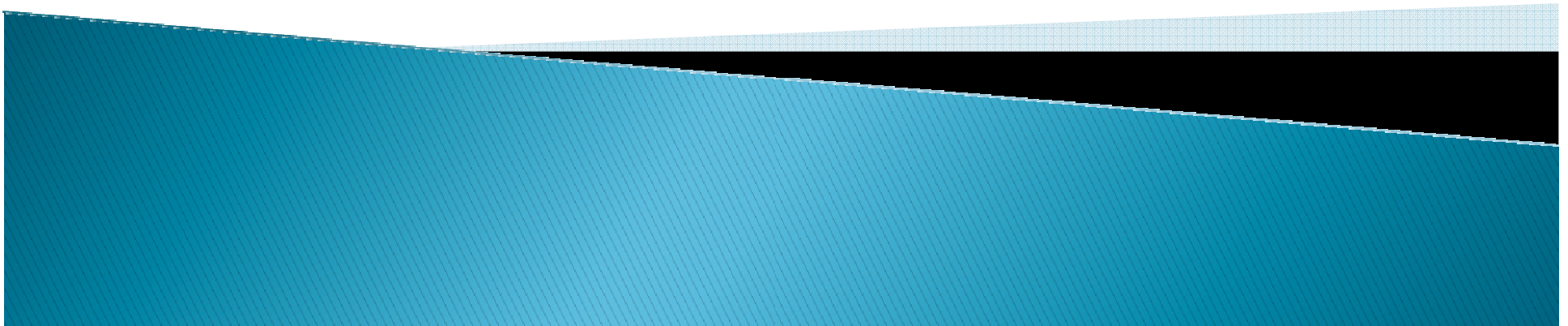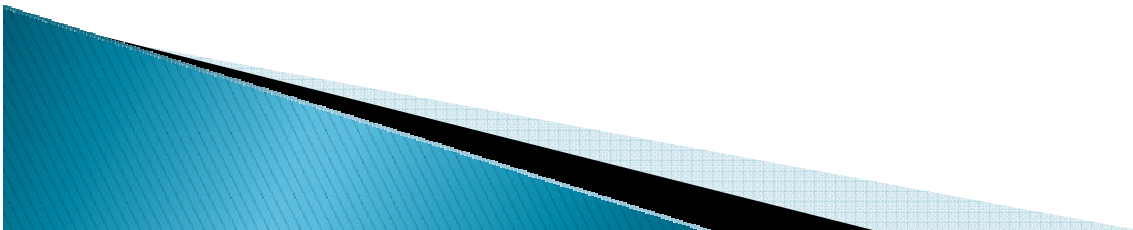# INDIAN EXPERIENCE OF PCT SYSTEM

Presented by

R. Srinivas, Asst. Controller of Patents, IPO, Chennai

&

D J Solomon, Patent Attorney, DePenning & DePenning
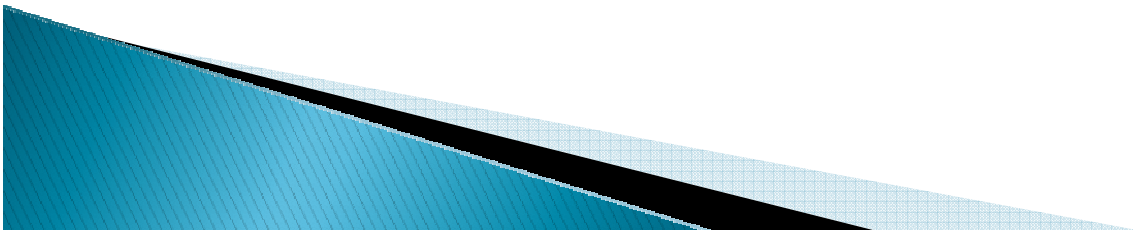
INDIAN EXPERIENCE OF PCT SYSTEM

- IN joined PCT on 7th Dec 1998 as 98th member country
- Language of filing – English or Hindi
- PCT application can be filed in all four IPO depending upon the jurisdiction of Applicant
- Competent ISA/IPEA – AT, AU, CN, EP, SE, US
- Transmittal Fee – INR 8000 (INR 2,000 for Individuals)

