

International Patent Cooperation Union (PCT Union)

Assembly

Forty-Ninth (21st Ordinary) Session Geneva, October 2 to 11, 2017

APPOINTMENT OF THE INTELLECTUAL PROPERTY OFFICE OF THE PHILIPPINES AS AN INTERNATIONAL SEARCHING AND PRELIMINARY EXAMINING AUTHORITY UNDER THE PCT

Document prepared by the International Bureau

SUMMARY

1. The present document invites the Assembly to decide on the appointment of the Intellectual Property Office of the Philippines as an International Searching and Preliminary Examining Authority under the Patent Cooperation Treaty (PCT), taking into account the advice by the PCT Committee for Technical Cooperation, which unanimously agreed to recommend to the Assembly that the Intellectual Property Office of the Philippines be appointed. The Assembly is also invited to approve the text of the draft Agreement in relation to the functioning of the Intellectual Property Office of the Philippines as an International Searching and Preliminary Examining Authority.

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. On September 2, 2016, in conformity with paragraph (c) of the procedures set out in the Understanding adopted by the PCT Assembly at its forty-sixth session (paragraph 25 of document PCT/A/46/6), the Intellectual Property Office of the Philippines indicated that it wished to seek appointment by the PCT Assembly as an ISA and IPEA. On March 8, 2017, in conformity with paragraph (e) of the procedures, the Intellectual Property Office of the Philippines submitted documents to support its application. Those documents are reproduced in the Annex to document PCT/CTC/30/2 Rev, which is annexed to the present document.

ADVICE OF THE PCT COMMITTEE FOR TECHNICAL COOPERATION

4. In conformity with Articles 16(3)(e) and 32(3) of the PCT, the PCT Committee for Technical Cooperation gave its advice on the appointment of the Intellectual Property Office of the Philippines as an ISA and IPEA at its thirtieth session, held in Geneva from May 8 to 12, 2017. Paragraph 10 of document PCT/CTC/30/26 (annexed to the present document) summarizes the advice by the Committee as follows:

“8. The Committee unanimously agreed to recommend to the Assembly of the PCT Union that the Intellectual Property Office of the Philippines be appointed as an International Searching and Preliminary Examining Authority under the PCT.”

DRAFT AGREEMENT IN RELATION TO THE FUNCTIONING OF THE INTELLECTUAL PROPERTY OFFICE OF THE PHILIPPINES AS AN INTERNATIONAL SEARCHING AND PRELIMINARY EXAMINING AUTHORITY

5. 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 Intellectual Property Office of the Philippines and the International Bureau is set out in the Annex to this document. Its Articles are the same as the corresponding provisions in the draft Agreements relating to the extensions of appointment of existing International Searching and Preliminary Examining Authorities set out in document PCT/A/49/2, except that the date of entry into force has been left open.

6. If the Assembly agrees to the appointment, it would take effect upon entry into force of the Agreement between the Intellectual Property Office of the Philippines and the International Bureau. This would take place when the Intellectual Property Office of the Philippines is ready to begin operations 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 (27th 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.”

7. Under Article 10 of the draft Agreement, it would remain in force until December 31, 2027, which is the same date as the date specified in the agreements relating to extension of appointment of existing International Searching and Preliminary Examining Authorities set out in document PCT/A/49/2.

8. *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 Intellectual Property Office of the Philippines and take into account the advice of the PCT Committee for Technical Cooperation set out in paragraph 4 of document PCT/A/49/3;

(ii) to approve the text of the draft Agreement between the Intellectual Property Office of the Philippines and the International Bureau set out in the Annex to document PCT/A/49/3; and

(iii) to appoint the Intellectual Property Office of the Philippines as an International Searching Authority and International Preliminary Examining Authority with effect from the entry into force of the Agreement until December 31, 2027.

[Annex and Documents
PCT/CTC/30/2 Rev. and
PCT/CTC/30/26 follow]

Draft Agreement

between the Intellectual Property Office of the Philippines
and the International Bureau of the World Intellectual Property Organization

in relation to the functioning of the Intellectual Property Office of the Philippines
as an International Searching Authority
and International Preliminary Examining Authority
under the Patent Cooperation Treaty

Preamble

The Intellectual Property Office of the Philippines 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 Intellectual Property Office of the Philippines 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 Intellectual Property Office of the Philippines;
 - (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 and that any other requirements regarding such application as specified in Annex A to this Agreement have been met.

(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* to the extent decided by it, as set out in Annex B to this Agreement.

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 C 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 D to this Agreement.

(2) The Authority shall, under the conditions and to the extent set out in Annex D 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 D 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 the classification of the subject matter according to the International Patent Classification. The Authority may, in addition, in accordance with Rules 43.3 and 70.5, indicate the classification of the subject matter according to any other patent classification specified in Annex E to this Agreement to the extent decided by it as set out in that Annex.

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 F.

Article 8
International-Type Search

The Authority shall carry out international-type searches to the extent decided by it as set out in Annex G to this Agreement.

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, 2027. The parties to this Agreement shall, no later than July 2026, start negotiations for its 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 indications on supplementary international searches contained in Annex B to this Agreement;

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

(iv) amend the indications on patent classification systems contained in Annex E to this Agreement;

(v) amend the indications on languages of correspondence contained in Annex F to this Agreement;

(vi) amend the indications on international-type searches contained in Annex G to this Agreement.

(4) Any amendment notified under paragraph (3) shall take effect on the date specified in the notification, provided that:

(i) for an amendment to Annex B to the effect that the Authority shall no longer conduct supplementary international searches, that date is at least six months later than the date on which the notification is received by the International Bureau, and

(ii) for any change in the currency or amount of fees or charges contained in Annex D, 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 D, 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, 2027:

(i) if the Intellectual Property Office of the Philippines 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 Intellectual Property Office of the Philippines 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.

In witness whereof the parties hereto have executed this Agreement.

Done at *[city]* this *[date]*, in two originals in the English language.

For the Intellectual Property Office of the
Philippines by:

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:

so far as Article 3(1) is concerned: any Contracting State;

so far as Article 3(2) is concerned: any Contracting State.

Where a receiving Office specifies the International Authority under Articles 3(1) and (2), the International Authority shall become competent for international applications filed at that receiving Office from a date to be agreed by the receiving Office and International Authority and to be notified to the International Bureau.

- (ii) the following language which it will accept:

English.

Annex B
Supplementary International Search:
Documentation Covered; Limitations and Conditions

The Authority does not conduct supplementary international searches.

Annex C
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:

any subject matter which is searched or examined under the patent grant procedure in accordance with the provisions of national patent law of the Philippines.

Annex D
Fees and Charges

Part I. Schedule of Fees and Charges

<i>Kind of fee or charge</i>	<i>Amount (USD)</i>
Search fee (Rule 16.1(a))	...
Additional fee (Rule 40.2(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 (Rules 13ter.1(c) and 13ter.2)	...
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 already made by the Authority on an application whose priority is claimed for the international application, 50% of the amount of the search fee paid shall be refunded on request of the applicant, depending on the extent to which an Authority benefits from that earlier search.

(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.

Annex E
Classification

Under Article 6 of the Agreement, the Authority specifies the following classification system(s) in addition to the International Patent Classification: none.

Annex F
Languages of Correspondence

Under Article 7 of the Agreement, the Authority specifies the following language(s):

English.

Annex G
International-Type Search

Under Article 8 of the Agreement, the Authority specifies the following extent of international-type searches:

The Authority does not conduct international-type searches.

[Documents PCT/CTC/30/2 Rev. and
PCT/30/26 follow]

Patent Cooperation Treaty (PCT) Committee for Technical Cooperation

**Thirtieth Session
Geneva, May 8 to 12, 2017**

APPOINTMENT OF THE INTELLECTUAL PROPERTY OFFICE OF THE PHILIPPINES AS AN INTERNATIONAL SEARCHING AND PRELIMINARY EXAMINING AUTHORITY UNDER THE PCT

Document prepared by the International Bureau

[This document replaces the version published March 16, 2017, which contained a non-final version of the report in Appendix 3 of the Annex. This affects the English language version only.]

1. On September 2, 2016, in conformity with paragraph (c) of the procedures set out in the Understanding adopted by the PCT Assembly at its forty-sixth session, the Intellectual Property Office of the Philippines (IPOP HL) indicated that it wished to seek appointment by the PCT Assembly as an International Searching Authority and International Preliminary Examining Authority under the PCT in 2017 and that the PCT/CTC be convened accordingly. On March 8, 2017, in conformity with paragraph (e) of the procedures, IPOP HL submitted documents to support its application, reproduced in the Annex to this document.
2. In October 2017, the PCT Assembly will be requested to make a decision on the appointment, having first sought the advice of this Committee (see PCT Articles 16(3)(e) and 32(3)). Information concerning this process and the role of the Committee is set out in document PCT/CTC/30/INF/1.
3. *The Committee is invited to give its advice on this matter.*

[Annex follows]

APPLICATION OF THE INTELLECTUAL PROPERTY OFFICE OF THE PHILIPPINES
FOR APPOINTMENT AS AN INTERNATIONAL SEARCHING AND
PRELIMINARY EXAMINING AUTHORITY UNDER THE PCT

The Intellectual Property Office of the Philippines (IPOP HL) applies for appointment as an International Searching and Preliminary Examining Authority under the PCT (“International Authority”). If appointed at the forty-ninth session of the Assembly of the International Patent Cooperation Union, IPOP HL expects to begin operation in October 2018.

IPOP HL meets the minimum requirements for appointment as an International Authority. The Japan Patent Office (JPO) and IP Australia have assessed the Office’s compliance with the minimum requirements for appointment as an International Authority and both have concluded that IPOP HL will meet the requirements under PCT Rules 36 and 63 by the time the Assembly meets.

The Committee is invited to consider/endorse to the PCT Assembly on the proposed appointment of IPOP HL as an International Authority.

I. THE INTELLECTUAL PROPERTY OFFICE OF THE PHILIPPINES (IPOP HL)

1. The Philippine Development Plan (PDP) 2017-2022 is a national medium term framework that lays down the solid foundation for inclusive growth, a high-trust society, and a globally-competitive knowledge economy. The critical role of Science and Technology in realizing this vision is emphasized in the PDP.
2. One of the major components of PDP is a mainstreamed Science, Technology and Innovation platform across national and local development agenda with focus on the strengthening and improvement of Science and Technology-based Innovations. Intellectual Property Rights (IPR) protection is crucial and the IP system must ensure that knowledge flow is facilitated and the development of networks and markets will enable the efficient creation, circulation and diffusion of knowledge. Equally important is to strengthen the policy and regulatory environment that manages the risks associated with innovation and enables the responsible development of technologies.
3. The importance of intellectual property is well-entrenched in the Philippines. No less than the 1987 Philippine Constitution recognizes the essential role of Science and Technology for national development and progress. It provides that the State shall give priority to research and development, invention, innovation, and their utilization; and to science and technology education, training and services. It shall support indigenous, appropriate, and self-reliant scientific and technological capabilities, and their application to the country’s productive and national life.
4. In addition, the State recognizes that an effective intellectual and industrial property system is vital to the development of domestic and creative activity, facilitates transfer of technology, attracts foreign investments, and ensures market access for Filipino products. It shall protect and secure the exclusive rights of scientists, inventors, artists and other gifted citizens to their intellectual property and creations, particularly when beneficial to the people.
5. The Intellectual Property Office of the Philippines (IPOP HL) was created to administer and implement the articulated State policies on intellectual property. The IPOP HL acts not only as regulatory and administrative government agency but likewise performs developmental role to the academe, industries, other government agencies, IP practitioners, and other stakeholders. The IPOP HL is a knowledge-driven government organization that “*works towards economic, technological, and socio-cultural development by communicating, enabling, and ensuring the effective use of the Intellectual Property System in all levels of society for the creation, protection, utilization, and enforcement of Intellectual Property.*”

