

**Ministry of Economy, Trade and Industry
Japan Patent Office (JPO)**

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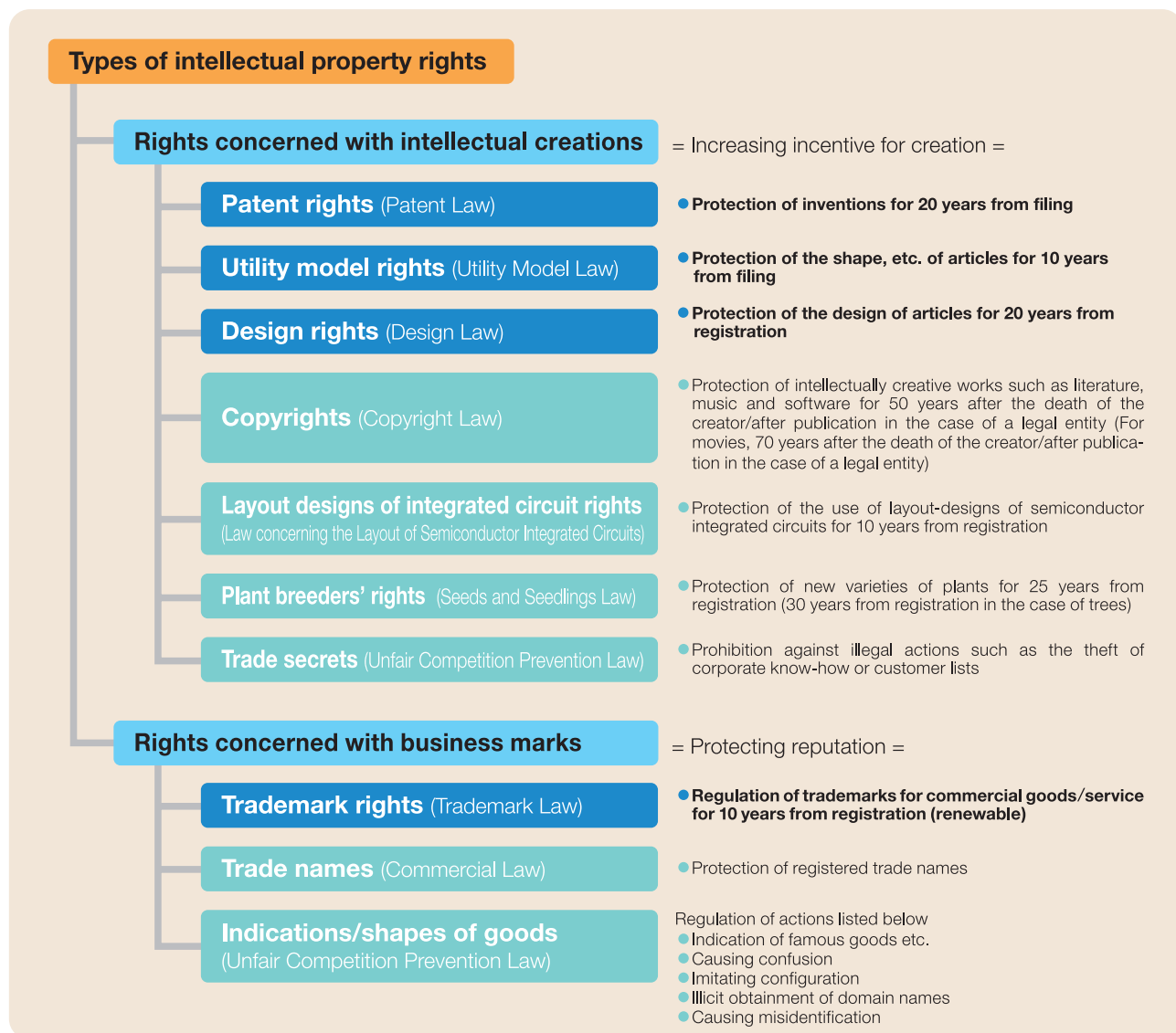
Japan Patent Office

Leading the Way in Intellectual Creation in the 21st Century

The Industrial Property Rights System: Supporting Intellectual Creation in the 21st Century

What are intellectual property rights?

Intellectual property rights protect the results of intellectually creative activity as property of the creator for a fixed period of time. Industrial property rights include patents, utility models, designs and trademarks.



Objectives of the industrial property rights system

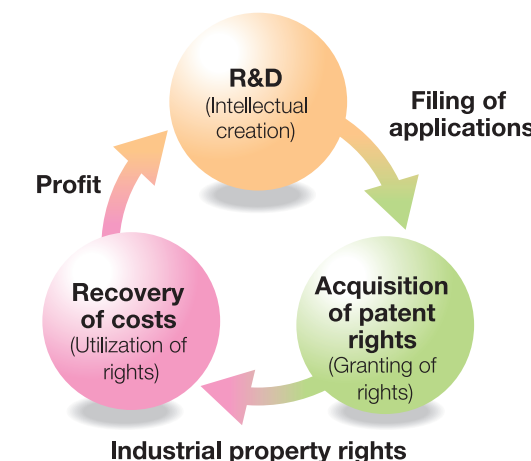
The primary objective of the industrial property rights system is to grant exclusive rights for creations such as new technology, designs, and trademarks and to provide protection against counterfeiting in order to provide organizations with incentive for research and development and to protect the reputation of an organization. The second objective is to disseminate information with the aim to eliminate wasted effort in the form of overlapping research by different parties, indicate promising areas for new research, and further develop established technology by laying open to the public the details of creations included in applications filed with the JPO.

What are industrial property rights? • Example of a cellular phone



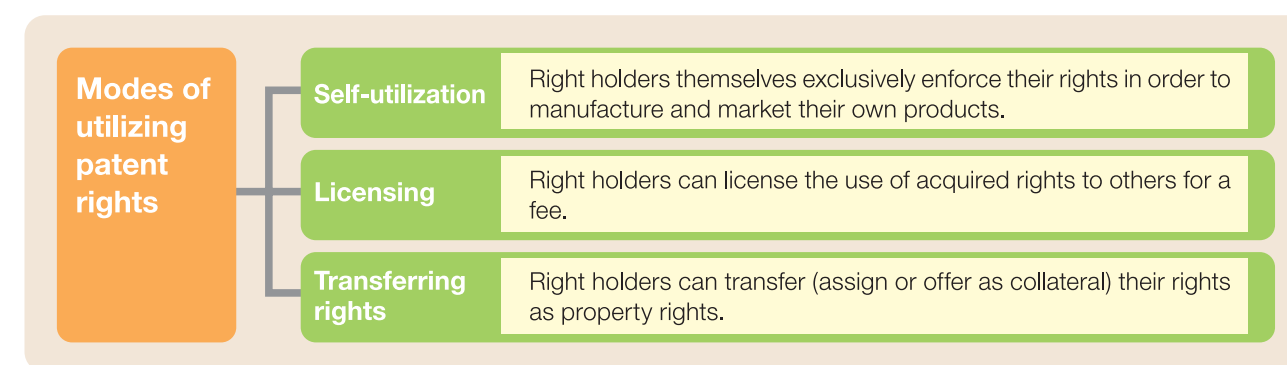
Intellectual Creation Cycle

The industrial property rights system is the driving force of the cycle of intellectual creation in which patent rights are granted for R&D results, R&D costs are recovered through the utilization of industrial property rights, and funds are reinvested into new R&D.



