

## **International Patent Cooperation Union (PCT Union)**

### **Assembly**

#### **Forty-Eighth (28<sup>th</sup> Extraordinary) Session Geneva, October 3 to 11, 2016**

#### **APPOINTMENT OF THE TURKISH PATENT INSTITUTE AS AN INTERNATIONAL SEARCHING AND PRELIMINARY EXAMINING AUTHORITY UNDER THE PCT**

*Document prepared by the International Bureau*

#### **SUMMARY**

1. The present document sets out information to the Assembly for it to make a decision on the appointment of the Turkish Patent Institute as an International Searching and Preliminary Examining Authority under the Patent Cooperation Treaty (PCT). This information includes the request for appointment from the President of the Turkish Patent Institute along with supporting documentation, as well as the advice of the PCT Committee for Technical Cooperation on the appointment. The present document further sets out the text of the draft Agreement in relation to the functioning of the Turkish Patent Institute as an International Searching and Preliminary Examining Authority, to be approved by the Assembly.

#### **BACKGROUND**

2. The appointment of International Searching Authorities (ISAs) and International Preliminary Examining Authorities (IPEAs) under the Patent Cooperation Treaty (PCT) is a matter for the Assembly and is governed by Articles 16(3) and 32(3) of the PCT. It follows from Rules 36.1(iv) and 63.1(iv) of the Regulations under the PCT that any appointment will be as both an ISA and an IPEA.

3. In a letter addressed to the Director General dated December 15, 2015, the text of which appears in Annex I to document PCT/CTC/29/2, annexed to this document, the President of the Turkish Patent Institute, Prof. Dr Habip Asan, informed the Director General that the Turkish

Patent Institute would like to seek the appointment by the Assembly as an ISA and an IPEA under the PCT and requested that the issue be put before the PCT Committee for Technical Cooperation in order to obtain the advice of the Committee, as referred to in Article 16(3)(e), and that matter be added to the agenda of the Assembly for decision during the Fifty-Sixth Series of Meetings of the Assemblies of the Member States of WIPO, to be held from October 3 to 11, 2016. The documentation in support of the application, received by the International Bureau on March 15, 2016, is set out in Annexes II to VI to document PCT/CTC/29/2, annexed to this document.

#### **ADVICE OF THE PCT COMMITTEE FOR TECHNICAL COOPERATION**

4. Articles 16(3)(e) and 32(3) of the PCT require that, before the Assembly makes a decision on the appointment of an ISA and IPEA, it shall hear the Office or organization concerned and seek the advice of the PCT Committee for Technical Cooperation.

5. The PCT Committee for Technical Cooperation gave its advice on the appointment of the Turkish Patent Institute as an ISA and IPEA at its twenty-ninth session, held in Geneva from May 17 to 20, 2016 (see the Summary by the Chair of that session, document PCT/CTC/29/3, annexed to this document). Paragraph 12 of document PCT/CTC/29/3 summarizes the advice by the Committee as follows:

“12. The Committee unanimously agreed to recommend to the Assembly of the PCT Union that the Turkish Patent Institute be appointed as an International Searching and Preliminary Examining Authority under the PCT”.

#### **DRAFT AGREEMENT IN RELATION TO THE FUNCTIONING OF THE TURKISH PATENT INSTITUTE AS AN INTERNATIONAL SEARCHING AND PRELIMINARY EXAMINING AUTHORITY**

6. Under Articles 16(3)(b) and 32(3) of the PCT, the appointment of an ISA and IPEA is conditional on the conclusion of an Agreement, subject to approval by the Assembly, between the Office or organization concerned and the International Bureau. The text of a draft Agreement between the Turkish Patent Institute and the International Bureau is set out in the Annex to this document. Its Articles are identical to the corresponding provisions in the Agreements relating to existing Authorities as approved by the Assembly at its fortieth session, except the provisions in Article 10 concerning the renewal of the Agreement beyond December 31, 2017, which have been modified, taking into account that negotiations for the extension of the appointment of existing International Searching and Preliminary Examining Authorities have already begun. A comment is also included on paragraph 2 of Article 12 relating to termination of the Agreement.

7. If the Assembly agrees to the appointment, it would take effect upon the entry into force of the Agreement between the Turkish Patent Institute and the International Bureau. This would take place when the Turkish Patent Institute is ready to begin operation as an International Authority. Paragraph (d) of the Understanding with regard to the procedures for appointment of International Authorities, adopted by the Assembly at its forty-sixth (27<sup>th</sup> extraordinary) session from September 22 to 30, 2014, provides details of this timing, as follows:

“(d) Any such application should be made on the understanding that the Office seeking appointment must meet all substantive criteria for appointment at the time of the appointment by the Assembly and is prepared to start operation as an International Authority as soon as reasonably possible following appointment, at the latest around 18 months following the appointment. With regard to the requirement that the Office seeking appointment must have in place a quality management system and internal review arrangements in accordance with the common rules of international search, where such system is not yet in place at the time of the appointment by the Assembly, it shall be sufficient that such system is fully planned and, preferably, that similar systems are

already operational in respect of national search and examination work to demonstrate the appropriate experience.”

8. Under Article 10 of the draft Agreement, it would remain in force until December 31, 2017, that is, until the same time as the Agreements relating to all existing Authorities.

9. *The Assembly of the PCT Union is invited, in accordance with Articles 16(3) and 32(3) of the PCT:*

*(i) to hear the Representative of the Turkish Patent Institute and take into account the advice of the PCT Committee for Technical Cooperation set on in paragraph 5 of document PCT/A/48/4;*

*(ii) to approve the text of the draft Agreement between the Turkish Patent Institute and the International Bureau set out in the Annex to document PCT/A/48/4; and*

*(iii) to appoint the Turkish Patent Institute as an International Searching Authority and International Preliminary Examining Authority with effect from the entry into force of the Agreement until December 31, 2017.*

[Annex and Documents PCT/CTC/29/2 and PCT/CTC/29/3 follow]

Draft Agreement

between the Turkish Patent Institute  
and the International Bureau of the World Intellectual Property Organization

in relation to the functioning of the Turkish Patent Institute  
as an International Searching Authority  
and International Preliminary Examining Authority  
under the Patent Cooperation Treaty

*Preamble*

The Turkish Patent Institute and the International Bureau of the World Intellectual Property Organization,

*Considering* that the PCT Assembly, having heard the advice of the PCT Committee for Technical Cooperation, has appointed the Turkish Patent Institute as an International Searching and Preliminary Examining Authority under the Patent Cooperation Treaty and approved this Agreement in accordance with Articles 16(3) and 32(3),

*Hereby agree as follows:*

Article 1  
Terms and Expressions

- (1) For the purposes of this Agreement:
- (a) "Treaty" means the Patent Cooperation Treaty;
  - (b) "Regulations" means the Regulations under the Treaty;
  - (c) "Administrative Instructions" means the Administrative Instructions under the Treaty;
  - (d) "Article" (except where a specific reference is made to an Article of this Agreement) means an Article of the Treaty;
  - (e) "Rule" means a Rule of the Regulations;
  - (f) "Contracting State" means a State party to the Treaty;
  - (g) "the Authority" means the Turkish Patent Institute;
  - (h) "the International Bureau" means the International Bureau of the World Intellectual Property Organization.
- (2) All other terms and expressions used in this Agreement which are also used in the Treaty, the Regulations or the Administrative Instructions have, for the purposes of this Agreement, the same meaning as in the Treaty, the Regulations and the Administrative Instructions.

## Article 2 Basic Obligations

(1) The Authority shall carry out international search and international preliminary examination in accordance with, and perform such other functions of an International Searching Authority and International Preliminary Examining Authority as are provided under, the Treaty, the Regulations, the Administrative Instructions and this Agreement.

(2) In carrying out international search and international preliminary examination, the Authority shall apply and observe all the common rules of international search and of international preliminary examination and, in particular, shall be guided by the PCT International Search and Preliminary Examination Guidelines.

(3) The Authority shall maintain a quality management system in compliance with the requirements set out in the PCT International Search and Preliminary Examination Guidelines.

(4) The Authority and the International Bureau shall, having regard to their respective functions under the Treaty, the Regulations, the Administrative Instructions and this Agreement, render, to the extent considered to be appropriate by both the Authority and the International Bureau, mutual assistance in the performance of their functions thereunder.

## Article 3 Competence of Authority

(1) The Authority shall act as International Searching Authority for any international application filed with the receiving Office of, or acting for, any Contracting State specified in Annex A to this Agreement, provided that the receiving Office specifies the Authority for that purpose, that such application, or a translation thereof furnished for the purposes of international search, is in the language or one of the languages specified in Annex A to this Agreement and, where applicable, that the Authority has been chosen by the applicant.

(2) The Authority shall act as International Preliminary Examining Authority for any international application filed with the receiving Office of, or acting for, any Contracting State specified in Annex A to this Agreement, provided that the receiving Office specifies the Authority for that purpose, that such application, or a translation thereof furnished for the purposes of international preliminary examination, is in the language or one of the languages specified in Annex A to this Agreement and, where applicable, that the Authority has been chosen by the applicant and that any other requirements regarding such application as specified in Annex A to this Agreement have been met.

(3) Where an international application is filed with the International Bureau as receiving Office under Rule 19.1(a)(iii), paragraphs (1) and (2) apply as if that application had been filed with a receiving Office which would have been competent under Rule 19.1(a)(i) or (ii), (b) or (c) or Rule 19.2(i).

[(4) The Authority shall conduct supplementary international searches in accordance with Rule 45*bis*, covering at least the documentation referred to in Annex E to this Agreement, subject to any limitations and conditions set out in that Annex.]

Article 4  
Subject Matter Not Required to Be Searched or Examined

The Authority shall not be obliged to search, by virtue of Article 17(2)(a)(i), or examine, by virtue of Article 34(4)(a)(i), any international application to the extent that it considers that such application relates to subject matter set forth in Rule 39.1 or 67.1, as the case may be, with the exception of the subject matter specified in Annex B to this Agreement.

Article 5  
Fees and Charges

(1) A schedule of all fees of the Authority, and all other charges which the Authority is entitled to make, in relation to its functions as an International Searching Authority and International Preliminary Examining Authority, is set out in Annex C to this Agreement.

(2) The Authority shall, under the conditions and to the extent set out in Annex C to this Agreement:

(i) refund the whole or part of the search fee paid, or waive or reduce the search fee, where the international search report can be wholly or partly based on the results of an earlier search (Rules 16.3 and 41.1);

(ii) refund the search fee where the international application is withdrawn or considered withdrawn before the start of the international search.

(3) The Authority shall, under the conditions and to the extent set out in Annex C to this Agreement, refund the whole or part of the preliminary examination fee paid where the demand is considered as if it had not been submitted (Rule 58.3) or where the demand or the international application is withdrawn by the applicant before the start of the international preliminary examination.

Article 6  
Classification

For the purposes of Rules 43.3(a) and 70.5(b), the Authority shall indicate solely the International Patent Classification.

Article 7  
Languages of Correspondence Used by the Authority

For the purposes of correspondence, including forms, other than with the International Bureau, the Authority shall use the language or one of the languages indicated, having regard to the language or languages indicated in Annex A and to the language or languages whose use is authorized by the Authority under Rule 92.2(b), in Annex D.

Article 8  
International-Type Search

The Authority shall carry out international-type searches to the extent decided by it.

Article 9  
Entry into Force

This Agreement shall enter into force on a date to be notified to the Director General of the World Intellectual Property Organization by the Authority, that date being at least one month later than the date on which the notification is made.

Article 10  
Duration and Renewability

This Agreement shall remain in force until December 31, 2017. The parties to this Agreement shall, no later than one month after the date on which the Agreement enters into force, start negotiations for its renewal.

[COMMENT: Article 10 has been modified from the standard text of other agreements, which specifies July 2016 as the latest date to begin negotiations for renewal.]

Article 11  
Amendment

(1) Without prejudice to paragraphs (2) and (3), amendments may, subject to approval by the Assembly of the International Patent Cooperation Union, be made to this Agreement by agreement between the parties hereto; they shall take effect on the date agreed upon by them.

(2) Without prejudice to paragraph (3), amendments may be made to the Annexes to this Agreement by agreement between the Director General of the World Intellectual Property Organization and the Authority; and, notwithstanding paragraph (4), they shall take effect on the date agreed upon by them.

(3) The Authority may, by a notification to the Director General of the World Intellectual Property Organization:

(i) add to the indications of States and languages contained in Annex A to this Agreement;

(ii) amend the schedule of fees and charges contained in Annex C to this Agreement;

(iii) amend the indications of languages of correspondence contained in Annex D to this Agreement[;

(iv) amend the indications and information concerning supplementary international searches contained in Annex E to this Agreement].

(4) Any amendment notified under paragraph (3) shall take effect on the date specified in the notification, provided that, for any change in the currency or amount of fees or charges contained in Annex C, for any addition of new fees or charges, and for any change in the conditions for and the extent of refunds or reductions of fees contained in Annex C, that date is at least two months later than the date on which the notification is received by the International Bureau.

Article 12  
Termination

(1) This Agreement shall terminate before December 31, 2017:

(i) if the Authority gives the Director General of the World Intellectual Property Organization written notice to terminate this Agreement; or

(ii) if the Director General of the World Intellectual Property Organization gives the Authority written notice to terminate this Agreement.

(2) The termination of this Agreement under paragraph (1) shall take effect one year after receipt of the notice by the other party, unless a longer period is specified in such notice or unless both parties agree on a shorter period.

[COMMENT: It is proposed not to amend paragraph 2 of Article 12, despite the fact that, should the Agreement be signed on or after January 1, 2017, the one year termination period under paragraph (2) would expire only after the Agreement had terminated in accordance with Article 10. In the unlikely event that the Agreement would have to be terminated in accordance with paragraph (1) of Article 12 before December 31, 2017, the parties would have to agree, in accordance with paragraph (2), on a termination period which would have to be shorter than the one year period specified in paragraph (2)].

*In witness whereof* the parties hereto have executed this Agreement.

Done at *[city]*, this *[date]*, in the ... language(s).

For the Turkish Patent Institute:

For the International Bureau of the World  
Intellectual Property Organization by:

...

...

Annex A  
States and Languages

Under Article 3 of the Agreement, the Authority specifies:

- (i) the following States for which it will act:
  - (a) Turkey;
  - (b) any other Contracting State in accordance with the obligations of the Authority within the framework of the European Patent Organisation;
- (ii) the following languages which it will accept:  
English, Turkish.

Annex B  
Subject Matter Not Excluded from Search or Examination

The subject matter set forth in Rule 39.1 or 67.1 which, under Article 4 of the Agreement, is not excluded from search or examination is the following:

all subject matter searched or examined under the national patent grant procedure under the provisions of Turkish patent law.

Annex C  
Fees and Charges

*Part I. Schedule of Fees and Charges*

<i>Kind of fee or charge</i>	<i>Amount (EUR)</i>
Search fee (Rule 16.1(a))	...
Additional fee (Rule 40.2(a))	...
Supplementary search fee for searches on the documents in Turkish held in the search collection of the Authority (Rule 45bis.3(a))	...
Preliminary examination fee (Rule 58.1(b))	...
[Late payment fee for preliminary examination	amount as set out in Rule 58bis.2]
Additional fee (Rule 68.3(a))	...
[Protest fee (Rules 40.2(e) and 68.3(e))	...]
[Late furnishing fee for sequence listings (Rule 13ter.1(c))	...]
Cost of copies (Rules 44.3(b), 71.2(b) and 94.2)	...

*Part II. Conditions for and Extent of Refunds or Reductions of Fees*

(1) Any amount paid by mistake, without cause, or in excess of the amount due, for fees indicated in Part I shall be refunded.

(2) Where the international application is withdrawn or considered withdrawn, under Article 14(1), (3) or (4), before the start of the international search, the amount of the search fee paid shall be fully refunded.

(3) Where the Authority benefits from the results of an earlier search, the Authority shall refund 50% of the search fee paid.

(4) In the cases provided for under Rule 58.3, the amount of the preliminary examination fee paid shall be fully refunded.

(5) When the international application or the demand is withdrawn before the start of the international preliminary examination, the amount of the preliminary examination fee paid shall be fully refunded.

(6) The Authority shall refund the supplementary search fee if, before it has started the supplementary international search in accordance with Rule 45*bis*.5(a), the supplementary search request is considered not to have been submitted under Rule 45*bis*.5(g).

(7) The Authority shall refund the supplementary search fee if, after receipt of the documents specified in Rule 45*bis*.4(e)(i) to (iv), but before it has started the supplementary international search in accordance with Rule 45*bis*.5(a), it is notified of the withdrawal of the international application or the supplementary search request.

Annex D  
Languages of Correspondence

Under Article 7 of the Agreement, the Authority specifies the following languages:

English, Turkish.

