



Regional Workshop on Patent Examination Quality Management

OUTLINE OF PATENT QUALITY MANAGEMENT SYSTEM AT THE NATIONAL OFFICE OF INTELLECTUAL PROPERTY OF VIETNAM (NOIP)

Kuala Lumpur, Malaysia

April 19-20, 2016

Mr. Le Huy Anh

Director of Patent Division no. 2

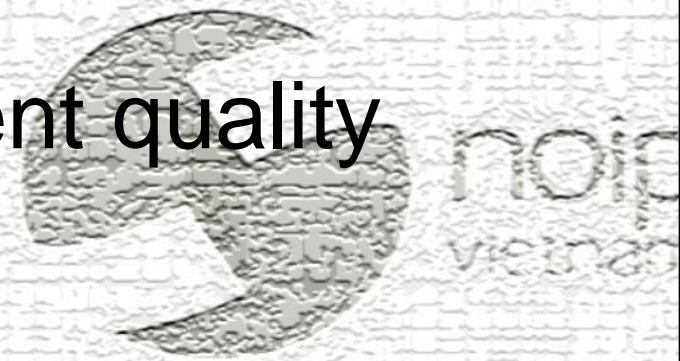
NOIP

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1. Importance of patent quality management

- Patent right is an exclusive right granted for **new, inventive and industrially applicable** inventions.
- Low quality of granted patent may prevent the patent system in achieving its main goals (promoting innovation and advanced development of technologies).
- The public may seriously suffer from low quality of granted patents, especially in the area of public health, price of medicines and access to medicines.
- In VN: Around 90% of patent filings and 96% of patent grants belong to foreigners.
- On the other hand, incorrect and unfair patentability analysis may definitely give rise negative impact on the legal interest of patent applicants.



1. Importance of patent quality management (cont.)

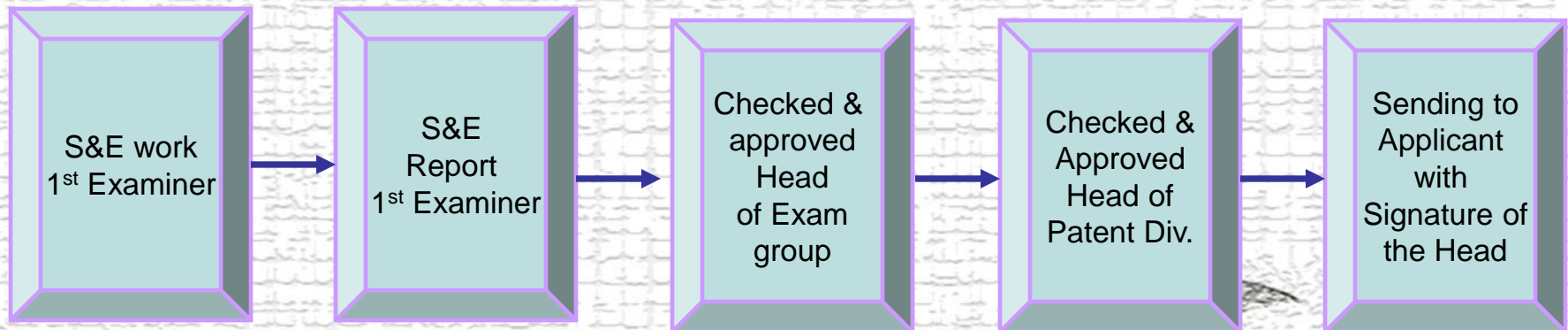
- The importance of patent quality is realized by NOIP at its early stage of development.
- Various measures has been taken by the office, and even by each patent division, for improving the quality of patent S&E.

2. Patent quality management system

Formality examination and substantive **non-final** action

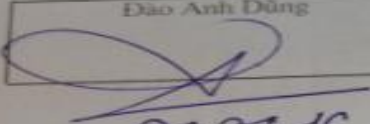
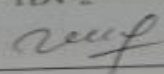
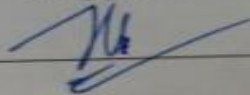
Three-signature system

Article 36-38, Guidelines for Examination (2010): Tasks and responsibilities of patent examiner, head of exam group and director of patent division



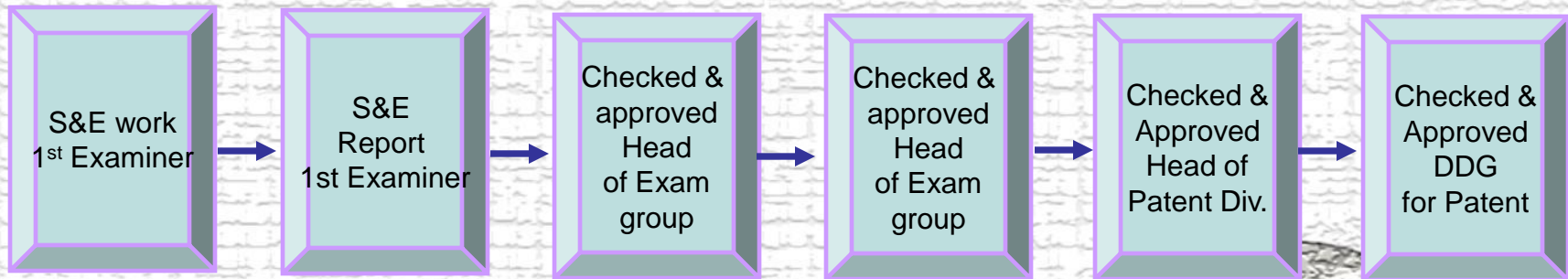
2. Trong thời hạn 02 tháng kể từ ngày ký công văn này, Chủ đơn có thể trình bày ý kiến phản đối trên hoặc có ý kiến trả lời, nếu không đơn sẽ bị coi như rút bỏ và không được tiếp tục xem xét.

