

SACEPO Working Party on Quality

Provisional agenda (SACEPO WPQ 1/24)

12th meeting
11 June 2024
Online via Zoom
Commencing at 12.30 hrs CEST

Subject: Provisional Agenda
Drawn up by: European Patent Office
Addressees: Members of the SACEPO Working Party on Quality

Provisional agenda

1. **Opening of meeting by the Chair and adoption of the agenda** SACEPO WPQ 1/24
2. **Welcome address**
3. **Onboarding of newly appointed members**
Mission of the SACEPO WP/Q and role of members
Members' comments, feedback and questions –
including reappointed members' testimonials
4. **EPO focus on user dialogue and actions taken** oral report
 - Summary of feedback gathered from the last SACEPO WP/Q
 - Update on actions taken**Members' comments, feedback and questions –**
including exchange and dialogue with EPO representatives
5. **Actions taken on Quality** SACEPO WPQ 2/24
 - Quality Action Plan 2024
 - Programme SQAPs 2024
 - Quality report 2023
 - Quality metrics and KPIs (Dashboard)
 - Workshop on Clarity**Open discussion**
6. **Study on Third-Party Observations** SACEPO WPQ 3/24
Members' comments, feedback and questions on the study findings – including exchange and dialogue with EPO representatives
7. **User Satisfaction Survey 2024-2025** SACEPO WPQ 4/24
 - Planned questions
 - Timing of the next USS**Members' comments, feedback and questions –**
including exchange and dialogue with EPO representatives

8. Insight into quality audits at the EPO

SACEPO WPQ 5/24

- Presentation of the audit process, audit criteria and metrics
- Q&A session

9. Wrap-up and close

After each agenda point there will be time for questions and suggestions from members and exchanges with EPO representatives, as well as reports on actions taken where applicable.

The meeting is expected to end at around 17.00 hrs CEST.

12TH MEETING OF THE SACEPO WORKING PARTY ON QUALITY AP 5 – QUALITY ACTION PLAN 2024

EMMA Ó DONNABHÁIN | PRINCIPAL DIRECTOR QUALITY AND PRACTICE HARMONISATION | 11 JUNE 2024

ACHIEVEMENTS 2023 – SOME HIGHLIGHTS



Recruited 138 highly motivated and skilled people, including 100 examiners



Increased amount of prior art in our databases from 146 million to 153 million patent publications



Delivered 86.4% of all standard searches and examination cases on time; reached an average time-to-grant of 36.9 months for standard applications



Invested in digital workflows to route applications to all members of the examining divisions (also at search stage) and ensure collaborative handling, involving the applicant via MyEPO (shared area)



Deepened engagement with users, some 50 meetings held with top applicants and user associations



Launched practice harmonisation dashboard, to pinpoint inconsistent practice and track progress

ACHIEVEMENTS 2023 – SOME HIGHLIGHTS



Conducted a User Satisfaction Survey of over 7 000 users: high levels of satisfaction demonstrated once again, only 4% of respondents dissatisfied with final actions and publications



Expanded Stakeholder Quality Assurance Panels (SQAPs), European patent attorneys and EPO experts assessed quality of 108 (36 in 2022) searches, intermediate communications and grants



Held a record-breaking User Day, reaching over 10 000 people



Increased transparency through publication of data-rich Quality Report 2022



Achieved KPIs for quality of formalities work of over 90%



Observed improved trend in quality of grants, fewer findings for novelty, inventive step and added subject-matter. Search quality stable at a high level with only 4% of cases where the auditors found more relevant prior art.

OUR FULLY CERTIFIED QUALITY MANAGEMENT SYSTEM – NOW WITH EVEN GREATER TRANSPARENCY

- Requires us to evaluate the quality of our work and effectiveness of quality actions
- Input gathered internally and from users indicates our performance and where we can improve
- Objective KPIs allow all stakeholders to track progress [Quality dashboard | Epo.org](#)
- Our Quality Action Plan is designed to deliver on our objectives, published externally for first time [Quality Action Plan 2024 | Epo.org](#)



ACTIONS PLANNED TO ACHIEVE SEARCH AND WRITTEN OPINION OBJECTIVES



Enhance our tools

- Further develop AI pre-classification and digital search file allocation, maintaining correctness of routing at $\geq 90\%$
- Use AI for classification while maintaining quality at $\geq 95\%$
- Enhance examiner access to and citation of Asian documentation



Develop our people

- Identify and address individual training needs
- Update technical skills via academia, industry and trade fairs
- Provide targeted Ansera training to fully leverage the tool's functionality and reach 100% usage (currently 93%)



Strengthen and further harmonise our work

- Further enhance harmonised assessment of novelty and inventive step, as well as other patentability requirements such as clarity
- Address fall-back positions
- Use positive suggestions to overcome objections
- Monitor the impact of active search divisions

ACTIONS PLANNED TO ACHIEVE EXAMINATION OBJECTIVES



Develop our people

- Discuss examples to illustrate good practice and areas to improve
- Strengthen learning through feedback from peers, managers, DQA, opposition, Boards of Appeal (BoA), Unified Patent Court, national courts, users and SQAPs
- Involve team manager in quality audit dialogue



Strengthen and further harmonise our work

- Engage CII/AI experts to harmonise approach to emerging tech.
- Allocate mixed divisions for applications spanning different fields
- Embed use of structured communications
- Monitor impact of harmonisation using dashboard
- Develop new KPI on BoA decisions on ex parte refusals
- Develop AI support tools e.g. Legal Interactive Platform



Strengthen our partnerships

- Conduct study on EPO handling of third-party observations
- Hold workshop on clarity and shared responsibility
- Track usage and impact of Shared Area in MyEPO Portfolio

ACTIONS PLANNED TO ACHIEVE OPPOSITION OBJECTIVES

- Identify areas of learning from decisions of the Boards of Appeal (BoA) and Unified Patent Court, raise awareness e.g. via Case Law community of practice (CoP), iLearn events
- Analyse BoA decisions which set aside decision of first instance
- Develop new KPI on BoA decisions on opposition
- Introduce structured communications in opposition, standardise "Facts and Submissions", allocate mixed divisions
- Explain in decisions how the division has interpreted unclear claims
- Consolidate framework for quality dialogue with BoA
- Further clarify Guidelines in close consultation with users



ACTIONS PLANNED TO DEEPEN DIALOGUE WITH USERS

- Deliver programme of institutional and applicant-level meetings, both high-level and technical
- Meet with newly appointed members of SACEPO to optimise engagement between members, the users they represent, and the EPO
- Explain to stakeholders the quality actions being taken and the improvements anticipated
- Develop SQAPs concept incorporating feedback from epi, SACEPO WP/Q, BusinessEurope
- Incorporate feedback from SACEPO WP/Q in preparing next USS
- Continue developing online tools and support users in learning to use them e.g. MyEPO
- Modernise professional development, EQE, EPAC



HOW HAS THE PUBLICATION OF OUR QUALITY ACTION PLAN 2024 BEEN USEFUL TO YOU AND YOUR NETWORKS?



