

Report on FY2021  
Annual User Satisfaction Survey  
on Patent Examination Quality

October 2021

Japan Patent Office

## Summary

### 1. Survey method and response rate

The FY2021 Survey was conducted online on the overall quality of patent examination on national applications (Sheet 1) and the overall quality of the international search and international preliminary examination on PCT applications (Sheet 2) (Submission period: May to June, 2021).

Table 1 shows year-on-year trends in response rates<sup>1</sup>.

**Table 1: Response rate of Questionnaire Sheets**

	FY2021 (Responded/ Sent)	FY2020	FY2019	FY2018	FY2017	FY2016	FY2015	FY2014	FY2013	FY2012
Sheet 1	87.3% (571/654)	87.0%	88.0%	90.0%	90.6%	89.3%	85.5%	86.8%	91.8%	91.4%
Sheet 2	88.4% (343/388)	85.1%	90.5%	93.5%	92.3%	91.2%	87.4%	88.7%	90.6%	91.8%

### 2. Satisfaction level with overall quality of patent examination on national applications (Sheet 1)

Respondents at the rate of 95.1% (97.3% in the previous year) evaluated the level of satisfaction with the overall quality of patent examination on national applications (overall satisfaction level) as *neutral* or higher, with positive responses<sup>2</sup> of 63.0% (64.3% in the previous year) (Figure 1).

In terms of individual items, 95.3% of the respondents evaluated the level of satisfaction with “communication with examiners in face-to-face interviews and telephone conversations” as *neutral* or higher (97.0% in the previous year) with positive responses of 66.8% (71.0% in the previous year), higher than our objective of 60% or higher set in FY2020 (Figure 2).

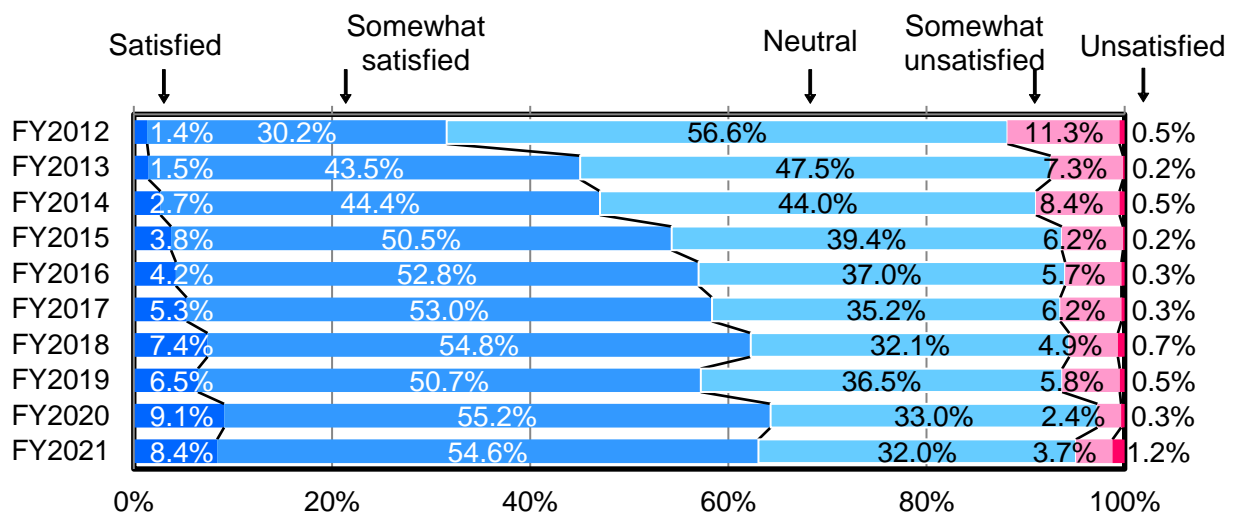
The proportions of the respondents who evaluated “consistency of judgements among examiners” and “application of Article 29 (2): inventive step” as *neutral* or higher were 84.6% and 87.7%, respectively (86.2% and 88.3% in the previous year), and the proportions of positive responses were 39.3% and 48.4%, respectively (35.2% and 47.0% in the previous year) (Figures 3 and 4). These items are treated as priorities<sup>3</sup>, according to

<sup>1</sup> Questionnaire Sheets A and C used in the previous Surveys were replaced with Sheets 1 and 2 in FY2020 Survey. In Table 3, the response rates of Sheets 1 and 2 in and before FY2019 indicate those in Sheets A and C.

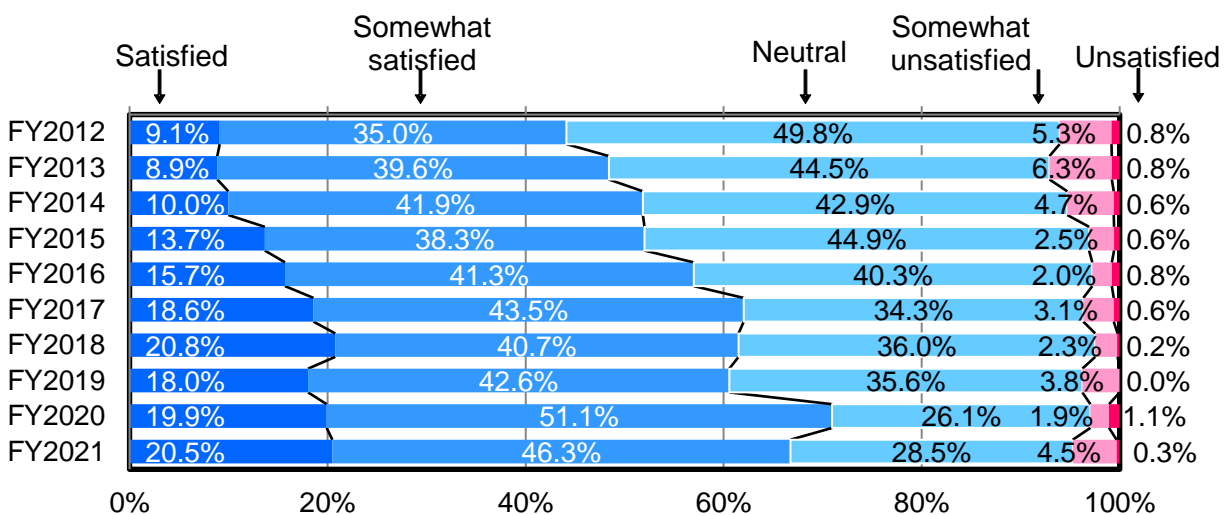
<sup>2</sup> The sum of “Satisfied” and “Somewhat satisfied”

<sup>3</sup> Items to be addressed on a priority basis

the Survey results in the previous fiscal year.



**Figure 1: Satisfaction level with overall quality of patent examination on national applications (overall satisfaction level)**



**Figure 2: Satisfaction level with communication with examiners in face-to-face interviews and telephone conversations**

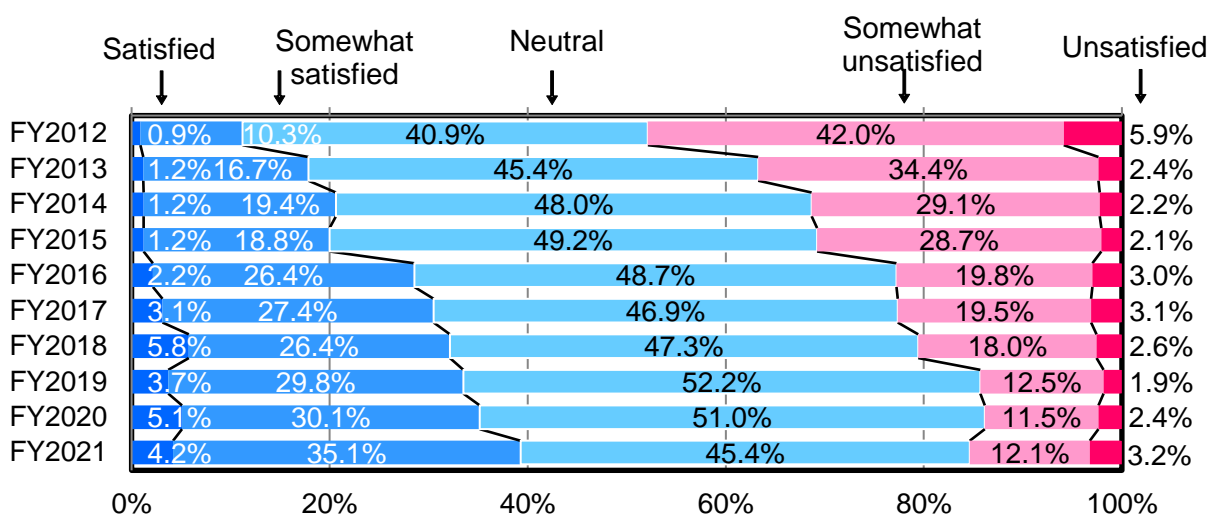


Figure 3: Satisfaction level with consistency of judgements among examiners

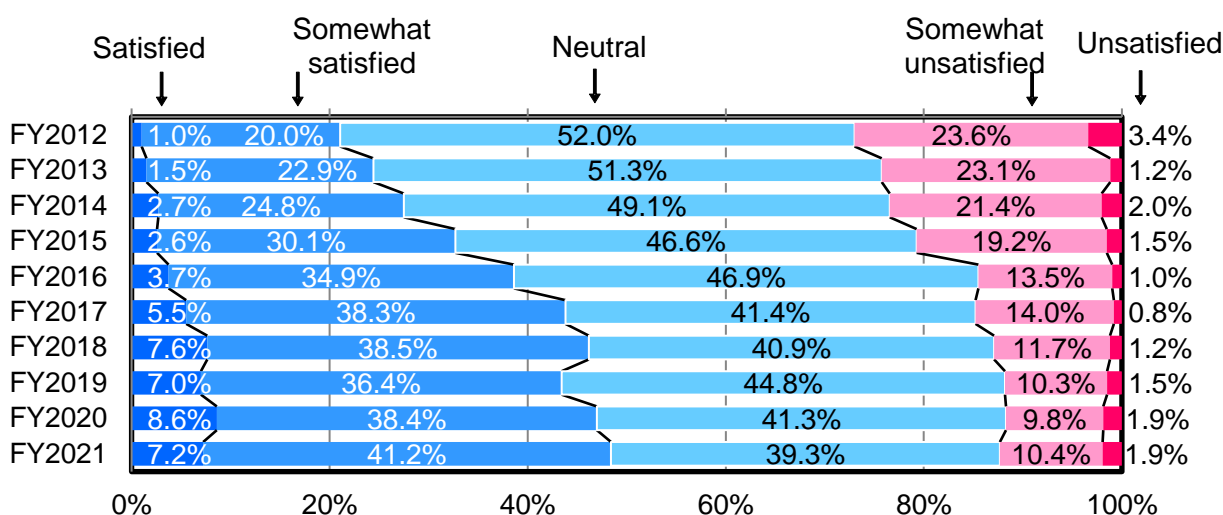


Figure 4: Satisfaction level with application of Article 29 (2): inventive step

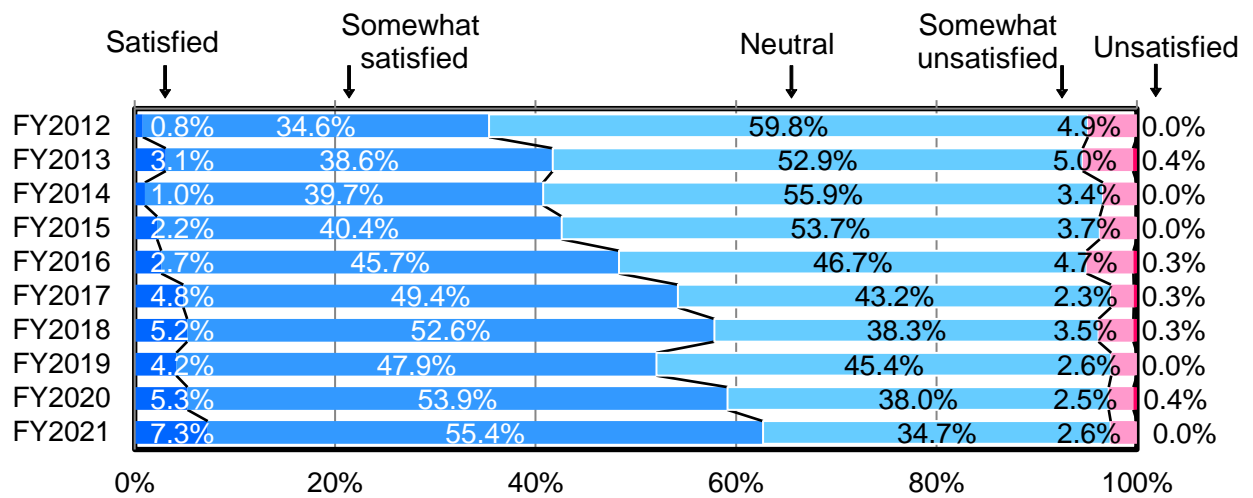
### 3. Satisfaction level of overall quality of the international search and international preliminary examination on PCT applications (Sheet 2)

Respondents at the rate of 97.4% (97.2% in the previous year) evaluated the level of satisfaction with the overall quality of the international search and international preliminary examination on PCT applications (overall satisfaction level) as *neutral* or higher, with positive responses<sup>4</sup> of 62.7% (59.2% in the previous year) (Figure 5).

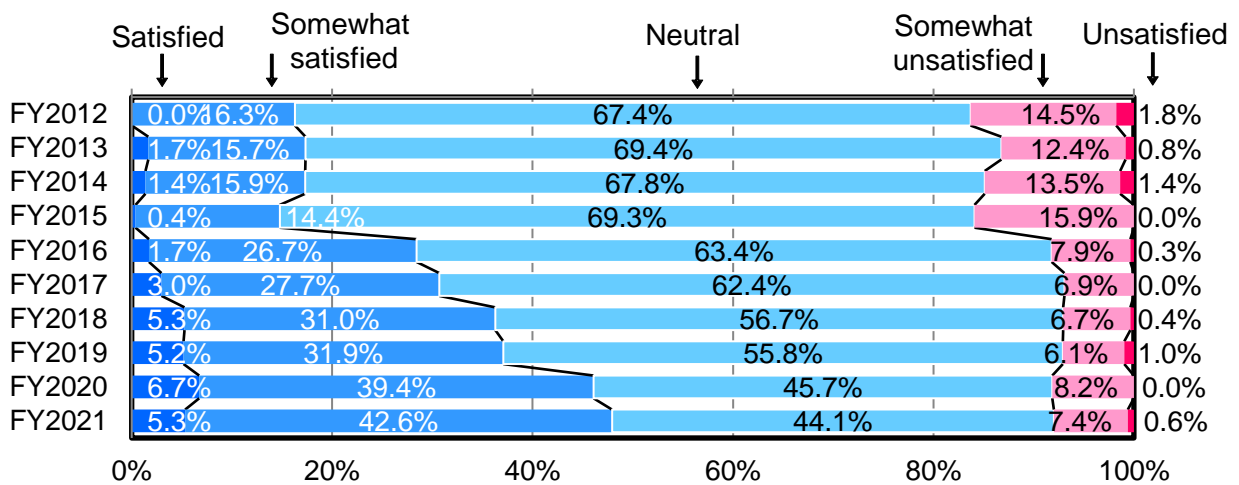
In terms of individual items, “consistency of judgements in the international phase” and “judgement on novelty/inventive step” received *neutral* or higher responses of 92.0% and 92.1%, respectively (91.8% and 91.2% in the previous year), and the proportions of

<sup>4</sup> The sum of “Satisfied” and “Somewhat satisfied”

positive responses were 47.9% and 55.7%, respectively (46.1% and 52.8% in the previous year) (Figures 6 and 7). These items are treated as priorities<sup>5</sup>, according to the Survey results in the previous fiscal year.