II. IPOPHL IN THE PCT SYSTEM

6. The Philippines is a trusted partner in the international patent system. The independent Philippine patent system was established in 1947 and since then IPOPHL has extensive experience spanning almost 70 years in search and substantive examination. This gives IPOPHL a distinct advantage in the region.
7. The Philippine economy has been growing steadily at an average annual rate of 6 per cent for the past five years. In 2016, the Philippines was among the fastest growing economy in the ASEAN Region with a growth rate of 6.8 per cent. The Philippine economy is set to expand over 6 per cent until 2018, among the fastest growing in the region.
8. About 92 per cent of the 104 million Filipinos can speak English while 70 per cent are proficient, which is among the highest in the region. The English language is used in the conduct of business and government affairs. Given that 95 per cent of PCT applications from the South East Asian Region in 2015 are filed in the English language, the Philippines is in a good position to undertake international work.
9. Since 2010 until 2015, there has been an increase in PCT filings at an average annual rate of 5.85 per cent. Of the total 214,500 PCT applications in 2014, about 110,054 or 51.6 per cent were filed in English. Hence, there is a clear growing demand for international work and IPOPHL with its distinct advantage can help the system in undertaking the international search and examination.
10. In 2015, Asia is the heaviest user of the PCT System accounting for 43.5 per cent of the total applications. The international and regional PCT filings reveal that there has been a significant increase of applications from Asia and the South East Asian Region over the years and continues to grow, presenting significant demand for international work. The designation of IPOPHL as the second International Authority in South East Asia is envisioned to have a synergistic effect particularly within the context of Association of South East Asia Nations (ASEAN) economic integration which will spur development and innovation activities in the region. In addition, this will complement initiatives to enhance efficiency and improve quality in search and examination within the regional worksharing platform for the ASEAN Member States under the ASEAN Patent Examination Cooperation (ASPEC) programme.
11. The Philippines has a population of over 104 million and home to about 2,180 colleges and universities. Recognizing that developing a knowledge-based economy is the key to national development, IPOPHL seeks to develop a culture of research and innovation through the Innovation and Technology Support Offices (ITSO) program. In cooperation with the World Intellectual Property Organization (WIPO), the ITSO network was created covering around 85 universities, Higher Educational Institutions (HEIs) that are mostly recognized centers of excellence in higher education as well as research institutions. The program aims to strengthen local institutional capacity to access patent information for use in research, education, idea generation, and general business development. In addition, the ITSOs are envisioned to be the patent service providers in their local communities, conducting not only patent searches but also patent drafting, prosecution representation, advisory, training, and overall IP management for industries, government institutions and other entities. PCT filing from the ITSO network has very promising prospects. IPOPHL's designation as an International Authority will facilitate the use of the PCT System from the Philippines.
12. Many global companies have commercial and industrial presence in the country. The expanding academic, commercial, industrial and trade activities results in a vibrant research and development environment which drives the creation of significant number of intellectual property rights ushering huge potential for growth in international demand for international work, considerable familiarity with the PCT System and significant search and examination experience.

13. Since 2001 when the Philippines became the 112th Contracting State to the PCT, IPOPHL served as a Receiving Office (RO) for PCT applications. Thus, IPOPHL with its considerable knowledge of the PCT work coupled with extensive search and substantive examination experience, is confident to assume a more active role in the PCT System as an ISA and IPEA.

14. IPOPHL is an ISO 9001:2008 certified organization with a Quality Management System (QMS) in place for its core processes of patent search and examination and trademark registration. IPOPHL acquired its ISO 9001:2008 certification in January 2013 and its second cycle certification in January 2016. IPOPHL secured the ISO 9001:2000 certification pursuant to the national government's policy to ensure that all agencies conform to continuous improvement of the delivery of public services, increase organizational productivity and effectiveness, and promote professionalism and stronger work commitment of employees. The IPOPHL is presently preparing the transition from ISO 9001:2008 to ISO 9001:2015 standards, to further strengthen leadership capacity across organization, sustain business efficiency and formulate effective risk management strategies.

15. The PCT filings from the Philippines have a big potential for improvement. With a growing economy within a dynamic region anchored on a strong national innovation and research agenda, extensive search and examination experience, knowledge of PCT work and a QMS system in place amidst the increasing demand for international work, the Philippines is ready to become an International Authority.

III. BACKGROUND

Country Profile

16. The Philippines is strategically located in the Asia Pacific Region. The country takes advantage of its insular location from Asian mainland by having robust economic and peaceful diplomatic relations with its neighboring countries. Due to this geographical position, it has become a significant conduit for trade and investments in Asia and the Pacific.

17. The Philippines has a relatively young population where 57 per cent of the population are from ages 15 to 54. This demographic sweet spot is expected to accelerate economic growth in the Philippines with young Filipino professionals aged 25 to 34 years old expected to contribute as much as 25 per cent of the country's Gross Domestic Product (GDP) by 2020. Moreover, the country has a high literacy rate of over 95 per cent. Recognizing the potential of its rich human resources to spur innovation and research, the national government has consistently earmarked substantial budget for education, science and technology.

18. The robust Philippine economy is propelled by a growing industry, manufacturing, services and agriculture sectors. The country is an active trading partner of major and advanced economies.

IP System in the Philippines

19. The Philippines has one of the longest patent examination practices in the South East Asia. The Philippine independent patent system was established with the enactment of Republic Act 165 entitled "An Act Creating a Patent Office, Prescribing Its Powers and Duties, Regulating the Issuance of Patents and Appropriating Funds Therefore" on June 20, 1947. Since 1947, the Philippine Patent Office has been examining and granting patents.

20. With the Philippines' accession to the World Trade Organization and the Trade-Related Aspects of Intellectual Property Rights (TRIPS Agreement) in 1995, a holistic and comprehensive legislation on the intellectual property system was enacted through Republic Act 8293 (R.A. 8293) or the "*Intellectual Property Code of the Philippines*" (IP Code). The IP Code created the IPOPHL, to administer an efficient IP system which covers invention, utility model, industrial design, trademarks, copyright, lay-out design of integrated circuits, among others.

21. The Philippines became a Party to the Paris Convention for the Protection of Industrial Property on August 12, 1965, member of the WIPO in 1980 as well as the Budapest Treaty in 1981.

22. The Philippines is also a signatory to other treaties and agreements administered by the WIPO such as the Berne Convention, Madrid Protocol, Phonograms Convention, Rome Convention, WIPO Copyright Treaty and WIPO Performances and Phonograms Treaty.

23. The Philippines has a strong legal, institutional and operational infrastructure on intellectual property demonstrating its serious commitment to enhance national competitiveness and encourage the development of innovations and technologies.

Philippine Development and Innovation Strategy

24. As the Philippines works towards a knowledge-based economy, it adopts an innovation and research strategy to develop: (a) a competitive and multidisciplinary work force competent in producing value-added knowledge-based services of global standards; (b) competitive local firms driven by or borne out of constant innovations brought about by increased R&D; and (c) a public policy environment that ensures continuous innovation not only through executive, legislative, and judicial initiatives but through local government programs.

25. National programs in research and development are being enhanced through effective and efficient initiatives that purposively build the innovation capabilities of domestic and foreign investors. The Philippines institutionalized the Harmonized National Research and Development Agenda (HNRDA), which is conceived to propel the country towards technology self-reliance. Under the HNRDA, the research and development initiatives undertaken by public institutions, agencies, state colleges and universities as well as the private sector are harmonized based on government priorities. The HNRDA is implemented by research consortiums and councils in five sectors – national integrated basic research; health; agriculture, aquatic and natural resources; industry, energy and emerging technologies; and, disaster risk reduction and climate change adaptation.

26. IPOPHL has several initiatives to support IP creation. Foremost is the IPOPHL-led ITSO program that fits well in the PDP and the designation as an ISA/IPEA of IPOPHL is part of the overall national innovation and research strategy. ITSO members are supported by the WIPO Technology and Innovation Support Centers (TISC) program. TISCs are designed to provide innovators in developing countries with access to locally based, high quality technology information services and other related services. To complement this, IPOPHL has implemented the *Patent Protection Incentive Program (PPIP)* which seeks to develop a culture of innovation in the country. It provides an incentive scheme with the condition that the invention will be filed to the PCT System. It aims to increase PH filings in the PCT System in the coming years. PH is among the pilot countries of the *Inventor Assistance Program (IAP)*. The joint program WIPO - World Economic Forum (WEF) Program seeks to assist “under resourced” inventors secure IP protection in other jurisdictions. The Program involves the provision of pro-bono services by volunteer patent attorneys or lawyers to inventors who are not financially capable to pay for the cost of legal services attendant in securing patent protection in the Philippines and in jurisdictions outside of the country.

27. IPOPHL actively supports IP commercialization. It has developed the IP Depot which is a digital platform (a website) for intellectual property owners to promote their IP assets for potential commercialization opportunities. It was established to provide people with patented inventions, registered trademarks, copyright and industrial designs an avenue to showcase (license or sell) their IP assets to the world. In addition, IPOPHL has a partnership with the USAID STRIDE which aims to bring intellectual property into the market by linking universities and RDI's with the industry.

28. The Philippines is also said to present significant opportunities in Southeast Asia. It is regularly cited as a major innovation hub mainly because of demographics, economic stability, and an active innovation ecosystem.

IV. ISA/IPEA APPOINTMENT REQUIREMENTS

29. PCT Rule 36.1 provides for the minimum requirements to be designated as an International Searching Authority as follows:

- (a) at least 100 full-time employees with sufficient technical qualifications to carry out searches and examinations;
- (b) possession of, or access to, at least the minimum documentation referred to in Rule 34 of the PCT Regulations, properly arranged for search and examination purposes, on paper, in microform or stored on electronic media;
- (c) 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 of the PCT Regulations is written or is translated; and
- (d) a quality management system and internal review arrangements in accordance with the common rules of international search and preliminary examination (defined by Chapter 21 of the PCT International Search and Preliminary Examination Guidelines).

Search and Examination Capacity

30. IPOPHL is capable of performing the role of an International Authority. In particular IPOPHL:

- (a) possesses the required examiners' qualifications and capabilities (to comply with the requirements in paragraphs 29(a) and (c));
- (b) has access to documentation for search and examination purposes (to comply with the requirements in paragraph 29(b)); and
- (c) has a quality management system and internal review arrangements (to meet the requirements in paragraph 29(d)).

Examiners

31. IPOPHL meets the criteria for appointment in terms of the number of full-time examiners with sufficient technical qualifications to carry out search and examination. At the time of the assessment by JPO and IP Australia on February 21-22, 2017 and February 27-28, 2017, respectively, the IPOPHL has 87 full-time patent examiners capable of search and examination work. At the time of submission, IPOPHL has 102 patent examiners including 15 examiners hired on the first week of March. IPOPHL will hire 10 more examiners by the end of March 2017. The 25 examiners hired in March 2017 will undergo the rigorous NPET and are expected to complete Phase I by June/ July 2017 making them capable to conduct search and examination. Thus, at the time of PCT Assembly, it will have 112 full-time patent examiners with sufficient technical qualifications to carry out searches and examinations. It must be noted that to ensure the hiring of competent workforce, IPOPHL adopts a 4-level recruitment and selection process for all examiners. It has an established comprehensive and competency-based training program. All examiners continuously receive internal and external trainings that are focused on further enhancement of search and examination skills.

Examiner Profile

32. As required by the Civil Service Commission (CSC) of the Philippines, IPOPHL's examiners have degrees in Engineering, Natural Science, Medical Science and other allied sciences. They must have also passed the required professional licensure examination prescribed by the Professional Regulation Commission (PRC), and the Career Service Examination for Professionals by the CSC.

33. Many examiners have advanced degrees or are currently pursuing further studies. IPOPHL provides support to all of its examiners in their pursuit for higher education. Currently, IPOPHL has a partnership with the country's premier science and engineering institution, the Mapua Institute of Technology (MIT), for post-degree programs customized to prepare the examiners for patent applications in highly specialized fields of technology. A number of IPOPHL researchers and examiners are presently enrolled in the degree program Masters of Science in Biological Engineering under the aforementioned partnership.

