

# Part **3**

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## Measures for Supporting Private Companies and Universities

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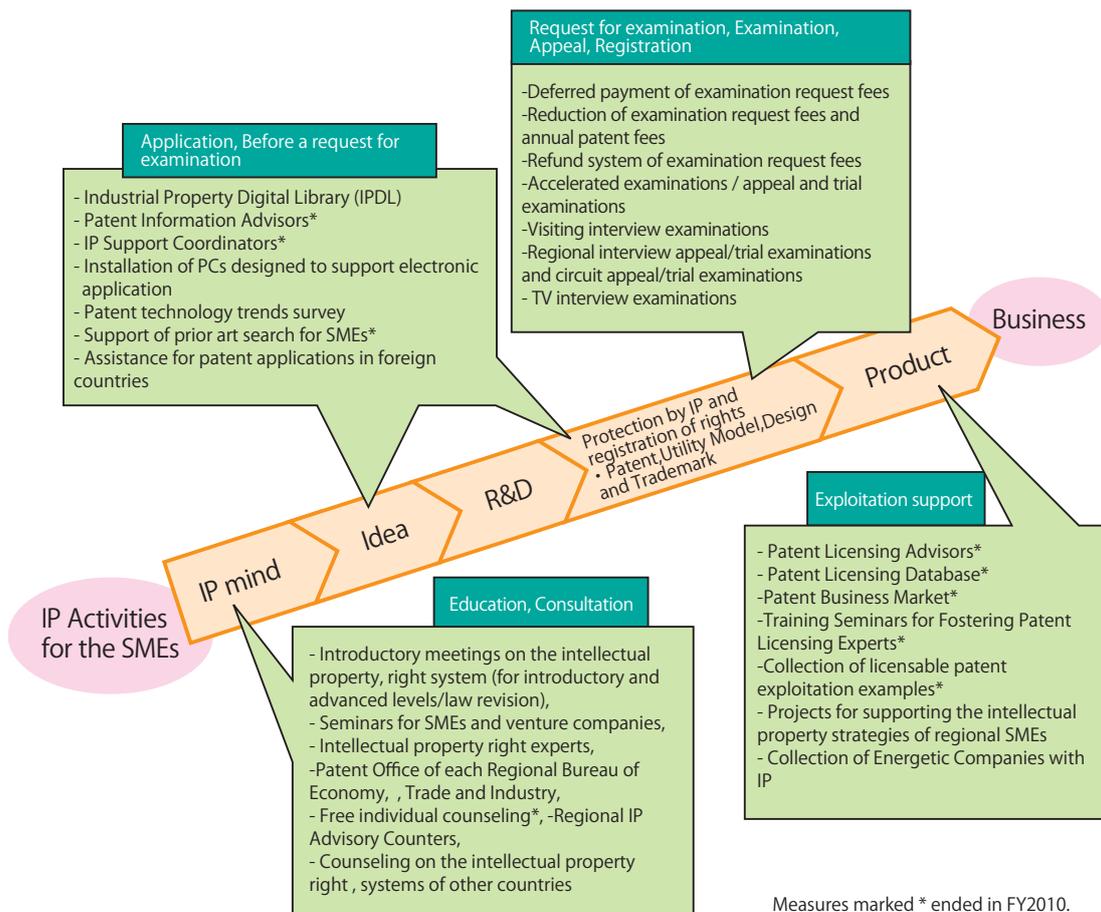
# Chapter 1

## Support for SMEs

### 1. Comprehensive Support Measures for SMEs

The JPO provides comprehensive support to SMEs, which form the industrial foundation in Japan and play a significant role as the driving force of regional and local economies; and to venture companies, which are looked upon as the means to create new industries. JPO's support is provided in various ways, from intellectual creation to utilization of patent rights.

#### Outline of Comprehensive Support for SMEs



## (1) Support in the Areas of Disseminating Basic Information, Human Resources Development and Counseling on Industrial Property Rights

### 1) Introductory Meetings on the intellectual property right (IPR) System (for introductory and advanced levels)<sup>1</sup>

The JPO holds introductory meetings for those at the introductory level who wish to start learning about IPRs. The JPO explains about basic knowledge of IPRs and related information such as the types of support available.

In addition, the JPO also holds explanatory meetings for those who engage in intellectual property (IP) affairs. These meetings cover the various systems that are indispensable for IP affairs, such as the details of examination standards and the principles of how they operate, in addition to the PCT system, the trial system, and the IPC.

### 2) Seminars and Training for SMEs and Venture Companies

The JPO held seminars for corporate managers and people responsible for R&D<sup>2</sup> on strategic acquisition of IPRs that meet regional and local needs and on how to utilize such rights.

In addition, training programs for SMEs and venture companies have been implemented at the INPIT.<sup>3</sup>

### 3) Counseling on Industrial Property Rights

Dedicated staff members in the Patent Offices in the respective Regional Bureaus of Economy, Trade and Industry offer regular counseling regarding legislation and basic matters related to the industrial property right system and the actual procedures for filing an application. Results in FY2010      Number of consultations: 14,817

In addition, the INPIT offers counseling for all types of inquiries such as those from people who have ideas for patents but do not know how to obtain the rights for it, or those wishing to file patent applications but don't know the actual procedures. The counseling is offered to anyone in person, by e-mail, or by telephone; and the Industrial Property Right Counseling Site was opened to provide answers to frequently asked questions and a digest of formats used in the application procedures.

Results in FY2010      Number of consultations: 45,805

### 4) Comprehensive Support by Industrial Property Right Specialists for SMEs

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

1 See Part 3, Chapter 5, 1, (1)1)

2 See Part 3, Chapter 5, 1.(1)2)

3 See Part 3, Chapter 5, 2.(2)2)d.

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

Results in FY2010

Visits to SMEs to provide individual counseling (319)

Lectures at IP seminars/training sessions (144 seminars/sessions)

Awareness-building promoted through exhibitions, etc. (21)

### 5) Free Counseling Sessions by Experts such as Patent Attorneys (Ended in FY2010)

The JPO offered free individual counseling by experts such as patent attorneys on specific matters related to industrial property rights nationwide.

Results in FY2010          Number of consultations: 6,191

### 6) Dispatch of IP Experts to Provide Advice on Solutions

The JPO selected the best-suited IP experts and sent them to SMEs to give them advice on how to solve various IP-related problems and challenges facing them as corporations.

Results in FY2010          Number of consultations: 1,744

### 7) Regional IP Advisory Counters

In July 2006, the JPO established Regional IP Advisory Counters at chambers of commerce and industry throughout Japan, which closely support organizations for regional SMEs. These Advisory Counters provide detailed support such as referring SMEs to appropriate support organizations so that they can receive counseling on IP.

### 8) Counseling on the Industrial Property Right Systems of Other Countries

The JPO provides domestic SMEs counseling on measures against industrial property infringements and the industrial property rights systems of other countries.

In 2010, the JPO held counseling throughout the country on how to combat industrial property infringements. The JPO also conducted seminars in Tokyo, Nagoya, and Osaka that covered the industrial property rights systems of other countries.

Results in FY2010

Number of consultations: 940

Number of consultations/seminars: 36, Total number of participants: 1,735

## (2) Support for Exploitation of IPRs Information and the Application Procedures

### 1) IPDL<sup>4</sup>

The IPDL provides access to about 80.4 million official gazettes of patents, utility models, designs and trademarks via the INPIT. These can be searched by various document numbers or by various classifications. It also provides industrial property information including information

<sup>4</sup> <http://www.ipdl.inpit.go.jp/homepg.ipdl>

on the examination status, which allows users to easily check the examination status of specific applications.

Furthermore, the IPDL Help Desk of the INPIT offers information services on how to operate and use the IPDL.

### 2) Dispatching of Patent Information Advisors (Ended in FY2010)

From FY2004, Patent Information Advisors were sent to local governments in order to support the vitalization of local industries using patent information.<sup>5</sup>

### 3) Assistance by IP Support Coordinators (Ended in FY2010)

At the counseling centers set up in 47 prefectures throughout the country, IP support coordinators heard problems and challenges facing SMEs in corporate management, and gave them advice on appropriate solutions. They also provided information on IP-related support measures designed for SMEs and explanations on the filing procedures for patents and other types of IP (including electronic filing using e-filing devices).

Results in FY2010          Number of consultations/guidance services: 43,659

## (3) Support Related to Examination Requests for Industrial Property Rights

### 1) Support of Prior Art Searches for SMEs (Ended in FY2010)

In order to support proper assessment as to whether an examination should be requested or not and whether an application abroad should be filed or not, private searching organizations commissioned by the JPO performed prior art searches free of charge for patent applications by SMEs or individuals who requested such, before they requested examinations, delivering the search results.

Results in FY2010          Number of uses: 6,572

### 2) Measures for Reducing or Exempting Examination Request Fees

The JPO grants exemptions from or a 50% reductions of examination request fees to individuals, companies, or R&D-oriented SMEs if they comply with certain requirements. Furthermore, in the case of shared-applications (joint applications), reductions/exemptions, when applicable, are given in proportion to the share of the applicant.

Results in FY2010          Number of uses: 5,631

<sup>5</sup> See Part 3, Chapter3,1.(2) 1)

## (4) Support for Examinations and Appeals/Trials of Industrial Property Rights

### 1) Accelerated Examination<sup>6</sup>/Accelerated Appeal and Trial Examinations<sup>7</sup> System

In cases in which a patent applicant is an SME or an individual, or if the applicant have already been put into practice or planned to be put into practice the invention, an examination or an appeal/trial examination is conducted more quickly than in the case of ordinary applications, contingent upon the applicant submitting an "Written explanation of the need for accelerated examination" or an "Written explanation of the need for accelerated appeals/trial examinations."

### 2) Circuit Interview Examinations<sup>8</sup>, etc.

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

As part of the support for SMEs and venture companies, appeals examiners visit them across the country to carry out regional interview proceedings, which is aimed at making communication easier during an appeal examination of appeals against an examiner's decision of refusal. They also conduct circuit trials to hold oral proceedings in invalidation trials.

Results in FY2010

Regional interview proceedings: 44    Circuit trials: 18

## (5) Support for Registration of Industrial Property Rights

### 1) Reductions / Exemptions from Annual Patent Fees

The JPO grants an exemption (from the first year to the third year<sup>9</sup>), a grace period of three years, or a 50% reduction of annual patent fees, to individuals, companies, or R&D-oriented SMEs if they comply with certain requirements. Furthermore, in the case of a shared-application (joint application), reductions/exemptions, when applicable, are given in proportion to the share of the applicant.

