

# 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: *Korean Intellectual Property Office*

on: *15.01.2010*

Date of main report and  
any supplemental reports to  
which this is a supplement: **Full report from 31.1.2008**

Documents referred to in this report:

*In this report there is no reference to any document.*

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.*

This report updates the Full report from 31.1.2008.

Contents of this update report:

- (1) Changed text passages in Paragraph 21.05(Resources – Infrastructure)**
- (2) Changed text passages in Paragraph 21.06(Administration – procedures)**

**(1) Changed text passages in Paragraph 21.05 (Resources – infrastructure)**

*Provide information about the infrastructure in place which ensures the following:*

- (a) Adequate quantity of search and examination (S&E) staff, including:*
  - (i) means for matching the quantity of S&E staff to the inflow of work;*

As of October 2009, the total number of patent examiners at KIPO is 678, and most of them are engineering majors. The number of patent examiners has been continually increased for the fast and accurate examinations.

PCT specialists, who are selected from pool of senior examiners with good English competence and considerable examination experience, carry out international searches and preliminary examinations. When the number of PCT applications increases, the more PCT specialists are designated, and when PCT applications are highly concentrated in a specific field, additional PCT specialists are designated from among our senior examiners who are in charge of domestic applications for that particular field.

As of October 2009, the number of PCT specialists of KIPO is 479, and they are in charge of various tasks pertaining to international searches and international preliminary examinations, as well as examination tasks for domestic applications.

- (ii) means for ensuring that recruited S&E staff have the necessary technical qualifications;*

To be a patent examiner, technical educational background is required. As of October 2009, 281 PCT specialists (58.7% of total PCT specialists) have PhD degrees in the technical field and lots of them have field experience in research and development at private companies and research institutes.

Besides our efforts to recruit capable examiners, KIPO has intensified the continuing education of examiners in their respective fields of technology through specialized lectures and seminars. For instance, KIPO outsourced the education of examiners to universities or educational institutes to present tailored lectures and to encourage examiners to continually learn state-of-the-art knowledge in specialized fields of technology. Also patent examiners can obtain new technology knowledge by inviting experts to give presentations on new technology at various seminars and joining a voluntarily organized study group.

- (iii) *means for ensuring that S&E staff have language skills, or have access to supporting translation arrangements, as necessary to meet Rule 34.*

PCT specialists, who carry out international searches and preliminary examinations, have language skills enough to comprehend foreign PCT minimum documents and prepare ISRs and IPERs in English.

To improve the language skills of examiners and to help examiners with international searches and international preliminary examinations, KIPO has an in-house language program for English, Japanese, Chinese and Spanish. Examiners also take foreign language courses at various universities.

In addition, KIPO supports a translation of foreign patent documents by implementing the machine translator in the searching system. Currently, we provide a Japanese-Korean machine translation and plan to gradually implement Chinese-Korean and Russian-Korean machine translation systems from 2010.

- (b) *Adequate quantity and skills of administrative staff to support S&E.*

The main role of the International Application Team is to provide administrative PCT procedures. The administrative staff consists of eight formality examiners (In 2009, one more examiners are added compared to the seven examiners in 2007.) and four assistants, who are responsible for tasks related to the international phase of PCT applications.

The formality examiners all have more than three years of working experience at KIPO. They also constantly endeavor to improve their capacity by undertaking on-the-job training, joining a study group (named as PCT Reform study group) and by participating in training programs offered by the International Intellectual Property Training Institute of KIPO.

- (c) *Provision of appropriate equipment and facilities to support S&E.*

To support the search and examination process, all staff's personal computers are linked to the six kinds of servers for the examination system and another four for the search system. Based on a gigabit Ethernet system, examiners can prepare ISA/IPEA reports on their personal computers.

We have developed our own PCT International Search and Preliminary Examination System, which is operating under the KIPOnet (A computerized system to automate administrative procedures in KIPO). Through the system, all PCT related procedure from filing a PCT application to drafting and issuing ISR/IPERs is processed online.

The KIPO Patent Search System (called “e-KOMPASS), which is developed by KIPO, enables patent examiners to conduct full text searches of patent documents from Korea, Japan, the USA and Europe. It also enables us to conduct reserved search requests, and to deliver the results to customers through after-hours batch work. Using ‘non-patent literature unified meta searches’ for electronic journals, including IEEE, Sciencedirect, and OSA, this system can search multiple Internet sites and show the results on the same screen. Furthermore, various commercial search services on the Internet, such as delphion.com and stn.com are available to patent examiners in KIPO.

Currently, KIPO has more specialized search systems such as the Business Model Search System, Biotech Search System. Our Biotech Search System enables us to manage and retrieve information on nucleic and amino acid sequences by using an internal sequence-listing database. With our Business Model Search System, we can promptly search Internet databases of business models and business methods, including those featured in gazettes, technology abstracts and electronic documents from Korea and the USA.