34. Sixty (60) examiners representing more than half of the examiners have search and examination experience ranging from four (4) years to thirty-nine (39) years. All new examiners undergo the structured, comprehensive and competency-based training program that equipped them with the required level of competency in conducting search and examination. Moreover, all examiners receive continuous internal and foreign trainings that are highly focused on further enhancement of their search and examination skills. These are further discussed in detail below under the Training Program and Capacity Building.

35. All IPOPHL examiners are guided by highly-experienced supervisors who conduct two (2) levels of in-process quality check for all search and examination reports. The supervisors of all examining divisions have post-graduate technical and management degrees and have extensive search and examination experience ranging from 15 years up to 38 years. All supervisors receive continuous internal and foreign trainings to update and enhance their capacities in patent quality review, as well as in the coaching and mentoring of examiners.

Language Proficiency

36. All examiners are proficient both in spoken and written Filipino and English languages. Some examiners have further capability in other foreign languages such as Japanese, Mandarin, German, Spanish and French language.

37. As to the language proficiency requirements set out in the PCT Rules 36.1(iii) and 63.1(iii) which requires examiners to have the language facilities to understand at least those languages in which the minimum documentation referred to in Rule 34 is written or is translated, examiners of IPOPHL possess excellent skill and understanding of the English language which is one of the widely used languages in PCT applications.

Recruitment and Selection

38. IPOPHL has the following 4-level recruitment and selection process for its patent examiners: a) all applicants must satisfy the minimum requirements for application; (b) all applicants must undergo and pass the panel screening and interview; (c) all applicants must pass the psychometric examination; and, (d) all short-listed candidates must undergo and successfully pass the structured, comprehensive and competency-based training program for new examiners.

39. All applicants must satisfy the following minimum requirements for application: a) a minimum Bachelor's degree in Engineering, Natural Science, Medical Science and other allied sciences, and preferably a Master's Degree; (b) professional license as engineer, chemist or other fields as prescribed by the PRC; (c) passed the Career Service Examination for professionals given by the CSC; and, (d) must be fluent in both Filipino and English languages.

40. All short-listed applicants who meet the minimum requirements will be required to undergo the second level of recruitment and selection process, which is the panel screening and interview conducted by the management committee of the Bureau of Patents. Thereafter, the short-listed applicants will be required to take the psychometric examination conducted by the Human Resource Division or by other agency accredited by IPOPHL.

41. The successful candidates from the first three levels will be hired as examiners. They must undergo and successfully complete the required training which is composed of three phases and is conducted for an average duration of one year.

Training Program and Capacity Building

42. The IPOPHL employs a competency-based training and capacity building program for patent examiners to ensure quality search and examination. It adopts a two-level competency building approach: (1) New Patent Examiner Training (NPET); and, (2) Continuous Training Program (CTP). Developed by the IPOPHL, the NPET is a highly structured and comprehensive training program incorporating, among others, the relevant elements of the training programs of the United States Patent and Trademark Office (USPTO), IP Australia and European Patent Office (EPO). The NPET consists of three (3) phases. Phase I covers fundamental concepts on patent search and examination, practice and procedures, legal provisions, automation as well as personal and professional development. Phase II is the technology-specific training. New examiners are assigned to the examining divisions where they handle actual applications and apply their learnings into practice. For this stage, they are mentored and supervised by senior examiners. Phase III includes supplemental training in examination, search and other IP related matters for areas where deemed necessary based on the assessment in the previous stages. For the NPET, various methodologies are used such as lectures, group work and presentations, quizzes and exercises, and workshops to ensure effective learning. An assessment is conducted after every stage of the NPET.

43. The following Table contains the content of the NPET:

Table 1: New Patent Examiners Training (NPET) Program

		Topics
PHASE I	Fundamental Concepts and Applied Learnings 3-4 months Duration: 2 weeks	1. Basics of Intellectual Property <ul style="list-style-type: none"> • Introduction to Intellectual Property (IP) • IP Regime in the Philippines • Governing Laws, Courts, and Agencies in the Protection of IP Rights in PH • Patent Cooperation Treaty (PCT) System • Automation System Evaluation/Assessment: Written and oral examinations, Quizzes, Exercises and Worksheets
	Duration: 1 week	2. Patent Essentials <ul style="list-style-type: none"> • PH Patent Application • The Basics of Claims • Patent Examination Process • Basic of rejections and objections Evaluation/Assessment: Written and oral examinations, Quizzes, Exercises and Worksheets
	Duration: 11 weeks	3. Examining Patent Applications <ul style="list-style-type: none"> • Formality requirements • Right of Priority • Sufficiency of disclosure, enablement and support requirement

		<ul style="list-style-type: none"> • Clarity of claims and interpretation • Unity of Invention: <i>A Priori</i> and <i>A Posteriori</i> • Searching, Exploring Databases & Developing an effective search strategy • Relevant types of documents • Novelty, Inventive Step, Industrial Applicability • Search report and Written opinion • Publication of Patent Applications • Substantive examination: writing examination reports <p>Evaluation/Assessment: Written and Oral Examination, Case Studies, Quizzes and Exercises</p>
	Duration: 2 weeks	<p>4. Other relevant topics</p> <ul style="list-style-type: none"> • Case Law • Utility Model and Industrial Design • Trademarks • Trade Secrets • Copyright • Plant Variety Act • Infringement <p>Evaluation/Assessment: Written examinations, Quizzes, Worksheets and Exercises</p>
PHASE II	<p>Technology-Specific training</p> <p>Duration: 4-6 months</p>	<p>Deployment to assigned divisions with specialized technical fields</p> <ul style="list-style-type: none"> • Recognition of Prior Learning • Clarity • Unity of Invention • Special Technical Features • A Priori and A Posteriori • Novelty , Prior Art and Novelty Table • Inventive Step (Obviousness and Problem Solution Approach) • Developing and Recording a Search Strategy • Report Writing (Foreign Examination Reports) • Amendments and Allowability of Amendments • Quality Management System (QMS) • Individual mentoring, case studies and search, examination and drafting <p>Evaluation/Assessment: successful completion of six (6) search and substantive examination reports on six (6) patent applications respectively, in compliance with the established Patent Quality Review System (PQRS) standards</p>
PHASE III	<p>Supplemental Trainings (as needed)</p> <p>Duration: 1 month</p>	<ul style="list-style-type: none"> • Updates on patent-related legislations, practices and procedures • Supplemental training on examination and search <p>Evaluation/Assessment: meeting the monthly target, timeliness on the reports submitted, reports conforming to quality standards set by the Patent Quality System</p>

44. To further enhance the capacity and competence of existing examiners, IPOPHL conducts continuous training program. These include advanced trainings, workshops, and seminars on patent search and examination on various technological fields as well as new and emerging technologies, updates on patent-related legislation, practices, and procedures, and plant visits to industries employing advanced technologies. Since 2011, the IPOPHL is a partner of the Department of Science and Technology's (DOST) in its *Balik Scientist* (Returning Scientists) Program envisioned to strengthen the country's scientific and technological human resources through the transfer of diverse new knowledge and expertise. Under this Program, DOST PhD scholars who pursued their studies abroad conduct lectures and trainings for the patent examiners on specified technological fields.

45. IPOPHL has intensified capacity building activities on search and examination in partnership with other IP Offices/International Authorities such as the USPTO, EPO, and JPO as well WIPO. In addition, patent examiners have taken distance learning courses offered by the WIPO, the European Patent Academy, and other foreign IP offices. Further, IPOPHL continues to provide trainings and updates on the PCT System for examiners and administrative staff in cooperation with WIPO PCT Division.

46. In the constant pursuit of developing and maintaining a competent and highly motivated workforce, IPOPHL is offering a scholarship program on Masters in Biological Engineering customized to suit the technical needs of IPOPHL examiners. This is in partnership with the MIT, one of the premiere engineering schools in the country, a recognized center of excellence in engineering education by the Commission on Higher Education and an accredited institution of the Accreditation Board for Engineering and Technology, Inc. (ABET). A similar program is being developed for the examiners in the mechanical fields.

Search and Examination Resources and Tools

47. IPOPHL has full access to minimum documentations as stipulated by Rule 34 of the PCT regulation. Access to comprehensive commercial databases and examiners proficiency in search and examination are critical to ensure quality work products.

48. IPOPHL examiners have access to the following patent and non-patent databases:

(a) Commercial search platform Thomson Innovation which covers Derwent World Patent Index (DWPI);

(b) WIPS Global Database which contains full text patent grants and applications from US, Europe, Japan, Korea, China and other sources including PCT applications issued;

(c) Publicly-available databases such as: (i) OPSIN (Open Parser for Systematic IUPAC nomenclature); (ii) NCBI (National Centre for Biotechnology Information); (iii) EMBL-EBI (European Molecular Biology Laboratory - European Bioinformatics Institute) for sequence listing search; (iv) 3GPP (Telecommunication Technologies); (v) WIPO Case; and, (vi) Patent Scope;

(d) Databases such as PubMed which provides non-patent articles in chemistry, molecular biology and other preclinical sciences, and The Lens for comprehensive DNA and protein sequence search;

(e) IPOPHL IPDL (Industrial Property Digital Library) and IPOPHL's internal database IPAS (Industrial Property Automation System); and

(f) National patent databases of other IP Offices such as USPTO, J-PATPLAT, AUSPAT, Espacenet, and AIPN.

49. While already compliant to the minimum documentation requirement, IPOPHL's options and scope of search will soon be further enhanced by access to STN and IEEE Digital Explore and the Office is discussing access to EPOQUENet.

IT System

50. IPOPHL uses the WIPO IPAS specifically configured for IPOPHL process workflows. The IPAS integrates with other internally developed systems including online filing and payment systems to deliver end-to-end processing of invention, industrial design, utility model, and trademark applications.

51. IPAS provides a number of modules that play a central role in various facets of the search and examination process: (1) To Do List Module - tracks each stage of the examination process and provides real-time details on the status of all applications; (2) Workflow Module - serves as the electronic file wrapper which shows instant information about the transactions related to an application; (3) Action Notices Module - assists examiners in the drafting of examination reports by providing standardized action templates as well as indication on the next course of action that should be made; (4) Search Module - gives examiners access to both published and non-published ID, UM, and Patent applications that are filed locally; and, (5) Electronic Document Management System - provide access to electronic copies of correspondences filed by the applicant.

52. IPOPHL is presently working on optimizing business processes and enhancing efficiency specifically in critical areas of the search and examination process including platforms for online correspondence, quality review, real-time notification, and patent search.

53. As regards network infrastructure, IPOPHL has in place a complete and integrated security solution starting with a security firewall appliance alongside an Intrusion Prevention System with Anti-Virus, Anti-Bot and Anti-Spam capabilities, and an IPSec Virtual Private Network capability for secure site-to-site connections. The core network switch is powered with two active Internet nodes with sufficient bandwidth to service the entire network, and a fail-over capacity in the event of the failure of one of the nodes. Server virtualization is implemented which provides faster provisioning and deployment of application systems while ensuring higher availability and uptime. IPOPHL has contracted Cloud-based data backup services, and data back-up and testing procedures are conducted regularly.

Quality Management System

54. The IPOPHL is committed to continuously improve the quality of work and efficiency of business processes to ensure that work products and operations are comparable with other IP Offices.

55. There are three types of quality check mechanisms: (a) In-Process; (b) ISO QMS; and (c) Patent Quality Review System (PQRS).

56. For the in-process checking, all work products by the examiners such as search and substantive examination reports and other office actions pass through levels two (2) levels of in-process quality check done by the assistant supervisor and supervisor to ensure quality and compliance with examination guidelines and procedures.

57. On the ISO 9001:2008 QMS, IPOPHL secured its certification in January 2013 and its second certification in January 2016. The certification covers the processes of Patents, Utility Models, Industrial Designs, and Trademarks registration. The QMS institutionalizes structure, mechanisms and standards for a systematic approach in managing the business processes. Likewise it provides for an internal quality audit. Presently, IPOPHL is preparing for the transition of its ISO certification to 9001:2015 standards to enable the organization to sustain business efficiency, and formulate effective risk management strategies as well as enhance customer satisfaction.