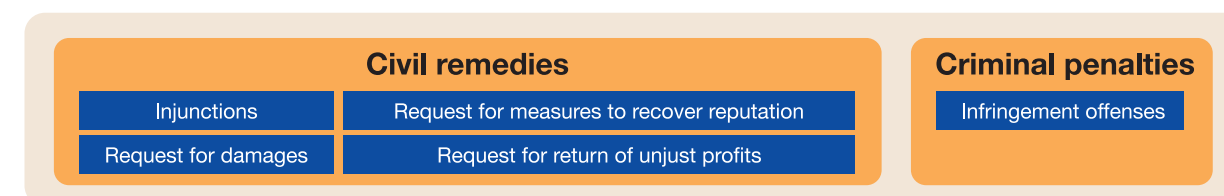
Utilization of acquired patent rights

Right holders are permitted to exclusively enforce acquired patent rights.



Enforcement of rights in cases of infringement

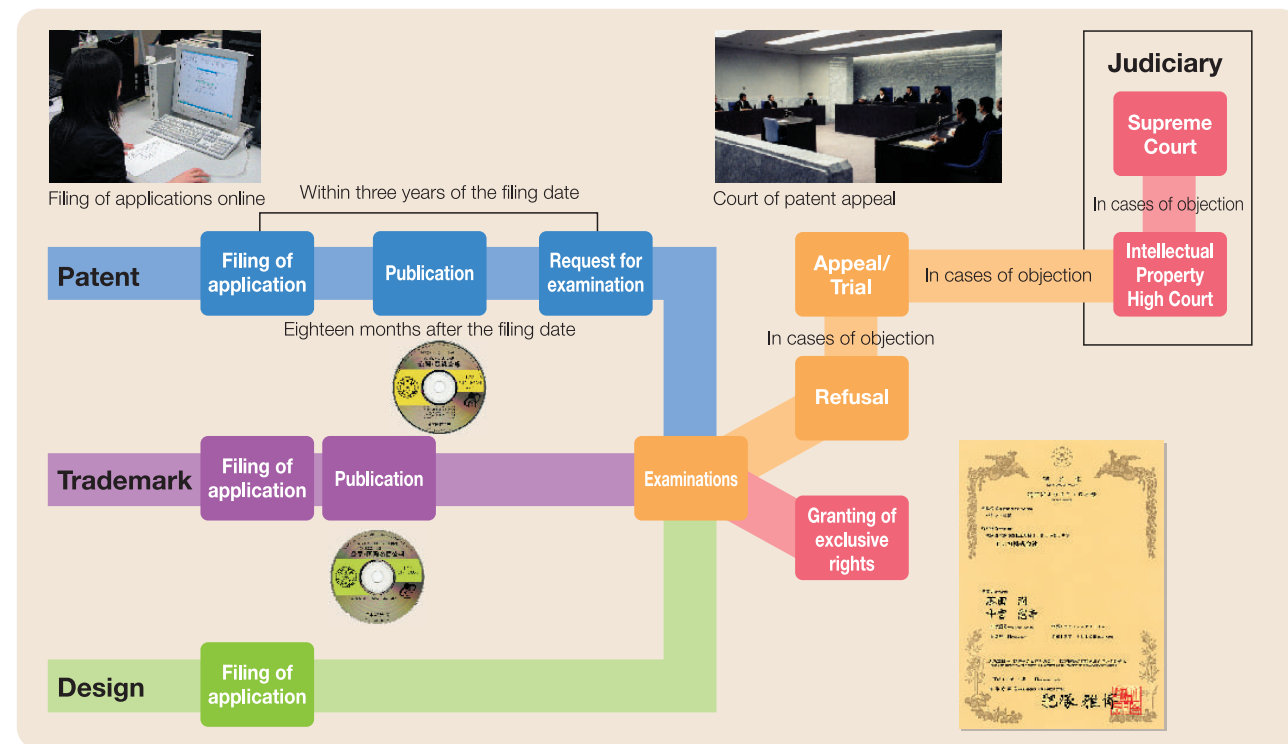
Patent rights are a kind of property right. Legislative measures are applied in cases of infringement.



The Japan Patent Office (JPO): Protecting Technology in the Age of Intellectual Creation

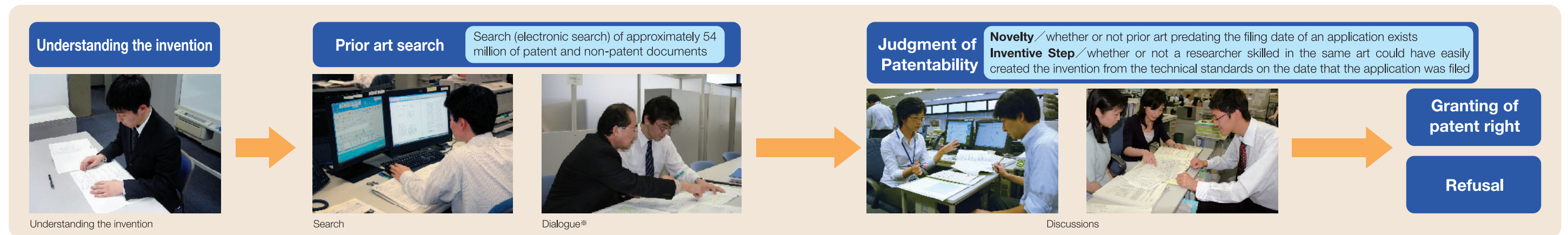
Flow of Examination and Appeal/Trial

The JPO conducts fair examinations of applications received from around the world for patents, designs and trademarks and grants the corresponding rights. The Appeals Department of the JPO has the function of holding the first trial for an appeal against examiner's decision of refusal in lieu of a district court and conducts appeal examinations for objections to examination results in accordance with the rigorous procedures outlined in the Code of Civil Procedure.