Six staff members and five outsourced employees support the search and examination system by managing relevant data and by maintaining the international search and examination systems, as well as the hardware, security, and other relevant tasks. To operate the systems effectively and support system management, Help Desk and IT consultants offer electronic support to each examination bureau.

*(d) Provision of the minimum documentation supporting S&E, as referred to in Rule 34.*

To provide the minimum documentation supporting S&E for PCT, we have documented the patent documents from 25 countries and organizations in the form of books, microfilm, CD-ROMs, and databases. Moreover, 536 kinds of non-patent literature such as scientific journals, books, Web databases, and electronic journals are provided. Our digital library has 310,000

volumes of relevant books that can be directly accessed. All these materials are available at any time to examiners.

- (e) *Provision of up-to-date work manuals. These must include explanations of:*
- (i) *quality criteria and standards;*
  - (ii) *descriptions of work procedures;*
  - (iii) *instructions ensuring that the work procedures are adhered to.*

As an effort to keep up-to-date work manuals, we translated Patent Cooperation Treaty (PCT), regulation under the PCT, administrative instructions and PCT examination guideline that are published by WIPO into Korean and distributed the translated version of PCT-related manuals to PCT specialists.

Along with them, we published the *Manual for PCT International Search Reports and International Preliminary Examination Reports*, which presents detailed work processes, contains PCT regulations and rules, and offers guidelines for PCT examinations related to specific processes. In particular, the manual details the mistakes that examiners frequently tend to make in their reports. It also gives various examples from other international authorities and checklists that describe things to identify when establishing their reports. Also the manual is updated whenever PCT or regulation under the PCT is changed.

The *PCT Formality Examination Manual*, which is published by the International Application Team, contains images and charts to describe all the steps of substantive tasks to give examiners a better understanding of the examination process.

- (f) *Provision of an effective training and development program for all staff involved in S&E, including means to ensure the acquisition and maintenance of the necessary experience, skills and familiarity with work manuals.*

Recognizing the importance of maintaining a high quality of PCT examinations, we have intensified our training and development program for PCT specialists. The International Intellectual Property Training Institute offers following PCT-related training courses:

- Training Course for New Examiners, which provides basic training for newly appointed examiners
- PCT Basic Examination Course and PCT Advanced Examination Course for designated and potential PCT examiners.

The PCT Examination Course uses the *Manual for PCT International Search Reports and International Preliminary Examination Reports* to cover the following subjects: an outline of PCT applications, on-the-job training for preparing PCT international search reports, written opinions, and international preliminary examination reports.

In addition, KIPO often provides examination-related training programs by holding seminars on the PCT system. We also established an electronic bulletin board (called “Knowledge Management System”), which not only enables PCT experts to answer questions related to PCT examinations but also keeps examiners informed of important changes in the PCT system.

*(g) Continuously monitoring and identifying resources, other than staff, required to deal with demand and comply with quality standards for S&E.*

To deal with demand and comply with quality standards for S&E, we continuously monitor and identify the resources required for S&E. Namely, the number of PCT applications that require international searches and preliminary examinations is investigated simultaneously at the International Application Team, the Patent Examination Policy Team and the Patent Examination Support Team. The Information Development Team and the Information Management Team monitor equipment and facilities required in (c) and the minimum documentation required in (d) to examine whether or not they are comply with PCT QM standards. Each team takes necessary measures to meet the standards that are identified from the monitored results. When discussion or cooperation between the related teams is required to take a measure, appropriate solution is taken at meeting of the PCT Quality Committee or the weekly executive meeting chaired by the Commissioner.

## **(2) Changed text passages in Paragraph 21.06(Administration – procedures)**

*Provide information on those administrative procedures and control mechanisms which ensure the following:*

- (a) Timeliness of S&E and related functions, to quality standards in accordance with PCT/GL/ISPE.*

Although the KIPOnet system automatically manages a variety of schedules for ISRs and IPERs, the International Application Team also manages the due dates for each PCT application. This double-checking system raises the reliability in meeting deadlines. Furthermore, by connecting the observance of deadlines to the work performance of each examiner, KIPO has increased the motivation of examiners to submit reports on time.

To make the process clearer, the International Application Team, which is in charge of dispatching ISRs and IPERs to WIPO and individual applicants, manages due dates for the preparation of such reports and informs examiners of missing reports. Moreover, the patent examination bureaus themselves notify the examiners of the due date ahead of particular deadlines.

- (b) Coping with fluctuations in demand and backlog management.*

Fluctuations in demand and backlog are monitored and when the number of PCT applications increases, more examiners are designated as PCT specialists to cope with the demand.

During the period from 2004 to 2009, the number of PCT specialists increased from 130 to 479. In case PCT applications tend to be concentrated in some specific fields of technology, all senior examiners involved in that field are designated as PCT specialists. And director in each examination team adjusts to distribute all work evenly to each examiner in that team.

[End of report]