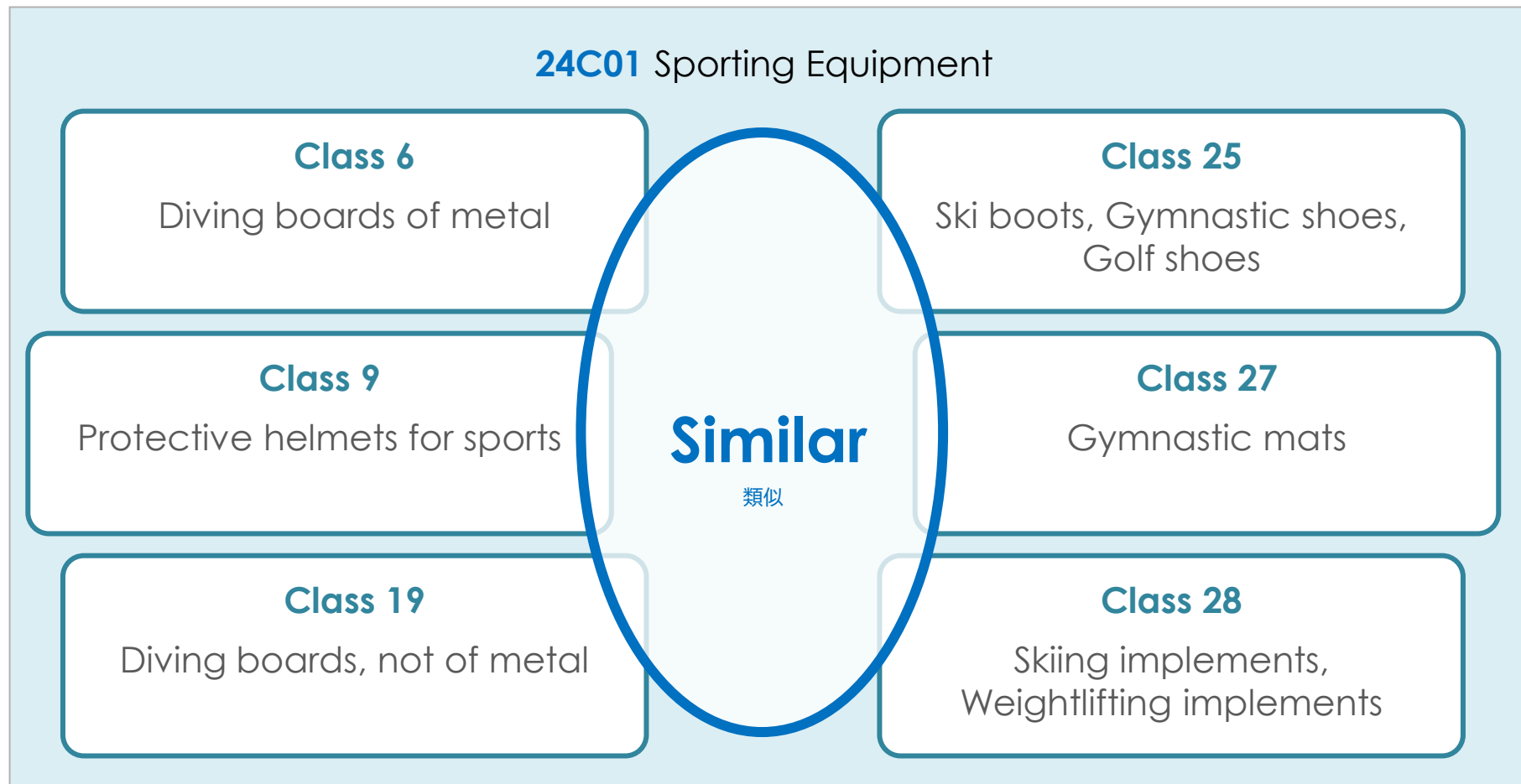
An exclusive right to a trademark is granted after the mark is registered.

The statement of use is not required as a general rule.

Trademark: Examination on Relative Grounds for Refusal

What is a Similarity Group Code?

Similarity group codes presume similarity of G/Ss and are used as keys for searching trademarks. They ensure consistency in determining similarity of G/Ss in examination and predictability for applicants.



Trademark: Non-Traditional Trademarks

3D mark



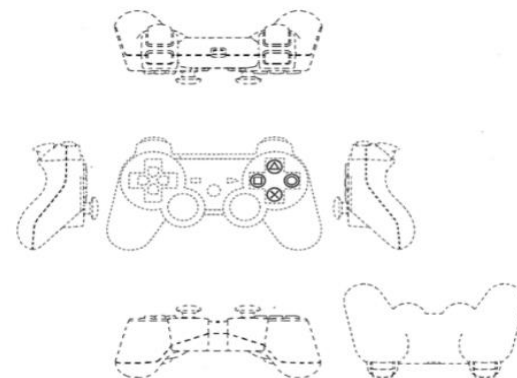
REG5225619

Color mark



REG5933289

Position mark



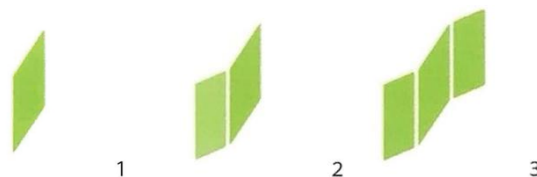
REG5858802

Sound mark



REG5985747

Motion mark



REG5860064

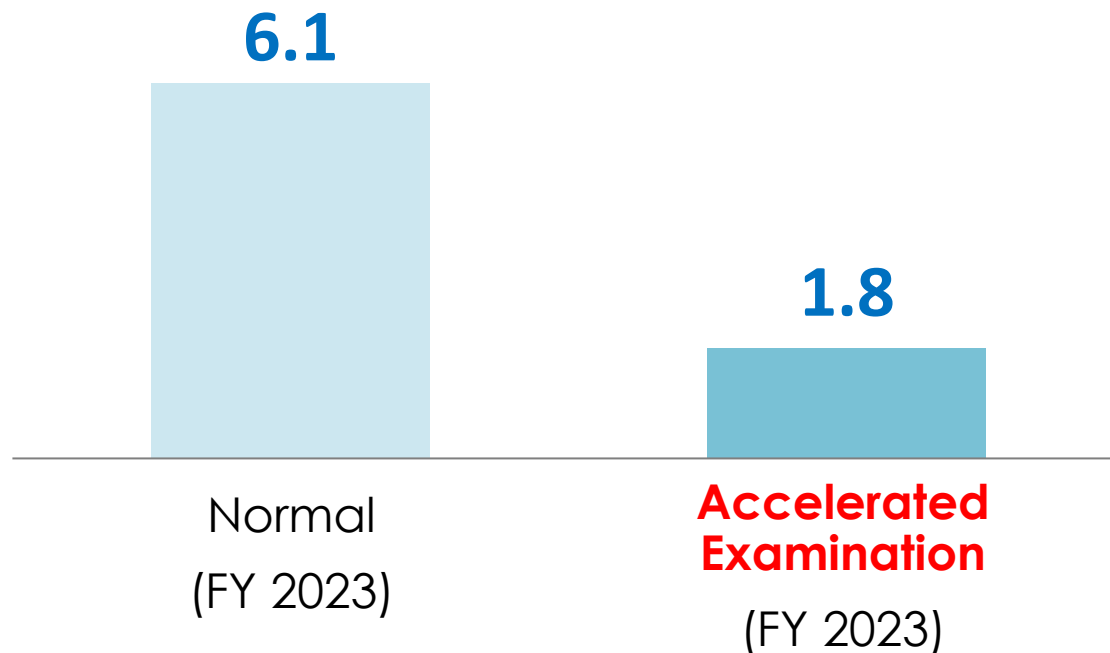
Hologram mark



REG5804315

Trademark: Speed of Examinations

- ◆ The first action of TM application is around **5~7 months**.
- ◆ JPO conducts **Accelerated Examinations** for applicants who need to acquire rights on an expedited basis.



| Total pendency* of other offices (2023) | | | | |
|---|--------------|----------|-------------|-------------|
| Japan | USA | China | Europe | Korea |
| 6.3 months | 14.63 months | 4 months | 4.18 months | 17.6 months |

*Note: Total pendency excluding International Applications For Trademark Registration.

