

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

**Thirty-First Session  
Geneva, October 5 to 8, 2020**

### **APPOINTMENT OF THE EURASIAN PATENT OFFICE (EAPO) AS AN INTERNATIONAL SEARCHING AND PRELIMINARY EXAMINING AUTHORITY UNDER THE PCT**

*Document prepared by the International Bureau*

Document PCT/CTC/31/2 has been revised to change the dates of this session of the Committee and to reflect the consequential effects on the timing of a decision by the PCT Assembly on the appointment of the Eurasian Patent Office (EAPO) as an International Searching and Preliminary Examining Authority under the PCT, as set out in paragraph 7.

#### **INTRODUCTION**

1. The Committee is invited to give advice to the PCT Assembly on the proposed appointment of the Eurasian Patent Office (EAPO) as an International Searching and Preliminary Examining Authority under the PCT.

#### **BACKGROUND**

2. In a letter dated December 24, 2019, the President of EAPO, Ms. Saule Tlevlessova, requested the Director General of WIPO to convene a session of the Committee for Technical Cooperation (PCT/CTC) in order to seek give advice to the PCT Assembly concerning the appointment of EAPO as an International Searching Authority (ISA) and International Preliminary Examining Authority (IPEA) under the PCT. EAPO also requested to add the matter to the agenda of the PCT Union Assembly for decision during the Sixty-First Series of Meetings of the Assemblies of the Member States of WIPO, scheduled to take place from September 21 to 29, 2020.

3. The documentation in support of the application, received by the International Bureau on March 3, 2020, is set out in Annexes I to IV:

- (a) Annex I (original language: Russian) sets out the application by EAPO for appointment as an ISA/IPEA;
- (b) Annex II (original language: Russian) sets out the initial report by EAPO on its quality management system;
- (c) Annex III (original language: Chinese) sets out the report by the China National Intellectual Property Administration (CNIPA) on the assistance that it provided to EAPO in its assessment of the extent to which it meets the criteria for appointment, as referred to in paragraph (a) of the Understanding with regard to the procedures for appointment of International Authorities (see paragraph 5, below);
- (d) Annex IV (original language: Russian) sets out the report by the Federal Service for Intellectual Property (Rospatent) on the assistance that it provided to EAPO in its assessment of the extent to which it meets the criteria for appointment, as referred to in paragraph (a) of the Understanding with regard to the procedures for appointment of International Authorities (see paragraph 5, below).

4. The appointment of ISAs and IPEAs under the PCT is a matter for the Assembly of the PCT Union and is governed by Articles 16 and 32(3) of the PCT. Articles 16(3)(e) and 32(3) require that, before the Assembly makes a decision on such an appointment, it shall seek the advice of the PCT Committee for Technical Cooperation.

5. At its forty-sixth (27<sup>th</sup> extraordinary) session, held in Geneva from September 22 to 30, 2014, the PCT Union Assembly adopted an Understanding with regard to the procedures for appointment of International Authorities. The Assembly modified the Understanding at its fiftieth (29<sup>th</sup> extraordinary) session, held in Geneva from September 24 to October 2, 2018. The Understanding, as modified, which applies to any application for appointment as an International Authority after the closure of the fiftieth session of the PCT Assembly, reads as follows:

“Procedures for Appointment of International Authorities”:

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

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

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

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

“(e) A complete application for appointment for consideration by the PCT/CTC should be submitted to the Director General at the latest two months prior to the opening of the session of the PCT/CTC using the standard form made available for the purpose by the International Bureau. The application should contain all the information indicated as mandatory within the notes to that form. Where questions in the form are not relevant to the application, the Office should, where appropriate, replace the questions with alternatives which serve an equivalent purpose.

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

6. The standard form for making an application for appointment referred to in paragraph (e) of the Understanding is set out in the Annex to document PCT/A/50/3.

7. The thirty-first session of the Committee was due to take place from May 26 to 29, 2020 in order to provide its advice on the appointment of EAPO as an ISA/IPEA to the fifty-second (30<sup>th</sup> extraordinary) session of the Assembly of the PCT Union that will take place from September 21 to 25, 2020. However, due to the Covid-19 pandemic, the thirty-first session of the Committee will not take place before this session of the Assembly. The advice of the Committee will instead be submitted to a future session of the Assembly.

## **REQUIREMENTS TO BE SATISFIED**

8. The minimum requirements for an Office to act as an ISA are set out in Rule 36.1, as follows:

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

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

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

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

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

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

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

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

[Annex I follows]

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

Original Language: Russian

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**1 – GENERAL**

**(a) Name of Office or intergovernmental organization:**

Eurasian Patent Office of the Eurasian Patent Organization (EAPO)

**(b) Date on which application for appointment was received by the Director General:**

March 3, 2020

**(c) Session of the Assembly at which appointment is to be sought:**

Fifty-Second (30<sup>th</sup> Extraordinary) Session

**(d) Expected date at which operation as ISA/IPEA could commence:**

January 1, 2021

**(e) Existing ISA/IPEA(s) assisting in assessment of extent to which criteria are met:**

China National Intellectual Property Administration (CNIPA)

Federal Service for Intellectual Property (Rospatent) (Russian Federation)

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**2 – MINIMUM REQUIREMENTS FOR APPOINTMENT**

**2.1 – SEARCH AND EXAMINATION CAPACITY**

*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 and examinations.*

**(a) Employees qualified to carry out search and examination:**

As of March 2020, 105 patent examiners work at EAPO on a full-time basis. They have sufficient technical qualifications to carry out patent search both in the traditional technical fields of patenting (mechanical engineering, chemistry, electrical engineering, etc.) and in high-tech fields (biotechnology, telecommunications, etc.).

The examiners must have at least a bachelor's degree and complete a special training program followed by a test to prove their capacity of carrying out patent search and examination. Along with a bachelor's degree, all EAPO examiners have specialist

diplomas (the Specialist's degree is one step above Bachelor's degree); 13 per cent of examiners have Candidate of Science degree<sup>1</sup> in technology and/or law.

The Eurasian Patent Office examining staff consists of highly qualified and experienced specialists, as well as promising young examiners who are nationals of all EAPO Member States.

**Table 1. Number of patent examiners in each technical field**

Technical field	Number (based on full-time equivalent)	Experience as examiners (years, on average)	Breakdown of qualifications
Chemistry	24	13	Principal examiners – 24 Leading examiners – 7 Examiners – 29
Biotechnology	13	9	
Pharmaceuticals and medicine	15	10	
Chemical technologies	8	10	
Electrical engineering	9	8	Principal examiners – 13 Leading examiners – 5 Examiners - 27
Information and communication technologies	15	7	
Machinery	11	9	
Technological equipment	10	9	
<b>Total</b>	<b>105</b>		

### (b) Training Programs

In 2016, EAPO introduced its own Patent Examiner Training Program, which provides for comprehensive training of new examiners, as well as professional development of the whole examiner workforce on a regular basis.

All new examiners participate in a two-year intensive training program during which they take classes and work under the supervision of a mentor appointed by the department head.

A two-tier training program is provided to the beginners, including an initial basic course and advanced training courses in the field of patent law, examination of applications, invention classification systems (IPC, CPC), and the use of databases for patent search.

After the initial eight-week basic course the training of each examiner continues on-the-job under the supervision of a mentor. At this stage of training, the examiner carries out substantive examination of particular applications, preparing search reports and notifications as part of the examination. During the period of on-the-job training, examiners take two advanced training courses, each for two weeks. The first of these is aimed at carrying out patent search (after six months of on-the-job training) and the second deals with evaluating criteria of patentability of invention (at the end of the first year of training). Both courses are provided giving consideration to the technical profile of the examiner.

<sup>1</sup> Considered for recognition as equivalent to Ph.D. degree.

The success of the training courses is assessed by the results of a written examination at the end of the basic course and by assessing the quality of the results of the work with examination of applications during the on-the-job training.

Continuous training of experienced examiners is aimed at improving professional qualifications in their technical fields, improving examination practices and covers changes to Eurasian patent law, updates of automated workflow systems, as well as developments in search tools.

EAPO holds internal workshops for examiners on an ongoing basis (monthly) to discuss issues related to the examination of applications, approaches for assessing the patentability of inventions, case law in patent validity disputes, etc. In addition, examiners of all levels of expertise are improving their professional skills in various curricula of the WIPO Academy, the European Patent Academy, Russian State Academy of Intellectual Property (with the possibility of obtaining a second higher professional education, usually in the legal field), and the Federal Institute of Industrial Property (Russian Federation), and attend specialized courses of other educational institutions. The European Patent Academy and the WIPO Academy distance learning courses are also of wide use. English language courses are held at EAPO.

The skills of retired experienced examiners of EAPO, continuing cooperation with EAPO on a contractual basis, are widely used for training of the new examiners.

Table 2 below provides a brief description of the training programs for the new examiners.

**Table 2. Training Program for New Examiners**

COURSE		Topic	Duration
BASIC COURSE	General introduction	Introduction to intellectual property	1 week
		Patent law	
		International agreements	
	Eurasian Patent System	Substantive law	1 week
		The procedure of grant of a Eurasian patent	
		EA-PCT procedure	
	Eurasian application Claims	Eurasian application documents and the general requirements	1 week
		The scope of patent protection	
		Requirements to the claims	
		Unity of invention	2 weeks

COURSE		Topic	Duration
	Eurasian application requirements	Clarity	
		Sufficiency of disclosure	
		Claims supported by the description	
	Patentability requirements	Subject matter, excluded from patent protection	2 weeks
		Industrial applicability	
		Novelty	
		Inventive step	
		Methodology for patentability criteria assessment	
	Introduction to patent search	Classification of invention	1 week
		Patent search strategies	
		Databases	
		Patent search report	
	<b>ADVANCED COURSE I</b>	Patent search	Mechanical engineering/Electronics Chemistry/Biotechnology
<b>ADVANCED COURSE II</b>	Assessment of patentability criteria	Mechanical engineering/Electronics Chemistry/Biotechnology	2 weeks

## 2.2 –MINIMUM DOCUMENTATION

*Rules 36.1(ii) and 63.1(ii): That Office or organization must have in its possession, or have access to, at least the minimum documentation referred to in Rule 34, properly arranged for search purposes, on paper, in microform or stored on electronic media.*

**(a) Access to the minimum documentation for search purposes:**

EAPO has full access to the PCT Minimum Documentation for patent search purposes.



Work with patent document collections in EAPO is carried out solely in electronic form using its own patent search and document retrieval tool EAPATIS. EAPO also has access to other patent search systems, such as EPOQUE Net (European Patent Office) and PatSearch (Rospatent), which are used by EAPO examiners for patent search in specific areas of technology, taking into account the composition and coverage of patent document collections in each system.

The search in non-patent literature is carried out in open sources, in the collection of non-patent literature accumulated in EAPO, as well as in some specialized databases.

**(b) Search systems:**

To carry out patent search in the prior art, the EAPATIS system is used, which contains more than 80 million patent documents from the PCT Minimum Documentation, including a unique database of patent documents of EAPO and the countries of the Eurasian region in Russian. If necessary, patent search and/or retrieval of documents are also carried out in other available to EAPO sources, such as professional systems EPOQUE Net (EPO) and PatSearch (Rospatent), as well as in publicly available systems PATENTSCOPE, Espacenet, Google Patents, etc. In the EPOQUE Net system, EAPO examiners have access to the World Patents Index (WPI, Derwent) and World Patents Index by application (WPIAP, Derwent) databases.

On the basis of the list of non-patent literature sources provided for in Rule 34.1(b)(iii) of the Regulations under the PCT, EAPO has created a catalogue of sources on the Internet, structured by technical field, that can be used for patent search. The catalogue contains portal-type resources (literature in various fields of technology), as well as specialized resources in certain branches of knowledge - chemistry, medicine, biotechnology, physics and others, about 30 entries in total. EAPO also maintains and constantly updates its own collection of non-patent literature (about 4 million journals and articles), and works to ensure full-text search in this collection using EAPATIS. In addition, EAPO examiners have access to a number of specialized databases in the EPOQUE Net system containing non-patent literature, e.g. XPTK (Traditional Knowledge), XPMISC (NPL Full-Texts of Miscellaneous Providers), XPOAC (Open Access Central Journal Articles), etc. If the examiner has no access to the full text of an article, such publication is either acquired by EAPO on a paid basis or downloaded from available free sources. Given the large share of Eurasian applications for inventions in the field of biomedicine and biotechnology, it is planned, already in the first half of 2020, to provide the EAPO examiners with access to the Elsevier Embase database, which contains extended abstracts and links to full texts of articles from relevant biomedical journals and conference abstracts.

