WIPO
WORLD
INTELLECTUAL PROPERTY
ORGANIZATION

Patent Cooperation Treaty (PCT)

Common Quality Framework for International Search and Preliminary Examination

INITIAL REPORT ON QUALITY MANAGEMENT SYSTEMS

prepared by [Korean Intellectual Property Office]

> *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*

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 organizational chart showing all those bodies and individuals responsible for the QMS*

(a) KIPO holds an Executive Meeting on a weekly basis that is presided over by the Commissioner and attended by Directors General of all Bureaus. The meeting discusses major activities and seeks solutions to special issues regarding PCT quality management. In particular, key data related to PCT quality assurance, such as timely issue of search and examination reports and XY citation rate, are reported at the first meeting of every month.

(b) KIPO has established a PCT Quality Management System (QMS) of its own, managed and operated by 30 examination Divisions under four Examination Bureaus (Patent Examination Policy Bureau, and Patent Examination Bureau 1-3), along with the PCT International Search & Preliminary Examination Division (reserved exclusively for PCT examination), Patent Examination Policy Division, Patent System Administration Division, Examination Quality Assurance Division, International Application Division, Information Development Division, Information Management Division, and IP Education Division, etc.

The Patent Examination Policy Division is responsible for managing PCT policies. It establishes a comprehensive PCT work plan as well as strategies for improving PCT examination quality at the beginning of each year; and reviews the effectiveness and results of PCT policies every month.

The Patent System Administration Division is in charge of managing PCT-related regulations and system. The Division constantly monitors the compliance of KIPO's entire practices of PCT international search and preliminary examination with the PCT Guidelines.

The Examination Quality Assurance Division publishes a book titled *Standards of Quality Review of PCT Examination*, and performs a quality review with samples of international search report (ISR) and international preliminary examination report (IPER) on PCT application. The review results are provided to examiners in order to prevent the same deficiencies from recurring.

The International Application Division is in charge of receiving international application, sending ISR or IPER to corresponding offices, informing applicants of the process of international application and promoting international application. It also conducts a customer satisfaction survey on KIPO's application and examination procedure, taking action to eliminate problems identified by customers.

The Information Development Division and Information Management Division operate IT systems, and collect and manage a variety of prior art data, which is to support ISR/IPER work.

The IP Education Division plans and runs a range of PCT training courses including New Examiner Course, and Basic/Advanced PCT Examination Course. Moreover, with the aim of keeping examiners informed of state-of-the-art technologies in required fields, it organizes special-purpose lectures and seminars.

In each examination Division, the examiner who is in charge of a specific IPC that corresponds the PCT

application filed composes the ISR/IPER, and then, the supervisor of the Subdivision and Director of the Division examine whether the report observes the quality standards specified in the PCT Guidelines.

Examiners of the PCT International Search & Preliminary Examination Division, an exclusive division for PCT examination, review, revise and supplement ISR drafts composed by outsourcing agencies in order to produce a final version of the reports. The supervisor of the Subdivision and Director of the Division then finally review the reports for the purpose of quality control.