Trademark: Enforcement

IP infringement

(Criminal Cases)



Import Suspension Petition

(Items)



(Cases)



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Users



Tech Trend



Global Network

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
2,100

Interview cases in FY 2023



The examiner accepts a request at least once



Communication in English is available



No additional fee

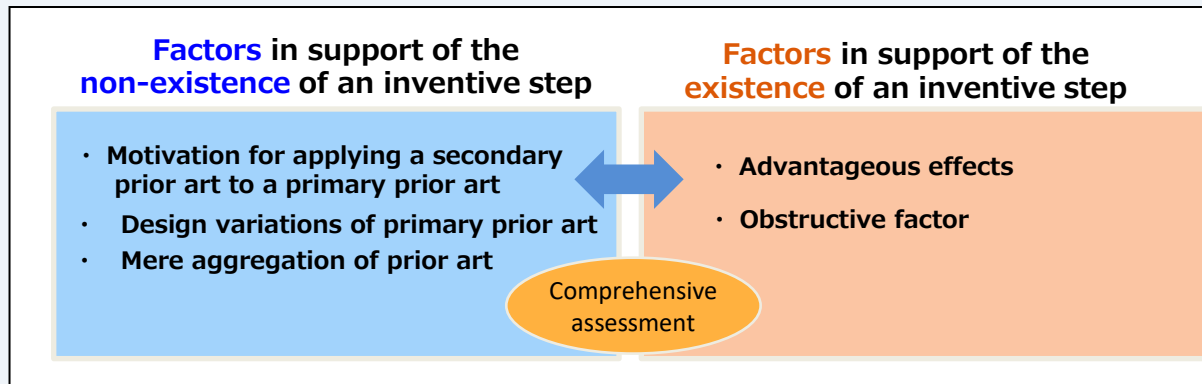


Multi-Factor Reasoning(MFR)

The JPO named method for determining inventive step as
“**Multi-Factor Reasoning (MFR)**”

Factors in support

- ✓ Reasoning by comprehensively assessing **multi-factors**
- ✓ **Multi-factors** include factors in support of the **existence** as well as the non-existence of an inventive step



Restriction of Multi-Multi Claims (Revision of Ordinance for Enforcement of the Patent Act, Rule 24ter etc.)

- ◆ For any patent application and application for utility model registration filed on or after April 1, 2022, Multi-Multi Claim is in violation of the Ministerial Ordinance Requirement on Statement of Claims.
- ◆ Multi-Multi Claims and claims citing them are not subject to examination for requirements other than the Ministerial Ordinance Requirement on Statement of Claims (novelty, inventive step, description requirements, etc.) .

Case example of Multi-Multi Claim “★”

- Claim 1 A composition comprising A.
Claim 2 A composition according to claim 1, further comprising B.
Claim 3 A composition according to any of claims 1 and 2, further comprising C. (multiple dependent claim)
Claim 4 ★ A composition according to any of claims 1, 2 and 3, further comprising D. (Multi-Multi Claim)

Please refer to the following website for more information on the restriction of Multi-Multi Claims.

<https://www.jpo.go.jp/e/system/patent/shinsa/multimulticlaims.html>

Collective Examination for IP Portfolio (CEIP)

What?

Package Examination for an entire product/service.

Cross-sectional examination of multiple (types of) IP applications.

Grant rights at the best timing.

How to request

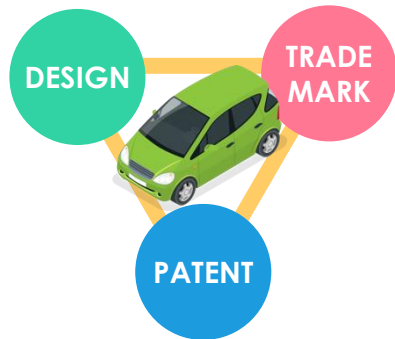
Some documents are required in the request.

Contact the JPO directly
PA2160@jpo.go.jp

Requirements

All of applications are related to a new or international business.

Explanation of business project and relevance of applications in a hearing or interview.



IP portfolio related to the same business project



No additional fee

A team of examiners



Making schedule flexibly to meet the desired timing



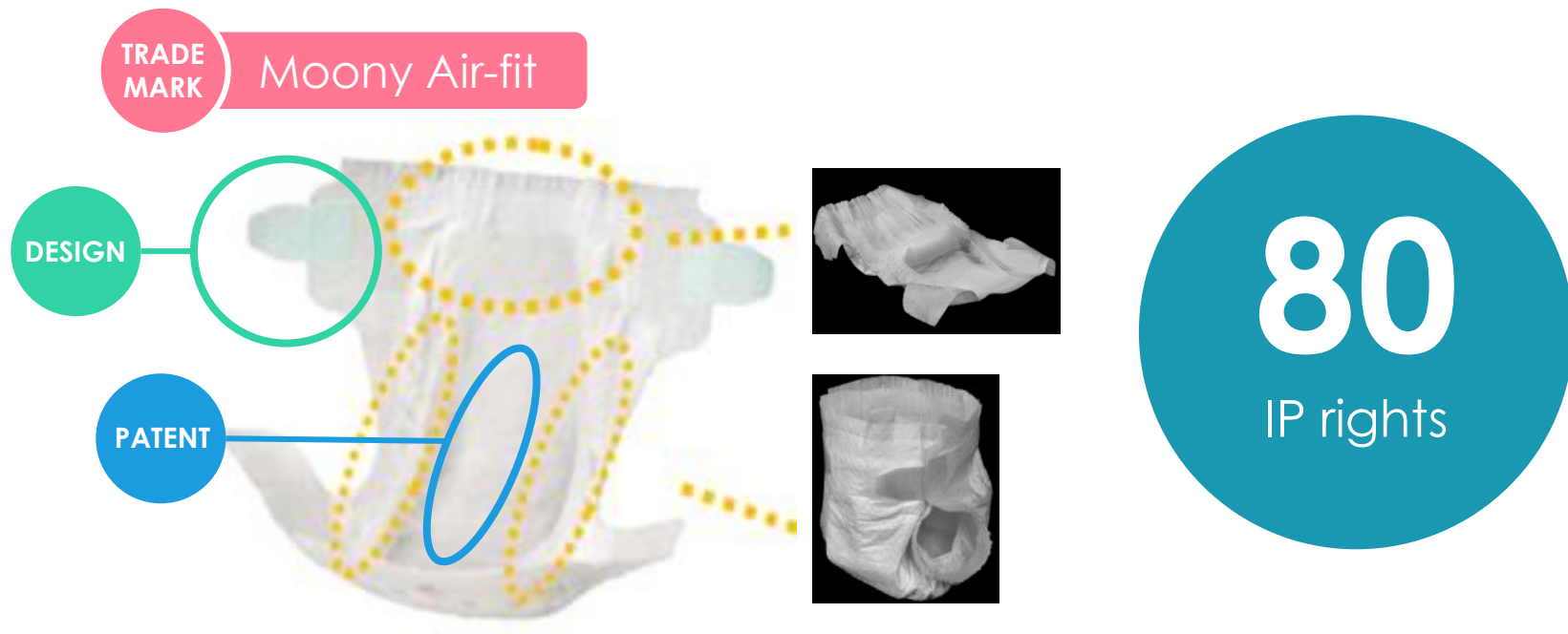
To support development of business projects



Case of Collective Examination for IP Portfolio (CEIP)

Babies' nappy by Unicharm Corp.

A new shape having gentle curve to fit the baby's body



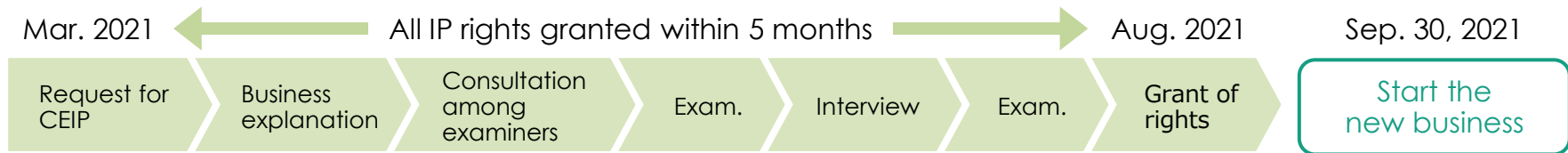
Applicant's
voice

IP protection was completed before new products were put into the market, to promote business development.

Source: Unicharm Corp. News release(April 2013)

Case of Collective Examination for IP Portfolio (CEIP)

“the 3rd kitchen” by Kai Corp.



6 Patents 2 Trademarks Granted quickly *

*Accelerated examination was requested for some of the applications.



TRADE
MARK

Branding of the
new service name

“the 3rd kitchen”