58. The PQRS is an institutionalized process that ensures the quality and consistency of work products such as formality, search as well as substantive examination reports. The PQRS is administered by the Quality Management Division (QMD) which reviews and checks work products of examiners.

59. The Initial Report on Quality Management System in accordance with Chapter 21 of the PCT International Search and Examination Guidelines is described in detail using the template "Report on Quality Management Systems" and is enclosed in this document as Appendix 1.

V. ASSESSMENT BY OTHER AUTHORITIES

60. Pursuant to the procedure for the appointment for International Authorities as agreed at the forty-sixth session of the PCT Assembly, IPOPHL has sought the assistance of the JPO and IP Australia to assess the extent to which IPOPHL satisfies the minimum requirements for appointment as an International Authority. Both have concluded that IPOPHL will meet the requirements by the time the Assembly meets. The Assessment Reports from IP Australia and JPO are attached as Appendix 2 and Appendix 3, respectively.

VI. IP ADMINISTRATION

Patent Administration

61. IPOPHL received an average of 3,193 applications from residents and non-residents from the years 2010-2016. Non-resident filings remain significantly high than resident filings. From 2013-2016, filings from residents grew at an average of 48 per cent from the resident filings received for the years 2010-2012.

62. Consequently, patent grants in IPOPHL have similar statistical profile as that of patent filings, with a large proportion of patent grants issued for non-residents. From 2013-2016, there was an average of 2,028 granted patents reflecting a 40 per cent increase from the average of 1,213 grants for the years 2010-2012.

63. IPOPHL constantly improves its processes by streamlining procedures and enhancing the efficiency of operations. This resulted to a substantial decrease in patent processing time. From 2013 up to 2016, IPOPHL has maintained a processing time of less than 50 months from filing date inclusive of the 18-month confidentiality period.

International Cooperation

64. IPOPHL has existing bilateral cooperation with other IP Offices such as the JPO, USPTO, EPO, Korean Intellectual Property Office (KIPO), European IP Office (EUIPO), Center for Patents and Information Patent Tajikistan, United Kingdom Intellectual Property Office (UKIPO), Mexican Institute of Industrial Property (IMPI) and, *Institut National de la Propriété Industrielle* (INPI) of France, among others.

65. The IPOPHL is an active member of the ASEAN Working Group on IP Protection (AWGIPC). It is the country champion 12 initiatives for the 2016-2025 IPR Action Plan.

66. IPOPHL is a member of the Patent Prosecution Highway (PPH) network composed of the IP5 (EPO, USPTO, SIPO, JPO and KIPO), Australia, Canada, Israel, Mexico, Singapore, among others. The PPH is a framework for worksharing between Patent Offices which seeks to expedite the examination process, maximize the use of resources and improve the quality of examination.

VII. CONCLUSION

67. IPOPHL meets the minimum requirements to be designated as an International Authority:

Examiners

(a) at the time of this submission, it has 102 full-time examiners, and at the time of the Committee and the PCT Assembly, it will have 112 full-time patent examiners with sufficient technical qualifications to carry out searches and examinations;

(b) it has examiners who are 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 of the PCT Regulations is written or is translated;

Access to Minimum Documentation

(c) it has access to Thomson Innovation which covers Derwent World Patent Index (DWPI) as well as a number of non-patent science and engineering databases, WIPS Global Database, and numerous publicly-accessible non-patent databases in conducting prior art searches, which collectively cover the PCT minimum documentation and more; and

Quality Management System

(d) a comprehensive and multi-tiered quality management system (in-process quality check, ISO QMS 9001:2008 and PQRS) and internal review arrangements exceeding the common rules of international search and preliminary examination (defined by Chapter 21 of the PCT International Search and Preliminary Examination Guidelines).

68. IPOPHL meets the minimum requirement for appointment as an International Authority. Established International Authorities specifically JPO and IP Australia have concluded that IPOPHL will meet the requirements by the time the Assembly meets pursuant to their assessment conducted.

69. We have a reliable and secure IT infrastructure that can adequately support national as well as international operations.

70. The PCT System is faced with a growing demand for international work, and given IPOPHL's extensive search and examination experience, language proficiency, comprehensive quality management system and access to reputable databases, IPOPHL is in a position to help the system in undertaking timely and quality international search and examination.

[Appendices follow]

APPENDIX 1

INITIAL REPORT ON QUALITY MANAGEMENT SYSTEM

Prepared by the Intellectual Property Office of the Philippines (IPOPHL)

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

The Intellectual Property Office of the Philippines (IPOPHL) was created to administer and implement the articulated State policies on intellectual property.

The Philippine government requires all agencies to continuously improve the delivery of public services, increase organizational productivity and effectiveness, and promote professionalism and stronger work commitment of employees. Further, it orders government agencies to institutionalize the structure, mechanisms and standards to implement the government quality management program. IPOPHL supports the national government's program of implementing a Quality Management System (QMS) to institutionalize structure, mechanism and standards for a systematic approach in managing the business processes in government.

As part of the IPOPHL Quality Policy, IPOPHL strives to promote IP creation and protection as well as supporting a competent workforce aimed at delivering high quality service to the stakeholders. Primary to said support, the IPOPHL is committed to continuously improve its processes through regular review and assessment of its performance and business process flow to effectively address gaps and adopt a new approach or reinforce established standards.

A Quality Manual was formulated in 2012 to ensure integrity and improve the work process flow of the Office. In 2013, the Bureau of Patents started the development of a Patent Quality Review System (PQRS) to ensure the quality and consistency of work products such as formality, search as well as substantive examination reports.

NORMATIVE REFERENCE: IPOPHL'S ISO 9001:2008 CERTIFICATION (QUALITY MANAGEMENT SYSTEM)

IPOPHL as an ISO 9001:2008 certified organization has implemented a Quality Management System for its core processes of Patents, Utility Models, Industrial Designs, and Trademarks registration. The QMS institutionalizes structure, mechanisms and standards for a systematic approach in managing the business processes. Likewise it provides for an internal quality audit. Presently, IPOPHL is preparing for the transition of its ISO certification to 9001:2015 standards to enable the organization to sustain business efficiency, and formulate effective risk management strategies as well as enhance customer satisfaction.

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 IPOPHL recognizes the importance of understanding, meeting, and enhancing customer needs and requirements. As such, the following is the Quality Policy Statement as established by top management:

- We strive to foster an environment where IP is created, protected, utilized and enforced.
- We support the creation of a highly-motivated, competent, and cohesive workforce committed to serve with professionalism, transparency, accountability and integrity.
- We are committed to continuously improve our quality management system in order to provide the highest level of satisfaction among our stakeholders.

To support IPOPHL's goal, the following are the Bureau of Patent's quality commitment:

1. We commit to an environment where Patent is protected with fairness, transparency and consistency.
2. We provide our staff with knowledge and skills to strengthen competency.
3. We dedicate ourselves to continually improve our Patent Quality Examination Standard in order to provide the highest level of satisfaction among our stakeholders.

The top management of IPOPHL recognizes the constant need to further improve quality, efficiency and customer satisfaction. Thus, IPOPHL undertook the ISO 9001:2008 certification process.

(b) The roles and names of those bodies and individuals responsible for the implementation of the QMS are as follows:

Quality Management Representative (QMR) ensures the effective implementation and maintenance of the established QMS.

Internal Quality Audit Team (IQA Team) manages the requirements of maintaining and monitoring the compliance to established QMS. The team conducts the internal audits, monitors and maintains records of implementation of corrective and preventive actions for non-conformances found during audits.

Quality Management Division (QMD) assesses the quality of search and examination for both national and ISA/IPEA applications. This unit ensures that the formality, search and examination reports conform to the established quality standards; address concerns/issues in examination or the process of quality review that may occur; recognize and recommend training needs of patent examiners; identify the gaps in the quality review system and propose solutions and determine the effectiveness of the quality review process.

Quality Reviewer (QR) conducts the quality assessment of all work products including search and examination reports issued by the examiners every month with confidentiality and discretion. The Quality Reviewer is tasked to review the application in relation to the search/examination report, fill out the PQRS Checklist, and prepare the PQRS Report form.

Quality Reviewer Supervisor (QRS) evaluates and reviews the PQRS Report submitted by the Quality Reviewers before the issuance of said report to the respective division.

Quality Management Division Head (QMD Head) supervises the activities of the QMD and provides a monthly report on the PQRS Result to the Bureau Director. The report highlights the number of conformity and non-conformity findings, identifies any particular issue on non-conformity findings that needs immediate attention and recommends appropriate action.

Quality Management Committee (QMC) is composed of the Supervisors (Division Chiefs), the QMD Head, QR Supervisor, Bureau Director/Assistant Bureau Director. The Committee is responsible for the formulation of policies and amendments on PQRS and evaluates the recommendations of the QMD on PQRS matters.

External Auditors (EA) are the third party auditors responsible for certifying the compliance of the IPOPHL to the ISO 9001:2008 Quality Management System.

(c) QMS Organizational Structure

Figure 1
QMS Organizational Structure

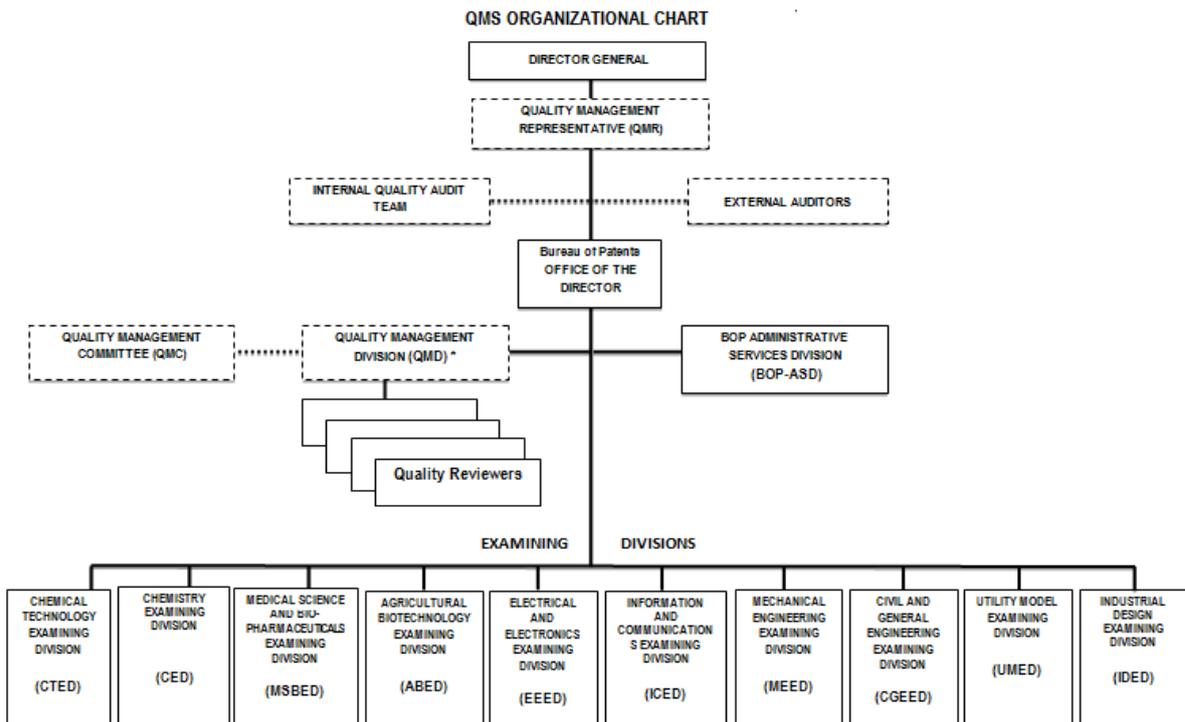
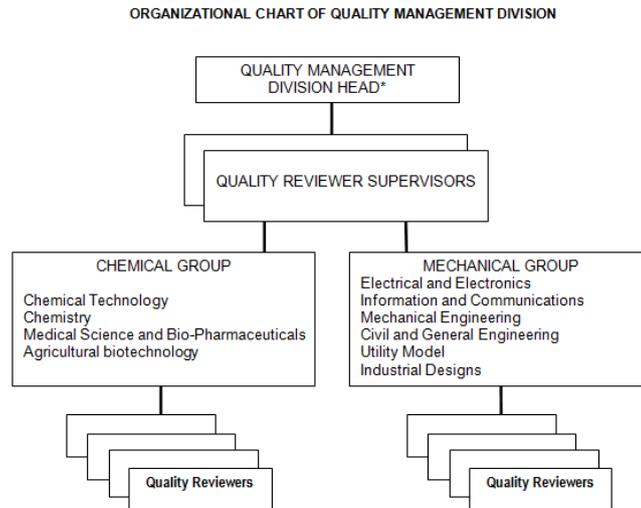


Figure 2
Internal Organizational Chart of QMD



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.).

