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QUALITY MANAGEMENT SYSTEMS FOR INTERNATIONAL AUTHORITIES

Document prepared by the International Bureau

RECENT DEVELOPMENTS

1. The International Searching and Preliminary Examining Authorities under the PCT ("International Authorities") continue to develop, document and discuss their quality management systems. All of the active International Authorities, as well as some of those appointed but not yet operational, again submitted reports on the state of their existing quality management systems. These reports were assessed by the Quality Subgroup which had been set up by the 17th session of the Meeting of International Authorities in 2009 with a view to making recommendations in respect of effective processes and solutions for quality assurance as well as effective quality improvement measures.

2. The reports from each International Authority are publicly available on the PCT website at *http://www.wipo.int/pct/en/quality/authorities.html*. A summary by the Quality Subgroup of some of the main points which it noted is attached in Annex I to this document.

3. A summary of the Quality Subgroup meeting that took place in Canberra in February 2012 is attached in Annex II to this document. Relevant sections in relation to the quality framework in the summary of the 19th session of the Meeting of International Authorities in 2012 (document PCT/MIA/19/13) are attached as Annex III to this document. These Annexes provide further information on various other tasks in relation to improvement of quality that have been taken up by the Quality Subgroup at the request of the Meeting of International Authorities, notably including work on the preparation, examination and development of metrics concerning

international search reports (paragraph 20 of document PCT/MIA/19/13) and assessment and development of existing standard clauses used by International Authorities with a view to developing general model clauses and identifying general principles which would assist in making reports useful to readers (paragraph 16 of document PCT/MIA/19/13 and paragraphs 12 and 13 of the Annex to document PCT/MIA/19/13).

4. The Assembly of the PCT Union is invited to note the contents of this document.

[Annexes follow]

SUMMARY OF REPORTS ON QUALITY MANAGEMENT SYSTEMS (QMS)

INTRODUCTION

PARAGRAPHS 21.01 TO 21.03[1]

1. Several Authorities have updated their Quality Management systems - some as to be certified by ISO 9000:2008, some to expand the scope of certification and some as to prepare for certification in the near future. ISO 9000 is the most widely spread quality standard among the authorities but there are other references, such as Six Sigma, EFQM and Total Quality Management (TQM).

1. LEADERSHIP AND POLICY

PARAGRAPHS 21.04 TO 21.09

2. Most Authorities have full or almost full compliance with all of the requirements in paragraphs 21.04 to 21.09 regarding leadership and policy. However some Authorities reported changes in organizational structure as well as other different parts of the requirements not having effect on the extent of compliance

2. RESOURCES

PARAGRAPHS 21.10 TO 21.14

3. The Authorities reported a variety of procedures which were in place to ensure access to sufficient human, material and training resources. Several Authorities had introduced new departments, or revised the responsibilities of existing departments, to manage the provision of the necessary resources more effectively. In general, the responsibility for managing availability of the different types of resources is spread across a number of different organizational areas, with the relevant departments managing some requirements which are common with those for national search and examination, as well as other requirements which are specific to the PCT work. Several Authorities reported the development of new IT systems, management systems or quality standards to assist the management of resources.

3. MANAGEMENT OF ADMINISTRATIVE WORKLOAD

PARAGRAPH 21.15

4. Only five Authorities have made changes in Section 3 of their report on QMS for 2011.

5. The Spanish Patent and Trademark Office indicated that a new multifunctional electronic system “ALFA” had been launched since November 2011. ALFA includes all documents on applications and allows monitoring of the work stages. The system facilitates the preliminary classification of applications and their distribution among the examiners, as well as providing a feature for sending an alert to staff about the deadline for any stage of work on an application and about pending tasks. The system provides the possibility of interaction with the end users.

[1] In this summary paragraph references indicate the relevant parts of the PCT International Search and Preliminary Examination Guidelines. Section numbers refer to the sections within Chapter 21 of those Guidelines (“A Common Quality Framework for International Search and Preliminary Examination”).

