

Patent Cooperation Treaty (PCT) Committee for Technical Cooperation

Thirty-First Session
Geneva, October 5 to 8, 2020

REPORT

adopted by the Committee

AGENDA ITEM 1: OPENING OF THE SESSION

1. Mr. Daren Tang, Director General of WIPO, opened the session, together with the thirteenth session of the PCT Working Group, and welcomed the participants. Mr. Michael Richardson (WIPO) acted as Secretary to both meetings.
2. The session took place as a hybrid meeting due to the COVID-19 pandemic. The opening remarks from the Director General and the list of participants can be found in the Report of the thirteenth session of the Working Group (document PCT/WG/13/15).

AGENDA ITEM 2: ELECTION OF A CHAIR AND TWO VICE-CHAIRS

3. The Committee unanimously elected Ms. Dong Cheng (China) as Chair and Ms. Rekha Vijayam (India) and Mr. Charles Pearson (United States of America) as Vice-Chairs for the session.

AGENDA ITEM 3: ADOPTION OF THE AGENDA

4. The Committee adopted the revised draft agenda as set out in document PCT/CTC/31/1 Prov. 2.

AGENDA ITEM 4: ADVICE TO THE ASSEMBLY OF THE PCT UNION ON THE PROPOSED APPOINTMENT OF THE EURASIAN PATENT OFFICE (EAPO) AS AN INTERNATIONAL SEARCHING AND PRELIMINARY EXAMINING AUTHORITY UNDER THE PCT

5. Discussions were based on document PCT/CTC/31/2 Rev.

6. The IP Offices of Armenia, Azerbaijan, Belarus, Brazil, Canada, Chile, China, Colombia, Czech Republic, Egypt, Kazakhstan, Mexico, Republic of Moldova and the Russian Federation had submitted statements supporting the appointment of the Eurasian Patent Office as an International Searching and Preliminary Examining Authority in advance of the session. The International Bureau proposed that the statements be treated as having been delivered to the session. These statements are reproduced in the Annex to this document.

7. The Representative of the Eurasian Patent Office explained that the Eurasian Patent Organization had eight Member States totaling 21 million square kilometers with a population of more than 200 million representing various cultures and ethnicities from Europe to the Caucasus and Asia. The Eurasian Patent Convention had been signed on September 9, 1994. Article 20 of the Eurasian Patent Convention provided for the possibility for EAPO to apply for the status of an International Searching and Preliminary Examining Authority (ISA/IPEA) with approval of the Administrative Council of the Eurasian Patent Organization. The Representative thanked the 14 States whose IP Offices had provided written support for the application, along with the China National Intellectual Property Administration (CNIPA) and the Federal Service for Intellectual Property of the Russian Federation (ROSPATENT) that had assisted EAPO and had assessed the extent to which it met the criteria for appointment. Prior to filing the application, an analysis of available resources had been performed at the EAPO in order to ensure that the Office would be able to handle the new functions and additional workload. The Representative confirmed that EAPO would be prepared to perform these functions with strict adherence to all regulatory deadlines and without detriment to work related to its regional patent procedure.

8. The Representative explained that ensuring high standards in the performance of searches and examinations continued to be a top priority for EAPO. Regarding the requirements of Rule 36.1, EAPO had 105 full-time examiners when it submitted its application, which had since grown to 108 examiners. EAPO examiners showed a high degree of professionalism and were first rate experts with technical and science degrees from universities of Member States of the Eurasian Patent Organization, many of whom had PhDs. As a regional Office, EAPO was also unique in terms of the range of examiners who, apart from their academic background, had a rich experience in international search and examination. The hiring of examiners was conducted strictly on a competitive basis. Each candidate went through in-person testing during which professional knowledge in the relevant technical field was carefully verified. In terms of their skills, the experts of EAPO had a great deal of experience in conducting examinations, both in traditional fields such as organic and inorganic chemistry, metallurgy and mechanical engineering, as well as in rapidly-developing fields of technology such as biotechnology, molecular chemistry, digital communications, and computer technologies. About 80 per cent of all regional applications led to international applications in the PCT that proceeded to the regional examination phase. Many applications were in fields such as biotechnology, pharmacology, macromolecular chemistry, polymers, chemical technologies and medicine. The overwhelming majority of these applications were time-consuming and complicated from an examination standpoint. The EAPO carried out additional searches for these applications, including searches to identify methods for the treatment of humans and animals that were not excluded from protection under the Eurasian Patent Convention, and accordingly would not be excluded from international search and examination at EAPO in the event of appointment as an International Searching and Preliminary Examining Authority. All new examiners at the EAPO went through a mandatory training program. This program was broken down into a basic course of eight weeks, and two more in-depth two-week courses. In the basic course, the new examiners obtained theoretical knowledge of Eurasian patent law, international agreements on the protection of intellectual

