A Brazilian Intellectual Property Office for the 21st Century

International Benchmarking Report

Annex

This Annex contains the answers to que questionnaire sent to the IPOs below indicated:

IPO UK - UK

USPTO - United States Patent and Trademark Office

CIPO - The Canadian Intellectual Property Office

IP Australia - IP Australia

IPOS - Intellectual Property Office of Singapore

KIPO - Korean Intellectual Property Office

IPO UK

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1) We ask that you fill in your information below, so that the system can identify you when processing responses, and that we can contact you if necessary:

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Organisational Structure

2) What is the corporate form of your IPO? (Please select whichever applies)

Government department	X
Cost centre of a larger government department	
Independent organisation	
Other	

If Other, please provide details: ……..

3) How is your IPO structured in terms of departments? Please describe the structure of your IPO. If possible, provide details of the benefits and/or shortcomings of this structural approach:

***Our organisation chart* sets out what our responsibilities as an office cover, and the key figures within the office who are responsible for those work streams.**

We are responsible for:

- ***IP policy***
- ***educating businesses and consumers about IP rights and responsibilities***
- ***supporting IP enforcement***
- ***granting UK patents, trade marks and design rights***

We have held these responsibilities since 1990.

The benefits of our structure

Financial Autonomy

As an Executive Agency the IPO operates as a Trading Fund that enables itself to handle its own revenues and expenses separately from overall government finances and more like a private business, as opposed to obtaining funding from the government. A Trading Fund is a financial and accounting framework established by law and it allows the IPO to adopt certain accounting and management practices common in the private sector. The Trading Fund operates on a self-financing basis and does not need to regularly seek funding from the Government to finance its daily operations after its establishment giving it flexibility in

resource management and nurture a new working culture to improve services in terms of both quality and cost-effectiveness.

All the fees charged by the IPO to register and renew intellectual property are kept by the IPO and used to fund its operations and improving customer service e.g. funding for online digital registration and renewal of intellectual property; funding to formulate and implement plans to strengthen the protection of intellectual property rights in the country and awareness through education campaigns to reduce IP crime and infringement.

<u>Ability to lead and drive conversations across the spectrum of IPRs</u>

Having both rights-granting and policy making functions across all of the IP rights allows us to have the ability and expertise to drive wide-ranging conversations and initiatives as well as to learn from partners, both in bilateral and multilateral settings to improve and deliver excellent services. This expertise also gives us the opportunity to have a strong international voice and contributes to creating a world-leading IP environment here in the UK and helps UK stakeholders maximise their opportunities for international trade and innovation.

4) At your IPO, where do ideas related to changing your organisation's strategy originate? (Please select all that apply)

Suggestions from dedicated policy team	
Suggestions from senior management	X
Suggestions from wider society	
Suggestions from IP professional bodies	
Changes arising from legislation	
Other	

If Other, please provide details:…

5) Is your IPO empowered to make major changes to the workings of the organisation independent of outside interference?

Yes	x
No	

Please provide further details relevant to your response: …….

We will only make decisions in line with our IPO Framework document: https://www.gov.uk/government/organisations/intellectual-property-office/about/our-governance

The IPO Framework document details the responsibilities of the Chief Executive, the main steering board, audit committee and other governance groups of the IPO. It also sets out the framework of policy, planning, accountability and delegations within which the Intellectual Property Office operates.

6) The existing organisational structure in your IPO is due to:
(Please select the most appropriate answer)

Technical reasons to follow a divisional pattern	X
A strategic path/choice to develop specific tasks	X
Historical evolution of the office related to global IP policy or developments (e.g. international conventions or agreements)	X
Political conditions defined by the country's government	
Other	

If Other, please provide details: ……..…….

7) Is your IPO's policy and overall governance:

(Please select the most appropriate answer)

Defined by its own board of directors	
Set up by the country's government	
A mix of both	X
Other	

If Other, please provide details: ……

8) In your country, does your IPO have financial and policy autonomy to:
(Please select all that apply)

Charge for services	See below*
Retain the income generated	Yes
Retain the surplus	Yes

The IPO is a trading fund and as such we charge for services at levels which enable us to cover any costs we incur. Charges for services have to be agreed by HM Treasury and legislative change will be needed to implement any changes.

9) How did your IPO evolve to reach the legal status to act as an independent organisation?
(Please select the most appropriate answer)

For historical reasons related to the IP and innovation policy evolution in the country	X
For political reasons due to institutional development and reform in the country	X
For economic and managerial reasons to become more efficient	X
Other	

If Other, please provide details: ……

10) What barriers, if any, have obstructed improvement of the organisational structure at your IPO?

Please provide further details:

There have been no barriers until now, although digital transformation requires us to review our operating model and presents the opportunity to assess whether our structure is fit for purpose. There are no external barriers.

11) Does your IPO have policies targeted at increasing IP rights registrations from disadvantaged and/or under-represented social groups (women, people with disabilities, indigenous communities, faith groups, lower income groups, people in remote areas, other minorities)?

Yes	
No	X

Please provide further details: ***We don't target individuals to 'sell' IPRs. We do work to help citizens understand the IP systems and the opportunities and risks it presents. Our work primarily focuses on groups; Businesses, Research and educations institutions and government. The IPO does have incentive schemes (as mentioned) such as the green channel but that is technology 'targeted'. Our services are intended to be accessible to all.***

Having said that we have undertaken research that gives an indication to gender profiles of filings https://www.gov.uk/government/publications/gender-profiles-in-worldwide-patenting-an-analysis-of-female-inventorship-2019-edition

And we work closely with the BIPC who do monitor the use of their services by under-represented groups.

12) Is there anything about the way your IPO is organised that could be changed to increase social inclusion and/or improve social cohesion in your country?

Yes	X
No	

Please provide further details:

Please provide further details*:*
IPO has a strong track record on inclusion as evidenced by various achievements such as ranking within the Top 10 in the Working Families Top Employers Benchmark Index, a Gold Investors in People Employer and achieving Gold in a benchmark recognising our support on mental health.

As part of the UK Civil Service we are committed to be an inclusive employer and ensuring it reflects the country that we serve. We are taking targeted action to tackle underrepresentation in particular areas such as women in STEM roles – we measure and publish our gender pay gap annually and specific actions we are taking in all areas of social representation are outlined in our response to Q68.

13) Does your IPO request information about applicants for IP rights in relation to their: **N/A** (Please select all that apply)

Gender	
Race or ethnicity	
Age	
Colour	
Religious belief	

14) Do you ask patent, trade mark or design applicants about the corporate size of their own organisations?

Yes	
No	X

15) Is quality management considered:
(Please select all that apply)

As part of operational processes	Yes
Under the responsibility of each division	Yes
Other	

If Other, please provide details: ……

16) Has ISO 9001 or any other quality management policy been applied in your IPO?

Yes	X
No	

If yes, please advise when this was implemented, and to which parts of the organisation the approach was applied:

This was implemented in February 2016, originally to Trade Marks and Patents but has now expanded to Designs and the peripheral areas of the Patents Designs Trade Mark Directorate (PDTMD).

17) Does your IPO have a quality management department / team?

Yes	X
No	

If yes, please advise at what level of seniority this department / team operates within your IPO:

The quality team forms part of the Customer Experience Unit which is headed up by a Deputy Director.

18) How many people are involved in quality management at your IPO:

The whole of Patents Designs Trade Mark Directorate (PDTMD) where it relates to examining.

19) How does your IPO encourage high levels of quality and efficiency from staff? Are there legal barriers?

Please explain: ***We audit regularly and do a variety of quality assurance measures such as sampling. This is fed back to staff with learning points or best practice. We also analyse customer feedback showing where quality improvements are needed.***

Legal barriers = the different IP acts (Trade Mark Act and Rules, Patents Act, Designs Act and Rules). ISO9001:2015 standard – we are required to meet this standard.

20) On average, how many staff hours are required to grant an IP right from application through to grant date?

a. Patents, all types of invention on national patents, excluding utility models:

0-5	
5-10	
10-15	
15-20	
20-30	X
30-40	
>40	

Additional information: This is based on the work done in recent years across all of the patent examiner grades and across all exam groups and technology areas. This relates to time recorded as spent examining, so does not factor in any other examiner duties/time commitments/leave etc. This estimate also completely disregards other staff time that is associated with granting a case, such as the time spent by various different staff across our formalities teams from document reception to publication, to formalities examiners, ESOs etc. As well as ignoring any time spent by staff who support the examiner role more generally (e.g. IT, Accommodation, training providers, etc)

b. Patents, all types of invention on PCT patents, excluding utility models:

0-5	
5-10	
10-15	X
15-20	
20-30	
30-40	
>40	

c. Trade marks, all types:

0-5	X
5-10	
10-15	
15-20	
20-30	
30-40	
>40	

Additional information: time does not include dealing with oppositions on the 4% of cases that are opposed.

d. Design rights / design patents, all types:

0-5	X
5-10	
10-15	
15-20	
20-30	
30-40	
>40	

Process Management System

21) To enable efficient processes, has a major organisational change been carried out in your IPO within the last 5 years?

Yes	
No	X

If yes, please provide further information about this change: N/A

22) How often does your IPO review internal processes to increase efficiency?

The whole business has processes and each different area will have their own review periods.

23) Please provide details of KPIs (Key Performance Indicators) used at your IPO in the areas below:

a) Patents:

Patent input: A figure is calculated for financial year to date (FYTD) and is compared to finance forecasted FYTD

Patent output: A figure is for FYTD and is compared to previous rolling 12 months

Patent outstanding and outstanding and late: Compares current count with number of late pending cases at the start of FY (1 April)

b) Trade marks and Industrial Designs (TMD) – assessed together:

TMD input: Figure is calculated for FYTD and is compared to finance forecasted FYTD.

TMD output: Figure is calculated for FYTD and comparison is the ratio of rolling 12 months output/rolling 12 months input for the current month compared against the same calculation for previous month

TMD outstanding and outstanding and late: Compares current count with number of late pending cases at the start of FY (1 April)

c) Receipt of requests and acting as international authority under the PCT: *N/A*

d) Management of Information and Communication Technology:

Customer-facing services are broken down into:

- ***Applications (as in the service offering the capability to apply for an IP right)***
  - ***6 web forms, listed individually***
- ***Renewals (the services permitting the renewal of an IP right)***
  - ***3 web forms, listed individually***
- ***Search (the services permitting the search for an existing IP right)***
  - ***5 web forms***
- ***Opposition (permitting the opposition of a new rights application)***
  - ***1 web form***
- ***Journals***
  - ***3 publicly-available journals.***

SLA's for these are set at 99.5% availability measured 24/7/365, with availability averaged across each Service and across all Services combined. Reported monthly to a sub-committee of the Board focused on delivering Excellent IP Services to our customers.

Business-critical internal services are listed individually, with 7 services measured

- ***Trade Marks service (internal usage)***
- ***Patents service (internal usage)***
- ***Finance System***
- ***Email service availability***
- ***Email service over corporate mobile devices***
- ***User VPN availability***
- ***Internet connectivity to primary site uptime***

SLA's for these services are set at 99.0% availability during Business Hours only. Reported simultaneously to the same Committee.

There are a significant number of lower-level KPI's used for team management and performance measurement which we can list out in full, but include:

- ***Microsoft server patching status (how many servers received how many of the available critical and high-priority patches released the previous month)***
- ***Success rate of server backups for the previous week***
- ***Microsoft end-user device patching, both for Operating System and Office – how many devices have/have not received the latest IPO-approved Microsoft OS/Office patches***
- ***Incident/Service Request performance of all teams***
  - ***Time to Respond***
  - ***Time to fix***
  - ***Total number of tickets received/month***
  - ***Etc***

e) Budgetary, financial and accounting management:
we have KPI for Prompt Payment of 90% and as an organisation we have a ministerial target of achieving 3.5% of efficiencies in the year.

24) At your IPO, are processes being changed for faster search and grant of national patent applications (excluding design rights and utility models)?
If so, which?

We set ourselves challenging targets for delivering fast search, examination and grant of patent applications. As an office we are engaged in a programme of continuous improvement with regards to our rights granting processes.

We constantly review and update our internal processes to ensure that cases are processed to grant in the most efficient way possible, whilst maintaining our high standards of quality. For example we have recently taken a number of measures to reduce our pendency time for examinations, including better distribution of work across examining teams, contracting out some searches to the European Patent Office, and working smarter. As an example of the latter we recently conducted and implemented the findings of a review that looked at ensuring that our examiners focussed their examination work in areas which make a difference to the quality of the granted patent.

We have also carried out significant recruitment over recent years to reduce pendency times. At the IPO of the UK we offer a number of accelerated processing services to applicants and these are kept under review to ensure they offer the services applicants need without causing problems for overall workloads (see question 26). Finally, our legislation sets a limit as to when a patent application must be in order for grant (normally four-and-a-half years or twelve months from first examination, whichever is later) which ensures that applications are granted quickly.

25) At your IPO, are processes being changed for faster search and grant of PCT patent applications (excluding design rights and utility models)?
If so, which?

The IPO of the UK is not a PCT international searching authority and we do not therefore carry out international searches for PCT applications. In terms of the PCT national phase, there is no discrimination in terms of prioritising PCT cases over national applications and in the absence of a request for acceleration cases are processed in date order, so the answer given to question 24 applies equally to question 25.

One of our accelerated services does however relate specifically to PCT applications, whereby an applicant can request acceleration if they have a positive International Preliminary Report on Patentability (IPRP) or international Preliminary Examination Report (IPER) (see question 26).

26) At your IPO, which schemes exist for faster granting of patent (invention patents – both national and PCT) applications (e.g. Fast-Track)? Please select all that apply:

Patent Prosecution Highway	X
Green/Environmental patent scheme	X
Inventions by inventors who are >=60 years old	
National technology focus (other than green/environmental)	
National emergency (e.g. Covid-19 applications)	
Assistance to small and medium enterprises	
Affirmative action (e.g. female inventors)	
Other	X

If Other please provide details:

We have a number of mechanisms in place for accelerated processing of patent applications. Applicants can request accelerated search, accelerated examination, accelerated combined search and examination and accelerated publication, or, any appropriate combination thereof. There are no fees for any of our acceleration services.

We have a general mechanism for acceleration of national applications, where the applicant is required to provide reasons in writing as to why they require acceleration. We don't prescribe a list of acceptable reasons and the decision whether to accept the request is at the discretion of the office, but reasons that we accept as adequate include; awareness of a potential infringer and faster processing needed to secure commercial investment.

We have a specific acceleration mechanism for applications that relate to environmentally friendly technology, known as ''Green Channel''. Applicants are again required to provide reasons in writing and explain how their application is environmentally friendly.

We have a specific acceleration mechanism available for PCT applications entering the GB national phase. This is our ''Patent Cooperation Treaty (PCT)(UK) Fast Track'' process, whereby applicants can request acceleration if their claims have been found to be in an acceptable form in the international preliminary examination report or the written opinion of the international searching authority.

Finally, we participate in the Global Patent Prosecution Highway (GPPH) programme, which allows applicants who have had claims allowed by a first participating office to request acceleration in any of the other participating offices. All the participating offices evaluate these acceleration requests based on the same standard criteria.

27) What percentage of overall pending patent examinations in any year can be entered into the following schemes (e.g., 500 patents allowed to enter PPH per year, 10000 pending patents = 5%):

Patent Prosecution Highway	
Green/Environmental patent scheme	
Inventions by inventors who are >=60 years old	
National technology focus (other than green/environmental)	
National emergency (e.g. Covid-19 applications)	
Assistance to small and medium enterprises	
Affirmative action (e.g. female inventors)	
Other	X

If Other, please provide details:

We do not have formal limits on the number of cases that can be accelerated under any one scheme. Acceptance of acceleration is dealt with on a case-by-case basis at the discretion of the office.

28) At your IPO, what methods are available to Fast-Track a trade mark examination? Please select all that apply:

Fast-Track due to trade mark already in use / imminent use	
Fast-Track due to existence of pre-grant infringement	
Fast-Track due to industry sector focus	
Fast-Track due to national emergency (e.g. Covid-19 applications)	
Assistance to small and medium enterprises	
Affirmative action (e.g. female inventors)	
Other	X

If Other, please provide details:

At the moment we do not offer a fast track service for TM applications.

29) At your IPO, what processes exist to perceive and respond to technological and cultural changes that could affect your activities (e.g. artificial intelligence, blockchain, gender equality, Black Lives Matter, global IP policy developments)?

Please provide details…….....……..

We have IT governance bodies in place to review new technologies as it comes into our estate to ensure it is fit for purpose, in addition we have resources that perform "horizon scanning" activities looking at the potential for use of new technologies.

We are a Fair Play employer on gender equality and take part in external benchmarks to ensure we are a best practice employer on this. We have a specific gender equality action plan to ensure we are tackling the UK wide problem of under-representation of women in STEM roles. Our diversity and inclusion agenda is broad and IPO has been a signatory of the Business in The Community Race at Work Charter for two years, committing to taking action to achieve racial equality in the workplace. We are also collaborate with IP Inclusive which seeks to promote and encourage diversity and inclusion in the wider IP profession.

IPO policy teams are all responsible for understanding the broader international environment for particular areas of IP, including those discussions convened at WIPO. We also have a wide programme of bilateral engagement to monitor and identify emerging

issues and practices, for example through senior-level engagement with other IP offices around the world. We also have a network of international IP Attachés posted around the world who work with host governments on national IP developments and with businesses in-market to understand challenges and opportunities in IP policy and practice. At the multilateral level, we make proactive efforts to be plugged into new and emerging issues of interest/concern and, via our Geneva-based attaché at WIPO, our policy experts are able to take domestic deliberations to the multilateral arena, positioning the UK as a thought-leader on a range of policy and operational issues.

30) At your IPO, what processes exist to encourage greater understanding and use of IP rights and intangible assets by women and people within disadvantaged communities?

(Disadvantaged communities could include communities of people grouped by gender, ethnicity, colour, faith groups, traditional communities – e.g. indigenous tribes, lower income groups, residing in a disadvantaged locale or region)

Please provide details

Our Cracking Ideas website is free to any groups and individuals who want to find more about IP and how it can help them. It is free to register, and we are keen to welcome any school, group or individual.

We are reviewing the reach of our recruitment and IP education outreach activities to ensure are aligned to promoting the IPO as an inclusive employer. We are seeking opportunities to ensure we are reaching diverse and under-represented societal groups.

31) At your IPO, how do you communicate the commercial and cultural benefits of intangible assets to the national population? Please select all that apply and whether or not they require financial payment.

Process	Free of charge	Access on payment only
In-person workshops	X	
Website information	X	
Webinars	X	
Video channels (e.g. YouTube or equivalent)	X	
Social media	X	
Published material (e.g. booklets, leaflets etc.)	X	
Direct engagement with civil society organisations (e.g. women's groups, black entrepreneurs' organisations, etc.)	Yes, we would if asked. For example, we were asked to assist at a major event in April – cancelled due to COVID	
Other		

If Other please provide details: ……..……..

32) When you hold events, on average how much of the audience is comprised of women?

0-10%	
11-30%	
31-50%	
51-70%	
>70%	

Data not recorded

33) For staff training, what are the options? (Please select all that apply)

Internal training delivered by other staff in person	X
External training	X
Academic training	X
Language training	
Technical subject-matter training	X
On-demand video training	X
Webinars	X
Other	

If Other please provide details:

Online e-learning and we also pay for staff to attend profession related conferences and seminars.

34) When a trade mark or patent is rejected, are senior examiners involved in the appeal process?

Yes	
No	X

For patent applications, when a patent examiner and an applicant cannot come to an agreement as to whether a particular objection has been overcome or whether an application is in order for grant, the applicant has the right to request a hearing. Senior patent examiners are normally involved in decisions as to whether to offer a hearing. The hearing itself is taken by a Deputy Director who would typically oversee a number of patent examining teams. If the hearing officer rejected a patent application an applicant could appeal their decision to the High Court.

For trade marks there are two situations in which a trade mark may be refused. Firstly, it could be refused by the examiner because it fails to meet the requirements for registration.

In these circumstances, an appeal is heard by an ex parte hearing officer who has had no role in the examination process. Secondly, it could be refused following a successful opposition by another party. In these cases, an appeal would be made either to the High Court or the Appointed Person who is an expert in trade mark law (normally a practicing barrister).

35) What is the average time taken to respond to an applicant's appeal, following rejection of:

	Working days
a patent application	N/A
an application for a design right	7
a trade mark application	10

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Service Pricing Policy

36) What is the cost in your currency to Fast-Track a patent application?

Acceleration of a patent application is free, but to accelerate some stages of the application process a case-specific reason is required.

37) What is the cost in your currency to Fast-Track a trade mark application?

We do not currently offer a fast-track trade mark application service as there was little demand when we trialled the option.

38) How do you decide upon the price (for the applicant) for each of the services offered at your IPO?

The IPO is a trading fund and as such we must set our fees at levels which enable us to cover any costs we incur.

However, we also recognise the importance of setting fees at levels which encourage innovative businesses and individuals to access the services we offer and profit from the benefits of IP protection. For this reason, a major aspect of patent fees is that they are heavily back-end loaded. Application fees and other pre-grant fees are kept relatively low and the balance of the IPO's costs (approximately £2500 for each granted patent) is recovered from renewal fees paid by customers who keep their patents in force over many years. The IPO typically only breaks even on any individual patent if it is in force for 15 years or longer.

This model ensures the patent system is accessible by reducing the upfront fees and allocating the greatest fees to the most valuable patents through the payment of renewal fees. However, this model carries risks to the IP Office if the back-loading is too extreme as it delays the time in which that Office can recover its costs. Furthermore, the IPO undertakes a considerable amount of work early on in the patent application process, for example in conducting searches. Some businesses use the search results to decide to file outside the UK. If they do not proceed with the UK application this results in the IPO receiving no subsequent renewal income to cover the upfront work which has been completed.

When we reviewed our fees in 2017, one of our objectives was to achieve a modest shift towards prompt cost recovery, whilst continuing to meet the bulk of the IPO's costs of

granting a patent from renewal fees. Another of our objectives was to encourage good filing practices by applicants – we (1) increased the application fee to discourage applications with very little chance of success; (2) introduced fees for excess claims and excess pages to encourage the filing of clear and succinct patent applications; and (3) increased the discounts for e-filing. The consultation documents at **www.gov.uk/government/consultations/proposed-changes-to-statutory-patents-fees** ***provide further details. The changes proposed in the consultation document were adjusted in light of the responses received to the consultation.***

39) What percentage of the price for patent services at your IPO is:
(Feel free to indicate an approximate number)

	Percentage (%)
Fixed cost	26
Operational cost	95
Mark-up (revenue exceeding cost of provision of the services)	0

40) What percentage of the price for trade mark services at your IPO is:

(Feel free to indicate an approximate number)

	Percentage (%)
Fixed cost	26
Operational cost	94
Mark-up (revenue exceeding cost of provision of the services)	0

41) Is there any type of discount policy in your IPO? (e.g. for applicants from disadvantaged communities, or for small businesses). Please provide details:

a) Patents: ……

b) Trade marks: ……..

c) Designs: ……..

d) No discount policy is in use at our IPO

No discount policy is in use at the IPO UK. We charge the same price for each service, irrespective of the customer.

42) At your IPO, is the office empowered to change the pricing of any or all services without recourse to legislative or statutory amendments?

Yes	
No	X

43) At your IPO, how do changes to service pricing policy happen? Please select all that apply.

Legislative change	X
Directive from senior management	X
Pricing policy manager suggests changes and following approval from senior management implements the suggested change	X
Civil society suggests changes	X
Staff suggest changes	X
Other	

If Other please provide details:

A review into our pricing structure could be commenced in any of the above ways. A public consultation is required, and legislative change will be needed to implement the changes.

44) Are the incomes to your IPO, as a total sum, adequate to cover all running costs?

Yes	X
No	

45) Are there any innovative pricing policies at your IPO?

Yes	
No	X

If yes, please provide details: ……

46) Does any activity at your IPO subsidise another one?

Yes	X
No	

If yes, please provide details:

Each of the patents, designs and trade marks services are self-funding, although as explained in Q38 above there may be an element of cross-subsidy within each (e.g. income from patent renewals covers any unpaid costs of the earlier parts of the patent application process).

47) Is there any price subsidy scheme based on affirmative action or on supporting specific policy goals? If yes, please select all that apply:

Green/environmental inventions	
Inventions by inventors who are >=60 years old	
National technology focus (other than green/environmental)	
National emergency (e.g. Covid-19 applications)	
Assistance to small and medium enterprises	
Affirmative action (e.g. female inventors)	
Other	X

If Other please provide details:

No discount policy is in use at the UK IPO. We charge the same price for each service, irrespective of the customer or the type of technology.

To support businesses during the covid-19 pandemic, we have introduced temporary fee changes to reduce to zero (or £1 in one case): (i) fees for applying for extensions of time, (ii) surcharges for late payment of certain other fees, notably the late payment of fees to keep IP rights in force, and (iii) fees to reinstate IP rights that have been lost due to missed deadlines. These temporary reductions apply to patents, supplementary protection certificates (SPCs), trade marks and registered designs. Further details are available at **www.gov.uk/government/news/temporary-fee-changes**

Whilst we offer no price subsidy for green/environmental inventions, we do offer an acceleration service for such inventions. Details at www.gov.uk/guidance/patents-accelerated-processing (Green Channel).

Information Technology Services

48) Which practices and/or processes are used for IT Service Management (ITSM) at your IPO?
Please provide details including the framework version and/or update year: …….

We are using ITIL as our framework and are currently transition from v3 to v4.

49) Which frameworks are used at your IPO for IT Governance?
Please provide details including the framework version and/or update year: ……..……..

We align to the UK Government's governance frameworks, primarily defined by Cabinet office and Government Digital Service (GDS).

50) Which IT services does your IPO provide?
Please provide details of these services: …….

All IT Services are provided by internal teams from Level 1 help desk through to delivering new services for our transformation programme. From a business services perspective we deliver separate services to our internal and external customers from Trade Marks, Industrial Designs, and Patents, and are working on delivering new unified services for all IP rights. We have other internal services such as finance and HR that we deliver as well as smaller external services such as those for Copyright.