**Figure 5: Satisfaction level with overall quality of the international search and international preliminary examination (overall satisfaction level)**



**Figure 6: Satisfaction level with consistency of judgements in the international phase**

<sup>5</sup> Items to be addressed on a priority basis

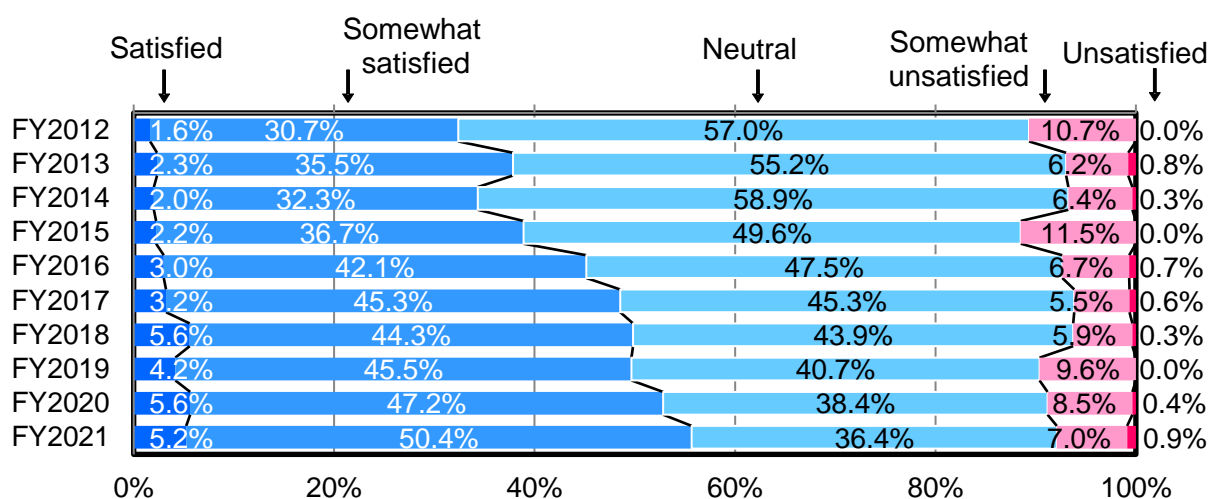


Figure 7: Satisfaction level with judgement on novelty/inventive step

#### 4. Comparison with other national/regional Offices

Table 2 shows the aggregated results of a multiple-choice question as to what Office outperforms or is more desirable to perform than the other Offices in patent examination.

**Table 2: Offices which the respondents think are superior or preferable for each evaluation item<sup>6</sup>**

Evaluation Item	JPO	USPTO	EPO	CNIPA	KIPO
Thorough and easy-to-understand description in notifications of reasons for refusal	212 (65.4%)	69 (21.3%)	86 (26.5%)	53 (16.4%)	53 (16.4%)
Judgement on industrial applicability and patent eligibility	105 (32.4%)	32 (9.9%)	45 (13.9%)	24 (7.4%)	24 (7.4%)
Judgement on novelty/inventive step	180 (55.6%)	46 (14.2%)	113 (34.9%)	35 (10.8%)	29 (9.0%)
Judgement on descriptive requirements	128 (39.5%)	47 (14.5%)	52 (16.0%)	24 (7.4%)	23 (7.1%)
Consistency of judgements among examiners	163 (50.3%)	19 (5.9%)	91 (28.1%)	16 (4.9%)	21 (6.5%)
Prior art searches	147 (45.4%)	48 (14.8%)	147 (45.4%)	54 (16.7%)	25 (7.7%)
Level of examiners' expertise in technical details	185 (57.1%)	23 (7.1%)	89 (27.5%)	24 (7.4%)	23 (7.1%)
Responses to written opinions	176 (54.3%)	47 (14.5%)	71 (21.9%)	30 (9.3%)	25 (7.7%)
Communication with examiners in face-to-face interviews	106 (32.7%)	60 (18.5%)	14 (4.3%)	6 (1.9%)	5 (1.5%)
Communication with examiners in telephone conversations	99 (30.6%)	69 (21.3%)	9 (2.8%)	15 (4.6%)	6 (1.9%)
Scope of patent that was granted after examination	143 (44.1%)	57 (17.6%)	61 (18.8%)	22 (6.8%)	26 (8.0%)

<sup>6</sup> Excluding responses "No examination experience at the Office/Not sure." Percentages in brackets represent the ratio of valid responses (excluding Not sure / No experience or response).

## 5. Result Analysis

### **(1) Correlation between the levels of satisfaction with each evaluation item and the overall quality of patent examination on national applications**

Correlation coefficients can be used to measure relationships between the levels of satisfaction with each evaluation item and with the overall quality of patent examination.

Figure 8 shows correlation between the average levels of satisfaction<sup>7</sup> with each of 18 evaluation items and the overall quality of patent examination on national applications, with the former on the x-axis and the latter on the y-axis. The JPO should improve on a priority basis evaluation items which received low levels of satisfaction (left side) in spite of high correlation coefficients with the overall level of satisfaction (upper side). This year's Survey reveals that evaluation items "consistency of judgements among examiners" and "consistency of judgements among examiners on Article 29 (2): inventive step" are the priorities<sup>8</sup>.

### **(2) Correlation between the levels of satisfaction with each evaluation item and the overall quality of the international search and international preliminary examination on PCT applications**

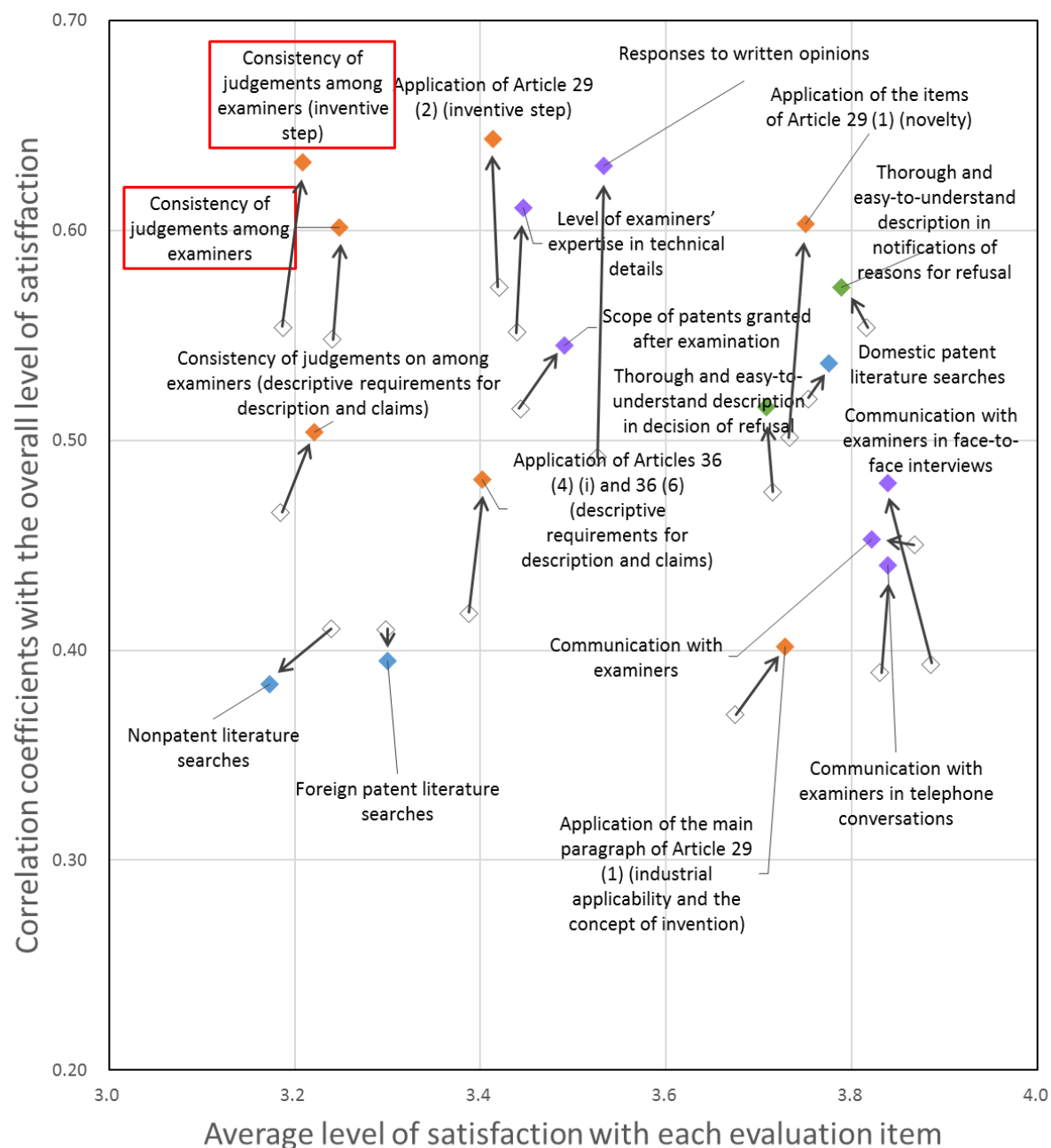
Figure 9 shows correlation between the average levels of satisfaction<sup>7</sup> with each of 10 evaluation items and the overall quality of the international search and international preliminary examination on PCT applications, with the former on the x-axis and the latter on the y-axis. This year's Survey reveals, as in (1) above, that "consistency of judgements in the international phase" is a priority<sup>8</sup>.

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<sup>7</sup> Average levels of satisfaction indicated in a 5-point scale, in which 5 indicates *satisfied*, 4 - *somewhat satisfied*, 3 - *neutral*, 2 - *somewhat unsatisfied*, and 1 – *unsatisfied*.

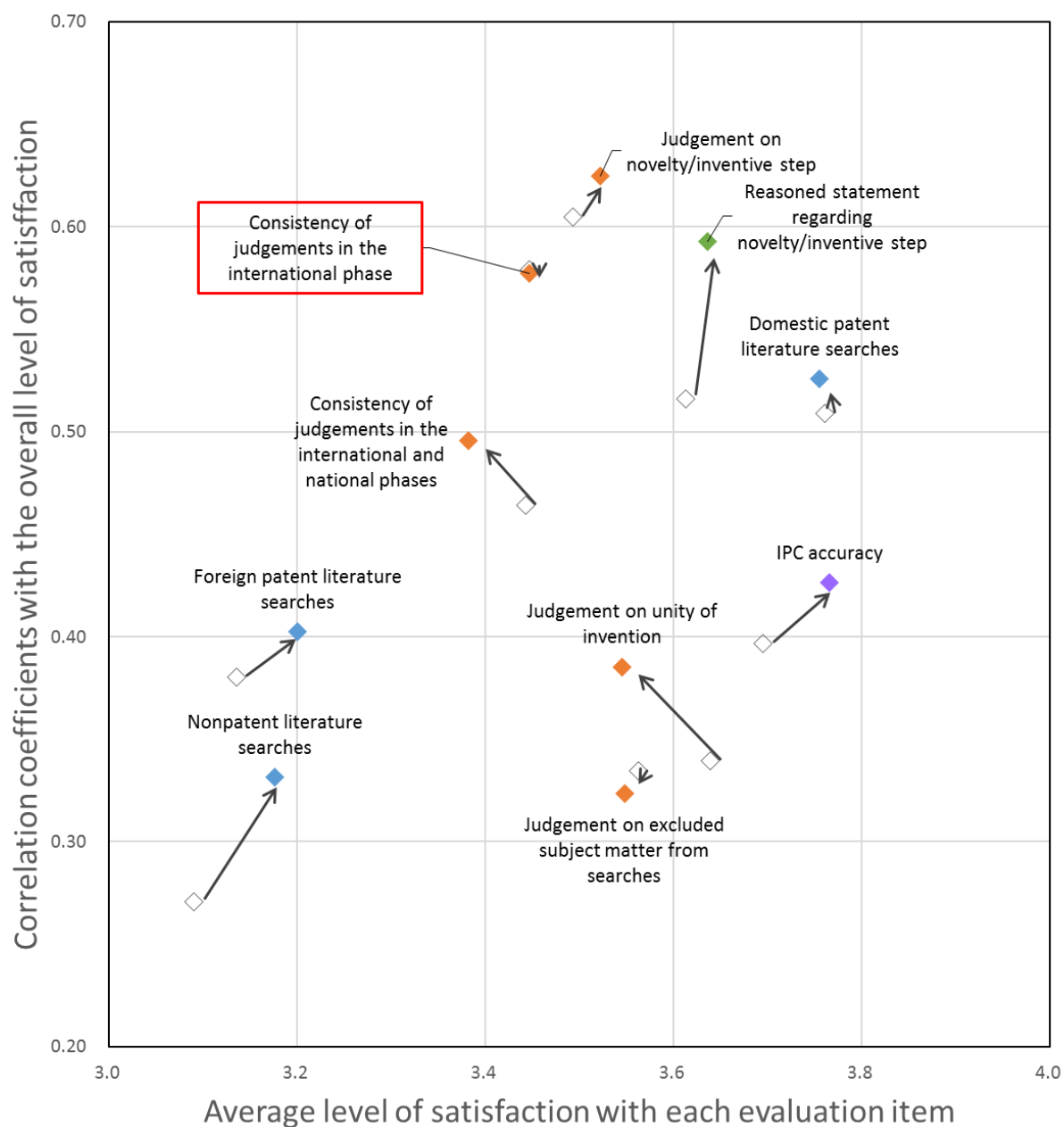
<sup>8</sup> Items to be addressed on a priority basis





**Figure 8: Average level of satisfaction for each evaluation item and correlation coefficients with overall satisfaction level (national applications)<sup>9</sup>**

<sup>9</sup> Plots are colored according to evaluation types: Light blue for prior art searches; orange for judgements; green for descriptions in notifications; purple for others. White plots representing Survey results and arrows representing changes in correlation coefficients are from the previous year's Survey.



**Figure 9: Average level of satisfaction for each evaluation item and correlation coefficients with overall satisfaction level (PCT applications)<sup>9</sup>**

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# 1. Overview

## (1) Background

Globally reliable, high-quality examination and proper patent grant by the Japan Patent Office (JPO) are keys for supporting domestic enterprises in developing global business activities smoothly, driving innovation, and maintaining sound business practices. Based on this premise, the JPO released its Quality Policy on Patent Examination (hereafter “*Quality Policy*”) in 2014, which outlines fundamental principles of its quality management policies designed to achieve the utmost examination quality in the world<sup>1</sup>. The Quality Policy declares, under one of its six fundamental principles: “We meet wide-ranging needs and expectations,” that the JPO understands and respects broad-ranging needs of and expectations for patent examination so that it may contribute to the benefit of Japanese society and the satisfaction of people connected with the patent system.

