

PATENT COOPERATION TREATY (PCT)

Common Quality Framework for International Search and Preliminary Examination

ANNUAL REPORT ON QUALITY MANAGEMENT SYSTEMS

prepared by ROSPATENT

The Authority should provide general background information relevant to the quality management system (QMS) as set forth in this template.

The descriptions below each main heading of this template should be considered examples of the type and arrangement of information that should be included under each heading. Each Authority may provide additional information beyond that set forth in this template as desired.

INTRODUCTION (PARAGRAPHS 21.01 - 21.03)

If applicable, the Authority may at this point indicate any recognized normative reference or basis for their quality management system besides Chapter 21, such as ISO 9001, under the heading “Normative Reference for QMS”

For example: “Normative reference for QMS: ISO 9001, EQS (European Quality System)”

Each authority should then provide at least the information indicated in the descriptive boxes, under the following headings

Abbreviations:

Rospatent - Federal Service for Intellectual Property

FIPS - Federal State Budgetary Institution “The Federal Institute of Industrial Property”, under Rospatent

RG AIS - Federal State Budgetary Institution for Higher Professional Education “The Russian State Academy of Intellectual Property”, under Rospatent

References to the legislation related to quality management system besides Chapter 21 of the Guidelines.

The issues of granting legal protection to the results of intellectual activity, in particular to the inventions, are provided for by Part IV of the Civil Code of the Russian Federation (hereinafter referred to as the Code), put into effect by the Federal Law № 230-FZ as of 18.12.2006 “On putting into effect Part IV of the Civil Code of the Russian Federation” from January 1, 2008 (as amended).

The functions of the Federal body of executive power for intellectual property are entrusted to Rospatent.

The authorities of Rospatent related to the reception, registration of the applications for inventions, examination and patent granting (provision of a state service) are provided by the Resolution of the Government of the Russian Federation № 218 as of March 21, 2012 (as amended).

Rospatent is under the jurisdiction of the Ministry of Economic Development of the Russian Federation. The order of state service provision in the field of legal protection of inventions is established by the Administrative Regulations, adopted by the Order of the Minister of Education and Science of the Russian Federation № 327 as of October 29, 2008, registered with the Ministry of Justice of the Russian Federation on February 20, 2009, reg. № 13413 (hereinafter referred to as Administrative Regulations).

The list of requirements produced to the examination of applications, including the ones filed through the Patent Cooperation Treaty route, including the information search, is established by the Code and by the Administrative Regulations.

The Administrative Regulations provide for the forms of control over the state service provision, the order and frequency of scheduled and off-scheduled checks for completeness and quality of state service provision, liabilities of the officials for the decisions and actions (inaction) taken (carried out) by them in the course of state service provision. The Administrative Regulations define the officials authorized to exercise the control functions.

The handling of applicants’ complaints to Rospatent decisions taken on the application for invention, to illegitimate actions (inaction) of the officials in connection with the state service provision, is regulated by a separate Federal Law № 210-FZ as of July 27, 2010 “On organization of state and municipal services provision” (as amended). The rules of filing and processing of the complaints are

established by the Resolution of the Government of the Russian Federation № 840 as of August 16, 2012.

The processing of the requests of the applicants, rightholders and other persons on other issues related to the activities of Rospatent, are regulated by the Federal Law № 59-FZ as of May 2, 2006 “On the order of consideration of the requests of the citizens of the Russian Federation” (as amended).

~~In 2013 the Government of the Russian Federation approved Draft Federal Law № 47538-6/7 “On amendments to Parts II and IV of the Civil Code of the Russian Federation and certain legislative acts of the Russian Federation,” including those amendments directed toward improving patent quality, providing more reliable legal protection for inventions and bringing substantive and procedural provisions regulating the protection of inventions into line with international standards, particularly European Union (EU) standards. Draft Federal Law № 47538-6/7 is under consideration by the State Duma of the Federal Assembly of the Russian Federation.~~

~~In 2013 work continued on the drafting and approval of new Administrative Regulations with the Ministry of Economic Development of the Russian Federation.~~

Since October 1, 2014 the Federal Law № 35-FZ as of March 12, 2014 “On amendments to Parts I, II and IV of the Civil Code of the Russian Federation and certain legislative acts of the Russian Federation” has been in effect. According to Article 3 of said law part IV of the Civil code was amended with an aim to, inter alia, increase the patent quality and legal protection reliability, as well as to converge the material and procedural principles regulating the protection of inventions with the international standards, particularly with the standards of the European Community (EC).

Due to amendments introduced to the Code in 2014 there began the work on preparation of regulatory legal acts based on the amended Code and necessary for the purposes of state services provision by Rospatent. The Draft Administrative Regulations of providing state services on receipt of applications for grant of patent of the Russian Federation for invention, registration, examination thereof and grant of patents and duplicates thereof, contain provisions defining:

- the exhaustive list of documents needed according to the regulatory legal acts for state service and services provision;

- the composition, order and terms of execution of administrative procedures (actions);
- the requirements to the order of their execution including particularities of execution of administrative procedures (actions) in electronic form;
- the forms of control over execution of the Regulations;
- pre-court (out-of-court) procedure for filing an appeal against decisions and actions (inactions) of the body that provides state service, as well as of the officials thereof.

The package of drafts of regulatory legal acts also includes the Requirements to the documentation on application for grant of a patent, the Rules of compilation, filing and consideration of said documents, the Procedures of information search on application for invention.

Said documents are aimed at standardization of the requirements to documents needed for administrative procedures execution; regulation of terms of execution of the procedures; providing transparency and clarity of the procedures to persons applied to Rospatent for a state service, service quality increase.

1. LEADERSHIP AND POLICY

21.04 Confirm that the following are clearly documented, and that this documentation is available internally:

- (a) The quality policy established by top management.
- (b) The roles and names of those bodies and individuals responsible for the QMS, as delegated by top management.
- (c) An organisational chart showing all those bodies and individuals responsible for the QMS.

(a) The quality policy is determined by the Statute of Rospatent approved by the Resolution of the Government of the Russian Federation and Strategy of Rospatent Development till 2015 approved by the Director General of Rospatent. The Director General of Rospatent is responsible for development of QMS and policy in this field.

(b), (c) Supervision of issues related to functioning and improvement of QMS **is assigned** is referred to the competence of Mrs. Kiriya L.L., **Interim Director of Rospatent.**

The organizational structure of QMS includes the following **supervising** divisions:

1) Department for the Provision of State Services of Rospatent. Management of the department is assigned to ~~Mr. Dobrynin O.V.~~ Mr. Travnikov D.V., Director of the Department for the Provision of State Services of Rospatent.

