

WIPO



PCT/CTC/24/4

ORIGINAL: English

DATE: October 1, 2009

WORLD INTELLECTUAL PROPERTY ORGANIZATION
GENEVA

INTERNATIONAL PATENT COOPERATION UNION (PCT UNION)

PCT COMMITTEE FOR TECHNICAL COOPERATION

Twenty-Fourth Session
Geneva, September 22 to October 1, 2009

REPORT

adopted by the Committee

INTRODUCTION

1. The PCT Committee for Technical Cooperation (“the Committee”) held its 24th session in Geneva from September 22 to October 1, 2009, during the same period as the 40th (17th ordinary) session of the Assembly of the PCT Union (“the Assembly”), held in the context of the 47th series of meetings of the Assemblies of the Member States of WIPO. The list of participants in those meetings is contained in document A/47/INF/3, noting that all States members of the Assembly of the PCT Union and all International Searching and Preliminary Examining Authorities (“International Authorities”) are members of the Committee.

OPENING OF THE SESSION

2. Mr. Claus Matthes, Director, PCT International Cooperation Division, opened the session and welcomed the participants on behalf of the Director General.

ELECTION OF A CHAIR AND TWO VICE-CHAIRS

3. Ms. Anne Rejnhold Jørgensen (Denmark) was elected Chair of the Committee; Mr. Li Yuguang (China) and Mr. Miklós Bendzsel (Hungary) were elected Vice-Chairs.

E

ADOPTION OF THE AGENDA

4. The Committee unanimously adopted the draft agenda set out in document PCT/CTC/24/1.

ADVICE TO THE PCT ASSEMBLY ON THE APPOINTMENT OF NEW INTERNATIONAL AUTHORITIES

Appointment of the Egyptian Patent Office

5. Discussions were based on document PCT/CTC/24/2.

6. The Delegation of Egypt, in introducing its request for the appointment of the Egyptian Patent Office as an International Authority, related that the Egyptian quest for the protection of IPR dated back some five thousand years to when creators used to be graced with donations. The Delegation referred to ancient Egyptian papyri attributed to King Pepi II which confirmed such protection and praised the value of knowledge, diligence and creativity. The rich Arab civilization subsequently enlightened the world of knowledge and boosted creativity and innovation. Regrettably, modern age economic difficulties hindered the development of a favorable environment for creativity and innovation, although creators and innovators were active in all fields. Prior to the establishment of the first Egyptian Patent Law in 1949, the Egyptian judiciary endeavored to protect innovation on grounds known to legal experts as “natural law and equity”. Egypt set out to secure accession to the Paris Convention in 1951, the Strasbourg Agreement in 1975 and the PCT in 2003. Since its accession to the PCT, Egypt’s main objective had been to provide an attractive environment for some 500 million Arab-speaking innovators worldwide. The Delegation explained that, in 2003, Egypt embarked on a five-year plan for the modernization of the Egyptian Patent Office (EGPO) with a view to being appointed as an ISA/IPEA. In respect of human resource development, the EGPO staff currently included 115 technical examiners in various fields, of whom 15 were M.A. holders; 40 legal examiners, of whom 25 were PCT experts; and 12 IT examiners including some with IT postgraduate qualifications. Within the Egyptian Academy of Scientific Research and Technology (ASRT), an Advisory Board had been established, composed of Egyptian scientists from various scientific and applied research centers. Office staff members participated in training missions in advanced Offices such as the European Patent Office, the Japan Patent Office, the Korean Intellectual Property Office, the Austrian Patent Office, the United States Patent and Trademark Office, the State Intellectual Office of the People’s Republic of China, and the Swedish Patent and Registration Office. Experience was also shared with other Offices in Arab countries, including through the training of 157 junior officers from those Offices. In respect of the search and examination timeframe, the Delegation highlighted that the time limit for examination had been reduced to 24 months in 2008, compared to 72 months in 1990. In addition, the Delegation stated that EGPO had deployed Automated IP Management Software (AIPMS) supported by WIPO, XML Format (ST.36) for PCT applications, PCT-ROAD, access to non-patent databases through the Egyptian Universities Library (EUL), CISCO module for information and network security, SISCO network and management; and the PCT Quality Management System (QMS). In view of the above, the Government of Egypt was honored to request the appointment of EGPO as an International Searching and Preliminary Examining Authority under the PCT in order to provide a service to around half a billion Arab-speaking users. EGPO would be the 16th Office to become an International Authority, joining those of other advanced developing countries such as India and Brazil. Such an appointment would be an acknowledgment of the relentless efforts made so far with a view to boosting innovation and streamlining patenting

