

Patent Cooperation Treaty (PCT) Committee for Technical Cooperation

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

REPORT

adopted by the Committee

AGENDA ITEM 1: OPENING OF THE SESSION

1. Mr. Claus Matthes (WIPO), acting as Secretary of the Committee, opened the session and welcomed the participants on behalf of the Director General.
2. The session was held during the same period as the ninth session of the PCT Working Group. The list of participants can be found in the report of the ninth session of the Working Group (document PCT/WG/9/28).

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

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

AGENDA ITEM 3: ADOPTION OF THE AGENDA

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

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

5. Discussions were based on document PCT/CTC/29/2.
6. The Delegation of Turkey introduced the application of the Turkish Patent Institute (TPI) to be appointed as an International Searching Authority (ISA) and an International Preliminary Examining Authority (IPEA) under the PCT at the PCT Union Assembly during the Fifty-Sixth

Series of Meetings of the Assemblies of the Member States of WIPO, to be held from October 3 to 11, 2016. In particular, the Delegation highlighted three main aspects: first, general information about Turkey, in terms of economic indicators and the IP system in relation with the R&D and innovation policies; second, the institutional capacity of the TPI in performing its functions; and third, detailed information on how the procedures for appointment of International Authorities had been handled, and how the TPI met the minimum requirements set out in the Rules 36.1 and 63.1.

7. The Delegation underlined that Turkey, with its high population (around 80 million), historical background, geographical location and economic development was an advanced country in the region, with a neighborhood that comprised a variety of countries with different social and cultural backgrounds from Europe, Asia and the Middle East. Turkey's geographical location, logistics capabilities and its unique position at the intersection of three continents were the major factors contributing to Turkey's role in the region. Turkey's economic performance over the last decade had resulted in an average annual real Gross Domestic Product (GDP) growth rate of around 5 per cent, one of the highest rates among member countries of the Organisation for Economic Co-operation and Development (OECD). In addition, R&D expenditure in Turkey had risen by 20 per cent in 2014 to reach 6 billion United States dollars, and it was expected to account for 3 per cent of GDP by 2023. In relation to the economic performance and policies that had been established to foster innovation and R&D activities, the IP system in Turkey had shown significant development. According to the IP indicators report for 2015 published by WIPO, Turkey ranked seventh in resident IP filing activity. In particular, resident patent applications had grown around 20 times in the last 15 years, and Turkey improved its ranking from forty-fifth to fifteenth during this period. The number of international patent applications under the PCT originating from Turkey had increased around 13 times over the last 15 years and had reached 1,013 applications in 2015, representing an increase of 26 per cent on 2014 figures. Furthermore, according to the figures reported by WIPO, Turkey received the most applications among the receiving Offices of selected middle-income countries in 2015, with an increase of around 30 per cent.

8. The Delegation added that history of IP in Turkey dated back to the 19th century. Initial IP legislation on trademarks had been in force since 1871, and patent law had first been enacted in 1879. From this date, IP legislation had been in force with minor revisions, and administration of the IP system had been under the responsibility within an IP Division under the Ministry of Science, Industry and Technology until 1994. That year, IP legislation and administration had been revised substantially in relation to the Customs Union Agreement with the European Union and the TRIPS Agreement. The legislation had been modified to international standards, and the administration of the IP system had been modernized by the establishment of the Turkish Patent Institute as an autonomous body. In this regard, the TPI had undertaken important tasks and functions where the TPI served as a public institution, responsible for administration of industrial property rights under the Ministry of Science, Industry and Technology. The TPI aimed at supporting technological development in Turkey through providing effective protection of industrial property rights, as well as promoting industrial property rights in order to facilitate the development of R&D activities. This reform in the 1990s had made the IP system in Turkey more integrated with the international system, where each component of the IP system had been enhanced in an accelerated manner, as to both the level of quality and quantity. As a basic figurative indicator to show the development of the system, the total number of IP filings received by the TPI since 1995 had, by 2015, reached 2 million. Parallel to the development in the IP filings, the institutional capacity of the TPI, as well as other elements of the IP system had achieved a significant improvement in Turkey. Recent developments in the IP system and the increases in IP filings resulted in growing demand for high quality and timely IP services, particularly for patent granting services. The needs of the local users had been the major driving force for the TPI's achievements, where the TPI had established a well-developed institutional structure with modern tools for maintaining its performance based on the feedback of its users. Turkey had a well-functioning IP system with its modern legislation, administrative body, specialized IP courts, enforcement bodies (such as police and customs), institutionalized

attorney system (with around 1,000 registered IP attorneys) and other stakeholders. On the other hand, industry, universities, small and medium-sized enterprises and R&D centers were key actors in the production of IP. With its developed and established IP system, Turkey had the potential to be more active in its region to contribute to improvement of the IP system as a whole. Turkey was a candidate country to the European Union and IP legislation was in line with the EU *acquis* and fully aligned with the WTO TRIPS Agreement, as well as other international agreements to which Turkey was party.