Carefully listening to the opinions of users is essential to continuously formulate measures for achieving quality assurance in patent examination. The JPO has conducted its User Satisfaction Survey (hereafter “*Survey*”) annually since FY2012 and has reflected feedback from users in its quality management initiatives.

This report shows a summary of the Survey results and detailed analyses of responses as follows.

## (2) Objective

This Survey aims to collect users’ opinions on and identify the current quality of the JPO’s patent examination and works as a means for the JPO to improve its practices in the future.

In other words, this Survey corresponds to the “Check” phase of the PDCA (Plan, Do, Check, Act) cycle outlined in the Quality Management Manual for Patent Examination since it evaluates patent examination procedures. The Survey results will be used to continuously improve the patent examination practices based on one of the principles of the Quality Policy: “We continually improve operations.”

## (3) Method

This Survey was conducted using two types of online questionnaires (see Appendix):

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<sup>1</sup> In this Report, the term “patent examination” means examination on inventions, including International Search and International Preliminary Examination under the PCT, and establishment of Reports of Utility Model Technical Opinion, as defined in the Quality Policy. Any reference to “patent examination” in the context of national applications means examination on inventions in national applications.

Sheet 1 asks respondents how they would evaluate the overall quality of patent examination on national applications in FY2020 and Sheet 2 asks them how they would evaluate the overall quality of the international search and international preliminary examination on PCT applications in FY2020. In the questionnaire sheets, a 5-point scale is used to indicate the level of satisfaction with multiple evaluation items (*satisfied, somewhat satisfied, neutral, somewhat unsatisfied, and unsatisfied*).

Respondents received an individual password to access the online Questionnaire Sheets by e-mail and were asked to answer the questions anonymously or otherwise (Submission period: May to June, 2021).

Tables 1 and 2 show how applicants were selected and how many were selected for each questionnaire sheet. It should be noted that respondents to Sheets 1 and 2 overlap to some degree. The number of respondents is 737, excluding the overlap.

**Table 1: Method of selecting and number of applicants for Sheet 1**

	Method of selecting applicants	No. of applicants	Total
<b>Sheet 1</b> (Overall quality of patent examination on national applications)	Non-individual, <u>domestic residents</u> , who filed 50 or more national applications as a lead applicant in FY2019, obtained one or more final decisions for published applications in FY2020	542	654
	Non-individual, <u>foreign residents</u> , who filed 50 or more national applications as a lead applicant in FY2019, obtained one or more final decisions for published applications in FY2020	42	
	<u>Small-scale applicants</u> <sup>2</sup> who filed less than 50 national applications as a lead applicant in FY2019	20	
	Top 50 <u>patent attorneys</u> who filed the most applications in FY2019	50	

**Table 2: Method of selecting and number of applicants for Sheet 2**

	Method of selecting applicants	No. of applicants	Total
<b>Sheet 2</b> (Overall quality of the international search and preliminary examination on PCT applications)	Non-individual, <u>domestic residents</u> , who filed 18 or more PCT applications as a lead applicant in FY2019	338	388
	<u>Small-scale applicants</u> <sup>2</sup> who filed less than 18 PCT applications as a lead applicant in FY2019	20	
	Top 30 <u>patent attorneys</u> who filed the most PCT applications in FY2019	30	

<sup>2</sup> Small-scale applicants were selected from manufacturers with capital of not more than 300 million yen or less than 300 employees; and which previously had interviews or discussions with the JPO.

#### (4) Response rate and breakdown of respondents by industry sector

Table 3 shows year-on-year trends in response rates<sup>3</sup> and Table 4 is a breakdown of respondents by industry sector. Anonymous responses account for 42.7% of all responses to sheet 1 and 42.3% of all the responses to sheet 2 (43.1% and 42.8% respectively in the previous Survey). The number of respondents is 640, excluding those overlapping in sheets 1 and 2.

**Table 3: Response rate of Questionnaire Sheets**

	FY2021 (Responded/ Sent)	FY2020	FY2019	FY2018	FY2017	FY2016	FY2015	FY2014	FY2013	FY2012
Sheet 1	87.3% (571/654)	87.0%	88.0%	90.0%	90.6%	89.3%	85.5%	86.8%	91.8%	91.4%
Sheet 2	88.4% (343/388)	85.1%	90.5%	93.5%	92.3%	91.2%	87.4%	88.7%	90.6%	91.8%

**Table 4: Breakdown of respondents by industry sector**

Attribute (Sector) <sup>4</sup>		Sheet 1		Sheet 2	
		Responses	Percentage	Responses	Percentage
Domestic applicants	Metal	22	3.9%	11	3.2%
	Construction	11	1.9%	3	0.9%
	Machinery	82	14.4%	51	14.9%
	Chemistry	56	9.8%	50	14.6%
	Food/medicine	5	0.9%	3	0.9%
	Electronics	59	10.3%	30	8.7%
	Others (manufacturing)	7	1.2%	2	0.6%
	Others (non-manufacturing)	36	6.3%	19	5.5%
	Institutes/public research organization	18	3.2%	15	4.4%
Patent attorneys		25	4.4%	14	4.1%
Foreign-resident applicants		6	1.1%	0	0.0%
Anonymous respondents		244	42.7%	145	42.3%
Total		571	100.0%	343	100.0%

<sup>3</sup> Questionnaire Sheets A and C used in the previous Surveys were replaced with Sheets 1 and 2 in FY2020 Survey. In Table 3, the response rates of Sheets 1 and 2 in and before FY2019 indicate those in Sheets A and C.

<sup>4</sup> Respondents were sorted into 9 sectors according to various industrial classifications, such as Japan Standard Industry Classification and the Report on Patent Examination Practices to Improve User-friendliness (February, 2011).



## 2. Aggregated Results

### (1) Satisfaction level with overall quality of patent examination on national applications (Sheet 1)

Table 5 in the next page lists satisfaction levels of the overall quality of patent examination and the individual evaluation items (national applications) in FY2020.

Figure 1 shows year-to-year changes in levels of satisfaction with the overall quality of patent examination on national applications (overall satisfaction level)<sup>5</sup>. Respondents at the rate of 95.1% (97.3% in the previous year) evaluated the overall satisfaction level as *neutral* or higher, with positive responses<sup>6</sup> of 63.0% (64.3% in the previous year).

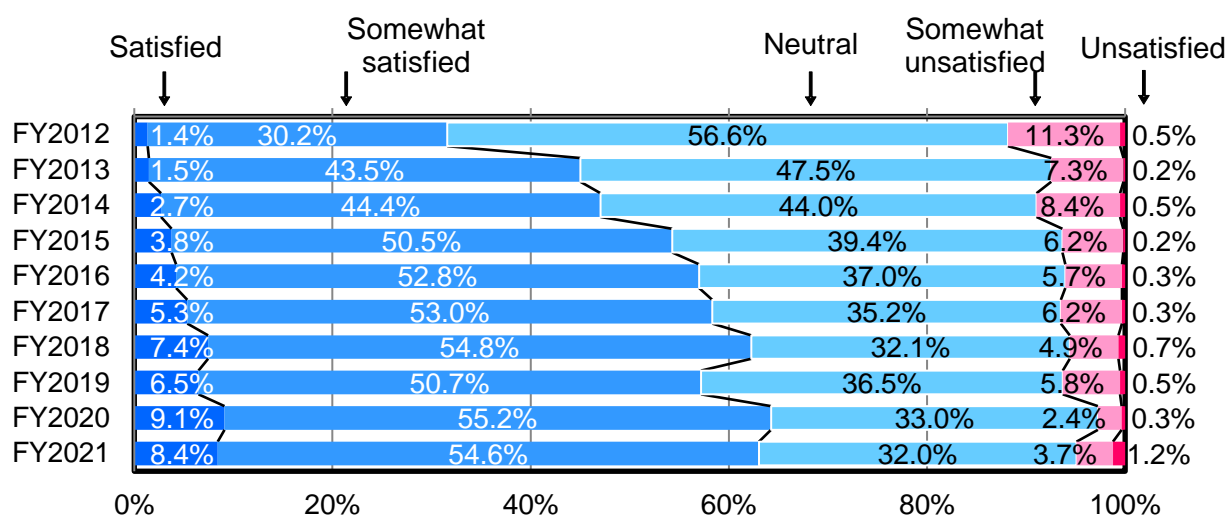


Figure 1: Satisfaction level with overall quality of patent examination on national applications (overall satisfaction level)

<sup>5</sup> In any graph showing a year-to-year change in this report, the vertical axis represents the fiscal year of Survey. As the Survey each year questions user satisfaction with examination conducted by the JPO in the previous fiscal year, the FY2021 Survey covers user satisfaction with examination conducted in FY2020.

<sup>6</sup> The sum of "Satisfied" and "Somewhat satisfied"

**Table 5: Satisfaction levels of the overall quality of patent examination and the individual evaluation items (national applications)<sup>7</sup>**

Evaluation item		Satisfied	Somewhat Satisfied	Neutral	Somewhat Unsatisfied	Unsatisfied	Not sure/No experience or response
Overall evaluation							
Overall quality of patent examination		48 (8.4%)	312 (54.6%)	183 (32.0%)	21 (3.7%)	7 (1.2%)	0
Individual evaluation items							
Thorough and easy-to-understand description in notifications of reasons for refusal		72 (12.7%)	327 (57.6%)	148 (26.1%)	19 (3.3%)	2 (0.4%)	3
Thorough and easy-to-understand description in decision of refusal		68 (12.1%)	276 (49.2%)	203 (36.2%)	13 (2.3%)	1 (0.2%)	10
Application of provisions	Application of the main paragraph of Article 29 (1): industrial applicability and the concept of invention	77 (18.8%)	153 (37.4%)	171 (41.8%)	7 (1.7%)	1 (0.2%)	162
	Application of the Items of Article 29 (1): novelty	91 (16.1%)	266 (47.0%)	189 (33.4%)	17 (3.0%)	3 (0.5%)	5
	Application of Article 29 (2): inventive step	41 (7.2%)	234 (41.2%)	223 (39.3%)	59 (10.4%)	11 (1.9%)	3
	Application of Article 36 (4) (i) and Article 36 (6): descriptive requirements for description and claims	43 (7.6%)	207 (36.7%)	255 (45.2%)	52 (9.2%)	7 (1.2%)	7
Consistency of judgements among examiners		22 (4.2%)	185 (35.1%)	239 (45.4%)	64 (12.1%)	17 (3.2%)	44
	on Article 29 (2): inventive step	29 (5.1%)	189 (33.4%)	234 (41.3%)	99 (17.5%)	15 (2.7%)	5
	on Article 36 (4) (i) and Article 36 (6): descriptive requirements for description and claims	28 (5.0%)	169 (30.2%)	279 (49.8%)	67 (12.0%)	17 (3.0%)	11
Prior searches	Domestic patent literature searches	94 (16.5%)	279 (48.9%)	177 (31.1%)	15 (2.6%)	5 (0.9%)	1
	Foreign patent literature searches	42 (7.9%)	149 (28.1%)	273 (51.5%)	58 (10.9%)	8 (1.5%)	41
	Non-patent literature searches	29 (5.8%)	119 (23.7%)	280 (55.7%)	60 (11.9%)	15 (3.0%)	68
Level of examiners' expertise in technical details		43 (7.6%)	233 (41.1%)	236 (41.6%)	44 (7.8%)	11 (1.9%)	4
Responses to written opinions		46 (8.1%)	244 (43.2%)	248 (43.9%)	19 (3.4%)	8 (1.4%)	6

<sup>7</sup> Percentages in brackets represent the ratio of valid responses (excluding Not sure / No experience or response). The percentages may not reach the sum of 100 due to rounding.

Communication with examiners	69 (20.5%)	156 (46.3%)	96 (28.5%)	15 (4.5%)	1 (0.3%)	234
in face-to-face interviews	55 (20.1%)	130 (47.6%)	78 (28.6%)	9 (3.3%)	1 (0.4%)	298
in telephone conversations	66 (22.1%)	135 (45.3%)	81 (27.2%)	15 (5.0%)	1 (0.3%)	273
Scope of patents granted after examination	35 (6.3%)	244 (43.6%)	248 (44.3%)	27 (4.8%)	6 (1.1%)	11

Figures 2 to 14 indicate year-to-year changes in levels of satisfaction with individual evaluation items<sup>8</sup>.

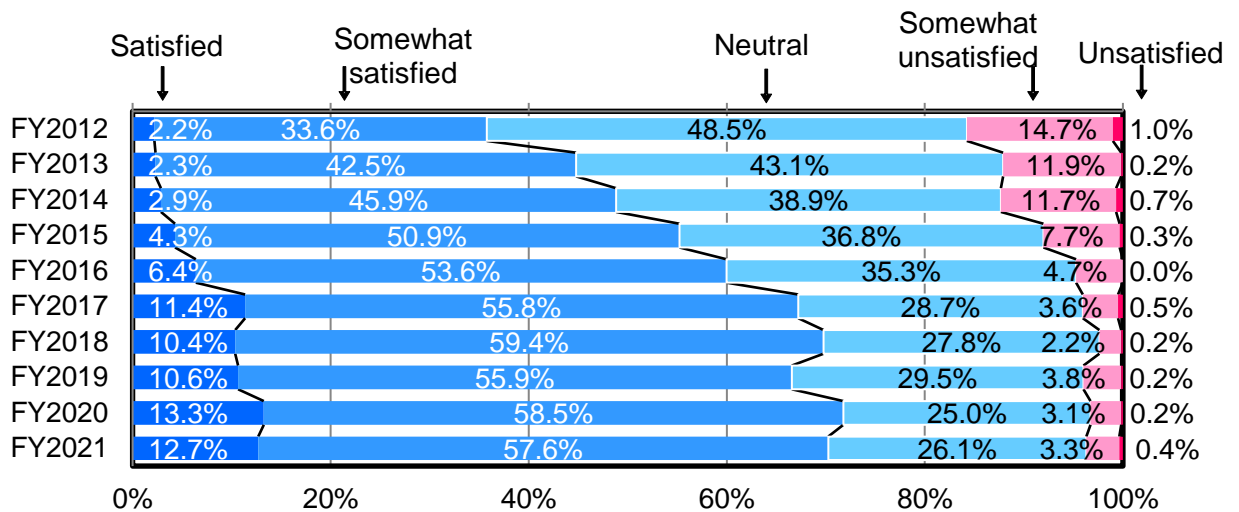
Ninety-five point three percent (95.3%) of the respondents evaluated the level of satisfaction with “communication with examiners in face-to-face interviews and telephone conversations” as *neutral* or higher with positive responses of 66.8% (97.0% and 71.0% respectively in the previous year), higher than our objective of 60% or higher (Figure 13).

