

**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: Guatemala .....  
Office: Intellectual Property Registry .....

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

**In accordance with the agreements and discussions set out in SCP documents SCP/17/7, SCP/18/9, SCP/20/11 and SCP/23/4, Guatemala understands the term “quality of patents” to mean that every substantive technical examination performed by a specialized technician of an application for a patent, utility model or industrial design has been conducted in conformity with the last set of claims on the file, by consulting reliable and relevant international databases, and that this examination is found to meet the requirements of novelty, inventive step and industrial application for the grant of the patent in Guatemala.**

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

**Guatemala’s patent examiners use reliable public databases in carrying out substantive examinations. There is no direct cooperation between the examiners in Guatemala and those in other offices. Moreover, in accordance with its regulatory framework the Patent Office of Guatemala may treat the results of examinations as sufficient to certify that the requirements of patentability of the invention have been met.**

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?

**Patent examiners use their own search strategy at the state-of-the-art stage of the administrative process known as the substantive examination, and this strategy, or the documentation they obtain, are not shared with other offices. This is in order to comply with Article 69 of the Regulations under the Industrial Property Law found in Governmental Agreement 89-2002, which establishes that: draft decisions and any other preliminary documents prepared by the examiners or by other officials or staff of the Registry shall not be considered part of the publicly accessible file. This means that Guatemala’s patent office cannot share preliminary documents prepared by the examiners during the substantive examination stage.**

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.

**As stated in the previous reply, the Patent Office does not share information about the substantive examination, because of an explicit legal provision that prohibits the sharing of preliminary documents prepared by the examiners. WIPO CASE is a platform for storing information which Guatemala cannot lawfully share.**

(i) Platforms and tools provided by your office

**Guatemala has its own system of patent databases for the sole use of the patent examiners. An electronic consultation by a third party will only yield information about the administrative status of the application.**

(ii) Platforms and tools used by your office

**As stated in the preceding reply, the examiners in Guatemala have their own system of patent databases for the sole use of the patent examiners.**

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.

**There is no direct cooperation with other patent offices.**

Q6. What kinds of capacity building and trainings are required for cooperation between patent offices in search and examination?

**Guatemala is in need of basic and further training in searching and substantive examining, since the training courses currently offered are for examiners new to searches and substantive examinations. Advanced training is needed in certain fields such as chemical and mechanical specialties.**

Please indicate any specific capacity building needs to conduct such cooperation successfully.

**Through advanced training courses given by WIPO experts or experts from offices in countries at a higher level of development having a range of examiners in the relevant subjects.**

**Because they work in small offices, patent examiners in Central America need training in order to deal more efficiently with the various applications assigned to them.**

[End of Questionnaire]