

## **Patent Cooperation Treaty (PCT) Committee for Technical Cooperation**

**Twenty-Seventh Session  
Geneva, September 22 to 30, 2014**

### **REPORT**

*adopted by the Committee*

#### **INTRODUCTION**

1. The PCT Committee for Technical Cooperation (“the Committee”) held its twenty-seventh session in Geneva from September 22 to 30, 2014, during the same period as the forty-sixth (27<sup>th</sup> extraordinary) session of the Assembly of the PCT Union (“the Assembly”), held in the context of the fifty-fourth series of meetings of the Assemblies of the Member States of WIPO. The list of participants in those meetings is contained in document A/54/INF/3 Prov.2, noting that all States members of the Assembly of the PCT Union and all International Searching and Preliminary Examining Authorities (“International Authorities”) are members of the Committee.

#### **ELECTION OF A CHAIR AND TWO VICE-CHAIRS**

2. Ms. Susanne Ås Sivborg (Sweden) was elected Chair of the Committee; there were no nominations for Vice-Chairs.

#### **ADOPTION OF THE AGENDA**

3. The Committee unanimously adopted the draft agenda set out in document PCT/CTC/27/1.

#### **ADVICE TO THE ASSEMBLY OF THE PCT UNION ON THE PROPOSED APPOINTMENT OF THE INTELLECTUAL PROPERTY OFFICE OF SINGAPORE AS AN INTERNATIONAL SEARCHING AND PRELIMINARY EXAMINING AUTHORITY UNDER THE PCT**

4. Discussions were based on document PCT/CTC/27/2.

5. The Delegation of Singapore, in introducing the request by Singapore that the Intellectual Property Office of Singapore (IPOS) be appointed as an International Searching Authority (ISA) and International Preliminary Examining Authority (IPEA) under the PCT, underlined the commitment by IPOS to delivering quality international work products within one year of appointment. This commitment was supported by a fund of 40 million US dollars to build up its patent search and examination capability. The Delegation stated that the application was compliant with the existing procedures for appointment as an International Authority, which applied since the application had been submitted on July 11, 2014. While the seventh session of the PCT Working Group in June 2014 had discussed new appointment procedures, it had referred the application of IPOS to be considered under existing procedures by recommending that any new procedures should apply to applications for appointment submitted after the closure of the September 2014 session of the PCT Assembly. Specifically, regarding the substantive requirement of having 100 examiners, IPOS currently had 82 examiners and would have more than 100 examiners before September 2015, when it would be ready to operate as an International Authority. This was compliant with existing procedures under which previous International Authorities had been appointed. The minimum requirements for an Office to act as an International Authority were set out in PCT Rules 36.1 and 63.1. The request for IPOS' appointment set out in the document provided sufficiently clear and detailed information to show that IPOS had met these requirements. The Delegation, therefore, did not propose to repeat this information, but instead wished to highlight several points to show how IPOS was preparing to deliver quality PCT work products. Singapore had been committed to heavy and sustained investments in research and development in the past few decades, with annual total gross expenditure expected to reach more than 10 billion US dollars by 2015. In addition, domestic patent filings had experienced double digit growth in the past few years. The sustained focus on research and development had enabled IPOS to tap into a large pool of multi-lingual researchers for a new career as patent examiners. Specifically, 95 per cent of examiners had a PhD degree, averaging seven years of work experience prior to joining IPOS. In addition, while English was the working language at IPOS, 25 per cent of examiners were able to conduct prior art searches in Chinese, an increasingly important skill given the continuing rise in volume of technical literature in this language. IPOS employed a rigorous three-stage recruitment process, including a battery of psychometric tests to assess the candidates' skills, and a personality test to assess aptitude for the work. For newly-recruited examiners, IPOS had partnered the quality Offices, such as the European Patent Office, to develop a full-time nine-month training program. Initial training was conducted by the European Patent Office, with subsequent training conducted by in-house trainers at IPOS, with the involvement of experienced trainers from the European Patent Office, the State Intellectual Property Office of the People's Republic of China, the Japan Patent Office and the United States Patent and Trademark Office. This had resulted in a sustainable training program, consisting of a comprehensive six-month full-time structured formal training component and a 12-month on-the-job training component. Continuous learning was also incorporated into the training strategy at IPOS to ensure that examiners continued to acquire knowledge and keep up-to-date with recent developments. Examiners were also equipped with the right resources to deliver quality work. In this regard, IPOS had established an Examination Standards Office, which developed a set of comprehensive guidelines to provide examiners with clear and detailed instructions. Examiners were also able to manage and undertake work efficiently through the Information Technology (IT) system, which included a suite of advanced search tools providing access to documentation exceeding the requirements of Rule 34 on minimum documentation such as EPOQUENet (incorporating Derwent World Patent Index), Questel Orbit, STN, Thomson Innovation, and China National Knowledge Infrastructure (CNKI). IPOS also had in place a robust quality management system and internal review arrangements, with ISO-compliant quality procedures being implemented in 2013 and the documentation of processes being finalized in preparation for ISO 9001:2008 certification in October 2014. One feature of its quality management system was the triple-check process, where each office action was quality checked by the examiner on the file, a buddy examiner and a senior examiner. In preparation to become an International Authority, IPOS had set up an International Authority

