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IPAS Business Processes and Workflows

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Pillars of Business processes & Workflow automation

■ Institutional framework

■ legal framework

■ ICT infrastructure

■ Business level

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Institutional Framework

- ■ Effective departmental/functional-areas coordination

- ■ Centralized, accountable modernization authorities

- ■ Direct, regular access of modernization authorities to the leadership of the IPO

Legal Framework

- Development of an effective legal framework for the digital environment
- Enforcement of the laws and regulations
- Regulations addressing online transactions
- Security regulations and establishing an enabling framework
- Public dissemination policies
- WIPO Assistance on automation of IPOs

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ICT Infrastructure

- ICT infrastructure is a prerequisite to IPO modernization
- Modernization best served by establishing a common technological direction that applies to all functional areas of the IPO
- Development of guiding principles: establishment of federated enterprise architecture
- Development of Standards
- Consideration of WIPO Standards on data structures, publications, & exchange
- Infrastructure & Information security

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Business Level

- Transform the way an IPO conduct business by becoming more client-centric, more transparent and accountable
- Significant changes in the existing work practices of IPOs essential
- Capacity building
- Change management
- Communication and marketing

Sources of Business Processes & Workflows

- IP Legislation / Laws
- Administrative Procedures / Implementing Regulations

LAWS OF KENYA

Example

SOURCE OF WORKFLOW PROCEDURES
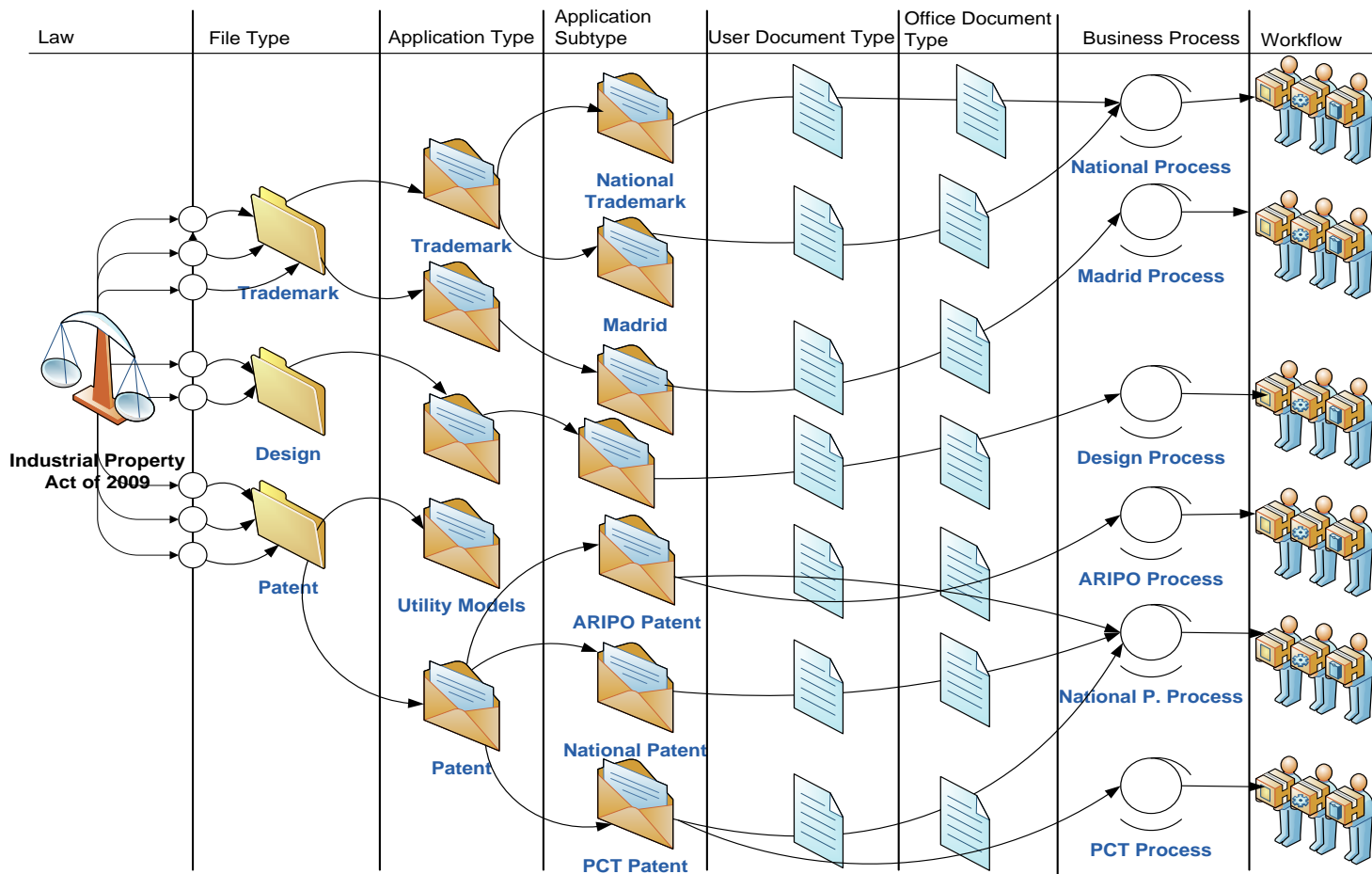
THE TRADE MARKS ACT

CHAPTER 506

Key Reasons for Workflow Automation

- To introduce greater efficiency / Improve productivity
- To improve service
- To reduce operational costs
- To improve organizational agility
- To improve visibility of processes
- To meet regulatory requirements / legal compliance issues
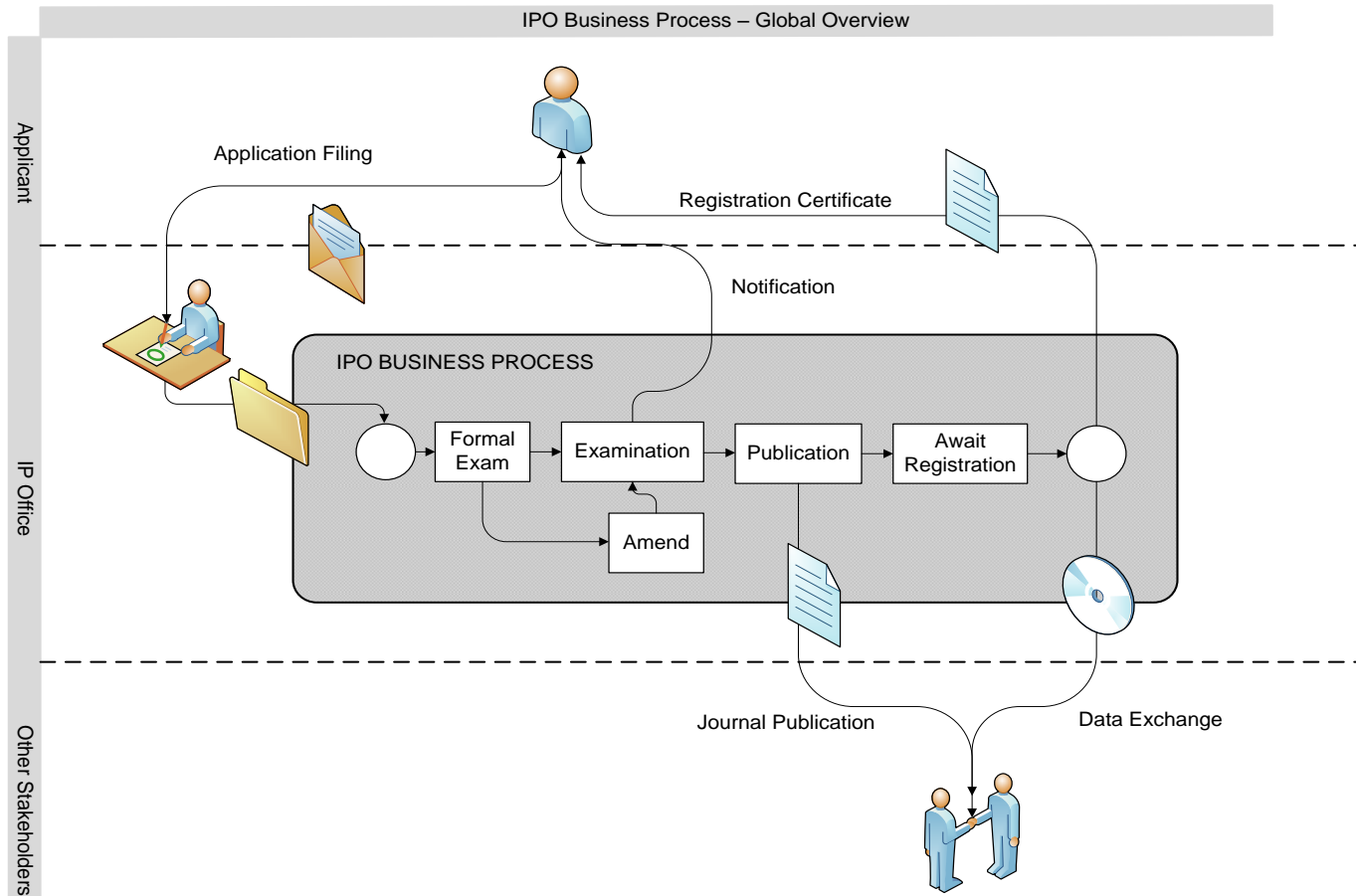- To deal with integration on issues around legal systems

