PATENT COOPERATION TREATY

Common Quality Framework for
International Search and Preliminary Examination

Supplemental Report Under Paragraph 21.18 of the PCT International Search and Preliminary Examination Guidelines

by: ***[JPO]***

on: ***[January 2008]***

Date of main report and any supplemental reports to which this is a supplement: ***[28 December 2006]*** ***[None]***

Documents referred to in this report:

[list any documents which appended to the report for information or publicly available documents which are referred to]

As a result of our most recent internal review under PCT/GL/ISPE paragraphs 21.10-21.15, this Authority has made modifications to its Quality Management System (QMS) as discussed below.

The modifications are given with reference to the sections of the revised template for responses to PCT/GL/ISPE Paragraph 21.17 to which the changes relate.

The Authority should describe any changes made to its QMS making reference to the specific sections of the earlier report using template T21-17, and / or making reference to any supplemental report(s) established in the meantime using template T21-18.

If no changes have been made to its QMS since the last report, the Authority should indicate such.

INTRODUCTION (PARAGRAPHS 21.01–21.02)

The Authority should provide general background information relevant to the quality management system (QMS). The following may be included, if applicable:

- *Recognised normative reference or basis for quality management system besides Chapter 21, e.g. ISO 9000.*
- *An organigram showing at least the organisational units responsible for implementation of the Authority's QMS. It could be referred to in the rest of the report, as necessary.*

In 2005, in order to address the rapid increase in the number of requests for examination, the Ministry of Economy, Trade and Industry (METI) established the Headquarters for Expeditious and Efficient Patent Examination, which announced its policy to increase the number of examinations conducted annually and called for cooperation from industry.

In January 2007, the Headquarters released the new guidelines for patent administration, "Advanced Measures for Accelerating Reform toward Innovation Plan in Patent Examination 2007 (AMARI Plan 2007)", which set forth the measures for enhancing and strengthening intellectual property policies. The AMARI Plan 2007 identified the enhancement of the Quality Management System of the JPO as one of the priority measures for achieving expeditious and efficient patent examination.

QUALITY MANAGEMENT SYSTEM (PARAGRAPHS 21.03–21.09)

Establishment and maintenance of QMS (Paragraph 21.03)

The Authority should show that it has established and is maintaining, or is establishing, a QMS which:

(a) sets out basic requirements regarding resources, administrative procedures, feedback and communication channels required to underpin search and examination (S&E);

(b) incorporates a quality assurance scheme for monitoring compliance with these basic requirements and with PCT/GL/ISPE.

(1) Establishment of Quality Management Office and Quality Management Committee

The JPO has a "Quality Management Office" and "Quality Management Committee," which is in charge of maintaining and improving the quality of patent examination. Utilizing the system and methods shown below, the Quality Management Office and Quality Management Committee are responsible for implementing the Quality Management System of the JPO.

(2) Cross-sectional Quality Management System

The JPO has a "Quality Management Office," which is in charge of maintaining and improving the quality of patent examination. Utilizing the system and methods shown below, the Quality Management Office is responsible for implementing the Quality Management System of the JPO.

The Quality Management Office collects and analyzes information concerning the quality of examination through the following activities: 1) the sampling and inspection of JPO examination results by a third party, 2) the analysis of statistical data, and 3) the creation and analysis of user surveys. This feedback on examination quality is provided to the relevant Patent Examination Departments, Art Units, examiners, etc.

Each cross-sectional organization in the JPO, including the Quality Management Office, conducts an internal review and reports the results of that internal review in the Meeting of Executives of the Examination Departments, in which measures concerning patent examination are evaluated and improvement plans and business plans are formulated.
Each Art Unit uses the aforementioned feedback to improve the Quality-Control measures of the unit. Examiners use the feedback they receive to improve the quality of their own examination practices.

