



Europäisches
Patentamt
European
Patent Office
Office européen
des brevets

Managing and monitoring quality in Search and Examination procedures at the EPO

Rome, 5 July 2016



- 1. EPO Mission and Performance in 2015**
- 2. How does the EPO monitor the quality of his products?**
- 3. How does the EPO manage Quality?**
- 4. National Filings**

The EPO and its mission



As the patent office for Europe, we support **innovation**, competitiveness and **economic growth** across Europe through a commitment to **high quality** and **efficient services** delivered under the European Patent Convention.

EPO Performance in 2015 - How did we achieved it?

1. **Total number** of products in 2015 increased **+14%** versus 2014
2. **Examiners Capacity** increased **8%**
Heavy recruitment, focus on core increased to 85%
3. **Examiners** improved their **Productivity** of up to **5%**
Enhanced EPOQUE (new functionalities, one virtual database)
New examiners gaining experience, new career system

Our quality management system ensures
that the quality of our products is maintained
or even improved.

Quality also means efficient Services ->Timeliness

Early Certainty

- Since July 2014, all **EPO searches** are to be **delivered within 6 months!**
All searches are “**PACE**”.
- As of July 2016, all search backlogs will be dissolved.
- Next to be tackled will be **examination backlogs**.
- Need for more speed in examination: **use PACE and ENQUIRIES!**

Early Certainty from Search is producing the expected results

2015 Highlights

- Ø **Search backlog** fell by two thirds.
- Ø Median time to Grant is **28 months** from filing of the examination request
- Ø More than **85%** of search reports with written opinions on patentability were delivered within six months from filing
- Ø Over **90%** of international search reports were ready in time for "A1"-publication.

Looking forward

- Ø As search backlog is cleared, “Early Certainty” for all procedures

ü**ECfE**: complete an average examination procedure in **12 months** à goes back to “Paris Conference in 1999”

ü**ECfO**: complete an standard opposition procedure in **15 months**

Search & examination target issue dates

Ø All search reports issued within 6 months

EP 1 st filing	Issued within 6 months of filing date
PCT Chapter I	Issued within 3 months of reception of search copy
EP direct 2 nd filing	Published as A1 at 18 months from priority date
Euro-PCT supplementary search report	Issued 6 months after completion of Rule 161 procedure
Applications with search overdue on 01.07 2014	Issued within 6 months of PACE request

- Ø **1st examination communication:** 3 months for accelerated prosecution
- Ø **Grant following positive search opinion:** 4 months after allocation to division
- Ø **Further examination actions:** 4 months after applicant reply

Benefits for All

§ **Early information from search and written opinion on patentability**

- search results and opinion on technical contribution and patentability provides early information to support decision making for applicants, competitors and the public

