



Topic 1: Transparency of examination in the PCT National Phases

opportunities & implications

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Cybercity
March 22, 2022

Agenda

- Growing transparency because of work-sharing platforms
 - Diversity of examination work-products
 - Visible for other examiners
 - Visible for third parties

- Opportunities and implications for national phase examination
 - Enhancing efficiency & improving quality
 - Backlog
 - Quality Monitoring/Management

Life cycle of a PCT patent family

Intermediary examination work products

International (phase)
Search Report (ISR) &
Written Opinion (WO)

1st national phase
search report (SR)
& opinion

2nd national
phase SR &
opinion

3rd national
phase SR &
opinion

...

Maximum term of
protection:
20 years after FD
(15 years in AO)

Up to 30 months

Priority Date (PD)
or Filing Date (FD)
of **International
Application**

**National phase
entries**

trigger national
examination

US, EP, KR, JP,
CN, MY, IR, BH,
AO (2007-),

PCT family

1st Grant
(**OEE in PPH**)
(often priority
country)

2nd Grant

3rd Grant

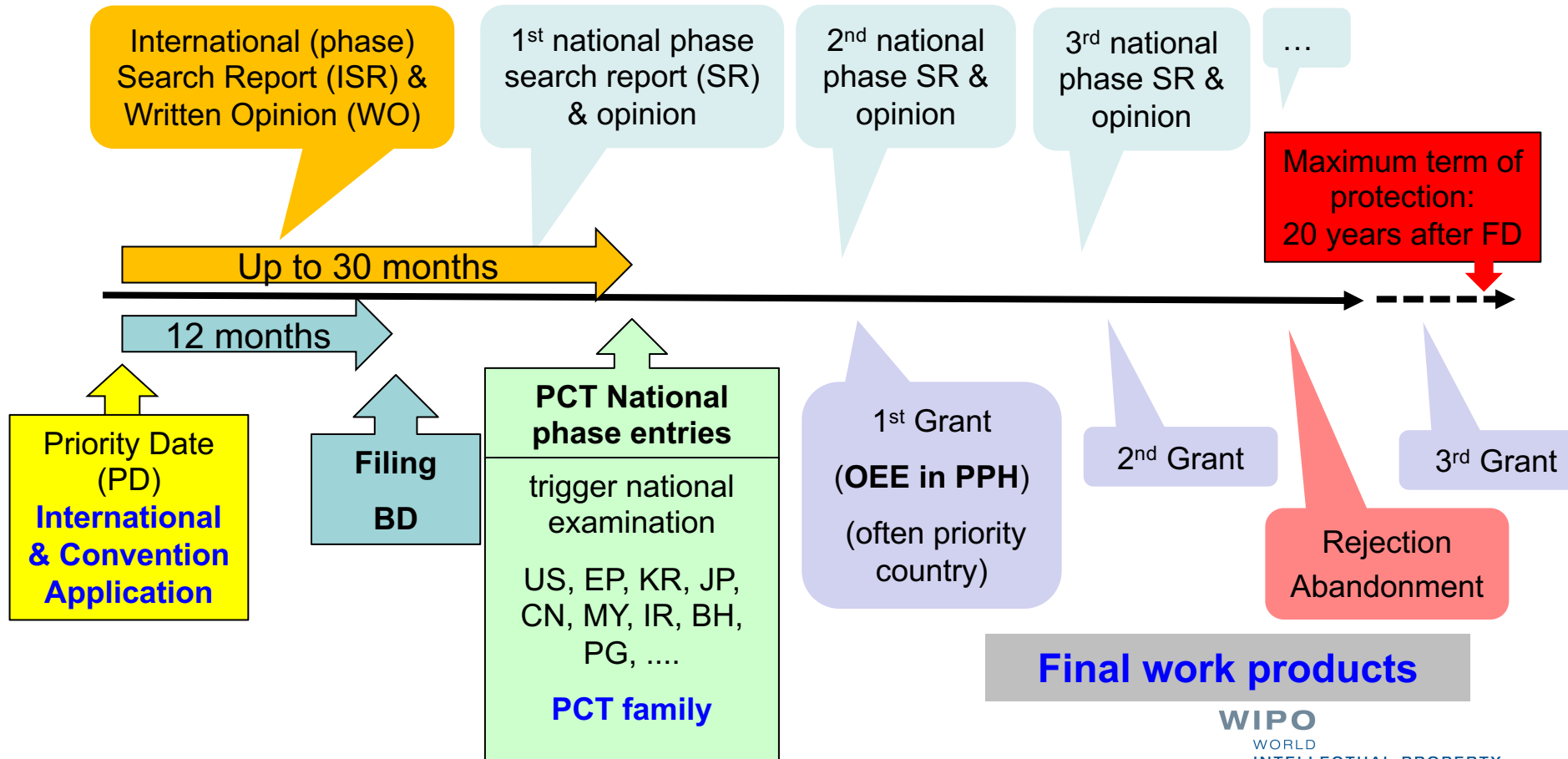
Rejection
Abandonment

Final work products

WIPO
WORLD
INTELLECTUAL PROPERTY
ORGANIZATION

Life cycle of a **Convention** - PCT patent family

Intermediary examination work products



Work-sharing (using foreign work products)