The proportions of the respondents who evaluated “consistency of judgements among examiners” and “application of Article 29 (2): inventive step” as *neutral* or higher were 84.6% and 87.7%, respectively (86.2% and 88.3% in the previous year), and the proportions of positive responses were 39.3% and 48.4%, respectively (35.2% and 47.0% in the previous year) (Figures 8 and 6). These items are treated as priorities<sup>9</sup>, according to the Survey results in the previous fiscal year.

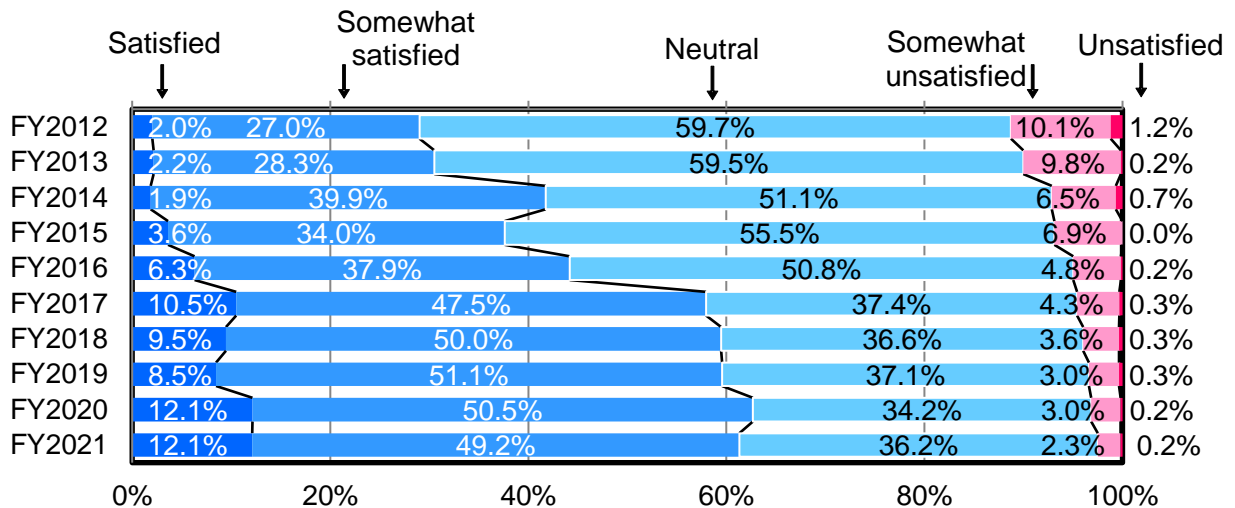
Many respondents provided comments on items “communication with examiners in face-to-face interviews and telephone conversations” and “consistency of judgements among examiners” in the comment boxes. About half of the respondents gave positive feedback on the former item, appreciating more user-friendly interviews after going online and examiners appropriately indicating their impression on proposed amendments. Many of the respondents also showed their expectations for an enhanced video-conference service for interviews and more smooth communication with examiners working remotely by telephone. As for the latter, some respondents expressed their expectations for improved consistency of judgements on descriptive requirements and inventive step.

<sup>8</sup> Individual items of “consistency of judgements among examiners on Article 29 (2): inventive step” and “consistency of judgements among examiners on Article 36 (4) (i) and Article 36 (6): descriptive requirements for description and claims” were introduced in the FY2019 Survey and items, such as “responses to written opinions”, “communication with examiners in face-to-face interviews” and “communication with examiners in telephone conversations” were introduced for the last fiscal year, all of which are not included in the y-o-y change graphs.

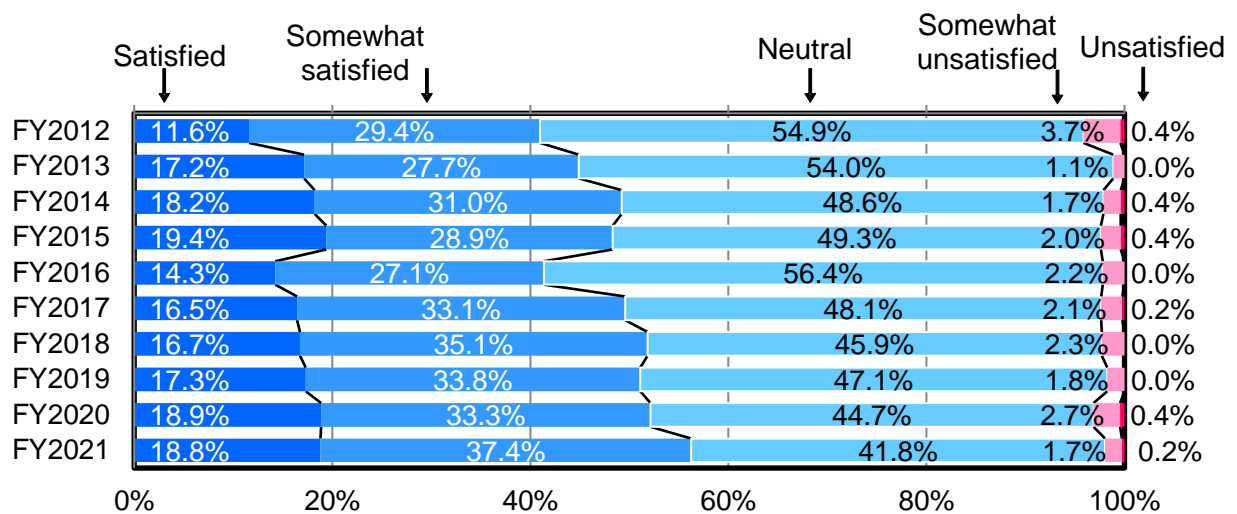
<sup>9</sup> Items to be addressed on a priority basis



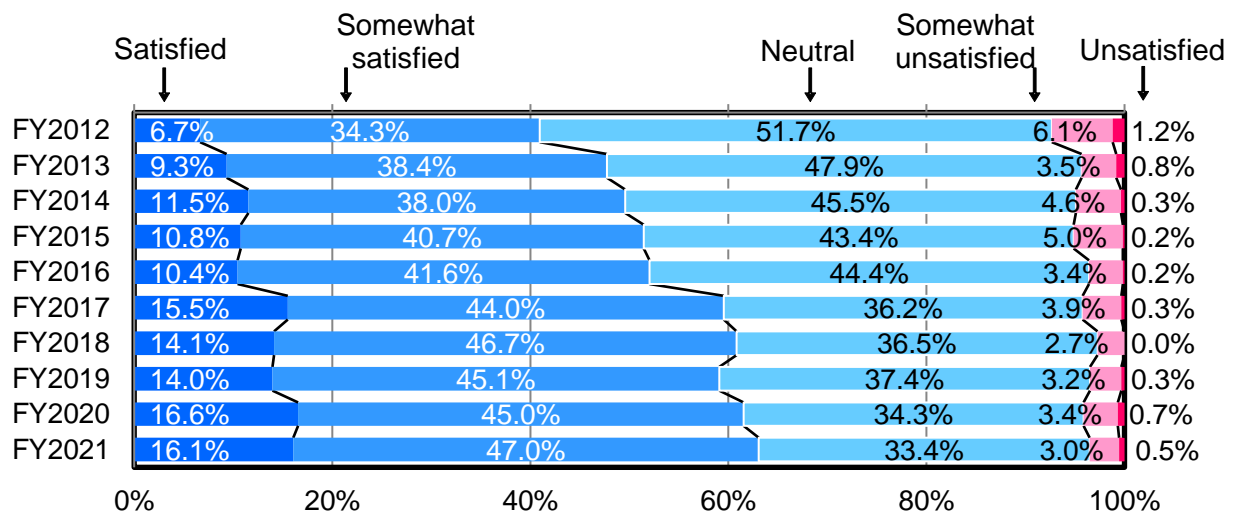
**Figure 2: Satisfaction level with thorough and easy-to-understand description in notifications of reasons for refusal**



**Figure 3: Satisfaction level with thorough and easy-to-understand description in decision of refusal**



**Figure 4: Satisfaction level with application of the main paragraph of Article 29 (1): industrial applicability and the concept of invention**



**Figure 5: Satisfaction level with application of the items of Article 29 (1): novelty**

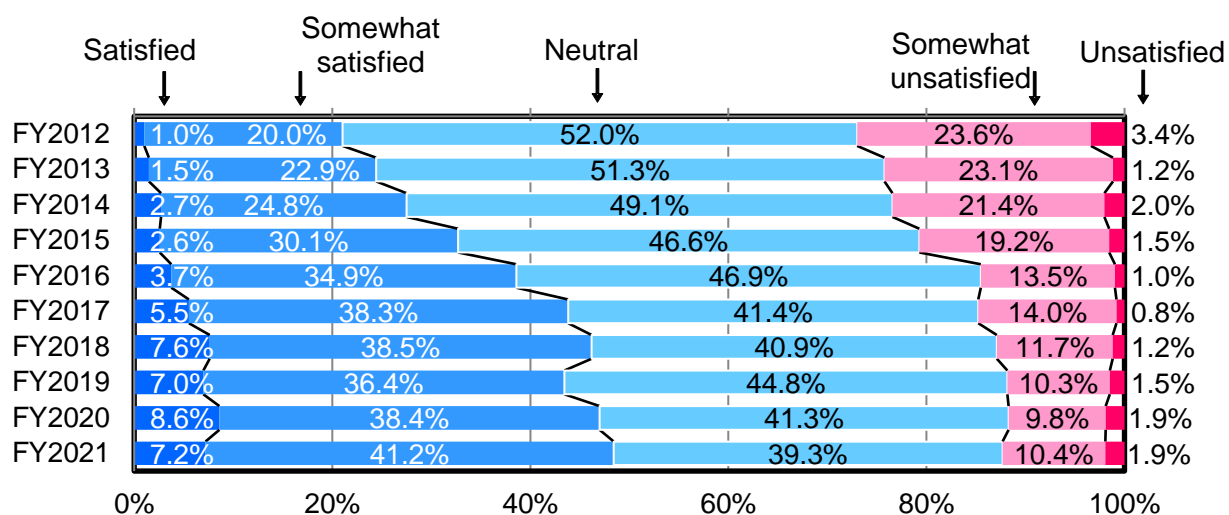


Figure 6: Satisfaction level with application of Article 29 (2): inventive step

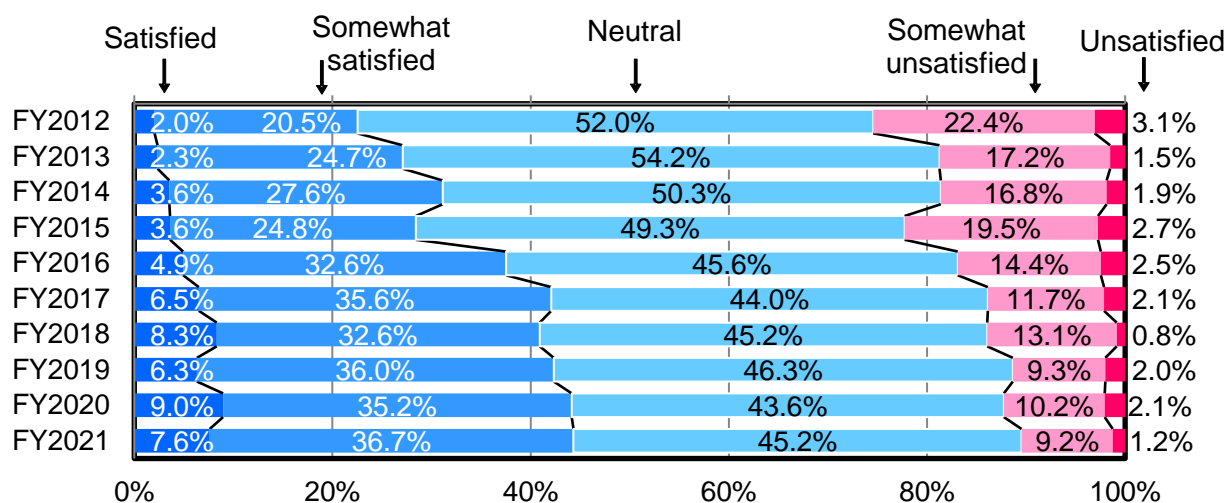


Figure 7: Satisfaction level with application of Article 36 (4) (i) and Article 36 (6): descriptive requirements for description and claims

