



## TECHNICAL INFRASTRUCTURE FOR IMPROVED INTERNATIONAL COLLABORATION ON SEARCH AND EXAMINATION

### **Introduction**

The Vancouver Group was established in 2008 between the IP Offices of Australia, Canada and the United Kingdom.

The Vancouver Group aims to:

- to share information and experiences on common issues and areas relevant to managing a mid-sized national IP office;
- through this collaboration, and in particular our endeavours to eliminate unnecessary rework and duplication in prosecuting patent applications in the three offices, contribute to a more effective multilateral approach to work sharing.

### **Vancouver Group Mutual Exploitation**

The Vancouver Group Mutual Exploitation initiative (VGME) is the Vancouver Group's approach to efficiently and effectively eliminating unnecessary rework and duplication in prosecuting patent applications.

The VGME is supported by eight **principles**:

1. A Vancouver Group Office will, where possible, rely on any patent granted by another Vancouver Group Office, or on the search and examination report of another Vancouver Group Office in coming up with their own report on the same application. An Office may perform further search and examination if it thinks it is necessary.
2. This principle will be applied in an "Office-driven" manner - i.e. Offices will rely on earlier work without the need for applicants to ask them to do so.
3. The core principle will also be applied transparently. Where earlier work by another Office is relied on, the later Office will note this on their file and in the report to the applicant. Where the later Office deems it necessary to do further work, it will note this on their file, together with an explanation of why the further work is thought necessary. To maintain confidence in VGO reports, feedback will be provided by the later Office to the earlier Office, where appropriate.
4. The core principle will apply to all work done by a VGO, whether for purposes of determining patentability in its own jurisdiction or that of another jurisdiction for which such work is performed by the office and irrespective of where the application was first filed.



## Principles cont'd

5. Where one VGO issues an office action indicating at least one claim is allowable or granted a patent in relation to an application, the applicant will be able to apply to the other VGOs for accelerated examination of a related application.
6. The procedures and requirements for accelerated examination will be:
  - as simple and efficient as possible; and
  - consistent with other arrangements already in place within Offices for accelerated examination, [such as the Patent Prosecution Highway].
7. Examiners will have ready access to the work of another VGO. It is intended that an enabling platform will be provided using WIPO infrastructure. Offices will:
  - work with WIPO to develop and implement this platform as quickly as possible; and
  - advocate ongoing enhancement and use of this enabling platform to other IP offices to facilitate greater work sharing.
8. Offices will support ongoing examiner interaction that enhances mutual understanding, seeks to minimise variability and promotes greater confidence in one another's work. In particular:
  - Offices agree that it would be useful for a periodic independent quality review of each other's work by the VGOs;
  - Offices, and the outcomes they are seeking to achieve, would benefit from documenting and sharing of respective search strategies; and
  - Offices will share experiences and information on using EPOQUE.Net, and advocate similar exchanges with other EPOQUE.Net users.

### **Centralised Access to Search and Examination**

The Vancouver Group has partnered with WIPO to develop an IT system to support the VGME. This system is called the Centralised Access to Search and Examination (CASE). It is a digital library of search and examination reports that will be accessible via existing WIPO's technical infrastructure.

CASE should be completed in December 2010, and once proven, it will be extended to other IP Offices on a voluntary opt-in basis.

By leveraging existing infrastructure the Vancouver Group and WIPO have been mindful to develop a digital library that will practically improve the operation and efficiency of the IP system for *all* IP Offices. Specifically, CASE has been designed to be scalable and extendable. The business and technical requirements of CASE allow for future growth both by accommodating additional types of information, and the number of Offices that can make use of the system regardless of their level of technical infrastructure.

Importantly, participating Offices now and in the future will have the flexibility to use the information available through CASE as they see fit.



### **CASE – medium term solution**

By the end of 2010, we anticipate that CASE will enable examiners to:

- access information indicating equivalent filings in participating jurisdictions; and
- access and download search and examination documents for a particular patent application.

To enable this, the documents available from CASE will include:

- search statements or strategies, where publicly available;
- search reports;
- examination reports;
- claims first searched or examined; and
- amendments to the claims.

Technically, this means that:

- CASE hosts electronic versions of relevant documents of a participating office, and
- participating Offices use existing WIPO standards for formatting and communicating data and documents.

This means that there will be minimal effort and cost involved in participating in the CASE system once it is online.

### **CASE – long term solution**

Once CASE has been proven successful, access will be offered to other Offices.

From a systems perspective, this means a greater capacity for CASE to interact with the digital libraries of national offices and other relevant collections of patent information.

The desired result of this long term plan is that CASE will:

- maximise the reusability of data;
- minimise the burden on an examiner to review results of other offices;
- enhance the efficiency of the patent prosecution process; and
- improve the consistency of data used by examiners.

### **Expected benefits**

The long term expected benefits of CASE to Offices are expected to be:

- improved transparency and quality of work;
- efficient Office driven work sharing and rapid resolution of the national phase;
- centralised access to search and examination reports from multiple jurisdictions;
- minimal duplication of work through the use of common WIPO standards;
- opt-in participation; and
- national digital libraries are not obligatory.



### **CASE supports other work sharing initiatives**

The flexible approach taken to develop CASE to allow for maximum participation with minimal effort means that it complements other approaches to work sharing.

Combined, these collaborative efforts are a positive step forward for Offices to practically work together to address common challenges including reducing pendency time, improving quality of rights, and minimising unnecessary duplication and inefficiencies in the IP system.

However, these initiatives are not the total solution to addressing inefficiencies in the global system. This will require:

- continuing cooperation and support from offices to leverage and improve the global patent system; and
- action, particularly from PCT Contracting States, to enhance and use the PCT as an international platform for work sharing.

Our view is that these reforms provide practical steps to improve the PCT system without impacting on the national sovereignty of Contracting States. We believe they will make a significant contribution to the PCT system functioning more effectively within the existing framework.

## Further Information

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