

## **Standing Committee on the Law of Patents**

**Eighteenth Session  
Geneva, May 21 to 25, 2012**

**ADDENDUM TO QUALITY OF PATENTS: COMMENTS RECEIVED FROM  
MEMBERS AND OBSERVERS OF THE STANDING COMMITTEE ON THE LAW OF  
PATENTS (SCP)**

*Document prepared by the Secretariat*

1. In a communication dated May 1, 2012, the International Bureau received additional information from the Delegation of Brazil regarding quality of patents, which should be included in the Annex of document SCP/18/INF/2.
2. The said information is contained in the Annex to the present document.

[Annex follows]

## **BRAZIL'S CONTRIBUTION UNDER THE TOPIC "QUALITY OF PATENTS"**

At the XVI Session of the SCP, the Delegations of Canada and the United Kingdom presented a joint proposal under the topic "quality of patents". This proposal was followed by documents presented by the Delegations of Denmark and the United States under the same topic.

The work program in the Canada/UK proposal contains three main ideas: the development of technical infrastructure, access and exchange of information on quality of patents and process improvement, with emphasis on search and examination. The proposal by Denmark focuses on the quality of search and examination and the exchange of information between IP offices.

The proposal by the United States focuses on the discussion of two items, that is, national targets for the patent system and the procedures employed by national offices in order to ensure the quality of granted patents. In order to evaluate the second item, the Delegation proposes that a questionnaire be submitted to patent offices, with the goal of obtaining information concerning the "specific metrics for measuring quality" currently in use to evaluate granted patents and the work by examiners; furthermore, offices would describe the mechanisms employed to ensure such quality.

Brazil deems it useful to engage in a discussion on "quality of patents" as a contribution to the improvement of the patent system, including therein the search and examination of patents and the evaluation of the workflow. Brazil believes that patents of ever high quality are key to reach the objectives of the patent protection, that is, to contribute to the promotion of technological innovation and to the transfer and dissemination of technology, to the mutual advantage of producers and users of technological knowledge and in a manner conducive to social and economic welfare, and to a balance of rights and obligations.

Brazil believes that the exchange of information between IP offices regarding search and examination can be a valuable initiative in light of the shared objective of continuously raising patent quality. Some patent offices, including the National Institute of Industrial Property (INPI) of Brazil, already make available search and examination documents in their websites. Access to such information is helpful for examiners to carry out search and examination with adequate quality.

With that in mind, INPI created a General-Coordination with the responsibility of implementing its Quality Management System, thereby standardizing and improving the certification of the processes.

INPI has also been developing administrative tools for improving the quality of the patent system as a whole. Such tools intend not only to raise the quality of the examinations, but also to reduce the backlog. In order to contribute to the discussion on quality of patents, Brazil offers to share its experience on this topic by describing the tools used by INPI.

### **1 – Qualification of Patent Examiners**

At the end of 2010, INPI launched the Project "Training Program of Patent Examiners" with the goal of establishing and providing training on industrial property to patent examiners with a broad overview of the subject, independent of the technical area where the examiners will work. During the training, the examiners develop the skills required by their work, ensuring a timely and qualified performance.

The Training Program is divided in specific modules of theoretical and practical lessons regarding subjects related to intellectual property, the workflow of a patent application, aspects

of the legal requirements for examination, the classification of patent applications, the search of prior art in databases and the drafting of a technical opinion.

Instructors are trained by senior examiners, thus ensuring that new examiners acquire a technical proficiency aligned with the guidelines of patent examination as well as the Institute's mission and vision.

During the training, new examiners carry out the technical examination of "real" applications filed at the Institute, under the supervision of experienced examiners.

## **2 – Computerization of the Patent System**

INPI developed a system of electronic processing of patent applications denominated "e-Patentes", with the purpose of optimizing and modernizing the entire workflow of a patent application, including the issuance of letters patent.

Therefore, since March, 2011, the "e-Patentes" system allows on-line access to the opinion issued by the technical divisions as well as to granted letter patents, simultaneously with its publication in the Industrial Property Gazette (RPI).

INPI currently has a range of automation tools, some of them developed by the Institution. Please find below selected examples.

### **2.1 Management Systems**

SINPI – Integrated Industrial Property System developed for the administrative management of applications, such as uploading the applications to the databases and adapting them for publication in the Gazette.

SISCAP – electronic system for managing the workflow of the examination process. Through SISCAP, it is possible to verify the productivity of individual examiners or of entire divisions, providing statistics which are used to monitor the production.

Administrative SISCAP – electronic system for monitoring administrative procedures. It automates administrative tasks and monitors the workflow.

### **2.2 Automated Systems for the Classification Process of Patent Applications**

Pre-classification – electronic system for the pre-classification of patent applications.

IPCReclass – Reclassification System – since the International Patent Classification (IPC) system is routinely adapted in face of eventual demands, INPI is developing the platform IPCReclass, which will allow for automatic reclassification of the applications.

IPC Translate – an online platform for the translation of symbols and terms which may be adapted during a revision of the IPC system.

### **2.3 Optimization Electronic Systems**

e-parecer – electronic platform for publishing, on the internet, technical opinions issued by patent examiners regarding the patentability of an application, as well as its search report. Its goal is to provide free on-line access to technical opinions and search reports related to patent applications.

e- carta-patente – electronic platform providing on-line access to letter patents.

Digital Signature System – internal system for authenticating documents issued by the Patent Directorate with a digital signature in the IPC-Brasil standards, thus reducing the use of printed documents.

SisBioList – electronic platform for the deposit and technical examination of applications containing biological sequences, increasing the quality of the search and examination.

e-Patentes – PCT – system for automatic retrieval of data from PCT/WIPO and storage in INPI's internal system, SINPI-Patentes. e-Patentes – PCT automates the process of search and registration of PCT applications, thus avoiding typing errors.

Indexing and Loading System – internal system for processing, indexing and loading images of digitalized documents to the “Phoenix” system of electronic management of documents.

SISDOTÉ – system for increasing productivity by calculating the optimum distribution of patent application per examiner, thus reducing the average time until a technical opinion is issued.

### **2.4 Electronic Systems Developed by INPI in partnership with the EPO**

EPTOS System – based on an EPO system and adapted to the systems currently in use by INPI. It is divided in three modules, “Phoenix”, “OLF” and “Register Plus”.

“Phoenix” – platform for managing patent applications and related documents in electronic format. It allows for paperless work of the applications, reducing costs and the average time of processing.

OLF (On-Line Filing) – platform for electronic filing of patent applications. Its goal is to allow applicants to file an on-line, paperless application, reducing costs and the average time. Applicants will also be able to follow every procedural phase of the application.

It is expected that the system is fully functional by the end of 2012.

e-Patentes Vista de Processos (“Register Plus”) – platform for publishing documents related to patent applications, making the information available at INPI's website.

### **3 – Updating Internal Processes**

All the procedures, standards and guidelines related to the technical examination of patent applications are currently being updated by INPI. The Institute is also revising other procedures in order to standardize managerial routines of patent examiners, by the creation, for instance, of “standardized clauses”.

[End of Annex and of document]