



NATIONAL EXPERIENCE

AND FUTURE PLANS

FOR THE USE OF THE PCT SYSTEM



I. The Patent Cooperation Treaty in the Philippines

**February 5, 2001 -- Ratification through Senate
Resolution No. 74**

May 17, 2001 -- Instrument of Accession

August 17, 2001 -- Effectivity of PCT in the Philippines

**October 22, 2001 -- Philippine Rules on PCT Applications
or "PRO-PCT"**

**April 1, 2002 -- Amended Philippine Rules on
PCT Applications**



II. PCT Section Personnel

One (1) Unit head

Four (4) Administrative Officers

One (1) Records Officer

III. National Experience as Receiving Office



Language of Application

Filipino or English

If IA is in Filipino, submit translation within one (1) month

Types of Application acceptable for IA

- * **Invention**
- * **Utility Model**

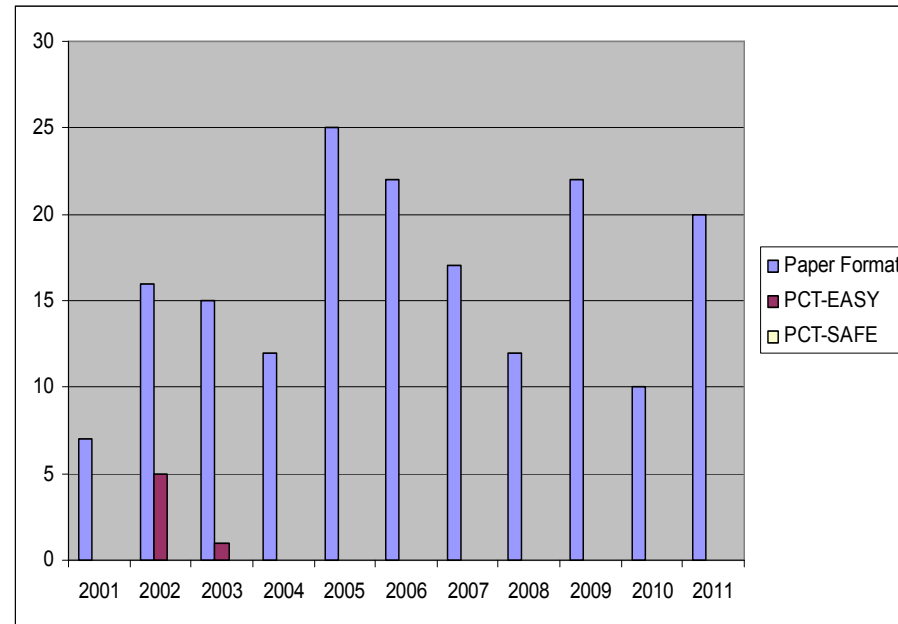
Mode of Filing

- * **Paper Form**
- * **PCT-EASY**
- * **PCT-SAFE**

International Applications filed with the Philippines as a Receiving Office

Year	Paper Format	PCT-EASY	PCT-SAFE
2001	7	0	0
2002	16	5	0
2003	15	1	0
2004	12	0	0
2005	25	0	0
2006	22	0	0
2007	17	0	0
2008	12	0	0
2009	22	0	0
2010	10	0	0
2011	20	0	0
TOTAL	178	6	0

Graph of Mode of Filing



100% of applicants file in paper format since 2004

**TOTAL IAs RECEIVED BY THE IPOPHL IN COMPARISON WITH THE
TOTAL VOLUME OF INTERNATIONAL APPLICATIONS FILED**

RO/PH PERCENTAGE SHARE			
YEAR	PH	IB	% SHARE
2002	21	110,394	0.019
2003	16	115,204	0.014
2004	12	122,631	0.01
2005	25	136,749	0.018
2006	22	149,641	0.015
2007	17	159,926	0.011
2008	12	163,240	0.007
2009	22	155,407	0.014
2010	10	164,322	0.006
2011	20	181,813	0.011