PATENT

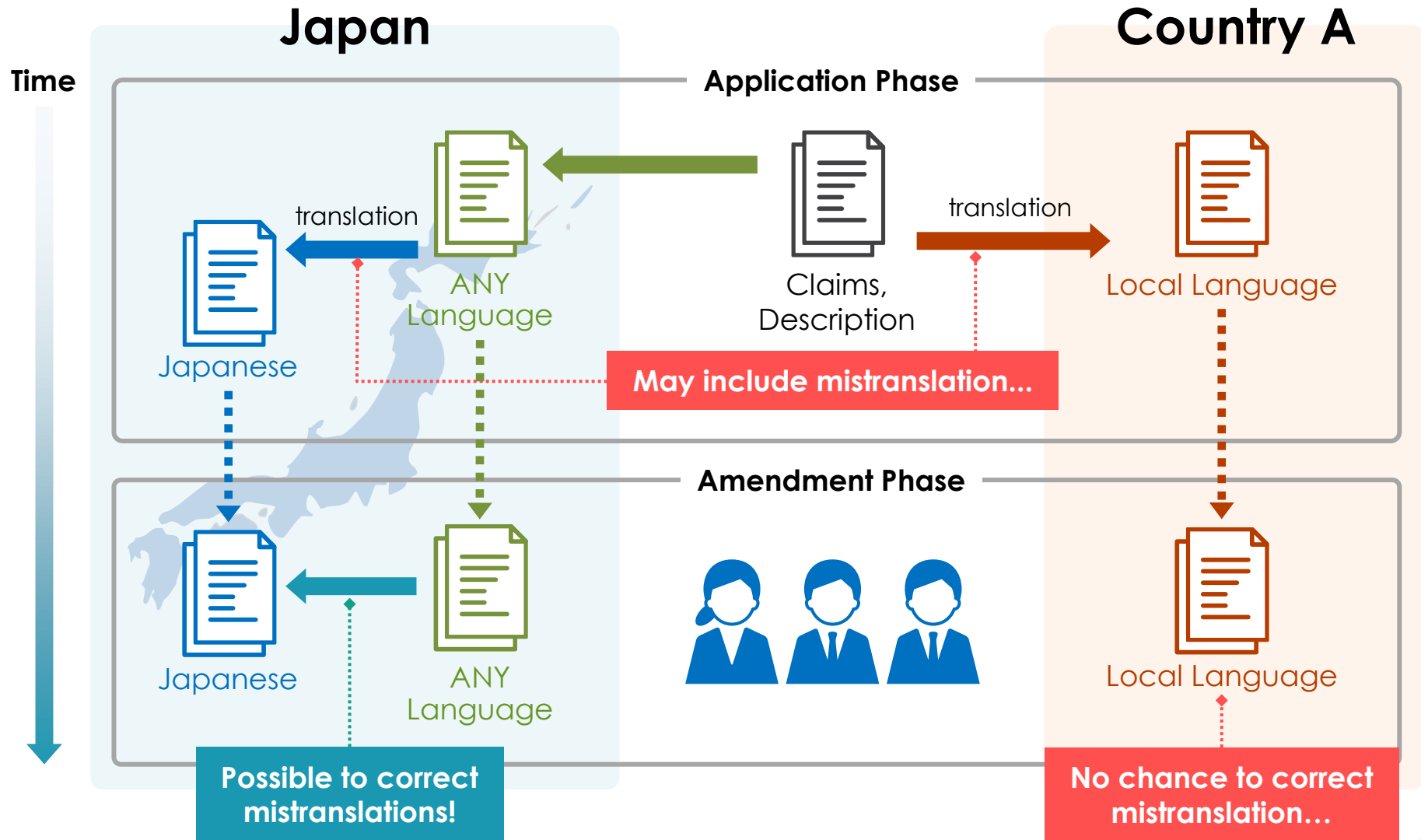
Business model of the
new service

A food service that delivers recipes
and meal kits to office workers so that
they can cook in their meeting rooms.

Applicant's
voice

The concurrent grant of the patents and trademarks helped us to enhance the value of our new business. The protection of all IP rights enabled us to build an effective entry barrier against our competitors.

Foreign language application / Correction of mistranslation



Shift to “Unintentional” for Reinstatement of rights

The Criteria for Reinstatement of rights in Japan, corresponding to PLT- Article 12, became from “Due Care” to...

“Unintentional” for Reinstatement of rights,

applies to expiration of period for procedures after April 1, 2023.

PLT Article 12 provides the Office shall reinstate the rights, where an applicants or owner has failed to comply with a time limit and that **failure has the direct consequence of causing a loss of rights...**

- ex. under the Japanese Patent Act
- ◆ Request for examination of an application
 - ◆ Submission of a translation for an national and PCT application filed in a foreign language
 - ◆ Late payment of a patent fee, etc.
& Restoration of Priority right under the Paris Convention

JPO **collects** a sufficient amount of **reinstatement fees** to prevent abuse of the system and to provide incentives for compliance with the procedure period.

| | |
|-----------------|-----------|
| •Patents | ¥ 212,100 |
| •Utility Models | ¥ 21,800 |
| •Designs | ¥ 24,500 |
| •Trademarks | ¥ 86,400 |

* RO/JP does not collect any fees for Restoration of Priority Right in the international phase of PCT.

Cf. Relief measures “Reasons beyond one's control”** is still provided for the following procedures/time limits

- ◆ Exemption from payment of a patent surcharge
- ◆ Submission of a document for the exception to the lack of novelty
- ◆ Division of Patent Applications
- ◆ Payment of Reinstatement fees, etc.

**cases in which it is impossible to proceed due to objective reasons such as a natural disaster or the serious condition of the person concerned etc..

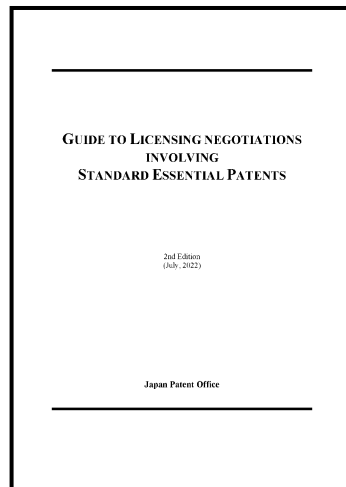
Guide to Licensing Negotiations involving SEPs

(Published in 2018, revised in 2022)

Purpose of this Guide:

Aiming to

- Enhance transparency and predictability
 - Facilitate negotiations between rights holders and implementers
 - Help prevent or quickly resolve disputes concerning SEPs
- ✓ NOT legally binding, NOT prescriptive
 - ✓ Subjected only to FRAND-encumbered SEPs



Available in JP/EN

Main Points Covered in the Guide :

- **Licensing Negotiation Methods**
Good Faith, Efficiency
- **Royalty Calculation Methods**
Reasonable Royalties, Non-Discriminatory



“Hantei” (Advisory Opinion) System

“Hantei” (Advisory Opinion)

- ◆ whether a product, a process, etc. falls within the scope of a patented invention, a registered utility model, a registered design, or the effects of a trademark right
- ◆ an official opinion from a neutral and fair perspective
- ◆ open to the public (except for trade secrets)
- ◆ not legally binding



“Hantei” (Advisory Opinion) System



Demandant

Request for “Hantei”

- ◆ Specify an object (e.g. a product, a process)
- ◆ Make a comparison between the object and the patented invention, etc.
- ◆ Low cost (40,000 yen per case)



Demande Submit a Written Reply



Conduct Proceedings by an Administrative Judge Panel

- ◆ Proceedings by three administrative judges
- ◆ Compare between the object and the patented invention, etc.
- ◆ Determine



“Hantei” (Advisory Opinion)

* “Hantei” system can be used for patents, utility models, designs and trademarks.



Overview of the Revision of the INPIT Act

[Act on the Industrial Property Rights Information and Training Institute, an Independent Administrative Agency]

As a core organization for supporting the management of intellectual property for SMEs and startups, INPIT has been providing information, training, and consultation services. To further realize one-stop intellectual property support, the INPIT Act was revised to strengthen its functions.

Specifically, advisory and assistance services for SMEs was newly added to the scope of INPIT's operations, and these advisory and assistance services were clearly stated in INPIT's purpose provision, positioning them as the major operations of INPIT in the future.

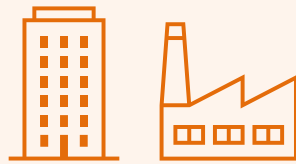


Design & Trademarks: Addressing imported counterfeit products for private use

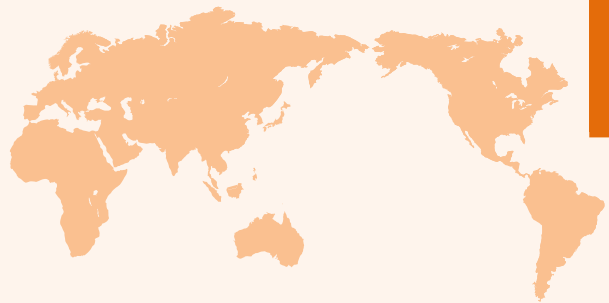
The act of overseas businesses sending counterfeit products to Japan via means such as postal mail is treated as an infringement of design and trademark rights when those products enter the territory of Japan.

Revision of the Design Act in 2021(enforced in Oct. 2022)

Overseas



Business



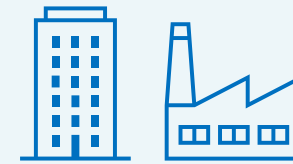
Sending via
postal mail, etc.



Import



Japan



Business

Assignment, etc.



