ePCT -Filing with RO/US in combination with EFS-Web

5 August 2021

Q&A Report

No.	Questions	Answers
1	Does the ePCT safe work with the New USPTO Patent Center?	I believe it would work with the Patent Center but please note that PCT-SAFE will be decommissioned in 2022.
2	What happens if there is a glitch in uploading the zip file, but the Request and Fee forms are still filed as standalone documents? Will it eventually reach the IB?	The PCT application will reach the IB only if the USPTO transmits it to the IB.
3	I would like to learn to file directly in the IB using ePCT when we have Applicants and inventors who are not United States residents and therefore we are unable to file the PCT application in the US Receiving Office. Will there be a webinar to address this at some time? Thank you.	There are recorded webinars on WIPOs website (https://register.gotowebinar.com/recording/1061044529385227531) and it is very similar to today's presentation. This topic was also addressed and recorded in AIPLA's PCT seminar series that ended earlier this week. Check on this through any AIPLA member in your firm/company.
4	My NEW IA screen does not have the field showing Access Rights?	
5	When I create a new IA, I will become the eOwner, how do I designate eOwner to other members of my group?	When clicking the 'create a new IA', you will find a section for 'Access rights' where you can select a group or an individual to designate the access rights for the new IA.
6	Can you add access rights after filing to others?	Yes of course. There is a box left side from your IA number in workbench and if you tick the box, 'Action' screen will be shown and you can choose 'access rights' where you can manage access rights anytime.

7	Can you please explain e-handshake ?	The ePCT 'eHandshake' functionality allows you to associate your ePCT user account with another known user's account. Completing an eHandshake with another user is a pre-requisite for assigning access rights to international applications to that person. To request an eHandshake with a colleague or associate, that person must have already created a WIPO account and set up at least one strong authentication method. Making an eHandshake with another user does not mean that the person automatically has access rights to your international applications, it just means that your accounts are associated in the ePCT system and your names will appear on each other's list of users to whom access rights can be assigned. It is for you to decide if you do want to give access rights to the international applications owned by you or not, and if so, which ones. See more details on ePCT Help: https://www.wipo.int/pct/en/epct/learnmore.html?N=695
8	Do we have to create Portfolio's prior to filing or can we create a new one when filing?	You cannot create a new portfolio while filing . You can either create it before you start filing or save your draft filing and then go in the workbench to create your portfolio. You will find information on this topic in our FAQs. https://www.wipo.int/pct/en/epct/learnmore.html?N=546
9	Validation of priority data requires the data to be already known to WIPO, i.e., it has been previously entered into WIPO DAS. Correct?	Priority data is checked if the P.doc is available in the digital library, otherwise only the country, the priority number format and filing date are validated.
10	I normally file our IAs with USRO. What would be the benefit of filing an IA through ePCT/EFS?	The best online validations that exist and immediate access to your data and documents + most common actions that can be submitted online with online validations like time limits…+ $218 fee reduction.
11	Do we have to use Zip files? We use all PDF files.	If you use ePCT, you upload the zip file on EFS-Web. If you submit the application using only PDF documents directly on EFS-Web, it's also possible.
12	What is the App for authentication called so that I can download it?	You may use Google authenticator which you can download to your mobile device for free.

