

# Study on Improving the Environment for Foreign-Language Patent Filings to Support Innovation

## Report Summary

### 1. Background

The proportion of patent applications filed by foreign applicants with the Japan Patent Office (JPO) remains lower than that observed in the United States and Europe. Looking ahead, Japan is expected to face a declining population and a slowdown in market growth, raising concerns about a potential decrease in patent filings from overseas. This study was therefore conducted to examine how the JPO can become a more attractive filing destination compared with the United States and Europe. The research assessed user needs regarding the acceptance environment for foreign-language patent applications and examined the advantages and disadvantages of potential policy options. The findings are intended to support future efforts to improve the filing environment and encourage patent applications from abroad.

### 2. Scope of the Study

The study investigated: (i) issues related to patent applications filed from overseas; (ii) challenges associated with the current framework for accepting foreign-language patent applications; and (iii) possible approaches for improving the acceptance environment for such applications, based on the perspectives specified in the project requirements.

### 3. Methodology

**Public Information Review:** Literature and information published between 2020 and 2025, including books, academic papers, research reports, committee reports, and online resources, were collected, organized, and analyzed.

**Questionnaire Survey:** Surveys were conducted with 220 domestic companies and organizations, 80 foreign-affiliated companies, and 200 patent attorneys and patent law firms that had filed patent applications with the JPO between 2019 and 2023.

**Interviews:** Based on the survey results, interviews were conducted with five domestic companies and organizations, five foreign-affiliated companies, five patent attorneys or patent law firms, and five legal scholars.

### 4. Key Findings

#### (1) Japan's Position as a Filing Destination

Japan continues to be regarded as an important jurisdiction for patent protection by foreign companies and other applicants. However, decisions regarding filing destinations are made based on a comprehensive assessment of factors such as market size, business strategy, prospects for obtaining and exploiting patent rights, and filing costs.

## (2) Challenges in Increasing Overseas Filings

When potential filing jurisdictions offer comparable market opportunities, filing costs—including translation expenses—can become a decisive factor in determining whether an application is filed. At the same time, while reforms concerning translation requirements and the use of machine translation may reduce the burden on applicants, respondents identified important considerations relating to machine translation quality, the publication function of patent documents, legal certainty regarding claim scope, allocation of responsibility, and consistency with examination and judicial practice.

## 5. Future Considerations

Possible measures to reduce translation burdens should continue to be examined carefully in light of the public disclosure function of Japan's patent system, legal predictability for third parties, and consistency with examination and court practice. Consideration should also be given to future improvements in machine translation quality, greater transparency in evaluation methodologies, and developments in foreign jurisdictions.

## 6. Keywords

Foreign-language patent applications; translation costs; machine translation; translation quality assessment; publication function; legal predictability; Unitary Patent System; London Agreement.