Details of Patent Examination

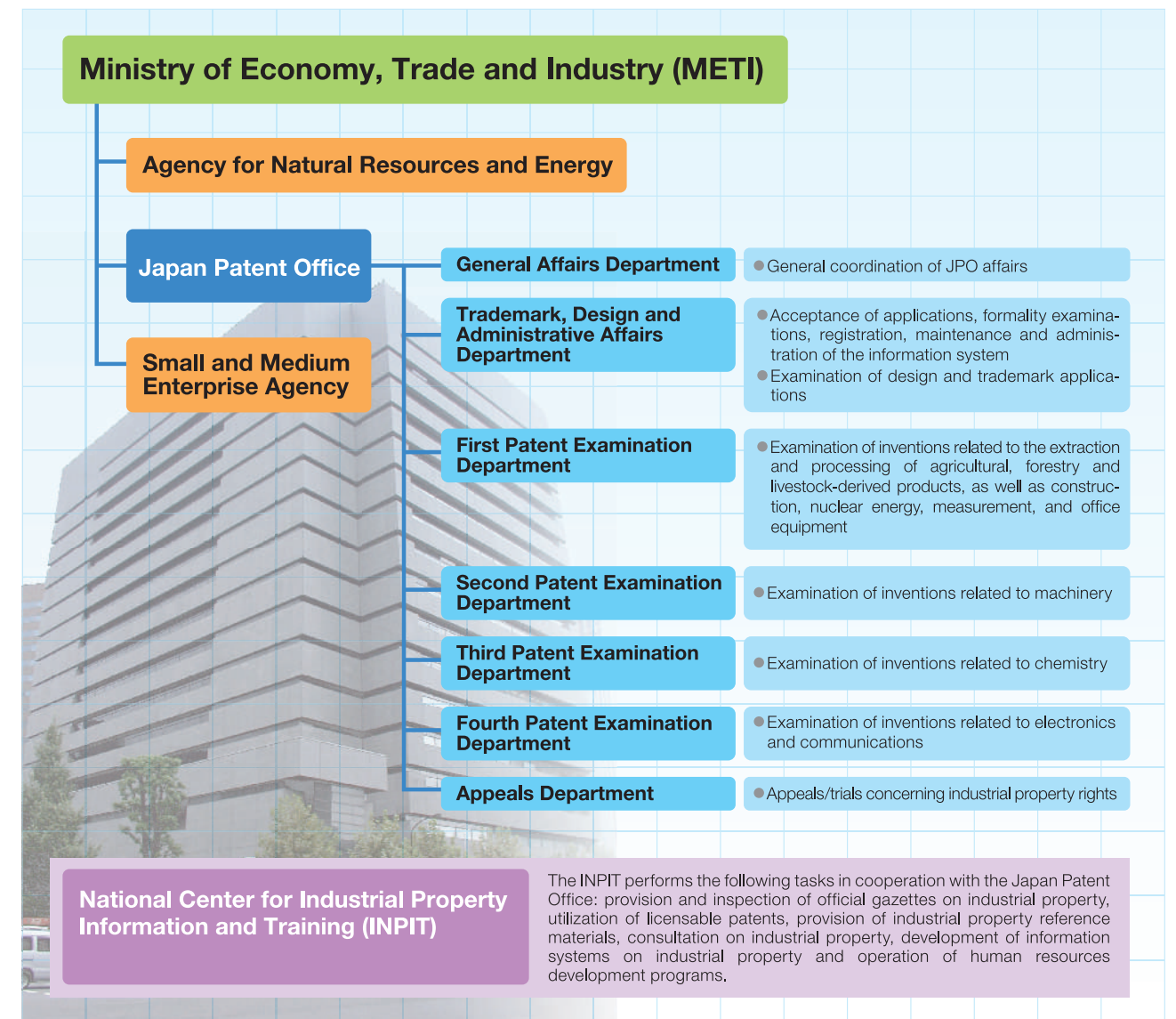
Examiners possessing technical and legal expertise judge whether or not exclusive rights should be granted.



**Reporting search results by an outsourced searcher who undertakes part of prior art searches

Organization Chart

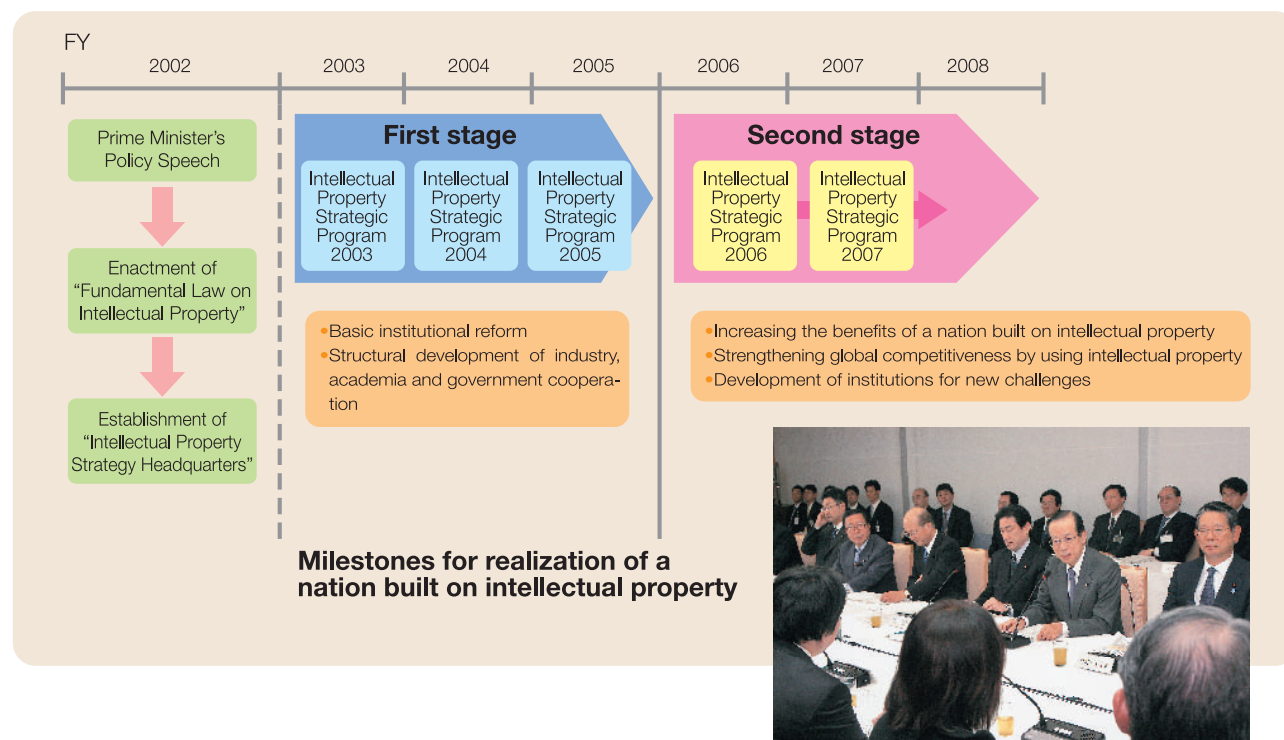
The Japan Patent Office, which consists of the General Affairs Department, Examination Departments, the Appeals Department, and other departments, engages in the following activities to advance Japanese industry; (1) the suitable granting of patent rights and other industrial property rights, (2) planning of industrial property policy, (3) the international cooperation and negotiation activities, (4) the revision of the industrial property system, (5) the upgrading and expansion of the industrial property information.



