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: *State Intellectual Property Organization, China*
on: *3 March 2009*

Date of main report and
any supplemental reports to
which this is a supplement:
report using T21-17 on 30 December 2007
Documents referred to in this report: *None*

INTRODUCTION (PARAGRAPHS 21.01-21.02)

The State Intellectual Property Office (SIPO) of China attaches great importance to the quality of our PCT products and services, including the International Search Reports (ISRs), the Written Opinions of the International Searching Authority and the International Preliminary Examination Reports (IPERs).

QUALITY MANAGEMENT SYSTEM (PARAGRAPHS

21.03-21.04)

We have established Quality Management System (QMS) to ensure the compliance of our products with the PCT Treaty and Regulations. The QMS organizational structure of the SIPO is shown in Annex 1. The Quality Control Division under the Patent Affairs Administration Department is responsible for implementing and maintaining the QMS, and defining the quality standards for all our products and services. The Quality Audit Teams at Office level, reporting directly to the deputy commissioner of the SIPO, is in charge of auditing compliance with these quality standards.

RESOURCES (PARAGRAPH 21.05)

(a) PCT Examiners

More than 4,000 substantive examiners covering all technical fields from the Examination Departments are competent to carry out the tasks of the PCT search and examination. In order to maintain high quality of our PCT products and ensure reasonable workload, only a chosen few are entrusted with the PCT search and examination.
Those who have at least three years of substantial examination experience should also pass a certified test before being entitled for the responsibilities. The test covers the PCT basic knowledge, search skills and foreign language proficiency. In order to

adapt to the ever-increasing PCT applications, the overall number of qualified PCT examiners grew from 374 in 2007 to 697 in 2008.

(b) Administrative Staff and Resources

Sufficient administrative staff in many departments of SIPO is fully competent to support PCT examiners and facilitate the PCT search and examination process.
(1) Legal Affairs Department
Researching the PCT treaty and regulations; enacting and revising related laws and regulations; Translating PCT legislations and guidelines into Chinese and updating the translated documents timely, depending on the frequency and extent of the revisions and amendments to these legislations and guidelines.
(2) Personnel and Education Department
Responsible for the personnel management and training (see (f) Training and Development).
(3) Patent Affairs Administration Department (especially the Quality Control Division)
Furnishing comprehensive and up-to-date work manual (see (e) Work Manuals), implementing and maintaining the QMS, defining the quality criteria (see Quality Assurance Procedures (Paragraph 21.07)), providing reference clauses on novelty, inventive step, industrial applicability etc both in Chinese and English versions.
(4) Preliminary Examination & Flow Management Department (especially the PCT Division I)
Acting as the PCT Receiving Office, responsible for the formality examination of the original PCT applications and flow management during the international phase (see Administration
(Paragraph 21.06 (a) and (b), and Quality Assurance Procedures (Paragraph 21.07)).
(5) Automation Department
Maintaining and updating all in-house computer hardware, software, networks and database.
(6) Documentation Department
Maintaining non-patent documentation database.

(c) Equipment and Facilities

Each staff in the SIPO has a desktop connected to the Intranet, and each desktop is installed with the software allowing for the access to the search databases and the electronic processing system for patent applications. Furthermore, each examiner is also equipped with a notebook PC to access the Internet to consult external databases and resources directly.

(d) Documentation

The SIPO possesses or has the access to the comprehensive documentation referred to in Rule 34 in electronic form (see annex 2). Apart from that, our intellectual property library also collects about 7000 kinds of Chinese journals and about 400 kinds of

foreign language journals in the field of science and technology.

(e) Work Manuals

The Patent Affairs Administration Department issued a practical and up-to-date work manual in July 2007 to further specify the search and examination standards. This work manual not only assorts and integrates all the PCT legislations and guidelines, but also illustrates the PCT search and examination procedures via various examples under different situations.