Key factors in workflow automation

- Legislation / Administrative Procedures / Regulations
- Technology
- Resources
- Experience
- Performance Measures
- Needs Assessment
- Managed Processes
- Communication
- Commitment
- Scope

The Big Picture – Workflow & Supporting Resources

IPO Business Process and Workflow Overview

IPO Business Process – Global Overview

Applicant

Application Filing

Registration Certificate

Notification

IP Office

IPO BUSINESS PROCESS

Formal Exam → Examination → Publication → Await Registration

Amend

Other Stakeholders

Journal Publication

Data Exchange

Process vs. Organizational Structure

Reception   Search   Examination   Registration   Maintenance after registrations

This process passes through five department before completion
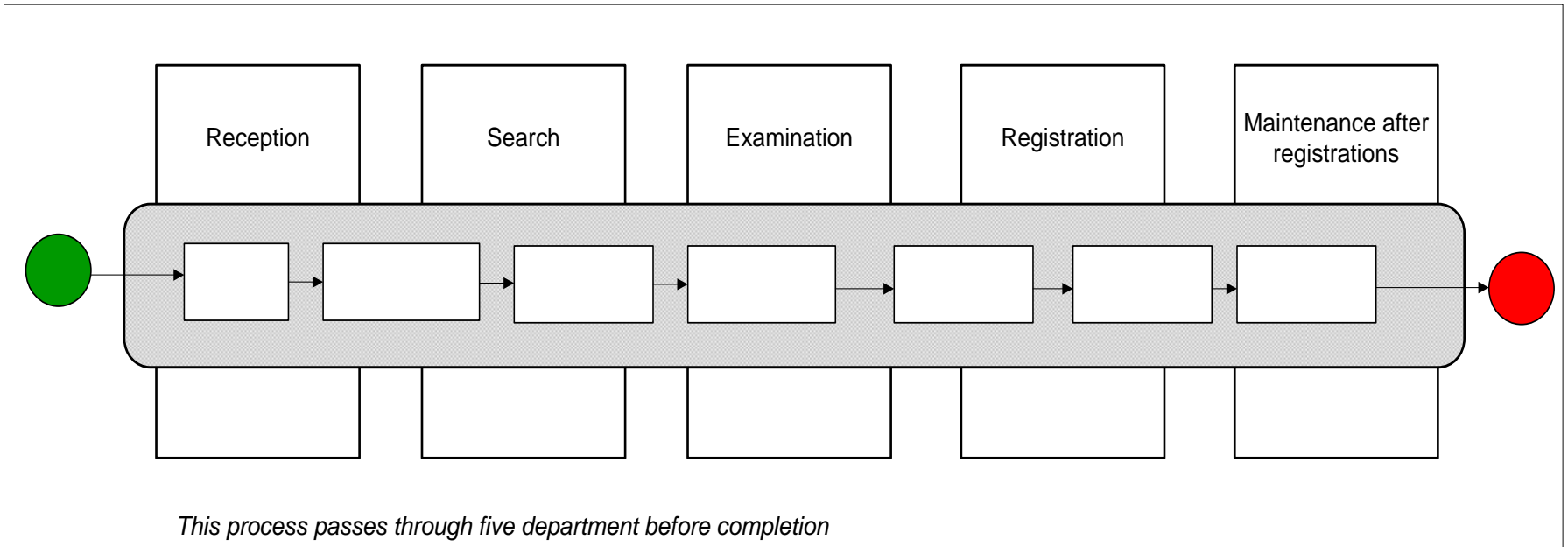
One Macro process vs. Micro processes

One large process

REGISTER NEW TRADE MARK APPLICATION

Multiple Smaller processes

| Receive new application | Conduct formality examination | Perform substantive examination | Publish new application | Register new application |

