

PATENT COOPERATION TREATY

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

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Abbreviations:

Rospatent – Federal Service for Intellectual Property, Patents and Trademarks

FIPS – Federal State Institution «The Federal Institute of Industrial Property of the Federal Service for Intellectual Property, Patents and Trademarks», under the jurisdiction of Rospatent

CPD - Federal State Institution «The Chamber of Patent Disputes of the Federal Service for Intellectual Property, Patents and Trademarks», under the jurisdiction of Rospatent

RGIS – The Russian State Institute of Intellectual Property, under the jurisdiction of Rospatent

Rospatent System – incorporates Rospatent itself and subordinate organizations FIPS, CPD, RGIS

Quality Service – Quality Service of Rospatent being the main subdivision of Rospatent System whose terms of reference cover the organization of quality management procedures.

Addition to the Introduction of the main report (Paragraphs 21.01-21.02 of the Guidelines)

The main structural elements of the existing Rospatent's quality management system, as indicated in the 2006 report, are two levels of examination, search and other types of activities quality management:

- *internal control* quality management,
- *external control* quality management.

In 2007 structural changes have been conducted in the Quality Service created in 2006 for *external quality* control. Three existing divisions were supplemented by one more division:

- legal support division,
- technological support division,
- division for scientific and technical researches and training,
- and the newly established division – *sector for control over the treatment and account of citizens' appeals*. This division controls using an automated system the process of execution of tasks and orders of directors, accounts for results of control on different activities; ensures automated control of

appeals of legal and natural persons and summarizes the results of consideration of appeals, weekly presents information about well-founded appeals to Rospatent's Director General, analyses data on applications for patents or other industrial property objects, decisions on which have been canceled or changed by the CPD.

Control of execution of tasks is conducted according to the following scheme:

- information on registered tasks is fixed,
- control cards are prepared using an automated system and sent to responsible performers,
- preventive control of execution is conducted, data on the execution is collected and entered into the automated system,
- results of control are summarized for the FIPS administration.

Rospatent conducts constant activities on assurance of quality of search and examination, including the quality of international search and international preliminary examination.

The quality of examination and search is ensured by sustaining different activities at a certain level, mainly:

- human resources – examiners (staff), management (staff), technical workers (staff), etc.;
- legal and methodological support – legislation, methodology, recommendation;
- information support – possibility of searches using various sources (paper, discs, remote access databases, scientific and technical literature);
- organizational and technological support – different orders, instructions, decrees and rulings organizing the work of the system and the paperflow;
- information and organizational support – all the paperless technologies;
- training and professional education – is a joint system of education including internal and external types and forms of training, post graduate studies, secondary higher education, foreign language courses, distance learning, etc.
- interaction with the WIPO and users of the legal protection system i.e. patent attorneys, patent engineers, inventors, industrial enterprises, federal executive bodies, etc;
- control of compatibility of different activities with established requirements, development and realization of adjustment measures for activities, not meeting the requirements (quality management).

Below is the information concerning those directions and related main changes in 2007.

Addition to main report section "Resources-Infrastructure" (Paragraph 21.05 of the Guidelines)

On **human resources** we should note that by the end of 2007 the overall headcount of examiners equaled 728. The number of workers executing quality control of the examination documents within Quality Service is about 30 people, and the number of the section for control of quality of documents of international search and preliminary examination, conducting also the organization of the process of international search and international preliminary examination is still 7 people.

During 2007 the same methods of recruitment were used as earlier. In particular, FIPS was cooperating with higher educational institutions training specialists in different fields, participated in university job fairs. Besides, a new system of education and training of potential examiners was introduced in 2007 (before recruitment). Specialists with higher education and students with necessary majors were attracted to participate in the program. The training and education were followed by exams. The results were used in hiring full time examiners.

It should be also noted that the main requirement when hiring was higher education and qualifications in the necessary fields, working experience in respective field of science or technology and scientific degrees were considered as advantages, foreign language knowledge was considered as a necessary requirement.

As for **legal support** it should be noted that Part IV of the Civil Code of the Russian Federation has entered into force from January 1, 2008. It governs relations in the field of protection of rights in the results of intellectual activities. All the former special laws in this field are now longer in effect. This has set the main tasks in the field of **training and education** in 2007.

A transition to the new three-level system of professional training of examiners of FIPS in RGIIS was continued in 2007. This system includes *three independent specialized programs* concerning: 1st level – patent examination, patent information, information search; 2nd level – legal protection of intellectual property objects, patent surveys; 3rd level – intellectual property economics. An official certificate is issued upon successful completion of each program.

46 FIPS employees completed the WIPO Worldwide Academy *distant learning* course “General Course on Intellectual Property” in 2007.

As for **information support**, as indicated in 2006 report, examiners are provided with access to documentation beyond PCT minimum.

1. Additional access for improvement of search quality and decrease in time spent was provided to the following databases:
 - Taiwan Intellectual Property Office (TIPO);

- Several new websites of non-patent literature on electronics and radiotechnics;
- Public Library of Science website (USA);
- Directory of Open Access Journals (Sweden);
- Other databases.
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Instructions for the use of indicated databases and search guidelines have been prepared for the examiners. Moreover a list of Internet websites containing scientific and technical literature in the field of television and radio, communications, measuring technics energy supply was drawn up.