Total Average Percent (%) Share of 0.125

Competent International Searching Authorities in IPOPHL

* Australian Patent Office

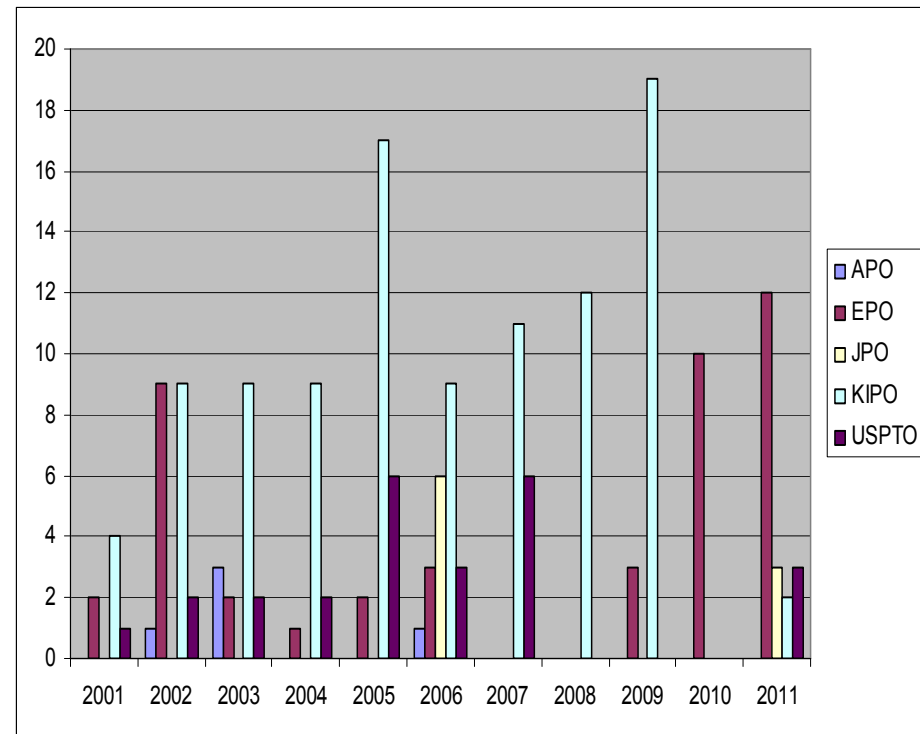
* Japan Patent Office

* US Patent & Trademarks Office

* European Patent Office

* Korean Intellectual Property Office

INTERNATIONAL SEARCHING AUTHORITIES					
YEAR	APO	EPO	JPO	KIPO	USPTO
2001	0	2	0	4	1
2002	1	9	0	9	2
2003	3	2	0	9	2
2004	0	1	0	9	2
2005	0	2	0	17	6
2006	1	3	6	9	3
2007	0	0	0	11	6
2008	0	0	0	12	0
2009	0	3	0	19	0
2010	0	10	0	0	0
2011	0	12	3	3	2
TOTAL	5	44	9	102	24



KIPO chosen as ISA dropped significantly due to increase in search fee



Services Offered by IPOPHL Administrative Officers:

- PCT Procedures
- Filing Requirements
- Free consultation on the correctness of the International Application

No. 1 Reason why applicants file an International Application:

**To extend the time to file to other countries
in order to acquire more funds**



LIMITATIONS:

- 1. PCT Receiving Office ADministration (PCT-ROAD)**
 - technical problems on functionality**
 - lack of experience of PCT personnel in receiving PCT-EASY and PCT-SAFE**

- 2. Frequent changes in the**
 - PCT Regulations**
 - Administrative Instructions**
 - Fees**

