



Companies and Intellectual  
Property Commission

a member of **the dti** group

## **ANNEXURE “A”**

### **NOTICE TO SERVICE PROVIDERS**

#### **REQUEST FOR INFORMATION (RFI)**

**FOR A CAPACITY BUILDING PROGRAM FOR SUBSTANTIVE SEARCH AND  
EXAMINATION (SSE) OF PATENT APPLICATIONS AND THE PROVISION OF  
A SEARCH TOOL FOR PATENT SEARCHES**

**CIPC RFI NO: 001/2020/2021**



## **1. PURPOSE FOR THE REQUEST FOR INFORMATION (RFI)**

The purpose of this Request for Information (RFI) is to identify a vendor that are in a position to provide a capacity building program for the Companies and Intellectual Property Commission's (CIPC) Substantive Search and Examination (SSE) Program, including the provision of a patent search tool which will be used by CIPC's patent examiners for the purposes of search and examination of patent applications. This RFI is intended for or directed to those with capacity to provide both training for patent examiners to examine patent applications and tools used by patent examiners to conduct patent searches.

## **2. OVERVIEW OF SOUTH AFRICA'S PATENT LANDSCAPE**

South Africa currently deploys a depository system to grant patent rights. Under this depository system, patent applications are only required to comply with formal requirements for patent rights to accrue. The Intellectual Property Policy Phase 1 (IP Policy) published in May 2018 signalled a departure from the depository system, whereby it made provision for the introduction of a SSE system for South Africa. Under the SSE system, patent applications must not only meet the formal requirements for patent rights to accrue, but also the invention claimed in a patent application must meet the inherent patentability requirements.

The mandate to implement SSE in South Africa lies with the CIPC. CIPC has recruited a cohort of patent examiners, who have received some training on the examination of patent applications. The first intake of examiners occurred in 2016, with the recruitment of 20 patent searchers. In 2019, CIPC recruited a further 30 interns under the Internship Program: Substantive Search and Examination, to undergo training on the SSE of patent applications (Collectively referred to as patent examiners).

Given that South Africa has historically deployed depository system for granting patent rights, it follows that there is very little local capacity and competency to implement a SSE system. Thus CIPC has relied on assistance from International IP Offices (IPOs) and the World Intellectual Property Organisation (WIPO) to assist in the establishment of SSE systems. In addition, CIPC has also engaged these IPOs to train the cohorts of patent examiners on SSE of patent applications.



The legislative reforms to introduce SSE are at an advanced stage. The Department of Trade Industry and Competition (**the dtic**) and CIPC have received and considered inputs and comments from local and international Non-Governmental Organizations, industry, civil society advocacy groups, and the South African patent profession on proposed amendments of the Patents Act. These inputs and comments are being incorporated in a new Bill that will repeal and preplace the current Patents Act which contains elements which are unduly restrictive in a modern patent system. The new Bill is at an advanced stage is expected to be tabled in parliament later this year.

As CIPC advances towards the implementation of SSE, advanced training of the patent examiners is now required, such that they are able to examine patent applications effectively and efficiently. In particular, the patent examiners will be required to effectively utilize specialized patent search tools to identify and retrieve relevant prior art documents, compile and draft search and/or examination reports, based on the identified prior art references. The examiners must therefore be trained to examine patent applications in accordance with our law and practice. Whilst being cognisant of International best practices and the laws of other examining jurisdictions.

Given the importance of developing long-term capacity within CIPC for search and examination, there is an urgent need to make an investment in training capacity for SSE and a comprehensive patent search tool. Hence this RFI seeks to identify service providers that can provide capacity building for CIPC's SSE program and the patent search tool that can be used for conducting patent searches, in order to build the necessary capacity and skills in search and examination within the CIPC.

In the light of the above, the purpose of this RFI is thus to set out the standards expected of the vendor in respect of the scope and deliverables of the RFI.



### 3. PROJECT OVERVIEW

#### 3.1 PROJECT GOALS

As discussed above, currently, South Africa deploys a depository system whereby patent applications are examined only for formalities. As mandated by the IP Policy, CIPC has been preparing for the introduction SSE. SSE entails that patent applications are examined substantively to determine whether the invention concerned meets the requirement of patentability i.e. the invention is novel, involves an inventive step and is capable of being applied in trade industry and agriculture.