- **PCT family**: all applications linked through same PCT application number
- Simple family: PCT family plus non PCT member states (linked through priorities)
- **Growing transparency of national phase examination** because of **public work-sharing platforms**:
 - Global Dossier (via ESPACENET, [USPTO Global Dossier](#), J-PlatPat, CPQUERY)
 - WIPO CASE (most dossiers also publicly accessible through PATENTSCOPE)
 - National Patent Registers (see WIPO Patent Register Portal)
- Access to a large diversity of examination work-products (search reports, opinions, rejection rulings, claim sets granted; opposition rulings)
 - **Visible for examiners from any office: YOU**
 - **Visible for third parties (after publication)**

Current situation of transparency

For published applications:

- One can follow examination process of **IP5 offices (CN, EP, JP, KR, US)** **with only short delay** via Global Dossier
 - Similarly possible for more and more other offices (AU, CA, GB, IN, MX, SG,...; via national registers or WIPO CASE)

- Read examination reports
 - In several languages by means of machine translation (GD)

- Differences become visible as well; for example, by using tools like the Common Citation Document ([CCD](#)) for comparing the list of citations used by different examiners.
 - Identify citations found and used by one examiner only

Delay of public access to office action

- 03.01.2020 Communication regarding the transmission
- 03.01.2020 European search opinion
- 03.01.2020 Information on Search Strategy
- 03.01.2020 Supplementary European search report
- 11.12.2019 Search started
- 02.10.2019 Notification on forthcoming publication of bi
- 05.09.2019 (Electronic) Receipt
- 05.09.2019 Letter accompanying subsequently filed ite
- 05.09.2019 Matter concerning the application
- 13.08.2019 Communication regarding possible amendr
- 08.08.2019 Change to the inventor details

3 weeks

The supplementary search report has been based on the last set of claims valid and available at the start of the search.

Place of search Munich	Date of completion of the search 13 December 2019	Examiner Martínez Martínez, V
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EPO FORM 1503 03.82 (P04/C04)

CATEGORY OF CITED DOCUMENTS

X : particularly relevant if taken alone
 Y : particularly relevant if combined with another document of the same category
 A : technological background
 O : non-written disclosure
 P : intermediate document

T : theory or principle underlying the invention
 E : earlier patent document, but published on, or after the filing date
 D : document cited in the application
 L : document cited for other reasons

& : member of the same patent family, corresponding document

Date of posting in dossier? EPO: one day after dispatch

Types of examination work products

- **Intermediary or pre-grant** work products
 - Search reports
 - basic list of citations (cited by examiner, by applicant)
 - enriched search reports (citation category X, Y, ...; relevant claims;...)
 - Search strategies
 - Written opinions, examination reports
 - Communications from applicant to examiner
 - Protocols of hearings
 - Third party observations
- **Final** work products/results
 - Granted claims; claims after opposition
 - Rejections; withdrawals following substantive reports; abandoned claims
- **Post-grant** work products/results
 - Additional prior art from opposition/re-examination/invalidation
 - Restricted claims
 - Communications between involved parties (3+)

4. A METHOD FOR RECOVERING HYDROCARBON COMPOUNDS AND A HYDROCARBON RECOVERY APPARATUS FROM A GASEOUS BY-PRODUCT

★ Inventor: TASAKA KAZUHIKO [JP]	Applicant: JAPAN OIL GAS & METALS JOGMEC [JP] INPEX CORP [JP] (+4)	CPC: B01D3/00	IPC: C10G2/00	Publication info: CA2752839 (A1) 2010-09-02 CA2752839 (C) 2014-02-18	Priority date: 2009-02-27
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Grant

5. Method for collecting hydrocarbon compound from gaseous by-product and apparatus for collecting hydrocarbon

★ Inventor: KAZUHIKO TASAKA	Applicant: JAPAN OIL GAS & METALS JOGMEC INPEX CORP (+4)	CPC: B01D3/00	IPC: C10G2/00	Publication info: CN102333846 (A) 2012-01-25 CN102333846 (B) 2014-01-29 Global Dossier	Priority date: 2009-02-27
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Grant

