

## **PATENT COOPERATION TREATY (PCT)**

### **Common Quality Framework for International Search and Preliminary Examination**

#### **ANNUAL REPORT ON QUALITY MANAGEMENT SYSTEMS**

*prepared by ROSPATENT*

*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)**

*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*

#### **Abbreviations:**

Rospatent – The Federal Service for Intellectual Property

FIPS – The Federal Institute of Industrial Property under Rospatent

**RG AIS - Russian State Academy of Intellectual Property under Rospatent.**

***References to the legislation related to quality management system besides Chapter 21 of the Guidelines.***

The issues of granting legal protection to the results of intellectual activity, in particular to the inventions, are provided for by Part IV of the Civil Code of the Russian Federation (hereinafter referred to as the Code), put into effect by the Federal Law № 230-FZ as of 18.12.2006 “On putting into effect Part IV of the Civil Code of the Russian Federation” from January 1, 2008.

The functions of the Federal body of executive power for intellectual property are entrusted to Rospatent.

The authorities of Rospatent related to the reception, registration of the applications for inventions, examination and patent granting (provision of a state service) are provided by the Resolution of the Government of the Russian Federation № 218 as of March 21, 2012 as amended by the Resolution of the Government of the Russian Federation № 657 as of June 29, 2012.

Rospatent is under the jurisdiction of the Ministry of Economic Development of the Russian Federation. The order of state service provision in the field of legal protection of inventions is established by the Administrative Regulations, adopted by the Order of the Minister of education and science of the Russian Federation № 327 as of October 29, 2008, registered with the Ministry of Justice of the Russian Federation on February 20, 2009, reg. № 13413 (hereinafter referred to as Administrative Regulations).

The list of requirements produced to the examination of applications, including the ones filed through the Patent Cooperation Treaty route, including the information search, is established by the Code and by the Administrative Regulations.

The Administrative Regulations provide for the forms of control over the state service provision, the order and frequency of scheduled and off-scheduled checks for completeness and quality of state service provision, liabilities of the officials for the decisions and actions (inaction) taken (carried out) by them in the course of state service provision. The Administrative Regulations define the officials authorized to exercise the control functions.

The handling of applicants' complaints to Rospatent decisions taken on the application for invention, to illegitimate actions (inaction) of the officials in connection with the state service provision, is regulated by a separate Federal Law № 210-FZ as of July 27, 2010 “On organization of state and municipal services provision”. The rules of filing and processing of the complaints are established by the Resolution of the Government of the Russian Federation № 840 as of August 16, 2012.

The processing of the requests of the applicants, rightholders and other persons on other issues related to the activities of Rospatent, are regulated by the Federal Law № 59-FZ as of May 2, 2006 “On the order of consideration of the requests of the citizens of the Russian Federation”.

During 2012 the discussions relating to the draft bill amending the Code proceeded. The amendments are aimed at patent quality increase, improvement of the patent legal protection reliability, approximation of the material and procedural provisions with the international standards, in particular with the Standards of the European Union (EU). In 2012 the State Duma of the Federal Assembly of the Russian Federation gave the bill its second reading.

In 2012 the work on amending the Administrative Regulations continued. The amendments are aimed at enhancement of administrative procedures on examination of

applications for inventions. The draft document provides for e-filing of applications for inventions.

In 2012 the draft of the Administrative Regulations was under a procedure of approval at the Ministry of Economic Development of the Russian Federation followed by the registration with the Ministry of Justice of the Russian Federation.

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

(a) The quality policy is determined by the Statute of Rospatent approved by the Resolution of the Government of the Russian Federation and Strategy of Rospatent Development till 2015 approved by the Director General of Rospatent. The Director General of Rospatent is responsible for development of QMS and policy in this field.

(b), (c) Supervision of issues related to functioning and improvement of QMS is assigned to Mrs. Kiriy L.L, Deputy Director of Rospatent.

The organizational structure of QMS includes the following supervising divisions:

1). Department for Monitoring the Quality of Providing the Public Services dealing with the common issues of the quality control. The management of Quality Service is assigned to Mrs. Alexeeva O.L., Deputy Director, FIPS.

