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WORLD INTELLECTUAL PROPERTY ORGANIZATION

GENEVA

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

**MEETING OF INTERNATIONAL AUTHORITIES
UNDER THE PATENT COOPERATION TREATY (PCT)**

Twelfth Session

Geneva, December 12 to 16, 2005

**COMMON QUALITY FRAMEWORK FOR
INTERNATIONAL SEARCH AND PRELIMINARY EXAMINATION**

Document prepared by the International Bureau

SUMMARY

1. The adoption and implementation of quality management systems by the International Authorities is provided for in Chapter 21 of the PCT International Search and Preliminary Examination Guidelines (“the Guidelines”). The Meeting is invited, in conjunction with its consideration of proposed templates for reporting on quality systems (see document PCT/MIA/12/8 Add.1), to consider what further work should be undertaken towards developing coordinated approaches on quality issues, such as quality standards, manuals and documentation, examiner skills and training, and quality metrics.

QUALITY MANAGEMENT SYSTEMS

2. The Guidelines (see document PCT/GL/ISPE/1), which entered into force on March 25, 2004, include Chapter 21 entitled “A Common Quality Framework for International Search and Preliminary Examination”. That chapter was new in the sense that its subject matter had not been dealt with previously *per se* in the (superseded) separate PCT International Search Guidelines and PCT International Preliminary Examination Guidelines.

3. At its 10th session, held in September 2004, the Meeting, in accordance with paragraph 21.17 of the Guidelines, adopted a general initial report on quality management for submission to the PCT Assembly at its 33rd session in September-October 2004. That report was submitted to the Assembly in document PCT/A/33/6 and was noted by the Assembly.

4. At its 11th session, held in February 2005, the Meeting discussed items of possible common interest arising from the reports on quality management systems presented by the International Authorities to the 10th session, also taking into account presentations made by certain Authorities to the 11th session, and considered how such reports should desirably be prepared in the future. The results of the Meeting's consideration was set out 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 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);

(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.”

5. The Meeting also considered a related matter concerning a quality framework for the International Bureau and, more relevant to the present context of quality systems in search and examination, the Meeting considered the question of assistance relating to Offices seeking appointment as International Authorities (see document PCT/MIA/11/14, paragraphs 79 to 82):

“Assistance Relating to Offices Seeking Appointment as International Authorities

“79. Discussions were based on document PCT/MIA/11/2.

“80. One Authority emphasized that the quality of international search reports and international preliminary reports on patentability was essential to the entire PCT system. The increasing range of technology, quantity of prior art and variety of methods of publication meant that performing a full search was becoming increasingly difficult. While an appropriate number of examiners in an International Authority and access to the PCT minimum documentation, properly arranged for search purposes, were not in themselves indicators of quality, they remained necessary to ensuring high quality international search and preliminary examination. Furthermore, to achieve quality in the modern search environment, the requirements of Rule 36.1 should be considered an absolute minimum. It was also important that all existing and new International Authorities should conform to the requirements of the quality framework set out in Chapter 21 of the PCT International Search and Preliminary Examination Guidelines.

As noted in document PCT/MIA/11/2, the requirement that the Authority should apply all the common rules of international search and preliminary examination was already implicit in the requirement of Articles 16(3)(b) and 32(3) and the agreements between each International Authority and the International Bureau. Nevertheless, it was suggested that an explicit addition might be made to Rules 36.1 and 63.1, requiring that every International Authority should have an appropriate quality system in accordance with the quality framework in the Guidelines.

“81. It was noted that a number of Authorities already gave various forms of assistance to other patent Offices through bilateral arrangements, but emphasized that this must necessarily remain an optional matter for the Authorities, given the resource implications which were involved. One Authority suggested that the development of templates and/or questionnaires to assist the existing International Authorities in reporting on their quality systems (as suggested in paragraph 72, above) might assist the Meeting in developing guidelines which could be of benefit to Offices wishing to develop quality systems in preparation for seeking appointment as an International Authority.

“82. The Meeting noted that offering advice on the quality systems of Offices seeking appointment as an International Authority would be a significant change in role and that further time was required for Authorities to consider the implications.”

WORK PLAN AND REPORTING TEMPLATES

6. In consultations as envisaged by paragraph 72 of document PCT/MIA/11/14, it became apparent that more consideration was needed before a detailed work plan for development of coordinated approaches on quality issues could be agreed or before detailed reporting templates could be settled. The Secretariat accordingly invited the International Authorities, via the Meeting’s electronic forum, to provide updates on their work on quality management systems using an outline of a preliminary nature prepared by the Secretariat. A further general report to the Assembly was prepared by the Secretariat on the basis of the updates provided, was submitted to the Assembly for consideration at its 34th session (see document PCT/A/34/4), and was noted by the Assembly.

7. The European Patent Office has now prepared detailed draft reporting templates, which are submitted for consideration by the Meeting in document PCT/MIA/12/8 Add.1. The Meeting is invited to give further consideration to the development of a work plan in conjunction with its consideration of the proposed templates. Such a work plan might address the areas mentioned in paragraph 68 of document PCT/MIA/11/14 in which coordination and cooperation were felt by the Meeting to be likely to be productive (quality standards, manuals and documentation, and examiner skills and training), as well as other areas that might be identified (such as metrics useful for measuring quality). The means by which such further work could be undertaken would include a task force using the Meeting’s electronic forum.

8. The Meeting is invited to consider the contents of the present document and particularly a suitable work plan for further development of coordinated approaches on quality issues.

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