Striving to create a Nation built on Intellectual Property

Government policy for advancing the value of intellectual property

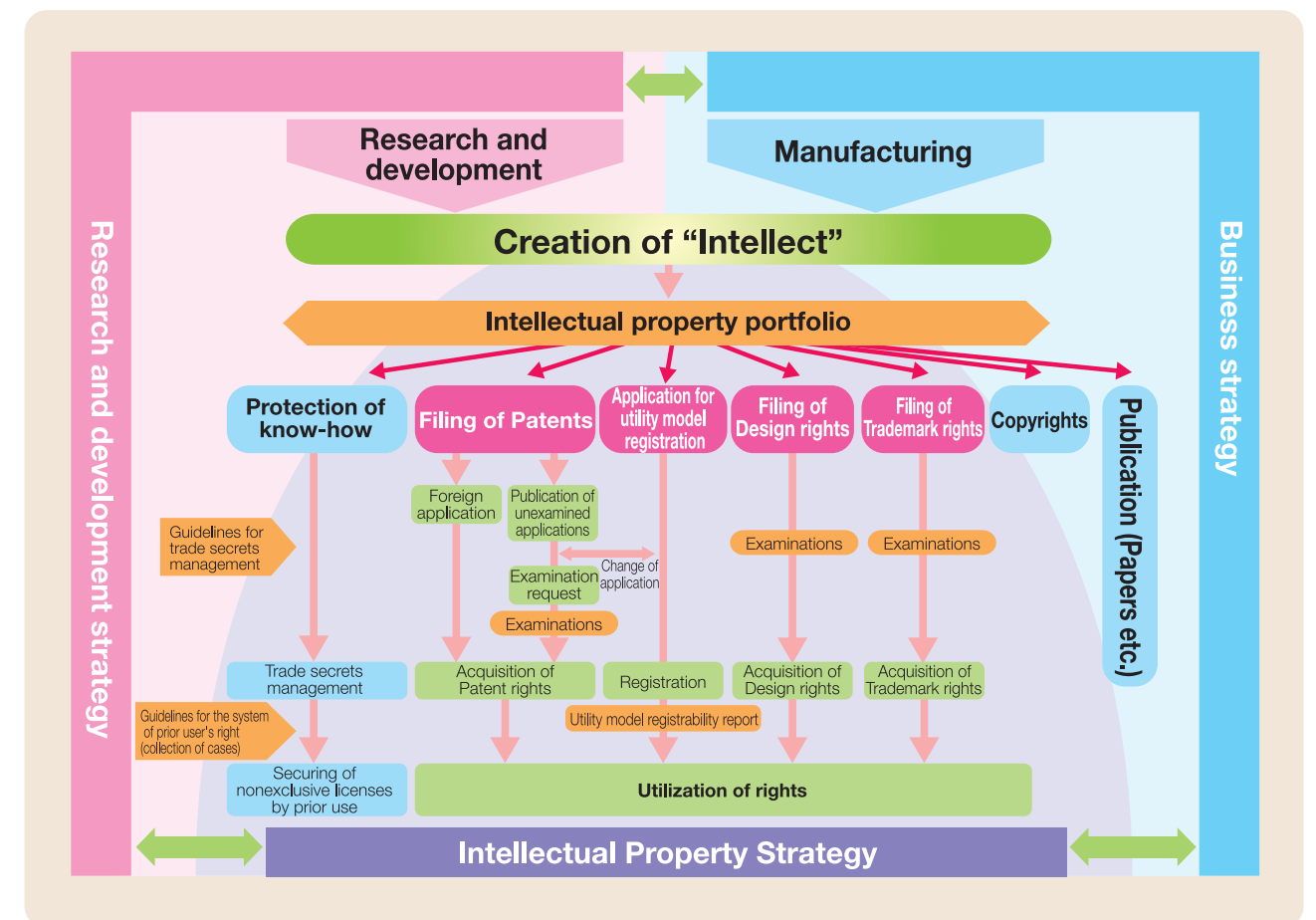
By way of the “Basic Law on Intellectual Property”, which was enacted in 2002 for the purpose of transforming Japan into a nation built on intellectual property, and the subsequent establishment of the “Intellectual property strategy headquarters” (with the Prime Minister of Japan serving as general manager thereof) through the aforementioned law, the government has been striving to organize the various intellectual property systems that serve as the basis of innovation. Including the establishment of the “Intellectual Property High Court,” a total of 27 intellectual property related laws designed to resolve intellectual property related disputes have been approved since 2003, the year in which the first stage was initiated.



IP Strategy Headquarters Meeting
(Provided by Cabinet Public Relations Office)

Aiming at strengthening the intellectual property strategy of enterprises

In light of the current globalization of corporate activity, the rapid development of East Asia and issues surrounding counterfeit goods, enterprises in our country must have an intellectual property strategy. In such a situation, in order to protect intangible “intellectual creations” resulting from corporate activities and to enable management to fully and efficiently utilize such “intellectual creations”, while understanding their essence, the intellectual property portfolio strategy is important for articulating knowledge (creating intellectual property) as patent rights, design rights, trade secrets, copyrights, etc. Moreover, the enhancement of strategic management from a global viewpoint, in which intellectual property strategy, business strategy and research and development strategy are regarded as the central pillars, and the efficient improvement of the framework toward it are important in order to strengthen the competitive power of enterprises in our country.

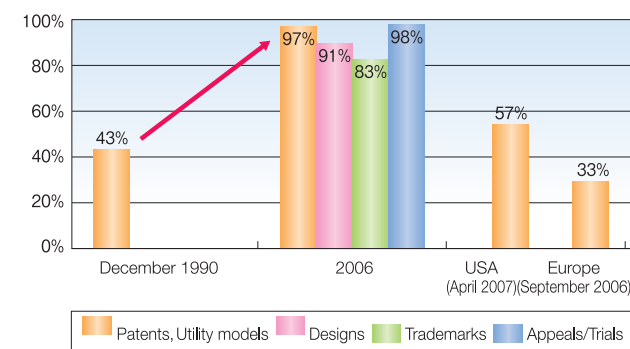


Achieving the Global Standard in Examination Efficiency

To use intellectual property effectively to increase national wealth, creating high-quality “intellect,” assiduously protecting it in the form of rights, and channeling it into the business sector through economic activity is important. Decreasing the waiting period for a patent examination has high priority as it will accelerate the virtuous circle of the creation, protection and utilization of intellectual property (intellectual creation cycle).

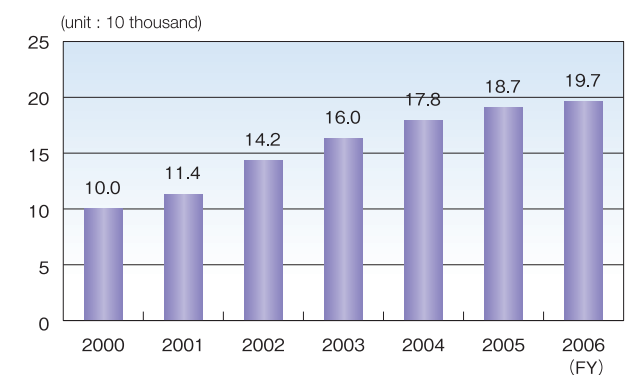
The Japan Patent Office has achieved a level of examination efficiency twice as high as that of the United States and four times as high as that of Europe by way of efficient business systems, which include the outsourcing of patent examination, the paperless system, and prior art search.

Percentage of Patent Applications filed Online



※In Japan, electric application is filed mainly by text data whereas in the U.S. and Europe, image data is used for the same purpose.

