



QUALITY POLICY AND STANDARDS  
OF  
THE PATENT OFFICE  
GOVERNMENT OF INDIA

AUGUST, 2008

***OUR MOTTO***

**QUALITY WITH SPEED**



Government of India  
The Patent Office



Our Quality Policy

We are committed to achieve professional excellence, reliability, thoroughness, consistency, transparency, fairness and timeliness in providing product and services of highest quality to the utmost satisfaction of the users ensuring that the rights granted are commensurate with the contribution made in the field of science and technology.

We endeavour to:

- Retain confidentiality of the inventions until made public.
- Provide search and examination report maintaining the prescribed time lines and legalities.
- Ensure timely grant of Quality Patents
- Make information dissemination system transparent, faster and easier.
- Improve in all our missions.

  
(V. Ravi)

Controller General of Patents, Designs & Trade Marks

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## **Introduction:**

The objective of the Patent Office is to provide products and services of quality standards to its users. The Patent Office has utilised its long experience of over 150 years, while formulating its quality policy and has set its quality standards so as to achieve the uniformity of practices amongst all its branches, to improve its functionality and enhance its output both qualitatively and quantitatively. While, the quality policy is the broad vision of the office towards maintenance of quality tag to its product and services to suit the consumer interest *vis-a-vis* the larger public interest, the quality standards are the executable norms which the quality managers in the Patent Office will look forward for standardisation of their product and services. This document lays down the quality policy and the quality standards of the Patent Office including the common quality framework as envisaged under the Patent Cooperation Treaty and aims at improving the quality of all its deliverables.

## **The Quality Policy:**

The primary function of the Patent Office is to grant Patents. Its necessary corollary is that before such grant, the patent applications have to be searched, examined and if found unfit for grant, to be refused. Further, the Patent Office has to function as the International Authorities, preparing search and examination reports under the PCT. Therefore, its products are the forms of Patents, the search and examination reports and the services are the related deliverables such as information disseminations, certified copies of official records and any other related matters.

The Patent Office reveals its quality policy as under:

We are committed to achieve professional excellence, reliability, thoroughness, consistency, transparency, fairness and timeliness in providing product and services of highest quality to the utmost satisfaction of the users ensuring that the rights granted are commensurate with the contribution made in the field of science and technology.

We endeavour to:

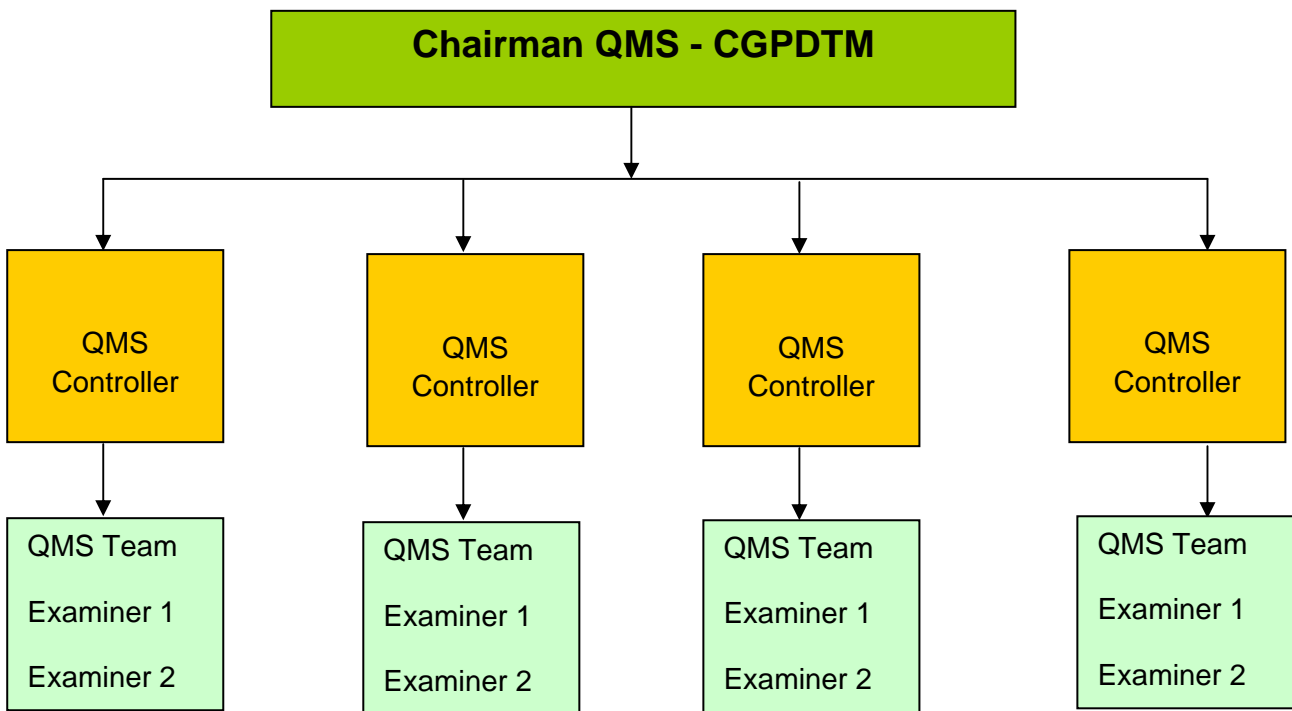
- Retain confidentiality of the inventions until made public.
- Provide search and examination report maintaining the prescribed time lines and legalities.
- Ensure timely grant of Quality Patents
- Make information dissemination system transparent, faster and easier.
- Improve in all our missions.

