



Patent procedure and quality management aspects

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Quality of Patents

- high quality of search and examination
 - ⇒ decisive for the high quality of patents
- since 2008 - all **products and processes** related to the search and examination
 - ⇒ certified in line with the standard ISO 9001:2015

Quality Management System ISO 9001:2015





Patent Department

- **3 divisions**
 - × Chemistry
 - × Mechanics and Electricity
 - × Technology
- **35 patent examiners**
 - × patent applications
 - × utility model applications
- **Junior examiners**
 - ⇒ trained by the appointed senior examiner
for 2 years



Patent Application Procedure

- Filing/Receiving of Application ⇒ Patent Information Dept.
 - Preliminary Examination
 - Substantive Examination
 - Decision on Application
 - Patent Revocation
- } ⇒ Patent Dept.



Filing/Receiving of the Application

- Filing Registration
 - checked the constitutive requirements of patent application
- Bibliographic Data Registration
 - entered into electronic registration system (SyPP)
- Scanning of documents
- Filing Fee – the payment checked

- Assignment of applications to respective examiners in the patent department to further proceed with the examination
 - done by the particular senior examiner using the basic IPC level



Preliminary Examination

- Examination of formal requirements
 - power of attorney, right to a patent, etc.
- Preparation of the application for publication
 - Classification of the subject-matter (IPC + CPC)
 - Examination of specification (mainly changes in abstract)
- Publication of patent application
 - 18 months from the priority date



Substantive Examination

- on request
- within **36 months from the filing date** ⇒ deferred examination
- examination fee paid
- main actions:
 - Search
 - Examination
 - Communication to the applicant
 - Decision



Search

- aim ⇒ finding of the relevant state of art
- search tools ⇒ electronic means:
 - EPOQUENET (the PCT search minimum documentation + non-patent literature)
 - STN
 - MEDLINE, ELSEVIER, EMBASE, IEEE, PUBCHEM (non-patent literature)
 - online national database
- search strategy ⇒ combination of classification (IPC + CPC) and relevant key words
- outcome ⇒ **search report**
 - ⇒ prepared by junior ex. → checked by senior ex. → head of section
 - ⇒ prepared by senior examiner → checked by head of section



Examination

- assessment of patentability requirements
 - × **subject matter**
 - × **novelty**
 - × **inventive step**
 - × **industrial applicability**
- sufficiency of disclosure
- formal requirements checked
- outcome ⇒ **examination report** (more than 1 if necessary)
 - ⇒ prepared by junior ex. → checked by senior examiner → checked by head of section
 - ⇒ prepared by senior examiner → checked by head of section



Third party observations

- filed by any person after the publication of a patent application
- the person do not become a party of the patent application procedure
- the patent applicant is informed of any observations submitted
- submitted observations are analysed by the examiner and if relevant considered within the substantive examination
- **conclusion of analysis** ⇒ checked by the senior ex. / head of section



Decisions on Patent Application

- decisions issued
 - × **refusal of application** (⇒ substantive requirements not fulfilled)
 - × **termination of procedure** (⇒ formal defects not removed)
 - × **grant of patent** (⇒ substantive and formal requirements met)
- decisions can be appealed
- outcome ⇒ **decision**
 - ⇒ prepared by junior ex. → checked by senior examiner → checked by head of section (both positive and negative)
 - ⇒ prepared by senior examiner → checked by head of section



Post-Grant Procedures

- patent revocation
- declaratory judgement

- **decision** ⇒ prepared by the senior examiner (other than the one decided on the application) together with the head of section and signed by the director of patent department

- random check of selected patent files – **twice per year** – performed by the director of patent department



Statistics

National patent applications

	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017
Přihlášky celkem Applications total	854	881	982	880	973	1 081	972	952	839	860
Domácí přihlašovatelé Domestic applicants	712	789	868	783	867	984	910	880	792	794
Zahraniční přihlašovatelé Foreign applicants	142	92	114	97	106	97	62	72	47	66
z toho mezinárodní přihlášky PCT, které vstoupily do národní fáze thereof PCT applications which entered into the national phase	88	52	48	44	41	42	24	22	33	25

National patents granted and European patents (EP) validated in the Czech Republic

	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017
Udělené patenty národní cestou National granted patents	1 280	1 293	911	687	670	613	688	749	781	669
z toho domácím přihlašovatelům thereof domestic applicants	239	376	279	325	401	408	471	576	637	567
z toho zahraničním přihlašovatelům thereof foreign applicants	1 041	917	632	362	269	205	217	173	144	102
Udělené EP validované pro ČR EP patents validated in the CZ	3 513	3 412	3 697	4 348	4 660	4 603	4 548	4 829	5 964	6 912
Celkem / Total	4 793	4 705	4 608	5 035	5 330	5 216	5 236	5 578	6 745	7 581



Patents

Technical solutions (= inventions)

- products, devices, systems
- processes, methods, uses

Filing a patent application (routes)

- national (CZ patent)
- regional (EP patent)
- international (via PCT)

Examination

- ✓ subject matter
- ✓ new
- ✓ inventive
- ✓ industrial application

Exclusions (only „as such“)

- ✗ discoveries
- ✗ scientific theories
- ✗ mathematical methods
- ✗ business methods
- ✗ rules of games
- ✗ computer programs

Legal protection of invention

Exclusive rights

- making
- using
- offering or selling
- importing

... patented product/
product obtained
from patented
process

- using patented process

LICENCE

**Thank you
for
your attention.**



Industrial Property Office
of the Czech Republic