Results in FY2010            Number of uses: 1,763

## (6) Support for Utilization of Industrial Property Rights

### 1) Patent Licensing Promotion Project<sup>10</sup>

#### a. Dispatching of Patent Licensing Advisors (Ended in FY2010)

From FY1997, the INPIT provided support to local governments and TLOs, so that they

<sup>6</sup> Accelerated examination: for patents (See Part 2, Chapter 2, 3. (1)), for designs (See Part 2, Chapter 3, 3), for trademarks (See Part 2, Chapter 4, 1)

<sup>7</sup> Accelerated Appeal and Trial proceedings: See Part2, Chapter 5, 2.

<sup>8</sup> See Part 2, Chapter2, 3.(4)

<sup>9</sup> An exemption from the first year to the sixth year in the case of outcome from specified R&D performed in accordance with "the Act concerning advancement of basic manufacturing technology of SMEs."

<sup>10</sup> See Part3, Chapter3, 1.

could understand patented technologies that are capable of being transferred or granted a license, understand the needs for introducing technology, and match those needs with commercialization,

b. Patent Licensing Database,<sup>11</sup> Business Examples of Licensable Patent Utilization<sup>12</sup> (Ended in FY2010)

From FY1997, in order to ensure a smooth transfer of licensable patents within the industrial sector and between local companies, the INPIT built a database of licensable patents, which it made available to the public online as the Patent Licensing Database. Starting from FY2011, aiming to ensure effective use of IP information, the INPIT provides them as the Patent Licensing Information Database.

From FY1998, the INPIT selected patents with high potential for commercialization among the licensable patents registered in the Patent Licensing Database, and created "Business Examples of Licensable Patent Utilization," which highlights such patents accompanied by images of product worthy of commercialization.

c. Patent Business Market,<sup>13</sup> Training Seminars for Patent Licensing<sup>14</sup> (Ended in FY2010)

From FY2003, the INPIT held its Patent Business Market (Fairs), which it conducted like a patent fair enabling companies that own patented technologies to present the technological details and business plans, seeking various forms of collaboration among participants such as patent licensing contracts, joint research, and financial assistance.

From FY2006, the INPIT provided Training Seminars for Patent Licensing nationwide. The seminars were aimed at the acquisition of basic knowledge necessary to the patent licensing.

2) Global Intellectual Property Producers<sup>15</sup>

From FY2011, in order to encourage and facilitate expansion of IP-led businesses abroad by Japanese companies who own promising technology that is likely to enter overseas markets, Global Intellectual Property Producers provide advice on rights acquisition in a way that aligns with their fields of business and the level of IP protection enforcement in their targeted markets. They also give those companies advice on IP management, including how to manage and utilize IP.

3) Support for IP Strategies of Regional SMEs

a. Consulting for Supporting the IP Strategies of Regional SMEs (ended in FY2010)

The SME support centers at prefectural governments dispatched IP experts for certain periods of time to local SMEs and venture companies in coordination with the prefectural IP centers in order to support the companies with their patent analysis and creation of IP

11 See Part3, Chapter3, 1. (2) 2)

12 See Part3, Chapter3, 1. (2) 4)

13 See Part3, Chapter 3,1.(3) 2)

14 See Part3, Chapter 3,1.(3) 4)

15 See Part3,Chapter3, 2.(1) 2)

strategies, enabling them to formulate business plans in which IP can be utilized.

Achievements from 2004 to 2010      Number of companies: 429

### b. Assistance to Regional SMEs for Filing Applications Abroad

Due to economic globalization, it is essential for companies to acquire patents overseas so as to be able to respond to international business development and goods infringing on IPRs. The JPO supports the activities of the SME support centers of prefectural governments who assist SMEs seeking to strategically file patent applications overseas.

Results in FY2010      Number of companies: 71

### 4) Distribution of a Compendium of Examples of Industrial Property Rights Utilization

The JPO compiled a booklet titled "Companies Actively Utilizing Industrial Property Rights," which covers middle-ranked companies and SMEs nationwide that actively utilize industrial property rights in their business strategies and strive for strategic industrial property right acquisition and utilization, in order to motivate management reforms focusing on industrial property rights. It also provides references for SMEs wishing to utilize strategic industrial property rights. Copies of these are widely distributed through the Patent Office of Regional Bureaus of Economy, Trade and Industry.

## 2. Regional Support Frameworks

In order to develop an environment that allows IP promotional activities and strategic IP utilization in local areas, in FY2005, the JPO established a Regional Headquarters for Intellectual Property Strategy in nine regions, which fall under the jurisdiction of Regional Bureaus of Economy, Trade and Industry. The Headquarters pushes for a comprehensive IP support designed for the local communities. This includes setting up a regional intellectual property strategy-promotion program based on the local situation and needs, and strengthening networks among IP-related human resources.

In addition to setting up the program, the Regional Headquarters for Intellectual Property Strategy considers its own IP support programs tailored to the local needs, promotes various support measures set up under the regional intellectual property strategy-promotion program, and offers information via its website and e-mail newsletters.

In an attempt to raise awareness on IP and promote the use of the system in cooperation with local governments and related organizations, local patent offices were established in each region under the jurisdiction of Regional Bureaus of Economy, Trade and Industry. These offices act as an overall coordinator in their respective regions and provide IP support services. They work with the Intellectual Property Centers<sup>16</sup> in their respective prefectures and other bodies in order to put in place a comprehensive support system. The office also works closely with the Regional Headquarters for Intellectual Property Strategy to set up an effective support system for local SMEs.

<sup>16</sup> With the opening Comprehensive IP Support Counters set up in FY2011, some local governments will close their Intellectual Property Centers, transferring the function to the new center.

# Chapter 2

## Support for Universities

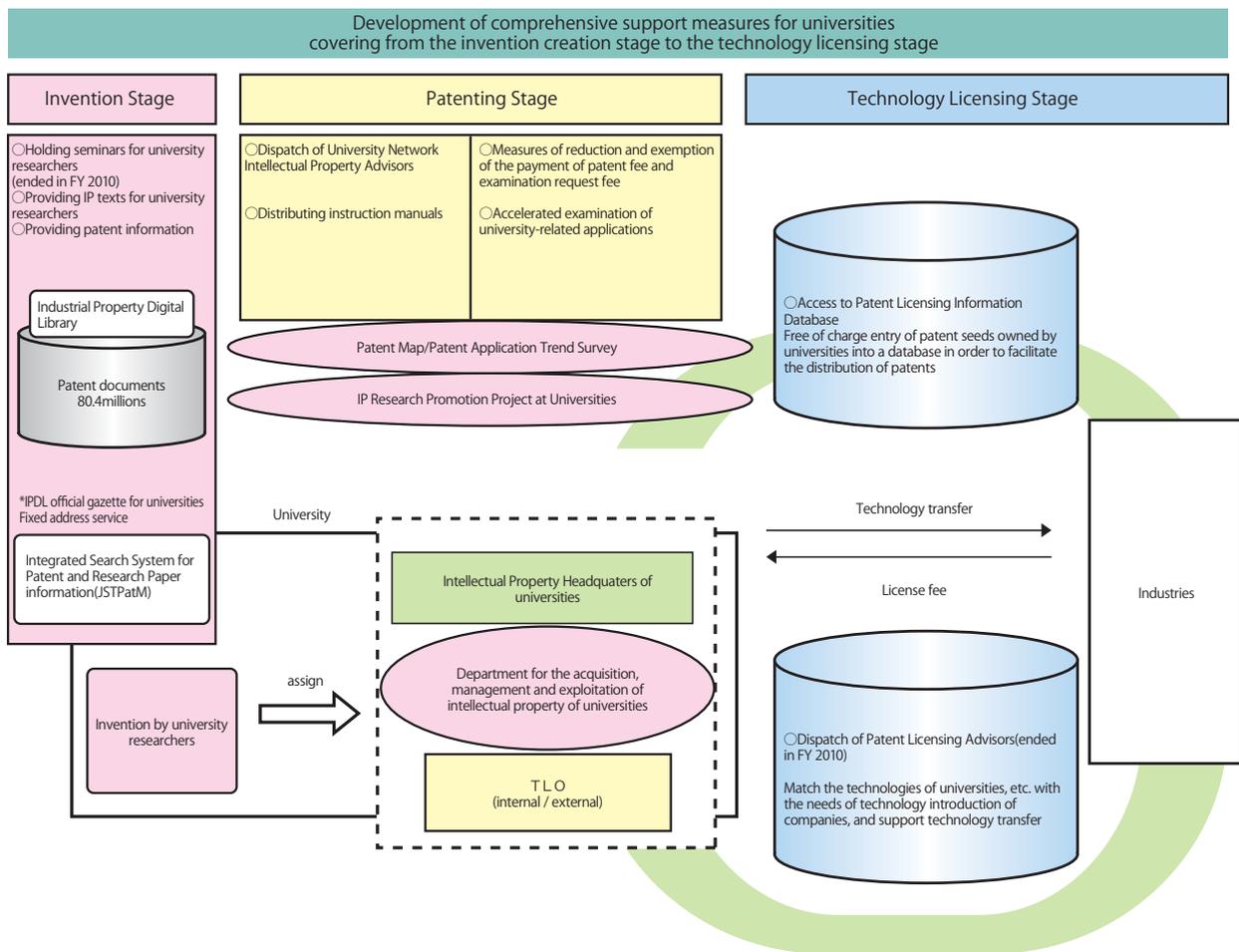


### 1. Current Circumstances of Intellectual Property Activities at Universities

In addition to fulfilling their roles in providing education and conducting research, universities and other institutions are expected to fulfill a third role, namely making social contributions. The Intellectual Property Basic Act stipulates such social contributions, according to Article 7(1), as making public research results, specifically stating that "universities etc. shall, in light of the fact that their activities are contributing to the creation of IP in the whole of society, endeavor voluntarily and in positive ways to develop human resources, and disseminate research and the research results."

Although the amount of joint research, funded research, and the expenses thereof in Japanese universities has been increasing each year, it is important, in terms of promoting innovation in Japan, to enhance cooperation between industry, academia and government so that research outcomes by universities will be transferred to industries, thus further ensuring commercialization of the knowledge, with the needs of the industrial sectors being fed back to universities, which will again conduct research based on those needs.

Universities are expected to clarify the ownership and handling of IP that has resulted from their research and to implement strategic management and utilization of IP. Various support measures to meet those purposes have been implemented.