Table 1

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	√		
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	√		
		(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	√		
		(b)	(i) determine the extent to which the QMS is based on Chapter 21	√		
			(ii) determine the extent to which S&E complies with PCT Guidelines	√		
		(c)	an objective and transparent way	√		

Chapter 21 requirement			Extent of compliance		
			full	part	no
	(d)	using input incl. information according paragraph 21.24	√		
	(e)	recording the results	√		
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 (IT Hardware & software)	√		
	(iv)	Ensuring documentation according to Rule 34 is accessible, properly arranged and maintained	√		
	(v)	(a) Instructions to help staff understand and act according to the quality criteria and standards	√		
		(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)	Effective control mechanisms to ensure timely issue of S&E reports	√		
	(ii)	Appropriate control mechanism 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	√		

Chapter 21 requirement			Extent of compliance		
			full	part	no
	(ii)	System for measurement of data, collection 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 communication 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	√		
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	√		
	(iii)	Records about training, skills and experience of staff	√		
	(iv)	Evidence of conformity of processes	√		

Chapter 21 requirement			Extent of compliance		
			full	part	no
		(v) Results of reviews of requirements relating to products	√		
		(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	√		
		(ix) Records on actions taken re. non-conforming products	√		
		(x) Records on actions taken re. corrective actions	√		
		(xi) Records on actions taken re. preventive actions	√		
		(xii) Records referring to search process documentation	√		
21.21	(a)	Search process is documented for internal purposes, the records should include:			
		(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	√		
		(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	√		
21.23-21.25		Additional information on further inputs to its internal reviews	√		
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*

Pursuant to Figure 1, management tasks the following to ensure the effectiveness of the QMS and the process of continuous improvement progress:

The QMR assures the IPOPHL's compliance to the established QMS and identifies areas for improvement. The QMR also ensures the promotion of awareness of meeting customer

requirements within the core processes and relevant support processes of the IPOPHL's QMS. The QMR reports to the Director General.

The IQA Team conducts audit twice a year (actual and verification) and provides the findings to the IPOPHL top Management during the Management Review. The audit findings contain the conformity and non-conformities found during the audit; cause analysis; and corrective and preventive action including dates of completion and follow-up audit. The IQA Team reports to the QMR.

The QMD implements the PQRS within the Bureau of Patents and evaluates its effectivity. It conducts evaluation of the system every six (6) months including the results of the quality review of the search and examination, issues in the examination and procedure of the quality review, and comments or suggestions from the applicants or examiners. After the evaluation, corrective and preventive actions and amendment in the PQRS standards or policies are recommended to the QMC for their consideration. The QMD Head reports to the Bureau Director.

In addition, external audits for the certification of IPOPHL to ISO 9001 standard are conducted every three (3) years but a yearly surveillance audits are also carried out.

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.*

One of IPOPHL's strategic goals is to ensure the delivery of timely and quality patents. It employs several methods in impressing the importance of meeting treaty and regulatory requirements:

Within the QMS process, the IPOPHL communicates the importance of meeting the QMS requirement and its importance through the Internal Quality Audit Team (IQA Team) which conducts actual and verification audits to validate whether IPOPHL's activities comply with the planned commitments to the stakeholders and in accordance with the legal statutes and to determine the effectiveness of the Quality Management System. The audit findings are communicated to the IPOPHL top Management during the Management Review as well as to the respective bureau/office/unit heads and staff having responsibility in the audited area through Bureau Management Committee meetings and division monthly meetings. The bureau/office heads make timely corrective and preventive actions on the deficiencies found in the audit. Follow-up audit activities are also conducted for the purpose of verifying and recording the implementation and effectiveness of the corrective actions taken.

The ability of the bureau, division and the individual examiners to deliver their respective commitments on quality, timeliness and number of applications processed are reflected in the Bureau/Division/Individual Performance and Commitment Reviews. The said performance and commitment reviews are assessed twice a year to ensure that the commitments are met.

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 review of the established QMS of IPOPHL is conducted at least once a year or whenever deemed necessary by the Director General or upon the recommendation of the QMR to ensure continuing suitability and effectiveness of the system in satisfying the requirements of customers/clients and stakeholders. Results of the review are presented to the IPOPHL Top Management for discussion.

In addition to the scheduled Management Review, the Executive Committee also holds monthly meetings. Agenda for the meeting includes: (i) planning of objectives, targets and programs; (ii) review/evaluation of objectives, targets and programs; (iii) follow-up of assigned tasks; (iii) discussion of activities for the upcoming month; (iv) feedback from stakeholders; and (v) other matters that need the immediate attention of the IPOPHL Executive Committee.

The results of the review are conveyed to each Bureau's Management Committee and communicated to the staff through division level monthly meetings as well as through emails or memoranda.

For the Bureau of Patents, the QMC handles the result of the review and conducts monthly meetings to discuss the issues on examination practices, to determine the needs in terms of human resources or IT infrastructure, and to update or revise the quality objectives, if necessary. Any updates or amendments are communicated to the examiners and staff through division meetings, seminars or trainings, memoranda or emails.

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).*

IQA conducts internal audits twice (2) a year (actual and verification) that is consistent with the requirements of ISO standards on all work processes which includes the in-process quality check and the PQRS. The results of the audit are communicated to the IPOPHL top management during the Management Review for evaluation.

At the Bureau level, the QMD prepares a monthly report on the PQRS result which is presented during the monthly BOP Management meeting and forms part of the documents subjected to the annual internal and external audits. The report contains the findings on the quality review of all work products including the search and examination reports conducted through the PQRS random sampling. It also includes identification of gaps and other concerns/issues in the process of search and examination and recommendation in addressing the said gaps.

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.

(i) IPOPHL meets the criteria for appointment in terms of the number of full-time employees with sufficient technical qualifications to carry out search and examination. IPOPHL has 102 examiners who have engineering and science degrees and have considerable experience in patent search and examination. To ensure the hiring of competent workforce, IPOPHL has a 4-level recruitment and selection process for all examiners. It has a structured, comprehensive and competency-based training program in place. In addition, all examiners continuously receive internal and external trainings focused on further enhancement of search and examination skills

As required by the Civil Service Commission (CSC) of the Philippines, IPOPHL's examiners have degrees in Engineering, Natural Science, Medical Science and other allied sciences. They must have also passed the required professional licensure examination prescribed by the Professional Regulation Commission (PRC), and the Career Service Examination for Professionals by the CSC.

Many examiners have advanced degrees or are currently pursuing further studies. IPOPHL provides support to all of its examiners in their pursuit for higher education. Currently, IPOPHL has a partnership with the country's premier science and engineering institution, the MAPUA Institute of Technology (MIT), for graduate degree programs customized to prepare the examiners for patent applications in highly specialized fields of technology. A number of IPOPHL researchers and examiners are presently enrolled in the degree program Masters of Science in Biological Engineering. A similar program for the mechanical fields is being developed.

It is significant to note that sixty (60) examiners representing more than half of the examiners have search and examination experience ranging from four (4) years to thirty-nine (39) years. All new examiners undergo the structured, comprehensive and competency-based training program that equips them with the required level of competency in conducting search and examination.

All IPOPHL examiners are guided by highly-experienced supervisors within a two (2)-level in-process quality check for all search and examination reports. The supervisors of all examining divisions have graduate technical and management degrees and have extensive search and examination experience of at least 15 years. All supervisors receive continuous internal and foreign trainings to update and enhance further their capacities in patent quality review, as well as in the coaching and mentoring of examiners.

With respect to PCT Rules 36.1(iii) and 63.1(iii) requiring examiners to have the language facilities to understand at least those languages in which the minimum documentation referred to in Rule 34 is written or is translated, examiners of IPOPHL possess high skill and understanding in the widely used English language.

All examiners are proficient both in spoken and written Filipino and English languages. Some examiners have further capability in other foreign languages such as Japanese, Mandarin, German, Spanish and French language.

(ii) New Patent Examiners are provided with an intensive training course in order to equip them with the necessary competencies, skills and proper perspective before their assignment to their respective examining division. Specifically, this course is an in-depth study of PH statutes and rules, coursework and practical exercises focused on developing search and substantive examination skills and competencies.

For Senior Examiners, IPOPHL provides continuous learning through lectures, seminars or trainings given by university professors, returning Filipino scientists who pursued PhD studies abroad and different IP Offices. Continuous education is also offered to examiners such as scholarships for Masters Degrees.

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.

(iii) IPOPHL endeavors to keep up with the latest developments in IT technologies to support its examiners in the conduct of their search and examination such as advance servers and network infrastructures. Aside from this, customized computer software are likewise being utilized to effectively carry out processes involved search and examination.

IPOPHL uses the WIPO Industrial Property Automation System (IPAS) specifically configured for IPOPHL process workflows. The IPAS integrates with other internally developed systems including online filing and payment systems to deliver end-to-end processing of invention, industrial design, utility model, and trademark applications.

IPAS provides a number of modules that play a central role in various facets of the search and examination process: (1) To Do List Module - tracks each stage of the examination process and

provides real-time details on the status of all applications; (2) Workflow Module - serves as the electronic file wrapper which shows instant information about the transactions related to an application; (3) Action Notices Module - assists examiners in the drafting of examination reports by providing standardized action templates as well as indication on the next course of action that should be made; (4) Search Module - gives examiners access to both published and non-published ID, UM, and Patent applications that are filed locally; and, (5) Electronic Document Management System - provide access to electronic copies of correspondences filed by the applicant.

IPOPHL is presently working on optimizing business processes and enhancing efficiency specifically in critical areas of the search and examination process including platforms for online correspondence, quality review, real-time notification, and patent search.

As regards network infrastructure, IPOPHL has in place a complete and integrated security solution starting with a security firewall appliance alongside an Intrusion Prevention System with Anti-Virus, Anti-Bot and Anti-Spam capabilities, and an IPSec Virtual Private Network capability for secure site-to-site connections. The core network switch is powered with two active Internet nodes with sufficient bandwidth to service the entire network, and a fail-over capacity in the event of the failure of one of the nodes. Server virtualization is implemented which provides faster provisioning and deployment of application systems while ensuring higher availability and uptime. IPOPHL has contracted Cloud-based data backup services, and data back-up and testing procedures are conducted regularly.

(iv) IPOPHL examiners have access to the following patent and non-patent databases:

- a. Commercial search platform Thomson Innovation which covers Derwent World Patent Index (DWPI);
- b. WIPS Global Database which contains full text patent grant and applications from US, Europe, Japan, Korea, and China including PCT applications issued before 1975;
- c. Publicly-available databases such as: (i) OPSIN (Open Parser for Systematic IUAPAC nomenclature); (ii) NCBI (National Centre for Biotechnology Information); (iii) EMBL-EBI (European Molecular Biology Laboratory - European Bioinformatics Institute) for sequence listing search; (iv) 3GPP (Telecommunication Technologies); (v) WIPO Case; and, (vi) Patent Scope;
- d. Databases such as PubMed which provides non-patent articles in chemistry, molecular biology and other preclinical sciences, and The Lens for comprehensive DNA and protein sequence search;
- e. IPOPHL IPDL (Industrial Property Digital Library) and IPOPHL's internal database IPAS (Industrial Property Automation System); and
- f. National patent databases of other IP Offices such as USPTO, J-PATPLAT, AUSPAT, Espacenet, and AIPN.

