

Quality of the patent granting process at the HIPO

*Standing Committee on the Law of Patents
Geneva, December 2018*

László VASS

Legal and International Department
HIPO



Hungarian Intellectual
Property Office

Statistics 2017

| | |
|-------------------------------|--------------------|
| Number of staff (Nov. 2018): | 228 (204) |
| Patent examiners: | 50 |
| EP validations: | 5211 |
| National patent applications: | 532 |
| Grants: | 155 |
| Average net pendency: | 23.4 months |
| Utility model applications: | 235 |
| Grants: | 157 |

Measures for ensuring quality

1. ISO standards

ISO 9001:2008 Quality management

Standardizes the patent grant process

ISO/IEC 20000-1:2013 IT service management

ISO/IEC 27001:2014 Information security management

Measures for ensuring quality

2. Cross-checking

Randomized additional check of the work of selected examiners

- Takes place twice a year (spring/autumn)
- Plan is drawn up by a senior adviser of the Patent Department
- 4 examiners are randomly selected each time to be checked
- Performed by the head of another section of the Patent Department (with similar technical background)

Measures for ensuring quality

HIPO Cross-check plan for 2018

| Inspector | April | October |
|---|---|---|
| | Cross-checked examiner | |
| Head of Pharmaceuticals and Agriculture Section | Examiner 1 (Chemistry and Biotechnology) | Examiner 5 (Chemistry and Biotechnology) |
| Head of Chemistry and Biotechnology Section | Examiner 2 (Pharmaceuticals and Agriculture) | Examiner 6 (Pharmaceuticals and Agriculture) |
| Head of Mechanics Section | Examiner 3 (Electricity Section) | Examiner 7 (Electricity Section) |
| Head of Electricity Section | Examiner 4 (Mechanics Section) | Examiner 8 (Mechanics Section) |

Measures for ensuring quality

HIPO Cross-check plan for 2018

| Inspector | April | October |
|---|---|---|
| | Cross-checked examiner | |
| Head of Pharmaceuticals and Agriculture Section | Examiner 1 (Chemistry and Biotechnology) | Examiner 5 (Chemistry and Biotechnology) |
| Head of Chemistry and Biotechnology Section | Examiner 2 (Pharmaceuticals and Agriculture) | Examiner 6 (Pharmaceuticals and Agriculture) |
| Head of Mechanics Section | Examiner 3 (Electricity Section) | Examiner 7 (Electricity Section) |
| Head of Electricity Section | Examiner 4 (Mechanics Section) | Examiner 8 (Mechanics Section) |

Measures for ensuring quality

How does cross-checking work?

- 5 files are randomly selected from the pending cases of each examiner for cross-checking (= 40 files annually)

3 patents, SPCs or
plant varieties

1 utility
model

1 service (patentability opinion, validity search,
freedom-to-operate analysis)

- Heads of sections notify selected examiners one week in advance, but selected files are only revealed on the day of the check

– Criteria of conducting check:

- Search:* use of all relevant databases and documentation of search strategy
- Examination:* reasoning of the first communication and necessity of any further invitations to correct deficiencies
- Whether at any point it was necessary to give the file back to the examiner for correction

Measures for ensuring quality

Cross-checking – final remarks

- Established practice for more than 10 years
- Internal procedure, clients are not notified
- Runs parallel to the routine checks within sections and ISO audits
- Contributes to quality through accountability and transparency

Thank you for your attention!
Köszönöm a figyelmet!

laszlo.vass@hipo.gov.hu

