1. Introduction

The Israel Patent Office is located in the Technological Park in Jerusalem, Israel.

The ILPO offices are open to the public on work days, Sunday to Thursday, from 08:30 to 13:30. During that time, the public can review the publications at the ILPO library (most of it is in English), as well as receive information on registered patents as well as patents applications (after 18 months of first filing). All such information is available also on-line at the ILPO website www.patents.gov.il (website is both in Hebrew and English).

Intellectual Property is one of the most important assets in modern economy and a major factor in the economic development of a country. Israel is an innovative country, where the high number of hi-tech companies goes hand in hand with the growing number of patent applications.

As such, the Israel Patent Office takes all the necessary measures to provide its many stakeholders with the best, efficient and kind service.

2. Overview of IP in Israel

2.1 General information of the Israel Patent Office

The principal function of the Israel Patent Office is to enable the protection, in Israel, of industrial property by the grant of patents and the registration of designs, trademarks and appellations of origin, to those deserving that protection, in accordance with the relevant laws.

Applications for patents and for registration as above, which are submitted to the ILPO, are examined with the object of ensuring that the exclusive rights granted will protect the due rights of the owners of the industrial property without interfering with the legitimate rights of others.

The Israel Patent Office operates under Government Resolution No. 4722, 8 Adar 5766, (March 8, 2006). This Government Resolution established that the ILPO shall operate as an independent executing agency headed by the Patents Commissioner. The ILPO’s stature as an Authority was also stipulated during 2011 in the scope of amendment no. 9 to the Patents Law.

The Director of the Israel Patent Office acts also as the Patents Commissioner, Designs Commissioner and Trademarks Commissioner.

The ILPO is also responsible for providing information to the public regarding registered rights, holding a library and publication services on these subjects and also maintaining contact with international organizations dealing with protection of intellectual property, such as the World Intellectual Property Organization (WIPO).

Since 1996, the ILPO acts as a receiving office for PCT applications and since 2010 acts also as an office of origin for international trademark applications in accordance with the Madrid protocol.
As of June 1st, 2012, the ILPO operates as an International Searching Authority and as an International Preliminary Examination Authority.

The Patent Formalities department is the first department in the ILPO that the applicant or the inventor meets when filing a new application or any other document. Therefore, the department’s staff do their utmost to provide the essential initial information, and by nature are accessible and very knowledgeable on ILPO’s procedures and work processes. The various roles of the department encompass the handling of new applications, patent renewals, issuance of patent certificates, preparation of the patents journals for publication, management of the patent attorneys’ registry and updating the data on the ILPO’s website. These tasks are carried out while ensuring that all information designated as open to the public is presented on the website as soon as possible after execution of the transaction on the ILPO’s computerized system. The activities of this department are expected to undergo major changes during the next year due to the anticipated establishment of on-line application services.

The Patent Examiners department is the largest department at the ILPO with at least 100 Patent examiners, a requirement that was met during the preparations carried out before the start of operation as an International Searching Authority and as an International Preliminary Examination Authority. Most of the Patent Examiners have Masters and higher academic degrees in a large variety of fields. The Patent Examiners undergo regular trainings in the field of Patents Search, Quality Control, Operation as an ISA/IPEA, PPH and more. The activities of this department are closely monitored to maintain timeliness and quality.

Many Israeli applicants choose to register a patent abroad by first filing an international patent application through the ILPO. The PCT department acts as a Receiving Office to receive patent applications and handles them according to the PCT. Every resident and/or citizen of Israel is eligible to file an international patent application through the ILPO as Receiving Office or through the IB. Recently the ILPO started operations as ISA/IPEA and the PCT department administers all formalities connected to this novel activity.

The Trademarks department is responsible for registering new trademarks in Israel. Since 2010 the department operates under the Madrid Protocol, a move that led to an overall increase of trademarks applications in Israel.

The Designs department is responsible for registering new designs in Israel. The work at the department is constantly improving with the introduction of the new IT systems.

