

STANDING COMMITTEE ON THE LAW OF PATENTS QUESTIONNAIRE

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

Country: Kenya

Office: Kenya Industrial Property Institute (KIPI)

Person to be contacted:

Name: Cleophas Ojode

Title: Patent Examiner

E-mail: cleojode@yahoo.com

Telephone: +254 20 6002210/1

Facsimile: +254 20 6006312

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 application etc.

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

Our office understands quality of patent to relate to **quality of search and examination processes leading to** examination reports based on PCT standards and best practices, resulting in quality patents that would reduce chances of invalid objections or invalid grants which can easily attract court litigations.

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 et.

Kenya (KIPI) does not have formal cooperation with other patent offices in the area of search and examination. However, by virtue of being a member of WIPO, Kenya at times uses the services of International Cooperation for the Search and Examination of Inventions (ICSEI) Program, which offers free search and examination services for developing countries.

Kenya also uses the search and examination reports retrieved from free patent databases like patent scope, espacenet, lens, advance patent search etc.

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?

Though we prepare a set of Search Strategies to find relevant prior art documents, such strategies may only be shared among examiners internally but not with other patent offices, since there is no formal collaboration 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

There does not exist any platforms and tools provided by our office to share information on search and examination with other patent offices.

Attempts were made to share search and examination information with ARIPO but it did not materialize as the agreement was not successfully concluded.

(ii) Platforms and tools used by your office

There is none that exists

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.

We are yet to know whether or not there could be any impact of such cooperation as our office has not signed any agreement or MOU with any patent office for cooperation in search and examination.

However, WIPO ICSEI program for developing countries in respect to search and examination has some impact in accelerating the completion rate of examination of patent applications, as it discloses prior art documents which can only be accessed by patent offices which subscribe to fee charged databases.

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, 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.

- Training on drafting of the right and reliable cooperation agreement between two or more patent offices
- Training on how to put in place the right platforms and tools that would facilitate information sharing on search and examination
- Training on how to install and operate the necessary Information Communication Technology infrastructure for the cooperation to succeed.

END