INDIAN EXPERIENCE OF PCT SYSTEM

- ▸ Int. Filing Fee – USD 1453 (Reduced by 90% if ALL the applicant are individual, national and resident of IN)
- ▸ Search Fee for EP is reduced by 75% if ALL the applicant are individual, national and resident of IN
- ▸ Foreign Filing License (FFL) required u/s 39 of the IN Act prior to filing PCT as the first patent application for inventions originating from IN
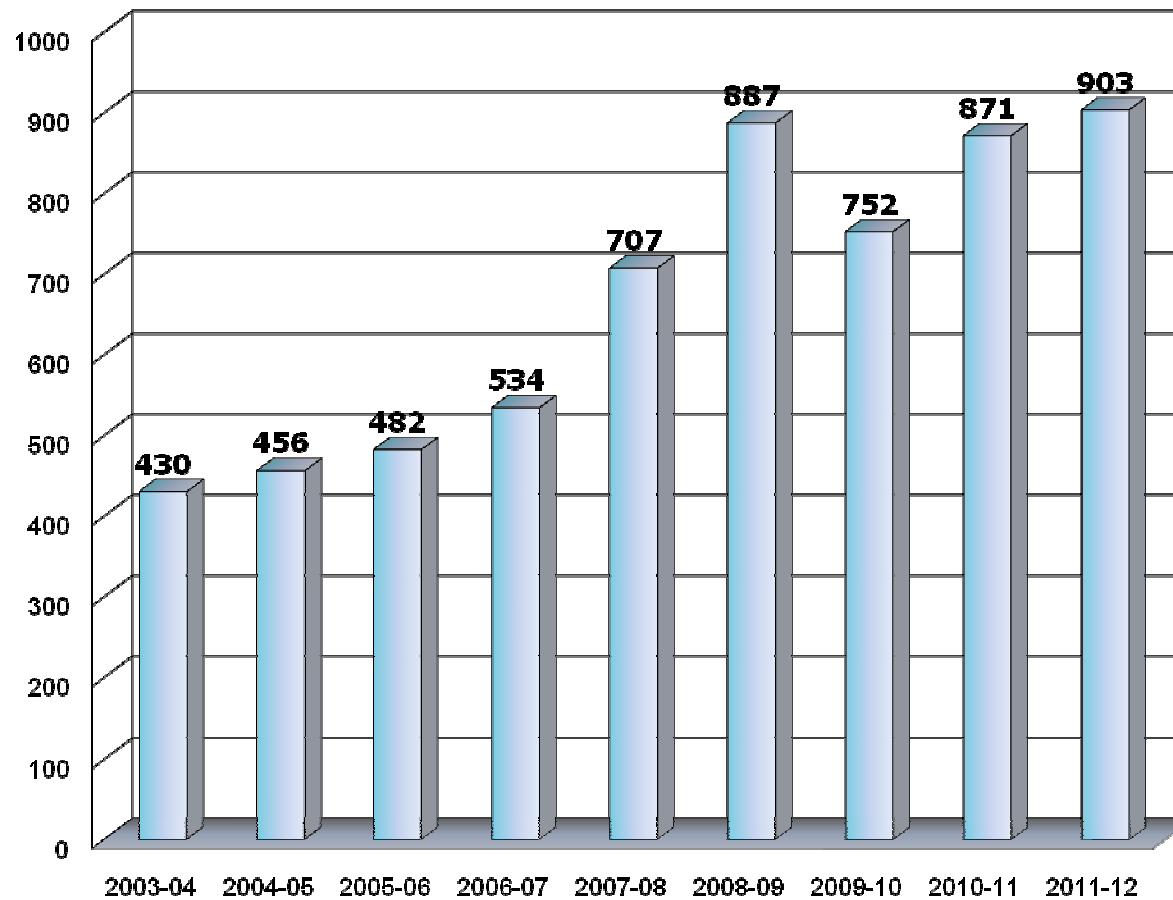- ▸ Restoration of Priority – Not allowed

INDIAN EXPERIENCE OF PCT SYSTEM

- Time limit for entering IN National Phase – 31 months
- NP application will not be examined prior to 31 months unless express request is filed
- IN has been appointed as ISA and IPEA – yet to be operational
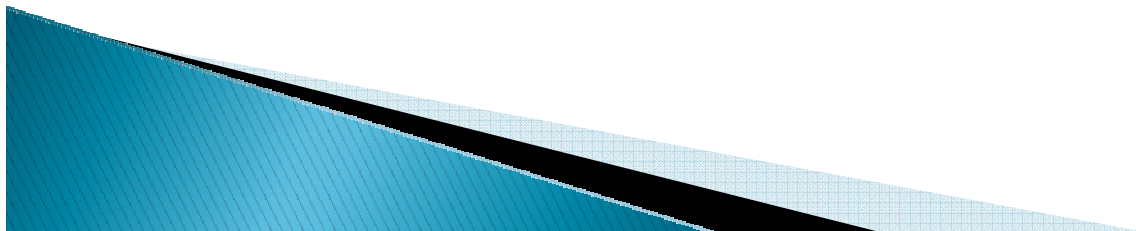
STATISTICS OF PCT APPLICATIONS FILED AT IN–RO