property, the theory and methodology of performing patent searches and examinations, as well as classification systems (EAPO used both the International Patent Classification and the Cooperative Patent Classification). Further training proceeded on the job under the supervision of experienced mentors at workplaces, followed by advanced courses taking into consideration the specialization of the examiners. The training of experts was assessed on the basis of a written examination at the end of the basic course, and on the quality of the new examiner's work. More experienced examiners also received regular training to enhance their skills in their respective fields, and to cover changes in the Eurasian law, improvements in examination practices, updating of automated records management systems, and development of search tools. The EAPO held monthly in-house seminars for examiners, where issues related to the examination of applications, approaches to evaluating the patentability of inventions, and an overview of law enforcement practices were discussed. All EAPO examiners were fluent in Russian and proficient in English, at least to the extent that they could consult the technical literature. Seventeen per cent of EAPO experts had knowledge of either French or German, and these experts were distributed more or less evenly among all divisions. The entire records management process at EPO was carried out electronically. Every examiner had an individual automated workstation with two monitors providing access to the electronic file for an application in the Madras-Phoenix system, the SOPRANO administrative information system, search systems and resources, and a system for the preparation of statistical data based on SAP Business Objects software, which were used by examiners for self-monitoring of the status of their applications in the records management system. The high degree of automation of records management for the processing of applications had enabled EAPO to maintain its working pace, volume and quality of work during the COVID-19 pandemic. In summary, the Representative underlined that the requirements of Rule 36.1 and Rule 63.1 as they pertained to the number of employees with the necessary expertise and the linguistic requirements had been met.

9. The Representative continued by explaining access at EAPO to the documentation listed in Rule 34. EAPO searched patent document collections electronically using the Eurasian Patent and Information System (EAPATIS), the Office's own search system, which contained more than 83 million patent documents from the PCT minimum documentation, including a unique database of patent documentation from EAPO and countries in the Eurasian region in Russian that contained 3 million documents. EAPO also had access to other patent search systems such as EPOQUE Net (European Patent Office) and PatSearch (ROSPATENT), which examiners used for patent searches in their respective technical fields, taking into account the patent collection in each of the systems. EAPO experts could also use free patent access systems including PATENTSCOPE, Espacenet, Google Patents and others. Through the EPOQUE Net system, EAPO examiners had access to the Derwent World Patents Index databases, full-text databases of countries, and databases of various classifiers. In order to perform patent searches of chemicals and reactions, examiners had access to the Elsevier Reaxys system. EAPATIS allowed different kinds of searches, including full-text searches, taking into account the morphology of the Russian and English languages. It was also possible to save the search query history and access to the documents found for subsequent review and analysis, performed both in internal data arrays and in external open-access systems. This functionality had been developed to provide for quality control of the patent searches performed and search strategies. Searches were conducted in the languages in which the patent documents had been published. The TAPTA machine translation system provided by WIPO had been integrated into EAPATIS to translate search results and patent documents. This system was also used to translate query texts and search for synonyms in the Russian and English languages. EAPO performed non-patent literature searches in open sources, in its own collection of non-patent literature and in several specialized databases. Based on the list of sources of non-patent literature in the PCT, EAPO had compiled a catalogue of internet resources arranged by technical fields. The catalogue identified portal-type resources (literature in different technical fields), as well as specialized resources in specific fields of knowledge – chemistry, medicine, biotechnology, and physics, among others, with a total of around

30 entries in active use. EAPO also conducted and continually updated its own non-patent literature collection (containing around 4 million journals and articles downloaded from open sources), and worked to ensure full-text searches in this collection using the EAPATIS system. EAPO examiners also had access to other specialized databases for non-patent literature in the EPOQUE Net system, as well as to the Elsevier company database. When examiners did not benefit from online access to the full text of an article, EAPO either purchased the publication or downloaded it from accessible free sources. The Representative therefore concluded by stating that EAPO had full access to the PCT minimum documentation for search purposes.

10. The Representative continued by describing the quality management system (QMS) of the EAPO, as set out in section 2.4 and Annex II of the document. The QMS was introduced in 2011, and had been continually upgraded in accordance with the requirements of Chapter 21 of the International Search and Preliminary Examination Guidelines. The EAPO's principles and objectives in terms of quality were defined in the Quality Management Policy, which was approved by the EAPO President and was accessible to the public on the EAPO web portal. In terms of the structure of the QMS, the President was accountable for the actions of EAPO and for the QMS. The Quality Management Council, which reported to the President, analyzed the effectiveness of the QMS and developed measures to improve it. The Quality Control Division (which was directly under the EAPO President) performed external quality control and was also responsible for reviewing complaints and monitoring user feedback. Internal quality control of work products took place in the Examination Department at the level of the sectoral examination divisions. There was also a Quality Assurance Service, which consisted of the personnel training unit (responsible for examiner training), the methodological support unit (which developed methodological materials regulating the search and examination procedure for Eurasian applications, and making changes and additions to the Patent Search Guide and the Substantive Examination Guide), and the technical support unit for records management (which provided technical support for examination activities, including monitoring of the time spent on searches and examinations). The functioning of the QMS was based on fundamental quality assurance principles such as the systematic establishment of targets, planning of actions and continuous monitoring of quality, analysis of results, and reporting, with the adoption of the appropriate corrective and preventive measures. Quality assurance at EAPO was focused on two aspects: ensuring patent quality and ensuring the quality of procedures and processes involved in issuing a patent. EAPO had a two-tier quality control system based on both internal and external quality control. All work products were checked, from search reports, along with examination finding and decisions, up to the final control of the granted Eurasian patents. Internal quality control was performed on an ongoing basis in sectoral examination subdivisions and was a three-tier process: all examination decisions were adopted by a panel consisting of three examiners, after which they were checked by a supervisor who had been assigned the quality control function with respect to a group of examiners. The manager of the relevant examination subdivision performed selective checks of search reports and examination decisions. Internal control was performed in the records management process before the prepared documents were dispatched, and deficiencies were corrected. The results of internal control were documented and sent for further analysis to the external control unit. Inspections that were part of external control were performed by the Quality Control Division in accordance with annual plans approved by the President. When necessary, the President had the right to initiate an unscheduled inspection of any work process to check on compliance with current standards. Inspections were performed on a selective basis, covering at least 7 to 8 per cent of the work products, which allowed for statistical reliability of the sample. Internal control was therefore aimed at identifying deficiencies with a view to correcting them before the material was sent to the applicant, while external control was performed with the aim of identifying and analyzing systemic deficiencies and developing the appropriate corrective or preventive measures, for example, the need to train examiners, to make changes to the regulatory/methodological framework, or to revise quality criteria. A comprehensive review of the effectiveness of the current QMS was performed annually by the Quality Management Council, and as a result, quality standards were developed, targets adjusted, and changes

