



# Recent Developments of the Patent Cooperation Treaty (PCT)

WIPO Regional Workshop on Effective Use of the  
PCT System: the Experience of Asian Countries

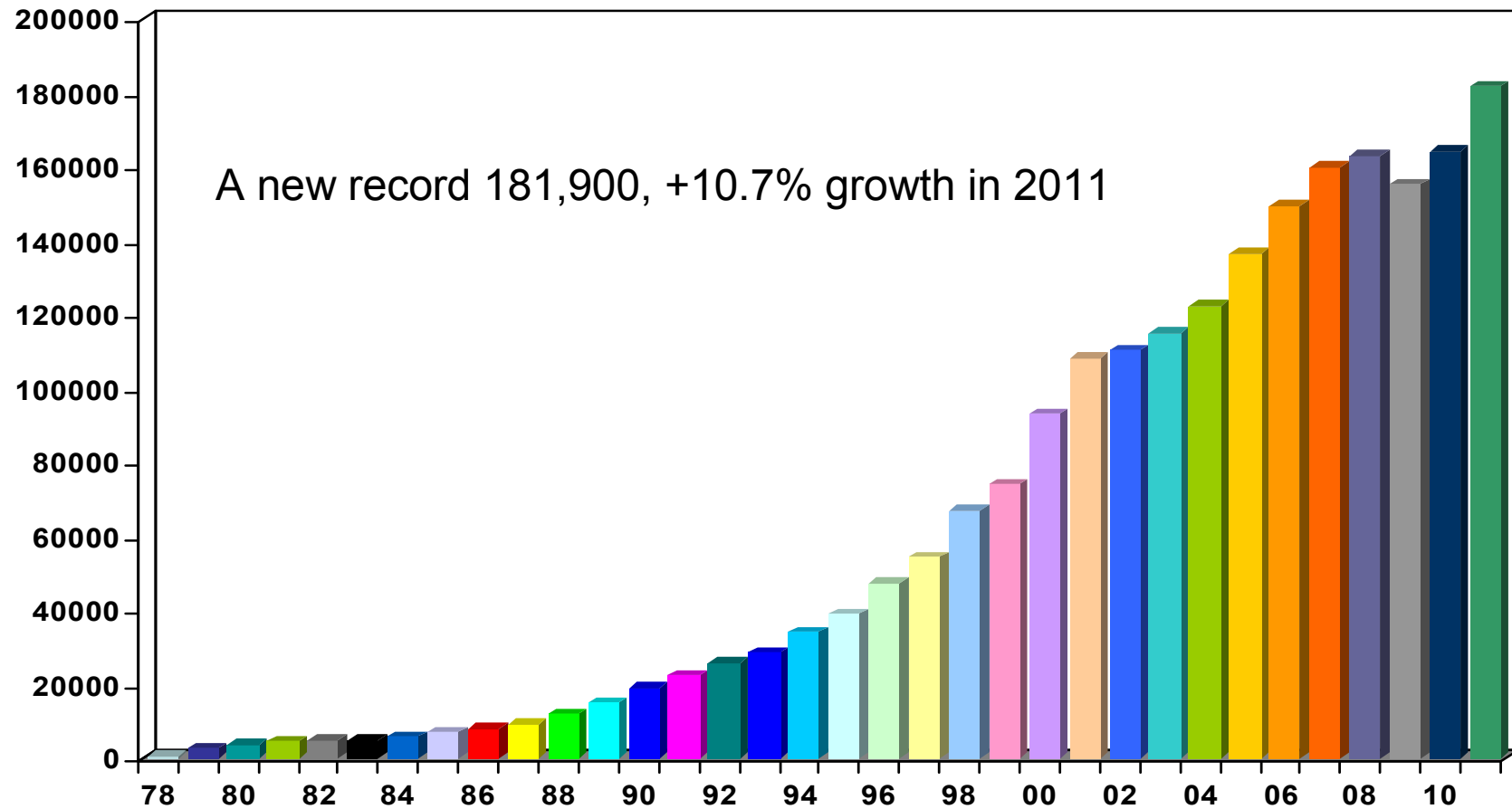
**Bangkok**  
**May 16-17, 2012**

Takashi YAMASHITA

Director, PCT International Cooperation Division, WIPO