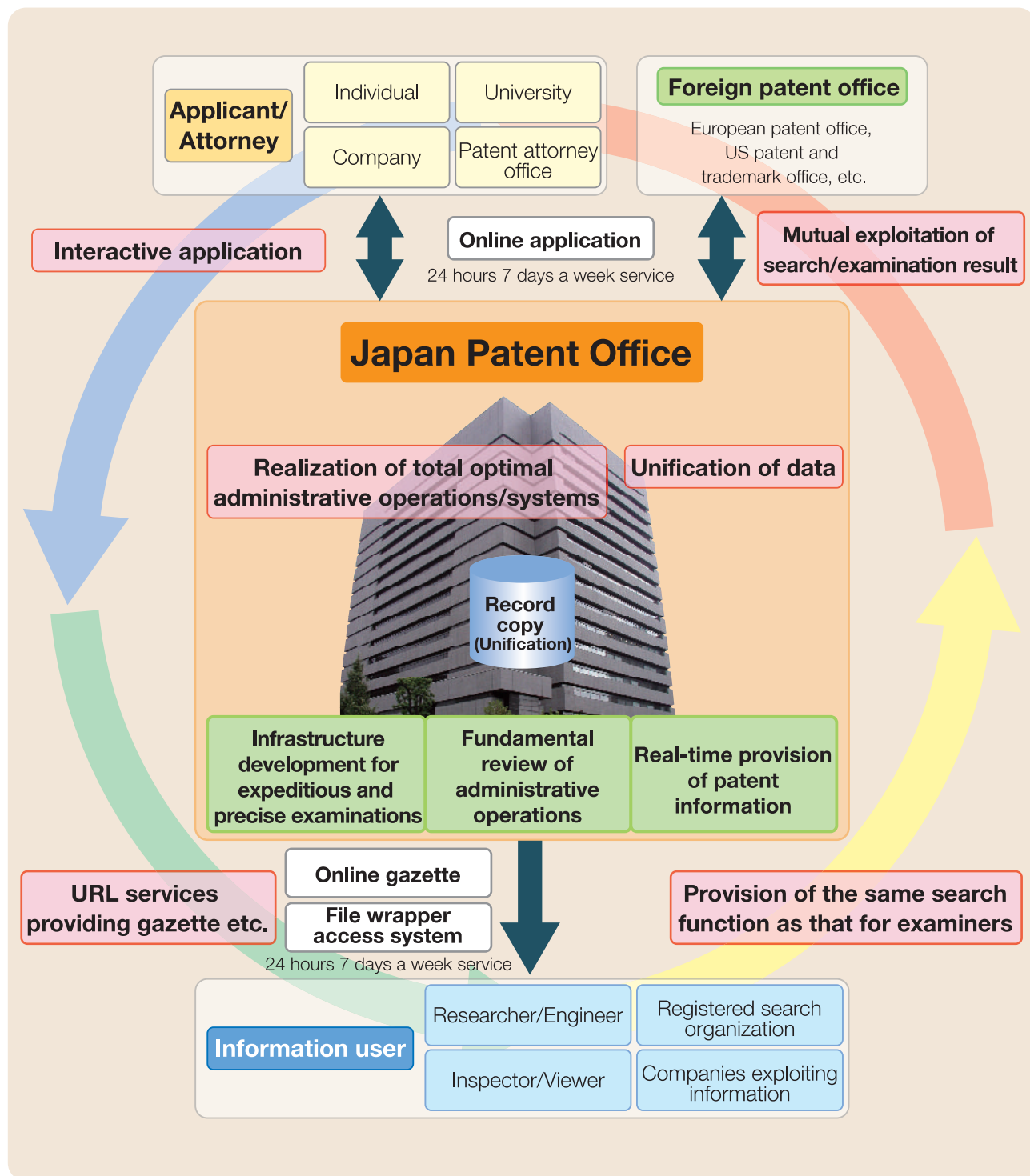
Number of outsourcing of prior art searches



Aiming at Activation of Intellectual Creation Cycle

Plan for Optimization of the JPO Operations and Systems

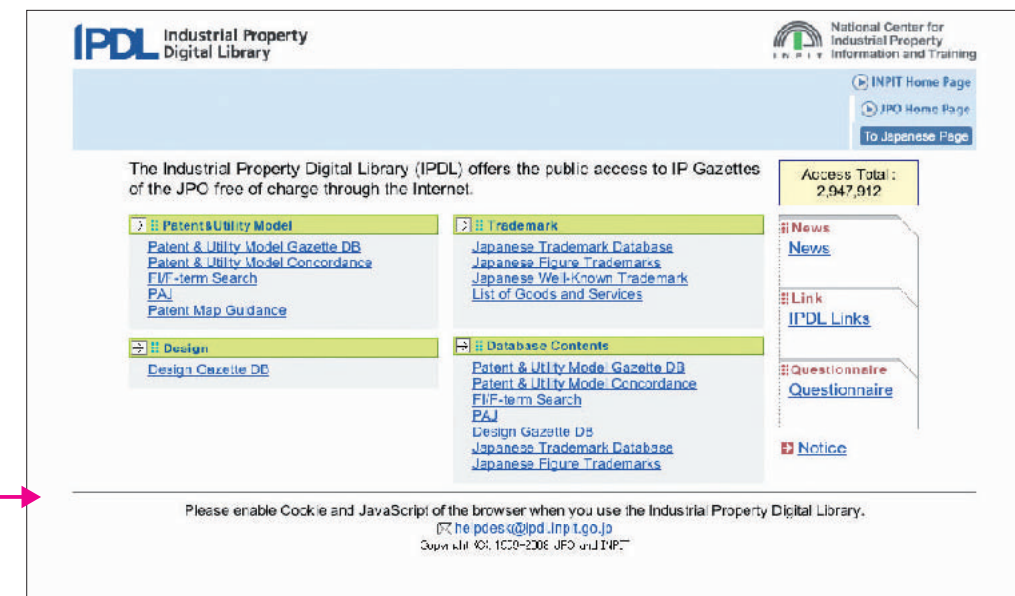
The Japan Patent Office is aiming at further improving its public services by system innovation through application of the latest information technology and further improving the efficiency of operations through fundamental reviews of its operations.



Striving for effective utilization of Industrial Property Rights Information

Industrial Property Digital Library (<http://www.ipdl.inpit.go.jp/homepg.ipdl>)

In order to provide an environment in which industrial property rights information is more widely and easily used, the Patent Office introduced in March of 1999 "the Industrial Property Digital Library" service through which industrial property right information is available free of charge through the internet. In the Industrial Property Digital Library, 61 million items of intellectual property related information can be retrieved by document number, classification, and key words. The retrievable information includes official reports of patents, utility models, designs, trademarks, examinations, registrations and arbitrations since the Meiji period. Moreover, it offers such functions as highly needed by users, aiming at providing accurate information for anyone including researchers and inventors at universities and SMEs, so that they can smoothly use the patent information.



The IPDL is operated by the National Center for Industrial Property Information and Training (INPIT).

The Japan Patent Office Home Page ▶ <http://www.jpo.go.jp/indexj.htm>

Promotion of International Cooperation Activities and Patent System Harmonization

Promotion of International Work Sharing and Patent System Harmonization

As corporate activities have become more global, the need to obtain patent rights in several countries has been increasing. For the more efficient examination of those applications filed with more than one country and for the more expeditious granting of a right, the Japan Patent Office (JPO) has been promoting work-sharing among foreign patent offices through its efforts to expand the Patent Prosecution Highway network and the early release of examination results to the world (JP-FIRST: JP-Fast Information Release Strategy). In addition, the trilateral offices (JPO, USPTO and EPO) have been proceeding with the standardization of patent application procedures in order to reduce the workload of applicants and promoting discussions of the Substantive Patent Law Treaty in order to standardize the conditions for granting a patent in advanced nations, thereby creating a more user-friendly world patent system. Moreover, the trilateral offices have been leading international cooperation activities holding various meetings, including the USPTO/JPO/EPO Heads Trademark Meeting, EPO/JPO/USPTO/KIPO/SIPO Heads of Five Offices Meeting, and JPO/SIPO/KIPO Meeting.

*PPH program

A framework for an application whose claims have been determined to be patentable in the Office of First Filing to undergo an accelerated examination in the Office of Second Filing with a simple procedure upon the request of the applicant. As of March 2008, the JPO has been implementing this program with the USPTO, the KIPO, UK-IPO (pilot), and GPTO (pilot).