IV. National Experience as Designated Office

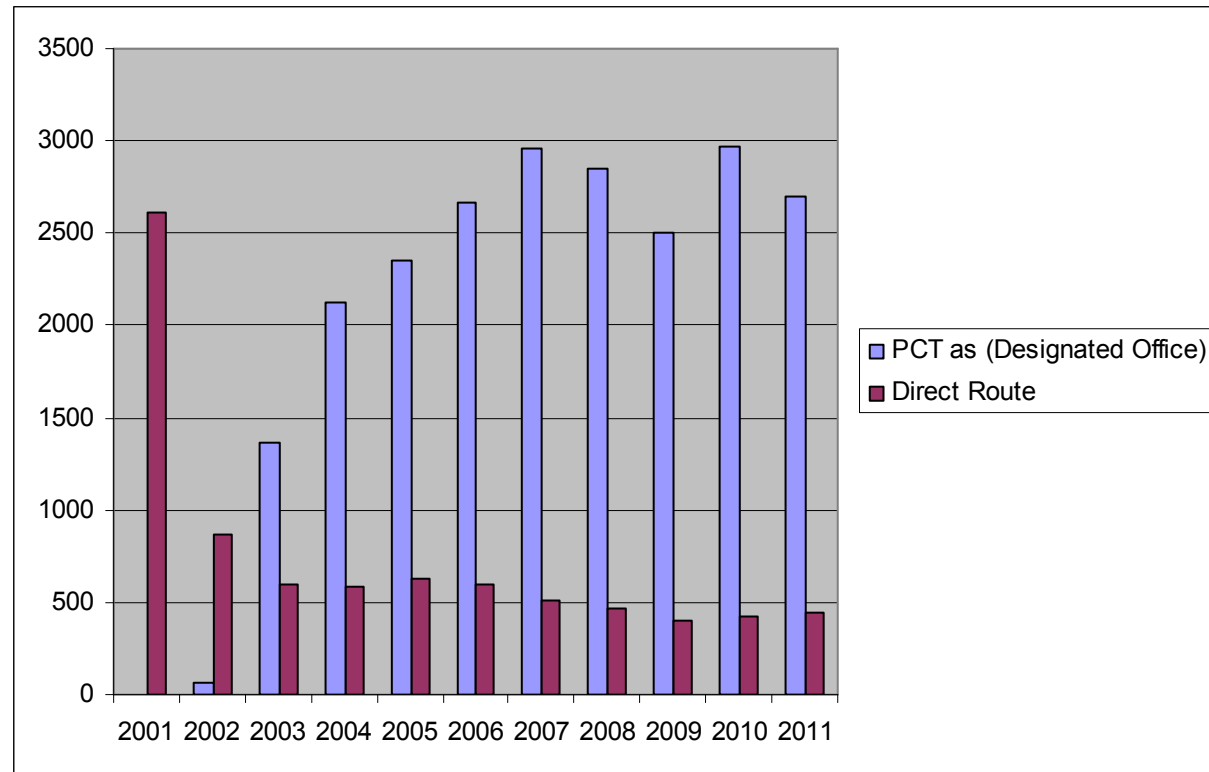
TABLE OF APPLICATIONS RECEIVED BY IPOPHL BEFORE AND AFTER JOINING THE PCT

YEAR	PCT Application	Direct Route (Invention)	TOTAL
1998	not yet a member	3,448	3,448
1999	not yet a member	3,362	3,362
2000	not yet a member	3,644	3,644
2001	0	2,613	2,613
2002	64	865	929
2003	1,368	598	1,966
2004	2,121	580	2,701
2005	2,349	629	2,978
2006	2,666	595	3,261
2007	2,958	514	3,472
2008	2,848	464	3,312
2009	2,506	397	2,903
2010	2,974	418	3,392
2011	2,715	442	3,157

