

Patent Cooperation Treaty (PCT)

Common Quality Framework for International Search and Preliminary Examination

ANNUAL REPORT ON QUALITY MANAGEMENT SYSTEMS

prepared by The Australian Patent Office, IP Australia

The Authority should provide general background information relevant to the quality management system (QMS) as set forth in this template.

The descriptions below each main heading of this template should be considered examples of the type and arrangement of information that should be included under each heading. Each Authority may provide additional information beyond that set forth in this template as desired.

INTRODUCTION (PARAGRAPHS 21.01 - 21.03)

In this introduction, each Authority should include a summary of all changes to their quality management system that have taken place since the previous report on their Quality Management System, and any other matters considered to be interest in relation to quality management.

If applicable, the Authority may at this point indicate any recognized normative reference or basis for their quality management system besides Chapter 21, such as ISO 9001, under the heading "Normative Reference for QMS"

For example: "Normative reference for QMS: ISO 9001, EQS (European Quality System)"

Each Authority should then provide at least the information indicated in the descriptive boxes, under the following headings. Authorities may include process charts if this would facilitate the understanding of an aspect of the report.

Summary of changes and additions to the 2018 report.

- [Information added under revised template in relation to Risk Based Practices. All content under Paragraph 21.13 is new to the report.](#)
- [Information added on IP Australia's participation in a pilot on Designated Office Feedback on International Search Reports with the Canadian and UK IP offices.](#)
- [Updates to Paragraph 21.20 in relation to IP Australia customers focused Alpha and Beta patents products initiatives.](#)
- [Minor changes and updates to IP Australia's Organisational Chart and Committee Structure diagrams Note that Edel Kalrouz has now commenced as GM, PCPEG, taking over from Les McCaffery.](#)
- [Changes made in various sections noting a change in the quality review process where Supervising Examiners now make the final determination on whether a quality reviewed](#)

[product meets our product quality standards. Previously an arbitration process was used to resolve a deadlock.](#)

Introduction and Background

The Australian Patent Office is part of the government agency known as IP Australia. IP Australia has a well established and maintained Quality Management System (QMS) that is certified under ISO 9001:2015. IP Australia was first certified under ISO 9001 in 2006, with the latest external ~~surveillance certification~~-audit being undertaken in ~~May 2019~~~~March 2018~~. Our current certification runs until June 2021. In relation to Patents, the scope of IP Australia's services certified under ISO 9001:2015 includes international search and examination, national search and examination; and patents oppositions. IP Australia's supporting administrative processes – which include pre and post examination services, international services, receipt of correspondence and provision of information including call centre functions, have also been certified under ISO 9001:2015. IP Australia successfully gained re-certification under ISO 9001:2015 in March 2018.

IP Australia's scope of certification also covers other parts of the business including the end to end processes for; Trade Marks, Designs, Plant Breeder's Rights, Corporate Services and ICT systems support and maintenance services (included in certification in March 2018).

IP Australia's QMS includes all elements of Chapter 21 of the PCT International Search and Preliminary Examination Guidelines (the guidelines) as well as the additional requirements for certification under ISO 9001:2015. The IP Australia QMS also specifically encompasses IP Australia's role as an international searching and preliminary examining authority.

IP Australia is committed to improving its quality management system. IP Australia has an established ~~quality section, currently named the Quality System and Security section~~ (Quality Section), which is responsible for:

- managing ~~and expanding~~ the QMS, including key quality management infrastructure such as the IP Australia Quality Policy, Quality Objectives and relevant quality guidance, procedures and protocols
- promoting quality management and understanding of ISO 9001:2015 requirements internally through staff training and awareness and integration of quality management principles into IP Australia's people management framework and cultural behaviours.
- promoting quality management externally through communication and marketing of the IP Australia quality agenda with customers, foreign IP Offices and the general public.
- assisting with the establishment of internationally agreed quality standards.
- providing high level advice to the Director General and senior management on quality management and ISO 9001:2015 issues within IP Australia.

[The Quality Section is part of the ~~Portfolio~~-Property, Security and Quality Office](#) and is accountable, and reports to the General Manager, Finance and Business Service Group (FBSG), within IP Australia (see Org Chart below). Consultation and progress of the QMS is accomplished through IP Australia's Quality Improvement Committee (QIC) that consists of senior management level Improvement Managers as representatives of their certified business groups.

[The Quality Section](#) is divided into ~~two~~ ~~three~~ key areas – Quality System Management [and](#) Service Quality & Software Management, ~~and Security~~.

- The Quality System Management team is responsible for ensuring that the IP Australia QMS complies with the ISO 9001 standard and achieves the next level of maturity.
- The Service Quality and Software Management team is responsible for the ongoing IT support ~~of our~~ ~~of an effective~~ (Quality Review System) (QRS). They are also responsible for the guidance and process support of the QRS within the Customer Operations Group (COG) and Finance and Business Services Group (FBSG). [The QRS](#), ~~which~~ enables IP Australia to demonstrate real improvements in the quality of its corporate and customer services.

The IP Rights Quality Review Section [sits within FBSG and](#) is independent of the examination areas and is responsible for the ongoing quality review of examination work, enabling IP Australia to demonstrate real improvements in the quality of its IP Rights products.

[IP Australia's Organisational Chart](#) is publicly available on our website.

~~There has been a significant number of movements in IP Australia's executive leadership in the last 12 months, with changes to the occupant of 7 of the 11 senior executive roles. The changes include Michael Schwager being appointed the new Director General upon the retirement of the former DG, Patricia Kelly.~~

~~The General Managers of our two Patent Groups (Victor Portelli and George Vuckovic) have not changed and IP Australia's commitment to high quality outcomes through the application of our ISO 9001:2015 certified QMS has been reinforced by the new Director General.~~



1. LEADERSHIP AND POLICY

21.04 Confirm that the following are clearly documented, and that this documentation is available internally:

- (a) The quality policy established by top management.
- (b) The roles and names of those bodies and individuals responsible for the QMS, as specified by top management.
- (c) An organizational chart showing all those bodies and individuals responsible for the QMS.

Paragraph 21.04

The IP Australia Quality Policy Statement has been endorsed by the Director General and Business Group Executives. It is reviewed annually for suitability, adequacy and effectiveness. All staff are made aware of the statement and updates to the statement.

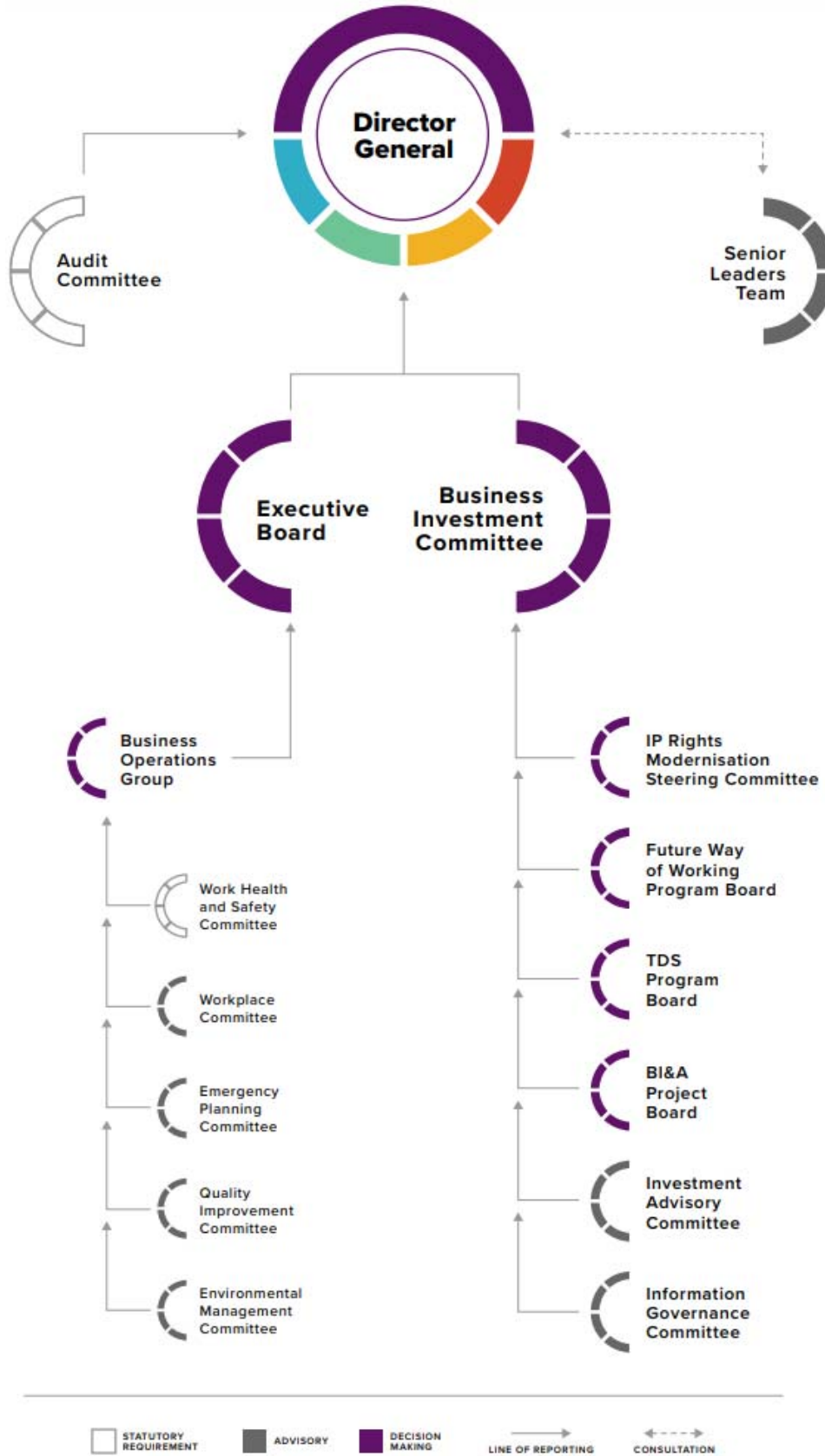
The [quality policy statement](#) can be accessed on IP Australia's website.