## 2. Efforts to Support the IP Activities at Universities

### (1) Dispatching of University Intellectual Property Advisors

In order for universities to start IP activities, it is necessary that proper IP management systems be set up within them. The JPO, with the aim of supporting the establishment of such system within universities, has dispatched advisors to universities since FY2002. This project was transferred to the INPIT in January 2007.

In FY2010, the INPIT dispatched University Intellectual Property Advisors to 18 universities including 8 universities receiving support for the first time, to establish IP management systems. A total of 60 universities have received University Intellectual Property Advisors.

The expertise gained by constructing IP management systems in universities under this project was summarized in a document titled "Manuals for Constructing an IP Management System in Universities" and is available to the public via the website.

The INPIT has been trying to develop ways so that universities become fully aware of technologies that were created by universities and that are useful to the industrial sector. In addition, universities need to select the appropriate technologies, properly protect them and utilize their rights. As part of the efforts, the INPIT started dispatching University Network

Intellectual Property Advisors to IP university networks<sup>17</sup> in FY2011. The move is intended to help universities establish effective IP management systems and assist them in setting up IP information-sharing systems within their university networks. This is also aimed at expanding the number of universities engaged in IP activities and enhancing the level of their activities.

## (2) Dispatching of Intellectual Property Producers<sup>18</sup>

The INPIT has been dispatching Intellectual Property Producers on a pilot basis since FY2008. This is aimed at assisting publicly funded R&D consortiums' projects in formulating strategies in terms of IP that will help them focus on the utilization of research outcomes from the early stages of their research. The INPIT started dispatching Intellectual Property Producers on a regular basis in FY2011 and expanded the targets to include publicly funded (competitive funds-funded) R&D projects by universities.

## (3) Promoting the Utilization of Patent Information at Universities

### 1) IPDL Gazette Fixed-address Services for Universities, etc.

In order to support R&D activities in universities, etc., the JPO has started the gazette fixed-address services, by which users such as universities can directly access patent gazette data since January 2007. As of the end of March 2011, 295 universities have been registered.

### 2) Integrated Search System for Paper Information and Patent Information

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

### 3) Associative Patent Search System (Prototype) and Provision of Published Patent Application Text Data to Universities

In FY2006, the INPIT developed a prototype system capable of searching and displaying patent documents relatively high-speed, making it easily for researchers of universities to use, even if they have no expert knowledge. In addition, in order to study ways to enhance the functions of the system, the INPIT has provided the system to universities.<sup>19</sup>

<sup>17</sup> A partnership framework on intellectual property consisting in principle of three or more universities. For example, regional university networks, such as a Hokkaido region network, and field-specific university networks, such as a medical or art university network.

<sup>18</sup> See Part3,Chapter3,2.(1)

<sup>19</sup> As of the end of March 2011, the INPIT provided the system to 8 universities.

### (4) IP Seminars for Universities

The Regional Bureaus of Economy, Trade and Industry hold Seminars for Researchers at Universities. These seminars are held to explain how researchers can make use of research outcomes through the strategic filing of applications and acquisition of the rights. The seminars were held 169 times nationwide in FY2010, and 5,455 people participated.

In addition, in FY2010, targeting university researchers, in the life science field or IP -concerned persons of the university, the Regional Bureaus of Economy, Trade and Industry held seminars on the examination guidelines for patents in the life science field at 5 sites nationwide. In February 2011, the INPIT started offering seminars covering this area through its IP e-learning program (subject name: patent examination in the life science field).

### (5) Reducing and Exempting the Payment of Annual Patent Fees and Examination Request Fees

The JPO supports collaboration among industry, academia, and government, and also the transferring of technology, by reducing or exempting annual patent fees and examination request fees based on the Technology Transfer Promotion Act, and the Act on Special Measures for Industrial Revitalization and Industrial Technology Enhancement Act.

In accordance with the Act on Partial Revision of the Act on Special Measures for Industrial Revitalization (effective August 6, 2007), which was passed in the 166th ordinary session of the Diet, the academic discount of annual patent fees and examination request fees was extended to cover inventors' groups that include post-doctoral fellows, etc. as members.

### (6) Accelerated Examination System<sup>20</sup>

Starting from July 2000, universities and approved/authorized TLOs who have requested examinations for their patent applications can be eligible for accelerated examinations. They should submit a "written explanation of the needs of the accelerated examination." The number of patent applications filed by universities and approved/authorized TLOs that used the accelerated examination system has remained at around 200 to 300 per year for the past several years.

### (7) Circuit Examination System<sup>21</sup>

The JPO conducts circuit examinations for local universities and TLOs in which the JPO examiners visit interview sites nationwide and offer counseling on their inventions and the applications of them, by talking with applicants or their agents in person.

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<sup>20</sup> Accelerated examination: for patents (See Part 2, Chapter 2, 3. (1)), for designs (See Part 2, Chapter 3, 3), for trademarks (See Part 2, Chapter 4, 1.)

<sup>21</sup> See Part2, Chapter2, 3.(3)

### (8) Designating of Universities as Academic Groups as Stipulated in Article 30 of the Patent Act

Article 30 of the Patent Act stipulates that an invention is exempted from lack of novelty if the applicant of said invention "has made a presentation in writing at a study meeting held by an academic group designated by the Commissioner of the Patent Office." If universities and other institutions are designated as such academic groups by the Commissioner of the JPO, exception to the lack of novelty is approved for the research results presented at study meetings (e.g. presentations made during doctoral thesis presentations) held by the university in a manner similar to those presented at academic society meetings.<sup>22</sup>

As of March 31, 2011, there are 189 universities, 55 technical colleges, 13 inter-university research institute corporations, 34 independent administrative institutions, 70 public testing laboratories, and 684 academic societies making up the total.

Moreover, because it is important to file a patent application before presenting the research results in order to appropriately acquire the patent rights, the JPO conducts awareness-raising activities through seminars for university researchers.

Under the current patent system, Article 30 of the Patent Act is only applied to inventions that have been known to the public by way of designated conferences, etc. This became increasingly problematic as the system was not fully capable of responding to the diversified forms in which inventions were being publicized in recent years. In response to this, the Patent Act was revised to expand the scope of Article 30 so that inventions, which have become known to the public in a form of publication that is supposed to meet the conditions set forth in Article 30, are now applicable. Under the revised law, Article 30 of the Patent Act now applies to inventions published "due to an act of the person publicizing it and having the right to obtain a patent."<sup>23</sup>

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<sup>22</sup> Thesis presentations held by a faculty or a department is not subject to "a study meeting held by an academic group designated by the Commissioner of the Patent Office" stipulated in Article 30(1) of the Patent Act. In order for a presentation to be subject to the stipulation, it must be held by the university.

<sup>23</sup> See Part2,Chapter7,1.(2)8

# Chapter 3

## Support for Patent Utilization



### 1. Promoting Patent Licensing

The Survey Report on Patent Information Not in Use compiled in March 1996 revealed that there were 300,000 licensable patents (promoting patent licensing to smoothly transfer patents ready for assignment or grant of license) (44% of the total). Also, the report compiled in April 1997 by the Panel on Intellectual Property Rights in the 21st Century set out the creation of a "Patent Market" to generate revenues from patent licensing and transferring.

Under such circumstances, in 1997 in order to encourage patent licensing that creates a new business, the JPO launched Patent Licensing Promotion Projects. The projects were taken over by the National Center for Industrial Property Information (NCIPI) (INPIT as of FY2011) in April 2001.

In its efforts to encourage patent licensing, the INPIT comprehensively pushed forward the projects under its three pillars: Promoting Patent Licensing by Using Experts, Provision of Licensable Patent Information and Promotion of Active Utilization of the Information, and Establishing an Environment Conducive to the Support for Fostering IP Trade Businesses. As these efforts led to a certain level of outcome in improving the environment to vitalize the patent licensing market, the INPIT ended the projects as of the end of March 2011.

#### (1) Promoting Patent Licensing by Using Experts

##### 1) Dispatching of Patent Licensing Advisors (Ended in FY2010)

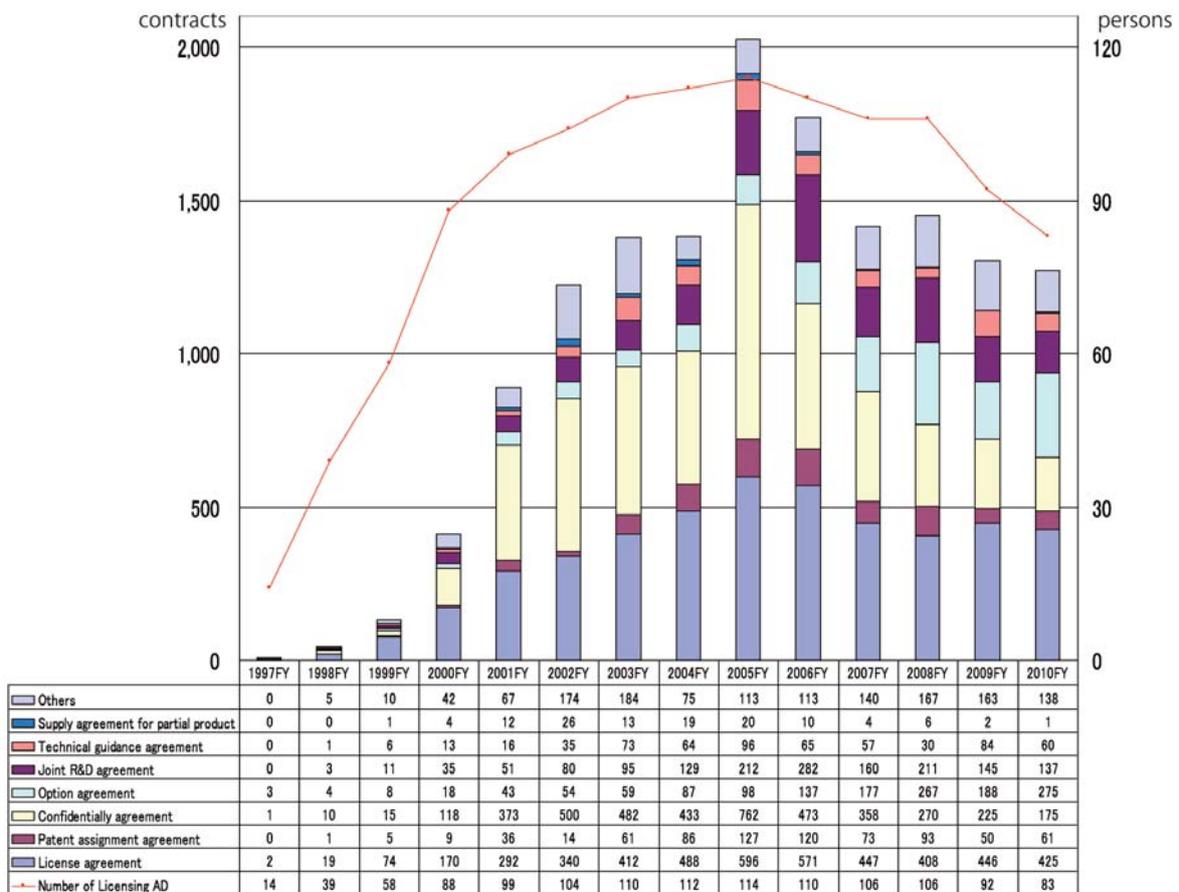
From FY1997, for the purpose of grasping patented technologies that are capable of transferring or granting a license owned by universities, public research institutions and companies, understanding the needs of SMEs and venture companies for introducing technology, and matching those needs for commercialization, the INPIT dispatched Patent Licensing Advisors to local governments and TLOs.<sup>24</sup>

There were a number of successful patent licensing cases between companies and from universities to SMEs through the advisors' promotion.