(f) Training and Development

The Personnel and Education Department has implemented two sets of regular training programs on the PCT related knowledge. The basic program for the newcomers focuses on brief introduction of PCT treaty and regulations, international application procedures and basic knowledge on the international search and international preliminary examination.
While the advanced programme tailored to the experienced examiners concerns classification of international applications; unity; priority rights; defects in descriptions and claims; amendments; prior art; novelty, inventive step, industrial applicability and examination opinions; major tasks in the international procedure and filing in the regular forms. Besides, various PCT related seminars or lectures are frequently held to ensure the PCT examiners fully aware of examination and quality criteria.
In addition, many foreign language courses are running annually within the SIPO, covering English, Japanese, German, French, etc.

(g) Continuous Monitoring

The Quality Control Division under the Patent Affairs Administration Department implements and maintains the QMS, defines the quality criteria, continuously monitors and identifies the required resources to deal with demands (see Quality Assurance Procedures (Paragraph 21.07)).

ADMINISTRATION-PROCEDURES (PARAGRAPH 21.06 (a))

An electronic flow management system EPCT was launched by the Preliminary Examination & Flow Management Department on Jan 01, 2007. When an original international application arrives at the Preliminary Examination & Flow Management Department, the formality examiners should work on the formality examination, data-entry of the bibliography information and initial classification. Then the processed record copies and search copies are handed over to the International Bureau and PCT examiners with corresponding technical fields via EPCT electronically. When ISR, written opinion and IPRP are established, again via EPCT, they are firstly sent to the Preliminary Examination & Flow Management Department, from where they are further transmitted to the IB and applicants/attorneys. The deadlines for all these actions are automatically calculated according to the initial data entry.

ADMINISTRATION-BACKLOG (PARAGRAPH 21.06 (b))

The overall number of PCT examiners is adjusted with the estimated international application annually. In coping with the growing tendency of the Chinese PCT applications, this number may rise and proportion of workload on international application may increase.

QUALITY ASSURANCE PROCEDURES (PARAGRAPH 21.07)

INTERNAL FEEDBACK (PARAGRAPH 21.08 (a)) INTERNAL

REVIEW (PARAGRAPHS 21.10-21.14)

An internal instruction regarding the PCT QMS was distributed by the Patent Affairs Administration Department at the beginning of 2007. This QMS has divided the PCT quality control into two phases, namely, the procedural quality assurance phase and the product quality evaluation phase.

Firstly, the objectives of the procedural quality assurance phase are to identify the defects in the ISRs, written opinions and IPERs and take corrective actions before transmitting to the concerned parties, thereby ensuring the correctness during the procedure. There are three major tasks in this phase, that is, time limit monitoring, formality inspection and substantive inspection.

Timely issue of search and examination reports can be automatically monitored via EPCT. A warning message would be sent to the relevant examiner some time before the deadline.

Simultaneously his or her supervisors must strictly monitor this reminder, so that preventative actions may be taken promptly. Therefore the occurrence of delay in finishing the ISRs and IPERs has almost been eliminated in the SIPO.

Formality inspection is performed both individually and collectively. All the ISRs, written opinions and IPERs are now conducted by a two-person team consisting of a primary examiner and a reviewing member. After the main search and examination is completed by the primary examiner, the reviewing member, serving a second pair of eyes, shall review the case comprehensively. A reviewing opinion then shall be made and kept in file, and fed back to the primary examiner. The primary examiner shall amend or supplement his/her action if necessary, or otherwise give an explanation to the reviewing opinion before it is sent to the Preliminary Examination & Flow Management Department where all these ISRs, written opinions and IPERs are collected and formally checked again in an all-round manner before they are transmitted to the IB and applicants as well. Furthermore, all the defects discovered are recorded and reported to Director of the corresponding Examination Department per month. Encouragement and punishment measures may be accordingly taken within the department.

