

# PATENT COOPERATION TREATY

Common Quality Framework for  
International Search and Preliminary Examination

## **Preliminary Report Under Paragraph 21.17 of the PCT International Search and Preliminary Examination Guidelines**

by: *Nordic Patent Institute*

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Documents referred to in this report:

*PCT/A/35/4*

### **Introduction (Paragraphs 21.01–21.02)**

NPI will establish a Quality Management System (QMS) which is intended to operate according to ISO 9001 standards. It is the intention of NPI to apply for certification of its QMS under the ISO 9001 system. The system will cover all services offered by NPI.

The national offices participating in NPI already have well established quality management systems covering national patent granting procedures. The Danish system is ISO 9001 certified. The Norwegian system is expected to be certified during July 2007. The national systems currently comply with the provisions on quality assurance in the PCT International Search and Preliminary Examination Guidelines (PCT/GL/ISPE). Since Iceland will not perform any searches or examinations, no quality management system has yet been established in Iceland.

The NPI quality assurance system will be based on the national systems but will obviously have to be extended to cover the full PCT procedure. The quality standards and practices will be harmonised with respect to any PCT work and will be brought in full compliance with the standards and practices established by the PCT and applied by the EPO.

Important aspects of quality are the competence and number of examiners as well as access to the PCT minimum documentation. The PCT minimum requirements are fully met with respect to competence and the number of examiners. In addition, to the best of our knowledge, the requirements for access to the PCT minimum documentation are also met by NPI. Any possible gaps that might be identified will be rectified before NPI will start operation as a PCT authority. Reference is made to document PCT/A/35/4 regarding appointment of the Nordic Patent Institute as an International Searching and Preliminary Examining Authority under the PCT.

## **Quality Management System (Paragraphs 21.03–21.09)**

### **Establishment and maintenance of QMS (Paragraph 21.03)**

A joint NPI QMS will generally consist of three components:

- a. Quality standards for Search & Examination work
- b. A quality management system including procedures, tools, manuals, training, competences, communication, procedures for measuring quality, etc.
- c. A review mechanism for monitoring compliance with quality standards

### **Search and Preliminary examination**

Search and Preliminary examination of PCT applications will be carried out by staff of the Danish or Norwegian patent offices on behalf of NPI.

For many years, the Danish and Norwegian patent offices have pursued a strategy of performing search and examination of a quality that matches international standards, in particular the quality of work at the EPO. This way, applicants are able to use the reports made for national first filings as a reliable basis for deciding the prospects of their invention and the international patenting strategy for the application. For the same reason, it has also been a top priority to issue the first official action (including a search report and an assessment of patentability) in due time prior to the termination of the priority year.

Consequently, the patent offices have a long-standing tradition for ensuring highly competent and motivated staff as well as the best possible search and examination tools, comprehensive search material and general quality assurance.

## **Resources - infrastructure (Paragraph 21.05)**

### **Resources, Examiners Competences – paragraph 21.05**

#### Examiners:

Presently, the Danish Patent Office has approximately 86 examiners and plans for recruitment of further examiners in 2007. The number of examiners is expected to increase to 95 examiners during 2007. The Norwegian Patent office has approximately 75 examiners. Most examiners of the two offices are employed on a full-time or almost full-time basis and are predominantly occupied with search and examination and related tasks such as training of examiners. The examiners hold a university degree in technology or natural science and in some cases further postgraduate degrees such as DSc, PhD or equivalent.

The examining divisions of both offices are roughly similar and comprise of a total of approximately 30 examiners in each of the divisions Electricity & Physics, Machinery, Biotechnology, and Organic Chemistry, a few less in Industrial Chemistry, and approximately 15 in each of the divisions Construction and Foodstuff & Healthcare.

The examiners are all experts in their own branch of technology and allocated to specific technical areas. A large number of examiners have many years of experience in the patent field. The density of examiner qualifications within the various technical disciplines obviously reflects the structure of national industry. However, in general, all technical areas are covered in each office, and together the two offices cover of all technical fields more than adequately.

