

# PATENT COOPERATION TREATY

Common Quality Framework for  
International Search and Preliminary Examination

## Supplemental Report Under Paragraph 21.18 of the PCT International Search and Preliminary Examination Guidelines

by: *Austrian Patent Office*

on: *18.01.2008*

Date of main report and  
any supplemental reports to  
which this is a supplement: *main report: 20.12.2006*  
*no supplemental reports up to now*

Documents referred to in this report:

*In this report there is no reference to any document.*

As a result of our most recent internal review under PCT/GL/ISPE paragraphs 21.10-21.15, this Authority has made modifications to its Quality Management System (QMS) as discussed below.

The modifications are given with reference to the sections of the revised template for responses to PCT/GL/ISPE Paragraph 21.17 to which the changes relate.

*The Authority should describe any changes made to its QMS making reference to the specific sections of the earlier report using template T21-17, and / or making reference to any supplemental report(s) established in the meantime using template T21-18.*

*If no changes have been made to its QMS since the last report, the Authority should indicate such.*

The QMS at the Austrian Patent Office changes insofar as the rules for the “cross check” explained in the Report from 20.12.2006 are modified. An additional diagram shows the Quality Assurance Procedures.

Content of this update report:

- 1.) Changed text passages in Paragraph 21.07 (Quality Assurance Procedures)
- 2.) Additional Diagram which shows the Quality Assurance Procedure (to 21.07)
- 3.) Complete modified Paragraph: Quality Assurance Procedures 21.07

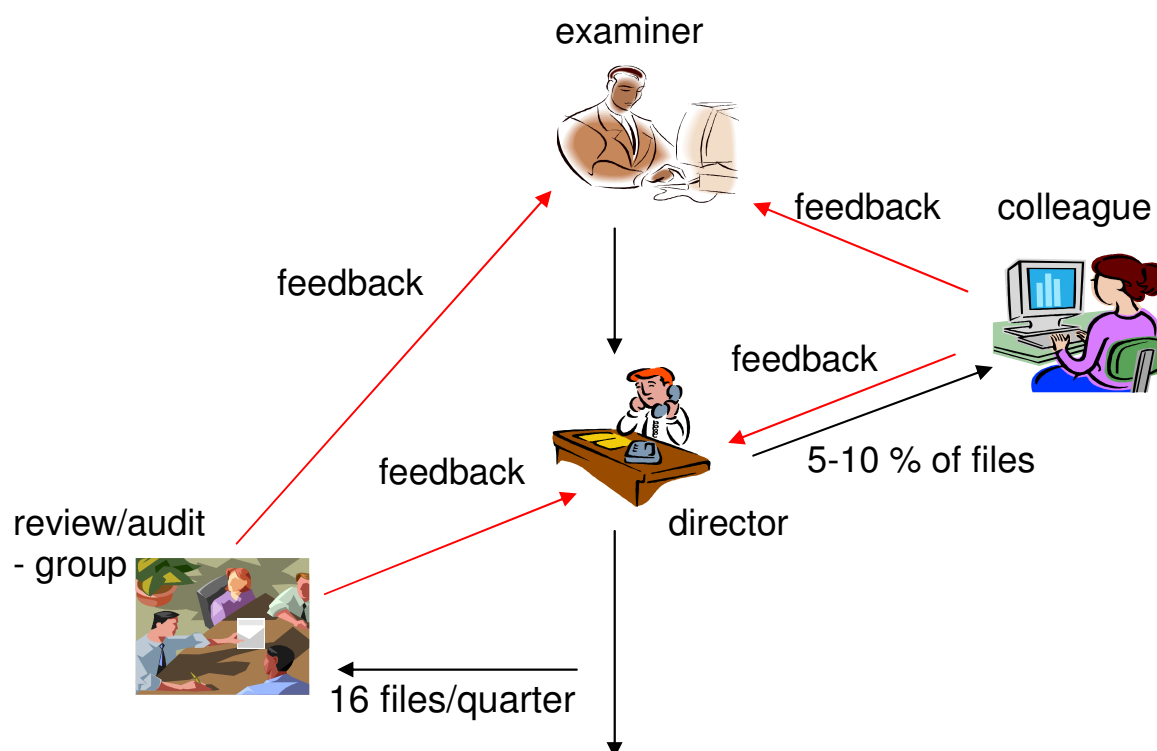
1.) Changed text passages in Paragraph 21.07 (Quality Assurance Procedures)

- 2.) *Check by the superior. A sample of about 5% to 10% of the reports will be given from the superior to a colleague of the examiner (cross check). The colleague checks the quality of the search strategy and/or the clearness of the report. This improves the internal communication and the mutual know how transfer. The result of the check can be discussed between the two involved colleagues alone, or together with the superior.*
- 3.) In PCT-cases there is an additional check (100% of the reports) by the PCT *department*.

The **cross-check** serves as basis for vital professional discussions between examiners. For maximising the mutual effect by networking, it is preferred to change the second examiner from case to case.