Transition period upon joining PCT is between year 2001 to 2003

TOTAL NUMBER OF PCT NATIONAL PHASE ENTRIES VS. TOTAL NUMBER OF DIRECT ROUTE APPLICATIONS, 2001 – 2011

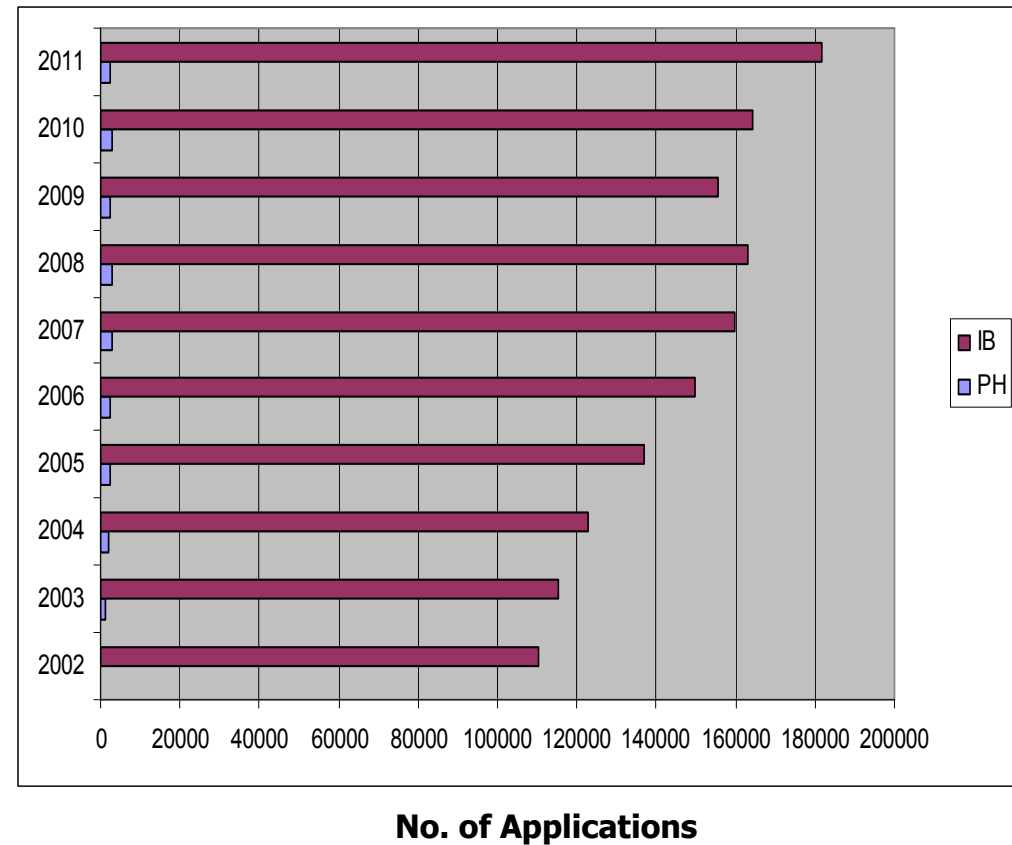
No. of Applications



Applicants prefer to enter via PCT national phase

TOTAL NATIONAL PHASE ENTRY APPLICATIONS RECEIVED BY THE IPOP HL IN COMPARISON WITH THE TOTAL VOLUME OF INTERNATIONAL APPLICATIONS FILED WITH THE IB

RO/PH PERCENTAGE SHARE			
YEAR	PH	IB	% SHARE
2002	64	110,394	0.057
2003	1,368	115,204	1.187
2004	2,121	122,631	1.730
2005	2,349	136,749	1.718
2006	2,666	149,641	1.782
2007	2,958	159,926	1.850
2008	2,848	163,240	1.745
2009	2,506	155,407	1.613
2010	2,974	164,322	1.810
2011	2,715	181,813	1.493
Total Average of percent (%) share			1.498



1.5% of international applications enters the national phase in the Philippines



NATIONAL PHASE ENTRY IN THE PHILIPPINES

- * Copy of the International Application**
- * Within 30 months from priority date**
 - *** Extension of one (1) month subject to surcharge of 50% of filing fee**
- * Request for National Phase Entry Form**
 - *** not required, but highly recommended**

