

PATENT COOPERATION TREATY

Common Quality Framework for
International Search and Preliminary Examination

**Supplemental Report Under Paragraph 21.18 of the
PCT International Search and Preliminary Examination Guidelines**

by: *State Intellectual Property Organization, China*

on: *30 December 2007*

Date of main report and
any supplemental reports to
which this is a supplement: *report using T21-17 on 30 December 2006*

Documents referred to in this report:

None

INTRODUCTION (PARAGRAPHS 21.01-21.02)

The State Intellectual Property Office (SIPO) of China attaches great importance to the quality of our PCT products and services, including the International Search Reports (ISRs), the Written Opinions of the International Searching Authority and the International Preliminary Examination Reports (IPERs).

QUALITY MANAGEMENT SYSTEM (PARAGRAPHS 21.03-21.04)

We have established Quality Management System (QMS) to ensure the compliance of our products with the PCT Treaty and Regulations. The QMS organizational structure of the SIPO is shown in the annex 1. The Quality Control Division under the Patent Affairs Administration Department is responsible for implementing and maintaining the QMS, and defining the quality standards for all our products and services. The Quality Audit Teams at Office level, reporting directly to the deputy commissioner of the SIPO, is in charge of auditing compliance with these quality standards.

RESOURCES (PARAGRAPH 21.05)

(a) PCT Examiners

More than 2,000 substantive examiners covering all the required technical fields from the Examination Departments are competent to carry out the tasks of the PCT search and examination. In order to maintain high quality of our PCT products and ensure reasonably workload, only a limited number of them are chosen to deal with the inflow of the PCT work. Those who have at least three years of substantial examination experience should also pass a certified test before being entitled for the PCT work. The certified test covers the PCT basic knowledge, search skill and foreign language skill. In order to adapt the ever-increasing PCT applications, the overall number of qualified PCT examiners grew from 294 in 2006 to 374 in 2007.

(b) Administrative Staff and Resources

Sufficient administrative staff in many departments of SIPO is full competent to support PCT examiners and facilitate the PCT search and examination process.

(1) Legal Affairs Department

Researching the PCT treaty and regulations; enacting and revising related laws and regulations; Translating PCT legislations and guidelines into Chinese and updating the translated documents timely, depending on the frequency and extent of the revision and amendments to these legislations and guidelines.

(2) Personnel and Education Department

Responsible for the personnel resource management and training (see (f) Training and Development).

(3) Patent Affairs Administration Department (especially the Quality Control Division)

Furnishing comprehensive and up-to-date work manual (see (e) Work Manuals), implementing and maintaining the QMS, defining the quality criteria (see Quality Assurance Procedures (Paragraph 21.07)), providing reference clauses on evaluation of novelty, inventive step, industrial applicability etc both in Chinese and in English version.

(4) Preliminary Examination & Flow Management Department (especially the PCT Division I)

Acting as the PCT receiving Office, responsible for the formality examination of the original PCT applications and flow management during the international phase (see Administration (Paragraph 21.06 (a) and (b), and Quality Assurance Procedures (Paragraph 21.07)).

(5) Automation Department

Maintaining and updating all the computer hardware, software, network and database within the SIPO.

(6) Documentation department

Maintaining non-patent documentation database.

(c) Equipment and Facilities

Each staff in the SIPO has a desktop connected to the Intranet, and the desktop for each examiner is installed with the software for accessing the search databases and the patent application electronic processing system. Furthermore, each examiner is also equipped with a notebook to access the Internet to consult external databases and resources directly.

(d) Documentation

The SIPO possesses or has the access to the comprehensive documentation referred to in Rule 34 in electronic form (see annex 2). Apart from that, our intellectual property library also

collects about 7000 kinds of Chinese journals and about 400 kinds of foreign language journals in the field of science and technology.

(e) Work manuals

The Patent Affairs Administration Department issued a practical and up-to-date work manual in July 2007 to further specify the search and examination standards. This work manual not only assort and integrates all the PCT legislations and guidelines, but also illustrates the PCT search and examination procedures via various examples under different situations.

