

---

**ORIGINAL: ENGLISH**  
**DATE: JANUARY, 28, 2022.**

## **Patent Cooperation Treaty (PCT)**

### **Common Quality Framework for International Search and Preliminary Examination**

#### **INITIAL REPORT ON QUALITY MANAGEMENT SYSTEMS**

*prepared by BRAZILIAN NATIONAL INSTITUTE OF INDUSTRIAL PROPERTY (INPI/BR)*

*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)**

*In this introduction, each Authority should include a summary of all changes to their quality management system that have taken place since the previous report on their Quality Management System, and any other matters considered to be interest in relation to quality management.*

*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. Authorities may include process charts if this would facilitate the understanding of an aspect of the report.*

All changes made from previous 2020 report are highlighted in Blue.

Quality Management System for International Search and Preliminary Examination consist basically of three components:

1. Quality standards for Search & Examination work: tools, systems, documented information, training, communication.
2. Quality Assurance: peer review, management review and quality control.
3. Quality review process.

The quality standards and practices are compliance with the standards and practices established by the PCT guidelines. Although the QMS in place is based upon ISO 9001:2015 principles, INPI/BR is not ISO 9001 certified.

The establishment of an internal Quality Assurance System for international search reports (ISR), written opinion (WOISA) and international preliminary examination reports (IPER) is set to assure compliance with PCT and Regulations, PCT administrative instructions, PCT International Search and Preliminary Examination guidelines, and other INPI internal guidelines and instructions.

In order to improve efficiency of QMS and increase quality and speed of granting intellectual property rights, the Intellectual Property Office of the United Kingdom (IPO UK) in conjunction with Foreign, Commonwealth & Development Office of the United Kingdom (FCDO) have collaborated with INPI/BR to design a transformational project entitled “**A Brazilian Intellectual Property Office for the 21st Century**”. This project was launched in March 2020 and will be finished in March 2022. Palladium was the selected partner and is working with a consortium of several partners. The desired outcome of this project is a much more effective IP regime in Brazil and a review of the current procedures at INPI/BR in order to replace them with best-practice and sustainable solutions, thus enabling a healthy IP framework that supports inclusive and sustainable economic growth, innovation, trade and prosperity to achieve a transformational change.

The redesign was focused on 5 specific workstreams (Quality Management System, Process Management System, Service Pricing Policy, IT Service and Human Resources) and the Patent Cooperation Treaty (PCT) is one of the INPI/BR processes within the scope in the Process workstream. The final inception report for the 5 Workstreams was delivered in June 2021. Regarding the Process Workstream, 2 macroprocesses were delivered on this final report, from a total of 8 macroprocesses selected to be covered according to a scheduled deadline. PCT process was mapped from August to October 2021. The preliminary report with an executive summary and the first findings after completion of the process mapping and redesign work was already delivered in the end of October 2021 by the Consultancy. The final report containing all analysis and improvement recommendations as well the process flows “AS IS” and “TO BE” is expected to be delivered in March 2022.

## 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 specified by top management.
- (c) An organizational chart showing all those bodies and individuals responsible for the QMS.

---

(a) The INPI/BR Quality Policy, available in INPI's web portal (<https://www.gov.br/inpi/en>), more specifically in (<https://www.gov.br/inpi/en/governance/quality>) is:

1. To deliver services efficiently, in a timely manner and in accordance with the standards set by law and by international agreements and treaties.

2. Provide systems to maintain a continuous and efficient contact with its users, analyzing their expectations, assessing their level of perception and dealing with any complaints received to ensure maximum satisfaction.

3. To train and enhance its staff to fulfill the institutional objectives through the sharing of knowledge, harnessing the expertise of each and assuming shared responsibility for the performance and achievement of goals.

4. Be in line with best management and governance practices.

The Quality Policy is used to establish the quality objectives and goals which are periodically evaluated and reviewed by INPI President and the Strategic Governance Committee (CGE).

(b) The INPI/BR is headed by a President, an Executive Director and three others Directors, appointed in accordance with Brazilian law. Appointments to positions in committee, roles and functions are made in accordance with current legislation.

The Quality General Coordinator is the responsible to implement and maintain the QMS **across** the organization. The Coordinator acts as support to management on all levels to ensure the proper function of the QMS.

The Executive Board is represented by the Strategic Governance Committee (CGE), the highest level Committee of governance, management of integrity, strategic planning, de-bureaucracy, monitoring and evaluation, and risk management within the Institute. In addition to other competencies, the committee is responsible for institutionalizing the strategic planning process of INPI; establish strategic guidelines, objectives, initiatives and indicators; to monitor the implementation and evaluate the results of the actions planned; periodically review the institutional strategy; undertake actions to find the means and resources sufficient and necessary to execute and sustain the projects related to the institutional strategy; to establish, at its discretion, subcommittees or working groups for advisory subjects of its competence.