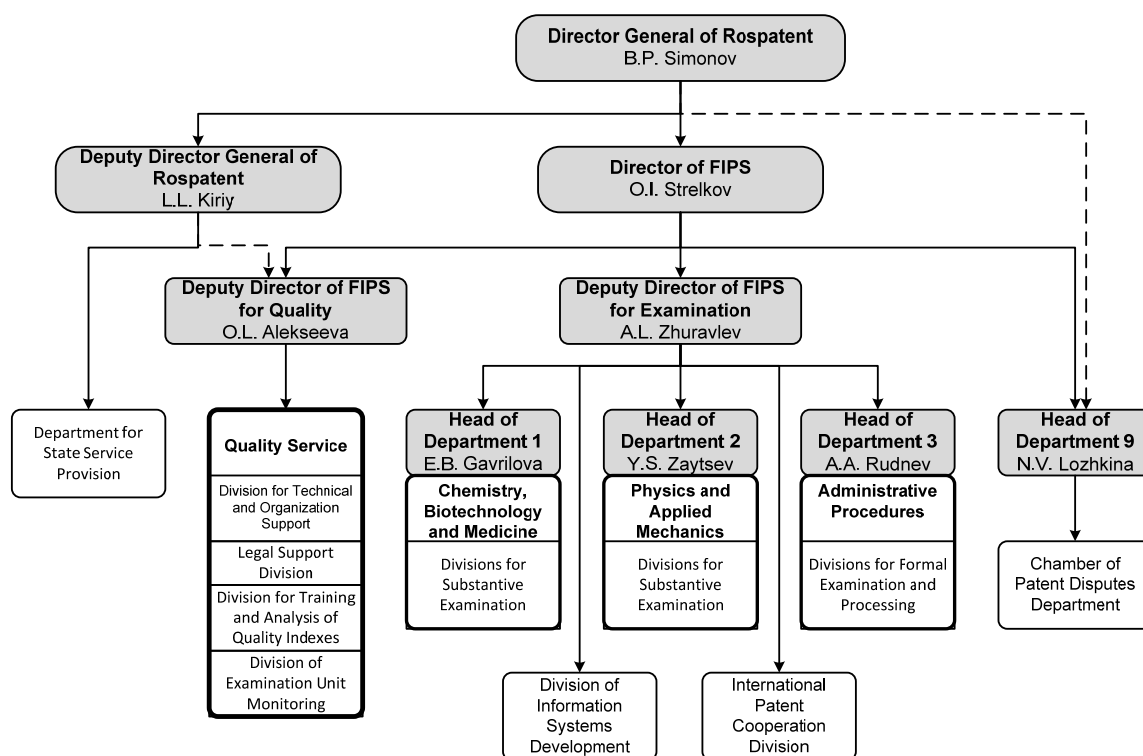
For the purposes of raising the quality management system efficiency, in 2011 the special division for monitoring the activity of examination divisions was created. The following issues are the responsibility of the division:

- monitoring the documents being prepared by the examiners on their compliance with the quality standard;
- monitoring of the information searches quality;
- assisting permanent, in particular operational, and methodical support to the examination divisions;
- development of the preventive measures aimed at examination quality improvement.

2) "Chamber of Patent Disputes" department dealing with objections to the decisions taken on the results of examination of applications for inventions. The control over the Department work is entrusted to Mr. Simonov B. P., Head of Rospatent, and Mr. Strelkov O. I., Director, FIPS.

3) International Patent Cooperation Division dealing with quality control of the international search reports, written opinions and international preliminary examination reports. The Division Head is Mrs. Popova L.I. The control over the division work is assigned to Mr. Zhuravlev A.L., Deputy Director, FIPS.

See the scheme on organizational structure of QMS bellow.



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.

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.

**(a), (b)** The effectiveness of QMS is ensured by:

- the measures directed on improvement of examination quality, optimization of applications processing and new information technologies, which are included in annual and long-term, plans;
- control of execution of the measures by the Director General of Rospatent;
- monitoring of FIPS activity results, recordings and analysis of Rospatent staff and of users' proposals;
- carrying out preventative control, planned control and extraordinary control of the quality of search and examination;
- applying control system for registration of the users' complaints and development of measures for prevention of infringements.

Development of QMS is provided by:

- proposals on improvement of the Russian Federation legal system for the purpose of compliance with the international standards;
- activities on methodical support of search and examination.

*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.*

**(a), (b)** Information on importance of contractual and normative requirements, including requirements of the PCT concerning the maintenance of quality of international search and international preliminary examination, as well as requirements of QMS is brought to the notice of the staff:

- by regulations and orders of the Director General of Rospatent and the Director of FIPS on paper and in electronic form (on the Intranet);
- during operative meetings of the Director General of Rospatent, the Director of FIPS and the Head of Quality Service;
- at a meeting of the FIPS Methodical Council established to resolve problematic issues of the applications examining.

The information on results of inspections of examination quality, new procedures, other information concerning the activity of Rospatent and FIPS is sent to the heads of divisions for informing staff and using in its work.

*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 throughout the respective Authority.*

**(a)** Administrative inspections are carried out by orders of the Director General of Rospatent who determines their volume and terms. The inspection is carried out by the Quality Service. Report prepared according to the results of inspection is represented to the Director General of Rospatent.

**(b)** The targets of QMS are revised in the course of planning of Rospatent activity (preparation of long-term Strategy of Rospatent Development and plans of Rospatent and FIPS activity for the next year based on the parameters of activity of the Office for previous year).

**(c)** The corresponding information is brought to the staff by issue of orders and instructions, which are communicated to the divisions and published on Intranet under "Code" section.

<p>21.09 Indicate whether top management or delegated officers of the Authority perform an internal review of the QMS in accordance with paragraphs 21.25-21.28:</p> <p>(a) at least once per year (cf. paragraph 21.25);</p> <p>(b) in accordance with the minimum scope of such reviews as set out in Section 8, namely:</p> <p>(i) to determine the extent to which the QMS is based on Chapter 21 (cf. paragraphs 21.25, 21.27(a));</p> <p>(ii) to determine the extent to which Search and Examination work complies with PCT Guidelines (cf. paragraphs 21.25, 21.27(a));</p> <p>(c) in an objective and transparent way (cf. paragraph 21.25);</p> <p>(d) using input including information according to paragraphs 21.27 (b)-(f);</p> <p>(e) recording the results (cf. paragraph 21.28).</p>
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Internal inspection of QMS can be carried out in relation both to separate aspects of activity and QMS as a whole (for example for definition its compliance with the requirements of Chapter 21). Such inspections are carried out on the basis of instructions of the Director General of Rospatent or within the frameworks of other activities planned.