6. METHOD FOR COLLECTING HYDROCARBON COMPOUNDS FROM GASEOUS BY-PRODUCT AND APPARATUS FOR COLLECTING HYDROCARBON

★ Inventor: Тасака, Казухико	Applicant: ДЖЭПЭН ОЙЛ, ГЭЭ ЭНД МЕТАЛЗ НЭШНЛ КОРПОРЕЙШН, ИНПЕКС КОРПОРЕЙШН, (+4)	CPC: B01D3/00	IPC: C10G2/00	Publication info: EA201170995 (A1) 2012-02-28 EA018772 (B1) 2013-10-30	Priority date: 2009-02-27
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Grant

publication kind code for grants B or C (sometimes A)

publication date

7. METHOD FOR COLLECTING HYDROCARBON COMPOUND FROM GASEOUS BY-PRODUCT AND APPARATUS FOR COLLECTING HYDROCARBON

★ Inventor: TASAKA KAZUHIKO [JP]	Applicant: JAPAN OIL GAS & METALS JOGMEC [JP] INPEX CORP [JP] (+4)	CPC: B01D3/00	IPC: B01D53/14	Publication info: EP2402418 (A1) 2012-01-04 EP2402418 (A4) 2012-11-21 Global Dossier	Priority date: 2009-02-27
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No grant

Why?

8. METHOD FOR COLLECTING HYDROCARBON FROM FT GAS COMPONENT AND APPARATUS FOR COLLECTING HYDROCARBON

★ Inventor: TASAKA KAZUHIKO	Applicant: JAPAN OIL GAS & METALS JOGMEC INPEX CORP (+4)	CPC: B01D3/00	IPC: C10G2/00	Publication info: JP2010202677 (A) 2010-09-16 JP5301318 (B2) 2013-09-25 Global Dossier	Priority date: 2009-02-27
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Grant



European Patent Register

◀ About European Patent Register Other EPO online services ▼

Smart search | Advanced search | Help

EP2402418
European procedure
About this file
Legal status
Federated register
Event history
Citations
Patent family
All documents

All documents: EP2402418 Dossier alert: RSS Email

Refine search ↓ Selected documents ↓ Zip Archive ↗ Espacenet Submit observations Report error

All documents(38) Search

<input type="checkbox"/> <u>Date</u> ▲	Document type
<input type="checkbox"/> 18.09.2017	Closing of application
<input type="checkbox"/> 07.06.2017	Application deemed to be withdrawn (translations of claims/payment missing from 01-04-2012) ←
<input type="checkbox"/> 04.04.2017	Notice drawing attention to the payment of the renewal fee and additional fee
<input type="checkbox"/> 21.12.2016	Bibliographic data of the European patent application
<input type="checkbox"/> 21.12.2016	Communication about intention to grant a European patent ←
<input type="checkbox"/> 21.12.2016	Intention to grant (signatures)
<input type="checkbox"/> 21.12.2016	Text intended for grant
<input type="checkbox"/> 21.12.2016	Text intended for grant (clean copy)

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Maintenance news +

Work-Sharing in the PCT national phase

Utilizing examination work products from other national phases for improving **efficiency** and **quality** requires

- **Databases/platforms** providing
 - Patent **family information** (family table) [>Topic 2]
 - **Examination status** of family members [>Topic 3]
 - **Access to examination work products** (**dossiers**, file wrappers) of family members [>Topic 4]

- Ideally, platforms which integrate this information in a user-friendly manner, e.g. within family table; and with additional tools, for example, for comparing work products (Common Citation Document - CCD) [>Topic 6]

- Information on differing national practices (naming and content of work products; important case law; exclusions; ..)

Sources of family information

- **EPO's INPADOC database** is major source of such family information, accessible through:
 - Espacenet, EP-Register and CCD (simple and extended families; domestic families)
 - Other free patent information databases, like Depatis, Google Patents, ..
- **WIPO PATENTSCOPE**
 - aggregates **national phase entry data reported from Designated/Elected Offices** (obligation as from July 1, 2017; rule 95)
 - Proprietary family building (since 2021)
- **WIPO CASE** with proprietary family building based on application data shared by 'providing offices'; families are complex families (i.e. share at least one priority)
- **Commercial** patent databases obtain and use widely INPADOC data, and apply proprietary family building rules and data cleaning, e.g.
 - Clarivate/Derwent: WPI family
 - Questel/Orbit: Fampat family
 - ...
- Other specialized platforms, e.g. WIPO's [Pat-Informed](#) or MPP [MedsPal](#)
- **India Form 3**

Source of family information: Espacenet

Europäischen Patentamt
 European Patent Office
 Office européen des brevets

Espacenet
 Patent search

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Search Result list My patents list (0) Query history Settings Help

Bibliographic data: WO2007111918 (A2) — 2007-10-04
 In my patents list EP Register Report data error Print