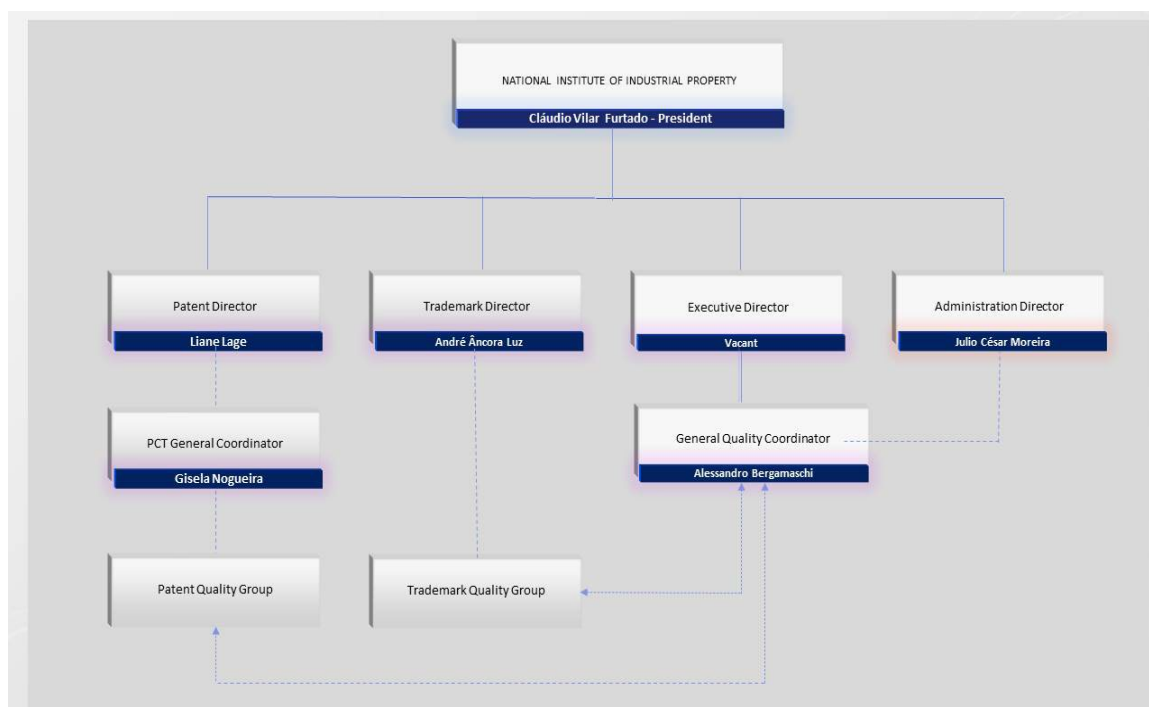
In the Patent Board there is a formal Quality Group which is responsible to define and implement QMS under the Coordination of the Quality General Coordination including but not limited to the following activities: to create and implement procedures, manuals, work instructions, supervise its implementation and communication, provide training of related personnel as well the implementation of quality examination review process. This group is also responsible for others activities of the Quality Management System (QMS) required by PCT and Regulations, Administrative Instructions, Receiving Office (RO) Guidelines, and PCT Search and Examination Guidelines.

Quality General Coordinator: Alessandro Bunn Bergamaschi

Patent Director: Liane Elizabeth Caldeira Lage

PCT General Coordinator: Gisela Aparecida Nogueira da Silva

(c) Organizational Charts



Note: It's currently in course the designation for the Executive Director position.

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).

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

Chapter 21 requirement				Extent of compliance		
				full	part	no
		(c)	Communication of quality objectives to the relevant staff at the Authority	✓		
21.09		(a)	Performance of a yearly internal review of the QMS in/to	✓		
		(b)	determine the extent to which the QMS is aligned with Chapter 21	✓		
			determine the extent to which S&E complies with PCT Guidelines	✓		
		(c)	an objective and transparent way	✓		
		(d)	using input incl. information according paragraph 21.24	✓		
		(e)	recording the results	✓		
21.10			Risk and opportunities are addressed that can affect the QMS and the conformity of search and examination	✓		
21.13			Arrangements for establishing risk-based practices to	✓		
	(i)	(a)	understand issues that affect its ability to achieve intended results of the QMS	✓		
		(b)	understand the needs and expectations of interested parties	✓		
	(ii)		identify risks and opportunities related to the performance of the QMS as a basis for planning	✓		
	(iii)		plan and implement actions to address risks and opportunities	✓		
	(iv)		check the effectiveness of the actions taken	✓		
	(v)		continuously update risks and opportunities.	✓		
21.15			Assurance to monitor and adapt to actual workload	✓		
	(i)		Infrastructure in place to ensure that a quantity of staff	✓		
		(a)	sufficient to deal with the inflow of work	✓		
		(b)	which maintains technical qualifications to S&E in all technical fields	✓		
		(c)	which maintains the language facilities to understand languages according to Rule 34	✓		
	(ii)		Infrastructure to provide a quantity of skilled administrative staff	✓		
		(a)	at a level to support the technically qualified staff	✓		
		(b)	for the documentation of records	✓		
	(iii)		Ensuring appropriate equipment to carry out S&E	✓		
	(iv)		Ensuring documentation according to Rule 34	✓		
	(v)	(a)	Instructions to help staff understand and act according to the quality criteria and standards	✓		

Chapter 21 requirement			Extent of compliance		
			full	part	no
	(b)	Instructions to follow work procedures accurately and they are kept up-to-date.	✓		
	(vi) (a)	Training and development program to ensure and maintain necessary skills in search and examination	✓		
	(b)	Training and development program to ensure awareness of staff to comply with the quality criteria and standards.	✓		
	(vii) (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	✓		
21.16	(i)	Control mechanisms to ensure timely issue of S&E reports	✓		
	(ii)	Control mech. regarding fluctuations in demand and backlog	✓		
21.17	(i)	Internal quality assurance system for self-assessment	✓		
	(a)	for compliance with S&E Guidelines	✓		
	(b)	for channeling feedback to staff	✓		
	(ii)	System for measurement of data and reporting for continuous improvement		✓	
	(iii)	System for verifying the effectiveness of actions taken to correct deficient S&E work, eliminate the causes and prevent issues from recurring		✓	
21.19	(a)	Contact person helping identify best practice between Authorities	✓		
	(b)	Contact person fostering continual improvement	✓		
	(c)	Contact person providing for effective communication with other Authorities for feedback and evaluation	✓		
21.20	(i) (a)	Appropriate system for handling complaints	✓		
	(b)	Appropriate system for taking preventive/corrective actions	✓		
	(c)	Appropriate system for offering feedback to users	✓		
	(ii) (a)	A procedure for monitoring user satisfaction & perception	✓		
	(b)	A procedure for ensuring their legitimate needs and expectations are met	✓		
	(iii)	Clear and concise guidance on the S&E process for the user	✓		
		Indication where and how the Authority makes its quality objectives publicly available	✓		
21.21		Established communication with WIPO and designated and elected Offices	✓		
21.22		QMS of Authority clearly described and documented	✓		