made to certain elements of the QMS. EAPO was employing quality assurance mechanisms such as user feedback, where it had a well-established mechanism for reviewing complaints, and an effective system for monitoring the level of satisfaction among various categories of users. As for ensuring the quality of searches and examinations, special attention was given to the development of resources, both in terms of the qualifications of the examiners and search resources. With regard to the administration of procedures, the EAPO had an automated administration system that allowed for the monitoring of all procedural deadlines, as well as the effective management of the application portfolio, the distribution and redistribution of the examiners' workload, and the analysis of trends in technical fields, an important tool for various types of prospective planning and risk assessment. In terms of the management of risks that could have an impact on search and examination quality, EAPO had already introduced approaches for the consideration of risks of a technical nature (with regard to ICT infrastructure, information security), and coverage was now being expanded to include other risk categories, such as using risk-based practices in personnel planning. Concerning the requirement of Chapter 21 of the International Search and Preliminary Examination Guidelines with regard to documentation, all of the procedures and processes at the EAPO were documented, including those with respect to preserving the search query history, including the search strategy used, which was one of the key tools for evaluating search quality. The structure and functioning of the QMS contained all of the elements to ensure search and examination quality as set forth under Chapter 21. The system was also flexible and able to respond quickly to newly assigned tasks. With regard to opposition systems, EAPO ensured that all the elements within the search and examination processes were managed reliably, thereby enabling EAPO to have a flexible system which could respond to any challenges.

11. The Representative stated further that if the EAPO became an International Searching and Preliminary Examining Authority, applicants in the Eurasian region could go through all of the stages in the review of an international application at a single Office. Many of these applicants would be able to rely on previous positive experience in obtaining a patent through the Eurasian patent procedure, using tools and communication channels with which they were already familiar, using the Russian language, and also, when necessary, taking advantage of the ability to communicate with EAPO examiners in languages of Eurasian Patent Organization member countries. As the PCT was one of the main routes for patent protection at an international level, the Representative stated that by appointing EAPO as an ISA/IPEA, it would be possible to expand the PCT System in the region and increase the effectiveness of its use by inventors and companies, which in turn was one of the important conditions for high-tech developments, and more broadly, for the development of innovation-based economies. The EAPO intended to make every effort to encourage these processes. The appointment of the EAPO as an ISA/IPEA would allow it to engage in more active participation in international initiatives and projects aimed at distributing the workload, raising internal work standards, and further improving the services offered to the benefit of users. The EAPO would extend any best practices it developed to national Offices in Eurasian Patent Organization Member States through the ongoing system of practical training for examiners and specialists and the practice of sharing experiences at conferences, seminars and working meetings of examiners held every year in the Eurasian region. From the standpoint of strengthening the Office's search and examination potential, EAPO was already deeply integrated into many global processes. For example, EAPO participated in Patent Prosecution Highway (PPH) programs with the European Patent Office and the IP Offices of China, the Republic of Korea, Japan, and Finland, and it was considering the possibility of joining the Global Patent Prosecution Highway (GPPH) system. EAPO used the Cooperative Patent Classification (CPC) as an internal classification system, together with the International Patent Classification (IPC). Moreover, EAPO made active use of global instruments developed by WIPO such as the Digital Access Service for priority documents (WIPO DAS), the Centralized Access to Search and Examination (WIPO CASE) and the machine translation system, which was installed on EAPO servers. EAPO also transmitted Eurasian patent information for entry in the PATENTSCOPE database and used the ePCT system, including for the filing of international applications. EAPO was an active participant in

international information exchange with more than 50 patent Offices and organizations, resulting in Eurasian patent documents and information on legal status being available in the leading global patent databases. The Representative concluded by stating that the EAPO believed that, despite the COVID-19 pandemic, it was right moment for appointment as an ISA/IPEA.

