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ASSEMBLY

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**REPORT ON THE QUALITY MANAGEMENT SYSTEM FOR
INTERNATIONAL AUTHORITIES UNDER THE PCT**

Document prepared by the International Bureau

1. The Annex to this document contains a report on the quality management system for International Authorities under the PCT, as adopted by the Meeting of International Authorities under the PCT at its tenth session, held in Geneva from September 13 to 15, 2004. The report is reproduced from Annex II of document PCT/MIA/10/11.

2. *The PCT Assembly is invited to note the contents of the report set out in the Annex to this document.*

[Annex follows]

ANNEX

QUALITY MANAGEMENT SYSTEM FOR
INTERNATIONAL AUTHORITIES UNDER THE PCT

(Report adopted by the Meeting of International Authorities under the PCT,
reproduced from Annex II of document PCT/MIA/10/11)

SUMMARY

1. Each of the International Searching and Preliminary Examining Authorities has its own quality management system which seeks to ensure that the Authority provides high quality services in its role under the PCT. This document reports to the Assembly, in general terms, how these systems correspond to the common quality framework set out in Chapter 21 of the PCT International Search and Preliminary Examination Guidelines (document PCT/GL/ISPE/1, "the Guidelines") and highlights certain features which individual Authorities presented to the other Authorities for discussion and as suggestions of good practice.

BACKGROUND

2. Chapter 21 of the Guidelines sets out a common quality framework for international search and preliminary examination. This recognizes that some variability is inherent in the international search and examination process, but that minimizing inconsistencies between and within the International Searching and Examining Authorities is crucial to the unqualified acceptance of an Authority's work product by other Offices. Consequently, it provides a minimum set of criteria that each International Authority should use as a model for establishing its own individual quality management system.

3. In accordance with paragraph 21.17 of the Guidelines, the International Authorities presented initial reports to the Meeting of International Authorities under the PCT describing what they had done to implement quality management systems, so that best practice among Authorities could be identified and disseminated. The Meeting of International Authorities adopted this general initial report on progress at its tenth session, held in Geneva from September 13 to 15, 2004, for submission to the PCT Assembly.

REPORT

General

4. Each International Authority has a quality management system in place. In general, each system is part of a broader quality system for the national or regional Office concerned as a whole, covering also its roles in national or regional procedures, work as a PCT receiving Office, and any other roles. However, each has ensured that the system recognizes and deals with the specific requirements of international search and preliminary examination under the PCT.

5. Each system is different, according to what has been considered appropriate to the particular circumstances of the Office. However many have reviewed a range of different general quality systems and incorporated the best fitting tools and processes based on well known and respected models, including the ISO 9000 series of quality system guidelines and

requirements, the European Foundation for Quality Management Excellence Model, and the principles of Total Quality Management.

Resources and Administration

6. The Guidelines indicate that an International Authority should have an appropriate infrastructure to support the search and examination process and the ability to accommodate changes in workload.
7. Each of the International Authorities has access to search material in excess of the PCT minimum documentation referred to in PCT Rule 34. To a continually increasing extent, the search material is accessed through electronic databases. Significant resources are being devoted to the improvement of the search tools available to examiners for the search of these databases and to the training of the examiners so as to be able to use these tools to best effect.
8. The quality of any report is dependent on the ability of the examiner preparing it. The Authorities have stringent selection criteria to recruit people with the appropriate technical, linguistic and analytical aptitude. This is then reinforced by training over several years, including both formal courses and on the job training.
9. Each of the Authorities also provides ongoing training and development throughout the career of its examiners. This may include: refresher courses and seminars; further language training; technical training including conferences, lectures or university courses, site visits and industrial internships; and seminars and workshops covering new procedures, software tools and search techniques. Some of the Authorities also have examiner exchange programs to share knowledge and foster consistency between Authorities.
10. This training is also backed up by manuals and guidelines. In addition to the PCT International Search and Preliminary Examination Guidelines, each Authority provides up to date guidance on practice within the Authority and manuals and tips for a wide variety of tasks, especially concerning the best use of the electronic search tools which are available. In some cases, guidance is available through easily searchable databases, as well as through conventional manuals and notices in electronic form.
11. The Authorities provide a high standard of IT support for the search and examination process. In addition to the online search facilities referred to in paragraph 7, above, a number of systems have been developed to assist the preparation of reports, minimizing the risk of discrepancies between search and examination reports and allowing easy inclusion of useful additional information such as equivalent documents from a patent family.
12. Each Authority maintains a number of groups responsible for continually reviewing the manner in which various aspects of the search and examination work is done and for disseminating recommendations on best practice.
13. The examiners in each Authority cover the entire spectrum of technology. Various methods are used, depending on the particular circumstances of the Authority, to ensure the appropriate distribution of work and to allow the flexibility to react to varying levels of demand in different fields while ensuring the necessary depth of knowledge in a particular field to ensure a high quality of search and examination.