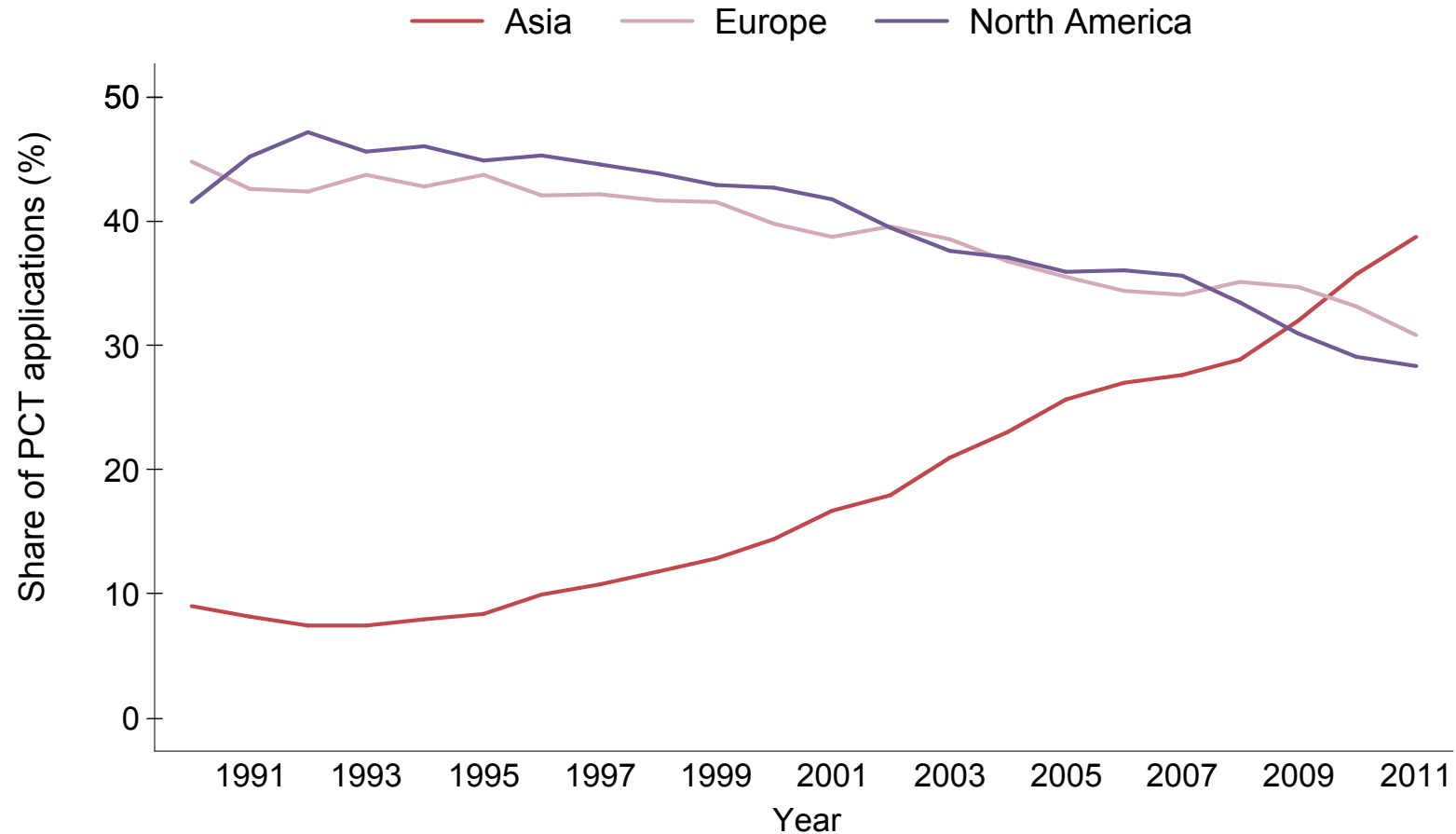
# Statistics

# PCT Statistics



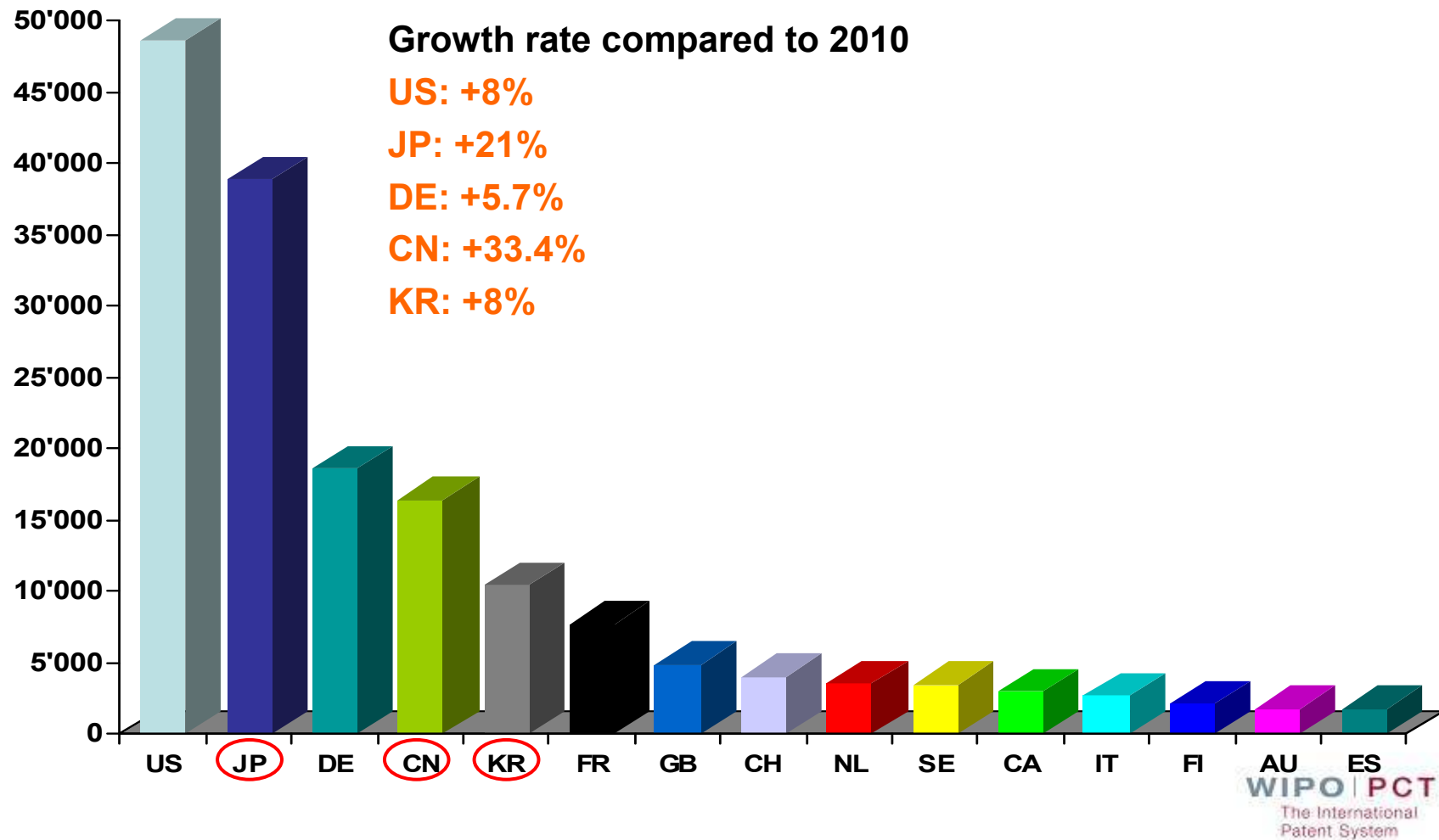
Source: PCT Yearly Review 2012

# PCT applications filed by geographical region

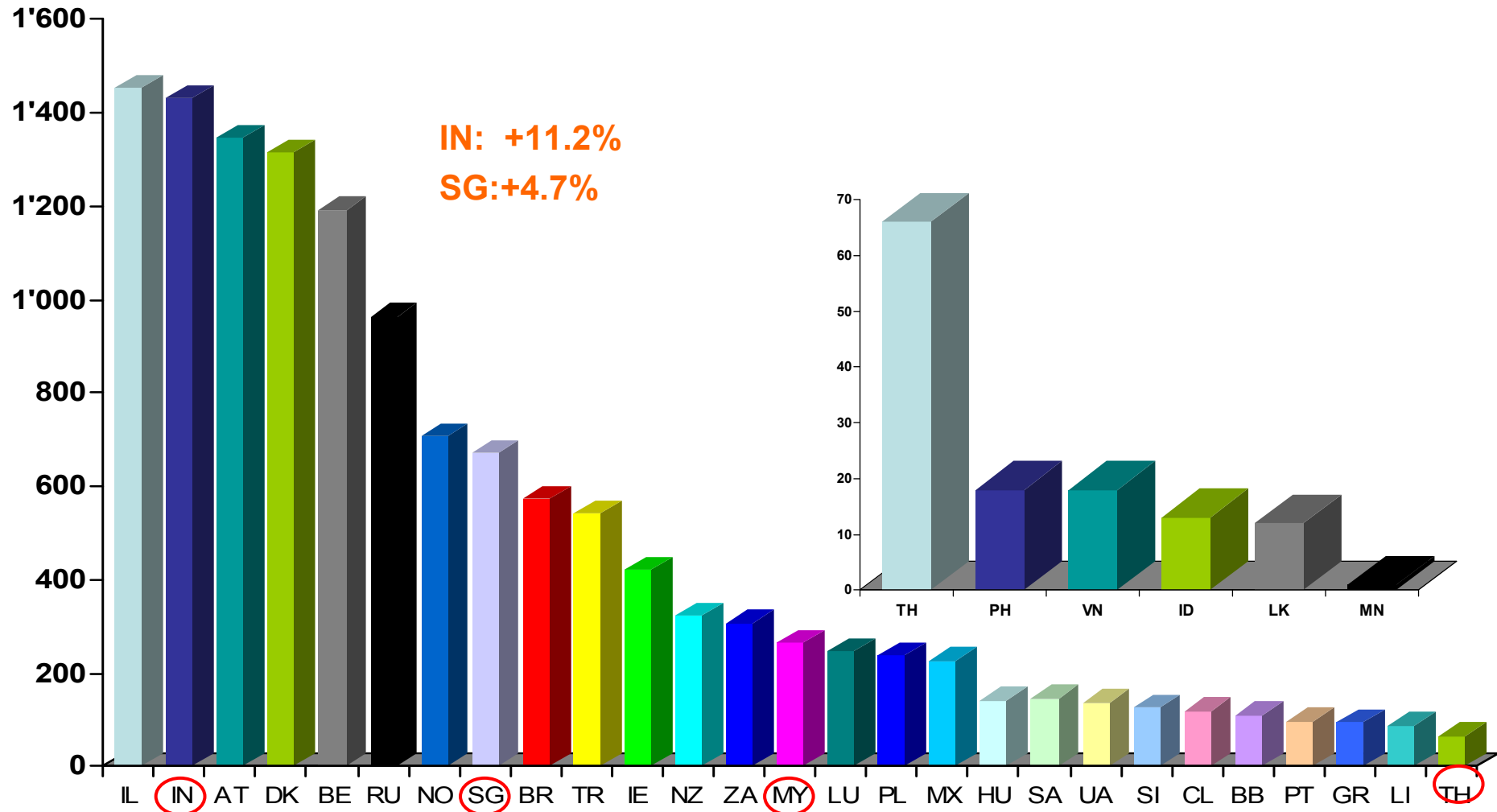


PCT applications filed in 2011 are WIPO estimates  
Source: WIPO Statistics Database, March 2012