The Quality Section is responsible for managing the QMS at IP Australia. The Quality Section includes a Director, a Quality System Manager, a Services Quality and Software Manager and a number of administrative staff. IP Australia continues to demonstrate our commitment to quality through:

- ongoing measurement, monitoring and improvement of our processes and outcomes by the Quality Improvement Committee (QIC). The QIC is chaired by the Director of the Quality ~~Systems and Security~~ section and includes the Improvement Managers from each of IP Australia's ISO 9001:2015 certified Business Groups.
- structured and detailed reporting to two of IP Australia's highest level committees, the Business Operation Committee and the Executive Board.

The Governance structure for IP Australia is set out below and shows IP Australia's various boards and committees. ~~The organisational chart is available via our website.~~

[The diagram below has been updated.](#)



21.05 Indicate (e.g. by means of a table) the extent of compatibility between the Authority's QMS and the requirements of Chapter 21 of these International Search and Preliminary Examination Guidelines. Alternatively, indicate where the Authority is not yet compliant with these requirements).

Chapter 21 requirement				Extent of compliance		
				full	part	no
21.04		(a)	Quality policy available	✓		
		(b)	Identified roles and names for QMS responsibility	✓		
		(c)	Organizational chart available	✓		
21.05			Established compatibility of QMS with Chapter 21	✓		
21.06		(a)	Mechanisms to ensure effectiveness of the QMS	✓		
		(b)	Control of the continual improvement process	✓		
21.07		(a)	Communication of management about this standard to staff	✓		
		(b)	The PCT Guidelines are in line with the Authority's QMS	✓		
21.08		(a)	Management reviews take place	✓		
		(b)	Quality objectives are reviewed	✓		
		(c)	Communication of quality objectives to the relevant staff at the Authority	✓		
21.09		(a)	Performance of a yearly internal review of the QMS in/to	✓		
		(b)	determine the extent to which the QMS is aligned with Chapter 21	✓		
			determine the extent to which S&E complies with PCT Guidelines	✓		
		(c)	an objective and transparent way	✓		
		(d)	using input incl. information according paragraph 21.24	✓		
		(e)	recording the results	✓		
21.10			Risk and opportunities are addressed that can affect the QMS and the conformity of search and examination	✓		
21.13			Arrangements for establishing risk-based practices to	✓		
	(i)	(a)	understand issues that affect its ability to achieve intended results of the QMS	✓		
		(b)	understand the needs and expectations of interested parties	✓		
	(ii)		identify risks and opportunities related to the performance of the QMS as a basis for planning	✓		
	(iii)		plan and implement actions to address risks and opportunities	✓		
	(iv)		check the effectiveness of the actions taken	✓		

Chapter 21 requirement			Extent of compliance		
			full	part	no
	(v)	continuously update risks and opportunities.	✓		
21.15		Assurance to monitor and adapt to actual workload	✓		
	(i)	Infrastructure in place to ensure that a quantity of staff	✓		
	(a)	sufficient to deal with the inflow of work	✓		
	(b)	which maintains technical qualifications to S&E in all technical fields	✓		
	(c)	which maintains the language facilities to understand languages according to Rule 34	✓		
	(ii)	Infrastructure to provide a quantity of skilled administrative staff	✓		
	(a)	at a level to support the technically qualified staff	✓		
	(b)	for the documentation of records	✓		
	(iii)	Ensuring appropriate equipment to carry out S&E	✓		
	(iv)	Ensuring documentation according to Rule 34	✓		
	(v)	(a) Instructions to help staff understand and act according to the quality criteria and standards	✓		
	(b)	Instructions to follow work procedures accurately and they are kept up-to-date.	✓		
	(vi)	(a) Training and development program to ensure and maintain necessary skills in search and examination	✓		
	(b)	Training and development program to ensure awareness of staff to comply with the quality criteria and standards.	✓		
	(vii)	(a) System in place for monitoring resources required to deal with demand	✓		
	(b)	System in place for monitoring resources required to comply with the quality standards in S&E	✓		
21.16	(i)	Control mechanisms to ensure timely issue of S&E reports	✓		
	(ii)	Control mech. regarding fluctuations in demand and backlog	✓		
21.17	(i)	Internal quality assurance system for self-assessment	✓		
	(a)	for compliance with S&E Guidelines	✓		
	(b)	for channeling feedback to staff	✓		
	(ii)	System for measurement of data and reporting for continuous improvement	✓		
	(iii)	System for verifying the effectiveness of actions taken to correct deficient S&E work, eliminate the causes and prevent issues from recurring	✓		

Chapter 21 requirement			Extent of compliance		
			full	part	no
21.19		(a) Contact person helping identify best practice between Authorities	✓		
		(b) Contact person fostering continual improvement	✓		
		(c) Contact person providing for effective communication with other Authorities for feedback and evaluation	✓		
21.20	(i)	(a) Appropriate system for handling complaints	✓		
		(b) Appropriate system for taking preventive/corrective actions	✓		
		(c) Appropriate system for offering feedback to users	✓		
	(ii)	(a) A procedure for monitoring user satisfaction & perception	✓		
		(b) A procedure for ensuring their legitimate needs and expectations are met	✓		
	(iii)	Clear and concise guidance on the S&E process for the user	✓		
		Indication where and how the Authority makes its quality objectives publicly available	✓		
21.21		Established communication with WIPO and designated and elected Offices	✓		
21.22		QMS of Authority clearly described and documented	✓		
21.23		(a) Material making up the reference of quality procedures and processes for staff and management has been prepared and distributed	✓		
		(b) Media available to support the reference material	✓		
		(c) Document control measures are taken	✓		
21.24		Items which should be documented in the reference of quality procedures and processes	✓		
	(i)	Quality policy of the Authority and commitment to QMS	✓		
	(ii)	Scope of QMS	✓		
	(iii)	Organizational structure and responsibilities	✓		
	(iv)	the documented processes are carried out in the Authority	✓		
	(v)	Resources available to carry out processes and implementing the procedures	✓		
	(vi)	a description of the interaction between the processes and the procedures of the QMS.	✓		
21.25	(i)	Records which documents are kept and where they are kept	✓		
	(ii)	Records of results of management review	✓		
	(iii)	Records about training, skills and experience of staff	✓		
	(iv)	Evidence of conformity of processes	✓		

Chapter 21 requirement			Extent of compliance		
			full	part	no
	(v)	Results of reviews of requirements relating to products	✓		
	(vi)	Records of the S&E process carried out on each application	✓		
	(vii)	Record of data allowing individual work to be tracked	✓		
	(viii)	Record of QMS audits	✓		
	(ix)	Records on actions taken re. non-conforming products	✓		
	(x)	Records on actions taken re. corrective actions	✓		
	(xi)	Records on actions taken re. preventive actions	✓		
	(xii)	Records referring to search process documentation	✓		
21.26	(i)	Recording of the databases consulted during search	✓		
	(ii)	Recording of keywords, combination of words and truncations during search	✓		
	(iii)	Recording of the languages used during search	✓		
	(iv)	Recording of classes and combinations thereof consulted during search	✓		
	(v)	Recording of a listing of all search statements used in databases consulted	✓		
	(vi)	Records about other information relevant to the search	✓		
	(vii)	Records about limitation of search and its justification	✓		
	(viii)	Records about lack of clarity of the claims	✓		
	(ix)	Records about lack of unity	✓		
21.27		Report on its own internal review processes	✓		
21.28-21.30		Additional information on further inputs to its internal reviews	✓		
21.31		Initial report called for by paragraph 21.31	✓		

21.06 Indicate with reference to the organizational chart those bodies and mechanisms management uses to ensure:

- (a) the effectiveness of the QMS; and*
- (b) that the process of continual improvement progresses.*

Paragraph 21.06

A formal management review of the effectiveness of IP Australia's QMS is undertaken every three months by the Quality Improvement Committee (QIC) and reported to the Business Operations Committee. In addition, IP Australia's Executive (including the Director General) conducts an annual review of the QMS. These reviews assess how well the system is performing, what can be improved and whether it is meeting the policy and objectives set for it.