Accordingly, CIPC has recruited suitably qualified patent examiners who are then trained and capacitated to become competent in the search and examination of patent applications. CIPC has relied on training provided by other IPOs and the World Intellectual Property Organization, to train the examiners on SSE. However, given the advanced stage of the legislative reforms that will introduce SSE, it is necessary to consolidate and streamline the training of the patent examiners, and to provide them with the tools necessary to conduct effective and efficient examination of patent applications. It is essential that the patent examiners are trained in line with international best practices, whilst being cognisant of our law and practice, and also that they are accustomed to the patent tools in anticipation of the finalization of the legislative reforms and the introduction of SSE.

It is in this light that the capacity building program, and the provision of search tools are viewed with the same importance and form an inseparable requirement of this RFI. Therefore, this RFI is brought to the attention of a vendor that is in a position to provide a capacity building program for CIPC's examiners, including the provision of a patent search tool which will be used to conduct patent searches. It is foreseen that the RFI will be used to identify a vendor that can co-operate with CIPC in transforming the patent system from a depository system to one incorporating the SSE component. The co-operation will possibly include, *inter alia*, the following:

- Implementing a program for training patent examiners in SSE.
- Sharing and transferring of skills in best practices in SSE.
- Providing support and/or advice during the transition from the depository to the SSE system.  
Providing specialized tools for use in the search and retrieval of relevant prior art documents.



### **3.2. OBJECTIVES**

As CIPC's mandate transitions from being a formal registration office to one of SSE, one of its key deliverables will be to ensure timeous high quality examination of patent applications. Hence the objective for the CIPC is for our patent examiners to be specialized in SSE. This entails that our examiners are trained to interpret patent claims, search for and retrieve relevant prior art, apply the patentability criteria to a claimed invention having assessed of patent claims against selected prior art. They must further be able to effectively utilize specialized patent search tools, identify and retrieve relevant prior art documents, compile and write search and examination reports, based on the identified prior art references.

Furthermore, the patent examiners require a specialized and comprehensive search tool for searching and retrieving relevant prior art documents. This will ensure that patent examiners search and retrieve the most relevant prior art documents and hence provide quality examination of patent applications. The search tool must include both South African and international patent databases as well as non-patent literature.

It would be highly undesirable to approach capacity building for examination and competency on a search tool in a piece-meal fashion. Thus it is essential that the prospective service provides or organisations have a proficiency for providing advanced training of patent examiners and provide specialized search tools for conducting patent searches. Therefore, CIPC will require the vendor to provide a comprehensive training program for patent examiners, but also specialized search tool of patent searches. Such envisaged co-operation should make it possible to train CIPC's patent examiners on patent searching and examination of patent applications, while enabling the transfer of skills and best SSE practices. Ideally, this should allow the work of the CIPC examiners to take a "proof-of-concept" fashion, mimicking that of other patent offices which have implemented SSE.

### **3.3. SCOPE OF WORK**

CIPC seeks to identify a vendor that is in a position to provide a comprehensive training program of patent examiners on patent examination and also provide a tool for use in the search and retrieval of patent documents. This section outlines the scope of work that CIPC requires the vendor to comprehensively cover in in response the RFI. The service providers or organization must therefore cover the following deliverables:





### 3.3.1 **DELIVERABLE A**

#### i. Two-year Training Program (Curriculum)

- A comprehensive 2-year training program for patent examiners, which includes training on the following aspects of patent examination.
  - Basic patent examination.
  - PCT procedure; non-unity and complex applications.
  - Advanced patent examination.
  - Various aspects of intellectual property.
  - Dealing with replies.
  - Strategic and efficient examination.
  - Refusal, opposition and oral proceedings.
- The training program should also include a “train the trainer” program for patent examiners to create long-term capacity and competency within CIPC.

#### ii. Essential Elements of the Training Program

- The training program should cover all aspects of patent search and examination including *inter alia*:
  - IP and its role in innovation,
  - Basics of patent rights and the anatomy of a patent application,
  - Basic, intermediate and advanced training on the patentability criteria e.g. novelty, inventive step, industrial applicability, clarity, unity, sufficiency of disclosure, fair basis etc.
  - Use of International classification systems,
  - Conducting patent searches, top up searches, retrieving foreign search and examination reports,
  - Drafting search and examination reports and corresponding with applicants.
  - Dealing with third party review mechanisms i.e. third party observations, opposition, oral and appeal proceedings.
  - Any other matter concerning the search and/or examination of patent applications.