2) Department for Monitoring the Quality of Providing Public Services dealing with the common issues of the quality control, including:

- monitoring the documents being prepared by the examiners on their compliance with the quality standard;

- monitoring the information searches quality;

- providing systematic, including operational, and methodical support to examination divisions;

- elaboration of measures aimed at examination quality improvement.

The management of the Department is assigned to Mrs. Alexeeva O.L., Deputy Director for Quality, FIPS.

~~For the purposes of raising the quality management system efficiency, in 2011 the~~

~~special division for monitoring the activity of examination divisions was created. The~~

~~following issues are the responsibility of the division:~~

~~— monitoring the documents being prepared by the examiners on their compliance with~~

~~the quality standard;~~

~~— monitoring of the information searches quality;~~

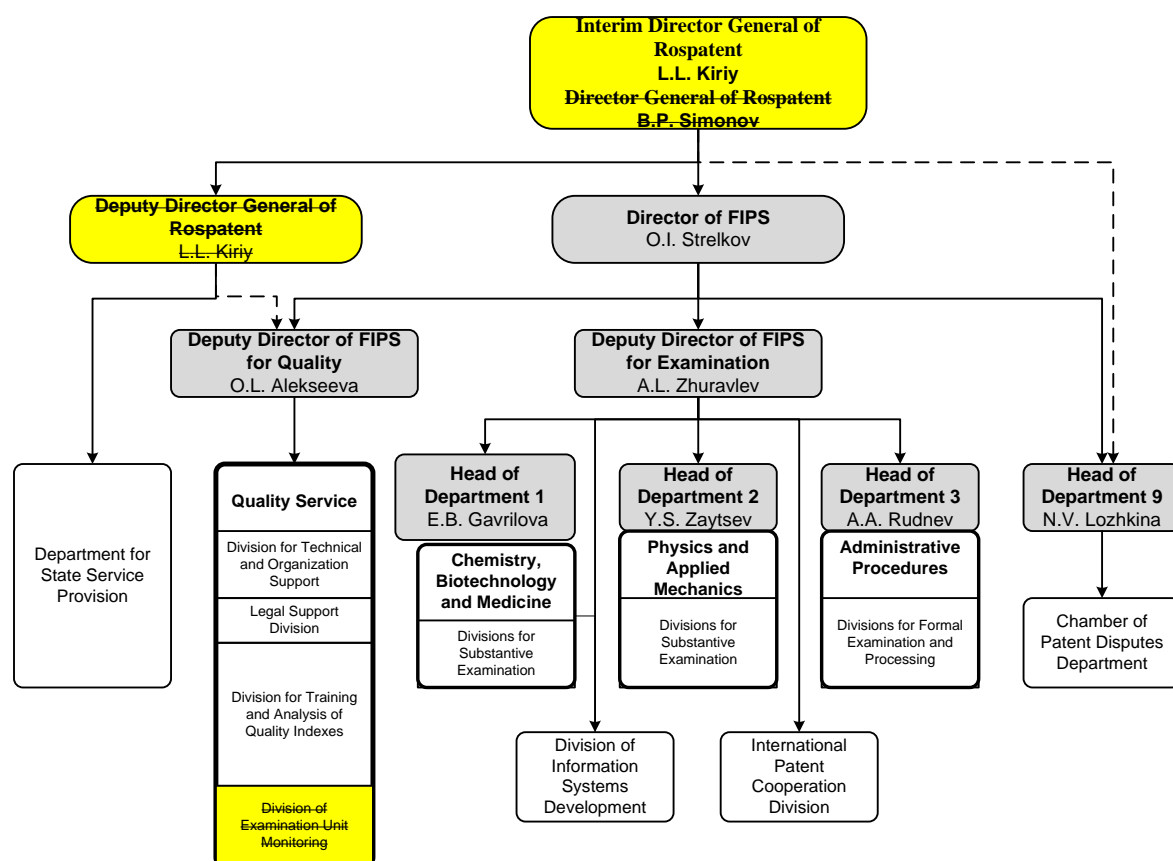
~~— assisting permanent, in particular operational, and methodical support to the examination divisions;~~

~~— development of the preventive measures aimed at examination quality improvement.~~

3) “Chamber of Patent Disputes” department dealing with objections to the decisions taken on the results of examination of applications for inventions. The supervision over the Department work is carried out by ~~Mr. Simonov B. P.~~ Mrs. Kiriy L.L., Interim Director General of Rospatent, and Mr. Strelkov O. I., Director, FIPS.

4) International Patent Cooperation Division dealing with quality control of the international search reports, written opinions and international preliminary examination reports. The Division Head is Mrs. Popova L.I. The supervision over the division work is assigned to Mr. Zhuravlev A.L., Deputy Director for examination of objects of patent law, FIPS.

* See the scheme on organizational structure of QMS below.



21.05 Indicate (e.g. by means of a table) the extent of compatibility between the Authority's QMS and the requirements of Chapter 21 of these International Search and Preliminary Examination Guidelines. Alternatively, indicate where the Authority is not yet compliant with these requirements.

21.06 Indicate with reference to the organizational chart those bodies and mechanisms management uses to ensure:

(a) the effectiveness of the QMS; and

(b) that the process of continual improvement progresses.

(a), (b) The effectiveness of QMS is ensured by:

- the implementation of measures directed on improvement of examination quality, optimization of applications processing and new information technologies, which are included in annual and long-term, plans;
- control of execution of planned measures by the Director General of Rospatent;
- monitoring of FIPS activity results;
- recording and analysis of Rospatent staff proposals and development of measures for quality improvement;

- carrying out preventative current control, planned control and extraordinary control of the quality of searches and examination;
- applying control system for registration of the users' complaints and development of measures for prevention of infringements.

Development of QMS is provided by:

- proposals on improvement of the Russian Federation legal system for the purpose of compliance with the international standards;
- activities on methodical support of search and examination.

21.07 Indicate how management of the Authority communicates to its staff the importance of meeting treaty and regulatory requirements including:

- (a) those of this standard; and*
- (b) complying with the Authority's QMS.*

(a), (b) Information on importance of contractual and normative requirements, including requirements of the PCT concerning the maintenance of quality of international search and international preliminary examination, as well as requirements of QMS is brought to the notice of the staff:

- by reports, regulations and orders of the Director General of Rospatent and the Director of FIPS on paper and in electronic form under "Code" network resource accessible to the staff;
- during operative meetings of the Director General of Rospatent, the Director of FIPS and the Deputy Director for Quality;
- at a meeting of the FIPS Methodical Council established to resolve problematic issues of the applications examining.

