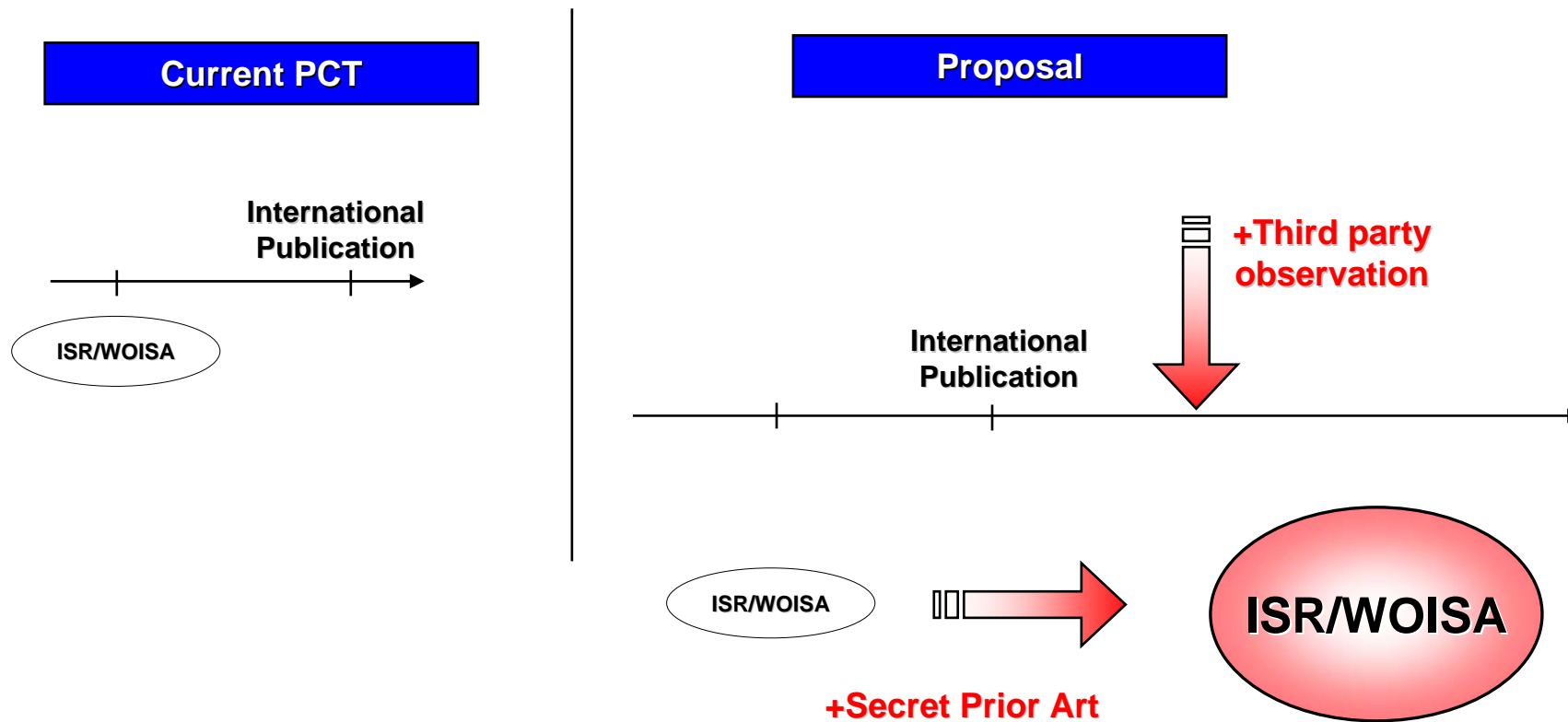


Proposals to enhance Quality and Efficiency of the PCT Route

(PCT/WG/2/8)

**May 4-8, 2009
Japan**

Proposal Image



Importance of “secret prior art”

- Whole rate across all the technical fields: 6.5%
- High rate (10% or more): wide variety of fields

