

# **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: *State Intellectual Property Organization, China*

on: *2 February 2010*

INTRODUCTION (PARAGRAPHS 21.01-21.02)

The State Intellectual Property Office (SIPO) of China has been dedicating to improve the quality of our PCT products and services, including the International Search Reports (ISRs), the Written Opinions of the International Searching Authority and the International Preliminary Examination Reports (IPERs). With the application of new Quality Evaluation System, the great performance concerning time limit control and correctness of ISR and IPER has been achieved.

QUALITY MANAGEMENT SYSTEM (PARAGRAPHS  
21.03-21.04)

Quality Management System (QMS) has been established since 1990s in order to ensure the compliance of our products with the PCT Treaty and Regulations. The QMS organizational structure of SIPO is shown in Annex 1. The Quality Control Division under the Patent Affairs Administration Department is responsible for implementing and maintaining the QMS, and defining the quality standards for all our products and services. The Quality Audit Teams at office tier, reporting directly to the deputy commissioner of SIPO, is in charge of auditing the compliance of products with these quality standards.

## RESOURCES (PARAGRAPH 21.05)

### (a) PCT Examiners

More than 4,000 substantive examiners whose professional knowledge covers all technical fields are competent to carry out the tasks of the PCT search and examination. Only a chosen few are expected to be entrusted with the PCT search and examination in order to maintain better quality of our PCT products and ensure reasonable workload. Those who have at least three years of substantial examination experience should also pass a qualification test before being entitled for the responsibilities. The test comprises the PCT basic knowledge, search skills and foreign language

proficiency. Adapting to the ever-increasing PCT applications, the overall number of qualified PCT examiners go up from 697 in 2008 to 733 in 2009.

(b) Administrative Staff and Resources

The administrative staff in SIPO is fully sufficient and competent to support PCT examiners well and facilitate the PCT search and examination process.

(1) Legal Affairs Department

Researching PCT treaty and regulations; enacting and revising related laws and regulations; translating PCT legislations and guidelines into Chinese and updating the translated documents timely; giving directions and guidance on PCT practice.

(2) Personnel and Education Department

Being responsible for the personnel management and training (see (f) Training and Development).

(3) Patent Affairs Administration Department (especially the Quality Control Division)

Furnishing comprehensive and up-to-date work manual (see (e) Work Manuals), implementing and maintaining the QMS, defining the quality criteria (see Quality Assurance Procedures (Paragraph

21.07)), collecting and analyzing quality problems according to internal and external feedback, evaluating ISA and IPER quality, proposing improving measures, etc.

(4) Preliminary Examination & Flow Management Department (especially the PCT Division I)

Acting as the PCT Receiving Office, responsible for the formality examination of the original PCT applications and flow management during the international phase (see Administration (Paragraph 21.06 (a) and (b), and Quality Assurance Procedures (Paragraph 21.07)).

(5) Automation Department

Maintaining and updating all in-house computer hardware, software, networks and database.

(6) Documentation Department

Collecting and maintaining patent and non-patent documentation databases.

(c) Equipment and Facilities

Each staff in SIPO has a desktop connected to the Intranet, and each desktop is installed with the software allowing for the access to the search databases and the electronic processing system for patent

applications. Furthermore, each examiner is also equipped with a notebook PC to access the Internet to consult external databases and resources directly.

(d) Documentation

SIPO possesses or has the access to the comprehensive documentation referred to in Rule 34 in electronic form (see annex 2). 7 patent searching systems are available for 3,500,000 patent documents of 25 countries. Besides, 14 non-patent searching databases cover documents of various science fields. Our intellectual property library also collects around 7000 sorts of Chinese science and technology journals and about 400 kinds of foreign journals.

(e) Work Manuals

The Patent Affairs Administration Department issued a practical and up-to-date work manual in July 2007 to further specify the search and examination standards. This work manual not only assorts and integrates all the PCT legislations and guidelines, but also illustrates the PCT search and examination procedures via various examples under different situations, which contribute to understanding and using PCT legislations well for examiners, especially for new PCT examiners.

#### (f) Training and Development

The Personnel and Education Department has implemented two sets of regular training programs on the PCT related knowledge. The basic program for the newcomers focuses on brief introduction of PCT treaty and regulations, international application procedures and basic knowledge on the international search and international preliminary examination.

