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**INTERNATIONAL PATENT COOPERATION UNION  
(PCT UNION)**

**ASSEMBLY**

**Thirty-Fourth (15<sup>th</sup> Ordinary) Session  
Geneva, September 26 to October 5, 2005**

**REPORT ON QUALITY MANAGEMENT SYSTEMS FOR  
PCT INTERNATIONAL AUTHORITIES**

*Document prepared by the International Bureau*

## SUMMARY

1. The International Searching and Preliminary Examining Authorities have been developing their quality systems in accordance with the common quality framework set out in Chapter 21 of the PCT International Search and Preliminary Examination Guidelines (document PCT/GL/ISPE/1, “the Guidelines”) and are exploring ways of increasing the flow and usefulness of information between Authorities relating to best practice in search and examination.

## BACKGROUND

2. This is a general report on work in connection with quality management systems by the International Searching and Preliminary Examining Authorities under the PCT. The report is submitted on behalf of the Meeting of International Authorities Under the PCT. It was prepared by the International Bureau on the basis of discussions by the Meeting at its 11th session, held in Geneva from February 21 to 25, 2005, and of subsequent information made available, and consultations undertaken, using the Meeting’s electronic forum.

3. Chapter 21 of the Guidelines sets out a common quality framework for international search and preliminary examination. This recognizes that some variability is inherent in the international search and examination process, but that minimizing inconsistencies between

and within the Authorities is crucial to the unqualified acceptance of Authorities' work products by other Offices. Consequently, it provides a minimum set of criteria that each Authority should use as a model for establishing its own individual quality management system.

4. The Meeting submitted an initial report on progress to the 33rd session of the Assembly, held in Geneva from September 27 to October 5, 2004 (see document PCT/A/33/6). That report noted that each of the Authorities had a quality system in place, covering the various aspects of the common quality framework in manners that were considered appropriate to their situation.

## REPORT

5. Since the adoption of the initial report, the Authorities have individually been assessing and improving their quality systems and have shared information and experience through discussion at the 11th session of the Meeting (see document PCT/MIA/11/10 and presentations<sup>1</sup> given by certain Authorities to the Meeting) and through bilateral and multilateral meetings, examiner exchanges and benchmarking programs. The Meeting's discussions at its 11th session are summarized in its report as follows (see document PCT/MIA/11/14, paragraphs 66 to 72):

### *“Quality Management Systems in the International Authorities*

“66. Discussions were based on document PCT/MIA/11/10 and presentations<sup>1</sup> by the European Patent Office and the Spanish Patent and Trademark Office explaining the quality management systems that they were using and developing. Some other Authorities also briefly outlined the status of their consideration and implementation of quality management systems.

“67. The Meeting noted that there were a number of aspects of quality management systems that were applicable in any International Authority, including: the overall mission or charter; organizational arrangements and structures; quality control; quality standards; manuals and documentation; human resources; user and customer needs; and quality audit mechanisms and procedures. It was recognized that each Authority bore responsibility for its own quality management systems, and that some of those aspects were primarily matters for internal consideration and implementation.

“68. There were some areas in which coordination and cooperation among the various Authorities and consideration by the Meeting would be likely to be productive, noting particularly the international nature and context of the PCT system, including:

(i) quality standards (noting that the PCT International Search and Preliminary Examination Guidelines already represented a common approach to many aspects of search and examination, and included a chapter on a common quality framework for international search and preliminary examination);

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<sup>1</sup> The presentations made at [the] session are available at [http://www.wipo.int/meetings/en/details.jsp?meeting\\_code=PCT/MIA/11](http://www.wipo.int/meetings/en/details.jsp?meeting_code=PCT/MIA/11).

(ii) manuals and documentation (noting particularly the existing Guidelines);

(iii) examiner skills and training (where cooperation may be of benefit, although a common approach would not be a useful objective).

“69. Equally, it was recognized that the various Authorities operated in different spheres and subject to different constraints and expectations, among the factors being the size of the Authority (volume of work, staff numbers and other resources), attitudes to audit procedures, the profile of domestic and foreign applications received, and local perceptions as to an optimal balance between the price (fees) and quality of service provided.

