



■ Latest developments 2019-2020: the PCT System and COVID-19

Webinar

WIPO HQ Geneva, June 2020

PCT International Cooperation Division
Offices Services Section

Topics

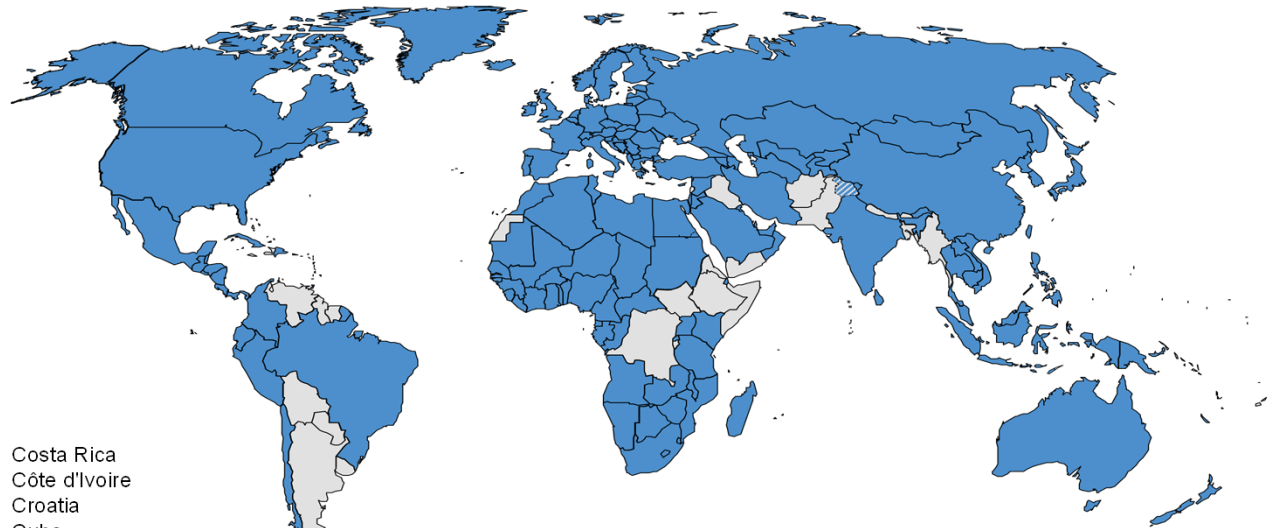
- PCT Statistics – 2019
- WIPO's Innovative Tools for IP Offices & Applicants
 - Crisis Management Dashboard
 - COVID-19 IP Policy Tracker
- PATENTSCOPE Database for COVID-19 Innovations
 - Impact on PCT Processing of Applications by receiving Offices and the International Bureau
- Communication of documents to and from the IB
- Current Practices & Safeguards?



