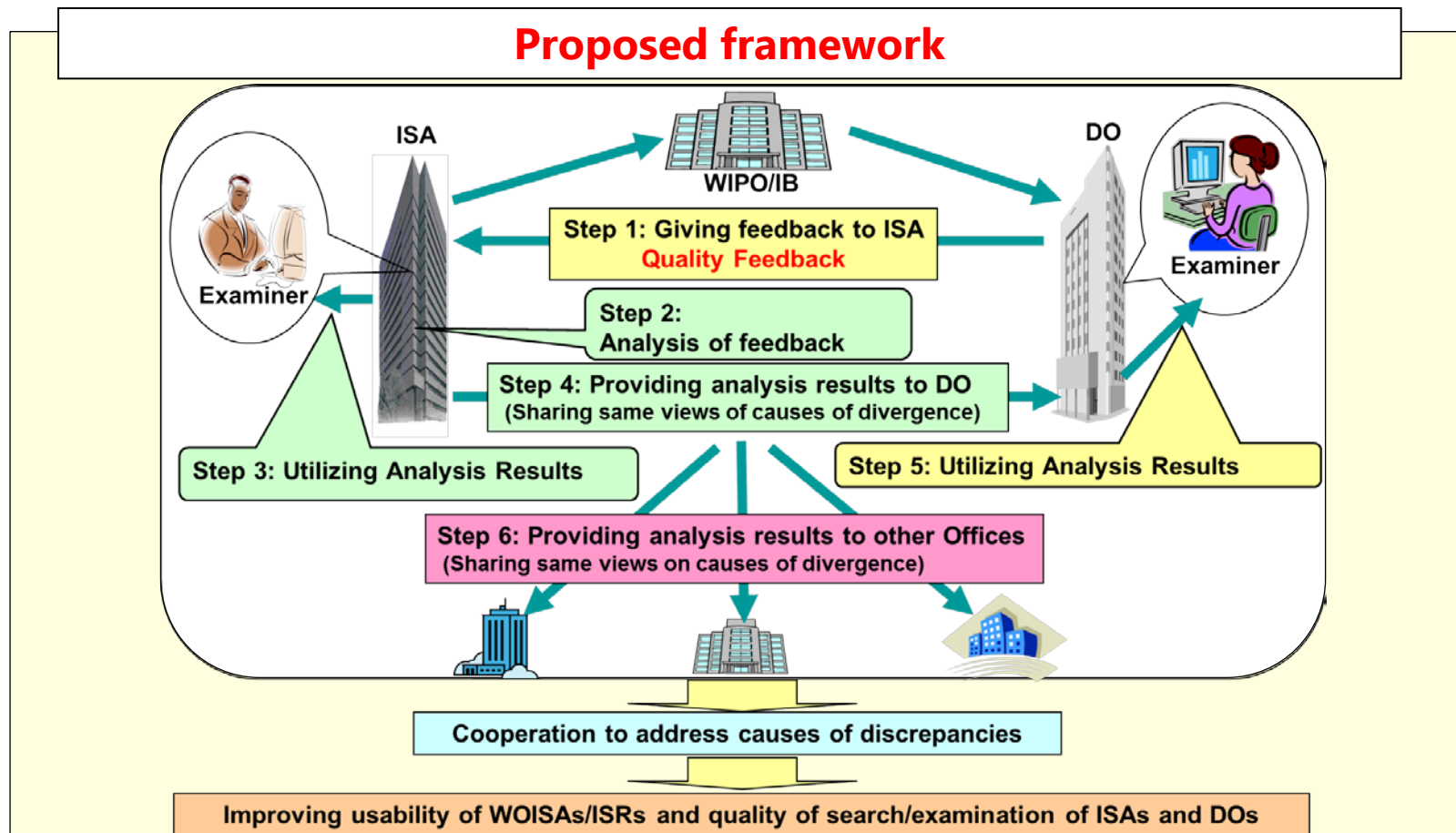


*Progress Report on Work for Establishing
Mechanisms for Feedback and Analysis on
WOISAs /ISRs*

9 February 2014

- Background
- Phase 3: Collaborative analysis conducted by EPO and JPO
 - Methodology
 - Analysis results
 - Shared views
- Future plan
 - Pilot project (Quality Feedback System)
 - Implementation of Phase 3 with developed methodology

- At the third Quality Subgroup Meeting, the JPO introduced a framework as part of the “PCT Kaizen” proposal:
 - Framework under which ISAs analyze and utilize feedback on WOISAs/ISRs from designated Offices that conducted First Actions;
 - Framework under which the results of analysis conducted by ISAs are shared with the designated Offices, as well as with other offices when appropriate.



Phase 3

- The EPO and JPO started Phase 3 of the Collaborative Metrics Study in 2013.
 - Both offices have collaboratively conducted a manual sample-based analysis.
 - Both offices have been considering a three-step analysis consisting of a structured-data analysis and a manual-file-sampling analysis under the EPO's lead.

Phase 3 involves a more detailed collaborative review of a sample of files, for which there were discrepancies in search and/or examination results between the international and the national/regional stages.

Quality Feedback System

- Draft template was produced.