In order to achieve the policy objectives narrated above, the Patent Office has set the following measures:

- ✚ Setting up quality management team at all its offices.
- ✚ The scope of work of the team is to ensure that the QMS requirements are met and the time lines and legal certainty is reflected in the deliverables of the Patent Office.
- ✚ The QMS team shall formulate the quality standards for processing of both National and International applications.
- ✚ The Quality Management System shall have common quality frame work for International search and Preliminary Examination in accordance with the PCT search and Preliminary examination guidelines in addition to the National requirements based on the Indian Patent Law.
- ✚ The QMS shall incorporate the basic requirements with regard to its resources, administrative processes, quality assurance, feedback arrangements and internal review.
- ✚ All the four Patent Offices shall function with the same quality quotient so that the services and the product delivered make the unique uniform Indian Patent Standard.
- ✚ The time line prescribed under various provisions of law shall be uniformly maintained at all the four offices.
- ✚ The four offices shall have the common practices and they shall have complete uniformity both in formality examination as well as in substantive examination.
- ✚ The four offices shall have the common standard for International application while working as Receiving Office, International Searching Authority and International Preliminary Examining Authority under the PCT.

### Establishment of QMS:

The quality management system (QMS) has been established in all the four offices under overall supervision of the Controller General of Patents, Designs & Trade Marks (CGPDTM). The hierarchy is shown as under:



## Scope of QMS:

The team is expected to perform a random check of the procedures involved in the patent granting process and suggest measures to ensure the improvement of the system. The following shall be the assigned responsibilities of the QMS team:

- ✚ Generation of awareness within the organisation about the role of QMS.
- ✚ Generation of better understanding amongst the official about responsibility of the office in meeting statutory requirements, timelines and the quality standards.
- ✚ Motivation of the work force to discharge their responsibilities and official duties with quality component attached to their day- to- day activity.
- ✚ Conducting periodic quality assessment through random sampling method. The team shall undertake assessment of 1% files from every process involved in patent granting procedure.
- ✚ Conducting internal reviews and suggesting measures for improvement
- ✚ Estimating and projecting periodical resource requirements keeping in view the inflow of work for adequate resource availability at all the times, preferably on 5 years projection basis.

## Quality Standards:

The Patent Office aims to provide the product and services which are fully complied with the provisions of the Patents Act and the regulations there under. Its objective is to achieve the customer satisfaction while safeguarding the larger public interest as envisaged in the Patent Act. The customer satisfaction can be achieved by determining specific quality standards based on the provision of the Patent law and applying them uniformly so as to achieve total uniformity of practices both inter-office and intra-office. Further, while working as International Authorities Such as International Searching Authority and International Preliminary Examining Authority, Indian Patent Office has to work under the common quality frame work for such Authorities as provided for by the PCT. The Patent Office formulates the common quality standards for the Indian Patent Office incorporating the provisions of the PCT as well as the Indian Patent law.

