

## **Patent Cooperation Treaty (PCT) Working Group**

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### **REPORT OF SURVEY ON SEARCH STRATEGIES**

*Document prepared by the International Bureau*

#### **BACKGROUND**

1. At the thirteenth informal meeting of the Quality Subgroup of the Meeting of International Authorities (“the Quality Subgroup”) on October 30 and 31, 2023, the Subgroup discussed the results of two surveys on search strategies launched on May 3, 2023, through Circular C. PCT 1653. The first of these surveys was for IP Offices, and the Circular provided a link on the Alchemer platform ([www.alchemer.com](http://www.alchemer.com)) for IP Offices to complete their responses. The second of these surveys was for users of the patent system. For the user survey, the International Bureau communicated a link to each International Searching Authority to send to its users if that Authority was interested in obtaining their feedback through the survey. The surveys were intended to provide an opportunity to gather information from users of search strategies that Authorities could reflect on individually in view of their work and its use by other Offices, applicants and third parties.
2. The discussions during the thirteenth informal meeting of the Quality Subgroup are summarized in paragraphs 7 to 10 of Annex II of the Summary by the Chair of the thirtieth session of the Meeting of International Authorities under the PCT, document PCT/MIA/30/10. This document is reproduced as an Annex to document PCT/WG/17/2.
3. International Authorities agreed that more time was needed to review the results and were not yet ready to take any further active steps in this area. In relation to presenting a summary of the survey to the PCT Working Group, paragraph 10 of Annex II to document PCT/MIA/30/10 summarizes the agreed follow up to the discussions during the meeting of the Quality Subgroup.

“10. The Subgroup agreed that the International Bureau should prepare a draft document for consideration on the wiki, allowing a consensus to be reached on how best to report the surveys in a way that met the interests and concerns of Authorities.”

4. The Annex to this document contains a report on the surveys on search strategies after discussions on the Quality Subgroup wiki between International Authorities after its thirteenth informal meeting.

*5. The Working Group is invited to take note of the results of surveys on search strategies in the Annex to this document.*

[Annex follows]

## REPORT OF SURVEYS ON SEARCH STRATEGIES

### INTRODUCTION

1. On May 3, 2023, the International Bureau issued Circular C. PCT 1653 to launch the two surveys on search strategies, one for the International Bureau to send to IP Offices, and the other for International Authorities to send to their users. The surveys were available in the 10 PCT publication languages. The Circular provided a link on the Alchemer platform ([www.alchemer.com](http://www.alchemer.com)) for IP Offices to complete their response to the survey, and the International Bureau communicated a link to each International Authority that they could send to users.

2. Fifty-two Offices completed the Survey for IP Offices, 25 of which perform international search functions either in the capacity as an International Searching Authority (ISA), or on behalf of the Nordic Patent Institute or the Visegrad Patent Institute. The survey for users attracted 184 responses, 131 of which were complete and 53 were partial, responding to all questions in the survey but omitting the personal information requested. 93 per cent of the complete responses to the survey for users indicated that they had received the link from one of five International Authorities. However, the exact number of International Authorities that communicated the link to their users is not known as the link that users received was not unique to an individual Authority.

### SURVEY ON SEARCH STRATEGIES IN PATENT APPLICATIONS FOR IP OFFICES

3. The objective of the survey for Offices was to determine how IP Offices use search strategies in their capacity as an International Searching and Preliminary Examining Authority and as a designated/elected Office, and to identify information most important to Offices.

#### Responses from International Searching Authorities

4. Of the 25 Offices performing international search, in deciding on search strategy during international search, 17 Offices used previous search strategies available on related patent applications, such as a priority application, with five of these Offices giving full deference to the previous search. Almost all Offices using previous search strategies found the information on keywords, search strings, and classification and databases searched to be beneficial. Details such as the number of hits from a search, which search string found a particular citation and the level of the search performed within a full search string were considered beneficial by fewer than half of the 17 Offices.