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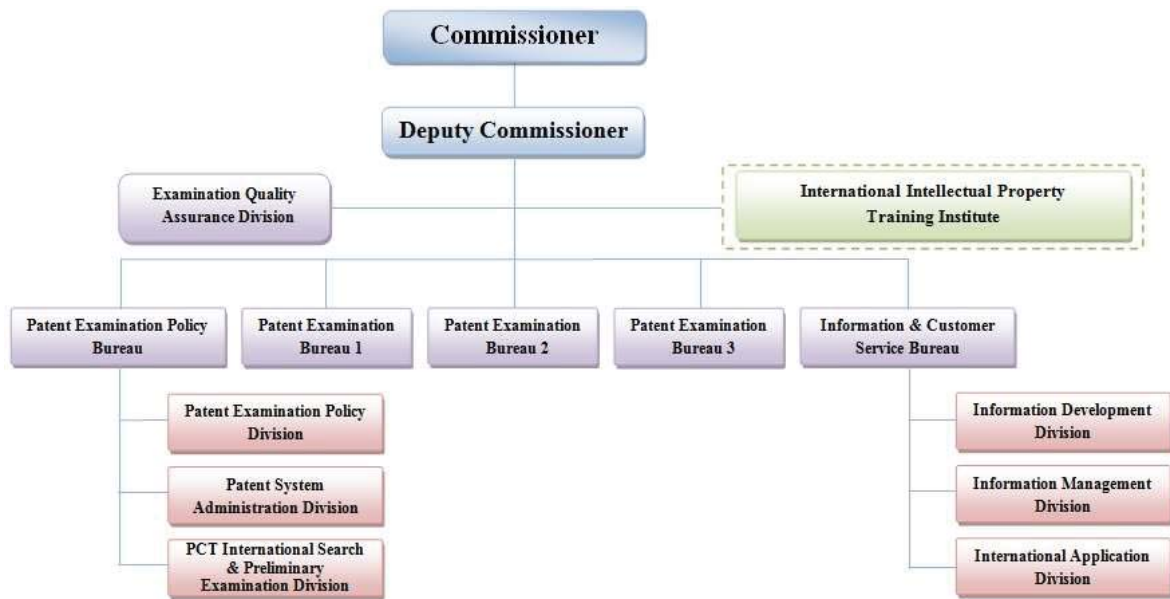
21.05 Indicate (e.g. by means of a table) the extent of compatibility between the Authority's QMS and the requirements of Chapter 21 of these International Search and Preliminary Examination Guidelines. Alternatively, indicate where the Authority is not yet compliant with these requirements.).

[Sample table, to be amended as necessary]

Chapter 21 requirement			Extent of compliance		
			full	part	no
21.04	(a)	Quality policy available	✓		

| Chapter 21 requirement			Extent of compliance		
			full	part	no
	(b)	Identified roles and names for QMS responsibility	✓		
	(c)	Organizational chart available	✓		
21.05		Established compatibility of QMS with Chapter 21	✓		
21.06	(a)	Mechanisms to ensure effectiveness of the QMS	✓		
	(b)	Control of the continual improvement process	✓		
21.07	(a)	Communication of management about this standard to staff	✓		
	(b)	The PCT Guidelines are in line with the Authority's QMS	✓		
21.08	(a)	Management reviews take place	✓		
	(b)	Quality objectives are reviewed	✓		
	(c)	Communication of quality objectives throughout the Authority	✓		
21.09	(a)	Performance of a yearly internal review of the QMS in/to	✓		
	(b)	(i) determine the extent to which the QMS in based on Chapter 21	✓		
		(ii) determine the extent to which S&E complies with PCT Guidelines	✓		
	(c)	an objective and transparent way	✓		
	(d)	using input incl. information according paragraph 21.17	✓		
	(e)	recording the results	✓		
21.10		Assurance to monitor and adapt to actual workload	✓		
21.11	(a)	Infrastructure in place to ensure that a quantity of staff	✓		
		(i) sufficient to deal with the inflow of work	✓		
		(ii) which maintains tech. qualifications to S&E in all technical fields	✓		
		(iii) which maintains the language facilities to understand languages according to Rule 34	✓		
	(b)	Infrastructure to provide a quantity of skilled administrative staff	✓		
		(i) at a level to support the technically qualified staff	✓		
		(ii) for the documentation records	✓		
21.12	(a)	(i) Ensuring appropriate equipment to carry out S&E	✓		
		(ii) Ensuring documentation accord. to Rule 34	✓		
	(b)	(i) Instructions to help staff understand and act accord. the quality criteria and standards	✓		