The information on results of inspections of examination quality, new procedures, other information concerning the activity of Rospatent and FIPS is sent to the heads of divisions for informing staff and using in its work.

21.08 Indicate how and when top management of the Authority or delegated officers:

- (a) conducts management reviews and ensures the availability of appropriate resources;*
- (b) reviews quality objectives; and*
- (c) ensures that the quality objectives are communicated and understood throughout the respective Authority.*

(a) Administrative operational inspections are carried out by orders of the Director General of Rospatent. The inspections are carried out by the Department for the

Provision of State Services of Rospatent and the FIPS Quality Service, **International Patent Cooperation Division, heads of examination departments.**

Reports prepared according to the results of inspections are presented to the Director General of Rospatent.

(b) The targets of QMS are revised in the course of planning of Rospatent activity (preparation of long-term Strategy of Rospatent Development and plans of Rospatent and FIPS activity for the next year based on the parameters of activity of the Office for previous year).

(c) The corresponding information is brought to the staff by issue of orders and instructions, which are communicated to the divisions and published on Intranet under “Code” section.

21.09 Indicate whether top management or delegated officers of the Authority perform an internal review of the QMS in accordance with paragraphs 21.25-21.28:

- (a) *at least once per year (cf. paragraph 21.25);*
- (b) *in accordance with the minimum scope of such reviews as set out in Section 8, namely:*
 - (i) *to determine the extent to which the QMS is based on Chapter 21 (cf. paragraphs 21.25, 21.27(a));*
 - (ii) *to determine the extent to which Search and Examination work complies with PCT Guidelines (cf. paragraphs 21.25, 21.27(a));*
- (c) *in an objective and transparent way (cf. paragraph 21.25);*
- (d) *using input including information according to paragraphs 21.27 (b)-(f);*
- (e) *recording the results (cf. paragraph 21.28).*

Internal inspection of QMS can be carried out in relation both to separate aspects of activity and QMS as a whole (for example for definition its compliance with the requirements of Chapter 21). Such inspections are carried out on the basis of instructions of the Director General of Rospatent within the frameworks of other activities planned.

The report on the results of inspection is prepared. Proposals on the improvement of QMS are recorded and studied.

2. Resources

21.10 Explanatory note: The granting of ISEA status means that the Authority has demonstrated it has the infrastructure and resources to support the search and examination process. Chapter 21 calls for assurance that the Authority can continually support this process while accommodating changes in workload and meeting QMS requirements. The responses to Sections 21.11 to 21.14, below, should provide this assurance.

21.11 Human resources:

- (a) Provide information about the infrastructure in place to ensure that a quantity of staff:
 - (i) sufficient to deal with the inflow of work;*
 - (ii) which maintains the technical qualifications to search and examine in the required technical fields; and*
 - (iii) which maintains the language facilities to understand at least those languages in which the minimum documentation referred to in Rule 34 is written or is translated is maintained and adapted to changes in workload.**
- (b) Describe the infrastructure in place to ensure that a quantity of appropriately trained/skilled administrative staff is maintained and adapted to changes in workload:
 - (i) at a level to support the technically qualified staff and facilitate the search and examination process;*
 - (ii) for the documentation of records.**

(a) The recruiting of staff for FIPS divisions, personnel inventory and analysis of staff are carried out by Personnel Division.

(i)-(iii) FIPS has sufficient staff of the qualified examiners for carrying out of search and examination, as well as sufficient amount of vacancies for correcting number of examiners depending on changes of work volume and subject-matters of the applications filed.

All examiners have higher education (post graduate degree is a great asset) and foreign language skills sufficient to carry out an examination, primarily English.

Carrying out search and examination of the international applications is assigned to the qualified intellectual property examiners.

The examiners have access to the machine translation system (PROMT Professional 7.0) and specialized dictionaries on various subject matters and different languages.

In 2014 the following was done as concerns the staff:

- an assessment ~~was carried out~~ with respect to the classification (grades) of staff of the examination departments was completed. It was established that all heads of department, senior state intellectual property examiners and the majority

of examiners of other grades were appropriately classified. The grades of a certain number of examiners were adjusted;

~~-an experiment was launched regarding a change to the system by which examination staff are paid in order to establish a more efficient distribution of payment resources, taking into account performance;~~

- the examination staff works under a new system of remuneration to examination staff;

- the number of examination departments which, taking into account the increase of responsibility and work convenience, had been switched to a remote working structure, was increased;

- work continued on the redistribution of functions among subdivisions and on restructuring within subdivisions which support the work of examination departments, in particular within the Department for Information Technology, the Department of the All-Russian Patent and Technical Library and the Department for the Preparation of Official Information for Publication.

With respect to staffing levels, it should be noted that in ~~2013~~ 2014 the total number of examination staff was ~~1086~~ 1101, of whom 791 were engaged in international search and international preliminary examination-related work. International search and international preliminary examination-related work is overseen and the quality of reports is checked by examiners in the International Patent Cooperation Division (number of staff – ~~11~~ 15 examiners).

The increase of volumes on such types of activities in the current year as compared to the previous year was expected, the number of examination staff was redistributed to perform the increased volumes of work.

(d) (i, ii) There is sufficient number of personnel for fulfillment of administrative and technological procedures.

21.12 *Material resources:*

- (a) *Describe the infrastructure in place to ensure that*
 - (i) *appropriate equipment and facilities such as IT hardware and software to support the search and examination process are provided and maintained;*
 - (ii) *at least the minimum documentation referred to in Rule 34 is available, accessible, properly arranged and maintained for search and examination purposes. State whether it is on paper, in microform or stored on electronic media, and where.*
- (b) *Describe how instructions*
 - (i) *to help staff understand and adhere to the quality criteria and standards, and*
 - (ii) *to follow work procedures accurately and consistently*

are documented, provided to staff, kept up-to-date and adapted when necessary.

(a)

(i) The IT infrastructure is provided by:

- the Department for Information Technologies dealing with designing, developing and testing of information systems and resources, implementation and support of information systems and resources, preparation of proposals for the development of information technology architecture of FIPS (including the ones for the development of technical processes, information systems and resources, hardware and operating system software).
- the Computer Centre dealing with operation of automated systems, service of computer facilities and software system, providing access to information files.