HEAT PROCESSING SYSTEMS, APPARATUSES, AND METHODS FOR COLLECTION AND DISPOSAL OF INFECTIOUS AND MEDICAL WASTE

Page bookmark [WO2007111918 \(A2\) - HEAT PROCESSING SYSTEMS, APPARATUSES, AND METHODS FOR COLLECTION AND DISPOSAL OF INFECTIOUS AND MEDICAL WASTE](#)

Inpadoc patent family

Inpadoc ('extended') family

Classification:

- international: [A61B19/02](#); [A61L11/00](#); [A61M5/32](#); [B09B3/00](#)
- cooperative: [A61B19/0288](#); [A61L11/00](#); [B09B3/0075](#); [B09B3/0083](#); [A61B2019/024](#); [A61B2019/0294](#); [A61B2019/0295](#); [A61B2019/0296](#)

Application number: [WO2007US07071](#) [20070322](#)

Priority number(s): [US20060785512P](#) [20060323](#); [US20060785548P](#) [20060323](#)

Also published as: [WO2007111918 \(A3\)](#) → [UY30238 \(A1\)](#) [US2007224077 \(A1\)](#) [TW200812650 \(A\)](#) → [PE12992007 \(A1\)](#) → more

Priorities (here 2 US) create family relations

Abstract of WO2007111918 (A2)

Translate this text into

[patenttranslate](#) powered by EPD and Google

Simple family ('equivalents')

Various embodiments of systems and methods for collection and disposal of infectious and medical waste are disclosed. An embodiment includes a system with a body having a chamber that receives a container of medical waste. The chamber may include a canister that has limited access to the interior of the

WORLD INTELLECTUAL PROPERTY ORGANIZATION

WIPO PUBLIC

Dossier Access and Status Information

- **Primary sources:** each jurisdiction defines how **authoritative (official)** patent information is published and the respective authority in charge
- **National Patent Registers** are **authoritative** sources for
 - national **legal status: all do (many online)**
 - national family relations (divisions, continuations)
 - national publications
 - online access to national **dossiers** (public file inspection): **some do**
- **Secondary sources (dossier access platforms):** one-stop shops to access information from several primary sources through a unified user interface (building on a table of the patent family); access with English user interface:
 - **Espacenet - Global Dossier** (public)
 - **USPTO - Global Dossier** (public)(Google Patents links to USPTO GD)
 - **J-PlatPat - One Portal Dossier** (=Global Dossier; public)
 - **CPQUERY - Global Dossier** (registration required)
 - **WIPO CASE** (non-public)
 - **WIPO PATENTSCOPE** (public)

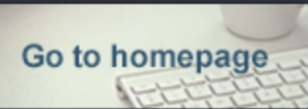


SEARCH RESULT

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JOURNAL INFORMATION



This system has been implemented by the grant of the government of the Republic of Korea.



ARIPO

NATIONAL

Select the designated States

Patent Utility Model Industrial Design Trademark

Help ?

PCT Application No.(FNA)

Cellphone And SmartPhone

Search

Search result for : {FNA:PCT/EP13/058245}

Search from the result

Patent (1)

Utility Model (0)

Industrial Design (0)

Trademark(0)

Ranking

Bibliography

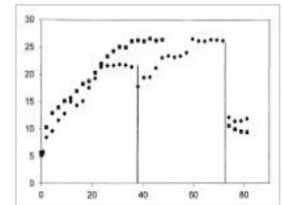
Drawing

Magnetic separation of particles including one-step-conditioning of a pulp

Appl.No.: AP/P/2014/008061 Patent No.: Status: Substantive examination

IPC: B03C1/01(2006.01)

Filing Date: 22.04.2013 Applicant: BASF SE.



The present invention relates to a process for separating at least one first material from a mixture comprising this at least one first material and at least one second material, which comprises contacting of the mixture comprising at least one first material and at least one second material at...

Legal status, no dossier access

Item per page : 10

<< < 1 > >>

Global Dossier

- Initially IP5 initiative (initially labelled One Portal Dossier)
- Access to **IP5 Offices' file wrappers/dossiers**
 - always up-to-date because it is retrieved on-the-fly from IP5 national registers
 - Machine translation for non-English documents
 - Accessible via Espacenet, USPTO-GD, J-PatPLat, CPQUERY, **Google Patents**
 - Same data, only different user interface
- Access to **non-IP5 dossiers** of 'providing' Offices of WIPO-CASE
 - partly operational
- Espacenet interface with additional information/tools
 - Different types of families viewable (USPTO GD only extended family)
 - Inpadoc legal status
 - integrated access to **Common Citation Document (CCD)**:
 - viewing and comparing of citations from members of extended and simple families from AP, AU, CA, CN, DE, EA, EP, JP, KR, RU, TW, US, WO,
 - **'comparing'**: which examiners have seen a particular citation or an equivalent thereof