§ **Applicants and third parties**

- Able to accelerate prosecution

§ **No blind spots in European IP**

- All searches with written opinion issued on time

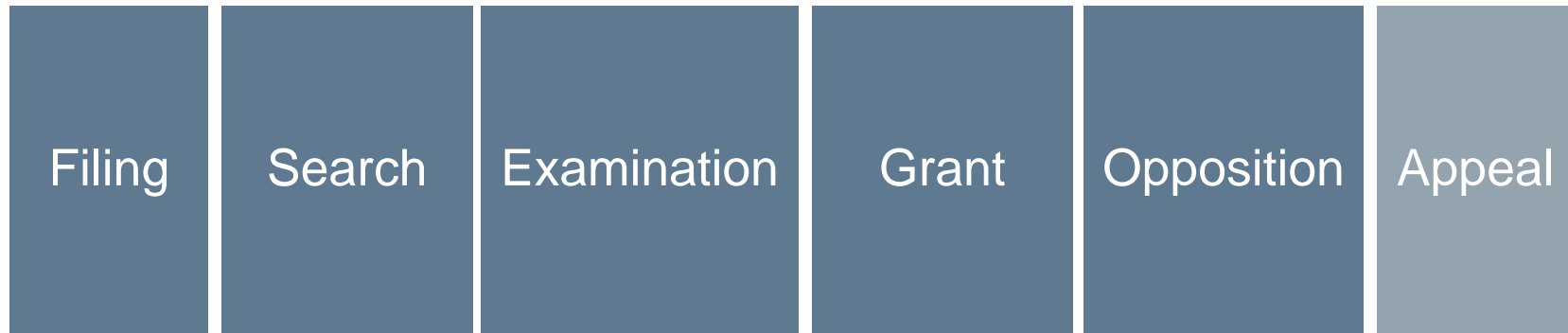
§ **Examination efficiency & focus**

- started examination completed promptly
- similar communication response time limits for examiners and applicants

§ **Fast track grant**

- Expedited grant in case positive search opinion or IPER

2. How do we monitor the quality of our products: The EPO Quality Management system (QMS)

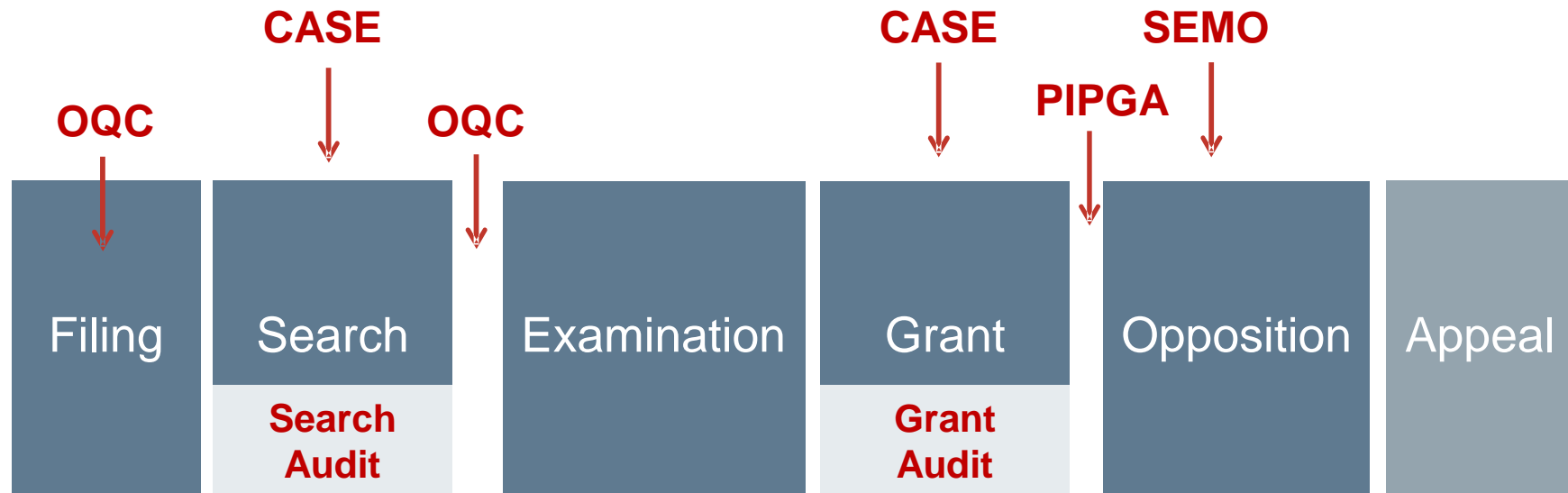


- § EPO QMS achieved **ISO 9001 certification** for the patent process
 - EPO the only IP5 office to have obtained this certification!

