

INTRODUCTION

1. The United Kingdom in partnership with Canada put forward the proposal on Quality of Patents as set out in document SCP/16/5 in order to generate discussion for future work on this topic which was felt to be of benefit to all those with an interest in efficient and focussed patent systems.
2. We, the United Kingdom, would like to share our Intellectual Property Office's (IPO) experience of encouraging its applicants and their representatives to submit good quality patent applications that make patent processing more efficient for the IPO.

ENCOURAGING BEST PRACTICE THROUGH THE CODE OF PRACTICE, OFFICIAL GUIDANCE & SUPPORT SERVICES, AND WORKING WITH USERS

Code of Practice

3. The *Code of Practice for Patent Applicants and Agents* was drafted by the IPO in consultation with its stakeholders, in the recognition that the quality of application that is received by the IPO in part determines the effort has to be expended during the statutory search and examination, and the quality of the patent granted. The Code does not seek to eliminate the need for search and examination, but rather to optimise drafting towards UK law and avoid formulations that are clearly problematic.
4. The Code of Practice is not binding on applicants or their representatives, but sets out best practice under the current UK Patents Act 1977, and Patents Rules 2007. By making best practice known and asking that it be applied wherever possible, departures from best practice are kept to a minimum, and the IPO can operate more efficiently, ensuring it produces a high quality result.

Official Guidance & Support Services

5. The UK IPO maintains a number of official manuals and routinely issues official notices which are designed to disseminate best practice to users:
 - a. *The Manual of Patent Practice*, an official manual which explains patent practice at the UKIPO, and which, while structured on the Patents Act 1977, is not itself legally binding.
 - b. Practice Notices, which inform users of changes in law, office practice, or the introduction of new services.
 - c. Patents Journal Notices, which inform users on a range of general topics, from changes in forms and fees, to information on best practice in the administration of patent applications.
6. The UK IPO also runs a Private Applicant Unit (PAU) within a specialist formalities team. The PAU has the major roles of being a centre of excellence in dealing with enquiries from the public about how to apply for a patent, and

inspecting all patent applications filed by unrepresented applicants and identifying those where patentability or novelty is clearly at issue.

Working with Users

7. There are also a number of ways in which the UK IPO works directly with users to encourage best practice:
 - a. The Patent Practice Working Group (PPWG), which meets quarterly to discuss matters relating to patent practice in the UK, and is attended by representatives of the Chartered Institute of Patent Attorneys (CIPA), IP Federation, ideas21, the International Federation of Intellectual Property Attorneys (FICPI UK) and the UK IPO.
 - b. Customer visits, which provide the IPO with information about what its customers are likely to need over the coming years.
 - c. IP Clinics and, masterclasses and roadshows, which offer advice to individuals and businesses in relation to IP. Some of these initiatives are focussed on encouraging best practice.

PROPOSAL

8. The UK believes that methods of informing, and encouraging applicants to adhere to 'best practice' when filing patent applications under their national laws would be of interest to member states at all levels of development.
9. To this end it is proposed that a workstream of interest to members of the SCP, falling under the Information Access and Exchange category of the agenda item on Quality of Patents, would be the sharing of knowledge and experience of national and regional offices working with their stakeholders to ensure that the patent applications they receive are of high quality.
10. We consider that by sharing details of schemes such as the Code of Practice which aim to get applicants to conform to best practice when operating under the law and rules of member states, offices can identify ways of working with applicants to ensure applications of good quality are received. It is therefore proposed that the SCP undertake an information gathering and exchange exercise. Whereby member states share their experiences of encouraging applicants to file applications which enable efficient and high quality processing and disposition.
11. We would encourage member states to share their experiences, and ask that the International Bureau collect responses and make them available on the SCP electronic forum. It is our belief that answers to questions such as:
 - d. How do you encourage applicants to file applications which best meet with you national laws and rules?
 - e. Do you make knowledge of best practices for applicants to follow when drafting patent applications?
 - f. What experiences can you share?

- g. How has encouraging applicants to file high quality applications resulted in higher quality granted patents?

would be helpful in bringing light to this topic of importance.

[END]