The process of registering new trademark application will probably be worse off if it is handled as five smaller processes instead of one large process
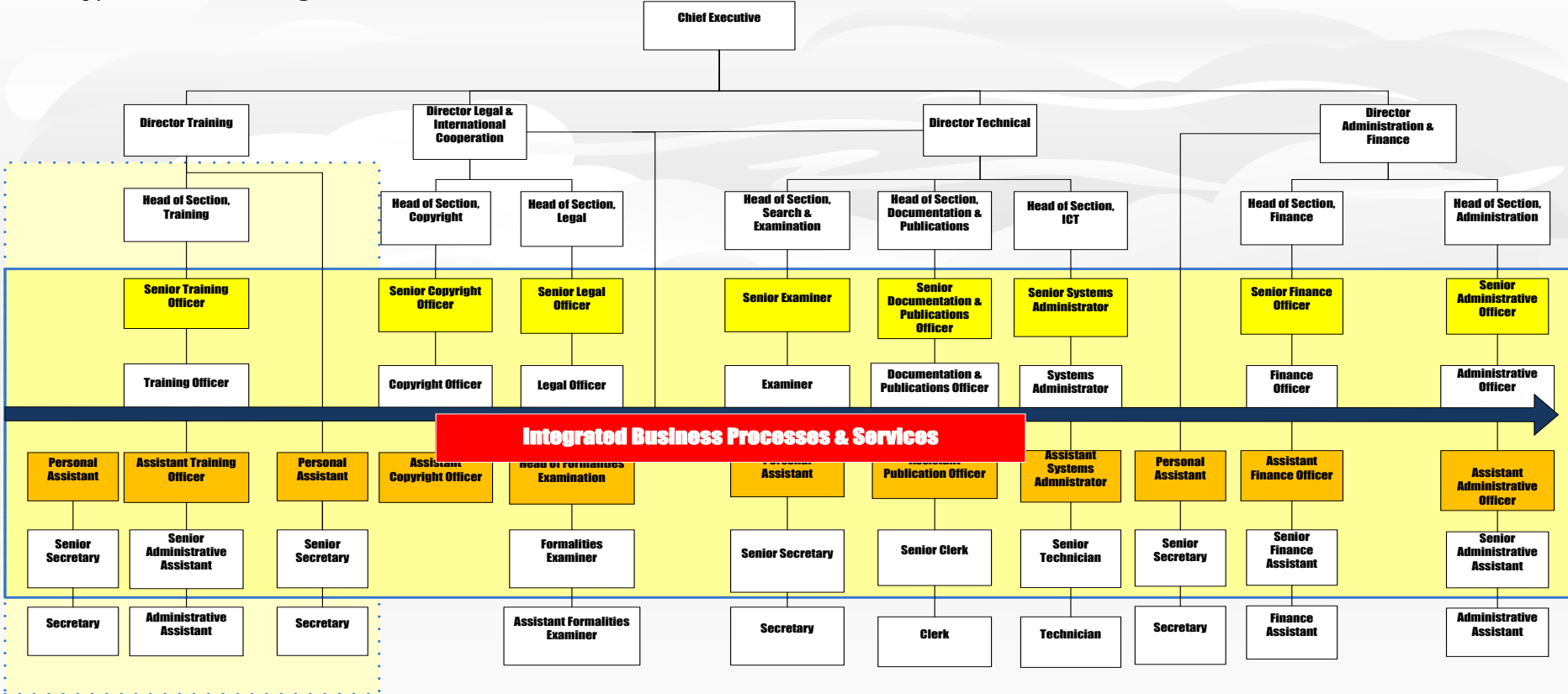
Background of IPO Business Services – Classic Hierarchical vs. Matrix Structures

**Hypothetical IPO Organization Structure**

Step by Step formulation of processes & workflows

■ Brainstorming in General

■ Brainstorm milestones:
  ➢ Application received
  ➢ Application formally examined
  ➢ Application substantively examined
  ➢ Application published
  ➢ Application opposed
  ➢ Application rejected
  ➢ Application registered
  ➢ Opposition succeeded

