JAPAN INTELLECTUAL PROPERTY ASSOCIATION

Nihonbashi 3-Chome Square Bldg. 6F,
3-9-1 Nihonbashi,
Chuo-ku, Tokyo 103-0027, Japan

TEL: 81 3 6262-5879
URL: http://www.jipa.or.jp/

October 30, 2026

Mr. Daren Tang Director General
World Intellectual Property Organization 34,
chemin des Colombettes
CH-1211 Geneva 20, Switzerland

Re: POSITION PAPER ON THIRTY-EIGHTH SESSION OF THE STANDING COMMITTEE ON THE LAW OF PATENTS, Geneva, November 2 to 6, 2026 (SCP/38)

Dear Director General Tang,

The Japan Intellectual Property Association ("JIPA") is a non-profit, non-governmental organization with 1,429 members as of October 30, 2026. JIPA represents industries and users of the intellectual property (IP) system and provides timely and appropriate recommendations on the improvement and utilization of IP systems to relevant organizations around the world. Further information about JIPA is available at http://www.jipa.or.jp/.

JIPA would like to submit its opinions on the following agenda items of the Thirty-Eighth Session of the Standing Committee on the Law of Patents (SCP/38).

Agenda item 6. Quality of patents, including opposition systems

(1). Use of AI and Other Tools in Patent Examination Procedures

Sharing session on the use of various tools, including AI, for effective patent examination procedures and challenges faced by IP offices in developing, deploying and using such tools.

Currently, countries around the world are working to create strategy and policy for utilizing AI in patent examination procedures. Specifically, Japan Patent Office recently published AI vision statement announcing their policy related to utilizing AI in the examination process. JIPA support these initiatives to promote effectivity, fairness, rapidity, and transparency and also believe that ensuring the quality of examinations is the foundation of the patent examination system.

In parallel with these initiatives, we concern flood of technical information generated by AI and made public. For this issue, our thought is that we need to establish criteria to distinguish

what information should be qualified as Prior Art or cited information for patent examination process.

We believe that any technical information that has been made public should be considered as a cited invention and Prior Art for application procedure of utility patent at least, regardless of whether the information was generated by AI or not, if the possibility to implement the information is technologically clear for the person skilled in the art. On the other hand, the information should be disqualified as a cited invention and Prior Art when the possibility is still unclear based on Prior Art and combination with the standard or related documents for the person skilled in the art.

Lastly, technical information generated by AI is significantly increasing. Accordingly, the criteria of eligibility as a cited information and Prior Art when the information was created by AI impact on our actual practice and also the differences among jurisdictions negatively impact for our patent application procedure. Negative impact means that we, users of patents, need to prepare separate documents for each jurisdiction to suffice the different requirements for patent prosecutions. JIPA expect harmonization of the topic based on international, professional and technological discussions among member states.