

Patent Cooperation Treaty (PCT) Committee for Technical Cooperation

**Thirtieth Session
Geneva, May 8 to 12, 2017**

EXTENSION OF APPOINTMENT OF THE STATE INTELLECTUAL PROPERTY OFFICE OF THE PEOPLE'S REPUBLIC OF CHINA 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 1, 2017, the State Intellectual Property Office of the People's Republic of China 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 STATE INTELLECTUAL PROPERTY OFFICE OF THE PEOPLE'S
REPUBLIC OF CHINA FOR EXTENSION OF APPOINTMENT
AS AN INTERNATIONAL SEARCHING AND
PRELIMINARY EXAMINING AUTHORITY UNDER THE PCT

1 – GENERAL

Name of Office or intergovernmental organization:

State Intellectual Property Office of the People's Republic of China

Date on which application for appointment was received by the Director General:

March 1, 2017

Session of the Assembly at which appointment is to be sought: 49th session

Expected date at which operation as ISA/IPEA could commence:

The end of the current agreement.

Existing ISA/IPEA(s) assisting in assessment of extent to which criteria met: N/A

2 – SUBSTANTIVE CRITERIA: MINIMUM REQUIREMENTS FOR APPOINTMENT

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			
Electrical/electronic			
Chemistry			
Biotech			
<i>Total</i>	<i>Around 10,000¹</i>		

Training Programs

SIPO provides PCT examiners some training courses of PCT international search and preliminary examination. Those training courses include junior level and senior level. The courses and durations are as below.

¹ Up to December 2016, including the Patent Office and Patent Examination Cooperation Center

Table 1: List of PCT courses for junior level training

No	Course	Duration(Day)
1	Overview of "Patent Cooperation Treaty" system and procedure of PCT international applications	0.5
2	Classifications of international applications	0.25
3	International search	0.25
4	Exclusion and restriction in PCT international search and preliminary examination, opinions thereof	0.5
5	Unity and right of priority	0.25
6	Major problems in the procedure of PCT international search and preliminary examination	0.25
7	Drafting, correction and amendment of patent applications	0.5
8	Prior art, novelty, inventive step and industrial application	0.5
9	Drafting examination opinions in English in PCT international phase	0.25
10	WIPO quality standard for translation of PCT documents	0.25
11	Filling in examination forms in PCT international phase	0.25
12	Practicum	1
	Total	4.75

Table 2: List of PCT courses for senior level training

No	Course	Duration(Day)
1	PCT practices and Common errors in filling in PCT examination forms	0.5

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:

1. "S system" for patent search.
2. "Internet resources search platform" and "full access" for non-patent literature search which integrates commonly-used non-patent databases and those required by our examiners.
3. Epoque.

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:

Chinese

Other languages in which large numbers of examiners are proficient:

English

Services available to assist search or understanding of prior art in other languages:

Machine translation function and dictionaries (such as bilingual dictionary) are provided by "S system"

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.*

Quality management system:

The annual reports on quality management systems from 2006 to 2016 are available from the WIPO website at: <http://www.wipo.int/pct/en/quality/authorities.html>

3 – INTENDED SCOPE OF OPERATION

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

State(s) or receiving Office(s) for which Authority would offer to be competent: Angola, Ghana, India, Iran (Islamic Republic of), Kenya, Liberia, Thailand, Turkey, Zimbabwe

Limitations on scope of operation: N/A

4 – STATEMENT OF MOTIVATION

SIPO is one of the biggest IP offices in the world with the largest number of patent examiners, rich documentation and advanced IT systems. The annual PCT applications received by SIPO ranked no. 3 in the year of 2015 and its fast increase has become the key driven power for the global PCT application growth. Applying by SIPO to become the ISA/IPEA will encourage China to play a more active role in the PCT system development and make its contribution to this most welcomed international system. It will not only allow the office to share its experiences in this field but also benefit Chinese PCT users by providing on the spot assistance and make them understand the system better. SIPO's renewal as ISA/IPEA will complement the system in its advantage of Chinese document searching and provide PCT users especially Chinese PCT users an option of good service with relatively low costs.

5 – APPLICANT STATES

Population: 1.339 billion

GDP per capita: 49,992 Chinese yuan renminbi by 2015

Estimated national R&D expenditure (% of GDP): 2.1% by 2015

6 – PROFILE OF PATENT APPLICATIONS

Number of national applications received – by technical field

Year	2012	2013	2014	2015	2016
Technical Field					
Mechanical					
Electrical/electronic					
Chemistry					
Biotech					
Total	652,777	825,136	928,177	1,101,864	1,338,503

Number of national applications received – by route

Route \ Year	2012	2013	2014	2015	2016
National first filing/internal priority					
Paris priority					
PCT national phase entry	70,221	73,583	80,601	82,965	82,109

Number of international applications received as RO

Technical Field \ Year	2012	2013	2014	2015	2016
Mechanical					
Electrical/electronic					
Chemistry					
Biotech					
<i>Total</i> ²	19,926	22,924	26,169	30,548	44,992

Average time taken for national patent processing

Indicator	Measured from	Time (months)
To search		
To first examination		
To grant	the effective date of substantive examination	22.0 ³

7 – SUPPORT REQUIRED

N/A

8 – OTHER

N/A

9 – ASSESSMENT BY OTHER AUTHORITIES

N/A

[End of Annex and of document]

² Including invention and utility model

³ Up to December 2016