While the advanced program tailored to the experienced examiners who are expected to be PCT examiners, concerns classification of international applications; unity; priority rights; defects in descriptions and claims; amendments; prior art; novelty, inventive step, industrial applicability and examination opinions; major tasks in the international procedure and filing in the regular forms. Besides, various PCT related seminars or lectures are frequently held to ensure the PCT examiners fully aware of examination and quality criteria.

In addition, many foreign language courses are running annually within SIPO, concerning English, Japanese, German, French, etc.

#### (g) Continuous Monitoring

The Quality Control Division under the Patent Affairs

Administration Department implements and maintains the QMS, defines the quality criteria, continuously monitors and identifies the required resources to deal with demands (see Quality Assurance Procedures (Paragraph 21.07)). Besides, the quality officers in each examination department have always been monitoring and controlling process quality for continuous improvement.

#### ADMINISTRATION-PROCEDURES (PARAGRAPH 21.06 (a))

An electronic flow management system EPCT was launched on Jan 01, 2007, which greatly improves workflow efficiency. When an original international application arrives at the Preliminary Examination & Flow Management Department, the formality examiners shall work on the formality examination, data-entry of the bibliography information and initial classification in the system. Then the processed record copies and search copies are handed over to the International Bureau and PCT examiners with corresponding technical fields via EPCT electronically. After ISR, written opinion and IPRP are established, again via EPCT, they are firstly sent to the Preliminary Examination & Flow Management Department, from where they are further transmitted to the IB and applicants/attorneys. The deadlines for all these actions are automatically calculated according to the initial entry data.

## ADMINISTRATION-BACKLOG (PARAGRAPH 21.06 (b))

The number of PCT applications has been swollen from 2503 to 8000 for the past five years, ranked 5<sup>th</sup> in the world, which is a big challenge to SIPO. However, SIPO has been prepared to deal with the increasing workload. Competent PCT examiners are sufficient, and enhancing software and electronic systems tend to be more efficient. To be delighted, few ISRs and IPERs are delayed during the past years since SIPO has made great efforts to eliminate backlog.

## QUALITY ASSURANCE PROCEDURES (PARAGRAPH 21.07) INTERNAL FEEDBACK (PARAGRAPH 21.08 (a)) INTERNAL REVIEW (PARAGRAPHS 21.10-21.14)

An internal PCT QMS was launched by the Patent Affairs Administration Department at the beginning of 2007. The QMS divides the PCT quality control into two phases, namely, the procedural quality assurance phase and the product quality evaluation phase.

Firstly, the objectives of the procedural quality assurance phase tend to identify the defects in the ISRs, written opinions and IPERs and take corrective actions before transmitting to the concerned parties,



thereby ensuring the correctness during the procedure. There are three major tasks in this phase, that is, time limit monitoring, formality inspection and substantive inspection.

Time limitation of search and examination reports can be automatically monitored via EPCT. A warning message would be sent to the relevant examiner some time before the deadline. Simultaneously, his or her supervisors are supposed strictly to monitor this warning message, so that preventative actions may be taken promptly. In that way, the occurrence of delay in finishing the ISRs and IPERs has almost been eliminated in SIPO.

Formality inspection is performed both individually and collectively. All the ISRs, written opinions and IPERs are now conducted by a two-person team consisting of a primary examiner and a reviewing member. After the main search and examination is completed by the primary examiner, the reviewing member, serving a second pair of eyes, shall review the case comprehensively. A reviewing opinion then shall be made and kept in file, and fed back to the primary examiner. The primary examiner shall amend or supplement his/her action if necessary, or otherwise give an explanation to the reviewing opinion before it is sent to the Preliminary Examination & Flow Management Department where all these ISRs, written

opinions and IPERs are collected and formally checked again in an all-round manner before they are transmitted to the IB and applicants as well. Furthermore, all the defects discovered are recorded and reported to the director of the Examination Department per month. Encouragement and punishment measures may be taken accordingly within the department.

Substantive inspection during the procedure is carried out at the division and department tiers. Namely, directors in the Examination Divisions and Departments randomly check some cases per month and carefully observe substantial issues, such as search strategy, evaluation of novelty, inventive step, etc. The primary examiner shall amend or supplement his/her action if necessary before sending it to the Preliminary Examination & Flow Management Department.