To carry out a patent search on chemicals and reactions, examiners were given access to the Elsevier Reaxys system. The issue of organizing access to the largest structured database of medical chemistry and pharmacology Elsevier Reaxys Medicinal Chemistry in the near future is being worked out.

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## 2.3 – LANGUAGES

*Rules 36.1(iii) and 63.1(iii): That Office or organization must have a staff which is capable of searching and examining the required technical fields and which has the language facilities to understand at least those languages in which the minimum documentation referred to in Rule 34 is written or is translated.*

**(a) Language(s) in which national applications may be filed and processed:**

Russian

**(b) Other languages in which large numbers of examiners are proficient:**

English

All EAPO examiners are sufficiently fluent in the Russian and the English languages to understand the technical literature in the relevant fields of technology. Seventeen per cent of examiners also know French and/or German; these examiners are approximately evenly distributed across all industry-specific divisions. In addition, most examiners have the ability to search for applications filed in the national languages of the Eurasian region: Armenian, Azerbaijani, Belarusian, Kazakh, Kyrgyz, Tajik and Turkmen.

**(c) Services available to assist search or understanding of prior art in other languages:**

For patent documentation translation, EAPO uses Google Translate, WIPO Translate services open for free access, translation of documents in the Espacenet system, Yandex.Translate, and translation from PROMPT company (Russian Federation). The TAPTA machine translation system provided by the WIPO is locally installed and integrated in the EAPATIS search tool. At the end of 2019 the Office concluded an agreement with the WIPO to replace the TAPTA translation system with a more modern one - WIPO Translate. The new system will be deployed at EAPO by the end of 2020.

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## **2.4 –QUALITY MANAGEMENT**

*Rules 36.1(iv) and 63.1(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,*

### **National quality management system meeting the requirements of Chapter 21 of the International Search and Preliminary Examination Guidelines:**

EAPO introduced its own quality management system (hereinafter - QMS) in 2011, the purpose of which is to ensure high quality patent search and examination and, as a result, high quality Eurasian patents granted and high user satisfaction. The EAPO President has approved the Quality Management Policy, the text of which is posted on EAPO website and is accessible to the public.

In order to evaluate the effectiveness of QMS and its further improvement, EAPO has a Quality Management Council, which is responsible for all issues related to QMS.

EAPO uses a two-tier quality management system, including internal and external control. Internal quality control consists in checking of the examiner's search reports and the opinion on patentability by the supervisors and the heads of the examination departments. All decisions on the grant of a patent or on the refusal to grant a patent are made by the panels, which include three examiners. At least 75 per cent of the examiners' work products are reviewed by supervisors, each of them supervising a group of five to eight examiners. The heads of examination departments carry out spot checks of at least 5 per cent of all patent search reports and patentability reports prepared by examiners.

External quality control is carried out by the Appeals, Oppositions and Quality Control Division, which selectively checks at least 7 to 8 per cent of all patent search reports and

patentability reports for deficiencies, followed by their analysis and development of appropriate corrective and preventive measures, including on QMS.

To identify user satisfaction with the quality of the services provided, EAPO regularly conducts surveys among various categories of users, including Eurasian patent attorneys.

The initial report on the Quality Management System, as provided for in Chapter 21 of the PCT Guidelines for International Search and Preliminary Examination, is presented using the “Initial Report on Quality Management Systems” template and is attached to this document.

It should be noted that the degree of implementation on items related to risk-based working methods is marked as “partial” in the report. Risk-based practices were incorporated into Chapter 21 of the International Search and Preliminary Examination Guidelines with effect from July 1, 2019. EAPO has considered the factors that could affect its operational processes and QMS, and has implemented actions mainly to address technical risks (in terms of ICT infrastructure, etc.). Implementation for full coverage for all risk categories (including economic, personnel, etc.) continues, with completion planned for September 2020.

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### **3 – INTENDED SCOPE OF OPERATION**

**(a) Language(s) in which services would be offered:**

Russian, English.

**(b) State(s) or receiving Office(s) for which Authority would offer to be competent:**

EAPO plans to be a competent Authority first and foremost for EAPO Member States (Armenia, Azerbaijan, Belarus, Kazakhstan, Kyrgyzstan, Russian Federation, Tajikistan, and Turkmenistan). It will as well be open for other countries, especially those using the Russian language and located in the Eurasian region, to be specified as a competent Authority.

**(c) Limitations on scope of operation:**

None

**(d) Other International Authorities which would remain competent for applications filed at the Office in its capacity as receiving Office:**

European Patent Office (EPO)

Federal Service for Intellectual Property (Rospatent) (Russian Federation)

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### **4 – STATEMENT OF MOTIVATION**

The expansion of EAPO functions under the PCT System is relevant for the countries of the Eurasian region, since applicants from these countries will be given the opportunity to go through all stages of procedure of the international application in their regional Office: filing (receiving Office), patent search (International Searching Authority), preliminary examination (International Preliminary Examining Authority), and regional phase (designated, elected Office).

The countries of the Eurasian region are aimed at the innovative development, as shown in section 5 of this Application, and are accordingly interested in using one of the main mechanisms for protecting innovative developments at the international level, which is the PCT System.

EAPO appointment as an International Searching Authority (ISA) and an International Preliminary Examining Authority (IPEA) will expand and increase the efficiency of the PCT System use by inventors and business in the countries of the region, which in turn is one of the important prerequisites for the development of science-based technologies, import substitution, refocusing on the export of high-technology products.

Granting EAPO an ISA/IPEA status is provided for in Article 20 of the Eurasian Patent Convention of September 9, 1994 (EAPC), which implies that by creating the Eurasian Patent Organization, the EAPC Contracting States set the task of comprehensive participation of EAPO in the PCT System, including the fulfillment by the Office of the PCT functions of a receiving Office, a designated and elected Office, as well as, upon reaching the appropriate level of development of EAPO, the functions of an ISA/IPEA. Thus, when adopting the EAPC, the EAPO Member States set a goal of ensuring a full cycle of examination of international applications in the regional office with the subsequent grant of a Eurasian patent.

On September 10 and 11, 2019, during the thirty-fifth (twenty-sixth ordinary) meeting of the EAPO Administrative Council, the members of the Administrative Council unanimously voted to provide EAPO with the authority to seek appointment as ISA/IPEA thereby expressing the interest of the countries of the region in the further development of the Eurasian patent system and confidence in the quality and impartiality of the Eurasian patent examination.

EAPO has accumulated sufficient experience in carrying out search and examination on both regional applications and international applications within the regional phase in all areas of technology, including applications related to emerging areas of technology. Every year, as confidence in the Eurasian patent system on the side of applicants from countries in the region is growing, more and more applicants are using EAPO for foreign patenting.

Applicants from the EAPO Member States, based on their positive experience in patenting under the Eurasian patent procedure, will be able to rely on similar approaches and opportunities within the framework of the procedure at the international phase of the PCT. For example, applicants will be able to use the Russian language, communicate with examiners in the languages of the EAPO Member States unknown to examiners of other International Authorities, use tools and channels that they already know from regional procedure for filing applications, receiving correspondence and paying fees, and benefit from coverage of the full patent documentation of the countries in the region during the search and examination that examiners carry out (including those presented in the languages of the region) in conjunction with the world patent collections.

EAPO's experience in the automation of business procedure and the development of electronic services, the availability of significant resources in the field of patent search and examination, including cooperation on Patent Prosecution Highway (PPH) programs with the EPO, and the patent offices of China, Republic of Korea and Japan, demonstrate the EAPO's readiness to play a more significant role in the international patent system.

EAPO also collaborates with the International Bureau of WIPO for the development of the PCT System by participating in the work of the committees and working groups of the PCT Union, including the development of the PCT regulatory framework. EAPO has been

a Depositing and Accessing Office in the WIPO Digital Access Service (WIPO DAS) since November 1, 2017. EAPO has also made all its publications available in the PATENTSCOPE database and has been an Accessing Office in WIPO Centralized Access to Search and Examination (WIPO CASE) since June 8, 2016. In 2022, after completion of technical preparations, EAPO plans to start working in WIPO CASE also as a Providing Office. EAPO allows applicants to file international applications using ePCT service, and uses the WIPO machine translation system.

EAPO's obtaining the new international capacity under the PCT will allow the Office to intensify its participation in other international initiatives and projects aimed at distribution of workload, raising internal work standards, further unifying and improving the services offered in the users' interest. Increasing EAPO potential will contribute to the dissemination of best practices in the countries of the Eurasian region, providing more active assistance to EAPO Member States in the development of national patent systems.

Fulfillment by EAPO of the functions of an ISA/IPEA under the PCT System will expand the geography of such bodies in the countries of the Caucasus and Central Asia, will have its impact on the growth of the attractiveness of the PCT System in the Eurasian region and will further develop and strengthen the global patent system.

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## **5 – APPLICANT STATE(S)**

### **(a) Regional location:**

EAPO Member States are the Armenia, Azerbaijan, Belarus, Kazakhstan, Kyrgyzstan, Russian Federation, Tajikistan, and Turkmenistan. The gross area of EAPO Member States is about 21 million square kilometers.

Eurasian patents on inventions granted on applications filed with EAPO before April 26, 2012 also have effect in the Republic of Moldova.

### **(b) Regional organization memberships:**

The agreement between the EAPO and WIPO, signed in Geneva on October 1, 1997, defines the status of EAPO as a special observer at the meetings of the working bodies and the Assembly of the PCT Union, the Assembly of the Budapest Union, and an observer at meetings of some other bodies established by WIPO.

EAPO cooperates with WIPO, EPO, the African Regional Industrial Property Organization, and the African Intellectual Property Organization on various issues arising in the patenting process of inventions.

In order to promote the innovative development of the Eurasian region, EAPO also cooperates with the Eurasian Economic Commission, a permanent body of the Eurasian Economic Union (EAEU), which five EAPO Member States are party to (Armenia, Belarus, Kazakhstan, Kyrgyzstan, Russian Federation). These countries are united by a single customs territory, which facilitates the movement of goods and technologies embodied therein. In addition, the indicated states as EAEU members have concluded agreements on the creation of free trade zones with a number of states: Viet Nam, Iran (Islamic Republic of), China, Serbia, and Singapore.

**(c) Population:**

EAPO represents a region with a total population of more than 200 million people (economically active population - more than 100 million people) where the Russian language is widely used.

Russian is the official language of the Eurasian Patent Organization and the working language of the Office. Moreover, for the population of Belarus and the Russian Federation (more than 150 million people), the Russian language has the status of the state language. It is an official language for Kazakhstan, Kyrgyzstan and Tajikistan (more than 34 million people); for the population of other EAPO Member States it is a widely used language of communication.

**(d) GDP per capita:**

The Eurasian Patent Organization represents a region that is constantly developing in terms of economy. Currently, per capita GDP in EAPO Member States ranges from 634.33 United States dollars in Tajikistan to 9,264.27 United States dollars in the Russian Federation, which was ranked fourteenth in the ranking of the largest economies in the world in 2018-2019. Moreover, the total GDP in EAPO Member States united by the EAEU, according to the Eurasian Economic Commission, is more than 1.9 trillion United States dollars (approximately 3.2 per cent of world GDP), and is characterized by consistent growth. GDP growth is also observed in EAPO Member States that are not members of the EAEU. In particular, GDP growth in Azerbaijan in 2019 amounted to 2.4 per cent, in Tajikistan in 2019-2021 GDP growth is expected to be 1.7 to 2.5 per cent; the annual GDP growth in Turkmenistan is 5.5 to 7.5 per cent.

**(e) Estimated national R&D expenditure (%of GDP):**

Despite the differences in EAPO Member States from each other in terms of geographical location, available natural resources, and the structure of national industries, the development of an innovation-oriented model of national economies, based on R&D and their results, is of particular importance for them in the context of global trends.

The expenditures of EAPO Member States on R&D average from 0.1 per cent of GDP in Kyrgyzstan and Tajikistan up to 1.1 per cent of GDP in the Russian Federation. R&D expenditure of other EAPO Member States varies between 0.2 per cent and 0.5 per cent.

**(f) Number of research universities:**

The Eurasian region is represented by a large number of research organizations and higher education institutions, the scientific staff and the teaching staff of which are involved in basic and applied scientific research in various fields of science and technology, as well as in the implementation of research and development work. In general, the region has about 2,400 organizations dealing with scientific research, half of them are higher education institutions with more than 350,000 faculty staff in total.

**(g) Summary of national patent information network:**

Patent information related to Eurasian patent applications and granted Eurasian patents on inventions forming the Eurasian Patent Information Collection is accumulated and stored by EAPO.