All examiners workplaces are computerized.

The automated system of electronic workflow of the PCT applications «Electronic Library of the PCT Applications » («ELA PCT») is developed and put into operation. The Department for Information Technology provides users of the «Electronic Library of the PCT Applications» («ELA PCT») with advice on matters regarding the use of the system on the basis of requests recorded in the system for the management of integrated software development processes (ASS Rospatent).

~~In 2011 Rospatent acting as the International Searching Authority and International Preliminary Examining Authority changed to e filing of all the documents relating to the international search and international applications which are communicated from the WIPO by means of the PCT EDI. In 2012 the electronic data transfer via PCT EDI between RO/RU, ISA/RU and WIPO was implemented.~~

~~In 2013 the transfer of international search reports and written opinions from ISA/RU to WIPO via PCT-EDI was tested.~~

In 2012 the electronic data exchange between Rospatent and WIPO via PCT-EDI started.

Since 2014 the transfer of international search reports and written opinions from ISA/RU to WIPO has been carrying out via PCT-EDI.

(ii) For carrying out search the examiners have access to a number of the automated search tools, which cover not only the documents included in the PCT minimum documentation specified in the Regulations under the PCT, but also the documents beyond it.

Each examiner has an unlimited access from their workstation to internal search system PatSearch. Full texts of all patent documents of the USSR and Russia since 1924, patent documents of the CIS States, and also files of patent documents of foreign countries and the international organizations which documentation are included into PCT minimum are loaded into the system. ~~In 2013 a collection of documents from China, dating back to 1985, was loaded into the PatSearch system.~~The DWPI database was included into PatSearch in 2009.

The examiners have access through PatSearch system to Scopus database of abstracts by Elsevier and to eLibrary Scientific electronic library.

Additionally there is a possibility to search EPO espace@net system, EMBL European databank of genetic sequences.

The examiners have online access via Internet to updating search resources, including web-sites of the foreign patent offices (the EPO, the USA, Japan, Korea, WIPO, Germany, etc.).

The sites containing non-patent information, in particular the Scopus multidisciplinary database, and relating to medicine, pharmaceuticals, chemistry, and biotechnology (for example, database MEDLINE, databases on biotechnology of national library on medicine of the USA and the European Bioinformatics Institute) are accessible to the examiners. Examiners also have access from their workstations to reference sites, dictionaries and online translators.

Besides the above freely accessible databases, the examiners have access to commercial databases (databases provided by STN International network,

covering both patent and non-patent literature; ~~EPO Global Patent Index electronic resource~~; «RZ VINITI» database of abstracts. Qualified examiners assist in carrying out searches in the specified commercial search systems.

Within the framework of bilateral cooperation with the European Patent Office (EPO) Rospatent examiners received the access to the EPO internal search system EPOQUENet.

In 2011 the users got full access to the databases by Kluwer Law and Business Publishing House - ~~Kluwer Manual IP and Kluwer IP Cases, available as of 2013 in the unified form of~~ Kluwer IP Law.

When it is necessary, the automated search may be supplemented with traditional search in patent collections on paper or optical disks available at the Collections of the All-Russian Patent and technical Library (FIPS Division). Within the framework of electronic document delivery the examiners have a possibility to receive necessary materials from the Remote DataBase (for example, ~~online~~ ScienceDirect platform from the publishing company Elsevier).

The examiners are informed on all changes occurring in information search resources, including the Guidelines for search in information resources.

The information letters on availability of access to information files are communicated to examination departments both in paper and in electronic form via Intranet under “Code” section accessible to examiners from their workstations.

(b) (i), (ii) The description of working procedures and explanation how correctly to carry out thereof is contained in instructions and guidelines approved by the Head of Rospatent and/or FIPS. The specified documents are issued on paper and delivered to divisions, and also placed in electronic form at Intranet under “Code” section accessible to divisions of Rospatent and FIPS.

The international search and preliminary examination is carried out according to the International Search and Preliminary Examination Guidelines prepared by WIPO. Examiners also use an internal information search Guideline which regulates the carrying out of search.

During examination, the Guidelines for the Examination of Applications for Inventions, adopted in 2011 by order of Rospatent and developed for the purpose of providing methodological support for the processing of applications, are used.

In the course of its developing the EPO Examination Guidelines and the PCT International Search and Preliminary Examination Guidelines were applied to.

In 2013 and 2014 the updates and additions to the section of the Guidelines for examination of applications for inventions related to information search were prepared.

All mentioned Guidelines as well as the list of available Internet sites are posted on Intranet.

21.13 Training resources:

Describe the training and development infrastructure and program which ensures that all staff involved in the search and examination process:

- (i) acquire and maintain the necessary experience and skills; and*
- (ii) are fully aware of the importance of complying with the quality criteria and standards.*

(i), (ii)

The examiner's training is based on the Uniform System of Training and Professional Skill Improvement of the FIPS Staff approved by the Order of the Director of FIPS in 2009.

There are the following forms of training.

1. Individual training, in particular, with use of computer technologies (distant training, including provided by the programs of the WIPO Academy, training with use of the computer integrated training systems intended for self-training and self-examination by means of testing).

2. Tutorship - training aimed at assimilation of the profession. Results of this training are supervised directly by the tutor in the process of internal quality review of the documents prepared by new employee.

3. Internal training.

3.1. Training in the divisions in accordance with the quarterly plans developed by the heads of each division. The training is targeted basically on studying new regulatory documents, discussing and analyzing the quality monitoring results.

3.2. Centralized training under the specially developed programs for the examiners and technical staff.

4. Training based on exchange of experience with other patent offices - traineeship, participation in workshops conducted by the leading experts of the patent offices and organizations, including the EPO Academy and the WIPO Academy.

5. Education in RGAIS subordinated to Rospatent.

5.1. Education under the programs of improvement of professional skills.

5.2. ~~Training under the programs of the first and second higher education in the fields “Jurisprudence” and “Economics and Management”.~~

Education under the programs of higher education in the fields of “Jurisprudence” and “Management”.

5.3. Post-graduate course in RGAIS.

Regular training of examiners related to search skills is carried out by FIPS qualified Personnel. Training is also carried out in IPC classification.

Specialists involved in carrying out an information search and, likewise, specialists involved in the quality control of a search use PatSearch information retrieval system search history recording software developed and implemented in 2011.