PCT Statistics 2019

Membership & Filing Trends

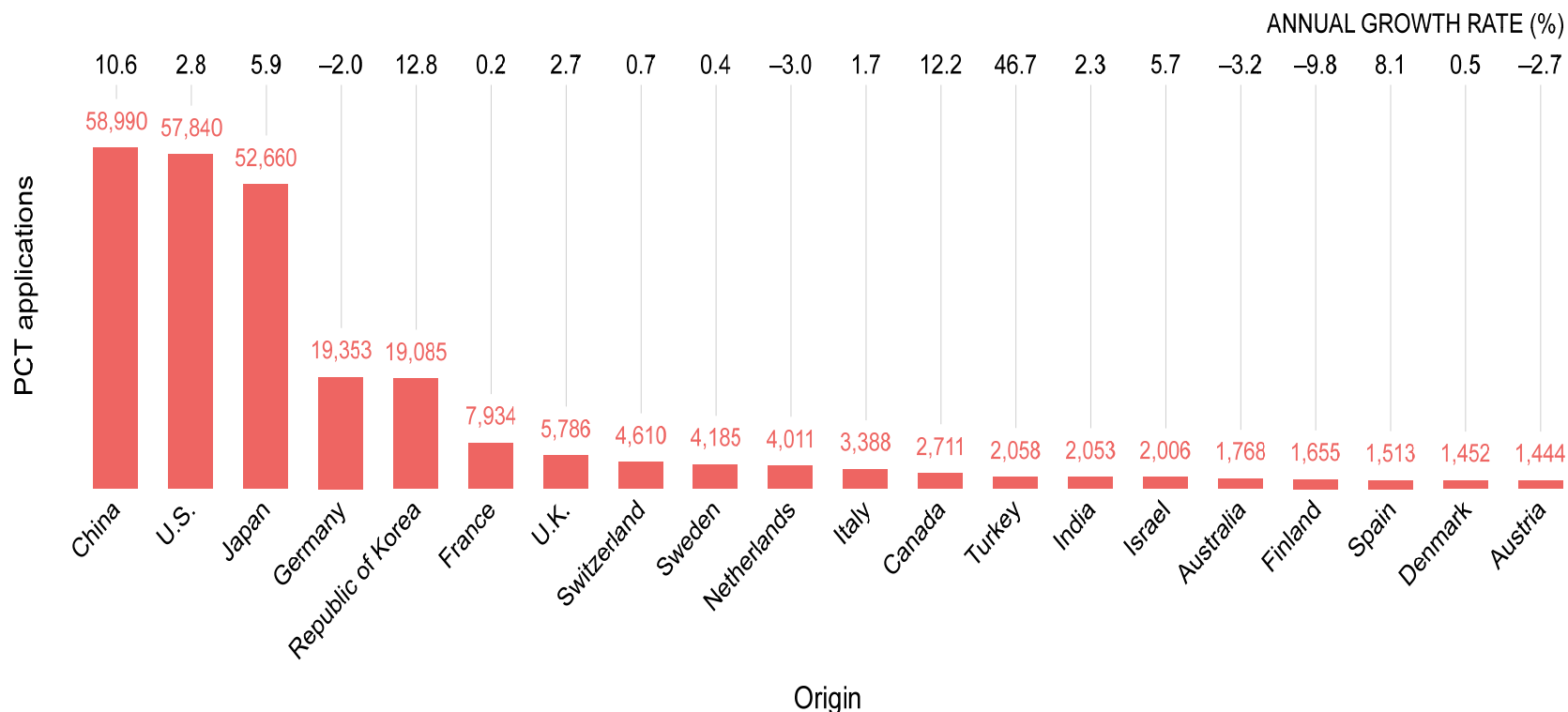
153 PCT States



Most recent
accession:
Samoa
2019

- | | | | | | |
|--------------------------|---------------------------------------|----------------------------|------------------|----------------------------------|---|
| Albania | Costa Rica | Guinea-Bissau | Malawi | Poland | St. Kitts and Nevis |
| Algeria | Côte d'Ivoire | Honduras | Malaysia | Portugal | Sweden |
| Angola | Croatia | Hungary | Mali | Qatar | Switzerland |
| Antigua and Barbuda | Cuba | Iceland | Malta | Republic of Korea | Syrian Arab Republic |
| Armenia | Cyprus | India | Mauritania | Republic of Moldova | Tajikistan |
| Australia | Czech Republic | Indonesia | Mexico | Romania | Thailand |
| Austria | Democratic People's Republic of Korea | Iran (Islamic Republic of) | Monaco | Rwanda | The former Yugoslav Republic of Macedonia |
| Azerbaijan | Denmark | Ireland | Mongolia | Russian Federation | Togo |
| Bahrain | Djibouti | Israel | Montenegro | Saint Lucia | Trinidad and Tobago |
| Barbados | Dominica | Italy | Morocco | Saint Vincent and the Grenadines | Tunisia |
| Belarus | Dominican Republic | Japan | Mozambique | Samoa (Jan 2, 2020) | Turkey |
| Belgium | Ecuador | Jordan | Namibia | San Marino | Turkmenistan |
| Belize | Egypt | Kazakhstan | Netherlands | Sao Tomé e Príncipe | Uganda |
| Benin | El Salvador | Kenya | New Zealand | Saudi Arabia | Ukraine |
