RETRIEVING AND UTILIZING EXTERNAL SEARCH AND EXAMINATION RESULTS: THE EXPERIENCE OF ARIPO

WIPO SUB-REGIONAL WORKSHOP FOR PATENT EXAMINERS
ON UTILIZATION OF EXAMINATION RESULTS OF OTHER
INTELLECTUAL PROPERTY OFFICES
HARARE, ZIMBABWE, JULY 10 TO 12, 2012

Contents

- Tools available for use by an ARIPO examiner
 - legal requirements of the Harare Protocol
 - external search and examination reports
- Tools used by an ARIPO examiner to access external search and examination results
 - Internet Searches:
 - Standard Google Searches
 - Advanced Google Patent Search http://www.google.com/patents
 - Esp@cenet
 - European Patent Register
 - Advanced Intellectual Property Network (AIPN) ?- JPO
 - DEPATISnet ? DE Patent Office

Tools available for use by an ARIPO examiner (1)

- Legal Requirements The Harare Protocol
- Section 3(3) of the Harare Protocol
- The Office shall undertake, or arrange for, the substantive examination of the patent application. If it finds that the invention claimed in the application does not comply with the requirements of patentability referred to in subsection (10), it shall refuse the application.

Tools available for use by an ARIPO examiner (2)

- Legal Requirements The Harare Protocol
- Section 3(10) of the Harare Protocol
- Inventions for which patents are granted by the Office shall be new, shall <u>involve an inventive step</u> and shall be <u>industrially applicable</u>. An invention is new if it is not anticipated by prior art. Everything made available to the public anywhere in the world by means of written disclosure (including drawings and other illustrations) or by use or exhibition shall be considered prior art provided that such making available occurred before the date of filing of the application or, if priority is claimed, before the priority date validly claimed in respect thereof and further provided that a disclosure of the invention at an official or officially recognized exhibition shall not be taken into consideration if it occurred not more than six months before the date of filing of the application or, if priority is claimed, before the priority date validly claimed in respect thereof.

Tools available for use by an ARIPO examiner (3)

- Legal Requirements of the Harare Protocol The Implementing Regulations
- Rule 16 Information Concerning Corresponding Foreign Applications, Patents or Other Titles of Protection
- Rule 16(2)(a)

The applicant shall, at the request of the ARIPO Office and within the period specified in such request, furnish it with the following documents relating to one of the foreign applications referred to in paragraph (1):

- (i) a copy of any communication received by the applicant concerning the results of any search or examination carried out in respect of the foreign application;
- (ii) a copy of the patent or other title of protection granted on the basis of the foreign application;
- (iii) a copy of any final decision rejecting the foreign application or refusing the grant requested in the foreign application.

Tools available for use by an ARIPO examiner (4)

- Legal Requirements of the Harare Protocol The Implementing Regulations
- Rules 16(3) and (4)
- 16(3) The applicant shall, at the request of the ARIPO Office, furnish it with the following documents relating to any foreign application other than the one referred to in paragraph (2):
 - (i) a copy of any communication received by the applicant concerning the results of any search or examination carried out in respect of the foreign application and in which publications or other documents establishing prior art are mentioned;
 - (ii) a copy of any final decision rejecting the foreign application or refusing the grant requested in the foreign application.
- 16(4) The documents furnished under this Rule shall merely serve the purpose of facilitating the evaluation of the novelty and inventive step of the invention claimed in the application being processed by the ARIPO Office or in the patent granted on the basis of that application.

Tools available for use by an ARIPO examiner (5)

- Legal Requirements of the Harare Protocol The Implementing Regulations
- Rules 18(1) and (2)
- 18(1) For the purposes of the examination under Section 3(3) of the Protocol, the ARIPO Office may transmit the application together with all relevant documents to an authority specified in the Administrative Instructions.
- 18(2) A search and examination report shall be established by the ARIPO Office or by the authority referred to in paragraph (1) and shall contain the conclusions of the examination of the application.

