

**WIPO REGIONAL SEMINAR ON TECHNOLOGY TRANSFER BY
UNIVERSITY AND PUBLIC RESEARCH INSTITUTIONS THROUGH THE
STRATEGIC USE OF THE PATENT SYSTEM**

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National IP Strategies for Innovation: The Experiences of Japan

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Topics

1. Global Trends in IP

2. Japan's IP Policy for Encouraging Innovation

➤ *Policy Goals*

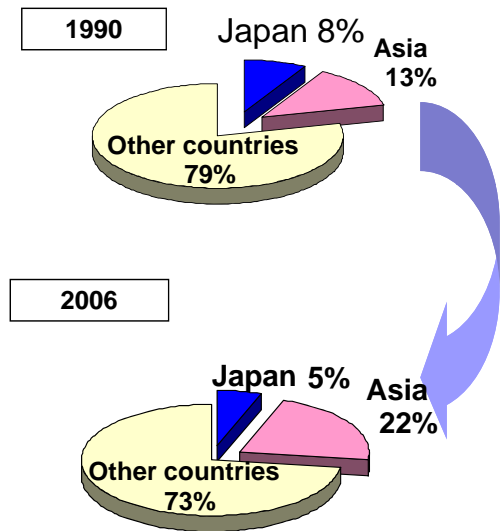
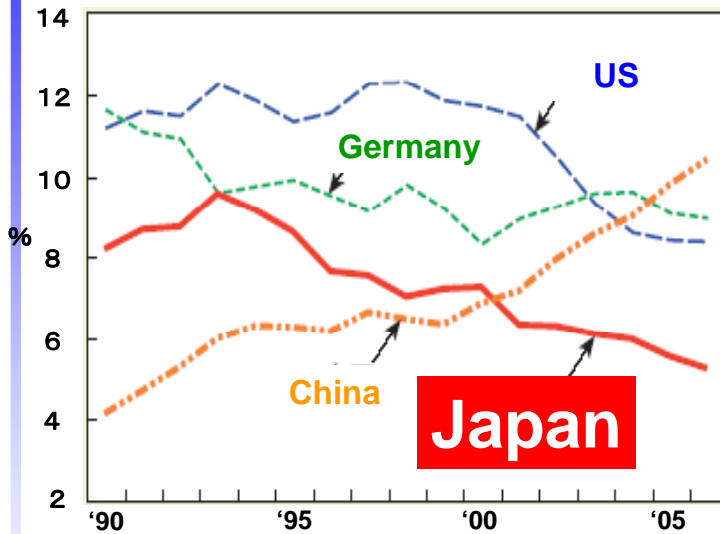
GOAL I. Realization of sustainable global patent system

GOAL II. Reduction of uncertainty in the patent system

GOAL III. Establishment of new IP infrastructure for pro-innovation

Increasing Competition in the Global Market

— Export share of the global market —



(Note) 1. Based on IMF "Direction of Trade Statistics"

2. The share is the relative cost of exports of each country concerned. /

The figure is calculated from total world imports.

3. The Chinese figure includes exports from Hong Kong.

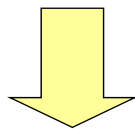
(Source) "Annual economy and finance reports in 2008 fiscal year" (July, 2008), Chart 1-2-20, The Cabinet Office

Change in Strategy to Strengthen International Competitiveness

Conventional Japanese Methods:

Transferring advanced technologies from foreign countries to develop Improved Technologies
(relying on low labor costs and excellent technical levels)

Price
Competition



Catching up with
Advanced Countries

- Rise of Developing Countries as Competitors
- Aging Population and Declining Birthrate
- Limited Natural Resources

Japan must strengthen its
international competitiveness.

New Japanese Methods:

Relying on its own highly advanced technologies

Produce Highly Valued Products
& Services based on Innovative
Technologies

Being a Front Runner

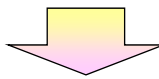
Prime Minister's Policy Speech to Diet (2002)

Japan is one of the nations holding an enormous amount of intellectual property rights such as patents.