While already compliant to the minimum documentation requirement, IPOPHL's options and scope of search will soon be further enhanced by access to STN and IEEE Digital Explore and the Office is discussing access to EPOQUENet.

(v) All necessary information regarding the work procedures, guidelines and documents such as the IP Code, Implementing Rules and Regulations, Manual of Patent Examination Practice are available via the IPOPHL's website. The Quality Manual, Issuances, Memorandum/Office orders relating to PQRS shall be accessed through the IPOPHL Intranet.

Any updates or instructions are communicated through the Bureau of Patents (BOP) General Assembly, BOP Management meetings, monthly division meetings or special meetings as deemed necessary.

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.

Training Program for New Patent Examiners:

At the time of ISA designation, the new examiners are already equipped with patent examination skills and able to independently conduct search and substantive examination.

The IPOPHL employs a competency-based training and capacity building program for patent examiners to ensure quality search and examination. It adopts a two-level competency building approach: (1) New Patent Examiner Training (NPET); and, (2) Continuous Training Program (CTP). Developed by the IPOPHL, the NPET is a highly structured and comprehensive training program incorporating, among others, the relevant elements of the training programs of the United States Patent and Trademark Office (USPTO), IP Australia and European Patent Office (EPO). The NPET consists of three (3) phases.

Phase I covers fundamental concepts on patent search and examination, practice and procedures, legal provisions, automation as well as personal and professional development.

Phase II is the technology-specific training. New examiners are assigned to the examining divisions where they handle actual applications and apply their learnings into practice. For this stage, they are mentored and supervised by senior examiners.

Phase III includes supplemental training in examination, search and other IP related matters for areas where deemed necessary based on the assessment in the previous stages. For the NPET, various methodologies are used such as lectures, group work and presentations, quizzes and exercises, and workshops to ensure effective learning. An assessment is conducted after every stage of the NPET.

Competency Assessment

For the new patent examiners, an Assessment is conducted after each Phase of the NPET. A trainee who fails to demonstrate expected search and examination skills after Phase I will not be allowed to proceed to the Phase II or the technology-specific training. During Phase II, the assistant supervisor and supervisor provide feedback on the competence of the trainee.

For Phase II, trainees must complete six (6) consecutive examination reports without errors. Every erroneous case that a trainee commits under Sections 1 and 2 (Search, Patentability and Clarity of Claims) of the established standards of the Patent Quality Review System corresponds to additional six (6) new cases until he/she satisfies the six consecutive error-free reports. The number of applications may still be increased on top of what is required, if upon the sound discretion of the trainer, the trainee still needs further practice on certain topics.

The work products of all patent examiners undergo two layers of in-process quality checks by the assistant supervisor (assistant division chief) and the supervisor (division chief).

Continuous Training Program (CTP)

To further enhance the capacity and competence of existing examiners, IPOPHL conducts continuous training program. These include advanced trainings, workshops, and seminars on patent search and examination on various technological fields as well as new and emerging technologies, updates on patent-related legislation, practices, and procedures, and plant visits to industries employing advanced technologies. Since 2011, the IPOPHL is a partner of the Department of Science and Technology's (DOST) Balik Scientist (Returning Scientists) Program envisioned to strengthen the country's scientific and technological human resources through the transfer of diverse new knowledge and expertise. Under this Program, DOST PhD scholars who pursued their studies abroad conduct lectures and trainings for the patent examiners on specified technological fields.

IPOPHL has intensified capacity building activities on search and examination in partnership with other IP Offices/International Authorities such as the USPTO, EPO, and JPO as well WIPO. In addition, patent examiners have taken distance learning courses offered by the WIPO, the European Patent Academy, and other foreign IP offices. Further, IPOPHL continues to provide trainings and updates on the PCT System for examiners and administrative staff in cooperation with WIPO PCT Division.

In the constant pursuit of developing and maintaining a competent and highly motivated workforce, IPOPHL is offering a scholarship program on Masters in Biological Engineering customized to suit the technical needs of IPOPHL examiners. This is in partnership with the MIT, one of the premiere engineering schools in the country, a recognized center of excellence in engineering education by the Commission on Higher Education and an accredited institution of the Accreditation Board for Engineering and Technology, Inc. (ABET). A similar program is being developed for the examiners in the mechanical fields.

IPOPHL also provides trainings on PCT practice, procedure and updates as well as quality management system both for patent examiners and administrative staff.

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.*

There is an automated monitoring of workload and assignments in place through the IPAS. The Records Management Unit (RMU) generates a monthly report on the applications assigned and all work products done by patent examiners across the different divisions. Based on the report, the BOP Management determines if there is a need to hire additional patent examiners or there is a need to re-assign examiners from one technology field to another in order to handle the increasing demand, if appropriate.

On the continuously monitoring and identifying the resources required to comply with quality standards, the QMD provides monthly report on the result of the quality review on work products of examiners. The report contains the result of the quality review including conformity and non-conformity as well as recommendations on the need to designate additional quality reviewers, or the identification of other resources needed, among others. The report is submitted to the BOP Management for their approval/consideration.

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.*

(i) The IPAS system captures the processing of applications from filing until post-grant processes. Upon filing, the data-entry is done by the receiving section covering the bibliographic data which is uploaded in the system. There is an initial general classification by the RMU for the purpose of determining which division will handle the application. The application is then given a specific classification by the examiner after assignment.

The Records Management Unit (RMU) monitors the timely publication of applications with corresponding search reports and notifies the examiners before the deadlines are due. The Supervisors (Division Chiefs)/Assistant Supervisors (Assistant Division Chiefs) and examiners are also capable of monitoring the workloads and different due dates using the IPAS. The system is designed to track the status of each patent application from filing up to grant. The system tracks workflow processes, actions & statuses, legal time-periods and deadlines such as issuance of search reports, publications and examination reports.

The BOP Management regularly monitors the timeliness of issuance of search reports, disposal of applications and publication of applications.

(ii) IPOPHL continues to improve its efficiency by reducing the processing time (from filing to grant) and addressing fluctuations in demand through various measures such as backlog reduction, timely publication of applications, reassignment of cases to other relevant divisions to level work load, as appropriate.

The BOP submits its yearly commitment on backlog reduction and timely disposal of current applications which is reflected in the division and individual commitment.

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.*

To issue timely and high quality search and examination reports, the IPOPHL has in place two levels of patent quality assurance. For the first level or in-process quality assurance, all work products including search and examination reports are checked by the assistant supervisor (assistant division chief) and the supervisor (division chief) before mailing to the applicant. If there is any correction in the examination report, the report is returned to the examiner for proper revision. The revised report is then checked again by the assistant supervisor and the supervisor, if there are no further correction needed, the report is approved and sent to the applicant.

In addition, IPOPHL uses the 3-person team in undertaking search. The primary examiner handling the application to be searched consults and involves two (2) of his colleagues to help in conducting the search. Each will independently design their strategies and conduct search, and the results of which are then discussed among the 3 examiners to check on the best or most relevant prior art for the application. This process ensures that a thorough search is conducted and that all strategies and databases are exhausted.

In the second level or the PQRS, the search and examination reports are randomly selected and reviewed according to the established quality standards by the QMD. The quality review are done monthly and about 7 per cent of the all the issued examination reports annually are quality reviewed by the QMD. The result of the quality review are documented and reported monthly.

When non-conformities are identified, corrective and preventive mechanisms are already in place. Depending on the nature of the non-conformity, issuance of a subsequent examination report or re-examination may be done. And in order to prevent re-occurrence of non-conformities especially those that concern patentability issues, the QMC shall discuss the issue and new policies or amendment shall be formulated for the implementation to the Bureau. For repeated non-conformity by the same examiner, a retooling or retraining will be recommended.

5. COMMUNICATION

Inter-Authority communication:

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.*

Quality contact person(s):

Engr. Merito J. Carag, Quality Management Division Head (merito.carag@ipophil.gov.ph)
and
Ms. Ronil Emmavi J. Remoquillo, QMD Quality Reviewer Supervisor
(ronilemmavi.remoquillo@ipophil.gov.ph)

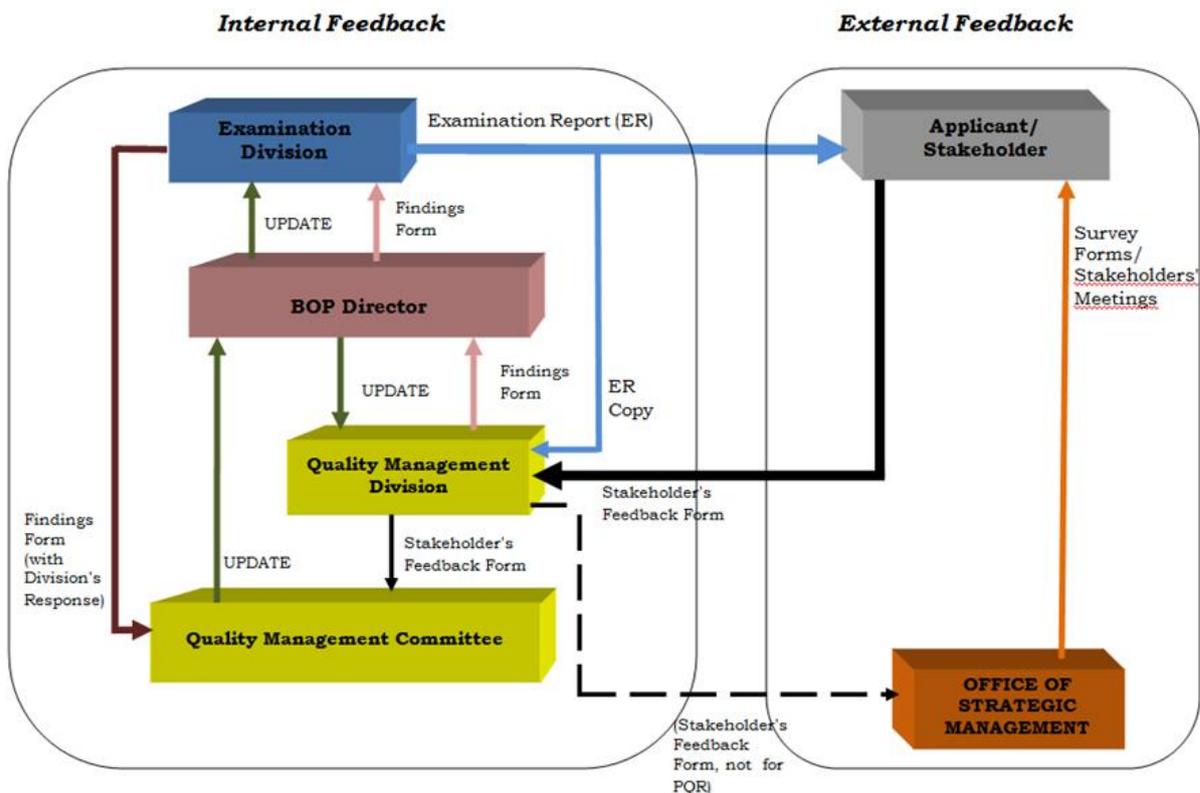
21.15 Communication and guidance to users:

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.

IPOPHL uses the following feedback mechanism:

Figure 3
PQRS FEEDBACK WORKFLOW



- (i) The Office of Strategic Management (OSM) is tasked to receive customer feedbacks and complaints through their customer feedback forms, emails, postal mails, phone calls and the IPOPHL suggestion box. Complaints and feedbacks are forwarded to the respective bureaus/department heads for appropriate actions. Feedbacks or issues relating to examination are forwarded to the QMD for appropriate evaluation and corrective actions. The results of the evaluation and actions are communicated back to the customers/complainants.

(ii) The IPOPHL conducts Customer Satisfaction Feedback Survey through the OSM. The survey is important to help the Bureau of Patents to improve the delivery of their service. The OSM prepares the customer feedback form and distributes the same thru fax, emails, postal mails, guard station (walk-ins), and the IPOPHL mailbox. Responses are returned similarly and walk-ins return their forms thru a drop box located at the IPOPHL Office. Follow-ups of survey forms may also be done thru email and telephone calls. Responses are gathered, consolidated and tabulated. The OSM prepares the Customer Satisfaction Survey Report which contains the statistical analysis, comments and recommendations based on the result.