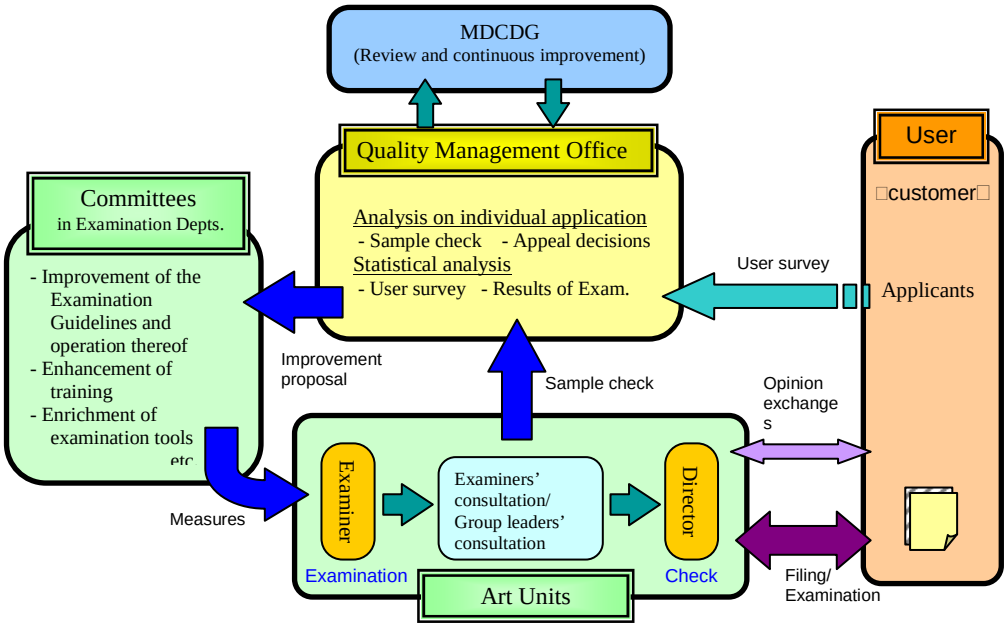
(3) Quality-Control Measures in each Art Unit

The Patent Examination Departments in the JPO are composed of approximately 90 Art Units, and a director, who is assigned to a unit, conducts Quality-Control measures according to the characteristics of the technical fields covered by the unit.

Each Art Unit has several technical groups, and there is a group leader in each technical group. The group leaders advise the examiners in their group on their cases, thereby contributing to accurate search and examination results.

Examiners in each group strive for high-quality examination by asking other examiners in their technical group or their group leader for cooperation in prior art search and for technical advice. All examination results are checked by and subject to the approval of the director of

the relevant Art Unit. Through this process, examiners receive appropriate direction and feedback.



Quality Assurance Procedures (Paragraph 21.07)

Provide information on procedures which ensure that S&E reports of a quality standard in accordance with PCT/GL/ISPE are issued. In particular, provide information on:

(a) Activities related to verification, validation and monitoring; as carried out in order to assess compliance of S&E work with PCT/GL/ISPE.

(b) Processes for measuring, recording, monitoring and analysing performance of the QMS to assess its conformity with the requirements of Chapter 21 and, if applicable, any other normative reference for the QMS.

(c) Activities related to verifying the effectiveness of actions taken to deal with deficiencies, including:

(i) those actions taken to eliminate, correct or authorise release of deficient S&E work which does not comply with the quality standards;

(ii) those actions taken to eliminate the causes of deficient S&E work and prevent the deficiencies from recurring.

(d) Activities ensuring the continuous improvement of established processes underpinning the issue of S&E reports.

a) Activities related to verification, validation and monitoring, as carried out in order to assess compliance of S&E work with the S&E Guidelines.

As explained in (3) above, in order to maintain and improve the quality of international search and preliminary examination, in each art unit manager for Technical Information (Manager for Treatment of PCT Applications) and directors conduct multiple checks on the contents of all international searches and preliminary examinations. Most directors and group leaders have experience as appeal examiners in the Appeals Department, which is an upper instance of the Patent Examination Department.

In addition to those above, the JPO is also striving to maintain and improve the quality of S&E through the following activities: 1) information exchange and cooperation through feedback of appeal decisions from the Appeals Department; 2) utilization of prior art information which is disclosed by applicants from a requirement for disclosure of information on prior art documents and offered by third parties through an information-provision system; 3) appropriate communication with applicants through interviews.

b) Processes for measuring, recording, monitoring and analyzing performance of the QMS to assess its conformity with the requirements of Chapter 21

The JPO has been developing a cross-sectional quality-management system, in which the Quality Management Committee, an independent auditing party, checks examination results for which each art unit has made a check. In 2006, the JPO conducted a pilot project of this system with PCT ISRs/IPERs. In 2007 the JPO is continueing a project after enlargeing this.

c) Activities related to verifying the effectiveness of actions taken to deal with deficiencies and to prevent the deficiencies from recurring

If any deficiencies or problems are found as a result of the pilot project, they are reported to the relevant committee (e.g. Examination Guideline and Practice Committee if deficiencies related to compliance with the PCT Guidelines are found) to ask for correction to deficiencies and to prevent them from recurring. If the committee takes improvement measures, it informs each art unit and the examiners about them. The Quality Management committee and the Quality Management Office evaluate the effectiveness of the measures on a continuous basis.

d) Activities ensuring the continuous improvement of established processes

The Quality Management Office and the Quality Management Committee continuously discuss and analyze the whole quality-management system. They report the results to the MDCDG (Meeting of Deputy Commissioner and Director Generals), from which they receive opinions so as to make improvements in the system where necessary.