WIPO dossier access platforms

WIPO-CASE (non-public) - Centralized Access to Search and Examination

- **Accessible only for 'accessing' and 'providing' Offices**
- 'Providing' offices share their dossiers with other participating offices:
 - IP5 dossiers obtained from GD/OPD (WIPO/EPO collaboration)
 - plus: [AU](#), [BN](#), [CA](#), [CL](#), [GB](#), [IL](#), [IN](#), [NZ](#), [SG](#) ..
- All ASEAN member offices are 'accessing' offices, only BN, SG are also 'providing'; others may become 'providing' in the near future
- Family information includes only so-called 'complex' families
 - **Proprietary family building** based on applications of 'providing' Offices recorded in CASE, and NPEs recorded in PATENTSCOPE
 - EPO INPADOC family data are not integrated
- No plans to open CASE to the public
- **Bangladesh** not yet a user of CASE
- Majority of dossiers are also [publicly accessible through PATENTSCOPE](#) 'document' tab (labelled as 'Global Dossier')

WIPO dossier access platforms

PATENTSCOPE

- Public access to WIPO CASE dossiers through 'document' tab (labelled as 'Global Dossier')
- For jurisdictions which have authorized public sharing outside of CASE
- For some additional jurisdictions enabling deep-linking to their national registers
- Two distinct family tables
 - PCT family (National Phase Entries (NPE) reported to WIPO from Designated and Elected Offices)
 - only shown for WO publications
 - Additional proprietary family building based on simple family concept
 - EPO INPADOC family data are not integrated

How different are examination results?

Sample **WO2008035580**

- 2 JP priorities
- Extended family: 41 members
- Simple family: 35 members

Derived from kind codes of publications recorded in Espacenet

- **Simple** family: **grants** in AP, AU, CA, 2xCN, NZ, EA, EP, KR, MA, MX, MY, NZ, TW, UA, US, PH, VN,?
- **Extended** family: further grants in: 2xJP (priority country)
- **Pendency: 2-10 years**
 - 2006-09-20 earliest priority date
 - 2008-09-03 JP grant
 - 2016-10-26 EP
- Still pending in BH, LA,..

Examples of grants: WO2008035580

WO-A1 = AU-B2 = JP-B1

1. A plant cultivation system comprising:

- a nonporous hydrophilic film for cultivating a plant thereon, and
- a feeding means for supplying water or a nutrient fluid to the lower surface of said nonporous hydrophilic film in the absence of a hydroponic tank for accommodating water or a nutrient fluid and cultivating a plant therein.

AU, JP granted initial claims without any modification

CA-C

1. A plant cultivation system comprising:

- a nonporous hydrophilic film for cultivating a plant thereon;
- a feeding means for feeding water or a nutrient fluid to the lower surface of said nonporous hydrophilic film,
- said feeding means comprising at least one layer which is a water impermeable material layer or a water absorbing material layer,
- said at least one layer is laid and extends under said nonporous hydrophilic film,
- wherein, when said feeding means comprises both the water impermeable material layer and the water absorbing material layer, the water absorbing material layer is disposed between said nonporous hydrophilic film and said water impermeable material layer and in contact with the lower surface of said nonporous hydrophilic film;
- and a drip tube as an irrigation means for supplying water or a nutrient fluid to the feeding means,
- said drip tube being disposed below said nonporous hydrophilic film in a manner such that water or a nutrient fluid supplied from the drip tube is fed to the lower surface of the nonporous hydrophilic film.

CA granted heavily modified claim

Examples of grants: WO2008035580

CA-C

1. A plant cultivation system comprising:
 - a nonporous hydrophilic film for cultivating a plant thereon;
 - a feeding means for feeding water or a nutrient fluid to the lower surface of said nonporous hydrophilic film,
 - said feeding means comprising at least one layer which is a water impermeable material layer or a water absorbing material layer,
 - said at least one layer is laid and extends under said nonporous hydrophilic film,
 - wherein, when said feeding means comprises both the water impermeable material layer and the water absorbing material layer, the water absorbing material layer is disposed between said nonporous hydrophilic film and said water impermeable material layer and in contact with the lower surface of said nonporous hydrophilic film;
 - and a drip tube as an irrigation means for supplying water or a nutrient fluid to the feeding means,
 - said drip tube being disposed below said nonporous hydrophilic film in a manner such that water or a nutrient fluid supplied from the drip tube is fed to the lower surface of the nonporous hydrophilic film.