### Resource Management

- Human Resource
- Technical resource

### Patent Administration

- Quality Standard for front office Division
- Quality Standard for EDP Division
- Quality Standard for Publication Division
- Quality Standard for Search and Examination Division
  - For International Patent Applications
  - For Ordinary, Conventional and National Phase Applications
- Quality Standard for Pre-grant and Post grant opposition Division
- Quality Standard for Patent Granting Division
- Quality Standard for Record Management and Documentation

### Quality Assurance

### Feedback Arrangements

### Communication with users

### Inter-office and Intra-office communication

### Internal Review

## **Resource Management:**

The output of any organisation mainly depends on the availability of the resources under its inventory. The resources can be classified in two broad categories as follows:

- Human Resource
- Technical Resource such as Hardware, Software, Database, Search tool, Manuals and other guidelines.

### **Human Resource:**

(a) The Patent office shall ensure that it has adequate number of sufficiently qualified and well trained examiners for conducting search and examination in required field of science and technology. These examiners must have ability to understand at least French, German, Spanish and Russian language.

These examiners shall be given effective training to conduct proper search and examination. The QMS team shall draw a suitable training programme for initial as well as refresher courses in consultation with NIIPM.

(b) The office must ensure the availability of appropriately trained/skilled administrative staff to support the technically qualified staff in conducting search and examination process.

### **Technical Resource such as Hardware, Software, Database, Search tool, Manuals and other guidelines:**

The assessment of technical resources such as Hardware, Software, Database, Search tool, Manuals and other guidelines required to conduct effective search and proper examination has to be done on the basis of inflow or work and the number of staff involved, estimated on 5 years growth trend. The manuals and guidelines shall be continuously upgraded to suit any changes in law and procedures. The QMS team shall estimate such requirements well in advance for giving sufficient time for the procurements and up gradation procedures.

In addition, the QMS team shall also formulate comprehensive work flow instructions for better understanding of the concerned officials and for uniformity in output.

**Patent Administration:**

The Patent Office shall be in a position to effectively handle the filing of patent applications, the search and examination requests and other related documents received in the office. It shall ensure that all its customers leave the cash counter after receiving the proper receipt of their filing. It should also have adequate facility to convert the documents in electronic format accurately. The QMS shall strive hard to ensure the customer satisfaction.

The office shall also have control mechanism to ensure the maintenance of prescribed timelines for various procedures involved in the patent granting procedure and have effective control mechanism to ensure timely issuance of search and examination report as per the quality standards adopted by the office.

The office shall be in a position to effectively manage the fluctuations in its inflow of applications and the disposal thereof. The QMS team shall be responsible to suggest such measures as deemed necessary to ensure the timely issuance of search and examination report as well as effective fluctuation management.

In addition, the QMS team shall also be responsible for handling complaint, taking corrective and preventive measure and measuring user satisfaction for future developments.

## **Quality Standard for the front office Division:-**

The front desk of the Patent Office shall ensure:

- ✚ Proper attention to all its visitors
- ✚ Due recording of the particulars of all the visitors with purpose of their visit
- ✚ Issuance and recording of entry passes to the visitors
- ✚ Issuance of the number tokens to visitors in sequential order of their arrival
- ✚ Entertainment of the visitors strictly in accordance with the serial number of their tokens
- ✚ Issuance of receipt of filing to every filer before he leaves the cash counter
- ✚ Issuance of proper acknowledgement for the receipts of non-cash documents by receipt and despatch division.
- ✚ Receiving of telephone calls with due diligence and promptness

## Quality Standards of EDP division:

In order to develop a sound database of patent records and to establish the completeness and correctness of the digitized and scanned data, each and every entry of the record is thoroughly checked and verified by the team constituted for the purpose at each IPO location.

The team members maintain the records in the format shown bellow duly authenticated by their signature against each verified record. The discrepancy, if any, is noted in the remarks column. A daily report is submitted to the coordinator, verification who in turn furnishes the detailed list of verified documents to DPMs/Project coordinator/National Project Coordinator & NIC for their technical suggestions.

The verification of each record involves the following steps.

