

# WIPO



PCT/A/38/3

ORIGINAL: English

DATE: June 30, 2008

WORLD INTELLECTUAL PROPERTY ORGANIZATION

GENEVA

INTERNATIONAL PATENT COOPERATION UNION  
(PCT UNION)

ASSEMBLY

**Thirty-Eighth (22nd Extraordinary) Session**  
**Geneva, September 22 to September 30, 2008**

QUALITY MANAGEMENT SYSTEMS FOR PCT INTERNATIONAL AUTHORITIES

*Document prepared by the International Bureau*

## SUMMARY

1. Reports from each of the International Searching and Preliminary Examining Authorities, setting out how each Authority has implemented and developed its quality management system in accordance with Chapter 21 of the PCT International Search and Preliminary Examination Guidelines, are publicly available on the PCT website. The Meeting of International Authorities (PCT/MIA) continues to address matters relating to the quality of international search and preliminary examination. Notably, the European Patent Office is leading an exercise to update the common quality framework and expects to make concrete proposals on that subject in time for discussion in early 2009.

## RECENT DEVELOPMENTS

2. Chapter 21 of the PCT International Search and Preliminary Examination Guidelines (“the Guidelines”) sets out a quality framework for International Authorities which, *inter alia*, requires Authorities to submit annual reports on their implementation of quality management systems in accordance with that framework.

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3. 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 2006 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).

4. Consequently, the Offices which had been appointed as International Authorities before the end of 2006 submitted complete 2006 reports on their quality management systems in accordance with the procedures set out in paragraphs 21.17 and 21.18 of the Guidelines. The reports were made available on the WIPO website, as noted by the Assembly at its 36th (16th ordinary) session in September/October 2007 (documents PCT/A/36/3 and PCT/A/36/13).

5. In early 2008, the International Authorities submitted their 2007 reports. In the case of those Authorities which had previously submitted complete reports, these were mainly updates, indicating the changes which had occurred during 2007; however, some Authorities felt that their circumstances were such that new complete reports would be more appropriate. Those Authorities which had not previously submitted a complete report were invited to submit complete reports, to the extent that their quality systems had been defined. The 2007 reports which were submitted by the International Authorities are available, together with the 2006 reports, from the PATENTSCOPE<sup>®</sup> website at [www.wipo.int/pct/en/quality/authorities.html](http://www.wipo.int/pct/en/quality/authorities.html).

6. At the 15th session of the Meeting of International Authorities, held in Vienna, Austria, in March 2008, the latest reports on the quality management systems of International Authorities were discussed, presentations were made on matters which were considered to be of particular relevance to other Authorities, and consideration was given to what common action could be taken amongst the International Authorities to assist the further development of quality management systems. The discussions of the Meeting of International Authorities at its 15th session (paragraphs 11 to 16 of document PCT/MIA/15/13) are outlined in the following paragraphs:

#### “QUALITY FRAMEWORK

“11. Discussions were based on document PCT/MIA/15/6, the reports submitted by the International Authorities on their quality management systems in accordance with the PCT International Search and Preliminary Examination Guidelines and the resolution of the PCT Assembly agreed upon in the context of the adoption of Rules relating to supplementary international search (reproduced in paragraph 4 of document PCT/MIA/15/11) that the Meeting should review the quality of the main international search.

“12. The Austrian Patent Office made a presentation of its quality management system<sup>1</sup>. It was observed that a large amount of information was amassed in quality systems during the operational review of individual applications within examining divisions at the time that reports were established, in addition to that found in audit at a later stage. There was some discussion of the extent to which general conclusions could

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<sup>1</sup> The presentation is available from the WIPO website at [www.wipo.int/meetings/en/details.jsp?meeting\\_code=pct/mia/15](http://www.wipo.int/meetings/en/details.jsp?meeting_code=pct/mia/15)

be reached at this stage and the manner in which this could be fed back into the system, for example, by way of improving guidelines, in order to offer general guidance in addition to feedback to individual examiners.

“13. The Spanish Patent and Trademark Office announced that it had recently launched a “Microsite on Quality”<sup>2</sup>. This site would include results on performance indicators (service charters), results of user satisfaction surveys and a special restricted access section to serve as a communication channel with receiving Offices and designated and elected Offices (see paragraph 21.08(b) of the PCT International Search and Preliminary Examination Guidelines).

“14. The Authorities reiterated the importance of sharing of information on quality and considered that further work was required. It was suggested that future meetings might select particular detailed issues on which to focus discussions.

“15. The European Patent Office recalled its promise at earlier sessions to revise and update Chapter 21 of the PCT International Search and Preliminary Examination Guidelines. It was not intended to introduce major new obligations but to clarify and expand on the requirements of quality management systems for International Authorities and to remove some inconsistencies which had been identified. An internal draft had been completed and it was intended to conduct extensive consultations with other Authorities in advance of presenting a formal proposal to the next session of the Meeting of International Authorities.

“16. The Meeting agreed:

“(i) that the reports submitted by the Authorities on their quality management systems should be made available on the WIPO website;

“(ii) that the European Patent Office should circulate draft proposals for revision of Chapter 21 of the PCT International Search and Preliminary Examination Guidelines to all Authorities by late summer 2008 and prepare a formal proposal for the next session of the Meeting;

“(iii) that the International Bureau should present a report to the PCT Assembly, summarizing the above developments.”

7. It is observed that, whereas most changes to the PCT International Search and Preliminary Examination Guidelines are agreed by the International Authorities themselves, any proposals for change to the common quality framework made in the context of the revision noted in paragraphs 15 and 16 of document PCT/MIA/15/13, reproduced above, will be made available by the International Bureau to all interested parties for comment prior to their adoption, in accordance with paragraph 21.19 of the Guidelines.

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

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<sup>2</sup> Accessible from the SPTO website at [www.oepm.es](http://www.oepm.es) or [www.oepm-calidad.es](http://www.oepm-calidad.es)