| Bosnia and Herzegovina | Equatorial Guinea | Kuwait | Nicaragua | Senegal | United Arab Emirates |
| Botswana | Estonia | Kyrgyzstan | Niger | Serbia | United Kingdom |
| Brazil | Finland | Lao People's Dem Rep. | Nigeria | Seychelles | United Republic of Tanzania |
| Brunei Darussalam | France | Latvia | Norway | Sierra Leone | United States of America |
| Bulgaria | Gabon | Lesotho | Oman | Singapore | Uzbekistan |
| Burkina Faso | Gambia | Liberia | Panama | Slovakia | Viet Nam |
| Cambodia | Georgia | Liechtenstein | Papua New Guinea | Slovenia | Zambia |
| Cameroon | Germany | Lithuania | Peru | South Africa | Zimbabwe |
| Canada | Ghana | Luxembourg | Philippines | Spain | |
| Central African Republic | Greece | Madagascar | | Sri Lanka | |
| Chad | Grenada | | | Sudan | |
| Chile | Guatemala | | | Swaziland | |
| China | Guinea | | | | |
| Colombia | | | | | |
| Comoros | | | | | |
| Congo | | | | | |

International applications received in 2019 and Top 20 Origins



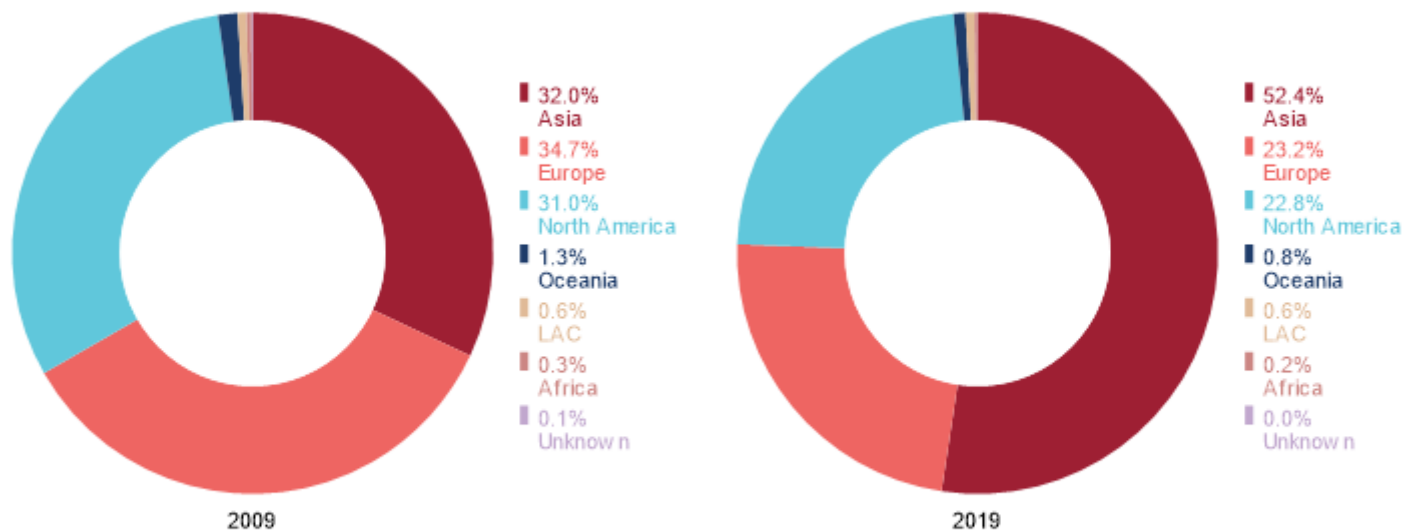
Source: WIPO Statistics Database, March 2020

- About **265,800** PCT international applications filed in 2019 = increase of 5.2% over 2018
- **For the first time, applicants from China filed the most PCT applications vs. the U.S. (the latter held this position since 1978)**

PCT Applications by Region - 2019

Asia accounted for the majority of PCT applications filed in 2019.