14. The examination process is supported by specifically trained administrative staff ensuring the proper flow of work. In addition, most of the Authorities use electronic systems to monitor the workload providing not only information and warnings concerning the state of individual international applications, but also the ability to assess overall levels of demand and the distribution of workload in different fields.

Quality Assurance

15. Each of the International Authorities uses more than one means of ensuring the quality of international search reports and international preliminary reports on patentability, including measures to ensure the accuracy of individual reports as they are established and assessment of sample reports at a later stage with feedback to encourage improvement for the future when deficiencies or particularly good practice are noted.

16. The methods used to ensure the quality of individual reports include using a team of examiners to consider together the appropriate search strategy and having the final report considered by a second examiner, either a peer or a supervisor, before it is issued. Particular attention is paid to reports prepared by trainees. In addition, some Authorities have a system of obtaining a second opinion in “high risk” cases, such as where the examiner considers that there may be a lack of unity of invention. Some Authorities include second opinions by specialist examiners on particular aspects of the search and examination process, such as the classification of the international application.

17. Many of the Authorities conduct testing of random samples of reports after they have been issued to determine the overall quality of examination being performed and to identify any issue which could usefully be drawn to the attention of individual examiners or the examining staff as a whole. Some use citation analysis to identify trends and make comparisons.

Communication with Users

18. Each of the Authorities has means for communicating with users on several different levels. For routine queries concerning particular international applications, each report includes contact details, allowing the applicant to contact the examiner, in general by telephone, letter, fax or personal interview and, in some cases, by e-mail or video-conference.

19. Each Authority also has a mechanism for dealing impartially with user complaints and comments which are received. Some of the Authorities described work which is under way towards improving the recording and tracking of complaints and comments which are made informally, for example by oral comments or incidental comments in letters primarily related to other matters.

20. A number of Authorities also solicit user feedback more generally, for example, through user meetings (including sessions arranged with agents and applicants in general, and ones focusing on applicants from specific fields) and independently administered surveys.

Feedback

21. Each Authority provides feedback to examiners on the results of the various quality assessment processes. Depending on the nature of issues encountered, the feedback will be given to individual examiners or else, where an issue of general relevance is noted, to all

examiners. Feedback includes both recommendations as to how to avoid errors which have been noted and dissemination of best practice, such as in model reports when examples of particularly good practice are noted. In some Authorities, rewards are offered to staff who make an outstanding contribution to the improvement of quality.

Guidance to Users

22. The Authorities provide guidance to users in numerous ways, such as web sites, advice lines and centers, and running courses on various aspects of the PCT procedure. The literature provided includes, in some cases, translations of the entire Guidelines and Administrative Instructions into local languages as well as more basic guidance.

Internal Review of Quality Management Systems

23. The Authorities treat the issue of quality management seriously, with high-level consideration being given to the results of assessments and proposals for improvements in both quality and the process of quality management. A number of Authorities have set up ongoing committees with a specific mandate to review and improve quality management systems.

FURTHER WORK

24. The Meeting of International Authorities has not yet had time to fully assess the merits of the various aspects of all the quality management systems described in the reports of individual Authorities. Consequently, the Meeting decided to continue discussion of these systems using its electronic forum and to continue formal discussion at the next session.

25. Particular attention will be given to the issue of how best to share information concerning quality systems in future reports and discussions, so as to be able to benefit from best practice among the International Authorities, with a view to moving towards practices in quality management and quality assessment which would result in greater acceptance of all Authorities' work products by other Offices.

[End of Annex and of document]