■ Link milestones / steps together

Results of a brainstorming session

Application formally examined

Application substantively examined

Application published

Application opposed

Application received

Application rejected

Application registered

Opposition succeeded

Opposition failed

Results of a brainstorming session
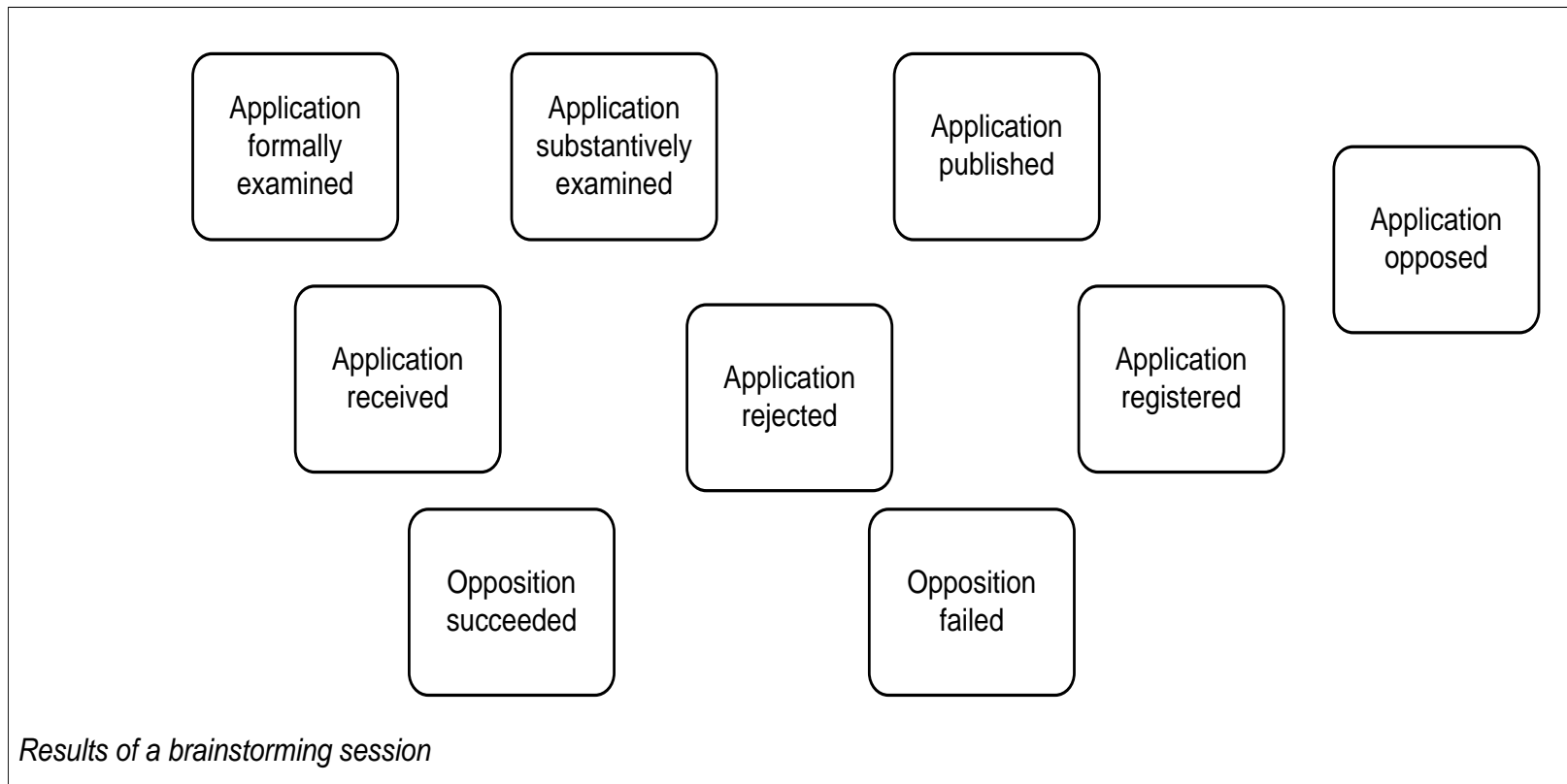
Example Brainstorming session - Uganda

UGANDA REGISTRATION SERVICES BUREAU

WORKFLOW FOR INTELLECTUAL PROPERTY SECTION AS AT 6TH JULY 2010

NO.	ACTIVITY	EXPECTED OUT PUTS	OFFICER IN CHARGE
A.	**TRADEMARK REGISTRATION**		
	i. Application filed by the applicant.	Application received and recorded.	The Records Officer
	ii. Formality Search for name/mark is conducted to establish availability of the trademark.	Search made.	The Records Officer
	iii. Application is forwarded to a team of Registrars for substantive examination.	Substantive examination made.	Assistant Registrars (team)
	iv. If the application is approved by the Registrars, fees are	Application approved and fees assessed.	Assistant Registrar