6. The Russian Federal Service for Intellectual Property, Patents and Trademarks (Rospatent) indicated that its special automated system for recording data on PCT applications had been upgraded and now included detailed information on the applications submitted for the international search. The system allows controlling timely issue of international search reports (ISRs) and written opinions (WOs).

7. The Australian Patent Office (APO) within IP Australia has improved the Customer Operations Group's (COG) quality management system by implementing a new quality standards framework as part of the COG quality review system. The standards are designed to focus COG staff on consistently achieving high quality output at each step in the processing of service requests. The system contributes to the identification of staff training needs to improve service request processing and customer satisfaction.

8. The Korean Intellectual Property Office (KIPO) reported that in order to effectively deal with the PCT work, the Office created a new division in June 2011, exclusively in charge of establishing the ISR as well as the international preliminary examination report (IPER). KIPO has also appointed certain examiners only for producing PCT international work products in order to issue ISR (or IPER) reports on time, freeing them from the examination of domestic applications.

9. The Israel Patent Office (ILPO) described in detail the steps undertaken so that it could effectively act as ISA/IPEA starting from 2012[2]. To deal with administrative tasks concerning ISA/IPEA, the PCT Division was established which will send the appropriate notices and international search and preliminary examination reports, track application progress and workflow, monitor timeliness and pendency of international search and preliminary examination reports. ILPO has been working on the development of a modern and efficient automated system entitled "PCT SAPIA" which will provide all the office work for international applications in electronic form. The automated system will have to include built-in reminders for examiners and the administrative staff about imminent deadlines. The PCT Help Desk began operating in 2012, handling customer complaints and providing customers with assistance on a wide variety of PCT matters.

4. QUALITY ASSURANCE

PARAGRAPH 21.16

10. According to the Reports on QMS for 2011 the Authorities have continued to improve their internal quality assurance system.

(a) With regard to an internal assurance system for self assessment:

(i) The European Patent Office (EPO) completed testing of a project on development of classification operational quality control (Class-OQC) aimed at improving the quality of inventions' classification.

(ii) IP Australia implemented a new Product Quality Review System (PQRS) which is administered by the Quality Improvement Section.

(iii) The Canadian Intellectual Property Office (CIPO) expanded the system of Quality Assurance and Quality Control of examination work by the additional compliance evaluation of classification work with the classification quality standards.

[2] The Israel Patent Office subsequently began operations on June 1, 2012.

(iv) The Spanish Patent and Trademark Office (SPTO) implemented checklist review for 100% of international preliminary examination reports after issue.

(v) The Swedish Patent and Registration Office added to other quality assurance procedures a special procedure for cases when there are only category “A” documents in the search results. Spot checks of the use of the “problem-solution method” in the examiner's work are carried out as a part of the quality assurance procedures.

(vi) The Israel Patent Office (ILPO), which first presented its full report on QMS, described in detail measures provided to ensure quality of search and examination work.

(b) With regard to a system of measurement and collection of data and reporting:

(i) The new PQRS implemented in IP Australia includes the use of a database specifically designed to capture the results from quality reviews. The PQRS Database is used to generate reports of quality review findings and compliance at the individual, examination section and group levels.

(ii) CIPO was in the process of implementing an update to the system of measurement and collection of quality data from Patent Branch’s examination division. This update provides detailed information on the issues around examination practice to ensure employees' access to the results of quality control and the possibility of taking into account their opinion on the results of quality control.

(iii) SPTO launched the new multifunctional electronic system ALFA (see paragraph) which is intended, *inter alia*, to record comments made during the evaluation of search and examination work quality and extract this information afterwards. Besides, SPTO reported the implementation of checklist review for 100% of international preliminary examination reports after issue and the use of the information gathered through this checklist for different improvement actions, for example, to identify staff training needs.

5. COMMUNICATION

PARAGRAPH 21.17

11. Almost all Authorities (15 out of 16 which reported) provided contact information for those responsible for ensuring best practice, continual improvement and effective communication.

PARAGRAPH 21.18

12. The majority of Authorities reported on having means for handling complaints and making corrections. Various approaches were reported on, including examiner contact information being made available on documents, online systems for collecting and distributing customer feedback, receiving and analyzing complaints at the Authority through mail, telephone, email or fax. Some Authorities also reported on conducting meetings, or making themselves available at tradeshows and/or industry and university events.

