

## **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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**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 Swiss Federal Institute of Intellectual Property (Swiss IPI) has a comprehensive understanding of the concept or term “quality of patents”. The quality of a patent is influenced by its entire “environment”. This includes the statutory framework conditions and the related questions of legal security, enforcement, judicial independence, or reliable processes before all institutions involved in the patent prosecution/ grant/ enforcement process. Quality is also impacted by the application of the relevant legislation and by legal validity. Furthermore, the patent preparation and prosecution process itself, the search and examination procedure and the evaluation of these key patentability requirements are crucial elements influencing the quality of a patent. This also includes essential operational factors to provide timely, consistent and valid services and to enhance competences and skills of patent examiners. A further factor is the maintenance of a quality register, including correct and complete patent data and the legal status of the application or patent. Finally, the quality of a patent is influenced by the patent applicant who should submit valid applications.

**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.

- Cooperation with the European Patent Office (EPO): e.g.
  - o Registration maintenance for European patents designating Switzerland
  - o Access to and use of search tools and data bases of the EPO
  - o National cooperation plan with the EPO, including training activities; usage of the EPO tools; the Quality @ source program related to the published national patent data.
- Cooperation with WIPO:
  - o Receiving office for PCT-applications
  - o International Cooperation in search and examination program (ICE program)

- Bilateral:
  - o E.g. Columbia, Indonesia: training in searches and search strategies

**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?

The Swiss IPI does not share its search strategies.

However, the possibility exists to provide information on search strategies if useful and on request by other IPOs.

**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

Swissreg: the online database of intellectual property rights of the Swiss IPI.

(ii) Platforms and tools used by your office

- National registers
- Platforms of the EPO (e.g. EPOQUE; Espacenet; Federated register); exchange with EPO (search reports);
- Patentscope
- Global dossier
- 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.

Cooperation with the EPO and access to the organization's tools:

Promotes efficiency and legal certainty and validity; enhances quality and timeliness of patent prosecution process; increases know how at the Swiss IPI; increases expertise in usage of search tools

Cooperation with WIPO (ICE program): increases know how; helps to improve the quality of the patent system world wide

**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.

For capacity building the Swiss IPI has training exchanges with the EPO. The ICE-program with WIPO also provides a useful platform for capacity building.

In general, for an increase of quality through cooperation and exchanges it would be very helpful to harmonize the data exchange process, including formats and forms. Patent information of national office should be complete, e.g. including the legal status of the particular application or patent, in order to ensure access to correct, complete, data of good quality in national register or in cooperation/ exchange activities.

Areas of activities or trainings would be on the concepts of novelty and inventive step in order to improve evaluation competences; furthermore, on search and examination skills.