

PATENT COOPERATION TREATY

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

by: Rospatent
as of: December 28, 2009

Date of the main report: December 28, 2006
of the supplementary reports: January 28, 2008, February 5, 2009
(supplemented by the present report)

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

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

Rospatent constantly 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 are the Quality Service and the International Patent Cooperation Department established in 2009.

The International Patent Cooperation Division has the following main duties: to organize the conducting of International Searches on PCT applications, Supplementary Searches and International Preliminary Examination; to organize the conducting of international-type search, examination, search on definition of prior art upon the request of the International Bureau of WIPO for developing countries; to organize the conducting of international-type search (ITS search) for applications filed in FIPS at the applicant's request, to organize the conducting of international-type search and examination under the bilateral agreements of Rospatent with the Eurasian Patent Organization, the Patent Office of Turkey and

the Patent Offices of CIS; to realize the admittance of documents, prepared as the results of conducting of the above-mentioned types of search and examination. Besides the International Patent Cooperation Division takes part in carrying out activities aimed at improving the procedures of handling and examination of the international applications according to PCT requirements.

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

On **human resources** we should note that the factual number of examiners in 2009 increased by 129 and amounted to 936. For the purpose of strengthening human resources a certain number of specialists with the experience of work in different branches of science and technology are being employed on part-time terms. The International Patent Cooperation Division of FIPS (6 examiners) organizes work on conducting of international search and international preliminary examination, quality checks of the prepared search reports and examiner's opinions.

As for **legal support** it should be noted that in the framework of the administrative reform that is being carried out in the Russian Federation and in view of entry into force Part IV of the Civil Code of the Russian Federation (hereinafter referred as the Civil Code) Administrative Regulations of Rospatent to Fulfill the Functions Incurred by the State on Providing Legal Protection for Intellectual Property are entered into force, in particular:

Administrative Regulation of Rospatent to Fulfill the Functions Incurred by the State on Organization of Filing of Applications to Grant Patent for Invention, their Registration, Examination and Grant of Patents of the Russian Federation for Inventions in due course;

Administrative Regulation of Rospatent to Fulfill the Functions Incurred by the State on Prolongation of the Term of Validity of the Exclusive Right for the Invention relating to Means to Apply which the Permission of the Competent Authority is Required in accordance with the Legislation of the Russian Federation, Prolongation of the Term of Validity for the Exclusive Right for the Utility Model, the Permission of the Exclusive Right for the Trademark, Service Mark, Certificate of the Exclusive Right for the Appellation of Origin as well as the Restoration of Validity of the Patent for Invention, Utility Model, Industrial Design, Terminated due to Failure to Pay within a Established Period of Time the Patent Maintenance Fee;

Entry into force of the above indicated regulatory documents is aimed, in particular, at increasing transparency of the activity of Rospatent for public and system users providing legal protection for Intellectual Property which includes terms of realizing of the procedures relating to providing of legal protection.

- Administrative regulations contain description of procedure and forms of control over the execution of state function along with description of procedure

for appeal against of action (omission) or decisions taken out in the course of execution of state functions;

The main tasks faced by Rospatent in **2009 on issues of organization of training and enhancing qualification skills** were determined by entry into force of the Civil Code of the Russian Federation and administrative regulations/ In this connection in the framework of the Rospatent system activities were organized which were aimed at acquaintance with provisions of legislation norms and clarification of their application, in particular, for the heads of structural divisions and examiners of FIPS.

During the year the newly hired examiners were trained to acquire the skills of conducting international search and international preliminary examination as well as the presentation of the results obtained.

There were carried out activities on acquaintance with the practice of examination of applications applied in foreign patent offices: two seminars on studying foreign law implementation practice were conducted for FIPS examiners with participation of representatives of the European Patent Office and United States Patent and Trademark Office.

In 2009 for the purpose of raising qualification of the FIPS examiners in the field of quality control and management the Quality Service of Rospatent carried out the training of the examiners who worked in the examining divisions. In the course of the training the experienced specialists of the Quality Service acquainted examiners with new normative documents that govern the Quality Management System of FIPS, strategies of quality management particularly on the basis of results of quality control along with consideration of complaints, communications and proposals filed at Rospatent and FIPS on questions of quality of the work performed.

As for **methodological support** it should be noted that new coordination Procedure of FIPS divisions which perform different kinds of search and examination according to international agreements entered into force. In particular, according to the Procedure the standard form of examiner's conclusion was established, based on the results of quality check of examiner's reports (the form is enclosed to the report).

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

1. *Concerning the possibility of access to documents that are necessary while conducting PCT international search.*

Due to amendments in the Agreement between Rospatent and International Bureau of WIPO in the framework of Patent Cooperation Treaty starting from 2009 examiners of FIPS carry out supplementary international search on PCT applications.

Supplementary searches included patent documents in Russian that were published by Patent Offices of the Soviet Union (SU), the Russian Federation, Armenia (AM), Republic of Belarus (BY), Kazakhstan (KZ), the Kyrgyz Republic

(KG), Tajikistan (TJ), Turkmenistan (TM), Uzbekistan (UZ), Azerbaidzhan (AZ), the Ukraine (UA) and Eurasia (EA).