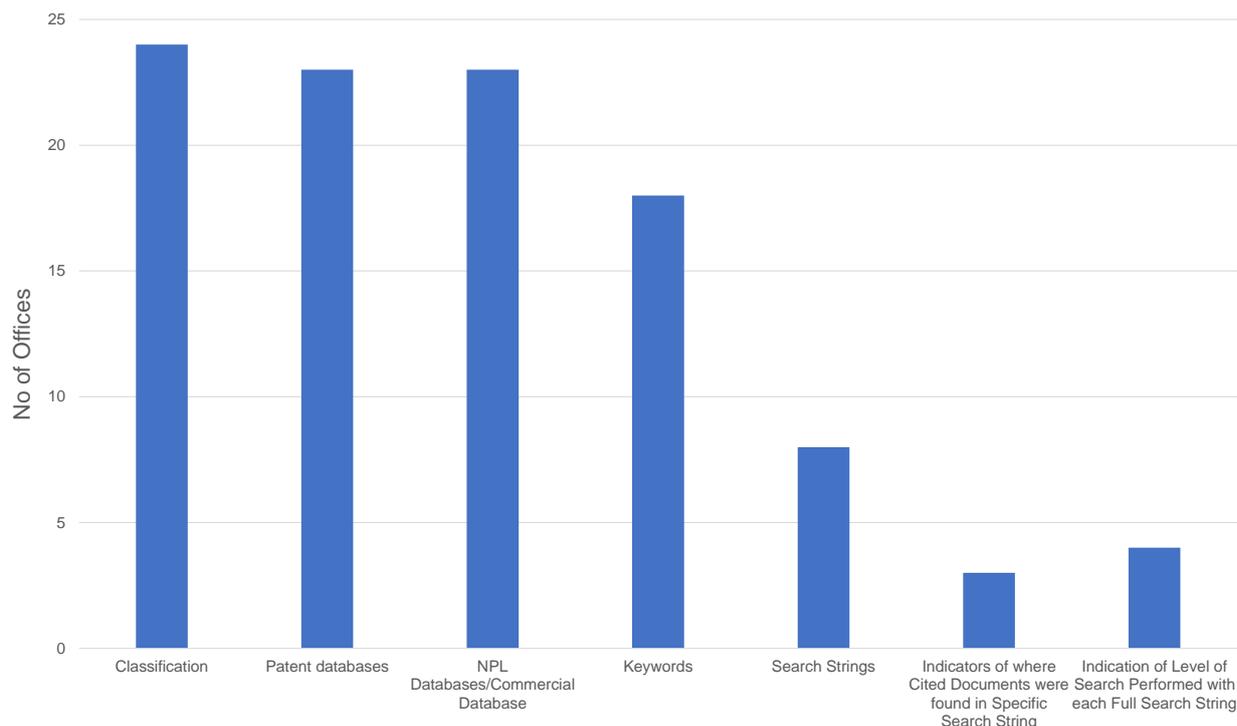


Fig. 1 Content of Search Strategy provided by International Searching Authority

5. Fig. 1 shows details of the content of search strategies that are provided by an ISA, either recorded in the “Fields Searched” part of Form PCT/ISA/210 second sheet, or as a separate document provided with the international search report. Search strategy information always includes information on the classification areas and databases searched, and most strategies included keywords used in a search. Fewer than half of the ISAs provide information on search strings, details showing which search strings found the citation or which documents from a particular search string were viewed by the examiner.

#### Responses from Designated Offices

6. Fifty-two Offices responded to the survey in their capacity as a designated Office. Nearly three quarters (73 per cent) of these Offices review the search strategy of the ISA. Fig. 2 shows the usefulness of each search strategy element to these designated Offices. Search keywords in the search strategy are beneficial to about 95 per cent of designated Offices (about 36 Offices), with the addition of Boolean/proximity operators being extremely beneficial to 75 per cent of Offices. Information on databases searched is beneficial to about 90 per cent of Offices (about 34 Offices). Information on where a search string and/or classification area where a citation was found, and the level of search performed on a search string are beneficial to about 60 per cent of responders (about 23 Offices). Classification areas searched were beneficial to 100 per cent of Offices.