## PCT applications in 2011 by country of origin



## PCT applications in 2011 by country of origin (Cont)



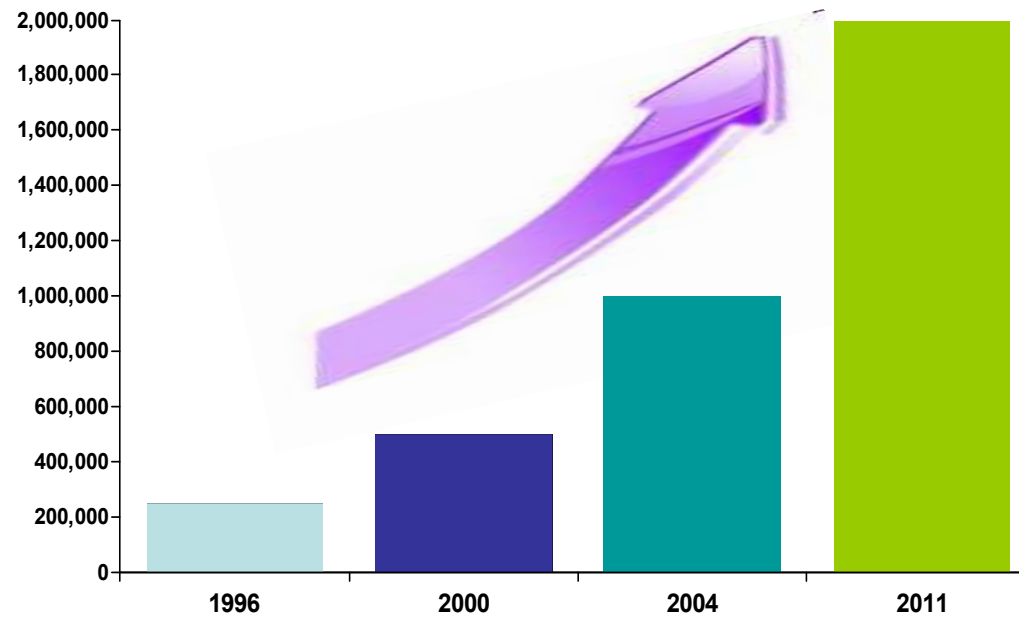
# Top PCT Applicants 2011

1. ZTE—CN (2826)
2. Panasonic—JP (2463)
3. Huawei—CN (1831)
4. Sharp—JP (1755)
5. Bosch—DE (1518)
6. Qualcomm—US (1494)
7. Toyota—JP (1417)
8. LG Electronics—KR (1336)
9. Philips—NL (1148)
10. Ericsson—SE (1116)
11. NEC—JP (1056)
12. Siemens—DE (1039)
13. Mitsubishi Electric—JP (834)
14. BASF—DE (773)
15. Samsung Electronics—KR (757)
16. Nokia—FI (698)
17. IBM—US (661)
18. HP—US (591)
19. 3M—US (563)
20. HITACHI—JP (547)

# 2 millionth PCT application


- Qualcomm files landmark application (April 2011)

[http://www.wipo.int/pressroom/en/articles/2011/article\\_0013.html](http://www.wipo.int/pressroom/en/articles/2011/article_0013.html)





# 145 PCT States

 = PCT



Albania  
Algeria  
Angola  
Antigua and Barbuda  
Armenia  
Australia  
Austria  
Azerbaijan  
Bahrain  
Barbados  
Belarus  
Belgium  
Belize  
Benin  
Bosnia and Herzegovina  
Botswana  
Brazil  
[Brunei Darussalam \(24 July 2012\)](#)  
Bulgaria  
Burkina Faso  
Cameroon  
Canada  
Central African Republic  
Chad  
Chile  
China  
Colombia  
Comoros  
Congo

Costa Rica  
Côte d'Ivoire  
Croatia  
Cuba  
Cyprus  
Czech Republic  
Democratic People's  
Republic of Korea  
Denmark  
Dominica  
Dominican Republic  
Ecuador  
Egypt  
El Salvador  
Equatorial Guinea  
Estonia  
Finland  
France  
Gabon  
Gambia  
Georgia  
Germany  
Ghana  
Greece  
Grenada  
Guatemala  
Guinea

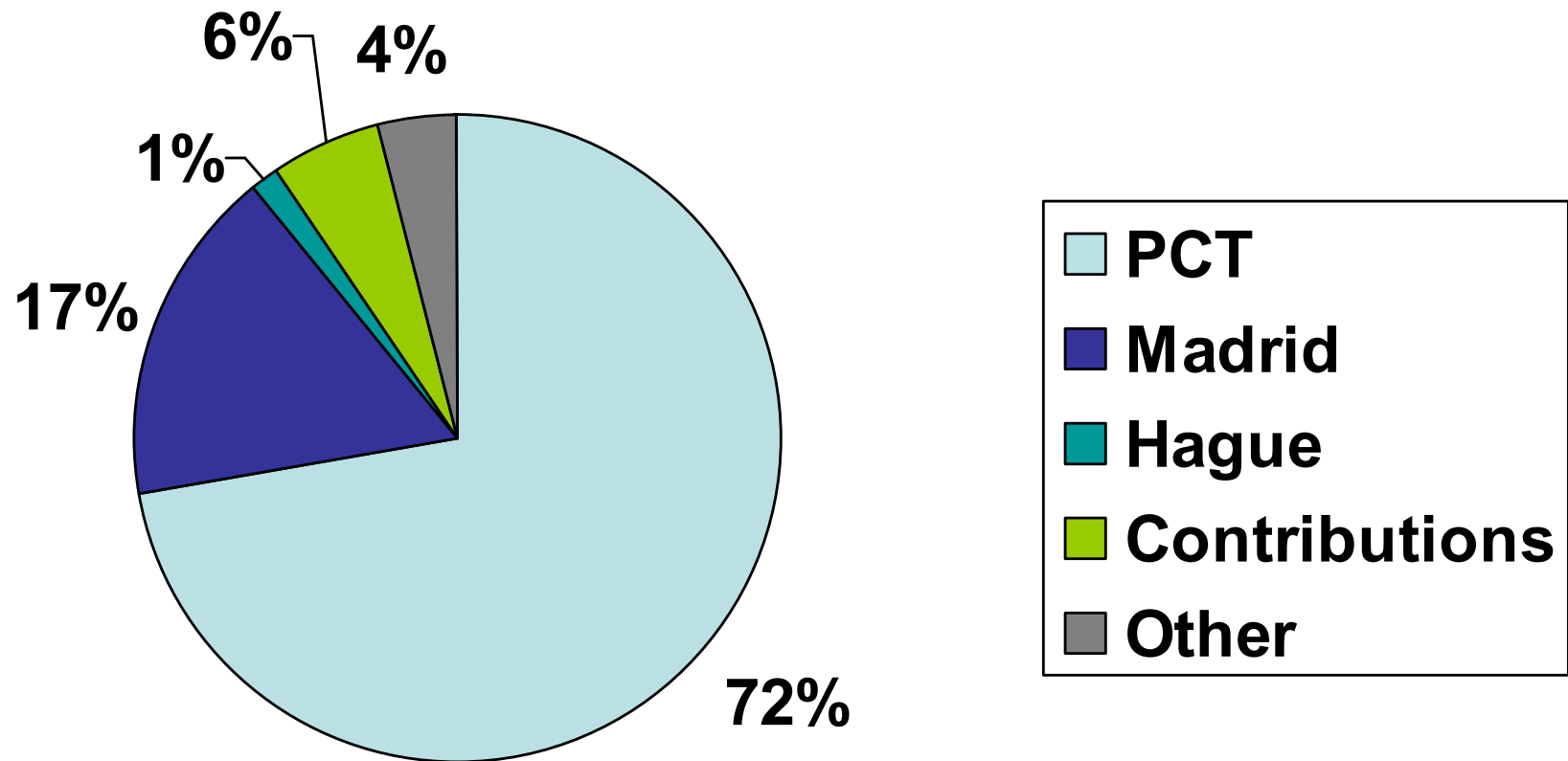
Guinea-Bissau  
Honduras  
Hungary  
Cuba  
Iceland  
India  
Indonesia  
Ireland  
Israel  
Italy  
Japan  
Kazakhstan  
Kenya  
Kyrgyzstan  
Lao People's Dem Rep.  
Latvia  
Lesotho  
Liberia  
Libyan Arab Jamahiriya  
Liechtenstein  
Lithuania  
Luxembourg  
Madagascar