The QMS is continuously monitored corporately by the QIC and through the Group operational quality areas for each core business.

The QIC meets on a monthly basis throughout the year and reviews all aspects of IP Australia's QMS, such as document and record control; nonconformity and corrective actions; internal audit outcomes; stakeholder engagement; product and service quality reviews; risk and change management, and other requirements of the standards. The QIC considers outcomes from quality reviews, internal and external audits, and ensures appropriate improvements are made to business processes, IT systems and staff training as well as actively contributing to the continuous improvement, promotion and maintenance of IP Australia's QMS.

The QIC includes the Director of the Quality Section, the Quality System Manager and an Improvement Manager for each Business Group within IP Australia that is ISO 9001 certified.

The Quality Section is responsible for developing, implementing and managing the QMS at IP Australia.

Another key mechanism IP Australia uses to help define and measure product quality is the Product Quality Standards. IP Australia's Product Quality Standards incorporate key requirements of the PCT search and examination guidelines. IP Australia's search and examination work is reviewed against these Product Quality Standards which are read in light of the Patents Manual of Practice and Procedure. The IP Rights Quality Review Section comprises a number of Product Quality Reviewers who review a sample of work for all Examiners with Acceptance Delegation across all the examination sections.

The Quality Section is responsible for providing quality related reports to Business Groups (monthly) and Committees (monthly and quarterly). Among other quality elements, these reports provide an indication of aspects of search and examination which are performed well and areas which may require improvement.

IP Australia seeks to continually improve the effectiveness of the QMS through a variety of mechanisms, including:

- conducting and reassessing risk assessments
- defining and revising quality objectives
- measuring quality objectives against minimum performance undertakings
- reviewing quality system audit results
- performing corrective and preventive actions
- conducting management reviews
- complying with the quality policy statement.

IP Australia administers an Improvement Log, a database which allows all staff at IP Australia to make suggestions on how to improve our processes and practices. Each suggestion is tracked and progressed through the relevant area until a resolution is determined and implemented.

Internal quality audits are planned 12-18 months in advance via an audit schedule approved by the QIC and are conducted on processes within IP Australia to assess their ongoing compliance

to the ISO [9001:2015](#) standard. Audit findings and recommendations are recorded in the Improvement Log.

Regular surveillance audits are conducted by independent assessors to ensure continuing compliance with ISO 9001:2015.

21.07 Indicate how management of the Authority communicates to its staff the importance of meeting treaty and regulatory requirements including:

- (a) those of this standard; and*
- (b) complying with the Authority's QMS.*

Paragraph 21.07

IP Australia communicates to staff the importance of quality issues (in particular meeting treaty and regulatory requirements) by various means, for example, messages and documentation on the IP Australia's Intranet, staff newsletters and emails, as well as through agenda items in various quality, management and committee meetings. The Manuals of Practice and Procedure, the Product Quality Standards and individual performance agreements all promote the importance of meeting these treaty and regulatory requirements. Internal audits and product quality review process outcomes and findings are also communicated to staff and/or progressed through training.

21.08 Indicate how and when top management of the Authority or delegated officers:

- (a) conducts management reviews and ensures the availability of appropriate resources;*
- (b) reviews quality objectives; and*
- (c) ensures that the quality objectives are communicated and understood by the relevant staff at the respective Authority.*

Paragraph 21.08

IP Australia's publicly available [Corporate Plan](#) outlines the vision, purpose and strategic priorities for IP Australia. The plan also sets the key strategies we will use to deliver those priorities. The plan is designed for staff to share a common set of goals for the future of the organisation and its activities, including quality related objectives and activities.

~~Division Group~~ Operational Plans are linked to the Corporate Plan in order to ensure the objectives and planned initiatives at all levels of the organisation are aligned. Key performance indicators are set out in the operational plans and used to measure success against these plans. Quality outcomes and the activities to ensure continued improvement in relation to quality are also set out in the operational plans.

The [IP Australia Quality Policy](#) is endorsed by the Director General and Executive Board. It is reviewed annually for suitability, adequacy and effectiveness [and was last changes in Feb 2018](#). Staff are made aware of the statement through QMS related documentation and updates to the [policy statement](#) are communicated widely at the time. The [policy statement](#) is also available on IP Australia's website.

With the maturity of IP Australia's QMS, we have been able to establish the QIC as the committee through which the governance of the IP Australia QMS occurs. The Committee membership comprises Senior Managers from the groups which are currently operating under our ISO 9001 certified quality system. The QIC reports to the Business Operations Committee

on a quarterly basis and the Executive Board on an annual basis. The QIC meets monthly to review and consider QMS issues.

The QIC members form the link to their respective Business Group. This link provides the communication and consultation conduit between the QIC and the Business Group Management Committees. This link helps to ensure that quality matters are appropriately reflected in each of the Business Group's Operational Plans. Each of the QIC members is the primary point of contact for quality matters related to their Business Group and each has a responsibility to report on quality activities within their Group in order to share learning with other Groups and promote good quality practice throughout IP Australia.

The Business Operations Committee considers and approves agency-wide people, planning, financial and communication strategies and oversee their implementation. The Executives and leadership teams of each of the Business Groups provide resources as needed to meet operational and customer requirements within their area of responsibility.

Detailed information relating to the Quality Management System, the Corporate Plan, Operational Plans and the quality governance structure is available to staff via IP Australia's intranet and via the internal Quality Management System Manual.

21.09 Indicate whether top management or delegated officers of the Authority perform an internal review of the QMS in accordance with paragraphs 21.27-21.30:

- (a) at least once per year (cf. paragraph 21.27);*
- (b) in accordance with the minimum scope of such reviews as set out in Section 8, namely:
to determine the extent to which the QMS is based on Chapter 21 (cf. paragraphs 21.27, 21.29(i));
to determine the extent to which Search and Examination work complies with PCT Guidelines (cf. paragraphs 21.27, 21.29(i));*
- (c) in an objective and transparent way (cf. paragraph 21.27);*
- (d) using input including information according to paragraphs 21.29 (ii)-(vi);*
- (e) recording the results (cf. paragraph 21.30).*

Paragraph 21.09

(a) The QMS is continuously monitored corporately by the QIC and through the Group operational quality reporting. A formal management review is undertaken every quarter by the QIC as well as quarterly by the Business Operations Committee and annually by the Executive Board. The review assesses how well the system is performing, what can be improved and whether it is meeting the policy and objectives set for it.

(b) The extent of compliance of search and examination work with the PCT Guidelines is based on the review of work sampled from each Examiner having Acceptance Delegation (AD) within the Patent Groups. A number of designated Product Quality Reviewers in the IP Rights Quality Review section perform reviews against a set of [Product Quality Standards](#) (PQS). The PQS were selected by the Patent Groups as representing the requirements for a quality product. [Where the quality review of a products has identified deficiencies against the PQS, the issue\(s\) will be discussed between the Quality Reviewer and the Supervising Examiner. The Supervising Examiner will make the final determination on the quality of the product. The review findings are reported to the AD Examiner and the Supervising Examiner of their respective examination section.](#) ~~Currently, IP Australia is undertaking a broad review of the entire Quality Management~~

[System \(QMS\) and Quality Review System \(QRS\) to ensure that they continue to support quality examination products and practices, while driving optimal behaviours. The aim is to finish the review and subsequent implementation of recommendations in 2020.](#)

Reports are regularly provided to the Senior Management of the Patent Groups on the extent to which work complies with the PQS. The PQS include requirements relating to search and examination. Internal quality audits are also carried out periodically on the processes and procedures used to ensure their compliance with IP Australia's QMS, Chapter 21 and the PCT Guidelines.

(c)-(e) IP Australia has a database (the Improvement Log) which is a designated record keeping tool for raising and progressing issues. The Improvement Log allows IP Australia to record improvements to, and issues with, current processes raised by staff members as well as recommendations from other sources, including audit recommendations, QIC recommendations, and feedback from customers. The Improvement Log is an open and transparent means for tracking issues for all staff and is available for all staff to view and use via our intranet. All issues logged in the Improvement Log are assessed to determine the root cause of the issue, determine and record actions to be taken to address the cause as well as the subsequent action(s) that have been taken to address the root cause and resolve the issue.

21.10 Indicate whether top management of the Authority promote practices to ensure that risks and opportunities that can affect its QMS and the conformity of international search and examination are addressed.