For the purposes of professional development in the field of quality control and management, FIPS examiners working in examination divisions and included on a reserve list for promotion to head or deputy head positions undergo a probation in the Quality Service. During the probation the Quality Service specialists are introduced the examiners with the documents regulating the FIPS QMS and quality management principles, in particular on the basis of results of quality control as well as the results of consideration of the complaints filed to Rospatent and FIPS.

21.14 Oversight over resources:

Describe the system in place for continuously monitoring and identifying the resources required:

(a) to deal with demand; and

(b) comply with the quality standards for search and examination

(a), (b)

With respect to the monitoring

(control) of resources, it should be noted that statistics for the reporting periods on all directions of FIPS divisions' activities are permanently collected and analyzed, which allows supervising and planning procedures, including the international search and international preliminary examination. The necessary number of

examiners is calculated on the basis of the internal labor standards for maintenance of effective and qualitative fulfillment of the activity.

The Division for Development of Information Resources, Classification Systems and Standards in the IP field and examiners of the departments regularly monitor the information resources in different fields of science and technology, estimate the value of new sources of information and provide the examiners with an access from workstations (in case of free access), or in special Search Rooms (in case of non-free access). In the process of revision of the International Patent Classification the reclassification of national documents is carried out and conformity of search collection to new versions of the classification is checked.

As a result of annual monitoring the fluctuations of the applications relating to different fields of science and technology and correspondingly to different IPC symbols, FIPS administration carries out timely redistribution of the IPC symbols assigned to the examination divisions to avoid the misbalance in the examiners' workload.

3. Management of administrative workload

21.15 Indicate how the following practices and procedures for handling search and examination requests and performing related functions such as data-entry and classification are implemented:

- (a) Effective control mechanisms regarding timely issue of search and examination reports to a quality standard as set by the respective Authority; and*
- (b) Appropriate control mechanisms regarding fluctuations in demand and backlog management.*

The International Patent Cooperation Division:

- records international search and examination requests, prepares the notifications of their receipt, complements application files, initial classifies subject matter for each application and defines the examination department for execution;

- prepares an assignment to appropriate examination department with indication of deadline for submission of documents to International Patent Cooperation Division;

- takes and checks the international search reports, the written opinions and the international examination reports prepared in examination departments;

- issues above mentioned documents and sends them to WIPO and the customers.

a) Control of internal time limits is exercised both by the examination department (where search and examination are carried out) and the International Patent Cooperation Division. The last one when forwarding the assignment to the examination department stipulates the dates for preparation of search or examination report in compliance with the requirements of the Regulations and controls thereof. Each application is assigned to a particular expert of the International Patent Cooperation Division who is responsible for consideration and control of the deadlines.

Since 2011 the special automated system for recording the data relating to the international applications submitted for the international search that provides for the control function of the dates for carrying out the international search and preparing written opinion has been in operation.

b) Applications and assignments for carrying out the international search and international preliminary examination received by the examination department are distributed by the administration of the examination department that also controls the examiners' workload.

~~Rospatent is working on upgrading the special automated system, which includes data on the PCT applications being considered at the international phase.~~

4. Quality assurance

21.16 *The following are required quality assurance measures for timely issue of search and examination reports of a quality standard in accordance with the Guidelines. Indicate how the following are implemented:*

- (a) *An internal quality assurance system for self assessment, involving verification, validation and monitoring of searches and examination work:*
 - (i) *for compliance with these Search and Examination Guidelines;*
 - (ii) *for channelling feedback to staff.*
- (b) *A system of measurement and collection of data and reporting. Show how the Authority uses the system to ensure the continuous improvement of the established processes.*
- (c) *A system for verifying the effectiveness of actions taken to correct deficient S&E work, eliminate the causes, and to prevent issues from recurring.*

(a)

(i) The following quality assurance scheme of drawing up international search and examination reports is provided in the Office.

The quality of search and examination reports is supervised by the administration of examination departments.

Search and examination reports are checked by the International Patent Cooperation Division.

(ii) The drawbacks in international search reports, written opinions and international preliminary examination reports, as a rule, are corrected after discussing thereof between the expert of the International Patent Cooperation Division and examiner of the examination department. ~~In case of disagreements, the documents prepared by examiner and the expert's opinion about their quality (the formalized conclusion) are transferred to the examination division department for further correction.~~ In case of disagreements, the documents on application together with the opinion of the examiner of the International Patent Cooperation Division (formalized conclusion reflecting the drawbacks in the prepared documents) are submitted to a Head of a respective examination department for analysis and possible correction of the report documents. In case of disagreement of the examination department with the opinion of the International Patent Cooperation Division, the final decision regarding the necessity in correcting the report documents is taken by the supervisor of the field examination department.

~~(b) With respect to each application the expert of the International Patent Cooperation Division draws up an expert's opinion on quality of the search and examination reports (the formalized conclusion), which includes an evaluation on the basis of criteria of compliance or noncompliance with the requirements of the International Search and Preliminary Examination Guidelines and the following internal standards, taking into consideration in particular:~~

The opinion of the International Patent Cooperation Division on the quality of the report documents (formalized conclusion) is compiled in accordance with the requirements of the Regulations under PCT and the International Search and Preliminary Examination Guidelines, taking into consideration in particular:

- meeting of deadlines;
- whether the application is properly classified using the current version of the IPC;

- compliance of the fields searched with the claimed subject matter and completeness of the inventive concept and all claimed features coverage;
- if relevant documents are properly identified and characterized with respect to each claim subjected to search;
- if unity of invention is determined correct;
- correctness of claims grouping by examiner where the application was considered as not complying with the requirements of unity;
- if all claims (excluding claims that are not subjected to search) are addressed with regard to novelty, inventive step and industrial applicability;
- complete setting forth of all necessary observations;
- observation of clarity of the claims, the description and the drawings, and whether the claims are based on the description.

Quarterly the International Patent Cooperation Division prepares for FIPS management a statistics note on the results of verification of the report documents prepared by the examination departments on international applications. The note contains information on the broken deadlines for submitting report documents, on the drawbacks contained therein and formalized conclusions submitted to the examination departments.

The International Patent Cooperation Division makes proposals, in particular, concerning the expediency of training or recommendations for avoiding such defects in search and examination reports and forwards the proposals for consideration by the respective supervisor of the Division – the Deputy Director of FIPS.

