

Patent Cooperation Treaty (PCT) Committee for Technical Cooperation

Thirtieth Session
Geneva, May 8 to 12, 2017

EXTENSION OF APPOINTMENT OF THE INDIAN PATENT OFFICE AS AN INTERNATIONAL SEARCHING AND PRELIMINARY EXAMINING AUTHORITY UNDER THE PCT

Document prepared by the International Bureau

1. All of the existing International Authorities were appointed by the PCT Assembly for a period ending on December 31, 2017. In 2017, the Assembly will therefore need to make a decision on the extension of the appointment of each existing International Authority that wishes to seek an extension of its appointment, having first sought the advice of this Committee (see PCT Articles 16(3)(e) and 32(3)). Information concerning this process and the role of the Committee is set out in document PCT/CTC/30/INF/1.
2. On March 8, 2017, the Indian Patent Office submitted its application to extend its appointment as an International Searching Authority and International Preliminary Examining Authority under the PCT. This application is reproduced in the Annex to this document.
3. *The Committee is invited to give its advice on this matter.*

[Annex follows]

APPLICATION OF THE INDIAN PATENT OFFICE FOR EXTENSION OF APPOINTMENT
AS AN INTERNATIONAL SEARCHING AND
PRELIMINARY EXAMINING AUTHORITY UNDER THE PCT

1 – GENERAL

Name of Office or intergovernmental organization: Indian Patent Office (IPO)

Date on which application for appointment was received by the Director General:
March 8, 2017

Session of the Assembly at which appointment is to be sought: September/October 2017:
forty-ninth session of the PCT Assembly (Geneva, Switzerland)

Expected date at which operation as ISA/IPEA could commence: Continuing operation
without a break.

Existing ISA/IPEA(s) assisting in assessment of extent to which criteria met: Not
Applicable.

2 – SUBSTANTIVE CRITERIA: MINIMUM REQUIREMENTS FOR APPOINTMENT

The IPO continues to fully meet the minimum requirements for appointment, as set out below.

2.1 – SEARCH AND EXAMINATION CAPACITY

Rules 36.1(i) and 63.1(i): *The national Office or intergovernmental organization must have at least 100 full-time employees with sufficient technical qualifications to carry out searches and examinations.*

Employees qualified to carry out search and examination:

Technical field	Number (in full-time equivalent)	Average experience as examiners (years)	Breakdown of qualifications
Mechanical	165	30 (4 years) + 135 (1 year)	Mechanical(133), Civil(9), Textile(11), Metallurgy(12),
Electrical/ electronic	212	57 (4 years) + 155 (1 year)	Electrical(43), Electronics & Communication(67), Physics(49), Biomedical(21), Computer Science(32)
Chemistry	111	31 (4 years) + 80 (1 year)	Chemistry(94), Polymer(17)
Biotech	40	11 (4 years) + 29 (1 year)	Biotechnology(29), Biochemistry(6), Food(5)
<i>Total</i>	<i>528</i>		

Training Programs

All new Examiners undergo initial training for three months at the Rajiv Gandhi National Institute of Intellectual Property Management (RGNIIIPM) in Nagpur. This initial training is followed by on-the-job training for eight months and refresher training for another month at RGNIIIPM. Advanced training is also conducted for one month at the place of posting during the second year. Special training sessions are conducted for ISA/IPEA work that includes quality aspects as per the ISPE guidelines. For these training programs the faculty members include both in-house trainers and trainers from other patent offices in order to promote improved understanding of international procedures and to help identify best practices from elsewhere. Ongoing training activities include training programs by WIPO and other patent offices that are conducted from time to time within India and outside the country. Apart from training sessions, IPO also conducts Examiner Exchange programs with other patent offices.

Rules 36.1(ii) and 63.1(ii): That Office or organization must have in its possession, or have access to, at least the minimum documentation referred to in Rule 34, properly arranged for search purposes, on paper, in microform or stored on electronic media.

Access to the minimum documentation for search purposes:

(✓) Full access

Search systems:

IT systems are used for search as follows:

- Patseer (PL and NPL)
- STN (PL, NPL and Sequence listing search)
- InPASS (PL-IN)
- Reprint Desk for search and document delivery for Non Patent Literature
- Indian Traditional Knowledge Digital Library for NPL
- Free search on Google, Google Patents, Google Scholar (NPL), NCBI (NPL & Sequence listing search) and Patentlens (Sequence listing search)

Rules 36.1(iii) and 63.1(iii): That Office or organization must have a staff which is capable of searching and examining the required technical fields and which has the language facilities to understand at least those languages in which the minimum documentation referred to in Rule 34 is written or is translated.

