JAPAN PATENT ATTORNEYS ASSOCIATION

October 23, 2026

SCP/38 JPAA Statement

Agenda 6. Quality of patents, including opposition systems

*− Update to document SCP/36/5 (Document **SCP/38/4**)*

JPAA Statement on SCP/38/4

(1) JPAA expresses its appreciation to the Secretariat for preparing the document.

In April 2025, JPAA established the "Guidelines for the Use of AI in Patent Attorney Practice," summarizing key considerations for patent attorneys in Japan when utilizing AI technology in their work. The guidelines primarily set forth the following principles:

1. AI is a tool to assist patent attorney practice; patent attorneys must fact-check AI outputs and bear ultimate responsibility for the accuracy of their work.

2. Due caution must be exercised when inputting prompts into AI and when utilizing output results, from the perspectives of confidential information and confidentiality obligations, prevention of the loss of novelty, personal data protection, and third-party intellectual property rights.

3. Appropriate agreement must be reached with clients regarding the use of AI.
   Through the guidelines, JPAA seeks to ensure that Japanese patent attorneys can further enhance client trust, even when leveraging AI.

(2) On the other hand, AI carries the risk of generating hallucinations and can produce different responses even to the same prompt. Consequently, when assessing inventive step—for example, when evaluating the motivation to combine a primary cited invention with a secondary cited invention—concerns arise that AI might generate different outputs each time instructions are input, or that its perception of the person having ordinary skill in the art (PHOSITA) or the state of the art at the time of filing may diverge from standard understanding, thereby impairing predictability not only for applicants but also for third parties.

In light of these concerns, from the perspective of ensuring the consistency and predictability of examination results, JPAA hopes that a certain degree of international harmonization will be achieved regarding guidelines and standards for the methodology of utilizing AI in examination and the adoption or rejection of AI-generated responses.