

Japan Actions To Be Taken By The Patent Offices (1994)

[Attachment]

EMBASSY OF JAPAN

WASHINGTON, D. C.

August 16, 1994

Dear Secretary Brown:

I have the honor to refer to the recent discussions between the representatives of the Government of Japan and the Government of the United States of America concerning the patent systems of the two countries. I am pleased to inform you that the Government of Japan confirms that, on the basis of these discussions, the Japanese Patent Office and the United States Patent and Trademark Office are to take the actions described in the Attachment hereto. In some instances, the implementation of these measures will require approval of the Japanese Diet or the U.S. Congress.

We look forward to working with you on a regular basis on these and other matters of mutual interest in the field of intellectual property. These ongoing talks will allow the Working Group on Intellectual Property or its successor to meet annually, or upon the request of either government, to discuss the implementation of the above actions.

I believe that the above-referenced actions and continued efforts will further promote the good relationship in the field of intellectual property between Japan and the United States of America.

Sincerely,

The Honorable Ronald H. Brown Secretary of Commerce

Attachment

Actions to be taken by the JPO: 1. (a) By April 1, 1995, in order to institute a revised opposition system by January 1, 1996, the JPO is to introduce legislation to revise the opposition system.

(b) Under the revised system, oppositions in the revised system are to be consolidated and addressed in a single proceeding to minimize the time spent during opposition.

(c) Multiple oppositions in the revised system are to be consolidated and addressed in a single proceeding to minimize the time spent during opposition.

2. (a) By January 1, 1996, the JPO is to institute a revised system of accelerated examination.

(b) In the revised examination system:

(i) the JPO is to allow an applicant who has filed a patent application before a foreign national or regional industrial property office to request accelerated examination for a corresponding patent application filed in the JPO:

(ii) applications are to be processed to grant or abandonment within 36 months from the date of the request for accelerated examination;

(iii) the JPO may require the applicant to submit a copy of a search report, issued by the above mentioned national or regional industrial property office separately from or associated with its first substantive action on the merits; and

(iv) a fee exceeding the fee for filing an application may be charged in addition to the normal fee for filing an application may be charged in addition to the normal fee for requesting examination but working requirements will be imposed.

3. Other than remedy a practice determined after judicial review process be a competitive right permitted public commercial use after July 1, 1995 the JPO is required to arbitrate decisions regarding dependence compulsory license be granted.

Actions be taken by the USPTO:

2. (a) By September 30, 1994 in order to issue an "early publication" system by January 1, 1996 the USPTO is required to make applications publicly available 18 months after the filing date of the earliest filed application a reference which is made under 35 USC 119, 120, 121 or 365.

(b) The USPTO is to make publicly available all applications filed after January 1, 1996 as soon as possible after the expiration of 18 months from the filing date or where priority is claimed under 35 USC 119, 120, 121 or 365 from the earliest priority date. The drawing specifications including claims and bibliographic information of the applications are to be made available to the public. Applications having independent and dependent applications subsequence secretory orders are to be made publicly available.

2. (a) By August 1, 1994 in order to issue revised regulations and procedures by January 1, 1996, the USPTO is required to make legislative revision current regulations and procedures.

(b) The new regulations and procedures are to be paid the grounds for regulations and include compliance with all aspects of 35 USC 112 except for the best mode requirement.

(c) The new regulations and procedures are also to be paid the proportion of the third parties participating in the examination interviews and submit written comments the payment of the respondent's response to the payment under regulations.

3. Other than remedy a practice after judicial review process be a competitive right permitted public commercial use after July 1, 1995 the USPTO is required to grant a dependence compulsory license.

THE SECRETARY OF COMMERCE

Washington D.C. 20230

August 16, 1994

Dear Mr. Ambassador:

I am pleased to receive your letter of today's date concerning the measures that our government has decided to take with respect to the payment systems for work underlies. I am pleased to inform you that the Government of the United States of America also confirms that the actions described in the Attachment to your letter are being taken by the respective offices.

We look forward to working with you on a regular basis and the ongoing talks which will allow the Working Group to be successful in meeting a usually rapid request for her government to discuss the implementation of the above actions. I believe that the actions of our government and the coordinated efforts will further promote the good relationship in the field of intellectual property between Japan and the United States of America.

Sincerely,

Ronald H. Brown

His Excellency

Takakazu Kuriyama

Ambassador of Japan

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