12. The Delegation of China expressed support for EAPO to be appointed as an ISA/IPEA. In September 2019, the China National Intellectual Property Administration (CNIPA) had produced the assessment report on the appointment in Annex III of the document. The Delegation stated that EAPO had effectively put in place internal examination procedures, a quality management system and, with regard to monitoring, prevention and improvement measures. The Delegation therefore believed that, by becoming an ISA/IPEA, EAPO would help provide services and support the development of intellectual property in the region.

13. The Delegation of the Russian Federation, speaking on behalf of the Group of Central Asian, Caucasus and Eastern European Countries (CACEEC), supported the appointment of EAPO as an ISA/IPEA. The appointment would help EAPO to pursue their policy of encouraging greater use of the international patent system and promoting innovation in the region. The Delegation noted that EAPO fulfilled the requirements and prerequisites to become an ISA/IPEA under Rules 36.1 and 63.1 and would make a reliable partner for other participants in the international patent system. In this respect, EAPO had a sufficient number of qualified experts, the required technical and information resources and a quality management system in place. CACEEC believed that applicants from Eurasian countries would benefit from the broadened mandate for EAPO in the PCT System as it would enable them to complete all stages of the examination of an international application at their regional patent office. This autumn would mark the 25th anniversary of EAPO, and their appointment as ISA and IPEA would be a landmark development in its history.

14. The Delegation of the Russian Federation, speaking in its national capacity, supported the appointment of EAPO as an ISA/IPEA. The Delegation indicated that the Federal Service for Intellectual Property of the Russian Federation (ROSPATENT) had been working with EAPO for many years. EAPO fulfilled the minimum requirements for working as an ISA/IPEA and its international expertise would be broadened through the appointment. The Delegation agreed that EAPO had the required examiners, technical resources and quality management system. The experts of EAPO were educated to university level, had technical experience in their specialism, and the required legal knowledge of the patent application system. EAPO had its own search system for patent literature, offering access to millions of documents and EAPO examiners were trained to use the search systems of ROSPATENT and the European Patent Office. The Delegation noted also that EAPO had its own non-patent literature collection of around 4 million documents, and that EAPO used specialized databases. The quality management system at EAPO involved internal and external monitoring of quality and included systems for obtaining feedback from users, for example, through regular surveys. ROSPATENT had witnessed the expertise of EAPO examiners in international search and believed that the appointment would support the PCT System.

15. The Delegation of the United States of America stated that the United States Patent and Trademark Office (USPTO) had found the application to be thorough and complete, and underlined that EAPO had clearly satisfied the relevant requirements for appointment. Nonetheless, the Delegation had several questions. First, the Delegation asked the EAPO to clarify the differences between the levels of examiners, noting that the document mentioned principal examiners, leading examiners and examiners. Second, the Delegation inquired about the future international search fee at EAPO. Third, the Delegation asked whether EAPO had estimated the increase in workflow after starting operations as an ISA/IPEA, and in that regard, how EAPO would plan to prioritize the PCT work in order to meet the relevant time limits, for example, under Rule 42, without adversely affecting pendency of regional applications. Finally, with regard to the quality assurance system, the Delegation asked if EAPO would be willing to

share its checklists either online or at a future meeting of the Quality Subgroup, and whether the group leaders and the heads of the examination divisions performed their selective checks before or after reports were mailed.

16. The Delegation of Kazakhstan stated that EAPO had proved that it had the capacity to assume the functions of ISA/IPEA. First, the Delegation noted the solid expertise of EAPO staff in conducting patent examinations, searches, and other relevant activities. The Delegation pointed out that EAPO examiners participated on a regular basis in international seminars to develop their skills and expand on their qualifications. Besides, EAPO assisted Member States of the Eurasian Patent Convention. The National Institute of Intellectual Property of Kazakhstan used the EAPATIS system as one of its mandatory search databases, giving access worldwide to patent documents, including the databases of the United States Patent and Trademark Office, the Japan Patent Office, and the Korean Intellectual Property Office. At full operation, EAPATIS demonstrated itself to be a coherent and swift system for the search of patents. In addition, in terms of capacity building for national IP Offices of Member States of the Eurasian Patent Convention, EAPO financed training of examiners at the Russian State Academy of Intellectual Property under the course title of Intellectual Property Patenting, as well as on other up-to-date topics on intellectual property. Furthermore, the EAPO organized annual advanced training courses for IT specialists at training centers in Moscow. Overall, the Delegation was confident that the appointment of EAPO as an ISA/IPEA would further strengthen the patent protection system in the Eurasian region.

17. The Delegation of the United Kingdom supported the appointment of EAPO as an ISA/IPEA in view of the evidence provided.