The Eurasian Patent Information Collection is presented on the Eurasian Publication Server, as well as in the Eurasian Patent Information System (EAPATIS), accessed through EAPO web portal ([www.eapo.org](http://www.eapo.org)).

In addition to the Eurasian Patent Information Collection, EAPATIS provides search in patent information collection of EAPO Member States as well as those of other states, regional organizations and WIPO.

In order to promote the innovative development of the Eurasian region, EAPO provides free (*pro bono*) access to EAPATIS to all national patent offices, a number of public libraries, higher education institutions and centers of science and technology of EAPO Member States. Other interested parties are granted access to EAPATIS on a contractual basis.

The national patent information collections of EAPO Member States included in the EAPATIS are formed by the national patent offices of the said states and are stored by both the offices and authorized scientific and technical libraries.

EAPO Member States have established centers that facilitate the transfer of scientific and technical knowledge from the science to industry.

**(h) Major local industries:**

EAPO represents a diverse region from the point of view of industry, characterized by rich natural resources although not evenly distributed across the territories of EAPO Member States, and enterprises oriented towards the use of these natural resources and the creation of innovative products.

Traditional industries based on mining and processing, among others, electric power, fuel industry, ferrous and non-ferrous metallurgy, chemical and petrochemical industry, mechanical engineering and metalworking, timber, woodworking and pulp and paper industry, building materials industry, glass industry, light and food industries, continue to actively develop in the Eurasian region.

At the same time, individual EAPO Member States, following world trends, are creating and successfully developing new complexes of high-tech industries, including those in the field of microelectronics and artificial intelligence, computing, robotics, nuclear and aerospace production, microbiology, bio-industry and pharmaceuticals.

EAPO Member States are showing steady growth in industrial production.

Products created at enterprises of EAPO Member States are exported to almost all countries of the world, taking into account trade relations established by the respective states.

**(i) Major trading partner States:**

Taking into account the historical geopolitical ties between EAPO Member States, many of them are the main trading partners for each other. Largely this is characteristic of EAPO Member States united by the EAEU, one of the goals of which was the establishment of a single market for goods and services in the territories of the EAEU Member States. At the same time, the Russian Federation is one of the main and largest trading partners for all EAPO Member States.

As a whole, given the diversified trade policies of EAPO Member States, the main trading partners of the region represented by EAPO are the European Union countries in the west, and China in the east.

EAPO Member States have established active trade with such countries as France, Germany, Iran (Islamic Republic of), Italy, Latvia, Lithuania, Netherlands, Poland,

Switzerland, Turkey, Ukraine, the United Kingdom, the United States of America, and Uzbekistan.

**(j) Other key information:**

State programs and plans for the development of national economies adopted in the countries of the region reflect the priorities of state policies in relation to strategies for the development of intellectual property and innovation:

**Armenia**

Strategic Program of Prospective Development of the Republic of Armenia for 2014-2025

**Azerbaijan**

Development Concept "Azerbaijan 2020: A Look into the Future"

**Belarus**

Intellectual Property Strategy of the Republic of Belarus for 2012 – 2020

State Program for Innovative Development of the Republic of Belarus for 2016 - 2020

**Kazakhstan**

State Program for Industrial and Innovative Development of the Republic of Kazakhstan for 2020- 2025

**Kyrgyzstan**

State Program for Development of Intellectual Property in the Kyrgyz Republic for 2017-2021

**Russian Federation**

Strategy of Scientific and Technological Development of the Russian Federation (until 2035)

Strategy of Innovative Development of the Russian Federation for the Period up to 2020

**Tajikistan**

National Strategy for the Development of Intellectual Property of the Republic of Tajikistan for 2014 - 2020

**Turkmenistan**

Program for the Development of the Intellectual Property System of Turkmenistan for 2015 - 2020

Program for the Development of Innovative Work in Turkmenistan for 2015 - 2020.



## 6 – PROFILE OF PATENT APPLICATIONS

### (a) Number of Eurasian applications received – by technical field:

Year \ Technical Field	2014	2015	2016	2017	2018	2019
Mechanical	740	701	669	652	715	698
Electrical/electronic	832	835	818	801	820	832
Chemistry	1,569	1,527	1,462	1,419	1,497	1,485
Biotech	432	428	431	430	456	467
<b>Total</b>	<b>3,573</b>	<b>3,491</b>	<b>3,380</b>	<b>3,302</b>	<b>3,488</b>	<b>3,482</b>

### (b) Number of Eurasian applications received – by route:

Year \ Route	2014	2015	2016	2017	2018	2019
National first filing/internal priority	331	360	307	372	381	351
Paris priority	348	299	385	407	464	550
PCT national phase entry	2,894	2,832	2,688	2,523	2,643	2,581

### (c) Number of international applications received from nationals and residents of EAPO Member States:

Year \ Technical Field	2014	2015	2016	2017	2018	2019
Mechanical	13	1	2	2	2	5
Electrical/electronic	3	1	0	2	3	2
Chemistry	5	0	1	0	5	1
Biotech	0	0	0	0	1	0
<b>Total</b>	<b>21</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>11</b>	<b>8</b>

### (d) Average time taken for processing Eurasian patent applications:

Indicator	Measured from	Time (months)
To search	the date of completion of the formal examination	2.5
To first examination	the date of satisfaction of the request for substantive examination	10.9
To grant	the date of the first examination to the date of notification of readiness to grant a patent	15

**(e) Workload at EAPO:**

<b>Measure</b>	<b>Number of applications</b>
All pending applications	9,630
Applications awaiting search (where relevant fees have been paid)	220
Applications awaiting first examination (where relevant fees have been paid)	2,903

**(f) Time and environment for examiners for search and examination:**

The time spent on carrying out a patent search on Eurasian applications depends on the complexity of the application and whether it relates to one or more fields of technology. On average, 2.5 days are spent on a patent search for a single application. Given that further substantive examination of the application is carried out by the same examiner who carried out a patent search on it, preparation of the first notice (patentability opinion, consideration of the applicant's arguments and/or submitted changes to the claims) by the examiner takes 1.5 days on average.

Examiners work in offices of at least 23 square meters. Based on the sanitary norm of at least 6 square meters per workplace, there are three to four examiners in each room.

Each examiner has an individual workstation (equipped with a computer with a dual monitor) that provides access to the electronic dossier of the application, to all internal administrative information systems running the workflow on applications, and to all search systems and resources used in EAPO. Despite the fact that the entire process of workflow on applications is carried out in electronic form, an examiner may also wish to prepare a working paper dossier of the application.

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**7 – SUPPORT REQUIRED**

In general, EAPO plans to rely on its own resources acting as an International Authority under the PCT System.

During the visits to EAPO in September - October 2019, the delegations of counterpart offices, assessing the degree of compliance of EAPO with the criteria established by the PCT for appointment as an International Authority, gave advice on the activities of an ISA and IPEA. EAPO hopes to continue such cooperation and to receive, in the future, the necessary advisory support including in terms of improving working methods based on risk assessment, within the framework of QMS.

The Eurasian Office is also counting on early test access to PCT IT resources, which is necessary to create an appropriate information infrastructure in EAPO. EAPO has a team of in-house ICT specialists, which allows the Office to be technically ready to begin to perform the functions of an International Authority under the PCT System as soon as possible.

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## 8 – OTHER

### International Cooperation

EAPO's cooperation on intellectual property issues is carried out in bilateral and multilateral forms and, in general, covers more than 50 countries and international organizations. The most active international cooperation is carried out in the field of patent search and examination as well as exchange of patent information.

Based on memoranda of understanding and bilateral cooperation, EAPO:

- participates in the Patent Prosecution Highway (PPH) programs, concluded with the EPO, patent offices of China, the Republic of Korea and Japan; plans to expand the circle of partner offices carrying out PPH;
- participates in experience exchange events on patent search and examination, oppositions and appeals, studies the approaches of other offices to patent documentation processing (most actively with the EPO, patent offices of China and the Russian Federation);
- classifies Eurasian applications and patents using the Cooperative Patent Classification (CPC) and distributes classification data; it plans to begin the reclassification of Eurasian patent documents according to the CPC in 2022; participates in relevant professional events;
- participates in the work of WIPO Committees and Working Groups, including those in the field of developing patent law and improving patent procedures, developing the regulatory framework of the PCT System, developing and implementing WIPO standards for information and documentation in the field of industrial property;
- uses WIPO's digital platforms and tools: the e-PCT system, the WIPO DAS digital access service for priority documents, the WIPO CASE centralized access to search and examination results, WIPO machine translation system;
- provides Eurasian patent information, including information on the legal status of Eurasian applications and patents, for inclusion in PATENTSCOPE and Espacenet;
- exchanges patent information with more than 50 national patent offices and regional organizations; and
- provides examiners and other specialists of the Office to participate in seminars and conferences around the world.

### Cooperation with EAPO Member States

Considering the regional nature of EAPO and the peculiarities of the national intellectual property systems of EAPO Member States, EAPO cooperates with the patent offices of EAPO Member States in a number of ways.

EAPO acts as a regional center for the methodology of examination of inventions, dissemination of knowledge and information in the field of intellectual property:

- contributes to the harmonization of national laws and practices in the field of patent search and examination of inventions in Eurasia and EAPO Member States: organizes trainings of examiners and specialists in the field of patent law to transfer experience and

familiarize them with approaches to carrying out patent search and examination on Eurasian applications;

- serves as a platform to discuss the most pressing issues of protection of inventions: organizes regional seminars and trainings with lectures provided by specialists from the leading patent offices (in particular, the EPO, and the patent offices of China and the Russian Federation), as well as WIPO, participates in professional gatherings and meetings;
- finances professional retraining and advanced training courses for examiners and specialists from patent offices of the EAPO Member States;
- provides advisory support to the patent offices of the EAPO Member States in the development of their national legislation, patent procedures and the use of information technology;
- provides assistance and support for access to patent information and documentation: provides free access to EAPATIS to the patent offices of the EAPO Member States, state libraries, universities and centers of science and technology; supports Internet access of patent offices of the EAPO Member States; and
- participates in activities aimed at the promotion of intellectual property in the Eurasian region.

In the framework of multilateral cooperation with national patent offices of the EAPO Member States, the Office:

- takes part in the work of regional associations in the field of intellectual property: the Interstate Council for Intellectual Property Protection (MGSIS), in the Coordinating Council of the project on the industrial production of the regional patent information product of the CIS countries CISPATENT; and
- coordinates the activities of the permanent working groups and *ad hoc* task forces, including the Permanent Working Group on Information Technology.

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## 9 – ASSESSMENT BY OTHER AUTHORITIES

The Federal Service for Intellectual Property of the Russian Federation (Rospatent) and the China National Intellectual Property Administration (CNIPA) served as partner offices that assisted EAPO in assessment of whether EAPO meets the requirements for appointment as an International Authority under the PCT System.

In the period from September 11 to October 25, 2019, a series of visits of the delegations of Rospatent and CNIPA to EAPO took place, the delegations were informed about the EAPO activities under the PCT System, the Eurasian patent procedure, including carrying out patent search and examination of Eurasian applications, the Office's personnel capacity, and the quality management system of patent search and examination, the level of automation of business procedure and information management of the Office.

EAPO examiners demonstrated the capacities of EAPATIS for carrying out search in the patent document collections of EAPO and the national patent offices of the EAPO Member States, access to document collections related to the PCT Minimum Documentation mentioned in Rule 34 of the Regulations under the PCT, examples of patent search and examination in various fields of technology.

Annexes III and IV contain the reports of the assisting offices on the extent to which EAPO meets the criteria for appointment as an International Authority under the PCT System.

[Annex II follows]

## INITIAL REPORT ON QUALITY MANAGEMENT SYSTEMS

*prepared by the Eurasian Patent Office of the Eurasian Patent Organization*

Original Language: Russian

*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)

*In this introduction, each Authority should include a summary of all changes to their quality management system that have taken place since the previous report on their Quality Management System, and any other matters considered to be interest in relation to quality management.*

*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. Authorities may include process charts if this would facilitate the understanding of an aspect of the report.*

The Eurasian Patent Organization is an international intergovernmental organization established by the Eurasian Patent Convention of September 9, 1994, whose principal task is to provide regional protection for inventions based on a single Eurasian patent.

All of the administrative functions of the Eurasian Patent Organization, including those related to performance of the patent search process and examination of Eurasian applications, are carried out by the Eurasian Patent Office (EAPO). The top priority of the EAPO is to ensure the high quality of the patent search and examination process, as well as other patent procedures and information services that are provided to users (hereinafter referred to as services provided).