51) Is the provision of IT Services at your IPO based on agile methodologies?
If yes, please specify which methodologies and corresponding tools:

Yes, we primarily use Scrum as our Agile methodology and are likely to start to introduce Kanban as we mature our Agile practices. We are also looking at how the Agile methodologies fit into broader organisational governance using other frameworks like SAFe and PRINCE2 Agile.

If no, please specify why your IPO does not use any agile methodology: ……..…….

52) Does your IPO have routines (process, practices, activities, etc.) focused on continual improvement of IT Services and Technologies?
If yes, please provide details of the routines used:

The organisation has a dedicated team that focuses on Lean Six Sigma practices to improve processes across the organisation. Within IT we have CI teams that work from a backlog in an agile way and provide improvements to services for both internal and external customers. We are currently working on automation for technology build, test and deployment to improve our ability to delivery continuous improvement at a higher pace.

If no, please explain why continual improvement practices are not used: …….…….

53) Does your IPO plan to improve its IT systems in the next 5 years?

If yes, please provide details:

Yes, we have a significant transformation programme underway to replace our core business operational systems with new low-code solutions. This will create a unified platform for Patents, Trade Marks, and Designs, and introduce new digital services for our customers.

54) Is your IPO considering the use of artificial intelligence-based systems (e.g. machine learning, deep learning, etc.) to assess patents, trade marks or design right applications? Please select all that apply.

Initial assessment	
Assessment of image files for suitability (e.g. comparing images of registered trade marks against images provided by an applicant in a trade mark application)	X
Patent prior art search	X
Assessment of patents meeting formality requirements (e.g. formatting, headings etc.)	
Assessment of inventive step	
Assessment of sufficiency of disclosure	

55) What are the technical steps your IPO is taking to make information available to the public related to IP rights (e.g. details of individual applications, granted rights, imagery, legal status)?

For all IP rights, our register is published to online and we have options for the public to subscribe to updates to the register.

a) Patents (both national and PCT): ……..

b) Trade marks: …….

c) Design rights (including design patents): …….

56) Which technical approaches or solutions (e.g. related to information security or cyber-security) are used by your IPO to ensure client confidentiality in working from home environments? Please provide details:

The UK IPO embraces advancements in cloud computing capabilities inclusive of the advancement of cyber security and compliance capabilities as a result. A general approach of a Corporately Owned, Personally Enabled (COPE) device model is preferred for end user devices. Although, this is bolstered with a Bring Your Own Device (BYOD) model for specific applications, where it is advantageous to do so in order to reduce the number of network nodes and thus the attack surface.

We generally stipulate a non-functional requirement of ISO 27001 (Or equivocal standard) for all technology produced by us or our third-party suppliers, as well as rigour's penetration testing to our national standard.

Cloud Application Security Broker (CASB), Data Loss Prevention (DLP), Conditional Access [inclusive of Two Factor Authentication (2FA)], encryption in transit, encryption at rest, behavioural analytics, Machine Learning and AI technology has been introduced in recent years. All of which, is monitored by Security Incident and Event Management (SIEM) and Security Orchestration, Automation and Response (SOAR) technologies run by the UK IPO Security Operations Centre (SOC).

57) How is your IPO using information technology to facilitate quicker patent examinations?

We are working on process improvement to streamline the business processes around patent examination. In line with this, we are looking to offer more digital services to help correct issues up front before submission. Finally, we are planning on introducing AI technologies to help with various aspects of the examination process including prior art search and allocation of patents to examination teams.

Human Resources

58) What is the total number of employees at your IPO?

1347

59) What percentage of your employees are women?

0-20%	
21-40%	
41-60%	X
61-80%	
81-100%	

60) How many pending patent applications are there for each full-time equivalent patent examiner? (E.g., if there were 100 pending patents and 10 examiners available to examine them, the average number of pending patents per examiner would be 10).

Average number of pending patent applications per examiner:

40,279 / (272+64) = 120 pending patents per FTE patent examiner.

61) What percentage of your patent examiners are women?

0-20%	X
21-40%	
41-60%	
61-80%	
81-100%	

62) How many pending trade mark applications are there for each full-time equivalent trade mark examiner at your IPO?
(E.g., if there were 100 pending patents and 10 examiners available to examine them, the average number of pending patents per examiner would be 10).

Average number of pending trade mark applications per examiner…

13,652 / (38+58)= 142 pending TMs per FTE TM examiner.

63) What percentage of your trade mark examiners are women?

0-20%	
21-40%	
41-60%	
61-80%	X
81-100%	

64) What percentage of staff have a university degree?

Degrees are a requirement for specific roles, but this is not recorded.

0-20%	N/A
21-40%	N/A
41-60%	N/A
61-80%	N/A
81-100%	N/A

65) What percentage of trade mark examiners have a master's degree?

Not recorded.

0-20%	N/A
21-40%	N/A
41-60%	N/A
61-80%	N/A
81-100%	N/A

66) What percentage of patent examiners have a PhD?

Not recorded

0-20%	N/A
21-40%	N/A
41-60%	N/A
61-80%	N/A
81-100%	N/A

67) What percentage of the following areas are comprised of women?

	Senior or middle management	Board of directors
0-20%		
21-40%	X	X
41-60%		
61-80%		
81-100%		

68) How does your IPO encourage people from disadvantaged communities to become employees?

(Disadvantaged communities could include communities of people grouped by gender, ethnicity, colour, faith groups, people with disabilities, traditional communities (e.g. indigenous tribes), lower income groups, residing in a disadvantaged locale or region)

Please explain:

The IPO undertakes a number of actions to attract people from disadvantaged communities, but we concentrate specifically on areas where our data tells us we have particular problems. We encourage all of our staff to declare their gender, race, religion etc and review what our data tells us on a quarterly basis. In addition, we have an annual People Survey where our people declare whether they are a carer, or from a low socio economic background. The IPO's specific issues are around the number of Women in STEM roles (the pool of women in STEM is substantially smaller than the number of men in the UK), as well as the number of people applying for roles from BAME communities. Initiatives we're using to attract more diversity are:

- ***Actively promote the IPO as an inclusive employer when advertising new roles in the organisation. Examples of that can be found on our Vercida pages, where we outline that regardless of background, we will support people with our many staff networks.***
- ***Ensure our language on adverts is attractive to all genders (words such as "analytical" are proven to discourage women).***
- ***Ensure our visuals on our website are attractive to all genders, races, abilities etc.***
- ***Participate in STEM Returners schemes to provide valuable work experience and mentoring to those who have struggled to find work in a STEM role.***
- ***Identify opportunities to advertise roles with UK-wide BAME network.***
- ***Complete an Impact Equality Assessment for all large scale recruitment to ensure we're learning from previous recruitment exercises and improving them continuously.***
- ***We are starting to identify opportunities to publish jobs in local libraries- giving more access to people who do not have access to computers (poor social economical backgrounds, and potentially older applicants)***
- ***Working with universities to "sell" the IPO as an inclusive employer of choice.***
- ***Making links to local schools, running "Girls in STEM" events to encourage more girls in to STEM subjects, but also showing us as an employer of choice from an early age.***
- ***Ensuring all of our external sites are accessible.***
- ***Our IT departments have offered graduate schemes, apprenticeships, year in industry opportunities and have started to use Gamification, which is known to attract more women in to tech roles (based on ability, not confidence during interview.)***

69) Please specify the number of full-time equivalent (a) administrative and (b) technical/professional employees who work at your IPO for each of the following activities:

Activity	Number of administrative employees	Number of technical/professional employees
Patents	215	343 examiners, 7 of them in Policy/Legal
Trade marks	Included above	220
Industrial designs	Included above	13
People management/ HR/personnel	20	37
Information Technology and Communication	6	219
Budgetary, financial, and accounting	5	31
Logistics and infrastructure	33	23

70) How does a staff member progress from being a junior employee to becoming a senior employee?

The IPO offers many opportunities for staff to develop their skills and experience to the benefit of their career. In certain professions in the IPO (e.g. Patent/Trademark Examining, User Research, IT), there are roles that enable progression through the grades. In general terms, employees must gather evidence for their Professional Skills Record and when ready to progress, will have the opportunity to apply for the next grade in a non-competitive recruitment campaign. Otherwise all permanent roles are advertised through open and fair competition on the basis of merit. This can be internal, across other Government departments or externally.

71) What performance criteria are used by your IPO in relation to people management?

Managers have ongoing regular performance conversations to discuss progress against goals and feedback to continuously improve. The performance criteria for managers is to support everyone to do their best work by demonstrating a commitment to IPO Values and role modelling 'The Deal' principles to enable successful interactions with each other. Senior Civil Servants have a people objective to demonstrate their commitment to creating an inclusive workplace culture and increase capability of their teams which should reflect the behaviours and standards set out in the Civil Service Leadership statement, in line with the core principals – inspiring, confident and empowering leadership.

72) How many hours per year do staff spend on training, on average?

	Hours per year
Junior professional staff	67003
Mid-career professional staff	53864
Support staff	8467

Additional information: These are aggregate hours

73) How many days of holiday (including national holidays and excluding weekends) do staff have available to take as leave?

Annual leave on appointment is 25 days, increasing by 1 day per year of reckonable service to a maximum of 30 days after 5 years of reckonable service. All employees also get 8 days public leave and 1 day privilege leave.

74) How many patent applications is a full-time patent examiner expected to examine each year?

We have three grades of patent examiner; associate patent examiner (B2), patent examiner (C1) and senior patent examiner (C2). Each grade has a minimum productivity target that they must exceed in terms of number of ''office actions'' per unit time (an office action is a search, or an examination, or a combined search and examination or an amendment). The number of cases typically carried out by an examiner in a year will vary considerably depending on the technology they work on and could be anywhere between 100-200 actions per year.

75) How many trade mark applications is a full-time trade mark examiner expected to examine each year?

Based on an average of 6 cases per day and considering annual leave and public holidays we would expect examiners to complete approx. 1,350 cases per year.

76) How many industrial design right applications is full-time examiner of industrial designs expected to examine each year? (If industrial designs are not examined in your jurisdiction, please indicate “Not applicable”).

Based on an average of 15 cases per day and considering annual leave and public holidays we would expect examiners to complete approx. 3,375 cases per year.

77) How is workload distributed between junior and senior patent examiners, e.g. criteria for allocation of applications /examinations/ revisions, etc?

Examining Groups

Each examining group in the IPO has a Group Head who manages a between 15 – 20 Examiners of various experience. Each group is responsible for a number of IPC Headings grouped by subject matter similarity. Each heading will have an associated mailbox on the Patent Document Exchange (PDAX) system for holding work to be completed. Examiners will be responsible for one or more heading mailboxes in the group.

Within the group, Examiners are responsible for completing applications in one or more headings. Examiners work on headings they have the relevant qualifications in or an aptitude for.

Targets

Processing of work within in a group is informed by the IPO targets. For searches and combined search and examination this is 6 months and for accelerated applications 8 weeks. It is the responsibility of the Group Head along with the Examiners in their group to ensure these targets are met.

Allocation of Work

For new applications received by the IPO an allocation to an IPC Heading is undertaken by trained allocators in the Formalities Team. Once allocated the application is logged on the Patent Administrative Functions System (PAFS) and forwarded to the mailbox associated with the heading.

For PCT Cases, the WIPO allocation is used. On entry to the national phase the initial processing of the application is performed by Examiner Assistants who prepare the application for republication. On publication the application is treated as an examination.

On receipt of a request for examination the case is forwarded to the heading mailbox applied at search.

Amendments are processed by Formalities and then forwarded to the Examiner who completed the previous round of processing. Where this Examiner is unavailable the case is forwarded to the Group Head. The Group Head will either complete the amendment themselves or pass it onto an Examiner in the group.

Where there are backlogs in headings, we will identify any examiners in other groups with the experience or aptitude to work on the IPC headings. Currently the work will be moved between examination groups on an ad hoc basis.

Processing

There are three grades of Examiner: -

- ***Senior Patent Examiner***

Experienced Examiners with the full set of professional skills to act independently on all case work. They are also responsible for the training of junior examiners as revising officers. They will have been an Examiner for at least 5 years.

- ***Patent Examiner***

An Examiner who will have successfully completed their initial training and is now gaining experience to demonstrate the required professional skills for the Senior Examiner Grade. They will have been an Examiner for 2 – 7 years. Their work will be sampled by a Senior Examiner to ensure quality.

- ***Associate Patent Examiner***

A trainee examiner in their first 4 years in the IPO. Their work will be checked in full until the revising examiner is satisfied that they have reached a level where their work can be sampled. They are then considered ready for promotion to Patent Examiner.

<u>Distribution of Work</u>

Senior Patent and Patent Examiners are expected to work on all applications in the headings for which they are responsible. They will take work directly from the heading mailbox.

On occasion a Patent Examiner will be allocated applications that demonstrate a required learning/experience point.

Associate Patent Examiners in the first year will be allocated applications selected by their revising officer. These will be selected to build the examining skills of the Examiner. As they near completion of their initial training they will take work from the heading mailbox.

<u>Ongoing work</u>

We are working to improve an AI allocation tool which is currently being used to assist the allocators with the initial allocation to the IPC.
We are beginning work to develop a model which also considers examiner capacity and broader expertise at the point of allocation, rather relying solely on the IPC. This should allow us to spread some IPC headings across more examiners, which in turn will reduce backlogs in some areas.

78) How do you reward and recognise exceptional work within your IPO?

We introduced a new recognition approach in May 2019 that complements our performance management arrangements. It emphasises the importance of regular performance conversations and recognises the best outcomes and behaviours as an when they happen.

All non-SCS staff are eligible and recognition is split between Directorate and organisation awards. Awards may take the form of a cash payment of £150 or £300 and are made by managers to an individual or team. There are also vouchers of £10, £25 or £50 which can be awarded by peers. All awards are non-pensionable.

For SCS staff they are governed by reward arrangements set centrally by Cabinet Office and are eligible for an end-year non-pensionable cash award if they are assessed as a top performer against their peers during their annual performance appraisal. There is discretion to make in-year non-pensionable awards for up to 20% of SCS staff within set criteria.

79) How does your IPO retain good staff?

We have a corporate aim to be a brilliant place to work. We had an engagement score of 68% in the UK Civil Service People Survey placing us in the top 25% of civil service departments and agencies.

Benefits of working for IPO include:

- ***A flexible working scheme which has no core hours and excellent opportunities for home, part-time and term-time working;***
- ***A very generous pension scheme, with low employee contributions;***
- ***Generous leave provision;***
- ***Excellent development opportunities.***

Having a great culture with shared values and behaviours, a respect of difference and having healthy people working in a healthy environment is key to retaining talent. We have a low staff turnover rate and we have evidenced that we are a flexible employer of choice by ranking within the Top 10 in the Working Families Top Employers Benchmark Index, a Gold Investors in People Employer and achieving Gold in a benchmark recognising our support on mental health.

In terms of our employment package we offer competitive salaries and in certain specialist roles we have pay enhancements which are market driven to enable us to recruit the skills we need in STEM roles.

USPTO

02

1) We ask that you fill in your information below, so that the system can identify you when processing responses, and that we can contact you if necessary:

Name	Jessica Patterson
Job position	Director, International Outreach and Administration
Name of your IPO	United States Patent and Trademark Office
Email	Jessica.patterson@uspto.gov
Phone number	1.571.272.8828

Organisational Structure

2) What is the corporate form of your IPO? (Please select whichever applies)

Government department	X
Cost centre of a larger government department	
Independent organisation	
Other	

If Other, please provide details: ……..

3) How is your IPO structured in terms of departments? Please describe the structure of your IPO. If possible, provide details of the benefits and/or shortcomings of this structural approach: ……..
https://www.uspto.gov/about-us/organizational-offices

4) At your IPO, where do ideas related to changing your organisation's strategy originate? (Please select all that apply)

Suggestions from dedicated policy team	X
Suggestions from senior management	X
Suggestions from wider society	X
Suggestions from IP professional bodies	X
Changes arising from legislation	X
Other	X

If Other, please provide details:……

https://www.uspto.gov/sites/default/files/documents/USPTO_2018-2022_Strategic_Plan.pdf (see page 22)

https://www.uspto.gov/about-us/organizational-offices/public-advisory-committees

5) Is your IPO empowered to make major changes to the workings of the organisation independent of outside interference?

Yes	
No	

Please provide further details relevant to your response: …….

6) The existing organisational structure in your IPO is due to:
(Please select the most appropriate answer)

Technical reasons to follow a divisional pattern	
A strategic path/choice to develop specific tasks	
Historical evolution of the office related to global IP policy or developments (e.g. international conventions or agreements)	
Political conditions defined by the country's government	
Other	

If Other, please provide details:

https://www.uspto.gov/blog/director/entry/fall-2020-brings-exciting-changes

7) Is your IPO's policy and overall governance:

(Please select the most appropriate answer)

Defined by its own board of directors	
Set up by the country's government	
A mix of both	X
Other	

If Other, please provide details: ……

8) In your country, does your IPO have financial and policy autonomy to:
(Please select all that apply)

Charge for services	X
Retain the income generated	X
Retain the surplus	X

9) How did your IPO evolve to reach the legal status to act as an independent organisation?
(Please select the most appropriate answer)

For historical reasons related to the IP and innovation policy evolution in the country	X, see url below.
For political reasons due to institutional development and reform in the country	
For economic and managerial reasons to become more efficient	
Other	

If Other, please provide details: ……

https://www.uspto.gov/about-us

10) What barriers, if any, have obstructed improvement of the organisational structure at your IPO?

Please provide further details: ……

11) Does your IPO have policies targeted at increasing IP rights registrations from disadvantaged and/or under-represented social groups (women, people with disabilities, indigenous communities, faith groups, lower income groups, people in remote areas, other minorities)?

Yes	X
No	

Please provide further details:……..

The list below is not exhaustive:

- https://www.uspto.gov/initiatives/expanding-innovation/national-council-expanding-american-innovation?MURL=expandingamericaninnovation
- https://www.uspto.gov/web/offices/pac/mpep/s509.html#d0e30961
- https://www.uspto.gov/patents-getting-started/using-legal-services/pro-bono/patent-pro-bono-program?MURL=probonopatents
- https://www.uspto.gov/learning-and-resources/ip-policy/public-information-about-practitioners/law-school-clinic-1

12) Is there anything about the way your IPO is organised that could be changed to increase social inclusion and/or improve social cohesion in your country?

Yes	
No	

Please provide further details: ……

13) Does your IPO request information about applicants for IP rights in relation to their: (Please select all that apply)

Gender	N/A
Race or ethnicity	N/A
Age	N/A
Colour	N/A
Religious belief	N/A

14) Do you ask patent, trade mark or design applicants about the corporate size of their own organisations?

Yes	
No	X

The USPTO does not "ask" applicants about their entity size. Nonetheless, the USPTO does receive entity size data from applicants through the payment of fees since many of the USPTO's fee are graduated based on entity size, and applicants voluntarily provide information about the corporate size of their own organizations in order to demonstrate eligibility for the relevant fees.

15) Is quality management considered:
(Please select all that apply)

As part of operational processes	X
Under the responsibility of each division	X
Other	

If Other, please provide details: ……

16) Has ISO 9001 or any other quality management policy been applied in your IPO?

Yes	X
No	

If yes, please advise when this was implemented, and to which parts of the organisation the approach was applied:

The USPTO has always had quality management policies and in the past has some departments ISO certified. Currently, the USPTO does not have any ISO certified departments, but nonetheless employees a quality management system and associated policy.

17) Does your IPO have a quality management department / team?

Yes	X
No	

If yes, please advise at what level of seniority this department / team operates within your IPO: ……..…..

The USPTO Patents Business Unit has a quality management department called the Office of Patent Quality Assurance (OPQA). This department reports to the Deputy Commissioner for Patent Quality. OPQA functions to review the work of patent examiners; the majority of this work is completed by Review Quality Assurance Specialists or RQASs. RQASs are primary examiners with a proven history of high quality patent examination. Organized by technical disciplines, RQASs are very familiar with the technology being reviewed. In addition to reviewers, OPQA has supervisors for each discipline, technical support staff, administrative and program support staff, and statisticians to both facilitate the reviewers and accomplish other OPQA objectives.

USPTO Trademark Operations has a quality management department called the Office of Trademark Quality Review and Training. This department reports to the Deputy Commissioner for Trademark Examination Policy. This department is both led and staffed by experienced, senior-level attorneys and by program analysts.

18) How many people are involved in quality management at your IPO:

While there are many staff involved in quality management, the following is a breakdown of the specific staff in the divisions devoted solely to quality review work.

The Office of Patent Quality Assurance currently employees 91 staff, including 67 patent review quality assurance specialists.

The Office of Trademark Quality Review and Training currently employs 42 staff, including 29 attorneys and13 other staff.

19) How does your IPO encourage high levels of quality and efficiency from staff? Are there legal barriers?

Please explain:

The USPTO provides employees with performance appraisal plans that provide expectations to staff and are used to hold employees accountable. In addition, there are targets and goals set at various levels within the USPTO to encourage high levels of quality and efficiency. The USPTO engages in employee engagement efforts to encourage and reinforce employee support for organizational goals. In addition, the USPTO has performance and incentive bonuses that are tied to achieving goals, including high levels of quality and efficiency.

20) On average, how many staff hours are required to grant an IP right from application through to grant date?

a. Patents, all types of invention on national patents, excluding utility models:

0-5	
5-10	
10-15	
15-20	
20-30	X
30-40	
>40	

b. Patents, all types of invention on PCT patents, excluding utility models:

0-5	
5-10	
10-15	
15-20	
20-30	X
30-40	
>40	

c. Trade marks, all types:

0-5	X
5-10	
10-15	
15-20	
20-30	
30-40	
>40	

d. Design rights / design patents, all types:

0-5	
5-10	x
10-15	
15-20	
20-30	
30-40	
>40	

Process Management System

21) To enable efficient processes, has a major organisational change been carried out in your IPO within the last 5 years?

Yes	X
No	

If yes, please provide further information about this change: https://www.uspto.gov/patent/laws-and-regulations/examination-policy/updates-patent-examination-time-application-routing; https://www.uspto.gov/blog/director/entry/fall-2020-brings-exciting-changes

22) How often does your IPO review internal processes to increase efficiency?

23) Please provide details of KPIs (Key Performance Indicators) used at your IPO in the areas below:

Please see the Performance and Accountability Report - https://www.uspto.gov/sites/default/files/documents/USPTOFY19PAR.pdf

a. Patents:
……..……

USPTO's 2018-2022 Strategic Plan sets forth various objectives relating to patents, each of which has related initiatives and KPIs. For example, one objective is to optimize patent application pendency. The KPIs associated with this objective include: Balance pendency targets within patent term adjustment examination timeframes; Define and implement a process for routing utility patent applications in light of the transition from U.S. classification to Cooperative Patent Classification; Provide examiners with information from an applicant's other applications filed in the United States and internationally; and Achieve process efficiencies and quality improvements via available prosecution options. Another objective is to issue highly reliable patents and the KPIs associated with this objective include: Ensure that examiners consistently apply current policies and follow established procedures; Comprehensively study and adjust examination time goals to ensure optimal USPTO performance in patent pendency and quality; and Increase the effectiveness, evaluation and reporting of quality. Another objective is to foster innovation through business effectiveness and the associated KPIs are: Complete initial implementation of Patents End to End; Enhance assistance to independent inventors and small businesses during the prosecution of their applications, and Strengthen leadership values and behavior throughout the Patent organization by providing appropriate opportunities and resources for employees at all levels Another Patent objective is to enhance the operations of the

Palladium
MAKE IT POSSIBLE

Patent Trial and Appeal Board (PTAB) and the associated KPIs are: Resolve all inter partes matters within statutory deadlines and improve appeal pendency; Ensure quality of Patent Trial and Appeal Board decisions; Pursue formal or informal collaborations and education opportunities with examiners and external stakeholders; and Improve Patent Trial and Appeal Board processes and procedures through enhanced automation tools and data use. For additional information related to these Patent objectives and USPTO overall, please see https://www.uspto.gov/sites/default/files/documents/USPTO_2018-2022_Strategic_Plan.pdf.

b. Receipt of requests and acting as international authority under the PCT: ……..……

These are generally covered by the objective's relating to Patents in the USPTO Strategic Plan but the USPTO additionally leverages WIPO's PCT Yearly Review. https://www.wipo.int/pct/en/activity/

c. Trade marks: ……..…

USPTO's 2018-2022 Strategic Plan sets forth various objectives relating to trademarks, each of which has related initiatives and KPIs. For example, one objective is to optimize trademark application pendency. The KPIs associated with this objective include: Maintain first action pendency between 2.5 and 3.5 months with 12 months or less for disposal pendency; Continue to evaluate timeliness; Use forecasting and analytics to align staffing to pendency goals. Another objective is issuing high-quality trademarks and the KPIs associated with this objective include: Maintain high-quality targets of 95.5 percent for first actions, with 97.0 percent for final compliance and 45.0 percent for exceptional office action; Adopt data-driven analytics to enhance quality. Another trademark objective is to foster business effectiveness and the associated KPIs are: Create a customer-focused organization; Strengthen workforce competencies (e.g., include education in diversity, talent, skills, empathy); Align process and service to improve the customer experience and efficiency. Another trademark objective is to enhance the operations of the Trademark Trial and Appeal Board (TTAB) and the associated KPIs are: Maintain a customer-focused organization; Strengthen workforce competencies (e.g., include education in diversity, talent, skills, empathy); Align process and service to improve customer experience and efficiency. For additional KPIs relating to trademark matters and USPTO overall please see https://www.uspto.gov/sites/default/files/documents/USPTO_2018-2022_Strategic_Plan.pdf.

d. Industrial designs: …(included with Patents)……..……

e. Management of Information and Communication Technology: ……The USPTO uses the number of releases and the business

value delivered as KPIs for information management and communication technology.

f. Budgetary, financial and accounting management:
……..……..