18. The Representative of the Eurasian Patent Office (EAPO) responded to the issues raised in the discussions. With regard to the question about the various types of examiners, EAPO had three categories of examiners, namely examiner, principal examiner and lead examiner. The criteria for distinguishing between these levels were the number of years of experience, the ability to mentor trainees and the ability to take part in the development of methodologies and new technology for patent examination. First rank examiners conducted examination under the supervision of their mentor, second rank examiners worked independently but agreed decisions with their peers, and lead examiners, the highest tier, examined independently, mentored trainee examiners, and were responsible for the functioning of the quality management system. With each promotion, the functions of examiners expanded in terms of patent searches. Regarding the exclusion of subject matter from international search, while EAPO conducted examinations for patent applications containing methods of treating humans and animals, EAPO would exclude any subject matter listed in Rule 39 from international search and preliminary examination if it was not patentable under the Eurasian Patent Convention. With regard to an increased workflow if EAPO were appointed, the Representative stated that EAPO expected work to rise initially by 7 per cent based on the level of activity of its applicants in the PCT System and the growth forecasts of international applications. Regarding checklists, the Representative confirmed that EAPO had standalone checklists in Russian regarding the search report and the examination of patents. The Delegation indicated that the reports were forwarded to EAPO's supervision bodies and if needed, would be translated into English. These checklists were developed on the basis of the Eurasian procedure, but EAPO would develop a new procedure for international search and international preliminary examination after appointment. Finally, referring to the question on whether group leaders and heads of examination performed selective checks before or after mailing, the Representative pointed out that an internal search was conducted by the mentor or head of division before the search. If there were any flaws in the search, EAPO would look into the history of the application, the consulted databases and the search strategy and the file would be returned to the examiner to conduct a new round of examination. A search report would only be forwarded to the applicant after the additional analysis showed that all requirements had been met.

19. The Delegation of the Russian Federation referred to the visit of the Federal Service for Intellectual Property of the Russian Federation (ROSPATENT) to EAPO during the preparation of the application. During the visit, ROSPATENT had been satisfied that EAPO examiners had the necessary access to patent and non-patent documentation. However, the Delegation asked whether EAPO had plans to expand on search possibilities.

20. The Representative of the Eurasian Patent Office (EAPO), in reply to the question from the Delegation of the Russian Federation, stated that examiners were already using the Elsevier EmBase and Elsevier Reaxys Medical Chemistry databases, as had been planned in the document. EAPO was also following the development of technologies in the field of conducting patent searches using artificial intelligence (AI) facilities and technologies and was independently working on developments in this area.

21. The Chair summarized that the members of the Committee had expressed their support, either orally or in writing, for the appointment of the Eurasian Patent Office as an International Searching and Preliminary Examining Authority. Moreover, the Chair considered that the Eurasian Patent Office had responded satisfactorily to the questions raised during the discussions. The Chair therefore proposed that the Committee should recommend the appointment to the Assembly.

22. The Committee unanimously agreed to recommend to the Assembly of the PCT Union that the Eurasian Patent Office be appointed as an International Searching and Preliminary Examining Authority under the PCT.

23. The Representative of the Eurasian Patent Office (EAPO) thanked the Committee for the positive recommendation. The appointment as an ISA/IPEA would involve taking on commitments to the community and applicants in the Eurasian region. Along with the 25th anniversary, the appointment marked one of the highest achievements for EAPO.

AGENDA ITEM 5: SUMMARY BY THE CHAIR

24. The Committee noted the contents of the Summary by the Chair in document PCT/CTC/31/3, established under the responsibility by the Chair, and agreed that it should be made available to the PCT Assembly, as a record of the advice given under agenda item 4.

AGENDA ITEM 6: CLOSING OF THE SESSION

25. The Chair closed the session on October 6, 2020.

26. *The Committee adopted this report by correspondence.*

[Annex follows]

WRITTEN STATEMENTS RECEIVED IN ADVANCE OF THE SESSION

The following positive recommendations concerning the appointment of the Eurasian Patent Office as an International Searching and Preliminary Examining Authority were received in advance of the session from the IP Offices of Armenia, Azerbaijan, Belarus, Brazil, Canada, Chile, China, Colombia, Czech Republic, Egypt, Kazakhstan, Mexico, Republic of Moldova and the Russian Federation.

ARMENIA / INTELLECTUAL PROPERTY AGENCY (ORIGINAL: RUSSIAN)

The Intellectual Property Agency under the Ministry of Economy of the Republic of Armenia (the Agency) supports the appointment of the Eurasian Patent Office (EAPO) as an International Searching Authority (ISA) and International Preliminary Examining Authority (IPEA) under the PCT System.

The Agency has established successful long-term cooperation with EAPO, and we are well aware of the highest professionalism of the patent experts of EAPO. EAPO possesses many years of experience in search and examination as a regional patent Office, it is equipped with the modern IT and technical tools, and provides its applicants with the electronic services of high quality. Thus, we can be sure that international search and preliminary examination will be held by EAPO at the top level, in compliance with all the PCT requirements.

The reports of the Federal Service for Intellectual Property (Rospatent) and the China National Intellectual Property Administration (CNIPA), which have assisted EAPO in evaluation of its readiness to perform the functions of ISA/IPEA, have proven compliance of EAPO with all the main criteria for the appointment as ISA/IPEA.

The appointment of EAPO as ISA/IPEA under the PCT System will provide for promotion of the PCT System in the Eurasian region, both among individual inventors and science and research organizations.

AZERBAIJAN / INTELLECTUAL PROPERTY AGENCY (ORIGINAL: ENGLISH)

Referring to the World Intellectual Property Organization Circular C. PCT 1598, the Intellectual Property Agency of the Republic of Azerbaijan informs about the support of the Azerbaijani side, on the appointment of the Eurasian Patent Office (EAPO) as an International Searching Authority (ISA) and International Preliminary Examining Authority (IPEA) under the PCT.

