

Questionnaire on the Term “Quality of Patents” and Cooperation between Patent Offices in Search and Examination

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The answers to this questionnaire have been provided on behalf of:

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Office: National Institute of Industrial Property.....

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Q1. How does your office understand the term “quality of patents”?

To our Delegation, the quality of search and examination is of utmost importance. We hope that improving the quality of search and examination of patent applications is a matter of great interest to all Member States, regardless of their level of development, as it would benefit not only users but also society.

In order for the patent system to function properly, i.e., to promote innovation, employment, economic growth, the well-being of populations and access to health, it is essential to have a system that grants patents of the highest quality.

As the Danish proposal points out, SCP/17/7 does not aim to “harmonize patent laws”, so there is no obstacle to the collaboration of offices with a view to obtaining a better patent system with high-quality titles, while at the same time reducing operating costs borne by States.

It is undeniable that the search carried out on the same invention facilitates the work of the subsequent examiner, independently of the office’s judgment after processing the application. The reuse of the work done does not hamper the independence of patentability criteria.

Q2. What experiences does your office have with respect to cooperation with other patent offices in the area of search and examination?

Currently, the INPI has signed Agreements for Accelerated Examination Procedures (PPH) with PROSUR, the Japanese Patent Office, the United States Patent and Trademark Office and soon with the European Patent Office.

The searches carried out in the INPI of Argentina mainly take as a starting point the databases ESPACENET, USPTO and PATENTSCOPE and additionally use the Japanese Patent Office, as well as EPOLINE, to view completed substantive examinations.

Q3. When performing on-line prior art search, patent examiners prepare a set of search queries to find relevant prior art. Does your office share (for example, via an official website), or exchange, such search queries with other offices?

At the moment, the Argentinian office does not share the search strategies it uses, but it plans to do so within PROSUR.

Q4. In order to facilitate the cooperation, what kinds of platforms and tools to share information on search and examination are available in your office? Such platforms and tools include, for example, WIPO CASE, databases allowing other offices to retrieve information and external databases used to retrieve information.

(i) Platforms and tools provided by your office

(ii) Platforms and tools used by your office

At the moment we do not have any program or tool that enables the sharing of search or examination information.

Q5. What are the impacts of such cooperation to your office? If your office has different types of cooperation and each type of cooperation has different impacts, please indicate them separately.

In connection with the answer to Question 4, we still do not have that experience and its corresponding impact.

Q6. What kinds of capacity building and trainings are required for cooperation between patent offices in search and examination? Please indicate any specific capacity building needs to conduct such cooperation successfully.

The annual training offered by WIPO, the European Patent Office and the Japan Patent Office to our staff of examiners, as well as access to databases and more powerful systems.

[End of Questionnaire]