

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:

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Q1. Various aspects may be relevant to the concept of “quality of patents”. It may relate to, for example, quality of patent procedures and management in the office, quality of search and examination, quality of granted patents or quality of a patent system. In addition, the expression “quality of patents” may be understood differently depending on the perspectives of various stakeholders, for example, the perspectives of a patent office, an applicant etc.

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

Quality of patents concerns multiple factors which can include the creation, application, representation, examination, utilization and protection of patents, as well as the policy environment. To provide a definition for the quality of patents at the national or regional and in particular the global level is a systematic, complex and highly professional endeavor that entails a scientific and systematic research method. Generally speaking, the quality of patents can be considered from the following aspects: the extent of technological innovation, the drafting of patent documents, the stability of patent rights, the validity period of patents and the utilization of patents.

Q2. What types of cooperation with other patent offices does your office have with respect to search and examination?

Those types of cooperation may include, for example, access to documents/ databases of other offices, use of search and examination work products, expertise and resources available in other offices, collaborative search and examination, outsourcing search and examination etc.

At present, SIPO mainly adopts the following approaches to cooperate with the other offices in search and examination:

Patent Prosecution Highway (PPH) pilot cooperation, which makes use of the search and examination results of the other offices; SIPO has also provided search and examination services to countries and regions including the Cooperation Council for the Arab States of the Gulf. This falls into the category of outsourcing search and examination. In addition, SIPO is planning to implement PCT collaborative search and examination projects with the USPTO, EPO, JPO and KIPO. This falls into the category of collaborative search and examination.

Q3. When performing prior art search, patent examiners prepare search strategies and queries (for example, indications of databases and publications, classification codes, search terms and key words used) to find relevant prior art. Does your office share (for example, via an official website), or exchange, such search strategies and queries with other collaborating offices?

Yes. SIPO will share its search strategies with other offices on its official website or by means of the PPH pilot cooperation, the exchange programs in examination practices and the envisaged collaborative search and examination pilot project.

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 CPES, OPD
- (ii) Platforms and tools used by your office CPES, OPD

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

Cooperation in search and examination allows offices to better share their search and examination work products, to obviate unnecessary duplication of work, and to improve examination quality and efficiency.

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

In this context, the capacity building is understood to refer to various activities and trainings that support development of knowledge and skills of office employees for effective cooperation between offices in search and examination.

The required capacity-building and training includes: legal training required for related cooperation projects, training of the examiners' search capabilities, and training in languages used by the collaborative offices. When cooperation in search and examination is carried out between the patent offices, it is necessary to train the

trainers, the core team members and the training managers. For instance, when SIPO and EPO carried out cooperation in search, training was provided with regard to the use of the search systems (such as the EPOQUE), the application of search strategies, and the improvement of search capabilities. The trainers, the core team members and the training managers had exchanges and interactions during the training, which ensured the smooth execution of the cooperation.