procedures in line with international standards. The ultimate goal was to contribute to the sustainable development of developing countries and LDCs as well. The Delegation trusted that the modernization of EGPO was an ongoing process thanks to its cooperation with WIPO and other Offices. On behalf of the Government of the Arab Republic of Egypt, the Delegation thanked the Chair for accepting the principle of considering the application of the Egyptian Patent Office to be appointed as an International Searching and Preliminary Examining Authority under the PCT.

7. The Delegations of Algeria, Austria, Bahrain, Brazil, Canada, China, Cuba, Djibouti, Finland, France, Iceland, Indonesia, Japan, Kenya, Lesotho, Malaysia, Mauritania, Morocco, Oman, Singapore, South Africa, Spain, Sweden, Togo, Tunisia, Qatar and the United States of America expressed their support for the appointment of the Egyptian Patent Office as an International Authority.

8. In expressing its support, the Delegation of Algeria stated that it was an honor to have the Patent Office of a country which is both an Arab and an African country appointed as an International Authority, noting that such appointment would help countries which used Arabic as their working language and searched and examined patents in that language.

9. The Delegation of Djibouti stated that it believed that the Egyptian Patent Office possessed the capabilities necessary to assume its new responsibilities, and noted that the request for appointment enjoyed the support of both the Arab Group and the African Group.

10. The Delegation of Bahrain stated that it supported the appointment of the Egyptian Patent Office as an International Authority and expressed its satisfaction and happiness with the great progress achieved by this appointment, not only for Egypt but for the entire Arab Group.

11. The Delegation of Indonesia stated that it fully supported the appointment of the Egyptian Patent Office as an International Authority and, noting that the Egyptian Patent Office was the first International Authority with Arabic as a working language, expressed the view that this was a significant and historical achievement.

12. The Delegation of the United States of America stated that it wished join other delegations in supporting the appointment of the Egyptian Patent Office as an International Authority and congratulated the Egyptian Patent Office on its success in modernizing its operations and training its patent examiners. It expressed the view that, by becoming an International Authority, the Egyptian Patent Office would be more able to assist the Arab world in obtaining timely patent protection.

13. In expressing its support, the Delegation of Brazil stated that the appointment of the Egyptian Patent Office as an International Authority would contribute to meeting the development objectives which the Delegation promoted and would encourage the participation of Arab countries in the PCT system, thus leading to more diversity and adding different points of view to discussions.

14. The Delegation of Japan stated that it wished to join other delegations in the support of the appointment of the Egyptian Patent Office as an International Authority, which it viewed as a commitment by the Office to contribute to the global patent system.

15. In expressing its support, the Delegation of Canada noted that the Egyptian Patent Office met the requirements for appointment as an International Authority, having expanded its examination capacity and trained its staff accordingly. The Delegation reiterated the importance for International Authorities to offer high quality services and noted that the Egyptian Patent Office took this responsibility seriously, providing an important expansion of services to users of the PCT system.

16. The Delegation of Sweden stated that it was happy to hear what the Egyptian Patent Office had done to meet the quality requirements for being appointed as an International Authority, noting that those requirements were high on the agenda for the Swedish Patent and Registration Office.

17. The Delegation of Mauritania, in supporting the request for the appointment of the Egyptian Patent Office as an International Authority, noted that this appointment would allow and enable Arab countries to better participate in the PCT system.