Malawi  
Malaysia  
Mali  
Malta  
Mauritania  
Mexico  
Monaco  
Mongolia  
Montenegro  
Morocco  
Mozambique  
Namibia  
Netherlands  
New Zealand  
Nicaragua  
Niger  
Nigeria  
Norway  
Oman  
Papua New Guinea  
Peru  
Philippines

Poland  
Portugal  
Qatar  
Republic of Korea  
Republic of Moldova  
Romania  
Rwanda  
Russian Federation  
Saint Lucia  
Saint Vincent and  
the Grenadines  
San Marino  
Sao Tomé e Príncipe  
Senegal  
Serbia  
Seychelles  
Sierra Leone  
Singapore  
Slovakia  
Slovenia  
South Africa  
Spain  
Sri Lanka  
Sudan  
Swaziland

St. Kitts and Nevis  
Sweden  
Switzerland  
Syrian Arab Republic  
Tajikistan  
Thailand  
The former Yugoslav  
Republic of Macedonia  
Togo  
Trinidad and Tobago  
Tunisia  
Turkey  
Turkmenistan  
Uganda  
Ukraine  
United Arab Emirates  
United Kingdom  
United Republic of Tanzania  
United States of America  
Uzbekistan  
Viet Nam  
Zambia  
Zimbabwe

## PCT contribution to WIPO Budget 2010/2011



# Discussion on PCT

# History of PCT development

- The PCT Reform (2000-2007)
- Simplification and improvements in efficiency
  - The period for entering the national phase under Chapter I was extended to 30 months
  - Written opinion of ISA was introduced into Chapter I
  - All-inclusive designation system



# History of PCT development

## ■ Applicant safeguards

- Reinstate the rights of applicants who had missed the time limit for national phase entry
- Incorporation of missing elements and parts of the international application
- Restoration of the right of priority
- Rectification of obvious mistakes

## ■ Supplementary international search

## ■ Fee reductions to encourage the use of electronic filing

# Recent PCT developments

## ■ PCT Roadmap

- Improve the functioning of PCT system by all stakeholders, e.g., ISA, RO, DO/EO, national Office, Contracting States, IB

## ■ Work sharing and PCT

- PCT-PPH

## ■ PCT-related Infrastructure

- ePCT
- PATENTSCOPE

# Roadmap



## ■ Background

- PCT system does not appear to effectively function as expected, particularly, quality and timeliness

## ■ Objectives

Improve the functioning of PCT system

- Deliver results which meet the needs of applicants, Offices, third parties in all Contracting States
- Without limiting freedom of Contracting States on substantive patent law matters

## ■ Recommendations(2010)

- Work with ISAs to improve quality of ISR/WO
- Third party observation system
- Collaborative search, etc

# MIA

## Meeting of International Authorities: February 8-10, 2012

[http://www.wipo.int/meetings/en/details.jsp?meeting\\_code=pct/mia/19](http://www.wipo.int/meetings/en/details.jsp?meeting_code=pct/mia/19)

### Topics

#### ■ Quality

- Gathering certain metrics concerning documents cited by ISAs
- Standardized Clauses to be used by IAs
- Comments should be made on “clarity and support” in WO



# MIA

## Topics (cont)

- Future development of PCT
  - PCT third party observation system, operation in July 2012
  - Collaborative Search and Examination Pilot Project
  - Search Strategy Information in PCT
  
- Review of Supplementary International Search
- PCT Minimum Documentation- widen range of Patent Literature
- PCT Sequence Listing Standard
- Color drawings in International Applications
- ePCT
- Revision of WIPO Standard ST.14 (document category codes)

# Third Party Observations

- Mainly web-based system—integrated into PATENTSCOPE database—for indicating prior art relevant to novelty and inventive step, and associated explanations
- Submission period from publication date until 28 months from priority
- Free-of-charge
- Applicants notified of observations, and right to respond; responses available on PATENTSCOPE
- Commence operation in July 2012
- More details in PCT/WG/5/7

# Availability for license

- Applicants interested in licensing the inventions contained in their international applications can request IB to make this information available on PATENTSCOPE
- Submit new Form PCT/IB/382 “Request for indication of availability for licensing purposes”
- At any time from the filing of the international application until the expiration of the 30-month time period
- This service is available as from 1 January 2012, for any international application in respect of which the period of 30 months from the priority date has not expired

# July 1, 2012 Rule changes

- PCT Min. Doc. include Chinese patent documents
- Amended Rule 17.1(b-*bis*): a request to retrieve priority documents from a digital library will be considered timely received if the request is received by the International Bureau before the date of publication (alignment with Rule 17.1(a))
- Amended Rule 20.7(b): rewording of the Rule in order to avoid misinterpretation
- New Rule 82*quater*: general provision to offer protection to applicants by excusing delays in meeting PCT time limits when that delay resulted from *force majeure* circumstances
  - contemplates a case by case evaluation by the offices
  - does not apply to the 12 month priority period nor to time limit for entry into the national phase

# PCT Working Group

Meeting: May 29 - June 1, 2012

[http://www.wipo.int/meetings/en/details.jsp?meeting\\_id=25017](http://www.wipo.int/meetings/en/details.jsp?meeting_id=25017)

## Topics

- Future development of PCT
  - Implementation of Recommendations to Improve the Functioning of the PCT System
  - Surge in worldwide patent applications
  - Coordination of technical assistance for developing countries
  - Disseminating technical information and facilitating access to technology for developing countries
  - Third party observations
  - Supplementary International Search
  - Collaborative search and examination

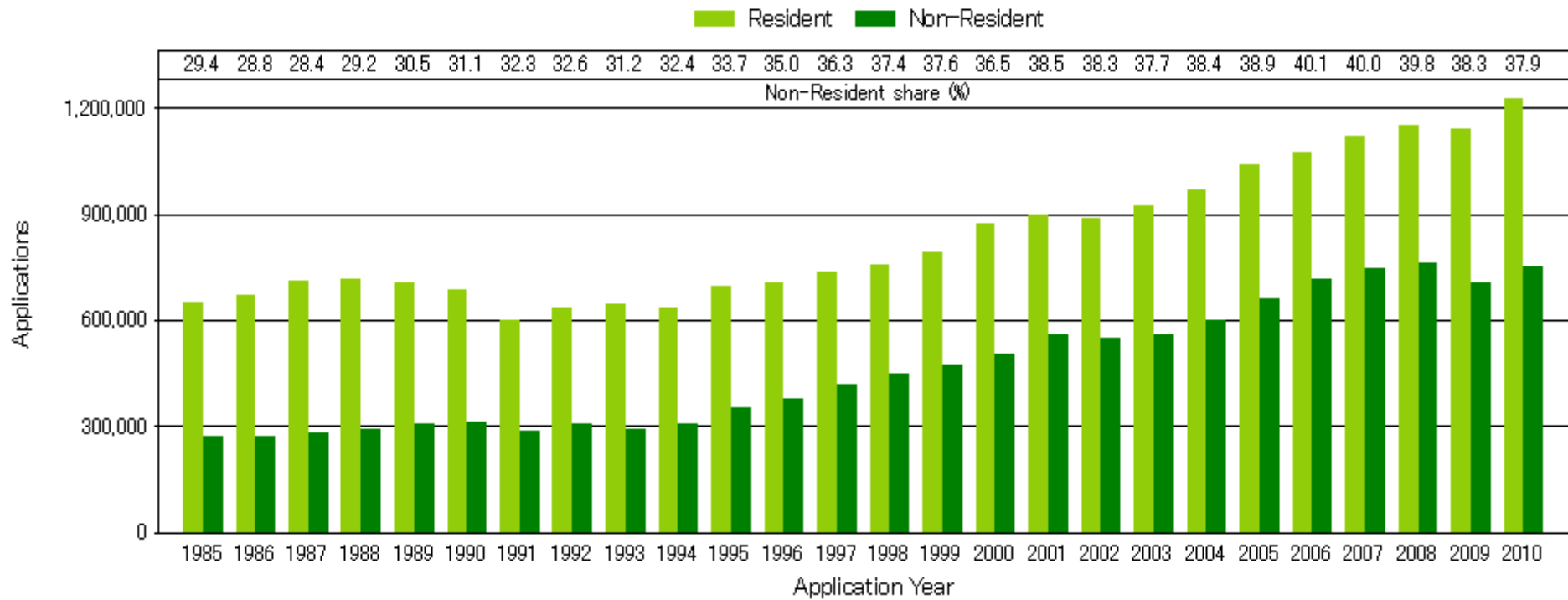
# PCT Working Group

Topics (cont):

