

**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: REPUBLIC OF ZAMBIA.....
Office: PATENTS AND COMPANIES REGISTRATION AGENCY.....

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Q 1: How does your office understand the term “quality of patents”?

The Patents and Companies Registration Agency, PACRA, understands “quality of patents” as the extent to which patent systems comply with patentability conditions in a transparent and efficient manner¹. When deciding whether a patent meets the necessary quality, PACRA considers the following:

- I. Quality of search for the state of the art: Does the Examiner identify the closest prior art? What search tools as well as options (hardware and software) are available for use by the Examiner?
- II. Quality of analysis of search results: Is prior art correctly evaluated in relation to the application before the Examiner?
- III. Quality of the application of legal provisions: Are the applicable legal provisions observed and applied appropriately and in a relevant manner?
- IV. Quality of cooperation between the applicant and the Examiner:
 - (i) Does the Examiner offer proposals, for example, on the wording or drafting of claims?
 - (ii) Are decisions reasoned and transparent?
 - (iii) Do both sides work together in a constructive manner?
- V. Quality of legal provisions: Are the legal provisions understandable, written in plain language, with precision and unambiguous? Is the relevant legislation available to all parties concerned in the invention chain?

¹ Bruno van Pottelsberghe de la Potterie: “The Quality Factor in Patent Systems“. Vienna, PATSTAT Conference.

Q 2: What types of cooperation with other offices does your office have with respect to search and examination?

In Zambia, most patents granted by PACRA are foreign and PCT applications, and as such, the applications are accompanied by search reports from the originating regional office or International Bureau. At the regional level, PACRA is part of the regional grouping, African Regional Intellectual Property Organisation, ARIPO, which grants patent on behalf of member states subject to the legislation of the relevant Member States. Applications under the PCT system come with international search reports. In case of international PCT applications (where Zambia is a receiving office), PACRA has bilateral agreements with Austria and Swedish Patent Offices. The bilateral agreements are for conducting prior art searches and substantive examination of applications. However, in case of applications that come without search reports from convention countries and nationals, PACRA engages the services of ARIPO as well as the Austria and Swedish Patent Offices. In carrying out patent search and examination, the office utilizes search and examination reports prepared by other offices. Further, the office utilizes various frameworks, mechanisms and tools such as the Technology and Innovation Support Centre, TISC, which provides access to PATENTSCOPE, HINARI, AGORA and OARI databases. All these efforts provide access to documents/databases of other patent offices

Q 3: Does your offices share (for example, via an official website), or exchange, such strategies and queries with other collaborating offices?

No, the office does not currently have any exchange agreements or such strategies with other collaborating offices for purposes of performing prior art search.

Q 4: In order to facilitate the cooperation, what kinds of platforms and tools to share information on search and examination are available in your office?

(i) Platforms and tools provided by your office.

The office does not have the platform and tools to facilitate cooperation for purposes of allowing other offices to access its database to retrieve information.

(ii) Platforms and tools used by your office.

PACRA runs a Technology and Innovation Support Centre, TISC. Through TISC, it has access to PATENTSCOPE, HINARI, AGORA and OARI databases.

Q 5: What are the impacts of such cooperation in the area of search and examination to your office?

The platform provided by TISC has been very useful not only to PACRA for the purposes of conducting searches and examination, but also to the researchers and other users of patent information. TISC has led to a broadened source of prior art for use in searches.

Q 5: What kinds of capacity building are required for different types of cooperation between patent offices in search and examination?

In order to achieve the intended goal of granting “quality patents”, there is need to have comprehensive training of patent examiners in classification, search and examination. Practical training would be more useful in this regard. Attachments for the examiners to well established patent offices that provide substantive examination of patent applications would greatly help PACRA in its efforts aimed at granting quality patents. Apart from training patent examiners, it would also be useful to train local patent agents in drafting of patent applications.

Through this type of training as well bilateral exchange of information agreements between patent offices, the quality of patents issued by many IP offices especially from Least Developed Countries would definitely improve.