5. Communication

21.17 Inter-Authority communication:

Provide the name, job title and contact details of the Authorities designated quality contact person who will take responsibility for:

- (a) *helping identify and disseminate best practice among Authorities;*
- (b) *fostering continual improvement; and*
- (c) *providing for effective communication with other Authorities to allow for prompt feedback from them so that potential systemic issues can be evaluated and addressed.*

(a), (b), (c) Liudmila Popova, Head of the International Patent Cooperation Division, email: otd29ch@rupto.ru,

~~Komarova Marina~~ Marina Evdokimova, Head of Technical and Organizational Support Department of Quality Service, e-mail: ~~otd1622@rupto.ru~~ otd1640@rupto.ru

21.18 *Communication and guidance to users:*

Describe the system in place for monitoring and using customer feedback including at least the following elements:

- (a) *An appropriate system for
 - (i) *handling complaints and making corrections;*
 - (ii) *taking corrective and/or preventative action where appropriate; and*
 - (iii) *offering feedback to users.**
- (b) *A procedure for:
 - (i) *monitoring user satisfaction and perception; and*
 - (ii) *for ensuring their legitimate needs and expectations are met.**
- (c) *Clear, concise and comprehensive guidance and information to users (particularly unrepresented applicants) on the search and examination process, giving details of where it is to be found e.g. link to Authority's web site, guidance literature.*
- (d) *An indication of where and how the Authority makes its quality objectives publicly available for the users.*

a)

(i) Consideration of the appeals (including complaints) of the citizens and legal entities filed before Rospatent is carried out in accordance with the following documents, which describe the procedure and requirements for such consideration:

- Federal law "On the order of public appeals handling of the Russian Federation" № 59-FZ as of May 2, 2006 (as amended); ~~as amended by the Federal Laws № 126 FZ dated June 29, 2010, and № 227 FZ as of July 27, 2010;~~

- Federal law "On organization of state and municipal service provision" № 210-FZ as of July 27, 2010 (as amended); ~~as amended by the Federal laws № 65 FZ as of April 6, 2011; № 169 FZ as of July 1, 2011, № 200 FZ as of July 11, 2011, № 239 FZ as of July 18, 2011, № 383 FZ as of December 3, 2011, № 133-FZ as of July 28, 2012;~~

- Rules of filing and processing of the complaints to the decisions and actions (inaction) of the Federal bodies of executive power and by their officials, federal state employees, the officials of the state off-budget funds of the Russian

Federation adopted by the Resolution of the Government of the Russian Federation № 840 as of August 16, 2012;

- Administrative Regulation for the execution by the Federal Service for Intellectual Property, Patents and Trademarks of the state function of organizing the receipt and examination of patent applications and the granting of patents of the Russian Federation in accordance with established procedure, adopted by the Ordinance of the Ministry of Education and Science of the Russian Federation № 327 as of October 29, 2008 and registered with the Ministry of Justice of the Russian Federation on February 20, 2009 under № 13413;

- Internal instruction for the citizens and legal entities appeals handling.

The applicant is entitled to apply to Rospatent and (or) subordinated FIPS with a complaint to the breach of the order of state service provision where he supposes that his/her rights and legitimate interests have been infringed.

A complaint to the breach of the order of state service provision (hereinafter complaint) – is an applicant's or his legal representative's claim to restore or to protect the infringed rights or legitimate interests of the applicant by the body which renders a state service, or by an official who renders a state service.

A complaint is subject to processing by an official vested with authorities on complaints handling, within fifteen business days since its registration.

Any person in his/her appeal may submit proposals or opinions concerning activities of Rospatent in accordance with the Federal Law № 59-FZ as of May 2, 2006. Appeals filed to other State Authorities of the Russian Federation involving matters of Rospatent jurisdiction are forwarded to Rospatent for consideration.

Functions on accounting, analyzing and summarizing the results of public complaints and other appeals handling in Rospatent and working out the outcome documents are entrusted to the Division of training and analysis of state service provision quality of the Department of state service provision quality monitoring.

Registration, accounting and statistical processing of complaints and other requests received by Rospatent, are performed by automated system.

In 2012 for comprehensive and timely consideration of the complaints to the breach of the order of state service provision there was adopted a List of FIPS officials authorized to consider the complaints to the breach of the state service provision.

Appeals received by the heads of Rospatent and FIPS during personal meeting are subject to registration and further consideration in the same manner as those received by mail.

Upon the results of a complaint consideration Rospatent which renders a state service, takes one of the following decisions:

- upholds a complaint including by cancelling the taken decision, by correcting misprints and errors in the documents issued as a result of state service provision made by the body which renders a state service or by an institution participating in state service provision, by paying back money means which charging is not stipulated by normative legal acts of the Russian Federation, as well as in other forms;

- refuses to satisfy a complaint.

A motivated response on the results of a complaint consideration is communicated to the applicant in writing or at applicant's request in electronic form not later than the day following the date of the decision taking.

The results of the complaint consideration are reported to Rospatent, FIPS management.

As a rule, according to the results of a complaint consideration in the Quality Service, a summary is prepared, which contains the grounds for the complaint, evaluation of their relevance, lawfulness of actions (inaction) of the officials authorized to exercise administrative procedures related to state service provision, proposals for overcoming committed violations and of their reasons. The summary is forwarded for familiarization to the head of the division and to the head of the subdivision to take appropriate measure.

The overall picture of filed complaints is analyzed and is used for the assessment of the activities of FIPS divisions.

The Quality Service quarterly and by the results of the year prepares a report on the results of complaints handling, which contains information concerning the reasons for complaints, revealed drawbacks, taken measures and actions aimed at the elimination of the causes of drawbacks and the dynamics of complaints inflow. Such report is published on the official Rospatent web-site quarterly.

(ii) In case of identifying drawbacks, which infringe the legitimate user rights, the measures for the restoration of these legitimate rights are taken.

Preventative measures, namely, actions aimed at the elimination of the causes of potential drawbacks identified by users, are accepted without fail. As a rule, the

analytical work and the selection of optimal measures are carried out, including the development of technological processes, the preparation of clarifications on the appropriate actions, etc.

The timely and full consideration of citizens' appeals is monitored in accordance with the requirements of the documents referred to in paragraph (i).

(iii) Upon the results of a request consideration (including complaints), a written response is sent to a person who has filed the request. Where a complaint has been satisfied, exhaustive measures aimed at elimination of revealed drawbacks are taken.

b)

(i), (ii) The users submit their comments, suggestions and proposals regarding the office work in their appeals. The consideration of the ones includes the assessment from the standpoint of their advisability. If they are deemed advisable, a proposal is drawn up for their incorporation into the work of the office.

