

WIPO



PCT/A/40/3
ORIGINAL: English
DATE: July 24, 2009

E

WORLD INTELLECTUAL PROPERTY ORGANIZATION
GENEVA

INTERNATIONAL PATENT COOPERATION UNION
(PCT UNION)

ASSEMBLY

Fortieth (17th Ordinary) Session
Geneva, September 22 to October 1, 2009

QUALITY MANAGEMENT SYSTEMS FOR PCT INTERNATIONAL AUTHORITIES

Document prepared by the International Bureau

SUMMARY

1. Reports from each of the International Searching and Preliminary Examining Authorities are publicly available on the PCT website, setting out how the Authorities have implemented and developed their quality management systems in accordance with Chapter 21 of the PCT International Search and Preliminary Examination Guidelines.

QUALITY REPORTS

2. At the start of 2009, each of the active International Authorities as well as the Brazilian National Institute of Industrial Property (which has been appointed as an International Authority but has not yet commenced operations), submitted a quality report indicating what improvements had been made to its quality management systems in the course of 2008. These reports are available from the WIPO website at www.wipo.int/pct/en/quality/authorities.html.

RECENT DEVELOPMENTS

3. At the 16th session of the Meeting of International Authorities, held in Seoul, Republic of Korea, in March 2009, the International Authorities discussed the quality reports and a variety of matters relating to quality management systems, as outlined in paragraphs 56 to 74 of the report of the session (document PCT/MIA/16/15) as follows:

“QUALITY FRAMEWORK

“Proposal for Revision of the PCT International Search and Preliminary Examination Guidelines

“56. Discussions were based on document PCT/MIA/16/2, containing a proposal by the European Patent Office.

“57. The Meeting expressed its full support for the proposed draft revised text of Chapter 21 of the PCT International Search and Preliminary Examination Guidelines as set out in the Annex to document PCT/MIA/16/2, subject to the comments and suggestions appearing in the following paragraphs.

“58. The Meeting noted that, in accordance with present paragraph 21.19 of the Guidelines, the proposed changes to Chapter 21 would need to be the subject of wider consultation with interested parties.

“59. One Authority suggested that it might be useful for Authorities to exchange existing quality manuals and other documentation. Certain Authorities which had already established quality manuals indicated their willingness to share them with other Authorities.

“Complementary Proposal

“60. Discussions were based on document PCT/MIA/16/5, containing two proposals made by the Swedish Patent and Registration Office, the first for an electronically based feedback system and the second for a quality subgroup under the Meeting.

“*E-based Feedback System*

“61. Several Authorities expressed general support for the proposal for enhanced communications arrangements for allowing feedback to be given to Authorities on international search and preliminary examination reports, subject to availability of resources and ensuring that the requirements were properly identified. It was made clear that use of the system would need to be optional, both for Authorities and for designated Offices.

“62. It was noted that such a system would offer two distinct features, the first being to provide feedback to Authorities in connection with the processing of particular applications, and the second to enable Authorities to derive information of a more systematic nature for use in improving their quality systems. It would be necessary to ensure that the available information was structured and could be accessed in such a manner that quality managers would be able to extract information which could be analyzed effectively. It was observed that the input arrangements might be closely related to those established for a third party observation system, and it might be most efficient to consider the two issues together.

“63. The Meeting agreed that the Secretariat should, in consultation with the Swedish Patent and Registration Office, develop more detailed proposed system requirements with a view to establishing an e-based feedback system, for consideration by the Meeting at its next session.

“Quality Subgroup

“64. Certain Authorities expressed support for the proposal for the establishment of a quality subgroup, while others expressed reservations as to the need for a further body, noting the resources that might be involved, especially if it were envisaged that the body would meet physically. It was noted that some quality issues, including the formulation of the Meeting’s annual report to the Assembly on quality matters, would benefit from more detailed consideration by quality experts before they were put to the Meeting as a whole. One Authority emphasized that, if such a subgroup were to be established, it should focus on specific issues with the aim of arriving at useful and concrete outcomes. The Swedish Patent and Registration Office explained that it envisaged that the proposed subgroup would operate using electronic communication means.

“65. The Meeting agreed that the Secretariat should, in consultation with the Swedish Patent and Registration Office, establish a suitable electronic forum whereby experts from interested Authorities could undertake discussions of quality-related matters. Progress on the establishment and operation of the forum should be reported to the Meeting at its next session.

“Reports and Further Work

“66. Discussions were based on document PCT/MIA/16/5, containing a memorandum prepared by the International Bureau, and on reports on quality systems covering 2008 that had been prepared by individual Authorities and made available to other Authorities via the PCT/MIA electronic forum.

“67. One Authority raised several questions in connection with those reports, including: (i) the reasons why certain Authorities had reported that there had been no change in their quality systems since their previous reports; (ii) suitable parameters for discussing product standards; (iii) the objectivity of self-check systems whereby certain Authorities’ examiners assessed the quality of their own performance; (iv) the relationship between improvements in quality systems and work output levels; and (v) the ways in which Authorities dealt with negative feedback received from users and other Offices.

“68. One Authority commented that the reasons for its report to the effect that there had been no change in its quality systems during the reporting period were partly based on resource and time constraints but also on its belief that its quality systems were working satisfactorily.

“69. Two Authorities noted that the matters mentioned in paragraph 67, above, would benefit from discussion by quality experts in a forum of the kind mentioned in paragraphs 64 and 65, above, in order to better prepare the matters for discussion by the Meeting as a whole.

“70. The Meeting discussed how best to proceed with the preparation of annual reports by the Meeting to the PCT Assembly on quality activities of the various Authorities. It would be desirable for such annual reports to deal with substantive matters and to provide a basis for future improvements to be made.

“71. The European Patent Office, after consultation with the other Authorities which formed a partnership in the context of the European patent system, suggested that that partnership could discuss the matter with a view to putting proposals to the Meeting in late 2009 as to how the Meeting could deal in 2010 with reports by Authorities covering the 2009 reporting period. The partnership would be prepared to coordinate activities of the subgroup mentioned in paragraphs 64 and 65, above, with a view to the preparation of a more useful report to the Assembly in 2010. This would imply that individual Authorities’ reports would be needed at least two months before the Meeting’s session in 2010.

“72. The European Patent Office also offered to act as lead Office in developing revised templates which could be used by Authorities in preparing their reports.

“73. The European Patent Office emphasized that input from other Authorities in the course of the work just described would be very welcome.

“74. The Meeting agreed to accept the proposals by the European Patent Office as to the preparation of quality reports in future years, as outlined in paragraphs 71 to 73, above. The annual report to be submitted to the Assembly in 2009 covering the 2008 reporting period would be established, as in recent years, on the basis of a draft to be prepared by the International Bureau subject to consultation with all Authorities via the PCT/MIA electronic forum.”

4. As indicated in paragraphs 56 to 59 of document PCT/MIA/16/15, reproduced above, the International Authorities supported proposals for revising the quality framework set out in Chapter 21 of the PCT International Search and Preliminary Examination Guidelines. In accordance with paragraph 21.19 of the present guidelines, the proposed changes will shortly be submitted as a circular to all PCT Offices and other interested parties for comment.

5. Consultations are also expected to begin shortly on the detailed requirements for a possible electronic feedback system (paragraphs 61 to 63 of document PCT/MIA/16/15) and on arrangements for improved discussion of quality issues between the experts of different Authorities (paragraphs 64 and 65 of document PCT/MIA/16/15).

6. The Assembly is invited to take note of the content of this document.

[End of document]