



Innovation, Science and
Economic Development Canada
Canadian Intellectual Property Office

Innovation, Sciences et
Développement économique Canada
Office de la propriété intellectuelle du Canada

Canada

Canadian Intellectual Property Office (CIPO) CIPO Patent Quality

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Patent Policy and International Affairs Division



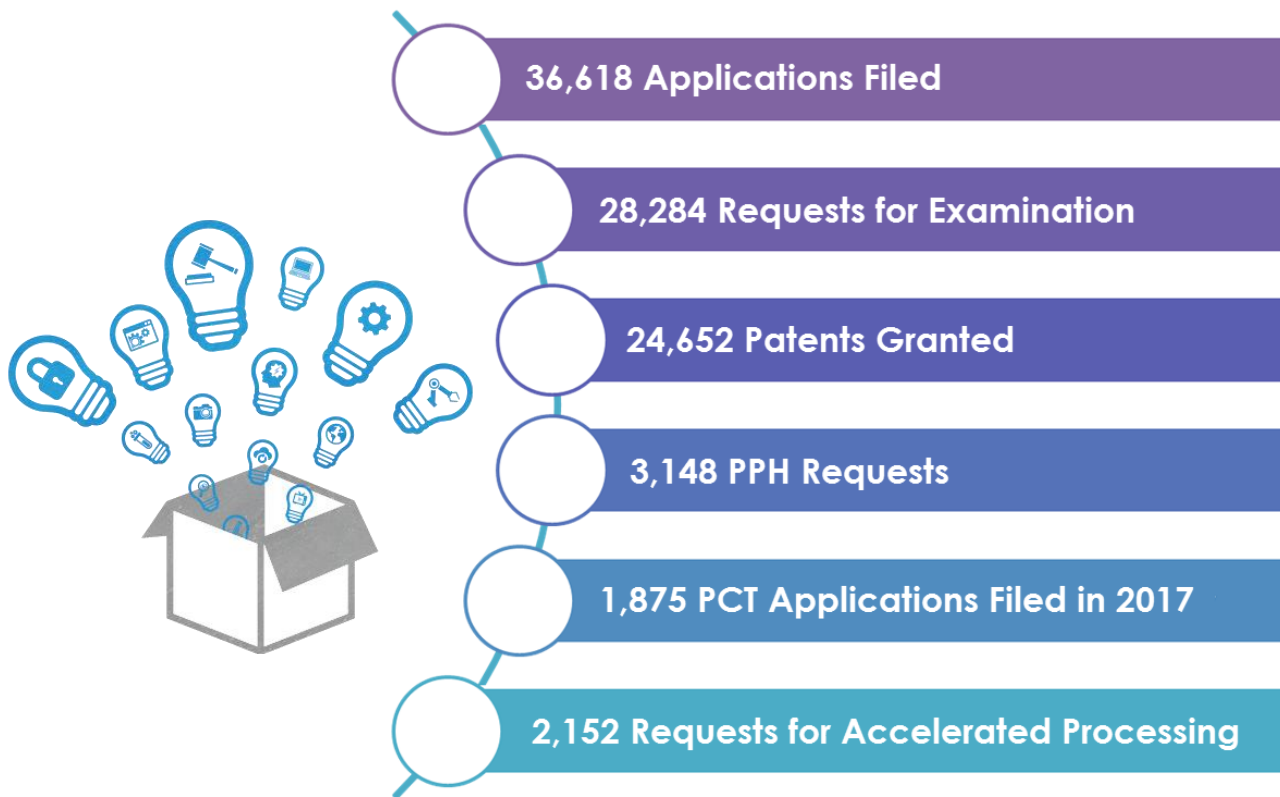
AGENDA FOR TODAY'S CONVERSATION

Canadian Intellectual Property Office Patent Branch

- By the numbers
- Patent Branch Organizational Structure
- Quality Management System
 - Quality Products – QC
 - Quality Processes
 - ISO & auditing
 - Examiner training
 - Timeliness
 - Service Excellence
 - Collaboration and work sharing
 - Outreach
 - Granting Process
- Questions

