

PATENT COOPERATION TREATY

Additional Report under Paragraph 21.18 of the PCT International Search and Preliminary Examination Guidelines

Rospatent
February 5, 2009

**Date of the main report
and the supplementary report
(supplemented by the present report)**

December 28, 2006
January 28, 2008

The report is prepared in accordance with Paragraph 21.18 of the PCT International Search and Preliminary Examination Guidelines (hereinafter – the Guidelines)

Abbreviations:

Rospatent – Federal Service for Intellectual Property, Patents and Trademarks
FIPS – Federal State Institution «The Federal Institute of Industrial Property of the Federal Service for Intellectual Property, Patents and Trademarks» under the Rospatent

CPD - Federal State Institution «The Chamber of Patent Disputes of the Federal Service for Intellectual Property, Patents and Trademarks» under the Rospatent Rospatent System – incorporates Rospatent itself and subordinate

Organizations: FIPS, CPD, RGIIS

Quality Service – Quality Service of Rospatent being the main subdivision of Rospatent System whose terms of reference cover the organization of quality management system.

Addition to the Introduction of the main report (Paragraphs 21.01-21.02 of the Guidelines)

Rospatent permanently conducts activities aimed at ensuring quality of search and examination, including the quality of international search and international preliminary examination. The main structural elements of the existing Rospatent's quality management system as shown in the previous reports are the Quality Service and subdivision for quality control of the international search and the preliminary examination of the formal examination division.

Information on changes in various directions of activities in the year 2008 affecting the process of management of quality of search and examination are mentioned below.

Addition to main report section "Resources-Infrastructure" (Paragraph 21.05 of the Guidelines)

As for **human resources** we should note that the number of examiners in 2008 increased by 79 and amounted to 807 examiners. 6 experts of the FIPS are involved in organization of carrying out the international search, the international preliminary examination and quality control of the reports.

As for **legal support** it should be noted that Part IV of the Civil Code of the Russian Federation has entered into force on January 1, 2008. It governs legal relations in the field of protection of rights to the results of intellectual activities. All the former special laws in this field are not longer in effect.

Besides, within the framework of the Administrative reform of the Russian Federation, which is aimed, in particular, at increasing the quality of state services and efficiency of executive bodies, Rospatent is drafting and implementing the administrative regulations of execution of state functions. The regulations are based on the Russian IP legislation in force and contain:

- description of administrative procedures, required by obligations of the Russian Federation as a participant of, in particular, the Patent Cooperation Treaty;
- procedure for appeal of act (omission) or decision carried out in the course of execution of state functions;
- procedure and forms of control over the execution of administrative procedures.

The draft administrative regulations are presented for public on the website of Rospatent. The comments and proposal presented by the users were further analyzed for the purpose of amendment of the regulations. A part of the regulations has been adopted by now; the rest is being worked on.

In connection with the legislative changes the main tasks in **organization of training and education** in 2008 were connected with training on application of the provisions of Part IV of the Civil Code of the Russian Federation. For the purpose of adaptation of the FIPS staff to the new legal regulatory system, among other, trainings for the heads of structural divisions and examiners on the provisions of the Part IV of the Civil Code of the Russian Federation and provisions of the draft administrative regulations, elaborated in the framework of the administrative reform in conformity with the new IP legislation, were conducted.

Besides, around 500 training sessions were conducted in the FIPS divisions, devoted mainly to studying new normative documents, examination procedure, and studying the main provisions of the Part IV of the Civil Code of the Russian

Federation. The above sessions were conducted by the top managers of each division.

In order to increase the efficiency of self-training of examiners and to reduce the workload of the management, a new version of a training and controlling system “OLYMP-OKS” was introduced in the Internet site of the FIPS; it contains 9 new training courses related to the Part IV of the Civil Code of the Russian Federation.

In the course of experience exchange, three seminars on studying foreign law implementation practice (the European Patent Office and German Patent Court) were conducted for FIPS examiners. Two other training seminars were conducted with participation of representatives of the Russian Center of High Technologies KhimRar concerning development and patenting of objects received with the use of post-genome technology.

During the year the newly hired examiners were trained as far as conducting the international search and the international preliminary examination is concerned.

As for **information support**, we should note the following:

1. *As to the possibility of access to PCT minimum documentation.* As shown in the previous reports, for the conduction of the international search and the international preliminary examination the FIPS examiners have access to the minimum of documentation mentioned in the PCT Guidelines, both in electronic form (via the available patent search systems), and in the paper patent collection.

An internal information search system PatSearch, containing national patent documentation since 1924, CIS patent documents, array GlobalPat documents and databases of the Derwent World Patent Index (DWPI) was introduced in 2008. Before the end of this work the examiners used the access to the databases of patent offices available from their automated working stations.