### **Mode of Delivery**

- The training must be conducted using a combination of any of the following:
  - One-on-one coaching of cases that the examiners have been allocated
  - Presentation, exercises or workshops (online, virtual and physical)
  - Practical examples
  - Working on dummy cases and real files
  - Case studies
  - Role plays

### **Cost of Training Program**

- The providers or organizations must indicate the approximate costs of providing such a training program according to the following requirements:
  - Training of approximately for 50 patent examiners, and
  - In line with CIPC's expansion plans, training of approximately 100 patent examiners.

### **3.3.2 DELIVERABLE B**

#### **Search Tool Functionality**

- Providing a specialized search tool that allows retrieval of patent and non-patent information. The search tool should at least have the following specifications or access to the following datasets:
  - Extensive INPADDOC databases
  - Extensive non-patent literature databases searchable within tool, and allow for further subscriptions within tool
  - Classification to cover range of CPC, ECLA, UCLA, CXCLA, FICLA, WPICLA, IPC, FTCLA
  - Search option to allow for search of Application/publication/priority/NPL reference number
  - Search option to allow for search of Applicant/inventor/assignee
  - Allow for limitations in search field which can be: Search field (title, abstract), date, (publication, date range), Classification, countries, inventor, applicant
  - Forward and backward citation of patent families
  - Extensive operator usage which should include  
**Boolean:** AND, OR, NOT



**Proximity:** Prox/distance<x, prox/unit=sentence, prox/unit=paragraph, prox/ordered for searching words within x words, within a sentence, paragraph or in a given order, respectively.

**Comparison:** (= (equal to), == (exactly equal to), all, any, within (providing date range), >=, <=).

**Wildcards:** “?” (0-1 characters, up to three? permitted, following at least two characters), “#” (1 character), “\*” (unlimited characters) and can only be included in title/abstract/inventor/applicant search fields.

- Allow for other tools like:

Classification search (allow for inclusion of FI/FT/IC)

Synonym search

Facet searches

Translation of documents

Linking of figures with text labels

- Analysis of results to at least have:

Priority details

INPADOC legal status

Images embedded within classification search

Allow for highlighting of searchable text using different operators

Allow for grouping of files of interest

Allow for configuration of exportation of data and retrieval of work done on the tool.

Allow linking/coupling it to a workflow-based system.

#### **4. COST AND DURATION OF LICENCES FOR THE PATENT SEARCH TOOLS**

- The service providers or organization will be required to provide the search tool for a period of up to 5 years.
- The vendor must indicate the approximate costs of providing the search tool according to the following requirements:
  - The procurement of licences for approximately for 50 patent examiners, and
  - In line with CIPC’s expansion plans, the procurement of licences for approximately 100 patent examiners.
  - The cost of any external databases where relevant.
  - The cost of any additional licences.
  - The cost of maintenance and system upgrades.
  - The nature and cost of any infrastructure requirements.
  - Any restrictions to the licence conditions.



This RFI seeks to provide guidance on what CIPC regards as best practice in capacity building for SSE and the provision of a comprehensive search tool for identifying and retrieving relevant prior art documents. However, this RFI is not to be regarded as an exhaustive list of what should be undertaken nor be regarded as the minimum standard to be achieved. The vendor involved should exercise their own judgment in assessing and determining the exact scope and extent of the steps required within the context of the RFI in its entirety.

CIPC seeks a vendor who will demonstrate their experience of having delivered these types of transformation programs within organizations analogous to CIPC. A response to this RFI should preferably detail, based on established record, how the aforementioned requirements could be met by the vendor. It is highly recommended that the vendor should demonstrate depth knowledge of patent law and prosecution.