US-B2

1. A plant cultivation system comprising:
 - a nonporous hydrophilic film for cultivating a plant thereon,
 - a feeding means for feeding water or a nutrient fluid to the lower surface of said nonporous hydrophilic film in the absence of a hydroponic tank for accommodating water or a nutrient fluid and cultivating a plant therein,
 - said feeding means comprising at least one layer selected from the group consisting of a water impermeable material layer and a water absorbing material layer,
 - which is laid and extends under said nonporous hydrophilic film,
 - wherein, when said feeding means comprises both of said water impermeable material layer and said water absorbing material layer, said water absorbing material layer is disposed between said nonporous hydrophilic film and said water impermeable material layer and is in contact with the lower surface of said nonporous hydrophilic film,
 - and a drip tube as an irrigation means for supplying water or a nutrient fluid to said feeding means,
 - said drip tube disposed below said nonporous hydrophilic film in a manner such that water or nutrient fluid supplied from said drip tube is fed to the lower surface of said nonporous hydrophilic film;
 - wherein said nonporous hydrophilic film is a film which exhibits an electrical conductivity (EC) difference of 4.5 dS/m or less,
 - said EC difference being determined by a method comprising contacting water with a saline solution having a salt concentration of 0.5% by weight through said nonporous hydrophilic film, measuring the electrical conductivity of each of the water and the saline solution 4 days (96 hours) after the start of the contact, and calculating the difference in electrical conductivity between the water and the saline solution.

US granted even more restricted claim

ISR: 2 category A documents only

INTERNATIONAL SEARCH REPORT		International application No. PCT/JP2007/067578
A. CLASSIFICATION OF SUBJECT MATTER A01G27/00(2006.01)i, A01G1/00(2006.01)i, A01G7/00(2006.01)i, A01G13/00(2006.01)i, A01G25/00(2006.01)i According to International Patent Classification (IPC) or to both national classification and IPC		
B. FIELDS SEARCHED Minimum documentation searched (classification system followed by classification symbols) A01G27/00, A01G1/00, A01G7/00, A01G13/00, A01G25/00 Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched Jitsuyo Shinan Koho 1922-1996 Jitsuyo Shinan Toroku Koho 1996-2007 Kokai Jitsuyo Shinan Koho 1971-2007 Toroku Jitsuyo Shinan Koho 1994-2007 Electronic data base consulted during the international search (name of data base and, where practicable, search terms used)		
C. DOCUMENTS CONSIDERED TO BE RELEVANT		
Category	Citation of document, with indication, where appropriate, of the relevant part thereof	Relevant page(s)
A	JP 2001-292643 A (Taiyo Kogyo Kabushiki Kaisha), 23 October, 2001 (23.10.01) Full text; all drawings (Family: none)	
A	JP 2003-506051 A (E.I. Du Pont De Nemours & Co.), 18 February, 2003 (18.02.03), Full text; all drawings & US 6484439 B1 & WO 2001/010192 A1 & EP 1530896 A2	1-13

Only A documents
Only JP publications

EP-A4: Supplementary EP search report



SUPPLEMENTARY PARTIAL EUROPEAN SEARCH REPORT

Application Number

under Rule 62a and/or 63 of the European Patent Convention.
This report shall be considered, for the purposes of
subsequent proceedings, as the European search report

EP 07 82 8221

DOCUMENTS CONSIDERED TO BE RELEVANT

Category	Citation of document with indication, where appropriate, of relevant passages	Relevant to claim	CLASSIFICATION OF THE APPLICATION (IPC)
X	EP 1 695 615 A1 (UNIV LAVAL [CA]) 30 August 2006 (2006-08-30) * paragraph [0011] - paragraph [0013]; figures * -----	1	INV. A01G27/00 A01G1/00 A01G7/00 A01G13/00 A01G25/00 A01G31/02

Also seen by CA and US examiners

US20070376748		US2006257213 A1 - 16 November 2006	
US20070376748		US2006257213 A1 - 16 November 2006	
EP20070828221	X	EP1695615 A1 (UNIV LAVAL [CA]) - 30 August 2006 * paragraph [0011] - paragraph [0013]; figure - *	1
US20070376748		CA2498077 A1 (UNIV LAVAL [CA]) - 23 August 2006	
US20070376748		CA2498070 A1 (SOLENO TEXTILES TECH INC [CA]) - 23 August 2006	

comparing citations in CCD

Sample PCT/CA2013/00083

- **Granted:** AU, CA, MX
- **Rejected:** EP, US
- No NPE in CN, JP, KR

- ISA CA: category X in ISR
- Supplementary search by EP: Additional prior art of category X