The Legal department is in charge of preparing and handling the legal proceeding at the ILPO before the Commissioner of Patents, Trademarks and Design. These include bi-lateral adversary proceedings such oppositions and cancellations as well as unilateral appeals on the departments’
administrative decisions. All the resolutions given, including the many interim decisions, are available for viewing on the ILPO website (in Hebrew). The department also takes part in the drafting of new legislations and also presents them at the Knesset (the Israel Parliament).

Since 2011, all the departments at the ILPO operate in compliance with the requirements of the ISO 9001 standards of quality.

-IP system

The ILPO acts under the Patents Law, 5727-1967, the Patents and Designs Ordinance, the Trademarks Ordinance [New Version], 5732-1972 and the Appellations of Origin and Geographical Indications Law, 5725-1965.

The Commissioner, his deputy and the Judicial Officer have the power to rule in appeals against decisions of the examiner, oppositions to patents, designs and trademarks and registrations and applications for their cancellation.

-Statistics

Patents and PCT Statistics:

![Patent Applications Filed vs. Patents Granted in 2001-2011](image)

![Patent Applications Filed in 2011 – by Fields](image)

International Profile of Israel’s Activity in the Field of Patents:

* All information is provided from WIPO’s database, as presented in the 2011 Annual Report

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<td>Israel ranked 17th</td>
<td>Israel ranked 16th, as it did in 2010.</td>
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**International cooperation**

The ILPO is very active in the International IP Arena. Such involvement is required, inter alia, due to the global outreach of Israeli inventors and R&D collaborations. The ILPO strives to provide its stakeholders at large, and specifically the Israeli stakeholders, with a variety of services adapted to the global changing needs:

The ILPO is a member of WIPO, hence participating in its various work groups, such as PCT-MIA, IPC Classification, the Madrid Protocol etc.

The ILPO participates in WIPO’s initiative for a World IP Day, every April 26th.

The ILPO regularly hosts respected delegations from partnering Patent Offices, such as the JPO’s delegation, which visited the ILPO at the end of 2011.

The ILPO cooperates with Patent Offices in order to provide the applicants and stakeholders with the best and most relevant seminars, such as the PPH Seminar, in cooperation with the USPTO, which took place on October 17th, 2012.

The ILPO ensures that the examiners are constantly updated on recent legal changes, examination procedures and provides trainings from experts, both local and international.

The ILPO first joined the PPH scheme in July 2011 and currently has five PPH arrangements: USPTO (PPH and PCT PPH), DKPTO (PPH and PCT PPH), JPO (PPH and PCT PPH), NBPR (PPH and PCT PPH) and CIPO.

For instance, Israeli applicants have filed in 2011 with the JPO 413 Patent applications, 64 Trademark Application and 20 Design Right Applications; while Japanese applicants have filed in 2011 with the ILPO 221 Patent applications, 202 Trademark Applications and 17 Design Right Applications. Such numbers warrant the said cooperation with the JPO as corresponding data make the case for cooperation also with other offices.

### 2.2 Current issues and future prospects of IP in Israel

According to the announcement of the Foreign Minister of June 1st, 2010 regarding the joining of Israel to the Madrid Protocol, Israel started to act as a receiving and originating office as part of the Madrid Protocol starting September 1st, 2010.

Applicants and trademark owners who are interested in registering their trademarks in one or more of the 85 countries that are members to the treaty can submit one international application through the ILPO and avoid the need to appoint a proxy in each of the targeted countries. Similarly, foreign applicants who are interested in protecting their trademark also in Israel can do so with a single international application in which Israel is one of the targeted countries.
The Israel Patent Office started operating as an International Searching and Preliminary Examination Authority on June 1st, 2012, in accordance with the Patent Cooperation Treaty (PCT).

This operation follows the resolution of WIPO’s annual General Assemblies at Geneva, in September 2009, recognizing Israel as an International Searching and International Preliminary Examination Authority. This recognition entered Israel to a globally lucrative list of the most advanced countries in this field.