Example Brainstorming session - Malawi

PATENT WORKFLOW

INITIAL STATUS	OFFICE ACTION	FINAL STATUS
Filing Request	Initial check	Filed
Filing Request	Initial check	Rejection
Filed	Check for formalities	Formally Accepted
Filed	Check for formalities	Formally Rejected
Formally Rejected	Awaiting amendments	Abandoned
Formally Accepted	Undertake substantive examination	Accepted for Grant of Patent
Formally Accepted	Undertake substantive examination	Rejected
Rejected	Awaiting response from Applicant	Abandoned
Accepted for Grant	Check proof of Advertisement	Approved for Advertisement
Approved for Advertisement	Awaiting Advertisement	Advertised
Approved for Advertisement	Awaiting Advertisement	Abandoned
Advertised	Awaiting Opposition	Opposed
Opposed	Process Opposition	Grant

Law types

The law code (LAW_CODE) identifies the law which regulates the processing of the file. For example:

1   Trademarks Act

3   Patents Act 1954

4   Patents Act 1996

Files types

The file type (FILE_TYPE) is used as part of the file identification to distinguish file number sequences based on the application type, i.e. on the "legal" aspects of the document. Normally, separate sequences are used for marks, geographical indications, patents, utility models, industrial designs, etc. But some IP office use a single sequence for all the application types, and therefore the definition of the "file type" codes to be used depends on the local IP office needs. For example:

M   Mark file

C   Collective mark file

G   Geographical indication file

a   Patents

u   Utility Certificate

f   Industrial Designs

Application types

The application type (APPLICATION_TYPE) describes each of the Industrial Property titles issued by the IP office, e.g. trademarks, certification marks, geographical indications, patents, utility models, industrial designs, etc. For example:

GEO   Geographical indication

MAR   Trademark

COL   Collective mark

PAT   Patent

UC   Utility Certificate

ID   Industrial Designs

Application subtypes

The application subtype (APPLICATION_SUBTYPE) further refines the APPLICATION_TYPE in order to define variations of the main type. For example, in the case of the application type "patents", separate subtypes may be needed for "national patents", "PCT patents", "regional patents", etc. For example:

Type	Subtype	Description
COL	A	Collective mark
GEO	A	Geographical indication
MAR	A	National trademark
MAR	B	International trademark
PAT	NA	National patent
PAT	I1	PCT patent - Chapter I
PAT	I2	PCT patent- Chapter II
UC	NA	Utility Certificate
ID	NA	Industrial Design

In the above example, the hypothetical IP office is a member of Madrid, and so two variations of the "Trademark" application type exist (one for national trademarks and another for international trademarks) and is also member of PCT, and so three variations of the "Patent" application type exists (one for national patents, another for PCT patents under Chapter I of the PCT, and a third one for PCT patents under Chapter II of the PCT).

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File Sequence

The file sequence (FILE_SEQ) is used as part of the file identification to distinguish file number sequences based on other factors apart from the application type, e.g. on the reception place or reception mechanism. Normally a single code is used for this concept but under certain circumstance the code could be useful, depending again on the local IP office needs. Examples of situations where the FILE_SEQ code could be useful are:

- Some large offices use a separate sequence for each regional office where reception takes place, so the FILE_SEQ could reflect this concept.

- Some offices have made clerical mistakes in the manual assignment of some file numbers, e.g. assigning the same number to two o may be more files. In these, cases, normally a "letter" is used to distinguish these files, e.g. 1234/A, 1234/B, etc, and in these cases the FILE_SEQ could be used to reflect this concept.

For example:

A   Duplicate A

B   Duplicate B

C   Duplicate C

D   Duplicate D

E   Duplicate E

I   Duplicate I

M0   Received in main office

M1   Received in Regional Office #1

M2   Received in Regional Office #2

Document Sequence

The user document sequence (USERDOC_SEQ) is used as part of the user document identification, in combination with the "user document series" and the "user document number". A "user document" is any document filed by the user which is not an application for the registration of a new Industrial Property right. Some offices assign numbers to the user document using a single sequence, but others use specific sequences for various groups of user documents, e.g. one sequence for user documents affecting ownership, another sequence for oppositions, and a third sequence for the rest.