Chapter 21 requirement			Extent of compliance		
			full	part	no
		(ii) Instructions to follow work procedures accurately and they are kept up-to-date.	✓		
21.13		(i) L&D program to ensure and maintain necessary skills in S&E	✓		
		(ii) L&D program to ensure awareness of staff to comply with the quality criteria and standards.	✓		
21.14	(a)	System in place for monitoring resources required to deal with demand	✓		
	(b)	System in place for monitoring resources required to comply with the quality standards in S&E	✓		
21.15	(a)	Control mechanisms to ensure timely issue of S&E reports	✓		
	(b)	Control mech. regarding fluctuations in demand and backlog	✓		
21.16	(a)	Internal quality assurance system for self assessment	✓		
		(i) for compliance with S&E Guidelines	✓		
		(ii) for channeling feedback to staff	✓		
	(b)	A system for measurement of data and reporting for continuous improvement	✓		
	(c)	System for verifying the effectiveness of actions taken to correct deficient S&E work	✓		
21.17	(a)	Contact person helping identify best practice between Authorities		✓	
	(b)	Contact person fostering continual improvement		✓	
	(c)	Contact person providing for effective comm. with other Authorities for feedback and evaluation		✓	
21.18	(a)	(i) Appropriate system for handling complaints	✓		
		(ii) Appropriate system for taking preventive/corrective actions	✓		
		(i) Appropriate system for offering feedback to users	✓		
	(b)	(i) A procedure for monitoring user satisfaction & perception	✓		
		(ii) A procedure for ensuring their legitimate needs and expectations are met	✓		
	(c)	Clear and concise guidance on the S&E process for the user	✓		
	(d)	Indication where and how the Authority makes its quality objectives publicly available			✓

Chapter 21 requirement			Extent of compliance		
			full	part	no
21.19		Established communication with WIPO and designated and elected Offices	✓		
21.20		QMS of Authority clearly described (e.g. Quality Manual)	✓		
21.21	(a)	Documents making up the Quality Manual have been prepared and distributed	✓		
	(b)	Media available to support the Quality Manual	✓		
	(c)	Document control measures are taken	✓		
21.22	(a)	Quality policy of the Authority and commitment to QMS	✓		
	(b)	Scope of QMS	✓		
	(c)	Organizational structure and responsibilities	✓		
	(d)	the documented processes are carried out in the Authority	✓		
	(e)	Resources available to carry out processes	✓		
	(f)	a description of the interaction between the processes and the procedures of the QMS.	✓		
21.23	(a)	Records which documents are kept and where they are kept	✓		
	(b)	Records of results of management review	✓		
	(c)	Records about training, skills and experience of staff	✓		
	(d)	Evidence of conformity of processes	✓		
	(e)	Results of reviews of requirements relating to products	✓		
	(f)	Records of the S&E process carried out on each application	✓		
	(g)	Record of data allowing individual work to be tracked	✓		
	(h)	Record of QMS audits	✓		
	(i)	Records on actions taken re. non-conforming products	✓		
	(j)	Records on actions taken re. corrective actions	✓		
	(k)	Records on actions taken re. preventive actions	✓		
	(l)	Records referring to search process documentation	✓		
21.24	(a)	(i) Recording of the databases consulted during search	✓		
		(ii) Recording of keywords, combination of words and truncations during search	✓		
		(iii) Recording of the languages used during search	✓		
		(iv) Recording of classes and combinations thereof consulted during search	✓		
	(b)	Records about other information relevant to the search	✓		

Chapter 21 requirement			Extent of compliance		
			full	part	no
	(c)	(i) Records about limitation of search and its justification	✓		
		(ii) Records about lack of clarity of the claims	✓		
		(iii) Records about lack of unity	✓		
21.25		Report on its own internal review processes	✓		
21.26-21.28		Additional information on further inputs to its internal reviews	✓		
21.29		Initial report called for by paragraph 21.19	✓		

