

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

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

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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”?

A “quality patent” could be described as a granted patent that fulfils all the necessary requirements stipulated in the Swedish Patent law and accompanying regulations. In particular, the most relevant state of the art should have been consulted/considered during the assessment of the application and the Law/regulations interpreted in line with the practice of the office (which in turn is taking practice developed by the appeal boards, national and EPO EBoA into consideration).

The Patent should have been granted in due time, in accordance with our service liabilities.

However, the term “Quality of Patents” could be understood in a broader context at the Swedish Patent Office, and we would rather use the term “quality of patent applications” or “quality of patent process”

The term is to be seen in the view of the user (applicant) and any other party affected by any communication or decision made by the Swedish Patent Office.

The term can generally be divided in three different perspectives:

- a) Any patent application or part of the Patent process shall at all times fully comply with all national and international laws, rules and regulations as applicable.

- b) Any patent application or part of the Patent process shall at all times be fully transparent and easily understood by the applicant or other parties.

Note: This means that any decision made or any task performed by the Swedish patent office shall be explained so that the client fully understand the basis for, and the consequences of the decision or the task. It also includes the ability to offer tools for applicants and other parties to for easy communication with the office. Quality in this perspective is to be measured by client satisfaction.

- c) Any patent application or part of the patent process shall be executed at the highest possible quality standard.

Note. This means that the standard of formalities handling, Search and examination as well as any other part of the patent process shall be performed at a higher standard than any other comparable business.

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.

The Swedish Patent Office has extensive experience in cooperation with both national and International (PCT) Offices. We find cooperation a very important part of our business in order to fulfil the quality criteria above. In the area of search and examination we cooperate with several offices regarding examiner exchange, benchmarking, training etc.

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?

Not on a regular basis, but several of our cooperation's has included exchange of search results as well as search queries and search strategies.

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

For the moment we do not use any platform for the exchange of information with other offices. However, we have an internal tool for the storage of search recordation data which we intend to use

for WIPO-case and search recordation information in search reports as well as for other search exchange programs *i.e.* UIP etc

(ii) Platforms and tools used by your office

Our search tool is EQN (with own developed preparations) and the search recordation database, which is also used for quality assurance (second pair of eyes). Library search tool, Libra (NPL) Swedish Patent Database (web tool), STN Express, GNPD and STN's web platform to mention the most important ones.

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.

It is difficult to estimate the impact of cooperation has had on our results and quality, but we definitely believe it has had impact. Generally, any cooperation will give input to our process and may result in training activities, the development of our working instructions or general continuous improvements.

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.

Different cooperation's will need different kinds of capacity building and training, we would however like to indicate the following as some of the most important general capacity building and training activities in order to be successful:

A vision and/or strategy for cooperation:

What do the Offices want to achieve.

A Framework for the cooperation:

Clear definitions on what should and what should not be assessed or evaluated by the offices in cooperation. Including a resource plan defining the amount of search and examining resources going to be available for the cooperation.

A cooperation execution plan and cooperation procedures (information):

A well-defined plan on how and when assessment/benchmarking – actions – implementation – reassessment – evaluation – learning etc. are going to take place, preferably this loop can be recurrent.

Technical platform:

Preparation and development of common technical platforms to be used for the cooperation. *i.e.* platforms and tools for sending and receiving search results, evaluation forms etc.

Training:

Managers might need training in how to create and develop the issues above. Examiners might need training in the use of the technical platforms etc.

For successful cooperation initial training on the different offices and their background, culture and basic similarities and differences is of importance.

[End of Questionnaire]