During the Rospatent conferences and meetings of the Director General of Rospatent with patent attorneys, the interventions shall be recorded, comments and suggestions are registered. The comments and suggestions are used in the relevant departments of Rospatent and subdivisions of Quality Service for the preparation of proposals for making amendments in regulatory and methodological documents. The final documents of the events, containing summaries of the statements, comments and suggestions are represented on the Rospatent website.

User comments on the projects of various regulatory documents, available on the Rospatent website, are taken into account in the draft completion.

c) Information for users concerning the conduction of the international search and international preliminary examination is represented on the official Rospatent website in the section "System of filing international applications under the Patent Cooperation Treaty (PCT)".

Said section provides information, which is classified by the following subheadings:

- the PCT News;
- Overview of the PCT;
- Practical Guide for PCT users;
- International Patent Law;

- Regulatory documents and the PCT Forms (including Russian translation of the PCT normative documents);
- Resources.

In order to provide the citizens and the institutions with the information there is a Single consulting and inquiry Service of FIPS consisting of two sections, namely of consulting section and inquiry one, which provides information on issues relating to FIPS competence.

The consulting section provides free consultations on the issues which decision doesn't require system analysis and/or aggregate application of the regulations of the legislation in the field of legal protection of the results of intellectual activity and means of individualization (inventions, utility models, industrial designs, trademarks and service marks, appellations of origin). The consultations are provided orally over the phone, as well as at the consulting center and in writing via e-mail.

The Inquiry section is equipped with a two-channel public telephone line and provides the citizens and the institutions with the general supplemental information, including the one concerning the telephone numbers, conditions and the order of state service provision, as well as on the state of the workflow on the applications.

Another task of the Service is the analysis and systematization of problems, as well as the selection of the most frequently asked questions and their transfer in the prescribed order to the competent experts for the preparation of a response for the publication and/or posting on the official Rospatent website.

FIPS Consulting and Inquiry Service is equipped with an electronic data terminal for the applicants to access to the information published on the official website and intended to assist the applicants to get acquainted with the order of state service provision.

Every year conferences, seminars, topical round tables on the issues in the field of intellectual property protection are organized, that allow users to obtain information.

Additionally, workshops and seminars are hold at various exhibitions relating to the intellectual property in which Rospatent takes part, where users can also take opinion on various issues.

d) The Strategy of Rospatent Development up to 2015 is available on the official Rospatent website, where aims and objectives in the field of quality in various

areas of Rospatent activity are represented (<http://www.rupto.ru/rupto/portal/c74daf8d-175d-11e1-bad7-9c8e9921fb2c>).

In addition, users are informed on the aims and objectives in the field of quality at the annual Scientific and Practical Conferences of Rospatent, various seminars and round tables.

21.19 Communication with WIPO and designated and elected Offices:

Describe how the Authority provides for effective communication with WIPO and designated and elected offices. In particular describe how the Authority ensures that WIPO feedback is promptly evaluated and addressed

Rospatent and FIPS communicate with WIPO via mail, fax and email. Rospatent and FIPS practically do not contact with designated and elected Offices via mail, fax and email on the issues related to international applications. Rospatent exchanges documents with WIPO via PCT-EDI.

Besides, informational exchange is carried out through the participation in the Meetings of International Authorities under the PCT. As a result of such participation a report is prepared, where the received information, which is of interest for Rospatent and FIPS, is set forth and a plan of action is prepared if necessary.

6. Documentation

21.20 Explanatory note: *The QMS of the Authority needs to be clearly described and implemented so that all processes in the Authority and the resulting products and services can be monitored, controlled, and checked for conformity. This is done in the documents that make up the Quality Manual of the Authority (see paragraph 21.21).*

(Note: This point is informative. No response is required by the template to paragraph 21.20)

21.21 *The documents that make up the Quality Manual serve to document the procedures and processes affecting the quality of work, such as classification, search, examination and related administrative work. In particular, the Quality Manual indicates where to find instructions on the procedures to be followed.*

For the purposes of this report indicate:

- (a) the documents making up a Quality Manual that have been prepared and distributed;*
- (b) the media on which it is supported (e.g. Internal Publication, Internet, Intranet); and*
- (c) document control measures taken e.g. version numbering, access to latest version.*

The issues of the quality management are regulated by a set of documents. At present there is no single document.

Requirements with respect to the quality of the administrative procedures related to search and examination of applications are established by the Regulations.

The issues concerning the search and examination are considered in the Guidelines for Examination of Application for inventions adopted by the Order of the Head of Rospatent.

The procedures which are implemented within the QMS are described, in particular, in the following internal documents:

- Regulations on organization and implementation of control, analysis and evaluation of works quality in FIPS;
- Procedure for the cooperation of FIPS divisions during the performance of work related to different types of search and examination in accordance with international agreements;
- Order of organization and execution monitoring of Rospatent and FIPS' Heads assignments.

(See also paragraphs 21.12(b), 21(22))

21.22 *Indicate whether the documents making up the Quality Manual include the following:*

- (a) *the quality policy of the Authority including a clear statement of commitment to the QMS from top management;*
- (b) *the scope of the QMS, including details of and justification for any exclusions;*
- (c) *the organizational structure of the Authority and the responsibilities of each of its departments;*
- (d) *the documented processes carried out in the Authority such as receipt of incoming applications, classification, distribution, search, examination, publication and support processes, and procedures established for the QMS, or references to them;*
- (e) *the resources available for carrying out the processes and implementing the procedures; and*
- (f) *a description of the interaction between the processes and the procedures of the QMS.*

(a) The Office policy in the field of quality is reflected in the Development Strategy of Rospatent.

(b) The documents mentioned in paragraph 21.21 indicate the field of application thereof.

(c) The documents mentioned in paragraph 21.21 indicate the subdivisions entrusted with the execution of works and their competence. Besides, there is an internal document, establishing FIPS structure as well as provisions on each division forming part of the structure, which determines goals, functions, structure and rights of each division.

(d)-(f) The list and the description of procedures implemented by the Office in the course of carrying out the search and examination, available resources and interaction between the divisions are contained in the documents listed in paragraph 21.21.

