

## **Meeting of International Authorities under the Patent Cooperation Treaty (PCT)**

**Twenty-Fifth Session**  
**Madrid, February 21 to 23, 2018**

### **COLLABORATIVE SEARCH AND EXAMINATION THIRD PILOT**

*Document prepared by the European Patent Office*

#### **BACKGROUND**

1. At its third session in June 2010, the PCT Working Group endorsed a series of recommendations to improve the functioning of the PCT as listed in document PCT/WG/4/3. The recommendation under paragraph 165(b) mentions trials of arrangements whereby examiners in International Authorities with complementary skills work together to establish a report.
2. With this aim, the Korean Intellectual Property Office (KIPO), the United States Patent and Trademark Office (USPTO) and the European Patent Office (EPO) launched two pilot projects on collaborative search and examination under the PCT (CS&E) in 2010 and 2012. Both pilots concluded with an overall very positive outcome in terms of quality and efficiency for both the participating Offices and users whose applications were treated under the collaborative scheme (see documents PCT/MIA/18/7, PCT/MIA/20/4 and PCT/MIA/24/3).

#### **THIRD PILOT FRAMEWORK**

3. On June 2, 2016, the IP5 Heads endorsed the "IP5 Cooperation Framework on Collaborative Search and Examination under the PCT", which is a document setting the underlying principles and main features of the third pilot. The Collaborative Search and Examination Pilot Group ("CS&E Pilot Group") established on the basis of that document is in charge of developing and monitoring this project.

4. The main features of this third pilot project are in particular:
  - an applicant-driven approach: the applications which will be processed during the third pilot will be selected by the applicants;
  - a balanced workload distribution under which all collaborating International Authorities will contribute to the establishment of each CS&E work product: each Office will process approximately 100 international applications in their role as "main ISA" and approximately 400 international applications in their role as "peer ISA" over two years;
  - a common set of quality and operational standards will be applied by all collaborating International Authorities when processing PCT applications;
  - the use of a "collaboration tool", i.e. an IT infrastructure allowing exchanges among Offices in a secure environment and automated data collection; and
  - at some point in time during the pilot, applications filed in a language other than English will also be accepted by the collaborating International Authorities which so desire.
5. The CS&E Pilot Group, constituted of representatives of the IP5 Offices and the International Bureau, has been entrusted in particular with the following tasks:
  - further specifying the collaboration framework established by the IP5 Cooperation Framework on CS&E;
  - monitoring the pilot, evaluating the results and reporting back to the IP5 and PCT meetings;
  - preparing a final assessment concerning the proof of concept; and
  - coordinating the communication on the pilot.
6. This third pilot project is divided in two phases, a preparatory phase and an operational phase, and is intended to run for up to five years to enable a fair assessment of the effect of the collaboration in the subsequent national/regional phase. The preparatory phase started on June 2, 2016, the day of endorsement of the IP5 Cooperation Framework on CS&E by the IP5 Heads. The operational phase will only start once the collaboration framework has been further specified as required by the IP5 Cooperation Framework on CS&E and once the collaboration tool is ready for use, tentatively in May 2018.
7. The CS&E Pilot Group has met five times since its kick-off meeting held in Munich on October 17 and 18, 2016 in order to prepare the launch of the operational phase. In particular, progress was made at the fifth session held in Tokyo on November 9 and 10, 2017 with respect to the Operational Arrangements endorsed by the IP5 Deputy Heads in Malta on May 30, 2017, as well as on the definition of the quality and operational indicators which will be used to monitor the pilot. The Pilot Group is currently working on a Notice for users containing all the information necessary for participation in the pilot which will be published on the respective Offices' websites. A number of operational issues will be further discussed during the sixth session of the CS&E Pilot Group to be held on February 26 and 27, 2018 in Madrid, where a decision will also be taken regarding the actual launch date of the operational phase.
8. It is intended to continue reporting regularly on the progress made at the Meetings of International Authorities and Working Group meetings under the PCT.

9. *The Meeting is invited to note the contents of the present document.*

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