18. The Delegation of China stated that it endorsed the appointment of the Egyptian Patent Office as an International Authority and expressed that hope that the Office would continue to further strengthen its examination resources and optimize the workflow as well as the quality of patent examination procedures so as to enable it to fully meet its obligations as an International Authority.

19. The Delegation of Egypt stated that it wished to thank all delegations for their comments and the support expressed. It further stated that it viewed the appointment of the Egyptian Patent Office as a sign of increasing globalization of the PCT system and noted that, together with the recent appointment of the Indian Patent Office and the Brazilian National Institute of Industrial Property as International Authorities, it introduced a development aspect which it considered important for the system and which ensured the efficient functioning of the global infrastructure for innovation.

20. The Committee unanimously recommended to the PCT Assembly that the Egyptian Patent Office be appointed as an International Searching Authority and an International Preliminary Examining Authority under the PCT.

Appointment of the Israel Patent Office

21. Discussions were based on document PCT/CTC/24/3.

22. The Delegation of Israel, in introducing its request for appointment of the Israel Patent Office as an International Authority, stated that it wished to thank the Director General and his colleagues, on behalf of the Government of Israel, for their assistance in putting forward the request for appointment as an International Authority, and the Canadian Intellectual Property Office and, personally, Mrs. Mary Carman, Commissioner of Patents, Registrar of Trademarks and Chief Executive Officer, for sharing with the Israel Patent Office the experience and knowledge of the Canadian Office in the preparation of the request for appointment as an International Authority.

23. The Delegation of Israel stated further that it strived to achieve three standards: (i) maintaining maximum transparency towards its clients in terms of procedures, operation and challenges; (ii) constantly improving services offered to all its clients, including inventors, small and medium-sized enterprises and large-scale industry, and enhancing

communication with the public; and (iii) cooperating with bodies, authorities and States for enhancing the use of intellectual property, creating a better platform for collaboration in intellectual property related issues, and increasing the use and awareness of intellectual property nationally and internationally. The PCT system was actively used and very popular in Israel. Israel ranked among the top 15 countries of origin of users of the PCT system in the world and the Israel Patent Office was placed among the top thirteen PCT receiving Offices. Since the beginning of its operations in 1996, the Israel receiving Office had received and processed about 15,000 PCT applications.

24. The Delegation of Israel further noted that, in the previous three years, the Israel Patent Office had been dramatically transformed into a high quality examining Office and had made major efforts in preparing to be an International Authority. In 2006, the Israel Patent Office was established as an Executive Agency, after operating as a regular department within the Ministry of Justice since 1948. This step forward was possible, *inter alia*, thanks to the guidance of the United Kingdom Patent Office, and Mr. Ron Marchant, the person who headed the Office at the time. As an Executive Agency, the Israel Patent Office had greater flexibility than other Israeli government departments in the management of human and financial resources. This development also allowed for the recruitment of additional examiners and considerably improved working conditions, so that the position of patent examiner within the Israel Patent Office had become more attractive to well-qualified candidates.

25. The Delegation of Israel further stated that the Israel Patent Office had highly qualified and competent growing groups of patent examiners who possessed high level bilingual and sometimes trilingual capabilities. Most of the Office's patent examiners hold a masters degree or PhD in various fields of science. The Israel Patent Office had been continuously upgrading its internal automation system in all departments into a significantly more modern and efficient one. This gradual automation upgrade was ongoing and had enabled the Office to constantly improve its working methods and functionality, as well as provide better service to its clients. The Office's training systems had been developed so as to allow for the rapid recruitment and training of as many new examiners as possible as increasing demand required. Quality was of paramount importance to the Israel Patent Office. Over the course of the past two years, the Office had taken measures towards instituting a quality control framework for the processing of nation applications. Work on a certification of quality assurance system in accordance with ISO Standard 9001 was in progress and would be extended to cover all PCT procedures. Searches were mainly conducted electronically in databases through the Internet. IT tools, including work stations used by the examiners, were of a high and modern standard.