The report on the results of inspection is prepared. Proposals on the improvement of QMS are recorded and studied.

In 2012 there was carried out the monitoring of the quality of state service provision in the field of legal protection of inventions. The monitoring was carried out in accordance with the instructions of the government commission for administrative reform implementation (Protocol # 131 as of March 20, 2012) by a Federal body of executive power providing state services. The state service provision quality monitoring was carried out taking into account the Guidelines on organization of state (municipal) service provision quality monitoring adopted by the Ministry of Economic Development of the Russian Federation.

The objectives of the monitoring:

- assessment of quality and availability of state service provision taking into account the established quality parameters;

- determination and implementation of the measures on improvement of the revealed values of the parameters of the state service quality and availability;

- subsequent control over the dynamics of the examined parameters of the quality and availability of state services and effectiveness of the measures on improvement thereof.

In the course of monitoring in a form of a questionnaire there was examined the valuation by the citizens and business community of the quality and availability of the state services under selected parameters. An internal study of the quality of state service provision according to the established standards was carried out.

The function on organization of monitoring and report preparation was entrusted to Ms. Alekseeva O. L., Deputy Director for quality, FIPS. The control over the execution was entrusted to Ms. Kirii L. L., Deputy Head, Rospatent.

The report drawn up upon the results of the monitoring was submitted to the Ministry of Economic Development of the Russian Federation.

## 2. Resources

21.10 *Explanatory note: The granting of ISEA 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 to Sections 21.11 to 21.14, below, should provide this assurance.*

21.11 *Human resources:*

- (a) *Provide information about the infrastructure in place to ensure that a quantity of staff:*
  - (i) *sufficient to deal with the inflow of work;*
  - (ii) *which maintains the technical qualifications to search and examine in the required technical fields; and*
  - (iii) *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.*
- (b) *Describe the infrastructure in place to ensure that a quantity of appropriately trained/skilled administrative staff is maintained and adapted to changes in workload:*
  - (i) *at a level to support the technically qualified staff and facilitate the search and examination process;*
  - (ii) *for the documentation of records.*

(a) The recruiting of staff for FIPS divisions, personnel inventory and analysis of staff are carried out by Personnel Division.

(i)-(iii) In 2012 the total number of the examiner staff constituted 1052 employees of which 747 employees were engaged in the work related to the international search and international preliminary examination.

The increase of volumes of such kind of work in the current year as compared to the previous year was planned; the number of the examiner staff was redistributed to perform the increased volumes of works.

In 2012 the following was done as concerns the staff:

- the list of the state intellectual property examiners entrusted with the right to sole signature of examination documents was extended;

- the number of examiners of branch examining departments switched to 'distance work' routine was increased.

(b)

(i, ii) There is sufficient number of personnel for fulfillment of administrative and technological procedures.



21.12 *Material resources:*

- (a) *Describe the infrastructure in place to ensure that*
  - (i) *appropriate equipment and facilities such as IT hardware and software to support the search and examination process are provided and maintained;*
  - (ii) *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.*
- (b) *Describe how instructions*
  - (i) *to help staff understand and adhere to the quality criteria and standards, and*
  - (ii) *to follow work procedures accurately and consistently*

*are documented, provided to staff, kept up-to-date and adapted when necessary.*

**(a)**

**(i)** The IT infrastructure is provided by:

- The Department for Automated System Development dealing with designing, developing and testing of information systems and resources, implementation and support of information systems and resources, preparation of proposals for the development of information technology architecture of FIPS (including the ones for the development of technical processes, information systems and resources, hardware and operating system software).

- The Computer Centre dealing with operation of automated systems, service of computer facilities and software system, providing access to information files.

All examiners workplaces are computerized.

The automated system of electronic workflow of the PCT applications «Electronic Library of the PCT Applications» («ELA PCT») is developed and put into operation.

In 2012 the electronic data transfer via PCT-EDI between RU/RO, RU/ISA and WIPO was implemented.

**(ii)** For carrying out search the examiners have access to a number of the automated search tools, which cover not only the data included in the PCT minimum documentation, but also the documentation beyond it.

Each examiner has an unlimited access from their workstation to internal search system PatSearch. Full texts of all patent documents of the USSR and Russia since 1924, patent documents of the CIS States, and also files of patent documents of foreign countries and the international organizations which documentation are included into PCT minimum are loaded into the system. The database DWPI has been included in PatSearch in 2009.

The examiners have access through PatSearch system to Scopus database of abstracts by Elsevier and to eLibrary Scientific electronic library.

Additionally there is a possibility to search EPO espace@net system, EMBL European databank of genetic sequences.

The examiners have online access via Internet to updating search resources, including web-sites of the foreign patent offices (the EPO, the USA, Japan, Korea, WIPO, Germany, etc.).

The sites containing non-patent information, relating to medicine, pharmaceuticals,



chemistry, and biotechnology (for example, database MEDLINE, databases on biotechnology of national library on medicine of the USA and the European Bioinformatics Institute) are accessible to the examiners.