2.) Additional Diagram which shows the Quality Assurance Procedure (to 21.07)

Diagram showing the Quality Assurance Procedures



### 3.) Complete modified Paragraph: Quality Assurance Procedures 21.07

#### Quality Assurance Procedures (Paragraph 21.07)

*Provide information on procedures which ensure that S&E reports of a quality standard in accordance with PCT/GL/ISPE are issued. In particular, provide information on:*

- (a) Activities related to verification, validation and monitoring; as carried out in order to assess compliance of S&E work with PCT/GL/ISPE.*
- (b) Processes for measuring, recording, monitoring and analysing performance of the QMS to assess its conformity with the requirements of Chapter 21 and, if applicable, any other normative reference for the QMS.*
- (c) Activities related to verifying the effectiveness of actions taken to deal with deficiencies, including:
  - (i) those actions taken to eliminate, correct or authorise release of deficient S&E work which does not comply with the quality standards;*
  - (ii) those actions taken to eliminate the causes of deficient S&E work and prevent the deficiencies from recurring.**
- (d) Activities ensuring the continuous improvement of established processes underpinning the issue of S&E reports.*

The APO (OEPA) has installed an internal quality assurance system for self assessment, involving the evaluation of search and examination work for compliance with the internal instructions and the PCT Search and Examination Guidelines and channelling feedback to staff, including a system for measuring, recording, monitoring and analyzing the performance of the QMS to allow assessment of conformity with the requirements.

This standard quality assurance system (applied to all searches performed by the APO (OEPA)) provides 4 steps:

1. Self-check of the examiner using a checklist, where the most important criteria of quality (defined under consideration of the employees-survey, known deficits and common errors) are listed
2. Check by the superior. A sample of about 5% to 10% of the reports will be given from the superior to a colleague of the examiner (cross check). The colleague checks the quality of the search strategy and/or the clearness of the report. *This improves the internal communication and the mutual know how transfer.* The result of the check can be discussed between the two involved colleagues alone, or together with the superior.
3. In PCT-cases there is an additional check (100% of the reports) by the PCT department.
4. Periodic audit of a random sample of cases by the QM-board.

The **self-check** under consideration of the checklist guarantees a permanent reminding of the key-criteria. The occasional adapted checklist permits to give clear and adjusted reference to important items.

There is special focus on

- lack of unity of invention
- clarity and scope of claims - transparent analysis of subject matter
- obligatory documentation of (online) search strategy
- taking ECLA into consideration for search and classification is obligatory
- observation of time limits

The **cross-check** serves as basis for vital professional discussions between examiners. For maximising the mutual effect by networking, it is preferred to change the second examiner from case to case

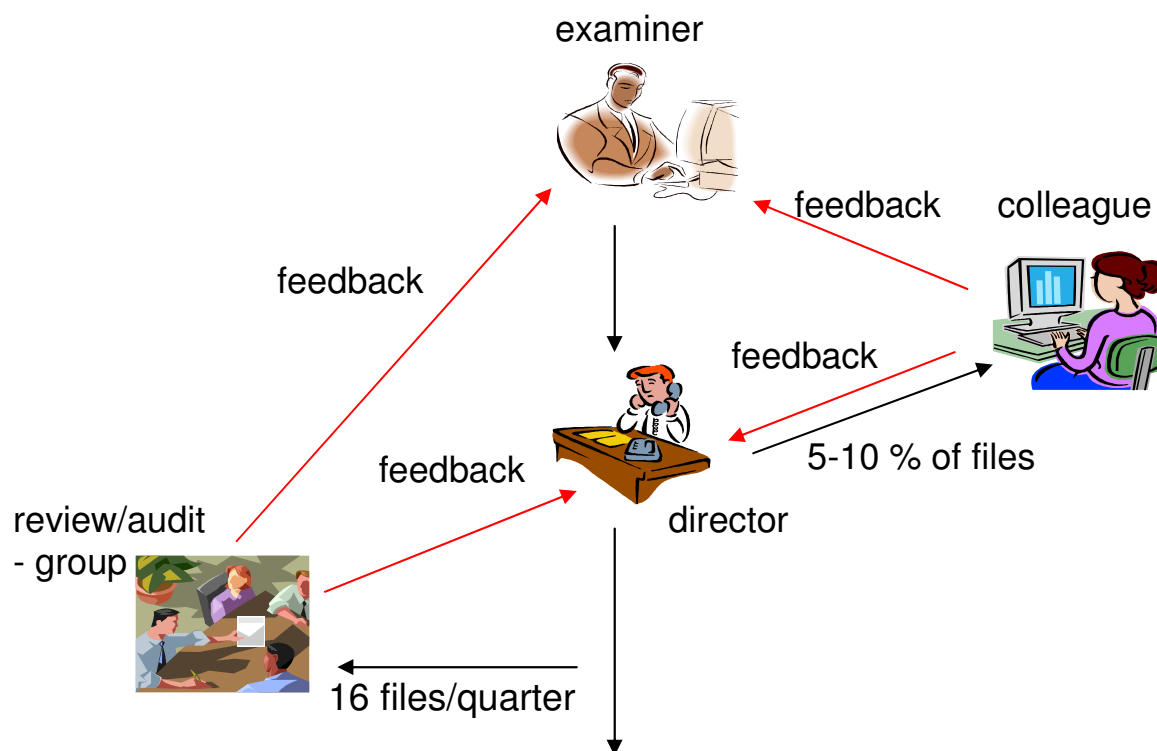
The **superior level-check** gives the head of the department the possibility to inspect the reports and to ensure the quality level in the department. If the cross checks results in two different opinions, the head of the department will give advice and may settle how to process a special case. If he is in doubt, he has to consult PCT, ST or a member of the QM-Board.

The QM-Board meets at least four times a year to discuss the results of the random sample. It is guaranteed that the **spot checks** are spread over the departments equally and every examiner will be selected at least once in two years.

The evaluations are carried out by the members of the QM-Board in their technical section; they may call in an expert. In the evaluation meeting the QM-Board tries to find out general errors or shortcomings and is drafting instructions to avoid these discovered deficits.

The verification of the effectiveness of actions taken to address deficiencies and to prevent issues from recurring and the ensuring of the continuous improvement of the established processes is coordinated by the QM-Board, PCT and ST.

Diagram showing the Quality Assurance Procedures



[End of report]