9. The Delegation continued by describing the relation between the innovation ecosystem and IP system, where the Turkish Government had established an integrated policy in a complementary way. The Supreme Council for Science and Technology (SCST), headed by the Prime Minister of Turkey, established the country's innovation policy at the highest political level. The vision of the "National Science, Technology and Innovation Strategy Document" was to contribute to new knowledge and develop innovative technologies to improve the quality of life by transforming the knowledge into products, processes, and services for the benefit of the country and humanity. In line with the innovation policy, the "National Intellectual Property Rights Strategy and Action Plan" had been approved by the Turkish High Planning Council under the leadership of the Prime Minister in 2015. The main goal of this Strategy was to contribute to the development process of intellectual property rights and subject product(s), and to protect and use intellectual property rights by an effective, extensive and society-adopted IPR system. In this light, Turkey aimed at transforming itself into an IP knowledge and information dissemination hub for the region through sharing and exchanging its experience, parallel to becoming an International Searching and Preliminary Examining Authority (ISA/IPEA). Appointment of the TPI as an ISA/IPEA should be beneficial not only for local users but also for the PCT System as a whole. With its unique location at the intersection of the continents, the TPI could take on the role as a bridge to convey IP knowledge and information between Europe and Asia. The TPI, as the national patent Office of a Contracting State of the European Patent Convention (EPC), employed well-trained examiners through training by the European Patent Office (EPO) in search and examination. Also, the TPI employed examiners who were experienced in implementation of the PCT acquired through training offered by WIPO. With such human resources, the TPI would be able to take on a role in enhancing the awareness and wider use of the PCT in its neighboring countries, particularly in the Middle East, Turkic-speaking states, as well as Asia and the Balkans. Turkey strongly believed that its capacity of cooperation, in particular to improve the PCT System with other countries in the region would be enhanced with the appointment as ISA/IPEA. This would result in the fostering of innovation, dissemination of knowledge and transfer of technology in the region. Furthermore, the contribution of the TPI to the region would be backed up by the ongoing collaboration with the International Bureau of WIPO on establishment of an IP Master's program and an IP Academy in Turkey, both of which would be operational by the beginning of the 2016-2017 academic year. In addition, Turkey would host a Technology Bank, the establishment of which was first announced on November 26, 2014, by the United Nations Secretary-General Mr. Ban Ki-moon. The Technology Bank would support science, technology and innovation in the world's poorest countries, and be composed of two units: a Science, Technology and Innovation Support Mechanism, and an Intellectual Property Bank. The Technology Bank had the potential to strengthen national capabilities and provide expertise to the world's least developed countries (LDCs). In this regard, establishment of this Technology Bank in Turkey would serve the development of the IP system, in particular, the patent system in LDCs through the utilization of technology transfer mechanisms. This would also be followed by the enhancement of the international patent system, through increasing the capacity and competency of the TPI for performing the functions of an International Authority.

10. The Delegation, turning to the institutional capacity of the TPI in performing its functions, stated that, in parallel with the developments in the IP system in Turkey, the legal, administrative and technical infrastructure of the TPI had been improved in order to provide high-quality and timely services. Further to its flexible management structure, with its own financial resources, the TPI had made substantial investment on human resources and IT tools

to increase the quality of services. The TPI had a paperless system, and received 95 per cent of applications online. Moreover, all archives had been transferred to the electronic environment and indexed for search purposes. The TPI also had modern and spacious physical infrastructure in its own campus. Services provided by the TPI were also accessible through online facilities.

11. The Delegation added that the TPI had started to prepare search and examination reports in 2005 in certain technical fields. Search reports up to then had had to be outsourced to the contracted partner Offices, which were the European Patent Office, the Austrian Patent Office, the Danish Patent and Trademark Office, the Federal Service for Intellectual Property (ROSPATENT) and the Swedish Patent and Registration Office. These partnerships had contributed greatly to the quality of patents issued by the TPI due to high quality search and examination reports prepared by those Offices. This partnership had also contributed to the experience of search and examination of the TPI examiners. Since 2005, the search and examination capacity had been increased more than 10 times and currently was sufficient enough to cover all technical fields, with well-trained patent examiners in the respective areas.

12. The Delegation continued by moving to the third main aspect of its introduction by explaining the procedures undertaken to prepare the application and underlining how the TPI met the requirements of appointment as an International Searching and Preliminary Examining Authority (ISA/IPEA). In order to proceed with the preparation of the application in a systematic way, the TPI had prepared a business plan listing the priorities and milestones for the preparation of the application. In the context of this business plan, the TPI had established three Working Groups dedicated to making the necessary preparations and arrangements to carry out the functions and tasks as required for an International Authority. The "Working Group on Guidelines" had been responsible for review and harmonization of the existing national guidelines with the PCT International Search and Preliminary Examination Guidelines. The "Working Group on Training" had been responsible for reviewing the existing training programs and re-designing as necessary for carrying out search and examination work under the PCT. The "Working Group on Quality Management" had been responsible for planning the quality management system compatible with the rules and procedures under Chapter 21 of the PCT International Search and Preliminary Examination Guidelines while benefiting from the existing quality system for national patent applications. As soon as the working groups were ready with their outputs, the TPI had contacted the Korean Intellectual Property Office (KIPO) and the Spanish Patent and Trademark Office (SPTO) in reference to the Procedures for Appointment of International Authorities as agreed at the forty-sixth session of the PCT Assembly which "strongly recommends to obtain the assistance of one or more existing International Authorities" (see paragraph 25(a) of document PCT/A/46/6). Soon after the positive response of these two Offices to the request for cooperation, two joint missions had been planned. During the first mission, KIPO, the SPTO and the TPI went through the minimum requirements and the TPI's Roadmap. The visiting Offices conducted an in-depth study to ensure that all requirements were satisfactorily met and they had also provided recommendations on fine-tuning the quality management system in line with their own quality manuals and the manuals of other leading International Authorities. Along with this mutual exchange of information, taking into account the recommendations regarding areas open to development, the TPI completed all necessary procedures and preparations to be able to fulfil the tasks of an International Searching and Preliminary Examining Authority. At the end of their assessment, KIPO and the SPTO had individually concluded that the TPI satisfied the minimum requirements in their reports (see Annexes V and VI to document PCT/CTC/29/2). The Delegation extended its gratitude to the management and representatives of the respective Offices, for their close cooperation and insightful comments, which had assisted the TPI in implementing its Roadmap.