- Future development of PCT (cont)
  - ISR/WO as of date of international publication
  - Top-up Searching and Accelerated Processing
  - ePCT
- PCT procedural and legal framework
  - Restoration of the Right of Priority (Office practices)
  - PCT Sequence Listing Standard
  - Color Drawings in International Applications
  - PCT Minimum documentation - Definition and Extent of Patent Literature
  - Revision of WIPO Standard ST.14

# Work sharing and PCT

# Global patent activities

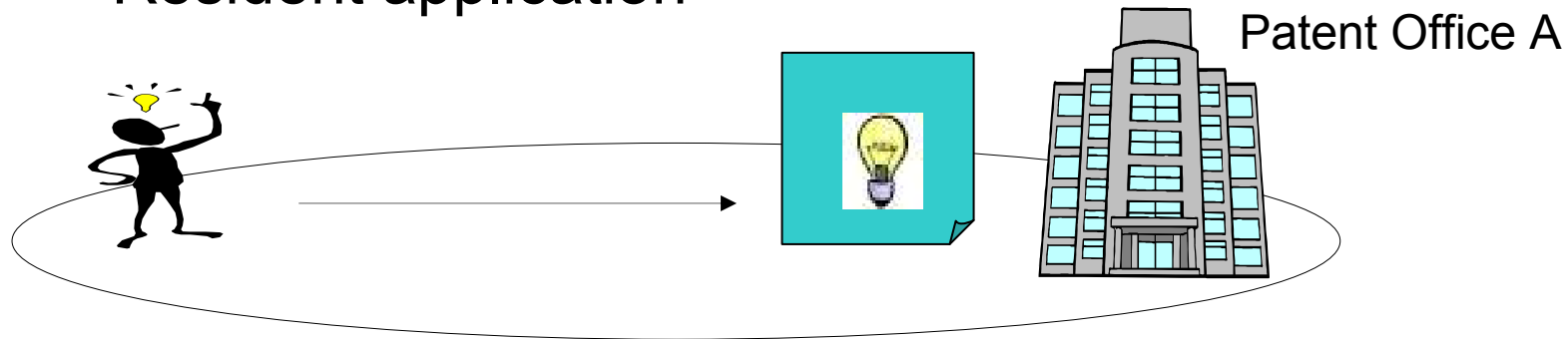


Source: World Intellectual Property Indicators, 2011

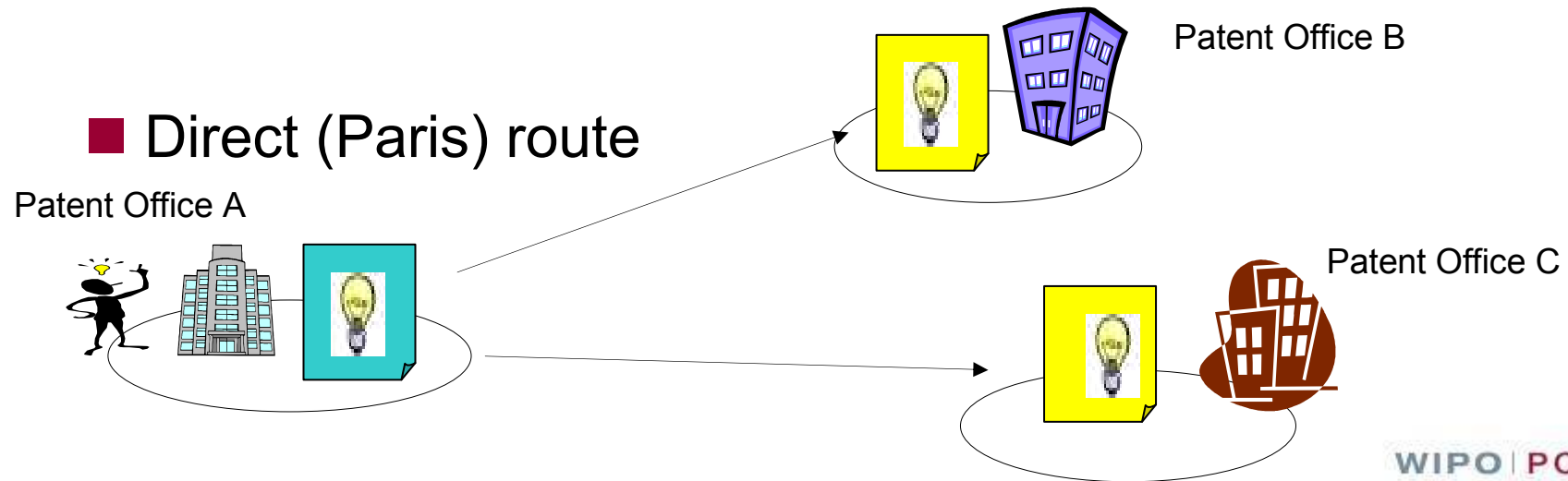


# Global patent activities

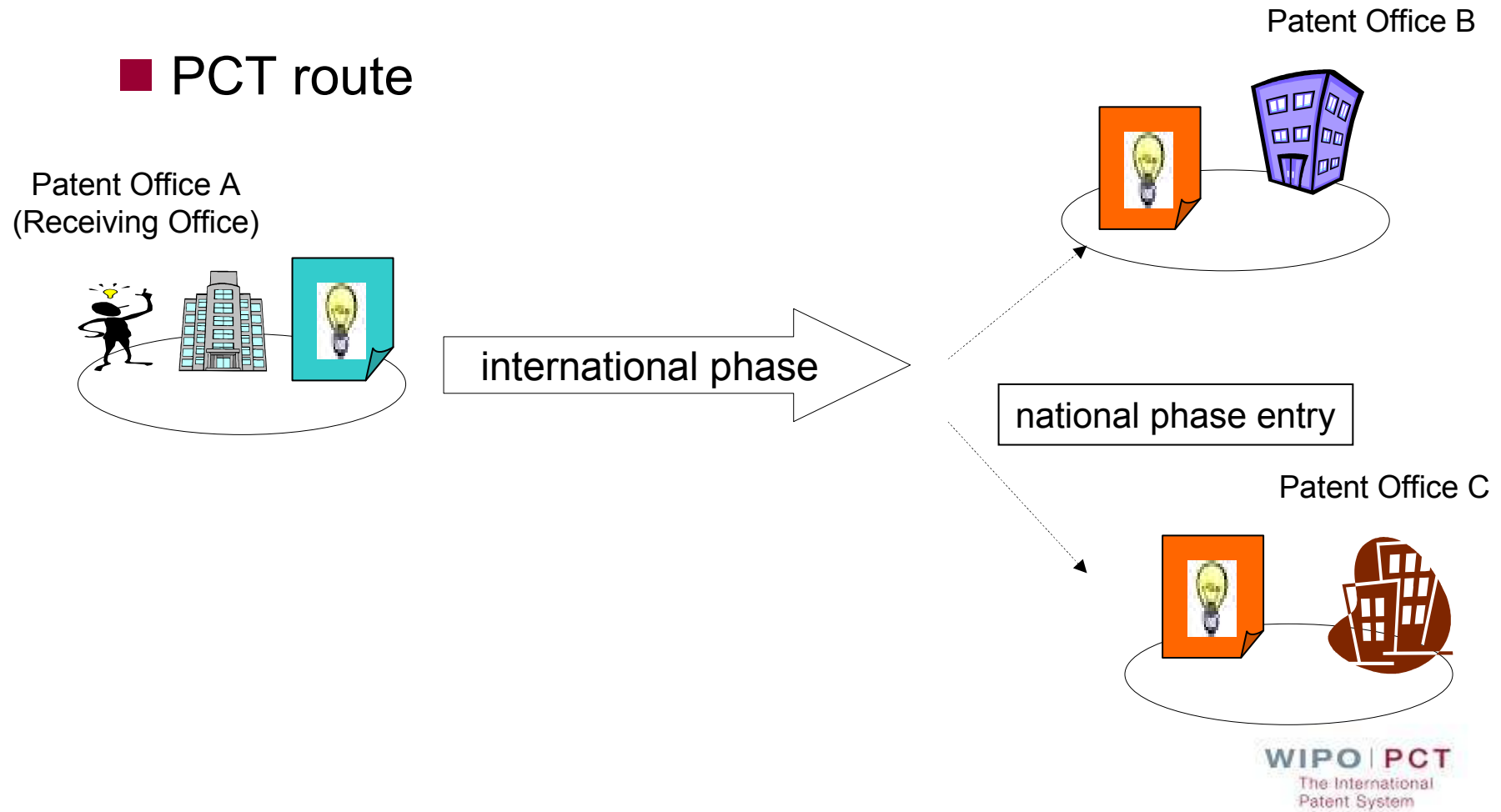
## ■ Resident application



## ■ Direct (Paris) route

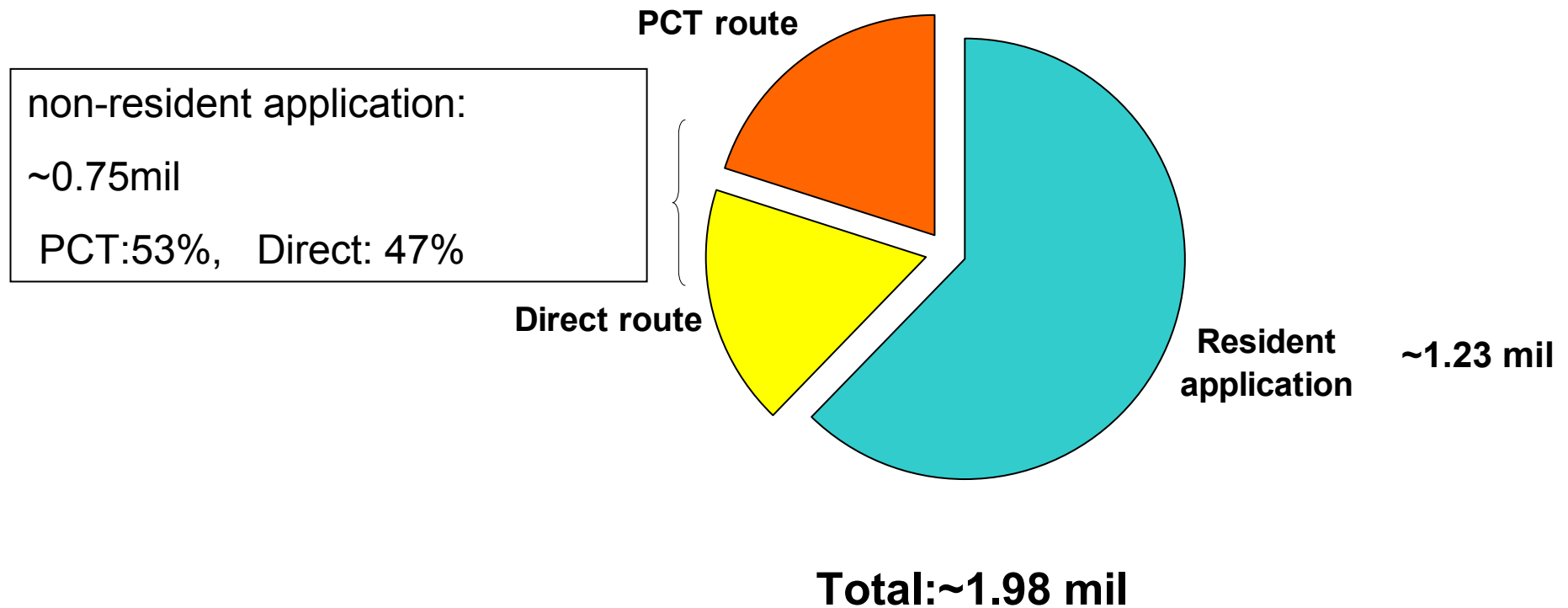


# Global patent activities



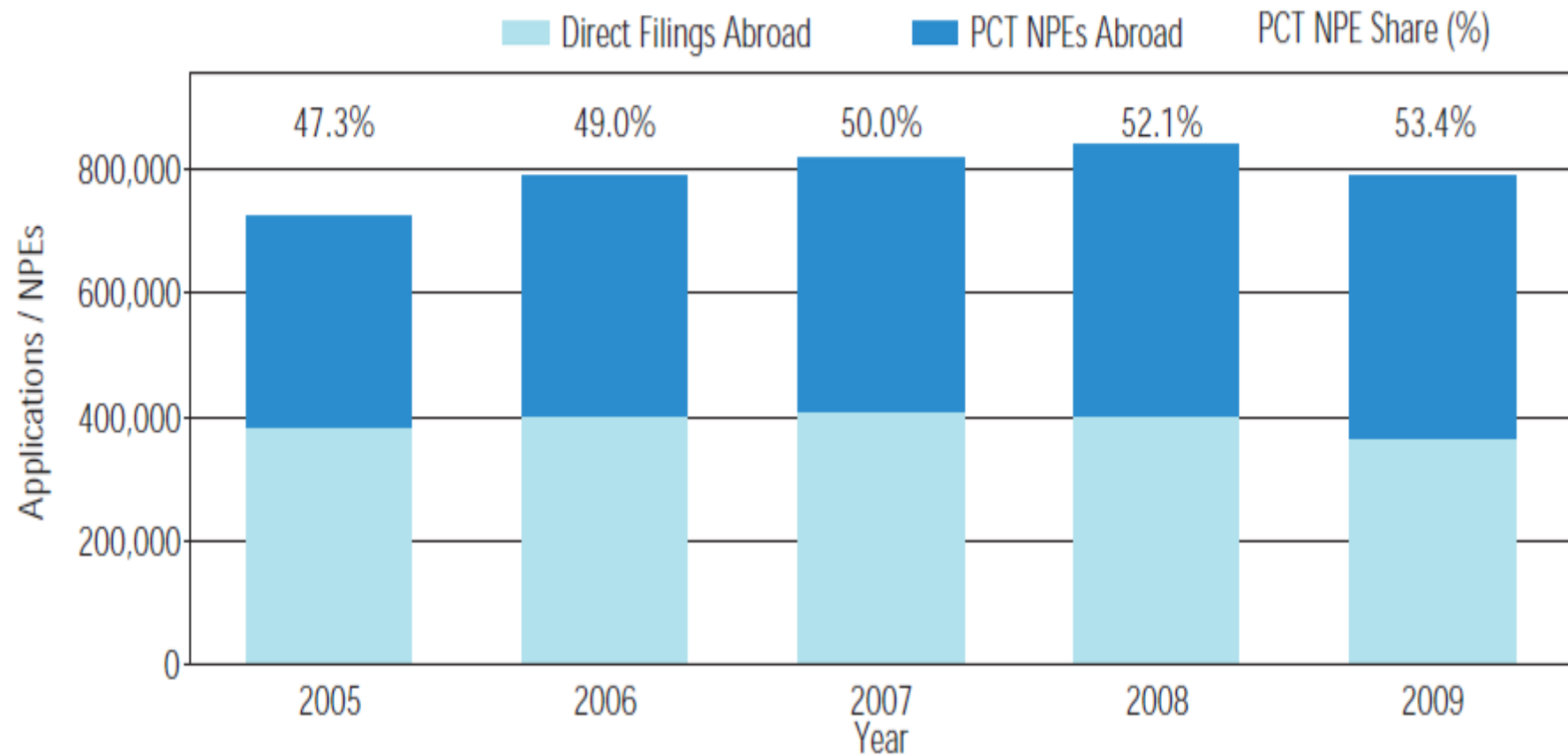
# Global patent activities

Global patent application composition (2010)