Individual

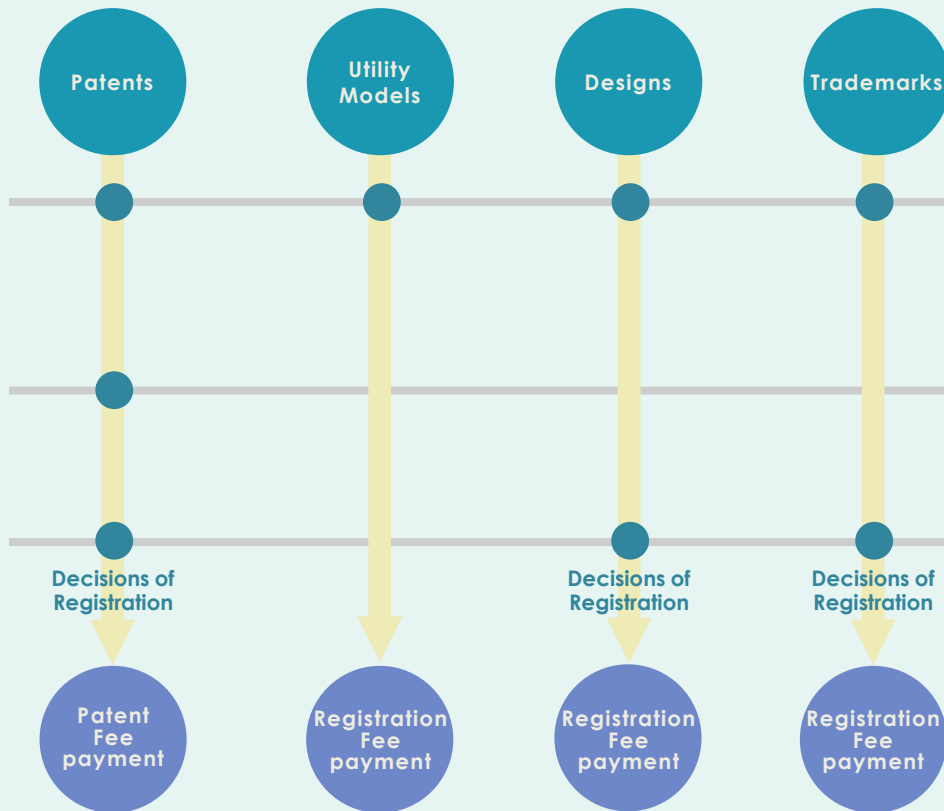


Individual



Schedule of fees

Fees related to IP rights are as follows.



Model Case



Fees for acquiring IP rights and maintaining them for 10 years.
(roughly estimated in average case)

Patents

¥478,000

Designs

¥160,000

Trademarks

¥86,000

Application (Regular fee)

| | |
|----------------|---|
| Patents | ¥14,000 |
| Utility Models | Payment of the total of the following fees at the same time <ul style="list-style-type: none"> ● Application ¥14,000 ● Registration fee up to 3rd year (¥2,100 + ¥100 per claim) × 3 years |
| Designs | ¥16,000 |
| Trademarks | ¥3,400 + ¥8,600 per class |

Request for examination (Regular fee)

| | |
|---------|-----------------------------|
| Patents | ¥138,000 + ¥4,000 per claim |
|---------|-----------------------------|

Annual fee · Registration fee

| | | | |
|----------------|---------------------|--------------|----------------------------|
| Patents | 1-3rd year | : annually / | ¥4,300 + ¥300 per claim |
| | 4-6th year | : annually / | ¥10,300 + ¥800 per claim |
| | 7-9th year | : annually / | ¥24,800 + ¥1,900 per claim |
| | 10th year ~ | : annually / | ¥59,400 + ¥4,600 per claim |
| Utility Models | 4-6th year | : annually / | ¥6,100 + ¥300 per claim |
| | 7th year ~ | : annually / | ¥18,100 + ¥900 per claim |
| Designs | 1-3rd year | : annually / | ¥8,500 |
| | 4th year ~ | : annually / | ¥16,900 |
| Trademarks | Lump sum payment | | ¥32,900 per class |
| | Installment payment | | ¥17,200 per class |

Source : Patent Special Account Report 2024 Edition

Fee Reduction and Exemption

- ◆ Providing Fee Reduction and Exemption system of examination request fees, and patent fees for SMEs, etc., (The details are in the table below.) , with the aim of encouraging invention by people of limited means who have high IP potential.
- ◆ The reduction rate is set taking into account the applicant's financial resources, R&D capacity, and contribution to new industry creation.

| Eligible Applicants | Examination fees / Patent fees for year 1 to 10 |
|--|--|
| Small & Medium-Sized Enterprises (SMEs) ※ ¹ | Reduced to 1/2 |
| Micro Enterprises, Start-up Enterprises ※ ² | Reduced to 1/3 |
| Universities, Research and Development Incorporated Administrative Agencies, etc. | Reduced to 1/2 |
| SMEs approved based on the Act on Special Measures for the Reconstruction and Revitalization of Fukushima | Reduced to 1/4 |
| Municipal tax-exempt individuals | Exempt / Reduced to 1/2 ※ ³ |
| Income tax-exempt individuals, Corporation tax-exempt SMEs | Reduced to 1/2 |

The measures for companies also apply to sole proprietorships.

※¹ SMEs include R&D-oriented SMEs.

※² Corporations that have been established for less than 10 years and have a capital of 300 million yen or less,
and sole proprietorships within 10 years after business start.

※³ ● Exempt : Examination fees / Patent fees for the 1st-3rd years ● Reduced to 1/2 : Patent fees for the 4th-10th years

JPO holds opinion exchange meetings with users

We have been conducting opinion exchange meetings at the practitioner level with individual companies and industry groups.

Objectives:

- To be an “open” office for users
- To improve the JPO's services through a deeper understanding of the user's demands on the JPO
- To establish a win-win relationship with users

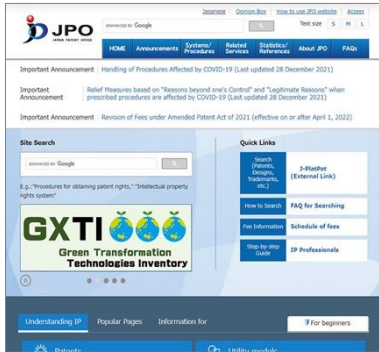


If you are interested,
please get in touch here ! >>



JPO Website & Official page on social media

JPO website



<https://www.jpo.go.jp/e/index.html>

Official page on social media

Follow us to keep up with the latest IP information!!

X(Twitter)



https://x.com/JPO_JPN/

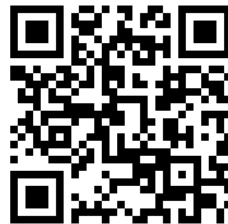
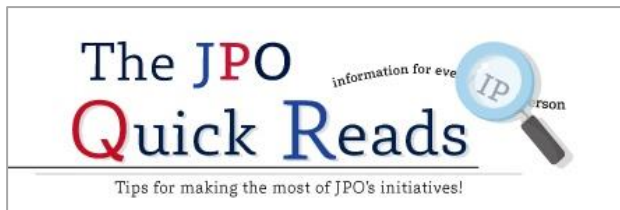
LinkedIn



<https://www.linkedin.com/company/japan-patent-office/>

The JPO Quick Reads

<https://www.jpo.go.jp/e/news/quickreads/index.html>



<https://www.jpo.go.jp/e/news/quickreads/index.html>

The JPO Key Features



<https://www.jpo.go.jp/e/news/keyfeatures/index.html>

JPO Updates and Initiatives:



- Delivering Value to Global IP Stakeholders -



Facts & Basics



Users

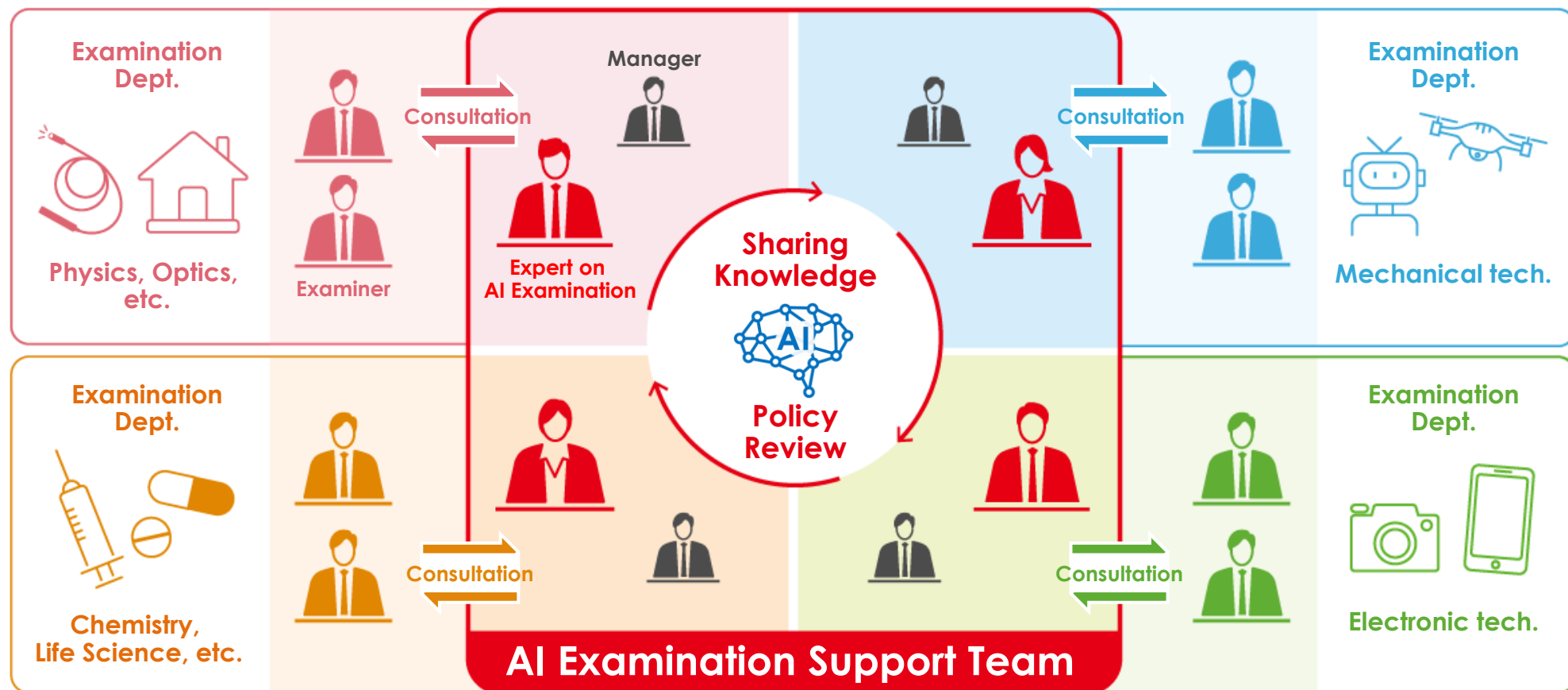


Tech Trend



Global Network

AI Examination Support Team

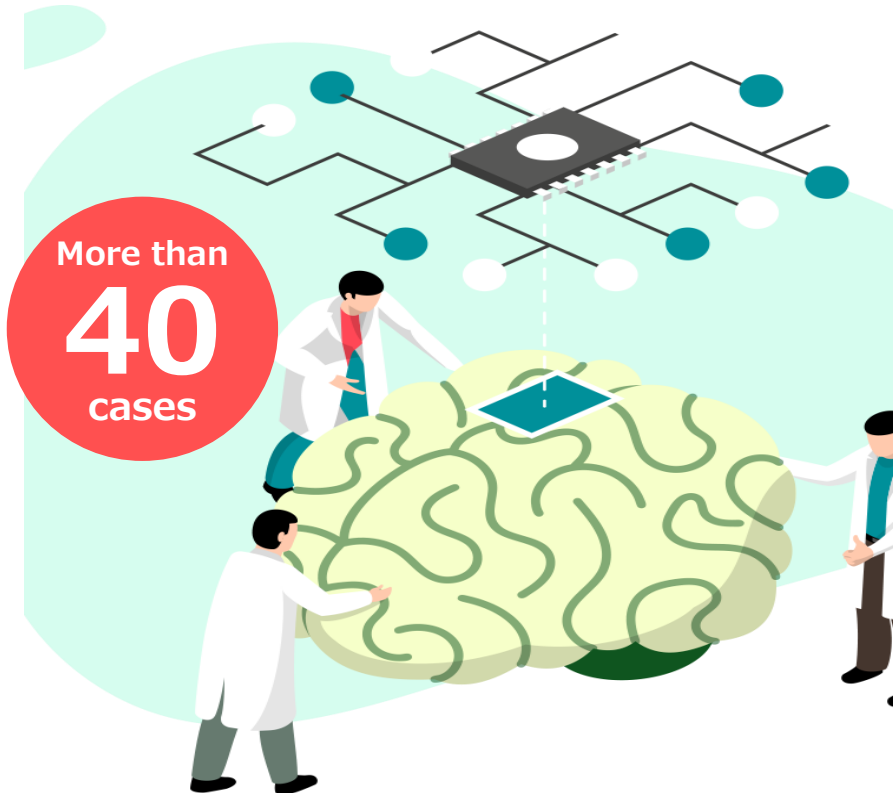


- ◆ On October 1, 2023, **JPO increased the number of experts on AI examination from 13 to 39**, and assigned at least one expert on AI examination to all examination offices. https://www.meti.go.jp/english/press/2023/0921_001.html
- ◆ On April 1, 2024, **JPO established a new position for external experts called AI advisors** who provide support (e.g., technological training and responses to inquiries) to patent examiners, including experts on AI examination, in accessing expert knowledge on AI-related technology. https://www.meti.go.jp/english/press/2024/0328_002.html

Examination Case Examples on AI/IoT related technologies

Patent Examination Case Examples on AI and IoT-related inventions

The first publication in the world



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

※These case examples are hypothetical.

Manga Patent Examination Guidelines – AI/IoT fields –

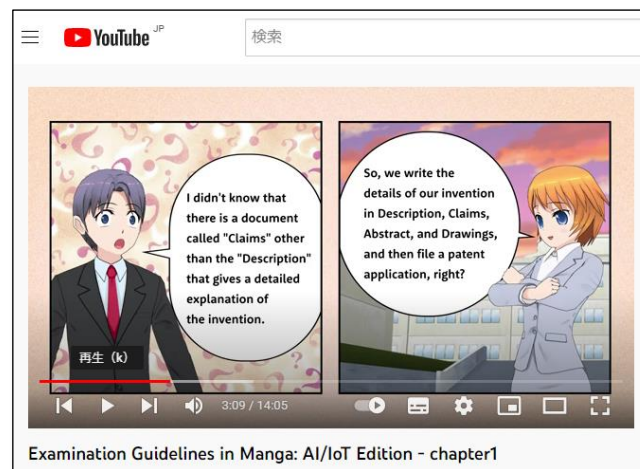
“Manga” English version

Easy to understand for everyone

Manga



YouTube



<https://youtube.com/playlist?list=PLGv4h5a07975wBc8QpwOIV5h6bQsx5wLF>

YouTube

https://www.jpo.go.jp/e/system/laws/rule/guideline/patent/comic_ai_iot_e.html



Green Transformation Technologies Inventory (GXTI)

- ◆ The GXTI gives a bird's-eye view of technologies related to Green Transformation (GX).
- ◆ The GXTI also provides **the patent search formulae** for analyzing patent trends that correspond to individual technology categories.

Excellent features of the GXTI



A bird's-eye view of GX technologies through 5 large technology categories and 4 transversal perspectives



Patent search formulae are published in order to enable uniform analyses of GX patent trends



The patent search formulae based on IPCs are applicable to patent document datasets all over the world

Companies can analyze the strengths and weaknesses of GX-related technologies to inform their R&D strategies and ensure accountability to investors, while governments can promote evidence-based GX initiatives.

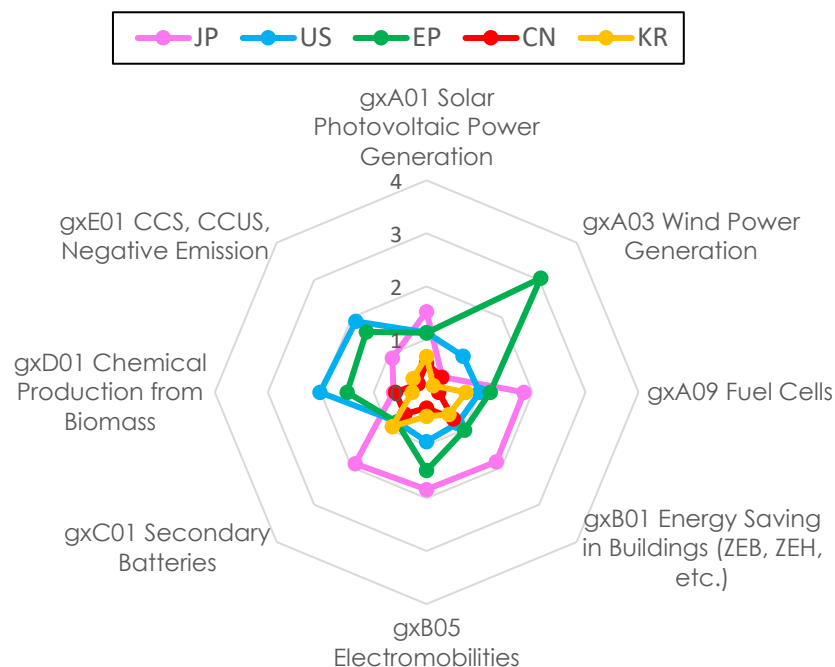
A link to the J-PlatPat search screen with the GXTI search formula entered is available [Updated: March 18, 2025].



Survey Results Using the GXTI

- ◆ The JPO conducted a survey using the GXTI to analyze trends in patent filings based on the category of GXTI.
- ◆ The final report was published in May 2023, and is available on the JPO website in Japanese and English.

Number of IPFs by applicant economy (sum of 2010-2021; average of IP5 as 1)



Ranking of applicant economies by number of IPFs in the energy supply category (gxA)

| | 2011-2013 | | | | | 2017-2019 | | | | |
|-------------------------------------|-----------|----|----|----|----|-----------|----|----|----|----|
| | JP | US | EP | CN | KR | JP | US | EP | CN | KR |
| Solar Photovoltaic Power Generation | 1 | 2 | 3 | 5 | 4 | 1 | 3 | 2 | 4 | 5 |
| Solar Thermal Energy Utilization | 3 | 2 | 1 | 4 | 5 | 4 | 2 | 1 | 3 | 5 |
| Wind Power Generation | 3 | 2 | 1 | 4 | 5 | 4 | 2 | 1 | 3 | 5 |
| Geothermal Utilization | 3 | 1 | 2 | 4 | 4 | 3 | 2 | 1 | 4 | 5 |
| Hydro-Power Generation | 3 | 2 | 1 | 4 | 5 | 4 | 2 | 1 | 3 | 5 |
| Ocean Energy Power Generation | 5 | 2 | 1 | 4 | 3 | 4 | 3 | 1 | 2 | 5 |
| Biomass | 3 | 1 | 2 | 5 | 4 | 4 | 2 | 1 | 3 | 5 |
| Nuclear Power Generation | 3 | 1 | 2 | 5 | 4 | 4 | 1 | 2 | 5 | 3 |
| Fuel Cells | 1 | 2 | 3 | 5 | 4 | 1 | 3 | 2 | 5 | 4 |
| Hydrogen Technology | 3 | 2 | 1 | 5 | 4 | 2 | 3 | 1 | 5 | 4 |
| Ammonia Technology | 3 | 2 | 1 | 5 | 4 | 3 | 2 | 1 | 4 | 5 |

IPFs (International Patent Family) : The number of IPFs indicates the number of inventions that are filed in more than one country/region, with the EPO, or with the PCT.