With a view to ensuring the high quality of services provided, in 2011, the EAPO developed and introduced a quality management system (hereinafter referred to as the QMS) based on regulatory legal acts of the EAPO.

The EAPO's QMS is in full compliance with the requirements set forth in Chapter 21 of the PCT International Search and Preliminary Examination Guidelines (hereinafter referred to as the PCT Guidelines).

### 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 specified by top management.*
- (c) An organizational chart showing all those bodies and individuals responsible for the QMS.*

Initial Report on Quality Management Systems by the Eurasian Patent Office

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(a) A **Quality Management Policy** has been adopted at the EAPO (and approved by the President of the EAPO as the top executive officer of the Eurasian Patent Organization).

The Quality Management Policy is a long-term regulatory legal act of the EAPO, compliance with which is mandatory for all EAPO officials.

The Quality Management Policy defines the EAPO's priorities and principles with regard to quality, as well as the tasks performed by the EAPO with the aim of ensuring the quality of the services provided.

The Quality Management Policy is posted on the Eurasian Patent Organization's web portal and on the EAPO's internal website, and it is available for review by EAPO officials and other interested parties.

(b) The following bodies, structural subdivisions, and officials of the EAPO provide for the functioning of the QMS:

**President of the EAPO** – the top executive officer of the Eurasian Patent Organization who is responsible for the activities of the EAPO, including those related to the QMS.

**Quality Management Council** – an advisory body that reports to the President of the EAPO and is comprised of the heads of the Oppositions, Appeals, and Quality Control Division (hereinafter referred to as the Quality Control Division), the Examination Department, and examination divisions within the Department, as well as other structural subdivisions in the event of the review of issues that fall under their authority.

The Quality Management Council:

analyzes the effectiveness of the QMS and develops and/or reviews proposals for its improvement prepared by structural subdivisions, including those with regard to quality standards for services provided;

reviews the draft annual report on issues related to the quality of services provided (hereinafter referred to as the annual quality report), includes suggestions in the report with regard to measures aimed at improvement of the QMS, develops proposals regarding the annual quality action plan for the next reporting period, and analyzes the effectiveness of corrective or preventive measures being taken;

develops and/or reviews proposals prepared by structural subdivisions with regard to changes and/or additions to regulatory legal acts of the Eurasian Patent Organization and the Eurasian Patent Office and methodological documents of the Eurasian Patent Office concerning the quality of services provided;

presents proposals to the President of the EAPO for improvements to the QMS.

The Quality Management Council is also entitled to consider other issues related to the quality of services provided.

**The Quality Control Division:**

performs external quality control of services provided, including the analysis of patent search reports, notifications, and examination decisions, reviews appeals and complaints by applicants and other users of the Eurasian patent system; and analyzes reasons for the filing of appeals and complaints;

analyzes the results of internal quality control performed by the Examination Department and information obtained through feedback from users of the Eurasian patent system;

## Initial Report on Quality Management Systems by the Eurasian Patent Office

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prepares the draft annual quality report containing statistical and analytical information about the results of external and internal quality reviews and user feedback, a list of corrective and preventive measures that have been carried out and proposed, as well as other proposals aimed at improving the quality of services provided and the effectiveness of the existing QMS as a whole;

prepares the draft annual quality action plan for the next reporting period;

develops proposals for changes and/or additions to regulatory legal acts of the Eurasian Patent Organization and the Eurasian Patent Office and methodological documents of the Eurasian Patent Office concerning the quality of services provided.

### **The Examination Department:**

performs internal quality control of services provided and monitors the deadlines for their performance;

develops proposals for changes and/or additions to regulatory legal acts of the Eurasian Patent Organization and the Eurasian Patent Office, including those related to the patent search process and examination of Eurasian applications;

develops methodological recommendations for the performance of the patent search process and examination of Eurasian applications and proposals regarding changes and/or additions to these recommendations;

performs training of both newly hired examiners and those already on the job, which is aimed at ensuring the high quality of the patent search process and examination of Eurasian applications and providing for the continuing education of examiners.

The following units operate within the Examination Department in order to perform the quality-related tasks assigned to the Department:

the Quality Assurance Service, which includes the head of the Examination Department and the heads of examination divisions within the Department;

the Personnel Training Service, which includes mentors and supervisors who report to the head of the Examination Department and the heads of examination divisions within the Department, and with regard to the continuing education of working examiners, it operates under the supervision of the Personnel Division;

the Methodological Support for Examination Service, which includes the most experienced examiners, as well as the head of the Examination Department and the heads of examination divisions within the Department;

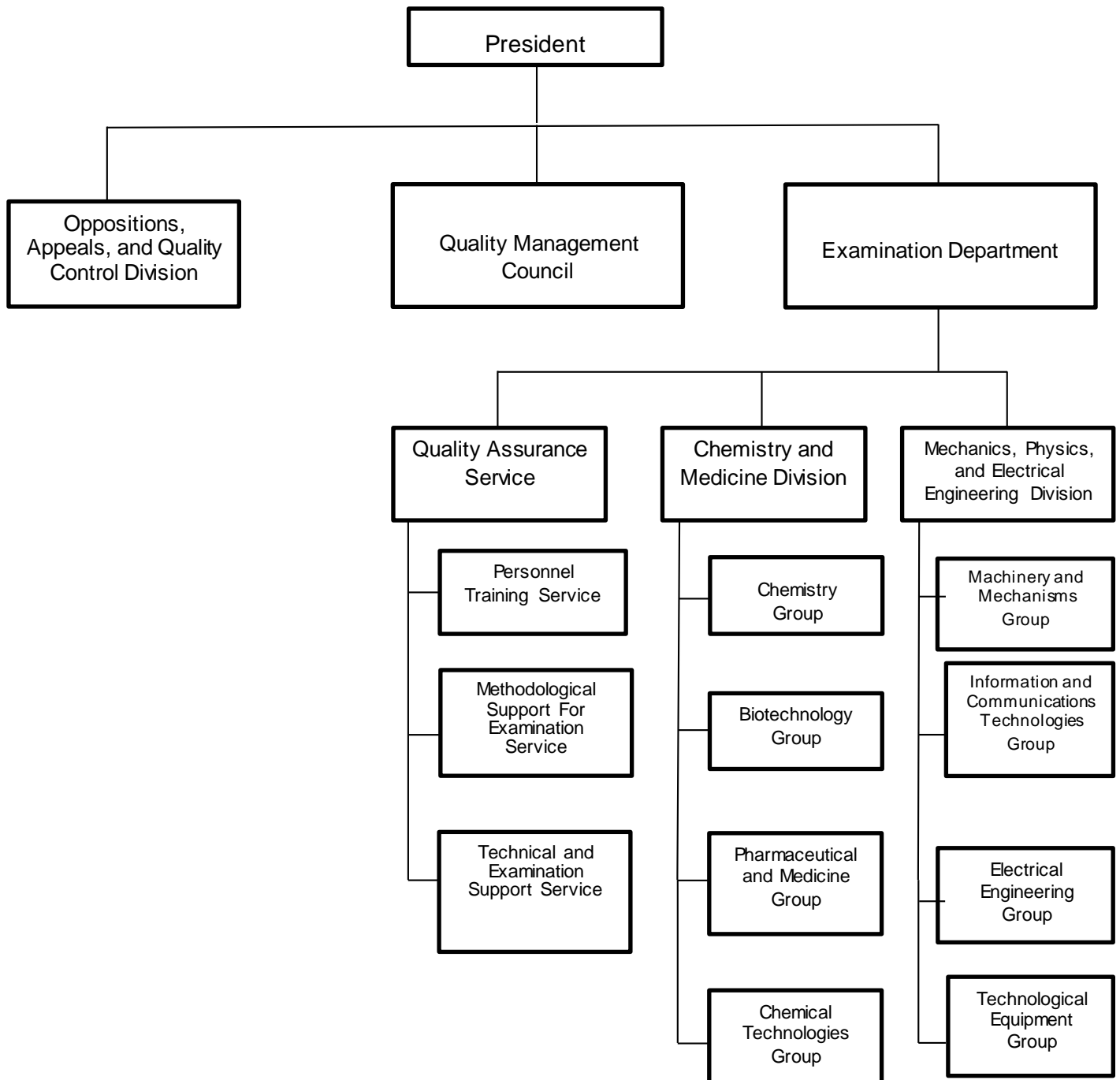
the Technical and Examination Support Service, which operates on a permanent basis as a structural subdivision of the Examination Department.



Initial Report on Quality Management Systems by the Eurasian Patent Office

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(c) Organizational structure of the QMS



Initial Report on Quality Management System by the Eurasian Patent Office

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).

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 to the relevant staff at the Authority	✓		
21.09	(a)	Performance of a yearly internal review of the QMS in/to	✓		
	(b)	determine the extent to which the QMS is aligned with Chapter 21	✓		
		determine the extent to which S&E complies with PCT Guidelines	✓*		
	(c)	an objective and transparent way	✓		
	(d)	using input incl. information according paragraph 21.24	✓		
	(e)	recording the results	✓		
21.10		Risk and opportunities are addressed that can affect the QMS and the conformity of search and examination		✓**	
21.13		Arrangements for establishing risk-based practices to			
	(i) (a)	understand issues that affect its ability to achieve intended results of the QMS		✓**	
	(b)	understand the needs and expectations of interested parties		✓**	
	(ii)	identify risks and opportunities related to the performance of the QMS as a basis for planning		✓**	

Initial Report on Quality Management System by the Eurasian Patent Office

Chapter 21 requirement			Extent of compliance		
			full	part	no
	(iii)	plan and implement actions to address risks and opportunities		✓**	
	(iv)	check the effectiveness of the actions taken		✓**	
	(v)	continuously update risks and opportunities.		✓**	
21.15		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 technical 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 of records	✓		
	(iii)	Ensuring appropriate equipment to carry out S&E	✓		
	(iv)	Ensuring documentation according to Rule 34	✓		
	(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	✓		
21.16	(i)	Control mechanisms to ensure timely issue of S&E reports	✓*		
	(ii)	Control mech. regarding fluctuations in demand and backlog	✓		
21.17	(i)	Internal quality assurance system for self-assessment			
	(a)	for compliance with S&E Guidelines	✓*		
	(b)	for channeling feedback to staff	✓		

Initial Report on Quality Management System by the Eurasian Patent Office

Chapter 21 requirement				Extent of compliance		
				full	part	no
	(ii)		System for measurement of data and reporting for continuous improvement	✓		
	(iii)		System for verifying the effectiveness of actions taken to correct deficient S&E work, eliminate the causes and prevent issues from recurring	✓		
21.19		(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	✓*		
21.20	(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	✓		
			Indication where and how the Authority makes its quality objectives publicly available	✓		
21.21			Established communication with WIPO and designated and elected Offices	✓*		
21.22			QMS of Authority clearly described and documented			
21.23		(a)	Material making up the reference of quality procedures and processes for staff and management has been prepared and distributed	✓		
		(b)	Media available to support the reference material	✓		
		(c)	Document control measures are taken	✓		
21.24			Items which should be documented in the reference of quality procedures and processes			
	(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	✓		

Initial Report on Quality Management System by the Eurasian Patent Office

Chapter 21 requirement				Extent of compliance		
				full	part	no
	(vi)		a description of the interaction between the processes and the procedures of the QMS.	✓		
21.25	(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	✓		
	(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	✓		
21.26	(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	✓		
21.27			Report on its own internal review processes	✓		
21.28-21.30			Additional information on further inputs to its internal reviews	✓		
21.31			Initial report called for by paragraph 21.31	✓		

\* This requirement is met within the framework of the Eurasian regional procedure. In the event that it is appointed as an ISA/IPEA, the office will extend this practice for the international procedure as well.

\*\* Full compliance is planned by September 2020.

Initial Report on Quality Management System by the Eurasian Patent Office

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*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 progresses.*

In accordance with the EAPO's organizational structure as shown in the above diagram, the Examination Department, which performs internal quality control of services provided, and the Quality Control Division, which performs external quality control of services provided, have primary responsibility for the effectiveness of the QMS and its ongoing improvement.

Based on the results of internal quality control, the head of the Examination Department and the heads of examination subdivisions within the Department apply corrective and preventive measures with the aim of maintaining the effectiveness of the QMS.

Based on the results of external quality control, the head of the Quality Control Division informs the head of the Examination Department of the results and in the event that non-compliances are identified that affect the quality of the patent search process and examination of Eurasian applications, recommends that the appropriate measures be taken.

