



Participating in an IIP Intellectual Property School

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1 Introduction

I participated in a round of IIP Intellectual Property School held by the Institute of Intellectual Property (IIP) for one year from June 2016.

The purpose of the School is to develop human resources capable of making suggestions on how intellectual property systems should be in the big picture. Aside from their daily work, students are encouraged to debate intellectual property systems from a broad point of view.

The participants from a wide variety of industrial fields and positions associated with intellectual property conducted high level discussions throughout the year.

The outcome of the discussions over the year was communicated to experts including government officials and university professors in the form of a written report and a debriefing meeting.

In this article of KYB Technical Review, I will briefly introduce the activities of IIP Intellectual Property School and the research theme I worked on.

2 What is IIP Intellectual Property School Like?

IIP Intellectual Property School was founded by the General Incorporated Foundation Institute of Intellectual Property (IIP) in 2005, with the aim of developing human resources capable of perceiving things in the big picture from a wide variety of viewpoints, including society, state and international relations, based on the Institute's practical experience in intellectual property work and taking into account what is happening at the front of intellectual property systems. The 2016 School was the 10th round.

The participants included practicing judges as observers and university professors as instructors. Students are screened with a thesis writing enrollment test from among lawyers, patent attorneys, intellectual property businessmen working for private companies, and officials and examiners from the Japan Patent Office, all of whom play an active role in the front line of the intellectual property field (Fig. 1).

In the School, students investigate, review and discuss intellectual property systems in terms of possible

contributions to future Japanese society with the big picture in mind (related to society, state or international relations,) regardless of background or social standing.

Speaking of the track record of the School, activity reports by the students were cited by the Government in its policy making process. The School has also produced a number of people playing active roles in many fields. For example, former students have been selected as members of the Government policy-deliberation committee.

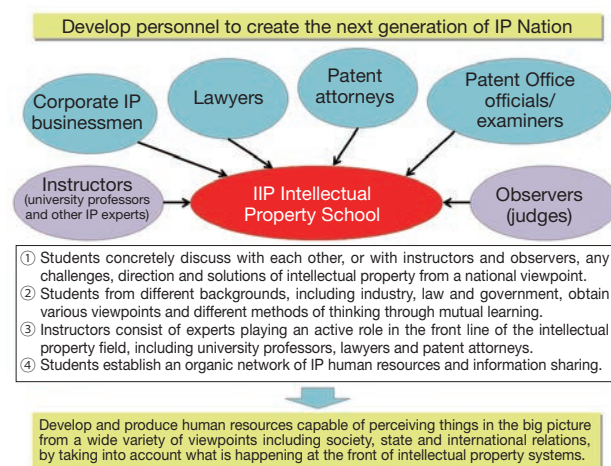


Fig. 1 Purpose and configuration of IIP Intellectual Property School¹⁾

3 Reasons Why I Participated in IIP Intellectual Property School

I decided to attend the IIP Intellectual Property School for three reasons:

- ① Darwin's theory of evolution, which is often referred to by people involved in business management, can also be applied to the intellectual property field. The field has to continuously evolve in order to adapt to the changing social environment.

To continue evolution, it is not enough to solve any problem arising from daily work. We are going to have to resolve the fundamental problems of intellectual property systems.

Under this situation, there is no other place than IIP Intellectual Property School where we can drastically discuss intellectual property systems.

- ② The School allowed me to obtain the latest information from other students from various backgrounds playing an active roles at the front of the intellectual property field, and to build a human network from there.
- ③ I could learn possible solutions from various viewpoints including business, law, corporate management and government administration through discussion with lawyers, patent attorneys, corporate intellectual property businessmen, Patent Office officials and examiners, and judges with their own practical experience.



Photo 1 Students in a seminar

4 Activities

The following briefly describes the activities of IIP Intellectual Property School over the year.

4.1 Suggesting Research Themes

Individual students give presentations to suggest their desired research theme for the one-year activity period.

Then, students fill in a questionnaire on the presentations to evaluate each other. The secretariat selects highly evaluated themes and divides the students into groups for the selected themes.

From experts playing an active role in the front line of the intellectual property field, including university professors and businessmen, appropriate instructors are assigned to each of these groups.

The research theme I suggested was "Intellectual property management to enable a global tax strategy". The theme was intended to actively discuss new judicial and tax measures to prevent future leakage overseas of intellectual property produced by research and development (R&D) sites in Japan, and to attract overseas high-value added R&D sites to Japan.

The theme was not selected by the secretariat, with its opinion being that the theme required advanced expertise on the taxation system and a survey on the judicial system related to intellectual property in many countries, and one year would not be enough to reach a conclusion.

