

## **Meeting of International Authorities under the Patent Cooperation Treaty (PCT)**

**Twenty-Seventh Session  
Gatineau, February 6 and 7, 2020**

### **PROPOSAL TO PROMOTE THE IMPROVEMENT OF THE INTERNATIONAL SEARCH REPORT AND THE WRITTEN OPINION**

*Document prepared by the China National Intellectual Property Administration*

#### **SUMMARY**

1. Followed the proposal at the twenty-sixth session of the Meeting, the International Authorities are invited to comment on the questionnaires drafted by the China National Intellectual Property Administration (CNIPA) and the proposal concerning the implementation of the survey to aid in future improvements of the international search report (ISR) and the written opinion (WO).

#### **BACKGROUND**

2. At the twenty-sixth session of the Meeting of International Authorities in February 2019, the CNIPA proposed to design a questionnaire and conduct a survey with a view to improving the layout, content and format of the ISR and the WO, so as to promote the improvement of the quality of ISR and the WO (see document PCT/MIA/26/11). The CNIPA proposed to implement related work in the following three steps: designing a questionnaire; conducting a survey; and completing an analysis report to raise potential areas and/or specific suggestions to aid in future improvement of the ISR and WO at the practical level based on the survey results.

3. Authorities welcomed the principle of a survey with a view to improving the ISR and WO, and sought further information on how the envisaged questionnaires would be developed and managed.

4. The CNIPA has conducted a pilot survey from March to May in 2019 to demonstrate the effectiveness and feasibility of the survey. The pilot survey was conducted by distributing

questionnaires to some selected Chinese PCT users and some examiners of the CNIPA. Based on the feedback from the pilot survey, in general, the respondents welcomed the survey to promote the improvement of the ISR and the WO, and expressed their comments and suggestions on the potential improvement of the layout and content of the forms PCT/ISA/210 and PCT/ISA/237.

#### **PROGRESS ON THE DESIGN OF THE DRAFT QUESTIONNAIRE**

5. Based on the questionnaires used in the pilot survey, the CNIPA has designed drafted questionnaires to PCT International Searching Authority (ISA) examiners and users respectively and uploaded them on the Quality Subgroup Forum in December 2019 to collect comments from the Authorities. Based on the comments from Authorities, the CNIPA revised the questionnaires (see Annexes) accordingly. The design followed the principles below:

- (a) The survey questions should take into accounts both comprehensiveness and efficiency, which should be concise, concrete, representative and pertinent with the aim to acquire accurate results while not being burdensome on respondents.
- (b) The survey questions should cover the layout, content and format of the ISA/210 and ISA/237.
- (c) The survey questions have been specifically designed in accordance with two categories of the target respondents: PCT ISA examiners and users.

#### **PROPOSALS ON THE ADMINISTRATION OF THE SURVEY AND THE DISTRIBUTION OF QUESTIONNAIRES**

6. Once the questionnaires are finalized, the CNIPA proposes to conduct the survey using the questionnaires. Taking into consideration the comments in the twenty-sixth session of the Meeting (see paragraphs 41 and 42 of document PCT/MIA/26/13), the CNIPA proposes the following principles on the distribution of questionnaires and the administration of the survey:

- (a) The International Bureau administers the survey and distributes questionnaires through a PCT Circular.
- (b) All ISAs are invited to respond to the questionnaires, both for ISA examiners and users. Each ISA organizes and addresses the questionnaires to its examiners, both as the role of ISA examiners and designated Office (DO) examiners, and if possible, to applicants, attorneys and other users of the ISR and the WO in the corresponding country/region, and responds to the survey with a summary of examiners' views and a summary of users' views.
- (c) Other DOs are invited to respond to the questionnaire for users. Each designated Office organizes and addresses the questionnaire for users to its examiners, and if possible, to applicants, attorneys and other users of the ISR and the WO in the corresponding country/region, and responds with a summary of users' views.
- (d) User associations to which a PCT Circular could reach are also invited to respond to the questionnaire for users with a summary of users' views.

*7. The Meeting is invited to comment on the questionnaires in the Annexes and the proposals contained in paragraph 6 of the document.*

[Annexes follow]

# QUESTIONNAIRE ON THE INTERNATIONAL SEARCH REPORT AND THE WRITTEN OPINION (FOR PCT ISA EXAMINERS)

## Objective

The objective of this survey is to collect comments and suggestions from examiners of PCT International Search Authorities (ISAs) on the layout, content and format of the PCT International Search Report (Form ISA/210) and Written Opinion (Form ISA/237) to aid in future improvements of these two work products of the international phase.