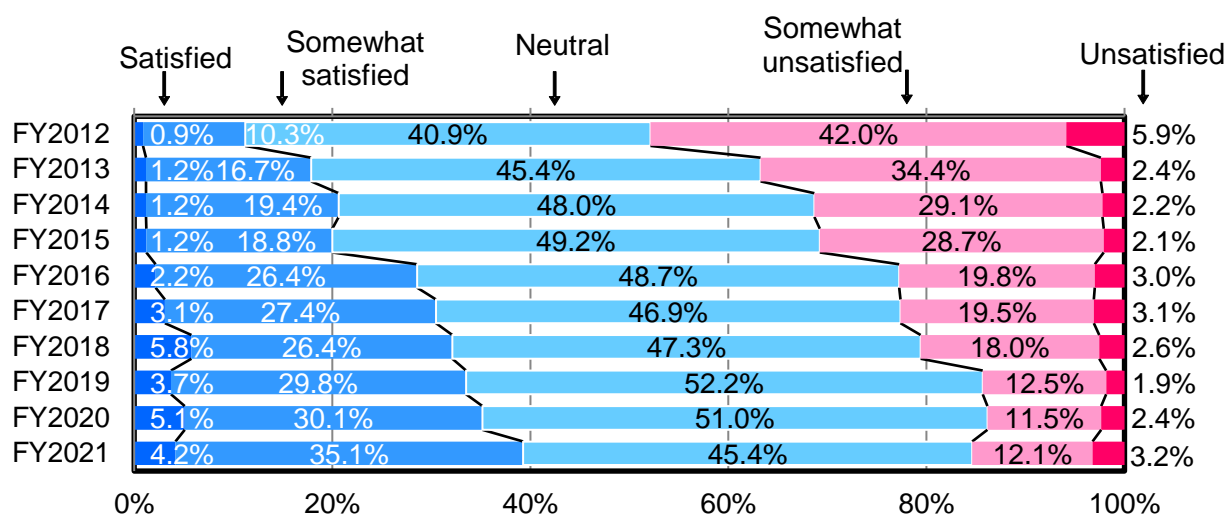


Figure 8: Satisfaction level with consistency of judgements among examiners

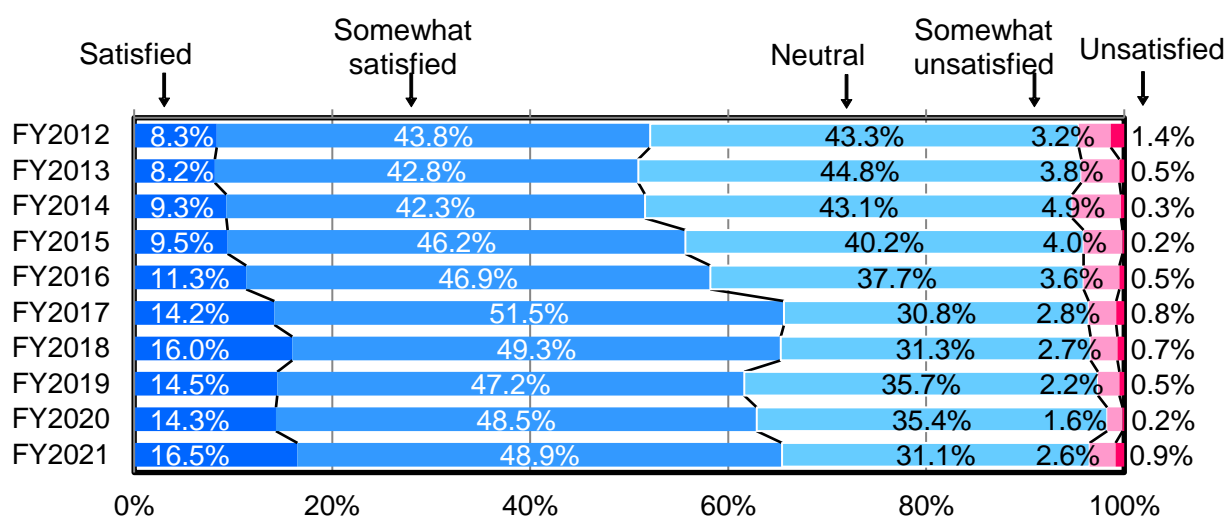


Figure 9: Satisfaction level with domestic patent literature searches

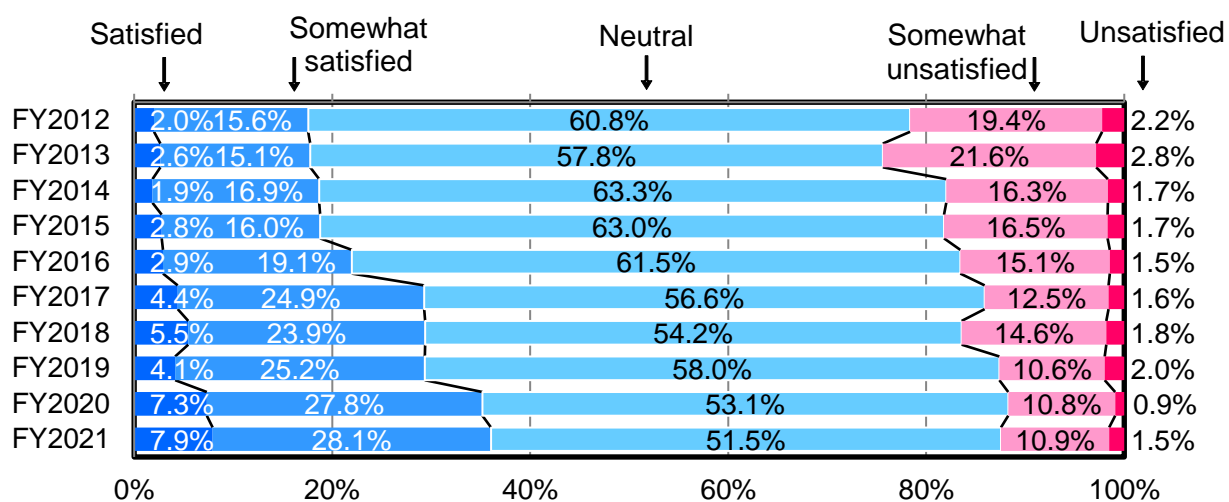


Figure 10: Satisfaction level with foreign patent literature searches

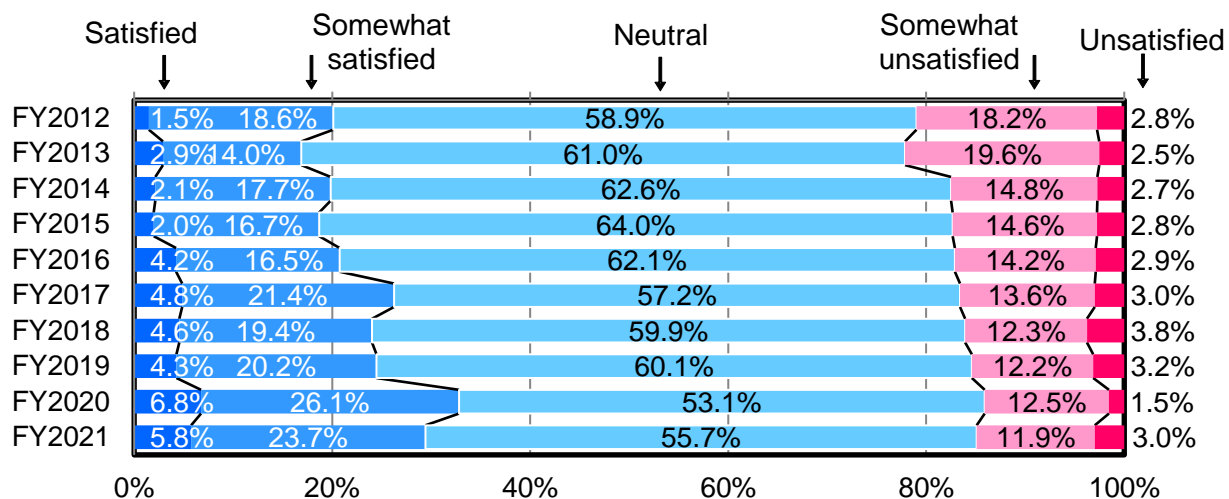


Figure 11: Satisfaction level with nonpatent literature searches

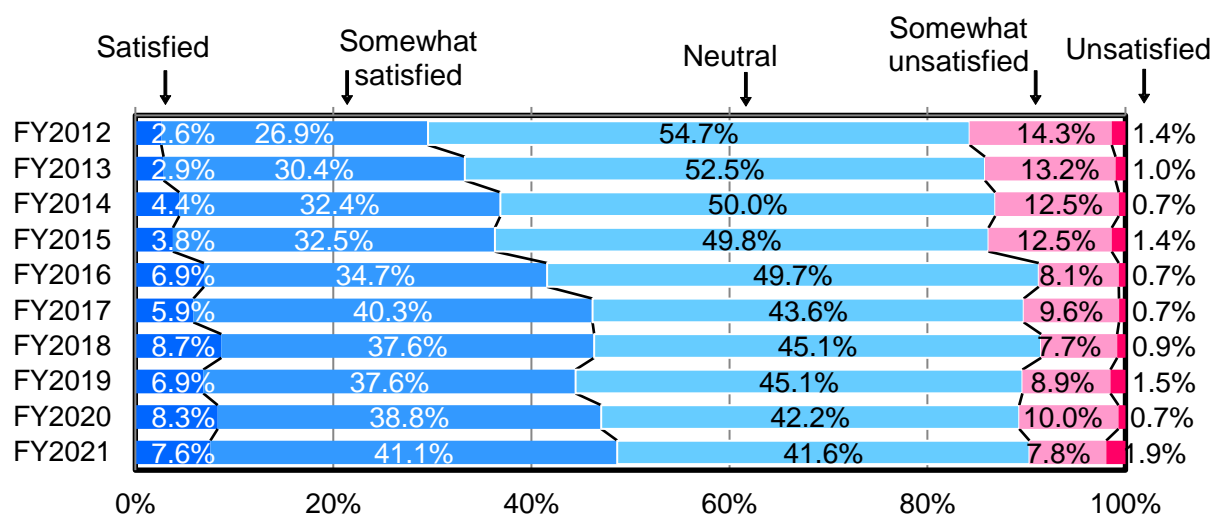
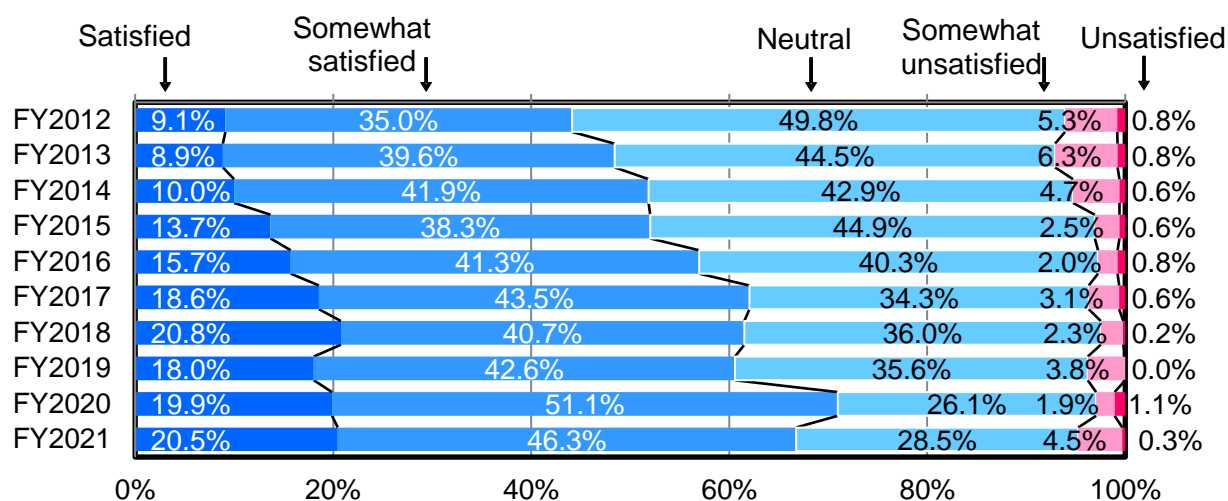
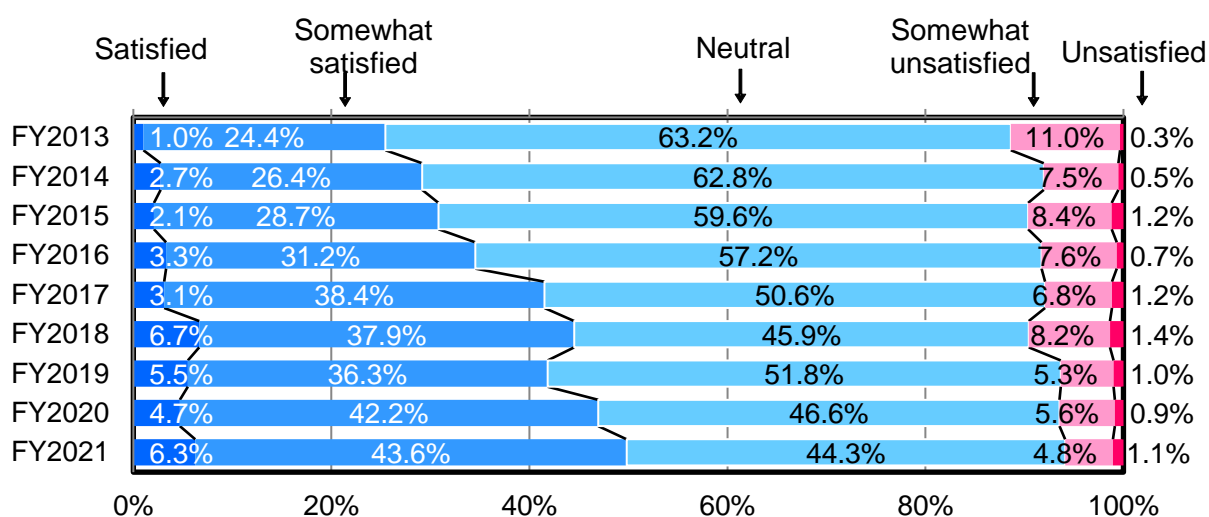


Figure 12: Satisfaction level with level of examiners' expertise in technical details





**Figure 13: Satisfaction level with communication with examiners in face-to-face interviews and telephone conversations**



**Figure 14: Satisfaction level with scope of patents granted after examination**

## ( 2 ) Satisfaction level of overall quality of the international search and international preliminary examination on PCT applications (Sheet 2)

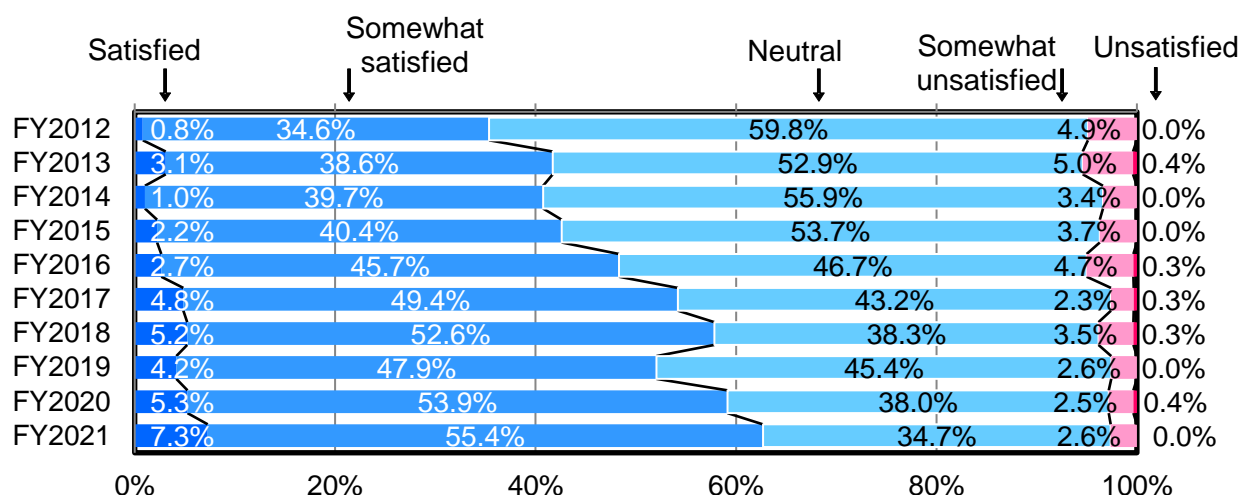
Table 6 lists satisfaction levels of the overall quality and the individual evaluation items of the international search and international preliminary examination on PCT applications.

**Table 6: Satisfaction levels of the overall quality and the individual evaluation items of the international search and international preliminary examination on PCT applications<sup>10</sup>**

Evaluation item		Satisfied	Somewhat Satisfied	Neutral	Somewhat Unsatisfied	Unsatisfied	Not sure/No experience or response
Overall evaluation							
Overall quality of the international search and international preliminary examination		25 (7.3%)	190 (55.4%)	119 (34.7%)	9 (2.6%)	0 (0.0%)	0
Individual evaluation items							
IPC accuracy		54 (16.9%)	139 (43.4%)	125 (39.1%)	2 (0.6%)	0 (0.0%)	23
Judgement on excluded subject matter from searches		18 (10.7%)	57 (33.9%)	92 (54.8%)	1 (0.6%)	0 (0.0%)	175
Judgement on unity of invention		31 (10.4%)	110 (36.8%)	150 (50.2%)	7 (2.3%)	1 (0.3%)	44
Judgement on novelty/inventive step		18 (5.2%)	173 (50.4%)	125 (36.4%)	24 (7.0%)	3 (0.9%)	0
Reasoned statement regarding novelty/inventive step		31 (9.0%)	178 (51.9%)	113 (32.9%)	20 (5.8%)	1 (0.3%)	0
Consistency of judgements in the international phase		18 (5.3%)	144 (42.6%)	149 (44.1%)	25 (7.4%)	2 (0.6%)	5
Consistency of judgements in the international and national phases		36 (10.7%)	120 (35.8%)	121 (36.1%)	52 (15.5%)	6 (1.8%)	8
Prior art searches	Domestic patent literature searches	48 (14.0%)	178 (51.9%)	104 (30.3%)	11 (3.2%)	2 (0.6%)	0
	Foreign patent literature searches	13 (3.9%)	94 (28.1%)	178 (53.1%)	47 (14.0%)	3 (0.9%)	8
	Nonpatent literature searches	12 (4.1%)	68 (23.1%)	177 (60.0%)	36 (12.2%)	2 (0.7%)	48

<sup>10</sup> Percentages in brackets represent the ratio of valid responses (excluding Not sure / No experience or response). The percentages may not reach the sum of 100 due to rounding.