2. RISK-BASED PRACTICES

21.11 Explanatory note: Each Authority should establish its own risk-based practices to enable the Authority to determine factors that could cause operational processes and its quality management system to deviate from requirements or planned results, to put in place preventive controls to minimize negative effects, and to make use of opportunities as they arise.

21.12 Explanatory note: It is open to each Authority to set up its own arrangements to determine the effect of uncertainty on objectives. Paragraph 21.13 provides a guide to the basic components of risk-based practices as an element of QMS. There is no requirement for formal methods of risk management or a documented risk management process.

(Note: These points are informative. No response is required by the template to paragraphs 21.11 and 21.12).

21.13 Arrangements for establishing risk-based practices

Provide information on the arrangements that your Authority has made to:

- (i) (a) understand issues that affect its ability to achieve intended results of the QMS, and
(b) understand the needs and expectations of interested parties;
- (ii) identify risks and opportunities related to the performance of the QMS as a basis for planning;
- (iii) plan and implement actions to address risks and opportunities;
- (iv) check the effectiveness of the actions taken; and
- (v) continuously update risks and opportunities.

21.14 Explanatory note: All processes of the QMS present differing levels of risk in terms of the Authority's ability to meet its objectives, and the effects of uncertainty are not the same for all Authorities. Each Authority is responsible for the actions it decides to take to address risks and opportunities.

(Note: This point is informative. No response is required by the template to paragraph 21.14).

Paragraph 21.13 – [all content in this section is new to the report as it is the first time the criteria has been added to the template.](#)

IP Australia has a robust risk management framework in place that ensures we meet our statutory obligations and protect our customers, employees, assets and other stakeholders. To achieve our vision, we must be able to adapt and respond to future challenges and opportunities. At the same time, it is important to ensure that all internal and external factors and influences impacting on the achievement of our priorities are recognised, understood and appropriately managed. IP Australia's risk management framework aims to ensure that:

- risk management is embedded into governance and management processes in the organisation.
- appropriate training, tools and support for staff undertaking risk management is available and current.
- appropriate structures, resources and accountabilities are in place.
- risk is monitored, measured, reported and improvements are adopted as identified.

In managing risk at a practical level, we consider our risk appetite and our risk tolerance. Our aim is to effectively manage our risks by embracing some, actively manage others and eliminating risks where practicable. Our Risk Management Policy and Risk Management Plan

identify both the positive and negative aspects of sound risk management. Our approach to risk embodies the directions set out in the [Australian Commonwealth Risk Management Policy](#) and aligns to the Risk Management Standard utilised in the Australian Government, AS/NZS ISO 31000:2018.

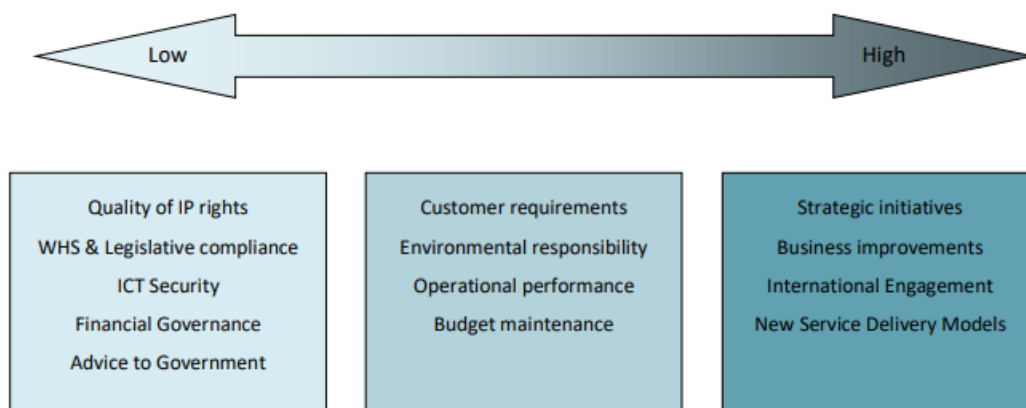
IP Australia is focused on the risk management elements in relation to Patent Examination under our Quality Management System. The framework consists of:

- Accountable Authority Instruction 1.1— sets out instructions from the Director General in regards to the accountability of managing risk within IP Australia.
- IP Australia Risk Management Policy—defines IP Australia’s approach to the management of risk, including our attitude to and objectives for risk management.
- IP Australia Risk Management Plan—ensures that risk management processes are efficiently integrated into IP Australia’s management processes where decisions are made.
- Risk Management Guidelines—provide a pragmatic, simple and consistent approach to help staff undertake Risk Management. The guide includes step by step guidance on how to practice risk management and document the process on a daily basis and includes a risk management glossary, practical templates and links to practical support.
- Risk Register and Treatment Plan template—used for any project, initiative or activity where it is appropriate to document the risks and their associated controls and treatments. Facilitates a common approach to documenting risk management processes. It is used by projects and staff at the operational level for documenting risk. It is also used at the corporate level for documenting organisational risk.

This framework provides directives on our approach to risk management, risk tolerance and links to business continuity practices. The framework also provides for a standardised approach to risk management as well as instructions for completing risk assessments. The resulting risk management assessments are integrated into the management of IP Australia’s practices through our Operational Planning requirements and Quality Management System.

IP Australia has a generally low appetite for any risk that will affect our delivery of robust, quality IP rights. Our structure and resources are aligned to ensure that risks that impact the quality of the rights we deliver are being managed to acceptable levels. We also recognise that it is not possible, or necessarily desirable, to eliminate some of the risks inherent in our other activities. This is particularly important in regard to our business practices and the need to meet future public and government expectations for Australia’s IP system. To realise our vision of delivering a world leading IP system we need to achieve innovation within our business practices. In doing this we recognise that the acceptance of some risk is necessary to enable innovation and achieve benefits.

Risk Appetite



Risk management is prevalent at all levels of IP Australia's operations. Business groups have developed separate Transactional Risk Assessments (TRA) and update these in conjunction with the operational planning cycle. The TRA sets out the level of residual risk associated with each of our products and services that we provide to our customers and is used to determine the level of quality checking that is applied to that transaction through the Quality Review System.

IP Australia's approach to risk management strongly supports, among other requirements, the quality assurance requirements of the PCT International Search and Preliminary Examination Guidelines and those of ISO 9001:2015. Our framework continues to provide IP Australia with the structure and processes to conduct effective risk management practices that allow for the production of high quality standard search and examination reports.

3. RESOURCES

21.15 Explanatory note: The granting of ISA/IPEA status means that the Authority has demonstrated it has the infrastructure and resources to support the search and examination process. Chapter 21 calls for assurance that the Authority can continually support this process while accommodating changes in workload and meeting QMS requirements. The responses below, should provide this assurance.

Human resources:

(i) Provide information about the infrastructure in place to ensure that a quantity of staff: sufficient to deal with the inflow of work;

which maintains the technical qualifications to search and examine in the required technical fields; and

which maintains the language facilities to understand at least those languages in which the minimum documentation referred to in Rule 34 is written or is translated

is maintained and adapted to changes in workload.

(ii) Describe the infrastructure in place to ensure that a quantity of appropriately trained/skilled administrative staff is maintained and adapted to changes in workload:

at a level to support the technically qualified staff and facilitate the search and examination process, and

for the documentation of records.

Paragraph 21.15

(i) The Director General and Executive members, in consultation with the members of the committees and boards, shown in section 21.04, determine and provide resources needed to deliver desired outcomes, including the maintenance and improvement of the quality management system. The Executives of each of the Groups along with their respective leadership teams provide resources needed to meet operational and customer requirements within their areas of responsibility. [Through our Workforce Planning activities](#), IP Australia undertakes planned examiner recruitment activities using forecasted workloads and current staff modelling. Currently we have approximately 400 patent examiners.

A defined framework has been established ~~for IP Australia~~ to ~~assure-ensure~~ that appropriately skilled staff and associated resources are allocated for administration and international search and examination.