1. **Verification of entered data:** The data entered in each and every field of the module is compared with the physical file and thoroughly checked for their accuracy. The errors, if any, are noted in the remarks column of the given format.
2. **Abstract:** The **abstract** is compared with the physical file for the accuracy of the contents and the errors, if any, are noted in the remarks column of the given format.
3. **PDF Files:** The PDF files are verified for the followings:
  - a) **Correctness:** The available PDF files are compared with the physical document for its correctness by verifying whether the PDF file relates to the corresponding physical document.
  - b) **Completeness:** The available PDF files are compared with the physical document for its completeness by verifying whether the PDF files have been prepared in accordance with the work flow of digitization attached herewith.
  - c) **Quality:** The clarity, legibility and reproducibility of the PDF files are ascertained by viewing on screen and obtaining printouts wherever necessary.
4. **OCR data:** The textual data of specification, after the OCR, are compared with the physical document to ascertain the percentage of error incurred during the OCR process.

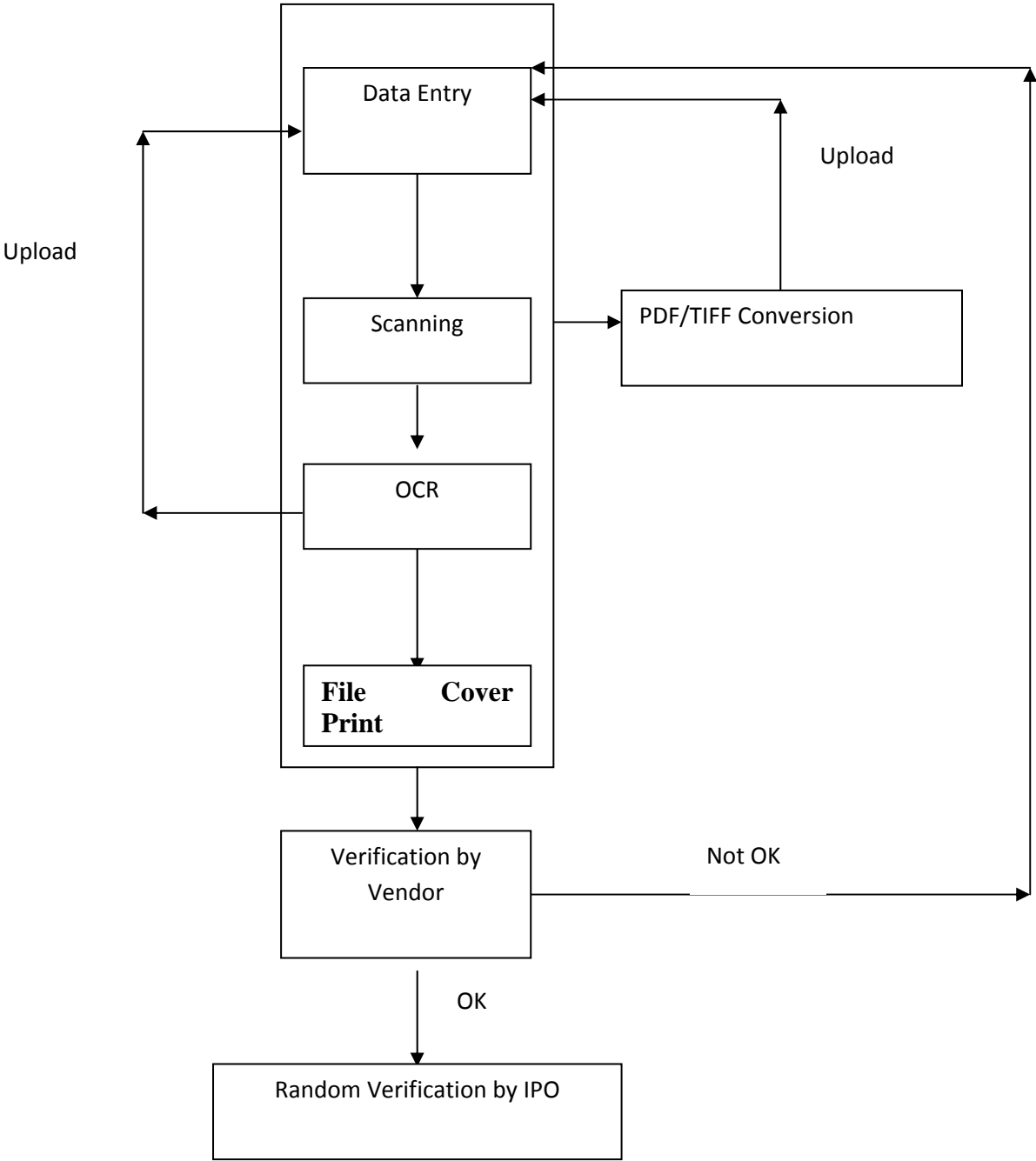
## FORMAT FOR VERIFICATION OF DIGITISED PATENT APPLICATIONS

Patent Application/Patent No. ....