Chapter 21 requirement				Extent of compliance		
				full	part	no
21.23		(a)	Material making up the reference of quality procedures and processes for staff and management has been prepared and distributed	✓		
		(b)	Media available to support the reference material	✓		
		(c)	Document control measures are taken	✓		
21.24			Items which should be documented in the reference of quality procedures and processes	✓		
	(i)		Quality policy of the Authority and commitment to QMS	✓		
	(ii)		Scope of QMS	✓		
	(iii)		Organizational structure and responsibilities	✓		
	(iv)		the documented processes are carried out in the Authority	✓		
	(v)		Resources available to carry out processes and implementing the procedures	✓		
	(vi)		a description of the interaction between the processes and the procedures of the QMS.	✓		
21.25	(i)		Records which documents are kept and where they are kept	✓		
	(ii)		Records of results of management review	✓		
	(iii)		Records about training, skills and experience of staff	✓		
	(iv)		Evidence of conformity of processes	✓		
	(v)		Results of reviews of requirements relating to products	✓		
	(vi)		Records of the S&E process carried out on each application	✓		
	(vii)		Record of data allowing individual work to be tracked	✓		
	(viii)		Record of QMS audits	✓		
	(ix)		Records on actions taken re. non-conforming products	✓		
	(x)		Records on actions taken re. corrective actions	✓		
	(xi)		Records on actions taken re. preventive actions	✓		
	(xii)		Records referring to search process documentation	✓		
21.26	(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	✓		

Chapter 21 requirement				Extent of compliance		
				full	part	no
	(v)		Recording of a listing of all search statements used in databases consulted	✓		
	(vi)		Records about other information relevant to the search	✓		
	(vii)		Records about limitation of search and its justification	✓		
	(viii)		Records about lack of clarity of the claims	✓		
	(ix)		Records about lack of unity	✓		
21.27			Report on its own internal review processes	✓		
21.28-21.30			Additional information on further inputs to its internal reviews	✓		
21.31			Initial report called for by paragraph 21.31	✓		

**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) The QMS is applied by a Quality Group in Patent Board, which are responsible for carrying out the quality management system requirements and the quality review process.

The Working Groups of the areas under the PCT meet regularly with the top management in order to measure the effectiveness of the Quality Review process. These meetings serve as a basis for measuring, analyzing and interpreting the results of the examinations, updating guidelines, procedures and work instructions, detecting whether the user's needs are being met and identifying the points of possible improvements in the quality of services provided.

The Quality General Coordination has the responsibility to conduct customer's survey to detect if their expectations and satisfaction are met. An improvement plan is done with the survey results.

(b) INPI/BR seeks to continually improve the effectiveness of the QMS through a variety of mechanisms, including:

- defining and revising quality objectives,
- measuring quality objectives against minimum performance undertakings,
- measuring customer's satisfaction,
- performing corrective and preventive actions,
- conducting management reviews,
- complying with the quality policy statement,
- reviewing documented information periodically,
- providing periodic training of the personnel,
- applying the risk and process approaches.



*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) The Top Management promotes regular meetings and events where it communicates to its staff the importance of meeting the requirements of this standard and compliance with QMS requirements. Moreover, this communication is also done through e-mail, weekly newsletter (DIRPA.com), intranet and internet.

The INPI/BR Strategic Plan 2018-2021, the Annual Corporate Plan and its Quality Policy and objectives were widely reported throughout the organization and to its customers and made available at INPI's website: <https://www.gov.br/inpi/pt-br/governanca/planejamento-estrategico> .

*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 by the relevant staff at the respective Authority.*

(a-c) The Top Management meets at least once a month in the Committees' meeting to follow and review the organization objectives, quality goals and the Annual Corporate Plan accomplishment.

The Strategic Governance Committee (CGE), is the highest level Committee of governance, management of integrity, strategic planning, de-bureaucracy, monitoring and evaluation, and risk management within the Institute. In addition to other competencies, the committee is responsible for institutionalizing the strategic planning process of INPI; establish strategic guidelines, objectives, initiatives and indicators; to monitor the implementation and evaluate the results of the actions planned; periodically review the institutional strategy; undertake actions to find the means and resources sufficient and necessary to execute and sustain the projects related to the institutional strategy; to establish, at its discretion, subcommittees or working groups for advisory subjects of its competence.

The main decision and corrective actions decided by the Committee are spread-out towards the respective managers and processes may be reviewed.

*21.09 Indicate whether top management or delegated officers of the Authority perform an internal review of the QMS in accordance with paragraphs 21.27-21.30:*

- (a) at least once per year (cf. paragraph 21.27);*
- (b) in accordance with the minimum scope of such reviews as set out in Section 8, namely: to determine the extent to which the QMS is based on Chapter 21 (cf. paragraphs 21.27, 21.29(i)); to determine the extent to which Search and Examination work complies with PCT Guidelines (cf. paragraphs 21.27, 21.29(i));*
- (c) in an objective and transparent way (cf. paragraph 21.27);*
- (d) using input including information according to paragraphs 21.29 (ii)-(vi); and*
- (e) recording the results (cf. paragraph 21.30).*

(a) The QMS is continuously monitored corporately by the Quality Coordination - CQUAL and through the Quality Group and PCT Coordination.

(b)-(c) The extent of compliance of search and examination work with the PCT Guidelines is based on the review of work from the Examiners prior to issue the reports, and also on the review of work sampled after publication. There is a specific and trained group of Patent examiners available to work with PCT (ISA&IPEA) processes. The review findings are reported to the Examiner and to the head of the technical division of their respective examination unit. Reports are regularly provided to the Patent Managers – General Coordinators and Quality Coordination on the extent to which work complies with INPI Quality Standards. Internal quality audits are planned to be carried out on the processes used to ensure their compliance with INPI/BR Quality Management System, Chapter 21 and the PCT Guidelines and other internal regulations.