JPO Updates and Initiatives:



- Delivering Value to Global IP Stakeholders -



Facts & Basics



Users



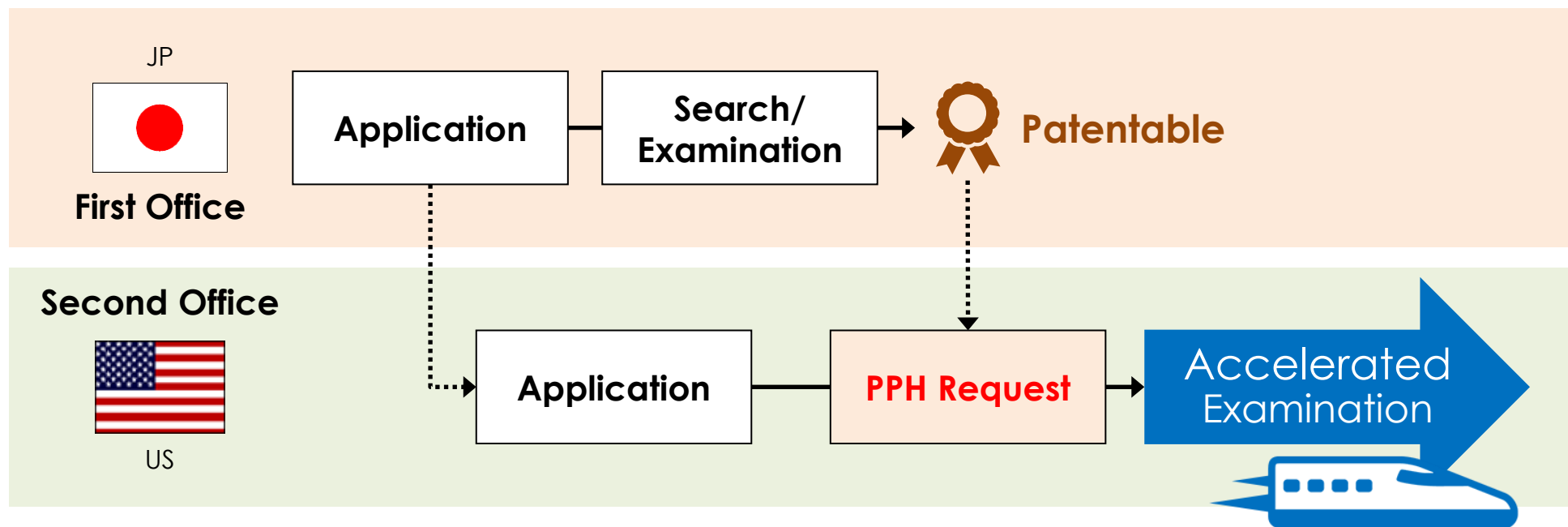
Tech Trend



Global Network

Patent Prosecution Highway (PPH)

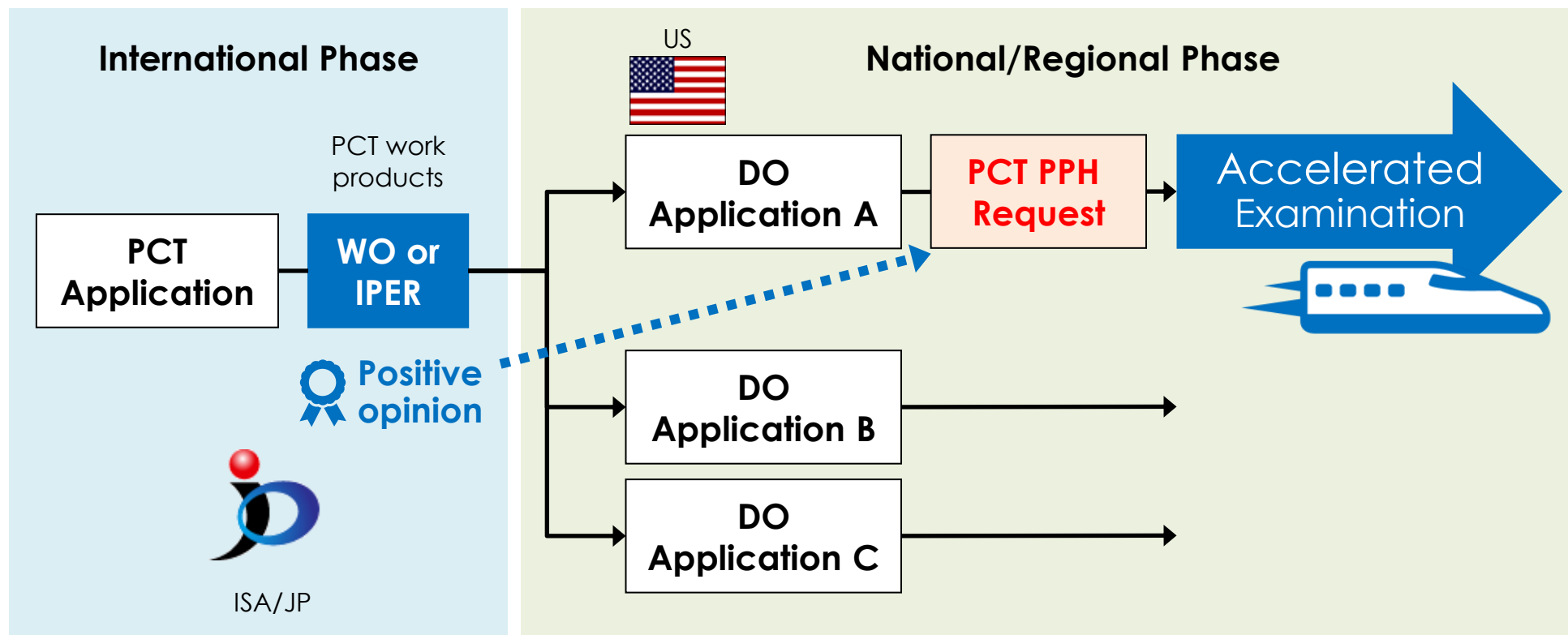
Examination Cooperation Program between two Offices



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



PPH based on PCT international work products including WO and IPER



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



Global Patents with JPO as a starting point

With
44
IP
Offices

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

Grant



PPH with JPO only

JPO's PPH network

- Faster
- Higher Grant Rate
- Lower Cost

Number of PPH partner Offices (2024.12)

| | JP | US | KR | CN | EP |
|-----------|----------------|-----------|-----------|-----------|-----------|
| PPH (all) | 44 No.1 | 40 | 38 | 29 | 17 |
| PCT PPH | 40 No.1 | 34 | 35 | 25 | 17 |

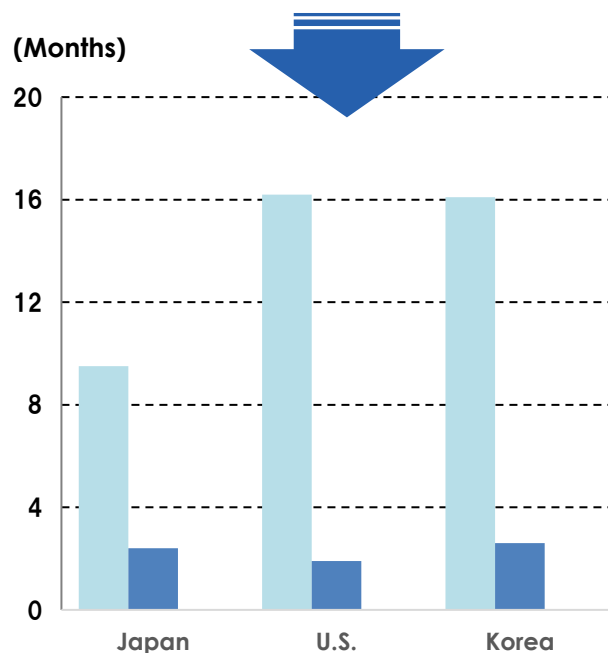
<https://www.jpo.go.jp/e/system/patent/shinsa/soki/pph/index.html>