13. Corrective and preventative action measures were in place at most Authorities; these systems were not described in great detail in the reports. Most Authorities discussed receiving comments, channeling them to the correct party, and providing feedback to users as appropriate.

14. Authorities reported measuring user satisfaction in a wide variety of ways. The majority of Authorities discussed conducting user satisfaction surveys (10/16), conducting meetings with applicants and/or attorneys (9/16), and accepting comments on user satisfaction online or by other means (12/16).

15. Most Authorities made an indication of ensuring legitimate client needs and expectations were met but this was not elaborated on in the reports in great detail. Two Authorities reported publishing user satisfaction targets, and four Authorities reported using comments in development and revision of manuals and tools.

16. Most Authorities reported on publishing guidance for users online, four Authorities reported on publishing physical guides and manuals, two Authorities reported offering free consultations and several Authorities offer public discussions.

17. Most Authorities have made their quality objectives fully or partially publically available, although four Authorities reported that they are not publically available.

PARAGRAPH 21.19

18. Most Authorities reported that specific persons or departments within the Authority were responsible for maintaining contact with WIPO and designated and elected offices. Attending WIPO meetings was mentioned in some reports, but was not consistently reported on.

19. Reporting on how the Authorities ensure WIPO feedback is promptly evaluated and addressed was not consistent throughout the reports. Many Authorities were silent on this particular topic, but some reported having PCT or administration departments or individuals who were responsible for responding in a timely manner. One Authority reported having an online secure channel with designated or elected offices for receiving comments or concerns.

6. DOCUMENTATION

PARAGRAPHS 21.20 AND 21.21

20. Eight Authorities had already defined and distributed their Quality Manual as indicated in Chapter 21, two more than the previous year.

21. For the rest of the Authorities there were two specific cases:

(a) Some were in the process of preparing this documentation. The parts already prepared had already been distributed.

(b) Some others had different independent documents that are properly distributed, but not compiled in the Quality Manual as stated in Chapter 21.

22. The quality manuals were mainly distributed by intranet and a few also had other tools, including electronic or paper.

23. All the Authorities stated that they had tools to control document versions.

PARAGRAPH 21.22

24. Most of the Authorities fulfilled all the requirements, especially organizational structure and responsibilities, documented processes and procedures established. Some of them lacked the quality policy, the scope of the QMS and a description of the interaction between the processes and the procedures of the QMS.

PARAGRAPH 21.23

25. Most Authorities maintain all or nearly all the records included in this point of Chapter 21.

26. A table summarizing the various positions was prepared for the Subgroup to assist further discussion.

7. SEARCH PROCESS DOCUMENTATION

PARAGRAPH 21.24

27. All responding Authorities required examiners to document the search in some way but there were differences in the extent and use of these records. A table summarizing the differences was prepared for the Subgroup to assist further discussion. The differences and similarities can be grouped into three main categories.

Content

28. The majority of the Authorities include several or all of the elements which have been identified as commonly used for this purpose (databases, keywords, classes, search language, etc.). Many Authorities stated that they have systems in which this information is entered either automatically or completed by the examiner.

29. Australia, Canada, Finland, and Russia explicitly stated that they include as part of the search strategy, a record of relevant documents and specific details pertaining to the internet search. China also responded that they include details relevant to the internet search. Australia and Finland include details of other examiners consulted. Canada requires additional documentation of the examiners' rationale including when to stop the search.

30. Most Authorities include information regarding limitation of search and justification; lack of clarity of claims; and lack of unity, generally included within the ISR and IPRP.

Format

31. Although paragraph 21.24 makes clear what should be included in the search record, there is no guidance on how it should be presented. The reports show different approaches ranging from "history lists" of search statements to manual records. There is no requirement for Authorities to conform to a common structure or layout of the search record, which makes it less useful in any eventual exchange between Authorities.