Besides the above freely accessible databases, the examiners have access to commercial databases in special Search Rooms (databases provided by STN International network, covering both patent and non-patent literature; EPO Global Patent Index electronic resource; «RZ VINITI» database of abstracts. Qualified examiners assist in carrying out searches in the specified commercial search systems.

Since 2012 the users have access to INIC ISM Database (in Russian), which contains bibliographic, abstract and graphical information on WIPO, EPO and other leading countries' inventions with a possibility to perform search of any level of complexity by any property.

Within the framework of bilateral cooperation with the European Patent Office (EPO) Rospatent examiners received the access to the EPO internal search system EPOQUENet from several more terminal servers.

In 2011 the users got full access to the databases by Kluwer Law and Business Publishing House - Kluwer Manual IP и Kluwer IP Cases.

When it is necessary, the automated search may be supplemented with traditional search in patent collections on paper or optical disks available at the Collections of the All-Russian Patent and technical Library (FIPS Division). Within the framework of electronic document delivery the examiners have a possibility to receive necessary materials from the Remote DataBase (for example, Science Direct Elsevier platform).

The examiners are informed on the all changes occurring in information search resources, including the Guidelines for search in information resources.

The information letters are communicated to examination division both in paper and in electronic form via Intranet.

**(b)**

**(i), (ii)** The description of working procedures and explanation how correctly to carry out thereof is contained in instructions and guidelines approved by the Head of Rospatent and/or FIPS. The specified documents are issued on paper and delivered to divisions, and also placed in electronic form at Intranet accessible to divisions of Rospatent and FIPS.

The international search and preliminary examination is carried out according to the PCT International Search and Preliminary Examination Guidelines. There is also an internal Guideline which regulates the carrying out of search.

According to the Order of Rospatent in 2011 the Guidelines for the Examination of Applications for Inventions was adopted. The document was developed for the purposes of provision for the methodical support during the processing of applications. In the course of its developing the EPO Examination Guidelines and the PCT International Search and Preliminary Examination Guidelines were applied to.

In 2012 the updates and additions to the section of the Guidelines for examination of applications for inventions related to information search were prepared.

All mentioned Guidelines as well as the list of available Internet sites are posted on Intranet.

21.13 *Training resources:*

*Describe the training and development infrastructure and program which ensures that all staff involved in the search and examination process:*

- (i) acquire and maintain the necessary experience and skills; and*
- (ii) are fully aware of the importance of complying with the quality criteria and standards.*

**(i), (ii)**

The examiner's training is based on the Uniform System of Training and Professional Skill Improvement of the FIPS Staff approved by the Order of the Director of FIPS in 2009.

There are the following forms of training:

1). **Individual training**, in particular, with use of computer technologies (distant training, including provided by the programs of the WIPO Academy, training with use of the computer integrated training systems intended for self-training and self-examination by means of testing).

2). **Tutorship** - training aimed at assimilation of the profession. Results of this training are supervised directly by the tutor in the process of internal quality review of the documents prepared by new employee.

3). **Internal training**

3.1. Training in the divisions in accordance with the quarterly plans developed by the heads of each division. The training is targeted basically on studying new regulatory documents, discussing and analyzing the quality monitoring results.

3.2. Centralized training under the specially developed programs for the examiners and technical staff.

4). Training based on exchange of experience with other patent offices - traineeship, participation in workshops conducted by the leading experts of the patent offices and organizations, including the EPO Academy and the WIPO Academy.

5). Education in RGAIS.

5.1. Education under the programs of improvement of professional skills.

5.2. Training under the programs of the first and second higher education in the fields "Jurisprudence" and "Economics and Management".

5.3. Post-graduate course in RGIIS.

Regular training of examiners related to search skills is carried out by FIPS qualified personnel. The "Information Search" discipline is an integral part of the program of improvement of professional skills.

The Manual related to the International Patent Classification (training examples) has been developed.

In 2011 the special automated system for recording the data relating to the international applications submitted for the international search that provides for the control function of the dates for carrying out the international search and preparing written opinion was developed and implemented.

In 2009 in order to improve quality of management, a project related to probation in the Quality Service the examiners included in a promotion list as the heads and deputed heads of the FIPS divisions was launched. During the probation the Quality Service specialists are introduced the examiners with the documents regulating the FIPS QMS and quality management principles, in particular on the basis of results of quality

control as well as the results of consideration of the complains filed to Rospatent and FIPS.

**21.14 Oversight over resources:**

*Describe the system in place for continuously monitoring and identifying the resources required:*

- (a) *to deal with demand; and*
- (b) *comply with the quality standards for search and examination*

**(a), (b)** The Division for Production planning permanently collects and analyses the statistics for the reporting periods on all directions of FIPS divisions' activities, which allows supervising and planning procedures, including the international search and international preliminary examination. The necessary number of examiners is calculated on the basis of the internal labor standards for maintenance of effective and qualitative fulfillment of the activity.

The Division for Development of Information Resources, Classification Systems and Standards in the IP field and examiners of the divisions regularly monitor the information resources in different fields of science and technology, estimate the value of new sources of information and provide the examiners with an access from workstations (in case of free access), or in special Search Rooms (in case of non-free access). In the process of revision of the International Patent Classification the reclassification of national documents is carried out and conformity of search collection to new versions of the classification is checked.

