

## **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: TURKEY.....  
Office: TURKISH PATENT AND TRADEMARK OFFICE.....

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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”?**

Turkish Patent and Trademark Office (TURKPATENT) consider the topic of “quality of patents” is an important and essential concept for the further development of the existing patent systems worldwide.

TURKPATENT understand the term of “quality of patent” from the office’s perspective, including quality of patent procedures and management in the office, quality of search and examination and quality of granted patents.

TURKPATENT believes that “quality of patent” should include; to perform reliable, consistent, fair and transparent search and examination report based on regulations, laws and treaties; to grant patents in a timely manner; to maintain cooperative relationships with patent applicants and attorneys to get efficient feedback to enhance the quality and effectiveness of its search and examination report processes; to improve quality of services through continuous training and increasing the level of knowledge and capabilities of patent examiners; to provide services of the highest quality to the utmost satisfaction of patent applicants and attorneys.

Turkish Industrial Property Law No: 6769 has recently ratified and entered into force in 10.01.2017. Taken into account of 3<sup>rd</sup> party observation is regarded as important element of the patent quality. During the preparatory work of this law in addition to the pre-grant 3<sup>rd</sup> party observations, post-grant opposition system is considered as one of the main part of granting high quality patents, and post-grant opposition system is introduced to the patent legislation.

TURKPATENT considers that all of the elements mentioned above to be taken into account for “quality of patents”.

**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.**

TURKPATENT has cooperation experience with other patent offices with respect to search and examination as following types; access to documents/databases of other offices, use of search and examination work products, expertise and resources available in other offices, and outsourcing search and examination (until 2016).

With respect to cooperation in access to documents/databases: TURKPATENT has access to the EPOQUENet and ESPACENET provided by EPO. TURKPATENT has launched cooperation activities with the State Intellectual Property Office of China (SIPO) and the Korean Intellectual Property Office (KIPO), aimed at providing bilateral access to national patent databases.

With respect to cooperation in use of search and examination work products, TURKPATENT has recently signed Patent Prosecution Highway (PPH) agreements with Spanish Patent and Trademark Office, Japan Patent Office, and PPH Pilot agreement with State Intellectual Property Office of the People's Republic of China. However, there has been not any PPH implementation experience yet.

With respect to cooperation in expertise and resources available in other offices: TURKPATENT conducted several international and bilateral projects for development of institutional capacity and modernizing physical infrastructure such as, in 1995-1999 with the German Technical Cooperation Agency, in 1999-2006 with the World Bank. Another international project was implemented under the Organization for Islamic Cooperation (OIC), in cooperation with the Islamic Center for Development of Trade, which aimed at raising technical capacity on IP among OIC members. The most recent international cooperation project was implemented in 2010-2011 with the German Federal Patent Court and the German Foundation for International Legal Cooperation under a European Union funded twinning project that aimed at establishing examination guidelines, raising technical capacities of TURKPATENT examiners and specialized IP judges, and ensuring alignment of Turkey's IP legislation with the EU acquis. TURKPATENT has cooperation with many IP related international organizations, such as WIPO and the EPO, and also, some other national patent offices, such as the Korean Intellectual Property Office (KIPO), the German Patent and Trade Mark Office (DPMA), the Danish Patent and Trademark Office (DKPTO), and Czech Intellectual Property Office, for training programs focused on search and examination for patent examiners. Patent examiners of TURKPATENT regularly take annual training focused on search and examination.

With respect to cooperation in outsourcing search and examination; after its establishment in 1994, between 1994 and 2005, all search and examination reports were prepared by contracted ISA/IPEA offices (AT, SE, RU, DK, and EP) to which work was outsourced. In 2005, TURKPATENT started to prepare search and examination reports, with around 10 examiners and only in certain technical fields; at that time, most of the reports had to be outsourced to the same partner ISA/IPEA offices. This partnership with ISA/IPEA offices contributed greatly to the quality of patents issued by TURKPATENT, due to high quality search and examination reports prepared by the partner Offices. Over time, the partnership also greatly contributed to the improvement of search and examination experience of our examiners and the quality of search and examination work of TURKPATENT. As the search

and examination capacity of TURKPATENT is sufficient for search and examination work for national applications and it also fulfill the PCT ISA Minimum requirements, outsourcing search and examination was ceased in 2016.

**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?**

TURKPATENT share indications of databases and publications, classification codes, search terms and keywords used in search via the search reports. Databases, IPC codes and keywords used during search can be accessed from the relevant form fields of the search report. The search reports of all published patents can also be accessed both by TURKPATENT examiners and external users via the website of TURKPATENT (<http://www.turkpatent.gov.tr>).

**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**

**(ii) Platforms and tools used by your Office**

(i) Platforms and tools provided by our office

The search reports of all published patents can be accessed both by TURKPATENT examiners and external users via the website of TURKPATENT by using online Patent Search services (<http://online.turkpatent.gov.tr/EPATENT/servlet/EPreSearchRequestManager> ).

(ii) Platforms and tools used by our Office

TURKPATENT has recently signed Patent Prosecution Highway (PPH) agreements with Spanish Patent and Trademark Office, Japan Patent Office, and PPH Pilot agreement with State Intellectual Property Office of the People's Republic of China. However, there has been not any PPH implementation experience yet.

We believe that the WIPO CASE system is very valuable platform for patent offices to share search and examination documentation to facilitate work sharing programs. We are also willing to participate this system both as a providing office and also an accessing office.

**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.**

As it is mentioned in the second question TURKPATENT has past experience on cooperation with other patent offices with respect to; access to documents/databases of other offices, use of search and examination work products, expertise and resources available in other offices, and outsourcing search and examination between 1994 and 2016.

We are expecting that cooperation in use of search and examination work products via PPH, will contribute to reduce the work load of the Office and shorten the procedure so that the grant of patents will be possible in a timely manner.

Cooperation in expertise and resources available in other offices contributed to our office to improve physical infrastructure, establishment of modern IT systems, training of examiners and development of institutional capacity.

Cooperation in outsourcing search and examination; contributed to the improvement of search and examination experience of the examiners and the quality of search and examination work of TURKPATENT as well as reducing the work load of the Office.

**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.**

In order to improve capacity building main cooperation areas between offices may be with regard to human resources and patent related IT infrastructure. These areas can be defined in more detail as training programs, professional search tools for offices supporting the search processes and electronic platform for work sharing.

From the trainings of EPO and WIPO, in which the examiners from different patent offices are come together, we have experienced that, cooperation in such a multi-national regular training programs are more efficient way to share of different approaches and experiences between the patent examiners. Therefore, we believe that organization of multi-national regular training activities regarding search and examination will be useful for the national offices for supporting development of knowledge and skills of office employees.

WIPO CASE system is very valuable platform for patent offices to share search and examination documentation to facilitate work sharing programs. We believe that, as the number of offices participating the WIPO CASE system as providing office increase, more documents will be available for the exchange between the offices. Moreover, the system could be further improved. In consequence, WIPO CASE system would be useful tool for the national offices for supporting their technical capacity for search and examination.

Professional patent search tools providing search services by entering keywords, international patent classification and many other search criteria, is another technical need of the patent offices to improve their building capacity for search and examination. The PATENTSCOPE database provides such a very useful service. We appreciated the IB for further enhancing the PATENTSCOPE service by introducing the chemistry search function as positive development. We believed that availability of such a service and further development of its functions would be useful for the national offices for supporting their technical capacity for search and examination.

***[End of Questionnaire]***