13. The Delegation continued by providing some brief information on how TPI met the criteria, as confirmed by the fact-finding missions of the visiting Offices. Currently, the TPI employed 112 full time examiners who had sufficient technical qualifications to carry out search and examination work. Additionally, the TPI planned to recruit 50 more examiners and

complete their training by the end of 2018. The average work experience of patent examiners was currently seven years and 47 per cent of its examiners had Masters or PhD degrees. Almost half of the examiners had more than five years of experience in search and examination work. Requirements for being a patent examiner were strictly regimented through an exhaustive recruitment process, which was followed by an intensive training program related to the skills, knowledge, and strategies concerning patent search and examination principles. The TPI had also implemented a careful selection procedure in recruiting new examiners, where minimum requirements to have at least a Bachelor's or MSc degree and proficiency in at least one foreign language to perform search and examination needed to be met. The examiner then had to pass firstly the general examination to be a public servant, and then to pass the two stage examinations. In order to become a senior patent examiner, a junior examiner was first required to qualify at the first level examination at the end of their training, which took one year. The examiners who passed this stage continued their work as assistant examiners to senior examiners for two more years until the submission of their thesis study in the relevant technical field. At the second stage, they needed to defend their thesis before a jury, and at the third stage they needed to pass final examination to become a senior examiner. The TPI had its own training resources in order to provide new examiners with a basic training program and to keep the knowledge and skills of the examiners updated on a continual basis. After their recruitment, examiners started receiving two sets of training, administrative and technical. The administrative set introduced the functions of the Office, the role of each department, security measures and general civil service rules. This training was given once and repetition was optional. The second set of training concerned professional development of examiners and was continuous in nature. The technical training of examiners was managed by the patent department. As a Contracting State of the European Patent Convention, all patent examiners benefited from the training programs provided by European Patent Office Academy. Furthermore, training programs offered by WIPO and other leading patent Offices were incorporated into the examiner training program. In this context it could be assured that, the TPI met the minimum requirement set out Rules 36.1(i) and 63.1(i), stating that, "The national Office or intergovernmental organization must have at least 100 full-time employees with sufficient technical qualifications to carry out searches and examinations".

14. The Delegation highlighted that, as regards the minimum documentation accessible for search and examination, the TPI enjoyed full access to EPOQUENet due to its status as a Contracting State of the European Patent Convention. Furthermore, commercial databases such as IEEE Xplore, Elsevier, Springer, EBSCOhost, STN, EMBASE, MEDLINE, and the American Chemical Society, along with the Turkish national patent database were available to the TPI. In addition to these databases, the TPI had access to the library of the Turkish Scientific and Technological Research Council, providing official bulletins, periodicals, journals and books on various fields of science and technology. While using these databases, patent examiners at the TPI were equipped with the necessary IT hardware such as 24-inch twin monitors and software to assist search and examination, as well as tools for the translation of prior art documents into other languages. Machine translation facilities provided by Espacenet included Turkish, and EPOQUENet translation functions were also used. Therefore, as regards the minimum documentation, the TPI had access to the patent and non-patent literature databases as regard to the minimum documentation referred to in Rule 34.

15. The Delegation summarized the existing quality system for national patent applications and also the quality management system (QMS) planned on the occasion of appointment as an ISA/IPEA and underlined that the TPI had recently obtained the ISO 9001 certification as a normative reference to increase the effectiveness of the QMS. Meanwhile, the studies to meet the criteria for ISO 27001 concerning IT security systems were in the pipeline. The TPI was committed to provide high quality search and examination products and services. The pillars of its search and examination quality policy were based on reliability, consistency, transparency, legal compliance, timeliness, and continual improvement. In this regard, the TPI had adopted the PDCA (Plan, Do, Check, Act) cycle methodology as the basic principle for the implementation of the QMS. The main elements of the planned QMS were the Quality Manager

and the quality team composed of unit leaders of each group of technical fields. The Quality Manager was in charge of all the quality issues of the patent search and examination process, and unit leaders were responsible for all matters regarding quality in their respective units, namely, mechanical, chemistry, electrical/electronic and biotechnology. All unit leaders together formed the quality team. In coordination with the Working Group on Guidelines and the Working Group on Training, the Quality Manager was responsible for improving the QMS while ensuring its effectiveness. Concerning the workflow and quality process from application to grant, after receiving the application, pre-classification was first done in order for the application to be distributed automatically to the relevant technical group by the workload engine. This IT tool distributed the workload in a balanced manner and also monitored fluctuations in demand of each technical field and backlog management. This software also monitored the performance of each examiner's timeliness and reported any delays. In the quality control process, all reports were reviewed by a second examiner before issue in order to ensure high quality results. The second examiner checked the reports according to the checklist, which included the correctness of the IPC code(s), whether all claims were searched or not, keywords used, correctness of codes (X, Y, etc.) and whether the standard specified sentences and phrases were used in the report. If any non-conformity or deficiency was found by the second examiner, the report was sent back to the first examiner for review and correction accordingly. All checklist and report contents were also stored and monitored by an IT tool which analyzed the X/Y citations, as well as other specific indicators. The analysis reports for each examiner and each technical field were used as a quality indicator. The latest results showed that the percentage of search reports with at least one X/Y citation varied from 62 to 86 per cent between 2012 and 2015. Under the planned Quality Assurance process as an International Searching Authority, 5 per cent of the reports would be randomly selected and controlled according to the determined quality matrix by the quality team. The results would be recorded and reported periodically. The TPI also utilized a discussion forum among patent examiners where examiners could consult each other on specific cases. Depending on the nature of the file, "case-law" could be adopted as a common understanding to be used for future implementation. Such case-law was also reflected in the relevant guidelines and the quality manual, if necessary. In addition, feedback from users was an essential input for taking necessary precautions and making revisions to the quality manual. In light of this information, the TPI would ensure that the QMS requirements in Chapter 21 of the Search and Examination Guidelines would be met.

16. The Delegation concluded by highlighting the great leap achieved by the TPI in the last 15 years in increasing its capacity and competency for search and examination work. The TPI now met the minimum requirements for appointment as an ISA/IPEA under the PCT, but its intention was not to stop here. On the contrary, the TPI aimed at further improving its technical infrastructure, number of examiners and their training. Turkey strongly believed that, with its function as a bridge between Europe and Asia, by acting as an International Authority, the TPI should contribute to the dissemination of PCT knowledge by creating the network between local and regional users and also supporting the development and promotion of the PCT System in its region. Finally, the Delegation again expressed its highest considerations and gratitude to the Korean Intellectual Property Office (KIPO) and the Spanish Patent and Trademark Office (SPTO) for their excellent cooperation and assistance and also extended thanks to the Secretariat for their excellent guidance during the process.