Results in FY2010      Number of advisors sent: 83(as of the end of March 2011)

<sup>24</sup> Experts with a wealth of knowledge and experience on intellectual property rights and technology transfers.

Changes in the number of contracts through Patent Licensing Advisors' promotion

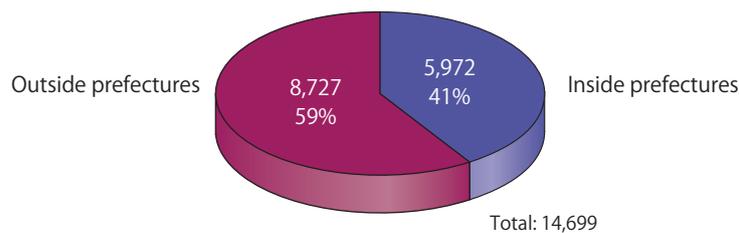


Source: INPIT

Patent Licensing Advisors form a nationwide network and conducted matching between local patent licensors and licensees in other prefectures in collaboration with Patent Licensing Advisors in other prefectures.

As shown in the figure below, looking at a geographic relationship of the contracted cases of licensing agreements, the ratio of matching between patent licensors and licensees in other prefectures is higher than that of between patents licensing in the same prefecture.

## Geographic relationship between patent licensors and licensees



Note: The total number of contracts from 1997 to the end of March 2011

Source: INPIT

Although the Patent Licensing Advisor Dispatching Project was ended at the end of March 2011, Local Patent Licensing Coordinators are still making continuous efforts to assist local communities and SMEs in boosting their patent licensing activities.

In order for local governments to continue their push for patent licensing activities, it is necessary to develop a footing that will allow Local Patent Licensing Coordinators to extend their activities beyond their respective regions and work on a nationwide level. In its effort to push ahead the development, the INPIT is building necessary infrastructures, such as information/personal networks and databases, and improving the surrounding conditions through capacity-building and other training.

## (2) Provision of Licensable Patent Information and Promotion of Active Utilization of the Information

### 1) Dispatching of Patent Information Advisors (Ended in FY2010)

From FY2004, in order to help local industry's activities through use of patent information, the INPIT dispatched Patent Information Advisors, who are experts in utilizing patent information, to domestic local government units in response to their requests.

Patent Information Advisors provided instructions mainly to universities and SMEs on how to search for patent information using the IPDL, and provided counseling on how to utilize such information, as well as hold workshops in response to the various requests related to patent information.

Results in FY2010

Number of visits : SMEs and individuals: 10,218

Universities and research institutions: 631

Number of lectures : 1,642

Number of advisors sent: 52 (as of the end of March 2011)

Number of organizations: 45 local governments (as of the end of March 2011)

<sup>25</sup> Local government experts on technology transfer who have been trained by their respective governments since 2007. Knowledge on patent licensing that Patent Licensing Advisors has gained was passed down to them. Under the control of each local government, they conduct patent licensing activities, including completion in individual licensing cases.

## 2) Patent Licensing Database (Ended in FY2010)

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

From FY2011, aiming to ensure effective use of IP information, the INPIT provides them as the Patent Licensing Information Database.

Number of registered patents: 43,593 (as of the end of March 2011)

(Owned by companies: 16,661, Universities/public research institutions: 26,932)

## 3) Research Tool Patent Database

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

Number of registered patents: 757 (as of the end of March 2011)

(Owned by companies: 40, Universities/public research institutions: 717)

## 4) Business Examples of Licensable Patent Utilization (Ended in FY2010)

From FY1998, in its attempt to ensure effective use of patent licensing information, the INPIT selected patents with high potential for commercialization among the licensable patents registered in the Patent Licensing Database, and created 24 volumes of "Business Examples of Licensable Patent Utilization" (containing 1,934 business ideas), which highlights such patents accompanied by ideas on new products and businesses.

Copies of the Business Examples of Licensable Patent Utilization were distributed in brochure form. The Business Examples created in 2004 and thereafter are also available to the public on the website.

Results in FY2010          Created a brochure containing 50 cases twice

### (3) Establishing an Environment Conducive to the Support for Fostering IP Trade Businesses

#### 1) IP Trade Businesses Database

From FY1998, in order to stimulate IP trade businesses in Japan, the INPIT has accumulated information on service details provided by IP trade businesses. The information has been made available to the public on the website as the IP Trade Businesses Database. The INPIT continues to provide the database in FY2011 as part of its efforts to improve the infrastructures to ensure the effective use of IP information.

Number of registrations: 180 (as of the end of March 2011)

### 2) Patent Business Market (Ended in FY2010)

From FY2003, the INPIT held its Patent Business Market (Fairs) in which companies owning business seeds such as patented technologies presented the details and effectiveness of their technologies, and sought various forms of collaboration from participants, such as licensing of such technologies, conducting of joint research for product development, partnering in selling products, and offering financial assistance.

Since FY2006, local governments have been planning and holding their own fairs that took an approach similar to the Patent Business Market. The INPIT assisted local governments in holding such local patent business markets.

Results in FY2010

First Patent Business Market (Tokyo): held on October 13, 2010; 98 participants

Second Patent Business Market (Nagoya): held on October 29, 2010; 70 participants

Third Patent Business Market (Osaka): held on December 7, 2010; 97 participants

Fourth Patent Business Market (Tokyo): held on January 25, 2011; 115 participants

### 3) International Patent Licensing Seminars (Ended in FY2010)

From FY2001, in order to develop trade of IP in Japan, exchange relevant information, and build interpersonal networks, the INPIT held the International Patent Licensing Seminar. In this seminar, the INPIT provided lectures, panel discussions and workshops by experts in the field of patent licensing or in the transfer of technologies inside and outside Japan in order to gain a more global perspective on patent licensing and to form a network concerned parties from Japan and other countries.

Under the theme of Expansion of Global IP Strategies - Beyond the 125th Anniversary of the Industrial Property Right System in Japan, the seminar began with an opening forum titled Technological Innovations and IP Strategies for a Low-carbon Society, followed by plenary speeches by experts, including the president of the Association of University Technology Managers (AUTM) and the president of the Licensing Executives Society International (LESI).

With the theme divided into four categories that included industry-academia-government collaboration and the current situation overseas, the seminar covered a total of 16 sessions, including Industry-Academia-Government Collaboration in Japan, Summary and Future Development and Mock Negotiations: IP Negotiations between Japanese and Chinese Companies.

Starting from FY2011, as part of its efforts to improve the infrastructure to ensure the effective use of IP information, the INPIT will hold a Global IP Utilization Forum (tentative name) in Japan and other countries in order to create an opportunity to share IP information at home and abroad, exchange information on activities related to IP utilization, and to form networks among people engaged in IP utilization.

Results in FY2010 (Tokyo): January 24 and 25, 2011

Number of participants: 2,836

#### 4) Training Seminars for Patent Licensing (Ended in FY2010)

From FY2006, the INPIT provided Training Seminars for Patent Licensing nationwide. The seminars were aimed at the acquisition of basic knowledge necessary to the patent licensing.

Results in FY2010

Number of seminars: 10 (Tokyo (three times), Nagoya, Osaka, Hiroshima, Fukuoka, Sapporo, Takamatsu, Sendai)

Total participants: 654

#### 5) Patent Licensing News Mail (Ended in FY2010)

From FY2004, the INPIT delivered by e-mail free of charge the up-to-date information on industry-university cooperation and technology transfer and symposiums concerning patent licensing, event information, and various seminars.

#### 6) Patent Licensing Contents (Ended in FY2010)

From FY2006, the INPIT provided free of charge on its website (moving image) information on basic knowledge such as the significance of patent licensing contracts, and points to consider at the time of making contracts.

## 2. Promoting Rights Acquisition through Advanced Use of IP Information

### (1) Outline of Intellectual Property Producers

Japan needs to effectively promote the creation of innovations to achieve sustainable growth of its domestic industry. It is very crucial for the country to have IP strategies that serve to strategically protect as IP utilizing innovative research outcomes generated by R&D institutions.

R&D projects with multiple participants, such as R&D consortiums, lack sufficient on-site human resources who are capable of handling their research and development with an eye on the possibility of creating IP. As a result, they are facing challenges such as failing to make strategic filings and patent acquisitions, with the focus on possible commercialization or to have arrangements in place regarding the ownership of rights and management when setting up R&D projects.

Meanwhile, more Japanese businesses are expanding their operations overseas such as in Asian markets, has been gaining momentum amid the globalization of economic activities. When going abroad, it is important for them to ensure appropriately protect their rights under the IPR systems. However, SMEs and mid-sized companies in particular, which tend to lack enough human resources to manage and utilize IP in a way that aligns with the conditions of their targeted markets, are facing obstacles when expanding their businesses overseas.

In order to tackle these issues, the INPIT sends experts on IP management to R&D institutions that have groundbreaking research outcomes that are expected to generate new innovations or that own technology that is likely to enter markets outside Japan. These experts help those

institutions collect and analyze IP information in Japan and abroad and make advanced use of such information. The experts also assist them in setting up strategies in terms of IP that focus on utilizing outcome from the early stages of research and expansion activities abroad.