- § **The quality of products and services are monitored**
 - in terms of legal standards (PCT, EPC) and also user expectations

- § **User views on EPO quality are identified and acted on**
 - through surveys, meetings, complaints and other kinds of feedback

Metrics-based quality monitoring



OQC (Operational Quality Control)

- § random sample from recent production workload
- § Patent Administration processes & products
- § Nonconforming Product Procedure (NCP)

SEMO (Search and Examination Metrics from Opposition)

CASE (Conformity Assurance in Search and Examination)

- § in-process control
- § random sample of searches, all grants
- § Control of Nonconforming Products (NPC)

PIPGA (Patent Information & Post-Grant Activities)

- § Timeliness of each PIPGA core process
- § Accuracy and quality data of EP patents

Quality assurance: User feedback



User Satisfaction Surveys

- § Search & Examination: 3 year cycle, 7000 interviews. Analyses at technical level
- § Patent Administration: annually, around 1500 web-interviews in 2015

Visits to Applicants

- § Led by DG1 staff, general and field-specific topics discussed
- § Opportunity for feedback to the EPO

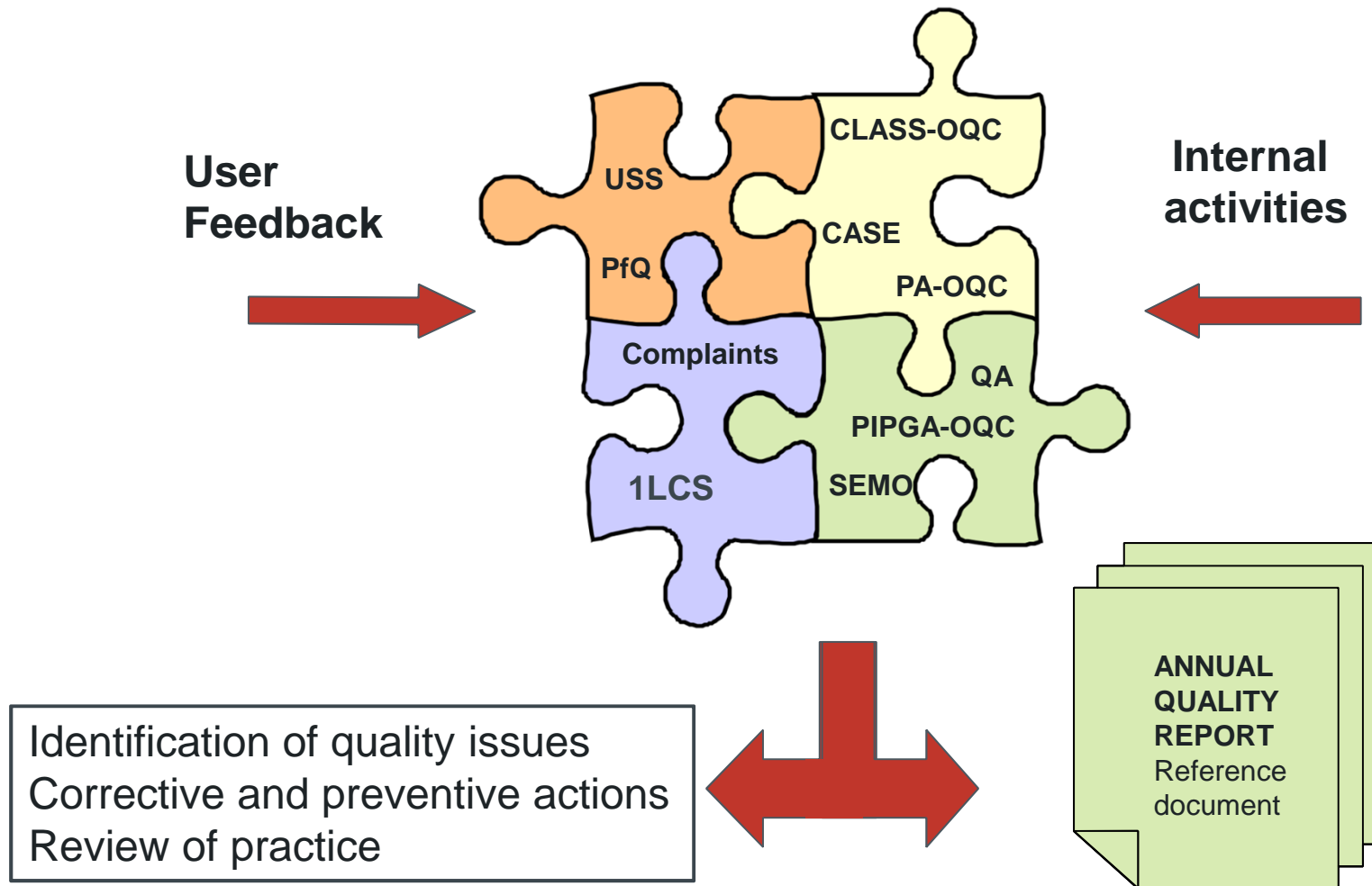
Partnership for Quality

- § Meetings with industry and attorney associations, all IP5 countries
- § Annual. Cover wide range of legal and quality-related topics

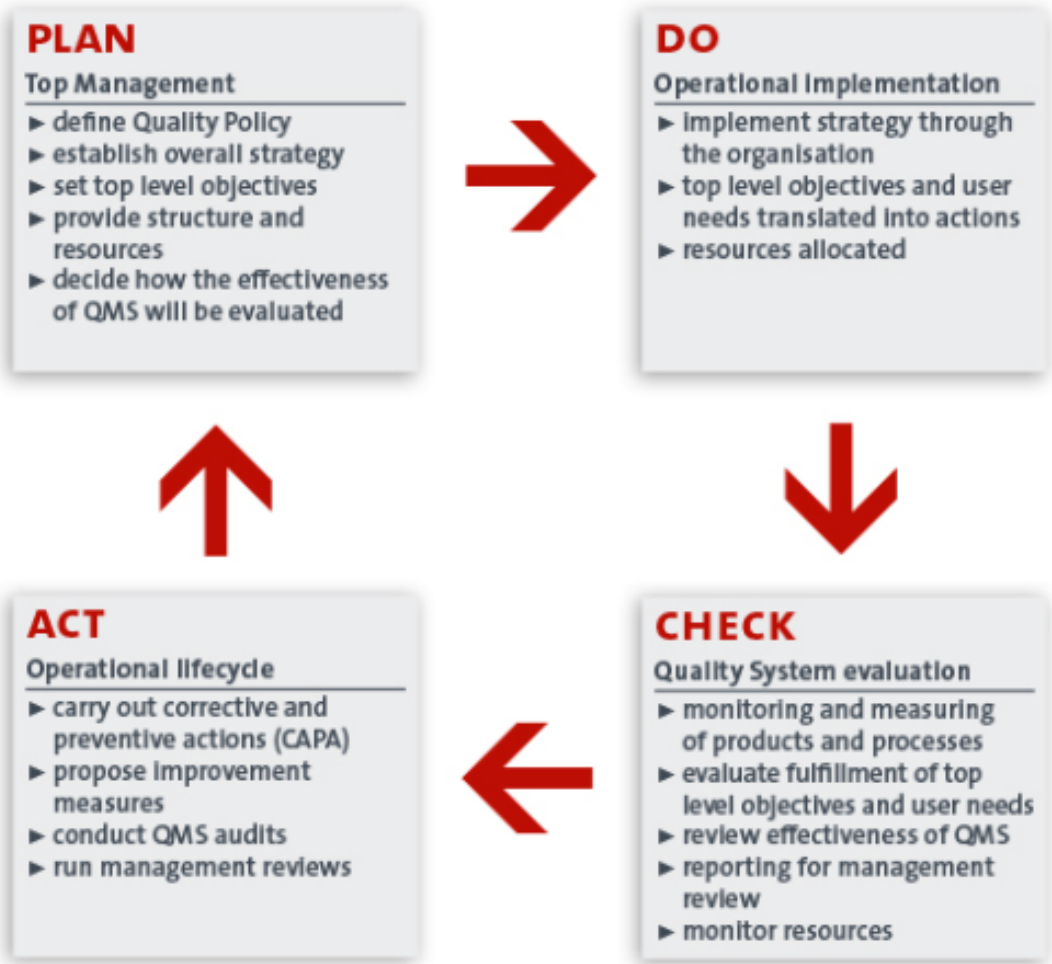
Complaints

- § Continuous activity. Quality department centralised the handling of all incoming complaints.
- § Complaint statistics are an integral part of the EPO's QMS.