(d) – (e) At the end of each year, CQUAL meets with PCT management to review and discuss about the reports submitted to WIPO and subjects related to QMS. This review assesses how well the system is performing, what can be improved and whether it is meeting the policy and objectives set for it.

*21.10 Indicate whether top management of the Authority promote practices to ensure that risks and opportunities that can affect its QMS and the conformity of international search and examination are addressed.*

Due to the strong Brazilian legislation, INPI/BR must be in compliance with Risk Management process and, therefore, regularly promotes practices to ensure that risks and opportunities that can affect its QMS and the conformity of international search and examination are addressed. Item 2 describes how INPI/BR handles Risk Management.

## 2. RISK-BASED PRACTICES

*21.11 Explanatory note: Each Authority should establish its own risk-based practices to enable the Authority to determine factors that could cause operational processes and its quality management system to deviate from requirements or planned results, to put in place preventive controls to minimize negative effects, and to make use of opportunities as they arise.*

*21.12 Explanatory note: It is open to each Authority to set up its own arrangements to determine the effect of uncertainty on objectives. Paragraph 21.13 provides a guide to the basic components of risk-based practices as an element of QMS. There is no requirement for formal methods of risk management or a documented risk management process.*

*(Note: These points are informative. No response is required by the template to paragraphs 21.11 and 21.12).*

### *21.13 Arrangements for establishing risk-based practices*

*Provide information on the arrangements that your Authority has made to:*

- (i) (a) understand issues that affect its ability to achieve intended results of the QMS, and (b) understand the needs and expectations of interested parties;*
- (ii) identify risks and opportunities related to the performance of the QMS as a basis for planning;*
- (iii) plan and implement actions to address risks and opportunities;*
- (iv) check the effectiveness of the actions taken; and*
- (v) continuously update risks and opportunities.*

*21.14 Explanatory note: All processes of the QMS present differing levels of risk in terms of the Authority's ability to meet its objectives, and the effects of uncertainty are not the same for all Authorities. Each Authority is responsible for the actions it decides to take to address risks and opportunities.*

*(Note: This point is informative. No response is required by the template to paragraph 21.14).*

To provide a better understanding on the issues that affect INPI to achieve intended results and objectives of the QMS, the Risk Management Division from the Quality General Coordination of INPI is periodically offering advices, materials and training on INPI's Risk Management Manual and Database to the patent examiners involved at the PCT's process as well as to others INPI's units and interested parties. All the risks mapped in PCT and QMS process, as well other processes, are recorded and monitored on a databae called AGATHA provided by the Ministry of Economy with the purpose to manage and control the risks identified in the process. Additionally regular meetings are conducted with INPI units to provide guidance and support on risk management issues. It's also adopted the practice to keep in touch with several offices to understand their challenges and implemented solutions, exchanging knowledge and experiences. It's currently in course a process to develop a Business Intelligence tool to monitor all INPI's risks and action plans with the partnership of another governmental organization.

In order to understand the needs and expectations of INPI units and interested parties, we collect some relevant information conducting user satisfaction surveys, holding meetings with interested parties and also from the inputs we receive from ours online users service channels.

To identify risks and opportunities related to the performance of the QMS as a basis for planning, training programs in risk management and process mapping are provided on regular basis, as well as periodicals process reviews and its redesign (if necessary), in order to identify, analyze and valuing risks.

INPI launched its first version of Risk Management Policy in 2017 and developed and implemented its own new risk management methodology in 2018 addressed in INPI's Risk Management Manual as relevant actions to address risks and opportunities. In April 2020, INPI launched a new updated version of both the Policy and the Risk Management Manual. According to this methodology, process owners evaluate the risks, by identifying consequence/probability matrix, in order to establish a risk level. The methodology has as its basic premise the risk assessment within the organizational processes, and is supported by guidelines of the ABNT NBR ISO 31000:2018 standard. According to the INPI Risk Management Manual,

---

the identified risks will be classified as: strategic, operational, budgetary, reputation, integrity and compliance. The Policy and the Risk Management Manual will be reviewed in 2022 as part of the Risk Management Improvement Project.

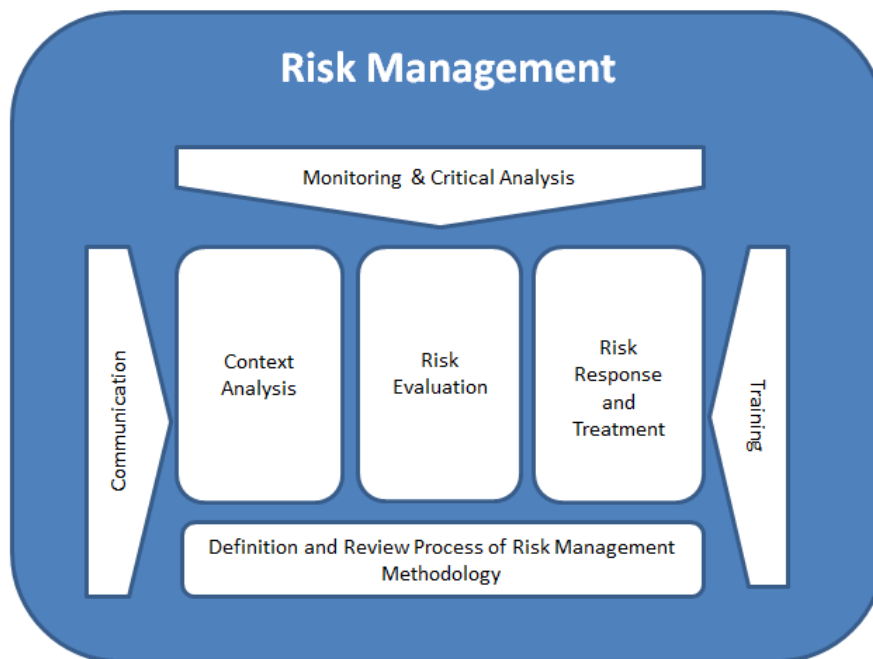
In 2019 INPI has launched the Action Plan for Risk Management that has been structured in 4 phases: level 2 processes mapped; risks identified in processes mapped; risks analysed and action plans implemented to reduce, mitigate or eliminate risks identified. This Action Plan that has included all INPI macroprocesses is currently in course and will be finished in January 2022. PCT was one of the first macroprocesses addressed in the action plan and has successfully concluded the 4th phase of this plan in December 2020. Once these actions are properly approved by the risk managers and top management, they are included in the institutional risk database (AGATHA), and the action plan is monitored by the Risk Management Division and by the Committee in order to check its effectiveness. At any time, risk managers can review any information on risks' database as part of the monitoring process and in order to check whether the actions are being effective as well there are any changes in the context or process related to the risk.