The USPTO Strategic Plan sets forth KPI's for financial management on p. 20: https://www.uspto.gov/sites/default/files/documents/USPTO_2018-2022_Strategic_Plan.pdf . In support of these KPI's the USPTO monitors operating reserve balances to manage the financial health of the organization. A discussion of this can be found on pages 5, 10, and 13 of the USPTO's most recent budget request: https://www.uspto.gov/sites/default/files/documents/fy21pbr.pdf .

g. Logistics and infrastructure management:
……..…..

USPTO's Strategic Plan outlines objectives for Mission Support Goals, of which logistics and infrastructure relate. Specifically, performance indicators are to improve space efficiency, provide quality metrics and improve telework management and participation methods, controls, and practices. Initiatives include optimizing the USPTO workspace to meet workforce needs; continuing to strengthen USPTO's telework environment; and providing a modern, functional, and safe work environment in a high-performing organization. These initiatives will meet the needs of employees who work on a USPTO campus and those who work remotely.

Meeting these performance indicators requires the development and execution of an overall space strategy that optimizes space utilization and meets the needs of an evolving nationwide workforce. USPTO continues to demonstrate our strong commitment to telework, with continuous improvement in the telework program including making management opportunities attractive to our teleworkers, developing skills for our managers that will enhance their effectiveness in managing in a telework environment and resulting in a world-class telework program.

24) At your IPO, are processes being changed for faster search and grant of national patent applications (excluding design rights and utility models)?
If so, which?

https://www.uspto.gov/patent/laws-and-regulations/examination-policy/updates-patent-examination-time-application-routing

25) At your IPO, are processes being changed for faster search and grant of PCT patent applications (excluding design rights and utility models)?
If so, which?

For national stage applications, see answers to Q24 and Q26. For PCT applications, no changes necessary to meet Treaty deadlines (e.g., PCT Rule 42 and 69.2).

26) At your IPO, which schemes exist for faster granting of patent (invention patents – both national and PCT) applications (e.g. Fast-Track)? Please select all that apply:

Patent Prosecution Highway	X
Green/Environmental patent scheme	X
Inventions by inventors who are >=60 years old	X but >= 65 years old
National technology focus (other than green/environmental)	Cancer immunotherapy
National emergency (e.g. Covid-19 applications)	X
Assistance to small and medium enterprises	
Affirmative action (e.g. female inventors)	
Other	X

If Other please provide details:

Track One, Collaborative Search Pilots (CSP), Expedited Examination (Designs only), 37 CFR 1.102(c), Accelerated Examination (See MPEP 708.02(a))

27) What percentage of overall pending patent examinations in any year can be entered into the following schemes (e.g., 500 patents allowed to enter PPH per year, 10000 pending patents = 5%):

Patent Prosecution Highway	No limit
Green/Environmental patent scheme	
Inventions by inventors who are >=60 years old	No limit but >= 65
National technology focus (other than green/environmental)	Cancer Immunotherapy – no limit
National emergency (e.g. Covid-19 applications)	500 total
Assistance to small and medium enterprises	
Affirmative action (e.g. female inventors)	
Other	x

If Other, please provide details: ……

Track One – 12000 per year, CSP – 400 per year per Office, Expedited Examination for designs – no limit

28) At your IPO, what methods are available to Fast-Track a trade mark examination? Please select all that apply:

Fast-Track due to trade mark already in use / imminent use	
Fast-Track due to existence of pre-grant infringement	X
Fast-Track due to industry sector focus	
Fast-Track due to national emergency (e.g. Covid-19 applications)	X
Assistance to small and medium enterprises	
Affirmative action (e.g. female inventors)	
Other	X

If Other, please provide details:

To obtain a U.S. registration in order to secure a foreign registration based on Paris reciprocity; pending litigation; special circumstances where a demonstrable possibility of the loss of substantial rights is shown

29) At your IPO, what processes exist to perceive and respond to technological and cultural changes that could affect your activities (e.g. artificial intelligence, blockchain, gender equality, Black Lives Matter, global IP policy developments)?

Please provide details…….....……..

30) At your IPO, what processes exist to encourage greater understanding and use of IP rights and intangible assets by women and people within disadvantaged communities?

(Disadvantaged communities could include communities of people grouped by gender, ethnicity, colour, faith groups, traditional communities – e.g. indigenous tribes, lower income groups, residing in a disadvantaged locale or region)

Please provide details…….....……..

There are means for bringing information to the attention of trademark examining attorneys as they review applications. An example is the USPTO Native American Tribal Insignia database, which assists trademark examining attorneys in their examination of applications for registration. Although the USPTO established this database nearly 20 years ago, only 71 official insignia have been recorded, with some tribes filing several insignia. The Indian Arts and Crafts Act (IACA) is another valuable tool. It is a truth-in-advertising law that prohibits misrepresentation in the marketing of traditional and contemporary Indian arts and crafts products within the United States and informal

complaints may be made to the Indian Arts and Crafts Board (IACB) of the U.S. Department of the Interior.

The USPTO regularly works with the IACB on various projects. We have developed an initiative to help tribes protect and promote their arts and crafts through the use of certification or collective trademarks and, with the IACB, seek to identify tribes in the United States that wish to explore this avenue. For over 15 years, the USPTO has presented programs and webinars on intellectual property and cultural heritage, throughout the United States, including Hawai'i. We also serve as a resource for the World Intellectual Property Organization (WIPO) on intellectual property programs for indigenous entrepreneurs.

Additionally, the USPTO participates in the work of the WIPO Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore (IGC). As a part of that work, the USPTO team has been engaged in listening sessions with tribal members, through arrangements with the National Congress of American Indians and the Native American Rights Fund. These arrangements have led to greater opportunities for outreach and improved understanding of indigenous peoples' perspectives on these issues.

31) At your IPO, how do you communicate the commercial and cultural benefits of intangible assets to the national population? Please select all that apply and whether or not they require financial payment.

Process	Free of charge	Access on payment only
In-person workshops	X	
Website information	X	
Webinars	X	
Video channels (e.g. YouTube or equivalent)	X	
Social media	X	
Published material (e.g. booklets, leaflets etc.)	X	
Direct engagement with civil society organisations (e.g. women's groups, black entrepreneurs' organisations, etc.)	X	
Other		

If Other please provide details: ……..……..

32) When you hold events, on average how much of the audience is comprised of women?

0-10%	
11-30%	
31-50%	
51-70%	
>70%	

33) For staff training, what are the options? (Please select all that apply)

Internal training delivered by other staff in person	X
External training	X
Academic training	X
Language training	X
Technical subject-matter training	X
On-demand video training	X
Webinars	X
Other	

If Other please provide details: ……..

34) When a trade mark or patent is rejected, are senior examiners involved in the appeal process?

Yes	X
No	

35) What is the average time taken to respond to an applicant's appeal, following rejection of:

	Working days
a patent application	
an application for a design right	
a trade mark application	

See the TTAB Performance Measures on USPTO.gov at:

https://www.uspto.gov/dashboard/ttab/

https://www.uspto.gov/trademarks-application-process/appealing-trademark-decisions/ttab-incoming-filings-and-performance.

https://www.uspto.gov/dashboard/patents/amendment-turnaround.html

Service Pricing Policy

36) What is the cost in your currency to Fast-Track a patent application?

PPH - $0, CSP - $0, Expedited Examination for designs - $1600 ($800 for small entity, $400 for micro entity), Track One - $4200 ($2100 for small entity, $1050 for micro entity)

37) What is the cost in your currency to Fast-Track a trade mark application?

A Petition to Make Special is US$100 if filed electronically and US$200 if filed on paper. A Request to Make Special after inadvertent cancellation of a prior registration (failure to maintain/renew) is free. The fee for a Petition to prioritize initial examination of an application covering Covid-19 products/services is waived and any fee paid will be refunded.

38) How do you decide upon the price (for the applicant) for each of the services offered at your IPO?

The USPTO uses an Activity Based Information (ABI) program (managerial cost accounting) to calculate historical expenses by activity. More information can be found here: https://www.uspto.gov/sites/default/files/documents/ABI_Methodology_July2019.docx. For the trademark organization, the activity based process models are used to assess direct and allocated costs to develop a unit cost for every fee related workload. Unit costs are based on expenses that are mapped using elaborate activity based cost models to arrive at the individual unit cost. There are three categories of cost: direct, direct allocated, and allocated. Direct costs are traceable to the activities that support the work or service performed. Allocated direct costs are performed by others outside the trademark organization with a direct connection to the trademark process, such as IT services. Indirect allocated costs are activities and shared costs that exist to support both patent and trademark process and activities, such as human resources.

For patents, please see https://www.govinfo.gov/content/pkg/FR-2020-08-03/pdf/2020-16559.pdf

In addition, with respect to trademark collections at the USPTO, sources of fee collection limited to the trademark application and registration maintenance documentation submissions and the Director of the USPTO must carefully exercise authority vested by Section 10 of the America Invents Act (AIA) to set fees. The AIA prescribes that trademark fees may be set or adjusted only to recover the aggregate estimated costs to the USPTO for processing, activities, services, and materials relating to trademarks, including administrative costs to the USPTO with respect to such trademark and TTAB operations. However, this authority includes the flexibility to set individual fees to advance key policy objectives. Thus, the Director may set individual fees at, below, or above their respective associated costs, while taking into account the aggregate estimated costs to the USPTO. When proposing to change fees, the USPTO undertakes an extensive process that involves consultation with the Trademark Public Advisory Committee (TPAC), which holds a hearing on an initial proposal for fee adjustments, and a formal federal

rule-making process. Proposed fees take into account the different processing costs of each type of filing for which fees are collected, and adjusts the amounts based on whether the filings are submitted via paper, a more costly method of processing, versus filed electronically. The overall objective of any fee-setting is to ensure the fee schedule generates sufficient revenue to recover the prospective aggregate costs of trademark and TTAB operations and the associated administrative costs. Fees must be set at levels projected to cover the cost of future budgetary requirements and maintain an operating reserve at a sufficient level. Fee setting objectives align with the strategic goals and objectives detailed in the USPTO's Strategic Plan, a document updated every five years. See http://www.uspto.gov/sites/default/files/documents/USPTO_2018-2022_Strategic_Plan.pdf.

39) What percentage of the price for patent services at your IPO is:
(Feel free to indicate an approximate number)

See response in Q38.

	Percentage
Fixed cost	
Operational cost	
Mark-up (revenue exceeding cost of provision of the services)	

40) What percentage of the price for trade mark services at your IPO is:

(Feel free to indicate an approximate number)

	Percentage
Fixed cost	80%
Operational cost	20%
Mark-up (revenue exceeding cost of provision of the services)	

41) Is there any type of discount policy in your IPO? (e.g. for applicants from disadvantaged communities, or for small businesses). Please provide details:

See response in Q38.

a. Patents:
……

b. Trade marks:
……..

Yes; a discount is available based upon method of filing. For further details, please see https://www.uspto.gov/trademark/trademark-fee-information.

c. Designs:
……..

d. No discount policy is in use at our IPO

42) At your IPO, is the office empowered to change the pricing of any or all services without recourse to legislative or statutory amendments?

See response in Q38.

Yes	
No	

43) At your IPO, how do changes to service pricing policy happen? Please select all that apply.

Legislative change	
Directive from senior management	X
Pricing policy manager suggests changes and following approval from senior management implements the suggested change	X
Civil society suggests changes	X
Staff suggest changes	X
Other	

If Other please provide details: ……..

44) Are the incomes to your IPO, as a total sum, adequate to cover all running costs?

See response in Q38.

Yes	
No	

45) Are there any innovative pricing policies at your IPO?

See response in Q38.

Yes	
No	

If yes, please provide details: ……

46) Does any activity at your IPO subsidise another one?

See response in Q38.

Yes	
No	

If yes, please provide details: ……..

47) Is there any price subsidy scheme based on affirmative action or on supporting specific policy goals? If yes, please select all that apply:

See response in Q38.

Green/environmental inventions	
Inventions by inventors who are >=60 years old	
National technology focus (other than green/environmental)	
National emergency (e.g. Covid-19 applications)	
Assistance to small and medium enterprises	
Affirmative action (e.g. female inventors)	
Other	

If Other please provide details: ……

Information Technology Services

48) Which practices and/or processes are used for IT Service Management (ITSM) at your IPO?
Please provide details including the framework version and/or update year: …….

The USPTO uses Agile.

49) Which frameworks are used at your IPO for IT Governance?
Please provide details including the framework version and/or update year: ……..……..

The USPTO uses the Technical Business Model.

50) Which IT services does your IPO provide?
Please provide details of these services: …….

The USPTO provides full IT services, e.g. network, laptops, SW tools, etc.

51) Is the provision of IT Services at your IPO based on agile methodologies?

Yes

If yes, please specify which methodologies and corresponding tools: ……

The USPTO is in the transition from a standard project base system development lifecycle to agile/scrum/ITIL service.

If no, please specify why your IPO does not use any agile methodology: ……..…….

52) Does your IPO have routines (process, practices, activities, etc.) focused on continual improvement of IT Services and Technologies?

Yes

If yes, please provide details of the routines used: ……..……

There are numerous activities across the total portfolio of IT services.

If no, please explain why continual improvement practices are not used: …….……

53) Does your IPO plan to improve its IT systems in the next 5 years?

Yes

If yes, please provide details: ……
The USPTO is agile and focuses on 18-month goals with a strategic plan. The USPTO is currently looking at cloud based resiliencies and fail over with continuous delivery of business value to the agency's ever changing priorities.

54) Is your IPO considering the use of artificial intelligence-based systems (e.g. machine learning, deep learning, etc.) to assess patents, trade marks or design right applications? Please select all that apply.

Initial assessment	
Assessment of image files for suitability (e.g. comparing images of registered trade marks against images provided by an applicant in a trade mark application)	X
Patent prior art search	X
Assessment of patents meeting formality requirements (e.g. formatting, headings etc.)	X
Assessment of inventive step	
Assessment of sufficiency of disclosure	

55) What are the technical steps your IPO is taking to make information available to the public related to IP rights (e.g. details of individual applications, granted rights, imagery, legal status)?

a. Patents (both national and PCT):
……..The USPTO is leveraging an open data platform.

b. Trade marks: …….

The USPTO offers a wide variety of online resources to assist trademark filers in preparing their submission to enhance the quality of the contents of applications. Here are some examples of the online resources USPTO provides to its trademark filers:

- Trademark Status and Document Retrieval (TSDR) - retrieve status information and to view and download documents for pending and registered trademarks. TSDR also displays information contained in the USPTO records regarding International

Registrations and applications for International Registration filed under the Madrid system through the United States. https://tsdr.uspto.gov/

- Trademark Electronic Search System (TESS) – search engine allows you to search the USPTO's database of registered trademarks, prior pending applications and other signs and emblems to find marks that may prevent registration due to a likelihood of confusion or other statutory refusal. http://tess2.uspto.gov/
- USPTO Subscription Center – enter email address to subscribe to newsletters or alerts for a variety of topics, including Trademark Alerts. https://public.govdelivery.com/accounts/USPTO/subscriber/new
- Courtesy Email Reminders – USPTO sends courtesy remail reminders to registration owners of upcoming post-registration maintenance filing deadlines for affidavits of continued use and renewals. https://www.uspto.gov/trademarks-maintaining-trademark-registration/courtesy-email-reminders-about-upcoming-registration
- IDEASCALE® Trademark Policy Collaboration Site – online community to submit ideas, vote on existing ideas or add comments regarding draft Examination Guides, the Trademark Manual of Examining Procedure, and other examination initiatives. https://uspto-tmep.ideascale.com/a/index
- Trademark Trial and Appeal Board Inquiry System ("TTABVUE") provides public access to status and documents filed in ex parte appeals, oppositions, cancellations and concurrent use proceedings. http://ttabvue.uspto.gov/ttabvue/v
- Assignments on the Web (AOTW) allows searches of the database of all recorded Trademark assignment information from 1955 to the present. http://assignments.uspto.gov/assignments/q?db=tm

- The TM Information Network video series at https://www.uspto.gov/trademark/trademark-videos provides detailed explanations of a variety of trademark topics such as completing an application, filing maintenance documents, searching, assignments and ownership changes, and appeals.
- Basic Facts Booklet (available upon request in print) found at https://www.uspto.gov/sites/default/files/documents/BasicFacts.pdf.
- Basic Facts Videos found at https://www.uspto.gov/trademarks-getting-started/trademark-basics/basic-facts-about-trademarks-videos.
- The TAC (see https://www.uspto.gov/learning-and-resources/support-centers/trademark-assistance-center) is the primary customer support center for trademark filers and provides telephone call and email responses, links to pro se resources such as Initial Trademark Application Form https://www.uspto.gov/trademarks-application-process/filing-online/initial-application-forms and other website materials that are intended to aid filers in providing us with the information needed.
- Trademark Electronic Application System (TEAS) Tutorial webpage found at https://www.uspto.gov/trademarks-application-process/filing-online/teas-tutorial.
- TEAS Nuts and Bolts Videos found at https://www.uspto.gov/trademarks-getting-started/trademark-basics/teas-nuts-and-bolts-videos a how-to video series that provides information about each page of the TEAS application form.
- USPTO Identification of Goods and Services Manual (ID Manual) found at https://idm-tmng.uspto.gov/id-master-list-public.html provides filers with tens of thousands of acceptably-worded goods and services that may be compiled into the identification of goods and services in an application or response to an office action.

- USPTO's TEAS Plus method of filing (for more information see https://www.uspto.gov/trademarks-application-process/filing-online/form-teas-plus-application-trademark-or-service-mark) increases the likelihood of first action approval as it requires selection of goods and services from the ID Manual.
- Certified Copy Center allows for the custom order of Trademark documents from USPTO. https://certifiedcopycenter.uspto.gov/ .
- Patent and Trademark Resource Centers (PTRC) - The Patent and Trademark Resource Centers Program administers a nationwide network of public, state and academic libraries designated as Patent and Trademark Resource Centers. PTRC library staff are information experts trained on how to use search tools to access patent and trademark information. They provide the human touch that no webpage or legal book can provide in helping inventors and small businesses find the information they need to protect their intellectual property. However, PTRC representatives are not attorneys and cannot provide legal advice. See https://www.uspto.gov/learning-and-resources/support-centers/patent-and-trademark-resource-centers-ptrcs.
- Trademark Bulk Data Application Programming Interfaces (APIs) - https://www.uspto.gov/trademarks-application-process/checking-application-status-view-documents/trademark-bulk-data

In addition, as a member of the TM5, the USPTO participates in various TM5 projects aimed at helping make trademark-related information available to the public. See http://tmfive.org/projects/. In particular, the USPTO participates in the Common Status Descriptors Project, which is designed to provide trademark rights holders with quick, visual information about the status of a particular trademark application or registration. In order to create a more user-friendly online search experience, the TM5 Partners have adopted Common Status Descriptors (https://www.uspto.gov/trademark/trademark-updates-and-announcements/tm5-common-status-descriptors) to use in external online trademark databases. A mark's status is immediately clear due to the use of a designated red or green symbol. Once an IP office receives an application to register a trademark, a "status" is assigned to that application (or to any resulting registration) depending on: (i) actions the office may take, such as grants or rejections of requests to register and requests for further information (ii) actions the applicant may take, such as modifications to the application or requests to withdraw the application; and (iii) actions that third parties may take, such as requests to cancel registrations or to oppose applications for registration. Each of the TM5 Partners has identified the statuses of particular trademark applications or registrations on their respective web sites, and we have invited other interested IP offices to adopt these common status descriptors as well. The Partners believe it offers the benefit of a "common language" to trademark users, particularly those filing in several countries. See http://tmfive.org/tm-5-common-status-descriptors-tm-5-midterm-meeting-beijing-china-4/?red=.

In addition, the USPTO provides trademark data to international collaborative systems such as the Global Brands Database (https://www.wipo.int/reference/en/branddb/) and the Madrid Goods and Services Manager (https://www.wipo.int/gsmanager/index.jsp?lang=en) of the World Intellectual Property Organization and TMView (https://euipo.europa.eu/ohimportal/search-availability#:~:text=The%20TMview%20database%20contains%20information%20from%20all%20of,EU%20on%20trade%20mark%20applications%20and%20registered%20marks.) and TMClass (http://euipo.europa.eu/ec2/) of the European Intellectual Property Office.

c. Design rights (including design patents): …….

Please see response for 55.a.

56) Which technical approaches or solutions (e.g. related to information security or cyber-security) are used by your IPO to ensure client confidentiality in working from home environments? Please provide details: …….

We address all security concerns in light of NIST standards of the federal government. https://www.nist.gov/topics/cybersecurity

57) How is your IPO using information technology to facilitate quicker patent examinations?

The USPTO is using IT to facilitate quicker patent examinations by improving tools for both examiners and applicants. https://www.nist.gov/topics/cybersecurity

Human Resources

58) What is the total number of employees at your IPO?

12,945

59) What percentage of your employees are women?

0-20%	
21-40%	x
41-60%	
61-80%	
81-100%	

60) How many pending patent applications are there for each full-time equivalent patent examiner? (E.g., if there were 100 pending patents and 10 examiners available to examine them, the average number of pending patents per examiner would be 10).

Average number of pending patent applications per examiner: ……..

61) What percentage of your patent examiners are women?

0-20%	
21-40%	x
41-60%	
61-80%	
81-100%	

62) How many pending trade mark applications are there for each full-time equivalent trade mark examiner at your IPO?
(E.g., if there were 100 pending patents and 10 examiners available to examine them, the average number of pending patents per examiner would be 10).

Average number of pending trade mark applications per examiner 287 files/360 classes

63) What percentage of your trade mark examiners are women?

0-20%	
21-40%	
41-60%	x
61-80%	
81-100%	

64) What percentage of staff have a university degree?

0-20%	
21-40%	
41-60%	
61-80%	
81-100%	x

65) What percentage of trade mark examiners have a Master's degree?

0-20%	
21-40%	
41-60%	
61-80%	
81-100%	X

Please note that "Master's Degree" may not accurately describe USPTO's requirements. All USPTO trademark examining attorneys must possess a Juris Doctor (J.D.) degree or Masters of Laws (LL.M.) degree, or Bachelor of Laws (L.L.B) degree from an ABA accredited law

school. In addition, this data shows the degree employees held upon their hire date and does not capture additional degrees that employees may have acquired during employment at the USPTO.

66) What percentage of patent examiners have a PhD?

0-20%	x
21-40%	
41-60%	
61-80%	
81-100%	

67) What percentage of the following areas are comprised of women?

	Senior or middle management	Board of directors
0-20%		
21-40%	x	
41-60%		
61-80%		
81-100%		

68) How does your IPO encourage people from disadvantaged communities to become employees?

(Disadvantaged communities could include communities of people grouped by gender, ethnicity, colour, faith groups, people with disabilities, traditional communities (e.g. indigenous tribes), lower income groups, residing in a disadvantaged locale or region)

Please explain:

……..

In a time of strong competition for highly-specialized workers, the USPTO, attracts jobseekers through a more personal connection to the office. To develop this connection, we are working to include more recently-hired employees on recruiting teams, sending customized job fair invitations to members of diverse collegiate engineering societies, and partnering with our employee resource groups to reach out to candidates. We are also leveraging social media vehicles to advertise positions to a advertise positions to the largest possible group of jobseekers.

69) Please specify the number of full-time equivalent (a) administrative and (b) technical/professional employees who work at your IPO for each of the following activities:

Activity	Number of administrative employees	Number of technical/professional employees
Patents	9,518	681
Trade marks	111	829
Industrial designs	Included with Patents	Included with Patents
People management/ HR/personnel	141	0
Information Technology and Communication	181	510
Budgetary, financial, and accounting	87	82
Logistics and infrastructure	73	4

70) How does a staff member progress from being a junior employee to becoming a senior employee?

In general, junior employees progress to senior employees over a period of time while receiving job related training along with coaching and mentoring from senior employees and managers. Junior employees become senior employees when they possess the requisite competencies for the position, the demonstrated ability to independently perform increasingly complex duties with designated authority and minimal supervision.

71) What performance criteria are used by your IPO in relation to people management?

The USPTO requires Leadership components in its performance criteria for all managers and supervisors. Such activities and qualities include the following:

- Managing resources to accomplish the Agency's strategic goals and organizational objectives;
- Communicating priorities, organizational goals, and strategic goals to staff;
- Delivering high quality services in compliance with laws, regulations, and policies;
- Managing operations using measurable results and identified time frames;
- Motivating employees to achieve high performance through a positive workplace that fosters initiative and teamwork;
- Managing employee performance and recognition including continuous feedback for performance, timely performance appraisals and awards, and resolution of performance deficiencies;
- Providing employees with training and tools to do their jobs with available resources;
- Communicating and cooperating with colleagues and partners outside of immediate organization;
- Coaching and developing employees to realize their full potential;

- Managing personnel issues including employee selections, promotions, and appropriate resolution of conduct and performance issues and grievances;
- Providing a safe work environment for all employees with an ongoing focus on safety and health issues;
- Supporting equal opportunity and diversity principles in all aspects of program and human resources decisions and in compliance with merit system principles; and
- Ensuring effective financial and human capital management as applicable to the position.

72) How many hours per year do staff spend on training, on average?

	Hours per year
Junior professional staff	18.5
Mid-career professional staff	18.5
Support staff	varies

73) How many days of holiday (including national holidays and excluding weekends) do staff have available to take as leave?

There are generally ten federal holidays each year where employees are provided with holiday leave.

74) How many patent applications is a full-time patent examiner expected to examine each year?

This varies greatly based on the technology examined and the seniority of the examiner. Overall in FY2020 (October 1, 2020 – September 30, 2020), the average examiner produced about 72 production units (1 PU = 1 case).

75) How many trade mark applications is a full-time trade mark examiner expected to examine each year?

Examining attorneys are expected to produce varying numbers of balanced disposals (BDs) per quarter, depending upon their seniority and pay grade. A BD is counted for each class of goods/services, and includes initial examination actions, approvals for publication, and abandonment actions. The scale for the quarterly requirements, adjusted accordingly for all leave taken (holiday, vacation, sick, etc.) is as follows:

	GS-9,11	GS-12	GS-13	GS-14
Outstanding	590 or more	630 or more	670 or more	710 or more
Commendable	540 – 589	580 – 629	620 – 669	660 – 709
Fully Successful	490 – 539	530 – 579	570 – 619	610 – 659
Marginal	440 – 489	480 – 529	520 – 569	560 – 609
Unacceptable	Fewer than 440	Fewer than 480	Fewer than 520	Fewer than 560

Using this table, a senior GS-14 examining attorney is required to produce a minimum of 2440 BDs (610 x 4), adjusted accordingly based on the leave the employee takes, to maintain sufficient performance (Fully Successful). Marginal performance is below the level expected for the position and requires corrective action. Unacceptable performance can result in warnings, reduction in pay grade, and/or termination.

