

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: Industrial Property Office

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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”?

Industrial Property Office of the Czech Republic (hereinafter referred to as ‘the Office’) is of the view, that for the high quality of patents is decisive the high quality of search and examination. For this purpose, all products and processes related to search and examination provided or carried out by the Office are subject to the certification in line with the standard ISO 9001:2015. The recertification, based on annual external and internal audits, is regularly performed.

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.

The Office takes part in several cooperation projects in terms of search and examination. At the regional level, the Office joined the EPO Utilization Implementation Project (UIP) in 2015. This project enables the utilization of the results of patent examination performed by IP offices of the EPC Contracting States in the patent procedure before the European Patent Office (EPO).

The Office joined the Patent Prosecution Highway (PPH) and signed the relevant agreements with the USPTO, the Finnish Patent and Registration Office (PRH) and the JPO. Based on the exchange of search and examination results, the PPH offers the accelerated patent examination to applicants.

Further, the Office signed bilateral agreements on the cooperation with the IP Offices of Croatia, Hungary, Finland, Poland, Austria, Slovakia, and Spain. In these Offices, the patent procedure is

accelerated based on the presentation of the search report drawn up by the particular contracting Office.

Since 1 July 2016, the Office as one of branch offices of the Visegrad Patent Institute (VPI) acting as a PCT International Searching and Examining Authority performs activities of VPI.

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?

When performing the search, the patent examiners prepare strategies and queries specifically linked to the features of the invention(s) seeking for the patent protection. In line with the relevant WIPO standards, the search report includes the databases consulted for patent and non-patent literature, the keywords, combinations of words and truncations used, the classes and class combinations searched (both the IPC and Cooperative Patent Classification (CPC) are applied), a listing of all search statements used in the databases consulted, the language(s) in which the search was carried out, as a supplementary part of the report the documentation of the limitation of search and its justification, lack of clarity of the claims and lack of unity and finally a list of relevant cited documents with the specification of their category and the relevancy to a particular claim.

The search reports are not published and shared.

Q4. In order 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

The Office has implemented its own internal IP system, called SyPP2, which covers the whole life cycle of a patent application. The system facilitates the administration of IP registers, the easy administration of application processes and exports data to be provided in both national and international way. The Office provides the data to Espacenet on a regular basis.

The Office administers the Czech National Patent and Utility Model Database, which contains patent applications published since 1991, granted patents from the No. 1 and registered utility models. Both basic and advanced search interface is available also in English. The database is freely accessible by the public on: <http://upv.cz/en/client-services/online-databases/patent-and-utility-model-databases/national-database.html> .

(ii) Platforms and tools used by your office

The following tools are used by the Office. Please note that the given list is non-exhaustive:

EPO: EPOQUEnet (the access to the PCT minimum and a wide range of expert databases)

European Patent Register

Espacenet

WIPO: Patentscope

JPO: Advanced Industrial Property Network (AIPN)

STN International

Elsevier – ScienceDirect (the collection of non-patent literature)

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

The impacts of the cooperation in the field of search and examination to the Office could be characterized as follows: the harmonization of patent procedure and shortening of the patent procedure.

Q6. What kinds of capacity building are requested 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.

Patent examiners regularly take part in trainings on search and examination organized by the European Patent Academy for the Offices of the EPC Contracting States. They also participate in the trainings, workshops, or conferences focused on the various search and examination elements organized by the EPO, WIPO or other IP Offices.

[End of Questionnaire]