## **5. INFORMATION NEEDED FROM THE SUPPLIER**

### **Vendor Details for this RFI**

The vendor should identify their products and service offerings that address the issues raised under scope, and define their solutions based on its capability as detailed below:

- Platform for search tool
- Add-on databases and compatibility
- 2-year training program and the curriculum;
- Pricing for current 50 users and later 100 users;

The vendor should explain how their product; services or solution meets the specific requirements documented here. The vendor should not respond by simply attaching stock product or service brochures. At this RFI stage, the CIPC will consider information from vendors who are able to deliver the whole solution required and not just some of the major components or activities. The vendor must clearly identify the scope offered in their response if they are unable to deliver the entire solution. Vendors can provide alternative structures of the solution or delivery approach if they deem them to be more appropriate.

## 6. RECOMMENDED APPROACH

Provide in your response your understanding of the solution requirements listed in this RFI, and based on your experience, your recommended approach and the key issues in implementing your proposed solutions. We would also like the vendors to offer suggestions as to implementation time frames, number of resources required and recommended support available from the vendor after start of operations, such as online website, toll free numbers and helpdesk support.

## 7. SUPPLIER'S VIABILITY AND CAPABILITY

Provide in your response references to equivalent search and examination tools and examiner training implementations and include which of the solutions listed in your response are included in those references. Include information such as solutions provided and implementation time frames. In order to proceed further with any vendor providing information in response to this RFI, CIPC must be assured of their financial strength, stability and continuing viability.

## 8. STRUCTURE OF THE DOCUMENT

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The following outline is offered to assist in the development of your response. You should include:

- A cover letter - the cover letter should include a brief summary of your response, such as indicating to which areas you are responding and must also indicate if supporting documentation is included in your response.
- The response itself, must cover any or all of the areas of information requested by this RFI. The information should be provided so that the evaluation against the Issues raised and the Solution Requirements is facilitated easily.
- If required, provide a glossary that maps terminology used in your response to CIPC's standard terminology as contained in this RFI.
- **Suppliers are requested to submit **USB's** where possible this will make evaluation easy. **No CDS****
- **USB to be READ only**

Although CIPC does not limit the size of responses, you are asked to consider limiting the size of your response (not counting any supporting documentation) to approximately 50 pages. If you consider supporting documentation to be necessary, please indicate which portions of the supporting documentation are relevant to this RFI.



## 9. RFI SCHEDULE

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### 9.1 Liabilities of CIPC

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This RFI is only a request for information about potential products / services and no contractual obligation on behalf of CIPC whatsoever shall arise from the RFI process. This RFI does not commit CIPC to pay any cost incurred in the preparation or submission of any response to the RFI.

### 9.2 Confidentiality & RFI Ownership

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This RFI is both confidential and proprietary to CIPC, and CIPC reserves the right to recall the RFI in its entirety or in part. Basic partners cannot and agree that they will not duplicate, distribute or otherwise disseminate or make available this document or the information contained in it without the express written consent of CIPC.

Basic partners shall not include or reference this RFI in any publicity without prior written approval from the client, which, if granted, shall be granted by the individual named above. Basic partners must accept all of the foregoing terms and conditions without exception. All responses to the RFI will become the property of CIPC and will not be returned.

## 10. FUNCTIONAL REQUIREMENTS

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CIPC intends to implement a capacity building program for SSE of patent applications, coupled with a search tool for identifying and retrieving relevant prior art documents.

We have outlined above the scope of activities the vendor would be expected to deliver and the minimum requirements for the CIPC. The vendor should use their judgment in compiling the information required in this RFI to demonstrate a capability of fulfilling the requirements of this RFI. The functional requirements of this RFI are captured under Deliverable A and Deliverable B. For each of these Deliverables, the vendor must demonstrate the following:

- A detailed understanding of the scope and Deliverables;
- Relevant capacity and competence to execute the Deliverables;
- Experience of having implemented capacity building programs and providing search tools; and
- A detailed description the methodology for Delivery.



## 11. OPTIONAL REQUIREMENTS

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Our chosen vendor must be able to provide comprehensive customer support backed by robust incident tracking and handling processes and procedures. The solution provider will have to sign a service level agreement. This is a key requirement since CIPC must maintain and enhance its reputation for quality with its customers. Users must be able to contact the support desk by email and telephone as a minimum and the help desk must be available during normal business hours.