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.
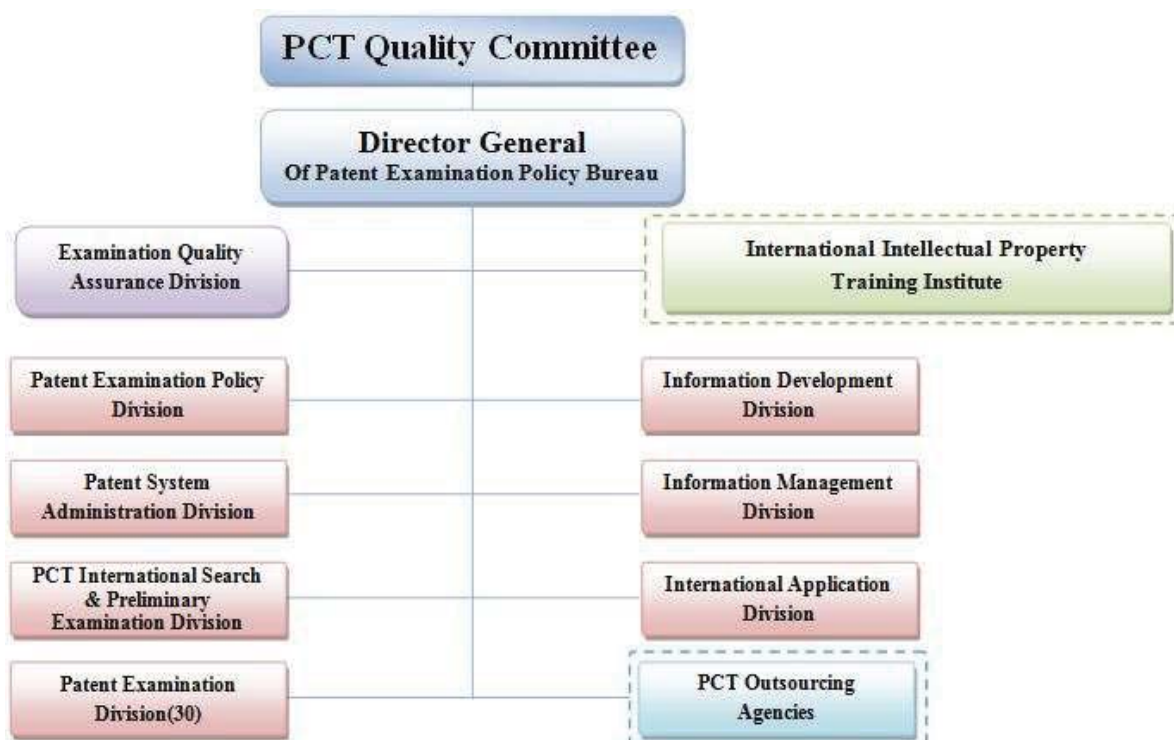
(a) Every six month, the PCT Quality Committee is convened to share key issues that may affect the PCT quality and discuss solutions to address them. The meeting is chaired by the Director General of the Patent Examination Policy Bureau, and attended by officials of PCT-responsible Divisions of KIPO, like Patent Examination Policy Division, Patent System Administration Division and Examination Quality

Assurance Division; as well as representatives from outsourcing agencies that professionally carry out PCT prior art search for KIPO. The meeting attendees review the extent to which the major policies pursued by each Division comply with requirements of the QMS, and the extent to which KIPO conforms to the PCT International Search and Preliminary Examination Guidelines. More serious issues are also reported in the Executive Meeting presided over by the Commissioner of KIPO.

(b) At the meeting of the PCT Quality Committee, not only the officials of PCT-relevant Divisions but also examiners, supervisors of Subdivisions, and Director of the Division, all whose work engages performing PCT activities, are present to discuss the direction of QMS development. The topics and agenda discussed during the meeting are taken into consideration when establishing future PCT policies by the corresponding officials.

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) The Patent Cooperation Treaty (PCT), regulations and enforcement rules under the PCT, and PCT Examination Guidelines, all published by WIPO, are translated into Korean and distributed to KIPO examiners. Along with the effort, KIPO has published a *PCT ISR and IPER Manual* which presents detailed information with examples on the PCT, regulations under the PCT, and desirable preparation, relevant to frequently-written report items. The information is arranged in accordance with the writing order of ISR and IPER, helping readers better understand the material.

(b) In each examination Division, supervisor of the Subdivision and Director of the Division are responsible for final review and approval for all ISR/IPERs made by the examiners. They determine the extent to which the reports comply with the quality standards set out by the PCT Guidelines. If deficiencies are identified, the Director orders to correct them and takes necessary measures to keep similar or same deficiencies from recurring in the reports. Each examination Division also appoints a PCT quality manager who deals with frequent deficiencies and inquiries. The Patent System Administration Division has an employee whose work includes responding to a wide range of Q&A as for ISR/IPER writing, quality standards, and etc.