As BDs include both first actions and disposal actions (approval and abandonment), the 2440 BDs is approximately 1220 classes of goods/services per year. A single class application that is reviewed and approved results in 2 BDs. A rejection of that same single class application would only result in 1 BD for initial examination and the second BD will come only after approval for publication or abandonment.

76) How many industrial design right applications is full-time examiner of industrial designs expected to examine each year? (If industrial designs are not examined in your jurisdiction, please indicate “Not applicable”).

As with Q.74, this also varies with examiner seniority. The overall average in FY2020 was about 230 cases per examiner.

77) How is workload distributed between junior and senior patent examiners, e.g. criteria for allocation of applications /examinations/ revisions, etc?

Work distribution techniques are not different between senior and junior examiners. If an examiner is in need of applications to work on, then they are matched with the application(s) that best fits the skills and knowledge of the employee, based on prior applications examined, and the requirements of the agency.

78) How do you reward and recognise exceptional work within your IPO?

The USPTO uses a two-tiered performance recognition system that uses an annual performance award to take into account an employee’s contributions to the accomplishment of organization goals and objectives. Additionally, the agency uses other available awards (non-monetary or monetary) to recognize specific achievements at any time during the appraisal cycle.

79) How does your IPO retain good staff?

The USPTO has a unique set of attributes that form our "Employment Value Proposition" (EVP), which employees perceive as the value they gain through employment at the USPTO. Our EVP sets us apart from our competition (other Federal agencies and the private sector), enhances our ability to retain good staff, and contributes positively to a historically low attrition rate.

The main elements of our EVP fall into five categories (listed below with specific examples that illustrate how the USPTO operationalizes the elements), each of which contribute to our ability to retain staff:

- Work: the bulk of our workforce examine applications for patents or trademarks; the work is production-based, and each examiner knows exactly what amount of work needs to be accomplished in a given reporting period (as well as what it takes to receive cash awards for completing more work – see Rewards below). In addition to helping employees manage their workload, it also gives them a clear line of sight into how their work contributes to the overall success of the agency.
- Opportunity: examiners are part of a career ladder whereby they are brought in at an entry level position and can quickly advance up several grade levels in a shortened period of time (faster than what is typical for Federal Government positions). Comprehensive training is provided to help examiners progress to each subsequent grade level.
- Rewards: many examiners are in a special pay category that provides an additional percentage of their salary on top of the base pay for their grade. In addition, examiners are eligible for quarterly awards based on going above a set standard for production and managing their dockets.
- People: the production-based work of the USPTO means that, in general, there is significant emphases on the individual contribution of employees. However, that does not mean teamwork and cohesiveness are not important. The USPTO has XX "Affinity Groups" that bring together employees with similar backgrounds (for example, veterans, intellectual property organizations representing countries and cultures, etc.) share experiences both within and outside of work. Lastly, the USPTO strives to ensure that its workforce is diverse, inclusive and representative of the populations it serves. Compared to other Federal Government agencies, it has a much greater proportion of minorities.
- Organization: the USPTO is a recognized leader in telework. Nearly 95% of our positions are eligible to telework, with more than 86% of employees choosing some form of telework participation. Because of this robust program, many employees can choose (after a set time period) to work from home full time in any location across the country that meets agency requirements (high speed broadband Internet service such as cable or fiber optic).

CIPO

03

2) What is the corporate form of your IPO? (Please select whichever applies)

Government department	
Cost centre of a larger government department	
Independent organisation	
Other	X

If Other, please provide details:

The Canadian Intellectual Property Office (CIPO) is a Special Operating Agency of the Government department of Innovation, Science, and Economic Development Canada. CIPO's operations are financed entirely by revenues from our clients and we have enhanced responsibilities for the management of our resources and accountability for results.

3) How is your IPO structured in terms of departments? Please describe the structure of your IPO. If possible, provide details of the benefits and/or shortcomings of this structural approach:
The Canadian Intellectual Property Office (CIPO) is a Special Operating Agency of the Government department of Innovation, Science, and Economic Development Canada. CIPO is structured into seven separate branches. Three deal with supporting the organization and its various corporate needs: Corporate Strategies and Services, Programs Branch and Services to Business Branch. The remaining ones deal with IP grant and registration: Patent Branch (PB), Trademarks and Industrial Designs Branch (TIDB), Patent Appeal Board (PAB) and Trademarks Opposition Board (TMOB).

4) At your IPO, where do ideas related to changing your organisation's strategy originate? (Please select all that apply)

Suggestions from dedicated policy team	X
Suggestions from senior management	X
Suggestions from wider society	X
Suggestions from IP professional bodies	X
Changes arising from legislation	X
Other	

If Other, please provide details:……

5) Is your IPO empowered to make major changes to the workings of the organisation independent of outside interference?

Yes	X
No	

Please provide further details relevant to your response:

CIPO is led by the Commissioner of Patents, Registrar of Trademarks and Chief Executive Officer who is an appointee of the Governor in Council and reports to Innovation, Science and Economic Development Canada's Deputy Minister.

6) The existing organisational structure in your IPO is due to:
(Please select the most appropriate answer)

Technical reasons to follow a divisional pattern	
A strategic path/choice to develop specific tasks	X
Historical evolution of the office related to global IP policy or developments (e.g. international conventions or agreements)	
Political conditions defined by the country's government	
Other	

If Other, please provide details: ……..…….

7) Is your IPO's policy and overall governance:

(Please select the most appropriate answer)

Defined by its own board of directors	
Set up by the country's government	
A mix of both	X
Other	

If Other, please provide details: ……

8) In your country, does your IPO have financial and policy autonomy to:
(Please select all that apply)

Charge for services	X
Retain the income generated	X
Retain the surplus	X

9) How did your IPO evolve to reach the legal status to act as an independent organisation?
(Please select the most appropriate answer)

For historical reasons related to the IP and innovation policy evolution in the country	
For political reasons due to institutional development and reform in the country	
For economic and managerial reasons to become more efficient	X
Other	

If Other, please provide details: ……

10) What barriers, if any, have obstructed improvement of the organisational structure at your IPO?

Please provide further details: NA…….

11) Does your IPO have policies targeted at increasing IP rights registrations from disadvantaged and/or under-represented social groups (women, people with disabilities, indigenous communities, faith groups, lower income groups, people in remote areas, other minorities)?

Yes	X
No	

Please provide further details:

CIPO's IP awareness and education program provides businesses, entrepreneurs and innovators with IP information, resources and tools to expand and succeed in domestic and

foreign markets. The program targets high-growth small and medium-sized enterprises in key sectors and markets and underrepresented groups, including women, Indigenous peoples and youth.

12) Is there anything about the way your IPO is organised that could be changed to increase social inclusion and/or improve social cohesion in your country?

Yes	
No	X

Please provide further details: ……

13) Does your IPO request information about applicants for IP rights in relation to their: (Please select all that apply)

Gender	X
Race or ethnicity	
Age	
Colour	
Religious belief	

14) Do you ask patent, trade mark or design applicants about the corporate size of their own organisations?

Yes	
No	X

15) Is quality management considered:
(Please select all that apply)

As part of operational processes	X
Under the responsibility of each division	X
Other	

If Other, please provide details: ……

16) Has ISO 9001 or any other quality management policy been applied in your IPO?

Yes	X
No	

If yes, please advise when this was implemented, and to which parts of the organisation the approach was applied:

CIPO's Patent Branch obtained ISO 9001:2015 certification in March 2017. This ISO 9001:2015 standard defines the requirements for an organization in terms of its QMS.

17) Does your IPO have a quality management department / team?

Yes	X
No	

If yes, please advise at what level of seniority this department / team operates within your IPO:

There is a quality of Patents team that is housed within the Patent Services and Strategic Affairs Division.

18) How many people are involved in quality management at your IPO:

At PB we have a team of 4 people who are responsible for the Quality Management Framework and the Audit function. The quality control function is the responsibility of supervisors on the examination side and the operations side.

19) How does your IPO encourage high levels of quality and efficiency from staff? Are there legal barriers?

Please explain: ……..

PB: We have a quality management framework with quality performance targets. Additionally each examiner has quality as part of the performance agreement.

TIDB: All new examiners are subjected to a thorough 8-week training program. Once completed, they are assigned an experienced coach who will guide them to meet gradually increasing quality and production targets. Once they have completed their coaching period, examiners have to maintain a level of quality and production as indicated in their yearly performance objectives. Their results are monitored on a monthly basis and feedback is provided accordingly. Examiners that have the best performance are often chosen to participate in special projects. As per our collective agreement, no other types of incentive can be offered.

20) On average, how many staff hours are required to grant an IP right from application through to grant date?

a. Patents, all types of invention on national patents, excluding utility models:

PB: Unable to provide an answer as this requires an analysis of time.

0-5	
5-10	
10-15	
15-20	
20-30	
30-40	
>40	

b. Patents, all types of invention on PCT patents, excluding utility models:

PB: Unable to provide an answer as this requires an analysis of time.

0-5	
5-10	
10-15	
15-20	
20-30	
30-40	
>40	

c. Trade marks, all types:

0-5	X
5-10	
10-15	
15-20	
20-30	
30-40	
>40	

d. Design rights / design patents, all types:

0-5	X
5-10	
10-15	
15-20	
20-30	
30-40	
>40	

Process Management System

21) To enable efficient processes, has a major organisational change been carried out in your IPO within the last 5 years?

Yes	X
No	

If yes, please provide further information about this change:

Industrial Designs (ID) merged with Trademark (TM) to become the Trademark and Industrial Designs Branch (TIDB); Patent Branch (PB) merged functions within the Branch

22) How often does your IPO review internal processes to increase efficiency?

For TIDB, internal processes are regularly reviewed by the section on an as needed basis through working groups or LEAN initiatives.

Similar for PB, we continuously review our internal processes. We currently have a project with a number of processes listed for review.

23) Please provide details of KPIs (Key Performance Indicators) used at your IPO in the areas below:

a. Patents:

- Turnaround time for sending of a first office action for application with a request for examination
- Turnaround time for following receipt of a client response, sending of a subsequent office action by disciplines
- Turnaround time from Request for Exam to disposal
- Additionally we have a number of service standards, which can be found here https://www.ic.gc.ca/eic/site/cipointernet-internetopic.nsf/eng/wr04399.html

b. Receipt of requests and acting as international authority under the PCT: ……..……

PB: We look at timeliness as an International Authority to establish the international search report/written opinion and to establish the international preliminary examination report. (i.e. do we meet the deadline to establish the report)

c. Trade marks:

Both TM and ID:

- Turnaround time to first action
- Turnaround time to approval/refusal
- Turnaround time for response to correspondence
- Total number of domestic applications
- Total number of international applications

Trademarks

Service standard turnaround time (TAT) for :

- Request for giving public notice for a badge, crest, emblem, mark or armorial bearing - within 5 weeks
- Application for the registration of a trademark (Online) - within 2 weeks
- Application for the registration of a trademark (Paper) - within 5 weeks
- Application to extend the statement of goods or services of a trademark registration within 5 weeks
- Renewal of a registered trademark – Online - within 2 weeks
- Renewal of a registered trademark – Paper - within 5 weeks

Performance Targets:

- Issuing of a filing date (electronic) - within 5 business days upon receipt of electronic application that meets filing requirements including fees
- Issuing of a filing date (paper) - within 10 business days upon receipt of paper application that meets filing requirements including fees
- Sending of a first office action (approval or examiner's report) - within 17 months from filing date
- Responding to client - within 2 months upon receipt of correspondence
- Register a trademark (electronic) - within 5 business days upon receipt of electronic request and fees
- Register a trademark (paper) - within 15 business days upon receipt of electronic request and fees

Pendency:

- Total pendency - 32 months
- Pendency from Filed to Approval – 18 months
- Pendency from Filed to First Action – 15 months

We are also using inventory volume for each status for both TM and ID.

d. Industrial designs:

Service standard TAT for:

- Examination of an application - within 17 months
- Maintenance of the exclusive right accorded by the registration of a design - within 2 weeks or within 5 weeks
- Reinstatement of an abandoned application - within 1 month
- Processing a request to advance the examination of an application - within 10 months

Performance Targets:

- Issue filing date for an ID application - within 12 business days upon receipt of application that meets filing requirements
- Provide first action (allowance without a report or issuance of a 1st report) - within 12 months from filing date

- Recording of an assignment - within 12 business days upon receipt of a request that meets the requirements

Pendency:

- Pendency (Filing to Allowance) – 12 months

We are also using inventory volume for each status for both TM and ID.

e. Management of Information and Communication Technology: ……

Programs Branch: These are typical IT Service management KPIs, but in the context of our modernization initiatives, we are reviewing our KPIs:

- Number and impact of incidents
- Number and impact of changes

Service level agreement metrics:

- Incident response times
- # of outages / % downtime / availability
- Others (such as cost, responsiveness, availability, etc.)

f. Budgetary, financial and accounting management:

4 management accounting KPIs are monitored quarterly for each business line (i.e. Patents; TMs; Industrial Designs)

- Examination Efficiency - Unit cost per output
- Operations Efficiency - Unit cost per output
- Examination Productivity – Annual Outputs per Examiner
- Operations Productivity – Annual Outputs per operations employee

g. Logistics and infrastructure management: ……..…..

Programs Branch: Not applicable as this is managed by other departments of the Government of Canada, namely the Chief Information Office of ISED Canada and Shared Services Canada.

24) At your IPO, are processes being changed for faster search and grant of national patent applications (excluding design rights and utility models)? Yes We have changed our turnaround time for the biotechnology field for a subsequent action from 10 months to 9 months.

If so, which?

We have changed our turnaround time for the biotechnology field for a subsequent action from 10 months to 9 months.

25) At your IPO, are processes being changed for faster search and grant of PCT patent applications (excluding design rights and utility models)? Not at this time.

If so, which?

26) At your IPO, which schemes exist for faster granting of patent (invention patents – both national and PCT) applications (e.g. Fast-Track)? Please select all that apply:

Patent Prosecution Highway	Yes
Green/Environmental patent scheme	Yes
Inventions by inventors who are >=60 years old	No
National technology focus (other than green/environmental)	Yes – COVID related inventions
National emergency (e.g. Covid-19 applications)	Yes – accelerated examination for COVID related applications
Assistance to small and medium enterprises	Yes for COVID related applications
Affirmative action (e.g. female inventors)	No
Other	

If Other please provide details: ……

27) What percentage of overall pending patent examinations in any year can be entered into the following schemes (e.g., 500 patents allowed to enter PPH per year, 10000 pending patents = 5%):

Patent Prosecution Highway	No limit
Green/Environmental patent scheme	No limit
Inventions by inventors who are >=60 years old	Not applicable
National technology focus (other than green/environmental)	No limit
National emergency (e.g. Covid-19 applications)	Less than 1%
Assistance to small and medium enterprises	Same as above
Affirmative action (e.g. female inventors)	Not applicable
Other	Not Applicable

If Other, please provide details: ……

28) At your IPO, what methods are available to Fast-Track a trade mark examination? Please select all that apply:

Fast-Track due to trade mark already in use / imminent use	
Fast-Track due to existence of pre-grant infringement	
Fast-Track due to industry sector focus	
Fast-Track due to national emergency (e.g. Covid-19 applications)	
Assistance to small and medium enterprises	
Affirmative action (e.g. female inventors)	
Other	

If Other, please provide details: Currently there are no methods to Fast-Track trademark examination. Expedited examination practice was abolished several years ago.

29) At your IPO, what processes exist to perceive and respond to technological and cultural changes that could affect your activities (e.g. artificial intelligence, blockchain, gender equality, Black Lives Matter, global IP policy developments)?

Please provide details……..……..

CIPO's policy changes are subject to a number of broader government processes that require the consideration of technological and cultural changes that affect our activities. These include participation in medium term planning exercises that attempt to forecast policy direction in a long term fashion as well as government wide Gender-Based Plus analysis that requires policy changes to analyze the impacts of a change on gender, race and other socio-economic factors.

30) At your IPO, what processes exist to encourage greater understanding and use of IP rights and intangible assets by women and people within disadvantaged communities?

(Disadvantaged communities could include communities of people grouped by gender, ethnicity, colour, faith groups, traditional communities – e.g. indigenous tribes, lower income groups, residing in a disadvantaged locale or region)

Please provide details:

CIPO's IP awareness and education program provides businesses, entrepreneurs and innovators with IP information, resources and tools to expand and succeed in domestic and foreign markets. The program targets high-growth small and medium-sized enterprises in key sectors and markets and underrepresented groups, including women, Indigenous peoples and youth.

As part of Canada's National IP Strategy, CIPO's IP Awareness and Education Program is playing a primary role in helping Canadian entrepreneurs, businesses, and innovators recognize the value of IP and its importance to business growth. The Program also provides more targeted support to under-represented groups such as women entrepreneurs and Indigenous Peoples.

In the past year, we have partnered with numerous organizations to provide learning tools and develop new resources that equip innovators and businesses with the knowledge they need to better understand, protect, and exploit their IP.

As part of our ongoing effort to raise IP awareness among women, in collaboration with key partners, we participate in a number of targeted initiatives for women entrepreneurs, including tailored seminars and webinars, bootcamps, one-on-one sessions for established women-led businesses interested in growth.

Furthermore, in partnership with two Indigenous organizations, the Canada Council for Aboriginal Business and the National Aboriginal Capital Corporations Association, we provide Indigenous businesses with tailored information on Canada's IP regime through the means of seminars, presentations, and success stories that highlight the opportunities and challenges related to using IP to protect traditional knowledge and traditional cultural expressions.

31) At your IPO, how do you communicate the commercial and cultural benefits of intangible assets to the national population? Please select all that apply and whether or not they require financial payment.

Process	Free of charge	Access on payment only
In-person workshops	X	
Website information	X	
Webinars	X	
Video channels (e.g. YouTube or equivalent)	X	
Social media	X	
Published material (e.g. booklets, leaflets etc.)	X	
Direct engagement with civil society organisations (e.g. women's groups, black entrepreneurs' organisations, etc.)	X	
Other	X	

If Other please provide details:

- One-on-one sessions with CIPO IP Advisors who can provide IP strategy guidance
- CIPO's Client Service Centre can answer basic IP questions
- Referral processes in place with other Government of Canada key partners that support innovative businesses
- Kiosks at conferences, tradeshows and events promoting the IP tools and resources available
- E-learning modules on IP foundations
- Monthly Newsletters to clients and partners

All IP Awareness and Education Program products and services are free.

32) When you hold events, on average how much of the audience is comprised of women?

0-10%	
11-30%	
31-50%	X
51-70%	
>70%	

33) For staff training, what are the options? (Please select all that apply)

Internal training delivered by other staff in person	
External training	
Academic training	
Language training	
Technical subject-matter training	
On-demand video training	
Webinars	
Other	Yes

If Other please provide details:

TIDB:

- internal training
- external training
- language training
- technical subject-matter training
- on-demand video training
- webinars
- other (e-learning through learning management systems [CSPS and Didacte])

PB

- Internal training delivered by other staff in person (virtually right now during COVID)
- External training
- Some academic training (through the departments program)
- Language training
- On-demand video training

- Webinar
- Other: industry visits (pre-COVID), CSPS training.

34) When a trade mark or patent is rejected, are senior examiners involved in the appeal process?

Yes	
No	No. All appeals are before the Canadian Courts.

35) What is the average time taken to respond to an applicant's appeal, following rejection of:

	Working days
a patent application	
an application for a design right	
a trade mark application	

From the time the Patent Appeal Board takes a rejected patent application from the inventory or a rejected industrial design application, it could take approximately 6 months before a Commissioner's decision for a rejected patent application is sent and 6 months before the PAB sends a decision concerning an ID file. Of course, exchanges between the applicant and the member happens sooner but a final decision takes about 6 months.
However, before the PAB takes the file from the inventory, this could take 18-24 months.

Service Pricing Policy

36) What is the cost in your currency to Fast-Track a patent application?

The financial information currently available is not sufficiently granular to provide cost estimates specific to the expedited patent application process.

37) What is the cost in your currency to Fast-Track a trade mark application?

There is currently no option to fast track TM applications at CIPO.

38) How do you decide upon the price (for the applicant) for each of the services offered at your IPO?

The Office does not have a formal methodology for pricing. However, it must comply with the law (Service Fees Act) as well as the Treasury Board Secretariat (central agency providing oversight of the government's financial management and spending) directives. In general, the chosen methodology must ensure that fees do not exceed the full costs of providing its goods and services.

39) What percentage of the price for patent services at your IPO is:
(Feel free to indicate an approximate number)

	Percentage
Fixed cost	70%
Operational cost	41%
Mark-up (revenue exceeding cost of provision of the services)	-11%

40) What percentage of the price for trade mark services at your IPO is:

(Feel free to indicate an approximate number)

	Percentage
Fixed cost	100%
Operational cost	46%
Mark-up (revenue exceeding cost of provision of the services)	-46%

41) Is there any type of discount policy in your IPO? (e.g. for applicants from disadvantaged communities, or for small businesses). Please provide details:

a. Patents: The fees for patent filing, examination, maintenance and other services are offered at a standard price and small entity price. The purpose of the two-tiered fee system is to better support high-potential small and medium sized enterprises (SMEs) in key markets and sectors. Typically, the small entity fees

represent 50% of the standard fees……

b. Trade marks:
……..

c. Designs:
……..

42) At your IPO, is the office empowered to change the pricing of any or all services without recourse to legislative or statutory amendments?

Yes	
No	X

43) At your IPO, how do changes to service pricing policy happen? Please select all that apply.

Legislative change	
Directive from senior management	
Pricing policy manager suggests changes and following approval from senior management implements the suggested change	
Civil society suggests changes	
Staff suggest changes	
Other	X

If Other please provide details:

The Office does not have a formal methodology for pricing. However, it must comply with the law (Service Fees Act) as well as the Treasury Board Secretariat (central agency providing oversight of the government's financial management and spending) directives. In general, the chosen methodology must ensure that fees do not exceed the full costs to the Office of providing the service. As per the Service Fees Act, for CIPO to change its fees, it must perform prior consultation with the stakeholders, and clients. Once pre-consultation is complete and regulatory approval has been given, the changes will be published in Canada Gazette I for public comment and then finalized in Canada Gazette II.

44) Are the incomes to your IPO, as a total sum, adequate to cover all running costs?

Yes	
No	X

CIPO is funded exclusively by user fees, and receives no government funding. CIPO has for the last 3 years operated at a net loss as it invests in the future. This net loss is partially as a result of the fact that there has been no fee increase in 16 years. CIPO is currently reviewing expenses while planning to review user fees, to increase revenue to cover all costs.

45) Are there any innovative pricing policies at your IPO?

Yes	
No	X

If yes, please provide details: ……

46) Does any activity at your IPO subsidise another one?

Yes	X
No	

If yes, please provide details:
CIPO sees itself as a provider of all IP rights. In some cases, the delivery of certain individual IP rights cost more to deliver than they bring in as revenue. For example, it costs more to deliver Industrial Design rights than the fees that we charge. Overall, it is CIPOs intention to cover all costs with user fees for all rights on a combined basis.

47) Is there any price subsidy scheme based on affirmative action or on supporting specific policy goals? If yes, please select all that apply:

Green/environmental inventions	
Inventions by inventors who are >=60 years old	
National technology focus (other than green/environmental)	
National emergency (e.g. Covid-19 applications)	
Assistance to small and medium enterprises	X
Affirmative action (e.g. female inventors)	
Other	

If Other please provide details:

The fees for patent filing, examination, maintenance and other services are offered at a standard price and small entity price. The purpose of the two-tiered fee system is to better support high-potential small and medium sized enterprises (SMEs) in key markets and sectors. Typically, the small entity fees represent 50% of the standard fees.

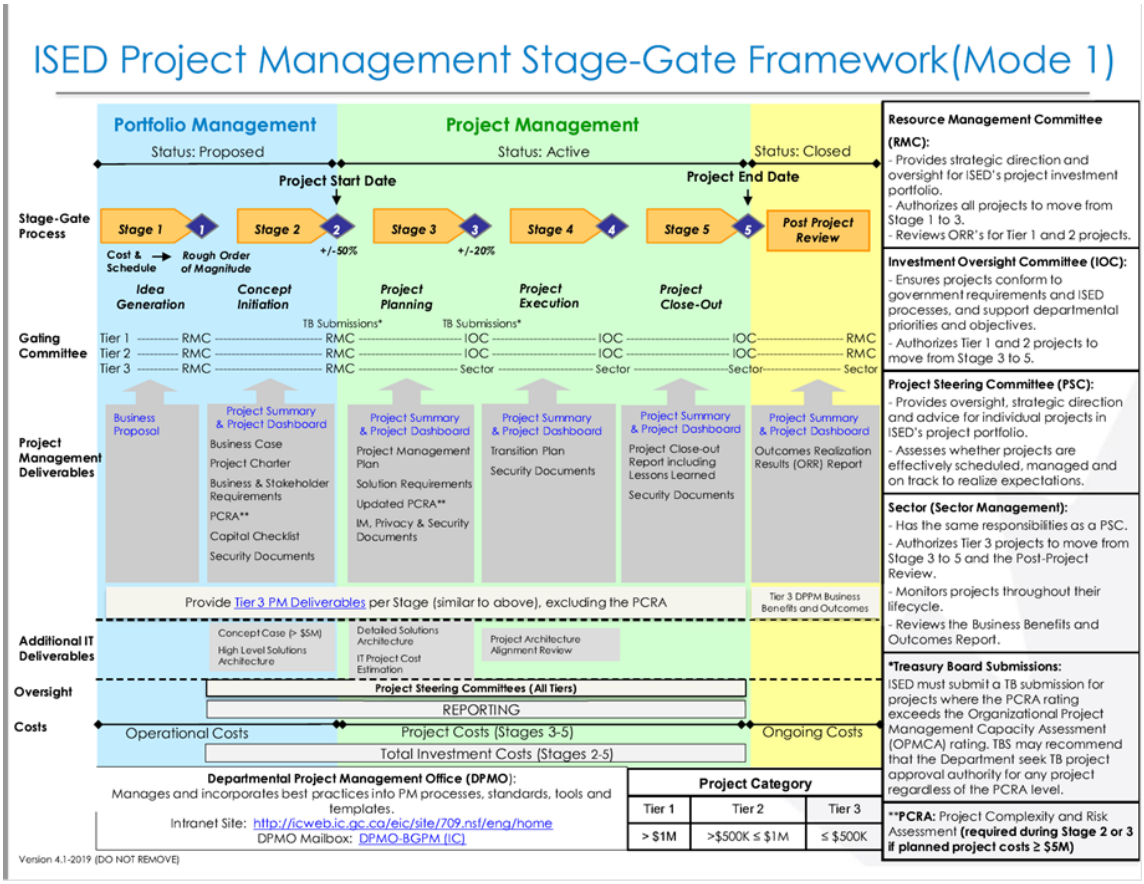
Information Technology Services

48) Which practices and/or processes are used for IT Service Management (ITSM) at your IPO? Please provide details including the framework version and/or update year:

CIPO is being supplied IT Services through a centralized body of IT delivery within a Federal Department that serves multiple other sectors. Some solutions are common to the department and some solutions are unique to CIPO. CIPO and the Chief Information Office use the foundation of ITIL processes to manage incidents, changes and service levels and practices of application development techniques such as Agile/iterative prototyping, product ownership but also waterfall still in some instances.