17. The Delegation of the Republic of Korea reported on the cooperation that the Korean Intellectual Property Office (KIPO), along with the Spanish Patent and Trademark Office (SPTO) had undertaken with the TPI, in its capacity as an existing International Searching and Preliminary Examining Authority (ISA/IPEA), to assist in the preparation of the application of the TPI to be appointed as an ISA/IPEA. KIPO had made a plan of assistance to the TPI based on the criteria in Rules 34, 36 and 63 and additional requirements for search and examination. KIPO's task force for this mission had consisted of experts in three areas: regulations and systems, searching and substantive examination, and IT. KIPO shared the latest version of the PCT Regulations, International Search and Preliminary Examination Guidelines, Administrative

Instructions under the PCT, the PCT manual used by KIPO, guidance on searching and examination handling at KIPO, and Korean national patent law based on the PCT. KIPO had also made a checklist for the TPI to verify that it had access to the PCT minimum documentation and to verify its internal regulations. After KIPO had shared all these documents, a delegation from KIPO visited the TPI in the second week of December 2015. At this first mission, KIPO made a fact-finding exercise and suggested improvements for the TPI to meet the criteria to be appointed as an International Authority. The Presidents of KIPO and the TPI also signed a Memorandum of Understanding (MoU) for KIPO to provide assistance in TPI's appointment as the twenty-second International Authority on February 29, 2016. Following the signature of the MoU, KIPO visited the TPI in March 2016. Thanks to both visits and the cooperation with the TPI, KIPO was not only able to gain a better understanding of the facts and figures presented by the TPI, but had become more aware that TPI was eager to be appointed as an ISA/IPEA.

18. The Delegation stated that, on the basis of KIPO's fact-finding and assessment, the TPI had 103 full-time patent examiners as of February 2016. The examiners had sufficient technical qualifications to carry out the searches as well as to cover more than 19 technical fields. The TPI planned to increase the number of its patent examiners up to 162 by 2019. All examiners were able to understand documents written in Turkish and English, and 20 per cent of them had a grasp of French and German. Examiners were required to have least a Bachelor's degree and pass a special test to ensure capability for patent examination. In addition, the examiners had to participate in a variety of training programs of the European Patent Academy, WIPO Academy and other training institutions. Therefore, TPI examiners had sufficient technical knowledge to search and examine PCT applications. Second, the TPI could access the PCT minimum documentation - patent and non-patent literature – through EPOQUENet and the database of the Scientific and Technology Research Council of Turkey (TUBITAK). The EPOQUENet system covered worldwide patent documentations in partnership with the European Patent Office. Additionally, TUBITAK provided a scientific database which covered a significant amount of the PCT minimum documentation regarding non-patent literature. Moreover, the TPI had recently enhanced the usability of the Turkish national patent document in full-text by digitizing all documents. This digitized data, along with the search categories in the Patent File Management System (PATUNA) helped examiners to search its Turkish documents more easily and conveniently.

19. The Delegation reported that the TPI had organized three Working Groups in 2015 to carry out the following activities until March 2016. The Working Group on Guidelines had reviewed the current manuals of KIPO, the SPTO, WIPO and the JPO and revised the existing guidelines of the TPI, based on the PCT, the Regulations under the PCT, and the International Search and Preliminary Examination Guidelines. The Working Group on Training had designed training programs on the basis of the EPO's training system. The TPI continued to update the programs for technical fields including distance learning courses, on-the-job training and so on, by cooperating with other IP training institutes such as International Intellectual Property Training Institution (IIPTI) of KIPO. Under Chapter 21 of the PCT International Search and Preliminary Examination Guidelines, the Working Group on Quality Management had created the TPI Quality Management System (QMS). As a result of three Working Group activities, the TPI was able to establish its own QMS operated by a core team. All the reports of each examiner were checked by a second examiner. According to the rules and procedures of the QMS, a high percentage of the search and examination reports would be randomly checked and reviewed by the quality management team and/or unit leaders. KIPO therefore firmly believed that the TPI had fully prepared the QMS in order to meet all requirements in Chapter 21.

20. The Delegation concluded that, taking all the matters into consideration, the TPI satisfied the requirements for appointment as an ISA and IPEA under Rules 36 and 63. Moreover, the TPI had already prepared internal regulations for PCT searching and examination, and KIPO

and TPI would cooperate further in the training of examiners. KIPO had no doubt over the TPI's capability to be an ISA and IPEA.

21. The Delegation of Spain reported that a technical advisor from the Spanish Patent and Trademark Office (SPTO) had conducted two fact-finding missions at the TPI from December 14 to 17, 2015 and March 7 to 10, 2016 as part of a cooperation activity with the aim of providing technical assistance to the TPI in its application process as an International Searching and Preliminary Examining Authority (ISA/IPEA). In 2014, the PCT Assembly had adopted an Understanding with new requirements for those patent Offices seeking appointment to become International Authorities. Among the new requirements it was "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" (see paragraph 25(a) of the Report of the forty-sixth session of the PCT Union Assembly, held in Geneva from September 22 to 30, 2015, document PCT/A/46/6). The TPI had announced its intention to apply as a new ISA/IPEA by March 2016 and, in order to fulfill the new requirement, had asked the SPTO, in its capacity as an existing ISA/IPEA and on the basis of an existing Memorandum of Understanding between the two Offices, to provide assessment for the application process. The TPI had also asked the Korean Intellectual Property Office (KIPO) for the same assistance which also was provided. To obtain more effective assistance and due to the time constraints, the TPI had summoned both KIPO and SPTO together to provide the requested assistance. The purported final outcome of these assistance visits was that the cooperating ISA/IPEAs would submit, by March 2016, an evaluation report that would be used by the TPI in its application. The TPI considered at least a second cooperation visit appropriate in March 2016 to complete the final report.