[Annex E  
Supplementary International Search:  
Documentation Covered; Limitations and Conditions

(1) The Authority will accept requests for supplementary international search in the languages mentioned in Annex D.

(2) The supplementary international search shall cover at least the documents in Turkish held in the search collection in the Authority.

(3) The Authority will notify the International Bureau if the demand for supplementary international search clearly exceeds the resources available and also when normal conditions have been reestablished.]

[Document PCT/CTC/29/2 follows]

## **Patent Cooperation Treaty (PCT)** **Committee for Technical Cooperation**

**Twenty-Ninth Session**  
**Geneva, May 17 to 20, 2016**

### **APPOINTMENT OF THE TURKISH PATENT INSTITUTE AS AN INTERNATIONAL SEARCHING AND PRELIMINARY EXAMINING AUTHORITY UNDER THE PCT**

*Document prepared by the International Bureau*

#### **INTRODUCTION**

1. The Committee is invited to give advice to the PCT Assembly on the proposed appointment of the Turkish Patent Institute as an International Searching and Preliminary Examining Authority under the PCT.

#### **BACKGROUND**

2. In a letter addressed to the Director General dated December 15, 2015, the text of which appears in Annex I, the President of the Turkish Patent Institute, Prof. Dr. Habip Asan, informed the Director General that the Turkish Patent Institute would like to seek the appointment by the PCT Union Assembly as an International Searching Authority (ISA) and an International Preliminary Examining Authority (IPEA) under the PCT and requested that the issue be put before the PCT Committee for Technical Cooperation (PCT/CTC) in order to obtain the advice of the Committee as referred to in Article 16(3)(e), and that the matter be added to the agenda of the PCT Union Assembly for decision during the Fifty-Sixth Series of Meetings of the Assemblies of the Member States of WIPO, to be held from October 3 to 11, 2016.

3. The documentation in support of the application, received by the International Bureau on March 15, 2016, is set out in Annexes II to VI to this document:

- (a) Annex II sets out the text of the letter from the President of the Turkish Patent Institute to the Director General of WIPO submitting documentation in support of the Turkish Patent Institute's Application for appointment as an ISA/IPEA;

- (b) Annex III sets out the application by the Turkish Patent Institute for appointment as an ISA/IPEA;
- (c) Annex IV sets out the initial report by the Turkish Patent Institute on its quality management system;
- (d) Annex V sets out the report by the Korean Intellectual Property Office on the help it provided to the Turkish Patent Institute in its assessment of the extent to which it meets the criteria for appointment, as referred to in paragraph (a) of the Understanding with regard to the procedures for appointment of International Authorities adopted by the PCT Union Assembly at its forty-sixth (27<sup>th</sup> extraordinary) session held in 2014 (reproduced in paragraph 6, below);
- (e) Annex VI sets out the report by the Spanish Patent and Trademark Office on the help it provided to the Turkish Patent Institute in its assessment of the extent to which it meets the criteria for appointment, as referred to in paragraph (a) of the Understanding with regard to the procedures for appointment of International Authorities adopted by the PCT Union Assembly at its forty-sixth (27<sup>th</sup> extraordinary) session held in 2014 (reproduced in paragraph 6, below).
4. The appointment of ISAs and IPEAs under the PCT is a matter for the Assembly of the PCT Union and is governed by Articles 16 and 32(3) of the PCT.
5. Articles 16(3)(e) and 32(3) of the PCT require that, before the Assembly makes a decision on such an appointment, it shall seek the advice of the PCT Committee for Technical Cooperation.
6. At its forty-sixth (27<sup>th</sup> extraordinary) session, held in Geneva from September 22 to 30, 2014, the PCT Union Assembly adopted the following Understanding with regard to the procedures for appointment of International Authorities:

“Procedures for Appointment of International Authorities”:

“(a) A national Office or an intergovernmental organization (“Office”) seeking appointment is strongly recommended to obtain the assistance of one or more existing International Authorities to help in the assessment of the extent to which it meets the criteria, prior to making the application.

“(b) Any application for appointment of an Office as an International Authority is to be made well in advance of its consideration by the PCT Assembly so as to allow time for an adequate review by the Committee for Technical Cooperation (PCT/CTC). The PCT/CTC should meet as a true expert body at least three months in advance of the PCT Assembly, if possible back-to-back with a session of the PCT Working Group (usually convened around May/June of any given year), with a view to giving its expert advice on the application to the PCT Assembly.

“(c) Consequently, a written request to the Director General to convene the PCT/CTC is to be sent by the Office preferably by March 1 of the year in which the application is to be considered by the PCT Assembly and in any case in time to allow the Director General to send out letters of convocation of the PCT/CTC not less than two months prior to the opening of the session.

“(d) Any such application should be made on the understanding that the Office seeking appointment must meet all substantive criteria for appointment at the time of the appointment by the Assembly and is prepared to start operation as an International Authority as soon as reasonably possible following appointment, at the latest around 18 months following the appointment. With regard to the requirement

that the Office seeking appointment must have in place a quality management system and internal review arrangements in accordance with the common rules of international search, where such system is not yet in place at the time of the appointment by the Assembly, it shall be sufficient that such system is fully planned and, preferably, that similar systems are already operational in respect of national search and examination work to demonstrate the appropriate experience.

“(e) Any document by the Office in support of its application for consideration by the PCT/CTC should be submitted to the Director General at the latest two months prior to the opening of the session of the PCT/CTC.

“(f) Any such application is then to be submitted to the PCT Assembly (usually convened around September/October of any given year), together with any advice given by the PCT/CTC, with a view to deciding on the application.”

7. The Assembly further decided that the procedures for appointment of International Authorities set out in the above Understanding shall apply to any application for appointment as an International Authority submitted after the closure of the forty-sixth (27<sup>th</sup> extraordinary) session of the PCT Assembly.

8. The Committee's advice, which is sought by the present document, will be submitted to the Assembly during its forty-eighth session, which will be held from October 3 to 11, 2016.

#### **REQUIREMENTS TO BE SATISFIED**

9. The minimum requirements for an Office to act as an International Searching Authority are set in PCT Rule 36.1 as follows:

“The minimum requirements referred to in Article 16(3)(c) shall be the following:

“(i) the national Office or intergovernmental organization must have at least 100 full-time employees with sufficient technical qualifications to carry out searches;

“(ii) that Office or organization must have in its possession, or have access to, at least the minimum documentation referred to in Rule 34, properly arranged for search purposes, on paper, in microform or stored on electronic media;

“(iii) that Office or organization must have a staff which is capable of searching the required technical fields and which has the language facilities to understand at least those languages in which the minimum documentation referred to in Rule 34 is written or is translated;

“(iv) that Office or organization must have in place a quality management system and internal review arrangements in accordance with the common rules of international search;

“(v) that Office or organization must hold an appointment as an International Preliminary Examining Authority.”

10. PCT Rule 63.1 sets out equivalent minimum requirements for acting as an International Preliminary Examining Authority, except that item (v) requires the Office to hold an appointment as an International Searching Authority, so that, in order to meet the requirements, it is essential to be appointed as both types of Authority.

11. *The Committee is invited to give its advice on this matter.*

[Annex I follows]

TEXT OF LETTER FROM THE PRESIDENT OF THE TURKISH PATENT INSTITUTE TO THE  
DIRECTOR GENERAL OF WIPO REQUESTING CONVENING OF THE PCT/CTC

Francis Gurry  
Director General  
World Intellectual Property Organization  
34, Chemin des Colombettes  
CH-1211 Geneva 20  
Switzerland

Ref 2015-0E-556433

Date 15.12.2015

Dear Dr. Gurry,

The Turkish Patent Institute would like to seek appointment by the PCT Union Assembly as an International Searching Authority ("ISA") and International Preliminary Examining Authority ("IPEA") under the Patent Cooperation Treaty ("PCT"). We kindly request, therefore, that the appointment of the Turkish Patent Institute as an ISA and IPEA be put before the Committee of Technical Cooperation (PCT/CTC) in order to obtain the advice of the Committee as referred to in Article 16(3)(e) of the PCT, and that this matter be added to the agenda of the PCT Union Assembly for decision during the Fifty-Sixth Series of Meetings of the Assemblies of the Member States of WIPO, to be held in Geneva from October 3 to 11, 2016. It is our understanding that the meeting of the PCT/CTC would take place back-to-back with the ninth session of the PCT Working Group, to be held from May 17 to 20, 2016, in accordance with the Understanding on "Procedures for Appointment of International Authorities" adopted by the PCT Union Assembly at its forty-sixth session, held in Geneva from September 22 to 30, 2014. As required under this Understanding, we will send our finalized formal application to you at the latest within two months of the opening of the session of the PCT/CTC.

I would like to take this opportunity to inform you that Mr. Claus Matthes and Mr. Thomas Marlow has proven to be extremely resourceful during their mission conducted in Ankara on December 10, 2015 and their contribution has greatly facilitated our work that lies ahead.

Yours Sincerely,

Prof. Dr. Habip ASAN  
President

[Annex II follows]

TEXT OF LETTER FROM THE PRESIDENT OF THE TURKISH PATENT INSTITUTE TO THE  
DIRECTOR GENERAL OF WIPO TO SUBMIT DOCUMENTATION IN SUPPORT OF THE  
TURKISH PATENT INSTITUTE'S APPLICATION FOR APPOINTMENT AS AN ISA/IPEA

Francis Gurry  
Director General  
World Intellectual Property Organization  
34, Chemin des Colombettes  
CH-1211 Geneva 20  
Switzerland

Ref 2016-0E-117993  
Date 15.03.2016

Dear Mr. Gurry,

We are pleased to submit herewith the documentation in support of Turkish Patent Institute's (TPI) application for appointment as an International Search Authority (ISA) and International Preliminary Examining Authority (IPEA) under the Patent Cooperation Treaty (PCT) in order to obtain the advice of the PCT Committee for Technical Cooperation (CTC) and the decision of the PCT Union Assembly during the Fifty-Sixth Series of Meetings of the Assemblies of Member States of WIPO to be held in Geneva from October 3 to 11, 2016.

The initial preparations of this application were launched with a technical mission from the PCT Business Development Division of the World Intellectual Property Organization (WIPO) to Turkey by Mr. Claus Matthes and his team, who have proven to be extremely resourceful in facilitating the preparatory work.

Soon after the WIPO mission, a team of experts from the Korean Intellectual Property Office (KIPO) and the Spanish Patent and Trademark Office (SPTO) have conducted two separate missions to premises of TPI and assessed the physical and technical infrastructure of the Office in line with the PCT Union Assembly's Understanding adopted at its Forty-Sixth Session held in Geneva from September 22 to 30, 2014. Both missions were conducted in a highly diligent manner and the teams of KIPO and SPTO have demonstrated not only a professional and objective approach in their assessment but they have also been of considerable assistance to TPI in the preparations. In this regard, I am pleased to enclose the Application Form of our Institute together with the Quality Management Report and the assessment reports of KIPO and SPTO in the attachment.

Thanks to the last ten years of investment in TPI's human resources and IT capabilities, TPI has transformed from an outsourcing Office into a self-sufficient Office that is capable of conducting high quality search and examination in all IPC classes. We are therefore confident that TPI has the maturity to satisfy the Minimum Requirements for ISA/IPEA and we strongly believe that TPI will contribute substantively to the international patent system at its regional capacity.

Taking this opportunity, we would like to thank you Mr. Director General for your continued support and we would like to express our appreciation to the services of WIPO for their sincere and excellent support.

Yours Sincerely,

Prof. Dr. Habip ASAN  
President

Enclosed:

1. Application for Appointment as ISA/IPEA
2. QMS Initial Report
3. Assessment Report of KIPO
4. Assessment Report of SPTO

[Annex III follows]

APPOINTMENT OF THE TURKISH PATENT INSTITUTE  
AS AN INTERNATIONAL SEARCHING AND  
PRELIMINARY EXAMINING AUTHORITY  
UNDER THE PCT



**APPLICATION FOR APPOINTMENT AS AN INTERNATIONAL SEARCHING AND  
PRELIMINARY EXAMINING AUTHORITY UNDER THE PCT**

1. The Turkish Patent Institute (TPI) intends to apply to the forty-eighth session of the Assembly of the International Patent Cooperation Union for appointment as an International Searching and Preliminary Examining Authority under the PCT (“International Authority”). If appointed, TPI would expect to begin operation as an International Authority in April 2018.
2. TPI meets the minimum requirements for appointment as an International Authority. The Korean Intellectual Property Office (KIPO) and the Spanish Patent and Trademark Office (SPTO) have assisted TPI in the assessment of the extent to which TPI meets the criteria for appointment as an International Authority.
3. The Committee is invited to give positive advice to the PCT Assembly with regard to the proposed appointment of TPI as an International Authority.

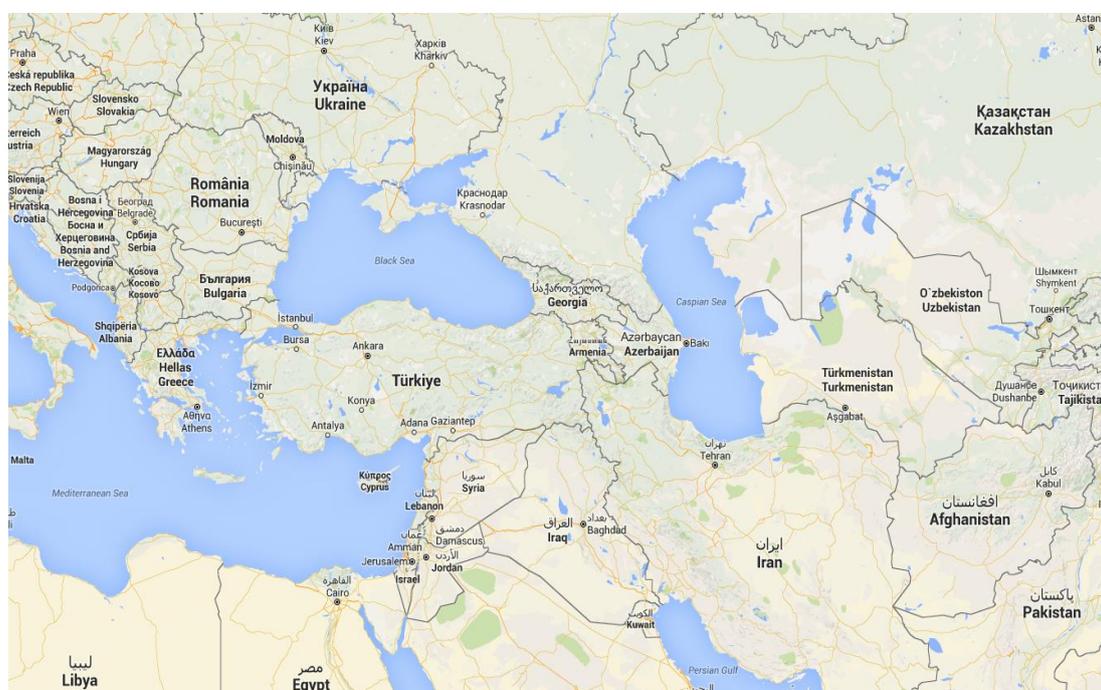
## I. THE TURKISH PATENT INSTITUTE

1. The Turkish Patent Institute (TPI) serves as a public institution, responsible for administration of industrial property rights under the Ministry of Science, Industry and Technology. TPI has been established with the objective of supporting the technological development in Turkey through protecting and promoting industrial property rights in order to facilitate the development of R&D activities. TPI provides effective protection and widespread usage of industrial property rights ensuring that Turkish industry and technology plays a leading role in global competition.
2. TPI aims to disseminate the awareness and knowledge of industrial property rights throughout the country, as well as its region, and to cooperate with the relevant stakeholders. TPI also aims to provide a customer orientated, timely and high quality service to constitute an effective industrial property system by strengthening legal, technical and human infrastructure.
3. TPI runs close cooperation programs with the World Intellectual Property Organization (WIPO), the European Patent Office (EPO) and the European Union Office for Harmonization in the Internal Market (OHIM). In addition to these, it continues its relations with the World Trade Organization (WTO), the Organization for Economic Cooperation and Development (OECD) and the United Nations Economic Commission for Europe (UNECE).

## II. BACKGROUND

### 1. COUNTRY PROFILE

4. Turkey, with its large population, historical background, geographical location and economic development, is an advanced country in the region, where the neighborhood of Turkey comprises a variety of countries with different social and cultural background from Europe, Asia and Middle East. Turkey's geographical location, logistics capabilities and its unique positioning at the intersection of three continents are the major factors contributing to Turkey's strategic and regional importance.