European Patent Office (EPO), Japan Patent Office (JPO), the United States Patent and Trademark Office (USPTO), State Intellectual Property Office of the P.R.C. (SIPO), and Korean Intellectual Property Office (KIPO) Heads of Five Offices Conference



The United States Patent and Trademark Office (USPTO), Japan Patent Office (JPO), and European Patent Office (EPO) Trilateral Conference

Reinforcement of intellectual property rights protection in developing countries in Asia and elsewhere

An intellectual property rights protection system is indispensable to the economic development of the Asia-Pacific region, and the promotion of cooperation within the region has been sought both at home and abroad. To this end, the JPO has been aggressively promoting cooperation in examinations, mechanization, and the fostering of human resources while requesting intellectual property rights protection in the field through private meetings with the countries concerned and EPA Conferences. As an example, the JPO has received more than 2500 trainees, mainly from the Asia-Pacific region, and has also been dispatching professionals to oversee examination practices, since 1996.



International activities through WIPO

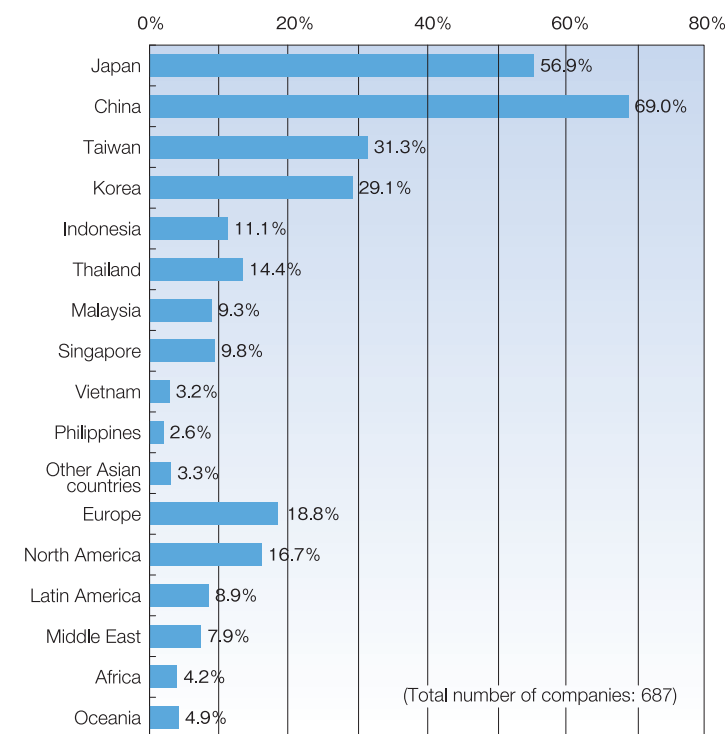
Aiming at the international harmonization of the specific requirements for right acquisition procedures and patent protection, which differ in each country, the JPO is actively engaged in the negotiations for establishing international rules. The JPO also established WIPO-Japan Fund-In-Trust contributing to the World Intellectual Property Organization (WIPO), and has been assisting Asia-Pacific region with its improvement in terms of IP related systems and modernization of IP offices etc. The JPO intends to expand this assistance to African countries in the future.



World Intellectual Property Organization(WIPO)

Measures against counterfeits

The JPO has been strengthening measures against counterfeits at home and abroad, to assist Japanese company. In countries, in which infringement is common, the JPO has been strengthening measures against counterfeits, in fostering human resources, providing consultation, and providing information. The JPO will not only provide comprehensive support for the countermeasures of company against counterfeits, but also carry out measures to strengthen the protection of intellectual property rights in cooperation with each government body. Furthermore, the JPO will continue to organize the "Anti-Counterfeiting Campaign" through posters, commercials, and other activities to raise public awareness.



Countries and regions where companies in Japan had become victims (multiple answers in 2005)
(FY2006 Survey Report on Losses Incurred by Counterfeiting)



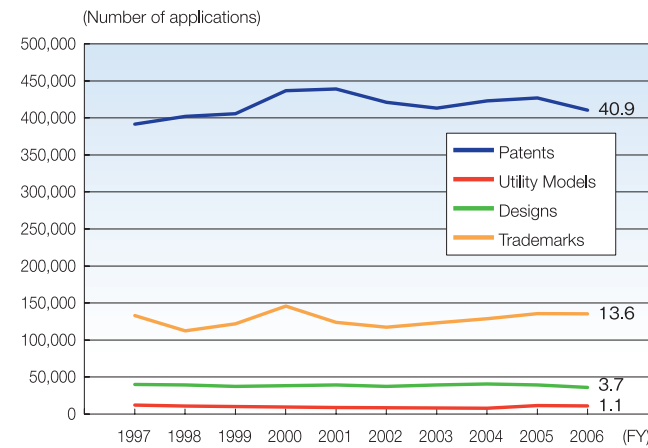
FY2007 the poster for the "Anti-Counterfeiting Campaign"

Intellectual Property Right Trends seen in Various Data

Change in the number of applications for Patents, Utility Models, Designs, and Trademarks

The number of patent applications in Japan has continued to be a high level of over 400,000 per year since 1998. The number of trademark applications has been leveling-off since 2005 and showing a trend toward stabilization.

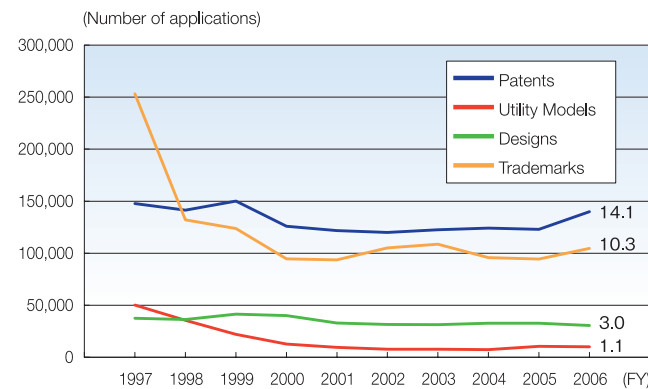
Source: Japan Patent Office Annual Report, 2007



Change in the number of registrations of Patents, Utility Models, Designs, and Trademarks

Due to the abolition of the publication system for trademark in 1997, the number of applications surged temporarily.

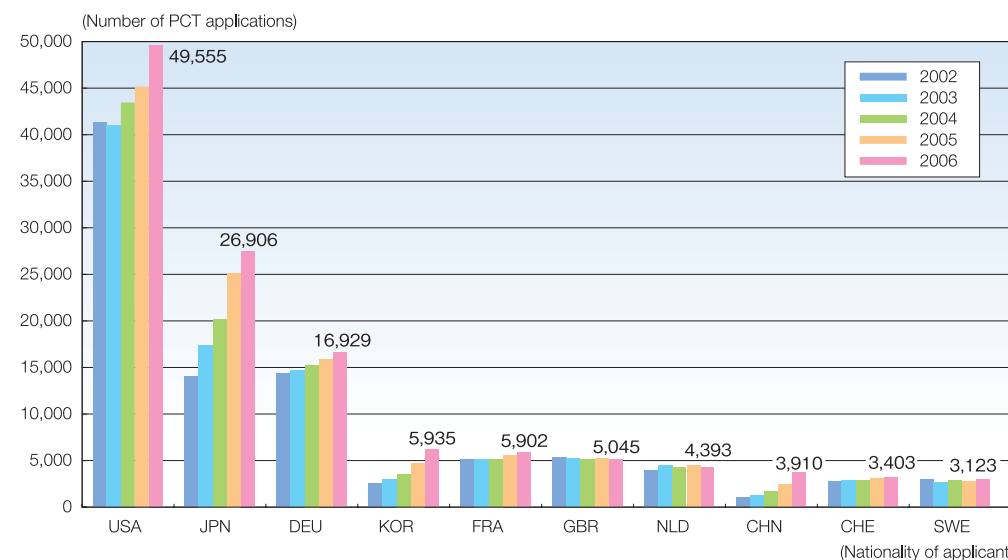
Source: Japan Patent Office Annual Report, 2007



The number of PCT applications based on Nationality of Applicant

A PCT application is an international application based on the Patent Cooperation Treaty (PCT), and a PCT application is recognized as being simultaneously to any designated country which is a member of the PCT. Viewing the number of PCT applications based on the nationality of an applicant, Japan is ranked second after the U.S., and PCT applications filed in Japan almost reached 27,000 in 2006.