49) Which frameworks are used at your IPO for IT Governance? Please provide details including the framework version and/or update year:

A Stage-Gate Process is a conceptual and operational road map for moving a project from idea to completion. Stage-Gates divide the effort into distinct stages separated by management decision gates. Cross-functional teams must successfully complete a prescribed set of related cross-functional tasks in each stage prior to obtaining management approval to proceed to the next stage of the project.
Our Federal Department (Innovation, Science and Economic Development Canada) uses a "Stage-Gate Process" to guide and govern the project-development lifecycle. For project sponsors and project managers, this process allows for regular reviews and approvals, and ensures that their projects remain within the predefined constraints while achieving the planned outcomes.
The Project Stage-Gate Process is a set of five (5) unique stages. Each stage is comprised of a process and set of deliverables, which must be met in order to ensure approval at the associated gate and to progress to the next stage. (see diagram below)

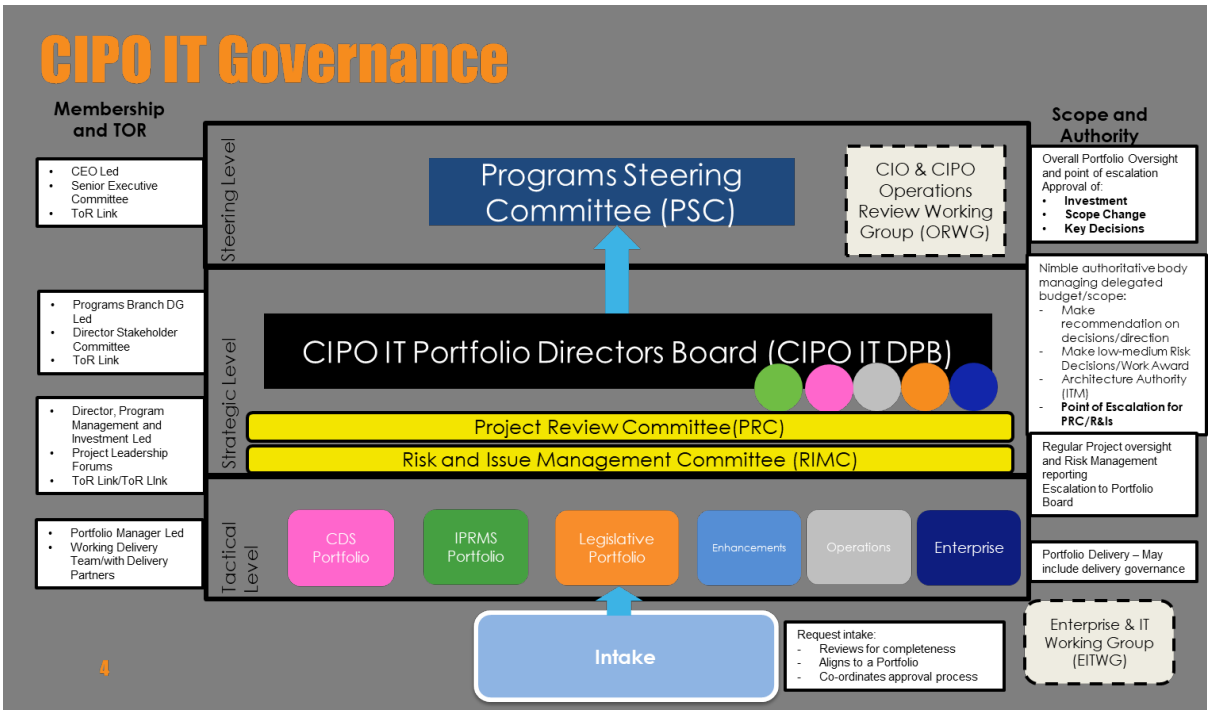


Project Tiers and Gating Bodies:

All projects are categorized by tier based on monetary value. This defines how the project is to be managed and gated through the process. Projects are assigned to a tier during Stage 2 (based on the estimates from the business case). During the subsequent stages, if the project costs change, the PM or Sponsor must report this to Departmental Project Management Office (DPMO) and the project tier category will be adjusted. Governance gating bodies reserve the right to change the project tier regardless of monetary value (based on other factors such as risk, complexity, visibility, etc.).

For audit and governance purposes, all project documentation must be saved in the appropriate location regardless of the gating body.

From an IT Governance perspective, internal to CIPO, projects will also be reviewed by various committees, with defined leadership and various responsibilities and authorities all serving to guide an investment through the project lifecycle.



50) Which IT services does your IPO provide?
Please provide details of these services:

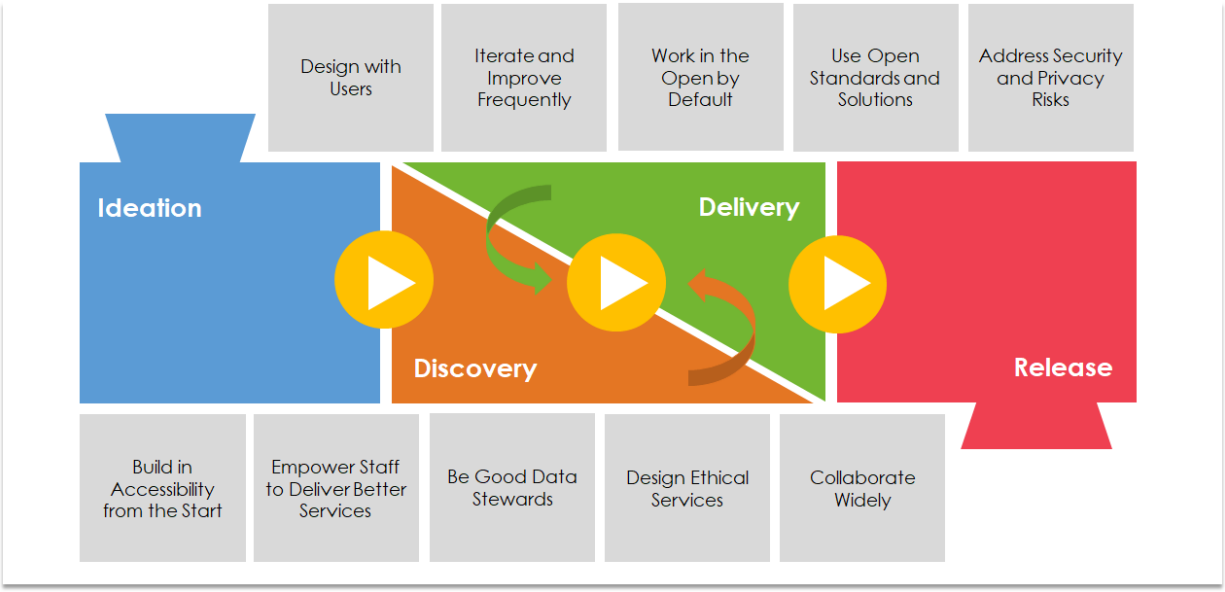
The Departmental Chief Information Office organization is providing CIPO with design, build, testing and maintenance of IT solutions. They also monitor and supply the required infrastructure to CIPO (Data centre, network, etc.)

The IT Services provided by Programs Branch in support of CIPO IT is as follows:

- IT Program Delivery for IT Initiatives
  - Business driven Program Management
  - Portfolio Management
  - Project Management
  - Organizational Change Management Centre Of Expertise (CoE)
- Select elements of the Software Development Lifecycle (SDLC)
  - Business Analysis Centre of Expertise (BACoE)
  - User Experience and Design Centre of Expertise (UX CoE)
  - User Acceptance Testing (UAT)
- CIPO Enterprise Business Architecture
- CIPO Enterprise Information Architecture
- IT Hardware / Software and Procurements
- Vendor &IT Professional Services
- IT Contract Management
- Departmental Financial IT Management Services

51) Is the provision of IT Services at your IPO based on agile methodologies?
If yes, please specify which methodologies and corresponding tools:
If no, please specify why your IPO does not use any agile methodology:

The PMBOK® Guide (Project Management Body of Knowledge) published by the Project Management Institute (PMI) defines project management as "…the application of knowledge, skills, tools, and techniques to project activities in order to meet project requirements." Project Management is the structured approach to planning and organizing project work. A system for standardized Project Management processes, tools and templates, information system, professional development and training programs for Project Management discipline. The centralized Project Management function establishes, maintains and monitors project management within the department. The project management team also has a professional responsibility to its stakeholders including customers, the performing organization, and the public. (PMBOK® Guide). Recently the department has adopted the ISED Digital Playbook which has introduced the Agile methodology to the department, and depending on the initiative that is being executed may use a traditional Waterfall, Hybrid or trend towards “agile” for “net new” and Transformation Delivery.



52) Does your IPO have routines (process, practices, activities, etc.) focused on continual improvement of IT Services and Technologies?
If yes, please provide details of the routines used:
If no, please explain why continual improvement practices are not used:

Yes, CIPO is always considering new processes, practices and activities that focus on continual improvement. Some of the activities include.

1. **Application Portfolio Management**

- Treasury Board Secretariat Report on the State of Aging IT (2010) affirmed that Application Portfolio Management is not consistently practiced GC-wide, thereby supporting the need for a formalized approach for the management of applications.
- 75% reside in the back-office, many are home-grown, solve the same business needs and do not leverage enterprise opportunities
- Efficiencies can be realized by consolidating and standardizing back-office applications in order to redirect resources towards the renewal of aging systems & towards government priorities

2. **Annual Investment Planning, IT Intake and subsequent prioritization activities.**

- CIPO conducts annual investment planning and intake activities throughout the year with its stakeholders and partners
- CIPO has developed repeatable processes and activities to support these initiatives.
- CIPO has developed roadmapping and sequencing artefacts to convey details to stakeholders
- CIPO has stood up the required IT governance to support decision making and investment priorities

53) Does your IPO plan to improve its IT systems in the next 5 years?

If yes, please provide details:

For the past 7 years CIPO has been working and planning on their IT Modernization Plan and has delivered 8 initiatives in parallel to delivering on a number of Legislative IP Treaty initiatives. CIPO modified its modernization approach in the Fall of 2018 to include two business driven portfolios of projects (client facing and internal processing). Consequently, the result of having a fixed modernization budget with a definitive start and end date for the Program the decision was rendered on the “new portfolio delivery approach” by CIPO Senior Management/Programs Steering Committee (PSC) to continue to make perpetual, sustained investments in modernization in upcoming years. This facilitated the transitioning of Information Technology Management (ITM) from a formal, traditional Program Management Framework, that included specific investments with defined scopes and budgets and notional delivery times using a Traditional Waterfall approach to the new CIPO Portfolio / Agile Delivery approach. As explained below, CIPO is now in a position to refine its modernization investment strategy, based on an enhanced perspective, informed by the initial investments and structured Portfolio/Project management efforts.

CIPO invested to refine its vision in the areas of:

- CIPO client needs:
  - How IP firms wish to engage with CIPO and their technical readiness (e.g. S4B, B2B).
  - Leading digital practices for services to non-represented clients
  - Business/Technical Partner and ever changing Stakeholder needs
  - Open Government
- Technologies available (API approach, Low Code Platforms, Robotic Process Automation, Artificial Intelligence, Master/Reference Data Management, …
- ISED technology direction, in partnership with its Chief Information Office (CIO), but also engaging technology partners (Deloitte and CGI)
- Affordability of various technologies

54) Is your IPO considering the use of artificial intelligence-based systems (e.g. machine learning, deep learning, etc.) to assess patents, trade marks or design right applications? Please select all that apply.

Initial assessment	
Assessment of image files for suitability (e.g. comparing images of registered trade marks against images provided by an applicant in a trade mark application)	
Patent prior art search	
Assessment of patents meeting formality requirements (e.g. formatting, headings etc.)	
Assessment of inventive step	
Assessment of sufficiency of disclosure	

We are embedding those opportunities within our plans for modernization and we are considering AI based systems for Trademarks Nice Classification and Industrial Design Image Search.

55) What are the technical steps your IPO is taking to make information available to the public related to IP rights (e.g. details of individual applications, granted rights, imagery, legal status)?

a. Patents (both national and PCT):

b. Trade marks:

c. Design rights (including design patents):

- Patents Branch and Trademarks and Industrial Design Branch: There is the ability to publish to the Canadian Patent Database, and the Trademark Database.
- From a Service for Business perspective there was the "ExploreIP" provided by the Data /Document Dissemination Initiative
- CIPO continues to support Canada's Open Data initiative by ensuring data is pushed to ISED open data platforms
- CIPO also continues to work with its WIPO Partners to ensure information that can be shared will be shared with the public.
- CIPO supplies bulk trademark, patent and industrial design datasets to foreign intellectual property (IP) offices and to commercial providers for inclusion in international IP search databases. Currently CIPO serves 50 clients on a weekly basis. The data and images are provided in bulk, in multiple formats.
- CIPO IP For Business: The following CIPO cloud initiatives have leveraged ThinkOn as a cloud Service Provider (CSP) and two brand new mobile-friendly resources, the Discover intellectual property (IP) e-Learning module and the IP strategy assessment tool have just been launched on our IP Academy page.

  - **IP Strategy Assessment Tool** – This new interactive online assessment tool, rich in content, helps Canadian businesses, entrepreneurs and innovators better understand and incorporate IP into their business strategy. After answering a few simple questions, users get access to a tailored guide (available in HTML and PDF format) on what they should consider when developing their IP strategy. The guide will help them extract the value from their IP assets, protect their business from competitors, gain a competitive advantage, or take their business abroad.http://www.ic.gc.ca/eic/site/cipointernet-internetopic.nsf/eng/h_wr04622.html

  - **The IP e-Learning Modules** – Discover is a new and engaging way to gain knowledge on various IP topics with a short and interactive e-learning module. The Discover intellectual property module is the first module in the IP foundations series. It introduces learners to the fundamentals of IP in an engaging way. http://www.ic.gc.ca/eic/site/cipointernet-internetopic.nsf/eng/h_wr04639.html

Broader plans for making more information available are being included within the IT Modernization plans

56) Which technical approaches or solutions (e.g. related to information security or cyber-security) are used by your IPO to ensure client confidentiality in working from home environments? Please provide details:

A whole-of-government or "enterprise" approach is being taken to address some of these challenges through the creation of a common IM-IT foundation as a first step. The responsibility for delivering IT services to core departments is now shared between central providers such as Shared Services Canada (SSC) and Public Service and Procurement Canada (PSPC). GC cybersecurity is the shared responsibility of SSC, Communications Security Establishment Canada, and the Treasury Board of Canada (TBS), in partnership with departments. TBS's Chief Information Officer Branch (CIOB) supports the Treasury Board by:

- developing strategy
- setting government-wide policy
- providing implementation guidance for IM-IT, service, access to information, privacy and security
- establishing technology standards for the GC

Specifically, our systems use a variety of security related solutions based on Virtual Private Networking technology (Cisco Anyconnect Secure Mobility client).

57) How is your IPO using information technology to facilitate quicker patent examinations?

Our examiners consult a variety of online search databases for prior art search. There are also a number of ''macros'' allowing examiners to streamline office automation tasks. Broader technologies (i.e. AI) are being explored as part of IT Modernization initiatives.

Human Resources

58) What is the total number of employees at your IPO?

1122 employees.

59) What percentage of your employees are women?

0-20%	
21-40%	
41-60%	X
61-80%	
81-100%	

60) How many pending patent applications are there for each full-time equivalent patent examiner? (E.g., if there were 100 pending patents and 10 examiners available to examine them, the average number of pending patents per examiner would be 10).

Average number of pending patent applications per examiner: ……
There are currently an average of 149 pending patent applications per examiner.

61) What percentage of your patent examiners are women?

0-20%	
21-40%	X
41-60%	
61-80%	
81-100%	

62) How many pending trade mark applications are there for each full-time equivalent trade mark examiner at your IPO?
(E.g., if there were 100 pending patents and 10 examiners available to examine them, the average number of pending patents per examiner would be 10).

Average number of pending trade mark applications per examiner……
The average number of pending trademark applications per examiner are 1470 pending applications per FTE. (135 000 applications for 92 FTE)

63) What percentage of your trade mark examiners are women?

0-20%	
21-40%	
41-60%	
61-80%	X
81-100%	

64) What percentage of staff have a university degree?

0-20%	
21-40%	
41-60%	X
61-80%	
81-100%	

65) What percentage of trade mark examiners have a Master's degree?

CIPO is unable to provide this information.

0-20%	
21-40%	
41-60%	
61-80%	
81-100%	

66) What percentage of patent examiners have a PhD?

CIPO is unable to provide this information.

0-20%	
21-40%	
41-60%	
61-80%	
81-100%	

67) What percentage of the following areas are comprised of women?

	Senior or middle management	Board of directors
0-20%		
21-40%		
41-60%	X	X
61-80%		
81-100%		

68) How does your IPO encourage people from disadvantaged communities to become employees? (Disadvantaged communities could include communities of people grouped by gender, ethnicity, colour, faith groups, people with disabilities, traditional communities (e.g. indigenous tribes), lower income groups, residing in a disadvantaged locale or region)
Please explain:

CIPO is committed to a diverse and inclusive work environment where employees feel respected and valued. We aim to reflect Canada's diversity by recruiting from a range of talent pools in Canada. CIPO makes efforts to hire employees that identify as belonging to employment equity groups and proactively looks to hire within these communities. Employees can voluntarily self-identify as part of employment equity groups. However, it is not mandatory.

69) Please specify the number of full-time equivalent (a) administrative and (b) technical/professional employees who work at your IPO for each of the following activities:

Activity	Number of administrative employees	Number of technical/professional employees
Patents		
Trade marks		
Industrial designs		
People management/ HR/personnel		
Information Technology and Communication		
Budgetary, financial, and accounting		
Logistics and infrastructure		
TOTAL	391	731

Due to our organisational structure, CIPO is unable to provide the breakdown of employees in the activities provided. However, the total number of employees per category has been provided.

70) How does a staff member progress from being a junior employee to becoming a senior employee?

All Trademark Examiners within the Trademarks and Industrial Designs Branch (TIDB) must complete a one-year Trademark Examiner Training Program. This program consists of a ten-week classroom training wherein Examiners become familiar with the Trademarks Act and Trademarks Regulations and learn how to structure various Examiner Reports. Once completed, Examiners enter a coaching period of up to ten months. During this coaching period, new Examiners are paired with a senior Examiner (i.e. Coach) who reviews all files to ensure that they adhere to the Act and Regulations and satisfy the TIDB quality standards. During the one-year program, Examiners are expected to achieve production and quality targets that gradually increase on a monthly basis until they reach the working production and quality targets of senior Examiners.

71) What performance criteria are used by your IPO in relation to people management?

CIPO's performance management approach is an ongoing process that involves planning, developing, coaching, providing feedback and evaluating employee performance. Each CIPO employee must have an active performance agreement and learning and development plan. The focal point of CIPO's performance management approach is the performance agreement, which clearly spells out the work expectations for each employee, which align with the strategic objectives of the organization. In addition, each employee is required to demonstrate core competencies and expected behaviours, which also form part of the performance agreement.

72) How many hours per year do staff spend on training, on average?

	Hours per year
Junior professional staff	TIDB – Training Program, if you consider classroom time and coaching, 1200hrs for new examiners. If classroom only it will be 300 hours.
Mid-career professional staff	TIDB - Will vary from one employee to another
Support staff	No data

As CIPO does not track this data, CIPO is not able to provide this information.

73) How many days of holiday (including national holidays and excluding weekends) do staff have available to take as leave?

Full time employees receive paid leave for eleven statutory holidays. In addition, the specific collective agreement of an employment group dictates the number of vacation days for an employee. There is a variety of employment groups across CIPO that fall under different collective agreements. Generally, hours worked and years of service factor into the allotment of vacation days.

74) How many patent applications is a full-time patent examiner expected to examine each year?

Our performance objectives are not set this way; depending on the disciple we have certain number of hour which can be spent on first reports and on subsequent reports.

75) How many trade mark applications is a full-time trade mark examiner expected to examine each year?

PB: 800 applications per year.

TIDB: On average a Trademark examiner is expected to examine 582 new applications and 770 mail files a year for a total of 1,352 applications.

76) How many industrial design right applications is full-time examiner of industrial designs expected to examine each year? (If industrial designs are not examined in your jurisdiction, please indicate "Not applicable").

PB: 460 applications per year.

TIDB: Industrial Designs examiners are expected to dispose of 458 applications a year.

77) How is workload distributed between junior and senior patent examiners, e.g. criteria for allocation of applications /examinations/ revisions, etc?
Work is distributed by classification. We do not have a distribution by junior or senior examiner.

78) How do you reward and recognise exceptional work within your IPO?

CIPO is committed to recognizing employees for their achievements in support of departmental business objectives and their dedication. Recognizing the accomplishments of employees contributes to a positive and productive work environment and supports the attraction and retention of committed and engaged employees. CIPO recognizes through formal and informal means, the significant contributions of its employees. Contributions can include individual and group accomplishments, as well as initiatives and behaviours that promote the values of the organization. CIPO supports nominations for internal awards, corporate awards such as the Public Service Award of Excellence and the Outstanding Achievement Award, as well as awards from several other organizations external to the public service.

CIPO is committed to a comprehensive recognition program that is fair, transparent, and sufficiently flexible to cover a wide range of possibilities. CIPO holds an annual recognition ceremony to honour employees for the dedication, exceptional work, and valuable contribution to the organization's success. In addition to formalized awards programs, we provide tools such as a Recognition Portal and Recognition Toolbox that offer the means to recognize exceptional work, an outstanding contribution, and the adhesion to our common values on an informal level.

79) How does your IPO retain good staff?

CIPO is committed to the attraction and retention of a highly skilled and motivated workforce. A respectful, healthy, and inclusive environment where mental health is supported is fundamental to the organization. CIPO relies on its skilled and diverse workforce to deliver on its priorities and is committed to promoting the conditions for employees to perform to their full

potential. This includes providing employees with the tools, resources, and training they need to succeed. CIPO fosters the professional development of all employees, creates a positive work experiences for students, and offers training to ensure employees develop and maintain their skills. We take pride in providing a workplace that encourages work-life balance, offering telework and other alternative work arrangements.

IP Australia

04

1) We ask that you fill in your information below, so that the system can identify you when processing responses, and that we can contact you if necessary:

Name	Skye Reeve
Job position	A/g Director, International Policy & Cooperatio
Name of your IPO	IP Australia
Email	Skye.reeve@ipaustralia.gov.au
Phone number	+61 7 6222 3602

Organisational Structure

2) What is the corporate form of your IPO? (Please select whichever applies)

Government department	X
Cost centre of a larger government department	
Independent organisation	
Other	

If Other, please provide details: ……..

3) How is your IPO structured in terms of departments? Please describe the structure of your IPO. If possible, provide details of the benefits and/or shortcomings of this structural approach:
IP Australia falls within the Department of Industry, Science, Energy and Resources as a listed entity but operates independently of the Department on financial matters and with some degree of autonomy on other matters.

4) At your IPO, where do ideas related to changing your organisation's strategy originate? (Please select all that apply)

Suggestions from dedicated policy team	X
Suggestions from senior management	X
Suggestions from wider society	X
Suggestions from IP professional bodies	X
Changes arising from legislation	X
Other	X

If Other, please provide details: Other IP offices and international practices e.g. treaties.

5) Is your IPO empowered to make major changes to the workings of the organisation independent of outside interference?

Yes	X
No	

Please provide further details relevant to your response: …….

6) The existing organisational structure in your IPO is due to:
(Please select the most appropriate answer)

Technical reasons to follow a divisional pattern	
A strategic path/choice to develop specific tasks	X
Historical evolution of the office related to global IP policy or developments (e.g. international conventions or agreements)	
Political conditions defined by the country's government	
Other	

If Other, please provide details: ……..…….

7) Is your IPO's policy and overall governance:

(Please select the most appropriate answer)

Defined by its own board of directors	
Set up by the country's government	
A mix of both	X
Other	

If Other, please provide details: ……

8) In your country, does your IPO have financial and policy autonomy to:
(Please select all that apply)

Charge for services	X
Retain the income generated	X
Retain the surplus	X

9) How did your IPO evolve to reach the legal status to act as an independent organisation?
(Please select the most appropriate answer)

For historical reasons related to the IP and innovation policy evolution in the country	X
For political reasons due to institutional development and reform in the country	
For economic and managerial reasons to become more efficient	
Other	

If Other, please provide details: ……

10) What barriers, if any, have obstructed improvement of the organisational structure at your IPO?