A3. Distribution of PCT applications by region, 2009 and 2019



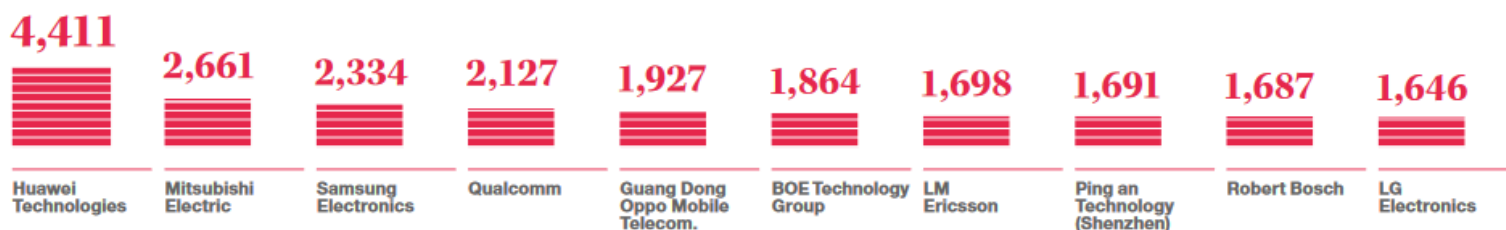
Note: Data for 2019 are WIPO estimates. Each region includes the following number of offices: Africa (21), Asia (36), Europe (43), Latin America and the Caribbean (LAC) (20), North America (3) and Oceania (4).

Source: WIPO Statistics Database, March 2020.

Who filed the most applications? Which fields of technology?