The results of internal and external control, as well as the results of feedback from users of the Eurasian patent system, are analyzed by the Quality Management Council as part of the annual quality report. Following a review of the annual quality report by the Quality Management Council, the Quality Control Division makes the necessary changes and/or additions to the report and presents it to the EAPO President for approval. An annual quality action plan for the next reporting period, which includes measures to improve the QMS, among other things, is also presented to the EAPO President for approval as part of the annual quality report or in addition to the report following the same procedure.

*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.*

Information about requirements linked with the quality of the patent search process and examination of Eurasian applications, including those contained in international treaties that are binding upon the EAPO and documents adopted pursuant to them, specifically those reflected in the QMS, are posted on the EAPO's internal website and when necessary on the Eurasian Patent Organization's web portal.

The EAPO's internal website is an official information source that contains regulatory legal acts of the Eurasian Patent Organization and the Eurasian Patent Office and methodological and other documents containing, in particular, requirements concerning the quality of the patent search process and examination of Eurasian applications. EAPO officials, including examiners, are required to familiarize themselves in a timely manner with documents posted on the EAPO's internal website. Their immediate supervisors are responsible for monitoring examiners' timely review of regulatory requirements.

Initial Report on Quality Management Systems by the Eurasian Patent Office

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*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 by the relevant staff at the respective Authority.*

The Examination Department reports on a monthly basis to the EAPO President on the current deadlines for the performance of a patent search and examination, and also on the number of applications received, the number of applications that have not been examined, and the number that are currently under examination. Every year, the Examination Department presents proposals to the EAPO President with regard to ensuring that the Examination Department has the personnel, information, and technical resources needed to maintain the quality of the services provided and to meet the established deadlines.

The Examination Department performs internal quality control of the patent search process and examination of Eurasian applications on an ongoing basis.

Inspections are performed as part of internal quality control of the patent search process and examination of Eurasian applications by the Quality Control Division in accordance with plans approved by the EAPO President pursuant to the results of a review of the annual quality report, based on a sampling method. When necessary, the EAPO President has the right to initiate an unscheduled inspection of the quality of services provided.

The results of inspections are reflected in an annual quality report, which is prepared by the Quality Control Division and presented by said division to the Quality Management Council for subsequent review with the aim of analysis and formulation of proposals intended to ensure the effective functioning of the QMS and its further improvement, including actions to provide the necessary resources for the QMS.

Long-term stable goals concerning quality are defined in the Quality Management Policy adopted by the EAPO. Short-term tasks are defined by the EAPO President based on the results of a review of the annual quality report, taking into consideration the recommendations of the Quality Management Council.

The results of inspections that are performed and the analysis of deficiencies that are identified in services provided are communicated to examiners by their immediate supervisors and are discussed within the examination divisions with the aim of ensuring that the EAPO examination staff understand the reasons behind the deficiencies identified and mechanisms for their elimination.

Quality action plans containing short-term tasks, among other things, are posted on the EAPO's internal website to allow for their communication to EAPO officials.

Initial Report on Quality Management System by the Eurasian Patent Office

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*21.09 Indicate whether top management or delegated officers of the Authority perform an internal review of the QMS in accordance with paragraphs 21.27-21.30:*

- (a) at least once per year (cf. paragraph 21.27);*
- (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 21.27, 21.29(i));  
to determine the extent to which Search and Examination work complies with PCT Guidelines (cf. paragraphs 21.27, 21.29(i));*
- (c) in an objective and transparent way (cf. paragraph 21.27);*
- (d) using input including information according to paragraphs 21.29 (ii)-(vi);*
- (e) recording the results (cf. paragraph 21.30).*

A comprehensive review of the QMS and the effectiveness of its operation is performed at least once a year by the Quality Management Council based on the annual quality report prepared by the Quality Control Division. The results of the review and, if necessary, proposals for improving the QMS are reflected in the annual quality report or are attached to it, and they are presented to the EAPO President for a decision on the need to make changes to elements of the QMS and to perform additional measures aimed at ensuring the effective functioning of the QMS and its improvement.

The annual quality report contains statistical data on inspections performed within the framework of both internal and external quality control. Deficiencies identified in the services provided and their causes are analyzed, proposals to apply corrective and preventive measures are formulated, and an assessment of compliance by each operational process with standards established by the QMS and PCT Guidelines is performed.

*21.10 Indicate whether top management of the Authority promote practices to ensure that risks and opportunities that can affect its QMS and the conformity of international search and examination are addressed.*

The EAPO's QMS is based on an assessment of potential risks that could affect the quality of the patent search process and examination of Eurasian applications.

Risks are assessed, *inter alia*, at each stage of the control process through an analysis of deficiencies that are identified and their causes, and they are reflected in the annual quality report, which includes proposals regarding preventive measures aimed at eliminating the established risks. Following their approval by the Quality Management Council, these measures are included in the quality action plan for the next reporting period and are presented to the EAPO President for approval.

Following approval by the EAPO President, the measures that are included in the quality action plan and are aimed at eliminating risks are subject to implementation by the authorized officials in the respective reporting period. An assessment of the effectiveness of said measures is performed as part of the internal and external quality control of the patent search process and examination of Eurasian applications.



Initial Report on Quality Management Systems by the Eurasian Patent Office

## 2. RISK-BASED PRACTICES

*21.11 Explanatory note: Each Authority should establish its own risk-based practices to enable the Authority to determine factors that could cause operational processes and its quality management system to deviate from requirements or planned results, to put in place preventive controls to minimize negative effects, and to make use of opportunities as they arise.*

*21.12 Explanatory note: It is open to each Authority to set up its own arrangements to determine the effect of uncertainty on objectives. Paragraph 21.13 provides a guide to the basic components of risk-based practices as an element of QMS. There is no requirement for formal methods of risk management or a documented risk management process.*

*(Note: These points are informative. No response is required by the template to paragraphs 21.11 and 21.12).*

### *21.13 Arrangements for establishing risk-based practices*

*Provide information on the arrangements that your Authority has made to:*

- (i) (a) understand issues that affect its ability to achieve intended results of the QMS, and  
(b) understand the needs and expectations of interested parties;*
- (ii) identify risks and opportunities related to the performance of the QMS as a basis for planning;*
- (iii) plan and implement actions to address risks and opportunities;*
- (iv) check the effectiveness of the actions taken; and*
- (v) continuously update risks and opportunities.*

*21.14 Explanatory note: All processes of the QMS present differing levels of risk in terms of the Authority's ability to meet its objectives, and the effects of uncertainty are not the same for all Authorities. Each Authority is responsible for the actions it decides to take to address risks and opportunities.*

*(Note: This point is informative. No response is required by the template to paragraph 21.14).*

The EAPO recognizes that both internal and external factors can affect the quality of services provided. Internal factors include, for example, the number of examiners, the level of their training, the degree of their compliance with performance discipline, the quality of operations performed, the existence of the necessary information resources, and the availability of technical equipment, among other things. External factors include the quality of Eurasian application materials prepared by applicants, the timeliness of applicants' responses to examination queries, and the performance by the EAPO's counterparties of obligations assigned to them that affect the ability to perform a high-quality patent search and examination of Eurasian applications, among other things. In this process, the EAPO is focused on carrying out the principal request of applicants – the timely performance of a high-quality patent search and examination of Eurasian applications and, consequently, the timely granting of high-quality Eurasian patents. Within the scope of their authorities, structural subdivisions of the EAPO perform ongoing monitoring of these factors and stakeholders' needs, with the results reported to the EAPO President. At this time, the EAPO has introduced approaches that largely take into account risks of a technical nature (related to the ICT infrastructure, etc.). There are plans to introduce full coverage for all risk categories by September 2020 (including economic, personnel, and other risks). In this connection, the EAPO intends to develop criteria for the assessment of risks not covered at this time by the QMS that affect the quality of the patent search process and examination of Eurasian applications.

The results of the assessment of identified risks are included in the annual quality report and are analyzed by the Quality Management Council for the purpose of developing measures to eliminate risks and their consequences in the next reporting period, among other things.

## Initial Report on Quality Management Systems by the Eurasian Patent Office

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Measures aimed at eliminating risks and their consequences are included in the quality action plan for the next reporting period that is presented to the EAPO President for approval.

At the end of a reporting period, the Quality Control Division analyzes the effectiveness of the measures taken to eliminate risks and their consequences, with the aim of updating the list of risks and their assessment criteria, and improving the preventive and corrective measures being taken within the context of the review of the regular annual quality report.

### 3. RESOURCES

*21.15 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) As of March 2020, the EAPO has 105 full-time examiners on staff. They have sufficient technical qualifications to perform the search and examination process, including qualifications in technical fields such as mechanical engineering, electrical engineering, information and communications technologies, chemistry and chemical technologies, pharmaceuticals and medicine, and biotechnology.

All examiners have sufficient knowledge of Russian and English, and 17 per cent of the examiners are also proficient in French and/or German. In addition, the majority of examiners are able to perform a patent search in the national languages of the Eurasian region (Azerbaijani, Armenian, Belarusian, Kazakh, Kyrgyz, Tajik, and Turkmen).

All EAPO examiners have advanced professional diplomas (the next level above a bachelor's degree) in the respective technical fields, and 13 percent have PhD degrees in technical fields and/or in law.

All examiners go through a special EAPO training program and regularly participate in continuing education through various programs and specialized courses.

The authority to hire EAPO examiners is granted to the EAPO President. Examiners are hired on a competitive basis taking into consideration the EAPO's patent search and examination needs in technical fields with the greatest growth in the number of applications. Candidates from all member states of the Eurasian Patent Organization may participate in the competitive hiring process, which broadens the EAPO's opportunities in terms of hiring examiners with the required qualifications and in the necessary technical fields. In light of this,

## Initial Report on Quality Management Systems by the Eurasian Patent Office

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the EAPO is able to adjust the number of qualified examiners in the event of a change in the office's workload.

(ii) The EAPO has 14 technical personnel on staff who directly provide technical support for the work of the EAPO examiners and the patent search and examination process, including the entry of data into the records management information systems, the processing of incoming and outgoing correspondence, the conversion of paper documents into electronic form, the preparation of statistical reports for examiners, as well as the performance of other essential activities. Staff in the EAPO's information subdivisions support the operation of the relevant information systems and databases used for the patent search and examination process.

The authority to hire EAPO administrative and technical staff is granted to the EAPO President. If necessary, it is possible to hire additional highly qualified personnel in the required numbers in the event of a change in the office's workload.

*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) The SOPRANO administrative information system is used at the EAPO for the administration of examiners' work and for the automated monitoring of deadlines for the patent search and examination process, as well as other deadlines at various stages in the processing of applications. This system was developed by the European Patent Office (EPO) and modified by EAPO specialists.

The following tasks are performed within the SOPRANO system:

- administration of processes involved in the movement of an application through the office (tracking and recording of fees, performance of group operations related to a change in the status of applications, means for supervisors to monitor the operations of examiners);
- administration of processes involved in working with applicants;
- planning of work by examiners (monitoring and recording of deadlines for the performance of basic operations, preparation of reports on work done);
- classification and reclassification of Eurasian applications and patents in accordance with the International Patent Classification (IPC) and Joint Patent Classification (JPC).

The SOPRANO system operates on two virtual servers (running on a Linux family operating system, Tomcat) using the MySQL database management system.

For the purposes of performing a patent search, the EAPO has its own search system called EAPATIS, and it also has access to professional patent search systems such as EPOQUE Net (EPO) and PatSearch (Rospatent), which provide access to the PCT minimum documentation. Working with the EAPATIS system allows for full logging of all user queries and

## Initial Report on Quality Management Systems by the Eurasian Patent Office

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automatic processing of possible errors (in the case of a zero result, options are offered to refine the queries). The EAPATIS system operates on four servers (OS Windows Server 2012, IIS8) using the MySQL database management system and Microsoft.NET Framework 4.5.

The MADRAS-PHOENIX system, which was developed by the European Patent Office and modified by EAPO specialists, is used for the electronic handling of application materials. This system provides for the following:

- logging of examiners' actions related to file entries and review of documents;
- a system for the generation of control messages that allows for coordination of work with files for separate applications;
- means for integration with the SOPRANO and EAPATIS systems.

The MADRAS-PHOENIX system operates on two virtual servers (running on a Linux family operating system, Tomcat, Glassfish) using the MySQL database management system

(iv) The EAPO has full access to the PCT minimum documentation for patent search purposes.