22. The Delegation explained that TPI was located in Ankara in a modern building that was about 10 years old. The rooms had lots of natural light, were modern and spacious. Its patent examiners were located in rooms for two or three examiners. The Office had been designed following patterns of other patent Offices in Europe. The building also had enough space to allow the addition of more rooms for the new patent examiners planned for 2016. All examiners had a modern table and all of them had a computer with twin screens of about 24 inches each and access to the patent database EPOQUENet. The TPI building also had several meeting rooms and facilities. It should be noted that, among other facilities, there was an auditorium with a capacity for 400 attendees and a training room with more than 20 posts for computers. The TPI received approximately 5,500 national patent applications per year and had an almost negligible backlog of around four months, which had been maintained very low due to the outsourcing to other patent Offices, namely the Austrian Patent Office, the Swedish Patent and Registration Office, the Intellectual Property Office of the United Kingdom, the Danish Patent and Trademark Office, and the European Patent Office. Due to the increase in the TPI's capacity of search and examination capacity, the number of outsourced applications has decreased in recent years; at the end of 2015, all search and examination work was being prepared by the TPI itself.

23. The Delegation reported on the number of examiners at the TPI. A patent Office seeking appointment to become an ISA/IPEA had to comply with the requirement established in Rules 36.1(i) and 63.1(i): "the national Office or intergovernmental organization must have at least 100 full-time employees with sufficient technical qualifications to carry out searches", with the corresponding requirement established in the 2014 PCT Assembly Understanding: "Any such application should be made on the understanding that the Office seeking appointment must meet all substantive criteria for appointment at the time of the appointment by the Assembly" (see paragraph 25(d) of document PCT/A/46/6). During the process of technical assistance carried out between December 2015 and March 2016, the TPI had made an extraordinary effort to meet the said requirement established in Rules 36.1(i) and 63.1(i). The TPI started from an initial number of 89 examiners, but the TPI management had re-allocated the patent examiners who were previously assigned to other departments in the TPI supporting services (i.e. awareness, promotion and training). As a result of this recall, the TPI reached in

January 2016 the required figure of 103 examiners with full search and examination capacity. Additionally, the TPI had received clearance for the recruitment of nine additional examiners in 2016 from the Turkish central staff agency. The new examiners were expected to start by March 2016. Therefore, the TPI would have 112 examiners before the official application was submitted to the International Bureau. In addition, the TPI had also received in February 2016 approval from the Turkish Government to recruit another 50 examiners by 2019 making a total of 162 patent examiners when the TPI would be fully operational as an International Authority. As a result, the TPI met the requirement set out in Rules 36.1(i) and 63.1(i).

24. The Delegation stated that the process of assistance and assessment had been developed in two main visits at the TPI and also through a very fluid contact by email over a total period of about four months. During the assessment visits a series of presentations had been made from the TPI as well as KIPO and the SPTO to exchange experiences and points of view on their activity within the PCT. Meetings had also been held with the most important areas of activity within the TPI, namely the Patent Department, the Quality Management System Working Group, the Search and Examination Guideline Working Group, and the Training Planning Working Group. Hence, the full assessment cooperation activity followed a program focused on the main work areas related to the requirements established by Rules 36 and 63: the Quality Management System (QMS); the PCT minimum documentation, IT tools and databases; and the examiners' search and examination capacity training.

25. The Delegation described the Quality Management System (QMS) at the TPI, which it had analyzed through meetings and e-mail correspondence with the TPI QMS Working Group. Rules 36 and 63 required that all International Authorities had a QMS in place. Chapter 21 of the PCT International Search and Preliminary Examination Guidelines described in detail the organizational, functional and operational aspects that had to be accomplished by the QMS. Based on this framework, an exchange of experiences among the three Offices (TPI, KIPO and SPTO) had been held. At this point all paragraphs of Chapter 21 had been reviewed: leadership and policy; resources; management of administrative workload; quality assurance; communication; documentation; search process documentation and internal review and reporting arrangements. The TPI had a QMS organizational structure implemented at national level. It had a quality control system for all reports, performed by two senior examiners. During the assistance process, the SPTO had exchanged information and experiences on its own QMS and the way to adapt it to Chapter 21, such as non-conformities, corrective and preventive actions, registration, instructions for search strategy registration and metrics. Some other aspects such as processes documentation and internal review arrangements had also been discussed. In particular, the following SPTO instructions and quality manual processes, translated into English, had been provided to the TPI: the SPTO quality policy, objectives and standards; the international search report and written opinion quality manual procedures; the SPTO standard clauses for the PCT; checklists of SPTO international search reports and written opinions (Forms PCT/ISA/210 and PCT/ISA/237); search strategies guidelines and forms with examples; SPTO metrics definitions and procedure; non-conformities management procedure; corrective and preventive actions management procedure; treatment of complaints, suggestions and congratulations procedure; and evaluation client and stakeholders satisfaction quality procedure. Regarding the deadline for an Office seeking appointment as an International Authority to have a QMS implemented, the 2014 PCT Assembly Understanding permitted that such a QMS system was not yet in place at the time of the appointment by the Assembly, but that it had to be in place at least when the International Authority would begin its operations, at the latest around 18 months following the appointment. Therefore, it was sufficient that such a system be fully planned on the appointment date and, preferably, that similar systems were already operational in respect of national search and examination work. Based on the information exchange of all cooperating institutions during the assessment period, the TPI had conducted specific planning for a PCT Quality Management System by the time of application (March 2016), adapted to the wording of Chapter 21 of the PCT International Search and Preliminary Examination Guidelines. In particular, it should be highlighted among others things the following: a new quality policy statement declaration of principles; QMS

restructuring; and the new quality organizational charts that reflected the PDCA (Plan - Do - Check - Act) philosophy. The TPI had initiated the procedures to acquire ISO 9001 and ISO 27001 certification in 2016 as a normative reference to increase the effectiveness of the QMS. Search strategies captured for all search reports had been integrated into IT systems at the TPI (Patent File Management System – PATUNA), as had check lists for verifying all international search reports according to the format of Form PCT/ISA/210. The TPI had made a great effort to outline its QMS to adapt it in such a way that the TPI QMS was fully planned for PCT activity.