26. The Delegation of Israel further emphasized the importance which had been attached to the application of the Israel Patent Office to become an International Authority. The Israel Patent Office had made major efforts to enhance its human and technical resources. Furthermore, the request was backed by several rounds of consultations with client groups, such as national industries and the patent agent community, on the relative merits and benefits of the status as an International Authority. The Delegation was of the view that, as a consequence of the requested appointment, applicants would benefit from greater access to the international patent system. The Delegation strongly believed that status as an International Authority would reinforce the commitment by the Israel Patent Office to continued excellence in providing service to clients.

27. In terms of advantages to the PCT system as a whole, the Delegation stated that appointing the Israel Patent Office as an International Authority would serve to alleviate the increased PCT workload most International Authorities currently faced. This workload had created backlogs both in numbers of applications and in application pending time, and in turn had caused a degree of legal uncertainty, resulting in difficulties for industrialists in making investment decisions. Establishment of the Israel Patent Office as an additional International Authority would improve the timeliness of delivery of international search reports and international preliminary reports on patentability. Such reports would be of the highest quality, based on the knowledge and expertise that the Office's examiners possessed.

28. In concluding, the Delegation of Israel stated that it hoped that its statement was sufficient in order to obtain support for the appointment of the Israel Patent Office as an International Authority, noting its firm belief that the goals of increased competency and efficiency of the Israel Patent Office were in full conformity with the principle objectives of the PCT system.

29. The Delegations of Austria, Benin, Brazil, Canada, Finland, France, Iceland, India, Japan, Madagascar, the Republic of Korea, Romania, Spain, Singapore, Sweden, Togo, Turkey, the United States of America and Zambia, expressed their support for the appointment of the Israel Patent Office as an International Authority.

30. In expressing its support, the Delegation of Romania stated that, in the framework of the close and well established cooperation between the Offices of Romania and Israel, it had come to know the Israel Patent Office for its high level of professionalism and highly qualified patent examiners. The Delegation expressed the view that the international patent system would benefit from this appointment.

31. The Delegation of Sweden congratulated the Israel Patent Office on its application and stated that it supported the request. It also wished to congratulate the Israel Patent Office on the progress made so far and looked forward to following the further development of the Office to fully meet the PCT requirements for appointment as an International Authority.

32. The Delegation of Canada noted that it was familiar with the preparations of the Israel Patent Office to become an International Authority. Among other officials, the Commissioner of the Israel Patent Office had spent two days in 2009 at the Canadian Intellectual Property Office, examining all aspects of becoming an International Authority. In the opinion of the Delegation of Canada, the Israel Patent Office was well prepared and enthusiastic about providing this important service. The Delegation also wished to note that Israeli industry and inventors were significant users of the PCT system.

33. The Delegation of the United States of America stated that it wished to congratulate the Israel Patent Office on its success in training its patent examiners and establishing a high quality Patent Office. Noting the significant number of PCT applications filed each year by Israeli inventors and the fact that those applications contributed to the backlog of PCT applications in other Offices, the Delegation stated that it considered it only natural for the Israel Patent Office to take on its share in dealing with the global application workload. The Delegation looked forward to continuing its close cooperation with both the Israel Patent Office and the Egyptian Patent Office.

34. The Delegation of Turkey stated that it fully supported the appointment of the Israel Patent Office as an International Authority, noting the gradual and consistent development of the Office's IT and human resources and competence.

35. The Delegation of Israel stated that it wished to thank delegations for the support which had been expressed for the Israel Patent Office to be appointed as an International Authority, and noted that it was convinced that the Israel Patent Office would justify the confidence which had been placed in it by the Delegations.

36. The Committee unanimously recommended to the PCT Assembly that the Israel Patent Office be appointed as an International Searching Authority and an International Preliminary Examining Authority under the PCT.

[End of document]