



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

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

Country: Chile .....  
Office: National Institute of Industrial Property (INAPI) of Chile .....

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

In INAPI it is understood that a good quality patent is one that is granted according to the requirements of the law, thereby providing certainty about the protected subject matter, its scope, its validity and the distinction from what is already known.

Accordingly, a good quality patent is one that is presented in a document that is appropriate, clear and complete and makes it possible to understand the invention, for purposes of analysis and to have a robust patent after it is granted.

In terms of analyzing the quality of patents, a good quality patent is considered to be one in which:

- the state of the art has been established in a manner relevant to the scope of the invention;
- the analyses have been properly performed, giving rise to pertinent observations;
- official action is carried out in a timely manner, through an expedited process;
- protection is granted to inventions which actually comply with the requirements laid down in national legislation;
- all this is done efficiently, in terms of resource management; and
- both the applicant and the examiner have made every effort to achieve the above.

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

INAPI has experience in cooperating with other patent offices in regard to search and examination. In particular, INAPI is part of the PROSUR Project for Chile took the first meaningful steps towards cooperation in search and examination among several IP offices of South America. The members of PROSUR are Chile, Brazil, Argentina, Colombia, Ecuador, Paraguay, Peru and Uruguay.

As regards the sharing of patent application documentation, INAPI is a member of the WIPO CASE system, in its dual capacity of Providing and Accessing Office, so that INAPI can consult and share documentation on patent search and examination with other offices that are members of this initiative.

INAPI has always considered that sharing the examination and search background is fundamental to the IP system, where the first experience is gained by accessing the background material of offices such as the US Patent and Trademark Office (USPTO) and the European Patent Office (EPO), among others; where the documentation of equivalent applications in those offices is accessed through their websites, as well as frequent access to Patentscope as a repository of technological information and documentation related to the international searches and examinations of PCT applications at the international phase.

In addition, we share the bibliographic data of our database with the EPO so that applications filed in Chile can be identified through the Patentscope platform, by means of the LATIPAT platform.

**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?**

Online searches, whether at the national phase or as part of our role as an ISA/IPEA, require the establishment of a search strategy. This strategy includes the selection of descriptors such as keywords and patent classifications in the CIP, CPC and FI/F term systems, among others.

In the case of INAPI's role as ISA/IPEA, patent examiners work with an internal document in which the search strategy proposed by the examiner is recorded, the result of the search in the databases consulted and the final documents selected. This document is used as a working document to facilitate the generation of the international search report and written opinion.

Work is currently under way in INAPI to produce a shareable version, following discussions in the meetings of the International Search and Preliminary Examination Authorities and the Working Group. In addition, it should be noted that the International Search Report, form PCT/ISA/210 includes a section in which the examiner sets the classification used both in IPC (International Patent Classification) and in the CPC (Cooperative Patent Classification) or other, to perform the search and thus find the state of the art. This document is publicly available on the WIPO website.

As regards the national phase, a document is generated recording the patentability analysis and the state of the art. This document considers the classification of the invention (IPC), where the classification is used to carry out the search of the invention. This document will be shared through WIPO Case.

**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**

INAPI is part of the WIPO CASE initiative, both as a receiving and providing office, so that it can share documentation on patent search and examination through this platform.

Moreover, the INAPI website allows access to the bibliographic information of the applications and digitized patents in some cases.

INAPI is a member of PROSUR, a South American cooperation organization whose members are Argentina, Brazil, Colombia, Ecuador, Paraguay, Peru, Uruguay and Chile. Among the initiatives PROSUR promotes is the availability of a platform to simplify access to examination information from these offices, which allows the non-binding sharing of search reports and patentability examinations among South American patent offices.

As an office, INAPI provides access to a number of tools that allow for the analysis of search and examination in other offices, such as the European Patent Register, USPTO Pair, the AIPN of the Japanese Patent Office (JPO), SIPO and other offices in Latin America. Patentscope is also consulted, as noted above.

INAPI also uses the e-PCT platform for processing the international phase of PCT applications, either as Receiving Office or ISA/IPEA. It is anticipated that in the future, this platform will be of great use for sharing non-public information on search and examination between offices, in feedback with WIPO CASE.

**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 order to integrate INAPI into international cooperation systems with a view to sharing information on search and examination, action has been taken to incorporate the necessary international standards for this purpose. Thus, there have been efforts to digitize the background material relating to applications and patents. This has made it possible to generate and make available an electronic file containing the documents that provide information on the search and examination.

In order to further facilitate this access, efforts have been made to standardize publication, examination and search formats. Since 2012, INAPI has been operating under WIPO's IPAS administrative system, which has facilitated and supported such adjustments and progress.

**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.**

INAPI considers that WIPO's initiatives in relation to the training programs of the various offices and the availability of information about them are going in the right direction in terms of strengthening the capacities of examiners, incorporating and standardizing best practices in this regard.

Hence, INAPI examiners should be able to share experiences, practices, criteria, tools and quality control of examination with other offices, so that it is possible to compare the different approaches to analysis and to share information on technical issues, making for mutual empowerment. This could be done in person or remotely via a web platform or other means.

These sharing platforms would make it possible to know the culture and criteria that each office implements, such that search and examination results are considered pertinent when accessing them within cooperation mechanisms.

[End of Questionnaire]

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