Tools available for use by an ARIPO examiner (6)

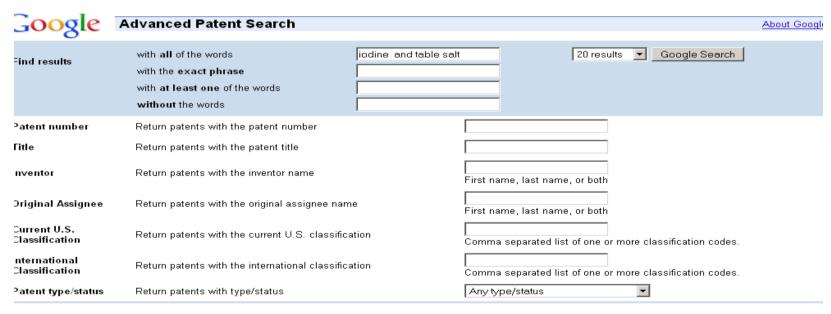
- Legal Requirements of the Harare Protocol The Implementing Regulations
- Rules 23(3) and (4)
- 23(3) An international search report established for an international application for which the ARIPO Office acts as designated Office under Article 2 (xiii) of the Patent Cooperation Treaty shall replace the search report referred to in Rule 18(2).
- 23(4) An international preliminary examination report established for an international application for which the ARIPO Office acts as elected Office under Article 2 (xiv) of the Patent Cooperation Treaty shall replace the examination report referred to in Rule 18 (2).

Tools available for use by an ARIPO Examiner (7)

- The EPO search and examination reports, the file wrapper
- The International Search Report (ISR)
- The Written Opinion of the International Searching Authority (WOISA) and the International Preliminary Report on Patentability (IPRP)
- Search and examination results under bilateral agreements:
 - The International Cooperation on Examination (ICE) of WIPO
 - The Swedish Patent office
 - The Austrian Patent Office and
 - The German Patent Office

Tools used to access external search and examination results (1)

- Internet searches Google
- Standard Google Searches
- Google Patents http://www.google.com/patents



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Tools used to access external search and examination results



iodine and table salt

Search.

About 14,900 results

Advanced search

















Any filing status

Applications Issued patents

Any patent type

Utility: Design Plant Defensive Publication Additional Improvement

Sorted by relevance

Filing date: latest Filing date: oldest

Statutory Invention

Registration

Method for the iodine fortification of eggs



US Pat. 6410060 - Filed 19 May 1998 - Issued 25 Jun 2002 - Biophile Corporation

10 BACKGROUND OF THE INVENTION It is known that iodine is a dietary requirement for ... This may be in the form of 0.002% to 0.01% iodized table

www.google.com/patents/US6410060

Multi-functional microcapsules and method and device for ...



US Pat. App 11510869 - Filed 24 Aug 2006 Table 1 shows the average concentrations of vitamin A, iodine and iron of twelve 50 g salt samples tested at each storage time. TABLE 1 Stability of

www.google.com/patents/US20070122488

STABILIZED IODIZED SALT AND PROCESS



US Pat. 2506568 - Filed 1 Nov 1947 - Issued 9 May 1950 - The Carey Salt

The invention comprises new salt compositions containing pre-processed salt, such as table salt, with some of the particles of the pre-processed salt having ... www.google.com/patents/US2506568

METHOD OF MAKING COLORED TABLE SALT



US Pat. 3269845 - Filed 20 Jul 1964 - Issued 30 Aug 1966

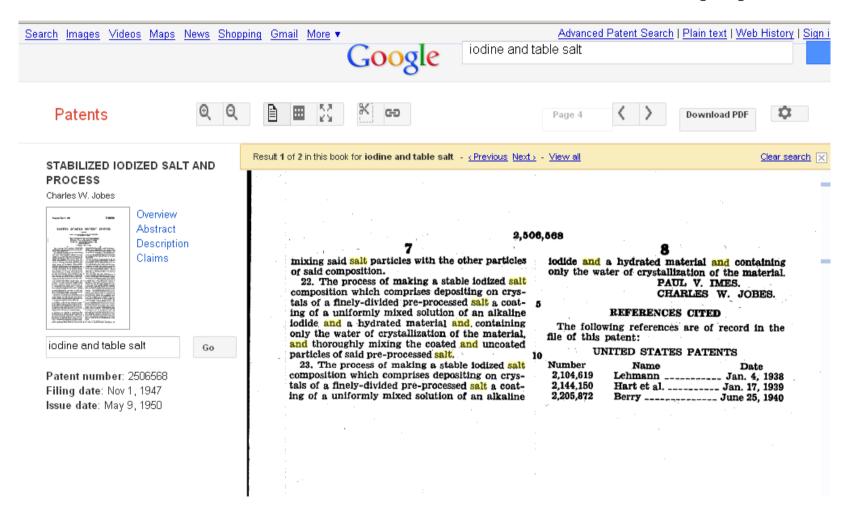
All of the above identified applications relate to granulated table salt and ... of salt: for ex- gr ample one of high iodine content and one of zero iodine ... www.google.com/patents/US3269845