Source: Japan Patent Office Annual Report, 2007

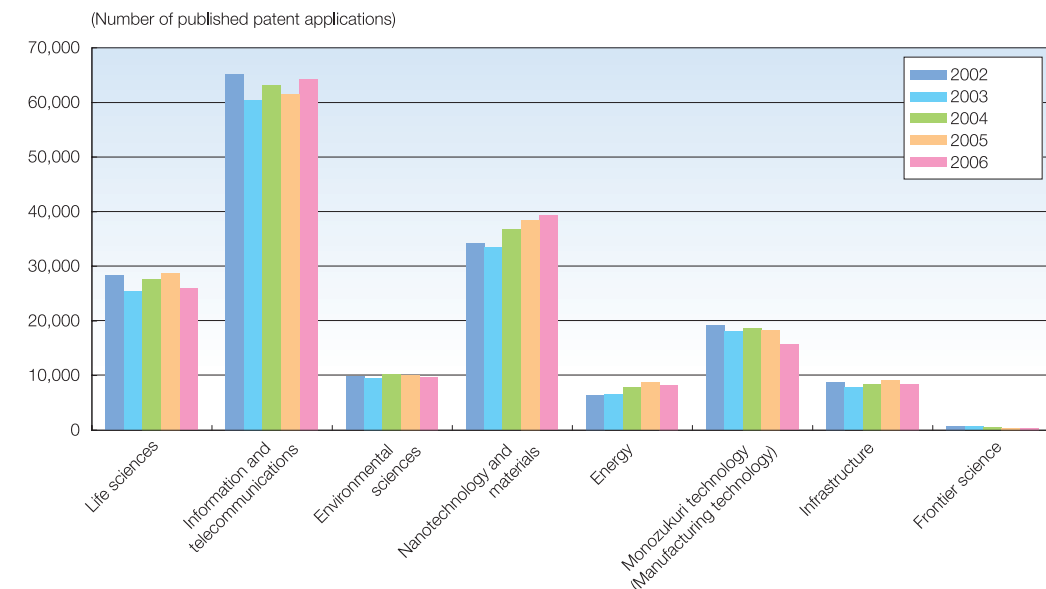


The number of published patent applications in the eight key technological fields in Japan

The eight key technological fields are the following eight fields that are given priority in the Science and Technology Basic Plan (2001-2005): life sciences, information and telecommunications, environment, nanotechnology and materials, energy, monozukuri technology (manufacturing technology), infrastructure, and frontier.

Our country's published patent applications reveal high number of filings in the field of "information and telecommunications" and the increased number of "information and telecommunications" and "nanotechnology and materials" between 2005 and 2006.

Source: Japan Patent Office Annual Report, 2007



Nurturing an Intellectual Property Minded New Generation in the 21st Century

The JPO has taken the initiative to promote industrial property rights education, so that students of all ages learn to respect intellectual property and appreciate the industrial property rights system that supports the development of science and technology. In this regard, the JPO has been providing, free of charge, teaching materials on industrial property rights to elementary schools, junior high schools, senior high schools, and universities across the nation through the National Center for Industrial Property Information and Training, while providing seminars on intellectual property education through the patent offices of the Bureau of Economy, Trade and Industry nationwide. In addition, the JPO holds "Monozukuri" (literally, "making things") Intellectual Property Report Contests" for junior high school students and holds "Patent Contests" for high school, vocational college, and university students, in cooperation with the Ministry of Education, Culture, Sports, Science and Technology; Japan Patent Attorneys Association; and the National Center for Industrial Property Information and Training.

Standard Texts on Industrial Property Rights

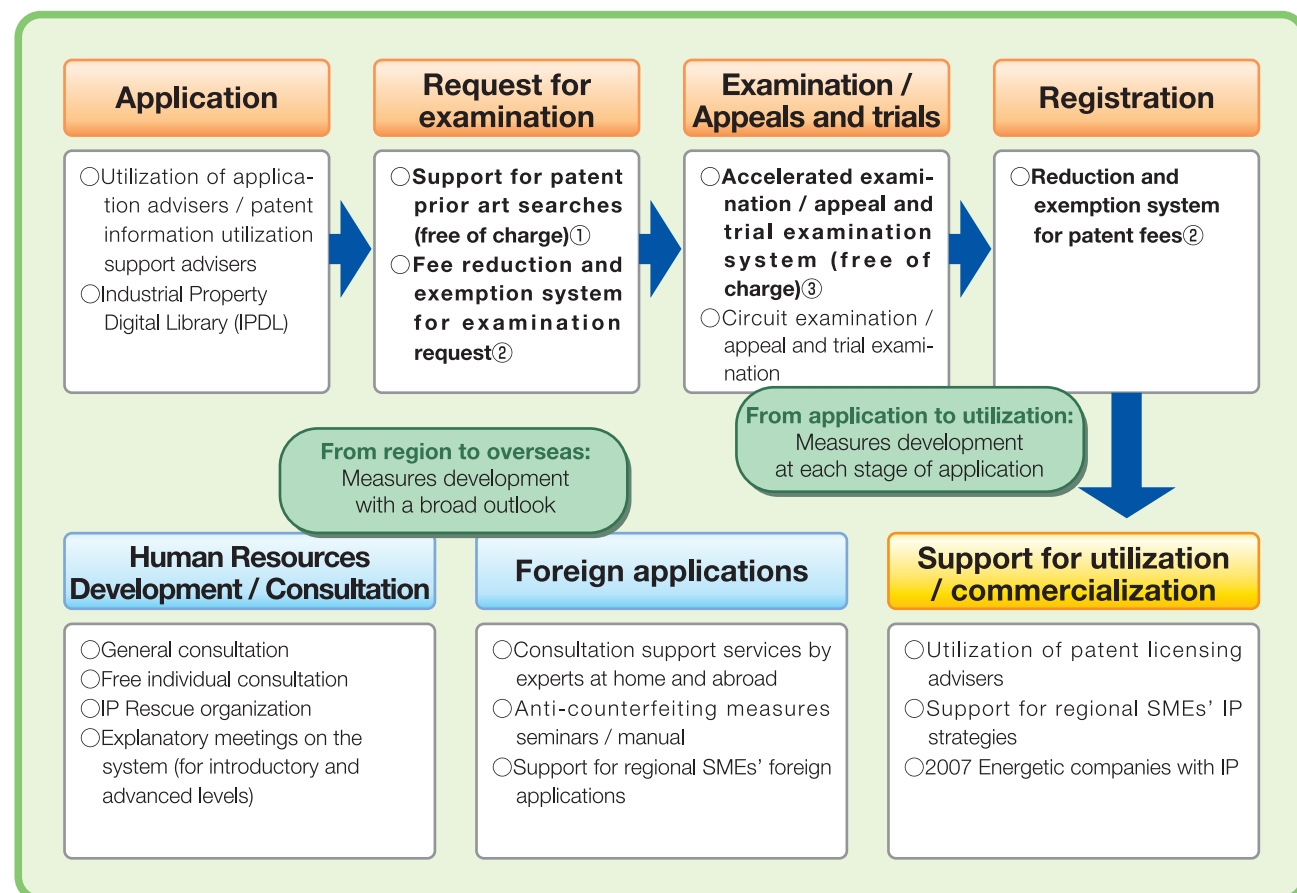


Contest of Monozukuri Intellectual Property Report by Junior High School Students, Patent Contest



JPO Assistance of Small and Medium-sized Enterprises and Venture Businesses

The JPO has in place both comprehensive and specialized support systems, such as free consultation, aimed at helping small and medium-sized enterprises with matters ranging from the “filing of applications” to the “utilization of rights”. The main systems in place are listed below.