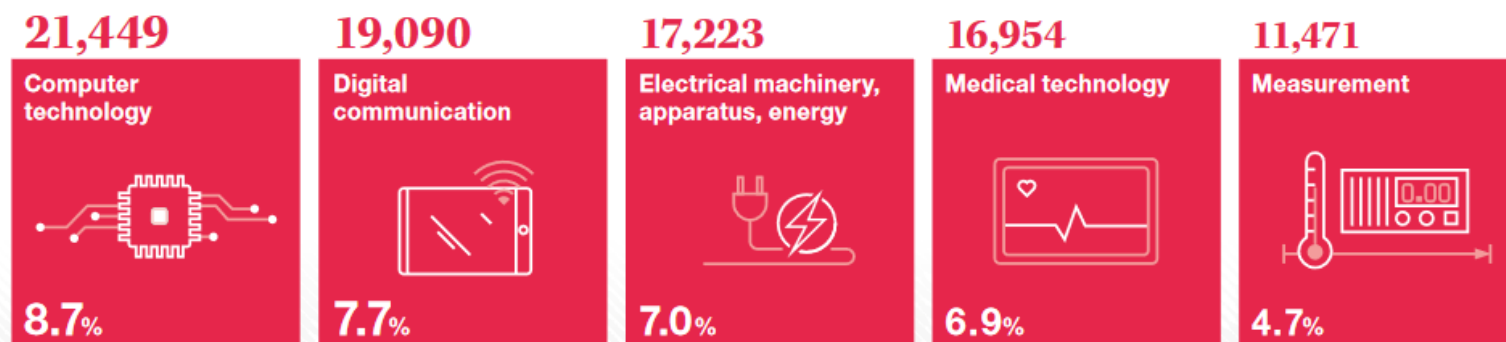
Top 10 PCT applicants

Number of published PCT applications



Top 5 fields of technology

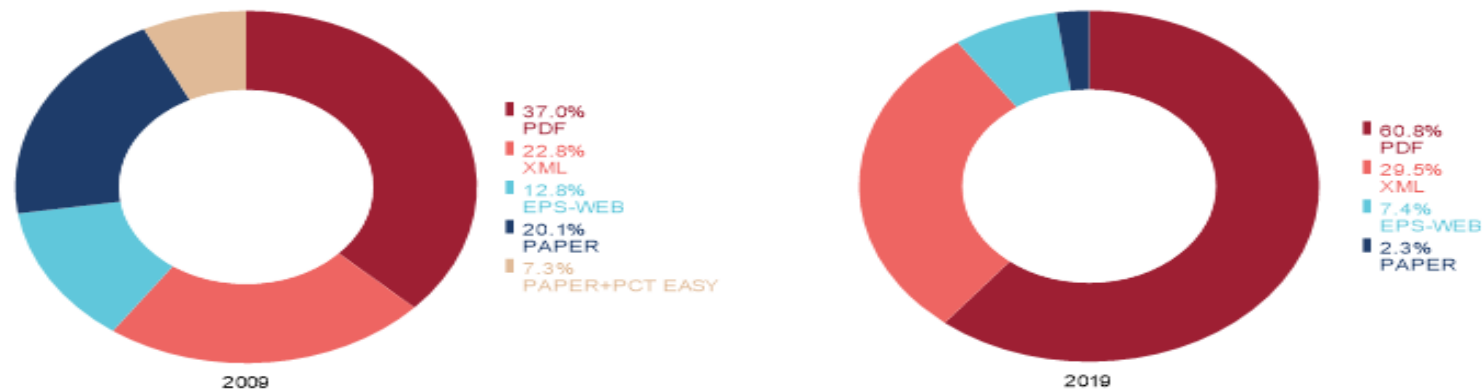
Number of published applications and share of total



PCT Applications by Filing Medium - 2019

Almost 98% of all PCT applications were filed electronically in 2019.

C2. Distribution of PCT applications by filing medium, 2009 and 2019



Note: PDF, EFS-WEB and XML are the three fully electronic filing mediums. Since mid-2015, PCT applications can no longer be filed using PCT-EASY.

Source: WIPO Statistics Database, March 2020.

PCT applications filed via the ePCT-filing portal

Applicants filed 34,335 PCT applications using ePCT in 2019, representing an increase of 42.6% on 2018.



WIPO's Innovative Tools for IP Offices & Applicants:

- Crisis Management Dashboard
- COVID-19 IP Policy Tracker
- PATENTSCOPE Database for COVID-19 Innovations

WIPO Crisis Management Dashboard (1)

- An online dashboard launched on April 15, 2020, to allow stakeholders to follow WIPO's operational activities during the pandemic
- Information published on a monthly basis:
 - Filings in WIPO's key Global IP Services: patents, trademarks and industrial designs
 - Financial performance and productivity
 - State of Business Continuity – *nearly all WIPO staff working remotely - most services still delivered with high productivity - at or above 90%*
 - Rate of fee processing under Madrid and Hague Systems

WIPO Crisis Management Dashboard (2)

■ The Crisis Management Dashboard successfully provides “*real-time transparency*” on WIPO’s operations during COVID-19

■ Stay tuned and follow the Dashboard indicators at:

https://www.wipo.int/export/sites/www/covid-19/en/dashboard/crisis_mgt_dashboard.pdf



WIPO

Crisis Management Dashboard

March 2020

Demand for WIPO Services

Filing Activities (as at filing date at National IP Offices)

As at end March 2020

		2020/21	Jan-Mar 2020		
		Estimates	Target ¹	Actuals ²	as % of Target
PCT:	International Applications	549,900	67,500	56,143	83%
Madrid:	Applications	136,000	16,650	12,947	78%
Hague:	Applications	15,340	1,835	1,599	87%

¹ Targets have been calculated based on the 2020 estimates (Table 3 of the P&B 2020/21).

² 2020 Actuals from the Chief Economist as at March 31. Figures are preliminary.