INPI adopts "The Three Lines" model, where the process owner is the first line of defense in risk management, the risk committees and the Risk Management Division are the second line of defense, and the Internal Audit is the third.

Each of these three "lines" plays a distinct role within the organization's wider governance framework, aiming to check the effectiveness of the actions taken.

The risks and opportunities are considered during the strategic and corporate plan and also a context issues analysis is conducted (which includes an updated SWOT analysis) in every new risk management process to ensure a continuous update of risks and opportunities.

Risk Management Process adopted by INPI is described below:



### 3. RESOURCES

*21.15 Explanatory note: The granting of ISA/IPEA 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 below, should provide this assurance.*

*Human resources:*

*(i) Provide information about the infrastructure in place to ensure that a quantity of staff: sufficient to deal with the inflow of work;*

*which maintains the technical qualifications to search and examine in the required technical fields; and*

*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.*

*(ii) Describe the infrastructure in place to ensure that a quantity of appropriately trained/skilled administrative staff is maintained and adapted to changes in workload:*

*at a level to support the technically qualified staff and facilitate the search and examination process, and*

*for the documentation of records.*

---

INPI/BR is constantly providing resources needed to deliver desired outcomes including the maintenance and improvement of the quality management system.

The current staff (technical and administrative) is adequate to deal with the inflow of work and deliver the search and examination process in the established deadlines.

Some regular actions are described as bellow:

- ✓ providing training in industrial property and in foreign languages;
- ✓ graduating masters and doctors at the INPI/BR Academy of Industrial Property;
- ✓ training team leaders,
- ✓ flexible conditions of work for examiners who are in view of obtaining the Doctor title;
- ✓ improved facilities and material resources;
- ✓ deployment of new IT systems to support the examination and administrative service;
- ✓ teleworking (home office) modality: all patent examiners can apply to work at teleworking modality with a required minimal productivity increase of 30%. Currently there is a total of 223 patent examiners teleworking, **having achieved** an average examination productivity of 42,9% in 2021. This means that examiners **teleworking** have produced in 2021 42,9% more than examiners working on the regular modality of 40 weekly hours. This increase was very positive for INPI exam production results and customers satisfaction.

(i) Patent Examiners

- ✓ As a minimum requirement for recruitment, all patent examiners must possess the title of Master of Science and have English or Spanish language skills. As soon as they are selected, they immediately enter professional training courses in specific skills tests. After ~6 months of training, the examiners start to exercise examination procedures, training "on the job" mentoring for ~18 months. The patent examiners also participate in the exercise of technical courses and events in their specific fields, promoted by INPI/BR or by other entities, for purposes of technical improvement in their areas. Currently, approximately 63% of examiners have the title of Doctor of Science.
- ✓ Among the applied requirements for receiving documentation, referenced in Rule 34, INPI/BR can receive PCT applications in three different languages, which are Portuguese, English and Spanish.

Administrative Staff

- ✓ The administrative staff is trained to conduct formal examinations and international administrative procedures of the PCT, as well as to control, verify and registration of applications filed under the PCT.

(ii) Appropriate equipment and facilities such as IT hardware and software to support the search and examination process are provided and maintained. **A new System is being hired to improve the process efficiency and to automate different tasks currently performed manually.**

*Material resources:*

*(iii) Describe the infrastructure in place to ensure that appropriate equipment and facilities such as IT hardware and software to support the search and examination process are provided and maintained;*

*(iv) Describe the infrastructure in place to ensure that 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.*

*(v) Describe how instructions:*

*to help staff understand and adhere to the quality criteria and standards; and;*

*to follow work procedures accurately and consistently*

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

(iii-iv) The INPI/BR often reviews facilities and technological resources. Such review includes:

- ✓ acquisition of new computers with up-to-date common setup, workstation and chairs to accommodate the new examiners. Updating software for basic usage, extension of contracts on patent search databases and developing software resources for online control of all work and registration of examinations, including statistical data, information, issuing forms, and quality indicators. The workstations have electronic dictionaries and translators specifically to work in technical support.
- ✓ The minimum documentation, referenced in Rule 34, is available, accessible and kept ready for search and examination purposes. All documentation is now stored on electronic media.
- Each examiner work with 2 monitors and has access to the Internet and to search databases such as EpoqueNet (EPO); STNext (Chemical Abstracts Service – CAS); IEEEExplore (IEEE, through EBSCO BRASIL); Derwent Innovation (Clarivate Analytics LLC), including Global Patent Data, DWPI, CPI Manual Codes and INSPEC; and Sequence Base, including GENESEQ (Clarivate Analytics LLC).

(v) The basic procedures of service relating to the PCT, as the Treaty, the Regulations and Guidelines are available in English and Treaty and the Regulations translated into Portuguese, in both **printed** and electronic **formats**, and are released on the occasion of trainings conducted. All the forms and templates for the Search and Examination are automatically available in the **patent system** (SISCAP) in the three supported languages (Portuguese, English and Spanish).