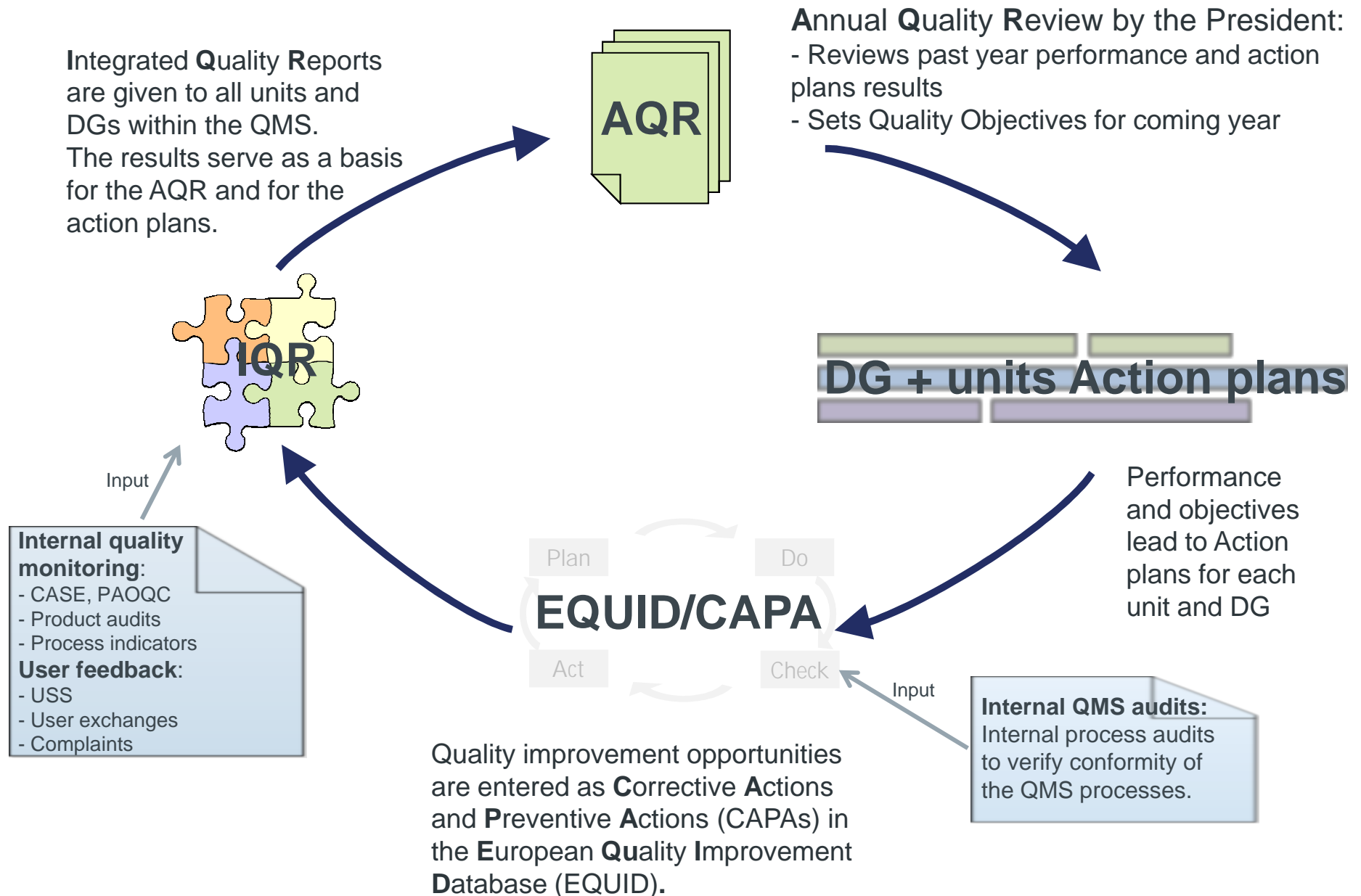
Internal Quality Reporting



3. How we manage quality -> PDCA cycle



The Continual Improvement process



4. National Filings – some figures

§ **National Filings** stable at 8000 files /year since 2011