For example:

S1   User document affecting ownership

S2   Oppositions

S3   Other user documents

Registration types

The registration type (REGISTRATION_TYPE) is used as part of the key identifying registrations, in combination with the registration series, the registration number and the registration duplicate. This code should reflect the different sequence used for registration numbers, for example:

M   Trademark registrations

P   Patent registrations

U   Utility model registrations

S   Industrial design registrations

As a clarification, please note that since our hypothetical IP office uses separate file sequences for mark files (code M), collective mark files (code C) and geographical indication files (code G), but a single code for the registration sequence, this means that a new registration number is allotted from that single registration sequence M (Trademark registrations) which is therefore shared by marks, collective marks and geographical indications.

Codes for Actions and statuses

Initial status	Action type	Final status
Data capture (001)	Data was captured (DWC)	Formality checking (002)
Formality exam (002)	Letter of defects (LOD)	Awaiting response - formality (003)
Awaiting response - formality (003)	Response received (RES)	Formality exam (002)
Formality exam (002)	Formality exam OK (FOK)	Substantive exam (004)
Substantive exam (004)	Letter of defects (LOD)	Awaiting response – substance (003)
Awaiting response – substance (003)	Response received (RES)	Substantive exam (004)
Substantive exam (004)	Decision to refuse (REF)	Refused (005)
Substantive exam (004)	Acceptance (ACC)	To be published (006)
To be published (006)	Publication (PUB)	Awaiting oppositions (007)
Awaiting oppositions (007)	No oppositions received (NOP)	To be granted (008)
Awaiting oppositions (007)	Oppositions received (OPO)	Opposed (009)
Opposed (009)	Decision to refuse (REF)	Refused (005)
Opposed (009)	Decision to grant (GRA)	To be granted (008)
To be granted (008)	Registration (REG)	Registered (010)
Registered (010)	Expiration (EXP)	Expired (011)
Registered (010)	Cancellation (CAN)	Cancelled (012)
Registered (010)	Removal for non-use (REM)	Removed for non-use (013)

User document types

The user document type code (USERDOC_TYPE) allows classification of the different user documents received in the IP office. Since there may be many types, a grouping of them is useful. For example:

Code	Group	Type
03	Certificate	Any other certificate
02	Certificate	Certificate of registration
41	Certificate	Certificate of renewal
26	Certificate	Certified copy of trademark application
38	Certificate	License Certificate
114	Changes	Application for an Alteration of a Registered Trademark
111	Changes	Application for the Rectification of the Register
115	Changes	Application to Strike off Goods
04	Changes	Association of application
73	Changes	Change in Ownership for Patent (Merger)
10	Changes	Change of name
17	Changes	Change of name + Certificate
09	Changes	Change of trade address
75	Changes	Change of trade address + Certificate
07	Changes	Correction of a clerical error

User document types

50	Payments	Patent Amendment fee
44	Payments	Patent Annuity
55	Payments	Patent Annuity + 2nd Year
58	Payments	Patent Application
57	Payments	Patent Application + 2nd Year Annuity
33	Payments	Payment
39	Payments	Registration and Publication Fee
46	Quits	Allow to Lapse
45	Quits	Removal of a Trademark from the Register
14	Quits	Request for cancellation of entry
19	Quits	Request to abandon an application
20	Quits	Request to cancel a registered trademark
47	Quits	Request to withdraw an Application
147	Quits	Request to withdraw user doc
23	License	Alteration of a License
21	License	Application for a License
22	License	Cancellation of a License
28	Renewals	Late renewal

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Relationship types

The relationship types (RELATIONSHIP_TYPE) identify each type of relationship that a file may have with another file. The relationship types are specified by the law, for example a trademark may be a "division" of another trademark, or a utility model may be a "conversion from a patent" in case the inventive step was missing and the applicant decided to downgrade his application, etc. For example:

MRE   Mark renewal

MDI   Mark division

MMG   Mark merging

PDI   Patent division

PEN   Patent enhancement

PCH   Patent change

MCH   Mark change

Codes for person identification numbers

For the purposes of assigning identification numbers to persons (both natural and legal persons) a couple of codes are used as follows.

The legal identification type (LEGAL_ID_TYPE) is used for both companies and individuals. Normally identification numbers assigned by tax authorities or the Register of Companies are used, For example:

RC   Register of Companies registration number

TX   Tax Register identification number

The individual identification type (INDIVIDUAL_ID_TYPE) allows identification of individuals but not companies, For example:

SSN   Social Security Number

CI   National Identity document

PP   Passport number

Codes for Representatives

The following codes are related to the representatives.