COVID-19 IP Policy Tracker (1)

- On May 5, 2020, WIPO released another online tool in response to the crisis: “COVID-19 IP Policy Tracker”
- Goals:
 - Informative, one-stop resource, compiling IP policy changes/other measures implemented by WIPO member States during COVID-19
 - Provide stakeholders with a web-based repository to stay informed of important legislative developments as they arise; i.e. extension of deadlines, grace periods for fee payments in national/regional Offices
 - Contain contributions of libraries/academia to make research publically available

COVID-19 IP Policy Tracker (2)

- Include information about member States and international organizations: currently over 100
- Benefits for Applicants – stay prepared when filing PCT and/or other applications – know the latest measures
- Benefits for IP Offices of member States – can benchmark policy developments with others
- IP Offices: please contact us to contribute your policy changes, if necessary at: pcticd@wipo.int
- Visit the WIPO COVID-19 Policy Tracker and stay informed of IP measures worldwide:

<https://www.wipo.int/covid19-policy-tracker/#/covid19-policy-tracker/ipo-operations>

PATENTSCOPE Database – Search COVID-19 Innovations (1)

- WIPO's global patent database, PATENTSCOPE, contains new feature in response to pandemic:
- Search facility that supports COVID-19 innovations
- What can the search retrieve?
 - Technical information contained in published patent documents that can aid inventors in creating and transferring new technologies to combat COVID-19
 - The access is free of charge, disseminating technical information for the benefit of all innovators, and found at: <https://patentscope.wipo.int/search/en/covid19.jsf>

PATENTSCOPE Database – Search COVID-19 Innovations (2)

WIPO IP PORTAL
MENU
PATENTSCOPE
HELP
ENGLISH
LOGIN

[Feedback](#)
[Search](#)
[Browse](#)
[Tools](#)
[Settings](#)

PATENTSCOPE COVID-19 INDEX

The WIPO COVID-19 Search Facility of PATENTSCOPE will provide scientists, engineers, public health policymakers, industry actors and members of the general public with an easily accessible source of intelligence for improving the detection, prevention, and treatment of diseases such as the novel coronavirus.

"Given the drastic impact of the COVID-19 crisis on human health and welfare, the world needs easy access to every bit of information available for the successful innovation in the pursuit of vaccines, treatments and cures. Patent documents are rich sources of technological know-how acquired by humans over the centuries," said WIPO Director General Francis Gurry. "I am pleased that WIPO's new patent-searching tool helps disseminate information on technologies that others may build upon for the global fight against COVID-19."

At the time of release, the new PATENTSCOPE search facility provides dozens of search queries specially curated by patent information experts who have identified technological areas relevant to the detection, prevention and treatment of COVID-19.

PATENTSCOPE contains over 83 million patent and related documents, provides comprehensive searching of patent information with multi-lingual search capabilities and an automatic translation system that uses Artificial Intelligence (AI) technologies for highly accurate results.

Via the new COVID-19 functionality, thousands of documents deemed of potential use to innovators working on COVID-19 mitigation efforts would be returned.

[Full press release](#)

Artificial respiration
Diagnostics
Disinfection
Informatics
Medical Equipment
Medical Facilities and Transport
Medical Treatment

Medical treatment/Prophylactic
Medical treatment/Therapeutic
Personal protective equipment

IPC Symbol[s]	Title	Query
A61H 31/00	Artificial respiration or heart stimulation, e.g. heart massage	EN



Impact on PCT Processing of Applications by receiving Offices and the International Bureau

- Communication of documents to and from the IB
- Current Practices and Safeguards?