Sl. No.	Details	Remarks
1.	Data Entry	
	1a) Columns having error	
2.	Abstract	
3.	PDF files	
	3a) Correctness	
	3b) Completeness	
	3c) Quality	
4.	OCR	
	4a) Availability	
	4b) Correctness	
	4c) % Error	

(Signature of the Verifying Officer)

# Digitization Flow Chart



## **A comprehensive list of the fields for data entry**

1. Title
2. Abstract
3. Patent Application Number
4. Date of Application
5. Patent Application Type
6. Document Date ( Date of Filing of Complete specification)
7. Applicant (s)' Details
  - i. Applicant's Name
  - ii. Applicant (s)' City
  - iii. Applicant (s)' State
  - iv. Applicant (s)' Country
8. Inventor(s)' Details
  - i. Inventor's Name
  - ii. Inventor(s)' City
  - iii. Inventor(s)' State
  - iv. Inventor(s)' Country
9. IPC
10. Indian Classification
11. Govt. Interest
12. Priority Data
  - i. Application Number
  - ii. Date of Filing
  - iii. Country of Filing
13. PCT International Application Details
  - i. International Application Number
  - ii. International Application Date
  - iii. International Publication Number
  - iv. International Publication Date
  - v. Country
14. Referenced by :
  - i. Foreign Reference
  - ii. Other References
  - iii. Related Indian Patent number
  - iv. Equivalents
15. Claims
16. Description/Specification
17. Drawings
18. Search Report
19. Cited Patents
20. Parent Application Number
21. Parent Application Date
22. Attorney/ Agent

## Quality Standards of Publication:

The Patent law provides for publication of Patent application after a period of 18 Months from its filing or priority whichever is earlier. It also has provision for publication of any document earlier than the time period specified on specific request of the applicant. The publication under section 11 (a) shall include:

- ✚ Particulars of the date of Application
- ✚ Number of the Application
- ✚ Name and Address of the applicant identifying the application
- ✚ An Abstract

The application number shall have a check suffix A attached.

Publication under section 43(2)

The publication of grant of patent shall be done soon after its grant.

All other publication specified in the patent law shall be undertaken on regular basis. The QMS team shall draw a check list in its manual for uniformity of practices. The check list shall incorporate the effective maintenance of time line of these publications.

## Quality Standards for Search and Examination:

### Search:

The examiner to whom an application is referred shall record in his noting, the search processes adopted by him in that application. This is applicable to both National and International applications:

- ✚ The International classification
- ✚ The search strategy adopted
- ✚ The key word (s) used
- ✚ The language of search
- ✚ The databases consulted both patent and non patent literature
- ✚ A list of search statements
- ✚ The final findings
- ✚ Limitation on searches if any, such as non clarity of claims or multiplicity of inventions or any other reason by which a reasonable search is not possible.

In search report, the examiner shall incorporate at least;

- The application Number
- The patent classification
- The relevant citations with their number and date of publication
- The paragraph indicating similarities of the invention with the citations

The International search Report and International Preliminary examination report shall be issued in accordance with the PCT Guidelines.

### Examination:

#### ✚ **All the Standard statutory warranted objections:**

In the first examination stage, the examiner shall prepare the examination report incorporating all the statutory objections required for the given patent application. The entire objection taken must have some legal backing in the patent law. The examiner shall not leave any objection which the law demands.

#### ✚ **No unwarranted objections:**

The objection which has no legal standing shall not be taken by the examiner at any stage of examination.

#### ✚ **Clear explanatory nature of objections:**

The objections shall be well communicative and definitive in itself so as to be understood by the addressee without seeking further clarification.

### **✚ Comprehensive examination report:**

The examination report shall be drawn comprehensively. The objections must be supported by the legal provisions and proper reasoning. The objection should not be non- definitive in itself. The mutually contradictory objections should be avoided and if required to be taken under some special circumstances, it shall be well communicated giving full justification of adopting such approach.