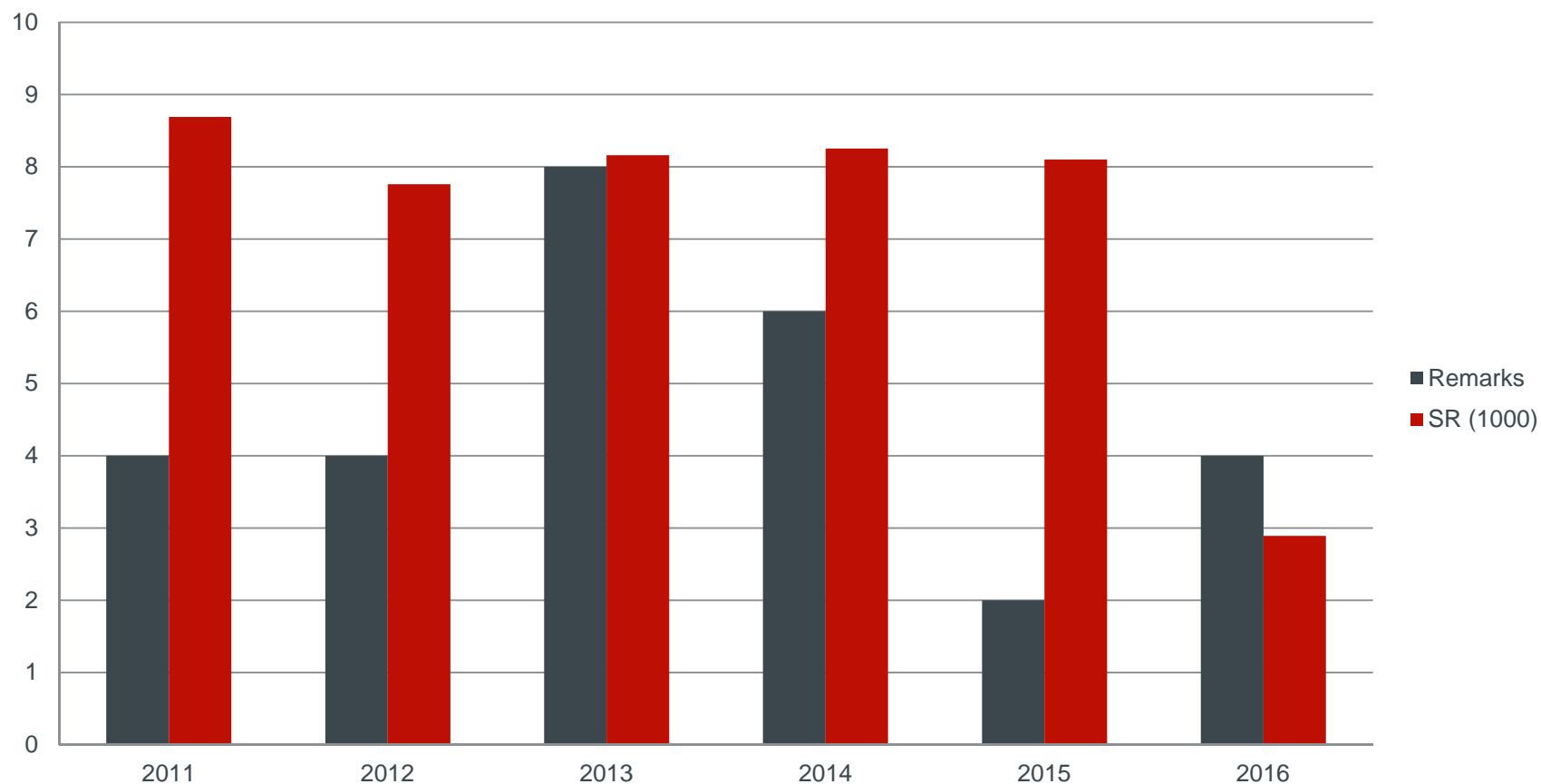
- **100%** files are dealt by the EPO within 12 months from filing
- **93%** of files arriving within 6 months from filing are dealt by the EPO within 9 months