## 12. INFORMATION SECURITY REQUIREMENTS AND PRIVACY PROTECTION

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We need to be able to guarantee the privacy and security of all of our data and so it is vital that the chosen vendor has policies and procedures in place to ensure this. It is also vital that proper protection is in place in terms of user authentication, virus protection and other kinds of security breach. Please explain your deployment model, in particular which elements of your solution are on-premise and/or cloud based.

## 13. LEGAL REQUIREMENTS

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The material contained in this document is proprietary to CIPC, and is released for informational purposes only. No rights in said material are hereby transferred to any other organization. This material may not be disclosed, duplicated, or otherwise revealed, in whole or in part, without the written consent of CIPC and is subject to the terms of the Non-Disclosure Agreement executed by vendor and CIPC.

By agreeing to respond to this RFI, the vendor expressly acknowledges that CIPC business procedures, ideas, inventions, plans, financial data, contents of the RFI, and other CIPC information are the sole and exclusive property of CIPC. The vendor also agrees that it will safeguard such information to the same extent as it safeguards its own confidential material or data relating to its own business information that is of confidential or proprietary nature. The vendor shall not furnish the name of CIPC or any of the affiliated CIPC companies, as a reference or use the name of CIPC or any of the affiliated companies in any advertising or promotional materials without the prior written consent of CIPC.



## 14. RESPONSE FORMAT

### Information about the basic partners and the potential product / service.

Question	Response
Partner name	
Parent company	
Partner address	
Name of person responsible for the information contained in this RFI	
<b>Telephone number:</b>	
Fax number	
Email address	
Web page	
Initial year of operations	
<b>Partner location:</b>	
Corporate office	
Local offices (RSA)	
Other office	
<b>Number of employees:</b>	
Total	
Development	
Implementation	
Sales & administration support	
Employee turnover rate	
Employee satisfaction (if surveyed and known)	
Key employees (names and terms of contract)	
<b>Total revenue:</b>	
Current year	
Previous year	
Total profit/loss	
Current year	
Previous year	





Question	Response
<p><b>Disaster Recovery/Business Continuity:</b> Give details of your business continuity arrangements.</p>	
<p><b>Experience and Capabilities:</b> Please outline your experience in working with different national patent offices. Please explain your capabilities and experience of deploying patents search tools, training patent examiners on search and examination of patent applications. Please explain how you have worked with other national patent offices. Explain the purposes for which your search tool has been used by other offices. Volume of filings What is a typical number of filings your solution manages a year? What are the peak volumes of filings you have managed? How much bandwidth would the system require?</p>	
<p><b>Standards support:</b> Please list the standards which your solution can support. What is your policy for supporting national patent offices transitioning from depository to SSE system? new, in-progress or existing standards?</p>	
<p><b>Organizations and References:</b> List organizations who are currently using your search tool and receiving your support in building SSE capacity.</p>	
<p><b>Depth of Experience:</b> Total number of installations of the version of the tool being proposed and SSE training programs which have been carried out by your organization?</p>	
<p><b>Partnerships and Alliances:</b> Describe any third party alliances/relationships</p>	
<p><b>Legal Actions:</b> Please provide details of any outstanding legal action against your company or any directors or partners.</p>	
<p><b>Mergers and Acquisitions:</b> Are there any anticipated mergers or acquisitions pending?</p>	



Question	Response
<p><b>Project Preparation, Delivery and Post Project Support:</b></p> <p>How would you help us to prepare for this project, what services can you provide to ensure a proper foundation prior to embarking on the project.</p> <p>Please provide information on your implementation methodology.</p> <p>Please provide a project roadmap indicating key stages and key milestones.</p> <p>Please provide an example project plan with timelines.</p> <p>How would you help to manage and support us through the life of this project?</p> <p>How can you demonstrate innovation in the area of search and examination?</p> <p>What follow on services can you provide to ensure that we can continue to extract the best value from your solution after the initial project completion?</p>	<p>Attach as required.</p>
<p><b>Documentation:</b></p> <p>What documentation is provided for the software / system?</p>	
<p><b>Software/Architecture:</b></p> <p>Was your software written by your organization or acquired from a third party?</p> <p>Is your software written according to appropriate industry standards, please provide details?</p> <p>Please provide a diagram of the components which make up your proposed solution, this should include a brief description of what each component does.</p> <p>Please provide a diagram showing the process flow of your solution, this can be included in the component diagram if appropriate.</p> <p>Please describe how your software would be able to integrate with existing CIPC systems if required.</p> <p>Is your software compatible with Microsoft Office solutions (Excel, Word)?</p> <p>How long has your software been available in the marketplace?</p> <p>What are the key strengths and weaknesses of your software?</p>	
<p><b>Performance:</b></p> <p>Describe your scalability model (horizontal, vertical, load-balancing), availability (fault tolerance, clustering), and performance (messages, transactions, work flows) for all application components.</p>	