Use

32. Most Authorities give little description on how the search record is used, probably because paragraph 21.24 and the corresponding section of the reporting template do not call for this. Canada and Sweden specify that the search record is used in a check of the examiners' search, and to give feedback on the examiner's rationale: Sweden for all searches and Canada on sampled work.

8. INTERNAL REVIEW

PARAGRAPHS 21.25 TO 21.28

33. All Authorities reported that their quality management systems were reviewed to the required degree at least once a year. Those Authorities reporting changes to their review arrangements generally indicated that at least some aspects of their systems were reviewed more frequently.

[Annex II follows]

PCT QUALITY SUBGROUP
SECOND INFORMAL SESSION
CANBERRA, FEBRUARY 6 AND 7, 2012

SUMMARY BY THE CHAIR

(reproduced from Annex to PCT/MIA/19/13)

1. REPORTS ON QUALITY MANAGEMENT SYSTEMS UNDER CHAPTER 21 OF THE PCT INTERNATIONAL SEARCH AND PRELIMINARY EXAMINATION GUIDELINES

(A) REPORTS BY INTERNATIONAL AUTHORITIES

1. One Authority noted that one issue of interest raised by the reports was the question of who the person or unit responsible for quality should report to; should this be the head of the Office or was it acceptable to report to the person operationally responsible for international search and preliminary examination? Authorities agreed that the appropriate structure depended on the extent of the quality management system and that reporting should be to the most senior person at least in the area to which the quality management system applied. In the case of a common system for an entire Office, this should be the President; in the case of a system specific to international search and preliminary examination this might be, for example, the Vice President responsible for search and examination operations (though reporting to the President was acceptable or even desirable in this case as well).

2. One Authority wondered about the extent to which other Authorities were able to use a common quality management system for both international and national work products. Authorities agreed that, in most cases, the needs were found to be very similar. While the products differed slightly, particularly in format, the main differences in quality management were typically found to relate to how strictly timing of work needed to be assessed.

3. In response to a query by one Authority, Authorities noted that keeping quality related instructions up to date was a resource intensive activity and that it was important to ensure that this was a top priority for a sufficient group of staff. Most Authorities had a selection of resources available, typically accessed using an Intranet. Responsibility for keeping these up to date might lie with either a particular unit or else a cross cutting committee. It was observed that formal manuals frequently took time to update and in this case were often supplemented by interim instructions pending the publication of a new version, for example on an annual basis.

4. The Subgroup agreed to continue review of the reports and, to assist this process and provide additional information for the Member States, to compile an aggregate report covering matters of interest from all of the individual reports, including areas where practice was particularly close or particularly different between Authorities as well as any issues of special relevance noted. This would build on work already begun on the Subgroup's electronic forum, with different Authorities taking the lead for each section of the reports. The lead Offices should complete their first drafts by mid May for comment by other Offices, to allow the work to be completed by the end of June, ready for publication of a document to be submitted to the PCT Assembly at the end of July.

(B) PROPOSALS FOR MODIFICATIONS TO CHAPTER 21

5. In relation to a proposal by a designated Office to include, in paragraph 21.06, a requirement for assessing IT infrastructure, the International Bureau agreed to seek more detail on what requirements the infrastructure would be required to meet.

(C) PROPOSALS FOR MODIFICATIONS TO THE REPORTING TEMPLATE

6. The Subgroup recommended that, instead of submitting full reports every five years and cumulative updates in the intervening years, Authorities should submit each report in the form of a full report, making the differences from the previous year's report clear, for example using "track changes" or other form of highlighting. The supplementary template would therefore no longer be required.

2. BETTER UNDERSTANDING OF THE WORK OF OTHER OFFICES

(A) TRILATERAL/IP5 CATALOGUE OF DIFFERING PRACTICES - UPDATE

7. The European Patent Office introduced the Catalogue of Differing Practices, which was the result of work carried out in the context of the cooperation between first the Trilateral Offices and subsequently extended to the IP5 Offices and which had now been published on the IP5 website. The Catalogue was intended to form a springboard for further work, both in helping examiners to understand work from other Offices and in identifying areas where convergence of practices was feasible. However, one of the main findings was that the terminology used by different Offices was inconsistent: the same term could often be understood in different ways by different people.

