

Korean Intellectual Property Office
PCT Quality Management
(Supplementary Report – February 2009)

1. Introduction

In May 2008 at the Korean Intellectual Property Office, we began running the second phase of our self-financing business operations and shifted the emphasis of our patent policy from faster examinations to higher quality examinations.

We also introduced a three-track examination system in tandem with the patent policy shift. The examination period used to be determined on a uniform principle for all applications. However, the three-track examination system enables applicants to choose an accelerated, regular and customer-deferred examination.

The number of examinations per examiner was decreased for better performance, and we fine-tuned our examination scoring system following an analysis of the examiner workload and examination processing period of patent and PCT applications.

Another initiative is the EXCEL Plan (also known as the Examination and Trial Excellence Plan). The EXCEL Plan aims to enhance the capability of patent and trial examiners and improve the overall quality of their results.

2. Quality Management System

2-1. Establishment and maintenance of the quality management system

To maintain quality management system at a high level, we have undertaken several initiatives.

First, we introduced a competitive tendering process for our outsourcing of prior art search services. The enhanced competitiveness has improved the quality of search results from the outsourced providers. In addition, we have launched advanced e-learning programs so that search staff can deepen their knowledge through online study.

Second, to accomplish our goal of inaugurating the outsourcing of PCT international searches in 2009, we have designated a specialized service provider to act as an

international search service provider; we have also trained search staff who will conduct prior art searches for PCT international applications.

Third, we introduced a self-assessment system of examination quality, whereby examiners can check the quality of their examinations. Examiners get information on self-rating indicators of examination quality, such as the rates of registration decisions, the applicant's acceptability of an examiner's decision of refusal, and the appropriateness of patent registrations. They can then test their own product quality by comparing and analyzing their check card with the overall assessment results.

2-2. Resources - infrastructure

The inclusion of Korean as an official language of publication under the PCT became effective on January 1, 2009. In preparation for this event, we revised the *Patent Act* and produced the following PCT forms in Korean: application forms, international search reports, written opinions, and requests for an international preliminary examination. We also updated our instructions and manuals for PCT examination and adjusted the rating of examinations for PCT applications prepared in Korean.

Other systems related to PCT examinations were updated to improve our work process and eliminate systemic defects, especially with respect to the filing of PCT application forms in Korean and dealing with changes in the PCT system.

To help examiners more efficiently prepare written opinions for PCT examinations, we produced a writing manual, which offers clear guidelines on how to write the "reasoned statements on patentability (Box V)". The manual has alleviated the burden of examiners with regard to writing opinions in English. We also compiled the most frequently used expressions in the written opinions and applied pattern expressions into the system so that examiners can conveniently refer to these expressions.

The commonly used patterns of expression are applied to the following types of reasoned statements: independent or dependent claims that are considered to involve novelty and inventive step; independent or dependent claims that are considered to lack

novelty and inventive step; and claims that are considered to involve novelty but lack inventive step.

2-3. Examination quality assurance procedure

Indicators that we created to improve the quality of patent examinations include the following: the appropriateness rate of patent registration; the examination quality index; the acceptability rate of registration refusal; and the reduction rate of the number of claims.

- The appropriateness rate of patent registration refers to the number of registered patent cases divided by the number of error-free registration cases.
- The examination quality index is calculated by analyzing seven elements that represent the examination quality: the reduction rate of the number of claims, the error rate by assessment, and so on.
- The acceptability rate of registration refusal refers to the portion of cases where an applicant gets a notice of the first examination report and accepts the decision.
- The reduction rate of the number of claims is calculated by comparing the number of claims of originally filed applications with the number of claims at the time of registering or rejecting the applications.

The assessment of examination quality is conducted separately by officers of the Examination Quality Assurance Division and by directors of the examination bureaus. The former check substantial matters, such as the correctness of an examiner's determination of novelty or inventive step; the latter check formality requirements, such as defects or irregularities in the description. For a fair assessment of cases, we prevent assessors from accessing personal information about the case examiners.