Figure 15 shows year-to-year changes in levels of satisfaction with the overall quality of the international search and international preliminary examination on PCT applications (overall satisfaction level). Respondents at the rate of 97.4% (97.2% in the previous year) evaluated the overall satisfaction level as *neutral* or higher, with positive responses<sup>11</sup> of 62.7% (59.2% in the previous year).



**Figure 15: Satisfaction level with overall quality of the international search and international preliminary examination (overall satisfaction level)**

Figures 16 to 25 indicate year-to-year changes in levels of satisfaction with individual evaluation items.

“Consistency of judgements in the international phase” and “judgement on novelty/inventive step” received *neutral* or higher responses of 92.0% and 92.1%, respectively (91.8% and 91.2% in the previous year), and the proportions of positive responses were 47.9% and 55.7%, respectively (46.1% and 52.8% in the previous year) (Figures 21 and 19). These items are treated as priorities<sup>12</sup>, according to the Survey results in the previous fiscal year.

Many respondents provided comments on items “consistency of judgements in the international and national phases” and “prior art searches.” Regarding the former item, they showed their expectations for improvement in changes of judgements due to additional citations and due to changes of examiners. As for the latter, they expected improvement in foreign patent literature searches.

<sup>11</sup> The sum of “Satisfied” and “Somewhat satisfied”

<sup>12</sup> Items to be addressed on a priority basis

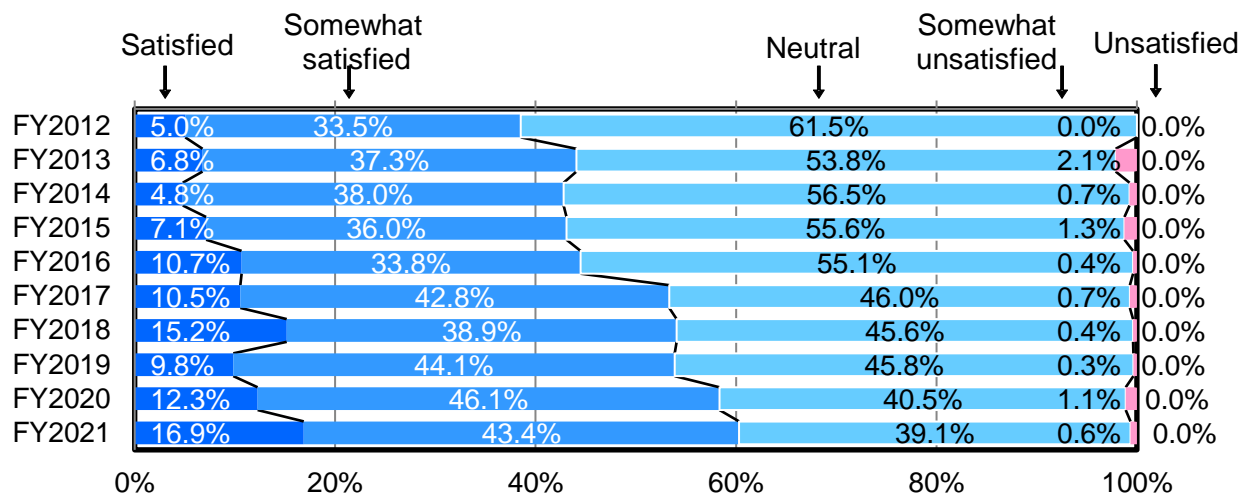


Figure 16: Satisfaction level with IPC accuracy

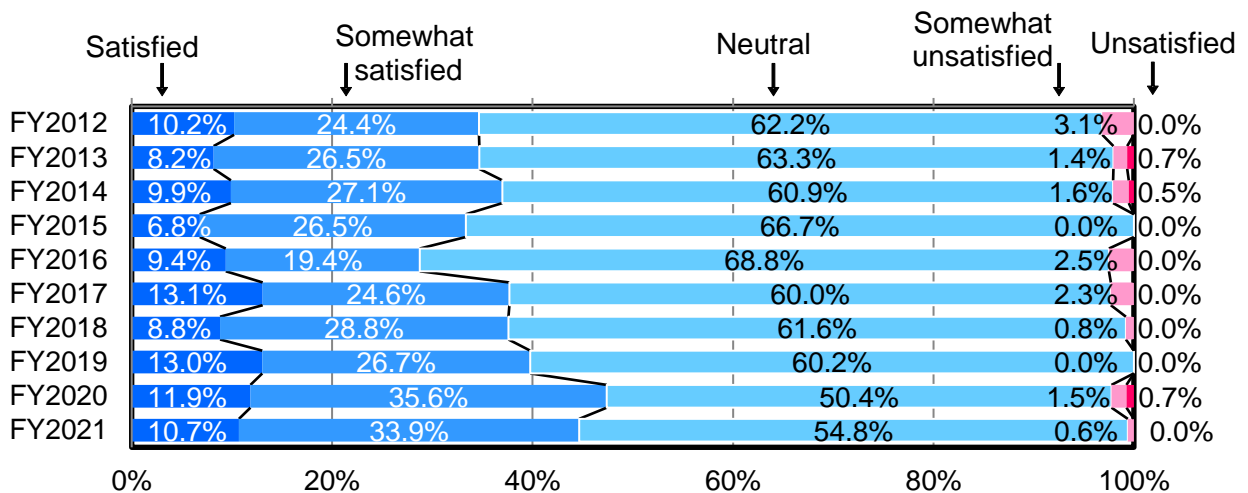


Figure 17: Satisfaction level with judgement on excluded subject matter from searches

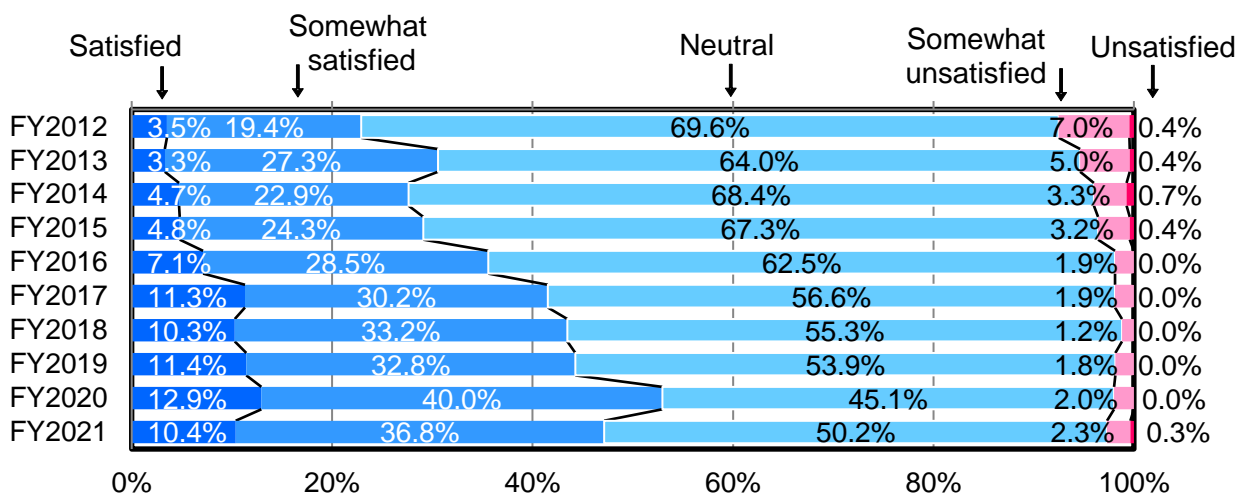


Figure 18: Satisfaction level with judgement on unity of invention

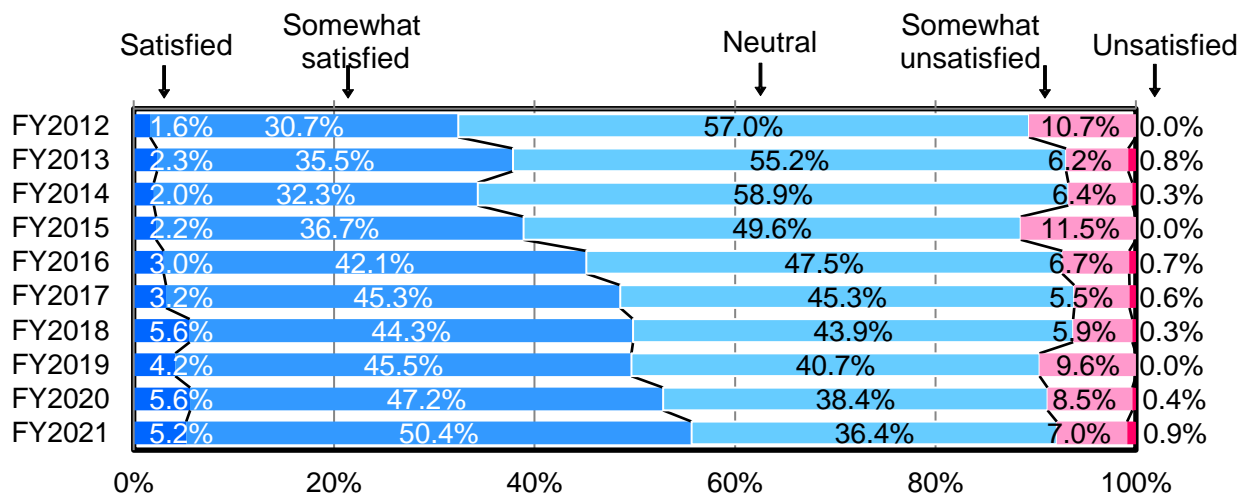


Figure 19: Satisfaction level with judgement on novelty/inventive step

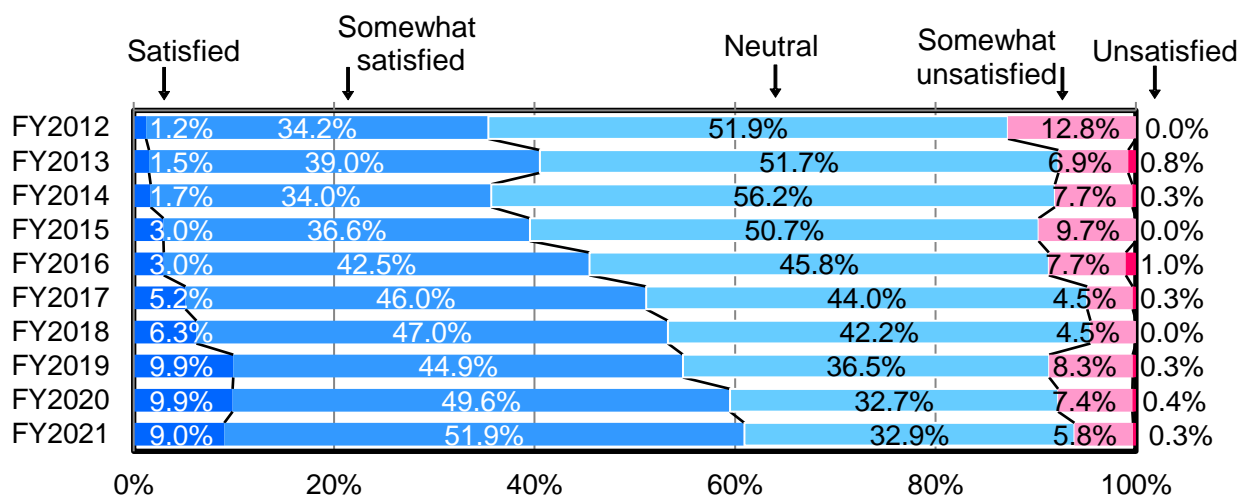


Figure 20: Satisfaction level with reasoned statement regarding novelty/inventive step