STAKEHOLDER QUALITY ASSURANCE PANELS (SQAPS) PROGRAMME 2024

- 3 SQAP sessions 21-23 October 2024:
 - search reports and written opinions (as in 2023)
 - grants (as in 2022, 2023)
 - **refusals (new)**
- SQAP assessors: European Patent Attorneys from BE, epi, SACEPO WP/Q, EPO experts
- observers: SACEPO WP/Q members, **epi (new)**, **BE (new)**, EPO staff
- findings presented to SACEPO WP/Q 26 November. Report published with 2024 quality report
- outcomes to be shared with examiner teams and in development of quality action plan 2025

SUGGESTIONS/FEEDBACK INCORPORATED IN SQAPS 2024

- offer more opportunities to participate
- broaden scope of cases assessed e.g. withdrawn, refused, or revoked
- explore options for case selection
- provide assessors more time to prepare for the SQAPs sessions
- reduce the time taken for each SQAP panel to report back to the SACEPO WP/Q
- develop metrics based on SQAPs results
- increase awareness of the SQAPs concept and outcomes

12TH MEETING OF THE SACEPO WORKING PARTY ON QUALITY

AP 6 – EPO STUDY ON THIRD-PARTY OBSERVATIONS

ROBERTO VACCA | DIRECTOR QUALITY MANAGEMENT | 11 JUNE 2024

THIRD-PARTY OBSERVATIONS CAN CONTRIBUTE TO QUALITY

- The filing of well-structured and concise third-party observations can improve the quality of granted European patents.
- Observations containing very relevant objections can also considerably reduce the length of the procedure.

ADDRESSING USER CONCERNS ON THIRD-PARTY OBSERVATIONS

Users provided feedback (e.g. through complaints, Ombuds service, SACEPO WP/Q) on:

- Consistency of treatment of third-party observations (TPOs) by EPO
- Cost effectiveness of submitting third-party observations
- Third-party observations possibly leading to opposition

In response, the EPO decided to:

- Conduct an internal study providing an in-depth snapshot on recent handling of TPOs
- Identify areas and actions for improvement

COMPREHENSIVE INTERNAL STUDY ON THIRD PARTY OBSERVATIONS

The study was conducted on **all applications finalised in 2023** which had **third-party observations**.

This covered:

- 1422 applications
- 2115 third-party observations (some applications had more than one third-party observation)
- Observations filed during search or examination procedure

The focus was on **consistency** of EPO practice in handling the observations and the **feedback** provided by the examining divisions.

FINDINGS:

SUBMISSION OF OBSERVATIONS, OUTCOMES OF APPLICATIONS

Submission of the third-party observations:

- 135 out of 2115 (6%) were submitted in the search phase
- 1980 out of 2115 (94%) were submitted in the examination phase
 - 27 of these 1980 (1%) were submitted after the decision to grant had been handed over to the EPO postal service: no action expected from the examining division
 - For the remaining 1953 submitted in examination: feedback from examining division expected

Outcomes of the applications:

- 83 out of 1422 (6%) were withdrawn
- 1299 out of 1422 (91%) were granted
- 40 out of 1422 (3%) were refused

FINDINGS: HANDLING OF THIRD-PARTY OBSERVATIONS FILED IN SEARCH PHASE

For the **135** third-party observations filed at search stage:

- feedback was provided as requested by the Guidelines in **98 (73%)** cases
- a statement of acknowledgement of the observations was provided in **6 (4%)** cases
- no feedback on the observations was provided in **31 (23%)** cases

For the **98** cases where feedback was provided:

- **42 (43%)** observations were found relevant by the division
- **26 (26%)** observations were found partly relevant
- **30 (31%)** observations were not found relevant

FINDINGS: HANDLING OF THIRD-PARTY OBSERVATIONS FILED IN EXAM PHASE

In **80%** of cases the examining division acknowledged the observations in the next office action

For the **1953** third-party observations filed in examination phase before the decision to grant had been handed over to the EPO postal service:

- feedback was provided as requested by the Guidelines in **1578 (81%)** cases
- a statement of acknowledgment of the observations was provided in **67 (3%)** cases
- no feedback was provided in **308 (16%)** cases

For the **1578** cases where feedback was provided:

- **564 (36%)** observations were found relevant by the division
- **292 (18%)** observations were found partially relevant
- **722 (46%)** observations were found not relevant

KEY TAKE-AWAYS

Third parties invest considerable efforts in filing observations

- new documents
- thorough arguments
- the effort is frequently comparable to Opposition cases

In most cases the examining divisions

- examined the observations thoroughly
- provided clear assessment of the observations
- delivered timely feedback

NEXT STEPS

- Remind examiners to provide timely feedback, visible to the public (GL- E-VI.3); in cases where feedback was not provided, comments of the examining division were often detailed in the non-public part of the file
- Analyse cases where the division overlooked TPOs, determine reasons and take action
- Establish plan to address inconsistent practice in handling TPOs
- Review the relevant parts of instructions to examiners
- Conduct follow-up study at a later stage

BUT ALSO

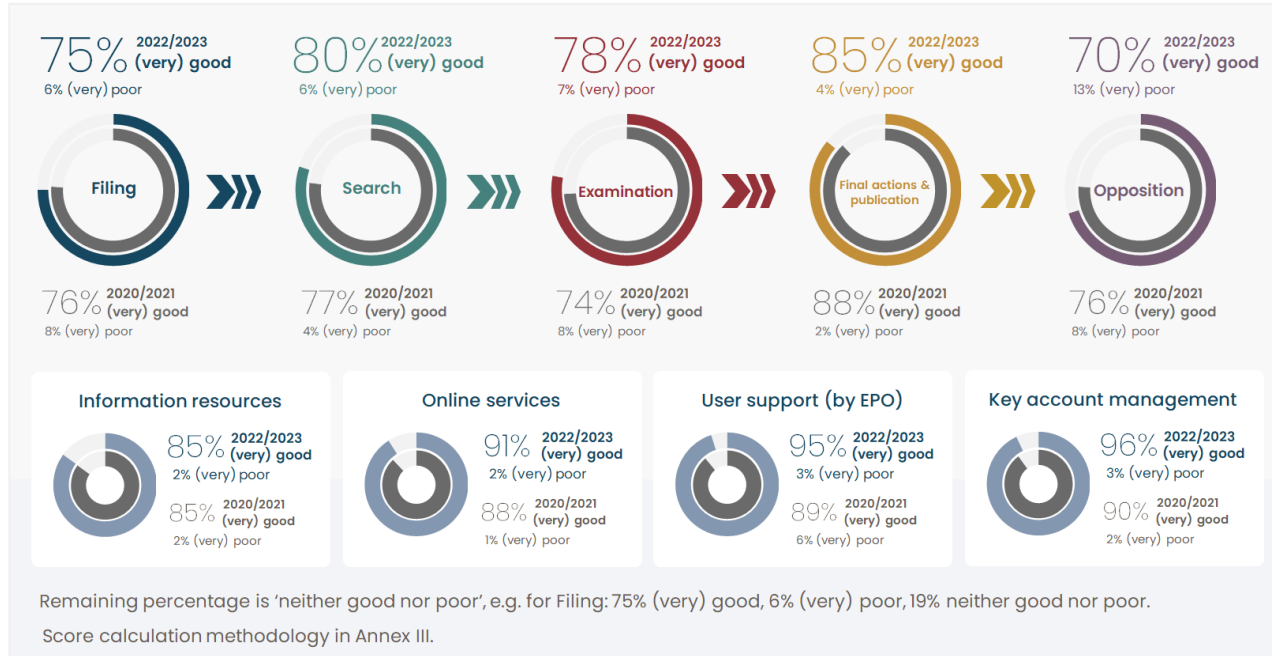
- Address user expectations: “*outcome of the evaluation... will **briefly** be indicated*” (GL-E-VI.3)