WIPO’s resolution and the start of operation according to it, further establishes Israel’s international status among the nation’s leading international projects in the intellectual property field and acknowledges its technological capabilities in the field.

Israeli patent applicants are among the active users in filing international patent applications under the PCT. In 2010, Israel ranked 7th in the world among filers of national phase applications following PCT applications. In 2011 the overall amount of PCT applications filed by Israeli applicants ranked 15th in the world.

The operation of this new service will provide an answer to the said constantly growing international needs of Israeli patent applicants. Currently, international applications filed by Israelis can be examined in Europe or the U.S. patent offices acting as an ISA/IPEA. This will allow retaining the work in Israel while facilitating applicants with a more convenient, affordable and accessible service.

Keeping the work in Israel presents obvious economic advantages. Expanding the infrastructure for registered intellectual property rights and enhancing their respect is proof of economic robustness as well as leadership in technological innovation. Service providers, such as patent attorneys, will be able to benefit from the availability of the ISA/IPEA in Israel, thus improving the service provided to applicants.

Amendment no.10 to the Patents Law 1967 that came into force on July 1, 2012, requires the publication of patent applications promptly after the expiration of a period of 18 months from date of priority.

Article 179 to the Patents Law, as amended, states that where a third party exploits an invention claimed in a patent application, that said third party shall be liable to pay the applicant a reasonable royalty. For the exploitation of the invention during the period between publication as aforesaid until the date said patent application was allowed and published, said third party would have paid as if he was a licensee. That would be subject to three accumulative conditions:

1. That a patent was ultimately issued in respect of the application and;
2. That the exploitation is deemed as an infringement of the said patent, as issued, and;
3. That the invention claimed in the patent is substantially identical to the invention claimed in the application published as aforesaid.

The cause of action for the exploitation of an invention claimed in a published application shall accrue only upon issuance of said patent. For exploitation made after the date of publication of the fact of the patent acceptance, the Court may grant any relief, as it was before amendment no.10.

Prior to amendment no. 10 of section 16A of the Israeli patent law, the Israel Patent Office published patent applications only after an application was granted as a patent. Following the amendment, patent applications’ file-wrappers are published on the ILPO on-line database after 18 months from the application’s filing date. The file-wrappers include the application and the correspondence between the applicant and the ILPO.

Following these amendments, there are considered to be four main areas affecting the ILPO’s patent examiners:

1. Accessibility: All incoming and outgoing correspondences are digitally stored, allowing easier and faster access. This allows faster and better communication between the applicant and the examiner.
2. Prior art search: The online database has improved the examiners capabilities to search Israeli patent documents. Following the amendment, patent applications’ file-wrappers are published on the ILPO on-line database after 18 months from the application’s filing date. The file-wrappers include the application and the correspondence between the applicant and the ILPO.
3. Quality: Over-all quality of examination is expected to increase as a result of publishing the file-wrappers, which will allow public feedback. Furthermore, the ILPO’s internal quality check (Q.C.) will be easier to perform. It is expected that information gathered on the ILPO’s database will allow better statistical analysis, resulting in better understanding of relevant trends.

Furthermore, the ILPO has been working to standardize, as much as possible, clauses used during the examination process. This is in order to form uniform, clear and precise examination criteria.

4. 3rd party involvement: as a result of the above-mentioned amendments and other recent amendments in the Israeli law, the public is invited to be more involved in the examination process.

In conclusion, by opening the file-wrappers for public review which was carried out fully digitally, transparency has been increased, thus promoting the standard of IP services in Israel.
3. Colleagues of the Israel Patent Office

3.1 Career path

The ILPO, as a government agency, hires only contenders who successfully passed tenders conducted by the civil service commission.