According to the EAPO application materials and as evident from the reports of the two assisting offices presented in the document of the session PCT/CTC/31/2, EAPO meets all the requirements and criteria for appointment as ISA/IPEA under the PCT.

The Republic of Azerbaijan has been a party to the Eurasian Patent Convention since 1995. Through all these years, taking part in the activity of the governing bodies of the Eurasian Patent Organization, as well as having different forms of cooperation with EAPO, including regular training sessions for examiners and experts of national patent offices, conferences, seminars, use of the EAPATIS patent information system, we have witnessed a sustainable development of this office. On this basis, the EAPO's intention to seek appointment as ISA/IPEA, under the PCT, appears entirely relevant to us.

We are certain that the new capacity of EAPO as International Authority will expand the access to international search and preliminary examination services for the applicants of the Republic of Azerbaijan and of the whole region and will promote the use of the PCT System both in our country and in the region.

BELARUS / NATIONAL CENTER OF INTELLECTUAL PROPERTY (ORIGINAL: ENGLISH)

The National Center of Intellectual Property of the Republic of Belarus (NCIP) expresses its support of the appointment of the Eurasian Patent Office (EAPO) as an ISA/IPEA under the PCT.

At the Thirty-Fifth (26th Extraordinary) Session of the EAPO Administrative Council held on September 10 and 11, 2019 in Kazakhstan the Council representatives unanimously adopted a decision to grant the EAPO the authority to request the status of an ISA/IPEA.

The Republic of Belarus alongside the other member states of the Eurasian patent system is interested in further development of the regional patent system and emphasizes the significance of EAPO activities and services for this process.

Taking into account many years of successful cooperation with EAPO and its contribution to the development of the regional system of intellectual property, we believe that the Eurasian Patent Office meets all the requirements for the aforementioned appointment.

BRAZIL / NATIONAL INSTITUTE OF INDUSTRIAL PROPERTY (ORIGINAL: ENGLISH)

Brazil has no comments on document PCT/CTC/31/2 and has no objection to the appointment of the Eurasian Patent Office (EAPO) as an International Searching and Preliminary Examining Authority under the PCT.

CANADA / CANADIAN INTELLECTUAL PROPERTY OFFICE (ORIGINAL: ENGLISH)

The Canadian Intellectual Property Office (CIPO), in its capacity as an International Searching and Preliminary Examining Authority (ISA/IPEA) and a member of the PCT Committee for Technical Cooperation, thanks the World Intellectual Property Organization (WIPO) for the opportunity to provide statements concerning the application from the Eurasian Patent Office (EAPO) to become an ISA/IPEA under the PCT.

Please note that Canada reserves the right to revisit its comments below in case the Secretariat accords an extension to respond to Circular C. PCT 1598.

CIPO has reviewed the application and is satisfied that all of the criteria for appointment as an ISA/IPEA have or will have been met by the time of appointment.

The EAPO currently has just over the minimum required number of full time examiners, all of whom have sufficient technical qualifications to carry out patent searches both in the traditional technical fields of patenting (mechanical engineering, chemistry, electrical engineering, etc.) and in high-tech fields (biotechnology, telecommunications, etc.). It is noted that there is a higher proportion of examiners in the chemical, biotechnology and pharmaceutical fields as compared to the electrical and mechanical fields. This distribution appears to be consistent with the distribution of Eurasian applications received by technical field, however, depending on evolving demands, it could be that future hiring at EAPO will be required in the mechanical and electrical areas to adequately cover all technical fields.

The EAPO's training program appears to be extensive. However, it has been CIPO's experience that a certain quantity of PCT work is needed in order to sustain examiners' knowledge of the PCT processes. Given the relatively small size of the Office, the EAPO may want to consider additional on-going PCT training mechanisms to enable their examiners to maintain their skill set until such time as their PCT workload increases.

The Quality Management System (QMS) provided in the application is well written and very thorough. CIPO currently has no concerns regarding EAPO's QMS. CIPO would like to welcome the EAPO to contribute actively to Quality Subgroup (QSG) discussions at meetings

and on the QSG wiki, and encourage them to participate in the peer review held at the QSG meetings as a way to share and learn from other offices.

The EAPO appointment would add another Russian language service to the PCT System, which is seen as advantageous by CIPO. Presently, the only other Russian speaking ISA is the Federal Service for Intellectual Property of the Russian Federation (ROSPATENT).

Based upon the strength of the China National Intellectual Property Administration's (CNIPA) and ROSPATENT's endorsements of EAPO's adherence to the criteria, CIPO can support this bid on those grounds. We look forward to seeing their work.

CHILE / NATIONAL INSTITUTE OF INDUSTRIAL PROPERTY (ORIGINAL: ENGLISH)

In response to Circular C. PCT 1598 concerning the application for appointment of the Eurasian Patent Office (EAPO) as an International Searching and Preliminary Examining Authority under the PCT in accordance with Articles 16(3)(e) and 32(3) of the PCT and the relevant understanding of the PCT Assembly, as modified at its fiftieth (29th Extraordinary) session, held in Geneva from September 24 to October 2, 2018, and after having reviewed document PCT/CTC/31/2, published on March 20, 2020, the National Industrial Property Institute of Chile, INAPI, as member of the Committee, makes the following statement on above-mentioned subject matter.