Indized Salt and a Process for its Preparation

Tools used to access external search and examination results (3)



Tools used to access external search and examination results (4)

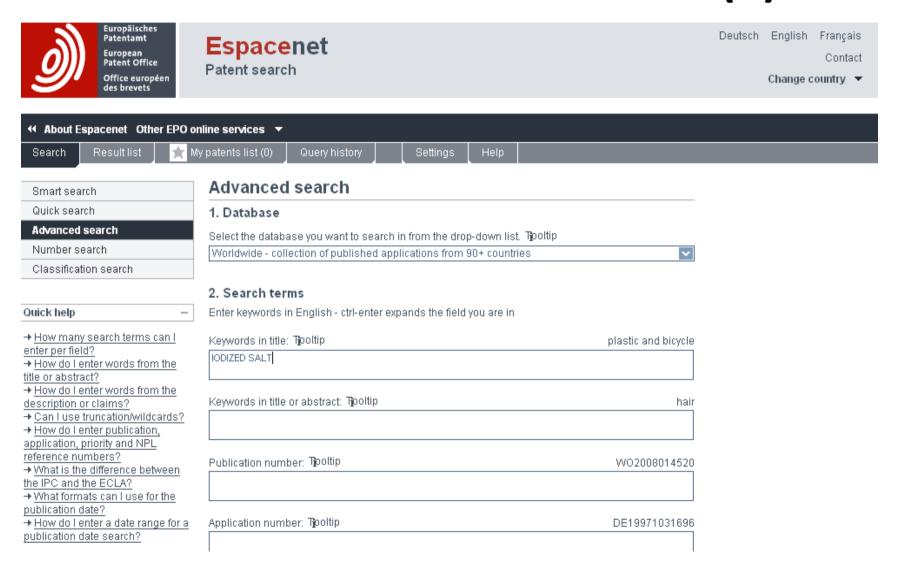


Tools used to access external search and examination results (1)

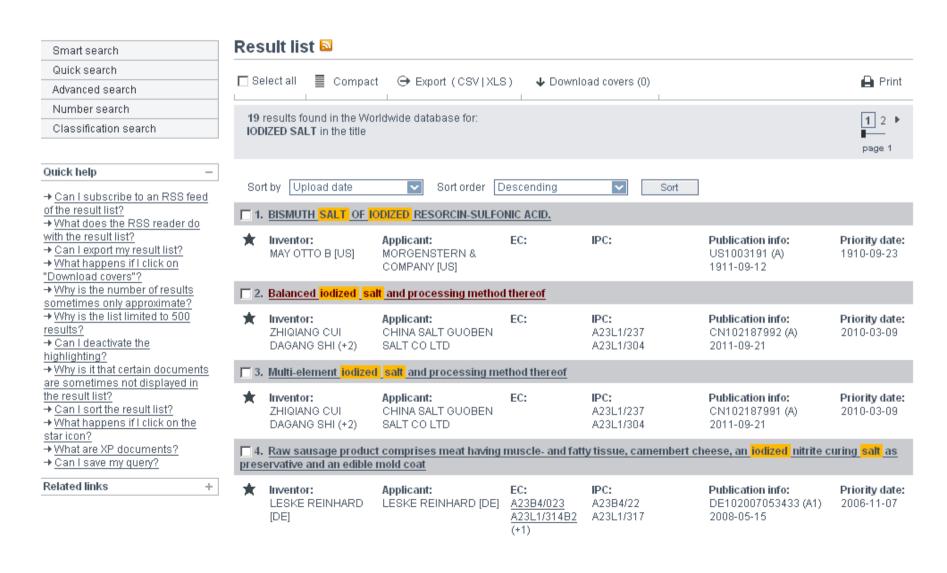
Espacenet

- http://www.epo.org/
 or through http://www.epo.org/
- Search for published applications from more than 80 countries
- Number Search: Application, Publication, or Priority Number
- Advanced Search: Keyword, Applicant/Inventor, Publication Dates
- Classification Search: International Patent Classification (IPC), European Classification (ECLA)