Work with patent documentation collections at the EAPO is carried out in electronic form using its own EAPATIS search system. The EAPATIS system contains over 80 million patent documents from the PCT minimum documentation, including a unique database of patent documentation of the EAPO and countries in the Eurasian region in the Russian language. When necessary, a patent search and/or a review of documents may also be performed in other systems accessible to the EAPO, such as the EPOQUE Net (EPO) and PatSearch (Rospatent) professional systems, as well as open-access systems such as PATENTSCOPE, Espacenet, Google Patents, etc. In the EPOQUE Net system, EAPO examiners have access to the World Patents Index (WPI, Derwent) and World Patents Index by application (WPIAP, Derwent) databases.

Based on the list of sources of non-patent literature provided for in Rule 34.1(b)(iii) of the Regulations under the PCT, a catalogue has been prepared of internet sites organized by technical areas that can be used for patent search purposes. The catalogue identifies portal sites (literature in different technical areas), as well as specialized sites for separate branches of knowledge – chemistry, medicine, biotechnology, physics, etc., with a total of around 30 different fields. The EAPO also maintains and regularly updates its own library of non-patent literature (with around 4 million journals and articles), and it is working to support full-text search in this library using the EAPATIS system. In addition, EAPO examiners have access to a number of specialized databases in the EPOQUE Net system that contain non-patent literature, such as XPTK (traditional knowledge), XPMISC (full texts of non-patent literature from various publishers), XPOAC (Open Access Central publications), etc. If an examiner does not have access to the full text of an article, the publication is either purchased by the EAPO or it is downloaded from accessible free sources. Considering the large proportion of Eurasian applications for inventions in the field of biomedicine and biotechnology, there are plans in the first half of 2020 to provide access to EAPO examiners to the Elsevier Embase database, which contains expanded abstracts and references to the full texts of articles from current biomedical journals and conference abstracts.

For the purpose of performing patent searches of chemical substances and reactions, examiners have been given access to the Elsevier Reaxys system. Arranging access in the near future to the Elsevier Reaxys Medicinal Chemistry module – the largest structured database on medicinal chemistry and pharmacology – is being studied.

(v) In their work on patent search and examination of Eurasian applications, EAPO examiners are governed by high-level regulatory legal acts of the Eurasian Patent Organization,

## Initial Report on Quality Management Systems by the Eurasian Patent Office

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such as the Eurasian Patent Convention of September 9, 1994, and the Patent Regulations under the Eurasian Patent Convention, as well as EAPO regulatory legal acts such as the Regulations for the Formal Requirements, Filing and Examination of Eurasian Applications, the Guidelines for Patent Search, and the Guidelines for Examination. These documents are accessible to EAPO officials on the Eurasian Patent Organization's web portal and on the Eurasian Patent Office's internal website. All publications of said documents are kept up to date, and amendments and additions to them are published promptly on the websites mentioned above. The heads of the relevant examination divisions of the Examination Department are responsible for the timely review by examiners of all amendments and additions to regulatory legal acts of the Eurasian Patent Organization and the Eurasian Patent Office.

The process of performing a patent search and examination of Eurasian applications is described in full in the aforementioned documents, including the process applicable to inventions in certain technical fields. EAPO examiners are required to comply strictly with the requirements of the aforementioned acts. This enables all EAPO examiners to adhere to uniform quality standards for patent search and examination. Compliance by examiners with these requirements in their work is checked in the course of internal and external control.

*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.*

In 2016, the EAPO introduced its own training program for examiners, which provides for the comprehensive training of new examiners, and continuing education of the entire examining staff is also provided on an ongoing basis.

All new examiners go through a two-year intensive training program that includes various courses and work under the supervision of an experienced examiner who serves as a mentor.

A two-tier training program is provided for new examiners, which includes a basic course and advanced training courses in patent search and assessment of patentability criteria for inventions.

After the initial eight-week basic course, the training of each examiner continues on the job under a mentor's supervision. At this stage of the training, an examiner reviews specific applications, accompanied by the preparation of patent search reports and notifications regarding the examination. On-the-job training is alternated twice with advanced training courses each lasting two weeks. The first of these courses is focused on the performance of a patent search (after six months of on-the-job training), and the second is focused on the assessment of patentability criteria (at the end of the first year of training). Both of these courses take into consideration the technical specialization of the examiners.

Successful completion of the training is evaluated based on the results of a written test given at the end of the basic course, and an assessment of the quality of work with applications examined during the on-the-job training period. EAPO examiners regularly participate in continuing education related to the patent search process and the assessment of patentability criteria for inventions, in particular, in the area of rapidly developing technologies, and they also go through additional training as records management systems and search tools are updated. Seminars are held at the EAPO on a weekly basis to discuss issues related to specific aspects of the patent search process and examination in various technical fields, and law enforcement practices in member states of the Eurasian Patent Organization. Examiners regularly engage in



## Initial Report on Quality Management Systems by the Eurasian Patent Office

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continuing education by participating in training programs offered by the WIPO Academy, the European Patent Academy, the Russian State Academy of Intellectual Property, the Federal Institute of Industrial Property (Russian Federation), and specialized courses, including online courses offered by the EPO and WIPO. Advanced English language courses are held at the EAPO to allow for a more complete understanding of technical documentation in English.

*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.*

On the basis of data from the SOPRANO administrative information system (hereinafter referred to as the SOPRANO AIS), the Technical and Examination Support Service within the Examination Department performs continuous monitoring of the examiners' workload and prepares reports for the head of the Examination Department on the number of applications received and the deadlines for the beginning and completion of patent searches, the number of patent searches performed, the number of Eurasian applications awaiting examination, the deadlines for the performance of examinations, the number of applications the processing of which has been completed, and so on. On the basis of this information, the head of the Examination Department prepares proposals for the EAPO President on the need to increase the number of examiners with qualifications in one particular technical field or another.

Internal quality control of the patent search process and examination of Eurasian applications is performed by the Examination Department on an ongoing basis. The head of the Examination Department receives a monthly report on the results of internal quality control. The report contains an assessment of the compliance by inspected work products prepared by examiners with the requirements of regulatory legal acts of the Eurasian Patent Organization and Eurasian Patent Office and applicable quality standards.

#### **4. MANAGEMENT OF ADMINISTRATIVE WORKLOAD**

*21.16 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 SOPRANO AIS, which allows for oversight of compliance with all processing deadlines, including deadlines for the beginning and completion of a patent search and preparation of a patent search report, deadlines for sending the first notification in the performance of a substantive examination, deadlines for the forwarding of a notification by an examiner or the performance of actions in response to correspondence from an applicant, as well as deadlines for the receipt of an applicant's response to an EAPO notification, is used at the EAPO for administration of examiners' work and for automated monitoring of deadlines for the performance of a patent search and examination, as well as other deadlines at various stages in the processing of applications.

The deadline monitoring system is a multi-tier system and it enables an examiner himself to monitor the deadlines for applications under his review, a supervisor to monitor the deadlines for all of the examiners under his supervision, and the head of an examination subdivision within

## Initial Report on Quality Management Systems by the Eurasian Patent Office

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the Examination Department to monitor the deadlines for all of the examiners in the division. The SOPRANO AIS provides advance warning to an examiner of an approaching deadline for a relevant procedural action and provides another warning if the deadline is missed.

The Technical and Examination Support Service within the Examination Department performs continuous monitoring of compliance with these deadlines for all of the pending applications at the EAPO and reports on its results to the head of the Examination Department.

(ii) The entry of data into the SOPRANO AIS regarding all applications or requests that are received is performed by the correspondence reception and registration group on the day an application or request is received.

The distribution of applications that have been received among examination subdivisions of the Examination Department for the purposes of performing a patent search and examination is carried out through the SOPRANO AIS immediately after the formal examination stage has been completed. The process of distributing applications is automated and is performed by the SOPRANO AIS taking into consideration the technical field to which the application belongs on the basis of the IPC classes assigned. The heads of examination subdivisions within the Examination Department use the SOPRANO AIS to distribute applications among examiners within their subdivisions, taking into consideration the technical field handled by the examiner and his workload.

The SOPRANO AIS allows for an analysis of information by each examination subdivision and with a breakdown by each examiner, including the number of applications transmitted for examination, the number of applications awaiting the start of examination, and deviations from the prescribed plan indicators. On the basis of data obtained from the SOPRANO AIS, the head of an examination subdivision may redistribute applications among examiners and make adjustments in examiners' planned targets when necessary.

## 5. QUALITY ASSURANCE

*21.17 In accordance with the Guidelines, the following are required quality assurance measures for timely issue of search and examination reports of a high quality. Indicate how the following are implemented, including the use of any checklists to verify reports before their issue or for monitoring the quality 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.*

The EAPO has an internal system, which is based on internal and external quality control, to ensure the timely performance of high-quality patent searches and examination of Eurasian applications. All work products prepared by examiners are checked, including patent search reports, examination decisions, and Eurasian patents granted.

Internal quality control is a multi-tier process that is performed by the Examination Department in the handling of Eurasian applications prior to the forwarding of working documents to applicants.

## Initial Report on Quality Management Systems by the Eurasian Patent Office

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An examiner performs a self-check to verify the completeness and quality of the patent search report that has been prepared, using a checklist of questions developed on the basis of regulatory legal acts of the Eurasian Patent Organization and Eurasian Patent Office, including the Guidelines for Patent Search, Regulations for the Formal Requirements, Filing, and Examination of Eurasian Applications, and Guidelines for Examination. Decisions to grant or refuse a Eurasian patent are made jointly by three examiners. The joint nature of the decision-making process is an additional aspect of internal quality control in the Eurasian patent granting process.

All examiners are assigned supervisors (each supervisor oversees between five and eight examiners), who check all patent search reports, notifications, and decisions based on the results of the examination of Eurasian applications. Specifically, when deficiencies or errors are discovered in a patent search report, the report is returned to the examiner for revisions, and it is then checked again. In the process of checking the quality of a patent search report, a supervisor may perform an additional patent search at his own initiative.

Group leaders within examination divisions and heads of examination divisions within the Examination Department perform additional selective checks of patent search reports and reports on patentability (at least 5 per cent).

Internal quality control results are forwarded to the Quality Control Division for analysis.

External quality control is carried out by the Quality Control Division and is performed within the context of scheduled and/or unscheduled checks of published patent search reports and Eurasian patents. In the process of scheduled checks, the Quality Control Division reviews at least 7 to 8 per cent of the patent search reports and reports on patentability.

The results of external quality control and the analysis of the results of internal quality control are reflected in the annual quality report and are communicated to examiners together with the quality action plan for the next reporting period.

The effectiveness of measures performed to address deficiencies and to prevent recurring problems is analyzed within the context of both internal and external quality control, and corrections are made both within the context of current activities and as part of the relevant action plan for the next reporting period.

## 6. COMMUNICATION

*Inter-Authority communication:*

*21.18 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 21.18)*

*21.19 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.*



Initial Report on Quality Management Systems by the Eurasian Patent Office

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Contact person for communication with other Authorities:

Elena Mahankova – Chief Specialist in the Oppositions, Appeals, and Quality Control Division ([EMahankova@eapo.org](mailto:EMahankova@eapo.org)).

*Communication and guidance to users:*

*21.20 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.*
- Indicate where and how the Authority makes its quality objectives publicly available for the users.*

One of the tasks of the Quality Control Division is to support feedback from users.

(i) The EAPO has an appropriate mechanism for handling complaints. In the event of a disagreement with actions and decisions by the EAPO, any person may file a relevant complaint. All complaints are forwarded to the Quality Control Division. A complaint is then sent on to the subdivision whose work is the subject of the complaint so that it can provide the relevant comments and explanations. The Quality Control Division analyzes the content of the complaint and the comments received and it prepares a report. The timeframe for the review of a complaint may not exceed one month from the date of its receipt by the EAPO.

If it is determined that a complaint is well-founded and if there are any violations by EAPO employees, the Quality Control Division informs the head of the relevant structural subdivision of these violations.

All complaints that are received are systematized and analyzed. The results of the review of complaints, an analysis of the reasons for the complaints, as well as a list of corrective and preventive measures are reflected in the annual quality report.

(ii) User surveys have been conducted on a regular basis at the EAPO since 2016. Several questionnaires intended for different categories of users (for all users and for professional representatives – patent attorneys) have been developed at the EAPO. The questionnaires can be accessed and completed on the Eurasian Patent Organization's web portal, and they are also sent out using various means of communication – regular mail, e-mail, and through the EAPO-ONLINE system. Responses received are transferred to the Quality Control Division, where they are systematized and analyzed.

Each year the EAPO holds meetings with patent attorneys to learn their opinions about the quality of services provided by the EAPO.

The annual quality report contains all of the analytical information about the results of the user surveys conducted and the meetings with patent attorneys, and the relevant proposals.