We will set as an objective the strategic protection and exploitation of the results of our research and creative activities in order to strengthen our national competitiveness.

To this end, we will establish the Strategic Council on Intellectual Property and aggressively promote the necessary measures.

(February 4, 2002)

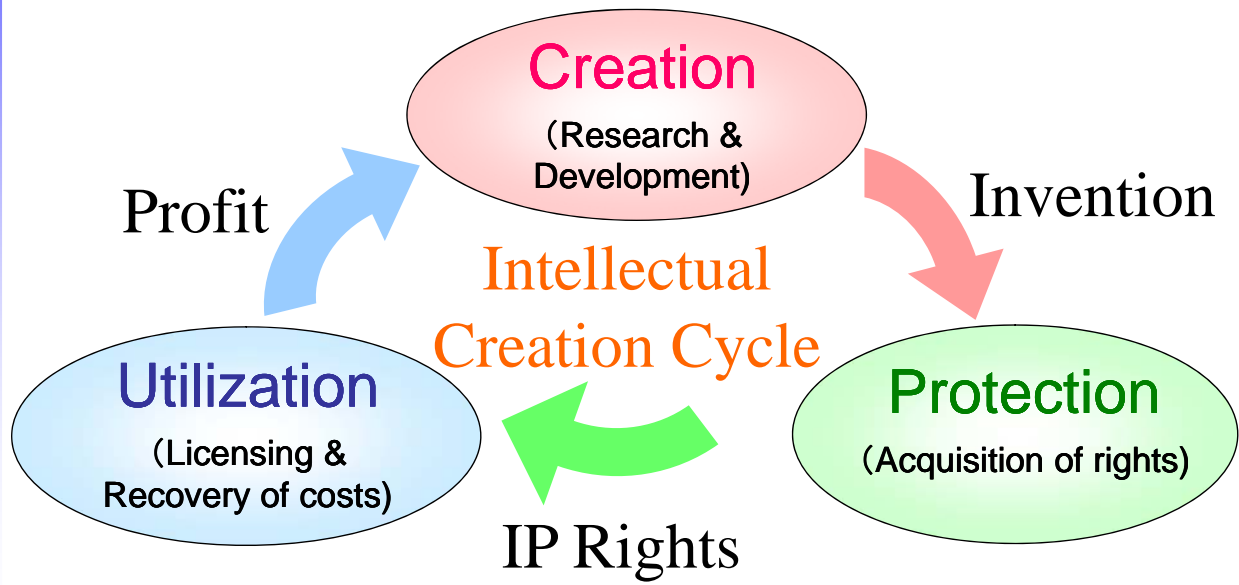


National Strategy: Japan as “Intellectual Property-Based Nation”



Fundamental Principle for Transforming Japan into Intellectual Property-based Nation

The “Intellectual creation cycle” is a cycle of creation / protection / utilization of intellectual property that enhances Japanese international competitiveness and will transform Japan into an intellectual property-based nation.



IP System for Innovation

Enhancement of international competitiveness



Advancing or promoting innovation



Structuring or enhancing IP system
from R&D to application

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Global Trends in IP - Three Developments -