13	Once I create the IA and file the application in the receiving office, I still continue to receive Notifications from ePCT but not from the receiving office, why is that?	ePCT is the patent management system which sends reminder notifications and much more, the Receiving Office will send you official notifications like invitation to correct or acknowledgement of receipt. RO/US does not use ePCT to process applications.
14	I do not have the demo option in my Portal? How do I access this ?	https://pctdemo.wipo.int or IP portal -->menu -->patents-->file and manage --> ePCT --> under username and password, there is 'access ePCT Demo Mode'.
15	Can I then respond through ePCT if I need to say, if I wanted to respond to a Written Opinion?	Yes you can: go to 'document' --> upload Informal comments on WOSA (in pdf format) to the IB.
16	Should the priority information verification work in Demo mode? We've done recent demos for our team and when incorrect information is entered on purpose to show this functionality, we don't get the expected error messages.	The priority number is not checked in Demo mode since it does not really exist in the digital library. If you wish to have more samples to use in Demo, please contact PCT eServices separately.
17	If "Office to prepare and transmit to the International Bureau" is not an option, how can we fix that? The priority is a US provisional.	The priority can be prepared by the office only if the first filing was done with the same office (PCT Rule 17.1(b)).
18	How do you include registration numbers when sharing with colleagues ? We have an address book of all our practitioners but the registration numbers do not get transferred.	This is probably an issue. We will investigate and get back to you. Thanks.
19	Is ISA pricing easily available?	See the PCT Applicant Guide, it contains all the updated info you need to know https://www.wipo.int/pct/en/guide/index.html You can find the fees on our website at https://www.wipo.int/export/sites/www/pct/en/fees.pdf table 1(b)
20	Can we create and save a new contact into the address book without providing an email address? When importing a contact from the address book into a new IA,	When adding a contact, select communication method "paper only" and the email won't be mandatory anymore.

	it also includes the email address, which we'd like to avoid - but it doesn't seem possible to create and save a new contact entry without providing email.	
21	Many things are not yet available on Patent Center and still have to be done on EFS.	Please contact USPTO.
22	Post creating a zip in ePCT, is there any expiration time to file ?	Your priority period is the time limit but you are supposed to file it as soon as possible.
23	Difference in national and regional application?	Under the PCT, we refer to national applications or the national phase when the Office in question is a national patent Office. We use regional application or phase if we refer to a regional patent arrangement like the European Patent Office with several member states.
24	For Inventor Declarations, there is currently no option to indicate that we are attaching an already signed Declaration. Will that be changed soon?	No, but you can add it to the accompanying items section to have it included in the checklist of the Request form.
25	Where do I find the DAS code (sorry I am very new) ?	For US: The access code is the confirmation number indicated on the EFS-Web Electronic Acknowledgment Receipt of the US application and is composed of 4 digits, e.g. 1234.
26	What if the priority date is on a Saturday and we file on a Monday?	In principle, you should be fine since the Paris Convention extents the priority period if it ends on a weekend or non-working day. However, it is ultimately a question of each designated Office to decide if on Saturday, the RO you were using was truely closed. With electronic filing, arguments could be raised that the Office was still open to receive applications. If you want to play it really safe, file on Friday.
27	For PCT direct, we do add comment in PCT safe as "PCT Direct / informal comments". Can we perform the same in ePCT ?	You can prepare your comments and upload it on EFS-Web as an accompanying item.

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28	Will this workbench dashboard allow for the zipped folder to be accepted directly in the future?	The filing of an application with RO/US via ePCT is currently a two steps procedure. Users will be notified if any change in the future.
29	Is there a way to make edits to your address book?	Yes, you can edit your address book. Open address book under your name select the contact and click on the pencil icon to edit. Please see our FAQ on this topic https://www.wipo.int/pct/en/epct/learnmore.html?N=513
30	If you are not in the process of creating an application, is it possible to access the address book, for example, from the Workbench page, so that one can add to it manually?	Yes, you can add contact details to your address book from your workbench by clicking on your name and select the Address book from the drop-down list.
31	If we create or import an address book in Demo mode, will the contacts in that address book also be available in non-Demo mode?	No, you cannot use the same address book that used for Demo to non-demo. However you can import your address book from PCT-SAFE into ePCT. To proceed in PCT-SAFE: 1. In the PCT-SAFE File Manager, click File < Export < Address Book and save it on your PC, it will be a file with .csv extension. 2. Sign in to ePCT using strong authentication. The address book feature can be accessed by clicking the arrow next to your name in the top right corner of the ePCT screen. 3. Click the 'Create' button.
32	When is having an executed POA absolutely necessary?	You need a POA if the PCT Authority has not waived the requirement that a POA needs to be submitted. That is the case with many Authorities but not all (even if your RO has waived the requirement, the IPEA that you select might not have, etc.). The other important scenario is for filing a notice of withdrawal and if you want to record a new agent with the IB under Rule 92bis.
33	I have a WIPO token proof after which I filed a non- provisional application at USPTO. I got a notice saying, some more information is required and a filing date has not been assigned, yet which will be assigned after I submit the documents. My ESF-web verification is in process and I cannot uploaded the information until the process is complete, making my filing date	WIPO Proof is only possible proof that you have disclosed certain documents and information on a certain date. This will not replace the acknowledgement of a filing date from a patent Office.