As a **continuity** of QMS implementation, in 2021 PCT Coordination has **achieved the amount of 21** processes flow, **52** work instructions and **10** forms regarding activities from the receiving office, international search and preliminary examination processes. All these documents were widely **divulged** and the patent examiners involved with PCT processes were trained.

Patent Examiners that have been trained in the procedures of the PCT in a more extensive work, participate in mentoring, discussing questions and guiding in the most difficulty cases.

Work instructions and procedures are reviewed within maximum two years and whenever necessary, new procedures and work instructions are developed in order to ensure greater consistency and adherence to customers' need and to obtain more efficiency.

*Training resources:*

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

*acquire and maintain the necessary experience and skills; and*

*are fully aware of the importance of complying with the quality criteria and standards.*

(vi) The INPI/BR maintains regularly training for examiners, including language, searching and examination procedures, among others. The need, frequency and content of these training programs are reviewed annually in the Annual Training Program.

INPI/BR has a Training Center equipped with classrooms for training new and current examiners. All classrooms have computers so that the examiners can access INPI/BR Search Data Bases and simulate examination. Due to pandemic situation INPI/BR has provided an integrated communication platform (AVAYA) to enable distance trainings and meetings and there's also the possibility to use others videoconference platforms (such as Zoom, Google Meets, etc).

By regular trainings and speeches the examiners are kept aware of the importance to be compliance with exams criteria and quality standards.

Besides the regular trainings INPI/BR is currently seeking for partnerships with other IP Offices worldwide in order to share best practices and experiences.

In 2021 INPI/BR representatives from PCT, Patents and Quality General Coordination had the opportunity to participate in 5 Webinars in partnership with the Danish Patent and Trademark Office (DKPTO) covering subjects related to Quality Management Systems in Patents, such as, History of quality control and management in DKPTO, Quality control and monitoring system procedures and PCT process. These Webinars were performed aiming at exchanging knowledge between offices. In the last Webinar, PCT BR representatives had the opportunity to explain its PCT process and share experiences with DKPTO representatives.

In addition to DKPTO collaboration, in 2021 INPI BR representatives from PCT, Patents, Trademarks and Quality General Coordination also participated on a three-day Workshop on Quality Management provided by the United States Patent and Trademark Office (USPTO), where subjects were addresses related to USPTO organizational structure, strategic planning and quality examination review and training of examiners for trademarks and patents.

*Oversight over resources:*

*(vii) Describe the system in place for continuously monitoring and identifying the resources required:*

*to deal with demand; and*

*comply with the quality standards for search and examination.*

(vii) Requests for international search and international preliminary examination under the PCT are recorded and controlled through an internal electronic system – SISCAP. Each new request is identified and updated constantly. The SISCAP system informs automatically the deadline for submission of reports, ensuring the proper demand for services.

The head of each technical division, which acts as examiner supervisor, assigns the request to a ISA/IPEA examiner. The examiner is responsible to monitor the deadline and to issue the examination report. After the examination and the peer review, when necessary, the report is sent to the supervisor for substantive verification. After supervisor performs the verification, the report is then sent to PCT division



for a final quality inspection. If reports are compliance with standards, they are sent to applicant and WIPO. If not, the PCT division returns back the report with the problem found requesting the examiner to correct it. Only after all quality standards are met, the request is sent to applicants.

#### 4. MANAGEMENT OF ADMINISTRATIVE WORKLOAD

*21.16 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:*

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

(i) Requests for international search and international preliminary examination are monitored by the internal electronic system: SISCAP.

The SISCAP system has an automatic mechanism that shows the time remaining to issue the reports, on the registration page or handling of this request.

The SISCAP system provides the automatic recognition of data. After registering the international application in SISCAP, the examiner may obtain the necessary forms with the data concerning the applicant, filing date and priority date automatically filled in.

(ii) The PCT General Coordinator and the Head of PCT Division are responsible for monitoring and controlling the application fluctuations and possible backlogs.

#### 5. QUALITY ASSURANCE

*21.17 In accordance with the Guidelines, the following are required quality assurance measures for timely issue of search and examination reports of a high quality. Indicate how the following are implemented, including the use of any checklists to verify reports before their issue or for monitoring the quality as part of a post-issue review process:*

- (i) An internal quality assurance system for self-assessment, involving verification, validation and monitoring of searches and examination work:  
for compliance with these Search and Examination Guidelines;  
for channeling feedback to staff.*
- (ii) 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.*
- (iii) A system for verifying the effectiveness of actions taken to correct deficient S&E work, eliminate the causes, and to prevent issues from recurring.*

(i-iii) INPI/BR established an internal Quality Assurance System for international search reports (ISR), written opinion (WOISA), and international preliminary examination reports (IPER) involving the evaluation of administrative work in RO, verification of compliance with PCT administrative instructions, PCT Reception Office (RO), Guidelines, PCT International Search and Preliminary Examination Guidelines and other INPI internal guidelines and instructions.

The quality assurance system establishes the following steps of verification at ISA and IPEA stages:

1. **Self-checking by examiner:** when conducting the examination, the examiner fills out checklists for each international application covering the steps at the ISA and IPEA stages. The examiner is responsible to monitor the deadline and to submit the examination report to the supervisor for substantive verification.

2. **Verification of substantive examination:** The Heads of the technical divisions verify the reports issued by the examiners that mainly cover subjects related to the search and patentability requirements, before issuing the ISR and the WOISA. After supervisor performs the quality check, the request is then sent to PCT division for formal quality inspection.

3. **Formality examination checking:** The PCT division staff performs a formality checking on all PCT forms (100%) to be sent to the applicant and IB, inspecting the integrity and consistency of the details in the forms. If reports are compliance with quality standards, the reports are sent to applicants and WIPO. If not, the PCT division returns back the report with the non-conformity found requesting for change. Only after all quality standards are met that the request is sent to applicants.

A new search strategy review process has been adopted since 2020, when the examiner finds only documents of the general state of the art (only "A" documents). This process includes the figure of a "partner searcher" who will check the search strategy established by the first examiner and, if necessary, make changes to the strategy and a new research. Thus, with the interaction between the two examiners, there has been an increase in the quality and confidence of the totally positive reports issued.