### 1) Dispatching of Intellectual Property Producers

The INPIT has been dispatching Intellectual Property Producers on a pilot basis from FY2008. This is aimed at assisting publicly funded R&D consortiums' projects in formulating strategies in terms of IP that will help them focus on the utilization of research outcomes from the early stages of their research. The INPIT fully implemented the dispatching services in FY2011 and expanded the targets to include publicly funded (competitive funds-funded) R&D projects by universities.

### 2) Dispatching of Global Intellectual Property Producers

To promote and facilitate IP-led business expansion abroad by Japanese companies who own promising technology that is likely to enter overseas markets, the INPIT started dispatching Global Intellectual Property Producers to mid-sized companies and SMEs in FY2011 to support their IP management in their targeted markets.

In cooperation with IP experts and concerned organizations in Japan and abroad, Global Intellectual Property Producers assist those companies in acquiring rights in a way that aligns with their fields of business and the level that IP protection is being enforced in their targeted markets. They also give those companies advice on IP management, including how to manage and utilize IP. Such support includes assistance in formulating IP strategies that suit their business objectives and the situation and system in their targeted markets, obtaining rights in various forms there in consideration of counterfeiting, and transferring technology to the overseas markets.

### (2) Dispatching of University Network Intellectual Property Advisors<sup>26</sup>

The INPIT has been working to more quickly develop mechanisms that will enable universities to be fully aware of their university-born technologies that are useful to the industrial sector, appropriately select those technologies, and enabling them to ensure for their proper protection and the utilization of the rights acquired. As part of the efforts, the INPIT started dispatching University Network Intellectual Property Advisors to IP university networks in FY2011.

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<sup>26</sup> See Part3, Chapter2, 2.(1)

# Chapter 4

## Support Concerning Industrial Property Information



### 1. Promotion of Provision of Industrial Property Information

#### (1) IPDL

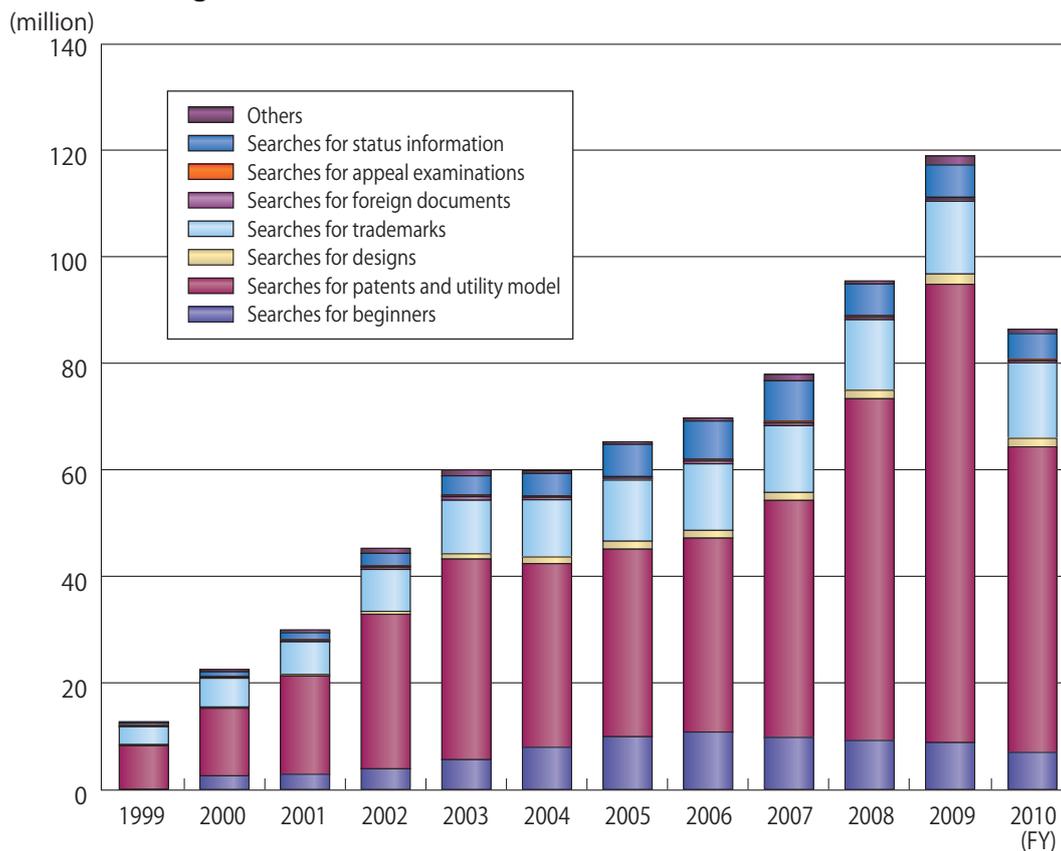
In March 1999, the JPO launched the IPDL, which provides Industrial property information free of charge via the Internet in order to develop an environment in which industrial property information is used more widely and easily. Later, the INPIT took over management of the IPDL in October 2004, and the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

The IPDL contains 80.4 million gazettes on patents, utility models, designs and trademarks published since the end of the 19th century as well as gazettes published in other countries, allowing users to search related information such as the status of examinations, registrations and trials by document number, classification and key words.

New services and functions are added to the IPDL every year to improve usability and enhance services for users. In March 2010, Chinese Patent Abstracts (CPAs) were added to the foreign gazette DB. The IPDL introduced three new features in May 2011. These include providing each document from design and trademark gazettes in a PDF format, using color variations in highlighting searched keywords in the patent/utility model search service, and displaying search-results lists with images of drawings in the design search service.

While the annual number of searches was about 12.7 million immediately after the launch of the IPDL service (FY1999), the number of users has increased in line with the subsequent upgrading of services. In FY2010, the annual number of searches reached about 86 million. Strengthened protection against robot access to ensure the usability of the service is considered to be one of the major factors behind the drop in the number of searches in FY2010.

Changes in the Number of Annual Number of Searches in the IPDL



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

The creation, protection and utilization of IP is expected to grow further with the increase in active use of information on industrial property rights via the IPDL.

## (2) Provision of Organized and Standardized Data

In order to meet the diverse needs for Industrial property information, it is necessary not only to support general standard use by public through the IPDL, but also create an environment in which private industrial property information service providers<sup>27</sup> (private information service providers) can provide high value-added services. To achieve this goal, the JPO has reviewed its conditions for disseminating data owned and is working on establishing an environment in which users can easily access and use Industrial property information.

In March 1999, when the IPDL service started, the JPO launched a project to provide various items of information such as the examination status that has been converted and processed into a generally accessible format such as XML (organized and standardized data) in a batch at marginal costs<sup>28</sup>. Various data such as PAJ and Japanese abstracts of patents filed

<sup>27</sup> There are more than 200 small and large-scale private information-service providers in Japan.

<sup>28</sup> It refers to additional expenses of data reproduction, the price for empty storage media, and sending costs, and does not include data creation maintenance costs.

at the USPTO are also provided in batches at marginal costs. The work to create the organized and standardized data was transferred to the INPIT in October 2004.

These measures encourage private information service providers to offer high-value-added services and promote diverse usage, such as building an in-house database in private companies and universities.

### (3) Provision of Gazettes via the Internet

In providing gazettes, the JPO changed the format of publication of unexamined applications from paper to electronic media (CD-ROM) in January 1993. Since then, the JPO has reviewed its publication styles based on technological advances and customer requests. In 2004, the JPO changed the format of patent and utility model gazettes from the SGML format to the XML format, in addition to changing the media from CD-ROM to DVD-ROM. The JPO began to issue Published Registered Utility Model Applications in January 2006, Published Registered Design Applications in January 2007, and Published Registered Trademark and Reclassification on Registered Trademark and Published Unexamined/International Trademark Applications in January 2010 free of charge through the Official Publication via the Internet.

These initiatives encourage private information service providers to offer high-value-added services and would promote diverse usage, such as building an in-houses database in private companies.

### (4) Patent Search Portal Site

To support appropriate and efficient prior arts searches by applicants, the JPO has implemented various measures, including the following, as part of improving its infrastructure to ensure even faster patent examinations: development of the IPDL, explanatory meetings for applicants, search expert seminars, public use of retrieval system for examiners, patent information advisor project, and creation of the Patent Search Guidebook.

The JPO has also interviewed widely with applicants to obtain opinions on the information provision policy about such prior arts search methods. In these opinions, there have been some requests to increase the usability of "Patent Search Guidebook," which introduces search methods for JPO examiners, and to support prior arts search by applicants through the provision of relevant information in an integrated and comprehensible way. Based on these opinions and requests, JPO established its new portal, the "Patent Search Portal Site" on the JPO website on a provisional basis in March 2009. In response to the comments it received thereafter, the JPO launched the full operation of the portal site in June 2010.

In FY2010, the JPO enhanced the use of the portal site through exchange of opinions with public users and supported patent search and patent information use by applicants.

### (5) Exchange of Industrial Property Right Information with Overseas IP Offices and Exploitation of Such Information

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

#### 1) Exchange of Industrial Property Right Information with Overseas IP Offices and International Organizations

In order for patent applications filed with the JPO to be properly taken into consideration as prior art in other countries, the JPO processes its Industrial property data and regularly provides it to overseas IP offices and international organizations. At the same time, it also receives industrial property data periodically from overseas IP offices to utilize it as examination materials after storing it in its database.

#### 2) Creation and Provision of Japanese Abstracts Data

The JPO establishes abstract data of US patent documents, US publications of patent applications, and EP publications of patent applications that cover a wide range of technical contents in Japanese, and uses the data as examination materials for patent examination. Such data is widely available to the public through the IPDL.