12TH MEETING OF THE SACEPO WORKING PARTY ON QUALITY

AP 7 – USER SATISFACTION SURVEY 2024-2025

NICLÁS MOREY | PD CUSTOMER JOURNEY & KEY ACCOUNT MANAGEMENT | 11 JUNE 2024

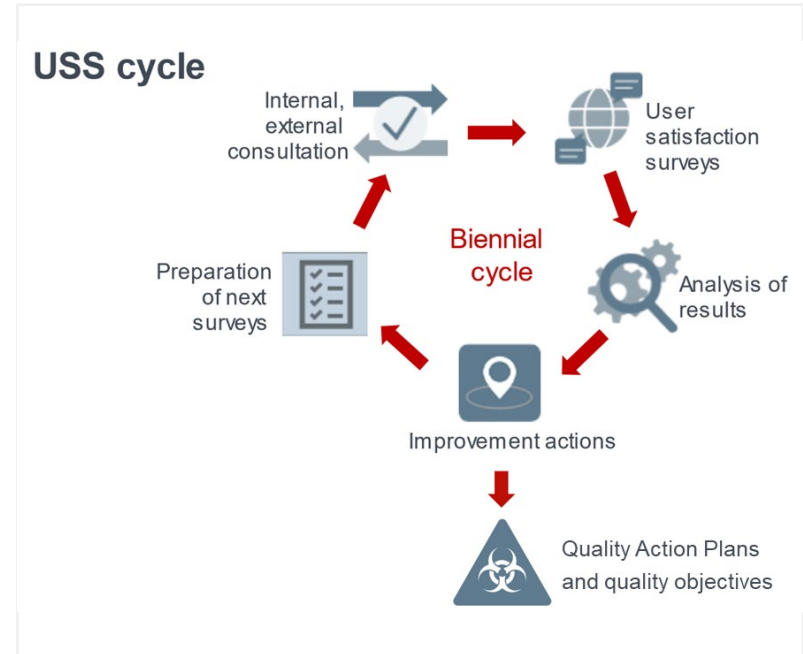
RATING MAIN USER JOURNEY STEPS AT THE EPO









BERENT
 Since 1998' Minding Your Customers' Mind.

TRANSPARENCY OF RESULTS AND CONTINUAL IMPROVEMENT

- Presentation by the independent contractor to the Administrative Council on 28 June
- Publication of USS results on 3 July on the [EPO website](#)
- Sharing of the USS results with relevant internal units
- Analysis of results
- Improvement actions, quality initiatives and Quality Action Plans



LESSONS LEARNED FOR USS IMPROVEMENT

-  Importance of **data protection**: feedback from interviewees led to drafting and publishing of data protection statements during the USS on 22 March 2023.
-  Strike a **good balance between number of questions and detail needed for improvement actions**. All questionnaires are re-visited and streamlined to fit the purpose while preserving comparability with previous findings.
-  Focus more on **asking the right questions to the right user**. The extraction of samples will be done adding more accuracy on the target group selection.
-  Spread the surveys over a longer period to **prevent user survey fatigue**. Unfortunately, due to the duration of the new tender and award process, did not leave us enough lead time to start in April 2024. It is planned to do so in the next USS wave in 2026-27
-  Increase representation of **Republic of Korea as an independent country group**. The independent contractor will have more interviews with representatives from Republic of Korea.

PREPARING FOR THE NEW USS (2024/2025)

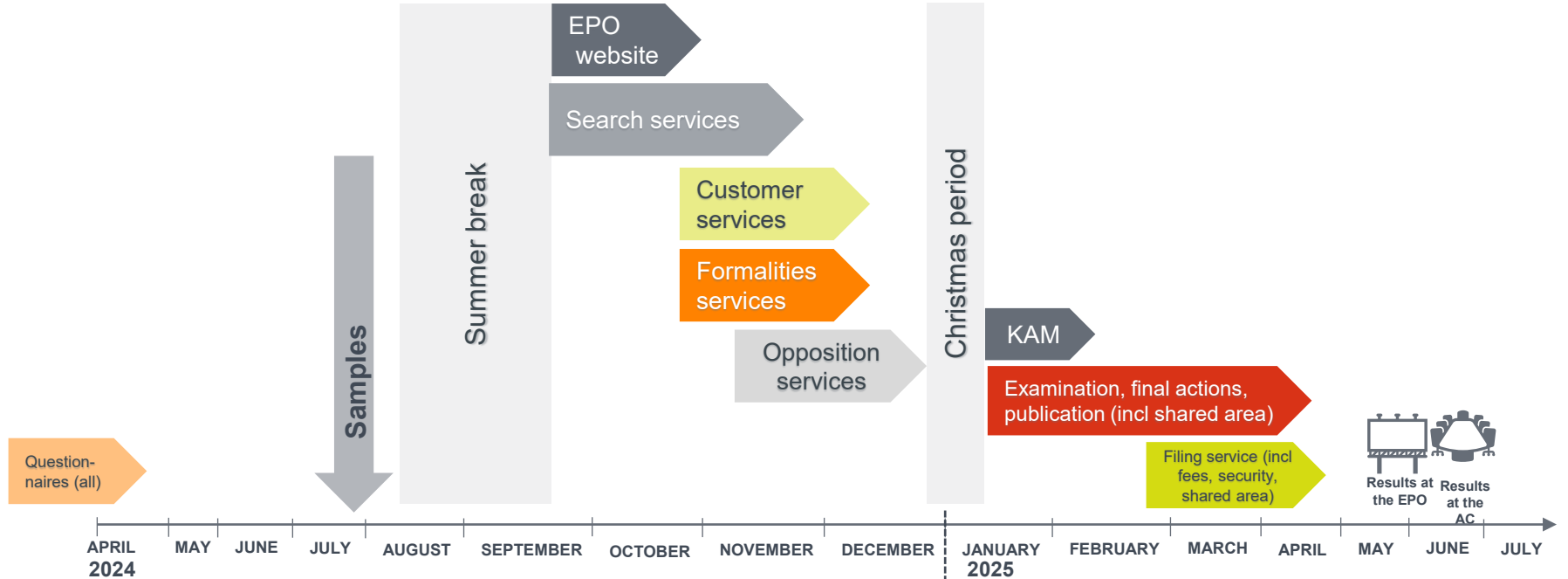
- ✓ Invited the SACEPO WP Q members to give input to the USS 2024/2025
- ✓ Considered as much as possible the lessons learned from the last USS
- ✓ Involved all relevant EPO units in the drafting of the new questionnaires
- ✓ Drafted all questionnaires in parallel
- ✓ Adapted the number of surveys and accommodated the questions in the most suitable ones
- ▶ Still work in progress: detailed design of the EPO website survey (epo.org, Espacenet, Register)