Secondly, the product quality evaluation phase aims at assessing the quality of each Examination Department and standardizing the search and examination practice at the office tier. The correctness data for evaluation is provided by the Quality Audit Team at the office tier, which is headed by a Director General from one of the Examination Departments and composed of experienced examiners selected from each Examination Department.

The Quality Audit Team checks random samples every month. By the end of every month, a quality record with identified problems is distributed to each Examination Department. Every two months, the team publishes a quality cases collection in the intranet which includes an outline of the relevant cases and identified problems, the detailed analysis of the causes for the problems, and a specification of relevant examination and quality standards. The collection is distributed quarterly to the Deputy Commissioner in charge and each Examination Department, conveying controversial matters discovered and quality statistics. Every six months, a quality control seminar is held for all the directors, where the defects and deficiencies discovered in that period will be summarized and delivered. The Deputy Commissioner in charge concludes and instructs the quality improvement plan for the next term.

It should be noted that a Quality Evaluation System of substantial and formality affairs in the international phase has been developed and put into operation in 2008. This Quality Evaluation System evaluates the products of the examination divisions by three indexes: timeliness, correctness and consistency. This Quality Evaluation System is the most objective and comprehensive way for SIPO to obtain PCT quality so far.

## EXTERNAL FEEDBACK (PARAGRAPHS 21.06 (c) AND 21.08

(b))

SIPO has always attached great importance to external feedback. The sources of the external feedback or complaints could be the applicants/attorneys, the public, the IB, DOs, and EOs. SIPO has established an external feedback mechanism to collect the feedback information from all these sources by means of phones, facsimiles, mails, and emails, meetings, seminars, surveys, and so on, aiming at taking the corrective or preventative actions where appropriate, learning public concerns, making decisions on quality control, and improving user satisfaction.

Moreover, we have the honors of getting the abstract-translating quality feedback report quarterly from WIPO in 2009. The report concerns about specific grammar, mistranslation, terminology mistakes made in abstract submitted by SIPO. It is a very good and helpful abstract-drafting handbook, from which PCT examiners benefit a lot and are expected to decrease and avoid translating mistakes step by step.

Last but not the least, SIPO has commissioned professional survey institute to make a user satisfaction survey on examination quality in 2009 for the first time, which is a significant attempt. The survey

result suggests that costumers have a good opinion of the PCT search and preliminary examination report and service. Meanwhile, we also learn the weakness and disadvantages, as well as improving suggestions for our PCT products from our users and costumers.

#### COMMUNICATION AND GUIDANCE TO USERS PARAGRAPH 21.09)

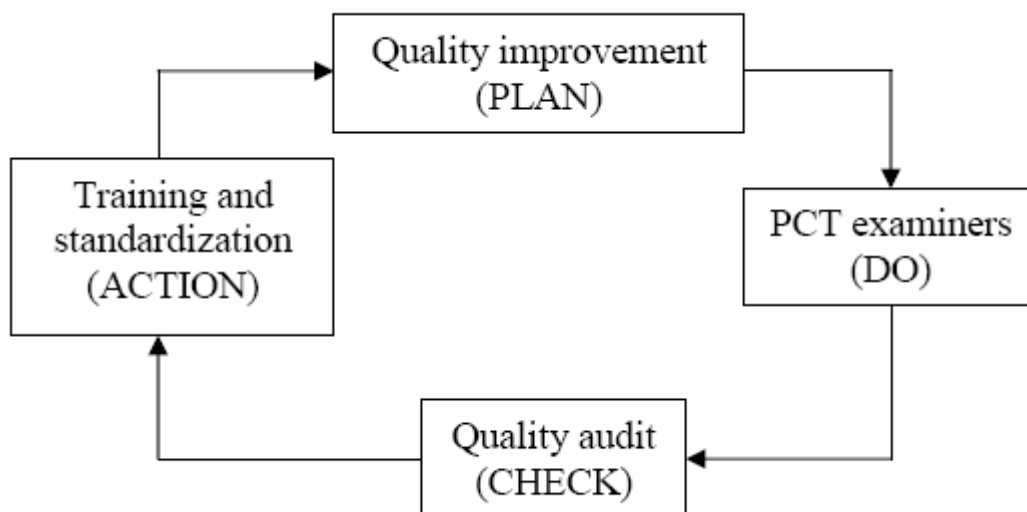
In order to communicate effectively with users and dealing with their enquiries, SIPO has established four channels for two-way communication, including phones, facsimiles, mails and emails. Every PCT examiner is willing to communicate with applicants and offer them ideas to amend their applications.