The framework includes the following elements:

- A flexible competency-based training program for new examiners, including those working in decentralised locations across Australia. The online nature of our IP Rights Examiner Program (IPREP) training program has ~~allowed the flexibility for~~ [given IP Australia the flexibility](#) to recruit new examiners ~~from~~, and train them ~~at their respective locations from anywhere~~ within Australia. Trainee examiners are able to progress through the training program at their own speed, noting that there are some time ~~boundaries-constraints~~ as to how long a trainee can spend in training. They are also able to go back and review learning as required. The normal expectation is that new patent examiners will have attained the Acceptance Delegation competencies within 2 years. Depending on the individual's skills, knowledge and application, examiners may ~~achieve~~ [attain](#) the competencies in a shorter period of time.
- A governance structure, based on best practice adult learning principles, supporting our technical training. IP Australia utilises a blended learning approach, based on the "70:20:10" learning model (70% experiential, 20% social and 10% formal learning), and there are a number of staff roles required to support this model. Trainee examiners work closely with a Workplace Coach who oversees the trainee's progress and performance. ~~The Learning Community Facilitator supports~~ trainees and workplace coaches [are supported by a dedicated competency based training \(CBT\) team within each IP Rights business group. The CBT Coordinator manages and coordinates the training delivery and moderates assessment. The Learning Community Leader by-facilitates](#) and ~~leads~~ [sing](#) the new examiners through the ~~online-learning~~ [community program \(face-to-face, tutorial-style, training sessions\)](#). ~~The Learning Community Facilitator also supports the Coach Coordinator who facilitates and leads the workplace coaches' community of practice, supports the coaches and moderates assessments.~~
- A competency based training program for experienced examiners to undertake development to become Hearing Officers.
- An ongoing technical professional development program (the Technical Development Program or TDP) to aid all examination staff in maintaining their currency in technological advances. The TDP includes in-house technical trainings sessions by experts in the field, attendance at conferences or visits to various companies in the relevant industries. Examiner's knowledge and technical needs are constantly monitored. Strategies to address these needs are formulated through this program.

- A number of other Professional Development Programs, including Attorney, Industry and Government short-term placements.
- A ~~robust structure section~~ dedicated to the management and provision of technical training for examination staff. The IP Rights Technical Excellence Centre (IPTEC) which sits within the IP Rights Division in the Customer Operations Group (COG) provides a single point of governance for all IP Rights learning and development services. ~~Since 2019, IPTEC manages~~ all aspects of job specific [technical learning, including patents technical learning, are managed by a dedicated competency based training \(CBT\) team within each IP Rights business group.](#) Ongoing online and face-to-face courses are offered to patent examiners in searching (including essential steps, keywords and classification marks), advanced searching techniques (including for nanotechnology applications), advanced report writing, EPOQUE training, Searching Masterclass, a Re-examination Online Module, IP Reform Training and Searching Non Patent Literature. ~~IPTEC continues to develop new courses as well as refine existing ones.~~
- Apart from English, IP Australia has a policy of maintaining competencies in other languages. This currently includes translators in French, German, Japanese, Chinese, Russian, Spanish and Korean covering all the main technology areas.
- IP Australia has a comprehensive Patent Manual of Practice and Procedure which has been in place for many years and is available electronically to staff. The Manual comprises 6 comprehensive volumes of practice and procedure. [Volumes 1-4](#) (International; National; Oppositions, Disputes and Extensions; Search) are publicly available on the Internet.
- IP Australia has implemented a series of PCT best practices, which have been incorporated into the Manual of Practice and Procedure; and the IPREP training. These practices regularly undergo review.
- Additional support tools for examiners include ready access to internal and external databases, technical books, journals and legal resources on IP Australia's Patent Examination Workbench.
- The Search Technical Team (STT) ensures examiners are provided with best-practice search techniques and access to high quality search tools. The STT provides two primary capabilities:
 - in-section support, training, and promotion of best-practice search techniques and;
 - evaluation of search tools and databases for patent examination.

In addition the STT activities encompass:

- classification activities, including the IPC and CPC;
- maintaining expertise in EPOQUE and STN amongst other search tools;
- providing subject matter experts to the training projects team;
- maintaining the searching volume of the PMPP, and;
- contract management responsibility for the commercial search tools used by examiners.

(ii) IP Australia has a PCT Unit within the International and Amendments team of the Customer Operations Group. The PCT Unit is responsible for processing PCT filings and actions related to matters concerning IP Australia's role as a Receiving Office, an International Search Authority

and an International Preliminary Examination Authority. The PCT Unit is responsible for the initial processing of PCT applications (including creation of records in the International Examination and Search System (INTESS)) and creation of a new folder for electronic copies of relevant citations for each PCT application, and also for final processing of PCT actions.

Since June 2011, all new PCT application requests (eg. search requests and demands) have been in electronic format. Examiners are provided with instructions for the use of INTESS within Volume 4 of the Patents Manual of Practice and Procedure.

Material resources:

(iii) Describe the infrastructure in place to ensure that appropriate equipment and facilities such as IT hardware and software to support the search and examination process are provided and maintained;

(iv) Describe the infrastructure in place to ensure that at least the minimum documentation referred to in Rule 34 is available, accessible, properly arranged and maintained for search and examination purposes. State whether it is on paper, in microform or stored on electronic media, and where.

(v) Describe how instructions:

to help staff understand and adhere to the quality criteria and standards; and;

to follow work procedures accurately and consistently

are documented, provided to staff, kept up-to-date and adapted where necessary.

(iii) Examiners at IP Australia utilise an electronic document management system (PAMS- Patent Administration Management System) to process, store, retrieve and examine national patent applications. IP Australia also has an electronic system for international search and examination work (INTESS). Examiners are provided with a Patent Examination Workbench which includes a wide assortment of examiner resources, including access to patent search tools and search engines; electronically available Manuals (eg. Patent Manual of Practice and Procedure and Quality Management System Manual); patent law materials; and WIPO and PCT materials.

IP Australia's IT department – the Innovation and Technology Group (ITG) – has responsibility for maintaining and monitoring the IT software and hardware for IP Australia. There are internal Service Level Agreements in place between the IP Rights Division and the ITG to ensure the IT systems are available and capable of supporting the IP Right administration and examination functions.

The IP Australia Improvement Log helps to facilitate changes required to IT systems and/or business processes and/or staff training.

(iv) IP Australia provides examiners with access to the PCT minimum documentation as defined in Rule 34 PCT via the Patent Examination Workbench.

(v) An electronic version of the Patent Manual of Practice and Procedures is available to all examiners on IP Australia's intranet, no paper copies are maintained. The Manual comprises six volumes (four of which are publicly available on [IP Australia's website](#) with the remaining two volumes reserved for in-house processing instructions), with;

- Volume 1 covering the practice and procedures for international work. An introductory chapter of the Manual sets out the quality requirements for all search and examination

work. This part of the Manual also provides examiners with a link to the IP Australia Quality Policy, as well as providing guidance on the quality assessment process. The Product Quality Standards are included in this section of the Manual.

- Volume 2 of the Manual sets out the practice and procedures for all national work, including for national phase applications. Suggestions by examiners for improvement of the Manual can be placed on IP Australia's Improvement Log.
- Volume 3 [covering the practice and procedures for considering matters associated with patent oppositions and other disputes, as well as various requests for extensions of time.](#)
- Volume 4 [covering practice and procedures for searching, utilising best practices to ensure relevant results.](#)

IP Australia also has a Quality Management System Manual which provides staff with information and instructions on all aspects of IP Australia's quality management system. The Quality Management System Manual includes a chapter on the Quality Review System, which provides instructions and information on all aspects of the product quality review process.

IP Australia's Patents Technical Working Group (PTWG) supports the quality management arrangements. Its main focus is to ensure that the Patent Manual of Practice and Procedures (PMPP) are effective, up to date, and that changes to the PMPP are carried out in a coordinated and efficient manner, drawing on relevant technical and legal expertise. The PTWG (through the Patents Manual Editor) also ensures that changes to the PMPP are communicated appropriately to examiners.

Communications generally occur through the Improvement Log, via email, or through the Patent Groups newsletter.

Training resources:

(vi) Describe the training and development infrastructure and program which ensures that all staff involved in the search and examination process:

acquire and maintain the necessary experience and skills; and

are fully aware of the importance of complying with the quality criteria and standards.

IP Australia has a competency based training (CBT) and assessment program for all IP Australia examination and administration staff. ~~In October 2016, the IP Rights Technical Excellence Centre (IPTEC) was formed with the aim of improving the quality and consistency in the delivery of CBT and continuing technical training (CTT). IPTEC brings together all the individual training areas from the different groups as well as making optimal use of resources. IPTEC now manages the governance and administration of all CBT programs.~~ The IP Rights Examiner Program (IPREP), includes the STEP program which is ~~an online learning tool~~ [a blended learning program](#) that includes units of competency for all key patent product lines, including undertaking international search and examinations. After completion of the STEP program (including all competency assessments) examiners obtain the Acceptance Delegation whereby they are deemed competent at exercising their search and examination responsibilities with minimal supervision. All aspects of the CBT ~~competency based training~~ programs are [managed by a dedicated team within each IP Rights business group, in collaboration with IPTEC documented in the IPTEC procedures](#) and supported by IP Australia's IP Rights Learning and Development Manual.

IP Australia also provides a competency based training program ~~for whereby an~~ experienced examiner ~~s can~~ ~~to~~ undertake development to become ~~a~~ Hearing Officers.

IP Australia operates an ongoing development program called the Technical Development Program (TDP) to assist all examiners in maintaining their currency in search and examination. The program is administered by the Technical Training Reference Group which receives submissions on possible TDP activities from examiners and decides on which activities to pursue.

