



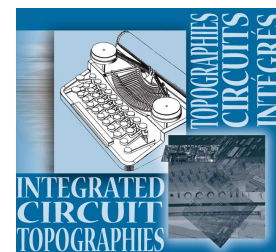
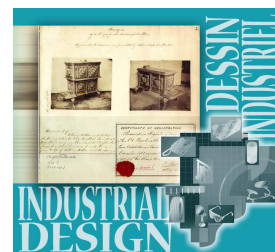
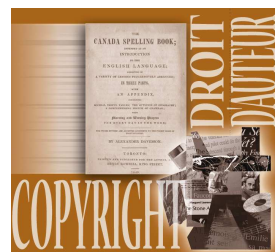
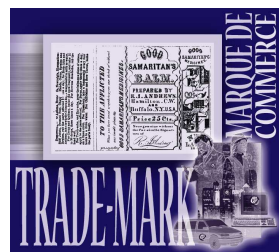
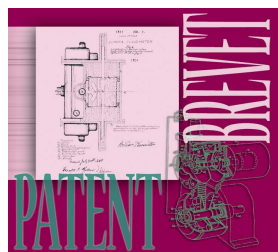
**Canadian
Intellectual Property
Office**

An Agency of
Industry Canada

**Office de la propriété
intellectuelle du
Canada**

Un organisme
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Participant Report “Leading IPO” Agent Focus Groups



April 11, 2007
Client Relationship Management (CRM)
Canadian Intellectual Property Office (CIPO)

Canada

CIPO  OPIC

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A. Purpose

- To understand Intellectual Property (IP) agents' vision of a “leading intellectual property office (IPO)”
- To understand how Canadian Intellectual Property Office (CIPO) is performing relative to that vision
- To get agents' views on priorities for CIPO for the next 5 years
- To understand how CIPO can serve the agent community better

B. Methodology

- Seven focus groups were conducted with agents between Feb.19 and Feb. 26, 2007.
- Three were held with Patent agents (Ottawa, Montréal, Edmonton); three with Trade-mark agents (Toronto, Calgary, Vancouver) and one with agents who file industrial designs (Toronto)
- Each session was approximately one-and-a-half hours long
- Sessions were conducted by the Client Relationship Management Unit (CRM)

C. Focus Group Format

1. General Impressions (15 min)
2. What is a “Leading IPO”? (20 min)
 - Who is a “Leading IPO”?
3. Service Expectations (25 min)
 - Priorities
4. Innovation and IP Culture (20 min)
 - Role of CIPO, Role of Agent Community
5. Other Issues (10 min)

Caveat

- **Feedback obtained through focus groups is not “scientific”; responses may or may not be statistically representative of the broader agent community**
- **Focus groups do provide an excellent and efficient means to identify issues and concerns within a given population for further investigation and follow-up**

D. Focus Group Results

1) Patents

General Impressions

“The Good”

- “Improving”
- “Useable database”
- “Examination more rigorous in recent years”
- “Helpful staff — just not enough of them”
- “Not as understaffed as some think”
- “Communicates”
- “Professionally managed”
- “C-29 assistance of value to agents”

General Impressions

“The not-so-good”

- Overall
 - “Should be more of a leader”
 - “Internally focussed” (re: Procedures)
 - “Short-term fixes not long-term solutions”
- Turnaround Times (TATs)
 - “Slow” (re: Examination, document processing, re-issues, Patent Appeal Board (PAB))
- Client Service (staff)
 - “Overwhelmed”
 - “Inconsistent” (re: Examination)
 - “Frustrating” (re: Dealing with new examiners)
 - “Unresponsive”
- Online services
 - “Unreliable” (re: Database)
 - “Records not up to date”

What is a “Leading IPO”?

Attributes of a “Leading IPO”

Participants were asked to define the attributes of a “Leading IPO”

- Quality Examinations
 - “Thorough”, “Consistent”, “Rigorous”, “Timely”
 - “Issues a final objection or grants application”
 - “Clear decisions”
- Client Service (staff)
 - “Accessible” and “Responsive”
 - “Well-trained” and “Knowledgeable”
 - “Pro-active examiners” — “Work with you”
 - “Comprehensive telephone book”
 - “Call you instead of issuing a knee-jerk response”
 - “Procedures to deal with ad-hoc problems”
 - “Good Manual of Patent Office Practice (MOPOP)”

What is a “Leading IPO”? (cont.)

