Harmonization Update

Japan Patent Office



A <u>Study on Grace Period for Universities, Research</u> <u>Institutions,</u> <u>SMEs and Startups</u>

Purpose of this study



Characteristics of respondents



From the standpoint of inventors

B IP5 initiatives regarding NET/AI

[A] Study on Grace Period for Universities, Research Institutions, SMEs and Startups



Focus on Universities, SMEs and Startups



- Universities, Research Institutions, SMEs and Startups as key players for innovation
- Not sufficiently covered in the Tegernsee Final Consolidated Report 2014

"In Europe generally, there was an under-representation of SMEs and universities/research institutes, and not a single individual inventor." para 42, Tegernsee Final Consolidated Report, 2014

"This implies that for the discussion on the grace period issue, the understanding of needs by SMEs and universities / research institutions are necessary." para 105, Tegernsee Final Consolidated Report, 2014

Regions and affiliations

Respondents are grouped into three regions:

- (1) **Europe** Short grace period (6 months) Except Estonia
- (2) **Japan** Lengthened the grace period in 2018 to 12 months
- (3) AU/CA/US Long grace period (12 months)



First response to research results or product development

Regarding the <u>Universities and Research Institutions</u>, we found that a certain number of respondents <u>publish academic papers</u> / journals, or make a presentation at <u>conferences</u> before filing patent applications as their first response.

"1. What is your **first response to the results of your research or product development** in terms of your information disclosure policy?"



Universities and Research Institutions

SMEs and Startups







 It can be said that whether GP is applicable or not is more important topic than the lack of funds.

This trend is more popular in Europe, which has more stringent GP requirements than other countries.

> GP > Funds ?

> > /

There are many cases wherein respondents had to give up filling patent applications.

Yes

No

60 [-]

"3. Have you ever decided not to apply for a patent application or failed to obtain a patent when you published, presented or reported?"

Universities and Research Institutions

43

20

40

26

Europe

Japan

0

AU/CA/US



SMEs and Startups

"3A If you answered "Yes" to Question 3, have there been any instances where you were able to obtain a patent in one country but not in another?"



[B] IP5 initiatives regarding NET/AI

IP5 NET/AI Roadmap

- Comprehensive roadmap for possible projects and future work to be undertaken by the various IP5 working groups
- Endorsed by the IP5 Heads of Office in June 2021



First NET/AI Project Proposed and Led by JPO