The representative type code (REPRESENTATIVE_TYPE) identifies the type of relationship between the IP office and the representative, For example:
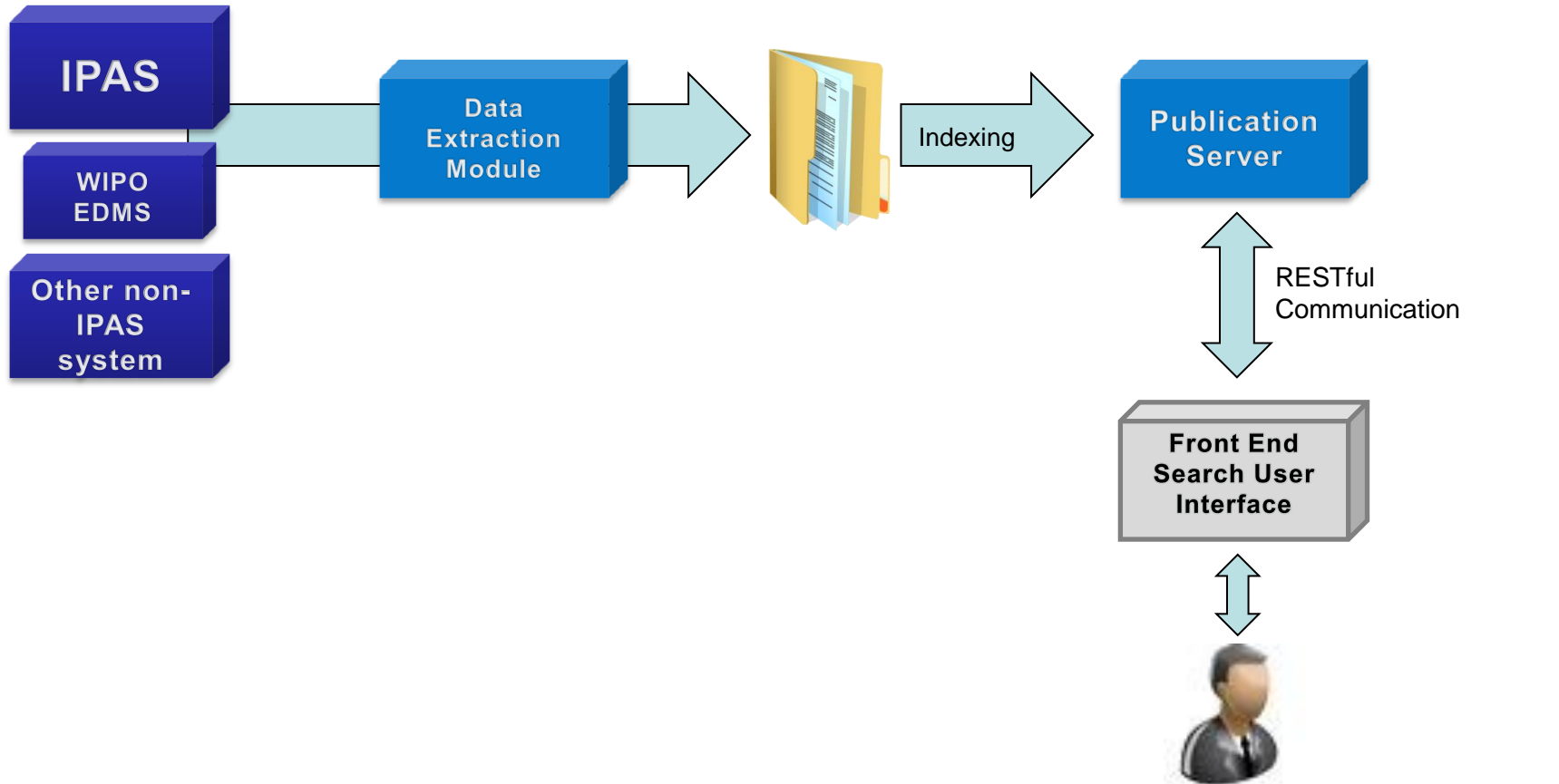
AG   Agent

RE   Representative

AS   Address for Service

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WIPO Publish - Integration

WIPO Publish Regional Configuration

Office A

IPAS

IPAS EDMS

IPAS Data Extraction Module

National Publication Server

Office B

Other IP Administration Systems

National Publication Server

Office C

IPAS

IPAS EDMS

IPAS Data Extraction Module

Scheduled Automatic Download and update

Publication Server

Front End Search User Interface

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