INAPI fully supports the appointment of the Eurasian Patent Office (EAPO) as an International Searching and Preliminary Examining Authority, ISA/IPEA, under the PCT in accordance with Articles 16(3)(e) and 32(3) of the PCT and the relevant understanding of the PCT Assembly.

In this regard, INAPI firmly believes that the Eurasian Patent Office (EAPO) complies with the minimum requirements contemplated under PCT Rules 36 and 63, especially those relating to the number of examiners, access to minimum documentation and the existence of a quality management system, which in addition to the positive evaluation made by both, the Federal Service of Intellectual Property of the Russian Federation (ROSPATENT) and the China Intellectual Property Administration (CNIPA), makes INAPI trust that this new ISA/IPEA will be beneficial for the operation of the PCT System, distributing search resources and consequently providing greater alternatives to users when choosing an ISA/IPEA in their requests in the English or Russian languages.

CHINA / NATIONAL INTELLECTUAL PROPERTY ADMINISTRATION (ORIGINAL: CHINESE)

The China National Intellectual Property Administration (CNIPA), as a member of the PCT Committee for Technical Cooperation, has carefully reviewed Document PCT/CTC/31/2 and agrees to the appointment of the Eurasian Patent Office (EAPO) as a new International Searching and Preliminary Examining Authority (ISA/IPEA) under the PCT.

In accordance with the relevant requirements of the PCT Rules, CNIPA assisted and issued a report in September 2019 in which it provided its assessment (as stated in document PCT/CTC/31/2) of the extent to which EAPO met the criteria for appointment as an ISA/IPEA. In terms of its number and competence of examiners, PCT minimum documentation, and quality management and internal inspection, EAPO meets the minimum requirements for an ISA/IPEA provided for under PCT Rules 36 and 63. Therefore, CNIPA agrees to the appointment of EAPO as an ISA/IPEA under the PCT.

We believe that the appointment of EAPO as an ISA/IPEA under the PCT will facilitate the provision of PCT International Search and Preliminary Examination services to users in the Eurasian region and from other parts of the world, and will contribute to the development of the PCT System in the region.

COLOMBIA / SUPERINTENDENCE OF INDUSTRY AND COMMERCE (ORIGINAL: SPANISH)

We are grateful to the Secretariat for the preparation of document PCT/CTC/31/2 and we consider it of the utmost importance to continue discussions of the Committee for Technical Cooperation, despite the situation that member States are currently facing.

Considering the favorable opinion of the Federal Service for Intellectual Property of the Russian Federation (ROSPATENT) and the China National Intellectual Property Administration (CNIPA), as well as the information contained in document PCT/CTC/31/2, we support the appointment of the Eurasian Patent Office (EAPO) as an International Searching and Preliminary Examining Authority under the Patent Cooperation Treaty (PCT).

We are certain that such appointment will strengthen the PCT System in the Eurasian region and will enable member countries in the region to perform all procedures relating to an International Application within the regional Office, thereby encouraging the use of the PCT system in the region.

CZECH REPUBLIC / INDUSTRIAL PROPERTY OFFICE (ORIGINAL: ENGLISH)

The Industrial Property Office of the Czech Republic supports the appointment of the Eurasian Patent Office (EAPO) as an International Searching Authority (ISA) and International Preliminary Examining Authority (IPEA) under the PCT.

According to the document PCT/CTC/31/2, which contains the EAPO application and the documentation in support of the application, the EAPO meets the requirements for appointment as an International Authority under the PCT.

The appointment is also recommended by the Federal Service for Intellectual Property of the Russian Federation (ROSPATENT) and the China National Intellectual Property Administration (CNIPA) with which the EAPO cooperated.

The Industrial Property Office of the Czech Republic as a member of the Committee for Technical Cooperation agrees to recommend to the Assembly of the PCT Union that the Eurasian Patent Office be appointed as an International Searching Authority and International Preliminary Examining Authority under the PCT.

EGYPT / EGYPTIAN PATENT OFFICE (ORIGINAL: ENGLISH)

The Egyptian Patent Office (EGPO) would like to express its support to the appointment of the Eurasian Patent Office (EAPO) as an International Searching and Preliminary Examining Authority (ISA/IPEA) under the PCT.

We trust that the appointment of EAPO as an ISA/IPEA under the PCT will positively contribute to the promotion of the use of the PCT system in the Eurasian region.

KAZAKHSTAN / NATIONAL INSTITUTE OF INTELLECTUAL PROPERTY (ORIGINAL: RUSSIAN)

At the thirty-fifth (twenty-sixth ordinary) meeting of the Administrative Council of the Eurasian Patent Organization, held on September 10 and 11, 2019 in Nur-Sultan, the participants unanimously voted for the initiative of claiming the status of the International Searching Authority (hereinafter - ISA) and the International Preliminary Examining Authority (hereinafter - IPEA) by the Eurasian Patent Office (hereinafter - EAPO).

The Ministry of Justice of the Republic of Kazakhstan believes that the EAPO has a high level of informational support, adequate human resources and experience of successful organization of the quality management system of search and examination.