### **✚ Effective maintenance of objections during examination cycle:**

The objection once taken shall be maintained and shall not be withdrawn without proper reasoning for such withdrawal. The withdrawal of objection at any stage shall be supported by proper justification.

### **✚ Fresh objections during amended stage to have full support of law based on available facts:**

As far as possible no fresh objection shall be taken at any stage consequent to first examination. However, if the facts are altered the examiner may take fresh objection at any stage but keeping in view the natural justice, such objections shall be taken with proper justification.

### **✚ Adherence to Patent law and regulations:**

The examiner shall always restrict his objections in the boundary of patent law and regulations. He shall adhere to the procedures established by the Patent law and not by any other convention how so ever old, if it has no legal basis.

### **✚ Maintenance of strict timelines:**

The crux of quality is in the maintenance of the timelines prescribed in the patent law. It is not only achieving the prescribed timeline for a particular procedure but maintaining the timeline with due quality component attached to the product and services of the Patent Office.

## Quality Standard for Pre-grant and Post-grant opposition Division:

The Patent Office shall ensure:

- ✚ Proper record maintenance with data entered in the software module regarding all the pre-grant oppositions received at the Patent Office.
- ✚ Due check of such recording by QMS team periodically.
- ✚ Reference of the patent applications with pre-grant oppositions to the examiners on receipt of the request of examination strictly in sequential order of request.
- ✚ Reference keeping in view the work load of examiners and their field of expertise to ensure early disposal of pre-grant oppositions.
- ✚ Maintenance of proper time line in disposal of pre-grant opposition.
- ✚ Hearing, if requested, with reasoned orders.
- ✚ Constitution of Opposition Board from the examiners having subject expertise through random selection method.

## Quality Standards of Patent Granting Division:

The Patent Office shall ensure:

- ✚ Timely grant of patents
- ✚ Grant to be in the sequential order of the date on which the application was found in order of grant unless routed through pre-grant opposition module.
- ✚ Issuance of duplicate Patent should be properly recorded.
- ✚ Form of Patent shall have the hologram of the Patent Office.
- ✚ The officer affixing the signature stamp of CGPDTM on Form of Patent shall authenticate the office copy.
- ✚ Recording of Grant in Patent Register shall be checked periodically by QMS.
- ✚ Timely Publication of grant.
- ✚ Due recording of renewal fee
- ✚ Timely determination of lapsed Patents
- ✚ Timely publication of application for restoration
- ✚ Timely publication of request of surrender of patents
- ✚ Publish the information received from patentee/licensee relating to the working of Patents
- ✚ Timely registration of Assignments, transmissions, etc.

## Quality Standards of Record Management and Documentation:

The process steps involved in patent granting are required to be well defined based on the procedures prescribed in the patent law. The degree of compliance of the quality requirements has a direct bearing on recording of such processes. Whether a required action has been observed or omitted can only be audited, if it is documented. In order to provide the uniform practice, the Indian patent office has standardised its procedures for documentation of all its activities and shall maintain the records of followings for improving the functionality and reduction of time lines in processing the patent applications.

- ✚ Record of sequential order of the patent application
- ✚ Record of request for examination in the order of its filing
- ✚ Record of serial number of granted patent (Rule 37)
- ✚ Record of issued Letter of Patents
- ✚ Register of Patents
- ✚ Register of Patents Agents
- ✚ Records of all receipts and despatch of documents
- ✚ Records of movement of documents
- ✚ Records of requests and issuance of certified copies of official documents
- ✚ Records of requests and issuance of photocopies of official documents
- ✚ Records of inspection of published documents
- ✚ Records of inspection of documents related to grant of patent
- ✚ Records of inspection of patent registers
- ✚ Records of information relating to patents under section 153 of P.A.1970.
- ✚ Records of applications withdrawn
- ✚ Records of application abandoned under section 9
- ✚ Records of application abandoned under section 21
- ✚ Records of pre-grant of opposition
- ✚ Records of post grant opposition
- ✚ Record of the Decisions of Controllers
- ✚ Record of Court Cases relating to patents
- ✚ Records of patents in-force
- ✚ Records of International Patent application filed
- ✚ Records of International Search requests received
- ✚ Records of International Preliminary Examination requests received.
- ✚ Record of internal review of Quality Assurance System
- ✚ Record of Peer to Peer review of Quality Assurance