1. Economic Globalization

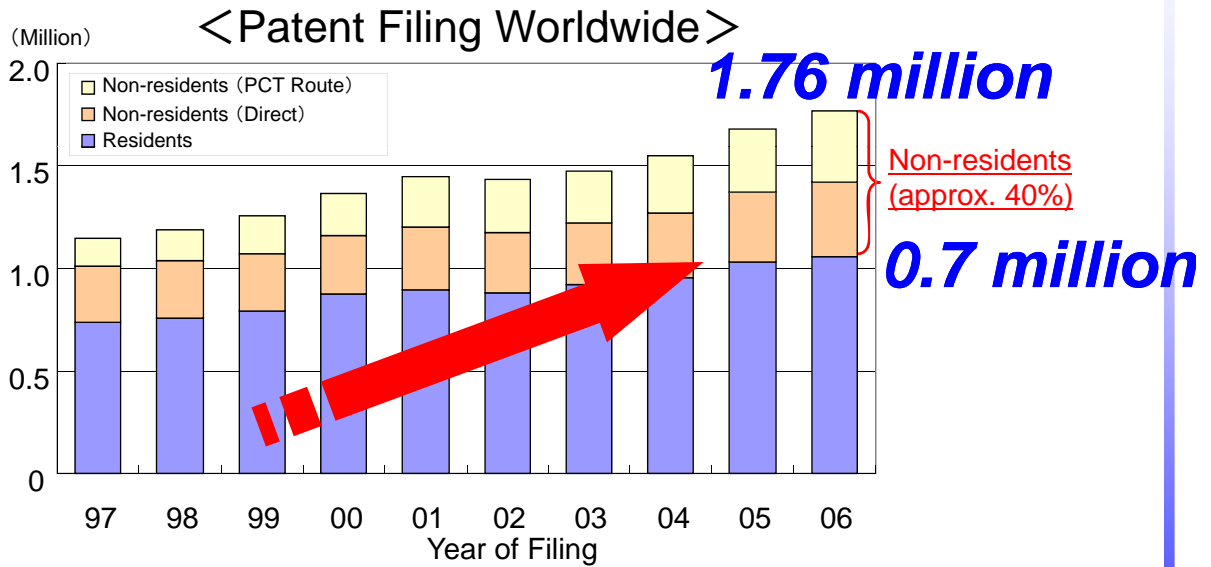
2. IP as Key Element of Business Strategy

3. Open Innovation

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Global Trends in IP (1)

— The percentage of patent applications filed worldwide and of overseas applications —



[Source] WORLD PATENT REPORT 2008

Global Trends in IP (2)

Increasing number of duplicative applications (2007)

- **Five countries (JP,US,EP,KR,CN)**
30% (About 420,000 in about 1.41 million applications)
- **JP-US-EP Trilateral**
25% (About 250,000 in about 990,000 applications)

Japan's IP Policy for Pro-Innovation

Japan's IP Initiatives for Pro-Innovation

Aug. 8, 2008



GOAL I. Realization of sustainable global patent system

GOAL II. Reduction of uncertainty in the patent system

GOAL III. Establishment of new IP infrastructure
for pro-innovation

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GOAL I

Realization of sustainable global patent system

A. Virtual Global Patent Office

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A. Virtual Global Patent Office (1)

Invention knows no borders.

The number of Patent Applications has increased worldwide.



Gaps around the world between...

- Laws & Regulations
- Examination Guidelines
- Examination Quality
- Search Environments



Need for system in which one invention can be efficiently protected as IP worldwide

A. Virtual Global Patent Office (2)

1. Promote international harmonization

- Patent Law

First-to-Invent Principle vs. First-to-File Principle

- Examination Guidelines
- Examination Quality
- Search Environment
- Application Format

Common Application Format (CAF)

- Etc.

