

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 sixth informal session of the Subgroup took place in Santiago in January 2016, just prior to the twenty-third session of the Meeting of International Authorities. The Summaries by the Chair of both meetings can be found in document PCT/MIA/23/14)¹.

3. Among the items discussed by the Subgroup at its sixth 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.

¹ See http://www.wipo.int/meetings/en/doc_details.jsp?doc_id=327676.

4. Under the heading “Quality Management Systems”, the Subgroup reviewed the annual reports on quality management systems² and considered a number of areas where further review and exchange of information might be of particular benefit, in line with the agreement among Authorities that discussions should move beyond Authorities merely reporting on their existing quality management systems and focus on specific quality management activities carried out by Authorities with a view to learning from one another’s experiences. Issues discussed included the following:

- (a) sharing of quality policies and guidelines, information on sampling of cases in quality assurance processes, and checklists in quality assurance processes (paragraphs 7 and 8 of Annex II to document PCT/MIA/23/14);
- (b) use of quantitative metrics regarding patent examination quality (paragraphs 9 and 10 of Annex II to document PCT/MIA/23/14);
- (c) methods of collecting user feedback at the European Patent Office (EPO) (paragraphs 11 to 13 of Annex II to document PCT/MIA/23/14);
- (d) mechanisms for feedback and analysis on international search reports and written opinions by International Searching Authorities (paragraphs 14 to 18 of Annex II to document PCT/MIA/23/14);
- (e) use of quality metrics in the quality assurance processes at the EPO (paragraphs 19 to 21 of Annex II to document PCT/MIA/23/14);
- (f) quality management in the International Bureau’s PCT Operations Division (paragraphs 22 and 23 of Annex II to document PCT/MIA/23/14).

5. Under the heading “Quality Metrics”, Authorities re-confirmed the value of the yearly reports, established by the International Bureau, on characteristics of international search reports, notably as a self-assessment tool, and discussed the addition of possible further metrics to the report (paragraphs 25 to 27 of Annex II to document PCT/MIA/23/14). The Subgroup further welcomed recent developments aimed at providing timely and reliable information to Offices on their performance in their various PCT capacities, notably the addition of new reporting tools in ePCT and the additional data on the metrics available *via* the WIPO IP Statistics Data Center (paragraphs 28 to 31 of Annex II to document PCT/MIA/23/14).

6. Under the heading “Better Understanding the Work of Other Offices”, the Subgroup continued its discussions on the “three-track approach” with regard to the sharing of search strategies, agreed at its fifth session (carrying out of a pilot on the publication of data related to search strategies; use of the existing process of recording the information in Form PCT/ISA/210; and provision of full search records in whatever format Authorities produced them for publication on PATENTSCOPE) (paragraphs 32 to 36 of Annex II to document PCT/MIA/23/14). In addition, the Subgroup continued its exchange of views on the (optional) use by Authorities of standardized clauses in written opinions and on the experience gained by Authorities which had begun to use such clauses (paragraphs 37 to 41 of Annex II to document PCT/MIA/23/14).

7. 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 (paragraphs 42 to 45 of Annex II to document PCT/MIA/23/14).

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

8. Concerning “Criteria for Appointment of an International Authority”, the Subgroup discussed proposals aimed at strengthening the requirements on quality management systems as set out in Chapter 21 of the International Search and Preliminary Examination Guidelines and in the Understanding on Procedures for Appointment of International Authorities adopted by the PCT Assembly in 2014. Taking into account the need for further discussions and for the establishment of transitional arrangements for existing Authorities, discussions on this issue in the Subgroup will continue at its next session (paragraphs 46 to 51 of Annex II to document PCT/MIA/23/14). The Subgroup further discussed the possible use and contents of a standard application form for appointment of an Office as a PCT International Authority; discussions on this matter will also continue at the next session of the Subgroup (paragraphs 52 to 56 of Annex II to document PCT/MIA/23/14).

9. At its twenty-third session, held in Santiago in January 2016, the Meeting of International Authorities noted with approval the Summary by the Chair of the sixth 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 2017 (paragraphs 10 to 13 of document PCT/MIA/23/14).

10. The Assembly of the PCT Union is invited to take note of the “Quality-Related Work by International Authorities” (document PCT/A/48/2).

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