Tools used to access external search and examination results (2)

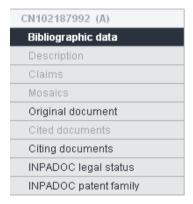


Tools used to access external search and examination results (3)



Tools used to access external search and examination results (4)

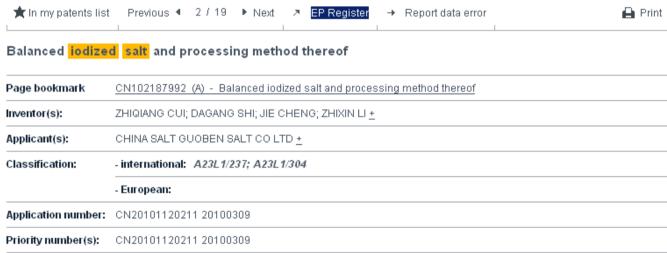
Search → Results page 1 → CN102187992 (A)



Quick help

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Bibliographic data: CN102187992 (A) - 2011-09-21



Abstract of CN102187992 (A)



The invention provides a balanced iodized salt and a processing method thereof, and people can conveniently obtain calcium, potassium and selenium nutrients from the balanced iodized salt. The balanced iodized salt comprises an iodine element, edible salt, a calcium element, potassium chloride and a selenium element at a weight ratio of (7-30):(300,000-600,000):(1000-4000):(20000-200,000):(1-5). By utilizing the technical scheme, the calcium element, the potassium element and the selenium element are added to the edible salt to obtain the edible balanced iodized salt, so that people can conveniently take in the calcium, potassium and selenium nutrients from the substance; and the added nutrients are food additives and are easily absorbed by a human body, thus the edible balanced iodized salt is a

Tools used to access external search and examination results (5)

Espacenet

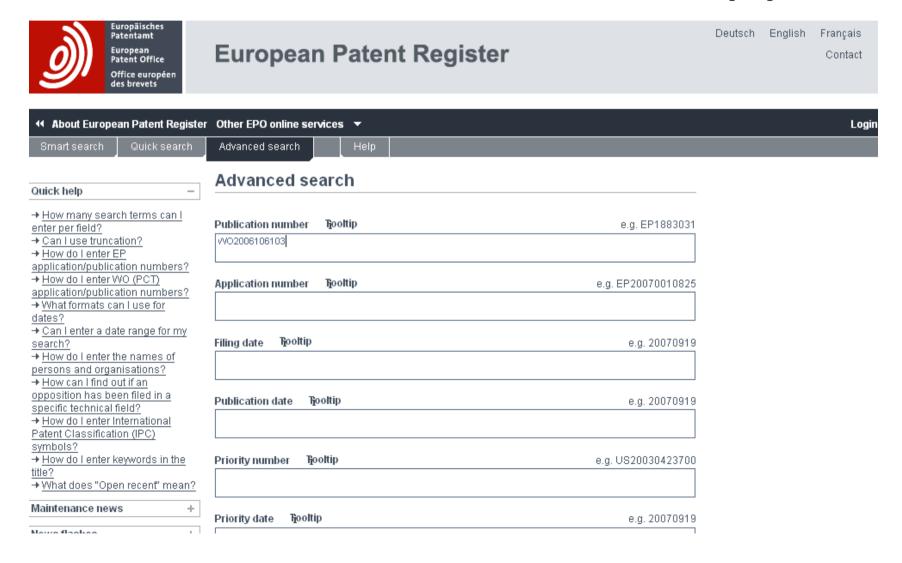


Tools used to access external search and examination results (1)