Implementation Office to prepare for a smooth and rapid transition through training examiners on PCT procedures, mapping ISA and IPEA work processes, and preparing internal IT infrastructure. With this experience in developing processes, work systems and examination guidelines, IPOS was confident and prepared to assume the duties of an International Authority by September 2015. The Delegation concluded by highlighting that, in 2013, 35 per cent of international search reports and 27 per cent of international preliminary reports on patentability had been transmitted outside their respective time limits. This clearly demonstrated a need for more search and examination capacity to deal with the growing demand for international applications. The Delegation recognized that any increased capacity needed to come with quality. The request clearly showed how IPOS would go about ensuring consistent delivery of quality PCT work products, building upon the deep technical expertise of having 95 per cent of examiners holding a PhD, a comprehensive training program and training assistance involving other established patent Offices, a suite of advanced search tools, and ISO-compliant quality processes. The Delegation, therefore, believed that IPOS met the requirements to be appointed as an International Authority and looked to the Committee for Technical Cooperation to give positive advice to the Assembly of the PCT Union to appoint IPOS as an International Searching and Preliminary Examining Authority.

6. The Delegation of Chile stated that it was necessary to increase the number of Offices competent to act as an International Searching and Preliminary Examining Authority, which was warranted by the high number of international applications. This would, therefore, reduce delays and backlogs and provide users with a more expeditious and competitive service. From examining the application of IPOS to be appointed as an International Searching and Preliminary Examining Authority, the Delegation had no doubt about the professionalism and the high academic level of the examiners in IPOS and their experience with a wide variety of fields of technology and increasing levels of complexity. The Office, with its IT system and its management abilities, was an excellent candidate to work to the stringent requirements of International Searching Authorities. Consequently, the Delegation strongly supported the request for appointment.

7. The Delegation of Mexico expressed its support for the request that IPOS be appointed as an International Searching and Preliminary Examining Authority, as it complied with all of the requirements established by the PCT Regulations. The appointment would be beneficial for the Offices of the Asia-Pacific region and would also increase the ties between Singapore and Mexico, which had already established patent cooperation.

8. The Delegation of Japan fully supported appointing IPOS as an International Searching and Preliminary Examining Authority. The Delegation considered intellectual property (IP) to be essential infrastructure for driving economic development, with the PCT forming an integral part of the global IP system. IPOS would play a key role within the region. It was important that every International Authority should work to improve the quality of searches by making tireless efforts at self-improvement, as well as enhancing cooperation among the Authorities and strengthening their IT systems. The Delegation welcomed the efforts that IPOS could make towards that purpose.