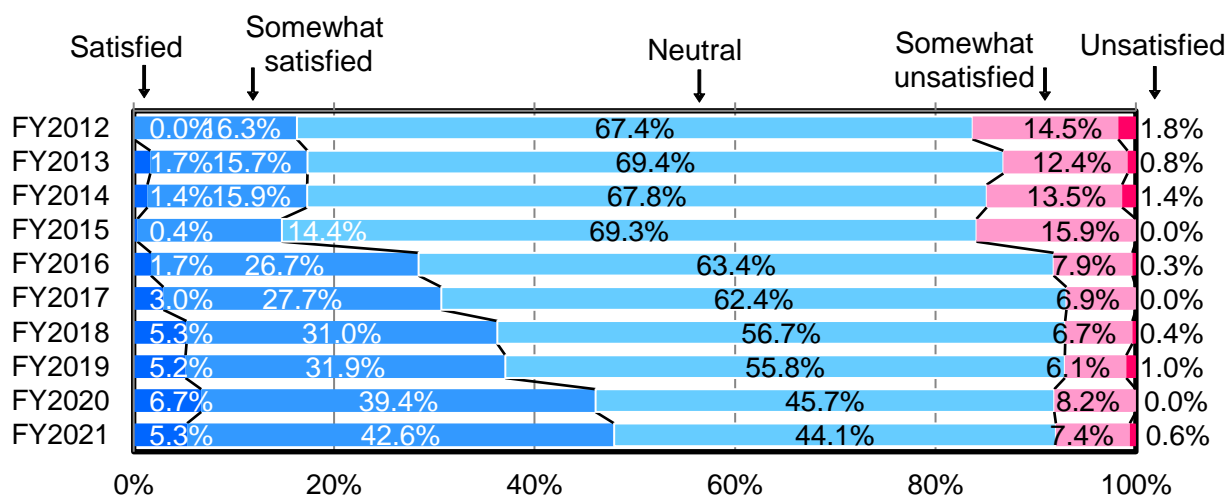
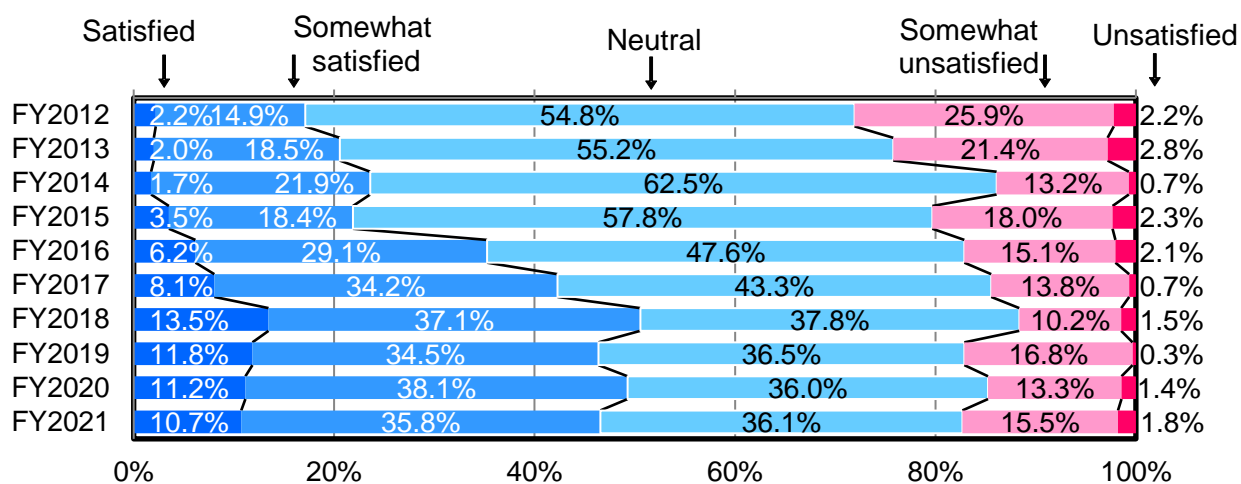
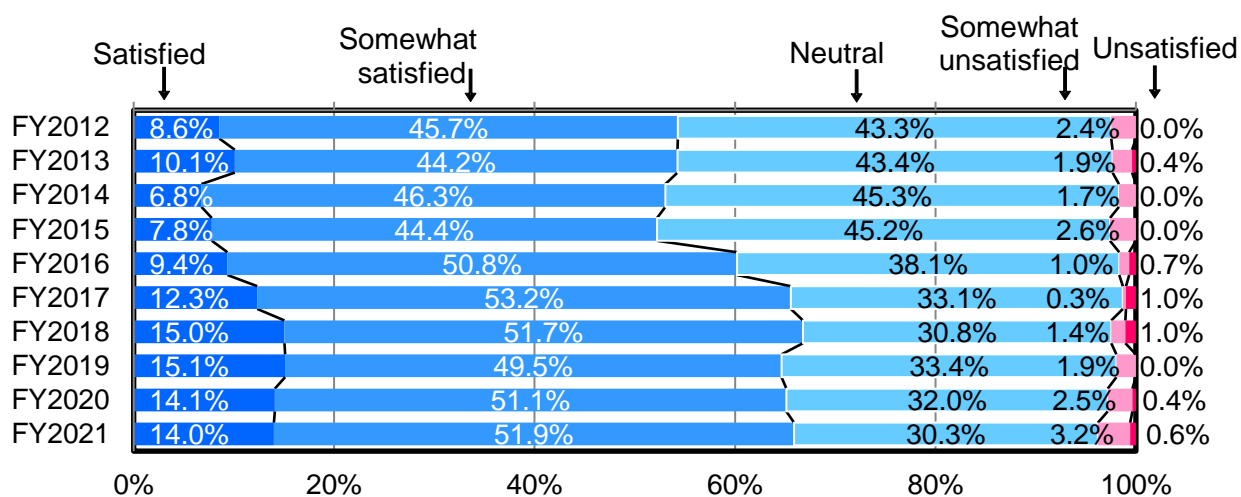


Figure 21: Satisfaction level with consistency of judgements in the international phase



**Figure 22: Satisfaction level with consistency of judgements in the international and national phases**



**Figure 23: Satisfaction level with domestic patent literature searches**

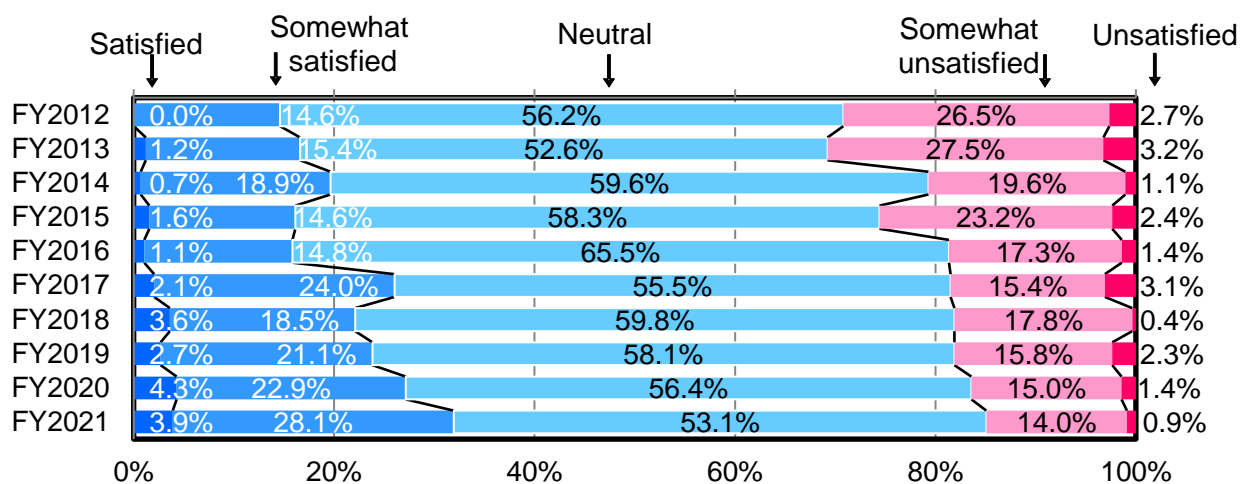


Figure 24: Satisfaction level with foreign patent literature searches

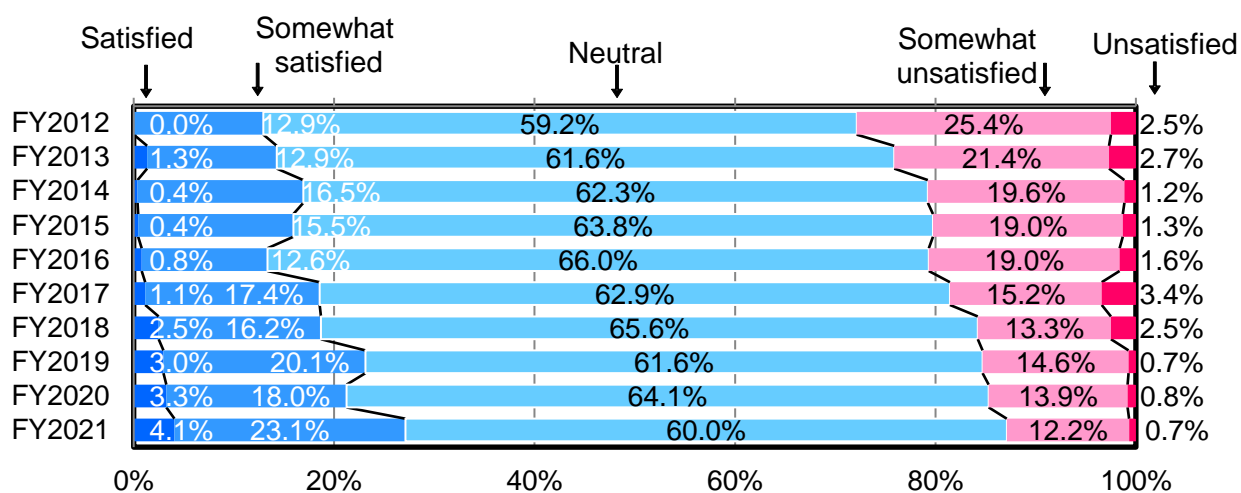


Figure 25: Satisfaction level with nonpatent literature searches

### (3) Comparison with other national/regional Offices

Table 7 shows the aggregated results of a multiple-choice question as to in what items the JPO outperforms or is more desirable to perform than the other Offices in patent examination.

The JPO did not go beyond tying with the EPO for “prior art searches” among the evaluation items. Several respondents commented that the EPO excels at Chinese patent literature searches and nonpatent literature searches.

**Table 7: Offices which the respondents think are superior or preferable for each evaluation item<sup>13</sup>**

Evaluation Item	JPO	USPTO	EPO	CNIPA	KIPO
Thorough and easy-to-understand description in notifications of reasons for refusal	212 (65.4%)	69 (21.3%)	86 (26.5%)	53 (16.4%)	53 (16.4%)
Judgement on industrial applicability and patent eligibility	105 (32.4%)	32 (9.9%)	45 (13.9%)	24 (7.4%)	24 (7.4%)
Judgement on novelty/inventive step	180 (55.6%)	46 (14.2%)	113 (34.9%)	35 (10.8%)	29 (9.0%)
Judgement on descriptive requirements	128 (39.5%)	47 (14.5%)	52 (16.0%)	24 (7.4%)	23 (7.1%)
Consistency of judgements among examiners	163 (50.3%)	19 (5.9%)	91 (28.1%)	16 (4.9%)	21 (6.5%)
Prior art searches	147 (45.4%)	48 (14.8%)	147 (45.4%)	54 (16.7%)	25 (7.7%)
Level of examiners’ expertise in technical details	185 (57.1%)	23 (7.1%)	89 (27.5%)	24 (7.4%)	23 (7.1%)
Responses to written opinions	176 (54.3%)	47 (14.5%)	71 (21.9%)	30 (9.3%)	25 (7.7%)
Communication with examiners in face-to-face interviews	106 (32.7%)	60 (18.5%)	14 (4.3%)	6 (1.9%)	5 (1.5%)
Communication with examiners in telephone conversations	99 (30.6%)	69 (21.3%)	9 (2.8%)	15 (4.6%)	6 (1.9%)

<sup>13</sup> Excluding responses “No examination experience at the Office/Not sure.” Percentages in brackets represent the ratio of valid responses (excluding Not sure / No experience or response).



Scope of patent that was granted after examination	143 (44.1%)	57 (17.6%)	61 (18.8%)	22 (6.8%)	26 (8.0%)
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### 3. Result Analysis

#### **(1) Correlation between the levels of satisfaction with each evaluation item and the overall quality of patent examination on national applications**

Correlation coefficients can be used to measure relationships between the levels of satisfaction with each evaluation item and with the overall quality of patent examination.

Figure 26 shows correlation between the average levels of satisfaction<sup>14</sup> with each of 18 evaluation items and the overall quality of patent examination on national applications, with the former on the x-axis and the latter on the y-axis. The JPO should improve on a priority basis evaluation items which received low levels of satisfaction (left side) in spite of high correlation coefficients with the overall level of satisfaction (upper side). This year's Survey reveals that evaluation items "consistency of judgements among examiners" and "consistency of judgements among examiners on Article 29 (2): inventive step" are the priorities<sup>15</sup>.

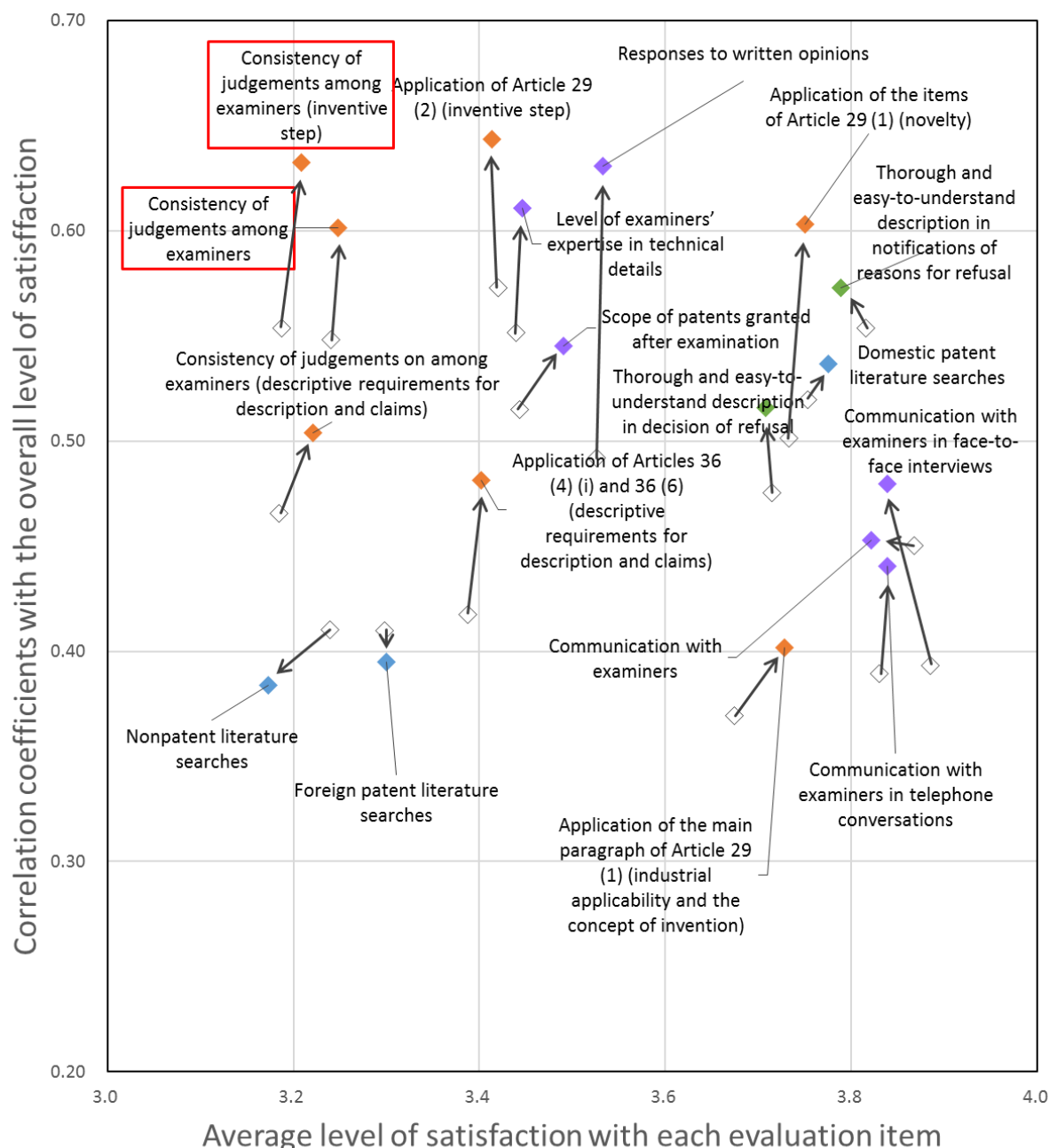
#### **(2) Correlation between the levels of satisfaction with each evaluation item and the overall quality of the international search and international preliminary examination on PCT applications**

Figure 27 shows correlation between the average levels of satisfaction<sup>14</sup> with each of 10 evaluation items and the overall quality of the international search and international preliminary examination on PCT applications, with the former on the x-axis and the latter on the y-axis. This year's Survey reveals, as in (1) above, that "consistency of judgements in the international phase" is the priority<sup>15</sup>.

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<sup>14</sup> Average levels of satisfaction indicated in a 5-point scale, in which 5 indicates *satisfied*, 4 - *somewhat satisfied*, 3 - *neutral*, 2 - *somewhat unsatisfied*, and 1 – *unsatisfied*.