Time Period	2003-2004	2004-2005	2005-2006	2006-2007	2007-2008	2008-2009	2009-2010	2010-2011	2011-2012
Individual	102	105	130	144	169	232	231	243	-NA-
Legal Entity	328	351	352	390	538	655	521	628	-NA-
Total	430	456	482	534	707	887	752	871	903

SOURCE: ANNUAL REPORT OF IPO

STATISTICS OF PATENT APPLNS FILED IN INDIA
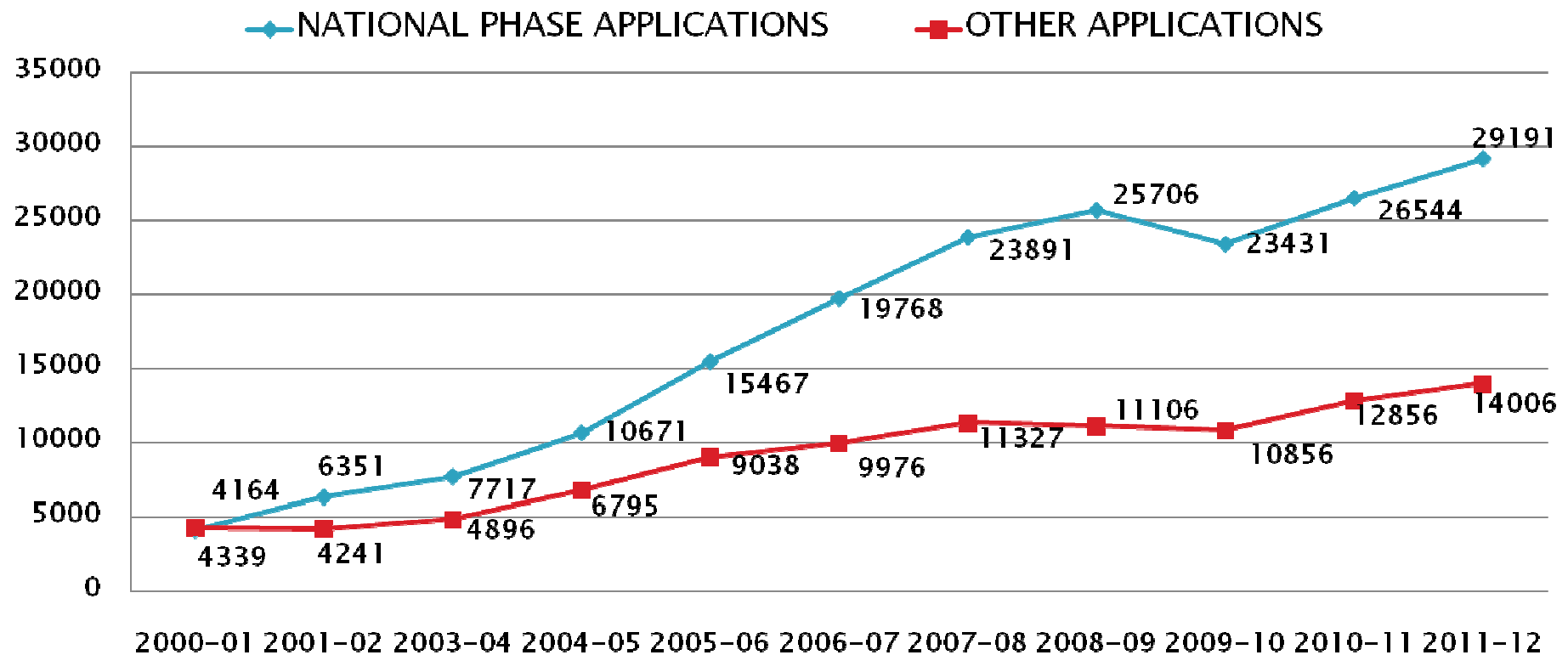
TIME PERIOD	2000-2001	2001-2002	2002-2003	2003-2004	2004-2005	2005-2006	2006-2007	2007-2008	2008-2009	2009-2010	2010-2011	*2011-2012
NATIONAL PHASE APPLICATIONS THROUGH PCT ROUTE	4164	6351	7049	7717	10671	15467	19768	23891	25706	23431	26544	29191
OTHER APPLICATIONS	4339	4241	4416	4896	6795	9038	9976	11327	11106	10856	12856	14006

SOURCE: ANNUAL REPORT OF IPO

* APPROXIMATE FIGURE

Suggestions from user of PCT system

- Applicant should be allowed to amend claims at the time of NP entry – to avoid excess claims fee

- Fee reduction for small entity

THANK YOU