Benefits of PPH for applicants

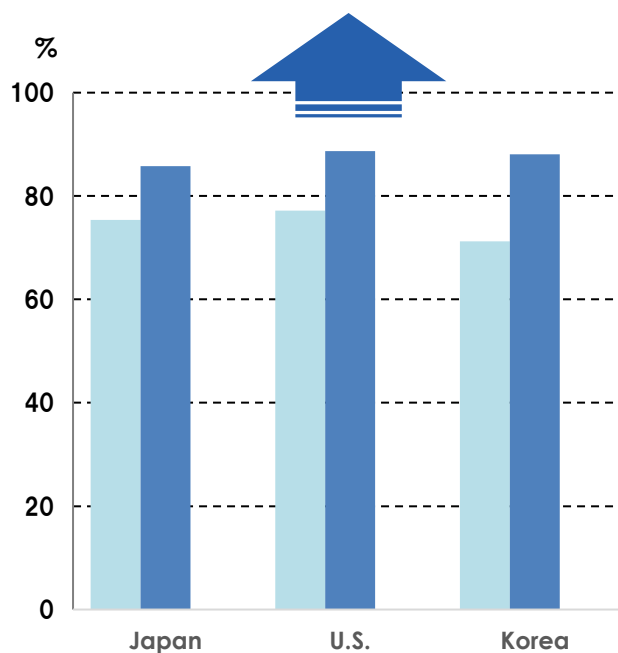
Faster
Patent grant

First Action Pendency



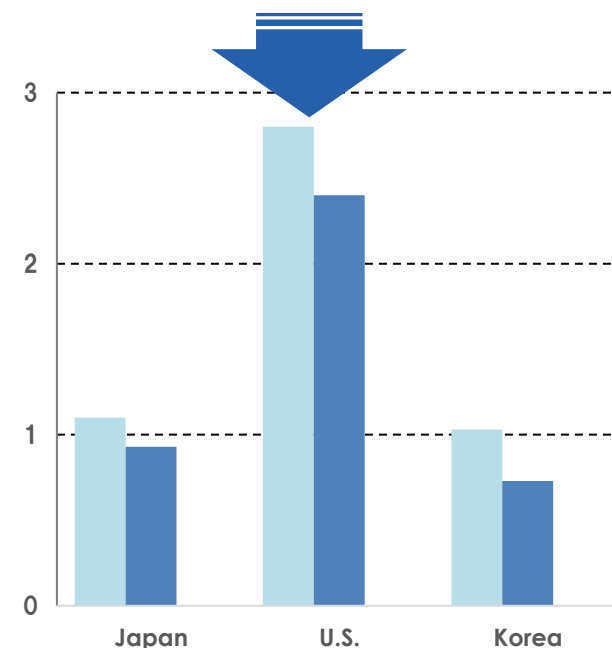
Higher
Grant rate

Grant Rate



Lower
Prosecution costs

Number of Office Actions



(Stat: Jan. 2023~Dec. 2023)

All applications

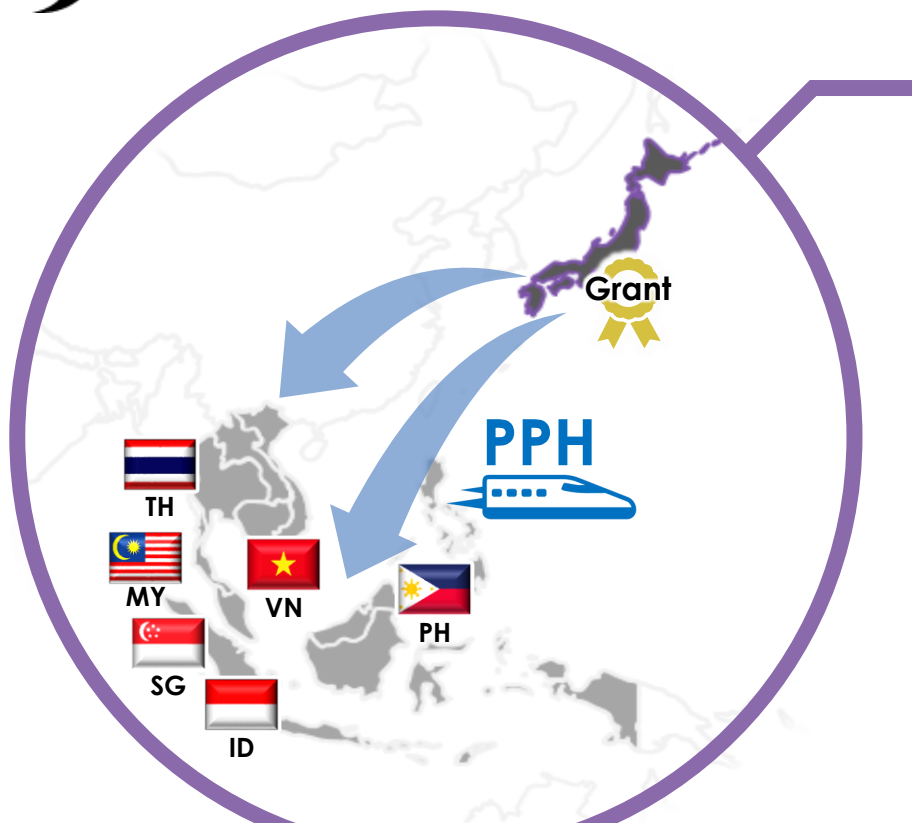
PPH applications

Source: IP5 PPH metrics 2023 (<https://www.jpo.go.jp/e/toppage/pph-portal/ip5-pph.html>)

Building IP Portfolio in ASEAN – PPH –



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



PPH with ASEAN countries

High Speed

Fastest in the World

4.9 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

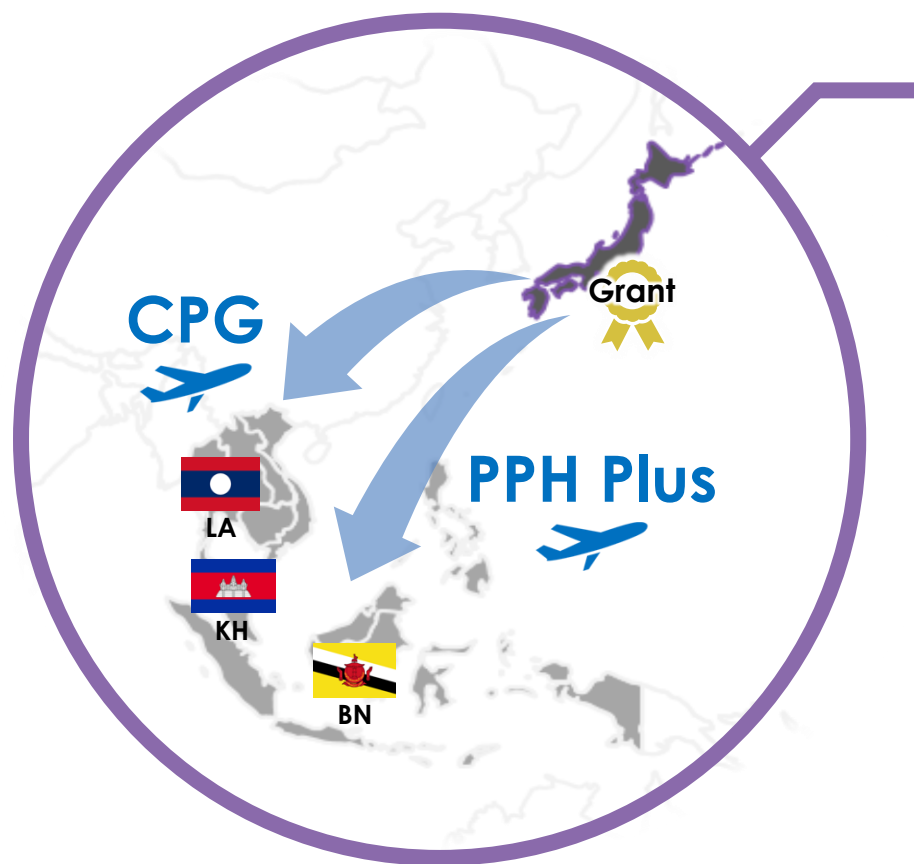
Total pendency from filing to registration (2023)

| TH | MY | PH | VN | SG | ID |
|--------------|--------------|--------------|--------------|--------------|--------------|
| 9.4 years | 5.7 years | 6.0 years | 5.9 years | 5.1 years | 3.2 years |

https://www.jetro.go.jp/ext_images/world/asia/asean/ip/pdf/report_202403_asean.pdf

Building IP Portfolio in ASEAN – CPG•PPH Plus –

Obtain patent rights quickly **without substantive examination**



CPG (Cooperation for facilitating Patent Grant)

with Laos and Cambodia

PPH Plus

with Brunei

Patent granted in Japan
Best Quality +
Applicant's request for CPG or PPH Plus
↓
Granting a patent quickly
without substantive examination

JPO as ISA for PCT applications

13 Offices where the JPO is a competent ISA and IPEA

Receiving Office



BN



ID



IN



KH



KR



LA



MY



PH



SG



SA



TH



US



UY*

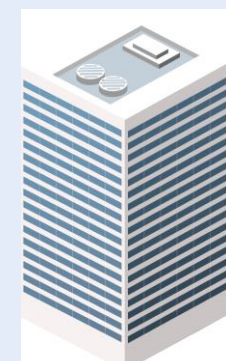
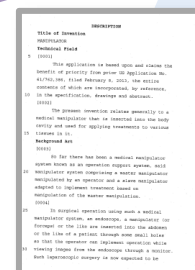