	delayed. My question is, will my Wipo proof supercede all delays and maintain my priority at USPTO?	
34	You said having at least 1 applicant with the US nationality is needed for US ePCT filing. Is it true for other ePCT filings? For example is it necessary to have at least 1 Iranian applicant for IR ePCT filing?	Yes, this applies in the same manner with all ROs. It is not ePCT specific but a general rule under the PCT Rule 19. One of the applicants needs to be a resident or national of the selected RO in order to be entitled to file. The only exception is filing with the RO of the IB. For us, all we need is an applicant who is a national or resident of any PCT Contracting State.
35	Is the same procedure applied to filing national phase applications?	ePCT cannot be used for national phase entry. The procedure depends on each designated office.
36	Did he say that if you have an executed POA you can upload it as part of the zip file instead of creating one?	You can create POA in ePCT or upload an executed one in PDF format on EFS-Web as accompanying item together with the zip file.
37	Our POAs contains a list of agent names can the generated POA includes such a list of names?	Yes, but you have to add before the data of all the agents you want to see under Names section on the generated POA.
38	How would the client (Applicant) /sign/ a PCT POA if created in the way in the Demo? Do we /s/ sign for the applicant?	External signature feature is available. See more at: https://www.wipo.int/pct/en/epct/learnmore.html?N=992
39	Do you recommend that a paralegal in the office have eOwnership? Or is there is there an intermediate type of ownership?	It is recommended to have at least two eOwners to manage the application - most of ePCT users are paralegals.
40	If I make an Access Rights Group in my account, is that group shared with the other members? Or is the Access Rights Group only in my account?	Only to your account. Other eHandshake users need to create their own Access Rights Group(s).

41	If there is no US/RO qualifying applicant can you still use this method to file assuming that the US/RO will transmit to the IB because there is not a US/RO qualifying applicant ?	Currently, ePCT would block such an application, saying that you need at least one applicant who is a US national or resident. So it would be better to file such an application directly with RO/IB.
42	Can I create a GB PCT Request on ePCT?	GB does not yet accept ePCT filings. You can file with RO/IB or RO/EP.
43	Does filing preliminary examination at the European Patent Office for foreign priority applications help speed up examination times at the USPTO?	If you receive a positive written opinion or IPRP II from IPEA/EP, you could use those reports to request processing under the Patent Prosecution Highway which would speed up processing at DO/US. Without such a PPH request, a report from the EPO alone might not speed up the processing before DO/US.
44	If the power of attorney is text signed, will not be required a hand signed one?	Text string signature is acceptable as long as the document is uploaded electronically to the IB.
45	If the DAS code is not available at the time of filing the IA, can we do a 92bis to submit the DAS code?	You do not need to do a 92bis to submit a DAS code. Please see the article on "obtain priority document from DAS". https://www.wipo.int/pct/en/epct/learnmore.html?N=851
46	Who signs the fee section if deposit account is selected? Attorney or paralegal?	There is no signature. Only the contact name is requested.
47	Can an individual inventor file ePCT application?	Yes, an individual applicant and inventor can file.
48	What is the typical timeframe for an external signature to be incorporated into the filing?	External signature request is valid for 7 days. You need to request a new one if it expires.
49	Can you apply the agent's external signature without being the agent?	In principle, we would always assume that the person signing is the appointed agent. You should in principle never sign in the name of someone else.