As a result of annual monitoring the fluctuations of the applications relating to different fields of science and technology and correspondingly to different IPC symbols, FIPS administration carries out timely redistribution of the IPC symbols assigned to the examination divisions to avoid the misbalance in the examiners' workload.

**3. Management of administrative workload**

**21.15** *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:*

- (a) *Effective control mechanisms regarding timely issue of search and examination reports to a quality standard as set by the respective Authority; and*
- (b) *Appropriate control mechanisms regarding fluctuations in demand and backlog management.*

The International Patent Cooperation Division:

- Records international search and examination requests, prepares the notifications of their receipt, complements application files, initial classifies subject matter for each application and defines the examination division for execution.
- Prepares an assignment to appropriate examination division with indication of deadline for submission of documents to International Patent Cooperation Division.
- Takes and checks the international search reports, the written opinions and the international examination reports prepared in examination divisions.
- Issues above mentioned documents and sends them to WIPO and the customers.

(a) Control of internal time limits is exercised both by the examination division (where search and examination are carried out) and the International Patent Cooperation Division. The last one when forwarding the assignment to the examination division stipulates the dates for preparation of search or examination report in compliance with the requirements of the Regulations and controls thereof. Each application is assigned to a particular expert of the International Patent Cooperation Division who is responsible for consideration and control of the deadlines.

In 2011 the special automated system for recording the data relating to the international applications submitted for the international search that provides for the control function of the dates for carrying out the international search and preparing written opinion was developed and put into operation in October, 2011.

In 2012 “The electronic library of PCT applications” automated system was improved in relation to the Russian International Receiving Office (RU/RO) in the part of generation of outgoing communications in a format meeting PCT EDI requirements, means for preparation of classified lists of incoming communications for dispatching to WIPO, downloading the electronic workflow of Russian certified copies of priority applications from the system, preparation of non-Russian certified copies of priority applications for dispatching to WIPO through PCT EDI dedicated line.

(b) Applications and assignments for carrying out the international search and international preliminary examination received by the examination division are distributed by the administration of the examination division.

#### 4. Quality assurance

*21.16 The following are required quality assurance measures for timely issue of search and examination reports of a quality standard in accordance with the Guidelines. Indicate how the following are implemented:*

- (a) *An internal quality assurance system for self assessment, involving verification, validation and monitoring of searches and examination work:
  - (i) *for compliance with these Search and Examination Guidelines;*
  - (ii) *for channelling feedback to staff.**
- (b) *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.*
- (c) *A system for verifying the effectiveness of actions taken to correct deficient S&E work, eliminate the causes, and to prevent issues from recurring.*

(a)

(i) The following quality assurance scheme of drawing up international search and examination reports is provided in the Office.

The quality of search and examination reports is supervised by the administration of examination divisions. Then search and examination reports are checked by the International Patent Cooperation Division.

(ii) The defects in search and examination reports, as a rule, are corrected after discussing thereof between the expert of the International Patent Cooperation Division and examiner of the examination division. In case of disagreements, the documents prepared by examiner and the expert's opinion about their quality (the formalized conclusion) are transferred to the examination division for further correction.

(b) With respect to each application the expert of the International Patent Cooperation Division draws up an expert's opinion on quality of the search and examination reports (the formalized conclusion), which includes some criteria for evaluation of conformity or nonconformity to the requirements of the International Search and Preliminary Examination Guidelines and the following internal standards, in particular:

- meeting of deadlines;
- compliance of the fields searched with the claimed subject matter and completeness of the inventive concept and all claimed features coverage;
- if relevant documents are properly identified and characterized with respect to each claim subjected to search;
- if unity of invention is determined correct;
- correctness of claims grouping by examiner where the application was considered as not complying with the requirements of unity;
- where the application was not considered as complying with the requirements of unity, groupings of claims set forth by examiner were proper;
- if all claims (excluding claims that are not subjected to search) are addressed with regard to novelty, inventive step and industrial applicability;
- observation of clarity of the claims, the description and the drawings, and whether the claims are fully supported by the description are appropriate;
- complete setting forth of all necessary observations.

The International Patent Cooperation Division makes proposals, in particular, concerning the expediency of training or recommendations for avoiding such defects in search and examination reports and forwards the proposals for consideration by the respective supervisor of the Division – the Deputy Director of FIPS.

## 5. Communication

### 21.17 Inter-Authority communication:

*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.*

**(a), (b), (c)**

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21.18 *Communication and guidance to users:*

*Describe the system in place for monitoring and using customer feedback including at least the following elements:*

- (a) *An appropriate system for*
  - (i) *handling complaints and making corrections;*
  - (ii) *taking corrective and/or preventative action where appropriate; and*
  - (iii) *offering feedback to users.*
- (b) *A procedure for:*
  - (i) *monitoring user satisfaction and perception; and*
  - (ii) *for ensuring their legitimate needs and expectations are met.*
- (c) *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.*
- (d) *An indication of where and how the Authority makes its quality objectives publicly available for the users.*

**(a)**

**(i)** Consideration of the appeals (including complaints) of the citizens and legal entities filed before Rospatent is carried out in accordance with the following documents, which describe the procedure and requirements for such consideration:

- Federal law "On the order of public appeals handling of the Russian Federation" № 59-FZ as of May 2, 2006 as amended by the Federal Laws № 126-FZ dated June 29, 2010, and № 227-FZ as of July 27, 2010;

