JAPAN PATENT ATTORNEYS ASSOCIATION

October 23, 2026

SCP/38 JPAA Statement

Agenda 9. Transfer of technology

− *Study on the determination of inventorship and conditions of foreign filing, with a view to identifying potential challenges for innovators in the cross-border collaborative environment (Document **SCP/38/8**)*

JPAA Statement on SCP/38/8

(1) JPAA commends the Secretariat for its dedicated efforts in compiling the responses from Member States to prepare this document. Furthermore, JPAA supports the approach of this document, which organizes national foreign filing restrictions in a neutral and comparable manner.

(2) In recent years, instances of establishing overseas affiliates, forming business alliances with foreign enterprises, and conducting joint research with overseas research institutions have been steadily increasing. In these cross-border collaborative environments, where applicants, inventors, and research locations span multiple jurisdictions, in practice, situations do arise where stakeholders are confused about which countries' foreign filing restrictions must be considered and to what extent prior authorization or clearance must be obtained. In such cases, there is genuine concern that applicants may suffer severe disadvantages, such as the refusal or invalidation of a patent or the imposition of penalties, if they inadvertently fail to satisfy the foreign filing requirements of a relevant jurisdiction.

As this confusion stems in part from significant variations among national foreign filing requirements, harmonizing these requirements across jurisdictions as far as possible would be ideal. However, as a first step, it is essential to categorize and share basic elements—such as applicability triggers, covered technical fields, required procedures, and legal consequences or penalties for non-compliance—from a common perspective. Additionally, JPAA hopes that discussions will proceed on providing information regarding national foreign filing requirements

in a format that is easily accessible and transparent for local representatives and applicants worldwide.