

International Patent Cooperation Union (PCT Union)

Assembly

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QUALITY-RELATED WORK BY INTERNATIONAL AUTHORITIES

Document prepared by the International Bureau

SUMMARY

1. This document contains a brief report on the ongoing quality related work by the International Searching and Preliminary Examining Authorities under the PCT (“International Authorities”), pursued mainly through the work of the Quality Subgroup set up by the Meeting of International Authorities at its seventeenth session in 2009 (“the Subgroup”).

ONGOING QUALITY-RELATED WORK

2. A fifth informal session of the Subgroup took place in Tokyo in February 2015, just prior to the twenty-second session of the Meeting of International Authorities. The Summaries by the Chair of both meetings can be found in document PCT/MIA/22/22)¹.

3. Among the items discussed by the Subgroup at its fifth informal session were various tasks in relation to improvement of quality that have been taken up by the Subgroup at the request of the Meeting of International Authorities.

4. Under the heading “Quality Management Systems”, the Subgroup reviewed the annual reports on quality management systems² and considered areas where further review and exchange of information might be of particular benefit (paragraphs 2 to 10 of Annex II to document PCT/MIA/22/22).

¹ See http://www.wipo.int/meetings/en/details.jsp?meeting_id=35263.

² The reports are available on the WIPO website at <http://www.wipo.int/pct/en/quality/authorities.html>.

5. Under the heading “Better Understanding the Work of Other Offices”, the Subgroup recommended following a three track process to identify more effective and useful means for sharing of search strategies (paragraphs 11 to 17 of Annex II to document PCT/MIA/22/22). In addition, following earlier work by the Subgroup, standardized clauses for optional use in written opinions had now been adopted, but would require at least a year of use before any effective evaluation could begin (paragraphs 18 to 20 of Annex II to document PCT/MIA/22/22).

6. With regard to “Quality Improvement Measures”, the Subgroup reviewed a proposal to improve the current explanations and examples in the International Search and Preliminary Examination Guidelines regarding lack of unity of invention and recommended that work continue on the Subgroup’s electronic forum, to be followed up by a PCT Circular when sufficient progress had been made (paragraphs 21 to 24 of Annex II to document PCT/MIA/22/22). The Subgroup also reviewed a pilot study concerning feedback from designated Offices to the International Authority following the first action in the national phase (paragraphs 26 to 28 of Annex II to document PCT/MIA/22/22).

7. Under the heading “Quality Metrics”, Authorities indicated that they had found the report on characteristics of international search reports (Circular C. PCT 1434) to be useful and noted that the International Bureau intended to continue producing similar reports on an annual basis (paragraphs 29 to 32 of Annex II to document PCT/MIA/22/22). The Subgroup also recommended continued work on developing improved metrics to monitor the PCT System, but noted the costs involved in collecting more complete data and the difficulty of establishing performance targets which properly reflected the issues faced by applicants and Offices (paragraphs 33 to 41 of Annex II to document PCT/MIA/22/22). Finally, the Subgroup noted an update report on joint collaborative metrics project carried out by the European Patent Office (EPO) and the Japan Patent Office (JPO) (paragraphs 42 to 45 of Annex II to document PCT/MIA/22/22).

8. Concerning “Criteria for Appointment of an International Authority”, the Subgroup considered that in view of the nature of the issues at stake, it was not appropriate to consider amendments to the existing requirements for appointment set out in the Regulations; nor was it appropriate to suggest areas for consideration which would require a direct evaluation of the search and examination quality of an Office. The recommendations for further work involved possible improvements to the requirements of quality management systems for International Authorities and a possible standard application form for appointment as an International Authority (paragraphs 46 to 53 of Annex II to document PCT/MIA/22/22).

9. At its twenty-second session, held in Tokyo in February 2015, the Meeting of International Authorities noted with approval the Summary by the Chair of the fifth informal session of the Subgroup and agreed with all recommendations of the Subgroup. In addition, the Meeting of International Authorities approved the continuation of the Subgroup’s mandate, including the convening of a further physical informal session of the Subgroup in 2016 (paragraphs 9 to 11 of document PCT/MIA/22/22).

10. The Assembly of the PCT Union is invited to take note of the “Quality-Related Work by International Authorities” (document PCT/A/47/2).

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