JPO data

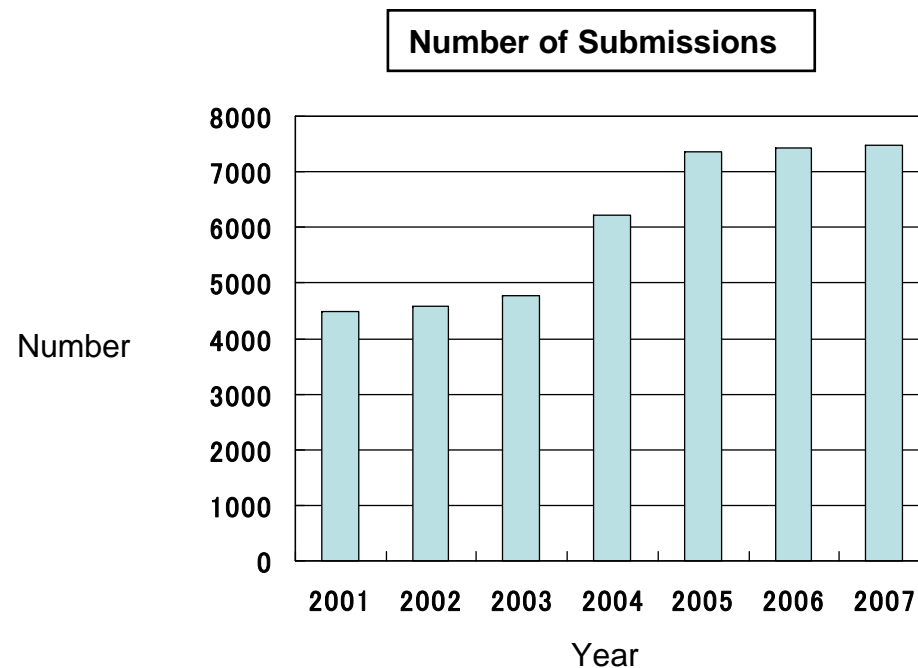
Technical Fields (example)	Rate of secret prior art
MRAM or Spin Memory Techniques	39.0% (172)
Secondary Cells (other Accumulators)	31.6% (1348)
Electroluminescent Light Sources	27.9% (1542)
Photoresist Materials	27.4% (2419)
Battery Electrode and Active Substance	27.3% (2599)
Luminescent Composition	26.9% (1143)
...	...

Source: JPO database

Third party observation

- The number of submission cases reaches as many as 7,500 (2% of all applications) in 2007 and is on the increase.
- 76% of the applications, for which information was submitted, utilize the information to issue the office action to negate patentability.

JPO system



Source: JPO database

Phase to be made more complete and useful

- Comparison of Chapter I (ISR/WOISA) and Chapter II (IPER) from users' perspective

	Chapter I	Chapter II
Timing	Earlier	Later
Benefit	All applicants	Demanders

JP Proposal

- Establishment of ISR/WOISA after international publication(#)
- Introduction of the system for the filing of third party observation