50	Can the inventor Declaration for US be prepared after the PCT application has been filed? We can do this now in PCT SAFE.	Yes, you can submit the declaration after the filing of your application, using the Action "Declaration under Article 4.17. https://www.wipo.int/pct/en/epct/learnmore.html?N=843
51	Can you save the filing for the eOwner to retrieve later and sign their own signature?	Yes, you can save and reopen your draft application. You can give access rights to the authorized person who can sign it.
52	Can you go over declarations based on an executed inventor assignment to applicant?	Sorry we did not have time to cover all declarations. For instructions, please refer to the NOTES TO THE REQUEST FORM (PCT/RO/101), starting from page 5. https://www.wipo.int/export/sites/www/pct/en/forms/request/ed_request.pdf
53	So when I learned PCT Safe I was told you needed to write Fig 1, for EPCT can you just write the number of the figure?	We understand that you mean the figure of the drawings which should accompany the abstract. Yes, you can just indicate the number of the figure.
54	Can you explain why the export control is no longer an issue? No longer a foreign filing issue? I may have missed this at the beginning of the training.	The applicable US Rules have been amended to clarify that a foreign filing licence also covers the export of technical information for the purpose of filing a PCT application with RO/US. The key however is that you do have a foreign filing licence before preparing the request form. If your PCT is a first filing, you should request a license beforehand separately. Also if you adding more information to the PCT application than what was contained in the earlier application, you need to consider getting a license for those additional parts before filing.
55	We have specific filed in PCT-Safe to add EPO deposit account number for reimbursement. Can we able update the same ePCT?	If ISA/EP is selected, the "Add reimbursement instructions" button is available under ISA section.
56	Where do you add if the application is a CIP or CON?	Once you complete the section in Priority claims, please go to 'designations' section where identification of parent application or patent grant can be added, e.g., 'continuation' or 'continuation-in-part' for US.

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57	In the demo, why didn't the RO134 show up automatically as an accompanying item like the POA and Micro Entity forms did?	RO134, POA and fee reduction entitlement are displayed under accompanying items in the RO101.
58	You can use the USPTO deposit account?	The default payment method is Credit card, which can be updated to Deposit account. However, the fees need to be paid directly to RO/US and ePCT cannot be used for this purpose.
59	Can we import already exported zip file to another ePCT account?	No, but you can share access rights of your draft application with another eHandshake user.
60	Is there a way to save as draft. And then recovery via a second person to allow for 2nd attorney review and filing?	Yes, by sharing access rights of your draft application.
61	For the fees information section - payment method, do we enter our US deposit account information or should we leave it blank since the payment processing is in the EFS-web filing?	When selecting Deposit account as payment method, ePCT will prompt you to enter your US deposit account number.
62	We have used the new system a couple of times now. We have received emails that documents are ready on the workbench. When we access them, the documents have a watermark on them that says Pending Processing. We then received the WIPO communication email that does not have the watermark on the document. We also received hard copies of the documents even though we indicated via email only. Why do the documents in the workbench have Pending Processing on them? Thank you.	When it's indicated "pending processing", it means we have not yet processed it.
63	Is it required to use the declaration of inventorship?	Not during the international phase. However, once you enter the US national phase, eventually you are required to submit a declaration of inventorship.
64	For documents upload - can you also upload paper signed copies of PoA and Declaration in Step 2 at RO/US?	Yes

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65	Is the attorney the AGENT for filing in the RO/US ?	Under the PCT, the correct term is agent and most commonly those agents are either patent attorneys or patent agents but that ultimately depends on who is entitled to act as agent before the RO in question.
66	Is a declaration required or optional?	Declarations are always optional for the international phase. For the national phase, it depends on requirements of each designated office.
67	Can you upgrade a DEMO application to a PRODUCTION application ? Revised: Can you clone a demo application into a production application.?	Prod and Demo are two different environments. Please do not use Demo for any real filings.
68	So Pascal said we do not have to create the Declaration section if we are uploading an executed Declaration document in the receiving office, correct?	Correct.
69	How can we provide an attorney with documents (PCT 101 and fees) for review before filing with EFS? If downloading the zip file means you can no longer edit...What I have done is giving the attorney access to that case, so he/she can go in and review the Request and sign it directly on there.	You can click on the file reference, select Download draft copy (single PDF) for the attorney to review or share the access rights in ePCT with the attorney.
70	Do you not have to clone the request form before creating the package? Thank you!	Provided that an international application was prepared using ePCT-Filing, it is possible to 'Clone' the IA (either before or after filing) in order to create a copy as a draft New IA for filing to the same receiving Office and with the same content. To do so, click on the small arrow next to the application number (filed IAs) or file reference (draft new IAs) and select from the drop down menu the option "Clone IA".
71	Can the agent sign through my account or do they have to have their own account? As in, could I enter the information in ePCT and have the agent come to my computer to add their text	The agent coming over to your computer and signing would be totally fine if practical. The recommended procedure in companies/law firms is for each person to create their own account in their own name and to authenticate it with their own strong authentication method. Once each person has an account in their own name and associated with a strong authentication method, they can establish eHandshakes