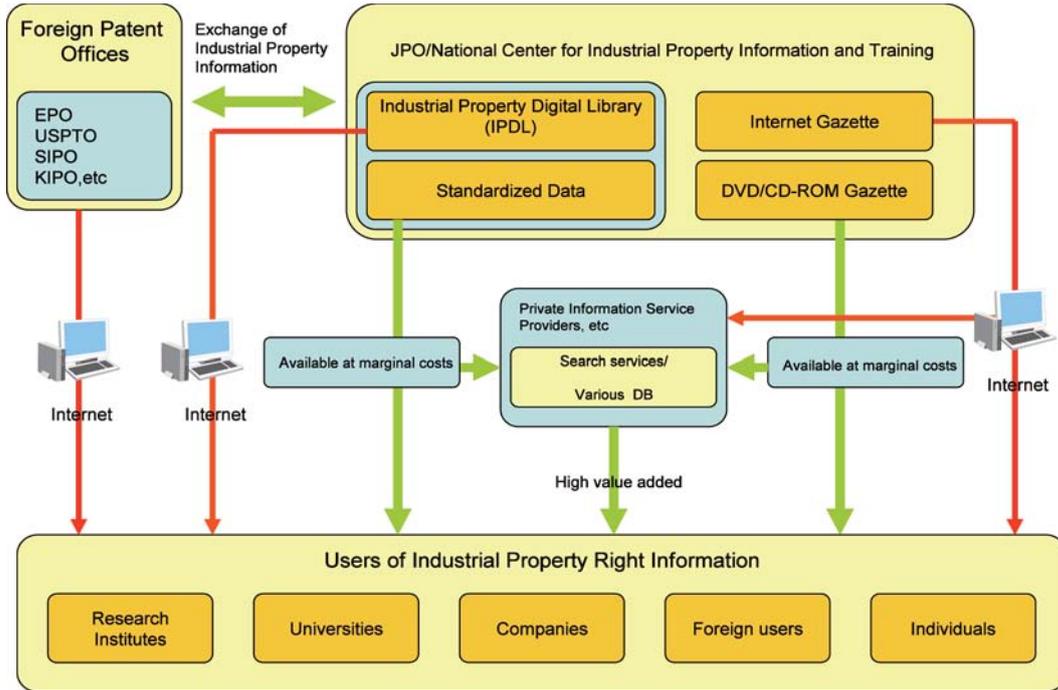
#### 3) Creation and Provision of PAJ

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

#### 4) Mutual Exchange of Gazettes

Gazettes published in each country are exchanged free of charge based on the bilateral agreements. They are used for examinations in the JPO and provided to the public for browsing.

### Flow of Information on Industrial Property



# Chapter 5

## Development of Human Resources Related to Intellectual Property



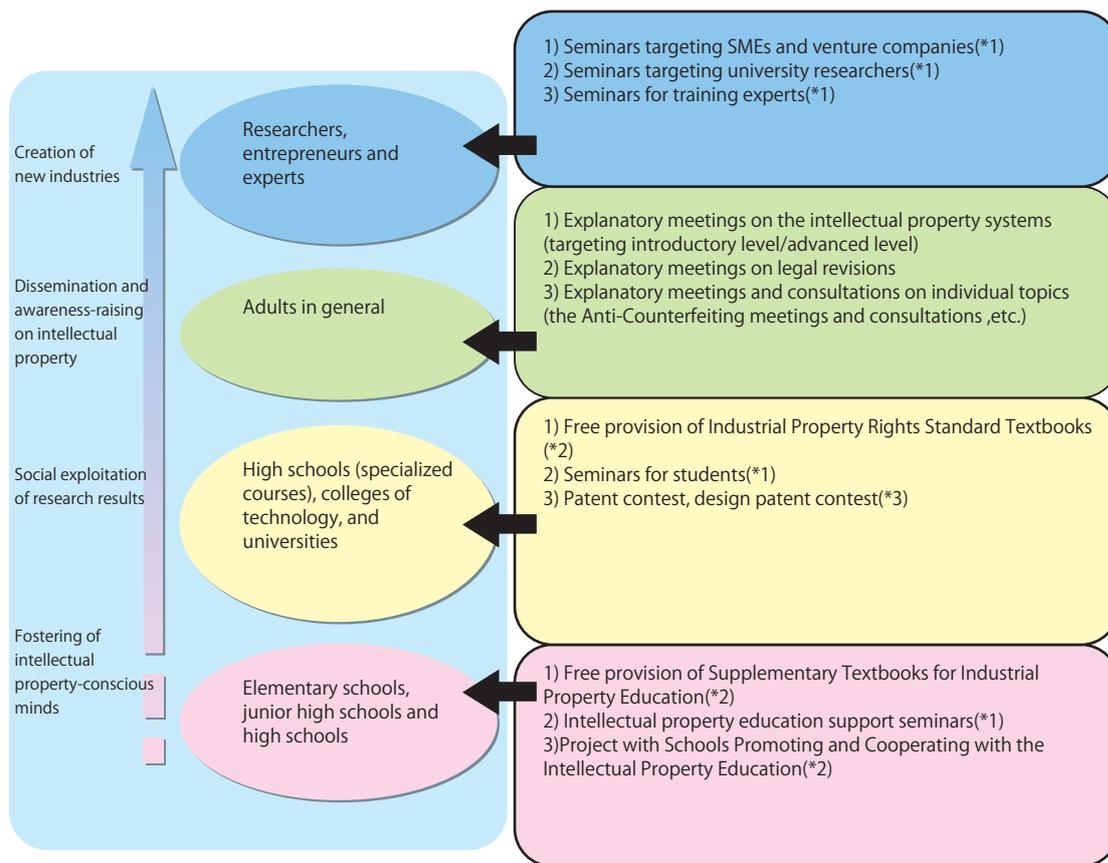
### 1. Enhancing of Diversity of IP Human Resources and IP Awareness

In order to encourage IP activities and promote innovation, it is very important to develop human resources that take a major role in those activities. In addition to the development of IP experts who specifically handle intellectual property (IP-specialized human resources), it is critical to foster students from as early as elementary school, up to university level, who are being looked forward to contributing to the future IP systems by creating and utilizing IP.

In particular, the Comprehensive Strategy for the Development of Human Resources Related to Intellectual Property, decided on January 30, 2006, at the Task Force on the Intellectual Creation Cycle by the Intellectual Property Policy Headquarters, calls for the development of a variety of human resources related to IP. It also calls for the development of IP-specialized human resources and requires the entire nation to have a mentality to respect others' IP, that is, to have awareness about IP.

The JPO has conducted IP human resource development programs that are suitable for each group, such as researchers, entrepreneurs, experts, elementary schools, junior high schools, high schools, and universities for the purpose of developing diversified IP human resources and improving IP awareness.

## Enhancement of diversity of IP human resources



## Notes:

\*1 Ended in FY2010

\*2 Implementation of projects at the INPIT

\*3 Co-hosted by the Ministry of Education, Culture, Sports, Science &amp; Technology; the JPO; the Japan Patent Attorneys Association; and the INPIT

## (1) Human Resource Development for Adults in General, Researchers, Undertakers and Experts

In order to deepen citizens' understanding and recognition of the significance of the IP system, the JPO holds explanatory meetings on the system and on the latest developments such as legal amendments targeting various levels of participants throughout Japan.

The JPO also holds Seminars for Researchers at Universities to explain how to acquire rights to research results and how to manage and utilize the rights to researchers at universities and other public research institutions. It also holds Seminars for SMEs and Venture Companies to explain the importance of IP in corporate management and methods by which SME and venture company managers and persons responsible for R&D. can strategically use IP.

Additionally, the JPO holds Expert Training Seminars for management and technical consultants and the companies that trade IPRs.

<sup>29</sup> Targeting specialists who instruct and direct management policy and management expertise based on consulting with clients (called "management consultants") and who deal in technical aspects such as machinery, environment and construction (called as "technology consultants").

## 1) Explanatory Meetings on the IPR System Targeting Adults in General

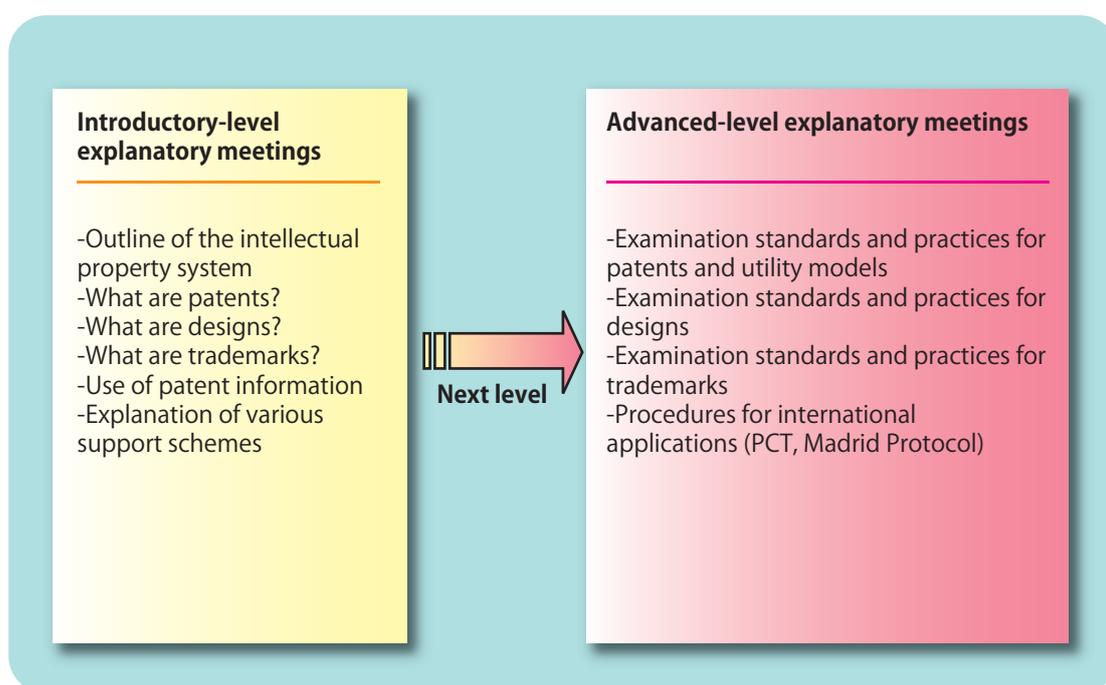
The JPO holds introductory-level explanatory meetings at which industrial property beginners and employees assigned to the IP section of their companies can acquire basic knowledge on the IPR system. The JPO also holds explanatory meetings for those already engaged in industrial property work on a daily basis. These include explanatory meetings for advanced-level persons, enabling them to acquire knowledge on the operation standards for patent examination and practical skills necessary for filing international applications.

Results in FY2010

(Introductory-level Explanatory Meetings: held 56 times in 47 prefectures; 6,594 participants)

(Advanced-level Explanatory Meetings: held 73 times in 22 cities; 12,744 participants)

### Outline of Explanatory Meeting on the IPR System



## 2) Seminars Targeting Specific Participants (Ended in FY2010)

### a. Seminars Targeting Researchers at Universities

The JPO held seminars targeting researchers at universities and public research institutions to explain strategy on filing applications, acquiring patent rights, and utilizing those rights by using research results.