Source: World Intellectual Property Indicators, 2011

# Trend of PCT national phase entries (NPEs)



Source: WIPO IP Facts and Figures 2011

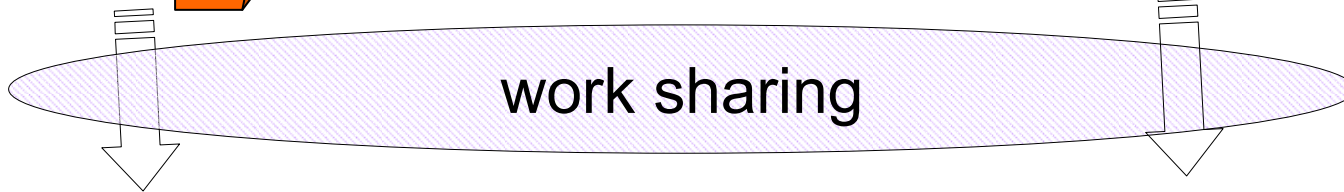
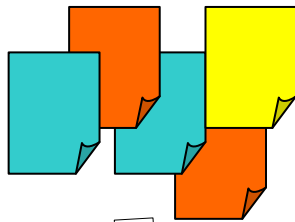
# Work sharing

office 

applicant 

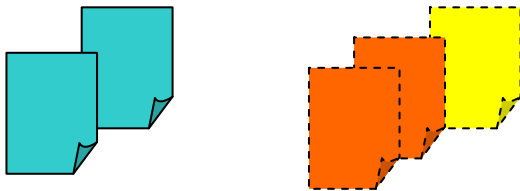
workload/backlog

less predictable outcome



reduce workload/ backlog

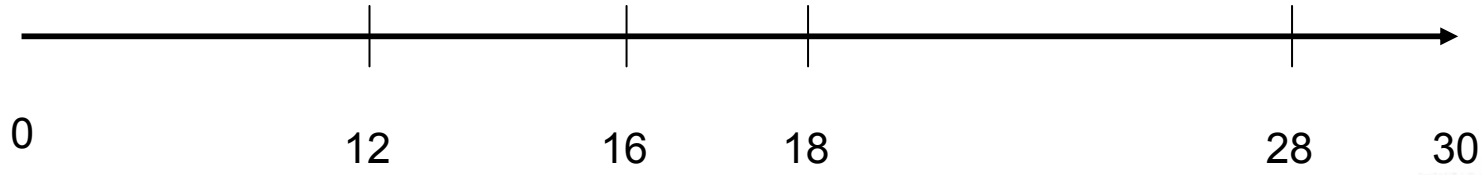
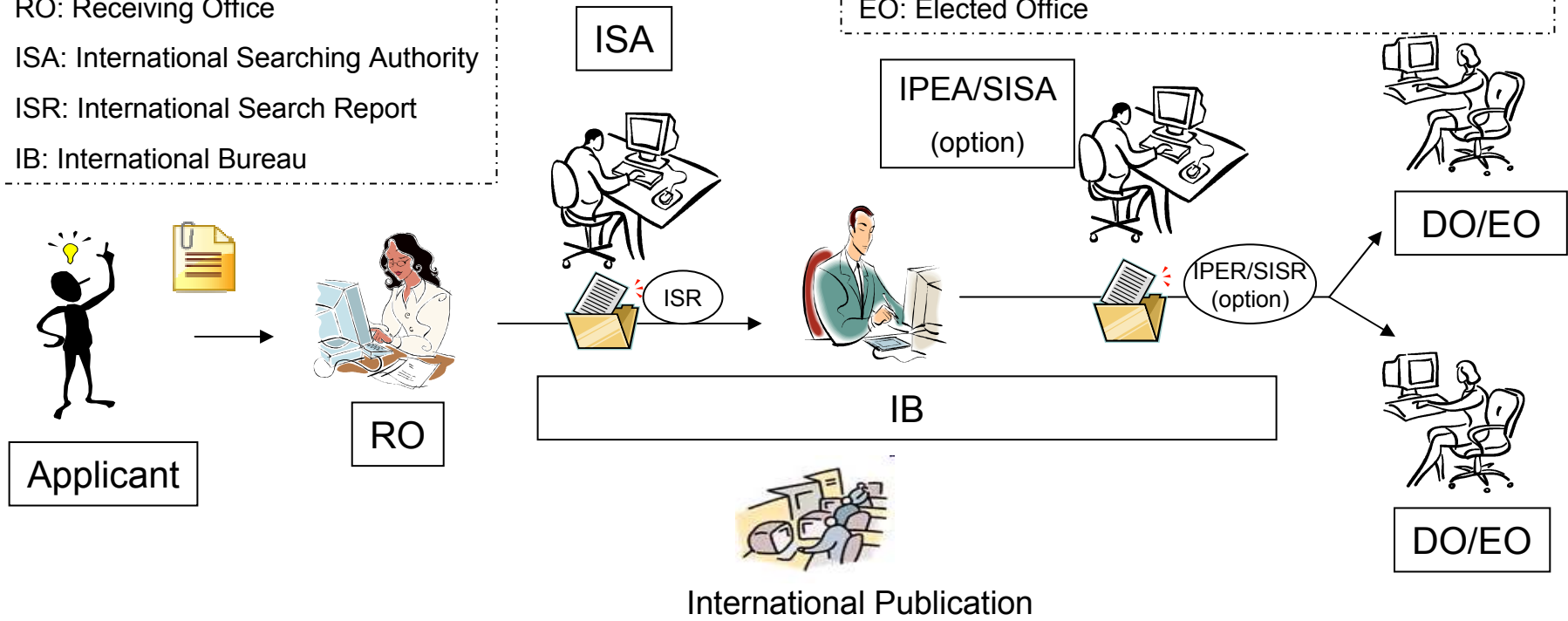
more predictable outcome



# Work sharing in PCT

RO: Receiving Office  
 ISA: International Searching Authority  
 ISR: International Search Report  
 IB: International Bureau

IPEA: International Preliminary Examining Authority  
 IPER: International Preliminary Examination Report  
 SISA: Supplementary International Searching Authority  
 SISR: Supplementary International Search Report  
 DO: Designated Office  
 EO: Elected Office



# PCT International Authorities (IA)

ISA/IPEAs (IAs) are the following 17 Offices

- Australia
- Austria
- Brazil
- Canada
- China
- Egypt (not yet operational)
- Finland
- India (not yet operational)
- Israel (operational from June 1, 2012)
- Japan
- Republic of Korea
- Russian Federation
- Spain
- Sweden
- United States of America
- European Patent Office
- Nordic Patent Institute

# Quality and timeliness

## ■ Key issues of work sharing

### □ Quality

High quality search/examination report will enhance effective utility and trust by other Offices

### □ Timeliness

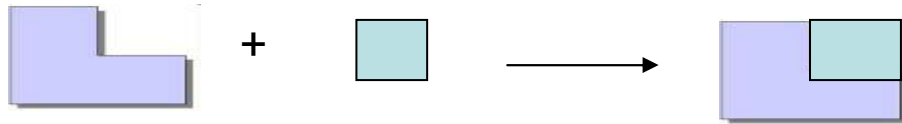
Timely service of search/examination report is essential to be used by other Offices