Preliminary Checking for National Phase Entry Applications

1. Check if all required fees are paid.

NATIONAL FEES

Invention

	<u>Big Entity</u>	<u>Small Entity</u>
Filing Fee	3,600	1,800
Priority Claim (per priority claim)	1,800	900
Excess claim (in excess of 5)	300	150
Excess claim (in excess of 30 pages)	30	15
Substantive Examination (with in 6 months)	3,500	1,750
Late Entry Fee (31 st month)	1,800	900

Utility Model

	<u>Big Entity</u>	<u>Small Entity</u>
Filing Fee	3,000	1,500
Priority Claim (per priority claim)	1,500	750
Excess claim (in excess of 5)	200	100
Excess claim (in excess of 30 pages)	30	15
Late Entry Fee (31 st month)	1,500	750



2. Check if PRo-PCT Rule 38 compliant.

Rule 38.2 of the PRo-PCT If the priority document is not submitted to the IB within 16 months after the priority date in accordance with PCT Rule 17.1 (a) and (b), the applicant must submit to the IPO a certification from the national office concerned stating the following data regarding the application the priority of which is claimed: name of the applicant, filing date, application number and title. **The certification and its English translation shall be submitted together with payment of fee for extension of time to submit priority document and surcharge for late payment within six (6) months from the date of entry into national phase without further notice from this Office. Failure to comply shall be ground to disregard the priority claim.**

Extension of time to submit priority document	1,300
50% Surcharge	650



3. Check for discrepancies in the data between the national phase entry filled up form and the international publication and International Application Status Report in the PatentScope.

4. Applicants to follow the Special National Requirements (PCT Rule 51bis):

- A. Appointment of an agent if the applicant is not a resident of the Philippines.**
- B. Copy or translation of the International Application to be furnished in duplicate.**
- C. Name and address of the inventor if they have not been furnished in the "Request" part of the international application.**
- D. Instrument of assignment of the international application if the applicant is not the inventor.**



E. Instrument of assignment of the priority application where the applicants are not identical.

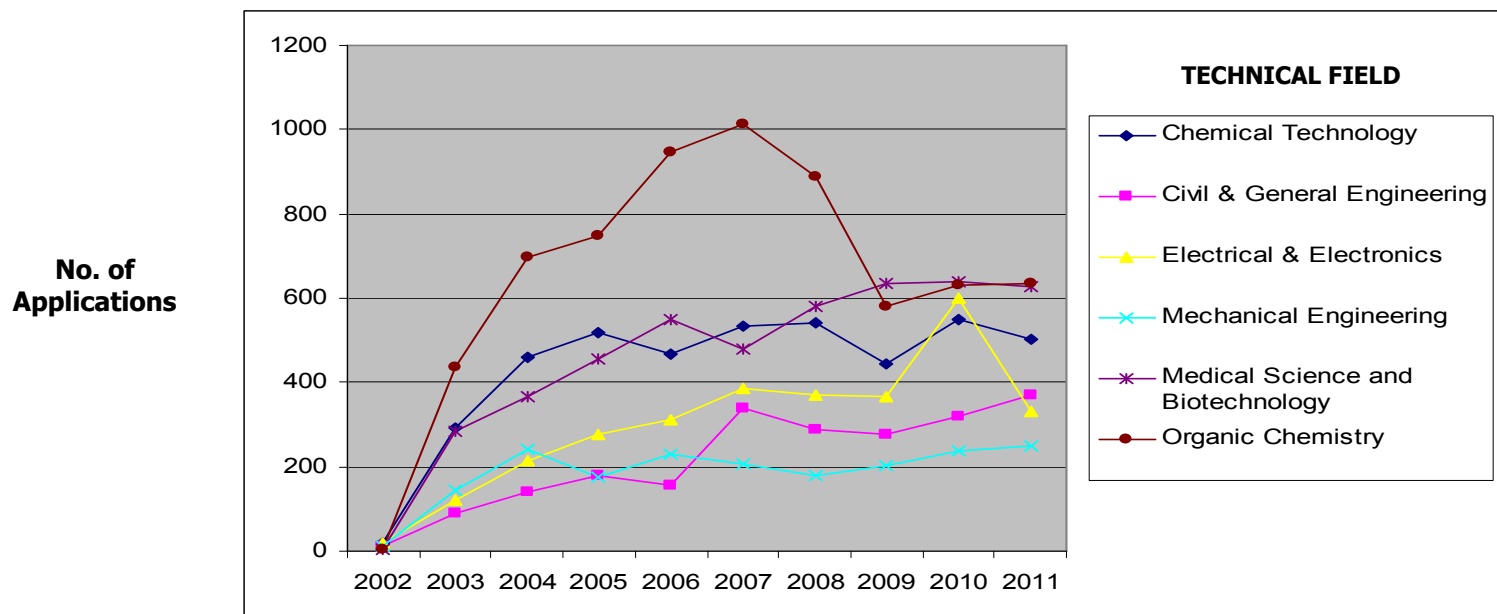
F. Document evidencing a change of name or person of the applicant if the change occurred after the international filing date and has not been reflected in the PCT pamphlet or International Application Status Report or in a notification from the IB (Form PCT/IB/306).