Family table for PCT NPEs sample cases

Case studies BH, LK, MY, TH, BT, PH, KH, LA workshops														
Status: Aug 17, 2016														
Simple Family														
National Application Numbers	PCT Member of Family	Size of Inpadoc Family	Number of Simple Families in Inpadoc Family	Grants	Withdrawn or Lapsed or Dead or Abandoned	Refused or Rejected	Pending	Earliest priority/first/latest grant dates	Pending range	Grants but in Extended Family	Observations Observations ISR (only A?)	Observations lack of unity (in ISR, or national reports)	Supplementary prior art searches in national phases (e.g. EP-A4)	main claims available in English (different, equivalent, equal to WO-A1/2? To grants in other jurisdictions?)
BH 20080018 MY 149627A PH 1-2008-502595 TH?	PCT/KR2007/00247 9 stable composition	24	1	AU, CA, EA, EP, US, JP, CN, 2xKR, UA, MY, MA, MX, NZ, UA, (CR, SV, GT), PH			BH	2006-05-22 KR(2); 2009-09-18 KR; 2016-01-06 EP	3-10		only A ISA=KR	no, 2 KR grants are the 2 priorities	EP-A4 JP more than ISR AU more than ISR US more than ISR	MY equal to WO-A1 AU-B different to WO-A1: one substantial difference (lyophilizing) EP-B a bit narrower US-B only method (a bit narrower than AU) PH has US main claim as composition
BH 20090030 LA 96 MY 147396A PH 1-2009-500273 TH?	PCT/JP2007/06757 8 plant cultivation	34	7	AP, AU, 2xCN, US, NZ, CA, KR, EA, JP, MA, MX, MY, TW, UA, E(12g), PH			EP, BH	2006-09-20 JP(2); 2008-09-03 JP; 2014-04-01 TW	2-8+	JP	only A, only JP ISA=JP		EP-A4 CA, US more than ISR add prior art by CA seen also by US;	AU, JP, MY equal to WO-A1; CA is narrower; US narrower than CA PH mc equal to US mc
BH? KH 2012/0150 MY 156685A PH 1-2013-501448 TH?	PCT/JP2012/00023 7 solid liquid separation	16	1	AU, CA, CN, EP, JP, KR, MY, RU,				2011-01-24 JP(2); 2012-02-08 JP;	1-5		only A ISA=EP		JP, KR, US more than ISR	AU, CA, mc equal to WO-A1
BH 20080005 MY 150185A PH none TH?	PCT/EP2007/05301 5 energy conversion	19												
BH 20090006 MY 153238A PH 1-2009-500135 TH?	PCT/EP2007/05738 0 cryogenic engine	24												
BH 20090047 MY 151581A PH 1-2009-501523 TH?	PCT/JP2008/05010 2 insulated tank	30												
BH 20090066 MY 150324A PH none TH?	PCT/US2008/00119 remote control	7												
BH 20090019 MY 151783A PH 1-2009-500417 TH?	PCT/EP2007/05816 compressed air engine	25												
BH 20090028 MY 148768A PH 1-2009-500495	PCT/US2007/07432 7 secure transaction	21	1	AU, US, NZ, TW, GB, EA, MX, MY, UA,	US, PH	EP, KR, JP business method	BH	2006-09-18 US+EP, GB; 2009-01-07 GB; 2014-09-21 TW	3-8		Y, A; only US ISA=US		JP, US more than ISR AU only ISR	AU and US equal different from WO GB different from AU and US MY appears 2b equal to GB CA, EP and AU different from WO-A1; subtle differences of EP and AU re catalyst layer details; CA and AU very similar but no
BH 20080024 MY 150103A PH none TH?	PCT/JP2007/050357 polyolefin	15	1	AU, CN, CA, KR, JP, EP, MX, MY, RU, FI			BH	2006-06-14 FI; 2010-11-15 FI; 2015-08-05 EP	4-9		X,Y ISA=EP		EP-A4 add EP prior art not seen by others AU only ISR	

Systematic analysis of samples of **pending cases** at workshops with

- Smaller IPOs: Bahrain, Sri Lanka, Laos, Cambodia, Qatar, Bhutan, Oman, Mongolia, Papua New Guinea, Pakistan, Iran
- Medium IPOs: Malaysia, Thailand, Philippines, Viet Nam, Indonesia

What work products are available for other PCT national phase entries in other jurisdictions, and how useful are they?

How to implement systematic passive work-sharing to make examination more efficient?