Results in FY2010      169 times, 5,455 participants

### b. Seminars Targeting SMEs and Venture Companies

Targeting SME and venture company managers and R&D managers, the JPO held seminars on the importance of IP in corporate management, as well as on acquiring IPRs, and utilizing those rights, according to the needs of the region.

Results in FY2010      306 times, 8,864 participants

## c. Expert Training Seminars

The JPO held seminars to develop IP experts (venture capitalists, management/technology consultants and SME management consultants) who provide SMEs and venture companies with support for strategic utilization of IP rights and to enhance their capability in the area of strategic utilization of IP rights, IP right-evaluation methods, and appropriate responses to patent disputes.

Results in FY2010          37 times, 1,003 participants

### Outline of Seminars Targeting Specific Participants

<b><u>Seminars for University Researchers</u></b>	<b><u>Seminars for SMEs and Venture Companies</u></b>	<b><u>Expert Training Seminars</u></b>
<p>Targeting: researchers at universities and public research institutions</p> <p>Contents:</p> <ul style="list-style-type: none"> <li>- Strategic application filing, acquisition of IP rights and exploitation thereof for research results</li> <li>- Use of patent information in R&amp;D</li> </ul>	<p>Targeting: SME and venture company managers</p> <p>Contents:</p> <ul style="list-style-type: none"> <li>- Strategic methods to acquire rights for technology-development results</li> <li>- Basic knowledge of technology transfers and licensing</li> </ul>	<p>Targeting: venture capitalists and management/technology consultants</p> <p>Contents:</p> <ul style="list-style-type: none"> <li>- Technology-licensing agreements</li> <li>- Actual conditions of joint development</li> <li>- How to respond to patent disputes</li> </ul>

## (2) Human Resource Development Targeting Students from Elementary Schools to Universities

### 1) Development and Provision of IP Textbooks

The JPO provided Industrial Property Rights Standard Textbooks to students from high schools (specialized courses), technical colleges, and universities that wished to receive textbooks to teach the correct knowledge and basic practical skills concerning IP. Also, in order to raise public awareness on protection of and respect for IP, from the school-age children, the JPO provided Supplementary Textbooks for Intellectual Property Education that were suitable for each age group in elementary schools, junior high schools and high schools. They were provided to the students of schools that wished to receive them.

These projects were conducted from FY1998, and were transferred to the INPIT in January 2007.

### 2) IP Education Seminar (Ended in FY2010)

Aiming to foster students who are IP oriented by nurturing their creativity and teaching them to respect others' IP, each Regional Bureau of Economy, Trade and Industry held seminars nationwide targeting students (from elementary schools to universities) and teachers. The

seminars focused on dissemination of and raising awareness on the IPR system and developing an IP-oriented mentality.

Results in FY2010 593 times, 41,124 participants

### 3) Project with Schools Promoting and Cooperating with the IP Education

The JPO compiled case examples of the initiatives that technical, commercial, agricultural, and fisheries high schools; and technical colleges, undertook in the area of IP education. These case examples were provided to technical, commercial, agricultural, and fisheries high schools and colleges of technology throughout the country.

This project was conducted from FY2000 (as a project with schools cooperating in the pilot program before 2007) and was transferred to the INPIT in January 2007.

Meanwhile, in the new education guidelines for high schools publicized in March 2009, IP is incorporated into a number of subjects. For example, these guidelines stipulate that the subject called "basic industrial technology" should handle IP, the subject "product development" should handle the meaning and overview of trademark rights, design rights and copyrights, as well as how to acquire IP rights. It is expected that initiatives to develop IP human resources in high schools will continue further in the future.

### 4) Patent Contests and Design Patent Contests<sup>30</sup>

The JPO has held patent contests from FY2002 for the purpose of raising the IP awareness of students attending high schools, technical colleges, and universities: and promoting the understanding and utilization of the IP system. Moreover, in FY2008, the patent contest for design was conducted on a trial basis as the pre-design patent contest. The contest was fully implemented in FY2009. The purpose of both contests is to identify excellent inventions that can actually be filed with the JPO to acquire rights, with the JPO offering support with the filings.

Students who receive support for their selected patents or designs complete application documents under the direction of patent attorneys and file them with the JPO to acquire the rights. Fifteen patents were selected to receive support out of the 333 entered in the patent contest in FY2010. In the design patent contest, 23 applications were given support out of 113 entries.

So far, a total of 110 contest entries have been selected as the subjects to support in the patent contest out of 1,635 entries, and 54 of them have been registered as patents (as of the end of April 2011).

## 2. Development of IP-specialized Human Resources

### (1) Development of Patent Attorneys

Japan is expected to become an IP-based nation that creates wealth through the strategic creation, protection and exploitation of IP. To attain this goal, it is important to

<sup>30</sup> Co-hosted by the Ministry of Education, Culture, Sports, Science and Technology, the JPO, the Japan Patent Attorneys Association and the INPIT.

improve the quality and quantity of specialized IP services that support commercialization and transactions of IP as well as settlement of disputes.

Under these circumstances, the JPO has made necessary amendments of the Patent Attorney Act with the objective of further developing and utilizing patent attorneys who have expert technical knowledge on IP and who serve as the key players in establishing a nation based on IP.

Main amended points are as follows:

(Amendments in 2000)

Simplifying and rationalizing patent-attorney examination

Expanding services in response to diversifying user needs

(Amendment in 2002)

Granting the right to attorneys to act as counsel in specified infringement lawsuits,<sup>31</sup> provided that the attorneys at law are also entrusted by the same client.

(Amendments in 2007)

Expanding the fields in which the expert technical knowledge on intellectual property processed by the patent attorney can be utilized

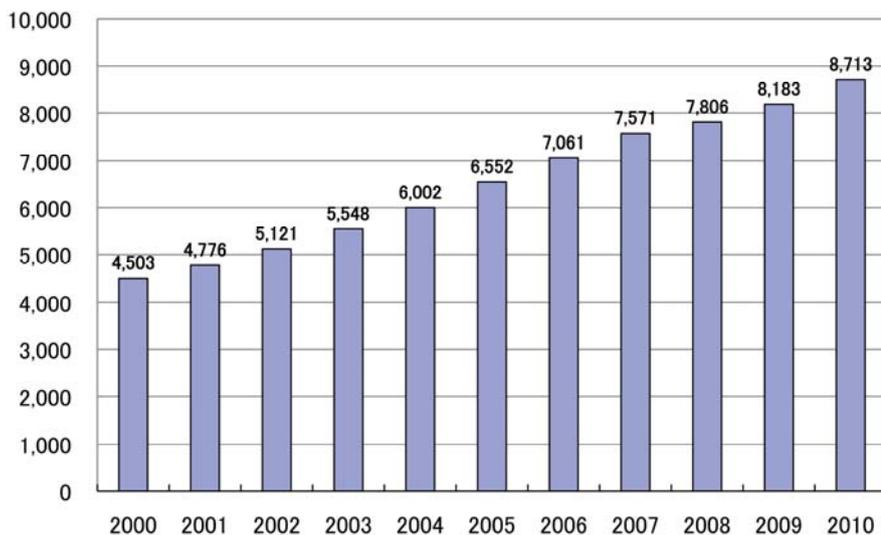
Expanding the range for exempting patent attorney examinations for expansion of the range of human resources

Establishing a training system for maintaining and improving the quality of patent attorneys

Introducing a regulation that prohibits the name-lending

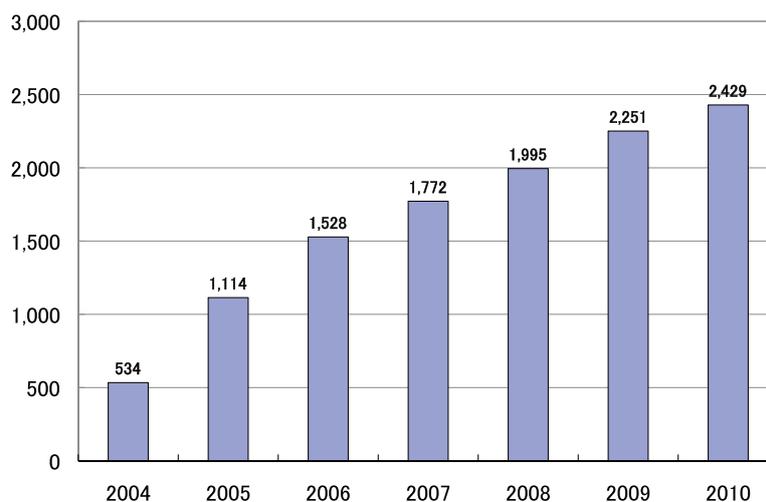
In recent years, the number of patent attorneys has been on the rise, totaling 8,713 as of the end of 2010. In addition, the number of patent attorneys who were granted the right to act as counsel in specified infringement lawsuits has also been on an upward trend, reaching 2,429 as of the end of 2010.

Changes in the Number of Patent Attorneys



<sup>31</sup> Refers to infringement lawsuits related to rights concerning patents, utility models, designs, trademarks, or layout of semiconductor circuits, or to business profits gained through specific acts of unfair competition

Changes in the Number of Patent Attorneys Who Were Granted the Right to Act as Counsel in Specified Infringement Lawsuits



Notes:

1. The data here is based on figures at the end of December 2010.
2. A patent attorney, who has completed the training course to learn and gain the practical skills required as counsel, and who has passed the infringement lawsuits counsel examination, which determines whether a person possesses the above learning and practical skills or not, may act as counsel\* by completing the supplementary registration procedures to qualify under the above examination given by the Japan Patent Attorney Association., \*only in specified infringement lawsuits in which the attorneys at law are also entrusted by the same client.

Source: JPAA data

Number of Patent Attorneys and Other IP Experts in Japan and the United States

Japan		United States	
Patent attorneys (Benrishi) (excluding attorneys at law)	8,324	Patent agents <sup>32</sup>	10,130
Attorneys at law specializing in intellectual property (lawyers who are also registered as Benrishi)	360	Patent attorneys <sup>33</sup>	30,831

Note: The data here are based on the figures at the end of March 2011.