PREPARING FOR THE NEW USS

- ✓ From 7 to 8 surveys → dedicated survey for formalities services
- ✓ Streamlined existing questionnaires → fewer questions, focus on most relevant ones
- ✓ Fully revised Customer Services questionnaire
- ✓ Reduced number of questions on VICO (focus topic in last USS)
- ✓ Introduced new questions on sequence listings, CII and AI
- ✓ New focus topics → MyEPO Portfolio, Shared Area, Unitary Patent (spread over several surveys)

USS 2024/2025 PROPOSED TIMELINE

Customer sentiment survey (ServiceNow)



**ANY QUESTIONS ON
THIS JOINT QUALITY
JOURNEY?**

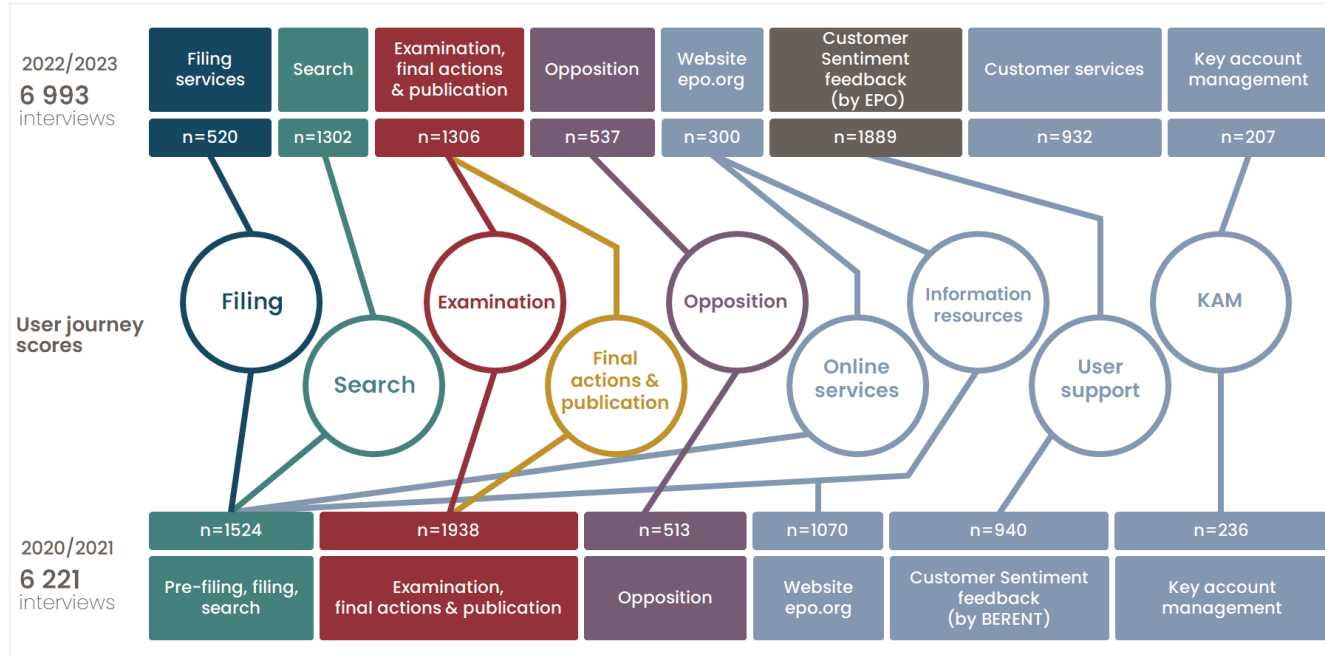
THANK YOU



ANNEX: FURTHER DATA ON USS

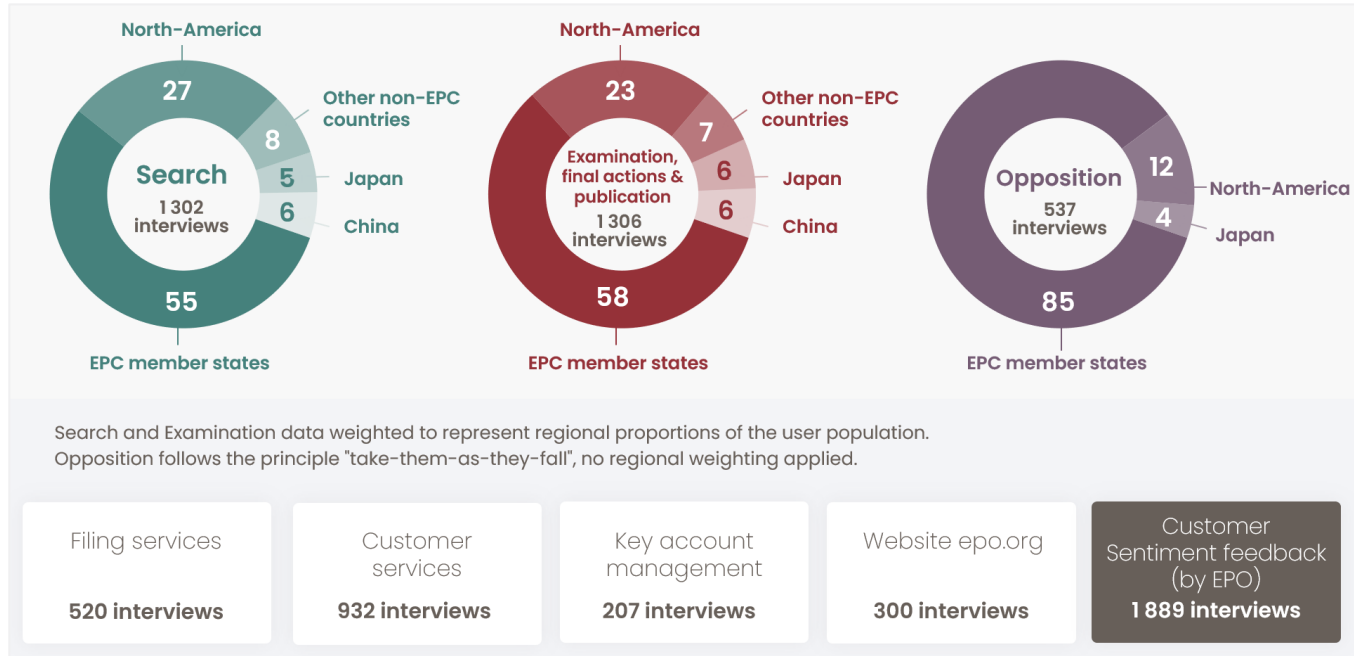


ANNEX II. STRUCTURE AND DEVELOPMENT OF SURVEYS



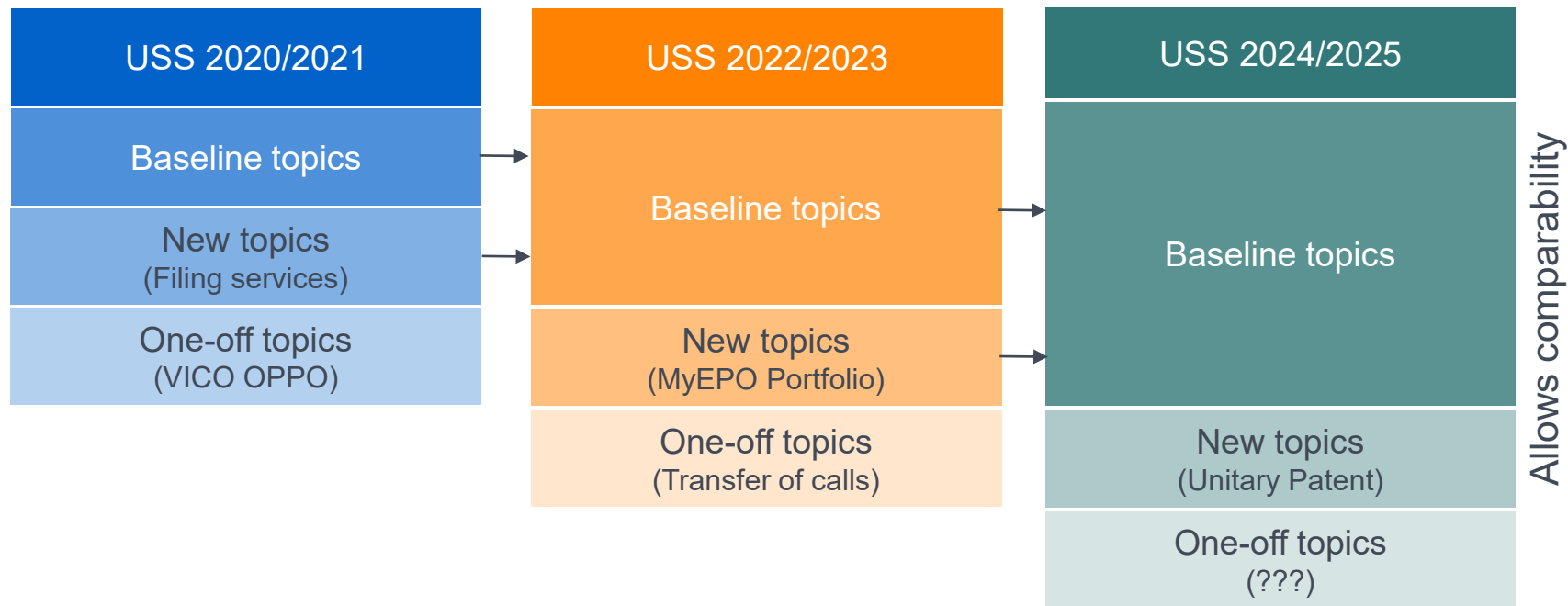
ANNEX I. EPO USER SATISFACTION SURVEYS

SEPTEMBER 2022 – APRIL 2023: 5 100 INTERVIEWS CONDUCTED BY BERENT
 2023 Q1: 1 900 CUSTOMER SENTIMENT FEEDBACK FORMS COLLECTED BY THE EPO



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SURVEY QUESTIONS



ANNEX: TOPICS/ QUESTIONS ASKED



USS ON CUSTOMER SERVICES

Main topic ↓	Question depth →				
	Overall satisfaction	Expectations	Awareness	Usage	Open comments
Customer service management at the EPO					
└ Handling of enquiries	X				X
└ Enquiry channels					
└ └ Contact form	X		X	X	
└ └ Telephone	X		X	X	
└ └ Email (support@epo.org)	X		X	X	
└ Customer support while processing the enquiry					
└ └ The enquiry handler's understanding of the core of your enquiry	X				
└ └ The amount of additional information you are usually required to provide	X				
└ └ The transparency of the enquiry's progress	X				
└ └ The timing for receiving the resolution email	X				
└ └ The channel chosen by the EPO for the response in writing	X				
└ └ The channel chosen by the EPO for the response on the phone	X				
└ └ The comprehensibility of the EPO's response	X				
└ └ The completeness of the EPO's response	X				
└ Customer's preferred channel for responses				X	
└ Feedback channels	X				
└ Customer support operating hours	X				
└ Call forwarding service	X				
└ Customer services of the most commonly used National Patent Office	X				
Information security	X				
Fee payment	X				X
└ Online Fee Payment methods					
└ └ Online Filing 2.0	X				X
└ └ Online Filing	X				X
└ └ ePCT	X				X
└ └ Form 2020 for filing at national offices	X				X
└ └ MyEPO Portfolio	X				X

USS ON EXAMINATION SERVICES, FINAL ACTIONS AND PUBLICATION (1/3)

Question depth →	Overall satisfaction	Timing	Open comments
Main topic ↓			
File-specific questions			
└ Substantive examination of the specific application	X		
└ Examining division's interpretation of the selected application and the prior art documents	X		
└ └ Examiner's understanding of the core of the invention	X		