5. Turkey has shown a remarkable economic performance with steady growth over the last decade. A sound macroeconomic strategy in combination with major structural reforms resulted in an average annual real GDP growth rate of 4.7 per cent the since 2000. Turkey is a highly populated country (with a population of around 78 million, 18th in the world) with a major economy and commitment to innovation. The total number of universities in Turkey is 190, 114 of which are public universities and 76 are private. Research and development expenditure in Turkey went up by 18.8 per cent in 2014 to reach 17.6 billion Turkish liras (6.1 billion United States dollars). R&D expenditure in Turkey is expected to account for 3 per cent of the country's GDP by 2023, the centennial of the Republic.

6. Turkey is member to 17 international treaties on intellectual property rights, numerous other treaties supporting trade, innovation and international legal protection and member to more than 30 regional organizations including: the European Patent Office (EPO), the Organization of the Black Sea Economic Cooperation, the D-8 Organization for Economic Cooperation, the G20 industrial nations Union for the Mediterranean, the Organization of Islamic Cooperation (OIC) and the Cooperation Council of Turkic Speaking States.

7. The main sectors of major local industries are the following: machinery and equipment, automotive, domestic appliances, textiles, food and beverages, metal and metal products, other consumer goods and chemical products. Major trading partner States of Turkey include: the European Union (Germany, UK, France, Italy, Spain, and Romania), Russia, USA, United Arab Emirates, Saudi Arabia and Iraq.

## 2. IP SYSTEM IN TURKEY

8. Turkey has a well-functioning IP system with its modern legislation, administrative body, 23 specialized IP courts, enforcement bodies (i.e. police and customs), institutionalized attorney system (with around 1000 registered IP attorneys) and other stakeholders. Turkey, with its developed and established IP system, has the potential to be more active in its region to contribute to improvement of the IP system. Turkey is a candidate country to the European Union and its IP legislation is in line with the EU *acquis* and fully aligned with the WTO TRIPs Agreement.

9. In relation to the economic performance, IP system in Turkey has shown a significant development in the last 15 years. According to the IP indicators published by WIPO, Turkey ranked in 4th place in design filings and 6th place in trademark filings by residents. Moreover, resident patent applications have grown around 20 times in the last 15 years, and Turkey improved its ranking from 45th to 15th in this period.

10. Turkey has been a Contracting State of the PCT since January 1, 1996 and TPI is acting as a PCT receiving Office (RO). The number of PCT applications originating from Turkey has increased more than 10 times over the last 15 years and recorded 802 in 2014.

11. Parallel to the development in IP filings, the institutional capacity of TPI, as well as other elements of the IP system, has achieved a significant improvement in Turkey. Recent developments in the IP system and the increases in IP filings resulted in growing demand for high quality and timely IP services, particularly for patent granting services. The needs of the local users have been the major driving force for the TPI's modernization efforts and TPI has established a well-developed institutional structure with modern tools for maintaining its performance, based on the feedback of its users.

## 3. INNOVATION POLICY AND IP STRATEGIES

12. The Supreme Council for Science and Technology (SCST), headed by the Prime Minister of Turkey, establishes the innovation policy at the highest political level. The National Science, Technology and Innovation Strategy covering the period 2011-2016 has been approved in 2010, at the 22nd meeting of the SCST.

13. The vision of the National Science, Technology and Innovation Strategy (2011-2016) is to contribute to new knowledge and develop innovative technologies to improve the quality of life by transforming the former into products, processes, and services for the benefit of the country and humanity.

14. In line with the innovation policy, the "National Intellectual Property Rights Strategy and Action Plan 2015-2018" was approved by the Turkish High Planning Council under the leadership of the Prime Minister. The main goal of this Strategy is to contribute to the development process of the intellectual property rights and the subject product(s), to protect and use of intellectual property rights by an effective, extensive and society adopted IPR system.

15. Targets established in the Strategy are:

- to implement intellectual property rights effectively by improving the legislation and practice, in line with the needs of the country;
- to protect and monitor intellectual property rights effectively, creating adequate human and institutional capacity in the relevant departments especially in judicial, customs and police services;
- to improve the effectiveness of mechanisms for the commercialization of intellectual property by market perception of the value of the conversion and improved infrastructure;
- to increase public awareness about the intellectual property rights system, thereby contributing to the goal of becoming a knowledge society more respectful.

16. In addition to the TPI's well-developed institutional structure, additional elements are in place to achieve the targets established in the Strategy. Information and Documentation Units serve as consulting offices for applicants or potential users of IP system in the relevant provinces. There are 93 Units in different provinces of Turkey that cover nearly the entire geographical area. These Units are located in universities, industry and trade chambers, techno-parks or agencies of the respective province.

17. The geographical distribution of the Information and Documentation Units is given below, indicating the place in which these Units are located. These Units have an organic link with TPI, with staff of these Units being trained by TPI and the documentation regarding IP services being provided by TPI.



-  Universities
-  Industry / Chamber of Commerce
-  Technopolis
-  Development Agency

18. Moreover, branch offices of the Ministry of Science, Industry and Technology in 81 cities all over Turkey have their own IP representative to serve as a consulting officer on IP issues. These consulting officers are also trained by TPI.

19. Turkey is also a participating country in the European Patent Network (EPN), the aim of which is to enhance the European patent system through bilateral or multilateral cooperation activities. The EPN also serves as a platform where examiners of National Patent Offices interact with each other on patent issues.

20. TPI administers a web-based Technology Transfer Platform for facilitating the commercialization of patents, which is open for national and foreign patent holders.

21. TPI performs the secretariat function for the National Coordination Board for Intellectual and Industrial Property Rights, which is the highest level of IP decision making coordination body in Turkey. TPI also holds the chairmanship of the Intellectual Property and R&D Committee under the National Coordination Board for the Improving Investment Environment.

### **III. TPI AS ISA/IPEA UNDER THE PCT**

22. There has been a steady increase in the number of PCT applications in recent years, with 214,500 applications filed in 2014, representing an increase of 4.5 per cent on 2013 figures and marking the fifth consecutive year of growth. In parallel to the growth in the number of PCT applications, the workload for search and examination activities has been growing in each year. In order to meet the growing demand for search and examination work, an increase in the number of the ISA/IPEAs becomes an unavoidable outcome. With the emergence of new ISA/IPEAs, the workload could be shared among the offices through possible cooperation programs, enabling ISA/IPEAs to establish higher quality products in a timely manner. With its extensive resources for search and examination work, TPI is willing to contribute to handling this workload.

23. In addition, increasing numbers of PCT applications originating from Turkey have moved TPI into a position to provide its services at international standards. Therefore, local users in Turkey will benefit from the services of TPI as an ISA/IPEA, where the users could interact with TPI in order to enhance the patent system both at national and international level.

24. Appointment of TPI as an ISA/IPEA will not only help to meet the continuous growth in local demand for PCT search and preliminary examination work, but also result in a further increase of the awareness of the PCT system in Turkey and an increase in the number of PCT applications filed by Turkish applicants.

25. With its unique location at the intersection of three continents, TPI may take on the role as a bridge to convey IP knowledge and information between the continents. In particular, TPI is one of the most promising offices to act as an International Authority under the PCT in the Balkans and Turkic speaking States in Asia. Appointment of TPI as an ISA/IPEA will be beneficial for local users as well as for the PCT system as a whole.

26. TPI, as the National Patent Office of a Member to the European Patent Convention (EPC), employs well trained examiners who have benefitted not only from training in search and examination offered by the EPO but also from PCT specific training offered by WIPO. As a result, TPI is well positioned to enhance the awareness and promote the wider use of the PCT, particularly in the Middle East, in Turkic speaking States, as well as in Asia and the Balkans.

27. In this context, Turkey has already established cooperation programs with a number of countries. For example, Turkey and Pakistan have concluded a bilateral cooperation program aimed at streamlining the IP systems in both countries and sharing experiences, in particular

with a view towards supporting Pakistan in assessing accession to certain WIPO administered Treaties, such as the Madrid Protocol for Trademarks, the PCT and Geographical Indications (GIs), and ultimately achieving the goal of economic development in the Asian region.

28. TPI has also entered into negotiations with the Institute for Intellectual Property of Bosnia and Herzegovina, aimed at ensuring an effective protection of industrial property rights according to international standards, including cooperation in search and examination of patent applications in all technical fields. Within the framework of this cooperation, TPI is willing to prepare, at the request of the Institute for Intellectual Property of Bosnia and Herzegovina, search and examination reports for patent applications filed in Bosnia and Herzegovina.

29. Furthermore, TPI has data exchange agreements with the State Intellectual Property Office of the People's Republic of China (SIPO) and the Korean Intellectual Property Office (KIPO), providing for exchange of industrial property data available to patent examiners and the public, aimed at enhancing the international patent system.

30. It is Turkey's intention to increase the cooperation with other countries in the region, in particular once TPI has been appointed as an ISA/IPEA, with a view to fostering innovation and increasing the dissemination of knowledge and the transfer of technology in the region.

31. Turkey aims at transforming itself into an IP knowledge and information dissemination hub for the region through sharing and exchanging its experience, in parallel to becoming an ISA/IPEA. To achieve this objective, Turkey will launch an international IP Master's program in Ankara, in cooperation with the WIPO Academy, in the 2016-2017 academic years. Additionally, the Turkish IP Academy, which will be established in cooperation with WIPO, is aimed to become functional in 2017. TPI strongly believes that the Turkish IP Academy will fulfill the educational and academic needs of the region and increase the quality and quantity of IP professionals in the region.

32. Finally, in line with the UN Secretary General's report submitted at the 67th General Assembly on improving the economies of the LDCs, studies towards establishing a Technology Bank in Turkey, dedicated to least developed countries, have been initiated and have already achieved considerable progress. The objective of the Technology Bank will be to support the technological development of LCDs through the establishment of a patent bank, a science and technology depository facility and a science technology and innovation supporting mechanism, fostering innovation, dissemination of knowledge and transfer of technology in LDCs.

#### **IV. ISA/IPEA APPOINTMENT REQUIREMENTS**

##### **SEARCH AND EXAMINATION CAPACITY**

33. TPI was established in 1994. Between 1994 and 2005, all search and examination reports were prepared by partner ISA/IPEA offices to which work was outsourced. In 2005, TPI started to prepare search and examination reports, with around 10 examiners and only in certain technical fields; at that time, most of the reports had to be outsourced to the same partner ISA/IPEA offices. This partnership with ISA/IPEA offices contributed greatly to the quality of patents issued by TPI, due to high quality search and examination reports prepared by the partner Offices. Over time, the partnership also greatly contributed to the improvement of search and examination experience of our examiners and the quality of search and examination work of TPI.

34. Since 2005, TPI's search and examination capacity has been increased gradually, as a result of strategic planning in human resources and investment into the necessary technical infrastructure. TPI's search and examination capacity, in terms of human resources, has increased more than 10 times since 2005; moreover, the number of search and examination reports prepared by TPI increased more than 10 times since 2010. The search and examination capacity of TPI covers all technical fields, with well-trained patent examiners in all

areas. Due to the increase in TPI's search and examination capacity, the number of outsourced applications has decreased in recent years; at the end of 2015, all search and examination work for all local applications is being prepared by TPI itself.

35. As a result of TPI's developments since 2005, moving from having very few internal examiners only covering certain technical fields and having most of the search and examination work outsourced to partner Offices to having more than 100 examiners now, being able to cover all technical fields and eliminating the need for outsourcing arrangements, TPI is now ready to "take on" more work, in the form of carrying out international search and examination, once appointed as an International Authority, for the benefit of the entire region.

## EXAMINERS

### Examiner Profile

36. At present, TPI has 103 full time examiners carrying out search and examination. All patent examiners have at least a Bachelor's Degree; 47 per cent of examiners have MSc or PhD degrees or are candidates. Additionally, TPI has initiated the procedure for the recruitment of 9 additional patent examiners and new examiners are expected to start by the end of March, 2016. Therefore, TPI will have 112 examiners at the time of its expected appointment in October 2016. Furthermore, it is planned to recruit 50 more examiners by the end of 2019.

37. As a result, TPI meets the requirement set out in PCT Rules 36.1(i) and 63.1(i), stating that "The national Office or intergovernmental organization must have at least 100 full-time employees with sufficient technical qualifications to carry out searches and examinations".

### Distribution of patent examiners according to their technical fields:

<b>Technical field</b>	<b>Number (in full-time equivalent)</b>
Mechanical	45
Electrical/electronic	29
Chemistry	23
Biotech	6
<i>Total</i>	<i>103</i>

### Recruitment Process

38. To become a junior patent examiner at TPI, it is required:

- to have a minimum Bachelor's degree in related field (MSc. / PhD degree preferable);
- to have foreign language proficiency (at least one language, preferably English);
- to get a high score in Public Personnel Selection Exam;
- to be successful in the special (written and oral) exam of TPI.

39. After the selection of junior patent examiners, in order to become a patent examiner, it is required:

- to be successful in the candidate civil service exam;
- to submit a thesis study in the relevant technical field, and approved by the jury;
- to be successful in the written proficiency exam.

### Training Programs

40. TPI provides training in patent law, formal examination, substantive examination, novelty, inventive step, industrial applicability, unity, clarity, databases (EPOQUENET, ESPACENET, etc.), classification systems (IPC, CPC) and language courses. Furthermore, examiners should take WIPO and EPO distance learning courses.

41. The following table gives a summary of the training programs provided for new examiners and ongoing training activities for existing examiners, including average times spent on training:

		TOPIC	DURATION
<b>BASIC TRAINING</b>	<b>General Introduction</b>	- Introduction	<b>2 Weeks</b>
		- Patent law	
		- Granting procedures	
		- Patent software of TPI	
		- Databases	
		- International Agreements	
	<b>External Sources</b>	- Distance Learning Courses - Seminars organized by EPO	
<b>SEARCH AND EXAMINATION RELATED TRAINING</b>	<b>Introduction to Search</b>	- Basic Concepts	<b>1 Week</b>
		- Classification	
		- Scope of patent	
		- Search strategies	
		- Case studies	
	<b>Clarity / Unity</b>	- Basic Concepts	<b>1 Week</b>
		- Sufficiency of disclosure	
		- Unity	
		- Clarity	
		- Complex Cases	
		- Case studies	
	<b>How to Draft Search Reports</b>	- Basic Format	<b>1 Week</b>
		- Document Categories	
		- Extra Cases	
		- Analysis of claims (Feature Table)	
		- Case studies	
	<b>EPOQUENet</b>	- Introduction	<b>1 Week</b>
		- Basic Queries / Search Strategies	
		- Documents selection/view/print	
		- Case studies	
<b>Novelty - Inventive Step</b>	- Basic Concepts	<b>1 Week</b>	
	- Prior Art		
	- Grace Period		
	- Evaluation		
	- Evaluation of Inventive Step		

		- <b>Case studies</b>	
	<b>External Sources</b>	- <b>Distance Learning Courses</b>	
		- <b>Seminars Organized by EPO</b>	
	<b>On the job training</b>	- <b>Competency based training by experienced examiners and using practical work</b>	<b>3 Months</b>
<b>INTERMEDIATE LEVEL</b>	<b>Physics / Mechanics</b>	- <b>Novelty - Inventive Step</b> - <b>Clarity</b> - <b>Unity</b>	<b>2 Weeks</b>
	<b>Electronic</b>		<b>2 Weeks</b>
	<b>Pharma / Chemistry</b>		<b>2 Weeks</b>
<b>ADVANCED LEVEL</b>	<b>Periodical Works</b>	- <b>Case Studies</b>	<b>4 times/year</b>
		- <b>Discussion Platforms</b>	<b>2 times/year</b>
	<b>Special Courses (Not related with S&amp;E)</b>	- <b>Distance Learning Courses</b>	
		- <b>Seminars Organized by EPO</b>	
<b>OTHER</b>	<b>PCT Related Issues</b>		<b>1 Week</b>
	<b>Language</b>	- <b>French, German, or other</b>	

42. Examiners also participate in EPOQUENet training courses offered by the EPO, as well as seminars and other on-line training activities regarding search and examination, organized by the EPO and WIPO. In addition, training activities involve the sharing of experiences and best practices in search and examination between leading patent offices, such as Danish Patent and Trademark Office (DKPTO) and German Patent and Trade Mark Office (DPMA).

#### Language

43. All examiners are fully proficient in Turkish and English. 12 per cent of examiners have knowledge of a third language (French/German).

44. Therefore, TPI satisfies the requirements set out in the PCT Rules 36.1(iii) and 63.1(iii), stating that "That Office or organization must have a staff which is capable of searching and examining the required technical fields and which has the language facilities to understand at least those languages in which the minimum documentation referred to in Rule 34 is written or is translated will be met".