8. An expert study was now under way in one limited field (definition of prior art) to establish whether it was practical to condense the findings into something which was clear and useful. It was possible that this might form the basis of a glossary. A report on the feasibility of such an approach was expected by the end of 2012.

(B) SEARCH STRATEGIES

9. Authorities agreed that work in this field could be divided into several areas. There was continued support from several Authorities for making available search strategies or search listings in whatever form they were currently recorded in their systems. However, this was considered by some Authorities to be a matter of assisting utilization of work rather than a quality issue as such. Authorities could simply go ahead with this if they wished to do so. Noting that search strategies would differ between Authorities and might not be self explanatory, the International Bureau agreed, where an Authority wished to do so, to publish them on PATENTSCOPE together with any general explanation which an Authority wished to provide of how to understand and make best use of its search strategy documents.

10. In relation to the utility of search strategies for assessing quality, whether as a purely internal matter or between Authorities, Authorities agreed that a greater degree of understanding was required and that a greater degree of consistency was at least desirable. It needed to be clear who the search strategies were aimed at and what they were to be used for. Facilities for recording strategies or search listings varied considerably between different search systems and approaches needed to be found which worked in relation to all searching systems used and allowed the contents to be used readily. It was agreed that the target audience would always be someone with the skills of an examiner, whether that was in fact an examiner in a designated Office or a quality unit within the International Authority. Exactly what was required would still depend on what use was intended.

11. The Subgroup agreed to consider matters further on the electronic forum beginning with:

(a) Willing Authorities would post examples of search strategies or search listings to assist in identifying best practices to assist internal development within Offices, scope for effective use by different interested parties and possible recommendations for developing more consistent approaches between Offices;

(b) Authorities would seek to find a common understanding of terminology, including items such as “search statement”, “search strategy” and “search listing”.

(C) USE OF STANDARDIZED CLAUSES

12. Authorities noted that standardized clauses had a number of separate roles, including helping end users to quickly understand the issue being raised through consistency in use, as well as guiding examiners to cover all required issues to an appropriate level of detail. Use of clauses should never be compulsory, but there was significant interest in seeking to develop a set of model clauses, which could assist discussions of quality and consistency and be adopted by Authorities and used by examiners to the extent considered appropriate.

13. The Subgroup agreed to begin a pilot, seeking to develop model clauses in a limited area to be selected by the pilot group. The discussions would seek to identify general principles which would be useful in developing further clauses which were appropriate to making reports which would be useful to readers, assumed to be skilled examiners or patent attorneys. The pilot would be led by the Canadian Intellectual Property Office and assisted by the National Board of Patents and Registrations of Finland, the Spanish Patent and Trademark Office and the United States Patent and Trademark Office, as well as the International Bureau. The work would be conducted using the electronic forum so that other Authorities could follow the progress and comment.

(D) OTHER IDEAS

14. The Subgroup agreed to add a “brainstorming” area to the electronic forum, where Authorities could post any ideas for quality improvement, even if they were not clearly immediately practical. It was observed that much could be learned from considering and even trying out radically different approaches and sharing even “wild” ideas could lead to further, practical progress.

15. There was some discussion of how quality could be monitored and maintained in outsourcing arrangements. One Office observed that outsourcing could be highly effective if properly monitored and appropriate action taken if quality standards were not acceptable. Contract conditions could often be changed, if necessary, faster than changing practices within an Office. It was essential to provide a high degree of scrutiny in the early stages of outsourcing; this could be reduced at later stages, but needed to be kept at an appropriate level and acted on promptly. Another Office observed that outsourcing could be extremely valuable in cases of sudden unexpected influxes of work, especially if the work was conducted by another examining Office which clearly had all the necessary skills.

3. QUALITY IMPROVEMENT MEASURES

16. Discussions were based on a proposal by the Swedish Patent and Registration Office to further study an earlier suggestion made by IP Australia to modify Chapter 21 of the PCT Search and Examination Guidelines and the reporting templates thereunder to require Authorities to report in their annual quality reports on a number of quality indicators for international work products.