21.23 Indicate which types of records the Authority maintains, such as:

- (a) a definition of which documents are kept and where they are kept;
- (b) results of management review;
- (c) training, skills and experience of personnel;
- (d) evidence of conformity of processes, resulting products and services in terms of quality standards;
- (e) results of reviews of requirements relating to products;
- (f) the search and examination processes carried out on each application;
- (g) data allowing individual work to be tracked and traced;
- (h) records of QMS audits;
- (i) actions taken re. non-conforming products, e.g. examples of corrections;
- (j) actions taken re. corrective action;
- (k) actions taken re. preventative action; and
- (l) search process documentation as set out in Section 7.

(a) FIPS has a system of technical and administrative documents storage.

(b) See paragraph 21.08 (a).

(c) The data relating to the professional skills of the staff and the dynamics of their promotion are stored in electronic format.

The data on the training and professional development of the staff are prepared quarterly and included in the Rospatent Annual Report.

(d) The records concerning the quality of the international searches and preliminary examinations are included into the formalized conclusions which are stored in the International Patent Cooperation Division **in electronic form**.

(e) If the requirements for procedures and results of their fulfillment are changed (for example, due to the amendment of regulatory documents, conclusion of new international treaties, elaboration of a new practice, improvement in technical support) the internal documents are updated.

(f) The International Search Reports, Written Opinions and International Preliminary Examination Reports are stored in the international application file for at least 10 years.

(g) The data relating to the search carried out for particular application are stored as the search story in the internal search database (see paragraph 21.24).

(h) On the results of the QMS inspection a reference document, conclusion or report may be issued.

(i), (j), (k) The decisions of Director General of Rospatent, Director of FIPS concerning the measures which should be taken in connection with the drawbacks revealed, are fixed in the corresponding orders or instructions of Director General of Rospatent or Director of FIPS.

(l) The documenting of the search process and search results for PCT applications is made by filling the corresponding PCT form and by keeping the search history in the search database.

7. Search process documentation

21.24 For internal purposes the Authority should document its search process.

The Authority should indicate

(a) *which of the following are included in this record:*

- (i) *the databases consulted (patent and non patent literature);*
- (ii) *the keywords, combinations of words and truncations used;*
- (iii) *the language(s) in which the search was carried out;*
- (iv) *the classes and class combinations searched, at least according to the IPC or equivalent;*
- (v) *a listing of all search statements used in the databases consulted.*

(b) *which other information relevant to the search itself is included in this record e.g. a statement of the subject of search; details of special relevance to internet searching; a record of documents viewed; on-line thesaurus, synonym or concept databases, etc.*

(Explanatory note: The IA is requested to list other information it may collect to monitor and improve the search process)

(c) *which special cases are documented and whether records are kept denoting any:*

- (i) *limitation of search and its justification*
- (ii) *lack of clarity of the claims; and*
- (iii) *lack of unity.*

In 2013 and 2014 the Guidelines for Carrying out of Information Search were amended. The Guidelines provide for the recommendations on preparing a search request and implementing the concepts (key words) used in this request into a search report. The Guidelines for Carrying out Information Search was incorporated into the Guidelines for Examination of the Patent Applications as an independent part.

Search process documentation is carried out by filling in the Search Report (Form PCT/ISA/210) in accordance with the requirements and details specified by PCT International Search and Preliminary Examination Guidelines.

In the Search Report the examiners among other things indicate:

- unity / lack of unity of the invention;
- which claims have been taken into account;
- classification of subject matter (by IPC indexes);
- search scope (by IPC indexes);
- list of used databases;
- search limitation, if:

- claims relate to the subject matter of application which doesn't require search according to Rule 39 of the Regulations under PCT;

- claims are so unclear even taking into account the description and drawings, that it is not possible to make an comprehensive search on them;

- the requirement of unity of invention is not fulfilled and no additional fee has been paid for some claims.

Explanation for search limitation is given in the written opinion. Besides, even when search is not limited, the written opinion may include comments regarding clarity of claims, of the description and drawings and whether claims are fully supported by the description.

The recording of the search process and its results is made in PatSearch system as well as in the search systems of other providers. While using the external databases the recording of search results is made to the extent, which is provided by corresponding database.

The internal PatSearch search system makes it possible to:

- fix automatically the history of search requests, namely:
 - number of found documents;
 - text of search request;
 - used search arrays;
 - search mode.
- to store for unlimited period:
 - search request in examiner's workbook for further use;
 - ~~- the list of documents according to any search request;~~
 - documents, which the examiner considers relevant.

The PatSearch system logs the search history which reflects the search sessions made by an examiner. Besides, the PatSearch system provides the compilation of statistic reports on undertaken searches which include the following data: databases used, examiner identification, a number of search requests, and a number of reviewed documents.

Subsequent to the implementation of the search history recording software into the information retrieval system PatSearch in 2011 the unified search history form was developed. The form includes in particular the following:

- a text of the request (a combination of the search concepts and operations composing the request);
- a number of the documents cited (according to the results of this request);
- search arrays (information arrays in which the search in respect to this request has been carried out);
 - the number of the documents reviewed (in respect to this request);
 - a bibliography of the documents included in the final selection by the examiner.

The examiner who has carried out the search has the access to the aforementioned data (for example, for the purpose of recurrent use of obtained search results in case of similar or analogous applications). Besides, for the purposes of selective control and the solution of disputable issues, the access for these data is provided for the examiner's supervisor as well as the staff of the Quality Service.

A search history is used for the purposes of monitoring the quality of this search.

The access to search histories will be available for foreign Offices within the framework of the PPH and PCT-PPH Pilot Projects.

The PatSearch information retrieval system search history recording software permits the export of a search report in MS Word format.

8. Internal review

21.25 Explanatory note: The Authority should report on its own internal review arrangements. These reviews determine the extent to which it has established a QMS based on the model of Chapter 21 and the extent to which it is complying with the QMS requirements and the Search and Examination Guidelines. The reviews should be objective and transparent to demonstrate whether or not those requirements and guidelines are being applied consistently and effectively and should be undertaken at least once a year. With reference to point 21.08 of this template, the Authority may provide additional information on its internal review arrangements under this section if it so wishes.

21.26-21.28 These arrangements are reported according to this template in Section 1, above, at points 21.04 - 21.09. The Authority may provide additional information on further inputs to its internal reviews under this section, if it so wishes

9. Arrangements for Authorities to Report to the MIA

21.29 There are two stages in the reporting arrangements. The document up to this point relates to the initial report called for by paragraph 21.29. It will be supplemented annually by further reports in accordance with paragraph 21.30.

[End of document]