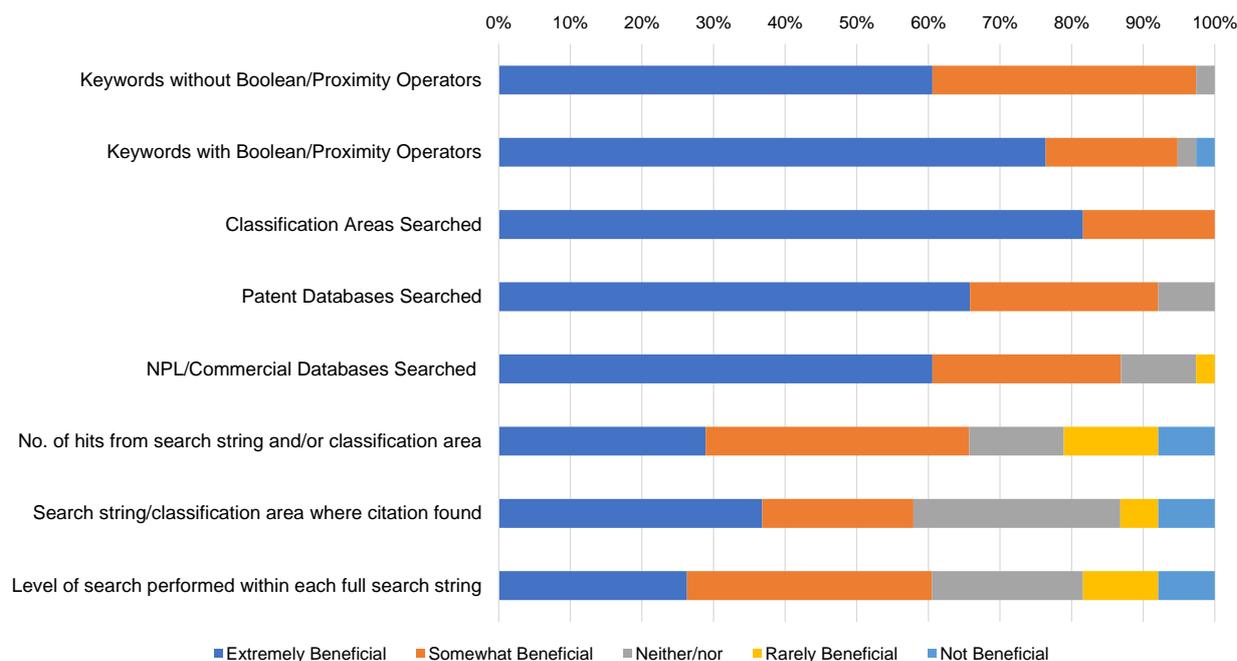


Fig. 2 Usefulness of Search Strategy Elements for Designated Offices

#### Additional Comments from IP Offices

7. One International Searching Authority stated that it recorded all search strategy data in a separate internal form including keywords used in text searching and Boolean/proximity operators. This strategy is used for quality control, but not shared with users. Another Authority pointed out that the degree that it used search strategies varied according to the technical domain. For example, keywords were found to be more useful in some domains than others, and its response to the survey was an average answer. A third Authority stated that its examiners would welcome more search-related information within the file wrapper as the search results provided a starting point for subsequent examination and search. A search strategy would also allow examiners to review the strategy and either re-run the search or perform a more focused search strategy. This Authority identified a particular benefit from search strategies as educating new and inexperienced examiners in performing search.

#### SURVEY ON SEARCH STRATEGIES IN INTERNATIONAL PATENT APPLICATIONS FOR USERS OF THE PATENT SYSTEM

8. The objective of the survey for users of the patent system was to determine how they use the search strategy during international search, and to identify what information from search strategies was most important to these users. International Authorities wishing to obtain their feedback through the survey were invited to send a link that they received from the International Bureau to their users to complete the survey. The International Bureau sent the results for a particular user to the respective International Authority that provided the link to them.

9. There were 184 responses to the survey from users of the patent system of which 131 were complete in providing their names, affiliation and the International Authority that had provided them with the link to complete the survey. The complete responses from users were mainly invited by five International Authorities. In terms of user activities, about 80 per cent were involved in patent prosecution, about 40 per cent provided fee-paying services on patentability or validity, about 40 per cent conducted patent litigation, about 25 per cent were patent information service providers. 7 per cent of user responses came from scientific research institutions.

10. 82 per cent of users review the search strategy documents. The profile of the parts of the search strategy found beneficial differed from that of designated Offices with less variation between the various elements. Reasons for not reviewing the search strategy were lack of awareness, insufficient client time (client wanting to pay for such a review), not knowing how to review such a strategy, or considering that such a review was not needed.

11. 44 per cent of users indicated that they would use search strategies more if they had additional information. Some of these users provided examples of additional information that could increase usage even further, for example, information on the scope of databases, more disclosure of the search strategy, clearer information where chemical structures had been searched, making search data available in text format, having translations available, and more information on the patent documents cited in the search report.

[End of Annex and of document]