#### SEARCH AND EXAMINATION RESOURCES

45. TPI patent examiners are equipped with the necessary IT hardware, such as 24 inch twin monitors in spacious rooms and software, to assist search and examination as well as tools for the translation of prior art documents into other languages. All examiners have full access to EPOQUE-Net for searching prior art. Machine translation facilities provided by Espacenet (patent translate service, including Turkish) and EPOQUE Net translation functions are used, particularly to understand the documentation in Far Eastern languages.

### Search Databases and PCT Minimum Documentation

46. As regards the minimum documentation, TPI has full access to the minimum documentation referred to in Rule 34 of the PCT Regulations.

### Search Databases

47. The search databases accessible to the examiners include:

- (a) EPOQUENet, incorporating access to Derwent World Patent Index (DWPI);
- (b) commercial databases such as IEEE Xplore, Elsevier, Springer;
- (c) Turkish national patent database (PATUNA), Turkish Scientific and Technological Research Council databases including EBSCOhost (with 375 full-text databases, a collection of 600,000-plus ebooks, subject indexes, point-of-care medical references, and an array of historical digital archives);
- (d) STN, including BIOSIS, CAPLUS, Embase, MEDLINE, American Chemical Society (ACS) database.
- (e) Free databases such as; EMBL-EBI (European Molecular Biology Laboratory - European Bioinformatics Institute), the ChEMBL interface that permits also searches based on formula's drawing, and NCBI (National Center for Biotechnology Information).

48. Therefore, TPI satisfies the requirements set out in the PCT Rules 36.1(ii) and 63.1(ii), stating that "That Office or organization must have in its possession, or have access to, at least the minimum documentation referred to in Rule 34, properly arranged for search purposes, on paper, in microform or stored on electronic media will be met".

### Timeliness for national patent granting proceedings

49. TPI acts swiftly in patent proceedings. TPI has an almost negligible backlog of search and examination work for its domestic applications. The following table demonstrates the time required for search, examination and grant processes.

<b>Indicator</b>	<b>Measured from</b>	<b>Time (months)</b>
To search	from filing date	9 months*
To first examination	from publication period of search report	12 months**
To grant	from filing date	2 - 3 years

\* According to the Patent Decree Law, a request for search may be filed within 15 months from the date of filing of the application. TPI needs to wait until the request for search is filed, which leads to some delay before the search can start. Therefore, the average time for issuing a search report is 9 months.

\*\*According to the Patent Decree Law, examination may only start after the expiration of a period of 6 months from publication of the search report for the purpose of opposition by third parties. TPI needs to wait for this period to expire, which leads to a minimum of 6 months delay in start of examination. Therefore, the average time for issuing the first examination report is 12 months.

50. Furthermore, with the recruitment of new patent examiners in 2016, we are fully confident that the time necessary for the processing of patent applications will further decrease. As a result, TPI's processing times regarding search and examination will be even lower than the requirements set out in the PCT Rules 36.1(ii) and 63.1(ii). Sustainability of the timeliness will be ensured with a well-functioning QMS in place.

### Institutional capacity

51. TPI has improved its IT infrastructure in order to shorten procedures and provide services within a shorter time with minimum defects within the scope of automation procedures. Furthermore, TPI has a paperless office system and receives 95 per cent of all applications online. Moreover, the entire archive has been transferred to an electronic environment and has been indexed for search purposes. Services provided by TPI are also accessible through electronic facilities, where all online services of governmental bodies are offered in one web portal.

52. TPI has started accepting ePCT filings in 01.06.2015, meaning that applicants may file PCT applications using ePCT with TPI as receiving Office and enjoy the advantages of the ePCT system, such as modern interactive service, reduction of errors and efficiency. The benefits of the ePCT System are well understood by local users; since the start of TPI accepting ePCT filings, almost 70 per cent of the PCT applications have been filed through the ePCT system.

## 6. QUALITY MANAGEMENT

### Quality Policy

53. TPI is working hard to serve its stakeholders and users to provide high quality search and examination products and services. In this regard, the quality policy of TPI is:

- to provide services of the highest quality to the utmost satisfaction of patent applicants and attorneys;
- to commit itself to achieve reliable, consistent, fair and transparent search and examination report based on regulations, laws and treaties;
- to ensure the granting patents in a timely manner to contribute to the patent system and technological development;
- to maintain cooperative relationships with patent applicants and attorneys to get efficient feedback to enhance the quality and effectiveness of its search and examination report processes;
- to commit itself to improve its quality of services through continuous training and increasing the level of knowledge and capabilities of patent examiners.

54. To increase the effectiveness of the QMS, TPI is planning to acquire ISO 9001 certification in 2016 as a normative reference for its QMS.

55. A Quality Management System Initial Report in accordance with Chapter 21 of the PCT International Search and Preliminary Examination Guidelines is attached to the present document (see Annex IV).

## 7. OTHER

### International Cooperation Activities

56. TPI conducted its first international project in 1995-1999 with the German Technical Cooperation Agency, aimed at establishing the necessary physical infrastructure and develop institutional capacity. The second such project was implemented with the World Bank in 1999-2006, aimed at modernizing TPI's physical infrastructure, establishing modern IT systems, custom-made IP software, re-engineering of IP services and training of examiners. The third international project was implemented under the Organization for Islamic Cooperation (OIC), in cooperation with the Islamic Center for Development of Trade, which aimed at raising technical capacity on IP among OIC members. The most recent international cooperation project was

implemented in 2010-2011 with the German Federal Patent Court and the German Foundation for International Legal Cooperation under a European Union funded twinning project that aimed at establishing examination guidelines, raising technical capacities of TPI examiners and specialized IP judges, and ensuring alignment of Turkey's IP legislation with the EU acquis.

57. TPI has bilateral cooperation activities with national offices of 27 countries. Furthermore, TPI has launched cooperation activities with the State Intellectual Property Office of China (SIPO) and the Korean Intellectual Property Office (KIPO), aimed at providing bilateral access to national patent databases.

58. TPI has a long record of excellent cooperation with many IP related international organizations, such as WIPO, the EPO and OHIM. In addition, TPI maintains strong relations with the WTO, the OECD and the United Nations Economic Commission for Europe (UNECE).

59. TPI and WIPO have been implementing a fellowship program since 2012 that allows placing TPI examiners in WIPO to gain experience in the processing of international trademark applications filed under the Madrid System. This program allows TPI examiners to become qualified to serve as focal points between offices and to address any issues that may come up with the international trademark applications. TPI aims at expanding the fellowship program to cover the PCT System as well.

60. TPI and the WIPO Academy have cooperated intensively, since 2014, on an international IP Master's Program. The content of the program was finalized in 2015 and will begin in the academic year of 2016-2017 at the Ankara University.

61. TPI and WIPO have been working on the establishment of an IP Academy in Turkey since 2010. The studies have been intensified in 2014 and, under a Memorandum of Understanding signed between TPI and WIPO, the training of Academy trainers was launched. It is envisaged that the Academy will become fully functional in 2017, as soon as the pool of trainers and experts are sufficient to administer the Academy's curriculum.

62. Each year TPI and WIPO are organizing a series of awareness and dissemination of information activities, according to a jointly agreed annual work plan. The work plan targets universities, research and development centers, technology transfer offices, government agencies, IP judiciary and IP attorneys.

63. Similarly, TPI and the EPO cooperate in annual training programs focused on search and examination for TPI's patent examiners. These programs incorporate awareness and dissemination information activities, aimed at universities, research and development centers, technology transfer offices and patent attorneys.

## 8. ASSESSMENT BY OTHER AUTHORITIES

64. In line with the Procedures for Appointment of International Authorities as agreed at the Forty-Sixth session of the PCT Union, TPI has obtained the assistance of the Korean Intellectual Property Office (KIPO) and the Spanish Patent and Trademark Office (SPTO) to help in the assessment of the extent to which TPI meets the criteria for appointment as an International Authority (ISA/IPEA).

65. The two individual assessment reports of KIPO and SPTO summarizing the fact-finding missions conducted to TPI in December 2015 and March 2016 are enclosed to this document.

[Annex IV follows]



**ORIGINAL: ENGLISH**  
**DATE: MARCH 14, 2016**

## Patent Cooperation Treaty (PCT)

### Common Quality Framework for International Search and Preliminary Examination

#### INITIAL REPORT ON QUALITY MANAGEMENT SYSTEM

*Prepared by [TURKISH PATENT INSTITUTE]*

*The Authority should provide general background information relevant to the quality management system (QMS) as set forth in this template.*

*The descriptions below each main heading of this template should be considered examples of the type and arrangement of information that should be included under each heading. Each Authority may provide additional information beyond that set forth in this template as desired.*

#### **INTRODUCTION (PARAGRAPHS 21.01 - 21.03)**

*If applicable, the Authority may at this point indicate any recognized normative reference or basis for their quality management system besides Chapter 21, such as ISO 9001, under the heading "Normative Reference for QMS"*

*For example: "Normative reference for QMS: ISO 9001, EQS (European Quality System)"*

*Each Authority should then provide at least the information indicated in the descriptive boxes, under the following headings*

TPI has established a Quality Management System (QMS) covering all of services regarding patent granting procedures. The QMS covers the processing of PCT applications both in the international phase and international searches. The QMS is fully operational and ready for the time of appointment in the 48<sup>th</sup> session of the PCT Union Assembly in 2016.

## Initial Report on Quality Management Systems by TPI

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TPI has initiated the procedures to acquire ISO 9001 and ISO 27001 certification within 2016 as a normative reference for QMS;

- ✓ to increase the effectiveness of the QMS,
- ✓ to understand the customer's quality requirements,
- ✓ to define the areas need to be improved necessary for the quality issues
- ✓ to keep information assets secure,
- ✓ to enhance customer satisfaction, and to achieve continual improvement of its performance.

The quality objective of TPI is to prepare high quality search and examination reports in a timely manner. TPI already has well-established quality management systems for national patent granting procedures.

From its foundation in 1994, TPI has already implemented major quality assurance measures which includes; customer satisfaction, effective and productive communication with stakeholders, internal discussion platform, well-functioning IT infrastructure and software to track each process regarding patent applications, search and examination guidelines.

Within the context of customer satisfaction, the well-trained call center staff is ready to answer the questions from users promptly and helping them to find solutions to their needs. TPI is always accessible via its web site ([www.tpe.gov.tr](http://www.tpe.gov.tr)) for every kind of information related to protection from filing to grant such as, regulations, laws, informative documents, application guidelines, etc.

Each year, in order to maintain effective and productive communication with stakeholders, TPI organizes regular consultative meetings in which the management of TPI is present to exchange views on the current practice with patent attorneys and users. In these meetings, patent attorneys' feedbacks are also taken regarding the search and examination products and services.

TPI has a very efficient internal communication structure, thanks to the discussion platform. The complicated issues are discussed in periodical meetings. The final decisions are recorded, categorized and accessible to every examiner via the intranet. This is how harmonization of practice is applied. Guidelines for search and examination are available for both TPI examiners and external users via the website of TPI ([www.tpe.gov.tr](http://www.tpe.gov.tr)). Decisions of the discussion platform and courts are taken into consideration for the self-assessment and revision of the Search & Examination Guidelines.

TPI has a well-functioning IT infrastructure and software to track each process regarding patent applications through the Patent File Management Software (PATUNA). TPI has also QMS S&E Report Management Program, which provides recording of various data regarding the search and examination process such as, the databases consulted, the keywords, combinations of words and truncations used, the language(s) in which the search was carried out, the classes and class combinations searched according to the IPC, categories of prior art documents and the list of all search statements used in the databases consulted.

The Quality Management Manual has been prepared and TPI has fully planned the QMS for all of the services regarding patent granting procedures and covering the processes of PCT applications both in the international phase and international searches. Therefore, TPI will

Initial Report on Quality Management Systems by TPI

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have in place an internal quality assurance system in compliance with Chapter 21 of the PCT International Search and Preliminary Examination Guidelines at TPI's appointment as an ISA/IPEA in the 48<sup>th</sup> session of the PCT Union Assembly in 2016.

## 1. LEADERSHIP AND POLICY

*21.04 Confirm that the following are clearly documented, and that this documentation is available internally:*

- (a) The quality policy established by top management.*
- (b) The roles and names of those bodies and individuals responsible for the QMS, as delegated by top management.*
- (c) An organizational chart showing all those bodies and individuals responsible for the QMS.*

(a) The Quality Policy is established by the top management.

The Quality Policy is;

- TPI provides services of the highest quality to the utmost satisfaction of patent applicants and attorneys.
- TPI commits itself to achieve reliable, consistent, fair and transparent search and examination reports based on regulations, laws and treaties.
- TPI ensures the granting patents in a timely manner to contribute to the patent systems and technological developments.
- TPI maintains cooperative relationships with patent applicants and attorneys to get efficient feedback to enhance the quality and effectiveness of its search and examination report processes.
- TPI commits itself to improve its quality of services through continuous training and increasing the level of knowledge and capabilities of patent examiners.

The quality policy is first prepared as a draft by the patent department and officially approved by the top management, and reviewed periodically during internal reviews. The quality policy is published in the intranet.

(b)

Quality manager: Quality Manager is responsible for all the quality issues of the patent examination process. The Quality Manager is appointed from a senior patent examiner who have a great deal of knowledge and high level of expertise in quality matters. The Quality Manager in coordination with the unit leaders analyses the results of the quality control and gives feedback on the results to the top management. Quality manager together with the unit leaders is involved in preparing and establishing the quality procedures. Quality Manager reviews customer requirements and makes sure that they are met by the patent examiners.

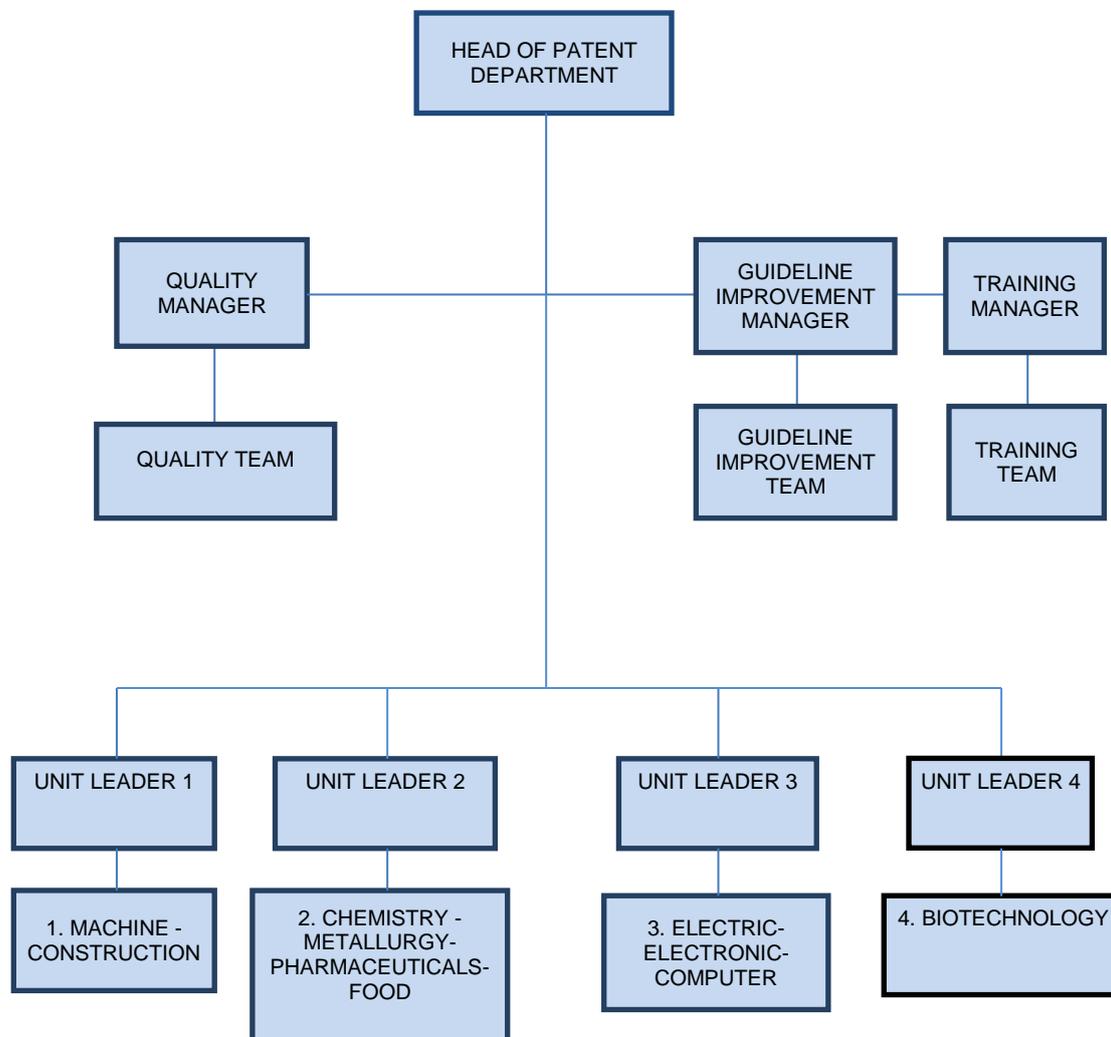
Unit leaders: Unit leaders are responsible for all matters regarding quality in their respective units. Unit leaders will check the search and examination reports by selecting randomly, to check whether these reports conform to laws, regulations and the Search & Examination Guidelines. Moreover, unit leaders will give feedback on the results to quality manager.

