

WIPO



PCT/MIA/14/4

ORIGINAL: English only

DATE: January 29, 2007

WORLD INTELLECTUAL PROPERTY ORGANIZATION

GENEVA

**INTERNATIONAL PATENT COOPERATION UNION
(PCT UNION)**

**MEETING OF INTERNATIONAL AUTHORITIES
UNDER THE PATENT COOPERATION TREATY (PCT)**

**Fourteenth Session
Geneva, February 5 to 7, 2007**

QUALITY FRAMEWORK

Document prepared by the Secretariat

SUMMARY

1. The Meeting is invited to discuss the reports which have been submitted by International Authorities on their quality management systems, decide what form of report should be sent to the Assembly, and consider further action.

BACKGROUND

2. At its 31st (18th extraordinary) session, held in September–October 2002, the Assembly approved a proposal by the United Kingdom that a common quality framework be developed for International Searching and Preliminary Examining Authorities (see paragraphs 52 to 65 of document PCT/A/31/10). Following consultations in a specially formed task force and in the Working Group on Reform of the PCT (see paragraphs 72 to 81 of document PCT/R/WG/4/14), a number of basic requirements for quality management systems (“quality framework”) were agreed, which were subsequently included as Chapter 21 of the PCT International Search and Preliminary Examination Guidelines (“the Guidelines”, document PCT/GL/ISPE/1).

E

3. The quality framework adopted requires annual reports to be made by each of the Authorities to the Meeting, which in turn is required to adopt and submit a general annual report to the Assembly. In accordance with paragraphs 21.17 and 21.18 of the Guidelines, each Authority submitted an initial report in 2004 describing what it had done to implement a quality management system, based on the broad requirements set out in the quality framework, and followed this up in 2005 with a report identifying the lessons learned and actions taken since the initial report. General overviews of these reports and related actions taken by the Meeting of International Authorities were submitted to the Assembly in 2004 and 2005 (see documents PCT/A/33/6 and PCT/A/34/4).

4. At its 11th session, held in February 2005, the Meeting considered how the reports could be made more useful. It was suggested that it would be desirable to have a more uniform approach to the preparation of reports and that it would be useful if a template and/or questionnaire could be developed for use by all Authorities (see paragraph 71 of document PCT/MIA/11/14). As a consequence, draft templates were prepared by the European Patent Office in consultation with the other Authorities (see documents PCT/MIA/12/8 Add.1 and PCT/MIA/13/3).

5. At its 13th session, held in May 2006, based on the preparatory work by the European Patent Office, the Meeting adopted templates for initial (complete) reports and for annual supplementary (updating) reports by all Authorities (see Annexes II and III of document PCT/MIA/13/8). It was also agreed that the next reports by all Authorities should be based on the new template for complete reports. The arrangements agreed are set out in paragraphs 20 to 22 of the report of the session (document PCT/MIA/13/8) as follows:

“20. The Meeting adopted the templates reproduced in Annexes II and III of [document PCT/MIA/13/8] for use by Authorities in preparing reports under paragraphs 21.17 and 21.18 of the Guidelines, respectively.

“21. The Meeting agreed that the next report by all Authorities should be a complete report under paragraph 21.17 of the Guidelines. Since it would be impractical for Authorities to prepare complete reports in time for the Meeting to discuss them and present a progress report to the PCT Assembly in September 2006, it was agreed that the next reports to be based on the template reproduced in Annex II of this report should be submitted by the end of 2006.

“22. The Meeting also agreed that, to avoid difficulties in understanding a series of updating reports under paragraph 21.18 of the Guidelines, Authorities should in future present a new complete report under paragraph 21.17 every five years.”

6. The Meeting also noted a glossary of terms and a checklist (see Annexes IV and V of document PCT/MIA/13/3), which had been prepared by the European Patent Office to assist the process of assessment, reporting, understanding and consequent improvement of quality systems. The checklist could be used by Authorities for internal purposes to help them identify whether all the requirements of the quality framework had been met and reported on. The glossary of terms was recommended so as to encourage Authorities to report their systems using common language which would be understood in the same way by all readers. The definitions were mainly based on the meanings of terms according to ISO 9000 terminology, though it was emphasized that this was not intended to mean that Authorities should necessarily be using ISO 9000 methodology.

REPORTS UNDER PARAGRAPH 21.17

7. Reports under paragraph 21.17 have been submitted by all Authorities and made available on the PCT/MIA website. Authorities are invited to present to the Meeting any aspects of their reports which they consider may be of particular relevance to other Authorities and to discuss the reports of other Authorities.

REPORT TO THE PCT ASSEMBLY

8. In accordance with paragraph 21.17 of the Guidelines, the Meeting should present a report to the Assembly on progress. In view of the availability of a complete set of “initial” reports in a more consistent format than previously, this might conveniently be achieved by making the reports publicly available on the WIPO website and simply reporting to the Assembly that such details are available.

FURTHER WORK

9. The Meeting may wish to consider how the quality reports might be further improved and what further common action might be appropriate in the context of the Meeting, as distinct from the development of individual Authorities’ quality systems within the general framework of Chapter 21 of the Guidelines.

10. It is recalled that the Meeting has previously discussed the need for coordination and cooperation on certain substantive issues relating to quality management, most recently at its 13th session (see document PCT/MIA/13/8, paragraphs 23 and 24):

“23. It was noted that further work had been planned on a number of other matters relating to the development of quality systems on which a common approach might be desirable, including quality standards, manuals and documentation, examiner skills and training, and metrics useful for measuring quality, and that the European Patent Office had offered to lead that further work (see documents PCT/MIA/12/8, paragraph 8, and PCT/MIA/12/10, paragraph 15).

“24. The Meeting agreed that further work should be undertaken, led by the European Patent Office, on the matters referred to in paragraph 23. That work should proceed using the PCT/MIA electronic forum, via which Authorities could comment on proposals to be developed by the European Patent Office or make new proposals.”

11. The Meeting is invited to:

(i) discuss the reports which have been submitted by International Authorities on their quality management systems;

(ii) decide what form of report should be sent to the Assembly; and

(iii) consider further action in connection with both quality reports and the general matters mentioned in paragraph 10, above.

[End of document]