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MINISTERIO
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Oficina Española
de Patentes y Marcas

RISK BASED PRACTICE SPTO

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What have we done?

- 2017 High level risk identification
 - Internal and external context analysis of the organization and identification of the needs of Interested Parties
 - Identification, Evaluation of risks
 - Plan actions to address the risks
 - Verify the implementation of the actions and their efficiency
- 2018, 2019
 - Review Risk plan according to a review of the context analysis and the needs of interested parties

What have we done?

- **2018** Risk management at operative process level
 - “Technological watch report” process risk analysis with a complete form analysing:
 - Internal context
 - External context
 - Interested parties needs and expectations
 - Potential risk and opportunities
 - Causes and consequences of potential risk and opportunities
 - Preventive controls in place
 - Evaluation of risk importance
 - Type of answer to the risk
 - Actions to address the risk

What have we done?

- 2019 Risk management at operative process level
 - More simple approach
 - Checklist including:
 - Documentation
 - Human resources
 - Equipment and applications
 - Process execution
 - Results
 - **Identification:** Process owner and collaborators think about possible risks in their process guided by a checklist
 - **Evaluation and categorization:** prioritize risks in a very simple way, based on their experience (in a scale from 1 to 5)
 - **Action:** Decide actions and address them or scale them to top management
 - Process selected: Appeal procedure
- 2020: Trademark process, European Patent Validation,...

FACTS CONSIDERED FOR THE IDENTIFICATION OF RISKS IN PROCESS

DOCUMENTATION

- The process is documented (procedure, IT)
- Documentation is up to date
- The documentation is known to the staff
- Documentation is clear and easy to use
- The requirements of the product/service to be created are clear

STAFF

- Responsibilities are well defined
- Responsibilities are well assigned
- Responsibilities are assumed by all
- The personnel assigned to the process is sufficient
- The staff has the necessary training to carry out their tasks
- Communication is fluid

EQUIPMENT/ APPLICATIONS

- The equipment/app are suitable
- The equipment/app are sufficient
- The equipment/app works properly
- The maintenance is appropriate
- The equipment/app are properly used

INPUTS

- The inputs comply with the legal requirements or the reference documentation for applicants
- Inputs contain clear information

PROCESS EXECUTION

- The process is well organized
- There are no omissions in the execution of tasks
- Tasks are executed as planned
- Possible incidents are effectively managed
- The controls in place are adequate
- There are useful monitoring indicators

RESULTS

- A good product/service is generated
- Product/service requirements are met
- Customer satisfaction is achieved (ext/int)

Examples of risk identified and actions approved

1- Lack of administrative personnel in the team due to difficulties for the replacement of staff.

With respect to this risk, this issue is once again raised with the Quality Committee, so that it can take the appropriate actions.

2- Lack of motivation due to poor career expectative.

The action against this risk is included in the General Risk Plan where the need to approve a career plan for the Senior Technicians is included. This career plan requires the approval of the Public Administration and this procedure has not yet been carried out.

Examples of risk identify and actions approved

3 – Insufficient training to address the requirements of the new Trademark Law

More training about “Proof of Use” is planned for the near future.

4- Lack of information for the Appellant because the Appellant Guide is difficult to find on the Website.

The information contained in the Guide will be reviewed and subsequently, a more accessible location for the Appellant Guide will be requested.



THANK YOU

Oficina Española de Patentes y Marcas, O.A. (OEPM)