4.2 Selecting Themes

From the themes suggested by students, the following four themes were selected:

- ① Application of the examination system to claims for patent infringement
- ② Relaxation of the requirements for supporting pioneer-like inventions
- ③ Suggesting a system toward a data utilization society
- ④ Developing an environment to facilitate joint research and development

4.3 Seminars

A seminar is a place for a group in charge to present the then-current result of discussions on the research theme and its future direction before a general discussion with other groups.

Toward the presentation in the seminar, the group identifies the current situation, locates the exact challenges and seeks solutions after much discussion under the

guidance and advice of the instructors (Photo 1).

4.4 Seminar Camp

An overnight seminar camp was held in a suburb of Tokyo.

The debate themes of this year's camp were:

- "What is needed for Japanese intellectual property policy today?"
- "How should patents on medical inventions be protected?"

Students must submit a thesis on the above themes before participating in the camp.

The camp includes lectures by experts, after which students have discussions based on the submitted theses together with the experts.

4.5 Lectures by Experts

Several lectures by experts are held in the seminars and during the camp. Corporate intellectual property managers, executive officers of the Japan Patent Office and judges are asked to talk in lectures that students can rarely hear in their regular lives, such as intellectual property strategies of companies, or the current situation of legal reform.

4.6 Result Report and Debriefing Meeting

The outcome of the research through the group discussions and seminars over the year is summarized into a written report and also made public at a debriefing meeting.

Details of the debriefing meeting are described later in this report.

5 10th Round Members

Participants of the 10th round school consisted of 22 members:

- [Observers]
 - Three judges from the Intellectual Property High Court or Tokyo District Court
- [Students]
 - Four examiners from the Japan Patent Office
 - Five lawyers
 - Six patent attorneys
 - Four managers from corporate Intellectual Property

6 Details of Activities under the Theme

The group I belonged to had five members consisting of a Patent Office examiner, lawyer, patent attorney and two managers of a company's Intellectual Property. The research theme was ④ "Developing an environment to facilitate joint research and development" as mentioned above. The theme was suggested by the Patent Office examiner of the group. With respect to the theme, the group analyzed the current situation, identified the challenges of private businesses, and suggested solutions to the challenges. The following describes in detail these discussions.

6.1 Current Situation Analysis

With the recent active international joint research & development and collaboration beyond the existing national or industrial framework (particularly in Western countries and China), the number of joint applications for patents is on an upward trend (Fig. 2).

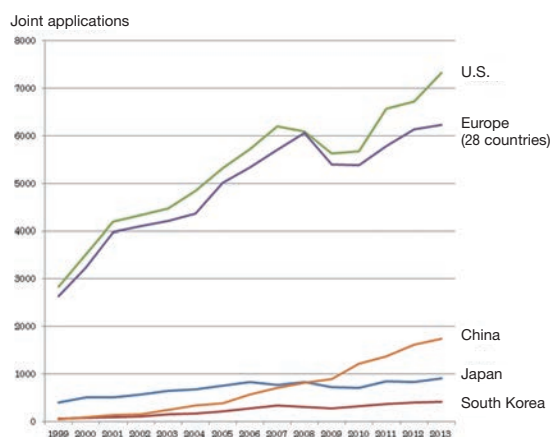


Fig. 2 Comparison of international joint R&D among nations²⁾

With focus placed on the current situation of joint R&D in Japan, the number of joint R&D projects tends to increase for both national and international projects. This trend is expected to still continue (Fig. 3).

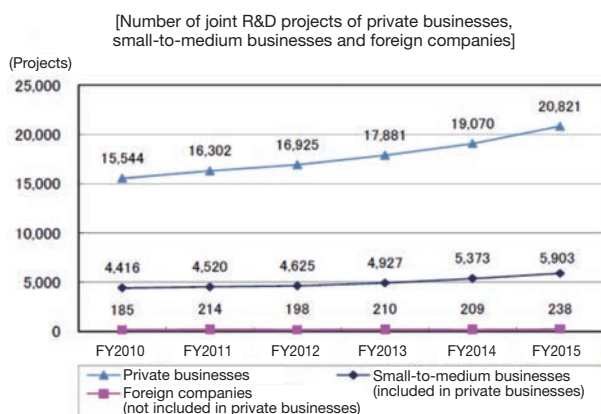


Fig. 3 Number of Japan's domestic joint R&D projects³⁾

6.2 Challenges of Private Businesses

The group identified two challenges:

Challenge ①: The length of the examination period from application to patent approval

The patent examination period by the Japan Patent Office is relatively shorter than that of other countries. Still, it is not short enough to catch up with the increasingly shorter lifecycle of products (Table 1).