Attributes of a “Leading IPO”

• Online Services

- “Globally accessible”; “Electronic access”
- “File-wrapper”; “Patent Application Information Retrieval (PAIRS)-like system”
- “Reliable” and “up-to-date” database
- “Published practice guidelines and learned articles”
- “Fast Scan — 6 days vs. 6 weeks”

• Pro-active

- “Leading instead of following”
- “Takes initiative”; “Willing to adapt”; “Changes law”
- “Defines what is ‘patentable’ and what is not”
- “Internationally harmonized”; “Consistent”
- “Streamlined regulatory implementation”
- “Operates under well-defined legislation”

Participants were asked to define the attributes of a “Leading IPO”

Name a “Leading IPO”?

Participants were asked to name a “leading IPO” and give reasons for their choice

- **United States Patent and Trademarks Office (USPTO)**
 - “Good website and online services”; “Innovative”
 - “High quality examinations”; “Well reasoned”
 - “Answers phone calls”; “Willing to talk about solutions”
 - “Electronic file-wrapper” (PAIRS)
 - “Detailed manual of practice”
 - “Complete search database”
 - “Flexible”
 - “Internationally respected”
- **European Patent Office (EPO)**
 - “Leads the way — technically” (re: Databases)
 - “Substantive, consistent, advanced” (re: Examination)
 - “Imposes discipline”; “Weeds out junk claims”
 - “Proactive website”; “Searchable file histories”; “PAIRS system”

Service Improvement Priorities

*Service Expectations
identified by Patent
agents in order of
importance*

Highest Priority

1. Quality Examination
(Thorough, consistent, well-reasoned, timely)
2. Comprehensive online services (E.g. file-wrapper etc.)
3. Pro-active
 - React quickly to changing laws
 - Propose changes to legislation
 - “Examiners think for themselves”
 - Examiners make suggestions
 - Lay out objections

Other Service Expectations

- Reasonable Turnaround Times (TATs)
- Reasonable fees
- Online 'file-wrappers'
- Reliable, easy to use online filing
- Reliable, accurate, and up-to-date database
- Website — publish all information to the web
- File status available online
- Easy to reach staff by phone
- High quality searches
- Better, up-to-date MOPOP
- Clear service standards

Innovation and IP Culture

CIPO's role:

Participants were asked what CIPO's role should be in advancing an IP culture

- “Be a quality Patent Office”
 - “Be good at what you do”
- Public Education
 - Bank of Speakers (BOS) — needs to be more active
 - Greater regional presence
 - Engage professional organizations (E.g. engineers)
- Interact with practitioners
 - E.g. Focus groups, meetings, seminars
 - Online discussion forums
- Support innovation in IP Law

Innovation and IP Culture

Agent community's role:

Participants were asked what Agents' role should be in advancing an IP culture

- **Public Education**
 - Speaking engagements, Bank of Speakers (BOS)
 - Education among professionals
- **Support CIPO**
 - Attend Joint Liaison Committee (JLC) meetings
 - Participate in CIPO consultations
- **Provide good service to the client**

Other

Quality Assurance should focus on:

Participants were asked what a "Quality Assurance Section" should focus on

- **Search quality**
 - Application of search
 - Proper Prior Art search
- **Clear reports**
 - Thorough First Action
 - Claims are supported
 - Well-reasoned arguments — detailed
- **Training**
 - Area-specific knowledge
 - How to read Prior Art
 - Supporting rejections (Offering suggestions)

D. Focus Group Results

2) Trade-marks

General Impressions

“The Good”

- Client Service (staff)
 - “Helpful”; “Respectful”; “Accessible”; “Responsive”
- Fees
 - “Relatively Inexpensive”; “Reasonably priced”;
 - “Encouraging to Small-Medium Enterprises (SMEs)”
- Online Services
 - “User-friendly website”; “Offers online filing”; Good online capability — but limited”
- Examination
 - “Top Quartile” (re: Turnaround times); “Competent examination”; “Predictable”