Quality team: All unit leaders together form the quality team.

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(c)

**QUALITY MANAGEMENT SYSTEM (QMS) ORGANIZATIONAL CHART**



21.05 Indicate (e.g. by means of a table) the extent of compatibility between the Authority's QMS and the requirements of Chapter 21 of these International Search and Preliminary Examination Guidelines. Alternatively, indicate where the Authority is not yet compliant with these requirements.).

[Sample table, to be amended as necessary]

Chapter 21 requirement				Extent of compliance		
				full	part	no
21.04		(a)	Quality policy available	✓		
		(b)	Identified roles and names for QMS responsibility	✓		
		(c)	Organizational chart available	✓		

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Chapter 21 requirement				Extent of compliance		
				full	part	no
21.05			Established compatibility of QMS with Chapter 21	✓		
21.06		(a)	Mechanisms to ensure effectiveness of the QMS	✓		
		(b)	Control of the continual improvement process	✓		
21.07		(a)	Communication of management about this standard to staff	✓		
		(b)	The PCT Guidelines are in line with the Authority's QMS	✓		
21.08		(a)	Management reviews take place		✓ <sup>1</sup>	
		(b)	Quality objectives are reviewed	✓		
		(c)	Communication of quality objectives throughout the Authority	✓		
21.09		(a)	Performance of a yearly internal review of the QMS in/to		✓ <sup>1</sup>	
		(b)	(i) determine the extent to which the QMS in based on Chapter 21		✓ <sup>1</sup>	
			(ii) determine the extent to which S&E complies with PCT Guidelines		✓ <sup>1</sup>	
		(c)	an objective and transparent way		✓ <sup>1</sup>	
		(d)	using input incl. information according paragraph 21.24		✓ <sup>1</sup>	
		(e)	recording the results		✓ <sup>1</sup>	
21.10			Assurance to monitor and adapt to actual workload	✓		
	(i)		Infrastructure in place to ensure that a quantity of staff	✓		
		(a)	sufficient to deal with the inflow of work	✓		
		(b)	which maintains tech. qualifications to S&E in all technical fields	✓		
		(c)	which maintains the language facilities to understand languages according to Rule 34	✓		
	(ii)		Infrastructure to provide a quantity of skilled administrative staff	✓		
		(a)	at a level to support the technically qualified staff	✓		
		(b)	for the documentation records	✓		
	(iii)		Ensuring appropriate equipment to carry out S&E	✓		
	(iv)		Ensuring documentation accord. to Rule 34	✓		
	(v)	(a)	Instructions to help staff understand and act accord. the quality criteria and standards	✓		

<sup>1</sup> The first internal review of the performance of the QMS shall take place in 2017.

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Chapter 21 requirement			Extent of compliance		
			full	part	no
		(b) Instructions to follow work procedures accurately and they are kept up-to-date.	✓		
	(vi)	(a) Training and development program to ensure and maintain necessary skills in search and examination	✓		
		(b) Training and development program to ensure awareness of staff to comply with the quality criteria and standards.	✓		
	(vii)	(a) System in place for monitoring resources required to deal with demand	✓		
		(b) System in place for monitoring resources required to comply with the quality standards in S&E	✓		
21.11	(i)	Control mechanisms to ensure timely issue of S&E reports	✓		
	(ii)	Control mech. regarding fluctuations in demand and backlog	✓		
21.12	(i)	Internal quality assurance system for self-assessment	✓		
		(a) for compliance with S&E Guidelines	✓		
		(b) for channeling feedback to staff	✓		
	(ii)	System for measurement of data and reporting for continuous improvement	✓		
	(iii)	System for verifying the effectiveness of actions taken to correct deficient S&E work	✓		
21.14		(a) Contact person helping identify best practice between Authorities	✓		
		(b) Contact person fostering continual improvement	✓		
		(c) Contact person providing for effective comm. with other Authorities for feedback and evaluation	✓		
21.15	(i)	(a) Appropriate system for handling complaints	✓		
		(b) Appropriate system for taking preventive/corrective actions	✓		
		(c) Appropriate system for offering feedback to users	✓		
	(ii)	(a) A procedure for monitoring user satisfaction & perception	✓		
		(b) A procedure for ensuring their legitimate needs and expectations are met	✓		
	(iii)	Clear and concise guidance on the S&E process for the user	✓		
	(iv)	Indication where and how the Authority makes its quality objectives publicly available	✓		
21.16		Established communication with WIPO and designated and elected Offices	✓		

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Chapter 21 requirement				Extent of compliance		
				full	part	no
21.17			QMS of Authority clearly described (e.g. Quality Manual)	✓		
21.18		(a)	Documents making up the Quality Manual have been prepared and distributed	✓		
		(b)	Media available to support the Quality Manual	✓		
		(c)	Document control measures are taken	✓		
21.19	(i)		Quality policy of the Authority and commitment to QMS	✓		
	(ii)		Scope of QMS	✓		
	(iii)		Organizational structure and responsibilities	✓		
	(iv)		the documented processes are carried out in the Authority	✓		
	(v)		Resources available to carry out processes and implementing the procedures	✓		
	(vi)		a description of the interaction between the processes and the procedures of the QMS.	✓		
21.20	(i)		Records which documents are kept and where they are kept	✓		
	(ii)		Records of results of management review		✓ <sup>2</sup>	
	(iii)		Records about training, skills and experience of staff	✓		
	(iv)		Evidence of conformity of processes		✓ <sup>2</sup>	
	(v)		Results of reviews of requirements relating to products		✓ <sup>2</sup>	
	(vi)		Records of the S&E process carried out on each application	✓		
	(vii)		Record of data allowing individual work to be tracked	✓		
	(viii)		Record of QMS audits		✓ <sup>2</sup>	
	(ix)		Records on actions taken re. non-conforming products		✓ <sup>2</sup>	
	(x)		Records on actions taken re. corrective actions		✓ <sup>2</sup>	
	(xi)		Records on actions taken re. preventive actions		✓ <sup>2</sup>	
	(xii)		Records referring to search process documentation	✓		
21.21	(i)		Recording of the databases consulted during search	✓		
	(ii)		Recording of keywords, combination of words and truncations during search	✓		
	(iii)		Recording of the languages used during search	✓		
	(iv)		Recording of classes and combinations thereof consulted during search	✓		

<sup>2</sup> The records shall be generated and the results will be reviewed after first QMS internal review.

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Chapter 21 requirement			Extent of compliance		
			full	part	no
	(v)	Recording of a listing of all search statements used in databases consulted	✓		
	(vi)	Records about other information relevant to the search	✓		
	(vii)	Records about limitation of search and its justification	✓		
	(viii)	Records about lack of clarity of the claims	✓		
	(ix)	Records about lack of unity	✓		
21.22		Report on its own internal review processes		✓ <sup>3</sup>	
21.23-21.25		Additional information on further inputs to its internal reviews		✓ <sup>4</sup>	
21.26		Initial report called for by paragraph 21.26	✓		

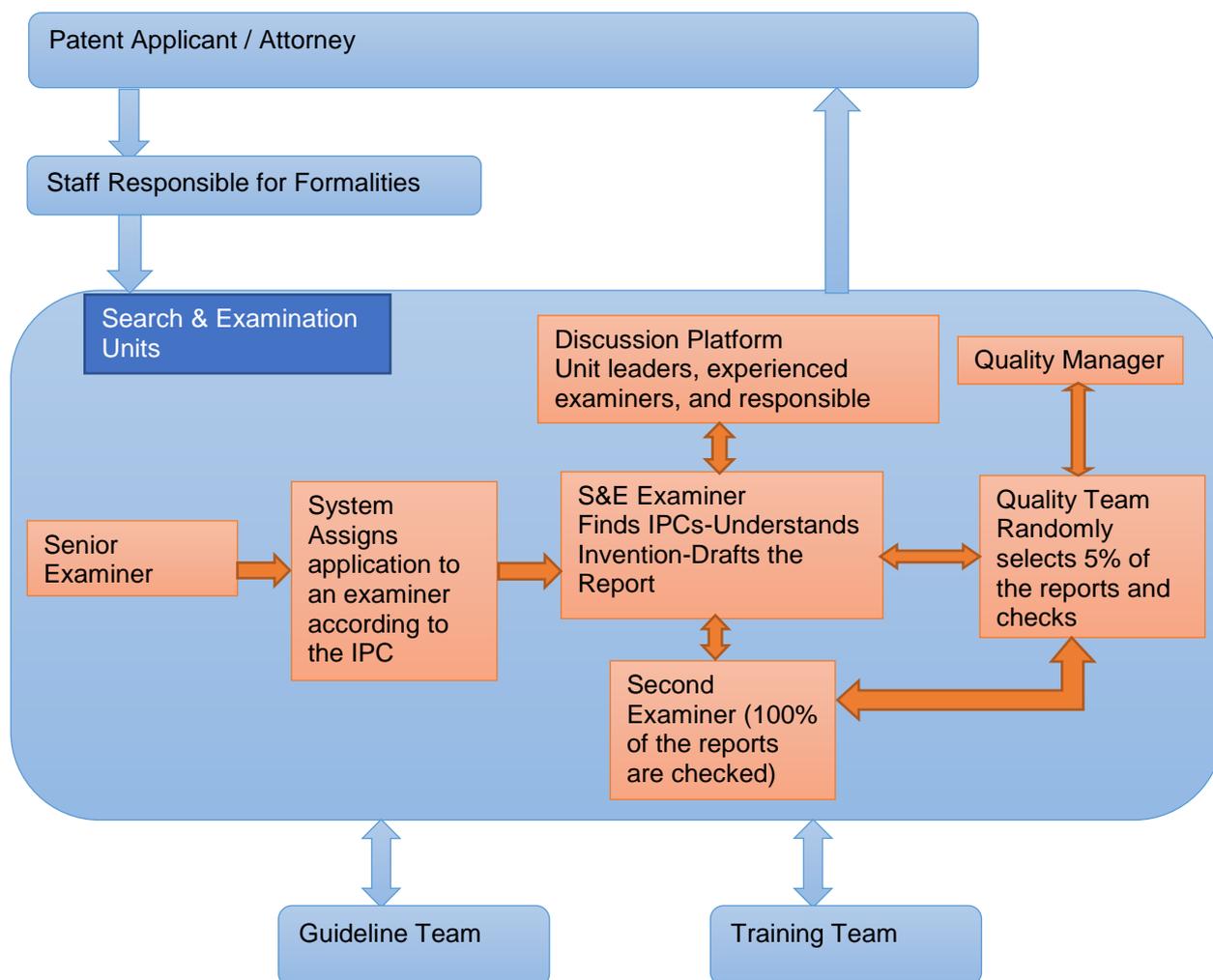
*21.06 Indicate with reference to the organizational chart those bodies and mechanisms management uses to ensure:*

- (a) the effectiveness of the QMS; and*
- (b) that the process of continual improvement progress*

<sup>3</sup> Report on the QMS internal review processes shall be prepared after the first QMS internal review.

<sup>4</sup> After first QMS internal review, additional information on the QMS internal review processes shall be determined.

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The quality manager and the quality team are together responsible for improving the QMS and ensuring its effectiveness. To ensure the effectiveness, the quality team holds yearly meetings and evaluates all the data such as unit leaders' reviews, user complaints and objections, deficiencies in search and examination, survey results and comments from the meetings with attorneys/applicants. Results of the yearly meetings are evaluated and corrective/preventive actions are taken accordingly. Also to improve the effectiveness of the QMS, meetings with the "guideline and training team" are held. If necessary, quality manager and quality team may revise QMS and discuss these revisions with management.

21.07 Indicate how management of the Authority communicates to its staff the importance of meeting treaty and regulatory requirements including:

- (a) those of this standard; and
- (b) complying with the Authority's QMS.

TPI management holds meetings at least once a year with all the staff about the functioning of TPI. In these meetings, the annual performance of the patent department presented by the head of patent department and the objectives of the oncoming year are discussed. Suggestions, complaints and comments, not only about the process of search and examination, but also

## Initial Report on Quality Management Systems by TPI

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anything about TPI such as the treaty and regulatory requirements may be expressed by the examiners and other staff.

Also surveys and questionnaires are conducted by the management to determine the satisfaction of patent examiners and other staff.

Moreover, the performance of each examiner is evaluated and the new yearly based goals per examiner are determined. The importance of fulfillment of the QMS requirements is reminded to the staff. In extraordinary circumstances, the management may also organize additional meetings regarding quality issues. All staff is always notified via e-mail.

*21.08 Indicate how and when top management of the Authority or delegated officers:*

- (a) conducts management reviews and ensures the availability of appropriate resources;*
- (b) reviews quality objectives; and*
- (c) ensures that the quality objectives are communicated and understood throughout the respective Authority.*

The management meets regularly about the sufficiency of human resources and IT infrastructure in accordance with the quality objectives.

At the beginning of each year the quality manager together with the quality team reviews the results of the previous year regarding the quality objectives. If necessary, the management shall revise or modify the quality objectives accordingly.

Guideline team revises the TPI Search & Examination Guideline according to previous year's quality check results. If there is any change in the regulations and laws, the guideline team is responsible for updating the TPI S&E Guideline. Decisions of the discussion platform and the courts are also taken into consideration for the self-assessment and revision of the Guidelines.

Training team ensures the increase of the knowledge and capacity of the examiners through carefully planned training programs. The newly employed examiners are subjected to comprehensive and intense training programs. The experienced examiners are also subjected to training programs for getting familiar of the new practices and for keeping their information updated.

The management communicates the revised objectives to the staff during periodical meetings, trainings and the revised quality objectives are available on the intranet. All staff is also always notified via e-mail.

Initial Report on Quality Management Systems by TPI

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*21.09 Indicate whether top management or delegated officers of the Authority perform an internal review of the QMS in accordance with paragraphs 21.22-21.25:*

- (a) at least once per year (cf. paragraph 21.22);*
- (b) in accordance with the minimum scope of such reviews as set out in Section 8, namely:  
to determine the extent to which the QMS is based on Chapter 21 (cf. paragraphs 21.22, 21.24(i));  
to determine the extent to which Search and Examination work complies with PCT Guidelines (cf. paragraphs 21.22, 21.24(i));*
- (c) in an objective and transparent way (cf. paragraph 21.22);*
- (d) using input including information according to paragraphs 21.24 (ii)-(vi);*
- (e) recording the results (cf. paragraph 21.25).*

The quality manager together with the quality team prepares review reports every three months. The TPI top management holds meetings at least once a year with the quality manager, in which the review reports are evaluated.

Each review report contains quality records regarding all the search and examination activities recorded by the unit leaders. The review report also contains the evaluation and effectiveness of the quality management system.

Furthermore, the quality team evaluates S&E processes and examiners' activities in compliance with the PCT Guidelines. First audit will take place in 2017. The working group of PCT Search and Examination guideline has revised the existing guideline of TPI in accordance with PCT guideline. The TPI guideline could also be accessed to the public via online (<http://www.tpe.gov.tr>).

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### 2. RESOURCES

*21.10 Explanatory note: The granting of ISA/IPEA status means that the Authority has demonstrated it has the infrastructure and resources to support the search and examination process. Chapter 21 calls for assurance that the Authority can continually support this process while accommodating changes in workload and meeting QMS requirements. The responses below, should provide this assurance.*

*Human resources:*

*(i) Provide information about the infrastructure in place to ensure that a quantity of staff: sufficient to deal with the inflow of work;*

*which maintains the technical qualifications to search and examine in the required technical fields; and*

*which maintains the language facilities to understand at least those languages in which the minimum documentation referred to in Rule 34 is written or is translated*

*is maintained and adapted to changes in workload.*

*(ii) Describe the infrastructure in place to ensure that a quantity of appropriately trained/skilled administrative staff is maintained and adapted to changes in workload:*

*at a level to support the technically qualified staff and facilitate the search and examination process, and*

*for the documentation of records.*

*Material resources:*

*(iii) Describe the infrastructure in place to ensure that appropriate equipment and facilities such as IT hardware and software to support the search and examination process are provided and maintained;*

*(iv) Describe the infrastructure in place to ensure that at least the minimum documentation referred to in Rule 34 is available, accessible, properly arranged and maintained for search and examination purposes. State whether it is on paper, in microform or stored on electronic media, and where.*

*(v) Describe how instructions:*

*to help staff understand and adhere to the quality criteria and standards; and;*

*to follow work procedures accurately and consistently*

*are documented, provided to staff, kept up-to-date and adapted where necessary.*

In TPI, patent examiners are responsible for S&E activities. All patent examiners have at least Bachelor's Degrees. 47 per cent of examiners have Master Degrees or PhD Degrees or are candidates. TPI has the capacity for preparing search and examination reports in all technical fields. 100 per cent of patent examiners have the knowledge of English and 12 per cent of patent examiners also have the knowledge of third language such as German and French. TPI recruits examiners after a three stage (including foreign language) examination in accordance with their technical knowledge.

