

Japan's intervention at 59th WIPO Assemblies (Sep 30th-Oct 9th, 2019)

Agenda item 16: Report on Standing Committee on the Law of Patents (SCP) WO/GA/51/6
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Thank you, Mr. Chair.

The delegation of Japan aligns itself with the statement made by the distinguished delegates of Canada on behalf of Group B.

This delegation welcomes the fact that we shared a lot of information on various issues through the discussions at the 29th and 30th sessions of the SCP and that the Committee was able to reach an agreement at the last session about its future work. This delegation highly appreciates the Secretariat's efforts and Member States' flexibility in this regard.

This delegation is confident that the important issues for all member states are the quality of patents and the confidentiality of communications between clients and their patent advisors.

This delegation believes that it is beneficial to consider the quality of patents from a practical perspective because it is affected by various practical factors such as collecting prior art and the decision-making process in patent examination and opposition procedures. In addition, work sharing is an effective framework for sharing prior art that has been collected and the decisions too. Therefore, this delegations believes that work sharing contributes to improving the quality of patents for all member states.

In the next 31st session in December, under the agenda of "quality of patents", a sharing session will be held on the use of artificial intelligence for examining patent applications. In the 32nd session, member states will share the information on the patentability of AI inventions. Responding to emerging technologies such as AI is an issue shared by many IP offices, and it is very useful for member states to exchange their opinions regarding the relationship between patents and AI at SCP.

When it comes to the confidentiality of communications between clients and their patent advisors, the client attorney privilege (CAP) enables open and frank communication between clients and their patent advisors. Based on this, the clients can obtain appropriate legal advice from their advisors. We believe that

CAP would enhance the reliability and stability of the patent system.

Therefore, this delegation believes that this issue should be discussed as usual at the SCP.

This delegation strongly believes that the SCP should keep on discussing global patent issues. In addition, this delegation is committed to continue contributing positively to discussions on important patent issues, as it has been doing.

I thank you, Mr. Chair.