Please provide further details:

11) Does your IPO have policies targeted at increasing IP rights registrations from disadvantaged and/or under-represented social groups (women, people with disabilities, indigenous communities, faith groups, lower income groups, people in remote areas, other minorities)?

Yes	X
No	

Please provide further details:

IP Australia is looking at ways the IP system can better support Aboriginal and Torres Strait Islander people to protect and benefit from their Indigenous Knowledge. As an example, we

developed an Indigenous Knowledge Work Plan 2020-21 which outlines a range of initiatives we are looking at to support protection of Indigenous Knowledge in the IP system.

We are also working to ensure we have education and awareness materials to support Indigenous people accessing the IP system, including our IP guide for Indigenous businesses, Nanga Mai Arung / Dream Shield (currently under redevelopment). In addition, we have released a short series of Insights which share key findings from *Estimating the Market Value of Indigenous Knowledge* a report we commissioned from the Australian National University's Centre for Aboriginal Economic and Policy Research to highlight the economic or market value of Indigenous Knowledge.

12) Is there anything about the way your IPO is organised that could be changed to increase social inclusion and/or improve social cohesion in your country?

Yes	
No	

Please provide further details:

13) Does your IPO request information about applicants for IP rights in relation to their: (Please select all that apply)

Gender	
Race or ethnicity	
Age	
Colour	
Religious belief	

14) Do you ask patent, trade mark or design applicants about the corporate size of their own organisations?

Yes	X (individual or organisation)
No	

15) Is quality management considered:
(Please select all that apply)

As part of operational processes	X
Under the responsibility of each divisi	X
Other	

If Other, please provide details: ……

16) Has ISO 9001 or any other quality management policy been applied in your IPO?

Yes	X
No	

If yes, please advise when this was implemented, and to which parts of the organisation the approach was applied:

IP Australia initially established a Quality Management System (QMS) in 2005 and has maintained ISO 9001 certification since 2006. It allows us to monitor, measure and manage the quality of our products and services in a consistent way across the organisation.

The QMS is applied to our IP rights groups (patents, trade marks, designs, and plant breeder's rights) as well as the administration functions that support those groups.

17) Does your IPO have a quality management department / team?

Yes	X
No	

If yes, please advise at what level of seniority this department / team operates within your IPO:

Director (Executive Level 2), which is the highest level of management prior to senior executive.

18) How many people are involved in quality management at your IPO:

Two small teams are responsible for quality management, setting quality standards and oversight with resourcing supplemented from the IP rights groups. For example, trade marks have resources that analyse and deliver improvements to address quality review results and quality improvement projects will have dedicated project resources allocated. For Patents recent changes now see Senior Examiners review a random selection of case work against quality standards prior to that work being issued by the Office.

19) How does your IPO encourage high levels of quality and efficiency from staff? Are there legal barriers?

Please explain:

Our staff are supported through quality standards, manuals and training. Quality is monitored and measured through quality review processes that support continual improvement including that noted above. Staff that attain high level quality outcomes are recognised and rewarded to support a quality culture. Efficiency is also monitored and measured with commitments set to align to customer expectations. No legal barriers exist in relation to encouraging high levels of quality or efficiency.

20) On average, how many staff hours are required to grant an IP right from application through to grant date?

a. Patents, all types of invention on national patents, excluding utility models:

0-5	
5-10	
10-15	X
15-20	
20-30	
30-40	
>40	

b. Patents, all types of invention on PCT patents, excluding utility models:

0-5	
5-10	
10-15	
15-20	
20-30	
30-40	X
>40	

c. Trade marks, all types:

0-5	
5-10	X
10-15	
15-20	
20-30	
30-40	
>40	

d. Design rights / design patents, all types:

0-5	
5-10	
10-15	X
15-20	
20-30	
30-40	
>40	

Process Management System

21) To enable efficient processes, has a major organisational change been carried out in your IPO within the last 5 years?

Yes	X
No	

If yes, please provide further information about this change:

IP Australia is half-way through a major transformation program designed to make it easier for examination and administration staff to perform their work. A key objective of this program is to improve the quality and efficiency of our processes.

We are achieving this using innovative new search and examination tools, automation of repetitive or formulaic tasks, in-flight quality review, and adoption of emerging technologies such as machine learning to augment decision making.

The program is a significant organisational change initiative for IP Australia that is forging a new culture focused on quality outcomes for our customers and trust in new technologies that enable more efficient, modern ways of working.

22) How often does your IPO review internal processes to increase efficiency?

Internal reviews are annual. The timing and scope of these reviews are revisited as part of the quarterly risk assessment process, and at a more granular level, during the annual internal audit planning process. Reviews during each financial year are directly linked to IP Australia's key priorities and areas which require review on a cyclical basis.

23) Please provide details of KPIs (Key Performance Indicators) used at your IPO in the areas below:

a) Patents: Timeliness, Quality and Productivity. For more information, please see refer to our new Customer Service Charter (CSC) https://www.ipaustralia.gov.au/about-us/doing-business-us/customer-service-charter

b) Receipt of requests and acting as international authority under the PCT: Timeliness, Quality and Productivity, https://www.ipaustralia.gov.au/about-us/doing-business-us/customer-service-charter

c) Trade marks: Timeliness, Quality and Productivity, https://www.ipaustralia.gov.au/about-us/doing-business-us/customer-service-charter

d) Industrial designs: Timeliness, Quality and Productivity, https://www.ipaustralia.gov.au/about-us/doing-business-us/customer-service-charter

e) Management of Information and Communication Technology: Service level agreement (internal and external) and deliver against operational and corporate plan.

f) Budgetary, financial and accounting management: n/a

g) Logistics and infrastructure management: n/a

24) At your IPO, are processes being changed for faster search and grant of national patent applications (excluding design rights and utility models)? Yes
If so, which?
We have recently launched a fast track case management process to assist SMEs.

25) At your IPO, are processes being changed for faster search and grant of PCT patent applications (excluding design rights and utility models)? Yes
If so, which?
We have a Customer Service Charter in place for timely completion of PCT requests. We aim to get 85% of requests completed within 10 weeks of service request date.

26) At your IPO, which schemes exist for faster granting of patent (invention patents – both national and PCT) applications (e.g. Fast-Track)? Please select all that apply:

Patent Prosecution Highway	X
Green/Environmental patent scheme	X
Inventions by inventors who are >=60 years old	
National technology focus (other than green/environmental)	
National emergency (e.g. Covid-19 applications)	
Assistance to small and medium enterprises	X
Affirmative action (e.g. female inventors)	
Other	X

If Other please provide details: Expedited exam requests.

27) What percentage of overall pending patent examinations in any year can be entered into the following schemes (e.g., 500 patents allowed to enter PPH per year, 10000 pending patents = 5%): We do not have any examination caps.

Patent Prosecution Highway	
Green/Environmental patent scheme	
Inventions by inventors who are >=60 years old	
National technology focus (other than green/environmental)	
National emergency (e.g. Covid-19 applications)	
Assistance to small and medium enterprises	
Affirmative action (e.g. female inventors)	
Other	

If Other, please provide details: ……

28) At your IPO, what methods are available to Fast-Track a trade mark examination? Please select all that apply:

Fast-Track due to trade mark already in use / imminent use	X
Fast-Track due to existence of pre-grant infringement	X
Fast-Track due to industry sector focus	X
Fast-Track due to national emergency (e.g. Covid-19 applications)	X
Assistance to small and medium enterprises	
Affirmative action (e.g. female inventors)	
Other	X

If Other, please provide details: Please note, fast track (expedited) examination is not automated. It must be requested by the customer.

29) At your IPO, what processes exist to perceive and respond to technological and cultural changes that could affect your activities (e.g. artificial intelligence, blockchain, gender equality, Black Lives Matter, global IP policy developments)?

Please provide details…….....……..

IP Australia continues to review emerging technologies such as artificial intelligence and blockchain through enterprise research and development. IP Australia has invested into the exploration of blockchain technology to understand its impact to office process and within the IP ecosystem. IP Australia is also an engaged member of the global IP community and we proactively attend World Intellectual Property Organization (WIPO) and cross-agency meetings to contribute to pertinent IP conversations, for example recent discussions on artificial intelligence.

IP Australia works across the Australian Government to provide a comprehensive and cohesive response to technological and cultural changes and can better meet the needs of our customers.

For example, IP Australia aligned its response to the COVID-19 crisis with the broader Australian Government. Recognising the challenges for business, IP Australia offered a streamlined process for extension of time requests and waived associated fees for a limited period.

30) At your IPO, what processes exist to encourage greater understanding and use of IP rights and intangible assets by women and people within disadvantaged communities?

(Disadvantaged communities could include communities of people grouped by gender, ethnicity, colour, faith groups, traditional communities – e.g. indigenous tribes, lower income groups, residing in a disadvantaged locale or region)

Please provide details……..……..

Internationally, one of the ways the Australian Government supports IP development in our region is by providing financial support to the World Intellectual Property Organization's (WIPO) Funds in Trust (FIT) program.

The WIPO-Australia FIT program supports capacity-building within developing and least developed countries, in particular for the development of national IP strategies. Activities include the promotion of IP systems in developing countries including the Madrid system; the use of patents to address neglected tropical diseases, malaria and tuberculosis in least developed countries, and increased access to education materials in accessible formats for the blind or visually impaired.

Importantly, the program seeks to empower women and promote the key priorities of Australia's Department of Foreign Affairs and Trade's *Gender Equality and Women's Empowerment Strategy*, particularly enhancing women's voices in decision-making and leadership and promoting women's economic empowerment. In line with this strategy, every initiative conducted through FIT program aims to achieve a minimum 40 per cent female participation rate.

Domestically, IP Australia offers a range of free resources and readily accessible resources aimed at educating non-IP experts on the importance of protecting their brands and ideas. These include a webinar program predominantly targeted at those who are not yet IP Australia customers, but have ideas or businesses which may need IP protection. We also offer sessions on IP101, which are particularly aimed at people with less knowledge of the IP rights system. The webinars are presented in plain English, with relatable examples and a more visual style which tells the story to guide and educate. Our webinars are available via our website and our Youtube channel and are supported by transcripts of the webinar content.

Please also see our response at question 11.

31) At your IPO, how do you communicate the commercial and cultural benefits of intangible assets to the national population? Please select all that apply and whether or not they require financial payment.

Process	Free of charge	Access on payment only
In-person workshops	Prior to COVID we participated in in-person workshops for targeted activities, usually in support of Government events or major conferences.	
Website information	We have a range of resources targeting non-IP experts freely available on our website.	
Webinars	We have a range of webinars available live and on-demand.	
Video channels (e.g. YouTube or equivalent)	We have a range of video resources available on our YouTube channel.	
Social media	We're on Twitter, LinkedIn and Facebook.	
Published material (e.g. booklets, leaflets etc.)	We are shifting IP Australia's content digitally as we have learnt this better meets the needs of our customers and enables more timely management of relevant and current content.	
Direct engagement with civil society organisations (e.g. women's groups, black entrepreneurs' organisations, etc.)	We engage with a range of stakeholders and organisations through our Indigenous Knowledge work and also as part of our broader outreach offering. We are also consulting on a proposal to establish an Indigenous Advisory Panel of representatives which will improve how we engage with Indigenous communities.	
Other		

If Other please provide details: ……..……..

32) When you hold events, on average how much of the audience is comprised of women?

This is not information we capture so we are not able to provide this data.

0-10%	
11-30%	
31-50%	
51-70%	
>70%	

33) For staff training, what are the options? (Please select all that apply)

Internal training delivered by other staff in person	X
External training	X
Academic training	X
Language training	X
Technical subject-matter training	X
On-demand video training	X
Webinars	X
Other	X

If Other please provide details:

IP Australia offers a range of learning and development options including career development resources (job application, resume writing, and interview skills), leadership and professional development programs. We also provide for portfolio interchanges (where staff can participate in an external placement at the Department of Industry, Science, Energy and Resources), executive shadowing and a secondment to an Indigenous community for about six weeks.

34) When a trade mark or patent is rejected, are senior examiners involved in the appeal process?

Yes	
No	X

35) What is the average time taken to respond to an applicant's appeal, following rejection of:

	Working days
a patent application	We aim to respond to applicant submissions during examination proceedings within 20 days. Our response time to issue a decision on opposition matters is 13 weeks.
an application for a design right	20 days
a trade mark application	20 days

Service Pricing Policy

36) What is the cost in your currency to Fast-Track a patent application?

There is no additional cost to expedite examination. The Fee for a standard patent application, it is AUD $470 (new fee AUD $570 commencing 1 October 2020).

37) What is the cost in your currency to Fast-Track a trade mark application?

There is no additional cost to expedite examination. For a standard TM application, the fee is AUD $350 (new fee AUD $450 commencing 1 October 2020).

38) How do you decide upon the price (for the applicant) for each of the services offered at your IPO?

IP Australia sets fees in accordance with the Australian Government's cost recovery guidelines under the Charging Framework. Fees are also set in line with our innovation policy with lower entry fees to encourage innovation and the aim to recover the overall cost through the lifetime of the right.

39) What percentage of the price for patent services at your IPO is:
(Feel free to indicate an approximate number)

	Percentage
Fixed cost	100%
Operational cost	
Mark-up (revenue exceeding cost of provision of the services)	0%

While it is unclear here how fixed and operational costs are defined, generally IP Australia does not report on fixed versus operational cost. IP Australia operates under the Australian Government's charging framework and Cost Recovery Guidelines per question 38, in the long-term there is no mark-up where revenue exceeds the cost for provision of services.

40) What percentage of the price for trade mark services at your IPO is:

(Feel free to indicate an approximate number)

	Percentage
Fixed cost	100%
Operational cost	
Mark-up (revenue exceeding cost of provision of the services)	0%

Please see our response to question 40.

41) Is there any type of discount policy in your IPO? (e.g. for applicants from disadvantaged communities, or for small businesses). Please provide details:

a) Patents: No

b) Trade marks: No

c) Designs: No

d) No discount policy is in use at our IPO: Yes

42) At your IPO, is the office empowered to change the pricing of any or all services without recourse to legislative or statutory amendments?

Yes	
No	X

43) At your IPO, how do changes to service pricing policy happen? Please select all that apply.

Legislative change	X
Directive from senior management	X
Pricing policy manager suggests changes and following approval from senior management implements the suggested change	X
Civil society suggests changes	X
Staff suggest changes	X
Other	

If Other please provide details: ……..

44) Are the incomes to your IPO, as a total sum, adequate to cover all running costs?

Yes	X
No	

45) Are there any innovative pricing policies at your IPO?

Yes	
No	X

If yes, please provide details: ……

46) Does any activity at your IPO subsidise another one?

Yes	X
No	

If yes, please provide details: IP Australia aims to minimise cross-subsidy between our IP Rights. This is a requirement of the Australian Government Cost Recovery Guidelines.

47) Is there any price subsidy scheme based on affirmative action or on supporting specific policy goals? If yes, please select all that apply: None

Green/environmental inventions	
Inventions by inventors who are >=60 years old	
National technology focus (other than green/environmental)	
National emergency (e.g. Covid-19 applications)	
Assistance to small and medium enterprises	
Affirmative action (e.g. female inventors)	
Other	

If Other please provide details: ……

Information Technology Services

48) Which practices and/or processes are used for IT Service Management (ITSM) at your IPO? Please provide details including the framework version and/or update year:

IP Australia currently uses LanDesk as its ITSM tool for 1st level support of IT related enquires. LanDesk was last updated in 2016 and is ITILv3 compliant (third version of Information Technology Infrastructure Library). Investigation in underway on other products to replace the aging LanDesk service management tool as its corporate ITSM and will be look at implementing a new solution by the end of 2021.

49) Which frameworks are used at your IPO for IT Governance?
Please provide details including the framework version and/or update year:

IP Australia uses the ITIL v3, a globally recognised collection of best practices for managing information technology.

50) Which IT services does your IPO provide?
Please provide details of these services:

IP Australia provides externally facing IT Services including transactional (filing, payment, correspondence etc.) as well as data exchange and register search systems/platforms.

51) Is the provision of IT Services at your IPO based on agile methodologies?

If yes, please specify which methodologies and corresponding tools:

Based on agile methodologies and management of releases via LAN desk and JIRA, a software tool developed by Australian Company used for bug tracking, issue tracking and project management.

If no, please specify why your IPO does not use any agile methodology: ……..…….

52) Does your IPO have routines (process, practices, activities, etc.) focused on continual improvement of IT Services and Technologies?

If yes, please provide details of the routines used:

IP Australia practices DevOps, SecOps and agile project / program management with MVP releases followed by continual improvement.

If no, please explain why continual improvement practices are not used: …….……

53) Does your IPO plan to improve its IT systems in the next 5 years?

If yes, please provide details:

IP Australia has a portfolio of projects that is reviewed every 12 months in alignment with our Corporate Strategy (link to our corporate plan - https://www.ipaustralia.gov.au/ip-australia-corporate-plan-2017-2021). These projects include modernising our existing Information and Communication Technologies (ICT) systems and building new ICT capabilities for the public. Currently, there are four major ICT projects in progress that will deliver capabilities including:

- new transactional digital services for our customers including a refreshed public application portal and new web services/ Application Programming Interfaces (APIs) to encourage industry participation in unique customer service offerings
- modernised patents case management system (following delivery of the trade marks and designs equivalent in 2018) providing enhanced search/exam tools with a focus on automating repetitive and formulaic tasks via robotic process automation and decision support with machine learning
- cloud-based business intelligence and analytics data platform,

security upgrades and patching for all ICT systems

54) Is your IPO considering the use of artificial intelligence-based systems (e.g. machine learning, deep learning, etc.) to assess patents, trade marks or design right applications? Please select all that apply.

Initial assessment	X
Assessment of image files for suitability (e.g. comparing images of registered trade marks against images provided by an applicant in a trade mark application)	X
Patent prior art search	X
Assessment of patents meeting formality requirements (e.g. formatting, headings etc.)	X
Assessment of inventive step	
Assessment of sufficiency of disclosure	

For note where IP Australia has considered the use of AI based systems, it is to augment current systems and/or provide additional tools to examination teams.

55) What are the technical steps your IPO is taking to make information available to the public related to IP rights (e.g. details of individual applications, granted rights, imagery, legal status)?

a) Patents (both national and PCT): ……..

b) Trade marks: …….

c) Design rights (including design patents): …….

IP Australia has public registry search services available for all IP Rights. Our Australian Trade Mark Search (ATMS) and Australian Designs Search (ADS) services were recently updated to provide a more modern experience and use artificial intelligence capabilities such as computer vision to compare and search images. Our Australian Patent Search (AusPAT) service will be updated in the coming years.

IP Australia also provides bulk datasets comprising over 100 years of information on IP rights applications in Australia. These datasets are available from our IP Data Platform, IP Government Open Data (IPGOD) and IP Government Open Live Data (IPGOLD) websites.

56) Which technical approaches or solutions (e.g. related to information security or cyber-security) are used by your IPO to ensure client confidentiality in working from home environments? Please provide details:

IP Australia uses both Citrix and a VPN (virtual private network) solution with remote users being prompted for a multi-factor authentication (MFA) token in order to authenticate individual user identity and ensure confidentiality in working from home set-ups.

57) How is your IPO using information technology to facilitate quicker patent examinations?

IP Australia has a dedicated team performing research and development on emerging technologies to support examination processing. Examples of technologies under development which aim to support patent examination include:

- Patent Auto Classification – we use machine learning models to automatically classify International Patent Classification (IPC) and Cooperative Patent Classification (CPC), sort and allocate Patent applications to examiners
- Preliminary Automated Search – we use machine learning to automatically search and present prior art ranked by their semantic similarity to the patent application under review.
- Family Member Analysis
- Federated Search
- Outcomes based Directions

It should be noted that while IP Australia is exploring technologies to improve examination efficiency, IP Australia's primary focus is on improving quality.

Human Resources

58) What is the total number of employees at your IPO?

1128

59) What percentage of your employees are women?

0-20%	
21-40%	
41-60%	X
61-80%	
81-100%	

60) How many pending patent applications are there for each full-time equivalent patent examiner? (E.g., if there were 100 pending patents and 10 examiners available to examine them, the average number of pending patents per examiner would be 10).

Average number of pending patent applications per examiner: Approximately 150 applications per examiner noting that these are not pre-allocated.

61) What percentage of your patent examiners are women?

0-20%	
21-40%	X
41-60%	
61-80%	
81-100%	

62) How many pending trade mark applications are there for each full-time equivalent trade mark examiner at your IPO?
(E.g., if there were 100 pending patents and 10 examiners available to examine them, the average number of pending patents per examiner would be 10).

Average number of pending trade mark applications per examiner Approximately 150

63) What percentage of your trade mark examiners are women?

0-20%	
21-40%	
41-60%	X
61-80%	
81-100%	

64) What percentage of staff have a university degree?

0-20%	
21-40%	
41-60%	
61-80%	X
81-100%	

65) What percentage of trade mark examiners have a Master's degree?

0-20%	X
21-40%	
41-60%	
61-80%	
81-100%	

*Figures are based on the 2019 employee survey results from 57% of the examiner workforce within trade marks

66) What percentage of patent examiners have a PhD?

0-20%	
21-40%	X
41-60%	
61-80%	
81-100%	

*Figures are based on the 2019 employee survey results from 78% of the examiner workforce within patents

67) What percentage of the following areas are comprised of women?

	Senior or middle management	Board of directors
0-20%		
21-40%		
41-60%	X	X
61-80%		
81-100%		

*Board of Directors is assumed to be SES

68) How does your IPO encourage people from disadvantaged communities to become employees?

(Disadvantaged communities could include communities of people grouped by gender, ethnicity, colour, faith groups, people with disabilities, traditional communities (e.g. indigenous tribes), lower income groups, residing in a disadvantaged locale or region)

Please explain:

IP Australia's Diversity and Inclusion Strategy was launched in 2020. The strategy includes a number of actions to encourage people from disadvantaged communities to become employees. These include people who are Indigenous, culturally, and linguistically diverse people, people with disability, people from the LGBTIQ+ community.

IP Australia runs a number of affirmative measures to employ Indigenous people and people with disability.

IP Australia is a member of the Australian Network on Disability and engages in several programs to promote disability confidence and help people with disability to gain employment in the public service (e.g. PACE and Stepping Into Program). IP Australia has partnered with

Jobaccess (Australia's national hub for workplace and employment information for people with disability, employers and service providers) to conduct a recruitment review and are currently working in partnership to implement changes on our intranet to be disability friendly.

IP Australia partners with the Australian Public Service Commission and have participated in the Indigenous intern pathway program in 2020. We have also recruited Indigenous staff through the Indigenous Graduate program for 2021. IP Australia's publication, Dreamshield, helps Indigenous business owners understand IP issues.

IP Australia aims to improve gender representation in science, technology, engineering and mathematics (STEM) roles to 50:50 by 2030. We have updated recruitment and selection systems for transparency, providing panel training, diversity and unconscious bias training, and are working on establishing merit pools.

Through our membership with Pride in Diversity, we are promoted as an inclusive employer for the LGBTIQ community on their website. In 2019 and 2020 we sponsored the Pride in Practice conference promoting Inclusion, to be an employer of choice.

IP Australia prides itself on flexible work. Our policies support staff to negotiate their work hours and locations. Our Enterprise Agreement (collective agreement made between our agency and our employees about terms and conditions of employment) and leave policies support cultural leave, personal leave, volunteer leave and miscellaneous leave.

69) Please specify the number of full-time equivalent (a) administrative and (b) technical/professional employees who work at your IPO for each of the following activities:

Activity	Number of administrative employees	Number of technical/professional employees
Patents	73*	417
Trade marks		200
Industrial designs		14
People management/ HR/personnel	1	27
Information Technology and Communication	2	147
Budgetary, financial, and accounting		43
Logistics and infrastructure	3	3

* Our administration staff are primarily all grouped together, and this administration staff may work across multiple IP Rights

70) How does a staff member progress from being a junior employee to becoming a senior employee?

Consistent with the Australian Public Service Values (https://www.apsc.gov.au/aps-values) and Employment Principles, IP Australia employees progress from being junior employees to senior employees through merit-based selection processes.

Employees entering into junior examination roles are required to complete prescribed training programs in order to progress to in examination responsibilities.

Employees are supported to progress to more senior roles through the Achieve Performance Framework which encourages high performance and professional development. Employees are supported with relevant training to gain requisite skills, and this training includes formal qualifications, in-house online and face-to-face training, on-the-job education, coaching and mentoring as appropriate.

71) What performance criteria are used by your IPO in relation to people management?

IP Australia uses the Achieve performance management system in an annual reporting cycle. At the end of each cycle employees receive an Achievement level, defined below.

- Achieved Excellence: Indicates you have consistently demonstrated excellence throughout the Achieve cycle, beyond the expectations described in the Achievement Plan, as set out by each business group at the beginning of the Achieve cycle.
- Overall Achievement: Indicates you have demonstrated overall achievement of expectations described in your Achievement Plan, which may include the completion of identified development activities. Overall Achievement may include exceeding some expectations, as well as overall satisfactory achievement considering factors that may be outside your control. Most staff will achieve this level.
- Performance Concerns: Indicates performance concerns have been identified as, after considering factors that may be outside your control, that you have not been able to meet some or all key expectations described in the Achievement Plan.

In addition to Achieve, patents and trade marks sections have a Performance Agreement Framework (PAF) that governs their ways of working. PAF consists of the following measurements:

- Quality: promote world leading quality that meets or exceeds our customer and stakeholder expectations.
- Production: ensure IP Australia can meet organisational production objectives.
- Timeliness: ensure IP Australia can meet demand in line with our Customer Service Charter commitments.
- Team effectiveness: engagement, collaboration, camaraderie and working effectively within the team.

- Integrity: work with peers, stakeholders and customers that is honest, consistent, trustworthy, accurate and respectful.
- Balance: understanding of the importance of health and wellbeing and how that impacts on personal life and contribution to the organisation.
- Initiative: individuals to use their best judgement in determining the best course of action, and to do what needs to be done without constant need to seek advice or assurance.
- Learning: individuals to take up opportunities for further development, by learning on the job, learning from others and/or through formal training.
- Continuous improvement: individuals to participate in process improvements for the Team and accept and promote change in a positive manner.
- Leadership and Management: Managers and Team Leaders, and relevant to staff who are undertaking leadership or management in the form of project management, subject matter expertise and/or training, coaching or mentoring.