Feedback arrangements (Paragraph 21.08)

Give information on arrangements to:

(a) Provide feedback to staff informing them of results of verification, validation and monitoring carried out in order to assess compliance of S&E work, so that:

(i) deficient S&E work is corrected;

(ii) corrective action, i.e. action necessary to prevent recurrence, is identified and implemented;

(ii) best practice is identified, disseminated and adopted.

(b) Accommodate prompt feedback from WIPO, designated and elected offices; so that potential systemic issues, e.g. recurring deficiencies of S&E work, as identified by these bodies, are evaluated and addressed.

a) Provision of feedback to staff informing them of results of verification, validation and monitoring carried out in order to assess compliance of S&E work

The Quality Management Office reports the results of the pilot project and its study on the quality-management process to the MDCDG, and give feedback to each committee, such as the Examination Guideline and Practice Committee, each art unit and examiners. (See 2 (1) and (2) above.)

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

Give information on arrangements to:

(a) Provide communication channels for dealing promptly with enquiries and enabling appropriate two-way communication between applicants and examiners.

(b) Provide concise and comprehensive guidance and information to users (particularly unrepresented applicants) on the S&E process using the website of your Authority, guidance literature, and other means.

(c) Monitor and react to user needs and feedback, including:

(i) measuring user satisfaction and perception;

(ii) handling complaints;

(iii) correcting deficiencies identified by users;

(iv) taking corrective action, i.e. action to eliminate the cause of deficiencies, in response to recurring or systematic deficiencies identified by users.

(v) taking preventive action, i.e. action to eliminate the cause of potential deficiencies, in response to potential deficiencies or problems identified by users;

(vi) ensuring needs and legitimate expectations of users are met.

The contact point of the International Application Division, which provides communication channels for users, is available on the JPO website. When the JPO receives complains from outside, the offices in charge promptly deal with them. In order to prevent them from reoccurring, they will inform the matters to the Patent Examination Departments where necessary.

In order to grasp user needs, the JPO holds a regular session with the association of patent attorneys. With the aim of hearing opinions and requests from applicants, the Commissioner, Deputy-Commissioner, General Directors from the Patent Examination Departments, and Directors hold meetings with top executives or the office in charge of IP of companies. Records of these meetings are used as important information for various reviews. The International Application Division and the Examination Standards Office also hold regular seminars for users, where they hear user opinions.

The JPO is also collecting examination quality evaluation from applicants on each application basis under the pilot project of the cross-sectional quality management system with PCT ISRs/IPERs, launched in 2006.

INTERNAL REVIEW (PARAGRAPHS 21.10–21.15)

Paragraph 21.10 specifies that, in addition to a "quality assurance system for checking and ensuring compliance with the requirements set out in its QMS" [c.f. Paragraphs 21.03, 21.07], "each Authority should establish its own internal review arrangements to determine the extent to which it has established a QMS based on the above model". This model is set out by Chapter 21 as a whole [c.f. Paragraph 21.02]. Since a QMS which does not contain this provision for internal review would not meet the requirements of Chapter 21, the report under 21.17 should contain at least the information on the extent to which arrangements for internal review required by 21.10 are in place. These are as below.

Required Arrangements for Internal Review (Paragraph 21.10)

The Authority should show that arrangements are in place to ensure that:

(a) An internal review is carried out to determine:

(i) the extent to which a QMS complying with the model of Chapter 21 has been established;

(ii) the extent to which the Authority complies with the requirements of its QMS;

(iii) the extent to which the Authority complies with PCT/GL/ISPE.

(b) The internal review demonstrates whether or not the requirements of the QMS and PCT/GL/ISPE are being applied consistently and effectively.

(c) The internal review takes place at least once a year.

Each committee, a cross-sectional organization, conducts an internal review every six months in terms of its measures, and reports the results to the MDCDG. The MDCDG implements necessary measures including a review on the whole examination department and formulation/implementation of improvement plans and business plans. The Quality Management Committee (mentioned in (1) above) conducts an internal review on measures for maintenance and improvement of patent-examination quality, and reports the results to the MDCDG for a further review.

[End of report]