Product lifecycle refers to "a period of time from market launch to withdrawal of a product". A short lifecycle of a product means a short development period of new models of the product.

Table 1 Primary examination period of the Patent Office in different countries⁴⁾

	Period to primary examination notification	Period to final decision
JPO (Japan Patent Office)	9.3 months	15.2 months
USPTO (United States Patent and Trademark Office)	18.1 months	27.0 months
EPO (European Patent Office)	9.1 months	22.8 months
SIPO (State Intellectual Property Office of the P.R.C)	12.5 months	21.8 months
KIPO (Korean Intellectual Property Office)	11.0 months	16.7 months

Challenge ②: Finding joint R&D partners

It is desirable for a joint R&D project to make use of resources of other businesses or partners for efficient innovations. Finding appropriate partners with necessary expertise and ideas is the key to the success of the project. However, it is difficult for many businesses and universities to find such appropriate partners without consuming considerable man-hours or cost.

6.3 Suggestions of Solutions to Challenges of Businesses

My group thought that the group should solve these challenges to enhance the convenience of joint R&D, further promoting the use of joint R&D and activating innovation.

To promote joint R&D, which was projected to further increase, the group made three suggestions:

Suggestion ①: Expand the super accelerated patent examination system

The only solution to the existing, too long examination period of the Patent Office described in Challenge ① is to approve patent rights quickly.

The current Japanese patent examination system can provide accelerated examination. In addition, an even quicker option called super accelerated examination is also available.

However, the super accelerated examination can only be applied to patent applications for inventions already completed, or those due to be implemented soon. In fact,

many joint R&D projects, particularly between private businesses and universities or public research institutes are not necessarily predicated on the "implementation" of the project.

Then, the group suggested to expand the scope of the super accelerated patent examination to include the work products of joint R&D between private businesses, and even between private businesses and universities or public research institutes, in order to further disseminate and accelerate joint R&D in Japan (Fig. 4).

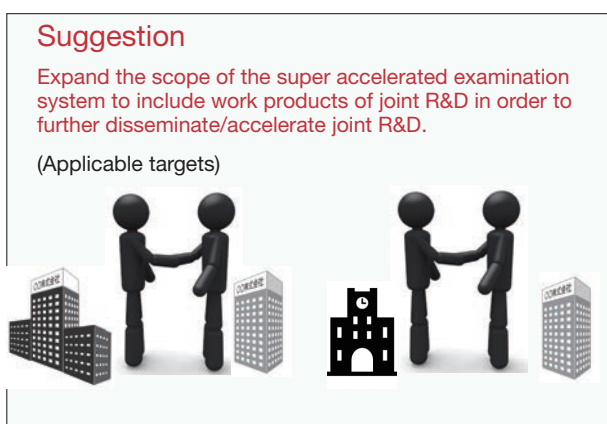


Fig. 4 Overview of expanded super accelerated examination system

If the super accelerated examination is applied, the examination period will be one month at the earliest to allow even faster approval (or three months for the accelerated examination).

Suggestion ②: Establish an international accelerated preliminary examination system

As the product lifecycle has generally become shorter, the profitable period is also likely to be shorter not only in the domestic market but also in the international one.

Nevertheless, the patent offices of major foreign countries have an average period to the final decision much longer than that of the Japan Patent Office as shown in Table 1. These countries fail to make full use of the exclusive effect of patent rights.

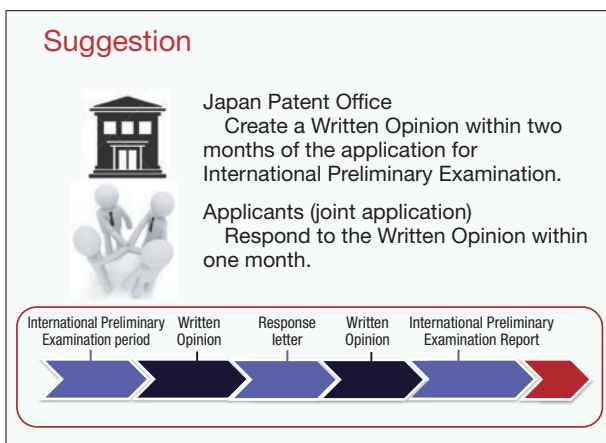


Fig. 5 Overview of new international accelerated preliminary examination system

The current International Preliminary Examination system is not necessarily designed to ensure adequate responses.