26. The Delegation continued by providing details of access to the PCT minimum documentation and IT tools and databases at the TPI. The TPI was a paperless office with 95 per cent of its applications filed online. Every application was scanned to the point that all physical space for files had been dramatically reduced. Regarding patent examination work, all was done in the TPI's own IT system, Patent File Management System (PATUNA). The system permitted search reports and written opinions to be filled out in a format similar to the European Patent Office or to the PCT. As a result of the assessment, some Quality Management Systems requirements had been incorporated into PATUNA such as check-lists and search strategies registration. It was notable that, for the sake of transparency, the TPI opened the file documentation online to public inspection after patent publication. During the assessment, there had been an intensive exchange of experiences about how to comply with the requirement of Rule 34 related to the PCT minimum documentation, particularly non-patent literature. All the databases used by the TPI were compared with the databases utilized by the SPTO, and the differences were evaluated. It was also remarkable that the TPI starting point was very high since the EPOQUENet database was available for all patent examiners. A number of potential databases needed for the TPI, provided by different suppliers and with access fees, were identified. In particular, they were BIOSIS, COMPENDEX, EMBASE and INSPEC. Similarly, the access to the STN International database was considered critical, since it was used mainly in the chemical, pharmaceutical, food and biotechnology fields. The STN database supported a search using drawings of the chemical formula that the examiner entered into the system, which would allow searches beyond those available using classification codes or keywords. As a result of this advice the TPI had signed a contract with Chemical Abstract Service (CAS) for providing STN access. The contract also included training for examiners. Assessment on free databases was also provided by the SPTO, which highlighted those used for genetic sequences searching provided by the EMBL-EBI (European Molecular Biology Laboratory - European Bioinformatics Institute) and inside this, the ChEMBL interface that also permitted searches based on a formula drawing. The SPTO also had access to free collection publications of Elsevier Science Direct. Another notable free database was the US-based NCBI (National Center for Biotechnology Information). Regarding magazine articles, the TPI had an important source from a local official institution since the Turkish Scientific and Technological Research Council databases included EBSCOhost (with 375 full-text databases, a collection of 600,000-plus e-books, subject indexes, point-of-care medical references, and an array of historical digital archives). Advice was also provided on the way the SPTO proceeded when a specific article was difficult to obtain even in a full text database like Elsevier. In these exceptional circumstances the SPTO addressed a request to the British Library collection. To access this service from the British Library, a service contract had to be previously signed, and the SPTO had provided information on that matter to the SPTO. As a result of the process the databases used currently by the TPI were: EPOQUENet, incorporating access to Derwent World Patent Index (DWPI); commercial databases such as IEEE Xplore, Elsevier, Springer; the Turkish national patent database (PATUNA), Turkish Scientific and Technological Research Council databases including EBSCOhost; STN, including BIOSIS, CAPLUS, Embase, MEDLINE, the American Chemical Society (ACS) database; and a set of additional databases listed in paragraph 32 of Annex VI to document PCT/CTC/29/2. The TPI's access to patent documentation and non-patent literature exceeded by far the minimum documentation required by Rule 34. Therefore, the TPI satisfied more than the minimum requirements established in the PCT Rules 36.1(ii) and 63.1(ii).

27. The Delegation further described the search and examination capacity and training of patent examiners at the TPI. All 103 patent examiners at the TPI had at least a Bachelor's degree; 47 per cent of examiners had additionally Master's or PhD degrees or were candidates for these qualifications. The recruitment of new examiners in the TPI was a very challenging process. To become a junior patent examiner at the TPI, it was required to have a minimum of a Bachelor's degree in related field (MSc/PhD Degree preferable) and foreign language proficiency (at least one language, preferably English), and to attain a high score in the Public Personnel Selection Examination and be successful in the special (written and oral) examination of the TPI. After the selection of junior patent examiners, in order to become a patent examiner, it was required to be successful in the candidate civil service examination, to submit a thesis study in the relevant technical field to be approved by a jury, and to be successful in the written proficiency examination. The distribution of the 103 examiners according to their technical fields was as follows: mechanical 45; electrical/electronic 29; chemistry 23; and biotechnology six. Regarding the examiners' search and examination methodology, during the assessment visits a deep exchange of information was held with the TPI Guidelines Working Group responsible for the TPI internal guidelines. It was very well developed and complete. The TPI had adapted and harmonized the PCT Guidelines to their own manuals. Related to examiner training, discussions had been held with the Training Planning Group on the basis of its training plan which was quite similar to the one used by the SPTO. The TPI provided training in patent law, formal examination, substantive examination, novelty, inventive step, industrial applicability, unity, clarity, databases (EPOQUENet, Espacenet, etc.), classification systems (IPC, CPC), and language courses. Furthermore, examiners needed to take WIPO and EPO distance learning courses. The plan was comprehensive and the new activity as an International Authority would require a specific training program for PCT, in which the examiners would be trained on the PCT-specific matters in a different form from the usual national Office procedures, for example, in PCT procedures for non-patentable inventions in Turkey, unity of invention in the PCT, completion of PCT forms, etc. For that purpose, the TPI had developed a PCT-specific training plan including the new aspects different from national procedures. The TPI training plan envisaged sending all patent examiners to the European Patent Office and other patent Offices. Currently, all examiners had been trained abroad. As a result, the TPI met the requirements set out in Rules 36.1(i) and 63.1(i), stating that, "The national Office or intergovernmental organization must have at least 100 full-time employees with sufficient technical qualifications to carry out searches and examinations".