## Initial Report on Quality Management Systems by the Eurasian Patent Office

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(iii) All of the regulatory legal acts of the Eurasian Patent Organization and the Eurasian Patent Office, as well as methodological and reference documents explaining the requirements for Eurasian applications and for their processing, including patent search and examination, are posted for public access under the “Documents” page on the Eurasian Patent Organization’s web portal.

### *21.21 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 the preparation of this report, the contact person for communication with the WIPO International Bureau and designated and elected Offices is:

Andrey Sekretov – Director of the EAPO International Relations Department  
([asekretov@eapo.org](mailto:asekretov@eapo.org)).

## 7. DOCUMENTATION

*21.22 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 by documenting the procedures and processes affecting the quality of work as a reference for staff and management at the Authority (see paragraph 21.23).*

*(Note: This point is informative. No response is required by the template to paragraph 21.22)*

*21.23 The material that makes up the reference for staff and management at the Authority serves to document the procedures and processes affecting the quality of work, such as classification, search, examination and related administrative work. In particular, the reference indicates where to find instructions on the procedures to be followed.*

*For the purposes of this report indicate:*

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

The QMS covers all work processes and services provided by the EAPO with respect to Eurasian applications and Eurasian patents.

The following documents pertaining to the QMS have been developed and are in effect at the EAPO:

the Quality Management Policy;

the Regulation on the Quality Management System, which describes the QMS, including the scope of its application, a list and functions of structural subdivisions of the EAPO involved in the QMS, as well as quality control mechanisms;

the Guidelines for Patent Search;

the Regulations for the Formal Requirements, Filing, and Examination of Eurasian Applications;

the Guidelines for Examination.

These documents are posted on the Eurasian Patent Organization’s web portal and on the Eurasian Patent Office’s internal website and they are accessible to all EAPO officials and users of the Eurasian patent system.

## Initial Report on Quality Management Systems by the Eurasian Patent Office

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All documents are published retrospectively, indicating the effective date of their provisions.

*21.24 Indicate whether the material making up the reference of quality procedures and processes 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 EAPO President approves the Quality Management Policy, which reflects a commitment to comply with the high quality standards that have been adopted. The document is posted on the Eurasian Patent Organization's web portal and on the Eurasian Patent Office's internal website and it is available to all interested parties.

The Regulation on the Quality Management System, approved by the EAPO President, details the scope of the QMS, the organizational structure of the EAPO, indicating the functions of the EAPO's structural subdivisions that are involved in the QMS, and available resources, and it describes the interaction between the processes and the procedures of the QMS.

Regulatory legal acts governing the procedures of patent search and examination of Eurasian applications have been adopted at the EAPO.

*21.25 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.*

A list of documents to be kept has been prepared at the EAPO, indicating the specific site for their storage in the EAPO archives.

## Initial Report on Quality Management Systems by the Eurasian Patent Office

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The following are to be stored permanently in the EAPO archives:

- results of reviews performed on instructions from the EAPO President;
- evidence of conformity of processes, resulting products, and services provided in terms of EAPO quality standards;
- results of reviews of products to determine their conformity with requirements established at the EAPO;
- records of QMS audits;
- corrective and preventive measures taken with regard to non-conforming products.

Information with a description of patent search and examination processes for each application is stored in electronic form. Information on all actions by examiners and technical personnel with respect to each application is also recorded and stored in electronic form, which allows individual work to be tracked and analyzed if necessary.

The Personnel Division is responsible for the maintenance and storage of documentation on staff training, qualifications, and experience.

### 8. SEARCH PROCESS DOCUMENTATION

*21.26 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 EAPATIS search system stores all search queries made during patent search for each Eurasian application (the entire search strategy is stored, including the use of key words and combinations thereof, IPC classes, the language(s) in which the patent search is performed, and the number of documents found and reviewed).

Information about limitation of a patent search in the event that claims lack clarity or unity is stored in electronic form.

## Initial Report on Quality Management Systems by the Eurasian Patent Office

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Based on the results of a patent search, a patent search report is prepared according to the established form. This report contains the following information:

data of the Eurasian application on the basis of which the patent search was performed (application number, filing date, title of the invention, priority date or dates);

classification of the subject of the search according to the IPC;

the scope of the search, databases used (including patent and non-patent literature);

a list of relevant documents found (with their publication dates), accompanied by the corresponding category code assigned based on the category of citation (A, X, Y, etc.) and an indication of the claims to which they apply;

a list of claims for which a patent search was not performed, citing the relevant grounds, including non-compliance with the requirements for clarity of claims, among other things;

observations in the event that the unity of invention requirement has not been met, if failure to comply with this requirement has been established by an examiner;

the name and position of the person authorized to sign the given search report;

the date on which the patent search was performed.

### 9. INTERNAL REVIEW

*21.27 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.*

*21.28-21.30 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.*

### 10. ARRANGEMENTS FOR AUTHORITIES TO REPORT TO THE MIA

*21.31 There are two stages in the reporting arrangements outlined in Chapter 21: the initial report called for by paragraph 21.31(a), and supplementary annual reports in accordance with paragraph 21.31(b). At the second informal meeting of the Quality Subgroup in Canberra on February 6 and 7, 2012, the Subgroup recommended that, instead of submitting full reports every five years and cumulative updates in the intervening years, Authorities should submit each report in the form of a full report, making the differences from the previous year's report clear, for example using "track changes" or other form of highlighting. The template for the supplementary annual reports is therefore no longer used.*

[Annex III follows]

ASSESSMENT REPORT BY THE CHINA NATIONAL INTELLECTUAL PROPERTY ADMINISTRATION (CNIPA) ON APPOINTING THE EURASIAN PATENT OFFICE (EAPO) AS AN INTERNATIONAL SEARCHING AUTHORITY/INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY (ISA/IPEA) UNDER THE PCT

Original Language: Chinese

September 27, 2019

Under “Procedures for Appointment of International Authorities” (paragraph 25(a) of document PCT/A/46/6), the PCT Union Assembly strongly recommends a national Office or an intergovernmental organization (“Office”) seeking appointment “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”. As an existing International Searching Authority (ISA) and International Preliminary Examining Authority (IPEA), China National Intellectual Property Administration (CNIPA) was invited to carry out an assessment of the extent to which the Eurasian Patent Office (EAPO) meets the relevant criteria under Rules 36 and 63.

## **1. BACKGROUND**

EAPO is the executive body of the Eurasian Patent Organization established under the Eurasian Patent Convention (EAPC) signed on September 9, 1994 and formally entered into force on August 12, 1995. EAPC established the Eurasian patent system, where a granted patent is valid for the territory of all member states. It currently has eight member states, namely the Russian Federation, Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan, Belarus, Armenia and Azerbaijan. In 2018, the number of EAPO patent applications was 3,488, ranking second among regional offices and twenty-sixth worldwide. Applications entering national phase under PCT in 2018 accounted for 76 per cent of EAPO’s total applications in that year.

EAPO’s patents have been included in the PCT minimum documentation since 1998, and the Office serves as a receiving Office and designated Office for PCT applications. EAPO seeks to provide users in Eurasia with higher quality services with regard to patent protection, while promoting national patent systems of its Member States and the professional development of EAPO examiners.

## **2. NUMBER AND COMPETENCE OF EXAMINERS**

In September 2019, EAPO had 102 full-time examiners covering all technical fields (see Table 1, below). EAPO examiners have on average at least six years of examination experience, and are proficient in Russian and English (English can at least be used for searching and understanding technical documentation). Seventeen per cent of the examiners also have a good knowledge of French and German, and most examiners can search in languages of the member states such as Armenia and Azerbaijan. EAPO examiners have extensive experiences in search, substantive examination and communication with WIPO, since about 80 per cent of EAPO applications enter the national phase under PCT.

EAPO examiners have at least a bachelor’s degree and receive special training from EAPO. EAPO conducts evaluations on the search and examination capabilities of examiners to determine whether they meet the needs to be a patent examiner. Apart from the bachelor’s degree, all examiners have professional certificates in different fields, and 13 per cent of them have additional degrees in science or law. EAPO examiners attend courses offered by the WIPO Academy, European Patent Academy and Russian State Academy of Intellectual Property, and receive special EAPO training that equips them with sufficient search and examination capabilities.

**Table 1. Distribution of examiners by technical field**

<b>Technical field</b>	<b>Number of Examiners</b>
Chemistry	24
Biotechnology	11
Pharmaceuticals and medicine	15
Chemical technologies	7
Electrical engineering	9
Information and communication	15
Machinery	11
Technological equipment	10
<b>Total</b>	<b>102</b>

Generally speaking, EAPO meets the requirements under Rules 36.1(i), (iii) and 63 with regard to the number of qualified examiners.

### **3. PCT MINIMUM DOCUMENTATION**

EAPO has established its own search and retrieval system EAPATIS. EAPATIS includes the minimum documentation collections specified in Rule 34.1 (more than 80 million in total) and all patent documentation of EAPO which is available for full-text search, as well as a special database in Russian containing patents of Eurasian countries. In addition, EAPO has subscribed to patent retrieval systems of other Offices, such as EPOQUE.NET (EPO) and PATSEARCH (ROSPATENT) to ensure meeting the requirement of minimum documentation for search.

For non-patent documentation, EAPO applies multiple public databases of different technical fields for search purposes, including National Biotechnology Information Center (NBIC), IEEE Xplore (articles on electrical engineering, computer science and related standards), European Bioinformatics Institute (EBI), Web of Science (WOS), CHEMACX, J-Stage, Cambridge University Library Database and Oxford University Library Database, etc. EAPO has also subscribed to the Elsevier Reaxys system to facilitate search of chemical substances and reactions. When necessary, EAPO, upon request of its examiners, subscribes to the full text of certain required documents through online digital libraries. By constantly adding new non-patent documentation to its collections, EAPO now has 4 million scientific articles, which are also available for full-text search on EAPATIS. It is understood that EAPO is also considering to purchase more non-patent search resources.

Generally speaking, the above mentioned facilities and arrangements have enabled EAPO to meet the requirement of accessibility to minimum documentation under Rule 36.1(ii).

### **4. QUALITY MANAGEMENT AND INTERNAL INSPECTION**

EAPO started to establish its own quality management system (QMS) in 2011 with the aim to develop an efficient search and examination process to ensure the quality of EAPO patents so as to achieve user satisfaction with products and services that are of high quality. Policy documents related to quality management were published on the official website of EAPO in a timely manner to facilitate the staff and the general public to fully understand the quality policy of EAPO.

EAPO formulates its annual quality plan and quality goals based on the results of quality inspections. The QMS evaluates the quality of products and services at two levels. EAPO supervises the quality of its products and services through regular inspections on the extent to which patent search, examination or opposition decisions meet the regulatory requirements. The QMS has been embedded in EAPO's internal information technology (IT) system for effective quality management and control.



EAPO controls the quality of search and examination both internally and externally. Internal quality control refers to the quality control within the examination department, which is divided into three levels, namely: the decision to grant a patent or to reject such granting is made by an examination panel that consists of three examiners; Senior examiners (Supervisors) who are responsible for quality control in their own technical fields carry out inspections on some of the cases; and the head of the examination department conducts spot checks on some of the cases. Both the inspection and the spot check are conducted in an operation mode to ensure that defects or errors can be corrected before any report or office action is sent to the applicant. The results of internal quality analysis are recorded and submitted to the department responsible for external quality control for further analysis. External quality control (institutional quality control) is led by the Opposition, Appeals and Quality Control Division (AQCD), which is responsible for the sampling analysis of all examination cases. A random sampling rate of 7 to 8 per cent is applied to ensure the reliability of the statistical results.

EAPO has put in place a processing mechanism to address user comments or complaints, which handles all complaints and gives timely feedback. EAPO has also set up an effective system to understand user needs and satisfaction level through various channels, including online questionnaires, meetings with patent lawyers at least twice a year and EAPO online channels such as E-mail. AQCD then analyzes all feedback information, proposes and takes improvement measures and generates quality reports. Moreover, the QMS system has been integrated into the search system EAPATIS and the management system SOPRANO, which substantially increases efficiency in quality management.

The QMS also provides examiners with training and support with regard to methods and technologies used in search and examination. EAPO attaches great importance to the training of examiners and the continuous improvement of their abilities. Since 2016, special training programs for examiners have been introduced, including not only training programs for new examiners, but also continuous training for experienced examiners aimed at further improving their professional knowledge and skills.

EAPO has formulated the EAPO Substantive Examination Guidelines and the EAPO Search Guidelines to improve search and examination, taking into account the PCT and its Regulations as well as the PCT International Search and Preliminary Examination Guidelines.

