

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

January 16, 2017

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

Country: Denmark

Office: Danish Patent and Trademark Office

Person to be contacted:

Name: Flemming K. Mejl

Title: Chief Technical Adviser

E-mail: fsp@dkpto.dk

Telephone:

Facsimile:

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"?

The DKPTO broadly defines "quality of patents" as a measure of to which degree a patent complies with legal requirements and is timely delivered. So, e.g. a high quality patent is timely delivered and in full compliance with legal requirements.

To this end the DKPTO has established two overall quality headings/goals in its certified quality management system which is monitored:

1. Maintain or improve processing speed of applications by e.g.
 - a. Ensuring that search results and written opinion are delivered to applicant early before end of priority year (and therefore provide a solid basis for a decision to pursue foreign patent rights or not)
 - b. Ending patent process within a reasonable deadline (to provide legal certainty to applicant and society)
2. Ensure granted patents fulfill requirements of law and practice by e.g.
 - a. Ensuring that granted patents fulfill legal requirements
 - b. Ensuring that processing including searches and office actions follow practice
 - c. Ensuring clear and customized communication with applicants adapted to their level of patent knowledge

Q2. What types of cooperation 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.

Significant experience, e.g. as a member of the Global PPH Program, as a member of the European Patent Organisation and as a co-founder of the PCT authority Nordic Patent Institute (NPI). Further, the DKPTO performs search & examination work for other patent offices on a contractual basis.

See also further details in document SCP/17/7 (Proposal by Denmark regarding “Improving the quality of the search and examination of national patent applications by using foreign search and examination work”, which includes a description of the DKPTO experiences).

Q3. When performing on-line 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, the DKPTO online file-inspection system PVS Online includes all case files on published patent applications. E.g. office actions and search reports (including classification symbols, databases, patent classes searched, relevant prior art found).

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

PVS Online (DKPTO file inspection system, <http://onlineweb.dkpto.dk/pvsonline/Patent>).

(ii) Platforms and tools used by your office

E.g. EpoqueNet database provided by the EPO, internet, PatentScope, PVS Online (DKPTO file inspection system), EspaceNet, European Federated Register.

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.

1) Increased quality/more robust patents granted:

If search results/prior art found by other office is present, then an office of later filing, e.g. the DKPTO, will perform a search which must be at least as good as or better than the office of earlier filing.

Similarly, if examination results from an office of earlier examination are present, then the office of later filing, e.g. the DKPTO, will have a clue of a peer examiner thinking, which may be helpful in its own evaluation/examination.

2) Increased efficiency of patent process:

If search/examination results from an earlier office of filing are present the later office of filing, e.g. the DKPTO, may have a hint on both patent classification and prior art which is bound to increase efficiency as well as quality.

3) Increased knowledge of other patent offices practice:

Work sharing foster knowledge sharing as well. This has been thoroughly demonstrated by e.g. the PPH programs.

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.

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.

Support skills and knowledge of office employees by e.g. training activities.

Knowledge and exchange of offices practice and other measures to increase trust building between offices.

Capable infrastructure in terms of IT is useful (access to databases, ability to communicate electronically by relevant standards).