Current Situation for ROs

- Are receiving Offices (ROs) still open for business?
 - Most ROs remain open (including RO/IB) for the filing of international applications
 - Some ROs are only accepting international applications in electronic form
 - Some ROs are not open to accept applications (see <https://www.wipo.int/pct/dc/closeddates/faces/page/index.xhtml>)

Communication of documents to the IB (1)

- Almost all staff working remotely - processing of international applications at IB generally ensured

Note: IB has suspended the transmittal on paper of PCT documents and notifications (to and from the IB), until further notice due to the crisis

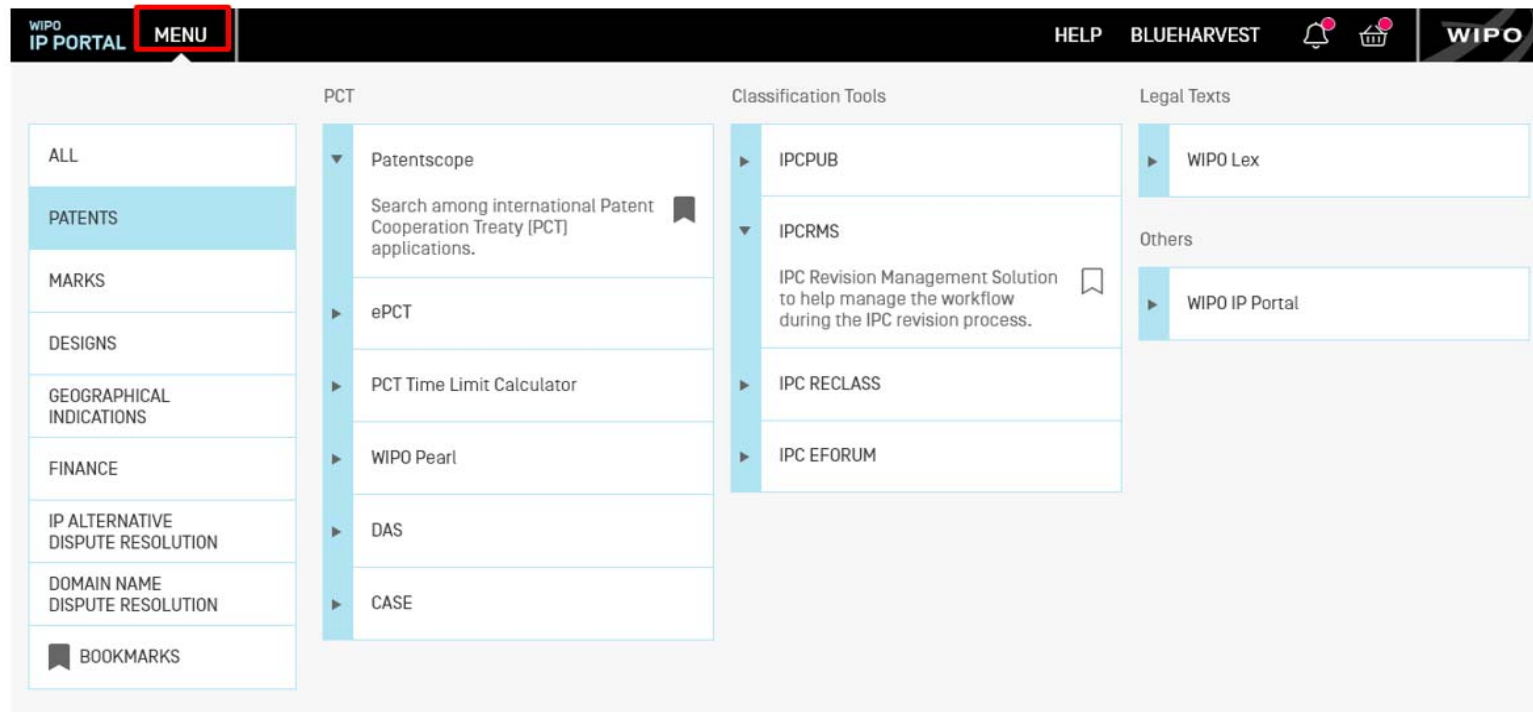
- RO/IB still receives international applications:
 - Electronic filing** (ePCT or PCT SAFE software) – this is the best option
 - If not possible, use Contingency Upload Service
 - Last option: fax filings
 - Avoid paper filings - large disruption of postal and private delivery services in many countries