IP Australia makes extensive use of machine based translation services and also has a policy of maintaining competencies in a number of languages. This currently includes translators in German, French, Chinese, Japanese, Russian, Spanish and Korean.

IP Australia has a comprehensive Patent Manual of Practice and Procedure (PMPP) which is available electronically to all IP Australia staff. Volume 1 is dedicated to international work while Volume 2 deals specifically with national work, including national phase applications. The PTWG is responsible for administering the PMPP, including progressing any changes to the PMPP. The PMPP is constantly under review as part of IP Australia's commitment to effective documentation control. The PMPP includes a Quality Chapter ~~which sets out includes~~ the PQS for national and international work. The PQS set the benchmark against which to assess the quality of search and examination and are read in consideration with the practices and procedures set out in the PMPP.

IP Australia's QRS randomly samples a defined amount of work for review, for all examiners with Acceptance Delegation. Work that is sampled for quality review includes all search and examination work. Reviews are conducted against the PQS by a dedicated group of Patent Product Quality Reviewers within the IP Rights Quality Review Section. Where the quality review of a products has identified deficiencies against the PQS, the issue(s) will be discussed between the Quality Reviewer and the Supervising Examiner. The Supervising Examiner will make the final determination on the quality of the product. ~~Results of the reviews are provided to the individual examiner and their supervisor(s)ing examiner(s).~~ Reports of review findings are regularly provided to the Patents Management team and high level outcomes are externally available on IP Australia's internet via our Customer Service Charter.

Oversight over resources:

(vii) Describe the system in place for continuously monitoring and identifying the resources required:

to deal with demand; and

comply with the quality standards for search and examination.

IP Australia's Executive Board ~~The Business Operations Committee~~ provides the resources needed to deliver desired outcomes, including the maintenance and improvement of the QMS. An IP Australia specific steady state model Excel spreadsheet is used to assist in predicting the required number of resources with a 3-5 year forecast. The Executive of each Business Group, including the General Managers of the Patent Groups, along with their respective leadership teams provide resources needed to meet customer requirements within their respective areas of responsibility. The Financial Management & Performance Analysis, Planning and Reporting (PAPR) team, within FBSG, provide reporting and analysis support to the General Managers on

workloads, average staffing levels, pendency and other relevant trends in order to ensure our staffing levels match required outputs and can deal with demand.

IP Australia has two Patent Examination Groups, the:

Patents Chemical, PBR and Electrical Group (PCPEG); and

Patents Mechanical and Oppositions Group (PMOG).

Through the rest of this document the term Patent Groups is used to refer to both groups. The Patent Groups organisational structure is publicly available on IP Australia's website as part of the [IP Australia Organisational Chart](#).

IP Australia established a Quality Review System (QRS) as a monitoring and measurement activity under our QMS. ~~Through the QRS process in which~~ a ~~random~~ sample of work of all examiners with Acceptance Delegation is reviewed. A team of independent Patent Product Quality Reviewers within the IP Rights Quality Review Section assesses the search and examination work of examiners ~~as well as the resulting report~~ for compliance with the Product Quality Standards. ~~Where the quality review of a products has identified deficiencies against the PQS, the issue(s) will be discussed between the Quality Reviewer and the Supervising Examiner. The Supervising Examiner will make the final determination on the quality of the product. Review findings are reported back to the Examiner and their supervising examiner(s) and R~~ reports are regularly provided to the Patents Management team and other committees in the quality governance structure, which then ensures appropriate action is taken to address any specific issues. There are currently 5 permanent Patent Product Quality Reviewers (2 for chemical technologies and 3 for mechanical/electrical technologies) along with up to 2 rotational positions to help promote understanding and increased knowledge of the QRS. The number of anticipated cases for quality review is estimated each year to ensure that adequate staffing levels are maintained to perform quality reviews in an efficient and timely manner. All Product Quality Reviewers are experienced examiners, who attained these roles through a competitive, merit based selection process. All Product Quality Reviewers maintain their Acceptance Delegation and make use of the same continual training opportunities as Examiners.

Currently, IP Australia is undertaking a broad review of the entire Quality Management System (QMS) and Quality Review System (QRS) to ensure that they continue to support quality examination products and practices, while driving optimal behaviours. The aim is to finish the review and subsequent implementation of recommendations in 2020.

4. MANAGEMENT OF ADMINISTRATIVE WORKLOAD

21.16 Indicate how the following practices and procedures for handling search and examination requests and performing related functions such as data-entry and classification are implemented:

- (i) Effective control mechanisms regarding timely issue of search and examination reports to a quality standard as set by the respective Authority; and
- (ii) Appropriate control mechanisms regarding fluctuations in demand and backlog management.

Paragraph 21.16

The IP Australia Customer Operations Group (COG) is primarily responsible for managing most aspects of IP Australia's service delivery. This includes the effective and efficient administration

of pre and post IP Rights examination processes. The COG is proactive in managing quality delivery of customer outcomes and reporting against performance with respect to IP Australia's [Customer Service Charter](#) and Work Quality Standards (which are the equivalent of the examination Product Quality Standards). The COG is part of the IP Rights Division at IP Australia and is responsible for the effective operation of IP Australia's business processes and systems, as well as delivery of information, products and services to address customer needs. The IP Rights Division training section, IPTEC, is also part of the COG's organisational structure.

The PCT Unit operates within the International and Amendments team [of COG](#). The PCT Unit is responsible for initial processing of new PCT applications. New applications are then assigned to an experienced patent examiner for preliminary classification and are then forwarded to the appropriate examination section.

The COG ~~have~~ [has](#) established Work Quality Standards as part of the QRS. The standards are designed to focus COG staff on consistently achieving high quality output at each step in the processing of service requests. The QRS contributes to the effectiveness of the quality management system, enabling identification of staff training needs, continuous improvement of service request processing, quality, and customer satisfaction. ~~Australia has a~~ [The Customer Service Charter](#) (CSC) ~~which~~ sets out what customers can expect from IP Australia in relation to quality and timeliness of its services, including its international services. The CSC identifies the specific timeframes within which IP Australia will produce international search and preliminary examination reports. IP Australia's performance against these timeframes is measured quarterly and performance against the Charter is reported to the Australian Government. ~~The CSC is publicly available on IP Australia's website.~~ The quarterly reports highlight our level of compliance with our Quality Standards and Quality Objectives.

5. QUALITY ASSURANCE

21.17 In accordance with the Guidelines, the following are required quality assurance measures for timely issue of search and examination reports of a high quality. Indicate how the following are implemented, including the use of any checklists to verify reports before their issue or for monitoring the quality as part of a post-issue review process:

(i) An internal quality assurance system for self-assessment, involving verification, validation and monitoring of searches and examination work:

for compliance with these Search and Examination Guidelines;

for channeling feedback to staff.

(ii) A system of measurement and collection of data and reporting. Show how the Authority uses the system to ensure the continuous improvement of the established processes.

(iii) A system for verifying the effectiveness of actions taken to correct deficient S&E work, eliminate the causes, and to prevent issues from recurring.

Paragraph 21.17

(i) The IP Australia Product Quality Standards incorporate the requirements of the PCT search and examination guidelines. All our search and examination is undertaken in relation to these Product Quality Standards.

IP Australia has an established QRS which is managed by the Quality Systems and Security section. This includes randomly sampling the work of each patent examiner with Acceptance

Delegation for quality review. A dedicated group of Patent Product Quality Reviewers assesses the work for compliance with the PQS. Results (positive and negative) of each review are provided to the AD Examiner and their supervising examiner(s). In the case of a negative finding, if the Product Quality Reviewer and the Supervising Examiner are unable to reach agreement on the review findings, ~~the Supervising Examiner will make a final determination and Arbitration process is used to resolve the issue.~~ The Supervising Examiner utilises the product quality review outcomes for the provision of positive reinforcement and recognition as well as the provision of guidance and/or training for their staff. There is an additional sampling process which is used when necessary to validate the initial quality performance findings.

IP Australia employs an additional strategy to ensure quality at the front end of the search process in the form of a 3 person search strategy team. The team reviews the patent application and, in consultation, formulates the search strategy, providing three different points of view. The search results are reviewed by the team and the search may be further refined before being deemed completed.

The quality of searching is also supported by the Search Technical Team (STT). The STT manages the ongoing evaluation and assessment of searching tools available to examiners as well as examiners' knowledge of those tools. The STT is responsible for investigating new search tools, updating software, eliminating obsolete resources, etc. The team is made up of a number of examiners, including quality reviewers, selected across a range of technologies, and is headed by a Supervising Examiner.

IP Australia utilises a three tier approach to the quality assessment of all search and examination work in which:

1. Less experienced examiners (generally without Acceptance Delegation) are closely supervised;
2. In-section quality checks are performed by peers;
3. Independent quality reviews are performed on a random sample of cases across all examination sections by a group of Patent Product Quality Reviewers as part of the QRS.