Then, for the purpose of ensuring earlier approval by foreign patent offices on the patent rights of joint R&D work products, the group suggested to establish an international accelerated preliminary examination system that required the Japan Patent Office to create a Written Opinion within two months of the application for International Preliminary Examination, and the applicants to respond to the Written Opinion within one month (Fig. 5).

Suggestion ③: New matching

Against the challenge ② that private businesses cannot easily find appropriate partners with necessary expertise and ideas, the group suggested establishing a partner matching system in which businesses highly aware of actively finding partners can appeal to each other by disclosing their own patented technology that they want their partners to use for joint R&D, and by communicating their own demands for partner technology they want to use for joint R&D even more actively (Fig. 6).

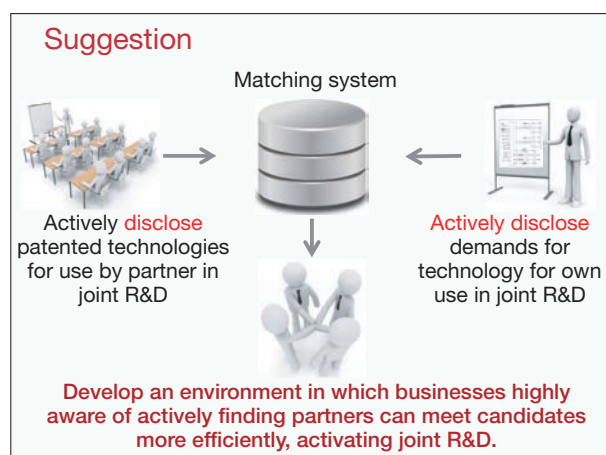


Fig. 6 Overview of new partner matching system

In the beginning of the discussion about this topic, the group only shared a somewhat vague awareness of the issues that, "just increasing international joint inventions will provide more opportunities of utilizing foreign technology, leading to the promotion of innovation in Japan, where the current percentage of international joint inventions is lower than in other major countries". The group did not know any existing research and surveys including current situation analysis based on data, identification of challenges of private businesses, and suggestion of solutions to the challenges.

The group then spent much time on discussing the questions: "Are you sure you can eventually facilitate innovation by promoting joint R&D?," and "What prevents Japanese businesses from having more international joint R&D?" within the group and with others in the seminars over and over again. Thanks to the advice from the instructors and the pep talks given by the judges and other students, the group finally compiled the activities into a report.



Photo 2 Presentation in debriefing meeting



Photo 3 Certificate being handed over

7 Activity Debriefing Meeting

A meeting to report the outcome of the one-year activities was held at Zenkoku Chosonkaikan on April 7, 2017.

The meeting was very festive, with the total number of participants being over one hundred. The majority was mostly experts playing an active role in the front line of the intellectual property field, including government officials and university professors.

During the year, I had a group discussion after work once or twice a week, and sometimes even had overnight discussions before giving a presentation in a seminar, or writing a thesis.

Moreover, the group often held weekend activities. It was a very tough year for me both physically and mentally.

In fact I felt quite nervous with the marvelous lineup of experts before giving my presentation. Still, with my determination to give the presentation with no regrets, by sharing the final joint work with the members I had spent hard times with together, I stood on the stage with a feeling of enjoying myself.

Thanks to that, I successfully made clear the outcome of the research without feeling nervous on the stage.

In the question and answer session after the presentation, I received many questions from attendees one after another. I could feel how much they were interested in our research theme.

After the debriefing meeting, a closing ceremony was held where we were successfully given the certificate.

8 In Closing

In recent years the technology development and commercialization of services using big data, IoT or artificial intelligence (AI) has accelerated dramatically. With the rapid progress of technical innovation, the intellectual property field is also addressing structural reform, particularly changing how intellectual property should be conducted in government and private businesses.

In this situation, I am committed to trying to resolve the various complicated challenges we face in future, by using the challenge, solutions, and human network obtained at the IIP Intellectual Property School, contributing to the future growth and soundness of KYB.

Finally, I would like to express my deep appreciation to those who extended their support and advice from the viewpoint of administration.

References

- 1) "What is IIP Intellectual Property School like?" (Foundation for Intellectual Property, Institute of Intellectual Property's web site: <http://www.iip.or.jp/juku/index.html>)
- 2) By using statistics on OECD.Stat (OECD) (<http://stats.oecd.org/>), among applications under the Patent Cooperation Treaty (PCT), those for patent rights on inventions by two or more inventors with different nationalities are counted by the country and expressed in a line graph.
- 3) Ministry of Education, Culture, Sports, Science and Technology: FY2015 Implementation of Joint Industry-University Projects in Universities (January 2017).
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