## **Quality Manual:**

The QMS requirements can be documented in form of the quality manual. The QMS team shall formulate the quality manual clearly describing all the procedures and processes affecting the quality of work such as filing, digitisation, screening classification, publication, search, examination, oppositions, grant and refusal. The quality manual may contain the following:

- The quality policy of the Patent Office
- The scope of QMS
- The organisation chart
- The definite procedural steps involved in grant of patent from filing till completion of the term of patent
- The availability of resources

## **Quality Assurance:**

In order to effectively achieve the adherence of the prescribed timelines for different activities involved in patent granting procedure and in particular the issuance of the search and examination reports, the office shall have an effective Quality Assurance System for self assessment involving verification, validation and monitoring of its products such as search reports, examination reports and granted patents for their compliance with the QMS requirements and for facilitating feed back to the officials for further improvement.

The QMS team shall undertake such assessment and also verify the effectiveness of action taken to redress the deficiency and to prevent recurrence of such issues again.

The QMS shall also ensure the continuous improvement of the established processes. The team shall formulate check list of all the processes in its Manual.

## Feedback Arrangements:

In order to improve the performance and insure continuous improvement, the QMS shall

- ✚ Communicate the results of internal quality assurance to the officials
  - to effect corrective measure, if any,
  - for dissemination and adoption of best practices in the office.
- ✚ Provide for effective communication with WIPO, designated and elected offices
  - for prompt feedback from these offices to evaluate and address the potential systemic issues.

## **Communications with users:**

The office shall have effective communication mechanism with its users. The officials authorised to make such communication must make their telephone nos. and E-mail IDs available on the official web site of the office for convenience of the users.

The communications shall be duly noted and recorded where deemed necessary for carrying out an official action based on such communications.

The users shall be updated with all the latest information through the official web site of the Patent Office.

There could be planned regular meetings with the user groups for better understanding of their satisfaction level and feed back for further improvement of the system.

The QMS team shall formulate the periodicity of such meetings which could be held on monthly frequency initially and after attaining better satisfaction level may be held on quarterly basis.

**Inter- office and Intra- office communications:**

The Patent Office looks forward to attain complete uniformity in its practices within different examining groups of one office as well as that of other three offices. An effective communication both within office and also with other three offices need to be established so as to achieve quick dissemination of information and to attain uniformity of practices for better users satisfactions.

The QMS team of all the four offices shall establish effective communication amongst themselves in order to achieve the uniformity of practices.

## Internal Review:

The Patent Office shall have an internal review arrangement for determining the effectiveness of the QMS system. The review should be done annually in an objective and transparent manner. The internal review shall have the following components:

- ✚ Conformity with the QMS requirements.
- ✚ Conformity with the patent laws
- ✚ Conformity with the relevant decisions of the Courts, tribunals and the Controllers
- ✚ Any corrective or preventive action taken to eliminate the cause of non-compliance
- ✚ Conformity with the PCT
- ✚ Effectiveness of the QMS itself
- ✚ Follow up action arising out of previous review, if any.
- ✚ Feedback from the users
- ✚ Feedback from other Offices
- ✚ Recommendation for improvement

In addition to internal review, the Patent Office may have an external review mechanism by some other outside agency such as other Patent Offices. To start with the Peer- to- Peer review, the four offices can initiate such quality reviews as pilot project amongst themselves.

### **Analysis of the results and Improvements:**

The information collected on the parameters shall be analysed to ascertain as to what extent the QMS requirements have been followed. The result of the internal review shall guide the future course of action for further improvement of the office.

The result of the internal review shall be presented to the senior management for suggesting changes in order to introduce improvements.

The QMS shall identify and promptly take the corrective measures to eliminate the cause of non-compliance of QMS requirements.

## **Reporting Arrangements:**

The reporting has to be done in two stages:

Stage 1: The Patent Office should be required to submit an initial report to the meeting of International Authorities under the PCT (MIA) regarding establishment of the QMS based on the broad requirements under PCT/GL/ISPE/1.

Stage 2: After submission of the initial report on the establishment of QMS, Annual report should be prepared identifying the experiences during implementation of QMS requirements, actions taken as corrective measures and should include recommendations for further improvements.

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