G. Furnishing, where applicable, of a nucleotide and/or amino sequence listing in electronic form.

5. Remind applicants of the annual fee based on the date of the international publication.

VOLUME OF PCT APPLICATIONS BY TECHNICAL FIELD

Volume of PCT National Phase Entry Applications by Technical Field 2002 to August 2011										
TECHNICAL FIELD	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011
Chemical Technology	18	292	461	519	469	534	541	445	548	504
Civil & General Engineering	10	89	141	178	157	340	289	275	318	371
Electrical & Electronics	19	122	216	276	313	384	372	368	601	332
Mechanical Engineering	12	146	242	177	231	207	178	203	236	248
Medical Science and Biotechnology	2	283	366	454	548	480	581	634	638	626
Organic Chemistry	3	436	698	748	948	1,013	887	581	633	634
TOTAL	64	1,368	2,124	2,352	2,666	2,958	2,848	2,506	2,974	2,715



Organic Chemistry has the highest number of application

TOP 5 FILERS BY COUNTRY OF ORIGIN

TOP 5 FILERS IN TERMS OF COUNTRY OF ORIGIN (2002 - AUGUST 2011)										
YEAR	1ST		2ND		3RD		4TH		5TH	
2002	JAPAN	44	NETHERLANDS	4	DE, CN and US *	@	Others **	#		
2003	USA	444	JAPAN	194	GERMANY	164	SWITZERLAND	112	UNITED KINGDOM	108
2004	USA	785	JAPAN	246	GERMANY	225	SWITZERLAND	175	NETHERLANDS	103
2005	USA	874	GERMANY	292	JAPAN	262	SWITZERLAND	190	NETHERLANDS	111
2006	USA	1,043	GERMANY	305	JAPAN	292	SWITZERLAND	195	NETHERLANDS	112
2007	USA	1,136	GERMANY	291	JAPAN	278	SWITZERLAND	243	NETHERLANDS	134
2008	USA	956	GERMANY	308	JAPAN	324	SWITZERLAND	289	UNITED KINGDOM	135
2009	USA	858	JAPAN	351	SWITZERLAND	290	GERMANY	202	NETHERLANDS	111
2010	USA	1,072	JAPAN	417	SWITZERLAND	287	GERMANY	244	FRANCE	124
2011	USA	866	JAPAN	351	SWITZERLAND	289	GERMANY	251	UNITED KINGDOM	127

Note:

* -- filed 2 applications

** -- CA, CU, FR, GR, IT, MY, KR, SG, CH, and GB filed 1 applications

@ -- 2 applications per country

-- 1 application per country

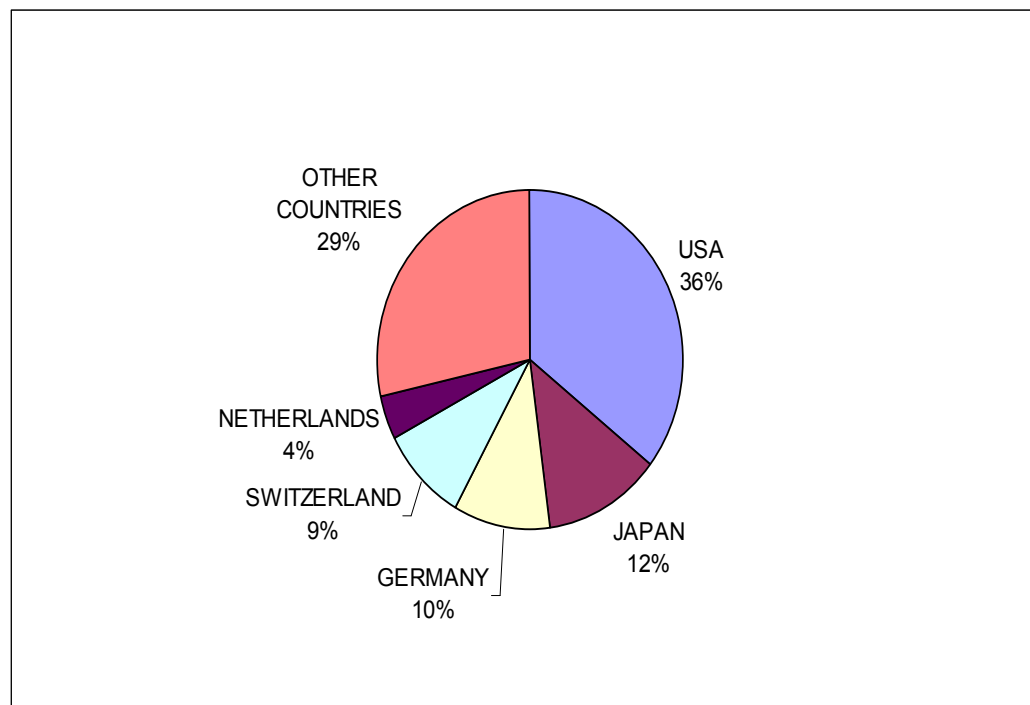
Except for year 2002, USA has been a consistent top filer in IPOPHL

COUNTRY OF ORIGIN TOP 5 FILERS' SHARE IN THE VOLUME OF PCT APPLICATIONS FROM 2002 UP TO AUGUST 2011

COUNTRY	NO. OF APPLICATIONS
USA	8,036
JAPAN	2,759
GERMANY	2,284
SWITZERLAND	2,071
NETHERLANDS	972
OTHER COUNTRIES	6,447
TOTAL PCT APPLICATIONS	22,569

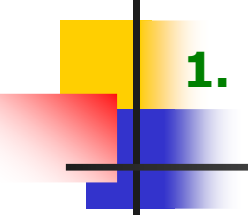
**TOTAL PCT APPLICATIONS
FROM 2002- 2011**

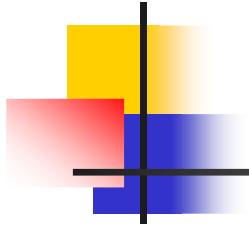
22,569



The USA has most share of the applications filed with 36%

V. FUTURE PLANS:

- 
1. **The use of the PCT-ROAD System for monitoring of International Applications filed in RO/PH and creation of scanned Record Copy for easy transmittal to IB.**
 2. **Seminar on PCT Regulations incompatible with national laws for resident agents:**
 - a. **Rule 20.8(a) and (b) Confirmation of Incorporation by Reference of Elements and Parts**
 - b. **Rule 26*bis*.3(j), 49*ter*.1(g), 49*ter*.2(h) Restoration of Right of Priority**
 - c. **Rule 49.6(f) Reinstatement of Rights after Failure to Perform the Acts referred to in Article 22 (national phase entry)**
 3. **Possible PRo-PCT amendment to remove said incompatibilities.**
 4. **Proposals for restructuring of the PCT section as a staff gap measure**



Thank You