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		signature rather than having them sign as another eOwner or submitting an external signature?	between their accounts in order to indicate to the system that the accounts are associated. It is then recommended that you also set up default access rights on the eOwnership screen, where you can specify to which eHandshake associates access rights will be automatically attributed when you are confirmed as the first eOwner for an application. The same default list of associates can also be selected at the time of drafting a new application in ePCT-Filing, giving them access to the application even before it's filed.
72		If there is an error in the zip package, you can't edit it. Does that mean you have to start a whole new filing package?	You can clone the IA. To do so, click on the small arrow next to the application number (filed IAs) or file reference (draft new IAs) and select from the drop down menu the option "Clone IA".
73		EFS-web fees calculation page does not have the option to include the "Electronic Filing reduction (Image) credit therefore the Fee Calculation Sheet generated by the ePCT DOES NOT match the EFS-web fees calculation. How can we get this credit back? Will ROUS credit this back to our account automatically?	The fee reduction for electronic filing using PDF should be applied, please contact USPTO for clarification. And RO102 will indicate the final amount of the fees.
74		If you provide an abstract in the ePCT and you also upload an abstract with other documents, which one is actually treated as the abstract as filed ?	It should be the same abstract. In case of discrepancy, the IB will rely on the PDF version.
75		How a non-US citizen who have filled with RO/IB can file with the USPTO in National Phase?	You need to enter the US national phase at 30 months. Take a look at the PCT Applicant's Guide on our website under national chapter US for more information.
76		If you send the package for external signature and the signor notices an error, how can the Request be edited?	Cancel the external signature and the draft will be editable again.
77		Can you upload documents to the new Patent Center rather than EFS Web?	Please contact directly USPTO.

78	When creating the zip file for uploading to USRO, does it have to be through PCT-Easy?	When uploading the zip file, it is indeed indicated PCT-EASY which is misleading as it is for ePCT. We have asked the USPTO to update the wording but it has not yet been done. We hope it will be correct with the Patent Center.
79	What is name of patent searching database of USPTO, as like WIPO has PATENTSCOPE ?	See the uspto.gov web site guidance at: https://www.uspto.gov/patents/search
80	So we can't edit an application before submission? We have to clone to make any changes?	Once the zip file has been created, it's no longer editable. Then the Clone function has to be used to make any changes.
81	Do you have to give it a new reference/docket number or can you use the same?	File reference is unique for each ePCT user. When you clone an application, you need to change the reference number.
82	Is there a listing somewhere which indicates which authorities have waived the POA requirement?	Yes, please refer to this link : https://www.wipo.int/pct/en/texts/waivers.html
83	Can we upload the demo version of our IA to EFS-Web?	No, absolutely not, you need to upload your zip file created in production mode.
84	For the clone function does that also copy the signature for Power of Attorney and such? Or do we need to have that resigned?	Signatures are never cloned you need to sign the new draft, including declaration of inventorship (iv) or POA created in ePCT.
85	Will Docx be available in ePCT when filing with USPTO?	You do not attach your specification in ePCT but only indicate the number of pages for each section. Regarding Docx with RO/US, please contact USPTO.
86	If you create a clone to fix an error/typo, can you delete the previous version from your workbench without having to file it?	Yes, from the Workbench tick the box in front of your draft application, an blue action bar will be displayed and select from the drop down list the action "Delete draft".
87	Once the .zip file created in ePCT is uploaded to US/RO together with other application documents, how is the PCT application associated with ePCT ?	When RO/US transmits the application to the IB we will link your draft application with the PCT application number and an automatic ePCT notification will be sent to inform you that this application is now available in your Workbench.

