

“Quality of Patents” and Cooperation between Patent Offices in Search and Examination

Q1. The principal function of a patent office is to enable the protection of industrial property through the grant of patents to those qualifying for protection, in accordance with the relevant laws. Success in this task is not simply restricted to compliance with the relevant laws but to meeting the needs of the applicants by granting patents of high quality.

By the term “quality” it is meant:

- First of all, the clear and understandable drafting of the patent specification and claims. To help the applicant in this direction our office offers a free of charge pre-filing service to guide the applicant in drafting his patent application, in the context of a one-stop-shop service.
- Search Reports citing all closest prior art and giving the applicant a clear opinion on the patentability of his invention. To achieve this goal the search directorate of the Hellenic Industrial Property Organisation (OBI) conducts regular internal meetings to ensure consistency, identification of best practices, and sharing of knowledge among the examiners. The provision of effective training of all staff, proper documentation and comprehensive guidelines are also of great importance.
- Completeness and correctness of patent databases in order to guarantee the retrieval of the most relevant prior art documents during the search.
- A quality system that clearly describes, monitors and evaluates the conformity and effectiveness of the internal procedures from filing to grant. The commitment of our office to quality is guaranteed by the application of EN ISO 9001: 2008 quality system.

Q2. The Hellenic Industrial Property Organisation, as the competent national authority to grant patents, has always been in close cooperation with the European Patent Office (EPO) in the area of search and examination. All our examiners got their initial training on search and examination matters in the EPO. Additionally, they regularly attend seminars or webinars every year organized by the European Academy. They use the same search tools (i.e. EPOQUE search engine) and have access to the same main databases (ie. EPODOC) as the EPO examiners.

Our Office is one of the first offices to classify the national patent applications according to the CPC classification system. CPC classification data are provided to the EPO on a monthly basis.

Additionally, according to a bilateral Agreement with the EPO, a small number of national patent applications on specialized technical fields which cannot be searched by our office, are forwarded every year to the EPO for search.

Q3. No. For the time being there is no exchange of search queries for search reports with other offices. However, internally, as regards prior art searches, search queries can be viewed and reused by our examiners via our “prior art search application tool”, which is a database for the registration of prior art searches and the retrieval of prior art search strategies.

Q4. i) The search report as such is not available to third parties electronically. However, a list of all cited documents in the search report conducted by our office along with the category symbols and the applicant/holder names are available in Greek and English in the National Patent Register database in the field *cited/related documents* upon grant of the patent or 18 months from the application date, at the latest.

ii) In the same way we use the European Register to retrieve information on search and examination of European patent applications.

iii) Use of “prior art search tool application” for managing prior art search applications and for our examiners to be able to view and reuse prior art search strategies.

Q5. The access to the search reports of the European patent applications accelerates and enhances the retrieval of prior art documents improving the quality of searches conducted by our office.

Q6. For an effective cooperation between patent offices, patent applications must be treated by all offices in exactly the same way during search and examination. This means that examiners in the various offices acquire through common training programs:

- One and the same philosophy in classifying patent documents either in IPC or CPC. This will ensure the successful retrieval of prior art documents during search.
- One and the same philosophy in assessing patentability requirements, namely ‘novelty’ and ‘inventive step’. This will erase inconsistencies between search reports of various offices on the same invention.
- Availability of a “common tool” for all for such an exchange of information and experience. No “fragmentation” of tools and resources should take place between the different patent offices, especially the large ones i.e. WIPO, EPO.

The above will ensure that patent examiners around the world “speak the same language” as far as search and examination is concerned.