

# 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: *Spanish Patent & Trademark Office (SPTO)*

on: *January 2009*

Date of main report and  
any supplemental reports to  
which this is a supplement: *December 2006 (T21.17)*  
*January 2008 (T21.18)*

Documents referred to in this report:

As a result of our most recent internal review under PCT/GL/ISPE paragraphs 21.10-21.15, this Authority has made modifications to its Quality Management System (QMS) as discussed below.

The modifications are given with reference to the sections of the revised template for responses to PCT/GL/ISPE Paragraph 21.17 to which the changes relate.

### INTRODUCTION (PARAGRAPHS 21.01–21.02)

*The Authority should provide general background information relevant to the quality management system (QMS). The following may be included, if applicable:*

- *Recognised normative reference or basis for quality management system besides Chapter 21, e.g. ISO 9000.*
- *An organigram showing at least the organisational units responsible for implementation of the Authority's QMS. It could be referred to in the rest of the report, as necessary.*

In 2008 the SPTO Quality System was integrated with a Technological Watch System. In recent years the Spanish standardization organization has developed a group of Innovation Management Standards. The Technological Watch System implemented at the SPTO is based in one of these Standards. Nowadays, a similar European Standard is being developed by the CEN at CEN/TC 389 Innovation Management Committee

### QUALITY MANAGEMENT SYSTEM (PARAGRAPHS 21.03–21.09)

#### Establishment and maintenance of QMS (Paragraph 21.03)

*The Authority should show that it has established and is maintaining, or is establishing, a QMS which:*

- sets out basic requirements regarding resources, administrative procedures, feedback and communication channels required to underpin search and examination (S&E);*
- incorporates a quality assurance scheme for monitoring compliance with these basic requirements and with PCT/GL/ISPE.*

One of the Quality Objectives achieved in 2008 was the improvement of our documentation management tool by creating a new module where all the records of the quality management system are registered.

A new feedback communication channel with national offices, through our webpage, was also created in 2008.

#### Resources - infrastructure (Paragraph 21.05)

*Provide information about the infrastructure in place which ensures the following:*

- (a) *Adequate quantity of search and examination (S&E) staff, including:
  - (i) means for matching the quantity of S&E staff to the inflow of work;
  - (ii) means for ensuring that recruited S&E staff have the necessary technical qualifications;
  - (iii) means for ensuring that S&E staff have language skills, or have access to supporting translation arrangements, as necessary to meet Rule 34.*
- (b) *Adequate quantity and skills of administrative staff to support S&E.*
- (c) *Provision of appropriate equipment and facilities to support S&E.*
- (d) *Provision of the minimum documentation supporting S&E, as referred to in Rule 34.*
- (e) *Provision of up-to-date work manuals. These must include explanations of:
  - (i) quality criteria and standards;
  - (ii) descriptions of work procedures;
  - (iii) instructions ensuring that the work procedures are adhered to.*
- (f) *Provision of an effective training and development program for all staff involved in S&E, including means to ensure the acquisition and maintenance of the necessary experience, skills and familiarity with work manuals.*
- (g) *Continuously monitoring and identifying resources, other than staff, required to deal with demand and comply with quality standards for S&E.*

Eight corrective actions, based on the information obtained from non conformities, were implemented during 2008. We want to highlight three related to resources:

- Recruitment of administrative personal. Several non conformities revealed that it was needed more administrative personal in the PCT area.
- Changes in the process of emission of priority certificates. After analysing the process, an improvement of the tools used on it was approved.
- Improvement of electronic tools used by examiners to create the International Search Report and Written Opinion.

#### Administration - procedures (Paragraphs 21.06(a) and (b))

*Provide information on those administrative procedures and control mechanisms which ensure the following:*

- (a) *Timeliness of S&E and related functions, to quality standards in accordance with PCT/GL/ISPE.*
- (b) *Coping with fluctuations in demand and backlog management.*

There were two preventative actions made in this point:

- Creation of an alert related to publication dates of the applications. This way examiners know they have to send the classification of the applications if the International Search Report is not ready for the publication date.
- Change of the alert created to inform of the date of transmittal of the International Preliminary Examination Report.

#### Quality Assurance Procedures (Paragraph 21.07)

*Provide information on procedures which ensure that S&E reports of a quality standard in accordance with PCT/GL/ISPE are issued. In particular, provide information on:*

- (a) Activities related to verification, validation and monitoring; as carried out in order to assess compliance of S&E work with PCT/GL/ISPE.*
- (b) Processes for measuring, recording, monitoring and analysing performance of the QMS to assess its conformity with the requirements of Chapter 21 and, if applicable, any other normative reference for the QMS.*
- (c) Activities related to verifying the effectiveness of actions taken to deal with deficiencies, including:
  - (i) those actions taken to eliminate, correct or authorise release of deficient S&E work which does not comply with the quality standards;*
  - (ii) those actions taken to eliminate the causes of deficient S&E work and prevent the deficiencies from recurring.**
- (d) Activities ensuring the continuous improvement of established processes underpinning the issue of S&E reports.*

In 2008 one of the Quality Objectives at SPTO worked directly on Quality Assurance, it was the creation of an electronic tool to gather the information of the product quality controls.

Once every twelve months there is an internal audit done in the SPTO PCT processes. Also, every year, the ISO 9001 certification authority makes an external audit in the SPTO. During 2008 audits seven non conformities were detected. This non conformities do not reveal serious deficit on the implementation of the quality system in the office. They were corrected and the efficacy of the correspondent corrective actions was verified.

Communication, Guidance and Responses to Users (Paragraphs 21.06(c), 21.09)

*Give information on arrangements to:*

- (a) Provide communication channels for dealing promptly with enquiries and enabling appropriate two-way communication between applicants and examiners.*
- (b) Provide concise and comprehensive guidance and information to users (particularly unrepresented applicants) on the S&E process using the website of your Authority, guidance literature, and other means.*
- (c) Monitor and react to user needs and feedback, including:*
  - (i) measuring user satisfaction and perception;*
  - (ii) handling complaints;*
  - (iii) correcting deficiencies identified by users;*
  - (iv) taking corrective action, i.e. action to eliminate the cause of deficiencies, in response to recurring or systematic deficiencies identified by users.*
  - (v) taking preventive action, i.e. action to eliminate the cause of potential deficiencies, in response to potential deficiencies or problems identified by users;*
  - (vi) ensuring needs and legitimate expectations of users are met.*

Global satisfaction of the applicants with the SPTO related to PCT process is 3,8 out of 5 while for agents the result was 3,7.

Agents were object of different surveys during the year so we have identified fatigue in their responses. For this reason the SPTO has decided to make biannual surveys for the agents and annual ones for the applicants.

There was a low rate of answers in the applicants survey but it is expected that this fact will change when we start getting the e-mail addresses of the applicants. This will increase the number of e-filing surveys which have a higher rate of replay than the ordinary mail ones.

General results of the 2008 surveys are similar to those obtained in 2007. Weak and strong points were very similar in these two surveys. We can conclude that there was not enough time to evaluate the impact of actions taken as a result of the first survey.

For these reasons, the SPTO considers that it is necessary to continue working on actions already started due to results of 2007 surveys. These actions were:

- ◆ Improvement of training programs for examiners
- ◆ Check-list to verify the quality of issued reports
- ◆ Improvement of the information contained in our website
- ◆ Promotion of the utilization of non patent literature
- ◆ Translation into Spanish of PCT Applicant guides
- ◆ Promote the use of electronic application.

[End of report]