## Initial Report on Quality Management Systems by TPI

As of 2015, TPI has 103 full time examiners in total. All examiners receive training sessions to improve their knowledge in the PCT system. Also TPI is planning to recruit 9 new examiners in 2016.

TPI has the latest technology in IT hardware such as twin 24" full HD monitors for all examiners and the IT software is continuously being improved in accordance to the needs and necessities to provide most effective services.

IT and patent department communicates regularly for necessary IT software updates and hardware requests. Workload of the examiners is being monitored by the software. TPI meets the PCT minimum documentation criteria. We have access to the following databases;

- (a) EPOQUENet, incorporating access to Derwent World Patent Index (DWPI);
- (b) Commercial databases such as IEEE Xplore, Elsevier, Springer
- (c) Turkish national patent database (PATUNA), Turkish Scientific and Technological Research Council databases including EBSCOhost (with 375 full-text databases, a collection of 600,000-plus ebooks, subject indexes, point-of-care medical references, and an array of historical digital archives),
- (d) STN, including BIOSIS, CAPLUS, Embase, MEDLINE, American Chemical Society (ACS) database,
- (e) Free databases such as; EMBL-EBI (European Molecular Biology Laboratory - European Bioinformatics Institute), the ChEMBL interface that permits also searches based on formula's drawing, and NCBI (National Center for Biotechnology Information).

All necessary information can be accessed through the Intranet such as PCT Guidelines, training documents, documents related to quality management system (quality reports, checklists, manual, etc.).

*Training resources:*

*(vi) Describe the training and development infrastructure and program which ensures that all staff involved in the search and examination process:*

*acquire and maintain the necessary experience and skills; and*

*are fully aware of the importance of complying with the quality criteria and standards.*

TPI provides trainings in Patent Law, Formal Examination, Substantive Examination, Novelty, Inventive Step, Industrial Applicability, Unity, Clarity, Databases (EPOQUENET, ESPACENET, etc.), Classification Systems (IPC, CPC), and Language Courses. Also, examiners should take WIPO and EPO distance learning courses.

		TOPIC	DURATION
<b>BASIC TRAINING</b>	<b>General Introduction</b>	- Introduction	<b>2 Weeks</b>
		- Patent law	
		- Granting procedures	
		- Patent software of TPI	
		- Databases	
		- International Agreements	
	<b>External Sources</b>	- Distance Learning Courses	
- Seminars organized by EPO			

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<b>SEARCH AND EXAMINATION RELATED TRAINING</b>	<b>Introduction to Search</b>	- <b>Basic Concepts</b>	<b>1 Week</b>
		- <b>Classification</b>	
		- <b>Scope of patent</b>	
		- <b>Search strategies</b>	
		- <b>Case studies</b>	
	<b>Clarity / Unity</b>	- <b>Basic Concepts</b>	<b>1 Week</b>
		- <b>Sufficiency of disclosure</b>	
		- <b>Unity</b>	
		- <b>Clarity</b>	
		- <b>Complex Cases</b>	
	<b>How to Draft Search Reports</b>	- <b>Basic Format</b>	<b>1 Week</b>
		- <b>Document Categories</b>	
		- <b>Extra Cases</b>	
		- <b>Analysis of claims (Feature Table)</b>	
		- <b>Case studies</b>	
	<b>EpoqueNet</b>	- <b>Introduction</b>	<b>1 Week</b>
- <b>Basic Queries / Search Strategies</b>			
- <b>Documents selection/view/print</b>			
- <b>Case studies</b>			

		<b>TOPIC</b>	<b>DURATION</b>
<b>SEARCH AND EXAMINATION RELATED TRAINING</b>	<b>Novelty - Inventive Step</b>	- <b>Basic Concepts</b>	<b>1 Week</b>
		- <b>Prior Art</b>	
		- <b>Grace Period</b>	
		- <b>Evaluation</b>	
		- <b>Evaluation of Inventive Step</b>	
	<b>External Sources</b>	- <b>Case studies</b>	
		- <b>Distance Learning Courses</b>	
		- <b>Seminars Organized by EPO</b>	
<b>On the job training</b>	- <b>Competency based training by experienced examiners and using practical work</b>	<b>3 Months</b>	

<b>INTERMEDIATE LEVEL</b>	<b>Physics / Mechanics</b>	- <b>Novelty - Inventive Step</b>	<b>2 Weeks</b>
	<b>Electronic</b>	- <b>Clarity</b>	<b>2 Weeks</b>
	<b>Pharma / Chemistry</b>	- <b>Unity</b>	<b>2 Weeks</b>

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<b>ADVANCED LEVEL</b>	<b>Periodical Works</b>	- <b>Case Studies</b>	<b>4 times/year</b>
		- <b>Discussion Platforms</b>	<b>2 times/year</b>
	<b>Special Courses (Not related with S&amp;E)</b>	- <b>Distance Learning Courses</b>	
		- <b>Seminars Organized by EPO</b>	

<b>OTHER</b>	<b>PCT Related Issues</b>		<b>1 Week</b>
	<b>Language trainings</b>	- <b>French, German, or other</b>	<b>on request</b>

*Oversight over resources:*

*(vii) Describe the system in place for continuously monitoring and identifying the resources required:*

*to deal with demand; and*

*comply with the quality standards for search and examination.*

The number of patent applications in all technical fields is periodically monitored to identify the trends. According to the estimated number of applications in all technical fields, necessary number of examiners are determined and then recruited.

### 3. MANAGEMENT OF ADMINISTRATIVE WORKLOAD

*21.11 Indicate how the following practices and procedures for handling search and examination requests and performing related functions such as data-entry and classification are implemented:*

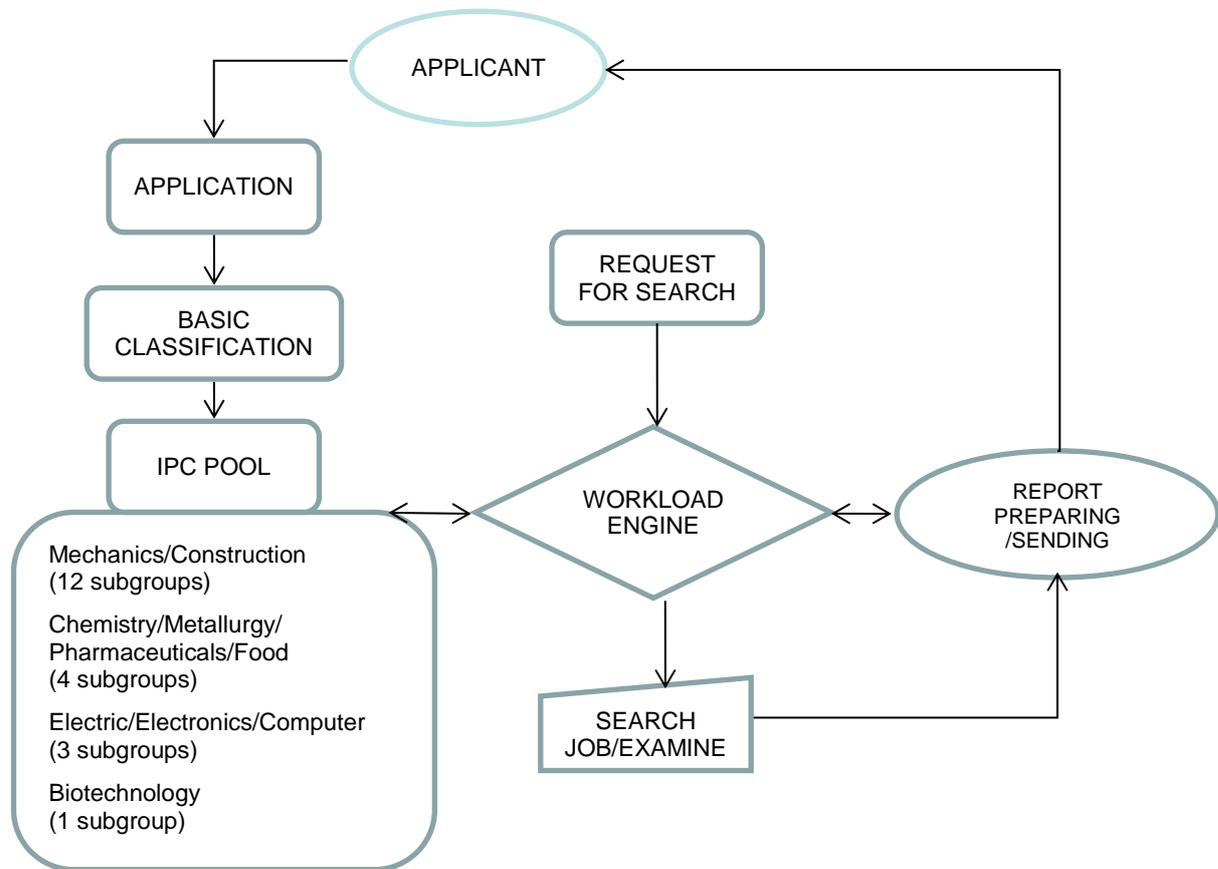
*(i) Effective control mechanisms regarding timely issue of search and examination reports to a quality standard as set by the respective Authority; and*

*(ii) Appropriate control mechanisms regarding fluctuations in demand and backlog management.*

After application is filed, the application is basically classified as a first step by senior patent examiners. The applications are then assigned to appropriate examiner by the workload engine. This software distributes the workload equally and also monitors fluctuations in demand of each technical fields and backlog management by checking the number of assigned workload. This software also monitors the time limits for preparing report according to each examiner and reports the delays if any.

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Search and Examination Workload Diagram



#### 4. QUALITY ASSURANCE

21.12 The following are required quality assurance measures for timely issue of search and examination reports of a quality standard in accordance with the Guidelines. Indicate how the following are implemented, including the use of any checklists to verify reports before their issue or for monitoring the quality standard as part of a post-issue review process:

(i) An internal quality assurance system for self-assessment, involving verification, validation and monitoring of searches and examination work:

for compliance with these Search and Examination Guidelines;

for channeling feedback to staff.

(ii) A system of measurement and collection of data and reporting. Show how the Authority uses the system to ensure the continuous improvement of the established processes.

(iii) A system for verifying the effectiveness of actions taken to correct deficient S&E work, eliminate the causes, and to prevent issues from recurring.

In the quality control process, all reports are checked by a second examiner in order to ensure the correctness of all the reports before issuing them. The second examiner checks the reports according to the checklist. The second examiner ensures that the report meets the requirements

## Initial Report on Quality Management Systems by TPI

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of the checklist. The second examiner controls the reports according to the correctness of the IPC code(s), whether all claims are searched or not, keywords used, correctness of codes (X, Y, etc.) and whether the standard specified sentences and phrases are used in the report.

After quality control, the second examiner confirms the quality of the report and only after then the report is sent to applicant by the first examiner. However, if any deficiency is found by the second examiner, the second examiner sends back the feedback to the first examiner who prepared the report. After the report is revised by the first examiner, the second examiner checks the revised report once again and confirms if the deficiency is eliminated. All reports sent to the applicants are signed by the first examiner once report is cleared by quality control.

In the Quality Assurance process, each month 5 per cent of all the reports which were issued to applicants after the quality control process (second examiner check) are being controlled (compliance to pre-determined time limits, the correctness of the IPC code(s), whether all claims are searched or not, keywords used, correctness of codes (X, Y, etc.) and whether the standard specified sentences and phrases are used in report and databases used) by the quality team. Reports are selected by the sampling method. All results are recorded and reported periodically. Reports are being evaluated and corrective actions are taken by the quality team and quality manager.

Also, discussion platform handles difficult cases and establishes standards for each case. Quality manual is periodically revised accordingly and all examiners are informed about the revisions. In addition, feedback from users is an essential input for taking necessary precautions and revisions of the quality manual.

PDCA cycle is being used in patent search & examination. In the “Plan” phase, objectives are set according to applicant’s needs. In “Do” phase, plans are implemented. In “Check” phase, results are analyzed and in “Act” phase, quality of the service is improved.

## 5. COMMUNICATION

*Inter-Authority communication:*

21.13 *Explanatory note: Each Authority should provide for effective communication with other Authorities.*

*(Note: This point is informative. No response is required by the template to paragraph 21.13)*

21.14 *Provide the name, job title and contact details of the Authorities designated quality contact person who will take responsibility for:*

- (a) helping identify and disseminate best practice among Authorities;*
- (b) fostering continual improvement; and*
- (c) providing for effective communication with other Authorities to allow for prompt feedback from them so that potential systemic issues can be evaluated and addressed.*

The quality manager is responsible for the quality issues on patent search and examination processes. The quality manager is also responsible for helping identify and disseminate best practices among Authorities which also includes providing the effective communication with other Authorities.

## Initial Report on Quality Management Systems by TPI

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At the time of the appointment, the quality manager and the contact person of TPI with other authorities is Kemal Demir Eralp (kemal.eralp@tpe.gov.tr), senior patent examiner. Quality manager is also certified by the Turkish Standard Institution (TSI).

### *Communication and guidance to users:*

*21.15 Describe the system in place for monitoring and using customer feedback including at least the following elements:*

- (i) An appropriate system for handling complaints and making corrections; taking corrective and/or preventative action where appropriate; and offering feedback to users.*
- (ii) A procedure for: monitoring user satisfaction and perception; and for ensuring their legitimate needs and expectations are met.*
- (iii) Clear, concise and comprehensive guidance and information to users (particularly unrepresented applicants) on the search and examination process, giving details of where it is to be found e.g. link to Authority's web site, guidance literature.*
- (iv) An indication of where and how the Authority makes its quality objectives publicly available for the users.*

Complaints are recorded by a software and classified/analyzed by dedicated personnel. All complaints are evaluated by the quality team. In the case of an error, corrective actions are taken and the decisions are notified to the complainant.

Surveys are one of the most important components in determining user satisfaction and efficiency of the quality management system. For this reason, TPI encourages users to fill in the surveys. To meet users' needs, TPI organizes meetings with applicants and attorneys periodically.

Search & Examination Guideline is published in the TPI's web site. Also training courses are organized about "understanding search and examination reports" for applicants and patent attorneys.

The TPI website includes information about "how to apply international PCT applications, PCT guidelines and PCT regulations. Also useful information such as applications fees, forms and some samples can be viewed through the website.

### *21.16 Communication with WIPO and designated and elected Offices:*

*Describe how the Authority provides for effective communication with the International Bureau and designated and elected offices. In particular describe how the Authority ensures that feedback is promptly evaluated and addressed.*

The Quality Manager is also responsible for communication with WIPO and designated and elected Offices.

## Initial Report on Quality Management Systems by TPI

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At the time of appointment, the quality manager and the contact person of TPI with WIPO is Kemal Demir Eralp (kemal.eralp@tpe.gov.tr), senior patent examiner.

### 6. DOCUMENTATION

*21.17 Explanatory note: The QMS of the Authority needs to be clearly described and implemented so that all processes in the Authority and the resulting products and services can be monitored, controlled, and checked for conformity. This is done in the documents that make up the Quality Manual of the Authority (see paragraph 21.18).*

*(Note: This point is informative. No response is required by the template to paragraph 21.17)*

*21.18 The documents that make up the Quality Manual serve to document the procedures and processes affecting the quality of work, such as classification, search, examination and related administrative work. In particular, the Quality Manual indicates where to find instructions on the procedures to be followed.*

*For the purposes of this report indicate:*

- (a) the documents making up a Quality Manual that have been prepared and distributed;*
- (b) the media on which it is supported (e.g. Internal Publication, Internet, Intranet); and*
- (c) document control measures taken e.g. version numbering, access to latest version*

Documents making up the Quality Manual has been prepared and distributed to the staff. Document control measures such as version numbering are taken and the latest version is published internally. All documents are available on the intranet.

