

WIPO



PCT/A/36/3

ORIGINAL: English

DATE: July 23, 2007

WORLD INTELLECTUAL PROPERTY ORGANIZATION
GENEVA

**INTERNATIONAL PATENT COOPERATION UNION
(PCT UNION)**

ASSEMBLY

**Thirty-Sixth (16th Ordinary) Session
Geneva, September 24 to October 3, 2007**

QUALITY MANAGEMENT SYSTEMS FOR PCT INTERNATIONAL AUTHORITIES

prepared by the International Bureau

SUMMARY

1. Reports from each International Searching and Preliminary Examining Authority, setting out how each Authority has implemented a quality system in accordance with Chapter 21 of the PCT International Search and Preliminary Examination Guidelines, have now been made publicly available on the PCT website and will be updated annually. Further work on development of the Quality Framework under the PCT is awaiting developments in the European Quality System in the framework of the intended establishment of the European Patent Network.

BACKGROUND

2. At its 31st session, held in Geneva from September 23 to October 1, 2002, the Assembly invited the Working Group on Reform of the PCT (“the Working Group”) to consider proposals for development of a common quality framework for International Searching and Preliminary Examining Authorities under the PCT (paragraphs 52 to 65 of document PCT/A/32/10). Following discussions in the Working Group, in the Meeting of International Authorities (PCT/MIA) and in a task force set up to consider detailed proposals, Chapter 21 of the PCT International Search and Preliminary Examination Guidelines (“the Guidelines”) was adopted, setting out “A Common Quality Framework for International Search and Preliminary Examination”.

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3. Each International Authority submitted a report to the Meeting of International Authorities in early 2004, followed by an updating report in 2005, indicating what it had done to implement a quality management system in accordance with the Guidelines. General reports were made to the Assembly (documents PCT/A/33/6 and PCT/A/34/4). Building on the experience of these first two sets of reports, the Meeting of International Authorities concluded that a greater consistency in reporting style would assist in understanding the reports, allowing International Authorities to learn more from them.

RECENT DEVELOPMENTS

4. At its 13th session, held in May 2006, the Meeting of International Authorities adopted templates for initial (complete) reports and for annual supplementary (updating) reports by all Authorities (Annexes II and III of document PCT/MIA/13/8). In order for these templates to be of greatest use, it was considered necessary for the next reports by all Authorities to be based on the new template for complete reports. Authorities would then usually prepare updating reports, but a new complete report would be presented every five years (paragraphs 20 to 22 of document PCT/MIA/13/8). The Meeting of International Authorities also noted a glossary of terms and a checklist (Annexes IV and V of document PCT/MIA/13/3), which had been prepared by the European Patent Office to assist the process of assessment, reporting, understanding and consequent improvement of quality systems.

5. Each International Authority submitted a complete report at the end of 2006 for discussion by the Meeting of International Authorities. The discussions of the Meeting of International Authorities at its 14th session (paragraphs 33 to 36 of document PCT/MIA/14/8) are outlined as follows:

“QUALITY FRAMEWORK

“33. Discussions were based on document PCT/MIA/14/4. The Meeting noted the reports on the quality management systems that had been prepared by each of the Authorities, submitted to the Secretariat and made available on the PCT/MIA electronic forum. The reports had been prepared using templates for the purposes of reporting in accordance with Chapter 21 of the PCT International Search and Preliminary Examination Guidelines that had been developed by the European Patent Office and adopted by the Meeting at its 13th session, held in May 2006.

“34. There was general satisfaction with the templates used by Authorities in preparing the reports. The European Patent Office noted that the reports were not intended to be prepared *pro forma* but rather should be expected to contain both positive and negative aspects, based on each Authority’s assessment of its own progress in implementing quality management systems. The contents of a frank report would be valuable not only for the Authority concerned but also for other Authorities in learning lessons from the experience of others.

“35. The European Patent Office recalled that it had been charged with leading further work on the PCT search and examination quality framework by a decision of the Meeting at its 13th session but stated that recent developments in the European context, in particular the development of a European Quality System in the framework of the intended establishment of the European Patent Network, had prevented it from making much progress on this matter. The Office noted the importance of those developments for the further work on the PCT search and examination quality framework and suggested that further work by the Meeting on the PCT quality framework, which the Office was prepared to continue to lead, should await progress in the European context.

“36. The Meeting:

“(i) noted the reports on quality management systems that had been submitted by all International Authorities, agreed that the templates used provided a satisfactory basis for preparing such reports, and invited Authorities to provide comments, via the PCT/MIA electronic forum, on the usefulness of the templates;

“(ii) agreed that those reports should be made publicly available on WIPO’s website, subject to possible revision by the Authorities concerned in the light of the discussion by the Meeting;

“(iii) agreed that the report of the present session of the Meeting concerning the quality framework should form the basis of a report to be transmitted to the Assembly in accordance with Chapter 21 of the PCT International Search and Preliminary Examination Guidelines, and invited the Secretariat to prepare a draft report to the Assembly which would be the subject of consultation with Authorities via the PCT/MIA electronic forum;

“(iv) accepted the European Patent Office’s offer to continue to lead further work on a number of matters relating to the development of quality systems on which a common approach might be desirable, including quality standards, manuals and documentation, examiner skills and training, and metrics useful for measuring quality, and expressed its gratitude to the Office for its contributions;

“(v) agreed that such further work should await developments with regard to the establishment of a European Quality System in the framework of the intended establishment of the European Patent Network, and invited the European Patent Office to report on such developments to the next session of the Meeting.”

6. The reports which were submitted by the International Authorities are available from the PatentScope website at <http://www.wipo.int/pct/en/quality/authorities.html> in accordance with the decision noted at paragraph 36(ii) of document PCT/MIA/14/8, reproduced in paragraph 5, above.

7. The Assembly is invited to take note of the content of this document.

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