The Bureau of Patents also conducts annual Stakeholders meeting to discuss issues and concerns relating to search and examination practices.

(iii) and (iv) IPOPHL published the IP Code and its Implementing Rules and Regulations (IRR), Manual of Patent Examination Practices (MPEP), Universally Accessible Cheaper and Quality Medicines Act of 2008 (QUAMA) and its Guidelines, Procedure for applying Utility Model, Industrial Designs, Patents and PCT applications and schedule of fees. These are likewise available in the IPOPHL website.

The IPOPHL quality objectives are also made available to the public through the IPOPHL 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.

At the time of appointment, the contact person designated by IPOPHL to communicate with the International Bureau of WIPO and designated and elected offices is the Director of the Bureau of Patents.

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 through the intranet (IPOPHL internal communication system).

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 following:

1. quality policy;
2. the scope of the QMS;
3. the organizational structure;
4. the documented processes carried out in the IPOPHL starting from application to grant among others;
5. the resources necessary for carrying out the processes; and
6. interaction between the processes

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

In IPOPHL, the Document and Records Custodian (DRC) is responsible for the collection, storage, protection and disposal of records for each bureau/division according to ISO 9001:2008 requirements such as:

- (i) a definition of which documents are kept and where they are kept;
- (ii) results of management review;

- (ii) evidence of conformity of processes, resulting products and services in terms of quality standards;
- (iv) results of reviews of requirements relating to products;
- (v) records of QMS audits;
- (vi) actions taken re. non-conforming products, e.g. examples of corrections;
- (vii) actions taken re. corrective action; and
- (viii) actions taken re. preventive action.

All records are kept and maintained in the office of the DRC.

At the Bureau of Patents, the RMU is responsible for maintaining records for the following:

- (ix) the search and examination processes carried out on each application;
- (x) data allowing individual work to be tracked and traced;
- (xi) search process documentation as set out in Section 7

All documents are kept and maintained electronically in the IPAS.

In addition, the Human Resource Development Division (HRDD) is responsible for maintaining records for:

- (xii) Training, skills and experience of personnel

All records are kept and maintained in the office of the HRDD.

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 unity*

The IPAS contains the standard templates for all work products including search and examination reports.

The following information in relation to the issuance of search report is recorded:

- (i) Application data: Application number, Filing date, Title, Earliest priority date
- (ii) International Patent Classification (IPC)
- (iii) Database(s) Consulted
- (iv) Keyword(s) used
- (v) Citation of document considered with the relevant passages
- (vi) Family Member: Patent family member and publication date
- (vii) Search Strategy: Search String(s), Search Field(s), Search Databases, No. of Hits and Number of Documents Viewed
- (viii) Written Opinion on patentability in light of the search report
- (ix) Name of the Examiner and date of completion

In cases of lack of unity and clarity or limitation in conducting search, these issues are communicated during the formality examination.

Figure 4
Screenshot of IPAS Workflow Interface

The screenshot displays the 'Edit process data' section for a patent application. At the top, there is a navigation bar with links: Back | New action | Print office docs | View mark | View patent | View upper process | Related previous | Related next | View other process | Set filter | Read sub processes | Refresh. Below this, the file name is shown: 'File: PH/1/2015/500608 PLANT AND METHOD FOR PRODUCING ETHYLENE - LINDE AKTIENGE... - To proceed to substantive examination'. The main area is a table with columns: Events, Status, Frozen By, Freezing, and a column for actions (View, Delete). The table contains 18 rows of events, including automatic actions like 'Publication of the journal', 'Application is not divisional', 'Date is due', and 'Proceed without notice of publication (PCT)', as well as user actions like 'Request for Substantive Examination', 'Payment of fees', and 'Substantive examination report'. At the bottom left, there are links for 'Help' and 'Configuration'.

Events	Status	Frozen By	Freezing	
Action		27/07/2015 23:59:00		(automatic) Publication of the journal View Delete
Action		27/07/2015 23:59:02		(automatic) Application is not divisional View Delete
User Doc.		31/07/2015 00:00:00		UserDoc: Request for Substantive Examination (Doc 2015/223879) PLANT AND METHOD FOR PRODUCING ETHYLENE - LINDE AKTIENGESELLSCHAFT. In data capture (31/07/2015) View
User Doc.		31/07/2015 00:00:00		UserDoc: Payment of fees (Doc 2015/7030396) PLANT AND METHOD FOR PRODUCING ETHYLENE - LINDE AKTIENGESELLSCHAFT. In data capture (31/07/2015) View
Action		23/09/2015 23:59:00		(automatic) Date is due View Delete
Action		19/10/2016 14:17:18		Proceed without notice of publication (PCT) View Delete
Action		19/10/2016 15:15:16		Request for substantive examination was received View Delete
Action		19/10/2016 15:15:23		No adverse information was filed View Delete
Action		19/10/2016 15:15:37		Assignment of responsible examiner View Delete
Action		19/10/2016 15:16:29		Substantive examination report View Delete
Office Doc.		19/10/2016 15:16:30		OfficeDoc: A/2016/31195 Substantive examination report File: PH/1/2015/500608. Notified (21/10/2016) View
User Doc.		21/12/2016 00:00:00		UserDoc: Response to Office action (Doc 2016/239266) PLANT AND METHOD FOR PRODUCING ETHYLENE - LINDE AKTIENGESELLSCHAFT. In data capture (21/12/2016) View
User Doc.		21/12/2016 00:00:00		UserDoc: Payment of fees (Doc 2016/7051020) PLANT AND METHOD FOR PRODUCING ETHYLENE - LINDE AKTIENGESELLSCHAFT. In data capture (21/12/2016) View
User Doc.		21/12/2016 00:00:00		UserDoc: Payment of fees (Doc 2016/7051021) PLANT AND METHOD FOR PRODUCING ETHYLENE - LINDE AKTIENGESELLSCHAFT. In data capture (21/12/2016) View
Action		21/12/2016 23:59:00		(automatic) Date is due View Delete

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.

Internal quality audits are conducted twice (2) a year (actual and verification) as required by ISO 9001:2008.

In addition, the PQRS of the Bureau of Patents requires a monthly quality check of all the search and examination reports to ensure conformity to the established standards on the search and examination practices.

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.

IPOPHL will submit the timely reports as required in Chapter 21 in the prescribed format.

[Appendix 2 follows]

APPENDIX 2

IP AUSTRALIA REPORT ON THE INTELLECTUAL PROPERTY OFFICE OF THE PHILIPPINES

ASSESSMENT OF INTERNATIONAL SEARCH AND EXAMINATION CAPABILITIES

BACKGROUND

1. In 2015, the Intellectual Property Office of the Philippines (IPOP HL) requested IP Australia's assistance regarding IPOP HL's intension to apply to become an International Search and Preliminary Examination Authority (ISA/IPEA) under the PCT. IP Australia subsequently agreed to be one of the competent International Authorities to assess IPOP HL suitability to act as an ISA/IPEA.
2. As part of that process, in December 2016 a delegation from IPOP HL visited IP Australia in Canberra, Australia for a workshop on operations as an ISA. Discussions included each office providing an overview of their examination structure, IT systems and quality systems. Following on from these discussions and a preliminary consideration of IPOP HL's application, two IP Australia officials visited IPOP HL on February 27 and 28, 2017 to conduct a desk review of IPOP HL's existing operations and capability going forward.
3. The findings of the assessment and visit are conveyed in the following report.

GENERAL INFORMATION ABOUT IPOP HL

4. IPOP HL is located in Bonifacio Global City in Metro Manila. IPOP HL has seven bureaus including Bureau of Patents, which is further divided into 10 examination divisions addressing different technologies. In addition to the office in Manila, IPOP HL also has 13 IP satellite offices across the Philippines to create public awareness and provide technical and advisory services to applicants.
5. IPOP HL received 3,098 applications in 2016, of which 92 per cent were by foreign applicants (non-resident filings). As a Receiving Office, IPOP HL has received an average of 18 PCT applications in the last three years. IPOP HL and the Philippines Government have been working on promoting IP and providing incentives to encourage the use of the PCT system. IPOP HL believes that this development policy, combined with designation as a PCT Authority, will help nurture and encourage innovation in the Philippines and eventually lead to an increase in PCT filings by Philippines residents.
6. IPOP HL's IT operations are primarily based on the Intellectual Property Automation System (IPAS) developed by WIPO. Most of the administration and workflow for IPOP HL's operations will be developed around IPAS. IPOP HL has implemented electronic filing for industrial designs and utility models and have advised they are in the process of designing an electronic filing system for patents.

EVALUATION AGAINST MINIMUM REQUIREMENTS UNDER 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;

7. IPOP HL, at the time of our visit, had 87 employees with sufficient technical qualifications to carry out searches and were expecting 13 more to start on March 2, 2017; a further 12 were planned to be recruited by the end of the March 2017 which will take the total to 112.

8. IPOPHL have a structured training program and all work after the training is supervised. The last batch of examiners would complete the first phase of training by June 2017 and would then be able to conduct search and examination under appropriate supervision.

9. The training regime is supported by a rigorous recruitment process to ensure the quality of appointees. IPOPHL advised that an average 2 new recruits in each intake fail to secure their employment after training and assessment. This level of attrition also indicates that a relatively high standard is required of candidates for appointment as an examiner.

(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. IPOPHL examiners use proprietary search tools such as Thomson Innovation and WIPS Global, as well as publicly-available databases such as USPTO, J-PLATPLAT, AUSPAT, Espacenet, Google Patents, OPSIN, NCBI, EMBLEBI, LENS, and PATENTSCOPE.

11. The current subscriptions appear to satisfy the minimum documentation requirements. Furthermore they are planning to obtain subscriptions to EPOQUENet, STN and IEEE subscriptions in the near future with the required training taking place later this year. These subscriptions will provide IPOPHL with access to some highly regarded search databases, and further add to the extent and quality of their searches.

12. Prior to our visit, IPOPHL sent us eight searches covering a range of technologies. Notably the searches included a detailed record of the search strategies, including IPC and keywords, which demonstrated the use of the abovementioned search tools/databases. During our visit, the examiners in IPOPHL gave us a demonstration of searches in both mechanical and chemistry technologies. IPOPHL has also adopted a practice of using 3-person search teams on each search to develop strategies. This has the advantage of mitigating risks of incorrect or inaccurate search strategies, as well as sharing learning between examiners. Our discussions and the quality of the work we viewed indicate that IPOPHL examiners satisfy the skills and knowledge required for International Search and Examination.

(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;

13. IPOPHL ensures technical and language skills by requiring its examiners to meet certain requirements during recruitment. Examiners must hold a minimum bachelor's degree in engineering or sciences in a relevant technology and have passed the Career Service Examination for professionals conducted by the Civil Service Commission. All university courses are in English and therefore the examiners are proficient in English. Some examiners have proficiencies in other relevant languages.

14. We note that a number of IPOPHL staff have participated in IP Australia's Regional Patent Examination Training program (RPET), which focuses on PCT-standard search and examination. Several graduates of that program have developed a structured training program specifically for Philippines examiners and which is similar to the RPET format.

15. We consider that the three-phase training program covers all aspects of examination. Further skills development is undertaken by supporting examiners in postgraduate study. IPOPHL have also run a Master of Science in Biological Engineering in-house for experienced examiners.

(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;

16. IPOPHL currently has ISO 9001:2008 certification covering the process of granting patents, utility models and industrial designs and are preparing to transition to ISO 9001:2015.

17. During our visit we were able to assess IPOPHL's quality systems. IPOPHL have developed a set of quality standards against which examination products are assessed. All work generated by examiners is quality reviewed by their supervisors. An additional external review is also carried out. IPOPHL have implemented an independent Quality Review System which randomly samples and reviews examiners' work. A sample of work produced by each examiner is assessed by quality reviewers.

18. In our opinion the IPOPHL quality system is consistent with the common rules of international search and therefore meets this requirement.