17. The Subgroup agreed that the International Bureau should invite Authorities, by way of a Circular, to reply to the Questionnaire proposed by the Swedish Patent and Registration Office, subject to minor modifications (responses to item (b) of each of the questions should not only indicate “yes/no” but should give further details as to what kind of checklist was used by the Authority; responses to item (d) of each of the questions should indicate what kind of quality metrics were used by the Authority) and further clarification as to what was meant by “written formalities” in question 5 (all formal, non-substantive issues to be dealt with in the context of

establishing a report or written opinion). One Authority stressed the importance of not only addressing the issue of final product quality but also of process quality, that is, the efficiency of the process of obtaining a high quality final product. The Secretariat indicated that it would aim at sending the Circular within 4 weeks following the meeting, with a time limit of 6 weeks for Authorities to respond to the Questionnaire.

4. QUALITY METRICS

18. Discussions were based on a proposal by the European Patent Office to carry out a study on a set of characteristics of international search reports established by all International Authorities (PCT search results; intermediate prior art cited in ISRs; patent and non-patent literature citations in ISRs; and official and non-official language citations), with the aim of developing indicators of what should be the focus of the work of the International Authorities in the near future when seeking to improve the quality of the international work products. The study would be carried out by the EPO in the analysis environment which it had developed for a similar study carried out in the context of the Trilateral Office cooperation and would use search report data publicly available in the EPO's PATSTAT database.

19. The Subgroup agreed to proceed with the study as proposed by the European Patent Office and to share the results through the electronic forum. It was noted that the proposed metrics would enhance mutual understanding of common and different practices. In addition, changes in the metrics if repeated over a number of years might also provide significant pointers for quality units. A more direct measure of quality, such as re-useability by Offices in the national phase, would require significant manual work by examiners to assess results. While this work was not practical at present, direct quality metrics remained the goal of the Subgroup.

5. FURTHER WORK

20. The Subgroup recommended that its work should continue, but considered that it was necessary to seek improved working arrangements. Each task on the electronic forum should have a clear leader posting an initial working document and Authorities should be given a clear deadline for response to questions. The International Bureau would assist in making these arrangements, including posting e mails to the main PCT/MIA mailing list and, where appropriate, sending Circulars to emphasize particularly important arrangements.

21. The Subgroup recommended that further physical meetings should be held, but that the Meeting of International Authorities should recommend the timing following its experience in the 19th session, which was to be held immediately after the Subgroup meeting. Ideally, Subgroup meetings would be held separately from the Meeting of International Authorities, encouraging the participation of quality experts and allowing follow up activities to be conducted in advance of the Meeting. However, this would be significantly more expensive than holding the two meetings back to back and it was not clear whether the benefits would be sufficient to warrant the additional expense.

[Annex III follows]

EXTRACT FROM THE SUMMARY OF THE 19TH SESSION OF THE MEETING OF INTERNATIONAL AUTHORITIES UNDER THE PCT

(reproduced from document PCT/MIA/19/13)

[…]

ITEM 4: QUALITY

(A) REPORT FROM THE QUALITY SUBGROUP

7. The Meeting:

(a) noted with approval the Summary by the Chair of the Meeting's Quality Subgroup set out in the Annex to this document;

(b) approved the continuation of the Subgroup's mandate, highlighting the particular importance of the quality-related work set out in paragraphs 7 to 20, below;

(c) agreed that the annual reports submitted by the International Authorities should be made publicly available on WIPO's website; and

(d) agreed that the International Bureau should submit a report to the PCT Assembly on the work undertaken in relation to the quality framework, including a reference to the annual reports, an aggregate report to be drafted by the Quality Subgroup, and annexes comprising the report from the Quality Subgroup as set out in the Annex to this document and relevant sections of this summary or the report of the session.

(B) TRILATERAL COLLABORATIVE STUDY ON METRICS

8. The Meeting noted a presentation by the European Patent Office on the "Collaborative Study on Metrics" 1 carried out by the Trilateral Offices (the European Patent Office, the Japan Patent Office and the United States Patent and Trademark Office).