Language(s) in which national applications may be filed and processed: English and Hindi

Other languages in which large numbers of examiners are proficient: Not applicable

Services available to assist search or understanding of prior art in other languages: The databases used for search support machine translation and Full Text Machine Translations in English are available for patents for JP, KR, CN, FR, DE, DK, FI, RU, BE, NL and LU in Patseer database and a host of NPL translations are available through STN which also provides English translations of non-English patent literature. Stand-alone general machine translation services are also available to examiners to assist understanding of texts from sources where machine translation is not built in.

2.2 – QUALITY MANAGEMENT

Rules 36.1(iv) and 63.1(iv): That Office or organization must have in place a quality management system and internal review arrangements in accordance with the common rules of international search,

National quality management system:

The IPO has a quality management system fully in line with the requirements set out in Chapter 21 of the PCT International Search and Preliminary Examination Guidelines. The annual reports submitted by IPO for the years 2013 to 2016 are available from the WIPO website at <http://www.wipo.int/pct/en/quality/authorities.html>

There is an update to the QMS Report of 2016 regarding the Quality Assurance Portal (QAP) which was reported as being developed by the office in item 21.12 under the topic “Quality Assurance”. The development of QAP is complete and the same is accessible through intranet in the office, which acts as an effective medium for communication of the quality policy and objectives as well as for sharing the best practices.

3 – INTENDED SCOPE OF OPERATION

Language(s) in which services would be offered: English

State(s) or receiving Office(s) for which Authority would offer to be competent: Any PCT Contracting State.

Limitations on scope of operation: Nothing in particular

4 – STATEMENT OF MOTIVATION

The Indian Patent Office has been functioning as ISA/IPEA since 15th October 2013 and is also recognized by Receiving Office of Islamic Republic of Iran as ISA/IPEA. In principle, the Office is open to offering its services to the Receiving Offices of other States, particularly but not limited to those from its region.

The Indian Patent Office in its role as Receiving Office has recognized six other offices apart from IN (EP, AU, AT, SE, CN and US) for the applicants to choose as ISA/IPEA. However, over 50 percent of the applicants select IPO as an ISA, demonstrating the confidence which local applicants place in the quality and value of its service.

The reappointment of the Indian Patent Office as ISA/IPEA can be beneficial for applicants of all Receiving Offices who may recognize the Indian Patent Office to be chosen as ISA/IPEA for their applicants who prefer services offered in English. With a huge talent pool of scientists and engineers having proficiency in English, India can provide affordable and reliable prior art search services to the applicants enabling them to take timely and correct decisions regarding potential to commercialize their inventions.

Furthermore, IPO’s activity as an ISA/IPEA contributes not only towards the more effective use of the PCT system by Indian applicants, but to the understanding and knowledge of the PCT system by the examiners and Office, allowing it to take a more effective role in the development of the system as a whole.

5 – APPLICANT STATE(S)

Regional location



Map showing State(s) and neighboring States

Regional organization memberships: India is a member of many organizations like the Association of South East Asian Nations Regional Forum (ARF), Asia – Europe Meeting (ASEM), Conference on Interaction and Confidence Building Measures in Asia (CICA), East Asia Summit, The Group of Twenty (G20), BRICS, The Commonwealth, Indian Ocean Rim Association for Regional Cooperation (IORARC) and the Mekong-Ganga Cooperation (MGC). India also works closely with many other organizations and extends support even though it is not a member.

Population: 1.02 billion as per census 2011

GDP per capita: 1583 United States dollars

Estimated national R&D expenditure (% of GDP): 0.9%

Number of research universities: 700 plus

Summary of national patent information network (for example patent libraries, technology and innovation support centers): The Indian Patent Office provides free patent search facility named inPASS on official website which facilitates search on all published applications and granted patents. There are several innovation and IPR support centers operating in the country. Biotechnology Industry Research Assistance Council (BIRAC), Technology Information, Forecasting and Assessment Council (TIFAC), National Research Development Corporation (NRDC) and National Innovation Foundation (NIF) are organizations set up by the Government of India to facilitate innovation and IPR protection. The initiatives of the Government of India like Start-up India and the Atal Innovation Mission (AIM) with tinkering labs in schools and incubation centers have created an environment conducive for original innovation and entrepreneurship. “Creative India, Innovative India” is the clarion call of the National IPR Policy launched in 2016 and the Policy envisages creation of specialized units to assist all classes of IP owners in commercializing IP assets.