General Impressions

“The not-so-good”

- Turnaround times

- “Slow” (re: First office action, secondary examination, opposition decisions, scheduling for Trade-marks Opposition Board TMOB))

- Client Service

- “Examiners are hard to reach”
- “Unresponsive (re: Examiners)”
- “Hours of service” (3 hr delay — Vancouver)

- Examination

- “Inconsistent” (re: Search results and interpretation of manual)
- “Inflexible”

- Online Service

- “Wonky”; “Not intuitive” (re: Database)
- “Inconsistent” (re: Speed)

What is a “Leading IPO”?

Attributes of a “Leading IPO”

Participants were asked to identify the attributes of a “Leading IPO”

- **Quality Examinations**
 - “Thorough”; “Consistent”; “Timely”; “Predictable”
 - “All issues raised in the First report”
 - “Expedited examination”
- **Client Service (staff)**
 - “Accessible”; “Responsive”
 - “Well-trained”; “Knowledgeable”; “Experienced”
 - “Supervision of Junior Examiners”
 - “Bilingual”
 - “Communication via email/online”
 - “Proposes solutions when there is a problem”
 - “Regional presence”

What is a “Leading IPO”?

Attributes of a “Leading IPO”

Participants were asked to identify the attributes of a “Leading IPO”

- **Online Services**
 - “Paperless”; “Everything accessible online”; “All services available online”
 - “Reliable”; “Confidence in electronic transactions”
- **Database**
 - “Usable”; “Up-to-date”; “Reliable”
 - “Fully searchable” (re: All fields)
- **Proactive**
 - “Collects feedback and puts it into practice”
 - “Open to change”; “Drives change in IP law”
 - “Holistic” (re: In approach to IP)
- **Integrity**
 - “Worldwide recognition”; “Consistent”; “Enforceable”

Name a “Leading IPO”

Name a “Leading IPO”

Participants were asked to name a “Leading IPO” and give reasons for their choice

- USPTO

- “TATs”
- “Online services”; “Everything is online”
- “Online accessibility of documents”
- “Electronic file-wrapper”; “Online file histories”
- “Access to ‘live’ person”; “Communication by email”
- “Up-to-date Database”

- Office of Harmonization for the Internal Market (OHIM) and EPO

- “Everything is online”
- “Filings cover multiple jurisdictions”

- IP Australia

- “Fast”

Service Improvement Priorities

Service
Expectations
identified by Trade-
Marks (TM) agents
in order of
importance

Highest Priority

1. Comprehensive Online
Services

2. Quality Examination
(Thorough, consistent,
predictable, timely)

3. Client Service (Staff)

- Responsive and knowledgeable staff
- Access to "live" person
- Email access to examiners
- Increased interaction

Other Service Expectations

- All interactions and submissions available online
- Online 'file-wrappers'
- Filing of attachments online
- File status available online
- Clearer/Simpler communications (re: Responses to examinations)
- Consistent application of examination manual
- Real-time updates of examination manual
- Make the opposition process less expensive and more efficient
- Limit the number of extensions (re: Oppositions)
- Opposition proceedings available regionally

Innovation and IP Culture

CIPO's role ...

Participants were asked what CIPO's role should be in advancing an IP culture

- Public Education
 - Work with partners (Universities, Natural Sciences and Engineering Research Council of Canada (NSERC), etc.)
 - Business-driven – integrate with other efforts
 - Easy online access (re: Uniform Resource Locator (URL))
- Improve the *integrity* of IP
- Interact with practitioners
 - E.g. Focus groups, meetings, seminars
 - Online discussion forums
- Encourages the use of IP Agents
- Support innovation in IP Law

Innovation and IP Culture

Agent community's role ...

Participants were asked what Agents' role should be in advancing an IP culture

- **Public Education**
 - E.g. Speaking engagements, seminars
- **Educate examiners**
- **Balance registration objectives and client business objectives**
- **Be assertive (re: defending applications)**
- **Interactive case law revisions**

Other

Improving examiner training ...