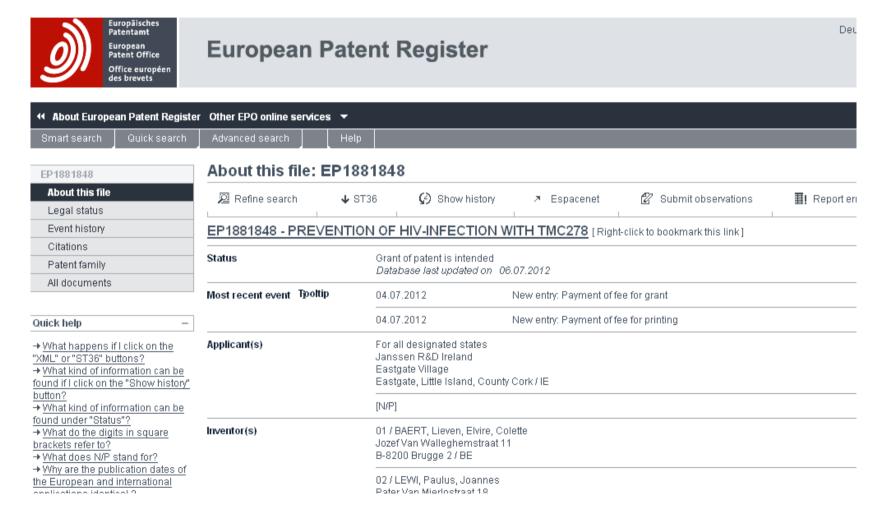
European Patent Register

- https://register.epo.org/espacenet/regviewer or through http://www.epo.org/
- Contains procedural information on European patent applications once published
- Number Search: Publication and Application Number, Filing Date
- Advanced Search: Keywords, Applicant/Inventor, Representative, Opponent, Priority Dates and Numbers, IPC classes

Tools used to access external search and examination results (2)



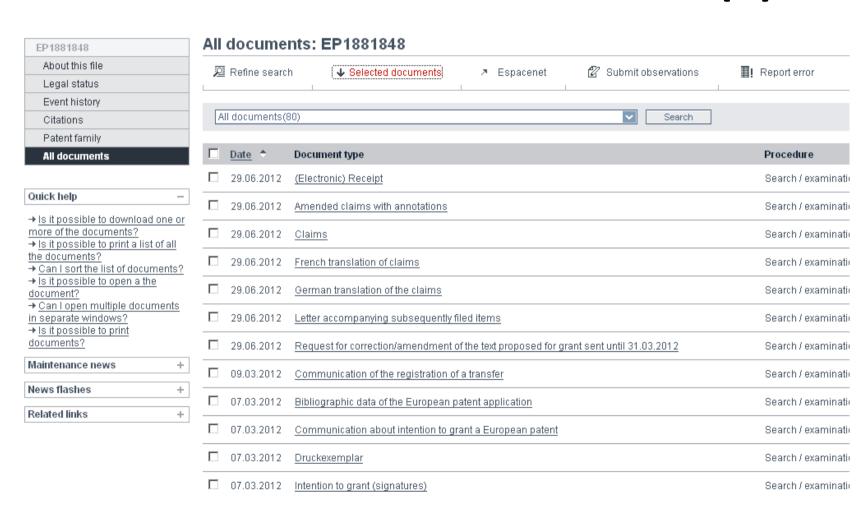
Tools used to access external search and examination results (3)



Tools used to access external search and examination results (4)

	09.06.2008	(Electronic) Receipt	Search / examinatio
	09.06.2008	Letter accompanying subsequently filed items	Search / examinatio
	09.06.2008	Request for extension of time limit to communication from the Examining Division	
✓	14.02.2008	Annex to the communication	Search / examination
V	14.02.2008	Communication from the Examining Division	Search / examinatio
	04.01.2008	4.01.2008 Notification on forthcoming publication of bibliographic data	
	20.11.2007	Communication regarding possible amendment of claims/payment of claims fees	Search / examination
✓	24.10.2007	Copy of the international preliminary report on patentability	Search / examination
	19.10.2007	Acknowledgement of receipt of electronic submission of the request for grant of a European patent	Search / examination
	19.10.2007	Request for entry into the European phase	Search / examinatio
	20.08.2007	0.08.2007 Information on entry into European phase	
	13.06.2007	16.2007 Reminder for payment period (examination fee/designation fees)	
7	07.06.2007	Copy of the international search report	Search / examination
	07.06.2007	International publication of the international search report	Search / examination
	17.11.2006	Notification of the recording of a change	Search / examination
	30.10.2006	Priority document (electronically transmitted)	Search / examinatio
	12.10.2006	International publication of the A2 Pamphlet	Search / examination

Tools used to access external search and examination results (5)