(f) Training and development

The Personnel and Education Department has implemented two sets of regular training programs on the PCT related knowledge. The basic program for the newcomers focuses on brief introduction of PCT treaty and regulations, international application procedures and basic knowledge on the international search and international preliminary examination.

While the advanced program oriented to the experienced examiners concerns classification of international application; unity; priority right; defects in the description and claims; amendment; prior art; novelty, inventive step, industrial applicability and examination opinions; major tasks in the international procedure and filing in the regular forms. Besides, various PCT related seminars or lectures are frequently held to ensure the PCT examiners fully aware of examination and quality criteria.

In addition, many foreign language courses are running annually within the SIPO, covering English, Japanese, German, French, etc.

(g) Continuous monitoring

The Quality Control Division under the Patent Affairs Administration Department implements and maintains the QMS, defines the quality criteria, continuously monitors and identifies the required resources to deal with demand (see Quality Assurance Procedures (Paragraph 21.07)).

ADMINISTRATION-PROCEDURES (PARAGRAPH 21.06 (a))

An electronic flow management system EPCT was launched by the Preliminary Examination & Flow Management Department on Jan 01, 2007. When an original international application arrives at the Preliminary Examination & Flow Management Department, the formality examiners should work on the formality examination, data-entry of the bibliography information and initial classification. Then the processed record copies and search copies are handed over to the International Bureau and PCT examiners with corresponding technical fields via EPCT electronically. When ISR, written opinion and IPRP are established, again via EPCT, they are firstly sent to the Preliminary Examination & Flow Management Department, from where they are further transmitted to the IB and applicants/attorneys. The deadlines for all these actions are automatically counted according to the initial data entry.

ADMINISTRATION-BACKLOG (PARAGRAPH 21.06 (b))

The overall number of PCT examiners is adjusted with the estimated international application annually. In coping with the growing tendency of the Chinese PCT applications, this number may rise and proportion of workload on international application may increase.

QUALITY ASSURANCE PROCEDURES (PARAGRAPH 21.07) INTERNAL FEEDBACK (PARAGRAPH 21.08 (a)) INTERNAL REVIEW (PARAGRAPHS 21.10-21.14)

An internal instruction regarding the PCT QMS was distributed by the Patent Affairs Administration Department at the beginning of 2007. This QMS has divided the PCT quality control into two phases, the procedural quality assurance phase and the product quality evaluation phase.

Firstly, the objective of the procedural quality assurance phase is to identify the defects in the ISRs, written opinions and IPERs and taking corrective actions before transmitting to the concerned parties, thereby ensure the correctness during the procedure. There are three major tasks in this phase, that is, time limit monitoring, formality inspection and substantive inspection.

Timely issue of search and examination reports can be automatically monitored via EPCT. A warning message would be issued to the relevant examiner some time before the deadline. Simultaneously his or her supervisors must strictly monitor this reminder, so that preventative actions may be taken promptly. Therefore the delay in finishing the ISRs and IPERs has almost been eliminated in SIPO.

Formality inspection, is performed individually and in centralized manner. All the ISRs, written opinions and IPERs are now conducted by a two-person team consisting of a first member and a second member. After the main search and examination is completed by the first member, the second member shall review the case comprehensively. A reviewing opinion shall be made and kept in file, and fed back to the first member. The first member shall amend or supplement his/her action when necessary, or otherwise give an explanation in the reviewing opinion, before sending to the Preliminary Examination & Flow Management Department. In the Preliminary Examination & Flow Management Department, all these ISRs, written opinions and IPERs are collected and formally checked again in full scale before transmitting to the IB and applicants. Furthermore, all the defects discovered are recorded and reported to the director of the corresponding examination department per month. Accordingly encouragement and punishment measures may be taken within the department.

Substantive inspection during the procedure is carried out at the division and department level. That is to say, directors in the examination divisions and departments randomly inspect a few cases per month and carefully observe substantial matters, such as search strategy, evaluation of novelty, inventive step, etc. The first member shall amend or supplement his/her action when necessary, before sending to the Preliminary Examination & Flow Management Department.

Secondly, the product quality evaluation phase aims at evaluating the quality of each examination department and standardize the search and examination practice at the office level. The tasks in this phase are fulfilled by the quality audit team at the office level, which is headed by a director general from one of the examination departments and composed of experienced examiners from each examination department.

