

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: German Patent and Trade Mark Office (DPMA)

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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"?

Antwort DPMA:

DPMA shares the point of view that a multitude of aspects contributes to the quality of patents for which applicants/patent owners as well as patent examiners are essentially responsible. In the view of the DPMA, the quality of patents is the result of the detailed understanding of the claimed subject matter and thorough examination with respect to the legal provisions, the DPMA's relevant guidelines as well as the pertinent case law of the German Federal Patent Court and the Federal Court of Justice. It comprises a thorough search in state-of-the-art databases and evaluation, based on the great technical and legal expertise of the patent examiners. Their independence in the decisions to be taken is assisted by group leaders via a review of the final decisions.

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.

Antwort DPMA:

Besides its participation in the GPPH and bilateral PPH pilot projects, the DPMA is currently not involved in cooperation projects with other patent offices which are specifically directed to search

and examination (e. g. collaborative search).

Our internal patent search system DEPATIS contains a huge number of highly up-to-date worldwide patent and utility model documents (applications and grants) and their bibliographic data. Therefore, the DPMA has concluded data exchange agreements with numerous patent offices and, based on these, there is a manifold bilateral exchange of data.

With regard to databases of other offices used by the DPMA, please also refer to the answer to Q4.

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 queries with other collaborating offices?

Antwort DPMA:

In search reports under Section 43 of the Patent Act and Section 7 of the Utility Model Act, the DPMA provides information on technical fields (IPC) and databases or other sources, which have been used in the course of search and examination of patent applications. The search reports as mentioned above are accessible via the DPMA's online file inspection. Further information on search strategies or search queries is not provided to the public or 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

Antwort DPMA:

The online register DPMAregister

(see <https://register.dpma.de/DPMAregister/Uebersicht?lang=en>)

provides a file inspection facility and thereby access to search and examination reports. Furthermore, DPMAregister contains citations specified in the first publication of the patent application and during the following examination procedure.

Our publicly available search tool for worldwide published patent documents, DEPATISnet, is based on DEPATIS, the DPMA's internally used electronic document database. DEPATISnet contains a command-driven search engine with full text capabilities, which allows sharing and reuse of search strings. In addition, DEPATISnet provides complex family algorithms, thus allowing advanced searches by citations and family data. DEPATISnet uses the same data collection as our internal search system DEPATIS (see answer to Q2), but has reduced functionality and search capabilities. See

<https://depatisnet.dpma.de/DepatisNet/depatisnet?window=1&space=menu&content=index&action=index>

(ii)

Platforms and tools used by your office

Antwort des DPMA:

Internally, the DPMA's search system DEPATIS is used for searching. Complex and sophisticated family data algorithms allow reference hunting by family data as well as by citations (cited/citing). Our examiners also have access to EPOQUE.

Furthermore, examiners make use of services like espacenet, Global Dossier (via espacenet), WIPO Patent Scope, J-PlatPat (JPO), AIPN (JPO), PSS (SIPO), CPQUERY (SIPO), KIPRIS (KIPO), K-PION (KIPO), PublicPAIR (USPTO) and others.

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.

DPMA Antwort:

The types of cooperation as mentioned in the answer to Q2 improve search quality.

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.

Antwort DPMA:

Since the DPMA is currently not involved in specific projects of that type other than those mentioned in the answer to Q2, no particular needs and capacities exist in this field.