└ └ Assessment of novelty	X		
└ └ Assessment of inventive step	X		
└ └ The identification of the closest prior art and its teaching	X		
└ └ Definition of objective technical problem	X		
└ └ The application of the problem-solution based approach	X		
└ └ Assessment of clarity	X		
└ └ Assessment of added subject-matter	X		
└ Comprehensibility of the reasoning given for the objections raised	X		
└ The adequateness of the reasoning given for the objections raised	X		
└ The identification of all substantive objections at the earliest possible stage	X		
└ The legal correctness of all substantive objections raised	X		
└ The completeness of the argumentation for the objections raised	X		
└ The coverage of the independent claim(s)	X		
└ The coverage of the dependent claim(s)	X		
└ Usefulness of reasoning to decide what to do next	X		
└ Proposal(s) for amendment(s) in terms of progressing with the examination of the application	X		

USS ON EXAMINATION SERVICES, FINAL ACTIONS AND PUBLICATION (2/3)

	Question depth →		
Main topic ↓	Overall satisfaction	Timing	Open comments
└ Consistency of examination work during the substantive examination of the selected application	X		
└ New citation(s) added during substantive examination justified or not	X		
General questions			
└ Substantive examination over the last 12 months	X		X
└ Consistency of examination work on different applications	X		
└ └ Consistency of assessment of inventive step	X		
└ └ Consistency of assessment of clarity	X		
└ └ Consistency of assessment of added subject-matter	X		
└ Time taken by the EPO to respond to submissions during examination	X		
└ PACE timeliness	X		
└ Time taken by the EPO to resolve an enquiry about when next communication can be expected	X		
└ Interviews	X	X	X
└ Oral proceedings	X	X	
└ └ Procedural matters	X		
└ └ Right to be heard	X		
└ └ Outcome	X		
└ └ Minutes	X		
└ Opportunities to present arguments and/or submissions	X	X	
└ Shared Area in MyEPO Portfolio	X		X

USS ON EXAMINATION SERVICES, FINAL ACTIONS AND PUBLICATION (3/3)

Question depth →	Overall satisfaction	Reason(s)	Open comments
Main topic ↓			
Refusal – File-specific questions			
└ Reasoning in the decision to refuse the specific application	X		X
└└ Comprehensibility of the reasoning	X		
└└ Completeness of the reasoning	X		
└└ Consideration of all main arguments of the applicant/representative in the reasoning	X		
└└ Application of the European Patent Convention in the reasoning	X		
└└ Application of the appropriate Guidelines in the reasoning	X		
└ Consistency between decision and substantive examination	X		
└ Expecting a decision to refuse the application			
Withdrawal – File-specific questions			
└ Formal steps required to withdraw the specific application	X	X	X
└ Reasoning of withdrawal			X