(C) PPH/PCT INFORMATION UPDATE; PPH METRICS

9. The Meeting noted a presentation by the European Patent Office on the current status, latest developments and future plans with regard to the PPH (Patent Prosecution Highway) and PCT/PPH arrangements the European Patent Office has in place with various other Offices, including information on the results of a preliminary analysis carried out in respect of the applications which have been processed under the PPH arrangements to date1.

(D) EPO MANUAL OF BEST PRACTICE (QUALITY PROCEDURES BEFORE THE EPO)

10. The Meeting noted a presentation by the European Patent Office on its new "Handbook of Quality Procedures Before the EPO"1.

(E) RECOMMENDATIONS ENDORSED BY THE WORKING GROUP RELATED TO QUALITY

11. Discussions were based on document PCT/MIA/19/2.

Clarity and Support

12. The Meeting expressed general support for the proposed modifications of the provisions in the International Search and Preliminary Examination Guidelines which gave guidance to Authorities on the inclusion of observations on clarity and support, as set out in Circular C. PCT 1326. Some Authorities noted that they already provide comments in relation to clarity and support.

13. The International Bureau informed the Meeting that a further revised version of the proposed modifications, taking into account the responses received in reply to the Circular and the comments made at the Meeting, would be included in the Circular which it intended to issue within the next 2 months to consult on a broader package of modifications to the Guidelines aimed at incorporating all changes agreed since the last substantial update of the Guidelines in 2004.

Scope of Search

14. See the discussions on document PCT/MIA/19/5 in paragraphs 25 and 26, below.

Explanations of Cited Documents

15. The Meeting noted the suggestions by Offices with regard to the issue of explanations of cited documents received in response to Circular C. PCT 1295, as set out in document PCT/MIA/19/2. With regard to the issue of a possible revision of WIPO Standard ST.14, see paragraphs 39 and 40, below.

Standardized Clauses

16. The Meeting noted with approval the discussions and the way forward agreed by the Quality Subgroup as set out in the Summary by the Chair of its session, annexed to this summary.

Access to Written Opinions

17. Several Authorities expressed their general support for the proposal to further consider an amendment of the PCT Regulations aimed at making the written opinion by the International Searching Authority available prior to the present 30 months deadline, stressing the need to consult with users to obtain their views on such a change. One Authority stated that it preferred the current situation to remain as is.

Second Written Opinion by the IPEA

18. Several Authorities stated that, already today, it was their practice to issue a second written opinion where the applicant had attempted to overcome any deficiencies found to exist in the international application by way of argument or amendment but where the Authority still considered the application to be deficient. All of those Authorities expressed the view, however, that such additional opportunity for dialogue should not be made mandatory in all cases but rather remain optional for Authorities so as to give sufficient flexibility. Some Authorities reiterated their opinion that they considered the streamlining of Chapter II procedures to be one of the main achievements of the PCT reform process which should not be undone.

Incentives to Encourage High Quality Applications and Early Corrections of Defects

19. The Meeting noted the suggestions by Offices with regard to the issue of incentives to encourage high quality applications and early corrections of defects received in response to Circular C. PCT 1295, as set out in document PCT/MIA/19/2.

(F) FURTHER QUALITY-RELATED WORK

20. The Meeting agreed:

(a) as recommended by the Quality Subgroup, to proceed with the study proposed by the European Patent Office on a set of characteristics of international search reports established by International Authorities, noting that the resources available to the European Patent Office in 2012 would allow that Office to carry out that study only in respect of search report data from a maximum of two Authorities (in addition to the Authorities belonging to the IP5 group of Offices, which were already the subject of an equivalent ongoing study); the Meeting invited Authorities interested in participating in this study in 2012 and beyond to notify the European Patent Office accordingly;

(b) to request the Quality Subgroup to develop the concept of a pilot project under which Offices willing to participate would analyze the usefulness for the national phase of international search reports, based on a set of quality metrics to be developed by the Subgroup; one possibility might be to identify international search reports containing only “A” citations, where the case entered the national phase without any amendments to the claims and where the national search report contained “X” and/or “Y” citations.

[…]

[End of Annex III and of document]