For conducting of supplementary international searches examiners are provided with the possibility to use database **EAPATIS**, FIPS search system **Patsearch**, information on CD-disks **CISPATEN** and the websites of four Patent Offices of (Armenia, Republic of Belarus, Uzbekistan, the Ukraine) that provide access to information search systems for conducting search on patent documentation.

2. Concerning the possibility of informing the examiners on the use of information data bases and conducting search on them.

Examiners are being informed on all the types and amounts of information to be used while conducting supplementary international search, accessible search databases and search systems, procedure of getting consultations on issues relating to conducting of supplementary international searches. To make examiners aware of these possibilities a special corresponding informational letter was placed in automated search system «Codex» accessible by examiners from their working places.

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

In 2009 the quantity of the prepared documents amounted to 795 international search reports and written opinions of the International search authority and 68 conclusions of international preliminary examination. All the prepared documents underwent check on compliance with the established requirements. Starting from 2009 the results of quality check are documented as conclusion on the standard form.

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

In 2009 the following changes should be noted in respect of **communication with the users of the legal protection grant system**:

1. Work on realization of state conception of joint consultancy and information service for citizens and organizations on issues of communication with government authority using data telecommunications network of Internet is commenced.

Rospatent provided information on its location, contact telephone numbers, mailing address, e-mail addresses, business hours, etc on the joint portal of government services (though it works in a test mode yet). In the future the users of the service will have an opportunity to get necessary information on

issues relating to granting protection for IP, in particular, getting information on forms of applications, deadlines for procedures, etc.

2. Work on updating information represented in section «The filing system of international applications under PCT» of the Rospatent official website was continued.

3. In 2009 a joint consultancy and information service continued its operation in the FIPS. Consultations on 126127 requests were provided by the consultancy-information service in 2009. As in preceding years 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 status of the protection titles.

4. 2253 written communications of users of the legal protection grant system were considered by Rospatent or its subordinate bodies in 2009. More than 20% of the communications were considered by the Quality Service of Rospatent.

5. A meeting of the Rospatent Director General with the patent attorneys in which took part 200 people including 150 patent attorneys from different regions of the Russian Federation along with leading specialists of Rospatent and FIPS was held in 2009. The subject of the meeting «New administrative procedures and practice of their application» was devoted to urgent issues relating to examination of applications in the framework of new legislation and proposals of the patent attorneys. The Director General and other specialists of Rospatent and FIPS answered and commented the questions and remarks received in advance and in the course of the meeting.

6. The 13th Rospatent's Scientific and Practical Conference «The Legal Protection of Intellectual Property under the conditions of the effect of Administrative Regulation» was held in 2009. More than 300 participants took part in it, including the representatives of 48 regions of the Russian Federation along with representatives of the international organizations and some Patent Offices. Corresponding proposals of the participants were reflected in the protocol of the conference published on Rospatent's website.

7. Work on publishing answers to the questions of most importance for the users on the website of Rospatent was continued. In this connection subdivisions of Quality Service when considering written requests revealed frequently asked questions and prepared explanations for them making them available on the website.

Standardized

Annex

STANDARDIZED FORM FOR Application number _____
CONCLUSION ON QUALITY OF REPORTS

Surveyor _____

Date of check (month, day, year) _____

Examiner _____

Checked actions Search report, form 210 Written opinion, form 237 Written report on patentability or conclusion of examination, form 408 or 409

Search report, written report or examination conclusion are submitted within the established deadlines Yes No

Search report

1.Field and strategy of search correspond to the applied object and cover idea of invention and the claimed invention features Yes No

2.Relevant documents are identified and defined in the right way relating to every claims on which the search was conducted (For example, «X», «Y», «A» and etc. relating to claims.....) Yes No

3.Unity of invention is defined in the right way. Yes No

4.If the international application does not correspond to the requirement of unity of invention, breakdown of claims, executed by an expert was right. Yes No

Notes to the fulfilled check

Written opinion or examination report on patentability (conclusion)

1.All claims (except claims on which the search was not conducted)have been analyzed Yes No

for compliance with novelty, level of invention (inventive step) and industrial applicability.

2. All opinions relating to novelty, level of invention (inventive step) and industrial applicability are justified Yes No

3. There are no irrelevant opinions. Yes No

Irrelevant opinions are those which are inappropriate and should not be expressed.

4. Notices are given if there is no clarity of the claim, the description and the drawings or in case when the claims are not fully supported by the description (Rule 66.2(a)(v) of PCT Regulations) Yes No

5. Notices that there is some defect in the form or contents of the international application (no description parts: art, description of the prior art, disclosure of the claimed invention so that the technical task and its solution could be understood as well as positive effect if there is such with the reference on the prior art, the description of drawings, statement at least the best variant of embodiment of the declared invention) (Rule 66.2(a)(iii) of PCT Regulations) Yes No

Signature of the examiner of the International Patent Cooperation Division, date_____