Additionally, under our ISO 9001:2015 certification, internal quality audits are conducted on processes within IP Australia, including search and examination processes. Audit findings and recommendations are entered into IP Australia's Improvement Log. The Improvement Log is an important corporate tool, which is primarily used to capture findings of non-compliance as well as suggestions for improvement from staff and customers.

(ii) The QRS includes the use of a database specifically designed to capture the results from quality reviews. ~~Review findings are reported back to the AD Examiner who produced the work as well as to the Supervising Examiner of their examination section.~~ The QRS Database is used to generate reports of quality review findings and compliance at the individual, examination section and group levels. IP Australia operates an Improvement Log which captures suggestions for improvement from staff. The PTWG monitors issues raised on the Improvement Log that relate to the Patent Manual of Practice and Procedure and resolve issues as appropriate. The Improvement Log records the outcome and/or corrective action taken for each issue.

The measurement of services and product delivery elements of IP Australia's business model are primarily derived from IP Australia's IT systems and reported back to the Business Groups for validation and appropriate follow on actions.

Suggestions and feedback received from our external customers are recorded by staff in IP Australia's Customer Feedback Database. The Executive analyse trends in complaints about aspects of IP Australia's business, including search and examination.

(iii) IP Australia has a number of processes in place for the control and correction of non-conforming products. The QRS and Improvement Log have defined processes and procedures for handling non-conformances and each Business Group is expected to correct any non-conformance in accordance with the relevant procedures for that Group.

Procedures for the correction of non-conforming search and examination products are outlined in the Quality Management System Manual and include both mandatory and discretionary corrective action. The Patent Manual of Practice and Procedure also provides information on the procedures for correcting or amending deficient search and examination work.

The IP Australia pre-grant opposition process also serves as a feedback process to quality management. Each decision is peer-reviewed prior to issue. Issues arising that identify potential areas for improvement are reviewed and used to adjust processes, reaffirm existing practices or identify further training needs. Similarly, issues identified from court proceedings involving Office decisions are reviewed and used to identify process, practice or training changes.

6. COMMUNICATION

Inter-Authority communication:

21.18 Explanatory note: Each Authority should provide for effective communication with other Authorities.

(Note: This point is informative. No response is required by the template to paragraph 21.18)

21.19 Provide the name, job title and contact details of the Authorities designated quality contact person who will take responsibility for:

- (a) helping identify and disseminate best practice among Authorities;*
- (b) fostering continual improvement; and*
- (c) providing for effective communication with other Authorities to allow for prompt feedback from them so that potential systemic issues can be evaluated and addressed.*

Paragraph 21.19

IP Australia's designated quality contact persons are:

Mr Michael Debenham, [Assistant General Manager-Director, Property, Security and Quality Office](#). ~~Systems and Security (Quality Section)~~

Mr George Hearder, Improvement Manager for the Patents Chemical, PBR & Electrical Group (PCPEG)

Mr Varun Malik, Improvement Manager for the Patents Mechanical and Oppositions Group (PMOG)

Communication and guidance to users:

21.20 Describe the system in place for monitoring and using customer feedback including at least the following elements:

- (i) An appropriate system for handling complaints and making corrections; taking corrective and/or preventative action where appropriate; and offering feedback to users.*
 - (ii) A procedure for: monitoring user satisfaction and perception; and for ensuring their legitimate needs and expectations are met.*
 - (iii) Clear, concise and comprehensive guidance and information to users (particularly unrepresented applicants) on the search and examination process, giving details of where it is to be found e.g. link to Authority's web site, guidance literature.*
- Indicate where and how the Authority makes its quality objectives publicly available for the users.*

Paragraph 21.20 Customer satisfaction is monitored at IP Australia by the following means:

- Customer Satisfaction Benchmark Survey;
- Feedback from our customer engagement and business intelligence programs; and
- A Customer Feedback Database

IP Australia's external [Customer Feedback](#) process accommodates complaints, compliments and suggestions. IP Australia is committed to providing an informative response to any complaint within 15 working days.

There are several ways external customers can give us feedback. They can:

- fill in the online feedback form on our website (see link above)
- telephone our Call Centre,
- participate in [alpha and beta testing](#) through our website,
- participate in our consultative forums, industry visits, and other face to face contact, and
- write to IP Australia at our postal address
- complete our customer surveys
- make online submissions and feedback to help guide and develop policy through our [Policy Register](#).

We also hold formal and informal meetings with other government agencies to discuss matters of common concern.

[During 2019, IP Australia participated in a Designated Office Feedback on International Search Reports pilot initiated by the UKIPO. The pilot is aimed at identifying the type of feedback that is useful to ISAs. During this pilot the UKIPO provided feedback to IP Australia on five applications where IP Australia had completed the ISR and the UKIPO had subsequently examined when the applications entered their national phase. IP Australia reviewed this feedback](#)

[and responded to the UKIPO on whether the feedback resulted in subsequent changes to IP Australia work, processes or procedures. The pilot is ongoing.](#)

The IP Australia external research program provides the organisation with effective, relevant and timely customer and business information to assist us to make informed and meaningful business decisions. ~~In 2016, IP Australia launched Our [beta products page](#) which~~ provides an avenue for our customers and other stakeholders to view and give feedback on IP Australia's systems and decisions before they are released. [Priority initiatives on the beta products page concern improving IP Australia's customer interaction and improving collaboration between IP Offices. The following initiatives may be of interest to other Authorities, with full details found on our website:](#) ~~There are currently two initiatives on the beta page relevant to improvements in the quality of patents.~~

- [Transactional Digital Service \(TDS\) program – redevelopment of our B2B services using APIs](#)
- [IPOcollab – a collaborative platform that will allow all IP Offices and their guests to collaborate informally across the world at anytime and anywhere](#)
- [IPGAIN – initiative to enable access to and accelerate the development of Cognitive Computing solutions](#)
- [Patent examination directions trial - exploration of a customer-centered alternate patent examination direction process](#)

i.–

~~The first is the rebuilding of our customer facing digital platforms. IP Australia is looking to collaborate with the private sector to replace our B2B offerings with modern APIs technology in order to create a diverse range of services which enable IP Professionals and IP rights owners, both in Australia and around the world.~~

ii.– ~~The second initiative is IPOcollab. IPOcollab will allow all IP Offices and their guests to collaborate informally across the world at anytime and anywhere. IPOcollab bridges the gap between offices for knowledge and expertise sharing, joint projects and initiatives through chat, video conferencing and document management.~~

[After a successful trial](#), IP Australia has ~~also recently~~ introduced a Patent Landscape Report ~~trial through our Patents Analytics Hub. A trial will commence from 1 December with all Art 15(5) requests filed from that date.~~ The Patent Landscape Report ~~will~~ provides applicants with insights into local and global markets associated with the 15(5) report requested and helps Australian businesses with their commercialisation strategy. The report has proven to be popular, with feedback from the evaluation of the trial indicating that the service is considered valuable.

IP Australia undertakes longitudinal customer satisfaction surveys to measure customer satisfaction across all relevant customer segments. The survey is currently run on a yearly basis to provide IP Australia with timely information.

IP Australia meets regularly with a number of bodies to seek feedback on strategic, operational and legislative issues.

[IP Australia has a website](#) that provides guidance and information to users on the search and examination process. The website ~~has recently been updated to better~~ supports customers in finding the information they need to understand in order to protect their intellectual property. The [CSC](#), [quality objectives](#), [quality policy](#) and [PQS](#) are publicly available on IP Australia's website.

21.21 Communication with WIPO and designated and elected Offices:

Describe how the Authority provides for effective communication with the International Bureau and designated and elected offices. In particular describe how the Authority ensures that feedback is promptly evaluated and addressed.

Paragraph 21.21

IP Australia, as an International Searching and Preliminary Examining Authority, has several [communication channels](#) (electronic, phone and post (and fax for emergencies)) that are open to anyone, not just WIPO and the Receiving, Designated and Elected Offices. IP Australia prefers electronic versions of communication from customers and for other transactional business to allow for those transactions to be recorded, processed and tracked in our IT Systems. In common with all other feedback received by IP Australia, WIPO feedback is forwarded to the relevant section so that it can be addressed. Any learning is communicated to staff through such channels as emails, newsletters, amendments to the Manual of Practice and Procedure and so forth.

[Administrative communication with WIPO is mainly provided via PCT-EDI, ePCT, by e-mail. IP Australia also sends members of its International Policy Division and Patents Groups to meetings and forums held by WIPO.](#)

7. DOCUMENTATION

21.22 Explanatory note: The QMS of the Authority needs to be clearly described and implemented so that all processes in the Authority and the resulting products and services can be monitored, controlled, and checked for conformity. This is done by documenting the procedures and processes affecting the quality of work as a reference for staff and management at the Authority (see paragraph 21.23).