In addition to their ability to understand Danish, Norwegian and Swedish, all examiners have an excellent knowledge of English and good skills of the German and French languages. Some examiners are also skilled in the Spanish, Russian, Turkish and Persian languages.

New examiners are trained and supervised by a senior examiner for about 18 months. The senior examiner act as personal tutor and is responsible for all decisions by the new examiner during the processing of an application. During the time of apprenticeship , the new examiner takes part in in-house training programmes that gives her or him a deep insight in the patent processing procedure including the various legal aspects of patent law and the capability of performing searches. The training programmes also give the new examiner an understanding of the patent system in a wider perspective such as the role of patents as an economical tool for enhancing innovation and as a strategic business tool for companies.

All examiners are kept updated with respect to amendments of the relevant legislation, and changes in practice and procedures. There are also regular training activities on improved search tools, etc.

Examiners will only be authorised to make decisions on their own after a thorough verification of their qualifications and skills.

An examiner who has been authorised to make decisions carries out search and examination of patent applications without detailed supervision. However, with respect to opposition procedures and in certain other instances, decisions involving refusal of the granting of a patent must always be discussed with and approved by a senior examiner.

Examiners may be promoted through several standardised steps on a scale of qualifications. Before any promotion, the examiner's qualifications are tested against the required targets.

Examiners are invited to participate in seminars and courses in their respective technological fields in order to maintain and update their qualifications at a high level.

#### Administrative staff

The NPI has an adequate and qualified staff to support the search and examination process.

#### Appropriate equipment and minimum documentation supporting the search and examination process

Novelty searches are mainly conducted online by using the same databases and search systems as used by the EPO. The most important databases are EPODOS, WPI, PAJ and INSPEC accessed via the EPOQUE search tool. Other important document databases are accessed for instance via Dialog and STN. Examiners also use full text databases in various languages and other databases containing articles and other non-patent literature. IT tools, including work stations, used by the examiners are of a high and modern standard.

The collection of patent documents and other publications in paper form is very comprehensive and is used whenever appropriate.

The NPI has full access to PCT-minimum as referred to in Rule 34.

### **Administrative and Quality Assurance procedures – chapter 21.06 - 21.08**

The existing national quality assurance system in the Danish office is ISO 9001 certified. The quality assurance system of Norway is expected to be certified during July 2007. Both offices have extensive manuals for all parts of the patent granting process, including in particular guidelines with respect to search, examination and communication with applicants. Permanent working groups specifically dedicated to improvement of tools and procedures, quality control, and initiation of corrective action in response to feedback from the quality control have been established. These features will be further strengthened in the future with the aim of harmonising the tools and procedures in the offices. The objective is to ensure that search and examination of any application will lead to the same result irrespective of the office performing the task.

As a further step of harmonisation, the quality standards, practice, tools and (where appropriate) procedures will be harmonised with the procedures applied at the EPO.

Procedures and systems relating to timeliness of search and examination and for coping with fluctuations in workload are available.

### **Communication, Guidance and Responses to Users (Paragraphs 21.06(c), 21.09)**

The existing national quality assurance systems in the Danish and Norwegian offices are ISO 9001 certified (Denmark) or will be so soon (July 2007 in Norway). This means that both offices through their certification have or will have, a set procedures for handling communication with users as prescribed in chapters 21.06 (c) and 21.09.

### **Internal Review (Paragraphs 21.10–21.15)**

#### **Required Arrangements for Internal Review (Paragraph 21.10)**

Internal reviews are a formalised part of ISO 9001 and hence the Danish Office already has internal reviews. The Norwegian Office will establish an internal review system in 2007, and a joint Internal Review team within the NPI will also be established.

In addition to the internal reviews, an independent external review will take place at least twice a year by an external certification company.

[End of report]