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) At the beginning of each year, each QMS-responsible Division of KIPO makes a full report on their

QMS plans for the year to the Executive Meeting and the Commissioner of KIPO. To be specific, the Patent Examination Policy Division briefs its plans on PCT management and quality objectives, the Patent System Administration Division on system improvement, the Examination Quality Assurance Division on quality review, the Information Development Division and Information Management Division on information strategy plan (ISP), and the IP Education Division on examiner training.

(b) The Patent Examination Policy Division sets quality objectives at the start of each year, and monitors key indicators on PCT examination quality, such as timely issue of search and examination reports and XY citation rate. The Examination Quality Assurance Division carries out the quality review on ISR/IPER every six month to see if examination results of the year are in compliance with the PCT requirements, regulations and examination Guidelines in perspective. In addition, the meeting of PCT Quality Committee is convened twice a year to share key issues that may affect the PCT quality and seek solutions to resolve them. The meeting is attended by KIPO officials of PCT-relevant Divisions and representatives from outsourcing agencies.

(c) Starting the year, the Patent Examination Policy Division notifies all examiners in each examination Division of the PCT quality objectives of the year. The Patent System Administration Division constantly monitors whether KIPO's practices of international search and preliminary examination meet the requirements in the PCT Guidelines. If needed, the Division takes action to revise law and regulation and improve the system. It also makes and distributes to examiners a checklist and FAQ sheet that list useful instructions regarding writing PCT reports.

KIPO associates quality objectives such as timely issue of ISRs/IPERs and results of ISR/IPER quality review, conducted by the Examination Quality Assurance Division, into a Division performance assessment in order to create a sense of common purpose for achieving the quality objectives.

> *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).*

(a) - (e)
KIPO holds an Executive Meeting on a weekly basis that is presided over by the Commissioner and

attended by Directors General of all Bureaus. The meeting discusses major activities and seeks solutions to special issues regarding PCT quality management. In particular, key data related to PCT quality assurance, such as timely issue of search and examination reports and XY citation rate, are reported at the first meeting of every month.

In addition, the meeting of PCT Quality Committee is convened biannually to share key issues that may affect the PCT quality and seek solutions to resolve them. The meeting is chaired by the Director General of the Patent Examination Policy Bureau and attended by KIPO officials of PCT-relevant Divisions, such as the Patent Examination Policy Division, Patent System Administration Division and Examination Quality Assurance Division; and representatives from outsourcing agencies that professionally carry out PCT prior art search. The attendees of the meeting determine the extent to which the major policies implemented by each Division comply with the requirements of the QMS, and the extent to which KIPO follows the PCT International Search and Preliminary Examination Guidelines. More serious issues are also reported in the Executive Meeting.

The Patent Examination Policy Division and Patent System Administration Division constantly monitor the compliance of KIPO's practices of PCT international search and preliminary examination with the PCT Guidelines. They also make and distribute a checklist and FAQ sheet that list useful instructions regarding writing PCT examination reports.

The Examination Quality Assurance Division carries out the quality review on ISR/IPER every six month to see if examination results of the year are in compliance with the PCT requirements, regulations and PCT Guidelines in perspective.

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) KIPO has 800 PCT examiners (KIPO employees) and 200 PCT searching personnel (outsourcing company employees). Expertise in natural sciences and engineering is required for all PCT examiners and search staff. Along with its effort to increase the employment of promising PCT examiners, KIPO has provided incumbent examiners with continuing educational opportunities such as specialized lectures and seminars, helping them widen their knowledge and expertise.

PCT examiners and searching personnel, carrying out international search and preliminary examination, also possess language skills – in particular, English proficiency – necessary to comprehend foreign PCT documents and prepare ISR/IPER. In an effort to help them sharpen their language skills and stay away from potential linguistic obstacles, KIPO has encouraged examiners to attend an in-house language program for English, Japanese, Chinese and Spanish. Or, examiners may take foreign language courses run by various universities commissioned by KIPO. The Korean patent office has taken one step further by equipping its self-constructed search system called Korean Multi-functional Patent Search System (KOMPASS) with machine translation software. Presently Japanese-Korean, English-Korean and Chinese-Korean translation of foreign patent documents are available.