Main systems are listed below (bold parts in the above frame ①~③).

① Support for patent prior art search (free of charge)

For patent applications for small and medium-sized enterprises, for which examinations have not yet been conducted, private research institutes authorized by the JPO execute prior art searches and provide the SMEs with the search results. SMEs are encouraged to utilize this information for making decisions about whether to request an examination of an application.

② Reduction and exemption system for examination request fees /patent fees

For research and development-type small and medium-sized enterprises, individuals, and corporations with insufficient capital, the JPO provides for the reduction or exemption of examination request fees and patent fees.

③ Accelerated examinations / appeal and trial examination system (free of charge)

When the applicants in question are small or medium-sized enterprises or individuals or when the said applicants have implemented inventions, examinations and appeal/trial examinations can be carried out in a more accelerated fashion than ordinary applications if “situation description of accelerated examinations and appeal/trial examinations” are submitted.

In addition, accelerated examinations and appeal/trial examination systems have also been recently introduced for designs and trademarks. (However, requirements for accelerated examinations and appeal/trial examinations are different from those for patents.)

Chronological Table of Industrial Property Rights

	Changes in Japanese society	Industrial Property Rights System in Japan	Industrial Property Rights Systems/Outside of Japan
1603	Establishment of Edo Shogunate		1624 UK Patent Regulation (Origin of Modern Patent Law)
1635	Decree of closing the door to foreigners		
1700			
1716	Reformation of Kyoho		1753 Invention of Lightning Conductor (Franklin)
1787	Reformation of Kansei		1790 Patent Law (USA)
			1791 Patent Law (France)
1800			
1842	Reformation of Tenpo		1814 Locomotive (Stevenson)
1853	Perry's visit to Japan. Reformation of Kansei		1815 Patent Law (Prussia)
			1867 Patent Law (Italy), Dynamite (Nobel)
1868			
1872	Opening of railroad between Shinbashi and Yokohama		1877 Patent Law (Germany)
1880			
1885	Formation of 1 st Ito Cabinet	1884 Trademark Regulation	1883 Conclusion of the Paris Treaty
		1885 Patent Regulation (Establishment of Patent Office, 1st Commissioner : Korekiyo Takahashi)	
1889	Promulgation of Great Japanese Constitution	1888 Design Regulation	1887 Flat Disk Phonograph (Edison)
1890			
1890	1 st General Election	1891 Wood Manual Weaving Machine (Sakichi Toyoda)	
	Establishment of telephone line between Tokyo and Yokohama	1896 Cultured Pearl (Koukichi Mikimoto)	1893 Diesel Engine (Diesel)
1894	Sino-Japanese War	1899 Signing of the Paris Treaty	1895 Wireless Communication Method (Marconi)
1900			
1904	Russo-Japanese War	1901 Adrenalin (Jokichi Takamine)	
1909	Opening of Yamate Line	1908 Glutamine Acid Soda (Kikunae Ikeda)	
1910			
		1911 Vitamin B1 (Umetaro Suzuki)	
1912			
1912	First participation in the Olympic Games	1915 Japanese Typewriter (Kyota Sugimoto)	1917 Patent Law (USSR)
1914	Opening of Tokyo Station	1918 Special Alloy Steel (KS Steel) (Kotaro Honda)	
1920			
1923	Great Kanto Earthquake	1921 Employment of First-to-File System, Applications Publication System, Refusal Reasons Notification System	
1926			
1926		1926 Electromagnetic Directional System Antenna (Shuji Yagi)	
1928	1 st Ordinary Election	1929 Facsimile System (Yasujiro Niwa)	1928 Penicillin (Fleming)
1930			
		1932 MK Magnetic Steel (Tokushichi Mishima)	1935 Nylon (Carothers)
1939	Opening of subway between Shinbashi and Shibuya.	1934 Old Patent Office Building was completed.	
1940			
1941	Start of the Pacific War		1941 Polyester (Winfield)
1945	End of the Pacific War		1948 Transistor (Shockley)
1950			
1956	Accession to the United Nations	1954 April 18, when Patent Monopoly Act was promulgated, was enacted as the day of invention.	1958 Laser (Sharrow)
1958	Issue of Ten Thousand Yen Bill	1959 Revision of the Patent Law, Utility Model Law, Design Law and Trademark Law	1959 Integrated Circuits (Kirby)
1960			
1964	Tokyo Olympics		
	Opening of Tokaido Shinkansen		1967 World Intellectual Property Organization
1970			
1970	Osaka World Exposition	1970 Introduction of Unexamined-Patent Application System and Examination Request System	
1972	Sapporo Winter Olympics	1975 Accession to the World Intellectual Property Organization (WIPO)	1973 European Patent Treaty
1973	Oil Crisis	1978 Accession to Patent Cooperation Treaty (PCT)	Gene Recombination Law (Cohen)
1980			
1988	Opening of Seikan Tunnel	1985 100 th Anniversary of Industrial Property Right System	
1989			
1989	Introduction of Consumption tax	1989 Completion of New Patent Office Building	
1990			
		1990 Receipt of first electronic application in the world	
1994	Opening of Kansai New Airport	1992 Introduction of service mark registration system	
1995	Hanshin-Awaji Great Earthquake	1996 Opening of JPO Home Page	1996 World Trade Organization (WTO)
		1997 Accession to the Trademark Law Treaty	
1998	Nagano Winter Olympics	1998 Receipt of electronic applications by personal computers	
		1999 Start of Industrial Property Digital Library	
2000			
		2000 Accession to the Madrid Protocol	
2001	Restructuring of Central Ministries and Agencies	2001 National Center for Industrial Property Information becomes independent administrative institution.	2001 Establishment of World Intellectual Property Organization (WIPO) Day (April 26)
	Holding of FIFA World Cup in collaboration with Japan and Korea.	2002 Formulation of Intellectual Property Policy Outline and Enactment of Basic Law on Intellectual Property	
		2003 Initiation of Intellectual Property Information Headquarters, and formulation of the Intellectual Property Promotion Plan	
		2004 "The Independent Administrative Institution of National Center for Industrial Property Information" becomes "The Independent Administrative Institution of National Center for Industrial Property and Training".	
2005	Aichi World Exposition	2005 Inauguration of the Intellectual Property High Court	
		Establishment of Headquarters for Acceleration and Efficiency Promotion of Patent Examinations	
2006	Japan victorious in first International Baseball Tournament of [The World Baseball Classic (WBC)]		2006 Japan Liaison of World Intellectual Property Organization (WIPO)
		2007 Establishment of Advanced Measures for Accelerating Reform towards Innovation Plan in Patent Examination 2007(AMARI Plan 2007)	