In 2021 PCT Coordination has issued a new procedure for the review of the quality of examination of PCT requests in which INPI has acted as International Authority (ISA and IPEA). This review will be based on a sampling that will be calculated according to the semi-annual batch of ISR and IPER requests referring to the period under review. The sampling will be based on ISO 5426:1985 requirements. In addition to this new procedure it was also developed the quality product criteria for ISR and IPER reports, as well the forms to record the results of the review. The new procedure implementation is planned to be initiated in the end of 2022, but it depends on the software development and availability by Technology Information INPI team.

## 6. COMMUNICATION

*Inter-Authority communication:*

*21.18 Explanatory note: Each Authority should provide for effective communication with other Authorities.*

*(Note: This point is informative. No response is required by the template to paragraph 21.18)*

*21.19 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-c) Alessandro Bunn Bergamaschi: Quality General Coordinator.  
Tel: +55 21 99837-7836 – email: [alessandro.bergamaschi@inpi.gov.br](mailto:alessandro.bergamaschi@inpi.gov.br)

Gisela Aparecida Silva Nogueira: PCT General Coordinator  
Tel: +55 24 98823-2380– email: [gisela@inpi.gov.br](mailto:gisela@inpi.gov.br)

*Communication and guidance to users:*

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

*(i) An appropriate system for*

*handling complaints and making corrections;*

*taking corrective and/or preventative action where appropriate; and*

*offering feedback to users.*

*(ii) A procedure for:*

*monitoring user satisfaction and perception; and*

*for ensuring their legitimate needs and expectations are met.*

*(iii) 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.*

*Indicate where and how the Authority makes its quality objectives publicly available for the users.*

(i) There are several communication channels available for a direct contact with applicants or their respective representatives:

- ✓ telephone,
- ✓ personal interview or meeting (adapted using videoconference platforms due to pandemic),
- ✓ e-mail
- ✓ "Contact Us" system (web system available at INPI webpage: <https://www.gov.br/inpi/pt-br/plataforma-integrada-de-atendimento> where anyone can open a case and make a complain, request information, receive instructions about procedures, etc.)

Applicants and/or Legal Representatives may also apply for a personal interview or meeting with the Patent Examiner, as long as it is requested with prior notice. All patent examiners are well trained and prepared to provide applicants/legal representatives the necessary consultancy regarding their queries.

(ii) After the forms (ISR, WOISA, IPER) are sent to the applicant and IB, a survey is sent to the applicant email with questions related to that specific application, regarding satisfaction and perception.

(iii) Guidance to applicants on Intellectual Property, including information on the search and examination process is provided by various means, such as the INPI/BR Website (<https://www.gov.br/inpi/en/services/patents>) and some training seminars organized in Cooperation with WIPO. It was also developed by INPI/BR a User's Guideline to explain how to file patent applications through the PCT System. The WIPO Tutorial Videos in Portuguese are available at youtube (<https://www.youtube.com/watch?v=7Le0PDP68XQ>), where users and applicants can find all the necessary information regarding the PCT, PCT application, etc.

INPI/BR website is frequently updated to give information concerning notices, announcements, events, as well as courses and activities related to Intellectual Property. Also, all the important information related to the Institute is made available, including a session about most frequently asked questions (FAQ) related to different areas of INPI/BR, as well as all Brazilian laws and normative acts referred to Industrial Property.

The INPI/BR service chart is available on <https://www.gov.br/inpi/pt-br/backup/arquivos/cartaservicos3.0.pdf>. All the information related to Quality (Quality Policy, objectives and Strategic Plan) are available in INPI/BR website: <https://www.gov.br/inpi/en/governance/quality>; <https://www.gov.br/inpi/pt-br/governanca/planejamento-estrategico>.

**21.21 Communication with WIPO and designated and elected Offices:**

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

Communication between WIPO and the designated and elected office at the INPI/BR is carried out by the PCT Division. It will forward all feedbacks from WIPO to the management and / or to the head of the involved technical department or to the patent examiners concerned.

This communication with WIPO and designated and elected offices are done mainly by e-mail. The feedback given by WIPO and the offices are evaluated and treated by the PCT General Coordinator and, if necessary, it is redirected to a specific technical division.

## 7. DOCUMENTATION

**21.22 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 by documenting the procedures and processes affecting the quality of work as a reference for staff and management at the Authority (see paragraph 21.23).*

*(Note: This point is informative. No response is required by the template to paragraph 21.22)*

**21.23** *The material that makes up the reference for staff and management at the Authority serves to document the procedures and processes affecting the quality of work, such as classification, search, examination and related administrative work. In particular, the reference indicates where to find instructions on the procedures to be followed.*

*For the purposes of this report indicate:*

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

(a-b) INPI/BR has developed a variety of documentation to support the QMS. These include the Strategic Plan, Quality Plan, Quality Policy, Process Management Manual, Risk Management Manual and Policy, Document Standardization System Manual, Guidelines for Search and Examination, Search and Examination procedures and working instructions, Quality Examination Review Procedure, Process Flows and other documents necessary for planning, reporting, operating and controlling processes and ensure the standardization of activities with clear assignment of responsibilities.

The documentation is available on different media such as INPI's BR portal <https://www.gov.br/inpi/en>, INPI/BR Intranet and INPI DRIVE (a web-based cloud storage), SISCAP system and provision of staff with a central source of information on how INPI/BR manage its processes in order to assure quality.

(c) The Process Management Manual and Document Standardization System Manual provide to all staff the correct procedures for process mapping and document control, including proper version numbering, identification, distribution, storage, access to latest version, responsibilities of the personnel, etc.