(Note: This point is informative. No response is required by the template to paragraph 21.22)

21.23 The material that makes up the reference for staff and management at the Authority serves to document the procedures and processes affecting the quality of work, such as classification, search, examination and related administrative work. In particular, the reference indicates where to find instructions on the procedures to be followed.

For the purposes of this report indicate:

- (a) the documents making up the reference that have been prepared and distributed;*
- (b) the media on which they are supported (e.g. Internal Publication, Internet, Intranet); and*
- (c) document control measures taken e.g. version numbering, access to latest version.*

Paragraph 21.22-21.23

(a) In accordance with our ISO 9001 certification, IP Australia has developed a variety of documentation to support our QMS. These include a quality policy and objectives, the Quality Management Systems Manual, each business groups' Manuals of Practice and Procedure, and other documents necessary for planning, reporting, operating and controlling processes.

IP Australia continually reviews and improves its quality documentation and conduct internal audits of these processes in line with the 2015 version of the ISO standard. IP Australia's manuals and documentation are available on IP Australia's intranet and provide staff with a central source of information on how IP Australia does business in order to assure quality of service.

The Patents Manual of Practice and Procedure (PMPP) is the primary document for guidance on search and examination processes. The Manual comprises six volumes, all of which are available on IP Australia's intranet. Volumes 1-4 are publicly available on IP Australia's website, with Volume 1 providing guidelines on search and examination processes for international work. Additionally, the PMPP includes a chapter on Quality, including the PQS and links to the QMS Manual.

These Manuals and other documentation are controlled documents in line with the requirements of ISO 9001:2015. If there is a change to any of the content of the Manuals, this is communicated through multiple channels to all relevant staff.

(b) The QMS Manual and PMPP are available on IP Australia's intranet site. Four of the six volumes of the PMPP are publicly available on IP Australia's website, including the chapter in the PMPP relating to Quality.

(c) IP Australia provides information to all staff on the correct procedures for document control. Controlled documents for the intranet are to include a document title, an effective date, a revision history and an online accuracy disclaimer. Controlled documents that are published on IP Australia's website are to include a document title and an effective date. The "effective date" allows the reader to see when a document came into effect, assists in version control, and is intended to prevent the use of obsolete/superseded documents.

21.24 Indicate whether the material making up the reference of quality procedures and processes include the following:

- (i) the quality policy of the Authority including a clear statement of commitment to the QMS from top management;*
- (ii) the scope of the QMS, including details of and justification for any exclusions;*
- (iii) the organizational structure of the Authority and the responsibilities of each of its departments;*
- (iv) the documented processes carried out in the Authority such as receipt of incoming applications, classification, distribution, search, examination, publication and support processes, and procedures established for the QMS, or references to them;*
- (v) the resources available for carrying out the processes and implementing the procedures; and*
- (vi) a description of the interaction between the processes and the procedures of the QMS.*

Paragraph 21.24

The Quality Management System covers the criteria detailed under 21.24(i)-(vi). Although this Manual does not include the processes as specified in part (iv), they do make reference to the relevant documentation, i.e. the MPP.

21.25 Indicate which types of records the Authority maintains, such as:

- (i) a definition of which documents are kept and where they are kept;
- (ii) results of management review;
- (iii) training, skills and experience of personnel;
- (iv) evidence of conformity of processes, resulting products and services in terms of quality standards;
- (v) results of reviews of requirements relating to products;
- (vi) the search and examination processes carried out on each application;
- (vii) data allowing individual work to be tracked and traced;
- (viii) records of QMS audits;
- (ix) actions taken re. non-conforming products, e.g. examples of corrections;
- (x) actions taken re. corrective action;
- (xi) actions taken re. preventative action; and
- (xii) search process documentation as set out in Section 7.

Paragraph 21.25

(i) Control of Documents is managed within IP Australia in accordance with the Document Control guideline and procedure outlined in the Quality Management System Manual. Control of records is in accordance with IP Australia's information principles, the Records and Administration Management policies, and Accountable Authority Instructions for Records and Information Management.

(ii) A formal management review is undertaken every three months by the QIC. The review assesses how well the system is performing, what can be improved and whether it is meeting the policy and objectives set for it. Results of the review are provided to the Business Operations Committee and the Executive Board.

(iii) Staff development and training are integral to IP Australia's focus on delivering quality services and products. The comprehensive and timely training of staff ensures that there is a continuous focus on satisfying staff development needs. This is to meet desired customer outcomes and ensure that staff have the skills and abilities to deliver high quality work and service.

Staff development and training are implemented corporately through:

- Performance Management Policy and Guidelines which provides organisational policy on managing staff performance.
- [The Capability Framework which provides clear and consistent expectations for all staff and provides an effective strategy in developing overall workforce capability in a consistent and transparent manner.](#) ~~Work Level Standards which outlines general standards of work performance in areas relevant to staff duties.~~
- Performance conversations and individual ACHIEVEMENT Plans which provide a process to set standards of individual work performance and provide feedback of progress against standards.
- Study bank which enables staff access to tertiary and further education and training.

(iv)-(v) IP Australia utilises an electronic QRS database to record, store and report on results relating to quality review activities.

(vi)-(vii) IP Australia utilises an electronic Patent Administration Management System (PAMS) for National Work and an electronic International Examination and Search System (INTESS) for International Work. Patent records from 2006 that are open to public inspection are available via an eDossier service accessible via [AusPat](#). All publicly available information associated with the prosecution of patent applications (including oppositions), the maintenance of granted patents, applicant details, patent requests and complete specifications are available.

(viii) Internal quality audits are conducted within IP Australia in accordance with the Internal Quality Audit Procedure. Audits are based upon the results of a risk analysis undertaken in accordance with Australian Standards. The risk analysis will be periodically reviewed for its relevance and accuracy. Audits are stored in the official IP Australia record keeping tool Business Records, Information Knowledge (BRIK) and available on IP Australia's intranet.

(ix)-(xi) Corrective and preventative actions are progressed through the IP Australia Improvement Log.

(xii) IP Australia staff utilise a Manual of Practice and Procedure which includes search process documentation.

8. SEARCH PROCESS DOCUMENTATION

21.26 For internal purposes the Authority should document its search process.

The Authority should indicate

(a) *which of the following are included in this record:*

- (i) *the databases consulted (patent and non patent literature);*
- (ii) *the keywords, combinations of words and truncations used;*
- (iii) *the language(s) in which the search was carried out;*
- (iv) *the classes and class combinations searched, at least according to the IPC or equivalent;*
- (v) *a listing of all search statements used in the databases consulted.*

(b) *which other information relevant to the search itself is included in this record e.g. a statement of the subject of search; details of special relevance to internet searching; a record of documents viewed; on-line thesaurus, synonym or concept databases, etc.*

(Explanatory note: The IA is requested to list other information it may collect to monitor and improve the search process)

(c) *which special cases are documented and whether records are kept denoting any:*

- (vi) *limitation of search and its justification*
- (vii) *lack of clarity of the claims; and*
- (viii) *lack of unity.*

Paragraph 21.26

IP Australia examiners are required to complete a Search Information Sheet (SIS) when any search is completed. This sheet records:

- the search strategy used,
- databases consulted,
- keywords,
- combinations of words and truncations,
- the class and class combinations searched,
- search statements used,
- details of relevance to internet searching,
- the documents viewed,
- members of the three person search team.

The SIS is attached to all original search work and reports and these are made publicly available in the eDossier via AusPat.

Any limitation of search and justification; lack of clarity of claims; and lack of unity are reported in the International Search and/or International Preliminary Examination Report, which are stored in INTESS.

9. INTERNAL REVIEW

21.27 Explanatory note: The Authority should report on its own internal review arrangements. These reviews determine the extent to which it has established a QMS based on the model of Chapter 21 and the extent to which it is complying with the QMS requirements and the Search and Examination Guidelines. The reviews should be objective and transparent to demonstrate whether or not those requirements and guidelines are being applied consistently and effectively and should be undertaken at least once a year. With reference to point 21.08 of this template, the Authority may provide additional information on its internal review arrangements under this section if it so wishes.

21.28-21.30 These arrangements are reported according to this template in Section 1, above, at points 21.04 - 21.09. The Authority may provide additional information on further inputs to its internal reviews under this section, if it so wishes.

Paragraphs 21.27-21.30

As already indicated above.

10. ARRANGEMENTS FOR AUTHORITIES TO REPORT TO THE MIA

21.31 There are two stages in the reporting arrangements outlined in Chapter 21: the initial report called for by paragraph 21.31(a), and supplementary annual reports in accordance with paragraph 21.31(b). At the second informal meeting of the Quality Subgroup in Canberra on February 6 and 7, 2012, the Subgroup recommended that, instead of submitting full reports every five years and cumulative updates in the intervening years, Authorities should submit each report in the form of a full report, making the differences from the previous year's report clear, for example using "track changes" or other form of highlighting. The template for the supplementary annual reports is therefore no longer used.

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