- Mostly older applications
- > more likely that national phase examination is completed

Evidence & conclusions derived from sample set

- Large patent families: **10++ members**
 - Many work products from many other national phases can be utilized
- Large fraction of families with grants: **>95%**
 - **Most likely a patent can be granted; but which claims from which country are best?**
 - The first foreign grant (PPH; e.g. for the sake of speediness)?
- Wide range of pendencies: **3-10 years** after priority filing
 - What is backlog? How long to wait?
- **Granted claims substantially different** from claims granted in other jurisdictions: **>60%**
 - **Careful selection of suitable claim sets**
- Granted claims different from WO-A1/2 claims: **>90%**
- **Additional prior art searches in national phases: >90%**
 - Take into account for claim selection or decision to await further results
 - Do not solely rely on ISR
- Grants in some, rejections and withdrawals on other jurisdiction: **20%**
 - Carefully analyze reasons for rejections/substantial withdrawals

Further evidence for CII sample set

- Sample set of some 30 applications (Computer Implemented Inventions - CII) with examination completed in all IP5 jurisdictions
- Large PCT patent families: **10++ members**
- Large fraction of families with grants: **>95%**
- **Granted claims substantially different** from claims granted in other jurisdictions: **>60%**
 - because of different prior art, and
 - differing law (e.g., exclusions) and case law
- Grants in some, rejections and withdrawals in other jurisdictions: **39%**
- **Top-up searches in national phases: >90%**
- Additional relevant prior art (category X or Y) for at least one NPE: **85%**

What are the opportunities of transparency?

- Examination work products are **easily visible**, after application is published, for
 - Examiners
 - Third parties
- Foreign examination work products are **usable** for
 - Examiners in national phase (improving efficiency and quality)
 - Particular opportunities for small offices with limited capacities
 - For treating backlog
 - Managers to monitor examination quality
 - **Third parties (you and/or competitors) to monitor prosecution, examination quality, prepare oppositions,**
- **General rule for examiners: Available** foreign examination work products **must not be ignored** for national phase examination
 - Even examination of PPH requests need to include a check if other work products from further national phases have become available, in particular relevant prior art.

Form 3 of IP India

PCT/EP2017/056134

UPDATED ANNEXURE TO FORM 3

Details of Foreign Applications corresponding to
 INDIAN PATENT APPLICATION NO. 201817038931 FILED ON 15 October 2018
 in the name of SOLVOTRIN THERAPEUTICS LTD
 Corresponding PCT Application No. : PCT/EP2017/056134 Dated 15 March 2017

COUNTRY	APPLN. NO.	PCT FILING DATE	STATUS Such as pending, accepted, refused, abandoned, withdrawn, opposed etc.
United Arab Emirates	P6001293/2018	15/03/2017	Pending
ARIPO	AP/P/2018/011052	15/03/2017	Abandoned
Australia	2017232266	15/03/2017	Pending
Bahrain	167/2018	15/03/2017	Pending
Brazil	BR112018068571-2	15/03/2017	Abandoned
Canada	3,017,556	15/03/2017	Pending
Chile	2018002632	15/03/2017	Abandoned
China	2017800245532	15/03/2017	Response due by 11 February 2021
Colombia	CO2018010940	15/03/2017	Response filed on 1 October 2020
Costa Rica	2018-000488	15/03/2017	Pending
Cuba	2018-0108	15/03/2017	Abandoned
Djibouti	DJ/B/2018/0002	15/03/2017	Abandoned
Algeria	180499	15/03/2017	Pending
Eurasia	201892065	15/03/2017	Response to be filed by 21 March 2021
Ecuador	2018-77068	15/03/2017	Abandoned
Egypt	1439/2018	15/03/2017	Pending
EPO	17710019.5	15/03/2017	Pending

India: Obligation for applicants to disclose all PCT national phase entries and submit respective examination results

Section 8

Due to increasing transparency such **disclosure requirements may not be needed anymore**

Accessible via patent register of India [inPASS](#)

Observations/Conclusions

- Duplication/repetition of work is not a bad thing as such
 - Improves the overall quality of patents
 - For PCT NPEs, examiners should **never** exclusively rely only on ISR/WO
 - However, work products become only gradually available and visible
 - Awaiting results from other national phases may be an option to enhance quality and efficiency, particularly in under-resourced Offices
 - Most recent or last grant is potentially of best quality
 - What does this mean for PPH?
- Suitable examination policies are required
- Currently examination of PCT NPEs starts in many jurisdictions at almost the same time; no coordination
- Cooperative examination would be the ideal way for improving
 - Quality of all patents of a family, and not just those ones granted last, and
 - Efficiency of procedures overall

Observations/Conclusions

- Sharing of application and legal status data (including NPE) still needs to improve, e.g. for **regional cooperation**
- Family building needs to be expanded, in particular with a view to IPOs in emerging and developing economies
- Patent families are global: Only platforms for work-sharing with global coverage make work-sharing efficient
 - regional solutions are not really useful
- Which work-products from other national phases to use?
 - 'Trusted' Offices?

Sovereign national prosecution

Paris Convention 1883:

- **No** obligation to follow/adopt conclusions of other IPOs or to use their results (Article 4bis)
- http://www.wipo.int/treaties/en/ip/paris/summary_paris.html
- Each IPO has obligation to observe national legislation
- Each IPO has responsibility/liability for quality patents
- Lawyers often refer to grants at other IPOs: just ignore that!

Thank you

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