72) How many hours per year do staff spend on training, on average?

	Hours per year
Junior professional staff	20
Mid-career professional staff	20
Support staff	20

NB: The above does not include Patents Training Academy or trade marks training program both of which are required to receive their decision making delegations under statute. The above represents an approximate annual investment into additional learning and development as discussed individually between managers and staff as part of the performance management cycle each year.

73) How many days of holiday (including national holidays and excluding weekends) do staff have available to take as leave?

Our staff have a range of leave entitlements in accordance with federal and local laws, including:

- four weeks of annual leave,
- long service leave,
- national holidays,
- specific State or Territory holidays, depending on where the employee is based,
- two days paid leave annually for business days that fall between 25 December and 1 January and
- a range of further paid leave entitlements including purchased leave and parental leave.

74) How many patent applications is a full-time patent examiner expected to examine each year?

We have recently moved to a team-based model and there are no targets at the individual examiner level. In addition to domestic applications, our examiners undertake international work. Based on 19/20 FY statistics, 23,469 applications were examined in total.

75) How many trade mark applications is a full-time trade mark examiner expected to examine each year?

On average, between 100-120 per month when not coaching trainee examiners.

76) How many industrial design right applications is full-time examiner of industrial designs expected to examine each year? (If industrial designs are not examined in your jurisdiction, please indicate “Not applicable”).

Not all designs are subject to examination, but all will be assessed for formalities. On average 15-18 per month.

77) How is workload distributed between junior and senior patent examiners, e.g. criteria for allocation of applications /examinations/ revisions, etc?

Generally, examiners are expected to undertake all work types. The expectation is that the more experienced examiners will take on proportionally more complex cases.

78) How do you reward and recognise exceptional work within your IPO?

IP Australia has a range of mechanisms to recognise exceptional performance, both monetary and non-monetary. These include performance bonuses as detailed in our annual report and performance based salary progression, as well as the following awards:

- Director General
- Australia Day
- Monthly Quality Awards.

Other forms of recognition include internal development opportunities (shadowing, higher duties), secondments to other agencies, professional memberships or opportunities to attend conferences.

79) How does your IPO retain good staff?

IP Australia has a high retention rate. The agency has a broad range of retention incentives. These include access to:

- flexible working arrangements,
- competitive salaries, with regular performance-based salary advancement
- generous conditions of employment,
- employee support services that extends to immediate family members,
- a strong diversity and inclusion culture and supporting frameworks, and
- opportunities for advancement within the agency.

Further detail can be found in the IP Australia Enterprise Agreement (available on our website here - https://www.ipaustralia.gov.au/sites/default/files/ip_australia_enterprise_agreement_2017-2020.pdf?acsf_files_redirect

IPOS

05

1) We ask that you fill in your information below, so that the system can identify you when processing responses, and that we can contact you if necessary:

Name	Debra Long
Job position	Senior Executive
Name of your IPO	Intellectual Property Office of Singapore
Email	Debra_long@ipos.gov.sg
Phone number	--

Organisational Structure

2) What is the corporate form of your IPO? (Please select whichever applies)

Government department	✓
Cost centre of a larger government departme	
Independent organisation	
Other	

If Other, please provide details: ……..

3) How is your IPO structured in terms of departments? Please describe the structure of your IPO. If possible, provide details of the benefits and/or shortcomings of this structural approach:

IPOS adopts a hierarchical organisational structure with our employees organised by their specific functions in four different clusters (Corporate Services, Policy & Engagement, Registries, and Hearings & Mediation and Media & Communications). IPOS also has a wholly owned subsidiary called IPOS International which comprises of IP Academy, IP Strategy, and Search and Examination units.

4) At your IPO, where do ideas related to changing your organisation's strategy originate? (Please select all that apply)

Suggestions from dedicated policy team	✓
Suggestions from senior management	✓
Suggestions from wider society	✓
Suggestions from IP professional bodies	✓
Changes arising from legislation	
Other	

If Other, please provide details:…….

5) Is your IPO empowered to make major changes to the workings of the organisation independent of outside interference?

Yes	✓
No	

Please provide further details relevant to your response:

As a Statutory Board of the Singapore Government, IPOS is given autonomy to some extent.

6) The existing organisational structure in your IPO is due to:
(Please select the most appropriate answer)

Technical reasons to follow a divisional pattern	
A strategic path/choice to develop specific tasks	✓
Historical evolution of the office related to global IP policy or developments (e.g. international conventions or agreements)	
Political conditions defined by the country's government	
Other	

If Other, please provide details: ……..…….

7) Is your IPO's policy and overall governance:

(Please select the most appropriate answer)

Defined by its own board of directors	
Set up by the country's government	
A mix of both	✓ (IPOS's governance is managed by our Board of Directors, whilst our policies are shaped in consultation with the Government.)
Other	

If Other, please provide details: ……

8) In your country, does your IPO have financial and policy autonomy to:
(Please select all that apply) IPOS would like to decline to respond to this question.

Charge for services	
Retain the income generated	
Retain the surplus	

9) How did your IPO evolve to reach the legal status to act as an independent organisation?
(Please select the most appropriate answer)

For historical reasons related to the IP and innovation policy evolution in the country	✓
For political reasons due to institutional development and reform in the country	
For economic and managerial reasons to become more efficient	
Other	

If Other, please provide details: ……

10) What barriers, if any, have obstructed improvement of the organisational structure at your IPO? Nil.

Please provide further details: ……

11) Does your IPO have policies targeted at increasing IP rights registrations from disadvantaged and/or under-represented social groups (women, people with disabilities, indigenous communities, faith groups, lower income groups, people in remote areas, other minorities)?

Yes	
No	✓

Please provide further details:

12) Is there anything about the way your IPO is organised that could be changed to increase social inclusion and/or improve social cohesion in your country?

Yes	
No	✓

Please provide further details: ……

13) Does your IPO request information about applicants for IP rights in relation to their: (Please select all that apply) None of the below.

Gender	
Race or ethnicity	
Age	
Colour	
Religious belief	

14) Do you ask patent, trade mark or design applicants about the corporate size of their own organisations?

Yes	✓ (For patents and design. IPOS does not request for corporate size numbers per se, but just an indication on whether the applicant is an SME for profiling purposes)
No	

15) Is quality management considered:
(Please select all that apply)

As part of operational processes	✓
Under the responsibility of each division	✓
Other	

If Other, please provide details: ……..……

16) Has ISO 9001 or any other quality management policy been applied in your IPO?

Yes	✓
No	

If yes, please advise when this was implemented, and to which parts of the organisation the approach was applied:

IPOS was first certified to ISO 9001:2008 in 2014, and achieved ISO 9001:2015 certification in 2018, covering the patent application and payment processes for both national and international patent applications, as well as for our Patent Analytics services. IPOS successfully renewed our ISO 9001:2015 certification in 2020.

17) Does your IPO have a quality management department / team?

Yes	
No	✓

If yes, please advise at what level of seniority this department / team operates within your IPO: ……..…..

18) How many people are involved in quality management at your IPO: Not applicable.

19) How does your IPO encourage high levels of quality and efficiency from staff? Are there legal barriers?

Please explain:
IPOS achieves this through due rewards and recognition, continual training and development, continuous and formal performance management process between staff and supervisors, and system innovation to enhance internal processes.

20) On average, how many staff hours are required to grant an IP right from application through to grant date?

a. Patents, all types of invention on national patents, excluding utility models:

0-5	
5-10	
10-15	
15-20	
20-30	✓
30-40	
>40	

b. Patents, all types of invention on PCT patents, excluding utility models:

0-5	
5-10	
10-15	
15-20	
20-30	✓
30-40	
>40	

c. Trade marks, all types:

0-5	✓
5-10	
10-15	
15-20	
20-30	
30-40	
>40	

d. Design rights / design patents, all types:

0-5	✓
5-10	
10-15	
15-20	
20-30	
30-40	
>40	

Process Management System

21) To enable efficient processes, has a major organisational change been carried out in your IPO within the last 5 years?

Yes	✓
No	

If yes, please provide further information about this change:

IPOS had restructured the departments within IPOS for better focus and synergy. For example, forming the Policy and Engagement cluster (mentioned at Question 3) two years ago to drive sharper efforts in policy and engagement work to accelerate execution and impact. We had also merged our former three subsidiaries (IP Academy, IP ValueLab and IPOS International) into one in 2019, so as to better serve enterprises, innovators and institutions.

22) How often does your IPO review internal processes to increase efficiency?

IPOS reviews our internal processes every six months.

23) Please provide details of KPIs (Key Performance Indicators) used at your IPO in the areas below:

a) Patents:
- Issuance of patent grant within 12 months from date of application for cases which fulfils the acceleration criteria.
- First office actions to be issued within 12 months from a search and examination or examination request.

b) Receipt of requests and acting as international authority under the PCT:
- International Search Report filed with IPOS as competent ISA to be established within 3 months.

c) Trade marks:
- To register 99% of straightforward applications (i.e., applications with no objections/oppositions) within 12 months from the date of application
- To issue 90% of first office actions within 4 months from the date of application
- To issue 100% of subsequent office actions within 6 months from date of receipt of correspondence
- Rate of errors detected in applications before publication for opposition purposes not to exceed 2%

d) Industrial designs:
   - Issuance of design registrations within 4 months from date of application.

e) Management of Information and Communication Technology:
   - The KPIs are usually defined as part of the yearly IT workplan and could be different year on year.

f) Budgetary, financial and accounting management:
   - Budget marksmanship of +/- 10% variance (stretch target +/- 5%) from the baseline budget against the actual expenditure.
   - Timely management reporting to Head of Departments on their department's budget utilisation rate.

g) Logistics and infrastructure management:
   - To continuously improve IPOS' workspace by eliminating waste and creating value for all users
   - To review and streamline the suite of shared facilities and services to provide relevant support in executing IPOS' business strategy
   - To maintain the Building and Construction Authority HPB Green Mark for Healthier Workplaces (Platinum) award. Please see https://www.bca.gov.sg/GreenMark/GM_Healthier_Workplaces.html for specific targets.

24) At your IPO, are processes being changed for faster search and grant of national patent applications (excluding design rights and utility models)?
If so, which?

Some patent formalities and search and examination processes have been automated and streamlined to reduce processing time. Prioritization of acceleration requests under the following schemes are also in place:

a) SG IP Fast Track which allows application to be granted in as fast as 6 months;
b) 12 months File to Grant scheme which allows applicants to obtain a Singapore patent grant within 12 months from the filing of the application;
c) Patent Prosecution Highway where the examination process of a patent application in one IP Office can be accelerated by referencing the examination results from another IP Office;
d) ASEAN Patent Examination Co-operation, where applicants may use the Search & Examination reports of participating IP Offices to accelerate the patenting process in any one of the participating IP Offices.

25) At your IPO, are processes being changed for faster search and grant of PCT patent applications (excluding design rights and utility models)?
If so, which?

No. IPOS acting as a competent International Searching Authority has been able to establish the International Search Report within the time limits as specified in the Regulations under the PCT.

26) At your IPO, which schemes exist for faster granting of patent (invention patents – both national and PCT) applications (e.g. Fast-Track)? Please select all that apply:

Patent Prosecution Highway	✓
Green/Environmental patent scheme	✓
Inventions by inventors who are >=60 years old	
National technology focus (other than green/environmental)	✓
National emergency (e.g. Covid-19 applications)	✓
Assistance to small and medium enterprises	
Affirmative action (e.g. female inventors)	
Other	

If Other please provide details: ……

27) What percentage of overall pending patent examinations in any year can be entered into the following schemes (e.g., 500 patents allowed to enter PPH per year, 10000 pending patents = 5%):

Patent Prosecution Highway	We note that this would be on a case by case basis, and would be dependent on the prior agreed terms between IPOS and our foreign counterparts.
Inventions by inventors who are >=60 years old	N/A
Green/Environmental patent scheme National technology focus (other than green/environmental) National emergency (e.g. Covid-19 applications)	Under the SG IP FAST Programme, there will be a cap of 5 patent applications per month, and no more than 60 patent applications in a year.
Assistance to small and medium enterprises	N/A
Affirmative action (e.g. female inventors)	N/A
Other	N/A

If Other, please provide details: ……

28) At your IPO, what methods are available to Fast-Track a trade mark examination? Please select all that apply:

Fast-Track due to trade mark already in use / imminent use	
Fast-Track due to existence of pre-grant infringement	
Fast-Track due to industry sector focus	
Fast-Track due to national emergency (e.g. Covid-19 applications)	
Assistance to small and medium enterprises	
Affirmative action (e.g. female inventors)	
Other	✓

If Other, please provide details:

The SG IP Fast programme is a mechanism that allows applicants to request for acceleration of a trademark application on the condition that said trademark application is related to a patent application that had been previously filed and accelerated under this programme.

29) At your IPO, what processes exist to perceive and respond to technological and cultural changes that could affect your activities (e.g. artificial intelligence, blockchain, gender equality, Black Lives Matter, global IP policy developments)?

Please provide details:

IPOS enables organisational agility to respond to new and emerging trends through the implementation of these processes:

1. Periodic policy reviews to take into account technological and social progress (such as our legislative reviews on copyright, designs and IP dispute resolution).
2. Inter department teams are formed to look into policy matters of interest (for example, on the impact of Artificial Intelligence).

30) At your IPO, what processes exist to encourage greater understanding and use of IP rights and intangible assets by women and people within disadvantaged communities?

(Disadvantaged communities could include communities of people grouped by gender, ethnicity, colour, faith groups, traditional communities – e.g. indigenous tribes, lower income groups, residing in a disadvantaged locale or region)

Please provide details:

IPOS is acutely aware of the need for disadvantaged communities to have access to IP. Aside from running numerous events to reach out to raise awareness of IP to various communities, we also run IP clinics where individuals and small businesses can have access to advice from industry practitioners on IP business or legal issues that they may face.

Further, Singapore had also acceded and ratified the Marrakesh Treaty in 2015, which removed legal barriers to allow better access to copyrighted materials adapted for people living with disabilities.

31) At your IPO, how do you communicate the commercial and cultural benefits of intangible assets to the national population? Please select all that apply and whether or not they require financial payment.

Process	Free of charge	Access on payment only
In-person workshops		✓
Website information	✓	
Webinars	✓ (IPOS has delivered both complimentary and paid webinars)	
Video channels (e.g. YouTube or equivalent)	✓	
Social media	✓	
Published material (e.g. booklets, leaflets etc.)	✓	
Direct engagement with civil society organisations (e.g. women's groups, black entrepreneurs' organisations, etc.)	✓	
Other		

If Other please provide details: ……..……..

32) When you hold events, on average how much of the audience is comprised of women?

IPOS does not collect this information from our event participants.

0-10%	
11-30%	
31-50%	
51-70%	
>70%	

33) For staff training, what are the options? (Please select all that apply)

Internal training delivered by other staff in person	✓
External training	✓
Academic training	✓
Language training	✓
Technical subject-matter training	✓
On-demand video training	
Webinars	✓
Other	

If Other please provide details: ……..

34) When a trade mark or patent is rejected, are senior examiners involved in the appeal process?

Yes	✓
No	

35) What is the average time taken to respond to an applicant's appeal, following rejection of:

	Working days
a patent application	176. (There is no appeal process in the legislation per-se, but applicants are able to file a request for examination review if they have received a notice of intention to refuse. The time taken provided is for average time taken to issue an examination review report from the date of the request)
an application for a design right	44. (There is no appeal process in the legislation per-se, but applicants can write in to the Registrar to review the refusal of an application for a design. The time taken provided is based on our average time taken to review such submissions.)
a trade mark application	120

Service Pricing Policy

36) What is the cost in your currency to Fast-Track a patent application?

Nil

37) What is the cost in your currency to Fast-Track a trade mark application?

Nil.

38) How do you decide upon the price (for the applicant) for each of the services offered at your IPO?

IPOS adopts a Cost-Recovery model for our pricing policies.

39) What percentage of the price for patent services at your IPO is:
(Feel free to indicate an approximate number)

IPOS would like to decline to answer this question.

	Percentage
Fixed cost	
Operational cost	
Mark-up (revenue exceeding cost of provision of the services)	

40) What percentage of the price for trade mark services at your IPO is:

(Feel free to indicate an approximate number)

IPOS would like to decline to answer this question.

	Percentage
Fixed cost	
Operational cost	
Mark-up (revenue exceeding cost of provision of the services)	

41) Is there any type of discount policy in your IPO? (e.g. for applicants from disadvantaged communities, or for small businesses). Please provide details:

a) Patents: ……

b) Trade marks: ……..

c) Designs: Under our REgistered Designs (RED) initiative in 2018, IPOS provided one-off waiver of design application fees to selective local designers (of homeware, furniture, souvenirs, accessories and apparel). The intention was to incentivise those with an existing/pending TM to file for protection of their designs, and to bring awareness of the changes to the Registered Designs Act in Singapore.

d) No discount policy is in use at our IPO

42) At your IPO, is the office empowered to change the pricing of any or all services without recourse to legislative or statutory amendments?

Yes	
No	✓

43) At your IPO, how do changes to service pricing policy happen? Please select all that apply.

Legislative change	✓
Directive from senior management	
Pricing policy manager suggests changes and following approval from senior management implements the suggested change	
Civil society suggests changes	
Staff suggest changes	
Other	

If Other please provide details: ……..

44) Are the incomes to your IPO, as a total sum, adequate to cover all running costs?

Yes	✓
No	

45) Are there any innovative pricing policies at your IPO?

Yes	
No	✓

If yes, please provide details: ……

46) Does any activity at your IPO subsidise another one?

Yes	
No	✓

If yes, please provide details: ……..

47) Is there any price subsidy scheme based on affirmative action or on supporting specific policy goals? If yes, please select all that apply:

Green/environmental inventions	
Inventions by inventors who are >=60 years old	
National technology focus (other than green/environmental)	
National emergency (e.g. Covid-19 applications)	
Assistance to small and medium enterprises	✓ (Relevant subsidy schemes will factor in larger considerations administered by other economic agencies in Singapore.
Affirmative action (e.g. female inventors)	
Other	

If Other please provide details: ……

Information Technology Services

48) Which practices and/or processes are used for IT Service Management (ITSM) at your IPO?
Please provide details including the framework version and/or update year:
IPOS leverages on a common central platform.

49) Which frameworks are used at your IPO for IT Governance?
Please provide details including the framework version and/or update year: ……..……..

We are unable to disclose details as information on IT Governance is confidential.

50) Which IT services does your IPO provide?
Please provide details of these services:

IPOS' IP2SG portal is a one-stop online platform for applicants to conduct IP transactions and searches electronically, and also facilitates access to IP journals. IPOS had also launched a mobile application for trademark registration, allowing applicants to conduct trademark searches and file trademark applications directly with the Registry via the application. In the past several months during the pandemic, our hearings and mediation sessions and IP clinic services were also moved to the digital platform.

51) Is the provision of IT Services at your IPO based on agile methodologies?
If yes, please specify which methodologies and corresponding tools: ……
If no, please specify why your IPO does not use any agile methodology: ……..…….

IPOS adopts agile methodologies if applicable. Most of our projects are outsourced, hence the methodologies and tools used are dependent on the vendor's proposal.

52) Does your IPO have routines (process, practices, activities, etc.) focused on continual improvement of IT Services and Technologies?
If yes, please provide details of the routines used: ……..……
If no, please explain why continual improvement practices are not used: ……..……..

IPOS is constantly on the lookout for new technologies to explore for the improvement of our IT Services.

53) Does your IPO plan to improve its IT systems in the next 5 years?

If yes, please provide details: ……

IPOS is currently developing a new National Registries System (known as IP4SG).

54) Is your IPO considering the use of artificial intelligence-based systems (e.g. machine learning, deep learning, etc.) to assess patents, trade marks or design right applications? Please select all that apply.

Initial assessment	
Assessment of image files for suitability (e.g. comparing images of registered trade marks against images provided by an applicant in a trade mark application)	✓
Patent prior art search	✓
Assessment of patents meeting formality requirements (e.g. formatting, headings etc.)	
Assessment of inventive step	
Assessment of sufficiency of disclosure	

55) What are the technical steps your IPO is taking to make information available to the public related to IP rights (e.g. details of individual applications, granted rights, imagery, legal status)?

a) Patents (both national and PCT): IPOS publishes information related to patent applications and grants (such as its legal status, applicant and inventor details, filing dates, and specifications etc.) on IP2SG (IPOS' e-services portal).

b) Trade marks: IPOS publishes information related to trade mark applications and registrations (such as mark status, class specifications, applicant details and mark images etc.) on IP2SG (IPOS' e-services portal).

c) Design rights (including design patents): IPOS publishes information related to design applications and registrations (such as legal status, applicant details and expiry dates etc.) on IP2SG (IPOS' e-services portal).

56) Which technical approaches or solutions (e.g. related to information security or cyber-security) are used by your IPO to ensure client confidentiality in working from home environments? Please provide details:
……

IPOS is unable to disclose details as the information on IT Security is confidential.

57) How is your IPO using information technology to facilitate quicker patent examinations?

IPOS has an e-filing system (IP2SG) as well as an internal patent examiner workflow platform. Applicants would file their patent applications via IP2SG and patent examiners would receive

the applications via the workflow platform. The workflow platform would subsequently upload the examination reports and prior art onto IP2SG, from which the applicant would retrieve the documents, and thereby streamlines the patent prosecution process between the applicants and Office.

Human Resources

58) What is the total number of employees at your IPO?

161 excluding that in our wholly owned subsidiary.

59) What percentage of your employees are women?

0-20%	
21-40%	
41-60%	
61-80%	✓
81-100%	

60) How many pending patent applications are there for each full-time equivalent patent examiner? (E.g., if there were 100 pending patents and 10 examiners available to examine them, the average number of pending patents per examiner would be 10).

Average number of pending patent applications per examiner: ……..

Not available. The average number of pending applications depends on filing volume which fluctuates on a monthly/yearly basis.

61) What percentage of your patent examiners are women?

0-20%	
21-40%	
41-60%	
61-80%	✓
81-100%	

62) How many pending trade mark applications are there for each full-time equivalent trade mark examiner at your IPO?
(E.g., if there were 100 pending patents and 10 examiners available to examine them, the average number of pending patents per examiner would be 10).

Average number of pending trade mark applications per examiner:
Not available. The average number of pending applications depends on filing volume which fluctuates on a monthly/yearly basis.

63) What percentage of your trade mark examiners are women?

0-20%	
21-40%	
41-60%	✓
61-80%	
81-100%	

64) What percentage of staff have a university degree?

0-20%	
21-40%	
41-60%	
61-80%	✓
81-100%	

65) What percentage of trade mark examiners have a Master's degree?

0-20%	✓
21-40%	
41-60%	
61-80%	
81-100%	

66) What percentage of patent examiners have a PhD?

0-20%	
21-40%	
41-60%	
61-80%	
81-100%	✓

67) What percentage of the following areas are comprised of women?

	Senior or middle management	Board of directors
0-20%		
21-40%		✓
41-60%	✓	
61-80%		
81-100%		

68) How does your IPO encourage people from disadvantaged communities to become employees?
(Disadvantaged communities could include communities of people grouped by gender, ethnicity, colour, faith groups, people with disabilities, traditional communities (e.g. indigenous tribes), lower income groups, residing in a disadvantaged locale or region)

Please explain:
During recruitment, IPOS does not require candidates to specify certain criteria (race, age, gender etc.) in their application form so as to extend equal opportunities to all.

69) Please specify the number of full-time equivalent (a) administrative and (b) technical/professional employees who work at your IPO for each of the following activities:

Activity	Number of administrative employees out of total number of employees in IPOS and IPOS International (in %)	Number of technical/professional employees out of total number of employees in IPOS and IPOS International (in %)
Patents	11.1	34.5 (Patent examiners are housed under our subsidiary IPOS International)
Trade marks	2.3	14.1
Industrial designs	-	-
People management/ HR/personnel	2.7	-
Information Technology and Communication	1.3	2.3
Budgetary, financial, and accounting	4.7	-
Logistics and infrastructure	2	-

70) How does a staff member progress from being a junior employee to becoming a senior employee?

Primarily through performance and competency-based promotion. For a staff member with good potential to take on higher responsibilities at a faster pace, he/she can be considered to take on a higher-grade appointment through an acting capacity before being confirmed in the higher grade.

71) What performance criteria are used by your IPO in relation to people management?

The criteria used in our appraisal framework include: Key Performance Indicators and Core, Functional and Leadership Competencies. Leadership Competencies relate to strategic thinking, leading by example, influencing others for results and enabling others to succeed etc.

72) How many hours per year do staff spend on training, on average?

	Hours per year
Junior professional staff	84.35
Mid-career professional staff	95.57
Support staff	51.90

73) How many days of holiday (including national holidays and excluding weekends) do staff have available to take as leave?

IPOS staff are entitled to 18 days of annual leave.

74) How many patent applications is a full-time patent examiner expected to examine each year?

This would vary across the board as it depends on various factors such as the complexity of the patent applications.

75) How many trade mark applications is a full-time trade mark examiner expected to examine each year?

A full-time trade mark examiner is expected to examine at least 2,160 classes each year (180 classes/month).

76) How many industrial design right applications is full-time examiner of industrial designs expected to examine each year? (If industrial designs are not examined in your jurisdiction, please indicate “Not applicable”).

Not applicable.

77) How is workload distributed between junior and senior patent examiners, e.g. criteria for allocation of applications /examinations/ revisions, etc?

On top of examining patent applications, senior patent examiners are expected to take on various project works as well as functional roles relating to e.g. quality control, training etc., which may take up a significant portion of their workload. This takes into consideration their examination competencies which are very relevant to such works and roles.

78) How do you reward and recognise exceptional work within your IPO?

Exceptional work is generally recognised via monetary rewards, career development opportunities/promotions and training sponsorships. Verbal acknowledgement or recognition and/or gifts may also be given during smaller department or team meetings, as well as during major company events like Townhall sessions or the Promotion Ceremony.