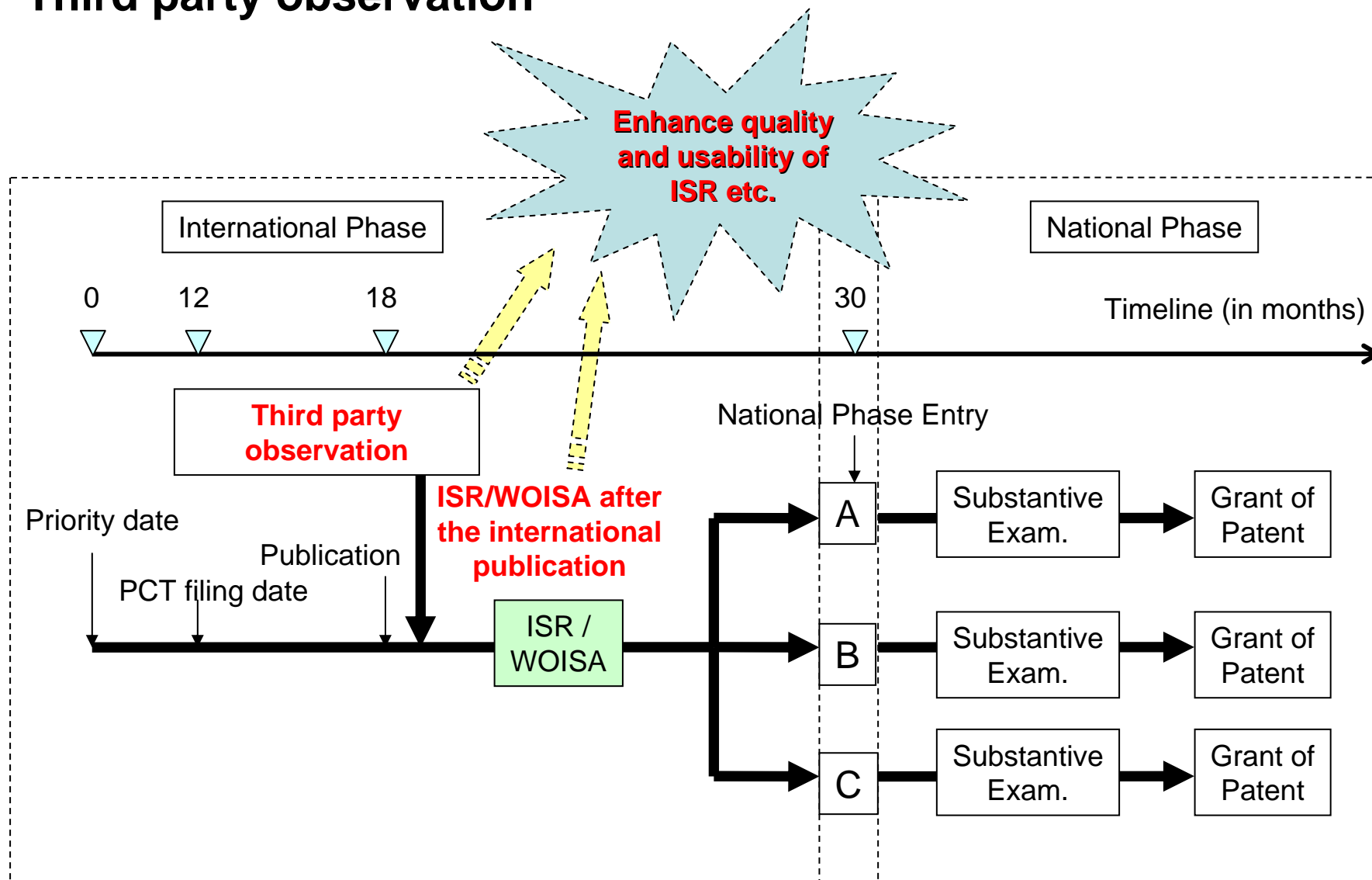
Benefits for users and offices

- (a) ✓ Complete search can be provided in the first instance.
 - ✓ ISR/WOISA can cover all “secret prior art.”
 - ✓ Applicant can respond to negative “secret prior art” at one time.
- (b) ✓ The ISAs do not have to conduct “top-up” search on “secret prior art” at a later stage.
- (c) ✓ Third party observation can be reflected in the ISR/WOISA.
- (d) ✓ All applicants can receive the reports which cover all “secret prior art.”

The current timing of establishment of the ISR/WOISA should be maintained as an option

ISR/WOISA after the international publication

Third party observation



Roadmap for the development of the future PCT

PCT/WG/2/3
Annex I, page 3

Making International Examination More Complete, Relevant and Useful

- ✓ *Aim:* To create the time limit of establishing the ISR/WOISA at the earliest feasible time after international publication, while maintaining the current timing as an option.