Guidance to the users on the search and examination process is accessed on SIPO's website ([www.sipo.gov.cn/sipo/pct](http://www.sipo.gov.cn/sipo/pct)), which includes basic PCT related knowledge, PCT reforms and news, PCT applying program and FAQ. In addition, PCT handbooks and brochures are available. Training seminars, especially WIPO national roving seminars on PCT cooperated with the WIPO are frequently run all over the country.

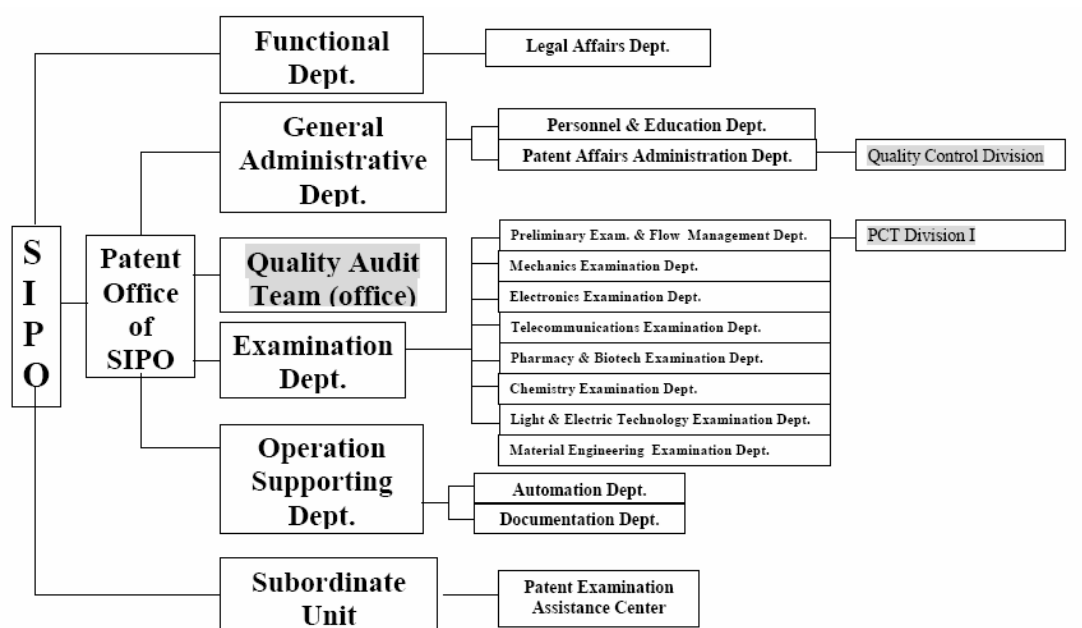
#### IMPROVEMENT (PARAGRAPH 21.15)

SIPO sets quality improvement mechanism according to PDCA

cycle. We have not only set down a quality plan but also specific and measurable quality objectives in 2009. Every PCT examiner has their quality goal and responsibility in terms of quality plan and objectives. Examiners do the search and preliminary examination report based on PCT legislations and quality documents. After that, the products will be checked and evaluated whether the objectives have been achieved or not. Whereas, the quality audit results are also used for identifying problems and analyzing the factors affecting the problems. Then, corrective and preventative actions will be taken through training and standardization initiatives; finally quality improvement plan are devised for the next year.



## Annex 1



## Annex 2

Patent/Non-patent documentation	Database	Category	Characteristics	
Patent	EPOQUE introduced from EPO	Abstract	EPODOC, superior in accurate classification: ECLA, UCLA, FI/F-Term	
			WPI, maintained by Derwent corporation, superior in keyword search	
			PAJ, covering the most comprehensive JP patent documentation	
	CPRS developed by SIPO	Full text	TXTCH TXTDE TXTEP TXIFR TXTGB TXTWO	
			Abstract	CN Patent documentation
				US Patent documentation
Full graphic	US, EP, JP, WO			
Non-patent	In Foreign Languages	Full text	Elsevier Science Direct, IEEE/IEE Electronic Library, etc.	
		Abstract	Inspec, Food Science and Technology Abstracts etc.	
	In Chinese	Full text	CNKI (Chinese National Knowledge Infrastructure) etc.	