- Federal law "On organization of state and municipal service provision" № 210-FZ as of July 27, 2010 as amended by the Federal laws № 65-FZ as of April 6, 2011; № 169-FZ as of July 1, 2011, № 200-FZ as of July 11, 2011, № 239-FZ as of July 18, 2011, № 383-FZ as of December 3, 2011, № 133-FZ as of July 28, 2012;

- Rules of filing and processing of the complaints to the decisions and actions (inaction) of the Federal bodies of executive power and by their officials, federal state employees, the officials of the state off-budget funds of the Russian Federation adopted by the Resolution of the Government of the Russian Federation № 840 as of August 16, 2012;

- Administrative Regulation of the Execution by the Federal Service for Intellectual Property, Patents and Trademarks of State function according to which Rospatent "Shall organize reception of citizens, ensure timely and complete consideration of citizens' oral and written appeals, taking decisions and sending replies within a time limit established by the legislation of the Russian Federation" (adopted by the Ordinance of Ministry of Education and Science of the Russian Federation No. 346, September 23, 2009).

- Internal instruction for the citizens and legal entities appeals handling.

The applicant is entitled to apply to Rospatent and (or) subordinated FIPS with a complaint to the breach of the order of state service provision where he supposes that his/her rights and legitimate interests have been infringed.



A complaint to the breach of the order of state service provision (hereinafter complaint) – is an applicant's or his legal representative's claim to restore or to protect the infringed rights or legitimate interests of the applicant by the body which renders a state service, or by an official who renders a state service.

A complaint is subject to processing by an official vested with authorities on complaints handling, within fifteen business days since its registration.

Any person in his/her appeal may submit proposals or opinions concerning activities of Rospatent in accordance with the Federal Law № 59-FZ as of May 2, 2006. Appeals filed to other State Authorities of the Russian Federation involving matters of Rospatent jurisdiction are forwarded to Rospatent for consideration.

Functions on accounting, analyzing and summarizing the results of public complaints and other appeals handling in Rospatent and working out the outcome documents are entrusted to the Division of training and analysis of state service provision quality of the Department of state service provision quality monitoring.

Registration, accounting and statistical processing of complaints and other requests received by Rospatent, are performed by automated system.

Requests, including complaints, addressed to the administration of Rospatent and FIPS are registered by the Quality Service, and after input to a computer-aided database are transferred for consideration to a duly authorized subdivision. During the registration of a request a registration card containing relevant information on the request is prepared. Considerations of a request and time limits for a response thereto are taken under control.

In 2012 for comprehensive and timely consideration of the complaints to the breach of the order of state service provision there was adopted a List of FIPS officials authorized to consider the complaints to the breach of the state service provision.

Appeals received by the heads of Rospatent and FIPS during personal meeting are subject to registration and further consideration in the same manner as those received by mail.

Upon the results of a complaint consideration Rospatent which renders a state service, takes one of the following decisions:

- upholds a complaint including by cancelling the taken decision, by correcting misprints and errors in the documents issued as a result of state service provision made by the body which renders a state service or by an institution participating in state service provision, by paying back money means which charging is not stipulated by normative legal acts of the Russian Federation, as well as in other forms
- refuses to satisfy a complaint.

A motivated response on the results of a complaint consideration is communicated to the applicant in writing or at applicant's request in electronic form not later than the day following the date of the decision taking.

The results of the complaint consideration are reported to Rospatent, FIPS management.

As a rule, according to the results of a complaint consideration in the Quality Service, a summary is prepared, which contains the grounds for the complaint, evaluation of their relevance, lawfulness of actions (inaction) of the officials authorized to exercise administrative procedures related to state service provision, proposals for overcoming committed violations and of their reasons. The summary is forwarded for familiarization to the head of the division and to the head of the subdivision to take appropriate measure.

The overall picture of filed complaints is analyzed and is used for the assessment of the activities of FIPS divisions.



The Quality Service quarterly and by the results of the year prepares a report on the results of complaints handling, which contains information concerning the reasons for complaints, revealed drawbacks, taken measures and actions aimed at the elimination of the causes of drawbacks and the dynamics of complaints inflow. Such report is published on the official Rospatent web-site quarterly.

**(ii)** In case of identifying drawbacks, which infringe the legitimate user rights, the measures for the restoration of these legitimate rights are taken.

Preventative measures, namely, actions aimed at the elimination of the causes of potential drawbacks identified by users, are accepted without fail. As a rule, the analytical work and the selection of optimal measures are carried out, including the development of technological processes, the preparation of clarifications on the appropriate actions, etc.

The timely and full consideration of citizens' appeals is monitored in accordance with the requirements of the documents referred to in paragraph (i).

**(iii)** Upon the results of a request consideration (including complaints), a written response is sent to a person who has filed the request. Where a complaint has been satisfied, exhaustive measures aimed at elimination of revealed drawbacks are taken.

**(b)**

**(i), (ii)** The users submit their comments, suggestions and proposals regarding the office work in their appeals. The consideration of the ones includes the assessment from the standpoint of their advisability.

During the Rospatent conferences and meetings of the Director General of Rospatent with patent attorneys, the interventions shall be recorded, comments and suggestions are registered. The comments and suggestions are used in the relevant departments of Rospatent and subdivisions of Quality Service for the preparation of proposals for making amendments in regulatory and methodological documents. The final documents of the events, containing summaries of the statements, comments and suggestions are represented on the Rospatent website.