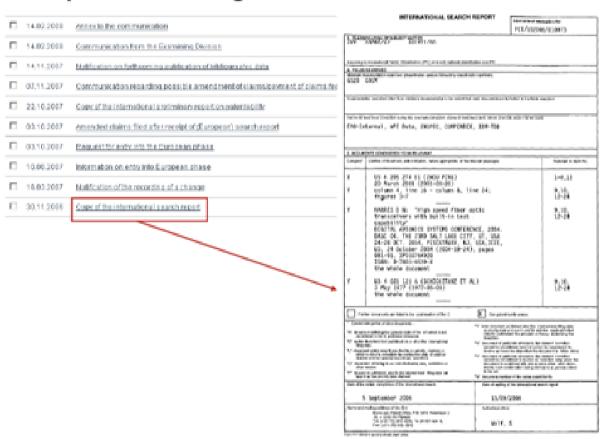
Tools used to access external search and examination results (6)

European Patent Register - All documents

$ \square$	14.02.2011	Annex to the communication	INTERNATIONAL SEARCH REPORT PLESSONS TO THE PROPERTY PROP		
П	14.02.2008	Communication from the Examining Divinion	The annual annual desired the state of the s		
	14,11,2007	Notification on forthcomina autification of lebitopraumic data.			
	07.11.2007	Communication regarding possible, amendment of claims (page of claims, fee	GEORGE COURT		
	22.10.2007	Copy of the International analysis in preparation, prefer to title	Constitution and the term assessments in some or an experience of the second of the se		
П	03.10.2007	Amended dalms filed after receipt of \$\mathcal{E}\$ property) search report			
П	00.10.2007	Despuestion and the Dunchese phase.	LADARDY CODORNO CARA-DAR		
	10.00.2007	Information on entry into European shake	2 US 6 295 214 EL (2002 FORE) Long Daniel Long Long Long Long Long Long Long Long		
П	18.00.2007	Notification of the recepting of a change	7 Open 4, 1 mm 36 - column 6, 11ms 24; 8,10; 15-24		
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Tools used to access external search and examination results (7)

European Patent Register - All documents



Tools used to access external search and examination results (8)

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY (SEPARATE SHEET)

International application No.

PCT/EP2006/061303

III. <u>Re Item III</u>

Non-establishment of opinion with regard to novelty, inventive step and industrial applicability

1

1.1 Claims 8 and 9 relate to subject-matter considered by this Authority to be covered by the provisions of Rule 67.1(iv) PCT. Consequently, no opinion will be formulated with respect to the industrial applicability of the subject-matter of these claims (Article 34(4)(a)(i) PCT).

V. Re Item V

Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

For the assessment of the present claims 8 and 9 on the question whether they are industrially applicable, no unified criteria exist in the PCT Contracting States. The patentability can also be dependent upon the formulation of the claims. The EPO, for example, does not recognize as industrially applicable the subject-matter of claims to the use of a compound in medical

Tools used to access external search and examination results (9)

AUTHORITY (SEPARATE SHEET)

PCT/EP2006/061303

- 3.1 The present application does not meet the criteria of Article 33(1) PCT, because the subject matter of claim 1 does not involve an inventive step in the sense of Article 33(3)PCT.
- 3.1.1 Document D1, which is considered to represent the most relevant state of the art to the subject matter of claim 1, discloses (the references in parentheses applying to this document):
 - D1 discloses tablets comprising TMC278. Parenteral compositions as injectable solutions or suspensions are suggested. (D1, page 3, line 36 p. 5, l. 9; example 4). D1 discloses furthermore that the delayed release formulations such as described on page 13, line 38 page 16, line 32, may be formulated as parenteral compositions (D1, p. 17, l. 14-19). TMC278 may also be used for preventing HIV infection (p. 19, l. 30-34).
- 3.1.2 The subject-matter of independent claim 1 differs from the disclosure of D1 in that the parenteral formulation is administered intermittently at a time interval of at least one week.
- 3.1.3 The problem to be solved by the present invention may therefore be regarded as reducing the pill burden on the national and increasing the data compliance.

Conclusion - Information that can be utilized from search and examination reports (1)

 Citations · Document categories e.g. X, Y, A · Relevant passages of citations Search reports · Claims for which documents are cited Classification information Patentability objections e.g. novelty, inventive step, clarity, unity Written opinions / Grants / · Interpretation of cited documents Refusals Relevant cited and citing documents Documents with related · Top-up search before grant subject-matter

THANK YOU