“70. The Meeting noted that the presentations given during the present session provided a useful means of exchanging experience and expertise on quality management and that such presentations could lead to the identification of areas in which greater coordination and cooperation may be desirable and feasible.

“71. Several Authorities suggested that it would be desirable to have a more uniform approach to the preparation of reports for consideration by the Meeting with a view to the submission of future reports on quality management to the PCT Assembly. For this purpose, it would be useful if a template and/or questionnaire could be developed for use, if they wished, by all Authorities.

“72. The Meeting agreed:

(i) that presentations by Authorities on their quality management systems should be a regular feature of future sessions;

(ii) that the Secretariat should work with interested Authorities with a view to proposing, at the next session, a work plan for development of coordinated approaches on quality issues, such as those mentioned in paragraph 68;

(iii) that it would be desirable to develop a more uniform style and content for reports on quality management made by Authorities to the Meeting for use in reporting to the PCT Assembly, for which purpose a standard template and/or questionnaire would be useful;

(iv) that Authorities should be invited to submit such reports by the end of May 2005, to be used in the preparation of a report by the Meeting to the Assembly for consideration at its 34th session in September-October 2005, and that the Secretariat should as a matter of urgency consult Authorities with a view to providing a first version of a suitable template and/or questionnaire for the purpose.”

6. In addition to the conclusions drawn from internal and inter-Office consideration of quality systems, the Authorities have considered comments received from customers such as, but not limited to, applicants. In addition to normal feedback received, some Authorities have actively consulted users of the system to assess the degree of satisfaction with the services provided.

7. In accordance with paragraph 21.18 of the Guidelines and in order to help share experience gained, each Authority has presented to the other Authorities further details of their quality management systems and recent changes which have been made as part of their internal reviews of systems. The systems vary widely in nature, depending on the particular circumstances of the Authority, but most have incorporated tools and processes selected from one or more well known models, such as the ISO 9000 series of quality system guidelines and requirements, the European Foundation for Quality Management Excellence Model, and the principles of Total Quality Management. Two of the Authorities have indicated an intention to seek certification under the ISO 9001:2000 standard. Some others intend to meet all the standards of that or another well-known system, but do not feel that the expense of external certification is justified at this time.

8. The Authorities' preliminary assessments of recent changes to their quality systems have generally been very positive. One Authority reported that certain quality processes initially introduced specifically for PCT reports had been so successful that they were to be adopted also for the purposes of processing national patent and utility model applications. One large Authority is conducting and evaluating several different pilot studies of possible improved methods of monitoring search and examination quality using different groups of examiners.

#### RELATED WORK

9. The Meeting has continued to discuss the appropriate handling of international applications where difficulties or inconsistencies in procedures are noted by Authorities (see, for example, document PCT/MIA/11/11) and to address these problems as necessary by agreeing the appropriate approaches which should be followed and recommending any required clarifications to Forms and guidelines.

10. Two related task forces have been set up by the Meeting: one to conduct a comprehensive review of the concept and extent of the PCT minimum documentation, and the second to oversee the development of a search guidance intellectual property digital library. It is hoped that the results of this work will assist the Authorities to conduct ever more effective and consistent international searches.

11. A great deal of work by the International Bureau and the Authorities (as well as by other national Offices) has gone into the establishment and preparations for use of the eighth edition of the International Patent Classification (IPC), which comes into effect for patents and patent applications published on or after January 1, 2006. This edition is the result of a major reform of the IPC to allow it to satisfy the different needs of its various users and to adapt more quickly to the changes in technology which it is required to classify. It is hoped that the improvements which the reform provides will allow the IPC to be used more widely and more effectively, also increasing the quality of international search through the more effective and consistent classification of patent documents.

## FURTHER WORK

12. The Authorities will continue to discuss issues relating to the development and implementation of quality management systems. The main focus of discussions in the near future will include the matters mentioned in document PCT/MIA/11/14, paragraph 68, which is quoted in paragraph 5, above, namely, quality standards, manuals and documentation, and examiner skills and training, together with other matters that may arise in the course of the discussions among the Authorities.

13. It is envisaged that a further report to the Assembly will be made in 2006.

*14. The PCT Assembly is invited to note the contents of this report.*

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