User comments on the projects of various regulatory documents, available on the Rospatent website, are taken into account in the draft completion.

**(c)** Information for users concerning the conduction of the international search and international preliminary examination is represented on the official Rospatent website in the section "System of filing international applications under the Patent Cooperation Treaty (PCT)".

Said section provides information, which is classified by the following subheadings:

- the PCT News;
- Overview of the PCT;
- Practical Guide for PCT users;
- Regulatory documents and the PCT Forms (including Russian translation of the PCT normative documents);
- Resources.

In order to provide the citizens and the institutions with the information there is a Single consulting and inquiry Service of FIPS consisting of two sections, namely of

consulting section and inquiry one, which provides information on issues relating to FIPS competence.

The consulting section provides free consultations on the issues which decision doesn't require system analysis and/or aggregate application of the regulations of the legislation in the field of legal protection of the results of intellectual activity and means of individualization (inventions, utility models, industrial designs, trademarks and service marks, appellations of origin). The consultations are provided orally over the phone, as well as at the consulting center and in writing via e-mail.

The Inquiry section is equipped with a two-channel public telephone line and provides the citizens and the institutions with the general supplemental information, including the one concerning the telephone numbers, conditions and the order of state service provision, as well as on the state of the workflow on the applications.

Additional task of the Service is the analysis and systematization of problems, as well as the selection of the most frequently asked questions and their transfer in the prescribed order to the competent experts for the preparation of a response for the publication and/or posting on the official Rospatent website.

FIPS consulting and inquiry service is equipped with an electronic data terminal for the applicants to access to the information published on the official website and intended to assist the applicants to get acquainted with the order of state service provision.

Every year conferences, seminars, topical round tables on the issues in the field of intellectual property protection are organized, that allow users to obtain information. Additionally, workshops and seminars are hold at various exhibitions relating to the intellectual property in which Rospatent takes part, where users can also take opinion on various issues.

**(d)** The Strategy of Rospatent Development up to 2015 is available on the official Rospatent website, where aims and objectives in the field of quality in various areas of Rospatent activity are represented

<http://www.rupto.ru/rupto/portal/c74daf8d-175d-11e1-bad7-9c8e9921fb2c>.

In addition, users are informed on the aims and objectives in the field of quality at the annual Scientific and Practical Conferences of Rospatent, various seminars and round tables.

*21.19 Communication with WIPO and designated and elected Offices:*

*Describe how the Authority provides for effective communication with WIPO and designated and elected offices. In particular describe how the Authority ensures that WIPO feedback is promptly evaluated and addressed*

Rospatent and FIPS communicate with WIPO via mail, fax and email. Rospatent and FIPS practically do not contact with designated and elected Offices via mail, fax and e-mail on the issues related to international applications. Rospatent as receiving Office exchanges documents with WIPO via PCT-EDI. Rospatent as International Searching Authority has started exchanging of the documents with WIPO via PCTEDI.

Besides, informational exchange is carried out through the participation in the Meetings of International Authorities under the PCT. As a result of such participation a

report is prepared, where the received information, which is of interest for Rospatent and FIPS, is set forth and a plan of action is prepared if necessary.

## 6. Documentation

*21.20 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 in the documents that make up the Quality Manual of the Authority (see paragraph 21.21).*

*(Note: This point is informative. No response is required by the template to paragraph 21.20)*

*21.21 The documents that make up the Quality Manual serve to document the procedures and processes affecting the quality of work, such as classification, search, examination and related administrative work. In particular, the Quality Manual indicates where to find instructions on the procedures to be followed.*

*For the purposes of this report indicate:*

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

The issues of the quality management are regulated by a set of documents, which form a Quality Manual in Rospatent. At present there is no single document.

The issues of quality of the administrative procedures related to search and examination of applications are established by the Regulations.

The issues concerning the search and examination are considered in the Guidelines for Examination of Application for inventions adopted by the Order of the Head of Rospatent.

The procedures which are implemented within the QMS are described, in particular, in the following internal documents:

- Regulations on organization and implementation of control, analysis and evaluation of works quality in FIPS;
- Order of organization and execution monitoring of Rospatent and FIPS' Heads assignments.

(See also paragraphs 21.12(b), 21(22))

21.22 *Indicate whether the documents making up the Quality Manual include the following:*

- (a) *the quality policy of the Authority including a clear statement of commitment to the QMS from top management;*
- (b) *the scope of the QMS, including details of and justification for any exclusions;*
- (c) *the organizational structure of the Authority and the responsibilities of each of its departments;*
- (d) *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;*
- (e) *the resources available for carrying out the processes and implementing the procedures; and*
- (f) *a description of the interaction between the processes and the procedures of the QMS.*

**(a)** The Office policy in the field of quality is reflected in the Development Strategy of Rospatent.

**(b)** The documents mentioned in paragraph 21.21 indicate the field of application thereof.

**(c)** The documents mentioned in paragraph 21.21 indicate the subdivisions entrusted with the execution of works and their competence. Besides, there is an internal document, establishing FIPS structure as well as provisions on each division forming part of the structure, which determines goals, functions, structure and rights of each division.