§ **EP Filings** with Italian first named applicant stable at 5000 files/year for the last 10 years

- More than **85%** of search reports with written opinions on patentability are delivered within 6 months from filing

National Filings – feedback

Remarks on SR established by the EPO 2011-2016



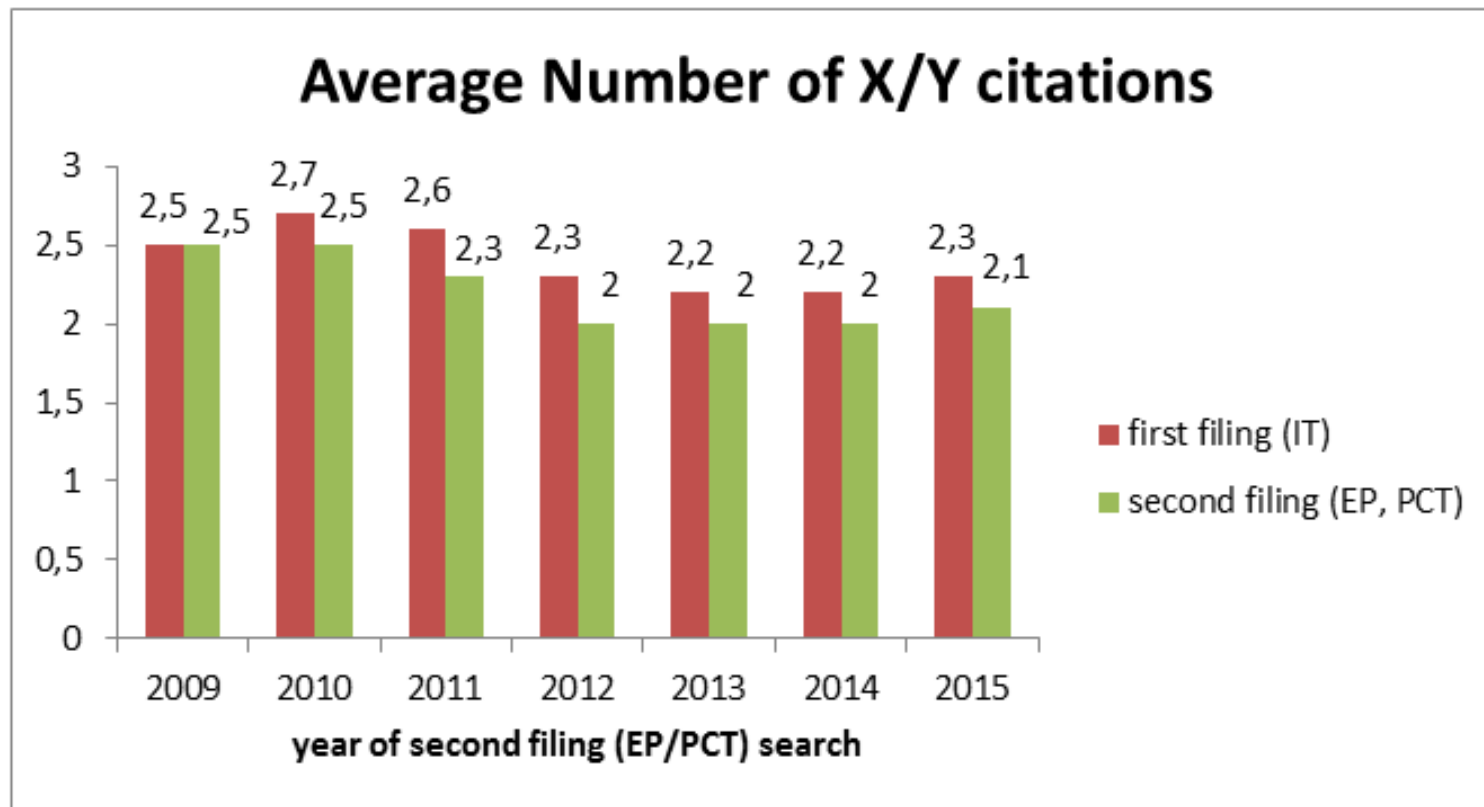
28 Remarks over 43000 SR+WO delivered = 0,06% !