28. The Delegation concluded by referring to the Understanding adopted by the PCT Assembly in 2014 (see paragraph 25 of document PCT/A/46/6), which strongly recommended the assistance of one or more existing PCT International Authorities. The SPTO collaboration in this regard had taken two distinct aspects. On the one hand, the first aspect had been to provide all possible information to the TPI and necessary assistance in order that the TPI could become a new International Authority. In this sense the work with the TPI had been very fluid, and the Delegation highlighted the great effort and collaboration that the TPI had maintained, as well as the impetus of the TPI in seeking appointment. The TPI had overcome all the difficulties in a record time, although the starting point of the TPI had already been high and very close to the objective pursued. A second aspect of the SPTO technical assistance was to report to the Committee on all matters concerning the assessment. This report presented herewith reflected in detail these matters, which could be a very solid basis for the members of the Committee to properly assess the TPI application. In conclusion, the Delegation stressed that the TPI today met all the requirements of Rules 36 and 63, as well as the new conditions established in the Understanding reached in the PCT Assembly in 2014. Therefore, the SPTO's opinion was favorable to the TPI being appointed as a new International Authority.

29. The Delegation of Japan supported the appointment of the TPI as an International Searching and Preliminary Examining Authority under the PCT. The Delegation welcomed the contributions that the TPI could make in terms of the development of the PCT System as an important instrument to all innovators seeking patent protection internationally. Appointing the

TPI as an International Searching and Preliminary Examining Authority would bring significant benefit to a large number of foreign companies operating in Turkey by increasing their choice of ISA/IPEA for international applications. The Delegation also expected the TPI to play an important role in the development of the PCT System as a bridge between Europe and Asia.

30. The Delegation of Kazakhstan stated that it believed that the TPI met all the requirements and criteria as an International Searching and Preliminary Examining Authority, and strongly supported its application. The Delegation therefore requested the Committee to advise the Assembly of the PCT Union to appoint the TPI as an International Searching and Preliminary Examining Authority under the PCT.

31. The Delegation of Iran (Islamic Republic of) supported the appointment of the TPI as an International Searching and Preliminary Examining Authority, and believed that an International Searching and Preliminary Examining Authority was necessary in western Asia to help users and national patent Offices in the region. The Industrial Property General Office of the State Organization for Registration of Deeds and Properties had good bilateral cooperation with the TPI, as demonstrated through a Memorandum of Understanding between the two IP Offices to increase cooperation in patents and trademarks. Moreover, during accession of the Islamic Republic of Iran to the PCT, patent examiners and experts at the Industrial Property General Office had received training from the TPI.

32. The Delegation of Sudan stated that it supported the appointment of the TPI as an International Searching and Preliminary Examining Authority since it fulfilled the minimum requirements for appointment.

33. The Delegation of the United States of America underlined that the Committee was intended as a forum to discuss the technical capabilities of Offices applying for appointment as an International Searching and Preliminary Examining Authority. In that spirit, the Delegation had had some questions to acquire a better understanding of the technical capabilities of the TPI in terms of a more detailed breakdown of the experience of examiners and additional information on the type of applications examined in terms of different technical fields and origin of the applications, namely national, PCT or Paris Convention applications. The Delegation expressed satisfaction that these questions had been largely answered in the intervention by the TPI and the information in its annual report. Accordingly, the Delegation was pleased to support the application of the TPI for appointment as an International Searching and Preliminary Examining Authority under the PCT. Further, the Delegation applauded the steps that the TPI had taken in preparing the application through working with the Korean Intellectual Property Office and the Spanish Patent and Trademark Office, both of whom conducted separate missions to the TPI in order to assess its physical and technical infrastructure in accordance with the recommendation of the PCT Assembly that the candidate Office should obtain the assistance of one or more existing International Authorities to help in the assessment of the extent to which it met the minimum criteria for appointment. In addition to demonstrating achievement of minimum substantive requirements for becoming an International Authority, the application contained useful information on other operational aspects at the TPI. The Delegation also referred to the standard application form for candidate Offices under discussion in the Quality Subgroup of the Meeting of International Authorities, and added that much of the information that the TPI had provided in the application was the same as that requested in this form. The application therefore demonstrated the usefulness of this information in the process of appointing an Office as an International Authority. Accordingly, the Delegation urged members of the Quality Subgroup to recommend the use of the standard application form at the upcoming meeting of the Subgroup during the Meeting of International Authorities in 2017.

34. The Delegation of China stated that, on the basis of the introduction by the TPI and the reports from the Korean Intellectual Property Office and the Spanish Patent and Trademark Office, it believed that the TPI had met the requirements for appointment as an International Searching and Preliminary Examining Authority regarding the number of examiners, the

minimum documentation, staff with search and language capabilities, and quality management system, as stipulated in the PCT Regulations. The appointment of the TPI as an International Searching and Preliminary Examining Authority could provide international search and preliminary examination services for users, especially from Turkey, western Asia and the Middle East, which could promote the development of the PCT System in these regions. The Delegation therefore supported the PCT Assembly appointing the TPI as an International Searching and Preliminary Examining Authority this year.

35. The Delegation of Singapore supported the application of the TPI to become an International Searching and Preliminary Examining Authority. The results of the fact-finding visits by the Korean Intellectual Property Office and the Spanish Patent and Trademark Office had given the Delegation confidence that the TPI complied with all the criteria for appointment as an International Authority. It was clear that the TPI had put in a huge amount of effort to ensure that its application was credible and of high quality. The Delegation therefore expressed support for the TPI and was confident that its appointment as an International Authority would greatly boost the value of the PCT.