2. Translation of examples of classification of objects of technical solutions using the indexes of the international patent classification has been finished in 2007. Work on drawing up Russian language directory of examples was conducted using the translation of the English language directory and adding the Russian equivalents of the keywords. The examples are the basis for the training materials on the International Patent Classification. A Collection of examples for the training in classification on the International Patent Classification in Russian was published in 2007.

As for the **information and technological support**, we should note that an automated system of electronic paperflow on PCT applications “ELA PCT” was developed and put into operation testing in 2007. The system is designed for the paperflow control of application filed with Rospatent as a receiving office. The “ELA PCT” automated system contains the electronic form of paper documents, provides for creation of electronic file of application, creation of more than 50 types of outgoing mail and more than 30 types of business procedures are developed.

Addition to main report section “Communication, Guidance and Responses to Users (Paragraphs 21.06(c), 21.09)”

The following changes should be mentioned on the **interaction with WIPO and the users of the system of legal protection grant**.

A new section “System of Filing International PCT Applications” has been introduced on the *Rospatent’s website*, it is designed for persons willing to file a PCT application or conduct a patent documentation search. Besides, the website contains the International Search and International Preliminary Examination *Guidelines*, containing requirements for the quality of international search and preliminary examination and their results, and also the description of working procedures of international search and preliminary examination and their results *in Russian*.

Addition of the main report sections “Establishment and maintenance of QMS” (Paragraph 21.03) and “Quality Assurance Procedures” (Paragraph 21.07)

As for quality assurance concerning the **control of compliance of different directions of activities with the requirements set, development and implementation of corrective actions for the aspects not meeting the requirements**, the following main activities should be mentioned.

1. More than 20 checks of quality of examination documents and compliance with the time limits were conducted by the Quality Service in 2007, technological supervision. The reasons of flaws detected in the course of quality checks were defined each time. The results of analysis led to measures aimed at elimination of the reasons..
2. As for the activities of the division for quality control of the documents of international search and preliminary examination, in 2007 the number of drawn up and checked reports on international search and international preliminary examination was – 789 search reports and written opinions of the international search authority, and 115 examination reports, total of 904 (in 2006 – the total was 891). It should be noted that the number of PCT applications for international search received in 2007 (797) and international preliminary examination requests (132) totaled to 929, slightly more than the 2006 figure. In this respect, no special measures were needed to regulate the changes in the workload.

The employees of the division for quality control of the documents of international search and preliminary examination conduct the compliance of the search reports, written opinions and examination reports on each international application with the requirements of the PCT International Search and International Preliminary Examination Guidelines. That means that international search reports should meet the following requirements:

- a) is the relevancy of the documents on each point of the claims characterized, is it defined correctly,
- b) if only certain parts of the documents cited are relevant or specifically relevant, are those parts identified with indication of pages, columns or lines,
- c) if an international application does not meet the requirement of the unity of invention, is the lack of unity of invention defined correctly and the attribution of points to groups by the examiner is correct,
- d) if an object characterized in one or several independent points of the claims is attributable to those, on which international search can not be conducted according to Rule 39.1 of the Regulations under the PCT, such an object was defined correctly.

In the case of a written opinion (or report of the international preliminary examination) the compliance of the written opinion (or report of the international preliminary examination) to the following requirements is checked:

- a) all points are analyzed from the point of view of novelty, inventive step and industrial applicability,
- b) all statements on the novelty, inventive step, and industrial applicability are well-grounded. If a negative statement concerns lack of industrial applicability, statements concerning novelty and inventive step must be provided if possible.
- c) in necessary, remarks on the clarity of the claims, description, drawings or should be provided,
- d) if an object characterized in one of several independent points of the claims is attributable to those, on which international search can not be conducted according to Rule 39.1 of the Regulations under the PCT or international preliminary examination is not conducted according to point 67, such an object was defined correctly.

Elimination of defects detected in the course of drawing up international search or international preliminary examination reports is conducted along the way in discussing the application with the performer. In cases of difference of opinions written communications were sent to directors of relevant divisions containing information on the problematic issues and timeframes for their elimination. The results of control of reports of international search and international preliminary examination and written opinions were used to train the examiners to draw up the documents correctly.

Addition to the main report section “Feedback arrangements” (Paragraph 21.08 of the Guidelines)

The overall number of communications considered in Rospatent and subordinate organizations in 2007 was 1800 (85 per cent of them by FIPS), which exceeds the 2006 figure by a quarter.

About 50 per cent of requests were satisfied, about 20 per cent were given clarifications, about 30 per cent were refused with explanations of reasons.

Addition to the main report section “Internal Review” (Paragraphs 21/10-21/15 of the Guidelines)

In order to improve the quality management system the Quality Service conducted in 2007 a study on the development of systems of work quality management. In the course of the study quality management reports of foreign patent offices (competent authorities), international quality standards recommendations and basic principles of quality management were analyzed.