*21.19 Indicate whether the documents making up the Quality Manual include the following:*

- (i) the quality policy of the Authority including a clear statement of commitment to the QMS from top management;*
- (ii) the scope of the QMS, including details of and justification for any exclusions;*
- (iii) the organizational structure of the Authority and the responsibilities of each of its departments;*
- (iv) the documented processes carried out in the Authority such as receipt of incoming applications, classification, distribution, search, examination, publication and support processes, and procedures established for the QMS, or references to them;*
- (v) the resources available for carrying out the processes and implementing the procedures; and*
- (vi) a description of the interaction between the processes and the procedures of the QMS.*

The quality manual includes the quality policy, the scope of the QMS, the organizational structure, the documented processes carried out in the Authority, the resources necessary for carrying out the processes and interaction between the processes.

Initial Report on Quality Management Systems by TPI

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*21.20 Indicate which types of records the Authority maintains, such as:*

- (i) a definition of which documents are kept and where they are kept;*
- (ii) results of management review;*
- (iii) training, skills and experience of personnel;*
- (iv) evidence of conformity of processes, resulting products and services in terms of quality standards;*
- (v) results of reviews of requirements relating to products;*
- (vi) the search and examination processes carried out on each application;*
- (vii) data allowing individual work to be tracked and traced;*
- (viii) records of QMS audits;*
- (ix) actions taken re. non-conforming products, e.g. examples of corrections;*
- (x) actions taken re. corrective action;*
- (xi) actions taken re. preventative action; and*
- (xii) search process documentation as set out in Section 7*

Quality manager and the quality team are responsible for keeping records of management review, training of personnel, evidence of conformity of processes, results of reviews relating to search and examination reports, the search and examination processes carried out on each application, data allowing individual work to be tracked and traced, actions taken in case of non-conformities, corrective actions and preventative actions and documentation of search process.

## 7. SEARCH PROCESS DOCUMENTATION

21.21 *For internal purposes the Authority should document its search process.*

*The Authority should indicate*

- (a) which of the following are included in this record:*
    - (i) the databases consulted (patent and non patent literature);*
    - (ii) the keywords, combinations of words and truncations used;*
    - (iii) the language(s) in which the search was carried out;*
    - (iv) the classes and class combinations searched, at least according to the IPC or equivalent;*
    - (v) a listing of all search statements used in the databases consulted.*
  - (b) which other information relevant to the search itself is included in this record e.g. a statement of the subject of search; details of special relevance to internet searching; a record of documents viewed; on-line thesaurus, synonym or concept databases, etc.*
- (Explanatory note: The IA is requested to list other information it may collect to monitor and improve the search process)*
- (c) which special cases are documented and whether records are kept denoting any:*
    - (vi) limitation of search and its justification*
    - (vii) lack of clarity of the claims; and*
    - (viii) lack of unit*

The IT system named as Patent File Management System (PATUNA) provides carrying out the procedures and recording of each step regarding the patent search and examination processes as well as formalities from filing to grant.

TPI is a paperless office with 95 per cent of their applications online. Every physical application is scanned so that full text search by the Patent File Management Program (PATUNA) is available.

With the help of the Patent File Management Program (PATUNA), all the information about the patent application is recorded such as; application number, date of application, applicant and inventor, priority, IPC classes, publication, all communications between applicant and TPI, the fees, whole changes in transactions. The data registered in PATUNA, facilitates analysis and statistical assessment of all the process from filing to grant or refusal of the application.

Initial Report on Quality Management Systems by TPI

Patent File Management Program (PATUNA)

TPI has also the QMS S&E Report Management Program, integrated with the PATUNA, which records and documents search and examination process in accordance with the QMS. The QMS S&E Report Management Program records the databases consulted, the keywords, combinations of words and truncations used, the language(s) in which the search was carried out, the classes and class combinations searched according to the IPC and the list of all search statements used in the databases consulted. QMS S&E Report Management Program also records the special cases such as lack of clarity and unity of claims.

QMS S&E Report Management Program makes it possible for the second examiner to control the search and examination reports with the help of check list. The results of the second examiners check list is recorded and is available for further assessment for future feedback during the evaluation of the examiners work. By this way, the systematic errors, common problems and lack of knowledge in certain areas are detected and these data is considered during the decision making on training needs or areas for improvement. The data registered in QMS S&E Report Management Program, facilitates analysis and statistical assessment of the search and examination process.



Initial Report on Quality Management Systems by TPI

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## **8. INTERNAL REVIEW**

*21.22 Explanatory note: The Authority should report on its own internal review arrangements. These reviews determine the extent to which it has established a QMS based on the model of Chapter 21 and the extent to which it is complying with the QMS requirements and the Search and Examination Guidelines. The reviews should be objective and transparent to demonstrate whether or not those requirements and guidelines are being applied consistently and effectively and should be undertaken at least once a year. With reference to point 21.08 of this template, the Authority may provide additional information on its internal review arrangements under this section if it so wishes.*

*21.23-21.25 These arrangements are reported according to this template in Section 1, above, at points 21.04 - 21.09. The Authority may provide additional information on further inputs to its internal reviews under this section, if it so wishes*

## **9. ARRANGEMENTS FOR AUTHORITIES TO REPORT TO THE MIA**

*21.26 There are two stages in the reporting arrangements outlined in Chapter 21: the initial report called for by paragraph 21.26(a), and supplementary annual reports in accordance with paragraph 21.26(b). At the second informal meeting of the Quality Subgroup in Canberra on February 6 and 7, 2012, the Subgroup recommended that, instead of submitting full reports every five years and cumulative updates in the intervening years, Authorities should submit each report in the form of a full report, making the differences from the previous year's report clear, for example using "track changes" or other form of highlighting. The template for the supplementary annual reports is therefore no longer used.*

[Annex V follows]



KOREAN INTELLECTUAL PROPERTY OFFICE

**REPORT**

KOREAN INTELLECTUAL PROPERTY OFFICE

December 2015 and March 2016

**INTRODUCTION**

1. This is the report stated by the Korean Intellectual Property Office (KIPO) to show the result of visits to the Turkish Patent Institute (TPI) in December 2015 and in March 2016. It also mentions how the TPI, KIPO and the Spain Patent and Trademark Office (SPTO) have cooperated with each other from December 2015 to March 2016. KIPO signed the Memorandum of Understanding (MOU) with the TPI in order to support TPI's purpose and efforts.

2. In accordance with recommendation on ISA/IPEA appointment suggested by the PCT Assembly in 2014, experts, including a director of PCT substantive examination, an examiner in charge of regulation and system, and an IT specialist from KIPO, which is one of International Search Authorities (ISAs), have carried out a fact-finding and assessment and have shared the knowledge and experience accumulated since 1999, the starting year of ISA work.

3. Thanks to the visits and cooperation, KIPO was not only able to obtain a better understanding of the TPI's current status via facts and figures presented by the TPI, but became aware that the TPI is eager to be appointed as an ISA.

4. The TPI established in 1994 is ranked 15th in the world for the number of national patent applications and it provides high quality intellectual property services and deals with patent, utility model, trademark, design and geographical indications.

5. KIPO and the SPTO discussed a plan for the TPI to be appointed as an ISA and evaluated whether the TPI satisfies the requirements for appointment of an ISA/IPEA in the PCT Rules 36 and 63. The TPI has made its best efforts in order to achieve all of matters recommended by KIPO and the SPTO.

**FACT-FINDING AND ASSESSMENT**

6. The requirements to be appointed as an ISA/ IPEA are as follows:

**Patent Examiner**

*PCT Rule 36.1*

*(i) the national Office or intergovernmental organization must have at least 100 full-time employees with sufficient technical qualifications to carry out searches;*

*(iii) that Office or organization must have a staff which is capable of searching the required technical fields and which has the language facilities to understand at least those languages in which the minimum documentation referred to in Rule 34 is written or is translated;*

7. The TPI has 103 full-time patent examiners as of Feb. 2016, and the examiners have sufficient technical qualifications to carry out the searches, as well as to cover more than 19 technical fields, such as machinery, electricity, chemistry and biotechnology (see table 1). The TPI is supposed to recruit 9 junior examiners by the end of March this year, and also plans to increase the number of its patent examiners up to 162 by 2019.

Table 1. The number of Patent examiners in each technical field

Technical field	Number (in full-time equivalent)
Machinery	45
Electricity/Electrons	29
Chemistry	23
Biotechnology	6
<i>Total</i>	<i>103</i>

8. All examiners are able to understand documents written in Turkish and English, and 12 per cent of them have a grasp of French or German.

9. It is essential for examiners to have, at least, Bachelor's degree and to pass a special test to assure the capability for patent examination. In addition, the examiners should participate in a variety of training programs of EPO Academy, WIPO Academy, and many other training institutions. Therefore, it is guaranteed for TPI examiners to have sufficient technical knowledge to search and examine PCT applications.

**PCT minimum Documentation**

*PCT Rule 36.1*

*(ii) that Office or organization must have in its possession, or have access to, at least the minimum documentation referred to in Rule 34, properly arranged for search purposes, on paper, in microform or stored on electronic media;*

10. The TPI could access to PCT minimum documentation - patent and non-patent literature - through EPOQUE.net and the Scientific and Technological Research Council of Turkey (TUBITAK).

11. The EPOQUE.Net system which the TPI utilizes covers worldwide patent documents in partnership with the EPO. The system enables the TPI to search -patent literature of PCT minimum documents and to access prior arts written not only in English but also in other languages through its machine translation.

12. Additionally, the TUBITAK provides a lot of scientific databases, which cover a majority of the requirements for PCT minimum documents regarding non-patent literature.

13. The TPI also has right to access various scientific journals and periodicals, such as IEEE Xplore, Elsevier, Springer and STN. This allows the TPI to provide a range of online commercial journals and consistently tries to expand the scope of its commercial and free databases.

14. Moreover, the TPI has recently enhanced the usability of the Turkish national patent documents in full-text by digitalizing all documents. This digitalized data, along with the search categories in Patent File Management System (PATUNA), helps TPI examiners to search its Turkish documents more easily and conveniently.



17. In order to support the activities, *[QMS Search and Examination report management program]* was newly launched in PATUNA system and has been improved according to the feedback from quality team and examination divisions.

18. Thus, KIPO firmly believes that the TPI has fully prepared the QMS in order to meet all requirements in chapter 21 of PCT International Search and Preliminary Examination Guidelines.

### **CONCLUSION**

19. Taking all matters mentioned above into consideration, the TPI satisfies all the requirements for appointment of an ISA/IPEA under the rules 36 and 63 of the PCT. Therefore, KIPO has no doubt with respect to TPI's capability to be an ISA/IPEA.

[Annex VI follows].



MINISTERIO  
DE INDUSTRIA, ENERGÍA  
Y TURISMO



## **REPORT**

### SPANISH PATENT AND TRADEMARK OFFICE

#### Fact-Finding PCT Mission at the TURKISH PATENT INSTITUTE

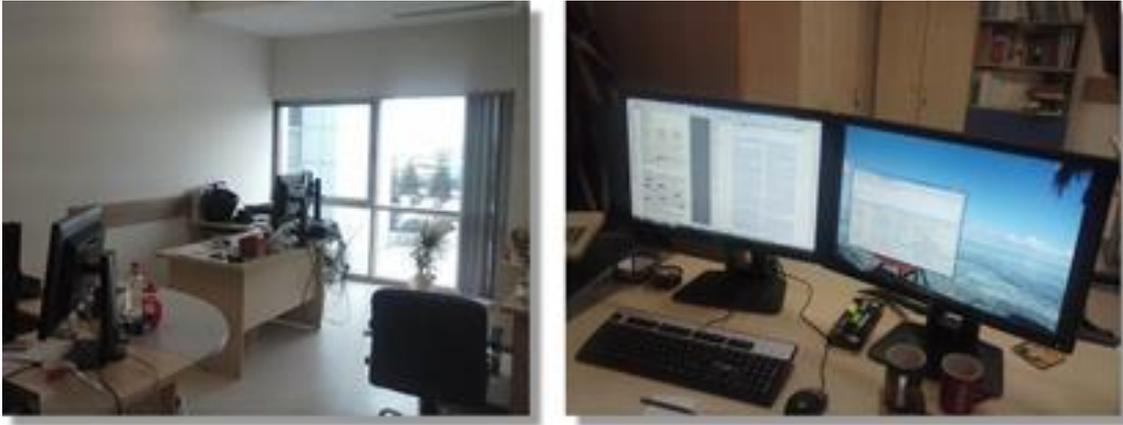
December 2015 and March 2016

### **INTRODUCTION**

1. From December 14 to 17, 2015, and from March 7 to 10, 2016, two visits from a technical adviser of the Spanish Patent and Trademark Office (SPTO) at the Turkish Patent Institute (TPI) took place in order to perform a cooperation activity with the aim of providing technical assistance to the Turkish Patent Institute in its application process as a PCT International Authority (IA).
2. In 2014, the PCT Assembly adopted an Understanding with new requirements for those Patent Offices seeking appointment to become PCT International Authorities. Among the new requirements it is "*strongly recommended to obtain the assistance of one or more existing International Authorities to help in the assessment of the extent to which it meets the criteria, prior to making the application*" (Doc PCT/A/46/6, paragraph 25 a, 2014 PCT Assembly Report).
3. The Turkish Patent Institute announced its intention to apply as a new PCT IA by March 2016 and, in order to fulfill the new requirement, asked the SPTO, in its capacity as a PCT IA and on the basis of an existing MoU between the two Offices, to provide assessment for the application process. The TPI also asked the Korean Intellectual Property Office (KIPO) for the same assistance which also was provided. To obtain more effective assistance and due to the time constraints, the TPI has summoned both KIPO and SPTO together to provide the requested assistance.
4. The purported final outcome of these assistance visits is that the cooperating IAs will submit, by March 2016, an evaluation report that will be used for the TPI in its application before WIPO. The TPI considered at least a second cooperation visit appropriate in March 2016 to complete the final report.

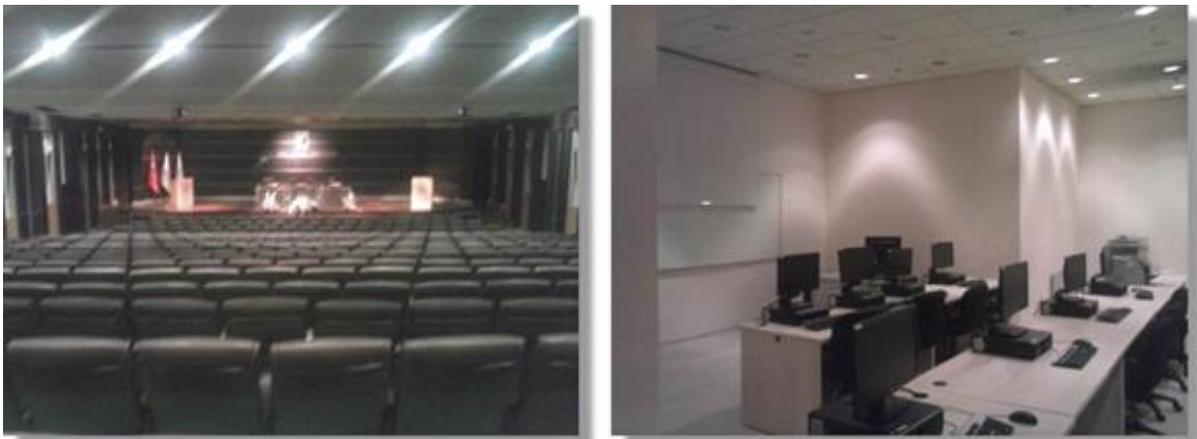
### **TPI FACTS AND FIGURES**

5. TPI is located in Ankara in a modern building that is about 10 years old. The rooms have lots of natural light, are modern and spacious. Its patent examiners are located in rooms for two or three examiners. The Office has been designed following patterns of other European patent offices. The building also has enough space to allow the addition of more rooms for the new patent examiners planned for 2016. All examiners have a modern table and all of them have a computer with twin screens of about 24 inches each. All of them have access to the patent database EPOQUE.



*TPI examiner rooms. Note the twin screens*

6. The TPI building also has several meeting rooms and facilities. It should be noted that, among other facilities, there are an auditorium with a capacity for 400 attendees and a training room with more than 20 posts for computers.



*Auditorium and Computer Training Room*

7. The TPI receives approximately 5,500 national patent applications per year and has an almost negligible backlog of around four months, which has been maintained very low due to the outsourcing to other international patent offices: AU, SE, UK, DK, and EP. Due to the increase in the TPI's capacity of search and examination capacity, the number of outsourced applications has decreased in recent years: at the end of 2015, all search and examination work is being prepared by the TPI itself.