79) How does your IPO retain good staff?

IPOS provides market-competitive compensation and benefits to retain our staff. In addition to monetary rewards, we also have a fair performance and recognition framework and useful career development (e.g. secondment to other public agencies or WIPO, internal rotations, double-hatting arrangement), leadership development and training opportunities (e.g. individual training budget, sponsorships for Masters etc.) for talent development and retention. IPOS also takes care of our staff’s wellbeing by creating a conducive work environment and organising Teambonding activities to foster closer relationships among colleagues. Last but

not least, we retain good staff by providing meaningful work through a shared vision and mission, that our staff can feel proud of and relate to.

KIPO

06

1) We ask that you fill in your information below, so that the system can identify you when processing responses, and that we can contact you if necessary:

Name	**Daye Lee**
Job position	**Deputy Director**
Name of your IPO	**Korean Intellectual Property Office**
Email	**leeye@korea.kr**
Phone number	**+82-42-481-873**

Organisational Structure

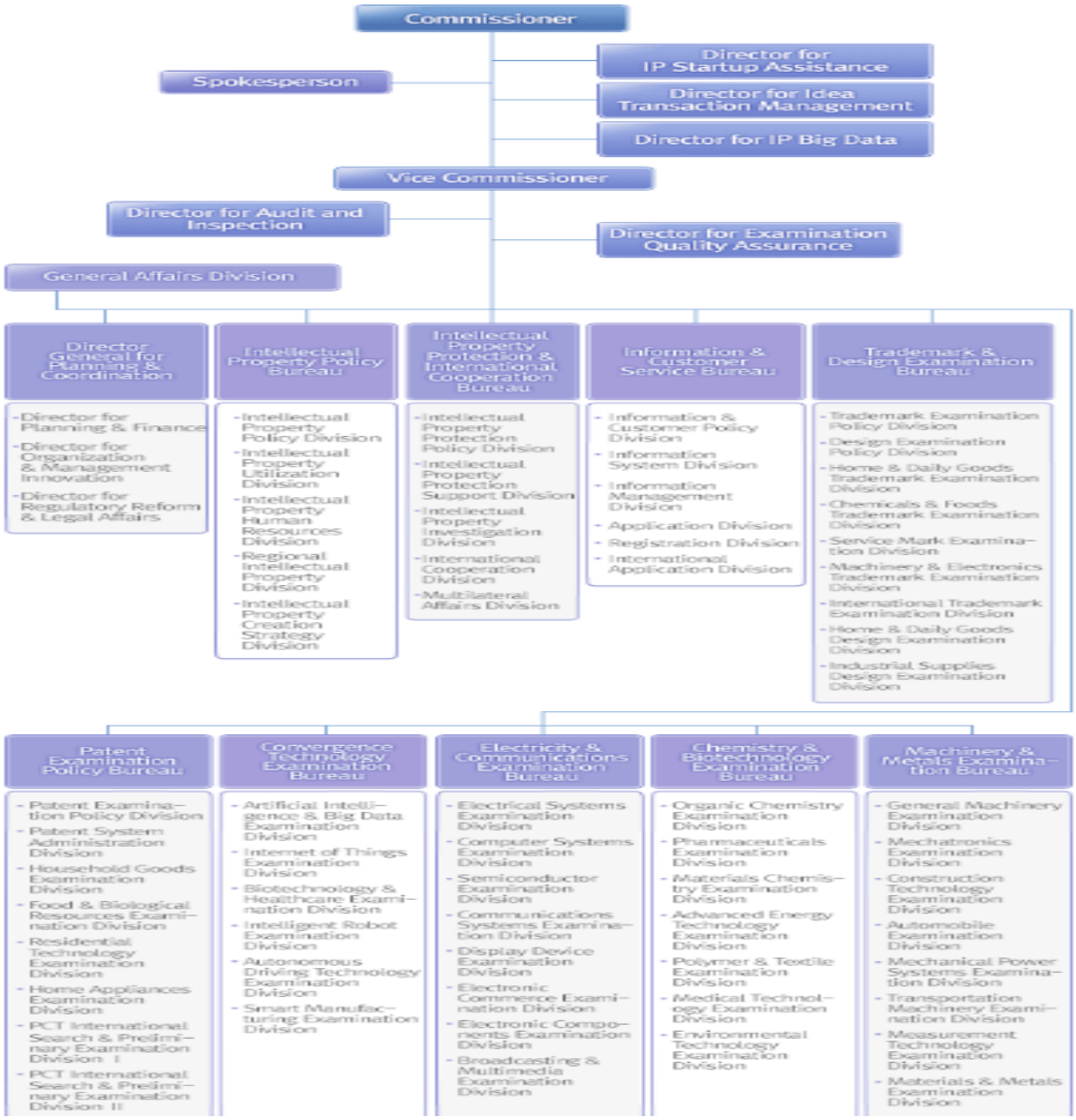
2) What is the corporate form of your IPO? (Please select whichever applies)

Government department	V
Cost centre of a larger government department	
Independent organisation	
Other	

If Other, please provide details: ……..

3) How is your IPO structured in terms of departments? Please describe the structure of your IPO. If possible, provide details of the benefits and/or shortcomings of this structural approach ……..

The organization of KIPO is as belows:



4) At your IPO, where do ideas related to changing your organisation's strategy originate? (Please select all that apply)

Suggestions from dedicated policy team	V
Suggestions from senior management	V
Suggestions from wider society	V
Suggestions from IP professional bodies	V
Changes arising from legislation	V
Other	

If Other, please provide details:……

5) Is your IPO empowered to make major changes to the workings of the organisation independent of outside interference?

Yes	V
No	

Please provide further details relevant to your response: ……

6) The existing organisational structure in your IPO is due to: (Please select the most appropriate answer)

Technical reasons to follow a divisional pattern	
A strategic path/choice to develop specific tasks	V
Historical evolution of the office related to global IP policy or developments (e.g. international conventions or agreements)	
Political conditions defined by the country's government	
Other	

If Other, please provide details: ……..……

7) Is your IPO's policy and overall governance:

(Please select the most appropriate answer)

Defined by its own board of directors	
Set up by the country's government	
A mix of both	V
Other	

If Other, please provide details: ……

8) In your country, does your IPO have financial and policy autonomy to:
(Please select all that apply)

Charge for services	V
Retain the income generated	
Retain the surplus	

9) How did your IPO evolve to reach the legal status to act as an independent organisation?
(Please select the most appropriate answer)

For historical reasons related to the IP and innovation policy evolution in the country	V
For political reasons due to institutional development and reform in the country	
For economic and managerial reasons to become more efficient	
Other	

If Other, please provide details: ……

10) What barriers, if any, have obstructed improvement of the organisational structure at your IPO? Please provide further details:

Whenever KIPO wishes to change our organizational structure, we have to first consult with other related government departments over the maximum number, structure hierarchy, budget, etc. and get their approval for those plans.

11) Does your IPO have policies targeted at increasing IP rights registrations from disadvantaged and/or under-represented social groups (women, people with disabilities, indigenous communities, faith groups, lower income groups, people in remote areas, other minorities)?

Yes	**V**
No	

Please provide further details:

KIPO implements policies to encourage more women to involve themselves in invention and innovation and also to help them acquire IP rights on thier inventions. KIPO also provides fee reduction (filing fee, registration fee, etc.) to unrepresented individual applicants, lower income applicants, and small and medium enterprises.

12) Is there anything about the way your IPO is organised that could be changed to increase social inclusion and/or improve social cohesion in your country?

Yes	**V**
No	

Please provide further details:

KIPO's Regional IP Division operates Regional IP Centers across the nation to carry out various acticities including raising IP awareness, supporting creation and utilization of IP rights by local residents or enterprises and promoting balanced economic and IP growth of the nation. As of 2020, there are 27 centers up and running across the nation.

13) Does your IPO request information about applicants for IP rights in relation to their:
(Please select all that apply)

Gender	V
Race or ethnicity	
Age	V
Colour	
Religious belief	

14) Do you ask patent, trade mark or design applicants about the corporate size of their own organisations?

Yes	
No	V

However, in case where the applicants wish to get fee reduction on the ground of the size of their corporate, they have to submit documents that prove their corporate is a small or medium-sized enterprise.

15) Is quality management considered:
(Please select all that apply)

As part of operational processes	V
Under the responsibility of each division	V
Other	

If Other, please provide details: ……

16) Has ISO 9001 or any other quality management policy been applied in your IPO?

Yes	V
No	

If yes, please advise when this was implemented, and to which parts of the organisation the approach was applied: ……..

KIPO once achieved the ISO 9001 certification on its quality management system back

on 11 December 2014, but has not maintained the certification ever since then. Regardless of the ISO 9001 certification, KIPO has vigorously implemented various quality management policies and measures based on our internal annual quality management plan and examination performance mangement plan.

17) Does your IPO have a quality management department / team?

Yes	**V**
No	

If yes, please advise at what level of seniority this department / team operates within your IPO:
……..…..

The Office of Director for Examination Quality Assurance at KIPO is responsible for the overall quality management work, and the Office is composed of 12 staff with more than 7 years of experience.

18) How many people are involved in quality management at your IPO:

As mentioned above, the 12 staff at the Office of Director for Examination Quality implement the overall quality management. Besides them, directors and deputy directors of examination divisions carry out their own quality checking activities on a daily basis.

19) How does your IPO encourage high levels of quality and efficiency from staff? Are there legal barriers? Please explain:

KIPO supports our examiners in setting their own performance goal and reward them for reaching the goal through performance bonus or promotion. We also provide them with regular education & training opportunities and advisory support. These are efforts to promote quality and efficiency of staff performance.

20) On average, how many staff hours are required to grant an IP right from application through to grant date?

a. Patents, all types of invention on national patents, excluding utility models:

0-5	V
5-10	
10-15	
15-20	
20-30	
30-40	
>40	

b. Patents, all types of invention on PCT patents, excluding utility models:

0-5	V
5-10	
10-15	
15-20	
20-30	
30-40	
>40	

c. Trade marks, all types:

0-5	V
5-10	
10-15	
15-20	
20-30	
30-40	
>40	

d. Design rights / design patents, all types:

0-5	V
5-10	
10-15	
15-20	
20-30	
30-40	
>40	

Process Management System

21) To enable efficient processes, has a major organisational change been carried out in your IPO within the last 5 years?

Yes	**V**
No	

If yes, please provide further information about this change: ……

The Convergence Technology Examination Bureau was newly established at KIPO in November 2019 to carry out more accurate and effective examination on new emerging technologies under the fourth industrial revolution.

22) How often does your IPO review internal processes to increase efficiency?
We review our internal processes on monthly/ quarterly/ half yearly basis.

23) Please provide details of KPIs (Key Performance Indicators) used at your IPO in the areas below:

a) Patents: ……
Target performance (number of disposed cases per year, quality evaluation results), etc.

b) Receipt of requests and acting as international authority under the PCT: ……
Deadline miss ratio (i.e. timely issue of ISR & IPER), etc.

c) Trade marks:
Target performance (number of disposed cases per year, quality evaluation results), etc.

d) Industrial designs: ……
Target performance (number of disposed cases per year, quality evaluation results), etc.

e) Management of Information and Communication Technology: ……
Time taken to address IT problems

f) Budgetary, financial and accounting management:
Timely execution of budget

g) Logistics and infrastructure management: ……
Timely implementation of support measures.

24) At your IPO, are processes being changed for faster search and grant of national patent applications (excluding design rights and utility models)?
If so, which?

KIPO continues to upgrade our IT systems and facilities to automate simple work tasks and streamline the overall work process so that examiners and employees can deal with examination work more efficiently.

25) At your IPO, are processes being changed for faster search and grant of PCT patent applications (excluding design rights and utility models)?
If so, which?

In 2019, KIPO changed the process to allow our examiners to obtain relevant documents directly from the ePCT DB without making additional requests to the applicant. (In the past, examiners had to ask applicant to send in the relevant documents to KIPO or ask WIPO IB to forward the documents.)

26) At your IPO, which schemes exist for faster granting of patent (invention patents – both national and PCT) applications (e.g. Fast-Track)? Please select all that apply:

Patent Prosecution Highway	**V**
Green/Environmental patent scheme	**V**
Inventions by inventors who are >=60 years old	**V, but for >=65 years old.**
National technology focus (other than green/environmental)	**V**
National emergency (e.g. Covid-19 applications)	**V**
Assistance to small and medium enterprises	**V**
Affirmative action (e.g. female inventors)	
Other	

If Other please provide details:

27) What percentage of overall pending patent examinations in any year can be entered into the following schemes (e.g., 500 patents allowed to enter PPH per year, 10000 pending patents = 5%):

Patent Prosecution Highway	
Green/Environmental patent scheme	
Inventions by inventors who are >=60 years old	
National technology focus (other than green/environmental)	
National emergency (e.g. Covid-19 applications)	
Assistance to small and medium enterprises	
Affirmative action (e.g. female inventors)	
Other	

If Other, please provide details: ……

Not available to public

28) At your IPO, what methods are available to Fast-Track a trade mark examination? Please select all that apply:

Fast-Track due to trade mark already in use / imminent use	**V**
Fast-Track due to existence of pre-grant infringement	**V**
Fast-Track due to industry sector focus	
Fast-Track due to national emergency (e.g. Covid-19 applications)	**V**
Assistance to small and medium enterprises	**V**
Affirmative action (e.g. female inventors)	
Other	

If Other, please provide details: ……..

29) At your IPO, what processes exist to perceive and respond to technological and cultural changes that could affect your activities (e.g. artificial intelligence, blockchain, gender equality, Black Lives Matter, global IP policy developments)?

Please provide details

The Organization & Management Innovation Division under the Office of Director General for Planning & Coordination at KIPO closely moninors technological and cultural changes taking place inside and outside the orgniazation and develops effective measures in response to those changes.

30) At your IPO, what processes exist to encourage greater understanding and use of IP rights and intangible assets by women and people within disadvantaged communities?

(Disadvantaged communities could include communities of people grouped by gender, ethnicity, colour, faith groups, traditional communities – e.g. indigenous tribes, lower income groups, residing in a disadvantaged locale or region)

Please provide details:

KIPO provides women with opportunities to learn about intellectual property rights and system, and also encourage and support women to invent daily-usable household items, supporting those who wish to open their own business based on their inventions.

31) At your IPO, how do you communicate the commercial and cultural benefits of intangible assets to the national population? Please select all that apply and whether or not they require financial payment.

Process	Free of charge	Access on payment only
In-person workshops	V	V
Website information	V	
Webinars	V	
Video channels (e.g. YouTube or equivalent)	V	
Social media	V	
Published material (e.g. booklets, leaflets etc.)	V	V
Direct engagement with civil society organisations (e.g. women's groups, black entrepreneurs' organisations, etc.)		
Other		

If Other please provide details: ……..……..

32) When you hold events, on average how much of the audience is comprised of women?

0-10%	
11-30%	
31-50%	V
51-70%	
>70%	

33) For staff training, what are the options? (Please select all that apply)

Internal training delivered by other staff in person	V
External training	V
Academic training	V
Language training	V
Technical subject-matter training	V
On-demand video training	
Webinars	V
Other	

If Other please provide details: ……..

34) When a trade mark or patent is rejected, are senior examiners involved in the appeal process?

Yes	V
No	

35) What is the average time taken to respond to an applicant's appeal, following rejection of:

	Working days
a patent application	**12.2 Months**
an application for a design right	**11.3 Months**
a trade mark application	**9.1 Months**

Service Pricing Policy

36) What is the cost in your currency to Fast-Track a patent application?

If they are eletronically filed applications, the cost is 46,000 South Korean Won (KRW). In case of paper filing, the cost is 66,000 KRW.

37) What is the cost in your currency to Fast-Track a trade mark application?

If they are eletronically filed applications, the cost is 62,000 South Korean Won (KRW). In case of paper filing, the cost is 72,000 KRW.

38) How do you decide upon the price (for the applicant) for each of the services offered at your IPO?

Internal review consultation with stakeholder including relevant users.

39) What percentage of the price for patent services at your IPO is:
(Feel free to indicate an approximate number)

Not available to public

	Percentage
Fixed cost	
Operational cost	
Mark-up (revenue exceeding cost of provision of the services)	

40) What percentage of the price for trade mark services at your IPO is:

(Feel free to indicate an approximate number)

Not available to public

	Percentage
Fixed cost	
Operational cost	
Mark-up (revenue exceeding cost of provision of the services)	

41) Is there any type of discount policy in your IPO? (e.g. for applicants from disadvantaged communities, or for small businesses). Please provide details:

KIPO runs various fee reduction programs in the area of patents, trademarks and designs for unrepresented individual applicants, lower-income applicants, and small and medium enterprises.

a) Patents: ……

b) Trade marks: ……..

c) Designs: ……..

d) No discount policy is in use at our IPO

42) At your IPO, is the office empowered to change the pricing of any or all services without recourse to legislative or statutory amendments?

Yes	
No	**V**

43) At your IPO, how do changes to service pricing policy happen? Please select all that apply.

Legislative change	**V**
Directive from senior management	
Pricing policy manager suggests changes and following approval from senior management implements the suggested change	**V**
Civil society suggests changes	**V**
Staff suggest changes	
Other	

If Other please provide details: ……..

44) Are the incomes to your IPO, as a total sum, adequate to cover all running costs?

Not available to public

Yes	
No	

45) Are there any innovative pricing policies at your IPO?

Not available to public

Yes	
No	

If yes, please provide details: ……

46) Does any activity at your IPO subsidise another one?

Yes	**V**
No	

If yes, please provide details: ……..
KIPO provides various kinds of supports on the subjects of invention, innovation, and education & training to other organizations, institutions, and developing countries.

47) Is there any price subsidy scheme based on affirmative action or on supporting specific policy goals? If yes, please select all that apply:

Green/environmental inventions	
Inventions by inventors who are >=60 years old	
National technology focus (other than green/environmental)	
National emergency (e.g. Covid-19 applications)	
Assistance to small and medium enterprises	V
Affirmative action (e.g. female inventors)	
Other	

If Other please provide details: ……

Information Technology Services

48) Which practices and/or processes are used for IT Service Management (ITSM) at your IPO?
Please provide details including the framework version and/or update year: …….
KIPO has operated ITSM based on ISO20000 (version 2011), and from 2019, ISO20000 has been internalized and managed as our own standard process.

49) Which frameworks are used at your IPO for IT Governance?
Please provide details including the framework version and/or update year: ……..……..
KIPO carries out the planning, development and operation of IT through the Government-wide Enterprise-Architecture Portal (GEAP). And the IT service development is conducted by the use of e-government frameworks.

50) Which IT services does your IPO provide?
Please provide details of these services: …….

Not available to public

51) Is the provision of IT Services at your IPO based on agile methodologies?
If yes, please specify which methodologies and corresponding tools: ……
If no, please specify why your IPO does not use any agile methodology: ……..…….
Yes, we have introduced agile methodologies since 2019 to develop systems that are equipped with new technologies such as AI and big data.

52) Does your IPO have routines (process, practices, activities, etc.) focused on continual improvement of IT Services and Technologies?
If yes, please provide details of the routines used: ……..……
If no, please explain why continual improvement practices are not used: ……

Small-scale IT service improvements are made by the IT service management department as they continuously collects and reviews internal and external opinions about the services we provide.

When it comes to large-scale IT service improvements, KIPO establishes the Information Strategy Plan (ISP) in every 3 or 5 years and then develops the Information System Master Plan (ISMP) for each sub-development project defined under the ISP. Large-scale IT service improvements are made in accordance with those plans.

53) Does your IPO plan to improve its IT systems in the next 5 years?

If yes, please provide details: ……

KIPO established the latest Information Strategy Plan in 2018 and is implementing the projects that are to advance and upgrade our patent administration system ("KIPOnet") from 2019 through 2021. Within the next five years, a new improvement plan will be established and implemented.

54) Is your IPO considering the use of artificial intelligence-based systems (e.g. machine learning, deep learning, etc.) to assess patents, trade marks or design right applications? Please select all that apply.

Initial assessment	
Assessment of image files for suitability (e.g. comparing images of registered trade marks against images provided by an applicant in a trade mark application)	V
Patent prior art search	V
Assessment of patents meeting formality requirements (e.g. formatting, headings etc.)	V
Assessment of inventive step	
Assessment of sufficiency of disclosure	

55) What are the technical steps your IPO is taking to make information available to the public related to IP rights (e.g. details of individual applications, granted rights, imagery, legal status)?

KIPO operates KIPRIS Plus, an open data platform that provides a large amound of intellectual property data in various ways such as bulk data, Open API, and LOD so that public institutions, research institutes and small businesses can use it in connection. From 2021, KIPO will make some of the data on KIPRIS Plus available for direct downloading from the web site. Also, in order to provide user-customized data, KIPO will start applying AI-based big data analysis methodology.

a) Patents (both national and PCT): ……..

b) Trade marks: ……

c) Design rights (including design patents): ……

56) Which technical approaches or solutions (e.g. related to information security or cyber-security) are used by your IPO to ensure client confidentiality in working from home environments? Please provide details:
……

All staff who work from home must agree and conform to all the following requirements.

- **Use the Government Virtual Private Network (GVPN) to access the government administrative systems and the work computer at the KIPO premise.**

- **Use the Government Public Key Infrastructure (GPKI) and other authentication ways (e.g. mobile phone authentication) to log onto the GVPN service**
- **Taking a screenshot or printing documents with home computer is not allowed and deactivated.**
- **All the access to confidential data made by working from home staff are recorded to be monitored by administrators.**
- **Pledge to abide by all data security guidelines such as the 'Work Management Guidelines for Public Servants in Tackling COVID-19' and 'National Data Security Guidelines.**
- **Get the training about data security**

57) How is your IPO using information technology to facilitate quicker patent examinations?

KIPO examiners use the patent administration information system ("KIPOnet") developed and operated by KIPO to do the prior art search (patent documents and non-patent literatures), review the applications to see if there are any errors and defects in claims, and write notifications and written opinion.

Human Resources

58) What is the total number of employees at your IPO?
1,675 people (as of September 2020)

59) What percentage of your employees are women?

0-20%	
21-40%	**V**
41-60%	
61-80%	
81-100%	

60) How many pending patent applications are there for each full-time equivalent patent examiner? (E.g., if there were 100 pending patents and 10 examiners available to examine them, the average number of pending patents per examiner would be 10).

Average number of pending patent applications per examiner: ……..
Not available to public confidential information

61) What percentage of your patent examiners are women?

0-20%	
21-40%	**V**
41-60%	
61-80%	
81-100%	

62) How many pending trade mark applications are there for each full-time equivalent trade mark examiner at your IPO?
(E.g., if there were 100 pending patents and 10 examiners available to examine them, the average number of pending patents per examiner would be 10).

Average number of pending trade mark applications per examiner **Not available to public**

63) What percentage of your trade mark examiners are women?

0-20%	
21-40%	V
41-60%	
61-80%	
81-100%	

64) What percentage of staff have a university degree?

0-20%	
21-40%	
41-60%	
61-80%	
81-100%	V

65) What percentage of trade mark examiners have a Master's degree?

0-20%	
21-40%	V
41-60%	
61-80%	
81-100%	

66) What percentage of patent examiners have a PhD?

0-20%	
21-40%	
41-60%	**V**
61-80%	
81-100%	

67) What percentage of the following areas are comprised of women?

	Senior or middle management	Board of directors
0-20%	**V**	**V**
21-40%		
41-60%		
61-80%		
81-100%		

68) How does your IPO encourage people from disadvantaged communities to become employees?

(Disadvantaged communities could include communities of people grouped by gender, ethnicity, colour, faith groups, people with disabilities, traditional communities (e.g. indigenous tribes), lower income groups, residing in a disadvantaged locale or region)

Please explain: **There are special employment opportunities dedicated to hiring residents from disadvantaged regions, people with disabilities, women, etc.**

69) Please specify the number of full-time equivalent (a) administrative and (b) technical/professional employees who work at your IPO for each of the following activities:

Activity	Number of administrative employees	Number of technical/professional employees
Patents	**72**	**745**
Trade marks	**14**	**120**
Industrial designs	**4**	**35**
People management/ HR/personnel	**4**	**20**
Information Technology and Communication	**3**	**12**
Budgetary, financial, and accounting	**9**	**25**
Logistics and infrastructure	**3**	**19**

70) How does a staff member progress from being a junior employee to becoming a senior employee?

KIPO staff member is encouraged to take advantage of various self-improvement oppurtunities, such as getting involved in various internal activities and projects, participating in internal education & training programs, or attending academic courses run by outside institutions and universities. They are evaluated on the length of service, fulfilled education and training, goal accomplishment and competencies, etc., and based on the evaluation results they get promoted.

71) What performance criteria are used by your IPO in relation to people management?

It value on each assignment personal grade.

72) How many hours per year do staff spend on training, on average?

	Hours per year
Junior professional staff	**80**
Mid-career professional staff	**80**
Support staff	**80**

73) How many days of holiday (including national holidays and excluding weekends) do staff have available to take as leave?

About 25-30 days

74) How many patent applications is a full-time patent examiner expected to examine each year?

About 300 cases

75) How many trade mark applications is a full-time trade mark examiner expected to examine each year?

Approximately 1,858 cases (as of 2019)

76) How many industrial design right applications is full-time examiner of industrial designs expected to examine each year? (If industrial designs are not examined in your jurisdiction, please indicate “Not applicable”).

About 1,700 cases

77) How is workload distributed between junior and senior patent examiners, e.g. criteria for allocation of applications /examinations/ revisions, etc?

Junior patent examiners’ workload is often different from one another depending on their previous work experience. After fulfilling certain periods of training, they do the same work as senior patent examiners do.

78) How do you reward and recognise exceptional work within your IPO?

KIPO periodically selects the ‘Examiner of the Month’ to boost examiners’ morale and reward for their excellent work and also provides various financial rewards.

79) How does your IPO retain good staff?

KIPO provides performance bonuses and promotion opportunities to examiners and employees who have shown high performance. And we also endeavor to provide examiners and employees with quality welfare programs and facilities and good work environment.