



SCP/26/3 and 4

**Responses to the Questionnaire on the Term
“Quality of Patents” and Cooperation between
Patent Offices in Search and Examination**

Geneva

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WIPO Secretariat

Questionnaire on the Term “Quality of Patents” and Cooperation between Patent Offices in Search and Examination

SCP/24: The Secretariat will prepare a compilation of information gathered by the Questionnaire on the Term “Quality of Patents” and Cooperation between Patent Offices in Search and Examination

- How each Member State understands “quality of patents” (Q1)
- Implementation of cooperation and collaboration between patent offices in search and examination of patent applications (Q2-Q6)

Responses received from 57 Member States and two regional offices (plus late submissions from two Member States)

- Q1 → SCP/26/3
- Q2-6 → SCP/26/4

Full responses:

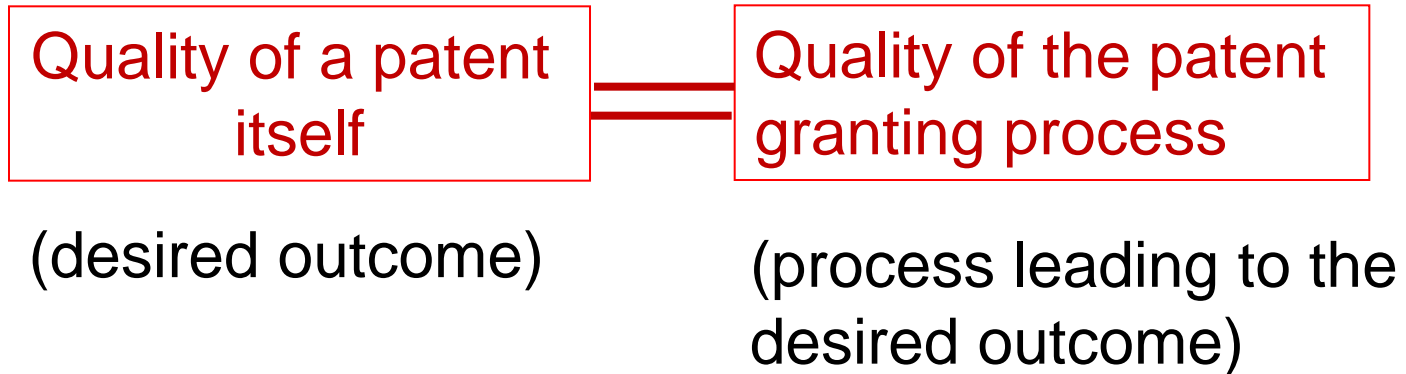
www.wipo.int/scp/en/meetings/session_26/comments_received.html

Q1

How each Member State understands
“quality of patents”?

Q1

In general, two main concepts



High quality patents provide:

- Legal certainty for both patent holders and third parties
 - Increase the level of confidence to the patent system
- Social benefits (ex. promote innovation and competition, transfer of technology, economic development, well-being of populations)

Q1

Quality of patents itself

- Meeting the legal requirements prescribed in the applicable law

- Compliance with the patentability criteria

- Compliance with all legal requirements (incl. formalities)

- Provision of clear and strong legal framework (ex. clear legal requirements)

Q1

Quality of patent grant procedure

- Thorough and comprehensive search and examination process, complying with the applicable law and the established standard
 - Quality of search and examination reports
 - Proper search tools and DBs
- Timeliness of office actions and decisions
- Skilled staff (← regular training)
- Transparent process and good communication with stakeholders

Monitoring of the procedure

- Quality management systems and audits

Q1

Other comments

- The entire prosecution procedures before the office are relevant (beyond the S&E process)
- Quality of patents includes/is influenced by external elements
 - Ex. Judicial processes, enforcement processes, quality of applications filed, technological maturity etc.
- Aspects of utilization of patents and economic benefits of patents were touched upon by some offices.

Q2

What types of cooperation with other patent offices does your office have with respect to search and examination?

Q2

Various bilateral, regional and plurilateral cooperation activities between patent offices

- Access to documents/databases/search systems of other offices
 - International exchange of patent documents
 - Sharing in-house search systems
- Use of S&E products produced by other offices, where appropriate, without compromising the obligation to examine patent applications in compliance with the applicable law
 - Unilateral initiative
 - PROSUR, Vancouver Group, CADOPAT, ASPEC, PPH
 - Some initiatives include activities to support appropriate use of S&E products.

Q2

Various bilateral, regional and plurilateral cooperation activities between patent offices

- Collaborative search and examination
 - USPTO-KIPO, USPTO-JPO
 - PCT/WG: Third pilot on collaborative search and examination
- S&E for/by other offices
 - Regional Patent Office – Member States
 - Bilateral collaboration
 - WIPO ICE program
- Exchange of examiners with other offices
- Training of examiners by other offices
- Regular meetings to exchange info and experiences

Q3

Does your office share (for example, *via* an official website) or exchange, search strategies and queries with other collaboration offices?

Q3

Sharing search strategies and queries?

Yes: 11 responses (out of 61)

- Search strategies and queries are made publicly available on-line
- Share search strategies and queries under the regional/plurilateral initiatives
- Share patent classification codes

Several offices are considering the sharing of search strategies and queries in the future.

Q4

In order to facilitate the cooperation, what kinds of platforms and tools to share information on search and examination are available in your office?

Q4

Platforms and tools to share S&E information

- Extensive sharing of patent information data between patent offices
 - Development and provision of platforms and tools to other offices
 - Use of other offices' platforms and tools

- SCP/26/4, Annex summarizes the platforms and tools developed by various offices.

Q5

What are the impacts of cooperation in the area of search and examination to your office?

Q5

Impacts of the S&E cooperation

- Positive impact on the validity of granted patents
 - S&E work by other offices complements the own S&E (ex. prior art search in foreign languages)
 - Access to DBs of other offices facilitates more comprehensive search.
 - Benefits for offices with limited resources
- Improved efficiency in patent examination
 - Reduction of the pendency period
- Development of institutional capacity and professional competencies of examiners
 - Deepening the understanding of other patent offices' practices
 - Development of own best practices

Q6

What kinds of capacity building are required for different types of cooperation between patent offices in search and examination?

Q6

Kinds of capacity building required for S&E cooperation

S&E capacity of examiners in general

Capacity of utilizing S&E work products of other offices

- Ability in formulating appropriate search strategies and utilizing various DBs and worksharing platforms
- Training needs in the area of classification
- Knowledge of patentability criteria and of examination practices in the collaborating countries
- Knowledge of the language used by collaborating countries
- Capacity building in relation to IT infrastructure (technical support)

Q6

Modalities of capacity building trainings

- Practical training, closely related to examiners' daily work
 - on-the-job training; internship; exchange of examiners
- "Train the trainers"
- Exchange of information relating to S&E (patentability criteria, office practices, tools, quality control etc.)

Challenges

- Additional resources required for cooperation
 - ↔ Resources saved by the cooperation
- Each office should have a full set of national patent information
- The data exchange process, format and form are not fully standardized.

Thank you.