

WIPO



PCT/CTC/22/3

ORIGINAL: English

DATE: October 3, 2006

WORLD INTELLECTUAL PROPERTY ORGANIZATION
GENEVA

INTERNATIONAL PATENT COOPERATION UNION (PCT UNION)

PCT COMMITTEE FOR TECHNICAL COOPERATION

Twenty-Second Session
Geneva, September 25 to October 3, 2006

REPORT

adopted by the Committee

INTRODUCTION

1. The PCT Committee for Technical Cooperation (“the Committee”) held its 22nd session in Geneva from September 25 to October 3, 2006, during the same period as the 35th (20th extraordinary) session of the Assembly of the PCT Union (“PCT Assembly”), held in the context of the 42nd series of meetings of the Assemblies of the Member States of WIPO. The list of participants in those meetings is contained in document A/42/INF/3, noting that all States members of the Assembly of the PCT Union and all International Searching and Preliminary Examining Authorities are members of the Committee.

OPENING OF THE SESSION

2. Mr. Francis Gurry, Deputy Director General, opened the session and welcomed the participants on behalf of the Director General.

ELECTION OF A CHAIR AND TWO VICE-CHAIRS

3. Mrs. Nadia Ibrahim Mohamed Abdallah (Egypt) was elected Chair of the Committee; Mr. Yin Xintian (China) and Mr. Paul E. Salmon (United States of America) were elected Vice-Chairs.

E

ADOPTION OF THE AGENDA

4. The Committee unanimously adopted the draft agenda set out in document PCT/CTC/22/1.

ADVICE TO THE ASSEMBLY OF THE PCT UNION ON THE PROPOSED APPOINTMENT OF THE NORDIC PATENT INSTITUTE AS AN INTERNATIONAL SEARCHING AND PRELIMINARY EXAMINING AUTHORITY UNDER THE PCT

5. Discussions were based on document PCT/CTC/22/2.
6. The Delegation of Norway, speaking on behalf of the Delegations of Denmark, Iceland and Norway, introduced the application for the appointment of the Nordic Patent Institute (“NPI”) as an International Searching and Preliminary Examining Authority under the PCT (“International Authority”). On July 5, 2006, Denmark, Iceland and Norway had established an intergovernmental organization by that name. NPI would act as a formal instrument of cooperation in the patent field between those States. The aim of the cooperation was to stimulate Nordic companies to innovation and economic growth. The role of national patent Offices acting as competence centers for industrial property was considered very important in this respect. By establishing NPI, the participating States had created a concept for cooperation which enabled them to exploit the synergy of drawing upon the consolidated resources of participating Offices. It was their goal that the cooperation would enable NPI as well as the participating Offices to offer services which were of a quality and efficiency which was competitive by international standards. Furthermore, they wished to support the global development and usefulness of the PCT system by adding further competent resources to those already available, in particular within the framework of the European Patent Convention. The modalities of future cooperation with the European Patent Organisation would be further discussed at a later stage. The Delegation further stated that NPI met the formal requirements for appointment as an International Authority. It was an intergovernmental organization and would act as a legal and operational entity. It had at its disposal around 150 skilled examiners, having the required technical and linguistic capabilities, and it had access to the PCT minimum documentation. Furthermore, work on a joint NPI quality assurance system was in progress, based on the national quality systems which already met the requirements set out in the PCT International Search and Preliminary Examination Guidelines. NPI intended to start operating as a PCT Authority by January 1, 2008, and cooperation on other tasks was foreseen for the near future.
7. The Delegation of the Russian Federation expressed its sympathy with the request for the appointment of NPI as an International Authority but requested further information so as to clarify whether the Institute met all the requirements under the PCT.
8. The Delegation of Norway clarified that NPI would draw upon the expertise of the participating national Offices. There were around 150 examiners available for this purpose. The Danish and the Norwegian Offices had long experience in substantive search and examination. The Icelandic Office did not perform substantive search and examination and consequently would not contribute to that type of work within NPI. When doing work for the NPI, examiners would work on behalf of, and be under full instruction from, NPI. The cooperation within NPI would be coordinated in such a way that the work would always be allocated to an examiner having the required expertise. NPI would be responsible for the work undertaken by it and for distributing the tasks between the participating Offices. Applicants would not have the option of selecting which of those Offices would perform the

work requested. Quality would be ensured by establishing an extensive cooperation on quality assurance. Quality systems would be established by NPI and certified in accordance with ISO Standard 9001. Work on this was already in progress. The participating Offices had quality systems which were either already ISO certified or would be so soon. They fully complied with the provisions on quality assurance under the PCT International Search and Preliminary Examination Guidelines. Quality assurances would be based on the national systems and extended to cover all PCT procedures. The Danish, Icelandic and Norwegian Patent Offices had cooperated for many years on harmonization of patent practice and benchmarking of patent granting procedures. This cooperation would be further strengthened as part of the NPI cooperation. NPI was an intergovernmental organization and therefore formally entitled to become an International Authority. It met the minimum requirements set out in PCT Rules 36 and 63 and had access to the PCT minimum documentation. Any possible gaps which were identified would be rectified before NPI began operation as an International Authority.

9. The Delegation of Algeria stated that it was pleased to see NPI taking up this role and expressed its conviction that this would improve the quality of the international search under the PCT.

10. The Delegation of Austria believed that NPI met the requirements for appointment as an International Authority. It felt that the establishment of NPI was a positive and inspiring example for networking of Offices, combining effort and expertise, thus making maximum use of existing competence and know-how in the interests of users. It therefore supported giving favorable advice to the Assembly of the PCT Union on this matter.

11. The Committee unanimously recommended to the PCT Assembly that the Nordic Patent Institute be appointed as an International Searching and Preliminary Examining Authority under the PCT.

[End of document]