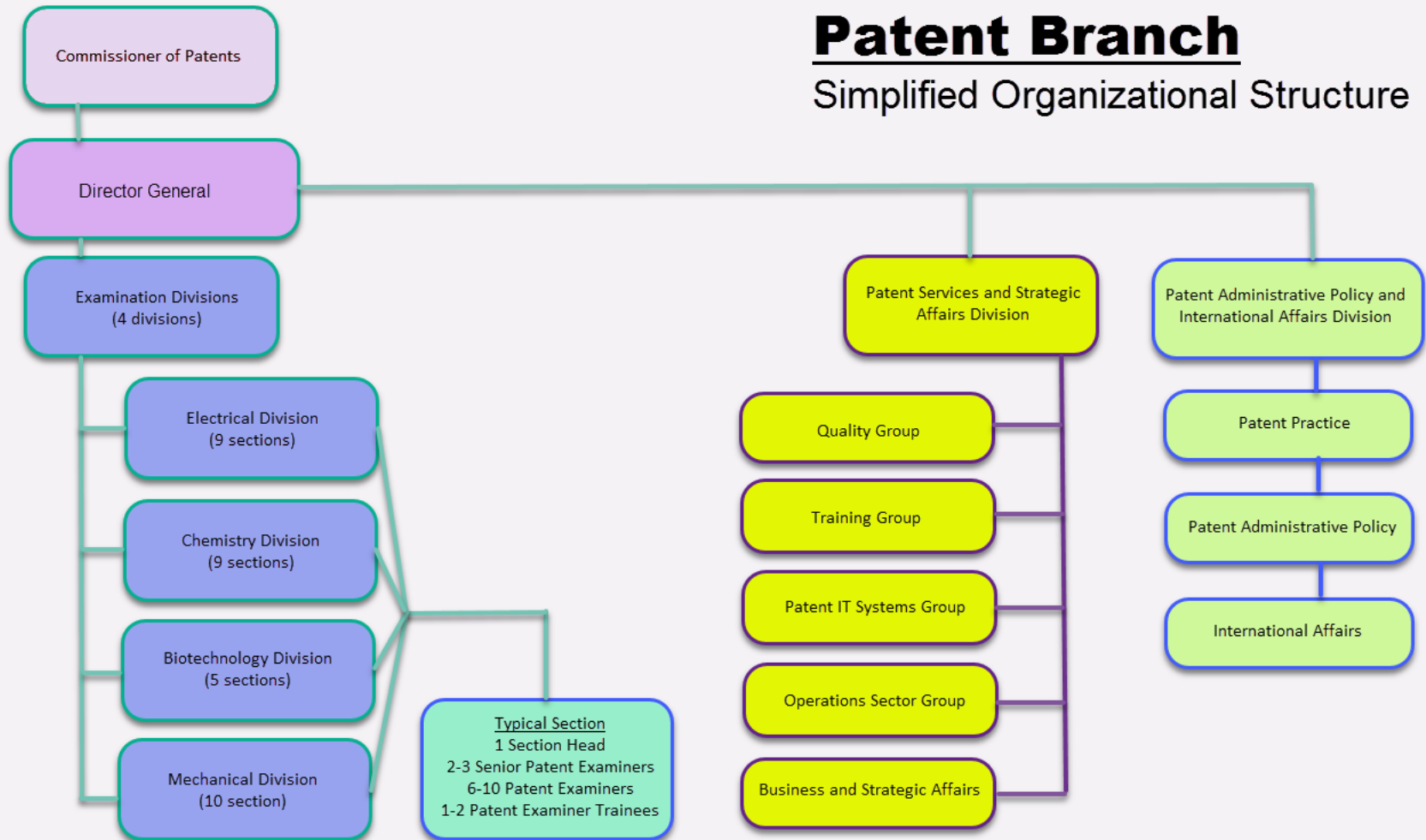
PATENT BRANCH QMS

PATENT BRANCH BY THE NUMBERS 2017-2018



Patent Branch

Simplified Organizational Structure



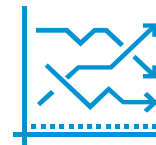
MEASURING PATENT QUALITY

To ensure patent quality, we measure the quality of our products, processes and services:



Products

- ✓ Exam. reports
- ✓ Office letters
- ✓ Search records
- ✓ QA/QC reports



Processes

- ✓ Timeliness
- ✓ Inventories
- ✓ Internal and External Audit



Services

- ✓ Surveys
- ✓ Feedback



PATENT BRANCH QMS

ENSURING QUALITY PRODUCTS

Examination Work Products

- National and International products Quality Control
 - ✓ Supervisors QC certain percentage of work products according to a predetermined list of questions
 - ✓ Reporting and continuous improvement, such as:
 - Additional training, improvements to examiner tools, update of QC questions, investigation into any inconsistencies
- QA of International Work Products



PATENT BRANCH QMS

ENSURING QUALITY PROCESSES

- ✓ ISO 9001:2015 certified in March 2017
- ✓ Successfully passed ISO Surveillance Audits in April 2018 and March 2019
- ✓ Recertification scheduled for March 2020
- ✓ Yearly internal audit of PB's processes
- ✓ Any non-conformity found is addressed by the quality team.

PATENT EXAMINATION

TRAINING AND TOOLS

Training

- Initial and Ongoing training programs for both Examination and Operations staff
- In-person, WebEx and e-learning
- Search Collaboration Workshops
- Technical seminars by academia and industry
- On site industry training visits

Communication

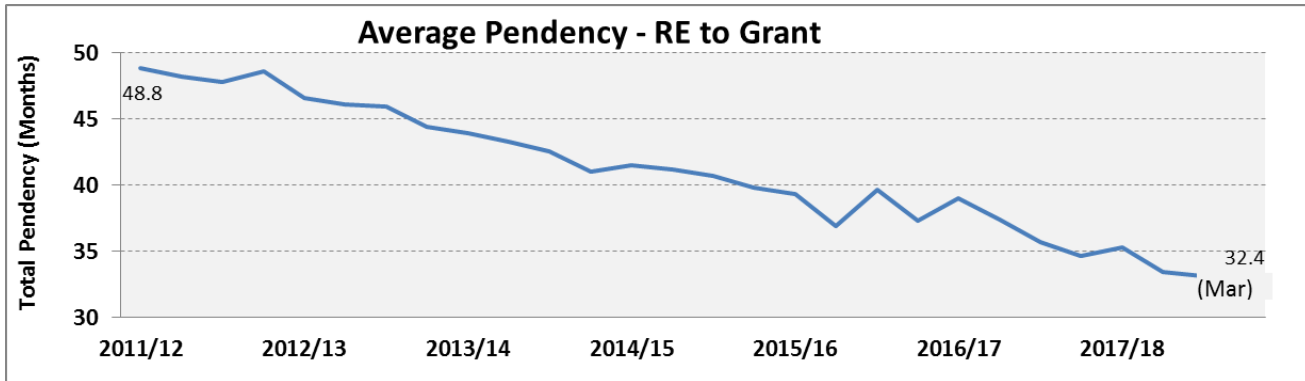
- Mandatory Examiner Bulletins and Operations Bulletins
- Regular meetings at every level



TIMELINESS

TIMELY IP RIGHTS

- Published Service Standards
- Published Reporting
- Accelerated Examination
 - Regular
 - Green Technology
- Patent Prosecution Highway
- Deferred Examination
- 3rd Party Request for Examination



Performance Targets

| | March 2017 Baseline | 2019-2021 Target | 2021-2022 Target |
|--|--------------------------------|-----------------------------|-----------------------------|
| First Action after Request for Examination | 13.2 months (average) | 12 months (90% of time) | 11 months (90% of time) |
| Subsequent actions | 6.9 months (average) | 6 months (90% of time) | 4 months (90% of time) |
| Grant Patent | 1.6 months (average) | 1.6 months (90% of time) | 1 month (90% of time) |

PATENT BRANCH QMS

SERVICE EXCELLENCE COLLABORATION AND WORKSHARING

Worksharing

Ensuring granted patents meet Canadian law and quality standards while leveraging work done by other offices.



PCT route: 3 out of every 4 Canadian applications.

PPH: 9% of applicants request accelerated examination through the PPH program.

File-Wrappers: Published Canadian search reports and examination reports.