VN

*JPO is a competent ISA but not a competent IPEA

PCT application
in **English**

JPO as International
Search Authority
(ISA/JP)



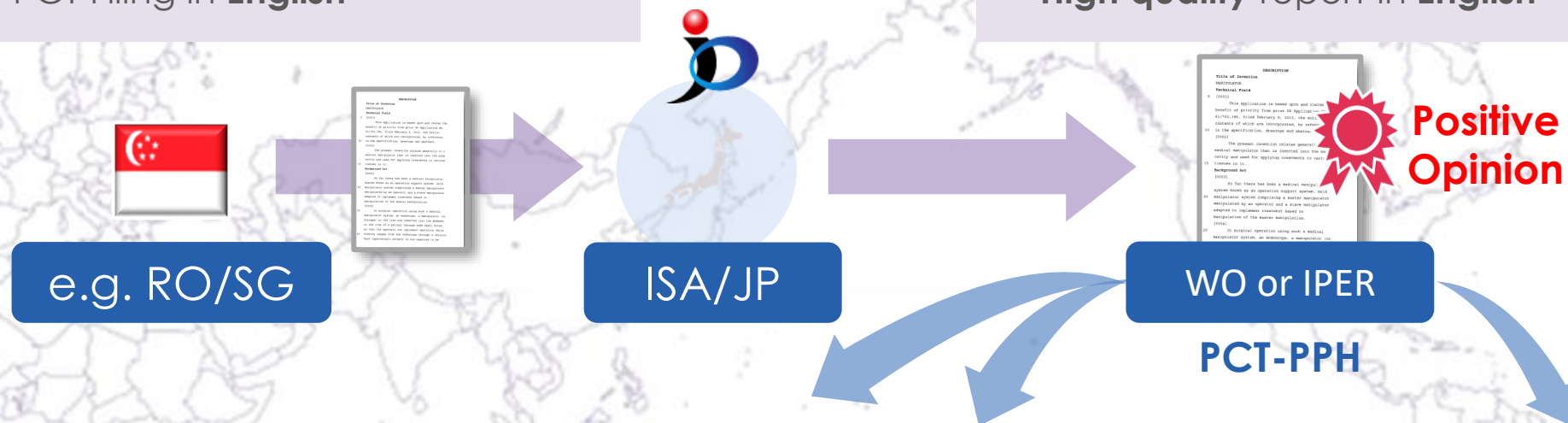
Benefits of ISA/JP

Benefit 1

No Cost to Translate into Japanese
- PCT Filing in **English**

Benefit 2

No Stress to understand
- **High quality** report in **English**



Benefit 3

PCT-PPH from JPO to 39 Offices



and more

https://www.jpo.go.jp/e/system/patent/shinsa/soki/pph/pct_products.html

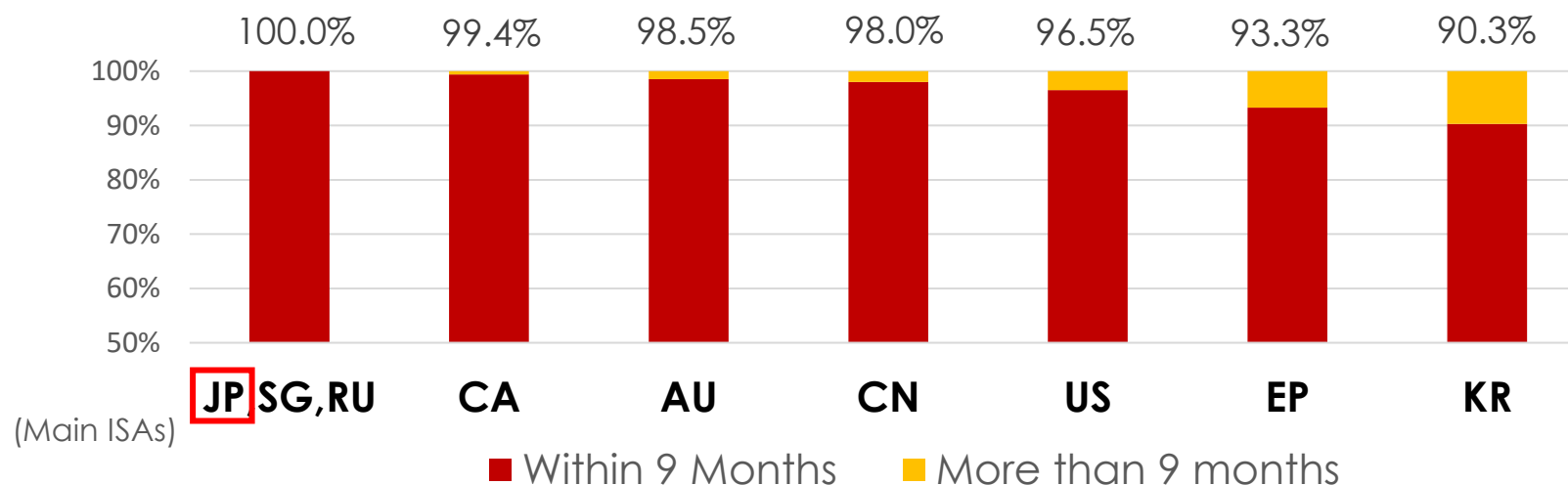


Benefits of ISA/JP

Benefit 4

100%

Timeliness in transmitting ISRs to the IB, measured from priority date by ISA, 2023



(WIPO PCT Yearly Review 2024)

<https://www.wipo.int/edocs/pubdocs/en/wipo-pub-901-2024-en-patent-cooperation-treaty-yearly-review-2024.pdf>

Benefit 5

International Search Fee (in the case of filing in English) (2024.11)

| ISA | US | EP | SG | AU | JP | KR | CN |
|-----------|-------|-------|-------|-------|-------|-----|-----|
| Fee (USD) | 2,180 | 1,989 | 1,633 | 1,407 | 1,173 | 879 | 288 |

Thank you!



Facts & Basics



Users



Tech Trend



Global Network

APPENDIX

Patentability of Computer Software Inventions in Japan

Japan Patent Act and “Invention”

Art. 2 (1) Statutory “Invention”

“Invention” in this Act means the highly advanced creation of technical ideas utilizing the laws of nature.

Highly advanced

Creation

Technical ideas

Utilizing
the laws of nature



- Claimed subject matter is **eligible** when it falls under the definition of “Invention” defined in the Patent Act above.

Ineligible subject matter list

A **highly advanced creation** of **technical ideas** **utilizing the laws of nature**.

Utilizing
the laws of nature

- ❌ Laws of nature as such
- ❌ Not utilizing laws of nature

(i) Any laws other than laws of nature

(iii) Mathematical formula

(v) Those utilizing only (i) to (iv)

A rule for playing a game as such

(ii) Arbitrary arrangements

(iv) Mental activities of humans

Methods for doing business as such

Technical ideas

❌ Personal skill

❌ **Mere presentation of information**

Image data taken with a digital camera
Computer program list

Creation

❌ Mere discoveries of things in nature

Highly advanced

Not necessary to be considered

Almost the same criteria as other major countries

Two major eligible subject matter examples

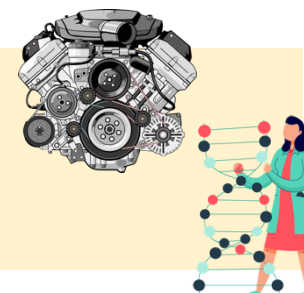
- (i) Those concretely **performing control** of an **apparatus**, or processing with respect to the control

e.g., rice cooker, washing machine, engine, hard disk drive, chemical reaction apparatus, nucleic acid amplifier



- (ii) Those concretely **performing information processing** based on the **technical properties** such as physical, chemical, biological or electric properties of an object

e.g., rotation rate of engine, rolling temperature, relation between gene sequence and expression of a trait in a living body, physical or chemical relation of bound substances



Naturally eligible because of their technical character

When not falling under two major eligible examples...

General software Inventions

Business method, GUI, Statistical analysis, Information recommendation, Data mining, Data classification, Database management, Natural language processing, Information security, Data encryption, and so on.



Examination Handbook Annex B, Chapter 1, 2.1

Eligibility of software invention is determined by **whether or not "information processing by the software is concretely realized by using hardware resources"**



If an invention meets this requirement, it is determined to be patent eligible.

Boundary between eligible / ineligible software inventions

Eligible: information processing is concrete

A computer implemented method comprising:

storing (i) **past sales records**, (ii) **future weather forecast data** and (iii) correction rules corresponding to weather;

getting **the first predicted value** by reading **sales records** of the past several weeks, wherein said first predicted value is the average of said read sales records being of the same day of the week as that of the predicted date;

getting **weather forecast data** of the predicted date, and selecting correction rules to be applied based on said **weather forecast data**;

determining **the second predicted value** by correcting **the first predicted value** based on said correction rules to be applied; and outputting **the second predicted value**.

Ineligible: information processing is not concrete, mere desire or result to be achieved

A computer implemented method comprising:

predicting sales of the predicted date based on **the past sales records** and **weather forecast data**; and outputting the predicted sales.

Predicting sales based on past sales and weather forecast