USS ON FILING SERVICES (1/2)

Main topic	Question depth -->	Open comments	Awareness	Access	Overall satisfaction
File-specific questions					
Experience					
	Online Filing 2.0	X		X	
	Online Filing (OLF)	X		X	
Filing subsequent documents					
	MyEPO Portfolio	X		X	X
	Stability of the tool				X
	Functionality				X
	User-friendliness				X
	Speed of transmission				X
	Technical support				X
	Shared Area	X	X	X	X
	Stability of the tool				X
	Functionality				X
	User-friendliness				X
	Speed of transmission				X
	Technical support				X
	Contribution to the discussion on the substantive matters	X			X
	Online Filing (OLF)			X	X

USS ON FILING SERVICES (2/2)

Main topic	Question depth -->	Open comments	Awareness	Access	Overall evaluation
	Stability of the tool				X
	Functionality				X
	User-friendliness				X
	Speed of transmission				X
	Technical support				X
	Online Filing 2.0			X	X
	Stability of the tool				X
	Functionality				X
	User-friendliness				X
	Speed of transmission				X
	Technical support				X
Access to online filing tools					
	2FA	X			X
Unitary Patent					
	Request for unitary effect	X		X	
	Timeliness of UP procedures at the EPO				X
	Online tools for filing a request for unitary effect				X

USS ON FORMALITIES

Main topic	Question depth -->	Information	Open end	Awareness	Overall satisfaction
Overall Satisfaction with FOs			X		X
Aspects of Free text					
	Communication	X			
	Formal aspect and structure (forms 2911,2901)				X
	Consistency of specific procedural information (forms 2911,2901)				X
Standard forms					
	Procedural information	X			
	Communication				X
	Consistency				X
B publication of grant					
	Receipt of granted application	X			
	Correctness of publication				X
Sequence listing application					
	Formal treatment		X		X

USS ON KAM

Main topic	Question depth -->	Question depth -->			Overall satisfaction
		Frequency	Open end	Awareness	
Satisfaction with contact					
	Existence of KAM			X	
	Frequency of contact	X			
	Contact initiation				
Nature of contact					
Preferred means of communication					
	Phone				X
	eMail				X
	Video call				X
Quality of information					
	Overall satisfaction over the last 12 months		X		X
	Satisfaction of services offered by KAM				X
	Friendliness				X
	Proactiveness				X
	Helpfulness				X
	Quality of information				X
	Timeliness of reply				X
	Follow-up on open issues and closure of cases				X
	Topics for contacting the KAM				

USS ON OPPOSITION SERVICES (1/2)

Question depth →	Overall satisfaction	Suitability	Open comments
Main topic ↓			
File-specific questions			
└ Specific opposition procedure	X		
└ Technical competence of the opposition division	X		
└ Legal competence of the opposition division	X		
└ Competence in procedural matters (admissibility, right to be heard etc)	X		X
└ Overall duration	X		
└└ Time taken to issue first action	X		
└ Preliminary non-binding opinion	X		
└└ Consistency between the preliminary non-binding opinion and final decision	X		X
└ Oral proceedings in general	X		
└└ Promptness of delivery of all documents relating to oral proceedings	X		
└└ Date set for the oral proceedings	X		
└└ Oral proceedings in opposition procedure by VICO	X		
└└ Interpreting service	X		
└└ Promptness of availability of information about results using Form 2341 available in Online File Inspection	X		

USS ON OPPOSITION SERVICES (2/2)

USS on opposition services 2	Question depth →	Overall satisfaction	Suitability	Open comments
Main topic ↓				
L L Minutes containing a fair report of the essentials of OP and the relevant statements of the parties		X		
L L Time to issue the minutes of the oral proceedings and the written decision		X		
L Completeness and comprehensiveness of the reasoning and arguments in the written decision		X		
L Handling of auxiliary requests		X		X
L Fair treatment		X		X
L L Ways to improve fair treatment				X
General questions				
L Opposition procedure over the last 12 months		X		X
L Harmonisation of practice across different opposition divisions				X
L L Technical competence		X		
L L Handling of substantive matters		X		
L L Handling of procedural matters		X		
L L Drafting minutes		X		
L L Drafting decisions		X		
L Satisfaction with the EPO facilities for OP by VICO		X		
L Videoconferencing for oral proceedings in the opposition procedure			X	

USS ON SEARCH SERVICES (1/2)

Question depth →	Overall satisfaction	Usefulness	Open comments
Main topic ↓			
File-specific questions			
└ Search services (search report and written opinion) for the specific application	X		X
└ The examiner's understanding of the core of the invention	X		X
└ Satisfaction with search report <i>per se</i>			
└ └ The use of the categories X, Y, A, etc. for the documents cited	X		
└ └ The coverage of the independent claims by the documents cited	X		
└ └ The coverage of the dependent claims by the documents cited	X		
└ └ Coverage of Asian documentation	X		X
└ └ Expectation of Asian prior art			X
└ └ Relevant passages correctly and precisely enough indicated	X		
└ └ Translation	X		
└ Consideration of PCT/EP first filings			X
└ The coherence between citations in the search report and written opinion	X		
└ Satisfaction with written opinion <i>per se</i>			
└ └ The comprehensibility of the reasoning in the written opinion	X		
└ └ The completeness of the reasoning of the written opinion	X		
└ └ The coverage of the independent claims in the written opinion	X		
└ └ The coverage of the dependent claims in the written opinion	X		
└ └ Explanations about how to overcome the objections	X		
└ └ Written opinion in terms of deciding what to do next		X	
└ Time taken to produce search report/written opinion	X		X
└ Interest in accelerating the production of search report and written opinion for the specific application			

USS ON SEARCH SERVICES (2/2)

Question depth →			
Main topic ↓	Overall satisfaction	Usefulness	Open comments
General questions			
<input type="checkbox"/> Search services (search report and written opinion) over the last 12 months	X		X
<input type="checkbox"/> Patent application fully and correctly classified at the time of publication		X	
<input type="checkbox"/> Frequent use of classification codes for retrieving prior art			
<input type="checkbox"/> Services of the European Patent Office as PCT receiving Office	X		X
<input type="checkbox"/> Consistency of search work on different applications	X		
<input type="checkbox"/> Handling of CII/AI applications at the EPO			X
<input type="checkbox"/> Awareness about the part of the Guidelines for Examination in the EPO that deals with CII/AI			
<input type="checkbox"/> <input type="checkbox"/> Said part of the Guidelines for drafting high-quality applications for CII/AI		X	
<input type="checkbox"/> Consistency of the EPO's practice in dealing with CII	X		
<input type="checkbox"/> EPO's examination of artificial intelligence	X		X
<input type="checkbox"/> EPO's examination of additive manufacturing inventions	X		X

USS ON EPO WEBSITE (1/2)

Main topic	Question depth -->	Reasons for visiting				Overall satisfaction
		Access	Awareness	Usage		
EPO.org website today		X	X		X	X
Online services						
Espacenet			X	X	X	
EP Register			X	X	X	
Unitary Patent Register			X	X	X	
Federated Register			X	X	X	
Register Alert			X	X	X	
Global Dossier			X	X	X	
Common Citation Document or CCD			X	X	X	
European Publication Server			X	X	X	
INPADOC data			X	X	X	
MyEPO Portfolio			X	X	X	
Online filing 2.0			X	X	X	
Central Fee Payment			X	X	X	

