

JAPAN INTELLECTUAL PROPERTY ASSOCIATION

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The Honorable David J. Kappos
Under Secretary of Commerce for Intellectual Property and
Director of the United States Patent and Trademark Office
United States Patent and Trademark Office
Alexandria, Virginia

Re: JIPA Comments on the "Eliciting More Complete Patent Assignment Information"

Dear Under Secretary Kappos:

We, the Japan Intellectual Property Association, are a private user organization established in Japan in 1938 for the purpose of promoting intellectual property protection, with about 900 major Japanese companies as members. When appropriate opportunities arise, we offer our opinions on the intellectual property systems of other countries and make recommendations for more effective implementation of the systems. (<http://www.jipa.or.jp/english/index.html>)

Having learned that the "Eliciting More Complete Patent Assignment Information", published by the United States Patent and Trademark Office (USPTO) in the Federal Register, Vol.76, No.226, on November 23, 2011. We would like to offer our opinions as follows. Your consideration would be greatly appreciated.

JIPA again thanks the USPTO for this opportunity to provide these comments and welcomes any questions on them.

Sincerely, yours,

Kenji Koumoto

President

Japan Intellectual Property Association

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JAPAN

JIPA Comments on “Eliciting More Complete Patent Assignment Information”

Business entities give their best effort into not infringing other’s patent rights. In order to do so, information on who owns what and how many patents is important. Since many patent transactions occur, more timely and precise assignment information would be preferable for the business entities.

We think it is in the public interest for the USPTO to obtain updated identification of the assignee from applicants during prosecution of the application, at the time of allowance and after issue of the patent because, as noted above, updated patent assignment information is important for patent clearance.

Also, updated patent assignment information should help a party avoid entering into a patent licensing agreement with the former patent holder who has already transferred the patent rights to other.

As to the public notification means, we believe that the current notification system on the USPTO’S website functions properly for reflecting the latest information. Whenever the USPTO obtains updated information on an assignee, we hope the USPTO’s web system reflect the updated information without undue delay.

We would recommend the following changes as an incentive relating to the disclosure of assignment information:

We would recommend that the current USPTO’s website system of “Assignments on the Web” system reflect the latest assignment information in more timely and precise manner. In order for that the web system would receive the more timely and precise assignment information, we would recommend the cost incentive for the earlier recordation of the assignment. So, the earlier recordation of the assignment information, the less fee will be charged.

We hope to receive more timely and precise patent assignment information, however, repetitive cumbersome complicated procedure for patent assignment recordation will cause unfavorable less-user-friendly interface for patent applicants and patentees. We hope rules will be realized without excessive burden on patent applicants and patentees.

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