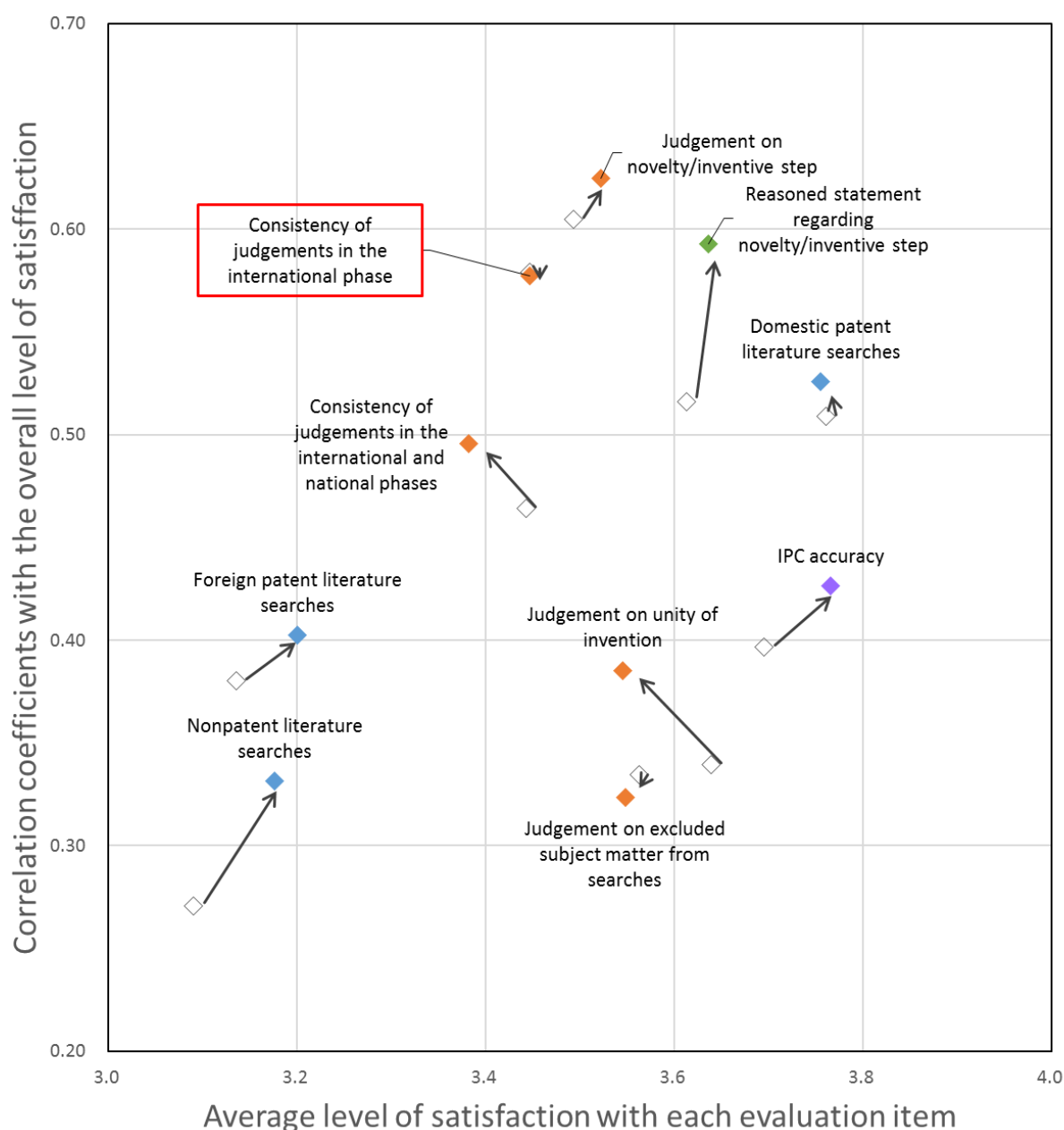
<sup>15</sup> Items to be addressed on a priority basis



**Figure 26: Average level of satisfaction for each evaluation item and correlation coefficients with overall satisfaction level (national applications)<sup>16</sup>**

<sup>16</sup>Plots are colored according to evaluation types: Light blue for prior art searches; orange for judgements; green for descriptions in notifications; purple for others. White plots representing Survey results and arrows representing changes in correlation coefficients are from the previous year's Survey.

For 6 out of 18 evaluation items, the average level of satisfaction was lower than the previous year, while it was higher for the remaining 12 items. The 6 items with a lower average level of satisfaction are, in a descending order of how much the level was lowered, “nonpatent literature searches,” “communication with examiners in face-to-face interviews,” “communication with examiners in face-to-face interviews and telephone conversations,” “thorough and easy-to-understand description in notifications of reasons for refusal,” “thorough and easy-to-understand description in decision of refusal” and “application of Article 29 (2): inventive step.” The remaining 12 items with a higher level of satisfaction are, in a descending order of how much the level was increased, “application of the main paragraph of Article 29 (1): industrial applicability and the concept of invention,” “scope of



**Figure 27: Average level of satisfaction for each evaluation item and correlation coefficients with overall satisfaction level (PCT applications)<sup>17</sup>**

patents granted after examination,” “consistency of judgements among examiners on Articles 36 (4) (i) and 36 (6): descriptive requirements for descriptions and claims,” “domestic patent literature searches,” “consistency of judgements among examiners on Article 29 (2): inventive step,” “application of the items of Article 29 (1): novelty,” “application of Articles 36 (4) (i) and 36 (6): descriptive requirements for description and claims,” “communication with examiners in telephone conversations,” “consistency of judgements among examiners,” “level of examiners’ expertise in technical details,” “responses to written opinions” and “foreign patent literature searches.”

<sup>17</sup>Plots are colored according to evaluation types: Light blue for prior art searches; orange for judgements; green for descriptions in notifications; purple for others. White plots representing

## 4. Summary of the Survey results

This year's Survey shows that 95.1% of the respondents (97.3% in the previous year) evaluated the level of satisfaction with the overall quality of patent examination on national applications as *neutral* or higher, with positive responses<sup>18</sup> of 63.0% (64.3% in the previous year), which means that there has been no significant change since last year. It showed no significant change, either, in the level of satisfaction with individual evaluation items (Figures 1 to 14).

Meanwhile, many respondents provided comments on "communication with examiners in face-to-face interviews and telephone conversations" and "consistency of judgements among examiners" among other items, showing their expectations for an enhanced video-conference service for interviews and more smooth communication with examiners working remotely by telephone.

The correlation analysis of the levels of satisfaction with each evaluation item and the overall quality revealed that "consistency of judgements among examiners" and "consistency of judgements among examiners on Article 29 (2): inventive step" are considered as priorities<sup>19</sup> (Figure 26).

It was also shown that 97.4% of the respondents (97.2% in the previous year) evaluated the level of satisfaction with the overall quality of the international search and international preliminary examination on PCT applications as *neutral* or higher, with positive responses of 62.7% (59.2% in the previous year), which means that there has been no significant change since last year. It showed no significant change, either, in the level of satisfaction with individual evaluation items (Figures 15 to 25).

The correlation analysis of the levels of satisfaction with each evaluation item and the overall quality revealed that "consistency of judgements in the international phase" is considered as a priority (Figure 27).

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Survey results and arrows representing changes in correlation coefficients are from the previous year's Survey.

For 5 out of 10 evaluation items, the average level of satisfaction was lower than the previous year, while it was higher for the remaining 5 items. The 5 items with a lower average level of satisfaction are, in a descending order of how much the level was lowered, "judgement on unity of invention," "consistency of judgements in the international and national phases," "judgement on excluded subject matter from searches," "domestic patent literature searches" and "consistency of judgements in the international phase." The remaining 5 items with a higher level of satisfaction are, in a descending order of how much the level was increased, "nonpatent literature searches," "IPC accuracy," "foreign patent literature searches," "judgement on novelty/inventive step" and "reasoned statement regarding novelty/inventive step."

<sup>18</sup> The sum of "Satisfied" and "Somewhat satisfied"

<sup>19</sup> Items to be addressed on a priority basis

With regard to the comments on “communication with examiners in face-to-face interviews and telephone conversations” in the Survey, the JPO enhanced its video-conference service for interviews<sup>20</sup> and developed a means for its examiners working remotely to reach users by telephone<sup>21</sup> in April, 2021.

While making steady progress in current measures and initiatives to improve examination quality, we will address issues, such as “consistency of judgements among examiners,” identified in this Survey with the help of other analysis results produced by us.

## **5. The Survey in the future**

We will continue the Survey in the coming years to keep understanding our users’ needs, considering further improvement in the timing and method of the Survey, methods to select applicants to be surveyed and Survey questions among others.

This year’s Survey results will be the basis of discussions on what to be improved in the implementation status and system of quality management in the Subcommittee on Examination Quality Management under the Intellectual Property Committee of the Industrial Structure Council.

## **Acknowledgment**

We would like to express our gratitude to all the respondents for their cooperation in taking this Survey. We would also appreciate our users’ further support as we need to continue to conduct the User Satisfaction Survey and improve patent examination and other operating practices based on Survey results, which will lead to a higher examination quality.

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<sup>20</sup> Microsoft Teams is now available alongside with V-CUBE and Skype for Business.

<sup>21</sup> <https://www.meti.go.jp/press/2021/04/20210401001/20210401001.html>

## <Appendix> Questionnaire Sheets of FY2021 Survey

### [Patent (Sheet 1)] Overall Quality of Patent Examination on National Applications (1/2)

Please answer questions [1] to [4], according to your experience in the patent examination process (excluding appeal examination) in FY2020.

#### [1] How would you rate the overall quality of patent examination at the JPO in FY2020? [Required]

☐ Satisfied
 ☐ Somewhat Satisfied
 ☐ Neutral
 ☐ Somewhat Unsatisfied
 ☐ Unsatisfied

#### [2] How would you rate the following items in patent examination at the JPO in FY2020? [All items are required]

If you did not communicate with examiners, please select *Not Sure/No Experience* in Items 8, 8-1, and 8-2.

Item 9 means whether the scope of granted patent is sufficient or not, in view of the contents of the application and prior art.

	Satisfied	Somewhat Satisfied	Neutral	Somewhat Unsatisfied	Unsatisfied	Not Sure/No Experience
1. Thorough and easy-to-understand description in notifications of reasons for refusal	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
2. Thorough and easy-to-understand description in decision of refusal	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
3-1. Application of the main paragraph of Article 29 (1) (industrial applicability and the concept of invention)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
3-2. Application of the items of Article 29 (1) (novelty)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
3-3. Application of Article 29 (2) (inventive step)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
3-4. Application of Articles 36 (4) (i) and 36 (6) (descriptive requirements for description and claims)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
4. Consistency of judgements among examiners	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
4-1. Consistency of judgements among examiners (inventive step)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
4-2. Consistency of judgements among examiners (descriptive requirements for description and claims)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
5-1. Prior art searches (Domestic patent literature searches)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
5-2. Prior art searches (Foreign patent literature searches)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
5-3. Prior art searches (Nonpatent literature searches)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
6. Level of examiners' expertise in technical details	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
7. Responses to written opinions	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
8. Communication with examiners in face-to-face interviews and telephone conversations	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
8-1. Communication with examiners in face-to-face interviews	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
8-2. Communication with examiners in telephone conversations	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
9. Scope of patents granted after examination	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Please feel free to comment on "8. Communication with examiners in face-to-face interviews and telephone conversations" (e.g. specific reasons for satisfaction/unsatisfaction).

Please feel free to comment on other items in [2] (e.g. specific reasons for satisfaction/unsatisfaction).

## [Patent (Sheet 1)] Overall Quality of Patent Examination on National Applications (2/2)

### [3] Please select all Offices you think are superior at (or preferable for) the following items in patent examination.

Please leave all boxes unchecked if you feel that no office is superior at any item or if you are unable to compare.

Please check the box(es) in 0. *Not sure/No experience* if you are unsure about an office's examination quality or if you have an insufficient number of application examinations by an office to make a viable comparison.

JPO: Japan Patent Office, USPTO: United States Patent and Trademark Office, EPO: European Patent Office, CNIPA: China National Intellectual Property Administration, KIPO: Korean Intellectual Property Office

Item 11 means whether the scope of granted patent is sufficient or not, in view of the contents of the application and prior art.

	JPO	USPTO	EPO	CNIPA	KIPO
0. Not sure/No experience	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
1. Thorough and easy-to-understand description in notifications of reasons for refusal	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. Judgement on industrial applicability and patent eligibility	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3. Judgement on novelty/inventive step	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4. Judgement on descriptive requirements	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5. Consistency of judgements among examiners	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6. Prior art searches	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7. Level of examiners' expertise in technical details	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8. Responses to written opinions	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
9. Communication with examiners in face-to-face interviews	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
10. Communication with examiners in telephone conversations	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
11. Scope of patent that was granted after examination	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Please feel free to comment on items in [3] or other national/regional offices.

### [4] Please provide any other comments/requests/suggestions in the column below.

### Request for User Satisfaction Survey on Quality of Examination on Specific Applications

We would also like to invite you to participate in our "[User Satisfaction Survey on Quality of Examination on Specific Applications](#)" regarding the quality of patent examination on specific national applications (sent final decisions within a year and published). We would appreciate your cooperation in helping us improve the quality of patent examination.



## [Patent (Sheet 2)] Overall Quality of the International Search and International Preliminary Examination on PCT Applications

Please answer questions [1] to [3], according to your experience in the international search and international preliminary examination process, including ISRs (Form PCT/ISA/210), WO/ISAs (Form PCT/ISA/237), and IPERs (Form PCT/ISA/409), in FY2020.

**[1] How would you rate the overall quality of the international search and international preliminary examination at the JPO in FY2020? [Required]**

☐ Satisfied
 ☐ Somewhat Satisfied
 ☐ Neutral
 ☐ Somewhat Unsatisfied
 ☐ Unsatisfied

**[2] How would you rate the following items in the international search and international preliminary examination at the JPO in FY2020? [All items are required]**

Item 2 means judgement on excluded subject matter from searches falling under mathematical theories, methods of doing business, and mere presentations of information etc.

Item 7 means consistency of judgements between the international phase and the national phase at the JPO.

	Satisfied	Somewhat Satisfied	Neutral	Somewhat Unsatisfied	Unsatisfied	Not Sure/No Experience
1. IPC accuracy	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
2. Judgement on excluded subject matter from searches	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
3. Judgement on unity of invention	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
4. Judgement on novelty/inventive step	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
5. Reasoned statement regarding novelty/inventive step	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
6. Consistency of judgements in the international phase	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
7. Consistency of judgements in the international and national phases	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
8-1. Prior art searches (Domestic patent literature searches)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
8-2. Prior art searches (Foreign patent literature searches)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
8-3. Prior art searches (Nonpatent literature searches)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Please feel free to comment on items in [2] (e.g. specific reasons for satisfaction/unsatisfaction).

**[3] Please provide any other comments/requests/suggestions in the column below.**

### Request for User Satisfaction Survey on Quality of Examination on Specific Applications

We would also like to invite you to participate in our "[User Satisfaction Survey on Quality of Examination on Specific Applications](#)" regarding the quality of the international search and international preliminary examination on specific PCT applications (examined within a year and published internationally). We would appreciate your cooperation in helping us improve the quality of the international search and international preliminary examination.