USS ON EPO WEBSITE (2/2)

Main topic	Question depth ->	Reasons for visiting				
		Access	Awareness	Usage	Overall satisfaction	
Unitary Patent						
	Information about the UP		X			
	UP Register		X			
	Registration of statement		X			
	Reduction of fees		X			
Patent Information Sources						
	Search box for the EPO website		X	X	X	
	Searching for a patent attorney		X	X	X	
	Finding fee information		X	X	X	
	Accessing legal texts or amendments to them		X	X	X	
	Searching for dates/information about oral proceedings		X	X	X	
	Search for procedural communication		X	X	X	
	Reading annual reports and reviews		X	X	X	
	Statistics and Trends Centre		X	X	X	
	EPO Patent Index		X	X	X	
	EPO Data Hub app		X	X	X	
	Registering for an event (conference, training etc)		X	X	X	
	Accessing online training services (e.g. e-learning modules)		X	X	X	
	Accessing EPO publications		X	X	X	
	Deep Tech Finder		X	X	X	
	Contact pages		X	X	X	
	Help pages (e.g. FAQ)		X	X	X	
	EPO newsletter					X
	Observatory's Digital Library					X

12TH MEETING OF THE SACEPO WORKING PARTY ON QUALITY

AP 8 – INSIGHT INTO QUALITY AUDITS AT THE EPO

LAURA SMITH-HEWITT | PRINCIPAL DIRECTOR INTERNAL AUDIT AND PROFESSIONAL STANDARDS | 11 JUNE 2024

QUALITY AUDIT: WHAT WE DO



Metrics & learning

Quality Audit checks whether products fulfil the audit criteria derived from the EPC, EPO Guidelines for Examination and Internal Instructions. This fosters the excellence of the related tasks in classification, search, examination, opposition, and formalities processes.

Audits are conducted in direct dialogue with the departments of DG1 entrusted with the patent grant process, creating opportunities for knowledge sharing and learning. The results of the audit process are used to support continuous quality improvement of the products delivered by DG1.

TRAINING OF QUALITY AUDITORS



- Three-year partial mobility assignments
- All quality auditors are experienced patent examiners, most have additional qualifications e.g. EQE or senior level expertise
- Four training modules deal with all aspects of the work of a Quality Auditor
- Special focus on communication of audit results
- Continual Knowledge Transfer (CKT) sessions
- Examiner tool training

EXAMINER PRODUCTS: IN PROCESS AUDITS

- Auditors are assigned to DG1 technology communities
- Number of in process audited files is set out in the annual DQA audit programme
- Statistically relevant outcome (findings potentially related to validity) across DG1*
- Files are **randomly** sampled among files finalised in the previous business day
- Files audited:
 - European and international **search** reports after sign off by team manager.
 - Applications **proposed for grant** after check recorded by the team manager.

* (ca. interval +/-2.5% with confidence level of 95%)

FILES AUDITED

- Examiner products

In-process: search products, proposals for grant

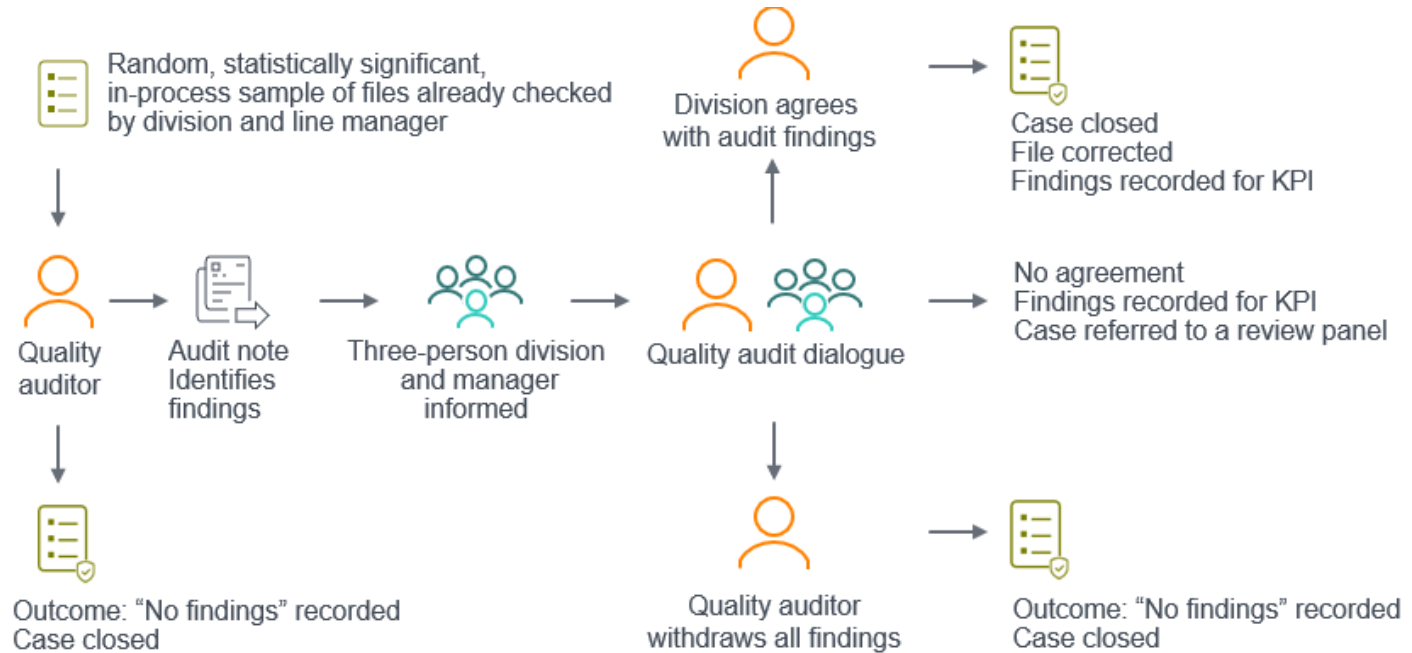
Out-of-process: refusal decisions, opposition decisions