The examiners at the ILPO are required to undergo a cadet training course which encompasses the following main subjects:

• Roles and duties of the ILPO
• Various aspects of industrial property (Patents, Designs, Trademarks, Appellations of Origins and Geographical Indications)
• The Patents Law 5727-1967 (what is a patentable invention, specifications, claims, novelty, inventive step)
• International treaties: the Paris convention and the PCT
• Examination procedures and guidelines and Commissioners Circulars
• Formal examination
• National defense related inventions

The lectures in the course are provided by leading attorneys at law and patent attorneys as well as contributors from the Academy and the ILPO.

Patent examiners can spend a few months in other departments in the ILPO, according to the work flow and the needs of the office. For Example, in 2012, the backlog to first examination of patent applications in the Biology department was only 24 months. This allowed for 3 patent examiners to work half time in the designs department, assisting with the growing backlog. During their employment at the ILPO, Patent Examiners can shift their attention between classifications, thus allowing them diversity in the work materials, as well as, acquiring knowledge and expertise in multiple fields.

Patent examiners at the ILPO have a structured career path according to which after 5 years as patent examiners and subject to exams and tender requirements, they are eligible to compete for positions of heads of the teams.

10 Questions to the examiners in ILPO

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<th>Question</th>
<th>Answer</th>
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<td>Q.1</td>
<td>What is your story of successes in the Intellectual Property field?</td>
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<td>Q.2</td>
<td>The IP increases economic growth and fosters a beneficial technical change, thereby improving development prospects and promotes effective and dynamic competition.</td>
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<td>Q.3</td>
<td>The positive aspect of IP is that it gives an exclusive right to the creator for a certain period of time so that only he or she can distribute his work and profit from it. Another advantage is that the creators are more inclined to produce more work.</td>
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<td>Q.4</td>
<td>The negative aspects of IP are that the copyright laws have not evolved to meet new technologies. The public is not receiving much in the way of expired copyrighted material to add to the public domain. And the copyrights are overly restrictive in many aspects. Another disadvantage is the high cost which could be a burden for private inventors.</td>
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<td>Q.5</td>
<td>The IP encompasses a wide field of prospectively patentable ideas. There are many different fields of IP that are protected by the law, from paintings and books to formulas for new drug therapies. My work is very interesting and significant, I learn a new topic every day.</td>
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<td>Q.6</td>
<td>My work helps increasing people’s life level. “Find a job you love and you’ll never have to work a day in your life.” - Jim Fox</td>
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<td>Q.7</td>
<td>My motto for work is to be ambitious, to always learn new things in new fields of interest, to become a strong player in a quality work environment.</td>
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<td>Q.8</td>
<td>I chose to work in the IP because I wanted to expose myself to a new field that allows a significant exposure in the invention world. Furthermore, the ILPO is a new and renewed attraction for inventors who want to extend the protection afforded to them on their inventions internationally, for me this is a workplace which has a dynamic spirit and I generally feel very related to that.</td>
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<td>Q.9</td>
<td>I like my interesting job, I think that my qualification is suitable for this work. I work in a professional collective, that is opened to discussion and help, I have a broad range of seminars, lectures, workshops. I enjoy an effective support computer programs, I believe in the clever management of our office.</td>
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<td>Q.10</td>
<td>I hope that one day I become a group leader in the Office. I expect to develop more skills in the IP field and the international relations of my country in the IP field with other countries in the world, to become an expert in a special field and to be able to contribute in order to optimize processes and/or establish new ideas.</td>
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Senior trademark examiner

Yoaela Roash

Age: 32
Years of employment: 1.5
School background (major): Msc Chemistry
Professional experience: WO
Current position (Technical field): Senior trademark examiner (Chemistry)
3.2 Daily work

The examiners work during the working week time, Sunday to Thursday, from 07:30-16:00. Each examiner is expected to examine a certain amount of new applications (first substantive action) and second examinations. Such goals were set by the ILPO’s Supervisory Committee, which assists the ILPO in its functions as an Executive Agency.

In 2011, the Patents department examined 7,596 new applications and 8,911 second examinations, thus standing by the goals set by the ILPO’s Supervisory Committee.