A. Virtual Global Patent Office (3)

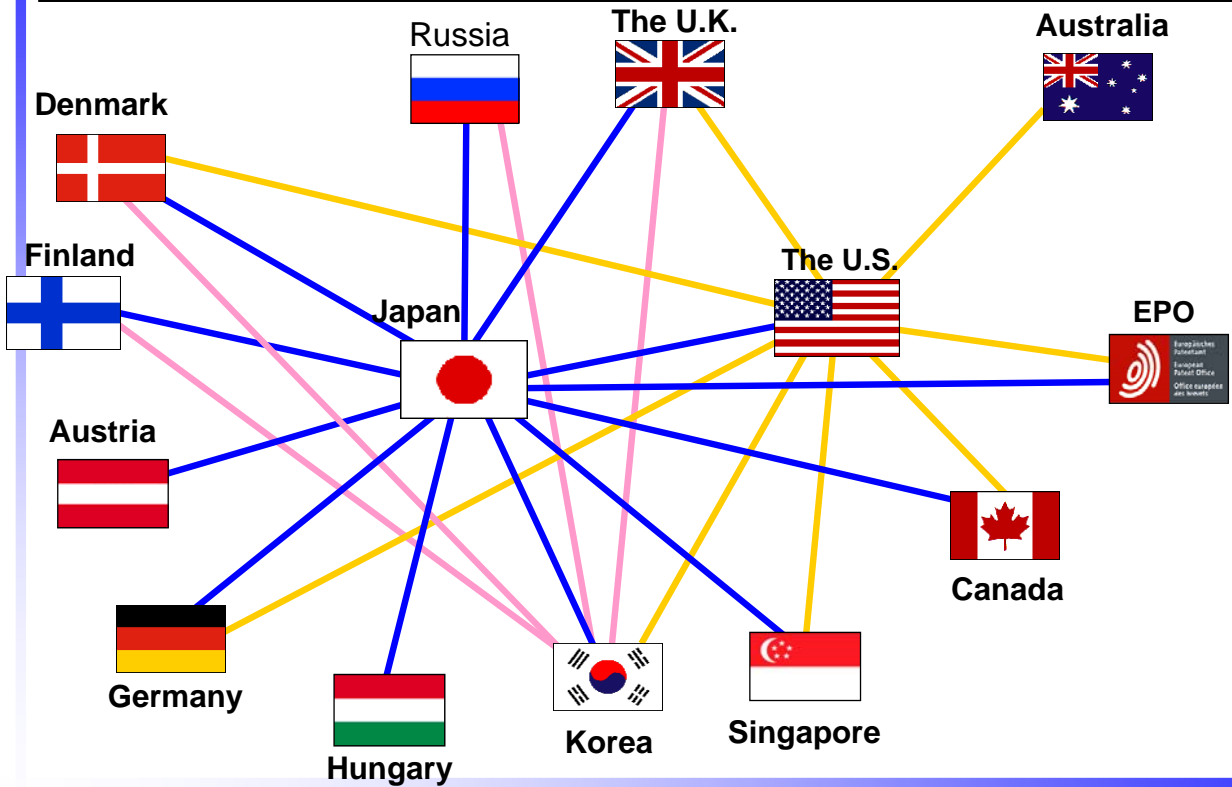
2. Promote work sharing in examination among patent offices (e.g. PPH: Patent Prosecution Highway)

Increase in pendency period of examinations due to increase in number of applications worldwide

PPH

Obtain patent rights expeditiously;
Reduce workload; Improve quality

Expanding Patent Prosecution Highway Network



— : Japan-based implementation

Toward Further International Cooperation



GOAL II Reduction of uncertainty in the patent system

B. A Highly Transparent Patent Examination Mechanism

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Examination Guidelines

- Continue efforts for the review of Examination Guidelines
- Invite opinions through public comments in English

GOAL III

Improvement of infrastructure for promotion of innovation

C. Flexible Examination System

Corresponding to the Various Needs of Applicants

D. New IP Infrastructure for Search Environment and Patent Examination

C. Flexible Examination System Corresponding to the Various Needs of Applicants

➤ Open innovation



➤ Diversified innovation



➤ Diversified needs of applicants

[Super Accelerated Examination System]

First office action within two weeks to one month

Responding to Various Needs of Applicants

— Promotion of utilization of accelerated examination —

Accelerated examination

【Examination pendency period】

Average of 2 months from date of request

【Requirements】

Must meet one of the following conditions:

- ① License-related application (**importance**)
- ② Overseas-related application (**importance**)
- ③ Application by SMEs/individuals/universities
(**Support measures for SMEs, etc.**)

【Performance】

8,863 applications (2008)

Super accelerated examination

(Trial started in Oct. 2008)

【Examination pendency period】

Within 1 month from date of request
(Average of 20.7 days)

【Requirements】

Must **meet both of** the following conditions:

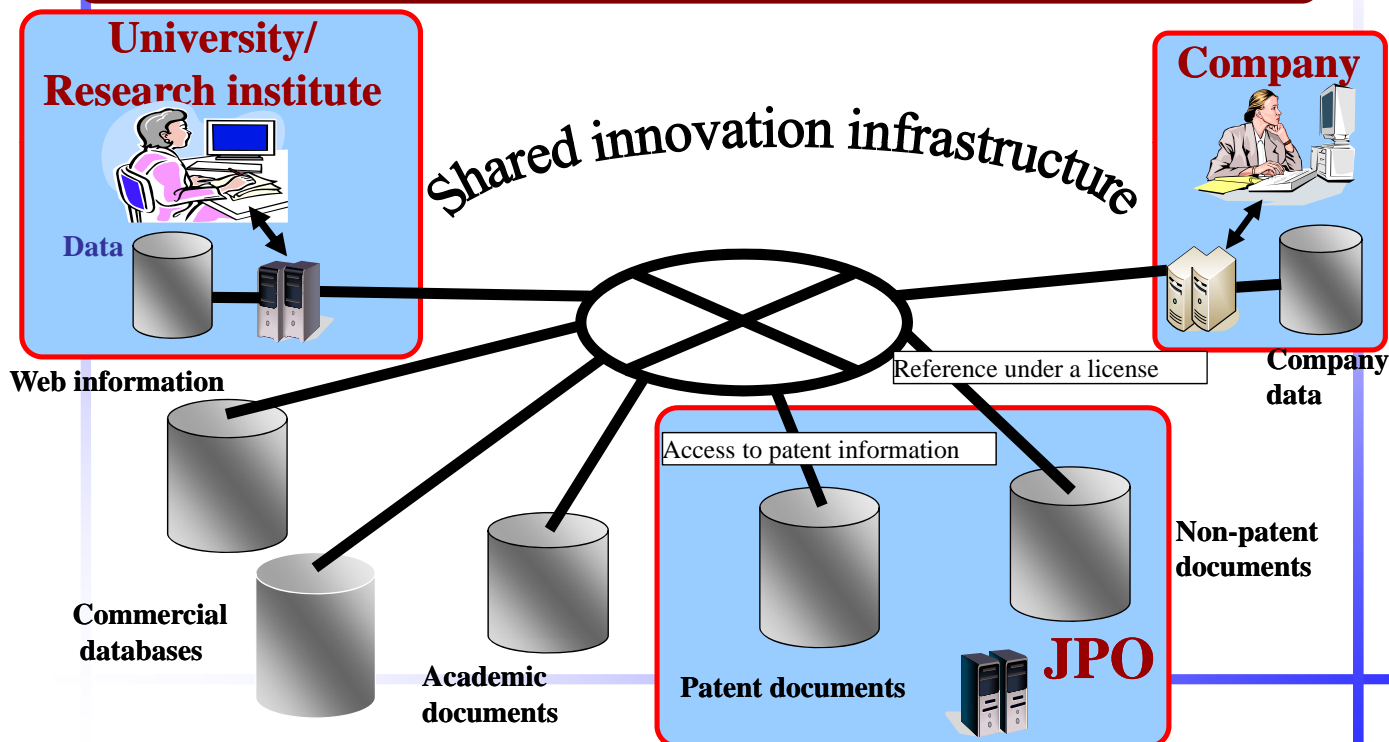
- ① License-related application (**importance**)
- ② Overseas-related application (**importance**)

【Performance】

152 applications (as of March 31, 2009)

D. New IP Infrastructure for Search Environment and Patent Examination

Seamless search environment



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Conclusion

Globalization and world trends urge us to establish

1. Sustainable global patent system
2. Highly transparent patent system
3. IP infrastructure for pro-innovation

The JPO is willing to contribute to fulfilling these requests.

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Thank you

Japan Patent Office (JPO)

<http://www.jpo.go.jp>