

Meeting of International Authorities under the Patent Cooperation Treaty (PCT)

**Twentieth Session
Munich, February 6 to 8, 2013**

QUALITY

Document prepared by the International Bureau

WORK OF THE QUALITY SUBGROUP

1. The Quality Subgroup has collected information and conducted initial discussions on a variety of quality related subjects on its electronic forum. It will meet February 5 and 6, 2013, for an informal physical meeting in order to take discussions further and prepare a report to this meeting. The subjects on the agenda of the Quality Subgroup meeting are summarized in paragraphs 2 to 16, below. The Meeting will receive a summary of the discussions of the Quality Subgroup and is invited to discuss matters arising from that summary.

REPORTS ON QUALITY MANAGEMENT SYSTEMS UNDER CHAPTER 21 OF THE PCT SEARCH AND EXAMINATION GUIDELINES

2. At the time of writing of the present document, 13 International Authorities had submitted their annual reports on quality management systems in accordance with paragraph 21.30 of the PCT International Search and Preliminary Examination Guidelines. For the Quality Subgroup meeting, International Authorities have been encouraged to report on aspects of their own reports which they feel are of particular significance or which demonstrate points which would be useful to discuss among the International Authorities. They have also been invited to discuss one another's reports.

BETTER UNDERSTANDING THE WORK OF OTHER OFFICES

Utility of Search Strategies

3. Circular C. PCT 1357¹ invited International Authorities:
 - (a) to post examples of search strategies or search listings to assist in identifying best practices to assist internal development within Offices, scope for effective use by different interested parties and possible recommendations for developing more consistent approaches between Offices; and
 - (b) seek to find a common understanding of terminology, including items such as “search statement”, “search strategy” and “search listing”.
4. The strategies which have been posted on the Subgroup’s electronic forum show examples of issues relating to a variety of different search systems and technical fields in addition to general recordation practices. For the discussions in the Quality Subgroup, International Authorities have been invited to comment on whether the different practices provide any benefits or problems to the understanding of a search strategy by another examiner.
5. Some Authorities also posted guidelines on how the scope of search, classification terms and keywords should be recorded according to their internal practices. For the discussions in the Quality Subgroup, International Authorities have been invited to comment on these guidelines, make available any further guidelines which they may have and look for recommendations to find common or best practices.
6. For the discussions in the Quality Subgroup, International Authorities have also been invited to discuss how they use common terms in this area, such as “search statement”, “search query”, “search term”, “search field” and “search operator” to reduce the risk of misunderstandings as a result of the same term being interpreted different ways or different terms being used for the same concept.
7. In this context, it is worth noting that, to date, two International Authorities (IP Australia and the United States Patent and Trademark Office) have started to submit to the International Bureau their search strategies together with the international search reports. Those search strategies are made available on PATENTSCOPE under the “documents” tab. To view some examples, go to <http://patentscope.wipo.int/search/en/structuredSearch.jsf>, insert any of the following international application numbers into the “Application Number” box and go to the “documents” tab: IB2010001723; US2011022161; IN2011000349; ZA2011000052; US2011064987; AU2012000464.

Standardized Paragraphs

8. Prior to the 19th session of the Meeting, Circular C. PCT 1328² invited International Authorities to submit information on any standardized clauses which they use to complete international search reports, written opinions and international preliminary examination reports.
9. The Meeting decided (PCT/MIA/19/13, paragraph 16 and paragraph 13 of the Annex) that the Subgroup should “begin a pilot, seeking to develop model clauses in a limited area to be selected by the pilot group. The discussions would seek to identify general principles which would be useful in developing further clauses which were appropriate to making reports which would be useful to readers, assumed to be skilled examiners or patent attorneys.”

¹ Available from the WIPO website at <http://www.wipo.int/pct/en/circulars/2012/1357.pdf>

² Available from the WIPO website at <http://www.wipo.int/pct/en/circulars/2011/1328.pdf>

10. The Subgroup, in its discussions on the electronic forum, focused on paragraphs dealing with novelty and inventive step and has identified a number of commonalities and possible best practices which may evolve into recommendations for setting out comments in Box V of written opinions and international preliminary reports on patentability. The Quality Subgroup has been invited to consider whether it would be valuable to continue this process as far as drafting standardized paragraphs to recommend for common use.