4. Other topics

In accordance with the ISO 9001 standard requirements, an anonymous external client satisfaction survey was carried out, regarding the service provided for users of the ILPO in 2011.

The 2011 survey was the first to be carried out anonymously. An external company was hired to send the survey to all members of the ILPO’s mailing list. Those of the public who chose to participate in the survey, were requested to provide feedback for all departments of the ILPO, including the Patents Department, Designs Department, Trademarks Department, PCT Department, Legal Administration, Trademarks Ledger, Patents and Designs Ledger and the Legal Department.

In the survey, the participants were requested to respond in regard to the quality of service they received from the various departments including the administrative teams and the examiners. The participants were also requested to refer to the satisfaction from the databases available at the ILPO as well as the quality of service they enjoy when changes in the Ledgers
are concerned and legal matters are handled.

The amount of participants in the survey in 2011 was much larger than the amount of participants in previous years. This is an indication of the success of the format of the survey.

The results of the survey were very positive and testified for the good, efficient and polite service to the users of the ILPO services. The average rating of all the departments of the ILPO is 4 out of a maximum of 5. In the survey, several issues in which the ILPO needs to improve were raised, such as, IT infrastructure and other matters. For these issues, corrective measures were initiated in accordance with ISO 9001 standard requirements.

The ILPO published its first annual report in 2011 for the year 2010 and has since published its annual report for 2011. The annual report is the precursor to public transparency of the ILPO’s work and activities in the field of industrial property in Israel. The purpose of the report is to update and enhance the scope of information available to the public with regards to the ILPO’s activities as a supportive hub to innovation and technological progress. The annual reports are available at the ILPO website: http://old.justice.gov.il/MOJEng/RashamHaptentim/AnnualReport.htm

5. Conclusion

The Israel Patent Office’s global presence keeps increasing over the years. Applicants originating from Israel are leading users of the PCT system. To enable the ILPO to better serve such Israeli applicants as well as sophisticated international applicants, the ILPO sees the importance in enhancing the scope and rate of services provided to such communities. Thus, the ILPO is an active participant in the PCT, the Madrid Protocol and in global cooperation schemes such as the PPH. The Israel Patent Office constantly seeks to expand its international cooperation and enhance the existing ones - as is the case with its relations with the JPO. Maintaining such activities is conditional upon sustaining a professional and eager workforce which the ILPO sees as its prime asset.

On this article’s publication, Mr. Akira Ogawa has kindly accepted the role of coordinator and provided tremendous cooperation. We would like to express our sincere gratitude to him. (Tokugikon Editorial Committee)

A few words from a collaborator

“We don’t know the world beyond what we imagine.” I carry this doubt with me at all times. For example, how much do we know about things taken for granted in other regions, such as the working hours and non-working days in a week in Israel, the country discussed in this article? A world exists where, difficult though it may be to imagine, the standards we use in Japan do not apply.

In the same way, in the field of intellectual property, we are constantly provided with information from the Trilateral Offices and the Five IP offices, but information from newly emerging countries and developing countries remains limited.

As in the saying, “A picture is worth a thousand words,” the best option is to go these places and see for ourselves, but we do not have many opportunities to do this.

In addition to basic information on systems, organizations, and statistics, this paper incorporates aspects such as the true, honest selves of employees, and we would be delighted if filling in gaps such as these proves to be even slightly informative. Additionally, we would be happy to hear your opinions and impressions through the Editorial Committee.

Akira Ogawa
Nano-Physics Division
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Profile

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EDUCATION: 2008- MA in International Relations, majoring in diplomacy and security studies, Hebrew University, Jerusalem, Israel.
2006 - BA in International Relations and East Asian Studies, Hebrew University, Jerusalem, Israel.

WORK EXPERIENCE: October 2010 - Present: International Relations Officer, Israel Patent Office, Jerusalem, Israel.

LANGUAGES: Hebrew, French, English, German.