

Q1: How does your office understand the term „quality of patents“?

Quality patents mean that the scope of protection should strike a balance between granting adequate patent rights and preserving the public's ownership in the public domain or the prior art.

In our office the "patent quality" desideratum is put into practice through high evaluation standards of patent applications; rigorous implementation of standards; clearly defined, non-overlapping patent rights; high inventive step, all of these converging to small likelihood of revocation in courts.

In this respect, we have implemented a system based on quality, not quantity; an important index of quality being the number of appeals/revocations in relation to the number of decisions taken after examination.

Since 2015, The State Office for Inventions and Trademarks has ISO certification.

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

In 2015, Romanian Patent Office signed a PPH memorandum of understanding with USPTO, with the aim to enhance the efficiency of the examination process by going into a fast-track examination, in the case where a patent application has already undergone a successful examination in the office of first application with which a PPH exists, and to reduce the inconsistencies in two patents covering substantially the same invention in two distinct countries leading to more certainty of rights and lowering the likelihood of litigation. The bilateral PPH Pilot Program between the two offices commenced on 15th of April 2015. It will run for a period of four years, ending on 14th of April 2019. The trial period may be extended if necessary and useful for the activity of both offices and beneficiaries thereof. During the trial period both offices shall continually evaluate the program results to determine whether the program needs to be modified for more effective operation or a flexible implementation of the Global PPH pilot program. The offices may also decide to terminate the pilot program earlier for significant reasons, such as the replacement of the bilateral framework while adopting the multilateral one in the Global PPH project.

OSIM is not currently a Global PPH participating office so that its partnership with USPTO is exclusively carried on on a bilateral basis. However, a PPH request submitted with the USPTO based on OSIM examination results shall be treated under the published Global PPH standards.

Following the discussions between the State Office for Inventions and Trademarks and JPO concluded with a Joint Statement of Intent regarding cooperation in the field of patent prosecution, the bilateral PPH Pilot Program between the two offices commenced on 1 July 2015. The basic concept of the PPH Pilot Program enables an applicant whose claims have been determined to be allowable by the Office of First Filing (OFF) to request and obtain an accelerated examination procedure for the said claims in an Office of Second Filing (OSF) based on the examination results from the first office. The applicant is thereby allowed to obtain a patentability decision regarding the application filed in the second office, more quickly.

The Joint Statement of Intent and the project implementation documents may be revised by both offices upon request and by mutual agreement, throughout the duration of the project.

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?

No.

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: None
- (ii) Platforms and tools used by your office: European Patent 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.

The Romanian Patent Office performs, on request, two types of searches for some neighbouring offices, for example, the Slovenian and Macedonian Patent Offices, and also for third parties from these countries (both patent applicants and patent advisors).

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 to conduct such cooperation successfully: None