Question	Response
<p><b>Testing of the solution:</b></p> <p>Please describe the solution in detail outlining your approach to testing this before rollout extensively. Conduct the functional tests, approach to functional testing, taxonomy testing, performance and stress testing, etc.</p> <p><b>Training:</b></p> <p>Describe your training methodology for preparers?</p> <p>Do you offer formal user training?</p> <p>What type of courses do you run and what is their duration?</p> <p>What level of training would you recommend?</p> <p>Describe any training materials offered?</p>	
<p><b>Product Support:</b></p> <p>Please provide details of how the product is supported across multiple sites globally.</p> <p>What levels of support is available, definition of each level and what are the hours of operation and response times?</p> <p>Where are the support services located?</p> <p>Does support include product updates, as well as bug fixes at no extra charge?</p> <p>What is the helpdesk escalation procedure?</p>	
<p><b>Project Costs:</b></p> <p>Please summarize the total costs of your product.</p> <p>What are the licensing costs for individual parts of the solution?</p> <p>Are new releases chargeable separately?</p> <p>What are your consultancy rates to help with implementation?</p> <p>What do you charge for customization?</p> <p>What do you charge for training?</p> <p>What are the maintenance and support costs? Please give a breakdown.</p> <p>Do you offer discounts for volume purchases?</p> <p>Do you levy any charges for software or services during the evaluation period?</p>	



## 15. RFI PROCEDURE

- Service providers to note that the RFI will be published in the **Government Bulletin (Gov Gazette)**; the **National Treasury Portal**
- The RFI Terms of Reference will be made available on **CIPC WEBSITE UNDER TENDERS**,  
**RFI: [www.cipc.co.za](http://www.cipc.co.za)** OR can be requested via email see addresses below

### 15.1 SCM QUERIES / REQUESTING OF TOR TO BE ADDRESSED TO

Ms Ntombi Maqhula OR Mr Solomon Motshweni

Email address: [nmaqhula@cipc.co.za](mailto:nmaqhula@cipc.co.za) / [smotshweni@cipc.co.za](mailto:smotshweni@cipc.co.za)

### 15.2 TECHNICAL QUERIES TO BE ADDRESSED TO

Dr Nompumelelo Obokoh: *Technical issues*: Email: [NObokoh@cipc.co.za](mailto:NObokoh@cipc.co.za)

### 15.3 TIMEFRAME

Below is the timeframe for the RFI

<b>OPENING DATE:</b>	<b>20 JANUARY 2020</b>
<b>CLOSING DATE:</b>	<b>19 FEBRUARY 2021</b>
<b>LAST DATE FOR QUESTIONS:</b>	<b>12 FEBRUARY 2021</b>

### DETAIL OF THE BRIEFING SESSION

<b>BRIEFING SESSION:</b> <b>NONE</b>	<b>DUE TO COVID 19 – THERE WILL BE NO BRIEFING SESSION</b>
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Basic partners must ensure that the proposal is delivered in and received at the following address before the RFI closing date.

**Sealed proposals will be received at the Tender Box at the Reception, 77 Meintjies Street, Sunnyside, the dti campus, Block F.**

**USB's must be placed in a marked envelop**

Proposals should be addressed to:

Manager (Supply Chain Management)

Companies and Intellectual Property Registration Office

**THE BID BOX IS SITUATED AT:**

**AT THE WEST GATE ON 77 MEINTJIES STREET, CLOSE TO ENTUFUKWENI BUILDING (BLOCK "F"),**

**77 MEINTJIES STREET,**

**SUNNYSIDE,**

**"THE DTI" CAMPUS, PRETORIA.**

**NB: COVID -19 REGULATIONS TO BE ADHERED TO**