Possible reflection point

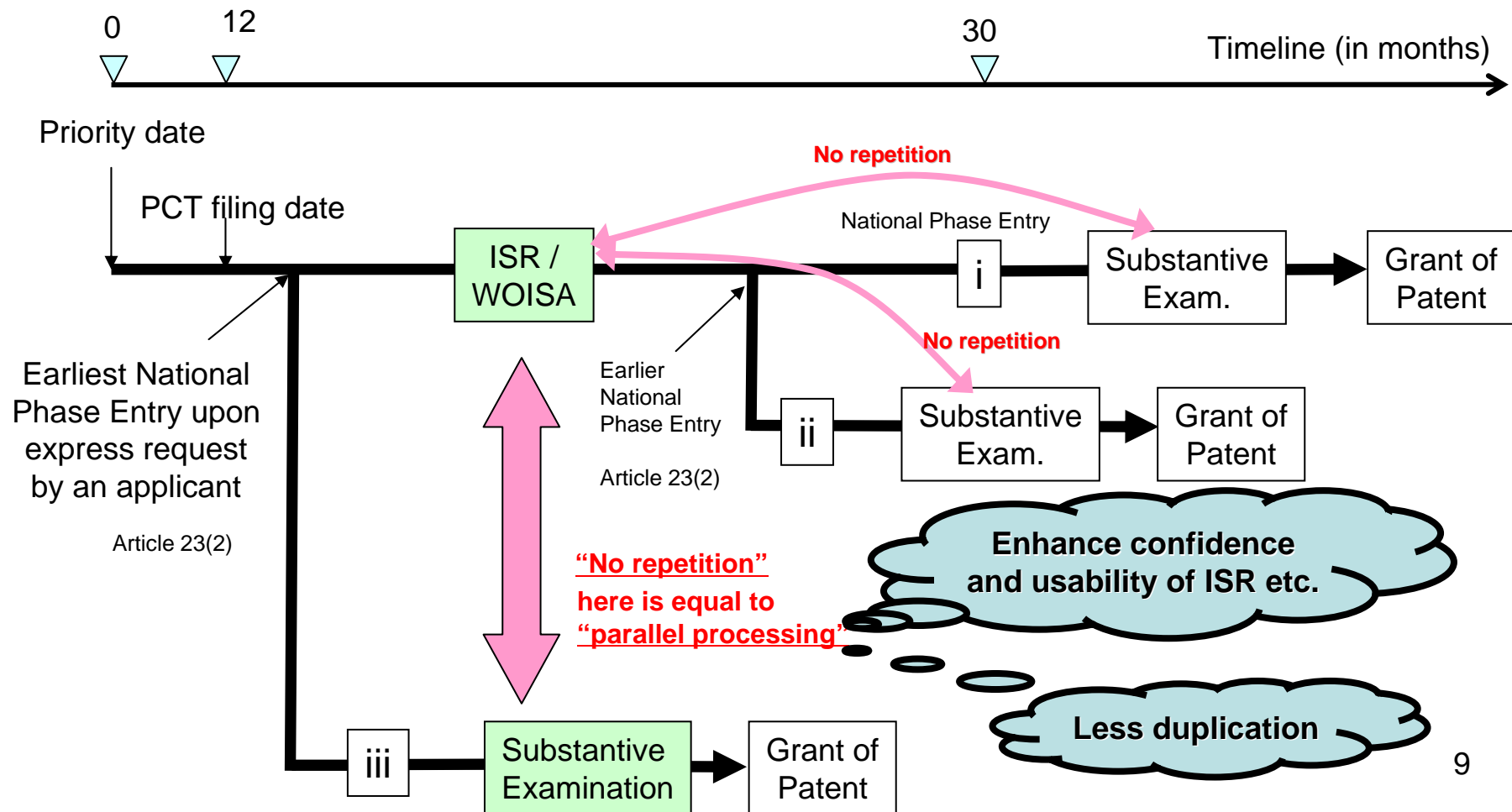
➤ Extension of subsequent time limits



PCT use modes

➤ The cases (i) through (iii) are PCT use modes among which applicants can choose.

➤ The case (iii) is a kind of mode where “No repetition” can be performed by conducting parallel processing.



Roadmap for the development of the future PCT

PCT/WG/2/3
Annex I, page 1

Compliance and Consistency

- ✓ *Aim:* For International Search Authorities and International Preliminary Examination Authorities to conduct parallel processing of international application as ISA/IPEA and early national entry application as DO where applicable.

Thank you!