- Formalities actions

e.g. PCT direct service

- Other risk-based audits

OVERVIEW OF QUALITY AUDIT PROCESS



CRITERIA FOR SEARCH AUDIT

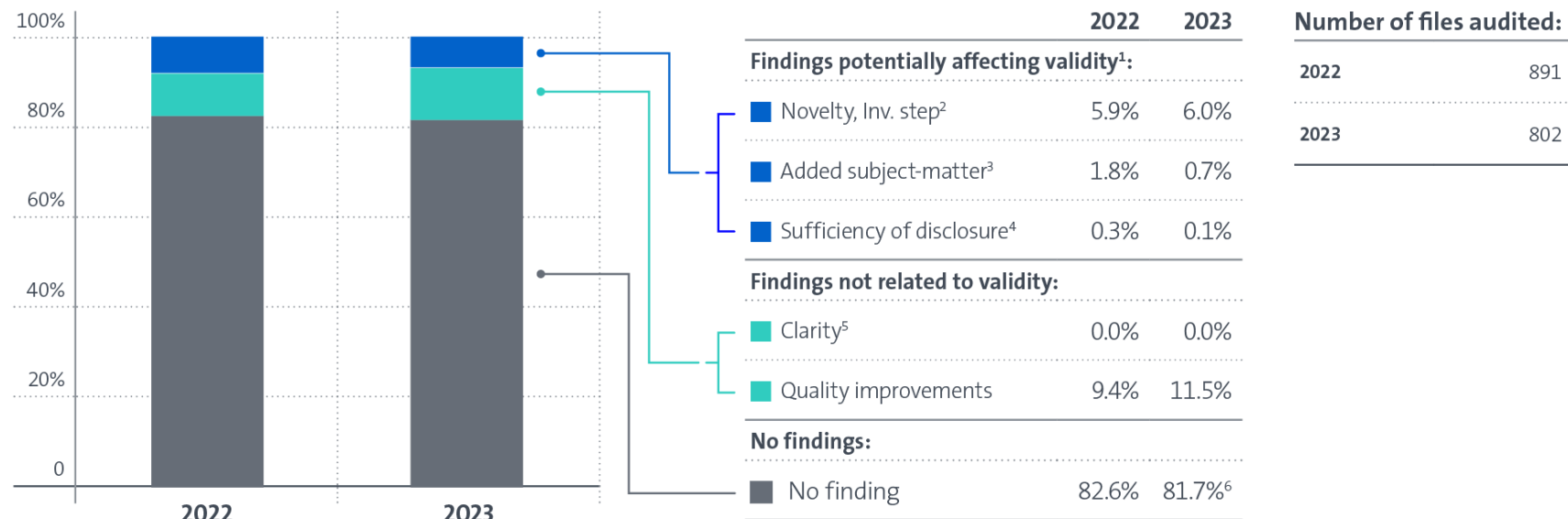
Findings on novelty, inventive step, added subject-matter, sufficiency of disclosure:

highly relevant prior art missing in search report; cited prior art more relevant than indicated; incorrect positive suggestions; major objection missing

Findings on clarity: major clarity objection missing; incorrect positive suggestions for clarity

Quality improvements: invalid objection in the written opinion; wrong set of claims searched

SEARCH QUALITY AUDIT



¹ e.g. Art. 138 EPC, Art. 65 UPCA ² audit criteria includes e.g. R. 61, 62, Art. 54, 56 EPC ³ audit criteria: "added subject-matter": new information introduced in the application after filing date which impacts scope of claims, e.g. Art. 76, 123 EPC ⁴ audit criteria includes e.g. Art. 83 EPC objection missing ⁵ audit criteria includes e.g. Art. 84 EPC objection missing for independent claim ⁶ Confidence interval (no findings): +/-2.7%.

Note: Files with multiple findings are only counted in the category of the highest-ranked finding

CRITERIA FOR GRANT AUDIT

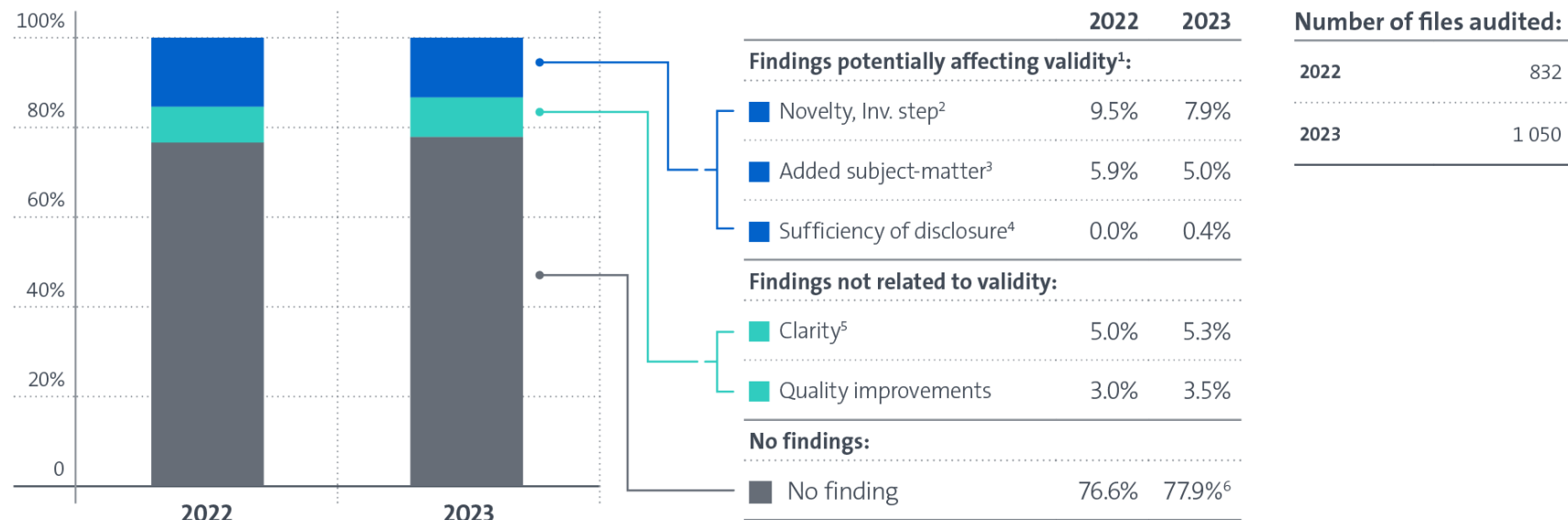
Findings on novelty, inventive step, added subject-matter, sufficiency of disclosure:

provisions of the EPC with potential impact on validity of a future granted patent (independent claims)

Findings on clarity: provisions of clarity (Article 84 EPC) primarily for the independent claims

Quality improvements: findings against a dependent claim, the description or the drawings.

GRANT QUALITY AUDIT



¹ e.g. Art. 138 EPC, Art. 65 UPCA ² audit criteria: Art. 52-57 EPC; majority of findings in this category relate to Art. 54, 56 EPC ³ audit criteria: "added subject-matter": new information introduced in the application after filing date which impacts scope of independent claims; Art. 76, 123 EPC ⁴ audit criteria: Art. 83 EPC ⁵ audit criteria: Art. 84 EPC

⁶ Confidence interval (no findings): +/-2.5%.

Note: Files with multiple findings are only counted in the category of the highest-ranked finding

FORMALITIES AUDIT

- Identifies potential risks in procedural aspects of the Patent Grant Process (PGP) and assesses likelihood and impact on EPO operations
- Formalities audit can cover a complete process, part of a process or a combination
- Deliverables may be issued by support staff in the operational units or through partial or fully automated actions
- Audits are selected following consultation of internal stakeholders (3-year rolling plan)

3-YEAR ROLLING AUDIT PLAN FOR FORMALITIES AUDITS

	Audit year 2023	Audit year 2024	Audit year 2025
Q1 & Q2	PCT Direct (eligibility)	PCT Chapter II - International Preliminary Examination Reports (IPERs) and its annexes	Fee reductions EPC
Q3 & Q4	Customer Service Management (CSM) cases	Fee reductions PCT	Sequence listings (from filing to grant)