Source: Japan: JPAA data

United States: USPTO website<sup>34</sup>

(2) Developing IP-specialized Human Resources in the JPO and Private Sector

The INPIT offers training courses with the aim of developing human resources that support IP services. This, in turn, will promote expeditious and accurate examinations/trials at the JPO,

32 Patent agents: Qualified people who have passed the examination conducted by the USPTO (qualified to act as an agent for patent-filing procedures with the USPTO)

33 Patent attorneys: Patent agents who have also acquired the qualification of an attorney at law (lawyer) of a relevant state (qualified to act as an agent for the procedures for both patents and trademarks with the USPT and act as counsels; the qualification of the attorney at law alone allows the person to act only as an agent for trademark-related procedures with the USPTO)

34 <http://oedci.uspto.gov/OEDCI/>

formulation of IP strategies at companies, and proper protection and utilization of IP rights.

### 1) Training Projects for JPO Officials

#### a. Training for Officials Engaged in Examinations and Trials, and Training for Officials Engaged in Administrative Affairs

According to the basic policies and plans designed by the JPO, assistant examiners courses, patent examiner courses and trial examination courses are offered as training for officials engaged in examinations and trials. Training courses for officials engaged in administrative affairs such as a newcomers training, a trial court clerk course and an IPR specialist course, etc. are also offered.

Results in FY2010 Number of participants: 915

#### b. Training for Improving Expert Skills

In order to help JPO officials improve their knowledge and skills that are required in their duties, the INPIT offers various training courses aimed at improving officials' skills so as to help them better respond to globalization, computerization and changes in administrative needs. The training also builds their knowledge in relevant legal matters.

Results in FY2010 Number of participants: 5,102

### 2) Human Resources Development Projects for IP-specialized Human Resources in the Private Sector

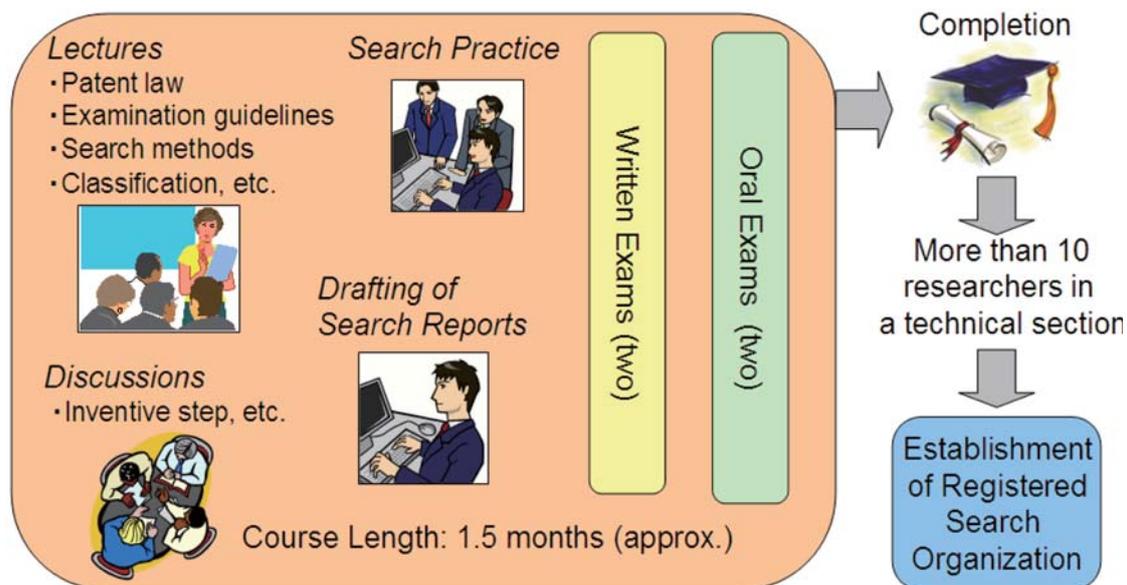
#### a. Training for Searchers

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

The steady training of searchers performing highly accurate prior art searches is particularly important to ensure speedy patent examinations. Therefore, this training course is designed to have trainees acquire comprehensive, fundamental skills that are required of them as searchers. The course provides them the knowledge necessary to make prior art searches by systematically acquiring this basic knowledge through practical training and debate.

Results in FY2010 Number of participants: 392

## Outline of the Training for "Searchers"



## b. Development of Search Experts

The INPIT provides intermediate-level, advanced-level, and design training courses that teach participants the JPO examiners' knowledge and expertise concerning methods of patent and design searches.

The intermediate-level course is mainly oriented toward researchers, staff of universities' IP headquarters, and staff of TLOs. It aims at developing human resources who can, through exploiting patent information, accurately conduct investigations for deciding themes or directions for research or investigations for determining whether a patent application or an examination request should be filed.

The advanced-level course targets people who have already acquired sufficient knowledge of the Patent Act by engaging in prior art searches. It aims at developing human resources that can help appropriate filings of patent applications and examination requests by further improving participants' prior art search skills.

In addition, the design course targets people who already have sufficient knowledge of the Design Act. It aims at developing human resources who will become capable of understanding how to effectively protect product designs based on the respective design rights, and the scope of those rights after they have been given protection.

Results in FY2010      Number of participants: 186 for the advanced-level course, 56 for the intermediate-level course, and 21 for the design training course

## c. Training for IP-specialized Human Resources in Companies

The INPIT conducts debate-type training for IP-specialized human resources, including lawyers, patent attorneys and companies' IP division staff.

The examination standards discussion training sessions aim at mutual learning by way of having people who engage in IP from different positions discuss examination standards for patents/utility models and designs, and how to further improve the practical capability of IP

specialists by actively providing examiners' knowledge on the examination standards.

Training on designs is being given to people to enable them to respond to notices of reasons for refusal of designs. This training targets people who are in charge of IP in their companies and patent attorneys who have less practical experience. The aim is to correctly understand the content of notices of reasons for refusal against applications and to acquire practical skills such as how to prepare response and respond properly based on examination standards.

Results in FY2010          Number of participants: 79 for examination standards discussion training and 22 for training of response to notice of reasons for refusal

#### d. Training for SMEs and Venture Companies

The INPIT offers two training courses targeting managers and IP staff in SMEs and venture companies: the Study on Patent Use and the Patent Infringement Warnings Workshop. These courses are designed to develop IP awareness and provide expertise on IP.

The Study on Patent Use gives an introduction to successful and unsuccessful cases, along with various case examples, in which SMEs or venture companies obtained intellectual property rights and made effective use of it or failed to do so. The course also provides discussions among participants. These are aimed at building their capacity to determine how to make the most of their own IP in corporate management.

The Patent Infringement Warnings Workshop is targeted at managers at SMEs and venture companies. The workshop provides practical training in which the managers engage in realistic scenarios involving written patent infringement warnings. This is aimed at strengthening their abilities to respond to patent infringement warnings and to enhance their IP awareness.

Results in FY2010          Number of participants: 164

#### e. Training for IP-specialized Human Resources of Administrative Agencies

The INPIT provides training for officials who engage in IP affairs in administrative agencies. The training aims to contribute to the smooth operation of IP systems and the active utilization of IPRs by having these officials acquire the necessary knowledge for the performance of their duties.

Results in FY2010          Number of participants: 160

#### f. Human Resources Development in Collaboration with Other Domestic Organizations

The INPIT offers a variety of training in collaboration with private organizations, etc.

The follow-up training for IP management engineers aims at maintaining and improving knowledge and techniques on IP management engineers by offering specialized knowledge and expertise accumulated in the JPO. It targets those who have first- and second-level qualifications on IP management engineers.

Practical training for conducting patent searches is offered in collaboration with universities. It targets those who have knowledge of the IP system, such as people who are in

charge of IP in their companies, and legal assistants in patent offices who have limited practical experience in IP. Its aim is to develop human resources that can determine patentability based on patent examination standards, understanding what is required before filing for a patent, through to how to acquire a patent, how to utilize a patent right, and how to efficiently and appropriately conduct patent research.

In collaboration with the National Center for Teachers' Development, the INPIT also provides high-school teachers (mainly those teaching specialized subjects in technical high schools) training.

Results in FY2010

Number of participants:

Follow-up training for IP management engineers: 14

Patent search practical training: 39

Training in collaboration with the National Center for Teachers' Development: 12

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

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

In addition, IP e-learning is available not only by using PCs, but also by viewing and listening using portable terminals.

### h. Provision of Training Materials

Textbooks used in the INPIT training courses that can be made public are published on the INPIT website so that they can be used by any person engaged in IP.

### 3) Cooperation with Private-Sectional IP Human Resources Developing Organization

The idea of providing counseling to develop human resources in IP was proposed in the Comprehensive Strategy for Intellectual Property Human Resources Development decided in the Intellectual Creation Cycle Specialized Investigation Committee, Intellectual Property Strategy Headquarters Meeting, which was held in January 30, 2006. In response to this, the INPIT is participating in the established Intellectual Property Human Resources Education Promotion Conference, conducting the mutual information exchange and mutual cooperation with educational and training organizations on IP human resources development, making suggestions on dissemination, public relations and policies regarding human resources development through business events, etc.

### 4) Cooperation with Overseas IP Human Resources Developing Organizations

At the second meeting on cooperation between Japanese and Korean institutions developing human resources related to IP, held in Tokyo in May 2010, the INPIT and the International Intellectual Property Training Institute (IIPTI) of Korea concluded a memorandum of

cooperation (MOC) after agreeing to exchange information, including that on training curricula; jointly host training programs to develop IP human resources; and exchange information on disseminating IP knowledge to students and the public so as to raise their awareness. Also, the INPIT and the China Intellectual Property Training Center (CIPTC) held their third meeting (in Beijing in April 2010) on cooperation between Japanese and Chinese institutions developing human resources related to IP. They held a fourth meeting in Tokyo in January 2011, in order to ensure the steady exchange of information and mutual cooperation. At the fourth meeting, the two institutions concluded a new MOC to further develop their cooperative ties.

At the first meeting of the heads of the IP training centers of Japan, China and Korea, held in Seoul, the Republic of Korea in August 2010, the heads of the trilateral training institutions—the IIPTI, the CIPTC, and the INPIT—discussed exchanging information on training, lecturers, and education materials; jointly hosting training and seminars; and periodically holding meetings of the IP training center heads. At the International Patent Licensing Seminar 2011 held in Tokyo in January 2011, the first concrete result of the cooperation among the trilateral framework, the heads of the three training institutions held a joint session titled IP Human Resource Development in Japan, China and Korea.

In addition, in August 2010, the INPIT participated in the training center directors' meeting held by the Global Network on Intellectual Property Academies (GNIPA) consisting of human resources development organizations in various countries and regions, and exchanged opinions and information on the efforts made by human resources development organizations in different countries and regions.