Substantive inspection during the procedure is carried out at the division and department level. That is to say, directors in the Examination Divisions and

Departments randomly inspect some cases per month and carefully observe substantial issues, such as search strategy, evaluation of novelty, inventive step, etc. The primary examiner shall amend or supplement his/her action if necessary before sending it to the Preliminary Examination & Flow Management Department. Secondly, the product quality evaluation phase aims at assessing the quality of each Examination Department and standardize the search and examination practice at the office level. The objectives in this phase are met by the Quality Audit Team at the office level, which is headed by a Director General from one of the Examination Departments and composed of experienced examiners selected from each Examination Department.

The Quality Audit Team checks random samples every month. By the end of every month, a quality record with identified problems is distributed to each Examination Department. Every two months, the team publishes a quality report in the intranet which includes an outline of the relevant cases and identified problems, the detailed analysis of the causes for the problems, and a specification of relevant examination and quality standards. A quality circular is distributed quarterly to the Deputy Commissioner in charge and each Examination Department, conveying controversial matters discovered and quality statistics. Every six months, a quality control seminar is held for all the directors, where the defects and deficiencies discovered in that period will be summarized and delivered. The Deputy Commissioner in charge concludes and instructs the quality improvement plan for the next period.

It should be noted that a Quality Evaluation System of substantial and formality affairs in the international phase has been developed and put into operation in 2008. This Quality Evaluation System evaluates the products of the examination divisions by three indexes: timeliness, accuracy and consistency. This Quality Evaluation System is the most objective and comprehensive so far.

EXTERNAL FEEDBACK (PARAGRAPHS 21.06 (c) AND 21.08 (b))

The sources of the external feedback or complaints could be the applicants/attorneys, the public, the IB, DOs, and EOs. The SIPO has established an external feedback mechanism to collect the feedback from all these sources by means of phones, facsimiles, mails, and emails, aiming at taking the corrective or preventative actions where appropriate, learning public concerns, making decisions on quality control, and improving user satisfaction.

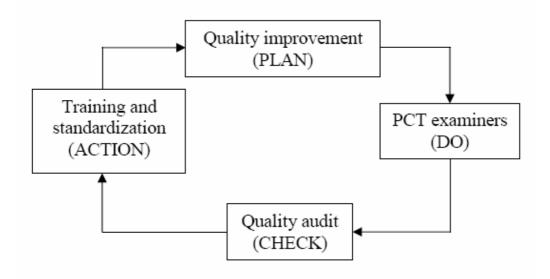# COMMUNICATION AND GUIDANCE TO USERS PARAGRAPH 21.09)

In order to effectively communicate with users and dealing with their enquiries, the SIPO has established four channels for two-way communication, including phones, facsimiles, mails and emails.

Guidance to the users on the search and examination process is accessible on SIPO's website (www.sipo.gov.cn/sipo/pct), which includes basic PCT related knowledge, PCT reforms and news, PCT applying program and FAQ. In addition, PCT handbooks and brochures are available. Training seminars, especially WIPO national roving seminars on PCT cooperated with the WIPO are frequently run all over the country.

IMPROVEMENT (PARAGRAPH 21.15)

The purposes of the quality audit are to identify the problems and analyze the factors underlying the problems. And then corrective and preventative actions are taken through training and standardization initiatives; finally quality improvement plan are devised for the next year.

Quality Report by *State Intellectual Property Organization, China*

Annex 1

Patent/Non-patent documentation	Database	Category	Characteristics
Patent	EPOQUE introduced from EPO	Abstract	EPODOC, superior in accurate classification: ECLA, UCLA, FI/F-Term
			WPI, maintained by Derwent corporation, superior in keyword search
			PAJ, covering the most comprehensive JP patent documentation
		Full text	TXTCH TXTDE TXTEP TXTFR TXTGB TXTWO
	CPRS developed by SIPO	Abstract	CN Patent documentation
			US Patent documentation
		Full graphic	US, EP, JP, WO
Non-patent	In Foreign Languages	Full text	Elsevier Science Direct, IEEE/IEE Electronic Library, etc.
		Abstract	Inspec, Food Science and Technology Abstracts etc.
	In Chinese	Full text	CNKI (Chinese National Knowledge Infrastructure) etc.

Annex 2