88	Will my Saved Draft be visible to all members of access rights group i selected ?	Yes, when an access rights group has been associated with your draft application, all the eHandshake users indicated in that group will have access to your draft application. PS: If one of them will delete the draft it will also delete it for all.
89	How contingency upload service works?	In the event that the ePCT system is unavailable and users are not able to log in which should be really rare, it is possible to upload PDF documents to the IB using this contingency upload service.
90	So when filing through EFS Web will it trigger us to Pay? How do we handle? Also, we will not need to upload the Request and Transmittal, just the ePCT Zip doc? and the application and Drawings, etc....Didn't really finish the example of filing through EFS Web	For payment contact USPTO. In EFS-Web you upload your .zip file created in ePCT together with other application documents.
91	Can we have any support in case forget this procedure or any auto director AI ?	Contact PCT Operations Customer Support Section. https://www.wipo.int/pct/en/epct/learnmore.html?N=769 We also have a specific article on the FAQ on Filing at RO/US using ePCT in combination with EFS-Web https://www.wipo.int/pct/en/epct/learnmore.html?N=452
92	Is the US confirmation no. used with DAS in obtaining priority docs?	Yes, DAS access code is the confirmation number indicated on the EFS-Web Electronic Acknowledgment Receipt of the US application and is composed of 4 digits e.g. 1234.
93	How to overcome inability to receive text message	If that happen, please contact us: pct.eservices@wipo.int and/or +41 22 338 9523. That's why it is important to have at least two strong authentication methods to avoid such issue.

94	Does the agent who created the zip. file via ePCT has to be the same as the agent who is going to file the application in USPTO? Or the ePCT account who creates the draft can be the paralegal and just only let the agent sign and submit it to USPTO?	Anyone may create the .zip file in ePCT and upload it to EFS-Web however the RO/101 should be signed by the agent.
95	What is the use of the Office PROFILE section again? Please advise how to remove eOwnership from a co-worker who has left and give eOwnership to mutliple colleagues? If the associate user is the only eOwner is that still possible? I was told it was not?	The Office Profile in ePCT allows you to view the most up-to-date reference data configured for each Office in the database of the International Bureau, including fee amounts, filing methods, competent International Authorities, ePCT processing settings, etc. If a co-worker has left the company please refer to the FAQ article https://www.wipo.int/pct/en/epct/learnmore.html?N=555 If the person was the sole eOwner, contact PCT Operations Customer Support Section and eOwnership should again be requested manually.
96	Once you clone data, can you edit? Meaning, can I clone and then change applicants slightly or inventors slightly?	When cloning the application it will be a new draft in editing mode and data can be updated.
97	After you do a filing, and if you get an invitation to correct defects, or maybe want to change the applicant, do you do that through ePCT?	If the invitation to correct is from the RO, ePCT cannot be used as RO/US does not yet accept eRouted documents via ePCT. However you may use ePCT to communicate with the IB and for example use the Rule 92bis action to change the applicant.
98	Can you briefly go over the title not being included. How does the IB handle the title when they receive the NEW 1A when it was not listed in the request form.	If the radio button "Title as indicated on the first page of the description" was selected. Upon receipt of the PCT application at the IB we will input the title as indicated in the 1st page of the description into our database.
99	How to link different agents accounts to access an application by multiple agents?	First exchange eHandshake https://www.wipo.int/pct/en/epct/learnmore.html?N=695 between the agents and then manage access rights https://www.wipo.int/pct/en/epct/learnmore.html?N=514

100	What is the DAS code that I received recently by mail from EPO ?	You may use the DAS code to request an Office of Second Filing to retrieve the earlier application from DAS. For the PCT route you may request IB to retrieve the P.doc from DAS, see the FAQ article https://www.wipo.int/pct/en/epct/learnmore.html?N=851
101	Is it possible for WIPO to possibly give users a warning asking them if they cloned the NEW 1A before they create download the package ?	You may clone the application when it's still a draft application or even if the .zip file has been created. It's also possible to clone a filed PCT application provided that it has been filed using ePCT.
102	Is there an example csv file for uploading address books ?	If you don't have yet access to an address book in ePCT, you may create one by adding a contact person to a new address book and then export it as a .csv file example.