

Patent Cooperation Treaty (PCT) Working Group

Tenth Session
Geneva, May 8 to 12, 2017

ENGLISH TITLE OF INVENTION

Document submitted by the Republic of Korea

BACKGROUND

1. A PCT application is published in one of the 10 PCT publication languages, such as Arabic, Chinese and German after 18 months from the priority date of that application. The abstract, the title of the invention and the figure or figures attached to the abstract are all published in English, French and also the language of publication of the application (if this language is not English or French).
2. Terminologies used in any specific technical field may be different from layman's terms, so that patent applicants could make complaints about the "title of invention" in cases where it has been translated into English by a layman who does not have special knowledge in the concerned technical field.
3. Also, a translation may need to be furnished in a language requested by a national authority based on the title of invention in English published upon entering the national phase after 30 months (or 31 months) from the priority date of a PCT application. However, as the title of invention in English is not relevant, the translation can bring an unintended and inappropriate outcome. For example, a PCT application is established in Korean, and the title of invention is presented in the PCT Gazette in English after 18 months from the priority date of that application. Where a PCT application enters the national phase in the Republic of Korea after 31 months from the priority date of that application, a patent applicant should file the title of the invention in English and in Korean translated based on the English title. The English title which the applicant submits after 31 months from the priority date could be different from the English

title translated by International Bureau and published 18 months from the priority date. The title of invention translated into Korean based on the English translation upon entering the PCT national phase can somewhat be different from the original title in Korean as filed.

4. The PCT Gazette not only protects the invention created by a patent applicant, but is the source of information used in searching for the application as a prior art document in PATENTSCOPE and other databases. In particular, the title of invention is well used in keyword searching of prior art documents. Therefore, it is desirable for the title of invention to be established in terminologies used in the concerned technical field, not in layman's terms.

PROPOSAL

5. To make a PCT international application well utilized as a prior art document, and to make the title sufficiently well translated into English as a patent applicant wishes, the Korean Intellectual Property Office (KIPO) would like to propose that when a patent applicant files a PCT application or submits a translation in accordance with Rules 12.3 or 12.4, he/she can establish the title of invention in English in parallel with the language of filing, the language of the translation for the purposes of international search or the language of the translation for the purposes of international publication, if the relevant language is not English.

6. The International Bureau can reduce the burden of translation by establishing an English title based on a title submitted by a patent applicant, and a patent applicant can facilitate the publication of an English title in terminologies used in the concerned technical field. However, the International Bureau would not be obliged to use the English title submitted by a patent applicant as it is, but should take it into account when preparing the PCT Gazette. Further, as a patent applicant can feel burdened as it becomes an official process to establish the title of invention in English in parallel with the language of filing, it should be an option for a patent applicant, not a requirement.

7. Through this proposal, KIPO would like a patent applicant to be more satisfied with the PCT System, and the relation between the international phase and the national phase to be more strengthened.

8. *The Working Group is invited to comment on the proposal outlined in the present document.*

[Annex follows]

PCT APPLICATIONS BY LANGUAGE OF PUBLICATION

No	Publication language	Year						(% of 2015)
		2010	2011	2012	2013	2014	2015	
1	Arabic					13	19	0.01
2	Chinese	7,557	11,121	14,189	15,380	18,351	20,728	10.32
3	English	88,546	88,907	93,272	102,608	114,862	104,166	51.84
4	French	5,512	5,549	5,623	5,831	6,131	6,302	3.14
5	German	15,730	16,649	17,713	16,604	16,659	16,422	8.17
6	Japanese	26,885	31,451	36,480	40,164	41,740	39,706	19.76
7	Korean	5,278	7,189	7,959	9,135	9,734	10,616	5.28
8	Portuguese	204	329	417	488	518	458	0.23
9	Russian	682	825	961	921	997	939	0.47
10	Spanish	1,504	1,649	1,598	1,500	1,604	1,572	0.78
	Total	151,898	163,669	178,212	192,631	210,609	200,928	100.00

<Source: <http://ipstats.wipo.int>, as of November 20, 2016>

[End of Annex and of document]