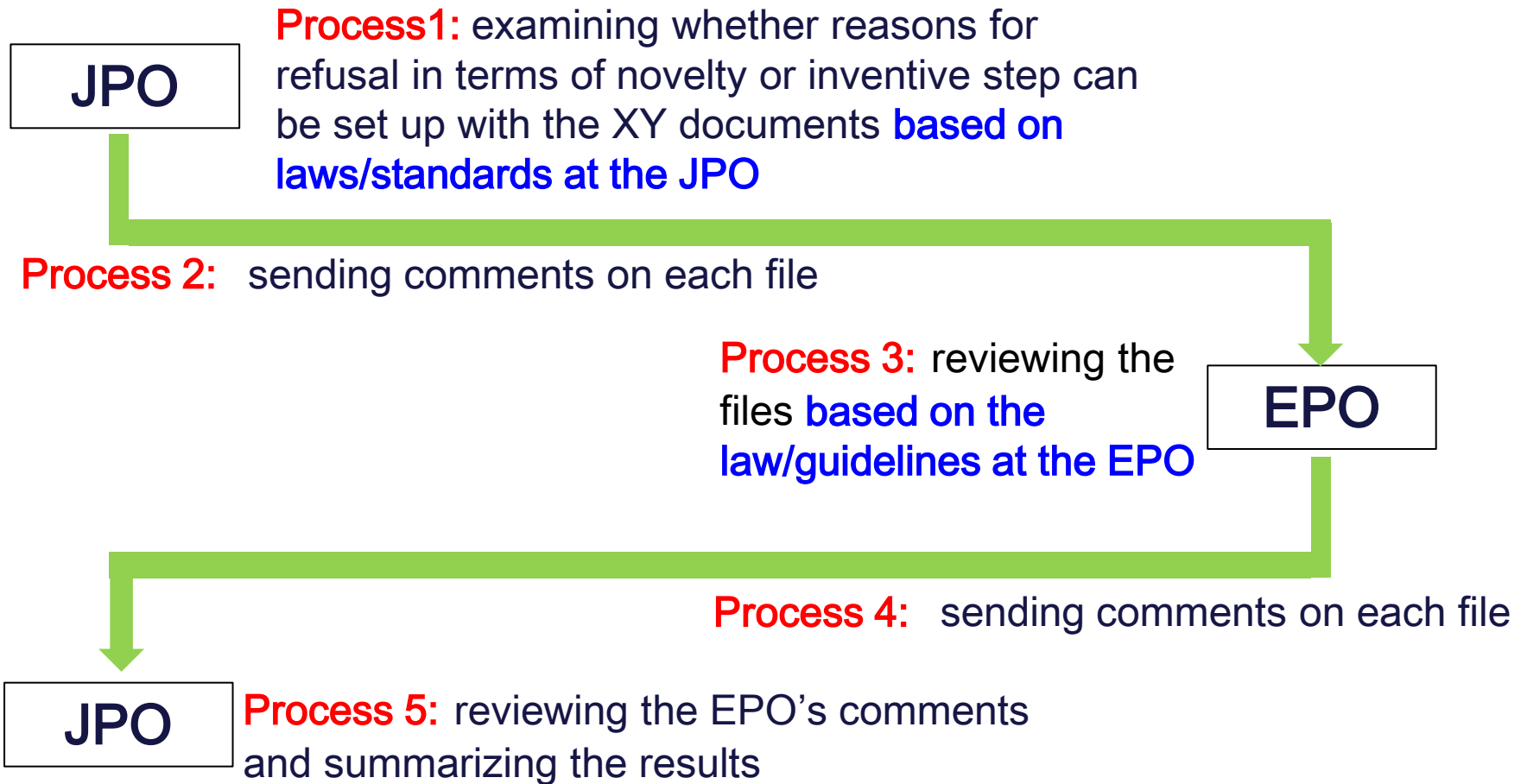
- Randomly selected from the following two types of files in which there would be “maximal divergence”

(2) Type **A-XY**: JP-ISR (**A only**) → EPO-FA (**with XY**)

(1) Type **XY-A**: JPO-ISR (**with XY**) → EPO-FA (**A only**)

- No amendments before the FAs at the national stage

Phase 3: Methodology 2 (Review process)



It is possible to **objectively identify the detailed causes of discrepancy** for each file and to **share insight and information on each case, as the files were reviewed based on laws/practices at both offices.**

The files were classified under the following cases:

- (1) Cases in which differences in practices between ISA/JPO and DO/EPO were the causes of discrepancies
- (2) Cases in which examination results at either ISA/JPO or DO/EPO were possibly inaccurate

Causes of the discrepancies for each file

Differences in interpretation of claims/prior art

Practical differences in dealing with inventions that are business methods

Differences in approaches of examining inventive step

Possible inaccuracies
- Interpretation of claims/prior art
- Reasoning for inventive steps

Other reasons?

- Different legal requirements
- Inaccurate searching
- Different practices
- Translation and language issues
- Classification

✓ **Actual situation:**

Discrepancies often occur among the examiners and/or offices because:

- laws/practices are different among offices
- some files with potential insufficiencies exist due to incomplete searches/examination processes

✓ **Results of collaborative analysis:**

- Identify the causes of discrepancies among offices
- Share insight and information

✓ **Benefit of collaborative analysis:**

- Deepen mutual understanding
- Foster trusting relationships
- Share objective results with users

✓ **Beneficial impact:**

- Improving reusability of ISR/WOISA
- Enhancing work-sharing
- Developing PCT system

➤ **Manual analysis should be conducted to the maximum extent possible.**

Phase 3

- Continuing Phase 3 by EPO and JPO in 2014
- Presenting a report at the next PCT/MIA Quality Subgroup Meeting in 2015
- Considering whether to implement with other interested Offices.

Quality Feedback

- Launching a pilot project (1 or 2 years) in early 2014
- Presenting a progress report at the next PCT/MIA Quality Subgroup Meeting in 2015
- Evaluating the pilot project in 2015

Thank you for your attention