

Research and Study on Cases of Discrepancies in Judgments of Inventive Step between Japan and the U.S. and Japan and Europe

In April 2014, the Japan Patent Office (JPO) formulated the "Quality Policy on Patent Prosecution," which sets forth the basic principles of quality control regarding patent prosecution, to realize "the world's fastest and highest quality" patent prosecution, and has been promoting the establishment of high-quality rights in response to user needs.

On the other hand, there are cases in which patents approved by the JPO are rejected by the United States Patent and Trademark Office (USPTO) or the European Patent Office (EPO). The industry has voiced its expectation that the JPO and the USPTO or the EPO will examine the cases where the JPO and the USPTO or the EPO make different decisions, mainly regarding the inventive step.

The purpose of this research study is to investigate cases in which the results of examination between the JPO and the USPTO or the EPO differed from each other and to identify cases that require special consideration based on the opinions of users that have been expressed so far, mainly about the determination of inventive step, and to examine the ideal form of patent examination of the world's highest quality that users seek from these cases, to provide a reference for future patent examination efforts.

We hope that this research study will be useful for JPO in its future examinations, which aims to realize the world's highest quality patent examinations, as well as for users.