QUALITY IMPROVEMENT MEASURES

11. Circular C. PCT 1356³ invited International Authorities to respond to a questionnaire based on proposals by IP Australia and the Swedish Patent and Registration Office, with the aim of developing a set of quality indicators for international work products based on various aspects of the process of preparing international search reports, written opinions and international preliminary examination reports.

12. The Quality Subgroup has been invited to continue its discussions on aspects of quality which can be addressed using checklists to ensure completeness, extra attention given to international applications where the initial search retrieves no category X or Y citations and questions related to what is an “acceptable” level of defects of different severity.

QUALITY METRICS

Characteristics of International Search Reports

13. Circular C. PCT 1360⁴ presented a report on the characteristics of international search reports from the various International Authorities. The report was based on the methodology of a study originally performed by the European Patent Office for the Trilateral Offices (and being extended to the IP5 Offices), though there were certain differences as noted in the Circular. The Quality Subgroup has been invited to continue its discussions on the report and assess:

- (a) whether it provided useful information;
- (b) whether the presentation was appropriate;
- (c) whether similar reports should be generated annually;
- (d) whether other useful characteristics could be identified which it would be possible to derive automatically from existing datasets;
- (e) whether other useful characteristics could be identified which could not be derived from existing datasets but which would be desirable to measure, either for directly assessing quality or else for assisting other quality-related processes; and
- (f) what could be done to help measure the extent to which citations in the international search report were reused in the national phase.

PCT Metrics Framework

14. The Quality Subgroup has been invited to consider an informal proposal by the European Patent Office for a PCT metrics framework to provide better information on a wide variety of subjects relating to the functioning of the PCT system, including both the functions of International Authorities and other matters.

³ Available from the WIPO website at <http://www.wipo.int/pct/en/circulars/2012/1356.pdf>

⁴ Available from the WIPO website at <http://www.wipo.int/pct/en/circulars/2012/1360.pdf>

Pilot project “Analysis of the Usefulness for the National Phase of International Search Reports”

15. The 19th session of the Meeting requested the Quality Subgroup “to develop the concept of a pilot project under which Offices willing to participate would analyze the usefulness for the national phase of international search reports, based on a set of quality metrics to be developed by the Subgroup; one possibility might be to identify international search reports containing only “A” citations, where the case entered the national phase without any amendments to the claims and where the national search report contained “X” and/or “Y” citations” (paragraph 52(b) of document PCT/MIA/19/14). The Quality Subgroup has been invited to consider this matter based on a paper to be submitted by the Swedish Patent and Registration Office.

OTHER IDEAS FOR QUALITY IMPROVEMENT

16. The Quality Subgroup has been invited to discuss any further ideas for quality improvement which might be worth pursuing in that Subgroup or otherwise in the context of the Meeting.

FUTURE QUALITY RELATED WORK

17. The Meeting is invited to propose directions for future quality-related work by the Meeting or by the Quality Subgroup.

REPORT TO THE PCT ASSEMBLY

18. It is proposed that:

- (a) the annual reports on quality management systems should be made publicly available on the WIPO website;
- (b) the International Bureau should submit a report to the PCT Assembly on the ongoing quality-related work by the Meeting, including a reference to the annual reports on quality management systems, the Summary by the Chair of the Quality Subgroup meeting and the Summary by the Chair of this session.

- 19. *The Meeting is invited to:*
 - (i) *note the report of the Quality Subgroup;*
 - (ii) *discuss matters arising from the report of the Quality Subgroup;*
 - (iii) *propose directions for future quality-related work by the Meeting or the Quality Subgroup;*
 - (iv) *agree that the International Bureau should make the annual quality reports publicly available on WIPO’s website; and*

- (v) *agree that the International Bureau should submit a report to the PCT Assembly on the ongoing quality-related work by the Meeting, including a reference to the annual reports on quality management systems, the Summary by the Chair of the Quality Subgroup meeting and the Summary by the Chair of this session.*

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