9. The Delegation of Turkey welcomed the request by Singapore and congratulated IPOS for their work in establishing the necessary infrastructure for patent search and examination. In the context of the information provided by the Delegation of Singapore, the Delegation fully supported the appointment of IPOS as an International Searching and Preliminary Examining Authority under the PCT. This would contribute to both the region and the whole PCT system.

10. The Delegation of Qatar supported the appointment of IPOS as an International Searching and Preliminary Examining Authority, expressed its utmost confidence in the ability of the Office to work in those capacities, and looked forward to supporting them throughout the process.

11. The Delegation of India stated that the appointment of IPOS as an International Searching and Preliminary Examining Authority should be favorably considered.

12. The Delegation of Austria commended the Government of Singapore for requesting the appointment of IPOS as an International Searching and Preliminary Examining Authority, which was aimed at promoting and increasing the use of the PCT system in the region. The Delegation expressed its appreciation to IPOS for the progress achieved so far, as outlined in the document, and firmly supported the request for appointment. The Austrian Patent Office, as an existing International Authority stood ready to support IPOS to become operational as soon as possible for the benefit of all PCT users.

13. The Delegation of France supported the appointment of IPOS as an International Searching and Preliminary Examining Authority and wished the Office every success in all of their work.

14. The Delegation of Poland was convinced that IPOS fulfilled the requirements to be appointed as an International Searching and Preliminary Examining Authority under the PCT and firmly supported the request for appointment.

15. The Delegation of Hungary fully subscribed to the goal of maintaining or improving the work done by PCT Authorities. A high quality of international work was best insured by the cooperative networking of IP offices. Appointment of PCT Authorities which satisfied the prescribed requirements was a key factor. The role of IPOS in the Asia region was very important. The work indicated in the master plan was inspiring and forward-looking. Quality search and examination work needed highly qualified examiners. The Delegation noted with satisfaction the implementation of a rigorous three stage process applied for employing patent examiners. Recruitment of highly qualified specialists of different fields of technology could thereby be ensured. The indicated training programs were comprehensive. More than 25 per cent of examiners in IPOS had Chinese language skills, allowing the Office to perform searches in Chinese and identify Chinese language patent and non-patent literature. This was a huge advantage compared to the use of machine translated documents in this language and would positively contribute to the accuracy of PCT search and examination work. Access to a wide range of patent information and literature was essential to perform high quality patent searches. It seemed that search systems and database systems for IPOS patent examiners met the corresponding requirements and provided appropriate access to the minimum documentation referred to in PCT Rule 34. The Delegation strongly believed that IPOS, at the time of entry into force of the agreement between IPOS and the International Bureau, would meet the appointment criteria and would be able to perform the role of an ISA and IPEA. Therefore, the Delegation supported the approval of the draft agreement and the appointment of IPOS as an International Searching and Preliminary Examining Authority.

16. The Delegation of New Zealand supported the appointment of IPOS as an International Searching and Preliminary Examining Authority. The Office met the requirements for appointment as an International Authority, having completed a modernization program. The Delegation had no doubt that the PCT system would benefit from the appointment.

17. The Delegation of Ghana supported the appointment of IPOS as an International Searching and Preliminary Examining Authority and was confident that the Office had the capacity and discipline to deal with the demands associated with being appointed as an International Authority.

18. The Delegation of the Czech Republic supported the appointment of IPOS as an International Searching and Preliminary Examining Authority and wished the Office every success in their future activities.