(b) Matters that involve PCT administrative procedures are mainly managed by the International Application Division. Eight formality examiners and three assistants work together to carry out the tasks related to the international phase of PCT application, that include international search and international preliminary examination. The formality examiners make a relentless effort to improve their capacity by undertaking on-the-job training and participating in training programs offered by the International

Intellectual Property Training Institute (IIPTI), a KIPO-affiliated training institute.

Meanwhile, a recently-established cloud-based PCT system that has recently been established enables examiners to write the ISR/IPER in an easier and more comfortable way. KIPO employees are well-acquainted with the use of the system.

21.12 Human 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 where necessary.

(a) (i) KIPO has made non-patent documentation (including minimum documentation) and foreign publications available on its search system, KOMPASS, in order to raise efficiency of prior art search. A cloud-based PCT system for international search and preliminary examination is also newly created and used by examiners; and its processing time and load is regularly monitored by KIPO staff to ensure best operation performance.

KIPO's PCT system allows all PCT-related procedures ranging from filing an application to drafting and issuing ISR/IPER to be processed electronically. KIPO also has a Patent Examination Guidance System that is designed to improve work efficiency and offer more convenience to examiners by providing support for writing PCT ISRs and written opinions. After setting a basic ISR information, an examiner may search documents on KOMPASS and the Guidance system then automatically inputs the information of cited documents into the ISR or written opinion, verifies writing errors and checks whether the category of cited document is correctly and consistently assigned in the report. Information on patent family members cited on KOMPASS is also automatically inputted into the report; and the information that is used while writing ISR and also relevant to the corresponding written opinion, is entered into the written opinion in an automatic manner. By taking such advantages of the PCT Examination Guidance System, PCT examiners can minimize errors in writing search report and opinion and reduce the amount of time spent writing them.

(ii) Regarding non-patent documentation out of the minimum documentation, KIPO builds its own database (DB) or uses free and/or charged services of domestic or foreign journal providers. Foreign publications are also stored in a database and accessed with KOMPASS. Examiners are given free

access to the minimum documentation through their office PC. The paper-based documents and databased materials are managed as asset by IP Digital Library of KIPO and the Korea Institute of Patent Information (KIPI).

(b) KIPO publishes the *PCT ISR/IPER Manual* to provide examination guidelines in detail to examiners. The book gives not only special instructions on writing certain report items in which deficiencies and mistakes are frequently found, but also referential examples of reports published by overseas organizations. Besides, a checklist that points out what examiners should pay special attention to when preparing PCT reports is given to PCT examiners. Both the *Manual* and checklist are updated on a yearly basis, reflecting latest revision of PCT regulations.

The PCT Formality Examination Manual published by the International Application Division describes in detail what an examiner has to do in each step of the formality examination, using real images captured while working.

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.

The International Intellectual Property Training Institute (IIPTI) invites high-performing examiners to give lectures on examination jobs in a very real sense. The institute works hard to improve the quality of examination through its PCT training programs that include New Examiner course and Basic/Advanced PCT Examination course in which various levels of examination issues, solutions, and desirable practices are discussed. The PCT Examination Course uses the *PCT ISR/IPER Manual* as a teaching material for its topics like PCT Application (General), Writing PCT Written Opinion in English (Rules and Case Study), International Application under PCT (Case Study), and Preparation for PCT ISR and Written Opinion, etc.

With the aim to keep its examiners updated on state-of-the-art technologies, KIPO organizes specialized lectures and seminars on a regular basis, in which technology experts present fresh and useful information; and opens tailor-made courses in association with universities and/or professional educational institutions. KIPO also encourages its examiners to voluntarily organize study groups to stay up to date with new technology knowledge in the required technical fields.

Furthermore, the Office provides diverse in-house language programs for English, Japanese, Chinese and Spanish and external foreign language courses in partnership with various universities in order to help examiners improve English proficiency and therefore, minimize potential linguistic obstacles in reading and writing ISR/IPER.