National Filings

§ In the period 2011-2016 the EPO has received a total of **28 remarks**.

- 12 were replies flagging disagreements with the opinion on patentability and thus **normal correspondence** between applicants and EPO
- 6 relating to **formal issues** and the issue *corrected immediately*
- 5 relating to **substantial issues** and led to a *change of the SR + WO*
- 5 relating to **timeliness** and the *examination resumed or SR + WO sent*

X/Y citations for IT applications and their corresponding EP/PCT second application



Feedback from Users

«Domanda di brevetto Europeo per cui è stata depositata una risposta ad una Office Action 3- 5 anni fa, e nonostante richieste da parte del Titolare, non si hanno notizie.»

-> We strive to reply to communications and enquiries in a timely manner. In some emerging technical fields this is challenging as the incoming workload is very high. Despite heavy recruitment, it may occur that the duration of the procedure appears undue.

This will change with **Early Certainty!**

Accelerating the Procedure

PACE response targets (used for 7% of applications)

- § **3 months** for issue of examination communication
(current average = 5,9 months)
- § **6 months** for issue of search report

Third party observations

- § **3 months** for issue of examination communication
(observation must be substantiated & non-anonymous)

Positive search opinion & IPER acceleration

- § **4 months** for issue of the (R71(3)) communication
(following allocation to division)

Feedback from Users

«Domande di brevetto europeo il cui rapporto di ricerca, e relativa opinione, nonostante il testo sia lo stesso, differiscono dalla precedente domanda (IO o PCT), con ricerca effettuata dallo stesso EPO»

- >There can be cases where new relevant documents have become available after the filing of IT/PCT files (e.g. Asian Prior Art has become available, intermediate documents). There are also cases where the examiner has reviewed the relevance of the citations and given a different weight to them.

Feedback from Users

«Difformità tra il rapporto di esame ricevuto nella domanda italiana e quello ricevuto nella corrispondente domanda Europea»

- > It is best examination practice to thoroughly review the documents on file in any subsequent proceedings to guarantee a high legal validity of the potential grant. In most cases, the opinion remains unchanged or its argumentation is even improved. In rare exceptions, there is a reconsideration on the patentability.

Feedback from Users

«Viene esaminata (sia per il rapporto Italiano che per quello Europeo) solo la rivendicazione 1, mentre le dipendenti non vengono trattate in dettaglio»

§ This is a case-by-case call:

- in some cases dependent claims contain features which are commonly known in the art for solving the same technical problem and do not confer any inventive activity. In these cases it is best practice to examine in detail the **independent** claims and give some general indication on novelty and inventive step on the **dependent** claims.
- in some cases, the **dependent** claims reflect the real invention and it is best practice to examine in detail also these claims and give an indication to the applicant.

Conclusions

- § EPO successfully pursues its **efficiency / quality strategy**
- § EPO will in a step-by-step fashion move towards Early Certainty for all procedures à goal 2020
- § EPO is committed to excellence through a commitment to **high quality** and **efficient services** delivered under the European Patent Convention.

Thank you for your attention

