

Questionnaire on the Term “Quality of Patents” and Cooperation between Patent Offices in Search and Examination

The answers to this questionnaire have been provided on behalf of:

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Office: General Directorate of Industrial Property

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Q1. Various aspects may be relevant to the concept of “quality of patents”. It may relate to, for example, quality of patent procedures and management in the office, quality of search and examination, quality of granted patents or quality of a patent system. In addition, the expression “quality of patents” may be understood differently depending on the perspectives of various stakeholders, for example, the perspectives of a patent office, an applicant etc. How does your office understand the term “quality of patents”?

- According to our Law art 28 point 4 says that GDIP shall not make a substantive examination of the invention in conformity with Articles 5, 6, 7, 9 and 10 of this law. Therefore, pursuant to Article 40, paragraph 1, the patent granted by GDIP shall have legal effects, only if the patent owner files written evidence on the patentability of the invention, within 10 years from the filing date. The written evidence may result from the substantive examination conducted for the same patent by EPO, a national office with the status of the International Preliminary Examination Authority pursuant to Article 32 of the Patent Cooperation Treaty or from the national office that has a cooperation agreement with GDIP, as well as a patent granted for the same invention by one of these offices. In case of failure to submit written evidence on patentability, as abovementioned, the patent shall not be effective upon the expiry of the 10 years period.

Q2. What types of cooperation with other patent offices does your office have with respect to search and examination?

Those types of cooperation may include, for example, access to documents/databases of other offices, use of search and examination work products, expertise and resources available in other offices, collaborative search and examination, outsourcing search and examination etc.

- No

Q3. When performing prior art search, patent examiners prepare search strategies and queries (for example, indications of databases and publications, classification codes, search terms and key words used) to find relevant prior art.

Does your office share (for example, via an official website), or exchange, such search strategies and queries with other collaborating offices?

- No

Q4. In order to facilitate the cooperation, what kinds of platforms and tools to share information on search and examination are available in your office? Such platforms and tools include, for example, WIPO CASE, databases allowing other offices to retrieve information and external databases used to retrieve information.

(i) Platforms and tools provided by your office

(ii) Platforms and tools used by your office

- No

Q5. What are the impacts of such cooperation in the area of search and examination to your office? If your office has different types of cooperation and each type of cooperation has different impacts, please indicate them separately.

- No

Q6. What kinds of capacity building are required for different types of cooperation between patent offices in search and examination? Please indicate any specific capacity building needs to conduct such cooperation successfully.

In this context, the capacity building is understood to refer to various activities and trainings that support development of knowledge and skills of office employees for effective cooperation between offices in search and examination.

- In this context, capacity building and collaborative organization regarding systems is primary. Creating an agreement would affect sensitive research and to increase the quality of patents issued from our office. Also is necessary staff training in order to enhance the skills of employees in terms of research in such database for novelty and inventive step, formulation of search report.