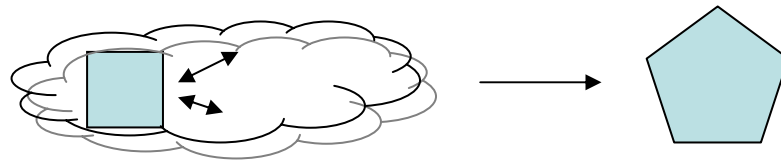


# Work sharing model

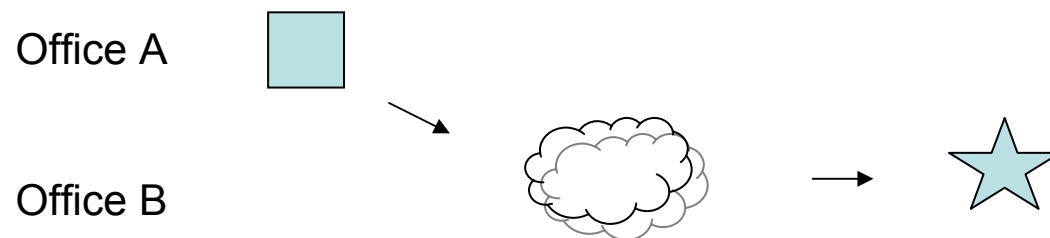
## ■ Supplementary e.g., SIS



## ■ Interactive e.g., Collaborative search and examination

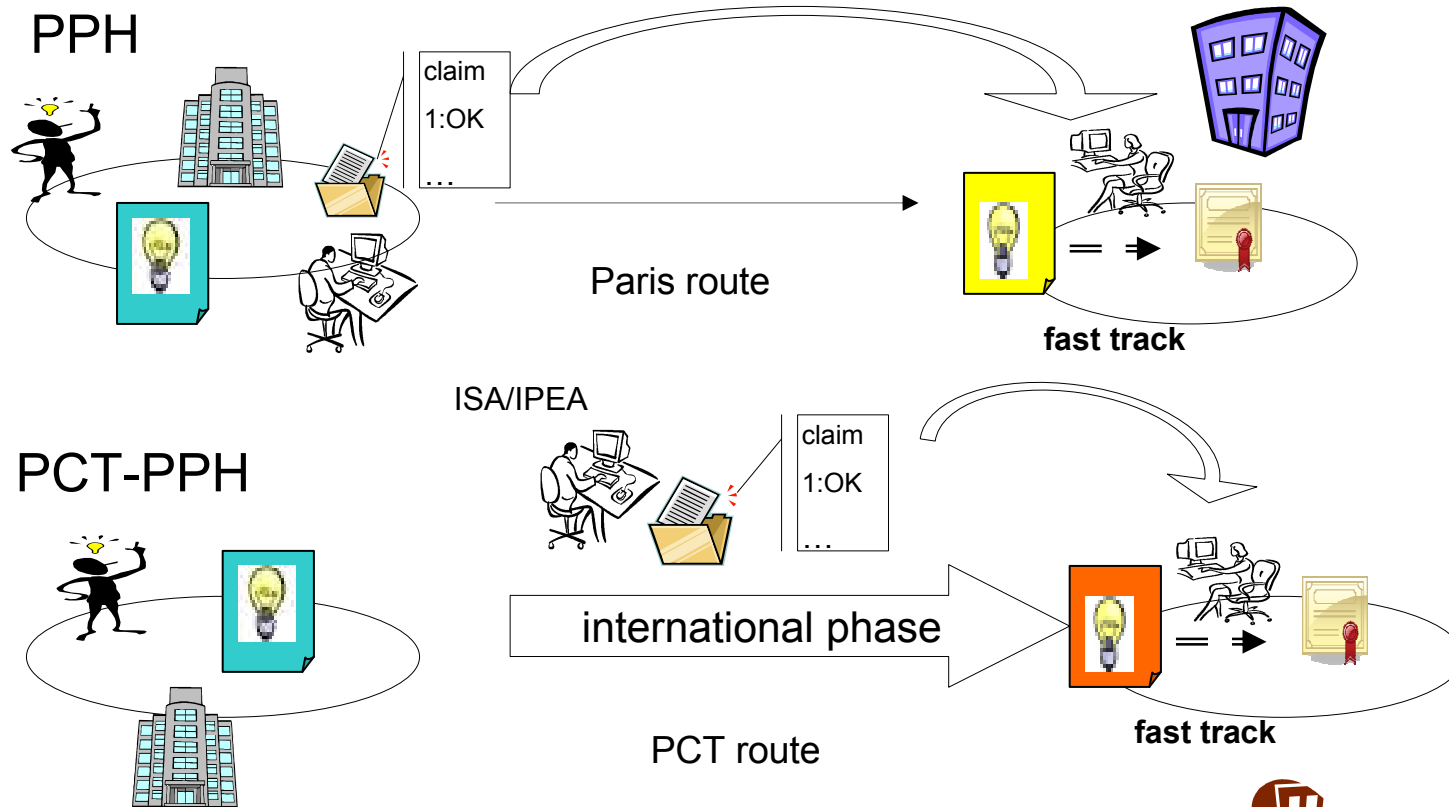


## ■ Reuse e.g., PCT, PPH



# PCT-PPH

PCT and PPH is the same concept for work-sharing → PCT-PPH



 [http://www.wipo.int/pct/en/filing/pct\\_pph.html](http://www.wipo.int/pct/en/filing/pct_pph.html)



**WIPO | PCT**  
The International  
Patent System

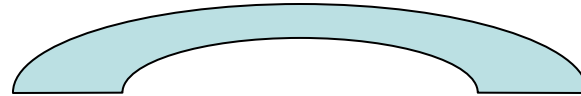
# PCT-PPH network

		Office of PCT-PPH filing																		
		AT	AU	CA	CN	EP	ES	FI	JP	KR	RU	SE	US	DK	IS	MX	NO	PH	PT	UK
ISA/PEA	AT						X					X							X	
	AU		X									X							X	
	CA			X															X	
	CN							X	X			X							X	
	EP							X				X							X	
	ES						X	X		X		X							X	
	FI	X					X	X		X		X							X	
	JP				X	X	X	X	X			X	X	X	X	X	X	X	X	
	KR				X					X			X							
	RU						X	X					X	X					X	
	SE								X			X	X						X	
	US	X	X		X	X	X	X	X	X	X	X	X	X	X		X			
	XN								X				X							
	Other (4)																			

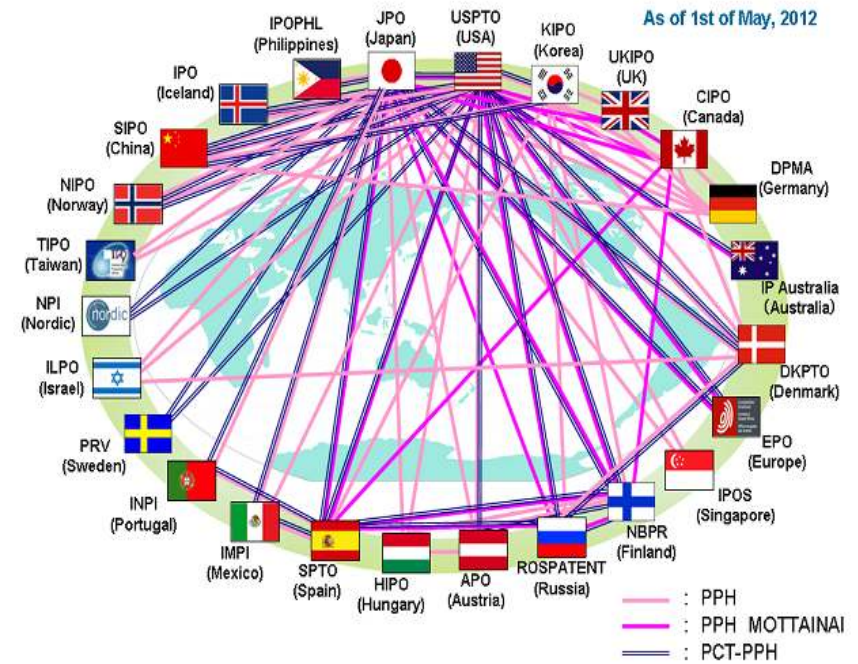
As of April 2012

# PCT-PPH

# PCT-PPH



PCT  
145 member states



PPH  
25 participating offices

# PCT-related Infrastructure

# Improvements to PCT-related Infrastructure

## ■ ePCT:

- Secure file inspection system by applicants
- Future options;
  - Expand secure file inspection environment for applicants and offices
  - Allow applicants to action, eg., correction, withdrawal
  - Web based PCT filing

## ■ PATENTSCOPE

- Increase coverage
- New features, functions

■ More information on PCT:

[www.wipo.int/pct](http://www.wipo.int/pct)

■ Questions:

PCT Information Service

□ Telephone: (+41-22) 338 83 38

□ Facsimile: (+41-22) 338 83 39

□ E-mail: [pct.infoline@wipo.int](mailto:pct.infoline@wipo.int)

Thank you !