#### **NUMBER OF PATENT EXAMINERS**

8. A Patent Office seeking appointment to become PCT International Authorities must comply with the requirement established in Rule 36.1(i) and 63.1(i): *"the national Office or intergovernmental organization must have at least 100 full-time employees with sufficient technical qualifications to carry out searches"* and with the corresponding new requirement established in the 2014 PCT Assembly Understanding: *"Any such application should be made on the understanding that the Office seeking appointment must meet all substantive criteria for appointment at the time of the appointment by the Assembly"*.

9. During the process of technical assistance carried out in the months between December 2015 and March 2016, the TPI has made an extraordinary effort to meet said requirement established in the Rules 36.1(i) and 63.1(i). The TPI started from an initial number of examiners 89, but the TPI management has re-allocated the patent examiners who were previously assigned to other departments in TPI for supporting services (i.e. awareness, promotion and training). As a result of this recall, the TPI reached in January 2016 the goal figure of 103 examiners with full search & examination capacity.

10. Additionally, the TPI has received the clearance for the recruitment of nine (9) additional examiners in 2016 from the Turkish central staff agency. The new examiners are expected to start by March 2016. Therefore, TPI will have 112 examiners before the official application is submitted to WIPO. In addition to this the TPI also received in February 2016 the Turkish Government approval to recruit another 50 additional examiners by 2019 making a total of 162 patent examiners when the TPI will be fully operational as PCT International Authority.

11. As a result, the TPI meets the requirement set out in PCT Rules 36.1(i) and 63.1(i).

### **DEVELOPMENT OF THE ASSISTANCE AND ASSESSMENT**

12. The process of assistance and assessment has been developed in two main visits at the TPI and also a very fluid contact by email in a total period of about four months.

13. During the assessment visits a series of presentations from the TPI as well as the KIPO and the SPTO to exchange experiences and points of view on their activity within the PCT were made.

14. Meetings with the most important areas of activity within the TPI were also held:

- Patent Department
- Quality Management System Working Group
- TPI Search and Examination Guideline Working Group
- Training Planning Group

15. Hence, the full assessment cooperation activity followed a program focused on the main work areas related by the requirements established by PCT Regulations Rules 36 and 63:

- Quality Management System (QMS)
- PCT minimum documentation. IT tools and databases
- Examiners Search and Examination Capacity. Training.

### **QUALITY MANAGEMENT SYSTEM (QMS)**

16. Meetings, and also via email, were held with the TPI QMS working group. The PCT Regulations (Rules 36 and 63) require that all PCT IAs have in place a Quality Management System (QMS). Chapter 21 of the PCT International Search and Preliminary Examination Guidelines describes in detail the organizational, functional and operational aspects that must be accomplished by QMS. Based on this framework, an exchange of experiences among the three offices (TPI, KIPO and SPTO) was held. At this point all paragraphs of the chapter have been reviewed: leadership and policy; resources; management of administrative workload; quality assurance; communication; documentation; search process documentation and internal review and reporting arrangements.

17. TPI has a QMS organizational structure implemented at national level. It has a quality control system for all reports, performed by two senior examiners. During all the assistance process, the SPTO exchanged information and experiences on their own QMS and the way to adapt it to chapter 21, such as nonconformities, corrective and preventive actions registration; instructions for search strategy registration or metrics. Some other aspects such as processes documentation and internal review arrangements were also discussed.

18. In particular, the following SPTO instructions and quality manual processes, translated into English, were provided to the TPI:

- SPTO Quality policy, objectives and standards
- International Search Report and Written Opinion quality manual procedures
- SPTO Standard clauses for the PCT
- Checklists of SPTO International Search Report and Written Opinion (ISA210 and ISA237 forms)
- Search Strategies guidelines and form. Examples
- SPTO metrics definitions and procedure
- Non-conformities management procedure
- Corrective and Preventive actions management procedure
- Treatment of Complaints, Suggestions and Congratulations procedure
- Evaluation Client and Stakeholders Satisfaction quality procedure

19. Regarding the deadline for an office seeking appointment as an IA to have a QMS implemented, the 2014 PCT Assembly Understanding permits that such a QMS system is not yet in place at the time of the appointment by the Assembly, but that must be in place at least when the IA will begin its operations, at the latest around 18 months following the appointment. Therefore, it was sufficient that such a system be *fully planned* in the appointment date and, preferably, that similar systems are already operational in respect of national search and examination work.

20. Based on this information exchange of all cooperating institutions, in this assessment period the TPI has concluded a specific *planning* for a PCT Quality Management System by the time of application (March 2016) adapted to the wording of chapter 21 of the *PCT International Search and Preliminary Examination Guidelines*. It should be highlighted among others things the following:

- New Quality policy statement declaration of principles
- QMS restructuring. The new Quality organizational charts reflect the PDCA (Plan - Do - Check - Act) philosophy.
- TPI has initiated the procedures to acquire ISO 9001 and ISO 27001 certification within 2016 as a normative reference for QMS to increase the effectiveness of the QMS.
- Search Strategies capture for all search reports integrated in TPI IT system (Patent File Management System - PATUNA)

- Check lists for verifying all International Search Reports according to ISA/210 format (also in PATUNA)

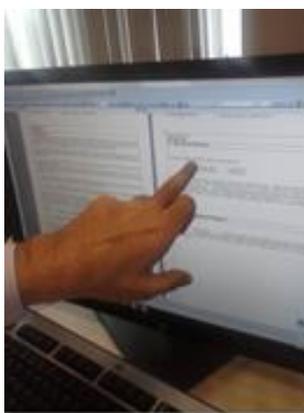
21. The TPI has made a great effort to outline its QMS to adapt it in such a way that currently the TPI QMS is fully planned for PCT activity.

### **PCT MINIMUM DOCUMENTATION. IT TOOLS AND DATABASES**

22. The TPI is a *paperless* office with 95 per cent of their applications online. Every application is scanned to the point that all physical space for files has been dramatically reduced.

23. Regarding the patent examination work, all is done in a TPI proper IT system: Patent File Management System named *PATUNA*. The system permits search reports and written opinions to be filled out in a format similar to the EPO or to the PCT.

24. As a result of the assessment, some Quality Management Systems requirements have been incorporated to PATUNA such as Check-lists and Search Strategies registration.



*PATUNA Search Report IT System*

25. It is remarkable, for the sake of transparency, that TPI opens the file documentation online to public inspection after patent publication.

26. During the assessment there were an intensive exchange of experiences about how to comply with the requirement of Rule 34 related to the PCT minimum documentation and particularly non-patent literature. All the databases used by the TPI were compared with the databases utilized by the SPTO, and the differences were evaluated. It is remarkable that the TPI starting point was very high since the EPOQUEnet database is available for all patent examiners.

27. A number of potential databases needed for the TPI, provided by different suppliers and with access fees, were identified. In particular they were BIOSIS, COMPENDEX, EMBASE and INSPEC.

28. Similarly, the access to the STN International database was considered critical, since it is used mainly in the chemical, pharmaceutical, food and biotechnology fields. STN database supports that a search begins with the drawing of the chemical formula that the examiner enters into the system. This allows searches beyond those available using the classification or keywords.

29. As a result of this advice the TPI signed a contract with Chemical Abstract Service (CAS) for providing STN access. The contract also includes training for examiners.

30. Assessment on free databases was also provided by the SPTO. It was highlighted those used for genetic sequences searching provided by the EMBL-EBI (European Molecular Biology Laboratory - European Bioinformatics Institute) and inside this, the ChEMBL interface that permits also searches based on formula's drawing. Also the SPTO accedes to freedom collection publications of Elsevier Science Direct. Other highlighted free database is the US based NCBI (National Center for Biotechnology Information).

31. Regarding magazine articles, the TPI has an important source on a local official institution since the Turkish Scientific and Technological Research Council databases include EBSCOhost (with 375 full-text databases, a collection of 600,000-plus e-books, subject indexes, point-of-care medical references, and an array of historical digital archives). Advice was also provided in the way the SPTO proceeds when a specific article is difficult to obtain even under a full text databases like Elsevier. In this exceptional circumstances the SPTO address to the British Library collection and order it. To access this service from the British Library a service contract must be previously signed. Information on that matter was also provided.

32. As a result of all this process the databases used currently by the TPI are:

- EPOQUENet, incorporating access to Derwent World Patent Index (DWPI);
- Commercial databases such as IEEE Xplore, Elsevier, Springer;
- Turkish national patent database (PATUNA), Turkish Scientific and Technological Research Council databases including EBSCOhost;
- STN, including BIOSIS, CAPLUS, Embase, MEDLINE, American Chemical Society (ACS) database.
- XPAIP (American Institute of Physics)
- XPI3E (Institute of Electrical and Electronics Engineers)
- XPIEE (Institution of Electrical Engineers)
- XPESP (Elsevier- ScienceDirect)
- TDB
- XPIETF
- XPIPCOM
- XPJPEG
- XPMISC
- XPTK
- XPOAC
- XP3GPP

33. The TPI access to patent documentation and non-patent literature exceeds by far the minimum documentation required by Rule 34. Therefore, the TPI satisfies more than enough, the requirements established in the PCT Rules 36.1(ii) and 63.1(ii).

### EXAMINERS SEARCH AND EXAMINATION CAPACITY. TRAINING.

34. All current 103 TPI patent examiners have at least a Bachelor's degree; 47 per cent of examiners have additionally Master or PhD degrees or candidates. Hence, the recruitment of new examiners in the TPI is a very challenging process. To become a junior patent examiner at the TPI, it is required:

- to have a minimum Bachelor's degree in related field (MSc/PhD Degree preferable);
- to have foreign language proficiency (at least one language, preferably English);
- to get a high score in Public Personnel Selection Exam;
- to be successful in the special (written and oral) exam of the TPI.

35. After the selection of junior patent examiners, in order to become a patent examiner, it is required

- to be successful in the candidate civil service exam;
- to submit a thesis study in the relevant technical field, and approved by the jury;
- to be successful in the written proficiency exam.

36. The distribution of patent examiners according to their technical fields is:

Technical field	Number (in full-time equivalent)
Mechanical	45
Electrical/electronic	29
Chemistry	23
Biotech	6
<i>Total</i>	<i>103</i>

37. Regarding to examiners search and examination methodology, during the assessment visits a deep exchange of information was held with the TPI Guidelines Working Group responsible for the TPI internal guidelines. It is very well developed and complete. The TPI has adapted and harmonized the PCT Guidelines to their own manuals.

38. Related to examiners training, discussions were held with the TPI Training Planning Group on the basis of its training plan which is quite similar to the SPTO one. The TPI provides trainings in patent law, formal examination, substantive examination, novelty, inventive step, industrial applicability, unity, clarity, databases (EPOQUENET, ESPACENET, etc.), classification systems (IPC, CPC), and language courses. Furthermore, examiners should take WIPO and EPO distance learning courses.

39. The plan is quite comprehensive and the new activity as PCT IA will require a specific training program for PCT, in which the examiners will be trained on the PCT specific matters in a different form than the usual national Office procedures. For example, PCT procedures for non-patentable inventions in Turkey, Unity of invention in the PCT, PCT forms completion, etc. For that purpose, the TPI has developed a PCT specific training plan including the new PCT aspects different from the national procedures.

40. The TPI training plan envisages sending all patent examiners to the EPO and other international Patent Offices. Currently all examiners have been trained abroad.

41. As a result, the TPI meets the requirement set out in PCT Rules 36.1(i) and 63.1(i), stating that, *“The national Office or intergovernmental organization must have at least 100 full-time employees with sufficient technical qualifications to carry out searches and examinations”*.

## **CONCLUSIONS**

42. The Understanding adopted by the PCT Assembly in 2014 strongly recommended the assistance of one or more existing PCT International Authorities. The Spanish Patent and Trademark Office (SPTO) collaboration in this regard has taken two distinct aspects.

43. On the one hand, the first aspect has been to provide all possible information to the Turkish Patent Institute (TPI) and all necessary assistance in order the TPI becomes a new PCT International Authority. In this sense the work with the TPI has been very fluid and it must be highlighted the great effort and collaboration that the TPI has maintained, as well the TPI impetus seeking its appointment.

44. It can be said that the TPI has overcome by far all the difficulties in a record time, although it must be said that the starting point of the TPI was very high and very close to the objective pursued.

45. A second aspect of the SPTO technical assistance is to report to the CTC of all matters of such assessment. This report presented herewith reflects in detail these matters and it can be a very solid basis for the CTC members for properly assessing the TPI application.

46. A conclusion of this report is, on this date, the TPI meets all the requirements of the PCT Rules 36 and 63, as well as the new conditions established in the Understanding reached in the PCT Assembly in 2014. Therefore, the SPTO's opinion is favorable to the TPI be appointed as a new PCT International Authority.

Date of the report: March 8, 2016

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[Document PCT/CTC/29/3 follows]

## **Patent Cooperation Treaty (PCT) Committee for Technical Cooperation**

**Twenty-Ninth Session  
Geneva, May 17 to 20, 2016**

### **SUMMARY BY THE CHAIR**

#### **AGENDA ITEM 1: OPENING OF THE SESSION**

1. Mr. Claus Matthes (WIPO), acting as Secretary to the Committee, opened the session and welcomed the participants on behalf of the Director General.

#### **AGENDA ITEM 2: ELECTION OF A CHAIR AND TWO VICE CHAIRS**

2. The Committee unanimously elected Mr. Maximiliano Santa Cruz (Chile) as Chair. There were no nominations for Vice-Chairs.

#### **AGENDA ITEM 3: ADOPTION OF THE AGENDA**

3. The Committee adopted the draft agenda as proposed in document PCT/CTC/29/1.

#### **AGENDA ITEM 4: ADVICE TO THE ASSEMBLY OF THE PCT UNION ON THE PROPOSED APPOINTMENT OF THE TURKISH PATENT INSTITUTE AS AN INTERNATIONAL SEARCHING AND PRELIMINARY EXAMINING AUTHORITY UNDER THE PCT**

4. Discussions were based on document PCT/CTC/29/2.

5. The Delegation of Turkey introduced the request by the Turkish Patent Institute (TPI) to be appointed as an International Searching and Preliminary Examining Authority under the PCT. A first part of the introduction set out general information about Turkey in terms of economic indicators and IP system in relation with the R&D and innovation policies. A second part focused on the institutional capacity of the TPI in performing its functions. A third part

provided detailed information on how the procedures for the appointment of International Authorities had been handled and how TPI met the minimum requirements set out in Rules 36.1 and 63.1.

6. The introduction was followed by reports from the Korean Intellectual Property Office and the Spanish Patent and Trademark Office of their visits to the TPI in accordance with the recommendation in the Understanding adopted by the PCT Assembly in 2014 “to obtain the assistance of one or more existing International Authorities to help in the assessment of the extent to which it meets the criteria, prior to making the application”. Both Offices reported their conclusions that the TPI met the criteria for appointment.

7. A large number of delegations expressed support for the appointment of the TPI as an International Searching and Preliminary Examining Authority. These delegations stated that they considered that the TPI had demonstrated that it met the requirements for appointment. Several delegations stated that its position at the junction of three continents gave it an opportunity to promote the PCT System across the boundaries of Europe, Asia and the Middle East, also improving services to PCT users within the region.

8. One delegation noted that the content of the TPI’s application included many elements which had been part of the draft standard application form which had been discussed by the Quality Subgroup of the Meeting of International Authorities under the PCT. The delegation considered that TPI’s application demonstrated the value of the information provided under those elements for the process of appointing an International Authority and hoped that a recommendation concerning a standard application form could be agreed at the next meeting of the Quality Subgroup.

9. In response to suggestions from one delegation, the Delegation of Turkey stated that the TPI was committed to the highest standards for the selection and training of examiners. It sought to increase the proportion of examiners with Master’s degrees and PhDs. In addition, the thesis which was required to become a senior examiner was itself of a standard equivalent or even greater than that required for a Master’s degree. It was also a priority to improve the language capabilities of the examiners.

10. In response to a question from another delegation, the Delegation of Turkey stated that, from the end of this year, the TPI would not be outsourcing any further work to other Offices.

11. The Delegation of Turkey thanked all the delegations which had given their support and offered special thanks to the Korean Intellectual Property Office and the Spanish Patent and Trademark Office for their assistance. The Delegation stated that the support which it had received had further strengthened the resolve of the TPI in its commitment to serve the users of the PCT system at the highest possible quality standards.

12. The Committee unanimously agreed to recommend to the Assembly of the PCT Union that the Turkish Patent Institute be appointed as an International Searching and Preliminary Examining Authority under the PCT.

#### **AGENDA ITEM 5: SUMMARY BY THE CHAIR**

13. The Committee noted this summary, established under the responsibility of the Chair, and agreed that it should be made available to the PCT Assembly, as a record of the advice given under agenda item 4.

#### **AGENDA ITEM 6: CLOSING OF THE SESSION**

14. The Chair closed the session on May 20, 2016.

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