The Republic of Kazakhstan along with other member states of the Eurasian patent system is interested in further development of the Eurasian patent system and EAPO potential as ISA and IPEA.

In addition, the expansion of the EAPO functions under the PCT System is important for the countries of the Eurasian region, as applicants from these countries will be able to go through all the stages of the consideration of the international application in their regional office. The countries of the Eurasian region are aimed at innovative development path, in this regard, are interested in using one of the main mechanisms for the protection of innovations at the international level, which is the PCT System.

In this regard, Kazakhstan believes that the EAPO meets all the requirements for the appointment, and shows support to the EAPO in an effort to obtain the status of ISA/IPEA.

MEXICO / INSTITUTE OF INDUSTRIAL PROPERTY (ORIGINAL: SPANISH)

In response to Circular C. PCT 1598, concerning the thirteenth session of the Patent Cooperation Treaty (PCT) Working Group and the thirty-first session of the PCT Committee for Technical Cooperation (the Committee), held virtually from May 26 to 29, 2020, the Mexican Institute of Industrial Property (IMPI) submits the following comments.

IMPI notes that the Eurasian Patent Office (EAPO) seeks to serve as the competent International Searching and Preliminary Examining Authority for member states of the Eurasian Patent Office (EAPO) and has been called upon to act as a competent International Searching and Preliminary Examining Authority for countries throughout the Eurasian region.

IMPI notes the tools and databases available to conduct prior art patent searches: EAPATIS, EPOQUE Net, PatSearch, PATENTSCOPE, Espacenet and Google Patents. IMPI further confirms that it has access to the aforementioned public databases and the paid services of EPOQUE Net and Derwent, such that the information found during searches would be identical to the substantive examination that, if applicable, would be performed by IMPI.

Therefore, IMPI has no objection to giving a positive answer to the enquiry made in Circular C. PCT 1598, concerning the appointment of EAPO as an International Searching and Preliminary Examining Authority.

REPUBLIC OF MOLDOVA / STATE AGENCY ON INTELLECTUAL PROPERTY (ORIGINAL: ENGLISH)

With reference to the WIPO Circular C. PCT 1598 and after having examined the document PCT/CTC/31/2, the State Agency on Intellectual Property of the Republic of Moldova (AGEPI) hereby informs you about its support for the application submitted by Eurasian Patent Office (EAPO) for appointment as an International Searching and Preliminary Examining Authority (ISA/IPEA) under the PCT in accordance with Articles 16(3)(e) and 32(3) of the PCT.

RUSSIAN FEDERATION / FEDERAL SERVICE FOR INTELLECTUAL PROPERTY (ROSPATENT) (ORIGINAL: RUSSIAN)

The Federal Service for Intellectual Property (ROSPATENT) supports the appointment of the Eurasian Patent Office (EAPO) as an International Searching (ISA) and Preliminary Examining Authority (IPEA) under the PCT.

At the Thirty-Fifth (26th Extraordinary) Session of the EAPO Administrative Council held on September 10 and 11, 2019, the Council representatives unanimously adopted a decision to grant the Eurasian Patent Office the authority to request the status of an ISA/IPEA, thereby expressing their interest and support to the countries of the region in the further development of the Eurasian patent system.

The appointment of the EAPO as an ISA/IPEA will facilitate the implementation of the EAPO policy aimed at greater use of the international patent system and the development of innovative processes in the region of Eurasian countries.

With a long history of cooperation between ROSPATENT and EAPO, ROSPATENT believes that EAPO meets the criteria for appointment as an ISA/IPEA in accordance with Rules 36.1 and 63.1 under the PCT. EAPO has a sufficient number of qualified examiners, necessary technical and information resources, as well as a quality management system.

All EAPO examiners possess higher education degrees in the relevant technical specialties, some experts have a degree in the technical field, and some experts also have a degree in law.

A two-tier training program is provided to the beginners, including an initial basic course and advanced training courses in the field of patent law, examination of applications, invention classification systems (IPC, CPC), and the use of databases for patent search.

To carry out international patent search, the EAPO has its own patent search and document retrieval tool EAPATIS (Eurasian Patent Information System), which contains patent documents from the PCT Minimum Documentation under Rule 34.1 of the PCT and a unique database of patent documentation of the EAPO and countries in the Eurasian region. In addition, Eurasian Office examiners also have access to professional patent search systems of other patent offices, such as PATSEARCH (Rospatent) and EPOQUENet (European Patent Office). In terms of their content, these databases exceed the PCT minimum documentation.

In working with non-patent literature, the Eurasian Patent Office has created its own electronic library that contains an ever-growing body of non-patent literature (around 4 million articles). In addition to the electronic library, EAPO examiners may use databases of commercial systems and national information centers depending on the technical field.

In accordance with the Quality Management Policy approved by the EAPO, a two-tier quality assessment of working products and services is provided, in particular, internal and external review of search reports and examination decisions.

The Eurasian Patent Office has developed a user feedback system, which involves regular surveys to determine the level of user satisfaction with the quality of working products and services provided.

In conclusion, it should be emphasized that the expansion of the EAPO functions under the PCT System will be in the best interests of applicants from the countries of the Eurasian region since all stages of the examination of the international application can be carried out in their regional patent office.

[End of Annex and of document]