**(d) - (f)** The list and the description of procedures implemented by the Office in the course of carrying out the search and examination, available resources and interaction between the divisions are contained in the documents listed in paragraph 21.21.

21.23 *Indicate which types of records the Authority maintains, such as:*

- (a) *a definition of which documents are kept and where they are kept;*
- (b) *results of management review;*
- (c) *training, skills and experience of personnel;*
- (d) *evidence of conformity of processes, resulting products and services in terms of quality standards;*
- (e) *results of reviews of requirements relating to products;*
- (f) *the search and examination processes carried out on each application;*
- (g) *data allowing individual work to be tracked and traced;*
- (h) *records of QMS audits;*
- (i) *actions taken re. non-conforming products, e.g. examples of corrections;*
- (j) *actions taken re. corrective action;*
- (k) *actions taken re. preventative action; and*
- (l) *search process documentation as set out in Section 7.*

**(a)** FIPS has a system of technical and administrative documents storage.

**(b)** See paragraph 21.08 (a).

(c) The data relating to the professional skills of the staff and the dynamics of their promotion are stored in electronic format.

The data on the training and professional development of the staff are prepared quarterly and included in the Rospatent Annual Report.

(d) The records concerning the quality of the international searches and preliminary examinations are included into the formalized conclusions which are stored in the International Patent Cooperation Division.

(e) If the requirements for procedures and results of their fulfillment are changed (for example, due to the amendment of regulatory documents, conclusion of new international treaties, elaboration of a new practice, improvement in technical support) the internal documents are updated.

(f) The International Search Reports, Written Opinions and International Preliminary Examination Reports are stored in the international application file for at least 10 years.

(g) The data relating to the search carried out for particular application are stored as the search story in the internal search database (see paragraph 21.24).

(h) On the results of the QMS inspection a reference document, conclusion or report may be issued.

(i), (j), (k) The decisions of Director General of Rospatent, Director of FIPS concerning the measures which should be taken in connection with the drawbacks revealed, are fixed in the corresponding orders or instructions.

(l) The documenting of the search process and search results for PCT applications is made by filling the corresponding PCT form and by keeping the search history in the search database.

## 7. Search process documentation

21.24 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:*

- (i) *limitation of search and its justification*
- (ii) *lack of clarity of the claims; and*
- (iii) *lack of unity.*

In 2011 the amended version of the Guidelines for Carrying Out of Information Search came into force. The Guidelines provide for the recommendations on preparing a search request and implementing the concepts (key words) used in this request into a search report. The Guidelines for Carrying out Information Search was incorporated into the Guidelines for Examination of the Patent Applications as an independent part.

Search process documentation is carried out by filling in the Search Report (Form PCT/ISA/210) in accordance with the requirements and details specified by PCT International Search and Preliminary Examination Guidelines.

In the Search Report the examiners among other things indicate:

- unity / lack of unity of the invention;
- which claims have been taken into account;
- classification of subject matter (by IPC indexes);
- search scope (by IPC indexes);
- list of used databases;
- search limitation, if:
  - claims relate to the subject matter of application which doesn't require search according to Rule 39;
  - claims are so unclear even taking into account the description and drawings, that it is not possible to make an comprehensive search on them;
  - the requirement of unity of invention is not fulfilled and no additional fee has been paid for some claims.

Explanation for search limitation is given in the written opinion. Besides, even when search is not limited, the written opinion may include comments regarding clarity of claims, of the description and drawings and whether claims are fully supported by the description.

The recording of the search process and its results is made in PatSearch system as well as in the search systems of other providers. While using the external databases the recording of search results is made to the extent, which is provided by corresponding database.

The internal PatSearch search system makes it possible to:

- fix automatically the history of search requests, namely:
  - a number of found documents;
  - a text of search request;
  - a search mode;
- to store for unlimited period:
  - a search request in examiner's workbook for further use;
  - the list of documents according to any search request;
  - the documents, which the examiner considers relevant.

Should the keywords included into the request are specified in Russian, there is a possibility to automatically translate the selected terms.

The PatSearch system logs the search history which reflects the search sessions made by an examiner. Besides, the PatSearch system provides the compilation of statistic

reports on undertaken searches which include the following data: databases used, examiner identification, a number of search requests, and a number of reviewed documents.

Subsequent to the implementation of the search history recording software into the information retrieval system PatSearch in 2011 the unified search history form was developed. The form includes in particular the following:

- a text of the request (a combination of the search concepts and operations composing the request);
- a number of the documents cited (according to the results of this request);
- search arrays (information arrays in which the search in respect to this request has been carried out);
- the number of the documents reviewed (in respect to this request).

The examiner who has carried out the search has the access to the aforementioned data (for example, for the purpose of recurrent use of obtained search results in case of similar or analogous applications). Besides, for the purposes of selective control and the solution of disputable issues, the access for these data is provided for the examiner's supervisor as well as the staff of the Quality Service.

A search history is used for the purposes of monitoring the quality of this search. The access to search histories will be available for foreign Offices within the framework of the PPH и PCT-PPH Pilot Projects.

## 8. Internal review

*21.25 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.*

*21.26-21.28 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*

## 9. Arrangements for Authorities to Report to the MIA

*21.29 There are two stages in the reporting arrangements. The document up to this point relates to the initial report called for by paragraph 21.29. It will be supplemented annually by further reports in accordance with paragraph 21.30.*

[End of document]