

**PART VII
QUALITY****Chapter 21****A Common Quality Framework for International Search and Preliminary Examination****Introduction**

21.01 International Searching Authorities and International Preliminary Examining Authorities are entrusted to apply and observe all the common rules of international search and examination. Although applicants can generally expect the International Searching and Examining Authorities to act in accordance with the Guidelines, due to the involvement of several States in the international search and examination process and to the multitude of personnel within the various Offices, some variability is inherent to the international search and examination process. At the same time, it is recognized that minimizing inconsistencies between or within the International Searching and Examining Authorities is crucial to the unqualified acceptance of an Authority's work product by the States.

21.02 This chapter sets out the main features of a quality framework for international search and preliminary examination. It describes a minimum set of criteria that each International Authority ("Authority") should use as a model for establishing their individual quality scheme.

Quality Management System

21.03 Each Authority should establish and maintain a quality management system (QMS) which sets out the basic requirements with regard to resources, administrative procedures, feedback and communication channels required to underpin the search and examination process. The QMS established by each Authority should also incorporate a quality assurance scheme for monitoring compliance with these basic requirements and the International Search and Preliminary Examination Guidelines.

21.04 Adoption by the Authorities of common QMS requirements should help achieve a consistent approach. This, in turn, should help build confidence among national and regional Offices in the work done by the Authorities. It will be for each Authority to ensure that the measures they have taken to meet the requirements are effective and appropriate.

Resources

21.05 An Authority should be able to accommodate changes in workload and should have an appropriate infrastructure to support the search and examination process and comply with the QMS requirements and these Search and Examination Guidelines. The following are examples of the kind of resources and infrastructure an Authority should consider establishing:

(a) A quantity of staff sufficient to deal with the inflow of work and which maintains the technical qualifications to search and examine in the required technical fields and the language facilities to understand at least those languages in which the minimum documentation referred to in Rule 34 is written or is translated;

(b) Appropriately trained/skilled administrative staff and resources at a level to support the technically qualified staff and facilitate the search and examination process;

- (c) Appropriate equipment and facilities, such as IT hardware and software, to support the search and examination process;
- (d) Possession of, or access to, at least the minimum documentation referred to in Rule 34, properly arranged for search and examination purposes, on paper, in microform or stored on electronic media;
- (e) Comprehensive and up-to-date work manuals to help staff understand and adhere to the quality criteria and standards and follow work procedures accurately and consistently;
- (f) An effective training and development program for all staff involved in the search and examination process to ensure they acquire and maintain the necessary experience and skills and are fully aware of the importance of complying with the quality criteria and standards; and
- (g) A system for continuously monitoring and identifying the resources required to deal with demand and comply with the quality standards for search and examination.

Administration

21.06 An Authority should have in place the following minimum practices and procedures for handling search and examination requests and performing related functions such as data-entry and classification:

- (a) Effective control mechanisms regarding timely issue of search and examination reports to a quality standard consistent with these Search and Examination Guidelines;
- (b) Appropriate control mechanisms regarding fluctuations in demand and backlog management; and
- (c) An appropriate system for handling complaints and taking corrective and preventative action where appropriate, and the application of monitoring procedures for measuring user satisfaction and perception and for ensuring their needs and legitimate expectations are met.

Quality Assurance

21.07 An Authority should have procedures regarding timely issue of search and examination reports of a quality standard in accordance with these Search and Examination Guidelines. Such procedures should include:

- (a) An effective internal quality assurance system for self assessment, involving verification and validation and monitoring of searches and examination work for compliance with these Search and Examination Guidelines and channeling feedback to staff;
- (b) A system for measuring, recording, monitoring and analyzing the performance of the quality management system to allow assessment of conformity with the requirements;
- (c) A system for verifying the effectiveness of actions taken to address deficiencies and to prevent issues from recurring; and
- (d) An effective system for ensuring the continuous improvement of the established processes.

Feedback Arrangements

21.08 To help improve performance and foster continual improvement, each Authority should:

(a) Communicate the results of their internal quality assurance process to their staff to ensure that any necessary corrective action is taken and for the dissemination and adoption of best practice; and

(b) Provide for effective communication with WIPO and designated and elected Offices to allow for prompt feedback from them so that potential systemic issues can be evaluated and addressed.

Communication and Guidance to Users

21.09 An Authority should have in place the following arrangements for ensuring effective communication with users:

(a) Effective communication channels so that enquiries are dealt with promptly and that appropriate two-way communication is possible between applicants and examiners; and

(b) Clear, concise and comprehensive guidance and information to users (particularly unrepresented applicants) on the search and examination process which could be included on each Authority's web site as well as in guidance literature.

Internal Review

21.10 In addition to establishing a quality assurance system for checking and ensuring compliance with the requirements set out in its QMS, each Authority should establish its own internal review arrangements to determine the extent to which it has established a QMS based on the above model and the extent to which it is complying with the QMS requirements and these Search and Examination Guidelines. The reviews should be objective and transparent so as to demonstrate whether or not those requirements and guidelines are being applied consistently and effectively and should be undertaken at least once a year.

21.11 It is open to each Authority to set up its own arrangements but the following is proposed as a guide to the basic components of an internal review mechanism and reporting system.

Monitoring and Measuring

21.12 The input to each review should include information on:

(a) Conformity with the QMS requirements and these Search and Examination Guidelines;

(b) Any corrective and preventative action taken to eliminate the cause of non-compliance;

(c) Any follow-up action from previous reviews;

(d) The effectiveness of the QMS itself and its processes;

(e) Feedback from customer, including designated and elected Offices as well as applicants; and

(f) Recommendations for improvement.

21.13 Suitable arrangements should be established for monitoring, recording and measuring compliance with the QMS requirements and these Search and Examination Guidelines. Arrangements should also be made to measure customer satisfaction, which should include the views of designated and elected Offices as well as applicants and their representatives.

Analysis

21.14 The collected data should be analysed to determine to what extent the QMS requirements and these Search and Examination Guidelines are being met. The results of the internal review should be presented to senior management within the Authority so that they can gain an objective appreciation of performance against the QMS requirements and these Search and Examination Guidelines and identify opportunities for improvement and whether changes are needed.

Improvement

21.15 Each Authority should:

(a) Have an established system to continually improve its performance against the QMS requirements and to review the effectiveness of its QMS; and

(b) Identify and promptly take corrective action to eliminate the cause of any failure to comply with the QMS requirements and these Search and Examination Guidelines.

Reporting Arrangements

21.16 There should be two stages in the reporting arrangements.

Stage 1

21.17 Each Authority should be required to submit an initial report to the Meeting of International Authorities under the PCT (MIA) describing what it has done to implement a QMS based on the broad requirements set out in the present document. This would help identify and disseminate best practice among Authorities. MIA should then submit a general initial report on progress to the PCT Assembly.

Stage 2

21.18 Following the initial reporting in stage 1, annual reports should be prepared by each Authority, identifying the lessons learned and actions taken, and making recommendations in light of the review.

Future Developments

21.19 Proposals for future changes to this framework should be made available by the International Bureau for comment by interested parties prior to their adoption.