



Intellectual Property Infrastructure for Promotion of Innovation

What IP infrastructure should be developed?

Collaboration between Canada, UK and Australia

Matthew Forno

Director, International Policy & Cooperation
IP Australia

Stéfan Bergeron

Senior Policy Analyst, International Relations
Canadian Intellectual Property Office

Introduction



- Environment of economic uncertainty necessitates that we work together in a smarter, more collaborative way.
- IP system is *not* immune to impact from a changing global economy
⇒ presents opportunity to evaluate current model and advance efficiencies
- Leveraging existing infrastructure that practically improves the operation and efficiency of the IP system is in *all* our interests.
- **As an example.....** collaboration between the UK, Canadian and Australian IP offices and WIPO that will leverage existing infrastructure to enable more effective work sharing.
- Supports the PCT as an international platform for work sharing and principles of WIPO's Future of the PCT Roadmap

About the Vancouver Group



- **Established in April 2008** (during a meeting in Vancouver, Canada) between the **IP offices of the UK, Canada and Australia**
 - Similar sized developed offices
 - Similar legal heritage
 - Long standing relationships

Aim:

- Share information and experiences on common issues and areas relevant to managing a mid-sized national IP office; and
- Through this collaboration contribute to a more effective multilateral approach to work sharing – in particular, the principles of the PCT.

WIPO High Level Forum, 1 – 2 March 2010, Tokyo, Japan

Focus on patents work sharing



- Priority – endeavour to eliminate unnecessary rework and duplication in prosecuting patent applications in the three offices.
- **To this end, undertaken:**
- ✓ Examiner Exchange:
 - Compared search and examination outcomes on 28 national Canadian applications:
 - full search and opinion on 20 pending applications
 - 8 granted patents, with accepted family members in UK and Australian offices
- ✓ Comparison of quality standards and processes to determine the feasibility of the ME initiative.

Outcomes:

- Mutual exploitation of each office's work is tenable
- Vancouver Group offices will have discretion to do further work as deemed necessary for an individual case

WIPO High Level Forum, 1 – 2 March 2010, Tokyo, Japan



Principles of the Vancouver Group Mutual Exploitation initiative :

1. Core Principle

Where possible, rely on any patent granted by another Vancouver Group Office or on the search and examination report of another Vancouver Group Office resulting in an issued report for an equivalent application. Further work undertaken if a Vancouver Group Office deems it necessary.

2. Office driven

3. Transparency

4. Applies to all work done by Vancouver Group offices

WIPO High Level Forum, 1 – 2 March 2010, Tokyo, Japan



Applicant-driven principles:

5. Accelerated examination

6. Arrangements for accelerated examination

Implementation-focused principles:

7. Access to work – enabling platform using WIPO infrastructure

8. Ongoing examiner interaction

WIPO High Level Forum, 1 – 2 March 2010, Tokyo, Japan

Given....

- Inter-office access to search and examination reports critical
- Multilateral repository does not yet exist

Vancouver Group and WIPO agreed to a pilot project:

- ⇒ development of a digital library of search and examination reports, accessed via existing or future WIPO infrastructure
- ⇒ in the interim, VG offices sharing documents via a secure online document repository – however doesn't have capacity for automation or enhancements

To provide IP Offices with the ability to **access online relevant search and examination documents** and information relating to a patent application in a **consolidated summary view**.

Offices, on an opt-in basis, to make their data available to WIPO in structured formats, **allowing WIPO to create different views of this information and enabling Offices to more quickly determine the relevance of specific information**.

Medium Term



- Centralised access to search & examination documents - using WIPO infrastructure
- Summary view of information - Patent Application Status Dashboard

Documents:

Includes

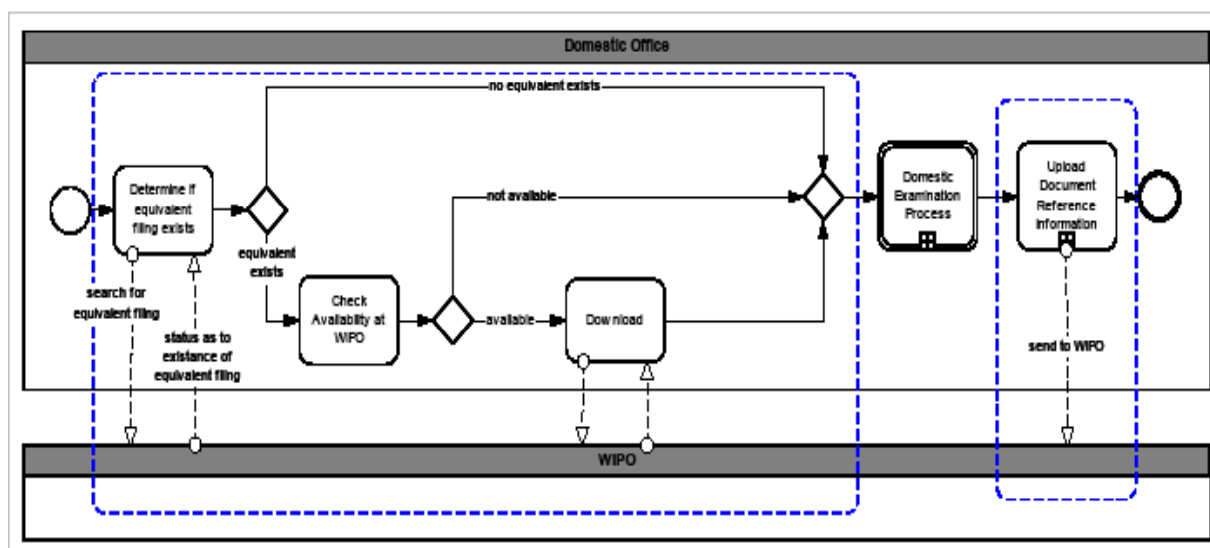
- search statements or strategies
- search report
- examination report
- claims first searched or examined
- amendments to the claims

Data:

- summary of bibliographic data

WIPO High Level Forum, 1 – 2 March 2010, Tokyo, Japan

Medium Term



This diagram shows how the medium-term process is broken up into two parts:
1. Querying and downloading 2. Uploading document references

WIPO High Level Forum, 1 – 2 March 2010, Tokyo, Japan

Long Term



Dependant on the success of the pilot project:

- extend functionality of and access to supporting WIPO ICT infrastructure
 - user and systems interface
 - participation by other offices
- additional information available via the Dashboard

Data:

- increased structured data and ability for examiners to re-use this content (eg. citations and objections as well as direct access/links to documents containing this information)
- citation reference (patent literature & non patent literature)
- citation category
- examination objection type (novelty, unity of invention, formalities)

WIPO High Level Forum, 1 – 2 March 2010, Tokyo, Japan

Expected Benefits



- Practical model for facilitating work sharing
 - inherently improve transparency and quality of work done by Offices
- Provide IP Offices with increased efficiencies through centralised access to:
 - search and examination reports from multiple jurisdictions; and
 - structured data (using common standards) that examiners can more easily re-use in their reports to minimise duplication of work.
- IT infrastructure is scalable and can be extended to other Offices
 - participation on an opt-in basis
 - national digital libraries (e-dossiers) not obligatory

WIPO High Level Forum, 1 – 2 March 2010, Tokyo, Japan



- Positive step forward for Offices working together to address common challenges:
 - increasing (and unsustainable) patent backlogs
 - improving quality of rights
 - minimising unnecessary duplication and inefficiencies in the IP system
- **Ultimately**, enhance efficiency of the IP system and productivity of Offices – in the interest of our customers and the community
- **However**, this initiative alone is not the solution to addressing inefficiencies in the global system.
 - requires continuing cooperation and support from Offices to leverage and improve the global patents system.
 - action, particularly from PCT Contracting States, to enhance and use the PCT as an international platform for work sharing.



Thank You!

Merci!

Vancouver Group Mutual Exploitation contacts:

Australia

Ms Gillian Jenkins

gillian.jenkins@ipaaustralia.gov.au

Canada

Mr David Campbell

david.campbell@ic.gc.ca

United Kingdom

Mr Andrew Bartlett

andrew.bartlett@ipo.gov.uk