CONCLUSION

19. IP Australia's conclusions are based on observation and the information available at the time of assessment.

20. We believe IPOPHL meets the minimum requirements of PCT Rules 36 and 63 in relation to minimum documentation, technical and language skills of staff, and a quality management system.

21. We note that IPOPHL is currently recruiting and is expected to meet the examination staff number requirement by the end of March 2017.

22. On that basis we consider that IPOPHL meets the requirements for appointment as an ISA/IPEA.

23. We also note that IPOPHL's application for ISA/IPEA designation is a cornerstone of Policies aimed at the development of innovation and prosperity in the Philippines. This in turn will lead to increased usage of the international patent system in the ASEAN region and potentially add value to the network of existing Authorities.

24. As a part of our long-standing and cooperative relationship, if successful in their application, IP Australia is willing to provide further assistance to IPOPHL with any transition required to become an operational ISA/IPEA.

[Appendix 3 follows]

APPENDIX 3

REPORT BY THE JAPAN PATENT OFFICE (JPO)

I. INTRODUCTION

1. At its forty-sixth (27th extraordinary) session held from September 22 to September 30, 2014, the PCT Assembly adopted an Understanding which states that “a national Office or an intergovernmental organization 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.” (PCT/A/46/6, paragraph 25(a)).
2. In the 2016 annual work program on bilateral cooperation under the Memorandum of Cooperation (MOC) in the field of intellectual property between the Japan Patent Office (JPO) and the Intellectual Property Office of the Philippines (IPOP HL), both offices confirmed that the JPO would support the IPOP HL in its preparation for being appointed as an International Searching Authority (ISA) and International Preliminary Examining Authority (IPEA) under the PCT.
3. The JPO conducted assessment on the IPOP HL's readiness to be appointed as an ISA/IPEA pursuant to the relevant PCT rules. On February 21 and 22, 2017, two officials of the JPO undertook a mission to the IPOP HL in order to better understand the IPOP HL's state of preparedness in order to function as an ISA/IPEA. The following summarizes the findings of the interaction as well as the mission.

II. RULES 36.1(i)(iii) AND 63.1(i)(iii)

4. At the time of the assessment mission, the IPOP HL employed 87 patent examiners capable of conducting search and examination works. The IPOP HL informed subsequently that the Office hired 13 additional examiners in the first week of March 2017 and would hire 12 more examiners by the end of the same month, all of whom had started or would start undergoing the training programs immediately after the recruitment.
5. The level of qualifications of its examiners is explained in part by the IPOP HL as follows:

“As required by the Civil Service Commission (CSC) of the Philippines, an examiner must have a degree in Engineering, Natural Science, Medical Science and other allied sciences, and, if required of the degree, has passed the professional licensure examination prescribed by the Professional Regulation Commission.

“All examiners conducting patent search and examination have in their possession either science or engineering degrees, or both, which provide them the technical skills and analytical capabilities to conduct search and examination and produce reports that are credible, accurate and consistent with international standards.

“In its thrust to provide uncompromised quality of service, IPOP HL champions the pursuit of higher education among its examiners. At present, 54 per cent of the examiners have Master's degree or are candidates of. IPOP HL also entered into partnerships with premier science and engineering institutions that provide post-degree programs customized to prepare for the influx of patent applications in highly specialized fields of technology. Currently, fifteen (15) scientists and engineers are enrolled in the degree program Masters of Science in Biological Engineering under the aforementioned partnership.”

6. The IPOPHL provides several training programs for its patent examiners. Training programs for newly recruited examiners cover various subjects relevant to their tasks on patent search and substantive examination. Those programs cover the following three phases: (I) Fundamental Concepts and Applied Learnings (4 months), (II) Technology-Specific Trainings (6 months), and (III) Supplemental Trainings (in each technical field). At the end of each of the three phases, final assessment is conducted, and any trainee who is not able to demonstrate sufficient skills and competence is not allowed to move on to the next phase.

7. It is informed by the IPOPHL that, at the end of phase (I), “the trainees are expected to possess basic knowledge on patent statutes, rules, examination practice and procedures; equipped with patent examination skills; and conduct search and substantive examination on real cases.” And as to the 25 staff members to be newly employed in March 2017, they will have completed the phase (I) training by the end of July 2017.

8. As continuing training programs designed for patent examiners, several forms of training activities are available, such as seminars, workshops, distance learnings, and plant visits. Subjects being dealt with in these activities include updates on patent search and examination, patent legislation, practices and procedures, and quality management. Bilateral cooperation partners, including the JPO, have been providing the Office with capacity building opportunities as well.

9. As for language proficiency, all the existing examiners at the IPOPHL primarily conduct search and examination by using the English language. They are capable of doing so in Filipino as well. In addition to English and Filipino in which all the IPOPHL examiners are fluent, some patent examiners have basic knowledge in other languages such as Japanese, Mandarin, German, Spanish and French.

10. In order to assist in understanding and searching the prior art written in other languages, online translation resources are made available for the IPOPHL examiners’ use.

III. RULES 36.1(ii) AND 63.1(ii)

11. The examiners at the IPOPHL currently have access to the following databases:

- (a) Commercial databases such as Thomson Innovation and WIPS Global
- (b) Internal databases, i.e. Intellectual Property Digital Library (IPDL) and Industrial Property Automation System (IPAS)
- (c) Publicly available databases such as USPTO Database, Espacenet, Patent Lens (TheLens), PubMed, PubChem, MedLinePlus, 3GPP, Patentscope, JPlatPat, WIPO Case, AIPN as well as patent databases of other IP Offices

12. At the time of the assessment, the IPOPHL is working to gain access to the EpoqueNet. The IPOPHL informed the JPO members that the EpoqueNet, together with commercial databases such as IEEE and STN, would become available for its examiners’ use by the third quarter of 2017, and that through these arrangements, the IPOPHL would become able to have access to minimum documentation under Rules 36.1(ii) and 63.1(ii).

13. The IPOPHL’s IT systems consist of the Industrial Property Automation System (IPAS), which was customized for its use in cooperation with WIPO and covers the major part of internal processing of patent applications, including search and examination in terms of domestic patent documents, and other in-house systems.

IV. RULES 36.1(iv) AND 63.1(iv)

14. In respect to national search and examination work, the IPOPHL has established a systematic quality management system (QMS), which is basically in line with Chapter 21 of the PCT International Search and Preliminary Examination Guidelines, placing emphasis on the issue of timeliness. The Office has also maintained its ISO 9001:2008 certification.

15. [Leadership and policy] The IPOPHL has set up the Quality Management Division, which facilitates its QMS. Its Quality Policy has been created and distributed to relevant staff members.

16. [Resources] See paragraphs 4 to 13, above.

17. [Management of administrative workload] Backlogs in examination have been addressed through “backlog reduction programs” conducted by the Office since 2014. As a result, backlogs have been steadily reduced. Regarding timeliness, the IPOPHL makes sure to issue search reports within six months from the filing date of local applications.

18. [Quality assurance] In-process checks on examination reports are being conducted by Division Chiefs and Assistant Division Chiefs. Furthermore, random evaluations have been conducted by Quality Reviewers. As a means of improving quality, feedbacks based on the result of Quality Review are given to the examiners in charge through Quality Management Committee and Division Chiefs.

19. [Communication] The IPOPHL conducts a Customer Satisfaction Feedback Survey to improve its service. The survey responses are compiled in a report, which contains analyses and proposals for improvements.

20. [Documentation] Quality Manual, which outlines the fundamental principles of its QMS, has been prepared and distributed to relevant staff members. The Document and Records Custodian, the Records Management Unit of the Bureau of Patents and the Human Resource Development Division maintain records such as QMS audits and the search and examination processes carried out on each application.

21. [Search process documentation] Search results by the examiners in charge are properly stored in its internal database in the form of reports containing keywords and other elements selected by the examiners, the names of databases used, the number of hits, and the number of documents viewed.

22. [Internal review] Internal quality audits, including internal QMS audit, are conducted annually.

V. CONCLUSION

23. Based on the information made available by the IPOPHL and on-site findings during the mission to the Office, the JPO concludes that the IPOPHL would be able to meet all the requirements under Rules 36.1 and 63.1 in order to be appointed as an ISA/IPEA by the coming session of the PCT Assembly to be held in October 2017. This is based on condition that additional examiners to be employed in March 2017 would become skilled enough to carry out searches, as mentioned in paragraph 7, and that the Office would subscribe to the necessary non-patent literature databases as currently scheduled, as mentioned in paragraph 12.

[Document PCT/CTC/30/26 follows]

Patent Cooperation Treaty (PCT) Committee for Technical Cooperation

Thirtieth Session
Geneva, May 8 to 12, 2017

SUMMARY BY THE CHAIR

AGENDA ITEM 1: OPENING OF THE SESSION

1. Mr. John Sandage, Deputy Director General, opened the session and welcomed the participants on behalf the Director General of WIPO. Mr. Michael Richardson (WIPO) acted as Secretary to the Committee.

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

2. The Committee unanimously elected Mr. Maximiliano Santa Cruz (Chile) as Chair and Mr. Victor Portelli (Australia) as Vice-Chair for the session. There were no nominations for a second Vice-Chair.

AGENDA ITEM 3: ADOPTION OF THE AGENDA

3. The Committee adopted the agenda as proposed in document PCT/CTC/30/1 Prov. 2.

AGENDA ITEM 4: ADVICE TO THE ASSEMBLY OF THE PCT UNION ON THE PROPOSED APPOINTMENT OF THE INTELLECTUAL PROPERTY OFFICE OF THE PHILIPPINES AS AN INTERNATIONAL SEARCHING AND PRELIMINARY EXAMINING AUTHORITY UNDER THE PCT

4. Discussions were based on document PCT/CTC/30/2 Rev.

5. The Delegation of the Philippines introduced the request for the Intellectual Property Office of the Philippines (IPOP HL) to be appointed as an International Searching and Preliminary Examining Authority under the PCT.
6. The Delegations of Australia and Japan introduced the assessment reports by IP Australia and the Japan Patent Office, respectively, set out in Appendices 2 and 3 of the Annex to document PCT/CTC/30/2, established 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”.
7. The Delegation of the European Patent Office (EPO) confirmed that the EPO had engaged in discussions with IPOP HL for that Office to obtain access to EPOQUENet. Access to EPOQUENet had been given on May 3, 2017 and training would take place in the coming months. The Delegation also clarified that it had agreed to implement a bilateral Patent Prosecution Highway (PPH) agreement in the coming months.
8. The Committee unanimously agreed to recommend to the Assembly of the PCT Union that the Intellectual Property Office of the Philippines be appointed as an International Searching and Preliminary Examining Authority under the PCT.

AGENDA ITEM 5: ADVICE TO THE ASSEMBLY OF THE PCT UNION ON THE PROPOSED EXTENSIONS OF APPOINTMENT OF INTERNATIONAL SEARCHING AND PRELIMINARY EXAMINING AUTHORITIES UNDER THE PCT

9. Discussions were based on documents PCT/CTC/30/3 to 24.
10. The Committee unanimously agreed to recommend to the Assembly of the PCT Union the extension of the appointment of all national Offices and intergovernmental organizations currently acting as International Searching and Preliminary Examining Authorities under the PCT.

AGENDA ITEM 6: MODEL AGREEMENT BETWEEN AN OFFICE AND THE INTERNATIONAL BUREAU IN RELATION TO ITS FUNCTIONING AS AN INTERNATIONAL SEARCHING AND PRELIMINARY EXAMINING AUTHORITY

11. Discussions were based on document PCT/CTC/30/25.
12. The Committee approved the revised draft model Agreement set out in the Annex to document PCT/CTC/30/25 to be used as the basis for preparing the individual agreements under Articles 16(3) and 32(3) in relation to the functioning of an Office or organization as an International Searching Authority and International Preliminary Examining Authority with effect from January 1, 2018.

AGENDA ITEM 7: 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 Assembly of the PCT Union, as a record of the advice given under agenda items 4 and 5.

AGENDA ITEM 8: CLOSING OF THE SESSION

14. The Chair closed the session on May 11, 2017.

[End of document]