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WORLD INTELLECTUAL PROPERTY ORGANIZATION GENEVA

INTERNATIONAL PATENT COOPERATION UNION (PCT UNION)

MEETING OF INTERNATIONAL AUTHORITIES UNDER THE PATENT COOPERATION TREATY (PCT)

**Eleventh Session
Geneva, February 21 to 25, 2005**

QUALITY MANAGEMENT SYSTEMS IN THE INTERNATIONAL AUTHORITIES

Document prepared by the International Bureau

SUMMARY

1. The Meeting is invited to identify and discuss further items of possible common interest arising from the reports presented by the International Authorities to the tenth session and to consider the appropriate matter to be included in the next such reports to be prepared.

BACKGROUND

2. At its tenth session, the Meeting discussed preliminary reports on implementation of systems for quality management within the International Authorities. The Meeting's discussions (see document PCT/MIA/10/11) are outlined in the following paragraphs:

“QUALITY FRAMEWORK FOR PCT INTERNATIONAL SEARCH AND PRELIMINARY EXAMINATION

“36. Discussions were based on document PCT/MIA/10/3 and also took into account initial reports presented by the various Authorities on implementation so far of systems for quality management, as provided by Chapter 21 of the PCT International Search and Preliminary Examination Guidelines (document PCT/GL/ISPE/1).

“37. It was noted that the quality framework outlined in that Chapter had been introduced in the context of the enhanced international search and preliminary examination system that came into operation comparatively recently, on January 1, 2004, and that further and more detailed discussions of quality management matters would need to take place at future sessions of the Meeting. The International Bureau agreed that it would also present a report on quality management in the context of its related work for consideration at such future discussions, noting that the nature of that work was very different from the search and examination work carried out by the Authorities.

“38. The Meeting, in accordance with paragraph 21.17 of the Guidelines, adopted a general initial report on quality management, set out in Annex II, for submission to the PCT Assembly at its 33rd session in September-October 2004.”

3. The report which was submitted to the Assembly can be found in the Annex to document PCT/A/33/6. Paragraphs 24 and 25 of that report noted the following:

“FURTHER WORK

“24. The Meeting of International Authorities has not yet had time to fully assess the merits of the various aspects of all the quality management systems described in the reports of individual Authorities. Consequently, the Meeting decided to continue discussion of these systems using its electronic forum and to continue formal discussion at the next session.

“25. Particular attention will be given to the issue of how best to share information concerning quality systems in future reports and discussions, so as to be able to benefit from best practice among the International Authorities, with a view to moving towards practices in quality management and quality assessment which would result in greater acceptance of all Authorities’ work products by other Offices.”

FURTHER CONSIDERATION OF REPORTS TO THE 10TH SESSION AND RELATED MATTERS

4. As indicated in paragraph 24 of the report submitted to the Assembly, at the tenth session, the International Authorities had not yet had time to fully assess the merits of the various aspects of all the quality management systems described in the reports of individual Authorities. Further discussion of these systems, together with new insights which may have been gained since the reports were submitted, may be of benefit in order to identify further items of common interest, which may allow International Authorities to enhance their quality management systems. Aspects which might be considered include:

(a) *Quality of the End Products*

- (i) What are the best ways for an International Authority to assess the timeliness, suitability and accuracy of the end products of its services (international search reports, written opinions, international preliminary reports on patentability, abstracts, classification, and any information, notifications or invitations sent to the applicant, the International Bureau or to third parties)?

(ii) Against what standards should a service be assessed? Many requirements are defined by the Treaty, Rules, Administrative Instructions or PCT International Search and Preliminary Examination Guidelines. However, where this is not the case, or else where an Authority considers that a more rigorous standard might be important to the applicant or another user of services, what tests might be appropriate to decide whether a service meets an appropriate standard?

(iii) Where shortcomings are found, what systems may be appropriate to ensure that both particular problems and any systematic difficulties are rectified?

(b) Support of the International Search and Preliminary Examination Process

(i) How can the effectiveness of “support” services, such as resource management, administration, feedback and quality review itself best be assessed?

(ii) What forms of overview and review of quality systems do International Authorities use to ensure that the different aspects of the systems work together effectively towards a common goal?

(c) The Quality Framework Under Chapter 21 of the Guidelines

(i) Have the features listed in Chapter 21 of the PCT International Search and Preliminary Examination Guidelines been found to be appropriate to the purpose of ensuring a high quality of international search and preliminary examination?

(ii) Are there features of quality systems which it may be useful to set out in greater detail in the Guidelines, or features which should be included which are not currently addressed at all?

(iii) What should be included in the reports by International Authorities to the Meeting to be useful to other International Authorities in helping to assess and improve their own quality systems (see paragraphs 5 and 6, below)?

CONTENTS OF FUTURE REPORTS

5. The reports submitted to the tenth session by the International Authorities covered a wide range of issues in a wide range of styles. One comment, made using the electronic forum after the tenth session, suggested that the reports might include a more detailed description of practical procedures for quality assurance so that other Authorities would be better able to identify best practices. It was suggested that one way of achieving this might be a questionnaire with questions covering in detail how particular requirements of the framework had been implemented, rather than general statements of what systems were in place.

6. Alternatively if a free format of report is preferred, it may be desirable to identify:

(a) aspects, styles and contents of the reports submitted to the tenth session which have been found useful; and

(b) key aspects of quality systems on which attention might be focussed;

so that the reports may allow all Authorities to compare methods used by themselves and others in order to identify best practice.

7. *The Meeting is invited to:*

(a) identify and discuss further items of possible common interest arising from the reports presented by the International Authorities to the tenth session or from additional consideration of the relevant matters; and

(b) consider the appropriate matter to be included in the next such reports to be prepared.

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