## Basic Information

International Authority:
Name :
Title :
E-mail address :

## Questions

### A Comments on the layout

1. In your opinion, should any box of Form ISA/210 and/or ISA/237 be deleted or consolidated due to duplication of content?

Yes    No

If yes, please provide details about the specific box(es).

Answer:

2. In your opinion, should any box of Form ISA/210 and/or ISA/237 be split into additional boxes or should certain items within a box be moved to a different box?

Yes    No

If yes, please provide details about the specific box(es).

Answer:

3. In your opinion, are any new boxes required in Form ISA/210 and/or ISA/237 to account for recent developments in the PCT system?

Yes    No

If yes, please provide details.

Answer:

## B Comments on the content

1. In your opinion, should any box of Form ISA/210 and/or ISA/237 be modified due to ambiguous or unclear wording?

Yes  No

If yes, please provide details about the specific box(es) including any recommendations on wording.

Answer:

2. In your opinion, should any box of Form ISA/210 and/or ISA/237 be modified to more accurately reflect the PCT Treaty, Regulation and Guidelines?

Yes  No

If yes, please provide details about the specific box(es).

Answer:

3. Is the current guidance on filling out the ISA/210 and ISA/237 in the PCT International Search and Preliminary Examination Guidelines sufficiently clear and precise to guide practice (16.22-16.85 and 17.11-17.53)?

Yes  No

If no, please provide details about the specific box(es).

Answer:

## C Comments on the format

1. Which type of format is the most convenient for drafting the ISR and WO?

XML  PDF  TIFF  Other \_\_\_\_\_

If possible, please give the reason of your choice.

Answer:

## D Other comments

1. In your opinion, which aspect of Form ISA/210 and/or Form ISA/237 is in most need of improvement?

Answer:

2. Do you have any other comments on Form ISA/210 and/or Form ISA/237?

Yes    No

If yes, please provide details.

Answer:

*Thank you for your participation!*

[Annex II follows]

# QUESTIONNAIRE ON THE INTERNATIONAL SEARCH REPORT AND THE WRITTEN OPINION (FOR USERS)

## Objective

The objective of this survey is to collect comments and suggestions from users of the International Search Report (Form ISA/210) and the Written Opinion (Form ISA/237) on the layout, content and format of the PCT ISR and WO to aid in future improvements of these two work products of the international phase.

## Basic Information

Name:
Title :
On behalf of [ <i>State, Office or Organization</i> ]:
E-mail address :

## Questions

### A Comments on the layout

1. In your opinion, should any box of Form ISA/210 and/or ISA/237 be deleted or consolidated due to duplication of content?
<input type="checkbox"/> Yes <input type="checkbox"/> No
If yes, please provide details about the specific box(es). Answer:

2. In your opinion, should any box of Form ISA/210 and/or ISA/237 be split into additional boxes or should certain items within a box be moved to a different box?
<input type="checkbox"/> Yes <input type="checkbox"/> No
If yes, please provide details about the specific box(es). Answer:

3. In your opinion, are any new boxes required in Form ISA/210 and/or ISA/237 to account for recent developments in the PCT system?

Yes  No

If yes, please provide details.

Answer:

## **B Comments on the content**

1. In your opinion, should any box of Form ISA/210 and/or ISA/237 be modified due to ambiguous or unclear wording?

Yes  No

If yes, please provide details about the specific box(es) including any recommendations on wording.

Answer:

2. In your opinion, should any box of Form ISA/210 and/or ISA/237 be modified to more accurately reflect the PCT Treaty, Regulation and Guidelines?

Yes  No

If yes, please provide details about the specific box(es).

Answer:

3. Is the information provided in ISA/210 and ISA/237 sufficient and clear?

Yes  No

If no, please provide details about the specific box(es).

Answer:

## **C Comments on the format**

1. Which type of format is the most convenient for utilizing the ISR and WO effectively?

XML  PDF  TIFF  Other \_\_\_\_\_

If possible, please give the reason.

Answer:

## D Other comments

1. In your opinion, which aspect of Form ISA/210 and/or Form ISA/237 is in most need of improvement?

Answer:

2. Do you have any other comments on Form ISA/210 and/or Form ISA/237?

Yes    No

If yes, please provide details.

Answer:

*Thank you for your participation!*

[End of Annex II and of document]