TL. CỤC TRƯỞNG
TRƯỞNG PHÒNG SÁNG CHẾ SỐ 2

Đào Anh Dũng	TDV 2	Trưởng phòng	Lãnh đạo Cục
 04.07.16. 07.07.16			

2. Patent quality management system (cont.)

Substantive **final** action
Four-signature system



3. Trong thời hạn 01 tháng
Cục Sở hữu trí tuệ sẽ từ chối cấp văn bằng bảo hộ nếu không có đủ 4 chữ ký.

01/2007/TT-BKHCN.

TL. CỤC TRƯỞNG
TRƯỞNG PHÒNG SÁNG CHẾ SỐ 2

Đạo Anh Dũng	IDV 2	Trưởng phòng	Lãnh đạo Cục

01.10.15.
06.10.15.

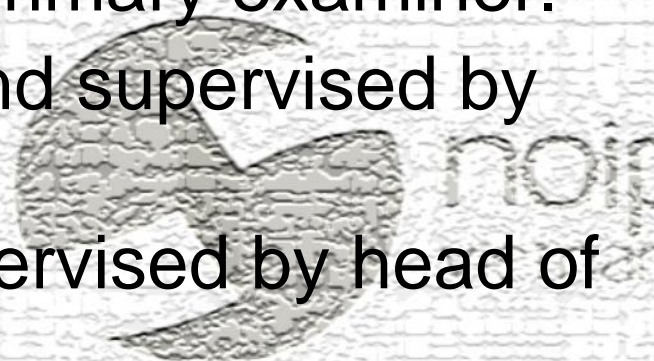
Sending to Applicant with Signature of DDG for Patent



2. Patent quality management system (cont.)

Management of S&E quality

Under article 36-38, Guidelines for Examination (2010):

- S&E work is carried out by examiner.
 - S&E report are drafted by primary examiner.
 - S&E results are checked and supervised by head of examining group.
 - S&E results are further supervised by head of patent division.
- 



2. Patent quality management system (cont.)

Management of S&E quality (cont.)

Search:

- 1st examiner are requested to outline the keywords, databases, search queries and search strategies in the search report.
- For applications having international search report or other sources of search report, sometimes examiners are requested to search additionally, if needed (e.g. TK-related inventions or if the ISA is not the EPO).



2. Patent quality management system (cont.)

Management of S&E quality (cont.)

Examination:

In modified examination (relying on patents granted for foreign corresponding application), examiners are normally requested to take the foreign patent with narrowest scope of protection for reference at the beginning if more than one foreign patents have been granted.



2. Patent quality management system (cont.)

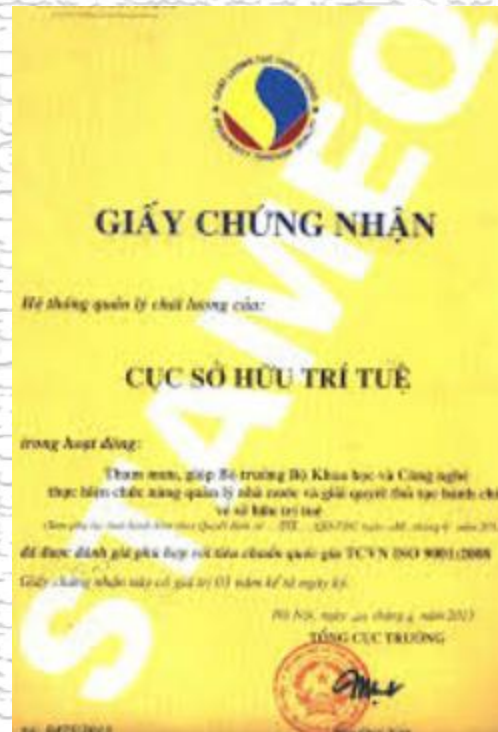
Management of S&E quality (cont.)

- The quality of S&E reports is supervised by head of examining group and head of patent division.
- Mistakes made during S&E are corrected by head of examining group, then by heads of patent division.
- Examination workshop can be held in case of lacking consensus.
- Examiner's S&E quality is frequently assessed and recorded for further improvement.

2. Patent quality management system (cont.)

ISO System:

- On April, 24, 2013, NOIP was granted the certificate for quality management system under ISO 9001:2008 standards.





ISO System (cont.):

- Under NOIP's current quality management system, there are two processes relating to patent examination:
 - Process for the examination of patent applications in general;
 - Process for the examination of PCT patent applications.
- NOIP's current quality management system focuses more on the timeline of patent procedure rather than the quality of patent S&E itself.
 - Only one customer's enquiry since 2013;
 - No random sampling;
 - No action of correction for non-compliance in terms of S&E quality;
 - No quality index.



3. Experiences on patent quality management

- Patent quality is very much dependent on the quality of patent system (quality of patent legislation system, capacities of patent office, training system, support systems, S&E resources, ...).
- More transparency of patent S&E and public free access to S&E report is likely to improve patent S&E quality.
- Convenient and effective work-sharing system can help to improve patent S&E quality.
- Patent quality and patent backlog are opposite sides, more quality is likely to result in more backlog.



Thank you for your attention!!!