Communication of documents to the IB (2)

- Forms and communications are currently provided to applicants and Offices only in electronic form
- Access Forms in **ePCT** or (post-publication) on PATENTSCOPE
 - Forms are sent as PDF-attachments
 - Priority documents and certified copies of documents in the file of the IB issued in electronic form only
 - Rely on the Digital Access Service (**DAS**) where possible to retrieve priority documents
 - Applicants to provide e-mail addresses, if they have not yet, so IB can email Forms/communications:
(https://www.wipo.int/pct/en/news/2020/news_0008.html)

WIPO IP Portal - ePCT Integration

Menu – always available across the portal



IP Portal launched in September 2019, and existing ePCT bookmarks redirect to the IP Portal for login.

More detailed info on using ePCT and DAS to send documents to IB:
https://www.wipo.int/pct/en/covid_19/communication.html

Particular safeguards under the PCT (1)

- PCT does not currently provide for a general extension of time limits except where Offices are officially closed
- Local measures which extend national time limits do not apply to PCT time limits during the international phase but may apply to time limits during the national phase
- Priority period:
 - ❑ Only where an Office has declared itself closed for the filing of applications will the protection of Article 4C(3) of the Paris Convention apply
 - ❑ Where Offices remain open, restoration of the priority right (Rule 26*bis*.3 and 49*ter*) may be relied upon (where available)

Particular safeguards under the PCT (2)

- *“Interpretative Statement and Recommended Patent Cooperation Treaty (PCT) Practice Changes in light of the COVID-19 Pandemic”* issued by IB on April 9, 2020:
 - ❑ Rule 82*quater*.1 - excuse of delay in meeting time limits “due to ... natural calamity ... or other like reason”
 - ❑ Rule 82*quater*.1 applies to all time limits under the PCT (e.g. payment of fees, furnishing of priority documents, correction of priority claims, etc.), except to the priority period and the time limit to enter national phase
 - ❑ Not require evidence that coronavirus affected locality
 - ❑ Director General urges national Offices to do the same (https://www.wipo.int/pct/en/news/2020/news_0009.html)
 - ❑ Rules 80.6 and 82: delays in the mail (5- and 7-day-rule)

Particular safeguards under the PCT (3)

■ Delayed issuance of Form PCT/RO/117 (“Notification that International Application Considered to be Withdrawn”) by RO/IB

- where applicant has not paid all required fees
- RO/IB will issue Form PCT/RO/133 inviting to pay all outstanding fees (however without charging a late payment fee)
- RO/IB will not issue Form PCT/RO/117 before July 1, 2020 (declaring international applications be considered withdrawn for lack of payment of fees)
- Director General urges receiving Offices to do the same

(https://www.wipo.int/pct/en/news/2020/news_0009.html)

Particular safeguards under the PCT (4)

- Missing of time limit under Articles 22 and 39 to enter the national phase
 - Rely on safeguard of PCT Rule 49.6 – “Reinstatement of Rights”
 - More favorable national provisions to reinstate your international application before a DO/EO could also apply

See the *PCT Applicant’s Guide* for time limits applied by national Offices in the national phase:

<https://www.wipo.int/pct/en/guide/index.html>

Get the latest information

- Latest information linked from “COVID-19 Update” box at top of main PCT page: www.wipo.int/pct/



- Similar information for Madrid and Hague systems available from those pages, and linked from PCT information page

Contact us

- For general questions about the PCT contact the PCT Information Service:

Telephone: (+41-22) 338 83 38

E-mail: pct.infoline@wipo.int

- For queries on this Webinar and related information, contact the PCT International Cooperation Division:

pcticd@wipo.int

Even in times of crisis, WIPO maintains its commitment to *“lead the development of a balanced and effective international IP system that enables innovation and creativity for the benefit of all.”*

Thank you
&
Stay Safe