Generally speaking, the quality management system of EAPO has put in place very effective and concrete measures with regard to goal setting, plan implementation, continuous quality control and monitoring, prevention and improvement measures. It meets the requirements under Chapter 21 of the PCT International search and Preliminary Examination Guidelines.

In conclusion, CNIPA is of the opinion that EAPO has met the requirements for ISA/IPEA under Rules 36 and 63. CNIPA has no doubt about EAPO's competence to become an ISA/IPEA.

[Annex IV follows]



# REPORT ON THE OUTCOME OF AN ASSESSMENT OF THE EURASIAN PATENT OFFICE REGARDING ITS CAPACITY TO PERFORM THE FUNCTIONS OF AN INTERNATIONAL SEARCHING AUTHORITY (ISA) AND INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY (IPEA) UNDER THE PCT

Original Language: Russian

## I. BACKGROUND

In 2019 the Eurasian Patent Office (the Eurasian Office) of the Eurasian Patent Organization (EAPO) submitted a request to the Russian Federal Service for Intellectual Property (Rospatent) for assistance in connection with the Eurasian Office's intention to file an application for appointment as an International Searching Authority and an International Preliminary Examining Authority (ISA/IPEA) under the PCT. Rospatent agreed to act as one of the competent International Authorities that would be assigned responsibility for conducting an assessment of the Eurasian Office's readiness to perform the functions of an ISA/IPEA in accordance with the PCT Rules.

The procedure for assessing the readiness of national patent offices and intergovernmental organizations to perform the functions of an ISA/IPEA was developed by the PCT Working Group. It was then reviewed by the PCT Committee for Technical Cooperation and approved by the PCT Assembly at its Forty-Sixth (27<sup>th</sup> Extraordinary) Session, which was held from September 22 through September 30, 2014. Following this procedure, a Rospatent delegation consisting of three specialists from the Federal Institute of Industrial Property (FIPS) under Rospatent visited the EAPO headquarters in Moscow, Russian Federation, in October 2019. The purpose of the visit was to study the Eurasian Office's resources and procedures necessary for the performance of the functions of an ISA/IPEA.

During the visit, the Rospatent delegation was provided with detailed information about the structure of the Eurasian Office's examination subdivisions, its information systems, and its quality management system.

## II. GENERAL INFORMATION ABOUT THE EURASIAN OFFICE

The Eurasian Office is the executive body of the EAPO. Its principal functions are to receive Eurasian applications for inventions, perform patent searches and examinations regarding these inventions, and publish and grant Eurasian patents.

The EAPO headquarters are located in Moscow, Russian Federation, in accordance with the Agreement between the Russian Federation Government and the Eurasian Patent Organization on the Headquarters of the Eurasian Patent Organization dated October 4, 1996.

The Eurasian Office has been accepting applications for Eurasian patents for inventions (Eurasian applications) since 1996, and during the period from 1996 through 2018, it received 53,872 Eurasian applications and granted 31,846 Eurasian patents. In 2018, the Eurasian Office received 3,448 Eurasian applications, 663 of which were filed by applicants from EAPO Member States, and 2,643 Eurasian applications, or 75.8 per cent of the total number of applications filed, were received by the Eurasian Office as a designated/elected Office under the PCT System. Inventions involving organic chemistry, drugs, and medicines account for the largest number of applications filed with the Eurasian Office.

The Eurasian Office has two offices in Moscow – a central office and an additional office, both of which have examiners on staff. Most of the examiners work in the central office. In addition, the Eurasian Office allows experienced examiners to work remotely part of the time.

Under the PCT System, the Eurasian Office operates in accordance with Article 45(1) of the Patent Cooperation Treaty and Article 20 of the Eurasian Patent Convention (EAPC) of September 9, 1994, as a receiving, designated, and elected Office with respect to all Member States of the EAPC. At the Thirty-Fifth (26th Extraordinary) Session of the EAPO Administrative Council held on September 10 and 11, 2019, plenipotentiary representatives of all the EAPO member States adopted a decision to grant the Eurasian Office the authority to request the status of an ISA/IPEA.

It should be noted that Eurasian Office specialists put into place and maintain information systems for the electronic filing of Eurasian applications and the electronic sharing of documents with applicants, and an electronic file for Eurasian applications, as well as automated systems for administering the review of applications and oversight of procedural deadlines.

### **III. ASSESSMENT OF THE EURASIAN OFFICE IN LIGHT OF THE REQUIREMENTS PROVIDED FOR BY RULES 36.1 AND 63.1 OF THE REGULATIONS UNDER THE PATENT COOPERATION TREATY**

#### **III.1 RULES 36.1(i) AND 63.1(i)**

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

The following information concerning the composition and qualifications of Eurasian Office employees was provided to the Rospatent delegation.

At the time of the visit by the Rospatent delegation, the Eurasian Office had 102 full time patent search and examination experts on its staff.

All of the Eurasian Office examiners have sufficient qualifications in the relevant technical fields, and a mandatory condition for employment as an examiner at the Eurasian Office is a higher education in the relevant special technical field. In addition, some of the examiners have an academic degree in a technical field, and some examiners also have a law degree.

In addition to a higher education, a mandatory requirement for the hiring of new examiners at the Eurasian Office is experience in performing examinations of patent applications for inventions, among other things. The hiring of new examiners is performed exclusively on a competitive basis.

According to the information provided, the Eurasian Office devotes a great deal of attention to the continuing and ongoing professional development of the examiners on its staff.

The Eurasian Office encourages participation by examiners in scientific conferences and professional internet communities devoted to various branches of technology.

The facts noted above provide evidence that the Eurasian Office examiners have sufficient technical knowledge and professional skills to carry out searches and examinations with regard to PCT applications.

#### **III.2 RULES 36.1(iii) AND 63.1(iii)**

*(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*

The Eurasian Office examining staff has sufficient qualifications to carry out searches and examinations in all the necessary technical fields, including chemistry, biotechnology, pharmaceuticals, and medicine, which account for approximately half of the Eurasian applications that are reviewed.

Since 2016, the Eurasian Office has been utilizing its own program for the training of examiners, which provides for both the comprehensive training of new examiners and the ongoing professional development of the entire staff of examiners.

All of the examiners who are hired go through training, which consists of several stages, including in-depth training in search and examination in the relevant technical fields, with subsequent mandatory testing of knowledge and skills to confirm their ability to perform this work independently.

According to the information provided, all Eurasian Office examiners are fluent in Russian, which is the official and working language of the Eurasian Office, and they also have sufficient knowledge of English to understand technical literature in the relevant technical fields, at a minimum. A high level of fluency in Russian, as well as knowledge of English, are mandatory requirements when hiring examiners to work at the Eurasian Office. Some of the examiners know German and French. The majority of examiners have previous experience working at national patent offices of EAPO member States and are able to review applications in the state languages of these countries – Azerbaijani, Armenian, Belarusian, Kazakh, Kyrgyz, Tajik, and Turkmen.

### III.3 RULES 36.1(ii) AND 63.1(ii) (PCT MINIMUM DOCUMENTATION)

*(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*

The Rospatent delegation reviewed information on the content and functionality of databases and search systems accessible to Eurasian Office examiners when performing searches for Eurasian applications. Eurasian Office examiners demonstrated examples of the performance of searches and the ability to retain search query histories.

The main search system used by the Eurasian Office is the Eurasian Patent Information System (EAPATIS), which contains patent documents based on the PCT minimum documentation provided for under Rule 34.1 of the PCT Regulations. EAPATIS contains in official form all of the Eurasian Office's patent documentation, allowing for a full-text search, and a unique database of patent documentation of countries in the Eurasian region, with a bibliography and abstracts in Russian.

EAPATIS allows for the retention of search query histories and the selection of documents found for subsequent review. This functionality was developed with the aim of providing for quality control of a patent search and ensuring a proper search strategy.

Eurasian Office examiners also have access to professional patent search systems of other patent offices, such as PATSEARCH (Rospatent) and EPOQUENet (European Patent Office). In terms of their content, these databases exceed the PCT minimum documentation.

In working with non-patent literature, Eurasian Office examiners use open-access search systems with the subsequent acquisition, if necessary, of the full texts of relevant publications, as well as the office's own electronic library. Specifically, depending on the technical field, examiners may use the following search systems: the U.S. National Center for Biotechnology

Information (NCBI), which includes PubMed, PubChem, and BLAST; ChemACX (a database for searching compounds in 30 chemical catalogues, including Lancaster, TCI, ACROS Organics and Alfa Aesar); IEEE Xplore (articles on electrical engineering, computer science, electronics, and other relevant disciplines); the European Bioinformatics Institute (EBI); Web of Science; the J-STAGE portal of the Japan Science and Technology Agency (the portal contains data from more than 2,000 electronic science and technology journals in Japan); the Oxford University library database, called Oxford University Press - Journals; the University of Cambridge database; as well as other sources.

The Eurasian Office has an agreement for the use of the Elsevier Reaxys search system, which contains a unique database of chemical compounds, including information about the structures, properties, and other characteristics of chemical substances from the patent and non-patent literature.

The Eurasian Office's own electronic library contains an ever-growing body of non-patent literature (around 4 million articles). The Eurasian Office is planning to integrate this library's full-text search capability with the EAPATIS system.

Thus, Eurasian Office examiners have access to the minimum documentation referred to in Rule 34, and also to other information sources, which ensure the capacity to carry out high-quality searches based on applications.

#### III.4 RULES 36.1(iv) AND 63.1(iv)

*(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 and international preliminary examination*

In the course of its visit to the Eurasian Office, the Rospatent delegation had the opportunity to perform an assessment of the quality management system that has been in place at the Eurasian Office since 2011.

A Quality Management Policy has been established at the Eurasian Office. The organizational structure of the Eurasian Office's quality management system provides for a two-tier quality assessment of working products and services provided, namely: internal and external review of search reports and examination decisions.

Internal review is a three-tier process and it consists of decisions to grant a Eurasian patent or to deny a Eurasian patent, which are made by a panel comprised of three examiners who are representatives of three different EAPO Member States, and which are then verified by an examiner supervisor. The manager of the relevant division of the Examination Department performs a spot check of patent search reports and examination decisions before the prepared documents are sent to applicants, which allows for the timely correction of any deficiencies that are identified.

External review is performed by the Appeals, Oppositions and Quality Control Division through scheduled and unscheduled inspections. Inspections are performed on a random basis, with coverage of at least 7 per cent of the Eurasian Office's working products.

Complaints that are received in the event of a disagreement with the Eurasian Office's actions and decisions are reviewed by the Appeals, Oppositions and Quality Control Division.

Based on an analysis of the results of external and internal reviews and the review of complaints, corrective measures are taken, such as the training of examiners, changes to regulatory legal acts and methodology documents, and revision of quality criteria.

Monitoring of the time taken for the review of Eurasian applications is performed automatically by the records management system, in which information is compiled about the time taken and the order in which applications are addressed by each examiner. This information is used by the managers of subdivisions for oversight purposes.

A user feedback system has been developed and introduced at the Eurasian Office, which involves regular surveys to determine the level of user satisfaction with the quality of working products and services provided. Questionnaires have been prepared for this purpose; they can be filled out online at the EAPO web portal and they are also sent to users via various communication channels.

In addition, meetings with patent attorneys are held each year to hear their opinions about the Eurasian Office's work so that further improvements can be made in its operations.

#### **IV. CONCLUSION**

1. The findings of the Rospatent delegation are based on the results of its study of the Eurasian Office's work during its visit, an analysis of the information provided by the Eurasian Office, as well as the results of many years of cooperation between the Eurasian Office and Rospatent.
2. In the opinion of the Rospatent delegation, the Eurasian Office meets the requirements of Rules 36.1 and 63.1 of the PCT Regulations with regard to the number of examiners on staff, their technical and language training, the available technical and information resources, as well as the quality management system.
3. In this connection, Rospatent believes that the Eurasian Office fulfills the requirements established for the appointment of an Office as an ISA/IPEA.
4. Rospatent specialists also believe that the appointment of the Eurasian Office as an ISA/IPEA will contribute to implementation of the policy being pursued by the Eurasian Office that is aimed at the development of innovative processes in the Eurasian region, which will lead to more widespread use of the international patent system in this region.

Rospatent delegation:

A. L. Zhuravlev  
Director of the FIPS Center for International Cooperation,  
Doctor of Law

T. B. Pribytkova  
Deputy Chief of the FIPS Division for the Development of Information Resources,  
Classification Systems, and Standards in the Area of Intellectual Property

M. Ye. Stebeleva  
Chief State Intellectual Property Examiner in the FIPS Transport Division

[End of Annex IV and of document]