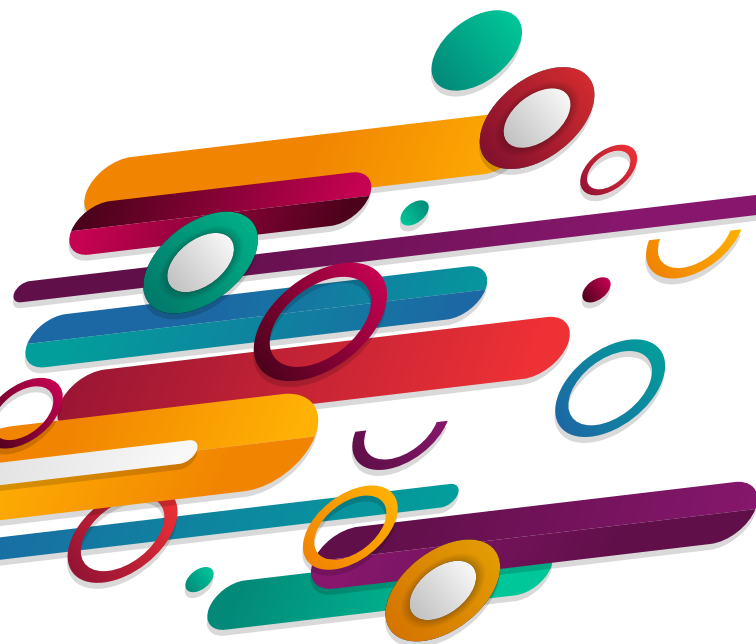


SERVICE CHARTER

2021-2024



Search and International Preliminary Examination Authority

OEPM

Excellence, sustainability,
talent, innovation and cooperation




GOBIERNO
DE ESPAÑA

MINISTERIO
DE INDUSTRIA, COMERCIO
Y TURISMO



Oficina Española
de Patentes y Marcas





Spanish Patent and Trademark Office, O.A. (OEPM), is an Autonomous Body attached to the Ministry of Industry, Trade and Tourism, through the Under-secretariat.

The OEPM promotes and supports technological and economic development by providing legal protection to the various types of Industrial Property through the granting of Patents and Utility Models (inventions), Supplementary Protection Certificates (SPC), Industrial Designs (designs), Trademarks and Trade Names (distinctive signs) and protection titles for Topographies of Semiconductor Products (integrated circuits). Likewise, the OEPM disseminates the information contained in the titles it processes and other titles to which it has access.

The purpose of this **Service Charter**, framed within the OEPM **Quality Policy**, is to provide information on:

- ▶ **Services** offered by the OEPM as **International Search and Preliminary Examination Authority**.
 - ▶ The **commitments and quality indicators assumed**, which can be improved based on the suggestions of our users.
 - ▶ The **relief measures** provided in the event of non-fulfilment of the commitments assumed.
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INTERNATIONAL SEARCH AND PRELIMINARY EXAMINATION AUTHORITY

The Services offered by the OEPM as a International Search and Preliminary Examination Authority **are as follows:**

- ▶ **International Search Report and Written Opinion** - This report provides a list of prior art results to determine the state of the art of a particular international application. Said report is accompanied by a written opinion, which is preliminary and non-binding, on the novelty, inventive step and industrial applicability of the invention claimed in the application.

The OEPM also includes electronic access to both national and foreign patent and utility model documents and any other documents or prior art mentioned in the International Search Report.

- ▶ **International Preliminary Report on Patentability** - This report provides a preliminary and non-binding opinion on the following questions: whether or not the claimed invention appears to be novel, involves an inventive step (be non-obvious) and has an industrial applicability.

The OEPM also includes electronic access to both national and foreign patent and utility model documents and any other documents or prior art not previously mentioned in the International Search Report.

WHAT DO WE COMMIT TO?

Quality Commitments

The Search and International Preliminary Examination Authority Services are provided in accordance with the following **quality standards**:

International Search Report and Written Opinion

- ▶ International Search Reports and Written Opinions will be issued within three months from the date the international application (PCT) is received by the OEPM as an International Search Authority or, within nine months from the priority date of the application, whichever time limit expires later.

International Preliminary Report on Patentability

- ▶ International Preliminary Report on Patentability will be issued within six months from the date when the demand for the report is received by the OEPM or 27 months from the priority date, whichever time limit expires later.



HOW DO WE MEASURE THE ACHIEVEMENT OF THE COMMITMENTS?

Indicators

International Search Report and Written Opinion

- ▶ Percentage of International Search Reports and Written Opinions issued within three months from the date the international application (PCT) is received by the OEPM as an International Search Authority, or within nine months from the priority date of the application, applying the time limit which expires later.

International Preliminary Examination

- ▶ Percentage of International Preliminary Report on Patentability issued within six months from the date when the demand for the report is received by the OEPM or 27 months from the priority date, applying time limit which expires later.



COMPLAINTS AND SUGGESTIONS

Complaints and suggestions can be submitted electronically at <https://www.oepm.es/es/qsf/index.html> and in person or by post using the form: https://sede.oepm.gob.es/eSede/comun/Formularios_web/Formulario_DE_QUEJA_SUGERENCIA_FELICITACION.pdf

Once the complaint or suggestion has been received, the OEPM is committed to replying within 18 working days. If no reply is received in this time period, the interested party may contact the General Inspectorate for Services at the Ministry of Industry, Trade and Tourism (Article 16.3 of RD 951/2005).



RELIEF MEASURES

In the event of failure to fulfil any of the commitments assumed in this Service Charter, users can file a complaint in accordance with the provisions of the Complaints and Suggestions section, indicating the commitment that is considered to have been unfulfilled.

Once the complaint has been received, and within a maximum period of 18 working days, the OEPM Director will send the citizen a letter informing them of the circumstances responsible for non-fulfilment, as well as the appropriate measures that, where applicable, have been adopted.

Failure to fulfil the commitments stated in this Charter shall in no case give rise to State liability.





**Unit responsible
for the Service Charter**

European Patent and PCT Service

Patent and Technological Information Department OEPM



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