21.24 Indicate whether the material making up the reference of quality procedures and processes include the following:

- (i) the quality policy of the Authority including a clear statement of commitment to the QMS from top management;
- (ii) the scope of the QMS, including details of and justification for any exclusions;
- (iii) the organizational structure of the Authority and the responsibilities of each of its departments;
- (iv) 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;
- (v) the resources available for carrying out the processes and implementing the procedures; and
- (vi) a description of the interaction between the processes and the procedures of the QMS.

The QMS covers the criteria under 21.24 (i) to (vi).

(i)-(ii) The Quality Policy document includes a clear statement of commitment to the QMS from top management. The Quality Plan 2019-2021 states the scope of the QMS, including details of and justification for the exclusions.

(iii) The organizational structure and the responsibilities of each of its departments is described by a Brazilian Specific law (President act – Decree nº 8.854 issued on 2016) and is available on INPI/BR website (<https://www.gov.br/inpi/en/content-center/general-legislation>)

(iv) The documented processes carried out in INPI/BR such as search, examination, publication and support process are available on Intranet and INPI DRIVE so that all staff and examiners are able to see. There is a total of 21 processes flows level 2 mapped for PCT macroprocess. These process flows will be replaced in 2022 by the flows elaborated with the support of external consultancy (Palladium).

As mentioned in the Introduction of this report as a result of the project entitled “**A Brazilian Intellectual Property Office for the 21st Century**” during the period of August to October 2021 it was developed with the leadership of the consultancy the AS IS and TO BE maps for PCT macroprocess. In the AS IS map it was developed the actual flow of the process, as well the problems identification, bottleneck and improvement opportunities also taking into consideration the current related legislation, and IT Systems used. In this map it was identified a total of 61 improvement opportunities being 61% related to failures in the System used, 26% related to failures in Procedures, 1,5% in Norms, 1,5% in Procedures and Norms and 10% related to opportunities in Procedures and Systems. The AS IS map was developed with the participation of technicians, examiners, PCT managers, users and attorneys. In the TO BE map it was designed a new process flow considering the solutions identified and validated for all the representatives, and problems and bottleneck identified during the construction of AS IS map with the aim to improve effectiveness and the harmonization of activities. The TO BE construction counted with the participation of stakeholders and interested parties, such as WIPO, International Receiving Offices from Colombia and Peru, attorneys, customers besides the participants on the AS IS map and internal units from INPI BR, such as IT and budget. It’s important to highlight that among the strengths of PCT process are the absence of backlog, communication, agility and the quality of the work. In 2022 PCT team will initiate the implementation of the solutions identified in the TO BE map in order to increase effectiveness and to reduce rework and waste.

(v-vi) The Quality General Coordinator together with the PCT General Coordinator and Patent Quality Group organize all process implementation necessary to run QMS. INPI employs the process approach to develop, implement and improve efficiency of QMS. The responsibility for mapping the processes competes to PCT Unit which may request support from CQUAL which is INPI’s Process Office. As long as changes

are made in the processes, a critical review is made on the documentation in order to ensure that procedures in place are aligned with the processes flows established.

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

- (i) a definition of which documents are kept and where they are kept;*
- (ii) results of management review;*
- (iii) training, skills and experience of personnel;*
- (iv) evidence of conformity of processes, resulting products and services in terms of quality standards;*
- (v) results of reviews of requirements relating to products;*
- (vi) the search and examination processes carried out on each application;*
- (vii) data allowing individual work to be tracked and traced;*
- (viii) records of QMS audits;*
- (ix) actions taken re. non-conforming products, e.g. examples of corrections;*
- (x) actions taken re. corrective action;*
- (xi) actions taken re. preventative action; and*
- (xii) search process documentation as set out in Section 7.*

(i) Control of Documents is managed within INPI/BR in accordance with the Document Standardization System Manual, provided by the Quality General Coordination.

(ii) Top Management meets at least once a month to follow and review the organization objectives, quality goals and the Corporate Plan accomplishment. The main decision and corrective actions decided by the Management are **cascaded** to the respective managers and processes may be reviewed. Every month is published on INPI/BR Intranet the main results and goals achieved on the previous month.

(iii) Training records, skills and experience, as well as the retraining of the staff involved in the ISA/IPEA process, are kept in the Human Resources General Coordination.

(iv-v) All evidences are stored on SISCAP system for quality **analysis purpose** and **auditing**. Reports **are issued** on quality activities.

(vi-vii) SISCAP system **tracks and storages** all work done on the search and examination process.

(viii) The results of QMS Audits are stored under the responsibility of Quality General Coordination.

(ix-xi) All action taken to correct and prevent nonconformity are stored in SISCAP and passed **on** internally to the head of divisions.

(xii) Guidelines for Search and Examination at the Patent Board are uploaded on SISCAP system and **are** also available on INPI/BR Intranet.

## 8. SEARCH PROCESS DOCUMENTATION

21.26 *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:*

- (vi) *limitation of search and its justification*
- (vii) *lack of clarity of the claims; and*
- (viii) *lack of unity.*

The search process documentation is stored in the record for each Search/Examination. The examiners are required to complete a form for all search and examination and the results are uploaded on SISCAP. It contains at least a "History List" of the search process, containing all used parameters a) i) to v). If it is necessary, the Examiner can append additional information regarding the search process, for example those indicated in paragraphs b) and c).

## 9. INTERNAL REVIEW

21.27 *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.*

21.28-21.30 *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.*

## **10. ARRANGEMENTS FOR AUTHORITIES TO REPORT TO THE MIA**

*21.31 There are two stages in the reporting arrangements outlined in Chapter 21: the initial report called for by paragraph 21.31(a), and supplementary annual reports in accordance with paragraph 21.31(b). At the second informal meeting of the Quality Subgroup in Canberra on February 6 and 7, 2012, the Subgroup recommended that, instead of submitting full reports every five years and cumulative updates in the intervening years, Authorities should submit each report in the form of a full report, making the differences from the previous year's report clear, for example using "track changes" or other form of highlighting. The template for the supplementary annual reports is therefore no longer used.*

[End of document]