

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:

Country: Costa Rica
Office: Industrial Property Registry.....

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

A very good drafting of the technical document, which allows an objective analysis of the corresponding requirements (novelty, inventive step, industrial application), in compliance with what is established in national legislation in relation to what is considered an invention and what a lack of patentability means.

The term quality of patents is interpreted both from the point of view of the drafting of the document and from the perspective of the background study carried out by the office.

A good-quality patent should not be liable to future cancellation and should enable a person skilled in the relevant technical field to carry out the invention. That is why quality is important during the formal and substantive examinations, particularly when searching for prior art.

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

With respect to collaborative activities in search and examination related to patent applications, the Costa Rican National Registry signed an agreement in 2007 with the Mexican Institute of Industrial Property (IMPI), whose objective is to establish mechanisms for technical cooperation and promotion in the area of industrial property and technological information services (CADOPAT).

In this case, Costa Rica acts only as a beneficiary office, by sending an application to the corresponding platform and receiving a response from IMPI.

Costa Rica recently requested access to WIPO CASE. We continue to participate in technology transfer projects through IBEPI and since the end of 2016, we are part of PROSUR. This has broadened our cooperation mechanisms.

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?

The Costa Rican Patent Office shares the technical reports prepared by examiners through LATIPAT. In addition, a table is sent out detailing the prior art documents found and analyzed in each case. Since August 1, 2016, the office uses the IPAS database, so sending this information to LATIPAT will be quicker.

The search terms used do not appear in the technical reports indicated, so they are not shared with other offices.

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

None.

(ii) Platforms and tools used by your office

- CADOPAT
- PATENTSCOPE
- Databases of other offices with free access: EPO Register, Public Pair (USPTO) and Espacenet (Global Dossier)
- WIPO CASE (soon)

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.

The cooperation enjoyed through CADOPAT allows for a more expeditious analysis of patentability requirements, speeding up the process of granting or rejecting patent applications.

Following admission to PROSUR, the signature of PPH agreements with the other member countries is valuable.

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.

- awareness-raising seminars on the use and usefulness of shared work;
- workshops between offices that share criteria in relation to what is considered an invention and what lacks patentability; and
- internships for examiners in experienced offices.

[End of Questionnaire]