Major local industries: Textile, Food Processing, Chemicals, Cement, Steel, IT and IT enabled services, Mining and Petroleum.

Major trading partner States/Regions: People's Republic of China, United States of America, United Arab Emirates, Saudi Arabia, Hong Kong, Germany, Switzerland, Republic of Korea, Indonesia, Singapore, Malaysia, and Japan.

Other key information: The National Intellectual Property Rights (IPR) Policy is a giant leap by the Government of India to spur creativity and stimulate innovation. The document lays the roadmap for the future of IPRs in India with the vision, "An India where creativity and innovation are stimulated by Intellectual Property for the benefit of all; an India where intellectual property promotes advancement in science and technology, arts and culture, traditional knowledge and biodiversity resources; an India where knowledge is the main driver of development, and knowledge owned is transformed into knowledge shared". The National IPR Policy is available from the website of the Department of Industrial Policy and Promotion at: dipp.nic.in/English/Schemes/Intellectual_Property_Rights/National_IPR_Policy_08.08.2016.pdf

6 – PROFILE OF PATENT APPLICATIONS

Number of national applications received – by technical field

Year \ Technical Field	2011-12	2012-13	2013-14	2014-15	2015-16
Mechanical	12,184	13,757	14,218	13,108	13,399
Electrical/electronic	16,427	15,801	15,662	16,894	20,291
Chemistry	11,153	11,677	10,748	10,571	11,138
Biotech	3,433	2,439	2,323	2,190	2,076
<i>Total</i>	<i>43,197</i>	<i>43,674</i>	<i>42,951</i>	<i>42,763</i>	<i>46,904</i>

Number of national applications received – by route

Year \ Route	2011-12	2012-13	2013-14	2014-15	2015-16
National first filing/internal priority	8,678	9,911	10,941	12,071	13,066
Paris priority	4,295	4,215	3,704	3,174	3,675
PCT national phase entry	28,965	28,435	27,078	26,057	28,248

Number of international applications received as RO (Number of International Applications filed by applicants who are nationals/residents of India in RO/IN and RO/IB are given)

Year \ Technical Field	2011-12 IN / IB	2012-13 IN / IB	2013-14 IN / IB	2014-15 IN / IB	2015-16 IN / IB
Mechanical	Technical field-wise data is not available as IPC is not assigned at RO.				
Electrical/electronic					
Chemistry					
Biotech					
<i>Total</i>	<i>873 / 697</i>	<i>1042 / 632</i>	<i>816 / 561</i>	<i>801 / 614</i>	<i>693 / 711</i>

Average time taken for national patent processing

Indicator	Measured from date of filing of request for examination	Time (months) *
To search	Search reports are not issued separately. The time to First Examination reports is given	60 months
To first examination		
To grant		70 months

* This time will be reduced considerably in the coming years due to appointment of 400 more examiners during 2016. IPO started Expedited Examination from May 2016 onwards and the time taken for such cases, measured from date of filing of request for expedited examination is 1 month for First Examination Report and 6 months for grant.

National backlogs

Measure	Number of applications
All pending applications	249106 applications pending for disposal
Applications awaiting search (where relevant fees paid)	Out of the above, 209055 applications pending for issue of First Examination Reports
Applications awaiting first examination (where relevant fees paid)	

7 – SUPPORT REQUIRED

None

8 – OTHER

The Indian Patent Office started functioning as ISA/IPEA from October 15, 2013. Since then the Authority has received 2,126 Search copies till January 31, 2017. Final reports have been established for 1,947 applications. IPEA received 59 Demands during the same period and IPRP has been established for 39 applications.

The Indian Patent Office has developed its own electronic processing software for ISA/IPEA operations and has also established secure connection through PCT-EDI for exchange of documents with IB. Electronic processing software for Receiving Office is under testing to facilitate filing from four locations and fee payments. The Indian Patent Office uses ePCT in the capacities of Receiving Office, International Searching Authority and International Preliminary Examining Authority. Applicants who are nationals/residents of India can avail the e-filing facility to RO/IN using the facility of server hosted by WIPO through ePCT. eSearchCopy is already used for transmitting Search copies to AU, AT and SE.

9 – ASSESSMENT BY OTHER AUTHORITIES

Not applicable

[End of Annex and of document]