

JAPAN INTELLECTUAL PROPERTY ASSOCIATION

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Mr. Daren Tang
Director General
World Intellectual Property Organization,
34, chemin des Colombettes
CH-1211 Geneva 20, Switzerland

Re: OPINION on the agenda of FOURTEENTH SESSION OF THE PCT
WORKING GROUP, Geneva, June 14 to 17, 2021 (PCT/ WG/ 14)

Dear Mr. Tang,

The Japan Intellectual Property Association (JIPA) is one of the world's largest IP user organizations, with over 1300 membership, most of which are Japanese companies.

Considering that member companies file many PCT applications, JIPA has carefully reviewed the agenda for the 14th meeting of PCT Working Group. JIPA will attend the meeting online and would like to make some statements in advance, as attached on the next page.

We would appreciate it if you could take our comments into account as WIPO proceeds with the discussion on the issue.

Yours sincerely,

Akitoshi YAMANAKA
Managing Director of JIPA

Opinion on the Agenda of 14th PCT Working Group

Agenda 6. Strengthening PCT Safeguards in Case of General Disruption (PCT/WG/14/11)

Expanding and strengthening PCT safeguards would be highly appreciated for us, PCT users. The COVID-19 emergency has caused limitation on the movement of persons and services of WIPO Office and each PCT RO, and therefore, the safeguards, particularly excuse of delays or the extension of time limits are important in view of protecting an applicant and improving the stability of rights.

Agenda 7. Formal Integration of the Patent Prosecution Highway into the PCT (PCT/WG/14/10)

The improvement and expansion of the PPH system would be welcome for us, PCT users, because it is expected to save cost and actions.

However, to begin it, it is more important to maintain the quality on International Search for the reliability of the PPH system. It is concerned that difference in quality of ISR among ISAs might cause an unfair situation among applicants. When the formal integration of the PPH into the PCT is provided, we would highly appreciate providing a way of maintaining and improving the quality of the International Search as well.

Agenda 8. Certified Copies of Earlier International Applications (PCT/WG/14/16)

The efficiency of sending priority documents for PCT applications based on PCT applications would be welcomed. We hope that this will reduce the burden on both the applicant and the Office. We appreciate the many suggestions made to improve the user-friendliness as the electronic system progresses.

Agenda 9. Processing International Applications in Full Text Format (PCT/WG/14/8)

The handling of PCT application data in XML format would be welcomed, since it is expected to increase the user-friendliness of various services.

When the PDF file is published for international publication, we would like the PDF file to be processed by OCR. PDF files are useful in that they are easy for users to handle, however, there is a strong need to be able to extract text information from PDF files.

Also, if the error that occurred when converting DOCX to XML can be corrected, it would be more appropriated if a third party can verify that the error and its correction are reasonable.

Agenda 15. IP5 PCT Collaborative Search and Examination: Status Report (PCT/WG/14/6)

The PCT CS/E may become an important option for applicants, thus the pilot is highly welcomed by users.

We expect the main ISA will fully utilize the search results of the peer ISAs, especially, we would like the main ISA to refer and evaluate the prior art documents which are referred by the peer ISAs as X or Y documents. This will increase the predictability of the examination result at each office in the national phase for applicants.

In addition, we hope that the search results will be output commensurate with the costs borne by the applicant. If the CS/E fee is quintupled, the output is required to be equivalent to the integration of five search reports made by the five ISAs.

We also expect that a follow-up survey on how the ISRs will be utilized in the examination at each offices in the national phase and whether such ISRs will contribute to save time and cost in examination and establish robust patent rights.

(EOD)