36. The Delegation of Sweden stated that it looked forward to welcoming the TPI into the family of International Searching and Preliminary Examining Authorities. The Swedish Patent and Registration Office believed that the documentation prepared was very thorough and demonstrated that the minimum requirements to act as an International Searching Authority and an International Preliminary Examining Authority had been fulfilled. However, the Delegation had two comments. First, regarding the technical qualification of examiners as described in paragraph 36 of Annex III, the Swedish Patent and Registration Office required its examiners to have a Master of Science as a minimum level; in the view of the Delegation, a Bachelor's Degree was not sufficient educational background to perform patent searching and examining. The Delegation therefore strongly supported any actions taken by the TPI to raise this minimum requirement in the future. Second, regarding paragraph 38 of Annex III, the Delegation believed that proficiency in one foreign language, namely English, was a little weak; in its understanding, a patent examiner performing international searches in the PCT minimum documentation needed to have an excellent knowledge of at least the English language. These two remarks did not, however, indicate that the TPI did not fulfill the existing requirements for appointment as an International Searching and Preliminary Examining Authority, but had been made as areas in the quality management system that might be improved in the future.

37. The Delegation of Chile stated that it had been through all the information in the document, including the reports from the Spanish Patent and Trademark Office and the Korean Intellectual Property Office. On the basis of this information, the Delegation supported the appointment of the TPI as an International Searching and Preliminary Examining Authority and was convinced that it complied with all the prerequisites in Rules 36.1 and 63.1. The appointment of the TPI would help give momentum to the PCT System and render assistance to users who needed technical assistance when they were making their applications.

38. The Delegation of Azerbaijan stated that it supported the application of the TPI to be appointed as an International Searching and Preliminary Examining Authority in view of the documentation provided by the Delegation of Turkey and the results of the assessment by the Korean Intellectual Property Office and the Spanish Patent and Trademark Office. The Delegation therefore requested the Committee to recommend the appointment to the PCT Assembly and believed that the TPI would contribute to the development of the PCT System in the region.

39. The Delegation of Saudi Arabia expressed support for the appointment of the TPI as an International Searching and Preliminary Examining Authority as meeting all the minimum requirements.

40. The Delegation of Austria agreed with the support for the appointment of the TPI as an International Searching and Preliminary Examining Authority that had been expressed by other delegations. The Austrian Patent Office had been following the development of the TPI for many years as one of the Offices which had received work outsourced from the TPI. Having observed the development of the TPI, the Delegation was aware of the excellent qualifications and skills of the examiners and staff members. The Delegation was therefore pleased to support the application and asked the Committee to recommend that the PCT Assembly appoint the TPI as an International Searching and Preliminary Examining Authority, which would contribute to the development of the PCT System in the region.

41. The Delegation of the Russian Federation welcomed the progressive transformation of the TPI that had been made before seeking the appointment as an International Searching and Preliminary Examining Authority. In addition, the Delegation supported the positive conclusions of the two existing International Authorities which had provided technical assistance to the TPI and assessment during the process of seeking the appointment. However, in view of work planning at the Federal Service for Intellectual Property (ROSPATENT) which had received outsourced work from the TPI in the past, the Delegation enquired whether the TPI intended to continue outsourcing work to other Offices.

42. The Delegation of Finland stated that, based on the application and the reports of the Korean Intellectual Property Office and the Spanish Patent and Trademark Office, it believed that the TPI fulfilled the requirements for appointment as an International Searching and Preliminary Examining Authority, regarding the number of examiners, access to the minimum documentation, staff with searching and language capabilities and a quality management system. The Delegation therefore supported the appointment of the TPI as an International Searching and Preliminary Examining Authority.

43. The Delegation of Algeria stated that it was favorable to the appointment of the TPI as an International Searching and Preliminary Examining Authority.

44. The Delegation of Norway welcomed the application from the TPI for appointment as an International Searching and Preliminary Examining Authority under the PCT, which showed that the minimum requirements for appointment had been fulfilled. The Delegation further believed that the appointment would have importance on a regional level and constitute a strengthening of the PCT System.

45. The Delegation of Turkey thanked the members of the Committee for their interest in the appointment of the TPI as an International Search and Preliminary Examining Authority. In response to the comment from the Delegation of Sweden on the minimum qualifications of patent examiners, the Delegation stated that the TPI had a policy to allow examiners to study for Master's and PhD level degrees at universities in Ankara, which were among the best in Turkey. In addition, as part of strategic planning, the TPI intended to increase the proportion of examiners holding Master's or PhD level degrees. Moreover, examiners were required to prepare a thesis in order to be promoted to senior examiner, which was of a comparable or even higher level than a Master's level thesis. Furthermore, the TPI gave priority to improving language capabilities of examiners, particularly as Turkey was a Contracting State of the European Patent Convention and worked on bilateral projects with the European Patent Office. Regarding the question from the Delegation of the Russian Federation, in view of the increased capacity at the TPI, the outsourcing of search and examination work to other IP Offices would cease by the end of 2016. The Delegation thanked the delegations for the fruitful discussions on the appointment, which had ensured transparency of the process and provided the opportunity to the TPI to elaborate in depth on the institutional capacity to act as an International Searching and Preliminary Examining Authority. The Delegation concluded by expressing gratitude to delegations for their support, giving special emphasis to the cooperation with the Republic of Korea and Spain whose IP Offices had not only ensured an in-depth analysis of the capacity of the TPI, but generously provided advice and guidance for the work ahead as an

operational International Searching and Preliminary Examining Authority. The support received from delegations had further strengthened the resolve and commitment of the TPI to serve the users of the PCT System to the highest possible quality standards and to meet future challenges.

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

AGENDA ITEM 5: SUMMARY BY THE CHAIR

47. The Committee noted the contents of the Summary by the Chair in document PCT/CTC/29/3, established under the responsibility of the Chair, and agreed that it should be made available to the PCT Assembly, as a record of the advice given under agenda item 4.

AGENDA ITEM 6: CLOSING OF THE SESSION

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

49. The Committee adopted this report by correspondence.

[End of document]