Offices, applicants and the public benefit:

- ✓ Time Savings
- ✓ Cost Savings
- ✓ Quality patents
- ✓ Comprehensive searches
- ✓ Marketplace certainty
- ✓ Efficient use of resources

PATENT BRANCH QMS

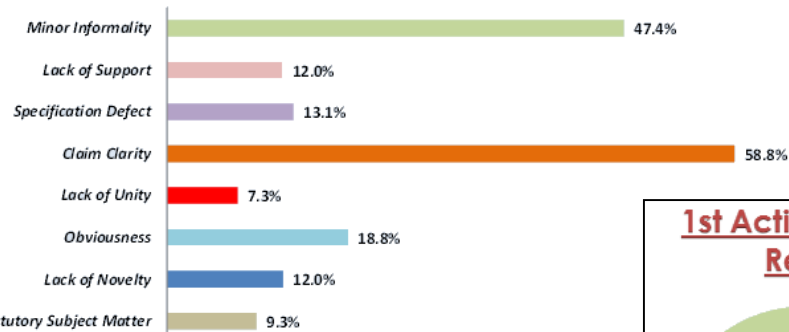
SERVICE EXCELLENCE COLLABORATION AND WORKSHARING

Worksharing

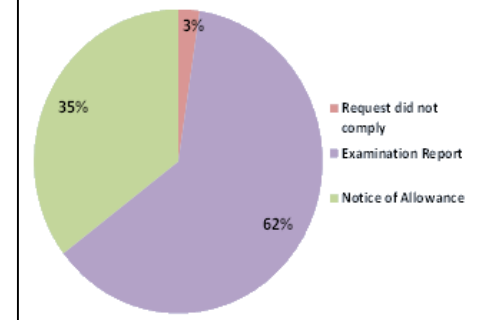


PPH provides free accelerated examination when claims substantially correspond to claims indicated as allowable in another PPH-partner patent Office.

Frequency of Defects in 1st Report



1st Action after PPH Request



| | PPH | non-PPH |
|--|--------|----------|
| Grant Rate | 90% | 66% |
| First Action Allowance Rate | 36% | 4% |
| Average Pendency from PPH Request to First Office Action | 1.0 mo | 11.1 mo* |
| Average Number of Reports to Final Decision** | 0.8 | 1.7 |

SERVICE EXCELLENCE COLLABORATION AND WORKSHARING

Worksharing



Better focusing of Canadian examination resources by reducing duplication of work. Not a rubber stamp process.

Canadian examiners:

- ✓ Review search results and opinions from PCT IAs/IPEAs and foreign office file-wrappers.
- ✓ Perform searches in the Canadian Patents Database and targeted searching worldwide to complement searching already done by IAs and by offices of earlier examination.
- ✓ Review applications against foreign work and perform comprehensive searches if needed.
- ✓ Assess Canadian application according to Canadian law and quality standards in search and examination.

PATENT BRANCH QMS

SERVICE EXCELLENCE COLLABORATION AND WORKSHARING

Collaborations



Identifying best practices

- Engaging other IPOs
- Vancouver Group (AU, UK, CA)
- Canadian Patent Law and Examination Workshop
- MIA/QSG
- Canadian Government Quality practitioner network



CLIENT SERVICE EXCELLENCE

CLIENT SERVICE EXCELLENCE OUTREACH

- ✓ 2017-2018 Client satisfaction survey to measure client satisfaction and use as a baseline to assess progress
- ✓ Online Feedback Mechanism is a direct way for clients to communicate with us
- ✓ Patent Examination Interview Service developed in response to client feedback
- ✓ Patent Quality Summit and Patent Quality Conversation webinars help us engage with stakeholders
- ✓ 2018 launch of CIPO Quality website

Coming in 2020:
Published quality metrics



GRANTING

QUALITY OF GRANTING PROCESS

- ✓ Technically competent patent examiners and administrative staff.
- ✓ Correct and consistent application of law.
- ✓ Access to robust searching tools and databases.
- ✓ Reduced duplication of work
 - ✓ PCT, PPH, File-wrappers, documented search strategies
- ✓ Compact prosecution model with limited deferral of substantive search and examination



GRANTING

QUALITY OF GRANTING PROCESS

- ✓ LEAN methodology - eliminating wasteful practices and improving efficiency
- ✓ Contesting grant of a patent and filing of prior art
- ✓ Post-grant corrections.
- ✓ Post-grant challenges (re-examination, disclaimer, reissue)

QUESTIONS



Thank you!

Questions?

Ottawa Convention Centre,
Ottawa, Ontario (Source: Brand Canada)

Canadian Intellectual Property Office



PATENT QUALITY