19. The Delegation of China believed that IPOS complied with the requirements to be appointed as an International Searching and Preliminary Examining Authority and supported the request for appointment, which would be conducive to the development of the PCT system.
20. The Delegation of Norway supported the appointment of IPOS as an International Searching and Preliminary Examining Authority.
21. The Delegation of Egypt supported the appointment of IPOS as an International Searching and Preliminary Examining Authority and wished the Office every success.
22. The Delegation of Iran (Islamic Republic of) supported the appointment of IPOS as an International Searching and Preliminary Examining Authority and considered that the Asia-Pacific region would benefit from such an appointment.
23. The Delegation of Sudan supported the appointment of IPOS as an International Searching and Preliminary Examining Authority. This would enhance the work of the PCT. The Delegation congratulated IPOS on the work which it had done and wished them every success.
24. The Delegation of the Republic of Korea welcomed the request by Singapore and believed that IPOS satisfied the current criteria for appointment. Consequently, it fully supported the appointment of IPOS as an International Searching and Preliminary Examining Authority and wished the Office every success.
25. The Delegation of Australia supported the appointment of IPOS as an International Searching and Preliminary Examining Authority, which would be a valuable contribution to the region and internationally. With the already close relationship between IP Australia and IPOS, the Delegation looked forward to working with IPOS at the Meeting of International Authorities in the near future.
26. The Delegation of Slovakia expressed its full support for the appointment of IPOS as an International Searching and Preliminary Examining Authority. There was no doubt about the professionalism and good management which the Office would exercise in that new role. The presence of an International Authority in a relevant region offered to users an efficient option for obtaining patent protection internationally. It was a substantive benefit for users, allowing them to file and act in their own language. High quality services of International Authorities could stimulate sustainable innovation activities in the regional business environment.
27. The Delegation of Thailand supported the appointment of IPOS as an International Searching and Preliminary Examining Authority and believed that it would further strengthen the cooperation between IPOS and the Thai IP Office, as well as cooperation at the regional level.
28. The Delegation of the United States of America strongly supported the appointment of IPOS as an International Searching and Preliminary Examining Authority and stood ready to support IPOS in the lead-up to becoming operational and beyond.
29. The Delegation of Saudi Arabia supported the appointment of IPOS as an International Searching and Preliminary Examining Authority and wished the Office every success.
30. The Delegation of Finland supported the appointment of IPOS as an International Searching and Preliminary Examining Authority.
31. The Delegation of Senegal supported the appointment of IPOS as an International Searching and Preliminary Examining Authority. This would increase the number of Offices able to deal with international applications and would reduce delays.
32. The Delegation of Romania strongly supported the appointment of IPOS as an International Searching and Preliminary Examining Authority.

33. The Delegation of Colombia fully supported the appointment of IPOS as an International Searching and Preliminary Examining Authority. The Office met all the necessary requirements and would provide one more option for those who use and request filing of patents, ensuring greater efficiency in the process.
34. The Delegation of Algeria supported the appointment of IPOS as an International Searching and Preliminary Examining Authority.
35. The Delegation of Viet Nam supported the appointment of IPOS as an International Searching and Preliminary Examining Authority. As the Association of Southeast Asian Nations (ASEAN) moved towards the ASEAN Economic Community in 2015, the appointment of IPOS as an ISA and IPEA would facilitate international applications within the region.
36. The Delegation of Bahrain supported the appointment of IPOS as an International Searching and Preliminary Examining Authority and wished the Office every success.
37. The Chair thanked all delegations which had taken the floor on the matter and had expressed their views. Having listened to all interventions that had been made, she wished to propose that the Committee should give a positive recommendation to the PCT Union Assembly on the appointment of the Intellectual Property Office of Singapore as an International Searching Authority and an International Preliminary Examining Authority under the PCT.
38. The Committee unanimously recommended to the PCT Assembly that the Intellectual Property Office of Singapore be appointed as an International Searching Authority and an International Preliminary Examining Authority under the PCT.
39. The Director General of WIPO, Mr. Francis Gurry, conveyed his congratulations on behalf of the International Bureau to the Delegation of Singapore and the Intellectual Property Office of Singapore on obtaining a positive opinion from the Committee on the appointment of the Intellectual Property Office of Singapore as an International Searching and Preliminary Examining Authority under the PCT. The Director General stated that it had been a pleasure to work together with the Intellectual Property Office of Singapore and agreed with the delegations that had made remarks on the extremely professional work of the Intellectual Property Office of Singapore in the preparation of its application to become an International Searching and Preliminary Examining Authority under the PCT.

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