The quality audit team checks random samples every month. At the end of every month, a quality record with identified problems is distributed to each examination department. Every two months, the quality audit team publishes a quality report in the intranet, the content of which includes the description of the relevant cases and identified problems, analysis of the causes of the problems, and specification of the examination and quality standards. A quality circular is distributed quarterly to the deputy commissioner in charge and each examination department, conveying controversial matters discovered and quality statistics. Every six months, a quality control seminar is held for all the directors, where the defects and deficiencies discovered in that period will be summarized and delivered. The deputy commissioner in charge concludes and instructs the quality improvement plan for the next period.

It should be noted that a Quality Evaluation System of substantial and formality affairs in the international phase has been developed and will be operated in 2008. This Quality Evaluation System will evaluate the products of the examination divisions through three indexes: timeliness, accuracy and consistency. This Quality Evaluation System has been the most objective and comprehensive ever since.

EXTERNAL FEEDBACK (PARAGRAPHS 21.06 (c) AND 21.08 (b))

The sources of the external feedback or complaints could be the applicants/attorneys, the public, the IB, DO, and EO. SIPO has established an external feedback mechanism to collect the feedback from all these sources by means of info line, facsimile, mail, and email, aiming at taking the corrective or preventative actions where appropriate, learning the interests of the public, making decision on quality control, and improving user satisfaction.

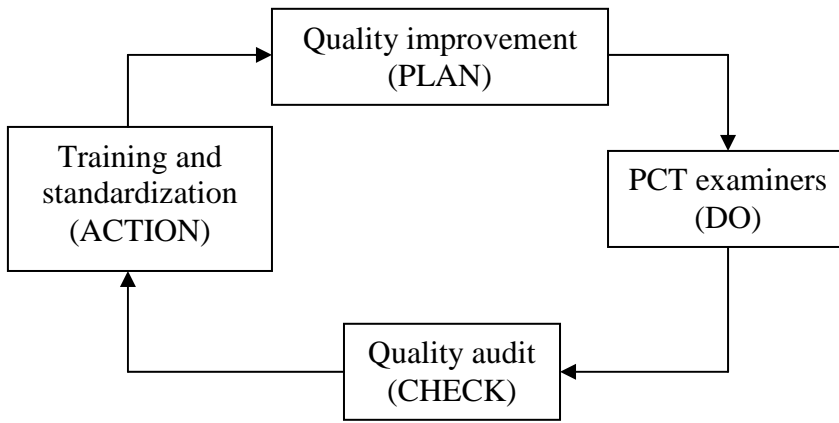
COMMUNICATION AND GUIDANCE TO USERS (PARAGRAPH 21.09)

In order to effectively communicate with users and dealing with users' enquiries, SIPO has established four channels of two-way communication, including info line, facsimile, mail and email.

Guidance to the users on the search and examination process is accessible on the SIPO website (www.sipo.gov.cn/sipo/pct), which includes basic PCT related knowledge, PCT reform and news, PCT applying program and FAQ. In addition, PCT handbooks and brochures can also be available all the time. Training seminars, especially WIPO national roving seminars on PCT cooperated with WIPO are run frequently all over the country.

IMPROVEMENT (PARAGRAPH 21.15)

The purpose of the quality audit is to identify the problems and analyze the causes of the problems. And then corrective and preventative actions to eliminate these causes are taken through training and standardization, finally quality improvement plan are devised for the next year.



Patent/Non-patent documentation	Database	Category	Characteristics
Patent	EPOQUE introduced from EPO	Abstract	EPODOC, superior in accurate classification: ECLA, UCLA, FI/F-Term
			WPI, maintained by Derwent corporation, superior in keyword search
			PAJ, covering the most comprehensive JP patent documentation
	CPRS developed by SIPO	Abstract	CN Patent documentation
			US Patent documentation
		Full graphic	US, EP, JP, WO
Non-patent	In Foreign Languages	Full text	Elsevier Science Direct, IEEE/IEE Electronic Library, etc.
		Abstract	Inspec, Food Science and Technology Abstracts etc.
	In Chinese	Full text	CNKI (Chinese National Knowledge Infrastructure) etc.