Besides publicly available patent databases, all the examiners have the possibility to use (in special search rooms) several commercial information and search systems – STN, Patolis-e (through Questel), Thomson Innovation. These commercial information and search systems provide access in particular to CAS (Chemical Abstracts) and DWPI.

Highly qualified assistants of examiner help the examiners to conduct the searches in these commercial information and search systems.

2. *Concerning the possibility of informing the examiners on the use of information arrays and conducting the searches.* Several times a year the FIPS examiners are being informed on all the changes in the information and search resources provided to them, including the information on new Search Guidelines prepared for the examiners.

All the existing guidelines on conducting search in one or another database are published on a publicly accessible segment in the internal computer network. A regularly updated List of Internet websites accessible by examiners from their working stations is also published there.

All the examiners are provided with training on conducting search in databases available to Rospatent.

3. *Concerning the availability of access to translation tools.* In the course of the information search and analysis of cited foreign documents, the examiners can use at their working stations a system of automated translation - PROMT Professional 7.0. This system allows for a three-way translation (English-Russian, German-Russian, French-Russian) using not only the general vocabulary, but also specialized vocabularies on different examination topics. Besides, the examiners have access from their working stations to a number of Internet websites containing dictionaries and translators with a possibility of use such specialized vocabularies. The examiners can also locally use the Lingvo dictionary.

As for the **information and technological support**, it should be noted, that the automated system of electronic document flow of the PCT applications “Electronic Library of the PCT Applications” (“ELA PCT”) was finalized in 2008. The system is designed for the document flow control of international applications filed with Rospatent as a Receiving office. Information on the system is available in the previous report.

Addition to the main report section “Quality Assurance Procedures” (Paragraph 21.07 of the Guidelines)

The following should be noted in respect of the quality control procedures.

1. In 2008 the quantity of the international search reports and the international preliminary examination reports was – 804 search reports and written opinions of the International Search Authority and 112 examination reports, the total of 916, slightly more (by 12) than the

number of such documents prepared in 2007. All the prepared documents were checked by the experts of the division for control of the quality of the international search and preliminary examination. Elimination of deficiencies detected in the formatting of the reports of the international search and reports of the international preliminary examination was carried out in the course of discussion of the applications with the examiners.

2. In the year 2008 the Quality Service conducted more than 10 types of quality checks of different examination documents, checks for absence of delay, technological supervision was carried out. In each case the reasons for deficiencies detected in the course of check were determined and measures for their elimination were worked out.
3. In 2008 work on elaboration of a document regulating the relationship between the FIPS divisions in the course of different types of searches and examination in accordance with the international agreements, including the Patent Cooperation Treaty, was carried out. Such a document will improve the organization of different types of searches and examination within the FIPS.

Addition to main report section “Communication, Guidance and Responses to Users (Paragraphs 21.06(c), 21.09)”

The following changes should be noted in respect of **communication with the users of the legal protection grant system**.

1. In 2008 a joint consultancy and information service was entered into operation in the FIPS. The users of the service have an opportunity to leave feedback on the work of the consultancy and information service.

Consultations on 90947 requests were provided by the consultancy and information service in 2008.

The most part of the requests concerned the procedures for drawing up, filing, examination of applications for inventions, utility models, industrial designs, trademarks and service marks and the validity of the protection titles.

2. 2225 written communications of users of the system of protection were considered by Rospatent or its subordinate bodies in 2008. More than 20% of the communications were considered by the Quality

Service of Rospatent. It should be noted, that the number of communications has significantly increased in 2008 (almost by a quarter) compared to the previous year, mainly, due to the increase of communications concerning examination of applications for registration of intellectual property rights, provision of patent and information services, legal issues and issues of assistance to the inventors. Besides, 15 communications concerning the quality and the time limits for preparation of the international search and the international preliminary examination were considered.

3. A meeting of the Rospatent Director General with the patent attorneys was held in 2008. About 80 attorneys from different regions of the Russian Federation, as well as leading specialists of Rospatent, FIPS and CPD took part in it. The meeting was devoted to the perspectives of the development of the Russian patent system, the issues of collaboration of the patent attorneys with Rospatent, FIPS and CPD. A number of questions and remarks of the patent attorneys were addressed and answered in the course of the meeting.
4. The 12th Rospatent's Scientific and Practical Conference "The Practice of Legal Protection of Intellectual Property under Part IV of the Civil Code of the Russian Federation" was held in 2008. More than 350 participants took part in it, including the leading specialists of Rospatent, FIPS and CPD. Corresponding proposals of the participants were reflected in the protocol of the conference and published on Rospatent's website.
5. Answers to the questions of most importance for the users have been published on the website of Rospatent throughout the year.