Participants were asked in their view how examiner training could be improved

- **Specialization**
 - Education in specific areas
 - Company / Applicant specific examiners
- **Interpretation of manual (and practice notes)**
 - Currently there is no flexibility
- **Escalation**
 - i.e. TM Ombudsman – someone examiners can go to with questions about particular case matters
- **Mentoring with senior examiners**
- **Practice notes reviewed by someone with a legal background**

D. Focus Group Results
3) Industrial Design

General Impressions

- “Over-burdened”
- “Inconsistent”
- “Unresponsive”
- “Slow TATs”
- “Not transparent” (re: Examination)
- “Conservative” (re: Policies and Approach)
- “Less formal than other IPOs”

What is a 'Leading IPO'?

Attributes of a 'Leading IPO' ...

Participants were asked to identify the attributes of a 'Leading IPO'

- **Quality Examinations**
 - “Examines in accordance to the statute and case law”
 - “Committed to granting IP as per the manual”
 - “Expeditious” (re: TATs)
- **Online Services**
 - “Widespread availability of public information”
 - “Web conferencing”
- **Client Service**
 - “Able to meet clients’ needs”
 - “Established service standards”

What is a 'Leading IPO'?

(continued)

Attributes of a 'Leading IPO' ...

Participants were asked to identify the attributes of a 'Leading IPO'

- **Progressive / Pro-active**
 - “Pushes the boundaries of IP Rights and IP Law”
 - “Involved in legislative advancement”
 - “Demonstrates momentum”
 - “Harmonized international practices”

Name a 'Leading IPO'?

Name a 'Leading IPO' ...

Participants were asked to name a 'Leading IPO' and explain their choice

- **United Kingdom Patent Office (UKPO)**
 - “Fast”
 - “Inexpensive”
 - “Full-service” (re: web offerings)
 - “Service oriented”
 - “Legislative change”
 - “Patent court”

Service Expectations

Service Expectations identified by Industrial Design (ID) agents in order of importance

Highest Priority

1. Quality Examinations
(Thorough, consistent, timely)

2. Progressive

- Multiple-related registration
- Maximize client rights and opportunities (e.g. Longer terms, acceptance of variations, etc.)

3. Client Service

(Responsive and knowledgeable staff)

Service Expectations

- **Strong guideline (re: Examination)**
- **Easy access to information (E.g. client information, policy and procedures)**
- **Accountable (E.g.: when service standards are not met)**
- **Eliminate barriers to registration**
- **Affordable**

Innovation and IP Culture

CIPO's role ...

Participants were asked what CIPO's role should be in advancing an IP culture

- “Not their primary role”
 - Focus on quality and timely examinations
- “Be a facilitator and not an impediment to obtaining IP Rights”
- Public Education
 - E.g. Really good website
- Sell / Promote IP in government
 - “Go to bat for IP”

Innovation and IP Culture

Agent community's role ...

Participants were asked what Agents' role should be in advancing an IP culture

- **Actively meeting with CIPO**
 - Provide feedback
- **Educate clients (and potential clients)**
 - E.g. Speaking engagements, presentations to post-secondary institutions
- **Selling IP internationally**
- **Lobbying government for legislative change**

E. Conclusions and Next Steps

Conclusions

Feedback from across all focus groups pointed to a number of common themes.

- **Examination**
 - Improving access to examination staff
 - Making examination staff more responsive
 - Updating training of new examiners to improve consistency in the examination / granting process
- **Online Services**
 - Improving existing services and data offerings
 - Providing new online services

Conclusions

Feedback from across all focus groups points to a number of common themes.

- **Turnaround Times**

- Making continued progress reducing in turnaround times
- Reducing turnaround times for opposition proceedings

- **Innovation / Proactiveness**

- Being proactive and innovative as an organization
- Taking the initiative on legislative and regulatory change
- Innovating in service delivery

Next Steps

- **Feedback from these Focus Groups will be reviewed by CIPO Senior Management to identify additional service improvement opportunities**
- **Proposed service improvements will be added to CIPO's ongoing Service Improvement plan**

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