CIPO Patent Quality Summit

PCT/MIA Quality Subgroup
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Welcome to CIPO’s presentation on its Patent Quality Summit!

“Quality is never an accident. It is always the results of intelligent effort.”

- John Ruskin
AGENDA FOR TODAY’S PRESENTATION

• Purpose of the Summit
• By the Numbers
• Quality Summit
  ▪ Panels
  ▪ Workshop insights
    ➢ Defining Patent Quality
    ➢ Quality Factors
    ➢ Publishable Metrics
• Summit Feedback
• Summary of Key Findings
• Next Steps
The **CIPO Patent Quality Summit** fostered innovation through enhancing patent quality by:

- **Engaging participants** on quality related topics through panel discussions
- **Collecting participant feedback** on how they define patent quality and what they would like to see in terms of metrics and reporting
- **Encouraging networking and sharing of perspectives** regarding patent quality
SUMMIT – BY THE NUMBERS

• **1-day event** – on February 26, 2019 at the Canada Science and Technology Museum

• **Over 60 participants** - including agents, industry, private inventors, Government of Canada agencies, USPTO representatives and CIPO employees

• **1 keynote speaker** - Dr. Khaled El Emam discussed the role of IP in a successful business strategy

• **6 guest panelists** – 3 panel discussions

• **1 presentation** – CIPO QMS presentation

• **1 interactive workshop** – 3 parts
SUMMIT - AGENDA

Morning

Keynote Address
Panel Discussions

- Search and Patent Quality
  • AI, Databases, Search tools, client and examiner searching, comprehensive searching, etc.

- Obstacles to Patent Quality
  • Quality vs timeliness vs cost, etc.

Afternoon

CIPO Patent Quality Presentation
Panel Discussion

- Listening to our Clients

Workshop

- Defining Patent Quality
- Prioritization of Quality Factors
- Monitoring and Reporting on Patent Quality
Panel 1: Searching and Patent Quality
PANEL 1 – SEARCHING AND PATENT QUALITY

Highlights

- Searcher must be able to clearly understand the invention
- Work done at outset in drafting and communication with searcher lays the ground for a more meaningful search
- Trade off between time and quality
- Using the appropriate search engine is key to returning most relevant results
- Advances will be able to capture meaning of paragraphs or full documents to find relevant hits
- AI driven technologies may start to look at whole collections at once
- Confidence in ability to know when the search is done
Panel 2: Obstacles to Patent Quality
PANEL 2 – OBSTACLES TO PATENT QUALITY

**Highlights**

- Patents must be compliant with Act and Rules, enforceable and valuable
- Balance between quality, cost and time
  - both to prepare and examine applications
- How to measure quality?
- Quality is a shared responsibility between stakeholders and the office
Panel 3: Listening to Our Clients
PANEL 3 – LISTENTING TO OUR CLIENTS

Highlights

• CIPO was preparing for the Patent Law Treaty
  ➢ Mapping updates, addition of QC steps, testing of software, awareness
  ➢ Review of office correspondence and improvements put into place
  ➢ Ensured client was well aware of what steps needed to be taken

• Should examiner interview service be expanded?

• Should CIPO standardize examiner’s reports?

• Quality is a shared responsibility between stakeholders and the office
WORKSHOP INSIGHTS
WORDS USED TO DEFINE PATENT QUALITY

Workshop part 1 - Defining Patent Quality

- value: 26.2%
- consistency: 12.3%
- validity: 7.7%
- enforceable: 7.7%
- timeliness: 7.7%
- clarity: 4.6%
- communication: 4.6%
- scope: 3.1%
- trust: 3.1%
- other: 3.1%
- other: 3.1%
HOW DO STAKEHOLDERS DEFINE PATENT QUALITY?

- VALUE
- CONSISTENCY
- VALIDITY
- ENFORCEABLE
- TIMELINESS
HOW DO STAKEHOLDERS DEFINE PATENT QUALITY?

- An **enforceable** and **valuable** patent obtained in a **timely** manner

- Validity **begets** enforceability **drives** value
HOW DO STAKEHOLDERS DEFINE PATENT QUALITY?

- Provide a **consistent** and **timely** process in order to provide a **valid** and **enforceable** patent having **value** for the patent holder.

- Patent Quality refers to a high **value** property right stemming from an **enforceable** and **valid** patent.
HOW DO STAKEHOLDERS DEFINE PATENT QUALITY?

- **Consistent** delivery of **enforceable** patent rights in a **timely** fashion

- A quality patent are high-**value** enforceable rights in a **timely** manner

QUALITY MEANS DIFFERENT THINGS TO DIFFERENT PEOPLE
FACTORS AFFECTING QUALITY
Workshop part 2 - Quality Factors

Top 6/20 Quality Factors selected:

- Claims granted commensurate in scope with what the applicant has invented and disclosed
- Examination of applications and of responses from the applicant is thorough
- Application of Canadian Patent Act and Rules and CIPO practices is consistent between all examiners
- A comprehensive search of the prior art is conducted by a knowledgeable examiner
- Confidence in the expertise and knowledge of the examiner
- Correspondence received from the Office is easy to understand and free of errors
STAKEHOLDER INPUT

- **Consistency** and **accuracy** are more important than **timeliness**
- Confidence in examiner knowledge is key
- Improvement of online services is needed
Ultimate goal:
To create patent quality dashboards

- Determine measurable quality attributes
- Stakeholder feedback
  - From the list of 20 quality factors, pick 3 and identify metrics
MEASURING AND REPORTING ON PATENT QUALITY

• Ensuring consistency:
  • Training frequency
  • Customer survey/complaints review
  • Audit granted patents
  • Centralize review of QC
  • Standardize examiner reports
MEASURING AND REPORTING ON PATENT QUALITY

- Ensuring error free grants:
  - Compiling number of grant corrections
  - Tracking number of errors originating from applicant/office
  - Quality audit of granted patents
  - Number of certificates of correction issued per quarter
  - Number of re-examinations and reissues
MEASURING AND REPORTING ON PATENT QUALITY

- Ensuring excellence in client service:
  - Track number of applications filed through website vs. paper
  - Compile amount of times CIPO website malfunctions
  - Regular client surveys targeting work products
SUMMIT – PARTICIPANT FEEDBACK

• Clients are more confident knowing that CIPO has a robust QMS system in place where we continually strive to improve our products.

• Examiner interview service is a very positive initiative.
  • more frequent
  • include discussion of more substantive issues
  • Interview record content
SUMMARY OF KEY FINDINGS

• 2-way street:
  • Quality is a shared responsibility between stakeholders and the office
  • Patent quality is influenced by the quality of the application
  • Clients are more confident knowing that CIPO has a robust QMS system in place

• Timeliness:
  • Quality, timeliness and cost are a balancing act
  • Consistency and accuracy are more important than timeliness

• Examination:
  • Interview service is a positive initiative
  • Confidence in examiner knowledge is key

• Take action:
  • Improvement of online services is needed
  • Sharing of information with stakeholders is appreciated
NEXT STEPS

• Develop Proposed Quality Dashboards
  • Dashboard Working Group launched October 2019

• Get Feedback on Proposed Quality Dashboards
  • Follow-up with stakeholders in 2020

• Publish Quality Dashboards
Thank you!
Questions?